

European interview

n°58

18th July 2011

No peace without justice

A European Interview with Jean-René Ruez, French Division Commissioner, former chief investigator for the Srebrenica case at the office of the Prosecutor of the International Criminal Tribunal for former Yugoslavia (ICTY).

Just after the ceremonies commemorating the Srebrenica massacre and just some weeks after the arrest of Ratko Mladic, former Commander-in-Chief of the Army of the Serb Republic of Bosnia (on 26th May last), the Robert Schuman Foundation asked Jean-René Ruez, French Division Commissioner and former chief investigator for the Srebrenica case at the office of the Prosecutor of the International Criminal Tribunal of former Yugoslavia (ICTY) to tell us about this massacre as well as about what will now result after the arrest and the upcoming trial of Ratko Mladic.



1. From 1995 to 2001 you coordinated the collation of evidence in view of the trials linked to Srebrenica for the International Criminal Tribunal for former Yugoslavia. Why did it take so long to complete this investigation?

The investigation had to be undertaken in stages and initially, the means available were extremely limited. In the beginning the allegation that thousands of men had disappeared after the capture of the UN safe area of Srebrenica by the Bosnian-Serb forces on 11th July 1995 had to be verified. On arrival in Tuzla, Bosnia, on 20th July the sequence of events had to be put together to start with, by selecting key witnesses for audition from amongst the 25,000 refugees who had been evacuated from the enclave, and especially from amongst the 15,000 men who had fled through the woods declaring that they had

survived mass execution. During the summer of 1995 we were two investigators, then three, undertaking the interviews. The war was still ongoing and so it was impossible to go to the site itself.

On my return to The Hague I worked alone on this "file", examining in September and October, all of the eye-witness reports that had been gathered and putting together the sequence of events. It was only then that the real extent of what had happened and the horror of it was revealed.

Events can be summarised as follows. On the eve of the enclave's fall around 15,000 men, of whom 6,000 from the "28th division", fled through the woods. On 12th and 13th July the Bosnian-Serb army undertook the forced transfer of around 25,000 people who had remained in the enclave; at the same time they terrified the population with sporadic murders, separating the men from their families. These prisoners were transferred to Bratunac, a small town close to Srebrenica. As far as the fleeing column was concerned, its head – the 28th division – managed to break through the Serb lines. The others found themselves trapped on the hillside, along a road 20km in length. These men surrendered to the Serb forces which had surrounded the area on 13th July and were grouped together at several points along this road. The extermination process of the prisoners started that day but in a "disorganised" manner. And so 150 prisoners were taken to a small valley (Cerska) and were shot on the edge of a pathway and buried in a ditch by bulldozer. Several hundred others were taken to a hangar (Kravica) and machined gunned or killed with hand-grenades. All of the others were transferred to Bratunac, joining the prisoners who had been captured in the enclave itself. Locked inside two schools and a gymnasium, as well as on board buses that

were parked in the town centre the transfer of these prisoners towards detention and execution sites lying approximately 50km to the north of the town, towards Zvornik, started on 14th July and went on to the 15th, given their number. On 14th July, the prisoners who had been transferred to the area of Zvornik were held in schools in Orahovac and Petkovci. They were executed in small groups at sites nearby and their bodies were thrown into mass graves. On the 15th the prisoners who had been transported to the school in Rocevic were executed and buried by the river Drina. Those taken to the school in Kula and to the House of Culture in Pilica were executed on 16th July and their bodies buried in a mass grave at the military farm of Branjevo.

The "criminal analysis" of eye-witness reports comprise the base of the indictments, in November 1995, of Radovan Karadic and of General Ratko Mladic, the head of Bosnian Serb army.

We gained access to the crime scenes in the spring of 1996. On a local level the Bosnian-Serb political, police and military structures remained unchanged. Every mission to find and document the locations of detention, execution and burial were the subject of a real military operation on the part of the American forces, who were responsible for protecting the small team of colleagues, who were in fact working on other files, but who volunteered to go to the sites with me. These short missions, undertaken according to a previously established list of objectives required a great amount of preparation and many return journeys to The Hague, to analyse and process the results.

At the same time, mass graves that had been found mainly thanks to the analysis of aerial imagery provided by the American services, according to geographic coordinates, which we were able to produce using the information gathered from survivors, were the focus of an exhumation process which was set in place by the Tribunal.

The International Committee of the Red Cross estimated the number of people, who had disappeared after the capture of Srebrenica at around 8,000. After the Dayton Agreements the exchange of prisoners ended in March 1996. The fate of the 8,000 was no longer in doubt and any hope on the part of their widows and children came to an end.

At the end of 1996 only 500 bodies had been unearthed from the mass graves which were supposed to hold several thousand. Hence in the mass grave at

the farm of Branjevo, where 1,200 prisoners had been executed from 10am to 3pm of 16th July 1995, and where 500 bodies of prisoners murdered in the house of culture of Pilica had been buried, only a hundred bodies were recovered. The size of the original mass grave, and the fact that some bodies were sliced by the spoon of a bulldozer, left us with little doubt that there had been an operation to move the burial site to unknown quarters.

The analysis of aerial clichés enabled the dating of this vast operation to dissimulate these crimes, which was as organised and systematic as the initial extermination operation, undertaken by the Bosnian-Serb forces at the end of September-beginning of October 1995, before the negotiation of the peace agreement.

In 1997, having then a small team of investigators and analysts who were working solely on the "Srebrenica file", the search of the so-called "secondary" mass graves was started; at the same time we continued to fine tune the time-line of events by interviewing victims and other witnesses. Intelligence gathering, but mostly aerial imagery obtained from the American services, enabled us to locate the sites and to probe them in order to ascertain the presence of "multiple bodies", a necessary condition for the launch of any exhumation operation.

The "crime scene", that was riddled with detention and execution sites, primary mass graves, as well as the secondary ones, extends over 70 km from the north to the south and 40km from east to west, covering almost all of the area which came under the responsibility of the Bosnian-Serb Army "Drina Corps", the division which undertook the operation to take the enclave of Srebrenica.

In 1998 the exhumation team started work on these sites. There were 28 scattered in small uninhabited valleys that had been ripped apart by the war and which were full of land mines. Every grave held several truck loads of rotting bodies. The analysis of earth, pollen and the shell casings that were mixed in with the bodies as well as other objects discovered during exhumation enabled us to trace the source of the original so-called "primary" mass graves and to link the bodies which had been excavated by heavy equipment to these main graves. We are now in 2011 and this exhumation process, which has been handed over to the authorities of Bosnia-Herzegovina in 2001 is still not finished. To date some 6,000 bodies have been identified.

In 1998 the arrest of General Krstic (by the SFOR – the stabilisation force), the head of the Bosnian-Serb Army “Drina Corps”, indicted for his role in the extermination of the prisoners captured after the enclave was taken, helped us take the investigation into a decisive phase that targeted a “military analysis” in addition to the “criminal analysis” of the situation.

From 1999 to 2001, most work was focused on the Bosnian-Serb military structures that were involved in the extermination of prisoners. This was achieved mainly by searching the HQ’s of the most dubious brigades (the First Motorised Brigade of Zvornik and the Infantry Brigade of Bratunac). The fruitful analysis of the documents we seized, in spite of the fact that the archives of July 1995 had disappeared, notably helped confirm our list of the main detention sites and contributed to the long, difficult procedure of interviewing the military staff of the Drina Corps, on-going since 1998, to include the entire chain of command, from the lorry driver to the general. This procedure helped prepare a series of indictments targeting those who were mainly responsible for what is now qualified, since the sentencing of General Krstic in 2001, in addition to being a crime against humanity, as a genocide.

This brief summary that only covers the main phases of the investigation and which omits, for example, an extensive operation to seize around 3000 weapons for comparison with the shell casings that were found at the crime scenes, helps us understand why this investigation, which in view of such facts, cannot content itself with approximations, took so much time, especially with such a limited number of people working on it (the investigation team never comprised more than ten people, including the secretary). I left the tribunal in April 2001. The investigation continued after this date.

2. After finishing the investigation how do you see the trials associated with Srebrenica at the International Criminal Tribunal for former Yugoslavia? Does international justice live up to expectations?

The legal processing of the Srebrenica file has been a total success for the ICTY Prosecutor’s office. In line with its mandate the Tribunal has charged those “mainly responsible”.

Victims regret however that some sentences did not match their suffering. By applying a mathematical

logic, dividing the number of years in prison by the number of those who disappeared, this calculation, except in the case of life imprisonment, leaves room for the thought that the murder of a man is not really being severely punished.

In addition to the members of General Mladic’s main staff, officers from the units that took part in the massacres were also indicted. The most involved were members of the security branch of the Bosnian-Serb army, the organiser of the extermination operation.

General Krstic, the head of the Drina Army was condemned, on appeal, to 37 years in prison for aiding and abetting genocide and for crimes against humanity. The commander of the Zvornik brigade, Vinko Pandurevic was condemned to 13 years, whilst his deputy Dragan Obrenovic, who pleaded guilty, was sentenced to 17 years in prison. Dragan Jokic, commander of the Engineers Unit of the military engineering brigade of Zvornik, who buried the bodies, pleaded not guilty, whilst his commander did so. He was sentenced to nine years in prison. The commander of the Bratunac brigade, Vidoje Blagojevic was sentenced to 18 years; Colonel Borovcanin, commander of the “special police brigade of the Republika Srpska”, guilty of the massacre that took place in the Kravica hangar, was sentenced to 17 years.

The trial of General Tolimir, General Mladic’s righthand man in this operation, since he was both head of the security and intelligence service of the army is now ongoing. His deputy, who was in charge of security, Colonel Beara was sentenced to life imprisonment in June 2010. Lieutenant-Colonel Popovic, responsible for the security branch of the Drina Army was also sentenced to a life term.

The security officer of the Zvornik brigade, Drago Nikolic, who was also charged with personally taking part in the executions, was sentenced to 35 years in prison, whilst Momir Nikolic, an information and security officer in the Bratunac brigade, who pleaded guilty, was sentenced to 20 years.

Finally General Gvero, the army’s Chief of Staff was sentenced to five years whilst General Miletic, assistant to General Mladic for legal, religious and moral affairs in the army, was sentenced to 19 years.

The minor elements, simple executors, are being judged on a local level. This was the case for the members of the “Scorpions” unit who were seconded to the Bosnian-Serb army by Belgrade just before the attack on Srebrenica; a video of them was broadcast in 2005 showing its members executing six prisoners from

Srebrenica one by one. They were tried in Belgrade. The members of the 10th Sabotage Detachment, a special unit that took part in the massacre at the farm of Branjevo, and which was directly attached to Mladic's main staff, are or will be tried in Sarajevo. The head of this executioners' group, Brano Gojkovic is still on the run.

Apart from revealing the truth and sentencing the authors of the crimes, international justice has helped unveil the locations of the victims' burial, the identification and the return of the bodies to their families, so that they could give them a decent burial and grieve properly. This genocide now has a mausoleum devoted to it in which the victims, identified year after year, have been buried in a ceremony to commemorate 11th July 1995.

3. Ratko Mladic, former Commander in Chief of the Army of the Serb Republic of Bosnia was arrested on 26th May last. Do you think that his trial will lead to the lifting of the final areas of darkness that linger over Srebrenica?

As far as the true facts are concerned, given the quantity of information at our disposal, confirmed by the trials that have already taken place, there are no more areas of darkness. Of course there is still a question mark over the total number of victims. 8,000 people were reported missing but since this is a criminal investigation only the number of prisoners placed under the control and responsibility of the army and who were assassinated, counts. This figure, which in all events will be below the real one, will only be final once all of the "secondary" mass graves will be exhumed. The number should be around 7000.

If dark areas remain, they concern two important points. The first is the role of Milosevic in the events in Srebrenica. His death before the end of his trial prevents the whole truth from emerging. The trials of Radovan Karadzic and Ratko Mladic may indeed provide some details on this. Finally there is still doubt about whether the organised, systematic extermination of the men captured in Srebrenica can be explained by the accumulation of hate on either side in this region, or whether it is the "logical" follow-up to the ethnic cleansing that had been started by the Bosnian-Serb

leaders in 1992. These trials may provide answers to this.

4. Could the ICTY investigation and trials help to reconcile the Serb and Muslim (Bosniak) populations in Bosnia? How should reconciliation like this be fostered?

The survivors of the military operation to take the UN safe area of Srebrenica are mainly those who were trapped as they fled the ethnic cleansing that took place in 1992 in the towns and villages (Zvornik, Vlasenica, Bratunac) of this region that was strategic to the Serbs since it bordered on neighbouring Serbia. In addition to the loss of their family members, mainly men aged 13 to 60 at least, for years these people suffered the terrible propaganda that aimed to deny the very existence of this genocide. In spite of the trials the long years that Ratko Mladic remained on the run has strengthened the feeling they have been denied justice and it has painfully added to the theories that there has been an "international conspiracy" which they say granted their torturers immunity.

The basic principle remains: "no peace without justice". Without justice any reconciliation is obviously compromised. It means moving on from denial to accepting reality.

Obviously this is only a pre-requisite. The atrocities committed in former Yugoslavia caused victims on all sides. Serbia's obstinacy in rejecting the legitimacy of the ICTY during those vital years undermined the tribunal's ability to investigate crimes committed against Serbs and to prosecute the authors of these crimes effectively. At this point in the tribunal's lifespan reconciliation may not simply be found in the legal process alone.

On 11th July 2011 during the commemoration ceremonies of the Srebrenica massacre, Bakir Izetbegovic, a Muslim member of the collegial presidency of Bosnia-Herzegovina declared that "with time, the other wounds will possibly heal, but Srebrenica, never." However, he publicly congratulated Serb President Boris Tadic for having fulfilled the promise he made last year in Srebrenica, that of arresting Ratko Mladic.

5. The arrest of Mladic has re-initiated Serbia's bid to join the EU. Does this mean that the EU can influence a third country?

Without the pressures, made possible by its desire to join the EU, I do believe that General Mladic would never have been brought into the courtrooms of the ICTY - neither him nor his subordinates, nor the co-authors of the genocide of Srebrenica. The voluntary surrender, one after the other, of the co-authors worked like a set of fuses, delaying the deadline to the last possible minute. Mladic, in Serbia, enjoyed the protection of the army for many years as well as that of the State. For a long time his protectors cynically played for time, gambling on the relinquishment on the part of the EU, of it possibly wanting to turn the page, to move

forwards, in other words, to forgetting a past embodied by the former head of the Bosnian Serb Army. In addition to the EU's care in not falling into this trap we have to praise the determination of the ICTY's prosecutors who made it their priority to recall constantly the need to respect the law, justice and moral code, which meant delivering everyone, who had been charged by the tribunal, to international justice.

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