

POLICE AND PERSECUTION IN THE BOSNIAN KRAJINA: DEMOCRATISATION, DEPROFESSIONALISATION AND MILITARISATION

Original Scientific Paper

Andy AITCHISON

Abstract

Reason(s) for writing and research problem(s): The paper examines processes leading to police participation in ethnic violence. This is often taken for granted and under-explored in criminological literature which assumes that police, as part of the state monopoly of violence, are inevitable partners in ethnic violence. The paper also contributes to a growing body of work using the rich resources provided by the ICTY and other courts dealing with atrocity crime (Buss 2014; Bećirević 2014; Komar 2008; Mullins 2009). The methodological implications of using these sources are rarely discussed. This paper addresses that gap.

Aims of the paper (scientific and/or social): The scientific aims of the paper are firstly to offer a robust description of police violence in the Bosnian Krajina during the early stages of the war in Bosnia and Herzegovina. This provides a foundation for building an explanatory framework, exploring an untested assumption in criminological work. The paper also seeks to add to the written history of the war in Bosnia, contributing to the understanding of the origins of the conflict and the way it took place.

Methodology/Design: The paper adopts a qualitative research design based on a purposive sample of two cases heard at the International Criminal Tribunal for the former Yugoslavia (*Prosecutor v Brđanin*, *Prosecutor v Stanišić and Župljanin*). Over 50,000 pages of court transcripts and 3,000 pieces of evidence were subjected to a coding process using computer aided qualitative data analysis software (NVivo).

Research/paper limitations: The paper is limited to a study of one narrow region, the Bosnian Krajina, and one authority, the emerging Serb Republic. Further comparative work is required to establish variation and common features across regions and authorities within Bosnia and Herzegovina and across other Yugoslav republics experiencing violence in the 1990s and 2000s. The paper adopts a top down approach and so does not focus on individual motivation of the front line police engaged in atrocities.

Results/Findings: The paper establishes that the police in the Krajina region were politicised, deprofessionalised and militarised and played a central role in ethnic violence and ethnic cleansing. This process is rooted in various legacy features of BiH as a republic of Yugoslavia (local defence structures, relationship between police and military, ethnically based alloca-

tion of key positions for parity) combined with specific dimensions of democratisation (ethnically based political parties, power sharing agreements).

General conclusion: By identifying the particular historical conditions behind the participation of Serb police in the Bosnian Krajina in ethnically targeted violence, the paper finds that the criminological assumption that this is inevitable leaves important local contextual factors unexamined.

Research/paper validity: The conclusions concur with and expand upon existing criminological work.

Keywords

police, Bosnia and Herzegovina, atrocity crime, democratisation, militarization, deprofessionalisation

1. Introduction

This paper explores how and why police came to participate in war crimes and ethnically targeted violence in the Krajina region of Bosnia and Herzegovina (BiH)¹. Based on an analysis of the trials of Radoslav Brđanin, Mićo Stanišić and Stojan Župljanin, I argue that a number of factors come together to produce a police organisation capable of carrying out widespread ethnic violence. These include legacies inherited from the Socialist Federal Republic of Yugoslavia (SFRY) in the areas of defence, policing and the allocation of state jobs, and as BiH democratised, a particular pattern of ethnic polarization and attempts by ethnically-oriented parties to control key state positions. In the run up to the war and during its early stages, police in the Krajina and elsewhere were politicised, deprofessionalised and militarised, facilitating their role in ethnic violence and ethnic cleansing. I begin with a brief account of existing work on police and war crimes, and the criminology of war crimes. While frameworks for multi-level analyses are being developed, this study remains focused on organisational, (emerging) state and international levels, and will not include individual micro-level explanations. I locate the study in relation to other recent work using judicial sources, sketch out the rationale behind case selection and introduce the analytical approach. Findings are presented in two sections. The first sketches out an empirical description of police involvement in ethnic violence; the second seeks to outline the explanatory factors evident from the two cases selected.

2. Police and the Organisation of Atrocity Crime

The role that police have played in genocides and atrocity crimes is well recognised (e.g. Brownning 2001; Bloxham 2001). Police are among a limited number of state agents empowered to use force (Alvarez 2001: 74), and along with soldiers and militia, it is claimed that “police officers are conditioned, not only to obey superior officers, but also to use violence” (Alvarez 2001: 96). While this points to their potential role in violent state action against civilians, it risks naturalising police participation as easy and unthinking. There are a number of problems

¹ The Krajina region is loosely defined as those municipalities surrounding the city of Banja Luka in the north west of the country.

with such a position. It reflects an assumption that those who complete police training are the same uniformed personnel carrying out ethnically targeted violence. In societies undergoing relatively rapid change, there may be important changes in the composition of the police and limited opportunities for training (Kutnjak-Ivković and Haberfeld 2000: 199). Even if the police involved in violence have completed a normal training process, the difficulty of conditioning people to use violence should not be underestimated (Grossman 1996). Likewise, police are trained to use specific forms of violence in specific circumstances. Beyond the technical skills of violence, theory suggests that other factors are important, such as ideological conviction². Finally, historical research (e.g. Bloxham 2003, Browning 2001) and recent sociological and criminological work (e.g. Collins 2009, Klusemann 2012) show that violence unfolds over time and the steps along the way are important to any explanation. This requires a careful examination of the background and processes of change affecting police involved in ethnic violence.

Recent work in criminology and other disciplines indicates the benefit of multi-level analyses (see Aitchison 2014, 30-40 for a summary). In particular, the work of van Baar and Huisman (2012) is a good example of the value of studying organisational settings in a way which links the individual with the state. Taking the police as an organisational setting in which individual action is structured and facilitated, I focus primarily on the meso-macro connections. For example, at the macro-level, international attempts to impose restrictions on military deployment encouraged the greater use of police in military roles. While the paper does not deal with the individual in any detail an expansion of the evidence base by looking at cases against offenders lower down in political or organisational hierarchies would support analysis in that area.

3. Methods and Approach

The research uses a sample partly dictated by convenience: testimony and evidence presented at the ICTY. The tribunal has gathered together a huge amount of evidence, live and written testimony, but this is subject to processes of selection dictated by procedural guidelines and prosecutorial and defence strategies. Bloxham (2001, 2-3) notes that the Nuremburg tribunals left an incomplete picture, neglecting some of the most egregious police atrocities. The ICTY cases include a clear focus on police activities, covering a range of levels within police organisations. Within the convenience sample represented by the ICTY cases, a further level of purposive sampling is applied. In order to explore police organisation and actions at a regional level, two particular cases were selected. In *Brđanin*, a leading local politician in the Krajina was prosecuted, and in *Stanišić and Župljanin*, the Minister of the Interior in the breakaway Bosnian Serb Republic and the leading Krajina police chief faced the chamber. Together, these cases give an insight into republican and regional political and police leadership. It would have been possible to select a different authority and a different territory based on ICTY records. Further case studies are planned to allow meaningful comparison of police activities across conflicts in the former Yugoslavia (particularly elsewhere in Bosnia, in Croatia, Kosovo and Macedonia). The case of the Bosnian Krajina is one of the best documented and makes a logical starting point.

² Goldhagen's work (e.g. 1997) focuses on ideological commitment and anti-Semitism in the Holocaust, but is criticised for doing so at the expense of other factors (Browning 2001: 194 ff.). Social psychology underscores the importance of initial ideological sympathies, while identifying ways in which these interact with context (Haslam and Reicher 2007).

Court transcripts and evidence are publicly available. The two cases involve more than 52,000 pages of transcripts, and so far, more than 3,000 pieces of evidence have been released in *Brđanin*. Evidence varies from short memos, photographs, and video recordings to transcripts of assembly sessions running over hundreds of pages³. Criminologists have recently started to take advantage of the resources gathered by the ICTY and other tribunals to describe and analyse international crimes. Klusemann's (2012) analysis of patterns of violence in Srebrenica and Rwanda, Mullins (2009) work on sexual violence in Rwanda and Tanner and Mulone's (2013) study of paramilitaries all make use of court records. Komar (2008) uses 30 cases to examine dynamics of victim selection⁴, while Buss (2014) contrasts judicial constructions of patriarchy with witness testimony. I do not suggest the documents provide the 'thick' description Mullins identified in the ICTR records (2009, 720), nonetheless the cases provide a rich resource. Further, by utilising existing sources in the first instance, research can be conducted without the necessity of harming potential respondents who experienced horrific and traumatic events. The kind of difficulties this could create are evident in the courtroom discussion of the impact of giving evidence on protected witness BT12⁵.

The two cases were subject to a preliminary coding process using NVivo, highlighting police action alongside military action, political organisation, particular forms of violence, population transfers, theft and exploitation, detention camps, the distribution of arms and other salient features. Following the coding, the nodes were reviewed and analysed individually or cross-referenced with one another. For example, cross referencing the nodes 'detention camp' and 'police' brought up 159 references from *Brđanin* testimony and a further 253 from *Stanišić and Župljanin*⁶. From this process I derive the descriptive account of police violence and a narrative on democratisation, deprofessionalisation and militarisation.

4. Describing Police Violence

The police contribution to ethnic cleansing through the creation of an inhospitable environment for non-Serbs, forced transfers of population and murder ranges from omissions in normal policing tasks through to active participation in violence. This includes joint activities with paramilitaries, the Yugoslav People's Army (JNA), and from May 1992, the Army of the Serb Republic (VRS). This section describes a number of interconnected police activities: disarmament programmes; the holding of non-Serbs in detention camps; interrogations; individual arrests; and cooperation in military operations resulting in deaths and the capture of large numbers of non-Serb civilians.

³ This analysis process inevitably involves a further degree of selection. The paper draws directly on evidence of 56 identified witnesses including victims, police officers and leaders, politicians and members of the military, a further 9 unnamed witnesses from each of the two cases and 27 specific exhibits.

⁴ See also Hollows and Fritzon (2012) on generating data for quantitative analyses from court records.

⁵ *Brđanin*, 11 April 2002, 4190.

⁶ The data from *Stanišić and Župljanin* include camps outside the Krajina region. Such camps are excluded from the current analysis.

4.1. Disarmament

In many Krajina municipalities, Serb authorities, including the police, pursued the selective disarmament of Bosniaks and Bosnian Croats. This can be contrasted with a policy of accommodation and cooperation with irregular armed formations⁷. Through disarmament Serb authorities sought to secure a monopoly over the material means of physical violence in what fits with Kaoullas' description of a chaotic security structure⁸, but this also forms an integral part of wider attacks on non-Serb communities and the detention of large numbers of civilians. Concerns regarding the distribution of weapons in the former Yugoslavia were evident prior to the BiH elections in 1990, when there were orders for the JNA to secure weapons held at in municipalities by the territorial defence (TO). As this shifts to weapon collection programmes targeting individuals, the military continued to play an important role⁹ but were joined by civilian police and the TO. Weapons taken in by the civilian police included those retained after military service, illegally procured arms and legally owned and registered pistols and rifles¹⁰. Some police and crisis staff documentation suggests that a focus only on illegal weapons¹¹, but other police documents extend this to legally held guns¹². There is variation across municipalities. In Čelinac, a resolution imposed a range of restrictions on non-Serb citizens including a bar on possession of weapons¹³. In some municipalities police issued receipts for weapons taken¹⁴. Other areas saw irregular seizures of weapons with no attempt to create records or issue receipts¹⁵. Although calls for weapons to be surrendered were often phrased in general terms not specifying ethnicity, they clearly targeted non-Serbs. Amir Džonlić noted that while Bosniaks were surrendering weapons, Serbs, including his colleagues, were being armed¹⁶. A number of witnesses noted that they only knew of disarmament being targeted at non-Serbs, and in non-Serb neighbourhoods, while Serb villages retained their weapons¹⁷. Radio broadcasts explicitly targeted non-Serbs with calls to surrender arms¹⁸. The operations to disarm non-Serbs were accompanied by

⁷ See e.g. *Brđanin*, 24 June 2003, 18137.

⁸ Through a detailed study of Cyprus in 1963-64, Kaoullas (2014) is developing a framework in which transitions from a security deficit result in an initially chaotic security structure in which emerging authorities communalise the monopoly of violence.

⁹ *Brđanin*, 27 April 2002, 5520.

¹⁰ *Brđanin*, 11 April 2002, 4179.

¹¹ *Brđanin*, P195, P196.

¹² *Brđanin*, P271.

¹³ *Brđanin*, P195.

¹⁴ E.g. Šipovo, *Brđanin*, 8 July 2003, 19096; Ključ, *Brđanin*, DB99; Čelinac, *Brđanin*, 16 January 2004, 24161-2.

¹⁵ *Brđanin*, P1652; 29 January 2003, 13772-3.

¹⁶ *Brđanin*, 27 February 2002, 2411.

¹⁷ *Brđanin*, 28 May 2002, 6134; 7 June 2002, 6860; 18 June 2002, 7037 ff.; 3 September 2002, 9481-2; 10 October 2002, 10560; 15 October 2002, 10709; 16 October 2002, 10820; 29 January 2003, 13773; 20 May 2003, 15994.

¹⁸ *Brđanin*, P827; 6 June 2002, 6768.

intrusive police searches¹⁹, individual arrests²⁰, large scale detention of civilians in camps²¹ and, both before and after the expiry of deadlines, threatened and actual shelling and other military attack²². Some arrests resulted in prosecution²³, but the scarcity of cases of illegal possession of weapons forwarded by police²⁴ suggests that the primary goal of the Serb authorities was not to use criminal law to process and punish those with unregistered weapons.

4.2. Detention camps

A number of witnesses, including non-Serb detainees and members of the Serb Ministry of the Interior (MUP), testify in relation to detention sites described as collection centres, concentration camps, prisoner of war camps and prisons. There is often ambiguity over who controls these facilities. For example the sports hall in Sanski Most was guarded by men in both camouflage and pre-war police *milicija* uniforms²⁵. With others evidence is clearer. Witness BT16, detained at the Krings facility in Sanski Most, was initially guarded by soldiers who were later replaced by the police²⁶. The camp at Manjaca was under military command, although perimeter security was provided by units in civilian police uniforms²⁷. Camps at the Omarska mine and the Keraterm factory in Prijedor and the Betonirka garages in Sanski Most were more clearly under the authority of local police²⁸. Omarska was set up under the authority of Police Chief (*Načelnik*) Simo Drljača following a decision of the local Serb crisis staff²⁹. Muharem Kržić, President of the Banja Luka branch of the Bosniak Party of Democratic Action (SDA), provided and testified on a contemporaneous report of a meeting of 22 June 1992 between Bosniak representatives and General Talić of the VRS. It records a commitment by Talić to write to the regional police chief, Župljanin, to secure the release of non-military personnel from camps³⁰. Also present at that meeting and a further meeting on 10 July was Adil Medić of the Merhamet charitable organisation. He indicates that aside from the clear military responsibility for Manjaca, and in the presence of a senior municipal police officer, no one would accept responsibility for other camps in the region³¹. Despite evidence that the MUP indicated a degree of dissat-

¹⁹ *Brđanin*, 7 June 2002, 6878 ff.; 3 September 2002, 9481-2; *Stanišić and Župljanin*, 6 November 2009, 2744.

²⁰ *Brđanin*, P682; 22 May 2003, 16211; 16 June 2003, 17602; *Stanišić and Župljanin*, 6 November 2009, 2744.

²¹ *Brđanin*, 10 July 2003, 19303-4.

²² *Brđanin*, P784.2; 27 May 2002, 5520; 15 October 2002, 10738; 29 January 2003, 13772 ff.; 10 February 2003, 14451; 22 May 2003, 16190.

²³ *Brđanin*, 16 June 2003, 17602.

²⁴ *Stanišić and Župljanin*, 15 October 2009, 1534 ff.

²⁵ *Brđanin*, 3 June 2002, 6480.

²⁶ *Brđanin*, 5 July 2002, 8070.

²⁷ *Brđanin*, 13 May 2002, 5452-3; 17 June 2002, 6927; 4 July 2002, 7979

²⁸ E.g. Betonirka, *Brđanin*, 28 May 2002, 6171; 16 October 2002, 10827.

²⁹ *Brđanin*, P1237.

³⁰ *Brđanin*, P461; 5 February 2002, 1541.

³¹ *Brđanin*, 25 February 2002, 2235.

isfaction over the use of police alongside the army, it is clear that there was close cooperation between police and military forces in relation to the network of detention sites.

Camp detainees were held in inhumane conditions. A degree of improvisation is evident in the use of schools, garages and other industrial facilities. They were crowded, had inadequate provision for nutrition and personal hygiene, and often inmates would have to sleep on hard floors. They were variously humiliated and denigrated, beaten and killed. Beatings took place at the detention facilities where police provided security or occupied command positions. During a visit of political delegates to the Omarska facility, detainees were forced to give Serb salutes, to sing Serb songs, and to shout 'this is Serbia'³². Police officers from Ključ entered Manjaca at nights and beat detainees from that municipality³³. Beatings took place in the context of police interrogations, as experienced by 16 year old Samir Dedić at the elementary school in Ključ³⁴, or by police acting as guards in camps³⁵. Further beatings are reported at a sites of detention guarded by police or under police authority, including the Krings industrial facilities and Betonirka garages in Sanski Most³⁶, Lušci Palanka³⁷, the Petar Kočić School in Bosanska Krupa³⁸, and Omarska³⁹. In Kotor Varoš, at the school building and sawmill, acts against inmates extended to sexual violence and rape against men and women⁴⁰.

Individual killings covered in the cases include the beating to death of men from the transfer to Manjaca on which detainees suffocated⁴¹, and the July massacre of detainees from Brdo in the Omarska camp⁴². Predrag Radulović, an inspector with the Serb State Security Service, saw corpses laid out on the grass during a visit to Omarska. He was told by a colleague that camp guards had shot them from the roof as part of a competition for beer⁴³. Further details on individual killings and massacres in Omarska and Keraterm are found in other cases at both the ICTY and the Court of Bosnia and Herzegovina⁴⁴. The first instance finding of guilt against Mejakić lists 24 named individuals shot or beaten to death while he was in command of the Omarska camp. At least 62 further unnamed individuals were killed in massacres, and a further 7 named and 7 unnamed men disappeared⁴⁵.

³² *Brđanin*, 31 January 2003, 12755.

³³ *Brđanin*, 13 May 2002, 5454, it was specifically noted that officers from Sanski Most did not do so.

³⁴ *Brđanin*, 09 October 2002, 10420.

³⁵ *Brđanin*, 10 October 2002, 10569.

³⁶ *Brđanin*, 28 May 2002, 6174 ff.; 5 July 2002, 8070.

³⁷ *Brđanin*, 31 May 2002, 6417.

³⁸ *Brđanin*, 12 June 2003, 17481-2.

³⁹ *Brđanin*, 30 October 2002, 11194; 26 November 2002, 12215.

⁴⁰ *Brđanin*, 18 June 2003, 17841; Stanišić and Župljanin, 9 October 2009, 1139-40.

⁴¹ See below for details of the transport. For the beatings on arrival, see *Brđanin*, 3 June 2002, 6501.

⁴² *Brđanin*, 30 October 2002, 11188.

⁴³ *Stanišić and Župljanin*, 26 May 2010, 10864.

⁴⁴ *Kvočka et al; Prosecutor v Mejakić*.

⁴⁵ The figure of 86 dead is not taken to be anywhere near a comprehensive representation of those killed at the camp which held over 3,300 detainees over its 3 month period of operation, rather represents those individual killings covered by testimony and other evidence. The nature of ICTY evidence is such

4.3 Interrogations

Interrogations took place in police stations and in camps. Witnesses identify teams of interrogators, naming individual members and including the regular police (Public Security Service), the intelligence-oriented State Security Service and Military Security⁴⁶. In Keraterm, Manjaca and Omarska, interrogations formed part of a process of categorising detainees into three groups. Kerim Mešanović testified that the first category⁴⁷, targeted for killings, were not only those who had been captured in combat, but included those in leading functions, wealthy citizens and an intellectual or professional group⁴⁸. Such testimony suggests a strategy to undermine or destroy the Bosniak community by removing those playing a role in organisation and representation.

4.4 Targeted arrests and transportation to camps

Even in camps under military authority, police played a role in arresting, transporting and interrogating detainees, indicating coordination between police and military authorities. Adil Draganović from Sanski Most spent time in police detention before being transported, along with 22 or 23 other prominent Bosniak citizens, some with visible injuries on their faces, to the military camp at Manjaca. He identified the Sanski Most uniformed police chief, Drago Vujanić⁴⁹, carrying with a list of detainees at the police station and on arrival at camp⁵⁰. Under cross examination he added Zoran Despot, of the criminal investigation service⁵¹. He further comments on a series of lists of names he retrieved from the Public Security Station in Sanski Most after the Army of Bosnia and Herzegovina (ABiH) captured the town⁵², indicating those Bosniak and Croat civilians arrested and taken on to Manjaca⁵³. Some detainees were taken in individual arrests by the police. Jakov Marić, knew his captors and the inspector who inter-

that the clearest and strongest evidence with surviving eye-witnesses forms the basis of the judgment. An association of camp detainees has evidence of around 700 killings (Dzidic 2013).

⁴⁶ *Brđanin*, 13 January 2003, 12739-40; *Stanišić and Župljanin*, 26 May 2010, 10858; 2 November 2010, 16727; 14 October 2011, 25028.

⁴⁷ Witness ST-245, a member of Serb State Security Services involved in interrogations in May 1992, is one of the Serb witnesses who confirm the categorisation. He describes the first category as 'ring leaders of hostile activities', the second as supporters and the third as being of no security interest (*Stanišić and Župljanin*, 2 November 2010, 16751). This contrasts with the evidence given by Radomir Rodić, another member of State Security, who claimed to know nothing of categorisation taking place after interrogation (*Stanišić and Župljanin*, 13 September 2010, 14491).

⁴⁸ *Brđanin*, 30 October 2002, 11184.

⁴⁹ Sometimes rendered as Vujanić.

⁵⁰ *Brđanin*, 25 April 2002, 5003-5.

⁵¹ *Brđanin*, 21 May 2002, 5853.

⁵² The list is hand written in both Latin and Cyrillic scripts, and bears no official markings, Draganović testified that he recognised the writing of crime inspectors, and matched the list to persons detained at Manjaca with him (*Brđanin*, 14 May 2002, 5560, 5569). A typed letter of 28 August 1992, bearing the stamp of the Sanski Most Public Security Station, refers to a list of persons located at Manjaca (*Brđanin*, see P787-790).

⁵³ *Brđanin*, P786; 14 May 2002, 5560 ff.

rogated him. He was beaten during interrogation⁵⁴. Muhamed Filipović was detained at the police station in Ključ in May prior to transfer. During his testimony, a typed list of more than 1,100 detainees sent to Manjaca, signed by the Chief of Police, was exhibited⁵⁵. While in detention, Draganović was questioned by police visiting the camp, and he describes the interrogation of another by a police inspector from the town of Sanski Most⁵⁶. On one transfer to Manjaca recounted by a number of detainees from Sanski Most, around 20 prisoners died as a result of being packed into tightly sealed trucks in the summer heat with inadequate ventilation and no water⁵⁷. Other evidence on transfers includes an account of a march from Sitnica to Manjaca under police and military guard. Along the route, the men were exposed to abuse by the people of the villages they passed⁵⁸.

In some cases, police acted to protect non-Serbs during transfers or in detention. These are limited, but indicate points where police break from the script of persistent, repeated and serious abuse and violence. Grgo Stojić highlighted one of his captors at Betonirka who, unlike others, would allow prisoners water to drink and to wash in⁵⁹. Mirzet Karabeg's transfer from Betonirka to Manjaca was overseen by an officer who reassured detainees that they were safe. No one on the transfer was harassed or mistreated and the journey took the shortest route possible⁶⁰. This might seem like a small mercy as detainees were shifted from one brutal detention facility to another, but in light of evidence of deaths and beatings on other transfers, it shows some police officers managed to retain a degree of decency. In Prnjavor, detainees suggested that violence was not as prevalent as that described elsewhere. One man, detained at the Sloga factory said that inmates were reassured by Police Chief Radoslav Vasić, and only gave one example of a police guard hitting an inmate, after which the officer apologised⁶¹. Locals were allowed to bring food, but conditions could become more restrictive if guards lost family members in battle and at weekends, men in military dress would come and threaten the inmates⁶². In these cases, the police officers appear to act on the basis of a generalised attitude to detainees. Others protected individuals on the basis of pre-war associations⁶³.

4.5. Violence outside camps and police facilities

The camps created a relatively contained environment in which violence was observed. Those who survived the war were able to testify about their own experience and the abuse of others. Violence, including that perpetrated by the police, was also prevalent outside. The police cooperated with military forces in violent attacks on villages and were involved in individual

⁵⁴ *Brđanin*, 16 October 2002, 10823-6.

⁵⁵ *Brđanin*, P1033; 4 September 2002, 9271.

⁵⁶ *Brđanin*, 26 April 2002, 5069, 5093.

⁵⁷ *Brđanin*, 4 June 2002, 6540; 17 June 2002, 6917; 4 July 2002, 7974; 16 October 2002, 10830.

⁵⁸ *Brđanin*, 9 October 2002, 10421.

⁵⁹ *Brđanin*, 7 June 2002, 6886.

⁶⁰ *Brđanin*, 29 May 2002, 6258-9; 19 June 2002, 7078.

⁶¹ *Brđanin*, 19 May 2003, 15885-6.

⁶² *Brđanin*, 21 May 2003, 16036-43.

⁶³ *Brđanin*, 3 June 2002, 6478.

and large scale killing outside the detention camps. The massacre at Korićanske Stijene is one of the better documented mass killings. On 21 August 1992, a police intervention squad from Prijedor shot around 200 Bosniak men at the edge of a canyon. Survivor testimony from Emsud Garibović and witness ST065 describes the events⁶⁴. Garibović was on a busload of men lined up and shot. He was pushed into the canyon by the man behind him, so survived. Clothing lying in the canyon and a bad smell suggested this was not the first mass killing at the site⁶⁵. Police threw grenades into the canyon to kill any survivors⁶⁶, but Garibović reported that there were still noises coming from the wounded in the early hours of the morning⁶⁷. Nenad Krejić, head of the Public Security Station in Skender Vakuf, estimated that he saw between 150 and 200 bodies in the canyon⁶⁸. Men under his command had spoken with the Prijedor police and learned directly from them what they had done⁶⁹. The massacre was immediately reported within the VRS⁷⁰ and was known at the highest level of the MUP within 10 days⁷¹. The lack of any serious or sustained attempt at investigation or prosecution of crimes of violence against non-Serbs was an important part of the prosecution case in *Stanišić and Župljanin*⁷².

4.6. A hostile environment

This section has provided a description of police action in the Krajina region. In the context of the strategic goals of the Serb authorities to separate the peoples of BiH and to secure territory, it can be seen how a combination of killings, detention and harassment, in which police played a key role, sought to rid the area of non-Serbs by elimination and by creating a hostile environment to promote mass population movements out of the region. The following section shifts from description to develop an explanation of how a formerly multi-ethnic organisation can be transformed to support such a strategy.

5. Explaining Police Violence

Three important developments during the late stages of socialist rule and early days of multi-party electoral democracy in BiH change the structure and function of the police. Firstly, the democratisation process, the dominance of ethnically-oriented parties and the resultant polarisation; secondly polarisation in police agencies and subsequent fragmentation and deprofessionalisation; finally, the militarisation of the police.

⁶⁴ *Brđanin*, 6 December 2002, 12473 ff.; *Stanišić and Župljanin*, 8 December 2010, 18352 ff.

⁶⁵ *Brđanin*, 6 December 2002, 12490.

⁶⁶ See *Prosecutor v Mrđa*, paragraph 35.

⁶⁷ *Brđanin*, 6 December 2002, 12493.

⁶⁸ *Stanišić and Župljanin*, 1 September 2010, 14038.

⁶⁹ *Ibid.* 14044.

⁷⁰ *Brđanin*, P1454, P2424.

⁷¹ *Brđanin*, P322.

⁷² 30 May 2012, 27418 ff.

5.1. Democratisation and political polarisation

The first multi-party elections and ethnic polarisation are a well-rehearsed topic (Bieber 2014; Malcolm 1996, 217-22). In elections in November and December 1990, 75 per cent supported nationalist parties. The three main ethnically-based parties, the Croatian Democratic Community (HDZ), Party for Democratic Action (SDA) and Serb Democratic Party (SDS) secured 202 of 240 seats in the Republican Assembly (Malcolm 1996, 222). Stojanović argues that these elections form an important turning point (2014, 620). The lack of anti-communist civic alternatives (Stojanović 2014, 615) and resulting power sharing between three parties representing different ethnic communities provides important contextual background for the processes of politicisation and deprofessionalisation discussed in the next section. Both Bieber (2014, 553) and Stojanović (2014, 620) identify minimum consensus between parties found, aside from the principle of dividing republican, municipal and socially-owned institutions and offices between themselves. The agreement that these were to be divided shows continuity with party penetration of state institutions common under communism (Kornai 1992, 37) albeit transposed to a new multi-party context. There is also continuity of an arrangement known as the ethnic key, applied to key functions in BiH from 1974 onwards (Kapidžić 2015, 314). In evidence, Dragomir Adnan, explained that in SFRY, various factors were considered in leadership appointments beyond the basic requirement of party membership: a candidate's work record, and the ethnic balance of key positions⁷³. Attachment to a party remains important after multiparty elections, but with three parties rather than one. In many cases, experience is disregarded and people with no police background are appointed to leading positions or relatively junior staff are promoted rapidly. The relative strength of ethnically-based parties becomes something of a proxy for working out the relevant ethnic composition on the basis of local- and republic-level inter-party agreements. Agreement that roles and functions should be distributed across the parties does not mean agreement on the *specific* allocations.

5.2. Politicisation and deprofessionalisation

Assessments of the role of parties in personnel policy vary from the suggestion that they were trying to "exert some sort of influence"⁷⁴ to descriptions of the radicalisation of personnel policy⁷⁵. One senior Serb officer described a process of "peaceful lustration"⁷⁶, achieved through early retirement and shifting people around within the MUP. Examining, reassigning and removing public service personnel was common in post-communist transitions (Horne and Levi 2004, 52), but the Bosnian experience has been overshadowed by the subsequent war and dismissals which followed (Aitchison 2011, 83-84). Police professionals, and appointees with no previous policing experience and party members agree that the parties put forward their

⁷³ Stanišić and Župljanin, 26 May 2011, 21579. See also Stanišić and Župljanin, 2 October 2009, 724 on the use of the 'key' before 1990.

⁷⁴ Stanišić and Župljanin, 2 May 2011, 20055.

⁷⁵ Stanišić and Župljanin, 26 May 2011, 21374.

⁷⁶ Stanišić and Župljanin, 5 July 2011, 22808.

own people for key police posts⁷⁷. In Prijedor the SDA made a *pre-election* promise to appoint a Muslim Chief of Police⁷⁸.

In terms of leadership positions, party appointees were described as falling short of the requirements of the job⁷⁹. In many cases, appointees had no background in policing. It was claimed that Talundžić, the Chief of Police appointed by the SDA in Prijedor “had no other experience with the police other than when he was stopped by [sic] drink driving”⁸⁰. After an armed takeover of Prijedor by SDS, Simo Drljača, from the education services was put in charge⁸¹, in turn succeeded by a mathematics teacher⁸². In Kotor Varoš, Savo Tepić, an engineer with no experience of policing was appointed as Chief of Police as the SDS candidate agreed upon by the HDZ and SDA⁸³. In Ključ, the pre-election commander of the uniformed police had the support of the SDA and remained in post, while the Chief of Police was allocated to the SDS who appointed Vinko Kondić, formerly employed in a construction firm⁸⁴. The attempts to secure leadership positions did not always run smoothly. In Kotor Varoš, the appointment of Muhamad Sadiković, an SDA nominee from outside the police was obstructed by the regional police chief on the grounds that there was an experienced Muslim officer in post already⁸⁵. Sadiković’s description of the wrong this represented illustrates the nexus established between ethnicity, party and senior police office:

The SDA, as the legal party of the Bosniak people, had the right to nominate candidates⁸⁶

At the level of police leadership a number of points can be observed. Firstly, regardless of the professional background of those in leading positions, party-based nomination meant that candidates owed their jobs to political parties and were likely to be loyal or sympathetic to their aims⁸⁷. Secondly, candidates that did not meet pre-existing criteria diluted the professionalism of the police and new leaders were not schooled in the police values of SFRY. The lack of professional leadership was felt further down the hierarchy, with one Serb inspector

⁷⁷ *Brđanin*, 25 June 2003, 18188; 26 June 2003, 18366; *Stanišić and Župljanin*, 2 October 2009, 725; 4 February 2010, 6175; 18 March 2010, 7755; 1 October 2010, 15152; 26 May 2011, 21378; 12 April 2011, 19432; 6 June 2011, 21847-8; 10 October 2011, 24725-6; 10 January 2012, 26448; 7 March 2012, 27042. On the political side, *Brđanin*, 24 July 2003, 20051; *Stanišić and Župljanin*, 30 September 2009, 548; 14 October 2009, 1434. Confirmation by prosecution expert, *Stanišić and Župljanin*, 27 January 2010, 5580.

⁷⁸ *Stanišić and Župljanin*, 18 October 2010, 17481.

⁷⁹ *Stanišić and Župljanin*, 26 May 2011, 21375.

⁸⁰ *Stanišić and Župljanin*, 10 October 2011, 24725-6; Telundžić’s background was in engineering, *Stanišić and Župljanin*, 1 October 2010, 15222.

⁸¹ *Stanišić and Župljanin*, 1 October 2010, 15153; 11 October 2011, 24826; 12 October 2011, 25048.

⁸² *Stanišić and Župljanin*, 7 July 2011, 22991.

⁸³ *Stanišić and Župljanin*, 14 October 2009, 1434.

⁸⁴ *Stanišić and Župljanin*, 4 February 2010, 6175. On Bosanska Krupa, see *Brđanin*, 10 June 2003, 17255.

⁸⁵ *Brđanin*, 25 June 2003, 18188.

⁸⁶ *Brđanin*, 26 June 2003, 18366.

⁸⁷ Drago Raković, appointed to a leading communications role in the MUP put it explicitly when he said he “could be useful, both to the party and the people whom I would represent”, *Stanišić and Župljanin*, 25 February 2010, 6869.

suggesting that the crime police were “left to their own resources”⁸⁸. While the leadership cadre might have a disproportionate impact on the direction of policing, irregularities were noted throughout the service. Police officials sacked over disciplinary or criminal matters were reappointed after elections⁸⁹, normal appointment procedures were ignored for regular police officers and circumvented to stack the police reserve with party supporters⁹⁰, and police ID was not properly regulated⁹¹. As BiH disintegrated and secessionist bodies like the Autonomous Region of Krajina (ARK) emerged, the ethno-political basis of appointments and dismissals became more explicit. From April 1992 onwards, wide scale dismissals occurred following Serb take overs of political power. After the MUP had divided at the end of March, a new statement of loyalty was required. Those not signing were dismissed, as was evident in Sanski Most in April⁹² and in Ključ in May⁹³, and dismissals extended to Serbs who would not accept the new arrangements⁹⁴. A June 1992 decision by the ARK limited all positions involving the protection of public property not only to Serbs, but also excluded those “who have not confirmed by plebiscite or who in their minds are not clear that the Serbian Democratic Party is the sole representative of the Serbian people”⁹⁵. The changes in the composition and the expansion of the police force in this way questions the assumption that police training forms an important part of the explanation for their role in atrocity crimes. Bekir Delić witnessed men as young as 16 or 17 in police uniform⁹⁶, suggesting the use of untrained recruits. Rather, the police, once restructured along ethnic lines, provided an organisational framework and badge of convenience with access to the material means of violence. The development of the means of violence through the militarisation of the police is explored in the next section.

5.3. Militarisation

The militarisation of the police impacted upon the structure of the organisation, the skill set of its members, the tools available, and the opportunities for engagement in activities against civilian populations. While the police sought, at different points in time and at different levels of the organisation, to resist their utilisation in combat tasks, they were treated as another agency engaged in combat activities and pursuit of war aims⁹⁷. The use of police in military tasks during war and other extraordinary circumstances is based on the concept and law of All

⁸⁸ *Stanišić and Župljanin*, 6 June 2011, 21847.

⁸⁹ *Stanišić and Župljanin*, 26 May 2011, 21372.

⁹⁰ *Stanišić and Župljanin*, 5 May 2010, 9629; *Stanišić and Župljanin*, 6 June 2011, 21848.

⁹¹ *Stanišić and Župljanin*, 26 May 2011, 21372; 13 October 2011, 24970.

⁹² *Brđanin*, 24 April 2002, 4920-4; 18 June 2002 7023.

⁹³ *Brđanin*, 26 August 2002, 8981; 2 September 2002, 9402. P989.

⁹⁴ E.g. Prnjavor, *Brđanin*, 5 March 2003, 15229.

⁹⁵ *Brđanin*, P1263.

⁹⁶ *Brđanin*, 4 July 2002, 7961.

⁹⁷ Expert witness Christian Nielsen identifies that even if it was not the case de jure, the Serb leadership viewed and spoke of the police as part of the armed forces. *Stanišić and Župljanin*, 25 January 2010, 5478.

People's Defence⁹⁸. Further, serving and reserve police officers would have served as military conscripts in the JNA, meaning they had a minimum of military training⁹⁹.

Testimony covers the equipment available to police and the combat training they received. Charles Kirudja, Chief Civil Affairs Officer of UNPROFOR from 1992 and 1994, situated the initial transfer of military weapons to police in the context of the Vance plan which was designed to demobilise the JNA and other military units but excluded the police¹⁰⁰. As they sought to identify military weapons for demobilisation, they found these were redeployed to police, former military vehicles were repainted in police livery and militia in blue uniforms manned the front lines:

*Since they were allowed to keep a police force, they would transform what is essentially... a military fighting unit... into a police force which is only a police force in name, because it has the fighting capability of a military force.*¹⁰¹

Transfers of military equipment from army to police was not unprecedented. A member of the former Federal Secretariat for the Interior noted that needs for particular special equipment would be communicated to the JNA¹⁰². Muhamad Sadiković, deputy commander in the Kotor Varoš police, noted that after mobilisation of the reserve, police had access to a warehouse of weapons including "automatic and semi-automatic weapons, hand held launchers, M-53 and short barrel guns"¹⁰³. The nature of equipment subsequently sought by Serb police in the Krajina is evident from a request sent to the JNA and subsequently seen at a parade in Banja Luka and in other locations around the Krajina. The request, made by Župljanin in April, included helicopters, armoured vehicles, machine guns, sniper rifles, hand grenades and other explosives¹⁰⁴. The local police chief in Banja Luka, Vladimir Tutus said that these were for use by a special police detachment, discussed below¹⁰⁵. A number of witnesses recounted seeing the armoured vehicles, painted blue, at this parade¹⁰⁶, and being used by Prijedor police¹⁰⁷. The Ključ police commander described training given to a 'manoeuvring unit' from his municipality during February 1992, in which the Serb officers were trained in the use of mortars, Zolja (anti-tank weapons) mines and canons¹⁰⁸. These units had traditionally played a role in major public order events. Along new equipment and training, the use of police camouflage uniforms became more prevalent¹⁰⁹.

⁹⁸ Article 104, cited during cross examination of ST27, *Stanišić and Župljanin*, 2 October 2009, 794.

⁹⁹ *Brđanin*, 18 December 2003, 23866.

¹⁰⁰ *Brđanin*, 10 February 14381-95.

¹⁰¹ *Ibid.* 14394-5.

¹⁰² *Stanišić and Župljanin*, 23 October 2010, 13534.

¹⁰³ *Brđanin*, 25 June 2003, 18198, the M-53 he refers to is a machine gun with an effective aim range of 2 km; on Reserve weaponry at Bosanska Krupa, *Brđanin*, 10 June 2003, 17281-2.

¹⁰⁴ *Brđanin*, P1571.

¹⁰⁵ *Stanišić and Župljanin*, 22 March 2010, 7957-6; 28 May 2010, 10958-9; *Brđanin*, P1657.

¹⁰⁶ *Stanišić and Župljanin*, 16 April 2010, 8838-40; *Brđanin*, 27 February 2002, 2414

¹⁰⁷ *Stanišić and Župljanin*, 4 October 2010, 15263; 15 October 2010, 16048; 17 November 2010, 17437.

¹⁰⁸ *Brđanin*, P1123; *Stanišić and Župljanin*, 12 October 2010, 15868; a Serb member of the police reserve confirmed the weapons training, but denied that Muslim officers were treated differently during this training, *Brđanin*, 18 December 2003, 23870.

¹⁰⁹ *Brđanin*, 26 February 2002, 2318-9; 27 February 2002, 2414; 17 April 2002, 4468; 28 May 2002, 6155;

The expansion of reserve forces and the creation of an armed, and arguably militarised, police reserve is something that began before the division of the MUP in Bosnia and Herzegovina. Rooted in the concept of All People's Defence, it was also a logical move in light of restrictions on military force in the Vance plan, and the limited defensive capacity held by republics in the SFRY¹¹⁰. In the Krajina, this continued with the expansion and utilisation of police military capability, reflected in organisation, personnel and deployment, blurring the boundaries between the previously civilian police force and the military. The development of manoeuvring units has already been identified above, and the killings at Korićanske Stijene described in 4.5 were undertaken by a police 'intervention unit'¹¹¹. Special units or detachments were a focal point in both cases, particularly the special detachment of the regional Public Security Centre (CSB) in Banja Luka. The unit was formed following a decision of the ARK Crisis Staff on 27 April and confirmation of this by the Council of the CSB¹¹². Evidence on the unit suggests that while it was nominally attached to the CSB and salaries came from the CSB budget, regular police officers were in the minority, and the unit was formed from a mixture of police, members of the paramilitary Serb Defence Forces, and the military¹¹³. Criteria for inclusion in the unit included front line experience¹¹⁴. The ambiguous role of the 'specials' was underlined by one witness held at the *Proleter* factory. He described how they changed uniforms giving the example of Dule Vujičić, who he knew to be an active duty police officer:

*He had a blue camouflage uniform and a blue cap. When he would go to mopping up operations and when he was returning, he would come with a green camouflage uniform and a green [sic, corrected to red] cap... The same people would wear both kinds of uniform.*¹¹⁵

The special units present at Serb take overs of power in municipalities, in combat operations, and even in efforts to counter certain Serb paramilitary groups, show the blurring of lines dividing civilian police and military. The regular utilisation of police in wider combat activities was a further threat to this distinction. Rather than a technical elaboration of processes of resubordination of police to military command, I simply offer evidence of the nature and extent of police deployment in military operations. The expert witness, Christian Nielsen, identifies concerns in the MUP regarding the extent of police deployment in military roles. In figures drawn together for 1992, it was suggested that as many as 300,000 man days per month were being spent in combat functions¹¹⁶. Goran Macar of the MUP estimated that at one point, 80 per cent of

²⁶ November 2002, 12214; 27 February 2003, 14903; Stanišić and Župljanin, 30 September 2009, 541; 2 October 2009, 757; 6 October 2009, 904; 5 November 2010, 16972.

¹¹⁰ See Kutnjak-Ivković and Haberfeld on a similar expansion in Croatia (2000, 207).

¹¹¹ *Brđanin*, P1310 details the establishment of a police battalion of 7 companies, including cannon and mortar squads, in Prijedor.

¹¹² *Brđanin*, P159 and P202.

¹¹³ *Stanišić and Župljanin*, 9 November 2011, 25665; 21 September 2011, 24524.

¹¹⁴ *Stanišić and Župljanin*, 31 May 2010, 11105.

¹¹⁵ *Stanišić and Župljanin*, 5 November 2010, 16950-1.

¹¹⁶ *Stanišić and Župljanin*, 25 January 2010, 5472.

the Banja Luka CSB were involved in combat¹¹⁷. Formally, orders for deployment should have been communicated through the police chain of command, and one officer confirmed that his orders to participate in combat came through the chief of his SJB, Vladimir Tutus¹¹⁸. Witnesses testified that police already represented an organised formation and so were deployed to shore up weak spots on the front lines¹¹⁹. Miloš Janković was part of a collection of police brigades from across the Krajina region sent to fight at Obrovac, and served in a battalion under the command of Simo Drljača, Chief of the Prijedor police¹²⁰. Police were deployed as part of major military organisations, such as those to defend the corridor linking Eastern and Western parts of the Serb Republic¹²¹ and in attacks on targets such as Kozarac, which represented a concentration of Muslims in territory designated as part of the Republic¹²². Internal police documents and police testimony give details of some of the casualties that arose from police deployment in this manner¹²³.

The different dimensions of the apparent militarisation of the police support two separate conclusions. Firstly, the 'policeness' of those who appear to be a part of the police organisation is called into question. The wholesale transfer of personnel and weaponry from military and paramilitary units into police organisations, along with the deliberate blurring of the boundaries between the police and the army, suggest a fundamental change to the nature of the police in the Krajina region, potentially marginalising a residual core of police whose training and service date back to before the war. Secondly, through the regular utilisation of police in military roles, the potential of creating an embattled, brutalised force viewing their role in terms of securing their people from an enemy as opposed to securing a more general sense of order should be considered, and is worth exploring further through cases that deal with front line police officers in greater depth¹²⁴.

6. Conclusion

I have used the testimony and evidence accessible through the ICTY to argue that the police in the Krajina region of Bosnia and Herzegovina were transformed into a tool of the SDS programme of ethnically targeted violence through processes of politicisation, selection, deprofessionalisation and militarisation. Although this was not inevitable, one can see the foundations in the organisation of policing and defence in SFRY, and in the ethnicisation of politics in Bosnia's democratic transition. It created a police force distanced from a professional ethos, in which a number of senior positions were held by ideologically committed party men with no previous police experience. Uncontrolled recruitment at lower levels and an absence of police

¹¹⁷ *Stanišić and Župljanin*, 11 July 2011, 23094.

¹¹⁸ *Stanišić and Župljanin*, 19 April 2010, 8905.

¹¹⁹ *Stanišić and Župljanin*, 7 June 2010, 11346; 24 June 2010, 12141.

¹²⁰ *Stanišić and Župljanin*, 11 October 2011, 24847-24850.

¹²¹ *Stanišić and Župljanin*, 15 April 2011, 19653.

¹²² *Stanišić and Župljanin*, 6 December 2010, 18116.

¹²³ *Stanišić and Župljanin*, 20 January 2011, 19067; 16 November 2011, 25908; Brđanin, DB113.

¹²⁴ Notably in his study of Reserve Police Battalion 101 in Poland, Browning finds that brutalisation is not a credible explanation for their actions given limited combat experience (2001, 161).

training left no scope for the transmission of professional values. Coupled with the military potential of a police force viewed, equipped and utilised as an integral part of the emerging state's military capacity, this helps explain the role of the police in atrocity crimes in the Krajina, especially in the period of spring to winter 1992. Any accounts of police and atrocity crimes need to take seriously the ways in which police organisations are transformed.

In spite of recognised challenges in using material gathered for judicial processes, these findings show the potential of ICTY resources to build up original and detailed narratives as a foundation for frameworks to explain complex processes of organisational reorientation towards ethnically targeted atrocity crimes. This paper has focused at the level of the break-away Serb republic and one sub-region of police organisation. A number of cases prosecuted at the ICTY also offer the potential of findings not only about the changes in police organisations, but also about the front line police officers¹²⁵. Other cases allow comparison with authorities elsewhere in Bosnia and Yugoslavia¹²⁶. Further, as domestic courts in BiH proceed to prosecute ever more low level cases, further resources with regards to frontline police will become available, extending our knowledge of how police become perpetrators of large scale violence¹²⁷.

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¹²⁵ E.g. *Prosecutor v Kvočka et al*

¹²⁶ E.g. for the Former Yugoslav Republic of Macedonia, *Prosecutor v Boškoski and Tarčulovski*.

¹²⁷ For interactive resources on domestic cases, see OSCE (undated).

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About the Author

Andy Aitchison, PhD, is Lecturer in Criminology at the University of Edinburgh School of Law. The research was made possible with the help of the University of Edinburgh School of Law Strategic Investment Fund and generous hospitality provided by the Faculty of Criminal Justice Sciences, Criminology and Security Studies of the University of Sarajevo.

E-mail: andy.aitchison@ed.ac.uk.