

## **Krstic Stands Alone**

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The prosecution presents its case against General Radislav Krstic, accused of orchestrating the massacre of 7,500 Bosnian Muslims in July 1995.

Only one of the accused is standing trial for the Srebrenica massacre, the biggest single crime of the Bosnian conflict, described as an atrocity "of a type and on a scale not seen in Europe since the Second World War".

Commander of the Bosnian Serb Army (VRS) General Radislav Krstic, 52, stood alone in the dock while Bosnian Serb leaders Radovan Karadzic and Ratko Mladic, who were accused of the same massacre in November 1995, remain at large.

The sealed indictment against Krstic was issued on November 2, 1998, and made public exactly a month later, after the general was arrested in the American sector of SFOR in Eastern Bosnia.

The speed of his arrest (only four weeks after the sealed warrant was issued) clearly came as a surprise for the prosecution. As a result, the indictment was made public in a hastily "edited" version, and it could be clearly seen that besides General Krstic - two more individuals, whose names had been crudely crossed out using a thick, black marker pen, stood accused of the same crimes.

It was also clear that both were high-ranking VRS commanders, 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 Krstic and" the other two co-accused (see Tribunal Update No. 104).

After this, the prosecution changed its procedure so that separate indictments were issued for each of the individuals accused.

Despite his apparent isolation, Krstic listened stone-faced to prosecutor Mark Harmon's opening statement which accused the general of participating, together with "countless members of the (Bosnian Serb) Army" in the executions of thousands of Muslim men.

However, Krstic gave his full attention to the testimony given by investigative team leader Jean Rene Ruez, who presented an impressive inventory of exhibits for the prosecution.

Exercising his well honed instinct for "sound-bites", Harmon opened his speech with a statement of the Tribunal's mission to ensure that guilt was individual rather than collective.

"This is a case about the triumph of evil," said the prosecutor. "A story about how officers and soldiers of the Bosnian Serb Army, well-educated men, men who professed to be professional soldiers, who professed to have faith in the Almighty and who professed to represent the ideals of a proud and distinguished Serbian past, organised, planned and willingly participated in genocide or stood silent in the face of it.

"The authors of these foul deeds have left a legacy that has stained the reputation of the Serbian people and has disgraced the honourable profession of arms. In their wake, they murdered thousands of defenceless men and boys and shattered the lives of generations of Bosnians.

"The only way to attempt to eradicate this stain and to deliver justice to the victims of this tragedy is to expose the individual criminal responsibility of those persons who ordered, perpetrated and assisted in the commission of these crimes. In this trial, the prosecutor will prove the criminal responsibility of one of the individuals responsible for this tragedy, General Radislav Krstic."

Harmon described Krstic as "a career soldier" and "a capable and experienced senior officer", who had been educated at Yugoslavian military academies and was "familiar with his responsibilities and obligations under international law during a time of war."

As commander of the Drina Corps, Krstic was charged with eight counts of genocide, complicity to commit genocide, crimes against humanity and violations of the laws or customs of war, for crimes, which took place in the area under his command.

In his opening statement, Harmon outlined the "principal issues in this case" which took the form of a series of questions and answers:

"When did Krstic become commander of the Drina Corps? The evidence that I have previously mentioned will demonstrate that General Krstic was the commander of the Drina Corps and that he exercised his authority as commander during the relevant periods in the indictment.

"Did the Bosnian Muslims leave the Srebrenica enclave on July 12 and 13 voluntarily or were they forcibly expelled and deported? Our evidence will show conclusively that they were deported.

"Another contested issue is whether thousands of Bosnian Muslims were summarily executed by the VRS as described in paragraph 24 of the indictment. The evidence that these murders occurred as described in the indictment is overwhelming.

"Did General Mladic take over exclusive command of the Drina Corps and create a separate chain of command that went around General Krstic for the purposes of committing genocide? Our evidence will show that the crimes were committed by members and units of the VRS main staff and the Drina Corps working together and that General Krstic participated in and was fully aware of these crimes when they were being committed and that he actively supported their commission.

"Was General Krstic aware of the killings described in the indictment during and after their commission? Our evidence will show that General Krstic was fully aware of the killings while they were being committed.

Harmon's opening statement quoted the "statistics of death" which showed that at least 7,574 people, now presumed dead, disappeared during Srebrenica's "triumph of evil".

Although the VRS subsequently dug up the mass graves and removed many of the corpses, the remains of 1,866 victims have been discovered so far. Harmon said that an estimated 2,571 victims are believed to be buried in the graves that have been probed but have yet to be excavated. He admitted the exact number of victims would probably never be known.

The prosecution went on to describe the events leading up to the massacre. VRS troops invaded the UN-protected enclave before herding together thousands of refugees in an army base abandoned by Dutch peace-keepers in Potocari. Krstic's soldiers then separated the men from the women and children who were taken away on buses and trucks.

Harmon listed the logistical problems posed by the military operation in Srebrenica:

1. Issuing, transmitting and disseminating orders to all units that participated in or assisted with the movement, killing, burial and reburial of the victims.
2. Assembling a sufficient number of buses and trucks to transport the thousands of Muslim victims to detention centres near the execution sites.
3. Obtaining sufficient fuel for these vehicles at a time when fuel was precious because of the fuel embargo.
4. Providing guards for each of these vehicles laden with prisoners while they made their journeys to diverse detention sites near the killing fields.
5. Identifying and securing adequate detention facilities near the execution sites in order to hold the prisoners before killing them.
6. Providing secure routes for the prisoner convoys.
7. Obtaining sufficient numbers of blindfolds and ligatures for these prisoners.
8. Providing sufficient security at the detention facilities to guard thousands of prisoners.
9. Obtaining sufficient transportation to take the prisoners from the detention facilities to the killing-fields.
10. Organising the killing squads.
11. Requisitioning and transporting the heavy equipment necessary to dig large mass graves burying the thousands of victims, who had been executed at diverse locations (and later to do the same when reburying).
12. Preparing and coordinating propaganda from the Drina Corps and all levels of the Bosnian Serb military and government to rebut the well-founded claims that atrocities had taken place.

Concluding that "these extermination operations involved the cooperation, knowledge and participation of countless members of the (Bosnian Serb) Army," Harmon dismissed the line of defence adopted by Krstic who claims that, at the time of the massacre, he had been dispatched on a combat mission to Zepa.

The prosecutor commented, "General Krstic was fully aware of these plans and he and his subordinates actively assisted in them even though he was, at times, physically present in the Zepa area engaged in a military operation to take over that UN 'safe area'."

The first witness for the prosecution was Jean Rene Ruez, who arrived in Tuzla on July 21, 1995, to investigate the Srebrenica massacre. The prosecution said that Ruez's testimony would help place the events in space and time while "setting the scene" for the days ahead.

Thereafter, Harmon will set about proving every individual count in the indictment against Krstic, by calling eyewitnesses and survivors of the massacre as well as forensic experts who took part in the five-year investigation.

Ruez's testimony included a video, filmed largely by Belgrade journalist Zoran Petrovic, with the prior agreement of the VRS. This footage, Ruez pointed out, was of "exceptional importance for the investigation", since it had helped to identify a number of "interesting individuals" and proved several other allegations.

The video showed that the Serbian troops lulled the refugees into a false sense of security by wearing blue UN helmets and other equipment taken from the Dutch peace-keepers. The footage also featured General Ratko Mladic making a triumphant entry into Srebrenica on July 11 1995, escorted by Krstic.

Ruez went on to quote a statement made by Mladic on Serbian Radio Television saying that "the time has come to wreak vengeance on the Turks in these areas" (the investigator reminded the court that "Turks" is a derogatory term for Bosnian Muslims).

The bulk of Ruez's testimony focused on a detailed and meticulous reconstruction of "the chain of executions" carried out between July 11 and 17, 1995. Ruez listed all the locations in Srebrenica where the crimes were committed, from the UN base at Potocari where the first victims were shot, through Bratunac, the Sandici meadow, the Kravica village storehouse, the Glogovo district, the Konjevici intersection, Nova Kasaba, Cerska, the Jadar river, Lazete, the school and dam in Petkovci, on to the village of Pilica and a military pig farm in Branjevo.

It was at the Branjevo pig farm, according to the testimony of one witness, Drazen Erdemovic, that over a thousand men were executed on July 16, 1995.

The court was shown footage taken by a US government spy-plane in July 1995 as well as helicopter pictures of the same areas shot more recently by Tribunal investigators. Ruez circled the execution sites and mass graves on the photographs, then described how the investigators discovered the locations and what they found in them.

**Location:** Bosnia and Herzegovina

**Focus:** International Criminal Tribunal for the former Yugoslavia

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