

**“Who are the male refugees who were present at the UN Potočari
compound on the afternoon of 13 July 1995?”**

Research carried out by Dr Nevenka Tromp-Vrkic

on assignment from
Commission on the Implementation of the Srebrenica Civil Regime

The Hague, 31 March 2021

CONTENTS

1. MOTIVATION AND PURPOSE.....	3
2. RESEARCH QUESTIONS AND CONCLUSIONS	3
3. THE RESEARCH.....	4
4. EXPLANATION PER SECTION.....	4
5. PROTOCOL.....	8
6. AFTERWORD.....	8

1. Motivation and purpose

On 19 July 2019, the Supreme Court of the Netherlands ruled that the Dutch State had failed to offer protection to the approximately 350 male refugees who were in the Dutchbat compound in Potočari in the late afternoon of 13 July 1995. The highest court held that the Dutch state was liable for 10 per cent of the damages suffered by the surviving relatives of the deceased refugees. The Srebrenica claims settlement is intended to implement this judgment. The task of the Netherlands Compensation Commission Potočari (hereinafter: "NCCP") is to implement the claims settlement.

The NCCP has commissioned a study to gain greater certainty regarding the number and identity of male refugees covered by the Judgment. The results of the study serve to support a rapid and reliable assessment of claims for compensation. For the purpose of the study, the researcher collected existing lists of names from national and international organisations, compared them with each other and checked them against recent data from the Missing Persons Institute.¹

Despite a very thorough investigation setup, as outlined below, 25 years after the terrible events in Srebrenica, it is no longer possible to establish with certainty who was present in the compound on the afternoon of 13 July 1995. Therefore, the research results are not the last word on deciding whether a deceased person's surviving relatives is eligible for compensation. The NCCP also offers surviving relatives the opportunity to prove in another way that the victim was present at the Dutch Compound on the date and part of the day in question.

2. Research questions and conclusion

The NCCP has commissioned research on 2 questions:

- I "Who are the male refugees who were present at the UN Potočari compound in the late afternoon of 13 July 1995?"
- II "Who among the refugees present at the UN Potočari compound on 13 July 1995 can be counted among the victims within the meaning of the Supreme Court ruling of 19 July 2019?"

The conclusion

Based on the comparison of the various existing national and international lists of names and verification with the most recent data files of the Missing Persons Institute, it appears that, for 258 persons, it is highly likely or plausible that they were present at the UN Potočari compound in the late afternoon of 13 July 1995 and are among the victims within the meaning of the Judgment of the Supreme Court.

¹ The MPI (*Instituti za nestale osobe*, INO) is an authoritative institute with a unique database on the missing during the war in BiH. See the INO website: <http://www.ino.ba/o-institutu/default.aspx?id=13&langTag=hr-HR>

- For 75 people, it can be established with some degree of certainty that they survived the events of 13 July 1995. Some of them are still alive. Others died after the war. The survivors are not considered the victims within the meaning of the Judgment of the Supreme Court.²

3. The study

In order to answer the research questions, the researcher used the following working method.

- a. The collection of existing lists of names
- b. The assessment of the reliability of the various existing lists of names
- c. Analysis and evaluation of the lists
- d. Verification of the individual names
- e. Classification into categories

4. Explanation per section

The research was carried out based on 5 steps.

a. The collection of existing lists of names

The material for this investigation consists of several lists with the names of the male refugees who are believed to have been present at the UN Potočari compound in the late afternoon of 13 July 1995. The lists come from national and international organisations.³ A total of 7 lists have been collected. None of the lists collected in the course of this research are complete, exhaustive or error-free.

The NIOD report (2002) was the starting point for the search for lists of names of refugees who may have been present in the Dutchbat compound on 13 July 1995. The report refers to a number of lists of names drawn up during or immediately after the fall of the enclave – with the 'Franken list' containing 255 names at the forefront.

The other lists of names used in the study are:

- Lawyers Surviving Relatives List (obtained from the Dutch lawyers of the Mothers of Srebrenica Foundation);
- International Committee of the Red Cross (ICRC) List of Missing Persons in Bosnia and Herzegovina;

² In the various texts (lists), the terms 'refugee', 'victim', 'missing' and 'deceased' are used interchangeably. We have used the term 'refugee' in the text as much as possible, because this term also appears in the Supreme Court's 2019 Judgment. In legal terms, there is a substantial and important difference between the terms 'refugee' and 'victim', as well as between 'victim', 'missing' and 'deceased'. Victims of genocide (or other mass crimes such as war crimes or crimes against humanity) do not include only the 'dead'. It is therefore important to uphold the current UN definitions to clearly highlight the differences.

³ During the study, a number of lists were also collected that were drawn up later and are therefore not mentioned in the NIOD report. Finally, in the course of this study, a number of survivors were contacted who, based on their memories, produced more names and provided greater clarity on the authenticity of the 'Franken list' and on the names of the refugees who did not appear on the 'Franken list'.

- Bosnia and Herzegovina (BiH) Federation Police List;
- Missing Persons Institute List of all missing persons in Potočari during the period from 10 to 15 July 1995;
- 5b. MPI list of all names with location of missing persons at UN Potočari compound;
- The names of the local Dutchbat personnel;
- Eyewitness list.

b. The assessment of the reliability of the various lists of names.

The seven lists of names were evaluated based on authenticity, authority and integrity. The 'Franken list' has a high degree of authority: this list was drawn up on 12 or 13 July 1995 at the request of Dutchbat and has not changed since it was drawn up in July 1995.⁴ Due to its origins, this list is considered the most authentic list and was therefore used in the study as the basic list. This list includes: the name, year of birth and last place of residence or domicile of the refugees. The information on the list was thoroughly checked and, where necessary, corrected by comparison with all other lists. Other lists were tested by comparison with the 'Franken list'. Names that were not on the 'Franken list' have been transferred to the investigation of question II.

c. Analysis and evaluation of the lists

The information on the lists was thoroughly checked and corrected where necessary. This was necessary because the manuscripts of the various authors were sometimes difficult to decipher: some names were mentioned twice, some names and places of residence were misspelled and in some cases the place of residence given was a small village belonging to a municipality. In a few cases, the year of birth was missing or incorrect. Where various types of factual information about a person – e.g. year of birth, place of birth and place of disappearance – were found, all the data collected was reported.

d. Verification of the names

Research steps a. through c. yielded 347 names of refugees who may have been present in the compound in the late afternoon of 13 July 1995. These are names that:

- a. Appear on the 'Franken list'
- b. Names taken from one or more of the other lists, but not from the 'Franken list'. This list is referred to as the 70-Plus list. This followed reports from eyewitnesses who had stated that not all of the men had registered when the 'Franken list' was drawn up. Some refugees did not want to give their names, as they were afraid that this would cause them more problems. The size and identity of this group is estimated by eyewitnesses at around 70 people.⁵ The 70-Plus list ultimately comprises 89 names, consisting of:

⁴ Historical sources mention both 12 and 13 July as the date for the compilation of the 'Franken list'. In this study, we have assumed that the registered names offer a reliable picture of the presence of the persons mentioned, even if the list was compiled in the late afternoon of 12 July 1995. After all, according to the description of the events on 12 and 13 July 1995, it is unlikely that refugees were able or willing to leave the compound during the night of 12 to 13 July 1995.

⁵ "According to Franken and former interpreters, there were about seventy men who refused to put their names on the list because, rather than protection, they expected problems when the Bosnian Serbs found their names. That

- All of the names collected from question 1 of the survey that were not on the 'Franken list'. These were the names on the Lawyers Surviving Relatives List (**List II**) and the Bosnia and Herzegovina Federation Police List (**List IVa and IVb**).
- The names originating from the three lists prepared in the search for the names of 70 refugees who did not want to give their names for the 'Franken list'.

All 347 names were then verified against the data in the MPI databases. First of all, the name and surname and where possible the place and date of birth and the most recent place of residence were checked.

The Missing Persons Institute (*INO - Institut za nestale osobe*)⁶ maintains a central register of missing persons (CEN) from the war in BiH. The MPI has several electronic databases, including (1) a database of missing persons; (2) a register of victims and locations of mass graves; and (3) a blood donor database for DNA identification of victims. The data in these databases enable the identity details (year of birth, place of birth, date of death) of victims, survivors and surviving relatives to be traced. The MPI data on the date and place of disappearance and where a person was last seen can also help substantiate or confirm the presence of a refugee in the compound in the late afternoon of 13 July 1995.

The information contained in the MPI databases for identifying a missing person was used in answering research question 2. Based on MPI information on the exhumation and the circumstances of death of victims, the date and place of missing persons and based on the registry of blood donors, for the majority of 347 names, it could be determined whether they were among the victims or may have survived the events surrounding the fall of Srebrenica.

e. Classification into four categories

After completion of the verification, the names on the existing lists were classified.

- **Highly probable**

For each name with this classification, a strong degree of plausibility has been established that the missing person in question was present at the UN Potočari compound in the late afternoon of 13 July 1995 and is among the victims within the meaning of the Judgment of the Supreme Court. These are all the names on the 'Franken list', who were not identified as survivors, as well as those from the 70-Plus list, for whom the place of disappearance is listed as the UN Potočari compound.

would therefore bring the number to around three hundred twenty," in "Srebrenica - a 'safe' area" (Boom, 2002) p. 2659. http://publications.niod.knaw.nl/publications/srebrenicarapportniod_nl.pdf

⁶ The Institute for Missing Persons of Bosnia and Herzegovina was established as a state-level institution on the International Day of Missing Persons on 30 August 2005. It was a transfer of responsibilities from the entity committees and the establishment of a Central Register of Missing Persons (CEN), restoring the dignity of victims and the response to their families, and contributing to justice and reconciliation.

The launch of the Institute for Missing Persons. See more on the INO website <http://www.ino.ba/o-institutu/default.aspx?id=13&langTag=hr-HR>

- **Probable**

These are the missing persons from the so-called 70-Plus list for whom the MPI database does not indicate the UN Potočari compound as the place of disappearance but rather Srebrenica or Potočari. The names of these 11 people appear on more than one of the lists collected, not including the 'Franken list', and MPI data indicates Srebrenica and/or Potočari as the place of disappearance. Because another place of disappearance is also mentioned in the MPI data for a considerable number of persons on the 'Franken list', it cannot be excluded based on this information that the 11 persons were present in the compound.

- **Survivors**

These are the names from all the lists for which the MPI verification has shown that they survived the war. Some people are still alive and others died after the war. The absence of a name in the registry of the missing is not always a confirmation that someone survived the war; it can also be due to the fact that there are no relatives who reported him missing. One way of confirming that someone had survived the war was to consult the 'MPI blood donation data'. It turned out that a considerable number of refugees who survived the war acted as blood donors for the identification of missing relatives after the war.

- **Unclear: location of disappearance differs**

The missing person is on one of the lists, not the 'Franken list'. Verification has not confirmed that the place of disappearance is Srebrenica, Potočari or the UN Potočari compound. Nor can it be excluded with certainty that these persons were present in the Dutchbat compound on the afternoon of 13 July 1995.

5. Protocol

Despite a thorough approach, the investigation cannot provide complete certainty about the names of all refugees 25 years after the fact. The research results therefore indicate the likelihood that a person appearing on one of the lists was present in the UN Potočari compound in the late afternoon of 13 July 1995.

The conclusion of this investigation is that, for 258 persons, it is highly probable or plausible that they were present in the UN Potočari compound in the late afternoon of 13 July 1995 and are among the victims within the meaning of the Judgment of the Supreme Court.

For the purpose of further research into the presence of male refugees, the researcher drafted a protocol at the request of the NCCP. The research steps described in the protocol can be carried out when the committee receives requests relating to victims who have not been identified in this study.

6. Afterword

This study was commissioned by the NCCP and carried out by Dr N. (Nevenka) Tromp-Vrkic; working at the University of Amsterdam and for many years a researcher for the Yugoslavia Tribunal.

The aim of the study is to clarify the size and identity of the approximately 350 male refugees staying in the UN Potočari compound in the late afternoon of 13 July 1995. The data from the study contributes to the reliable awarding of damages to surviving relatives.

The Netherlands Compensation Commission Potočari would like to thank all those who were willing to cooperate in any way with its study.
