

General Krstic Case: Third Srebrenica Indictment

Author: IWPR

Tribunal Update 104: Last Week in The Hague(30 November - 5 December, 1998)

Except for the anticipated protests from RS President, Nikola Poplasen, and a few minor incidents which took place in the eastern half of the RS, there have been no large scale actions reported that might deter SFOR from repeating similar initiatives, aimed at similar, or even yet "tougher" targets.

General Krstic was arrested on the basis of the indictment, which Prosecutor Louise Arbour issued against him on 30 October, which alleges that as the Commander of the Drina Corps of the Bosnian Serb Army, he committed Genocide during and after the fall of the UN safe area of Srebrenica between 11 July 1995 and 1 November 1995.

The indictment was confirmed by Judge Florence Mumba on 2 November 1998, who also ordered that there be no public disclosure of the indictment or arrest warrant until it had been served. This was announced exactly a month later: on 2 December 1998, and General Krstic found himself in the Tribunal's Detention Unit the next day, awaiting the initial appearance hearing which was scheduled for Monday, 7 December.

"Having regard to the gravity of the charges and the position of the accused, the Prosecutor" - reads the statement by Louse Arbour announced immediately after the news of the arrest - "considers this indictment to be important and the detention of the accused by SFOR to be very significant for the continuing work of the Tribunal."

The indictment against General Krstic was "un-sealed" immediately upon his arrival in the The Hague. It had been roughly "edited" so as to leave out the names of other accused persons who are still at large.

Previous practice in the situations when only one out of several accused in the same "sealed" indictment was arrested (for example, Furundzija and Krnojelac cases), has been to print and offer for insight to the public only that part of the indictment which refers to the accused, and to replace the names of others with three dots, so that it would not be revealed how many of them are there, nor what exactly they have been accused of.

This time, however, the names of other accused have simply been crossed with a thick, black marker, so that it is clear that two more persons have been accused of the genocide in Srebrenica.

It is also clear that they are high-ranking officers, commanders of the VRS, since all key counts of the indictment allege that the Bosnian Serb forces which took part in the Srebrenica massacre, were "under the command of Radislav Krstich and..." the other two co-accused.

The indictment alleges that accused Radislav Krstic, at the beginning of the Srebrenica operation (6 July 1995), held the rank of General-Major with the position of Chief of Staff/Deputy Commander of the Drina Corps, and that "on or before 14 July 1995" he became the Commander of the Drina Corps.

In that position, his "superior authority" included "planning and directing the activities of all subordinate units in his zone of responsibility and monitoring their activities to insure his orders were implemented." Paragraphs 16 and 17 of the indictment, evidently, explain the same position of "Superior Authority" of the two other accused whose identities presently remain a secret.

The Tribunal has in all likelihood, opted to publish the indictment in such a way for two main reasons. Firstly, in order to make it known that the "secret" indictment does not concern all soldiers who participated in the Srebrenica killings, but only three high-ranking officers of the VRS whom the Prosecution considers most responsible for the crimes committed on that occasion.

Last year, as soon as it was learnt about the new policy of compiling secret indictments (following the arrests of Dokmanovic and Kovacevic), there were attempts - especially in Republika Srpska - at creating a psychosis that all who took part in the Bosnian war might be the target of such indictments. The other possible reason is to give a chance the other two accused - General Krstic's collaborators to "recongise" themselves and so possibly, surrender voluntary to The Hague.

This is the third indictment for crimes in Srebrenica to be announced thus far. The first was issued against the then political and military leaders of Bosnian Serbs, Radovan Karadzic and Ratko Mladic, back in November 1995.

Thereafter, Drazen Erdemovic, who admitted his participation in the killing of over 1,000 Muslim men on the Pilica farm near Srebrenica on 16 July 1995, was indicted in May 1996. Because of his confession, his expressions of remorse and his co-operation with the Prosecution, Erdemovic was sentenced to just five years imprisonment.

It is not to be ruled out that he may appear in the role of a witness in the trial of General Krstic, but, all things considered, speculations that the Prosecution had "found a trace" to Krstic thanks to Erdemovic's testimonies are an exaggeration. In those testimonies (in his one case and in the hearings on the indictments against Karadzic and Mladic), the highest rank, that Erdemovic mentioned, at least publicly, was a lieutenant colonel who took his firing squad to the Pilica farm on 16 July 1995.

In the introductory section and in the basic description of the attack on Srebrenica, the indictment against General Krstic and the two of his, thus far unnamed colleagues from the top of the command chain of the VRS is almost identical with the indictment against Karadzic and Mladic.

It cites how the so-called safe zones were established; when and how the attack on Srebrenica was carried out; what happened to the thousands of civilians during those two weeks in July 1995 who sought refuge at the UNPROFOR base in Potocari, and what happened to the column of some 15,000 men who tried to make their way to Tuzla through the forest.

The indictment describes how women and children were separated in Potocari from men and deported on some 50 to 60 buses and trucks, "in the presence of Ratko Mladic and Radislav Krstic", and how the men were arrested and detained in Potocari and round it.

It further cites how "Bosnian Serb forces, under the command and control of Ratko Mladic, Radislav Krstic and ...(edited)...supported by armoured personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road in an attempt to intercept the column..." And, then, how the men from the intercepted column were killed on the spot, or arrested and taken to places where mass executions were carried out.

However, this latest Srebrenica indictment, goes into much greater detail in listing the locations and methods in which, "VRS military personnel, under the command of Radislav Krstic and (edited)...summarily executed the Bosnian Muslim men." The list, with the description of what took place in each of those locations, takes up three pages of the indictment: In the following order: Potocari, Kravica, Bratunac, Tisca, Orahovac (in the vicinity of Lazeta), the Dam near Petkovici, Cerska Valley, Pilica, Branjevo Farm, Pilica Cultural Centre and Kozluk.

Krstic and his collaborators, the indictment further alleges, not only "failed to investigate and punish any of their VRS subordinates who were responsible for the killings and executions", but, to the contrary, "participated in an organised and comprehensive effort to conceal and cover up the killings and executions by burying the bodies of the victims in isolated sites scattered throughout a wide area."

When it became apparent that the international community had learned of the killings and executions, "Radislav Krstic and [indictment edited for publication]...participated in a second attempt to conceal the killings and executions by digging up the bodies from the initial mass graves and transferring them to secondary graves."

Five locations are cited where the "VRS military personnel and their agents, under the command of Radislav Krstic and [indictment edited for publication]...dug up the graves and transferred the bodies to secondary sites:" The Dam at Petkovci, Orahovac, Branjevo Farm and Glogova.

General Krstic and his two anonymous collaborators, according to the indictment, hold "individual criminal responsibility" for all these crimes qualified as genocide or complicity to commit genocide, since they "committed, planned, instigated, ordered, or otherwise aided and abetted the planning, preparation or execution" of those crimes.

Alongside this, Krstic and his associates are held accountable for the same crimes according to the "command responsibility" principle. The burden of proof is that General Krstic "knew or had reasons to know that his subordinate was about to commit such acts or had done so...and as a superior, failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof."

General Krstic will be brought to trial on Monday. The procedure of his "initial appearance" will unfold before the Trial Chamber I, with Judge Claude Jorda presiding, sitting with judges Fouad Riad and Almiro Rodrigues. Should the general admit his guilt, a hearing would be held on mitigating and aggravating circumstances of relevance for measuring the sentence. If the General pleads "not guilty", which is more likely, the long list of indictees who preceded him to The Hague, will mean his trial will not start before the middle of next year.

By then, the two other accused might either "recognise" themselves and surrender voluntarily, or else be "recognised" and extradited by those who last week "recognised" General Krstic on the road between Bijeljina and Brcko.

Location: Bosnia and Herzegovina

Focus: International Criminal Tribunal for the former Yugoslavia

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