

Mladic Prosecution Reopens Case

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Exhumation of burial site in northwestern Bosnian municipality forms part of new evidence of atrocities.

The prosecution at the Hague tribunal reopened its case against Ratko Mladic this week to call additional evidence relating to a mass grave near the town of Prijedor.

Bodies from the grave were exhumed in autumn 2013, and the prosecution's request to reopen its case in order to present evidence on this was granted in October last year. The trial of the former Bosnian Serb military chief was adjourned for a month to give the defence additional time to prepare.

Prijedor is listed, with Foca, Kljuc, Kotor Varos, Sanski Most, and Vlasenica, as the location of crimes which the indictment says amounted to genocide. Srebrenica, where Mladic is accused of the massacre of more than 7,000 men and boys in July 1995, comes under a separate count of genocide. Prosecutors allege that Mladic is responsible for crimes of genocide, persecution, extermination, murder and forcible population transfer which "contributed to achieving the objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory".

The prosecution maintains that Bosnian Serb forces used a site at the Tomasica iron mine to bury large numbers of victims from a campaign of ethnic cleansing launched in Prijedor in the summer of 1992.

It claims that the killings were organised and systematic, and that Bosnian Serb soldiers were involved in the executions as well as in the burial and subsequent reburial of the bodies.

This week's session began with evidence given by two protected witnesses, identified only as RM-383 and RM-382. These two witnesses testified, respectively, about the transportation of bodies to the grave site and their subsequent burial. Almost all their evidence was heard in closed session.

The third witness was Ian Hanson, a British professor of forensic archaeology. He is deputy director of forensic sciences, archaeology and anthropology at the International Commission for Missing Persons (ICMP), and he supervised the exhumations at Tomasica between September and December 2013.

Prosecuting lawyer Alan Tieger asked the witness to review an ICMP report on the Tomasica burial site, which consists of three graves, with 265 bodies found in the main burial site as well as body parts and loose bones.

Hanson said it was clear that the site had been disturbed a number of times.

"From the positioning of the deposits and the bodies, I can say with confidence that there was a minimum of four periods of activity," he told the court. "In all the intact body deposits, it was noticed that the bodies were very well conserved, there was little decomposition. This is consistent with a burial quite soon after death, dependent upon climate weather conditions, time of year."

The prosecution contends that the graves contain the bodies of civilians killed in 1992 in the Prijedor area as well as in the Keraterm and Omarska prison camps.

Hanson told the court that "the depth and nature of the clay has a preventative effect on decomposition. This has been observed in many excavations as the prevention of decay due to the environment within the grave. Oxygen, in effect, is prevented from entering the grave due to the dense nature of the clay."

The prosecution noted that the report found that body parts were dispersed in and around the graves, with "trauma observed in remains and damage to remains consistent with removal by heavy machinery, and evidence of heavy machinery found in the form of tool marks". The graves contained a mixture of "yellow-grey" clay and "mixed brown" clay, indicating that they had been backfilled.

"The archaeological record, the evidence, indicated bodies were truncated; that is, cut," Hanson said. "The yellow-grey clay deposits are cut through. This is consistent with the use of heavy machinery to remove both bodies and clay from the grave, and there is nothing to indicate individual movement of bodies."

Hanson also noted "some very specific inclusions in the clay" that were "consistent with the moving of many, many tonnes of material using bulldozers to spread the material". These included marks left by the metal teeth of bulldozer blades, which Hanson said were "found to be very sharp - straight sides and edges. That's an indication that they were covered quite soon after they were made. If they had been exposed for a length of time to the elements, to the rain, I would have not expected to see those sharp edges."

Tieger then turned to the question of bodies and body parts found in the grave. The final number of victims will only be determined after DNA analysis is complete.

Hanson said some skeletal body parts were found at the very bottom of the pit, as well as “intact parts of bodies within layers of yellow-grey clay where the bodies are complete at the edges. We have truncated bodies where the bodies are incomplete.”

Body parts were also found outside the area of the main grave, and subsequent DNA analysis linked them to remains found inside the grave.

Hanson said “the truncation and trauma to bodies, and removal of parts of those bodies which are found mixed with that clay, and also found outside the grave, is consistent with the removal and transport of bodies using heavy machinery”.

The witness went on to state that intact bodies were clothed and had personal effects on them.

“There were documents with bodies, jewellery, money – everyday items normally carried on a person,” he said.

“Was there anything unusual about the clothing?” Tieger asked.

“No. As observed during excavation, normal civilian attire seemed to be what bodies were wearing,” the witness replied.

“Did you find any military uniforms or other items associated with military activity during the excavation?” the prosecutor asked.

“No military uniforms or other items associated with military activity were observed during this excavation,” Hanson replied.

The trial chamber has denied a defence request for extra time to prepare for the questioning of expert witnesses, so the prosecution case will continue next week.

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