

## **Bosnia Genocide Guilty Plea Stirs Legal Debate**

**Author:** [Maja Bjelajac](#)

Local lawyers consider likely consequences of Srebrenica suspect's plea for other cases.

Lawyers appear divided on the possible legal implications of a Bosnian Serb suspect's decision to plead guilty to genocide charges before Bosnia's war crimes chamber, the first such plea at the Sarajevo court.

Vlastimir Golijan entered the plea on September 8 in connection with the mass execution of about 800 Bosniak men and boys at the Branjevo farm near Zvornik in Srebrenica. Judges are expected to hand down his sentence at a later date.

His three co-accused – Franc Kos, Stanko Kojic and Zoran Garonja – were also charged with genocide but pleaded not guilty.

Around 8,000 Bosniaks were executed at several sites, including the Branjevo farm, in July 1995 after Bosnian Serb forces took over the United Nations-protected Srebrenica enclave.

When asked by the judge whether he understood that by pleading guilty he was waiving his right to have a trial and defend himself and that he was admitting to the gravest of crimes, Golijan said, "I understand everything and I plead guilty. I am guilty of all charges against me."

The indictment states that Kos, the commander of the Bijeljina unit of the Republika Srpska Army, VRS, 10th Sabotage Detachment, and his three co-accused, all members of the same unit, took part in executions of Bosniak men at the Branjevo farm "with the goal of complete or partial extermination of Bosniaks as a national, ethnic and religious group".

According to the indictment, Kos and Kojic, after having shot at their victims, looked for survivors and shot at them again to finish them off.

On February 25, 2010, the State Investigation and Protection Agency, SIPA, arrested Golijan, Goronja and Kojic, while Franc Kos escaped. He was arrested in Croatia in April this year and extradited to Bosnia so that he could face trial there.

In 1996, a former member of the 10th Sabotage Detachment, Drazen Erdemovic – who was the first person to enter a guilty plea at the Hague tribunal – was sentenced to ten years in prison for his part in the executions that took place at the Branjevo farm. He was found guilty of murder as a crime against humanity.

In 1998, Erdemovic's sentence was reduced to five years on appeal. The tribunal judges accepted his argument that he had committed the offences under the threat of death had he disobeyed.

In his guilty plea, Erdemovic said that the 10th Sabotage Detachment had a special unit used for mass executions, which consisted of Kos, Goronja, Golijan and Kojic as well as Marko Boskic and two others .

According to witnesses who testified at the Hague tribunal, the 10th Sabotage Detachment was set up in 1994 at the order of former VRS chief Ratko Mladic, a Hague indictee. The detachment apparently reported directly to the VRS headquarters.

In July 2010, Boskic pleaded guilty to crimes against humanity and was sentenced to ten years in prison for his role in the execution of hundreds of Bosniaks at the Branjevo farm.

Rendering its decision, the Bosnian state court said the mitigating circumstances in Boskic's case were that he was "forced to participate in these killings and that he pleaded guilty". The Bosnian state prosecutor's office confirmed that Boskic provided "important information" on crimes committed at the Branjevo farm and "contributed to identifying and processing a number of persons responsible for executions and shooting of imprisoned men from Srebrenica, as well as removal of any traces of these crimes".

As part of his guilty plea, Boskic agreed to testify in other cases at Bosnia's war crimes chamber and the Hague tribunal.

So far, 20 people indicted by the Bosnian state court have entered a guilty plea, but none of them for genocide. Around ten people have been indicted for genocide by this court.

Duško Tomic, Kos's defence counsel, believes it will be very hard to defend other suspects after Golijan's guilty plea.

“Consequences will be far-reaching, because if an ordinary soldier knew about genocidal intent, it is clear that all commanders in Srebrenica and people at leading positions will have to be held responsible for genocide,” he said.

“I expect a series of arrests related to crimes in Srebrenica to take place after this, because Golijan’s guilty plea has really made the prosecution’s job easier. There is no more doubt that after this every person who participated in the Srebrenica massacre will be charged with the gravest of crimes.”

However, a lawyer from Banja Luka, Jovan Cizmovic, disagreed.

“[Golijan’s guilty plea] is definitely an act of an individual and in line with that the sentence will be individualised. In this case, he is admitting to being guilty, but his guilt has not been proven in court proceedings. This is his individual act, and nothing more than that,” he said.

Svetozar Vujacic, a member of the defence team for the former Bosnian Serb president Radovan Karadzic, currently standing trial at The Hague for genocide and other war crimes, said in an interview for Alternative TV in Banja Luka that Golijan’s guilty plea would not have any implications for the Karadzic case.

Others say that the repercussions of the guilty plea go far beyond their legal interpretation.

Kada Hotic, from the Association of Mothers from Srebrenica and Zepa, says that Golijan’s move means a lot to the relatives of the victims.

“It means it is true what we have been saying all along – that genocide did happen, that a huge number of people were involved in this crime and that their aim was to exterminate a nation,” she said.

With time there will be more and more people in Bosnia willing to accept their responsibility, says Branko Todorovic from the Republika Srpska branch of the Helsinki Committee for Human Rights.

“If we leave aside some very obvious legal issues, we can conclude that a number of people who participated in war crimes, in brutal violations of humanitarian law and persecutions on ethnic and religious grounds, are now remorseful,” said Todorovic. “Fifteen years later, it seems they still can’t sleep peacefully.”

**Maja Bjelajac is an RFE reporter and IWPR contributor in Banja Luka.**

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