

**ICTY
Case
IT-95-5/18-PT**

Of Dr Radovan KARADŽIĆ

**FORENSIC ANALYSIS
OF DOCUMENTS
PERTAINING TO EXHUMATIONS, AUTOPSIES
AND IDENTIFICATION OF BODIES
IN THE SREBRENICA
AREA**

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Based on my work carried out so far and the analysis of materials concerning SREBRENICA IN THE CASES of **V. POPOVIĆ, MILETIĆ et al. (IT 88-05) and Radovan KARADŽIĆ (IT 95-5/18)**, in several instances I have provided written analyses, comments and opinions on numerous exhumation sites, analysed numerous autopsy records, numerous documents by OTP experts in the form of aggregate reports from these sites, identification reports, numerous ICMP and Red Cross missing persons lists and BH Army lists from this period. I also presented my findings and opinions before trial chambers on several occasions.

I received all the documents concerning these cases (written, photographs, on CDs and DVDs) from defence counsels for the accused in the aforementioned trials, which were sent to them by the ICTY Prosecution. I would also like to note that I listened to the Prosecution's experts on several occasions directly, when they presented their observations with regard to some sites.

I would like to note that I also carried out forensic analyses of numerous documents and autopsy records in the cases of PLAVŠIĆ/KRAJIŠNIK (**IT-00-39 and 40**) and Stanislav GALIĆ (**IT-98-29**). The reason for my mentioning this is that through these documents I was able to get a picture of earlier events in the war in Bosnia and Herzegovina from 1992/92 until the end of 1995, in the area of Eastern Bosnia, Sarajevo and other areas affected by war operations and, in particular, to familiarise myself with the method of work of numerous expert teams that were active in the field.

I have already listed the documents I used in my reports in both cases and shall therefore only specify some issues related to the questions I was asked by Dr Radovan KARADŽIĆ.

BASED OF MY ENTIRE WORK (from 1999 to 2012) ON FORENSIC ANALYSES OF MEDICAL AND OTHER DOCUMENTS RELATED TO WAR OPERATIONS IN BOSNIA AND HERZEGOVINA AND IN ACCORDANCE WITH THE REQUEST OF Dr RADOVAN KARADŽIĆ, with regard to the case of Srebrenica, I present my opinion, observations and replies to the particular questions asked:

OPINION

1. Why are some findings and conclusions by the Prosecution's experts not accurate and some are; i.e. even those conclusions that are accurate (concerning injuries and the manner in which gunshot injuries were inflicted) do not suggest this?

The processes of identification of mass and individual gravesites, exhumations, autopsy and identification and determining the exact number of people killed at this location began in 1996 (first reports) and are still ongoing (identification) in 2011/2012.

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Initially, the reports were prepared by international “experts” and since 1999/2000, this has been done by experts from the BH Federation, with supervision and in the presence of the ICMP and the ICTY Prosecution.

Ad 1. MY MAIN OBJECTION FROM THE STANDPOINT OF FORENSIC PROFESSION WITH REGARD TO ALL PROSECUTION’S EXPERTS IS ABOUT THE MANNER OF ESTABLISHING THE CAUSE OF DEATH AND MANNER OF DEATH (“EXECUTION” OR DEATH IN WAR OPERATIONS) AND HOW THEY ESTABLISHED “PERIMORTEM INJURIES”, i.e. INJURIES THAT OCCURRED IN LIFE.

When analysing the cited documents, I came across a VERY SIGNIFICANT piece of information presented by one of the Prosecution’s experts, W. HAGLUND, which illustrates the atmosphere, the experts’ work and the manner in which “conclusions” were made:

W. HAGLUND (aggregate report for Cerska of 15 June 1998), page 11 of the translation, last paragraph: “...Autopsy examinations of *victims* began on July 31, 1996 and lasted through August 22, 1996. Autopsies were carried out at a temporary morgue established at a war damaged clothing factory on the outskirts of the town of Kalesija... **Autopsy examinations** were carried out under the direction of **Robert H. Kirschner, M.D.**, Director of the International Forensic Program of Physicians for Human Rights (PHR). **Finalization of cause and manner of death, as well as EDITING of final autopsy reports**, was facilitated by ICTY LEGAL ADVISOR, **Peter McCloskey**. The Pathology Summary was authored by Page Hudson, M.D.”

This method of work (“**finalisation of cause and manner of death**” and “**editing of final autopsy reports**” (“OF THE PROSECUTION’S EXPERTS”) AND DIRECT INFLUENCE ON THEIR WORK AND, THUS, ON THEIR PROFESSION, WAS NOT OVERLOOKED BY FORENSIC PATHOLOGISTS IN THE WORLD (see the San Antonio report, from the 1997 Congress of Forensic Pathologists).

The reports from San Antonio (see the **Report of the Supervisory Committee**, after the panel discussion by anthropologists and pathologists of forensic medicine, held November 14-19 1997 in San Antonio, USA) **list some significant errors in the work and significant omissions:**

- “- **Dr. Kirschner’s** actions in terms of **changing the cause and mode of death** in selected cases without prior approval, notification or consultation with the persons who actually carried out the autopsy (Dorothy Gallagher’s statement),
- **Dr. Kirschner’s influence on and “instructions”** to the team members examining the bodies with regard to the cause of death (Yvone Milewski’s statement),
- a **too fast tempo** of exhumation by **Dr. Haglund**, which resulted in the mixing-up of body parts (Dorothy Gallagher’s statement),

- the **throwing away of clothing** by **Dr. Haglund's** orders, although some of them contained means of identification (David del Pino's statement).
- Point 3 – **Faults in the management of the investigation**, for this was a criminal investigation with all its legal ramifications and courtroom potential, and not simply an exercise in demonstrating violation of human rights.
- Point 8 – There was some **validity** to the **charge that the bones were moved and not protected**.
- Point 9 – **There was too much subjectivity and not enough objectivity in the performance of the exhumation and post mortem examinations**.
- Point 10 – There was no attempt to schedule or coordinate the anthropological and pathological investigations.
- Point 11 – There was too much concern with regard to media involvement..."

Forensic doctrine (EVERYWHERE IN THE WORLD) BELIEVES THAT with putrefied bodies (skeletonised, decomposed, or parts of bodies) **THE CAUSE OF DEATH CANNOT BE ESTABLISHED WITH CERTAINTY AND PRECISION** and it must be given **VERY CONDITIONALLY, WHICH IS WHAT I ALREADY WROTE ABOUT**. However, all pathologists and even anthropologists (including archaeologist R. WRIGHT) categorically speak of **perimortem injuries – i.e. injuries occurring during life, immediately before death** ("died from gunshot injuries"!)). This is unacceptable from the professional standpoint.

Whether injuries occurred in life (injuries to the head while the individual was still alive) **CANNOT BE DETERMINED solely on the basis of skull fracture lines (as maintained H. P. BARAYBAR)**. The same fractures can also occur postmortem, and be caused by a blunt instrument, shrapnel and so on! Linear fractures can also occur immediately after death (in the "perimortem" period) when the fracture lines have the same appearance. Blood staining of the surrounding soft tissue in putrefied bodies must be very tentatively interpreted and must not be treated as having occurred "antemortem". In order to maintain this a year, two, three or more after death, in the remains of soft tissue – precise microscopic analyses must be performed and other methods of analysis applied, which these pathologists, as is evident from their reports, failed to do.

If a body is exhumed (putrefied and/or skeletonised) with a fractured or partly missing skull, **death may have OCCURRED in various ways not related to the skull injury (for example, a stab wound and/or laceration of the neck, gunshot injury to the soft tissue of the abdomen or neck, suffocation, strangulation, drowning, natural causes, etc.)**. The existence of specific **ANTEMORTEM** characteristics of some of these injuries indicates that they were the cause of death.

Ad 2. MY SECOND OBJECTION refers to the experts' ARBITRARINESS IN ASSESSING EVIDENCE AND GIVING OPINIONS ("free assessment of evidence").

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Despite the aforementioned shortcomings in the work of these ICTY Prosecution's expert teams and the fact that they were also recognised by the international professional public, this did not affect the further work of "the Prosecution's experts", who, in addition to their **adopted doctrine** that "all injuries" occurred **perimortem - in life** (or at least most of them), they **"EXPANDED THE AMBIT OF THEIR WORK"** and assumed the role of the **JUDGE AND THE COURT**:

Example: In the report (ERN 0092 0597) by Dr C. H. LAWRENCE on the autopsies of human remains found at Čančari Road, site 3, item 12 of the summary and conclusion from that site, includes the following statement: *"There were many post mortem **tampering** injuries of the skull, ribs and pelvis which would tend to obscure peri mortem injury in these regions."* /BCS: ...deliberately inflicted post mortem in order to obscure perimortem injuries.../

"INTENT" is established by the court in every legal system. However, as an expert filing a "report", he **did not provide a professional explanation for this opinion**, i.e. what is his basis for maintaining that "intent" was present, and based on what elements does he maintain that there were other injuries "at the time of death" and HOW he established the sequence in which the injuries were inflicted? From these autopsy records and the presented findings from this site, I was unable to see or establish the sequence of injuries. Hence, I believe that the **GIVEN "OPINION" IS ABSOLUTELY ARBITRARY, UNSUBSTANTIATED AND IN CONTRAVENTION WITH FORENSIC DOCTRINE.** It is simply unbelievable how these "experts" characterised some of the injuries as premortem and also CLAIM that some were inflicted **POSTMORTEM** and **DELIBERATELY**.

Item 14 of the same document reads as follows: *"...six remained with an undetermined cause of death. In **my opinion**, these 6 cases **probably represent perforating** gunshot wounds in soft tissue which can no longer be recognised because of loss of soft tissue and **ABSENCE** of bony damage."*

Similar assumptions and "opinions", for which no professional evidence or explanation has been provided, moreover, seem **CONTRADICTORY**: "a perforating wound to the soft tissue", but the tissue is missing due to putrefaction and bone damage is absent? Based on what did he form his opinion and establish that these were "PERFORATING WOUNDS".

J. CLARK, in the **Report for the sites** of Kozluk, Nova Kasaba, Konjević Polje and Glogova (ERN 0091 2281-305), under the sub-chapter **"Autopsy report"**, **STATES** as follows: *"...An autopsy report was completed for each body and body part, the contents being **the responsibility of the pathologist involved.** He would have incorporated into it physical identification information supplied by the anthropologist and frequently would have discussed the findings with colleagues, but the final conclusions and opinions expressed were nevertheless entirely his own. **The overall structure of each report was similar, as was the information included, ALTHOUGH THE DESCRIPTIVE STYLE OBVIOUSLY VARIED***

FROM PATHOLOGIST TO PATHOLOGIST, reflecting both normal professional practice and that person's ease of use of the English language..."

MY COMMENT: "...medico-legal backgrounds from which each of them came..." – and EXPERIENCE, I would add – this is indeed evident from the autopsy records from the Nova Kasaba (1, 2 and 3), Glogova, Potočari, Glogova, Sandići, Ravnice and other sites. I would just point out one thing here and that is that, **instead of REPORTS** (trauma report), they **CITED cut-and-dried diagnoses – "conclusions" or else they provided cut-and-dried "opinions"**, due to which it is impossible to CHECK THEIR FINDINGS AND WHETHER THEIR CONCLUSIONS AND OPINIONS BASED ON THESE FINDINGS ARE ADEQUATE. This raises suspicions of the objectivity of the reports and the work of these experts.

For this very reason, I am citing **EXAMPLES OF SKULL INJURIES WHICH WERE NOT CAUSED BY A PROJECTILE OR SHRAPNEL, FROM the materials of the INSTITUTE FOR FORENSIC MEDICINE IN BELGRADE**

C-773/71

Injury with a "skull defect" in the region of the right half of the frontal bone, right temporal bone with a part of the skull base, caused by an **axe blade**:

Photo 6



Skull injury caused by a blunt instrument

Skull defects with fractures branching off in the parietal-occipital bone and left temporal bone, with a depression

Photo 7



The aim of these photos is to show the appearance of injuries caused by a projectile, blunt instrument or cutting implement. The defects caused are very specific for each type instrument of injury (weapon). Accordingly, based on their description in the AUTOPSY REPORT, any expert can conclude what type of injuries are involved and what inflicted them. However, in the description of injuries which I analysed (Nova Kasaba, Glogova, Ravnice, Potočari, Sandići, Liplje sites), it is evident that the autopsists failed to give a detailed description of the observed injury – a defect to the skull bones (and other bones), and drew “prearranged” conclusions that these were GUNSHOT injuries.

In addition, for all the cases I have presented from the material of the Institute for Forensic Medicine in Belgrade (see case IT 05-88 for more detail) there is an autopsy report which clearly shows that all these injuries occurred in life (based on local and general changes) and that they indeed caused the death of these individuals. However, in the autopsy reports of the cases which were exhumed in the area of Srebrenica, there is NO such description or EVIDENCE, BUT THE MEDICAL EXAMINERS STILL CONCLUDED THAT THE CAUSE OF DEATH WAS LINKED TO GUNSHOT INJURIES, which means that the injuries occurred IN LIFE, and that they were the cause of death.

The theoretical presentation which I illustrated with photographs shows that “skull defects” (“missing”, “absence” and so on) vary and unless their characteristics are described in detail in the autopsy record (edges, sides, angles, extension of fractures, fragmentation of bones and so on) , different conclusions may be drawn, and often quite erroneous opinions.

THE MAIN ASSUMPTION OF ALL PROSECUTION’S EXPERTS

On page two, under the sub-chapter “*Limitations of the pathology evidence*” in the aggregate reports (ERN 0091 2281-305) for the sites listed (Kozluk, Nova Kasaba, Konjević Polje and Glogova), pathologist J. Clark stated as follows: “While conscious of these theoretical difficulties, this Report is nonetheless compiled on the **ASSUMPTION** that the vast majority of the **gunshot** and other relevant **injuries** which were found **occurred in life** and were, or contributed to, the cause of death. To

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assume otherwise would be to make any further analysis of the findings virtually meaningless.”

“Proving an injury as being due to gunshot or shrapnel as opposed to other causes

*The vast majority of the bodies examined from the three grave-sites showed evidence of gunshot injury, or at least what was interpreted as such. The type of destruction caused by bullets and shrapnel can however, have other causes **and in the absence of soft tissues it is sometimes difficult to tell them apart.***

The diagnosis of missile damage was therefore based on various criteria, which were of varying levels of certainty.

for gunshots:

- typical bullet entrance or exit holes in soft tissue or bone, with or without bullet fragments around
- typical fragmentation pattern in a bone, with or without associated bullets
- intact or fragmented bullet in the body...”

“With THIS ASSUMPTION AND THE EARLIER ONE THAT THE VAST MAJORITY OF GUNSHOT INJURIES WERE INFLICTED IN LIFE, it was possible to establish a cause of death in the majority of victims...”

THESE ASSUMPTIONS, both regarding the type of injury, whether they occurred in life, and the cause of death, were used in all reports.

MY COMMENT: As for determining the cause of death, if it proceeds only from the assumptions listed in an autopsy report on a putrefied and skeletonised body, it runs counter to the forensic expertise.

Namely, in case of a skull perforation caused by a shot from a firearm, this can be the cause of death **ONLY if proven that the person was alive before that.** And that is possible **ONLY** on FRESH BODIES. On exhumed and putrefied bodies, without soft tissue, and/or skeletonised, such skull perforation is **ONLY A POSSIBLE CAUSE OF DEATH.** If tissue putrefaction and skull perforation are present on a body, and no other injury is present, the person **COULD ALSO HAVE DIED BEFORE THIS INJURY WAS INFLICTED** in any other way!

I noted that in some autopsy records, the trauma **REPORTS** (where everything observed on the body should be described in detail) contain cut-and-dried **diagnoses and conclusions**, which are even incorrect in some cases (for some skull fractures lacking the characteristic description of an **ENTRY-AND-EXIT WOUND** due to a projectile, it is claimed that they were caused by a projectile, and in another case, for a similar description of injuries to another skull, it is said to have been caused by blunt force – for both cases the cause of death is said to be linked to the skull injury – **THIS IS PROFESSIONALLY UNACCEPTABLE.** Due to this it is impossible to determine with certainty the type of injury (in a large number of cases) or the injury mechanism (blunt force, shrapnel or projectile).

From numerous autopsy records, in the majority of cases it is not possible to reconstruct the **bullet’s trajectory through the body:** whether the projectile (if the injury was due to a projectile) entered from the front, side, below, above or the back.

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Example 1

Case **NKS1-005** “Evidence of trauma: 1. Right midshaft clavicle fracture **CONSISTENT WITH** gunshot wound. 2. Left scapula fracture **CONSISTENT WITH** gunshot wound. 3. Gunshot wound, left ilium with L4-L5, sacrum and coxa fractures. Recovered evidence: Projectiles: one fragment at left shoulder; one complete projectile at head of L humerus; one fragment at head L humerus; one projectile with full jacket at the level of L iliac crest... Cause of death: multiple gunshot wounds. Manner of death: homicide...”

MY COMMENT: Regardless of the fact that a projectile and projectile fragments were found in the body, **the descriptions in the report** actually represent **conclusions** from which it is impossible to establish if these are really gunshot injuries. In addition, it is impossible to establish from such a “report” from which side a person was hit and what the injury mechanism was. Therefore, if we accept the **ASSUMPTION** that all the injuries **occurred in life**, then it could be maintained that the death was violent and linked to gunshot injuries, but there is simply **NO EVIDENCE** that these **INJURIES OCCURRED IN LIFE**, nor are they indicated. However, due to the inadequate, superficial and unprofessional description it is **NOT POSSIBLE** to determine the direction of shooting or the sequence of injury. If the injuries are in the region of the shoulder, scapula or arm, and there are no other injuries, and they occurred in life, and this is how it appears according to Dr Page HUDSON, M. D., **THIS DOES NOT EXCLUDE THE POSSIBILITY THAT THIS PERSON WAS KILLED IN ARMED CONFLICT (*homicidium bellicum*)!!!**

Ad 3. One of the drastic examples (presented in case IT 05-88) of imprecision and superficiality in the work and documents (autopsy records, exhumation records, reports on DNA identification) concerning the Bišina site is as follows:

Paragraph B in all forensic expert examination reports contains the sub-heading “Dental Status” with a table. A “Legend” is provided below the table, explaining the abbreviations used for the dental status. According to this explanation, “Z” is used to denote a tooth without any additional information, i.e. without specific characteristics, while “X” denotes AM /antemortem/ extraction, i.e. that a tooth was extracted in life. The record of identification (ERN X020-9880) states that on 22 February 2007, “mortal remains registered under number **BIŠ 01 ŠEK 038** and **BIŠ 01 ŠEK 040 B** (Z max 2) were identified and that the individual in question is Himzo MUJIĆ, son of Avdo and Medija, born on 17 March 1964.” However, according to the exhumation record and autopsy report, BIŠ 01 ŠEK 040 B Z max 2 cannot be ascribed to the same individual as BIŠ 01 ŠEK 038. This is so because BIŠ 01 ŠEK 038 is a complete body, while ŠEK 040 B (Z max 2) is the second tooth taken from the complete body marked 040 B.

I emphasise that according to the forensic expert examination report, only one tooth was taken from the complete body marked **BIŠ 01 038 B** and therefore it could never have been marked as “Z max 2”.

According to the record of identification pertaining to Biš 01 Šek 040 B (ERN X021-0049), of 5 March 2007, the mortal remains registered under this number belong to Ramo AHMETOVIĆ, son of Husein and Hurija, born on 1 April 1959.

This is why the data from the record of identification of Himzo MUJIĆ is **inconsistent with the record of exhumation and autopsy reports** I cited, as well as the documents referring to the DNA identification of Ramo AHMETOVIĆ.

This is why the identification of Himzo MUJIĆ, based on the samples marked ŠEK 040 B (Z max 2) cannot be accepted as accurate because this tooth was taken from the body of another individual, identified as Ramo AHMETOVIĆ.

EXAMPLE OF CONSISTENT FINDINGS AND CONCLUSIONS

LP-04-091 BP, DATE OF EXAMINATION: 22 November 2001
 “Incomplete skeletal remains with all the bones missing except for the left ulna, which belongs to an adult, 172 to 180 in height
Cause of death: uncertain
Evidence of injury: none
 Other observations: unknown”

EXAMPLE OF INCONSISTENT FINDINGS AND CONCLUSIONS

LP-04-175 BP, DATE OF EXAMINATION: 8 November 2001
 “Incomplete skeletal remains with the following bones missing: skull, mandible, most vertebrae with the exception of: lumbar, the 11th and 12th thoracic, the 1st and 7th cervical and the first three upper thoracic vertebrae; right clavicle, pelvis, sacrum, the bones of lower extremities and both feet, except for some
Cause of death: gunshot injury to the chest
Evidence of injury: a complete oblique fracture of the 2nd left rib with serrated edges, defects and fragmentation of the posterior ends of the 3rd, 5th, 6th, 7th and 8th left rib and the 5th through 10th right rib. Fracture of the body of the 7th cervical vertebra and three upper thoracic vertebrae”

IN FORENSIC PRACTICE, FRACTURES AND DEFECTS OF THE BONES ARE NOT DESCRIBED IN THIS MANNER BECAUSE IT IS **IMPOSSIBLE TO CONCLUDE** HOW THESE FRACTURES OCCURRED (BLUNT OBJECT, SHRAPNEL, POSTMORTEM, ETC.) ON THE BASIS OF THE CITED DESCRIPTIONS.

I can also see the inconsistency between findings and conclusions in cases with PM (perimortem injuries) and how bone fractures and defects were marked and described. Namely, in some cases THE CAUSE OF DEATH is “UNCERTAIN”, BUT IN ANOTHER CASE WITH THE SAME OR SIMILAR INJURIES, IT IS STATED THAT THE CAUSE OF DEATH IS “POSSIBLE GUNSHOT INJURY” (LP-04-556 BP “...Incomplete skeletal remains which, based on their anthropological and morphological characteristics, belong to an adult male of antemortem height

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between 168 and 176 cm. **Cause of death: possible gunshot/blast injury to the head**”).

THE TERMS “injury”, “defect”, “missing”, “fracture”, “fragmentation” used by the autopsists who processed the bodies from the Potočari, Sandići, Nova Kasaba and other sites are general, imprecise and, based on their statements, it is impossible to establish the **MECHANISM** of these “injuries”, the **“TYPE OF INJURY WEAPON”** or whether these injuries are **FRESH OR OLD POSTMORTEM “INJURIES” of the hard tissue.**

Ad 4. MANNER OF INJURY (“execution-death by shooting” – combat-armed conflict):

When a forensic pathologist speaks of the **MANNER OF INJURY**, he indirectly indicates how some injuries occurred and, based on the circumstances (which are established by the court, on the basis of verified facts presented to the court by experts of various profiles, witnesses, etc.) he draws a conclusion about whether somebody was “shot”, “injured in combat”, “died from a grenade” and so on. Analysis of the reports and the information I had at my disposal showed that in a large number of cases **J. CLARK’s position** (presented in his report ERN 0308 0711 “*Overall conclusions from the three grave-sites*”) that “***for the vast majority, death cannot be linked to combat***”, **CANNOT BE ACCEPTED for a number of reasons:**

- in a large number of cases the autopsy report indicates injuries which are extensive and with large defects in the soft tissue and bones, which is a characteristic of injuries caused by large projectiles or shells, which are used in combat operations,
- presence of a large number of cases with individual injuries, and on different parts of the body (not just on the head), is more indicative of armed conflict and combat,
- small number of cases with more than 2-3 gunshot injuries, also,
- rifle bullets found in the bodies’ clothing (were they soldiers-combatants?),
- shrapnel found in the body (shelling and suchlike),
- old injuries caused by projectiles (soldiers-combatants),
- pieces of military uniforms found on the bodies,
- witness statements (which I received in December 2007)
- documents of the BH Army referring to the “killed” soldiers,
- the Prosecution’s document referring to those killed before July 1995.

Where gunshot injuries are concerned, in their aggregate reports, the experts use the term **EXECUTION (I am noting that I interpret this term as “death by shooting”)**, but they do point out, for some sites, that the people were killed close to the place of burial. **However, for a very small number of persons they speak of ANTEMORTEM INJURIES (injuries before death). For them, all the injuries are PERIMORTEM (immediately before or after death) and only for some are they POSTMORTEM.**

It is VERY DIFFICULT, almost impossible to establish with certainty **antemortem and perimortem** injuries on putrefied and skeletonised bodies (J. CLARK and C. H. LAWRENCE also spoke of this in the introductory part of aggregate reports). However, later on, in the description of specific sites, they used ASSUMPTIONS (CLARK and LAWRENCE), and J. P. BARAYBAR accepted this, as an anthropologist, and so did HAGLUND and even WRIGHT, as an archaeologist-anthropologist.

A comment given before the court, that **some victims were killed in the grave** (J. P. BARAYBAR, R. WRIGHT), and this was based on the fact that projectiles were found in a grave, under a body whose bones were damaged by projectiles, and on the position of the body in the grave. Were these projectiles (artefacts) analysed in the sense of finding blood and tissue on them and do the traces of blood, which would have been under the body in this case (if they were sought, found and kept!!!), and on the clothes (if they were examined, described and kept, and if traces were collected) **ACTUALLY BELONG TO THIS INDIVIDUAL OR NOT**. If the traces of blood/tissue (found under an individual, on the projectile, on the clothes) belong to this individual, then one can draw a conclusion that the individual was actually killed there!!! Without such relevant evidence, the **CONCLUSION DRAWN** (that the person was killed at this place and in this grave) **CANNOT BE ACCEPTED**. IT IS INCONSISTENT WITH THE FINDING AND ABSOLUTELY ARBITRARY BECAUSE IT IS NOT BASED ON FACTS WHICH COULD HAVE BEEN GATHERED FROM THE ANALYSIS OF ARTEFACTS (projectiles, blood, tissue, clothes).

2. Where the cause of death was established and where shrapnel was found, is such injury typical of execution-death by shooting?

The main question here is “what is the meaning of the term **žexecution**’?” **Does it mean “death by shooting” or any injury resulting in death in an armed conflict?**

In all cases where injuries caused by projectiles, shrapnel and parts of projectiles were found in the remains of the **HARD TISSUE**, bearing in mind the standpoints with regard to injuries occurring in life presented **ABOVE**, it can be said, conditionally, that these individuals **PROBABLY** died from these projectiles fired from firearms (long and short barrelled, explosives, etc.).

Whether there is one or several such injuries, even if only located on the head (in the occipital or temporal regions), **IT CANNOT BE REFERRED TO AS EXECUTION – DEATH BY SHOOTING** (again, I emphasise that I link the term “execution” with “death by shooting”, not in its broadest sense – “everybody who was killed by firearms”, whether it was in armed conflict or if they were actually “shot /in execution/”).

In his report ERN 0308 0711, J. CLARK /states as follows:/

“...Overall conclusions from the three grave-sites

*The bodies in the graves at **Ravnice, Glogova and Zeleni Jadar** were similar in terms of them being all apparently male, of the same wide age range, wearing the same sort of clothing and having the same type of personal items on their possession. It was possible to show that at least the vast majority had died a violent death, mostly from gunshot injuries but with a substantial number from blast injuries caused by grenades.*

There were however, some differences between the sites:

- *At **Ravnice**, the bodies were not buried but lay on the surface. The injuries were all gunshot, mostly multiple, but there were no blast injuries.*
- *At **Glogova**, the bodies were in multiple graves, several of them robbed. The majority of injuries were gunshot but there were also substantial numbers of blast injuries.*
- *At **Zeleni Jadar**, the grave was secondary one. There were both gunshot and blast injuries, similar to some of the cases from Glogova.*

Therefore, the Prosecution's expert himself says that "blast injuries" caused by grenades and shrapnel were established on a majority of bodies, and **this is not "execution"**. Rather, such injuries are seen in armed conflicts between two warring parties. I am mentioning this because this opinion is also indirectly confirmed by witness statements (see the statements I cited).

FROM MY REPORT AND ANALYSIS OF AUTOPSY REPORTS FROM THE AREA OF Nova Kasaba, Pilice, Zeleni Jadar and Ravnica IN CASE IT-05-88

WITNESS STATEMENTS which confirm the presence of armed conflicts, wounding, killings and use of equipment in combat in this area:

Bekir ADEMOVIĆ (ERN 0118 5273 – 277): *"In July 1995, I was a member of the BH Army 28 division... On 10 July 1995, between 1400 and 1500 hours, I was wounded in the shelling of Bulogovina village in both legs in the knee area and the left side of my chest in front of my family house... While I was in the Batković camp, I personally witnessed the death of the following persons: Hajrudin ALIĆ... who sustained a stomach wound. I did not see him receive any medical treatment... but I do know that he died during the day... Ramo from Babuljica village... aged around 65... died of hunger, that is, he couldn't take in any food as a consequence of the beating he sustained when he was captured..."*

Hasan ALIĆ (ERN 0037 1752 – 754): *"...he pointed out that when Srebrenica fell ... on 11 July 1995 he was on the demarcation line in Ljubisavić, 3-4 kilometres from Srebrenica. At around 1200 hours on the same day, a courier arrived from the Command and delivered the order that his 4th Company was to retreat toward Bejino Selo... However, on 12 July 1995 ... early that morning his company had carried out a counterattack, managing to regain the line lost around the village of Biljeg... At that time the Chetniks were already entering Srebrenica. After the Chetniks had entered the town of Srebrenica, (Hasan A.), together with his wife Zumreta, daughters*

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Mirnesa, Mirela and Mersija, and his mother Alija, arrived at the UN checkpoint, where **he said goodbye to them, as he had received orders from the Command to immediately report to his unit.** When he arrived in the unit, they immediately set off for Sućeska, and then he proceeded with his unit to Buljin. **In Buljin, it was agreed to line up all able-bodied men in order to form spearhead columns to break through to the free territory... When the brigades were lined up an order was issued to have one brigade at a time, in short intervals, continue moving toward the free territory... The Chetniks continued shelling the column from a stream, using 120 mm mortars, PAM /anti-aircraft machine-guns/, PAT /anti-aircraft guns/ and infantry weapons ... there was panic and chaos ... a column was formed again ... the Chetniks raided the column in order to break it up. The source pointed out that around 1,000 soldiers and civilians from that column were killed on this occasion ... after the shelling stopped the 284th Brigade gathered from the nearby woods and proceeded toward the free territory, while the **other brigades** stayed in the woods...**

...Proceeding from this location, in the immediate vicinity of a stream, he found a group of 100 Srebrenica locals killed, but he did not recognise any of them because the bodies were decomposing ... At the Batkovići camp, as the source pointed out, the wounded were treated decently, there was no harassment, only the food was of very poor quality..."

Mevlid ALIĆ (born 1961) (ERN 0037 1771 – 773): "...On the way to Potočari, he parted from his family and went towards Šušnjari with a group of men, where he **joined members of the 282nd Brigade, with whom** he went on towards Konjević Polje. On the way from Baljkovica to Konjević Polje, they came across a large number of people killed and seriously wounded **by shells, pragas /self-propelled anti-aircraft machine guns/ and other artillery weapons.** Near Sućeska, in some woods, the column which numbered between three and four thousand people was attacked by the Chetniks with VBRs /multiple rocket launchers/, pragas and three-barrelled machine guns from the direction of Pribičevac, and it broke up into smaller groups..."

Enver AVDIĆ (born 1977) (ERN 0037 746748): "...sometime around 0300 hours on 12 July 1995 ... **BH Army members were lined up in brigades. During the line-up in Buljin, as Enver pointed out to us, there were around 15,000 soldiers and civilians. After the line-up was completed the order to move was issued.** On this occasion the **285th Brigade** went first, followed by the **282nd Brigade**, where his father Sado and brother Hamdija were... when the 285th and 282nd Brigades had left, sometime around 1000 hours on the same day a Chetnik paramilitary unit opened strong artillery fire at the remaining brigades and civilians who were in Buljin at the time, where, according to his assessment, around 1,000 **soldiers and civilians** were killed. **They were shelling with PAM /anti-aircraft machine-guns/, PAT /anti-aircraft guns/, pragas, zoljas /hand-held rocket launcher/ and grenade launchers...** The source (witness) also pointed out to us that his group had five automatic rifles which **they fired in the direction of the Chetniks and thus made withdrawal deep into the woods possible, but Refik's body stayed behind, lying in the spot where he was killed ... However, on 21 July 1995 a man named Suad, who was**

originally from Kazan near Srebrenica, with 100 well-armed soldiers, decided to break through toward the free territory...”

Mensur EFENDIĆ (born 1977) (ERN 01189563-566): “...I was a soldier of the BH Army 280th Potočari Brigade ... I was arrested on 25 July 1995 ... After Srebrenica was occupied by the Serbian Army, I did not dare board the **convoy organised by the Serbian Army which departed from Potočari. I decided to go through the woods to the free territory...**”

I have also read other witness statements:

Midhat KADRIĆ (ERN 00371768-770)
 Sadik KOVAČEVIĆ (ERN 00371749751)
 Hasmir MEHANOVIĆ (ERN 00371774-776)
 Nurif NEMIŠEVIĆ (ERN 00396028-036)
 Kadrija MURATOVIĆ (ERN 01185372-375)
 Husejn MUSTAFIĆ (ERN 00401647-649)
 Fadil ORIĆ (ERN 00512727729)
 Ramo OSMANOVIĆ (ERN 00512683-684)
 Sado RAMIĆ (ERN 01008163-165)
 Selvid SALIHOVIĆ (ERN 00371738-740)
 Abdulah SALKIĆ (ERN 01008169-170)
 Muhamed SMAJLOVIĆ (ERN 00953447-454)
 Bego ZUKANOVIĆ (ERN 00371759-760)

These statements describe the events in July 1995, how the BH Army **brigades** were formed in the area of Srebrenica, the witnesses’ involvement in them, how they broke through the formations of the Republika Srpska Army, their capture, and contain descriptions of the clashes and the deaths of a large number of people in this period.

The joint conclusion which can be deduced from these statements, and which would also be useful for a forensic analysis of the injuries, is as follows:

1. a large number of people killed in the armed conflict,
2. people killed at numerous sites around Srebrenica,
3. most men were members of the BH Army,
4. people were wounded and killed by different kinds of artillery weapons,
5. some of the bodies of the people killed **had already been** skeletonised in this period,
6. women, children and the elderly had been evacuated from Srebrenica before the conflict,
7. a certain number of BH Army soldiers were captured,
8. some of the captured individuals died in camps from wounds inflicted previously and/or of “hunger”,
9. some of the prisoners were tied and later questioned,
10. many of the captured soldiers were physically and mentally abused.

3. Various degrees of putrefaction-postmortem changes on bodies found and exhumed at one site (in one mass grave) – what does this suggest?

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POSTMORTEM CHANGES AND THE STATE OF REMAINS MAY INDICATE:

- **time of death**
- **period from death until burial**
- **time spent in the grave until exhumation**
- **conditions the body was in (outside – on the surface, partly or completely buried, depending on the type and composition of the soil from which the body was exhumed, humidity of the soil, etc.**
- **activity of insects and animals before and after burial**
- **the degree of putrefaction also depends on the cause of death and the presence/absence of changes on the body (wounds, diseases, etc.)**
- **from the position of the body within the mass grave (towards the surface, on the periphery or on the bottom, below other bodies), etc.**

However, if various degrees of putrefaction are found in ONE GRAVE, THIS MAY INDICATE, *inter alia*, VARIOUS TIMES OF DEATH, SUBSEQUENT BURIAL AND THAT BODIES WERE BROUGHT FROM OTHER PLACES.

In his testimony given before the court on 1 December 2011 (which I attended), R. WRIGHT said that “it cannot be excluded that new bodies were brought to the GL-1 grave”, i.e. that the grave was “enriched” by new bodies. In other words, he “could not entirely exclude this variant”, but he said that he “did not establish how old the grave (GL-1) was in a forensic investigation”/, only from an aerial footage from July 1995. In reply to the question of whether he had heard of any “clearing up” of the terrain to “fill GL-1”, he said that he “could not entirely exclude this variant”. However, when D. JANC’s report was shown to him, I got the impression that he was “surprised” by the data cited by this investigator in his report (on the subsequent burial of a large number of bodies – see **document X019-4231 - X019-4276**) of the ICTY Prosecution’s investigator, D. JANC of 9 April 2009 /as printed/.

At the hearing held on 1 and 2 December 2001 (R. WRIGHT, forensic archaeologist, and J. P. BARAYBAR, forensic anthropologist) stated on several occasions that before their work, they informed themselves about the war operations around Srebrenica “from newspapers and the media”. I am mentioning this because both of these Prosecution’s investigators spoke of “**execution sites**” not taking into account the fact that many bodies had been brought and buried from the general area around Srebrenica, even including those killed before May 1995.

In his 1999 Report, J. P. BARAYBAR explains, *inter alia*, how the primary and secondary graves were made and explains the cause of the decomposition and separation of bodies in the graves, citing R. WRIGHT (archaeologist!).

However, according to the facts established so far, both experts completely neglected the possibility of **subsequent burials and that other bodies were**

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subsequently brought from the surface (to primary and secondary graves), which can be assessed more realistically by a forensic analysis of how old the bodies were and the degree of putrefaction, rather than only by “anthropological” and “archaeological” analyses.

I am citing the examples of various degrees of putrefaction at one site (and they were found at almost all of the sites):

Two bodies (BR.SAN.01/006 and BR.SAN.01/008) found at **SANDIĆI** are described as “*saponified*”. We do not see what state the other bodies are in. According to the description of the remains, external and internal findings, it is most probable that they are **skeletonised** parts of bodies. This suggests several conclusions: that the conditions in which the bodies were buried were different; a different time of death; that the bodies were gathered from various sites; that they were buried several times at the same site and that the bodies had been in a humid environment.

This information on the degree of putrefaction and the information that exhumations were carried out at the site in Sandići way back in 2000, 2001, 2002, 2004 and 2005, and that parts of the bodies were also found on the surface, confirm the opinion given previously, that of the 17 (seventeen) bodies found in the joint grave at the site in **SANDIĆI**, at least 2 (two) were **brought subsequently**, or that most of the skeletonised remains were buried before July 1995.

The incomplete description of the skeletal remains and putrefaction, the lack of practically any description **MAKES IT IMPOSSIBLE TO ESTABLISH THE TIME OF DEATH, TIME OF BURIAL, ETC.**

The fact that there are **bones missing** in each exhumed body, assuming that the site was thoroughly searched, leads to the conclusion that persons died in the open before they were buried and that they were exposed to different factors (animals, rodents, etc.), so that only the remains that were verified were buried there.

At the POTOČARI site, three cases (POT 01 SRE. 002 and POT 01 SRE 006 and POT.01 SRE. 004,) also mention “incomplete partial mummification”. However, the description of the putrefaction and the mummification itself (postmortem changes) is **SUPERFICIAL, INCOMPLETE and INSUFFICIENT** to draw any kind of serious conclusion about the time of death, time of burial, etc., which are otherwise, in our forensic practice, estimated on the basis of how pronounced and advanced postmortem changes on the body are.

“*Secondary mummification*” or mummification of parts of the body in three cases leads to the conclusion that these bodies were in some way separated from the others, that they were possibly buried later and that they were in a dry environment, compared to other bodies.

The description of postmortem changes on the skeletal remains (type, coverage of the body or parts of the body, degree of their prominence) represent the basic parameters in estimating how old the bodies were in forensic practice, the conditions the body was in, etc.

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According to D. JANC's report (ERN X022-3882 – X022-4637): "DNA examinations by ICMP of human remains located within the Liplje 4 grave indicate the following number of Srebrenica victims identified within the grave – 287".

Further on, the text of the Report by D. JANC reads: "An analysis of the March 2009 ICMP Update shows DNA "connections" between the Liplje 4 secondary mass grave and the **Dam near Petkovci (DAM) primary mass grave** (3 cases), as well as the secondary mass graves Liplje 2 (1 case), Liplje 3 (3 cases) and Liplje 7 (1 case)."

Therefore, nine cases from the Liplje 4 site are connected with four other sites; one primary and three secondary mass graves.

According to the same report by D. JANC, the **Liplje 2** primary grave is **"connected"**, by the conducted DNA tests, with the DAM primary grave (the dam near Petkovci) in two cases; with Liplje 1 in five cases; Liplje 4 with one case; Liplje 7 with eight cases; Hodžići Road 5 with one case and Hodžići Road 7 with one case. This means that 18 cases from the Liplje 2 site (primary grave) are connected with two other primary graves (DAM and Hodžići Road 5) and the remaining are connected with secondary graves.

I am emphasising this because it indirectly shows that a large number of bodies were not only moved, but that many of them were **decomposed** (changed by putrefaction), which was confirmed in the autopsies. This also shows that the other bodies from these graves which were **not CONNECTED by DNA to other bodies were actually buried there primarily. In other words, there is no evidence that the other bodies were moved.** At the same time, the **primary-primary grave connection, as well as the secondary-secondary grave connection** indicate that the decomposition of bodies also occurred before burial.

In addition, **there is no evidence** that "all bodies" from the Liplje sites (1, 2, 3, 4 and 7) are related to the **"mass execution site"** near the Petkovci dam or Orahovac.

Moreover, nine identified individuals from the list in document 0636 3290 (soldiers killed by May 1995 according to the report by the BH Army) (see tables above) were buried and found at the Liplje 2, 4 and 7 sites.

4. Winter clothing in summer months – what does it suggest?

In my analysis of the POTOČARI and SANDIĆI sites, case IT 05-88, winter clothing was found on some individuals, which suggests they were most probably killed in winter, before or much later after the "fall of Srebrenica" in July 1995.

The second possible conclusion regarding the winter clothing found at both sites could be that the time of death at one site differs from the one specified and that burials were carried out on several occasions at one site.

5. Layers of soil between bodies – do they suggest successive burials?

This can suggest burials at different time intervals, which is what I already spoke about when describing the presence of different postmortem changes, also in the analysis of “lists of victims”, and the analysis of D. JANC’s report. Inter alia, this is how the existence of the so-called secondary graves was established.

This also indicates that the bodies were moved and reburied (primary/secondary grave), but there are individuals whose bodies had been putrefied and decomposed before burial.

6. “Blindfolds” and personal effects found

Dean MANNING’s report of 2001 (03005503-5525) for four graves (Lažete 1, Lažete 2, Ravnice and Glogova 1) states, inter alia, that 138 “blindfolds” were found in the Lažete 1 grave (at least 130 bodies), as follows: 92 blindfolds on heads and faces, 7 were found immediately next to a body, one was found in a victim’s pocket and 38 were found separated in the grave.

An analysis of Annex B for this site shows the type and structure of these “blindfolds”. They are in the form of “strips” of green cloth, green strips with flower patterns, a large number of pink ribbons, “velvety” strips, pink satin strips, “woollen strips”, “strips of pink embroidered cloth”, “strips of white cloth with embroidered flower patterns”, etc.

The presence of these “blindfolds” may be interpreted in several ways:

- many BH Army soldiers (including the “mujahidin”) wore headbands to distinguish themselves from the other soldiers and to signify that they belonged to a particular unit;
- during burial and after the soft tissue has putrefied, these bands would have “slipped” over the eyes and the face;
- the fact that one strip was found **in the pocket of the individual’s clothes** (Lz01 659-2) “bright pink fabric – similar to the other blindfolds”, imposes the conclusion that this person wanted somehow to hide their identity of belonging to a unit;
- in forensic terms, it cannot be excluded that some of the victims were blindfolded before they were killed.

The personal effects and items found in the clothes of a majority of bodies indicate that the individuals killed had not been robbed, which may also indicate that they were killed in combat. Intact bullets and rifle cleaning kits were found with some of the individuals.

NUMBER OF VICTIMS KILLED IN THE PERIOD FROM 11 TO 19 JULY 1995

Finally, the question of objectivity, precision and trustworthiness of the documents and the accuracy of the ESTABLISHED NUMBER OF VICTIMS RELATED TO THE EVENTS IN SREBRENICA in the period from 11 to 19 July 1995 is posed again.

According to the data from the aforementioned documents, “the victims of the Srebrenica genocide” include the cases of persons who disappeared as early as 1992 and 1993 (example: Potočani, Tisova Kosa, etc.) from the area of Eastern Bosnia. Some of these cases are mentioned by ICTY Investigator Dean MANNING in his written report, who **included them in the number of cases related to Srebrenica** (the November 2007 report).

According to the aforementioned document, the “Srebrenica genocide victims” also include the identified remains of individuals who went missing as early as 1993 (TIS-7, POT-1 and POT-2), but also those who were killed after 30 July 1995, and all of them are registered as the victims of the “genocide” in Srebrenica (from 11 to 19 July 1995).

When establishing the number of cases related to the events around Srebrenica, document BCS 0614-8656-0614-8680 by ICTY Investigator Dean MANNING, from November 2007 (and also in 2009, by D. JANC) added 39 cases (identified so far) from BLJEČEVA 1, although the document cites the following, inter alia: *“Tuzla Canton Court Prosecution File Kta 672/04 relates to this grave and indicates that this grave also contained the REMAINS OF BODIES UNCONNECTED WITH THE FALL OF SREBRENICA. The file contains information that the body designated as BR-BLJE-01/12A was a ligatured individual. The file also indicates a number of bodies designated as BR-BLJE-01/43, BLJE-01/44, BLJE-01/46, BLJE-01/47 and BLJE-01-48 were located within plastic body bags marked “ZOV”. The file notes that former ICTY Srebrenica Investigation Team Leader, Alistair GRAHAM, visited the site on 23 July 2004.”*

On page 4 of the Update TO THE SUMMARY OF FORENSIC EVIDENCE – from the graves related to Srebrenica by ICTY Investigator Dušan JANC (BCS X019-4231- X 019-4276) the list for this site (Blječeva 1) notes that another 7 cases were identified subsequently and that a total of 46 cases were identified at this site (by April 2009).

If analysed carefully, the CORRIGENDUM of Dušan JANC dated April 2009 clearly leads to the conclusion that at some sites “related to Srebrenica”, there are persons who were killed under different circumstances **before July 1995** and, possibly, later. This is a confirmation of my expert opinion given earlier (for the Potočari and Sandići sites and other graves analysed) that based on the cited characteristics and changes on the skeletal remains of the exhumed bodies **there are changes** that indicate DIFFERENT BURIAL DATES AND, HENCE, DIFFERENT DATES OF DEATH.

ANNEX A of the Updated Summary of Forensic Evidence - Exhumation of the Graves related to Srebrenica of March 2009, by ICTY investigator Dušan JANC (BCS X019-4231 – X019-4276) contains a list that “shows the total number of

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individuals currently identified in primary and corresponding secondary mass graves connected to the five largest “**execution**” sites (Kravica, Orahovac, Petkovci Dam, Kozluk and Branjevo military farm)”.

According to this list, a total of 4,931 individuals were identified at all sites:

- In Kravica, 1,319 cases;
- In Orahovac, 807 cases;
- In Petkovci, 805 cases;
- In Kozluk, 1,040 cases;
- In Branjevo, 960 cases.

However, based on DNA analyses, (**PROVIDED THAT THE RESULTS ARE ACCURATE!!!**), the established number of individuals from SECONDARY graves, regardless of their connections with primary graves – **IT DOES NOT MEAN THAT ALL OTHER BODIES FROM SECONDARY GRAVES WERE CONNECTED WITH PRIMARY GRAVES**, i.e. that they were killed at the “**five largest “execution” sites (Kravica, Orahovac, Petkovci Dam, Kozluk and Branjevo military farm)**”. Hence, the number of those who were killed at these five sites is considerably lower.

THIS OPINION IS CONFIRMED BY:

- a) the very document – “Corrigendum to the UPDATED REPORT” by Dušan JANC of April 2009;
- b) Witness statements (both PW – protected witnesses) mentioned by Dušan JANC himself;
- c) **forensic findings** (autopsy reports and the descriptions of putrefaction on skeletal remains), which, at some sites (Sandići, Potočari, Nova Kasaba, Pilica, Zeleni Jadar 5) undoubtedly suggest different times of death and different conditions in which the bodies were and which had to be present before burial;
- d) the analysis of the **mechanisms of injury** and manner of injury in the cases I have analysed so far (and testified about in the courtroom) points to the fact that in the majority of cases the injuries **could have occurred in combat, i.e. armed conflict, either by firearms, shells or explosives, and that all the exhumed bodies do not have the characteristics of “execution” (“death by shooting”)**;
- e) **Document 0636-290 - 0636- 293** – “Examples of Persons Identified from the Prosecution’s List and the BH Army Database (only concerning the cases of soldiers killed or those who went missing before July 1995)”, which lists a certain number of individuals for whom the date of death was cited by BH Army Command as 1992, 1993 and 1994, as well as some cases of BH Army soldiers killed up to July 1995, **whose remains were found and identified** in the following graves: Ravnice 1 and 2; Hodžići Road 2 (Snagovo 3); Hodžići Road 5, **Orahovac** 2 (Lažete 2), Glogova 1, Čančari Road 11, Zeleni Jadar 5, Zeleni Jadar 6, Liplje 7, Liplje 4, Cerska, Liplje 2, Hodžići Road 6 (Snagovo 1); Hodžići Road 10 (Kamenica 10);

- Hodžići Road 7; Blječeva 2; **Kozluk; Branjevo** military farm (DAM); Blječeva 3; Rahunici; Hodžići Road 13; Zeleni Jadar 4 (Zeleni Jadar 8); Hodžići Road 11; Hodžići Road 12; and Kravica;
- f) Example: according to E. BRU/M/BORG – Avdo ADEMOVIĆ, son of Taib, born on 20 September 1968, died on 12 July 1995, but according to the BH Army Command, on 1 August 1993;
 - g) Example: Hamdija AVDIĆ, son of Ramiz, born on 16 July 1971, date of death according to E. BRUMBORG: 18 July 1995, but according to the records of the BH Army Command, he was killed on 15 July 1992 and his body was found in the **Čančari Road 11** grave;
 - h) Example: Safet ČIVIĆ, son of Idriz, born on 10 January 1959, killed on 12 July 1995 according to E. BRUMBORG and, according to the data of the BH Army Command, on 12 July 1992; his body was found in the **Liplje 2** mass grave;
 - i) Example: Sead BEGOVIĆ, son of Muharem, born on 24 April 1960, killed on 26 July 1995 according to E. BRUMBORG and, according to the data of the BH Army Command, on 1 October 1994; his body was found in the **Glogova 2** mass grave, **as well as the body of Refik ALIĆ, son of Šefik, who was killed on 10 January 1994, according to the data of the BH Army);**
 - j) Example: Mujo DŽANANOVIĆ, son of Mustafa, born on 12 March 1975. According to the data of the BH Army, he was killed on 10 January 1994 and was found in the **Glogova 1** grave;
 - k) **Document 0636 290- 0636 293** - “Examples of Identified Persons from the Prosecution’s List and the BH Army’s Database (only for the cases of soldiers who died or disappeared before July 1995)”, which lists a certain number of individuals for whom the BH Army Command additionally states MORE THAN ONE HUNDRED NAMES for which it is stated by the BH Army Command that they were killed before the events related to Srebrenica from 11 July 1995 /as printed/.

An analysis of the Corrigendum to the Report by OTP Investigator Dušan JANC dated 9 April 2009 obviously shows that PRIMARY graves also contain cases which are not related to the period from 11 July 1995 and the events in connection with Srebrenica and that the SECONDARY graves, for the largest number of identified cases (if DNA identification is correct), actually represent **primary graves FOR THESE CASES, and the secondary grave for those whose main part was in one of the “primary” graves.**

Cases (body parts, not complete bodies and main cases) which were found in the so-called **secondary** graves and which have DNA connections (through DNA reports) with the cases from **primary** graves **LINK ONLY THOSE BODY PARTS TO THE PRIMARY GRAVE** (as do the artefacts found), **WHILE THIS CAN BY NO MEANS BE CLAIMED WITH REGARD TO THE OTHER BODIES (from secondary graves).**

This means (for instance): in the **Glogova 1** mass grave, **there are 224 main cases identified by DNA. An analysis of the Updated ICMP report from March**

2009 shows DNA connections between PRIMARY mass graves Glogova 1 and Glogova 2 in six cases, as well as between the SECONDARY mass graves in Blječeva 3 (13 cases), Budak 1 (3 cases), Budak 2 (11 cases), Zeleni Jadar 1 A (2 cases), Zeleni Jadar 1 B (1 case), Zeleni Jadar 2 (6 cases), Zeleni Jadar 3 (1 case), Zeleni Jadar 4 (6 cases), Zeleni Jadar 5 (13 cases) and Zeleni Jadar 6 (3 cases).

For the six cases of DNA connections between Glogova 1 and Glogova 2, one of the two PRIMARY GRAVES is actually the **secondary grave**. Likewise, in the **Zeleni Jadar 5 secondary grave, where 162 individuals were identified, 13 cases (body parts) have DNA connections with Glogova 1. THIS MEANS THAT THE REMAINING CASES HAD NO CONNECTIONS WHATSOEVER WITH the Glogova 1 PRIMARY GRAVE.** The artefacts found in secondary graves only confirm the fact that **SOME** bodies were moved from primary graves.

Hence, the established total number of 1,319 identified cases related to the “execution” IN KRAVICA IS NOT ACCURATE OR RELIABLE. This also applies to all other sites mentioned (Orahovac, Petkovci, Branjevo, Kozluk). This is so particularly since the established injuries (OF WHICH I WROTE) ARE NOT EXECUTION TYPE INJURIES – caused by execution by shooting (if execution means execution by shooting).

Likewise, it is questionable how the Čančari Road 2 SECONDARY GRAVE is secondary in relation to the Čančari Road 7 SECONDARY GRAVE, which contains body parts of five cases connected (by DNA analysis) with Čančari Road 2. It is obvious that for these five cases, Čančari Road 2 is actually the primary site.

This is not a merely theoretical analysis of the reports and the relations between PRIMARY AND SECONDARY graves, but rather a fundamental one, which confirms that the majority of the identified bodies from the so-called **secondary graves** were actually buried there and that hence these are their primary graves, as well as that some bodies were brought subsequently, very likely, in several instances. The varied degree of putrefaction and partial or full skeletonisation which was established in autopsies directly confirms these opinions.

In other words, this means **that the list in Annex A of Dušan JANC’s Updated Report from March 2009, when referring to the NUMBER OF CASES “related to the five largest *execution* sites (Kravica, Orahovac, the Petkovci dam, Kozluk and the Branjevo military farm)” (according to this list, a total of 4,931 individuals were identified – 1,319 in Kravica; 807 in Orahovac; 805 in Petkovci; 1,040 cases in Kozluk; 960 cases in Branjevo), CANNOT BE ACCEPTED AS ACCURATE AND RELIABLE.**

Thus, according to the Report, on the basis of the 96 DNA connections between secondary and primary graves, it was concluded that all 724 bodies found in the secondary graves had been moved from the primary graves related to **Kravica**.

Also, according to the Report, on the basis of the 49 DNA connections between secondary and primary graves, it was concluded that all 403 bodies found in the secondary graves had been moved from the primary graves related to **Orahovac**.

Furthermore, according to the Report, on the basis of the 9 DNA connections between secondary and primary graves, it was concluded that all 787 bodies found in the secondary graves had been moved from the primary graves related to the dam near Petkovci.

Additionally, according to the Report, on the basis of the 52 DNA connections between secondary and primary graves, it was concluded that all 708 bodies found in the secondary graves had been moved from the primary graves related to Kozluk.

Finally, according to the Report, on the basis of the 54 DNA connections between secondary and primary graves, it was concluded that all 707 bodies found in the secondary graves had been moved from the primary graves related to Branjevo.

Therefore, **on the basis of the 310 DNA links** (connections) established between primary and secondary graves and some specific secondary graves, **it was concluded groundlessly** that all 4,049 bodies from these secondary graves originated from the primary mass graves where the victims of the executions in Kravica, Orahovac, Petkovci, Kozluk and Branjevo/Pilica were buried.

During my work on the reports related to Srebrenica carried out so far, I have also **read a letter of the BH Institute for Missing Persons dated 8 August 2008 (1D 1347)**, which, inter alia, states that the remains of a victim were found in no less than five graves and that incomplete skeletons were assembled from as many as 10 different bags. I can say that it is rather unusual for the remains of one victim to be found in several graves. Also, bearing in mind the procedures during exhumation and marking of the remains, it is difficult to explain how an incomplete skeleton was found in as many as 10 different bags. This could possibly indicate errors in the procedures of marking the exhumed remains, autopsy and/or identification of remains (specifically, the conducted DNA analysis). According to this letter, as many as about 2,000 families **did not accept such identifications**.

MANNER OF DEATH (“execution by shooting - execution” or “killed in armed conflict”)

Most of the cases were characterised as “homicide”. This term has not been fully clarified: does this imply a purely forensic definition or does it also include other circumstances (number of injuries, manner and place of death and so on), or were they also referring TO “execution-related injuries”, injuries in armed conflict and so on. I would point this out also because many aggregate reports (W. HAGLUND) give arbitrary interpretations of the manner in which the injuries occurred, which have a completely different connotation, (in case IT 05-88, PILICA - **“ADDITIONAL bullet injury of the heads of multiple victims was indicative of close range or contact firing...”**) contravenes the forensic doctrine and autopsy reports, since not even the sequence of injuries can be established, particularly because putrefied and

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decomposed bodies were involved). Particularly since no analyses were conducted (according to the expert's statement) to confirm "contact firing", i.e. that the barrel of the firearms was pressed against the head-body!

I believe it would have been much more appropriate if the medical examiners performing the autopsies and compiling aggregate reports had used the International classification of diseases and injuries, which precisely states:

According to the 10th Revision of the INTERNATIONAL CLASSIFICATION OF DISEASES AND INJURIES (Chapter XX, External causes of morbidity and mortality V01-Y98), injuries in war are classified as follows:

Operations in war Y36

Y36.2 - War operations involving other explosions and fragments

Y36.3 - War operations involving fires, conflagrations and hot substances

Y36.4 - War operations involving firearm discharge and other forms of conventional warfare

Y36.9 - War operations, unspecified.

As a forensic pathologist, I agree that the individuals who were found with "ligatures" (wire, rope, adhesive tape and so on) **ON THE ARMS AND LEGS and/or with blindfolds tightly fixed only on the face**) could have been the victims of execution by shooting (Dean MANNING's Report, 2003). ***"BLINDFOLDS - At least 423 blindfolds were located during the exhumation and autopsy process for all the graves. Of these, 298 were located either on the head or face of bodies, 33 were directly associated with a body and 117 were found "loose" in the grave. 3 probable blindfolds consisting of plastic "packing" tape were also identified. LIGATURES - At least 423 ligatures were located during the exhumation and autopsy process for all the graves. Of these, 327 were located either on the wrists or arms of the bodies, 64 were closely associated with a body, 29 were found "loose" in the grave and 2 bodies were bound around the legs (2 ligatures were found on the legs of 1 body)."***

For all other cases where the presence of firearm injuries (by projectiles, shells, shrapnel, parts of projectiles and other explosives) was ESTABLISHED OBJECTIVELY and DOCUMENTED AND DESCRIBED APPROPRIATELY, we can maintain that they were killed in armed conflict.

In his report ERN 0308 0711, J. CLARK states that in the graves at **Ravnice, Glogova and Zeleni Jadar** "...None of the men in any of the graves were wearing military uniforms and none had any weapons in their possession..."

If bodies are found in civilian clothes IT DOES NOT NECESSARILY MEAN THAT THEY WERE CIVILIANS. Many civilians in this period were armed and active in territorial defence (in accordance with the doctrine of the former SFRY /Socialist Federative Republic of Yugoslavia/). For this reason, I am quoting the following report by an expert for the Prosecution:

In the 1999 report, Jose Pablo BARAYBAR mentions a very interesting piece of information regarding the Nova Kasaba 7 site. Namely, in this anthropologist's opinion, one of the individuals found and exhumed at this site was shot in the grave: "evidence (which evidence???) is consistent with him being shot while in the grave." He goes on to state: "The presence in the grave of large calibre ammunition shell casings (i.e. 30mm) together with the fact that only one body was disposed therein, suggested that the trench was originally used as a gun emplacement."

The question to be asked here is how and when this man was shot in the grave (or was he brought there) and whether he was a "soldier" or a "civilian".

The presence of OLD INJURIES FROM PREVIOUS WOUNDING leads to one of the possible conclusions that the individuals in question were not "civilians", but soldiers-combatants. This is reflected in the fact that a certain number of individuals were found at the DAM site (which is connected with the Liplje site) with antemortem injuries caused by firearms (cases marked as Bg 116, 118, Brana 025, 030, 011, 012, 024, 015).

Moreover, nine individuals from the list in **document 0636 3290** who were identified as soldiers killed by May 1995 (according to the BH Army report) were buried and their bodies were found at the Liplje 2, 4 and 7 sites.

According to earlier reports by our demographers in the V. POPOVIĆ case, more than 70% of individuals found at the sites related to Srebrenica and included in ICMP's missing persons lists were **SOLDIERS**, i.e. members of the BH Army and not "civilians". (Comparison of the BH Army's list with the Prosecution's list of Srebrenica victims and the ICMP's list.)

Belgrade, 26 August 2012

/signed/
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