

Ljubisa Beara (IT-02-58)

Author: [IWPR](#)

Status: Awaiting Trial in Scheveningen Detention Unit

The Accused Ljubisa Beara, born Sarajevo, Bosnia and Hercegovina, July 14, 1939. Was Colonel and Chief of Security on the main staff of the Bosnian Serb Army, VRS, during the attack on Srebrenica and the follow-up criminal activities. Transferred to tribunal custody on October 9, 2004.

The Indictment

The Office of The Prosecutor, OTP, charged Beara with the following seven counts in its amended indictment: Genocide (punishable under Articles 4(3)(a) and 7(1) of the Statute of the Tribunal); Conspiracy to Commit Genocide (Articles 4(3)b and 7(1)); Extermination, a Crime Against Humanity (Article 5(b) and 7(1)); Murder, as a Crime Against Humanity (Articles 5(a) and 7(1)), and a Violation of the Laws and Customs of War (Articles 3 and 7(1)); Persecutions, a Crime Against Humanity (Articles 5(b) and 7(1); and the Inhumane Act of Forcible Transfer, a Crime Against Humanity (Articles 5(i) and 7(1)).

Proceedings

Indicted: March 26, 2002, Indictment amended: March 30, 2005.

Initial Appearance: October 12, 2004.

Factual Allegations

In the indictment, the prosecutor charges Beara with being part of a joint criminal enterprise to eliminate the Bosnian Muslim population of the Srebrenica enclave. Furthermore, the prosecutor alleges that Beara was personally responsible for the movement of Bosnian Muslim refugees and prisoners out of the enclave and to various execution sites. In addition, Beara is mentioned in several statements from former officers and officials of Republika Srpska as being responsible for the reconnoitring and choosing of execution sites.

Relevant Issues

Law and Politics: Beara's arrest/surrender was a classic example of the intersection between law and local politics. In order to appease a rabidly anti-tribunal domestic front, the prime minister of Serbia-Montenegro, Vojislav Kostunica, tried to make Beara's arrest look like a voluntary surrender. In fact, the arrest was made after the the indictee's house had been surrounded by police. After Beara's transfer to the court, there was a brief tussle between Chief Prosecutor Carla del Ponte and the Serbian government and propaganda apparatus, as detailed in the IWPR story "Beara Arrest Puzzle" featured below.

Highlights of the Trial

The case is currently in pre-trial stage.

Court Composition

Trial Chamber III

Judge Patrick Robinson, Presiding

Judge O-Gon Kwon

Judge Iain Bonomy

Pre-Trial Judge

Judge Iain Bonomy

Initial Appearance

Judge Iain Bonomy

Office of the Prosecutor

Peter McCloskey

Antoinette Issa

Defence Counsel

John Ostojic

Court Documents:

[Initial Indictment](#)

[Amended Indictment](#)

Location: [Serbia](#)
[Bosnia and](#)
[Herzegovina](#)

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