

Marija V. Jankovich
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June 18, 2007

VIA CERTIFIED MAIL

Ms. Margot Stern Strom
President
Facing History and Ourselves National Foundation, Inc.
16 Hurd Road
Brookline, MA 02445

Dear Ms. Stern Strom:

We are a group of concerned Serbian-American parents with school-age children and/or soon-to-be school-age children. There are hundreds of thousands and possibly more than a million children of Serbian descent in the United States. As evidenced by this letter, we tend to be very active participants in our communities and very involved in our children's education.

It has come to our attention that you have published at least one textbook referencing the events that occurred in the Balkans in the past two decades. For your convenience, Appendices A and B to this letter provide copies of the relevant pages from your textbook in question ("Textbook"). Although we understand that many Americans are highly misinformed about the complexity of the historical conflicts in the Balkans, we take issue with the fact that your non-profit organization, purporting to be an educational resource with the mission to teach young minds to fight prejudice and generalizations, actually perpetuates misinformation, inaccurate generalizations and prejudices about Serbs. The information relevant to Serbs provided in your Textbook can only be interpreted as either a result of reckless disregard for the truth and historical accuracy or an affirmative step to irreversibly damage the reputation of the Serbian community as a whole, emotionally scar our children and propagate anti-Serbian prejudice in the United States and possibly abroad. The language used in your Textbook is not only factually incorrect, but in the context of recognizing its intended audience, equivalent to stating that Serbs are an inferior, violence-prone race.

First, on page 141 of your Textbook, you state the following:

"In the early 1990s, Serbia's leaders justified a brutal war with talk of the need to build a 'Greater Serbia' through 'ethnic cleansing'".

The above was never a de facto or de jour policy of Serbia. After years of investigation and a number of trials, nothing of this sort was concluded or proven at the Tribunal for Former Yugoslavia in Hague. The war among Serbs, Croats, Bosnian Muslims, Bosnian Serbs, Bosnian

Croats and Albanians was undoubtedly complicated, bloody and spared no one. However, the “Greater Serbia” phrase was coined by the anti-Serbian public relations campaigns financed by radical elements. The fact that the media in the 1990’s failed to properly conduct investigative reporting resulting in organizations such as yours continuing to regurgitate inaccuracies about events that took place in the Balkans gives no foundation for your published accounts of the conflict at issue. A lie repeated a thousand times is still a lie. In fact, we find it enraging that on the issue of “ethnic cleansing” your Textbook fails to mention that the largest ethnic cleansing campaign conducted in Europe since the Second World War was carried out by Croatia in 1995 against Serbs. The code name for this brutal act by Croatia was “Oluja” (or “Operation Storm”) and the ultimate irony is that a significant number of ethnic Serbs expelled from their ancient homes in Croatia in 1995 now live and have school-age children in the United States. Most of them are still being denied the right to return. “Oluja” not only eradicated Croatia of almost all Serbs, Jews, Gypsies and non-Croats, but it also created one of the most ethnically pure states in Europe, made up almost exclusively of Croats (see Appendix F, copy of the indictment against Ante Gotovina, a Croatia general, for crimes against Serbs in Croatia between 1990 and 1995, including murder, persecution, ethnic cleansing and other crimes against humanity). Since your Textbook already addresses the issue of “ethnic cleansing” in the Balkans nothing, and certainly not factual evidence, justifies your glaring omission of the most brutal permanent act of “ethnic cleansing” in the region in the second half of the twentieth century.

Turning now to Bosnia, in the past several years numerous reports have finally emerged in the West evidencing that Al Qaeda initiated and financed the war in Bosnia against Serbs. Testimonials and supporting data are also finally coming to light that significant information reported about the Bosnian conflict was incorrect, grossly skewed, wrongly attributed or inflated to serve interests of specific groups, all at the expense of Serbian people. Frankly, we are tired of doing your homework for you and others like you, such as irresponsible journalists and headline-starved news organizations. However, in an effort to give you some fodder for thought, attached to this letter (Appendices C – E, G) you will find articles addressing certain issues on this subject matter. In the interest of efficiency, only three articles are being submitted concurrently, but we expressly reserve our legal right to substantiate all statements made herein with additional materials.

In addition to the above, your Textbook also contains the following sentence on page 141:

“A prize-winning Yugoslavian novelist Ivo Andric, referred to those Serbs as people ‘who easily make up fables and spread them quickly’. In those fables, ‘reality is strangely and inextricably mixed and interwoven with legend.’”

The aforementioned excerpt is a disturbing attempt to use the works and talent of a Nobel Laureate and a literary genius against his own people. Your foundation claims to have a mission to teach children to fight generalizations and prejudice, and yet you carefully extracted words from a Nobel Prize winning work to achieve exactly the opposite. Not only are the words of Ivo Andric taken out of context, but the sentences were obviously conscientiously construed with intent to trigger a feeling of inferiority among children of Serbian descent and generate a sense of intolerance towards Serbian people among other American school children. Again, keeping in

mind the intended audience of your publication, it is absolutely puzzling to us how the aforementioned made it into your publication. Either everyone in the line of command reviewing your pre-published materials is an anti-Serbian bigot or your publication review process has no legitimacy.

In light of the aforementioned and our unwavering commitment to stop anti-Serbian propaganda, even when it shows up disguised in the form of educational materials, we hereby demand the following:

- a) Immediately cease and desist from further publication of any untrue and unbalanced portrayals of events that took place in the Balkans in recent or ancient history;
- b) Immediately recall all publications containing the cited excerpts and take corrective measures to remedy the effect your Textbook has had on its intended audience;
- c) Immediately remove from circulation and distribution all copies of this Textbook and other publications containing the cited language or other texts to that effect;
- d) Inform us within fifteen (15) business days what steps you have taken to comply within the aforementioned demands.

We trust that you will act expeditiously in response to this letter. Please note that we intend to bring this issue to the attention of school districts where your publication is distributed. As a gesture of goodwill we will take into consideration your swift corrective measures. On the other hand, if our requests are either ignored or unmet, we will evaluate all options available to us under the law.

Respectfully,

Marija Velickovic Jankovich

On behalf of: *[30 Families]*

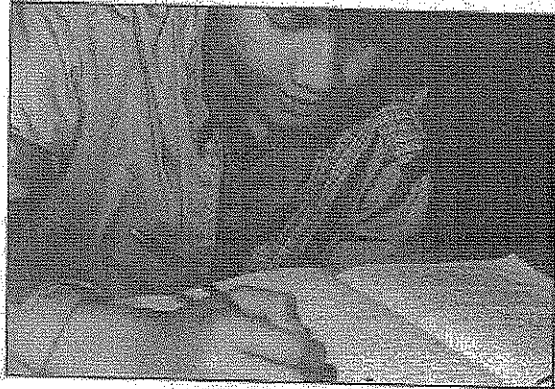
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Kelly Pavich, Executive Director, Serbian Bar Association of America, 260 Maple Street
Beecher, IL 60401.

APPENDIX A



Facing History and Ourselves is a nonprofit foundation with international headquarters in Brookline, Massachusetts, and regional offices in Chicago, Cleveland, Los Angeles, Memphis, New York, the San Francisco Bay Area, and Switzerland. Facing History provides teachers throughout the world with professional development in the form of workshops, institutes, and seminars. Facing History teachers also have access to an assortment of books, periodicals, speakers, videotapes, and online resources. In addition, ongoing research into twentieth-century history and adolescent development has resulted in a number of Facing History publications, many of which are referenced in this resource book and are available from the Facing History resource library or website.

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APPENDIX B

In the early 1990s, Serbia's leaders justified a brutal war with talk of the need to build a "Greater Serbia" through "ethnic cleansing." A prize-winning Yugoslavian novelist, Ivo Andric, referred to those Serbs as people "who easily make up fables and spread them quickly." In those fables, "reality is strangely and inextricably mixed and interwoven with legend." To what other groups today might his remarks also apply? To what other leaders? To what extent do his comments apply to Germans who joined extremist groups in the 1920s? To the leaders of those groups?

Henry Ford of the Ford Motor Company brought the *Protocols of the Elders of Zion* to the United States. Between 1920 and 1927, his newspaper, the *Detroit Independent*, translated the document into English and printed it along with a series of articles accusing the Jews of using communism, banking, unions, gambling, even jazz music to weaken the American people and their culture. The entire series of articles was later published as a book, which sold over a half million copies in the United States and was translated into sixteen languages, including German. Hitler read the book and quoted it often. As a result of a law suit, Ford publicly apologized for spreading a lie. But the damage was already done. How difficult is it to "undo" a lie? Why do some people find it easier to believe an outrageous lie than a simple truth?

✱The documentary *Mein Kampf* uses footage from dozens of different sources to portray Hitler's life and consider the ideas he advocated. Portions of the documentary will be quite useful at various times in a study of the Nazi era. The film is available from the Facing History Resource Center.

Professor Paul Bookbinder maintains that Hitler's views of Jews were not uncommon in the 1920s. Therefore his antisemitic outbursts drew considerable support to the movement. See *Elements of Time*, page 42.

READING 12

Creating the Enemy

In times of stress and uncertainty, it is all too easy to blame them for society's problems. People respond favorably because such attacks tap old prejudices and offer easy answers to complex problems. But was there any truth to the claims Hitler and other antisemites made? Did the Jews control Germany? Historian Donald L. Niewyk studied German census data in search of answers to those questions. He found that Jews

The very intensity with which the Jews were attacked in times of political uncertainty revealed how deep and irrational anti-Semitism was.

Germany in the 1920s 1

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APPENDIX C

THE NEW YORK TIMES
March 15, 2002

The Horrors of the Balkan Wars as Shrewdly Staged Illusions

By STEPHEN HOLDEN

One of the many unsettling contentions of George Bogdanich's documentary film, "Yugoslavia, the Avoidable War," is its assertion that many of the most horrendous events in the recent Balkan wars were stage-managed for the news media. A number of the massacres and atrocities reported on television with bodies on display, it maintains, were shrewdly planned illusions concocted by the Bosnian Muslims to inflame international opinion against the Serbs. The city of Sarajevo in particular served more than once as an accessible location for deceptive television coverage.

Although it would be inaccurate to label this documentary pro-Serbian, the film, which opens today at the Two Boots Pioneer Theater, methodically sets out to demolish much of the conventional wisdom about who did what to whom and who was to blame. It insists that a regional civil war that could have been settled without prolonged bloodshed was turned into a major conflagration by outside interference and national self-interest.

As the United States government has tacitly acknowledged by keeping the press at bay in Afghanistan, public relations and the ability to get your version of events across is almost as important as weaponry in modern warfare. The version of a war that is reported on television becomes the official version that in turn motivates crucial political decisions.

The film asserts that partly because of American television's need for clear-cut heroes and villains, a scenario of good guys (the oppressed Bosnian Muslims) versus bad (the evil, barbaric Serbs) came to dominate mainstream news coverage of the war. After one reporter heard a Serbian use the words "ethnic cleansing," for instance, the term, with its repugnant genocidal associations, was seized on by the Clinton administration as a buzzword and used to bash the Serbs, when in fact all sides were equally intent on "cleansing" their territories of undesirables.

This heroes-and-villains mentality, the film contends, also served American interests by giving the United States an excuse to preserve and strengthen NATO in the post-Communist era when its relevance had become debatable.

It allowed us to keep our power base in Europe. The film bluntly calls "an occupying force" the NATO forces (led by the United States) that remain in Kosovo, Bosnia and Macedonia without an official date for withdrawing, and it goes so far as to accuse that 19-nation army of conspiring to commit war crimes.

Almost anything we thought we knew about the Balkan wars is thrown into question by the film. Did a highly publicized civilian massacre of Bosnian Muslims by Serbs in Kosovo that prompted NATO to intensify the bombing of Yugoslavia really take place? Or did

Bosnian Muslims transport the bodies of dead soldiers (not civilians) overnight to the site and then cry massacre?

And what about the numbers? Subsequent investigations, the movie claims, have shown that the tally of casualties at the hands of Serbs, including the supposed mass rapes of Bosnian women, was outrageously inflated.

Whether or not you're convinced by the film's assertions, many of which are based on information provided by the Red Cross, Amnesty International, Human Rights Watch and other organizations that investigated reported events after the fact, "Yugoslavia, the Avoidable War" does an impressive job of relating the complicated history of the war and of filling in the background. Some of that background has been overshadowed by the designation of the Serbs as the villains. The Croats, it reminds us, collaborated closely with the Nazis during World War II in the slaughter of 750,000 Serbs, Jews and Gypsies in their territory.

As for the Bosnian Muslims, the film says there is ample evidence documenting Bosnians' alliance with Osama bin Laden's Al Qaeda network.

Mr. bin Laden was a regular visitor to the office of Bosnia's president Alija Izetbegovic in early 1993, a time when the United States was lauding his commitment to moderation and multiethnic cooperation.

As the meticulously chronological account of the Balkan wars unfolds event by event, failed peace initiative by failed peace initiative, "Yugoslavia, the Avoidable War" leads you to a no man's land of doubt.

The truth, of course, was never as black-and-white as it is has been painted for us. It rarely is.

YUGOSLAVIA, THE AVOIDABLE WAR

Directed by George Bogdanich; directors of photography, Michael Moser, Vladimir Bibic, Dragan Milinkovic, David Hansen, Joe Friendly and Predrag Bambic; edited by Mary Patierno; title song, "Road to Hell," by Chris Rea; produced by Mr. Bogdanich and Martin Lettmayer; released by Hargrove Entertainment.

WITH: Sanya Popovic (Narrator) and Lord Peter Carrington, James Baker, Lawrence Eagleburger, Hans Dietrich Genscher, Nora Beloff, Susan Woodward and Ted Galen Carpenter.

APPENDIX D

THE NEW AMERICAN
December 30, 2002

9-11: The Balkans & Prior Warning

Saudi nationals Tareq and Yaser al-Jahini are among the 345 people sought by the FBI in connection with Black Tuesday. According to the November 11th Portland Oregonian, Tareq came under FBI scrutiny more than three years before the 9-11 atrocity. At the time, he was studying aircraft maintenance at Portland Community College, with the supposed objective of becoming a mechanic at Saudi Arabian Airlines. "But as FBI agents traced his movements they found some connections that suggested other possible motives for his interest in aviation," notes the paper.

Tareq's brother Yaser was among the Muslim mujahedin fighters who "visited Bosnia in the early 1990s to help local Muslims wage war on the Serbs," continues the Oregonian. "The government also thinks he told a known al-Qaeda operative he would identify potential terrorism targets while in the Southwest...." Tareq was also connected to people accused of terrorist acts in the Middle East. In a memo written in early 2001, Phoenix FBI counter-terrorism agent Kenneth Williams connected the al-Jahini brothers with "nine other instances of Middle Eastern students enrolled in aviation courses" in America. One Muslim aviation security student "had tried to enter a commercial airline cockpit in 1999, later saying he thought it was a bathroom," relates the paper.

According to an intelligence summary prepared by congressional researcher Eleanor Hill, Agent Williams concluded that "Islamic extremists, studying everything from aviation security to flying, could be learning how to hijack or destroy aircraft and to evade airport security." His detailed warnings, tragically, were ignored.

FBI agents in Pakistan are pulling on another Balkans-connected al-Qaeda thread trying to locate Osama bin Laden. Dr. Amer Aziz, a British-educated Pakistani physician, "was abducted by Pakistani intelligence agents near his home and handed over to U.S. interrogators seeking information on surviving 'inner circle' members of the terrorist network's command structure," reported the November 15th Herald of London. Dr. Aziz is believed to be the physician who treated bin Laden's kidney ailment two years ago, and the FBI suspects he treated the terrorist for bomb splinters after he fled from Afghanistan last December.

During the mid-1990s, reports the Herald, Dr. Aziz "volunteered to help Muslims in Kosovo," where the bin Laden-supported narco-Marxist Kosovo Liberation Army was seeking to tear away that Serbian province as part of a scheme to create a "Greater Albania." With the help of the UN, NATO, and the Clinton administration, bin Laden's Balkan allies now control both Kosovo and large parts of Bosnia - a handy platform for launching terrorist assaults on Europe.

APPENDIX E

THE BOSTON HERALD
Tuesday, February 26, 2002

Is 2 million expelled Serbs enough for "ethnic cleansing"?

by Don Feder

2 million Serbs were expelled from Bosnia, Croatia and Kosovo, and 240 of their churches were destroyed. When this happens to anyone else, it's called ethnic cleansing and cultural genocide.

As the war in Afghanistan goes on, the ghost of interventions past sits in a courtroom in The Hague.

America can drop tons of explosives and send in the Marines to fight Taliban terrorism. But when the Serbs confronted a similar menace, they were demonized and bombed for 78 days, and had a province wrested from them and presented to Osama bin Laden's Balkan brigade.

Slobodan Milosevic has been charged with complicity to commit genocide and crimes against humanity. Before the travesty is over, he will doubtless be convicted of running the rail line to Auschwitz.

The former Yugoslav president is a thug whose brutality played into the terrorists' hands. Even so, the trial of Milosevic before a U.N. tribunal is intended to justify our Balkans blunder and discourage serious consideration of its consequences.

If what happened to Kosovo Albanians and Bosnian Moslems was genocide, what of the treatment of Orthodox Serbs? After NATO's air war, 200,000 were driven from Kosovo. Most who remain cower behind barbed-wire barricades in Mitrovica.

Altogether, 2 million Serbs were expelled from Bosnia, Croatia and Kosovo, and 240 of their churches were destroyed. When this happens to anyone else, it's called ethnic cleansing and cultural genocide.

The tragedy has its roots in the early 1990s, when the West decided Bosnians and Croatians were entitled to their own states. Fine, said Belgrade, but why should 2 million Serbs living there be forcibly expatriated? Who would protect their rights - the Bosnian Muslims who committed genocide against Serbs in World War II?

When local Serbs tried to secede from the secessionist states, they were reviled as racists who hated all non-Serbs and lived to rape and plunder.

After Bosnia and Croatia came Kosovo. Albanian Muslims became a majority in Serbia's ancient heartland through illegal immigration. They started when the Kosovo Liberation Army (on the State Department's terrorist list as late as 1998) began murdering Serb policemen.

Milosevic overreacted. At Rambouillet, then-President Clinton and Secretary of State Madeleine Albright gave him an ultimatum (surrender of sovereignty over all of Yugoslavia) no self-respecting nation could accept. After the Gulf War, Washington was determined to prove its human-rights commitment by coming to the aid of persecuted Muslims. The result was the creation of a second de facto Islamic republic in Europe.

In October, NATO's secretary general, Lord Robertson, warned that the Balkans must not become another "black hole" of terrorism, like Afghanistan. He was referring to the operations of our erstwhile allies.

On Oct. 3, the Los Angeles Times reported, "Hundreds of foreign Islamic extremists who became Bosnian citizens after battling Serbian and Croatian forces present a potential security threat to Europe and the United States."

Bin Laden, who's been heavily involved in the region since 1992, was reportedly presented with a Bosnian passport for services rendered. The same international legion that's fighting with the Taliban earlier served the Islamic cause in Bosnia and Kosovo.

In his Islamic Declaration, former Bosnian President Alija Izetbegovic (celebrated in the West as a multiculturalist) proclaimed, "There can be no peace or coexistence between the Islamic faith and non-Islamic societies and political institutions."

The Kosovo "freedom fighters" (as Sen. Joe Lieberman once called them) are equally grateful for Western support. In one of the al-Qaida camps overrun in Afghanistan, Americans found an entry application from a Kosovo Albanian that read, "I have Kosovo Liberation Army combat experience against Serb forces. ... I recommend suicide operations against parks like Disney."

After the subjugation of Kosovo, Muslims moved on Macedonia. Despite a NATO-brokered cease-fire, on Nov. 11 terrorists killed three Macedonian policemen who were trying to guard a mass grave said to hold the remains of civilians killed by the guerrillas.

Is the Albanian area of Macedonia destined to become Europe's third Islamic republic?

The circus surrounding Milosevic's trial is meant to distract us from the reality of our Balkans misadventure - when we went to war not against terrorism, but in its behalf.

APPENDIX F

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO: IT-01-45-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

ANTE GOTOVINA

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

ANTE GOTOVINA

with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

THE ACCUSED

Ante GOTOVINA

1. **Ante GOTOVINA** was born on 12 October 1955 on the island of Pasma within the Municipality of Zadar in the Republic of Croatia, the then Socialist Federal Republic of Yugoslavia.
2. **Ante GOTOVINA** is a professional soldier, who was a former French Legionnaire. After his return to Croatia in 1990, he was appointed Commander of the 1st Guards Brigade. From February to April 1992, he was Deputy to the Commander of the Special Unit of the Main Staff of the Croatian army, the Hrvatska Vojska (hereinafter referred to as HV), and from April to October 1992, he was assigned to the Croatian Defence Council, the Hrvatsko Vijeće Obrane (hereinafter referred to as HVO).
3. On 9 October 1992, **Ante GOTOVINA**, holding the rank of Brigadier, was appointed Commander of the Split Military District, which command he held until March 1996. The Split Military District was part of the Krajina region and included the Municipalities of Benkovac, Donji Lapac, Drnis, Gracac, Knin, Korenica, Obrovac, Sibenik, Sinj and Zadar. The Split Military District was located within the former United Nations Protected Area (UNPA) Sector South. By November 1994, he had been promoted to the rank of Major General. On either 4 or 5 August 1995, he was promoted to the rank of Colonel General.
4. On 4 August 1995 Croatia launched a military offensive known as "Oluja" or "Storm", with the objective of re-taking the Krajina region. Although the Croatian government announced on 7 August 1995 that the Operation was successfully completed, aspects of the Operation continued until about 15 November 1995. **Ante GOTOVINA** was overall operations commander of that part of Operation Storm which took place in UNPA Sector South. As such, and as Commander

of the Split Military District, **Ante GOTOVINA** exercised *de jure* and *de facto* command and control over all Croatian forces between 4 August 1995 and 15 November 1995 (in this indictment every reference to Croatian forces includes the HV, the Croatian airforce or Hrvatsko Ratno Zrakoplovstvo also known as HRZ, the Special Police and Military Police of the Republic of Croatia, which were involved in Operation Storm in UNPA Sector South).

5. **Ante GOTOVINA** established his headquarters in Knin, which was the capital of the Krajina region, following its capture.

6. On 12 March 1996, **Ante GOTOVINA** was appointed Chief of the HV Inspectorate by the President of Croatia Franjo Tudjman. On 29 September 2000, he was dismissed from the military by Stipe Mesic, President of the Republic of Croatia.

INDIVIDUAL CRIMINAL RESPONSIBILITY

7. **Ante GOTOVINA** was the overall Commander of the "Oluja" offensive in UNPA Sector South and Commander of the Split Military District at all times relevant to this indictment. In this capacity, he was in overall charge and in command and control of the Croatian forces which were involved in the Operation. His duties and responsibilities were, *inter-alia*, appointing and relieving commanders, deploying the forces and artillery under his command and issuing orders to those forces. **Ante GOTOVINA** also had a duty to restore and ensure public order and safety.

8. **Ante GOTOVINA** exercised his command and control in military matters by, *inter alia*, organising the Croatian forces deployed in the former United Nations Protected Area Sector South during the "Oluja" offensive, appointing and relieving Commanders, deploying those forces under his command, issuing orders to those forces and negotiating and attending meetings with members of the international community, including United Nations personnel.

9. At all times relevant to this indictment, as Commander, **Ante GOTOVINA** had reason to know that subordinates under his control were committing serious violations of international humanitarian law. Further, he was informed of such acts by representatives of international organisations. By virtue of his *de jure* and *de facto* position and authority, **Ante GOTOVINA** had the power, authority and responsibility to prevent or punish serious violations of international humanitarian law committed by Croatian forces during and after the "Oluja" offensive. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent such serious violations of international humanitarian law or to punish the perpetrators thereof.

GENERAL ALLEGATIONS

10. At all times relevant to this indictment, a state of armed conflict existed in the Krajina region of the Republic of Croatia in the territory of the former Yugoslavia.

11. At all times relevant to this indictment, the accused **Ante GOTOVINA** was required to abide by the laws and customs governing the conduct of war, including Common Article 3 of the Geneva Conventions of 1949.

12. These alleged acts or omissions, constituting Crimes against Humanity, which are crimes punishable by Article 5 of the Statute of the Tribunal, were part of a widespread and systematic attack directed against a civilian population.

13. Between 17 July 1995 and 15 November 1995, **Ante GOTOVINA**, acting individually and/or in concert with others, including President Franjo Tudjman, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the crimes charged below in the course of, and after, the "Oluja" offensive. **Ante GOTOVINA** is individually responsible for the crimes alleged against him in this indictment pursuant to the provisions of Article 7(1) of the Statute of the Tribunal. Individual criminal responsibility includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Statute.

14. **Ante GOTOVINA**, while holding a position of superior authority as set out in the foregoing paragraphs, is also, or in the alternative, criminally responsible as commander for the acts of his subordinates pursuant to the provisions of Article 7(3) of the Statute of the Tribunal whereby a superior is responsible for the acts of his subordinates if he knew or had reason to know that his subordinates were about to commit such acts or had done so, and the superior failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

15. The general allegations contained in paragraphs 10 to 14 are re-alleged and incorporated into each of the related charges which are set out below.

CHARGES

COUNT 1 (PERSECUTIONS)

16. Between 4 August 1995 and 15 November 1995, large numbers of Krajina Serbs fled or were forced to flee to Bosnia Herzegovina and Serbia. Some who did not flee because of sickness, infirmity or age were systematically harassed, and/or unlawfully killed. The property of Krajina Serbs was plundered. **Ante GOTOVINA** acting individually and/or in concert with others, including President Franjo Tudjman, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions of the Krajina Serb population.

The crime of persecution was perpetrated through the following:

Killing

17. Between 4 August 1995 and 15 November 1995, Croatian forces committed numerous violations of international humanitarian law, including the unlawful killing of at least 150 Krajina Serbs and the disappearance of many hundreds of others. Listed in the First Schedule attached hereto are some specific instances of such unlawful killings.

Plunder of Public or Private Property

18. Between 4 August 1995 and 15 November 1995, Croatian forces plundered public or private property, including homes, outbuildings, barns and livestock of the Krajina Serbs. Listed in the

Second Schedule attached hereto are some specific instances of such plunder of public or private property.

Destruction of Property

19. Between 4 August 1995 and 15 November 1995, Croatian forces set fire to and otherwise wantonly destroyed villages, homes, outbuildings, barns and livestock of the Krajina Serbs who fled as well as of those who stayed behind. Listed in the Second Schedule attached hereto are specific instances of such destruction.

Deportation / Forced Displacement

20. Between 4 August 1995 and 15 November 1995, those who remained in, or returned to, their homes in the weeks after the offensive were ultimately forced to flee the area as a result of continued killing, arson, looting, harassment, terror and threats of physical harm to person and property committed by Croatian forces. The cumulative effect of these unlawful acts was a large-scale deportation and/or displacement of an estimated 150,000 - 200,000 Krajina Serbs to Bosnia Herzegovina and Serbia.

Other Inhumane Acts

21. Between 4 August 1995 and 15 November 1995, Krajina Serbs were also subjected to inhumane treatment, constant humiliation and degradation by Croatian forces.

22. The persecutions of Krajina Serbs was on such a large scale that the Serb population was drastically reduced in the Municipalities of Benkovac, Donji Lapac, Drnis, Gracac, Knin, Korenica, Obrovac, Sibenik, Sinj and Zadar.

23. Alternatively, **Ante GOTOVINA** knew or had reason to know that Croatian forces under his command, direction and/or control, or subordinated to him, were committing the acts described in paragraphs 17 through 22 above, or had done so, having been informed as such by representatives of the international community. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators thereof.

By these acts and omissions, **Ante GOTOVINA** did commit,

Count 1: a CRIME AGAINST HUMANITY, namely, Persecutions on political, racial and religious grounds, punishable under Article 5 (h) read with Articles 7 (1) and 7 (3) of the Statute of the Tribunal.

COUNTS 2 AND 3 (MURDER)

24. Between 4 August 1995 and 15 November 1995, Croatian forces unlawfully killed at least 150 Krajina Serbs by shooting, burning and stabbing them.

Listed in the First Schedule attached hereto are specific instances of such unlawful killings.

25. Between 4 August 1995 and 15 November 1995, **Ante GOTOVINA** knew or had reason to know that Croatian forces under his command, direction and/or control, or subordinated to him, were committing the acts described in paragraph 24 above, or had done so, having been informed as such by representatives of the international community. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators thereof.

By these acts and omissions, **Ante GOTOVINA** did commit:

Count 2: a **CRIME AGAINST HUMANITY**, namely Murder, punishable under Article 5 (a) read with Article 7 (3) of the Statute of the Tribunal.

Count 3: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, namely Murder, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Article 3 read with Article 7 (3) of the Statute of the Tribunal.

COUNT 4 (PLUNDER OF PROPERTY)

26. Between 5 August 1995 and 15 November 1995, Croatian forces forcibly removed property including livestock from the homes, outbuildings, and barns of the Krajina Serbs who fled as well as those who stayed behind. **Ante GOTOVINA** acting individually and/or in concert with others, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of these acts of plunder of public or private property.

Listed in the Second Schedule attached hereto are specific incidents of such plunder of public or private property.

27. Alternatively, **Ante GOTOVINA** knew or had reason to know that Croatian forces under his command, direction and/or control, or subordinated to him, were committing the acts described in paragraph 26 above, or had done so, having been informed as such by representatives of the international community. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators thereof.

By these acts and omissions, **Ante GOTOVINA** did commit:

Count 4: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, namely Plunder of public or private property, punishable under Article 3 (e) read with Articles 7 (1) and 7 (3) of the Statute of the Tribunal.

COUNT 5 (WANTON DESTRUCTION OF CITIES, TOWNS OR VILLAGES)

28. Between 5 August 1995 and 15 November 1995, Croatian forces set fire to and wantonly destroyed villages, homes, outbuildings, barns and livestock of the Krajina Serbs who fled as well as those who stayed behind. **Ante GOTOVINA** acting individually and/or in concert with others, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of these acts of wanton destruction of cities, towns or villages.

Listed in the Second Schedule attached hereto are specific incidents of such wanton destruction.

29. Alternatively, **Ante GOTOVINA** knew or had reason to know that Croatian forces under his command, direction and/or control, or subordinated to him, were committing the acts described in paragraph 28 above, or had done so, having been informed as such by representatives of the international community. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators thereof.

By these acts and omissions, **Ante GOTOVINA** did commit:

Count 5: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, namely, Wanton destruction of cities, towns or village, punishable under Article 3 (b) read with Articles 7 (1) and 7 (3) of the Statute of the Tribunal.

**COUNTS 6 AND 7
(DEPORTATION AND FORCED DISPLACEMENT)**

30. Between 5 August 1995 and 15 November 1995, Croatian forces committed numerous acts of killing, arson, looting, harassment, terror and threat of physical harm to person and property. By these acts, Croatian forces intimidated and coerced Krajina Serbs into leaving their villages, hamlets and homes. **Ante GOTOVINA** acting individually and/or in concert with others, including President Franjo Tudjman, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the deportation and forced displacement of the Krajina Serb population.

31. These crimes continued on a large scale for at least three months after the area had been secured by the Croatian authorities, and included the unlawful killing of Krajina Serbs who did not flee; the burning and destruction of Serb villages and property including homes, outbuildings, barns and livestock, and the looting of property. The cumulative effect of these acts by Croatian forces led to the large-scale displacement of an estimated 150,000 - 200,000 Krajina Serbs to Bosnia Herzegovina and Serbia.

32. The forced displacement of Krajina Serbs has drastically reduced the Serb civilian population in the Municipalities of Benkovac, Donji Lapac, Drnis, Gracac, Knin, Korenica, Obrovac, Sibenik, Sinj and Zadar. Measures were also introduced to ensure that those who fled could not, or would not, return.

33. Alternatively, **Ante GOTOVINA** knew or had reason to know that Croatian forces under his command, direction and/or control, or subordinated to him, were committing the acts described in paragraphs 30 through 32 above, or had done so, having been informed as such by representatives of the international community. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators thereof.

By these acts and omissions, **Ante GOTOVINA** did commit,

Count 6: a CRIME AGAINST HUMANITY, namely, Deportation, punishable under Article 5 (d) read with Articles 7 (1) and 7 (3) of the Statute of the Tribunal.

Count 7: a **CRIME AGAINST HUMANITY**, namely, Other Inhumane Acts (forced displacement), punishable under Article 5 (i) read with Articles 7 (1) and 7 (3) of the Statute of the Tribunal.

**COUNT 8
(OTHER INHUMANE ACTS)**

34. Between 5 August 1995 and 15 November 1995, Croatian forces subjected the Krajina Serbs to inhumane treatment, humiliation and degradation by beating and assaulting them.

35. Between 5 August 1995 and 15 November 1995, **Ante GOTOVINA** knew or had reason to know that Croatian forces under his command, direction and/or control, or subordinated to him, were committing the acts described in paragraph 34 above, or had done so, having been informed as such by representatives of the international community. **Ante GOTOVINA** failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators thereof.

Count 8: a **CRIME AGAINST HUMANITY**, namely, Other Inhumane Acts, punishable under Article 5 (i) read with Article 7 (3) of the Statute of the Tribunal.

ADDITIONAL FACTS

36. Croatia declared its independence on 25 June 1991, by which time an armed conflict had erupted between Croatian Serbs and Croatian forces. In September 1991, the Croatian Government stated that the Croatian Serbs and the Yugoslav People's Army (JNA) controlled approximately one-third of the territory of Croatia.

37. On 19 December 1991, the Assembly of the Serbian Autonomous Region of Krajina, together with Serbs from other parts of Croatia, officially declared independence from Croatia and formed a new entity named the Republika Srpska Krajina, or the Republic of Serbian Krajina (RSK). The RSK had its own military force, the Srpska Vojska Krajine (the Serbian Army of Krajina or SVK).

38. The Krajina region, comprising the former United Nations Protected Areas Sector South and Sector North was situated within the RSK and included, but was not limited to, the municipalities of Benkovac, Donji Lapac, Drnis, Gracac, Knin, Korenica, Obrovac, Sibenik, Sinj, and Zadar.

39. In February 1992 in accordance with the Vance Plan, the United Nations Security Council established under its authority a United Nations Protection Force (hereinafter referred to as UNPROFOR) that was to be deployed in the United Nations Protected Areas (hereinafter referred to as UNPAs) in Croatia. The UNPAs were areas in Croatia where Serbs constituted the majority or a substantial minority of the population and where inter-communal tensions had already led to armed conflict. There were four UNPAs, known as Sectors North, South, East and West.

40. By 1992, the Croatian army was formulating plans for the forcible retaking of the territory of the RSK, or Krajina region. In 1992, 1993 and 1995, Croatian forces launched several military operations against the RSK with this ultimate objective.

41. These operations were launched into the UNPAs or adjacent "pink zones" in the Miljevacki Plateau in June 1992, the area of the Maslenica bridge in northern Dalmatia in January 1993, the Medak Pocket in September 1993, "Bljesak" or Operation Flash in Western Slavonia in May 1995 and "Oluja" or Operation Storm in August 1995.

42. On 4 August 1995, the Croatian forces launched the military offensive codenamed "Oluja" or Storm to retake the Krajina region, which had been held by Krajina Serbs since 1991. The "Oluja" offensive resulted in the displacement of an estimated 150,000 - 200,000 Krajina Serbs, who fled or were forced to flee, during, and in the aftermath, of the said offensive.

43. The "Oluja" offensive launched by Croatian forces numbering about 150,000 troops was conducted in the area of the former UN Sectors North and South, covering an area approximately 10,500 square kilometers. In this offensive, Serb populated towns and villages in the Krajina region were subjected to heavy artillery shelling by the HV supported by aircraft belonging to the Croatian air force (Hrvatsko Ratno Zrakoplovstvo, also referred to as HRZ).

44. On 4 and 5 August 1995, Croatian forces directed a massive artillery assault on Knin. Artillery fire was also directed on civilian targets in the towns of Benkovac, Obrovac, Drnis, Vrginmost, Vojnic, Glina, Petrinja and many villages in the Krajina region.

Carla Del Ponte
Prosecutor

Dated this 21st day of May 2001
The Hague
The Netherlands

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO: IT-01-45-I

FIRST SCHEDULE TO THE INDICTMENT
Counts 2 and 3

VILLAGE/HAMLET	DATE	VICTIMS NAME	SEX	AGE	MANNER OF DEATH
Benkovac Municipality					
1. Kakma	9 Aug 95	Unidentified	M		Gunshot

2. Brgud	12 Sep 95	Milica Graovac	F		Gunshot
		FNU Graovac	F		Gunshot
Gracac Municipality					
3. Palanka	8 Aug 95	Dusan Brkic	M	69	Gunshot
4. Gudura	29 Sep 95	Milan Marcetic	M		Gunshot
		Dusan Suica	M		Gunshot
Knin Municipality					
5. Duric	4 Aug 95	Sava Duric	M		Gunshot
6. Knin Town	5 Aug 95	16 unidentified persons			Gunshot
7. Vrbnik	5 Aug 95	Dusko Vukadin	M	55	Tortured & Gunshot
8. Atlagic Bridge	5 Aug 95	Zivko Stojakov	M		Gunshot
9. Kovacic	5 Aug 95	Nikola Dragicevic	M	60	Gunshot
		Mile Dragicevic	M	62	Gunshot
		Svao Ceko	M		Gunshot
10. Sarena Jezera	5 Aug 95	Milos Borjan	M		Gunshot

		unidentified	M		Gunshot
		unidentified	M		Gunshot
		unidentified	M		Gunshot
		unidentified	M		Gunshot
		unidentified	M		Gunshot
11. Biskupija/Civljane	5 Aug 95	five RSK soldiers			Gunshot
12. Golubic	5/6 Aug 95	Branko Radinovic	M	70	Gunshot
		Nikica Radosko	M	60	Gunshot
		Masa Radosko	F	55	Gunshot
		Vaso Vacic	M	77	Gunshot
		Nikica Panica	M	60	Gunshot
13. Zagrovic	5/12 August 95	Milka Petko	F	70	Gunshot
		Ilija Petko	M	45	Gunshot
		Dmitar Rasuo	M	81	Gunshot
		Duro Rasuo	M	40	Gunshot
		Unidentified			Gunshot

14. Uzdolje	6 Aug 95	Sava Sare	F		Burnt
15. Uzdolje	6/7 Aug 95	Milica Sare	F		Gunshot
		Stevo Beric	M	62	Gunshot
		Janja Beric	F	62	Gunshot
		Bosiljka Beric	F		Gunshot
		Mirjana Beric	F		Gunshot
		Djuka Beric	F	75	Gunshot
		Krsta Sare	F		Gunshot
16. Mokro Polje	7 Aug 95	Stana Popovic	F		Gunshot
		Mirko Popovic	M		Gunshot
17. Mizdrakovac	8 Aug 95	Jovanka Mizdrak	F		Gunshot
18. Kakanj	10/18 Aug 95	Danica Saric	F		No Detail
		Uros Saric	M		Gunshot
		Uros Ognjenovic	M		Gunshot
19. Knin Town	11 Aug 95	Ilija Milivojevic	M		Gunshot

		Mile Milivojevic	M		Gunshot
20. Orlic	13 Aug 95	Tode Maric	M		Gunshot
21. Oton	18 Aug 95	Marta Vujonic	F	85	Gunshot
22. Grubori	25 Aug 95	Milos Grubor	M	80	Gunshot
		Jovo Grubor	M	65	Gunshot/Throat Cut
		Marija Grubor	F	90	Burnt
		Mika Grubor	F	51	Gunshot
		Duro Karanovic	M	45	Beaten/Gunshot
23. Gosic	27 Aug 95	Dusan Borak	M	55	Gunshot
		Gordana Borak	F	72	Gunshot
		Kosa Borak	F	69	Gunshot
		Marija Borak	F	83	Gunshot
		Milka Borak	F	76	Gunshot
		Savo Borak	M	70	Gunshot
		Vasilj	M	69	Gunshot

		Borak			
		Gojko Lezajic	M	65	Gunshot
24. Mala Polaca	29 Aug 95	Mika Crnogorac	M		No Detail
25. Morko Polje	4 Sep 95	Sava Babic	F	82	Gunshot
26. Varivode	28 Sep 95	Spiro Beric	M	55	Gunshot
		Jovan Beric	M	75	Gunshot
		Jovo Beric	M	60	Gunshot
		Marko Beric	M	80	Gunshot
		Milka Beric	F	71	Gunshot
		Marija Beric	F	69	Gunshot
		Radivoj Beric	M	69	Gunshot
		Mirko Beric	M		Gunshot
		Dusan Dukic	M		Gunshot
Korenica Municipality					
27. Komic	12 Aug 95	Petar-Pejo Lavrnjic	M	62	Gunshot
		Sava Lavrnjic	F	92	Gunshot

		Rade Mirkovic	M		Gunshot
		Mika Pavlica	F	91	Gunshot
		Mara Ugarkovic	F	74	Gunshot
28. Poljice	12 Aug 95	Rade Sunjako	M		No Detail

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO: IT-01-45-I

SECOND SCHEDULE TO THE INDICTMENT

Counts 4 and 5

Acts of partial or total Plunder and/or Destruction of Property Committed Between 4 August and 15 November 1995.

Benkovac Municipality

Approximately 1300 dwellings in 14 villages and hamlets

Donji Lapac Municipality

Approximately 600 dwellings in 37 villages and hamlets

Drnis Municipality

Approximately 750 dwellings in 29 villages and hamlets

Gracac Municipality

Approximately 700 dwellings in 40 villages and hamlets

Knin Municipality

Approximately 3000 dwellings in 83 villages and hamlets

Korenica Municipality

Approximately 4700 dwellings in 52 villages and hamlets

Obrovac Municipality

Approximately 200 dwellings in 7 villages and hamlets

Sibenik Municipality

Approximately 250 dwellings in 8 villages and hamlets

Sinj Municipality

Approximately 600 dwellings in 14 villages and hamlets

Zadar Municipality

Approximately 130 dwellings in 3 villages and hamlets

APPENDIX G

The Hague, 13 April 2007

CT/MOW/1155e

Ivica Rajić, former unit commander of the Bosnian **Croat** Army, was transferred today to Spain to serve his 12 year prison sentence.

Rajić pleaded guilty to charges for his involvement in the October 1993 attack on the central Bosnian village of Stupni Do, near the town of Vareš. **He commanded the attack which resulted in the murder of 31 Bosnian Muslim civilians**, including women, elderly and children, as well as the destruction of the village.

On 23 October 1993, the head of the HVO Main Staff ordered Ivica Rajić "to sort out the situation in Vareš showing no mercy towards anyone". On the same day, Ivica Rajić ordered HVO forces under his command to round up military-aged Muslim men in Vareš town and to detain them. As a result, based on Ivica Rajić's order, HVO forces rounded up more than two hundred and fifty Bosnian Muslim men and detained them in two schools, the "Ivan Goran Kovačić" and "Vladimir Nazor" schools. During the process of rounding up these men, the HVO commanders and soldiers entered houses, abused their inhabitants and robbed them of their valuables. HVO soldiers also beat and abused male Bosnian Muslim detainees.

On the same day the forces under Rajić's control attacked the village of Stupni Do and wilfully killed at least 31 Bosnian Muslim civilians. During the attack on Stupni Do, one group of Bosnian Muslims, including two women and three children, who tried to flee from the attack on the village were murdered in front of their house. Two elderly women, one of whom was an invalid, were found burned inside a house and seven members of the same family, two men, three women and two children aged two and three years old, were found burned inside their shelter.

Twelve years later, on 26 October 2005, Ivica Rajić pleaded guilty to these charges. During his sentencing hearing in April 2006, Rajić stated "I should like to apologise to the families of the people who have suffered, expressing my full sympathies and my regrets for the loss of their nearest and dearest. (.) All those victims deserve the truth and justice, and my cooperation with the Prosecution is a contribution to the establishment of the truth and the acceptance of my responsibility."

The Trial Chamber took Rajić's statement into consideration among other factors and sentenced him to 12 years' imprisonment. Neither the prosecution nor the defence appealed the sentence as it was in the suggested range.