

Statement: For Christopher Y. Meek, J.D. and John R. Ostojic, J.D., Esqs.  
 Subject: Concerning the San Antonio Report and Excavations at Lazete2 and Pilica (Branjevo) Farms, Bosnia-Herzegovina, August to September 1996.

From C. E. Moore II, Ph.D., D-ABFA

# 1. Background:

In the Summer of 1996, I was invited by Robert Kirschner, M.D., Director of the International Forensic Program for the Physicians for Human Rights (PHR) to provide assistance to the International Criminal Tribunal—Yugoslavia (ICTY) in the excavation of mass graves purportedly containing the casualties from the fall of Srebrenica Moslem Garrison. From Mid-August to Mid-September 1996 I participated and provided assistance in the excavation of Lazete2 and the first half of the Pilica or Branjevo Farms excavation (approximately six weeks of which four days were used in the beginning for in-processing and three days out-processing at Zagreb, Croatia), to the joint ICTY/PHR Forensic Team.

The joint ICTY/PHR Forensic team composed of two components: The field team and the morgue team that was based in an abandoned textile factory in Kalesija Town. Dr. Kirschner assigned me to assist the field team in their excavation of Lazete2. At no time during the in-processing did I receive a "newcomers" brief or a brief outlining the responsibilities of the ICTY or the PHR, to wit: what is the mission objective?; what I was going to do?; what was expected of me?; who is responsible for what?; who is in the chain of command or who is in charge?, of what?; what reports, if any would I write?; what protocols are being used?, for the field?, for the laboratory?. Much of this information I found out on my own after going to the field.

My first week in the field I was based at Kalesija Town where the joint team was quartered in the homes of several townspeople. I worked at the Kalesija morgue my first day and following this began work with the field team at Lazete2 where the field team assisted with the demining operations. The field team drove back and forth from Kalesija to the Lazete2 Site for a week to ten days and then we moved to Camp Lisa, the Headquarters for the 1st Brigade of the 2nd Armored Division, U.S.Army, where we were quartered for the rest of the excavation of Lazete2 and all of the Pilica Farm excavation. For both sites we drove back and forth in an armed convoy with security provided by a troop of the 4th Armored Cavalry Regiment (ACR). This troop provided our security en-route to and from both sites and while we were working on-site.

William Haglund Ph.D. was the Senior Forensic Advisor for the International Criminal Tribunal-Yugoslavia (ICTY) and in charge of the entire operation including operations in the field and the morgue, to include the logistics, establishment of the morgue facilities, and staffing of the field and morgue operations. The supervisor of the field team was Jose-Pablo Baraybar, M.S., of the ICTY, along with David Del Pino, M.A., Fernando Moscovo, M.A., Shuala Martin, B.A., Juarena Huffman, M.A., Patrick Meyers M.A., Melissa Connor, Ph.D., (all anthropologists

and PHR), John Gerns, an Office of Special Investigations (OSI), USAF, field investigator who was attached to the ICTY (There were others whose names I cannot remember at this time). Field security at the site, when the team was not working, was provided by three French security contractors to the ICTY.

Robert Kirschner M.D. was the Director of the International Forensic Program for the PHR and was responsible for the PHR contribution to the joint effort as well as being the Chief Pathologist supervising the pathologists, laboratory staff, and assisting with the post mortem examinations. In their absence, Mr. Baraybar and Paige Hudson, M.D., I believe, were in charge. In the morgue in Kalesija, I remember working with Michael Warren, M.A., Dorothy Gallagher, B.A., Molly Ryan, Susan Jimenez, M.A. and Eva Klonowski, Ph.D., all anthropologists and Yvonne Milewski, M.D. and Page Hudson, M.D., pathologists. There were numerous other pathologists and support staff, all from different countries of the world, whose names I cannot recall at this time. As with the field team, the majority of the morgue staff was PHR

## 2. Field Activities:

Lazete2 excavation began after the demining operations were completed by the Norwegian Peoples Group with assistance of a Dog demining team from Madagascar. This took approximately one week to ten days. Following this test trenches were excavated with a back hoe to locate the purported mass burial. Two burials were located that were subsequently designated as Lazete 2a and 2b. Lazete 2a was excavated first and then Lazete 2b.

Lazete2b excavation was not completed due to the heavy rains and a deteriorating security situation. The only time we could remove the remains was when Dr. Haglund was present to do this himself, despite the fact that there were six qualified people present including myself that could have easily done this. I found this disconcerting to say the least for these remains were exposed to the elements all the while we were waiting for Dr. Haglund to show up. At this time he was working the Lazete2 Site and supervising the excavation of another site (I do not recall which one), which required extensive driving time to and from these two sites. In the course of 14 days, if I

remember correctly, it took three to four days to remove all the remains from the grave. The excavation was plagued by heavy rains during this time period. We were able to tarp and cover the graves in between rain storms as well as cover them during the night. Excavation was halted for press briefings, a visit from the UN High Commissioner on Refugees, and on one occasion a photographer was allowed to take a photograph the exposed mass grave. This of course was highly unorthodox and would not have been allowed during a criminal investigation in the United States. Despite this, all individuals that were removed from the graves were

photographed *in-situ* prior to removal and any physical evidence pertinent to that body were placed in a body bag and labeled. Chain of custody forms were filled out and maintained. The remains were placed in a refrigerated trailer until the excavation was completed and then transferred to the Kalesija morgue for examination by the pathologists, anthropologists, and the support staff. The removal of the remains went very fast, almost too fast; for in some cases not all of the skeletal elements (hands and feet for example) that went with the person being removed did not get into the right body bag because of crowding within the burials (other bodies in the way of the person being removed), or these elements were not immediately present and had



fallen off during decomposition. This may account for the non-associated hands and feet as well as other skeletal elements that were recovered later in the excavation. I agree with C.C. Snow, PhD, D-ABFA that on a good day, only 20 bodies should be removed at a time. It takes time to remove a body and the associated evidence to include photography, mapping, and measuring the body, in other words documenting everything that needs to be done. I do not remember the exact number of bodies that were removed on a specific day but certainly more than 20 and less than 75 were removed. Of course, in hindsight, this contributed to the future problem of determining the minimum number of individuals (MNI) present in the grave. Once the excavation was completed at Lazete 2a and 2b, preparations were made to open the Pilica Farms (Branjevo) Site. I assisted the field team, minus Dr. Haglund, in the preparation of this site and locating the purported mass grave. By the time I left Pilica Farms to return to Zagreb and begin out-processing to return to my duty station, the grave had been located.

### 3. Discussion/Conclusions:

Over the course of a month, I saw Dr. Haglund at least six occasions. At no time did Dr. Haglund ask me how things were going and what could be done to make things better. It was clear Dr. Haglund was in charge, no question there, and that he had his way of doing things. No problem there for me, for if he wanted my expertise he would have asked me. I only saw Dr. Kirschner once when I in-processed at Zagreb. I did not know his schedule or where he was at any given time. At the end of my deployment, I would have thought I would, at least, get to backbrief both Dr's Kirschner and Haglund in Kalesija or Zagreb; on my field experiences and any recommendations I had, either positive or negative, to make the operation better. This never happened. I did, however, get to backbrief C.C. Snow PhD, D-ABFA, who at that time was a Senior Forensic Consultant to the PHR, while out-processing in Zagreb. I was fortunate to see him for one day at the morgue established in Zagreb for the analysis of the remains resulting from the excavation at Vukovar/Ovacara in Croatia. Dr. Snow was working with the Croats in developing their antemortem database. I discussed with Dr. Snow my experiences in the field and the morgue operations running the gamut from the administrative-logistical problems, the lack of command and control, the number of sites opened or being excavated at one time, the speed of the exhumation process and the "need to hurry up and finish it," and the lack of adequate facilities at the morgue in Kalesija. Dr. Snow was perturbed to say the least and he told me he would look into these issues we discussed. Later on that year or maybe it was the following year, I had heard that Dr. Snow resigned as the Senior Forensic Consultant to the PHR and Eric Stover resigned as well to take an academic faculty position in California.

Why was the San Antonio Inquiry done in the first place? Who brought up the subject of "allegations of administrative mismanagement, professional mismanagement and/or misconduct, and personnel problems and interpersonal relationships" that a panel of forensic experts were tasked to determine the veracity of? In reviewing the San Antonio Report I concur with the findings and their suggested recommendations to ameliorate the problems discussed so that mistakes will not be repeated in future operations of this magnitude. There were serious problems in logistics and administration, lack of communication between the two primary leaders, Kirschner and Haglund—each "dancing to their own tune of music"—which led to the lack of unity of command to achieve the mission objectives as put forth, I believe, by the Office

of the Prosecutor (OTP) and the International Criminal Tribunal (ICT) which, near as I could observe, were "to locate and excavate as many mass graves that could be done in one digging season, for time was of the essence to gather as much evidence as they could for

prosecution." (My emphasis). Because time was of the essence, this led to the problems and allegations, real or imagined that led to the inquiry at San Antonio. Indeed, the OTP and their two principle investigators, Dr's Kirschner and Haglund, were very lucky that nothing had 'blown up,' as Dr. Snow stated "as the result of the procedures used." Actually, time should not be of the essence in an operation of this magnitude. It takes time to systematically excavate a mass grave (to gather ALL of the evidence) as well as systematically analyze the remains of the victims. Not to do this, I believe is what Dr. Snow meant by "sloppy science." This is reflected in questions concerning, co-mingling of the remains, clothing that was discarded, the determination of MNI, the cause of death, manner of death, and the OTP's review of reports, which in itself is improper; for the ultimate responsibility of these reports are in the purview of the forensic scientist or principal investigator.

Any operation of any size or magnitude takes what I call the seven P's of operational success: "proper previous planning prevents piss poor performance." In other words a well thought out operational plan to achieve the mission objective complete with standard operating procedures (SOPs) in place along with ongoing contingency planning to include administration and logistics. To me it was obvious this was not the case during my short time there in 1996. Many factors may have contributed to the apparent "lack of organization:" the end of the conflict—Dayton Agreement, the establishment of IFOR, security concerns, the attempt by ICTY and the ICT-OTP to do "to much too soon," along with the assistance of the PHR, and the lack of "unity of command" which led to disagreements among the key players Dr's Haglund, Kirschner, the ICT-OTP, and ICTY; hence the end result of "sloppy science" that reflects on the competency of Dr's Haglund and Kirschner. It was amazing that we, the folks involved in this project, were able to accomplish what we did during that excavation season of 1996 and hopefully many lessons were learned and protocols re-written and improved since that time.

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