

2021

# Obeying Unlawful Orders: Continuity of Personnel Involved in Human Rights Violations and its Impact on Reforms in Bosnia and Herzegovina

CIDS report No. 1 2021

By Hikmet Karcic, PhD



CENTRE FOR INTEGRITY  
IN THE DEFENCE SECTOR



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## CENTRE FOR INTEGRITY IN THE DEFENCE SECTOR

The Centre for Integrity in the Defence Sector (CIDS) promotes integrity, anti-corruption measures and good governance in the defence sector. Working with Norwegian and international partners, the centre seeks to build competence, raise awareness and provide practical means to reduce risks of corruption through improving institutions and through education and training. CIDS was established in 2012 by the Norwegian Ministry of Defence and was officially appointed as NATO's Department Head in the new discipline area established through the Building Integrity Programme in 2013. The Centre is now an integral part of the MOD.

The views expressed in this report are those of the authors and do not necessarily represent the views of, and should not be attributed to, the Norwegian Ministry of Defence.

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# FOREWORD

CIDS is proud to publish CIDS Report no. 1 2021: "Obeying Unlawful Orders: Continuity of Personnel Involved in Human Rights Violations and its Impact on Reforms in Bosnia and Herzegovina". Included is a prologue to the report called "Fabricating Your Enemies".

One purpose of the paper is to research the issue of personnel involved in human rights violations during the 1992-95 Bosnian War and its impact on reforms in Bosnia and Herzegovina today. A large number of military and police personnel took part in human rights violations, thus constituting the central element of the perpetrator network. However, the role of the unarmed personnel participating in these violations has been insufficiently explored by academic research. The unarmed personnel in question include civil servants, politicians, and persons employed by private enterprises. A quarter of a century since the end of the Bosnian war, a significant number of these individuals continue to take part in public life and to work in public administration. Thus, the aim of this report is to shed light on this issue, and to demonstrate that these individuals' ability to evade accountability for their actions has serious implications for the processes of political reform in Bosnia and Herzegovina.

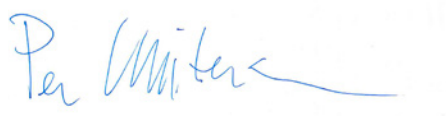
Although this case is from Bosnia and Herzegovina, we all need to remind ourselves about the fact that the integrity of civil servants, militaries and police is a prerequisite for states to work in the interest of their citizens. When power is abused, the citizens are dependent on that their servants are standing up against the forces that challenge the rule of law, and that they will not obey their superior's illegal orders.

The report was written by Hikmet Karčić. The Prologue was written by Francisco Cardona, Lourdes Parramón, and Svein Eriksen.

The Norwegian Ministry of Foreign Affairs is financially supporting the CIDS activities in the Western Balkans.

CIDS is happy to receive feedback to the report.

Oslo, 18. January 2021



**Per A. Christensen**

Director

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# FABRICATING YOUR ENEMIES: A PROLOGUE TO HIKMET KARCIC'S PAPER

Francisco Cardona, Lourdes Parramón, and Svein Eriksen\*

Two anniversaries of relevance are taking place this year, and they still have repercussions. Twenty-five years ago, on 21 November 1995, Bosniak, Croat and Serb leaders were finally able to agree to end a devastating three-and-a-half-year war in Dayton, Ohio. The agreement was formally signed in Paris on 14 December that year. Bosnia and Herzegovina survived as a country but has been riveted with problems. It is also exactly 75 years since the Nuremberg trials opened in 1945. One of the major atrocities, perpetrated on European soil by the German Nazi government was to be scrutinised and some of its main perpetrators convicted. The Nazi atrocities confronted us with the 'banality' of evil, as Hannah Arendt described it. Outwardly ordinary and respectable people were misled by a misconception of their duty of loyalty and obedience to leaders who pushed them to kill other human beings for no reason. Educated, cultured persons you would have appreciated having as neighbours, became cold and methodical criminals. Their criminal actions were carried out in scrupulous compliance with laws and regulations and orders from their superiors. Precisely for this reason – they had not violated laws or instructions – the Nazi war criminals claimed they were not guilty of the serious crimes for which they were charged at the Nuremberg Court and in subsequent trials.

The behaviour of those judged in Nuremberg were not precisely described in any pre-existent penal code when the Nuremberg court convened. It was necessary to elaborate new penal concepts to grasp the cruel events that had taken place during the Nazi years. And so, the notions of **crimes against humanity and genocide** were born, as Philippe Sands masterly reminds us in his 2016 *East West Street*. The legal principle that laws should not be given retroactive effect was set aside in Nuremberg for the sake of human rights and for upholding substantive human dignity.

People of our generation were brought up in the belief that these kinds of events belonged to the past, in a dark European history already left behind for good. However,

we abruptly ran into it again in the Yugoslavia of the 1990s, where the same well-known pattern was followed: the process commenced by the fabrication of an enemy through intense, nationalistic and vitriolic propaganda (today dubbed "fake news") in order to ensure a neat, but artificial, differentiation between us and them; by dehumanising the "them" who subsequently become the enemy (so depriving them of any human rights or dignity); it culminates by annihilating them through a designed policy and administrative regulations specific to that effect. As was the case with the Nazi atrocities, the ordinariness of the people participating in wars of Yugoslav succession of the 1990s, was striking and indeed shocking, as Slavenka Drakulic remarked in her accounts of the Hague trials on former Yugoslavia's war criminals. She states that they were so ordinary that "they would never hurt a fly". Fortunately, the crimes against humanity and genocide were already described and forbidden by international treaties when the Yugoslav war took place.

These complex problems are the topics which Hikmet Karcic addresses in his sober paper on the social consequences of blind obedience and loyalty, followed by a pact of silence on corruption and atrocities in Bosnia during the Yugoslav wars of dismemberment. Most of the wounds, moral, social, and otherwise, caused by the 1992-95 civil war, remain unhealed. War criminals are still acclaimed as national heroes and many ethnic cleansers still make a living as public officials in the Bosnian institutions. For many Bosnians there appears to be little to celebrate in this 25<sup>th</sup> anniversary of the Dayton Peace Agreement.

Karcic' paper also implicitly reveals the virtual non-existence of reliable legal and institutional mechanisms to channel the dissent of those who did not acquiesce with those vicious policies. Righteous men and women within the public service and beyond were not allowed to legally speak up and voice their opposition to such policies. Even today local courts in Bosnia, Karcic writes, are dragging their feet to avoid carrying out justice on those who perpetrated or participated in the crimes.

Hikmet Karcic' analysis allows us to consider the atrocities in an institutional perspective, as crimes committed by public institutions, and not by solitary individuals acting on their own. To carry out the misdeeds, human, financial and organizational resources were required on a large scale. Many and various types of public officials and agencies were involved, politicians, civil servants, employees in municipal administrations, as well as members of the army, the police, the judiciary and public utility companies. The genocidal massacre in Srebrenica alone, required the combined efforts of almost 20 000 people. Far from all of these participated directly in the liquidations, but contributed indirectly, for example by requisitioning and carrying out transports and by providing security services and catering. Without all these ancillary services being carried out, large scale massacres would not have been possible.

From an institutional perspective one of the most pressing questions is, which characteristics of public bodies increase the risk that they may turn into an instrument of evil in societies with recent histories of state-sponsored violence? In his paper, Hikmet Karcic indicates several risk factors.

First, there is the question of loyalty, or blind loyalty to the political leadership. In bodies that participated in the atrocities, large-scale staff replacements were carried out before hostilities began. People who were not considered entirely reliable, were dismissed and replaced with people whose loyalty was not questioned. Being of the 'right' ethnicity, was not enough to dispel doubts about peoples' attitudes. In administrations across Yugoslavia, where authority was strictly centralized, the idea that public servants should play a different role than just carrying out orders from above, without questions or protests, was alien. The compulsion to obey was particularly strong in a context where all considerations of individual responsibilities and moral obligations were drowned by a massive public propaganda apparatus hammering home the message that what was mortally threatened and had to be protected at all costs, was the survival of the (imagined) ethnic group.

Second, the excessive legal formalism, which dominated the legal understanding and case law in Yugoslavia, made it possible to use the law, not to defend justice, but to justify and carry out deep injustice.<sup>1</sup> Extreme formalism

was a legal method developed by lawyers under socialism and in other dictatorships as a shield that could protect them against accusations of deviating from the party line or the politics of a dictator. What was legally permissible was determined, not as stated by overriding legal principles that may set limits to political action, but on the basis of an exceptionally formalistic understanding of the wording of the law. In short, might was misconstrued as right. In the war in Bosnia, murder, rape, and ethnic cleansing were not just instruments of terror, but *formally legalized* instruments of terror. Karcic shows how cruelties committed in the name of the state, were justified with meticulously detailed references to the Yugoslav Law on administrative procedures. The same mechanism prevailed in Nazi Germany, where excessive judicial formalism is seen to have enabled the regime's reign of terror.<sup>2</sup>

Blind obedience and legal formalism have given those involved a sense of being exempt from guilt, and a sense of just doing their duty. "Do as you are told; leave a paper trail and you will get out of it." This is the mindset that guided the behaviour of public officials involved in the misdeeds.

As Hikmet Karcic points out, in several respects the cessation of war and violence in 1995 did not mean a break with the past, but a troubling continuity. Despite decades of legal reform, public administration reform, and security sector reform, institutional risk factors still persist.

In a 2018 report, Sigma points out that the principle of merit is often not applied to recruiting and dismissing officials across the Western Balkans, and that this makes them receptive to undue political interventions.<sup>3</sup> Unfortunately, we may assume that this is precisely the purpose of having a public administration where factors such as connections trump merit. Civil servants' behaviour will be guided by what they think is in the interest of those who have facilitated their employment and not by abstract principles, such as impartial administration of justice or proportional use of the coercive arm of the state.

The legal culture of the previous regime with its emphasis on excessive formalism is not dead and buried.<sup>4</sup> There have

significantly weaken the ability to provide substantive justice, see i.a. Zdenek Kühn, *The Judiciary in Central and Eastern Europe. Mechanical Jurisprudence in Transformation?*, Martinus Nijhoff Publishers, Leiden 2011.

2 Hans Petter Graver, "Why Adolf Hitler Spared the Judges: Judicial Opposition Against the Nazi State", *German Law Journal*, Vol.1, No.04, p. 845.

3 Analysis of the Professionalization of the Senior Civil Service and the Way Forward for the Western Balkans, Sigma Paper 55, 2018, p. 13

4 Fikret Karcic, *A Study on Legal Formalism in the Former Yugoslavia and its Successor States*,

1 This is not meant as criticism of legal formalism as such. Formalism prevents discretionary and possibly arbitrary interpretation of the law. What we have in mind is the form of excessive formalism that has long traditions in previous communist states and may

been no radical changes in the way in which procedural law is taught. Law is still seen as an instrument for exercising, not regulating and limiting state power. Lack of knowledge of foreign languages among a number of law professors prevents the influence of new ideas through new literature. This involves a clear risk that educational institutions continue to produce the same types of public officials as during the previous regime, that officials across all civilian and uniformed government agencies still see it as their main task to interpret the letter of the law in an extremely formalistic manner and to unquestioningly obey orders by their superiors.

Unfortunately, many of these orders are of dubious legal and ethical quality. A survey commendably undertaken by the Inspectorate General of the Bosnian Armed Forces suggests that 35 per cent of members of the Bosnian defence organization have experienced improper orders. Studies CIDS has carried out also show the extent and persistence of illegal and otherwise improper pressure on public officials. Illegal instructions normally originate at the top of the governance system, with political parties and political leaders as the main source. Government officials express a sense of powerlessness in the face of improper pressure. Dissent is seen as futile.

The problem of illegal orders is largely neglected. Many people who no doubt gave or executed such orders during the wars of the 1990s have remained in the government apparatus across Bosnia and Herzegovina. Hikmet Karcic mentions for instance that 800 people who participated in the Srebrenica genocide still work as active duty police officers. The issue of civil servants' participation in Srebrenica and elsewhere has not been examined at all. All this sends a disturbing signal that state-sanctioned wrongdoing, even illegitimate violence is protected by passivity and even co-operation from law enforcement branches/institutions and that moral resistance demands superhuman heroism.

Although the domestic will to reform may be limited, progress is being made at a European level, but mostly within the civilian, not the military part of public authority. The new European directive on the protection of whistleblowers represents a big step forward in providing more reliable and institutional mechanisms

for whistleblowing, corruption and crimes committed by politicians and public officials. But the directive excludes the military and security forces from its international protection. Their protection is entrusted to national legislations of member states. In this regard, the directive would represent no international shield for those within the military and the police who would oppose and denounce atrocities like the ones described earlier.

Whistleblowing and denunciation within the security forces is still considered a dishonour in many respects. It is associated with notions such as disloyalty, indiscipline, insubordination, treason, deceit and so forth. Being a righteous person and blowing the whistle in such an environment has too many serious personal consequences. No reliable institutional mechanisms yet exist to protect this whistleblowing from retaliation, even if some attempts have been carried out in some countries with meagre results so far. Only the European Court of Human Rights can ensure a certain relief. But the Strasbourg Court's protection comes extremely late, when the personal and professional life of the whistleblower has already been destroyed.

As a consequence, the culture of silence (*omertà*) is still prevailing within the armed and security forces. The opaqueness is the breeding ground for the abuse of power and corruption, especially in strongly hierarchical organisations embracing codes of honour and ethical universes which are generally impervious to values such as democracy, human rights, compassion, and justice. Nevertheless, the link between corruption, abuse of power and neglect of human rights is progressively becoming clearer in international discussions, especially since the adoption of the United Nations Convention against Corruption in 2003. A human rights approach to combating corruption and abuse of power attracts the attention on people who are more at risk of being retaliated against. Individuals who blow the whistle within the security and defence sector are in an especially vulnerable position.

Exercising the right to freedom of expression, assembly, and association is fundamental in order to reduce the opaqueness and the culture of silence. These rights enable participation and are vital to efforts to combat corruption and abuse of power. Where governments permit information to flow freely, it should become easier to identify and denounce cases of corruption, torture, and purposeful human degradation. The protection of the right

to know and to speak freely within the security sector is a necessity if we infer that corruption and abuse of power are a threat to the national security.

Whether the institutional protection of whistleblowers within the armed and security forces requires hard law or soft law approaches can remain a topic for discussion. In any case, it would be necessary to implement secure and effective denunciation and reporting channels in which blowing the whistle in security sector institutions is presented as an act of civic responsibility and a devotion to the public interest, not as treason. Moral dissent for the sake of human dignity represents a heroic act. Moral dissent of individuals within the defence and security sector is generally driven by rationality, generosity, and responsibility. The ultimate moral judgement belongs to the individual. The reasons for this moral dissent must be made manifest and institutions must support this if a better world is a goal, however distant, to be attained.

The devotion of whistleblowers in serving the public interest reduces a contrived, expedient confusion between traitors and heroes. A lot of heroes are necessary to build a better world, but they should not be necessarily required to immolate themselves. Institutionalizing the protection

of whistleblowing heroism is a pressing necessity, also and especially within the security and defence sector.

The result of the continued presence of people responsible for crimes against humanity in centrally located positions in the Bosnian public service, leaves little possibility for implementing highly needed reform. The country is poor, and half of its young people feel the future is without hope and want to, or are leaving, the country for good. The Dayton Peace Agreement brought about the ceasefire and put an end to the killing but did not provide a framework for good governance.

Valencia, Barcelona and Oslo, December 2020

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# OBEYING UNLAWFUL ORDERS: CONTINUITY OF PERSONNEL INVOLVED IN HUMAN RIGHTS VIOLATIONS AND ITS IMPACT ON REFORMS IN BOSNIA AND HERZEGOVINA

By Hikmet Karcic, PhD

## THE PURPOSE OF THE STUDY

The purpose of the paper is to research the issue of personnel involved in human rights violations during the 1992-95 Bosnian War and its impact on reforms in Bosnia and Herzegovina today. A large number of military and police personnel took part in human rights violations, thus constituting the central element of the perpetrator network. However, the role of the unarmed personnel participating in these violations has been insufficiently explored by academic research. The unarmed personnel in question include civil servants, politicians, and persons employed by private enterprises. A quarter of a century since the end of the Bosnian war, a significant number of these individuals continue to take part in public life and to work in public administration. Thus, the aim of this report is to shed light on this issue, and to demonstrate that these individuals' ability to evade accountability for their actions has serious implications for the processes of political reform in Bosnia and Herzegovina.

The report is primarily focused on the following research objectives:

1. To understand the circumstances which allowed the widespread participation of unarmed civil society sectors in human rights (HR) violations in the 1990s.
2. To assess the extent to which individuals involved in HR violations during the 1990s continue to work in public administration capacities in Bosnia and Herzegovina (BiH).
3. To explore the measures previously taken and currently available to remove these individuals from public service.
4. To illuminate the impact of the continuity of these personnel on political reform processes in BiH.

The theoretical framework of this study is centered around the three theories of violence: macro, meso and micro.<sup>5</sup> The macro level is connected to leadership and power and can manifest in economic, ideological, political, and military forms. The meso or middle level refers to the space between the national and individual levels, and consists of upper and middle level management in perpetrator institutions. Lastly, the micro level is the local individual level, which usually consists of the individuals directly involved in implementing the perpetrator plan. According to Omer Bartov, "we cannot understand certain central aspects of modern genocide without closely examining the local circumstances in which it occurs."<sup>6</sup> With that in mind, this study will focus on all three levels of participation and the continuity of the personnel involved in contemporary Bosnia and Herzegovina.

5 Finkel, Evgeny and Straus, Scott (2012) "Macro, Meso, and Micro Research on Genocide: Gains, Shortcomings, and Future Areas of Inquiry," *Genocide Studies and Prevention: An International Journal*: Vol. 7: Iss. 1: Article 7, p. 57

6 Omer Bartov, "Seeking the Roots of Modern Genocide" in Gellately, Robert, and Ben Kiernan. 2003. *The Specter Of Genocide: Mass Murder In Historical Perspective*. New York: Cambridge University Press. p.86.

# 1. CONTINUITY OF PERSONNEL IN BIH PUBLIC ADMINISTRATION INVOLVED IN HR VIOLATIONS IN THE 1990's

In this section, I will discuss the role of personnel in public administration in human rights violations during the Bosnian War 1992-95 and their continuity today. A majority of the direct perpetrators were members of the active and reserve police force along with the military forces. However, participation in human rights violations was not limited to direct perpetrators - those who committed the crimes. The implementation of these violations was part of a larger political project, and in its application, a large segment of the public administration participated.

## 1.1. HISTORICAL CONTEXT

The regime in Communist Yugoslavia, ruling with an iron fist since 1945, started losing its grip and fell into a crisis with the death of Josip Broz Tito in 1980. The Kosovo crisis, and the massive crackdown on political activists, began in the early 1980s. In addition, the country was hit hard by the economic crisis, exacerbated by international sanctions. This political and economic instability proved to be a catalyst for the rise of nationalism. The first democratic elections were held in 1990, shortly before the population census in early 1991. With the fall of Communism in Eastern Europe and the rise of nationalism under Serbian President Slobodan Milošević, Slovenia and Croatia decided to separate from Yugoslavia and declared their independence. Belgrade, which controlled the Yugoslav People's Army (YPA), responded to these referendums for independence by waging war. After brief clashes in Slovenia, the YPA abandoned Slovenia and turned its focus on Croatia with its significantly larger Serb population. The war lasted for several months and was eventually ended by an internationally brokered peace deal.

The Serb Democratic Party (*Srpska demokratska stranka* - SDS), led by Radovan Karadžić, started forming parallel institutions in BiH already in 1991, when it realized that the country was going down a similar path toward independence. These parallel institutions would later go on

to play a large role in the Bosnian Serbs' political take-over of BiH.

The SDS strategy consisted of establishing parallel forms of government in municipalities (that is, on the micro level). These *ad hoc* bodies called "Crisis Committees" were envisioned to be interim governments in the municipalities once the SDS together with the YPA took over. The Crisis Committees consisted exclusively of SDS members together with the local YPA commander.

By Autumn 1991, regional governing bodies were formed throughout the country, which constituted the meso level. The Serb Autonomous Region (*Srpske autonomne oblasti* - SAO) consisted of a few dozen municipalities from one geographical region. The SAOs were formed in areas with a significant Serb population, in order to coordinate activities within certain geographical areas and to more efficiently take political control of these territories when needed.

In late October 1991, several days after the BiH Parliament voted for secession from Yugoslavia, the Bosnian Serb political establishment formed the Bosnian Serb Peoples' Assembly (*Skupština srpskog naroda*), which was composed of Bosnian Serb members from the BiH Parliament. In this way, an alternative parallel ethnicized assembly, with electoral legitimacy was formed. Finally, on 9 February 1992, the Serb Republic of Bosnia and Herzegovina was declared and with this the SAOs formally constituted a part of the newly self-proclaimed Republic.

With Slovenia and Croatia out of the picture, BiH not wanting to be left alone in Serb-dominant Yugoslavia, followed their example and voted for independence on 1 March 1992. The Serb nationalist parties rejected the independence of BiH and pledged loyalty to Belgrade. With the help of Yugoslavia, the SDS decided to form its own Serb Republic in BiH. This was envisioned to be an ethnically homogenous territory, which would eventually merge with Serbia proper.

On 6 April 1992, after a month of skirmishes and clashes throughout the country, the Yugoslav Peoples' Army waged an all-out war in BiH. Two days earlier, on 4 April 1992, the Bosnian Serb Police had been formed and was intended to be the striking force in the take-over of the municipalities. Over the next couple of months, thousands were executed and thousands more expelled from their homes, left to seek refuge in Bosnian Government-controlled areas or neighboring countries. BiH was aligned with Croatia and its proxies in BiH (the Croatian Defence Council - HVO) in fighting the Serb forces. However, in 1993, the Croat political and military leadership partnered with the Serb forces against the Bosnian Government. This, known as the Bosniak-Croat War, began in 1993 and lasted until the US-initiated Washington Agreement was signed in 1994. In July 1995, the Bosnian Serb Army and Police, in a week-long operation, committed genocide in the UN 'Safe Area' Srebrenica. Finally, after a successful joint Bosnian-Croat offensive in Autumn 1995, the US-sponsored Dayton Peace Accords were signed in Dayton, Ohio that December, ending the war.

Over the three and a half years of war, more than 100,000 people were killed, an estimated 20,000-50,000 women and girls raped and sexually abused, and 30,000 enforced disappearances took place in addition to an estimated 2 million people being displaced. Mass atrocities and human rights violations were committed on all three sides during the war; however, the vast majority of these crimes were committed by Serb forces. In addition, the Bosnian Serb governing system played the largest bureaucratic and administrative role in the perpetration of human rights violations.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was formed in 1993 to hold perpetrators accountable for breaches of international law and human rights atrocities. The ICTY tried the high-ranking political, military, and police officials who participated in these crimes, before closing in 2017, after completing all of its planned cases.<sup>7</sup> Domestic courts started prosecuting low level perpetrators since 1996 and intensified their work with the establishment of the state Court of Bosnia and Herzegovina along with its War Crimes Chamber.<sup>8</sup>

## 1.2. PUBLIC OFFICIALS TURNED HUMAN RIGHTS VIOLATORS: A SURVEY

A vast network of personnel was necessarily involved in fulfilling the political goals of the Bosnian Serb campaign in BiH. The implementation of these goals was carried out on a municipality level and was often accompanied by gross human rights violations. These political goals, in the first part, were primarily concerned with taking over control of the municipal governments. The key municipal institutions—police and radio stations, banks, municipal buildings, etc. -- were taken over by force. The executioners of the *coup* were members of the newly established Serb police force which consisted of existing active and reserve police officers along with militias under the patronage of the Yugoslav Peoples Army. Since this was conducted on a municipal level, the implementation success varied, largely depending on the demographic situation in the municipality and the political/military ration involved in the operation.

In the demographic sense, the SDS was aware that the take-overs would not be successful in all desired municipalities. Thus, the SDS drafted a secret document called "Instruction for Organization and Activity of Organs for the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances" which was handed out to all SDS municipal presidents on 20 December 1991. These instructions contained information on how to conduct the take-over of municipalities with two anticipated variants A and B. Variant A was the total take-over of power in municipalities where Serbs constituted the majority, while variant B was the take-over of municipalities where the Serbs were not a majority. The violent take-over of municipalities was followed by the detention and summary execution of important individuals, mostly key Bosniak or Bosnian Croat political and police figures.

Following the take-over of the municipality governments, the Crisis Committees assumed total control. This was intended to be an interim *ad hoc* solution. The President of the Crisis Committee would be either the SDS President or the President of the Municipal Assembly, and was primarily in charge of decision making on the local level and of implementing the political decisions.

Gross human rights violations and crimes were perpetrated in abundance. The various types of public officials who participated in these violations can be divided into several

<sup>7</sup> A handful of cases, on appeal, are now under way by the International Residual Mechanism of Criminal Tribunals (IRMCT). See: <https://www.irmct.org/en>

<sup>8</sup> "The War Crimes Chamber in Bosnia and Herzegovina", *Hybrid Justice*, <https://hybridjustice.com/the-war-crimes-chamber-in-bosnia-and-herzegovina/>

groups: politicians, army personnel, police, justice sector, civil servants, local administration employees, health sector, education sector, public enterprise and utility sector employees, journalists, etc.<sup>9</sup>

The removal of the non-Serb population was conducted in an organized manner. In the autonomous regions special agencies were set up which were to coordinate the deportations – for example the Agency for Population Movement and Exchange of Material Wealth-Autonomous Republic of Krajina.<sup>10</sup> This Agency was on a meso-level, while each municipality had its own “Commission for Departure” which was conducting the paperwork needed for the removals.

### 1.3. CIVIL SERVANTS AND HUMAN RIGHTS VIOLATIONS

*Political officials.* The general political decisions were made by the Bosnian Serb Assembly, which has served as the highest political body of the Bosnian Serbs since 1991. The Assembly was a platform for the development of strategic plans and the discussion of ideas and problems, which arose in the course of the operations. Transcripts from the sessions provide a revealing picture of the reasoning of these political representatives on various local and international topics. Municipal political representatives constituted the main link in implementing the political decisions. The Crisis Committee was crucial in the take-over of municipalities and in the crimes which followed. The Crisis Committee President was the main coordinator between the political and military leadership and the local subordinated units. One of the first decisions of the Crisis Committee was to fire all non-Serbs from the municipality, public administration and from public firms. These decisions were implemented on the local level long before they were formalized by a meso-level decision. For example, the Prijedor Crisis Committee dismissed Bosniaks and Bosnian Croats from the Municipality and Health Center on 30 April 1992, long before the Autonomous Region of Krajina, as the meso-level form of government brought its decision

on 22 June 1992.<sup>11</sup> The Crisis Committees decided on the formation and functioning of detention facilities and camps where Bosniaks and Bosnian Croats were incarcerated. In coordination with the Army, these committees decided on the “ethnic cleansing” processes to be carried out in the non-Serb villages. The justification, aim, and scope of the activities of the Crisis Committee, as well as of the Serb forces, was given publicly by the Committee President. In a later period, the Crisis Committee would be renamed a War Presidency.

*Army.* Sections of the Yugoslav People’s Army constituted the core of the Bosnian Serb Army which was formed on 12th May 1992. All non-Serbs who did not leave the Army voluntarily were removed by a decision made in June: “Officers of Muslim or Croatian nationality must be sent on leave immediately. Take action at once to refer them to the army of the FRY in order to resolve their status in the service”.<sup>12</sup> The Army was the main striking force in conquering towns and municipalities which were not taken over by the police forces in the early stages of the war. The main element of the military conquest was to remove all non-Serbs from these cleansed areas. The cleansing method entailed massacres, incarceration and deportations. High-ranking officers, as well as ordinary soldiers took part in mass atrocities and human rights violations. For example, Svetozar Andrić, Commander of the Birač Brigade, established the Sušica camp and ordered the removal of almost 20,000 Bosniak civilians from 20 villages around Zvornik. The most documented instance of the various roles delegated in the perpetration of large-scale crimes was the genocide in Srebrenica in July 1995, where the Bosnian Serb Army organized the mass execution of more than 8000 Bosniak men and boys and the deportation of 25,000 Bosniak women and children.<sup>13</sup>

*Police.* The active and reserve forces of the Bosnian Serb Police spearheaded the violent take-over of power and participated in the persecution and removal of non-Serb populations. Regional Security Services Centers (*Centar službe bezbednosti-CSB*) and local Public Security Station (*Stanica javne bezbednosti-SJB*) operated under the Ministry of the Interior. Each Public Security Station organized a

<sup>9</sup> “All executive posts, posts involving a likely flow of information, posts involving the protection of public property, that is, all posts important for the functioning economy, may only be held by the personnel of Serbian nationality. This refers to all socially-owned enterprises, joint-stock companies, state institutions, public utilities, Ministries of Interior and the Army of the Serbian Republic of Bosnia and Herzegovina. These posts may not be held by employees of Serbian nationality who have not confirmed by Plebiscite or who in their minds have not made it ideologically clear that the Serbian Democratic Party is the sole representative of the Serbian people.”

<sup>10</sup> ICTY, Brđanin, p.52

<sup>11</sup> The ARK decision stated: “All executive posts, posts involving a likely flow of information, posts involving the protection of public property, that is, all posts important for the functioning of the economy, may only be held by personnel of Serbian nationality.” Brđanin, p.37.

<sup>12</sup> Brđanin, p.37.

<sup>13</sup> “Criminal complaint against Svetozar Andrić”, Humanitarian Law Center, 2.3.2018, <http://www.hlc-rdc.org/?p=34855&lang=de>

reserve police force and a special unit - the Intervention Platoon (*Interventni vod*). The Omarska camp, for example, which became infamous for torture and the dreadful conditions of the detainees, was formed on the order of Simo Drljača, the Chief of the Prijedor SJB, on 31 May 1992.

*Courts.* Military courts (*Vojni sudovi*) were formed at the start of the war in 1992. Although the courts mainly dealt with theft and desertion, a number of non-Serb detainees of particular interest<sup>14</sup> were tried for armed rebellion and espionage. Although it was within their jurisdiction to investigate and prosecute army personnel suspected of war crimes, these cases are almost non-existent.

*Administration.* In accordance with the Crisis Committee (later renamed War Presidency), employees of the municipal administration participated in the forceful removal of non-Serbs. This was done through a body known as the "Commission for Departure". The administration established a bureaucratic procedure by which the party who is to be deported had to file a request with the administration and hand over his entire property to the municipality. In return, the party was issued a certificate which permitted him/her to permanently leave the municipality. The certificate was issued in accordance with the Law on General Administrative Procedure and in line with the Decision of the Municipal Crisis Committee or War Presidency. Each municipality was ordered by the higher authorities to appoint a person responsible for matters relating to the removal and exchange of populations and prisoners, and this person was to report back directly to the authorities. Those who wanted to leave "also had to provide a list of all the members of the household, obtain a certificate showing that they had no previous convictions, obtain a certificate showing that all utility bills were paid and obtain documentation from the municipal secretariat for national defence stating that they had completed military service and obtain a document from the SJB allowing them to leave. All documents had to state that the action taken was on a voluntary basis."<sup>15</sup>

*Health sector.* Health Centers (*Dom zdravlja*) were important institutions for the new municipal government.<sup>16</sup> In certain towns, the director of the Health Center was also the President of the Crisis Committee, as was the case with Blagoje Simić in Bosanski Šamac. In almost all conquered municipalities, similar to other municipal institutions, non-Serb staff were fired. In addition, non-Serb patients were often refused urgent medical care, as was the case in Visegrad and Bijeljina.<sup>17</sup>

*Education.* Elementary and secondary schools, such as those in Bratunac, Rogatica, and Visegrad, were converted into detention facilities by the newly established municipal government. The large infrastructures and fenced space provided by these facilities was ideal for the incarceration of civilians. In addition, school teachers, who were politically active in the SDS, assumed new positions and participated widely in human rights violations. An example is Miloš Bojinović, a high-school professor of Serbo-Croatian who was appointed head of the Agency for Population Movement and Exchange of Material Wealth in the Autonomous Republic of Krajina.

*Utility sector.* Equipment from public utilities companies were used to bury dead bodies in hidden mass graves. In Brčko, for example, a refrigerator truck from the public *Bimeks* firm was used to transport bodies to a designated mass grave in 1992. In July 1995, after a massacre of Bosniak men and boys from Srebrenica at the Vuk Karadžić School in Bratunac, members of the Bratunac Public Utility were ordered to collect bodies from the school and transport them to a mass grave.<sup>18</sup>

*Journalists.* Local newspapers and radio stations were of strategic importance for the Crisis Committee in controlling the flow of information and spreading propaganda. One of the most striking examples of the instrumentalization of local media is the case of Prijedor, where both the *Kozarski vijesnik* newspaper and Radio Prijedor were largely purged of non-Serb intellectuals and contributors.<sup>19</sup>

16 The RS Health Minister stated in 1992 at the Bosnian Serb Assembly: "knowing who our enemies are, how perfidious they are, how they cannot be trusted until they are physically, militarily destroyed and crushed, which of course implies eliminating and liquidating their key people", ICTY, Brđanin, Case No.: IT-99-36-T, 1 September 2004, p. 33.

17 Karadžić, p. 253.

18 Karadžić, p. 2199

19 Stakić, p. 28. For example, Dr. Mirsad Mujadžić was accused of "injecting drugs into Serb women making them incapable of giving birth to male children" while Dr. Željko Sikora, "was accused of making Serb women abort if they were pregnant with male children and of castrating the male babies of Serbian parents."

14 High value detainees mainly kept for prisoner exchange.

15 ICTY, Karadžić, p. 597.

## 1.4. POST-WAR CONTINUITY

The war ended in 1995, after the Dayton peace agreement was signed. Although it was agreed by the parties that immediate action in the form of "... the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups"<sup>20</sup> was to be taken, this reality was never realized. Individuals responsible for human rights violations remained in public office, with the exception of several high-ranking individuals including RS President Radovan Karadžić and VRS General Ratko Mladić, who stepped down from power and evaded public appearances while they were sought by the ICTY. The rest of the perpetrators of mass atrocities and individuals who participated in human rights violations, however, remained in power in local communities.

In 2000, the International Crisis Group noted this problem, stating: "In many RS municipalities, individuals alleged to have committed violations of international humanitarian law during the 1992-1995 war—mass murder, ethnic cleansing, and mass rape—remain in positions of power. They continue to work in the police force, hold public office, exercise power through the legal and illegal economy, or influence politics from behind the scenes. In eastern Republika Srpska in particular, many of these "small fish," who served in the local Serb wartime administrations and military units that carried out the policies of ethnic cleansing, remain a frightening force, often actively working to prevent refugee return and moves towards ethnic reconciliation."<sup>21</sup>

The first steps in removing these individuals from office were outlined by the Office of the High Representative, as the institution responsible for overseeing the implementation of the Dayton peace agreement. All individuals who were indicted by the ICTY were to be removed from public office.<sup>22</sup> In addition, at a later stage, all individuals suspected of supporting war criminals at large were also to be removed from office.<sup>23</sup> However, the

ICTY, as well as local courts dealt with direct perpetrators - military, paramilitary and police - while civil servants were not subject to criminal responsibility or lustration.

## 1.5. FIGHTING IMPUNITY

A quarter of a century later, the issue of impunity is still salient. This year, the Minister of Security, Fahrudin Radončić, suspended Radenko Stanić, the Assistant Minister for Legal, Personnel, General and Financial Matters. This came almost two years after the State Prosecution Office filed the indictment for crimes against humanity in 2018.<sup>24</sup> Stanić was commander of the Public Security Station in Vlasenica during the war. It is believed that Stanić's suspension from public office was prolonged by the former Minister Dragan Mektić, apparently Stanić's personal associate.<sup>25</sup>

Along with Stanić, two other former police officers were also charged. The war time commander of a special police squad in Vlasenica, Mićo Kraljević, along with Mane Đurić, head of the Vlasenica Public Security Station. In 2016, Kraljević, a member of Milorad Dodik's Alliance of Independent Social Democrats (SNSD) party, was elected as mayor of Vlasenica.<sup>26</sup> The trial proceeding for this group has been extended because of the illness of one of the defendants.<sup>27</sup> Kraljević's sister, Višnja Aćimović, was also indicted for war crimes in 2017, but based on her dual citizenship, she has been living in Serbia ever since.<sup>28</sup>

In 2014, 13 individuals from Doboј and Teslić were arrested for crimes against humanity. This included three former police officers from the Teslić Public Security Station: Dusan Kuzmanović, the former chief and a member of the Crisis committee; Predrag Markočević, a former commander; and Marinko Đukić, former head of the crime department.<sup>29</sup> At the time of his arrest, Đukić was Director of the Republika Srpska Development Agency (*Razvojna agencija Republike*

20 Annex 7: Agreement on Refugees and Displaced Persons, Dayton Peace Accords, <http://www.ohr.int/dayton-peace-agreement/annex-7-2/>

21 War Criminals in Bosnia's Republika Srpska, International Crisis Group, 2 November 2000, <https://www.crisisgroup.org/europe-central-asia/balkans/bosnia-and-herzegovina/war-criminals-bosnians-republika-srpska>

22 OHR Bulletin 3 – May 20, 1996, [http://www.ohr.int/ohr\\_archive/ohr-bulletin-3-may-20-1996/](http://www.ohr.int/ohr_archive/ohr-bulletin-3-may-20-1996/)

23 High Representative Maps Out Process to Tackle War Criminal Networks and to Reform BiH's Security Institutions, OHR, 12/16/2004, <http://www.ohr.int/high-representative-maps-out-process-to-tackle-war-criminal-networks-and-to-reform-bih-s-security-institutions/>

24 Radončić Suspends Two Assistant Ministers, 1/21/2020, <http://www.msb.gov.ba/vijesti/saopstenja/default.aspx?id=18103&langTag=en-US>

25 A. Hadžić, SDS-ova ratna policijska škola, Dnevni Avaz, 21.01.2020, <https://avaz.ba/vijesti/bih/543567/sds-ova-ratna-policijska-skola>

26 Opština Vlasenica, The Mayor, <http://www.opstinavlasenica.org/the-mayor/?lang=en>

27 Admir Muslimović, "Sickness Delays Justice in Bosnian War Crimes Trials", *Balkan Insight*, 12.4.2019, <https://balkaninsight.com/2019/04/12/sickness-delays-justice-in-bosnian-war-crimes-trials/>

28 Bosnian Serb woman indicted over wartime killing of 37 Muslims, *Reuters*, 30.1.2017, <https://www.reuters.com/article/us-bosnia-warcrimes/bosnian-serb-woman-indicted-over-wartime-killing-of-37-muslims-idUSKBN15E1SD>

29 Lamija Grebo, Bosnian Serb Ex-Policemen Charged with Persecuting Civilians, *Balkan Insight*, 12.9.2018, <https://balkaninsight.com/2018/09/12/bosnian-serb-ex-policemen-charged-with-persecuting-civilians-09-12-2018/>

Srpske)- a position which he still holds to this day,<sup>30</sup> in addition to being a councillor in Teslić municipality.<sup>31</sup>

This group, infamously known as the “Miće”, was a police-based intelligence unit, responsible for mass atrocities in Doboj and Teslić during the war. After the war, and to this day, they remain a powerful network. This is attested to by the fact that it took the state court almost four years to confirm the indictment and start the proceedings against them in 2018.<sup>32</sup> The process is still ongoing.

Another high-ranking official accused of crimes in Doboj, is former Bosnian Serb member of the Presidency - Borislav Paravac. During the war he was President of the Doboj Crisis Committee. Paravac is on trial together with two other members of the Crisis Committee. Although the trial started in 2016, it is still ongoing.<sup>33</sup> Similar to the “Miće” group, the trial seems to be intentionally prolonged due to the illness of one of the defendants.<sup>34</sup>

A large number of war-time police commanders and officers remained in work after the war ended. Duško Jević, nicknamed Stalin, was assistant commander of the Jahorina Police Training Center. This unit actively participated in the Srebrenica genocide, taking part in the separation of men from women and children, the deportation of civilians, and even the executions. In 2006, journalists uncovered that after the war Jević was employed at the RS Ministry of Interior.<sup>35</sup> Six years later, Jević and Mendeljeva Đurić, another high-ranking police officer, were found guilty of genocide.<sup>36</sup>

Other suspected war criminals have also sought impunity through political office. In neighboring Serbia, Svetozar Andrić, former commander of the Bosnian Serb Army Birač Brigade, became a member of the Serbian parliament this year.<sup>37</sup> Prior to holding this elected office, Andrić was deputy mayor in New Belgrade municipality. Andrić is just one example of the dozens of former political, military and police officials who escaped to Serbia in order to evade justice.

30 Razvojna Agencija Republike Srpske, Organizaciona šema, <http://www.rars-msp.org/lat/organizaciona-sema/c115>

31 Opština Teslić, Odbornici, <http://www.opstinatestlic.com/odbornici/>

32 Court of Bosnia and Herzegovina, S1 1 K 026829 18 Kri - Kuzmanović Dušan i dr., <http://www.sudbih.gov.ba/predmet/3891/show>

33 Former Bosnian Presidency Member's Trial Hears Murder Claims, *Balkan Insight*, 26.4.2016, <https://balkaninsight.com/2016/04/26/former-bosnian-presidency-member-s-trial-hears-murder-claims-04-26-2016/>

34 Admir Muslimović, "Sickness Delays Justice in Bosnian War Crimes Trials", *Balkan Insight*, 12.4.2019, <https://balkaninsight.com/2019/04/12/sickness-delays-justice-in-bosnian-war-crimes-trials/>

35 Katarina Janković, Justice Reports investigates: Srebrenica suspect is an RS offici, 5.5.2006, <https://detektor.ba/2006/05/05/justice-reports-investigates-srebrenica-suspect-is-an-rs-offici/?lang=en>

36 Court of Bosnia and Herzegovina, S1 1 K 003417 16 Krž - Jević Duško i dr., <http://www.sudbih.gov.ba/predmet/2655/show>

37 Milica Stojanović, "Bosnian Serb Commander Accused of War Crimes Becomes Serbian MP", *Balkan Insight*, 8.4.2020, <https://balkaninsight.com/2020/08/04/bosnian-serb-commander-accused-of-war-crimes-becomes-serbian-mp/#:~:text=Bosnian%20Serb%20Commander%20Accused%20of%20War%20Crimes%20Becomes%20Serbian%20MP,-Milica%20Stojanovic&text=Svetozar%20Andric%2C%20a%20wartime%20Bosnian,parliament%20after%20the%20recent%20elections.>

## 2. MEASURES TAKEN TO REMOVE HUMAN RIGHTS VIOLATORS FROM PUBLIC SERVICE

Annex 7 of the Dayton Peace Accords stipulates that all parties ensure “the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.”<sup>38</sup> As stated previously in this paper, a large number of personnel who participated in HR violations continued to work in public service in the immediate aftermath of the war, and many still do so to this day. Two general approaches have been used to remove these individuals from public service in accordance to Annex 7: “court trials and vetting”.

### 2.1. COURTS AND TRIALS

The ICTY in particular was responsible for the first removals of political, military and police personnel from public service. The highest-ranking member of the Bosnian Serb military cadre to be arrested, was General Radislav Krstić, who was found guilty of genocide in Srebrenica. He was commander of the Bosnian Serb Army (BSA) 5th Corps when he was arrested in December 1998.<sup>39</sup> General Momir Talić, Head of the BSA General Staff, was arrested in Vienna in 1999, during an official visit to the Military Academy. He was a commander of the 1 Krajina Corps, which was responsible for mass atrocities in north-western BiH. Radoslav Brđanin, former President of the Autonomous Region of Krajina, was an active member of parliament in the RS Assembly when he was arrested in 1999. The arrest of these high-ranking Bosnian Serb officials, usually with sealed indictments, triggered other high-ranking war time officials to go into hiding. One example is Stojan Zupljanin, commander of Banja Luka Security Services Center (CSB) and member of the Autonomous Region of Krajina (ARK) Crisis Committee, who went into hiding in Serbia until his arrest in 2008.<sup>40</sup>

From 1993 until 2017, the ICTY indicted 161 individuals and sentenced 90 for mass atrocities committed in the former Yugoslavia. A large majority of these individuals were Serbs found guilty of committing crimes, mainly in Bosnia and Herzegovina, but also in Croatia and Kosovo. The ICTY dealt largely with the high-ranking political, military and police figures, which is to say, those at the macro level. Meanwhile, the local courts in BiH have primarily dealt with those at the meso and micro levels, namely individual perpetrators who were operating locally.

The BiH court system is complexly structured. The state court, the Court of Bosnia and Herzegovina, was formed in 2003. Initially, the court employed a mix of domestic and international judges and legal personnel, however, since 2012, the Court has been staffed entirely by domestic employees. It has a special War Crimes Chamber which deals with prosecution of atrocities committed during the war. The Court can hand over smaller, more complex cases to lower courts in the Federation of BiH (ten cantonal courts) and Republika Srpska (six district courts) and Brčko District (one basic court), which is a total of 17 local courts.<sup>41</sup>

According to an OSCE report, from 2004 to 2019, a total of 577 cases involving 873 individuals were conducted by local courts in BiH.<sup>42</sup> As of 2019, it is estimated that 621 cases, involving 4,736 individuals, are still to be resolved by domestic courts.

The effect of court decisions on individuals holding public service is not entirely known, partly due to the ambiguity surrounding these individuals' status during the trials and after conviction or acquittal. Are they suspended? Do they receive severance pay? So far, there has not been any research on this topic.

38 Annex 7: Agreement on Refugees and Displaced Persons, Dayton Peace Accords, <http://www.ohr.int/dayton-peace-agreement/annex-7-2/>

39 Nastavlja se lov na Srbe - posle hapšenja generala Stanislava Galića *Srbija-Info*, 22 December 1999, <https://arhiva.srbija-info.gov.rs/vesti/1999-12/22/17057.html>

40 Nidžara Ahmetašević, “ICTY: Delight and Doubt Over Zupljanin Capture”, *Justice-Report*, 11.6.2008, <https://www.justice-report.com/en/articles/icty-delight-and-doubt-over-zupljanin-capture>

41 Bosnia And Herzegovina, Prosecutor's Network, <http://www.prosecutorsnetwork.org/bosnia-herzegovina>

42 War Crimes Case Processing in BiH(2004-2019), OSCE, <https://www.osce.org/files/f/ documents/b/0/451408.pdf>

However, in some cases, convicted war criminals have returned to public service. For example, Blagoje Simić, former director of the Bosanski Šamac Health Center and former member of the Crisis Committee, was found guilty of crimes against humanity by the ICTY. After he served his sentence, he returned to Bosanski Šamac and was appointed director of the Health Center in 2017.<sup>43</sup> Another example, also from Bosanski Šamac is that of Sime Zarić, war time Assistant Commander for Intelligence, Reconnaissance, Morale and Information in the 4th Detachment in Bosanski Šamac. Together with Simić, he was also found guilty of crimes against humanity by the ICTY. After his release from prison, he became politically active in the Bosanski Šamac municipality in 2004 and was appointed as deputy mayor in 2008.<sup>44</sup>

When journalists confronted the municipal authorities about the case of Blagoje Simić, they replied that Simić fulfilled all the legal requirements of the public announcement, including that he submitted a certificate that he has not been criminally punished (*potvrda o nekažnjavanju*). According to the Bosanski Šamac mayor:

"Since no records are kept in RS and BiH, you do not have data in the criminal records on those who served their sentences at the Hague Tribunal. The man did not falsify anything, nor did the commission look the other way. In the opinion of the commission, he was better scored, from the aspect of his experience, than his opponent, and the Assembly voted in favor of him with a majority of votes."<sup>45</sup>

## 2.2. VETTING AND REMOVAL

*Police.* The largest police reform process after the war, was conducted by the United Nations International Police Task Force (IPTF).<sup>46</sup> From 1998 to 2002, the international vetting of police officers was conducted based on their professional skills and education, as well as their known involvement in war crimes and post-war criminal activity. Those who passed the vetting process received certificates, while at least 500 policemen were "decertified" meaning

that they did not pass through the vetting process.<sup>47</sup> The vetting process had three steps: mandatory registration, pre-screening, and certification. Any police officer who was decertified was banned from serving in any law enforcement agency in the country.<sup>48</sup> According to Bodo Weber, there were positive and negative sides of the vetting process: "While only a few hundred police officers were in fact de-certified, the process as such had a strong disciplining effect on those who successfully passed the screening. On the downside, the vetting process was completed in haste, due to a purely political decision to close down the IPTF. In addition, administrative staff were *not* vetted, and the will of the UN Mission in BiH to deal with high-level police officials was limited."<sup>49</sup> In some cases, even those who were removed by the IPTF, such as Prijedor Police Chief Simo Drljača, continued to give orders to their supposed replacements.<sup>50</sup>

After a long legal battle, one contingent of the decertified police officers managed to resolve their status either by retiring or returning back to service.<sup>51</sup>

In 2002, under international pressure, the Bosnian Serb authorities formed a Srebrenica Commission with the mandate to investigate events in and around Srebrenica in July 1995. The Commission was dissolved by the OHR and a new one was formed, after it produced a report claiming no crimes took place. In 2004, the Commission published the Srebrenica Report which, although only meeting minimum standards stipulated by the OHR, was nevertheless a step forward for the Bosnian Serb authorities. More importantly, the Commission provided the names of over 20,000 individuals who participated in the Srebrenica genocide. Of these, at least 892 individuals were currently employed in public service at the time of the Report's publishing. Although there were calls for these individuals to be suspended and investigated, this was not carried out. Only in 2007 did the new High Representative, Miroslav Lajcak, suspend 35 of these individuals who were

43 Mario Pušić, "OSUĐENI RATNI ZLOČINAC POSTAO JE ŠEF DOMA ZDRAVLJA: Osuđen na 17 godina, a kući se vratio nakon 2/3 odslužene kazne. I nastavio tamo gdje je bio stao", *Jutarnji list*, 12.11.2017, <https://www.jutarnji.hr/vijesti/hrvatska/osudeni-ratni-zlocinac-postao-je-sef-doma-zdravlja-osuden-na-17-godina-a-kuci-se-vratio-nakon-23-odsluzene-kazne-i-nastavio-tamo-gdje-je-bio-stao-6738519>

44 <https://www.slobodnaevropa.org/a/1960953.html>

45 Anđelka Marković, "Ima potvrdu o nekažnjavanju: Ratni zločinac postao direktor", *N1*, 19.11.2017., <http://ba.n1info.com/Vijesti/a227658/lma-potvrdu-o-nekaznjavanju-Ratni-zlocinac-postao-direktor.html>

46 Capt. Javier Marcos, "The UN International Police Task Force", SFOR Informer #1, January 8, 1997 <https://www.nato.int/sfor/partners/ipft/ipft.htm>

47 Nidžara Ahmetašević, "Sacked Police Hope For Justice at Last in Bosnia", BIRN, May 9, 2007, [https://www.esiweb.org/pdf/esi\\_mount\\_olympus\\_reactions\\_id\\_9.pdf](https://www.esiweb.org/pdf/esi_mount_olympus_reactions_id_9.pdf)

48 Maja Šošarić, WAR VICTIMS AND GENDER-SENSITIVE TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE IN BOSNIA AND HERZEGOVINA, *Perspectives Series: Research Report*, 2012, p.61.

49 Bodo Weder, "The Police Forces in BiH – Persistent Fragmentation and Increasing Politicization", AI-DPC BiH Security Risk Analysis Policy Note 6, Berlin, November 2015, p.3.

50 The Unindicted: Reaping the Rewards of "Ethnic Cleansing", Human Rights Watch, January 1997, Vol. 9, No. 1 (D), <https://www.hrw.org/reports/1997/bosnia2/>

51 Citing "improvements in legal standards" the United Nations Security Council, in April 2007 lifted the total ban on employment for decertified police officers. See: "Sacked Bosnia Police on Hunger Strike", *Balkan Insight*, 12 June 2008, <https://balkaninsight.com/2008/06/12/sacked-bosnia-police-on-hunger-strike/> and also: Ministarstvo za ljudska prava i izbjeglice Bosne i Hercegovine, Saopćenje, 26.12.2008, <http://www.mhrr.gov.ba/Print.aspx?id=550>

active RS Police employees.<sup>52</sup> He also confiscated the passports and travel documents for 93 other individuals who were under investigation. Still, no follow-up measures were ever taken with regard to the individuals from the list who continued working in public service.

*Armed Forces.* Unlike the police forces, an international vetting of the military forces was not conducted in a public and organized fashion. After the war, the NATO Stabilization Force (SFOR), along with the OHR, oversaw the reduction of the Armed Forces of the Federation and the Republika Srpska Army. Between 1996 and 2004, the ranks of the RS military personnel was reduced from 370,000 to 24,000, whereafter the armies were joined into one unified Armed Forces of Bosnia and Herzegovina. By 2016, the number of soldiers was further reduced to 10,500. This drastic demobilization was, in effect, a sort of vetting process.

SFOR played a significant role in monitoring the post-war functioning of the armies, through overseeing weapons confiscated, as well as confirming new appointments of officers. In 2003, the OHR formed the Defense Reform Commission which together with SFOR oversaw the unification of the Armed Forces. Reforming the armed forces, however, was a difficult task given that wanted war criminals still had allies within the military. For example, Ratko Mladic, who was wanted for genocide, remained on the payrolls of the Army of Serbia and Montenegro and the RS army until February 2002.<sup>53</sup> Intelligence sources also revealed that in 2004 Mladić was being hidden in a military facility in Han Pijesak along with members of the army, during the celebration the RS Army day.<sup>54</sup>

After a request from the OHR High Representative Paddy Ashdown, the BiH Ministry of Defense submitted a report on the issue of eliminating support to wanted war criminals within the Army. Among other things, it stated: "To review all military personnel currently serving in the VRS in order to confirm that all persons involved in providing assistance to persons indicted for war crimes or involved in anti-Dayton activities are no longer serving in VRS. To focus on

the former 410th intelligence centre and units for securing the facilities and individuals."<sup>55</sup>

The 410th Intelligence Center was a wartime intelligence unit subordinated to the General Staff and under the command of Ratko Mladić. It was indicated that this unit conducted espionage on members of the international community, including the OHR, as well as providing sanctuary to wanted war criminals connected to Mladić.<sup>56</sup> Although it was abolished in 2003, it continued to function in an informal capacity. Raffi Gregorijan, the OHR Deputy High Representative issued an order in 2009 banning "Alpha Security," a private security company from the RS, and several other associated firms. Many of the leading members of Alpha Security were found to have been former members of the 410th Intelligence Center, with Alpha Security even being labeled largely a reconstituted version of the 410th Military Intelligence Center.<sup>57</sup>

*Judges and prosecutors.* With regard to the judiciary, the reform and vetting was conducted by an international team of experts. This process began in 2001 under the supervision of the OHR, and was headed by the Independent Judicial Commission and three High Judicial and Prosecutorial Councils (HJPC).<sup>58</sup> This process entailed elements of restructuring and reappointment for courts and prosecutors' offices, which in reality meant that competition for all positions was open to all candidates. Thus, the idea behind this vetting was to provide the best candidate for the position, as Judges and prosecutors had to (re-)apply for their own or other positions. As noted by Mayer-Rieckh:

"Both the certification and the reappointment processes were, however, primarily aimed at reforming institutions. The continued presence of war criminals in the police, the courts, and prosecutors' offices was perceived as a significant obstacle to implementing the peace agreement and building the rule of law. Through their positions in those institutions, war criminals continued to hold political and economic power and to pursue conflict-era objectives,

52 Press Conference Statement by the High Representative Miroslav Lajčák, OHR, 07/10/2007, <http://www.ohr.int/press-conference-statement-by-the-high-representative-miroslav-lajcak-3/>

53 BOSNIA'S STALLED POLICE REFORM: NO PROGRESS, NO EU, Europe Report N°164 – 6 September, International Crisis Group, 2005, <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Bosnia%20ICG%20Report.pdf>

54 High Representative Statement 16 December 2004 Statement by the High Representative, Paddy Ashdown at today's Press Conference, <http://www.ohr.int/archive/drc-report/pdf/drc-report-2005-eng.pdf>

55 AFBII: A SINGLE MILITARY FORCE FOR THE 21ST CENTURY, Defence Reform Commission 2005 Report, p.188, <http://www.ohr.int/archive/drc-report/pdf/drc-report-2005-eng.pdf>

56 Čavić rasformirao 410. obavještajni centar VRS, Klix.ba, 14.4.2003., <https://www.klix.ba/bih/cavic-rasformirao-410-obavjestajni-centar-vrs/030414009>

57 Vlado Azinović, Kurt Bassuener, Bodo Weber, "Assessing the potential for renewed ethnic violence in Bosnia and Herzegovina: A security risk analysis", Atlantic Initiative Democratization Policy Council, p.54. [http://www.democratizationpolicy.org/pdf/DPC-AI\\_BiH%20Security\\_Study.pdf](http://www.democratizationpolicy.org/pdf/DPC-AI_BiH%20Security_Study.pdf)

58 Mayer-Rieckh, A., 2007, 'Vetting to Prevent Future Abuses: Reforming the Police, Courts, and Prosecutor's Offices in Bosnia and Herzegovina', Chapter 5 in Justice as Prevention: Vetting Public Employees in Transitional Societies, A. Mayer-Rieckh and P. de Greiff, (eds.), Social Science Research Council, New York, p. 197.

in particular to prevent the return of minorities. The removal of war criminals was considered an important condition to reestablish trust in the police, the courts, and prosecutor's offices, and to disable informal criminal networks that existed in these institutions.<sup>59</sup>

Thus, a number of war-time prosecutors and judges continued working in the judiciary and some still do today. In 2017, the HJPC yielded to public pressure and requested information on investigations into judges and prosecutors suspected of participation in crimes.<sup>60</sup> However, it is unclear if any concrete investigations were conducted.

*Politicians.* With regard to public office, the first political leader to resign under international pressure was Bosnian Serb President Radovan Karadžić early in 1996.<sup>61</sup> His resignation was seen as crucial for the first post-war elections to be held. The High Representative, as stated previously in this paper, used his power to remove certain public officials. A significant number of these removals targeted those who had been supporting suspected war crime fugitives. One such example is Milenko Stanić, Vlasenica Crisis Committee President, who was removed in 2004 from the Main Board of the SDS and from the Republika Srpska National Assembly. In 2016, he was a candidate for vice-governor of the Central Bank of Bosnia and Herzegovina, but ended up dropping out of the race after significant public pressure. Although the ICTY found sufficient evidence for his complicity in mass atrocities, the local prosecutors have not filed an indictment against him to this day.<sup>62</sup>

In addition, as stated previously in this paper, a number of defendants or war criminals who served their sentence are returning to public office. In 2012, convicted war criminals Branko Grujić, Simo Zarić and Blagoje Simić ran for office in the general elections.<sup>63</sup> Gojko Kličković, former Bosanska Krupa Crisis Committee President, was on a retrial for crimes when he was elected as mayor of Bosanska Krupa.

*Civil servants.* The issue of civil servants who took part in human rights violations has not been the subject of investigation thus far. Due to a large backlog of cases in the local courts, the primary focus is on direct perpetrators - those who ordered or committed the actual killings. Unlike the international and domestic courts in Rwanda, neither the ICTY nor the local courts in BiH have dealt with the issue of journalists and religious figures directly or indirectly involved in atrocities.

In some cases, civil servants who participated or benefited from human rights violations have progressed significantly in public service over the years. In Prijedor Municipality, for example, a Bosnian Serb civil servant was appointed Deputy Municipal Public Attorney in May 1992 after his Bosniak predecessor, Esad Mehmedagić, was dismissed. Mehmedagić was later killed in the Omarska concentration camp in Prijedor.<sup>64</sup>

59 Ibid., p.204.

60 Admir Muslimović, "Bosnian Judges' and Prosecutors' War Records Face Checks", *Balkan Insight*, 26 October 2017, <https://balkaninsight.com/2017/10/26/bosnian-judges-and-prosecutors-war-records-face-checks-10-26-2017/>

61 Chris Hedges, "Serbs' Leader In Bosnia Is Again Told To Step Down", *New York Times*, June 29, 1996, <https://www.nytimes.com/1996/06/29/world/serbs-leader-in-bosnia-is-again-told-to-step-down.html>

62 "Suspects Evade Justice as Prosecutors Ignore UN War Files", BIRN, 13. march 2018., <https://detektor.ba/2018/03/13/suspects-evade-justice-as-prosecutors-ignore-un-war-files/?lang=en>

63 Denis Džidić, "War Crimes Defendant New Mayor of Krupa na Uni", *Balkan Insight*, 9 October 2012, <https://balkaninsight.com/2012/10/09/war-crimes-defendant-new-mayor-of-krupa-na-uni/>

64 The Court of BiH stated in its judgement of the case of *Željko Mejakić et al.*: "According to the assessment of the Court, after the presentation of evidence, the event regarding the disappearance of Esad Eso Mehmedagić from the Omarska Camp in July 1992 is closely connected with the taking away and disappearance of the group of intellectuals in late July 1992. The Court has determined in a reliable way that Esad Mehmedagić, whom all the detainees knew as the municipal public attorney or judge, was roll-called and disappeared from the Camp at the time of 'the great roll-call of the intellectuals', when all the above-mentioned persons were taken away towards the 'red house' from which point there has been no trace of them, since they have not been seen alive again Court of Bosnia and Herzegovina, *Željko Mejakić et al.*, Verdict Number: X-KR/06/200 Sarajevo, 30 May 2008, p.107-108.

### 3. CIRCUMSTANCES UNDER WHICH HR VIOLATIONS TOOK PLACE

In order to understand the implications of the continuity of RS personnel suspected of participation in war crimes in public office, it is necessary first to understand the circumstances under which this participation took place. A majority of the direct HR violations which took place, were committed by active and reserve police officers and soldiers. The intent to commit these violations and the methods used (incarceration, torture etc.) shows that these were 'ordinary men', as well as willing accomplices. One such example is Željko Lelek, a pre-war police officer in Višegrad, who participated in atrocities in Višegrad during the war and continued working in the police force-- even receiving the IPTF certificate. He retained this certification until 2008, when he was found guilty of crimes against humanity, including mass rape of Bosniak women and girls.

The intent of these actors to commit atrocities has been demonstrated through vast amounts of evidence presented before international and domestic courts. During the war, for example, Branko Grujić, a representative of the Interim Government of Zvornik, stated that they had removed Bosniaks from Zvornik and that "[w]e have successfully implemented the President's decision to settle Divič and Kozluk with our children."<sup>65</sup>

At the ICTY trials and in local courts, the majority of defendants pleaded not guilty, denying the crimes of which they were accused. The few who did confess are in large part motivated by the desire to secure a better deal from prosecutors. One such example is former RS official Biljana Plavšić, who retracted her confession after her release from prison. Dragan Obrenović, a former BSA commander, pleaded guilty to participating in the Srebrenica genocide. Under command responsibility he was guilty of not preventing the crimes and of not sanctioning the perpetrators. According to his plea confession, when the order to shoot prisoners came, he was initially reluctant, but eventually decided to complete the 'task.'

"I said to Drago Nikolić that we could not accept the responsibility of the task he had just informed me about

without informing our Command. Drago Nikolic told me that the Command already knew, and that this order came from Mladic and that everyone, including Pandurević, was aware of this order. For this reason, I never took steps to inform my Commander, Pandurević, of this development, as I trusted Drago Nikolić's word that Pandurevic already knew."<sup>66</sup>

One of the most famous cases, is that of Dražen Erdemović, a Bosnian Croat who changed allegiances several times before eventually becoming a member of the 10th Sabotage Detachment. This special unit of the Bosnian Serb Army General Staff, usually used for sabotage and attacks behind enemy lines, was sent to Branjevo farm to conduct executions of Bosniak men and boys. Erdemović was the first perpetrator to surrender to the ICTY and thus provided the first insider account of the genocide. His confession to killing at least 100 victims was based on the claim that after he refused to kill prisoners, his superior told him: "If you do not want to, stand with them [the prisoners] so that I, so that we, can kill you too."<sup>67</sup> This is thus far the only confession to suggest a physical threat used to enforce complicity in a crime. This threat was probably deemed necessary based on the fact that Erdemović was a Croat by ethnicity, and by killing the prisoners, he had to demonstrate his loyalty to the Serbs, as well as incriminate himself. In the majority of other cases, willing executioners were found in the form of volunteers, soldiers, and police officers.

It was widely reported of one known case when a Bosnian Serb officer refused to order executions during the Srebrenica genocide. Srećko Aćimović, who commanded the second battalion of the Zvornik Brigade in 1995, apparently refused an order to send a detachment of executioners to the Ročević school where civilians from Srebrenica were held.<sup>68</sup> However, the ICTY in its findings questioned Aćimović's testimony.<sup>69</sup> In 2016, the Court

<sup>65</sup> Radoša Milutinović, "Zvornik Held Hostage by Paramilitary Formations", *Detektor.ba*, 25.06.2013., <https://detektor.ba/2013/06/25/zvornik-held-hostage-by-paramilitary-formations/?lang=en>

<sup>66</sup> Statement of Facts as set out by Dragan Obrenovic, p. 1, [https://www.icty.org/x/cases/obrenovic/custom4/en/facts\\_030520.pdf](https://www.icty.org/x/cases/obrenovic/custom4/en/facts_030520.pdf)

<sup>67</sup> Kyle Wood, "The Tragedy of Dražen Erdemović", Medium, 16 July 2020, <https://medium.com/@kgraywood/the-tragedy-of-dra%C5%BEen-erdemovi%C4%87-95ff81b44d8b>

<sup>68</sup> Rachel Irwin, "Serb Officer Refused Srebrenica Death Squad Order", *Institute for War and Peace Reporting*, 28.6.2013, <https://iwpr.net/global-voices/serb-officer-refused-srebrenica-death-squad-order>

<sup>69</sup> "The Trial Chamber is of the view that throughout his testimony Aćimović sought to

of Bosnia and Herzegovina started the trial of Srećko Aćimović, The judgement was expected by the end of 2020.<sup>70</sup>

However, there are a few virtually unknown examples. In April 1993, Tihomir Blaškić, Commander of the Croatian Defense Council (HVO) in Central BiH, dismissed Stjepan Tuka, HVO commander in Fojnica. Tuka had earlier refused Blaškić's order to attack the Bosniak village of Dusina.<sup>71</sup>

Additionally, there are several cases of refusing orders in relation to JNA officers during the war in Croatia. In

September 1991, Vladimir Barović, a commander in the JNA Navy, an ethnic Montenegrin by ethnicity, refused an order from Belgrade to bombard Croatian coastal towns – Pula and Istra. Instead, he committed suicide and left a note stating that he did not want to “take part in the aggression of the Yugoslav Army against Croats, which would be an act contrary to Montenegrin honor -- because Montenegrins cannot fight and destroy a nation that has done them no wrong.”<sup>72</sup> In another case, a young Bosniak JNA recruit was shot dead by his superior after he refused to shoot at Croatian civilians.<sup>73</sup>

downplay his own involvement in the events at Ročević. The Trial Chamber believes that due to this motivation, Aćimović was not always truthful in his account of events nor fully forthcoming. It is further of the opinion that the inconsistencies uncovered between parts of Aćimović's testimony and other evidence before the Trial Chamber in most instances arise from his attempt to minimise his own responsibility, perhaps even to himself.” Popović et al., p. 201.

70 S11 K 020200 15 Kri - Aćimović Srećko, <http://www.sudbih.gov.ba/predmet/3513/show>  
71 ICTY, Kordić and Čerkez, p. 225

72 Gordana Knežević, “Posthumous Honor For Barovic, Montenegrin Admiral Who Refused To Bomb Croatia”, *Radio Free Europe*, 13.7.2016, <https://www.rferl.org/a/montenegrin-admiral-refused-to-bomb-croatia-barovic-honored/27856394.html>

73 Almir Terzić, “Dan sjećanja na stradale vojnike-regrute bivše JNA: Bosanac Mevludin odbio da puca u hrvatske civile”, *Agencija Anadoluja*, 7.9.2017, <https://www.aa.com.tr/ba/balkan/dan-sje%C4%87anja-na-stradale-vojnike-regrute-biv%C5%A1e-jna-bosanac-mevludin-odbio-da-puca-u-hrvatske-civile/903674>

## 4. THE IMPACT OF PERSONNEL CONTINUITY ON REFORM EFFORTS

The continuity of personnel involved in war-time human rights violations in current public offices, has had an enormous impact on the return of refugees to BiH. Many refugees have been reluctant to return to areas where perpetrators were still living or working. This is especially true when these perpetrators are employed in the capacity of local enforcement, and are thus supposedly responsible for the protection of the people they only recently targeted. Participants in the Srebrenica genocide alone account for an alarming 800 active duty police officers in BiH today. The impunity provided these officers and other perpetrators of atrocities by their role in civil society sectors, sends a dangerous message to others that crime pays off.

In addition to the direct perpetrators of war crimes, a significant number of personnel who opportunistically used the situation for personal gain to continue to work within the country's administrative apparatus. The bureaucratic

component of the perpetration of mass atrocities is an underdeveloped research topic which could help shed light on this disturbing phenomenon. Municipal agencies set up to deport local populations and confiscate property, illustrate the localized and intensely personal nature of the violations committed during the war.

Additionally, local officials who were complicit in human rights violations, have frequently managed to obtain high-level government positions, such as in the case of Radenko Stanić, the Deputy Minister of Security. These networks of former local level officials have the ability to influence reform processes, particularly with regard to war crimes and organized crime. These networks also help rehabilitate convicted war criminals like Blagoje Simić, by using bureaucratic procedure to return him back to his war time position - director of the Bosanski Šamac Health Center. In this way, the legacy and integrity of international tribunals and international law is thoroughly undermined.

## CONCLUSION AND RECOMMENDATIONS

The vetting and reform processes, as well as the criminal proceedings of the ICTY and local courts, have successfully removed the most significant political, military and police officials known to have participated in war crimes from decision-making positions. Still, several convicted war criminals who served their sentence have since returned to public office, while other “small fish” are unlikely to ever face any responsibility for their participation in human rights violations.

The impunity of these civil servants, - the ordinary bureaucrats in municipalities and police stations - has a detrimental effect on the rule of law in local communities.

In order to tackle this relatively unexplored issue, the following steps are recommended:

- To prevent convicted and indicted individuals suspected of war crimes to be candidates for public office or managerial positions.
- To initiate atrocity prevention courses for civil servants, especially from the police and military in order to educate the personnel in mass atrocity risks and early warning systems.
- To conduct a detailed research of the role of municipal

administrators and civil servants, as well as the legal basis for their actions in BiH from 1992 to 1995.

- To conduct a comparative analysis with other examples of institutional human rights violations throughout modern history.
- To initiate workshops and conferences in order to open up the discussion on obeying unlawful orders in state institutions.

The intention of this paper was to explore the complex issue of human rights violations in Bosnia and Herzegovina during the 1992-95 war, and the continuity of perpetrators in public office. The human rights violators can be found on all three levels of perpetration: the micro, meso, and macro levels of responsibility. Furthermore, the continued participation of these individuals in public life has serious implications for political reforms ongoing in BiH. This is an under-researched topic which will be of particular interest to other countries with recent or ongoing mass atrocities and human rights violations. This research could serve as a basis for activities on atrocity prevention and post-conflict reconstruction in Bosnia and Herzegovina as well as throughout the world.

01087487

2.180  
Translation

SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA  
SERBIAN MUNICIPALITY OF PRIJEDOR  
EXECUTIVE COMMITTEE

No: 02-111-56/92  
Date: 4 May 1992

At the 11th meeting of the Executive Committee held on 4 May 1992, the Government of the Serbian Municipality of Prijedor adopted the following

DECISION

1. Esad MEHMEDAGIĆ is hereby dismissed from the post of Deputy Municipal Public Attorney effective as of 4 May 1992.
2. Slobodan RADULJ is hereby appointed acting Municipal Public Attorney effective as of 4 May 1992.
3. This DECISION comes into effect forthwith, and the President of the Executive Committee shall be responsible for its implementation.

/handwritten:/ For the  
PRESIDENT  
OF THE EXECUTIVE COMMITTEE  
Dr. Milan KOVAČEVIĆ  
/signature illegible/

COPIES TO:

1. Esad MEHMEDAGIĆ
2. Slobodan RADULJ
3. Files

2-111-56.DOC/MA13A, 02-111-56/04-05-92/jp

IT-99-36-T

Exhibit P1181

Fig.1: English translation of Prijedor Municipality Decision dismissing Esad Mehmedagić as Deputy Municipal Public Attorney.  
(ICTY Archives)

/handwritten:/ with statement no.  
66/1/93

/illegible/ OF BOSNIA AND HERZEGOVINA  
AUTONOMOUS REGION OF KRAJINA  
PETROVAC MUNICIPALITY  
- Municipal Secretariat for General Administration -  
Number: 03-372-176  
Date: 10 August 1992

### RECORD

Compiled on 10 August 1992 in the offices of Petrovac municipality regarding the taking of a declaration of assets of the person here present for their permanent departure from the territory of Petrovac municipality.

#### PRESENT:

1. Vukosav ĐUMIĆ, official
2. Rade KOLUNDŽIĆ, clerk
3. Dedo HODŽIĆ, son of Osman, party  
Bjelaj

The /person/ present has approached this organ unsolicited and, having been informed of the Decision of the War Presidency of the Petrovac Municipal Assembly on the Criteria for the Possibility of Departure number: RP 102-92 of 31 July 1992, has made the following

### DECLARATION

I hereby declare that I own, in my name, property on the territory of Petrovac municipality /consisting of/: family residential buildings of VP /mezzanine/ area 11x10m, basement cellar for cattle, a flat on the first floor, water, electricity. The house is built of stone. The roof is made of asbestos. The stable is 9x6m, and is made of solid material. The roof is made of asbestos. Everything is recorded in pl. /expansion unknown/ 150 as kč /plot number/ number 32/37- total area 2930m².

and that I concede it permanently to the Petrovac Municipal Assembly.

I have made this declaration with full responsibility, without coercion and in full consciousness of my declaration, for the purpose of obtaining the necessary documentation for permanent departure from and leaving Petrovac municipality.

This declaration has the force of an executive document.

PARTY

/signed/

S/?/mir HODŽIĆ

lk /identity card/ no. 82/92

Petrovac SUP /Secretariat of the Interior/

CLERK

/signed/

Rade KOLUNDŽIĆ

OFFICIAL

/signed/

Vukosav ĐUMIĆ

Fig. 2: Record of declaration of assets of Hodžić Semir to Bosanski Petrovac Municipality. (ICTY Archives)

Translation 03009089

**2.234**

/ERN 00592414 is identical to 00592416, and ERN 00592415 is identical to 00592417/

SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA  
AUTONOMOUS REGION OF KRAJINA  
PETROVAC MUNICIPALITY  
- Commission for Departure -

Number: 205-1-131/92

Date: 10 August 1992

Pursuant to Article 171 of the Law on General Administrative Procedure and the Decision of the War Presidency of the Petrovac Municipal Assembly on the Criteria for the Possibility of Departure number RP 102/92 of 31 July 1992, the following

**CERTIFICATE**

is issued:

1. Dedo HODŽIĆ is permitted to move out permanently from Petrovac Municipality \_\_\_\_\_ in the direction of \_\_\_\_\_ with the following family members:

- |  |                                       |
|--|---------------------------------------|
| 1. <u>Dedo HODŽIĆ</u>                        | 5. <u>Amina HODŽIĆ, granddaughter</u> |
| 2. <u>Ferida HODŽIĆ, wife</u>                | 6. <u>Semira HODŽIĆ, daughter</u>     |
| 3. <u>Semir HODŽIĆ, son</u>                  | 7. _____                              |
| 4. <u>/s/m/v/?/a HODŽIĆ, daughter in law</u> | 8. _____                              |

2. The person from the previous item may move personal possessions along with members of his family.

3. This certificate is valid with an authenticated notice of permanent deregistration.

COMMISSION PRESIDENT  
OBRAD VRŽINA  
/signed/

/stamp:/  
Socialist Republic /illegible/  
/illegible/  
MUNICIPAL SECRETARIAT /illegible/  
GENERAL ADMINISTRATION  
BOSANSKI PETROVAC

IT-99-36-T

**Exhibit P1846**

Translation  
00930256 3-87

Pursuant to the Decision on the Possibility of Voluntary Departure from Sanski Most Municipality, the Crisis Staff of Sanski Most Municipality adopted at the session held on 2 July 1992 the following

### DECISION on the Criteria for the Possibility of Departure from the Municipality

#### Article 1

Voluntary departure from Sanski Most Municipality shall be allowed to families and persons who give a statement to the authorised municipal administration organ (Municipal Secretariat for General Administration, Spatial Planning, Housing and Utilities) that they are permanently leaving the municipality and that they are leaving their real property to Sanski Most Municipality.

The persons from the preceding paragraph may take all their movable property from the municipality on condition that they make a list of the property, which will be verified by the authorised municipal administration organ.

#### Article 2

Permanent departure from Sanski Most Municipality shall be allowed also to persons who have exchanged or sold their real property (houses and land, as well as privately owned apartments), if the contracts have been properly signed and verified by the authorised organs.

#### Article 3

Members of the immediate family (husband, wife, father, mother and children) of the real property owner shall also be empowered to give the statement under Article 1 on behalf of the real property owner, and to conclude the contract under Article 2 on behalf of the seller, if the owners are not able to sign them personally.

Persons who exchange their property shall be exempted from paying sales tax, while in case of sale or gifts, sales tax shall be paid by the buyer or the recipient of the gift.

#### Article 4

The Municipal Secretariat for People's Defence shall give such persons the necessary permit to leave Sanski Most Municipality on the basis of a statement or contract, if there are no legal obstacles.

#### Article 5

The Sanski Most Public Security Station shall issue a certificate on the permanent departure from Sanski Most Municipality on the basis of the above documents and checks.

99-36-T

**Exhibit P696**

*Translation*

00930257

## Article 6

This Decision shall enter into force on the day of its adoption and shall be broadcast on Sanski Most Serbian Radio.

Number: 01-

Date: 2 July 1992

Sanski Most

c/c:

1. Sanski Most Serbian Radio
2. Staff documents
3. Files

CRISIS STAFF  
/stamped and signed/

**Fig. 4:** The Sanski Most Crisis Staff "Decision on the Criteria for the Possibility of Departure from the Municipality" (ICTY Archives)

/handwritten:/ FREE OF CHARGE

Serbian Republic of Bosnia and Herzegovina  
 AUTONOMOUS REGION OF KRAJINA  
 KOTOR VAROŠ MUNICIPALITY  
 Number: 01-372.7/92  
 Date: 21 August 1992

FINGERPRINT

### S T A T E M E N T

1. First name, last name, father's name: Safet SMAJLOVIĆ, Ibro
2. Name and maiden name of mother: Hanka MUJKANOVIC
3. Day, month and year of birth: 1933 in Kotor
4. ID card no. and place of issue: \_\_\_\_\_
5. Place of residence and address: Kotor Varoš
6. Education: \_\_\_\_\_
7. Place of work (company): \_\_\_\_\_
8. Amount of last salary: \_\_\_\_\_
9. Conscript (yes or no); VES /military occupational speciality/: \_\_\_\_\_
10. Previous convictions or currently facing criminal prosecution: \_\_\_\_\_
11. Desired destination: Zagreb

I hereby declare that I am voluntarily leaving Kotor Varoš municipality for the following reasons:

I wish to move away and I leave behind my land in Kotor and my destroyed house. I am taking with me my son Mustafa SMAJLOVIĆ, born 1957, daughter-in-law Zarfa, born 1959, my grandchildren Adnan, son of Mustafa, born 1981, Edvin, son of Mustafa, born 1985, my daughter-in-law Mirzeta, born 1965, my grandchildren (whose father is Muhamed SMAJLOVIĆ) Adela, born 1981, Aida, born 1986 and Asmir, born 1991, my daughter Nevzeta MAHMUTAGIĆ, born 1963, and my grandchildren (whose father is Suljo MAHMUTAGIĆ) Larisa, born 1989, and Alen, born 1984.

I declare that I will not join any armed formations in or outside the place I am travelling to, and that I will not /?fight/ against the Army and interests of the Serbian Republic of Bosnia and Herzegovina.

This statement is done in three (3) identical copies, of which one will be sent to the Crisis Staff, one to the Population Resettlement Agency and one to the Autonomous Region of Krajina.

STATEMENT TAKEN BY:  
 /signed and stamped/

STATEMENT MADE BY:  
 \_\_\_\_\_

**Fig.5:** Kotor Varoš Municipality Statement by Safet Smajlović stating that he and his family wish to leave Kotor Varoš. (ICTY Archives)

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CENTRE FOR INTEGRITY  
IN THE DEFENCE SECTOR

Norwegian Government Security and Service Organisation

01/2021

ISBN: 978-82-7924-109-6