

War in Serbia (1991-2001): It Did Happen



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ACRONYMS

APV	Autonomuos Province of Vojvodina	MBT	Motorized Brigade of the Yugoslav Army
BH	Bosnia and Herzegovina	MNCS	Muslim National Council of Sandžak
BIRN	Balkan Investigative Reporting Network	MNE	Montenegro
BNC	Bosnian National Council	MUP	Ministry of Internal Affairs of the Republic of Serbia
CZKD	Center for Cultural Decontamination	NATO	North Atlantic Treaty Organization
ECHR	European Court for Human Rights	NOB	National Liberation War, name for World War II in Yugoslavia
HDZ`	Croatian Democratic Community	OSCE	Organization for Security and Co-operation in Europe
HLC	Humanitarian Law Center	OUP	Department of internal affairs of the Republic of Serbia
HLC Kosovo	Humanitarian Law Center Kosovo	OVPMB	Liberation Army of Preševo, Medveđa and Bujanovac
ICRC	International Committee of the Red Cross	PJP	Special units of police within the Ministry of Internal Affairs
ICTY	International Criminal Tribunal for Former Yugoslavia	RDB	Security Service of Republic of Serbia
IRMCT	International Residual Mechanism for Criminal Tribunals	RECOM	The acronym RECOM stands for the Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia from 1 January 1991 to 31 December 2001.
JNA	Yugoslav People's Army		
JSO	Special Operations Unit		
JUL	Yugoslav United Left Party		
KFOR	NATO military peace mission in Kosovo		
KLA	Kosovo Liberation Army		
KOS	Counterintelligence Service of the JNA		
KPZ	Detention Facility		
LSV	League of Social Democrats of Vojvodina		

RJB	General Police Directorate of Republic of Serbia	TRZ	Prosecutor for War Crimes of the Republic of Serbia
RS	Republic of Srpska	UB	JNA Security Service
RSK	Republic of Serbian Krajina	UJDI	United Yugoslav Democratic Initiative
SAJ	Special Antiterrorist Unit of the Ministry of Internal Affairs of Serbia	UKP	Criminal Police Department of the Ministry of Internal Affairs
SBZS	Serbian Autonomous Region of Slavonia, Baranja and West Srem	UN	United Nations
SČP	Serb Chetnik Movement	UNHCR	High Commissioner of the United Nations for Refugees
SDA	Party of Democratic Action	UNMIK	United Nations Mission in Kosovo
SDG	Serbian Volunteer Guard or "Arkan's Tigers"	UNPROFOR	NATO peace mission in Bosnia and Herzegovina
SDS	Serbian Democratic Party in Bosnia and Herzegovina	VCC	Vojvodina Citizen's Centre
SEECF	South East Europe Cooperation Process	VIZ	Military Prison
SFRJ	Socialist Federal Republic of Yugoslavia	VJ	Yugoslav Army
SNS	Serbian Progressive Party	VRS	Army of Republic of Srpska
SNV	Serb National Council in Croatia	VSO	Higher Defence Council
SPC	Serbian Orthodox Church	YUCOM	Lawyers' Committee for Human Rights
SPO	Serbian Renewal Movement	ŽTP	Railroad Transport Company
SPS	Socialist Party of Serbia	ŽUC	Women in Black
SRJ	Federal Republic of Yugoslavia		
SRS	Serbian Radical Party		
SSNO	Federal Secretariat for National Defence		
SUP	Secretariat of Internal affairs of the Republic of Serbia		
SVK	Serbian Army of Krajina		
TO	Territorial Defence		

INTRODUCTION

THE ARMED CONFLICTS on the territory of Former Yugoslavia in the period of 1991 to 2001 resulted in the violent deaths of 130,000 persons, forcible deportation of several million people, while more than ten thousand are still listed as missing. From the very start of the wars up until today, the authorities and institutions of the Republic of Serbia, with few exceptions, have been denying the involvement of the armed forces of FRY and Serbia in the armed conflicts in Croatia, Bosnia and Herzegovina, in Kosovo, as well as the existence of war crimes on the territory of Serbia, which are tightly connected to these armed conflicts.

As a counterpoint to the oblivion of war events, the publication: "War in Serbia: The Forgotten Violence (1991-2001)" aims to inform, educate, and remind all those interested in the matter about the existence of mass graves, camps and torture, murders and persecution of the members of the minorities, forcible conscription of refugees, and the paramilitary units on the territory of Serbia in the period of 1991 - 2001. Likewise, the publication offers a text on the rebellion in the south of Serbia (2000 - 2001), as well as the summarised chronology of the actions of organisations and individuals who had tried to resist the commencement of wars and protest against the politics of crime in the period of 1991 - 1999 through anti-war and peace movements.

By thematising said patterns of violence and crimes collectively called War in Serbia, the publication consists of seven texts based on the information of other organisations documenting the loss of lives in Serbia, linking together court-established facts, official information of domestic and international institutions, as well as the statements of witnesses, survivors, and victims' families. All the texts include contexts, chronologies, statements of witnesses and victims, court epilogues, descriptions of the persons responsible for the crimes, as well as the memorialisation for particular topics of a forgotten cycle of violence, and the individual crimes against minorities in Serbia. In the era of the widespread glorification of war criminals in Serbia, this publication represents an effort to, in the simplest and most comprehensive way, bust the myth that there was not a war going on in Serbia, and that the state of Serbia never participated in the war disintegration of the second Yugoslavia.

SECRET MASS GRAVES IN SERBIA

The armed conflict on the territory of Kosovo in 1998-1999 was fought between the Federal Republic of Yugoslavia (FRY) and Serbia, i.e. the Yugoslav Army (VJ), police and paramilitary units on one side and the Kosovo Liberation Army (KLA) on the other. After the mayhem in Albania in 1997 gave the KLA easier access to weapons,¹ their activities intensified. Between March 5-7 1998, in the village of Prekaz, Serbian police units attacked the compound of Adem Jashari, KLA commander, and other than Jashari himself, killed 58 of his relatives – KLA members, women and children.² After the Prekaz massacre, which the international community assessed as the use of unnecessary force, KLA gained broader support of the Albanian population.³

During the armed conflict of 1998-1999, Serbian forces, by torturing, raping and murdering Albanian civilian population, as well as by destroying property and persecuting Kosovo Albanians, wanted to make a permanent change of the demographic situation in Kosovo. The violence of Serbian forces against the Albanian population was the retaliation of JA and police for KLA attacks,⁴ while murders served to intimidate the population and encourage Albanians to leave their settlements. Attacks on civilians intensified during the NATO intervention in the period between May 24 and June 10 1999. It is estimated that from the end of March until the beginning of June 1999, around 700,000 Albanians left Kosovo.⁵ According to the data of the Humanitarian Law Centre (HLC), in the course of 1998, 1099 civilians, Kosovo Albanians, were killed, while by the end of war, that is, June 20, a total of 5009 Albanian civilians were killed.⁶

At the same time, the planning of an operation to transfer and conceal the bodies had also begun in March. This operation had to start in April at the latest and continued into May. The Albanians killed by Serbian forces were first buried near the locations in which they were killed and subsequently, when the entry of NATO forces into Kosovo became certain, their bodies were removed and buried in mass graves in Serbia,⁷ often in locations that belonged to the army and police.

1 Under Orders: War Crimes in Kosovo, Human Rights Watch, 2001, p.36 https://www.hrw.org/reports/2001/kosovo/part_two.pdf;

2 Labinot Leposhtica, "Kosovo Probes Killing of Guerrilla Commander and Family", BIRN, 06 March 2020: <https://balkaninsight.com/2020/03/06/kosovo-probes-killing-of-guerrilla-commander-and-family/>;

3 Filip Švarn, "Cena pogrešnih procena i još gorih odluka", Vreme, 19 August 2010: <https://www.vreme.com/cms/view.php?id=946183>;

4 Under Orders: War Crimes in Kosovo, Human Rights

Watch, 2001, p.34 https://www.hrw.org/reports/2001/kosovo/part_two.pdf;

5 Trial Chamber judgment in the case of Šainović et al. before ICTY, 26 February 2009: <https://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e2of4.pdf>;

6 Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, Humanitarian Law Center, Belgrade, 2017, p. 9: http://www.hlc-rdc.org/wp-content/uploads/2017/01/Dosije_OPERACIJA_SKRIVANJA_TELA._eng.pdf

7 Ibid, p. 9.

Gunshot wounds to the head⁸ show that these were executions, while the concealment of bodies undoubtedly indicates that the planners and executors were well aware that they had committed a war crime.

On the territory of Serbia, four locations containing several mass graves with a total of 941 bodies have been identified so far: Batajnica with 744 bodies, Perućac Lake with 84 bodies, Petrovo Selo with 61 bodies and Rudnica with 52 bodies. The first three mass graves were discovered in 2001 and the last one, Rudnica, in 2013.⁹

Refrigerated Truck in the Danube

Information about the mass graves first appeared in 2001 in a local magazine called *Timočka krimi revija*. There, Dragoljub Vitomirović, who was later killed in a car accident, published an article titled *Fifty Bodies in a Refrigerated Truck – State Secret*. The article gives a confession of a local diver Živadin Đorđević and states that the police, public prosecutors and investigating judges were immediately notified of the discovery of the refrigerated truck, as well as the highest levels of the Interior Ministry, after which the case was declared a state secret.¹⁰ In early April, a refrigerated truck with the marking of a slaughterhouse from Prizren surfaced in the Danube, at the village of Tekija near Kladovo. According to Đorđević, the diver, there was no driver in the truck, but a 5 kg rock was placed on the accelerator pedal and dead bodies could be seen in the freight compartment. The refrigerated truck was hauled ashore by the crane brought from the Đerdap hydro-electric power plant in the presence of police officers from the Kladovo police station (OUP Kladovo).¹¹ In the days to come, chief of the Bor Police Department (SUP Bor), Časlav Golubović, got involved too. Golubović telephoned Vlastimir Đorđević, head of Interior Ministry's Public Security Service (RJB), who first ordered for the bodies to be buried and then, when it was clear that there was no logistics to execute the task, to transport them to Belgrade.¹² Local utility company named Komunalac was hired to do that and driver Ljubinko Ursuljanović was ordered to drive the truck with 30 bodies to Bubanj Potok, where the officers of the State Security Service (DB) would take it over. The next day, Interior Ministry's driver Božidar Protić came and drove away the truck with 53 corpses and three heads to the "13th May" centre in Batajnica. The operation of removing the bodies from the refrigerated

⁸ Ibid, p. 8.

⁹ Ibid, p. 7.

¹⁰ Dragan Vitomirović, "Pedeset leša u hladnjači – državna tajna", *Timočka krimi revija*, 1 May 2001, evidence no. P00365 in the Đorđević case before ICTY.

¹¹ Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, p. 35.

¹² Ibid, p. 36.

erated truck and their transportation to Batajnica was named the Depth II and 83 corpses and three heads are the first remains of Kosovo Albanians driven to the mass grave in Batajnica.¹³

Working Group

On May 8 2001, the then Serbian Interior Minister Dušan Mihajlović formed a Working Group composed of senior police officers, including Dragan Karleuša, Deputy Head of the Crime Police Administration (UKP). The Working Group was tasked with investigating the allegations from the *Timočka krimi revija*.¹⁴ The Working Group presented its findings and information on the transportation and burial of bodies in documents titled Information I of May 25 and Information II of May 26 2001.¹⁵ It also found that the highest state officials had meetings since March 1999 with regard to the issue of bodies of Albanian civilians. At one of those meetings, Slobodan Milošević ordered the then Interior Minister Vlatko Stojiljković to remove all traces which could lead to any evidence of the crime committed. Stojiljković delegated this task to Vlastimir Đorđević, head of the Public Security Service and Dragan Ilić, head of the Crime Police Administration. Later, in communication with Radomir Marković, head of the State Security Service, Ilić said that he was provided with significant help from Goran Radosavljević Guri,¹⁶ at that time in charge of the Training Centre in Petrovo Selo, where two mass graves were found.¹⁷

In May 1999, at one of those meetings of the highest government officials, Obrad Stevanović, Assistant Interior Minister, wrote down: “No bodies – no crime” and below that “President”, which certainly referred to Slobodan Milošević.¹⁸

Mass graves in Serbia

Batajnica

The 13th May suburb is located in the vicinity of Belgrade, on the road to Batajnica, by the Danube. In 1999, this was the location of the Training Centre of the Special Anti-Terrorist Unit (SAJ) of the Interior Ministry’s Public Security Service. It is still active and belongs to the Police Directorate. Eight mass graves with 744 bodies of Kosovo Albanians were discovered there in 2001, which is

¹³ Ibid, pp. 36-37.

¹⁴ Ibid, p. 30.

¹⁵ Ibid, Annex 1 and Annex 2.

¹⁶ Ibid, p. 34.

¹⁷ Ibid, p. 12.

¹⁸ Ibid, p. 57.

a figure established by UNMIK Forensics Office.¹⁹ The mass graves in Batajnica contained the bodies of victims killed between March 24 and May 22 1999 mostly in the municipalities of Suva Reka, Đakovica, Peć, Kosovo Polje, Prizren, Vučitrn, Lipljan, as well as Kosovska Mitrovica, Oranovac, Podujevo, Istok and Dečani.²⁰

On March 26 1999 In Suva Reka, Prizren municipality, 53 civilians were killed, 49 of whom were members of the Berisha family. 24 bodies of the members of this family were found in Batajnica, five in Suva Reka, while 20 are still recorded as missing.²¹ On the compound of the Berisha family, officers of the Suva Reka Police Station (OUP Suva Reka) separated men from women, who were ordered to run towards the Kalabrija pizza restaurant, in which they subsequently threw bombs and then entered to check whether there were any survivors.²² After that, the bodies were loaded into a truck and driven towards Prizren.²³

Bodies of those murdered in the Reka operation were also found in the mass grave in Batajnica. The Reka Operation was a joint action of the Yugoslav Army and Interior Ministry carried out on April 27 and 28 1999 on the territory of Đakovica municipality.²⁴ In Đakovica municipality, at least 348 civilians were killed, 309 of whom were found in Batajnica, 26 in Korenica and Meja, while 13 are still missing.²⁵

Petrovo Selo

Petrovo Selo is situated in Eastern Serbia near Kladovo. In 1999, this was the location of the Training Centre for Police Special Units (PJP). It was also sometimes used by the members of the State Security Service's Special Operations Unit.²⁶ According to UNMIK Forensics Office, two mass graves were found in Petrovo Selo, containing 61 bodies.²⁷ Mass graves in Petrovo Selo contain bodies of people killed in the municipalities of Srbica, Glogovac, Klina and Đakovica after March 28 1999, as well as the bodies of 14 KLA soldiers killed at Mount Beleg in May.²⁸

Brothers Mehmet, Agron and Ylli Bytyqi were also killed at the Training Centre in Petrovo Selo after July 8 1999. The Bytyqi brothers were American citizens arrested in June 1999 for helping

19 Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, p. 11.

20 Ibid, p. 13.

21 Ibid, p. 14.

22 Batajnica Memorial Initiative, Suva Reka, <https://www.batajnicamemorialinitiative.org/en/zrtve>;

23 Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, pp. 19-20.

24 Dossier: Operation Reka, Humanitarian Law Centre, Belgrade, 2015, p. 7: http://www.hlc-rdc.org/wp-content/uploads/2015/10/Dossier-Operation_Reka.pdf;

25 Dossier The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, p. 18.

26 Ibid, p. 12.

27 Ibid, p. 12.

28 Ibid, p. 25.

the families from Prizren to enter the territory of Serbia. The Bytyqi brothers were sentenced to 15 days in prison in Prokuplje for the illegal entry into the country and then taken to the Training Centre in Petrovo Selo, where they were killed and buried.²⁹

The refrigerated truck which surfaced in the Danube some time before was destroyed in Petrovo Selo in early April 1999;³⁰ a few days later, the trucks with corpses arrived, first from Janjevo, Kosovo, with 13 bodies, and then from Kosovska Mitrovica, carrying around 50 bodies. Both trucks were driven to the Training Centre by Božidar Protić.³¹ Božidar Protić testified about the transportation of bodies from Kosovo to Petrovo Selo before both international and national courts.³²

Goran Radosavljević Guri, Operational Groups (OPG) commander, as the person responsible for the training of police officers in Petrovo Selo, must have been aware of the burial of the bodies.

Perućac

The bodies of Kosovo Albanians surfaced in Lake Perućac near Bajina Bašta in Western Serbia in 1999. Later, a mass grave was also found by the lake, which contained, in addition to human remains, parts of the refrigerated truck. Although it was initially thought that these were the bodies of 48 persons, UNMIK Office of Missing Persons and Forensics established that these were the bodies of 84 persons, since not all the bodies were complete.³³ Victims whose bodies were found near Lake Perućac were killed in Đakovica municipality, specifically in Đakovica and Kraljine, and in Dečani municipality, that is, in the village of Dečani.³⁴

Đorđe Kerić, head of Užice Police Department (SUP Užice), who later testified before ICTY, Bajina Bašta Police Station (OUP Bajina Bašta) and Vlastimir Đorđević, were immediately notified of the bodies found. Vlastimir Đorđević ordered the bodies to be removed,³⁵ and this task was executed using the machinery of the Elektroizgradnja company and the equipment of a local hydro-electric power plant.

29 Snežana Čongradin, "Navršava se 20 godina od ubistva trojice braće Bitići", Danas, 9 July 2019: <https://www.danas.rs/drustvo/suocavanje/navrsava-se-20-godina-od-ubistva-trojice-brace-bitici-1999-u-petrovu-selu/>;

30 Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, p. 45.

31 Ibid, pp. 40-41.

32 Ibid, p 28.

33 Ibid p. 12.

34 Ibid, pp. 28-29.

35 Ibid, p. 48.

Rudnica

In the quarry in the village of Rudnica near the border with Kosovo, 52 bodies of Albanian civilians were found. The excavations started in 2007, but the first bodies were found only six years later, that is, in 2013. The existence of the grave in Rudnica was discovered during the trial conducted in Kosovska Mitrovica, i.e. in the Drenica Group case.³⁶ The remains of victims killed in Rezala, Srbica municipality and Staro Čikatovo, Donje Zabelje and Gladno Selo, Glogovac municipality,

were found in Rudnica.³⁷ Srbica and Glogovac municipalities are parts of the Drenica region. The 37th motorised brigade of the Yugoslav Army, at that time under the command of Colonel Ljubiša Diković, had an important role in the crimes committed in the Drenica region. “The medals and the ‘fame’ that the 37th mtbr achieved after the war in Kosovo are linked to the allegations that Drenica was the ‘stronghold of the KLA’ and the ‘terrorist nest’. However, the fact is that during the deployment of the 37th mtbr in Drenica, some 180 ‘terrorists’, that is, members of the KLA were killed in this area, whereas 1,400 civilians were killed.”³⁸ The Cleaning-up Squad of the 37th mtbr was in charge of removing the bodies found in the Rudnica mass grave after the war.³⁹

Burning of bodies

In addition to burying the bodies in mass graves, there is also evidence of the incineration of the bodies of Kosovo Albanians. Three locations are mentioned in that respect: Mačkatica – aluminium complex near Surdulica, the Feronikl factory in Glogovac and the Bor Mine and Smelting Basin.

According to the information from 2004, the process of incinerating the bodies in Mačkatica in May 1999 was secured by the Red Berets, a state security unit under the command of Milorad Ulemek Legija. Although in 2005 the then War Crimes Prosecutor Vladimir Vukčević visited the factory, no charges were raised.⁴⁰ There is no indictment for the events in Feronikl, either, although the HLC, based on the manuscript of the book by Slobodan Maksimović, Yugoslav People’s Army officer, had filed a criminal complaint against five NN persons. It is also known that the members of the Police Special Units (PJP) were accommodated in the Feronikl.⁴¹ The incineration of bodies in Bor

36 Dossier: Rudnica, Humanitarian Law Centre, Belgrade, 2015, p. 9: http://www.hlc-rdc.org/wp-content/uploads/2015/01/Dosije_Rudnica_eng.pdf;

37 Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, pp. 29-30.

38 Dossier: Rudnica, pp. 43-44.

39 Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, p. 51.

40 Ibid, pp. 53-54.

41 Ibid, pp. 54-55.

was never examined either, although some witnesses had talked about it, mentioning the name of Časlav Golubović, head of the Bor Police Department.⁴²

Bodies of the missing Kosovo Albanians were searched for on several other locations in Serbia, as well: the excavations continued in Rudnica and the locality of Brežuljak was examined;⁴³ the villages of Medevce and Karadak in Medveđa municipality were explored in October 2018 based on the information from the Coalition for REKOM⁴⁴; the explorations were conducted in the village of Kozarevo, Novi Pazar municipality in 2015,⁴⁵ as well as in Kiževik near Raška, where excavations also started in 2015, but were subsequently stopped for the lack of funding, only to be resumed in 2017.⁴⁶ Mass graves were not found in any of these locations.

According to HLC and HLC Kosovo data, 1669 persons are still missing in Kosovo, 1100 of whom are Albanians, 419 Serbs and 150 others.⁴⁷

In the meantime, the International Commission on Missing Persons developed an On-Line Inquiry Centre⁴⁸ through which it is possible to report a missing person or a location in which possible mass graves or remains of a missing person could be found.

Victims' Voices

"First they found Idriz. All of them were in one place in a group, in Batajnica, in Serbia... All found at once. We buried them all. But not all the bodies were buried as a whole. They did not tell us that they are missing... One shoulder of my husband came in 2017. Only my brother in law and his son were told. Nobody said anything to us women. I don't say that children should be told. I just came back from work and met with a Sokol, a guest, and he received one part. When they told me, it seemed to me as if the whole Kosovo fell on me, it was so difficult.⁴⁹ When sixteen potatoes

⁴² Ibid, pp. 55-56.

⁴³ Jelena Diković, "Depolitizovati proces portage za nestalim licima", Danas, 31 July 2018: <https://www.danas.rs/drustvo/suocavanje/depolitizovati-proces-potrage-za-nestelim-licima/>;

⁴⁴ "Komisija: Nema masovnih grobnica kod sela Medevce i Karadak", N1, 18 October 2018: <http://rs.n1info.com/Vesti/a428900/Komisija-Nema-masovnih-grobnica-kod-sela-Medevce-i-Karadak.html>;

⁴⁵ N. Kočović, "Nisu pronađena tela Albanaca u Kozarevu", Blic, 28 April 2015: <https://www.blic.rs/vesti/hronika/nisu-pronadana-tela-albanaca-u-kozarevu/rjebnbz>;

⁴⁶ "Nastavljena potraga za masovnom grobnicom kod Raške", N1, 19 April 2017: <http://rs.n1info.com/Vesti/>

<a243163/Masovna-grobnica-kod-Raske.html>;

⁴⁷ The Fate of the Persons Missing in the 1990s Wars in the Balkans: Obstruction instead of civilisational prospects and a humanitarian dimension, Humanitarian Law Centre, 29 August 2019: <http://www.hlc-rdc.org/?p=36874&lang=de>;

⁴⁸ International Commission on Missing Persons, On-Line Enquiry Centre <https://oic.icmp.int/index.php?w=intro&l=ba>;

⁴⁹ Living with memory of the missing – memory book with stories of the families of missing persons from the last war in Kosovo, Forum ZFD, Priština, 2019, pp. 23-24: <https://ngo-integra.org/publication/Living%20with%20memories%20of%20the%20missing%20-%20Katalogu%20-%20Catalogue.pdf>;

get rotten, you are left without lunch, not to mention sixteen men.”⁵⁰
– Fetije Mirena, Kosovo Polje

A total of 27 Albanian civilians were killed in the village of Staro Čikatovo. The witnesses told the FHC: “In the evening, a few villagers who survived the crime buried the bodies [of the murdered] in the places where they found them, in four graves. These survivors had been hiding in the forest near the village until the Serbian forces retreated from Kosovo. According to their testimony, in early June, the police came to the village and started digging up the graves. The bodies were loaded into a military truck, and the corpses of cows were laid in the dug up graves.”⁵¹

Persons of Interest

Obrad Stevanović defended his master thesis titled “Specific characteristics of managing the police units in conducting special criminal investigation and security tasks” in 1999. In 2008, he finished his PhD thesis titled “Specific characteristics of Albanian terrorism in Kosovo and Metohija”. Today, he is a full professor at the University for Criminal Investigation and Police Studies.⁵²

Goran Radosavljević Guri, after the 1990s, became the commander of the Gendarmerie, where he stayed until 2005. The USA banned Guri from entering the country and the US Congress insists on Guri’s arrest and investigation of his responsibility. Serbian President Aleksandar Vučić is simultaneously promising to solve the case and repeating that there is no evidence for the arrest,⁵³ while Goran Radosavljević remains a member of the Main Board of the Serbian Progressive Party.⁵⁴

Ljubiša Diković has never been prosecuted for crimes committed in his zone of responsibility. In 2011 he was appointed Chief of the General Staff and retired in 2018. He was posted as Army Chief of Staff in 2011. In February 2015, Dikovic was ordained by president at the time, Tomislav Nikolic, with the Order of the White Eagle of the first degree.⁵⁵ This was a result of the increased interest in national and international public for evidence of Dikovic’s potential responsibility for war crimes and covering them up.

⁵⁰ Ibid, p. 25.

⁵¹ Dossier: Rudnica, p. 34.

⁵² Obrad Stevanović’s biography, University for Criminal Investigation and Police Studies (in Serbian only): <http://www.kpu.edu.rs/cms/mentori/277-ostevanovic>;

⁵³ Snežana Čongradin, It has been 20 years since the murder of the three Bytyqi brothers, Danas, 9 July 2019: <https://www.danas.rs/drustvo/suocavanje/navrsava-se-20-godina-od-ubistva-trojice-brace-bitici-1999-u-petrovu-selu/>;

⁵⁴ Jelena Diković, “Vučić žrtvuje budućnost Srbije zbog Radosavljevića”, Danas, 20 December 2018: <https://www.danas.rs/drustvo/vucic-zrtvuje-buducnost-srbije-zbog-radosavljevica/>;

⁵⁵ Nikolić odlikuje Dikovića, Politika, 07 February 2015: <http://www.politika.rs/scc/clanak/318431/%D0%9F%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D0%BA%D0%B0/%D0%9D%D0%B8%D0%BA%D0%BE%D0%BB%D0%B8%D1%9B-%D0%BE%D0%B4%D0%B%D0%B8%D0%BA%D1%83%D1%98%D0%B5>;

Dikovic retired in 2018, after which the current president of Serbia Aleksandar Vucic ordained him with the first degree Order of Karadjordje's Star, the highest civilian and military decoration.⁵⁶

Trials

The evidence of the removal of bodies of Kosovo Albanians was presented in the cases of Đorđević and of Šainović et al. before ICTY and in the cases of Suva Reka and Bitići before the courts in Serbia.

Vlastimir Đorđević, Assistant Interior Minister and head of the Public Security Service was in control of the Police Special Units (PJP) and the Special Anti-Terrorist Unit. He was convicted before ICTY for the crimes against humanity, i.e. deportation, forcible transfer, murder and persecution on racial, religious, and political grounds, as well as for the violation of laws and customs of war. He was convicted for transferring the bodies from Kosovo to Serbia, which was treated as an attempt to conceal the crime of larger proportions, where he is assessed to have played a leading role.⁵⁷ Đorđević admitted to the burial and hiding of bodies in Batajnica and that he had known about the bodies in Perućac, but sought to minimise his role.⁵⁸ According to the judgment of the Trial Chamber, he was sentenced to 27 years' imprisonment in 2011. The Appeals Chamber reduced his sentence to 18 years in 2014. In 2019, in response to the possibility of Đorđević's early release, a petition was launched to make his release conditional to the disclosure of other mass graves.⁵⁹ Đorđević is currently serving his sentence in Germany.

The accused in the case Šainović et al. before ICTY were Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević, Sreten Lukić, and Milan Milutinović.⁶⁰ During the war in Kosovo, Šainović was Federal Deputy Prime Minister of FRY, Ojdanić was Chief of the General Staff, Lazarević was the commander of the Priština Corps and the Third Army Corps of the Yugoslav Army, Lukić was head of the Interior Ministry for Kosovo and Metohija, while Milan Milutinović was the President of Serbia.

⁵⁶ Jelena Mirković, Vučić odlikovao Borisova, Dikovića, Tozovca, N1, 15 February 2019: <http://rs.n1info.com/Vesti/a460581/Vucic-odlikovao-Borisova-Dikovica-Tozovca.html>;

⁵⁷ Appeals Chamber judgment in the Đorđević case before ICTY, 27 January 2014: <https://www.icty.org/x/cases/djordjevic/acjug/en/140127.pdf>;

⁵⁸ Dossier: The cover-up of evidence of crimes during the war in Kosovo: The Concealment of Bodies Operation, p. 58.

⁵⁹ ICTY: Don't Release War Criminal Vlastimir Đorđević: <https://www.change.org/p/vlastimir-djordjevic-should-not-be-released-from-icty-jail-until-he-helps-locate-additional-mass-graves-in-serbia-and-cooperates-in-other-unresolved-cases-from-the-kosovo-war>;

⁶⁰ Appeals Chamber judgment in the case Šainović et al. before ICTY, 24 January 2014: <https://www.icty.org/x/cases/milutinovic/acjug/en/140123.pdf>;

On February 26 2009, the Trial Chamber rendered a judgment acquitting Milutinović, since he, as the President of Serbia, was not in direct command of the army and forces which committed crimes. Šainović, Pavković and Lukić were sentenced to 22 years' imprisonment each for crimes against humanity and the violation of laws and customs of war. Ojdanić and Lazarević were sentenced to 15 years for aiding and abetting deportations and forcible transfers.⁶¹

In the appellate proceedings, both Ojdanić and Prosecution withdrew their appeals and his trial was concluded; having served two-thirds of the sentence, Ojdanić was released in 2013. After the judgment of the Appeal Chamber, Šainović, Pavković and Lukić were convicted for deportation, forcible transfer and persecutions as the crimes against humanity, murders as the crime against humanity and the violation of laws and customs of war. Šainović was sentenced to 18 years' imprisonment and the Appeal Chamber approved his early release in 2015. Pavković is serving his 22-year sentence in Finland. Lukić is in Poland, serving his sentence of 20 years. Lazarević, sentenced to 14 years' imprisonment for deportation and forcible transfer as the crime against humanity, was granted early release in 2015.

In 2009, the Specialist War Crime Department of the Belgrade Higher Court sentenced Radojko Repanović, commander of the police station in Suva Reka and Slađan Čukarić, police officer to 20 years' imprisonment, Miroslav Petković, reservist, to 15 years' imprisonment and Milorad Nišavić, State Security Service (DB) inspector to 13 years' imprisonment for the crimes in Suva Reka, that is, for the murder of the Berisha family members, including women, children, elderly and one pregnant woman in March 1999. Radoslav Mitrović, commander of the 37th Police Special Unit (PJP), Nenad Jovanović, assistant commander of the Suva Reka police station and Zoran Petković, reservist, were acquitted.⁶²

The indictment against Operational Group (OPG) member Sreten Popović and his underling Miloš Stojanović was raised in 2006 for the murder of the Bytyqi brothers. The first instance judgment of the Higher Court in Belgrade was rendered in 2009 and the second instance judgment in 2013.

⁶¹ Trial Chamber judgment in the case of Šainović et al. before ICTY, 26 February 2009: <https://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e2of4.pdf>;

⁶² Second instance judgment in the repeated trial in the Suva Reka case, the Court of Appeal in Belgrade, 6 June 2011 [Serbian only]: http://www.hlc-rdc.org/wp-content/uploads/2016/04/Drugostepena_pre-suda_u_ponovljenom_postupku-06.06.2011.pdf;

The accused drove the Bytyqi brothers, after they had served their sentences in Prokuplje, to the Training Centre in Petrovo Selo, kept them locked there for several days and then handed them over to the members of the Interior Ministry and Special Anti-Terrorist Unit, who tied them with wire and drove them to the garbage pit that already served as a mass grave with the bodies of Kosovo Albanians. Since it was not proven whether the Bytyqi brothers had the status of the prisoners of war at the time of their execution, the Court of Appeal found that neither Popović nor Stojanović could have committed a war crime against prisoners of war they were charged with, so they were consequently both acquitted.⁶³

Memorialisation

Memorials for the victims found in mass graves on the territory of Serbia still do not exist. The memory of the victims is kept alive by the street performances of non-governmental organisations such as Women in Black, Youth Initiative for Human Rights, and Humanitarian Law Centre.⁶⁴ In 2015, HLC launched an initiative for a memorial in Batajnica, for which it is possible to sign an on-line petition.⁶⁵

In 2011, in Batajnica's 13th May suburb, the Special Anti-Terrorist Unit initiated the building of a church dedicated to St Stefan Dečanski. The foundations for the church were dug out by the members of the Unit, for which they were honoured by Patriarch Irinej with the Medal of St King Milutin.⁶⁶

In 2016, director Ognjen Glavonić made a documentary Depth II in HLC's production. Thanks to the support of ICTY and HLC, the film presents testimonies of both those who participated in the concealment of the bodies operation and victims' families.

⁶³ Second instance judgment of the Court of Appeal in Belgrade in the Bytyqi case, 18 January 2013 [Serbian only]: <http://www.hlc-rdc.org/wp-content/uploads/2013/07/Drugostepena-presuda1.pdf>;

⁶⁴ Human rights NGOs mark anniversary of crimes against Albanians, Youth Initiative for Human Rights, 26 March 2019: [https://www.yihr.rs/en/human-rights-ngos-mark-anniversary-of-crimes-against-](https://www.yihr.rs/en/human-rights-ngos-mark-anniversary-of-crimes-against-albanians/)

[albanians/](https://www.yihr.rs/en/human-rights-ngos-mark-anniversary-of-crimes-against-albanians/)

⁶⁵ Batajnica Memorial Initiative, <https://www.batajnica-memorialinitiative.org/en/inicijativa>;

⁶⁶ "Patrijarh odlikovao SAJ i Vulevića za gradnju crkve", Danas, 10 April 2018: <https://www.danas.rs/drustvo/patrijarh-odlikovao-saj-i-vulevica-za-gradnju-crkve/>;

In 2018, the Youth Initiative for Human Rights invited all the lists which participated in local elections in Belgrade to take a stand regarding the building of a memorial site in Batajnica. Out of 24 election lists, only five came out, specifically, the Liberal Democratic Party, the Republican Party, citizens' group Šta radite bre - Marko Bastać, the Movement of Free Citizens, that is, Saša Janković in his own name, and the Movement for the Restoration of the Kingdom of Serbia. All of them recognised a need for the memorial.⁶⁷

⁶⁷ Stavovi izbornih lista o memorijalu u Batajnici, Inicijativa mladih za ljudska prava, 1 March 2018: <https://www.yihr.rs/bhs/odgovori-izbornih-lista-u-beogradu-povodom-izgradnje-memorijalnog-centra-u-batajnici/>;

PRISON CAMPS IN SERBIA IN THE 1990S

Prison camps for Croats 1991-1992

During 87 days, from August to November 1991, Vukovar (Croatia) was under siege of the Yugoslav People's Army (JNA), the Territorial Defence and various Serbian paramilitary units. After the fall of the once wealthy and multi-ethnic town, many Croatian soldiers, as well as Croatian and Serbian civilians, women, children and the elderly, were brought to prison camps in Serbia. Balkan Investigative Reporting Network (BIRN) reports that, according to the Croatian Commission for the Missing and Imprisoned Persons, "a total of 7666 people were exchanged from all of the Yugoslav army-run camps from December 1991 until August 1992. Of that number, 219 were under 18, 932 were women and 424 were over 60. Almost half of the number were civilians, 46 per cent, while 52 per cent were combatants. The status of the other 4 per cent has not been established".⁶⁸

Prison camps for Croats on the territory of Serbia were being opened as early as in October 1991. They were located on the compounds in Begejci and Stajićevo, in the Sremska Mitrovica Prison, the Penitentiary and Correctional Institution and Military Prison in Niš, the Military Investigative Prison (VIZ) and in the facilities of the Security Institute in Belgrade. A decision to open prison camps was signed by General Veljko Kadijević, at that time SFRY Federal Secretary for People's Defence (Federal Defence Minister); the Legal Department and the Security Directorate of the Federal Secretariat for People's Defence (SSNO) took part in preparing the decision. Technical and organisational details, that is, everything in relation to the operation of the camps, from food, through the selection of commanders and guards, to the decisions on releasing the prisoners was assigned to the JNA, that is, SSNO Security Directorate, which was intelligence and counter-intelligence section of the JNA.⁶⁹ The guards at the camps were regular soldiers or members of the military police, while investigators mostly came from the JNA Security Directorate. The investigators were trying to force the prisoners into disclosing information or confessions about war crimes.

⁶⁸ Barbara Matejčić and Zoran Kosanović, "Revealed: Vukovar Croats Were Tortured in Niš", BIRN, 27 January 2011: <https://balkaninsight.com/2011/01/27/revealed-vukovar-croats-were-tortured-in-nis-serbia/>;

⁶⁹ Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

Conditions in the camps

Upon arrival to the camp, the prisoners had to walk through the gauntlet, that is, to pass between a double row of soldiers who were punching and kicking them and beating them with sticks and other objects. Having walked through the gauntlet, the prisoners were forced to take off their clothes and hand over their personal belongings. Money and valuables were not returned to them when they left the camps. Inside the camps, the prisoners had to walk with their heads down and hands behind their backs, while the guards were beating them on a daily basis, even when they were going to the toilet, when they were forced to sing Chetnik songs. In addition to physical torture, the prisoners were exposed to psychological torture, as well. For example, the guards would take a prisoner to be executed, but instead of shooting them, they would burst into laughter. As a certain number of women were held at the camps, too, there were also the cases of rape. It was mostly cold at the camps, the prisoners were forced to sit and sleep on concrete, often without any covers, food was scarce, while personal hygiene and medical care were mostly denied.⁷⁰

The state of the camps was particularly difficult before the arrival of the International Committee of Red Cross (ICRC) in early December 1991, when the majority of murders and disappearances occurred.⁷¹ After ICRC's arrival, conditions improved and the prisoners, having been registered, felt safer. Because of increased monitoring by the international community, the camps in Begejci and Stajićevo were soon closed down and the prisoners were transferred to the camps in Sremska Mitrovica and Niš.

Begejci

On October 1 1991, a prison camp for Croats from Osijek, Vukovar, Vinkovci and surrounding places was founded in Begejci (today Torak). Until it was closed in December 1991, Begejci was a place of imprisonment for the members of Croatian military forces, as well as for a smaller number of reservists from Serbia who refused to participate in war and who were transferred to Begejci from Paragovo, a village near Novi Sad. Mostly Croats from Vojvodina and Croats arrested while passing through Vojvodina were held in Paragovo.

⁷⁰ Ibid.

⁷¹ Barbara Matejčić and Zoran Kosanović, "Revealed: Vukovar Croats Were Tortured in Niš", BIRN, 27 January

2011: <https://balkaninsight.com/2011/01/27/revealed-vukovar-croats-were-tortured-in-nis-serbia/>;

Other than them, some civilians, women and children were held in Begejci, too. It is estimated that around 750 persons⁷² went through the camp, including 37 women.⁷³ An article titled “Wild Guests of the Gentle Plains” published in the paper Zrenjanin in October 1991 brought a story of a collection centre in the Hunters’ House in Begejci, where members of the Croatian military forces were held, as well as civilians who were put there by the command of the JNA First Military Region. Đorđe Kitarjesku, Secretary of the Fazan Hunters Club, testifies that the military police came to pick him before they fenced the camp area and that he had access to the camp and witnessed the violence. The camp in Begejci, i.e. an abandoned farmhouse, consisted of a building for prisoners and a building for soldiers; it was surrounded with barbed wire and illuminated by floodlights. The camp was secured by the police (SUP) with machine guns and dogs and its commander was JNA Lieutenant Colonel Nikola Petrović.⁷⁴ The prisoners of the camp in Begejci were sleeping on concrete and using makeshift toilets. Food was scarce and there was only one bucket with water and one glass for all prisoners. The guards used to wake them up in the middle of the night and force to sing Chetnik songs.⁷⁵

At the Goran Hadžić trial (Hadžić) before the International Criminal Tribunal for Former Yugoslavia (ICTY), doctor Mladen Lončar, a Croat from Ilok and a camp prisoner, testified to beatings and rapes that took place at the camp.⁷⁶ At the Vukovarska trojka trial (Mrkšić et al.), JNA Colonel Bogdan Vujić said that after four o’clock in the afternoon, the prisoners were left alone with the guards at the camp,⁷⁷ thus trying to minimise his responsibility for and awareness of the crimes committed.

Stajićevo

The camp in Stajićevo was active from November 18 to December 22 1991, after which the prisoners were transferred to Sremska Mitrovica. Members of the Croatian military forces were held in Stajićevo, as well as civilians and a few medical doctors. The commander of the camp was Colonel Miroslav Živanović. The prisoners were interrogated by the members of JNA Security Directorate, the above-mentioned Colonel Bogdan Vujić was the interrogator, while General Aleksandar Vasiljević, Chief of the JNA Security Directorate, was visiting the camps. Aleksandar

72 Tatjana Tabački and Andrej Jakovljević, “Prison camps in Serbia in the 90s”, YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

73 Manda Patko, Fourth Forum for Transitional Justice in Prishtina, REKOM, 29 October 2008: <https://www.recom.link/manda-patko-6/>;

74 Tatjana Tabački and Andrej Jakovljević, “Prison camps in Serbia in the 90s”, YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

[yuhistorija.com/wars_91_99_txt01c4.html](http://www.yuhistorija.com/wars_91_99_txt01c4.html);

75 Ibid.

76 Mladen Lončar, testimony in the Hadžić trial before ICTY, 6 September 2013: <https://www.icty.org/x/cases/hadzic/trans/en/130906ED.htm>;

77 Tatjana Tabački and Andrej Jakovljević, “Prison camps in Serbia in the 90s”, YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

Vasiljević was the Deputy Chief of the JNA Security Directorate from 1990 to 1991 and then the Chief of JNA Security Directorate until 1992 when he went to early retirement. He was reactivated in April 1999 as a Deputy Chief of the Security Service of the Yugoslav Army, where he stayed until 2000. He retired in 2001.⁷⁸

Since Stajićevo was an agricultural estate surrounded with high barbed wire, the prisoners were placed in stables, while the guards, military police officers, were always there. The prisoners were tied and only after the arrival of ICRC they were given access to the toilet, water and blankets. Although some of the prisoners were the elderly, sick, had gunshot wounds, could not move or were schizophrenic or diabetic, the army would not give them medicine, but told them that they would get it from the Red Cross.⁷⁹

On one occasion, three prisoners managed to escape, but the locals caught them, beat them up and called the army to pick them up⁸⁰. According to the statement of Žarko Pavletić, prisoner in Stajićevo, Ivan Kamerla, Ivan Kunac, Branko Koh and Božo Kelava were killed at the camp.⁸¹

Sremska Mitrovica

The Sremska Mitrovica Prison was built during the Austro-Hungarian rule and has served as a prison ever since. From November 18 1991 until August 14 1992, one quarter of it served as a prison camp for prisoners from Croatia. Sulejman Tihić, Bosniak and a former member of the Presidency of Bosnia and Herzegovina testified about this. His testimony shows that not only prisoners from Croatia, but also those from Bosnia and Herzegovina were held at the camp.⁸² Soon after the fall of Vukovar, a number of civilians, patients and doctors from the Vukovar hospital were brought to Sremska Mitrovica.⁸³

According to the article "Prison camps in Serbia in the 90s" by Tatjana Tabački and Andrej Jakovljević, the main building of the Prison, which was around sixth meters long and eight meters wide, was used to house the prisoners from Vukovar and those from Bosnia and Herzegovina, while the torture was done in the basement.⁸⁴ At first, the prisoners did not have the possibility

⁷⁸ Aleksandar Vasiljević was a prosecution witness in the cases of Slobodan Milošević and Goran Hadžić before ICTY, ICTY website: <https://www.icty.org/bcs/content/aleksandar-vasiljevi%C4%87;>

⁷⁹ Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

⁸⁰ Ibid.

⁸¹ Branka Mihajlović, "Hoće li Vukovarci postaviti spomen obeležje u Zrenjaninu", Radio Slobodna Evropa, 5 October 2009: <https://www.slobodnpa.org/a/1843949.html>;

⁸² Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

⁸³ ICTY Trial Chamber judgment in the trial of Mrkšić et al. (Radić and Šljivančanin) of 27 September 2007. ICTY website, paragraph 213: <https://www.icty.org/x/cases/mrksic/tjug/bcs/070927.pdf>;

⁸⁴ Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

of washing up and because of lice infestation were sprayed with an insecticide. Only a couple of months later, that is, after the arrival of the Red Cross, they washed themselves for the first time.⁸⁵ The prisoners were beaten during their ride to Sremska Mitrovica, i.e. in Bogojevo where the bus would stop, then at the entry to the Sremska Mitrovica Prison, where they had to walk through the gauntlet of soldiers, and then they were tortured on a daily basis during the whole time of their imprisonment.⁸⁶ Besides the guards, the interrogators in Sremska Mitrovica used brutal methods as well. Prisoner Šandor Željko stated that certain Šalić, member of the Counterintelligence Service (KOS), forced him to eat salt and pepper during interrogation, after which he had stomach pains and sores in his mouth.⁸⁷

Niš

The camp in Niš was situated in the building of the Penitentiary and Correctional Institution. It was opened on November 18 1991 and operated until February 26 1992. The commander of the prison camp in Niš was a certain Colonel Jovanović, whose first name could not be found neither by the authors of the article "Prison camps in Serbia in the 1990s" nor BIRN journalists.⁸⁸

The interrogators in Niš were trying to extract confessions from the prisoners by playing good cop-bad cop, whereby two police officers would first beat the prisoner and then the third one would come to talk him into signing the confession, promising that the torture would stop that way.⁸⁹

Some former prisoners state that the camp in Niš was the worst. Niko Miroslavljević says: "All the camps were nasty, but Begejci and Niš were the worst. We were beaten all the time in Niš. They would storm the rooms day and night and beat people even in bed. They beat us both with batons and rifle butts."⁹⁰ Petar Mesić died of the beatings at the camp and in 2010 his remains were exhumed at the city cemetery in Niš together with another nine unidentified persons.⁹¹ Branimir Kosec, Croatian priest and a prisoner, also testified of the murder, i.e. circumstances of Petar Mesić's burial, as Colonel Jovanović requested him to perform the funeral.⁹²

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Barbara Matejčić and Zoran Kosanović, "Revealed: Vukovar Croats Were Tortured in Niš", BIRN, 27 January 2011: <https://balkaninsight.com/2011/01/27/revealed-vukovar-croats-were-tortured-in-nis-serbia/>;

⁸⁹ Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

⁹⁰ Barbara Matejčić and Zoran Kosanović, "Revealed:

Vukovar Croats Were Tortured in Niš", BIRN, 27 January 2011: <https://balkaninsight.com/2011/01/27/revealed-vukovar-croats-were-tortured-in-nis-serbia/>;

⁹¹ "Ekshumirano deset tela", Danas, 28 January 2011: <https://www.danas.rs/drustvo/ekshumirano-deset-tela/>;

⁹² Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

Belgrade

The places of imprisonment in Belgrade were located on the premises of Military Investigative Prison (VIZ) at the Military Court in 29 Ustanička Street, and in Banjica, in the building of the Security Institute, in the vicinity of the Military Medical Academy. Both places were operational from October 1991 until August 14 1992.⁹³

The Military Investigative Prison consisted of various detention rooms, cells, solitary confinements and interrogation rooms. Prisoners from Croatia were housed in a secluded wing where it was not possible to see other prisoners through the window.⁹⁴ The Military Prosecutor's Office was also in the building of the Military Court in Ustanička Street. This Prosecutor's Office raised charges against Vlado Ošust and five other prisoners from the Military Investigative Prison for armed rebellion and the Military Court rendered a first-instance judgment in April 1992, sentencing them to imprisonment of nine to 13 years. Ošust says that "a number of Croatian soldiers and police officers, some 123 of them, were imprisoned at the Military Court in Belgrade, where they were put on trial".⁹⁵

Aside from the ones mentioned, there were several other prison camps for Croats. They were located in the barracks of the Yugoslav People's Army in Zrenjanin, in the Military Prison in Šid and in the Military Prison in Aleksinac.⁹⁶ The Croatian Association of Prisoners in Serbian Concentration Camps state that the camps also existed in Novi Sad, specifically in the SPENS Centre, in Bubanj Potok and in Sombor.⁹⁷ Besides Croatian citizens from Vukovar and its surroundings, a certain number of Serbian citizens of Croatian ethnicity who lived in Vojvodina were also imprisoned at the prison camps in Serbia. In addition to the case of Mladen Lončar from Ilok, the Humanitarian Law Centre (HLC) also documented the case of torture of Ljubomir Kuraj from Beška, who had spent six months at the camp in Sremska Mitrovica and subsequently testified about the torture by JNA members, and the case of torture of Ivan Paradžiković from Kukujević, who spent a total of 79 days in different camps in Serbia, where he was beaten regularly.⁹⁸

⁹³ Ibid.

⁹⁴ Croatian Association of Prisoners in Serbian Concentration Camps: <http://hdlskl.hr/svjedocanstva/viz-beograd/>;

⁹⁵ "Čvrsto smo vjerovali da će i taj dan doći, dan naše slobode", 24 sata, 14 August 2017: <https://www.24sata.hr/news/cvrsto-smo-vjerovali-da-ce-i-taj-dan-doci-dan-nase-slobode-535584>;

⁹⁶ HLC Dossier: Crimes against Croats in Vojvodina, Humanitarian Law Centre, Belgrade, 2019, p. 47: http://www.hlc-rdc.org/wp-content/uploads/2019/01/Dosije_Hrvati_u_Vojvodini_eng.pdf;

⁹⁷ Croatian Association of Prisoners in Serbian Concentration Camps: <http://hdlskl.hr/>;

⁹⁸ HLC Dossier: Crimes against Croats in Vojvodina, pp.47-48: http://www.hlc-rdc.org/wp-content/uploads/2019/01/Dosije_Hrvati_u_Vojvodini_eng.pdf;

The camps for Croats in Serbia were dissolved after the exchange of prisoners on August 14 1992, as a result of political agreement between Serbia and Croatia. At the meeting of the Prime Minister of the Federal Republic of Yugoslavia (FRY) Milan Panić and Croatian Prime Minister Franjo Gregurić in Geneva on July 29 1992, it was agreed to make an “all for all” exchange⁹⁹. The exchange took place in Nemeting, a hamlet near Osijek, when 714 Croatian prisoners were released. Although the prisoners were made to believe until the last moment that the exchange might not happen, it actually occurred and was later celebrated in Osijek.¹⁰⁰

Victims’ Voices

“Twenty corpulent military police officers, well equipped with batons, sticks, iron bars, iron knucklers etc. were waiting for us. Later we found out that they were specially trained for such occasions in Bujanj Potok near Belgrade, where the military police base is stationed. They did not wait for us to be lined up and examined, but started beating about fifty of us from the bus right away and we were not allowed to shout or scream. They were only shouting at us to put our heads down and our hands behind our backs”, A.B. about the arrival to the camp in Begejci.¹⁰¹

“We were freezing because the room did not have an attic, it was just covered with tiles. We were given food twice a day, a slice of bread, some tea and a bit of salami, sausage or a small pâté tin for the three of us. In addition to torturing us by starvation, they also exercised psychological torture over us, prisoners. We had to sing Serbian songs which we did not know and they would beat us for that. At night they would come to us with dogs, drunk, and enjoyed sadistically in brutally thrashing us. I didn’t think I would survive”, H.A. about the conditions in the Stajicevo camp.¹⁰²

“Individual interrogations are beginning, aimed at raising charges for armed rebellion and the commission of ‘war crimes’. Any military action of Croatian soldiers and police officers against the enemy’s live force and material and technical resources is considered to be an offence or even a crime. Various methods of physical and psychological coercion – extortion were used in the interrogation processes. The treatment of prisoners by some guards was inhumane. Basic

99 “Čvrsto smo vjerovali da će i taj dan doći, dan naše slobode”, 24 sata, 14 August 2017: <https://www.24sata.hr/news/cvrsto-smo-vjerovali-da-ce-i-taj-dan-doci-dan-nase-slobode-535584>;

100 Ibid.

101 Croatian Association of Prisoners in Serbian Concentration Camps: <http://hdlsk1.hr/svjedocanstva/begejci/>;

102 Ibid, <http://hdlsk1.hr/svjedocanstva/stajicevo/>;

rights of prisoners were often violated. Two prisoners died of injuries and many have lasting consequences”, Vlado Ošust about his captivity in the Sremska Mitrovica Prison.¹⁰³

“The interrogators here also wanted to extract confessions for alleged wrongdoings which had never been committed. If you did not confess, you would usually be sent to the so-called cooling. You would be usually taken to a cooling by a non-commissioned officer and two police officers, to the so-called catacombs of Niš (basement solitary confinement), they would stripped us naked and barefoot and lock us in a 2x1.5 meter room with bars on windows without window glass, and outside was snowing, minus 20°C”, V.M. on torture methods in Niš.¹⁰⁴

“As far as my stay in Belgrade is concerned, the most difficult part was to endure psychological torture. Since there were several accused, I was supposed to be put on trial only in the last group. However, I was not present at the trial, because the exchange had happened before. It was awful constantly anticipating if there would be a trial, who would come from Vukovar and accuse me and what lies would be told. Still, before it happened, there was the exchange. In Nemetin I saw a ‘friend’ Simić in the uniform of the militia of ‘Krajina’.

The very trip from Belgrade to Nemetin was at the verge of death. We were stopping in villages in Baranja and the civilians would enter the bus, beat us and curse us, while UNPROFOR was only watching”, R.A. about the exchange of prisoners in Nemetin.¹⁰⁵

Trials

Slobodan Milošević¹⁰⁶ and Goran Hadžić¹⁰⁷ were charged before ICTY. However, these court cases were ended because both the accused died. As it is stated in the indictment against Slobodan Milošević, who was the President of Serbia and a member of collective presidency of the Federal Republic of Yugoslavia at the time of prisoners’ captivity, he, as well as Hadžić, was charged with participating in criminal enterprise in which a regime of persecution was established, including, among other crimes, a prolonged and routine imprisonment and confinement, torture and

103 “Čvrsto smo vjerovali da će i taj dan doći, dan naše slobode”, 24 sata, 14 August 2017: <https://www.24sata.hr/news/cvrsto-smo-vjerovali-da-ce-i-taj-dan-doci-dan-nase-slobode-535584>;

104 Croatian Association of Prisoners in Serbian Concentration Camps: <http://hdlsk1.hr/svjedocanstva/nis/>;

105 Ibid: <http://hdlsk1.hr/svjedocanstva/viz-beograd/>

106 Slobodan Milošević, Second Amended Indictment, ICTY, 23 October 2002: https://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-2ai020728e.htm;

107 Goran Hadžić, Second Amended Indictment, ICTY, 22 March 2012: <https://www.icty.org/x/cases/hadzic/ind/bcs/120322.pdf>;

inhuman living conditions for several thousands of Croatian and other non-Serbian civilians in detention facilities within and outside Croatia, including prison camps located in Montenegro, Serbia and Bosnia and Herzegovina.¹⁰⁸

Goran Hadžić was the Prime Minister of the self-proclaimed Serbian Autonomous Area of Slavonija, Baranja and Western Sylvania (SAO SBZS) and then the president of the Republic of Srpska Krajina (RSK), Croatia. He was only arrested in 2011, after decades in hiding. The crimes he was charged with include unlawful confinement or imprisonment under inhumane conditions of Croats and other non-Serbians in several detention facilities in Serbia: the Stajićevo agricultural estate, barracks in Zrenjanin and Sremska Mitrovica and several facilities in Croatia, including the Velepromet (near Vukovar) and the Territorial Defence Training Centre in Erdut.¹⁰⁹

In the case *Mrkšić et al.* before ICTY,¹¹⁰ the presence of camps for Croats on the territory of Serbia was confirmed in the first-instance judgment. Witnesses, such as General Aleksandar Vasiljević and Colonel Bogdan Vujić, were minimising their role, putting the blame on army members who died or those already accused for other crimes.¹¹¹

In 2006, the War Crimes Prosecutor's Office (TRZ) in Belgrade, in co-operation with Croatian State Attorney's Office, started an investigation of camps in Serbia.¹¹² In the same year, HLC filed a compensation claim to the First Municipal Court in Belgrade on behalf of 19 women and minors who had been held in the camps in Begejci and Sremska Mitrovica.¹¹³ One year later, HLC filed charges to the same court on behalf of 12 former prisoners for their imprisonment in the camps in Begejci, Stajićevo and Sremska Mitrovica, but the charges were dismissed by the first-instance judgment. Upon HLC's appeal the case went to the Court of Appeal and it is still pending.¹¹⁴

In 2008, Prisoners' Association Vukovar 1991, in co-operation with HLC, filed criminal charges to the War Crimes Prosecutor's Office against NN persons from several prison camps in Serbia,

¹⁰⁸ Slobodan Milošević, Initial Indictment for Croatia, ICTY, 27 September 2001: https://www.icty.org/x/cases/slobodan_milosevic/ind/en/ind_cro010927.pdf;

¹⁰⁹ Goran Hadžić, Second Amended Indictment, ICTY, 22 March 2012: <https://www.icty.org/x/cases/hadzic/ind/bcs/120322.pdf>;

¹¹⁰ ICTY Trial Chamber judgment in the trial of *Mrkšić et al.*, 27 September 2007: <https://www.icty.org/x/cases/mrksic/tjug/en/070927.pdf>;

¹¹¹ Tatjana Tabacki and Andrej Jakovljević, "Prison camps in Serbia in the 90s", *YU Historija*, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

¹¹² Tatjana Tagirov, "Ratni zločini: Čovek sa velikim Č", *Vreme*, 29 May 2008: <https://www.vreme.com/cms/view.php?id=635882>;

¹¹³ Charges against Serbia for the imprisonment of Croatian civilians in prison camps on the territory of Vojvodina after the fall of Vukovar in 1991 (Serbian only), Humanitarian Law Centre, 17 October 2007: <http://www.hlc-rdc.org/?p=13629>;

¹¹⁴ Dušan Komarčević, "Tužba hrvatskog logoraša pred sudom u Beogradu", *Radio Slobodna Evropa*, 14 November 2018: <https://www.slobodnaevropa.org/a/hrvatska-srbija-tuzba-logoras/29600702.html>;

accusing them of war crimes against the prisoners of war. Preliminary criminal investigation is underway: the Prosecutor's Office is awaiting information from the police, while the army is silent.¹¹⁵

Marko Crevar, a guard, earlier member of the Territorial Defence and militia of the Republic of Srpska Krajina, was accused of violence against prisoners in Sremska Mitrovica. In 2015, Crevar was convicted by the War Crimes Department of the Higher Court in Belgrade and sentenced to one year and six months' imprisonment for torturing prisoners of war during interrogation and inflicting bodily injuries.¹¹⁶

Prisoners mention various nicknames of the guards in their testimonies; the nicknames which repeat in several camps show that after the closing down of one camp the same guards were transferred to the next one, where they continued torturing prisoners.¹¹⁷ The camp guards are still hiding behind the nicknames and incomplete names, such as Šeki, Rambo, Tyson... It can be assumed that the very purpose of those nicknames was to hide the guards' identities and make their prosecution impossible.

In 2018, the County Court in Osijek began a trial in absentia against General Aleksandar Vasiljević, the chief of the JNA Security Service of the Federal Secretariat for People's Defence (SSNO) for crimes against Croats in the camps in Serbia, where five persons were killed in the camps of Begejci and Stajićevo, seven in the camp in Sremska Mitrovica and one in Niš. The indictment also included Colonel Miroslav Živanović who passed away in the meantime.¹¹⁸

A group of former prisoners sued Serbia to the Civil Court in Zagreb in 2019 for unlawful detention and violation of the Geneva Conventions. In charges against Serbia, former prisoners make reference to the fact that they were registered by the ICRC, that they possess necessary medical documentation, as well as to the fact that Montenegro has compensated prisoners from its territory. Besides them, some 50 prisoners are suing Serbia before Serbian courts.¹¹⁹

115 Barbara Matejčić and Zoran Kosanović, "Revealed: Vukovar Croats Were Tortured in Niš", BIRN, 27 January 2011: <https://balkaninsight.com/2011/01/27/revealed-vukovar-croats-were-tortured-in-nis-serbia/>;

116 Higher Court in Belgrade judgment against Marko Crevar in the Sremska Mitrovica case (Serbian only), 18 February 2015: http://www.hlc-rdc.org/wp-content/uploads/2015/10/Presuda_15-18.02.2015.pdf

117 Tatjana Tabački and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

118 "U Osijeku počelo suđenje bivšem šefu KOS-a Aleksandru Vasiljeviću za ratni zločin", Večernje novosti, 22 October 2018: [https://www.novosti.rs/vesti/planeta.299.html:756313-U-Osijeku-pocelo-sudjenje-bivsem-sefu-KOS-a-Aleksandru-Vasiljevicu-za-ratni-zlocin](https://www.novosti.rs/vesti/planeta.299.html:756313-U-Osijeku-pocelo-sudjenje-bivsem-sefu-KOS-a-Aleksandru-Vasiljevicu-za-ratni-zlocin;);

119 "Logoraši iz Hrvatske tuže Srbiju: Za svaki dan u logoru traže po 135 evra, plus povrede", B92, 15 June 2019: https://www.b92.net/info/vesti/index.php?yyyy=2019&mm=06&dd=15&nav_category=64&nav_id=1554969;

In March 2020, the Government of Croatia promised financial and professional assistance to 5000 prisoners who were suing Serbia and who, as reported by the Croatian Association of Prisoners in Serbian Concentration Camps, are ready, after they exhaust all legal remedies, to seek justice before the European Court for Human Rights.¹²⁰

Memorialisation

According to the statement of Đorđe Kitaresku, who had access to the camp because he knew the terrain and who had talked about the torture in the camp, the camp's building in Begejci was demolished and the remaining material was used to build a church in the village of Višnjićevo.¹²¹ In 2001, the name of the village was also changed and Begejci is now called Torak in order to be linked as little as possible to the crimes committed in the village during the conflict of the 1990s. Prison camp in Stajićevo is not marked, either.

The associations of prisoners who were imprisoned in Begejci and Stajićevo have been trying since 2009 to mark these places with memorials and commemorations, but they have not fully succeeded to date. In 2009, their arrival and the commemoration that was planned were cancelled because of the opposition of the Association of War Invalids from Zrenjanin, who protested against the placing of a memorial plaque with hunger strike and by organising a round-the-clock watch to make sure that the memorial was not placed.¹²² They opted for such a move after the president of the Zrenjanin Assembly, Aleksandar Marton, member of the League of Social Democrats of Vojvodina, met with a delegation of lawyers of the Association Vukovar 1991 and, on behalf of the local self-government, promised that the memorial plaque would be placed in Stajićevo and Begejci.¹²³ The Interior Ministry first postponed and then banned the arrival of former prisoners.

For years following this ban, prisoners' associations had been announcing the placement of the memorial plaque in Stajićevo, but no progress was made until 2016. That year, Aleksandar Vučić, then Serbian Prime Minister, met with the prisoners' delegation and promised that the

120 Enis Zebić, "U planu pet tisuća tužbi hrvatskih logoraša protiv Srbije", Radio Slobodna Evropa, 6 March 2020: <https://www.slobodnaevropa.org/a/do-kra-ja-godine-pet-tisuca-tuzbi-hrvatskih-logo-rasa-protiv-srbije/30472578.html>;

121 Tatjana Tabacki and Andrej Jakovljević, "Prison camps in Serbia in the 90s", YU Historija, 2016: http://www.yuhistorija.com/wars_91_99_txt01c4.html;

122 Miroslava Pudar, "Obeležiti 'logore' za Hrvate na

godišnjicu pada Vukovara", Danas, 18 October 2011: <https://www.danas.rs/drustvo/obeleziti-logo-re-za-hrvate-na-godisnjicu-pada-vukovara/>;

123 "Zrenjanin: Vojni invalidi traže smenu", Večernje novosti, 26 September 2009: <https://www.novosti.rs/vesti/srbija.73.htm-1:252197-%D0%97%D1%80%D0%B5%D1B%D0%B8%D0%B4%D0%B8-%D1%82%D1%80%D0%B0%D0%B6%D0%B5-%D1%81%D0%BC%D0%B5%D0%BD%D1%83>

commemoration in Stajićevo would be allowed.¹²⁴ This meeting resulted from an agreement between Serbia and Croatia on solving open issues, known as the Declaration of Subotica, signed on June 20 2016 in Subotica by the Prime Minister of the Government of Serbia Aleksandar Vučić and President of the Republic of Croatia, Kolinda Grabar-Kitarović.¹²⁵

One year later, in 2017, after the meeting with Aleksandar Vučić at the Summit of the Southeast Europe Cooperation Process (SEECp), President Grabar-Kitarović said that a visit of former prisoners to Stajićevo had been agreed for the autumn, where they should place wreaths “in peace and dignity”.¹²⁶ However, once again, the commemoration did not happen. President of the Association Vukovar 1991 Zoran Šogut said that former prisoners attempted twice to place memorial plaque in Stajićevo, but were rejected by the state leadership,¹²⁷ while Branko Borković, a commander of the defence of Vukovar, thinks that marking of the places of captivity must be a precondition for Serbia’s accession to the European Union.¹²⁸ Non-governmental organisations, such as Women in Black, are calling on local authorities to place the memorials¹²⁹ because only by admitting to the war crimes would lead to dealing with the past and ultimately to reconciliation. In August 2018, Serbian President Aleksandar Vučić, talking about the points of the Declaration of Subotica that had been implemented, said that it was agreed to start talks with regard to the marking of the places of suffering of Croats in Serbia during the 1990s and that their proposal was being awaited for in order to do it.¹³⁰ However, by April 2020 there has been no information that any agreement was made.

Prison camps for Bosniaks 1995-1996

Several years after the prison camps for Croats were closed, at the height of war in Bosnia, on the territory Serbia, prison camps were opened for Bosniaks. After the fall of Srebrenica, that is, the murder of more than 7000 men and forcible transfer of women and children in July 1995,

124 “Prvi srbijanski dužnosnik primio vukovarske logoraše i branitelje”, Večernji list, 12 July 2016: <https://www.vecernji.hr/vijesti/vukovarski-logorasi-kod-vucica-1098896>

125 “Vučić i Grabar-Kitarović potpisali Deklaraciju o unapređenju odnosa između Srbije i Hrvatske”, Portal Subotica.com, 20 June 2016: <https://www.subotica.com/vesti/vucic-i-grabar-kitarovic-potpisali-deklaraciju-o-unapredjenju-odnosa-izmedju-srbije-i-hrvatske-id26366.html>;

126 Dalibor Stupar, “O logorima za Hrvate i Bošnjake u Srbiji tokom devedesetih”, VOICE, 4 July 2017: <http://voice.org.rs/o-logorima-za-hrvate-i-bosnjake-u-srbiji-tokom-devedesetih/>

127 Barbara Matejčić and Zoran Kosanović, “Revealed:

Vukovar Croats Were Tortured in Niš”, BIRN, 27 January 2011: <https://balkaninsight.com/2011/01/27/revealed-vukovar-croats-were-tortured-in-nis-serbia/>;

128 “Čvrsto smo vjerovali da će i taj dan doći, dan naše slobode”, 24 sata, 14 August 2017: <https://www.24sata.hr/news/cvrsto-smo-vjerovali-da-ce-i-taj-dan-doci-dan-nase-slobode-535584>;

129 Miroslava Pudar, “Obeležiti ‘logore’ za Hrvate na godišnjicu pada Vukovara”, Danas, 18 October 2011: <https://www.danas.rs/drustvo/obeleziti-logore-za-hrvate-na-godisnjicu-pada-vukovara/>;

130 “Šta je sve Srbija učinila za ‘svoje’ Hrvate”, RTS, 8 August 2018: <https://www.rts.rs/page/stories/sr/story/9/politika/3223971/sta-je-sve-srbija-ucinila-za-svoje-hrvate.html>;

the Army of the Republic of Srpska (VRS) headed towards the other UN protected zone – Žepa. After the Krivaja 95 operation, that is, the attack on the Srebrenica region, Ratko Mladić, chief of the General Staff of the Republic of Srpska Army (1992-1996) ordered the Stupčanica 95 operation, aimed to “liquidate the enclave” of Žepa.¹³¹ Ratko Mladić and Hamdija Torlak, President of the Executive Board and member of the War Presidency of Žepa met in late July 1995, when Mladić requested disarmament and promised the evacuation of civilians. After the meeting, the civilians started evacuating towards Kladanj. The evacuation in the Tolimir trial before ICTY was characterised as forcible transfer, which is a crime against humanity.¹³²

Since men from the Žepa region were already aware of what had happened in Srebrenica, they decided to cross the Drina River to avoid the Republic of Srpska Army and to surrender to FRY authorities. The men who decided to cross over to the territory of Serbia on makeshift rafts, with the idea that in this way they would obtain refugee status more easily and go to third countries, were mostly members of the Army of Bosnia and Herzegovina, but there were also civilians and minors among them.¹³³ When they crossed the river, they were awaited by the border battalions of the Yugoslav Army (VJ) and members of the Police Special Units (PJP).¹³⁴

A group that crossed the Drina River on August 1 and then climbed up Zvijezda Mountain was met by the members of Yugoslav Army’s 16th Border Battalion, who took them to the village of Jagoštica (Bajina Bašta municipality), where the headquarters of this battalion was located. There, they were met by the members of Užice Police Department (SUP Užice) and locals.¹³⁵ A group that swam across the border on August 4 or 5 was taken to Bajina Bašta police station (OUP Bajina Bašta).¹³⁶ The Humanitarian Law Centre (HLC) in its Dossier Šljivovica and Mitrovo Polje estimates that around 800 Bosniaks from the Žepa region entered Serbia in the period between July 31 and October 25.¹³⁷

131 HLC Dossier: Šljivovica and Mitrovo Polje, Humanitarian Law Centre, Belgrade, 2016, p. 10: http://www.hlc-rdc.org/wp-content/uploads/2016/12/Dosije_Sljivovica_i_Mitrovo_polje_eng.pdf

132 Ibid, pp. 10-11.

133 Ibid, p. 12.

134 Ibid, p. 7.

135 Ibid, p. 14.

136 Ibid, p. 15.

137 Ibid, p. 13.

Arrival to the camps

Having entered Serbia and met with the members of the army and the police, the men were registered, searched and interrogated. During the interrogation, which mostly concerned their roles in the BH Army, the prisoners were beaten and cursed at.¹³⁸ In addition to physical torture which began at the very entry into Serbia, they were also intimidated by threatening that they would be taken to Višegrad and handed over to Milan Lukić, the commander of paramilitary unit Avengers, whose members are responsible for the abductions and murders of Yugoslav citizens in Sjeverin and Štrpci and convicted for crimes against non-Serbian population in Višegrad, Bosnia and Herzegovina.

Instead, the prisoners were loaded onto the trucks with tarpaulin covers and transported to the Šljivovica camp. During the ride, some prisoners were suffocating from the lack of oxygen and the police responded with sticks to their attempts to get fresh air.¹³⁹

Conditions at the prison camps of Šljivovica and Mitrovo Polje

The Šljivovica camp is located in the eponymous village of Šljivovica near Užice. It is estimated that around 350 prisoners were housed there.¹⁴⁰ The camp was secured by the police officers from the Užice Police Department, while the inspectors from the Border Affairs, Aliens, Travel Documents and Weapons Division interrogated the prisoners. The main interrogator was the Head of the Division Radisav Ojdanić. The camp consisted of abandoned barracks which belonged to the Planum construction company, with the camp management housed in one and the prisoners in the other barrack.¹⁴¹ Upon their arrival to Šljivovica, the prisoners had to walk down the gauntlet of soldiers and then doused with cold water and forced to kneel on concrete.

Since the Šljivovica camp was not big enough to receive all prisoners, having walked through another gauntlet, some of them were put in buses (Raketa Transport Company) and transferred to a camp in Mitrovo Polje the very next day. The Mitrovo Polje camp was located near Alek-

sandrovac; it was opened on August 4 1995 and closed on February 9 1996. It consisted of two buildings – Rasina and Sutjeska.¹⁴² The guards were police officers from the Kruševac Police Department (SUP Kruševac) and the main interrogator was Vladimir Milićević, head of the Border Affairs, Aliens, Travel Documents and Weapons Division of the Kruševac Police Department.¹⁴³

There were no beds in rooms in which the prisoners in the Šljivovica camp were housed; they had to lie on a concrete floor and only a few prisoners were given blankets.¹⁴⁴ The prisoners of Mitrovo Polje, whose number is estimated at 450, were sleeping in small beds for children or on the floor.¹⁴⁵ For the first few months the prisoners were not allowed to wash themselves or take care of hygiene at both camps and consequently they got lice. The food was irregular and scarce and it worsened over time. When there was food, it had to be eaten quickly in order to avoid beatings, which also meant that not all the prisoners had their turn to eat.¹⁴⁶ In Mitrovo Polje, the prisoners were allowed to pick herbs and use it to make tea.¹⁴⁷

The camps had latrines and in order to use them, the prisoners had to ask permission from the guards, to make the sign of the cross and say their Serbian name given to them by the guards which they were forced to respond to.¹⁴⁸ Since they were beaten and abused every day, even during the night or when they went to the toilet, the prisoners were avoiding contacts with the guards and were relieving themselves in their rooms.

In addition to physical abuse, the prisoners were forced to fight each other, to make the sign of the cross make the sign of the cross in an Orthodox manner and sing Chetnik songs.¹⁴⁹ Police officers who served as guards called them names, making fun of their skinny and neglected appearance. They were singing: “You are undernourished Alija because you are a Balija”¹⁵⁰ (Neuhranjen si, Alija, zato što si Balija)¹⁵¹ and called the prisoners “artists”; they also forced them to walk with their heads down, thus exercising their power over the prisoners. Some of the torturing methods included forcing the prisoners to stare directly at the sun until they faint, the threats of murder by putting a rifle barrel into prisoners’ mouth although the barrel was actually empty,¹⁵² giving the prisoners a jar of pickled hot peppers after several days of starvation.¹⁵³ The prisoners were

142 Ibid, p. 24.

143 Ibid, p. 44.

144 Ibid, p. 18.

145 Ibid, p. 24.

146 Ibid, p. 19.

147 Ibid, p. 25.

148 Ibid, pp. 18 and 26.

149 Ibid, p. 21.

150 Ibid, p. 18;

151 Balija is a derogatory term for Bosniaks; this is a rephrased version of a nationalist folk song by Baja Mali Knindža.

152 Ibid, p. 21.

153 Ibid, p. 25.

threatened with being returned to Bosnia and handed over to Radovan Karadžić, President of the Republic of Srpska, now convicted for genocide and crimes against humanity in BH.¹⁵⁴ The staff of the hospital in Užice was providing medical assistance to the prisoners in Šljivovica, but the prisoners later testified that the doctors were often hostile.¹⁵⁵ One prisoner in Šljivovica died of a bowel obstruction, although adequate reaction of medical staff could have prevented that.¹⁵⁶

Although it is difficult to talk about sexual violence in patriarchal communities, especially sexual violence against men, several prisoners from Šljivovica and Mitrovo Polje reported to HLC researchers what was happening at the camps, although it is assumed that there were many more victims of sexual violence. Regarding the brutality of one of the guards, A2 says: "He forced us to have sex with one another, to touch one another, to ejaculate in one another's mouths. He and some other policemen urinated on us."¹⁵⁷ In addition to rapes and urination on the prisoners, once the guards put a water hose in a prisoner's anus and then turned on the tap at high water pressure.¹⁵⁸

The camps for Bosniaks were visited by several international organisations. The first one to visit the camps for Bosniaks in Serbia is the International Committee of Red Cross (ICRC). Although they were not allowed to get in at first, ICRC representatives still managed to enter the camp in Mitrovo Polje on August 4 and then in Šljivovica on August 18 1995. ICRC registered almost all prisoners except for those held in the so-called "isolation" who were reached only a couple of months later. The prisoners who were in solitary confinement were interrogated about their links with the BH Army in particular.¹⁵⁹ Although hygienic conditions at the camps improved after the arrival of ICRC (hygiene, bed linen),¹⁶⁰ Amir Omerspahić, one of the former prisoners at Šljivovica said that he would have preferred that the Red Cross representatives had stopped coming as after their visits the guards would treat the prisoners even worse. ICRC was bringing food and clothes to the camp,¹⁶¹ but according to the prisoners it was never given to them.¹⁶²

In October 1995, the camps were also visited by the Expert Team of FRY Ministry of Foreign Affairs. The Team gave recommendations for the improvement of conditions at the camps (food,

154 Ibid, p. 26.

155 Ibid, p. 22.

156 Ibid, p. 28.

157 Ibid, p. 30.

158 Ibid, p. 30.

159 Ibid, p. 28.

160 Ibid, p. 33.

161 "Bivši logoraši o logorima u Srbiji: Umirali su od mučenja", N1, 25 February 2017: <http://ba.n1info.com/Vijesti/a139683/Bivsi-logorasi-o-logorima-u-Srbiji-Umirali-su-od-mucenja.html>;

162 Dossier: Šljivovica and Mitrovo Polje, p. 33.

hot water), but failed to record anything about the abuse of prisoners which the survivors testify of, although the level of torture at the camps decreased after this visit.¹⁶³

In April 1996, the BH Federal Commission for Missing Persons entered Šljivovica and ascertained that this was a closed-type camp surrounded with barbed wire fence and guarded by trained dogs and that the prisoners in there were in a very bad state. The BH Commission found a relatively small number of prisoners at the camps (276 out of 799), as the majority had been sent to third countries earlier.¹⁶⁴

When the camp in Mitrovo Polje was closed, the remaining prisoners, 194 of them, were re-transferred to Šljivovica, where they stayed until the camp was closed on April 10 1996¹⁶⁵. On the day the camp was closed, 13 or 14 prisoners were held under suspicion of war crimes, which caused a negative reaction of BH authorities and UNHCR, after which the prisoners were released.¹⁶⁶

The time spent at the camp has left lasting consequences on the prisoners. Some are physical, caused by frequent beating and unhygienic living conditions, while others are mental, such as depression and PTSD, developed as a result of living in inhumane conditions and permanent fear. The prisoners who sought psychological support now cope more or less successfully with what they were through and talk about their experiences, although it took them years to get empowered and speak up.

Victims' voices

“Upon arrival they started beating us right away, they were even making fun of us; they told me to fix my hair because the Red Cross was recording us. My father and I had spent six months in room number 6. The hardest moments at the camp were starvation because in the six months we were never full. I was never allowed to raise my head”, Emir Agić, who had to present himself as Slaviša at the camp.¹⁶⁷

¹⁶³ Ibid, pp. 34-35.

¹⁶⁴ Ibid, pp. 32-33.

¹⁶⁵ Ibid, p. 24.

¹⁶⁶ Ibid, pp. 30-31.

¹⁶⁷ Bivši logoraši o logorima u Srbiji: Umirali su od mučenja.

“I had a cut on my thumb and when those special units came to take me, and they took us near the village of Jagoštica, I didn’t know the area then. I was constantly beaten then by one man and since my hands were on the back of my neck and my head down, they broke my fingers. My fingers broke, I started bleeding severely and I was in pain, but I couldn’t move my hands from behind my neck. They brought us to that village of Jagoštica, there were already 92 of us in the group, and forced us into a tarped truck. It was very hot and at dusk they drove us to that village of Šljivovica, I didn’t know that area, too, where we were taken by those from the Serbian Interior Ministry. I was thinking, everything would be great now because we got rid of the army, however, it’s only then that the true chaos and hell began. Every night interrogations, writing statements, accusations for something that never happened, I was practically a child at the time, it was horrible. My hand was deteriorating more and more every day. One day some paramedics from Užice came, I applied to be checked out and the doctor said that I had to go to the hospital urgently. The next night I went to Užice in a police car and I felt relieved for the first time, because the doctor there was so kind, I will never forget it, first he saved my life and then he saved my hand”, Amir Omerspahić, prisoner from Šljivovica.¹⁶⁸

“They formed isolation rooms in which certain people were placed, those marked as some kind of war criminals, they were particularly tortured, starved. The beatings were such that one couldn’t easily notice that you were beaten; for example, they would beat you on your feet, you would sit in a chair, on your knees, and then they would beat you on your feet or on your kidneys”, Senad Jusufbegović, prisoner from Mitrovo Polje.¹⁶⁹

Persons of Interest

The facts that men from Žepa were met upon their crossing the border by the Police Special Units (PJP) and Yugoslav Army’s border battalions, as well as by local police stations and police departments, speak of the involvement of the highest government structures of Serbia and the Federal Republic of Yugoslavia. Former European Union’s Special Envoy to the Former Yugoslavia Carl Bildt testifies that President Slobodan Milošević was informed about the situation around

¹⁶⁸ Novka Ilić, “Srbija: Bivši logoraši nakon osamnaest godina u Šljivovici”, Radio Slobodna Evropa, 24 July 2013:[https://www.slobodnaevropa.org/a/biv-](https://www.slobodnaevropa.org/a/biv-si-logorasi-nakon-osamnaest-godina-u-sl-jivovici/25055993.html)

[si-logorasi-nakon-osamnaest-godina-u-sl-jivovici/25055993.html](https://www.slobodnaevropa.org/a/biv-si-logorasi-nakon-osamnaest-godina-u-sl-jivovici/25055993.html);

¹⁶⁹ Ibid.

Žepa and that taking the men from that enclave instead of catching them and handing them over to the Army of the Republic of Srpska, was a political, opportunistic choice until August 1995.¹⁷⁰ Finally, the existence of the camps was proven by the forming of the Expert Team of FRY Ministry of Foreign Affairs, which denied torture, but found that prisoners were not treated in accordance with the law.¹⁷¹

Radisav Ojdanić and Vladimir Milićević, chief interrogators at the camps of Šljivovica and Mitrovo Polje, are both retired today. Ojdanić and Milićević were not responsible for the security of the camp, as this was done by the heads of the police divisions in Užice (Šljivovica) and Kruševac (Mitrovo Polje).

Ljubiša Diković, the general who was in 1995 the commander of the Yugoslav Army's 16th Border Battalion, which was catching men who tried to find refuge from the Republic of Srpska Army in Serbia and taking them to the camps was appointed Chief of the General Staff in 2011 and retired in 2018.¹⁷²

In the Milošević trial before ICTY, Obrad Stevanović, commander of the Police Special Units (PJP) in 1995,¹⁷³ testified of taking around eight hundred captured Bosniaks to the camps in Šljivovica and Mitrovo Polje, for whom he stated that they were members of BH Army.¹⁷⁴ Today, Stevanović is a full professor at the University for Criminal Investigation and Police Studies in Belgrade.¹⁷⁵

Trials

Responsibility for the camps of Šljivovica and Mitrovo Polje was not being established in court proceedings before ICTY, although evidence of their existence were presented in the cases of Milošević, Tolimir, Popović, Perišić and Stanišić and Simatović.¹⁷⁶ The camps for Bosniaks in Serbia were also not mentioned in the judgment in the case of Bosnia and Herzegovina v. Yugoslavia for the genocide committed on the territory of BH, conducted before the International Court of Justice from 1993 until 2007.¹⁷⁷

170 Dosije: Šljivovica i Mitrovo Polje, p. 39.

171 Ibid, pp.34-35.

172 In 1999, during the war in Kosovo, Diković was the commander of the 37th motorised brigade of the Yugoslav Army. His role was described in HLC's dossiers, Dossier: Ljubiša Diković (2011): <http://www.hlc-rdc.org/wp-content/uploads/2012/11/Ljubisa-Dikovic-File-and-Annex.pdf> and Dossier: Rudnica: http://www.hlc-rdc.org/wp-content/uploads/2015/01/Dosije_Rudnica_eng.pdf;

173 Dossier: Šljivovica and Mitrovo Polje, p. 43.

174 Obrad Stevanović's testimony at the Milošević trial before

ICTY, 27 May 2005: https://www.icty.org/x/cases/slobodan_milosevic/trans/en/050527ED.htm;

175 Obrad Stevanović's biography, University for Criminal Investigation and Police Studies (in Serbian only): <http://www.kpu.edu.rs/cms/mentori/277-ostevanovic>;

176 Dossier Šljivovica and Mitrovo Polje, p. 53.

177 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Yugoslavia), International Court of Justice, 26 February 2007: <http://www.worldlii.org/int/cases/ICJ/2007/2.html>;

In 2011, HLC filed a criminal complaint against several identified and unidentified persons who were committing violence at the camps during the 1990s to the War Crimes Prosecutor's Office (TRZ). TRZ found that there was no war crime against the prisoners of war or crime against humanity,¹⁷⁸ i.e. the crime introduced into national legislation in 2006. For that reason TRZ did not consider the prosecution of crimes against humanity because at the time of the offence it was not criminalized in national laws.¹⁷⁹ HLC then addressed the Constitutional Court which rejected the appeal. In 2014, HLC submitted two applications against the Republic of Serbia to the European Court for Human Rights on behalf of former prisoners and families of prisoners who did not survive. The ECtHR rejected them, finding that the applications were too late and that they should have been submitted within the period of six months after finding out that TRZ would not prosecute the crimes.¹⁸⁰

In the period of 2007-2008, HLC was also initiating compensation proceedings on behalf of former prisoners. For example, in the case Enes Bogilović et al, the First Basic Court rendered a decision in 2010 rejecting Claimants' claim as unfounded. The Court of Appeal quashed this decision in 2012 and ordered a re-trial because it found that during the proceedings the court took into consideration the evidence presented by only one side. After that, the First Basic Court once again ruled to reject the claims and in 2014 the Court of Appeal confirmed this judgment.¹⁸¹ It was similar with other cases, such as the case of Omer Čavčić et al.¹⁸² Mujo Vatreš, who spent more than six months at the camps in Serbia and lost around 50kg won the case and compensation of RSD 500.000 in 2013. This is the first judgment in favour of a former prisoner and it is also important because it confirms that the prison camps existed and that the Republic of Serbia is responsible.¹⁸³

Memorialisation

The places of suffering of the prisoners from Bosnia and Herzegovina are not marked. The barracks in Šljivovica were burned down in order to obliterate the memory of them, and the remaining two are deteriorating year after year. It is only awaited for them to quietly and finally collapse and that we completely forget that people were ever raped there. Today, the Training

¹⁷⁸ Dossier Šljivovica and Mitrovo Polje, p. 53-55.

¹⁷⁹ Milan Simić, Put ka pravdi: Razvoj instituta zločina protiv čovečnosti: http://www.tuzilastvorz.org.rs/pravda_u_tranziciji/SRP/SRP03/700.pdf;

¹⁸⁰ Decision of the European Court for Human Rights in the case of Kamenica et al. against Serbia, 4 October 2016: [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22%224159/15%22%22\],%22documentcollectionid%22:\[%22JUDGMENTS%22,%22DECISIONS%22\],%22itemid%22:\[%22001-168404%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22%224159/15%22%22],%22documentcollectionid%22:[%22JUDGMENTS%22,%22DECISIONS%22],%22itemid%22:[%22001-168404%22]});

¹⁸¹ Victims' Right to Reparation in Serbia and the European Court of Human Rights Standards, 2014/2015 Report, Humanitarian Law Centre, pp. 81-82: http://www.hlc-rdc.org/wp-content/uploads/2016/01/Izvestaj_o_reparacijama_2014_eng_FF.pdf

¹⁸² Ibid, pp. 75-77.

¹⁸³ D. Milikić, "Za zatočenje u logoru u Srbiji 500.000 dinara", Danas, 18 January 2013: <https://www.danas.rs/drustvo/za-zatocenje-u-logoru-u-srbiji-500-000-dinara/>

Centre of the Ministry of the Interior of the Republic of Serbia stands at the place where the camp in Mitrovo Polje once was. At the Training Centre, there are classrooms and indoor and outdoor sports facilities, and it offers several types of training, including “camping”.¹⁸⁴

Apart from the absence of material memorialisation, there is almost no word in public about former prison camps. When you search for words Šljivovica and Mitrovo Polje on the internet, they are mentioned as tourist attractions, attractive for the beauty of surrounding nature, while only the survivors and civil society organisations talk about the camps for Bosniaks in Serbia.¹⁸⁵

¹⁸⁴ Mitrovo Polje Training Centre: <http://prezentacije.mup.gov.rs/upravazaobrazovanje/lat-organizacija-nc6.html>

¹⁸⁵ Group of Young People from Serbia Visited Srebrenica and Detention Centre in Šljivovica, Youth Initiative for

Human Rights, 28 February 2020: <https://www.yihr.rs/en/group-of-young-people-from-serbia-visited-srebrenica-and-detention-camp-in-sljivovica/>

FORCIBLE MOBILISATION IN SERBIA

Conscription crisis 1991-1992

At the very beginning of the war, several questions arose: who was at war with whom, why did the Yugoslav People's Army (JNA) fight the war on the territory of Croatia and Slovenia, whose army the JNA actually was and whether Serbia was officially at war. On July 2 1991, while the war in Slovenia was still going on, several hundreds of recruits' parents barged into the Serbian Parliament shouting "treachery", "bring our children back", "get out, get out", "you're incompetent".¹⁸⁶ Parents, mostly mothers of the recruits, made several requests, including that all soldiers from Serbia withdraw and return from Slovenia and Croatia, that the JNA set up reserve units composed of persons older than 30 and send such units to Slovenia instead of young recruits. If that was not possible, the mothers requested that international peace troops ensure ceasefire. They also requested to stop sending recruits from Serbia to Slovenia and Croatia and for Veljko Kadijević, at that time Federal Defence Secretary, to be held responsible. Finally, this (self) initiative board of mothers requested that all requests were fulfilled within 24 hours and that it was guaranteed by the Serbian President Slobodan Milošević whom they demanded "to come to the Parliament right away".¹⁸⁷

The same evening, conscripts from Serbia headed to the border of Vojvodina and Croatia.¹⁸⁸ The next day, citizens blocked a mobilised unit of reservists in Loznica.¹⁸⁹ General confusion at the JNA and a poor response to the conscription in Belgrade only deepened the crisis.

After ten days of war in Slovenia in June 1991, a decision to withdraw the JNA was made. However, the conscription continued. Men fit for military service started being returned from some border check-points in Serbia; although they had valid passports, they were not allowed to leave the country. In mid-July 1991, reservists on leave rallied in Pančevo: in particular, they complained of anxiety and apprehension, and requested to know whether the JNA existed and whether only them or the reservists from other Yugoslav republics were defending the country.¹⁹⁰

¹⁸⁶ Siniša Dedeić, "Smirivanje u Sloveniji, napetost u Hrvatskoj (4. deo)", Istinomer, 2011: <https://www.istinomer.rs/amnezija/smirivanje-u-sloveniji-napetost-u-hrvatskoj-4-deo/>

¹⁸⁷ Ibid.

¹⁸⁸ Ofelija Backović, Miloš Vasić, Aleksandar Vasović,

"Spomenik neznanom dezerteru", Vreme no. 895, 28 February 2008: <https://www.vreme.com/cms/view.php?id=592022>

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

In July 1991, the Federal Secretary for People's Defence (SSNO) and JNA General Veljko Kadijević signed an order to discharge unfit officers from the JNA, to court martial the deserters, and to stop traditional conscription in favour of voluntary enlistment, at the same time discharging "waverers, defeatists and those who don't want to fight".¹⁹¹ In the coming months, a negative narrative towards non-Serb population in SFRY intensified in Serbia, in particular owing to the politics of the Socialist Party of Serbia (SPS) and Slobodan Milošević, President of Serbia at the time. However, even this did not help get a better response to conscription.

During September 1991, while the war in Croatia was well underway, thousands of reservists returned to their homes: around 2000 reservists from Kragujevac returned to their hometown from Šid, a town only a few kilometres away from the Croatian border, while 600 reservists from Valjevo returned home from Herzegovina. On September 20 1991, confusion and fear took their first victim. Miroslav Milenković, a construction worker and one of the reservists from Gornji Milanovac, shot himself in the head in Šid while standing between the two groups of reservists – those who put down their weapons and did not want to fight, and the others, who took the weapons and were getting ready to leave for Tovarnik (Croatia). One of the remarkable moments of the conscription crisis but also of the entire war took place on September 23 1991, when a reservist from Valjevo, Vladimir Živković, drove a tank from the border near Šid, where he was deployed, and parked it in front of the Yugoslav Federal Parliament in Belgrade, thus expressing his protest against the war in the territory of former Yugoslavia.¹⁹² For this act, he was arrested by the military police as a deserter and sentenced to imprisonment of one year.

In October 1991, reservists' rebellions were spreading in the towns across Serbia: in Kikinda, Novi Sad, Leskovac, Velika Plana, Svilajnac... Nearly 400 reservists in Niš refused collectively to go to the frontline in Croatia; four reserve officers took 67 soldiers from Bač and returned them back to Arandjelovac; around 500 citizens of Hungarian nationality from Subotica fled to Hungary fearing forcible mobilisation; the reservists from Čačak blocked the Ibarska magistrala road; nearly 150 soldiers out of 200 in total from Dalj left the frontline; 200 reservists returned to Topola.

191 Ibid.

192 "Na današnji dan tenkista Vladimir Živković je doveo tenk ispred Savezne skupštine", Mašina, 2018: <https://www.masina.rs/?p=7435>;

In November 1991, a riot took place at a military range Pasuljanske livade (Paraćin municipality), when the Kragujevac regiment refused to go to the frontlines. They were joined by the reservists from Velika Plana, Svilajnac, Topola and Smederevo. On November 18 1991, reservists' parents from Kragujevac protested demanding that their sons be returned home.

The largest reservists' rebellion thus far happened in January 1992 - in Sokobanja, Zaječar, Negotin, Niš, while 700 reservists from Gornji Milanovac refused to go to Eastern Slavonia. The President of the Sokobanja Municipality supported them and promised that no one would go to war in Croatia before it was declared that Serbia was at war.¹⁹³ Once the state of SFRY ceased to exist, the JNA ceased to exist too.

Forcible mobilisation of refugees from BH and Croatia 1993-1995

Around 500,000 refugees of Serbian nationality left Croatia and Bosnia and Herzegovina during the entirety of war in these two states and found refuge in Serbia. Most escaped between May and September 1995, after Croatian military operations Storm and Flash. In the period of 1993-1995, with the support of state authorities – the Yugoslav Army and Serbian police, the refugees were exposed to forcible mobilisation. From 1993, the state of Serbia was not officially a party to the wars in the territory of former Yugoslavia, while the JNA disintegrated in May 1992. For this reason, classical conscription was not carried out in the way it had been done at the beginning of the conflicts in the summer of 1991 until May 1992. Forcible mobilisation of refugees represents the violation of **the Refugee Convention, as well as the Law on Refugees of the Republic of Serbia**. At the sessions of the FRY Higher Defence Council (VSO), the state and military leaderships were aware of this and were looking for ways to legalise their action in the years to come.

The 16th session of the VSO in Belgrade on December 25 1993, was attended by the Presidents of Serbia and Montenegro, Slobodan Milošević and Momir Bulatović, as well as the President of the Federal Republic of Yugoslavia (FRY) Zoran Lilić, chief of the General Staff of the Yugoslav Army (JA) Momčilo Perišić, FRY Defence Minister Pavle Bulatović, and head of the Military Cabinet of the President of FRY Slavko Krivošija.¹⁹⁴ There, Momčilo Perišić mentioned the serving

193 Ofelija Backović, Miloš Vasić, Aleksandar Vasović, "Spomenik neznamom dezertoru", Vreme no. 895, 28 February 2008: <https://www.vreme.com/cms/view.php?id=592022>;

194 Stenographic notes of the 16th Session of the Higher Defence Council, 25 December 1993 (Serbian): https://www.sense-agency.com/upload/documents/stenografic_records/BHS/16._Sednica_VSO_25.12.1993.pdf;

of military service by conscripts and recruits who came from the territory of the Republic of Srpska and the Republic of Srpska Krajina. As he said: "there are a lot of problems here because they are not there and can't serve the Yugoslav Army there, and here many are not registered, while those who were registered do not have citizenship."¹⁹⁵ His proposal was that all those who did not want to return to the Republic of Srpska and the Republic of Srpska Krajina should be registered and serve the Yugoslav Army. He mentioned the number of 3265 recruits and 19,765 conscripts. Slobodan Milošević called conscripts military deserters and proposed that they were sent to serve the Republic of Srpska Army. He also called them criminals who wanted "to stroll around Belgrade and Serbia and it makes no sense that volunteers leave here to fight wars for them." Since the VJ could not arrest refugees, Perišić asked if the Serbian Interior Ministry and Montenegrin Interior Ministry could do that instead, for which he was granted permission from Slobodan Milošević and Momir Bulatović.

At the next session of the VSO, held in Belgrade on January 10 1994, Momir Bulatović proposed that the Governments of the Republic of Srpska and of the Republic of Srpska Krajina should send a request to the FRY Government requesting that all conscripts who belonged to the two armies were extradited there; otherwise, the presence of the Yugoslav Army seal could bear serious consequences and because of that international humanitarian organisations could stop sending humanitarian relief for refugees.¹⁹⁶

What was agreed at the VSO meeting had already started being carried out in practice. As soon as at the beginning of 1993, the Organisation for Security and Co-operation in Europe (OSCE) reported on the armed gangs in Vojvodina who were picking up refugees from the Republic of Srpska Krajina from the streets and sending them by the truckloads to the front lines. Special Rapporteur of the UN Commission on Human Rights Tadeusz Mazowiecki and his associates reported of a group of 500 Bosnian Serbs who came to the refugee centre in Sremska Mitrovica in March 1993, where all effectives were singled out and sent to the battlefield; it is also said that the officers of that refugee camp must have been aware of this event.¹⁹⁷

¹⁹⁵ Ibid.

¹⁹⁶ HLC Dossier: Forcible Mobilization of Refugees, Humanitarian Law Centre, Belgrade, 2018, p. 13: [http://www.](http://www.hlc-rdc.org/wp-content/uploads/2019/11/Dossier_Forcible_Mobilisation_of_Refugees.pdf)

[hlc-rdc.org/wp-content/uploads/2019/11/Dossier_Forcible_Mobilisation_of_Refugees.pdf](http://www.hlc-rdc.org/wp-content/uploads/2019/11/Dossier_Forcible_Mobilisation_of_Refugees.pdf);

¹⁹⁷ Ibid, p. 15.

Massive arrests of refugees from Croatia and BH started on the night of June 11-12 1995; it was done by the Serbian Interior Ministry with Yugoslav Army's assistance. The police drafted refugees who had a refugee status and regulated residence, even the citizens of FR Yugoslavia who had previously worked in BH and Croatia, refugees who had recently turned 18 and who were called up to serve in the Yugoslav Army, as well as men whose military records issued in the Republic of Srpska Krajina stated that they were relieved from serving army for health reasons.¹⁹⁸ The Serbian Interior Ministry issued a statement denying that forcible mobilisation was taking place, and stated that they only performed the check-ups of persons who were not citizens of our country and did not have permanent or temporary residence permit or refugee status. In that respect, it was established that a number of persons from the Republic of Srpska Krajina and the Republic of Srpska were residing illegally in the Republic of Serbia and "are engaged in crimes, misdemeanours, harassment of citizens, fights and other offences".¹⁹⁹

The refugees were taken from reception and collective centres, private homes, workplaces, from the streets, bars and restaurants, pupils' and students' homes, rows of refugees, high school prom celebrations.²⁰⁰ In this largest conscription wave, between 2000 and 4000 persons were drafted and taken against their will to the police stations and other facilities in Serbia and subsequently sent to the front lines in BH or the Republic of Srpska Krajina.

These facilities include the police building in Volgina Street in Zvezdara (Belgrade), where refugees from Croatia and BH were taken; according to several witnesses, they were not allowed to call their families nor did they know what was to happen to them. After the arrest and imprisonment at the police stations, forcibly mobilised refugees were transferred to fire stations across Serbia (in Prokuplje, Smederevo, Čačak, Pančevo, Leskovac, Jagodina), which served as collective centres.²⁰¹ The largest collective centre was the Fire Station in Sremska Mitrovica, from where they were transported to the border and handed over to the military and police authorities of the Republic of Srpska and the Republic of Srpska Krajina.²⁰²

198 Goran Opačić, Jović Vladimir, Borislav Radović and Knežević Goran, ed., *Consequences of Forcible Mobilisation of Refugees in 1995*, IAN – International Aid Network, Belgrade, 2006, p. 23: <https://www.ian.org.rs/arhiva/publikacije/erdut/knjiga/knjiga%20srp.pdf>;

199 Ibid.

200 HLC Dossier: *Forcible Mobilization of Refugees*, pp. 20-24.

201 Ibid, p. 26.

202 Ibid, pp. 26-27.

One of the most notorious camps for forcible mobilisation was the Training Centre of the Serb Volunteer Guard (SDG) in Erdut (Eastern Slavonia, Croatia) under the command of Željko Ražnatović Arkan. Forcible mobilisation intensified especially after the Operation Storm in August 1995, when around 200,000 Serbs fled Croatia. In that period (August-September 1995), Serbian Interior Ministry handed over 5000 refugees to the SDG.²⁰³ Upon arrival to the camp, the refugees were humiliated and called “traitors of the Serbian people” and “drunkards” by the members of the SDG. Next, they had to hand over all their personal belongings and a list of those brought in was made. After the registration they would be taken to have a headshave and sent to sleep.²⁰⁴ Every morning at the camp would start with the Serbian anthem “God of Justice” (Bože pravde), raising of the Serbian flag and a speech by Željko Ražnatović. After that, the refugees had to do hard physical exercises. Those who could not sustain the pace were punished by having to carry a flagstone with words “Mister Discipline” written on it; some were handcuffed to a tree, others were put in a dog house where they had to bark and say that they are “just regular mongrels”.²⁰⁵

Having finished the training and torture, a large number of refugees was sent to the positions of the Serbian Army of Krajina in Eastern Slavonia and Baranja and to the Republic of Srpska Army in BH. According to the data of the Humanitarian Law Centre, at least 54 refugees lost their lives or went missing after returning to the areas where armed conflicts were taking place.²⁰⁶ Some of them were captured by the enemy forces (BH Army and Croatian army) and exchanged as late as in December 1996, when they managed to return to their families.

Victims’ Voices

Although it is not possible to determine the exact number of persons forcibly mobilised in the period of 1993-1995, it is believed that during the summer of 1994 alone, around 10 thousand refugees were drafted.²⁰⁷ Only a handful talked publicly about their trauma. The Vojvodina Civic Centre (VCC), through the project titled “Stolen Freedom”, collected media articles, reports and testimonies of refugees who were forcibly conscripted.

203 Ibid, p. 32.

204 Ibid, p. 33.

205 Ibid, pp. 34-35.

206 Ibid, p. 9.

207 Ibid, p. 9.

Dušan M. was born in Banija and worked at the Sisak Metallurgy Factory before the war. Upon arriving to Serbia in August 1995, he settled with his family in the village of Ada in Vojvodina. "We arrived in Ada on August 18 1995. We were accommodated in a local school, about a dozen of us. In the next few days, we managed to organise well, the women would cook and clean, and we would go and get food and other supplies in Ada. On August 24 1995, in the morning, the police came to the schoolyard of the primary school in Ada and asked for our documents. I was the only man present. When I gave them my refugee card, they told me I had to come with them for some routine questioning. We went to the Ada police station, where I was kept for a few hours. Several other men were there, all from Krajina or Bosnia. After those few hours, a bus arrived and they put us into that bus. We were asking where they were taking us and one police officer said that an order arrived that we had to return to the positions. We were taken to Erdut and to the Serb Volunteer Guard Training Centre. Upon arrival Željko Ražnatović Arkan awaited too; he took some of the people out of the row and started yelling at them, asking why we left Krajina and who was now going to fight the Croats. We spent five days in Erdut and some of us were seriously harassed and tortured in that period. After five days, I was supposed to be transferred to Bršadin with one unit, but I ended up in Pačetin on the front line between Croatia and Eastern Slavonia. I was in a mortar unit and I was operating a 120mm mortar. Soon I was allowed to make a short telephone call to my family in Ada. I spent three and a half months in Pačetin. On several occasions I talked with Goran Hadžić, at that time the President of Eastern Slavonia, who was suggesting that we call our families so that they come and move to Lipovača, a village near Pačetin, into deserted Croatian houses. After three and a half months I was released and went to Serbia to look for my family whom I found in Mol, a village in the Ada municipality."²⁰⁸

Đuro, also one of the refugees from Croatia following the Operation Storm, described the torture he survived at the Serb Volunteer Guard's Training Centre in Erdut: "Upon being arrested and asked several questions regarding the place and time of my arrival to Serbia, they sent me to Zrenjanin, from where I was transported to the Serb Volunteer Guard's Training Centre in Erdut in a bus filled with Serbs from Krajina. I spent the next eight days there. I can never forget those eight days in Erdut. Upon arrival, I walked down the gauntlet of soldiers who were kicking and

²⁰⁸ Vojvodina Civic Centre, Untold Stories: Dušan M. forcibly mobilised: <http://www.neispricanepribe.com/zrtva/dusan-m-prisilno-mobilisan/>;

punching me. They were telling me that I was a traitor the whole time and that because of me and those like me Krajina failed. On the same day, they cut my hair really short, almost bald. Torture continued in the days to come. More than 7000 people were at the camp during the time I was there, from all the regions of former Krajina. All were frightened and tortured. After eight days, I was transferred to Beli Manastir, from where I was immediately driven to Novi Čeminac. There, I and other people who were forcibly mobilised served to fill the army of Eastern Slavonia. The positions of the Croatian army were some 200 meters far across the Drava. I spent more than three months there. In that period we were not allowed to call our families or go visit them. They were always calling us traitors and telling us that we deserved what was happening to us. I was worried about my family, my daughter who should have gone back to school, I was always thinking about them. After three months I was returned to Serbia. I lost ten kilos during my stay there. And after I left, I was constantly thinking about the torture I had been put through, the kicking, name-calling, spitting. It was hard for me to return to my daily activities.”²⁰⁹

Barbara N. came to Serbia in 1991 together with her children because there were already some hints about the war. They had refugee status and lived at their relative’s in Novi Sad. Her husband Ljubomir only came to Serbia in 1993 and was conscripted on June 13 1995. In the statement she gave to the First Municipal Court in Belgrade, she said that his vehicle was pulled over by the police at the Futog Road and he was taken to the Town Transportation Company (GSP). She was at home and since they did not have a telephone, he could not call her, but called their son who was working for their friends. The next day, she went to Sremska Mitrovica. There was a Fire Station there and a group of people in black uniforms. She did not see her husband, there was a bus with 8-12 young people in it. She contacted some people, trying to get information about her husband, they were even pointing guns at her, and it seems that the Commander said that if he was not fit, he would be returned. After that she went to the Military Administration in Novi Sad and found out that he was not taken by the army, but by the police. After that she was waiting for a long time to get some information, and her husband called her for the first time from Bruvno and then from Knin, She did not have direct telephone contact with him because at that time they did not have a telephone, but he was calling a friend, leaving messages for them to send him

209 Vojvodina Civic Centre, Untold Stories: Duro, forcibly mobilised: <http://www.neispricanepribe.com/zrtva/duro-prisilno-mobilisan/>;

money and parcels. The husband later called from Željava, and that was all for one and a half months. Later the Operation Storm began and they had not had any contact with him since then, and they did not know what had happened. When her husband was calling their friend, he never went into details, they were just basic, short conversations. She tried to get information about her husband, she was going to the Red Cross in Belgrade every day, but she got nothing reliable. Her husband is considered dead today and she knows from other people that at one moment they were attacked by the Croatian and Muslim forces in Željava, where he was actually deployed. She heard from a friend Savo J., who was the last to see her husband, that one part of the group was captured by Muslim forces, while the other part, where her husband was, tried to escape, but obviously failed. She left Serbia and moved to Poland in 2002 where she now lives with her sons.²¹⁰

Nada K., a witness in the trial before the First Municipal Court in Belgrade, said that her husband Đuro K. was forcibly mobilised on August 24 1995. Having arrived in Serbia, they settled in a collective centre at a kindergarten in Vranje. Early in the morning on August 24, four police officers called out a list of names of all men fit for military service. They were told that they had to follow them to the Military Administration for some check-ups. The wives and children of the men who were taken went to the police station, but were not allowed in. However, because of their insistence, the doors were opened and they saw municipal president and police officers telling the men that they had to go to the battlefield. They were taken by buses and only a month later Nada found out that her husband was in Erdut, where he was working in the kitchen.²¹¹

Serbian authorities have not yet admitted the existence of or the responsibility for forcible mobilisations in Serbia during the 1990s. Mirjana Marković, one of the founders and first president of the Yugoslav Left and Slobodan Milošević's wife, wrote in the Duga magazine: "One part of fighters for the Serbian cause in Bosnia and Serbian Krajina lives in Belgrade, they have not spent even a day in the war and do not plan to do so. They mostly came from the areas where the battles are fought and they did it on time, before the beginning of the war or in the first days of the war. To Belgrade, as well as to other towns in Serbia, they came with their children, with their money and with their ambitions – to take over economic and political, and social positions in Serbia in general, those

210 Vojvodina Civic Centre, Untold Stories: Barbara N., wife of a forcibly mobilised man: <http://www.neispricane-price.com/zrtva/duro-prisilno-mobilisan/>;

211 Vojvodina Civic Centre, Untold Stories: Nada K., witness: <http://www.neispricaneprice.com/zrtva/duro-prisilno-mobilisan/>;

that would make them first-class citizens, out of category...”²¹² The state media, under control of the governing Socialist Party of Serbia and its president at the time, only continued the work of the state leadership, that is, spreading stereotypes about refugees as profiteers and deserters. On June 16 1995, the Politika daily wrote that: “Krajišniks are coming to help” and that: “buses filled with conscripts from Serbia are coming to the Republic of Srpska Krajina”, voluntarily.²¹³ Particularly interesting was the behaviour of the Commissariat for Refugees, whose main task was to protect the refugees. Head of the Commissariat, Bratislava Buba Morina used every media appearance to deny that there was a forcible mobilisation of refugees going on.

The state of Serbia has never apologised to the refugees and their families for damages inflicted on them. Some of them have started court proceedings against Serbia, that is, the Federal Republic of Yugoslavia.

Trials

The Law on Contracts and Torts of FR Yugoslavia provides a possibility of initiating court proceedings, i.e. filing claims for compensation of non-material damages to all persons who have suffered mental anguish, fear or physical pains.²¹⁴ Legislator’s aim was to allow the persons who have sustained some of these types of damages to alleviate the suffering they have been through or are still exposed to by the financial compensation awarded to them.²¹⁵

The first suits were filed as early as in April 1996, when the HLC filed a claim on behalf of eight forcibly mobilised refugees. The judgment was passed in December and the court found that “the defendants sustained damages in the form of mental anguish, during the time they spent on the territory of the Republic of Serbia – because they were taken away, in the presence of their family members, and due to obvious threat of the use of force in the event of resistance; because of uncertainty of their position during the first days of their imprisonment, because of the failed hope that they had found refuge and safety on the territory of Serbia, because of brutal actions at the collective centres they were exposed to from the moment of being handed over by the In-

212 Momir Turudić, “Zaboravljeni zločin”, Vreme no. 1894, 13 August 2015: <https://www.vreme.com/cms/view.php?id=1319874>

213 Ibid.

214 Goran Opačić, Jović Vladimir, Borislav Radović and

Knežević Goran, ed., Consequences of Forcible Mobilisation of Refugees in 1995, IAN – International Aid Network, Belgrade, 2006, p. 171.

215 Ibid.

terior Ministry of the Republic of Serbia, because of the forcible transportation to the battlefield, forcible participation in the battles, fall into captivity, and torture and humiliation they had been exposed to until the exchanges.”²¹⁶

However, all suits that were filed after 2000 were dismissed by the Supreme Court of Serbia, barred by the statute of limitations. This is especially problematic because a large number of refugees was forced to fight for their bare existence due to a very bad economic situation in Serbia, and did not have the means for court proceedings or the information that compensation claims for non-material damages should have been filed within the general statute of limitation provisions for this type of damages.²¹⁷

With regard to forcibly conscripted refugees and family members of those who lost their lives in the armed conflicts after the conscription and who filed the compensation claims against the Republic of Serbia within the statute of limitation period, only 1000 out of nearly 10,000 succeeded to initiate the proceedings. The Humanitarian Law Centre in Belgrade filed 121 compensation claims on behalf of 721 persons.²¹⁸ The International Aid Network (IAN) filed 42 compensation claims on behalf of 51 persons.

Persons of Interest

The responsibility of the Republic of Serbia has been undoubtedly established in the proceedings for compensation of the forcibly mobilised persons. Some of the witnesses in these proceedings were police officers who claimed to have known that forcible conscription of refugees was taking place, but that such decision came from higher levels of government.²¹⁹

Through forcible mobilisation, the Republic of Serbia violated the Law on Refugees of Serbia that was in force at that time. Article 1 of this Law provides that “persons who, due to the events of 1991-1998 and their consequences, left or were persecuted from former Yugoslav republics to the territory of the Republic of Serbia, and cannot, or do not want, out of fear of persecution or

discrimination, return to the territory they left, including persons who have opted for integration, shall be provided with care, in accordance with the provisions of this law, for the purpose of meeting their basic subsistence needs, and assistance in the process of integration.”²²⁰

The 1951 Convention Relating to the Status of Refugees, signed by both SFRY, and FRY as its successor, provides in Article 33 the prohibition of expulsion or return (refoulement), that is: “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality membership of a particular social group or political opinion.”²²¹

No indictment has ever been raised against Željko Ražnatović Arkan for torturing and abusing forcibly mobilised refugees. Only an indictment for crimes committed in Sanski Most in Bosnia and Herzegovina in September 1995 was raised against him by the International Criminal Tribunal for Former Yugoslavia. Željko Ražnatović was murdered in Belgrade on January 15 2000.

Memorialisation

Apart from the initiative of several anti-war activists and people who were speaking up publicly about the regime of Slobodan Milošević during the 1990s, no specific steps have ever been made towards the memorialisation of events from the period of the conscription crisis 1991-1992.

Famous journalist and columnist of the Vreme magazine, the late Stojan Cerović wrote about forcible mobilisation: “All I want to say is that Belgrade lacks a monument which would properly commemorate and remind of the drama and misery of these years. Monuments from the First or Second World War, those from the Serbian Uprisings or from the People’s Liberation War (NOB), the House of Flowers or The Victor, none of them is appropriate for that. And I will not agree with anyone who thinks that there is nothing to commemorate here and that it would be best not to remember... Therefore, my proposal is a monument to the Unknown Deserter. At the very beginning of the war for the disintegration of Yugoslavia, while the JNA was trying to mobilise

²²⁰ Law on Refugees, Official gazette of RS, no. 18/1992 and the Official Journal of FRY, no. 42/2002 – decision of the Federal Constitutional Court, Official Gazette of RS, no. 30/2010: <http://www.pravno-informa->

cioni-sistem.rs/S1GlasnikPortal/eli/rep/sgrs/skupstina/zakon/1992/18/1/reg;
²²¹ UN Convention Relating to the Status of Refugees: <https://www.unhcr.org/3b66c2aa10;>

conscripts across Serbia and Montenegro, and while various national armies and private guards were emerging, I thought that it would be best and smartest to avoid uniform, refuse weapons or desert. This was done in various ways by thousands of people in Belgrade and Serbia, and it is the biggest thing we here should be proud of in future... Before that, human virtue was forced to withdraw. Decency and righteousness were demobilised; the reason, truthfulness and humanity deserted. No one and nothing calls either these people or these values to return yet. Such monument would give them credit and honour, although Slobodan Milošević would never place flowers on it. After all, he would not have to, because this is not about a monument to the dead, but to those who refused a call to kill or be killed in his war.”²²²

Janja Beč Nojman, sociologist, proposed in 2013 to build a monument to deserters in Novi Sad: “My initiative is to erect a monument to deserters in Vojvodina. To mark that such things were happening in this region in the time of suffering, war crimes and genocide. I think that it is time to talk about how many people refused to go to war. When I have recently initiated the idea for a monument to deserters at one gathering, no media reported about that. These silences are always horrible. True heroes of these wars, of all wars, are the deserters.”²²³

How we as a society today remember the forcibly mobilised refugees and the suffering they were through, together with their families, can be described in one word – silence. Apart from a few individuals, a few media and citizens’ associations, who publicly spoke about the forcible mobilisation of refugees, the official narrative of the state has not changed much since the 1990s. Two laws confirm this thesis: the Law on Civilian Victims of War and the Law on War Memorials currently in force in the Republic of Serbia.

The Law on the Rights of Civilian Invalids of War in Article 2 provides that “a civilian invalid of war shall be a person who has suffered physical harm of at least 50% due to a wound or injury that has left visible traces, inflicted by abuse or deprivation of liberty by the enemy in time of war, during war operations, from remaining war material or from enemy sabotage or terrorist actions”.²²⁴ Consequently, this means that refugees who were forcibly mobilised cannot gain the status of

222 Ofelija Backović, Miloš Vasić, Aleksandar Vasović,
“Spomenik neznanom dezertoru”, Vreme no. 895, 28
February 2008: [https://www.vreme.com/cms/view.
php?id=592022](https://www.vreme.com/cms/view.php?id=592022);

223 Branka Mihajlović, “Spomenik dezertoru, negde u Vojvo-
dini”, Radio Slobodna Evropa, 12 June 2013: <https://>

[www.slobodnaevropa.org/a/spomenik-dezerte-
ru-negde-u-vojvodini/25014961.html](http://www.slobodnaevropa.org/a/spomenik-dezerte-
ru-negde-u-vojvodini/25014961.html);

224 Law on the Rights of Civilian Invalids of War, Official
Gazette RS, no. 56/1996: [https://www.osobesain-
validitetom.rs/attachments/023_Zakon%20o%20
pravima%20civilnih%20invalida%20rata.pdf](https://www.osobesain-
validitetom.rs/attachments/023_Zakon%20o%20
pravima%20civilnih%20invalida%20rata.pdf);

civilian invalids of war because they were not deprived of liberty by the enemy, but by the Serbian Interior Ministry, and because they did not suffer physical harm of at least 50% due to a wound.

In the Law on War Memorials, Article 2 stipulates that “a war memorial, military cemetery, individual tomb, tombstone, memorial ossuary, memorial chapel, memorial church, monument, public memorial, memorial plaque, place of suffering, famous landmark and other reverence symbols of significance for nurturing the tradition of Serbian liberation wars.”²²⁵ The memorialisation of forcible mobilisation or a monument in memory of deserters is not in accordance with this article of the Law, and thus the state of Serbia institutionally confirms that it does not want to remember these people.

²²⁵ Law on War Memorials, Official Gazette of RS, no. 50/2018: <https://www.paragraf.rs/propisi/zakon-o-ratnim-memorijalima.html>;

PARAMILITARY UNITS IN SERBIA

Context

The first armed conflicts on the territory of former Yugoslavia started in June 1991 between the Yugoslav People's Army (JNA) and the Territorial Defence of Slovenia. The JNA was part of the armed forces of the Socialist Federal Republic of Yugoslavia (SFRY) and was responsible for protecting independence, sovereignty, territorial integrity and the social system of SFRY.²²⁶

Political changes in the country started when Slobodan Milošević was elected president of the League of Communists of Serbia in 1987. With the help of the League of Communists of Serbia, he managed to dismiss communist leaderships in the Autonomous Provinces of Kosovo and Vojvodina, as well as in Montenegro. Further, through the Constitutional amendments of 1989, he reduced the powers of the autonomous provinces. In this manner, he secured four safe votes in the Presidency of SFRY and was outvoting other republics regarding any issue. Dissatisfied with this situation, Slovenia and Croatia left the Presidency of SFRY. In the months to come, Bosnia and Herzegovina, as well as Macedonia, would do the same. From that moment on, the SFRY Presidency became "rump", gathering only the delegates from Serbia, Montenegro, Vojvodina and Kosovo.

After the ten-day war, the JNA withdrew from Slovenia. Conflicts in Croatia started as soon as in April 1991 and a couple of months later they intensified in the region of Eastern Slavonia. During the siege of Vukovar the JNA still existed, but its role changed. At the beginning of the conflict it deployed itself as a buffer zone separating the two sides, but since the summer of 1991, it openly sided with the Serbian forces in Croatia.²²⁷

The siege of Vukovar is also specific for the emergence of illegal paramilitary units from Serbia which were involved in mass human rights violations; they were also direct perpetrators of the crime in Ovčara.

226 Constitution of the Socialist Federal Republic of Yugoslavia, art. 237: <http://mojustav.rs/wp-content/uploads/2013/04/Ustav-SFRJ-iz-1974.pdf>;

227 HLC Dossier, The JNA in the wars in Croatia and BiH, Humanitarian Law Centre, Belgrade, 2018, p. 14: http://www.hlc-rdc.org/wp-content/uploads/2018/06/Dosije_JNA_eng_inter.pdf;

Due to the conscription crisis which started in 1991, a large number of recruits refused to join the JNA for several reasons: it was not clear for whom the JNA was fighting, whether Serbia was in war at all; some simply did not want to fight the war under the five-pointed star; and the reinforcement by recruits from other republics was reduced.²²⁸ Slobodan Milošević used the opportunity to justify the presence of paramilitary units at the battlefield in Croatia at the meeting with the presidents of municipal assemblies of towns in Serbia on March 16 1991. He said on that occasion: "I ordered the conscription of the reserve police forces yesterday and, furthermore, the engagement and formation of new police forces, while the government has been tasked to prepare appropriate units which would keep us safe in any event, that is, be capable of defending the interests of our republic and indeed the interests of Serbs outside Serbia...."²²⁹ At the beginning of the war, those "appropriate units" mentioned by Milošević were the **Kninjas** under the command of Dragan Vasiljković and the **Serb Volunteer Guard** (Srpska dobrovoljačka garda) under the command of Željko Ražnatović Arkan. Also, some political parties such as the **Serbian Radical Party** and the Serbian Renewal Movement were sending their volunteers to the battlefields in Croatia and Bosnia and Herzegovina. These are not the only examples of paramilitary units. In late 1991 or early 1992, the unit **Scorpions** (Škorpioni) was formed which operated on the territory of Croatia and BH, while during the war in Kosovo they were integrated into the regular composition of the Special Anti-Terrorist Unit (SAJ).

According to the United Nation's Report for 1994, there were 55 paramilitary units from Serbia operating on the territory of former Yugoslavia.²³⁰

The Kninjas – "Jedinica"

After the conflict in Plitvice between the police forces of Krajina and Croatia, in which each side lost one person, Dragan Vasiljković, known as Captain Dragan, together with Franko Simatović, at that time an operative of the State Security Service (SDB), headed from Belgrade to Knin.²³¹ There, they met Milan Martić, leader of the Serbian police officers from Knin, who took them to the base of the Krajina police in the village of Golubić near Knin.²³² From late April or early May

228 Ofelija Backović, Miloš Vasić, Aleksandar Vasović, "Spomenik neznanom dezertneru", Vreme no. 895, 28 February 2008: <https://www.vreme.com/cms/view.php?id=592022>;

229 Renaud De La Brosse, Expert Report, "Political Propaganda and the Plan to Create 'A State For All Serbs:' Consequences of using media for ultra-nationalist ends", January 2003: <https://www.icty.org/x/cases/slo->

[bodan_milosevic/prosexp/bcs/rep-srb-b.htm](https://www.bodan_milosevic/prosexp/bcs/rep-srb-b.htm);

230 Dejan Anastasijević, "Kratka istorija paravojnih jedinica u jugoslovenskim ratovima 1991-1995 - Grabljive zveri i otrovne bube", YU Historija: http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html;

231 Filip Švarm, Jedinica I, Vreme and B92: https://www.youtube.com/watch?v=n-U071m_5S4;

232 Ibid.

until July 1991, Milan Martić, Franko Simatović, and Captain Dragan worked together on the establishment and operationalisation of the Training Centre in Golubić. During this period, Jovica Stanišić, head of the State Security Service (SDB), and Franko Simatović funded the training. Simatović was also providing the Centre with fuel, vehicles, supplies and equipment.²³³ This actually laid the foundation for the Special Operations Unit (JSO) which would be operational for the next twelve years under different names.

The training in Golubić was military in character and included weapons training and ambush training, as well as how to handle war prisoners and civilians in an armed conflict. The training would last for approximately twenty days. The recruits were trained in groups of 40 to 100 persons. A total of between 350 and 700 members of the Serbian Autonomous Region (SAO) of Krajina police and SAO Krajina Territorial Defence were trained in Golubić between April and August 1991. Those who had completed the training in Golubić would set up new units and train other people in SAO Krajina.²³⁴ Captain Dragan singled out 63 best men whom he later transferred to the Knin Fortress with the idea to continue working with them and make them into instructors who could subsequently train the entire armed forces of SAO Krajina.²³⁵

Captain Dragan and his unit operated in the region of SAO Krajina until August 1991. Up to that moment, they had several conflicts with Croatian police around Glina and Knin. Because of the conflict with Milan Babić, the then President of Krajina, in August 1991, Captain Dragan left the Republic of Srpska Krajina and returned to Serbia. In 2006 the Republic of Croatia brought charges against him for war crimes against civilian population, including torturing prisoners of war at the Knin Fortress and the murder of civilians in Glina and Bruška.²³⁶

Serb Volunteer Guard (SDG – Srpska dobrovoljačka garda)

The links of Željko Ražnatović Arkan, commander of the Serb Volunteer Guard, with state security services date back to the time of Stane Dolanc, Federal Secretary for Internal Affairs in the 1980s, who introduced the practice of recruitment of persons convicted for serious crimes for the needs

233 ICTY Trial judgment, Stanišić and Simatović, case no. IT-03-069-T, p. 480: https://www.icty.org/x/cases/stanisic_simatovic/tjug/en/130530_judgement_p2.pdf;

234 Ibid, p. 485.

235 Filip Švarm, Jedinica I, Vreme and B92: <https://www.>

[youtube.com/watch?v=n-U071m_5S4](https://www.youtube.com/watch?v=n-U071m_5S4), 15:55.

236 Documenta, Trial against Dragan Vasiljković – crime in Knin, Glina and Bruška: <https://www.documenta.hr/en/trial-against-dragan-vasiljkovi%C4%87-crime-in-knin-glina-and-bruska.html>;

of the Service.²³⁷ In late 1980s, Arkan was given a task by the State Security Service to put under control a group of supporters of the Red Star (Crvena zvezda) football club, whom Milošević used to stir up nationalism at the grandstands in the late 1980s and early 1990s. In this way, he formed a supporters' group of "Delije" which is still active in Serbia.²³⁸ He thus deserved a seat in the management of the Red Star football club, whose other member was Radmilo Bogdanović, at that time Minister of the Interior of Serbia.²³⁹

The Serb Volunteer Guard or "Arkan's Tigers" was formed from the core of the Red Star supporters from Belgrade, at the Pokajnica Monastery on October 11 1990. It was set up by Željko Ražnatović Arkan and others, including Nebojša Đorđević, Saša Pavlović, Nenad Marković and Dragan Petrović.²⁴⁰

The SDG appeared for the first time in Slavonia in June 1991, specifically in Tenja near Osijek, Croatia.²⁴¹ In Erdut, a village in Croatia on the border with Serbia, they set up their headquarters. SDG co-operated closely with Andrija Biorčević, who was the commander of the JNA Novi Sad Corps.²⁴² After the fall of Vukovar in November 1991, the SDG officially became part of the Territorial Defence of the newly established Serbian Autonomous Region (SAO) of Eastern Slavonia, Baranja and West Syrmia, while Željko Ražnatović was designated an advisor for national security of Goran Hadžić, President of the SAO Eastern Slavonia, Baranja and West Syrmia. The SDG membership never exceeded 300 persons.²⁴³

After the warring in the Slavonia battlefield, the SDG transferred to Bosnia and Herzegovina, where it operated on the territories of Zvornik, Bijeljina and Brčko in the autumn of 1992.

Bijeljina was the first municipality in Bosnia and Herzegovina taken over by Bosnian Serbs in 1992. This take-over of power set a pattern later repeated in other municipalities in Northeast

237 Dejan Anastasijević, "Kratka istorija paravojnih jedinica u jugoslovenskim ratovima 1991-1995 - Grabljive zveri i otrovne bube", YU Historija: http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html;

238 Ibid.

239 Ibid.

240 ICTY Trial judgment, Stanišić and Simatović, case no. IT-03-069-T, p. 620. On that occasion, SDG members had to take an oath which reads: "O Son of God! Thou hast commanded that we give our lives for our friends. I am joyfully on my way to do Thy will by fighting for our fatherland and our faith. Arm me with strength and bravery to outlast our foes. And if it be Thy holy will to lay down my life in today's combat, mercifully allow me

to die with an unwavering faith and hope in the eternal life and bliss in Thy Heavenly Kingdom. Holy Mother of God! Please keep me safe under Thy shroud. I solemnly swear, by raising three fingers, for the Holy Cross, I will give my life to save Serbianity! Amen!"

241 Filip Švarn, Jedinica I, Vreme and B92: https://www.youtube.com/watch?v=n-U071m_5S4&t=1459s 25:10.

242 Dejan Anastasijević, "Kratka istorija paravojnih jedinica u jugoslovenskim ratovima 1991-1995 - Grabljive zveri i otrovne bube", YU Historija: http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html;

243 Filip Švarn, Jedinica I, Vreme and B92: https://www.youtube.com/watch?v=n-U071m_5S4&t=1459s, 35:35.

Bosnia and Herzegovina. First, paramilitary units or the so-called “volunteer units” from Serbia would come and start intimidating and terrorising the local Bosniak population, as well as those Serbs who were considered “disloyal”. Many Bosniaks were killed. For that reason, many other Bosniaks eventually left this region. In the very town of Bijeljina, the first fights started on March 31 1992. Members of the Arkan’s paramilitary unit came to Bijeljina and, in co-operation with a local paramilitary group under the command of Mirko Blagojević, took over control of important town structures. On April 1 or April 2 1992, armed JNA reservists surrounded the town and rows of JNA tanks and other vehicles could be seen in the area. In spite of certain resistance, Serbian forces quickly took over control of Bijeljina as soon as April 4, Serbian flags were hoisted on the two mosques in town. Arkan’s people moved into the building of the local SDS²⁴⁴ and for a few days, together with regular police patrols, were involved in arresting the members of SDA²⁴⁵ Presidency in Bijeljina.²⁴⁶

During the Serbian take-over of Bijeljina, members of Serbian paramilitary forces killed at least 48 civilians, the majority (45) of whom were non-Serbs and none of those victims wore uniforms.²⁴⁷

Immediately before the clash in Zvornik on April 8 1992, Marko Pavlović, General Savo Janković of the Tuzla Corps, and Colonel Tačić, met at the Jezero hotel in Mali Zvornik, to discuss a military take-over of Zvornik. The JNA, specifically a battalion of the 336th motorised brigade under the command of Dragan Obrenović, which also participated in the take-over, provided tanks, artillery and mortars to Arkan’s people.²⁴⁸ On April 8 1992, or around that date, members of various Serbian forces – police, territorial defence, JNA and Arkan’s people – started an attack on Zvornik, which at least partially started from the territory of Serbia. Numerous civilians were killed in the attack of April 8 1992, while many others left the town and headed towards Tuzla. Serbian forces took over the town of Zvornik in one day. Approximately 20 non-Serb civilians were killed in this attack.²⁴⁹

After the war ended in 1995, the Serb Volunteer Guard was disbanded. Ražnatović became more politically active since he founded the Party of Serbian Unity as early as in 1993. Also, he started numerous businesses in Serbia and bought a football club, “Obilić”.

²⁴⁴ SDS (Srpska demokratska stranka) – Serb Democratic Party founded by Radovan Karadžić in 1990.

²⁴⁵ SDA (Stranka demokratske akcije) – Party of Democratic Action founded by Alija Izetbegović in 1990.

²⁴⁶ ICTY Trial judgment, Stanišić and Simatović, case no. IT-03-069-T, pp. 225-226: https://www.icty.org/x/cases/stanistic_simatovic/tjug/en/130530_judgement_p1.pdf;

[org/x/cases/stanistic_simatovic/tjug/en/130530_judgement_p1.pdf](https://www.icty.org/x/cases/stanistic_simatovic/tjug/en/130530_judgement_p1.pdf);

²⁴⁷ Ibid, p. 227.

²⁴⁸ Ibid, p. 633.

²⁴⁹ Ibid, p. 348.

After the disbanding of the SDG, part of the volunteers went over to the Special Operations Unit, while the others returned to crime.²⁵⁰

Željko Ražnatović was killed at the Intercontinental Hotel in Belgrade on January 15 2000. Direct executors are known, but neither the background of the murder nor who organised it and why have ever been clarified.

The public was informed that there was an indictment against Arkan in March 1999, but only after his death, the content of the indictment was publicised. The International Criminal Tribunal for Former Yugoslavia charged him with crimes in Sanski Most committed in September 1995.²⁵¹

Scorpions (Škorpioni)

During the siege of Vukovar which started in the summer of 1991, a large number of volunteers from Serbia came to Eastern Slavonia to fight. One of the volunteers was Slobodan Medić Boca from Šid who, together with his brother Aleksandar Medić, headed to Vukovar.²⁵² Together with their friends from Šid, they founded the “Scorpions” in late 1991 or early 1992.²⁵³ This unit was stationed in the village of Đeletovci, Nijemci municipality, which is the location of oil wells and oil fields.²⁵⁴ Their task was to secure the oil fields and the borders of Serbia and the Republic of Srpska Krajina. The exploitation of oil from Đeletovci and the oak wood from nearby villages primarily served for making enormous profits in favour of the state of Serbia. The entire turnover was controlled by the State Security Service, led by Stanišić and Simatović; they were taking large portions of the profits for government purposes and next in the line was Željko Ražnatović Arkan.²⁵⁵

The Scorpions had a command and two troops; the entire unit had between two hundred and four hundred persons. Their weapons, uniforms, equipment and wages were provided by the Gas Industry of the Republic of Srpska Krajina.²⁵⁶

250 Dejan Anastasijević, “Kratka istorija paravojnih jedinica u jugoslovenskim ratovima 1991-1995 - Grabljive zveri i otrovne bube”, YU Historija: http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html;

251 ICTY Prosecutor’s indictment against Željko Ražnatović: https://www.icty.org/x/cases/zeljko_raznjatovic/ind/en/ark-ii970930e.pdf;

252 Dejan Anastasijević, “Kratka istorija paravojnih jedinica u jugoslovenskim ratovima 1991-1995 - Grabljive zveri i otrovne bube”, YU Historija: http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html;

253 ICTY Trial judgment, Stanišić and Simatović, case no. IT-03-069-T, p. 675.

254 Dejan Anastasijević, “Kratka istorija paravojnih jedinica u jugoslovenskim ratovima 1991-1995 - Grabljive zveri i otrovne bube”, YU Historija: http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html;

255 Ibid.

256 Humanitarian Law Centre, Škorpioni - od zločina do pravde, Belgrade, 2007 (Serbian only): <http://www.hlc-rdc.org/wp-content/uploads/2012/06/Skorpioni.pdf>;

In June and July of 1995, Jovica Stanišić and Franko Simatović sent the Scorpions and the SDG, commanded by Vasilije Mijović, State Security Service's official, to the region around Trnovo and in Treskavica, to carry out joint actions with the members of the Interior Ministry of the Republic of Bosnian Serbs and the Republic of Srpska Army, where the Scorpions committed crimes.²⁵⁷

On July 17 1995, in the village of Trnovo near Sarajevo (Bosnia and Herzegovina), the Scorpions shot six Bosniak men who had been captured only a few days earlier during the Republic of Srpska Army's attack on the UN protected zone of Srebrenica. These murders were recorded on a video tape which was found at a video club in Šid in 2005. This recording was presented at Slobodan Milošević's trial.

After the end of the war in Bosnia and Herzegovina in 1995 and the signing of the Agreement of Erdut between Croatia and FRY delegates, by which Croatia wanted to return its territories and Serbia consented to it in exchange for the guarantees of all human and minority rights of Serbs who stayed there, the Scorpions were left without their job of securing the oil fields in Đeletovci. They were not considered to be members of the Serbian Army of Krajina. The unit managed to survive outside the war campaign, and after 1995 it was integrated into the reserve of the Special Anti-Terrorist Unit of the Serbian Interior Ministry.²⁵⁸

With the beginning of NATO intervention in the Federal Republic of Yugoslavia in March 1999, the Scorpions were sent to Kosovo. On March 28 in Podujevo, they entered the first Albanian house and killed fourteen Albanian civilians, including women and children. Only five children survived.

Serbian Radical Party (SRS)

The beginning of disintegration of Yugoslavia also meant an expansion of nationalist ideas in all SFRY republics. Hence, a far-right Serbian Radical Party emerged in Serbia with its leader Vojislav Šešelj.

In early 1990s, Vojislav Šešelj stood out first as the president of the Serbian Liberation Movement, a marginal political organisation advocating the idea that all Serbs should live in one state.²⁵⁹ This organisation was very anti-communist and aimed to “restore national, spiritual, cultural, economic and political unity of Serbs, for full mutual understanding and solidarity of Serbs believers and Serbs atheists, for brotherly harmony of Orthodox Serbs, Muslim Serbs, Catholic Serbs and Protestant Serbs.”²⁶⁰

Although small, this organisation did not last long. In March 1990, many members defected to the Serbian Renewal Movement (SPO), founded jointly by Vuk Drašković and Vojislav Šešelj. A few months after setting up the SPO, in June 1990, the party divided because of internal conflicts. One fraction, led by Vojislav Šešelj, founded a new organisation – Serbian Chetnik Movement.²⁶¹ Their programme clearly specifies the lands that should be included in the territory of Greater Serbia: the whole territory of today’s Serbia and Kosovo with western border along the line Karlovac-Karlobag-Ogulin-Virovitica.²⁶² Everyday hate speech aimed at national minorities, especially Croats, brought great popularity to Vojislav Šešelj in Serbia. At the presidential election in Serbia in December 1990, he ranked fifth with a bit over 96 thousand votes.²⁶³

As soon as February 23 1991, the Serbian Chetnik Movement united with a large number of local committees of the People’s Radical Party led by Tomislav Nikolić and formed the Serbian Radical Party. Its programme was identical to the programme of the Serbian Chetnik Movement. The first point of that programme implied “the restoration of free, independent and democratic state in the Balkans which would include the whole of Serbianity, all Serb lands, meaning that, besides current “octroic” Serbian federal unit, it would also include Serbian Macedonia, Serbian Montenegro, Serbian Bosnia, Serbian Herzegovina, Serbian Dubrovnik, Serbian Dalmatia, Serbian Lika, Serbian Kordun, Serbian Banija, Serbian Slavonia and Serbian Baranja.”²⁶⁴ The goals proclaimed in the programme could not have been attained without massive violations of human rights.

The Serbian Radical Party established a Crisis Headquarters with Ljubiša Petković as its head, with the task “to help and protect Serbs wherever they are in danger”.²⁶⁵ Two days after the

259 Sonja Biserko, Proces Vojislavu Šešelju: Raskrinkavanje projekta Velika Srbija, Helsinki Committee for Human Rights in Serbia, Belgrade, 2009, p. 159: <http://yuhistorija.com/serbian/doc/Proces%20Vojislavu%20Seselju.pdf>;

260 Ibid.

261 Ibid, p. 161.

262 Velika Srbija, no. 2, Year I (1990), front page.

263 Predsednički izbori 1990, Vreme Web Specijal: <https://www.vreme.com/cms/view.php?id=1484307>;

264 Glavni odbor Srpske radikalne stranke, “Programska deklaracija Srpske radikalne stranke”, Velika Srbija no. 9 (1991), p. 6.

265 Dejan Andus, “Ljubiša Petković - čovek na čelu kriznog i ratnog štaba SRS”, Velika Srbija, no. 11, (1991), pp. 12-13.

“rump” Presidency of SFRY established that there was “direct war danger on the territory of SFRY”, on October 3 1991, the Crisis Headquarters became the War Headquarters and Vojislav Šešelj removed Ljubiša Petković from this position as it turned out that he was “an agent of the Serbian State Security Service”.²⁶⁶

The first conflicts on the territory of Eastern Slavonia, specifically in Borovo Selo, occurred in May 1991. Serbian Radical Party’s volunteers participated in this conflict. They came to the battlefield in Slavonia after being recruited through local committees in Serbia, Croatia and Bosnia. They came to the Slavonia battlefield with silent consent of the authorities of the Republic of Serbia. They were called “chetniks” or “Šešelj’s men”.²⁶⁷ In the majority of cases, they were part of the existing Territorial Defence structures.

In the statements he was giving to local and foreign media, Vojislav Šešelj was saying that SRS volunteers acted completely independently.²⁶⁸ However, he would occasionally make statements which indicated that he had direct links with the volunteers as he was visiting these units at the battlefield.²⁶⁹ On the other hand, Ljubiša Petković, head of the War Headquarters, had very close relations with Ljubomir Domazetović, at that time head of the Third Administration of the General Staff of the SFRY Armed Forces.²⁷⁰ Also, the SRS Crisis Headquarters had close links with the Commander of the JNA Novi Sad Corps Andrija Biorčević.

SRS volunteers received their training at the military barracks in Bujanj Potok, the “4th July” military barracks (Voždovac) and the “Marshal Tito” military barracks (Topčider), as well as at the Training Centre in Prigrevica (near Apatin). The training was managed by Jovo Ostojić, close associate of Vojislav Šešelj and member of the Serbian Radical Party.²⁷¹ At the military barracks in Bujanj Potok, volunteers were given uniforms, weapons and ammunition. Although SRS volunteers were integrated into the units of the local Serbian Territorial Defence and were under JNA command, as demonstrated in the documentation relating to the operations in Croatia and Bosnia and Herzegovina, statements made by SRS volunteers show that the SRS War Headquarters were issuing orders to them in some cases and exchanging operational information

266 Reynaud Theunens, SRS/SČP Volunteers and conflict in Croatia and BH, Military Analysis Team Expert Report (IT-03-67), March 2006, p. 159.

267 Ibid, p. 97.

268 Ibid, p. 149.

269 Ibid.

270 Ibid, p. 171.

271 Ibid.

about participation in the battlefield.²⁷² Besides Borovo Selo, members of these units in Croatia were involved in the battles in Tenja, Silaš, Voćin, Vukovar, where they committed war crimes. In Vukovar, they operated within and under command of two local Serbian Territorial Defence units – Petrova Gora and Leva Supoderica, which were subordinated to the JNA until November 21 1991 (murder of Croatian prisoners in Ovčara).²⁷³

In 1991, on the territory of Bosnia and Herzegovina, the JNA was involved in the take-over of municipalities with Serb majority. SRS volunteers from Serbia, as well as local SRS members, together with other paramilitary units from Serbia, participated in the take-over of Zvornik, Bijeljina, Bosanski Šamac and Brčko. In each of these municipalities, crimes against the civilian population were committed.

Victims' Voices

Alma Pecković, daughter of Ajša Šabanović, murdered in Bijeljina on April 2 1992, described those days to the Danas daily on January 14 2016: "In the meantime, on that April 2, a proclamation was aired on Radio Bijeljina that all local communities should organise the collection of all weapons and that it should be handed over to the police. There were three hunting rifles and two pistols with regular permits in our street. We collected that, and my husband decided, together with two other guys from the street, to go to the police by car carrying a white flag and hand them out. My husband told me later that he did that so that he could meet someone in the police and check the information he had received... he went there and really, they gave him two police officers and a vehicle to sit and go to the spot and check the information because allegedly they were also not sure and they did not know. When he arrived to the spot in the police car and with two police officers who were decent, he made sure that it was my mother lying on the pavement in a white sweater which he recognised, and a man in a leather jacket whom he also recognised, it was Abdurahman Pajazit, owner of the burek bakery next to my parents' house. My husband did not recognise the third female person who was lying in the same place, it was Abdurahman's wife, we would find out later... When he came to the police again, a certain Pero Simić waited

²⁷² Ibid, p. 173.

²⁷³ Ibid, p. 242.

for him there, a journalist, who asked for an interview or to make an announcement via Radio Bijeljina saying that everything was allegedly safe and clean in Bijeljina. He managed to avoid that interview, he does not even remember how, and returned home all shaken and terrified... Right after his arrival we took off to the military barracks, and some neighbours from our street spontaneously followed us, thinking, as they knew that my husband worked there, that if they were there, they might be a bit more protected. We somehow managed to get to the military barracks, and there we were stopped by masked civilians, armed to their teeth, members of the Serbian Radical Party, wearing caps with Serbian cocarde. They didn't harass us very much, they only cursed at us and told us to return back where we came from. We didn't have a choice but to go back. On the way back, we were stopped by our family friend Mire Hanušić who took us to his place to avoid further danger because our house was 2 kilometres away. We accepted that and stayed at his place until Sunday April 5.

In the meantime, another proclamation was aired on Radio Bijeljina saying that it was possible to go to the hospital and find and pick up those killed in alleged street fights there. My husband and I went first to my aunt's who lived near my parents' house. I had an especially strong fear and a bad feeling and I was repeatedly asking my husband if he knew something because nobody was answering the phone in my parents' house since Thursday morning. He was consoling me, at the same time preparing me for the worst, but he didn't tell me anything. When I approached my aunt's house, I thought that I knew everything. I entered and only said: aunt, are they all... She was only able to sob and I knew everything... I don't know what happened to me afterwards.

After that my husband went and picked them up in front of the morgue of the town hospital. They were lying there on the grass covered with white sheets, and according to my husband, there were thirty of them... A man from the funeral service happened to be there, he gave him plastic bags, and with the help of some friends who happened to be there searching for their dead, managed to pick them up and drive them to the family house where they were killed. He managed somehow to collect neighbours and some relatives and bury them at the nearby cemetery. There were so many of them that there were almost no enough people to carry the dead to their last

resting place. He also told me that he almost couldn't recognise my father because of the blows and injuries and that my brother was missing almost half of his head, most probably from a shot by a sniper. He was found in the yard of the mosque across our house, as well as our neighbour Muhamed... According to some survivors, there were a few more killed in the yard of our house, actually all the members of the Pajazit family and two workers.

The survivors from the basement of our house later told me that, while getting out, they saw a certain Mirko Simić, armed and with a Serbian cocarde on his head. He was standing on the pavement with two other members of the Chetnik movement. A certain Brano Šumar was also there, whom they recognised, and the rest of those involved in these horrifying and cruel murders were the members of the Serb Volunteer Guard – Arkan's people.”²⁷⁴

Saranda, Fatos, Genc, Jehona and Lirie Bogujevci are the names of the five children who survived the crime in Podujevo with serious injuries. Following March 28 1999 and the murder of 14 members of their family, they were transferred to Pristhina for medical treatment and then to Manchester (UK).

The survivors of the Bogujevci family have shared their story publicly several times: “A police car stopped in front of our house. We left our home and moved deeper into the garden. After some time, the soldiers came and took us out. Father and uncle were not with us at that moment, they were hiding in the town, hoping that maybe we would be safe because only women and children were left. The soldiers took us to the next garden. The whole time they were cursing and shouting at us. They lined us all up in the street in front of the police station. The father of Enver Duriqi, in his 70s, was also with us. Then they brought us back to the garden and that's when we saw my mother who was shot. There were children there, they were begging them not to hurt the children. However, they started shooting at us.”²⁷⁵

Vilim Karlović is one of the witnesses who testified at the trial of Vojislav Šešelj before ICTY. At one point during the siege of Vukovar, Karlović hid in the Vukovar hospital, thinking that he

274 Snežana Čongradin, “Za smrt najbližih krivim “arkanovce””, Danas, 14 January 2016: <https://www.danas.rs/drustvo/za-smrt-najblizih-krivim-arkanovce/>;

275 Amra Zejneli Loxha, Branka Mihajlović, “Čime je ubica porodice Bogujevci zaslužio slobodu?”, Radio Slobodna Evropa, 26 April 2018: <https://www.slobodnaevropa.org/a/kosovo-podujevo-skorpion-bogujevci/29193249.html>

would be safest there. However, he was taken out of the hospital on the morning of November 20 and, together with around 300 Croatian soldiers and the wounded, was taken by bus to the JNA barracks, from where the majority of captives were transferred to the hangars at the Ovčara farm. There, he said, two lines of around 150 people were formed, beating the prisoners with their hands, legs, rifle butts and bars when they were entering the hangar. Karlović says that “chetniks” led the way, but JNA soldiers and members of the Territorial Defence were also there. While he was waiting to enter the hangar, the witness started talking with a certain JNA soldier who introduced himself as “Štuka”. When it turned out that they had a mutual friend, the witness asked him whether he could help him somehow. Although he resisted at first, with the help of a JNA captain, “Štuka” took Karlović out of the hangar. “Štuka”’s real name is actually Spasoje Petković and at the Ovčara trial before the War Crimes Department in Belgrade he had the status of witness-collaborator. From Ovčara, Karlović was taken to the company Modatex, where he spent the night, only to be transferred to the Velepromet in the morning of November 21, where he was kept locked with another 20 Croats in the building called “Carpentry”. He recollected that on that day the chetniks took two middle-aged men and a 12 or 13 years old boy from the room and killed them. Karlović did not go into what unit the volunteers he called “chetniks” belonged to, other than describing that they were wearing Serbian old soldier caps, fur hats and cocardes and that he believed that they were recruited by the Serbian Radical Party. The witness said that in the evening of November 21, three “chetniks” took him from the Velepromet to the house in Vukovar suburb called Petrova Gora. There, 20 chetniks were awaiting; right away they started beating him and burning him with candles. The volunteers with nicknames “Belgija” and “Čeda” led the way in abusing the witness, while a certain Miljan or Smiljan broke a bottle on his head and used it to cut his body. During this whole time, there was a woman in the house who was talking “chetniks” into raping him, Karlović was not sure if her name was Daca or Jaca.²⁷⁶

Trials

Dragan Vasiljković, the commander of Kninjas, was sentenced in Croatia to the imprisonment of 13.5 years for war crimes against Croatian civilians and prisoners of war. He was found guilty of

²⁷⁶ Sonja Biserko, Proces Vojislavu Šešelju: Raskrinkavanje projekta Velika Srbija, Helsinki Committee for Human Rights in Serbia, Belgrade, 200, pp. 349-351: <https://yuhistorija.com/serbian/doc/Proces%20Vojislavu%20Seselju.pdf>

committing crimes at the Knin Fortress in June and July 1991, when imprisoned police officers and soldiers were abused, as well as of participating in the attack on a police station in Glina and surrounding villages in July 1991, when one civilian and one journalist were killed.²⁷⁷ Having served his sentence, he was released from prison on March 28 2020.

Members of the Serb Volunteer Guard have never been prosecuted for their crimes in Bijeljina. Alma Pečković lodged criminal charges against NN persons to the War Crimes Prosecutor's Office in Serbia. Media reported that the man from the famous Ron Haviv's photo showing a soldier kicking Ajša Šabanović who was lying dead on the pavement, is Srđan Golubović. He was arrested in Belgrade in 2012 for drug possession.

Four years after the crime in Podujevo, Saša Cvjetan, a member of the Scorpions, was put on trial before the District Court in Belgrade. The five children who survived testified. In 2005, Cvjetan was finally convicted and sentenced to 20 years in prison for participating in the murder of fourteen Albanian civilians and inflicting grievous bodily harm to five children.²⁷⁸ Although he never showed regret for the crimes he had committed, Saša Cvjetan was released on March 22 2018, having served two-thirds of his sentence.²⁷⁹

Other members of the Scorpions who were also involved in this crime, Željko Đukić, Dragan Medić and Dragan Borojević, were sentenced in 2010 before the War Crimes Department of the Higher Court in Belgrade to the imprisonment of twenty years each, while Miodrag Šolaja was sentenced to 15 years' imprisonment.²⁸⁰ Dejan Demirović, who fled to Canada in 2001, was extradited to Serbia four years later and became a witness-collaborator in the above-mentioned proceedings.

The trial for the killing of 200 prisoners at the Ovčara farm near Vukovar, committed by the members of the Vukovar Territorial Defence and the volunteer unit "Leva Supoderica", began in March 2004. The first first-instance judgment was passed in 2005, but was soon quashed. The new first-instance judgment in repeated proceedings was passed in 2009. The Court of Appeal rendered a final decision in 2010, sentencing some of the accused to the imprisonment ranging

277 Milica Stojanović, Anja Vladislavljević, "Croatia Frees Serbian War Criminal 'Captain Dragan'", Balkan Insight, 28 March 2020: <https://balkaninsight.com/2020/03/28/croatia-frees-serbian-war-criminal-captain-dragan/>;

278 Judgment of the Belgrade District Court in the Saša Cvjetan trial, 2005 (Serbian only): http://www.hlc-rdc.org/wp-content/uploads/2018/04/Sasa_Cvjetan-presuda-17.06.2005.pdf;

279 "FHP: Bivši "Škorpion" Saša Cvjetan pušten je na slobodu", Radio Slobodna Evropa, 25 April 2018: <https://www.slobodnaevropa.org/a/29191317.html>;

280 Judgment of the Court of Appeal at the trial of Željko Đukić, Dragan Medić, Dragan Borojević and Miodrag Šolaja, 2010 (Serbian only): <http://www.hlc-rdc.org/wp-content/uploads/2012/03/5.-Podujevo-I-Idrugostepena-presuda-K%C5%BE1-Po-2-3-10.pdf>;

from 5 to 20 years and acquitting five persons. The Supreme Court of Cassation quashed the final judgment in 2014 and remitted the case to the Court of Appeal for another decision.²⁸¹

In the last final judgment of the Court of Appeal rendered on November 24 2017 (the public was notified on January 12 2018), the first-instance judgment was confirmed with regard to Miroljub Vujović, Stanko Vujanović, Predrag Milojević (20 years) and Goran Mugoša (5 years); for Miroslav Đanković and Ivan Atanasijević, the sentence was reduced from 20 to 15 years' imprisonment each and for Saša Radak to five years in prison. The sentence for Nada Kalaba was increased from nine to 11 years' imprisonment. Milan Vojnović, Jovica Perić, Milan Lančuzanin and Predrag Dragović, initially sentenced to 15, 13, six and five years respectively, were acquitted. Đorđe Šošić passed away during the proceedings before the Court of Appeal.²⁸²

Vojislav Šešelj was tried before the International Criminal Tribunal for Former Yugoslavia since 2003. He was acquitted in 2016 by first-instance judgment, but two years later, the Appellate Chamber of the International Residual Mechanism for Criminal Tribunals (IRMCT) quashed this judgment and sentenced Šešelj to ten years' imprisonment for forcible deportation and incitement of deportation of Croats from Vojvodina.²⁸³

Memorialisation

Twenty-five years after the war, the Serbian Radical Party still exists and operates. The programme calling on the creation of Greater Serbia has not changed.²⁸⁴ After getting out of prison, Vojislav Šešelj continued his hate speech towards national minorities, especially Albanians and Croats. At the parliamentary elections in 2016, the Radicals won more than 300 thousand votes and just above 8 percent support of the citizens of Serbia.²⁸⁵

281 Humanitarian Law Centre, Ovčara Case: 14 years waiting for justice: <http://www.hlc-rdc.org/?p=34727&lang=de>;

282 Ibid.

283 IRMCT Appeals Chamber judgment in Šešelj trial, 2018: <https://cld.irmct.org/assets/filings/Apeal-Judgement-11.04.2018.PDF>; Vjerica Radeta, Petar Jojić and Jovo Ostojić, high officials of the Serbian Radical party, were accused by ICTY of offering bribes, threatening and blackmailing witnesses who were supposed to testify at the Šešelj trial. In 2015, an arrest order was issued for them. The Higher Court in Belgrade decided that there were no

legal grounds for extraditing the three Radicals as the Law on Co-operation with The Hague Tribunal implies only the extradition of the accused for war crimes. In February 2020, the IRMCT Appeal Chamber made a final decision that Jojić and Radeta would be tried in The Hague. Jovo Ostojić died in the meantime.

284 Serbian Radical Party's programme: https://www.srpskaradikalnastranka.org.rs/files/dokumenta/program_2019.pdf;

285 Republički zavod za statistiku, Izbori za narodne poslanike Narodne skupštine Republike Srbije, May 2016, p. 9, <https://publikacije.stat.gov.rs/G2016/Pdf/G2016600.pdf>;

Although convicted for war crimes, Vojislav Šešelj is still a member of parliament, which is contrary to the Law on the Election of Members of Parliament, as provided by Article 88, that MP's mandate shall be terminated if they "are convicted by final court decision to unsuspended prison sentence of at least six months."²⁸⁶ Instead of an initiative to memorialise the murders and persecutions in Vojvodina, Vojislav Šešelj bought the land on the site of the crime and in 2018 the main assembly meeting of the Serbian Radical Party was held in Hrtkovci.

Crimes committed against Kosovo Albanians, which intensified in the period between March 24 and the end of May 1999 remain in the shadow of marking the anniversaries of the beginning of NATO intervention on March 24. Thus, Serbian state leadership does not remember the Bogujevci family today, although the Republic of Serbia admitted its responsibility for this crime through the judgment on compensation of damages in 2016.²⁸⁷ In 2013, at the Cultural Centre of Belgrade, an exhibition in Hartefact production was opened under the title "Bogujevci/Visual history, homage to all families and victims of war", jointly designed and carried out by Saranda, Fatos and Jehona Bogujevci.

The exhibition consists of four linked sections: a living room, a hospital, a family tree and a courtroom, and represents an attempt to tell the story about the massacre, suffering, recovery, but also a yearning for truth and justice. At the invitation of Nataša Kandić, founder of the Humanitarian Law Centre, the then commander of Special Anti-Terrorist Unit Spasoje Vulević and Doctor Dragan Marković, also SAJ member, who saved five children from Podujevo, came to the exhibition. The exhibition provoked numerous reactions in Serbia and was visited by Ivica Dačić, at that time Serbian Prime Minister.

Commemoration practices of the civil society, activists and victims' families, such as street actions, exhibitions, proposals for installing traditional monuments, and the presentations of publications about the crimes committed by paramilitary units remain the only form of remembrance due to the monopoly of Serbia on the memorialisation of victims of wars during the disintegration of Yugoslavia. This monopoly reflects most in the 2018 Law on War Memorials, which prohibits

²⁸⁶ Official Gazette of RS, no. 35/2000.

²⁸⁷ Humanitarian Law Centre, The first judgment on the responsibility of the state for the crimes in Kosovo:

Compensation for families of victims of the Crime in Podujevo, 8 April 2016: <http://www.hlc-rdc.org/?p=31649&lang=de;>

commemoration practices which are not in accordance with “liberation tradition of the Serbian people”. Consequently, crimes by paramilitary units are presented as individual incidents which Serbian officials distance themselves from today, but they refuse to admit responsibility for forming, supplying and controlling the units whose victims – apart from reparations in the Bogujevci case – do not have the right even to a symbolical or physical memorial nor compensation.

TERRORISING MINORITIES IN SERBIA IN THE 1990S

Terrorising Croat Minority in Vojvodina in the 1990s

The first multi-party elections were organised both in Croatia and in Serbia in 1990. In Croatia, the nationalist party Croatian Democratic Union (HDZ), led by Franjo Tuđman, won the elections. On May 30 1990, Tuđman became the President of the Presidency of the Socialist Republic of Croatia and on that occasion expressed his view regarding the independence of Croatia and a need for it to leave the Socialist Federative Republic of Yugoslavia (SFRY). At the same time, another nationalist party – the Socialist Party of Serbia (SPS), led by Slobodan Milošević, won the elections in Serbia.

On August 16 that year, the Serb National Council (SNV) called for a referendum on the autonomy of Serbs in Croatia. The Croatian Government declared the referendum unconstitutional and headed to the towns in the Krajina region where Serbs lived as majority to remove the weapons from the police stations. Serbian population responded by putting the barricades made of logs on the roads.²⁸⁸ After that, in the spring of 1991, in an incident at Plitvice Lakes on March 31, two citizens were killed. The conflict in Borovo Selo followed on May 2 1991, when Croatian police officers once again tried to take over power, after the volunteers of the Serb Volunteer Guard (SDG) and the paramilitary unit Dušan Silni appeared in this town in April.

As presented in the Humanitarian Law Centre's (HLC) Dossier, Crimes against Croats in Vojvodina,²⁸⁹ since the summer of 1991, the Yugoslav People's Army (JNA) had become an army which openly sided with Serbia and started shelling Croatian towns. The shelling and siege of Vukovar lasted for 87 days, from August to November 1991.

²⁸⁸ ICTY Trial Chamber judgment in the Martić case, 12 June 2007, p. 43: <https://www.icty.org/x/cases/martić/tjug/en/070612.pdf>

²⁸⁹ HLC Dossier: Crimes against Croats in Vojvodina, Humanitarian Law Centre, Belgrade, 2019, p. 12: http://www.hlc-rdc.org/wp-content/uploads/2019/01/Dosije_Hrvati_u_Vojvodini_eng.pdf;

Vojislav Šešelj and Serbian Radical Party

Besides the JNA, the volunteers of Vojislav Šešelj's Serbian Radical Party (SRS) also participated in the war in Croatia. The SRS was formed in 1991 by Šešelj's having integrated the committees of the People's Radical Party into the Serbian Chetnik Movement, established in 1990, which failed to register as a party.²⁹⁰ The SRS was indirectly sending volunteers to the battlefield, where they were mostly deployed in the units of the Territorial Defence or smaller volunteer groups. The volunteers were not necessarily SRS members, while the SRS, i.e. its party structures did not participate in the war. In June 1991, Šešelj became a deputy at the Parliament of the Republic of Serbia,²⁹¹ while during 1992, he formed a minority government with Milošević and SPS.²⁹²

Vojislav Šešelj's nationalistic rhetoric of Greater Serbia resulted in ethnic cleansing, persecution and forcible displacement of Croats from Vojvodina, which was implemented in the field by his supporters. The supporters and members of Šešelj's party, together with other paramilitary units such as Arkan's Tigers, as well as the Ministry of the Interior and the State Security Service (RDB), started intimidating and harassing Croats in Vojvodina as soon as in 1990 and this lasted until 1995.

Pattern of persecution of Croatian population

What can be observed is that the terror and persecution of the Croatian population in Vojvodina in different towns and villages, and in different time periods, were unfolding following almost identical pattern.

The violence would start with the arrival of strangers who would appear around the house and start making enquiries about the possibility of exchange. The exchange meant that the Croats from Serbia would give their houses to the Serbs from Croatia and move into their houses in exchange. Vojislav Šešelj was emphasising that the exchanges were a fair response to the expulsion of Serbian population from Slavonia, which resulted in the arrival of more than 10,000 Serbian

²⁹⁰ Ibid, p. 11.

²⁹¹ Ibid, p. 13.

²⁹² Ibid, p. 15.

refugees to Vojvodina by the summer of 1992.²⁹³ Šešelj also claimed that Croats got Serbian houses on the Adriatic coast which were of much higher value.²⁹⁴

After the inquiries, threatening telephone calls would come, followed by the planting of bombs in the yards. Such an atmosphere was created that the citizens of Croatian origin were forced to leave. The first to be targeted were the wealthier families and their estates, because it was considered that after their expulsion, others would move out more easily.

The involvement of state institutions, presence of the persecution pattern, as well as the frequency and duration of their implementation, indicate that the expulsion of Croats was planned and systematic, and that it was not about isolated incidents and a consequence of actions of uncontrolled extremists. In addition to intimidation and harassment of Croats, their evictions and expulsion to Croatia, the cases of disappearances and murders of Croatian population were registered in the first half of the 1990s, as well.

Years 1990-1991

The terrorising of Croats in Vojvodina started by planting explosive at the Franciscan monastery in Bač in the summer of 1990,²⁹⁵ but the violence only intensified a year later. In 1991 in Novi Slankamen, a Croatian checkerboard was raised on the building of Croatian Peasants' House. After that event, the citizens of Novi Slankamen were terrorised by Mihajlo Ulemek, member of Arkan's Serb Volunteer Guard. A rape was also reported.²⁹⁶ The same year a bomb was thrown at the building of the "Matija Gubec" Cultural and Educational Society in Ruma,²⁹⁷ which is situated in the Ruma suburb of Breg, where many Croats lived. Attacks on cultural monuments, in addition to daily intimidation, were another way of terrorising Croats and trying to make them leave their homes.

One of the more striking events from 1991 took place in Apatin. Namely, Antun Siladev, water supply worker, was beaten heavily by two JNA soldiers. The HLC launched a procedure on his behalf in 2002 for the recognition of the status of civilian invalid of war. The Administrative Court

²⁹³ Ibid, p. 13.

²⁹⁴ Ibid, p. 14.

²⁹⁵ Ibid, p. 16.

²⁹⁶ Ibid, p. 18.

²⁹⁷ Ibid, p. 18.

in Novi Sad rejected HLC's lawsuit in 2014, saying that: "the Law stipulates that only persons victimised by 'enemy forces' could be considered civilian invalids of war, while the JNA is not considered an enemy army."²⁹⁸

In the autumn of 1991, uniformed persons in the JNA vehicles arrested and took Stevan Đurkov, a Croat from Sonta (Apatin municipality), as well as brothers Mato and Ivica Abjanović from Morović, Šid municipality. They have been registered as missing persons ever since and nobody has been held accountable for that.²⁹⁹ Krešimir Herceg, Croat from Višnjićevo (Šid municipality) was killed as well, although it is interesting that there are two versions of how his murder happened. According to the first version, Đorđe Dvoranac, by his own confession, shot the unknown person on the bridge; according to the second, the villagers saw Dvoranac beating Herceg while taking him towards the bridge. Still, Dvoranac was never prosecuted for this crime, although criminal charges were raised against him.³⁰⁰

Year 1992

On May 6 1992, in the village of Hrtkovci, Ruma municipality, Vojislav Šešelj delivered a speech stating that there was no place for Croats in Serbia and called Serbs to unite and expel Croats from Hrtkovci. Following this event, around 10,000 Croats left Vojvodina by August 1992.³⁰¹ Ostoja Sibinčić, president of the Hrtkovci Local Community Office (MZ) and Rade Čakmak, a refugee from Croatia and former commander of the Territorial Defence in Grubišno Polje,³⁰² both SRS supporters, particularly stood out for their participation in the expulsion of Croats from Hrtkovci and its surroundings. Zvezdan Jovanović³⁰³, a member of the Special Operations Unit (JSO), also participated in expelling Croats from Hrtkovci. Later, he was sentenced to 40 years' imprisonment for the assassination of Serbian Prime Minister Zoran Đinđić. Ostoja Sibinčić even tried to install a board with a new name of the village – Srboslavci; however, the police removed it soon.³⁰⁴ There was also an attempt to change the name of the village of Kukujevac.³⁰⁵ Although such attempts had failed, the names of the streets in these villages were changed.

298 Ibid, p. 22.

299 Ibid, pp. 54-56.

300 Ibid, pp. 57-58.

301 Ibid, p. 23.

302 Ibid, p. 27.

303 Ibid, p. 26.

304 Ibid, p. 28.

305 Ibid, p. 37.

It is interesting that in Kukujevci, Šid municipality, an agency was set up dealing with the exchange of houses between Serbs and Croats; it had its branches in Šid and Vinkovci [Croatia].³⁰⁶

According to HLC data, during 1992, seven Croats were killed: 1) Živan Marušić from the village of Jamena because of the rumours that he had kept contact with Croatia via radio station; Zoran Filipović was convicted for his murder and sentenced to six years.³⁰⁷ 2) Ana, Jozo, and Franjo Matijević from Kukujevci, who were first harassed by ten villagers while they were preparing to leave Kukujevci in April 1992, but were later found in a mass grave in Mohovo, Croatia; no one has been prosecuted for these murders.³⁰⁸ 3) Mijat Štefanac, who was beaten and then run over by a car by six refugees from Croatia; in the judgment of one of them, sentenced to the imprisonment of four years and six months, the court stated that something like that could have been expected having in mind what the victim was saying and the atmosphere in society at that time.³⁰⁹ 4) Nada and Stevan Guštin, wife and husband in a mixed marriage from Bač; nobody has been prosecuted for their murder, either.³¹⁰

Year 1993

During 1993, the leaving of Croats lessened, but the murders did occur. Agica and Nikola Oskomić and Marija Tomić were murdered in Kukujevci by Goran Vuković and Pavle Drašković, who, before beating them up and killing them, asked why they had not left yet.³¹¹ In the same year a Slovak, Stevan Krošlak was killed in the village of Sot, also by Drašković and Vuković, Serbian volunteers from the battlefield in Croatia, as he was considered to be a person who was helping “Ustashe”. Goran Vuković was convicted for the murders in Kukujevci and sentenced to imprisonment of 15 years, while Pavle Drašković was sentenced to 10 years’ imprisonment for the murder of Stevan Krošlak.³¹² Šešelj’s coming to Kukujevci additionally aggravated the life of Croats, while his visit to the hospital in Stari Slankamen resulted in the firing of workers of Croatian origin.³¹³ Vojislav Šešelj’s appearance and his flammable rhetoric of labelling unwanted citizens was regularly encouraging his supporters to turn those words into actions.

306 Ibid, p. 30.

307 Ibid, p. 59.

308 Ibid, p. 60.

309 Ibid, pp. 61-62.

310 Ibid, p. 63.

311 Jelena Diković, “Ubistvo Marije Tomić, Agice i Nikole Oskomića”, Danas, 12 April 2019: <https://www.danas.rs/drustvo/suocavanje/ubistvo-marije-tomic-agice-i-nikole-oskomica/>;

312 HLC Dossier: Crimes against Croats in Vojvodina, p. 64.

313 Ibid, p. 38.

Year 1994

In February 1994, a Croat national, Marija Purić, was stabbed to death in her house in Golubinci. Nobody has been prosecuted for her murder, although the police investigated the murder scene.³¹⁴

Year 1995

Year 1995 was marked by two large operations of the Croatian army – the Flash and the Storm. As a result, a great number of people from the territory of the then Republic of Srpska Krajina were expelled. The Serbian side responded by intensifying the expulsion of Croats from Vojvodina. It is estimated that around 5000 Croats left Vojvodina in the period between May and October 1995.³¹⁵ Although it frequently happened that the houses were taken by force, including those in which the refugees had already settled, the police was trying to prevent the harassment and expulsion of the owners.³¹⁶ During the violent takeovers of Croats' homes, Živko Litrić from Kukujevac was killed by Vilim Vint, a refugee from Croatia, sentenced to 10 years' imprisonment for this murder.³¹⁷

Year 1997

After the SRS came to power in the municipality of Zemun (Belgrade) in 1996, the pressure on Croats intensified. In July 1997, Ljiljana Mihajlović, Vojislav Šešelj's secretary at that time, moved into the flat of the Barbalić family who were away on holiday. Shortly after, Ljiljana Mihajlović signed an agreement on the purchase of the flat with the Zemun municipality.³¹⁸ The Barbalićs filed for court protection and as soon as July 1997, the Fourth Municipal Court in Belgrade ordered a temporary measure of returning the Barbalić family to their flat. However, it did not happen because the police and municipal authorities refused to evict Ljiljana Mihajlović who had moved in unlawfully. In the same year, the Barbalićs initiated proceedings against Ljiljana Mihajlović, and in 1998, both the Zemun municipality and Ljiljana Mihajlović initiated proceedings for the revocation of the tenancy agreement and the termination of tenancy right of the Barbalić family. In 2004, the Fourth Municipal Court rendered a judgment in favour of the Barbalićs, but the Belgrade District Court quashed it in 2005 and ordered retrial. The judgment finding that the Barbalićs did not have the right to the flat was rendered in 2013 and the Court of Appeal in Belgrade confirmed it in 2015.³¹⁹ The Lawyers' Committee for Human Rights (YUKOM) then filed

314 Snežana Čongradin, "Ubistvo Marije Purić", *Danas*, 8 March 2019: <https://www.danas.rs/drustvo/suocavanje/ubistvo-marije-puric/>;

315 HLC Dossier: Crimes against Croats in Vojvodina, p. 44.

316 *Ibid*, pp. 44-46.

317 *Ibid*, p. 66.

318 In SFRY, the majority of flats were in social ownership, while the citizens had permanent tenancy rights. After the disintegration of the country, the tenants were given an opportunity to purchase the flats they lived in at rather cheap prices.

319 HLC Dossier: Crimes against Croats in Vojvodina, pp.50-53.

a complaint to the Constitutional Court for the violation of the right to trial within reasonable time, right to a reasoned court decision, legal certainty and the right to property. The Constitutional Court accepted the complaint in 2019, but only in the part relating to the trial within reasonable time, but not with regard to the violation of the right to property.

The Barbalić family now live in Krk Island, Croatia. They are planning to submit an application to the European Court for Human Rights. Ljiljana Mihajlović is a Serbian Radical Party's MP at the National Assembly of Serbia and Deputy President of the Parliamentary Committee for Human and Minority Rights. She has reported the flat of the Barbalić family to the Anti-Corruption Agency as her personal property.³²⁰

Victims' Voices

"A man named Đuro, a refugee from Slavenska Požega, rang the doorbell. He used to work in the police there. I think he currently lives in Veternik. He asked me if I wanted to swap houses with him. He advised me to move out because, according to him, it would not be 'good for me here' as a Croat. He told me about his house, which was supposedly big and modern. We talked for a couple of hours. I agreed on the exchange. The next day we went to Petrovaradin to see a lawyer. We agreed on everything there. However, when I returned home, I got scared and decided not to do it. As a matter of fact, I did not even believe in all his stories about the house he allegedly owned. I rang him and told him my final decision. He became furious. He was shouting that I was endangering a Serbian family and that 'my case' would be reported to the SRS which would take measures against me. Threatening phone calls followed all over again. I tried to tell everything to the local police officer Miloš, several times. He shrugged my words off" - the inhabitant of Sremska Mitrovica.³²¹

"There was horrible propaganda at that time. For example, in Ekspres politika daily, as well as on TV, they were saying: 'Ustashe are cutting children's fingers and using them to make necklaces', horrible things. People's views on that varied. When that thing happened in Vukovar, the tanks

³²⁰ Snežana Čongradin, "Ivan Barbalić: Tražićemo svoja prava u Strazburu", Danas, 18 June 2019: <https://www.danas.rs/drustvo/suocavanje/ivan-barbalic-trazicemo-svoja-prava-u-strazburu/>;

³²¹ HLC Dossier: Crimes against Croats in Vojvodina, p. 31.

were passing by my café, they were throwing roses at them, giving them cartons of cigarettes, and they were going there to kill. It was awful. You know, at that time, the worst thing was the propaganda. People who were only watching TV and reading only one side, and did not see the other side, it was only natural that propaganda served its purpose. For example, Šešelj was passing through Beška and shouting, he had speakers on his car” - Petar Andrić.³²²

“For example, in Ruma, in Breg, and in a part of Iriška Street, it is the street towards Novi Sad, so that area, this is where Croats were a majority. The premises of the Cultural and Educational Society ‘Matija Gubec’ are there. A hand grenade was thrown at it. They threw hand grenades at the Rakoš family three times. All of this is in close proximity to the police building, and right on the right side towards Kraljevci, at the corner, there was a restaurant ‘Greater Serbia’, owned by Nenad Neca Mušicki. Unofficially, this restaurant was the headquarters for the expulsion of Croats from Ruma. On the other hand, some individuals of Serbian nationality were warning about what was happening in Hrtkovci. I was in Hrtkovci for the first time in April, I remember it was Orthodox Good Friday and the rally of the Serbian Radical Party was announced. It was horrible. It was raining, they were playing ‘Who is saying, who is lying that Serbia is small’ (Ko to kaže, ko to laže, Srbija je mala), ‘Get ready Chetniks’ (Sprem’te se, sprem’te četnici), flags with skulls, black flags”, Đorđe Subotić.³²³

“I was missing Kukujevci. I was seeing the streets and me playing in them in my dreams, and all of that was interrupted abruptly, like some unfinished story. If we are going to talk about that, I just hope it will never happen again. Not only in Serbia, Croatia, but anywhere in the world. It is important to talk about it”, Željko, Kukujevci³²⁴

Epilogue

During the harassment of the Vojvodina Croats in the first half of the 1990s, the authorities were denying all allegations of ethnic cleansing, persecution, and forcible transfer, although the UN Special Rapporteur for Human Rights Tadeusz Mazowiecki was giving warnings of the violation

322 Petar Andrić, statement for the website “Untold Stories”, section “Unfit Citizens” (Serbian only), Vojvodina Civic Centre: <http://www.neispricanepriice.com/zrtva/petar-andric/>;

323 Đorđe Subotić, statement for the website “Untold Stories”, section “Unfit Citizens” (Serbian only), Vojvodina

Civic Centre: <http://www.neispricanepriice.com/svedok/dode-subotic/>

324 Željko, statement for the website “Untold Stories”, section “Unfit Citizens” (Serbian only), Vojvodina Civic Centre: <http://www.neispricanepriice.com/svedok/zeljko-iz-kukujevaca/>

of human rights and freedoms. The authorities were saying that young people were emigrating, mostly those running away from conscription, that these were individual cases, that Croats were throwing bombs into their own courtyards in order to justify their desire to go to Croatia,³²⁵ and that the exchanges of homes were done legally, with lawyers' assistance.³²⁶ In the summer of 1992, a group of intellectuals organised panels with villagers, as well as press conferences in Hrtkovci, and also made a report on human rights violations that was submitted to the then Justice Minister in the FRY government, Tibor Varadi.³²⁷

Of a total of 74,808 Croats in the 1991 census, only 56,546 were left in 2002. It means that Croatian population decreased by 18,262 persons in the period of 11 years.³²⁸ In the document of the Provincial Secretary for Regulations, Administration and National Minorities of the Autonomous Province of Vojvodina (APV) from 2003, it is said that Croatian population decreased in 39 out of 45 municipalities in Vojvodina and that "the drop is seen as a consequence of the 1991 war in the immediate neighbourhood, and related to it, certain political forces at the time which were heavily engaged in expelling the Croatian population, especially in those populated places where they comprised a prominent or relative majority."³²⁹ The assertions made in this APV document represent a rare admission of the state authorities of Serbia that the citizens of Croatian nationality in Serbia were persecuted.

Persons of Interest

Besides Vojislav Šešelj, other members of the SRS also advocated for the forcible displacement of Croats. Thus, Milan Bačević, at that time Federal MP, said at the SRS' panel in Novi Pazar in June 1992 that as many Croats should be expelled from Serbia as there were Serbs expelled from Croatia. As an example, he said that 6.500 retired Croatian officers lived in Belgrade, enjoying every privilege. From May to July 2012, Milan Bačević was an adviser to the then President of Serbia Tomislav Nikolić and today he is a member of the Presidency and the Main Board of the Serbian Progressive Party (SNS) and Ambassador of the Republic of Serbia in PR China.³³⁰

325 HLC Dossier: Crimes against Croats in Vojvodina, p. 22.

326 Ibid, p. 41.

327 Ibid, p. 33.

328 Ibid, p. 8.

329 Ibid, Appendix 2, p. 4.

330 Ibid, p. 14.

Former Vice President and Secretary General of the SRS Maja Gojković was also the President of the SRS Vojvodina branch at the time of the expulsion of Croats in Vojvodina. At the trial of Slobodan Milošević before the International Criminal Tribunal for Former Yugoslavia (ICTY), the protected witness C-047 stated in their testimony that Maja Gojković was present at the meeting at which the expulsion of Croats from Hrtkovci was discussed. For this reason ICTY Prosecutor's Office considered that she could not be Šešelj's legal adviser as she might "possibly be a co-perpetrator" of the accused.³³¹ Maja Gojković is currently the President of the National Assembly of Serbia and a member of the SNS Presidency.³³²

Trials

In 2003, the ICTY accused Vojislav Šešelj of crimes against humanity, that is, persecution on political, racial or religious grounds, deportation and forcible transfer, as well as the violation of laws or customs of war, i.e. murder, torture and cruel treatment, wanton destruction, destruction or wilful damage done to institutions dedicated to religion or education, and plunder of public or private property on the territories of Croatia, Bosnia and Herzegovina, but also Serbia.³³³ Thirteen years later (2016), the ICTY Trial Chamber acquitted him, but in 2018 the Appeal Chamber sentenced him to imprisonment of ten years for inciting and conducting persecution, inciting deportation and forcible transfer in Vojvodina, while parts of the indictment for crimes in Croatia and BH were dismissed. Šešelj is the only person convicted for forcible transfer of Croats from Vojvodina.³³⁴ Ostoja Sibinčić, one of the main actors in the expulsion of Croats from Hrtkovci was arrested in 1993, but three months later he got a suspended sentence and returned to work at the Local Community Office in Hrtkovci.³³⁵ He has since passed away.

Memorialisation

In 2004, the Assembly of the Autonomous Province of Vojvodina passed a Declaration calling for the return of all citizens who were forced to leave Vojvodina in the period of 1990-2000, which is an important symbolic gesture.³³⁶ There is no physical memorial in Vojvodina dedicated to

331 Ibid, p. 15.

332 Tomislav Marković, "Zločin bez kazne: Protjerivanje Hrvata iz Vojvodine", Aljazeera, 23 March 2019: <http://balkans.aljazeera.net/vijesti/zlocin-bez-kazne-protjerivanje-hrvata-iz-vojvodine>;

333 ICTY Case Information Sheet - Šešelj: https://www.icty.org/x/cases/seselj/cis/en/cis_seselj_en.pdf;

334 HLC Dossier: Crimes against Croats in Vojvodina, p. 67.

335 Ibid, p. 35.

336 Ibid, p. 71.

the suffering of Croats. Vojislav Šešelj is a deputy at the National Assembly of Serbia and sits there as a monument to the crimes of the 1990s, although the Law on the Election of Members of Parliament³³⁷ stipulates that MPs convicted to the imprisonment of at least six months shall have their mandates taken away. However, having in mind the past of the state leadership and narratives they use to describe the wars of the 1990s, it seems that there is nobody to apply the Law while Vojislav Šešelj continues to use the hate speech and intimidation as normalised methods of political fight.

Terrorising Bosniaks in Sandžak in the 1990s

The flare-up of nationalism in each of the former Yugoslav republics, and especially the breaking out of armed conflicts, affected the position of national minorities, including the Muslim population in Serbia. The term Muslim, beginning with a capital letter unlike members of other religions in Serbian language, was used in the SFRY to designate ethnical identity of individuals, that is, a group based on religious heritage, although it should be taken into account that many Muslims did not actually practice their religion. In 1993, the term Bosniak was chosen as a more adequate one.³³⁸ Muslim population in Serbia started being looked at as enemies and disloyal citizens since the beginning of war in Bosnia and Herzegovina.

In Sandžak, a.k.a. the Raška region, there were almost no conflicts between ethnically diverse population until the beginning of war in BH (1992). Since 1992, the state of Serbia and FRY institutions, through the activity of the Yugoslav Army, Ministry of the Interior, State Security Service and paramilitary units, were exercising systemic repression of Bosniaks. The media also played an important role in creating an opinion about Muslims as extremists who, by creating “the green transversal”,³³⁹ wish to connect BH with Kosovo and the Middle East through Sandžak.³⁴⁰ Many representatives of security forces of Serbia, Montenegro and FRY would use this as an excuse for hostility towards Sandžak Bosniaks which reflected in numerous human rights violations, dismissals from work, framed court proceedings, abductions and murders.

337 Law on the Election of Members of Parliament, Official Gazette of RS, no. 35/2000, 57/2003 – Constitutional Court decision, 72/2003 – other law, 75/2003 – correction of other law, 18/2004, 101/2005 – other law, 85/2005 – other law, 28/2011 – Constitutional Court decision, 36/2011, 104/2009 – other law and 12/2020: https://www.paragraf.rs/propisi/zakon_o_izboru_narodnih_poslanika.html;

338 Serbia's Sandzak: Still Forgotten, International Crisis Group, Europe Report no. 162, 8. April 2005, p. 8: <https://www.refworld.org/pdfid/425e8bf14.pdf>;

339 The green transversal is a term which attempts to show alleged aspirations of the Muslim population in the Balkans to connect Bosnia, Sandžak, Kosovo, Albania and Macedonia with the Middle East.

340 Serbia's Sandzak: Still Forgotten, p. 8.

Party of Democratic Action and referendum

In 1990, Sulejman Ugljanin and Rasim Ljajić founded the Party of Democratic Action (SDA), which attracted many Bosniaks. Ugljanin advocated for the autonomy of Sandžak, while Ljajić was trying to integrate Bosniaks into the political and cultural life of Serbia, which quickly led to their split up. The following year, Sulejman Ugljanin formed the Muslim National Council of Sandžak (MNVs) (since 1993 the Bosniak National Council of Sandžak), which then passed a Memorandum of the special status of Sandžak, a document which raised the issue of autonomy and status of Sandžak. In the same year (1991), the MNVS organised a referendum asking Bosniaks in Sandžak to declare themselves with regard to autonomy.³⁴¹ The turnout was 70.2% and 98.9% of the voters were for autonomy.³⁴²

During the 1990s, apart from the SDA, other influential parties in Sandžak were the Socialist Party of Serbia (SPS) led by Slobodan Milošević and the Yugoslav United Left (JUL), founded in 1994, led by his wife Mirjana Marković.

Human rights violations in Sandžak

When the war broke out in Bosnia and Herzegovina in 1992, the Yugoslav Army installed its troops and weapons on the hills around Novi Pazar,³⁴³ which was supposed to strike fear into the local population; the same happened a few years later, when the war in Kosovo started.³⁴⁴ With the same goal, the Yugoslav Army tried to ethnically cleanse villages situated along the border with BH in the course of 1992, as well as in 1993, by intimidation, arrests, robbing houses and destroying property.³⁴⁵ In 1993, the Humanitarian Law Centre (HLC) drew attention to the fact that more than 1500 citizens who lived along the border with BH were displaced, and, since they were the citizens of Serbia, unlike refugees from Croatia and Bosnia, they were not entitled to humanitarian aid.³⁴⁶

³⁴¹ Ibid, p. 9.

³⁴² Chronology for Sandzak Muslims in Yugoslavia, Refworld, 2004: <https://www.refworld.org/docid/469f38f61e.html>;

³⁴³ Serbia's Sandzak: Still Forgotten, p. 10.

³⁴⁴ Ibid, p. 12.

³⁴⁵ Ibid, p. 10.

³⁴⁶ Priboj: Diskriminacija, otmica i zastrašivanje Muslimana u Srbiji, Pod lupom br. 2, Fond za humanitarno pravo, February 1993: <http://www.hlc-rdc.org/wp-content/uploads/2015/11/Pod-lupom-Priboj-feb-1993.pdf>;

On August 26 1992, while waiting for a bus on the Priboj - Rudo road, Ramo Berbo, a Bosniak from the village of Sjeverin near Priboj was killed by soldiers who stopped by to fill their tanks. One of them approached Berbo and asked for his identification document, and when he saw the name, shot his gun and killed him on the spot. People at the bus station were then ordered to throw the body into the Lim river, while HLC researchers were told in 1993, that a certain Milan Lukić was imprisoned for this murder which was treated as negligent homicide.³⁴⁷

One of the really upsetting events in 1992 is certainly the abduction in Sjeverin. On October 22, members of the paramilitary unit Avengers, led by Milan Lukić, took 17 passengers from the bus travelling from Priboj to Rudo in the village of Mioče in BH. After being abducted, the citizens of Serbia were transferred by bus to Višegrad, where they were first tortured at Vilina vlas hotel and then killed and thrown into the Drina. A 12-year old Bosniak boy was left at the bus because the abductors thought he was the son of the Serbian man who was sitting next to him. The following day, Milan Lukić and Dragutin Dragičević were arrested, but they were released nine days later.³⁴⁸ Among the abducted passengers from Sjeverin, there was also a woman, Mevlida Koldžić. To date, only the remains of Medo Hodžić have been found.³⁴⁹

One year later, in 1993, the village of Kukurovići, located on the border of Serbia, BH and Montenegro, was attacked. On February 18, the village was shelled by the members of Yugoslav Army's Užice Corps. Three persons were killed: a woman found in a stable, with her clothes off and her arms broken, and two men murdered and thrown into the house which was then put on fire.³⁵⁰ Nobody has been held accountable for the crime in Kukurovići to date.

Only a few days later, on February 27, the Avengers committed another abduction. This time, they abducted twenty passengers from the train no. 671 on the Belgrade-Bar railway. There are indications that Serbian institutions knew about the plans for this abduction a month in advance. One of them is the classified information that the Serbian army of the Rudo municipality in Bosnia and Herzegovina was to abduct certain passengers. This information was sent to the general director of the Belgrade Railroad Transportation Organization by the director of the Sector for Defense Preparations and Protection, Mitar Mandić, on February 1, 1993.³⁵¹

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ Danica Gudurić, "Četvrt veka zločina u Sjeverinu: Pravde još nema", Radio Slobodna Evropa, 22 October 2017: <https://www.slobodnaevropa.org/a/sjeverin-zlocin-bosnjaci/28808759.html>;

³⁵⁰ Ibid.

³⁵¹ Abduction in Štrpci: War Crimes Trial Analysis: Facts, legal issues and Political Implications, Belgrade, Humanitarian Law Center, 2003: p.97: <https://www.hlc-rdc.org/images/stories/publikacije/Strpci.pdf>;

The Avengers stopped the train in the village of Štrpci, which was not its usual stop, and took out 18 Bosniaks, one Croat and one person of a darker complexion whose identity is unknown. The passengers were first taken to the village of Prelovo, Višegrad municipality, where their clothes were taken off, they were robbed and beaten, and then to the village of Mušići, where they were killed and their bodies were thrown into the Drina.³⁵² Only four bodies have been found to date.

In 1992 and 1993, abductions, torturing, murders, setting houses on fire, throwing bombs, beatings, the extorting of statements, attacks on mosques and cemeteries, were frequent.³⁵³ In October 1993, a football game between the Novi Pazar and Prishtina football clubs took place. The Prishtina football club was owned by Željko Ražnatović Arkan, head of the Serb Volunteer Guard paramilitary unit. This very fact caused fear among the Bosniak population even before the game. After the game, many Bosniaks were arrested; during interrogation they were beaten, hit with batons on their palms and feet, tied up; they were also threatened with murder and expulsion, and with mentioning of Arkan's and Šešelj's names.³⁵⁴

During this period, the police would frequently burst into Muslim houses and search for weapons, which, if found, would justify the accusation for war crimes.³⁵⁵ The arrests were happening on a daily basis and interrogations were conducted with the use of physical abuse aimed to humiliate, frighten and force the accused to confess.

According to the data shared by the former head of the Novi Pazar Police Department Suad Bulić on local TV in Novi Pazar, more than 17,000 citizens of Sandžak, mostly from Novi Pazar, Sjenica and Tutin, endured the treatment at the police. The so-called informative talks meant torturing, beating and humiliation. Bosniaks who went through this torture were accused of allegedly possessing weapons they needed in order to create the state of Sandžak.³⁵⁶ In the period between October 1993 and March 1994, police repression had the form of national and religious intolerance. At the police stations in Novi Pazar and Sjenica, the Bosniaks were beaten with batons on

³⁵² Muslimani u Srbiji i Crnoj Gori: Otmica putnika iz voza br. 671, Pod lupom br. 4, Fond za humanitarno pravo, May 1993: <http://www.hlc-rdc.org/wp-content/uploads/2015/11/Pod-lupom-Muslimani-u-SCG-maj-1993.pdf>;

³⁵³ Serbia's Sandzak: Still Forgotten, p. 10.

³⁵⁴ Sandžak: Policijska represija (u vremenu od oktobra 1993. do marta 1994. godine), Pod lupom br. 11, Fond za humanitarno pravo, March 1994: <http://www.hlc-rdc.org/wp-content/uploads/2015/11/Pod-lupom-Sand%C5%BEak-mart-1994.pdf>;

³⁵⁵ Journalist of Duga magazine Dada Vujasinović, was examining the smuggling of weapons in Sandžak just before she died in April 1994. Namely, the police was

selling weapons to the Sandžak Muslims in order to seize them forcibly later and arrest them. Dada's father said that after her death, a folder with documentation about this investigation went missing from her flat. The tapes with audio recordings were also destroyed. Dada Vujasinović's death was first qualified as suicide, although her family and friends did not agree. In 2008, a forensic examination disputed the suicide allegations and one year later the District Prosecutor's Office in Belgrade filed a request for collecting evidence of the murder. Pre-investigation is still underway.

³⁵⁶ Fahrudin Kladačanin, "Lekcije iz prošlosti", Pešćanik, 16 June 2011: <https://pescanik.net/lekcije-iz-proslosti-sandzak/>;

their naked feet, forced to walk on dried glue, with frequent use of metal sticks.³⁵⁷ The cases of torture in Sandžak are continuously documented by non-governmental organisation Sandžak Committee for Protection of Human Rights and Freedoms from Novi Pazar.³⁵⁸

The Bosniaks were thus forced to make false statements even in cases regarding alleged plans for the separation of Sandžak. For example, on the premises of the State Security Service, Munir Šabotić was beaten into writing a confession that he, together with the rest of the accused, had organised military headquarters of the SDA.³⁵⁹

The rule of terror which dominated in Sandžak in the first half of the 1990s weakened after the signing of the Dayton Peace Agreement in November 1995, which ended the war in BH. Still, in spite of high birth rate and the development of the textile industry, Bosniak population in Novi Pazar decreased by 7.88% in the period 1991-2002.³⁶⁰

Victims' Voices

“They asked me for weapons. I was interrogated five times. I wasn’t told what to bring exactly, but only to hand over the weapons. I’m not lying when I tell you I was hit by a baton at least a hundred times. They ordered me to kneel on the chair, face the wall, and then beat on my feet. They requested that I talk about who in the village had weapons, what was going on in the village” - Hamid Brulić from Raždaginje.³⁶¹

“They took me to the office of commander Ravić.... Ravić asked me whether I knew who he was. When I said I didn’t, he cursed my Turkish mother and told me I was going to see who he was. He hit me in the face, I hit the cabinet and fell down. They were kicking me in the head and stomach while I was lying on the floor. Police officer Dragan asked the commander to let him deal with me, let him show me Turkey. He made a scream like they do in karate and tried to kick me in the

³⁵⁷ Ibid.

³⁵⁸ Svjedočenja iz Sandžaka, Sandžački odbor za zaštitu ljudskih prava i sloboda, Novi Pazar, 2002, http://www.hlc-rdc.org/wp-content/uploads/2014/09/Svedocenja_iz_Sandzaka.pdf;

³⁵⁹ Slučaj Munira Šabotića: Primoravanje na lažni iskaz,

Pod lupom br. 15, Fond za humanitarno pravo, October 1994: <http://www.hlc-rdc.org/wp-content/uploads/2015/11/Pod-lupom-Slu%C4%8Daj-Munira-%C5%A0aboti%C4%87a-oktobar-1994.pdf>;

³⁶⁰ Serbia's Sandzak: Still Forgotten, p. 16.

³⁶¹ Svjedočenja iz Sandžaka, p. 22.

groin. I moved and he kicked the cabinet. The vase with flowers fell... He ordered me to take off my trainers, lie down and put my hands behind my back. He handcuffed me, took an iron chair, placed it above me and sat down. He was hitting me with an American baton on my feet. Then he ordered me to get up and handcuffed me with my hands in front of me. He was kicking me in the stomach and slapping me. I just lost it, I wanted to jump out of the window. I lost consciousness and they splashed water on me. Then Rosić told them to take the scoundrel out because he wouldn't confess to anything", one of the supporters at the football game Novi Pazar - Prishtina³⁶²

"I reported to the Novi Pazar Police Department on May 9 1994. One of them asked me: are you Mustafa? I said, yes I am. I was waiting for 15 minutes. He said to me: Mustafa, do you know why we called you here? I don't know, I answered, I don't know why you called me, I have nothing to give to you other than a pure soul. If I had had weapons, I wouldn't have let so many people torture me. He told me, his name was Karličić, leaning forward from the chair – you will have them, you will have them, you Turkish mother..... They were swearing at me, beating me on the feet with that stick, on my head and back. I was curling in pain. One of them who was beating me the most was putting that baton in my mouth, not straight, but on the side. I fell down beaten and humiliated" - Mustafa Džigal.³⁶³

"My father was born in 1957, he worked on the railway. On the day of the abduction, he was wearing a denim jacket and brown trousers and a shirt. He was short. He was going to the meeting of the Railways' Union in Belgrade, as he was the president of the union. He has not returned home to Prijepolje. He didn't have an ID nor a train ticket, only a railway identification card based on which he was identified as a Muslim... I would like that those responsible for the murder be punished. However, when I see how obviously facetious the trial before the Specialist Court is, I doubt that I will see justice in this country" - Selma Memović, daughter of Fikret Memović, abducted in Štrpci.³⁶⁴

³⁶² Sandžak: Policijska represija (u vremenu od oktobra 1993. do marta 1994. godine).

³⁶³ Svedočenja iz Sandžaka, Sandžački odbor za zaštitu ljudskih prava i sloboda, p. 8.

³⁶⁴ Jelena Diković, "Samo želim da pronađem posmrtnu ostatku mogata", Danas, 25 June 2019: <https://www.danas.rs/drustvo/suocavanje/sa-mo-zelim-da-pronadjem-posmrtnu-ostatku-moga-tate/>

Trials

In 2002, the District Prosecutor's Office in Belgrade raised charges against four Avengers: Milan Lukić, Oliver Krsmanović, Dragutin Dragičević and Đorđe Savić, for the abduction in Sjeverin. The District Court in Belgrade in 2003 convicted them, but the Supreme Court quashed that judgment and ordered a retrial because of the defects with regard to proving co-perpetration. At the retrial in 2005, the four accused were sentenced to the imprisonment of 20 and 15 years.³⁶⁵

In 2002, before the Higher Court in Bijelo Polje, Montenegro, Nebojša Ranisavljević, a former member of the Republic of Srpska Army was sentenced to 15 years' imprisonment for the crime in Štrpci.³⁶⁶ In 2015, the trial of Luka Dragičević, commander of the Tactical Group Višegrad, and nine other persons suspected to have been involved in the abduction in Štrpci started before the Court of Bosnia and Herzegovina.³⁶⁷ In 2016, Mićo Jovičić, one of the accused, confessed that he was involved in the crime as a guard, but that he had not killed anybody. He was sentenced to five years in exchange for testifying at the trials related to this crime.³⁶⁸ A trial against five members of the paramilitary unit Avengers for war crimes against civilian population before the War Crimes Department of the Higher Court in Belgrade.

The Sandžak Committee for Protection of Human Rights and Freedoms filed a total of 33 criminal reports in the cases of torture against Bosniaks in Sandžak (1991-1995), but only two were prosecuted. In the remaining cases, the victims have only been left with a possibility to raise private charges.³⁶⁹

In 2006, acting on behalf of Alija Halilović, the HLC filed a lawsuit against the state of Serbia for compensation of damages based on state's responsibility for torture and 498 days of unlawful imprisonment. In 1993, Alija Halilović, together with 23 other persons, was arrested for violating the territorial unity of the Federal Republic of Yugoslavia. He spent 498 days in detention unlawfully until the conviction rendered by the Novi Pazar District Court, after which he was released to wait for the final judgment. In 1996, the Supreme Court quashed this judgment and ordered

³⁶⁵ Belgrade District Court First Instance Judgment, retrial of the Sjeverin case (Milan Lukić et al.) (Serbian only), 15 July 2005: http://www.hlc-rdc.org/wp-content/uploads/2016/10/Sjeverin_Prvestepena_presuda_u_ponovljenom_postupku_15.07.2005.pdf;

³⁶⁶ "Zločin u Štrpcima: 26 godina bez pravde za žrtve", ALJazeera, 27 February 2019: <http://balkans.aljazeera.net/vijesti/zlocin-u-strpcima-26-godina-bez-pravde-za-zrtve>

³⁶⁷ "Štrpci Train Massacre Trial Opens in Bosnia", Balkan

Insight, 12 October 2015: <https://balkaninsight.com/2015/10/12/bosnia-opens-trial-over-strpci-massacre-10-12-2015/>

³⁶⁸ "Slučaj 'Štrpci': Čuvar priznao krivicu za ratni zločin", ALJazeera, 9 November 2016: <http://balkans.aljazeera.net/vijesti/slucaj-strpci-cuvar-priznao-krivicu-za-ratni-zlocin>

³⁶⁹ Sanja Kljajić, "Srbija uporno ćuti", DW na srpskom, 18 June 2018: <https://www.dw.com/sr/srbija-uporno-%C4%87uti/a-44271079>

a re-trial. However, in 2006 the new Criminal Code came into force and the offence Halilović was charged with became time-barred. Still, the First Municipal Court in Belgrade passed the judgment in 2007 according to which Serbia shall pay Halilović RSD 1,300,000 for the days he spent in detention.³⁷⁰

In 2006, the HLC raised criminal charges against NN members of the Yugoslav Army Užice Corps for the crime in Kukurovići. The case was referred to the War Crimes Prosecutor's Office which is still conducting investigation.³⁷¹

One year later, in 2007, the HLC filed a compensation claim on behalf of persecuted inhabitants of Kukurovići. In 2013, the Higher Court in Belgrade established the responsibility of Serbia for a war crime on the territory of Sandžak. However, the Court of Appeal quashed this judgment and ordered a re-trial. After that, the Higher Court changed its initial position, which was confirmed by the Court of Appeal. Children of one of the victims, Mušan Husović, filed a lawsuit for the compensation of non-material damages for the loss of their father, but their case was dismissed by both the Constitutional Court and the European Court of Human Rights, which referred to the fact that at the time of the commission of the offence, Serbia was not a signatory of the European Convention on Human Rights.³⁷²

Memorialisation

Murders in the cases of Sjeverin and Štrpci did not happen on Serbian territory, but in the neighbouring Bosnia and Herzegovina. The victims do not have physical impairment of at least 50%, since the majority of them have never been found or were found dead. These crimes were not committed by an enemy army, at least not one considered to be an enemy by the state of Serbia, while their victims were not the victims of liberation wars, because the governing narrative says that Serbia was not at war at that time.³⁷³ Having all this in mind, it is clear why the victims of crimes in Sandžak and their families are invisible to the authorities of the Republic of Serbia.

³⁷⁰ Odšteta zbog nezakonitog pritvora Bošnjaka u Sandžaku 1993. godine, Fond za humanitarno pravo, 17 November 2007: <http://www.hlc-rdc.org/?p=13632>;

³⁷¹ 24 Years since the Crime in Kukurovići – No Punishment for Perpetrators and No Justice for Victims, Humanitarian Law Centre, 20 February 2017: <http://www.hlc-rdc.org/?p=33386&lang=de>;

³⁷² Ibid.

³⁷³ The Law on the Rights of Civilian Invalids of War, Official Gazette of RS, no. 52/96: https://www.osobesainvaliditetom.rs/attachments/023_Zakon%20o%20pravima%20civilnih%20invalida%20rata.pdf and the Law on War Memorials, Official Gazette of RS, no. 50/2018: <https://www.paragraf.rs/propisi/zakon-o-ratnim-memorijalima.html>;

The crimes in Sjeverin and Štrpci are commemorated by street actions in Belgrade organised by non-governmental organisations Women in Black, the Humanitarian Law Centre, and Youth Initiative for Human Rights. In Sjeverin and Štrpci, the local authorities and Islamic community organise commemorations that are also attended by the members of victims' families and NGO representatives.

A monument with the inscription "Whoever in this country forgets the Štrpci station and February 23 1993, has given up on the future" was placed in Prijepolje in 2009. The monument was erected by the local authorities in Prijepolje. However, only the names of victims from Prijepolje are written there, but not of those from other towns. President of Prijepolje Municipality Dragoljub Zindović said in an interview for Radio Free Europe in 2018 that the town paid for the memorial for people from Prijepolje and that "there is no logic to write down the name of some black man from I don't know where who was killed in Bosnia and Herzegovina." Also, Zindović said that the fact that a monument for all twenty victims was erected in Bijelo Polje (Montenegro) in 2016 only supported his position that there was no need to mention the names of all victims.³⁷⁴ The Centre for the Protection of Human Rights and Tolerance – Polimlje, together with other non-governmental organisations and individuals, has been demanding since 2009 that names of all victims are written on the monument in Prijepolje, finding it illogical and inhumane to separate them.³⁷⁵

The municipality of Priboj and the Majlis of the Islamic Community erected a monument in Sjeverin in 2015 in memory of the victims from this town. The President of Priboj Municipality from the Serbian Progressive Party, Lazar Rvović, said in 2017 that this was "one of the rare monuments in former Yugoslavia which does not spread hatred, but warns and unites. We, unfortunately, live in the area burdened with the surplus of history. And we haven't invested enough energy in our wish to change the past."³⁷⁶

In 2016, in the Block 23, Novi Beograd (Belgrade), on the building in which he lived, a plaque was placed for Toma Buzov, abducted at the Štrpci station, the only passenger who stood up against the taking out of the Bosniaks. The plaque was placed by the president of Novi Beograd municipality, Aleksandar Šapić. It reads: "in memory of humanity and courage", without mentioning the event in which said humanity and courage were expressed.

374 "Zajedno su ubijeni, zajedno nek počivaju", Radio Slobodna Evropa, 19 March 2018: <https://www.slobodnaevropa.org/a/spomenik-zrtve-strpci/29108594.html>;
375 Štrpci: NVO traže spomenik za sve žrtve, FHP, 27 February 2018: <http://www.hlc-rdc.org/?p=34835>

376 Danica Gudurić, "Četvrt veka zločina u Sjeverinu: Pravde još nema", Radio Slobodna Evropa, 22 October 2017: <https://www.slobodnaevropa.org/a/sjeverin-zlocin-bosnjaci/28808759.html>;

INSURGENCY IN THE SOUTH OF SERBIA (2000-2001)

Context

Preševo, Bujanovac and Medveda are municipalities in Serbia with a significant Albanian population. Albanians both in Kosovo and in Preševo, Bujanovac and Medveda, boycotted the general population census of 1991. The estimate of the Albanian population is based on the 1981 census. Thus, the municipality of Bujanovac had the population of 49,238, around 30% of whom Serbs (14,660), 60% Albanians (29,588) and a little less than 9% Roma (4408). In the municipality of Preševo, the population was estimated at 38,943 inhabitants, 90% of whom were Albanians (34,992), 8% Serbs (3206) and 1.29% Roma (505). The Federal Statistical Office did not publish the estimates for Medveda municipality, but only the results of the census, according to which this municipality had 13,386 inhabitants, 9205 of whom Serbs and Montenegrins and 3832 Albanians.³⁷⁷

According to the Humanitarian Law Centre's data,³⁷⁸ which monitored human rights violations in these three municipalities, basic human and minority rights of Albanians were permanently violated in the 1980s, as well as during the Slobodan Milošević regime. Discrimination in education, employment, public information and other areas intensified in the late 1980s. The adoption of the 1990 Constitution of the Republic of Serbia and subsequent series of legislations aimed at the strengthening of the central government, primarily affected local self-governments in these three municipalities. For example, in the municipality of Preševo, Albanian parties had always been winning local elections since 1990, but did not have the possibility to promote collective rights of the Albanian community. At an unofficial referendum organised in 1992 by the leaders of Albanian political parties, the vast majority of ethnic Albanians from these three municipalities expressed a wish for these territories to be integrated into Kosovo.³⁷⁹

Until the NATO intervention in 1999, in addition to systemic discrimination, the authorities were also exercising other forms of pressure (dismissals from work, political trials, censorship of

377 Humanitarian Law Centre, Albanians in Serbia: Preševo, Bujanovac and Medveda, Belgrade, 2003, p. 9:
<http://www.hlc-rdc.org/images/stories/publikacije/Albanci-u-Srbiji.pdf>

378 Ibid, p. 5.

379 Ibid, p. 6.

press). During and after the conflict in Kosovo (1998-1999), the forces of the State Security Service (DB) and the Serbian police (MUP) were harassing the local population in a series of violent incidents that remained unpunished. The history of the state harassment in the Albanian community – due to NATO intervention and the departure of the Yugoslav Army and police from Kosovo, the beginning of internal armed conflict in Macedonia, caused many Albanians to support small groups of soldiers who started organising under the flag of the Liberation Army of Preševo, Bujanovac and Medveđa (OVPBM) in early 2000 with the support of parts of the Kosovo Liberation Army (KLA) in Kosovo to attack police and military units.³⁸⁰

In the course of 2000 and the first half of 2001, the territory of these three municipalities was a scene of armed clashes between the Serbian police and Yugoslav Army on one side and the Liberation Army of Preševo, Bujanovac and Medveđa on the other, often called “the Insurgency in the South of Serbia” or “the crises in the South of Serbia”.³⁸¹

Period of 1999-2000

During the NATO intervention, severe human rights violations were reported, as well as open repression by the Yugoslav Army, Serbian Police and paramilitary units against the Albanian population in Kosovo and in the Preševo Valley. **On the territory of Preševo municipality alone, 11 Albanians were killed under unexplained circumstances during the state of war in 1999.** The cases of severe human rights violations (murders, abuse and robberies) in the municipalities of Preševo, Bujanovac and Medveđa were similar to those taking place in Kosovo at that time. The actions of military and police authorities during the state of war of 1999 in these municipalities reflected on the harassment of the population; an illustrative example of this were the searches of the houses of the villagers of Veliki Trnovac on March 31 1999, when the Serbian police and Yugoslav Army demanded that the villagers, within the period of two hours, hand over “the NATO commandos, KLA terrorists and drugs”. Under the Military Technical Agreement signed in Kumanovo on June 9 1999, which was the basis for the arrival of international troops to Kosovo, the **Ground Safety Zone (GSZ)** was established as a 5-kilometers zone that extended along ad-

380 International Crisis Group, Serbia- Maintaining Peace in Presevo Valley”, Europe Report N°186 – 16 October 2a007: https://www.files.ethz.ch/isn/43985/186_serbia_presevo_valley.pdf

381 Humanitarian Law Centre, Albanians in Serbia: Preševo, Bujanovac and Medveđa, p. 6.

ministrative line with Kosovo. Nearly half of this zone extended on the territory of municipalities Preševo, Bujanovac and Medveđa. According to the Agreement, only lightly armed police forces (MUP) had access to this area, while the Yugoslav Army had to pull out. The majority of murders have never been solved, while the new political leadership after 2000 has not shown readiness to deal with them.³⁸²

Conflict of 2000-2001

The OVPBM was officially founded in the village of Dobrosin, Bujanovac municipality, in 1999, when a group of 35 citizens of Albanian nationality gathered in the house of Ajdari Vebi and started an organised fight against the units of the Yugoslav Army and Serbian Police.³⁸³ According to the Humanitarian Law Centre's data, the OVPBM members had their first public appearance in late January 2000, also in the village of Dobrosin, at the funeral of the Shaqipi brothers. Brothers Shaip and Isa Shaqipi were killed by the Serbian police on January 26 2000, as testified by their father Shaqip Shaqipi to the HLC researchers.³⁸⁴

Armed clashes and incidents particularly intensified after the police pulled out from control checkpoints in Albanian villages in the Bujanovac municipality on November 27 2000. Their withdrawal followed an OVPBM's attack on a police patrol, when three police officers were killed and another five injured. **In the next six months, more than 100 persons were killed, injured or kidnapped, both Albanians and Serbs, including members of the Army and the police, in the clashes between the two sides.**³⁸⁵

According to HLC data, in the period between January 1 1999 and May 31 2001, at least 40 citizens of Serbia and Montenegro were killed in the territory of Preševo, Medveđa and Bujanovac. During the internal armed conflict between the Yugoslav Army/Serbian Police forces and the OVPBM in the period between January 26 2000 and May 31 2001, two Serbian civilians were killed in the territory of Bujanovac and their fate has not been solved yet, as well as two Serbian civilians from Bujanovac municipality in the territory of the municipality of Gnjilane (Kosovo),

whose bodies were found in Donja Breznica, Bujanovac municipality. During the same period, at least seven Albanian civilians and an OVPBM commander were killed.³⁸⁶

According to the official data of the Ministry of the Interior of Serbia, from June 10 1999 until August 31 2001, in the area of the Ground Safety Zone towards Kosovo alone, 10 civilians were killed, five of whom were Serbs, four Albanians and one person of "other nationality". In the same period, 25 civilians (15 Serbs, eight Albanians and two members of the UN Mission) were injured and 43 citizens (40 Serbs and three Albanians) went missing. The Interior Ministry also stated that two abducted citizens were killed, one managed to escape, 36 were released, while the fate of the remaining four is still unknown. Further, 24 police officers and members of the Yugoslav Army (15 and nine respectively) were killed, 78 were injured and two were abducted.³⁸⁷

During the armed conflict of 2000-2001, as well as before and after the conflict, members of the Albanian community were targeted by the Serbian Interior Ministry, Yugoslav Army and paramilitary units. Other than the data on the murders, the HLC also possesses information about numerous cases of maltreatment of Albanian villagers by the Yugoslav Army, especially members of its 7th Battalion, and the Serbian police, as well as about the mistreatment of the abducted members of the 7th Battalion and Serbian civilians at the prison camp in Donja Breznica, Bujanovac municipality, by the OVPBM. Below we present 15 incidents which HLC managed to document as serious violations of human rights in the period 1999-2001:³⁸⁸

Driton Arifi from the village of Ranatovce, in the municipality of Preševo, died on **April 4 1999** from gunshot wounds inflicted on him by the members of the Yugoslav Army/Serbian Police forces earlier the same day. A pathologist from Vranje conducted his autopsy.

Ruzhdi Arifi from the village of Bihać was killed on **April 18 1999** while the Yugoslav Army was present in the village. The family found his bones and clothes in the forest. Bullet holes were visible on his clothes.

³⁸⁶ Ibid, p. 7.

³⁸⁷ Ibid, p. 24.

³⁸⁸ Humanitarian Law Centre, Human rights violations in Preševo, Bujanovac and Medveđa from the period of

the NATO bombing to the granting of an amnesty to the soldiers of the Liberation Army of Preševo, Bujanovac and Medveđa, 7 May 2012:
<http://www.hlc-rdc.org/?p=19841&lang=de;>

Rahim Fejzuli and his son Ibrahim were killed by the members of the Yugoslav Army in the village of Gospodince on **May 19 1999**. Rahim was beaten to death in front to his family. Ibrahim was taken by the soldiers towards the stream and gunshots were heard later on from that direction. The family reported the murders to the police in Preševo, but they did not come to the crime scene to conduct an investigation.

Fetah Fetahu, a taxi driver from Bujanovac, was murdered on **July 31 1999** on the road to Gnjilane. The police conducted an investigation.

The Director of the Migjeni elementary school in Muhovac, Qemal Mustafa was murdered on **January 17 2000** on the road between the village of Đorđevac and Muhovac. He was also the Vice-President of the Socialist Party of Serbia in Bujanovac.

Brothers Shaip and Isa Shaqipi were murdered on **January 25 2000** on the outskirts of the village of Dobrašin (Bujanovac municipality) in the direction of the village of Lučane. Shaip and Isa's father heard gunshots and then met a group of police officers who came from the direction in which his sons had gone to gather firewood. He immediately called the president of Bujanovac municipality and expressed his fears that something might have happened to his sons. He found his sons with a great number of gunshot wounds, lying on a tractor in a forest near the road to Lučane.

The owner of the gas station in Preševo, Nebi Nuhiu, was kidnapped on **February 2 2000**. He was taken by four young men who came in a Mercedes and an Audi. They told Nebi's daughter that they were taking him to the police station in Bujanovac and that they would bring him back soon. He has been missing ever since. In May 2001, the Vranje Police Department arrested two police officers because "they deceived the Nuhiu family, giving them a false promise that Nebi would be handed over in return for DEM 160,000". The HLC has no information whether they have been convicted. No one has been indicted for the kidnapping of Nebi Nuhiu. His remains have not been found yet.

Ejup Asani was murdered on **February 12 2000** in the village of Letovica, Bujanovac municipality. He was taken out of his house by masked killers to a place some 200 metres away and killed with firearms.

Bahri Musliu from the village of Vrban was found dead on **March 13 2000** in the vicinity of the Serbian village of Levosoje (Bujanovac municipality).

Destan Adili from Veliki Trnovac was found dead on **March 3 2000** on the road between Veliki Trnovac and Breznice. The family filed a criminal report with the Vranje Prosecutor's Office, but was informed several months later that they were not going to initiate criminal proceedings.

Vlada Miletić (1920) and his daughter Persa disappeared on **June 21 2000**. Bullet cases and traces of blood were found in their house in the village of Mali Trnovac. They were the only Serbs in the village. The police arrested a dozen of Albanians, neighbours of Vlada and Persa Miletić, who were released after one of Vlada's daughters gave a statement that she did not believe that her father and sister were killed by the Albanians from the village because they had always helped them.

Zoran Tomić from the village of Lopardince, Bujanovac municipality, and his cousin Goran Stanković from the village of Domorovce, Gnjilane municipality, went missing on **August 12 2000** in the village of Odanovce, Kamenica municipality, Kosovo, where they went by tractor to buy some petrol. Zoran Tomić's bones were found by the Yugoslav Army in a quarry in the village of Breznica in December 2001. Pathologists from the Republic of Serbia found the bones of Goran Stanković at the same location in December 2004. The identification was confirmed by DNA analysis. According to the statement given by Goran's brother to the HLC in October 2005, the District Court in Vranje initiated an investigation into Shefqet Musliu and Lirim Jakupi on January 15 2004. The HLC has no information on the outcome of the case, but no one has been charged with the murder of Zoran Tomić and Goran Stanković as yet.

Ridvan Qazimi was murdered by a sniper bullet on **May 24 2001** just outside the village of Lučane, three days after the soldiers of the Liberation Army of Preševo, Medveđa and Bujanovac had been

granted amnesty. The shots came from the direction where the Yugoslav Army/Serbian Police forces were stationed.

An inspector of the Bujanovac Municipal Assembly, Januz Rashiti, was beaten by the members of the Special Operations Unit on **March 1 2001** in front of his family in the village of Turije; he was first taken to their base in Levosoje and then to the Bujanovac police station. He was released following the intervention of the Chief of the Co-ordination Body for Kosovo, Nebojša Čović. On the same day, the Special Operations Unit members abused several other Albanians in the village of Turije.

Arife Avdiu (1932) stayed in the village of Buštranje during the NATO bombing, while her family took refuge in Macedonia. At an unknown date during April 1999, a group of Yugoslav Army soldiers came to her house and harassed her because she had no money or gold. One soldier kicked her with his boot in the head and then inflicted several wounds on her body with a knife. He threw her on the floor, thinking she was dead. She was rescued by a Serb neighbour, a police officer, who found her and took her to the hospital in Bujanovac. Arife lost her eyesight because of the injuries she sustained.

The OVPMB detained Suzana, Stojanča and Nebojša Petrović, and Dragan Ilić from the village of Donje Žabsko, Vranje municipality, in Veliki Trnovac on **March 4 2001** and then transferred them to an illegal prison in Breznica. They were kept in this and other prisons for 41 days. During their detention, they were beaten in order to admit that they were spies sent by the government to plant a bomb in the mosque in Veliki Trnovac. They were released thanks to the mediation of KFOR. Milija Bjelajica and Saša Bulatović, soldiers of the Yugoslav Army 7th Battalion were captured by the OVPMB on **March 21 2001** on the road from Bujanovac to Veliki Trnovac. They were detained for 30 days in the OVPMB prison in Donja Breznica. They were released thanks to the mediation of KFOR. They had visible signs of beatings.³⁸⁹

According to the data of the Bujanovac Human Rights Committee, in the course of 2000, nine members of the OVPMB were killed in the fights, 11 Albanians were killed, while five citizens (two

Albanians and three Serbs) were kidnapped. Around 150 Albanians gave their statements to the Committee about the abuse by the Serbian police and Yugoslav Army.³⁹⁰

Searches, threats and provocations by the Serbian Interior Ministry and Yugoslav Army: On June 15 2001, in the village of Končulj, while several members of the police special units were passing through the village, one of them pointed a submachine gun at the villagers who were standing in front of the store. One of the villagers testified: "We were standing in front of a store in the village, it had been opened recently. All of us knew the owner as Boss Zija. There were some 15 of us, mostly elderly. A group of armed commandos was passing by. I don't know exactly how many of them, but I saw by their emblems that they were special units. One of them pointed a weapon at us and shouted: 'What are you gonna do now, sisterfuckers?' We all kept silent and he approached one of us, Fatam Osmani, who was only 15 years old, and asked him: 'Were you in the KLA?' He remained silent because he didn't speak Serbian well, so the commando grabbed his arm and asked: 'Did you hear what I asked you?' The whole time he kept his weapon pointed at the boy. A few minutes later, the commandos who were with him called him and he walked away."³⁹¹

Summoning Albanians for interrogations: Summonses or bringing in by the police for questionings, without an explanation and without written summons were not rare. On such occasions, the police was mostly interested in information about the activities of the disbanded OVPMB or KLA. Several times, the police asked about the displaying of Albanian flags. Burim Hasani (1980) went to the police in Preševo on July 5 2001 to apply for an identity card. The police took him for questioning which lasted for four hours: 'When I handed in my ID application, they told me to go upstairs for an interview. I entered a room with three men in plain clothes inside. One of them was an interpreter. Since I had been away from Preševo from 1999 to 2001, I knew none of them. They asked me where I had been as a member of OVPMB, whom I had killed, what my tasks had been, who had been my superior. A large segment of the questioning was about what the OVPMB had been up to in Oraovica. The chief of the Preševo Police Station, whom I remembered from before, didn't question me himself, but he saw that I was arrested and was present during part of the questioning." Burim was then released, but requested to come with his younger brother

³⁹⁰ Albanians in Serbia: Preševo, Bujanovac and Medveđa, p. 25.

³⁹¹ Ibid, p. 48.

Naim the next day at 10 o'clock for additional questioning as a condition to get his ID. The police acted the same way when his brother Naim applied for ID three weeks later.³⁹²

Mediation and Conflict Resolution

In December 2000, the Government of the Republic of Serbia and the Government of FR Yugoslavia established a Co-ordination Body for Preševo, Bujanovac and Medveđa and appointed Nebojša Čović, one of the leaders of the Democratic Opposition of Serbia (DOS) and later Deputy Prime Minister of the Government of Serbia, as its chief.

On January 30 2001, at a gathering organised by the Helsinki Committee for Human Rights in Serbia, Čović presented a plan for the resolution of the crisis in the South of Serbia, known as "Čović's plan". This document was published by the Vreme magazine in its entirety on February 8 2001.³⁹³

This plan consisted of three points:

1. Peaceful resolution of the crisis with participation of the representatives of both the Albanian national community and the international community;
2. Permanent preparedness of security forces to protect citizens, settlements, and communication, prevent the speeding of terrorism outside the GSZ, and conduct an anti-terrorist action if necessary and acceptable;
3. The ensuring of multi-ethnic society in the region with the respect for all civil and human rights of the Albanians and the ensuring of the basic interests of Serbs in the region, as well as in Kosovo and Metohija.

Within the efforts of new authorities to resolve the crisis politically and based on the "Čović's plan", on February 16 2001 "The Programme and Plan for the Resolution of Crisis in the municipalities of Bujanovac, Preševo and Medveđa" was adopted. It states a firm commitment for the crisis in the South of Serbia to be resolved peacefully and through political and diplomatic means

392 Ibid, pp. 53-55.

393 Dejan Anastasijević, "Križa na jugu Srbije: Hrabrost za normalnost", Vreme, br. 527, 8 February 2001: https://www.vreme.com/arhiva_html/527/07.html;

– through the dialogue of the representatives of the Republic of Serbia and the FR Yugoslavia on one side and the representatives of OVPMB on the other, with assistance from the international community. The measures to be taken by the government following the signing of the agreement within specific time-frames were classified in three groups. They include the integration of Albanians into political, governance, and social system and the respect for their human rights in accordance with European standards; the establishment of peace and security in the region; and the economic and social revitalisation of the region and its development in accordance with the municipal projects and priorities. An integral part of this plan was an invitation to local Albanians to discuss solving the crisis in the municipalities of Bujanovac, Preševo and Medveđa. The international community was also invited to support the solution. International representatives supported this plan and the representatives of the Albanian ethnic community endorsed most of the proposed measures. The OVPMB, however, rejected the plan and on March 1 2001 presented its Joint Platform for the Peaceful Resolution of the Crisis in the Preševo Valley. Two days later, the Albanian and OVPMB representatives presented their joint “Political Platform for Halting Armed Conflicts and Solving the Crisis in the Region of Preševo, Medveđa and Bujanovac”. NATO, EU and OSCE representatives joined in the negotiations and mediated in separate talks with the Serbian and Albanian delegations. This led to a cease-fire agreement signed on March 12 2001. The first direct encounter of the two sides happened in the British military base in the village of Livadice near Podujevo (Kosovo) on March 23 2001.³⁹⁴

Simultaneously with the negotiations, with KFOR permission, the gradual return of the Yugoslav Army and Serbian Police to the GSZ began. The entry of the armed forces into all parts of the GSZ was completed on May 31 2001. According to UNHCR, around 5000 Albanians from the villages in this zone left their homes during the last phase of this operation.³⁹⁵

The negotiations resulted in signing of the Agreement on the Demilitarisation of the Villages of **Lučane and Turija** on May 4 2002. Under this agreement, both sides agreed to withdraw their forces from the two villages unconditionally, vacate all private facilities they occupied, enable the return of the displaced persons and grant full freedom of movement on the road between Bujanovac and Gnjilane. The Agreement became effective as of May 7 2001.³⁹⁶

394 Albanians in Serbia: Preševo, Bujanovac and Medveđa, pp. 40-41.

395 Ibid, p. 41.

396 Ibid, p. 41.

On May 21 2001, in Končulj (Bujanovac municipality), OVPMB military leaders signed a Declaration on the Demilitarisation of the Southern and Central Part of the So-Called Sector B of the GSZ, known as the **Končulj Agreement**. This declaration envisaged that the first section should be demilitarised on the next day, while full demilitarisation and the surrender of weapons to KFOR should be completed by May 31 2001. **Simultaneously with the demilitarisation of the region, the establishment of local multi-ethnic police started.** At the recommendation of the OSCE, “**Principles for a Multi-Ethnic Police Element in Preševo, Medveđa and Bujanovac**” were adopted. This document was signed in Bujanovac on June 27 2001 by representatives of the Government of Serbia, the Albanian ethnic community and the OSCE, and it represented a first concrete step towards equal participation of Albanians in the exercise of public affairs.³⁹⁷

Due to armed conflicts and fear for their safety, the Albanian population from the municipalities of Preševo, Bujanovac and Medveđa left their homes on three occasions. The first wave happened during the NATO bombing of 1999, when nearly one third of the Albanians left the area. Around 20,000 persons left the Preševo municipality alone. At the end of October 1999, there were 3000 refugees from Preševo and Bujanovac in Macedonia.³⁹⁸ The second wave of moving out of the population from the three municipalities began in 2000. At the beginning of the conflict between Serbian security forces and the OVPBM, between February and June 2000, around 900 families left their homes. Most of them found refuge in Kosovo, in Gnjilane municipality. Displacement continued in 2001. In late May 2001, after another wave of moving out of Preševo and Bujanovac, there were around 14,000 displaced persons from the three municipalities in the south of Serbia staying in Kosovo.³⁹⁹

Victims' Voices

A large number of murders, enforced disappearances, property damage, and torture, both by the members of the Serbian Police and Yugoslav Army forces, and by paramilitary units, in the period before the escalation of the crises in the south of Serbia (1999-2000) have remained unclarified to date. Listed below are only some of the documented examples of human rights violations as

testified by the citizens of these municipalities and recorded by the Bujanovac Human Rights Committee and the Humanitarian Law Centre in 2000 (before the conflict), during the conflict (2000-2001) and after May 31 2001 (after the conflict).

The murder of the Shaqipi brothers: brothers Shaip (1968) and Isa (1964) Shaqipi were killed at the outskirts of the village of Dobrosin, Bujanovac municipality, on January 26 2000. Their father Shqip Shaqipi described this incident to the HLC researcher as follows: “There was a heavy snowfall that day. Together with my sons, I went to the forest to collect some firewood. Since I worked at a forestry farm, we split at the end of the village. They continued in the tractor straight ahead, along the road to the village of Lučane, Bujanovac. They wore boots and had a chainsaw. I turned right. After a while, I heard a shot from the direction of the Kosovo border and a bit later shooting from the direction from where Shaip and Isa said they were going. It scared me, so I went to my house which was located at the entry to the village, making sure nobody saw me. First I called the president of the Bujanovac Municipal Assembly, Mr Stojanča Arsić, whom I was on good terms with. I told him about what I had seen and heard and that my sons were out there and that I feared for them. Then I called the police in Bujanovac. The duty officer who answered the call, when he had heard what this was about, said: ‘They ought to kill all of you’.”⁴⁰⁰

Shqip found bullet-riddled bodies of his sons slumped over the tractor shaft in the forest along the road between Lučane and Dobrosin. The tractor tires were punctured. Adem Rashiti, president of the Dobrosin Local Community Office said that on that day the police officers came to talk with him about unpaid electricity bills and requested that all the villagers settle their debts. When a shot was heard from the direction of Kosovo, the police officers headed back towards Bujanovac. According to the data of the Government of Serbia’s Co-ordination Body, the Shaqipi brothers were “citizens killed in terrorist attacks” on January 26 2000, when “Albanian terrorists [...] attacked a police patrol with machine guns, sniper rifles and other automatic weapons. A police officer, Žarko Guberinić (1969), sustained a light injury.” At the funeral of the murdered brothers, four days later, members of the Liberation Army of Preševo, Medveđa and Bujanovac made their first public appearance.⁴⁰¹

⁴⁰⁰ Ibid, p. 27.

⁴⁰¹ Ibid, pp. 27-28.

The abduction and disappearance of Nebi Nuhiu: Nebi Nuhiu, owner of the “Neza Petrol” petrol station in Preševo, was kidnapped on February 2 2000. Two hours after the abduction he called his family for the last time. His fate has been unknown ever since. The kidnappers contacted the family and demanded money several times. His daughter, Flora Nuhiu (1977), talked with them and audio-recorded every conversation. This is what she told to the HLC: “At about two o’clock in the afternoon, two cars parked at our petrol station – a white Mercedes with a Vranje registration plate and an ochre Audi. Four young men came out. All of them spoke Serbian, they were between 20 and 30 years old, heavily built. One of them with a really short haircut said that they were from Montenegro and asked where Nebi was. Since our father was not there, he said that he would come back later because he needed tyres for his car. The other one spoke to our cousin who worked at the station and who later brought them the money they demanded; my younger brother was also there. Then they drove off in the direction of Preševo. At about 5 o’clock they returned. My father was there and they asked him to see the tyres. When he showed them, they asked whether he had only those ones on the display, and when he said that he had others in the basement, they asked to see them, too. One of them stayed at the door and the others went down to the basement with my father. A few minutes later, they returned and went to the car with my father. My father did not say anything, but when he sat in the car, he stuck a leg out so as not to let them close the door. One of the abductors shouted: ‘We are going to the police station in Bujanovac, we will drive him back.’ At that, my father shook his head silently. Both cars drove off towards Bujanovac. That was the last time we saw him.” The family reported the incident to the Serbian police, and brought the money to the abductors, but Nebi Nuhiu has never been returned to his family.⁴⁰²

The disappearance of Vlada and Persa Miletić from Mali Trnovac: The only Serbian inhabitants of the village of Mali Trnovac, Vlada (1920) and Persa (1945) Miletić disappeared on June 21 2000. Bullet shells and traces of blood were found in their house. The mystery of their fate has not been solved. Fearing the revenge of the Serbian police, all the inhabitants of this village, some 500 of them, left their homes on the same day and went to Kosovo. Three days later, when a few villagers returned to pick up some things from their houses, the police, applying excessive force, arrested Avni Jakupi, Sejdi Jakupi, Nexhmedin Sopi, Shemshi Salihu and Halim Berisha.⁴⁰³

"A few of us returned home in the morning of June 24, mostly to take valuables, gold or money, because we left for Kosovo literally without anything. Each of us went to their own home. We were careful to remain unnoticed, because we feared that the police would abuse us. At about 10 o'clock, a group of ten police officers burst into my house. They asked me who had killed Vlada and Persa and, without waiting for my answer, they started hitting me with their hands and legs and rifle butts. Then they took me out and to the hill nearby. I saw that they had caught some of the others and that they were searching the village trying to find more. They drove me in a jeep to the police station in Bujanovac, where I and the other ones arrested were interrogated all night. They did not use force against me. All of us were released the following day at about 11 o'clock, except for Halim Berisha, who was transferred to the prison in Nis. After that we went to Gnjilane. Some of us have returned now, but many are still in fear."⁴⁰⁴

The capture of the Petrović family and Dragan Ilić: Suzana (1974), Stojanča (1969) and Nebojša (1977) Petrović, and Dragan Ilić (1973) from the village of Donje Žabsko, Vranje municipality, were captured by the OVPMB on March 4 2000. They were held in Veliki Trnovac for one night and then transferred to another village. Stojanča Petrović told the HLC researcher⁴⁰⁵ that: "we were beaten with rifle butts, kicked, beaten with various sticks, electrocuted, had knives under our tongues, forced to kiss KLA symbols and to write statements that the State Security had sent us to plant a bomb at the mosque in Veliki Trnovac." During their imprisonment which lasted for 41 days, the four abductees were held in five different basement facilities, mostly without daylight. The forensic medicine report on Dragan Ilić states that they were not abused during their capture, but later while they were in detention. The forensic medicine report stated the following:⁴⁰⁶

"They threw some cloths and blankets over his head and then a larger number of uniformed persons present started searching and beating him – he was beaten mostly on the body and kicked on his legs. The beating lasted for several hours with short breaks. While they were beating him, during one break, they pulled him up the stairs to the ground floor of the house, where the beating continued. He saw them 'bashing Stojanča Petrović's head against the floor' while they were dragging him into the basement, and then he saw the right side of his face beginning to swell.

⁴⁰⁴ Ibid, p. 33.

⁴⁰⁵ Ibid, p.35.

⁴⁰⁶ Ibid, p.31.

Later he was dragged to a log and threatened to have his hands cut off with an axe.” The captives were requested to admit “who sent them to Veliki Trnovac and on what mission”. While torturing them with electroshocks, they were told that: “Suzana has already confessed”. “At dawn, they brought in a Roma man who was very drunk, and we were awakened by his screams, because they beat him too. They brought him rakija to drink and then they gave him a rubber truncheon and ordered him to ‘interrogate’ and beat him (Ilić) and the Petrović brothers. At first, ‘Fatmir’, a man who was ordered to beat them, refused, but then the uniformed persons started beating him and repeated the order. After that, ‘Fatmir’ started hitting them with that truncheon and the soldiers brought a video camera and recorded it.” On March 6 2001, the captives were forced to say in front of the cameras of TV Kosovo that they came to carry out a terrorist task. Ten days later, they were visited for the first time by the representatives of the EU Monitoring Mission and the International Committee of Red Cross. The described torture continued throughout their imprisonment. According to Ilić, a few days before being released, they started being given medicines and three meals a day. Suzana Petrović was released on March 31, but she was threatened to give a statement to the international forces in Kosovo and KFOR as they prepared it for her. The rest of the prisoners were released on April 14 2001 thanks to the mediation of KFOR.⁴⁰⁷

Trials

Judicial authorities of the Republic of Serbia have not prosecuted any of 15 presented cases of human rights violations that occurred during the internal armed conflict in the South of Serbia.

Although the conflict ended, the cases of beating of three Albanians from Preševo, the murder of Agim Agushi and the opening of fire on a pupils’ field trip in the village of Strezovice, Gnjilane municipality, show that the terrorising and harassment of the citizens of Albanian nationality by the Yugoslav Army and Serbian Police continued. The replies of the Serbian Interior Ministry to the complaints submitted by the Bujanovac Human Rights Committee with regard to human rights violation indicate that the state authorities failed to conduct an objective and impartial investigation of these incidents.⁴⁰⁸

The Bujanovac Human Rights Committee began submitting applications to the Co-ordination Body of the Government of Serbia and Government of FRY for the municipalities of Preševo, Bujanovac and Medveđa on December 21 2000. Until today, more than 120 applications have been filed to this body containing citizens' complaints with regard to the behaviour of the police, army and state authorities. The first replies by the Co-ordination Body came four months after the first application by the Human Rights Committee. Replies to 24 out of 61 applications were given on that occasion. Each reply also contained a report on the inquiries made and the measures that had been taken. It was also said that the other allegations were being examined. Nine other replies came afterwards. Since March 2002, the Bujanovac Human Rights Committee has not received any more replies from the Co-ordination Body. All complaints submitted by the Committee were related to the incidents where Albanians were victims. Out of 33 replies, 30 referred to the incidents in the Bujanovac municipality and the remaining three to those in the municipality of Preševo. Two-thirds of the investigated incidents occurred in large settlements (Bujanovac, Preševo, Veliki Trnovac). Apart from three cases, all occurred either in December 2000 or in the course of 2001.⁴⁰⁹

Amnesty for the members of OVPBM and the issue of prosecution of war crimes

Amnesty for the members of the OVPBM⁴¹⁰ envisaged under the Co-ordination Body's Programme was confirmed on May 21 2001 in a letter sent to the then personal envoy of the NATO Secretary-General Pieter Feith by the Deputy Prime Minister of the Government of Serbia and President of the Co-ordination Body Nebojša Čović, the commander of the Joint Security Forces Ninoslav Krstić, and the commander of the Special Police Forces Goran Radosavljević Guri. They said that general amnesty would be granted to "all who put down their weapons, uniforms and all military equipment they possess illegally."⁴¹¹ Due to the requests of the Albanian community that the announced amnesty should have a legal form, the Federal Parliament passed an Amnesty Law on June 4 2002, which referred to all citizens of Yugoslavia suspected of having participated in terrorist activities (but not war crimes) from January 1 1999 until May 31 2001. Amnesty was implemented pursuant to the provisions of the Criminal Procedure Law that was in force at that time.⁴¹²

⁴⁰⁹ Ibid, p. 55

⁴¹⁰ Amnesty Law, Official Journal of FRY, no. 37 of 3 July 2002: <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/slsrj/skupstina/zakon/2002/37/2/reg>

⁴¹¹ Albanians in Serbia: Preševo, Bujanovac and Medveđa, p. 42.

⁴¹² Amnesty Law.

According to the statement of the chief of police for the Pčinjski Region, Novica Zdravković, by January 13 2001. 43 criminal reports were filed to the Vranje District Prosecutor's Office against 32 persons, for the crime of terrorism - as the activities of the OVPMB were qualified by the authorities. Also, by the decision to conduct an investigation of June 19 2000, "an investigation has been ordered against 35 persons of Albanian nationality who are suspected of having founded a terrorist organisation, the so-called OVPMB, in the village of Dobrosin, Bujanovac municipality, in the house of Ajdari Vebi". In a reply to the Human Rights Committee, President of the Vranje District Court said that the accused had been either in detention or put on a wanted list. Such action by the judicial authorities is contrary to the amnesty granted to the soldiers of the former OVPMB. In a letter to the personal envoy of the NATO General-Secretary Robert Serry, sent on behalf of the Co-ordination Body by its President Nebojša Čović, Vice President Mića Marković, and the Police Forces commander Goran Radosavljević on February 26 2002, it was confirmed that the amnesty was in force. The Deputy Prime Minister of the Government of Serbia and President of the Co-ordination Body Nebojša Čović wrote in the letter "It is not my intention to concern myself with the investigation into the persons listed in the document of the District Court in Vranje (Ki no. 37/00 of June 19 2000) with the activities directly connected to the establishment of or participation in armed groups prior to the signature of the aforementioned document 'Amnesty is a way out'."⁴¹³

These data show that in spite of the programme under which amnesty was agreed, the police was filing reports for the crime of terrorism against former soldiers of the OVPMB. Luan Sadiku from Bujanovac, sentenced to 7 years and 6 months' imprisonment for the crime of terrorism, was released on March 26 2002. He spent 14 months in prison. Besim Leka (18) from Bujanovac, also convicted for terrorism, was released. Leka was arrested on November 16 2000 in a bus travelling from Pristina to Bujanovac with 10kg of explosives found in his bag.

During the election campaign in Serbia on May 3 2012, five Albanians from the Bujanovac municipality were arrested - Elhami Salihu, Mustafa Limani, Sherif Abdiri, Nedir Sefedini and Sevdaij Emurlah. They were taken by the masked members of Gendarmerie to the main office of the

Ministry of the Interior of the Republic of Serbia in Belgrade.⁴¹⁴ The arrested men were handcuffed with hands behind the back. During the afternoon, at the press conference in Vranje, Interior Minister Ivica Dačić showed police documentation related to the murders of Serbian civilians and police officers by the Liberation Army of Preševo, Bujanovac and Medveđa to the journalists. Dačić also shared the information that in 2000 and 2001, **18 police officers and soldiers were killed in OVPBM attacks, while 43 Serbian civilians were kidnapped**. On the same day, War Crimes Prosecutor Vladimir Vukčević informed the public that this was a legally confidential investigation, while some media, referring to unofficial sources, reported that the arrested were suspected of having been members of the OVPBM who had participated in the kidnapping of two Serbian young men in 2001, whose bodies were found in the vicinity of the OVPMB camp in the village of Donja Breznica, Gnjilane municipality in Kosovo.⁴¹⁵

All those arrested were released on May 29 2012 without a court ruling on the termination of detention. Ten days later, the arrested persons, their defence counsel, and the public could read in an interview given by the then War Crimes Prosecutor Vladimir Vukčević to the Politika daily that the Prosecutor's Office decided to stop the investigation. Prosecutor Vukčević said in that interview that, after the Interior Ministry had filed a criminal report, the War Crimes Prosecutor's Office heard the first witness, who testified of the imprisonment of Serbian civilians in the OVPMB camp in Donja Breznica, Gnjilane municipality, their daily abuse, including electrocution, which had lasted for 40 days. The War Crimes Prosecutor's Office found that there was a suspicion that the defendants had committed a war crime against the civilian population. According to Prosecutor Vukčević, the War Crimes Prosecutor's Office established in further investigation that the suspects – former OVPBM soldiers, had been granted amnesty based on the Amnesty Law, which referred to the crimes of terrorism and associating for the purpose of hostile activities committed by the citizens of FRY on the territory of Preševo, Bujanovac and Medveđa. However, in its press release in response to the arrest, the HLC⁴¹⁶ pointed out that neither said Amnesty Law nor any other law of the Republic of Serbia granted amnesty for war crimes. The HLC also pointed out that the Government of Serbia signed a **Cease-Fire Agreement with the OVPBM (the Končulj Agreement)** with the mediation of the special envoy of the NATO Secretary-General Pi-

⁴¹⁴ Fond za humanitarno pravo, "Saopštenje: Hapšenje Albanaca", Peščanik, 3 July 2012: <https://pescanik.net/hapsenja-albanaca/>

⁴¹⁵ Ibid.

⁴¹⁶ Ibid.

eter Feith. This agreement shows that the state of Serbia has acknowledged the internal armed conflict on the territory of Preševo, Bujanovac and Medveda in the period between January 26 2000 and May 31 2001, which is a necessary condition for the **crimes committed by the OVPBM and Serbian forces to qualify as war crimes**. Article 3 of the Agreement reads: "Signatories shall acknowledge and abide by the Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International [internal] Conflicts (Protocol II)."⁴¹⁷

This explanation also invalidates the arguments of the absence of legal validity of the **Declaration, that is, the Končulj Cease-Fire Agreement**, which are aimed at annulling the right to amnesty of the OVBMP members, thus re-fuelling tensions between Serbian and Albanian communities. These arguments on the absence of a document which has legal power emerged after an article had been published in the Politika daily on July 30 2018, titled "Serbia Has Not Signed the Končulj Agreement",⁴¹⁸ which contains a statement of Zoran Stanković, current President of the Co-Ordination Body, who claims that Serbia's delegates have not signed this joint declaration. Namely, even if the Cease-Fire Agreement had not been signed, the Joint Conclusion of the Government of Serbia and Federal Government of May 23 2001 bound the FRY to regulate amnesty, which was done through the adoption of the Draft Law by the Federal Parliament on June 4, 2002.

Memorialisation

A monument to the 27 killed OVPBM soldiers in the centre of Preševo was erected on November 16 2012 within the ceremony of celebrating the 100th anniversary of the Albanian state. Only a few days later, Ivica Dačić, at that moment Serbian Prime Minister and Minister of the Interior, said that the plaque, created at the initiative of the local self-government and Veterans' Association of the Liberation Army of Preševo, Medveda and Bujanovac, would certainly be removed, willy-nilly. Such statement once again lifted tensions in the region still recovering from the armed conflict of 2000 and 2001, when the OVPMB clashed with state security forces. Dačić's statement also has to be read in the context of Brussels negotiations between Belgrade and Prishtina that intensified at that moment, and hence the removal of the monument served to prove to the nationalist part of

⁴¹⁷ Ibid.

⁴¹⁸ Nikola Belić, "Srbija nije potpisala Končuljski sporazum", Politika, 30 July 2018: <http://www.politika.rs/sr/clanak/408305/Srbija-nije-potpisala-Konculjski-sporazum>

the citizens of Serbia that the new government did not completely give up the nationalist politics of the 1990s legitimised by the fight against “separatism”. In spite of the tumultuous reaction of Albanian politicians, the monument was “silently” removed by the police unit of the Serbian Gendarmerie in January 2013.⁴¹⁹

However, there are a dozen of monuments dedicated to the members of the OVPMB in the south of Serbia, but none of them have caused an uproar like the one in the centre of Preševo. In the centre of Veliki Trnovac, a nearby village, there is a monument of Ridvan Qazimi, known as Komandant Lleshi, with the Albanian flag flying above it. In Dobrosin, a village on the very border with Kosovo, where the OVPMB was founded in January 2000, there are several monuments dedicated to the “victims of Serbian terror”; the situation is similar in Končulj, Lučane and some other villages with exclusive Albanian population. In a research conducted by Nikola Lazić, a BIRN reporter, in January 2013, which was published in the Vreme magazine, it is stated that a total of 12 monuments dedicated to police officers have been erected in the south of Serbia since the beginning of 2013.⁴²⁰ Also, Lazić gave a clear list of **nine** monuments dedicated to OVPMB members, two of which have been removed in the meantime:

1. **Dobrosin (Bujanovac):** At the entry to the village, there is a monument of Shaip and Isa Shaqipi, murdered on January 25 2000.
2. **Dobrosin/Lučane (Bujanovac):** Half-way between these two villages, there is a monument of Ekrem Hoxha and Betim Berisha from Prizren and Shkelzen Krasniqi from Orahovac, who were murdered on September 20 2000.
3. **Lučane/Končulj (Bujanovac):** On the road between these two villages, there is a monument of Fatmir Ibishi from Gnjilane who was murdered on February 26 2000.
4. **Lučane (Bujanovac):** In the village, near the mosque, there is a monument of Artan Abazi – Komandant Miratoci, who was murdered on February 26 2001.
5. **Veliki Trnovac (Bujanovac):** On the hill Guri gat above the village, there is a monument of Ridvan Qazimi – Komandant Lleshi, who was killed there on May 24 2001.
6. **Veliki Trnovac (Bujanovac):** In the village, near the Primary School, there is a monument of Ridvan Qazimi – Komandant Lleshi, who was buried there.
7. **Končulj (Bujanovac):** Near the village cemetery, there is a monument of Vebi Rexhepi, killed on May 23 2001.

⁴¹⁹ Marko Milosavljević, “Zakon o ratnim memorijalima u Srbiji: Nacionalistički monopol nad sećanjem”, Balkan Perspectives, Issue 11, Forum ZFD, 2019: http://www.dwp-balkan.org/bh/blog_one.php?cat_id=8&text_id=111

⁴²⁰ Nikola Lazić, Dizanje i rušenje, Nedeljnik Vreme, br. 1150, 17. January 2013: <https://www.vreme.com/cms/view.php?id=1093143>

8. **Preševo (downtown):** In the centre of Preševo, near the municipal building, there was a monument with the names of 27 members of the Liberation Army of Preševo, Medveda and Bujanovac. It has been removed.
9. **Oraovica (Preševo):** In May 2013, the state authorities prevented the beginning of work on the Monumental Compound dedicated to the members of OVPMB in the village of Oraovica near Preševo. With the investment of around EUR 100,000 and based on the project designed in Prishtina, eight 16 meters high granite pillars were to be constructed here in memory of eight members of this paramilitary unit. Thanks to international mediation, the works were stopped; after that, without permit and approval of state authorities, a monument was erected in the centre of Preševo, which was subsequently removed by the Gendarmerie and a heavy machinery unit.⁴²¹

What only a small part of Serbian public knows is that the monument to the OVPBM soldiers in Preševo represents a kind of Albanian response to the monument to the murdered police officers the erection of which was announced for the first half of 2012 between Lučane and Dobrosin, near Bujanovac. The monument for 12 police officers was erected near the village of Lučane, Bujanovac municipality, in 2012, just before the monument dedicated to the OVPMB members in the centre of Preševo was removed. The monument to the Serbian police officers brought daily costs to the citizens of Serbia, because it was secured by the Gendarmerie and was inconvenient for the victims' families who would like to visit. It. In July 2015, members of the Serbian Army temporarily removed the monument at the time when the then Prime Minister Aleksandar Vučić was to visit the Preševo Valley.

The Južne vesti portal published the information that 27 members of the Gendarmerie had been securing the monument on a daily basis until that moment, which was an additional cost for the citizens of Serbia.⁴²² In the end, the monument was moved to Bujanovačka Banja, in the churchyard of a nearby church. Since 2015, this monument, which can be approached by a macadam road, has been a frequent place of commemorations and visits by the representatives of Serbian Interior Ministry and Ministry of Defence. Since 2018, when the Law on War Memorials was adopted, the status of monuments erected in memory of the OVPMB members or Albanian civilians killed in the Preševo Valley is questioned from time to time, due to the provisions of this law which envisages the removal of monuments which are not in accordance with the liberating tradition of Serbian people or do not reflect territorial integrity and sovereignty of the Republic of Serbia.

⁴²¹ V. Ristić, "Važi li i dalje Končuljski sporazum?", Danas, 17 July 2018: <https://www.danas.rs/drustvo/vazi-li-konculjski-sporazum-o-amnestiji/>

⁴²² "Uklonjen spomenik srpskim policajcima kod Bujanovca", Južne vesti, 6 July 2015: <https://www.juznevesti.com/Drushtvo/Uklonjen-spomenik-srpskim-policajcima-kod-Bujanovca.sr.html>

THE ANTI-WAR MOVEMENT IN SERBIA (1991-1999)

Context

The anti-war and peace movement in Serbia was made up of a variety of organisations, associations, and the intellectuals opposing the war and especially the politics of the Serbian government during the period of 1991 - 1999 which led to severe breaches of human rights, as well as war crimes in the territory of former Yugoslavia. They were preceded by the citizens' initiative groups who based their actions on the principles of the policy of peace. Although the anti-war ideas were in the minority, expressed by the pro-reforms, pro-Yugoslav forces (UJDI - Association for the Yugoslav Democratic Initiative) and the intellectual circles, their actions were inspirational to the public and served as the basis from which the movement with peace groups and organisations⁴²³ was formed at the beginning of the war.

This is how, for example, an action was started in 1989 in Belgrade, in which over 3000 people contractually obligated themselves that under no circumstances would they inflict violence upon a member of any Yugoslav group, nation, or individual.⁴²⁴ During the period of 1989 to 1991, i.e. until the beginning of the war, the earlier activities of UJDI, such as their practice of writing petitions as well as the first elections since 1945, gave impetus to networking and foundation of many different associations and informal circles that would oppose the war.

In March of 1991, the Autonomous Women's groups of Belgrade and Ljubljana issued an appeal "Women for Peace", against militaristic politics of Yugoslavia. On June 3 1991, The Association for the Yugoslav Democratic Initiative (UJDI) simultaneously held press conferences in 16 Yugoslav cities titled "Death to Fascism - Free Passage to the Citizens". Likewise, in Sarajevo, a pre-parliamentary session of Yugoslavia was held, consisting of civic parties, organisations, and associations, advocating the peace coalitions rather than warmongering ones. The pre-parliament had initiated the Roundtable for the republican authorities and the opposition in Serbia and in Bosnia

⁴²³ Dragan Stojković, "Antiratne i mirovne ideje u istoriji Srbije i antiratni pokreti do 2000. Godine", Republika, nos 492-493, January 2011: <http://www.republika.co.rs/492-493/20.html>

⁴²⁴ Žarko Paunović, "Mirovne aktivnosti u Srbiji: između inicijativa i pokreta", Filozofija i društvo (1995), pp. 107-125: <http://www.maticacrnogorska.me/files/45/16%20dragan%20stojkovic.pdf>

and Herzegovina, which was active from July 1991 to February 1992, endeavouring to enlarge the circle of players in the process of making a decision to stop the war and current disputes and conflicts by signing a Peace treaty. Aside from these groups, the independent media also resisted the war. The forms of resistance were various and multifold. Some fought by turning their newspapers into independent ones, as it was in the case of “Borba” and “Svetlost”. Others established independent media, such as Radio B92, “Vreme”, and “Republika”.⁴²⁵

The organisations were created spontaneously, as a reaction to the first victims and suffering. Spontaneous, individual acts followed, not only in the towns, but also on the very frontlines. One example is the abandonment of the battlefield in Eastern Slavonia, when the reservists from Gornji Milanovac and Čačak returned to their homes, as are the cases of suicides amongst reservists who refused to partake in such war. From October 1991 until the spring of 1992, around 50 reservists’ revolts occurred; approximately 55,000 reservists took part in these revolts.⁴²⁶

The organisations and civic associations which marked anti-war ideas and movements in Serbia during the war were, primarily, **Women in Black (October 1991), Center for Antiwar Action CAA (December 1992), Civil Resistance Movement (1992), and The Belgrade Circle (April 1992)**. These associations, with their various public actions protesting against the war in Croatia and BH also played a part in raising anti-war awareness as well as establishing a civic sector which opposed the war in many different ways. A large number of young people of Serbia, hundreds of thousands of them, expressed their anti-war stand by refusing the compulsory military service and leaving the country. The anti-war messages of tearing military booklets in a theatre play in the early ’70s really came to life at the start of the ’90s.

During 1991-1992, the Center for Antiwar Action organised anti-war protests and were joined by other NGOs, as well as scores of volunteers and citizens. Their most well known anti-war events were: **“Negotiations instead of War”, “Peace Walk around the Assembly of Yugoslavia”, July 25th 1991; from October 1991 to January 1992, anti-war rallies were held weekly at the Duško Radović Theatre, collectively known as “The Belgrade Anti-War Marathon”**. The rallies’ speak-

425 Žarko Paunović, “Mirovne aktivnosti u Srbiji: između inicijativa i pokreta”, *Filozofija i društvo* (1995), pp. 107–125; <http://www.maticacrnogorska.me/files/45/16%20dragan%20stojkovic.pdf>

426 Ibid, p. 112.

ers were journalists, philosophers, sociologists, authors, historians, actors, architects, and the representatives of anti-war groups from Ada, Senta, Temerin, Novi Sad, Zrenjanin, Pančevo, and other cities in Serbia (“Stop the Hate, Stop the War” - solidarity of the citizens of Belgrade with the citizens of Dubrovnik, October 5 1991; “Candles for all those killed in war”, December 1991).⁴²⁷

The Civil Resistance Movement, founded during the first actions against war, had organised the lighting of candles for all those killed in the war in front of the Serbian Presidency building, while also starting a petition against the war, gathering over 70,000 signatures from the citizens around Serbia.

In public spaces, the streets and squares of Belgrade, public events were organised during 1992, sometimes gathering over 50,000 citizens. Some of these events were: **“Peace in Bosnia” - demonstrations against war in Bosnia, April 10 1992; the peace concert “Don’t Count on Us” (April 22); “Black Ribbon”, dedicated to the devastation of Sarajevo (May 31); “The Last Bell” (June 14) against the regime’s politics; “The Composers’ Kneeling” (June 14); “Yellow Ribbon” (July 15) against the policy of ethnic cleansing; the peace protest in Hrtkovci, summer 1992; “The Road to Peace” (June 30), as a part of the “Students’ Protest 92”, the biggest post-war students’ protest.** Furthermore, the Helsinki Citizens’ Parliament, in co-operation with domestic and foreign peace groups, had organised the arrival of numerous peace groups from Italy, France, and other European countries. Through these anti-war actions, new associations and organisations were born, permanently engaged against war, such as, along with **The Center for Antiwar Action, The Belgrade Circle, Autonomous Women’s Groups and the Humanitarian Law Center (1992), founded by Nataša Kandić.**

As noted by Sonja Liht and Slavenka Drakulić, both of whom are distinguished peace activists, the predominance of women in peace movements of different warring parties in Yugoslavia - in Belgrade, Zagreb, Sarajevo - is one of the more prominent features of this conflict. That the feminist movement in Yugoslavia was at the core of the anti-war movement in former Yugoslavia, Serbia also, is clear from the information that the very first anti-war demonstrations were organised by

three women's organisations in March 1991: **the Women's Parliament, the Women's Lobby and the Women's Party**. The demonstrations were held outside the Serbian Parliament, obviously with little impact on its occupants. These women would become the cornerstone of the anti-war movement which emerged spontaneously in Serbia after the outbreak of the war.

The situation was similar in other Yugoslav republics, too, with women playing an avant-garde role in the peace movements. In April 1991, there was an attempt to create the **Independent Alliance of Yugoslav Women (founded in Zagreb)**, but this organisation could not be activated since shortly after it had been founded, Yugoslavia disintegrated. Communication became, to say the least, very difficult, so this initiative - intended to stop what had ensued - failed.⁴²⁸

The Chronology of Resistance (1991-1996)

Based on several publications and documents, we are presenting a chronological retrospective of the most important activities of the anti-war groups in the period of 1991-1999, relying mostly on the publication "A Short History of the Anti-War Movement in Serbia 1991-1992", published by Women in Black.⁴²⁹

The First Ghetto in Serbia, April 17 1991 This action was organised by a peace movement from Pančevo under slogans "Long live the ghettos! Welcome to the first ghetto!", "The more of us inside, the more of them are outside".

Peace Walk, August 1991 "Peace Walk" was organised in Pančevo, with several hundred people gathering spontaneously. The procession was led by the priests of all denominations in Pančevo. It went to the banks of the Tamiš where wreaths were laid into the river as a symbolic message that the conflicts should cease.

September 21-29 1991 The arrival of the European Peace Caravan to Belgrade was organised by Women in Black. Hundreds of pacifists from a number of European countries came to Ljubljana, Zagreb, Belgrade, Sarajevo. In an effort to prevent war, the participants of the peace caravan

⁴²⁸ Sonja Liht, Slavenka Drakulić, Kada je ime za mirovnjaka bilo žena: Rat i rod u bivšoj Jugoslaviji, Centar za ženske studije, Ženske studije br. 7: <https://www.zenske-studie.edu.rs/izdavastvo/elektronska-izdanja/casopis-zenske-studije/zenske-studije-br-7/229-kada-je-ime-za-mirovnjaka-bilo-zena-rat-i-rod-u-bivsoj-jugoslaviji>;

⁴²⁹ A Short History of Anti War Movement (1991-1992), Women in Black, Belgrade, April 2013: <https://www.zenskisud.org/pdf/Mala%20citan-ka%20antimilitarizam%20kraj.pdf>;

requested that the authorities start peace negotiations and also supported peace initiatives in Yugoslavia. In Sarajevo, on September 29 1991, Women in Black from Italy organised a protest, with some of the founders of Women in Black in Belgrade participating. A proclamation to all the women of the world was sent from the women's gathering in Sarajevo on September 29 1991, pleading for ending the war, demilitarisation, and a cessation of co-operation with anyone partaking in war.⁴³⁰

September 1991 A reservist from Valjevo, Vladimir Živković, drove a tank in front of the SFRY Assembly and turned the gun on the Assembly building as a sign of his disagreement with the war in Croatia. He was soon arrested.

Stop the Hate, Stop the War On October 5 1991, an anti-war event was organised as a sign of solidarity between the citizens of Belgrade and Dubrovnik. A petition was signed, asking to end the siege of Dubrovnik. Five History professors and over a thousand history students of the Belgrade University demanded that Dubrovnik was unblocked. On the very same day, author Milan Milišić was killed in Dubrovnik in the Yugoslav People's Army (JNA) bombardment.

Belgrade Anti-War Marathon, October 1991-January 1992 Every week saw the citizens and anti-war groups that had just been formed gathered at the theatre "Duško Radović" to protest against war. The participants were: "Bosnia Today", "Fascism and the End of 20th Century", "Peaceful Bosnia", "Bosnian Vukovars", "Civic parties in Serbia and Montenegro on Peace", "Dubrovnik - the Slave of Its Beauty"... In support of the aspirations to establish parliamentarism, a "Parliament" was formed, bringing together numerous political parties.

Candle Lighting, October 8 1991-February 8 1992 In front of the Presidency of Serbia building in Belgrade, an everyday anti-war action of candle lighting started. The candles were lit from 8.30PM till 9PM. The action lasted for five months, with slogans "**Solidarity with all those opposing war**", and "**To all those killed in war**". **72,650 candles were lit.** The action was started by Nataša Kandić and Biljana Jovanović, who were joined by many citizens. The Anti-War Movement

of Belgrade published a book of epitaphs **“The Tomb for Miroslav Milenković”** in memory of the bravery of Miroslav Milenković. A mobilised reservist, Miroslav Milenković, was born in 1951. A father of two, civic worker from Gornji Milanovac, committed suicide. He could not endure the abuse from the JNA Major Marko Stupić. Between Tovarnik (Croatia) and Šid (Vojvodina), he had to make his choice: whether he was going to become a ‘traitor’, one of those refusing to go to war, or a ‘real Serb’ in another, much smaller unit. Milenković stood between those two units and shot himself in the head. A condolence book was placed where all those who came in the evenings to stand over the lit candles in the Pioneers’ Park could write down an epitaph. The Anti-War Movement of Belgrade published **a book of epitaphs “The Tomb for Miroslav Milenković”** to commemorate this incident.

Civil revolts in Vojvodina Mass anti-war demonstration in Senta on November 5 and 6 1991. The municipal authorities decided to call for a referendum against war. Republican authorities did not allow for the referendum to be signed and launched criminal proceedings against five demonstrators. This is the beginning of the prosecution of protesters against the war in Vojvodina and Serbia.

Ada, November 07 1991 Demonstrations by citizens against forcible mobilisation in Ada (Vojvodina). Ada Anti-War Action Centre was established.

Candle lighting in Pančevo, November 12 1991-November 1995 Anti-war action of candle lighting was held every Saturday and lasted up until the signing of the Dayton Peace Agreement, in November 1995. This action had evolved into a symbol of the peace movement of Pančevo. Every Saturday meant there was a demilitarised zone, where the newspapers “Vreme” and “Pančevac” were handed out. These actions led to the establishment of the Civic Action Pančevo, led by Ljiljana Spasić.

Referendum against War, December 5 1991 The referendum against war was started in Belgrade: an action of collecting 100,000 signatures. The action was started by the Civil Resistance

Movement, with the help of other Belgrade's pacifist groups. 55,000 signatures were collected.⁴³¹

December 21 1991 As part of the continuous military campaign of both military and civilian authorities in Serbia against the war protesters in Kragujevac, lists of deserters and reservists refusing mobilisation were displayed in public places. This was seen as a call for lynching. The largest revolts of reservists and deserters happened in Kragujevac (7000, 2000, and 200 reservists) and Knjaževac (5000), with revolts occurring also in Niš (400 and 450 persons), Arandelovac (67), Topola (200), Valjevo (600), Čačak, Gornji Milanovac (700), Smederevo (700). Vojvodina saw protests in Stara Moravica (83), Trešnjevac. In 1991 and 1992, 140,000 people were forcibly mobilised in Serbia, 82,000 of them from Vojvodina. 25,000 people from Vojvodina, mostly Hungarians, took refuge in Hungary. About 100,000 young men escaped the authorities forcing them to go to war, with 10,000 of those criminally charged.⁴³²

Rimtutituki, January 1992 At the Pink studio, a single was recorded, "Listen, 'ere" (Slušaj 'vamo), with the chorus "Peace, peace brother, peace" (Mir, mir brate, mir). It was recorded by the band Rimtutituki, and published by Radio B92. The song was used in the anti-war campaign. Several days before the war in BH had started, Milan Mladenović, Zoran Kostić Cane, Srđan Goković Gile, and a few other Belgrade musicians raised their voices against war and mobilisation.

In March 1992, without having any permission for public performance, they packed their gear into a truck and started circling the streets of Belgrade performing live and spreading slogans such as "Peace, brother, peace", and "Helmet accepted, brains rejected" (Ispod šlema, mozga nema). They were giving out leaflets and badges to passers-by.

Civil Resistance Movement's Declaration, February 29 1992

"Knowing that in Yugoslavia there are no ethnic, or national, or political, or confessional, or interest majorities, and that the largest minorities are dedicated to fulfilling their professed goals - national states, and that national goals do not exist as such but are determined by the manner in which they are obtained, simultaneously demonstrating the permanent goals of the largest minorities, we are convinced that every man has the right to life, freedom, equality, and happiness, and thereby we establish

⁴³¹ Ibid, p. 7.

⁴³² Ibid, p. 28.

The Civil Resistance Movement that will advocate for the rights of:
Persons from nationally mixed families
Persons who declare themselves regionally
Persons belonging to national minorities in Yugoslav countries
Persons of Yugoslav nationality
Persons belonging to the Yugoslav peoples living outside their home countries
Persons who are not nationally decided or declared and
Persons who do not equate national cause with national reason.

Whatever may be the fate of Yugoslav states and no matter how many countries are formed within Yugoslav territory, all of these persons must be recognised as:

Persons who must hold multiple citizenships of all these countries simultaneously, which cannot be denied to them, nor can it be taken away, persons who are not subject to conscription and war conflicts between these countries so that they cannot be engaged not even as volunteers, with the exception that these countries are attacked by a third party.

The Civil Resistance Movement will advocate that all these persons, regardless of the liaisons between the countries they simultaneously belong to, along with the European Union, are given the same rights as any other citizen of a country within the European Union. February 29 1992.”⁴³³

(Nikola Barović, Primož Bebler, Goran Cvetković, Zlatijan Čučkov, Milovan Đilas, Dimitrije Đurić, Emir Geljo, Zdravko Grebo, Jasminka Hasanbegović, Guner Guner Ismail, Vane Ivanović, Rada Iveković, Nikolai Jeffs, Zorica Jevremović, Biljana Jovanović, Nataša Kandić, Suzana Kirandiska, Nada Kokotović, Mario Kopic, Maruša Krese, Vaska Kulić, Radmila Lazić, Sonja Liht, Shkelzen Maliqi, Mihailo Mihailov, Vladimir Milčin, Ilinka Mitreva, Rasko Močnik, Dragomir Olujić, Josip Osti, Borka Pavićević, Enver Petrovci, Branka Šarkić, Ljiljana Šarović, Svetlana Slapšak, Jasmina Tomovska, Jelena Trpković, Lino Veljak, Staša Zajović, Janko Zlodre, Milena Zupančić...)

Don't Count on Us, April 22 1992 An anti-war rock concert was held at Belgrade Republic Square, attended by around 55,000 people.

Trešnjevac, May 10 1992 In the North Banat village of Trešnjevac, in the Kanjiža municipality, an action against conscription was held. The women of the village decided to collectively resist their sons, husbands, and fathers being taken to the frontline. The women working at the local health centre started organising a peace meeting. The meeting's speakers were: Nenad Čanak (leader of The League of Social Democrats of Vojvodina), Andraš Agošton (leader of the Democratic Party of Vojvodina Hungarians), and Bela Csorba, after which the women decided to organise their lives round the Zitzer pizzeria. The same afternoon, 92 tanks with guns at the ready were positioned around Trešnjevac. The demands proposed to the authorities were the following: the withdrawal of the conscriptions, the return of the already conscripted reservists; general amnesty for those who fled the country because of the drafting; the establishment of a Peace Committee. The locals were providing the people with food, and soon, more food was being sent from all parts of Vojvodina. In the evenings, they had guests - political leaders, but also artists, authors, actors, and singers. This was when "Zitzer Spiritual Republic" was established, a spiritual community for all those who wished peace "without borders, territory, belongings", but in which citizens would have "unlimited rights limited only by the unlimited rights of others". They even adopted a constitution for this republic, with presidency, an ambassador, and a human rights committee. New "officials" were elected monthly. The emblem of the "Spiritual Republic" was made up of the symbols of their constant beliefs - a triangle of billiard balls around the "Zitzer's" speciality, pizza. The anthem was Ravel's Bolero, there was no flag ("so as not to be put in a position to have to erect it"), and the citizens of the Republic were free to use whichever language they wished. A permanent action was started, called "Words are our only weapons". Soon, the people of Trešnjevac were joined by the deserters from **Temerin, Ada, Stara Moravica, Mali Iđoš**. Women in Black immediately expressed their solidarity with the non-violent protesters in Trešnjevac; a relationship of trust and support was made. This is also clear from the fact that Women in Black, with the support from the Trešnjevac's citizens, held two gatherings of the International Network of Women in Black there (1993 and 1995), as well as numerous seminars and workshops.⁴³⁴

Artist against war, May 30 1992 In Belgrade, in front of the **Yugoslav Drama Theatre**, several hundreds of dramatic artists protested against war and expressed their sympathy with the victims by holding a one-hour silence.

Black Ribbon, May 31 1992 “Black Ribbon”, an anti-war event was held in Belgrade. It was organised by the Civil Resistance Movement, joined by: Centre for Anti-War Action, Civic Action for Peace, Women in Black, Women’s Lobby, Republican Club, Helsinki Citizens’ Parliament, Peace Movement Pančevo, Philosophical Society of Serbia, Sociological Society of Serbia, Serbian Youth Forum, Serbian Youth Union, Trade Union Independence (Nezavisnost), and political parties: Serbian Renewal Movement, Democratic Party, People’s Peasant Party, Reform Party of Serbia, Serbian Liberal Party. The participants protested against the aggression towards BH, the devastation of Sarajevo, as well as other towns and villages in BH. About a hundred thousand citizens carried a black ribbon 1300 metres long, from the Palace Albania to Slavija Square, as a symbol of compassion and mourning for the victims of war. A message was sent to the citizens of Sarajevo: “We are with you”, as well as a warning that in Sarajevo, people are no longer dying only of bombing and snipers, but also of famine, and that children, the sick, and the elderly are in the most vulnerable groups, so it was demanded that evacuation of those endangered was organised, as well as delivering of food and medicines.⁴³⁵

Against ethnic cleansing, June 1992 The representatives of the Civil Resistance Movement, Women in Black, the Belgrade Circle, and journalists went to Hrtkovci, a village in Srem from which Croats were being expelled and their property destroyed. Thanks to the persistence and pressure of the mentioned organisations, the bullies from Hrtkovci were arrested.

The Last Bell, June 14 1992 Biljana Jovanović testified about this event in her book “The wind blows to the south and turns to the north” (Vjetar ide na jug i obrće se na sjever), Biljana Jovanović, Maruša Krese, Rada Iveković, Radmila Lazić, Edition The Apatrides (Edicija Apatridi), Radio B92, Belgrade 1994.

“On the 14th, at the National Library, I get into the largest truck. Staša and I are calling the citizens through a PA system, a young man is ringing a bell; at the ‘Pionir’, we stop, this is where Women in Black and others meet us; the motorcycle police turn up, then some plainclothes... An argument starts - we are only to go to the Assembly on foot, we can’t go by truck through the city, the truck hasn’t got licence plates, we try to pull a trick through 92, like, the truck did start from Kalemegdan, and yes, it did go through the whole city ten minutes before us, from the main point, the National Library, and we’ve just heard that it’s on its way to the Assembly, here, it’s on the radio; their radio stations are, of course, much better, we reported the whole thing, yes, but without the licence plates you are obstructing traffic, but we’ve asked for the traffic to stop during the demonstrations, the truck is not allowed.

Guv, one of the policemen told me, I would have let you, but the law is the law. I got onto a truck, the Women in Black gathered in the back, and I told the driver: Let’s go slowly, they can’t do anything to us. The driver started driving without saying a word. He was blocked by the chief one from the 29th (central city police) in plainclothes and was pulled out; he told the driver, we are going after you, we won’t even touch the organisers. The truck was abandoned. We continued on foot, about a hundred of us, toward the Federal Assembly. We were ringing our little bells, keys, rattlers, and were yelling beneath the windows: Belgrade, wake up! Belgrade, shame on you! From the Takovska street, on the corner, when the gathered masses saw us, an applause started; bells, alarm clocks, little bells, rattlers, keys; then a group arrived from Kalemegdan on foot. The third truck was left in front of the National Library, surrounded by cops, and Jelena and Nataša came last. The bells, the keys, the Go away, shitheads speeches of the city’s politicians who joined us by the end, and finally, still, the Sidran’s poem, Nightmare (Mora). And then, with the keys and the bells, three times around the Milošević’s Presidency, eye to eye with the guards in body armour.”⁴³⁶

Yellow Ribbon, July 15 1992 A protest against discrimination and threats to the members of other nations was held in front of the National Assembly in Belgrade, organised by the Centre for Anti-War Action and the Civic Alliance of Serbia, led by **Vesna Pešić**. Several hundreds of people

attended. The dominating slogan of the protest was “I am Orthodox, Catholic, Muslim, Jewish, Buddhist, and Atheist.”

January 1995, the foundation of CZKD Established during the wartime and transitional devastation, the Centre had managed to evolve into a resistance institution. January 1 1995 marks its opening with ‘The First Decontamination’, in the belief that nationalism, xenophobia, and all other forms of violence can be questioned in the same way that they are developed - through culture, art, and public speaking. Since then, the Centre for Cultural Decontamination has been an institution of critical thinking and the affirmation of the right to rebel, without separating human rights and justice, art, culture and truth. Since its foundation, CZKD has organised thousands of various programmes: plays, performances, exhibitions, concerts, public discussions, film screenings, workshops, seminars, conferences, lectures and complex performance experiments. CZKD is a place of political and cultural dialogue, a public space of both criticism and affirmation. The Centre was run by Borka Pavićević⁴³⁷, a playwright, from its very foundation in 1995 till her death in 2019.

July 13 1995 The Helsinki Committee for Human Rights warned both the international and domestic public that the conquest of the protected zone of the Srebrenica enclave by the Republic of Srpska Army showed signs of grave violations of the Geneva Conventions, as well as genocide.⁴³⁸

August 1995 Following the Storm operation and the crimes of the Croatian army, a large number of Serbian refugees from Croatia arrived in Belgrade, but for many of them, Belgrade was a forbidden city, due to police redirecting the refugees’ lines towards Central Serbia and Kosovo. A certain number of organisations led by Women in Black went to meet the refugees moving along the Belgrade - Zagreb motorway, offering help - water, food, and clothing. Likewise, several organisations, such as the Humanitarian Law Centre and the Helsinki Committee for Human Rights were providing free legal aid to refugees from both Croatia and BH since the beginning of the war.

From 1996 till 1999, Women in Black were publishing a magazine for anti-militarism and conscientious objection “Objection” (Prigovor), and after 1999, they started a much more organised

⁴³⁷ The Centre for Cultural Decontamination website:
<https://www.czkd.org/>;

⁴³⁸ Helsinški odbor za ljudska prava, Ka građanskom identitetu: 10 godina Helsinškog odbora za ljudska prava, Belgrade, 2004.

work on the Network for the conscientious objection within which a number of gatherings were held. It is estimated that about 150,000 citizens, army conscripts, had left the country and went abroad, not wishing to participate in the war. It is also estimated that the total number of war-induced emigrations is up to 380,000.⁴³⁹

Civil Resistance in Kosovo (1991-1999)

During the war conflicts in Slovenia, Croatia, and Bosnia and Herzegovina, in 1991, Serbia started conducting state terrorism against the Albanian community in Kosovo. This led to a non-violent resistance in Kosovo, but also it led to a series of solidarity actions of the anti-war movements from Serbia. One such example of a non-violent response of the Albanian population in Kosovo to the repression of Serbian authorities was the strike of 7000 miners in November 1988, while in February 1989, when the autonomy of the Province was abolished, 1200 of them went on a hunger strike.

Here are just some of the actions:

Days of Sorrow – during February and March 1990 Thousands of people were leaving lit candles in their windows and on their balconies. They would stop work and join the five-minute walk downtown to reminisce about the violence of the republican and federal security institutions over the citizens of Kosovo.

Stop the Violence (1991) In Prishtina, a thousand women stood in silence for a one hour protest.

A peaceful burial of violence (June 13 1991) Between 40,000 and 100,000 people took part in this non-violent action, when a coffin inscribed with the word “Violence” was put into the ground. In addition to the daily half-hour general strikes organised by the unions, the protesters walked the streets of Kosovo, rattling their keys and saying: “These are the keys with which we will unlock our prison.”

⁴³⁹ A Short History of Anti War Movement (1991-1992), Women in Black, Belgrade, April 2013, p. 17: <https://www.zenskisud.org/pdf/Mala%20citan-ka%20antimilitarizam%20kraj.pdf>;

The building of parallel structures Serbian policy of “ethnic cleansing” had its start in the Kosovo’s educational institutions. Serbian regime introduced ethnic segregation in schools in 1989, which by the next year had resulted in closing some of the Albanian speaking schools. At the beginning of school year 1991/92, Albanian students prevented from attending classes organised peaceful protests in their schoolyards. The police reacted forcefully to these protests, resulting in a number of injured citizens.

In January and February 1992 In Kosovo, parallel schools were organised in private flats. At the University, Albanian teachers were getting fired en masse. Approximately a thousand professors and 27,000 students had to leave the University of Prishtina in 1991. At the start of the 1992/93 school year, Albanian students were forbidden access to the campus by the police. The Independent Students’ Union of the University of Prishtina began with peaceful protests with a clear, non-political goal: unconditional return to universities and colleges. For weeks the demonstrations continued in front of every school, until subsequently the parents and teachers organised a parallel school system with 20,000 teachers and 300,000 students.⁴⁴⁰

1997, The Humanitarian Law Centre opens an office in Prishtina The HLC remained in Kosovo during the NATO bombing, even when the ICRC, OSCE and the international media left, reporting from the field on war crimes and gathering evidence to prosecute them.

NATO Bombing, 1999 The biggest wave of anti-war sentiment in Serbia, which affected the broadest strata of the population, happened during and immediately after the NATO bombing, in the first half of 1999. Immediately after this war campaign, spontaneous protests of citizens broke out in the streets of **Kruševac, Leskovac, Čačak, Valjevo, Užice, and other towns, clearly demonstrating the anti-war attitude and demands for social change.** Even while the bombing was still going on in 1999, these movements resulted in the establishment of **the Civic Parliament of Čačak (September 4, 1999) and then the Civic Parliament of Serbia, led by Verica Barać, who will later lead the Anti-Corruption Council founded by the Zoran Đinđić’s Government of the Republic of Serbia.**⁴⁴¹

⁴⁴⁰ Ibid, p. 19.

⁴⁴¹ Intervju: Verica Barać, predsedavajući Građanskog parlamenta Srbije, Vreme br. 480, 18 March 2000: https://www.vreme.com/arhiva_html/480/07.ASP;

The Voices and faces of resistance

The literature on (post) Yugoslav anti-war movement, which in this text is only territorially limited to Serbia, is still insufficiently researched - although rich in examples of expressed sympathy, creativity, and above all, different manners of empathy towards that which was marked as different and/or antagonistic. This really is not the place to choose the representative voices of those who were laying the foundations to continuing the battles for peace, protection of human rights and freedoms, as well as democracy in a society still not fully recovered from the wars of 1991-2001. This is why we would like to recommend two studies on the faces of resistance. The first one is the book by Bojan Bilić, "We Were Gasping for Air - (Post) Yugoslav Anti-War Activism and Its Legacy".⁴⁴²

Drawing on the empirical corpus collected during his many years of field work, Bilić claims that the (post) Yugoslav anti-war organising cannot be understood unless the complex geometry of (inter) republican co-operation and resistance in the socialist Yugoslavia is taken into consideration. (Post) Yugoslav anti-war endeavours claimed and fortified the social networks created through student, feminist, and ecological engagement. Thus defined anti-war actions throughout the former Yugoslavia were later employed to create symbolic, social, and material capital which enabled the founding of the present day's non-governmental organisations dedicated to the protection of human rights, transitional justice, and peace education. This was the first sociological study to follow the development of the anti-war movement in former Yugoslavia, from its very beginnings in the alternative engagement of the socialist period, up until the emergence of the professionalised NGO sector. Bilić's book is the key to understanding the politics and intellectual life in the countries of former Yugoslavia in the 1990s and beyond.

The other book we recommend is the collection of interviews and analyses of thirteen persons involved in the anti-war movements in Serbia, Croatia, and BH, compiled by journalist Boris Pavelić under the title of "When the Heads Are Dancing: the Bright Side of the Nineties" (Kad glave igraju: Svetla strana devedesetih).⁴⁴³ In the preface, the author calls the mission of these people

⁴⁴² Bojan Bilić, "We Were Gasping for Air - (Post) Yugoslav Anti-War Activism and Its Legacy, Jasenski and Turk, Zagreb, 2015, <https://www.amazon.com/Were-Gasping-Air-Integration-Perspectives/dp/3832978062>;

⁴⁴³ Boris Pavelić, Kad glave igraju: Svetla strana devedesetih", Kuća ljudskih prava Zagreb, December 2019: https://www.kucaljudskihprava.hr/wp-content/uploads/2019/12/Kad-glave-igraju_.pdf;

“wonderfully doomed”, describing the reasons behind the peace activism of Borka Pavićević, Radomir Konstantinović, Drago Hedl, Staša Zajović, and others as: “in the best sense possible, extremely unmodern: the motives of inner morality, human solidarity, and compassion for victims, the motives not concerned for advantage or gain of any kind. Furthermore, anyone who had pursued such motives knew they would be stigmatised as traitors, with or without the prefix ‘arch’”.

Finally, there are two interesting critical insights of Bojan Bilić’s into the legacy of the (post) Yugoslav anti-war movement, in Serbia as well.⁴⁴⁴ Although he notices a significant amount of symbolic capital of the post-Yugoslav civic engagement, he is of the opinion that the anti-war movement was perpetually characterised by the necessity to be founded on a regional (Yugoslav) model and the difficulty to put that model into practice. Likewise, between the hammer of the disapproving public that considers them “traitor” (or, increasingly, technocrats) and the anvil of the state apparatus, the activists have spent much more time to co-ordinate their personal ambitions and character traits. Still, Bilić emphasises that, having learnt from their predecessors, the youngest post Yugoslav activists have started to reconstruct the common cultural space. Although quite rudimentary, these initiatives represent a refreshing step back from the tightly positioned “players of the civil society”, where the civil society is an impenetrable elitist circle for professional advancement, rather than an inexhaustible source of critically oriented social energy.

INSTEAD OF A CONCLUSION

The state of Serbia is consistently negating the existence, as well as responsibility for the crimes, persecution, disappearances, and abuse of the members of the minorities, the citizens of its country, in the period of 1991 - 2001. This practice of denying is further fortified by the set of laws prohibiting the non-Serb victims from recognition, as well as hindering material reparation, and keeping the culture of remembrance. Secondly, the state of Serbia, having established official commemorations of the start of NATO intervention (March 24), and the Storm Operation (August 5), shows a selective and hypocritical relation towards the victims of Serbian nationality killed during the 1990s in Serbia. Thirdly, the state institutions and political parties who have been in power since 2015 have normalised the practice of glorification of the convicted war criminals belonging to the regime of the state terror of Slobodan Milošević.

The three aforementioned processes were what led to the creation and permanent existence of the (new) regime of truth in the state institutions of Serbia concerning the war conflicts in Former Yugoslavia, as well as in Serbia, in the period of 1991 - 2001. Within this regime of truth, for instance, there is no place for the recognition of the victims from Kosovo whose remains had been secretly buried in the Belgrade suburb of Batajnica and discovered in 2001. Likewise, in such a regime of truth, there are no investigations or criminal proceedings against those who tortured the citizens with 'wrong names' in the camps and police stations throughout Serbia. This is how even those very few memorials dedicated to the civilian victims of war in the crimes committed by the paramilitary units in Serbia are brought into question because they allegedly undermine the sovereignty and territorial integrity of our country.

As a contribution to the new culture of remembrance of the victims of war violence and crime in Serbia, the publication "War in Serbia" can be a useful tool to all those who would like to remind themselves of or learn about the cycles of crimes committed against ethnic and religious minorities in Serbia in the last decade of the twentieth century in a transparent and systematical manner. On the other hand, this publication is also intended for domestic and international judicial institutions that should be working on achieving the rule of law in Serbia but often, whether it be on purpose or not, forget the war having happened within the very territory of Serbia. Finally, this publication serves as a reminder to the current and future political authorities in Serbia that - without recognising the victims, prosecuting the criminals, and renouncing the policy of crime - there is no perspective for Serbia as a civil society that values peace above all.

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