



Humanitarian Law Center

Dossier: Šljivovica and Mitrovo Polje

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Abbreviations:

Army of BiH	Army of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
<i>BiH v. Serbia</i>	International Court of Justice case: <i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide</i> (Bosnia and Herzegovina v. Serbia and Montenegro)
Ex. No.	Exhibit number (number designated for the exhibits presented before the International Criminal Tribunal for the Former Yugoslavia)
HLC	Humanitarian Law Center
ICJ	International Court of Justice of the United Nations
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
JNA	Yugoslav Peoples' Army
<i>Karadžić</i>	Case No. IT-95-5/18-T, International Criminal Tribunal for the Former Yugoslavia: <i>The Prosecutor against Radovan Karadžić</i>
MAF	"Muslim Armed Forces" (term commonly used in FRY documents to denote the men and boys who fled Žepa)
MoD	Ministry of Defence of the Republic of Serbia
MUP	Ministry of the Interior of the Republic of Serbia
OUP	Internal Affairs Department
OWCP	Office of the War Crimes Prosecutor of the Republic of Serbia
<i>Perišić</i>	Case No. IT-04-81, International Criminal Tribunal for the Former Yugoslavia: <i>The Prosecutor against Momčilo Perišić</i>
PJP	Special police units of the Ministry of the Interior of the Republic of Serbia
<i>Popović et al.</i>	Case No. IT-05-88-T, International Criminal Tribunal for the Former Yugoslavia: <i>The Prosecutor against Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero and Vinko Pandurević</i>
<i>Stanišić and Simatović</i>	Case No. IT-03-69, International Criminal Tribunal for the Former Yugoslavia: <i>The Prosecutor against Jovica Stanišić and Franko Simatović</i>
SUP	Secretariat of Internal Affairs
<i>Tolimir</i>	Case No. IT-05-88/2-T, International Criminal Tribunal for the Former Yugoslavia: <i>The Prosecutor against Zdravko Tolimir</i>
UN	The United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Force in BiH
VJ	Yugoslav Army
VRS	Army of Republika Srpska
15th VJ BB	15th Border Battalion of the Yugoslav Army
16th VJ BB	16th Border Battalion of the Yugoslav Army
1st BT/16th VJ BB	First Border Troop of the 16th Border Battalion of the Yugoslav Army
2nd BT/16th VJ BB	Second Border Troop of the 16th Border Battalion of the Yugoslav Army



Summary

After capturing Srebrenica on 11 July 1995 and forcibly transferring tens of thousands of civilians from the area and killing over 7,000 men, the Army of Republika Srpska (VRS) set out to take over another UN safe area in eastern Bosnia and Herzegovina (BiH) – Žepa. Having forcibly transferred more than 4,000 civilians from the Žepa enclave, the VRS forced the Bosniak representatives of Žepa to sign a “capitulation agreement” on 27 July 1995. The agreement stipulated the surrender of the troops of the Army of BiH and other “able-bodied Žepa residents of fighting age” to the VRS. After rumours had spread of the crimes committed after the fall of Srebrenica, the male residents of Žepa fled to Mount Žepa.

Refusing to surrender to the VRS, the men had two choices – either to try to reach “liberated territory”, that is, the territory controlled by the Army of BiH, and thus risk being captured by the VRS en route, or to cross over to Serbia and surrender to the authorities of the then Federal Republic of Yugoslavia (FRY). The majority of the men opted for the latter.

Between 31 July and 10 August, approximately 800 Bosniaks from Žepa crossed to the right, Serbian bank of the River Drina. Most of them were members of the Army of BiH, but there were also civilians, including dozens of underage boys. Almost immediately after crossing, the men were taken captive by border guards of the Yugoslav Army (VJ) and members of Special Police Units (PJP). From that moment on, the detainees from Žepa were subjected to torture, beatings, starvation and other forms of ill-treatment for months, mainly at the hands of members of the Ministry of the Interior of the Republic of Serbia (MUP).

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After registration and interrogation, accompanied by ill-treatment, all detainees were taken to the Šljivovica camp in Braneško Polje, near Čajetina. As there was no room in Šljivovica for such a large number of people, a group of detainees was transferred to another camp, located in Mitrovo Polje (Aleksandrovac municipality).

In both camps, detainees were subjected to torture, sexual violence, inhumane treatment, humiliation and starvation, and were robbed of their possessions. Three detainees died as a result of the torture. In treating the detainees in such a way, Serbia violated a number of international conventions on international humanitarian law and international human rights law, which it had previously ratified.

The Mitrovo Polje camp was closed in February 1996. The camp in Šljivovica was closed in April 1996, when the last remaining detainees were freed.

To date, no one has been called to account for the torture, abuse and deaths of Žepa male detainees in the camps in Serbia. Although the names are known of the inspectors and guards who were in the camps, no proceedings have ever been brought before any domestic court to establish the criminal responsibility of these individuals for acting contrary to domestic and international law. Furthermore,



the Office of the War Crimes Prosecutor (OWCP) has dismissed all criminal charges filed by the Humanitarian Law Center (HLC) over the crimes committed during 1995 and 1996 in the Šljivovica and Mitrovo Polje camps. In late 2014, having already exhausted all available domestic remedies, the HLC lodged an application on behalf of 67 former camp inmates with the European Court of Human Rights in Strasbourg, for Serbia's failure to effectively investigate the torture of detainees in the two camps. In October 2016, the European Court rejected the application for procedural reasons. Neither the International Criminal Tribunal for the former Yugoslavia (ICTY) nor the International Court of Justice (ICJ) has addressed the torture of the Bosniaks in Serbian camps, although both courts were presented with evidence concerning these crimes.

The information presented in this Dossier has been drawn from three principal sources. The first source have been the witnesses – survivors of the Šljivovica and Mitrovo Polje camps, who gave statements to the HLC about the events that preceded their capture, the torture they underwent during captivity, the perpetrators, the consequences of torture from which they still suffer, etc. During 2007-2008, HLC researchers obtained statements from nearly 80 former camp inmates. The second source has been the authentic VRS military documents and FRY military and police documents which were admitted as evidence by the ICTY in *Milošević, Perišić, Tolimir, Stanišić and Simatović and Popović*.¹ In addition to the official VRS and FRY documents, the Dossier also relies on the testimonies of victims, VJ and MUP members, and representatives of the international community, given to the ICTY, ICJ and the First Basic Court in Belgrade in compensation proceedings against the Republic of Serbia, as well as on the findings of these three courts. The documents that Serbia delivered to the European Court of Human Rights in its observations in reply to the HLC's application have been the third source of information. A portion of the documents analysed in the Dossier have been attached in the *Appendices* section.

In the process of drafting this Dossier, the HLC submitted more than one hundred requests for access to information of public interest, seeking additional information regarding units that took part in receiving the men from Žepa and taking them to the camps, and on some members of these units. The Ministry of Defence of the Republic of Serbia (MoD) and MUP in most cases refused to provide the information requested, either by invoking secrecy or claiming they did not hold the information in question. In a few instances, however, the MoD and MUP, more specifically, their departments outside Belgrade, did deliver the information sought. Unlike these two ministries, other authorities and organisations (Forensic Medicine Institute, courts, hospitals, and cemeteries) were more responsive to the HLC's requests. On the basis of information obtained in this way and some other sources, the HLC found out that some of the individuals who took part in capturing and ill-treating the Bosniaks from Žepa currently hold important positions within Serbian government institutions.

1 These documents are available to the public through the ICTY Court Records database, at the following ICTY webpage: <http://icr.icty.org/bcs/defaultb.aspx>



I. Introduction

i. The establishment of UN “safe areas”

1. Srebrenica and Žepa are towns in the Central Podrinje region. Following the outbreak of the armed conflict in BiH, these two towns became of strategic importance to the Bosnian Serbs, because they connected Bosanska Krajina and the more southern parts of Herzegovina where Bosnian Serbs lived.²

2. One of the strategic objectives of the Bosnian Serb leadership was “to eliminate the River Drina as a border separating Serbian States.”³ With this objective in mind, Ratko Mladić, the Commander of the VRS Main Staff, in November 1992 issued Directive no. 4 ordering the Drina Corps to do its utmost to force the Bosniak population to leave the Central Podrinje region.⁴

3. In the spring of 1993, the UN Security Council issued two Resolutions,⁵ by which Srebrenica and Žepa were designated as “safe areas.”⁶ The Resolutions called for the cessation of hostilities in the “safe areas.”⁷

ii. The fall of Srebrenica

4. Despite the ceasefire in the enclaves, Radovan Karadžić in March 1995 issued Directive no. 7, by which the Drina Corps were ordered to split apart Srebrenica and Žepa in order to prevent communication between the two enclaves.⁸ In early July 1995, Operation “Krivaja 95” was launched. Its objective was to attack the Srebrenica enclave and reduce it to its urban area.⁹ Over the next several days, the VRS shelled Srebrenica.¹⁰ The enclave of Srebrenica fell on 11 July, when the 10th Sabotage Detachment entered the town of Srebrenica.¹¹

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2 ICTY Trial Judgment in *Tolimir*, 12 December 2012, para. 161.

3 Decision on the Strategic Objectives of the Serbian People in Bosnia and Herzegovina, 12 May 1992, Ex. no. P22, *Tolimir*.

4 The Directive 4 states, among other things, as follows: “[...]defend Višegrad (the dam), Zvornik and the corridor, while the rest of the forces in the wider Podrinje region shall exhaust the enemy, inflict the heaviest possible losses on him and force him to leave the Birač, Žepa and Goražde areas together with the Muslim population. First offer the able-bodied and armed men the option to surrender, and if they refuse, destroy them.” Operational Directive 4 of 19 November 1992, p. 5, Ex. no. P2495, *Tolimir*.

5 UN Security Council Resolution 824 of 6 May 1993, Ex. no. P2135, *Tolimir*; UN Security Council Resolution 819 of 16 April 1993, Ex. no. P2134, *Tolimir*.

6 The UN Security Council designated six areas in BiH as “safe areas”, namely Srebrenica, Sarajevo, Tuzla, Žepa, Goražde and Bihać.

7 UN Security Council Resolution 824 of 6 May 1993, Ex. no P2135, *Tolimir*; UN Security Council Resolution 819 of 16 April 1993, Ex. no. P2134, *Tolimir*.

8 Directive 7 of 8 March 1995, Ex. no. P1214, *Tolimir*.

9 Operation Krivaja 95 preparatory order of 2 July 1995, Ex. no. P1200, *Tolimir*.

10 Statement of witness PW-008 of 21 July 2003, Ex. no. P1450, pp. 1382-1383; *Tolimir*; Statement of witness PW-018 of 23 May 2000, Ex. no. P1173, p. 3189, *Tolimir*.

11 Dražen Erdemović, 4. May 2007, pp. 10943-10946, 10953, *Popović*.



5. Between 12 and 19 July 1995, the VRS killed more than 7,000 men from Srebrenica.¹²

iii. The fall of Žepa

Forcible transfer of Žepa population

6. After capturing Srebrenica, the VRS in mid-July 1995 launched an attack on Žepa.¹³ Parallel to the attacks, the VRS leadership was negotiating with Bosniaks the conditions for the “evacuation” of the civilian population from the enclave towards the territory controlled by the Army of BiH.¹⁴

7. Following a series of failed negotiation rounds, Ratko Mladić on 14 July issued “Stupčanica 95”, the order to “liquidate the enclave”.¹⁵ Amid daily shellings of the enclave, Bosniak representatives continued negotiations with the VRS.¹⁶ Ratko Mladić demanded that the wounded, women and children be “evacuated” first, after which the Army of BiH fighters were to be disarmed, registered and eventually exchanged with Serbs who had been taken as detainees by the other side. The Bosniaks, knowing of the murders the VRS committed after the fall of Srebrenica, were frightened for the lives of their able-bodied men and distrustful of the VRS and the conditions they proposed.¹⁷

8. On 24 July, the VRS gained control over Brezova Ravan, located only 500 metres from the centre of Žepa as the crow flies.¹⁸ General Mladic then held a meeting in Bokšanica, near Žepa with Hamdija Torlak, the President of the Executive Board of Žepa and a member of the Žepa War Presidency. At the meeting, Mladić repeated his request regarding the disarmament and surrender of all able-bodied men from Žepa, and promised that the civilian population would be “evacuated” towards Kladanj.¹⁹

12 See ICTY Trial Judgment in *Karadžić*, 24 March 2016, pp. 2303-2334; ICTY Trial Judgment in *Tolimir*, 12 December 2012, pp. 151-255; ICTY Trial Judgment in *Popović et al.*, 10 June 2010, pp. 141-237; ICTY Trial Judgment in *Krstić*, 2 August 2001, para. 487, pp. 68-91.

13 Information from the 285th Light Žepa Brigade of 9 July 1995, Ex. no. P2103, *Tolimir*; UNPROFOR document, Ex. no. P580, p. 2, *Tolimir*.

14 See ICTY Trial Judgment in *Tolimir*, 12 December 2012, paras. 604-611.

15 UNPROFOR document, Ex. no. P580, p. 2, *Tolimir*; Order to launch an attack on the Žepa enclave of 13 July 1995, Ex. no. P1225, *Tolimir*;

16 See ICTY Trial Judgment in *Tolimir*, 12 December 2012, paras. 615, 616, 617, 623-625, 629-630, 635.

17 Negotiations on Žepa, Ex. no. P757, *Tolimir*; Hamdija Torlak, 24 August 2010, pp. 4348-4351, *Tolimir*.

18 Hamdija Torlak, 24 August 2010, p. 4373, *Tolimir*.

19 The Executive Board was responsible for the civilian population, organization of schools, health care, accommodation and humanitarian aid distribution. Torlak was its president from May 1993 to April 1995. The president of the Executive Board served also as deputy mayor. Testimony of Hamdija Torlak in *Tolimir*, 24 August 2010, pp. 4373-4374; Hamdija Torlak, 23 August 2010, pp. 4256, 4257, 4259, 4260, *Tolimir*; Agreement on the disarmament of the able-bodied population in the Žepa enclave, Ex. no. D51, *Tolimir*.



9. In the next couple of days, the VRS “evacuated” about 4,400 civilians to Kladanj on buses.²⁰ The “evacuation” of civilians from Žepa by the VRS was adjudicated by the ICTY in the *Tolimir* case as forcible transfer of the civilian population as a crime against humanity.²¹

The “capitulation” of Žepa

10. During the forced transfer of population to Kladanj, representatives of the VRS pressured the Bosniak side to do everything possible to have able-bodied men surrender to the VRS so that they could be exchanged with Serbs taken captive across BiH territory.²²

11. When the last convoy of civilians heading for Kladanj was stopped on 27 July near Bokšanica, the Bosniak representatives (Hamdija Torlak, Mehmed Hajrić and Amir Imamović) met with Mladić, who thereby cornered them into signing a “capitulation agreement.”²³ The agreement comprised all those conditions that the VRS had insisted upon. It was only after the agreement was signed that the civilians in the convoy were allowed to continue towards the territory controlled by the Army of BiH.²⁴

12. The signing of the “capitulation agreement” on 27 July 1995 marked the fall of the Žepa enclave.

II. Flight of men of Žepa to Serbia and their captivity

i. Cross-over to Serbian territory

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13. After the fall of Žepa in late July 1995, most fighters of the Army of BiH, together with male civilians and boys, fled to Mount Žepa and hid there.²⁵ “We had three options – either to try to make our way through two Serb lines, which was tantamount to suicide, or go to the woods and hold out

20 Thomas Dobb, 15, October 2007, pp. 16288-16289, *Popović*.

21 ICTY Trial Judgment in *Tolimir*, 12 December 2012, para. 833; Appeals Chamber Judgment of 8 April 2015, paras. 413, 414.

22 UNPROFOR Memorandum on negotiations in Žepa, 27 July 1995, Ex. no. P1956, p. 3, *Tolimir*.

23 Hamdija Torlak, 26 August 2010, pp. 4474, 4476, *Tolimir*; Meho Džebo, 31 May 2011, p. 14883, *Tolimir*; „Capitulation Agreement” of 27 July 1995, Ex. P736, *Tolimir*. The ICTY Trial Judgment in the *Tolimir* case explains the character of this agreement: “Capitalising on the fear created by actions in Srebrenica, the Bosnian Serb Forces threatened the Bosnian Muslim population of Žepa into capitulation. The Bosnian Serb forces knew that the population, who were exhausted and afraid, could be easily coerced into flight by relentless military onslaughts. Taking advantage of this, the Bosnian Serb forces easily transferred the civilian population to Kladanj in the same manner as employed in Srebrenica. In Srebrenica, however, the legitimacy of such actions was only sought after-the-fact, in Žepa, the VRS carefully cornered the Bosnian Muslim representatives into signing an agreement before the population was transferred. Such foresight indicates that the Bosnian Serb forces were fully aware of their actions as being illegal under international law and requiring the pretence of legitimate evacuation.” ICTY Trial Judgment in *Tolimir*, 12 December 2012, para. 832.

24 PW, 7 February 2007, p. 7023, *Popović*.

25 HLC Database, statement of witness R. O. given to the HLC in November 2007; statement of witness E. A. given to the HLC in August 2007; statement of witness S. S. given to the HLC in November 2007.



as much as possible, or go to Serbia. Most men opted for the last option,” testified one of the men.²⁶ When the VRS started to “evacuate” civilians towards Kladanj, most of the men decided to try to cross into Serbia and surrender to the VJ, believing that in this way they could more easily get to third countries in which they would be granted refugee status. According to a witness account, after the fall of Žepa, the situation was chaotic, so a large number of men simply followed the group from Žepa heading for Serbia, without even knowing where they were going.²⁷

14. Among the men “stranded” in Žepa there were also a significant number of civilians and dozens of underage boys. “During the war I was underage, and civilian, and did not join the evacuation convoy because my father was afraid that, as I was rather big for my age and male, they would take me out of the convoy and kill me. That is how, before the fall of the town, I joined the rest of the men who were going over the River Drina to Serbia”, one of the boys recounted.²⁸ Other civilians, as well as wounded men, shared these same fears.²⁹

15. At the end of July and the beginning of August 1995, around 800 men³⁰ began making makeshift rafts near Crni Potok on the River Drina in order to cross to the right, Serbian bank of the river.³¹

16. The VRS Main Staff knew about the movements of the Bosniak men. A Main Staff report on the situation on the ground on 31 July 1995 states that “the enemy” was observed making rafts in the area of Crni Potok in order to cross to the right bank of the River Drina.³²

12 17. The following day, 1 August, the Command of the 1st Light Infantry Brigade informed the VRS Security Directorate that Bosniaks were in large numbers moving towards the FRY border, Sandžak, Mount Zvijezda and Mount Tara. The same document states that men were crossing the River Drina and surrendering to the VJ, adding that by the end of the day (1 August 1995) the largest group of Bosniaks would cross over to the territory of the FRY.³³

26 HLC Database, statement of witness R. B. given to the HLC in June 2007; statement of witness J. H. given to the HLC in July 2007; statement of witness A.N. given to the HLC in November 2007; statement of witness A.R. given to the HLC in February 2008.

27 HLC Database, statement of witness A. O. given to the HLC in July 2007.

28 HLC Database, statement of witness S. J. given to the HLC in July 2007.

29 HLC Database, statement of witness A. K. given to the HLC in July 2007; statement of witness Š. K. given to the HLC in August 2007.

30 According to an official document of the Ministry of the Interior of the Republic of Serbia – Secretariat for Internal Affairs in Užice, 799 Bosniaks from Žepa entered the territory of Serbia between 31 July and 25 October 1995. Information on the living conditions of members of MAF in the Mitrovo Polje and Braneško Polje reception centres, Ex. no. 2D524, *Popović*.

31 HLC Database, statement of witness S. S. given to the HLC in November 2007; statement of witness H. B. given to the HLC in June 2007.

32 VRS Main Staff – situation on the battlefield, entry for 31 July 1995, Ex. no. P2557, *Tolimir*.

33 Command of the 1st Light Infantry Brigade, 1 August 1995, Ex. no. P2606, *Tolimir*.



18. Between 31 July and 25 October, approximately 800 Bosniaks from Žepa crossed to the right, Serbian bank of the River Drina.³⁴

19. Having built makeshift log rafts, the men began crossing the Drina mostly in small groups of four or five.³⁵ As one of the men from a group that crossed the river on 1 August testified, “We wanted to avoid the Serbian Orthodox holiday of St. Elias Day [2 August], because we expected the soldiers to be drunk and treat us more harshly if they found us.”³⁶ The largest group, of about 390 men, crossed into Serbia on 1 August 1995.³⁷

20. The men crossed the River Drina in a place where the river flows through a steep gorge, that is, in the most dangerous and inaccessible spot on its course. The older and wounded men were barely able to cross it.³⁸ Having crossed the river, the men began climbing Mount Zvijezda in a column, raising a white T-shirt at the head of the column.³⁹ It took them several hours to climb the mountain.⁴⁰

21. Having climbed the steep slopes of Mount Zvijezda, the men were met by several members of the 16th Border Battalion of the VJ (16th BB).⁴¹ As the groups arrived, one after the other, the border guards ordered all the men in a group to sit on a meadow near the border outpost manned by them and to toss their weapons, knives, razor blades, belts, etc. onto a tent sheet.⁴² The guards took down the names of all the men and frisked them.⁴³

34 HLC Database, statement of witness S. R., May 2007; List of men who crossed the Drina River, Ex. no. P111, *Tolimir*; Information on living conditions of MAF members at the Mitrovo Polje and Braneško Polje reception centres, Ex. no. 2D524, *Popović*.

35 HLC Database, statement of witness Em. A. given to the HLC in August 2007.

36 HLC Database, statement of witness A. R. given to the HLC in February 2008.

37 A Military Intelligence Agency document states that the logbooks of the 1st and 2nd Border Troops of the 16th VJ BB had been analysed. On the basis of the 1st BT/16th VJ BB logbook, it was established that on 10 August 1995 four persons crossed into Serbia. The 2nd BT/16th VJ BB logbook states that 388 illegal border crossings were registered on 1 August, 81 on 2 August, 144 on 3 August, 119 on 4 August and five on 6 August; MoD, Military Intelligence Agency, information to the OWCP, pp. 15078-4, 25 November 2011.

38 HLC Database, statement of witness O. Z. given to the HLC in July 2007.

39 HLC Database, statement of witness R. O. given to the HLC in November 2007.

40 HLC Database, statement of witness S. N. given to the HLC in July 2007.

41 Miodrag Simić, 25 February 2010, p. 10088, *Perišić*.

42 HLC Database, statement of witness H. B. given to the HLC in February 2008; statement of witness G. V. given to the HLC in February 2008.

43 HLC Database, statement of witness A. O. given to the HLC in July 2007.



22. One of the captured men, Mujo Hodžić, overtaken by fear of being killed by the soldiers, bolted down a slope. Members of the 16th BB shot at him, killing him instantly.⁴⁴

23. On the way to Jagoštica, most detainees were tortured and verbally abused. At one point the soldiers stopped the detainees, and one of them told them: "You'll meet your end here."⁴⁵ As the detainees walked, the soldiers held them at gunpoint all the time, instilling in them a feeling of helplessness and extreme fear for their lives.⁴⁶

24. According to detainees, two soldiers, nicknamed "Vojvoda" and "Ljubovija", excelled in brutality. Namely, as detainees were marched to Jagoštica, the two were hitting them all the time, "Ljubovija" striking their backs with a metal bar⁴⁷ while "Vojvoda" hitting them with a rifle butt.⁴⁸

ii. Arrival in Jagoštica

25. The outpost in the Jagoštica village (Bajina Bašta municipality) was manned by the 16th BB.⁴⁹ The captured men were first taken to the elementary school in Jagoštica.⁵⁰ There, they were met by members of the VJ, Užice SUP, as well as many villagers who slung insults at them, threatening to "slit the throats of all of them."⁵¹ Then, the men were ordered to sit on the ground, their eyes cast downwards, and their hands behind their heads.⁵²

26. MUP members then began frisking the men and took money from some of them.⁵³ While in the elementary school, the detainees were interrogated, photographed and registered.⁵⁴ Police officers wanted to know what role and responsibilities they had in the Army of BiH, what tasks they performed

44 HLC Database, statement of witness Ć. D. given to the HLC in June 2007; statement of witness Em. A. given to the HLC in August 2007; MUP, Report to the Council of Ministers' Missing Persons Commission No. 01-11-PU-154/05 of 10 June 2005 ; MUP, Užice SUP, Criminal Investigation Department, No. 01-11-PU-154/05 of 10 June 2005; in April 2007, the Missing Persons Commission of the Government of the Republic of Serbia exhumed Hodžić's mortal remains in the village of Jagoštica (Bajina Bašta municipality), and handed them to the Missing Persons Institute of BiH; in July 2008, Hodžić's mortal remains were laid to rest at the Srebrenica Genocide Memorial-Potočari; Reply of the Missing Persons Institute of BiH No. 03/1-40-2-1991/15 of 30 November 2015; Srebrenica Genocide Memorial-Potočari, Memorial and Cemetery for Victims of the 1995 Genocide, accessed on 8 December 2015 <http://gradskagroblja.co.ba/html/index-bos.htm>

45 HLC Database, Statement of witness N. L. given to the HLC in June 2007.

46 Ibid.

47 HLC Database, statement of witness Em. A. given to the HLC in August 2007; statement of witness Emi. A. given to the HLC in August 2007.

48 HLC Database, statement of witness E. B. given to the HLC in June 2007; statement of witness Ć. D. given to the HLC in June 2007.

49 MoD, Military Intelligence Agency, information for the OWCP, strictly confidential, No. 15078-4 of 25 November 2011.

50 HLC Database, statement of witness A. K. given to the HLC in June 2007; statement of witness A. O. given to the HLC in July 2007.

51 HLC Database, statement of witness Em. A. given to the HLC in August 2007; statement of witness A. N. given to the HLC in November 2007; List of MAF members of 3 August 1995, Ex. no. D272, *Perišić*.

52 HLC Database, Statement of witness Emi. A. given to the HLC in August 2007.

53 HLC Database, statement of witness H. B. given to the HLC in February 2008.

54 HLC Database, statement of witness N. T. given to the HLC in July 2007.



in the Army, and the current location of the Army of BiH positions.⁵⁵ They provoked the detainees by asking them how many Serbian civilian throats they had slashed.⁵⁶

27. During interrogation, most detainees were cursed, humiliated and some of them heavily beaten, either kicked or hit with rifle butts or trampled on. Captive O.Č., who was a military policeman in Bosnia, was forced to strip naked, after which they beat him for over one hour.⁵⁷ The detainees asked for some water and food from the soldiers, but they refused to give it to them.⁵⁸ Some detainees were ordered to lie down to be trampled on, some had cigarettes put out on their bodies.⁵⁹

28. Detainee N.O. gave an account to HLC researchers about what he experienced in Jagoštica: “Outside that school, soldiers and police harassed us, trampled on us, beat and provoked us. They ordered us to keep standing, saying, “We’ll slit the throat of anyone who falls down.”⁶⁰ The detainees were kept awake all night as someone kept shouting, “Don’t snore, you Turk!”⁶¹

29. After a while, two military trucks (model TAM – 110) arrived and the detainees were loaded onto them.⁶²

30. One detainee, Abid Agić, died in Jagoštica.⁶³ Several detainees testified that Agić’s death was the result of the beating he had received.⁶⁴

iii. Torture at the Bajina Bašta OUP

31. The group of men who swam across the River Drina into Serbian territory on 4 or 5 August 1995 were at night transported on trucks to the Bajina Bašta OUP. The men were shoved into several cells in the basement of the OUP building. Half an hour later, they were taken out for interrogation. Detainee H.B. said that he was interrogated by two detective inspectors about his engagement in the Army of BiH.⁶⁵

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55 HLC Database, statement of witness N. L. given to the HLC in June 2006; statement of witness O. Z. given to the HLC in July 2007; statement of witness O. Č. given to the HLC in November 2007.

56 HLC Database, statement of witness N. L. given to the HLC in June 2006; statement of witness N. O. given to the HLC in July 2007.

57 HLC Database, statement of witness O. Č. given to the HLC in November 2007.

58 HLC Database, statement of witness R. B. given to the HLC in June 2007.

59 Ibid.

60 HLC Database, statement of witness N. O. given to the HLC in July 2007.

61 HLC Database, statement of witness Eni. A data HLC November 2007.

62 HLC Database, statement of witness S. K. given to the HLC in November 2007; statement of witness H. B. given to the HLC in June 2007; statement of witness M. M. given to the HLC in June 2007.

63 Agić was buried in the village of Blace, near Višegrad. In 2005, his mortal remains were exhumed and identified and re-buried in 2011 in the village of Slap, near Žepa; Reply of the Missing Persons Institute of BiH no. 03/1-40-2-1993/15 of 30 November 2015.

64 HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness O. Č. given to the HLC in November 2007; statement of witness S. S. given to the HLC in November 2007.

65 HLC Database, statement of witness H. B. given to the HLC in June 2007.



32. At about 14:00 hours the following day, a VJ Captain and three military policemen ordered the detainees to board a truck, telling them they had been sentenced to death. When the truck came to a bridge, the captain ordered them to get out of the vehicle and line up. For the next nine hours, they stood there, lined up, while the soldiers swore at them and threatened them.⁶⁶

33. At about 23:00 hours, the detainees were each given a bottle of water, after which they were driven to the Zaovine border outpost (Bajina Bašta municipality) manned by the 16thBB and held there overnight,⁶⁷ subject to provocations and curses from the soldiers. The following day, they were loaded onto a truck which they were told was to take them to Višegrad. However, they were driven to the Šljivovica camp instead.⁶⁸

iv. On the way to the Šljivovica camp

34. Both trucks transporting the detainees were loaded with more than 50 men. While boarding the trucks, the detainees were punched and beaten with rifle butts by members of the Serbian forces. When the boarding was completed, members of the Serbian forces closed the back of the trucks with tarpaulin covers, although it was August and the weather was very hot. Owing to the heat and lack of oxygen underneath the tarpaulin, several detainees fainted. Detainee Edhem Torlak died of suffocation on board one of the trucks [see paragraph 62].⁶⁹

⁶⁶ Ibid.

⁶⁷ HLC Database, statement of witness H. B. given to the HLC in June 2007; Daily operational report of 10 July 1995, Ex. no. P217, *Perišić*.

⁶⁸ HLC Database, statement of witness H. B. given to the HLC in June 2007.

⁶⁹ HLC Database, statement of witness R. D. given to the HLC in November 2007; statement of witness O. Z. given to the HLC in July 2007; statement of witness H. C; statement of witness E. A. given to the HLC in November 2007; according to a document of the Ministry of the Interior of the Republic of Serbia –Secretariat of Internal Affairs in Užice, three captives died in Serbia – one on the way from the state border to the reception centre at Braniško Polje (Šljivovica), one at Šljivovica, and one at Mitrovo Polje, Information on living conditions of members of MAF in reception centres Mitrovo Polje and Braneško Polje, Ex. no. 2D524, *Popović*.



35. To save themselves from suffocation, the detainees tried to punch a hole in the tarpaulin, but members of Serbian forces prevented it by whacking the tarpaulin with sticks.⁷⁰ During the ride, the detainees pounded and shouted at them to open the tarpaulin.⁷¹ The trucks stopped only once, at Mitrovac on Mount Tara, for the detainees to drink some water.⁷² During the ride, members of Serbian forces threatened that they would take the Bosniaks to Višegrad and hand them over to Milan Lukić.⁷³

III. Šljivovica camp

36. The Šljivovica camp housed approximately 350 detainees.⁷⁴

37. The Šljivovica camp was guarded by members of Užice SUP and its OUPs (Bajina Bašta, Prijepolje and Priboj).⁷⁵ Guards were rotated every 15 or 20 days.⁷⁶ Detainees were interrogated by inspectors of the Užice SUP Border Affairs, Aliens, Travel Documents and Weapons Division, who were present in the camp all along, from its establishment to its closure.⁷⁷ The man who led the interrogation of camp detainees was Chief Inspector Radisav Ojdanić, Head of Užice SUP Border Affairs, Aliens, Travel Documents and Weapons Division [see paragraph 159].⁷⁸

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70 HLC Database, statement of witness Eni. A. given to the HLC in November 2007.

71 Ibid.

72 HLC Database, statement of witness R. G. given to the HLC in August 2007.

73 HLC Database, statement of witness O. Z. given to the HLC in July 2007; Milan Lukić was the leader of a paramilitary group known as *Beli orlovi* [White Eagles] or *Osvetnici* [Avengers] which committed numerous crimes in Višegrad in south-eastern Bosnia in the period 1992-1995. On 4 December 2012, the ICTY sentenced Lukić to life imprisonment for persecutions on political, racial and religious grounds, murders, inhumane acts and exterminations, as crimes against humanity, and murders and cruel treatment, as violations of the laws or customs of war. He was found guilty of six distinct incidents, among which, two “living pyres” – in Višegrad’s Pionirska Street and in the Bikavac neighbourhood. See the ICTY Appeals Chamber Judgment in *Lukić*, 4 December 2012; as he was notorious for his cruelty, Serbian forces often threatened Bosniaks held captive in the Šljivovica and Mitrovo Polje that they would be taken to Višegrad and handed over to Milan Lukić.

74 Report by the Serbian Institute for Public Health Dr Milan Jovanović Batut No. 3470/1 of 26 October 1995, Ex. no. D274, *Perišić*.

75 HLC Database, statement of witness Em. A. given to the HLC in August 2007; November 2015; testimony of Radisav Ojdanić before the First Municipal Court in Belgrade in *Meho Omerović et al.* (P br. 6862/07), 29 May 2009.

76 HLC Database, statement of witness Em. A. given to the HLC in August 2007; November 2015; statement of witness S. J. given to the HLC in July 2007; November 2015; according to the MUP’s organisational structure, each Secretariat of Internal Affairs had its OUPs as their organisational units - thus Užice SUP had its OUPs in Bajina Bašta, Požega, Čajetina, Nova Varoš, Priboj and Prijepolje, plus two police stations, in Arilje and Kosjerić; Job Classification Rule Book of the Ministry of the Interior, February 1993.

77 HLC Database, statement of witness S. J. given to the HLC in July 2007; November 2015; testimony of Radisav Ojdanić before the First Basic Court in Belgrade in the *Enes Bogilović* case (P 46097/2012), 21 September 2010; testimony of Radisav Ojdanić before the First Municipal Court in Belgrade in the *Mujo Vatreš* case (P 11551/2007), 13 April 2009.

78 Testimony of Radisav Ojdanić before the First Basic Court in Belgrade in the *Enes Bogilović* case (P 46097/2012), 21 September 2010; testimony of Radisav Ojdanić before the First Municipal Court in Belgrade in the *Mujo Vatreš* case (P 11551/2007), 13 April 2009.



38. The camp consisted of several abandoned barracks-type workers' dormitories which belonged to the Planum Company. One of the dormitories housed the camp management and members of the police.⁷⁹

39. After getting off the trucks, the detainees were met by two rows of policemen, and made to walk down through the rows. As they passed, the policemen struck them with batons and sticks, punched and kicked them. The detainees then had cold water thrown on them before being taken to the dormitories.⁸⁰ Inside the dormitories, they were ordered to kneel – “the floor was concrete - it was very tough.”⁸¹

i. Conditions in the camp

40. The largest group of detainees were placed in the dining hall of one of the dormitories. Over 100 men were crammed into that hall, which had no beds. They slept on the bare floor for months, tightly packed. Camp guards gave a few detainees some worn-out blankets and they used it as beds.⁸² The detainees other than those placed in the dining hall were placed in rooms functioning as two dormitories. Each very small room accommodated over 40 men. They had no beds, so the detainees had to sleep on the bare concrete floor.⁸³

41. As the dormitories had no toilet facilities, detainees had to use a nearby privy, but only after seeking permission from police officers. Police officers gave detainees Serbian names and made them respond to them and repeat them aloud each time they wanted to go to the W.C. Also, the policemen often beat those who were going to the privy, so the majority of detainees avoided going there and preferred to urinate in a chimney hole in the dormitories.⁸⁴

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79 HLC Database, statement of witness O. Z. given to the HLC in July 2007.

80 Statement of witness Em. A. given to the HLC in August 2007; statement of witness H. H. given to the HLC in November 2011; statement of witness Eni. A. given to the HLC in November 2011; statement of witness S. J. given to the HLC in July 2007.

81 HLC Database, statement of witness Eni. A. given to the HLC in November 2007.

82 HLC Database, statement of witness N. O. given to the HLC in July 2007; statement of witness Em. A. given to the HLC in August 2007; statement of witness I. K. given to the HLC in February 2008; statement of witness R.O. given to the HLC in November 2007.

83 HLC Database, statement of witness S. Ć. given to the HLC in February 2008; statement of witness O.Z. given to the HLC in July 2007; statement of witness O.Ć. given to the HLC in November 2007; statement of witness M.O. given to the HLC in November 2007.

84 HLC Database, statement of witness N. O. given to the HLC in July 2007; statement of witness N. L. given to the HLC in June 2007; statement of witness O. Z. given to the HLC in July 2007; statement of witness J. H. given to the HLC in July 2007.



42. During the first few months in captivity, the detainees were not allowed to have a bath, change their underwear or shave. As a result, most of them grew scruffy beards and were infected with lice.⁸⁵ When several months later they were finally allowed to have a bath, they were only given cold water.⁸⁶

ii. Food in the camp

43. Meals were irregular and inadequate. They typically consisted of a can of sardines per four detainees per day, with a slice of bread. Detainees would often faint from hunger. Further, guards would beat them if they did not eat their meals quickly, and those who were the last ones to finish their meals were beaten.⁸⁷ After several months in the camp, detainees began receiving hot meals once a day, mostly a bread mash made with stale bread.⁸⁸

44. Because of such a poor diet, detainees suffered serious weight losses during their time in the camp. Policemen often made fun of them for being underweight, singing to them “Neuhranjen si Alija zato što si balija” (You’re undernourished, Alija, because you’re a Balija (a derogatory term for Bosniaks)).⁸⁹

45. A few months after their arrival in the camp, a mobile convenience store began coming to the camp. In it, the detainees whose money had not been taken away could buy some bread and cigarettes, at prices several times higher than in ordinary stores. Detainees who had German marks could get one dinar for one German mark, which was many times less than the actual worth of the German mark in Serbia at the time.⁹⁰

iii. Physical and mental abuse of detainees

46. Detainees were abused on a daily basis, both physically and mentally, especially those who were interrogated about their engagement in the Army of BiH. Such interrogations were conducted by inspectors of the Užice SUP Border Affairs, Aliens, Travel Documents and Weapons Division [see paragraphs 160-161].

85 HLC Database, statement of witness N. K. given to the HLC in June 2007; statement of witness A.R. given to the HLC in February 2008; statement of witness Eni. A. given to the HLC in November 2007.

86 HLC Database, statement of witness S. S. given to the HLC in November 2007; statement of witness J. H. given to the HLC in July 2007; statement of witness F. Č. given to the HLC in July 2007; statement of witness E. B. given to the HLC in June 2007.

87 HLC Database, statement of witness N. T. given to the HLC in July 2007; statement of witness S.S. given to the HLC in November 2011; statement of witness O.Č. given to the HLC in November 2007; statement of witness H.H. given to the HLC in November 2007; statement of witness H.B. given to the HLC in February 2008.

88 HLC Database, statement of witness N. L. given to the HLC in June 2007; statement of witness Em. A. given to the HLC in August 2007; statement of witness S. Č. given to the HLC in February 2008; statement of witness G. V. given to the HLC in February 2008; statement of witness S.I. given to the HLC in February 2008.

89 HLC Database, statement of witness N. L. given to the HLC in June 2007; statement of witness H. H. given to the HLC in November 2011; statement of witness O. Z. given to the HLC in July 2007; statement of witness S.R. given to the HLC in May 2007.

90 HLC Database, statement of witness A. Č. given to the HLC in June 2007; statement of witness N. L. given to the HLC in June 2007; statement of witness Č. D. given to the HLC in June 2007; statement of witness R. O. given to the HLC in November 2007.



47. At night, guards would enter the dormitories and take detainees for interrogation. They would take them to a room which in daytime was used as the camp management office, to photograph and fingerprint them.⁹¹ During interrogation, detainees had to stand on tiptoe facing a wall and holding their hands behind their heads, as policemen struck them with truncheons, broom handles and electrical cords.⁹² Some detainees were ordered to dip their feet in cold water, after which policemen hit the soles of their feet.⁹³ Inspector Ojdanić forced detainees to spend hours writing statements about their life and engagement in the war, and to admit “how many Serbian children they had murdered.”⁹⁴

48. The beatings left detainee M.O. with two broken ribs. For several days after he had been beaten he was in severe pain, so police officers took him to the hospital (Health Centre) in Užice, but there was nothing they could do to help him, because his injury had been left untreated and the ribs started healing on their own.⁹⁵ A.M.’s finger was injured as a result of beating. When he was finally taken to the hospital, the finger had to be amputated because it was infected by gangrene.⁹⁶ M.K. arm was broken by a truncheon blow. A detainee claimed that M.K was taken to the hospital in Užice.⁹⁷

49. The Užice Health Centre maintained that none of the above three detainees had received medical treatment at the Centre.⁹⁸

50. Policemen made detainees fight each other or beat other detainees. Those who refused were heavily battered.⁹⁹

91 HLC Database, statement of witness M. V. given to the HLC in August 2007; statement of witness M. K. given to the HLC in February 2008; statement of witness I. K. given to the HLC in February 2008; statement of witness R.B. given to the HLC in November 2007.

92 HLC Database, statement of witness Z. I. given to the HLC in February 2008; statement of witness S. S. given to the HLC in November 2007; statement of witness H.D. given to the HLC in July 2007; statement of witness R.D. given to the HLC in November 2007.

93 HLC Database, statement of witness M. K. given to the HLC in February 2008; statement of witness R. B. given to the HLC in November 2007; statement of witness H. H. given to the HLC in November 2007; statement of witness O. Z. given to the HLC in July 2007.

94 HLC Database, statement of witness Em. A. given to the HLC in August 2007; statement of witness E. P. given to the HLC in November 2007; statement of witness A. Č. given to the HLC in June 2007.

95 HLC Database, statement of witness M. O. given to the HLC in November 2007.

96 HLC Database, statement of witness A. O. given to the HLC in June 2007.

97 HLC Database, statement of witness O. Z. given to the HLC in July 2007.

98 Užice Health Centre, reply no. 02-0406/175 of 3 September 2015.

99 HLC Database, statement of witness R. O. given to the HLC in November 2007; statement of witness Z. I. given to the HLC in February 2008; statement of witness H. H. given to the HLC in November 2007.



51. Detainees also underwent severe mental torture. Nearly all the time, they had to keep their heads bowed,¹⁰⁰ respond to their “Serbian names”, and cross themselves Orthodox style. But above all, they did not dare go to the W.C., because policemen would beat them on the way there. Policemen called them names, humiliated them and made them sing Serbian nationalistic songs.¹⁰¹

52. Camp staff often threatened to take detainees to Višegrad and hand them over to Milan Lukić. One detainee was beaten up just because he did not know when Lukić’s patron saint’s day was. A policeman beat him severely on the back, saying, “This will make you remember when Milan Lukić’s patron saint’s day is!”¹⁰²

iv. Ill-treatment of detainees held in the so-called “isolation”

53. The most brutal forms of torture were used against the detainees who were held in so-called “isolation”.

54. “Isolation” was a special room in one of the buildings in which over 40 detainees who the policemen claimed had held senior positions in the Army of BiH or were “rather prominent in Žepa”, were locked up.¹⁰³ These men were separated from other detainees, were not allowed to communicate with them and were interrogated on a daily basis. Policemen routinely beat them with truncheons and sticks, punched, smacked and kicked them.¹⁰⁴

55. Every day, policemen would take detainees out of the “isolation” and force them to stare directly at the sun until they passed out.¹⁰⁵ One detainee said that they were forced to do 30 push-ups per minute; those who were not able to do it had their heads submerged into a barrel filled with water and chlorine.¹⁰⁶

56. Furthermore, policemen took some detainees out of the camp saying they would kill them. O.Č., one of the detainees held in “isolation”, said to the HLC: “The guards put a rifle’s barrel into my mouth and pulled the trigger. The rifle was empty. They laughed and said, “You’re such a loser, you cannot

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100 HLC Database, statement of witness A. Z. given to the HLC in February 2008; statement of witness S. J. given to the HLC in July 2007; statement of witness Em. A. given to the HLC in August 2008.

101 HLC Database, statement of witness Em. A. given to the HLC in August 2007; statement of witness S. S. given to the HLC in November 2007; statement of witness Z. I. given to the HLC in February 2008; statement of witness S. R. given to the HLC in May 2007; statement of witness S. Č. given to the HLC in February 2008; statement of witness M. K. given to the HLC in February 2008; statement of witness Es. A. given to the HLC in November 2007.

102 HLC Database, statement of witness O. Z. given to the HLC in July 2007.

103 HLC Database, statement of witness M. O. given to the HLC in November 2007; statement of witness O. Č. given to the HLC in November 2007; statement of witness E.P. given to the HLC in November 2007.

104 HLC Database, statement of witness R. O. given to the HLC in November 2007; statement of witness O. Z. given to the HLC in July 2007; statement of witness O. Č. given to the HLC in November 2007, statement of witness N. O. given to the HLC in July 2007.

105 HLC Database, statement of witness Em. A. given to the HLC in August 2007; statement of witness R. O. given to the HLC in November 2007.

106 HLC Database, statement of witness O. Z. given to the HLC in July 2007; statement of witness Em. A. given to the HLC in August 2007; statement of witness A. O. given to the HLC in June 2007.



even take a bullet!”¹⁰⁷ Detainee H.D. was repeatedly taken out of the dormitory to be executed with a knife, as the guards were threatening. After a while, they would tell him, “Not today, but tomorrow you’ll be dead.”¹⁰⁸

v. Lack of adequate medical care

57. Although doctors of the Užice Health Centre occasionally visited Šljivovica, detainees testified that the medical care they received was inadequate and in some cases even unprofessional. According to detainees, Serbian doctors manifested a very hostile attitude towards them because they were Bosniaks.

58. One doctor was particularly rude and hostile to them, according to detainees’ accounts. He would often swear at them when they sought his help.¹⁰⁹ Also, this doctor extracted detainee A.K.’s tooth without giving him any anaesthetic.¹¹⁰

59. This is how a detainee described a situation with a doctor from Užice: “A doctor from Užice came and shouted, “Let’s kill them all!”, and cursed our Muslim mothers [...] He said that the man’s life was in his hands and he could do whatever he wanted, but would still give him a shot of medicine. That man died a week later, his name was Nazif Krlić.”¹¹¹ [See paragraph 63].

60. In compensation cases which former camp inmates brought before Serbian courts against the Republic of Serbia, several medical workers (doctors and a nurse) who visited the camps in Šljivovica and Mitrovo Polje were called to testify for the defence. They gave nearly identical statements: they all said that they had visited the camps on a regular basis and provided medical care to the inmates; they also stated that the detainees had already been exhausted, starved and psychologically distressed when they came to Serbia. According to their accounts, after several months in the camps, detainees gained weight and their overall health improved. All medical workers denied that inmates were subjected to torture in the camps.¹¹²

107 HLC Database, statement of witness O. Č. given to the HLC in November 2007.

108 HLC Database, statement of witness H. D. Given to the HLC in July 2007.

109 HLC Database, statement of witness Š. K. given to the HLC in August 2007; statement of witness S.S. given to the HLC in November 2011.

110 HLC Database, statement of witness A. K. given to the HLC in August 2007.

111 Testimony of Enes Bogilović before the First Municipal Court in Belgrade, 9 April 2009, *Enes Bogilović et al.* (P br. 10443/07). According to a document of the Ministry of the Interior of the Republic of Serbia –Secretariat of Internal Affairs in Užice, three captives died in Serbia – one on the way from the state border to the reception centre Braniško Polje (Šljivovica), one in Šljivovica, and one in Mitrovo Polje, Information on living conditions of members of the MAF in reception centres Mitrovo Polje and Braneško Polje, Ex. no. 2D524, *Popović*.

112 Testimony of Zoran Vučinić before the First Basic Court in Belgrade, 9 June 2009, *Enes Bogilović et al.* (P 46097/2012); Testimony of Jovo Savić before the First Basic Court in Belgrade, 9 June 2009, *Enes Bogilović et al.* (P 46097/2012); Testimony of Vesna Kilibarda before the First Basic Court in Belgrade, 12 May 2010, *Avdagić Esad et al.* (P 46642/10).



61. The statements of these witnesses are entirely at odds with the descriptions of torture provided by former inmates and the findings of the BiH State Commission which visited the camps [see paragraphs 103-108 below].

vi. Deaths of detainees

62. On 4 August 1995, Edhem Torlak (b. 1945) suffocated, owing to the lack of oxygen on the cramped truck which carried detainees to the Šljivovica camp. A week later, on 11 August 1995, the Health Centre in Užice handed over Torlak's body to the Islamic Community Majlis in Priboj, which organised his funeral in the Goduša cemetery in Priboj.¹¹³ In 2007, Torlak's mortal remains were exhumed from the Goduša cemetery and handed over to his family.¹¹⁴

63. Nazif Krlić died on 15 November 1995 in the Užice Health Centre, as a result of the lack of adequate medical care while in the Šljivovica camp.¹¹⁵ His mortal remains were transported from the Užice Health Centre to the mosque in Priboj and buried on 19 November 1995 in the Goduša cemetery in Priboj,¹¹⁶ to be exhumed in 2007.¹¹⁷

IV. Mitrovo Polje camp

64. The day after detainees arrived in the Šljivovica camp, policemen read aloud the names of about 450 detainees who were to be transferred to the camp in Mitrovo Polje.¹¹⁸ But instead of telling them where they were taking them, they told them they would drive them to Višegrad and hand them over to Milan Lukić.¹¹⁹ Only after arriving in Mitrovo Polje did the detainees realise that Višegrad was mentioned just to terrify them.¹²⁰

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113 HLC Database, statement of witness H. E. given to the HLC in November 2015; Certificate issued by Islamic Community Majlis in Priboj.

114 Missing Persons Institute of BiH, reply no. 03/1-40-2-1992-15 of 15 December 2015. The family buried him in the cemetery in the Laze-Rogatica village.

115 HLC Database, statement of witness A. Č. given to the HLC in June 2007, November 2015; statement of witness M. O. given to the HLC in November 2007; in its letter to the Užice Health Centre no. 4/3-11-0001/2005-399 of 12 September 2005, the Missing Persons Commission stated that Nazif Krlić died on 15 November 1995 in the Užice Health Centre and that he was buried without his family's presence on 19 November 1995 in the Goduša cemetery in Priboj.

116 Book of the Islamic Community Majlis in Priboj, information on the death of Nazif Krlić.

117 Municipal Court in Priboj, Kpi. Br. 24/07, Crime scene investigation report of 26 June 2007; Krlić's family had Krlić's mortal remains buried in 2008 in the Srebrenica Memorial-Potočari, Memorial and Cemetery for Victims of the 1995 genocide, accessed on 10 December 2015, <http://gradskagroblja.co.ba/html/index-bos.htm>

118 Statement of Vladimir Miličević given to the MUP's War Crimes Detection Service, no. 03/4-3-1 No. 230-7666/11 of 17 November 2011.

119 HLC Database, statement of witness Š. R. given to the HLC in February 2008.

120 HLC Database, statement of witness Eni. A. given to the HLC in November 2007; statement of witness R. J. given to the HLC in July 2007.



65. The detainees were transported to Mitrovo Polje, located approximately 180 kilometres from Šljivovica, on buses of the “Raketa”¹²¹ bus operator from Užice.¹²²

66. The camp consisted of two buildings, called Rasina and Sutjeska. A stream ran through the camp.¹²³

67. The Mitrovo Polje camp was opened on 4 August 1995 and closed on 9 February 1996. It held about 450 men from Žepa. At the time of its closure, 194 detainees, who could not resettle in third countries, remained in the camp, so they had to be taken back to Šljivovica.¹²⁴

68. In order to board the buses, the detainees were forced to pass between two rows of policemen who beat them as they passed down through them.¹²⁵

69. The Mitrovo Polje camp was guarded by members of the Kruševac SUP [see paragraphs 181-183].

i. Conditions in the camp

70. The conditions were similar to those in Šljivovica. In one building, detainees slept in small beds for children. In the other building, which did not have beds, detainees slept on the floor.¹²⁶

71. During the first few months after their arrival, detainees were not allowed to shave or have a bath, therefore the majority of them became infected with lice.¹²⁷ “Although we worked in the mud and were awfully dirty, during the first three months we didn’t have a bath, so we all got lice. We didn’t get an extra pair of socks or underwear. I wore the same underpants for five months,” testified one detainee.¹²⁸ Another said, “We didn’t have a bath for a long time, our nails grew long, our beards grew long. Because of our look, policemen in the camp called us ‘artists.’”¹²⁹

121 The buses of the “Raketa” bus operator were used also for the forcible transfer of civilians from Srebrenica. See ICTY Trial Judgment in *Blagojević and Jokić*, 17 January 2005, par. 180.

122 HLC Database, statement of witness M. Z. given to the HLC in August 2007; statement of witness S. B. given to the HLC in June 2007; statement of witness H. B. given to the HLC in February 2008; statement of witness A. V. given to the HLC in February 2008.

123 HLC Database, statement of witness G. V. given to the HLC in February 2008; statement of witness A. H. given to the HLC in February 2008; statement of witness A. V. given to the HLC in February 2008; statement of witness H. D. given to the HLC in February 2008.

124 The witness statement of Vladimir Milićević in *Bosnia and Herzegovina v. Serbia*, ICJ, 27 March 2006, p. 20.

125 HLC Database, statement of witness S. N. given to the HLC in July 2007; statement of witness R. G. given to the HLC in August 2007; statement of witness R. B. given to the HLC in June 2007; statement of witness M. M. given to the HLC in June 2007.

126 HLC Database, statement of witness Š. R. given to the HLC in February 2008; statement of witness S. B. given to the HLC in February 2008; statement of witness I. S. given to the HLC in August 2008; statement of witness N. K. given to the HLC in June 2007.

127 HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness Eni. A. given to the HLC in November 2007, statement of witness M. C. given to the HLC in November 2007; SUP Kruševac report no. 26-212/95 of 6 October 1995.

128 HLC Database, statement of witness N. K. given to the HLC in June 2007.

129 HLC Database, statement of witness R. C. given to the HLC in November 2007.



72. Detainees had a first walk outside the buildings only two months after their arrival in the camp.¹³⁰

ii. Food in the camp

73. As in Šljivovica, the food was poor and inadequate. As one detainee put it, “We got just enough food to stay alive and nothing more.”¹³¹ A can of sardines or liver pâté with a slice of bread was shared by several men.¹³² Detainees were allowed to pick medicinal herbs inside the camp compound to make tisanes.¹³³ Because of the scarce food, most detainees left the camps weighing dozens of kilograms less than they had weighed before their captivity.¹³⁴ Some detainees lost as much as half of their body weight as a result of undernourishment.¹³⁵ “There were days when they wouldn’t give us food or water for 50 hours, and would then give us a jar of pickled hot pepperoncini. We suffered unbearable stomach cramps and diarrhoea,” one detainee testified.¹³⁶

74. Representatives of the International Committee of the Red Cross were bringing food for detainees, leaving it in a tent within the camp compound. But instead of distributing it to detainees,¹³⁷ policemen drove out of the camp with the food.¹³⁸ As one detainee recounted, “There was food in the camp, the Red Cross was bringing it, but the police didn’t distribute it to us. The Red Cross sent six or eight trucks loaded with food and clothes, but all disappeared during the night.”¹³⁹

iii. Mental and physical abuse of detainees

75. Detainees were exposed to daily physical and mental abuse at the hands of the policemen who guarded the camp.

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76. Typically, policemen would take detainees out of the rooms in which they slept and bring them into a room in a building some 100 metres from dormitories for interrogation. Policemen called that

130 HLC Database, statement of witness F. D. given to the HLC in June 2007.

131 HLC Database, statement of witness O. Z. given to the HLC in July 2007.

132 HLC Database, statement of witness G. V. given to the HLC in February 2008; statement of witness N.K., June 2007; statement of witness A.N. given to the HLC in November 2011; statement of witness F.D. given to the HLC in June 2007.

133 HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness S. S. given to the HLC in November 2007; statement of witness S. G. given to the HLC in November 2007.

134 HLC Database, statement of witness Eni. A. given to the HLC in November 2007; statement of witness S. R. given to the HLC in May 2007.

135 HLC Database, statement of witness A. N. given to the HLC in November 2007; statement of witness S. R. given to the HLC in May 2007.

136 HLC Database, statement of witness F. D. given to the HLC in June 2007.

137 HLC Database, statement of witness G. V. given to the HLC in February 2008 statement of witness S. R. given to the HLC in May 2007; statement of witness H. B. given to the HLC in February 2008.

138 HLC Database, statement of witness O. Č. given to the HLC in November 2007.

139 Ibid.



room “Height 805”¹⁴⁰ or “the court.”¹⁴¹ In that room, policemen asked detainees if they knew Naser Orić or if they had killed Serbian children, all the while beating them on their torsos and soles of the feet with bats, truncheons and sticks.¹⁴² One detainee testified that policemen made detainees themselves choose the stick with which to be beaten.¹⁴³

77. In that room, policemen hit detainees on the soles of their feet with their truncheons, kicked them, beat them with electrical cords and batons, punched them, pulled their hair,¹⁴⁴ and forced some detainees to kneel in sharp gravel.¹⁴⁵

78. Policemen often terrified detainees by threatening to send them back to Bosnia to Radovan Karadžić.¹⁴⁶ The pattern of ill-treatment was the same as that used in Šljivovica: detainees were frequently taken out of their rooms and forced to stare at the sun until they fainted.¹⁴⁷

79. Detainee E.A. was forced to assume a squatting position and then tied to a tree, with a machine-gun mounted right in front of him. He was forced to stay in that position and sing Serbian nationalistic songs all day.¹⁴⁸

80. As in Šljivovica, going to the latrine was just another form of torture detainees had to endure, as they had to ask permission from the guards, to say the Serbian name given to them in the camp, to cross themselves, and then, on the way to the privy, to obey the “traffic signals” invented by guards (namely, detainees had to walk down some imaginary paths; if they deviated, they would be beaten).¹⁴⁹ Policemen beat the detainees who refused to respond when called by their ‘Serbian names.’¹⁵⁰

81. Mental torture was a daily occurrence in the camp. In the buildings housing detainees the lights stayed on all the time, and inspectors would enter the rooms at any hour of the day or night and take detainees away for interrogation. They beat them with truncheons, sticks, punched them and kicked

140 HLC Database, statement of witness A. O. given to the HLC in July 2007; statement of witness H. B. given to the HLC in June 2007; statement of witness H. D. given to the HLC in July 2007.

141 HLC Database, statement of witness Š. R. given to the HLC in February 2008; statement of witness R. G. given to the HLC in August 2007; statement of witness G. V. given to the HLC in February 2008; statement of witness A. H. given to the HLC in February 2008.

142 HLC Database, statement of witness S. R. given to the HLC in May 2007; statement of witness A. O. given to the HLC in July 2007; statement of witness H. D. given to the HLC in July 2007; statement of witness F. D. given to the HLC in June 2007; statement of witness S. A. given to the HLC in February 2008.

143 HLC Database, statement of witness R. B. given to the HLC in June 2007.

144 HLC Database, statement of witness S. N. given to the HLC in July 2007.

145 HLC Database, statement of witness I. S. given to the HLC in August 2007.

146 HLC Database, statement of witness Š. K. given to the HLC in August 2007.

147 HLC Database, statement of witness Es. A. given to the HLC in November 2007; statement of witness S. N. given to the HLC in July 2007.

148 HLC Database, statement of witness E. A. given to the HLC in November 2007.

149 HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness S. B. given to the HLC in February 2008; statement of witness S. J. given to the HLC in July 2007.

150 HLC Database, statement of witness A. H. given to the HLC in February 2008; statement of witness M. Z. given to the HLC in July 2007; statement of witness A. H. given to the HLC in February 2008; statement of witness A. V. given to the HLC in February 2007.



them, verbally abused them using ethnic and religious slurs, and extinguished cigarettes on their bodies.¹⁵¹ Not only did they force detainees to introduce themselves by their 'Serbian names' and sing Serbian nationalistic songs, they also forced them to cross themselves Orthodox-style, knowing they were Muslims.¹⁵²

82. A group of detainees had to perform labour in the vicinity of the camp. They had to clear a stream near the camp, help in the construction of a dam,¹⁵³ chop wood,¹⁵⁴ and offload coal.¹⁵⁵ One group of detainees was even driven to the town of Brus to work on a hotel construction site.¹⁵⁶ Detainees who were in the labour group were rewarded for their work with a packet of biscuits.¹⁵⁷

83. In February 1996, 194 detainees who did not manage to resettle in a third country were returned to Šljivovica. On 10 April 1996, they were released from Šljivovica and returned to Bosnia.¹⁵⁸

iv. Ill-treatment of detainees held in the so-called "isolation"

84. A group consisting of at least seven detainees was held, separated from the others, in Room no. 7, called "isolation", in the Sutjeska building.¹⁵⁹ Every night between 21:00 and 03:00 hours, policemen would take detainees out of Room no. 7 and bring them into "the court" to interrogate and beat them.¹⁶⁰ According to other detainees, persons locked up in Room no. 7 "suffered the most" and the ICRC did not know about them,¹⁶¹ because policemen hid them locked up in a police van during ICRC visits.¹⁶² The ICRC learned about them only several weeks later. As one of these detainees described it, "It was only around midnight that they managed to enter our room, they wept when they saw us,

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151 HLC Database, statement of witness F. D. given to the HLC in June 2007; statement of witness S. B. given to the HLC in February 2007; statement of witness S. I. given to the HLC in February 2008; statement of witness I. K. given to the HLC in February 2007.

152 HLC Database, statement of witness G. V. given to the HLC in February 2008; statement of witness S. B. given to the HLC in February 2007; statement of witness H. B. given to the HLC in February 2008; statement of witness A. N. given to the HLC in November 2011.

153 HLC Database, statement of witness S. B. February 2008; statement of witness N. K. given to the HLC in June 2007.

154 HLC Database, statement of witness A. N. given to the HLC in November 2007.

155 HLC Database, statement of witness R. B. given to the HLC in June 2007.

156 HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness S. I. given to the HLC in February 2008; statement of witness R. C. given to the HLC in November 2007.

157 HLC Database, statement of witness Eni. A. given to the HLC in November 2007.

158 Testimony of Vladimir Milićević, 27 March 2006, ICJ, *BiH v. Serbia*, p. 20; HLC Database, statement of S. N. given to the HLC in July 2007; statement of witness S. J. given to the HLC in July 2007.

159 HLC Database, statement of witness M. C. given to the HLC in November 2007; statement of witness A. R. given to the HLC in February 2008; statement of witness Š. R. given to the HLC in February 2008; statement of A. N. given to the HLC in November 2011.

160 HLC Database, statement of witness Š. R. given to the HLC in February 2008; statement of witness R. G. given to the HLC in August 2007; statement of witness G. V. given to the HLC in February 2008; statement of witness A. H. given to the HLC in February 2008.

161 HLC Database, statement of witness A. N. given to the HLC in November 2007.

162 HLC Database, statement of witness M. Z. given to the HLC in August 2007.



and gave us ICRC cards.”¹⁶³ Nonetheless, detainees from Room no. 7 continued to be ill-treated even after the ICRC’s visit.¹⁶⁴

85. The questions asked by inspectors revolved mostly around detainees’ engagement within the Army of BiH¹⁶⁵ or the distribution of Bosnian forces in Žepa.¹⁶⁶ Two policemen stood in front of the door to Room no. 7 all the time.¹⁶⁷ From detainees’ accounts it can be inferred that the room was used for persons who were claimed by police to have committed crimes.¹⁶⁸ Namely, one of the policemen referred to them as “the principal butchers, who should all be killed.”¹⁶⁹

86. Vladimir Karadžić, detective inspector of the Border Affairs, Aliens, Travel Documents and Weapons Division of the Kruševac SUP, confirmed that there was a group of seven detainees who were held separately from other detainees in Mitrovo Polje and who were believed to have committed crimes against Serbs in Skelani and Kravica.¹⁷⁰ However, Karadžić failed to say whether this group was treated differently than other detainees.

v. Deaths of detainees

87. Underaged Šećan Dizdarević died as a result of beatings in the Mitrovo Polje camp.

88. According to the statements of the detainees who shared the room in the camp with him, Dizdarević died as a result of beatings. Namely, a few days prior to his death, Dizdarević complained to the doctors of a severe pain in the stomach.¹⁷¹ As one detainee testified, “Šećan Dizdarević once complained to a doctor of pains in the stomach because of the food in the camp, but the doctor did not want to help him. Shortly before that, Dizdarević was hit hard several times in the stomach by some policemen. A bulge emerged on his stomach, I saw it, the man writhed in pain. Shortly after that, he started vomiting something terribly foul-smelling, and dropped dead.”¹⁷²

89. The camp warden, Vladimir Milićević, testifying before the ICJ, said that Dizdarević died of bowel obstruction at the Brus Health Centre.¹⁷³

163 HLC Database, statement of witness A. K. given to the HLC in June 2007.

164 Ibid.

165 HLC Database, statement of witness A. H. given to the HLC in February 2008.

166 HLC Database, statement of witness A. V. given to the HLC in February 2008.

167 HLC Database, statement of witness M. C. given to the HLC in November 2007; statement of witness S. S. given to the HLC in November 2007; statement of witness Š. R. given to the HLC in February 2008.

168 HLC Database, statement of witness E. A. given to the HLC in November 2007.

169 HLC Database, statement of witness M. C. given to the HLC in November 2007.

170 Statement of Vladimir Karadžić given to the MUP’s War Crimes Detection Service, No. 03/4-3-1 No. 230-1683/08 of 7 April 2009.

171 HLC Database, statement of witness Š. H. given to the HLC in August 2007; statement of witness Eni. A. given to the HLC in November 2007; statement of witness A. N. given to the HLC in November 2007.

172 HLC Database, statement of witness Š. H. given to the HLC in August 2007.

173 Vladimir Milićević’s statement of 27 March 2006, ICJ, *BiH v. Serbia*, p. 13.



90. The Forensic Medicine Institute in Niš performed an autopsy on Dizdarević's body in the presence of an investigative judge from Aleksandrovac and police officer Vladimir Karadžić.¹⁷⁴ The autopsy found that Dizdarević died of natural causes, as a result of inflammation of the peritoneum and gut. Also, the pathologist did not find any injuries on Dizdarević's body.¹⁷⁵

91. Although the experts of the Forensic Medicine Institute established that Dizdarević's death was not caused by torture but disease of the bowels, the HLC considers that this death could have been prevented by appropriate medical treatment. That is, even if Dizdarević did not die from the beatings he had been exposed to in the camp, the symptoms he suffered from, in the form of stomach pains, should not have been neglected and left untreated by the doctors.

V. Sexual violence in the camps

92. Several former detainees testified that either they were victims of sexual violence by members of the MUP in the camps, or eye-witnessed sexual assaults on other detainees, or heard of other detainees being sexually abused. The HLC believes that the incidence of sexual violence against detainees was higher than could be concluded by reading this chapter. It is because of the stigma attached to this category of victims that not all the detainees who endured sexual violence were willing to talk about these experiences.

93. During his stay in Jagoštica, detainee A1¹⁷⁶ was forced by the soldier he knew by the nickname "Ljubovija" to undress, after which "Ljubovija" put a knife underneath his penis and threatened to rape him. "I became terrified and told them for the umpteenth time that I wasn't a soldier but an ordinary civilian. Then they brought my own brother in front of me and told him to undress too. Then a soldier grabbed a knife and began carving the sign of the Cross on his leg. I couldn't watch that, I felt terrible. They told me they would 'fuck me in the ass.' Then I asked them to give me a gun to kill myself, I could no longer bear all that," testified A1.¹⁷⁷

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174 Crime scene investigation report, Municipal Court in Aleksandrovac, Kri br. 28/95 of 10 September 1995.

175 Autopsy report no. S-188/95, Forensic Medicine Institute in Niš, 10 September 1995.

176 To protect the right to privacy of the detainees who were sexually abused, the HLC uses pseudonyms instead of the real names of these persons.

177 HLC Database, statement of witness A1 given to the HLC in November 2007.



94. One witness testified to the HLC about sexual abuses in the Šljivovica camp. Former detainee A2 identified the policeman nicknamed “Koks” as being particularly brutal to detainees: “He forced us to have sex with one another, to touch one another, to ejaculate in one another’s mouths. He and some other policemen urinated on us. One night, the policemen took me and another two or three detainees and beat us black and blue.”¹⁷⁸ Further, former detainee A3 stated that a policemen from Goražde “forced some of the detainees to have sexual intercourse with one another, and when they refused, he beat them.”¹⁷⁹

95. Policemen sexually abused A4, a disabled person, by putting in his anus a water hose which was at the other end attached to a faucet, and then turning on the faucet at high water pressure.¹⁸⁰

96. On 20 December, Mitrovo Polje detainee A5 was gang-raped twice by four policemen as he was cleaning a toilet. A5 could not see the faces of the rapists because they ordered him to keep his head down all the time.¹⁸¹ Furthermore, the policemen urinated and ejaculated in A5’s mouth and forced him to swallow the urine and semen.¹⁸²

VI. Preventing repatriation of detainees

97. On 10 April 1996, the day when the remaining 220 detainees were to be released from the Šljivovica camp and repatriated on buses to Tuzla (BiH), a few minutes before boarding the bus, members of the Serbian police separated 13 or 14 detainees from the group and held them in the camp because they were allegedly suspected of having committed war crimes.¹⁸³

98. This act of the authorities of the Republic of Serbia was met by sharp reactions by both the Government of BiH and the UNHCR.¹⁸⁴ Later that day, the UNHCR sent a formal letter of protest to the Government of Serbia requesting urgent release of the detainees. The UNHCR spokesperson declared the behaviour of the Serbian authorities to be unacceptable, since all the detainees had valid visas and travel documents, so there was no reason whatsoever to prevent them from leaving the camp at the last minute. As he underlined, “There were no indications as to why Serbia, just a few

178 HLC Database, statement of witness A2 given to the HLC in June 2007.

179 HLC Database, statement of witness A3 given to the HLC in July 2007.

180 HLC Database, statement of witness N. O. given to the HLC in July 2007; statement of witness Em. A. given to the HLC in August 2007; statement of witness A3 given to the HLC in July 2007; statement of witness A. Č. given to the HLC in June 2007.

181 Criminal complaint filed by A5 with the Serbian OWCP, KTR br. 20/08, January 2008; Amended criminal complaint, KTR br. 20/08, of 18 January 2008; Amended criminal complaint, KTR br. 20/08 of 24 April 2008.

182 Complaint filed by A5 with the First Municipal Court in Belgrade (6P br. 45942/10), 17 July 2007.

183 Testimony of Amor Mašović before the First Municipal Court in Belgrade, 1 June 2009, in *Kulovac Nusret et al.* (P br. 7086/07); Reuters, “Serbia detains 13 Bosnians”, 10, April 1996, available at http://www.linder.com/berserk/serb_sieze.html, accessed on 23 September 2015.

184 Ibid.



minutes before they were to be released, decided not to let them go, especially bearing in mind that they had stayed there for over six months.”¹⁸⁵

99. Following the intervention of the BiH authorities, 10 detainees were released. However, the four remaining detainees were sent to a prison in Belgrade because they were allegedly under investigation for unlawful wounding and killing of an enemy.¹⁸⁶

100. According to A. O., he was once brought before an investigative judge in the presence of a lawyer who was supposed to defend him,¹⁸⁷ whereas F. D. said that no lawyer was present on two occasions when he was questioned by an investigative judge.¹⁸⁸

101. The Administration for the Execution of Criminal Sanctions of the Serbian Ministry of Justice confirmed that only one of the four men was detained between 14 and 30 April 1996 in the detention unit of the Belgrade District Jail. The Higher Court in Belgrade refused to deliver to the HLC the written detention order for these persons, stating that the statutory retention period for that document had expired.¹⁸⁹ However, the HLC came into possession of the detention order issued on 13 April 1996 for F. D., which orders that F. D. be detained for a month as he is suspected of committing a criminal offense of unlawful wounding and killing of an enemy resulting in serious consequences – the deaths of two persons.¹⁹⁰ Two weeks later, on 30 April 1996, F. D.’s detention order was cancelled, and the investigation was dismissed because the District Prosecutor dropped the charges against him.¹⁹¹

102. After having their detention orders cancelled, the detainees were released and left for Bosnia with the assistance of the ICRC and UNHCR.¹⁹²

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185 Reuters, “Serbia detains 13 Bosnians”, 10 April 1996, available at http://www.linder.com/berserk/serb_sieze.html, accessed on 23 September 2015.

186 HLC Database, Statement of witness A. O. given to the HLC in July 2007; statement of witness F. D. given to the HLC in June 2007; Testimony of Amor Mašović before the First Municipal Court in Belgrade in *Kulovac Nusret et al* (P br. 7086/07), 1 June 2009.

187 HLC Database, Statement of witness A. O. given to the HLC in July 2007.

188 HLC Database, Statement of witness F. D. given to the HLC in June 2007.

189 Reply of the Uprave za izvršenje krivičnih sankcija Ministarstva pravde br. 763-631/15-04 of 27 August 2015 ; Odgovor Višeg suda u Beogradu Su VIII br. 42/15-179 of 6 October 2015.

190 Decision of the investigative judge of the District Court in Belgrade ordering detention, Ki No. 331/96 of 13 April 1996.

191 Decision of the investigative judge of the District Court in Belgrade to drop the investigation, Ki No. 331/96 of 30 April 1996.

192 HLC Database, statement of witness A. O. given to the HLC in July 2007; statement of witness F. D. given to the HLC in June 2007.



VII. Visits by international organisations and other bodies to the camps

i. BiH Federal Commission for Missing Persons

103. In early April 1996, a three-member delegation of the BiH Government paid a two-day visit to the Šljivovica camp. The delegation comprised Amor Mašović, chairman of the Federal Commission for Missing Persons, Amir Hadžiomerađić, chairman of the Federal Committee for Cooperation with the UN, and Benjamin Kulovac, the Mayor of Žepa. The objective of the visit was to further the fulfilment of the obligation set out in the Dayton Peace Agreement to release all prisoners of war.¹⁹³

104. The delegation found only 276 of the 799 detainees who were held in the Šljivovica and Mitrovo Polje camps, because the majority of detainees had already settled in third countries (Australia, Finland, Ireland, Belgium and USA).¹⁹⁴

105. According to their report following the visit, the Commission interviewed all the detainees and assessed the conditions in the camps as very poor. Namely, the Šljivovica camp was surrounded by a barbed wire fence, and was guarded by numerous members of the MUP with trained dogs, detainees were held in cramped rooms, and the toilets were built immediately before the delegation's visit.¹⁹⁵

106. According to the commission's findings, "the detainees' physical and mental state is disturbing. They are visibly exhausted owing to previous physical abuses, the poor-quality and unhealthy food they consume, and recent jaundice and scabies epidemics. Three detainees, whom the camp management consider war criminals, are still exposed to physical abuse."¹⁹⁶ The report goes on to say that the detainees are forced to sing Chetnik songs and make huge Chetnik symbols (in front of the dormitories stood a huge symbol made by detainees, displaying four Cyrillic S's, which was visible from a great stance). The commission also found that as result of the physical and mental torture and six-month captivity, detainees had become "mentally unstable, irritable and incapable of making even the least serious decisions." Also, the delegation observed that some detainees feared that their detention would continue even after the repatriation of the others, knowing that the Serbian authorities regarded them as war criminals. The delegation also established that at least five detainees died in the camps, two of whom were killed.¹⁹⁷

107. On the basis of the situation found in the camp, the delegation reached the following conclusions in its report: Šljivovica was a closed, high-security camp, surrounded by barbed wire, which did not meet even the minimum conditions for the confinement of such a large number of detainees over

193 Testimony of Amor Mašović before the First Municipal Court in Belgrade in *Kulovac Nusret et al.* (P No. 7086/07), 1 June 2009.

194 Report of the Federal Commission for Missing Persons of the Republic of Bosnia and Herzegovina No. 06/5-43/96 of 9 April 1996.

195 Ibid.

196 Ibid.

197 Ibid.



a longer period; the physical and mental health of detainees was very poor and they complained about both the camp management and representatives of the UNHCR. In the light of the foregoing, the delegation suggested that the detainees be without delay repatriated on buses to Tuzla, BiH, via Zvornik. From Šljivovica to Zvornik, the buses should be escorted by Serbian police, and from Zvornik to Tuzla by IFOR (the Nato-led so-called Implementation Force).¹⁹⁸

108. Testifying in several proceedings conducted by Serbian courts, Amor Mašović repeated the information regarding the treatment of prisoners of war in the Šljivovica camp. Mašović denied that Šljivovica was a POW reception centre, saying that it was a detention camp surrounded by barbed wire, with armed guards.¹⁹⁹ Also, he reiterated that detainees were in poor physical and mental condition, exhausted from hunger and looking unkempt and scruffy.²⁰⁰

ii. International Committee of the Red Cross

Attitude towards ICRC representatives

109. At first, the Serbian authorities would not allow ICRC representatives to enter the camps, register detainees and give them POW identity cards.²⁰¹

110. On 4 August 1995, ICRC representatives made a list of detainees confined in Mitrovo Polje. It was only two week later, on 18 August 1995, that the ICRC entered the Šljivovica camp.²⁰² However, not even then were all detainees registered, because police hid from the ICRC representatives, for another few months, the detainees held in “isolation” in Šljivovica and Mitrovo Polje²⁰³, (see paragraph 84).

Role of the ICRC

111. Even after the ICRC had entered the camps, the situation for detainees did not improve significantly. Namely, dozens of detainees testified that aid provided by the ICRC by way of food, hygiene kits, beds and mattresses arrived in the camps, but was not distributed to them. Detainees received mattresses, bed linen and hygiene kits only several months later. Several detainees said that food did arrive in the camps, but policemen kept it in front of the camps and later drove it elsewhere, to a destination that was unknown to the detainees.²⁰⁴

198 Ibid.

199 Testimony of Amor Mašović before the First Municipal Court in Belgrade in *Kulovac Nusret et al.* (P br. 7086/07), 1 June 2009.

200 Ibid.

201 HLC Database, statement of witness M. Dž. given to the HLC in June 2007; statement of witness H. D. given to the HLC in July 2007.

202 HLC Database, statement of witness A. O. given to the HLC in June 2007.

203 HLC Database, statement of witness N. T. given to the HLC in July 2007; statement of witness M. C. given to the HLC in November 2007.

204 HLC Database, statement of witness A. S. given to the HLC in July 2007; statement of witness A. V. given to the HLC in February 2008; statement of witness B. Z. given to the HLC in July 2007; statement of witness H. B. given to the HLC in February 2008.



112. Detainees testified that when ICRC representative Jean Winkler and his interpreter Gordana Damjanović came to the camp, they wrote down the names of the detainees, after which detainees could send letters to their families and receive letters from them through these two ICRC representatives.²⁰⁵

113. In late 1995, before New Year's Eve, representatives of the UN High Commissioner for Refugees (UNHCR) visited the camps and drew up lists of detainees who would be taken to third countries. Most detainees managed to go to Western Europe, Australia and the United States, while the rest were repatriated on 10 April.²⁰⁶

114. On 15 November 1995, Vladimir Milićević, warden of the Mitrovo Polje camp, made a complaint against the ICRC for the "incorrect and inappropriate behaviour" of their representatives.²⁰⁷ More specifically, Milićević reproached Jean Winkler for entering the storage room of the Mitrovo Polje camp, where food for detainees was kept, making an inventory by himself of food items he found there, and making his "unrealistic estimates" regarding the food consumption in the camp. The point was that Winkler suspected that the food intended for detainees was used for some other purposes (see paragraph 74).²⁰⁸

iii. Expert team of the Ministry of Foreign Affairs of the FRY

115. Pursuant to a request by the Federal Ministry of Foreign Affairs dated 13 October 1995, an expert team was set up to visit the camps in Šljivovica and Mitrovo Polje in order to assess the health and treatment of persons confined in these camps.²⁰⁹

116. The expert team consisted of: Dr Borivoje Jovanović, director of the Serbian MUP Medical Centre, Dr Ljubomir Nedić, epidemiologist, Dr Božidar Milićević, director of the Public Health Institute in Kruševac, Dr Milan Šijak, director of the Public Health Institute in Užice, Dr Milojica Pejić, epidemiologist, and Miodrag Urdarević, head of the Border Affairs, Aliens, Travel Documents and Weapons Administration of the MUP of the Republic of Serbia.²¹⁰

117. After visiting the camps on 23 and 24 October 1995, the team drew up a report in which it presented its findings about the camps and recommended measures to improve the situation.

²⁰⁵ HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness A. S. given to the HLC in July 2007.

²⁰⁶ HLC Database, statement of witness N. L. given to the HLC in June 2006; statement of witness R. D. given to the HLC in November 2007; statement of witness O. Č. given to the HLC in November 2007; statement of witness M. Dž. given to the HLC in June 2007.

²⁰⁷ Information of the Kruševac SUP of 15 November 1995.

²⁰⁸ Ibid.

²⁰⁹ Report of the Serbian Public Health Institute of 26 October 1995, Ex. D274, *Perišić*.

²¹⁰ Ibid.



118. Their recommendations included provision of hot water for bathing to detainees, a more balanced diet and flu vaccination for detainees.²¹¹

119. The report laid a particular emphasis on the fact that members of the medical team performed a thorough medical check-up of detainees in both camps without finding “any injuries on their bodies suggesting physical abuse or inappropriate treatment.”²¹²

120. This finding was in sharp contrast with the testimonies of the detainees themselves. During this very visit, one prisoner showed Dr Borivoje Jovanović the injuries he sustained as a result of the beatings he had received.²¹³ Seeing the injuries, Dr Jovanović promised the detainees he would forbid any form of torture in the camps. However, this prisoner’s injuries were not mentioned in the expert team’s report. Admittedly, torture abated after their visit, but did not stop.²¹⁴

121. The Kruševac SUP informed the Border Affairs, Aliens, Travel Documents and Weapons Administration about the visit by the expert team.²¹⁵ The expert team’s visit coincided with the ICRC’s visit to the camps, so ICRC representatives took that opportunity to make several objections and recommendations to the expert team regarding how the detainees should be treated from that time onward. They recommended, among other things, that detainees should be given three warm meals per day instead of two, be allowed to spend more time outdoors, read newspapers and receive parcels from their families. As stated in the Kruševac SUP’s information, “all these requests were rejected immediately, for the umpteenth time.”²¹⁶ The information further reads that ICRC’s Jean Francois Golay insisted that the warden, Vladimir Milićević should introduce himself and state the position he held, but “his request was altogether ignored.”²¹⁷

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211 Ibid.

212 Ibid. p. 3.

213 HLC Database, statement of witness N. L. given to the HLC in June 2007; statement of witness I. K., February 2008; statement of witness M. Dž. given to the HLC in June 2007.

214 HLC Database, statement of witness Es. A. given to the HLC in November 2007; statement of witness Emi. A. given to the HLC in August 2007; statement of witness A. O. given to the HLC in June 2007; statement of witness M. K. given to the HLC in February 2008.

215 MUP, Kruševac SUP, report No. 26-236/95 of 25 October 1995.

216 Ibid.

217 Ibid.



VIII. Consequences of the torture in Šljivovica and Mitrovo Polje camps

122. All the men who were confined and ill-treated in the Šljivovica and Mitrovo Polje camps still suffer grave physical and/or mental consequences of the ill-treatment they endured. Almost all of the former detainees suffer from pains in different parts of their bodies as a result of beatings they received in the camps,²¹⁸ and also from insomnia and nightmares²¹⁹ and various mental disorders,²²⁰ but also from allergies they developed as a result of the unsanitary conditions in the camps.²²¹

123. Most of the former detainees have said that even today they continue to experience feelings of fear:²²² fear of being tortured again,²²³ and fear of being alone²²⁴ or being in the dark.²²⁵

124. One former detainee committed suicide on release from the camp;²²⁶ others attempted suicide.²²⁷

125. Even though it has been 20 years since their captivity in Serbia, most former detainees are still undergoing medical treatment for symptoms caused by the torture they survived.²²⁸ The very intense fear they felt throughout their captivity gradually developed into a chronic psychological condition in the form of post-traumatic stress disorder (PTSD).

126. Because of that, they will have to continue with treatment for the rest of their lives. For all of them, PTSD has led to the restriction in their daily life activities, which is typically manifested as “poor communication with other people, bad moods, unwanted memories, listlessness and a lack of initiative to engage in new activities, self-imposed isolation and social restriction, and a loss of interest in formerly enjoyable activities.”²²⁹

218 HLC Database, statement of witness S. B. given to the HLC in June 2007; statement of witness M. C. given to the HLC in November 2007.

219 HLC Database, statement of witness A. Z. given to the HLC in February 2008; statement of witness E. B. given to the HLC in June 2007; statement of witness F. P. given to the HLC in July 2007; statement of witness S. K. given to the HLC in August 2007.

220 HLC Database, statement of witness F. P. given to the HLC in July 2007; statement of witness S. S. given to the HLC in November 2007; statement of witness M. C. given to the HLC in November 2007; statement of witness S. N. given to the HLC in July 2007.

221 HLC Database, statement of witness M. C. given to the HLC in November 2007.

222 HLC Database, statement of witness R. B. given to the HLC in June 2007.

223 HLC Database, statement of witness H. D. given to the HLC in February 2008.

224 HLC Database, statement of witness N. K. given to the HLC in June 2007; statement of witness M. O. given to the HLC in November 2007.

225 HLC Database, statement of witness R. B. given to the HLC in June 2007.

226 HLC Database, statement of witness Em. A. data HLC, August 2007.

227 HLC Database, statement of witness A. K. given to the HLC in July 2007.

228 HLC Database, statement of witness M. C. given to the HLC in November 2007; statement of witness A. K. given to the HLC in June 2007; statement of witness S. N. given to the HLC in July 2007; statement of witness I. S. given to the HLC in August 2007.

229 Expert finding of 29 November 2011 in *Čavčić et al.* (10 P 46642/10).



IX. Persons responsible for grave human right violations

i. The role of the Serbian state leadership

127. On the basis of the testimonies of the international community representatives who were involved in resolving the crisis in the former Yugoslavia, the testimonies of Bosniaks who attempted or managed to escape to Serbia, and the testimonies of VJ, MUP and VRS members, as well as authentic VJ, MUP and VRS documents, the HLC has drawn the conclusion that senior political, military and police officials of the Republic of Serbia knew in advance of the arrival in Serbia of the refugees from Žepa, that they approved their arrival in Serbia and informed border guards and local SUPs of their arrival and instructed them how to treat them, and were, at the very least, aware of the ill-treatment of Bosniaks in the camps and tacitly or explicitly approved it.

128. In the days preceding the fall of Srebrenica and Žepa, Bosniaks attempted to seek refuge in Serbia. All these Bosniaks were, without exception, taken prisoner by VJ border guards and MUP members, only to be surrendered later to the VRS,²³⁰ contrary to the Republic of Serbia's commitments under international law not to return persons to their country of origin, BiH in this case, where their life or health could be at risk (*non-refoulement* principle).²³¹ The ICTY has documented the cases where detainees from Bosnia, after the VJ or MUP had handed them over to the VRS, were killed. Their bodies were later found in mass graves.²³²

129. The VRS demanded from VJ border guards and the MUP to do the same with the 800 men and boys who fled to Serbia after the fall of Žepa,²³³ but Serbia refused.²³⁴ However, there are indications that Serbia nonetheless allowed VRS members to enter the camps and interrogate detainees.²³⁵

130. In this regard, the Security Administration of the Main Staff of the VRS on 10 August 1995 sent a letter to the Ministry of Justice of Republic of Srpska and the State Security Division (RDB) of the Serbian MUP. The letter, signed by Ljubiša Beara, Chief of Security of the VRS Main Staff, notes that a certain number of members of the Army of BiH from Žepa had been taken prisoner by the VJ and

230 Momir Nikolić, 24 April 2009, pp. 33147–33148, *Popović*; B-1619, 17 December 2003, p. 30596, *Milošević*; Submission by BiH, ICJ, *BiH v. Serbia*, para. 476; HLC Database, statement of witness X2000, September 2011.

231 See the case law of the European Court of Human Rights: *Soering v. the United Kingdom*, application no. 14038/88, judgment of 7 July 1989, paras. 90–91; *Chahal v. the United Kingdom*, application no. 22414/93, judgment of 15 November 1996, paras. 73–74; *Ahmed v. Austria*, application no. 25964/94, judgment of 17 December 1996, para. 39; etc.

232 Corrigendum of the extended forensic evidence material – Exhumation of graves relating to Srebrenica – March 2009, Dušan Janc, 9 April 2009, Ex. P4492, *Popović* (stating that the mortal remains of 12 persons returned from Serbia were buried in the Glogova 1 mass grave).

233 Intercepted conversation between members of the VRS and a certain representative of the Serbian authorities, Ex. no. P345; *Tolimir*, ICTY Trial Judgment in *Tolimir*, 12 December 2012, para. 675.

234 Intercepted conversation of Ljubiša Beara, Ex. no. P1381a, *Popović*; Trial Judgement in *Popović*, 10 June 2010, Vol. 1, para. 735.

235 Milan Vojinović, 22 July 2008, pp. 23748–9, *Popović*.



the MUP of the Republic of Serbia.²³⁶ This document goes on to say that the VRS was maintaining constant communication with the Serbian RDB, which set up a field office in Užice for the purpose of interrogating the detainees regarding their involvement in the crimes against Serbs committed in the Žepa area.²³⁷ The VRS wanted the detainees to be transferred from Serbia to the prison in Foča, where statements would be taken from them to document crimes against Serbs.²³⁸ To this end, the VRS formed a team, led by Zoran Čarkić, which was to take statements from the detainees, and called on the Republic of Serbia to follow suit.²³⁹ From the foregoing it can be inferred that the VRS pressured Serbia to hand over to the VRS the detainees so they could document the alleged crimes committed by the Army of BiH against Serbs in the Podrinje region. However, although the Republic of Serbia did not surrender to the VRS any of the men of the Žepa area who had been taken prisoner in Serbia, it took upon itself to interrogate them, thus violating its obligations under international law.

131. Momčilo Perišić, the Chief of the VJ General Staff at the time, testified that members of the Užice MUP wanted to kill the Bosniaks arriving from Žepa, that he informed Slobodan Milošević about this, and that Milošević reacted and prevented the massacre.²⁴⁰

132. As to what caused the authorities of the Republic of Serbia to change their practice of dealing with Bosniaks from BiH after the fall of Žepa, the HLC believes that it was the request made to Serbia by the international community to take in the men and boys who found themselves trapped in the enclave as the VRS advanced. In other words, the Serbian political leadership did it for purely opportunistic reasons.

133. At the time Žepa fell, it was becoming ever clearer to the international community that the men who had disappeared from Srebrenica had actually been killed by the VRS.²⁴¹ At the request of Hasan Muratović, the then minister in the Government of BiH responsible for cooperation with the UN, and fearing for the lives of the men and boys of Žepa, the then EU Special Envoy to the former Yugoslavia, Carl Bildt, held negotiations with the then President of the FRY, Slobodan Milošević, about Serbia providing refuge to the Bosniaks from this fallen enclave.²⁴² In his memoirs, Bildt described the negotiations with Milošević:

236 VRS Main Staff, Security Administration, strictly confidential, No. 12/46-547/95 of 10 August 1995, HlcIndexin: 038-4163-1.

237 Ibid.

238 Ibid.

239 Ibid.

240 Interview with Momčilo Perišić, Ex. P802, p. 27, *Perišić*.

241 Rupert Anthony Smith, 22 March 2011, p. 11597, *Tolimir*.

242 Ibid, pp. 11595-11597.



„There was a risk that Milošević would inform Mladić about what was going on, which would inevitably lead to a massacre in the woods and on the hills [...]. I updated him [Milošević] on the situation in Žepa [...] Milošević immediately saw a political opportunity in it. He intended to immediately give instructions to the border guards to go to the aid of the soldiers [men from Žepa], who were to be considered refugees.”²⁴³

134. That Milošević, or other representatives of the Serbian leadership, indeed informed and instructed VJ border guards how to treat the Bosniaks from Žepa can be inferred from the fact that the 16th BB of the VJ as early as 31 July 1995 established its commission for taking in the refugees from Žepa - that is, before the first big wave of refugees had even arrived in Serbian territory [see paragraphs 143-144 below].²⁴⁴

135. Lastly, the fact that the Ministry of Foreign Affairs of the FRY established, on a later date, an expert team to assess the situation in the Šljivovica and Mitrovo Polje camps, attests that the Serbian state leadership was aware that the treatment of detainees was inconsistent with Serbia's international commitments [see paragraphs 115-121 above]. Although the expert team in its report falsely claimed that detainees were not tortured, the testimonies of former detainees themselves confirmed that the doctors on the team had been informed about their injuries, whereupon they promised to prevent any further torture in the camps [see paragraph 120 above]. Since the treatment of detainees improved after the expert team's visit, the HLC draws the conclusion that members of the Government of the FRY at the very least were informed about the actual situation in the camps.²⁴⁵

39

ii. VJ and MUP units involved in capturing the refugees from Žepa

136. Immediately after crossing into Serbian territory, the men and boys from Žepa were taken prisoner by the members of the border battalions of the VJ and Special Police Units (PJP). These units then took the captured refugees to the camps in Šljivovica and Mitrovo Polje and surrendered them to the Užice and Kruševac SUPs. The VJ border battalions were in both war and peace responsible for arresting persons who illegally crossed the border, whereas the PJP performed these duties in the period 1993-1996, as part of their interim engagement in securing the state borders during the war in BiH.

243 Carl Bildt, “Zadatak mir”, Radio B92, Belgrade 1999, pp. 115-116.

244 Branko Gajić, 11 March 2010, p.10884, *Perišić*; List of the men who crossed the Drina River, Ex. P111, *Tolimir*.

245 HLC Database, statement of witness Es. A. given to the HLC in November 2007; statement of witness Em. A. given to the HLC in August 2007; statement of witness A. O. given to the HLC in June 2007; statement of witness M. K. given to the HLC in February 2008; statement of witness N. L. given to the HLC in June 2007; statement of witness I. K., February 2008; statement of witness M. Dž. given to the HLC in June 2007.



1. VJ border battalions

137. During 1995, the border with BiH, at the Drina River, was guarded by the 15th and 16th Border Battalions of the VJ. The 15th Battalion was based in Loznica and the 16th was based in Bajina Bašta.²⁴⁶

138. The two battalions were responsible for patrolling an area covering 100 metres of land border, arresting all persons illegally crossing the border and surrendering them to the MUP.²⁴⁷ The military police units within the border battalions were responsible for capturing uniformed armed men illegally crossing the border.²⁴⁸ As among the refugees from Žepa there were members of the Army of BiH, the military police units of the 15th and 16th BBs were also involved in their capture. The border battalions of the VJ transported the men and boys who had fled Žepa to the Šljivovica camp.²⁴⁹

16th Border Battalion of the VJ

139. On the basis of the testimonies of survivors, eye-witnesses, and VJ and MUP members, and on the basis of authentic military and police documents, the HLC has established that the 16th Border Battalion of the VJ was involved in capturing the men and boys who had fled to Serbia from Žepa and in surrendering them to the MUP. Also, the evidence gathered by the HLC indicates that members of this battalion physically and mentally abused the refugees – with threats, beatings, verbal abuses and water deprivation, and killed one man from Žepa.

40 140. The control of the border outside official border crossings was performed by the military police unit of the 16th Border Battalion of the VJ.²⁵⁰ That unit was responsible for guarding the state border and controlling uniformed armed persons.²⁵¹ After control, such persons were handed over either to the Užice SUP or the Bajina Bašta OUP.²⁵²

141. The 16th BB of the VJ had two border troops – 1st and 2nd. The 2nd Border Troop was stationed in the Jagoštica border outpost [about the treatment of refugees in Jagoštica, see paragraphs 25-30].²⁵³ Besides Jagoštica, the 16th BB was also responsible for the Zaovine border outpost [on the torture at Zaovine, see paragraph 33].²⁵⁴

246 Daily operative report for 18 July 1995, Ex. D230, *Perišić*; Miodrag Simić, 25 February 2010, p. 10088, *Perišić*; Risto Šeovac, 21 February 2012, p. 17543, *Stanišić and Simatović*; Daily operative report for 10 July 1995, Ex. P217, *Perišić*.

247 Miodrag Simić, 2 March 2010, pp. 10362-10363, *Perišić*.

248 Risto Šeovac, 21 February 2012, p. 17542, *Stanišić and Simatović*.

249 Radenko Novaković, 5 October 2011, p. 14038, *Stanišić and Simatović*.

250 Alongside the 16th Border Battalion, the 15th Border Battalion, based in Loznica, was also stationed in the Drina Valley, Daily operative report for 18 July 1995, Ex. D230, *Perišić*; Miodrag Simić, 25 February 2010, p.10088, *Perišić*.

251 Risto Šeovac, 21 February 2012, pp. 17542, 17543-17544, *Stanišić and Simatović*.

252 Miodrag Simić, 2 March 2010, pp. 10363-4, *Perišić*.

253 Journal of the 1st BT/16th BB for the period 30 November 1992-1 June 1997; Journal of the 2nd BT/16th BB, Jagoštica border outpost for the period 1 January 1993-6 June 1997.

254 Daily operative report of 10 July 1995, Ex.P217, *Perišić*.



142. The Annual Report of the 2nd BT Command, in the part dealing with illegal border crossings, states that in the period 31 July-6 August 1995, a total of 787 Bosniaks illegally entered Serbia by crossing the border line from Crni Potok.²⁵⁵ Also, the journal of the 2nd BT reads that from 28 July 1995, illegal crossings of the state border were registered and large groups of people were arrested. The largest number of illegal crossings was registered on 1 August 1995, when 388 men crossed into Serbia.²⁵⁶

143. The Command of the 16th BB of the VJ formed a three-member commission to make lists of all persons from Žepa who had crossed to the territory of Serbia and then hand them over to the MUP. The lists, marked with “Army Post Office 2493”, also contain the names of the commission members: Lieutenant Ivan Maksimović, Lieutenant Zoran Pejić and Lieutenant Zoran Smiljanić.²⁵⁷ After viewing some documents of the VJ General Staff, the HLC established that the 16th BB was stationed at the Bajina Bašta Army Post Office.²⁵⁸

144. The commission of the 16th BB would make a list of persons and then hand them over to the MUP commission responsible for taking them in. One of the members of the MUP’s three-member commission tasked with taking in the men was Branko Prljević, who was a member of the Serbian Gendarmery until 2013.²⁵⁹ The signatures of the two remaining members of the MUP’s commission are illegible.²⁶⁰

145. An official MUP document confirms the statements of victims from Žepa that a VJ border guard killed a man from Žepa, namely Mujo Hodžić, in Jagoštica [see paragraph 22].²⁶¹ Specifically, the document created by the Užice SUP in 2005 states that “in the village of Jagoštica, Bajina Bašta municipality, close to the place known as Veliki raj, near Vranica, a member of the VJ 16th Border Battalion, used a fire arm, as a result of which one person, most probably a Muslim, presumably Hodžić Mujo, lost his life.”²⁶²

255 Annual report of the 2nd Border Troop of the 16th BB of the VJ, Illegal border crossings in the period 31 July-6 August 1995; Journal of the 2nd BT/16th BB, Jagoštica border post for the period 1 January 1993-6 June 1997.

256 Journal of the 2nd BT/16th BB VJ for the period 6 January 1994-27 August 1995 in the recap of events in July and August: 388 persons illegally crossed there on 1 August, 81 on 2 August, 144 on 3 August, 119 on 4 August and five on 6 August.

257 List, strictly confidential, no. 250-1 of 1 August 1995; list, strictly confidential, No. 250-2, 250-3, 251-1, 251-2, 251-3, 251-4, 251-5, 252-1, all of 2 August 1995, list, strictly confidential, no. 252-3, 352-2 all of 3 August 1995; list, strictly confidential, no. 252-4 of 4 August 1995; list, strictly confidential, no. 252-5 of 5 August 1995; list, strictly confidential, no. 252-6 of 10 August 1995.

258 VJ General Staff, Operative Centre, strictly confidential, no. 1-191 of 10 July 1995, Ex. D217, *Perišić*; VJ General Staff, Operative Centre, strictly confidential, no. 1-199 of 18 July 199, Ex. D230, *Perišić*.

259 MUP, reply no. 3474/14-4 of 23 April 2014.

260 List of the men who crossed the River Drina, Ex. DP P111, *Tolimir*.

261 HLC Database, Statement of witness Ć. D. given to the HLC in June 2007; statement of witness Emi. A. given to the HLC in August 2007.

262 MUP, Secretariat of Internal Affairs in Užice, Criminal Investigation Department, no. 01-11-PU-154/05 of 10 June 2005.



146. General Ljubiša Diković, the incumbent Chief of the Army of Serbia General Staff, was the Commander of the 16th Border Battalion during 1995.²⁶³ His biography, which was posted on the official website of the Army of Serbia, confirmed that he was the Commander of the 16th BB of the VJ during 1995 and 1996.²⁶⁴

15th Border Battalion of the VJ

147. The 15th BB of the VJ was stationed in the Loznica municipality, in the Banja Koviljača area.²⁶⁵ This battalion was responsible for the border outpost near the Zvornik Dam.²⁶⁶

148. According to information possessed by the HLC, only one man from Žepa, namely S. R., was captured by members of the 15th BB of the VJ on 2 August 1995, after swimming across Lake Zvornik.²⁶⁷ He was surrendered to the Mali Zvornik OUP.²⁶⁸

149. According to S. R., immediately after being captured, he was taken to the border outpost in Mali Zvornik, where soldiers took away his valuables, making an official record of it, but without giving him a copy. After that, they drove him to the police station in Mali Zvornik, where a policeman hit his torso with a knuckle duster and cursed at him. The following day, he was transported to the camp in Šljivovica.²⁶⁹

150. The MoD refused to deliver to the HLC the name of the Commander of the 15th BB of the VJ.²⁷⁰

151. Ratko Vidović was the Chief of Mali Zvornik OUP at the time. Vidović stopped working at the MUP in 2002.²⁷¹

2. Special Police Units in Užice

152. When the conflicts in BiH broke out, the Serbian police force stepped up its presence in the area bordering BiH, namely at the River Drina, and in the Bajina Bašta, Ljubovija, and Priboj areas.²⁷²

263 *Politika*, Ljubiša Diković načelnik Generalštaba VS [Ljubiša Diković Chief of Staff of Army of Serbia], accessed on 30 July 2015, <http://www.politika.rs/rubrike/Drustvo/Ljubisa-Dikovic-novi-nacelnik-Generalstaba-VS.sr.html>

264 Following the publication of the HLC's "Dossier: 'Ljubiša Diković'" in 2012, his biography was removed from the official website of the Army of Serbia. Nevertheless, the biography can be accessed through WayBack Machine. See the HLC's press release, "Serbian Army has Removed Public Information for the Purpose of Protecting General Diković", of 19 April 2016, available at: <http://www.hlc-rdc.org/?p=31803.&lang=de>. The biography available at: http://www.hlc-rdc.org/wp-content/uploads/2016/04/3.January_2012_Sajt_Vojske-biografija_Dikovic.pdf

265 VJ General Staff, Operative Centre, strictly confidential, no. 1-199 of 18 July 1995, Ex. D230, *Perišić*.

266 MoD, Operative Affairs Department, no. 1689-7 of 21 September 2007.

267 HLC Database, statement of witness S. R. given to the HLC in May 2007; MoD, Operative Affairs Department, no. 1689-7 of 21 September 2007.

268 MoD, Operative Affairs Department, no. 1689-7 of 21 September 2007.

269 HLC Database, statement of witness S. R. given to the HLC in May 2007.

270 MoD, decision no. 6421-3 of 1 October 2015.

271 MUP, reply no. 1181/16-2 of 9 November 2016.

272 Obrad Stevanović, 27 May 2005, pp. 40022, 40026, *Milošević*.



Between 1993 and mid-1996, the PJP were deployed in the area bordering BiH, between the foot of Mount Tara and the border with Montenegro, along the Prelovo-Dobrun-Štrpci-Uvac-Ustibar-Sastavci-Sjeverin-Strmac-Kukurovići axis.²⁷³

153. In early 1993, an ad hoc PJP command post was set up in Bajina Bašta, to be moved, in April 1993, to Prijepolje. Obrad Stevanović was the chief of the command post.²⁷⁴

154. Obrad Stevanović, PJP Commander at the time,²⁷⁵ testified before the ICTY in the *Milošević* case that the PJP units that were deployed along the border line took the Bosniak refugees, approximately 800 of them, to the Šljivovica and Mitrovo Polje camps:

“Question: General, did you have, - or, rather, were there any actions taken to receive the Muslim fighters who had sought refuge in Serbia during the time of the attack and the events in Srebrenica? Did you have anything to do with taking them in?

Answer: Yes. Towards the end of June or, rather, July, mid-July 1995, those units, the units deployed in the region I explained earlier on, took in about 800 fighters of the BH army who, after the Srebrenica operation, tried to cross over into the territory of the Republic of Serbia. And they were put up and accommodated at the centre in Šljivovica near Užice and were then moved to Mitrovo Polje near Varvarin -- or, rather, near Aleksandrovac.”²⁷⁶

155. The former camp detainees who gave statements to the HLC researchers all agreed that the first contact they had after crossing over into Serbian territory was with the VJ border guards. A smaller group of men who crossed over into Serbia on 4 or 5 August said that policemen wearing blue camouflage uniforms who they thought were members of special police forces took them over from the border guards.²⁷⁷

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iii. Units and individuals responsible for torture in the camps

156. Šljivovica and Mitrovo Polje did not have governors formally, because they were established as ad hoc camps and because position classification in the MUP did not include the position of “detention camp governor” or “detention camp commander”. However, the documentation the HLC has analysed attests to the fact that the chiefs of sectors for border affairs, aliens, travel documents and weapons were those in charge of the identification, registration and interrogation of camp detainees.

²⁷³ Ibid, p. 40023.

²⁷⁴ Ibid, p. 40022.

²⁷⁵ Ibid, p. 40066, testimony of Obrad Stevanović before the Higher Court in Belgrade, 12 April 2007, in *Bytyqi* (K.V. 03/2006), pp. 5-6; Government of Serbia press release, Obrad Stevanović appointed Assistant Minister of the Interior, *Šainović, Ex. 1D579*; witness statement of Aleksandar Vasiljević, ICTY., Ex. P2600, para. 28, *Šainović et al.*

²⁷⁶ Obrad Stevanović, 27 May 2005, p. 40023, *Milošević*.

²⁷⁷ HLC Database, statement of witness S. J. given to the HLC in July 2007; November 2015; statement of witness Emi. A. given to the HLC in August 2007; November 2015.



In Šljivovica it was Radisav Ojdanić, Chief of the Užice SUP Sector for Border Affairs, Aliens, Travel Documents and Weapons, and in Mitrovo Polje it was Vladimir Milićević, Chief of the Kruševac SUP Sector for Border Affairs, Aliens, Travel Documents and Weapons.

157. Ojdanić and Milićević were not in charge of security in the camps. Zoran Prljević and Radoslav Savić, as chiefs of the Police Departments of Užice SUP and Kruševac OUP, were in charge of security in the Šljivovica and Mitrovo Polje camps, respectively. The guards came from the Užice and Kruševac SUPs, and their respective OUPs, and were rotated every 10 to 15 days.

Sectors for Border Affairs, Aliens, Travel Documents and Weapons

158. The Border Affairs, Aliens, Travel Documents and Weapons Administration was an organisational unit of the State Security Division.²⁷⁸ Its Head was Mile Puzović, who retired in 2000.²⁷⁹ Miodrag Urdarević was Chief of the Aliens and Travel Documents Department within the Administration.²⁸⁰ The MUP refused to supply the HLC with information as to whether Urdarević is still employed by the MUP of the Republic of Serbia.²⁸¹

159. In addition to the Administration, which operated at the level of the Ministry of the Interior, the Job Classification Rulebook of the Serbian MUP envisaged each SUP on the territory of Serbia having its own Sector for Border Affairs, Aliens, Travel Documents and Weapons. These sectors were also organisational units of the State Security Division.²⁸² Radisav Ojdanić was the Chief of this Sector in the Užice SUP,²⁸³ and Vladimir Milićević in the Kruševac SUP.²⁸⁴ Both Ojdanić and Milićević have retired.²⁸⁵

1. Police inspectors at the camps

Šljivovica

160. As well as Radomir Dogandžić, Radisav Ojdanić was assigned to Šljivovica, by Ojdanić's immediate superior, Boško Petrić, Chief of the Užice SUP, to whom Ojdanić reported about the situation in the camp. In addition to Petrić, Ojdanić also reported to Mile Puzović, Chief of the Border Affairs, Aliens, Travel Documents and Weapons Administration.²⁸⁶ According to Ojdanić, he and Dogandžić were

²⁷⁸ Job classification Rule Book of the Ministry of the Interior, February 1992.

²⁷⁹ MUP, reply no. 13597/15-2 of 30 December 2015.

²⁸⁰ Report of the Serbian Public Health Institute of 26 October 1995, Ex. D274, *Perišić*.

²⁸¹ MUP, reply no. 11754/15-2 of 5 November 2015.

²⁸² Job Classification Rulebook of the Serbian Ministry of the Interior of February 1992.

²⁸³ Testimony of Radisav Ojdanić before the First Basic Court in Belgrade in *Enes Bogilović* (P 46097/2012), 21 September 2010; testimony of Radisav Ojdanić before the First Municipal Court in Belgrade in *Mujo Vatreš* (P 11551/2007), 13 April 2009.

²⁸⁴ MUP, Kruševac Police Administration, reply no. 235-6-27/15 of 12 November 2015.

²⁸⁵ Ibid.

²⁸⁶ Statement of Radisav Ojdanić given to the MUP's War Crimes Detection Service, no. 03/4-3-1 br. 230-7666/11 of 2 December 2011.



responsible for the identification and registration of the Bosniaks and taking statement from a small number of detainees, while Velibor Gradeljević from the State Security Division interviewed many more detainees.²⁸⁷ Dogandžić is no longer employed by the MUP of the Republic of Serbia,²⁸⁸ and Gradeljević died a few years ago.²⁸⁹

161. According to former detainees' accounts, interrogations were conducted by plain-clothes police inspectors who detainees knew only by their nicknames – “Vuk”, “Čelo” and “Kantina”.²⁹⁰ The HLC has not managed to establish the identity of the three inspectors.

Mitrovo Polje

162. Vladimir Milićević, together with two policemen of the Kruševac SUP, Žarko Stepanić and Vladimir Karadžić, took statements from Mitrovo Polje detainees.²⁹¹

163. Detainees stated that there were also three plain-clothes inspectors who interrogated them, whom they knew only by their nicknames – “Vlado”, “Karadža” and “Slavenko”.²⁹²

164. Analysing the documents available to the HLC in the process of preparing this Dossier, the HLC came to the conclusion that the inspector known as “Vlado” was almost certainly Vladimir Milićević, who, while testifying before the ICJ, admitted to having taken statements from detainees, but denied that torture was used in the camp, saying, “I was in charge of everything at the centre. Not even a bird could fly over the centre without my knowing.”²⁹³

165. The police inspector referred to as “Karadža” was almost certainly Vladimir Karadžić,²⁹⁴ and “Slavenko” was most certainly Slavenko Ivezić.²⁹⁵

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287 Ibid.

288 MUP, reply no.10442/15-2 of 6 October 2015.

289 Statement of Radisav Ojđanić given to the MUP's War Crimes Detection Service, no. 03/4-3-1 br. 230-7666/11 of 2 December 2011; statement of Vladimir Milićević given to the MUP's War Crimes Detection Service, no. 03/4-3-1 br. 230-7666/11 of 17 November 2011.

290 HLC Database, statement of witness N. L. given to the HLC in June 2007; statement of witness Em. A. given to the HLC in August 2007; statement of witness O. Č. given to the HLC in November 2007; statement of witness E. P. given to the HLC in November 2007.

291 Statement of Vladimir Milićević given to the MUP's War Crimes Detection Service, no. 03/4-3-1 br. 230-7666/11 of 17 November 2011; HLC Database, statement of witness Senad Kurspahić, ICTY, Ex. 2D416, *Popović*.

292 HLC Database, statement of witness R. G. given to the HLC in August 2007; statement of witness A.V. given to the HLC in February 2008; statement of witness M.C. given to the HLC in November 2007; statement of witness M.Z. given to the HLC in July 2007; statement of witness R.C. given to the HLC in November 2007; statement of witness En. A. given to the HLC in November 2007; statement of witness F.D. given to the HLC in June 2007.

293 Vladimir Milićević, 27 March 2006, ICJ, *BiH v. Serbia*, pp. 11, 15 and 20.

294 PD Kruševac, reply no. 235-6-18/15 of 13 October 2015.

295 “Edukacija za žrtve nasilja” [Education for violence victims], Beta News Agency, 7 November 2014, available at <http://www.prelistavanje.rs/vest/prikazi/edukacija-za-zrtve-nasilja/1110477>, accessed on 9 September 2015; “Policajci osumnjičeni za ubistvo” [Police officers suspected of murder], B92, 4 June 2007, available at: http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=06&dd=04&nav_category=16&nav_id=249742, accessed on 9 September 2015.



166. Karadžić worked at the Police Administration in Kruševac until 31 December 2004, when he retired.²⁹⁶ Slavenko Ivezić is currently the Chief of the Kruševac Police Department.²⁹⁷

167. Žarko Stepanić retired from the MUP on 28 February 2006.²⁹⁸

2. Security staff at the camps

Šljivovica

a. Security management at Šljivovica

168. According to his own words, Zoran Prljević was designated as “Chief of Security” in the Šljivovica camp.²⁹⁹ This was confirmed by Radisav Ojdanić, who said, “Zoran Prljević was the commander of the guard at the Šljivovica reception centre.”³⁰⁰ Testifying before the First Basic Court in Belgrade, Prljević himself confirmed that he was in overall control of security staff in Šljivovica: “As far as I know, *none of my subordinates* [italics added] used coercion against those persons, nor did any of those persons ever complain to me, nor did I notice anything of the kind.”³⁰¹

169. By filing a request for information to the MUP under the Law on Free Access to Information of Public Importance, the HLC attempted to find out exactly what position Prljević held during the existence of the Šljivovica camp. The MUP replied that Prljević was “the Commander of the Police Station of general jurisdiction in Užice, within the Užice Secretariat of Internal Affairs.”³⁰²

170. His statement denying that torture was used in the camps was dismissed by the court in one of the compensation cases that the HLC issued on behalf of former camp detainees. The court dismissed his statement as contradictory to expert findings and the testimonies of former camp detainees.³⁰³

171. Currently, Zoran Prljević serves as Deputy Chief of the Užice Police Administration.³⁰⁴

296 PD Kruševac, reply no. 235-6-18/15 of 13 October 2015.

297 “Edukacija za žrtve nasilja” [Education for violence victims], Beta News Agency, 7 November 2014, available at: <http://www.prelistavanje.rs/vest/prikazi/edukacija-za-zrtve-nasilja/1110477>, accessed on 9 September 2015; “Policajci osumnjičeni za ubistvo [Police officers suspected of murder], B92, 4 June 2007, available at: http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=06&dd=04&nav_category=16&nav_id=249742, accessed on 9 September 2015.

298 MUP, Kruševac PA, reply no. 235-6-28/15 of 24 November 2015.

299 Testimony of Zoran Prljević before the First Municipal Court in Belgrade in *Kamenica Ahmet et al.* (P br. 11552/07), 8 April 2009.

300 Testimony of Radisav Ojdanić before the First Basic Court in Belgrade in *Vatreš Mujo et al.* (P 11551/07), 13 April 2009.

301 Testimony of Zoran Prljević before the First Municipal Court in Belgrade in *Kulovac Nusret et al.* (P br. 7086/07), 25 December 2008.

302 MUP, reply no. 10515/15-2 of 19 October 2015.

303 Judgment of the First Basic Court in Belgrade, 45 P br. 22986/13, of 8 July 2015, p. 12.

304 MUP, reply no. 03/55/6-273-15 of 5 May 2015.



b. Security staff at Šljivovica

Užice SUP

172. Maintaining security in the Šljivovica camp was the responsibility of the members of the Užice SUP and its OUPs.

173. In a document produced by the Užice SUP on 3 August 1995 it can be read that, on the above date, members of the SUP took in 50 men from Žepa who had crossed into the territory of the Republic of Serbia.³⁰⁵ The former camp detainees who gave statements to the HLC researchers confirmed that the men listed in this document stayed in the Šljivovica camp.

174. Boško Petrić was the Chief of the Užice SUP during the existence of the camps.³⁰⁶ On 31 July 1995, he called a meeting to inform the members of the Užice SUP that a large group of people from BiH had crossed the River Drina on rafts and boats.³⁰⁷ Petrić stopped working at the MUP of the Republic of Serbia on 10 January 2006.³⁰⁸

175. The detainees said that among the policemen who guarded the Šljivovica camp were also Milomir Gavrilović and three policemen they knew by the nicknames of “Međed”, “Veljo” and “Divac”.³⁰⁹

176. During the existence of the camps, Milomir Gavrilović worked as teletype operator, cryptographer and radio teletype operator at the Communications Sector of the Užice SUP.³¹⁰ Currently, Gavrilović is the Chief of the Centre for cryptographic protection and expedition of non-oral messages of the Užice Police Administration.³¹¹ The HLC has not managed to establish the identity of the policemen known by the nicknames “Međed”, “Veljo” and “Divac”.

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305 List of Muslims, members of the MAF, Ex. D272, *Perišić*.

306 In early February 1993, Petrić, in his capacity of Head of Užice SUP, attended the meeting at which the plan for kidnapping Bosniaks from the Belgrade-Bar train near Štrpci was confirmed, see “Hronika najavljene smrti” [Chronicle of a death foretold], *Vreme*, available (in Serbian) at: <http://www.vreme.co.rs/cms/view.php?id=314682>, accessed on 11 September 2015. For more information on the Štrpci case, see „Abduction in Štrpci”, Humanitarian Law Center, available at <http://www.hlc-rdc.org/images/stories/publikacije/Strpci.pdf>, accessed on 11 September 2015. During the conflict in Kosovo, up until mid-April 1999, Petrić was the Head of the Priština SUP, see Žarko Braković, 7 May 2009, p. 4092, *Dorđević*.

307 Testimony of Radisav Ojdanić before the First Basic Court in Belgrade in *Enes Bogilović* (P 46097/2012), 21 September 2010.

308 MUP, reply no. 4107/14-2 of 20 May 2014.

309 HLC Database, statement of witness N. L. given to the HLC in June 2007; statement of witness E. A. given to the HLC in August 2007; statement of witness O. Č. given to the HLC in November 2007; statement of witness E. P. given to the HLC in November 2007.

310 MUP, reply no. 4867/15-3 of 19 October 2015.

311 MUP, reply no. 4867/15-2 of 18 May 2015.



OUPs of the Užice SUP

177. The Užice SUP had six departments of internal affairs (Bajina Bašta, Požega, Čajetina, Nova Varoš, Priboj and Prijepolje) and two police stations (in Arilje and Kosjerić).³¹²

178. Researching the relevant documents, the HLC found out that police officers of the Bajina Bašta, Prijepolje and Priboj OUPs served as guards in the Šljivovica camp, being rotated every 10 to 15 days.³¹³

Mitrovo Polje

a. Security management at Mitrovo Polje

179. Radoslav Savić, Chief of Police Department at the Kruševac SUP was in charge of security at the Mitrovo Polje camp.³¹⁴

180. The HLC requested from the MUP, under the Law on Access to Information of Public Importance, information concerning the current position of Radoslav Savić at the MUP. The MUP refused to respond by requesting additional information about the person (father's name, date of birth, etc).³¹⁵

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b. Security staff at Mitrovo Polje

Kruševac SUP

181. Members of the Kruševac SUP and its OUPs were responsible for security at Mitrovo Polje, after taking over detainees from the Užice SUP.

182. During 1995 and 1996, i.e. during the existence of the Mitrovo Polje camp, Srđan Milojević was the Chief of the Kruševac SUP.³¹⁶ Milojević retired on 29 December 2000 from the Pirot SUP.³¹⁷

312 Job Classification Rulebook of the Serbian Ministry of the Interior, February 1992.

313 Testimony of Radisav Ojdanić before the First Municipal Court in Belgrade in *Meho Omerović et al.* (P br. 6862/07), 29 May 2009.

314 Statement of Vladimir Milićević given to the MUP's War Crimes Detection Service, no. 03/4-3-1 br. 230-7666/11 of 17 November 2011; Statement of Radisav Ojdanić given to the MUP's War Crimes Detection Service, no. 03/4-3-1 br. 230-7666/11 of 2 December 2011.

315 MUP, reply no. 1147/16 of 29 November 2016.

316 MUP, Kruševac PD, reply no. 235-6-12/15 of 26 August 2015.

317 MUP, Kruševac PD, reply no. 235-6-22/15 of 21 October 2015.



183. Stevo Ristić and the policemen known as “Žare” and “Arso” (Arsić) were identified by camp detainees as MUP members who guarded the camp.³¹⁸ The HLC has not managed to establish the identity of the three policemen. The HLC addressed the MUP, under the Law on Free Access to Information of Public Importance, seeking to find out if Ristić was still employed by the MUP, but the MUP replied that they “do not possess any document containing the information sought.”³¹⁹

OUPs of the Kruševac SUP

184. The Departments of Internal Affairs in Aleksandrovac, Brus, Varvarin and Trstenik, as well as the police stations in Čičevac and Raška, operated under the Kruševac SUP.³²⁰

185. During its research, the HLC found out that the members of Brus and Varvarin OUPs served as security staff at the Mitrovo Polje camp. Dragiša Milosavljević was at the time the Chief of Brus OUP. Milosavljević stopped working for the MUP of the Republic of Serbia in 2001.³²¹ Aleksandar Ristić was the Chief of the Varvarin OUP. He retired in 2001.³²²

186. Raica Đokić, a police officer of the police station in Brus, who served as guard at the Mitrovo Polje camp, was, according to Vladimir Milićević and Vladimir Karadžić, disciplined and later prosecuted and fired from the MUP for torturing a camp detainee.³²³ However, in its reply to the HLC’s request for information of public importance, the MUP stated that Đokić was disciplined in 1995 and then removed from the MUP, to be reinstated in his job in 1996 by a decision of the disciplinary tribunal.³²⁴ Đokić currently works at the police station in Brus, at the station duty service of the Brzeće Police Department.³²⁵

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187. Goran Aleksić, also a police officer at the police station in Brus, was disciplined and prosecuted for stealing 400 German marks from three camp detainees in late August 1995, promising to buy them some food and clothes.³²⁶ As of 1995, Aleksić no longer worked for the MUP.³²⁷

318 HLC Database, statement of witness R. C. given to the HLC in November 2007; statement of witness E. A. given to the HLC in November 2007; statement of witness R. G. given to the HLC in August 2007; statement of witness F. D. given to the HLC in June 2007.

319 MUP, reply no. 4864/15-2 of 18 May 2015.

320 Job Classification Rulebook of the Serbian Ministry of the Interior, February 1992.

321 MUP, reply no. 1177/16-2 of 10 November 2016.

322 MUP, reply no. 1121/16-2 of 26 October 2016.

323 Statement that Vladimir Karadžić gave to the MUP’s War Crimes Detection Service, no. 03/4-3-1 br. 230/1683/08 of 7 April 2009; statement that Vladimir Milićević gave to the MUP’s War Crimes Detection Service, no. 03/4-3-1 br. 230-1683/08 of 20 February 2009.

324 MUP, reply no. 1146/16-2 of 9 November 2016.

325 MUP, reply no. 1146/16 of 20 October 2016.

326 Statement that Vladimir Karadžić gave to the MUP’s War Crimes Detection Service, no. 03/4-3-1 br. 230/1683/08 of 7 April 2009; statement that Vladimir Milićević gave to the MUP’s War Crimes Detection Service, no. 03/4-3-1 br. 230-1683/08 of 20 February 2009.

327 MUP, reply no. 1148/16 of 20 October 2016.



X. Access to information of public importance

188. During its research for this Dossier, the HLC has submitted more than 100 requests for access to information of public importance to various state authorities. Most of the requests were directed to the Ministry of the Interior and the Ministry of Defence of the Republic of Serbia. Information was also requested from the Administration for the Enforcement of Criminal Sanctions of the Ministry of Justice, Užice Clinical Centre, Forensic Medicine Institute, cemeteries in Užice, Kruševac, Aleksandrovac and Čajetina, and courts in Belgrade, Aleksandrovac and Brus.

189. In the majority of cases, the Ministry of Defence refused to provide the information requested, whereas the MUP and other state authorities responded to HLC requests without fail.

i. Ministry of Defence

190. Whilst working on this Dossier, the HLC submitted 15 requests for access to information of public importance to the MoD. The requests concerned information relating to the area of responsibility of the VJ border battalions which during 1995 were deployed on the bank of the River Drina, the names of the commanders of these battalions, members of the commission responsible for taking in the prisoners from Žepa, the deaths of the men who had crossed into Serbia, and the list of all persons who crossed from Žepa into Serbian territory in the summer of 1995.

50 191. Most of the requests directed to the MoD were responded to by the Office of the Chief of the VS General Staff (the incumbent Chief of the VS General Staff was the Commander of the 16th Border Battalion of the VJ).³²⁸

192. In only one case was the HLC provided with the information sought.³²⁹ In five cases, the Office of the Chief of the VS General Staff responded that it “does not hold the information requested”³³⁰ or that “the information referred to in the request has not been found in the archival material available.”³³¹

193. In other cases, the MoD or the Office of the Chief of the VS General Staff refused to provide the information sought, explaining that its disclosure “would cause damage to the operational and functional readiness of the Army to carry out its tasks and missions as laid down by the Law and

³²⁸ The Office of the Chief of VS General Staff has responded to 11 of the 15 requests that have been made to it.

³²⁹ The HLC requested to know whether Lieutenants Maksimović, Pejić and Smiljanić, who were on the Commission tasked with taking in the men from Žepa, were members of the 15th Border Battalion of the VJ. The Office of the Chief of the VS General Staff replied that “none of the individuals referred to in the request were on duty in the 15th Border Battalion of the VJ during 1995”, Office of the Chief of the VS General Staff, reply no. 6615-5 of 19 October 2015.

³³⁰ The requests concerned the area of responsibility and the seat of the Command of the 15th and 16th VJ Border Battalions during 1995; Office of the Chief of the VS General, replies nos. 6875-4 and 6871-5, both of 4 November 2015.

³³¹ The requests concerned the circumstances of the deaths of Mujo Hodžić, Abid Agić and Edhem Torlak; Office of the Chief of the VS General Staff, replies nos. 6876-6 and 6877-6, both of 3 November 2015, and reply no. 6873-6 of 4 November 2015.



Constitution of the Republic of Serbia, therefore it would damage the national defence interests of the Republic of Serbia, which override the interests of access to information of public importance.”³³²

194. After the Republic of Serbia had submitted some documents, including some documents of the 16th BB of the VJ, to the European Court of Human Rights in support of their written reply to the complaint lodged with this court against the Republic of Serbia, the HLC requested from the MoD access to these very same documents.³³³ The request was rejected, and the decision to reject was made by the General Staff of the Army of Serbia.³³⁴ The decision states that the documents the HLC requested belong to the 15th and 16th Border Battalions of the VJ, that they are classified as “secret” and that their protection expired in 2007 and 2012.³³⁵ However, a month after the HLC filed its request, and years after their protection expired, the MoD decided to extend the duration of classification for these documents for another 15 years, until 2031.³³⁶

ii. Ministry of the Interior

195. The HLC has made dozens of requests to the MUP for access to information of public importance. Some of them were submitted directly to the Ministry, and some to police administrations and police stations.³³⁷

196. The Police Administration in Kruševac responded to all the requests submitted to it, whereas the Police Administrations in Užice and Bajina Bašta for the most part transferred the requests to the Ministry for it to reply. And the Ministry has, as a rule, replied that it “does not hold the information requested.”³³⁸

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332 The requests concerned the names of the commanders of the VJ 15th and 16th Border Battalions during 1995; the unit based at the Bajina Bašta Army Post Office 2493, and whether Lieutenants Maksimović, Pejić and Smiljanić were members of the 16th VJ Border Battalion; MoD, decisions nos. 3582-2, 3581-2, 3585-2 of 10 August 2015, and 316-4/15 of 17 March 2015; Office of the Chief of the VS General Staff, decisions nos. 6421-3 of 1 October 2015, 6967-4 of 4 November 2015, and 6420-4 of 7 October 2015.

333 Request for access to information of public importance HlcOut: 170-F126393 of 13 October 2016.

334 VS General Staff, decision no. 505-5 of 17 November 2016.

335 Ibid.

336 Ibid.

337 The requests were submitted to the Police Administrations in Užice, Kruševac and Prijepolje and the police stations in Bajina Bašta and Priboj.

338 MUP, reply no. 11721/15-2 of 6 November 2015; reply no. 11719/15 of 29 October 2015; reply no. 11720/15 of 28 October 2015; reply no. 11751/15-2 of 4 November 2015.



197. The Ministry refused to comply with several of the HLC's requests that concerned the circumstances of the deaths of several detainees, lists of all individuals that were detained in the camps, and statements taken from detainees by members of the MUP. Stating its reasons for withholding the information, the MUP said that "[...] protection of the right to privacy and protection of personal data, that is, of the statements they gave to police officers, from unauthorised processing, processing without the consent of the data subject, overrides the interest of the information requester in making the information requested available".³³⁹

iii. Requests made to other government institutions

198. During the preparation of this Dossier, the HLC also submitted about 20 requests for access to information of public importance to other government institutions that hold information relevant for several sections of this Dossier. The requests were made to the Criminal Sanctions Execution Administration for the Execution of Criminal Sanctions of the Ministry of Justice of the Republic of Serbia, Užice Clinical Centre, the Forensic Medicine Institute in Niš, cemeteries in Užice and Čajetina, courts in Belgrade, Aleksandrovac and Brus, and the Commission for Missing Persons of the Government of the Republic of Serbia.

199. The only institution which did not comply with the HLC's request was the Commission for Missing Persons of the Serbian Government. Of the four requests the HLC submitted to it, the Commission only replied to one, stating only as follows: "This is to inform you that the Commission for Missing Persons of the Government of the Republic of Serbia holds no information on the persons referred to in your request."³⁴⁰ But the information the HLC obtained from some other sources proved that what is said in the reply was not true. Namely, the information the HLC requested from the Commission concerned the exhumation and handover of Nazif Krlić's mortal remains. The Commission replied that they held no information on Krlić, even though it participated in the exhumation and handover of his mortal remains to the Federal Commission for Missing Persons of BiH.³⁴¹

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XI. Judicial proceedings relating to the Šljivovica and Mitrovo Polje camps

i. Proceedings before international courts and tribunals

200. The torture of the men who fled Žepa and crossed over to Serbian territory in July and August 1995 has not been included in any of the indictments brought so far by the ICTY. Nor were the events

³³⁹ MUP, decisions nos. 01-9254/15-11 and 01-10960/15-4, both of 9 November 2015, 01-10836-15-2, 01-10837-15 and 01-10954/15-3, all of 10 November 2015.

³⁴⁰ Commissariat for Refugees and Migrations, reply no. 019-4518/1-2015 of 22 October 2015.

³⁴¹ Government of the Republic of Serbia, Commission for Missing Persons, letter to the District Court in Užice no. 203-00-2/2007-64/1 of 13 June 2007.



that took place in the Serbian camps (Šljivovica and Mitrovo Polje) during 1995 and 1996 referred to in the ICJ judgment in the case *Bosnia and Herzegovina v. Yugoslavia*, concerning the genocide committed in the territory of BiH.

i.i International Court of Justice

201. On 20 March 1993, Bosnia and Herzegovina instituted proceedings against the then Federal Republic of Yugoslavia for the violation of the *Genocide Convention*.³⁴²

202. The existence of the camps in Serbia in which refugee men from the Žepa enclave were detained was a subject of the BiH's application. The application states that a BiH delegation visited the camps in Serbia for the first time in April 1996, and found there Bosniaks awaiting deportation to third countries, with many of them already having been deported, against their will, to third countries. The application further states that the camps were encircled by barbed wire and guarded by armed sentries with dogs.³⁴³

203. Vladimir Milićević, warden of the Mitrovo Polje camp, also testified before the ICJ about the conditions in the camp [see paragraph 164].

204. And yet, the ICJ judgment in this case makes no mention of the Šljivovica and Mitrovo Polje camps.

i.ii International Criminal Tribunal for the former Yugoslavia

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205. The case of the men who crossed into Serbia in July and August 1995 after the fall of the Žepa enclave were mentioned in several ICTY cases: Popović, Tolimir, Perišić, Milošević, and Stanišić and Simatović.

206. Nevertheless, the torture inflicted on these Bosniaks was not included in any of the ICTY indictments.

ii. Criminal complaint lodged by the HLC

207. On behalf of former camp inmates, the HLC in September 2011 lodged a criminal complaint with the Office of the War Crimes Prosecutor of the Republic of Serbia (OWCP) against 14 identified and dozens of other as yet unidentified members of the VJ, MUP and State Security Division, for crimes committed in the Šljivovica and Mitrovo Polje camps between the end of July 1995 and 10 April 1996.

342 International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Yugoslavia*), <http://www.icj-cij.org/docket/files/91/7199.pdf>, accessed on 26 November 2015.

343 Application of BiH, International Court of Justice, 23 April 1998, para. 475, available at: <http://www.icj-cij.org/docket/files/91/10505.pdf>



In the complaint, the HLC provided the statements of about 70 former detainees, survivors of torture and inhumane treatment, and proposed that the OWCP examine them as witnesses.

208. On 8 March 2013, the OWCP found that “there were no grounds for initiating criminal prosecution against the alleged perpetrators, because neither the complaint or all subsequently gathered information and actions taken indicated that the alleged acts had elements of a war crime against prisoners of war or any other crime under the jurisdiction of this prosecutor’s office.”³⁴⁴

209. After a subsequent verification, the HLC found out that none of the individuals proposed as witnesses were ever contacted by the OWCP, which raised doubts about whether the OWCP had conducted a thorough, independent and effective investigation, which it is obliged to do under the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention). Namely, the Convention imposes an obligation upon the states parties to investigate all instances in which persons sustained injuries while under the exclusive control of the authorities, and to provide a reasonable explanation of how these injuries were caused.

210. Because of the violation of constitutionally guaranteed rights – the right to life, the right to inviolability of a person’s mental and physical integrity, the right to equal protection before the law, and the right to a remedy – as well as of the failure of the OWCP to conduct an effective investigation into cases of deprivation of life and torture, inhumane and degrading treatment, the HLC on 4 April 2013 lodged a constitutional appeal with the Constitutional Court of the Republic of Serbia on behalf of 78 former camp detainees.

211. On 27 June 2014, the Constitutional Court of the Republic of Serbia rejected the appeal, explaining that the OWCP decision was not an act which decided on the rights and obligations of the appellants, and that therefore, the requirements for conducting the proceedings before the Constitutional Court had not been fulfilled.³⁴⁵

212. Having exhausted all domestic remedies, the HLC on 24 December 2014 submitted two applications with the European Court of Human Rights in Strasbourg against the Republic of Serbia - on behalf of 67 former camp detainees, and on behalf of seven family members of deceased camp detainees – claiming violations of Articles 2, 6, and 13 of the Convention.³⁴⁶ Both applications were preliminarily admitted by the European Court, and communicated to the Republic of Serbia for a reply.

213. Towards the end of October 2016, the European Court rejected the application³⁴⁷ of the former camp detainees and refused to decide on the merits of the application, finding that the applicants

344 Notification of the Office of the War Crimes Prosecutor of the Republic of Serbia, no. KTR br. 134/11 of 1 March 2013.

345 Ruling of the Constitutional Court of Serbia, no. Už br. 2603/2013 of 26 June 2014.

346 The European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, Article 2 – Right to Life, Article 6 – Rights to a Fair Trial, and Article 13 – Right to an Effective Remedy.

347 Decision of the ECtHR, *Kamenica and others v. Serbia* (no. 4159/15), 4 October 2016.



applied for the protection of their Convention rights too late.³⁴⁸ Namely, the Convention imposes an obligation on persons who have had their Convention rights violated to react by promptly bringing complaints first in the state responsible for the violation, and then, if necessary, with the European Court. Even though the HLC submitted its application within the prescribed time limit of six months following the ruling of the Constitutional Court, the European Court found that, as sixteen years had passed between the events in question and the lodging of the criminal complaint, the applicants had failed to seek the protection of their rights promptly.

214. The court held that the victims of the crimes in the Šljivovica and Mitrovo Polje camps ought to have known much earlier that the OWCP would not prosecute the crimes against them, and therefore the six-month time limit for applying to the court in the instant case did not run from the date on which the last available domestic remedy was exhausted, which in the case of Serbia was the ruling of the Constitutional Court, but from the moment when the victims became aware that the OWCP would not investigate into what happened to them. That moment came, in the court's view, somewhere between 2006 and 2010, when the Serbian judiciary was delivering final judgments in which the conflict in Bosnia and Herzegovina was not being qualified as an international armed conflict. This, according to the European Court, should have signalled to the Bosniak victims from the Serbian camps, and to the HLC as their representative, that the OWCP would not take steps with regard to their complaint, because the Geneva Conventions did not apply to the acts complained of, and therefore these acts could not be classified by the OWCP as war crimes against prisoners of war. However, the European Court's observation that Serbia maintains a consistent practice of classifying the war in Bosnia and Herzegovina (BiH) as an internal armed conflict is untenable, because in the *Tuzla Convoy* case the conflict in Bosnia was classified as an international conflict.³⁴⁹

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215. The Court disregarded the fact that, in rejecting the HLC's criminal complaint, the OWCP stated that the act complained of is not a war crime or any other crime under the jurisdiction of the OWCP. With such a formulation, the OWCP exempted itself from prosecuting war crimes against humanity too, which crimes do not require the context of an armed conflict. Even though the European Court expressly stated that it left aside the question of whether or not the OWCP's interpretation of international law is correct, by failing to take into account all aspects of the case it has in effect granted amnesty to the OWCP for its failure to apply international law.

216. There can be no doubt that the European Court's decision on the HLC's complaint relating to the Šljivovica and Mitrovo Polje detention camps will further weaken the chances of the victims of crimes committed in those camps of obtaining justice from the Serbian judiciary.

348 The application submitted on behalf of the family members of the deceased camp detainees is still being processed.

349 See the OWCP indictment in *Tuzlanska kolona* [*Tuzla Convoy*] of 18 September 2009, available (in Serbian) at: <http://www.hlc-rdc.org/wp-content/uploads/2012/02/Precizirana-optu%C5%BEnica.pdf>



217. With this Dossier, the HLC calls upon the OWCP to conduct an effective investigation into the crimes committed in the Šljivovica and Mitrovo Polje camps.

iii. Reparations proceedings

218. In 2007 and 2008, the HLC issued five compensation proceedings with Serbian courts on behalf of 19 former detainees of the Šljivovica and Mitrovo Polje camps. The HLC sought that the courts order the Serbian state to pay compensation to the former detainees for the fear and physical and emotional pain they suffered as a result of the impairment of their activities of daily living. None of the proceedings have resulted in a final judgment so far.

219. In all the proceedings, civil courts have endeavoured to downplay or altogether dismiss any responsibility of VJ and MUP officers for harsh treatment of detainees. Between the utterly contradictory statements - of the plaintiffs and the witnesses they proposed on one side, and the witnesses for the defence, mostly policemen, on the other - the courts would always chose to give full credence to the latter, assessing the testimonies of former camp inmates as insufficiently plausible or untrue.³⁵⁰ What all these proceedings have had in common is that the courts have intentionally avoided using the word “camp” and used “reception centre” instead, and have tried to obscure the causes of the health problems that former camp detainees are now experiencing. Namely, the difficult mental states of these people, which were caused by the torture they were subjected to in the camps, the courts have attributed to their previous stay in the war zone, or to “a whole range of life events.”³⁵¹

220. On a positive note, the First Basic Court in Belgrade in July 2015 delivered a judgment³⁵² granting the compensation claim of former camp detainees, upon finding that “in these reception centres, the plaintiffs were almost on a daily basis exposed to physical and mental torture, inhumane treatment and humiliation.”³⁵³ The court also found that the plaintiffs suffered from post-traumatic stress disorder, lasting personality changes and depression, all of which were caused by the torture they experienced in the camps.³⁵⁴ The court did not accept as true the statements of MUP members Slavenko Ivezić, Zoran Prljević and Radisav Ojdanić, and health workers Vesna Kilibarda and Velibor Milenković, who appeared before it to give evidence regarding the physical and mental torture experienced by the plaintiffs, because they were contradictory to the findings of the medical expert concerning the conditions that the plaintiffs developed as a result of the torture endured.³⁵⁵

350 Judgment of the First Basic Court in Belgrade 63 P in *Enes Bogilović et al.*, no. 46097/10 of 17 November 2010.

351 Ruling of the Court of Appeals in Belgrade in *Mujo Vatreš et al.*, Gž br. 2403/13 of 23 July 2015.

352 The judgment of the First Basic Court in Belgrade is not final because the appeal proceedings before the Court of Appeals are still pending.

353 Judgment of the First Basic Court in Belgrade 45 P in *Ahmet Kamenica et al.*, no. 22986/13 of 8 July 2015, p. 11.

354 Ibid.

355 Ibid, p. 12.



DEFENCE
OFFICIAL SECRET
STRICTLY CONFIDENTIAL

RECEIVED BY THE OFFICE OF THE WAR CRIMES PROSECUTOR UNDER NUMBER KTRR-134/11 ON 11/28/2011

REPUBLIC OF SERBIA
MINISTRY OF DEFENCE
MILITARY SECURITY AGENCY
Str.conf.no. 15078-4
November 25th, 2011
Belgrade

REPUBLIC OF SERBIA
OFFICE OF THE WAR CRIMES PROSECUTOR

RE: Your document no. KTRR 134/11 dated September 23rd, 2011

With your request mentioned herein, you have asked us to deliver certain documents and information, which relate to the event which happened on August 1-5, 1995 when members of the Yugoslav Army border services, military police and military security service apprehended at least 850 individuals of Bosniak nationality after they crossed the border from Bosnia and Herzegovina to the Federal Republic of Yugoslavia and handed them over to members of the Serbian Ministry of the Interior (MUP), particularly to the State Security Department, Police Administration in Užice and later on in Kruševac, and accommodated them first in the collection center of Camp Braneško polje, located in the town known as Šljivovica, Municipality of Čajetina, and then (a part of this group, approximately 450 persons) in the collection center known as Camp Mitrovo Polje, Municipality of Kruševac.

Acting upon your request, the team from the KoB Command has reviewed the entire archive and registration documents of the 15th GRB (abbreviation standing for Border Battalion) Command for 1995 and 1996 and found the following:

- Daily reports by the 15th GRB Command (Annex 2), which do not contain information on the accommodation of people in collection centers;
- str.conf.no. (which stands for strictly confidential document number) 1-197 dated July 13th, 1995, str.conf.no. 1-198 from July 14th, 1995, str.conf.no. 1-199 from July 15th, 1995, str.conf.no. 1-200 from July 16th, 1995, str.conf.no. 1-202 from July 18th, 1995, str.conf.no. 1-208 from July 24th, 1995, str.conf.no. 1-210 from July 26th, 1995, str.conf.no. 1-212 from July 28th, 1995, str.conf.no. 1-213 from July 29th, 1995, str.conf.no. 1-214 from July 30th, 1995, str.conf.no. 1-215 from July 31st, 1995, str.conf.no. 1-216 from August 1st, 1995, str.conf.no. 1-217 from August 2nd, 1995, str.conf.no. 1-218 from August 3rd, 1995, str.conf.no. 1-219 from August 4th, 1995, str.conf.no. 1-220 from August 5th, 1995, str.conf.no. 1-221 from August 6th, 1995.

Upon reviewing the archival material stored at the KoB Command and in the Ministry of Defence's Military Archive for the 16th Border Battalion, which provided security at the state border with Bosnia

and Herzegovina, we found the following documents:

Lists of detained persons of Bosniak nationality (Annex 1) who were handed over to the responsible Reception Commission from the Republic of Serbia Ministry of the Interior, including:

- list str.conf.no. 250-1 from August 1st, 1995, list str.conf.no. 250-2 from August 2nd, 1995, list str.conf.no. 251-1 from August 2nd, 1995, list str.conf.no. 251-4 from August 2nd, 1995, list str.conf.no. 251-5 from August 2nd, 1995, list str.conf.no. 252-1 from August 2nd, 1995, list str.conf.no. 252-3 from August 3rd, 1995, list str.conf.no. 252-4 from August 4th, 1995, list str.conf.no. 252-5 from August 5th, 1995, list str.conf.no. 252-6 from August 10th, 1995 and list str.conf.no. 352-2 from August 3rd, 1995.
- Diary of events of the 1st GRČ (Border Company)/16th GRB (Border Battalion) (Annex) for the period from November 30th, 1992 to June 11th, 1997, from which it appears that:
- on August 10th, 1995, 4 persons of Muslim nationality illegally crossed the state border; they were apprehended and taken to the watchtower.
- Diary of events of the 2nd GRČ/16 GRB (Annex 4) for the period January 6th, 1994 – August 27th, 1995, in which the following appears:

In Item 2 of the summary of events from July 1995 it was noted that from July 28th, 1995, cases of illegal border crossing were reported and large groups of persons who illegally crossed the border were apprehended.

388 persons illegally crossed the state border on August 1st, 1995.

81 persons illegally crossed the state border on August 2nd, 1995.

144 persons illegally crossed the state border on August 3rd, 1995.

119 persons illegally crossed the state border on August 4th, 1995.

5 persons illegally crossed the state border on August 5th, 1995.

In Item 2 of the summary of events which occurred in August it is stated that illegal crossings were not prevented but the persons who illegally crossed the border were instead taken to collection centres. This document also states the exact number of illegal crossings reported in the period July 31st-August 6th, 1995, for each day, and the total number of persons who illegally crossed the border, which was 787.

- Diary of events of the 2nd GRČ/16th GRB, Jagoštica Watchtower (Annex 5) for the period January 1st, 1993 – June 6th, 1997, from which the following is established:
- it was registered on August 6th, 1995 in the diary of events that in the period August 1st, 1995 until August 5th, 1995, 735 Muslim refugees crossed the state border over the borderline from Crni Potok to Veliki kraj TT 1332 meters and were deported further upon the orders of the Battalion Commander. This fact has been confirmed in the summary of events for August 1995.

A part of the archive material relating to the period from late July 1995 until April 10th, 1996 has also been reviewed and no information relating to the collection centres of Šljivovica and Mitrovo Polje has been found.

We hereby inform you that this was comprehensive material and for the purpose of a complete and good quality collection of information relating to the event at hand, the reviewing will continue of the archive material from the 1st BO Command of the 2nd A, the Command of the Drina Division, Command of the Užice Corps, and the Command of the 15th and 16th Border Battalion, which is stored

in the Military Archive, and the documents which we might find during this reviewing we will deliver to you as soon as possible.

The Military Security Agency will also engage in this endeavour for the purpose of clarifying the circumstances stated in the criminal complaint, and will conduct the necessary checks in the registries of the Ministry of Defence and the Serbian Army. It will also identify the individuals and establish the personal information concerning the commanders and soldiers who were at the given time in the border units and who now reside on the territory of the Republic of Serbia, in order to collect necessary information from these persons.

Annex:

- as stated in the text

RB

Director
Svetko Kovač

The Republic of Serbia
 MINISTRY OF THE INTERIOR
 Secretariat of the Interior in Užice
 Criminal Police Department
 Number: 01-11-PU-154/05
 June 10th, 2nd 5
 UŽICE

Ministry Council's Commission on Missing Persons

B E L G R A D E

Re: Your document number 4/3-11-0001/2005-271 dated May 24th, 2005

We hereby inform you that we have acted upon your request stated above and we have arrived at the following information about the requested individuals:

- Toskić Mevzet, of father Malić, born in 1932 in Višegrad, died in the ZC Užice on August 11th, 1992. He was buried on August 22nd, 1992 at the “Goduša” cemetery, Municipality of Priboj;
- Muharemović Hakija, of father Sabrija, born in 1950 in Višegrad, died in the ZC Užice on August 18th, 1992. He was buried on August 22nd, 1992 at the “Goduša” cemetery, Municipality of Priboj;
- Torlak Edhem, of father Mehmed, born in 1945 in Laze, the Municipality of Rogatica, died in the village of Šljivovica, Municipality of Čajetina, on August 4th, 1995. He was buried on August 11th, 1995 at the “Goduša” cemetery, Municipality of Priboj;
- Krlić Nazić, born in 1943 in Kruševo, Municipality of Srebrenica, died on November 15th, 1995 at the ZC Užice and was buried on November 19th, 1995 at the “Goduša” cemetery, Municipality of Priboj.

These persons were buried in accordance with the regulations and customs of Islam, the grave sites are identified and no family members of these persons have asked to visit the graves.

For the individuals Toskić and Muharemović, we hereby send you the death certificates as well as excerpts from the Registry of the Dead. We have not been able to provide the said documentation for Torlak and Krlić, since it was destroyed in a flood.

- Delazaimović Vahidin, of father Šahim, born in 1971 in Goražde, died at the ZC Užice on June 30th, 1991 and was buried on July 12th, 1992 at the town cemetery in Nova Varoš;
- Ferhatović Veisil, of father Atif, born on March 26th, 1935 in Kušići, Municipality of Srebrenica, died at the ZC Užice on June 26th, 1992 and was buried on July 12th, 1992 at the town cemetery in Nova Varoš.

These individuals were buried by the Islamic Community, the graves are enclosed by a fence and headstones have been erected. According to the words of the Imam, unidentified persons did make inquiries over the phone whether these persons were buried in Nova Varoš, but no members of the family have come to visit the graves. For Delizaimović and Ferhatović we hereby deliver to you the death certificates and excerpts from the Registry of the Dead.

As for the individual with the name of Hodžić Mujo, of father Mustafa, born on January 12th, 1971 in Žepa, we received information from authorized employees of the OUP Bajina Bašta that in the village

of Jagoštica, Municipality of Bajina Bašta, near a place known as “Veliki kraj”, or more precisely “Vranica”, there was use of firearm by members of the Yugoslav Army, members of the 16th Border Battalion, in which one person, most likely a Muslim, lost his life and this person is believed to be Hodžić Mujo. The body of this person has never been found or located since it fell from the steep cliff. The inspection has never been conducted due to safety reasons and because this entire terrain was under the control of the Yugoslav Army. The death of this person has never been registered except in the OUP Bajina Bašta official notes. As far as OUP Bajina Bašta employees know, no family members of the victims have come to the scene of the incident.

Head of the Criminal Police Department
Lieutenant-Colonel
Dragan Đorđević

Republic of Serbia
 MINISTRY OF THE INTERIOR
 Užice Secretariat of the Interior

No:

3 August 1995

U ž i c e

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 THIS IS A TRUE COPY OF THE ORIGINAL
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 (title)
 18 July 2007/ /a signature/

LIST
 OF PERSONS OF MUSLIM NATIONALITY, MEMBERS OF MOS /?MUSLIM
 ARMED FORCES/

1. Abid AVDIĆ, son of Latif, born on 24 March 1970 in Purtići, from Purtići, Rogatica municipality,
2. Nezir (son of Latif) AVDIĆ, born on 19 May 1968 in Purtići, from Purtići, Rogatica municipality,
3. Ešef (Hasan) AVDAGIĆ, born on 3 January 1954 in Klačnik, from Višegrad,
4. Safet (Meho) ALISPAHIĆ, born on 17 September 1956 in Hranjevac, from Višegrad,
5. Ešef (Hilmo) BEGIĆ, born on 10 November 1956 in Luka, from Luka-Srebrenica,
6. Mehmed (Edhem) BEGIĆ, born on 5 May 1967 in Luka, from Luka-Srebrenica,
7. Ćamil (Avdija) BIČIĆ, born on 4 January 1962 in Kovanja, from Kovanja-Rogatica,
8. Hasib (Enes) BOGILOVIĆ, born on 22 January 1973 in Godomilja, from Godomilja-Rogatica,
9. Mujo (Bego) BEGIĆ, born on 10 April 1970 in Luka, from Luka-Srebrenica,
10. Ahmo (Bajro) BAJIĆ, born on 25 January 1963 in Vratar, from Vratar-Srebrenica,
11. Sadik (Asim) BEGIĆ, born on 10 August 1978 in Luka, from Luka-Srebrenica,
12. Adil (Pašan) BRDJANIN, born on 2 January 1962 in Krmjići, from Čavčiči, Rogatica,
13. Ramo (Ibro) BUDIĆ, born on 4 September 1967 in Nurići, from Nurići, Vlasenica,
14. Aziz (Zajko) VILIĆ, born on 12 March 1967 in Slap, from Slap, Rogatica,
15. Ramiz (Hilmo) GAKOVIĆ, born on 1 October 1964 in Slap, from Višegrad, Sakib ORIĆ
16. ~~Mehmed (Bajro) GLADOVIĆ~~, born on 11 June 1958 in Krušev Do, from Krušev Do, Srebrenica /handwritten in the margins: not a real name/
17. Sead (Omer) GUŠIĆ, born on 5 April 1973 in Plana, from Plana, Han Pijesak,
18. Ferid (Ćamijl) DURAKOVIĆ, born on 10 April 1952 in Luka, from Luka, Srebrenica,
19. Fehim (Arif) DUDEVIĆ, born on 24 June 1954 in Kamenica, from Kamenica, Višegrad, /encircled and underlined/
20. Sead (Hamdo) DURMIŠEVIĆ, born on 19 August 1968 in Vratar, from Vratar-Rogatica,
21. Nusret (Halil) KARIĆ, born on 20 April 1953 in Rogatica, from Rogatica,
22. Ahmo (Ahmet) KARIŠIK, born on 25 May 1965 in Višegrad, from Višegrad,
23. Ibrahim (Nail) KARKAL, born on 28 May 1965 in Osova, from Osova, Rogatica,
24. Alija (Hamdo) KAHVEDŽIĆ, born on 25 June 1958 in Osova, from Osova, Rogatica,
25. Abid (Orhan) KRLIĆ, born in 1939,
26. Sarija (Asim) KURTIĆ, born on 18 April 1946 in Vratar, from Holuča, Rogatica,

27. Osman (Alija) KULOVAC, born on 20 February 1959 in Žepa, from Žepa,
28. Nusret (Himzo) KULOVAC, born on 15 May 1940 in Vratar, from Vratar, Rogatica,
29. Adil (Arif) MAHDŽIĆ, born on 5 March 1953 in Krušev Do, from Krušev Do, Rogatica,
30. Fendo (Jusuf) MEMIĆ, born on 1 February 1960 in Osatica, from Osatica, Srebrenica,
31. Hajrudin (Mujo) MUSIĆ, born on 16 June 1963 in Skugrići, from Skugrići, Vlasenica,
32. Ekrem (Huso) SALIĆ, born on 10 September 1964 in Pripećak, from Pripećak, Rogatica,
33. Ismet (Ibrahim) SELIMOVIĆ, born on 23 September 1946 in Liplje, from Liplje, Zvornik,
34. Ibrahim (Ahmo) SMAJIĆ, born on 16 March 1956 in Tokoljaci, from Tokoljaci, Srebrenica,
35. Adem (Mujo) SINANOVIĆ, born on 8 January 1955 in Luka, from Luka, Srebrenica,
36. Hamza (Avdo) SINANOVIĆ, born on 10 February 1971, in Luka, from Luka, Srebrenica,
37. Mujo (Salko) SULEJMANOVIĆ, born on 2 January 1951, from Slap, Žepa,
38. Ševad (Salko) SULEJMANOVIĆ, born on 15 June 1962 in Sjedače, from Sjedače, Srebrenica,
39. Halil (D) HABIBOVIĆ, born on 10 June 1946 in Krušev Do, from Krušev Do, Srebrenica,
40. Šefik (Adem) HABIBOVIĆ, born on 7 May 1959 in Krušev Do, from Krušev Do, Srebrenica,
41. Hasan HUREM, born on 12 April 1950 in Mala Gostilja, from Mala Gostilja, Višegrad,
42. Jusuf (Juso) HODŽIĆ, born on 9 July 1970 in Podžeplje, from Podžeplje, Han Pijesak,
43. Fadil (Dafer) HAJRIĆ, born on 1 February 1954 in Vratar, from Vratar, Rogatica,
44. Azem (Alija) HARBAŠ, born on 10 September 1952,
45. Mehmedalija (Ramo) COCALIĆ, born on 2 May 1945 in Štitarevo, from Štitarevo,
46. Adnan (Adil) ČAVČIĆ, born on 2 October 1978 in Žepa, from Žepa,
47. Muradif (Murat) ČAVČIĆ, born on 30 August 1952 in Čavčiči, from Biljino Polje, Rogatica,
48. Munib (Ahmet) ČUKOJEVIĆ, born on 23 September 1959 in Prosvjeka, from Prosvjeka, Višegrad,
49. Samir (Muradif) ŠABANOVIĆ, born on 15 March 1978, from Žepa,
50. Hilmo (Bekto) ŠPIJOVIĆ, born in 1935.

SUBMITTED BY:
/a signature/

RECEIVED BY:
/a signature/

REPUBLIC OF BOSNIA AND HERZEGOVINA
STATE COMMISSION ON MISSING PERSONS

Number: 06/5-43/96
Sarajevo, 09.04.1996.

REPUBLIC OF BOSNIA AND HERZEGOVINA
GOVERNMENT
Office of the President
SARAJEVO

The delegation of the Republic of Bosnia and Herzegovina comprising Amor Mašović, the President of the Commission, Amir Hadžiomerađić, the President of the State Committee for Cooperation with UN, and Benjamin Kulovac, a representative of the Municipality of Žepa, upon their return from the visit to the “Šljivovica” camp near Užice in Serbia, file the following

R E P O R T

Our delegation was greeted at the “Surčin” airport near Belgrade by representatives of the Ministry of the Interior and the Ministry of Foreign Affairs of the so-called Yugoslavia, who were concerned about the objectives of our visit, and by representatives of the UNHCR, who provided us with transportation to the “Šljivovica” camp. Upon arrival at the camp on April 2nd, we interviewed members of the camp management and local police and they presented us with a completely biased image of the conditions in the camp and the status of the detainees. Namely, one could notice at first glance that this was a typical prisoners' camp enclosed by barbed wire and trenches with bunkers and physical security maintained by an enormous number of well-armed members of special units of the Serbian Ministry of the Interior (MUP) and specially trained dogs.

The detainees are accommodated inside two wooden huts with concrete floors, which were used in the period before the war as the premises of a construction company. Each of these huts have several departments (rooms) containing different numbers of detainees, ranging from 6 to 20 and even more. The dining room and the toilet (which had been constructed only recently by detainees personally) are located in separate facilities and are separated from the rooms.

We found 276 detainees, out of the 799 who had been registered before in the “Mitrovo Polje” and “Šljivovica” camps. On the basis of the statements taken from the detainees, we established that 5 detainees died during their stay at these two camps, at least two of whom were killed. Among the detainees there are some invalids, sick, elderly and juvenile persons. We interviewed each of the detainees for the purpose of assessing their physical and mental condition and to establish their true wishes regarding the location where they wish to be deported.

The great majority of them - 222 detainees, stated they wanted the Republic of Bosnia and Herzegovina to be their final destination, while the remaining 54 detainees stated that they would rather go to third countries, Finland in particular, since it is currently the only country which is still accepting refugees and detainees. However, all members of our delegation received the impression that only 20-25 of them had firmly decided to go abroad, and those are mainly persons whose families had found refuge abroad earlier. Since the detainees have the possibility to make their final decision up till the moment of deportation, it is almost certain that another 25-30 of them will decide to return to their homeland. The physical and mental condition of the detainees is worrisome. One could notice the physical

exhaustion caused by earlier physical mistreatment, poor and scanty nutrition, and recent epidemics of jaundice and mange. Three detainees whom the camp management believe were war criminals are still exposed to physical abuse.

Detainees are exposed to various psychological pressures and abuse, such as, for instance, singing Chetnik songs, making various Chetnik symbols and emblems (they were forced to make the emblem with four S's of enormous dimensions in front of their huts, which could be seen from far away), being misinformed that the government of the Republic of Bosnia and Herzegovina considers them deserters and that they are not wanted in their home country, and also being denied the opportunity to send and receive mail from the ICRC.

Bearing all this in mind, as well as the constant postponement of deadlines for their repatriation or deportation, deprivation of any contact with the world outside the camp wire (inaccessibility to newspapers, radio and TV), and, finally, the eight-month-long detention in the camp, detainees have become unstable, ill-tempered and unable to make any sort of serious decision.

The other detainees, 518 of them to be specific, had been deported with the coordination of the UNHCR, often against their will, to Australia, USA, France, Republic of Ireland, Finland and Belgium.

At least 3 detainees fear that the Serbian authorities are going to keep them detained in the camp even after the process of repatriation is completed. Namely, the camp management and the local police consider these individuals to be war criminals, without any valid grounds for doing so.

Detainees were particularly interested in their status following repatriation, their employment opportunities, the health of the Chairman of the Republic of Bosnia and Herzegovina Presidency, Mr. Alija Izetbegović, the professionalization of the Army of the Republic of Bosnia and Herzegovina, the resolution of housing issues, the possibility of the concentration of the citizens of Žepa and Srebrenica in a certain territory, the current status of their families, and so on.

Due to their complete isolation from the outside world, the detainees are only superficially informed about everything that has happened since the occupation of Žepa. For instance, they know very little about the Dayton Agreement and the results of its implementation.

The delegation presented the current situation in the country completely objectively, and because of this we are even more delighted to hear that the vast majority of the detainees have decided to return to the home country and connect with their families.

On account of everything stated above, the delegation has come to the following

CONCLUSIONS

1. "Šljivovica" is a typical closed detention camp in which freedom of movement is completely limited inside the camp, which is enclosed by barbed wire and trenches;
2. The camp does not meet the minimum conditions necessary for the longer stay of a greater number of detainees;
3. The physical and mental health of the detainees is very worrisome;
4. The detainees made a series of complaints about the behaviour of the camp management, local police and Serbian MUP units, who are in charge of providing physical security for the camp;
5. The role of the UNHCR may be best described in the words provided by the detainees: "They

are selling us to the world like we are merchandise at the market”;

6. A vast majority of detainees want instant and unconditional return to their home country in order to reconnect with their families;
7. Representatives of the Ministry of Foreign Affairs and the Ministry of the Interior of the so-called/former Yugoslavia, the camp management and the UNHCR have expressed, at least verbally, willingness to allow for the repatriation of detainees who wish for that immediately.

Therefore, bearing in mind the obligations which the President of Serbia, Slobodan Milošević, has undertaken in Dayton, Paris, Rome and Geneva, we hereby

P R O P O S E

a) that the Government of the Republic of Bosnia and Herzegovina immediately addresses an official request to the UNHCR, IFOR, and the High Representative asking them to make the repatriation of detainees possible no later than the date of the conference in Brussels. We believe that this can be organized by having the UNHCR secure five (5) buses for the transportation of detainees on the route “Šljivovica” - Zvornik – Tuzla. The Republic of Serbia would provide police escort for the convoy on the route “Šljivovica” - Zvornik (the borderline with the Republic of Bosnia and Herzegovina). IFOR would secure armed escort and protection of the convoy on the route Zvornik – Memići (the Federation of Bosnia and Herzegovina);

b) that the Government, through representatives of the so-called Yugoslavia in Zagreb, secures a fresh visit by the Government delegation on the day of repatriation. This is necessary in order to prevent the possible withholding of certain detainees in the camp, which the delegation would prevent at the scene.

c) that the Government organizes an official welcoming ceremony for the detainees in Tuzla or Zenica, depending on which town the majority of the detainees pick.

DELEGATION

PRESIDENT OF THE STATE COMMISSION

Amor Mašović

PRESIDENT OF THE STATE COMMITTEE

Amir Hadžiomerađić

REPRESENTATIVE OF THE MUNICIPALITY OF ŽEPA

Benjamin Kulovac

Republic of Serbia
Office of the War Crimes Prosecutor
KTPP.no. 134/11
01/03/2013
Belgrade

ID

TO: HUMANITARIAN LAW CENTER

BELGRADE
Dečanska Street no. 12

With regard to your document titled Criminal Complaint, which you filed on September 6th, 2011 against Velibor Gradeljević et al. for the commission of an act of war crime against prisoners of war pursuant to Article 144 as read with Article 22 of the Criminal Code of the Federal Republic of Yugoslavia, which the persons are stated in the Complaint to have committed by acts of murder, violation of physical integrity and health, torture and inhumane treatment of a great number of individuals – Bosnian Muslims from Žepa, who had previously fled Bosnia and Herzegovina to the Federal Republic of Yugoslavia and who were temporarily accommodated in collection centres at Šljivovica and Mitrovo polje on the territory of the Republic of Serbia, we hereby inform you that the Office of the Prosecutor has made a decision that there are no grounds for the criminal prosecution of the reported individuals because it was concluded on the basis of the allegations made in the Complaint and from all subsequently collected data and actions undertaken, that their actions do not contain elements of the criminal act of war crime against prisoners of war or any other criminal offence that this Office of the Prosecutor has competence to prosecute.

DEPUTY WAR CRIMES PROSECUTOR
Veselin Mrdak

Excerpt of the European Court Decision in the *Kamenica and others v. Serbia* case

50. Turning to the present case, the Court observes that the applicants complained about ill-treatment that took place between July 1995 and April 1996. The Court further observes that the applicants lodged their criminal complaint with the Office of the War Crimes Prosecutor on 6 September 2011, more than sixteen years after the impugned events. The Court notes that, in view of the date when the criminal complaint was submitted, the statute of limitations prevented the prosecution of any of the offences with the exception of the war crimes.

51. Leaving aside the question of whether or not its interpretation of international law is correct (see *Đokić v. Bosnia and Herzegovina*, no. 6518/04, § 16-17, 27 May 2010 and the authorities cited therein), it is apparent that the Office of the War Crimes Prosecutor consistently refuses to classify the crimes which are alleged to have taken place on Serbian territory during the war in Bosnia and Herzegovina as war crimes. This is demonstrated by the fact that in not a single case has there been an indictment for war crimes by the Office of the War Crimes Prosecutor arising from similar circumstances. The consistent practice of this Office is to treat the war in Bosnia and Herzegovina as an internal armed conflict to which Serbia was not a party (see paragraph 33 above). This practice became apparent already in 2006 when the majority of indictments related to the war crimes committed in the context of the conflict in Bosnia and Herzegovina came into force, or at the very latest by 2010 when the domestic courts delivered first final judgments in these cases, thus accepting such practice as legally valid (see paragraph 33 above). The Court therefore concludes that in 2011, at the time when they submitted their criminal complaint, the applicants ought to have known that it would not result in a criminal prosecution. Consequently, their application was lodged outside the six-month time limit.

Dossier: Šljivovica and Mitrovo Polje
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