

itself to gain access to the area; these attempts will be discussed later on in this chapter.

Even after General Smith and Mladic had reached an agreement on 15 July, it did not look as if the ICRC was impatient to visit Bratunac to see what was going on there. During a meeting in Jahorina between representatives of UNHCR and the International Red Cross on 18 July, Lieutenant Colonel Baxter showed the signed agreement between Smith and Mladic and pointed out to the Red Cross representatives that this agreement did give formal permission to visit Bratunac. But even in this case, no one could tell the International Red Cross what to do. Moreover, the organization complained of a shortage of manpower.^[23] Arrangements for the International Red Cross to visit the prisoners were thus not made on 18 July, while the UN headquarters in Zagreb still believed that large numbers of prisoners were being held in Bratunac. It was not yet known that they had already been murdered.^[24]

How confusing the reports about the possible presence of male prisoners were appears from the communications from *Médecins Sans Frontières* which reached the outside world. The organization reported on 15 July that from seven hundred to a thousand men who had been captured *en route* to Tuzla were being held in the football stadium at Bratunac. The day after that, *Médecins Sans Frontières* had even heard that there were as many as seven thousand prisoners, though they did not state where these numbers came from.^[25]

The search for information about the missing persons continued. Sector North East headquarters drew up a new balance for UNPROFOR on 16 July. They estimated that from seven to eight thousand men had managed to leave the enclave. The column of men coming from Srebrenica had not yet reached Tuzla at that moment. It was suspected that from two to three thousand men were still in the mountains, while from four to five thousand may have been picked up by the Bosnian Serbs and brought to Bratunac for 'screening for war crimes'. Requests from Dutchbat, Sector North East, the ICRC, UNHCR and UNPROFOR headquarters for information about or access to the men in Bratunac had so far been turned down by the Bosnian Serbs. The only worrying indication that something different might be going on was that since 13 July, sporadic salvos of rifle fire could be heard at the compound in Potocari coming from the direction of Bratunac. However, whatever was happening was out of sight of Dutchbat.^[26]

UNPROFOR actively continued the search for further information. Its Civil Affairs department had contacted a wide variety of international and non-governmental organizations that were operating in Eastern Bosnia. A fact-finding team collected data from the refugees in Tuzla, in cooperation with UNHCR and the UNPROFOR Centre for Human Rights. The International Red Cross had also started collecting data that could be used to track down missing persons,^[27] and talks were held with members of Dutchbat who had arrived in Zagreb (see Chapter 5). A Joint Action Crisis team set up in Tuzla tried to shed more light on the number of missing persons on 19 July. The 2nd Corps of the ABiH had reported in the meantime that 4000 persons, mainly soldiers but also including some civilians, who had set off for Tuzla on foot had reached their destination and that another 4000 to 5000 were expected. That would indicate that the number of missing persons lay somewhere between 4000 and 8000. However, Yasushi Akashi, the head of UNPROFOR, asked New York not to publish this figure yet as long as it was so uncertain. He believed that a more accurate estimate could be obtained as soon as access had been obtained to the men held by the Bosnian Serbs. It was thus still believed on 19 July that the missing men were alive.^[28]

Reports about men being held prisoner in Bratunac could not be verified. While the ICRC was allowed to visit the sick and wounded in the hospital at Bratunac and in the compound at Potocari on 17 July, the organization was not allowed into the areas where the murders had been committed. Stories about the existence of camps, 'execution style' murders and rapes could not be confirmed either at that moment. The head of Civil Affairs at UNPROFOR therefore considered it desirable to draw the attention of the media and public opinion to these matters.^[29]

In any case, it was not particularly difficult to bring human rights violations to the attention of the media. Reports on this topic were appearing daily in the international press. The many statements by witnesses recorded by UNHCR at Tuzla Air Base the first few days after the fall of Srebrenica gave a reliable first impression. The activities of UNHCR and the ICRC at Tuzla Air Base are dealt with in Chapter 5.

The problem remained, however, that neither the ICRC nor UNHCR were allowed access to the region round Srebrenica to verify these stories. The authorities in Pale persisted in their firm denials that any brutality had occurred during the forced departure of the population. But if that was the case, it would also be in the interests of the Bosnian Serbs to have the stories verified by an independent body, and it might be expected that they 'would welcome an objective observer to the area'. UNHCR Protection Officer Cynthia Burns used such arguments in vain in an attempt to gain access to the region round Srebrenica.[30]

A week after the fall of Srebrenica, the Bosnian government still had little knowledge of what had really been going on. This can be deduced from a statement by the Bosnian Minister for UN affairs, Hasan Muratovic, who pointed out the existence of prison camps in Bratunac, Konjevic Polje and Nova Kasaba. He was unable to say how many men were held there, though he did state that 293 men from Potocari had ended up in the Bosnian Serb prisoner-of-war camp at Batkovic.[31]

Ten days after the fall of Srebrenica, the British premier John Major once again urged 'immediate access for UNHCR and ICRC to the male detainees from Srebrenica' in his communiqué at the close of the big international conference in London on 21 July.[32] The Americans also lacked precise information about the existence of the supposed prison camps. The US Assistant Secretary of State for Human Rights, John Shattuck, stated as late as 19 July that 4000 to 5200 men were being held prisoner in Bratunac. In addition, according to American sources 3000 ABiH soldiers had been killed while fleeing Srebrenica. It seems likely that this information was obtained from men from the column making for Tuzla after they had reached their destination.[33] It was not until 25 July that the Americans began to realize that the men who had been held captive in Bratunac were no longer alive. The American ambassador in Zagreb, Peter Galbraith, came to this conclusion on the basis of the testimony of a survivor of the executions who had managed to reach Tuzla after having been held captive in Bratunac. If this report were to be believed, then according to Galbraith none of the men who had been captured by the Bosnian Serbs were still alive.[34]

The efforts of the various UN organizations in Tuzla to collect information about the missing persons revealed that the column that had left Srebrenica had contained between 8000 and 15000 persons. About 6000 had reached Tuzla, and 3000 may have died *en route*. However, the UN did not yet dare to publish an estimate of the number of missing persons.[35] The UN special rapporteur on Human Rights, Tadeusz Mazowiecki, on the other hand, did give an estimate of 7000 persons missing or taken prisoner.[36]

On 31 July, Michel Moussali, the head of the Civil Affairs department of UNPF in Zagreb, sent a report to Akashi in which he sketched the state of affairs. It was already clear, according to him, that an unknown number of men had been executed in Potocari. He stated further that it was impossible to determine the extent of human rights violations in the column making for Tuzla, as long as the Bosnian Serbs were not prepared to grant access to the men they were holding prisoner. While it was true that some men had...

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[1] NIOD, Smith Collection, 'Effects of BSA Action in Srebrenica', UN Confi, undated, no registration number.

[2] Interview R.A. Smith, 12/01/00.

[3] Interview Jim Baxter, 16/10/00. Baxter answered the phone on 22/07/95 for General Smith in the latter's absence.

[4] FOIA, US Dept. of State, Code Amembassy London to Secstate, 131620Z Jul 95. The announcements came from the Bosnian Foreign Minister Sacirbey during a visit to London; he had received the information from President Izetbegovic.

[5] Interviews R.A. Smith, 12/01/00 and Carl Bildt, 13/12/00.

[6] ICFY, Box 234, File 6/15, Code Cable Akashi to Annan, 15/07/95, No. Z-1170.

[7] Interview Hasan Muratovic, 30/01/98.

[8] Confidential interview (52).

[9] Confidential interview (5).

[10] Interview Barry Ashton, 30/05/00.

[11] Confidential interview (54).

[12] Confidential interview (54).

[13] Interview Barry Ashton, 30/05/00.

- [14][14] ICFY, Box 234, File 6/15, Code Cable Akashi to Annan, 14/07/95, No. Z-1168; *Cable News Network*, 16/07/95 5.00 pm ET.
- [15] ABZ, DPV, ARA 00797, Biegan 619, 13/07/95.
- [16] AZ, 95moo5637. Ambassador Sir David Miers to W.J.P. Geerts, Raadsadviseur Min v. AZ (Counsellor at the Dutch ministry of General Affairs), 19/07/95.
- [17] DCBC No. 714, 'Concept Dagboek Van den Breemen' (Draft diary of Van den Breemen), 14/07/95. (Subsequently published in an abridged, edited form as 'Dutch diary' in *NRC Handelsblad* of 22/07/95).
- [18] Interview Carl Bildt, 13/12/00.
- [19] FOIA, US Dept of State, Zagreb to State, 'Srebrenica update: refugee movements, stranded Medevacs, lack of cooperation on every side', 14/07/95, No. Zagreb 02648, 142038Z.
- [20] ICFY, Box 234, File 6/15, Cryptofax Stoltenberg to the Secretary-General, 15/07/95.
- [21] Interviews R.A. Smith, 12/01/00 and Carl Bildt, 13/12/00.
- [22] Interview Carl Bildt, 13/12/00.
- [23] Interview J. Baxter, 16/10/00.
- [24] NIOD, Banbury Collection, Banbury's diary, SRSG's briefing 18/07/95.
- [25] CRST, Sitrep Srebrenica - Potocari, period 06/07 - 22/-7/95. Compiled by Christina Schmitz and Daniel O'Brien (MSF), 24/07/95. Akashi passed this estimate on to New York in Code Cable 15/07/05, No. Z-1170.
- [26] DJZ, werkarchief (operational archives), G5 Civil Military Operations Sector North East (Major Guy Sands-Pingot) to Distribution List, 16/07/95.
- [27] DJZ, Srebrenica dossier, Update No. 9 on ICRC activities in the former Yugoslavia, 17/07/95, No. COMREX/FIN95/1305. DCBC, No. 1063, Interoffice Memorandum, Moussalli to Akashi, 31/07/95, 'Srebrenica Human Rights Report'.
- [28] ICFY Box 234, File 6/15, Code Cable Akashi to Annan, 19/07/95, No. Z-1198.
- [29] ICFY Box 234, File 6/15, Code Cable Akashi to Annan, 17/07/95, No. Z-1187.
- [30] CRST, UNHCR Protection Officer Bosnia and Hercegovina (Cynthia Burns) to Commissioner for Refugees and Humanitarian Aid (Ljubisa Vladusic), 19/07/95.
- [31] CRST, UNHCR/ICRC, Code Cable Akashi to Annan, 19/07/95, No. Z-1204.
- [32] NIOD, Smith Collection, 'Bosnia: International Meeting, London 21 July 1995, Chairman's Statement'.
- [33] FOIA US Dept of State, Information Memorandum Shattuck to The Secretary, 19/07/95.
- [34] NIOD Confidential Collection (1), Amembassy Zagreb to SecState Wash DC, 251907Z Jul 95, No. Zagreb 002788.
- [35] UNGE, UNPROFOR, Box 42, File 2.2. Sector Command Matters General, Human Rights Update Sector North East, undated, compiled by P. Hicks, sent by fax Biser to Moussali UNPF HQ, 21/07/95, No. 151-3062.
- [36] UNGE, UNPROFOR, Box 25/77, File 1.1.57, SNE, 04/04-23/08/95, 'Press Conference of Special-Rapporteur on Human Rights', sent by fax Biser to Moussali UNPF HQ, 21/07/95.

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... managed to reach Tuzla, they had only been able to observe what went on in their immediate vicinity. Moreover, the presence of soldiers in the column made it impossible to determine whether particular individuals had been killed or wounded as the result of acts of war or human rights violations. It was not until survivors of the mass executions reached Tuzla that the first reliable reports of these events were heard. They told of executions (subsequently known as the Orahovac executions) in the vicinity of a school near Karakaj (later known as the Grbavci school) and of mass executions near Nova Kasaba. The evidence gradually started to accumulate. The problem remained, however, that the Bosnian Serbs continued their refusal to allow verification on the ground.[1]

The variety of problems associated with attempts to gain access to the region may be illustrated with reference to the experience of the International Red Cross. Their initial requests on 12 July and then on 16 July met with the response from the Bosnian Serb authorities on 22 July that all such requests should be directed to the military authorities. On 26 July, the organization received permission to pick up the sick and wounded from Bratunac and Potocari, and to visit the detention centre in Batkovic. They only found 166 persons from Srebrenica there, including 22 wounded from Potocari.[2] This number differed very appreciably from the 3000 who according to relatives were captured in Tuzla and the 5000 who were probably captured on the way to Tuzla. On 6 September, the International Red Cross submitted a list of 3070 missing persons to Nikola Koljevic, the Vice-President of the Republika Srpska, as a basis for further applications for access to the region. It was thought that these 3070 persons might have been arrested by the Bosnian Serbs. A week later, the ICRC submitted a new list with the names of no fewer than 8000 missing persons, 3046 of whom had been captured in Potocari while 5000 had disappeared on the way to Tuzla.[3]

The Bosnian Serbs continued to refuse to produce any clarification or to grant access to the region. No access to the prisons in the regions was granted either. The ICRC had got no further than the registered prison camps in Batkovic and Rogatica. Forty-four persons from Zepa were found in the latter camp. No detention sites for men were found in Bratunac. The ICRC was surprised at the low numbers of prisoners found: it was hard to believe that so few men were in Bosnian Serb hands. The ICRC had, however, no indications as to what might have happened to the missing persons. In the meantime, 34532 persons were registered in the Canton of Tuzla as having come from Srebrenica. On the basis of the number of 42500 inhabitants of Srebrenica used by UNHCR, this meant that 7968 were unaccounted for.[4] This estimate is not so far from the number of 7421 missing persons that was finally established.[5]

The International Red Cross was still in the same situation in February 1996: the organization had still been unable to carry out any inspections in the region. The only difference was that there was no longer any hope that the 3046 persons who had been captured in Potocari were still alive.[6]

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[1] DCBC, No. 1063, Interoffice Memorandum Moussalli to Akashi, 31/07/95, 'Srebrenica Human Rights Report'. Akashi forwarded the report to New York (Akashi to Annan, 12/08/95, No. Z-1406).

- [2] ABZ, DIO, JS, *VN mensenrechten, Zendbrief HUM/PV Genève aan Min. van Defensie/DAB*, (UN Human Rights, Letter HUM/PR Geneva to Dutch Min. of Defence) 30/11/95, No. gev/hum-3683/1995.
- [3] NIOD: Questionnaire ICRC, Sujet 11 Demarches. (Int. Red Cross questionnaire No. 11: Marches).
- [4] SMG, map OPS/BLS, Sector NE Civil Affairs (Ken Biser) to Acting Deputy Head of Political and Humanitarian Affairs UNPROFOR Sarajevo (John Ryan), 09/08/95. 'Rode Kruis telt slechts 208 Moslim-mannen' (Red Cross can only find 208 Muslim men), *De Volkskrant*, 01/08/95. The number 164 was also mentioned, as well as 166.
- [5] 'U.S. Reveals Photographs of Apparent Mass Grave', *International Herald Tribune*, 10/08/95.
- [6] NIOD Questionnaire ICRC, Sujet 11 Demarches.

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3. American impetus for further investigation

The visit to Tuzla by the American Assistant Secretary of State for Human Rights, John Shattuck, on 31 July and 1 August provided a powerful stimulus for further investigations. While he was there he talked to, among others, a seventeen-year-old young man who had survived the executions. The young man could not say where this had happened, but it was thought at the time that it was near Konjevic Polje. However, it may be deduced from his description that it must have been near Petkovici, which is a long way from Konjevic Polje. This also illustrates the difficulty of tracing the location of the execution sites.[1]

Shattuck concluded that violent acts had occurred on a 'massive scale' and that hundreds if not thousands of unarmed refugees had been killed – many of them during mass executions. He put the number of missing persons at ten thousand. An unknown number were thought to be held in prison camps. Shattuck wanted to get together international support for putting pressure on Pale to release information about the situation and to grant access to the prisoners.[2] To this end, he visited the UN High Commissioner for Refugees Sadako Ogata on his way back to Washington. He asked her to send UNHCR Protection Officers to Srebrenica and Zepa, to discover what had happened to the missing persons and to redouble the efforts to interview people who had been evacuated from Srebrenica, so as to find out more about the missing persons and their whereabouts. Ogata told Shattuck that the efforts had already been redoubled, but that the Bosnian Serbs were hindering investigation on the ground.[3]

Shattuck's action did not lead to results in Pale, but it did put the problem of the missing persons on the agenda of the American State Department. This resulted in a search for evidence in the State Department's files, and eventually in the release of a number of air reconnaissance photos which gave an indication of what might have been happening in the region round Srebrenica. The release of these photos was not directly due to the efforts of Shattuck himself, however.

The events preceding the publication of these images are described in full in Chapter 8 of the Intelligence Appendix to this report. It will suffice to mention here that the American ambassador to the United Nations Madeleine Albright briefed the members of the Security Council on 10 August and showed them photos that indicated the existence of mass graves in the vicinity of Konjevic Polje. Albright showed these photos not only to provide proof of the atrocities but also to get Washington to take up a harder stance towards the uncooperative Bosnian Serbs.[4] According to a preliminary estimate, the graves that had been discovered so far probably contained between 2000 and 2700 bodies.[5] The images were in agreement with the testimony of survivors of the executions, ten of whom had been traced in the meantime.[6] Refugees had also stated that while they were on their way from Potocari to Kladanj they had seen executions at Nova Kasaba, and Bosnian Serbs dressed as UN peacekeepers driving a UN vehicle.[7]

When inspected in greater detail, the photos produced by Madeleine Albright showed indications of the presence of six hundred men on a football field at Nova Kasaba, and of four hundred by the roadside near Sandici. Freshly dug earth in Sandici suggested the presence of a mass grave there. Photos taken two weeks later showed two large areas and one small one where the soil had been disturbed. The images also

showed a large barn near Nova Kasaba that might have been used as a detention centre. It should be noted that all this evidence referred to the southernmost group of mass graves: the mass graves situated further to the north had not yet been discovered.

The publication of the air reconnaissance photos moved the Dutch government to urge the High Commissioner for Human Rights, the High Commissioner for Refugees and the chairman of the ICRC to take 'visible and active steps' to clarify the fate of the missing men. The Ministry of Foreign Affairs stated that the Netherlands had a particular interest in elucidation of the facts, in view of the role Dutchbat had played in Srebrenica.[8] President Sommaruga of the ICRC stated during a briefing held on 14 August that clarification of the fate of the missing men was his top priority. Eight thousand men and a small number of young women were registered as missing, and according to the Bosnian government many of them might still be alive. An estimate of five thousand survivors was quoted, but the International Red Cross could not confirm this figure on the basis of its own observations. Sommaruga found it difficult to give estimates, but he told the Dutch *chargé d'affaires* in Geneva, T.P. Hofstee, that the number of murdered men might be about a thousand. According to Christophe Girod, the ICRC delegate for the former Yugoslavia, most of the five thousand missing persons named by the Bosnian government had probably joined the ranks of the ABiH, and had not been allowed to contact their relatives for military reasons.[9]

The Bosnian Serbs had forbidden the ICRC to set foot on the territory of the Republika Srpska without permission from Pale.[10] The question was therefore whether the attempts of the ICRC and UNHCR to gain access to the region were ever going to bear fruit. The DAV (Directorate for Atlantic Cooperation and Security of the Dutch Foreign Ministry) therefore proposed that it should play a more active role and get independent observers into the region as quickly as possible. The Netherlands might be able to do this on its own or might act within the framework of the European Union to put pressure on Russia and the United States to take steps to secure admission for independent observers.[11]

The Americans were in fact already taking steps in this direction, but along other paths than those proposed by the Netherlands. On 16 August, the American ambassador in Bosnia was given orders to urge the Bosnian Serb authorities in Pale to grant the ICRC access to men being held captive, no matter where they might be.[12] Although they were already aware of the existence of some mass graves, the Americans clearly thought that some men must still be alive. But these American attempts to gain access to the region were also unsuccessful.

The presentation of the American aerial reconnaissance photos to the Security Council led to the passage of Resolution 1010, demanding that the Bosnian Serbs should give UN and ICRC observers access to Srebrenica. Akashi then received orders from New York to request permission from the Bosnian Serbs to visit the site of the mass graves that were visible in the photos shown to the Security Council. He was also instructed to collect all the information that had become available via Dutchbat, after New York became aware that film and video records of the events existed. Collection of this material should be treated 'as a matter of urgency'. [13] This request was also passed to the Dutch mission in New York via the Secretary-General's military advisor, General Van Kappen. The Netherlands promised to collect this material and to have the records of the debriefing in Assen translated.[14] The debriefing had not started yet, however. After the UN Secretariat had been briefed by the American delegation to the UN (after the briefing of the Security Council by Madeleine Albright), a little more information was available which Akashi could use as a basis for his search: the precise coordinates of the graves near Nova Kasaba and the names of a number of witnesses.[15]

On receipt of these orders from New York, Akashi wrote to the Bosnian Serb leader Radovan Karadzic on 12 August asking the latter to cooperate with UNPROFOR in an investigation of the existence of the reported mass graves, and to grant the ICRC permission to visit prisoners.[16] Akashi had previously pointed out to Milosevic, during a meeting with the latter, that Mladic had promised Bosnia-Herzegovina Commander General Smith that the ICRC would be allowed to visit the prisoners. Milosevic undertook to convince Mladic to do this, commenting that Mladic should keep his promises.[17] Little came of this, however; a fortnight later, Milosevic once again promised Akashi that he would discuss the matter of access to Srebrenica with Mladic.[18]

Neither Karadzic nor Mladic reacted, however. When the UNPROFOR *Chef de Mission*, Antonio

Pedauye, reminded Karadzic about the letter from Akashi again, the latter replied that he had not had time to deal with it because of all the crises that had arisen, but he promised once again to consider Akashi's request.^[19] The mediators Stoltenberg and Bildt also mentioned this topic during a meeting in Geneva with the Bosnian Serb leaders Momcilo Krajisnik and Jovan Zametica. The two Bosnian Serb leaders replied that they were not aware of the request from Akashi, or of the agreement between Generals Smith and Mladic granting the ICRC access to Srebrenica.^[20]

The Bosnian Serb reactions were not very credible. Nor was the formal Yugoslav reaction from Vladislav Jovanovic, former Foreign Minister under Milosevic and temporary *chargé d'affaires* at the UN, who tried to get the Security Council to believe in December 1995 that the ABiH had carried out the murders themselves as a result of internal disagreements. This 'monumental lie' merely aroused the anger of the Security Council.^[21] Jovanovic also claimed that journalists had been given access to Srebrenica, and there was a grain of truth in this. A few journalists had indeed been allowed to visit Srebrenica at the end of August; it cannot be said, however, that they were given free access to the town. The visit of the journalists grew out of a statement made by the Mayor of Srebrenica that anyone was free to come and have a look, but that no one had asked to. In response to this, many journalists did apply for permission to visit the town, and a few were admitted. The statement was not however true in the form in which it was made: there was no question of free reporting, and the area where the mass graves were situated was kept out of bounds by the Bosnian Serbs.^[22]

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- [1] Confidential information (76).
- [2] FOIA, US Dept of State. Information Memorandum John Shattuck to The Secretary, 04/08/95.
- [3] Confidential information (77).
- [4] Interview M. Albright, 28/09/01.
- [5] 'Up to 2,700 Massacred by Serbs UNPROFOR is told', *International Herald Tribune*, 11/08/95.
- [6] ABZ 00797, Code Biegman 721, 11/08/95.
- [7] ABZ, DAV 999.241, Message from PRNATO to DAV, 09/08/95, No. 119761.
- [8] ABZ, 499488, Code Celer 103, 10/08/95.
- [9] ABZ, 499488, Code Hofstee 292, 14/08/95.
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4. New efforts

All pressure exerted by the UN on the Bosnian Serbs had thus been in vain. Pale simply granted no access to the region to anyone at all. The only person who managed to visit Nova Kasaba in mid-August was the journalist David Rohde from *The Christian Science Monitor*, and that was more or less by accident: he was not escorted, was sent in the wrong direction at a particular moment, got lost, and suddenly realized that he must be in the area containing the mass graves that had been visible in the aerial reconnaissance photos. The local inhabitants and passing soldiers left him alone. After a prolonged search, in the course of which he followed the tracks of a number of trucks, Rohde found unmistakable evidence of a mass execution: one grave 100 metres square, another measuring 80 by 70 and a third measuring 30 by 15 metres; he further discovered a decomposing leg, remnants of clothing in the recently dug up soil, prayer beads, diplomas bearing Muslim names, countless scraps of paper with 'Srebrenica' written on them, and empty ammunition boxes. Traces of blood were also visible in the Nova Kasaba football stadium, while Rohde further came across traces of blood and bullet holes in the football stadium at Bratunac.[1]

By the end of August, organizations like the UN and the International Red Cross had been able to add little to the scant evidence of mass graves and executions, since Eastern Bosnia still remained off bounds to them. Somewhat greater insight had however been gained into the events that had taken place round Potocari, and there were reports from refugees and Dutchbat which suggested that mass executions had been carried out. Observations by Dutch soldiers who had been taken hostage confirmed that 300 to 500 prisoners had been kept on the football field at Nova Kasaba; most of these appeared to be in uniform. A pile of bodies had also been seen nearby, and one Dutchbat soldier reported having seen a row of shoes and rucksacks near the football field which appeared to have belonged to an estimated 120-150 men; he also observed two vehicles carrying corpses. Refugees travelling between Bratunac and Nova Kasaba had seen bodies lying by the roadside, most of whom were described as civilians. Some had had their throats cut or bore signs of mutilation. There were also the reports of the survivors of mass executions, and the aerial reconnaissance photos. Though it had so far proved impossible to verify the observations, all the indications led the UN special rapporteur for Human Rights to the 'chilling conclusion' that mass executions had taken place.[2]

There were no further developments in September that helped to pinpoint the location of the mass graves. Nevertheless, evidence of the atrocities grew as more and more reports from survivors appeared in the media and locations were named. Insight into the events that had occurred along the way from Bratunac to Kladanj grew somewhat as journalists talked to Dutchbat soldiers about what they had seen *en route*. As a result, even before the report of the debriefing of Dutchbat in Assen appeared the media debate about the executions was increasingly marked by comments on the behaviour of Dutchbat. Headlines left little to the imagination: 'Witness to atrocity: UNPROFOR troops stood by', 'Dutch troops ignored Bosnia killings', 'Thousands died at Srebrenica. Dutch peacekeepers welcomed the Serb killers'.[3] However, these reports did not throw any new light on the mass murders or the existence of mass graves: Dutchbat had not actually witnessed either of these. The debriefing in Assen did not yield any indications

of the existence of mass graves either.[4] For the moment, the few survivors could only give indications of the possible location of mass graves other than those visible on the American aerial reconnaissance photos.

Journalists, citing UN sources, claimed that the low rate of progress in tracing the mass graves was due to reduced American interest in this topic. Locating the graves no longer fitted in with US policy, since it could hinder the progress of the peace talks which had started up in the meantime, and where the Americans played a leading role. Moreover, evil tongues claimed that the aerial reconnaissance photos had only been published in early August to distract public attention from the Croat offensive against the Serbs in Krajina which had enjoyed covert American support.[5]

Nevertheless, it was not true that the Americans had lost interest. The search continued on the basis of eyewitness reports at the instigation of the Yugoslavia Tribunal, and images of three possible mass graves near Zvornik were discovered. These images were not published, possibly from fear of revealing too much about American military capabilities.[6] Officials ascribed the low rate of progress in finding the new photos to the vast amounts of material that had to be gone through.

This new knowledge, supported by extensive coverage of the fall of Srebrenica in the *New York Times* and *Washington Post*, led to a discussion of the events after the fall of the enclave in the Security Council at the end of October. It may be noted that this discussion, initiated by Germany, was the fourth time the Security Council had devoted attention to this topic. The Germans urged the Council to produce a report on the missing persons from Srebrenica, Zepa and Banja Luka (the last-mentioned group resulting from the Croat offensive against the Krajina Serbs). This proposal was supported by Madeleine Albright, who pointed out how difficult it had been to get information from the UN after the publication of the aerial reconnaissance photos. She feared further that the Bosnian Serbs were destroying evidence: aerial reconnaissance photos had revealed that the graves had been interfered with in September and October. She therefore stated that it was important to take steps to ensure that the parties to the conflict would work together with the Tribunal in the Dayton peace talks that were due to begin on 1 November, and she wanted the Security Council to demand that the Tribunal should be granted access to the areas controlled by the Bosnian Serbs. Akashi received orders from New York to prepare a new report.[7]

The Bosnian Serbs did not make life easy for Akashi. Pressure on the Bosnian Serbs from the ICRC, Akashi, the UNPROFOR *Chef de Mission* and Sector North East to gain access to the region had been without success. Letters from the personal representative of the High Commissioner for Human Rights remained unanswered.[8] At the end of October, Akashi made a third attempt to get Milosevic to use his influence on Mladic to get access to Srebrenica and its surroundings.[9]

In the run-up to the Dayton peace talks, both the Bosnian Muslims and the Yugoslav government exerted political pressure to gain access for international observers to areas where prisoners might be present. In fact, the Bosnian Muslims went so far as to make their participation in the Dayton negotiations dependent on this access. It should be noted that the areas in question were not only those round Srebrenica but also those near Banja Luka, where wide-scale ethnic cleansing (also affecting Krajina Serbs) had taken place as a result of the Croat offensive. Now that Serb interests were at stake, Milosevic was also demanding free access for humanitarian organizations to all areas in Bosnia.[10] This led the Security Council to pass Resolution 1019 on 9 November, once again demanding that the Bosnian Serbs should grant the International Red Cross and UNHCR access to persons 'detained or reported missing' in Srebrenica, Zepa, Banja Luka and Sanski Most.[11] As with so many previous resolutions, the Bosnian Serbs simply ignored this demand.

The charges against Karadzic and Mladic formulated by the War Crimes Tribunal on 16 November 1995, made it necessary to collect the relevant evidence on the ground. Not that there was any real doubt at this time that mass murders had been committed and that mass graves existed, but it had not yet been possible to set up an investigation on the spot. Besides, eyewitness reports and aerial reconnaissance photos had so far only led to the identification of six mass graves. Nevertheless, as UN Secretary-General Boutros-Ghali wrote in a report issued on 27 November (the raw material for which had been contributed by Akashi), detailed evidence was available. There were eyewitness reports from Dutchbat and from survivors of the executions, aerial photographs of the mass graves and material actually taken from the graves.[12] The last-mentioned evidence was gained thanks to the efforts of David Rohde. He had

managed not only to track down seven survivors of executions and to record their story, but also to gain some insight into the events at Bratunac and, as mentioned above, to visit the mass graves near Konjevic Polje.

During a new trip to Belgrade via Eastern Bosnia, Rohde had hoped to stop off at Zvornik to inspect the mass graves there before slipping over the Drina into Serbia. In order to gain access to the area round Zvornik, Rohde had changed the date on an old press accreditation, but his ruse failed: this time he was arrested as a suspected CIA agent, charged with spying, subjected to prolonged interrogation and imprisoned for ten days. His film material was impounded. The whole affair was an unwanted complication during the first few days of the Dayton peace talks: Milosevic had to intervene to secure his release. As Richard Holbrooke put it later, 'showing more courage than wisdom, he [Rohde] began digging in the red dirt of the mud dam near Zvornik'.^[13]

After his release, Rohde wrote about what he had found in the loose earth near the Petkovici Dam: shoes, spectacles and other articles of clothing, along with three walking sticks and a crutch. The stench of rotting corpses still hung in the air. He also found piles of wind-jackets, leather jackets and T-shirts in the nearby woods. The local population and Bosnian Serb police claimed that the bodies in the graves were those of ABiH soldiers killed in battle, but the walking sticks and crutches argued against this claim. An identity card issued in Srebrenica and photos with Muslim names established a link with Srebrenica.^[14]

As long as the Bosnian Serbs continued to claim that all the corpses were those of soldiers killed in battle, further forensic investigation was needed to verify or disprove this statement. The Dayton Accords granted investigators from the War Crimes Tribunal access to all areas in Bosnia, but made no provisions for protection of their work. These activities were potentially not without risk, since the Bosnian Serbs might see fit to prevent them. It was the Americans who, fearing mission creep, had stipulated that this should not be a task for the NATO-led Implementation Force (IFOR). According to David Rohde, the Americans went so far as to suggest that the Netherlands should supply troops to protect the experts during the excavations. In the end, such a request was not put to the Netherlands: after the fall of Srebrenica, it would have made the Dutch forces too vulnerable to further humiliation by the Bosnian Serbs.^[15]

The search for evidence did not get a new impulse until after the Dayton Accords. NATO Commander Admiral Smith and Judge Richard Goldstone, the chief prosecutor at the War Crimes Tribunal in The Hague, reached agreement about cooperation in mid-January 1996. NATO troops would protect the teams who were investigating the graves. The Secretary General of NATO, Javier Solana, promised NATO resources for regular inspection by reconnaissance aircraft and patrols on the ground to ensure that the graves were not tampered with.^[16] The most noteworthy development was however that the Bosnian Serbs finally gave the American Assistant Secretary of State for Human Rights, John Shattuck, permission to make a tour of inspection of the execution sites and the known mass graves. Shattuck's visit once again concentrated all attention on the existence of the mass graves. He was accompanied by the first representatives of the War Crimes Tribunal. The sites visited included the warehouse in Kravica, where the bloodstains and the remnants of the clothing of the men who had been murdered could still be seen, and the nearby mass grave in Glogova. 'It is far more chilling to see this in reality than I was prepared for', Shattuck said.^[17]

After the ice had been broken in this way, it became easier to visit Eastern Bosnia. The Dutch Minister for International Development Jan Pronk also visited Kravica on 1 March, in the company of a UNHCR delegation. The group was unable to find the mass grave at Glogova.^[18] Some time later, a group of staff members from the Dutch embassy in Zagreb together with some Polish journalists and Bart Rijs, the correspondent of *De Volkskrant*, did manage to find the mass grave at Glogova. Numerous bones were observed there. The group also made a trip to the hills near Kamenica, where bundles of clothing were found which proved on closer inspection to contain parts of skeletons. Various objects were also scattered around, varying from Korans to a Dutchbat T-shirt, school exercise books and family photos. At other sites the group found skulls and bones all jumbled up together, amidst bundles of clothing and an unexploded hand grenade – silent witnesses of the terrors that the men in the column from Srebrenica to Tuzla had been exposed to.^[19]

Early in April 1996, investigators from the War Crimes Tribunal started opening up the eleven mass graves whose existence seemed to have been confirmed by then. By the time the excavations started, it was already clear that the graves had been tampered with. NATO had only been given permission to protect the investigators, not the evidence.^[20] Reports that the Bosnian Serbs had tried to destroy the evidence of the massacre, e.g. by scattering chemicals on the corpses and scattering body parts in the six graves that had been identified at the time, appeared as early as October 1995.^[21] Air reconnaissance photos of the grave closest to Srebrenica, the 'Tatar' grave near Glogova which was only five kilometres from Bratunac and was the largest found so far, seemed to indicate that the grave had been completely emptied.^[22]

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- [1] David Rohde, 'Evidence Indicates Bosnia Massacre', *The Christian Science Monitor*, 18/08/95, and 'How a Serbs Massacre was Disposed', *The Christian Science Monitor*, 25/08/95.
- [2] SMG, map OPS BLS, Code Cable Goulding to Akashi, 25/08/95, No. 2825, attached (draft) Report of the SecGen pursuant to Security Council Resolution 1010. See further 30/08/95, No. S/1995/755 for the definitive version. For further examples of observations by Dutchbat troops, see the *Rapport gebaseerd op de Debriefing Srebrenica* (Report based on Srebrenica debriefing) issued on 04/10/95.
- [3] See *Boston Globe*, 01/10/95 and *Independent*, 24/09/95.
- [4] Debriefing report, § 4.29.
- [5] David Rohde, 'Eyewitnesses Confirm Massacres in Bosnia', *The Christian Science Monitor*, 05/10/95.
- [6] Elizabeth Neuffer, 'Signs of mass graves found anew in Bosnia', *The Boston Globe*, 03/11/95.
- [7] Michael Dobbs, 'New Proof Offered of Serb Atrocities: U.S. Analysts Identify More Mass Grave', *The Washington Post*, 29/10/95. Stephen Engelberg and Tim Weiner with further reporting from Raymond Bonner and Jane Perlez, 'Massacre in Bosnia: Srebrenica: The Days of Slaughter', *The New York Times*, 29/10/95. DPKO, Code Cable Annan to Akashi, 30/10/95, No. 3414.
- [8] ABZ, PR New York, Fax PR New York to Min of Foreign Affairs, attn. DPR/PZ, 11/10/95, No. NYV-6299.
- [9] ICFY, Box 144, File Crypto Fax In 51, 10-31/10/95, Code Cable Akashi to Annan, 24/10/95, No. UNPF Z-1977.
- [10] ICFY, Box 144, File Crypto Fax In 51, 10-31/10/95, Code Cable Akashi to Annan, 30/10/95, No. 3413 with letters attached Muhamed Sacirbey to President of the Security Council, 30/10/95 and Vladislav Jovanovic to President of the Security Council, 26/10/95, No. 1058/95.
- [11] S/RES/1019 (1995), 09/11/95.
- [12] Report of the Secretary-General Pursuant to Security Council Resolution 1019 (1995) on Violations of International Humanitarian Law in the Areas of Srebrenica, Zepa, Banja Luka and Sanski Most, 27/11/95, No. S/1995/988.
- [13] Holbrooke, *To End a War*, pp. 242-243 and 254.
- [14] David Rohde, 'Graves Found That Confirm Bosnia Massacre', *The Christian Science Monitor*, 16/11/95.
- [15] David Rohde, 'Prosecutors Seek Access to Graves', *The Christian Science Monitor*, 14/12/95.
- [16] Eve-Ann Prentice, 'Nato joins forces with war crimes teams to seek out mass graves', *The Times*, 23/01/96.
- [17] ICFY, Box 148, Cryptofax In 55, Code Cable Annan to Goulding, 29/01/96, No. UNPF-Z-148. SIm@world.std.com, 'This week in Bosnia', 23/01/96, consulted 27/08/98. See also Bart Rijs, 'Serviërs in Srebrenica weten van geen massamoord' (Serbs in Srebrenica know nothing about massacre), *De Volkskrant*, 24/01/96.
- [18] ABZ, DPV 499488, Code Pronk circ. 147, 05/03/96.
- [19] ABZ, DPV, UNPROFOR, NL deelname (NL participation). Secure fax Ambassade Sarajevo aan Min. v. B.Z. t.a.v. DMP/NH (Sarajevo embassy to Min. Foreign Affairs, att. DMP/NH), 06/05/96, No. SAR 092/96.
- [20] 'UN investigators begin opening mass graves', *Calgary Herald*, 03/04/96.
- [21] Tim Weiner, 'U.S. Says Serbs May Have Tried to Destroy Massacre Evidence', *The New York Times*, 30/10/95.
- [22] Confidential document. [US Secret]

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The news of the executions and the mass graves

5. Conclusion

Today the name of Srebrenica is indissolubly linked with the mass murders committed in the vicinity of this former Bosnian enclave, but this was not so self-evident in the days immediately following the fall of the enclave. It was, however, soon known that murders had been committed at sites along the road to Nova Kasaba and Konjevic Polje, which had been passed by the deported women and children who travelled along the same road on 12 and 13 July, and round the UN compound in Potocari which will be dealt with in greater detail in the next chapter.

For quite a long time, however, the Bosnian government and UNPROFOR were under the impression that large numbers of the men from Srebrenica had been captured *en route* to Tuzla, and that they were being held in Bratunac for interrogation and registration. This proved to be an illusion: they had been murdered, long before the idea of a massacre gained ground. Even after that, it took some considerable time before evidence of the massacre could be produced. The first indications did not come to light until more than a month after the fall of Srebrenica.

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2. The rules regarding allowing refugees into the Potocari compound

Even when Dutchbat still fully believed in the deterrence value of Close Air Support, the battalion had to allow for the possibility of certain worst case scenarios. There are no indications that it had made any plans before the assault on Srebrenica for dealing with a wholesale flight of refugees to Potocari. In early June Karremans did express fears about the possibility of a Serb attack on the southern part of the enclave, particularly the Swedish Shelter Project (SSP). However, this did not lead to a plan to take care of any refugees.^[1] However, the chance that a massive flow of refugees would move northwards in the direction of the Dutchbat compound was very real on July 10. That presented the battalion with a huge problem. What would it have to do to deal with these potential masses of tens of thousands of desperate people, and how might they be afforded the best possible protection? That question became relevant at the end of the afternoon of July 10 when it became clear that people were beginning to flee from the shelling of Srebrenica.

The decisions about how to deal with the refugees and, in particular, their admittance to the compound in Potocari became a loaded subject in the aftermath of the fall of the enclave, when 'Srebrenica' began to look like becoming a major (political) affair. One of the questions that were repeatedly asked by former refugees in particular, concerned Dutchbat's decision to set a maximum number of people that would be admitted to the compound. The background to that question had to do with the poor protection of people who were forced to seek shelter in surrounding factories and the Potocari bus depot.

Another question linked to the theme of the Dutchbat chain of command during the fall and the days after the fall of the enclave, especially the roles of Karremans and Franken, and the question of how the command (structure) had functioned. In regards to the admittance of refugees to the compound, it was already claimed on the battalion's return to Zagreb - during the first debriefings of key officers of Dutchbat - that there may possibly have been problems between the commanding officer and his deputy in this area. Karremans is supposed to have rejected a request by B Company to be allowed to accept refugees but was subsequently 'overruled' by Franken.^[2] As a result, this alleged incident later also became part of the sensitive questions asked about the command situation within Dutchbat, and particularly about the actions of Lt-Col Karremans. This question became a central theme of the first debriefing of the battalion in Zagreb, immediately after its return from the enclave on July 22 (see the following chapter), but it was conspicuously absent during the debriefing in Assen and certainly in the debriefing report. It only mentions that after consultation with the battalion it was decided to take the refugees to Potocari (see Chapter 7).

Dutchbat's commanding officer as well as his deputy deny the incident took place, but confirmed that a discussion had taken place. In fact, Karremans did say at one point that he was opposed to admitting refugees to the compound.^[3] When he is supposed to have said this

exactly is not clear, because B Company's request to be allowed to admit refugees could have been made either on July 10 or 11. In any case, on July 11 an order was given that said that for the time being refugees should not be sent away.

In a small diary kept by the Intelligence and security officer of the battalion, Rave, it says in an entry for July 14 - looking back on the previous hectic days - that he was told on July 11 that refugees were not being admitted because of the threat of shelling by the VRS.[4] Lieutenant Koster remembers the same decision as being a 'standing order'. [5]

There was in fact a formal framework for this kind of situations. And although Karremans later said he had not in first instance based his decisions on formal considerations, it is important to take a closer look at the rules and regulations that were in force at the time to deal with such situations. A refusal to admit so-called non-combatants was in fact in accordance with the guidelines that UNPROFOR itself had laid down in its so-called Standing Operating Procedures (see Chapter 1 of Part I), which, in turn, had been partially included in the so-called permanent instructions, the Standing Orders of the battalion.[6] However, in practice, and therefore also during these days, the Standing Operating Procedures were of little value because there were situations when the rules simply did not provide any clear and unambiguous solutions.[7] Moreover, the Standing Operating Procedures, dating from 1993, were constantly being changed and updated - it was as 'growth document' as an introduction to the battalion Standing Orders called it.[8] Nevertheless, these Standing Operating Procedures are relevant because they show the rules and responsibilities formally laid down on the one hand, as against the unruly realities that existed on the other. The Standing Operating Procedures were provided to every commanding officer of a deployed unit. He had to distribute these among his company commanders and section heads, who, in turn, passed on a simplified version to their subordinates.[9] In practice, however, Dutchbat relied on its own Dutch-language Standing Orders, which incorporated those Standing Operating Procedures that were deemed most relevant.

In the case of admitting refugees (In the Standing Operating Procedures referred to as non-combatants) Standing Operating Procedure number 206 applied: 'Protection of persons seeking urgent assistance', translated in the battalion's Standing Orders as 'Criteria in regards to assistance to non-combatants in distress.[10] The accompanying explanation emphatically says that it is an UNPROFOR principle to protect non-combatants threatened by physical violence. It even stresses the point that the primary mandate of the peacekeepers and the limited resources at their disposal should not be allowed to be used as an excuse to do nothing. That addition, incidentally, had not been included in the battalion's Standing Orders.

The possibility of confusion about the duty to protect people becomes clear from the basic principle that UNPROFOR would take action only if local authorities, UNHCR or the International Red Cross could not or would not offer the required protection. After all, UNPROFOR was - as is mentioned elsewhere - 'not responsible for the protection of the population in the "Safe Areas"', although 'it (...) could make a contribution to this'. [11] Once the listed conditions were met, any threat to the people concerned had to be regarded as a threat to UNPROFOR, in which case the normal Rules of Engagement applied. That immediately led to the stipulation that 'after providing assistance, nobody could be sent away if that would mean they faced a physical threat as a result'. The definition of non-combatants that had to be applied in this included unarmed civilians but also former combatants who no longer carried any weapons 'and who, because of injury, incapacity or other reason is *hors de combat* [out of action]'. The battalion Standing Orders translated this as 'Unarmed ex-combatants who have been put out of action (wounded, undernourished or other causes)'. This last stipulation was decidedly problematic because any soldier who for whatever reason declared himself *hors de combat* and was under threat could seek refuge with the UN. In a situation where the demarcation between soldiers and civilians was already a major problem, this could only make things even more complicated.

The Standing Operating Procedures (and the battalion Standing Orders) make an attempt to list a number of criteria based on which decisions needed to be made on 'what to do'. First, the threat in question had to be analysed and it had to be ascertained whether assistance was really necessary and whether there was no other organisation that could help. Then followed a criterion that in the context of the events in Potocari also turned out to be not insignificant. It had to be ascertained whether assistance could be provided in a manner that did not expose own personnel to 'unacceptable risks' or would lead to UN personnel becoming 'too deeply involved in the conflict'. Moreover, whatever assistance was provided was not allowed to interfere with the main tasks of UNPROFORS.

These stipulations meant that those who had to translate the sometimes mutually contradictory rules into decisions faced great difficulties. Because the people who drew up the original Standing Operating Procedures^[12] and the battalion Standing Orders had foreseen this, they provided three sample situations that would turn out to apply to Dutchbat's situation in Potocari extremely well. They concerned, firstly, the case where non-combatants would seek access to a UN facility, secondly, the scenario in which they would ask for UN transportation to help them get out of the dangerous area, and, lastly, 'UNPROFOR personnel encountering a situation in which physical violence is being used against a non-combatant'. Later in this chapter we will talk about these latter two in more detail in regards to the significance they had to the practical reality faced by Dutchbat.

Admittance to a what was in this case a UN compound was permitted for people who were wounded or 'seriously ill'. People eligible for assistance were also immediately told that they would have to 'leave again as soon as their condition had stabilised and they faced no immediate danger'. People who were not wounded or seriously ill were not admitted into the compound. This stipulation came with the added provision that if or when this was necessary *and* possible, the battalion commander '(had) to provide protection and assistance outside the compound'. He was supposed to designate a location for this purpose outside the UN area that could serve as a temporary refugee shelter. In the Standing Operating Procedures there is an added stipulation that setting up this temporary shelter had to be combined with a protection plan, but the battalion's Dutch-language Standing Orders did not include any such instruction.

The background to the restrictions on permitting refugees into the compound was not explained in the Standing Operating Procedures. Undoubtedly the stance of strict neutrality that the UN tried to maintain played a role in this, but possibly considerations of operational freedom of movement, safety and security were also involved. Telling enough was the translated Standing Operating Procedure 206 in the battalion's Standing Order under the heading 'What to do when personnel and/or equipment/ordnance are threatened'. It was, however, already clear from the start that these Standing Operating Procedures were of very limited practical use, because the introduction to the battalion's own Standing Order indicated that the Standing Operating Procedure, as drawn up by the Bosnia-Herzegovina Command, was a 'Standing procedure' aimed at providing a solution 'and therefore was not a standard solution': 'In many cases a Standing Operating Procedure will have to be used in conjunction with a correct application of the Rules of Engagement and a dose of common sense'.^[13] In Potocari, it would be the latter, in particular, that was sorely needed.

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[1] 'In that case, SSP will be lost and about 3000 refugees either killed or expelled', Karremans wrote on June 4 in a letter to BH Command in Sarajevo (SMG/Debrief. TK9588, 'Deteriorating situation in Srebrenica'). The same message also went to the Netherlands. See SMG/Debrief. Th.J.P. Karremans, 'The situation in Srebrenica', appendix to letter number TK9589, 5 June 1995, from C-Dutchbat to C-Army Crisisstaf, bgen F. Pollé. Both letters have been included as supplements in: Karremans, *Srebrenica*, pp. 312-321.

[2] SMG 1007. 'Debriefing Sergeant Major Van Meer, added S3 Dutchbat III, Camp Pleso 220795, 22.45-24.30 uur'.

- [3] See: Wind, *Debriefing*, p. 33; interview Th.J.P. Karremans, 30/11/00 en 01/12/00 and R.Franken, 18/05/01.
- [4] Notebook B. Rave. Loaned to NIOD for perusal.
- [5] Interviews E. Koster, 06/10/99 en 19/10/99.
- [6] SMG/Debrief. Standing Order 1 (NL) VNINFBAT.
- [7] For meaning of the SOPs, see Part II, Chapter 1.
- [8] SMG/Debrief. Standing Order 1 (NL) VNINFBAT, p. 3.
- [9] Interview E.A.W.Koestal, 24/05/00. Koestal was acting Military Attache at the time at the Permanent Representation of the Netherlands at the UN in New York.
- [10] SMG/Debrief. Standing Order 1 (NL) VNINFBAT, Chapter 3 Operations, par 3.2, subpar 5c, Behaviour when personnel and/or equipment were under threat.
- [11] SMG/Debrief. Standing Order 1 (NL) VNINFBAT, Chapter 3 Operations, par 3.2., subpar 4, Safe Areas.
- [12] One of them was David Harland, who worked at that time at BHC in Sarajevo and was one of the people involved in 1999 in the UN investigation into the events taking place in Srebrenica. Interview D. Harland, 14/12/99.
- [13] SMG/Debrief. Standing Order 1 (NL) VNINFBAT, Chapter 3 Operations, par 3.1.

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3. July 10: admitting (refugees into the compound) in practice

Just before 19.00 hours on July 10, Karremans sounded the bunker alarm as a result of his request for Close Air Support and the possible response to this by the VRS. Everybody moved into the shelters. By this time, the fences of the compound in Srebrenica had given way under the pressure of great numbers of terrified refugees who had panicked because the VRS began to approach the city. Because of the danger of shelling, the compound's commanding officer, Groen, tried to convince as many people as he could to flee in the direction of Potocari. This became even more urgent because just then he received word of the request for air support - which in fact never eventuated. Just after 19.00 hours, Groen urgently requested permission to carry out his plans.[1]

At that moment, a decision had to be made on whether the refugees would be allowed to continue to the compound. Karremans' decision not to admit refugees to the compound was strongly influenced by practical considerations. He feared that if the compound was swamped by refugees, all kinds of security problems would ensue. Karremans did not want refugees in or anywhere near a number of sensitive locations within the compound, such as the Ops rooms (the command posts), the armouries, the work shops and soldiers' barracks. In addition, it was extremely important to him to maintain the battalion's operational freedom of movement.[2] Franken shared this view. Even back in May, when the situation deteriorated, measures had been taken to be able to defend the compound. Defensive walls were built and vehicle positions were dug. The APCs would need to be able to move freely between these positions. However, if the compound became filled to overflowing, it would become impossible for vehicles to freely manoeuvre around the area. Dutchbat would then literally become trapped.

There was another aspect of the threat of the VRS that also played a role. The entrance gate to the compound was within view of the Bosnian-Serb guns and mortars which could easily cause carnage among densely packed masses of refugees. Important in this context were the VRS statements that no refugees were allowed to enter the compound in Potocari. It was difficult to determine whether Karremans had already heard this threat when he made his decision. The first recorded mention found in the Ops Room log book (and therefore probably also the only incidence Karremans himself talks about in his book[3]) dates from just after 20.30 hours and came from '4 E'[4]. The man behind this code was Sergeant Bos who was kept in Bratunac as a hostage and who was forced to pass on a number of statements by a VRS commander (probably Major Nikolic) via the on-board radio of his APC. The first of these was that 'Muslims would not be tolerated in the compound, but NGOs, on the other hand, would be. Furthermore, he announced the VRS would take on the job of demilitarisation that Dutchbat had proved to be incapable of.[5] The next day, when the first refugees had already arrived, another VRS statement refusing refugees permission to enter the compound would follow.[6]

Against this background, an ostensibly brief discussion with major Franken ensued following Groen's request and Karremans' initial reaction. In principle, Franken agreed with the arguments of his commanding officer, but as the officer responsible for operations presented a number of other considerations that convinced Karremans. Says Franken: 'In the end we made the joint decision that they (refugees) would be allowed into the compound after all.'^[8]

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compound itself to refugees would simply swamp the whole area and basically eliminate Dutchbat as an effective force as a result was very real in this option, as we have mentioned earlier. So the discussion between Karremans and Franken very quickly began to focus on numbers. It was decided to let the total amount be determined by the number of people that could be accommodated in the compound's large vehicle hangars. That would leave the battalion's freedom of movement intact and the refugees would be out of the VRS' sight as well. When the time finally came, refugees were also admitted to the first floor of the compound building, until an army engineer warned that the floors would not be able to bear the weight of any additional people. So no absolute limit had been set beforehand.

The question as to how many refugees would be able to reach the compound without coming within sight of the Bosnian Serb guns was answered soon after. The refugee columns would be diverted just before they would come within view of the VRS gun crews, via a so-called covered route to the south-west side of the compound. The point where the refugee flow would be diverted was planned to be near the bus terminal in Potocari because the Bosnian Serbs' field of vision ended just before that. Dutchbat soldiers were posted at that point to tell people to turn right to be able to walk on to the Dutchbat complex under cover of the factories situated between the compound and the bus terminal. The whole route would be marked by way of ribbons and groups of Dutchbat soldiers acting as guides. Other Dutchbat soldiers would then have to take over when people arrived at the compound and lead them into the vehicle hangar that was hidden from view by the compound's main building. To do this, it would be necessary to create a new, covered entrance. Franken gave instructions to this effect to compound Commander Major Otter and Lieutenant Koster, who had a hole cut in the fence at the most south-westerly corner of the compound. For practical reasons, this entrance would be moved a little the next day.

Otter was ordered to put together a group of 30 - three lieutenants each with nine men - whose job it would be to receive the refugees.[11] Lieutenant Jansen was designated as the officer responsible for dealing with the refugees within the compound, while Lieutenant Koster was given the same job in areas outside the compound.[12] At about 20.00 hours., all preparations had been completed for something that in the end turned out to be no more than a preliminary exercise.

There has been some confusion since about the question whether or not there had been any refugees in the Potocari compound on the night of July 10.[13] The conclusion that was already drawn in the debriefing report was that this had not been the case.[14] Dutchbat soldiers were posted at the bus terminal, the location where the refugees would leave the road and which will hereinafter be referred to as diversion point. They had positioned themselves there to direct refugees when they were approached by Bosnian soldiers who told them that they had already sent people back in Srebrenica.[15] About half past nine, captain Groen told the Ops Room that soldiers of the ABiH (Bosnian Muslim military forces) who at that time were still in Srebrenica had sent the refugees back to Srebrenica after consulting their commanding officer, Ramiz Becirovic. With the assistance of Becirovic, Groen's own compound was also cleared of refugees who had entered it. The Ops Room noted: 'our reception committee has been cancelled and is on standby'.[16] To be on the safe side, one team was kept outside the compound so it could deal with any refugees that might come across.

Why the soldiers of the ABiH decided to stop the refugees is not clear. At that time, a large number of military personnel were present near the post office building where the ABiH head quarters were, to demand a meeting with Becirovic to discuss the question whether they should give up the enclave and disappear.[17] It is possible that they had heard about the permission issued by Nikolic at about quarter to nine to allow people to go north, and saw this as an indication that the enclave's fate was sealed. Both and Honig, who were among the first to put together an integral picture of the Srebrenica drama, provided a more cynical

interpretation of the events that could fit this particular situation. In their view, the local population played a role in the attempts by the ABiH soldiers to ensnare the UN in battles with the VRS. That was supposed to be done not just by keeping the UN in the front line, but if possible also by involving the civilian population in the fighting. Mayor Salihovic is also supposed to have opposed moving the population out of the city. People who were already on their way to Potocari were therefore forced to turn back.^[18]

We could find no confirmation for this interpretation. It seems equally possible that other motives played a role. The departure of the inhabitants of Srebrenica could have been taken by hesitating defenders as a signal that it would indeed be better to disappear. Another possible explanation is that blind panic breaking out among the local population, and the possible consequences thereof, had to be prevented.

In any case, the measure turned out to have an effect for only a short while. About 30 minutes after midnight, the Ops Room received word from Srebrenica that 400 men, some of them armed, had left for Potocari. Fifteen minutes later, another message followed to report that a 'stream of refugees' was on its way to Potocari, including 'young people' (soldiers): 'hundreds of people passing behind and in front of the compound'.^[19] However, these were probably mostly people belonging to groups gathering for an attempt to break out of the enclave. Dutchbat did not see any refugees near the Potocari compound and it was a relatively quiet night until the bunker alarm sounded at 06.00 hours because of the long-awaited air strike.

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[1] SMG, 1004/61. Monthly register Ops Room Dutchbat, 10/07/95, entry 19.10, reported by 61R (Groen)

[2] Statement in writing Th.J.P. Karremans, 16/07/01.

[3] Karremans, *Srebrenica*, p. 187.

[4] SMG, 1004/61. Monthly register Ops Room Dutchbat, 10/07/95, entry 20.45, report by 41R and a similar report, just before that but without time noted, by 4 E.

[5] The exact reconstruction remains a problem. According to Karremans, the ban was lifted less than 10 minutes later and permission was also given to freely move in and out of the compound with vehicles. (Karremans, *Srebrenica*, p. 188) However, the Monthly register of Ops Room Dutchbat reports at 20.45 hours a message from Nikolic that refugees were allowed to go to Potocari but could not enter the compound.

[6] Based on personal log book notes of major Otter, this was at 2.20 pm. Notes given to NIOD for its perusal.

[7] Interview J. Otter, 26/05/99. Franken could not remember whether the threat had already been issued at that moment, but he 'did not rule it out. Interview R.A. Franken, 18/05/01.

[8] Interview R.A. Franken, 18/05/01.

[9] Interview R.A. Franken, 18/05/01.

[10] DCBC, nr.652. 'Log book/diary' DCBC.

[11] Interview J. Otter, 26/05/99

[12] Debriefing statement A.H. Jansen, 07/09/95; interview E. Koster, 06/10/99 and 19/10/99.

[13] In Karremans' book his account is quite vague on this point and judging by other statements, probably partially incorrect. For instance, he says that refugees in first instance entered the compound, but left it again at 21.30 hours, after which the hole in the fence is supposed to have been closed again. He probably confuses the Potocari compound with the Srebrenica one. Karremans, *Srebrenica, who cares?* pp. 187 and 189. However, in his letter NIOD, dating from 17 July 1995, Coll. Karremans. TK95118, 'Short summary of the events of the past week', he himself already says: '19.00 hours (...) first stream of refugees direction (sic) Potocari, but was able to send them back later'.

[14] Wind, *Debriefing*, p. 41.

[15] Dijkema, *Vredesnaam*, pp. 318-319.

[16] SMG, 1004/61. Monthly register Ops Room Dutchbat, 10/07/95, entry 21.29, noted by 61R. See also: Debriefing statement A.H. Jansen, Assen, 07/09/95; SMG, 1007. G. Bastiaans (debriefer) and C. Klep (report), 'Report debriefing major Otter (C-Ststcie), 23/07/95, Camp Pleso'. Otter thought that there was a message at about 10 pm from a 'BiH fighter' that no refugees would be coming.

[17] Rohde, *A safe area*, pp. 126-127.

[18] Honig & Both, *Srebrenica*, p. 42

[19] SMG, 1004/61. Monthly register Ops Room Dutchbat, 11/07/95, entries 00.25 en 00.43.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

4. July 11 – the flight to Potocari

In the aftermath of Srebrenica, there were accusations that Dutchbat personnel's own attitudes to the local population had a negative effect on the way they handled themselves (in the crisis). Part II discusses this in detail, but this theme surfaces continually in accounts of what happened during and after the fall of the enclave. That applies to, among other things, the description and analysis of the flight of the civilian population to the Dutchbat compound in Potocari. The Dutch soldiers, who for military reasons were forced to pull back to Potocari as well, ended up becoming part of the general flow of refugees during this retreat. Most of them belonged to B Company, whose members were later criticised most heavily for their alleged anti-Muslim attitude. On July 11, their compound became the assembly area and starting point for the desperate residents of Srebrenica and the refugees from the southern part of the enclave who had had been the first to flee from the Bosnian Serb advance.

The halt in that advance had calmed the local population again somewhat, aided by Karremans' promises about air strikes. When these strikes initially failed to eventuate and the VRS resumed its advance, this caused the population to take to the road again on the afternoon of July 11. Even before 14.00 hours, B Company's compound was swamped again by refugees who had been kindly removed just the day before. Half an hour later a Bosnian Serb shell hit the compound, probably in response to a small mortar being fired by an ABiH soldier among the refugees outside the compound.[1] Fortunately the shell landed between the parked armoured vehicles of the Dutch, as a result of which the explosion did not have the full destructive force it might have had. Just the same, there was one fatality and a number of people were seriously wounded. The way these wounded were treated is discussed in the Chapter entitled 'Dutchbat III and the population: medical matters'.

Just before 14.30 hours, even before the air strikes took place, captain Groen decided that the refugees outside the compound should be taken to Potocari, escorted by Dutchbat personnel.[2] Some claim that a woman standing on top of an APC and using a megaphone urged people to leave for Potocari.[3] By making it clear that the Dutch themselves were going (to Potocari), they managed to get people to move. The anti climax of the air strikes and the subsequent intensification of the shelling of Srebrenica had caused enormous panic among the population and acted as an extra incentive to flee from Srebrenica. At 15.00 hours, shortly before the VRS had threatened that if the air strikes continued it would kill the OP crews it had taken hostage, the decision was made to abandon the whole compound.[4]

Close to 16.00 hours, an endless ribbon of refugees slowly wound its way along the road from Srebrenica to Potocari. B Company did all it could to provide proper escort. Captain Groen had been ordered to protect the tail end of the procession against the advancing VRS by retreating slowly. At 15.45 hours he radioed the Ops Room that the refugee stream was moving very slowly in the direction of Potocari.[5] Soldier S. van der Veer:

'We wanted to help people as much as we could. So we walked with them and drove our vehicles staying close to the long procession, making sure that we were clearly visible to the Serbs. Just to let them know: there are UN blue helmets here, don't get it into your head to fire at civilians.'^[6]

Dutchbat soldiers who were on foot dragged people along with them and urged them to keep pace and stay ahead of the VRS.^[7] 'There were people sitting on the side of the road, exhausted. We tried to haul them to their feet. "To Potocari, Cetniks come!" we yelled, according to soldier J. Honig.^[8] To some extent, the Dutchbat soldiers were aided in their efforts to keep people moving by the constant gun and mortar fire shells landing in the areas along the road. In at least one case a soldier managed to get hold of a wheelbarrow, put a wounded woman in it and his weapon on top of her and subsequently walked the five kilometres to Potocari in this way. 'You can't imagine what it is like,' he later told a journalist in the safe haven of Camp Pleso in Zagreb. 'When I arrived in Potocari with my wheelbarrow, people began to clap. Women kissed my hand.'^[9]

The Dutchbat soldiers faced painful dilemmas along the way. Refugees placed a stretcher with a wounded woman in front of the wheels of corporal Pijfers' truck to force him to take her with him. But there was absolutely no room left on his truck and he had to carefully manoeuvre the vehicle around the stretcher.^[10] Soldier Van der Veer was involved in a similar incident, when he had to suddenly brake hard because a woman placed a wheelbarrow carrying her severely injured son in front of his vehicle. However, there was just no room for him: 'Our truck was completely full. People sat on the roof of the truck, they were lying between the battery boxes, we really could not fit any more in. I later heard that they made it. She continued to walk those four-and-a-half kilometres to Potocari with her wheelbarrow and her son was treated there by the doctors'.^[11]

Soldier F. Kossen was in the rearguard with his APC. In Srebrenica he had been kept in a blocking position, but a mortar shell destroyed the house standing next to the APC, causing debris to crash into the vehicle. After that, they had retreated slowly, firing over the heads of the advancing VRS a few times hoping to slow down their advance and give refugees the time to get away. Some of them tried to climb onto the APC, but Kossen had been ordered to keep moving.^[12]

APCs ahead of him and who had not been directly involved in the rearguard fight did, however, take on board as many refugees as they could that they found sitting exhausted on the side of the road. People were put inside as well as on top of the vehicle.^[13]

Sometimes orders were ignored to be able to help someone. One of the last, if not THE last APC to complete the journey to Potocari was the vehicle of Sergeant R.H. van Beukering. He had been ordered to evacuate the Joint Commission Observers and the commandos who had been sent in as Forward Air Controller for the air strike. After these had made a hasty escape down the mountain, under fire, to where the armoured car was waiting for them, they hit the road for Potocari as quickly as possible. In view of a possible renewed air strike, Major Franken had ordered them to continue their FAC duties from the roof. Later this turned out to be unnecessary.

When the armoured car passed the compound in Srebrenica, it had already been abandoned. The APCs that had maintained blocking positions had already left. When they set out for Potocari, the road from Srebrenica was empty. They only saw some older people sitting here and there on the side of the road. Suddenly they saw an old woman standing in the middle of the road. Van Beukering:

'By the way my driver was holding the handles, I knew he wanted to

stop. But I had orders to take those Forward Air Controllers to Potocari as quickly as possible, so I said: 'Keep going!' It still looked like he wanted to stop, but he drove around the little old lady. Ten metres on, he suddenly braked. The guys inside went crazy. When the tail gate went down, seven rifle barrels poked out of the vehicle! Then I said: 'OK, we'll take her with us.' That woman was dragged into the vehicle over a three-metre distance, she even hit her head on my seat. After that, we drove off like maniacs.'

After a few hundred metres he saw his first Dutchbat colleagues who were walking behind the refugees. Honking its horn loudly, the APC moved through the crowds to subsequently reach the compound in Potocari with a smoking, blown out engine.[14]

To what extent the observations in regards to the events between Srebrenica and Potocari are influenced by the hectic and sometimes seemingly life-threatening situations is a problem that occurs in almost all memories of the events of July 1995. The journey from Srebrenica to Potocari, too, was full of menace. The VRS was continually firing its guns and mortars, with the shells - according to the witnesses' depositions - landing mostly on either side of the road. Therefore, an analysis that was presented at the Krstic trial concluded that the shelling had been a conscious attempt to lead the refugees into a kind of funnel to Potocari.[15] Even earlier, the debriefing report of 1995 had already recorded Dutchbat personnel's impression that 'shelling took place solely to keep the stream of refugees moving into the direction of Potocari, not to create casualties'.[16]

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[1] See the interview soldier Jord Honig in: W. Kieskamp, "'We konden niet al die vluchtelingen op onze rug nemen'" ('We couldn't carry all those refugees on our backs'), *Trouw*, 29/07/95. 'Just past 4 o'clock in the morning, new groups of ABiH troops were reported to have arrived in the centre of Srebrenica, including someone with a small mortar. SMG, 1004/61. Monthly register Ops Room Dutchbat, 11/07/95, entry 04.17.

[2] SMG, 1004/61. Monthly register Ops Room Dutchbat, 11/07/95, entry 14.21: 'Locals in front of B company on their way to Potocari, en masse under escort of (not noted down)'.

[3] Interview Mira Budisa, 19/06/00.

[4] SMG, 1004/61. Monthly register Ops Room Dutchbat, 11/07/95, entries 15.01 en 15.07.

[5] SMG, 1004/61. Monthly register Ops Room, 11/07/95, entry 16.15.

[6] P. van Gageldonk, 'Hoe oorlog is in het veld. Srebrenica door de ogen van blauwhelm Steve van der Veer' ('What war is like in the field. Srebrenica through the eyes of UN soldier Steve van der Veer'), *Nieuwe Revu* 33, 9-16/08/95.

[7] Description by Captain J. Groen in: Dijkema, *Vredesnaam* pp. 303-304; interview J.R. Groen, 05/07/99.

[8] W. Kieskamp, "'We konden niet al die vluchtelingen op onze rug nemen'", *Trouw*, 29/07/95.

[9] Statement by sld 1 Rikwin van Damme, quoted in: "'Ik zag zo tien mensen neervallen.'" ('I saw 10 people fall in this way'), *Het Parool*, 24/07/95.

[10] "'Ik zag zo tien mensen neervallen.'" *Het Parool*, 24/07/95.

[11] P. van Gageldonk, 'Hoe oorlog is in het veld. Srebrenica door de ogen van blauwhelm Steve van der Veer', *Nieuwe Revu* 33, 9-16/08/95.

[12] "'Bataljon weerde zich voortreffelijk'" ('Battalion did an excellent job'), *Defensiekrant (Defence Journal)*, (1995)9.

[13] ICTY (IT-98-33-T) Testimony L.C. van Duijn, 30/03/00.

[14] Interview R.H. van Beukering, 14/12/00; debriefing statement sgt 1 R.H. van Beukering, Assen, 11/09/95.

[15] ICTY, Prosecutor versus Radislav Krstic, *Judgement*, par.123. This was in line with the suspicion that was also already expressed in the Debriefing report. See: 'Report based on the Srebrenica' debriefing, p. 55.

[16] Wind, *Debriefing*, p. 55. In view of the large role that the OP-M incident played in the aftermath, this theme will be discussed in Part IV, Chapter 8.

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Part IV

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6. Reception in Potocari

The first refugees to arrive at the bus terminal were met by Lieutenant Koster and his men, who had positioned themselves there at around two in the afternoon. They were accompanied by an interpreter. Initially the first small groups trickling in were kept in the depot area. As mentioned earlier, Rave linked this to a threat that the compound would be shelled, possibly relating to a new message from the VRS in the person of 'Jovo', the guard of Yellow Bridge, to say that the refugees were not allowed to enter the compound in Potocari.[1] The origin (sender) of this message was not clear to the person who kept the Ops Room log book, justifying the assumption that once again the VRS had broken into the battalion's network via one of the stolen APCs. It is, however, likely that Rave is talking about the VRS ultimatum that arrived at 15.50 hours in response to the air strike. The ultimatum not only threatened that the Dutch hostages would be killed, but also that the VRS would employ its entire arsenal of weaponry against the compound in Potocari and the town of Srebrenica.[2] As mentioned before, the first refugees - those who came in with the four-tonne trucks - had according to major Otter already arrived and in that respect the die had been cast already. Probably there was a temporary delay during which time they were looking to see how things would develop at the bus terminal.

To do this, Koster was initially ordered to produce an estimate of the number of refugees there. In the beginning this was fairly simple because there weren't very many people yet, but it became difficult when the large crowds approached the depot. Koster:

'It's not difficult to work out whether there are 100 or 1000 people. But it gets much more difficult to say whether you're looking at 1000 or 5000. Based on this, I think they evaluated the situation: isn't the pressure getting too great? I myself told them a number of times: "Listen! I really can't keep them here much longer!" '[3]

When eventually the battalion commanders gave their permission, people were sent on in small orderly groups of about 20 persons via the covered route, with Dutchbat personnel showing the way.

Even before that time, when the main body of refugees first appeared, Koster had begun to get worried. He was stationed with only a small group of soldiers at the point where the covered route to the compound veered away from the main road and therefore he asked for reinforcements to prevent people from simply keeping to the main road and walk on in the direction of Bratunac. In fact, some of the refugees said that's what they wanted to do anyway. Koster:

'They often said: 'Are we going to Bratunac?' They would also talk

about towns and cities whose names I didn't know and can't even repeat now. Then I would say: 'I am sorry. I don't know. But I wouldn't do that just now, it's too dangerous.' Then they would turn around and walk away again.' [4]

Why people wanted to go to Bratunac was a mystery to Koster. He was not aware that just past 14.30 hours there had been another message from 'Jovo', who promised the people of Srebrenica that they could leave the enclave, 'safety guaranteed'. People could go to 'Tuzla or anywhere else'. [5] The incongruence between that statement and the rather unconcerned remarks that Koster got from the refugees via his interpreter are difficult to explain, but did fit in with the general pattern of the rumour mill that was operating among the local population. [6]

There were more surprises in store for Koster. He sometimes saw heartbreaking scenes of armed fighters saying goodbye to their families before they walked off in a westerly direction, into the hills. The usually older men who stayed behind had almost no weapons. It was probably known that soldiers would not be admitted, although the several pistols were later found in the toilets at the compound in Potocari. Some handed their weapons in to Dutchbat soldiers. One time, a group of five or six 'really old men' approached Koster. One of them spoke a little German and for the umpteenth time he was asked what was going to happen. Koster:

'I said: "No idea. But whatever happens, we are going to protect you."
And he said: "If something happens, you will see me standing over there! But for now, here is a hand grenade for you. Then you can have a go at them with this!" The pin was still in it.' [7]

Just past 16:00 hours things began to accelerate. At 16.10 hours, the Ops Room noted that about 1000 refugees and 25 injured people had been admitted to the compound and that about 7000 refugees were concentrated at the bus terminal. Ten minutes later, the log records that Srebrenica was in the hands of the VRS and there is a revised refugee count of 4000 people at the compound and 16,000 to 20,000 in the bus terminal area and the adjacent factories. At 16.30 hours, Koster called in an army engineer to open the gates of one of the factory sites and give the refugees access to the complex. [8] The improvised gate at the Potocari compound had been closed by then. Rave, who had come in from Srebrenica, also helped to stop the stream of refugees and to open the gates and break down doors at other factories near the compound. [9]

Although some refugees sought shelter in nearby houses on the slopes behind the factories, most of them overran the factory sites, looking for the best spots. The bus terminal and the bus wrecks on the site had been occupied by then.

The factory areas were on either side of the main road. Some of the refugees who belonged to the small group of original Srebrenica inhabitants had worked here before the war. The *Energoinvest* factory was on the west side of the road, with the large zinc factory standing north of there. The bus terminal was opposite the zinc factory, on the east side of the road. All buildings almost directly backed onto forests and fields, where later bodies would be found - about which there will be more later in this chapter. The 'Potocari' map (section 15) shows the area surrounding the compound in Potocari.

After strips of farm fields and some scattered individual houses here and there, there were some other buildings north of this conglomeration of factory buildings. The largest complex, separated from the bus terminal by a forested strip of land, almost directly bordered the Dutchbat compound. They included the 'Feros Building', an office building, and the so-called 'Blue Factory'.

No refugees were housed in these buildings. During the trial against Krstic at the

Tribunal, there was speculation about the question why the 'Blue Factory' had not accommodated any refugees. The theory that was advanced was that after the VRS moved in on July 12, the building was put to use as the VRS headquarters and that the refugees that had been in the building before were chased away.^[10] The former is not impossible, but Dutchbat never regarded the factory as an option for housing refugees. Long before, an inspection of the 'Blue Factory', an old factory that used to produce brake shoes, had uncovered large quantities of loose asbestos, mountains of which were lying about in the corners of the sheds.^[11] Moreover, it would have stretched the mini Safe Area to such an extent that it would have become impossible to keep proper control over the area with the limited resources at Dutchbat's disposal. It did, however, lead to a situation whereby at a distance of about 200 metres from the compound there was a sort of island full of refugees.

Access to this 'island' was barred on the south side by a few APCs of Bravo Company. Because at that time there was no imminent threat of VRS troops advancing from the north, the access road from Bratunac was guarded with a few APCs by Koster and his men of C Company, still at the location where the covered escape route branched off the main road at the bus depot. Soldiers were also posted at a few other locations around the perimeter of the 'island'. In the course of the evening, a casualty centre was set up at the bus depot and this was manned on a rotation basis by medical personnel of Dutchbat. Before that, any injured people that had been found had been transferred to the Potocari compound that was, by now, inaccessible to the other refugees.

Surprisingly, dealing with the refugees there had gone reasonably well in the beginning, but later, when numbers began to grow and panic struck among people who feared they would have to stay outside, the situation became increasingly chaotic. There were people among the refugees that streamed into the compound who really were in a blind panic. One desperate mother pushed her baby into the arms of a soldier standing at the gate, and then disappeared into the crowds again.^[12] Alerted by a *Médecins Sans Frontières* midwife, another soldier found a stillborn baby in a garbage bin - it was buried in the compound.^[13] Older people as well as children suffered in the stifling heat of more than 40 degrees Celsius and the Dutchbat soldiers did all they could to improve the situation. There was just one tap with running water and only one water purification device. The battalion also had only one water pump left to pump water out of the creek into a water truck. In the Netherlands, major Otter had sometimes seen firemen keeping large numbers of people at major outdoor events cool by spraying them with water. He told the soldiers operating the water truck to do the same with the refugees. However, these didn't understand the good intentions at all and in fact were less than grateful for the efforts of the Dutch.^[14]

Otter then proposed to give at least pregnant women and small children in diapers the chance to take a shower. Otter:

'At one stage, I also went to talk to *Médecins Sans Frontières* about the idea to at least give several hundreds of people who were in a really bad way to have a wash. That Christina [Schmitz] of *Médecins Sans Frontières* said: 'That simply cannot be done.' And the interpreters said: 'How are we going to tell them about that? There are 5000 people in there. Do we have to stand there shouting: all women and children can take a shower? That's not going to work.' And the doctors also said: 'After that, you may as well throw the showers away altogether because the damn things will then be full of all sorts of diseases and other miseries. Give it up! For the time being, just don't do it.' We then collected all the towels that we could find and soaked them in water. We loaded them onto a cart that we wheeled it into the hall. I think all towels were gone in 10 minutes.'^[15]

The plan Otter drew up to help the refugees involved all sorts of other measures. He organised a sick bay, had soldiers rig emergency lights, and mobile toilets, 'Dixis', were placed in various locations. Even so, it took quite some time before the refugees had calmed down somewhat.

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- [1] Monthly register Ops Room Dutchbat, 11/07/95, entry 14.26.
 - [2] NIOD, Coll. Karremans. Letter TK95118 of commander Dutchbat, 17 July 1995, 'Short summary of the events of the past week'.
 - [3] Interview E. Koster, 06/10/99.
 - [4] Interview E. Koster, 06/10/99.
 - [5] SMG, 1004/61. Monthly register Ops Room Dutchbat, 11 July 1995, entry 14.35.
 - [6] Various statements show that some people had portable radios with them, as a result of which they knew what was happening outside the enclave. It could not be determined whether this also applied in this specific case.
 - [7] Interview E. Koster, 06/10/99.
 - [8] SMG, 1004/61. Monthly register Ops Room Dutchbat, 11/07/95, entries 16.10; 16.20 en 16.30.
 - [9] Notebook B. Rave. Loaned to NIOD for its perusal.
 - [10] ICTY (IT-98-33-T). Testimony J.-R. Ruez, 13/03/00.
 - [11] Interview R.A. Franken, 18/05/01.
 - [12] Debriefing statement R.G.D. Zomer, 07/09/95.
 - [13] Debriefing statement R.H.B. Raghbir, 15/09/95.
 - [14] Outrage was expressed to NIOD investigators in various discussions with people who had been in Potocari.
 - [15] Interview J. Otter, 26/05/99.

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7. Numbers of refugees

Making an estimate of the number of refugees in and around the compound was not an easy task. Counts by those who tried to arrive at a number differed widely and were sometimes adjusted. On July 12, Karremans reported to his superiors that there were no more than 17,500 refugees.^[1] *Médecins Sans Frontières* and UNMO, however, were at that moment already working on the assumption that there were about 30,000 people around the compound.^[2] In that same report by Karremans, he initially estimated the number of people in the compound at 2750. Later the battalion command adjusted that estimate to the much higher figure of 4000-5000 people. This is supposed to have been the result of an estimate that was carried out only on July 13 by representatives of the refugees, at Franken's request. The reason for this request was that he wanted a list of all able-bodied men in the compound.^[3] Counts taken at the exit of the compound when the refugees left on July 13 arrived at 5100 and 5200 respectively.^[4] Why there was such an important difference between the first and the last figures remained a mystery.

Just as important as the confusion about the total number was the erroneous impression (as would be shown later) that there were almost no able-bodied men among the thousands of refugees. Without going into the complicated issue of numbers here, we can assume that there were probably about 2000 men in Potocari, three-quarters of whom were of able-bodied age (16-60).^[5] Of those, it later turned out that about 300 were among the refugees in the Potocari compound. The 'dilution' of these numbers within the total number of refugees made them invisible as a group for a long time. Sergeant J. Zwiers of the Royal Netherlands Marechaussee, for instance, who arrived at the enclave together with his colleague M. Moek on July 4, later declared that 'the only thing' that had particularly struck him at the time was that among the refugees that he saw in the compound there were 'only women, young children to about 14-15 years of age, and old men'.^[6] That men in the 'able-bodied' category perhaps deliberately kept out of sight for fear of reprisals can explain why Dutchbat personnel both in the compound and outside had the distinct impression that the majority of men that they saw were of old age – an impression that turned out to be incorrect.

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[1] SMG, 1004. CO Dutchbat to Janvier, TK95114, 12/07/95.

[2] Of these, 10,000 were in the compound and 20,000 outside. Referring to MSF, quoted as a source in: UNGE, ICFY, Box, 234/6/15. Telegram Akashi to Annan, Z-1152, 12/07/95.

[3] 'Srebrenica lijst 242' ('Srebrenica list 242'), Letter Hasan Nuhanovic to Mient-Jan Faber, part 2, in: *Trouw*, 13/07/99.

[4] SMG/Debrief. *Account of the facts*, pp. 242, 252. There were lower counts as well, which possibly relate to the times when counts began or can be explained by mistakes in writing statements down. For instance, psychologist P. Sanders said that he arrived at the figure of 2000 when he counted people at the gate (Debriefing

statement P. Sanders, Assen, 13/09/95). Another soldier had 3200-3500. SMG/Debrief. *Factual Account*, p. 224.

[5] 'The number of missing persons from Potocari, Srebrenica, 11 – 13 July 1995', internally produced extrapolation by staff of the Prosecutor of the ICTY for the trial of Krstic, made available to the NIOD. The extrapolation is based on information from: Helge Brunborg and Henrik Urdal, *Report on the number of missing and dead from Srebrenica*, 12/02/00. ICTY Krstic (IT-98-33-T), OTP Ex. 276.

[6] OM Arnhem, KMar Sebra-Team, P 506 (1998), file 1 OP-Mike. Report of interview witness J. Zwiers, Assen, 01/09/98.

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13. The 'instruction to Karremans'

Brantz's message created quite a stir. It is necessary to take a moment to consider one of the many controversies that erupted almost immediately after Dutchbat's return to the Netherlands: the alleged instruction to Karremans not to cooperate with any attempt to separate men and women in Potocari. An internal reconstruction that at the request of Minister Voorhoeve had been carried out even in August as a result of stories in the media, showed how poor communications had once again led to misunderstandings here.[1]

Even at the Ministerial Council of the evening of July 11 serious concerns had already been expressed about the fate of the population. The initial preoccupation with the safety of Dutchbat had by then already made way for concerns about the future of the thousands of refugees who had sought protection with Dutchbat. Some ministers even talked about their increasing fears for the fate of the men, whose precise whereabouts were at that moment still absolutely unclear. Minister Voorhoeve even went as far as expressing his fears that there would be a bloodbath.[2]

When Brantz's situation report, outlining the results of the meetings with Mladic, arrived at the Defence Crisis Management Centre at 13.19 hours, the item about the VRS' planned debriefing of able-bodied men led to a shocked reaction from Voorhoeve. The Minister gave instructions to inform UNPROFOR in Sarajevo that the Dutch UN troops would not be allowed to cooperate with this in any way. The Deputy Chief of Operations, Air Commodore Hilderink, then contacted UNPROFOR. Later he could not recall whether he had talked to Nicolai, his military assistant De Ruiter, or colonel Brantz in Tuzla. Only De Ruiter vaguely remembers that the subject came up in the conversation. But he definitely did not remember having been given any kind of specific instruction from the Minister. 'It is unlikely that your instruction came through as a clear guideline from the Ministry of Defence,' the compiler of the note, acting director of the Directorate for General Policy L.F.F. Casteleijn concluded.

The reconstruction also showed that Karremans had telephoned Nicolai at 15.00 hours on July 12, but they have different recollections of what they talked about. The order of priorities was discussed and Nicolai had agreed to this. In August 1995, he said he remembered having expressed 'reservations' about the separate treatment of the men, although he did not recall any direct instruction that Dutchbat was not permitted to cooperate with the separation of men and women.[3] Karremans, however, did not remember Nicolai expressing any sort of objections and as a result Casteleijn came to the conclusion that the Battalion Commander never received a specific guideline from UNPROFOR.

An interesting element in the note was formed by the references by De Ruiter as well as Nicolai to the fact that they had been under the impression that it really concerned a bit of a non-problem. After all, Karremans had said a few times that there were barely any able-bodied men among the refugees; that was also what he had told Mladic on July 11 and 12. That seemed to fit in with the first messages that Sarajevo received about a possible large-scale escape attempt. However, that the reality was a little different was also picked up on in Casteleijn's note. He pointed out that, for all that, there were 'probably several

hundreds' of men in and around Potocari. Based on the number of people listed as missing, with 'Potocari' as the place where they were last seen, it became obvious only years later that even Casteleijn's estimate had been very much on the low side and the real figure should probably have been more than 2000.

The note also referred to a list of 239 names of able-bodied men in the compound that Karremans is supposed to have ordered to be drawn up, a suggestion that he did not refute for a while and that appears to fit in with a pattern where Karremans initially took formal responsibility for decisions and actions by his subordinates during the days of the fall of the enclave. As we will see later in this part of the report, the list was actually the work of his deputy, major Franken. Karremans later declared that he had realised there were 'more than 300' able-bodied men in his compound only after Franken had told him about the results of a count of names on the list.^[4] Until then, they had managed to stay hidden among the mass of more than 4000 people who occupied the overcrowded halls of the former factory.

A possible problem that doesn't allow itself to be recognised stays hidden until it manifests itself of its own volition. When that happened, the situation in Potocari had changed radically and took on dynamics of its own that Dutchbat turned out to have no answers for. The prelude to this final act already took form the moment that Brantz sent his situation report to the Defence Crisis Management Centre.

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[1] DS. Note DAB to Minister, D95/429, stg secret, 23/08/95. 'Instruction to LCol Karremans, 12 July last.' The note was distributed via five numbered copies. Unless stated otherwise, the reconstruction provided here is being followed.

[2] Diary Voorhoeve, p. 117.

[3] CRST. Note from Bgen C.H. Nicolai to DCBC, Army crisis staff/SCO, "'Last days" Dutchbat Srebrenica', 16/08/95.

[4] Interview Th.J.P. Karremans, 16/12/98.

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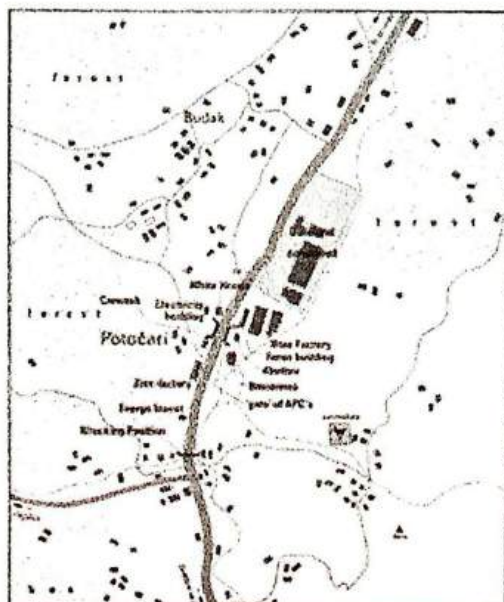
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15. Dutchbat and the problem of the murders in Potocari: the rules

The impression that Dutchbat personnel witnessed more war crimes than they have actually talked about lies at the root of one of the most crucial questions surrounding the entire performance of the battalion. That question is bound up with another question that has been asked publicly: why didn't Dutchbat do more to prevent what in the public discussions was soon routinely called genocide?^[1] This issue moved even more into the limelight following the investigations ordered by UN Secretary-General Annan in 1999 into the events in Srebrenica. In this report, Dutchbat's military performance that until then had been much criticised, was put into more perspective by way of a large number of comments that emphasised Dutchbat's inevitable powerlessness, especially because of the failure of UN air power. The questions and criticisms therefore now focused even more on the ostensibly inadequate reporting by Dutchbat of war crimes that were being observed and of indications of large-scale violations of human rights.

Before we talk about the events themselves, it is necessary to take a closer look at the formal framework that was in place for missions or SOPs within UNPROFOR. This framework consisted of the Standing Operating Procedures of UNPROFOR and, in particular, Standing Operating Procedure 208, 'Human rights and war crimes'. Standing Operating Procedure 208 was based on all relevant international conventions, charters and Security Council resolutions to do with human rights and war crimes.[2]



Apart from the UNPROFOR troops, the warring factions in Srebrenica had also been formally informed of the applicable laws and rules of war and they had all formally accepted the validity of these laws. The preamble of the demilitarisation agreement signed by generals Mladic and Halilovic on 8 May 1993 reconfirmed that 'the Geneva conventions of 12 August 1949 and the protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed (Protocol 1) are fully applicable in the conflict in Bosnia [sic] and Hercegovina [sic]'.^[3] Signs placed on access roads to the Safe Area also gave notice of all this.

On the one hand, the purpose of Standing Operating Procedure 208 was to act as a deterrence to the warring factions in the short term, and, on the other hand, to create the possibility in the longer term for the Yugoslav Tribunal Prosecutor(s) to charge people who committed war crimes. UNPROFOR soldiers therefore had an obligation under this Standing Operating Procedure to make sure that all physical evidence of war crimes that they observed was secured and kept in a safe place. If they were approached by civilians who claimed to have information about possible war crimes, they had to explain to them that they had no authority to carry out investigations themselves. However, they did have the obligation to send all information, including witness statements, to the Bosnia-Hercegovina Command immediately, attention of the Legal Advisor. The latter would be responsible for further distribution and processing. In view of all this, a simple, well-structured and properly coordinated reporting procedure would be required and it was essential to have the support of all units and organisations in the operational area.

An appendix to Standing Operating Procedure 208 listed various examples of violations of the rules/laws of war and of human rights. The first one concerned the killing or wounding of enemy soldiers after capture or surrender. The same applied to civilians. This point further specified things like the indiscriminate bombing of civilian targets, sniper fire, and random executions. The third point concerned torture and cruel or inhuman treatment and forced labour. Examples of this included forced movements of people through the confrontation line and poor treatment of people who were being detained. Other points related to, among other things, 'forced eviction from apartments, houses villages or cities' but also unauthorised use of internationally recognised symbols and badges and insignia of organisations such as the Red Cross and the United Nations. The list ended with a safety net: 'This list is not complete, when in doubt report anyway'.^[4]

Notable in the Dutch-language Standing Orders of Dutchbat, which include some translated Standing Operating Procedures, the reference to procedures to do with humanitarian crisis situations and human rights violations has been omitted. The summary of standard report forms does not include the form that Standing Operating Procedure 208 refers to. However, the Standing Operating Procedures and other relevant instructions, such as the Force Commanders Directives, are presented as being applicable to the execution of the battalion's tasks. That serves as an illustration of the fact that reporting procedures on humanitarian matters were as yet poorly developed within UNPROFOR as a whole.^[5]

It is difficult to say to what extent the Dutch soldiers were fully aware of the existence of the procedures and the rules of law that were in force in regards to human rights violations. When people were being debriefed in Assen, they were all asked whether they had known about the rules/laws of war that had applied to the situation in Srebrenica, something that they had been taught about during training. Of the servicemen and women who were asked this question, 189 replied 'that they found it (their knowledge of the rules etc) adequate'. It's impossible to say whether this was just a routine answer that did not necessarily reflect reality. In any case, there were in fact some among those attending the debriefing sessions who said they didn't think their knowledge had been sufficient. Thirty-two of them said the theory did not fit reality, and about twenty even said they had received no instruction in the rules and laws of war at all.^[6] Strangely, the debriefers in Assen did not ask anyone whether he or she

had also been familiar with the procedures in regards to violations of those laws; it's even doubtful that the debriefers themselves knew anything about these.

In determining how this formal framework functioned and to what extent Dutchbat soldiers used it as the basis for their actions, it is necessary to make an analytical distinction between the different groups of servicemen that this question is concerned with. The failure to make this distinction in many of the later public discussions about Dutchbat's role has led to matters getting confused and obscured in efforts to find explanations. Events at different locations and different points in time were sometimes mixed up, as a result of which the media, for instance, regularly created the impression that 'thousands of Muslims were murdered literally under the eyes of Dutchbat'. This completely ignores the fact that in reality the majority of the thousands of missing men died in their attempt to escape to Tuzla or at execution locations outside the enclave.

To begin with, there was the large group of servicemen who belonged to the main force in the Potocari compound and who eventually left the enclave on July 22. Within that group a distinction can be made between those who escorted the refugee convoys, and those who stayed behind in Potocari. In addition, there is the group consisting of OP crews taken hostage, totalling 55 soldiers, who were already released by the VRS on July 15 and arrived in Zagreb soon after. They got there more or less at the same time as the doctors and nurses of the KHO-5 group from Potocari who had been given permission for their postponed rotation, also on the 15th. The Dutchbat servicemen in Potocari are the main focus of this chapter, with the exception of the KHO group that we will talk about separately later.

The only official reports of murders that were sent from the enclave came from Lieutenant Colonel Karremans, who told Sarajevo on July 13 that nine to 10 bodies had been found and that there had been a possible observation of an execution. Karremans has always maintained that these were the only reports that had reached him from the battalion.[7] After the battalion's return from Srebrenica to Zagreb, Army Commander in Chief Couzy based his comments at his press conference on July 23 in Zagreb on the same reports. Prior to his press conference statements, he said: 'I have here the exact facts as we know them so far and we think they're virtually complete'.[8]

However, the large-scale debriefing of Dutchbat in Assen that had been ordered by the Ministry of Defence in the autumn of 1995 already showed that there had been a number of indications of other murders. These indications were partially touched upon in the debriefing report, and in more detail in the so-called Factual Account Debriefing 'Srebrenica' that was made public only later. Yet the number of confirmed and possible deaths on the basis of the debriefing only very slightly increased compared to the number reported by Karremans and Couzy. Based on the new information, the Ministry of Defence set the number of deaths at 13 to 14.

However, about that same time, early in October 1995, there were more and more stories in the media that pointed to massacres on a significantly larger scale. The publication at the end of August of American aerial photographs that possibly showed mass graves, had put many journalists on the trail. A lot of the information that they subsequently put together was based on statements from refugees and people who had survived executions. Part of that related to the mass executions that had taken place on locations outside the enclave. But other stories suggested that dozens and possibly hundreds of people had fallen victim in Potocari as well, near or perhaps even literally in full view of Dutchbat personnel. It is obvious that there was a proportional increase in the number of questions being asked about the role played by Dutchbat.

[1] The use of the word 'genocide' is not being questioned here. It simply reflects its public use in relation to Dutchbat.

[2] To wit: A: Geneva Conventions of 12 August 1949 for the Protection of War Victims; B: The Hague Convention (IV) respecting the Laws and Customs of War on Land and the Regulations annexed thereto of 18 October 1907; C: Convention on the Prevention and Punishment of the Crime of genocide of 9 December 1948; D: Charter of the International Military Tribunal of 8 August 1945; E: Security Council Resolutions 764 (1992), 771 (1992) 780 (1992), 808 (1993) and 827 (1993); F: Report of the Secretary-General pursuant to paragraph 2 of Security Council Resolution 808 (1993). Standard Operating Procedures UNPROFOR (01/09/93), SOP 208, Human Rights and War crimes.

[3] The document has been included as Appendix 4 opgenomen in: Karremans, *Srebrenica*, pp. 269-272.

[4] Standard Operating Procedures UNPROFOR, September 1993.

[5] Interview Peggy Hicks, 10/07/00. At the time, Hicks worked for the Human Rights Office (HRO), part of the Legal Office of the Civil Affairs department at the UNPF HQ in Zagreb. She was involved in the investigations into the events in Srebrenica.

[6] SMG/Debrief. *Feitenrelaas*, par.4.7. Knowledge of the laws/rules of war, p. 311.

[7] SMG/Debrief. Debriefing C-Dutchbat 3, copy own text LCol Karremans, Deventer, 06/09/95 (Stg confidential/permanent) p. 13.

[8] NIOD, Coll. Krcemers. 'Excerpts from press conference in Zagreb, 23/07/95 (full text of the introduction by

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16. The question of numbers

To put the problem into sharper focus, it is necessary to first determine whether there is a numerical basis that can serve as a starting point for answering any questions about the actions of Dutchbat and the statements they themselves made about that later. Until now, those statements have not - or barely - been analysed in relation to material from other sources that do point to large-scale murders.

Over the years, many refugees have been interviewed, by different bodies, under different conditions and at different points in time, all of which influenced the way their statements came about. From the very beginning, the reliability of witnesses and to what degree their stories could be verified were the problems faced by journalists as well as investigators from all sorts of organisations, including those of the NIOD. This means that it is difficult to make a fully-reasoned selection of witness statements that can be called representative of what took place in Potocari.

Another complication in all this is that there has, to date, been very little in the way of supplementary forensic investigation that could support statements. Of all efforts made by the designated body, the Tribunal in The Hague, to reconstruct events in Srebrenica, only a small part focused on possible massacres in Potocari.

In 1996, when the Tribunal was working on the charges against Karadzic and Mladic, Tribunal Investigator Ruez already testified that 'dozens' and possibly even more people had died in the night of July 12-13.^[1] At that time, he based this mainly on eyewitness statements because there had as yet been little or no time for additional investigations. At the start of general Krstic's trial in 2000, Ruez declared that there still were gaps in regards to what was known about events in Potocari, which hopefully would be closed in the course of the trial.^[2] He and his colleagues were, after all, primarily concerned with the large-scale executions, in finding locations and victims as well as those who had been responsible for them. In point of fact, a number of witnesses were presented during a later stage of the trial, including some members of Dutchbat, who had to support the prosecutor's claim that large numbers of men had been murdered in the immediate area of Potocari. However, because no mass graves were found there, the Tribunal also remained in the dark as to exactly how many victims probably were involved, although based on the witness statements and forensic evidence that had also been gathered by then, the belief was that at least 80 and possibly a few hundred men had been killed in the Potocari area. The witness who gave evidence of a group of 80 men being taken away, provided, for instance, the detail that a hole had been cut for this in a barbed wire fence, making it possible to walk via a farm field in the direction of the forest. Tribunal investigators did in fact later find a provisionally patched hole in the location the witness had indicated.^[3]

This sort of evidence increases the credibility of the statements, but doesn't remove all the drawbacks inherent in the use of sources like this. And although the Tribunal investigators did in fact, as Ruez promised, provide supplementary evidence for the murders in Potocari, we definitely cannot say that they closed all the gaps (in the available evidence).

The amount of qualitative source material about massacres in and around Potocari is so great in

volume and provides so much detail that even the most conservative interpretation of the available information will show up the striking difference with the statements from the Dutchbat side. Determining the scale of the murders as exactly as possible plays an important role in explaining this contrast. Proper estimates are, however, difficult because much of the available quantitative information can only be treated with great caution.

Many of the figures that circulated about the numbers of refugees and the composition of the population still present a problem today. During the existence of the Srebrenica enclave as well as afterwards, it was difficult to get a reliable picture of the total number of people that were inside the enclave at the time of the attack. An added complication is that the discussion is subject to a political mortgage. The outcome of the count has a direct effect on all calculations of the numbers of people missing and, therefore, also on the question of, for instance, whether the scale of these numbers justifies the use of the word 'genocide'. Not surprisingly, the (Bosnian) Serb side has always expressed its doubts about the numbers of victims that are being claimed.^[4]

Right from the beginning, those who were directly concerned also had difficulty trying to determine how many refugees there were in Potocari, inside the compound as well as outside. Counts were done at various times, by Dutchbat as well as UNMOs. In the description of events on July 11, we already talked about how Lieutenant Koster tallied up the numbers of refugees who came to Potocari and were sent on to the compound in groups of 25. In doing so, the Dutchbat soldiers made no distinction between men and women. It was only on July 13 that it became clear how many men were in the compound and in what age groups. Men in the able-bodied group, the category aged 15-60, became visible in the so-called 'list of 239', also known as 'Franken's list'. This list was drawn up after Franken had talked to two refugee representatives, Nesib Mandzic and Ibro Nuhanovic. However, the '239' handle is misleading because it is based on a hasty, incorrect count by Franken of the names on the list before he signed it. In reality, the list had 251 names on it. Franken and former interpreters said that about 70 men refused to put their names on the list because instead of protection they only expected problems if the Bosnian Serbs found their names on it.^[5] That would make the total number of able-bodied men present at the time about 320.

In reality, the total number of men in the compound was larger by an as yet unknown factor. Franken said that the refugee committee that took charge of the registration of people did not put elderly men on the list because they were expected to run less of a risk.^[6] Moreover, other information shows that boys younger than 15, even as young as 12, were pulled out of the refugee ranks by the Bosnian Serbs when the compound was cleared late on the afternoon of July 13. Probably based on similar reasoning, Franken eventually came up with an estimate of 350 men having been in the compound.^[7]

It needs to be commented here that not all men on the list were killed. A small number ended up in the prison camp of Batkovici near Bijeljina and were released in December 1995 as part of the Dayton Agreement, together with another group of men who came from Srebrenica.^[8]

At the time of 'Franken's list', there were other estimates in circulation. Karremans believed that five percent of the total number of refugees, that he then estimated at 15,000 to 20,000 people, were men, in other words about 1000.^[9] Franken later told the Tribunal that he thought there were 500-600 men outside the compound, bringing his total estimate to 850-950.^[10] One estimate that was probably fairly accurate, of the number of men who were in the area marked off by tapes, came from a male refugee who survived. According to his count, the Serbs pulled about 1000 people out of the crowd outside the compound on July 12 and 13, most of which were men.^[11]

The estimates by Karremans and Franken are in stark contrast with the one by a Dutchbat interpreter, Omer Subasic. In a comment on the debriefing report, he said he believed about 2000 men to have been in Potocari.^[12] In an extrapolation of the figures, the Tribunal also came to a total of 2000 men, three-quarters of them in the able-bodied category. Sergeant W. Sanders of the Supply platoon, who had been involved in the efforts to deal with the incoming stream of refugees, also arrived at a higher estimate, albeit by a considerable margin. He saw 'very few men' among the refugees and estimated their number at between five and 10 percent of a total of 5000 people inside the compound

and about 25,000 outside it.[13] That would mean there would have been 1500-3000 men. This last figure corresponds with the numbers that UNMOs mentioned in their reports, namely 3000 men. [14] What this high number is based on is not clear because the UNMOs hardly ever patrolled outside the compound in Potocari, where they had already arrived on July 9. They, in turn, probably based their figures on estimates that they got from their interpreters, but for obvious reasons the latter didn't have any freedom of movement left either once the VRS had arrived in Potocari. Which is why Tribunal investigator Ruez urged caution when he mentioned this figure as a starting point for his sketch of the massacres in Potocari. He said he regarded it as 'as a very rough estimate'.[15]

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- [1] ICTY, (IT-95-18-R61/IT-95-5-R61). Testimony J.-R. Ruez, ICTY, Karadzic and Mladic, 03/07/96.
 [2] ICTY, (IT-98-33-T). Testimony J.-R. Ruez, 30/03/00.
 [3] ICTY (IT-98-33-T) OPT Ex. 5/1.
 [4] For a recent example, see: C. van Zweeden, 'VN-diplomaat: minder executies in Srebrenica. Lijst van vermisten klopt niet' ('UN diplomat: fewer executions in Srebrenica. List of missing is incorrect'), *Haarlems Dagblad*, 27/06/01. The Bosnian Serb diplomat concerned is Darko Trifunovic, who investigated the events in Srebrenica himself for years. Interview D. Trifunovic, 10-12/06/98.
 [5] Interview R.A. Franken, 18/05/01. Franken later noticed his own mistake.
 [6] 'Concept-report of conversation between Defence Minister J.J.J.C. Voorhoeve and major R.A. Franken on 28 August 1995'. Included in: *Diary Voorhoeve*, pp. 149-154 (151).
 [7] ICTY, (IT-98-33-T). Testimony R.A. Franken, 04/04/00.
 [8] Interview Bosnian journalist Saleh Brkic, 10/09 and 11/09/99. This was also confirmed by Amor Masovic, chairman of the Bosnian State Commission for tracking down missing people, who mentioned the number of five men. Interview Amor Masovic, 05/08/98, details ICRC of numbers in Batkovici.
 [9] CDS. 'Report of conversation with Lieutenant Colonel Karremans, 16 August 1995'. Appendix to: note DAB to Minister for Defence, 'Instruction to Lieutenant Colonel Karremans, 12 July last.', D95/429, 23/08/95. In later statements, Karremans adjusted the number of refugees upwards, putting it at 25,000. See: SMG/Debrief. Debriefing C-Dutchbat 3, copy own text LCol Karremans, Deventer, 06/09/95 (Stg confidential/permanent) p. 13.
 [10] ICTY (IT-98-33-T). Testimony R.A. Franken, 04/04/00. According to former interpreter Hasan Nuhanovic, representatives of the refugees made an estimate on July 13, at Franken's request and before the list of men in the compound itself was drawn up, that amounted to 2000 men outside the compound and 500 (10 percent of the estimated total of 5000 refugees) inside the compound. See: 'Srebrenica List of 242', Letter Hasan Nuhanovic to Mient-Jan Faber, part 2, in: *Trouw*, 13/07/99.
 [11] BiH State Commission for the collection of facts on war crimes, Zivinice, (1).
 [12] Interview Omer Subasic, 19/04/98.
 [13] SMG/Debrief. Debriefing statement W.J. Sanders, Assen, 08/09/95. The total of 30,000 people was also in line with the estimate of Nesib Mandzic, who mentioned this figure to Mladic. See: ICTY (IT-98-33-T), OTP Ex. 40/a. Transcripts conversation with Mladic, 11/07/95.
 [14] See for instance the statement by ICTY (IT-98-33-T). UNMO J. Kingori, 31/03/00.
 [15] ICTY (IT-98-33-T), Testimony J.-R. Ruez 20/03/00. A few years earlier, during the charging process against Karadzic and Mladic, he had been considerably less cautious. See: 'Moslims ook nabij basis Dutchbat massaal vermoord' ('Muslims also murdered en masse near Dutchbat base'), *De Volkskrant*, 04/07/96.

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17. Reports on missing people

To get to firmer ground, we therefore have to look at sources other than just Dutchbat and the UNMOs. The best source we can use for this are the figures based on a demographic study carried out at the request of the Tribunal by researchers Helge Brunborg and Henrik Urdal, which we already talked about in Chapter 2.^[1] The background to that request from the Tribunal were the claims that were made soon after the fall of the enclave, especially from the Serb side, that the reports about the numbers of people in the enclave and of the dead and missing were incorrect and had even been deliberately manipulated. Especially the so-called Serbian Unity Congress (SUC) made these kinds of comments, often on the Internet. To put an end to the continuing doubts, the Tribunal Prosecutor in the Krstic trial decided to ask for a count that was as accurate as it could possibly be.

To draw up a list of missing people who were to be linked to a place of disappearance, the researchers took the so-called ante-mortem database of the American humanitarian organisation Physicians for Human Rights as their starting point. Based on interviews with survivors, this database contained as much information as possible that could assist in the identification of bodies. However, all figures relating to numbers (of dead and missing) that come from this list, but also from other lists such as, for instance, the International Red Cross, are being regarded as minimum figures: because only direct family could report someone missing, it is possible that some people were never reported dead or missing because their immediate families had also perished, or because the international diaspora of many refugees prevented it. There are, for instance, examples of identified bodies that were found in mass graves but whose names had not been on any missing lists.^[2] The number of missing women that show up in the figures is also conspicuously low. Although the difference with the number of missing men fits in with the general picture that it was the men, in particular, who had been targeted, the number is so low that it is difficult to reconcile with witness statements about girls and young women being taken away. So the real number of men as well as women (that are dead and missing) is probably higher by an as yet unknown factor.

Shown below is a table of the last observations of missing people from Potocari, and it will serve as the starting point for the rest of the analysis:[3]

Males

	0-15	16-40	41-60	61-99	Total
11 th of July	3	99	236	128	466
12 th of July	10	107	343	172	632
13 th of July	15	156	416	228	815
					1913

Females

	0-15	16-40	41-60	61-99	Total
11 th of July	0	1	0	0	1
12 th of July	1	0	0	1	2
13 th of July	0	0	1	2	3
					6

There are different ways of approaching these figures because they contain information that also plays a role in other issues. For now, however, it is more important to begin with the total of the men, the 1913 who are listed missing.[4] To answer the question that is the main focus of this chapter, the biggest problem is the number of 466 observations on July 11. It appears to be justified not to include these men in the calculations. After all, an unknown but undoubtedly high number of these men were among those who, after saying goodbye to their families who they had accompanied to Potocari, had gone into the hills for the trek to Tuzla.

Another complication here is that some witnesses claim that even in the night of July 11-12, people had already been taken away from the factory complexes in the area marked off with tape by Dutchbat. However, this is not very likely because the VRS appeared in Potocari in the course of July 12. In fact, many witnesses made a point of mentioning how quiet the first night, of July 11-12, had been compared to the second, of July 12-13. In many cases, such comments were accompanied by observations that, comparatively speaking, there had been many Dutch soldiers in the area during the night of July 11-12, but a lot fewer during the second night. That picture could be right: in the night of July 11-12, the blocking position was still in place on the south side of the compound and there was a sort of barricade manned by Dutchbat soldiers on the north side as well. There was a *Médecins Sans Frontières* post and a Dutchbat medical post at the bus depot, and medics were making regular rounds during the night. During the night of July 12-13, the monitoring activity was much lower, as will be discussed later.

A possible explanation for the stories about the first night may be provided by the phenomenon that the chronology of observations and memories has been telescoped and eventually even completely mixed up. All in all, for the purpose of the analysis it seems justified to ignore the numbers listed for July 11. To try and prove the supposition that many more murders were committed in Potocari than Dutchbat saw and reported, the numbers for July 12 and 13 offer sufficient leads.

As the table shows, the number of men who were last seen in Potocari on July 12 and 13 is 1447. In estimating the number of men who went missing in Potocari, it is also important to know how many of them were deported. Two to three hours after the unexpected start of the deportation on the 12th, when Dutchbat had managed to regroup a little and tried to introduce some structure in refugee transports, they began to keep tally of the numbers of refugees getting onto the buses. According to Franken, the number of buses had been kept track of from the start. After it had become clear that men were taken away in buses separately, tallies were being kept of those buses as well, by a soldier standing at the gate of the compound.[5] The figures were to be used to compare them with the numbers of people who arrived in Kladanj, or as a check option for the four static check posts that Karremans had been forced to set up along the evacuation route the next day after most of his vehicles that tried to escort the convoys had been stolen. Unfortunately, the tally lists have not survived - according to the then acting Battalion Commander Franken they were probably destroyed.[6] However, a report from Karremans to Christina Schmitz of *Médecins Sans Frontières*, late on July 12, gives us some indication: Karremans told her that 70 buses each carrying 70 people - 4900 all told - had left Potocari.[7] The surprising thing about this report is that Karremans says nothing about the use of trucks and semi-trailers to take people away, while it does appear that they were already used on July 12 as well. In any case, they are clearly visible in the video images shot by Warrant Officer Dijkema of the deportation.

Numbers that turn up

apparently never knew about it.

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- [1] DCBC, 1082. Note J.A.C. de Ruiter to DCBC/Army Crisis staff, 'Last days' Dutchbat in Srebrenica', 20/08/95; ditto C.H. Nicolai to DCBC/Army Crisis staff, 'Last days' Dutchbat in Srebrenica', 16/08/95.
- [2] SMG/Debrief. *Feitenrelaas*, p. 230.
- [3] SMG/Debrief. Debriefing statement J.M. Mustert, 08/09/95.
- [4] SMG/Debrief. Debriefing statement R.P. van Veen, 11/09/95.
- [5] Notebook B. Rave. Loaned to the NIOPD for its perusal.
- [6] SMG, 1007/25. Note Petra Groen, 'Confrontation aoo Oosterveen and 1st lieutenant Rutten in regards to inquiry into war crimes, Camp Pleso 230795, 1-1.30 pm'. This detail is missing from later statements by Rutten.
- [7] SMG/Debrief. Debriefing statement J.E. Mustert, 08/09/95.
- [8] SMG/Debrief. Debriefing C-Dutchbat 3, copy own text LCol Karremans, Deventer, 6 September 1995 (Stg confidential/permanent) p. 13. See: SMG, 1007. G. Bastiaans (debriefer) and C. Klep (report), 'Report debriefing major Otter (C-Ststcie), 23/07/95, Camp Pleso'.
- [9] See: SMG, 1007. G. Bastiaans (debriefer) and C. Klep (report), 'Report debriefing major Otter (C-Ststcie), 23/07/95, Camp Pleso'.
- [10] ICTY (IT-98-33-T), Testimony J. Kingori, 31/03/00.
- [11] Interview Peggy Hicks with 'AC', 20/07/95, Babici Collection Centre, Gracanica, UN CA Zagreb, Human Rights Cell (NIOD, collection Hicks). On the other hand, the women mentions the unreal number of 1000 men, something that should perhaps be read as 'quite a lot'.
- [12] Interview Muhamed Masic and Almir Ramic, 08/11/99. Masic was a local staff member of ICRC and MSF; Ramic was the local representative of UNHCR.
- [13] On the face of it this is a low number; it implies that on July 11 it was mainly young men who managed to find refuge on the Dutchbat base. The majority of the registered men, 144, were in the 16-40 category; 101 in the 41-60 category and only six were aged 0-15. It suggests a 'survival of the fittest' and a less orderly situation at the time of their entry than some statements by Dutchbat personnel would suggest.
- [14] Interview R.A. Franken, 18/05/01.
- [15] Interview Peggy Hicks with 'AC', 20/07/95, Babici Collection centre, Gracanica, UN CA Zagreb, Human Rights Cell. NIOD, collection Hicks.

described the White House, where she saw a very large group of old people standing outside in the yard.[11] Local representatives of the International Red Cross and UNHCR later used the description 'first three classes of secondary school, and older people'. [12]

Against the background of the figures on the last observations on July 12 and 13, 1047 missing men in the 0-60 category, according to the table, or about 75% of the total, this picture raises all sorts of questions. Therefore, it is worth taking another look - based on the missing figures - at the story about the old men, and ask ourselves whether it is possible that the majority of men who were taken away by bus and truck did *not* belong to the able-bodied category, and that it was the younger men, in particular, who were in fact kept in Potocari and disappeared there, having been murdered. A combination of figures and qualitative information does appear to make that a plausible assumption.

The difference between the probable number of people taken away on July 12 and 13, and the reports on the number of people posted missing in Potocari is, as mentioned before, probably about 400. Of the roughly 1000 people who were removed, about 350 came from the compound, the majority of them in the able-bodied category. The number of older men among them cannot be determined with certainty, but if the total estimate, 'list of 239' (252) plus non-registered (people who refused to have their names put on the list) plus people who were not in the able-bodied category is anywhere near accurate, it would have been about 50.[13]

In view of the total number 400 older men posted missing, about 350 would have had to come from outside the compound. That could fit in with the aforementioned statements by Suljic and several members of Dutchbat. That, in turn, would mean that of the total of 1000 men who were taken away, about 650 would have been in the able-bodied category, more than half of whom belonged to the men inside the compound (the people who were on the 'list of 239' and those who refused to be on it). In that case, about 300 able-bodied men from outside the compound would have been taken away, something that fits in with the aforementioned observations by Dutchbat members who had also seen large numbers of younger men. When we offset this figure against the total of 1047 missing able-bodied men, it is in fact true to say that we are left with a number of 400 such men who disappeared in Potocari itself.

So, of those taken away from outside the compound, older men did form a majority. However, it's not a clear and unambiguous majority and that so many people had, nevertheless, formed that impression must have been caused by other factors. When Franken was confronted with the discrepancy, he suggested that many men had looked older than they really were because of the hardships and filthy conditions they had had to endure.[14] That would be even more plausible if it was especially the older able-bodied men, the 'border-line cases', who had been taken to Bratunac and subsequently to the execution locations.

The woman refugees who had seen the older men in the yard of the White House, also said that there had been no young men among them, because those had all been taken away during the night.[15] Her statement dovetails with a large number of similar statements, including the one by Sejfo Mehic who we quoted earlier. There are strong indications that there was a specifically-targeted pre-selection. In that context, this may also explain why the men who were taken away on the 13th via the White House had to pile all their personal possessions in the yard before entering the house. At that point, apparently, their identity already no longer mattered. At the same time, the fact that when bodies were discovered of people who had been executed their identity papers were also found in the immediate area, suggests that their identities had been checked before they were executed.

Although there are many reasons that can explain the impression that mostly older men had been in Potocari, and also the notion that they had nothing to fear from the VRS because of their age, it still remains strange that this was the picture that so many people had of the situation. The fact that it wasn't just Dutchbat personnel who had formed this impression makes it unlikely that this was an attempt to evade responsibility. It remains more likely that a large proportion of men in the able-bodied category were picked out quite early in the piece, without Dutchbat soldiers noticing it. However, it still is strange that the list that was drawn up of able-bodied men in the compound apparently had no influence on the prevailing view that mostly older men were involved, and that Nicolai and De Ruiter

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18. The question of the old and the young men

Suljic provided one interesting detail in his statement, namely that the group of 300 comprised mainly old men. Although there are a few statements by Dutchbat members who also point to a large number of younger men being taken away, Suljic's statement fits in with a conspicuous red thread running through a large number of Dutchbat witness statements that all emphasise that it was mainly *old* men that they saw being taken away. That impression played an important role in the estimates by Dutchbat's senior officers as well as Nicolai and De Ruiter in Sarajevo. 'Separating men of "military age" was (...) never seen as an acute problem because there were no such men among the refugees,' Lieutenant Colonel De Ruiter wrote in a review, repeating what his superior, general Nicolai, had said on the subject.^[1] Therefore, it is important to look at the origins of this far-reaching misunderstanding in greater detail.

The number of statements that support the idea that the majority of men who had been in Potocari had not been in the able-bodied category is quite extensive. For instance, referring to the men in the White House, one Dutchbat soldier said they had all been older than 60 and that there had definitely not been any young men among them.^[2] Another soldier spoke of 'more than 200 male refugees', who, he said, had been 'older (...) than 55'.^[3] And yet another Dutchbat member said he had not seen any men in the 20-55 age category, only 'women, children and old men'.^[4] Most officers and non-commissioned officers of Dutchbat said similar things. For instance, Rave made a note in his notebook of a fresh impression that the men being taken away involved 'mainly old men and boys (+/- 17 years of age)'.^[5] Lieutenant Rutten, who visited the White House on July 13, also saw few young men among them.^[6] His colleague Mustert, who also entered the same house that day and saw about 200 men there, had the impression 'that these men are older than 55'.^[7] Karremans and Franken also believed that mainly older men were involved. Karremans later wrote that even when the refugees first arrived at the compound, 'it was already quite obvious that almost all refugees were women, children and elderly people'. And: 'Only a handful of able-bodied men (aged 17-60) were outside the compound'.^[8] Major Otter, the compound Commander, also declared soon after the fall of Srebrenica that when the refugees arrived at the compound, Dutchbat had counted roughly 4800 people, mostly women and children and only about five percent of the total were men, only a few of whom were in the able-bodied category.^[9]

The fact that the battalion's senior officers knew about the able-bodied men who had ended up on the 'list of 239' had no effect on the widely-held impression that the majority of men did not belong to that category. Compared to the total number of refugees, it was in fact only a small number. In conclusion, UNMO Kingori also declared that he had the impression that most of the men were either older than those in the able-bodied category, or young boys.^[10]

At the same time, there are a striking number of witness statements from refugees who had formed the same impression, such as the woman who was already interviewed at one of the refugee centres on July 20 by a UN staff member who regarded her as 'quite credible'. The woman said that when she walked to the bus, she passed a house with a garden, which is how other people have also

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19. Why did murders take place in Potocari?

In Chapter 2 of this part, we have talked about the executions that took place outside the enclave. As we now know, however, 100–400 men from Srebrenica were also executed in Potocari. The question to what extent this was premeditated plays an important role in all discussions and trials relating to events in eastern Bosnia. However, in answering the question how likely it is that a large number of Bosnian men were murdered in Potocari and what sort of criteria dictated their selection, it is necessary to find out whether specific motives played a role in this. Knowing that most of the men who were taken away by bus ended up in execution locations outside the enclave, it appears – in first instance – strange that a large number of men were murdered immediately, on the spot. That is even stranger because the risk of discovery seemed greater because of the proximity of UN troops. What was it that caused them to lose their lives right there, and not later in another location? Trying to answer that question becomes even more difficult because of the almost total lack of statements by perpetrators who might have been able to explain this.

The Tribunal Prosecutor in general Krstić's trial suggested that the purpose for killing the men was to act as an instrument of terror, to make sure that refugees would have no thought of staying in the area. That's why certain executions were deliberately staged near watering points, where bodies would be sure to be found by refugees looking for water. It is certain that there are in fact many witness statements that appear to confirm that pattern. At the same time, this sort of psychological warfare is an unsatisfactory explanation for two reasons. Even if an element of terror played a role, it still explains only part of the number of murders. It's also doubtful that the murderers deliberately wanted to run the risk of discovery. As we have said earlier, the use of Dutch uniforms actually points to the opposite. Also, there are several statements by refugees who said that they, too, were in some cases actually prevented from entering locations where there were bodies or where murders were possibly taking place. One example of this was a house with a watering point, near the zinc factory, that features in many statements.^[1] Some people said there was even a period when they were not permitted to go outside the factories.

It is hardly believable that the VRS really wanted the Dutch to find evidence of executions. Which is why discoveries of bodies reported by Dutchbat soldiers have to be regarded as mainly flukes, that they came across only after moving a fair distance away from their base. There is a large number of statements by members of Dutchbat as well *Médecins Sans Frontières* staff and UNMOs that indicate the VRS in fact tried to prevent observations and patrols. They did this, on the one hand, by setting up extensive security at apparently sensitive locations, and, on the other, by a campaign of deliberate intimidation – the heat of which was turned up emphatically in the course of July 13. For instance, one Dutchbat soldier said a VRS soldier had demonstratively showed him an armour-piercing shell and at the same time pointed at the UN soldier's flak jacket.^[2] Another soldier was even given one such shell as a present, but he later handed it in to the Explosives Clearing Section.^[3] Yet another soldier knew that the shells were being given away just in case 'the UN soldiers would become difficult'.^[4]

A soldier who looked on as five or six VRS soldiers used their rifle butts to beat up a Muslim man on the afternoon of July 13, was ordered by the soldier closest to him 'to look elsewhere'.^[5] The battered man was subsequently dragged by his hair behind the house, from where a shot rang out a few seconds later. The VRS soldiers then came back, without the man.^[6] When Christina Schmitz of *Médecins Sans Frontières* was alerted by a Dutch soldier of the discovery of a number of bodies behind the factory and she wanted to go there together with an UNMO to have a look, a VRS soldier told her she could do so if she wished, but he could not guarantee their safety.^[7]

Another thing that strikes us in the witness statements is that they present the picture that many men were killed with knives. The only explanation for this seems to be that the murders had to take place without anyone noticing. During the day, they were apparently less reluctant to use firearms, judging by the fact that many Dutchbat soldiers continually heard shots that made them think people were being executed. The VRS soldiers possibly relied on the noise of the thousands of refugees and the dozens of vehicles making their activities less obvious. In this context, we also have to point out that many other Dutchbat members explicitly declared they had heard no shots at all during those days. The possibility that here, too, memories were being suppressed is regarded as plausible.

What all this means is that the VRS wishing to intimidate the local population on the one hand, and trying to prevent Dutchbat and the refugees from seeing any wrong-doings on the other, are not mutually exclusive propositions. The notion that all VRS troops on the spot followed uniform guidelines does not seem tenable. In that context, the composition of the units operating in Potocari is important. Franken and many other Dutchbat members noticed that the professional-looking troops who moved in from the north on July 12 were replaced by 'second and third-echelon scum' fairly soon after that'.^[8] Many Dutchbat soldiers talked about 'Rambo types', who belonged to various paramilitary units. They saw many Drina Wolves, in particular, but one soldier also recognised White Eagles from the Serb nationalist Seselj.^[9] Montenegrins and even Greek mercenaries were also found among the soldiers who spread all over Potocari. In addition, there was a unit from Mount Zvijezda that arrived in Potocari in a white truck. Their leader was a man called Milan Lukic, who had led a hit squad in Visegrad in 1992, when many of the town's inhabitants fled to Srebrenica.^[10] One of them was, for instance, Almir Ramic, who became UNHCR's local representative in Srebrenica.

Most notable was the presence of a unit that has stayed out of the limelight even until now, the infamous Arkan Tigers. Karremans as well as Franken later declared they had never had any indication that the Tigers were there, providing the umpteenth example of how badly the chain of communications failed in those days. Because other members of Dutchbat definitely knew the Tigers were in the area, if only because some of them (the Tigers) informed the Dutch soldiers of this with pride.^[11] Other Dutchmen who were kept hostage in Bratunac saw Arkan Tigers there, accompanied by about 15 'vicious' Alsatis.^[12] Witness statements from refugees as well as Dutchbat personnel show that these dog units, of which there were more, were used to clear the houses around Potocari.

Zeljko Raznjatovic, 'Arkan', was also seen in person in Potocari by, among others, several local inhabitants. One of them was *Médecins Sans Frontières* staff member Emira Selimovic, who bumped into Mladic at about 9 p.m. on the night of July 12. At the time, *Médecins Sans Frontières* was driving around in a pick-up truck outside the 'yellow area' (the area of the factory complexes and bus depot that Dutchbat had marked with yellow tape) to look for people who needed help. While talking to Mladic about this, Selimovic also saw Arkan. Mladic even asked him if he wanted to be introduced to *Médecins Sans Frontières*. Arkan's response was 'fuck off' and a raised middle finger in the direction of the *Médecins Sans Frontières* workers.^[13]

Arkan's presence was also reported to Lieutenant R. Rutten, who had in fact already seen the Tigers but had not seen Arkan himself. After the fall of the enclave, Rutten had to make room in his prefab for a corporal of the 3rd platoon of his company. After the arrival of B company that following its expulsion from Srebrenica no longer had a home of its own, new sleeping arrangements had to be made. When they were talking one night, probably on Thursday, July 13, this corporal told Rutten that he had seen Arkan. Rutten had a newspaper picture of Arkan hanging in his prefab, taken at the wedding of Arkan and turbo-folk diva Svetlana Velickovic, better known as 'Ceca'. Group members

and group leaders had seen that picture. When the corporal told him about Arkan, Rutten showed him the picture again, to make sure. The corporal confirmed that the man in the picture was the man he had seen.^[14] Arkan was recognised in similar fashion by radiographer F. Wiehink, who saw him standing about 300 metres south of the compound. Wiehink also identified Arkan on the basis of newspaper articles and a video tape that he had seen once.^[15] 'I recognised him by his baby face,' the Dutchbat man said.^[16] Another Dutch soldier also recognised Arkan from photographs and believed to have seen him accompanied by another, unidentified, man. They were wearing 'a plain khaki/grey uniform' and a red beret.^[17] Apart from these Dutchbat members, UNMOs also positively identified Arkan on July 13.

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20. What happened to the remains of those who were executed?

After arriving at the number of possible murders that took place, as well as the motives that probably played a role in these murders, one important question remains. If it is true that so many men were murdered in Potocari, where are their remains? That question is even more acute because mass graves have never been found in Potocari or its immediate surrounding area. In answering this question, it's best to begin with the victims of executions that Dutchbat personnel reported during those days. In two cases on the morning of July 13 (we will talk about these in more detail later), a number of them saw nine to 10 execution victims who were found a fair distance from the compound. In the course of the day there was another report about a single execution having been observed in Potocari itself, so the total is 18-20 bodies, a figure that is slightly higher than in the debriefing report that talks about 13-14 people having been executed.[1]

A strikingly uniform picture emerged both from the statements that were made in Assen as well as those afterwards, in interviews with journalists and investigators. In a large number of cases the executions themselves have not actually been seen. The succession of certain events led the observer to this conclusion or, at least, strong suspicion. The general pattern of that sort of observations was that a Dutchbat soldier saw one or more men being taken away, who subsequently disappeared from view behind or in a house or factory, or behind a bus, and that subsequently shots were heard whose nature and number corresponded with the picture the observers had of an execution. The VRS soldiers who had taken the men away would then always return soon after, without their prisoners.

One example of the many that we could provide comes from soldier Van Veen, a crew member of OP-M who was posted outside the compound after the arduous journey with the refugees. His statement is also interesting because it shows that the first incidents took place soon after the Serb troops arrived. That is in line with the rumour that didn't take long to reach the UNMOs, namely that VRS soldiers had adopted a threatening attitude towards refugees at the so-called 'prefab factory'. However, when they went to have a look, they saw 'some of the VRS soldiers giving out cigarettes and candies to a few refugees'.[2] Van Veen also witnessed the 'propaganda stunt' of Mladic and his troops, but at the same time he also saw the other side of their behaviour. Van Veen said that:

'...between 12.00 and 14.00 hours on the afternoon of July 12, he saw a group of five Muslim men being marched off escorted by an armed VRS fighter. Watching the group from a distance of 200-300 metres, he saw them enter a house on the hill diagonally across from the big factory. The group may have been larger because they walked into the house just when he looked in their direction. A moment later, he heard five or six shots. After a while, he saw the armed VRS fighter come out of the house again. He saw that this VRS fighter had only a pistol with him.'[3]

Investigations by the Tribunal in the immediate surrounding area of Potocari did not lead to any discoveries of mass graves, but it did provide an indication that creating such a mass grave had been

considered. Traces were found behind the bus depot that appeared to suggest a mass grave had been dug there. Investigation showed that the pit had been filled in again, unused. The reason for this was not clear until the investigators noticed that the spot could be seen from the office tower in the Potocari compound and was, therefore, also in view of any possible Dutch observers on the roof, something that the people who dug the pit must have come to realise as well.[4] Incidentally, one Dutchbat soldier who on July 19 had been ordered by Karremans to repair the water purification plant in Srebrenica, under Serb escort, saw a tractor on the road that was moving quicklime, while the driver was wearing a surgical mask.[5] Although a grave was found later near Zeleni Jadar, at the most southerly point of the enclave, this turned out to be a so-called secondary grave: reburying bodies in this kind of grave had the purpose of obliterating evidence from the original graves outside the enclave.

If the dead were not buried on the spot and we assume that the VRS tried to cover its tracks, the only possibility is that the bodies were collected and taken away for burial elsewhere. Some refugees say that small cars were used for this purpose.[6] Christina Schmitz of *Médecins Sans Frontières* saw 'many cars from Bratunac' early in the evening.[7] Others saw trucks go in the direction of Srebrenica: 'You heard people whisper: "Are they taking our men away after they have cut their throats?"'[8] Based on other statements, Tribunal investigator Ruez testified that men who had been pulled out of the crowd had filled five trucks with bodies before they were murdered themselves.[9] A woman who went to get water on the morning of July 13 saw three trucks on the main road with four Serb soldiers on each of them. She claimed the trucks were 'full of people whose throats had been cut' and they were going in the direction of Srebrenica.[10]

Probably based on what refugees arriving in Tuzla had told them, ABiH Intelligence officers already reported on July 14 that 150 men - some of whom were mentioned by name - had been killed in Potocari on July 12. Their bodies were taken away in 'small cars'.[11]

An interesting testimony that fits in with all this came from Bego Ademovic at the trial of Krstic. He was a former bus driver who had fled from Kutuzero to Potocari with his family on July 11, when he had had to leave his old and obese mother behind in the forest to die there.[12] Ademovic and his wife, daughter-in-law and grandchildren ended up in the yards outside the zinc factory. On July 12, he witnessed the entry of the VRS, who advanced from the south in columns walking on the main road. He saw how some of them mixed with the crowds for a discreet chat, while others were standing around cursing and issuing threats. When the situation looked a little calmer, Bego went looking for water together with a friend, Dzermal Karic. Via a hole in the fence behind the zinc factory they climbed up the hill. They weren't the only ones, but when some VRS soldiers suddenly arrived on the scene everybody made a hasty retreat to the factory grounds. Bego and Karic hid in a small shed from where they could see the hill slope, the factory below and the house of Aljo Hasanovic a little farther away. In between was a corn field.

From that spot, the two men saw how 8 to 10 VRS soldiers entered the grounds of the zinc factory via the hole in the fence, only to repeatedly return with two or three male refugees. At an elevated spot in the area they were grabbed by the arm one by one by two soldiers, while a third cut their throats with a large knife. This continued until dusk fell. Karic had a packet of cigarettes with him - Bego remembered the brand, Drina, 'of a factory in Sarajevo' - and a stump of pencil. They kept tally until the pencil broke at 83. They estimated that 'more than 100 men' were slaughtered in this fashion. Bego recognised not only one of the VRS soldiers, a Zoran Mirosavljevic, but also his niece's husband Hazim Lonjinac. The latter was in the very last group to be taken from the factory but their execution was prevented by a VRS officer who had arrived on the scene by then, after which the soldiers slinked off and the prisoners could return to the factory. After Ademovic, too, had managed to get back to the factory as a result of this intervention, Lonjinac told him that the VRS officer had mentioned his own name with the comment: 'I am the one who got you out, now get back to the zinc factory quickly'. At the trial, Ademovic could not remember the officer's name that Lonjinac told him about. He said that he later heard from Lonjinac's daughter-in-law that Lonjinac had managed to get on a bus the following day, but had been taken off by the VRS somewhere along the way. He has been missing since.

The conspicuous thing about the testimony of Ademovic and others is that apparently a considerable number of men were already being murdered in the afternoon of July 12, at a time when Dutchbat's attentions were concentrated on the chaotic start of the evacuation. Ademovic also saw a truck drive a number of times from the road, through the corn field, to the spot where the executions had taken place. The bodies were thrown on the trucks after they had first been put in bags. The work was done by prisoners.[13]

The statements from Dutch soldiers also provide indications that bodies were being carried off, albeit only sporadic ones. One Dutchbat soldier who, like many of his colleagues, suspected executions were taking place, reported having seen a van whose windows had been covered. A colleague could add the detail that there also had been bars on the van's windows and that it had been seen a few times near the compound in Potocari.[14] Notable, too, is that Major P. Boering, who would leave Potocari with the first convoy, had heard rumours even before his departure that a truck was being used to take bodies away[15]. The statement of another soldier also referred to an observation on July 12 about 'a covered civilian truck' that drove to a house 10 men had just been taken to and stopped at the side of the house:

'Subsequently, he heard shots being fired close to this house. A few minutes later, he heard and saw the aforementioned truck drive off in a northerly direction. Based on his observations, he suspected that the 10 Muslims might have been shot and killed by VRS soldiers.' [16]

Another soldier made an undated statement in which he said that when the refugees were getting into the buses (so it must have been during the deportation) he saw a tractor pulling a flat wagon pass. 'A large blanket was lying on the wagon and he saw a hand sticking out from under it. By the shape of the blanket, he is of the opinion that there were several bodies on the wagon. It disappeared in the direction of Bratunac'. [17]

This kind of movements appears to have taken place more often during those days. On July 14, the day after the forced departure of all enclave inhabitants, Dutchbat soldier Koreman and some of his colleagues were in the compound and from there saw a power shovel and an empty truck pass, coming from Bratunac and going in the direction of Srebrenica. They later saw the same truck come back, this time covered with a bulging tarpaulin. The soldiers had a 'strong and reasonable' suspicion that there were bodies on the truck.[18] Although we have to approach the dates of some of these observations with a degree of caution, it appears that the job of removing bodies even continued for some time after this. On July 17 or 18, at first daylight, army medic M. Doze walked from his prefab accommodation to the so-called 'wet' prefab. On the road skirting the compound he saw a tractor pulling a large wagon, with another, smaller wagon coupled behind it. The whole rig drove off in the direction of Bratunac. Wooden boards of about 30cm high had been placed on the sides of the wagons: 'He sees bodies lying on the flat wagon. Doze sees arms and legs and also heads with long hair [sic]. The bodies are not naked, they're still wearing clothes. Doze estimates their number at about 100'. [19]

The conclusion is that large numbers of bodies were in fact removed and that these numbers fit into the picture of there having been hundreds of victims of executions. However, caution remains necessary. For instance, in many cases the origin of the bodies that witnesses reported to have seen cannot be determined. It is, for instance, not impossible that some of the dead involved people who had died in the fighting in the Bandera triangle. Mladic himself told the UNMOs as well as Karremans that the ABiH had suffered a few hundred dead on that occasion.[20] According to an article by Zoran Petrovic, who had also filmed the fall (of the Bandera triangle) at the time, as well as what happened after that, more than 500 people had died during the 'last battles with the Bosnian Serbs' on July 12. [21] This rather excessive number of alleged casualties in the Bandera triangle is difficult to reconcile with the picture that we have from the fighting and the break-out of the able-bodied men to Tuzla.

Dutchbat did get reports on July 10 of bloody ethnic cleansing actions taking place in the south. Sergeant Major Rave wrote in his diary that he had been told by Command Lieutenant M. Versteeg at about 01.00 hours in the night of July 11-12 'about the bloodbaths that he had seen during the

cleansing actions of the VRS in the southern part of the enclave'. [22] Boering also talked to Versteeg, who told him how village after village had been plundered and destroyed and the inhabitants fled their homes. Men and women were murdered there, too. [23]

A member of the crew of OP-S, at the most southerly point of the enclave, also said in Assen that right at the beginning of the Bosnian Serb attack on July 8 he had already heard frequent loud screams and cries of fear that he thought came from women. The screaming always lasted about 15 minutes, alternating with crying, after which a single loud shriek would follow and the sound stopped abruptly. This continued without interruption for three to four hours. He also heard shots every now and then. Although the OP soldiers did not see any victims, they were under the impression that the VRS was 'sweeping' the entire area around the fringes of the woods and that they were 'finishing off' everything in their way. When the OP was taken by the VRS the following day, the Dutchbat soldier asked one of his VRS counterparts about it. The reply was 'first we raped them, and then we cut their throats'. [24] An anonymous soldier already publicly alluded to this in August 1995: 'All the things that happened in the south of the enclave, I wish I hadn't been there, I don't want to know. Executions, torture, massacres. In 1995, in Europe. It is unbelievable that it can happen'. [25]

The indication that perhaps bodies of women were also being taken away ('heads with long hair') could fit in with all this. Certain witnesses that we will talk about separately and in more detail later in this chapter claim that they saw a large number of such bodies in Srebrenica itself as well as on the road from Srebrenica to Potocari. Whether these women were murdered or died in some other way is impossible to say. At least one Dutchbat soldier saw four or five bodies of women lying on the side of the road between Srebrenica and Potocari on July 11. [26] It is possible that they were victims of earlier shelling of the road by the VRS, but there is a lot of evidence in the testimonies of refugees that suggests women were also killed in Potocari.

As long as it is not clear where the bodies that were taken away ended up, it seems more likely - from a geographical point of view - that the removal of bodies from the Bandera triangle took place from the south and that the observations in Potocari of bodies being moved indeed related to events in Potocari itself. We cannot rule out that Mladic's remarks about hundreds of dead in the south were a diversionary tactic.

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[1] Report based on the debriefing Srebrenica, p. 50.

[2] NIOD, Coll. Clingendael. UNMO Srebrenica, Srebrenica update dtg 121240B JUL 95. This detail also made it into the report of Akashi to New York. See: UNGE, ICFY, Box 234, file 6/15. Akashi to Annan, Z-1154, Situation in Srebrenica, 13/07/95.

[3] Debriefing statement R.P. van Veen, Assen 11/09/95. It cannot be ruled out completely, incidentally, that this actually happened on the 13th because we have seen that dates are very often mixed up in the Debriefing statements, especially 12 and 13 July.

[4] ICTY, (IT98-38), OTP, Ex.5/E.

[5] SMG/Debrief. *Feitenrelaas*, p. 289

[6] ABiH, Tuzla. Report 24th division, 14/07/95, nr. 06-1225/95.

[7] MSF, Brussels. Capsat Christina (Schmitz), 12/07/95, 21:10:14.

[8] Statement no. 3, 'A.S.', in: *Srebrenica: the story of the survivors*. Provided by Hatidza Hren. Published by the Citizens Association 'Women of Srebrenica' in Tuzla. (Amsterdam 1999) p. 36

[9] ICTY (IT-95-18-R61/IT-95-5-R61). Testimony J.-R. Ruez, 03/07/96.

[10] Statement no. 2, 'H.H.', in: Hren, *Survivors*, p. 34. It is not clear how she could see this.

[11] ABiH, Tuzla. Report 24th Div., 14/07/95, nr. 06-1225/95.

[12] The following is based on: ICTY (IT-98-33-T), testimony Bego Ademovic, 29/03/00

[13] ICTY Krstic (IT-98-33-T), Testimony Bego Ademovic, 29/03/00.

[14] SMG/Debrief. *Feitenrelaas*, p. 281.

[15] Interview P. Boering, 14/12/01.

[16] SMG/Debrief. *Feitenrelaas*, p. 233.

[17] SMG/Debrief. *Feitenrelaas*, p. 281

[18] NIOD, Coll. Koreman. Diary Koreman, week 41, p.48. See also: SMG/Debrief. *Feitenrelaas* Debriefing 'Srebrenica' p. 290.

[19] Debriefing statement M. Doze, Assen, 12/09/95.

[20] UNGE, UNPROFOR, Box 434, UNMO HQ UNPROFOR, SNE 1. UNPF SNE 13/07/95, Srebrenica update 130800B.

[21] Zoran Petrovic, 'The whitewashing of the town has begun! War in Bosnia: return of Serbs to Srebrenica', in: *INTERVJU*, 21/07/95. Translation, OTP Ex.499/a, ICTY (IT-98-33-T).

[22] Transcript from B. Rave's notebook, that he loaned to NIOD for its perusal. See also the reference in SMG/Debrief. *Feitenrelaas*, p. 149.

[23] Interview P. Boering, 14/12/01. Boering also told the debriefers in Assen about this incident, who included it in his statement. At the debriefing, there was an agreement that relevant passages in Debriefing statements that contained information about human rights violations would be passed on to the Tribunal. Later the Tribunal was also given the full statements; during the preliminary investigations into Srebrenica, Boering was asked in 1998 to discuss a number of matters with the Tribunal in The Hague, and to prepare him to for being called as a witness. On that occasion, Boering saw his own Debriefing statement. He thought there was something missing, but could not immediately check that against his own copy that he had left at home in Seedorf (Germany). Via a friend, he obtained a copy from the debriefing archives. When he compared the two, it turned out that the copy that the Ministry of Defence had made available to the Tribunal did not contain the passage about the report by Versteeg. Boering says he went to ask the head of the Legal Section, Colonel A.C. Zuidema for an explanation. He says that Zuidema told him that there had been 'a certain check' and a 'depersonalification'. Zuidema has said that he himself had not seen Boering's debriefing statement. As far as Zuidema knew, 'depersonalified' (names blacked out) debriefing statements were in fact sent from the debriefing archives to the Tribunal (telephone conversation with Brigadier-General A.C. Zuidema, 20/02/02). However, Boering says that no names had been blacked out in his statement, but a whole passage had been removed instead. After this incident, Boering gave the Tribunal an unexpurgated copy of his statement.

[24] SMG/Debrief. *Feitenrelaas*, p. 217. See: J. van der Graaf, "'Het was Auschwitz'" ("It was Auschwitz"), *Rotterdams Dagblad*, 05/08/95.

[25] See: J. van der Graaf, "'Het was Auschwitz'", *Rotterdams Dagblad*, 05/08/95.

[26] SMG/Debrief. *Feitenrelaas*, p. 226.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

23. Going around with blinkers on?

Bego Ademovic's testimony that we quoted earlier shows, as we have said before, that possibly a large number of the men who were 'lost' in Potocari were probably murdered at a time when Dutchbat's attentions were focused mainly on the chaotic start of the evacuation. At the same time, the Factual Account contains a large number of examples of Dutchbat personnel having strong suspicions that men were also being murdered during daylight hours on July 12 and 13. In some cases, reports of executions that had been seen by Dutchbat but had until then not been mentioned even surfaced during the debriefing in Assen. For instance, one Dutchbat soldier said that on July 12, he saw five male prisoners get out of a small VRS van and subsequently try to escape. They ran straight into the arms of VRS soldiers. Two were shot and killed, after which the others stopped running and were then taken away. This incident is supposed to have taken place only 50 to 60 metres from the main gates of the compound in Potocari.[1]

Judging by the debriefing report and the Account of the Facts, Dutchbat soldiers did in fact see more on July 12 and 13 than was originally assumed. However, comparable reports coming afterwards have remained conspicuously scarce when it comes to the events that took place during the night of July 12-13. On the other hand, the amount of evidence coming from refugees that shows men were being picked up and taken away outside the 'open' hours as well is so vast that the question arises here why so little has been heard about this from Dutchbat personnel. Only anonymous psychological debriefing sessions with Dutchbat soldiers after their return to Zagreb provided vague pointers that fit in with the bleakest possible picture of what happened in Srebrenica and Potocari.[2] There are also indications that other people rather than just the psychologists and social workers who attended the debriefings have heard stories from Dutchbat members who apparently had moments when they needed to unburden themselves.[3] To these, we can then also add the various statements, some anonymous, some not, that have appeared in the media over the years. Talking to psychologists and other support people who have counselled or are still counselling Dutchbat members, it becomes clear that they, too, have been confronted with stories that sketch a much more gruesome picture of what took place than they had realised until then.[4]

In other words, the overwhelming impression is that at the debriefings in Zagreb and Assen, Dutchbat soldiers reported only part of what they had seen during those days after the fall of the enclave. Looking for an explanation for this is a tricky affair. To what degree the debriefing methods themselves contributed to this will be discussed later in a separate chapter. However, other factors probably also played a role, although it's difficult to list them exactly with any degree of certainty. In any case, we can make a few rationally argued assumptions to try and answer this question.

One of the possible explanations for the poor reporting was provided afterwards by a number of Dutchbat soldiers themselves, namely that the chain of command was no longer functioning properly. Log books as well as personal notes indicate that the battalion was still functioning after a fashion until July 12, despite the shortage of officers and men. Franken said at the Krstic trial that at the end of July 12, 'it was obvious that we were not in control anymore'.[5] After that, the log books and personal

notes do indeed show major gaps or are only sketched later in broad outlines, after the last refugees had left the compound in Potocari on July 13.

However, it is not correct to say that the chain of command ceased to function completely. Certain orders were still being carried out. But especially outside the compound, officers were largely left to their own devices and had to act as they saw fit. 'We had no direct leadership', Lieutenant Van Duijn said later. 'We did have a link with the battalion Ops Room via the portophone, but that was something like: if there is something that needs to be done, just jump in.' The ordinary soldiers generally looked to their sergeants or the lieutenant to tell them what to do. Van Duijn: 'You could get the job done quite well in this way, if you employed clearly focused leadership. I think they closed their eyes to the situation. I did that myself, otherwise you cannot function under those circumstances.' [6] But sometimes that leadership was also lacking, as one soldier told the Tribunal: 'We were understaffed, and the higher-ranking officers and non-commissioned officers were under such stress and so busy that we did not have any people in command. Everybody did as he saw fit, and we did what we could'. [7] Lieutenant Rutten was most explicit in his criticisms, talking of complete chaos that had been partially caused by the fact that there was nobody who took command: 'Everybody acted as he saw fit, with the result that very little or nothing at all was actually done. The battalion had become completely passive'. [8]

Many Dutchbat soldiers said afterwards that they were so caught up in the circumstances of the situation that there was barely any time to stop and think about what was happening, let alone report it or do something about it. Lieutenant Koster, who also began to have vague feelings of unrest about what was going on, described it as follows:

'You realise only afterwards that we were really more focused on trying to keep things under control and at least help people in an orderly manner than that we were continually keeping an eye on what the Bosnian Serbs were up to. As strange as that may sound. Afterwards, a lot of people couldn't comprehend that. But when you have three, four women pulling at you because they want to know what is going to happen, it's very difficult to keep your mind on other things as well.' [9]

It was simply a matter of who happened to be available whenever something came up that had to be done, Van Duijn said. However, he also concluded that the latter was not self-evident: 'Various people who were supposed to do a certain job would then no longer be available for deployment'. [10] It is a theme that even now, after so many years, is still being talked about with circumspection: some Dutchbat soldiers went to pieces, temporarily or otherwise, because of the tensions and fear. A note that Rave wrote into his little diary on July 14 points to the same thing, when he recorded his impressions from the past one-and-a-half to two days: 'Sld + officers and NCOs who functioned perfectly / Sld + officers and NCOs who went to pieces'. [11] Franken later even declared that 'during the end phase, he had had to physically threaten or even use physical force with a fair number of people to get them moving again.' [12]

Other people, too, saw some Dutchbat soldiers who were completely out of it. Children saw UN soldiers cry while they tried to explain - in English and therefore unintelligible - something to their mothers. [13] Hatidza Hren, who later became spokeswoman for the widows of Srebrenica, recalled how a dark Dutch soldier began to cry when he asked her whether she knew why the men were being separated from the women. [14] It wasn't just refugees who told this kind of story later. Christina Schmitz of *Médecins Sans Frontières* also said: 'I saw many big soldiers crying'. [15] The interpreter at the time, Omer Subasic, said he had seen UN soldiers in a state of shock because they had seen dead bodies. [16] One refugee claimed that at some point between July 11 and July 13, he had seen a UN soldier run around who 'went nuts' and kept shouting: 'UN is mafia!'. [17]

It is a well-known phenomenon that in situations of extreme stress, a person's powers of observation diminish and the observer withdraws into himself and shuts himself off from his surroundings. This alienating effect of shocking experiences was put into words by, among others,

soldier Groenewegen, who witnessed an execution. His debriefers in Assen recount his experiences as follows: 'At that moment, he felt as if everything around him was no longer completely real and it was difficult to comprehend (what he was seeing). For a moment, the only thought in his head was to flee'.^[18] Even so, Groenewegen did report what he had seen to his superior. Another soldier reported in Zagreb already that he had seen a man being taken from a house and then disappear behind a bus, after which there was a shot. After that, the same thing happened again, but: 'He didn't dare make it too blatantly obvious that he was watching, for fear of the VRS'.^[19]

Others kept silent for a long time. A combination of other elements probably played a role in this as well. We have examples of what happened in other peacekeeping operations where UN soldiers witnessed people being killed. Initially they were so shocked by this, that they didn't report the incident. Then came the shame and the fear because they had failed in their duty to report the incident. When the bodies were discovered later and from the route that the UN patrol was known to have taken it became obvious that it was virtually impossible for them to have missed the incident, one soldier eventually cracked and told the story.^[20]

It can be easily imagined that in some cases such mechanisms also played a role in Potocari. Often it takes a long time before the so-called bell-ringers come forward. A good and at the same time moving example of a case where the person concerned kept silent for a long time, probably as a result of prolonged mental stress, emerged at Tribunal trial of General Krstic. One of the witnesses was soldier D. Vaasen.

His testimony did not touch on the first gripping experiences that he had had. The court was not told that Vaasen had been part of the crew of OP-M. The members of this crew had seen the local ABiH commander shoot and kill two of his own men before their very eyes, because they wanted to stop the Dutch from leaving with the refugees. They subsequently saw them start fighting among themselves, and again people got killed. After that, they had driven their APC, like a Medusa raft on wheels, to Potocari surrounded by thousands of refugees. When they were being fired at along the way, the ensuing panic situation saw refugees end up under the wheels of the vehicle (see Chapter 8 of this part for more about the so-called OP-M incident.)

Back in Potocari, Vaasen was deployed in guarding the refugees in the factory complexes. As related earlier, he saw a number of suicides by hanging there. At Krstic's trial, Vaasen also said that he - and some colleagues - had witnessed the aforementioned rape of a young woman in one of the factory halls.^[21] It was a notable statement because it was the first time that a Dutchbat soldier publicly talked about having seen anything like that.^[22] For instance, general Couzy said at his press conference in Zagreb, after the return of the battalion, that Dutchbat had not seen any rapes. There is no reason to believe, incidentally, that Couzy said anything that he didn't think was the factual truth as he knew it at the time. The picture of no rapes having been observed by any member of Dutchbat also remained during the debriefing in Assen.

After that, Vaasen had other experiences that left an indelible impression on him. Under threat of an AK-47 automatic weapon that was held against his head, he had to surrender all his equipment. He also saw a man being taken behind a house, after which there was a shot and the VRS soldiers came back alone. When Vaasen made a trip from Potocari to Srebrenica a few days later to pick up equipment that had been left behind by B Company after the fall of the enclave, he saw many bodies along the way and in Srebrenica, some of whom had looked like execution victims.^[23]

In reply to kindly questions from a judge as to his (Vaasen's) own well-being, Vaasen said that after all those years he was still being plagued by the memories of what he had gone through in Srebrenica.^[24]

Psychological explanations of this kind of thing are often looked at with suspicion because they make the question of responsibility a lot more complicated. However, anyone who wants to understand what happened to the Dutchbat soldiers in Potocari, cannot escape having to take into account the effects of exhaustion and fear on their powers of observation and ability to act. A narrowing of vision, mental withdrawal, urge for self-preservation, denial/suppression (of things seen) and loss of memory

can all occur in situations of extreme stress. Moreover, Dutchbat's soldiers weren't the only ones who failed to realise what the Bosnian Serb soldiers were up to exactly. Just like a lot of people outside the enclave, the possibility of a large-scale bloodbath was literally unimaginable to the Dutchbat soldiers. 'I think most of us didn't know. That was perhaps being a little naive', said warrant officer Oosterveen, who himself had found bodies of people who had been executed.^[25] On top of that, certain incidents seemed to fit into the picture that they had formed during training of the somewhat rough and ready local customs. That made it easier to simply shrug things off as 'incidents'. Hence, too, that some soldiers thought of themselves first. 'I thought: it's your party', as one of them, Van Beukering, expressed it.^[26] Incidentally, that attitude did not prevent him from reporting his strong suspicions about an execution, although he didn't do so until Zagreb.

All these factors were exacerbated by the lack of something to hold onto. The Dutchbat soldiers had not - or barely - been prepared or trained for a situation such as the one that developed on July 12 and 13. During one training exercise, lieutenant Koster had made his men simulate an execution near an OP: 'But afterwards I said: maybe we shouldn't do that too often, because it probably doesn't happen anyway'.^[27]

In the autumn of 1995, the Committee of Dutch Lawyers for Human Rights wrote to Defence Minister Voorhoeve to point out how inadequate the attention paid to the humanitarian aspects of the mission had been:

'Subjects like setting up a refugee camp, distributing food, separating bona fide refugees and Displaced Persons from disguised soldiers, dealing with orphaned children (...) are perhaps paid too little attention to'.^[28]

As an example, the Committee pointed out that the 'Yugoslavia Manual' issued by the Directorate of Operations of the Netherlands Army did not contain any chapters on humanitarian matters. We can only endorse the Committee's conclusions, which were based on discussions with several Dutch officers. The words 'perhaps paid too little attention to (humanitarian issues)' probably don't even express it strongly enough. Especially the lower ranks lacked the knowledge and training that they required to be able to perform adequately. The virtual absence of some kind of frame of reference that could give them something to hang on to, caused some soldiers 'to lose their way' during the chaos. That became even worse as a result of the chain-of-command problems that so many statements talk about. (The training of Dutchbat was discussed in more detail in Chapter 8 of Part II.)

Based on the available information, it is impossible to determine the degree to which the aforementioned factors affected Dutchbat's performance. In any case, the reactions of individual Dutchbat soldiers were different from one man to the next. Some of them resigned themselves to the situation very quickly and, for instance, offered hardly any resistance when they were robbed of their equipment. Others only gave in only when they were threatened with violence. The same differences also played a role in how people observed and reported possible war crimes.

Although we can - on the basis of formal criteria - criticise the way some Dutchbat soldiers treated signs that war crimes were being committed and it is clear that this aspect of things has gone very wrong, it is also important to remember that apportioning individual blame/responsibility under such circumstances is a concept wrought with problems. A comparison with the way in which other observers dealt with the information that they got makes that even more obvious.

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[1] Wind, *Debriefing Srebrenica*, p. 51, 99. The detail that the men arrived in a small van stands out, as well as the fact that they apparently feared the worst.

[2] This will be discussed separately in a later chapter.

[3] An anonymous and undated note from the Military History Section, entitled 'Information sources', refers to an anonymous I&V (military intelligence) official who reported rumours that were circulating at the reception camp Pleso. Soldiers were supposed to have seen civilians being herded together with a power shovel and subsequently crushed to death.

- against a wall. (Military History Section - SMG, 1007/7) If the least likely element of the story, that of living human beings being crushed to death, is discarded, this reported observation can refer to the clearing of bodies. There are indications that there was a power shovel or excavator Potocari, near the bus depot, where traces of digging were in fact found later (albeit no - traces of - bodies). See: ICTY (IT-98-33-T). Testimony 'H', 30/03/00.
- [4] Verification was impossible in view of the confidentiality of the statements. However, the stories appear generally plausible in the light of the other statements.
- [5] ICTY (IT-98-33-T). Testimony R.A. Franken, 04/04/00.
- [6] Interview L.C. van Duijn, 02/07/99.
- [7] ICTY (IT-98-33-T). Testimony 'F', 28/03/00.
- [8] Quoted by H. van den Heuvel, director of Information at the Ministry of Defence, in a report on a conversation that he and the then BLS Lieutenant General M. Schouten had with J.A.H. Rutten on 04/07/97. SG. Memo H. van den Heuvel, 06/07/97, Appendix 2 with letter from Minister for Defence to the chairman of the House of Representatives (Parliament), D98002140, 13/08/98.
- [9] Interview E. Koster, 06/10/99.
- [10] Interview L.C. van Duijn, 02/07/99.
- [11] Notebook B. Rave. Loaned to NIOD for its perusal.
- [12] Interview R.A. Franken, 04/05/01.
- [13] Interviews with orphaned schoolchildren from Srebrenica, at the initiative and under guidance of their teacher Hatidza Hren, 05/02/98.
- [14] Interview Hatidza Hren, 20/10/97.
- [15] MSF, Brussels. MSF Capsat out. 534, 13/07/95, 22:02:43. Specific examples were provided in various conversations with former Dutchbat members who were promised anonymity.
- [16] Interview O. Subasic, 19/04/98.
- [17] Interview Sadik Vilic, 06/02/98.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

26. Lieutenant Colonel Karremans And The Reports Of Executions

Pursuant to the Standing Operation Procedure applicable to human rights violations, number 208, a commander was required to verify information about suspected war crimes, as well as 'the extent of the crime if he considers one to have been committed'. Afterwards, he was to take the necessary measures, such as filling in a standard form enclosed with the Standing Operating Procedure, and forward it as quickly as possible to Bosnia-Herzegovina Command. With the same immediacy he was then to contact the Legal Advisor by fax or telephone, in order to inform the sector commander (in this case located in Tuzla) or Civil Affairs of Bosnia-Herzegovina Command in Sarajevo. He also was to cordon off and protect the crime scene, if possible.[1]

Remarkable, as was already mentioned, is the fact that not a single reference could be found in the Standing Orders of Dutchbat (which in part adhere to the Standing Operating Procedures) about what actions to take upon observing human rights violations. In the extensive summary of standard report forms, a form for reporting this kind of incident is missing. In the introduction of the Standing Orders, however, the validity of the Standing Operating Procedures — and that of a number of other directives — is emphasized.[2]

Under the hectic circumstances of the time, the majority of these directives were impossible to implement. Dutchbat was defenceless and undermanned and did not dictate the situation; probably there was no time for red tape bureaucracy. Verbal reporting was then also the easiest and quickest method.

But at the debriefing in Assen, Captain Matthijssen disclosed that a written report about two incidents was made by battalion command, this, however, is not confirmed and the statements could not be located.[3] The incidents pertained to the discovery of nine corpses by Rutten and the execution observed by Groenewegen. Karremans has stated that he had reported these indications of executions — the only concrete indications he actually did receive — to Sarajevo. Less clear is whether he also informed Tuzla (Brantz): Karremans recounted that he had informed Brantz that it was 'chaotic' and that he also had told him about the observations;[4] Brantz's journal, however, contains no such entry.

Karremans' report to Sarajevo pertained to the discovery of nine or ten corpses by Rutten, and according to Karremans, also to Groenewegen's observation of an execution.[5] The exact circumstances that led to the discoveries, however, are difficult to establish due to the varying accounts by those involved. During the debriefing in Assen, Schotman stated that in the early evening of 12 July, he saw how opposite the bus depot two VRS soldiers with approximately 10 people turned into a dirt track in a westerly direction, uphill. On that same night, he already heard from civilians that nine corpses were reportedly lying in a house two- to three-hundred metres in that direction. The following morning he heard the same story. After the third report he decided to inform Lieutenant Koster, the officer in command. Lieutenants Koster and Rutten then reportedly found and photographed the location.[6]

In this context a statement by UN Military Observer interpreter Emir Suljagic is also

noteworthy. On the night of 12 to 13 July, he talked to a group of soldiers returning from a patrol that had taken place between 23.00 hours and 04.00 hours. The soldiers told him that they had observed the execution of 12 people that night.^[7] It is not clear whether this account refers to the same events as the discovery of the corpses in the house on the dirt track, one reason being the difference in the number of corpses. Also, the UNMOs reported as early as 8am on the morning of 13 July that they had heard rumours about executions.^[8]

In any event, there can be no connection between the discovery made by Rutten and Koster and this night-time execution, as the course of events bears out. The time given was too late. On the morning of 13 July Rutten was ordered to escort a convoy of Displaced Persons.^[9] The transport had resumed at around 07.00 hours on the initiative of Lieutenant Van Duijn, who wanted to seize the opportunity and get as many people out as possible while the VRS was still away. Before Rutten departed, he first walked towards the bus depot to get an idea of the size of the convey he was to escort. On the way there, he came across the house that was used for the so-called questioning of Bosnian Muslim men and that was to become known as 'the White House'. Then he already saw that all their personal possessions, including their identity papers, had been thrown on a pile outside. Around the house over 20 VRS soldiers stood guard. Together with Sergeant Major F. van Schaik, who accompanied him, Rutten entered the house under the pretext that he was bringing water. In the various rooms they saw over 100 terrified Bosnian Muslims. One man had even been handcuffed to the staircase and was hanging from it in a painful position. On Rutten's request, a VRS soldier adjusted the handcuffs and secured the man in a slightly more comfortable position.

The VRS soldiers prevented Rutten from entering a certain room, in which some men were apparently being questioned. While Van Schaik remained below, Rutten went upstairs, handed out water to the men held prisoner in various rooms and took their pictures. Rutten later described the atmosphere there as one of 'utter terror: you literally could smell death'.^[10] The men seemed to understand fully why he was taking photographs and realized what fate possibly awaited them. They squeezed closer together to make sure they would all fit on the picture.

Rutten then attempted in vain to glance into the interrogation room from outside. He subsequently inspected another part of the house, where more men appeared to be kept. In one of the rooms he saw a whole bunch of photographs that looked as though they had been sorted deliberately. Rutten assumed that the VRS was looking for certain men.

Once outside again, he ordered two soldiers, Corporals Nieuwesteeg and Rattink, to inspect the house in regular intervals and, where possible, to provide assistance. To make it look as if both men had more authority, he had them attach a few additional stripes to their uniforms.

After Rutten had returned to the 'channel', he heard from a local interpreter that seven civilians had reportedly been executed in the vicinity of a well. Very shortly afterwards, he was told by his colleague, Lieutenant Schopman, that he too had heard this rumour. The same applied to Koster, who was approached by Christina Schmitz and UN Military Observer Kingori.^[11] Rutten, accompanied by Van Schaik and Lieutenant Koster, then proceeded towards a well he knew, because he, as patrol coordinator and Intelligence officer of C Company, had good knowledge of the area. A Muslim woman, whom they had asked whether she knew of any men having been killed, showed them the exact way, towards a hill. After several hundred metres, they arrived at a small stream, where they indeed saw the corpses of several men. The stream, along the side of which a hedge was growing, bordered on a pasture. An opening in the hedge allowed the soldiers to walk up into the pasture. There they discovered the corpses of nine men, the youngest of which was approximately aged 40. They all wore civilian clothes and their heads were facing the water; seven lay on their stomach and two on their left side. All had been shot with a small calibre weapon, presumably an AK-47. The Dutch discovered that the execution had taken place not much earlier, as — in spite of the temperature being higher than 30 degrees — the blood had not yet coagulated and no flies could yet be seen. As Rutten himself and others concluded later, this indicated that this discovery could not relate to the reports that had reached Schotman quite some time before.

Rutten took a general photograph of the scene and then a second one, in which Lieutenant

Koster squatted between the bodies as proof of the observation. He then ordered Van Schaik to collect the identity papers that were scattered around the place. When a shot rang out from one of the houses close by, they quickly made their way back toward the 'channel'. Rutten observed one VRS soldier leaving the house and disappearing around the corner. Fearing for their own safety, he ordered Van Schaik to throw away the identity papers. Subsequently they walked back, making it seem as though nothing had happened. By pretending to help carry a stretcher inside, they managed to get on to the compound.[12]

There, Rutten inadvertently bumped into Lieutenant Colonel Karremans, which possibly explains why his report was not recorded by the Ops Room. The lieutenant told him what he had seen and also that he had taken photographs. Although Rutten found that Karremans reacted 'half-heartedly', the Commander *did* indicate 'that he would bring it to the attention of those on a higher level'.[13] Karremans later stated that he had given Rutten instructions immediately: 'The first thing you do is stick that roll of film in your pocket and make sure that it gets back to the Netherlands, or wherever we might be going'.[14]

According to Groenewegen, his observation reached Karremans through the usual chain of command, namely via Sergeant Mulder, First Lieutenant Schotman and Captain Matthijssen.[15] According to the account narrated in his book, Karremans first heard of the observation from Rutten and only 'some time later' of the execution witnessed by Groenewegen, whose name, incidentally, he does not mention.[16] Both observations were reportedly passed on to Bosnia-Herzegovina Command.[17] There are no other Dutchbat sources that can confirm Karremans' account. The Ops Room register, where, normally speaking, all wires should have crossed, shows big gaps on July 12 and 13 and thus illustrates unintentionally the collapse of the 'chain of report' during these chaotic days.

The question is whether Karremans may not be mistaken here; neither he nor Franken reported Groenewegen's observation during their debriefing in Zagreb. But both men did, in fact, report the discovery of the nine corpses and Franken even added explicitly that he was not aware of any 'witness reports of actual executions'.[18] Although it is possible that Karremans was informed while Franken was not — the communication between the two was not exactly perfect in the chaos — this does not seem probable. The same applies to the statement that Karremans had supposedly forgotten to report such an observation.

But even if this was the case, it still is not clear whether Groenewegen's observation had reached Karremans prior to his talk with Sarajevo and was reported at the same time as Rutten's observation, or if it was reported later, in a separate communication. The date and the time of the execution are difficult to establish due to the varying statements Groenewegen has made in this regard. When interviewed by Colonel Lemmen on July 23 in Zagreb in the context of the operational debriefing, he did not mention a date.[19] But he did in fact give a date to the UN debriefers, namely July 12.[20] During the debriefing in Assen, he mentioned July 13.[21] The description of the execution was generally consistent: at a distance of about 200 metres from the compound, and about 30 metres from himself, Groenewegen observed how four VRS soldiers picked a man out of a group of refugees and placed him up against the wall of a nearby house, his face facing the wall. Groenewegen subsequently saw how one of the VRS soldiers killed that man with his AK-47, with a shot to the back of the head.[22] Later he stated that he only made his observation at around '4 p.m.' in the afternoon.[23] In Zagreb, shortly after the battalion's return, he told the debriefers that he did not inform his group commander of the execution until the evening.[24] If that was the case, Karremans could not have reported it on July 13 at around noon. After all, no indications were found that Karremans informed Sarajevo of the execution later on July 13 in a separate communication, even though on that day there was regular contact by phone.

The facts surrounding Oosterveen's report are also unclear. Karremans has stated before the Tribunal that on July 13 he received two reports only: the report of the nine or ten bodies and that of the one execution.[25] Before NIOD he stated that he also had spoken to Oosterveen and that, based on Oosterveen's story and that of Rutten, he concluded that the deportation was deteriorating into chaos.[26] Karremans, just as all the others after him, presumably understood the observations made by

Rutten and by Oosterveen to be one and the same account. However, it is not clear when Oosterveen, and Dorst, who took photographs of the corpses, informed Karremans. As was the case with Groenewegen's observation, this issue directly concerns the uncertainty over the time when Oosterveen and Dorst discovered the corpses. Before both the Kodak Team of the Royal Netherlands Marechaussee, who investigated Rutten's botched film roll, and the Assen debriefers, Oosterveen mentioned '14.45 hours' as the time of discovery. This time was confirmed by Dorst. However, Dorst could not remember the exact day.[27] Oosterveen too, originally stated in Zagreb that he had made his discovery 'on Wednesday or Thursday'.[28] What is peculiar, however, is the fact that in both witness statements he recounted how a 10-year old Bosnian boy pointed out the killings as early as 'in the morning hours', or 'early morning', or 'after sunrise'.[29] This would put a considerable gap of several hours between the time of this warning and Oosterveen's reaction. But the account in his debriefing statement suggests that he went to pick up a camera on the compound immediately after having received this information and then, accompanied by Dorst, proceeded to find the location.[30] Elsewhere Oosterveen stated that he already had a camera on him.[31] This matter is complicated further by yet another differing statement by Oosterveen:

'A boy informed us of the existence of corpses. In the evening, we entered the enclave to investigate and did in fact find corpses of Muslims. It looked like an execution, because all the men were lying on their stomachs. A colleague took photographs. Everything had to be done very sneakily, because by now the Serbs were cleansing the houses in the neighbourhood.'

However, the corpses on the photographs were almost indistinguishable, one of the reasons being the onset of darkness.[32] Both the explicit reference to the evening and the cleansing of houses by Serbs — an activity that took place in the wake of their advance to Potocari — strongly suggests that the observation may already have been made as early as the evening of July 12. This would tie in better with the statement mentioned earlier by Schotman and the stories of other Dutchbat personnel that they had heard already on 'day one' of the discovery of nine male corpses who had been taken away for questioning.[33] Koster too confirmed that he heard rumours about nine or ten corpses as early as July 12, when making his reports at the compound.[34]

It is not impossible that different recollections are being mixed up. A number of Dutchbat personnel at the Assen debriefing also linked Oosterveen to the discovery of bodies in a house. According to one of the Dutchbat soldiers, the Warrant Officer was warned by Groenewegen, shortly after he himself had observed an execution, that several corpses were reportedly lying in a house.[35] Warrant Officer Dijkema stated that:

'... on the night of July 13-14 [this data is mixed up several times], Oosterveen and Koster had been in a house not far from the compound, where it was seen that shots were fired, after which the VRS left the house. They subsequently established that these persons had been murdered. He knows that photographs had been taken, the quality of which is poor, and that one roll of film is rendered useless.' [36]

Naming Oosterveen and Koster (who accompanied Rutten) in one breath and the reference to a botched roll of film suggests that different events in Dijkema's recollection have been mixed up. But what is striking is that Oosterveen here too is linked with a discovery of bodies in a house; an element which also appears in the reports that Schotman received as early as the night of July 12 to 13. As described before, *Médecins Sans Frontières* worker Emira Selimovic stated that Dutchbat personnel wanted *Médecins Sans Frontières* to remove some seven corpses from a house.

So the question remains of how Oosterveen came to his differing statements and if he, indeed, did see more than he has reported. Whatever the case may be, it was known in Zagreb that he had taken photographs. There he gave his roll of film to the local debriefing co-ordinator, Colonel Lemmen.[37] Petra Groen was head of the team of the Military History Section of the Royal Netherlands Army in

Pleso and worked closely together with Lemmen; she saw Oosterveen hand the film to Lemmen. She signalled the MID, who later picked up the roll of film from Lemmen and had it developed.

Presumably, in the hectic situation, the observations of Rutten and Oosterveen were understood by Karremans as a reference to one and the same event. In Zagreb it had already been recognised that there was a problem. Colonel Lemmen, who in turn had organized a first debriefing of key persons by orders of General Bastiaans, arranged a confrontation between Oosterveen and Rutten especially for that very reason. From a note by Petra Groen, who together with Lemmen, also interviewed the witnesses of possible war crimes, it can be gathered that there were then indications that two different locations were at issue. Where Oosterveen mentioned a stream flowing in an east-to-westerly direction, Rutten indicated a stream following a north-to-southerly direction. Moreover, he placed the discovery in the neighbourhood of 'a house with a watermill', a marked detail that was missing in Oosterveen's account.[38] However, neither observation was sufficiently clear for Groen and Lemmen to draw a definite conclusion, even though Groen, for her part, was inclined towards thinking that there may well have been two separate incidents.[39] Lemmen, due to the 'obscurities' in Oosterveen's statement, was reluctant to draw this conclusion; if he had not known him in the past, he may well have considered the entire report as unreliable and pushed it aside, according to Lemmen.[40] Based on this assessment, General Couzy, in his press conference on July 23, started from the assumption that one single incident had occurred, although he explicitly left open the option that this issue involved two different incidents. He hoped that the comparison of the photographs would clarify the matter.[41]

In the recollection of those involved, a unanimous conclusion, however, was drawn, even if it is quite possible that this impression arose only because the matter continued to occupy them after they had spoken to Groen and Lemmen. At any rate, Rutten and Oosterveen stated later that during a conversation in which they had consulted the ordnance survey map, they had come to the conclusion that the locations of their discoveries were surely 500 metres apart.[42] Rutten placed Oosterveen's observation more...

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[1] SMG, 1023. Annex B SOP 208, Actions for Commanding Officer and HQ BH Command. Standard Operating Procedures UNPROFOR, September 1993.

[2] SMG/Debriefing. Standing Order 1 (NL) UN INFBAT. See Chapter 5, 'Despatches, reports and messages'.

[3] Debriefing statement, C.J. Matthijssen, 08/09/95. What is striking is that N. Franssen, Intelligence (I&V) Officer of Dutchbat IV, who was present in Zagreb, reportedly said that rumours were circulating already in Pleso to the effect that officers of Karremans' staff contended that he had indeed made written reports. See: SMG, 1007/7. Note, 'Sources of information', as evident from a hand-written note by smi N. Franssen (I&V), undated.

[4] Interview Th. Karremans, 16/12/98.

[5] Karremans, *Srebrenica*, p. 219.

[6] Debriefing statement, F.H. Schotman, 08/09/95.

[7] Interview Emir Suljagic, 23/10/97.

[8] Ministry of Defence, Situation reports. UNMO situation report Srebrenica update dated 130800B JUL 95.

[9] The following reconstruction is, where not otherwise indicated, based on the following sources: the official testimonies by witnesses J.H.A. Rutten, F. Van Schaik, E.C.M.J. Koster, B.C. Oosterveen and R.W. Dorst, in: OM Arnhem, KMar distr. Zuid-Holland/Zeeland, Judiciary Services, Official Statement P13-/1995-JD, Dossier 'Dutchbat', pp. 11-14; interview J.H.A. Rutten, 22/12/99; interview E. Koster, 06/10/99; debriefing statement, J.H.A. Rutten, 06/09/95; debriefing statement, F. van Schaik, 05/09/95; debriefing statement, F.H. Schotman, 08/09/95.

[10] Bstas. Note dated 06/07/97 by H. van den Heuvel, Public Relations Director of the Ministry of Defence, about a conversation which he and BLS Gen. M. Schouten had on 04/07/97 with Ron Rutten. Appendix 2 of letter from the Defence Minister to the Speaker of Parliament, D98002140, 13/08/98.

[11] Interview L.C. Van Duijn, 02/07/99.

[12] Interview J.H.A. Rutten, 22/12/99

[13] OM Arnhem, KMar, distr. Zuid-Holland/Zeeland, Judiciary Services, Official statement P13-/1995-JD, Dossier 'Dutchbat', p. 14.

[14] Interview Th. Karremans, 16/12/98.

[15] Statement from Groenewegen during a conversation on 12 June 1996, in preparation of his testimony before the Tribunal. NIOD, Coll. Kreemers. Royal Netherlands Army Legal Affairs Dept., Internal Memorandum, HJZ to CDS, 'Hearing of witnesses by the Prosecution Office', Stg/Confidential, unnumbered, 17 June 1996, p. 5; Debriefing statement,

- C.J. Matthijssen, 08/09/95.
- [16] Karremans, *Srebrenica*, p. 219.
- [17] SMG/Debrief. Debriefing, C-Dutchbat 3, copy of Col. Karremans' own text, Deventer, 06/09/95 (Stg confidential/permanent) p. 13. Incidentally, what stands out here is that Karremans appears to have bypassed HQ SNE (Brantz) in Tuzla; something that happened more than once, at any rate on 13 July. Brantz also was not informed of the drawing up of the 'list of 239'. NIOD, Coll. Brantz.
- [18] SMG, 1007. Chr. Klep, 'Debriefing report, C-Dutchbat III Col. Karremans, 22/07/95, Camp Pleso'; Chr. Klep, 'Debriefing report, Major Franken, 22/07/95, Camp Pleso'.
- [19] SMG, 1007/25. Note P. Groen, 'Debriefing of soldier Groenewegen C-Company in regard to an inquiry about war crimes, Camp Pleso 230795, 12.15-12.30 hours'.
- [20] NIOD, Col. Hicks. UN-Debriefing form, Schotman; Margarita Lagos-Bossel (UNHCR)/Edric Selous (CVAO), Incident report by Paul Roeneuvegen (Groenewegen), 23/07/95.
- [21] SMG/Debrief. *Feitenrelaas*, p. 287.
- [22] SMG/Debrief. *Feitenrelaas*, pp. 287-288. The name of witness Groenewegen became public later. He has also given testimony before the Tribunal: ICTY Karadzic and Mladic (IT-95-18-R61/IT-95-5-R61), 04/07/96. The video tapes of this incident were later introduced and submitted as evidence by the Prosecutor in the trial against Krstic.
- [23] SMG/Debriefing. *Feitenrelaas*, p. 287. This was supposed to have been around the time when the last Displaced Persons outside the compound were being deported.
- [24] SMG, 1007/25. Note P. Groen, 'Debriefing soldier Groenewegen C-Company in regard to an inquiry about war crimes, Camp Pleso 230795, 12.15-12.30 hours'.
- [25] ICTY (IT-95-18-R61/IT-95-5-R61), Testimony of Th. Karremans, 04/07/96.
- [26] Interview Th. Karremans, 16/12/98.
- [27] OM Arnhem, KMar, distr. Zuid-Holland/Zeeland. Official Statements of witnesses B.J. Oosterveen and R.W. Dorst, Judiciary Services, Official Statement P13-/1995-JD, Dossier 'Dutchbat', 02/08/95, pp. 21-22; 27. Dorst first refers to the separation of the men and women and then talks about 'around two days later'.
- [28] SMG, 1007/25. Note Petra Groen, 'Confrontation aoo Oosterveen and elt Rutten in regard to an inquiry about war crimes, Camp Pleso 23/07/95, 13.00-13.30 hours'.
- [29] Charles Lane, 'Srebrenica: kroniek van een afgang' ('Srebrenica, chronicle of a failure'), *De Volkskrant*, 12/08/95.
- [30] Debriefing statement, B.J. Oosterveen, 08/09/95; OM Arnhem, KMar, distr. Zuid-Holland/Zeeland, Judiciary Services, Official Statement P13-/1995-JD. Dossier 'Dutchbat', 02/08/95, pp. 21-22.
- [31] Jolande van der Graaf, 'Adjutant legde tiental executies door Bosnische Serven vast' ('Warrant officer photographed 10 bodies of people executed by the Bosnian Serbs'), *Rotterdams Dagblad*, 18/08/95.
- [32] F. Lardenoye, 'Het boek "Srebrenica" is niet gesloten' ('The "Srebrenica" book is not closed'), *Oplinie*, July 1996, p. 7.
- [33] Debriefing statement, F.S. Cameron, 05/09/95. It still remains difficult to incontrovertibly link the meaning of 'day one' to 12 July. The weak chronology is a general problem with the statements made in Assen.
- [34] ICTY (IT-95-18-R61/IT-95-5-R61) Testimony of E. Koster, 04/07/96.
- [35] Debriefing statement, E.J. Siemons, 05/09/95.
- [36] Debriefing statement, W.J. Dijkema, 01/09/95.
- [37] Interview P. Groen, 17/02/99.
- [38] SMG, 1007/25. Note taken by Petra Groen, 'Confrontation aoo Oosterveen and elt Rutten in regard to an inquiry about war crimes, Camp Pleso 23/07/95, 13.00-13.30 hours'.
- [39] ditto
- [40] Interview J. Lemmen, 17/10/01.
- [41] NIOD, Coll. Kreemers. 'Fragments from the press conference in Zagreb, 23/07/95. (Full text of the introduction of Lieutenant General H.A. Couzy)'. Also in Voorhoeve's diary, pp. 139-140.
- [42] OM Arnhem, KMar, distr. Zuid-Holland/Zeeland, Judiciary Services, Official Statement P13-/1995-JD. Dossier 'Dutchbat', pp. 8 and 22.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

29. The Role Of Major Franken

Major Franken, Karremans' deputy, also acted from the same understanding but with a slightly different assessment, which had further impact through its dramatic consequences. He was the one who, in the days after the fall, took the lead in operational decisions, while Karremans took care of the hectic communication with the outside world. This was possibly the reason why Franken had already come to a more realistic and pessimistic assessment of what was taking place. It is striking that this fact only became public knowledge at the time when he gave testimony in the trial against Krstic in 2000. The former Deputy Battalion Commander made the newspapers by announcing that during the days of July 1995 he had been aware the whole time of the possibility of a massacre.^[1] The suggestion that with this he had counted on thousands of dead can not, however, be deduced from his words and was also disclaimed by him before the NIOD:

'We did not assume that Mladic would shoot everybody. This was not the conclusion. I feared that, in the worst case, the men would indeed be killed. That things would not be done in accordance with the law of war or the conventions [of Geneva]. This is true. That is the possibility I counted on. But I did not know for sure.'^[2]

Franken explained before the Tribunal that he had indeed been concerned about what might happen, were the VRS to get in among the crowd of Displaced Persons: 'I expected them to start killing, or things like that'. This concern was based, among other things, on the artillery shelling that the VRS had carried out on civilians and 'the history on the Serb side, not directly in the area of Srebrenica'. The shelling had been followed by the threat that, in the event of another air strike, the Dutch hostages would be killed. Franken stated that he did not fear executions, but was concerned that his men would be used as human shields.^[3] The issue Franken was faced with was not only whether he was able to intervene in any way at all, but also: 'Do I want to intervene? Must I intervene? What is the consequence, if I intervene?'^[4]

Franken objected to the picture portrayed in the media that Dutchbat had been 'naïve' by not anticipating what might happen to the Bosnian men. As early as late in the afternoon of July 12, he got the impression that the men's situation was taking a turn for the worse. This became even clearer the following day based on the scenes that were unfolding in connection with the interrogations in the 'white house'. The only thing he could do was to order the UNMOs to watch how many men entered the house and how many men came back out. Nevertheless, the accounts of incidents brought to his attention by, among others, *Médecins Sans Frontières* representatives who had heard rumours about corpses, as well as stories that men had been picked out from the crowd and taken away, rose steadily. But during the earlier mentioned conversation that Karremans and Franken held with Christina Schmitz as early as 12 July, they put her mind at ease.^[5] Franken recounted that Karremans told her at the time that there was not a single corroboration of human rights abuses having been committed: 'This is not inconsistent with the concerns we had. We just didn't express them then; on purpose'.^[6]

Karremans, as he declared before the NIOD, could not subscribe to this account by Franken, implying that he had misled *Médecins Sans Frontières* on purpose.[7] It is impossible to establish whether this denial is correct. In Karremans' case there are, as described earlier, no clear indications that make this plausible. However, much points towards the possibility that *too* much escaped him because of his rather isolated position, in which little information reached him from the lower ranks. This was a different case with Major Franken, who appears to have been moving around much more and in places where everyone could address him directly.[8] But it is striking that Major Franken explained at his debriefing in Zagreb that he personally had not seen anything of the separation of men and women, because too much of his time was taken up by 'administrative business in regard to the displaced'. Franken later could not place this statement anymore.[9]

Franken himself presented his actions afterwards in a light which illustrated the downplaying of possible violations of international law and human rights as an inevitable consequence of his assessment of the situation. Various statements confirm this. A Dutchbat soldier who made a comment about looting — punishable according to international law — was told by Franken that 'there was no way to make that stick'.[10] When interpreter Hasan Nuhanovic overheard the UNMOs talking about the discovery of nine bodies, he had immediately gone to Franken, who reportedly told him 'don't spread this bullshit around'.[11] Another interpreter, Omer Subasic, pointed out to Franken the systematic shots that could be heard. Franken answered that these were being fired into the air. Subasic's impression was that Franken did not want to alarm the people. Still, he accepted Franken's explanation and convinced his own father that he would only be questioned. His father has been missing since July 13.[12]

Nesib Mandzic was given the same answer when he addressed Franken about the screaming, wailing and the sounds of gunshots that he heard in the night of July 12-13 and the stories of people who had managed to climb over the fence of the Dutch Base in the morning. Mandzic asked in vain for Franken to investigate the matter.[13]

Even after the nine bodies had been discovered by Rutten, Franken still maintained to the outside world that there was no singular evidence of executions. When Nesib Mandzic and Ibro Nuhanovic, the two male representatives of the displaced, came to Franken in the morning of July 13 with the rumours about killings, he stuck to the line that nothing was corroborated. Franken's motive for trivializing the killings or hiding behind the argument that there was insufficient evidence was prompted by his concern that the situation would get out of hand and the crowd would no longer be manageable:

'At the moment when you announce: "We are indeed afraid that the men will all be killed", there definitely will be panic among the crowd of Displaced Persons. Under those circumstances we gave priority to the fate of the women and children. We accepted that the fate of the men was uncertain and that they indeed might end up in the most deplorable of circumstances.'

Moreover, Franken was afraid of the effect that a massive panic would have on his own troops, who 'were no longer that fit for deployment': 'At this time, it would have had absolutely the wrong effect'.[14]

The consequences of his stance emerged most embarrassingly during the conversation between Franken and Ibro Nuhanovic, the father of UNMO interpreter Hasan.

Nuhanovic explicitly asked Franken to put a stop to the deportations. It was an option that had occurred to Franken himself, so he said, but he had immediately dismissed it after consultations with the doctors and those responsible for logistics. When the Displaced Persons had entered the compound, all available food, 'another two days' rations for the men of the battalion' had been scraped together and incorporated in a soup that was distributed among the people. This still was at least 'administering calories'. [15] After that there hardly were any food supplies available. At the same time the hygiene situation deteriorated rapidly. Dutchbat soldiers had dug latrines, but out of fear of being spotted by Bosnian Serbs, the refugees did not dare to leave the factory hall. The emergency toilets were soon

clogged up, so people simply relieved themselves in the depot itself. Weapons, too, were found in the emergency toilets; in addition, women and children handed in Russian-made hand grenades and ammunition to Dutchbat personnel at the compound's fence that were thrown in the nearby small stream by Dutchbat.[16] Amidst the chaos in the hall, a large number of women were also giving birth; the stress had prematurely induced labour. On July 12 alone, fifty babies were born.[17] Elderly people visibly got weaker by the minute, and a number of them passed away. Their remains were buried in a hastily dug grave at the edge of the compound.

A prospect of an improvement of the logistical situation was not possible either. There did not appear to be a reason to believe that after months and months of putting them through the mill, Mladic would now suddenly make a concession that would fly in the face of his interests in a rapid deportation. All in all it was clear that this situation needed to come to an end as quickly as possible.

Franken explained to Nuhanovic what kind of dilemma his request presented for him: 'In fact he asked me to make a choice between thousands of women and children and the men'. According to Franken, Nuhanovic 'understood this' and left.[18] Given the fact that Ibro Nuhanovic has not survived his own deportation, there is nobody who can corroborate that he consented to Franken's considerations. Here too, the recollections partly contradict one another. According to Ibro's son Hasan, such an exchange took place during a conversation that also involved Mandzic and in which Hasan acted as interpreter — Franken at that time did not know that one of the participants was Hasan's father. And although both representatives of the displaced shared the opinion that women and children had priority, they decided in regard to the men that evacuation should only take place through the International Red Cross and the UNHCR.[19] This option, however, was not realistic. The original intention was that Dutchbat, assisted by the UNHCR, would arrange the evacuation themselves, but Mladic expressly had deviated from that, because, above all, he wanted to speed things up.

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[1] See also: T. Lagas, 'Srebrenica: het woord "genocide" mocht niet vallen' ('Srebrenica: the word genocide was not allowed to be used'), *Trouw*, 08/04/00.

[2] Interview R.A. Franken, 21/05/01.

[3] ICTY (IT-98-33-T). Testimony of R.A. Franken, 04/04/00.

[4] Interview R.A. Franken, 18/05/01.

[5] MSF, Brussels. MSF capsat Christina (Schmitz) to Stefan (Oberreit), unnumbered, 13/07/95, 01:52:42.

[6] Interview R.A. Franken, 21/05/01.

[7] Interview Th. Karremans, 30/11/00.

[8] SMG, 1007. Chr. Klep, 'Debriefing report of Major Franken, 22 July 1995, Camp Pleso.

[9] Interview R.A. Franken, 05/02/02.

[10] Debriefing statement, R. Zomer, 07/09/95.

[11] Interview Hasan Nuhanovic, 05/08 and 06/08/98.

[12] Interview Omer Subasic, 19/04/98.

[13] ICTY (IT-98-33-T) Testimony of N. Mandzic, 21/03/00.

[14] Interview R.A. Franken, 21/05/01.

[15] Debriefing statement, R.A. Franken, 13/09/95.

[16] Debriefing statement, P. Wouters, 06/09/95.

[17] UNGE, UNPROFOR, Box 434. UNMO Srebrenica update dated 131100B JUL 95; notes by B. Rave, submitted to the NIOD for perusal.

[18] ICTY (IT-98-33-T), Testimony of R.A. Franken, 04/04/00; Interview R.A. Franken, 21/05/01. Franken said that his consideration was also based on the opinions of the doctors and logistics personnel that he had consulted.

[19] Hasan Nuhanovic, 'Letter of commentaries on the public statements made by Dr. Ir. J.J.J.C. Voorhoeve, Minister of Defence (Netherlands), and other officials of the Ministry of Defence on Srebrenica' (1998), p. 6. Collection NIOD. Here too, the problem of correct chronology arises again, as Hasan Nuhanovic places these events on 12 July.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

30. The 'List Of 239'

As a concession to the concerns of Nuhanovic and Mandzic, Franken's idea to have someone draw up a list of all men of military age inside and outside the compound was discussed soon afterwards. According to Mandzic and Omanovic, the idea of registering the names of all the Displaced Persons had already come up much earlier, after the meeting with Mladic.[1] Rave, on July 12, indeed jotted down on a 'shopping list' of sorts that the discussions resulted in a 'list with names'. However, his notes show that this subject had already been discussed with the representatives of the refugees during the preparatory talk for the meeting with Mladic.[2]

A great deal of commotion developed over the drawing up of the 'list of 239', both at the time and later in the media. The commotion centred around the presumption of some that the list had been used as a tool in the ethnic cleansing, although Franken has always explained that he had shown the list only briefly to a VRS officer — Colonel Jankovic — to point out the list's existence, and thereafter concealed it on his person.[3]

Franken said that he followed the example of Amnesty International when he tried to find a means to offer the men at least some form of protection.[4] For humanitarian organizations this was indeed a commonly used tool. It is significant that on July 13, *Human Rights Watch* in a reaction to the events in Srebrenica called for the creation of a 'paper trail to document Serbian accountability for the civilian inhabitants of the areas they have overrun'.[5] That same day, the Bosnian Government publicly demanded that 'UNPROFOR must provide registration of all inhabitants whom the Serb terrorists are transporting by trucks and buses from Srebrenica, because it has been noted that a number of people are missing during the transport'.[6] Prime Minister Silajdzic had also informed General Smith on July 13 that his colleague Muratovic demanded that a list of names be drawn up for each bus.[7] This turned out to be too late for Srebrenica, but after the fall of Zepa shortly afterwards, lists of the people who were put on the buses were indeed drawn up. This incidentally did not prevent a number of them being taken out of the vehicles en route, never to return.[8]

For a moment, Franken and Mandzic also considered registering the remaining men outside the compound, but it quickly became clear that the safety of those who were to take down the names could not be guaranteed. And without their frightened interpreters, who had been struck with terror the day before in the confrontation with Mladic and his troops, the Dutchbat battalion was unable to accomplish anything. On July 12, Emir Suljagic had left the compound with UNMO De Haan to talk with Mladic about the situation of the displaced. Emir's UN pass was taken off him by Mladic's bodyguard, and after having passed through several pairs of hands ended up in the hands of the General. Mladic called out to the interpreter to come forward. Emir would later recount that these few steps through the line of Mladic's people would stay with him for the rest of his life. 'My feet literally became heavier with each step. It felt as though another kilo was put on my shoulders with every move.' Mladic looked at his UN pass and asked: 'Where are you from? Did you mess about in the army?' Emir was extremely frightened. De Haan started to explain that Emir had been working for the UN for quite some time already, that he was too young to have served in the army, and that he

personally guaranteed that Emir had nothing to do with the army. Mladic said that he himself had no problems with the interpreter, but that it was impossible to guarantee that none of his soldiers would flip out and shoot Emir on the spot. Emir interpreted this as an invitation to the soldiers to actually go ahead and do it. He had to return to the compound and expected at any moment that someone would 'flip out' and shoot him in the back. De Haan accompanied him as far as the main gate of the compound.[9]

Vahid Hodzic, who was even more worried because he had been part of the paramilitary at the start of the war, translated in Potocari originally for Captain Groen and later for Lieutenant Van Duijn. Groen was very shocked when Hodzic told him that a VRS soldier had asked him 'whom he should let live'. [10] Later that day Hodzic had to explain the evacuation procedure by megaphone to the Displaced Persons. This drew the attention of Mladic, who subsequently read him the Riot Act and also had his men take Hodzic's UN pass off him. Rave later managed to get it back.

When a mother began to panic because the truck that held her children threatened to leave without her, Van Duijn wanted to stop the vehicle; he sent Hodzic to Mladic to quickly explain the problem. A little later he saw how the General had put his arm around the interpreter. After Van Duijn had succeeded in getting the woman on board the truck, he returned to Mladic. Mladic, through his own interpreter, Petar Usumlic, then threatened: 'I don't get it why you bother, but if you do this again and send a Muslim to me just like that, who starts talking to me without you knowing what he is saying, then I shoot him dead, right here on the spot.' Van Duijn immediately dismissed the shocked Hodzic, and Rave manoeuvred him quickly onto the compound.[11]

After the idea of registering the men outside the compound had been put aside out of sheer necessity, Mandzic and Nuhanovic reluctantly agreed to register the names of the men on the compound. Eight boys and girls were put in charge of drawing up the list, who, as already mentioned, came up with 251 names and not 239. The injured among the men were indicated with an 'R' — for *ranjen*, 'injured' — after the name.[12] Some of the displaced refused to give their names, fearing that the Bosnian Serbs would get their hands on the list. Sometimes it was the wives who were violently opposed against the men giving their names. The list with those who did in fact count on it having a protective effect was signed by Franken and subsequently faxed to various international and national organizations, including the Royal Army in the Netherlands. So much went wrong during this process, however, that 'the list of Franken' became one of the first hallmarks in what quickly was to become known as the 'Srebrenica affair', which in this context will be discussed in more detail in Chapter 8. At any rate, the significance of the list as a means to check the arrival of deportees was not recognized by a single agency at the time.

Mandzic, who was afraid that the list might fall into Serb hands, was told by Franken that he would hide it in his underwear and not permit the VRS to frisk him.[13] In a conversation with Defence Minister Voorhoeve after the fall of Srebrenica, Franken mentioned that he had also put a copy in a battalion box. He reportedly destroyed the original to prevent it from falling into Bosnian-Serb hands; [14] why the same risk would not apply to a copy was not discussed. According to Bosnian-Serb interpreter Petar Usumlic, Franken had said to the VRS that they had to take into consideration the fact that Dutchbat had the list in their possession. He also said that copies had been forwarded to the International Red Cross in Geneva and the UN in New York. According to Usumlic, the Bosnian Serbs made no reaction. But he believed that Franken had indeed given them a copy of the list.[15]

In an assessment of the stance of Franken and the decision that he made, it is necessary to consider the formal framework that applied at that point in time. Earlier, in the description of the receipt of the first Displaced Persons in the compound in Potocari, reference has been made to the Standing Operating Procedure and the Standing Orders of Dutchbat and the footholds that these offered in the decision-making of battalion command. Also, with regard to the situation that emerged afterwards, both documents contained passages that were of importance and can serve as a reference for the behaviour of Dutchbat. The Standing Orders offered suggestions for actions to be taken in the event of a physical threat to so-called non-combatants (civilians).[16] Contrary to other UN mandates, assistance, if possible, was to be offered in the above cases, albeit taking into consideration 'the actual

assignment, one's own safety and the limited resources of UNPROFOR'. Here the directive led to problems right away. The previous paragraph listed the actual assignment, declaring that UNPROFOR was not responsible for the protection of the population, but might well 'contribute' to it. [17] The question then was of what constituted the relationship between 'contributing to protection' and 'offering assistance'. This problem was compounded as other directives indicated how far this assistance could go. 'Non-combatants in distress' who received support from UNPROFOR should be equated to UNPROFOR personnel in the event of physical danger: 'The enforcement instruction then takes effect'. It was presumably on these grounds that acting UNPROFOR Commander Gobillard on July 11 issued the instruction 'to take reasonable measures to protect refugees and civilians in your care'. Karremans, however, had immediately given notice that this 'was not possible'. [18] Franken too, as was mentioned earlier, believed that force was impossible. In view of the situation this assessment was probably correct.

In regard to the situation concerning the list of 239 and several other incidents, the interpretation of the next directive was a great deal more complicated. People who had been offered assistance could not be sent away 'if this were to result in physical danger'. But here too, the provision was accompanied by criteria that offered room for interpretation. UN personnel, for example, was not to take unacceptable risks and also had to watch out for 'too much involvement in the conflict'. What is supposed to be understood by the latter is more difficult to make out than the former. In Karremans' and Franken's opinion, Dutchbat indeed 'ran unacceptable risks'; not only was Mladic's threat to shell the compound a statement that could not be taken lightly, but the looming humanitarian disaster in the event of the temporary freeze of the situation was the driving motive for their decision-making. Additionally there was nobody who at that point in time could suspect that it was Mladic's intention to eradicate all of the Bosnian men; that they would not fare well as prisoners of war was indeed obvious to those who remembered the images of Omarska and Trnopolje.

These kinds of impossible dilemmas were not covered by the regulations: in both cases the choice could turn out badly and so the main thing was to establish which was the lesser evil under the given circumstances. Franken considered the facts and made a decision with far-reaching consequences in regard to the Bosnian men on the compound. As the consequences of an alternative decision can only be guessed, care has to be taken in the assessment of his actions.

The same difficult and painful problem involved the local personnel of Dutchbat and the related issue of the Nuhanovic family. Here, regulations and interpretations played a decisive role in determining their fate.

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[1] ICTY (IT-98-33-T) Testimony N. Mandzic, 24/03/00; interview C. Omanovic, 18/05/99. Omanovic was under the impression that Mladic had asked for a list with names, in the context of the idea of letting the elderly and children depart first.

[2] Notebook of B. Rave. Submitted to the NIOD for perusal.

[3] Interview R.A. Franken, 21/05/01.

[4] Interview R.A. Franken, 21/05/01.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

31. The Issue Of Locally-Employed Personnel

In the wake of Srebrenica, both the fate of the Nuhanovic family and that of local Dutchbat personnel that had not survived the fall of the enclave led to many questions in Parliament and extensive reporting in the media. Much of this attention focused on the Nuhanovic family, with the first reports appearing in the newspapers in the autumn of 1995. Later, their uncertain fate regularly made the press, thanks also to the unrelenting efforts of Hasan Nuhanovic to obtain clarification of his family's fate and the events surrounding the 'list of 239'.

Other similar issues also surfaced. In April 1996 the fate of the local personnel turned into an embarrassing issue after the airing of a documentary in the VPRO programme '*Lopende Zaken*' (Running Affairs). This documentary centred around Rizo Mustafic, Dutchbat's local electrician, who disappeared without a trace because the battalion reportedly had not protected him.[1]

The broadcast made clear for the first time that only a small number of the people who had worked for Dutchbat were brought to safety by the battalion. Particularly for the Public Information Department and the Political Affairs Department of the Ministry of Defence, this was the umpteenth problem that fell out of the sky and prompted hasty investigations. The same applied in July of the same year during the commotion over the suspected death of an interpreter of UN CivPol, Bekir Hodzic. He reportedly had been denied access to the compound in Potocari. Out of sheer necessity he then started out towards Tuzla, but never arrived there.[2] This issue was also cranked up by the media, after which politicians reacted by questioning Defence Minister Voorhoeve. Voorhoeve was surprised and embarrassed by these questions all the more as it turned out that he too, had been misinformed. At that time Voorhoeve was under the assumption that Dutchbat had succeeded in safely evacuating all the local staff of UN organizations from the enclave. Directly after it became known that the documentary would air in '*Lopende Zaken*', the Minister wrote an angry memo to Secretary General D.J. Barth with the question of why he had not been informed correctly: 'Why did I only hear on 12/4/96 that not 30, but only 4 local personnel rode out with Dutchbat on 21/7? So was this withheld from me to help 'to alleviate' the co-signing of the 'declaration' of 17/7?'[3] (See 33, the 'Declaration of 7 July')

When the issue came to a head after the '*Lopende Zaken*' broadcast had aired and the Royal Netherlands Army and the Political Affairs Department attempted to investigate the matter, Voorhoeve kept his finger closely on the pulse. He involved himself directly in the editing of the letter to Parliament concerning this question.[4]

In the following reconstruction an attempt shall be made to re-examine these questions in mutual connection and in the context of the situation of Dutchbat after the fall of the enclave. The Defence Ministry's own attempts to obtain clarification will be analysed and compared to later findings. It was not possible to draw watertight conclusions in all cases; this is the reason why, in these morally-loaded questions, conclusions are to be drawn with care. Here this applies all the more because the most difficult factor for the historian to grasp is the role played by individual human actions in situations of grave stress and chaos. Often it is already difficult enough to determine which formal frameworks applied in certain situations and whether they were known at all, let alone to find out

exactly why these were followed by certain actions.

A good starting point for dealing with the problem of the local staff and the dilemmas that Dutchbat found itself confronted with is the fate of the Nuhanovic family. They had gone to the compound on the strong urging of their son Hasan, one of the UNMO interpreters. The youngest, their 19-year old son Muhamed, nick-named 'Braco' (little brother), had for that reason turned down requests from friends to risk the walk to Tuzla.^[5] Hasan, a nervous young man, who after July 10, according to many who observed him in these days, could hardly cope with the tensions anymore, did everything in his power to save his younger brother in particular. Major Kingori, one of the UNMOs, later remembered: 'Hasan was upset. He kept asking if we could protect his family or at least his younger brother'.^[6] One of the other interpreters remembered how Hasan had asked him in a panicky manner where on the compound he could hide his brother, a question he could not answer.^[7] Hasan also asked the UNMOs for help, who, after all, were his employers. Hasan pleaded with them to take the risk and hide his brother in their jeep when they were to leave but the Military Observers are said to have answered that there was no room for him.^[8]

The 'list of 239' did not include the names of father Ibro and brother Muhamed Nuhanovic. Hasan later recounted that he has never understood why this was the case.^[9] But there are plausible assumptions for this. Ibro was part of a hastily formed committee that had to negotiate with Mladic on behalf of the population. Thus from this situation the impression developed that the Bosnian-Serb General would guarantee their safety and that they had a special status.^[10] The name of co-negotiator Nesib Mandzic was also not on the list of 239. His name and that of Camila Omanovic did, however, appear as representatives of the Displaced Persons on the list of local staff that was to be compiled on July 17, with the view that they were to leave together with Dutchbat. When Ibro Nuhanovic himself finally decided to leave the compound with his wife and youngest son towards the end of the afternoon of July 13, Major Franken even approached him especially to say that he, as representative of the displaced, was allowed to stay.

That the name of Muhamed did not end up on the list of 239 may have to do with the attempts by Hasan to arrange another solution for his brother. This would become impossible once his name was put down on the list of 239, which was presumably completed by around noon of July 13 or shortly thereafter, when Franken counted up the names and signed the list. At the time Hasan was still frantically trying to get his brother's name on another list, namely that of the local staff, who were allowed to remain on the compound.

In the collection of lists, the existence of which would later become known with Much Ado, the list of 239, the list of the injured and the list of local staff of July 13, the list drawn up on July 13 of the local staff was missing. Only in 1996 was reference made to it for the first time, albeit in nondescript wording in a letter from Defence Minister Voorhoeve to Parliament.^[11] Hasan Nuhanovic later referred much more explicitly to the existence of such a list in one of his letters to Mient-Jan Faber of the IKV, who later became the self-appointed representative of Hasan's interests.^[12]

Before discussing this list in detail, it is necessary to consider a number of statements made later by both Karremans and Franken about their efforts on behalf of the local staff. The Commander of Dutchbat stated soon after the fall of the enclave to representatives of the Ministry of Defence that he told Mladic 'right from the start that he wanted to take the local staff with him'. The Bosnian-Serb General reportedly did not express any objections.^[13] Franken too recollected that Karremans had raised the matter of the local staff already during one of the first conversations with Mladic.^[14] Besides, the Commander reportedly insisted on the right of safe conduct for the representatives of the displaced.^[15]

The question now is firstly what formal framework applied at the time for local staff. In 1996 the editors of the broadcast about the electrician Mustafic referred to the existence of general UN guidelines from July 1994 for the treatment of local employees in the case of a quick retreat of UNPROFOR from Bosnia. Based on this guideline, all local staff, irrespective of the nature of their employment, should have to be brought to safety by the UN. Viewed in that light, Dutchbat had not met its obligations. In response to questions in Parliament following the broadcast of '*Lopende Zaken*',

Defence Minister Voorhoeve pointed out that the respective guideline had already been revised after only one month by General Sir Michael Rose, at the time the UNPROFOR Commander. Even if a retreat was to proceed in an organized fashion, with outside military support, it would be impossible to take with them all the local staff and their families. This problem was amplified in the enclaves. That is why only personnel formally registered as UN staff in permanent employment could claim special protection by UNPROFOR.[16]

The employees who could claim this right had employment agreements known as 'Series 300' contracts, drawn up in Sarajevo, where the special UN pass issued with this contract was also prepared. This category applied particularly to interpreters of both Dutchbat and other UN agencies, such as the UNMOs and the two local representatives of UNHCR. In addition there was the permanent local staff of organizations such as *Médecins Sans Frontières*, who also had an official identity permit, albeit issued by *Médecins Sans Frontières* and not by the UN. As far as Dutchbat was concerned, the only persons with a UN pass were the interpreters employed by the battalion, and, strikingly, the company's hairdresser, Mehmedalija Ustic.[17]

In addition to the staff in permanent employment there was a category of personnel who had a six-month contract with the Opstina, the local government that had made arrangements with Dutchbat for the supply of people who could perform simple work. These were paid through the Opstina. Such personnel, cleaners and kitchen help only had an access pass for one of the two compounds. About forty of them were working at the compound in Potocari on the eve of the fall of the enclave, and about ten in the compound in Srebrenica.[18] In the weekend before the fall, when the security situation worsened, they had been sent home by the leadership of Dutchbat in the assumption that this would be temporary; in their view it was not expected that the enclave would fall at that time. When this did occur, however, they disappeared in the stream of refugees.[19]

Karremans' statement that he raised the issue of the local staff with Mladic at some point is all the more probable, as this problem did present itself concretely. In making plans for the evacuation of the population and battalion and particularly in determining the order of priority, the question of what should happen with the local staff, the UNHCR, *Médecins Sans Frontières*, and the UNMOs presented itself. As described earlier, this was also an urgent problem for a while for the UNMOs themselves, because they had absolutely no desire to stay behind. The same applied to the other categories, albeit for very different reasons.

Karremans presumably was aware of the formal regulations that he had to apply in these cases, but it does appear as though he did not act on his own accord. These questions were raised, amongst other things, in his consultations with the outside world. General Nicolai, for example, explained later, albeit in general terms, that he had also spoken with Karremans about the necessity of 'ensuring as best as is possible a proper evacuation not only of the refugees but also of the local staff and *Médecins Sans Frontières* personnel'.[20] Even more striking nonetheless is that Karremans was advised by yet another source, namely the former Deputy Commander in Chief, Major General A. van Baal. Van Baal recounted that on 12 or 13 July he had pointed out to Karremans (whom he knew well) in a telephone conversation that only staff with a valid UN pass enjoyed special status in the evacuation.[21]

Nonetheless, this status did not necessarily mean that the local staff would also be able to leave with the battalion. On the afternoon of July 13 this issue was still very unclear. The UNMOs for example reported around 17.00 hours that 'the local staff stays with the battalion and will probably leave with them'.[22] This was probably a guess based on the lack of information coming from Dutchbat, about which the UNMOs complained at the time. For everything points to the possibility that on July 13 everyone had the idea that the local staff would be evacuated by the UNHCR or the International Red Cross. At any rate, Franken, in the early evening in a meeting with UNHCR Field Officer Andrei Kazakov (who with his colleague Rosana Sam had reached Potocari with a UNHCR convoy), made the suggestion 'that all local staff will be evac.[evacuated] with patients when the ICRC [the International Red Cross] comes'.[23] The patients in question were the more serious, non-ambulant cases, who could not be evacuated with the transportation of injured persons that had left the previous evening. Sam, who in the meantime had returned to Bratunac, expressed the hope that she and

Kazakov themselves could take the local staff with them in her report concerning the ongoing discussions at that time.[24]

Shortly after the conversation, at around 20.00 hours, the long-awaited instructions for the negotiations with Mladic arrived, which Karremans had been asking for so frequently. De Ruiter had faxed them to the battalion from Sarajevo. The letter contained instructions in view of the discussions about the departure of Dutchbat. Item 6 listed: 'Evacuation of local staff required in the employ of the UN'. [25] Based on these instructions, Karremans sent a letter to Mladic still on the same evening in which he indicated the guidelines according to which he was to discuss the evacuation of the battalion. It included all who were to leave the enclave with the battalion. This included, among others, 'Personnel assigned to the UN and to Dutchbat such as interpreters and the people from *Médecins Sans Frontières* and the UNHCR'. [26] The interpretation of the instructions, however, was seemingly left open in regard to whether the local personnel actually were to leave in the company of the battalion.

In the meeting of officers and unit commanders regarding the various departure options of the battalion, which took place at 22.00 hours, the line set out by Franken to Kazakov still applied: 'first out with the injured, *Médecins Sans Frontières* and local personnel'. [27]

In addition to the original idea that local personnel were to leave the enclave separately from the battalion, the decisions made by Karremans and Franken were influenced by yet another factor. Although they could not explain the exact meaning anymore, the number '29' played an important part in the recollection of both Karremans and Franken of the discussion about the fate of the local staff. Franken had the strongest associations that this figure related to the number of local personnel that Karremans was to have indicated to Mladic in an early stage. [28] The latter is more than likely, for it would fit exactly with the specific provision that can be found in the deal that was sewn up on 19 July 1995 between Smith and Mladic, in which the departure of Dutchbat formed one of the main elements. In the sixth paragraph it was defined that the movement of UNPROFOR would be facilitated by the VRS, 'including all military, civilian and up to thirty locally-employed personnel'. [29] The number '29' was even mentioned literally in the report sent by Nicolai to the Defence Crisis Management Centre on July 21 on the departure of Dutchbat from Srebrenica. In this report he stated that the battalion had safely passed the border with all locally-employed personnel. Also Nicolai mentioned the number '29'. However, the definition of the elements which add up to this figure makes it clear that there is a problem. [30] Nicolai, as it happens, also added the two foreign employees of *Médecins Sans Frontières* to the 29, Christina Schmitz and Daniel O'Brien, who, strictly speaking, could not be considered local personnel. He further included two sick elderly persons who had only been brought to the compound on Tuesday, July 18 by the VRS and whose names were listed on the so-called 'departure list', the latest version of which must have been drawn up afterwards. [31] Moreover, it appears that Franken counted backwards on the basis of the assumption that there were 29 names, while the sum really should have been 28. In any case it is clear that the numbers on July 13 must have had a different compilation than on July 21.

Before delving deeper into the issue of its composition, some thought must be given to the reasons for drawing up a 'list of 29'. This almost certainly occurred as a result of an explicit request by Colonel Acamovic, the logistics officer appointed by Mladic as being responsible for the transport from Potocari, during a conversation on the morning of July 13. From the notes that Rave made during the conversation it can be deduced that on that occasion the matter of the local personnel was also discussed. Acamovic announced that they could stay on the compound for as long as the refugees remained and that they 'did not have to be afraid'. However, he did demand a list be given to him the same day containing the data of the local personnel. Rave jotted down that besides the usual data such as name, gender and date of birth, it also had to list 'duration of employment here!'. [32]

The intention of the question about the working history of the local staff can only be guessed at. The picture that emerges from various sources is that the VRS looked at each Bosnian Muslim with great suspicion, to see if he had no military background and therefore was possibly involved in actions against Bosnian-Serb soldiers or civilians. The suspicion was increased even more due to the transportation of injured persons the evening before, from which the VRS soldiers, after inspection,

had picked out several men who had pretended to be injured but seemed to be healthy. Various sources indeed show that the VRS played with the idea several times of letting both the local staff of the UN and *Médecins Sans Frontières* depart only after a prior screening. Rave later stated in Assen that the VRS wanted to be certain that no ABiH soldiers were among the local staff.[33] What is striking is that Acamovic seemingly did not demand that the list should also contain the number of identity papers, though Franken believed that this demand was mentioned in the discussions at one point or another.[34] The issue of the UN passes, as far as he was concerned, therefore played an important role in his decision to let Muhamed Nuhanovic depart from the compound. UNMO De Haan reportedly had originally promised his brother Hasan to put Muhamed on the list of local staff.[35] But Emir Suljagic, who had to type the list, told Hasan that his brother's name was not mentioned on the list. The explanation he subsequently received from De Haan was that this — according to Franken — was impossible because of the Bosnian-Serb demand that all persons on the list had to have a UN pass. And such a pass, said De Haan, could not be produced on-site.[36] Hasan recounted that Franken, from whom he had immediately attempted to get an explanation after De Haan's answer, reportedly told him:

'I have decided this because I don't want to have someone's name on the list who does not have a proper ID card and does not belong to the local staff of one agency or another. I do not want to endanger those who do have an ID card by putting your brother's name next to theirs'.[37]

For that reason he reportedly also did not permit the UNMOs 'to employ' Hasan's brother. 'He was afraid that the Bosnian Serbs would find out', explained UNMO interpreter Suljagic later to reporter Frank Westerman.[38]

Franken endorsed the tenor of this account of the events before the NIOD. He strongly rejected the picture that was implied later by some, that in the case of the...

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[1] VPRO programme *Lopende Zaken*, 04/04/96.

[2] E. Nysingh, 'Dutchbat liet twee Moslimtolken VN aan hun lot over' ('Dutchbat left two Muslim UN interpreters to their fate'), *De Volkskrant*, 03/07/96.

[3] SG. Memo from J.J.C Voorhoeve to SG, no. 448, 12/04/96.

[4] Interview H.P.M. Kreemers, 16/04/99. Drafts with side notes by J.J.C. Voorhoeve were indeed located in the records.

[5] Interview Almir and Zahira Ramic, 6-10/11/99; interview Muhamed Durakovic, 20/11/99. According to Durakovic, most of Muhamed Nuhanovic's friends survived the journey.

[6] F. Westerman, 'Gezuiverd door Dutchbat', *NRC Handelsblad*, 21/10/95.

[7] Interview Vahid Hodzic, 20/04/98.

[8] 'Srebrenica lijst 242', Letter from Hasan Nuhanovic to Mient-Jan Faber, part 4, in: *Trouw*, 14/07/99.

[9] 'Of hij het is vergeten, of dat hij Major Franken niet vertrouwde, weet ik niet.' ('If he did forget it, or if he did not trust Major Franken, that I do not know.' See: 'Srebrenica lijst 242', Letter from Hasan Nuhanovic to Mient-Jan Faber, part 3, in: *Trouw*, 13/07/99.

[10] According to interpreter Petar Usumlic, who was present at the conversation, Nuhanovic asked for priority treatment for himself and his family to be permitted to leave together with Dutchbat. Usumlic would not say what Mladic answered in response. Interview Petar Usumlic, 14/09/99.

[11] TK, Annual meeting 1995-1996, 22 181, no. 157 (25/04/96). This letter mentions that on 12 as well as 13 July the names of local UN personnel who could be evacuated together with the unit were taken down. The actual source of this could not be established from the documents. The fact that no further attention was ever paid to this presumably has to do with the misconception that this list was known. Thereby the erroneous assumption began that the list of local UN staff which was forwarded by Karremans on 18 July to the former PBLS Van Baal, and which principally became known due to the enclosed so-called 'declaration by Franken' about the process of the evacuation, was originally overlooked. As shall become evident from the further reconstruction, this list presumably differed from the first.

[12] 'Srebrenica lijst 242', Letter from Hasan Nuhanovic to Mient-Jan Faber, part 5, in: *Trouw*, 15/07/99.

[13] 'Report of the conversation with Lt. Col. Karremans, 16 August 1995', Appendix to: DAB. Memorandum from DAB (L.F.F. Casteleijn) to Minister of Defence, D95/429, 'Instruction to Lieutenant Colonel Karremans, 12 July 1995', 23/08/95.

[14] Interview R.A. Franken, 21/05/01.

- [15] DAB. Memorandum from DAB (L.F.F. Casteleijn) to Minister of Defence, D96/192, 'Local staff of Dutchbat', 16 April 1996. The transcripts and pictures of the meeting with Mladic provide no decisive answer about this issues, but, as already mentioned, these most likely do not cover everything that has been discussed. Only the first meeting appears to have been recorded in full.
- [16] TK, Annual meeting 1995-1996, 22 181, no. 157 (25/04/96).
- [17] See list: NIOD, Coll. Kreemers. 'Local personnel employed by Dutchbat until 01 Nov 1995. (Potocari)'. On this list, the second page of which is missing and was possibly a listing of the personnel on the Srebrenica compound — the name of interpreter Vahid Hodzic, working for B-Company, is not included.
- [18] NIOD, Coll. Kreemers. According to reports by Karremans and Franken to DAB employees in April 1996. See note: (DAB) to Bert (Kreemers), fax dated 12 April 1996.
- [19] TK, Annual meeting 1995-1996, 22 181, no. 157 (25/04/96).
- [20] SMG, 1006. From C.H. Nicolai to DCBC/ Army Crisis Staff, 'Last days' Dutchbat in Srebrenica', 16/08/95.
- [21] Interview A.P.P.M. van Baal, 01/11/01.
- [22] UNMO situation report dated 131715B JULY 1995.
- [23] UNGE, UNHCR, file 1995 FY00 ops. 16 situation reports Bosnia (Jan.-July). Capsat Rosana Sam to HCR-BH desk, 13/07/95, time unknown.
- [24] UNGE, UNHCR, file 1995 FY00 ops. 16 situation reports Bosnia (Jan.-July). Capsat Rosana Sam to HCR-BH desk, 13/07/95, 7:20 PM.
- [25] SMG, 1004. Fax from De Ruiter to CO Dutchbat, 'Guidelines for negotiations with Gen Mladic', dated 131800B JUL 1995. Included as Appendix 37 in: Karremans, *Srebrenica*, p. 344. These instructions were not received until 20.00hours.
- [26] NIOD, Coll. Karremans. Letter TK 95115, CO Dutchbat to General Mladic, 'Evacuation of Dutchbat', 13/07/95. Included as Appendix 38 in: Karremans, *Srebrenica*, p. 346.
- [27] NIOD, Coll. Karremans. Fax TK 95118, Th. Karremans, 'Brief summary of the events of the past period', 17/07/95.
- [28] Interview Th. Karremans, 15-17/12/98 and R.A. Franken, 21/05/01.
- [29] 'Agreement between General Smith and General Mladic', 19 July 1995. Included as Appendix 41 in: Karremans, *Srebrenica*, p. 352.
- [30] CRST. Fax report from DCBC to Royal Netherlands CS et al. 'Report by Brig. Gen. Nicolai about the departure of Dutchbat from Srebrenica', 21/07/95.
- [31] The fact that the names of the two elderly persons are included on the list makes it possible to date this list. The elderly in question were 81-year old Halil Halilovic and his 80-year old wife Munira, who were brought to the compound with dehydration symptoms. See: MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 18/07/95, 20:38:08.
- [32] Annotations B. Rave, 13/07/95. Submitted to the NIOD for perusal.
- [33] Debriefing statement, E.A. Rave, 02/10/95.
- [34] Interview R.A. Franken, 21/11/01.
- [35] This was corroborated by interpreter Emir Suljagic. See: Frank Westerman, 'Gezuiverd door Dutchbat', *NRC Handelsblad*, 21/10/95.
- [36] Stas. Memorandum by Deputy CDS M. Schouten to Minister of Defence, S/95/061/4198, 'Srebrenica', 27/10/95. De Haan informed Schouten that he had also stated this fact in the debriefing in Assen, but his debriefing statement is very vague on this point. Franken however confirmed that De Haan had approached him with this request. Interview R.A. Franken, 22/11/01.
- [37] 'Srebrenica lijst 242', Letter by Hasan Nuhanovic to Mient-Jan Faber, part 5, in: *Trouw*, 15/07/99.
- [38] Frank Westerman, 'Gezuiverd door Dutchbat', *NRC Handelsblad*, 21/10/95.

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Part IV

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32. Uncertainties Surrounding The Deportation

The difference in stance between *Médecins Sans Frontières* and Dutchbat can to a major extent be reduced to the fact that the Netherlands battalion adhered to certain guidelines and instructions issued by the UN and the Netherlands. Moreover, the family members of *Médecins Sans Frontières* did not include men of military age. Aside from the two women there was a three-year old infant and two boys aged 14 and 15. At the most one could consider it to be an extraordinary circumstance that one of the male *Médecins Sans Frontières* workers had lost his UN pass. It also was not the case that *Médecins Sans Frontières* intended to evacuate all local personnel, even though Christina Schmitz did her best to evacuate as many men as possible.

So *Médecins Sans Frontières* and Dutchbat in that sense were not on the same wavelength, as during much of that time it was assumed that *Médecins Sans Frontières* would evacuate independently. The impetus for this came from two sides. Technically speaking, UNPROFOR was bound by rules. In the Annex to Standing Operating Procedure 308, 'Directive for the movement of personnel in UNPROFOR vehicles and convoys', it was stated that 'NGO vehicles cannot be incorporated in a UN convoy nor can they be offered protection by any UN forces'. Civilians were further prohibited from being transported in UNPROFOR vehicles under any circumstance, unless under specific permission from Bosnia-Herzegovina Command. Indeed it is not clear how these instructions related to those which dealt with the protection of civilians, but the tenor of the initial position was quite clear.

On the other hand, *Médecins Sans Frontières* also had much interest in leaving on their own. The correspondence and conversations of Schmitz with her superiors show that *Médecins Sans Frontières*, who after all had a somewhat anti-militaristic orientation, also wanted to underline their neutrality in regard to UNPROFOR. For example, Schmitz expressly prohibited anyone in military clothes from entering her hospital. When a girl who worked for *Médecins Sans Frontières* was once visited by a friend wearing military trousers, Schmitz did not allow him in, even though he was not a soldier. She apparently wanted to strictly guard the neutrality of *Médecins Sans Frontières*.^[1] She also refused the offer of an armed guard on July 10. Rave made the following entry in his logbook: 'No arms-uniform. *Médecins Sans Frontières* wants hosp. as neutral zone!' On that day she also turned down the offer to have some wounded people moved from Srebrenica to Potocari in an APC equipped for medical transport; this was only possible, she said, with permission from *Médecins Sans Frontières* in Belgrade.^[2] What it came down to was that *Médecins Sans Frontières* carried an entirely separate responsibility, which only gradually became mixed up with that of Dutchbat. In order to follow this process it is necessary to examine how the treatment of the issue of the local personnel developed from July 13.

To begin with, it is necessary to establish that also the UNHCR during the first days after the end of the deportation tried independently to arrange the evacuation of its two local personnel members. To achieve this the UNHCR in Pale was in contact with the Bosnian-Serb authorities.^[3] At any rate, until July 17 everything humanly possible was done — incidentally, to no avail — to obtain special permission for them to leave the enclave separately. On July 14, however, it was still so unclear

as to what would happen that Schmitz reported that the UNHCR staff, as well as the interpreters for Dutchbat and the UNMOs 'are completely cracking. There is no clear idea what happens to them'. [4]

As far as the two UNMO interpreters were concerned, the situation became a little clearer that evening, after a fax from Ken Biser had been received by battalion command: Irrespective of its own problems, the battalion was ordered to take all necessary measures to ensure the safety and safe evacuation of the two UNMO interpreters, Hasan Nuhanovic and Emir Suljagic. What is remarkable about this fax is that it could be deduced that the advice of the UNPF Legal Advisor apparently had to be asked in order to determine the correct approach. The Legal Advisor pointed to the legal obligation to evacuate personnel 'under the Series 300 contract'. [5] This says a great deal about their familiarity with the regulations applicable to these kinds of special situations.

On Saturday July 15, Schmitz was drawing up lists of the wounded and of the local staff and family members in view of the anticipated evacuation. 'This is the day of the lists. (I can't hear the word anymore)', she entered in her situation report. [6] *Médecins Sans Frontières* hoped to leave together with the International Red Cross when the evacuation of the wounded was to take place. On the previous day, Schmitz had assured the desperate staff (who also did not get any clarity about their exact fate from Dutchbat) that this is what she would try. [7] There was much anger when the International Red Cross informed them that they considered the evacuation of the local staff to be an issue that had nothing to do with the medical evacuation. [8] The uncertainty also continued on July 15. They anxiously awaited the result of the consultations with VRS Major Nikolic in the late afternoon of that day, in which the evacuation was once again on the agenda. The meeting, however, did not bring the desired clarification, because a meeting was to take place between Generals Smith and Mladic in which the issue would be discussed. [9]

The Bosnian-Serb General had replied to Karremans' letter of July 13 that he would personally come and discuss the issue of the remaining evacuation on site, but afterwards nothing more was heard of him. It was correctly assumed that the capture of Zepa would demand all his attention. It must have come as good news for Karremans that he would finally be able to discuss the evacuation issue with someone of equal rank, as he had asked Mladic for increasingly higher-ranked negotiation partners.

In a telephone conversation between Karremans and Minister Pronk, who at that time was in Tuzla, the Dutchbat Commander also discussed the situation of the civilian staff on the compound. Pronk informed him that international pressure was being mounted to at least let the International Red Cross evacuate the wounded. Results, however, had not yet emerged. [10] Only late in the evening did the Minister from the Netherlands hear about the agreement that had been forged in Belgrade. In his rendition of this in his travel report, a comment regarding the local staff is remarkable, which shows that at that time apparently no agreement had yet been reached about their fate: 'Serbs reportedly were still 'examining' compiled lists of local UNPROFOR forces in Srebrenica'. [11] The final decision was indeed only to fall on July 19, albeit not without difficulty. Only 'after some debate' did Mladic seem prepared to unconditionally allow the local staff to leave with the battalion. [12] This indicates once more just how precarious their position had been for a long time.

So on July 15 there was still total uncertainty, which prompted the battalion command to operate with extreme caution. Everything possible had to be done to avoid endangering the evacuation. It is probably also in this context that the incident which occurred that evening at the main gate of the compound should be seen. As dawn set in, five ABiH troops reported to the guard, asking for permission to enter the compound. They had presumably retraced their steps after nearly walking into the Bosnian-Serb trap in their attempt to get to Tuzla. At any rate, one of them was lightly wounded. A doctor took care of his wounds, but then they were sent away on orders by Major Otter, the Base Commander. The men were 'too late' and moreover, troops weren't admitted 'anyway', as Otter would explain a short time later in Zagreb. [13] Shortly after the men had walked away, shots were heard. A Dutch soldier was later to state that one death had occurred. [14] However, this observation could not be confirmed.

In the context in which Dutchbat was operating at that time, Otter's decision was presumably

inevitable. After the incident with the 'so-called wounded' during the convoy of July 12, the VRS had become even more suspicious. Schmitz and Franken therefore had decided to take it upon themselves that the remaining wounded could be inspected by the VRS.[15] Only afterwards did they accidentally discover to their dismay that several ABiH troops were among the wounded, one of them an officer: 'a small time bomb in our hospital'. [16] Admitting even more, and indeed healthy, soldiers, which incidentally was prohibited by UN regulations, would complicate the situation infinitely more, carrying with it all the risks of such an action.

The prospective outcome of an independent evacuation of *Médecins Sans Frontières* initially became gloomier on July 16 due to a report concerning the Norwegian medical unit in Tuzla, *Normedcoy*, that was to take care of the evacuation of the wounded in consultation with the International Red Cross. This unit had been attacked the day before by irregular VRS elements, in the same way as the Dutch logistics convoy with the KHO-5 group had been, and had to return to Tuzla. [17] Only on the evening of July 16 did there seem once more to be positive developments as the results of the consultation between Generals Smith and Mladic became known. At 20.30 hours a report came in from Bosnia-Herzegovina Command that permission had been granted for the movement of all equipment to central Bosnia, and for the evacuation of the wounded, re-stocking of supplies and access by the International Red Cross to the wounded and prisoners of war. [18] The 'Operations Room' then reported to the 'expedition force in Belgrade' — the reconnaissance group of what was to become Dutchbat IV, which had arrived in the area shortly before the fall of the enclave, in view of the then still anticipated rotation of the battalion — that the departure was planned for July 20 or 21. In addition it was stated: 'local staff are most probably coming with us'. [19]

However, what was to happen with *Médecins Sans Frontières* and the UNHCR was still not established. Representatives of both organizations were still heavily engaged in trying to independently arrange permits for their local staff and to determine how they had to be evacuated. Schmitz conferred with Major Franken over what the best strategy might be; he was of the opinion that it was best for *Médecins Sans Frontières* to leave with the International Red Cross. [20] However, everything depended on permission being granted from the Bosnian Serbs as well as from Belgrade — Serbia had to issue transit permits — which simply did not emerge. The UNHCR was also struggling with the same problem; they too could not obtain certainty about how and when their staff was allowed to leave. In the office in Belgrade, Programme Officer J.P. Cavaliere even counted on the possibility 'that the Bosnian Serb army may attempt to consider them as POWs, for further exchange with the ABiH'. [21]

The uncertainty and fear among the local staff members was further intensified by the fact that the Bosnian Serbs suddenly announced on July 17 that the departure of the *Médecins Sans Frontières* staff and the women and children was alright, but that the male staff would first have to undergo a screening. [22] Also, the UNHCR was told that same day that the clearances had been refused and that a new request for evacuation had to be submitted, albeit without the male local staff, who by now were 'very scared'. The person who compiled the situation report added this comment: 'it gives an idea of the climate'. [23]

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[1] Interview Zahira Ramic, 08/11/99.

[2] Annotations of B. Rave. Submitted to the NIOD for perusal.

[3] See: UNGE, UNHCR, File 1995 FY00 ops. 16 situation reports Bosnia (Jan.-July).

UNHCR BH desk Belgrade/JPC (Jean-Paul Cavaliere) to UNHCR Zagreb, 14/07/95.

[4] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 14/07/95, 12:18:18.

[5] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95. Capsat Ken Biser to Cdr. Dutchbat, Team Leader UNMO-Srebrenica, 'Evacuation of local staff', 14/07/95.

[6] MSF, Brussels. Christina Schmitz, 'Situation report Srebrenica – Potocari period 6.7. – 22.7.95'.

[7] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 14/07/95, 12:18:18.

[8] MSF, Brussels. Capsat ICRC Bijeljina to Christina Schmitz, 14/07/95, 14:30:47.

[9] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 15/07/95, 17:20:19.

- [10] Karremans, *Srebrenica*, p. 229.
- [11] ABZ, DPV/ARA/01654. Memorandum DMP/NP (J. Kappeyne van de Coppello) to R (Minister Pronk), DMP/no. 1023, NH-618/95, 31/07/95, (confidential) 'Report of the journey of Minister Pronk to Tuzla and Sarajevo, 14-18 July 1995'.
- [12] DCBC, 897. Vsat 7201 LCol J.R.J. Baxter, MA to COMD, to (see distribution list), 'Meeting Gen. Smith/Gen. Mladic - 19 Jul 95', 19/07/95.
- [13] SMG, 1007. Gen. Bastiaans (debriefing), C. Klep (report), 'Debriefing Report, Major Otter (C-St-Company) 23/07/95, Camp Pleso'.
- [14] SMG/Debrief. *Feitenrelaas* debriefing 'Srebrenica', p. 289.
- [15] MSF Brussels. Capsat (Christina Schmitz) to Stefan (Oberreit), 13/07/95, 16:56. This issue is described extensively in the chapter covering medical support to the local population.
- [16] MSF Brussels. Capsat Christina (Schmitz) to Barbara, 15/07/95, 14:49:01.
- [17] The involvement of Normedcoy was said to have been one of the results of the consultation between Smith and Mladic on July 15. See: MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 16/07/95, 10:07:12.
- [18] SMG, 1004. Monthly register of the Operations room, 16/07/95, entry 20.30.
- [19] SMG, 1004/53. Operations room, 16/07/95, 11.3, the original text lists the Dutch word 'zeer' (very) as 'zeeeeer'.
- [20] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 16/07/95.
- [21] UNGE, UNHCR, File: Srebrenica, Statistics etc. Fax Jean-Paul Cavalier (UNHCR BH Desk, Belgrade) to UNHCR Tuzla, 'UNHCR local staff in Potocari', 17/07/95.
- [22] MSF, Brussels. Capsat MSF Belgrade to Christina Schmitz, 17/07/95, 11:05.
- [23] UNGE, UNHCR, File 1995 FY00 ops. 16 situation reports Bosnia (Jan.-July). BH Desk Belgrade/Cavalieri to UNHCR Tuzla/CMB a.o., 'Eastern BH daily update for 17/07/95', 17/07/95.

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33. The 'Declaration Of July 17'

The climate indeed had much of the appearance of psychological warfare, in which seemingly arbitrary acts were in reality an instrument to manoeuvre the situation as much as possible in the direction that the Serbs wanted. On the very same evening that the demand had come through regarding the screening of the male staff, two incidents occurred which may be presumed to be related. It is not possible to ascertain this completely, as it is no longer possible to reconstruct the chronology.

In the morning, during a meeting between Franken and the representatives of the VRS, in which the medical evacuation, the evacuation of the local staff and that of the employees of *Médecins Sans Frontières* and Dutchbat was discussed, it was announced that President Karadzic had decreed an 'amnesty' for all the local personnel, including Nesib Mandzic. [1] The message had been conveyed by Bosnian-Serb interpreter Petar Usumlic. [2] No matter how reassuring this may have sounded, the amnesty said nothing about the manner and time in which everyone would be able to leave. The bureaucratic regulations were still in full effect and with this came also the possibility for endless procrastination and obstruction. This undoubtedly played a role when the representatives of the Bosnian Serbs produced a document during the same meeting that was supposed to seal their good intentions.

The priorities and starting points applied by Major Franken during the deportation of the Displaced Persons also dictated his stance during the signing of what was to become known as the 'Franken declaration' or 'the declaration of July 17'. The latter reference was better than the first, which was an incorrect label coined by the media. It involved an agreement made between Serb authorities and Nesib Mandzic, as representative of the Bosnian civilians in Srebrenica. The agreement was signed on July 17 in the presence of Franken, who was asked to co-sign in the name of the UN. Lieutenant Colonel Karremans was at the time recovering from a stomach problem that had struck down a large part of the battalion, the result of the arrival of a convoy with decent food for the first time in months. [3] Both Karremans and Franken incidentally disclaimed that the Commander, as was later frequently claimed, had also been taken ill at other times. According to Karremans, he was only stricken down with stomach problems on 15, 16 and a part of July 17.

The agreement also stated that the 'evacuation' of the Displaced Persons had been conducted according to humanitarian international law. According to interpreter Mujo Nukic, who was present, Franken at first was hesitant to put down his signature. [4] After an exchange of looks with Mandzic, he yielded. [5] However, before Franken signed the agreement, he added — to the fury of the present lawyer in the Bosnian-Serb delegation — an annotation in English to the document: 'as far as it concerns convoys [that were] actually escorted by UN forces'. [6]

According to Franken, no physical danger was apparent during the meeting. [7] Mandzic understandably experienced the presence of the VRS troops in a very different way. [8] Also, in Franken's view this was still indeed a matter of an enforced situation. It is true that an amnesty had been declared, but at that time everyone was still in fact under the power of the VRS. In order not to endanger the position of the wounded, the local staff, employees of *Médecins Sans Frontières* and the

battalion itself, Franken ultimately decided to co-sign the declaration as an observer. At any rate, his annotation was intended as a cover for himself and to prevent the declaration from being misused all too easily for the purposes of propaganda.

Still, the manner in which he did this was not watertight. According to the Bosnian-Serb declaration, no incidents had occurred during the 'evacuation', but the operation included more than just the convoys which Franken emphasized by his annotation. Strictly speaking, he did not cover the events that occurred prior to the departure of the convoys, and in particular the violence that occurred during the separation of the men and women, let alone the executions.

Moreover, Franken forgot something else. Pursuant to applicable Standing Orders 'not a single declaration may be made or signed, unless in the presence of an authorized UN official. It is further required to request that the closest UN headquarters may be informed'.^[9] Even if it is understandable that under the circumstances the first directive could hardly be complied with, it is a different matter for the latter. When afterwards much upheaval developed about the declaration, Defence Minister Voorhoeve informed Parliament that Franken 'had not attached any special significance' to the document: 'For that reason, the Deputy Commander, prior to signing the declaration, did not have contact with the UNPROFOR headquarters in Sarajevo'.^[10] It was one of the reasons why the existence of the declaration remained unknown for a long time. Karremans later explained that during a consultation with Franken on July 18, the declaration was also not raised.^[11] However, Karremans had faxed the document with the list of local staff to Van Baal in The Hague. In the accompanying letter, he made reference to the added explanation.^[12] No attention, however, was paid to it in The Hague.^[13]

Afterwards, in the discussions over Franken's actions in regard to these issues, it often was suggested that his decisions were prompted exclusively by the desire to get Dutchbat out of the enclave as quickly as possible. This undoubtedly played a role, but Franken pointed out that battalion command had made it clear that departure was only possible once the safe departure of the remaining wounded and the local staff was assured.^[14] Karremans had already conveyed this message on July 14, and it was confirmed once more on July 17.^[15]

The implicit suggestion in such accusations that there was a clear alternative also appears difficult to maintain. As was earlier mentioned, Franken said that he briefly considered making a stand in Potocari, but had quickly rejected this idea. He only had 150 fighting men left, many of whom were completely drained. The others had done their absolute best to alleviate the stay of the Displaced Persons on the compound, but were not in a condition for being deployed in fighting action. Moreover, there was a large shortage of ammunition. Most convincing was the argument that conducting a battle in an environment with thousands of civilians was impossible. The Serb artillery held the civilians hostage, and therefore indirectly held Dutchbat.^[16] Also, as was already described, Franken deemed impossible the consideration to 'freeze' the situation as far as the displaced at the compound were concerned by not permitting their deportation. A different kind of humanitarian disaster would then have resulted.

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[1] MSF, Brussels. Christina Schmitz, 'Situation report, Srebrenica – Potocari period 6.7. – 22.7.95'; SMG, 1006. Letter TK95119 from Th. Karremans, 'Transfer of local personnel', 18 July 1995. Karremans, *Srebrenica*, p. 233. Rave noted about the meeting that a reference to Omanovic was also made. (Notes B. Rave, 17/07/95. Submitted to the NIOD for perusal). This is why her name ended up on the list of names that was drawn up one day later. Due to her psychological condition, however, she was considered to be a patient and was evacuated with the ICRC convoy at the end of the day.

[2] Interview Petar Usumlic, 14/09/99.

[3] Interview Th. Karremans, 30/11/00.

[4] Interview Mujo Nukic, 07/02/98.

[5] ICTY, (IT-98-33-T). Testimony N. Mandzic, 21/03/00.

[6] A photo-copy of this statement is included as Appendix 39 in: Karremans, *Srebrenica*, p. 347.

[7] DAB. Memorandum from J.H.M. de Winter to the Minister, D95/403, 'Declaration' Franken / role Karremans', 10/08/95. De Winter based this upon a telephone conversation with Franken.

[8] ICTY (IT-98-33-T). Testimony N. Mandzic, 22/03/00.

- [9] SMG/Debrief. Standing Order 1 (NL) UNINFBAT, Chapter 1, Personnel; Subject 1/14: Discipline; paragraph 8: Local authorities, p. 33.
- [10] DAB. Draft of letter from the Minister of Defence to the Speaker of Parliament, D101/95/15825, August 1995, p. 11. This passage did not appear in this form in the final letter.
- [11] DAB. Memorandum from J.H.M. de Winter to the Defence Minister, D95/403, "Declaration' Franken / role Karremans", 10/08/95. De Winter based this upon a telephone conversation with Karremans.
- [12] SMG, 1006. Letter TK95119, from Th.J.P. Karremans to PBLs, 'Transfer of local personnel', 18/07/95.
- [13] The commotion that developed in the wake of the 17 July declaration will be discussed in detail in Part IV, Chapter 8.
- [14] Interview R.A. Franken, 21/05/99.
- [15] Ken Biser reported on 17 July that the CO of Dutchbat had insisted upon that he should not leave without the local staff. Biser once more pointed out, perhaps needlessly, that this was also a matter of legal responsibility. UNGE, UNPF, Division of Civil Affairs UNPF HQ, Box 25/77, 04/04 -23/08/95.
- Fax from Ken Biser to Michel Moussalli, 'Local staff in Potocari with Dutchbat', 17/07/95.
- [16] ICTY, (IT-98-33-T). Testimony of R.A. Franken, 04/04/00; Interview R.A. Franken, 21/05/01.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

34. Development Of Evacuation Plans After July 17

On July 17, the evacuation plans of *Médecins Sans Frontières* finally seemed to move into fast gear. In the course of the day the permit finally arrived, albeit for a journey via the left bank of the Drina river to Tuzla. Although the directive worked out conveniently from the viewpoint of family reunification, it was first and foremost the result of the continuous refusal by the Serbs to let the *Médecins Sans Frontières* convoy cross their terrain.[1] The route to Tuzla, however, was not without danger, as was evident from the problems with the Dutch logistics convoy on July 15 and the Norwegian medical unit one day later. *Médecins Sans Frontières* in Belgrade would have preferred a UNPROFOR escort, or alternatively that *Médecins Sans Frontières* could travel along with a convoy of the International Red Cross. However, on that day they could not immediately leave with the convoy that came to pick up the wounded. In the permit it was stipulated that the *Médecins Sans Frontières* vehicles first had to drive to Bijeljina, where an office of the International Red Cross was located, and were only to join the convoy to Tuzla from there.

Schmitz felt very uncomfortable with the idea that she had to travel part of the trip on her own. Franken, with whom she discussed this problem, was very opposed to the plan due to the unsafe conditions. Also, Franken considered the idea of asking the VRS for an escort to be too dangerous, as there was a risk that the column might become a target for ABiH units that were still roaming around. Schmitz herself found the suggestion from Belgrade to ask Dutchbat for an escort not feasible. The equipment losses as a result of plundering during the attempts to escort the convoys on July 12 and 13 were still fresh in their memory: 'they would lose everything and they are even more a target'. Moreover, Franken refused.[2] The same evening Schmitz felt steadily more uncomfortable about the journey: 'Being with the local staff 10 hours a day, while they are totally frightened? I doubt it'. In addition, the local staff also included the cook, who had totally broken down out after the fall.[3]

The confusion was great over what should happen with *Médecins Sans Frontières*. In The Hague on the evening of July 17 it was assumed that *Médecins Sans Frontières* would leave with the interpreters and Dutchbat.[4] Karremans, however, was very surprised when he met Schmitz that same evening on the compound, as he was under the assumption that *Médecins Sans Frontières* had left with the International Red Cross.[5] This incident makes it clear that even after the fall and the deportation internal communication did not always function well, although the fact that Karremans was temporarily out of the picture due to his short illness might have played a role. Whether or not Van Baal had got wind of this, he in any case called Karremans the following morning to discuss, among other things, 'the measures that need to be taken in order to ensure the safety of the 'locally recruited personnel' of Dutchbat'. [6]

In the letter to Van Baal written by Karremans after the conversation, which presumably contained the upshot of what he had discussed with him, he made it clear that both Dutchbat's own interpreters as well as those of the UNMOs, the two UNHCR workers and Nesib Mandzic should be 'moved (...) to the ultimate destination' with the battalion.[7] A list containing the data of the local personnel that had been already compiled on the previous day, which had then already been dispatched

by the UNMOs, was stapled to the letter together with the list of the wounded.[8] This was the reason why the name of Camila Omanovic was still on this list, although she had already been evacuated on the evening of July 17 with the International Red Cross.

The list which Karremans forwarded also contained the particulars of the eight *Médecins Sans Frontières* workers, although these were not mentioned in his letter. For Schmitz had set her doubts aside and, in consultation with *Médecins Sans Frontières* in Belgrade, decided to risk departure after all. In the morning she received the 'Action plan - *Médecins Sans Frontières* team evacuation'.[9] They were to attempt to leave for Belgrade on that day, in the hope that the permits from the Serbs would come in time after all. Should the Serb authorities refuse at the last moment, then, based on the VRS clearance which was valid for two days, the same route should be taken on July 19 as the one the International Red Cross had taken to Tuzla. Early in the morning the three *Médecins Sans Frontières* vehicles were loaded and checked, with Schmitz determining their distribution. Franken arranged that the UNHCR would meet the local staff at six o'clock in the evening at the airfield in Belgrade to put them on the plane for Zagreb.[10]

However, shortly afterwards Franken announced that the local staff were at risk of being arrested in Serbia or Croatia. This risk would be all the greater if their papers were not in order. Because one of the staff members had lost his UN pass and the family members also had no papers, Schmitz sent their names to Belgrade in the early afternoon. Upon crossing the border at Zvornik, *Médecins Sans Frontières* staff then could still hand them the necessary documents. Franken meanwhile tried to settle the question of the clearances through UNPROFOR headquarters in Sarajevo. But shortly afterwards Schmitz received the despondent answer that once again everything in Belgrade was amiss: 'It is so complicated that the whole thing could not have been imagined even by Kafka'. Now there were problems regarding the transit on the airfield.[11]

The plans were changed once more. Maybe it would, after all, be best to take the route to Tuzla on the next day. However, a new obstacle presented itself. In the afternoon of July 18, the VRS soldiers brought two elderly inhabitants from the south of Srebrenica to the compound. The couple, aged 80 and 81, had remained behind after the population had fled, and by now were suffering from dehydration.[12] Their arrival overturned all the plans once again. *Médecins Sans Frontières* in Belgrade informed Schmitz that she could not possibly take them with her, as it would never be possible to make all the necessary changes to the plans in time. The clearances for the travel to Tuzla, along the left bank of the Drina river, would lose their validity if two people were to be added to the convoy. To do this it would require making arrangements all over again with the local authorities.[13]

Schmitz, however, reported on the same evening that Dutchbat was also unable to take the elderly with them. 'UNPROFOR is not able to take them', was all that Schmitz reported. She did not explain what the nature of the problem was, so it can only be guessed at: formally speaking, the battalion was not allowed to transport civilians, but the question is whether this would still have been a problem at this point in time. Practical problems may also have played a role; undoubtedly it was left unclear what the battalion should subsequently have done with them.

Also, the UNHCR could not assume responsibility, as, according to Schmitz, they couldn't even take care of their own people: 'How come our staff gets [a] protection letter, while their own staff is completely desperate here and cannot leave anywhere?' There further was the possibility that Dutchbat might also get into trouble over the two UNHCR staff members, as the travel documents — which, in spite of the announced amnesty, were still required for a problem-free departure — still had failed to arrive. According to Schmitz, the battalion meanwhile even had written an angry letter to the UNHCR about this.[14] It was typical, that the UNHCR as late as July 20, when by then another solution already existed, was still engaged in attempting to obtain safe conduct for a departure 'before or at the same time with the Dutch troops'.[15]

Schmitz and Franken decided to try and reach an agreement on the following day with the local VRS authorities that the two elderly persons would also be allowed to leave that day with *Médecins Sans Frontières*. Late in the morning of July 19 it turned out that this was no longer necessary, as the head office of *Médecins Sans Frontières* in Paris had succeeded in settling the matter directly with

Pale.

Prospects of a real solution came during the day of July 19. On the day before, Karremans had received a letter from Mladic in which he announced that the departure of Dutchbat would be discussed on the following day with General Smith. Around noon the results filtered through and Schmitz was told by Franken that *Médecins Sans Frontières* was permitted to evacuate together with Dutchbat. Under no circumstances were the results of this sensitive meeting to leak out, and Schmitz was instructed to even keep it secret from her colleagues in Belgrade. The only thing she was allowed to report without any further explanation was that she would not be leaving on that particular day. Schmitz somewhat covered up the matter by saying that she would prefer to evacuate via Serbia, for which the required clearances were still outstanding. Moreover, in spite of the accord reached between *Médecins Sans Frontières* in Paris and the Serbs in Pale, the details of the clearances were still unknown. While Schmitz finally began to relax a little, her colleagues, who could only compliment her on her sudden and incomprehensible calmness, continued to make every possible effort to acquire the necessary permits.

The enormous bureaucratic complications and obstructions that had hampered the evacuation of the local staff had not reached an end for the head offices of *Médecins Sans Frontières* and the UNHCR, who still did not know about the agreement reached between Generals Smith and Mladic. Although these were no longer relevant in the final course of events, they still reflect the climate which determined the negotiations until the very last moment. Perhaps they also say something about the internal differences of opinion within Republika Srpska. First there was the declaration on July 19 by Dragan Kekic, the chairman of the 'Coordinating Council for Humanitarian Help', that all local staff could be evacuated with Dutchbat. Schmitz heard about this in the early afternoon via the UNHCR.^[16] However, on the next day *Médecins Sans Frontières* in Belgrade was informed that the clearances for the departure with Dutchbat to Belgrade had been approved for the local staff, women, children and the elderly, but: 'no men'.^[17] Their fears had immediately returned. One day later, however, when it had become clear that everybody could leave, it was put down to being the 'local sense of humour'.^[18]

On the evening of July 19, the official confirmation of the agreement between Generals Smith and Mladic had arrived at Dutchbat. As there was now the possibility of leaving with Dutchbat, Schmitz and O'Brien decided to come to a final decision and leave with the battalion instead of making their own way. In spite of principles and practical considerations — a journey to Zagreb instead of Tuzla — the protection by Dutchbat was the decisive factor after all. It was also clear that the battalion did not want to leave without them. *Médecins Sans Frontières* even was placed in the first part of the convoy, together with the UNHCR, UNMOs and Karremans.^[19]

Presumably sometime on July 19 or 20 the final departure list was drawn up, on which the names of the Dutchbat soldiers and the UNMOs, all the names of the local staff and foreign workers were listed. In the April 1996 letter which Defence Minister Voorhoeve sent to Parliament following the issue of Rizo Mustafic, he explained that this list had been inspected on 21 July by the VRS.^[20] It is open to interpretation what this means; most likely a copy of the list had gone to the VRS as part of the bureaucratic pressure described above. To everyone's surprise, the usual physical inspection, with hours and hours of delay in which all information was examined in detail, did not occur. According to their own accounts, this created mixed feelings for many of the Dutchbat soldiers, including Major Franken. All the concerns over the possible risks, if Dutchbat were to have tried to circumvent the bureaucratic regime, turned out to have been in vain. The battalion, so it appeared, could have taken along everybody who was not registered unnoticed, such as the brother of Hasan Nuhanovic.^[21]

Whether this should be cause for self-reproach is a question which can only be answered with great caution. Moral considerations quickly become involved here. These, however, have to be offset against the reality contained in Karremans' and Franken's assessments. The extremely difficult progress of the attempts to gain permission to depart from the enclave indicates that these risks were not imaginary. Moreover, there were the experiences of other UNPROFOR units and Dutchbat itself, with the exasperating dependence on the VRS for any movement. Added to this was the fact that, particularly after the fall of the enclave, UNPROFOR was a plaything of the VRS. Vehicles were taken

away and convoys robbed. The idea of complete dependency on the whims of Mladic and his consorts gave cause to an understandable fear.

In those chaotic days, victims have thus fallen. Rizo Mustafic as such could have been saved, and as regards Bekir Hodzic it is clear that he — formally speaking — had a right to be saved. What went wrong in his case, however, remains even more unclear than in that of Mustafic.

The refusal to save Muhamed Nuhanovic is the hardest case to judge. Franken knew very well what he did when he sent him off the compound. Some would refer to it as courageous for him to take such far-reaching decisions. But it is clear that to each choice, real risks were attached, no matter how bitter the irony of the ultimate course of events. The latter therefore should not automatically be the standard against which Major Franken's decision is measured.

Schmitz seems to have made a different assessment than Franken, although fairness begs the question of whether their situations and responsibilities were comparable. For to an important extent, they were not. In taking this into consideration under closer examination, however, there also seem to be similarities. *Médecins Sans Frontières* was also unable to evacuate all its personnel, simply because, as in the case of Dutchbat, a large number of them could no longer be traced after July 11. As mentioned before, in one case an employee decided of his own accord to stay with his family and it seems that nobody thought about adding him to the group which eventually left with Dutchbat. Of the *Médecins Sans Frontières* employees who did leave, everyone had a pass except for one person who had lost his, but whose employment was beyond doubt. The other original evacuees of *Médecins Sans Frontières* were women and children. At the most it could be said in hindsight that, based on practical experience, the two boys aged 14 and 15 belonged to an at-risk group, but technically speaking they did not belong to the category which Mladic had indicated for screening to find 'war criminals'. The claim that *Médecins Sans Frontières* may have 'cheated' with 'passes' or 'ignored' regulations is therefore not tenable. From the dragging negotiations after July 13 regarding clearances to leave the enclave it is abundantly clear that *Médecins Sans Frontières* also emphatically went 'by the book', while the same negotiations also make it clear that the possession of an ID did not automatically mean protection from screening by the VRS. There was, after all, the continued threat by the VRS up until the last moment that the male personnel would be subject to separate treatment.

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- [1] MSF, Brussels. Capsat MSF Belgrade to Christina Schmitz, 17/07/95, 16:06:36.
 - [2] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 17/07/95, 19:40:48.
 - [3] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 17/07/95, 21:49:23.
 - [4] DJZ. Report from Voets/Royal Netherlands Army to DCBC, dated 17/07/95, 21.11.
 - [5] Interview Th. Karremans, 15-17/12/98; Karremans, *Srebrenica*, p. 233.
 - [6] DCBC, 2828. Internal Memorandum from PHJZA (Deputy Head of Legal Affairs) to HJZ, SCO and BLS, 'Declaration dated 17 July 1995 in the presence of UNPROFOR (Maj. Franken, Deputy C DUTCHBAT signed by representatives of the VRS and inhabitants of Srebrenica', 07/08/95.
 - [7] SMG, 1004/76. Letter TK95119, from Karremans to PBLs, 'Transfer of local personnel', 18 July 1995. In this letter Karremans also referred to the enclosed declaration of 17 July, which, however, would totally escape everyone's attention in The Hague.
 - [8] UNGE, UNPF, Division of Civil Affairs UNPF HQ, box 25/77, 04/04-23/08/95. Maj. Kingori to UNMO HQ BH NE, 'UN local staff and wounded', 17 July 1995. Archive UNPF Geneva, Division of Civil Affairs UNPF HQ, box 25/77, 404/04-23/08/95 (Biser reports).
 - [9] MSF, Brussels. Capsat MSF BLG to all MSF stations, 'Action plan – MSF team evacuation', 18/07/95, 06:27:25.
 - [10] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 18/07/95 11:18:30.
 - [11] MSF, Brussels. Capsat MSF Belgrade to Christina Schmitz, 18/07/95, 14:11:53.
 - [12] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 18/07/95, 20:28:31.
 - [13] MSF, Brussels. Capsat MSF Belgrade to Christina Schmitz, 18/07/95, 20:07:38.
 - [14] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 18/07/95, 23:13:08.
 - [15] DCBC, 942. PV Geneva to The Hague, 20/07/95. Report of a conversation with Netherlands UNHCR official A.W. Bijleveld.
 - [16] MSF, Brussels. Capsat Christina Schmitz to MSF Belgrade, 19/07/95, 13:45:40.
 - [17] MSF, Brussels. Capsat MSF Belgrade to Christina Schmitz, 20/07/95, 15:50:17.
 - [18] MSF, Brussels. Capsat MSF Belgrade to Christina Schmitz, 21/07/95, 05:46:04.

[19] MSF, Brussels. Capsat Christina Schmitz to Stephan (Oberreit), 20/07/95, 15.45 hours.

[20] TK, annual meeting 1995-1996, 22 181, no. 157 (25/04/96).

[21] Interview R.A. Franken, 21/05/01

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 4

Potocari – Dutchbat and the fate of the local population

35. Conclusion Regarding the Killings in Potocari

Aside from being a scene of ethnic cleansing, Potocari was the site of a local exercise of revenge with outside assistance. The judges in the trial against Krstic could not determine whether the accompanied killings were sporadic or on a larger scale. As already mentioned, the historian tends to believe the latter. Exactly how many victims there were will never be possible to establish, but the number presumably lies between 100 and 400 dead. This number is considerably higher than was suspected in July 1995, based on the reports by Dutchbat. Already in Assen it became clear during the debriefing that the number of atrocities in Potocari must have been higher. The wholesale executions outside the enclave, however, drew much of the attention away from the victims in Potocari.

However, ever since that time the battalion has been pursued with accusations that it had failed in reporting war crimes. This assertion is now easily gaining weight, as it is clearer what the presumable scale of the atrocities in Potocari was. Still, some important remarks must be made in this context.

There are many indications that the perpetrators have consciously attempted to hide their deeds from the view of Dutchbat (and that of the UNMOs and *Médecins Sans Frontières*). The problems during the convoy escort, in particular the removal of the Dutch vehicles, were more than simple robbery. By rendering Dutchbat immobile, it became impossible for them to monitor what was taking place on the road and the VRS soldiers could stop buses unhindered. In Potocari the VRS intimidated the Dutch soldiers by taking away their weapons and equipment. Although the impression exists that some Dutchbat soldiers put up less resistance than others, it is an illusion to think that someone could ultimately have fully prevented this situation. Armed resistance was not an option in Potocari: the VRS held absolute sway.

The Dutch soldiers and UNMOs who tried to investigate possible abuses were stopped by the VRS. The discovery of the two execution sites by Rutten and Oosterveen and their colleagues, probably were — from the VRS's perspective — 'industrial accidents'. The same applied to the execution observed by Groenewegen. If there is one predominant pattern in the reports later made by Dutchbat soldiers in the Netherlands, then it is the very strong suspicion of executions having been committed, where the run up was indeed observed, but the murder itself was literally hidden from their view. A large number of soldiers thus also had an idea that things were 'very wrong', but this was a feeling that they had difficulties in handling due to the lack of incontrovertible evidence.

However, this does not mean that no other deaths, murders and rapes were observed. An above average number of Dutchbat soldiers developed serious psychological complaints after the events, which in a number of cases were caused by observation of killings and rapes.^[1] It is telling that only five years after the events, during the trial against Krstic, a Dutchbat soldier went public for the first time over the account of the rape he had witnessed. This circumstance prompted a reserved stance in the investigations on this point.

The great impact of the events upon the soldiers was one of the factors in Potocari which

determined that reports of possible human rights violations had fallen short. Although the number can not be established, there were various soldiers who collapsed under the stress (or at least folded temporarily). In others, their perspective narrowed to focus upon the immediate task and they shut themselves off from what was going on around them. The fact that the battalion was not prepared, or barely so, for the kind of situations that occurred during and after the fall of the enclave, undoubtedly played a role here.[2]

In some cases, there was also the factor that the Dutchbat soldiers were concerned more about the question of how they themselves could survive this hell than for the (military-aged) Muslims who had made things so difficult for them.

Due to all of these things, communication failed almost completely on July 12 and 13. It is illustrative of the situation that Commander Karremans only found out long after the fall of the enclave that his presumption that the men who had been screened were simply deported with the rest of the population was incorrect. As was earlier mentioned, Franken was also convinced that men had, in any case, left with the first four convoys.

The failure of the humanitarian reporting in particular is partly explicable due to these circumstances. However, there is one point which is particularly difficult to comprehend. It is strange that battalion command, and certainly Franken, who after all had already stated that he had gloomy suspicions early on, had undertaken nothing in the week after the fall of the enclave to determine for themselves the events surrounding the deportation. On July 15, for example, Franken heard from the returned OP-A unit that they, on the way back, had seen bodies lying by the side of the road.

In the week in which the battalion somewhat regained their composure, both Karremans and Franken had not made a single attempt to retrieve information in the form of an appeal or a debriefing about possible grave breaches of human rights. Both later admitted that they now were surprised themselves that this idea had not occurred to them.[3]

Finally, this also begs the question of whether initiatives should not also have been taken higher up in the UNPROFOR hierarchy. The reactions of General Nicolai and Lieutenant Colonel De Ruiter to the reports by Lieutenant Colonel Karremans raises questions. These questions are all the more relevant, as General Nicolai and Lt. Col. De Ruiter did have certain information at their disposal. In spite of their justifiable doubts over the reliability of what the Displaced Persons from Srebrenica told the media immediately after their arrival in Tuzla, this should nevertheless have been cause to inquire more emphatically of Dutchbat. Nicolai stands out as one of the few who, in those days, supported the statement by Minister Pronk that he feared a genocide — this shall be discussed in the following two chapters in detail.

When the battalion left Bosnia on July 21, Nicolai, who was present at that time, did indeed ask Mladic for permission to have a quick look around in Srebrenica before leaving, but this, of course, did not produce any results.

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[1] In talks between the NIOD and mental health professionals, various anonymous examples of such incidents came up.

[2] Interview E. Koster, 19/10/99.

[3] Interview Th. Karremans, 13/11/00 and R.A. Franken, 21/05/00.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 5

The debriefings in Zagreb

14. The role of the Bosnian Government

From the moment the Bosnian-Serb attack on Srebrenica had started, both UNPROFOR and the aid organizations present in Sector North East had been put on a state of alert. Based on countless experiences with ethnic cleansing from the past, they prepared for the arrival of an enormous number of Displaced Persons.[1]

The Bosnian Government had to find an answer to the question how to care for this mass of people, and it became clear very quickly that they were not going to be helpful. The relationship between the Bosnian authorities and UNPROFOR was no longer what it had been when the first UN peacekeepers arrived in Sarajevo. The Bosnian Government had speculated some time on an armed intervention that would mean the balance of power would move in its favour. UNPROFOR seemed to be ever more of a hindrance to such a solution.

The impending fall of a Safe Area protected by the UN confirmed the UN's failure to the Bosnian Government. It was clear to that same UN that they were going to be given the responsibility. As early as 10 July Displaced Persons from Srebrenica demonstrated against the UN in Tuzla – they had stayed there since the beginning of the war. Chapter 6 of Section III already discussed that the Deputy Commander of Sector North East, the Dutch Colonel C.L. (Charlie) Brantz, had been held together with some staff members and Swedish and Norwegian military personnel near the compound of Nordbat-2, which was blocked by demonstrators.[2] The fierce demonstrations continued the next day, the day on which Srebrenica fell.[3]

When it came to preparing for the care of thousands of homeless people, the Bosnian authorities responded with reproaches directed at UNPROFOR. Minister H. Muratovic accused the UN of co-operating with ethnic cleansing.[4] At the meeting in the morning of the 12th of July, the minister denied the local representatives in Srebrenica every authority to negotiate on behalf of the Bosnian Government and stated to be against 'the movement of any people out of the enclave other than in case of medical emergencies'. According to him, the care and reception of the new Displaced Persons (those who had fled to Potocari before the Bosnian Serb attack) should be in Srebrenica - the Safe Area. According to Muratovic there was no room in Tuzla, which already housed many expelled persons. Evacuated wounded needed to go to foreign hospitals, because there was no room for them in Bosnian hospitals.[5]

When these demands were superseded by hard facts, the Bosnian authorities passed all responsibility for the fate of the deported to the UN with a precondition. When it became clear that the Displaced Persons would enter on the 12th of July near Kladanj, Muratovic determined in a meeting with ministers of Tuzla Canton and UN officials that the Displaced Persons should go to a new 'safe area' – the airbase near Tuzla.[6]

In the eyes of the UN this was a totally unsuitable location for the care and reception of people. It not only lacked the necessary facilities, but the airbase was also in the range of Serb artillery. Furthermore some time in advance 11,000 reception places had been prepared in Tuzla Canton in the

event of more Displaced Persons.[7] Minister M. Cero for Refugee Affairs, Canton Governor I. Hadzic and other relevant Bosnian authorities maintained that there was no other place to receive the Displaced Persons. They stated most explicitly that they considered the people from Srebrenica 'UN refugees'. As a veiled threat they added 'To avoid "social turbulence", it would be better to receive them'[8], which given the demonstrations of the 10th and the 11th of July could not be seen as a throw-away comment.

As it was clear to UN officials that an enormous problem was on its way, General Smith was employed to turn the tide. On the afternoon of the 12th of July he spoke with Prime Minister H. Silajdzic and Minister Muratovic, where he brought it to their attention that no more than 2,500 people could be received at the airbase. However, the Bosnian Government were unwilling to take that on board. The aim of the Bosnian wish to bring everyone to Tuzla became very clear– they did not only think that the location had sufficient room, but furthermore: 'UNHCR would not be able to hide the problem from the world'.[9] Srebrenica had to become a media event at Tuzla Air Base. The Bosnian Muslims wanted to show the world the kind of suffering the Muslims had to endure and they wanted to confront the UN with the consequences of a failing policy. That message came through clear to the UN officials – they considered the decision to 'dump' the Displaced Persons a 'punishment'. [10]

At a meeting with Yashusi Akashi the next day UNHCR representative A.W. Bijleveld expressed the expectation that 'the Bosnian Government will remain obstinate in its refusal to help the Displaced, until Tuzla Air Base is overflowing with people, and Sarajevo succeeds in embarrassing both the UN and the international community'. [11] Later that day General Smith made a final attempt to personally convince President Izetbegovic that there were much better and safer reception possibilities and that the Bosnian Government would have to take its share of the burden. But the Bosnian President remained intractable. [12]

The next few days it became ever clearer that the Displaced Persons were pawns in a political game. The ABiH (the military forces of the Bosnians Muslims) in Tuzla refused to provide help in the form of housing and food to the 'Srebrenica rebels', as the Displaced Persons were called. [13] As early as the 13th of July, when the flow of Displaced Persons reached its peak and the international media had flocked to the airbase in large numbers, Governor Hadzic issued a press release in which he stated a number of additional demands concerning the care and protection of the Displaced Persons. If there were insufficient reception facilities at the airbase, they should be taken to 'third countries'; the Displaced Persons themselves had 'expressed their wishes to be evacuated to the Netherlands, Great Britain, France as well as to other western countries'. [14] Muratovic, the highest representative of the Bosnian Government in Tuzla, underlined that demand and added that otherwise the Displaced Persons would stay at the airbase until the end of the war. [15] Besides a few other demands about improvements in the care and reception, Hadzic required that the High Commissioner for Refugees, Mrs Ogata, would make a personal visit to Tuzla. When she did so on the 17th of July, she was greeted by a demonstration where more than 200 people carried English texts for the benefit of the international media. [16] It was a protest by the local SDA, Izetbegovic' party. One of the carried slogans read 'UNPROFOR are fascists'. [17]

Although the Bosnian authorities did not want to lend a hand, they did take care of the transport of the Displaced Persons who arrived near Kladanj. That way they could be sure they would go to Tuzla Air Base. Near Kladanj, where the Pakistani battalion was stationed, the UN did organize a first reception with immediate medical attention and food. The Dutch General Nicolai of the Bosnia-Herzegovina Command in Sarajevo sent his deputy Colonel Ph. Coiffet on the 13th of July to make an inventory of the needs in Kladanj. [18] The International Red Cross went backwards and forwards with armoured Landrovers to collect 29 seriously weakened Displaced Persons. [19]

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[1] Although 'Displaced Persons' is the correct term, the text also uses the term refugees.

- [2] 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie' (Coping with misery. Workplace: acting sector commander in North East Bosnia), in: *Trivizier*, 53(1998) 12.
- [3] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95.
- [4] UNGE, ICFY, Box 234, file 6 15. Akashi to Annan, Z-1152, 'Situation in Srebrenica', 12/07/95.
- [5] SMG, 1004. Telegram Akashi to Annan, Z-1142, 'Situation in Srebrenica', 12/07/95.
- [6] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95.
- [7] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1154, 'Situation in Srebrenica', 13/07/95; NIOD, Coll. Brantz. Diary C.L. Brantz, p. 298.
- [8] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95; interview C.L. Brantz.
- [9] UNGE, UNPROFOR, box 216 BH Commands '95. 87298, 1060, Jul 95-Jan 96. Fax Baxter to HQ UNPF, 'Notes on the meeting gen Smith/prime minister Silajdzic - 13 Jul 95', 14/07/95. At the headquarters of the UNPF in Sarajevo they also considered it a possibility that in this manner the Bosnian Government could regain possession of the airbase which was in UN hands. Interview A. de Ruiter, 26/06/00.
- [10] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports]. C.T. Sy, 'Briefing note', 13/07/95.
- [11] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1154, 'Situation in Srebrenica', 13/07/95.
- [12] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1154, 'Situation in Srebrenica', 13/07/95. See also: 'Reactie van C.H. Nicolai op artikel van kolonel Ch. Brantz' (C.H. Nicolai's response to article by Colonel C. Brantz), in *Trivizier* 53 (1998) 12', in: *Trivizier*, 54 (1999) 1. Colonel Brantz had accused UNPROFOR Sarajevo of having chosen Tuzla Air Base as a site. Nicolai erroneously refers to 12 July as the day of the conversation between Smith and Izetbegovic.
- [13] Interview D. Last, 16/11/99: Last's notes of meeting on 13/07/95 with Janvier, Ashton and Moussalli, HCA.
- [14] NIOD, Coll. Brantz. I. Hadzic, 'Request' [by the Government of the Bosnia Hercegovina/Federation of Bosnia and Hercegovina and the Government of the Canton Tuzla/Drina], 13/07/95.
- [15] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95. Typifying Bosnian opportunism (or division within the leadership), Izetbegovic dismissed the statement about 'third countries' on the 14th of July as 'false rumours'. Prime Minister Silajdzic also began to distance himself on the 14th of July from Muratovic and his 'extreme position'. See: SRS Senior Staff meeting, 14/07/95.
- [16] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1187, 'Situation in Tuzla and Srebrenica', 17/07/95; interview N. Skokic, 21/02/98. Skokic worked as an interpreter for Colonel Brantz and regularly visited the airbase with him.
- [17] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports]. Fax K. Biser to M. Moussali, 'Srebrenica/Tuzla update', 17/07/95.
- [18] 'Reactie van C.H. Nicolai op artikel van kolonel Ch. Brantz, in *Trivizier* 53 (1998)12', in: *Trivizier*, 54(1999)1.
- [19] CRST. Fax Y. Hoogendoorn (ICRC) to Col Dedden, 17/07/95; appendix 'Update no. 9 on ICRC activities in the former Yugoslavia', 17/07/95.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 5

The debriefings in Zagreb

15. Organization and course of the initial care and reception

Only late on the 12th of July, when it became clear that the buses would come to the airbase, did the UN military start preparations for the care and reception on the orders of Colonel Brantz. During the first 72 hours, up to and including the 15th of July, this would be purely on the shoulders of the UNPROFOR soldiers. Only afterwards were the NGOs able to take over the aid, although many complaints could be heard amongst UN officers about the slow response of UNHCR. [1] It had been designated by the UN headquarters in Zagreb as 'leading', but could only formally take over the responsibility on the 9th of August – two weeks before the camp was cleared. [2] Journalists reported the UNPROFOR officers' accusations that the UNHCR apparently did not have any emergency rations and tents ready and that most of the senior officials were on holiday. Those who were there responded slowly. [3] From the 13th of July representatives of the Joint Crisis Action Team had been present. This was the team Yashusi Akashi had set up in the light of the impending disasters, and in which officials from Civil Affairs, UNPROFOR, UNHCR, the International Red Cross and the European Monitoring Mission were represented. [4]

With the use of material in the UNHCR depot, the UN military started the construction of an interim camp, whilst others tried to set up some organization, including security. They had only been working on this for one-and-a-half hours - the work was by no means finished - when the first buses with some 1,000 to 1,500 Displaced Persons arrived at 11 o'clock at night. Only at quarter to three in the morning that day did the last arrive at the airbase. [5] The bus drivers had clearly been given orders to collect a new load of passengers as quickly as possible. However in order to avoid being overwhelmed and losing control, the UN military prevented the buses from driving on immediately. In order to be absolutely sure this did not happen, two armoured vehicles were at the start and the end of the column of buses that were lined up on the narrow access road to the base.

The first deportees were partly housed in empty storage sheds, but most had to spend the night in the open air alongside the runway due to lack of space. They were too exhausted to protest. Brantz: 'Furthermore, they were utterly desperate and unable to follow our instruction to use the latrines dug by us. Because of the heat and the stench their misery appeared inhumane to us. We could but try to keep the thing manageable'. [6] On the southern side of the runway a 'Tent City', as the UN people called it, was set up through the efforts of Norwegian troops in particular. The tent builders managed to stay a cluster ahead of the arriving Displaced Persons. [7] Later other facilities were added, including a mosque even, in a big white tent.

The next day, the 13th of July, it became clear gradually that the situation was escalating despite all efforts. From sunrise to the end of the afternoon the number of people grew to nearly 8,000, although there was room for only 4,000 people. Eventually, after some extra provisions had been made, 6,259 homeless people could be housed on the base. [8] Even then the flow continued [9], and the arrivals only stopped on the 14th of July when the International Red Cross collected the last passengers. They were four old women who had been found a hundred meters from the 'crossing

point' - the place where the Displaced Persons had to cross the front line on foot - where they had hidden for three days, because they were no longer able to walk. The UNHCR and the local authorities estimated that a total of 23,000 women, children and elderly people reached the airbase, although the majority would get no further than the gate.[10] However, at UNPROFOR they were sceptical about those numbers, because they seemed a little high. It did become clear on the 13th of July that there was an alarming absence of able men amongst those arriving at Tuzla Air Base.[11] The assumption was that most were hiding in the mountains.[12]

On Friday the 14th of July, the matter appeared to get completely out of hand. In the morning 5,100 Displaced Persons had been registered and housed on the airbase,[13] however out of necessity the larger part of the Displaced Persons remained outside the base and became boisterous. That morning Colonel Brantz had been alerted by the base commander, who had asked him to address the Displaced Persons:

'There are no words to describe what I encountered at the gate. Screaming, raging, beating, spitting, irrational and desperate people. The noise was deafening and I knew beforehand that this crowd would not listen to me. I tried to climb on a Swedish armoured vehicle, but I did not get far. People were spitting at me, I was hit by stones and sticks. From the corner of my eyes I saw how a number of Bosnian men in uniform were egging on the crowd.' [14]

Swedish guards and Bosnian police prevented the storming of the airbase. After his failed attempt to calm the mass, Colonel Brantz telephoned Governor Hadzic:

'Hadzic was not in, so they said. I said through the interpreter that he had half an hour to send someone. If not, I would personally put the first dead Displaced Person in his office. Twenty minutes later the scenes at the gate had calmed down through the efforts of Canton representatives. But I had not solved the problem of the estimated 10,000 people at the gate.' [15]

The heat of nearly 40 degrees and the lack of water had meanwhile taken their toll - the doctors of Nordbat reported that five people had already died of the consequences.[16]

That same Friday the attitude of the Bosnian authorities suddenly became more flexible. The reason for the change in attitude was possibly the down side of the publicity they themselves had helped to generate.[17] Large numbers of media representatives had indeed descended. The images of the desperate Displaced Persons in inhumane conditions, where heat alternated with downpours that would flood parts of the camp, were sent over the world. However, the images of the chaotic scenes of the first few days also put pressure on the Bosnian authorities.[18] Ken Biser, the head of Civil Affairs in Tuzla who had been appointed as co-ordinator by the UN in Zagreb, reported on the 14th of July that the authorities no longer used the term 'UN refugees'. [19] That same day both Minister Muratovic and the Canton Minister for Refugee Affairs, Cero, announced that the authorities would co-operate. However, in exchange the authorities wanted to enter into contracts with UNHCR concerning compensation for accommodation and goods and to make UNHCR fully responsible for the Displaced Persons. According to Governor Hadzic that was necessary, because the Displaced Persons could only be housed in homes left by Serbs and Croats. According to him this endangered the Muslim-Croat Federation, due to the fears of tension amongst themselves.[20] However, for the time being the UNHCR did not feel like participating in that trade off.

Hadzic was not the only one who came asking for money - Sector Commander Brigadier General H. Haukland, who had returned from leave on the 15th of July, later received a visit from Osman Suljic, the Mayor of Srebrenica. He had walked from Srebrenica to Tuzla. Suljic came to ask for 50,000 dollars for UNPROFOR's rental of the bakery in Potocari and for services provided by local employees. Colonel Brantz: 'However, the latter we had already paid to the former employees we had managed to track down in Tuzla. The rent for the bakery appeared to be DM 8,000 after recalculations.

We did not pay that person the money'.[21]

Shortly after the incident on the 14th of July, the canton authorities removed 10,000 bivouacking outside the gate in order to receive them in seven reception centres elsewhere in the canton.[22] Although that stabilized the situation, not all problems had come to an end. 'Much political propaganda has been generated this week at the expense of the Srebrenica DP's', Ken Biser wrote in a report at the end of the first week.[23] There were still large numbers of Displaced Persons on the base itself and the Bosnian authorities did not seem to take steps to provide housing for them elsewhere. Some Displaced Persons who had left the airbase of their own volition were returned by Bosnian police.[24] Furthermore, some Displaced Persons who had been housed elsewhere returned to their first reception location of their own volition, looking for relatives or because the facilities at the airbase were better.[25] The International Red Cross had quickly started to set up a tracing service where everyone could register. By means of a billboard and the camp's announcement system, this organization tried to reunite families.

The obstruction by the Bosnian side made resupplying the Displaced Persons at Tuzla Air Base considerably more difficult. Aid convoys had to deal with roadblocks and extensive checks by the Bosnian army. As early as the 14th of July, the Bosnian army announced that convoys within Sector North East 72 had to be announced 72 hours in advance and within Sector South West 24 hours in advance. A convoy was defined as 'two or more vehicles'.[26] At a certain point the First and Third Corp even forbade all convoys from Sector South West to Sector North East. The argument they used was 'that the UN should not be getting involved in facilitating the movement of Displaced Persons what [sic] is a municipal authority problem'.[27] The drivers of the convoys had to wait hours in the sun, because their papers were supposedly not in order. A convoy with tents was delayed more than sixteen hours by the ABiH.[28]

However, around the same time the civil authorities seemed to become a little more flexible. As early as the High Commissioner for Refugees, Mrs Ogata's visit on 17th of the July, Minister Muratovic had promised that the people on Tuzla Air Base would be removed as soon as possible, although it remained no more than a statement.[29] Only on the 21st of July did the Bosnian authorities promise that they would start transferring five thousand Displaced Persons to other reception centres that afternoon.[30]

After some days the press reports were no longer focused on just the Displaced Persons, because some Displaced Persons and Bosnian officials were no longer focused on just the UN, but also questioned the attitude of their own government. Particularly the poor defence of the enclave by their own troops started to become an issue, partly because from the 16th of July onwards the survivors of the column started arriving in Tuzla. However in conversations with UN officials on the 15th of July, Minister Muratovic had already expressed his amazement with the words: 'Why didn't they fight?'[31] Representatives from Tuzla council also started to express their concerns that a 'deal' on Srebrenica and Zepa had perhaps been struck higher up and that perhaps Tuzla was part of that too.[32] As early as the 12th of July, the chairman of the 'Association of Residents and War Invalids from Zepa', Becir Heljic, expressed the thought in Sarajevo that Srebrenica, Zepa and Gorazde had become part of an exchange (see Section III, Chapter 1). According to him that did not only involve the international community, but also the Bosnian authorities. His statement is to have received much support.[33] When this topic was discussed increasingly more often in public during the next few days, the Bosnian officials took their foot of the pedal. In relation to these stories Ken Biser reported that 'regional authorities have suddenly become less vocal about UNPROFOR's role in defending the enclave, and are noticeably more agreeable to moving the Displaced Persons off the base, while utilizing their initial coup to obtain as much international financial support as possible'.[34]

Yet it was still to take until the 28th of August until the last Displaced Persons left the airbase – the reason was a Bosnian Serb shelling of Tuzla Air Base.[35] In UNPROFOR circles the – rather predictable – rumour was doing the rounds that the shelling was in reality undertaken by ABiH, because Tuzla Air Base had served its purpose.[36]

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- [1] Interview N.E. Petersen, 29/10/99. Captain Petersen was Commander of the Danish tanks in Tuzla, who were protecting the Swedish soldiers on TAB. He led the construction of the camp at the airbase. According to Petersen, UNHCR was only able to organize adequate aid after some weeks.
- [2] 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie', in: *Trivizier*, 53(1998)12.
- [3] John Pomfret, "'We count for nothing": Srebrenica refugees unwelcome in Tuzla', *The Washington Post*, 15/07/95.
- [4] UNGE, ICFY, Box 234, 6 15. Telegram Akashi to Annan, Z-1158, 'Emergency group for Srebrenica', 13/07/95. Idem: telegram Akashi to Annan, Z-1168, 'Situation in Tuzla and Srebrenica', 14/07/95.
- [5] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports]. C.T. Sy, 'Briefing note', 13/07/95; Diary Ch. Brantz, p. 298.
- [6] 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie', in: *Trivizier*, 53(1998)12.
- [7] MvD, DCBC. Fax H. Post Uiterweer (dep CO UN Air Base Tuzla) to OCKLu, 'Refugee Safe Haven Tuzla Air Base Day 2', 14/07/95.
- [8] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95; interview Ch. Brantz. According to the Norwegian Lieutenant Colonel R. Holm, who worked on the base as an engineer, there were 7,800 Displaced Persons in 1,300 tents at the height of the situation. Interview R. Holm, 11/03/99.
- [9] Idem.
- [10] CRST. Fax Y. Hoogendoorn (ICRC) to Col Dedden, 17/07/95; appendix 'Update no. 9 on ICRC activities in the former Yugoslavia', 17/07/95. According to Colonel Brantz a count on the 21st of August showed that the number of Displaced Persons given by the UNHCR was 3,000 below the figures given by the Bosnian authorities. See: 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie', in: *Trivizier*, jrg. 53, no. 12, December 1998.
- [11] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1168, 'Situation in Tuzla and Srebrenica', 14/07/95.
- [12] Interview D. Last, 06/11/97: Last's notes of meeting on 13/07/95 with Janvier, Ashton and Moussalli, HCA, who made the statement about the men. However, two days later UNHCR representative Bijleveld expressed the fear of a 'bloodbath'.
- [13] CRST. C. de Moel (MIO) to Royal Netherlands Army Crisis Staff, L. Weghagen''L.B. Morkholt [ECMM], 'DP's from Srebrenica', 17/07/95.
- [14] 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie', in: *Trivizier*, 53(1998)12; NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95; interview Ch. Brantz, 11/07/99.
- [15] 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie', in: *Trivizier*, 53(1998)12.
- [16] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1168, 'Situation in Tuzla and Srebrenica', 14/07/95.
- [17] On the 12th of July UNPROFOR itself had also used the weapon of publicity. Via his Public Information Officer, Colonel Brantz had called for the international media to pay attention to the demonstrations and blockades that threatened to hold up the expected convoys until they had stopped. See: NIOD, Coll. Brantz, H. Kjaerstad to international and local media, 'Press release: fugitives from Srebrenica. Emergency: media attention needed immediately', 12/07/95.
- [18] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax. K. Biser to J. Ryan, 'Sector NE Civil Affairs weekly report', 22/07/95.
- [19] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax K. Biser to Ph. Corwin, 'Communiqué of B-H Republic/Federation regarding Srebrenica', 14/07/95.
- [20] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95; interview Ch. Brantz.
- [21] 'Ellende opvangen. De werkplek: waarnemend sector-commandant Noord-Oost Bosnie', in: *Trivizier*, 53(1998)12; interview Ch. Brantz, 11/03/99.
- [22] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95.
- [23] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax. K. Biser to J. Ryan, 'Sector NE Civil Affairs weekly report', 22/07/95.
- [24] CRST. C. de Moel (MIO) to the Royal Netherlands Army Crisis Staff, 'DP's from Srebrenica', 17/07/95.
- [25] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax. K. Biser to M. Moussalli, 'Srebrenica/ Civil Affairs update', 20/07/95.
- [26] UNGE, ICFY, Box 234, file 6 15. Telegram Akashi to Annan, Z-1162, 'Situation of Displaced Persons in Tuzla', 14/07/95.
- [27] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax J. Carter to J. Ryan, 'RoM' [restrictions of movement], 21/07/95.
- [28] Interview H. Haukland, 03/05/99; N.E. Petersen, 29/10/99.
- [29] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax K. Biser to M. Moussalli, 'Srebrenica/Tuzla update', 17/07/95.
- [30] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax K. Biser to M. Moussalli, 'Srebrenica/Tuzla update', 21/07/95.
- [31] NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95

[32] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax. K. Biser to M. Moussali, 'Srebrenica/ Civil Affairs update', 20/07/95.

[33] BBC Summary of World Broadcasts 18/07/95: Iraqi News Agency, 'Government criticized over fall of Srebrenica', Zagreb, 1404 gmt 16/07/95.

[34] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax. K. Biser to J. Ryan, 'Sector NE Civil Affairs weekly report', 22/07/95.

[35] Interview H. Haukland, 03/05/99; M. Prins, 03/01/98.

[36] Interview G. Arlefalk, 18/05/00.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 5

The debriefings in Zagreb

16. Barometer of a genocide?

Tuzla Air Base provided journalists and representatives of local authorities and international governments the first opportunity to obtain information from Displaced Persons about what had happened in Srebrenica. However, it seemed very difficult for all those involved to obtain a clear picture of the events. UN military personnel who were the first to deal with the Displaced Persons were shocked by the traumatised impression many of them made. Some were literally paralysed with fear.[1] Several women committed suicide shortly after arrival – one because VRS soldiers had taken away both her sons of 12 and 13 with the empty promise that they would come later.[2] The image of one young woman who hanged herself on a tree after she had taken off her shoes went around the whole world.

Given that professional interviewers required some time to organize themselves, the media were the first to descend on the Displaced Persons. All the big American networks were present with camera crew, as were a large number from other countries. Many got the impression that particularly certain media were looking for the most sensational stories and images. The Dutch print journalist O. (Othon) Zimmerman of the *Algemeen Dagblad* saw 'very strange things'. He witnessed a British camera crew filming from the roof of a car. Suddenly one of them, apparently an interpreter, called that the women should protest: 'At a certain point this became: "We want our men back!" That was broadcast that evening. Shortly afterwards I got the editor on the line and he said: "Did you miss the demonstration? We just saw it on the news. A demonstration by Serb women in Tuzla!" I answered that it would be better not to write that.' [3]

Although there was much to be said about reporting on Tuzla Air Base, most journalists did their best to achieve responsible reporting of the events. An analysis of the extensive reporting where Displaced Persons were left to speak indicates how difficult it was to draw hard conclusions on the nature and the extent of the events in Srebrenica and Potocari. The journalists reported countless heartbreaking stories of the separation and deportation of the men, of bodies encountered with slit throats, of buses that were stopped on the way by the VRS and the men and girls who disappeared. However, the conclusion was often 'These tales of horror cannot be confirmed', also because the Bosnian Serbs refused access to the area.[4] The journalists were hit by the emotion of the witnesses: 'The refugees' accounts of Serb cruelty – of slit throats and women raped – were impossible to verify, but nearly all said they had seen evidence of atrocities or suffered them themselves, and few could tell their stories without breaking down in tears'. In this case the Displaced Persons recounted how hundreds of men 'were killed by Serbs in the hours after their victory'. [5]

Evidently the authorities' opinions were also reported, but they were also in the dark. UNHCR spokesperson Kris Janowski in Sarajevo recounted that a woman had told representatives of his organization how her husband's throat had been slit and how she had seen other victims killed in the same way. Other refugees had on the way in the buses seen 'piles and piles, and indeed hundreds of bodies, stripped of clothing' [6]. 'All these are very alarming signals and we are afraid some very ugly things happened and are continuing to happen to these people', said Janowski.[7]

The Bosnian authorities' assertions also did not provide much to go on. As early as the 13th of July the Bosnian Government used the word 'genocide' to indicate what happened in Srebrenica. According to Prime Minister Silajdzic this concerned 'mass killing' and on the way to Kladanj refugees had seen at least 500 dead and at least 500 dead near Konjevic Polje. He also pointed to the separation of able men above the age of 15 and to rapes.[8] Although with hindsight it could be established that many of these stories were true, in the media and certainly at UNPROFOR they were received with a certain caution. That sort of statement had become too much a part of the standard Bosnian repertoire during real and alleged humanitarian disasters to be able to count with much credit. In that sense the Bosnian government became the victim of the 'cry wolf' phenomenon it had created itself.

There are many indications that despite statements to the contrary, the Bosnian Government too thought for a long time that thousands of missing men had been taken prisoner. On the 17th of July they reported that around 5,000 men were held prisoner by the Bosnian Serbs. [9] On the 21st of July there was even a meeting at Sarajevo airport between Bosnian Muslim and Bosnian Serb representatives, under UN auspices, which dealt with the exchange of prisoners of war taken by the VRS in Srebrenica and with the evacuation of Zepa. The meeting failed, because the Serbs wanted an 'all for all exchange', but refused to provide the names of the prisoners they had taken in Srebrenica. The Bosnian Government, who at that point was assuming 6,500 missing persons, refused every agreement if there was not one, albeit partial, list of prisoners of war from Srebrenica.[10] The scale of the murders was a surprise later.[11]

So it is no great surprise that for most journalists the perspective of a mass murder was outside their horizon. 'It was terrible, but we simply did not get the scale. There was something very shady going on', according to the Dutch journalist Zimmerman. He particularly referred to the secrecy surrounding the number of men who had survived Srebrenica.[12]

Zimmerman was one of those who quickly managed to reconstruct the gruesome story of the escape from Srebrenica, despite obstruction by the Bosnian Government. On the 16th of July the vanguard of the column which had left the enclave five days earlier for Tuzla arrived in a safe area. Some of them, probably the first who arrived immediately left of their own volition to family and friends. However, the majority was taken to a secret location just outside Tuzla, where they were protected from the media. However, some journalists still managed to find them. In the area of Tuzla Zimmerman saw a lorry full of men with old weapons and he followed it to Zivinice: 'There we arrived at a small secret airfield. A small landing strip. That's where all those men were gathered. They were not allowed to report and were not allowed to contact their family.' Zimmerman had parked his car and had entered the terrain with his interpreter where he started conversations with the men. As soon as the authorities discovered this, they threw Zimmerman and his interpreter from the field. One guy came after them: 'We gave him a coke a half a mile down the road and we spoke with him for a few hours. Three, four hours. He recounted the whole trip from Srebrenica to Tuzla in every detail'. [13] The story was published on the 18th of July 1995.[14] That day other newspapers also had a story about the journey.[15] That way the UN also heard of the 'secret camp'. [16]

A few days later some journalists encountered men who claimed to have survived mass executions. One journalist, who wants to remain anonymous, wrote down the story of Smail Hodzic, one of those survivors, on the 21st of July. The interview was not published, because there was no second independent source who could confirm his story. And although this is a good journalistic principle, they shot themselves in the foot.

Unintentionally this illustrated the fundamental problem with determining genocide or large-scale human rights violations – i.e. by definition there are very few witnesses. Dealing with this required a totally different methodological approach. Other journalists did manage to get the story about Hodzic and another survivor, Mevludin Oric, published in the last week of July.[17]

- [1] Interview N.E. Petersen, 29/10/99; NIOD, Coll. Brantz. Fax Ken Biser to Philip Corwin, 'Srebrenica update/Tuzla weekly report', 15/07/95.
- [2] Interview N. Skokic, 04/02/98. Skokic, Colonel Brantz' interpreter spoke with a large number of Displaced Persons at the airbase.
- [3] Interview O. Zimmerman, 28/04/00.
- [4] Christopher Bellamy, 'Refugee women 'see menfolk shot'', *The Independent*, 16/07/95.
- [5] Stephen Kinzer, 'Muslim refugees flee terror, find misery', *The Ausitn-American Statesman*, 15/07/95.
- [6] This quote appears to have been taken literally from a press release by the Bosnian Ambassador in Washington, Sven Alkalaj, after an audience between Prime Minister Silajdzic and Secretary of State Warren Christopher. Press-release PR704, Embassy of the Republic of Bosnia and Hercegovina Washington D.C., 'Slaughter in Srebrenica', 13/07/95.
- [7] Chris Simon, 'Serbs tighten noose around Zepa', *UPI*, 14/07/95.
- [8] Press-release PR704, Embassy of the Republic of Bosnia and Hercegovina Washington D.C., 'Slaughter in Srebrenica', 13/07/95.
- [9] AFP, 'Some Srebrenica soldiers reach government territory', 17/07/95.
- [10] CRST. Fax C.L. de Moel to Royal Netherlands Army Crisis Staff, 22/07/95. Appendix: Memorandum David Harland to John Ryan, 'Negotiations on Zepa', 21/07/95.
- [11] Interview D. Harland, 11/07/00. Harland was present at the meetings on behalf of the UN. In his recollections a later meeting had been planned, with on the Bosnian side Izetbegovic, Silajdzic and Muratovic, but the Bosnian Serb delegation had not turned up. From that moment it started to sink in that perhaps something very different was going on with the missing persons.
- [12] Interview O. Zimmerman, 28/04/00.
- [13] Idem.
- [14] O. Zimmerman, 'Moslimstrijders in helse tocht opgejaagd als wild' (Muslim fighters hunted down like wild animals on hellish journey), *Algemeen Dagblad*, 18/07/95.
- [15] See e.g.: Clare Nullis, 'After six-day flight, 4,000 Muslims arrive in Tuzla. Escape path from Srebrenica was littered with bodies', *Associated Press*, 18/07/95. Published in several newspapers.
- [16] UNGE, Division of Civil Affairs UNPF HQ, box 25/77, 4th April-23 Aug. '95 [Biser reports], fax. K. Biser to M. Moussalli, 18/07/95.
- [17] E.g. the French newspaper *Libération* published an article about Mevludin Oric on 24 July. Quoted in: Alain Maillard, 'Srebrenica, ce que le CICR savait', *L'Hebdo*, no 16, 18/04/96.

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Part IV

The repercussion and the aftermath until the end of 1995

Chapter 5

The debriefings in Zagreb

33. The multiple meanings of genocide

The impression that arose about Couzy and the genocide issue was to a great extent determined by the disparities, stressed by the media, between on the one side Minister Pronk – and to a lesser extent Minister Voorhoeve – and on the other side General Couzy. The inability of Couzy to clarify his position was due not only to his own awkward communication or the selective reception by the media. A major part of the problem was contained in the term genocide. The legal meaning of the term was based on a number of international treaties, which determined that if genocide were to be legally established then intervention was *a duty*.

The burden that thus came to be placed on the use of the term became visible in all its political sensitivity right at the start of the conflict in the former Yugoslavia – and was in fact also to be revealed during the mass murders in Rwanda in 1994. The application of the term genocide to the conflict implied armed intervention. This was however not the wish of the majority of the Western world, and in particular of the United States. ‘Genocide’ thus became a contaminated term that subsequently, as the dreaded ‘G-word’, haunted the offices of the State Department and the foreign ministries in western Europe. In the eyes of critics, the term ‘ethnic cleansing’ came to function as a non-binding euphemism for horrors which apparently only external force could put an end to.[1]

Besides the political connotations, the legal connotations were heavy too. The seriousness of the charge and the strength of the punishments, as well as the fact that furnishing proof was sometimes difficult, necessitated great caution. Seen from this latter angle, at least, Couzy’s refusal to use the term could be defended. Moreover, he was not alone in taking this position. The Human Rights Rapporteur T. Mazowiecki, who on 26 April resigned in protest against the failure of the West to protect Srebrenica, did not wish to apply the term genocide despite his shocking report on Srebrenica:

‘I’ve already written in my second report that the ethnic cleansing is not a ‘side effect’ of that war, but contrary, its objective. It seems to me that it is necessary to emphasize that once again. However, I’ve never used in my reports the term ‘genocide’, regardless of warring faction being reported. I think that such qualification has to be confirmed by the Tribunal, given its reputation and expertise (...) I didn’t use that term because I noticed its frequent and indiscriminate usage by all factions when accusing the other side. Misuse of words can strengthen hatred and that is why I hesitated to use final qualifications. I left it to the Hague Tribunal. ‘[2]

Couzy did not, admittedly, formulate his arguments for not wishing to use the term genocide as explicitly as did Mazowiecki, but his caution seems attributable to the same motive. However, this can easily be used to present Couzy’s attitude in a more favourable light. The responsibility borne by Mazowiecki was of course different to that of Couzy.

Although the Army Commander played no role in the UN hierarchy and the command held by

the UN had not yet formally been returned to the Netherlands, Couzy adopted a major responsibility in taking on the reception of Dutchbat. He thus, in a certain sense, became jointly responsible for the reports by Dutchbat concerning large-scale violations of human rights. In concrete terms this applied, for instance, to the nature of the cooperation lent to Mazowiecki's staff who tried to interview Dutchbat personnel at Pleso. The responsibility for passing on all relevant information was even greater because it was not inconceivable, in the event of a worst-case scenario, that events could still be influenced militarily or politically. After all, waiting for legally watertight evidence of genocide is diametrically at odds with the obligation to prevent genocide.^[3] In this light one can question the minimalistic and reserved way that Couzy dealt with the indications of possible large-scale violations of human rights. Without committing himself to the term genocide, he could have more clearly indicated the possible, far-reaching implications of the overall picture that was available to him at that moment.

Minister Pronk applied the opposite reasoning. From the information at his disposal, which did not include any observations by Dutchbat soldiers, he quickly drew the most far-reaching conclusion. One can ask whether this step was justified, for instance when comparing this position to the caution shown by Mazowiecki.

The answer to this question has several aspects. The use of the term genocide by Pronk (and in a certain sense by Voorhoeve too) was based much more on the rhetorical meaning that the term has acquired in public and political debate. This underlines the lack of clarity regarding the use of the term. In the words of the sociologist Alex Alvarez: 'Widely applied in a variety of contexts with a tremendous range of definitional criteria, the notion genocide is marked by conceptual confusion, often compounded by its rhetorical use on the part of those seeking to inflame and stigmatize social and political discourse.'^[4]

Pronk too, when appealing to public opinion, did not consider the legal connotations of the term genocide: 'Right then I didn't think about that. What was important was that massive slaughter was involved'. He had come to the conclusion on the basis of the limited information that he had compiled in a short period. 'It was the sum of things, an analysis, in which everything pointed in that direction. You must be prepared to induce. It fitted like a hand in a glove. You heard all these things, and then a conclusion was possible.'^[5]

His point of departure for reaching this conclusion was a conviction, based on years of personal experience and his interpretation of the nature of the events since the start of the war in Bosnia, that placed isolated observations in a context in which they immediately gained significance for him. This was, however, a historically and politically based point of departure that could not automatically be seen as universally valid. Criticism of Pronk's use of terminology and his timing would be much more justified if based on this aspect.

This problem also applied to a crucial element of Pronk's conviction: the predictability of mass murder following the fall of Srebrenica. He was not alone in arguing like this. An analysis of relevant statements by various parties clearly shows diametrically opposed views. Moreover, these contradictory positions are independent of political and other considerations which can often hinder the making of such predictions. Besides this, the opposing views do not run along predictable political lines.

Chuck Sudetic, journalist and author of the moving family chronicle *Blood and vengeance*, expressed the opinion that 'anyone who knows page one about Bosnia knew what would happen'.^[6] José Maria Mendiluce, in 1993 the UNHCR officer responsible for Srebrenica, declared in the same vein following the events in 1995: 'Those who did not predict the mass murders which were about to begin in Srebrenica share the responsibility for this genocide'.^[7] Mendiluce's assumption of the predictability of the events was not, however, widely shared even in the organization of which he himself was a member. The events in Srebrenica taking place at that moment were interpreted differently within UNCHR as well. In July 1995 Mendiluce's successor Karen Koning-Abuzayd received concerned telephone calls from staff who were responsible for the safety of UNCHR personnel. They reported that they were afraid of 'massacres'. But she heard from UNCHR staff in

Tuzla that in their initial responses to the separation of men and women they had used restrained language 'because we gave Mladic the benefit of the doubt'. It was only when she spoke to survivors of the journey, considerably later, that she came to the realization that 'you can't be impartial towards evil'.^[8]

Some of those directly involved in Srebrenica also feared what was about to happen. Daniel O'Brien, doctor of *Médecins Sans Frontières*, wanted to be removed from the enclave because he did not wish to become a witness of a mass murder. 'He doesn't want to go through any kind of massacre of the population', reported his colleague. He also feared for his own life and that of Christina Schmitz, because they were possibly the only two witnesses.^[9] It can be imagined that O'Brien's panic was prompted by the fear expressed by the local personnel and especially by the Bosnian doctors. Schmitz noted in her logbook: 'They are afraid that the situation in Vukovar will be repeated, where the Serbs forced their way into the hospital and killed everyone.'^[10]

The 'Vukovar' comparison occurs again in relation to Srebrenica. As early as 1993, when the situation around Srebrenica deteriorated dramatically, Minister Pronk declared that he was afraid that the Serb attackers would kill the Muslim population 'in masses'. 'I'll have based that on the history that started with Vukovar', was how he later explained this statement.^[11] This is certainly possible: the journalist Chuck Sudetic remarked that as early as 1993 the threatened fall of the enclave awoke fears of 'a second Vukovar'.^[12] Pronk was not the only one here. Around the same time the Serbian President Milosevic predicted to the negotiator Owen that a Bosnian-Serb conquest of Srebrenica would lead to a bloodbath.^[13]

The *Médecins Sans Frontières* representative Eric Dachy also cited Vukovar (where he himself had been) as the guiding framework for predicting the events after the fall of Srebrenica.^[14] In contrast, Eric Stover, currently Director of the Human Rights Center in Berkeley and at the time closely involved in the forensic investigation in Vukovar in his capacity as Executive Director of Physicians for Human Rights, was reluctant to assign a predictive status to Vukovar. For him, just as for Pronk in fact, the report of the presence of Arkan Tigers was seen as an indication of serious human rights violations.^[15]

There were others too who did not automatically assume the worst. UNPROFOR commander Smith in Sarajevo, who during the London Conference on 20 July prompted Voorhoeve's firm statements about genocide, told the NIOD that he had not been so concerned about reports of the separation of men and women. The ABiH did precisely the same thing when they had conquered large villages. At that time he still had no idea about the mass murder.^[16]

The same equivocalness could be heard from those involved in the region itself, for instance with the opinion that the scale of the murders could not be predicted and was thus totally unexpected. Mehmed Suljkanovic, the signals officer of the Second Corps in Tuzla, also stated that no one expected the murders. The same went for the journalists Sefko Hodzic and Isnam Taljic, who were closely involved in Srebrenica and who, in fact, differed in their opinions as to how far the enclave population realized the fate that awaited them.^[17]

It seems that some of these people too had more optimistic expectations then afterwards turned out to be justified. Hatidza Hren, who worked for the International Red Cross in the enclave until the fall and later became the spokeswoman for the Women of Srebrenica, declared that at the time she had expected that ten percent of the men would be killed, 'but not eighty percent!'.^[18]

The most harrowing example of the uncertainty about what the Bosnian Serbs planned is the discussion at the execution site, shortly before the Serbs opened fire, between the survivor Mevludin Oric and his nephew Haris Hasanovic. Oric believed the Bosnian Serbs who told him following his capture that he would be exchanged as a prisoner of war. 'They held hands. "They're going to kill us," Haris said. Mevludin replied: "No, they wouldn't do that" Then the Serbs opened fire, and Haris fell on top of his cousin.'^[19]

It is also notable that the Bosnian government, which on the one hand created a considerable commotion about large-scale murders, still believed for a while that it could negotiate on an exchange

of prisoners of war. Many of those involved simply could not believe that a mass murder with thousands of victims could actually take place. The same applied to many journalists, some of whom would later realize the scale of the murders during further investigations. Elizabeth Neuffer, at the time head of the Europe office of *The Boston Globe*, stated that around 23 July 'we had no indications that anything serious had happened'. The Bosnian government 'was crying wolf, but that was standard'. The accounts of the women were recorded, but: 'We were not alarmed. We thought they were taken as POWs. The real story was the collapse of the safe-area policy'.^[20] And Emma Daly, who was the Balkans correspondent for *The Independent* from February 1994 onwards, later wrote in a self-critical review: 'After the fall of Srebrenica (...) sensible reporters dismissed survivor's testimony as exaggerated – we simply could not believe in state-sanctioned murder on such a scale, so close to home. But a few months later we walked across the killing grounds they had described in such detail, dislodging bones and strips of the pink cloth used to blindfold the victims.'^[21]

It was only in retrospect that many of those involved realized the significance of their observations. In his testimony in the Krstic trial, the Dutchbat soldier Stoelinga, one of the 55 ex-hostages, said with regard to his observations of piles of clothes and a vehicle full of corpses: 'At that time I didn't see the connection. But in retrospect I believe that the corpses on the truck were the people who were forced to remove their clothes.'^[22]

The newspaper that reported on this in 2000 headlined the article with 'Captive Dutchbat soldiers saw signs of genocide'. The use of the term once more demonstrates how, with the passage of time, uncertainty has been transformed into something self-evident. This has been at the expense of the realization that this certainty was far from present in July 1995 – and even for a while after. The morally inspired accusation that this insight was not widely shared has served more to confuse than to clarify the discussion of what happened. As a result, the discussion of how responsibility takes shape during situations of great uncertainty and heavy political implications has never been conducted.

Looking back at Couzy's actions, this is the essential problem. It was defensible that the Army Commander refused to use the term genocide. Couzy did more, however: he linked his refusal to talk about genocide with a public presentation that strongly gave the impression that things were really not that bad. At the very least, however, he had grounds for taking a non-committal attitude.

According to Diane Orenlichter there is a difference between the duty to prevent genocide and waiting for watertight proof.^[23] Due to the uncertain but potentially great risks that occur in situations of possible genocide, in combination with the pressure of time, Paul Williams thus advocated application of the 'precautionary principle', to some extent analogous to the possibility of major environmental disasters in the long term: the principle of 'better safe than sorry'.^[24] Peggy Hicks, who was directly involved in the investigation of the events in Srebrenica and who wrote the internal UNPROFOR report, was of the opinion that even without the mass executions the picture was already serious enough. She agreed that the greatest care should be taken in reporting. A close distinction should be made between different types of information: what was certain, what was speculative, and what required further investigation.^[25]

This approach differs strongly from the categorical statements made by Couzy in Zagreb. One can ask why he did not choose such an approach. Unfamiliarity with humanitarian reporting certainly played a role. At that time military personnel, and not only the Dutch, were generally at a loss with this subject. It was one of the aspects of peacekeeping for which soldiers were hardly prepared: acting more as a policeman than a soldier.

This is not however sufficient to explain Couzy's actions. Everything points to the fact that besides his justifiable hesitation and caution, another motive also played a role. If he had left open the possibility that the events differed fundamentally from the account given during his press conference, he would thus also have called into question the performance of Dutchbat. Couzy found himself in a dilemma in which the image of Dutchbat and of the Royal Netherlands Army ultimately carried more weight than the unpredictable effect of a statement betraying uncertainty about the true nature of the events taking place after the fall of Srebrenica. The responsibility that he shouldered at this time is not diminished by the knowledge, gained later, that the mass murder had for the most part been completed

by 23 July, and indeed even by 17 July.

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- [1] Interview Prof. Diane F. Orentlicher, Director War Crimes Research Office, 06/07/00.
- [2] Branko Madunic and Zeljko Zutelja, 'Tadeusz Mazowiecki', *Globus*, (1995)250(22 September 1995); published in translation on Bosnet/BosNews, 'Mazowiecki: 'Unprotecting the protected...', 17/11/95.
- [3] Interview Diane F. Orentlicher, Director War Crimes Research Office, 06/07/00.
- [4] Alex Alvarez, *Governments, citizens and genocide. A comparative and interdisciplinary approach* (Bloomington and Indianapolis, 2001) p. 33.
- [5] Interview J. Pronk, 03/04/00.
- [6] Chuck Sudetic, *Blood and vengeance*, p. xxxv.
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- [8] Interview Karen Koning Abuzayd, at the time UNHCR Regional Representative Bosnia-Herzegovina, 11/07/00.
- [9] MSF Brussel. Christina [Schmitz] to Stephan [Oberreit], UTC Time 95-07-11 06:51:46.
- [10] MSF Brussel. Logbook Christina Schmitz, notes for 11 July 1995. See also: *Extraits du journal de bord tenu par Christina Schmitz*, <http://www.paris.msf.org/Srebrenica>.
- [11] Interview J. Pronk, 03/04/00.
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- [13] Interview Lord Owen, 27/06/01.
- [14] Interview Eric Dachy, MSF, 17/12/97.
- [15] Interview Eric Stover, Director Human Rights Center, University of California, 12/11/99. Stover wrote the text of the book that was prepared in collaboration with the photographer Gilles Peress: *The Graves. Srebrenica and Vukovar* (Zürich, Berlin, New York 1998).
- [16] Interview R. Smith, 12/01/00.
- [17] Interviews Mehmed Suljkanovic, 18/05/99; Sefko Hodzic, 24/05/99; Isnam Taljic, 18/05/99.
- [18] Interview Hatidza Hren, 18/06/98.
- [19] Interview Mevludin Oric in: Rod Nordland and Stacy Sullivan, 'Death of a village', *Newsweek*, April 15, 1996.
- [20] Interview Elizabeth Neuffer, 15/07/00.
- [21] Emma Daly, 'Reporting from the Front Line', in: Stephen Glover (ed.), *The Penguin Book of Journalism. Secrets of the press* (London 1999) p. 280. Also see the chapter: 'The disclosure of the executions and mass graves'.
- [22] 'Gevangen Dutchbatters zagen sporen genocide' (Captive Dutchbat soldiers saw signs of genocide), *Trouw*, 07/04/00.
- [23] Interview Diane F. Orentlicher, 06/07/00.
- [24] Interview Paul R. Williams, 06/07/00.
- [25] Interview Peggy Hicks, 10/07/00.