

-

**DESTRUCTION OF CULTURAL HERITAGE
IN BOSNIA AND HERZEGOVINA:**

A Post-war Survey of the Destruction of Non-Serb Cultural Heritage in the Municipalities of Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, Teslić, Bosanski Šamac, Brčko, Doboj, Gacko, Višegrad, Vlasenica, Zvornik, and Bileća during the 1992-95 War.

Prepared for the International Criminal Tribunal for the Former Yugoslavia

Expert witness: András J. Riedlmayer

Table of Contents

1.0 Introduction

1.1 Background to Survey

1.2 Survey Goals and Methodology

2.0 Findings

2.1 Damage to Islamic Architectural Heritage

2.2 Damage to Catholic Architectural Heritage

2.3 Damage to Religious Archives and Libraries

3.0 Use of Database

4.0 Expert c.v.

Appendix 1: Description and Analysis of Documentation Sources

Appendix 2: List of Documents Submitted

1.0 Introduction

1.1 Background to Survey.

[1.] During the 1992-1995 conflict in Bosnia and Herzegovina, there were reports by various parties concerning the widespread destruction of cultural and religious heritage. In general, these reports came from the following sources: governmental organs and professional institutions in Bosnia and Herzegovina; the local religious communities; interviews with refugees conducted by humanitarian relief organizations and other non-governmental organizations; and media reports from the conflict zone.

[2.] In response, the Committee on Culture and Education of the Council of Europe's Parliamentary Assembly sent a series of missions to Bosnia and Herzegovina and Croatia to collect information on the destruction by war of cultural heritage. The first of the ten information reports submitted by the Committee on this matter (Council of Europe Parliamentary Assembly Doc. 6756. 2 February 1993), characterized the destruction as "a cultural catastrophe in the heart of Europe."

[3.] Following the end of hostilities and the signing of the Dayton Peace Accords, it was evident that there was an urgent need to conduct an independent assessment of the damage inflicted on cultural heritage in Bosnia and Herzegovina during the conflict. However, amidst the post-war challenges of restoring security and public services, the human drama of the return of refugees, the discoveries of mass graves and other evidence of atrocities, and the urgency of providing basic necessities such as shelter, the fate of cultural heritage was not foremost among the concerns of the international organizations and governmental bodies in Bosnia and Herzegovina.

[4.] The Dayton Peace Accords recognized the importance of cultural heritage in its Annex 8, which called for the establishment of a Commission to Preserve National Monuments.¹ A Commission was set up, but during the first six years of its existence it remained mired in disputes about political and procedural issues and had neither the

¹ The text of Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina (The Dayton Peace Accord): Agreement on Commission to Preserve National Monuments" (14 December 1995), is appended to this report.

budget nor the staff nor the legislative authority to conduct any assessments. The state institutions that had been in charge of heritage protection in Bosnia and Herzegovina before the war lost their former country-wide mandate and their budgetary support, as a result of the decentralized political arrangements imposed by the Dayton Accords, and were thus in no position to carry out extensive field investigations.²

[5.] Soon after the end of the war, the various religious communities in Bosnia and Herzegovina undertook efforts to document and publicize damage to their respective sacral monuments, in part to help raise funds for reconstruction. In 1997-98, the Technical Cooperation and Consultancy Programme of the Cultural Heritage Division of the Council of Europe carried out an independent field survey of selected heritage sites, in cooperation with local authorities in both entities of Bosnia and Herzegovina. The resulting survey report, "Specific Action Plan for Bosnia-Herzegovina, Preliminary Phase: Final Report (March 1999)," was designed to identify priorities for restoration, but it also provides some independent, base-line information and photographs for a number of sites. The losses inflicted upon the cultural heritage of Bosnia and Herzegovina's ethnic and religious communities during the 1992-1995 war have been widely noted, but a comprehensive, country-wide survey has yet to be carried out.

[6.] On 9-10 April 2002, I testified as an expert witness in the case *The Prosecutor v. Slobodan Milošević* concerning the destruction of cultural and religious heritage in the 1998-1999 Kosovo conflict.

[7.] On 16 May 2002, I was engaged by the Office of the Prosecutor (OTP) to prepare a similar report in the case *The Prosecutor v. Slobodan Milošević*, to be based on a field investigation in Bosnia and Herzegovina. The assignment was to document damage to cultural and religious sites of the Bosnian Muslim and Bosnian Croat (Roman Catholic) communities in at least fourteen municipalities specified by the OTP and in up to five additional municipalities, time permitting.

² On the restructuring of the Dayton Annex 8 Commission on 21 December 2001, see "Decision of BiH Presidency on Commission to Preserve National Monuments," available online on the Commission's Web site (www.aneks8komisija.com.ba/main.php?id_struct=82&lang=4). The author of this report was named by the Presidency of Bosnia and Herzegovina as a member of the restructured Commission, but had to decline the appointment due to personal reasons.

[8.] The fieldwork in Bosnia-Herzegovina, which was carried out in July 2002, was supported by the OTP, which set the terms of reference for the mission and also provided transportation, a daily fee and per diem costs. In two and a half weeks of travel in Bosnia-Herzegovina, the field survey documented patrimonial sites in nineteen municipalities. The information and photographs collected in the field, combined with documentation gathered from other sources and in the course of my other post-war visits to Bosnia and Herzegovina (June 1997, November-December 1998, May-June 2001, June 2007, September 2007, June 2008), as well as subsequent analysis of the data collected and systematized in the attached database, form the basis of this report. The findings and conclusions of this report are entirely those of the author. At no stage in the process did the OTP seek to exert any influence or pressure on the author regarding the methodology of this study, its findings, or its conclusions.

[9] The abovementioned report³ was completed and submitted to the ICTY in February 2003. On 8 July 2003, I testified as an expert witness in the case *The Prosecutor v. Slobodan Milošević*.⁴

[10.] In April 2003, I was again engaged as an expert witness in the case *The Prosecutor v. Momčilo Krajišnik* and requested to provide an edited version of the abovementioned report for use in that case. That edited version of the report was to examine and document damage and destruction of the cultural and religious heritage of the Islamic and Roman Catholic communities in the Bosnian municipalities of Banja Luka, Bijeljina, Bosanska Krupa, Bratunac, Brčko, Čajniče, Doboj, Foča, Višegrad, and Zvornik during the 1992-1995 war, with specific reference to 1992. I accepted the assignment on 25 April 2003 and submitted the report to the Tribunal in June 2003.⁵ On 23 May 2005 I testified as an expert witness in that case.⁶

³ DESTRUCTION OF CULTURAL HERITAGE in BOSNIA-HERZEGOVINA 1992 – 1996, a Post-war survey of selected Municipalities. 0326-2227-0326-2256.

⁴ *Prosecutor v. Slobodan Milošević*, 030708ED.

⁵ DESTRUCTION OF CULTURAL HERITAGE IN BOSNIA-HERZEGOVINA: A Post-war Survey of the Destruction of Non-Serb Cultural Heritage in the municipalities of Banja Luka, Bijeljina, Bosanska Krupa, Bratunac, Brčko, Čajniče, Doboj, Foča, Višegrad, and Zvornik during the 1992-95 war, with specific reference to 1992. 0340-5804-0340-5829.

[11.] In April 2005, I was asked to prepare an expert report on the destruction of cultural and religious monuments in the period September 1991 and September 1993 in the municipalities in Bosnia and Herzegovina covered by the indictment in the case *The Prosecutor v. Vojislav Šešelj*. The report was to be based in part on materials previously reviewed in the relation to the Milošević and Krajišnik cases, with additional specifications for the municipalities and the time period covered by the indictment in that case. I accepted the assignment on 18 April 2005. After a modified Amended Indictment was filed in the case on 15 July 2005, I was asked to expand my report to include documentation on destruction of non-Serb cultural heritage during the specified period in the nine additional municipalities in Bosnia and Herzegovina covered by the modified Amended Indictment. The abovementioned report⁷ was completed and submitted to the ICTY in April 2006. On 21-28 May 2008 I testified as an expert witness in that case.⁸

[12.] In April 2009, I was asked to prepare an expert report on the destruction of cultural and religious monuments in the municipalities in Bosnia and Herzegovina covered in Schedule D of the Third Amended Indictment in the case *The Prosecutor v. Radovan Karadžić* (IT-95-5/18-I). The report was to be based in part on materials previously reviewed in the relation to the Milošević, Krajišnik and Šešelj cases, with additional specifications for the municipalities and the time period covered by the indictment in that case. The abovementioned report⁹ was completed and submitted to the ICTY in May 2009.

⁶ *Prosecutor v. Momčilo Krajišnik*, 050523DR.

⁷ DESTRUCTION OF CULTURAL HERITAGE IN BOSNIA-HERZEGOVINA:

A post-war survey of the destruction of non-Serb cultural heritage in the municipalities of Bijeljina, Bosanski Šamac, Brčko, Mostar, Nevesinje, "Greater Sarajevo" (Ilidža, Ilijaš, Novi Grad/Rajlovac, Novo Sarajevo, Vogošća) and Zvornik during the 1992-95 war, with specific reference to the period September 1991 - September 1993. 0469-3669-0469-3697

⁸ *Prosecutor v. Vojislav Šešelj* 080521ED, 080522IT, 080527ED, 080528ED

⁹ DESTRUCTION OF CULTURAL HERITAGE IN BOSNIA-HERZEGOVINA:

A post-war survey of the destruction of non-Serb cultural heritage in the municipalities of Banja Luka, Bijeljina, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Bratunac, Brčko, Čajniče, Donji Vakuf, Foča, Ilijaš, Kalinovik, Ključ, Kotor Varoš, Novi Grad, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, Vogošća, and Zvornik during the 1992-95 war, and a report on the 25-26 August 1992 shelling of the National and University of Library of Bosnia and Herzegovina in Sarajevo. 0639-9217-0639-9250, D000-2537-D000-2537, 0639-9251-0639-9658

[13.] In August 2009, I was asked to prepare an expert report on the destruction of cultural and religious monuments in the thirteen municipalities in Bosnia and Herzegovina covered in Schedule E and one additional municipality (Bileća) covered in Schedule F of the Amended Consolidated Indictment in the case *The Prosecutor v. Župljanin and Stanišić*. The report was to be based in part on materials previously reviewed in the relation to the Karadžić, Šešelj, and Milošević cases, with additional specifications for the municipalities and the time period covered by the indictment in this case.

1.2 Survey Goals and Methodology

[14.] The goal of this expert report is to document cases of the deliberate destruction of cultural and religious heritage of the Bosnian Muslim and Bosnian Croat (Roman Catholic) communities during the 1992-1995 war in the municipalities of Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, Teslić, Bosanski Šamac, Brčko, Doboј, Gacko, Višegrad, Vlasenica, Zvornik, and Bileća. The religious and cultural sites to be covered in this expert report included the cultural and religious monuments and institutions that are specifically referred to in Schedule E. In addition, the report also covers damage and destruction of the cultural and religious heritage of the Bosnian Muslim and Bosnian Croat (Roman Catholic) communities generally in the thirteen municipalities listed in Schedule E and in one additional municipality listed in Schedule F. Four of the municipalities covered in this expert report had not been covered in my previous reports for the ICTY (Bileća, Gacko, Teslić, and Vlasenica). At the request of the Office of the Prosecutor, a supplementary report was prepared for these four additional municipalities; it forms part of this expert report. Information concerning cultural and religious heritage sites in the ten other Bosnian municipalities covered by this report is incorporated by reference from the documentation submitted with my previous expert reports prepared for the Tribunal in *Prosecutor v. Karadžić* (Brčko, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Zvornik), in the case *Prosecutor v. Šešelj* (Bosanski Šamac), and in the case *Prosecutor v. Milošević* (Doboј, Višegrad).

[15.] Heritage sites surveyed include but are not limited to places of worship, libraries and archives, educational buildings and cultural sites. In addition to a careful inspection of those sites that the author was able to visit in person, an effort was made to identify and acquire pre-war and post-war photographs and other information from the local religious communities and from other sources considered to be reliable.

[16.] In all, 267 sites are documented in this report. Of that number, 128 sites, comprising nearly half of the total (48 percent), were inspected at first hand. For another 139 sites (52 percent) the assessment is based on photographs and information obtained from other sources judged to be reliable (such as the religious communities, photographs taken by ICTY investigators, Council of Europe survey teams, local Institutes for the Protection of Monuments). When using information from external sources, only those sites were included in this survey for which there were photographs or other corroborating documentation. Whenever possible, an effort was made to corroborate survey findings by using information from multiple, independent sources.

[17.] For this survey, the term "site" is used to describe a particular building or institution devoted to religious worship (such as a mosque, church, or shrine) of the specified communities, or related religious, cultural or educational uses (religious archive, religious library, religious school, monastic establishment, or dervish lodge). All of the sites are identified by type and use.

Table I. MUNICIPALITIES SURVEYED	No. of sites
1. Donji Vakuf	12
2. Ključ	20
3. Kotor Varoš	20
4. Prijedor	44
5. Sanski Most	35
6. Teslić	7
7. Bosanski Šamac	10
8. Brčko	21
9. Doboj	31

10. Gacko	6
11. Višegrad	9
12. Vlasenica	4
13. Zvornik	46
14. Bileća	2
TOTAL:	267

Table II. MUSLIM SITES

Mosques	193
Mektebs (Qur'an schools)	12
Turbes (Islamic shrines)	8
Tekkes (Dervish lodges)	3
Islamic religious archives and libraries	10

Table III. ROMAN CATHOLIC SITES

Catholic churches	47
Catholic monasteries and convents	2
Catholic religious archives and libraries	3

[18.] Cemeteries and cemetery chapels, which are not used for regular communal worship, were excluded from the scope of the survey, while mektebs (Qur'an schools), which are often used for communal prayers, were included.

[19.] The damage assessment for each site surveyed includes a verbal description. The damage was also graded according to a five-point scale¹⁰, using the following terms:

¹⁰ The terms and criteria for the damage assessment scale used in this expert report were developed on the basis of two other scales that have been used in the Balkan context. One of these was a five-point damage scale developed in 1999 by UNHCR for its "Rapid Village Assessment" project at the end of the 1998-99 war in Kosovo: UNHCR, Rapid Village Assessment Forms, 1999. *Emergency Assessment of Damaged Housing and Local/Village Infrastructure in Kosovo* ([Priština and Brussels]: European Commission Damage Assessment Kosovo, International Management Group, July 1999); document available online at www.reliefweb.int/library/documents/KosovoAssessment99.pdf. The UNHCR damage scale was designed with calculations of housing reconstruction costs, rather than assessments of heritage buildings in mind, and was not well suited for these purposes. Another assessment

Table V. DAMAGE LEVELS

<i>In good condition:</i>	the building shows no sign of war damage or of recent reconstruction.
<i>Lightly damaged:</i>	covers any damage that does not visibly compromise the main structure of the building; damage can range from vandalism or small fires set in the building, to bullet holes in the walls, shell holes in the roof, the top of a minaret or the top of a church steeple shot off, as long the principal part of the building appears to have survived structurally intact.
<i>Heavily damaged:</i>	the building has suffered significant structural damage to its main elements; typically, this would be used to describe a building that has been completely burnt out, often with its roof entirely or substantially collapsed, or extensive blast damage, or a combination of damage to several parts of the structure.
<i>Almost destroyed:</i>	several principal parts of the building, such as perimeter walls, are missing or severely compromised; the building appears to be beyond repair and would require complete reconstruction, but still has some identifiable elements standing.
<i>Completely destroyed:</i>	the building has been razed and has no potentially salvageable elements left standing above ground.

tool, a six-point damage scale, was devised in 1991 by the State Institute for Protection of Cultural Monuments of Croatia and was used to assess war damage to heritage sites in the Old Town of Dubrovnik. The same scale was also used by the rapporteurs sent to Croatia and Bosnia and Herzegovina by the Council of Europe to assess damage to heritage during the 1991-1995 war; *The Destruction by War of the Cultural Heritage in Croatia and Bosnia-Herzegovina presented by the Committee on Culture and Education. Information report, 2 February 1993* (Council of Europe Parliamentary Assembly Doc. 6756), par. 77-78 outlines the six damage levels but unfortunately does not provide details on the criteria for each level. The scale adopted for this expert report employs clear criteria, based on visual observation and is based on the same standard methods of assessment as the aforementioned.

[20.] In addition to the author of this report, who determined the sites to be documented and carried out the documentation and assessments, the survey team in July 2002 also included an OTP investigator, who acted as driver and provided security, as well as Prof. Dr Muhamed Hamidović, at the time Dean of the Faculty of Architecture at the University of Sarajevo and former director of the Institute for Protection of Cultural, Historical and Natural Heritage of Bosnia and Herzegovina. Dr. Hamidović assisted in arranging for local contacts and acted as translator when required; he also acted as guide to a number of heritage sites with which he was personally familiar. However he played no part in the selection of sites or the assessment of the damage. In all the municipalities surveyed, the local Islamic and Roman Catholic religious communities provided information, documents (including photographs) and assistance; in many places, local clergymen gave generously of their time to accompany and guide us to sites of destroyed places of worship. However in all cases, the author of this report was solely responsible for the selection of sites and the assessment of the damage.

[21.] While it was not the aim of the report to cover every site in the municipalities included in the indictment, in many of the municipalities surveyed the majority of Islamic and Roman Catholic sites extant before the war were in fact documented by this survey.

2.0 Findings

2.1 Damage to Islamic Architectural Heritage

[22.] Islamic religious heritage sites in Bosnia and Herzegovina include mosques, (džamija, mesdžid), tekkes (dervish lodges of the Sufi lay brotherhoods), turbes (shrines at the tombs of popular Islamic saints and martyrs), medresas (Islamic theological schools), mektebs (schools for Qur'an readers), and Islamic libraries and

religious archives. All of these appear to have been singled out for destruction during the recent war, in particular mosques.¹¹

[23.] The survey has documented 193 mosques in the 14 municipalities covered in this expert report. With the exception of a small number of mosques located near the confrontation lines, almost all of these mosques were located in territory seized and held by Bosnian Serb forces during the period of the indictment. None of the surveyed mosques were found to have survived the war undamaged, while only 12 mosques (6 percent of the total) were assessed as lightly damaged.

[24.] Mosques found to have been lightly damaged fell into two basic categories. A total of eight lightly damaged mosques in the survey, all of them located in territory held by Bosnian government forces during the war, were close to the front lines and had been damaged by projectile impacts. Examples include the mosques in Vitinica and Svrače (Zvornik municipality) and Mravići (Doboj municipality). Four of the mosques assessed as lightly damaged were located within areas held by Bosnian Serb forces during the war. Of these lightly damaged mosques in Serb-held territory, two were mesdžids, which are small Muslim houses of worship, usually without a minaret, that are not always immediately recognizable from the outside as mosques. One example of a mesdžid that escaped with only light damage is the small mosque in Gomjenica (Prijedor municipality). It is said to be the only mosque in the Prijedor region that still had its roof at the end of the war. The other two mosques in territory held by Serb forces during the war and covered by this survey that were found to be lightly damaged were mosques that were still under construction at the time the war broke out and had not yet been officially inaugurated.

[25.] As was seen by the author of this report in a number of the municipalities surveyed, unfinished houses of worship of the non-Serb communities – Muslim

¹¹ In the field survey that forms the basis of this report, care was taken in each case to note the condition of buildings adjacent to the damaged monument, in order to establish the context of destruction. In the great majority (86 percent) of the 110 cases for which such information was available, other buildings adjacent to the damaged/destroyed Islamic sacral site were either found to be intact or had suffered lesser degrees of damage. In the remaining cases both the mosque (or other Islamic site) and the adjacent buildings had suffered the same degree of damage.

mosques and Roman Catholic churches that were still under construction – were often targets of vandalism and the looting of building materials during the 1992-1995 war, but were rarely if ever found to have been destroyed. Examples include two nearly completed new mosques in Hrustovo-Kukavice (Sanski Most municipality) and in Donji Agići (Bosanski Novi municipality), each of them adjacent to an older mosque that was still in active use at the outbreak of the war. In both cases the old mosque had been burned and heavily damaged, while the new mosque, just a few meters away, had suffered only minor damage. Another example of this is the new, unfinished mosque at Donji Križevići, near Zvornik, a substantial domed building readily identifiable as a mosque and clearly visible next to the main highway heading northwest from the town of Zvornik. This new mosque was still under construction, almost completed but not yet inaugurated, at the outbreak of the war in April 1992. Out of some 30 mosques in the part of Zvornik municipality controlled by Serb forces during the war, the Donje Križevići mosque was the only one that survived without significant damage.

[26.] At the same time, all the active mosques in the municipality that had been formally inaugurated and registered with the civil authorities were destroyed or heavily damaged. In at least some cases the destruction of these active mosques must have involved considerable initiative and effort, as in the case of the fifteenth-century mosque at Kušlat, south of Zvornik. Perched atop a high cliff overlooking the Drinjača river valley and inaccessible by paved road (it takes a two-hour climb to reach it), the historic Kušlat mosque, a listed monument¹² reputed to be one of the oldest mosques in Bosnia and Herzegovina, was nevertheless destroyed by fire and blast in February 1993.

[27.] A total of 181 mosques, 94 percent of the mosques surveyed for this report, were found to have been either heavily damaged or destroyed. Of these 181 mosques in the top damage categories, 90 mosques were found to have been heavily damaged, while 91 mosques were almost or entirely destroyed.

¹² For an explanation of the term “listed monument” see note 11 below.

[28.] Close to half, 48 percent, of the 193 mosques surveyed for this report dated from the Ottoman era (early 1400s-1878) or from the era of Austro-Hungarian rule (1878-1918). Of these 93 historic mosques, 33 had been designated as “listed monuments” (designated for special protection by legislative act, due to their exceptional cultural, artistic or historical significance).¹³

[29.] All of the 93 Ottoman-era and Austro-Hungarian-era mosques in the areas covered by this report were either heavily damaged or destroyed. Of the 33 mosques that were officially designated as listed monuments, 11 were heavily damaged, while 22 of the listed mosques were completely or almost completely destroyed.

[30.] The same pattern was evident for other types of Islamic religious monuments of cultural or historical importance. Of the 8 turbes (Islamic shrines) located in the municipalities covered by this report, all were either heavily damaged or completely destroyed; 4 of these turbes were listed monuments. The historic dervish lodge (tekke), located in Divič (Zvornik municipality), was found to have been destroyed down to its foundations; the rusted-out hulk of a junked lorry had been placed on top of the tombs of the founders, two 16th-century Muslim saints.

[31.] While it is frequently stated that all of the mosques located in territory controlled by Bosnian Serb forces during the war were completely razed, that is not quite the case. However, one can conclude from the findings of this report that the overwhelming majority of the mosques in the municipalities included in this survey – as in other municipalities surveyed -- were either heavily damaged or destroyed; and that mosques and other Muslim religious monuments of particular historical and cultural importance appear to have been singled out for destruction. Minarets, which

¹³ A “listed monument” refers to a building or other structure officially designated as being of special architectural, historical or cultural significance. “Listed” buildings may not be demolished, extended or altered without special permission being granted by the competent authorities. In addition, listed buildings may be eligible for state-funded conservation projects. In the former Yugoslavia (SFRY), legislation at the federal and republican level for the protection of cultural heritage included procedures for the designation of buildings as listed monuments. In Bosnia and Herzegovina, this was regulated by Statutes on the protection of cultural monuments, enacted in 1965, 1978 and 1985 (Zakon o zaštiti spomenika kulture, SL SRBiH 16/65 and 31/65; Zakon o zaštiti kulturno-historijskog i prirodnog naslijeđa, SL SRBiH 3/78, SL SRBiH 85). Mevlida Serdarević, *Pravna zaštita kulturno-historijskog naslijeđa BiH* [The legal protection of the cultural and historical heritage of Bosnia and Herzegovina] (Sarajevo: Međunarodni centar za mir, 1997),

with their tall spires are the most visible symbol of the Muslim community's presence in a locality, appear to have been favorite targets. Virtually no minarets survived the 1992-1995 war intact in the parts of Bosnia and Herzegovina controlled by Bosnian Serb forces.¹⁴

[32.] The damage to these monuments was, in many cases, clearly the result of attacks directed against them, rather than incidental to the fighting. Evidence of this includes signs of blast damage indicating explosives placed inside the mosques or inside the stairwells of minarets. Many mosques appear to have been burnt out or blown up while nearby structures show no signs of damage or recent repairs in photographs taken immediately after the war. In a number of towns, including Bileća, Gacko, Vlasenica, Bosanski Šamac, Brčko, Donji Vakuf, Prijedor, Sanski Most, Zvornik, Kozluk and others, the destruction of mosques and other Islamic sites took place after the area had come under the control of Serb forces, at times when there was no military action in the immediate vicinity.

[33.] Destruction of Islamic religious monuments in Bosnia and Herzegovina occurred as early as the autumn of 1991 and continued throughout the war up to the final phase of the fighting in 1995. However, in the municipalities covered by this survey, the majority of the destruction of Islamic sites is reported to have taken place in the spring and summer of 1992.

[34.] The destruction of mosques and of other Islamic religious monuments appears to have been neither localized nor random, in these as in other surveyed municipalities in Bosnia and Herzegovina, and is reported to have taken place before or during or in some cases just after, a mass exodus of the local Muslim population. Reported statements made by the people who were privy to the events show an awareness of the impact that the destruction of their houses of worship had on the targeted community.

pp. 59-81: "Zaštita kulturno-historijskog naslijeđa do 1992. godine (zakon o zaštiti naslijeđa)" [Protection of cultural and historical heritage up to 1992 (the Statute on protection of heritage)].

¹⁴ The one, well-known exception is in Baljvine, near Mrkonjić Grad, where local Serb inhabitants reportedly persuaded Serb paramilitaries to leave the mosque alone, saying it was part of the "local color." (Jolyon Naegle, "Banja Luka's Mufti Tells Of 'Four Years Of Horror'," *RFE/RL Weekday Magazine*, 6 Sept. 1996; <http://www.rferl.org/nca/features/1996/09/F.RU.96090616572638.html>.)

[35.] In the eastern Bosnian municipality of Zvornik, between April 1992 and the spring of 1993, Serb forces destroyed all 5 mosques in the town of Zvornik and its suburbs and a total of 46 Islamic sites (including 36 mosques) in the municipality. In early 1993, the *Chicago Tribune* reported on the situation on the ground in Zvornik as follows:

[36.] *Zvornik Mayor Branko Grujić admits that Muslims may once have had legitimate claims to ownership of eastern Bosnia, but he quickly explains why the UN map for the region needs to be thrown away. "The demographics are different now," he says. Zvornik once had a population of almost 70,000 -- with more than 60 percent being Muslims. Today, the mosque has been blown up, and the city is more than 90 percent Serb, maybe even 99.9 percent Serb, Grujić said.*¹⁵

[37.] A year later, Mayor Grujić was quoted in the Belgrade press as saying that *there were only five Muslims left in Zvornik.*¹⁶

[38.] In March 1993, Mayor Grujić was interviewed by several foreign reporters and on that occasion he claimed *"There never were any mosques in Zvornik."*¹⁷

[39.] As a Muslim citizen of Banja Luka told a foreign journalist, following the destruction of Banja Luka's historic Ferhadija mosque in May 1993: *"It is as though they have torn our heart out. They wanted us to understand we had no place here."*¹⁸

[40.] In many localities -- especially in major population centers, but at times also in village settings -- mosques were not only destroyed by burning and explosives, but the ruins were razed and the sites levelled with heavy equipment, and all building materials were removed from the site. The razing of the mosques and the leveling of the sites was generally carried out in the immediate aftermath of the destruction by

¹⁵ Tom Shanker, "Hatred Running Deep in Bosnia," *Chicago Tribune*, 23 March 1993.

¹⁶ *Vreme News Digest*, no 156, 19 September 1994, Title: "On the Spot: Loznica and Zvornik, the Banks of the Drina," by Dragan Todorović.

¹⁷ Branko Grujić, interviewed by Carol Williams, "Serbs Stay Their Ground on Muslim Lands: Conquering Warlords Bend History and Reality in an Attempt to Justify Their Spoils," *Los Angeles Times*, 28 March 1993; Laura Silber, "Serb Mayor Confident in Bosnian Town Where Mosques Are Rubble," *Financial Times* (London), 17 May 1993; Roger Cohen, "In a Town Cleansed of Muslims, Serb Church Will Crown the Deed," *New York Times*, 7 March 1993.

work crews of the Bosnian Serb municipal authorities, ignoring pleas from the local Islamic communities. Among the many well-documented instances of this practice are the destruction and razing of mosques in the towns of Gacko, Brčko, Donji Vakuf, Vlasenica, Nova Kasaba, Kozluk, and Zvornik, and the destruction and razing of both mosques and Roman Catholic churches in the towns of Bosanski Šamac, Teslić, Prijedor, Sanski Most, and Ključ.

[41.] The rubble of the razed mosques was in many cases trucked out of town and deposited in rubbish tips. In some cases, such as that of the 18th-century Sava Mosque in Brčko, the rubble of the destroyed mosque was dumped on top of a mass grave site and used to cover the remains of Muslim civilians killed by Serb forces.¹⁹ Another incident where the remains of a mosque were used in this way is alleged to have taken place in the village of Novoseoci in Sokolac municipality, where the destruction of the mosque on 22 September 1992 was reportedly accompanied by the killing of a large number of the village's Muslim residents, whose bodies were found after the war, buried beneath tonnes of rubble of the destroyed mosque, in a rubbish tip near Ivan Polje, at a distance of 6km from Novoseoci.²⁰

[42.] A number of the empty sites of razed mosques in territory under Bosnian Serb control have been desecrated, often by being used as dumping sites for garbage. As was noted by the author of the report in the course of the field survey, the presence of large, overflowing containers of rubbish on an empty lot in the center of towns in Republika Srpska often signals the site of a destroyed mosque; among examples are: the sites of the Begsuja Mosque and of the Rijeka Mosque in Zvornik; of the Mosque

¹⁸ Tim Judah, *The Times* (London), 14 May 1993.

¹⁹ Interview (26 Oct. 2005) by the author of this report with archaeologist Dr. Rebecca Saunders, of Louisiana State University, who took part in the ICTY-sponsored exhumation of the mass grave site southeast of Brčko in the summer of 1997: "There were a number of discrete mass graves in an area about 100 meters long and 50 meters wide. After the burials, one to two meters of rubble was dumped over the whole area, apparently because the local population complained of the smell ... Some of the rubble was clearly from a bulldozed mosque." Also see the testimony of Dr. Richard Wright, *Prosecutor v. Goran Jelišić*, 990902ED. The use of the rubble of the Brčko mosque to cover a mass grave site is also cited in the *Final Report of the UN Commission of Experts established pursuant to SC Res. 780 (1992)*, under the direction of M. Cherif Bassiouni. UN SC Doc. S/1994/674/Add.2 (Vol. V) 28 December 1994, Annex X: Mass Graves.

²⁰ *Prosecutor v. Momčilo Krajišnik*, 050629IT, 050520ED; Mort Rosenblum, "41 Muslims finally buried in Bosnia," *The Associated Press* (5 Nov. 2000).

of Mehmed-Čelebi in Kozluk (Zvornik municipality), of the Town Mosque in Bosanski Šamac and the Town Mosque in Gacko, and of the Zagrad Mosque in Prijedor (see database entries). The deposit of rubbish at such sites was frequently seen piled next to an old lime-tree, of the sort traditionally planted by the entrances of Bosnian Muslim mosques. Although in some cases even the foundations of destroyed mosques have been dug up and removed (some examples of this include the Hadži Pasha Mosque and the Sava Mosque, both in Brčko), one can often still see where the mosque once stood, by tracing lines of disturbed earth, stones in the ground and a difference in the growth of vegetation. For examples of the latter, see the database entries for the Mosque of Sultan Selim (Selimija džamija) in Doboj, the Old Town Mosque (Stara gradska džamija) in Prijedor, and the village mosque in Gornji Šepak (Zvornik municipality). Graffiti with Serbian nationalist symbols and anti-Muslim messages were often seen spray-painted on buildings surrounding the mosque site, or on the walls of ruined mosques in cases where the mosque had not been completely destroyed. Examples include the mosque at Velika Gračanica near Gacko and the Town Mosque (Čaršijska džamija, Gradska džamija) in the center of Prijedor.

[43.] The sites of razed mosques in a number of Serb-controlled towns (such as Zvornik, Kozluk and others) were observed to have been turned into bus stations, rubbish tips, parking lots, automobile repair shops, or flea markets. In some towns, new buildings have been erected on the sites of razed mosques, with the permission of the Serb authorities, despite protests from the local Islamic communities. Examples from the municipalities covered in this report include but are not limited to the site of the 200-year-old Zamlaz Mosque in Zvornik, destroyed in 1992, where a large, four-storey block of flats and shops has been erected on the site (see database entry). In Divič, a formerly all-Muslim village near Zvornik, a new Serbian Orthodox church was built on the site of the destroyed Divič Mosque (see database entry) and the village was renamed Sveti Stefan (after the Christian Saint Stephen) by the new Serb authorities.²¹

²¹ The appropriation and use for other purposes of sites of razed mosques in several Bosnian towns, including Zvornik and Divič, was the subject of decisions on the merits by the Human Rights Chamber for Bosnia and Herzegovina (case nos. CH/96/29, CH/98/1062, and CH/99/2656). (See **Appendix 2** below)

2.2 Damage to Roman Catholic Architectural Heritage

[44.] Roman Catholic religious heritage sites in Bosnia and Herzegovina include churches, convents and friaries of the religious orders, and Roman Catholic religious libraries and archives. All of these appear to have been singled out for destruction during the 1992-1995 war, in particular churches.²²

[45.] The survey has documented damage to 47 Roman Catholic churches, 2 Catholic monasteries, and 3 Catholic libraries and archives in the municipalities covered by this report. None of the Roman Catholic churches documented for this survey were found to be undamaged; 10 churches in the areas covered by this report were lightly damaged. The remaining 37 Catholic churches (77 percent of the total) were found to have been either heavily damaged or destroyed.

[46.] In a number of towns, including Bosanski Šamac, Ključ, Prijedor, Sanski Most, and Teslić, the Catholic parish churches were completely destroyed, the sites leveled and the ruins removed.

[47.] As in the case of the mosques, a number of Catholic churches of historic and cultural importance appear to have been singled out for destruction. Four of the five Roman Catholic churches in the municipalities covered by this survey that had been designated as listed monuments before the war were either heavily damaged or destroyed.

[48.] Common methods of destruction included blowing up the church steeple and arson or mining of the church. Examples include the Roman Catholic parish churches in Šurkovac (Prijedor municipality), Bežlja (Teslić municipality), Ulice (Brčko municipality), Stara Rijeka (Sanski Most) and Hrvatska Tišina (Bosanski Šamac

²² In the field survey that forms the basis of this report, care was taken in each case to note the condition of buildings adjacent to the damaged monument, in order to establish the context of destruction. In the great majority (91 percent) of the 22 cases for which such information was available, other buildings adjacent to the damaged/destroyed Roman Catholic sacral site were either found to be intact or had suffered lesser degrees of damage. In the remaining 9 percent of the cases both the church (or other Catholic sacred site) and the adjacent buildings had suffered the same degree of damage.

municipality). In a number of cases, the churches, or their ruins, were also targets of acts of desecration. Among examples seen in the area covered by this report is the Roman Catholic parish church in the town of Brčko, where all the statues of saints inside the church had their hands chopped off. The sanctuary in the Catholic church in Brčko was reportedly used as a public toilet by Serb troops and civilians during the 1992-1995 war.

[49.] Destruction of Roman Catholic religious monuments in Bosnia and Herzegovina occurred from October 1991 through the final phase of the fighting in 1995. But the majority of the incidents of destruction of Roman Catholic religious monuments in the municipalities covered by this study occurred in the spring and summer of 1992. A second, smaller wave of destruction of Catholic churches in the Bosanska Krajina region occurred during the summer of 1995.

2.3 Damage to Religious Archives and Libraries

[50.] In addition to the damage to houses of worship and other religious buildings, archives and libraries were also subjected to attacks during the 1992-1995 war in Bosnia and Herzegovina.

[51.] Losses include the destruction of religious archives of the local Islamic communities. These archives included both communal records, such as the property deeds and other documents pertaining to the Muslim religious endowments (*vakuf*) that sustain the buildings and the religious, charitable and cultural activities of each local Islamic community, and also serve as repositories of the documents and historical records of the community, its institutions of education and culture, its members, and its religious leaders.

[52.] In several of the municipalities covered in this report, Bosanski Šamac, Doboj, Ključ, Prijedor, Sanski Most, Višegrad, and Zvornik, representatives of the local Islamic religious community reported that their communities' chanceries and religious archives had been destroyed in 1992.

[53.] A number of important religious libraries and collections of ancient manuscripts held by the local Islamic Communities were also burned. Islamic libraries that were destroyed in the municipalities covered by this survey included endowment libraries of the Islamic Communities in Prijedor, Sanski Most and Zvornik, and a collection of ancient and valuable religious books and manuscripts in the shrine (*turbe*) of the famous seventeenth-century Bosnian Muslim poet and Sufi mystic Hasan Kaimija in Kula Grad (Zvornik municipality).

[54.] The Roman Catholic community also reported the confiscation or destruction of religious archives (including baptismal registers, records of marriages and burials from the parish). Since the civil registration of births, marriages and deaths was instituted at a relatively late date in Bosnia-Herzegovina, these parish registers embodied the historical record of the existence of these communities. Their destruction in many cases represents an irretrievable loss.

[55.] In Brčko, the Roman Catholic parish priest stated, in an interview with the author of this report, that in 1992 uniformed Serbs broke into the parish house and took away the parish archives (baptismal registers, records of marriages and burials from the parish) and the books from the religious library. These have never been returned. The Roman Catholic parish priest in the town of Doboј, in an interview with this author, reported that in August 1992 the parish house and convent was vandalized and looted by three “red berets” in military uniforms, speaking a dialect indicating they were from Serbia, who searched for the parish archives. However, the parish archives had been hidden at the priest’s request by “good people, local Serbs,” who took the records to their houses after the first attack on the Catholic parish church in Doboј in May 1992 and who returned them to the parish after the end of the war.

3.0 Use of Database

[56.] The database accompanying this report was created with a runtime (self-executable) version of FileMaker Pro. No additional software is needed to run the database. The database entries are divided into five sections: 1) building

identification; 2) building condition, including a narrative description of damage and pre-war and/or post-war photographs, when available; 3) informant statements when available; 4) bibliography; and 5) media accounts.

[62.] To enter the database, click on “guest account”; no log-in name or password is needed. To search in the database, select “mode” in the menu bar (control-F) and then select “find” in the drop-down menu. A blank record will then appear. Keywords can be entered in one or more fields on the blank record. After selecting all keyword parameters, press the “find” button, which is located on the left margin of the record. All records fulfilling the search terms will then appear as numbered rolodex cards in the upper left corner of the margin. Records can be searched by clicking on these cards or by entering card numbers below the rolodex.

[63.] Keyword searching can be done in any field, including: district name (municipality); town name; building name, in B-C-S or English; building use; building type; and building condition. Any number of search terms can be combined. For example, in order to find all heavily damaged Catholic Churches in the database, specify “Catholic Church” as a keyword in “building type” and specify “heavily damaged” as a keyword in “building condition.”

[64.] To find keywords in fields with different options, select the field and a drop-down menu will display all keyword options.

[65.] Truncated searching is allowed in all fields. For example, to find “Mosque of Sultan Suleiman the Magnificent” it is possible to enter only “Magnificent” in the “building name” field. Or, if the correct spelling of a building name is unknown, a portion of the name can be used as a search parameter. For example, to find “Azizija Mosque” it is possible to enter only “Aziz” in the “building name” field. The search terms are not case-sensitive. To exit the results set and return to the full database following a search, one can use the pull-down menu marked “Records” and then click on “Show All Records.”

4.0 Expert

[66.] András J. Riedlmayer, B.A., M.A., M.S., Cand. Phil., directs the Documentation Center of the Aga Khan Program for Islamic Architecture at the Fine Arts Library, Harvard University, and is a recognized expert on the cultural heritage of the Ottoman-era Balkans. A curriculum vitae is provided with this report.

Appendix 1: Description and Assessment of Documentation Sources

[67.] **A1.1 Field Investigations by the Author** (07/2002), including site visits and collection/consolidation of photographs and other documentation from published and unpublished sources. This was supplemented with photographs and other information gathered by the author in the course of other post-war visits to Bosnia and Herzegovina (06/1997; 11/1998; 06/2001, 06/2007, 09/2007, 06/2008). The data collected in the initial survey and in subsequent research has been compiled in a FileMaker database. Subsets of that database, selected according to the specifications for the municipalities and the time period covered by the indictment in each case, have been submitted to the Tribunal with the author's expert reports in the cases *Prosecutor v. Milošević*, *Prosecutor v. Krajišnik*, *Prosecutor v. Šešelj* and *Prosecutor v. Karadžić*. A supplementary database, which includes documentation for sites in four municipalities not covered in the author's previous expert reports, is submitted as part of the present expert report. The author's archive of documentation on wartime damage to cultural and religious heritage in Bosnia and Herzegovina, including original photographs, architectural plans, and other data, has been deposited at the Fine Arts Library, Harvard University.

[68.] *Remarks: In the course of the field survey, 128 sites in the municipalities covered in this report were documented at first hand. In addition to providing information for nearly half the entries in the database, this also allowed the author to check the evidence of first-hand findings against the documentation obtained from other sources for some of the same sites in order to control its accuracy. While the survey covers most of the important heritage sites in these municipalities, there were some sites that could not be visited due to the bad state of the roads, or time*

constraints. The passage of time since the end of the war and the alteration of some sites by post-war reconstruction efforts made assessment difficult in some cases; in such cases, photographs and other documentation were used to cross-check information from other sources and as a basis for assessment.

[69.] **A1.2 Council of Europe** (1997-1998). After the end of the war, the Technical Cooperation and Consultancy Programme of the Cultural Heritage Division of the Council of Europe carried out an independent field study of selected heritage sites, in cooperation with local authorities in both entities of Bosnia and Herzegovina. The resulting report, "Specific Action Plan for Bosnia and Herzegovina, Preliminary Phase: Final Report (March 1999)," was designed to identify priorities for restoration, but it also provides independent, base-line information and photographs for a number of sites. All photographs and other information taken from the Council of Europe report for this survey are identified as such.

[70.] *Remarks: The Council of Europe study was designed to cover listed monuments and sites throughout Bosnia and Herzegovina. However, in practice this did not always prove to be possible. For a number of the municipalities, the Council of Europe study's coverage is spotty (e.g. only four sites are included for Sarajevo, only one for Vlasenica municipality); some entries are incomplete, in a few cases no more than an uncaptioned photograph. Damage descriptions are missing for some sites, and a number of sites are unidentified or mislabeled by the CoE teams. In such cases, it is usually possible to correctly identify the site by comparing the CoE data with photographs from other sources. Despite some shortcomings, the Council of Europe's report contains a great deal of valuable information from an independent source, covers a lot of territory and includes some useful photographs, in many cases the first ones taken of these sites in the immediate aftermath of the war, often in places that were difficult to document because of local hostility and obstruction.*

[71.] **A1.3 Islamic Community.** The Islamic Community of Bosnia and Herzegovina (Rijaset Islamske zajednice u Bosni i Hercegovini) is the central governing body for the organized Islamic congregations in the various municipalities. The Rijaset has made efforts to document the wartime losses to Islamic religious heritage in Bosnia and Herzegovina. Some of this documentation has been published

since the war, most notably in Muharem Omerdić's book, *Prilozi izučavanju genocida nad Bošnjacima (1992.-1995.)* (Sarajevo: El Kalem, 1999), which has a section listing damage to mosques and other religious buildings, arranged by municipality. Other information, primarily photographs of war-damaged mosques now in Federation territory, appear in three other volumes: *Izložba dokumentarne fotografije o porušenim i oštećenim džamijama: Sarajevo, april 1995 [exhibition catalogue]* (Sarajevo: Državna komisija za prikupljanje činjenica o ratnim zločinima na području Republike Bosne i Hercegovine, 1995); Kemal Zukić, *Slike zločina: rušenje islamskih vjerskih objekata u BiH = The Evidence of Crime: The Destruction of Islamic buildings in B&H* (Sarajevo: Centar za islamsku arhitekturu, 1999); and Kemal Zukić, *Islamic Architecture in the Balkans and Bosnia and Herzegovina* (Sarajevo: ISESCO, 2000). Mr. Omerdić provided a copy of his book and also arranged contacts with the local Islamic communities in the municipalities to be surveyed and with the mufti's offices (regional governing bodies of the Islamic community). The local Islamic communities in municipalities visited in the course of the survey provided guides, usually clergymen (local imams) who were personally familiar with the sites of the war damaged mosques, as well as providing copies of unpublished photographs, extracts from cadastral records and other documents. Mr. Kemal Zukić of the Rijaset's Centre for Islamic Architecture has also kindly provided additional photographs and information. Since the end of the war, the local governing councils (medžlis) of the Islamic Community in many Bosnian municipalities affected by the war have reestablished themselves and some of them have been active in compiling and making public documentation on wartime damage to their houses of worship and other properties.

[72.] *Remarks: The documentation collected by the Rijaset and published in Mr. Omerdić's book appears to be comprehensive at first glance, but as it was compiled not long after the end of the war it has certain shortcomings. This is especially so for sites in the Bosnian Serb entity (RS) where in the first years after the war there had yet to be any substantial returns of Muslim residents, local Islamic communities had not yet been reestablished, and access to sites was limited. Thus, for a number of municipalities the information in this volume is incomplete or imprecise and ends up understating the actual number of mosques damaged in the war. Coverage for Islamic heritage other than mosques, especially buildings not under the institutional*

control of the Rijaset (such as dervish lodges and turbes) also tends to be incomplete. The damage descriptions for individual sites may at times be inexact or stated in very broad, general terms and the volume is sparsely illustrated. The information obtained from the local Islamic Communities was usually much more complete and up-to-date, was often supported by photographs and documents, and its accuracy could be checked against observations on site. The survey found no sites in the municipalities included in this report for which damage had been claimed when none existed.

[73.] **A1.4 Mr. Bekir Bešić**, a member of the council of the Islamic Community of Banja Luka during the war and subsequently resettled as a refugee in a third country, kindly provided a copy of a large and detailed map of Bosnia-Herzegovina, on which he has plotted sites of mosques damaged and destroyed during the 1992-1995 war, based primarily on the catalogue of monuments in Muharem Omerdić's book. Mr. Bešić's map provides a good visual representation of the overall pattern of damage to Islamic religious sites in Bosnia and it is included as a supplement to this report.

[74.] *Remarks: The plotting of the sites entered on Mr. Bešić's map and its consistency with the findings of the field survey and other sources of documentation used has been checked and found to be reliable. It should be noted that in the case of sites located near the Drina River, which forms the border Bosnia and Herzegovina (in the case of Zvornik municipality), heavy shading along the border line may partly obscure some of the red dots indicating damaged or destroyed sites.*

[75.] **A1.5 Roman Catholic Church.** The Roman Catholic Church authorities in Bosnia and Herzegovina have made efforts to document the wartime losses to Catholic religious heritage in Bosnia and Herzegovina. Some of this documentation has been published since the war, most notably in a volume entitled, *Raspeta crkva u Bosni i Hercegovini: uništavanje katoličkih sakralnih objekata u Bosni i Hercegovini (1991.-1996.)* (Banja Luka – Mostar – Sarajevo: Hrvatska matica iseljenika Bosne i Hercegovine; Zagreb: Hrvatski informativni centar, 1997). Fr. Ilija Živković, of the Ordinariate of the Archbishopric of Vrhbosna (Sarajevo), who served as the editor of that volume, kindly provided a copy of the book as well as contact information for the local parish priests in the municipalities to be surveyed. The Roman Catholic

Bishopric of Banja Luka, and local parishes also provided photographs, documents and other information on churches in municipalities in northern and northwestern Bosnia. Local parish priests in a number of the communities visited on the survey volunteered to act as guides to sites of destroyed and damaged Catholic churches in the vicinity.

[76.] *Remarks: The documentation collected by the Roman Catholic Church authorities and published in the book edited by Fr. Živković appears to be generally accurate and reliable. While damage descriptions at times seem vague or overstated, the majority of entries are illustrated with photographs, showing churches before and after they were damaged. These and additional unpublished photographs provided by local parish priests and the bishops' offices, as well as the observations of sites visited on the survey, provided additional means of cross-checking information. The survey found no sites for which damage had been claimed when none existed.*

[77.] **A1.6 Institute for the Protection of Cultural, Historical and Natural Heritage of Bosnia and Herzegovina / Heritage Centre of Bosnia and Herzegovina.** Before the war, this Institute was charged with documenting and protecting heritage sites throughout Bosnia and Herzegovina. During the siege of Sarajevo, it lost both staff members and parts of its archive of documentation. After the war, it lost its former country-wide authority and budgetary support, as a result of the decentralized political arrangements imposed by Dayton, and was thus in no position to carry out extensive field investigations. Nevertheless, the Institute was able to publish an inventory of war damage to cultural and religious monuments in Bosnia and Herzegovina, based in part on its own work and in large part on information obtained from the files of the Bosnian State War Crimes Commission and the religious communities. The inventory appeared in two editions; one in English translation: *A Report on the Devastation of Cultural, Historical and Natural Heritage of the Republic/Federation of Bosnia and Herzegovina (from April 5, 1992 until September 5, 1995)*, ed. Muhamed Hamidović (Sarajevo: The Institute, 1995), and a revised edition, only in Bosnian, entitled: *Izvjestaj o devastaciji kulturno-historijskog i prirodnog naslijeđa Bosne i Hercegovine (1992-1995)* (Sarajevo: Zavod za zaštitu kulturno-historijskog i prirodnog naslijeđa BiH, Centar za naslijeđe BiH, 1997). The Institute also located in its archive a number of photographs documenting the state of

cultural heritage sites before the war and generously made them available for this survey.

[78.] Remarks: Due to the limitations described above, the information published by the Institute concerning damage to cultural heritage is based in part on documentation collected by other sources, and thus reproduces some of their shortcomings. In a small number of instances the same site is entered more than once, under different names, and sometimes the number assigned as damage category for a given site exaggerates (or in some cases understates) the actual damage. Despite such limitations, the Institute's published inventory represents a unique effort to catalogue the damage to the cultural heritage of all of Bosnia-Herzegovina's ethnic and religious communities. The pre-destruction photographs of listed monuments from the Institute's archive proved invaluable in providing positive identifications of some sites and base-lines for damage assessments.

[79.] A1.7 The Commission to Preserve National Monuments of Bosnia and Herzegovina. Established under the terms of Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement), the Commission initially had neither the budget nor the staff nor the legislative authority to conduct any assessments of sites. In December 2001, the Commission to Preserve National Monuments was restructured by a decision of the Bosnian and Herzegovina State Presidency, after which it gained the means and the legislative support to assess monuments and sites proposed for designation as national monuments. The Commission includes experts representing all three of Bosnia's major national groups — Bosniak (Muslim), Serb, and Croat — as well as two international experts, appointed by the Bosnian State Presidency. The Commission publishes its technical assessments and decisions for designation of national monuments on its Web site, often including photographs of the designated monument or site.

[80.] Remarks: The Commission to Preserve National Monuments is an independent official body, with technical expertise and access to sites. While the number of national monuments for which documentation has been posted on the Commission's Web site remains modest, the photographs and other information have been used for a number of the sites covered by this expert report.

[81.] **A.1.8 ICTY OTP Investigators.** Photographs documenting damage to cultural and religious heritage, taken by Tribunal investigators during field missions in several of the municipalities included in this survey (Bosanski Šamac, Brčko, Doboj, Donji Vakuf, Ključ, Prijedor, Sanski Most, Zvornik) were made available by the OTP for this study. A number of these photographs have been used in the survey database. All photo sources are clearly indicated in the survey entries.

[82.] *Remarks: Many of the ICTY OTP photographs were taken years after the end of the war, which means that in those areas that have seen returns of displaced residents, who have started to rebuild their destroyed villages and mosques or churches, these photos sometimes show a site under construction, or a newly finished building, rather than the war-damaged building that presumably preceded it. The identifying captions provided are not always clear. In some cases, as the ICTY investigators who took the photographs may not have been familiar with specialized terminology—for example, sometimes a photo of a mesdžid (small mosque, often without a minaret) appears labeled as a "school" (mekteb = Qur'an reader's school). However, since Qur'an readers' schools are also used for regular communal worship in villages that do not have their own mosque, the difference in practice may not be all that significant.*

A.1.9 Other sources

[83.] A number of photographs of damaged cultural and religious heritage sites were obtained from private individuals, including colleagues and friends who have worked in Bosnia and Herzegovina since the end of the war as OSCE election observers or for other NGOs and humanitarian aid organizations. Among those represented by more than one photograph are: Azra Akšamija, Bernard Béné, Richard Carlton, Thomas Keenan, Lucas Kello, Joann Kingsley, Jonathan Morgenstein, the Rev. Donald Reeves, and Helen Walasek. Prof. Machiel Kiel of the University of Utrecht, a leading expert on the Ottoman-era architecture of the Balkans, was kind enough to share his pre-war and post-war photographs documenting Islamic architectural monuments. All sources of photographs used in this survey and the dates they were taken are clearly identified in the captions in the database entries.

[84.] *Remarks: A number of these photographs date from before the war, or from the immediate aftermath of the war and can be used to identify wartime damage that may no longer be evident on later photos of the same site.*

A1.10 Media Accounts

[85.] An effort was made to collect any specific, first-hand accounts and published photographs by news reporters on the destruction of cultural heritage in media reports filed from Bosnia and Herzegovina during and after the war. Reports that were of a general nature or that merely recycled second-hand information were discounted. While some details such as the names and age of monuments are often garbled in news reports, the first-hand descriptions of damage can serve to corroborate and supplement information from other sources. Excerpts from first-hand media accounts are included in a separate field in the database entry for each site for which such accounts were available.

Appendix 2: List of Documents Submitted

[86.] **Supplementary Survey Database** covering the municipalities of Bileća, Gacko, Teslić, and Vlasenica, including a total of 19 entries documenting damaged or destroyed cultural and religious sites in these four municipalities in Bosnia and Herzegovina, compiled by András Riedlmayer, August 2009 (see sections **1.2** and **3.0** above). **[1 data file]**

[87.] Formatted records fully documenting sites in the municipalities of Bileća, Gacko, Teslić, and Vlasenica specifically cited in Schedule E and Schedule F of the indictment for which sufficient documentation was available to meet the criteria of this study.

[88.] **Article:** András Riedlmayer, “From the Ashes: The Past and Future of Bosnia’s Cultural Heritage,” In: *Islam and Bosnia: Conflict Resolution and Foreign Policy in Multi-Ethnic States*. Ed. Maya Shatzmiller (Montréal: McGill-Queens University Press, 2002), pp. 98-135. **[38 pages] 0219-2137-0219-2174**

[89.] **Map of Bosnia and Herzegovina**, with sites of mosques destroyed or damaged in the war marked in red, by Mr. Bekir Bešić (see A1.4. above). [2 sheets] **0326-5218-0326-5220**

[90.] **Decisions on the Admissibility and Merits** adopted by the Human Rights Chamber of Bosnia and Herzegovina – a judicial body established under Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement) – in cases brought by the Islamic Community in Bosnia and Herzegovina against the Republika Srpska, concerning mosques destroyed during the war, in particular case no. CH/98/1062 (9 Nov. 2000), concerning 3 mosques in Zvornik and Divič. **0326-5237-0326-5323**

[91.] **International Court of Justice, Judgment** of 26 February 2007 in the case Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro): par. 335-344: Destruction of cultural and religious property. **0639-7867-0639-8041**

[92.] **Information reports on the Destruction by War of the Cultural Heritage in Croatia and Bosnia-Herzegovina, presented by the Committee on Culture and Education Strasbourg: Parliamentary Assembly of the Council of Europe (PACE), 1993 – 1997:**

- [First] information report... 2 February 1993. Assembly Doc. 6756
- 2nd information report... 17 June 1993. Assembly Doc. 6869
- 3rd information report... 20 September 1993. Assembly Doc. 6904
- 4th information report... 19 January 1994. Assembly Doc. 6999
- 5th information report... 12 April 1994. Assembly Doc. 7070
- 6th information report... 31 August 1994. Assembly Doc. 7133
- 7th information report... 15 May 1995. Assembly Doc. 7308
- 8th information report... 28 June 1995. Assembly Doc. 7341
- 9th information report ... 19 January 1996. Assembly Doc. 7464
- 10th information report... 24 January 1997. Assembly Doc. 7740

R110-1820-R110-2272

[93.] Curriculum vitae of András J. Riedlmayer (05/2009). **0639-9208-0639-9216**