

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH AFRICA AND MIDEAST TRIP

Mr. SPECTER. In accordance with my practice to report on foreign travel, this floor statement summarizes a trip which Senator SHELBY and I took from December 28, 1995, through January 4, 1996, to South Africa and the Mideast, focusing on Intelligence Committee matters and the Mideast peace process with a stop at the International Criminal Court in The Hague en route back to Washington. Our itinerary was condensed and our trip was cut short to be able to return to Washington on January 4 in anticipation of possible Senate votes.

A key purpose was to evaluate the PLO's compliance with the provisions of the Specter-Shelby amendment, enacted in 1994, conditioning United States aid on a change in the PLO charter striking language calling for the destruction of Israel and requiring ending of terrorism by the PLO.

We met with PLO Chairman Yasser Arafat in Gaza on January 2, 1996, for approximately 1 hour. He explained his lateness saying he was out campaigning for other candidates. When we commented that he must have felt secure in his own election to be campaigning for others, he responded: "Who Knows?"

We were told the PLO election procedure had been modified because the number of seats had been expanded from 83 to 88 to accommodate late candidacies of members of Hamas. We then heard that the Hamas candidacies had been withdrawn due to pressure from Hamas leaders abroad.

We urged Arafat not to change election procedures at the last minute which looked like rigging the election.

When we asked about changing the PLO charter, Arafat said that would be accomplished within 2 months after the election scheduled for January 20, 1996. We emphasized the importance of eliminating the charter language calling for the destruction of Israel.

Later on January 2, when we met with Prime Minister Peres, we asked him what he thought of the United States conditioning aid to the PLO on changes in the PLO charter and curtailing terrorism. Mr. Peres responded positively saying those provisions of United States law were supportive of Israeli interests. After our meeting with Mr. Peres, we told Likud leader Benjamin Netanyahu of Arafat's promise to change the charter. Mr. Netanyahu said it was good that United States law had such a requirement, because Israeli law did not.

Referring back to the Arafat meeting, we asked him what had happened to the Arabs wanted by Israel on charges of terrorism. The Israeli-PLO agreement required the PLO to turn over such Arabs to Israeli authorities. We had pressed Chairman Arafat on

that subject last August 31 when Senator HANK BROWN and I met with him in Gaza. Arafat said some such terrorists had been prosecuted in PLO courts and some had been turned over to Israel. Finding that answer insufficient, we urged Arafat to do more on that subject.

It was generally agreed by our Embassy that there had been marked improvement on terrorism in Israel during the past several months.

Arafat talked at some length about his warnings to Prime Minister Rabin on the assassination risks Mr. Rabin faced.

Arafat spoke about his efforts to aid in the Israeli-Syrian negotiations. He referred to a letter he had written to President Assad whom he described as a friend since 1963 when Assad was an Air Force officer. Arafat said he urged Assad to cooperate in the peace process.

When asked about Iran, Arafat responded that he thought dialog was possible. He said he had complained to Rafsanjani about Iranian interference in the Israeli-PLO peace process and had told Rafsanjani that he—Arafat—would make internal trouble for Iran if Iranian interference continued.

We also questioned Arafat about the PLO's hassling the Palestinian press about unfavorable new coverage. The PLO had detained an editor in custody. Arafat said the press had to respect the Government. We commented that Arafat couldn't get away with that in the United States. Arafat responded that he wasn't in the United States. He added that if he didn't take forceful actions, he would be undercut like the Government was in Algiers.

Arafat complained that some donor nations had not fulfilled their commitments to aid the PLO. When asked, "who?", he replied that he preferred not to say, but "instead to thank those who had not given as well as those who had given."

Arafat appeared poised, in good humor, and in good health.

Our meeting later the same day with Prime Minister Peres and Likud leader Netanyahu presented a sharp contrast in style, content, and perspectives. The 1996 Israeli election, the first with the Prime Minister elected separately from the Knesset, will present diametrically opposed approaches to this nation's future. It would be hard to conceive of a more important election historically for any nation—especially a nation where survival is jeopardized by a single mistake.

Mr. Peres articulated a vision for the future: peace, while facing substantial risks, with economic development and prospective prosperity as the glue to hold the region together. He said he was more value in 100 hotels than 100 weapons.

Mr. Netanyahu said he and his party were firmly opposed to expanded PLO authority which would lead to sovereignty and a Trojan Horse threat within Israeli borders. He decried any

deal with Syria and President Assad, saying the Syria keeps only those commitments it cannot get away with breaking.

Prime Minister Peres had a different approach saying that it was hard to make a deal with Syria, but once made, Syria kept its commitments. He approached the peace process with ideas as opposed to a concrete plan. He looked to building up rapport with the discussion of ideas before either side could defeat the process by seeing a proposal it felt compelled to reject.

It is obvious that the assassination of Prime Minister Rabin has had more than a sobering effect on the region. Chairman Arafat's condolence call on Mrs. Leah Rabin was a symbolic statement that Israel has suffered too much from terrorism—although the ultimate blow came, not from the hand of an Arab, but a Jew. Whatever doubt President Assad had about a real division in Israel, no other proof could have been more persuasive.

So, the currently visible battle lines being drawn in Israel are for its 1996 election. My view is the outcome will be determined more by events than personalities, policies, or programs.

Throughout our trip, we assessed intelligence missions and capabilities. Terrorism was a dominant topic of conversation. In one African city, we were told of a plan to locate an Iraqi rocket launcher on a hotel roof in 1991 to take out the United States Embassy and our Ambassador. As we looked out the conference room window in the Embassy we could see the hotel roof, the proposed launching site. A vigilant intelligence operation produced information which prevented the attack.

We were told that the 1986 U.S. Terrorist Protection Act has provided needed protection for U.S. personnel overseas. That legislation provided extra-territorial U.S. jurisdiction to provide for indictment in our courts for anyone who assaults, murders, or maims a U.S. citizen anywhere in the world.

In another African capital, we discussed the recent reign of terror in Nigeria. We discussed the pending legislative proposals to impose sanctions on Nigeria with the consensus that such action would be successful only if supported by united international action.

In Cape Town we met with Parliamentarians from the newly formed South African Intelligence Committee. They had many tough questions on the interaction between the Executive and Congress on legislative oversight. They asked bluntly if the CIA had too much power because of the perception that the CIA controlled the world. We responded by detailing our specific oversight actions to curtail excesses without unduly interfering with intelligence initiatives.

When our turn came for questions, we asked the opinion of the South African parliamentarians on whether the Government of South Africa would cooperate by imposing sanctions against buying Nigerian oil. They

said yes, providing everyone else did. When advised that South Africa bought its oil from Iran, we asked the substitute question as to whether they would join in international sanctions by stopping buying oil from Iran. This question came too close for comfort and the parliamentarians made no commitment on the possibility of South African sanctions against Iran.

Wherever we went, there was constant talk about the danger Iran posed by its terrorism and spread of fundamentalism. The discussion frequently boiled down to whether Iran had to be totally ostracized with maximum sanctions to prevent Iran from developing nuclear weapons on whether some dialog was possible or even a combination of both.

The suggestion was made that if Israel could make peace with the PLO and Arafat, then it was worthwhile to undertake similar efforts with Iran. That point of view argued that no one would have suspected a few years ago that Yasser Arafat could be a partner for peace with Israel. Who would have expected that Arafat would be honored at the White House in 1993 after being implicated in the murder of the United States chargé in the Sudan in 1974 and the murder of Mr. Leon Klinghoffer in the hijacking of the *Achille Lauro*.

Iran probably poses the greatest threat to world peace today. There was general agreement on our travels that more attention needs to be focused on the Iranian threat.

En route back to the United States, we stopped at The Hague in the Netherlands to meet with the U.N. team preparing for criminal prosecutions in the War Crimes Tribunal for the former Yugoslavia. This tribunal could make the greatest contribution of the decade—or perhaps the century—by establishing a deterrent to wars of aggression, genocide and crimes against humanity by bringing the perpetrators to justice.

Several weeks ago, I had met with Justice Goldstone, the tribunal's chief prosecutor, when he was in Washington, DC. At that time, Justice Goldstone mentioned certain evidence, which might be in the hands of U.S. intelligence agencies, which could be useful and perhaps instrumental in the war crimes prosecution. In meeting with the staff in The Hague we discussed the specific evidence and its importance in their prosecutions. We advised we would pursue their requests with U.S. intelligence agencies. We have discussed these issues with ranking officials of U.S. intelligence agencies who advised that they will cooperate to the maximum extent practical.

In addition we discussed the issue of witness protection, because of the obvious dangers posed for the witnesses who remain in that war-torn area. We discussed U.S. procedures for protecting witnesses both before trial and the possibility of creating new identities after trial to best guaranty witness security and obtain their testi-

mony. Several members of the prosecution team were on loan from the FBI. We agreed to take up the issue of witness protection with appropriate officials of the FBI.

We also had an extensive discussion about their limited budget and the fact that a number of their investigative team had to delay going into the field because of a limited budget. Concern was also expressed about the adequacy of U.S. participation in the war prosecution team and the problems which might arise if replacements were not obtained for personnel from the Departments of Justice, Defense, and State. We committed to take those issues up with the appropriate department heads.

We observed the new courtroom which breaks ground in an international criminal trial. The trial proceedings will be conducted with three judges without a jury and there are booths for simultaneous translation in a number of languages.

We commended the prosecution team on their historic efforts and promised to follow through to be of assistance in this most important venture. I ask unanimous consent that the indictments of Dusan Tadic a/k/a "Dule" Goran Borovnica and also Radovan Karadzic and Ratko Mladic be printed in the CONGRESSIONAL RECORD at the conclusion of this statement to demonstrate the importance of these criminal proceedings. Dusan Tadic is in custody and is scheduled to be tried sometime in the spring. Radovan Karadzic is the President of the Bosnian Serb Administration in Pale, and Ratko Mladic is the commander of the Army of the Bosnian Serbs.

Mr. President, the trip was very useful along a number of lines, especially with conversations which Senator SHELBY and I had with PLO Chairman Yasser Arafat on the Specter-Shelby amendment which conditions \$500 million in United States aid to the PLO curtailing terrorism and changing their charter to eliminate references to the obliteration of Israel.

The visit we had at the Hague, in the Netherlands, with the United States prosecution team for the former Yugoslavia, I think, poses a historic event later this spring with the trial of Dusan Tadic.

I ask unanimous consent the indictment against Tadic be printed in the RECORD at conclusion of my presentation, and the pending indictment also as to Radovan Karadzic, who is the President of the Bosnian Serbs, and Ratko Mladic, who is the commander of the Bosnian Serb Army, which really has the potential to establish a historic international precedent for the rule of law.

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(See exhibit 1.)

Mr. SPECTER. There is a great deal that the United States can do to make a success of that venture by pressure to bring those not in custody into cus-

tody, with the obligations of Croatia and Serbia to turn them over, once they are observed in those countries, to the United Nations for trial, and with cooperation from our intelligence agencies on corroborative evidence and help from the FBI on protecting the witnesses.

I yield the floor.

EXHIBIT 1

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA—THE PROSECUTOR OF THE TRIBUNAL AGAINST DUSAN TADIC A/K/A "DULE" AND GORAN BOROVNICA

INDICTMENT

Richard J Goldstone, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia ("The Statute of the Tribunal"), charges:

1. From about 25 May 1992 Serb forces attacked Bosnian Muslim and Croat population centers in the opština of Prijedor, Bosnia-Herzegovina, forcing most Muslims and Croats from their homes and confining many thousands, including more than 3,000 who were held in the Omarska camp, a former mining complex. The accused Dusan Tadic a/k/a "Dule" a/k/a "Dusko", participated in the collection and mistreatment, including killings, of Bosnian Muslims and Croats in opština Prijedor within Omarska camp and outside Omarska camp, as set forth below. The accused Goran Borovnica participated with Dusan TADIĆ in killings outside of Omarska camp, as set forth below:

Background:

2.1. In May, 1992, intensive shelling of Muslim areas in the opština Prijedor caused the Muslim residents to flee their homes. The majority of them then surrendered or were captured by Serb forces. As the Serb forces rounded up the Muslims and any Croat residents, they forced the Muslims and Croats to march in columns bound for one or another of the prison camps that the Serbs had established in the opština. The Serb forces pulled many of the Muslims and Croats from the columns and shot or beat them on the spot.

2.2. On about 25 May 1992, about three weeks after Serbs forcibly took control of government authority in the opština, and two days after the start of large scale military attacks on Muslim population centers, the Serb forces began taking prisoners to the Omarska camp.

2.3. During the next several weeks, the Serb forces continued to round up Muslims and Croats from Kozarac, Prijedor town, and other places in the opština and interned them in the camps. Many of Prijedor's Muslim and Croat intellectuals, professional and political leaders were sent to Omarska. There were approximately 40 women in the camp, and all the other prisoners in the camp were men.

2.4. Within the area of the Omarska mining complex that was used for the camp, the camp authorities generally confined the prisoners in three different buildings: the administration building, where interrogations took place and most of the women were confined; the garage or hangar building; the "white house," a small building where particularly severe beatings were administered; and on a cement courtyard area between the buildings known as the "pista". There was another small building, known as the "red house", where prisoners were sometimes taken but most often did not emerge alive.

2.5. Living conditions at Omarska were brutal. Prisoners were crowded together with little or no facilities for personal hygiene. They were fed starvation rations once a day

and given only three minutes to get into the canteen area, eat, and get out. The little water they received was ordinarily foul. Prisoners had no changes of clothing and no bedding. They received no medical care.

2.6. Severe beatings were commonplace. The camp guards, and others who came to the camp and physically abused the prisoners, used all manner of weapons during these beatings, including wooden batons, metal rods and tools, lengths of thick industrial cable that had metal balls affixed to the end, rifle butts, and knives. But female and male prisoners were beaten, tortured, raped, sexually assaulted, and humiliated. Many, whose identities are known and unknown, did not survive the camp. After the collection of thousands of Bosnian Muslims and Croats in later May, 1992, groups of Serbs including the accused later entered villages in which Muslims and Croats remained, at which time they killed some villagers and drove others from their homes.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA—THE PROSECUTOR OF THE TRIBUNAL AGAINST RADOVAN KARADZIC AND RATKO MLADIC
INDICTMENT

Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia ("The Statute of the Tribunal"), charges Ratko Mladic and Radovan Karadzic with genocide, crimes against humanity, and violations of the laws or customs of war, as set forth below:

"Safe Area" of Srebrenica

1. After war erupted in the Republic of Bosnia and Herzegovina, Bosnian Serb military forces occupied Bosnian Muslim villages in the eastern part of the country, resulting in an exodus of Bosnian Muslims to enclaves in Gorazde, Zepa, Tuzla, and Srebrenica. All of the events referred to in this indictment took place in the Republic of Bosnia and Herzegovina.

2. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. Resolution 819 was reaffirmed by Resolution 824 on 6 May 1993 and by Resolution 836 on 4 June 1993.

3. Before the attack by Bosnian Serb forces, as described in this indictment, the estimated Bosnian Muslim population in the safe area of Srebrenica, was approximately 60,000.

Attack on the Safe Area of Srebrenica

4. On or about 6 July 1995, the Bosnian Serb army shelled Srebrenica and attacked United Nations observation posts that were manned by Dutch soldiers and located in the safe area. The attack on the Srebrenica safe area by the Bosnian Serb army continued through 11 July 1995, when the first units of the attacking Bosnian Serb forces entered Srebrenica.

5. The Bosnian Muslim men, women and children who remained in Srebrenica after the beginning of the Bosnian Serb attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the safe area of Srebrenica, where they sought the protection of the Dutch battalion responsible for the compound. They remained at the compound from 11 July 1995 until 13 July 1995, when they were all evacuated by buses and trucks under

the control of and operated by Bosnian Serb military personnel.

6. A second group of approximately 15,000 Bosnian Muslim men, with some women and children, gathered at Susnjari during the evening hours of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian military personnel and armed civilians. The rest were unarmed civilians.

Events in Potocari

7. On 11 July 1995 and 12 July 1995, Ratko Mladic and members of his staff met in Bratunac with Dutch military officers and representatives of the Muslim refugees from Potocari. At these meetings, Ratko Mladic informed them, among other things, that Bosnian Muslim soldiers who surrendered their weapons would be treated as prisoners of war according to the Geneva Conventions and that refugees evacuated from Potocari would not be hurt.

8. On or about 12 July 1995, Bosnian Serb military forces burned and looted Bosnian Muslim houses in and around Potocari.

9. On or about 12, July 1995, in the morning hours, Bosnian Serb military forces arrived at the UN military compound in Potocari and its environs.

10. On or about 12 July 1995, Ratko Mladic arrived in Potocari, accompanied by his military aides and a television crew. He falsely and repeatedly told Bosnian Muslims in and around Potocari that they would not be harmed and that they would be safely transported out of Srebrenica.

11. On or about 12 July 1995, at the direction and in the presence of Ratko Mladic, approximately 50-60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the evacuation process of Bosnian Muslim refugees started. As Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children. This selection and separation of Muslim men took place in the presence of and at the direction of Ratko Mladic.

12. The Bosnian Muslim men who had been separated from other refugees were taken to diverse locations in and around Potocari. On or about 12 July 1995, Ratko Mladic and Bosnian Serb military personnel under his command, informed some of these Muslim men that they would be evacuated and exchanged for Bosnian Serbs being held in Tuzla.

13. Most of the Muslim men who had been separated from the other refugees in Potocari were transported to Bratunac and then to the area of Karakaj, where they were massacred by Bosnian Serb military personnel.

14. Between 12 July 1995 and 13 July 1995, Bosnian Serb military personnel summarily executed Bosnian Muslim men and women at diverse locations around the UN compound where they had taken refuge. The bodies of those summarily executed were left in fields and buildings in the immediate vicinity of the compound. These arbitrary killings instilled such terror and panic amongst the Muslims remaining there that some of them committed suicide and all the others agreed to leave the enclave.

15. The evacuation of all able-bodied Muslim refugees concluded on 13 July 1995. As a result of the Bosnian Serb attack on the safe area and other actions, the Muslim population of the enclave of Srebrenica was virtually eliminated by Bosnian Serb military personnel.

Surrender and Executions

16. Between the evening of 11 July 1995 and the morning of 12 July 1995, the huge column of Muslims which had gathered in Susnjari

fled Srebrenica through the woods towards Tuzla.

17. Bosnian Serb military personnel, supported by armoured personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road in an effort to interdict the column of Bosnian Muslims fleeing towards Tuzla.

18. As soon as the column reached Bosnian Serb held territory in the vicinity of Buljim, Bosnian Serb military forces attacked it. As a result of this and other attacks by Bosnian Serb military forces, many Muslims were killed and wounded and the column divided into several smaller parts which continued towards Tuzla. Approximately one-third of the column, mostly composed of military personnel, crossed the Bratunac-Milici road near Nova Kasaba and reached safety in Tuzla. The remaining Muslims were trapped behind the Bosnian Serb lines.

19. Thousands of Muslims were captured by or surrendered to Bosnian Serb military forces under the command and control of Ratko Mladic and Radovan Karadzic. Many of the Muslims who surrendered did so because they were assured that they would be safe if they surrendered. In many instances, assurances of safety were provided to the Muslims by Bosnian Serb military personnel who were with other Bosnian Serb soldiers wearing stolen UN uniforms, and by Muslims who had been captured and ordered to summon their fellow Muslims from the woods.

20. Many of the Bosnian Muslims who were captured by or surrendered to Bosnian Serb military personnel were summarily executed by Bosnian Serb military personnel at the locations of their surrender or capture, or at other locations shortly thereafter. Incidents of such summary executions include, but are not limited to:

20.1 On or about 13 July 1995, near Nezuk in the Republic of Bosnia and Herzegovina, a group of 10 Bosnian Muslim men were captured. Bosnian Serb soldiers summarily executed some of these men, including Mirsad Alispahic and Hajrudin Mesanovic.

20.2 On or about 13 July 1995, on the banks of the Jadar River between Konjevic Polje and Drinjaca, Bosnian Serb soldiers summarily executed 15 Bosnian Muslim men who had surrendered or been captured. Amongst those killed were Hamed Omerovic, Azem Mujic and Ismet Ahmetovic.

20.3 On or about 13 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers summarily executed hundreds of Muslims, including women and children.

20.4 On or about 17 July 1995 or 18 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers captured about 150-200 Bosnian Muslims and summarily executed about one-half of them.

20.5 On or about 18 July 1995 or 19 July 1995, in the vicinity of Nezuk, about 20 groups, each containing between 5-10 Bosnian Muslim men, surrendered to Bosnian Serb military forces. After the men surrendered, Bosnian Serb soldiers ordered them to line up and summarily executed them.

20.6 On or about 20 July 1995 or 21 July 1995, near the village of Mecas, Bosnian Serb military personnel, using megaphones, urged Bosnian Muslim men who had fled Srebrenica to surrender and assured them that they would be safe. Approximately 350 Bosnian Muslim men responded to the entreaties and surrendered. Bosnian Serb soldiers then took approximately 150 of them, instructed them to dig their own graves and then summarily executed them.

20.7 On or about 21 July 1995 or 22 July 1995, near the village of Mecas, an excavator dug a large pit and Bosnian Serb soldiers ordered approximately 260 Bosnian Muslim men who had been captured to stand around the hole.

The Muslim men were then surrounded by armed Bosnian Serb soldiers and ordered not to move or they would be shot. Some of the men moved and were shot. The remaining men were pushed into the hole and buried alive.

21. Many of the Muslims who surrendered to Bosnian Serb military personnel were not killed at the locations of their surrender, but instead were transported to central assembly points where Bosnian Serb soldiers held them under armed guard. These assembly points included, among others, a hangar in Bratunac; soccer fields in Kasaba, Konjevic Polje, Kravica, and Vlasenica; a meadow behind the bus station in Sandici and other fields and meadows along the Bratunac-Milici road.

22. Between 12 July 1995 and 14 July 1995, at various of these assembly points, including the hangar in Bratunac and the soccer stadium in Kasaba, Ratko Mladic addressed the Bosnian Muslim detainees. He falsely and repeatedly assured them that they would be safe and that they would be exchanged for Bosnian Serb prisoners held by Bosnian government forces.

23. Between 12 July 1995 and 14 July 1995, Bosnian Serb military personnel arbitrarily selected Bosnian Muslim detainees and summarily executed them.

Mass Executions Near Karakaj

24. On or about 14 July 1995, Bosnian Serb military personnel transported thousands of Muslim detainees from Bratunac, Kravica and other locations to an assembly point in a school complex near Karakaj. At this assembly point, Bosnian Serb military personnel ordered the Muslim detainees to take off their jackets, coats and other garments and place them in front of the sports hall. They were then crowded into the school building and adjacent sports hall and held under armed guard.

25. On or about 14 July 1995, at this school complex near Karakaj, Ratko Mladic conferred with his military subordinates and addressed some of the Muslims detained there.

26. At various times during 14 July 1995, Bosnian Serb military personnel killed Bosnian Muslim detainees at this school complex.

27. Throughout 14 July 1995, Bosnian Serb military personnel removed all the Muslim detainees, in small groups, from the school building and sports hall and loaded them on trucks guarded and driven by Bosnian Serb soldiers. Before boarding the trucks, many of the detainees had their hands tied behind their backs or were blindfolded. They were then driven to at least two locations in the vicinity of Karakaj.

28. Once the trucks arrived at these locations, Bosnian Serb military personnel ordered the bound or blindfolded Muslim detainees off the trucks and summarily executed them. The summary executions took place from approximately noon to midnight on 14 July 1995.

29. Bosnian Serb military personnel buried the executed Bosnian Muslim men in mass graves near the execution sites.

30. On or about 14 July 1995, Ratko Mladic was present at one of the mass execution sites when Bosnian Serb military personnel summarily executed Bosnian Muslim men.

31. The summary executions of Bosnian Muslim males, which occurred on 14 July 1995 in the vicinity of Karakaj, resulted in the loss of thousands of lives.

THE ACCUSED

32. Radovan Karadzic was born on 19 June 1945 in the municipality of Savnik of the Republic of Montenegro. From on or about 13 May 1992 to the present, he has been president of the Bosnian Serb administration in Pale.

33. Ratko Mladic was born on 12 March 1943 in Kalinovik municipality of the Republic of Bosnia and Herzegovina. He is a career military officer and holds the rank of general in the Bosnian Serb armed forces. From on or about 14 May 1992 to the present, he has been the commander of the army of the Bosnian Serb administration.

SUPERIOR AUTHORITY

Radovan Karadzic

34. Radovan Karadzic was a founding member and president of the Serbian Democratic Party (SDS) of what was then the Socialist Republic of Bosnia and Herzegovina. The SDS was the main political party among the Serbs in Bosnia and Herzegovina. As president of the SDS, he was and is the most powerful official in the party. His duties as president include representing the party, coordinating the work of party organs and ensuring the realization of the programmatic tasks and goals of the party. He continues to hold this post.

35. Radovan Karadzic became the first president of the Bosnian Serb administration in Pale on or about 13 May 1992. At the time he assumed this position, his *de jure* powers, as described in the constitution of the Bosnian Serb administration, included, but were not limited to, commanding the army of the Bosnian Serb administration in times of war and peace and having the authority to appoint, promote and discharge officers of the army. As president, he was and is a position of superior authority to Ratko Mladic and every member of the Bosnian Serb army and all units and personnel assigned or attached to the Bosnian Serb army.

36. In addition to his powers described in the constitution, Radovan Karadzic's powers as president of the Bosnian Serb administration are augmented by Article 6 of the Bosnian Serb Act on People's Defence. This Act vested in him, among other powers, the authority to supervise the Territorial Defence both in peace and war and the authority to issue orders for the utilisation of the police in case of war, immediate threat and other emergencies. Article 39 of the same Act empowered him, in cases of imminent threat of war and other emergencies, to deploy Territorial Defence units for the maintenance of law and order.

37. Radovan Karadzic's powers are further augmented by Article 33 of the Bosnian Serb Act on Internal Affairs, which authorised him to activate reserve police in emergency situations.

38. Radovan Karadzic has exercised the powers described above and has acted and been dealt with internationally as the president of the Bosnian Serb administration in Pale. In that capacity, he has, *inter alia*, participated in international negotiations and has personally made agreements on such matters as cease-fires and humanitarian relief, and these agreements have been implemented.

Ratko Mladic

39. Ratko Mladic was, in 1991, appointed commander of the 9th Corps of the Yugoslav People's Army (JNA) in Knin in the Republic of Croatia. In May 1992, he assumed command of the forces of the Second Military District of the JNA which then effectively became the Bosnian Serb army. He holds the rank of general and from about 14 May 1992 to the present, has been the commander of the army of the Bosnian Serb administration. In that capacity, he was and is in a position of superior authority to every member of the Bosnian Serb army and all units and personnel assigned or attached to that army.

40. Ratko Mladic has demonstrated his control in military matters by negotiating *inter alia*, cease-fire and prisoner exchange

agreements; agreements relating to the opening of Sarajevo airport; agreements relating to access for humanitarian aid convoys; and anti-sniping agreements, all of which have been implemented.

GENERAL ALLEGATIONS

41. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

42. In each paragraph charging genocide, a crime recognized by Article 4 of the Statute of the Tribunal, the alleged acts or omissions were committed with the intent to destroy, in whole or in part, a national, ethnical, or religious group, as such.

43. In each paragraph charging crimes against humanity, crimes recognized by Article 5 of the Statute of the Tribunal, the alleged acts or omissions were part of a widespread or systematic or large-scale attack directed against a civilian population.

44. Ratko Mladic and Radovan Karadzic are individually responsible for the crimes alleged against them in this indictment pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

45. Ratko Mladic and Radovan Karadzic are also, or alternatively, criminally responsible as commanders for the acts of their subordinates pursuant to Article 7(3) of the Tribunal Statute. Command criminal responsibility is the responsibility of a superior officer for the acts of his subordinate if he knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

46. The general allegations contained in paragraphs 41 through 45 are realleged and incorporated into each of the charges set forth below.

CHARGES

Counts 1-2 (Genocide) (Crime Against Humanity)

47. Between about 12 July 1995 and 13 July 1995, Bosnian Serb military personnel, under the command and control of Ratko Mladic and Radovan Karadzic, arrived in Potocari where thousands of Muslim men, women and children had sought refuge in and around the UN military compound. Bosnian Serb military personnel, under the command and control of Ratko Mladic and Radovan Karadzic, summarily executed many Bosnian Muslim refugees who remained in Potocari.

48. Between about 13 July 1995, Bosnian Serb military personnel, under the command and control of Ratko Mladic and Radovan Karadzic, summarily executed many Bosnian Muslim men who fled to the woods and were later captured or surrendered.

49. Thousands of Bosnian Muslim men, who fled Srebrenica and who surrendered or had been captured, were transported from various assembly locations in and around Srebrenica to a main assembly point at a school complex near Karakaj.

50. On or about 14 July 1995, Bosnian Serb Military personnel, under the command, and control of Ratko Mladic and Radovan Karadzic, transported thousands of Muslim men from this school complex to two locations a short distance away. At these locations, Bosnian Serb soldiers, with the knowledge of Ratko Mladic, summarily executed these Bosnian Muslim detainees and buried them in mass graves.

51. Ratko Mladic and Radovan Karadzic, between about 6 July 1995 and 22 July 1995,

individually and in concert with others, planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the following crimes:

(a) summary executions of Bosnian Muslim men and women in and around Potocari on 12 July 1995 and 13 July 1995,

(b) summary executions, which occurred between 13 July 1995 and 22 July 1995, of Bosnian Muslims who were hors de combat because of injury, surrender or capture after fleeing into the woods towards Tuzla.

(c) summary executions of Bosnian Muslim men, which occurred on or about 14 July 1995 at mass execution sites in and around Karakaj.

By their acts and omissions in relation to the events described in paragraphs 13, 14, 20.1–20.7, 23, 26 and 28, Ratko Mladic and Radovan Karadzic committed:

Count 1: Genocide as recognised by Article 4(2)(a) (killing members of the group) of the Statute of the Tribunal.

Count 2: A crime against humanity as recognised by Article 5(b) (extermination) of the Statute of the Tribunal.

Counts 3–4 (Crime Against Humanity) (Violation of the Laws or Customs of War)

52. By their acts and omissions in relation to the summary executions of Bosnian Muslim men and women that occurred in and around Potocari between 12 July 1995 and 13 July 1995, described heretofore in paragraph 13, Ratko Mladic and Radovan Karadzic committed:

Count 3: A crime against humanity as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 4: A violation of the laws or customs of war as recognised by Article 3 (murder) of the Statute of the Tribunal.

Counts 5–18 (Crimes Against Humanity) (Violation of the Laws or Customs of War)

53. By their acts and omissions in relation to the summary executions of Bosnian Muslims who fled Srebrenica into the woods between 13 July 1995 and 22 July 1995 as described heretofore in paragraphs 20.1 to 20.7, Ratko Mladic and Radovan Karadzic committed:

Count 5: A crime against humanity (in relation to paragraph 20.1) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 6: A violation of the laws or customs of war (in relation to paragraph 20.1) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 7: A crime against humanity (in relation to paragraph 20.2) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 8: A violation of the laws or customs of war (in relation to paragraph 20.2) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 9: A crime against humanity (in relation to paragraph 20.3) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 10: A violation of the laws or customs of war (in relation to paragraph 20.3) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 11: A crime against humanity (in relation to paragraph 20.4) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 12: A violation of the laws or customs of war (in relation to paragraph 20.4) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 13: A crime against humanity (in relation to paragraph 20.5) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 14: A violation of the laws or customs of war (in relation to paragraph 20.5) as

recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 15: A crime against humanity (in relation to paragraph 20.6) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 16: A violation of the laws or customs of war (in relation to paragraph 20.6) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 17: A crime against humanity (in relation to paragraph 20.7) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 18: A violation of the laws or customs of war (in relation to paragraph 20.7) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Counts 19–20 (Crime Against Humanity) (Violation of the Laws or Customs of War)

54. By their acts and omissions in relation to the summary executions of Bosnian Muslim men at mass execution sites in and around Karakaj, on or about 14 July 1995, as described in paragraph 28, Ratko Mladic and Radovan Karadzic committed:

Count 19: A crime against humanity as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 20: A violation of the laws or customs of war as recognised by Article 3 (murder) of the Statute of the Tribunal.

Richard J. Goldstone, Prosecutor.

The Hague, The Netherlands, 14 November 1995.

The PRESIDING OFFICER. The Senator from Vermont.

TOM RACINE

Mr. LEAHY. Mr. President, I would like to note last week a good friend of mine, and one of the best friends my home city of Burlington has, Tom Racine, died after a courageous battle with cancer.

Tom was one of those very special people who seemed to be involved in everything good with our community. As a motivating force, as the chief volunteer, as the hardest worker, he epitomized everything that we see in one who makes a community go forward, with the possibility of one exception. Tom Racine was the person you never saw in the headlines. You hardly heard of him in the press conferences or anything else. He just did the work. Others, often times, got the credit but Tom did the work.

I know so many times when I would run into him on Church Street in Burlington and I would talk about something that he was intimately involved in that was improving our community. I would tell him I read about others who were involved, but I knew he was doing so much of the work and I had not seen a word about him. He would say, "PAT, you know, that's just the way I am. I just want to get the work done."

Tom and his wife, Jeanette, ran Bertha Church's store on Church Street for years and years. We would see him there in the store. My wife shopped there, as did my mother, my mother-in-law, my daughter and others. It was more than just a store you would go into. It was a place where everybody knew you by name. Everybody was concerned about you and your family.

But more importantly, Tom and Jeanette Racine were concerned about all of us—Vermonters in the truest sense of the word. Our State has lost one of its most valuable citizens.

My wife, Marcelle, and I expressed our sympathy to Jeanette and the family. I had hoped to be at his funeral on Monday. As we all know, everything was closed down as far as air travel from here, and I was unable to go.

Mr. President, I ask unanimous consent to have some editorials and articles from the Burlington Free Press be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Jan. 5, 1996]

CALLED TO SERVE

Every community needs at least one civic leader like the later Tom Racine—more interested in building up community than his own reputation, so dogged in pursuit of a good idea Racine once drove a Park-and-Ride van himself when nobody else would.

Burlington is fortunate to have so many civic-minded leaders like him. None, however, has been quite as self-effacing, persevering or nonpolitical. And few have been as determined to strengthen Burlington's retail economy where it counts most, downtown, or where it's been more fun, Centennial Field, home of Burlington's warmly welcomed minor league baseball franchise, the Vermont Expos.

Racine, who helped found the Church Street Marketplace in the 1980s and bring the Expos here in the 1990s, died Wednesday at age 65. What he brought to Burlington as a person, however, is sure to survive him—his civic work alone an inspiration to those like him to press on, and a nudge to others who, unlike him, might never have felt the need to serve.

Expos' owner Ray Pecor remembers who first put the bug in his ear to bring minor league baseball back to Burlington—and who then bugged him . . . and bugged him . . . and bugged him again until it was done: Tom Racine. Why did that comeback succeed when others had not? Racine, raised during baseball's heyday when players still played for fun, knew to put fans and fun first.

The Marketplace Commission's Molly Lambert remembers how that Park-and-Ride attempt to make downtown more pedestrian-friendly plan failed—but not until Racine had squeezed out the last drop of hope by volunteering to drive himself.

Mayor Peter Clavelle remembers Racine's habit of checking his politics and his ego at the door—the secret of his success with all manner of politicians.

Born in Maine, raised and educated in Brandon, he was, nonetheless, a Burlingtonian through and through—first as a graduate of the University of Vermont, later as a partner in downtown retailing and as president of the Downtown Burlington Development Association, then as chairman of the Burlington Public Works Commission. In all his civic work, he took the unpaid way.

Anyone who thinks Vermonters can afford to lose such old-fashioned civic-mindedness isn't paying attention. As more state and federal aid runs dry, sooner or later all of us will be asked to answer similar calls.

How many of us who do will say a lot about what kind of communities Vermonters build for generations to come.