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**CRIMES IN VIŠEGRAD.
THE CRIMINAL RESPONSIBILITY
OF MILAN LUKIĆ BEFORE THE INTERNATIONAL
CRIMINAL TRIBUNAL FOR
THE FORMER YUGOSLAVIA**

Abstract

The aim of this article is to present the phenomenon of ethnic cleansing in the eastern part of Bosnia and Herzegovina, using the case of Višegrad as an example. A key role in the extermination of Bosnian Muslims was played by members of Serbian paramilitary organizations and police forces. Their effectiveness in these actions was largely due to their familiarity with the region and the local community. The individual responsible for organizing the ethnic cleansing in the Višegrad area was Milan Lukić, the leader of the White Eagles paramilitary group. He was accountable for crimes against humanity targeting Bosnian Muslims, which ultimately led to a complete change in the ethnic structure of the region. This study outlines the entire process of bringing Milan Lukić to justice before the International Criminal Tribunal for the Former Yugoslavia. The article employs a case study method and content analysis.

Keywords: Bosnia and Herzegovina, Milan Lukić, ethnic cleansing, International Criminal Tribunal for the former Yugoslavia, Višegrads

Introduction

The International Criminal Tribunal for the former Yugoslavia (ICTY) was established as the international community's response to the mass violations of human rights – including war crimes, crimes against humanity and genocide – committed during the wars following the breakup of Yugoslavia in the 1990s. The Tribunal was an ad hoc court created by the United Nations Security Council through Resolution No. 827 on 25th May, 1993² and was based in The Hague, Netherlands. The Tribunal's goal was to hold individuals

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² United Nations Security Council, Resolution S/RES/827, <https://www.icty.org> (10.10.2024); K. Żarna, 2018. *Activity of the International Criminal Court for the former Yugoslavia*, „Polityka i Społeczeństwo”, 2018, Vol. 4, pp. 65-75.

accountable for the most serious violations of international humanitarian law perpetrated in the territory of the former Yugoslavia. The ICTY concluded its operations on 31st December, 2017. Over the course of its work, 161 indictments were issued. The initiators of the Tribunal hoped – as it was established during the conflict – that it would help to end the war, and would also have a deterrent effect.

One of the most high-profile cases handled by the International Criminal Tribunal for the former Yugoslavia was that of Milan Lukić, who returned to Višegrad from Germany and Switzerland in 1992. He became the leader of a paramilitary organization and was responsible for numerous crimes against Bosnian Muslims during the war in Bosnia and Herzegovina, including his involvement in ethnic cleansing. His trial serves as an example of the Tribunal's work and the challenges of bringing war criminals to justice.

The aim of this article is to analyse the cases of mass violations of human rights during the war in Bosnia and Herzegovina, using the example of the crimes committed in Višegrad, as well as to examine the case of Milan Lukić before the ICTY. It is important to note that the case of Milan Lukić was considered jointly with that of his cousin, Sredoje Lukić. This article also includes an analysis of the concept of ethnic cleansing, which became widespread in the Balkans during the 1990s. The paper is based on the hypothesis that the effectiveness of ethnic cleansing during the Bosnian war was largely due to the involvement of local police and paramilitary organizations, as their familiarity with the local population played a crucial role.

To analyse the case of the main orchestrator of the crimes in Višegrad, Milan Lukić, before the International Criminal Tribunal for the former Yugoslavia, the case study method was employed. Content analysis enabled a detailed examination of Lukić's trial before the ICTY. The study utilized trial documents from the Hague Tribunal, reports from non-governmental organizations documenting the crimes, as well as statistical data from the pre-conflict and post-conflict censuses. In the context of the events in the first half of the 1990s, the author uses the term *Bosnian Muslims*. However, these residents are now commonly referred to simply as *Bosnians*.

Background of the Conflict

The breakup of Yugoslavia in 1991 triggered a series of brutal ethnic wars, particularly in Croatia, Bosnia and Herzegovina and Kosovo. The conflict in Bosnia and Herzegovina, which lasted from 1992 to 1995, was one of the bloodiest in Europe since the end of World War II. It is estimated that around 100,000 people were killed during the war, with hundreds of thou-

sands more forced to flee their homes. During these events, Serbian armed forces and paramilitary organizations, supported by the Serbian government, committed numerous atrocities against civilians, including mass executions, rape, torture and organized ethnic cleansing operations.

On 14th October 1991, a debate took place in the parliament of Bosnia and Herzegovina (which was then still a part of Yugoslavia) on the question of future sovereignty, advocated by Bosnian Muslim leader Alija Izetbegović. The parliament was addressed by the Bosnian Serb leader, Radovan Karadžić, who said: “You want to take Bosnia and Herzegovina down the same highway to hell and suffering that Slovenia and Croatia are traveling. Do not think that you will not lead Bosnia and Herzegovina into hell, and do not think that you will not perhaps lead the Muslim people into annihilation because the Muslims cannot defend themselves if there is war. How will you prevent everyone from being killed in Bosnia and Herzegovina?”³ Radovan Karadžić’s words became a reality just six months later. In April 1992, immediately after Bosnia and Herzegovina declared independence and received recognition from Western states, the forces of the Republic of Serbia (*Republika Srpska*), with significant manpower and equipment support from Serbia proper, began the battle for Sarajevo and launched operations in eastern Bosnia. From the very first day, these operations were aimed at ‘ethnic cleansing’ of the region⁴.

The first clashes occurred in the northeastern part of Bosnia, where Serbian Territorial Defence units, supported by volunteers under Željko Ražnatović “Arkan”, seized control of the strategic town of Bijeljina. Within a few days, on 10th April 1992, paramilitary units and Serbian Territorial Defence forces, reinforced by artillery and tanks from the Yugoslav People’s Army, captured Zvornik. Fighting in the area had already begun in March, involving Serbian and Bosnian nationalists, but it intensified after the declaration of independence. Serbian Territorial Defence forces were supported by Arkan’s Tigers, the Chetnik Movement of Vojislav Šešelj, and special units from Serbian security services.

The resistance came from poorly armed groups of the Patriotic League, supported by Muslim police officers under the command of Samir Nistović, known as “Captain Almir”. A few days earlier, the Serbian Territorial Defence unit from Višegrad – numbering over a thousand fighters and backed by detachments of the 37th Užice Corps – attacked the Muslim police command. Around

³ T. Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia*. New Haven-London 2009, p. 199.

⁴ R. Kazansky, M. Muslandin, I. Ondrejmkova, *Bosnia and Herzegovina: from War to Negative Place*, “Security Dimensions”, 2021, No. 35, pp. 50-64.

250 armed members of the Patriotic League confronted the Serbs, but the fighting subsided after rumours spread that Arkan's Tigers were being deployed to Višegrad. As a result, many Muslim civilians and remaining League forces fled the town. Following this, Serbian forces began the extermination of the Muslim population, as part of a larger-scale plan for ethnic cleansing⁵.

Concept of Ethnic Cleansing

Ethnic cleansing is a term used to describe actions aimed at removing a specific ethnic group from a territory, often through violence or coercion. Although the concept gained wider recognition during the 1990s Balkan conflict, the phenomenon itself has had a long history. The term *ethnic cleansing* originated from the military terminology used by the Yugoslav People's Army and referred to the efforts to expel Croats and Bosnian Muslims from the territory captured by Serbs. The word *ethnic* was added to the military expression because the groups targeted for expulsion belonged to a different ethnic group⁶.

Dražen Petrović defines ethnic cleansing as a process aimed at removing a population from a specific territory, with the most commonly used methods being forced expulsions, deportations, killings, violence, and intimidation. The goal is to achieve ethnic homogenization⁷. The American historian specializing in genocide studies, Norman Naimark, defines ethnic cleansing as an attempt to completely remove an ethnic group from a specific area through forced expulsions, and in some cases, mass killings. For Naimark, ethnic cleansing is driven by the belief that a particular territory belongs to one ethnic group. He distinguishes *ethnic cleansing* from *genocide*, emphasising that while both involve violence, the former is focused on territorial control and population displacement, whereas genocide is aimed at the complete destruction of a group⁸. British sociologist Michael Mann considers ethnic cleansing to be the mass displacement or extermination of an ethnic group by a state or another powerful political organization. For Mann, it is crucial that ethnic cleansing is part of the effort to build a modern nation-state

⁵ A. Krzak, *Charakterystyka działań militarnych w Bośni w latach 1992-1993*, [in:] *Bośnia i Hercegowina. 15 lat po Dayton. Przeszłość-teraźniejszość-perspektywy. Studia i szkice*, eds P. Chmielewski, S.L. Szczesio. Łódź 2011, pp. 40, 41.

⁶ J.J. Preece, *Ethnic Cleansing as an Instrument of Nation-State Creation: Changing State Practises and Evolving Legal Norms*, "Human Rights Quarterly", 1998, Vol. 20, No. 4, p. 820.

⁷ D. Petrović, *Ethnic Cleansing – An Attempt at Methodology*, "European Journal of International Law", 1994, Vol. 5, Issue 3, p. 343.

⁸ N.N. Naimark, *Fires of hatred. Ethnic cleansing in twentieth-century Europe*, Cambridge 2000, p. 3.

that is ethnically homogeneous⁹. Similarly, Andrew Bell-Fialkoff defines ethnic cleansing as “the deliberate policy aimed at removing a population based on ethnic or religious criteria from a specific territory, usually through violence and terror.” His definition emphasizes the intentional nature of the actions and the use of violent means¹⁰.

Crime in Višegrad

The individual responsible for organizing ethnic cleansing in the Višegrad area was Milan Lukić, who commanded the paramilitary group White Eagles, operating as part of the broader Serbian terror campaign against Bosnian Muslims. Lukić and his associates participated in a series of brutal actions targeting civilians, with the most heinous events occurring in 1992 around Višegrad. This town, located in Bosnia and Herzegovina on the Drina River, near the border with the Republic of Serbia, became widely known through the novel *The Bridge on the Drina* by Yugoslav writer and Nobel laureate Ivo Andrić¹¹. The plot of the novel begins in the mid-16th century, with the construction of the titular bridge by the Turks in 1571. In the centuries that followed, the bridge became the focal point of the town’s life, and its residents were not spared from local conflicts, often rooted in religious tensions. By the end of the 19th century, Bosnia came under the control of the Austro-Hungarian Empire, formally becoming a part of it in 1908. During that period, supporters of Bosnia’s unification with Serbia gained influence. The bridge is not only an architectural marvel, but also a symbolic structure linking Bosnia with Serbia, the West with the Orient. Andrić wrote *The Bridge on the Drina* during World War II, and it was published after the war ended. Nearly half a century later, the same bridge became the site of mass atrocities against Muslims during the Bosnian War.

On the eve of the outbreak of war in 1991, the Višegrad municipality had a population of 21,199 residents, of whom 13,471 were Bosnian Muslims (63.5%) and 6,743 were Serbs (31.8%). In the town of Višegrad itself, with a population of 6,902, there were 3,463 Bosnian Muslims (50.8%) and 2,619 Serbs (37.9%)¹². In the 2013 census conducted in Bosnia and Herzegovina, the population of Višegrad was 10,668 people, of which 1,043 were Bosnians

⁹ M. Mann, *The Dark-Side of Democracy: Explaining Ethnic Cleansing*, Cambridge 2005.

¹⁰ A. Bell-Fialkoff, *Ethnic Cleansing*, New York 1996.

¹¹ I. Andrić, *The Bridge on the Drina*. Chicago 1997.

¹² *Nacionalni Sastav stanovništva. Rezultati za Republiku po opštinama i naseljenim mjestima 1991. Popis stanovništva, domaćinstava, stanova i poljoprivrednih gazdinstava 1991*, Sarajevo 1993, p. 118.

(10.8%) and 9,338 were Serbs (87,5%)¹³. As can be seen, in the case of this town in the eastern part of Republika Srpska (in Bosnia and Herzegovina), the scale of ethnic cleansing was massive and the ethnic structure was completely reversed.

On 6th April 1992, the Yugoslav People's Army occupied Višegrad after several days of fighting. During the capture of the town, Serb forces established the Serbian municipality of Višegrad and took control of all municipal offices. On 19th May 1992, after the withdrawal of the Yugoslav People's Army troops, local activists established the Serbian Municipality of Višegrad. Shortly after that, representatives of the local police and ad hoc paramilitary organizations began ethnic cleansing against the Bosnian Muslim population. Members of paramilitary organizations, such as the above-mentioned White Eagles, Avengers or Wolves, with the support of police and military units, played a key role. Numerous killings, rapes, thefts, beatings and destruction of property took place. In total, 3,000 people were murdered¹⁴.

For his quarters, Milan Lukić chose Vilina Vlas, a hotel located seven kilometres from the centre of Višegrad. It became one of the sites where local Bosnian Muslims were detained and soon became notorious as a rape camp. An Amnesty International report from January 1995 presented interviews conducted by independent journalists with women who had been raped. Women were forcibly taken to the hotel and raped; some survived, but most were murdered. There were cases where some of the women reported the crimes to the local police, yet the officers claimed that what was happening in the hotel was not their responsibility. One woman was raped by members of Arkan's and Šešelj's paramilitary organizations in the local fire station and then taken to Vilina Vlas, where she was raped again multiple times. More than two hundred women are reported to have been detained there, but only few of them survived (Ahmetašević, Jelačić, Boračić 2006)¹⁵. Most of the imprisoned women were either killed or committed suicide. Many victims' bodies were never found¹⁶.

On 10th June 1992, Milan Lukić arrived at the Varda sawmill and furniture factory in a red Volkswagen Passat and arrested seven Bosnian men. He led them out of the factory, took them to the Drina River, lined them up, ordered them to empty their pockets and take off their jackets. Then, he shot them in

¹³ *Popoisi Stanovništva, domačinstava i stanova v Bosni i Hercegovini. Etnička / nacionalna pripadnost, vjeroispovjest i maternji jezik*, Sarajevo 2019, pp. 68, 69.

¹⁴ *The Prosecutor vs. Milan Lukić, Sredoje Lukić, M. Vasiljevic*, Case No. IT-98-32-I, Tribunal for the Former Yugoslavia. Indictment, 26.10.1998.

¹⁵ N. Ahmetašević, N. Jelačić, S. Boračić, *Investigation: Višegrad rape victims say their cries go unheard*, <https://web.archive.org> (10.10.2024).

¹⁶ *Bosnia-Herzegovina. Rape and sexual abuse by armed forces*, Amnesty International, 1995, <https://www.amnesty.org> (16.10.2024).

front of numerous witnesses, including the wife and daughter of one of the victims, Ibrišim Memišević¹⁷.

On 14th June 1992, a group of seventy Bosnian civilians, mainly from the village of Koritnik, were detained at Adem Omeragić's house in Pionirska Street. A bomb was thrown into the house and then the building was set on fire. Fifty-nine people were killed. Only a few survived, and all of them testified at Milan Lukić's trial in The Hague. The oldest victim was 75 years old and the youngest (the newborn child of Senad Kurspahić) was only two days old¹⁸.

A similar pattern occurred in the village of Bikavać. On 27th June 1992, about seventy Bosnian civilians were held in a single room. After the prisoners were robbed, the house was set on fire and they all were killed. Zehra Turjačanin testified before the ICTY regarding that incident. According to her account, on the evening of 27th June 1992, Milan Lukic with a group of soldiers drove up in front of her house in Bikavać in a car, while Serbian music was playing from the car stereo. The witness was in her house with her mother, two sisters, sister-in-law and her children; her neighbour and her young daughter were also present. Lukić and his men first forced everyone out of the house. Claiming that they had "organized a convoy for Bajin Basta", they took them to Meho Aljić's house. "There were many children in that house, it's so sad," the witness said, adding that the youngest child was less than a year old. Most of the people were young women with children, along with a few older men and women. Serbian soldiers first threw stones at the windows to break them and then threw hand grenades. For a while, they fired upon the crowd inside and set the house on fire. "People were burning alive, everyone was screaming; I simply cannot describe what I heard at that moment," the witness recalled¹⁹.

In addition, Milan Lukić brutally killed a woman in the village of Potok and repeatedly beat Bosnian Muslims held in the detention centre in the Uzamnica military barracks, five kilometres from the centre of Višegrad. He was also responsible for numerous executions and cases of torture of prisoners, including the execution of about a dozen Bosnian men on the banks of the Drina River and the detention and torture of civilians²⁰.

¹⁷ *Four funerals in one day*, Archive for Meliha Memisevic, Višegrad Genocide Memoires, 2009, <https://genocideinvisegrad.wordpress.com> (10.10.2024).

¹⁸ *Višegrad fire massacres*, Visegrad Genocide Memoires, 2015, <https://genocideinvisegrad.wordpress.com> (15.10.2024).

¹⁹ *What it feels like to burn alive*, Transitional Justice Center, 2008, <https://archive.sensecentar.org> (16.10.2024).

²⁰ R. Irwin, *Lukic Alleges Mistaken Identity*, Institute for War and Peace Reporting, <https://iwpr.net> (14.10.2024).

In the testimonies of survivors and a report submitted by the government of Bosnia and Herzegovina to the Office of the United Nations High Commissioner for Refugees, the bridge on the Drina was used to dump the bodies of murdered Bosnian Muslims into the river. Muslim residents of Višegrad were loaded onto trucks, brought to the bridge and shot; then, their bodies were thrown into the river. At the end of June 1992, Višegrad police inspector, Milan Josipović, received a complaint from the management of a hydroelectric plant from Bajina Bašta, located downstream of the Drina, just across the Serbian border. The director of the hydroelectric plant requested that the dumping of bodies into the river be stopped, as the corpses were clogging the dam culverts at such a rate that power plant workers could not keep up with pulling them ashore²¹. These acts were part of a wider campaign of ethnic cleansing aimed at eliminating the Muslim population from the region.

Trial before the International Criminal Tribunal for the Former Yugoslavia

In 1998, Milan Lukić was charged with crimes against humanity and war crimes, including murder, persecution, torture and cruel treatment of civilians²². For a long period of time, he lived quite openly, made no effort to conceal himself and was often seen around Višegrad and in Serbia, where he maintained a flat in Belgrade. The authorities of Serbia and Republika Srpska in Bosnia and Herzegovina did not take any action to transfer Milan Lukić to the ICTY, as extradition was then unconstitutional. He was, however, repeatedly charged with racketeering and other organized crime offences and arrested by Serbian police on three occasions in the 1990s on the charges of illegal possession of firearms, document falsification and the murder of a Serb from Višegrad who had helped Bosnian Muslims flee the town. He was released each time.

Milan Lukić was linked to Radovan Karadžić through his involvement in an organized crime group. Additionally, his cousin, then Serbia's Deputy Interior Minister in charge of the Serbian police, also helped to protect him. In October 2002, after the fall of Slobodan Milošević, the Belgrade prosecutor's office issued an indictment against Lukić. He was tried in absentia in Serbia, where he was sentenced to twenty years of imprisonment for his involvement in the abduction of a dozen Muslims from a bus in eastern Bosnia. According to the Belgrade court's findings, on 22th October 1992, a squad led by Lukić

²¹ *The warlord of Višegrad*, The Guardian, 11.08.2005, <https://www.theguardian.com> (15.10.2024).

²² *The Prosecutor vs. Milan Lukić, Sredoje Lukić, M. Vasiljević...*

stopped the bus, marched its passengers to a motel near the Bosnian town of Višegrad, where he subjected them to torture and then murdered²³.

Lukić then went into hiding in South America, first in Brazil and then in Argentina, where he used the alias Goran Đukanović. On 8th August 2005, he was detained by police in Buenos Aires and a year later his extradition to The Hague was carried out, pursuant to an Argentine court decision of 10th January 2006²⁴. Sredoje Lukić surrendered to the ICTY Tribunal of his own accord on 16th September, 2005.

Milan Lukic's trial began in 2008. Numerous pieces of evidence were presented during the proceedings, including survivors' testimonies describing the brutal methods employed by Lukić. Witnesses reported horrific details of the acts committed by the White Eagles under his command, including burning dozens of people alive, rape and torture. Milan Lukic's case was tried together with that of his cousin Sredoje Lukić, who was also a member of the White Eagles. Sredoje served as a police officer before and during the 1992-1995 armed conflict. He was convicted of inhumane acts, including aiding and abetting persecution, murder as a crime against humanity, and cruel treatment and murder as a violation of the laws and customs of war. He contributed significantly to the deaths of those imprisoned in the Pionirska Street house. He was also very often present in the Uzamnica military barracks, where he beat prisoners with fists, sticks, clubs and rifle butts, causing a number of serious and irreversible injuries. On 20th July 2009, the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia found Milan Lukić guilty of persecution, murder and extermination as crimes against humanity, and of murder and cruel treatment as violations of the laws and customs of war, and then sentenced him to life imprisonment. Sredoje Lukić was sentenced to 30 years' imprisonment²⁵.

In the same ruling of 20th July 2009, the judges of the ICTY Adjudicatory Chamber addressed the definition of extermination, which aroused the most controversy. They stated that extermination involves killing on a large scale and differs from murder by the very element of massiveness. The minimum number of victims necessary to satisfy this criterion cannot be precisely defined. In order to determine if the crime committed is a crime against

²³ *Serbia and Montenegro: Sjeverin war crimes verdict in Belgrade – Amnesty International calls for all those responsible for the policy of abductions and murders to be brought to justice*, Amnesty International, 2023, <https://www.amnesty.org> (17.10.2024).

²⁴ *Serb war crimes suspect arrested in Argentina*, NBC News, 08.08.2005, <https://www.nbcnews.com> (12.10.2024).

²⁵ *The Prosecutor vs. Milan Lukić, Sredoje Lukić*, Case No. IT-98-32-I, ICTY, Trial Judgement, 20.07.2009, <https://www.refworld.org> (15.10.2024). See also: A. Szpak, *Eksterminacja w orzecznictwie międzynarodowych trybunałów karnych*, „Themis Polska Nova”, 2013, No. 1, p. 209.

humanity, the scale of mass killing is assessed in each case by taking into account all the relevant circumstances, including the number and type of victims (in this case, women, children and the elderly), the manner in which the mass killing was committed (premeditation and organization), and the area where the victims lived, as well as the population density (in this case, a small and sparsely populated village). In this case, the court found that the murder of 59 persons met the requirement of massiveness and, consequently, constituted the crime of extermination²⁶.

As Agnieszka Szpak points out, the statement concerning the location of the victims in a small and sparsely populated area was particularly controversial. According to the Arbitral Chamber adjudicating the Milan Lukić and Sredoje Lukić case, the population density of the area in question should be taken into account when examining the crime of extermination. In other words, the condition for establishing extermination in a densely populated area will be relatively more difficult to fulfil (as the number of victims will have to be higher), while in a sparsely populated area these conditions will be easier to satisfy (as the number of victims may be lower). The ICTY Adjudicatory Chamber referred to the Court's ruling in the Krajišnik case, in which the Adjudicatory Chamber found the killing of approximately 66 people to be a case of extermination²⁷.

A separate opinion was presented by Judge Christine Van den Wyngaert. She argued that since committing the crime of extermination does not require a discriminatory intent, plan or policy behind the act, it is the mass scale of the killings that constitutes the decisive factor in assessing if a given act was extermination. This requirement cannot be supplanted by referring to specific circumstances of the killings, such as population density²⁸.

²⁶ *The Prosecutor vs. Milan Lukić, Sredoje Lukić...*; A. Szpak, *op.cit.*, pp. 209, 210.

²⁷ *The Prosecutor vs. Momčilo Krajišnik*, Case No. IT-00-39-A, ICTY, Appeal Judgment, 17.03.2009, <https://www.refworld.org> (16.10.2024); A. Szpak, *op.cit.*, pp. 213.

²⁸ Agnieszka Szpak considers Judge Christine Van den Wyngaert's position – regarding population density as a factor in assessing if the crime committed was a case of extermination – to be correct. Since the only element that distinguishes the crime of extermination is the massiveness of killings, this element cannot be made dependent on the population density of the area. The decisive factor should be the high number of victims determined on a case-by-case basis. It is not possible to set a minimum number of victims required for a crime to satisfy the criteria of extermination. However, this number should not be qualified and treated differently depending on the population density of the area where the victims lived. Furthermore, it is a fact that victims are not always permanently resident in the given territory, but, for example, reside there temporarily (so, in the latter case, area population density would not even be relevant). Factors such as the type of victims referred to above (women, children, the elderly) indicate vulnerability, but have little to do with the requirement of mass- or large-scale killings. They can only be relevant in determining if the crime in question is a crime against humanity committed as part of an attack directed against a civilian

The ICTY Appeals Chamber upheld Milan Lukić's life imprisonment sentence for war crimes and crimes against humanity, while his cousin, Sredoje Lukić, had his sentence reduced from 30 to 27 years of imprisonment²⁹. Since 2014, Milan Lukić has been serving his sentence in the Estonian city of Tartu, becoming the third person convicted by the ICTY to be incarcerated in that country. Previously, Milan Martić – the leader of the Croatian Serbs and the last president of the self-proclaimed Republic of Serbian Krajina – and Dragomir Milošević, former Serbian Armed Forces general, had been transferred to Estonian prisons³⁰.

Conclusions

Višegrad, a town made famous by the novel of Ivo Andrić, became the scene of atrocities in which members of local paramilitary organizations killed their neighbours, Bosnian Muslims. These acts were part of a deliberate operation aimed at the ethnic cleansing of eastern Bosnia and Herzegovina. As a result, Višegrad's ethnic structure was transformed entirely: in 1991, Bosnian Muslims constituted over 50% of the town's population, whereas in 2013, they accounted for only 10%.

In this brutal campaign of ethnic cleansing, an essential role was played by members of paramilitary organizations and police formations recruited from the local population. The factor of their knowledge of the terrain and the local community contributed to the effectiveness of the extermination.

The case of Milan Lukić was significant for several reasons. First, the trial demonstrated the determination of the International Criminal Tribunal for the former Yugoslavia to hold accountable those responsible for the most serious crimes committed during the Balkan conflicts. The verdict also carried symbolic importance, showing victims that, even after many years, perpetrators could be brought to justice. The trial highlighted key challenges in conducting international criminal proceedings, including difficulties in gathering evidence and protecting witnesses. In many cases, the ICTY cases faced numerous logis-

population. Premeditation and the level of organization are not necessarily elements of the crime of extermination; however, committing the crime of extermination may be considered to imply a fairly high degree of organization and preparation. Without these factors, the perpetration of extermination would be unlikely. Furthermore, destruction of a group that can be geographically located will not always imply extermination. Massiveness should always be the decisive factor, in line with the fact that extermination is murder on a massive scale. A. Szpak, *op.cit.*, pp. 210-212.

²⁹ *The Prosecutor vs. Milan Lukić, Sredoje Lukić...*

³⁰ *Serbian War Criminal Transferred to Tartu Prison*, Eesti Rahvusrinääling, 11.02.2014, <https://news.err.ee> (12.10.2024).

tical and legal challenges, primarily due to the fact that most of the evidence and witnesses were located in the former Yugoslav states, where local authorities and communities were often reluctant to cooperate. In most instances, a conspiracy of silence prevailed among the local community.

The case of Milan Lukić and his cousin Sredoje Lukić also had broader significance for international criminal law. It served as the proof that mass crimes against civilians, including ethnic cleansing, could be prosecuted as crimes against humanity – which was crucial for the evolving system of international criminal justice.

The International Criminal Tribunal for the former Yugoslavia itself represented an important step towards the establishment of the very first permanent International Criminal Court. Like the International Criminal Tribunal for Rwanda, the ICTY was an ad hoc court tasked with addressing the most serious crimes of the time.

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Zbrodnie w Wyszegradzie. Odpowiedzialność karna Milana Lukicia przed Międzynarodowym Trybunałem Karnym dla byłej Jugosławii

Streszczenie

Celem niniejszego artykułu jest przedstawienie zjawiska czystek etnicznych we wschodniej części Bośni i Hercegowiny na przykładzie Wyszegradu. Kluczową rolę w eksterminacji bośniackich Muzułmanów odegrali członkowie serbskich organizacji paramilitarnych oraz sił policyjnych. Ich skuteczność w tych działaniach wynikała w dużej mierze ze znajomości regionu i lokalnej społeczności. Osobą odpowiedzialną za organizację czystek etnicznych w rejonie Wyszegradu był Milan Lukić, przywódca grupy paramilitarnej Białe Orły. Ponoś on odpowiedzialność za zbrodnie przeciwko ludzkości wymierzone w bośniackich Muzułmanów, które ostatecznie doprowadziły do całkowitej zmiany struktury etnicznej regionu. Niniejsze opracowanie przedstawia cały proces pociągnięcia Milana Lukicia do odpowiedzialności przed Międzynarodowym Trybunałem Karnym dla byłej Jugosławii. W artykule zastosowano metodę studium przypadku oraz analizę treści.

Słowa kluczowe: Bośnia i Hercegowina, Milan Lukić, czystki etniczne, Międzynarodowy Trybunał Karny dla byłej Jugosławii, Wyszegrad