

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-02-54-T

**IN THE TRIAL CHAMBER III**

Before: Judge Richard May, Presiding  
Judge Patrick Lipton Robinson  
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Filed on: 31 May 2002

PROSECUTOR

v.

SLOBODAN MILO[EVI]

---

PROSECUTION'S SECOND PRE-TRIAL BRIEF  
(CROATIA AND BOSNIA INDICTMENTS)

---

The Office of the Prosecutor:

Mr. Geoffrey Nice  
Mr. Dirk Ryneveld  
Ms. Hildegard Uertz-Retzlaff  
Mr. Dermot Groome

Amicus Curiae:

Mr. Steven Kay  
Mr. Branislav Tapu{kovi}  
Mr. Michail Wladimiroff

The Accused:

Mr. Slobodan Milo{evi}

Appointed Defence Lawyers:

Mr. Zdenko Tomanovi}  
Mr. Dragoslav Ognjanovi}

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**PROSECUTOR**

**v.**

**SLOBODAN MILO[EVI]**

**Case No. IT-02-54-T**

---

**PROSECUTION'S SECOND PRE-TRIAL BRIEF  
(CROATIA AND BOSNIA INDICTMENTS)**

---

Pursuant to Rule 65 *ter* (E) (i) of the Rules of Procedure and Evidence, the Prosecution hereby files its pre-trial brief. As required by Rule 65 *ter* (E)(i), this is a summary of the evidence which the Prosecution intends to bring regarding the crimes with which the Accused is charged and the forms of responsibility he incurred. References to particular witnesses and proposed exhibits are provided as an example of the evidence the Prosecution will adduce on the particular matter alleged.

Respectfully Submitted,

---

Mr. Geoffrey Nice  
Principal Trial Attorney

Ms. Hildegard Uertz-Retzlaff  
Senior Trial Attorney

Mr. Dermot Groome  
Trial Attorney

Dated this 31<sup>st</sup> day of May 2002  
At The Hague  
The Netherlands

## TABLE OF CONTENTS

SECTION I. Context in Which the Crimes Were Committed .....	1
A. Introduction.....	1
B. The Plan .....	2
C. Implementation of the Plan.....	4
SECTION II. Entities Executing the Plan .....	23
A. Political and Police .....	23
1. (Socialist) Federal Republic of Yugoslavia.....	23
2. Serbian Ministry of Internal Affairs .....	33
3. Republic of Serbian Krajina .....	42
4. Croatian Serb Ministry of Internal Affairs .....	49
5. Republika Srpska.....	53
6. Bosnian Serb Ministry of Internal Affairs .....	75
B. Military .....	81
1. SFRY Armed Forces Between 1945 and 1990 .....	81
2. The Accused and the JNA During the Conflict in Croatia .....	87
3. The Accused and the JNA During the Conflict in Bosnia and Herzegovina.....	101
4. The 2 <sup>nd</sup> Military District and the Situation in Bosnia and Herzegovina.....	102
5. Bosnian Serb Defence Structures Prior to the Creation of the VRS.....	104
6. The Establishment of the VRS .....	110
7. Relations Between the VRS and the JNA/VJ.....	113
8. Direct Involvement in VJ Combat Operations .....	115
SECTION III. Crimes Committed in Croatia .....	132
A. SAO Krajina.....	132
1. [kabrnja/Nadin .....	134
2. Bru{ka.....	136
3. Saborsko, Poljanak, Lipova-a.....	137
4. Dubica, Cerovljani, Ba}in .....	139
B. Western Slavonia .....	140
5. Vo}in .....	141
C. Vukovar Hospital .....	143
D. SAO SBWS.....	145
6. Dalj – 21 September 1991 .....	145
7. Dalj – 4 October 1991 .....	146
8. Lovas Min efield -- 18 October 1991 .....	147
9. Erdut – Cases One, Two & Seven .....	147
E. Eastern Slavonia.....	151
F. Dubrovnik Region.....	154
SECTION IV. Crimes Committed in Bosnia.....	163
G. Eastern Bosnia and Herzegovina .....	163
10. Bijeljina .....	163
11. Bosanski [amac.....	165
12. Bratunac .....	170
13. Br-ko .....	172
14. Rogatica.....	175
15. Rudo.....	176
16. Vi{egrad .....	177
17. Vlasenica.....	178
18. Zvornik.....	180
H. Sarajevo Area.....	184
19. The blockade of Sarajevo: Sniping and Shelling of the Civilian Population.....	184

I. Greater Sarajevo Area.....	189
20. Ilija{.....	189
21. Had` i}i .....	190
22. Ilid` a.....	190
23. Novi Grad.....	192
24. Vogo{ }a.....	192
25. Trnovo.....	193
J. Southern Bosnia and Herzegovina.....	194
26. Bileca .....	194
27. ^ajni-e.....	195
28. Fo~a.....	196
29. Gacko .....	199
30. Kalinovik .....	201
31. Nevesinje.....	202
32. Trebinje .....	205
K. North Western Bosnia and Herzegovina.....	207
33. Banja Luka .....	207
34. Biha} (Ripa-).....	209
35. Bosanska Gradi{ka.....	212
36. Bosanska Krupa.....	213
37. Bosanski Novi.....	216
38. Bosanski Petrovac .....	219
39. ^elinac.....	220
40. Donji Vakuf.....	220
41. Dobo{.....	221
42. Klju~.....	224
43. Kotor Varo{.....	227
44. Prijedor .....	230
45. Prnjavor.....	238
46. Sanski Most.....	240
47. [ipovo.....	246
48. Tesli} .....	248
49. Enclaves .....	249
50. Srebrenica.....	250
51. Destruction of or Damage to Religious and Cultural Property .....	257
SECTION V. The Responsibility of the Accused Under Article 7.....	259
A. Responsibility Under Article 7(1).....	259
B. Responsibility Under Article 7(3).....	266
C. The Responsibility of the Accused for Genocide .....	270
SECTION VI. Legal Analysis.....	273
Modes of Criminal Responsibility Under Article 7 of the Statute .....	273
Individual Criminal Responsibility under Article 7 (1).....	273
52. "Committed" .....	273
53. "Planning" .....	275
54. "Ordering".....	275
55. "Instigated".....	276
56. "Aiding and Abetting" .....	276
Criminal Responsibility as a Superior Under Article 7(3).....	277
General Requirements of Article 2 of the Statute.....	281
General Requirements of Article 3 of the Statute and of Common Article 3 .....	283
General Requirements of Article 5 of the Statute.....	284
Elements of Specific Crimes .....	285

Glossary ..... i

## SECTION I. CONTEXT IN WHICH THE CRIMES WERE COMMITTED

### A. INTRODUCTION

1. From 1991 to 1995, hundreds of thousands of non-Serbs were forcibly expelled from their homes and thousands more killed, assaulted or imprisoned in brutal and degrading facilities in municipalities across Croatia, Bosnia and Herzegovina,<sup>1</sup> Serbia and Montenegro. These were the gravest violations of human rights in Europe since the Second World War. Slobodan Milo{evi}<sup>2</sup> is criminally responsible for these violations.

2. The crimes charged in the Indictment against the Accused<sup>3</sup> were the outcome of a purpose shared by the Accused and others to impose and maintain Serb control over targeted regions of the former Yugoslavia by forcibly removing Muslim, Croat, Albanian and other non-Serb inhabitants through persecutory campaigns.

3. The criminal conduct of the Accused, by itself and with acts committed by others with whom he shared the common purpose, makes him criminally liable for the charges contained in both the Croatia and Bosnia indictments under Articles 7(1) and 7(3) of the Statute. The following section summarises the role of the Accused in these criminal events. The Accused's participation in the crimes, directly and through formations and individuals he employed to further his criminal purpose, is set out in greater detail in other sections of this brief.

4. During the time period covered by the Croatia and BiH indictments the Accused was President of the Republic of Serbia and widely was held, by Serbs and others, to be the most powerful leader in the former Yugoslavia, a view that reflected both his legal and *de facto* powers. The Accused, with Croatian Serb and Bosnian Serb political leaders, high-ranking members of both the Yugoslav People's Army<sup>4</sup> and the Ministry of Internal Affairs of Serbia<sup>5</sup> along with other leading Serbian and Montenegrin figures, were key participants in the formulation, preparation and execution of a plan forcibly to remove non-Serbs from targeted regions of Croatia and BiH. This was achieved through the forcible expulsion of hundreds of thousands of non-Serb civilians from their homes, their extended detention in brutally inhumane conditions, massacres, and a range of other persecutory conduct designed to drive them out of the region. The Indictment addresses the responsibility of the Accused for his

---

<sup>1</sup> Hereinafter "BiH."

<sup>2</sup> Hereinafter "the Accused" or "Milo{evi}."

<sup>3</sup> *Prosecutor v Slobodan Milo{evi}*, Case No IT-02-54 (hereinafter "Indictment"). The original indictments for Kosovo, Croatia and BiH, were deemed to constitute one indictment by the Decision on Prosecution Interlocutory Appeal from Refusal to Order Joinder, 1 February 2002.

<sup>4</sup> Or *Jugoslovenska narodna armija*, hereinafter "JNA".

<sup>5</sup> Or *Ministarstvo unutra{njih poslova*, hereinafter "MUP".

role in creating, supporting and directing the forces that committed the crimes charged in the Indictment.

5. Under the direction of the Accused and his co-perpetrators, civilian, military and paramilitary organs<sup>6</sup> collaborated to take over municipalities and territories throughout Croatia and BiH. These take-overs were marked by a pattern demonstrating the significant organisation, preparation and planning which preceded them. The take-overs had the common goal and result of establishing Serb control, although the steps taken and their chronological order varied from place to place. The Accused participated in planning, enabling and directing this process. This pattern included the following common elements:

- a) covert arming of Serb civilians;
- b) the declaration of large areas of Croatia and BiH as Serb autonomous regions;
- c) the take-over of public institutions and local governmental structures where practicable, and the establishment of parallel structures where not;
- d) the involvement of and co-ordination between the JNA, special forces units of the Serbian Ministry of Internal Affairs, the Croatian Serb police forces, the Bosnian Serb MUP, paramilitaries and the units of the Territorial Defence;<sup>7</sup>
- e) the systematic "cleansing" of Muslim, Croat and other non-Serb inhabitants from their homes and the theft or destruction of their homes and personal property;
- f) the killing of non-Serb civilians on discriminatory grounds;
- g) the incarceration of large numbers of non-Serb civilians in detention camps where they were subjected to inhumane treatment;
- h) the targeting of the economic, political, religious and academic leaders of the non-Serb communities; and
- i) the systematic destruction of mosques, churches and other cultural property essential to the normal lives of the expelled peoples.

## **B. THE PLAN**

6. From the late 1980s onward, the bonds holding Yugoslavia together weakened, and the secession of one or more republics grew ever more likely. Large numbers of Serbs resided in the republics of Croatia and BiH. Were Yugoslavia to separate along republican borders, these Serbs, who had belonged to the largest ethnic group within the SFRY, would find themselves minorities in newly sovereign states and would be separated by a state border from the Republic of Serbia. Many Serbs argued that sovereignty belonged to the national

<sup>6</sup> In Croatia, these were primarily: leadership of the Serbian Autonomous Regions (hereinafter "SAO") of Krajina; Western Slavonia; and Slavonia, Baranja and Western Srem (hereinafter "SBWS"); Croatian Serb Territorial Defence (hereinafter "TO"); and the Croatian Serb Secretariat (later Ministry) of Internal Affairs whose forces were known as "Marti}'s men" or "Marti}'s police" (hereinafter "MUP"). In BiH, these were primarily the Crisis Staffs, War Presidencies and War Commissions at various levels; the armed forces of the Bosnian Serb TO; the Bosnian Serb MUP; and the Army of the Serbian Republic of Bosnia and Herzegovina, later the Army of the Republika Srpska (hereinafter "VRS"). Organs based in Serbia were primarily forces of the Republic of Serbia MUP, including its State Security (hereinafter "DB") and public security sectors; the Republic of Serbia Ministry of Defence; the JNA and later the Army of Yugoslavia ("VJ"); and paramilitary units based in or affiliated with Serbia. In Montenegro, the primary institution was the Montenegrin TO.

<sup>7</sup> *Teritorijalna Odbrana*, hereinafter "TO".

groups<sup>8</sup> rather than the republics, that the borders between the republics were “administrative”, rather than “state” borders, and vehemently opposed independence for Croatia and BiH within their existing borders. Political groups and structures were developed in BiH and Croatia to advance this position. As SFRY Presidency member Borisav Jovi} would remark:

I personally am obsessed by the notion that the Serb nation does have an interest and need for Yugoslavia more than any other Yugoslav nation, because Serbs live in nearly all the parts of Yugoslavia and because if Yugoslavia were to fall apart a large part of the Serb populations could end up beyond the borders of Serbia, unless they opted for another solution through the use of force.<sup>9</sup>

7. Leaders of the Serb nation in BiH, Croatia, Montenegro and Serbia, all led by the Accused, began to discuss how they would respond to the impending break-up of Yugoslavia. Early on, the Accused made it clear that he would not permit the division of the Serb people:

Concerning the Serbian people, they want to live in one state. Therefore, in our opinion, any division into several states that would separate parts of the Serbian people and put them within separate sovereign states cannot be acceptable, more precisely, it is completely out of the question.<sup>10</sup>

8. In Croatia and BiH, other Serbian nationalist leaders rallied around the Accused and the ideas of Serbian unity and ethnic separation. The leader of the Serbian Democratic Party<sup>11</sup> in Croatia, Jovan Ra{kovi}, wrote an open letter to the Accused in September 1990 in which he hailed the Serbian President as “the most important person in the modern history of the Serbian people”, citing the Accused’s role as the “physical protector” of the *SDS-BiH* in their common fight for “a complete Serbian national entity”.<sup>12</sup> The Bosnian Serb leadership was equally committed to Serb unification and similarly looked to Belgrade for support. As the president of the SDS-BiH, Radovan Karad`i}, stated in 1990:

We are now openly saying what could not even be whispered before: the Serbs in Bosnia and Herzegovina pin all their hopes on their mother country, Serbia, and will never allow a state border to separate them from Serbia.<sup>13</sup>

<sup>8</sup> Under the 1974 SFRY Constitutional regime the following ethnic groups had the status of nation (*narod*): Slovenes, Croats, Bosnian Muslims, Serbs, Montenegrins and Macedonians. The status of nation implied their right to self-determination, including the right to secession. Other groups, including the Kosovo Albanians and the Hungarians, were classified as “nationalities” (*narodnosti*) since their co-nationals had another state outside the borders of Yugoslavia (in this case, Albania and Hungary respectively). The “nationalities” did not have the same right to self-determination including secession. See expert witnesses on history and constitutional structure.

<sup>9</sup> Borisav Jovi} *Poslednji dani SFRJ* (The Last Days of the SFRY) (BCS) 0037-3546-0037-3546; (Eng.) 0302-2817-0302-3215, 23 June 1989.

<sup>10</sup> Quote from Slobodan Milošević, in *Vjesnik*, 15 January 1991, R029-2027-R029-2027.

<sup>11</sup> Or *Srpska demokratska stranka*, hereinafter “SDS-Croatia”. This was similar to, but not the same as, the party of the same name in BiH, hereinafter “SDS-BiH”.

<sup>12</sup> *Novi Sad Dnevnik*, 1 September 1990, Eng R028-9295-R028-9296.

<sup>13</sup> Interview with Radovan Karad`i}, *NIN*, 9 November 1990, BCS 0027-6523; 0027-6524; 0027-6490; 0027-6489, ENG 0086-0891-0086-0898.



### C. IMPLEMENTATION OF THE PLAN

9. Ra{kovi}'s and Karad`i}'s expectation that the Accused would lead those engaged in the struggle for a national entity encompassing all Serbs was fulfilled. Beginning no later than 1990, the Accused provided political support, logistical aid, and military assistance to Croatian and Bosnian Serbs preparing to achieve control of territory by forcibly taking it over and removing non-Serbs. He exerted substantial influence over the Croatian and Bosnian Serb leaders, as well as over the leadership of the JNA.<sup>14</sup> Forces under the Accused's authority or control included significant parts of the JNA, the Army of Yugoslavia,<sup>15</sup> the Republic of Serbia MUP and several paramilitary groups, all of which participated in the crimes charged in the Indictment.

10. The Accused co-ordinated the decisions and actions of Croatian Serb and Bosnian Serb leaders through regular contact with them.<sup>16</sup> The Bosnian Serb leadership was fully committed to efforts by Croatian Serbs to create separate Serb areas within the republican borders of Croatia that would join with other similar entities in BiH, and with Serbia and Montenegro to form part of a new and unified Serb-dominated state. As Mom-ilo Kraji{nik wrote in a letter to the "Government of the Knin Serb Krajina" upon its proclamation of the Republic of Serb Krajina:

Your fight for freedom and your requests are the requests of all of the Serbs and they are all about achieving the basic rights to not allow any force wherever it comes from to divide us in several states and to turn us into a people with no future. All Serbs are fighting for the same goal and under the same flag and we are all convinced in our final victory.<sup>17</sup>

11. By characterizing, in their early articulations, the common goal as the preservation of Yugoslavia, Serb politicians attempted to legitimize many of their actions. This call for the preservation of Yugoslavia would require Croatia and BiH to remain in a new Serb-dominated Yugoslavia, or would require those regions claimed by Serbs to declare their independence from their respective republics and remain within Yugoslavia.

12. In the Croatian war, the expulsion of non-Serbs was an acknowledged if informal policy.<sup>18</sup> In the Bosnian war, the leadership adopted separation from Muslims and Croats as a

<sup>14</sup> See, eg, intercepts of 10 September 1991 (BCS 0212-8681-0212-8684, Eng ET 0212-8681-0212-8684; 0212-8685-0212-8688, ENG ET 0212-8685-0212-8688) and 9 July 1991 (BCS 0206-6204-0206-6207), 8 September 1991 and 9 September 1991 (BCS 0206-6168-0206-6192), 6-7 August 1991 (0206-6316-0206-6320, 0212-8575-0212-8579), 18 September 1991 (0212-8719-0212-8725, ENG ET 0212-8719-0212-8725).

<sup>15</sup> *Vojska Jugoslavije*, hereinafter "VJ".

<sup>16</sup> Karad`i}'s references to "regular" or "daily" contact with the Accused include: *Duga*, 26 October 1991, Eng 0021-4233-0021-4230, Intercept of 9 July 1991, BCS 0206-6204-0206-6207, Eng 0092-8949-00928952, *Oslobo|enje*, 23 February 1991, BCS 0092-0069-0092-0069, Eng 0092-9092-0092-9092.

<sup>17</sup> BCS SA03-1210-SA03-1212.

<sup>18</sup> Witnesses C-001, C-013.

formal and explicit goal to be imposed by military action. Karadžić said publicly that the war was "not a civil war" but rather "a war between ethnic groups and a war between religions".<sup>19</sup> In both cases, expulsions of non-Serbs happened with such regularity and on such a massive scale as to compel the inference that it was the result of a conscious policy decision.

13. In Croatia and BiH, the process of acquiring the means with which to claim, seize and control territory required the Serb leadership to persuade Serbs to participate in efforts even to the extent of using violence against long-time neighbours. This was accomplished in part by propaganda delivered through media organs controlled by the Accused and the Bosnian and Croatian Serb leadership which spread fear and hatred of non-Serbs.

14. The propaganda was intended to convince Bosnian Serbs that they must fulfil their obligations as Serbs to enforce their long-neglected rights and to protect themselves against extermination, through use of violence if necessary. The propaganda focused on such elements as (a) the image of Serbs, as proud bearers of superior values and distinct interests; (b) the image of Serbs – in the context of BiH – as beleaguered, abused, betrayed and threatened; (c) the image of non-Serbs as rivals, enemies, or inferiors. Thus, the "SDS politically awakened and homogenised the Serbian people".<sup>20</sup>

15. The Accused and other Serbian leaders also recognised that an explicit policy of Serb unification was unlikely to be acceptable to many segments of the Yugoslav community, including the JNA, or to the international community. Accordingly they characterized their objective as the preservation of Yugoslavia, despite taking action to accelerate its demise.<sup>21</sup>

16. The Serbian position was built upon a basic political platform: the Serb nation was sovereign on its territory; that territory was defined in an expansive way by incorporating demographic, historical, geopolitical and other arguments; and that territory was to remain within Yugoslavia.<sup>22</sup> Neither Croatia nor BiH, however, was ever to become a sovereign entity within its borders. These positions were wholly non-negotiable and attempts to frustrate them would lead to war.<sup>23</sup> As Karadžić stated of Bosniaks in December 1991, "They

<sup>19</sup> 17<sup>th</sup> Session of the Bosnian Serb Assembly, 24-26 July 1992, BCS 0214-9496-0214-9600 at 0214-9509.

<sup>20</sup> Report by General-Major Milan Gvero at the 34<sup>th</sup> Session of the People's Assembly of RS, 29 September 1993 (0048-0967-0048-0974 BCS,0091-6772-0091-6779 ENG, and 0215-0929-0215-0937, range 0215-0508-0215-1073).

<sup>21</sup> As Radovan Karadžić noted: "The war aim of the Serbian people is Yugoslavia for the simple reason that it is much harder to secede than to keep the old legal order". ERN SA01-3811-SA01-3812, L000-1455-L000-1456.

<sup>22</sup> "The Serb nation gives itself the right to decide, on the historical territories encompassed by the current borders of Croatia, whom they wish to live with, what kind of regime they wish to live in and how they will connect themselves with other nations in Yugoslavia". Declaration of the Sovereignty and autonomy of the Serbian people in Croatia, BCS 0214-1952-0214-1953, ENG L006-4356-L006-4358.

<sup>23</sup> On 7 July 1990 SDS leader Račković said he was "against the secession of Croatia from Yugoslavia, because this would be sure to cause Serbs in Croatia to demand secession from this state". *Tanjug*, Eng R028-7983-

want a sovereign Bosnia– they adopt it in the Assembly and seek international co-operation – in that case, by holding onto our territories we will prevent their sovereignty”.<sup>24</sup> Karadžić made clear that the Bosnian Serbs were prepared to use force to achieve their ends if they were otherwise unsuccessful. Even as Karadžić was speaking, Croatian Serb forces together with the JNA and others were engaged in the Croatian war, having already committed many of the crimes detailed later in this brief. As a member of the SDS War Presidency for Bosanska Krupa, one of the many municipal bodies under the effective control of the Bosnian Serb leadership, explained:

The work on the project for partitioning Bosanska Krupa municipality and establishing the Serbian Municipality of Krupa began in the summer of 1991. . . .g The task of the newly established organs of power in the Serbian Municipality were . . .g to prepare the Serbian people to complete that partition by military means if it could not be done by peaceful means.<sup>25</sup>

17. The Serbian position required partition of territory on an ethnic basis. Control had to be secured of the Serbian territories thus partitioned. Securing control required the forcible transfer of some or all non-Serbs from those territories. In some areas the forcible transfer was itself a means of seizing control; in other areas it was carried out some time later.

18. In a co-ordinated series of moves between 12 and 15 March 1991, the Accused, Borisav Jović and Veljko Kadijević mounted an attempt to declare a state of emergency in Yugoslavia. This would have allowed the JNA to impose martial law throughout the country and to dictate a political solution acceptable to the Accused.<sup>26</sup> When this failed, Jović resigned from the Presidency. The Accused then publicly remarked:

...considering the situation at hand I would like to announce that the Republic of Serbia shall not accept a single decision of the SFRY Presidency since any such decision would be illegitimate under the current circumstances.<sup>27</sup>

19. After the SFRY Presidency failed to order a state of emergency, the Accused and his co-conspirators embarked on two parallel tracks of action designed to allow the formation of a Serb-dominated state. The first track involved gaining more effective control over the institutions of the Yugoslav federal government and in particular the JNA. The representatives of Serbia, Vojvodina and Montenegro resigned from the federal Presidency, later to return, though one –Montenegro's Nenad Bućin– was replaced by the more compliant

---

R028-7983. See also SDS Platform and Statute of 17 February 1990, BCS 0214-1800-0214-1816, Eng L004-8832-L004-8858.

<sup>24</sup> Minutes of Serbian Representatives Club, 3 December 1991, BCS 0205-2469-0205-2475, Eng ERN 0302-7870-0302-7873.

<sup>25</sup> BCS 0055-2814-0055-2824, Eng 0091-2076-0091-2088 at 0091-2077-0091-2079.

<sup>26</sup> The planned solution involved holding mono-ethnic referendums throughout Yugoslavia, which would have allowed the Serbs to keep all Serb-majority territories within Yugoslavia.

Branko Kostić}.<sup>28</sup> Kosovo's representative Riza Sapunxhiu was dismissed by the Serbian Assembly, which had taken over the powers of the Kosovo Assembly; his replacement was Sejdo Bajramović}, a more reliable partner for the Accused. The Federal Presidency was, thus, now more in the Accused's hands. Over the following months, the Accused together with Jović} and others worked, with growing success, at persuading the JNA leadership to commit to the goal of securing the "new (Serbian) borders of Yugoslavia". The Accused urged Kadijević} to invoke a provision of the law activating the Supreme Command Staff, which by law was only operational during a state of emergency.<sup>29</sup> By September 1991 at the latest, both Kadijević} and JNA Chief of Staff Blagoje Adžić} were acting in pursuit of this goal, as were the troops under their command.

20. The second track aimed at creating an independent Serbian armed force. On 11 February 1991 the Ministry of Defence of Serbia<sup>30</sup> was established. In the summer of 1991, the Accused gave General Tomislav Simović} the task of transforming the JNA into the Army of Serbia, a project that was eventually given up in late 1991 when the Accused had secured substantial compliance of the JNA with his policy. The Serbian MoD was instrumental in setting up, equipping and financing Croatian Serb military forces throughout 1991. The Accused announced on 16 March 1991 that he had

ordered a mobilisation of the reserve police forces yesterday. Further engagement and formation of new police forces is to follow, and the government was tasked with preparing appropriate formations to guarantee our security and make us capable of defending the interests of our republic, and also the interests of the Serbian people outside Serbia".<sup>31</sup>

21. Starting around that time and continuing over the following months and years, senior officers of the Serbian MUP formed, trained, armed, co-ordinated and in some cases co-opted a wide array of Serbian armed groups in Croatia, BiH and Serbia proper.<sup>32</sup> These groups ranged from special-forces units of the Serbian MUP, through large and well-organized paramilitary groups, to a range of smaller paramilitaries. They often fought in co-operation with the JNA, VJ or VRS and under their overall command, but could and did also operate independently. The Accused supported and exercised influence over these groups in numerous ways, and continued doing so long after becoming aware of serious crimes they had

---

<sup>27</sup> V000-3227.

<sup>28</sup> For several months, Montenegrin President and ally of the Accused, Momir Bulatović} was the acting representative of Montenegro on the federal Presidency.

<sup>29</sup> Witness B-1230.

<sup>30</sup> Hereinafter "Serbian MoD". This ministry was established pursuant to the Law on Ministries of 5 February 1991, BCS 0214-5954-0214-5956.

<sup>31</sup> *NIN*, 12 April 1991, pp. 40-42; 0214-4020-0214-4022 (BCS) 0303-5753-0303-5760 (Eng.).

<sup>32</sup> Witnesses B-073, C-017, K-1, C-028, B-105, C-036.

committed.<sup>33</sup> On many occasions convicts were released from prison specifically to join Serbian armed units.<sup>34</sup> On several occasions, after local Serb authorities arrested paramilitary fighters, high-ranking associates of the Accused intervened to have them released.<sup>35</sup> At the same time, the Accused together with senior officers of the Serbian MUP, the Serbian MoD and the JNA took steps to provide large quantities of weapons to Serbs in Croatia and BiH.

22. Political structures for the implementation of the plan were set up first in targeted areas of Croatia. The first "association of municipalities" was formed in June 1990 consisting initially of six municipalities in Northern Dalmatia and Lika. During the remainder of that year and continuing into 1991 Serbs claimed additional territories. The claimed areas had a substantial Croat and other non-Serb population. This also occurred in two other parts of Croatia: Slavonia, Baranja and Western Srem, and Western Slavonia.<sup>36</sup> In some of these areas, notably Slavonia, Baranja and Western Srem Serbs were a minority.<sup>37</sup> In furtherance of this process of laying claim to territory in Croatia, the "Association of Municipalities" was transformed into a "Serb Autonomous Region".<sup>38</sup> On two occasions, referenda were organised for the Serbian population: in August and September 1990, on autonomy, and on 12 May 1991, on "joining Serbia and remaining in Yugoslavia".<sup>39</sup>

23. The Croatian Serbs set up a separate Secretariat (later Ministry) of Internal Affairs and took control of many police stations. Armed clashes followed as Croatian police sought to re-assert control over some of these police stations, in Pakrac (2 March 1991)<sup>40</sup> and the Plitvice national park (31 March 1991).<sup>41</sup> On both occasions, the JNA acted, ostensibly to "prevent

<sup>33</sup> For example, Minutes of SFRY Presidency session of 6 May 1991, BCS 0106-4484-0106-4530 at 0106-4503, and letter from Helsinki Watch to Milošević and Adžić of 21 January 1992, Eng 0026-5629-0026-5655, BCS 0304-0758-0304-0781.

<sup>34</sup> Witness B-1229.

<sup>35</sup> Witness B-1645.

<sup>36</sup> Initial association of municipalities covered only the municipalities of Knin, Benkovac, Obrovac, Donji Lapac, Gračac and (Titova) Korenica BCS 0217-2142-0217-2143. Later in 1990 the municipalities of Vojnić, Dvor na Uni and Hrvatska Kostajnica joined, and also Glina, Vrginmost, Petrinja and some local communities within Sinj and [ibenik municipalities. In 1991 the Serb rebellion spread to Western Slavonia, including parts of the municipalities of Novska, Pakrac, Slavonska Počega, Daruvar, Grubišino Polje, Virovitica, Bjelovar, Orahovica, Načice, and \akovo. Also in 1991 Slavonia, Baranja and Western Srem (Vukovar, Beli Manastir municipalities and other surrounding areas.)

<sup>37</sup> Croats were 62% of the population of the municipalities claimed to be the Serbian Autonomous Region of Slavonija Baranja and Western Srem (Beli Manastir, Osijek, Vukovar and Vinkovci) compared with Serbs who composed 23% and others, largely Hungarians, 15%. 1991 Census figures.

<sup>38</sup> 21 December 1990 SAO Krajina; 25 June 1991 SAO Slavonia, Baranja and Western Srem; 13 August 1991 SAO Western Slavonia

<sup>39</sup> Report on the referendum, 30 September 1990, BCS 0214-1960-0214-1960, Report on the referendum, 12 May 1991, BCS 0214-1854-0214-1859, SAO Krajina Assembly conclusion on referendum, 16 May 1991, BCS 0214-1853-0214-1853.

<sup>40</sup> Transcript of 102<sup>nd</sup> Session of SFRY Presidency, 2 March 1991, BCS 0201-7305-0201-7420.

<sup>41</sup> During the conflict in Pakrac, Croatia, Borisav Jović ordered the JNA to take action without any prior approval or consultation with the SFRY Presidency. At a session of the Presidency, he explained that as President of the Presidency he had authority unilaterally to issue orders to JNA under some circumstances. Borisav Jović

inter-ethnic conflict", but with the effect of protecting the rebel Serbs. From this point on, JNA presence in the conflict area served to cement territorial gains made by the Croatian Serbs.<sup>42</sup> Borisav Jovi} and the Accused had already decided to act in Croatia by strengthening, supporting and preparing the Serb Krajina for secession; all of their assistance was rendered covertly.<sup>43</sup>

24. On 1 April 1991, the Executive Council of the SAO Krajina decided to annex the SAO Krajina to the Republic of Serbia and established a government as described below.<sup>44</sup> On 26 February 1992, the SAOs formed the "Republic of Serb Krajina".

25. As the Accused explained to Karad` i}, "[if Croatia] wants to secede... they should be allowed to secede... now it's only a question of secession on the line that's suitable to us... nothing more".<sup>45</sup> In another conversation discussing a JNA attack in Eastern Slavonia, the Accused showed he was fully engaged in the Croatian war. He told Karad` i} the JNA attack had gone well, there were many Croatian casualties and "[t]he whole thing is, to carry out a serious operation that we talked about ... I think all the steps I have taken up to now have borne fruit".<sup>46</sup>

26. The Accused would later admit to providing arms to Croatian Serbs:

The Republic of Serbia helped the Serbian people in that area, first materially with money, food, clothing, medicines; then politically in Yugoslav and international institutions and with innumerable contacts with the Croatian leadership at all levels; and finally, when all this was not enough, with arms too – above all through firm support and Serbia's obligations towards the Yugoslav People's Army in performing its constitutional function, but also with a large number of volunteers that Serbia sent to the front in Croatia.<sup>47</sup>

---

*Poslednji dani SFRJ* (The Last Days of the SFRY), BCS 0037-3546-0037-3546, Eng 0302-2817-0302-3215, hereinafter "Jovi} Diary", 25 February 1991, 6 March 1991, and SFRY Presidency minutes, 2 March 1991, BCS 0201-7305-0201-7420. Later in 1991 he discussed his intention to do so again. Jovic Diary, 5 April 1991 (in case of Croatian action into the Krajina, the JNA will act on its own and notify Jovi}, who would "convene the Presidency and simply inform them of the fact. We will not seek any decision or approval.... anyone who does not like it can go home".)

<sup>42</sup> In mid March 1991, the JNA leadership and several political leaders covertly redefined the task of the JNA as "protecting and defending the Serb people outside of Serbia and assembling the JNA within the boundaries of the future Yugoslavia". Veljko Kadijevi}, *Moje vidjenje raspada* (My view of the break-up), p.61 BCS 0035-9426-0035-9512, Eng 0303-3712-0303-3801.

<sup>43</sup> Jovic Diary.

<sup>44</sup> Decision on annexation of SAO Krajina to the Republic of Serbia, BCS 0207-7897-0207-7898.

<sup>45</sup> Intercept of 1 July 1991, BCS 0212-8468-0212-8471. Milo{evi} also said Croatia should be let go "when they draw boundaries with us".

<sup>46</sup> Intercept, BCS 0212-8479-0212-8485 (the intercept is dated 8 July 1991, however its content is consistent with a date of 26 July 1991).

<sup>47</sup> Text of live relay of speech of Slobodan Milo{evi}, 27 February 1992, FI02-4328-FI02-4337. There are other examples of Milo{evi}'s contacts within the JNA, for example General Blagoje Ad` i} (misdated 20 December 1991, c. 6 September 1991, BCS 0206-6246-0206-6249, Eng 0092-3190-0092-3194, and General Uzelac, (originally dated 29 May 1991, BCS 0206-6229-0206-6232, Eng 0038-0314-0038-0314, but alternatively, and apparently correctly, 8 July 1991, BCS 0212-8474-0212-8478).

27. Still unsure just how complete his control was over the JNA, on 21 June 1991 the Accused with Borisav Jovi}, Momir Bulatovi}, Branko Kostić and Jugoslav Kostić, met with General Veljko Kadijević and General Blagoje Adžić to get a precise answer as to whether they would re-deploy the JNA along the “new (Serbian) borders of Yugoslavia, in order to prevent major losses by the Serb nation and to defend its territory”.<sup>48</sup> “Its territory” meant those areas claimed as Serb despite the significant non-Serb populations they contained. During that meeting Adžić rejected their request, reminding them that the JNA had the responsibility of protecting all of Yugoslavia’s nations. After further discussion, the Accused and Jović confronted Kadijević alone on 5 July 1991 and demanded that he re-deploy the JNA to the areas claimed by Serbs. He agreed to issue the command without protest and promised to do it within two to three days.<sup>49</sup> This seminal meeting with Kadijević marked the start of the period when Milošević could exercise considerable control over the JNA from the highest level.

28. The Accused's and Jović's control over Kadijević increased and in early July Jović remarked about him: “He is completely disoriented, and that means that we must dictate the orientation and direction of action”.<sup>50</sup> On 11 July 1991 the Accused, Jović, Branko Kostić and Kadijević met prior to a scheduled Presidency session. They agreed that their strategy would follow one of two variants: the JNA would fight for Serbia, Montenegro, BiH, Serbs living outside Serbia and possibly Macedonia, or in the second variant, the JNA would secure the interests of Serbia, Montenegro and the Serb nation wherever it existed in Yugoslavia.<sup>51</sup>

29. Soon afterwards, in August 1991, Serb forces, including JNA, TO, volunteer units, Croatian Serb police and forces of the Serbian MUP, began to attack villages with Croatian populations with aircraft, tanks and artillery in order to force non-Serbs from territories claimed to be Serb. After an initial shelling, the Serb forces entered villages and forced the civilians to come out of the houses and cellars where they had sought shelter. Serb forces forced most of the survivors to leave the villages. A minority of the villagers, mostly the elderly and disabled, were allowed to remain. In the following weeks the Serb forces killed most of them. A large portion of the non-Serb male population was held in detention facilities in Croatia, BiH and Serbia. Numerous Catholic churches and monasteries were destroyed. The result of these attacks was that almost the entire non-Serb population of Serb-held parts

---

<sup>48</sup> Jović Diary, 20-21 June 1991.

<sup>49</sup> Jović Diary, 5 July 1991.

<sup>50</sup> Jović Diary, 9 July 1991.

<sup>51</sup> Jović Diary, 11 July 1991.

of Croatia (according to the 1991 census, approximately 168,000 Croats and an unknown number of other ethnic groups such as Hungarians) was forcibly removed or killed.<sup>52</sup>

30. One of the Accused's key strengths in achieving his objectives was his ability to co-ordinate the efforts of his associates. A striking example of this co-ordination is the Serb response to the arrest of Milan Martić (Minister of the Interior in the SAO Krajina, head of the Republic of Serbian Krajina<sup>53</sup> Police) in northern Bosnia in September 1991.

31. In early September, Martić and two JNA officers were detained by BiH police in a Muslim village near the Croatian border. From 6 to 10 September 1991, a series of intercepted telephone conversations show the Accused, Milan Babić, Karadžić and others reacting to the arrest of Martić and working on arrangements for his release. These conversations reveal the close association between top Serbian leaders in Belgrade, Croatia and BiH and demonstrate their ability to share information and co-ordinate their actions during a crisis, in pursuit of a specific, common goal. An examination of these conversations demonstrates that the reaction to Martić's arrest and the efforts to have him released involved the highest echelons of:

- a) the SDS leadership in Sarajevo headed by Karadžić, Krajičnik and close associates such as Koljević;
- b) the Serbian leadership in Belgrade, including Milošević and associates such as Jovica Stanić;
- c) the top Croatian Serb leadership, particularly Babić; and
- d) the JNA leadership, initially General Blagoje Adžić but also, through Milošević's intercession, General Veličković and through him, Colonel Ratko Mladić and General Aleksandar Vasiljević.<sup>54</sup>

32. These conversations about Martić's detention revealed the strategy and intentions of the SDS leadership in BiH: to undermine and divide the joint state from the ground up, through a process of "regionalization" and division of the police forces – ostensibly as a result

<sup>52</sup> See below and generally Witness B-1241; Helsinki Watch letter to Milošević and Adžić of 21 January 1992, Eng 0026-5629-0026-5655, BCS 0304-0758-0304-0781. The Bosnian Serb leadership was fully aware of the nature of the Croatian campaign. Koljević apologised to Tuđman in January 1992 (0150-9173-0150-9240, L005-0143-L005-0197) about the suffering caused by his people, while Karadžić referred to carnage to Croats in several intercepted conversations in October 1991 (e.g., BCS 0212-8922-0212-8935, Eng 0303-1271-0303-1287; BCS 0321-9987-0321-9991, Eng ET 0321-9987-0321-9991).

<sup>53</sup> Republika Srpske Krajine, hereinafter "RSK".

<sup>54</sup> Shortly before the Martić affair, on 6 September 1991 Karadžić spoke with the Accused (originally misdated 20 December 1991, BCS 0206-6246-0206-6249; Eng 0092-3190-0092-3194) about the situation in Croatia and was told to call General Blagoje Adžić, the JNA Chief of Staff, and to get his number from Mira (Marković, the Accused's wife) – both of which he did, showing the intimacy of contacts between these top civilian and military leaders (intercept with AD@I], BCS 0206-6299-0206-6304; Eng 0092-1659-0092-1662; and Mira, BCS 0212-8659-0212-8661). On that day, Karadžić spoke about these and related matters with Krajičnik (BCS 0207-9146-0207-9147) and Koljević as well (BCS 0212-8659-0212-8661; BCS 0212-8653-0212-8656). See also witnesses C-036, C-039.



of Muslim provocations.<sup>55</sup> Indeed, the Bosnian Serb leadership closely co-ordinated with their subordinates on the ground throughout, assuring that top-level consultations had practical effects.<sup>56</sup>

33. The episode also revealed the extent to which the Accused was put on notice of,<sup>57</sup> and was actively helping to further, Bosnian and Croatian Serb goals through his influence over the JNA and the Bosnian Serb and Croatian Serb leadership.<sup>58</sup> The Martić incident was an important one for Karadžić, who declared, in conversations with Milan Babić, among others, his intention to “finish” affairs with the Muslims<sup>59</sup> and on more than one occasion referred to a “blockade” of Sarajevo as a possible result of the incident.<sup>60</sup> More importantly, following the resolution of the crisis, the Accused was also belligerent, stating that there would be no more “concessions” to anyone, that the Serbs were stronger and that they were ready to fight.<sup>61</sup>

34. The JNA incorporated volunteers from Serb areas of Croatia and Bosnia in its operations in Croatia. Ratko Mladić, eventual commander of the JNA 9<sup>th</sup> (Knin) Corps during the war in Croatia, described the attack on the Croatian coast near Zadar:

<sup>55</sup> As Karadžić told The Accused (BCS 0206-6173-0206-6176; Eng 0092-2914-0092-2917) and Koljević on 9 September 1991 (BCS 0212-8664-0212-8668; Eng 0302-7831-0302-7835). The latter said he had talked with @upljanin (in Banja Luka) about Martić’s detention too.

<sup>56</sup> The information on Martić’s arrest was confirmed to Karadžić by a Lt.-Col. Kostić from Banja Luka, who was together with Brjanin, on 8 September (BCS 0091-3472-0091-3473; Eng 0092-2927-0092-2929). Karadžić said he had also spoken with Banja Luka: “Brjanin told me you would be in touch”. Karadžić also spoke with the “chief” (probably of police) in Sokolac on 9 September (BCS, 0212-8672-0212-8674).

<sup>57</sup> On 9 September 1991, Karadžić called The Accused at 2a.m. saying urgently that he was afraid that uncontrolled conflict could break out, involving both Croatian and Bosnian Serb forces, over the Martić arrest (originally misdated 20 December 1991, BCS 0206-6244-0206-6245; Eng 0092-2908-0092-2910). Milošević was clearly not yet informed, as Karadžić filled him in, and said he would call “Veljko” (General Veljko Kadijević).

<sup>58</sup> Karadžić spoke again, apparently on 9 September 1991, with Milan Babić (apparently misdated 8 September, BCS 0206-6170-0206-6172; Eng 0092-3195-0092-3197), about the arrest of Martić, and told him that he had informed The Accused, who would inform Kadijević, the federal Minister of Defense. Karadžić spoke with The Accused too on 9 September, apparently after first speaking with Babić. Milošević revealed how quickly he had reacted to Karadžić’s warning and intervened with the Adić in the JNA to resolve things and also mentioned his orders to Jovica (Stanić), who was in touch with the Croatian Serb leaders, which were to be transmitted to them (BCS 0206-6173-0206-6176; Eng 0092-2914-0092-2917).

<sup>59</sup> Presumably on 9 September 1991 (apparently misdated 8 September, BCS 0206-6170-0206-6172; Eng 0092-3195-0092-3197). Karadžić made a similar reference to Koljević (BCS 0212-8664-0212-8668; Eng 0302-7831-0302-7835).

<sup>60</sup> Karadžić on 9 September speaking with the “chief” in Sokolac (BCS 0212-8672-0212-8674) and Koljević (BCS 0211-6618-0211-6621, BCS; Eng 0302-7828-0302-7830).

<sup>61</sup> In a conversation with Karadžić on 10 September 1991 (misdated 20 December 1991, 0206-6177-0206-6180; 0091-3466-0091-3468, BCS; trans. 0092-2918-0092-2922), The Accused said: “Please, we are on our way. No more concessions to anyone. And if they want to fight we’re here and they can go to hell, we’re here for whoever wants to fight and we’re stronger. //...// Whoever wants to follow Alija and fight against us can do so. They will lose and it will be a pleasure for us, but if they want to be honest and decent towards us we will behave /towards them/ as we do towards ourselves. //...// There’s nothing /else we can do/ and we will no longer make any concessions to anyone. We’re moving on”.

[F]ollowing an order I received by phone, I reached the decision to move for the coastal rim... there is /Krajina Minister of Interior Milan/ Marti}, I called him and /Krajina President Milan/ Babi} to call up the people and come and fight, and as they were coming they were being issued weapons and sent into the battle. But they could fight, because they had been trained to fight. We worked through the summer.<sup>62</sup>

35. Thousands of Croatian and Bosnian Serbs joined the JNA and other Serb forces in Croatia in autumn 1991.<sup>63</sup> Some went as volunteers, while others responded to the mobilisation calls of the JNA and local TO units. In late 1991, the SFRY Presidency and the Government of Serbia took specific actions aimed at supporting, organising and assisting in the recruitment of volunteers and incorporating them into the regular Yugoslav armed forces.<sup>64</sup> Many of these fighters returned to BiH as combat-tested veterans. Some were subsequently deployed to seize BiH territory in 1992.

36. The primary Serbian nationalist party in BiH was the SDS-BiH, led by Radovan Karadžić, Mom-ilo Krajić, Biljana Plavčić and Nikola Koljević.<sup>65</sup> Karadžić, President of the party, customarily spoke for the SDS-BiH leadership. Krajić was Karadžić's closest collaborator and one of the party's chief policy makers. Plavčić and Koljević, elected members of the collective presidency of BiH, were respected academics frequently disseminating the message of the party and endorsing its programs.<sup>66</sup>

37. Established in July 1990, the SDS-BiH quickly established an effective communication and command structure. By November 1990, Karadžić was able to boast that information from the most remote village was able to reach the SDS Main Board in Sarajevo within two hours.<sup>67</sup> By the end of 1992 a system of communication was established permitting the SDS to communicate secretly with many of the organisations involved in the take-over, including the VJ.<sup>68</sup> The SDS-BiH also insisted on discipline and obedience within

<sup>62</sup> Speech at 16<sup>th</sup> session of Assembly of Serbian People in Bosnia and Herzegovina, 12 May 1992, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570 at 0190-8550.

<sup>63</sup> 2<sup>nd</sup> Session of Assembly of Serb People in BiH, 21 November 1991, BCS SA01-1999-SA01-2054, Eng 0093-0291-0093-0342 at 0093-0339.

<sup>64</sup> For example, see legislation (0046-1717-0046-1730) SFRY Order 73 on engagement of volunteers, 10 December 1991, at BCS 0046-1725-0046-1725, Eng 0046-1717-0046-1718, and Republic of Serbia Decree on registration of volunteers of 14 August 1991, at BCS 0046-1723-0046-1724, Eng 0046-1719-0046-1722.

<sup>65</sup> See, eg, Report on current situation in JNA 2<sup>nd</sup> Military District: "The commander of the 2<sup>nd</sup> MD will soon have a discussion with the top leadership of the Serbian people (Karadžić, Koljević, Plavčić, Krajić and Dukić)". BCS 0046-5452-0046-5459, Eng 0048-0682-0048-0690.

<sup>66</sup> Intercept Karadžić and Plavčić: BCS 0207-8948-0207-8951.

<sup>67</sup> Interview with Karadžić, 9 November 1990, *NIN* BCS 0027-6523; 0027-6524; 0027-6489; 0027-6490; Eng 0086-0891-0086-0898.

<sup>68</sup> VRS Analysis of Combat Readiness, 1 April 1993, BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182.

the party – “once the party has adopted a policy anything else is treason. Anything outside the adopted policy is treason”.<sup>69</sup>

38. Virtually from its inception, the SDS-BiH coupled its central objective of Serbian unity with a threat to achieve it violently. In November 1990 Karadžić warned that Bosnian Serbs had prepared for civil war and that all Serbs were unified, “all conditions for civil war would be in place because the Serbs are no longer helpless but very powerful and united”.<sup>70</sup> While the Bosnian Serb leadership participated in negotiations to keep BiH within a federal Yugoslav state or achieve a Serbian entity within BiH, it also prepared to achieve its objectives within BiH by force.<sup>71</sup>

39. By January 1991, the SDS had begun the process of defining, claiming and ultimately seizing territories, through planning for a Community of Municipalities of Bosanska Krajina. In late February 1991 the Accused visited SDS-BiH headquarters in Sarajevo to meet with Karadžić, Krajišnik and Plavčić. In a press conference held after the meeting Karadžić stated: “It is quite natural for Serbs to live in the same state”.<sup>72</sup> Three days later the Accused would be given authority to represent the interests of Serbs in BiH and make commitments on behalf of the Bosnian Serb leadership.<sup>73</sup> Shortly after the visit of the Accused, a document confidentially distributed by the SDS considered how municipalities could declare themselves to be an integral part of Yugoslavia “in the conditions that Republic Organs cease to function”.<sup>74</sup> By mid-March, Vojo Maksimović, the head of the SDS Deputies’ Club and a member of the influential SDS Political Council, was considering whether it was already the right moment to declare the joining of Bosnian municipalities in BiH with Serbia.<sup>75</sup>

<sup>69</sup> Minutes of eighth session of Bosnian Serb Assembly, 25 February 1992, BCS 0081-6517-0081-6610, at 0081-6574; Eng 0084-0431-0084-0506, at 0084-0453.

<sup>70</sup> Interview with Radovan Karadžić, 9 November 1990, *NIN*, BCS 0027-6523; 0027-6524; 0027-6489; 0027-6490; Eng 0086-0891-0086-0898.

<sup>71</sup> Report by General-Major Milan Gvero at the 34<sup>th</sup> Session of the People’s Assembly of RS, 29 September 1993 BCS 0048-0967-0048-0974, Eng 0091-6772-0091-6779 and BCS 0215-0929-0215-0937.

<sup>72</sup> *Oslobodjenje*, 23 February 1991, BCS 0092-0069-0092-0069, Eng 0092-9092-0092-9092.

<sup>73</sup> *Borba*, 26 February 1991, BCS 0027-6532-0027-6532, Eng 0304-6811-0304-6815. Also issued in February was a plan for civilian protection, which among other things provided for SDS-BiH implementation of a contingency plan in the event of the “breakdown of the local, republic or federal proper authorities”, BCS SA02-9148-SA02-9152, Eng 0304-6048-0304-6052.

<sup>74</sup> See BCS SA02 8819-SA02-8822, Eng 0303-5628-0303-5630, “Modus Operandi of Municipalities in the Conditions that Republic Organs Cease to Function”, 23 February 1991, from SDS, Sarajevo. “In order for Municipality to provide undisturbed functioning and realisation of the above stated rights and liabilities, it is necessary to pass an adequate legal document (decision) that would proclaim, starting from the date that this document is adopted, that: municipal territory is an integral and inseparable part of Yugoslavia, that, in this area exclusively federal regulations adopted for that situation are effective and that it recognises exclusive authority of federal organs (SFRY Assembly, SFRY Presidency, Federal Executive Council, JNA, Security Services, Legislative organs and so on) on its territory”.

<sup>75</sup> Maksimović diary, entry of 18 March 1991, BCS SA04-3587-SA04-3642, Eng 0304-6159-0304-6171, p. 10.

40. On 25 March 1991 the Accused and Franjo Tuđman met secretly in Karajevac, Serbia to discuss the dissolution of BiH. This meeting was the result of an initiative by Borisav Jović in late 1990 during which he made contact with a Croat political leader to discuss Serb proposals to divide BiH. In one such meeting, Jović stated that the Serbian leadership wanted 66% of the territory of BiH. He claimed that they were not interested in the Serbs living in Croatia.<sup>76</sup> This claim may have been dishonest; in any case the Accused and the Serbian leadership continued supporting the RSK through 1995.

41. By spring 1991, the Bosnian Serbs had established communities of municipalities in three regions of BiH.<sup>77</sup> The Bosnian Serbs claimed that their motives in establishing the new communities were merely economic. However by the time the Bosnian Serbs were establishing their own associations of municipalities, the SDS in Croatia had already established communities of municipalities that had been transformed into Serbian autonomous regions (SAOs),<sup>78</sup> which had created armed forces and engaged in armed conflict with Croatian government forces. In September 1991 the associations of municipalities in BiH were transformed into autonomous regions, and the declaration of other SAOs in BiH soon followed.<sup>79</sup>

42. During June the covert efforts to provide Bosnian Serbs with weapons continued, and an intercepted conversation of Karadžić shows the awareness and assistance of the Accused in these efforts.<sup>80</sup> One series of intercepted telephone conversations demonstrates that the Accused was covertly, but actively and directly, involved in the illegal arming of the Bosnian Serb population.<sup>81</sup> As instructed by the Accused, Karadžić contacted General Uzelac of the JNA and told him: "We have given instructions. As for our party and our municipalities

<sup>76</sup> Witness B-1230.

<sup>77</sup> The Bosanska Krajina Community of Municipalities was founded in late April 1991: *Oslobođenje* 27 April 1991, Eng 0051-2391-0051-2398; Romanija, May 1991: *Javnost* 11 May 1991, BCS 0089-6733-0089-6733; Eastern Herzegovina, May 1991: *Javnost* 1 June 1991, BCS 0089-6734-0089-6734.

<sup>78</sup> Decree to found Community of Municipalities of Northern Dalmatia and Lika, 27 June 1990, BCS 0214-1845-0214-1848, Eng L006-4035-L006-4039; Statute of SAO Krajina, December 1990, BCS 0214-1849-0214-1852, Eng L006-4148-L006-4161.

<sup>79</sup> On formation of SAOs in BiH see *Borba* 14 Sept 1991, BCS 0047-7339-0047-7339, and *Javnost* 21 September 1991, BCS 0089-6731-0089-6731.

<sup>80</sup> Intercept 24 June 1991, BCS 0092-3712-0092-3713, Eng L000-6930-L000-6931.

<sup>81</sup> Intercept between The Accused and Karadžić, 29 May 1991, originally dated 29 May 1991, BCS 0206-6229-0206-6232, Eng 0038-0314-0038-0314, but alternatively, and apparently correctly, 8 July 1991, BCS 0212-8474-0212-8478: "/Make sure/ that Banja Luka group is mobile and in a state of readiness. //...// So you have to, number one, make sure that it is mobile and ready and that there are no problems; and number two, call Uzelac in an hour and arrange a meeting with him. //...// At the highest level. //...// All additional men that you send... //...// ...should stay at home and protect their homes and territory and block those HDZ centres and so on; they will be armed and given /?/ everything; will fly in helicopters and all that... //...// So, I am asking you to personally regulate number one and two; and this second thing, Kupres, is very important, and the third thing I told you is, I think, extremely important because of the international public". See also intercepted conversations with Generals Adžić and Uzelac, cited above.

where we are in power, we have instructed them to mobilise everyone and place them under JNA command".<sup>82</sup> Karad`i} also called a municipal SDS-BiH leader in Kupres to pass along the information received from the General.<sup>83</sup> The Accused's promise (as heard in these intercepted conversations) that Uzelac would issue the arms requested by Karad`i} was carried out in violation of JNA regulations a few days later.<sup>84</sup>

43. Generally, the oblique language frequently used in these intercepted conversations demonstrates the Accused's consciousness of the need to be covert in these discussions, a characteristic of those engaged in criminal activity. It also demonstrates the Accused's ability to effect his will in reliance on these tacit understandings.

44. In another example of such co-operation Jovica Stani{i} and Karad`i} spoke on the telephone about an imminent shipment using the Yugoslav railway.<sup>85</sup> Several other intercepts will clearly demonstrate the close relationship Karad`i} had with Belgrade leadership,<sup>86</sup> which extended to discussion of military matters.<sup>87</sup>

45. On 7 September 1991 Serb members of the BiH Presidency Koljevi} and Plavsi} formally requested the Accused to represent them at the conference in The Hague.<sup>88</sup> The Accused instructed Kraji{nik through Karad`i}, that he should travel abroad to represent Bosnian Serb interests in Strasbourg, at the European Parliament.<sup>89</sup> The Accused's role in the Bosnian Serb preparations for the take-over was, in part, reflected in a telegram sent to him by the Bosnian Serb leadership expressing their gratitude for his support of Serbs in BiH.<sup>90</sup>

46. On 28 September 1991 Milo{evi}, General Kadijevi}, Momir Bulatovi}, Branko Kosti}, Borisav Jovi} and General Ad`i} met and discussed the necessity of forming "Serb rebel units" to deploy to the confrontation line.<sup>91</sup>

47. In mid-October 1991, after a vote by Muslim and Croat Assembly deputies in favour of Bosnian sovereignty, the Bosnian Serb leadership declared a "state of emergency" and

<sup>82</sup> Telephone intercept, Karad`i}/Uzelac, 9 July 1991, BCS 0206-6224-0206-6227, Eng 0092-2755-0092-2756.

<sup>83</sup> Telephone intercept, Karad`i} and Radivoj Duvnjak, 9 July 1991, BCS 0206-6221-0206-6223, Eng 0092-2753-0092-2754.

<sup>84</sup> Witness B-1268.

<sup>85</sup> Intercept Jovica Stani{i}/ Radovan Karad`i} 8 August 1991, BCS 0206-6293-0206-6297, Eng 0092-1653-0092-1657.

<sup>86</sup> Intercept Stani{i}/Ljiljana Karad`i}, Radovan Karad`i}'s wife, 12 November 1991 summoning Karad`i} to Belgrade, BCS 0206-6268-0206-6269, Eng 0092-1632-0092-1632.

<sup>87</sup> Intercept Stani{i}/ Karad`i} 14 December 1991, in which Karad`i} relays a report by General Tali}, BCS 0206-6270-0206-6274, Eng 0092-1633-0092-1635.

<sup>88</sup> Tanjug, 7 September 1991, R029-9147-R029-9147.

<sup>89</sup> Karad`ic delivered the instruction in a conversation with Kraji{nik on 10 September 1991 (BCS 0212-8689-0212-8692, Eng L005-1998-L005-2003), having spoken to The Accused (misdated 20 December 1991, but c. 10 September 1991, BCS 0206-6177-0206-6180, Eng 0092-2918-0092-2922).

<sup>90</sup> BCS SA04-2018-SA04-2018, Eng 0096-9085-0096-9085.

placed party bodies and officials on a state of alert. At the same time, the Bosnian Serb leadership moved forward to "establish full authority over the Serbian territories in BiH"<sup>92</sup> through the formal establishment of a Serbian government, beginning on 24 October 1991 with the Assembly of the Serb People in BiH. This step, noted the Assembly speaker Kraji{nik, would confirm "the will of the Serbian people to remain in its historical and ethnic territories and a part of the joint state of Yugoslavia".<sup>93</sup>

48. As Karad`i} explained to the Accused, the Bosnian Serbs would impose the ethnic separation to which the non-Serbs were unwilling to agree:

?...g we have prepared everything to create a *de facto* situation that cannot be cha...[sic], which they will break their teeth on, they simply have to break them, there is no way we will live in a country with them (...) We will establish full authority over the Serbian territories in Bosnia and Herzegovina and none of his /Izetbegovi}'s/ lawyers will be, will be able to show his nose there. He will not be able to exercise power. He will not have control over 65% of his territory. That is our goal.<sup>94</sup>

49. The establishment of the Serbian Assembly was followed by additional steps to create government organs to assert Serb authority over claimed territories, including the proclamation of the Serbian Republic of Bosnia and Herzegovina (9 January 1992) and of a constitution (28 February 1992), and a declaration of independence (7 April 1992). The territories over which the Serb government would assert control, according to the both the proclamation of the Serbian Republic and the constitution, consisted of areas on which the Bosnian Serbs were a majority and territories on which non-Serbs were a majority. In January 1992, the Accused's Socialist Party of Serbia<sup>95</sup> published a map of the territories in Croatia and BiH which it claimed were rightfully Serb.<sup>96</sup> Many of these areas would be subjected to take-overs in the coming spring.

50. At the same time that the Bosnian Serb leadership was putting the apparatus of state authority in place, it was directing its cadres to begin the seizure of control over the claimed territories. As Karad`i} exhorted Serb municipality leaders:

I am kindly asking you, you should seize power completely and energetically! ?...g You, presidents of municipalities, you have to do this job ?...g you and nobody else. Because you are the presidents of the national defence councils, and you are

<sup>91</sup> Jovi} Diary , 28 September 1991

<sup>92</sup> Intercept Milo{evi} and Karad`i} , 24 October 1991, BCS 0211-6674-0211-6679, Eng 0302-7341, 0302-7348.

<sup>93</sup> Transcript of meeting of SDS Deputies' Club, 24 October 1991, BCS SA01-2055-SA01-2164, Eng 0301-5390-0301-5449 at 0301-5394.

<sup>94</sup> Intercept The Accused and Karad`i} , 24 October 1991, BCS 0211-6674-0211-6679, Eng 0302-7341, 0302-7348.

<sup>95</sup> Socialisti-ka Partija Srbije, hereinafter "SPS".

<sup>96</sup> *Epoha*, 7 January 1992, BCS 0207-6073-0207-6073, Eng L001-2099-L001-2099.

the commanders of your towns. ...g I am asking you to be energetic and strict; to get ready and establish authority in your territories; in municipalities, regions, local communities, and to prepare yourselves for restructuring and regionalising the municipalities ...g And after the plebiscite and during the plebiscite it is important that you should seize power wherever you can ...g If you have a look at the map, we have a huge territory in BiH, a huge territory!<sup>97</sup>

51. In December, municipality leaders were provided with "strictly confidential" instructions that detailed the steps for take-overs in both Serb-majority and Serb-minority municipalities. Among other steps, the instructions called for the establishment of Crisis Staffs, establishment of separate government structures, take-over of police, and subordination of Bosnian Serbian police to the JNA. Ultimately, further measures were to be taken upon receipt of an order "given exclusively by the SDS Bosnia president, using a secret procedure".<sup>98</sup>

52. Meanwhile, the military means upon which the take-overs and subsequent "cleansings" would rely were more fully assembled and organised. JNA troops withdrawing from Croatia were re-deployed to locations in BiH pursuant to an order by General Ad`i} to "protect" the Serbian people.<sup>99</sup> Serbian Crisis Staffs in the municipalities co-ordinated closely with JNA commanders, many of whom became members of the Crisis Staffs.<sup>100</sup> The Bosnian SDS, in conjunction with the JNA, intensified the arming of local Serbs and local armed Serb units were created on a "massive scale".<sup>101</sup> Paramilitary leaders who had played a significant role in the Croatian cleansing campaign, such as Arkan and [e{elj, were enlisted for the effort in BiH to secure Serbian-controlled territories. As Karad`i} said months earlier, explaining why non-Serbs would be destroyed if they failed to comply with Serb demands, "there are three, four hundred thousand armed Serbs in Bosnia ...g plus there's an army and the hardware and everything".<sup>102</sup>

53. The high degree of early co-ordination of forces from various sources which existed at all levels, although covert, is demonstrated in retrospect by documents taken from the body of a paramilitary soldier associated with Vojislav [e{elj when he was killed at the end of May 1992. He had a document authorising him to receive a shipment of weapons from a JNA installation in Belgrade as well as a receipt proving he did in fact receive them. He was also

<sup>97</sup> Transcript of speech by Radovan Karad`i}, November 1991, BCS 0027-0628-0027-0639, Eng 0190-6884-0190-6894.

<sup>98</sup> Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances, 19 December 1991, BCS 0018-4274-0018-4283, Eng 0027-0650-0027-0656.

<sup>99</sup> Order, 17 February 1992, BCS 0033-3242-0033-3245.

<sup>100</sup> VRS Analysis of Combat Readiness, 1 April 1993, BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182.

<sup>101</sup> VRS Analysis of Combat Readiness, 1 April 1993, BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182, at p 159.

in possession of a JNA vehicle travel log indicating that the JNA provided him with transportation to move the weapons. Furthermore, he had in his possession documents from the Br-ko municipal War Presidency and the Crisis Staff of SAO Semberija and Majeвица giving him "freedom of movement" in the territory controlled by them.<sup>103</sup>

54. On 31 March 1992, the Bosnian Serb authorities created a separate Serbian police, abolishing the authority of the Bosnian Ministry of the Interior on the territory of the Serbian Republic. This measure, which Karadžić had discussed with the Accused months earlier, was a step that meant "the actual and sovereign authority of the Serbian Assembly" could be established on the ground "as soon as possible".<sup>104</sup> On 31 March, the take-overs began when Arkan, invited by the SDS<sup>105</sup> and working closely with the Serbian MUP, crossed the border controlled by the Accused<sup>106</sup> from Serbia into BiH with a large group of uniformed and well-equipped forces and began killing Muslim civilians in Bijeljina.

55. On 6 April 1992, the European Community recognised BiH as an independent and sovereign nation, followed the next day by the United States. By 12 May 1992, when the Bosnian Serbs held the 16<sup>th</sup> session of the Serbian Assembly in Banja Luka, seventeen municipalities had been taken over and cleansings of non-Serbs had begun:

Bijeljina (31 March), Foča (8 April), Zvornik (9 April), Višegrad (14 April), Bratunac (17 April), Vogošća (18 April), Sanski Most (21 April), Bosanska Krupa (21 April), Vlasenica (21 April), Ilidža (22 April), Br-ko (30 April), Prijedor (30 April), Novo Sarajevo (2 May), Doboj (3 May), Ilijaš (4 May), Ključ (7 May), and Hadžići (11 May).

In the cases of Banja Luka, Bosanski Novi, ^ajni-e, Donji Vakuf, Gacko, Kalinovik, Prnjavor, [ipovo, and Sokolac the take-over process was more gradual.

56. At the Assembly closed session, members discussed and even boasted about the cleansing. The representative from Bosanska Krupa reported about the success that the 14,500 Serbs had in dealing with the 47,000 Muslims:

---

<sup>102</sup> Intercept, Radovan Karadžić and Gojko Vukobratović, 12 October 1991, BCS 0212-8922-0212-8935, Eng 0303-1271-0303-1287.

<sup>103</sup> Authorization to deliver weapons, issued by Military Postcode 9849 (Br-ko), BCS 0109-4717-0109-4718, Eng 0300-5878-0300-5878; Receipt for delivery of weapons to Br-ko from Military Postcode 5505 (Belgrade), BCS 0109-4710-0109-4710, Eng 0300-5873-0300-5874; JNA vehicle running sheet, 8 to 31 May 1992, BCS 0109-4719-0109-4720, Eng 0300-5879-0300-5881; Pass issued by War Presidency of Br-ko, BCS 0109-4715-0109-4716, Eng 0300-5877-0300-5877; Pass issued by SAO Semberija and Majeвица Crisis Staff, BCS 0109-4711-0109-4712, Eng 0300-5875-0300-5875; Note on weapons delivery, BCS 0109-4713-0109-4714, Eng 0300-5876-0300-5876.

<sup>104</sup> 12<sup>th</sup> Bosnian Serb Assembly session, 24 March 1992, BCS SA01-1122-SA01-1168, Eng 0300-2027-0300-2053.

<sup>105</sup> Transcript of television interview with @eljko Rađević aka Arkan, July-August 1994, BCS 0190-4387-0190-4408, Eng 0190-4817-0190-4839 at 0190-4827.

<sup>106</sup> Belgrade radio, News conference of Slobodan Milošević, 7 May 1992, R030-9093-R030-9094.



On the right bank of the Una river there are no more Muslims in the Serbian Municipality of Bosanska Krupa, all the enclaves that were there...we have evacuated them, so that there will be none there for the duration of war operations. Will they have a place to return to? I think it is unlikely after our President told us the happy news that the right bank of the Una river was the border.<sup>107</sup>

57. As this self-congratulatory report to the assembled leaders of the new Serbian republic reveals, the attainment of Serbian control over the territories and the realisation of a Serbian state involved removal of non-Serbs. As Karadžić declared in 1991, "This is a battle for living space". Within this living space, he explained, Serbs must vigilantly resist Muslim intrusion -- "the first foundations that are laid will be blown up and all foundations that are laid will be blown up".<sup>108</sup>

58. In this battle for "living space", Serb municipal and regional leaders were expected to execute the policy of the Bosnian Serb leadership. Their ranks were filled with persons who could be counted upon to ensure that "no foundations" were laid – persons who viewed non-Serbs as "bloodthirsty villains",<sup>109</sup> or "ancient and irreconcilable opponents",<sup>110</sup> or who had always "dreamed about the creation of pure Serbian national nucleus in all territories where Serbs have always lived".<sup>111</sup>

59. Before the take-overs began, the Accused and the Bosnian Serb leadership explored the possibility of achieving a re-distribution of ethnic population through negotiations. Koljević met with Croatian President Tuđman in January 1992 to discuss the "homogeneity of certain areas". He suggested to Tuđman that an agency could be established to regulate the necessary demographic adjustments, thereby raising the process to a "civilised level".<sup>112</sup>

60. Tuđman was already familiar with the Serbian leadership's view that population relocations were necessary, a position which the Accused had earlier advanced and endorsed – "in the initial talks before this terrible war, the Accused was very inclined towards such a solution". In addition, according to Tuđman, the Accused had offered assurances that the Croats could rely on Serbian co-operation in reaching this solution.<sup>113</sup>

<sup>107</sup> Minutes of the 16th Assembly Session of the Assembly of the Serbian People in BiH, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570.

<sup>108</sup> Transcript of speech by Radovan Karadžić, November 1991, BCS 0027-0628-0027-0639, Eng 0190-6884-0190-6894.

<sup>109</sup> SDS President, Sanski Most municipality, see SDS Sanski Most journal, BCS 0049-1713-0049-1744, Eng 0092-2333-0092-2386 at 0092-2338.

<sup>110</sup> President of the SDS Deputies' Club, at 9<sup>th</sup> session of SDS Deputies' Club, 28 February 1992, BCS SA01-1321-SA01-1348, Eng 0110-9176-0110-9194.

<sup>111</sup> SDS President ^ajni-e, see Srna radio, 13 and 14 July 1995, BCS T000-1176.

<sup>112</sup> Transcript of meeting of Franjo Tuđman and Nikola Koljević, 8 January 1992, BCS 0150-9173-0150-9240, Eng L005-0143-L005-0197.

<sup>113</sup> Transcript of meeting of Franjo Tuđman and Nikola Koljević, 8 January 1992, BCS 0150-9173-0150-9240, Eng L005-0143-L005-0197.

61. In the absence of non-Serb acquiescence in uprooting and re-distributing populations, the Serbian leadership was prepared to impose its solution by force. As Karadžić emphasised in an intercepted telephone conversation in October 1991, the consequences of a Muslim failure to accept the Serbian position would be catastrophic for Muslims. "They will disappear, that people will disappear from the face of the earth, if they start now. Our offer was their only chance".<sup>114</sup> In view of the successful efforts by the Accused and the Bosnian Serb leadership both to arm the Bosnian Serbs and ensure JNA participation, a refusal by Muslims to yield to Serb demands would spell disaster:

They have to know that there are 20,000 armed Serbs around Sarajevo, they will, they will disappear, Sarajevo will be a black cauldron where 300,000 Muslim will die, they're not right in the head. I don't know, now I will have to talk to them openly: people don't screw around, there are three, four hundred thousand armed Serbs in BiH. What are you thinking of, plus there's an army and the hardware and everything, do you think you can just secede like Croatia.<sup>115</sup>

62. By 12 May 1992, when the 16<sup>th</sup> Assembly of the Serbian People was held, the "forcible and bloody removal of minority peoples from one region to another" that Karadžić had earlier said must be "assumed" in a civil war had already begun. At this session of the Assembly, the Bosnian Serb Army (VRS) was proclaimed. The transformation of JNA personnel and equipment into an army for the Bosnian Serbs had been orchestrated with the Accused, who ensured that the Bosnian Serb army continued to receive significant support from Serbia even after the transition. General Mladić, a veteran of the Croatian campaign whose forces had killed at least 71 residents of two villages in the Zadar area after he had threatened EC monitors to "wipe out" certain villages in the area,<sup>116</sup> was named as the Commander of the Main Staff. Mladić's selection had been agreed upon in an earlier meeting between Bosnian Serb leaders, Borisav Jović and the Accused.<sup>117</sup>

63. At this Assembly session Karadžić announced six strategic goals for the Serbian people, the first and most important of which was separation from the other two national communities in BiH: "separation from those who are our enemies and who have used every opportunity, especially in this century, to attack us, and who would continue with such practices if we were to stay together in the same state".<sup>118</sup> Responsibility for implementing the strategic goals fell to General Mladić, who told the Assembly in the closed meeting that

<sup>114</sup> Intercept, Radovan Karadžić and Gojko Ćogo, 12 October 1991, BCS 0212-8922-0212-8935, Eng 0303-1271-0303-1287.

<sup>115</sup> Intercept, Radovan Karadžić and Gojko Ćogo, 12 October 1991, BCS 0212-8922-0212-8935, Eng 0303-1271-0303-1287.

<sup>116</sup> Witness C-1190; see section on [kabrnje and Nadin in the Crime Base section below.

<sup>117</sup> Jović Diary, 30 April 1992.

"the thing that we are doing needs to be guarded as our deepest secret".<sup>119</sup> The remaining goals were geographically orientated,<sup>120</sup> related to the creation of the territory of the SRBiH, for which the participation of the VRS, was critical.<sup>121</sup> Mladić and his commanders took those political strategic goals and turned them into operational imperatives for the VRS,<sup>122</sup> moving forward in the coming weeks and months to cement existing gains and move further toward "the liberation of territories which are ours and which belong to us by historical birthright".<sup>123</sup>

64. In the campaign from 1991 to 1995 to achieve and maintain the "liberation" of territories and to "link Serbian territories with mother Serbia,"<sup>124</sup> grave violations of international humanitarian law were committed by individuals acting through state organs and other bodies formed, supported and directed by states. The next section of this brief addresses those organs and entities. The state organs and the other bodies do not bear institutional responsibility for these violations. It is the individuals who control and work their criminal purpose through these bodies that are responsible. The Accused is the man to whom all these bodies connected. He is the individual from whom the authority to persecute and maltreat non-Serbs derived.

---

<sup>118</sup> 16<sup>th</sup> Bosnian Serb Assembly Session, 12 May 1992, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570 at 0190-8523.

<sup>119</sup> 16<sup>th</sup> Bosnian Serb Assembly Session, 12 May 1992, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570 at 0190-8548.

<sup>120</sup> 16<sup>th</sup> Bosnian Serb Assembly Session, 12 May 1992, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570 at 0190-8523-0190-8524.

<sup>121</sup> 16<sup>th</sup> Bosnian Serb Assembly Session, 12 May 1992, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570, General Mladić speech, at 0190-8548: "To achieve a goal you need forces", and at 0190-8555: "For creating a state and an army we need the entire people and its forces". Professor Milojević at 0190-8544: "we form some kind of a group to come up with the borders very quickly, but for our eyes only, so that we know very soon what the goals are of our army and our political leadership in establishing the Serbian Republic of BH".

<sup>122</sup> VRS Analysis of Combat Readiness, 1 April 1993, BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182, at 0110-3177: "...the strategic objectives of our war which were promptly defined and set before the Main Staff of the Army of the RS, the Commands and the units, served as a general guideline upon which we planned the actual operations?...g The main staff of the Army translated the set objectives and tasks into general and individual missions of the army of the RS and of the individual operational and tactical formations?...g with the goals being specifically defined?...g"

<sup>123</sup> VRS Analysis of Combat Readiness, 1 April 1993, BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182 at 0110-3177.

<sup>124</sup> VRS Analysis of Combat Readiness, 1 April 1993, BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182 at 0110-3066. As noted above leaders of Serbian campaigns in Croatia such as Milan Babić, Milan Martić and Goran Hadžić shared these sentiments of Mladić's.

## SECTION II. ENTITIES EXECUTING THE PLAN

### A. POLITICAL AND POLICE

#### 1. (Socialist) Federal Republic of Yugoslavia

##### Socialist Party of Serbia

65. From the formation of the Socialist Party of Serbia<sup>125</sup> and its first election victory in December 1990 to its defeat in September and October 2000, the Accused enjoyed *de facto* power within the Republic of Serbia and the (S)FRY through the SPS, in addition to his official powers over much of that time as President of the Party. His former associate Borisav Jovi} wrote that the Accused:

imposed a monopoly in personnel politics in all issues, so also in the issue of the choice for the Prime Minister. In such important issues like the Prime Minister or the FRY President, including Republic Prime Minister and similar, the Party organs had only a formal role. Everything that Milo{evi} proposed was accepted as the rule without discussion.<sup>126</sup>

66. The SPS party programme reflected the Accused's strategy of furthering Serbian interests through the framework of preserving Yugoslavia.<sup>127</sup> In its founding document, the SPS proposed that the next Yugoslav constitution allow the creation of new autonomous provinces based on "the expressed will of the inhabitants and national, historical, cultural and other particularities".<sup>128</sup> As noted above, Croatian and Bosnian Serb leaders declared eight such distinct autonomous districts and regions in 1990 and 1991, which formed the basis for their seizure of power.

67. This policy was reiterated at the SPS Second Congress, held on 23 and 24 October 1992. During this conference the party called for a "Serbian nation on the territories where it constitutes the majority population", to be achieved through "deciding to remain in a common Yugoslav state". According to the SPS, this policy:

?...g enables legitimate concern for the Serbs outside Serbia and creates the institutional possibility for the Federal Republic of Yugoslavia to be joined, in future, by Krajina and the Serbian Republic of Bosnia-Herzegovina. Regardless of all resistance to the recognition of the Federal Republic of Yugoslavia, from the aspect of international law, its international legal continuity is more difficult to contest than the establishment of the sovereign state of Serbia, therefore in this context too, the reorganisation of Yugoslavia was the optimal solution.<sup>129</sup>

<sup>125</sup> *Socialisti-ka stranka Srbije*, hereinafter "SPS".

<sup>126</sup> Borisav Jovi}, *Kniga o Milo{evi}u*, B CS 0211-6391-0211-6391.

<sup>127</sup> SPS Programme, at the First Congress held on 16, 17 and 18 July 1990, as recorded on SPS website ([www.sps.org.yu](http://www.sps.org.yu)) when accessed on 10 May 2001, BCS 0216-3547-0216-3570. These are authenticated by affidavit, Eng 0216-3371-0216-3371.

<sup>128</sup> *Ibid.*

<sup>129</sup> SPS Programme, as formulated at the Second Congress held on 23-24 October 1992, recorded on SPS website when accessed on 10 May 2001, BCS 0216-3454-0216-3531 at p. 31 of document printed from website.

68. The Accused was President of the Republic of Serbia from 1990 to 1997 and President of the FRY from 1997 to 2000. He was also President of the SPS during that time except for a period between from 20 May 1991 until 24 October 1992, when the position was held by Borisav Jovi}, one of the Accused's closest associates.<sup>130</sup> While the Accused stepped down due to a provision in the Serbian Constitution according to which "the President of the Republic may not engage himself in any other function or professional activity",<sup>131</sup> he remained in charge of the party through Jovi}. In 1992, the Accused decided to re-assume the SPS presidency, and in October 1992 he was re-elected President of the SPS by its Main Board.<sup>132</sup>

69. From 1990 to 2000, the SPS was either the ruling or majority party in coalition governments with the Serbian Radical Party (SRS), the United Yugoslav Left (JUL), New Democracy (ND), and (in Montenegro) the Democratic Party of Socialists (DPS).<sup>133</sup> It controlled the majority of votes in the Federal and Republican assemblies. This allowed the Accused to control the Serbian and FRY assemblies and governments.<sup>134</sup> His control over the SPS also enabled control over the functioning of other political institutions essential for the implementation of republican or federal policies, most importantly the Serbian MUP, JNA and VJ. The Accused exerted control over these institutions through loyal individuals who were often members of the SPS or the JUL.<sup>135</sup>

70. After SPS won the election in Serbia in December 1990, policies regarding the status of "Serbs outside of Serbia" were adopted from the SPS "programmatic foundations" as the formal policy of the Republican government. On 5 February 1991 the Ministry for Relations

<sup>130</sup> Jovi} explained the situation thus: "He's telling me about the SPS leadership. He's unhappy with the situation. He, as a President of the Party, cannot act even though he had been elected at the First Conference of the SPS, because a provision to the Constitution of Serbia had been adopted that the President of the Republic cannot perform any other public or political function. The opposition was vehemently attacking him until he appointed a replacement, but that replacement was not a real one. Namely, he has not appointed an individual replacement, but rather the entire Executive Party Board, which is not a good solution. It is just a postponement of a real solution until a right person is found". Jovi}, *Kniga o Milo{evi}u*, BCS 0211-6391-0211-6391.

<sup>131</sup> Article 86, para. 8, 1990 Republic of Serbia Constitution, BCS 0205-9773-0205-9784 and SA03-9213-SA03-9220, Eng 0035-9338-0035-9395, hereinafter "1990 Republic of Serbia Constitution".

<sup>132</sup> Jovi}, *Kniga o Milo{evi}u*, BCS 0211-6391-0211-6391.

<sup>133</sup> Respectively, *Srpska Radikalna Stranka* (hereinafter "SRS"), *Jugoslovska Udru`ena Levica* (hereinafter "JUL"), *Nova Demokratija* (hereinafter "ND"), and *Demokratska Partija Socijalista* (hereinafter "DPS").

<sup>134</sup> 0211-6391-0211-6391.

<sup>135</sup> The more important SPS leaders and members include: Milomir Mini}, Borisav Jovi}, Mirko Marjanovi}, Nikola [ainovi}, Zoran An|elkovi}, Slobodan Unkovi}, Uro{ [uvakovi}, Milan Milutinovi}, Gorica Gajevi}, Mihalj Kertes, Jovica Stani{i}, Zoran Sokolovi}, Radmilo Bogdanovi}, Rade Markovi}, Vlajko Stojilkovi}, Dragan Tomi}, Dragoljub Ojdani}, Neboj{a Pavkovi}.

with Serbs Outside of Serbia was established.<sup>136</sup> The Ministry's primary function was to assist the Croatian and Bosnian Serbs throughout the war years.<sup>137</sup>

71. On 27 March 1991, Cvijan visited Knin where he held a meeting with Milan Babi}, President of the Executive Council of SAO Krajina, and Babi}'s associates. During the meeting it was stressed that Cvijan's visit was of an operational nature with the aim of reaching an agreement on co-operation between SAO Krajina and the Republic of Serbia.<sup>138</sup> On 21 April 1991 Cvijan visited the village of Jagodnjak in Eastern Slavonia and addressed the local Serbs, emphasising how oppressed the Serbs were and how the Accused would help them out of this situation.<sup>139</sup> In May 1991 this Ministry set up a council to provide assistance to the Serbian people in Croatia.<sup>140</sup>

72. In August 1994 the Ministry for Relations with Serbs Outside of Serbia played a central role in initiating a foundation of the Inter-Ministerial Working Group for helping to solve problems in the RSK and the RS. This Working Group was tasked to respond to requests for aid sent from the RSK and RS governmental and non-governmental agencies.<sup>141</sup>

73. At the Third Congress of the SPS, which took place on 2 March 1996 after the conflict in BiH had commenced, the Accused acknowledged the material assistance the SPS party had given to "Serbs outside Serbia", including "those at war where a war was waged".<sup>142</sup>

#### President of the Republic of Serbia

74. After serving as a member of the collective Presidency of the Socialist Republic of Serbia, the Accused was elected President of the Republic of Serbia on 8 December 1990<sup>143</sup> and served in that office until 23 July 1997.

75. According to the 1990 Constitution of the Republic of Serbia, the President of the Republic represents the Republic and expresses its state unity.<sup>144</sup> Along with other organs of

<sup>136</sup> *Slu'beni Glasnik Republike Srbije*, 5 February 1991, BCS 0214-5954-0214-5956.

<sup>137</sup> All three Ministers were prominent SPS members: Stanko Cvijan (11 February 1991 to 10 February 1993), Bogoljub Bjelica (10 February 1993 to 18 March 1994) and Radovan Pankov (18 March 1994 to 24 March 1998).

<sup>138</sup> *Politikadaily*, 28 March 1991, p. 10.

<sup>139</sup> Cvijan's speech, BCS 0102-4496-0102-4520, at 0102-4517-0102-4518.

<sup>140</sup> *Tanjug*, BCS, 1312 GMT 7 May 1991, and see also C-036.

<sup>141</sup> Stamped document, 18 July 1994, BCS 0160-0861-0160-0883.

<sup>142</sup> The Accused's Closing Speech at the Third SPS Congress, 2 March 1996, as recorded on the SPS website when accessed on 10 May 2001, BCS/Eng 0216-3407-0216-3410.

<sup>143</sup> Report, 02 Number 013-1151/90, 12 December 1990, *Slu'beni glasnik Republike Srbije*, 21/90, pp. 790-91, BCS 0219-8871-0219-8872.

<sup>144</sup> Art. 9, 1990 Republic of Serbia Constitution.

the Republic, the President is obliged to execute laws and other regulations.<sup>145</sup> The Constitution imposes the following specific duties of office, among others:

- to command the “armed forces” in peace and war, order general and partial mobilisation and organise defence preparations;
- to promulgate laws;
- to attend to the relations of the Republic with other states and international organisations;
- to propose the Prime Ministerial candidate to the National Assembly;
- to confirm, after consulting with the Prime Minister, the existence of an imminent threat of war or proclaim a state of war if the National Assembly is unable to meet;
- to issue, on his own initiative or at the Government’s proposal, enactments on questions within the competency of the National Assembly during a state of war or imminent threat of war - during a state of war, these enactments could restrict individual rights and freedoms;
- to proclaim, at the Government’s proposal, a state of emergency and take the measures that the circumstances giving rise to it may require;
- to grant pardons; and
- to bestow decorations.<sup>146</sup>

76. The Republic of Serbia Law on Defence, which entered into force on 3 August 1991, defined the President’s authority in relation to the armed forces of the Republic.<sup>147</sup> In accordance with this law, until a further law establishing the organisation of the armed forces of the Republic was to be passed, the TO was to act in that capacity in the event of a threat to the Republic’s interests.<sup>148</sup> The President of the Republic had the following authority in the organisation of preparations for defence:

- to control the armed forces in war and peace, including the resolution of questions relating to the organisation and personnel of the TO;
- to issue the defence plan of the Republic and other enactments in relation to defence preparations; and
- to order the implementation of readiness and other necessary measures.<sup>149</sup>

77. In addition, the Government of the Republic was to implement enactments and measures ordered by the President in the area of defence preparations.<sup>150</sup>

<sup>145</sup> Art. 71, 1990 Republic of Serbia Constitution (see also the oath of office in Art. 86).

<sup>146</sup> Art. 83, 1990 Republic of Serbia Constitution.

<sup>147</sup> Art. 125, Republic of Serbia Law on Defence, PR number 77, 18 July 1991, *Službeni glasnik Republike Srbije*, 45/91, pp. 1769-82, BCS 0036-4325-0036-4338, ENG 0046-0799-0046-0809 (Hereinafter “Law on Defence”).

<sup>148</sup> Art. 5, paras. 1 and 2, Law on Defence

<sup>149</sup> Art. 5(1-3), Law on Defence.

78. The President also had legal authority over the police and other personnel of the MUP in certain circumstances. The Law on Internal Affairs, which entered into force on 1 August 1991, provided that during a state of emergency, the MUP was to take the security measures established by the orders and other enactments of the President.<sup>151</sup> Under the Law on Defence, the President was authorised to establish the basis for the organisation and numbers of the police in war or in the event of an imminent threat of war, and to order the *use* of the police in war, during an imminent threat of war, or in a state of emergency.<sup>152</sup>

79. The President has the authority to request reports from the Government of Serbia concerning matters under its jurisdiction,<sup>153</sup> and from the Minister of Internal Affairs concerning the activities of the MUP and the security situation in Serbia.<sup>154</sup>

80. The Presidency of the SFRY declared an imminent threat of war on 1 October 1991,<sup>155</sup> which remained in effect until 22 May 1992.<sup>156</sup>

#### Presidency of the Republic of Montenegro

81. Momir Bulatovi}, a political ally of the Accused, was elected President of the Presidency of the Republic of Montenegro on 24 December 1990.<sup>157</sup> As such he enjoyed the legal authority of that office, including the following powers under the Law on All-People's Defence of 1983, which was amended on 2 August 1991:<sup>158</sup>

- Securing, through competent organs, the unified organisation and implementation of the system of all-people's defence in the Republic.
- Establishing the plan of defence of the Republic.
- Establishing organisational, development and equipment plans for the TO and decides on the training and formation of the Republican units of the TO in both peacetime and war.<sup>159</sup>
- Deciding on the organisation and implementation of joint mobilisation and other exercises in the Republic.

<sup>150</sup> Art. 7(2), Law on Defence.

<sup>151</sup> Art. 17, Rep. of Serbia Law on Internal Affairs, PR number 76, 17 July 1991, *Slu`beni glasnik Republike Srbije*, 44/91, pp. 1721-27, BCS 0046-1930-0046-1970.

<sup>152</sup> Art. 5(4-5), Law on Defence..

<sup>153</sup> Art. 85, 1990 Republic of Serbia Constitution.

<sup>154</sup> Art. 9, Rep. of Serbia Law on Internal Affairs, PR number 76, 17 July 1991, *Slu`beni glasnik Republike Srbije* 44/91, pp. 1721-27, BCS 0046-1930-0046-1970.

<sup>155</sup> Act No. 190, 1 October 1991, *Slu`beni list Socijalisti-ke Federativne Republike Jugoslavije*, 75/91, p. 1209, BCS 0055-8660-0055-8660.

<sup>156</sup> Decision, No. 8, 20 May 1992, *Slu`beni list Socijalisti-ke Federativne Republike Jugoslavije*, 6/92, p. 97.

<sup>157</sup> Report of the electoral commission, *Slu`beni list Crne Gore* 49/90, pp.863-64. BCS K022-4567-K022-4568.

<sup>158</sup> Unless otherwise noted, listed powers derive from the 1983 Law on All-People's Defence, articles 91 and 92, BCS K022-4523-K022-4558

<sup>159</sup> Authority on training and formation was limited to wartime under the 1983 law and expanded to peacetime in 1991.



- Proposing to the Presidency of the SFRY appointment and replacement of commanders of the TO of the Republic.
- In case of war, imminent threat of war and other special circumstances, organising and leading all-people's defence on the territory of the Republic.
- In time of war, imminent threat of war and during a state of emergency, adopting regulations on the use of police forces, in combat operations of the armed forces; and regulating the use of the TO for maintaining public order;<sup>160</sup>
- The right to enact decrees with the force of law.<sup>161</sup>

82. The Republic Staff of the TO reported to the President.<sup>162</sup> On 1 October 1991, Bulatovi} met with the Prime Minister of Montenegro, Mile \ukanovi} and several senior JNA officers and decided to commit the Republic's resources to the "liberation" of Dubrovnik. Bulatovi} claimed that thirty thousand "Usta{as" had attacked Montenegro, a completely false claim that was abandoned within days. They decided to provide logistical support and police and military reservists, under the guise of volunteers, to the JNA for this campaign. In a subsequent meeting, Bulatovi} and other senior Montenegrin politicians discussed the creation of a "Dubrovnik Republic" that was to be detached from Croatia and joined to an expanded Serbian state.<sup>163</sup>

83. On the same day, pursuant to his authority under Article 124 of the 1983 Law, Momir Bulatovi} issued an order mobilising a special police unit of reinforced -company size to carry out combat operations together with the JNA and TO on the Dubrovnik front.<sup>164</sup>

84. During the peace talks in The Hague in mid October 1991, Bulatovi} accepted (together with *all* other republics except Serbia) a proposal on the peaceful dissolution of the Yugoslav federation. He did this against the Accused's wishes. On returning to Yugoslavia, Bulatovi} was threatened by Borisav Jovi} and Branko Kosti}: unless he reversed his stand he would be replaced as President and possibly arrested. Bulatovi} obeyed and sent an immediate retraction.<sup>165</sup>

85. On 20 May 1998 Bulatovi} became Prime Minister of the Federal Republic of Yugoslavia.<sup>166</sup> He resigned from that position on 9 October 2000, following the Accused's fall from power. Since its establishment on 27 April 1992, until the end of his tenure as

<sup>160</sup> Art. 23 and 124, 1983 Law on All-People's Defence.

<sup>161</sup> Art. 19, 1991 Laws on changes and amendments of the Law on All-People's Defence, 5 August 199, BCS K022-4570-K022-45701.

<sup>162</sup> Art. 36, 1991 Law., BCS K022-4571-K022-4571.

<sup>163</sup> B-1229

<sup>164</sup> Order of 1 October 1991, BCS 0108-8616-0108-8616, ENG 0302-0006-0302-0006.

<sup>165</sup> B-1229

<sup>166</sup> *Slu'beni list Socijalisti-ke Federativne Republike Jugoslavije*, Year 7, No. 25 of 22 May 1998, item 301.

President of Montenegro, Bulatovi} was a member of the Supreme Defence Council of the FRY.

#### SFRY Presidency

86. The SFRY Presidency was composed of eight members: one from each of the SFRY's six republics, and one from each of the two autonomous provinces. According to the 1974 Constitution, the SFRY Presidency had supreme command authority over the Armed Forces of Yugoslavia in war and peace.<sup>167</sup>

87. The SFRY Presidency had a President and a Vice-President. The President of the Presidency was in charge of the command of the Armed Forces, on behalf of the SFRY Presidency and in accordance with its decisions.<sup>168</sup> The President of the Presidency ensured the implementation of the SFRY Presidency's acts and conclusions.<sup>169</sup> The Vice-President of the Presidency conducted the work of the President of the Presidency in his absence, or prolonged inability to work.<sup>170</sup>

88. The Armed Forces of Yugoslavia were composed of the JNA, the TO and any other participant in armed resistance against the enemy.<sup>171</sup> All armed formations not attached to the JNA or the police, were attached to the TO.<sup>172</sup> According to law, the Armed Forces of Yugoslavia were a single unified entity.<sup>173</sup> The SFRY Presidency, as the supreme command of the Armed Forces of Yugoslavia, was mandated to provide for the unity of the armed forces and armed struggle.<sup>174</sup>

89. The Federal Secretary for National Defence (SSNO)<sup>175</sup> commanded the Armed Forces of Yugoslavia, pursuant to the powers transferred to him by the SFRY Presidency.<sup>176</sup> He reported to the Presidency regarding matters of command and control of the Armed Forces with which the Presidency had tasked him.<sup>177</sup> In the event that the SSNO was absent or unable to discharge duties entrusted to him by the Presidency, these were to be performed by the Chief of Staff.<sup>178</sup>

<sup>167</sup> 1974 SFRY Constitution, Art. 313 (BCS 0229-4916-0229-4972, Eng 0046-0834-0046-1076) (Hereinafter "SFRY Constitution"); 1982 Law on All-People's Defence Art. 106 (BCS 0046-1869-0046-1929, Eng L004-8941-L004-9076) (Hereinafter "1982 Law on All-People's Defence").

<sup>168</sup> SFRY Constitution, Art. 328; 1982 Law on All-People's Defence, Art. 107.

<sup>169</sup> SFRY Constitution, Art. 328.

<sup>170</sup> SFRY Constitution, Art. 328.

<sup>171</sup> SFRY Constitution, Art. 240; 1982 Law on All-People's Defence, Art. 91.

<sup>172</sup> 1982 Law on All-People's Defence, Art. 102.

<sup>173</sup> SFRY Constitution, Art. 240; 1982 Law on All-People's Defence, Art. 91.

<sup>174</sup> 1982 Law on All-People's Defence, Art. 9.

<sup>175</sup> Or *Savezni sekretar za narodnu odbranu*, hereinafter "SSNO".

<sup>176</sup> 1982 Law on All-People's Defence, Art. 110.

<sup>177</sup> SFRY Constitution, Art. 343; 1982 Law on All-People's Defence, Art. 108, 110, 117.

<sup>178</sup> 1982 Law on All-People's Defence, Art. 110.

90. In time of war, imminent threat of war or emergency conditions, the SSNO and the Chief of the General Staff formed the Supreme Command Staff.<sup>179</sup>

91. The SSNO was responsible for the work of the Federal Secretariat of National Defence.<sup>180</sup> Among other duties, this Secretariat was responsible for overall planning and preparations in relation to defence,<sup>181</sup> including co-ordinating the plans of the JNA and TO;<sup>182</sup> implementing the system of command and control in the Armed Forces of Yugoslavia;<sup>183</sup> mobilising, staffing<sup>184</sup> and training<sup>185</sup> the JNA, and implementing its personnel policy;<sup>186</sup> implementing directives and other acts of the SFRY Presidency.<sup>187</sup> Under legislation of 15 May 1991, when performing these tasks the Federal Secretariat of People's Defence acts as the Supreme Command Staff.<sup>188</sup>

92. The SFRY Presidency appointed and relieved of duty the commanders of the TO of the Republics and Autonomous Provinces.<sup>189</sup> The Republics and Autonomous Provinces in the SFRY implemented matters relating to the organisation, preparation and management of the TO.<sup>190</sup> The commanders of the TO of each of the Republics commanded all units and institutions of the TO within their republics.<sup>191</sup>

93. By March 1991, the Accused controlled four of the eight votes on the SFRY Presidency through his influence over the so-called "Serbian bloc", the members from Serbia, Montenegro, Vojvodina and Kosovo.<sup>192</sup> On 12 March 1991, a co-ordinated attempt was mounted by the Accused, Jovi} and Kadijevi}, the Federal Secretary for National Defence, to force the members of the Presidency to declare a state of emergency in the country. This would then enable the JNA to disarm the Croatian police and suppress the public unrest the Accused was facing in Belgrade.<sup>193</sup> After the Presidency refused to declare a state of emergency, Kadijevi} rejected the authority of the Presidency as the supreme commander of

<sup>179</sup> [*tab vrhovne komande*, also referred to as Supreme Command Headquarters. See B-1230.

<sup>180</sup> SFRY Constitution, Art. 367;.

<sup>181</sup> See generally 1982 Law on All-People's Defence, Art. 79-88; in particular, Art. 79(1-3), Art. 80(1), 82(1); Art. 96 para 2.

<sup>182</sup> 1982 Law on All-People's Defence, Art. 80(1), 82(3).

<sup>183</sup> 1982 Law on All-People's Defence, Art. 79(4).

<sup>184</sup> 1982 Law on All-People's Defence, Art. 80(2).

<sup>185</sup> 1982 Law on All-People's Defence, Art. 80(3).

<sup>186</sup> 1982 Law on All-People's Defence, Art. 80(5).

<sup>187</sup> 1982 Law on All-People's Defence, Art. 82(2).

<sup>188</sup> Amendments to SFRY Law on All-People's Defence, 15 May 1991, Art. 79.

<sup>189</sup> 1982 Law on All-People's Defence, Art. 106(12).

<sup>190</sup> 1982 Law on All-People's Defence, Art. 95, 96.

<sup>191</sup> 1982 Law on All-People's Defence, Art. 111, 113.

<sup>192</sup> B-1230.

<sup>193</sup> B-1230.

the JNA. Instead, on a request of the Accused, he activated the Supreme Command Staff as a means to control the armed forces.<sup>194</sup>

94. On 15 May 1991 the Croatian representative Stipe Mesi} was scheduled to take over the Presidency of the SFRY Presidency, but his assumption of the office was prevented by the Serbian bloc. Due to international pressure on the Accused, Mesi} assumed the position of President of the Presidency on 1 July 1991. However, General Kadijevi} and high ranking JNA officers continued to ignore Mesi}'s orders and denied him influence over the armed forces.<sup>195</sup> They obstructed Mesi}'s participation in the work of the Presidency by preventing him from travelling safely to the Presidency sessions.<sup>196</sup>

#### SFRY Rump Presidency

95. By the beginning of October 1991, the SFRY Presidency was reduced to the "Rump Presidency" consisting of the representatives of Serbia, Montenegro, Vojvodina and Kosovo. Although lacking the required majority of the full SFRY Presidency, on 3 October 1991 these four members passed amendments to the Presidency's Rules of Procedure of 1984.<sup>197</sup> One of these amendments permitted the Vice-President of the SFRY Presidency to call a Presidency session if the President could not do so within a reasonable time. If the Vice-President was similarly unable to call a session, any member could do so, and could also chair the session.<sup>198</sup> Another amendment permitted the Presidency to take decisions with a simple majority of those present at a session.<sup>199</sup> These amendments to the SFRY Presidency's 1984 Rules of Procedure enabled the Serbian Bloc to continue functioning as the Rump Presidency.

96. The Rump Presidency assumed the powers of the SFRY Presidency in relation to command of the Armed Forces of Yugoslavia. The Vice-President of the Presidency, Branko Kostić, assumed the powers of the office of President of the Presidency. At the same time, the JNA refused to execute orders of the legally appointed President of the Presidency, Mesi}.<sup>200</sup>

97. The Rump Presidency declared an imminent threat of war in the SFRY as of 1 October 1991.<sup>201</sup> It remained in effect until 22 May 1992.<sup>202</sup> During an imminent threat of war, state

<sup>194</sup> B-1230.

<sup>195</sup> Veljko Kadijevi}, *Moje vidjenje raspada* (My view of the break-up), BCS 0035-9426-0035-9512, Eng 0303-3712-0303-3801, B-1230.

<sup>196</sup> B-1230.

<sup>197</sup> B-1230; Decision of SFRY Presidency 3 October 1991, BCS 0050-1672-0050-1672; Draft minutes of 144<sup>th</sup> session of SFRY Presidency, 3 October 1991 BCS 0050-1712-0050-1716, Eng 0302-5007-0302-5010.

<sup>198</sup> B-1230.

<sup>199</sup> B-1230. See also 3 October 1991 Decision of Presidency, BCS 0050-1672-0050-1672.

<sup>200</sup> B-1230.

<sup>201</sup> *Slu}beni list SFRJ* 75/47, 18 October 1991, BCS 0055-8660-0055-8660.

<sup>202</sup> *Slu}beni list SRJ* 6/1 22 May 1992, ENG 0049-5864-0049-5865.

of war or during other emergencies, the SFRY Presidency commanded those units of the MUP subordinated to the Armed Forces.<sup>203</sup>

98. At this time, the JNA was already deeply involved in the fighting in Croatia. The declaration did not affect the actions on the ground, but did trigger several subsequent Presidency decisions about the JNA, in particular the provision of additional funding.<sup>204</sup>

99. According to Jovi} and the testimony of several insider and international witnesses, the Accused at this time had decisive influence over the Rump Presidency and the Supreme Command Staff.<sup>205</sup> The Accused achieved not only direct control over the Rump Presidency, but also direct or indirect control over all major police and military organs of the Republic of Serbia and the SFRY/FRY.<sup>206</sup>

#### FRY Supreme Defence Council

100. The Rump Presidency continued to claim authority as the SFRY Presidency until the implementation of the Constitution of the Federal Republic of Yugoslavia.<sup>207</sup> The FRY Constitution of 27 April 1992 abolished the collective SFRY Presidency and mandates the President of the FRY, the Supreme Defence Council,<sup>208</sup> and the VJ with primary responsibility for the defence of the country. The President of the FRY commands the Army in peace and war, in compliance with decisions made by the SDC.<sup>209</sup> The SDC is composed of the President of the FRY, who presides over the Council, and the Presidents of Serbia and Montenegro.<sup>210</sup> The SDC passes the Defence Plan and is the highest authority responsible for strategic matters relating to the defence of the FRY.<sup>211</sup> The President of the FRY implements all SDC decisions in relation to the VJ<sup>212</sup> and orders implementation of the Defence Plan.<sup>213</sup>

101. The 1992 FRY Constitution mandates the VJ to protect the FRY's "sovereignty, territory, independence and constitutional order".<sup>214</sup> The VJ General Staff is the VJ's highest

<sup>203</sup> 1982 Law on All-People's Defence, Art. 104 (BCS 0046-1869-0046-1929, ENG L004-8941-L004-9076).

<sup>204</sup> B-1230.

<sup>205</sup> Jovi} Diary.

<sup>206</sup> B-1230 and K-1.

<sup>207</sup> Or *Savezna Republika Jugoslavija*, hereinafter "FRY".

<sup>208</sup> Or *Vrhovni savet odbrane*, hereinafter "SDC".

<sup>209</sup> 1994 Law on the VJ (BCS 0046-0639-0046-0680, ENG 0300-1302-0300-1395).

<sup>210</sup> 1992 FRY Constitution (BCS 0214-2302-0214-2314, ENG 0046-1735-0046-1844).

<sup>211</sup> 1994 FRY Law on Defence, Art. 41 (BCS 0046-1702-0046-1716, ENG 0300-7480-0030-7492), hereinafter "1994 FRY Law on Defence".

<sup>212</sup> 1994 FRY Law on Defence, Art. 41.

<sup>213</sup> 1994 FRY Law on Defence, Art. 40(1).

<sup>214</sup> 1992 FRY Constitution, Art. 133 (BCS 0214-2302-0214-2314, ENG 0046-1735-0046-1844).

commanding organ, and is commanded by the Chief of the General Staff, its highest staff officer.<sup>215</sup> The Chief of the General Staff reports to the President of the FRY.<sup>216</sup>

102. The competency and authority of the SDC commenced no later than 15 June 1992 and continued throughout all times relevant to the BiH Indictment.<sup>217</sup> The Accused as President of Serbia was a member of the SDC and participated in its decisions and exercise of authority from 15 June 1992. Between 8 July 1992 and 6 December 1995 the SDC met in full membership, including the Accused, on numerous occasions conducting business and exercising its authority as prescribed by applicable law. During those meetings the SDC passed decisions and issued orders and decrees demonstrating the Council's exercise of control over the VJ.

103. On at least one occasion the Commander of the VJ's 1st Army publicly declared that the SDC had authorised the incursion of his army into the territory of BiH (on this occasion, on 26 January 1993).<sup>218</sup>

104. The Accused's command authority over the VJ was not limited to his legal powers as a member of the SDC. He was able to exert command authority over the VJ on his own at all relevant times, and did not conceal this from international visitors.<sup>219</sup>

## 2. Serbian Ministry of Internal Affairs

105. The Republic of Serbia MUP,<sup>220</sup> apart from its normal law-enforcement operations, played a major role in the commission of crimes alleged in the Indictment on the orders and instructions of the Accused. As President of Serbia the Accused enjoyed a limited legal authority over the Serbian MUP. During the period covered by the Indictment he also enjoyed much greater *de facto* power over the Serbian MUP, especially through the Minister of Internal Affairs and the Chiefs and other senior officers of the Serbian MUP's two Departments of Public Security<sup>221</sup> and of State Security.<sup>222</sup> Notably Jovica Stani{i}, Chief of the SDB from March 1991 through October 1998, had a close working relationship with the Accused and reported directly to him, by-passing the Minister. Radovan Stoji-i}, ("aka

<sup>215</sup> 1994 FRY Law on the VJ, Art. 5 (BCS 0046-0639-0046-0680, ENG 0300-1302-0300-1395), hereinafter "1994 FRY Law on the VJ".

<sup>216</sup> 1994 FRY Law on the VJ, Art. 5.

<sup>217</sup> The SDC may have met as early as 27 April 1992. A JNA press release of 28 April 1992 refers to a decision of the SFRY Presidency (on the transformation of the JNA into the VJ), taken in consultation with the SDC of the FRY and in accordance with the FRY Constitution; BCS SA03-5087-SA03-5088.

<sup>218</sup> *Politika* 26 January 1993, Eng R032-0188-R032-0188.

<sup>219</sup> K-1, B-1759, K-33.

<sup>220</sup> Hereinafter "Serbian MUP".

<sup>221</sup> Or *Sektor javne bezbednosti*, later re-named *Resor javne bezbednosti*, hereinafter "JB".

Bad`a"), a senior officer and, from March 1992, Chief of the SJB, also worked closely with the Accused.

106. One of the earliest indications of the authority of the Accused over the Serbian MUP came in March 1991, when he threatened the members of the SFRY Presidency that he would mobilise the Serbian police.<sup>223</sup> The Accused reiterated this publicly on 16 March 1991 in an announcement that he had just ordered the mobilisation of the Reserve Police forces of the Serbian MUP.<sup>224</sup>

107. Radmilo Bogdanovi}, the Minister of Internal Affairs, was a loyal associate of the Accused. After resigning as minister, Bogdanovi} was replaced by Zoran Sokolovi}. In discussions with staff Sokolovi} called the Accused his boss. Irrespective of Sokolovi}'s official authority, his actual authority was second to that of Bogdanovi} who remained as a "shadow" minister.<sup>225</sup> Bogdanovi} shared a good working relationship with Jovica Stani{i},<sup>226</sup> who was effectively the Accused's "chief of staff" and consulted with him regularly.

108. The Accused issued a document to Stani{i}, stamped with the presidential seal, which specifically authorised him to report directly to him.<sup>227</sup> Stani{i}, in his capacity as the Accused's "chief of staff", often acted as his intermediary and personal envoy with members of the Croatian and Bosnian Serb leadership.<sup>228</sup> On or about 13 May 1997, Stani{i} recognised the authority of the Accused over him during a speech in which he turned to the Accused and said, "Everything we have done so far, we did under your control and with your authorisation".<sup>229</sup>

109. Stani{i} was instrumental in the establishment of Serbian armed forces in Croatia and Bosnia, acting both on his own and through subordinates, especially Franko Simatovi} (aka "Frenki"). For example, Stani{i} and Simatovi} worked with Dragan Vasiljkovi} (aka "Captain Dragan"), who trained and commanded Serb forces in the SAO Krajina in

---

<sup>222</sup> Or *Sektor dr`avne bezbednosti*, later re-named *Resor dr`avne bezbednosti*, hereinafter "SDB". On the Accused's *de facto* control and on the relationship between the Accused and Stani{i}, see expert witness on the Serbian MUP and witnesses K-1, K-33, C-039.

<sup>223</sup> B-1230

<sup>224</sup> The Accused, addressing members of local councils in Serbia on 16 March 1991, quoted in NIN, Belgrade, 12 April 1991, pp. 40-42 BCS 0214-4020-0214-4022, Eng 0303-5753-0303-5760

<sup>225</sup> C-039.

<sup>226</sup> B-056.

<sup>227</sup> K-33.

<sup>228</sup> Intercept Karad`i}/Stani{i}, 08/08/91, BCS 0206-6293-0206-6297, Eng 0092-1653-0092-1657; Intercept Karad`i}/Stani{i}, 12/11/91, BCS 0206-6268-0206-6269, Eng 0092-1632-0092-1632; Intercept Karad`i}/Stani{i}, 21/12/91, BCS 0206-6275-0206-6279, Eng 0092-1642-0092-1645;

<sup>229</sup> C-039.

1991.<sup>230</sup> On 11 November 1991 Captain Dragan stated publicly that he was working for the Serbian MUP, training a special-purpose unit and working also with the TO.<sup>231</sup> In 1991 Captain Dragan was relieved of some of his duties by Stani{i} who explained to him that it was on the orders of the Accused.<sup>232</sup>

110. The Accused and other participants in the joint criminal enterprise sought to consolidate and strengthen the Serbian MUP's authority among Federal institutions. Ultimately the MUP and especially the SDB became one of the most powerful institutions in the former Yugoslavia.<sup>233</sup>

111. In October 1992 the Serbian MUP forcibly took over the Yugoslav Federal MUP. This operation was organised by Mihalj Kertes, Radovan Stoji-i} and Stani{i} with the approval of the Accused. This take-over was designed to further consolidate power under the Serbian MUP by taking possession of the Federal MUP's operational surveillance equipment and, more importantly, its archive of files.<sup>234</sup> Taking possession of this large archive ensured that the Federal MUP no longer possessed information that could embarrass or compromise the authority of the Accused and his associates and also armed the Serbian MUP with confidential intelligence files of others who might oppose its efforts to expand its authority. Additionally it gave the Serbian SDB access to the identities of all covert operatives of the Federal MUP throughout the territory of the former Yugoslavia.

112. The take-over of the Federal MUP itself also marked a significant expansion of the Serbian MUP's mandate. A change in the DB's work-plan obliged it to monitor the condition of Serb communities in the other Republics of the former Yugoslavia and to inform Serb authorities accordingly.<sup>235</sup>

113. The SDB also compromised the independent authority of other Federal institutions. The SDB installed Nedjelko Bo{kovi} as head of KOS in May 1992 and took over the responsibility of providing for the personal security of Bo{kovi} and of Air Force General Bo`idar Stevanovi}, a responsibility formerly borne by JNA personnel.<sup>236</sup>

<sup>230</sup> B-056, C-028, Articles from Dobrila Gaji}-Glisi} book, The Serbian Army –From the Office of the Minister of the Army".: "Captain Dragan Travels and Makes Purchases", Eng. L003-7650-L003-7657; "Airlifts for Se{elj}" Eng L003-7647-L003-7680, "Croatia a Mere Executioner" Eng L003-7907-L003-7929, and "Primitive Army" Eng L003-7965-L003-7975.

<sup>231</sup> Capt. Dragan on professional military training for Serbia's Ministry units', BBC Summary of World Broadcasts 11 November 1991, Eng 0047-8642-0047-8644

<sup>232</sup> B-073

<sup>233</sup> C-039.

<sup>234</sup> C-039.

<sup>235</sup> C-040.

<sup>236</sup> C-039.



114. The resources and personnel of the Serbian MUP were regularly and directly employed as a means for the Accused to participate in the take-over of targeted areas in both Croatia and BiH and in the removal of non-Serbs. During the conflict Serbian MUP personnel worked "shifts" in both the Serb Krajina<sup>237</sup> and in BiH.<sup>238</sup> Other MUP members were sent to command local TO units in Croatia.<sup>239</sup>

115. Apart from this direct involvement, the Serbian MUP was also involved in the formation<sup>240</sup> and support of other paramilitary organisations engaged in the commission of crimes.<sup>241</sup>

116. As described in other parts of this brief, in Croatia from April 1991 onwards, the Serbian MUP, through Radovan Stojić and Frenki Simatović, set up training camps for volunteers and paramilitaries in the SAOs Krajina and SBWS.<sup>242</sup>

117. In BiH, during the takeover of Bosanski [amac the Crisis Staff asked the Serbian MUP to send a group of paramilitaries to the municipality. The request was granted: the paramilitary leader Dragan Djordjević (aka "Crni") and his men came to Bosanski [amac in April of 1992.<sup>243</sup> Simo Zarić went to Belgrade to secure assistance from the Serbian MUP, and after a conversation with Frenki Simatović he was told that Crni would be sent to assist them.<sup>244</sup>

118. The Accused created armed forces within and associated with the Serbian MUP, as a more reliable alternative to the JNA.<sup>245</sup> Captain Dragan explained that it was "important to strengthen the Internal Affairs Ministry of Serbia until the situation in the Yugoslav People's Army becomes clear".<sup>246</sup> Radmilo Bogdanović, stated in 1995 that in his view the

---

<sup>237</sup> K-1.

<sup>238</sup> K-1.

<sup>239</sup> C-015 and C-004.

<sup>240</sup> K-1, Capt. Dragan on professional military training for Serbia's Ministry units', BBC Summary of World Broadcasts 11 November 1991, Eng 0047-8642-0047-8644

<sup>241</sup> K-1. [e(] in an interview with Mirjana Bobi-Mojsilović) entitled "Milo(] and I" published in *Duga*, 28 May – 10 June 1994, pp. 90 and 93. Colonel Sijivancanin in a public statement published in "The Order Came from Dedinje" p. 20 stated: Serbia's MUP provided the complete arsenal of the White Eagles,' and Seselj's Radical Party". "The President's Secret Henchmen" from The Guardian, 3 Feb 1997, Eng 0046-6096-00466098. A paramilitary called Branislav Vakić claimed in an interview: "MUP started to help the Chetniks in May. The MUP forces at that time were under Radovan Stojčić-Bad'a. We just got weapons from then. But we started to act together in January 1993, in Skelani and towards Srebrenica. We got uniforms from MUP, and the weapons we wanted: infantry weapons, machine guns, sniper rifles with night scopes and mortars".

<sup>242</sup> C-039, B-050, C-036.

<sup>243</sup> B-1244.

<sup>244</sup> Suspect interview of Simo Zarić, April/June 98, V000-1328-V000-1331; V000-1393-V000-1394; Eng, 0061-3921-0061-3972, Eng. 0066-2258-0066-2301, Eng. 0066-2486-0066-2555

<sup>245</sup> C-039.

<sup>246</sup> Capt. Dragan on professional military training for Serbia's Ministry units', BBC Summary of World Broadcasts 11 November 1991, Eng 0047-8642-0047-8644

establishment of Arkan's Tigers and Milan Martić's men were within the law and pursuant to the Serbian Law on Defence.<sup>247</sup>

119. One of the early groups that constituted these special forces were from Knin, Croatia and were sent to Fruška Gora in Serbia to train with the SDB. This training was organised by Frenki Simatović and once trained, the group was fully integrated into the SDB.<sup>248</sup> He also trained Serbs from the Krajina in Bujan Potok, a JNA military base near Belgrade.<sup>249</sup> Simatović was in charge of these special operations units.<sup>250</sup>

120. The Serbian MUP frequently released convicts and pre-trial detainees from prison in exchange for enrolling in special-forces units. Released criminals were issued official SDB cards that permitted them to pass through police checkpoints and border crossings. Special-forces officers were issued SDB identification cards from the Republic of Serbia, the RS and the RSK allowing them to travel throughout the region without being stopped. These identification cards allowed them to disguise the fact that they were from Serbia.<sup>251</sup>

121. Ultimately the SDB contained several units such as the Grey Wolves and the Red Berets.<sup>252</sup> These units became a large and powerful paramilitary wing of the Serbian MUP under the control of the Accused. Furthermore, his control over them was exercised to advance the goals of the joint criminal enterprise.

122. In 1991 members of the special forces, at the direction of Frenki Simatović, secretly distributed guns, hand grenades and other equipment used in the instigation of violence in the Knin area.<sup>253</sup> In Mostar in May and June 1992, the Red Berets took part in operations with the JNA, the White Eagles paramilitary group and the local Bosnian Serb MUP. In the course of these operations Serb forces including SDB officers engaged in widespread looting, ethnic cleansing and the murder of a large number of non-Serb civilians.<sup>254</sup>

123. Long after the public withdrawal of JNA forces from BiH, the special operations unit maintained a presence and actively participated on behalf of the Accused in the conflict. In 1994 the Red Berets fought in BiH under the supervision of Frenki Simatović. Those that were former members of Arkan's Tigers still received their pay from Arkan although their

<sup>247</sup> Article published in 'Duga' entitled, "Service Logistics for the Will of People", Interview of Radmilo Bogdanović, ex Serbian MUP Minister, 20/01/95, BCS 0217-1369-0217-1374

<sup>248</sup> B-073.

<sup>249</sup> Dobriša Gajić-Gličić in her book "The Serbian Army – From the Office of the Minister of the Army", BCS 0071-7724-0071-7724, Eng 0096-1072-0096-1099

<sup>250</sup> B-050

<sup>251</sup> C-017

<sup>252</sup> B-073.

<sup>253</sup> C-017.

<sup>254</sup> C-017.

money for living expenses was paid for by the Red Berets. They were instructed never to publicly admit that they were from Serbia.<sup>255</sup>

124. Serbian MUP special forces units collaborated with the JNA in places such as Plitvice, Croatia and in Eastern Slavonia;<sup>256</sup> with the RSK Army;<sup>257</sup> and with Fikret Abdi}'s men.<sup>258</sup> The Red Berets trained other militias of Serb nationality from BiH and Croatia and collaborated with the SDS party by training militias of Serb nationality sent from municipalities to be trained by special forces trainers.<sup>259</sup> Special forces units also collaborated with other paramilitary groups such as the White Eagles<sup>260</sup> and the group of paramilitaries lead by Branislav Vaki}.<sup>261</sup> This collaboration included both training and actual combat.

125. Frenki Simatovi} told a group of special-forces members, at a meeting in 1995, that "The president's doors are open to me". Simatovi} implied that the Accused would supply whatever the unit required, and went on to say that they were authorised to operate on behalf of Serbia's interest anywhere in the former Yugoslavia or, if necessary, in the world.<sup>262</sup>

126. In April 2001 the Accused admitted to providing finances for what he referred to as the security forces and the anti-terrorist forces.<sup>263</sup>

#### Arkan' Tigers

127. @eljko Ra`njatovi} (aka "Arkan") and his paramilitary group the Tigers<sup>264</sup> were among the most brutal and notorious perpetrators of crimes in both Croatia and BiH. From the establishment of his paramilitary organisation, Arkan had a very close working relationship with the Serbian MUP culminating in the eventual incorporation of his unit into the SDB.

128. Arkan's Tigers were supplied by the Serbian MUP and had unrestricted access to munitions and other logistical support from military and Serbian MUP stores.<sup>265</sup> Members of

---

<sup>255</sup> C-020.

<sup>256</sup> B-050.

<sup>257</sup> K-2.

<sup>258</sup> C-020, C-001. Fikret Abdi}'s men were assisted by Special Operations units as well as Arkan's Tigers.

<sup>259</sup> B-050.

<sup>260</sup> C-017.

<sup>261</sup> Newspaper article entitled "The president's secret henchmen", published in "The Guardian", on 3-Feb-97, Eng 0046-6096-0046-6098

<sup>262</sup> K-2.

<sup>263</sup> An appeal with a reference number 318/01 against a formal decision on the pre-trial detention of the accused submitted to the investigative magistrate of the Belgrade District Court signed by Slobodan Milo{evi}, dated 2 April 2001, BCS 0203-0919-0203-0921, Eng. 0190-3521-0190-3523

<sup>264</sup> Also known as the Serbian Volunteer Guard (*Srpska dobrovolja-ka garda*), hereinafter "SDG" or "Tigers".

<sup>265</sup> C-018

Arkan's Tigers received official identification papers of the Serbian National Security in Croatia, which was the equivalent of the SDB in Serbia.<sup>266</sup>

129. Arkan openly advocated the commission of war crimes to the men he trained.<sup>267</sup> Arkan told some conscripts in his unit that he had been instrumental in supplying the Krajina Serbs with arms and supplies for over five years.<sup>268</sup>

130. Radovan Stojić of the Republic of Serbia MUP (SJB) worked jointly with Arkan to form "Arkan's Tigers".<sup>269</sup> When Stojić died in 1997 a photograph taken during the funeral depicts both Arkan and the Accused together.<sup>270</sup>

131. Prior to the incorporation of Arkan's Tigers into the SDB, they worked closely with the Special Operations units of the DB.<sup>271</sup> Some members of Arkan's Tigers were transferred to the DB units.<sup>272</sup> In August 1994 Arkan's Tigers were formally placed under the command of Special Operations unit known as the Red Berets.<sup>273</sup> In 1995 Arkan publicly stated that he worked under the direction of the Republic of Serbian MUP.<sup>274</sup>

132. The Serbian MUP also arrested civilians in Serbia and sent those that were not from Serbia to Arkan's training camps in Erdut and in BiH for later transfer to the front.<sup>275</sup> During the time period covered by the Indictment Arkan co-operated openly with the JNA and the RSK.<sup>276</sup> The Serbian MoD also supported his operations.<sup>277</sup>

#### Serbian Radical Party

133. The Serbian Radical Party<sup>278</sup> was officially registered by Vojislav [e] on 25 February 1991.<sup>279</sup> The SRS party program called for:

the renewal of a free, independent and democratic Serbian state in the Balkans which includes the entire Serbdom, all Serbian lands, which means that it will have within its borders, besides the present-day dictated Serbian federal unit,

<sup>266</sup> C-020, C-015 C-018.

<sup>267</sup> B-1052.

<sup>268</sup> C-001.

<sup>269</sup> K-10, and " *Ju-e u pola jedan Beogradu ubijen zamenik ministra - Radovan Stojić Badža*", Novosti 12-13 April 1997, BCS 0063-2411-0063-2411.

<sup>270</sup> Article titled "The Assassination of Radovan Stojić Badža: The State and the Mafia", in Vreme, 19/04/97, BCS 0063-2393-0063-2400, Eng 0063-2403-0063-2407.

<sup>271</sup> C-001.

<sup>272</sup> K-2.

<sup>273</sup> C-020.

<sup>274</sup> Interview with Arkan, Telegraf, 25 October 1995, Eng R036-0608-R036-0612.

<sup>275</sup> B-050, C-036, and Ruling of 30 June 1997, First Municipal Court Belgrade, case of Nikola Bala, BCS 0051-1972-0051-1973, Eng L000-7207-L000-7209.

<sup>276</sup> C-001.

<sup>277</sup> Dobrila Gajić-Glić, "The Serbian Army –From the Office of the Minister of the Army"., BCS 0071-7724-0071-7724, Eng 0096-1072-0096-1099.

<sup>278</sup> Or Srpska radikalna stranka, hereinafter "SRS".

<sup>279</sup> *Velika Srbija* No. 9, May 1991, BCS 0041-3271-0041-3338.

Serbian Macedonia, Serbian Montenegro, Serbian Bosnia, Serbian Herzegovina, Serbian Dubrovnik, Serbian Dalmatia, Serbian Lika, Serbian Kordun, Serbian Banija, Serbian Slavonia, and Serbian Baranja.<sup>280</sup>

134. The SRS program also explicitly identifies the line Karlobag-Ogulin-Karlovac-Virovitica as the western border of the Serb lands. The great majority of Croatia lies east of this line and was thus claimed by the SRS as "Serbian land". At Karlovac, the line approaches to within a few kilometres of the Republic of Slovenia; Karlobag is a town on the northwest coast of Croatia. Serbs beyond that territory were to be encouraged to migrate in, while Serbian dominance was to be established within these borders. A large part of the program is devoted to plans for asserting Serbian dominance over Kosovo, including restoring the ethnic balance to the proportions of 6 April 1941 (the date of the Axis invasion of Yugoslavia).

135. The SRS formed paramilitary units known as *[e{elj}evci* ([e{elj}'s men) or Chetniks. According to [e{elj}, his men were armed by both the Serbian MUP and the JNA, and fought under integrated JNA command.<sup>281</sup> The [e{elj}evci fought in Vukovar, and when [e{elj} himself appeared there in November 1991 he was overheard saying "we are all one army", that is, all working together under JNA command.<sup>282</sup>

136. [e{elj} was one of the most notorious Serb propagandists and regularly made extreme, inflammatory statements about non-Serbs. In summer 1991 he threatened the Bosnian Muslims that if they supported the Croats, the Serbs would attack them and they "won't stop running all the way to Anatolia", in Turkey.<sup>283</sup> About a week before the JNA attack and takeover of Baranja (which became part of the SAO SBWS) in late July and early August 1991, [e{elj} appeared there and gave a speech urging the killing of any Croat who dared say that Baranja was Croatian land.<sup>284</sup>

137. [e{elj}'s men arrived in the Croatian village of Vo}in in October 1991 and stayed until the mass killing of the remaining Croats of the village in mid-December 1991, a crime in which they were involved.<sup>285</sup> [e{elj} himself visited his troops in Vo}in.<sup>286</sup>

<sup>280</sup> *Ujedinjeno Srpstvo* 1:1 (11 May 1991), reprinted in *Velika Srbija* #14 (March 1994), p. 32.

<sup>281</sup> Interview with [e{elj} for BBC program "Death of Yugoslavia", March 1995, Eng 0090-7337-0090-7374, BCS 0304-0663-0304-0690; "Guja u nedrima", [e{elj} interviewed by Mirjana Bobic-Mojsilovic, *Glas* (1994), pp. 76-77, BCS 0090-7337-0090-7374.

<sup>282</sup> C-004 and C-005.

<sup>283</sup> *Ujedinjeno Srpstvo*, 9 June 1991, reprinted in *Velika Srbija* March 1994, BCS 0046-8503-0046-8536.

<sup>284</sup> Interview with Vojislav [e{elj}, V000-0543-V000-0543.

<sup>285</sup> See section on Vo}in in the Croatian Crime Base section, below.

<sup>286</sup> C-1079, C-1186.

138. Troops raised by [e{elj} or associated with him also fought in Bosnia, in Bijeljina, Zvornik and Sarajevo. [e{elj} called on volunteers and extremists in the Srem region of Vojvodina to persecute and expel the Croat population. After such a call in May 1992, the Croats of the village of Hrtkovci were expelled in a concerted action of paramilitary and police forces. Approximately twenty thousand Croats were expelled from Vojvodina from 1991 to 1993.<sup>287</sup>

139. The Accused and [e{elj} had personal contacts. The Accused provided [e{elj} the means to visit his troops in Croatia in 1991.<sup>288</sup> According to [e{elj}, the Accused directly asked for volunteers to be sent to the places where military actions had to be organised:<sup>289</sup>

Milo{evi} organised everything. We gathered the volunteers and he gave us special barracks at Bubanj Potok, all our uniforms, arms, military technology and buses. All our units were always under the command of the Yugoslav army. [...] Nothing could happen on the Serbian side without Milo{evi}'s order or his knowledge.<sup>290</sup>

140. The SRS became a convenient political partner for the SPS after the SRS success in the federal and republican elections in 1992. On 4 June 1992, in elections for the Chamber of Citizens of the Federal Parliament, the SPS won 73, and the SRS 33, of 136 seats in the Parliament. This made the SRS the second party in the Parliament and the most important opposition party in the Chamber of Citizens. In parliamentary and presidential elections in Serbia in December 1992, the SPS won 101 seats in Parliament and the SRS won 73.

141. In December 1992, on the eve of the elections in Serbia, [e{elj} said that the SRS did not propose its own candidate for Serbian President. He supported the candidacy of the Accused for President of Serbia.<sup>291</sup> After the election [e{elj} expressed his satisfaction with the election results.<sup>292</sup> The Accused won the Presidential elections, winning 56% of the electorate.

142. The SPS and the SRS were in an informal but effective coalition from 1992 to 1993. During that period, the SRS, and particularly [e{elj}, were supporting activities of the SPS and adjusting their actions according to the needs of the Accused. On 18 June 1993, for example, when a group of 21 opposition deputies brought a no-confidence motion in Serbian Prime

<sup>287</sup> C-1078. See also Interview with Mihajlo Ulemek, *Intervju* 14 November 1995, BCS 0049-4066-0049-4070, Eng 0091-1671-0091-1681.

<sup>288</sup> C-028, C-036.

<sup>289</sup> Interview with [e{elj} for BBC program "Death of Yugoslavia", 0090-7337-0090-7374.

<sup>290</sup> Cited in Du{ko Doder and Louise Branson, *Milo{evi}: Portrait of a tyrant*, Eng 0219-8427-0219-8428.

<sup>291</sup> Belgrade Radio Television, 9 December 1992, Eng R031-7922-R031-7922.

<sup>292</sup> Radio Beograd Network, 24 December 1992, Eng R031-8672-R031-8673.

Minister Nikola [ainovi}'s Government, the SRS intervened to save it. [e{elj also regularly attacked, in the media and in Parliament, the Accused's political opponents.

143. The most obvious indicators of the close relations between the two men are their public statements about each other. In an article published in *Vreme* on 28 December 1992 - immediately after the elections – [e{elj was quoted saying:

We are collaborating with the SPS, supporting its endeavours to change itself. As for reproaches that we are excessively inclined towards the SPS, I say that we have not changed anything in our programme, but perhaps others have inclined in our direction.<sup>293</sup>

144. After the Accused began to pressure the Bosnian Serb leadership to accept the Vance-Owen plan 1993, [e{elj responded in September 1993, by challenging the Accused's leadership, calling for a no-confidence vote in the Serbian government. The Accused applied drastic measures to get rid of his coalition partner, dissolving the Assembly and calling for early elections in December 1993. During the election campaign, SPS members publicly attacked [e{elj, calling him a war criminal and "the personification of primitivism and violence".<sup>294</sup> [e{elj responded that the Accused and his Serbian government was backing the paramilitary activities of the SRS. The Accused blamed the forces under [e{elj's command for atrocities committed in Croatia and Bosnia.<sup>295</sup> Under constant attacks from the SPS and media controlled by the Accused, and deprived of television coverage, the SRS lost almost a half of its seats in Parliament.

### 3. Republic of Serbian Krajina Serbian Democratic Party

145. The Serbian Democratic Party<sup>296</sup> was founded on 17 February 1990<sup>297</sup> by Jovan Ra{kovi} and others, in time to take part in the first multi-party elections in Croatia in April and May 1990. In those elections, the SDS won majorities in just three municipalities (Knin, Gra-ac, and Donji Lapac) and won five seats in the Croatian Assembly. In other Croatian municipalities with a predominantly Serbian population, many Serbs voted for the reformed Communists<sup>298</sup> or were divided between the SDS and the SDP.

146. Throughout the early months of its existence, the SDS was split between moderate politicians who envisioned a future for the Serbian population within Croatia, and radical

<sup>293</sup> *Vreme*, Belgrade, 28 December 1992, Nenad Lj. Stefanovi} "Claimant to Leadership".

<sup>294</sup> 0027-7212. Bassiouni Report.

<sup>295</sup> 0027-7212. Bassiouni Report.

<sup>296</sup> Or *Srpska Demokratska Stranka*, hereinafter "SDS-Croatia".

<sup>297</sup> Decision of the Republican Secretariat for Justice and Administration, Socialist Republic of Croatia, BCS 0214-1797-0214-1798.

Serbs that rejected even the possibility of remaining within Croatia in case of its secession from the SFRY. The moderate faction tried to achieve a political solution in negotiations with the Croatian authorities. With the consent of the Accused and his associates, the radicals denied all negotiations with the Croatian government and early on resorted to violence. Moderates were threatened, ousted or killed.<sup>299</sup> The Accused and Jovi} showed a clear preference for the radical SDS faction in meetings in November 1990, and promised JNA protection.<sup>300</sup>

147. The post-election period was marked by parliamentary discussion on the amendments to the Croatian Constitution. The amendments that created discontent among the Serbs in Croatia were those defining the state of Croatia as the sovereign state of the Croatian nation, making reference to the Serbs as one of the national minorities, thus denying their constitutive status as had been granted under the 1974 Constitution.<sup>301</sup>

148. Many Serbian SDP delegates in the municipal assemblies changed their party affiliation and joined the SDS, enabling the SDS to take control over most of the Serb-majority municipalities.

149. The leading figure in the organisation of Serbian municipalities in Croatia was Milan Babi}, President of the Knin Municipal Assembly.<sup>302</sup>

#### SAO Krajina

150. In summer 1990, the SDS deputies withdrew from the Croatian Assembly. On 25 July 1990 the SDS, together with representatives of the Serbian municipalities in Krajina and representatives of the Serbian Orthodox Church, passed the "Declaration on the Sovereignty and Autonomy of the Serbian People".<sup>303</sup> This declaration proclaimed the Serbs in Croatia to be a sovereign people with a right to choose the form of autonomy they wanted. If Croatia remained in a federal Yugoslavia, they would demand cultural autonomy; however, if Yugoslavia became a confederation, they would require "political-territorial" autonomy.<sup>304</sup>

---

<sup>298</sup> The League of Communists of Croatia—Party of Democratic Change, or *Savez komunista Hrvatske—Stranka demokratskih promjena*, hereinafter "SDP".

<sup>299</sup> C-036, C-037.

<sup>300</sup> C-036, C-037.

<sup>301</sup> Excerpt of the 1974 Constitution of Croatia, BCS 0214-1951-0214-1951, ENG L005-9543-L005-9543.

<sup>302</sup> Decision on establishment of community of municipalities, 27 June 1990, BCS 0214-1845-0214-1848, ENG L006-4035-L006-4039.

<sup>303</sup> Declaration of the Sovereignty and autonomy of the Serbian people in Croatia, BCS 0214-1952-0214-1953, ENG L006-4356-L006-4358, hereinafter "Sovereignty Declaration".

<sup>304</sup> Sovereignty Declaration Art. 1, 2.



151. The Sovereignty Declaration also established the Serbian Assembly as the “political representative of the Serbian people in Croatia”, and the Serbian National Council<sup>305</sup> as its executive organ.<sup>306</sup> The SNC was given powers including the power to organise plebiscites for the Krajina Serbs on all issues relating to their status in Croatia and Yugoslavia; realising “Serbian sovereignty and autonomy”; implementing decisions of the Serbian Assembly; and preparing questions on which the Serbian Assembly would to decide, and the Serbian people would vote.<sup>307</sup> The Sovereignty Declaration also states that the Serbian Assembly proclaims that all Croatian “constitutional and legal changes which negate [Serb’s ] sovereignty as a people and reduce their autonomous rights” are invalid for the Serbs.<sup>308</sup>

152. Milan Babi}, who enjoyed support from Belgrade at that time, was elected President of the SNC on its constituent session on 31 July 1990. On that occasion the SNC decided to call a referendum, to be held in all settlements where Serbs in Croatia live, between 19 August and 2 September 1990.<sup>309</sup>

153. This referendum was held as planned and according to the referendum commission, 99.97 % voted in favour of Serbian autonomy in Croatia. Only Serbs were entitled to vote. In addition to the Serbs in Croatia, the right to vote was given to Serbs born in Croatia, but who resided in other Yugoslav republics.<sup>310</sup>

154. On 21 December 1990 the SNC and the Temporary Presidency<sup>311</sup> of the Association of the Municipalities of Northern Dalmatia and Lika declared the Serbian Autonomous District of Krajina<sup>312</sup> and adopted a Statute.<sup>313</sup> According to the Statute, the SAO Krajina executed laws, other ordinances and general acts of the Republic of Croatia and the SFRY.<sup>314</sup> On 28 March 1991, the Statute was amended and references to the Republic of Croatia and its regulations were expunged in favour of the federation.<sup>315</sup>

155. After the Croatian Assembly decided on 20 February 1991 to dissociate with the Republic of Croatia and the SFRY, the SNC and the Executive Council of the SAO Krajina

<sup>305</sup> Or *Srpsko narodno ve}e*, hereinafter, “SNC”.

<sup>306</sup> Sovereignty Declaration, Art. 3, 4.

<sup>307</sup> Sovereignty Declaration.

<sup>308</sup> Sovereignty Declaration, Art. 5.

<sup>309</sup> *Tanjug*, 31 July 1990, ENG R028-8592-R028-8592.

<sup>310</sup> *Tanjug* 7 August 1990, ENG R028-8753-r028-8753.

<sup>311</sup> Temporary Presidency of the Association of the Municipalities of Northern Dalmatia and Lika performs the tasks and duties of the Executive Council (i.e. government) of the SAO Krajina, according to the Decision on implementation of the Statute of the SAO Krajina, BCS 0214-1849-0214-1852, ENG L006-4148-L006-4161

<sup>312</sup> Or *Srpska autonomna oblast Krajine*, hereinafter “SAO Krajina”.

<sup>313</sup> *Sudbina Krajine*, by Sr|an Radulovi}, C-036, Decree to enforce the Statute of the SAO Krajina, BCS 0217-2148-0217-2148.

<sup>314</sup> *Danas*, 26 February 1993, ENG R032-2166-R032-2170.

<sup>315</sup> *Danas*, 26 February 1993, ENG R032-2166-R032-2170.

passed a Resolution on 28 February on dissociation of the SAO Krajina and the Republic of Croatia.

156. On 1 April 1991, the Executive Council of the SAO Krajina passed the decision to incorporate the SAO Krajina into the Republic of Serbia. At the same time the SAO Krajina recognised the Constitution and laws of the Republic of Serbia, as well as all the SFRY constitutional-legal system and decided that the laws and regulations of the Republic of Serbia applied throughout the territory.<sup>316</sup> According to this decision, the following municipalities were integrated into the Republic of Serbia: Knin, Benkovac, Obrovac, Gračac, Donji Lapac, Korenica, Vojni}, Vrginmost, Glina, Dvor, Kostajnica, Patrinja and Pakrac.<sup>317</sup>

157. On 30 April 1991, the Assembly of SAO Krajina held its constitutive session,<sup>318</sup> at which Milan Babi} was elected President of the Executive Council of the SAO Krajina.<sup>319</sup>

158. On 12 May 1991, a referendum was carried out on the territory of the SAO Krajina<sup>320</sup> on whether the SAO Krajina should join the Republic of Serbia and remain in Yugoslavia with Serbia, Montenegro and others that wish to preserve Yugoslavia.<sup>321</sup> According to the commission in charge of the referendum, 99.8 % of voters voted in favour of remaining in Yugoslavia.<sup>322</sup> On 29 May 1991, the Assembly of the SAO Krajina, declared the Statute of the SAO Krajina to be a Constitutional Law.<sup>323</sup> The Constitutional Law was accompanied by numerous decisions proclaiming secession of the SAO Krajina from Croatia.<sup>324</sup> With the Supplementary Law on the Constitutional Law of the SAO Krajina, the Executive Council was renamed the Government of SAO Krajina.<sup>325</sup> According to the SAO Constitutional Law, the official organs of the SAO Krajina were the Assembly, the Government and the Prime Minister.<sup>326</sup> On 29 May 1991, the Assembly adopted the Law on Application of Legal

<sup>316</sup> Decision on annexation of the SAO Krajina to the Republic of Serbia, BCS 0207-7897-0207-7898, ENG 0303-1779-0303-1780 and Decision to announce the referendum on joining the Republic of Serbia, BCS 0214-1880-0214-1880.

<sup>317</sup> Decree to annex the SAO Krajina to Republic of Serbia issued by the Executive Council of the SAO Krajina, BCS 0217-2158-0217-2159.

<sup>318</sup> Standing Order of the SAO Krajina Assembly issued on its first session held on 30 April 1991, BCS 0214-1922-0214-1941.

<sup>319</sup> Decision of the Assembly of the SAO Krajina of 30 April 1991, BCS 0217-2164-0217-2164.

<sup>320</sup> In the municipalities of Benkovac, Vojni}, Vrginmost, Donji Lapac, Dvor na Uni, Glina, Gračac, Korenica, Kostajnica, Knin, Obrovac and Pakrac. According to BCS 0214-1854-0214-1859.

<sup>321</sup> Report of the Central Commission for Referendums /*Centralna Komisija za sprovođenje referenduma na području SAO Krajine* of 14 May 1991, BCS 0214-1854-0214-1859.

<sup>322</sup> Ibid.

<sup>323</sup> Decision of the Assembly of the SAO Krajina adopting the Statute as the Constitution of the SAO Krajina, BCS 0214-1863-0214-1863.

<sup>324</sup> Constitutional Law of the SAO Krajina, BCS 0214-1864-0214-1869 and Supplementary Law of the Constitutional Law of the SAO Krajina, BCS 0214-1870-0214-1871.

<sup>325</sup> Supplementary Law of the Constitutional Law of the SAO Krajina, BCS 0214-1870-0214-1871.

<sup>326</sup> Constitutional Law of the SAO Krajina, BCS 0214-1864-0214-1869, Article 8.

Regulations of the Republic of Serbia in the Territory of the Serbian Autonomous Region of Krajina.<sup>327</sup>

159. On 19 December 1991, the SAO Krajina proclaimed itself the Republic of Serbian Krajina<sup>328</sup> with Milan Babi} as President. On 26 February the SAO Western Slavonia and SAO Slavonia, Baranja and Western Srem joined it in unilateral declarations by these entities.<sup>329</sup>

160. According to the Constitutional Law, the Prime Minister was the highest government official and was empowered to represent the SAO Krajina.<sup>330</sup> The Prime Minister is authorised to proclaim laws, decisions and other general acts of the Assembly, call and preside over Government sessions, propose and confirm their agenda, and sign the minutes.<sup>331</sup> The Prime Minister also has the role of Commander-in-Chief of the SAO Krajina armed forces. Between 1 August and 30 November 1991, the Law of Defence in force in the SAO Krajina was that of the Republic of Serbia, and the rights and duties of the Prime Minister of the SAO Krajina Government were the same as those of Serbia's President.<sup>332</sup> As of 30 November 1991, the law in force was the Law on Defence of the SAO Krajina, according to which the Prime Minister's powers in the area of defence included: leading the armed forces in peace and war, dealing with organisational and personnel questions relating to the TO, preparing for defence, ordering measures for state of alert, and mobilising police forces in time of war.<sup>333</sup> Milan Babi} performed the role of the Head of the executive body of the SAO Krajina, from at least 4 January 1991 until December 1991, under various titles: President of the Executive Council, President of the Government and Prime Minister.<sup>334</sup>

#### SAO Western Slavonia

161. The SDS in Slavonia was established in the beginning of May 1990. At that time, the SDS of Slavonia covered the whole of the region, from Vukovar in the east to Kutina in the west. It was a united political party until June 1991 when the Eastern Slavonian branch, lead by Goran Had}i}, formed its own political institutions within the framework of the SAO

<sup>327</sup> Law on Application of Legal Regulations of the Republic of Serbia in the Territory of the Serbian Autonomous Region of Krajina, BCS 0214-1920-0214-1920.

<sup>328</sup> Or *Republika Srpske Krajine*, hereinafter "RSK".

<sup>329</sup> C-036, C-037 and Report on the proclamation of the Republic of Serbian Krajina by the SAO Krajina Assembly in Knin on 19 December 1991, BCS 0207-8206-0207-8207.

<sup>330</sup> Constitutional Law of the SAO Krajina, BCS 0214-1864-0214-1869, Article 22.

<sup>331</sup> Ibid, and Rules of Procedure of the SAO Krajina Government, Articles 17, 19, 23 and 28.

<sup>332</sup> Decision on implementation of the Law on Defence of the Serbian Republic on the territory of the SAO Krajina, BCS 0217-2185-0217-2186.

<sup>333</sup> Law on Defence of the SAO Krajina, Article 6.

<sup>334</sup> Although Milan Babi} was elected President of the Executive Council on 30 April 1991 (BCS 0214-1922-0214-1941), the documents BCS 0217-2060-0217-2060 and BCS 0217-2061-0217-2061 prove that he was performing the role of President of that body since at least 4 January 1991.

Slavonia Baranja and Western Srem, marking a *de facto* separation from the SDS leadership from Western Slavonia.<sup>335</sup>

162. On 13 August 1991, the West Slavonian members of the presidency of the SDS of Slavonia held a session in Pakrac at which it was decided to declare the establishment of the SAO Western Slavonia.<sup>336</sup> The reason for this was the West Slavonian leadership's desire to distance itself from the leadership of the SAO Slavonia, Baranja and Western Srem, led by Hadžić, whose radical policies they opposed.<sup>337</sup>

163. The ethnic distribution of the population was used as the criteria for defining the territory of SAO Slavonia. The municipalities included in the SAO Western Slavonia were those whose representatives were present at the above session of the SDS Regional Board: Pakrac, Daruvar, Grubišno Polje, Podravska Slatina, Okučani, and parts of the Slavonska Pože and Orahovica municipalities.<sup>338</sup> In these areas Serbs represented 50% or more of the total population.<sup>339</sup>

164. Although the Great National Assembly of Western Slavonia chose the President of the government, this role was never appointed as war broke out soon after and the TO took over executive powers. Veljko Vukelić, SDS president of Slatina, led the TO.<sup>340</sup>

165. On 26 February 1992, the SAO Western Slavonia joined the SAO Krajina and the SAO Slavonia, Baranja and Western Srem in order to form the Republic of Serbian Krajina (RSK).

166. In accordance with the Vance Peace Plan, the UN peacekeeping troops took control over the territories that were initially planned to be in the SAO Western Slavonia. In the first week of May 1995, the armed forces of the Republic of Croatia launched Operation Flash and retook the territory of Western Slavonia.

#### SAO Slavonia, Baranja and Western Srem

167. As noted above, the SDS of Slavonia, covering whole of the region from Vukovar to Kutina, was established in May 1990. However, in June 1991 the SDS leadership, led by Hadžić, marginalised members from western part of the region from further activities of the

---

<sup>335</sup> C-037.

<sup>336</sup> To give more weight to their declaration the SDS members present renamed that body, composed exclusively of presidency members from Western Slavonia, as the "Great National Assembly of Western Slavonia".

<sup>337</sup> C-037

<sup>338</sup> C-037

<sup>339</sup> C-037

<sup>340</sup> C-1186.

SDS Slavonia, creating *de facto* a distinct SDS that was active in SAO Slavonia, Baranja and Western Srem.<sup>341</sup>

168. On 7 January 1991 the Serbian National Council (SNC) for SBWS was formed in [idski Banovci.<sup>342</sup> On 26 February, the SNC of SBWS adopted a Declaration on Sovereign Autonomy of the Serbs, proclaiming the Serbs in Croatia to be a sovereign people, with a right to autonomy.

169. On 25 June 1991, the "Great National Assembly of SBWS" was formed in Ba-ka Palanka, Serbia at a meeting attended by representatives of all the Serb villages in the SBWS. The Great National Assembly decided that the region of SBWS was to be constituted as SAO SBWS and was to secede from Croatia. Goran Had`i}, until then President of the SNC, was elected Prime Minister designate.<sup>343</sup>

170. During the course of August 1991, Hadzi} formed the government and became the Premier.<sup>344</sup> He was in direct contact with the Accused and was receiving orders from him.<sup>345</sup>

171. As noted above, in February 1992, the SAO SBWS joined SAO Krajina and SAO Western Slavonia to form the RSK. Within the RSK it was organised as a Serbian District with a degree of autonomy vis-à-vis the RSK government.

172. After Operation Storm in November 1995, the government of Croatia and Serbian representatives including Had`i} signed the Erdut Agreement on peaceful reintegration of Eastern Slavonia, Baranja and Western Srem into Croatia. In November 1997, Eastern Slavonia, Baranja and Western Srem were reintegrated into Croatia.

#### Republic of Serbian Krajina

173. On 19 December 1991, the SAO Krajina Assembly in Knin declared the Republic of Serbian Krajina,<sup>346</sup> comprising at that time the territory of the SAO Krajina. Milan Babi} was elected President of the Republic.

174. Following disagreement between Babi} and the Accused over the Vance Peace Plan, Babi} was marginalised by late February 1992 when the other two SAOs joined with the RSK, thereby outnumbering the SDS members loyal to Babi}. On 26 February 1992, the SAO Krajina, SAO Western Slavonia and SAO SBWS were merged into the Republic of

<sup>341</sup> Hereinafter "SBWS".

<sup>342</sup> B-1231.

<sup>343</sup> B-1231.

<sup>344</sup> B-1231.

<sup>345</sup> C-015, C-020, C-036, C-037, C-040.

<sup>346</sup> Or *Republika Srpske Krajine*, hereinafter "RSK".

Serbian Krajina and Hadži was appointed President. He remained in that position until January 1994, when Milan Martić was elected to the position.

#### RSK President

175. Under the RSK Constitution, the President of the RSK supervised the armed forces in peace and war, and national resistance in war; regulated general and partial mobilisation, and organised preparation for defence in accordance with the law.<sup>347</sup> He proclaimed laws by edict following their passage by the Assembly.<sup>348</sup>

176. In addition to these supervisory powers, the President was to nominate candidates for members of the Government after having heard the majority opinion in the Assembly,<sup>349</sup> and was empowered to propose that the Assembly dismiss members of the Government.<sup>350</sup> The President was also charged with nominating candidates for president and Constitutional Court judges in the Assembly. The Constitution also granted the President extensive emergency powers.<sup>351</sup>

177. In early August 1995, Croatian forces retook possession of Krajina. Its fall marked the end of the RSK.

#### 4. Croatian Serb Ministry of Internal Affairs

178. Parallel to the establishment of separate regional structures, the Serbs in the Croatian SAOs built up a separate police and military structure.

179. Milan Martić,<sup>352</sup> founder and commander of "Martić's police",<sup>353</sup> served as a police officer in Croatia until 1990. As early as 1990, Martić began building his police from the Serbs within the Croatian police, who made up 60% of that force in Krajina. Martić urged local Serbs to prepare for the genocide that he said Croatia was planning against the Serbs in Croatia.<sup>354</sup> Martić rejected all expressions of the new Croatian state, including the new police

<sup>347</sup> Constitution of the Republic of Serbian Krajina, 1 Official Gazette of the Republic of Serbian Krajina (2 January 1992) (Hereinafter "RSK Constitution"), Article 78, BCS 0214-1817-0214-1843, ENG 0008-4618.

<sup>348</sup> RSK Constitution, Article 78.

<sup>349</sup> RSK Constitution, Article 78. These powers were ended by Amendment IV to the Constitution, which empowered the candidate for Prime Minister to nominate candidates for the remaining posts within the government.

<sup>350</sup> RSK Constitution, Article 87. This was also enumerated in the Law on the Government, *Zakon o Vladi Republike Srpske Krajine* (Law on the Government of the Republic of Serbian Krajina), Official Gazette of the Republic of Serbian Krajina 28 (23 March 1992), Article 8.

<sup>351</sup> RSK Constitution, Article 78.

<sup>352</sup> On 25 July, 1995 Martić was indicted by the ICTY for the 2 May 1995 cluster bombing of central Zagreb, causing death and injury to the citizens of Croatia's capital: IT-95-11-PT. He is in ICTY custody.

<sup>353</sup> Also referred to as Martić's Police, Martić's Militia, Marticevci, SAO Krajina Police or SAO Krajina Militia.

<sup>354</sup> Interview with Milan Martić, BBC Death of Yugoslavia, ENG 0219-5504-0219-5518.

uniform, which he called symbols from the Croatian fascist state of the Second World War.<sup>355</sup> On 20 August 1990 Martić was dismissed from the Croatian MUP.

180. Martić's Police were formed in the SAO Krajina by Martić under the direction of and in co-operation with Stanić and Simatović. With the support of the Accused and government organs and officials of Serbia and SFRY/FRY and in co-operation with military forces, including the JNA, they established Serb controlled military/police posts in the entire SAO Krajina.<sup>356</sup> As soon as these structures were created they clashed with the Croatian police.

181. On 4 July 1990, Representatives of the Croatian government, including Josip Boljkovac, the Interior Minister, came to Knin and attempted to calm the situation. This intervention failed, and Martić began to heavily arm his police "taking care not to give weapons to Croats".<sup>357</sup>

182. In mid-August of 1990, Milan Babić went to Belgrade and met with the president of Yugoslavia's presidency to ask for help. Babić demanded either JNA assistance or arms. On 17 August 1990, two days before the SAO referendum, the Croatian police began to disarm the police stations in Serbian municipalities. Under Martić's command, all of the reserve police arms were seized and barricades were erected. Martić distributed about 300 rifles and created a battalion separate from the regular police. At the same time Milan Babić proclaimed a state of war with Croatia.<sup>358</sup>

183. The Secretariat (later Ministry) of Internal Affairs of the SAO Krajina was established by the Executive Council of the SAO Krajina on 4 January 1991, and Milan Martić was appointed the Secretary of the SUP.<sup>359</sup>

184. In late March 1991, Martić's police took control over Plitvice National Park, a main tourist attraction on the road to the Croatian coast.<sup>360</sup> On 31 March 1991, the Croatian MUP arrived at the park but Martić's police had erected barriers. Two miles inside the park, the column of vehicles was ambushed and there was a fifteen minute firefight. A rocket propelled grenade was fired at a busload of Croatian policemen but failed to explode. The

<sup>355</sup> Interview with Milan Martić, BBC Death of Yugoslavia, ENG 0219-5504-0219-5518.

<sup>356</sup> Transcript of audio tape conversation between Stanić and Accused, BCS 0206-6311-0206-6311, ENG 0092-3212-0092-3212; C-001.

<sup>357</sup> Ibid.

<sup>358</sup> Interview with Milan Martić, BBC Death of Yugoslavia, ENG 0219-5504-0219-5518.

<sup>359</sup> Minutes of the Session of the Executive Council of 4 January 1991, BCS 0217-2061-0217-2061 and the Decree of the internal organisation of the SUP of SAO Krajina, BCS 0217-2062-0217-2064; Decision on appointment of the Secretary of the SUP, BCS 0217-2060-0217-2060.

<sup>360</sup> *Tanjug*, 29 March 1991, ENG R029-3732-R029-3732

first casualties of the conflict occurred: both a Croat and a Serb policeman were killed. The same day, according to a the decision of the SFRY Presidency, the JNA entered the area to impose a cease-fire<sup>361</sup>.

185. From spring 1991 onwards in Croatia, Martić and his police were present on all barricades and all places of crisis and fighting. Martić, in co-operation with Simatović, either provoked or escalated clashes in order to enable them to claim territory within the SAO Krajina. For example, Martić wrote a letter to the Croatian police department in Split and police station in Kijevo, a village near Knin (targeted to become part of the SAO Krajina) warning them that SAO Krajina would not tolerate Croatian police stations on their territory and threatening attack if the police station was not abandoned within 48 hours. When the villagers did not comply, the village was indeed attacked and its Croat population driven out.<sup>362</sup> The forces included Martić's police and the JNA under Mladić.<sup>363</sup>

186. On 29 May 1991, the Assembly of SAO Krajina elected Martić as Minister of Defence of the SAO Krajina.<sup>364</sup> It also passed the decision formalising Martić's special police unit as *Milicija Krajine* (Krajina Militia/Police), and placed it under the authority of the MoD of the SAO Krajina.<sup>365</sup> The MoD was responsible for organising the defence and arms as well as preparing the defence plan.<sup>366</sup> At the same time, the Assembly of the SAO Krajina elected Milan Babić president of the government of the SAO Krajina.<sup>367</sup>

187. Within one month, with the support of the Accused and his agents, the Assembly of the SAO Krajina appointed Martić Minister of the Interior of SAO Krajina on 27 June 1991,<sup>368</sup> while Milan Babić fulfilled both the position of President and Minister of Defence.<sup>369</sup> The MUP was responsible for the organisation and implementation of preparations and for the planning for the use of the police.<sup>370</sup>

<sup>361</sup> *Tanjug* reports, 31 March 1991, R029-3786-R029-3786 (Eng), R029-3787-R029-3787, R029-3788-R029-3788, R029-3789-R029-3790.

<sup>362</sup> Letter from Martić on SAO Krajina letterhead, dated 18 August 1991, BCS 0050-1494-0050-1494, ENG L005-0035-L005-0036.

<sup>363</sup> Report on the attack on Kijevo submitted by Ratko Mladić, COS of the 9<sup>th</sup> JNA Corps, 04 Oct. 1991, BCS 0207-6675-0207-6676, ENG L003-4258-L003-4261; Interview with Martić, BBC "Death of Yugoslavia", ENG 0219-5504-0219-5518; Minutes of the 16th Assembly Session of the Assembly of the Serbian People in BiH, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570 at 0190-8550.

<sup>364</sup> Decision on election of MoD of SAO Krajina, BCS 0214-1844-0214-1844.

<sup>365</sup> Decision of the Assembly of the SAO Krajina to form a special police unit 'Krajina Militia' that will be placed under the authority of the MoD of Krajina, BCS 0214-1921-0214-1921.

<sup>366</sup> Law on Defence of SAO Krajina, Law on Ministries, BCS 0214-1900-0214-1905.

<sup>367</sup> C-036.

<sup>368</sup> Decision on appointment of the Minister of Interior, BCS 0214-1944-0214-1944; C-036.

<sup>369</sup> BCS 0214-1944-0214-1944, see as example for this double function BCS 0207-7900-0207-7900.

<sup>370</sup> Law on Internal Affairs of the SAO Krajina, BCS 0214-1900-0214-1905.



188. In July of 1991 Mladić, then a Colonel in the JNA, came to Knin and the number of Serbs mobilised to the JNA increased.<sup>371</sup> Mladić and Martić held joint meetings with civilian and military authorities in the area and Martić's men took part in joint operations in Croatia and BiH.<sup>372</sup> The VRS and SVK launched a joint campaign in Bosanska Posavina aiming to create a link with the FRY and gain control over the whole region.<sup>373</sup>

189. On 8 August 1991, Babić appointed Martić to the position of Deputy Commander of the TO of the SAO Krajina.<sup>374</sup> Through this appointment, Martić took control of the basis of the armed forces in RSK and of the police.<sup>375</sup> On 25 August 1991, Martić declared himself commander of all armed forces and of the TO of SAO Krajina, and adopted a decision on the application of laws on defence of the Republic of Serbia in the territory of the SAO Krajina.<sup>376</sup>

190. Martić, in co-ordination with Simatović, was in control of all armed formations on the ground. The TO structures reported to Martić and not to the President of the SAO. The TO did not function within the legally defined TO framework but within the police structures.<sup>377</sup>

191. As early as summer 1991, the TO and Martić's Police, organised by associates of the Accused and fully financed by Serbia, started to persecute non-Serbs within the SAO Krajina by attacking their villages, arbitrarily arresting non-Serbs, mostly Croats, detaining, beating and killing them, and looting and burning their houses.<sup>378</sup> Martić's Police participated in wide-scale attacks against predominantly Croat villages throughout the SAO Krajina and municipalities bordering the SAO Krajina, including [kabrnje,<sup>379</sup> Saborsko, Dubica, Cerovljani, and Ba]in.<sup>380</sup>

192. Martić fully relied on the Accused and his agents in the Krajina and gave him complete obedience and loyalty.<sup>381</sup>

193. On 26 February 1992, when the SAO Krajina united with the two other SAOs in Croatia to become the Republic of Serbian Krajina (RSK), the Assembly of the RSK appointed Martić as Minister of Interior. An agreement on military assistance in case of an

<sup>371</sup> Interview with Martić, BBC Death of Yugoslavia, ENG 0219-5504-0219-5518.

<sup>372</sup> B-1357.

<sup>373</sup> TV Banja Luka, Documentary Operation Corridor, BCS V000-0103-V000-0103 and 0301-5752-0301-5758, ENG 0302-0717-0302-0722.

<sup>374</sup> Order of Milan Babić, 8 August 1991, BCS 0207-7590-0207-7590.

<sup>375</sup> Order of Milan Babić, 8 August 1991, BCS 0217-2075-0217-2705.

<sup>376</sup> *Danas*, 26 February 1993, ENG R032-2166-R032-2166.

<sup>377</sup> C-036.

<sup>378</sup> C-1166.

<sup>379</sup> The male civilians of [kabrnje were beaten in prisons in Knin, including one run by Martić's Police.

<sup>380</sup> C-1063, C-1073, C-1084, C-1201, C-1202, C-1234.

attack by Croatian forces was reached between the SAO Krajina and the RS.<sup>382</sup> As Minister of Interior for the entire RSK, Martić increased his powers and Martić's Police became part of the police forces of the RSK. They participated in various military operations in BiH, such as setting up checkpoints on all roads leading out of [ipovo in approximately April 1992.<sup>383</sup> Equally, the VRS also took part in significant military operations in Croatia.<sup>384</sup>

194. On 20 June 1993, when a referendum on joining of the RSK to the RS was held, Martić and his forces joined the VRS in some of its military activities.<sup>385</sup> In January 1994, Martić was elected President of the RSK. The massive public support that Martić received from the Accused is credited for securing his election victory.

##### 5. Republika Srpska

###### Serbian Democratic Party of BiH

195. The Bosnian Serbs' physical secession from BiH was realised through the SDS political party, under the direction of its leadership, in accordance with its declared program and with full reliance on the party's well co-ordinated, nation-wide network of municipal party organisations and local cells.<sup>386</sup> Radovan Karadžić and a group of his closest associates, including Krajičnik and Plavčić, used this party to conceive, conduct and supervise the planning and preparation of the Bosnian Serbs' strategy of forcible "ethnic separation".

196. Karadžić exercised political leadership exclusively through his position as head of the SDS until spring 1992. His primacy in the Bosnian Serb leadership was cemented by his close working relationship with the Accused.<sup>387</sup> In making decisions and setting party policy, Karadžić acted in close and constant co-operation with other top SDS/Bosnian Serb leaders. As the nascent Bosnian Serb "state" institutions were progressively formalised, but before they began to function in full in (or about) April 1992, Karadžić, Krajičnik, Plavčić and Koljević constituted the supreme, collective leadership of the SDS and the Bosnian Serbs.<sup>388</sup>

---

<sup>381</sup> Ibid, ZA01-7784-ZA01-7786.

<sup>382</sup> C-036.

<sup>383</sup> B-1003.

<sup>384</sup> Banja Luka TV Broadcasts, VRS in Croatia 2/93, BCS V000-1991-V000-1991.

<sup>385</sup> Martić request, 25 October 1993, BCS 0207-6702-0207-6702, ENG 0301-3977-0301-3977.

<sup>386</sup> Minutes of the 50<sup>th</sup> Assembly session held on 15-16 April 1995, BCS 0084-5781-0084-6113, 0084-5781-0084-6113, ENG.

<sup>387</sup> Intercepts: e.g. 24 October 1991, BCS 0211-6674-0211-6679, ENG 0302-7341-0302-7348; 26 October 1991, BCS 0211-6665-0211-6668, ENG 0302-7703-0302-7708; and 29 October 1991, 0212-9037-0212-9043.

<sup>388</sup> In late 1991, Karadžić twice stressed the importance of shared, collective leadership among the Bosnian Serbs, in conversation with Dobrica Ćosić in November 1991, BCS 0206-6253-0206-6261, ENG 0092-3198-0092-3207; and with Vojo Kuprečanin on 27 December 1991, BCS 0206-6127-0206-6135, ENG 0092-9277-0092-9283.

197. SDS branches were set up throughout BiH in the summer and autumn of 1990 in anticipation of the 18 November 1990 elections.<sup>389</sup> The party infrastructure created in 1990-91 included the technical and organisational capacity for command, control and communications from the top-most to the grass-roots level of the party.<sup>390</sup> SDS members were obligated to carry out and respect party policy and decisions of party organs.<sup>391</sup> The control and adherence to and implementation of the policy was reflected by Kraji{nik, "Traitors and outcasts are the most difficult opponents. We would like to send the following message to all those who falter, or are neutral, weak or misguided, and who do not feel like traitors: today you still have time, tomorrow will be too late".<sup>392</sup>

198. The SDS created a "security system" whose organisation and functioning was to be strictly covert and organised hierarchically.<sup>393</sup> It developed codes for communication via public telephone lines (e.g. a numerical one for specified individuals: Karad`i} was "01", Kraji{nik was "02", Koljevi} "03", and Plav{i} "04").<sup>394</sup> In August 1991 Karad`i} issued an order to all municipal and regional boards of the SDS in BiH stating that in order to protect the secrecy of communications in signatures, written reports, orders, and other documents exchanged, the "SDS leaders in BiH shall start using secret identification numbers".<sup>395</sup> Thus the Bosnian Serb/SDS leadership established no later than September 1991 a basic command, control, communications and intelligence system.

199. At the same time, the SDS followed a duplicitous path: publicly, its leaders advocated ethnic tolerance, democratic dialogue and preservation of Serb interests within BiH, and

<sup>389</sup> SDS BiH Instructions on the Manner of Voting, undated [pre-November 1990], BCS SA00-6780, ENG 0096-0154-0096-0155, in which the Main Board issued instructions on the manner of voting, addressed "to every Serbian house and family", explaining the basic voting process and exhorting people to vote SDS as "our future too depends on these elections".

<sup>390</sup> Karad`i} emphasised the importance of party work at the local and grass-roots levels, specifying in mandatory instructions to all Municipal Boards of the SDS on 15 August 1991 that all Municipal and Local Boards should meet weekly, and that every member of the Local Board should be responsible for 10-20 households, BCS 0056-3321-0056-3322, ENG 0044-3797-0044-3797.

<sup>391</sup> Article 9 of 1990 Statutes, BCS 0030-6315-0030-6323/SA04-6293-SA04-6308, ENG 0304-6193-0304-6200, and Article 13 of 1991 Draft Statutes, BCS 0094-9484-0094-9500, ENG 0301-5621-0301-5635. Karad`i} stated "once the Party has adopted a policy anything else is treason. Anything outside the adopted policy is treason". Minutes of eighth session of Bosnian Serb Assembly, 25 February 1992, BCS 0081-6517-0081-6610; 0081-6574, specific page; ENG 0084-0431-0084-0506; 0084-0453, specific page.

<sup>392</sup> Minutes of second session of Bosnian Serb Assembly, 21 November 1991, BCS SA01-1999-SA01-2054; SA01-2011-SA01-2012, specific pages; ENG 0093-0291-0093-0342; 0093-0302, specific page.

<sup>393</sup> Instructions for the Intelligence and Security and Self-Defence System of the Serbian Democratic Party, Serbian Democratic Party of Bosnia and Herzegovina, NSC, undated, BCS SA00-6473-SA00-6480, Eng L000-0538-L000-0548.

<sup>394</sup> Code—Communications System, undated, SA02-1378-SA02-1379.

<sup>395</sup> Memo from Karad`i} as President of the SDS to all Municipal and Regional Boards of the SDS, Guidelines for the code book "Vatra" handling, BCS SA02-3731/0040-7951, ENG 0040-7952; BCS B000-1704, ENG L000-6724-L000-6725.

preservation of BiH in Yugoslavia through peaceful negotiations.<sup>396</sup> Yet secretly its representatives plotted to undermine the joint republic from within and made meticulous, preparations for conflict, in collusion with Serbs in Croatia and institutions in Belgrade.<sup>397</sup> The Bosnian Serb leadership's goal was the assertion of *de facto* authority in those territories regarded as Serbian in order to determine the frontiers of "the Serbian lands" in BiH, whether through a negotiated settlement or inter-communal warfare.<sup>398</sup> A corollary of the SDS strategy was military preparation, so the SDS leadership armed and trained its followers throughout the republic.<sup>399</sup>

200. On 14-15 October 1991 the plans and intentions of the SDS/Bosnian Serb leadership were overtly expressed, that is that sovereignty for BiH meant war, which would lead to the "disappearance" of the Muslims.<sup>400</sup> The SDS/Bosnian Serb leadership then initiated the establishment of parallel organs of power.<sup>401</sup> On 18 October 1991, Karadžić ordered a "state of emergency" for all SDS bodies, members and officials.<sup>402</sup>

201. By the end of the year, crucial orders were issued to make practical preparations for the take-over of *de facto* power at the grass-roots level. A set of 'top secret' emergency instructions were issued to all levels of the party on 19 December 1991.<sup>403</sup> The specified measures were to be activated by the President of the SDS "using a secret, pre-established

<sup>396</sup> Minutes of the SDS BiH Executive Board fifth session, 7 November 1991, BCS SA00-6731-SA00-6734, ENG L000-0509-L000-0514. The goal is a "Serbian BiH in Yugoslavia and to establish a confederal principle of relations with the Muslims and Croats".

<sup>397</sup> Hand written notes signed by Velibor Ostojić, 4 September 1991, BCS 0018-4159-0018-4161, ENG 0092-9099-0092-9101.

<sup>398</sup> Speech by Karadžić regarding the Serbian plebiscite, November 1991, BCS 0027-0628-0027-0639, ENG 0190-6884-0190-6894/0044-3785-0044-3794.

<sup>399</sup> Conclusions from an Assessment of the Situation on the Territory of BiH in the 2<sup>nd</sup> Military District Area of Responsibility, March 1992; cover letter, 20 March 1992, both signed by Commander Milutin Kukanjac. The Assessment cites the role of the SDS in arming Serbs and the number of weapons distributed, BCS 0060-9217-0060-9230, ENG 0060-6924-0060-6937/0300-5185-0300-5194. Report by General-Major Milan Gvero, Commander of the First Krajina Corps, at the 34<sup>th</sup> Session of the People's Assembly of RS, 29 September 1993, crediting the SDS as having initially armed Serbs in co-operation with the JNA and others, BCS 0048-0967-0048-0974, ENG 0091-6772-0091-6779/0096-8672-0096-8709.

<sup>400</sup> On 14-15 October 1991, when SDA and HDZ representatives in the Bosnian assembly passed a resolution on sovereignty, Karadžić warned non-Serb parliamentarians that this was "the same highway of hell and misery which was taken by Croatia and Slovenia" and that BiH Muslims would disappear as a result V000-0367-V000-0367, Video. On 12 October 1991 Karadžić about SDS strategy in an intercepted telephone conversation with Gojko Vogo, a Belgrade-based poet and professor, and emphasized the "disappearance" of the Muslims as the ultimate result of inter-ethnic conflict, 0303-1271-1303-1287.

<sup>401</sup> SDS BiH, Party Council Notes, 15 October 1991, BCS SA01-4270-SA01-4274, ENG 0069-5292-0069-5294/0092-6968-0092-6971. SDS Deputies' Club minutes, 18 October 1991, BCS 0205-2498-0205-2509, ENG 0303-1305-0303-1309.

<sup>402</sup> This meant daily municipal board sessions and 24-hour watches at party offices. Instructions followed daily. Telegram by Karadžić to SDS Municipal Board Zavidovići, 18 October 1991, BCS 0031-7417 & SDS Municipal Board Donji Vakuf, 18 October 1991, BCS 0104-6075, ENG 0110-8113-0110-8113.

<sup>403</sup> Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances, Sarajevo, 19 December 1991 (numbered copy 100), hereafter cited as "19 December 1991 Instructions" document, BCS 0018-4274-0018-4283, ENG 0027-0650-0027-0656.

procedure" to be determined subsequently.<sup>404</sup> Soon after, a separate "Republic of the Serbian People in BiH" was proclaimed on 9 January 1992.

202. Facing the upcoming referendum on BiH's independence and the possibility of international recognition, Karadžić told the media in mid-February 1992: "We have made excellent preparations. [...] The Serbs have developed a comprehensive program for full control of the territory where they are an ethnic majority".<sup>405</sup> In fact, the SDS leadership's ambitions were much broader and included many areas in which Serbs were a minority. As a result, the SDS leadership's first priority in February and March 1992 became the take-over of actual control in the municipalities as final "legal" and practical preparations were put in place. The signal to implement "Phase Two" of the SDS leadership's plans, anticipated in the "19 December 1991 Instructions" document, was given by Karadžić on 14 February 1992 at a meeting of a cross-section of SDS leaders, just as the first round of EC-sponsored talks on the future of BiH had concluded.<sup>406</sup> Karadžić gave the order to activate the second stage of alert, that is further preparations for take-over on the ground, and discussed measures opposing the upcoming independence referendum.<sup>407</sup>

203. SDS preparations accelerated while EC-sponsored negotiations continued and as international recognition of BiH loomed, following the vote in favour of independence at the republic-wide referendum on 28 February-1 March 1992. On 18 March 1992, Krajišnik said that what had been agreed, namely ethnic separation in the field, must be accomplished as planned: territory should be consolidated first, and the rest achieved later through negotiations. Plavčić wanted the door to union with Serb lands and Yugoslavia to be kept open. Karadžić said that Serbs wanted the partition of BiH along ethnic lines.<sup>408</sup> To improve command and control structure on the eve of open conflict, a directive signed by Karadžić toward the end of March 1992 established a "Republic Operations Centre" and district centres in all "autonomous" areas claimed by the SDS.<sup>409</sup> At the 12<sup>th</sup> Session of the Assembly of the Serbian People on 24 March 1992, Karadžić pleaded for immediate take-over measures to be

<sup>404</sup> "19 December 1991 Instructions" document ENG.

<sup>405</sup> Delo interview, 15 February 1992, R017-4902-R017-4906.

<sup>406</sup> See cover page/overall hotel bill, dated 15 February 1992, from the Sarajevo Holiday Inn Hotel (SA03-0147), addressed to "SDS BiH" with 69 attached receipts for individual SDS-affiliated guests, SA03-0148-SA03-0216; 9062.

<sup>407</sup> See observations (re-examination) T. the 14 February meetings in the minutes of SDS Municipal Board in Prijedor's meetings of 13 and 17 February 1992, P003-7530-P003-7536.

<sup>408</sup> Minutes of the 11<sup>th</sup> Session of the Bosnian Serb Assembly, 18 March 1992, BCS SA01-1169-SA01-1238, ENG 0190-4669-0190-4716.

<sup>409</sup> Letter from Karadžić to all chairmen of municipalities, Serbian Democratic Party, 23 March 1992, BCS 0018-4126-0018-4127, ENG 0044-3795-0044-3796/0300-4319-0300-4320.

implemented in the municipalities.<sup>410</sup> He reiterated this plea at the 14<sup>th</sup> Bosnian Serb Assembly session on 27 March 1992.<sup>411</sup>

#### Presidency and National Security Council

204. Some of the closest collaborators of the Accused in BiH were the members of the Bosnian Serb leadership. The most important organ through which the Bosnian Serb leadership exercised its power after the outbreak of armed conflict in early April 1992 was the office of the President of the Republic. While the actual office of President was vacant until 17 December 1992, interim collective bodies nonetheless performed the functions of that office until that date, and an evolving array of bodies exercised the Presidential powers on a *de jure* and *de facto* basis. The first of these interim bodies was established on 28 February 1992.<sup>412</sup> Plav{i} and Koljevi} became Acting Presidents of the Republic, a function which they commenced on the same day.<sup>413</sup>

205. On 27 March, the Assembly established a "National Security Council" (NSC)<sup>414</sup>, which was to be an advisory body to the Presidency on security issues, and was supposed to consist of a chairman and eight members, the President of the Republic being the *ex officio* chairman of the Council. Other *ex officio* members included the President of the Assembly and the President of the Government. In reality, Karad`i} acted as chairman, while Plav{i}, Kraji{nik and Koljevi} were *ex officio* members of the NSC.<sup>415</sup> The NSC was not just an advisory body, but acted as the *de facto* expanded Presidency and exercised the powers of the Presidency. The minutes<sup>416</sup> clearly show that the NSC did not just advise or make recommendations: decisions were made on a wide range of topics, and subsequently formalised through the *de jure* authority of Plav{i} and Koljevi}.<sup>417</sup>

<sup>410</sup> Minutes of the 12<sup>th</sup> Session of the Assembly of the Serbian People, 24 March 1992, BCS SA01-1122-SA01-1168, ENG 0300-2027-0300-2053.

<sup>411</sup> Minutes of the 14<sup>th</sup> Session of the Assembly of the Serbian People, 27 March 1992, BCS 0090-8340-0090-8381, ENG 0092-6762-0092-6786.

<sup>412</sup> Article 5 of RS February Constitutional Act, BCS SA02-3012-SA02-3014, ENG DT SA02-3012-SA02-3014.

<sup>413</sup> Cf. Government Act, BCS 0018-4298-0018-4361 at 0018-4298-0018-4300, ENG 0092-1446-0092-1585 at 1109-1446-0092-1451.

<sup>414</sup> Decision on the Formation of the National Security Council, BCS 0018-4289-0018-4290, ENG 0091-7000-0091-7001.

<sup>415</sup> Minutes of NSC session of 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944.

<sup>416</sup> See minutes of joint NSC/government sessions of 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944; 16 April 1992, BCS 0124-5294-0124-5295; 20 April 1992, BCS 0124-5296-0124-5298; 22 April 1992, BCS 0124-5299-0124-5301; 24 April 1992, BCS 0124-5302-0124-5304; 27 April 1992, BCS 0124-5305-0124-5306, ENG 0083-7982-0083-7983; 28 April 1992, BCS 0124-5307-0124-5308; 1 May 1992, BCS 0124-5309-0124-5310; 8 May 1992, BCS 0124-5311-0124-5312; 10 May 1992, BCS 0124-5315-0124-5317; 14 May 1992, BCS 0124-5313-0124-5314.

<sup>417</sup> For example: Decision on mobilisation (NSC Minutes of 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944; and "Decision", BCS 0040-8070-0040-8070, ENG 0040-8071-0040-8071); Decisions on establishing penitentiary facilities (NSC minutes of 1 May 1992, BCS 0124-5309-0124-5310 and Decision on establishing penitentiary facilities on the territory of the SRBIH, BCS 0223-4797-0223-4798, ENG 0302-1323-

206. On 12 May 1992, the National Assembly passed a set of amendments replacing the Acting Presidents with a three-member Presidency, which was to exercise the functions of the President of Republic.<sup>418</sup> The same day the Assembly elected Karadžić, Plavčić and Koljević to the Presidency, with Karadžić as its President.<sup>419</sup> On 2 June 1992, the Presidency itself adopted amendments expanding the Presidency during a state of war to include the President of the National Assembly and the President of the Government, thereby again including Krajišnik.<sup>420</sup> These provisions entered into force on the day of their adoption.<sup>421</sup>

207. On 17 December 1992, the Assembly adopted a "Declaration on the End of the War"<sup>422</sup> which implied the termination of the operation of the expanded Presidency. On the same day, the Assembly adopted amendments creating a single President and a dual vice-presidency,<sup>423</sup> and the Assembly elected Karadžić as President<sup>424</sup> and Plavčić and Koljević as Vice-Presidents of Republika Srpska.<sup>425</sup>

208. Karadžić, Krajišnik, Plavčić and Koljević formed the core of a group of the Bosnian Serb leadership which met almost daily after the outbreak of the conflict. They had *de facto* political control over all members of Government, including the ministers of defence and internal affairs, and the Commander of the Main Staff of the VRS,<sup>426</sup> through the overwhelming SDS Assembly majority, which was responsible for confirming and

---

0302-1324; Decision on establishing regular courts (NSC session of 1 May 1992, BCS 0124-5309-0124-5310 and Decision on the Organisational Principles, Seats and Areas of Regular Courts, BCS 0109-2715-0109-2718, ENG 0301-6586-0301-6589).

<sup>418</sup> Article 1 of the Act on Amending and Supplementing the Constitutional Act for Implementing the Constitution of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8078-0040-8078, ENG 0040-8079-0040-8080.

<sup>419</sup> Decision on Electing the Members of the Presidency of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8088-0040-8088, ENG 0040-8089-0040-8089; Minutes of 1st session of Presidency, 12 May 1992, BCS 0076-7944-0076-7944, ENG 0083-7977-0083-7977. Please note that Krajišnik nevertheless continued to attend Presidency sessions: Minutes of 2<sup>nd</sup> Presidency Session, 31 May 1992, BCS 0076-7943-0076-7943, ENG 0083-7976-0083-7976.

<sup>420</sup> Article 1 of Act on Supplementing the Constitutional Act for Implementing the Constitution of the Serbian Republic of Bosnia and Herzegovina, BCS 0091-6234-0091-6234, ENG 0044-8089-0044-8090.

<sup>421</sup> Article 3 of Act on Supplementing the Constitutional Act for Implementing the Constitution of the Serbian Republic of Bosnia and Herzegovina, BCS 0091-6234-0091-6234, ENG 0044-8089-0044-8090; Decision on the Formation of War Presidencies in Municipalities during an Immediate Threat of War or a State of War, BCS 0044-7474-0044-7474, ENG 0050-9977-0050-9978.

<sup>422</sup> Declaration on the End of the War, BCS 0056-5245-0056-5247, ENG 0090-1184-0090-1186.

<sup>423</sup> Decision on the Promulgation of Amendments XIX - XXV to the Constitution of the Republika Srpska, BCS 0044-7232-0044-7232, ENG 0044-8104-0044-8105; and the Act on Amending and Supplementing the Constitutional Act for Implementing the Constitution of the Republika Srpska, BCS 0044-7232-0044-7232, ENG 0044-8091-0044-8092.

<sup>424</sup> Decision on the Proclamation of the Election of the President of Republika Srpska, BCS 0040-8100-0040-8100, ENG 0302-6345-0302-6345.

<sup>425</sup> Decision on the Promulgation of the Election of the Vice-Presidents of Republika Srpska, BCS 0044-7239-0044-7239.

<sup>426</sup> Decision on the Formation of the Army of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8083-0040-8083, ENG 0040-8084-0040-8085.

dismissing ministers.<sup>427</sup> At times when the Assembly was unable to meet, the Bosnian Serb leadership itself appointed members of the government.<sup>428</sup>

209. The *de jure* powers of the Presidency, which the Bosnian Serb leadership in effect put at its own disposal, were considerable. According to the 28 February 1992 Constitution, the President of the Republic represented the Republic and “expressed” its unity. Moreover, the President was empowered to<sup>429</sup>:

- represent the Republic;
- propose a candidate as President of the Government to the National Assembly;
- propose candidates as President and judges of the Constitutional Court to the National Assembly;
- promulgate laws by decree;
- issue pardons;
- bestow the distinctions and distinctions established by law;
- make a binding request for convening of the Assembly;
- propose laws and other general enactments;
- confirm, after consulting the Government, the existence of extraordinary conditions and impose measures for their removal in conformity with the Constitution and law;
- make enactments on questions within the competence of the National Assembly during a state of war or immediate threat of war. The President was to submit these decisions to the Assembly for confirmation as soon as it could convene.

210. On 31 March 1992 new legislation was in force regarding the TO and the security forces (police and secret police). The president had the power to:<sup>430</sup>

- order use of TO units for the maintenance of public order and peace in case of an immediate threat of war or under other extraordinary conditions;
- order activation of reserve personnel of the militia under extraordinary conditions;
- propose to the National Assembly the appointment or dismissal of the Commander of the TO;
- evaluate the work of the National Security Service on the basis of reports of the minister of internal affairs, and inform the National Assembly.

<sup>427</sup> Articles 70 and 94 of RS February Constitution, BCS 0035-9816-0035-9825, ENG 0035-9826-0035-9849.

<sup>428</sup> See for instance Minutes of NSC session on 22 April 1992 when the NSC appoints six new members of the government, BCS 0124-5299-0124-5301.

<sup>429</sup> These powers derive from: Articles 69, 74, 76, 80 and 81 of the RS February Constitution, BCS 0035-9816-0035-9825, ENG 0035-9826-0035-9849.

<sup>430</sup> Articles 5 and 39 of the National Defence Act, BCS B000-0126-B000-0140, ENG 0092-1446-0092-1585; and articles 25 and 33 of the Internal Affairs Act, adopted 28 February 1992 (in force 31 March 1992) BCS 0018-4319-0018-4333, ENG 0044-3757-0044-3783.



211. On 12 May 1992, the National Assembly established the “Army of the Serbian Republic of Bosnia and Herzegovina” and amended the Constitution giving the President the power to command the newly established Army in war and peace, and appoint, promote and dismiss the Army’s officers.<sup>431</sup>

212. The Presidency itself on 1 June adopted a new Defence Act, which gave the President, among others, the power to command and control the Army in peace and in war; adopt the defence plan of the Republic; proclaim a state of emergency, a state of immediate threat of war and a state of war, and order full and partial mobilisation; order the implementation of measures for readiness and other measures necessary for defence; introduce military or compulsory administration in a state of emergency, during an immediate threat of war or in wartime; establish the bases for the organisation and numerical composition of the militia and order its use in wartime, during an immediate threat of war or a state of emergency; and adopt war regulations from his area of competence as defined by the Constitution and the law.<sup>432</sup>

213. On the same day the Presidency also adopted the Army Act<sup>433</sup> which named the President the Supreme Commander of the Army.<sup>434</sup> The President of the Republic was to exercise the command of the Army in conformity with the Constitution and the law; establish the bases of the plan for development of the Army; establish the organisation and personnel structure of the Army; establish the Army system of command and monitor its operation; decide on the use of the Army in war; issue guidelines for the preparation and mobilisation of the Army; prescribe measures for the readiness of the Army in case of an immediate threat of war, a state of war or a state of emergency; establish the principles for arming and equipping the Army; adopt the basic rules and other documents relating to the strategy of armed conflict, mobilisation, and the development and use of the Army; adopt regulations, including on Army training and military discipline; and handle other matters of Army command.<sup>435</sup>

214. The President could transfer certain matters of Army command to the Commander of the Main Staff, who was responsible for those matters to the President.<sup>436</sup> The Commander of

<sup>431</sup> Amendments I-IV to the Constitution of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8073-0040-8073, ENG 0040-8074-0040-8075; Articles 1-3 of the Act on Amending and Supplementing the National Defence Act, BCS 0044-7441-0044-7442, ENG 0040-8089-0040-8089; and Articles 1 and 2 of the Decision on the Formation of the Army of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8083-0040-8083, ENG 0040-8084-0040-8085.

<sup>432</sup> The Law on Defence, BCS SA02-6386-SA02-6415, ENG 0084-8628-0084-8643 (Hereinafter “Defence Act”).

<sup>433</sup> The Law on the Army, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698. (Hereinafter “Army Act”).

<sup>434</sup> Article 173, Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698. It also provided that exercise of command in the Army was founded on the principle of unity of command and the obligation to execute the decisions, commands and orders of superiors.

<sup>435</sup> Article 174, Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698.

<sup>436</sup> Articles 10, 174 and 175, Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698.

the Main Staff accordingly commanded the Army only in conformity with the authority conferred on him by the President and with the law.<sup>437</sup>

215. The Army Act also conferred powers on the President in personnel and related matters, as well as in the area of discipline.<sup>438</sup> The President was to adopt regulations for handling disciplinary infractions and the imposition of punishments; adopt regulations on military disciplinary courts and courts of honour, and appoint the presidents, judges, prosecutors, deputy prosecutors and secretaries of such courts.<sup>439</sup>

216. The Bosnian Serb leadership, in particular through the Presidency and the NSC, controlled the main instruments of ethnic cleansing in BiH. On 15 April, the NSC appointed the Minister of Defence Acting Commander of the TO.<sup>440</sup> On 22 April, the NSC decided that Karadžić should co-ordinate the command of the TO.<sup>441</sup> On 6 July, the Presidency gave Krajišnik the responsibility for (War) Commissioners, while Karadžić was made responsible for military matters.<sup>442</sup> On 30 November, the Presidency decided to formally establish a Supreme Command, consisting, among others, of the Presidency and the President of the Assembly.<sup>443</sup>

217. One of the ways to exert control over events in individual municipalities was the appointment of War Presidencies and War Commissions. On 31 May, the Presidency decided to create War Presidencies to replace the Crisis Staffs,<sup>444</sup> and on 10 June, to replace War Presidencies with War Commissions, and to authorise itself to appoint war commissioners.<sup>445</sup> There are numerous examples of the Presidency appointing such bodies and their members.

218. The Bosnian Serb leadership on many occasions gave direct instructions to, or took decisions that directly affected, the police, TO, MUP, Crisis Staffs, War Presidencies and War

<sup>437</sup> Article 175, Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698.

<sup>438</sup> Articles 11, 23, 24, 27, 36, 40, 45, 167, 168, 332, 334, 346, and 369 of Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698.

<sup>439</sup> During a state of war, the President could prescribe other disciplinary measures or punishments and a different procedure and authority for handling infractions, including different organisation and operation of military disciplinary courts. Articles 73, 90, 111, 114, 144, 145 and 146 of the Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698.

<sup>440</sup> NSC minutes, 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944.

<sup>441</sup> NSC Minutes, 22 April, BCS 0124-5299-0124-5301.

<sup>442</sup> Presidency Minutes, 6 July 1992, BCS 0076-7924-0076-7927, ENG 0083-7958-0083-7961

<sup>443</sup> Decision to establish the Supreme Command of the Army of Republika Srpska, BCS 0076-7954-0076-7954, ENG 0081-4291-0081-4291; Minutes of the Supreme Command of VRS meeting, 20 December 1992, BCS 0084-5021-0084-5025, ENG 0090-0094-0090-0098.

<sup>444</sup> Presidency Minutes, 31 May 1992, BCS 0076-7943-0076-7943, ENG 0083-7976-0083-7976; Decision on the Formation of War Presidencies in Municipalities in Time of War or the Imminent Threat of War, BCS 0044-7474-0044-7474, ENG 0050-9977-0050-9978.

<sup>445</sup> Presidency Minutes, 10 June 1992, BCS 0076-7939-0076-7940, ENG 0083-7972-0083-7973; Decision on the Formation of War Commissions in Municipalities in Time of War or the Imminent Threat of War, BCS 0044-7509-0044-7509, ENG 0050-9979-0050-9980.

Commissions. On 4 April 1992, for example, Karadžić as president of the NSC issued a statement ordering the activation of the crisis staffs, the TO and the reserve police in certain areas.<sup>446</sup> On 15 April, Plavčić and Koljević, on the recommendation of the NSC, ordered the mobilisation of the TO.<sup>447</sup> On 24 May 1992, Plavčić sent out instructions regarding the organisation of the work of (War) Presidencies.<sup>448</sup>

219. The Presidency could also give direct combat orders to the armed forces. On 14 May 1992 Plavčić, called the Minister of Internal Affairs and ordered him to have the Bosnian Serb forces cease fire.<sup>449</sup> Similarly, on 27 June the Presidency ordered the Main Staff to halt all artillery and infantry actions in Dobrinja.<sup>450</sup>

220. The Bosnian Serb leadership ensured that it was well informed of the developments throughout the SRBiH. On 15 April 1992, the NSC decided that the NSC should meet each day at 9.00, and again at 18.00 together with the government.<sup>451</sup> The Bosnian Serb leadership was, therefore, in a position to be constantly informed of events, particularly because the Ministers of Defence and Internal Affairs were both members of the NSC. On 22 April 1992, the NSC ordered those Ministers to submit daily reports about the situation in the field and measures undertaken.<sup>452</sup> Moreover, the Presidency was regularly briefed at its sessions, among others by the Minister of Defence and General Mladić.<sup>453</sup> Later, the Presidency decided to establish a means by which Mladić could keep them informed daily,<sup>454</sup> and by 26 April 1992 at the latest the President of the Government issued instructions to Crisis Staffs to submit written weekly reports to the state authorities.<sup>455</sup>

221. The Bosnian Serb leadership also undertook steps to be informed of war crimes. On 24 April 1992 the NSC decided to establish a State Commission for War Crimes.<sup>456</sup> In June,

<sup>446</sup> Public statement by the National Security Council, BCS 0058-3805-0058-3805.

<sup>447</sup> NSC Minutes, 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944; Decision, BCS 0040-8070-0040-8070, ENG 0040-8071-0040-8071. For the follow-up, see Decision by the Ministry of the National Defence SRBiH, BCS 0049-2576-0049-2577 and 0091-4678-0091-4679, ENG L000-1243-L000-1246.

<sup>448</sup> Instructions regarding the organisation of the work of (War) Presidencies in municipalities in conditions of imminent threat of war or war, BCS 0124-6855-0124-6855.

<sup>449</sup> Intercepted conversation between Plavčić and Mićo Stanić, 14 May 1992, BCS 0322-0206-0322-0210.

<sup>450</sup> Presidency Minutes, 27 June 1992, BCS 0076-8014-0076-8015, ENG 0081-4292-0081-4292.

<sup>451</sup> NSC Minutes, 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944.

<sup>452</sup> NSC Minutes, 22 April 1992, BCS 0124-5299-0124-5301.

<sup>453</sup> Presidency minutes of 9 June 1992, BCS 0076-7941-0076-7941, ENG 0083-7974-0083-7974; 13 July, BCS 0076-7915-0076-7917, ENG 0084-6951-0084-6953; 2 August, BCS 0076-7993-0076-7995, ENG 0083-7962-0083-7963; 8 August, BCS 0076-7899-0076-7900, ENG 0083-7950-0083-7951; 31 August, BCS 0076-7896-0076-7897, ENG 0081-4316-0081-4317; 30 November, BCS 0076-7945-0076-7948, ENG 0083-7952-0083-7954.

<sup>454</sup> Presidency minutes, 9 October 1992, BCS 0076-7978-0076-7979, ENG 0081-4288-0081-4289.

<sup>455</sup> Instructions for the functioning of Crisis Staffs of the Serbian People in municipalities, BCS 0027-0617-0027-0618, ENG 0027-0619-0027-0620; NSC Minutes, 20 April 1992, BCS 0076-8039-0076-8041, ENG 0083-7945-0083-7947.

<sup>456</sup> NSC minutes, 24 April 1992, BCS 0124-5302-0124-5304.

the Presidency ordered the establishment of a State Documentation Centre for gathering materials on crimes committed against Serbs,<sup>457</sup> and on 11 July, the Presidency decided to constitute a Commission for the Establishment of War Crimes against the Serbian People.<sup>458</sup> Plav{i} sent a telex on 25 September 1992 to the VRS Main Staff, all Autonomous Regions, all municipal presidents and all police stations regarding the formation of commissions to collect data about war crimes. The State Documentation Centre, the War Crimes Commission and the telex sent by Plav{i} all had the explicit aim of gathering information on crimes committed against the Serbian people.<sup>459</sup>

222. On 5 August, the Presidency discussed the issue of prisoners of war, and the next day ordered the MUP to examine and report on this matter to the Presidency. Three days later, the Presidency again discussed the issue of camps and prisoners. The Presidency was provided with several reports on camps.<sup>460</sup>

223. The Bosnian Serb leadership also undertook certain measures on the application of international law regarding war crimes and the treatment of prisoners. On 9 June 1992, the Presidency decided to draft instructions on obeying the Geneva conventions, and on 13 June orders to that effect were issued.<sup>461</sup> On 19 August, the Presidency again issued an order to VRS and MUP that provisions of international law should be adhered to.<sup>462</sup> The Presidency ordered all civilian and police authorities to allow access to ICRC delegates, an order that was re-issued on 22 October 1992.<sup>463</sup>

<sup>457</sup> Presidency minutes, 17 June 1992, BCS 0076--7935-0076-7936, ENG 0083-7948-0083-7949; Presidency Minutes, 21 June 1992, BCS 0076-7934-0076-7934, ENG 0083-7968-0083-7968.

<sup>458</sup> Presidency minutes, 11 July 1992, BCS 0076-7919-0076-7920, ENG 0083-7956-0083-7957; Presidency minutes, 13 July 1992, BCS 0076-7915-0076-7917, ENG 0084-6951-0084-6953.

<sup>459</sup> Order by Plav{i} on reporting on war crimes, BCS 0047-8730-0047-8731, ENG 0093-8629-0093-8630. Statement to the SRBiH citizens, BCS 0084-6261-0084-6262; Order to municipalities in Gora` de area, BCS 0084-6280; Public Statement, BCS 0084-6263-0084-6263; Statement by Presidency about arrests, BCS 0084-6284-0084-6285; Presidency Minutes, 7 September 1992, BCS 0076-7901-0076-7902, ENG 0083-7955-0083-7955; Letter by Karad` i} to international actors, ENG 0084-6271-0084-6273 ; Presidency minutes, 30 November 1992, BCS 0076-7945-0076-7948, ENG 0083-7952-0083-7954.

<sup>460</sup> Report on camps in Trebinje, Bile`ja and Gacko, BCS 0124-5058-0124-5059; Report on Camps in the ARK, BCS 0124-5060-0124-5067; Information on the situation in prisons and Prisoners of War Camps, BCS 0057-7933-0057-7938.

<sup>461</sup> Presidency Minutes, 9 June 1992, BCS 0076-7941-0076-7941, ENG 0083-7974-0083-7974; Order on the Application of the Rules of the International Law of War in the Army of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8094-0040-8095, ENG 0074-9911-0074-9911; Instructions for the Treatment of Prisoners of war, BCS 0049-4866-0049-4868, ENG 0084-8625-0084-8627.

<sup>462</sup> Order by Karad` i} to respect the principles of international humanitarian law, ENG 0084-6287-0084-6288, BCS 0084-6289-0082-6290.

<sup>463</sup> Presidency Minutes, 5 August 1992, BCS 0076-7907-0076-7909, ENG 0081-4304-0081-4305; Presidency Minutes, 6 August, BCS 0076-7904-0076-7906, ENG 0081-4302-0081-4303; Order by Karad` i} to allow access to ICRC delegates, BCS 0084-6282-0084-6282, ENG 0084-6283-0084-6283; Order by Karad` i}, to allow ICRC access to prisons and POWs, BCS 0049-5345-0049-5345.

224. As the Supreme Commander of the Army, the members of the Presidency had the power to order investigations by the VRS.<sup>464</sup> Moreover, on several occasions the Presidency did order the MUP to carry out investigations and prepare reports: on 6 August, the Presidency ordered an examination of the treatment of prisoners of war<sup>465</sup>, and on 19 August the Presidency ordered an investigation into the murder of five Muslims civilians in Basta{i.<sup>466</sup> The Presidency also had authority to order investigations of particular crimes on the basis of article 80 of the RS Constitution and article 7 of the 1 June 1992 Law on Defence. The 3 July 1992 Presidency order to the MUP to investigate the activity of paramilitary groups in the municipalities of Gacko and Nevesinje was explicitly based on these provisions.<sup>467</sup>

225. The Bosnian Serb leadership not only had the *power* to order investigations into crimes: it had an *obligation* to report such crimes. The criminal law in force in the BiH Indictment period was the criminal law of the SFRY and the Socialist Republic of BiH, which had been adopted by the Serb Republic of BiH.<sup>468</sup> Article 148 of the SFRY Law on Criminal Procedure obliges all public officials to report serious crimes they may gain knowledge of.<sup>469</sup> Moreover, Article 199 of the SFRY Criminal Code reinforces this obligation by making it a criminal offence for a public official not to report such a crime.<sup>470</sup>

### National Assembly

226. The Assembly of the Serbian People was the first political organ to be founded by the Bosnian Serb leadership as an extra-constitutional body to function in parallel to the institutions of the Socialist Republic of BiH on a national level. Its founding marked a

<sup>464</sup> Amendments I-IV to the Constitution of the Serbian Republic of Bosnia and Herzegovina, BCS 0040-8073-0040-8073, ENG 0040-8074-0040-8075; Defence Act, BCS SA02-6386-SA02-6415, ENG 0084-8628-0084-8643; and Army Act, BCS 0091-6245-0091-6282, ENG 0084-8644-0084-8698.

<sup>465</sup> Presidency Minutes, 6 August, BCS 0076-7904-0076-7906, ENG 0081-4302-0081-4303. Several reports were indeed received: Report on camps in Trebinje, Bile}a and Gacko, BCS 0124-5058-0124-5059; Report on Camps in the ARK, BCS 0124-5060-0124-5067; Information on the situation in prisons and Prisoners of War Camps, BCS 0057-7933-0057-7938.

<sup>466</sup> Order by Karad' i}, BCS 0084-6293-0084-6294. See also the Indictment against Obrenko [ugi], BCS 0084-6295-0084-6302.

<sup>467</sup> Presidency Minutes, 3 July 1992, BCS 0076-7922-0076-7923, ENG 0083-7970-0083-7971; Order to conduct an investigation into activities of paramilitary groups in territory of Gacko and Nevesinje municipality, BCS 0084-6246-0084-6246, ENG 0090-5599-0090-5599.

<sup>468</sup> See article 3 of the RS February Constitution, BCS 0035-9816-0035-9825, ENG 0035-9826-0035-9849; article 12 of the RS February Constitutional Act, BCS SA02-3012-SA02-3014, ENG DT SA02-3012-SA02-3014; and article 2 of Act on Supplementing the Constitutional Act for Implementing the Constitution of the Serbian Republic of Bosnia and Herzegovina, BCS 0091-6234-0091-6234, ENG 0044-8089-0044-8090.

<sup>469</sup> SFRY Law on Criminal Procedure, BCS 0025-2939-0025-2942, at 0025-2940.

<sup>470</sup> SFRY Criminal Law, BCS 0025-3394-0025-3549, at 0025-3480.

significant step towards the setting up of a separate Serbian entity within BiH, and took place well before the official establishment of the Serbian Republic of BiH on 9 January 1992.<sup>471</sup>

227. On 14 October 1991, the representatives of the SDS and some other Serb delegates walked out of the BiH Assembly<sup>472</sup>, and founded their own Assembly on 24 October 1991.<sup>473</sup> From its establishment the Serbian Assembly was chaired by Krajičnik.<sup>474</sup> In the period between 24 October 1991 and 9 January 1992, the newly -founded Assembly of the Serbian People was the political instrument through which the SDS passed decisions, and gradually created a progressive institutional separation from the Socialist Republic of BiH.

228. On 21 November 1991, the Assembly laid out the SDS party's territorial claims when it passed the "Decision on municipal territory and the local communities which belong to the Federal Republic of Yugoslavia".<sup>475</sup> This proclaimed as part of the territory of federal Yugoslavia the municipalities, local communities and populated places in which over 50% of people of Serbian nationality had voted to remain in that state during the November 9/10 plebiscite, as well as places where citizens of other nationalities had expressed themselves in favour of remaining in Yugoslavia.<sup>476</sup> The Assembly also passed, in the same session, a resolution demanding that the JNA defend, with all the means at its disposal, the territories of BiH covered by the Assembly's resolution on remaining in Yugoslavia.<sup>477</sup> During its third session on 11 December 1991, the Assembly voted for the establishment of separate Serbian municipal assemblies, even where Serbs were in the *minority*. This step represented the creation of a parallel Serbian structure on the municipal level mirroring that which had already been implemented on the national level through the founding of the Assembly of the Serbian People. The task of creating these Serbian municipal assemblies was entrusted to SDS members of existing municipal assemblies.<sup>478</sup>

229. Having taken these steps, on 19 December 1991, the Assembly issued the "View on the Right to Self-Determination of the Serbian People in BiH", a document which lays out the Assembly's ideological and historical views on the Serbian people in Yugoslavia.<sup>479</sup> The

<sup>471</sup> Declaration, 9 January 1992, 0044-7328-0044-7329.

<sup>472</sup> Minutes, 14 October 1991, 0218-9560-0218-9563.

<sup>473</sup> Decision, 24 October 1991, 0049-7243-0049-7243.

<sup>474</sup> Decision, 24 October 1991, SA01-0631-SA01-0631.

<sup>475</sup> Decision, 21 November 1991, SA04-2106-SA04-2107.

<sup>476</sup> Decision, 21 November 1991, SA02-1401-SA02-1402 and 0044-7321-0044-7321. The Assembly also moved to negotiating these terms with the other two main nationalities in BiH

<sup>477</sup> Conclusion, 21 November 1991, 0044-7323-0044-7323, also see Minutes, 11 December 1991, 0089-8228-0089-8355 and Recommendation, 11 December 1991, SA00-6138-SA00-6138.

<sup>478</sup> Recommendation, 11 December 1991, SA00-6138-SA00-6138. Minutes, 11 December 1991, 0089-8228-0089-8355.

<sup>479</sup> View, 19 December 1991, SA01-8631-SA01-8633.

Assembly also recognised the establishment of other Serb areas on the regional level, such as the Republic of the Serbian Krajina on 21 December 1991,<sup>480</sup> and appointed co-ordinators of Serb autonomous regions, (SAOs).<sup>481</sup>

230. After the founding of the Serbian Republic on 9 January 1992<sup>482</sup>, the Assembly voted to create all important bodies of the Serbian Republic of BiH, the Government and the Ministries, the NSC, the Presidency in its different forms, the MUP, the TO and the VRS. The Assembly legislated to provide the framework within which these organs were to act, appointed their members, and not least made the appointments to the Presidency and the Commander of the VRS Main Staff (Mladić).<sup>483</sup> In addition to the Army Act, the Defence Act, the Law on Internal Affairs and the Law on National Defence referred to above,<sup>484</sup> the following legislation is of particular importance:

- The Law on the Government of 28 February 1992.<sup>485</sup>
- The Law on the Ministries of 28 February 1992.<sup>486</sup>
- Decision to found Serbian TV RTV of 28 February 1992.<sup>487</sup>
- Decision on the Establishment of the NSC of 27 March 1992.<sup>488</sup>
- Decision to found the Army of the Serbian Republic of BiH of 12 May 1992.<sup>489</sup>
- Decision to appoint the members of the Presidency of the Serbian Republic of BiH of 12 May 1992.<sup>490</sup>
- Establishment of the Supreme Command on 12 May 1992.<sup>491</sup>

231. The Speaker of the Assembly was also one of the highest functionaries in the state system as a whole, who would replace the President of the Republic, should the latter leave his office before the end of his term, or should he be temporarily unable to perform his

<sup>480</sup> Decision, 21 December 1991, 0044-7315-0044-7315 and 0025-2765-0025-2765.

<sup>481</sup> Decision, 21 December 1991, 0050-8414-0050-8414.

<sup>482</sup> Declaration, 9 January 1992, 0044-7328-0044-7329

<sup>483</sup> 16<sup>th</sup> session of Assembly of Serbian People in Bosnia and Herzegovina, 12 May 1992, BCS 0084-7711-0084-7761, Eng 0190-8511-0190-8570.

<sup>484</sup> Defence Act, SA02-6386-SA02-6415; Army Act, BCS0091-6245-0091-6282, Eng 0084-8644-0084-8698; Law on National Defence, BCS B000-0126-B000-0140, ENG 0092-1446-0092-1585; and articles 25 and 33 of the Law on Internal Affairs, adopted 28 February 1992 (in force 31 March 1992) BCS 0018-4319-0018-4333, ENG 0044-3757-0044-3783.

<sup>485</sup> Law, 28 February 1992, 0050-8414-0050-8414

<sup>486</sup> Law, 28 February 1992, 0044-7430-0044-7440

<sup>487</sup> Decision, 28 February 1992, 0050-7887-0050-7887

<sup>488</sup> Decision, 27 March 1992, 0018-4289-0018-4290

<sup>489</sup> Decision, 12 May 1992, 0040-8083-0040-8083.

<sup>490</sup> Decision, 12 May 1992, 0040-8088-0040-8088

<sup>491</sup> Decision, 12 May 1992, 0223-5885-888, 0041-5687-0041-5710

duties.<sup>492</sup> On 2 June 1992<sup>493</sup>, the Speaker of the Assembly was also named an ex-officio member of the Expanded Presidency.

232. Informally, the Assembly and its sessions and meetings functioned as part of the party communication structure, and as an opportunity for the deputies and the leadership to exchange information and co-ordinate efforts on the situation across the different municipalities.

#### Serbian Autonomous Regions and Municipalities

233. In early 1991, the SDS had begun the process of regionalization by planning for a Community of Municipalities of Bosanska Krajina, which later became the Autonomous Region of Krajina (ARK).<sup>494</sup> BiH had no regional-level territorial-governmental entity, although groups of municipalities were permitted to, and did, form “associations of municipalities” for economic purposes.<sup>495</sup> In the spring of 1991, a number of municipalities in BiH, all of which had a Serbian majority or plurality, adopted agreements to form new associations of municipalities. Some of these municipalities simultaneously severed their ties with existing associations of municipalities.<sup>496</sup> Significantly, these agreements went beyond the constitutional provisions and expanded the powers of the new associations to include new provisions for the organisation and conduct of the defence of their territory.<sup>497</sup>

234. Although Bosnian Serbs claimed publicly that their motives for establishing the new communities were merely economic, their own comments show that the communities and later regions were intended to be ethnically organised political organisations, and that regionalization was a means of establishing power in Serb-claimed territories.<sup>498</sup> In their founding documents the autonomous regions declared themselves to be units of the Federal Yugoslavia and not bound by BiH law.<sup>499</sup>

<sup>492</sup> Article 87 of the Constitution, 28 February 1992, 0035-9816-0035-9825.

<sup>493</sup> Law, 2 June 1992, 0049-1907-0049-1907.

<sup>494</sup> *Nedjeljni Glas*, p. 3, 13-14 Apr 1991, BCS 0219-2660-0219-2660.

<sup>495</sup> BiH Constitution, Art. 275-280, *Službeni list SRBiH* No. 4 (25 Feb 1974), 130-131 (BCS 0049-7420-0049-7707). Amendment XLII, *Službeni list SRBiH* No. 13 (21 April 1989), 333.

<sup>496</sup> *Oslobođenje* 27 Apr 91 ENG 0051-2391-0051-2398; *Javnost* 11 May 91 BCS 0089-6733-0089-6733; *Javnost* 1 Jun 91 BCS 0089-6734-0089-6734.

<sup>497</sup> Decision of Banja Luka Municipal Assembly 29 April 1991 BCS 0044-8781-0044-8784, ENG 0190-7902-0190-7905.

<sup>498</sup> Krajišnik speech to Deputies' Club 24 Oct 91 (BCS SA00-7274-SA00-7278); Karadžić speech at Plebiscite Nov 91 (BCS 0027-0628-0027-0629, translation 0044-3785-0044-3794); Intercept Karadžić/Milošević, 9 Sept 1991 (Intercept ID #4425, Tape T000-0969-T000-0369, BCS 0206-6173-0206-6176, ENG 0092-2914-0092-2917); Comments of Velibor Ostojić at SDS Deputies Club meeting 18 Oct 91 (BCS 0205-2498-0205-2509).

<sup>499</sup> “Decision of Bosanska Krajina Municipalities Assembly held in 1991 on municipalities that are part of Bosanski Krajina Association of Municipalities joining the FRY”, dated 1991 (BCS SA04-2813) provides that the territory of Bosanska Krajina will become an integral part of FRY Territory and that the FRY Constitution and other Federal Regulations and Acts will apply; “Bosanska Krajina, A constitutive part of new Yugoslav Federation”, (BCS 0087-3004-0087-3039, Eng 0092-9699-0092-9731); Document titled “Regionalization” dated



235. The proclamations of the SAOs and the Assembly of the Serbian People were followed by the proclamation of Serbian Municipalities, either by the SDS-dominated Municipal Assembly itself or, in Serb-minority municipalities, by SDS members breaking away from the elected assembly and claiming areas with a Serbian majority. The proclamations of the Serbian Municipalities similarly declared these territories to be bound by federal rather BiH law.<sup>500</sup> Even some local communities, the lowest level of government, declared themselves to be units of the federal Yugoslavia.<sup>501</sup>

236. On 21 November 1991 the Bosnian Serb Assembly verified the proclaimed SAOs and specified the “municipalities, local communities and inhabited places considered territories belonging to the Federal State of Yugoslavia” on the basis of the plebiscite held earlier that month.<sup>502</sup>

#### Crisis Staffs

237. The Bosnian Serb municipal Crisis Staffs were originally SDS party organs, and eventually declared themselves the municipal government organs of the Bosnian Serb state. They provided the crucial co-ordination among party, government and armed forces at the municipal level and were a critical mechanism by which the Bosnian Serb leadership seized and maintained control of territory. These formations were under the control of the Bosnian Serb leadership through the SDS, the NSC, the Presidency, and the Government.

238. The Bosnian Serb Crisis Staffs were formed within the SDS, on the directives of the party leadership, as part of the establishment of Serbian municipalities and the preparations for a Bosnian Serb state.<sup>503</sup> As early as February 1991 the SDS proposed the formation of municipal “Civil Defence” staffs to operate under SDS orders in the event that the republic legal organs ceased to function.<sup>504</sup>

---

January 1992 (BCS 0204-8667-0204-8742, Eng L004-3316-L004-3427); Minutes of SAO Romanija Assembly 11/12/91 (BCS SA02-3688); Milovan @ugi} states that “The attitude of the main committee of SDS is to create a Serb Bosnian Herzegovina as a federal unit of Yugoslavia”.

<sup>500</sup> Blank form for declaring Serbian Municipalities (BCS 0094-3158-0094-3159); Declaration of Serbian Municipality of Bosanska Krupa 25 Oct 91 (BCS 0091-4331-0091-4331, ENG L002-7720-L002-7721).

<sup>501</sup> Decisions proclaiming the territory of Majevac and four other Local Communities Constituent and Indivisible Parts of the Federative State of Yugoslavia, 13 Oct 91 (BCS SA02-2842-SA02-2846

<sup>502</sup> Record of 2<sup>nd</sup> session of Serbian Assembly 21 Nov 91 (BCS SA01-1999-SA01-2054, ENG 0093-0291-0093-0342); “Decision on municipalities, etc” 21 Nov 91 (BCS SA04-2106-SA04-2107).

<sup>503</sup> See e.g. Fax “Order of SDS”, 29 October 1991 BCS 0050-7147-0050-7147, ENG 0050-7148-0050-7148; Minutes of 2<sup>nd</sup> Assembly of Serbian People, 21 November 1991 BCS SA01-1999-SA01-2054, ENG 0093-0291-0093-0342, p. 45.

<sup>504</sup> “Working Documentation” on SDS Civil Defence, February 91 BCS SA02-9148-SA02-9152, ENG 0304-6048-0304-6052. See also “Modus Operandi of Municipalities”, 23 February 91 BCS SA02-8819-SA02-8822, ENG 0305-1781-0305-1782; Klju- “Municipal Civil Defence Staffs of the SDS” BCS 0057-4382-0057-4407, ENG 0302-3558-0302-3572.

239. In the document dated 19 December 1991 and titled "Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in a State of Emergency"<sup>505</sup> the SDS set out in detail the procedure for the formation of Serbian municipalities and Crisis Staffs.<sup>506</sup> According to this document, the Crisis Staff was headed by the president of the SDS municipal board - who in most Serb-majority municipalities was also the president of the municipal assembly - and included SDS members who held municipal government positions or had connections to the party centre. Crisis Staffs were also instructed to co-operate with JNA command posts and headquarters. SDS Municipal Boards acted promptly upon these Instructions and formed Crisis Staffs.<sup>507</sup>

240. As party organs, Crisis Staffs received orders from, and reported to, the SDS leadership via the Main Board, the Assembly, or personal approaches to Karadžić, Krajišnik and others.<sup>508</sup> At the same time, they functioned as a shadow government for the future Bosnian Serb state.<sup>509</sup> In April 1992, after Karadžić as President of the NSC ordered their activation,<sup>510</sup> Crisis Staffs began to function publicly as the municipal governments of the newly emerging Bosnian Serb state, as part of the transformation of SDS formations into state organs.

241. The newly emerging organs of the Bosnian Serb state asserted their authority over municipal Crisis Staffs.<sup>511</sup> On 26 April 1992 the RS Government issued Instructions for the Work of Crisis Staffs of the Serbian People in Municipalities, which mandated Crisis Staffs to co-ordinate local organs in order to defend territory and establish authority, and to report regularly to the Bosnian Serb state organs.<sup>512</sup> The Crisis Staffs received and acted upon the Instructions for the Work of Crisis Staffs.<sup>513</sup>

<sup>505</sup> Hereinafter "19 December 1991 Instructions".

<sup>506</sup> See the various copies of the 19 December 1991 Instructions, such as #96 at 0030-6063-0030-6073; #100 at 0018-4274-0018-4283; #104 at: 0060-6883-0060-6894. ENG 0027-0650-0027-0656.

<sup>507</sup> See e.g. formations of Crisis Staffs in Ključ, 23 December 1991 BCS 0091-4528-0091-4532, ENG 0092-4117-0092-4119; Prijedor, 27 December 1991 BCS 0063-3832-0063-3834, ENG 0301-6080-0301-6082; Trnovo, 27 December 1991 BCS 0094-9404-0094-9405, ENG 0303-9809-0303-9810.

<sup>508</sup> See e.g. SDS Executive Board Instructions, 31 May 1992 BCS 0108-8782-0108-8782, ENG 0301-7151-0301-7151; Bijeljina SDS Crisis Staff report to SDS Main Board, 1 April 1992 BCS 0075-0001-0075-0004, ENG 0302-0693-0302-0693.

<sup>509</sup> Radio Prijedor Broadcast, 29 April 1991 BCS 0100-8949-0100-8956, ENG 0208-9296-0208-9304, at 0208-9302.

<sup>510</sup> NSC Press Release, 4 April 1992 BCS 0058-3805, in ENG 0058-3780-0058-3811..

<sup>511</sup> NSC Minutes, 22 April 1992 BCS 0124-5299-0124-5301.

<sup>512</sup> Instructions for Work of Crisis Staffs BCS 0027-0617-0027-0618, ENG 0027-0619-0027-0620.

<sup>513</sup> See e.g. Decision on Organisation and Work of Prijedor Crisis Staff, 1 May 1992 BCS P000-7337-P000-7342, ENG 0301-6068-0301-6072.

242. The Bosnian Serb leadership issued other orders which served to legalise and centralise Crisis Staffs as part of the process of establishing a Bosnian Serb state.<sup>514</sup> On 31 May 1992 the RS Presidency ordered the formation of War Presidencies in municipalities where the assembly and executive organ were unable to exercise their authority; the day War Presidencies were established, Crisis Staffs would cease to operate.<sup>515</sup> The RS Presidency was to appoint a Republic Commissioner who would run the work of the municipal War Presidency and ensure at the municipal level “the co-ordination and implementation of the policies of the Republic state organs and the Main Staff of the VRS”. Thus the RS Presidency and the army command had a very short link to the municipalities.

243. The legal position of municipal War Presidencies was retroactively confirmed in a Presidency Act of 2 June 1992, which amended the RS Constitution to add a provision for municipal War Presidencies. The republic Presidency now had the authority to establish War Presidencies during a state of war, and define their composition and competence.<sup>516</sup> On 10 June 1992 the legal status of War Presidencies was further elaborated by the Presidential Decision on the Formation of War Commissions, which ordered that War Commissions be formed in war-afflicted municipalities or where there was a threat of war.<sup>517</sup>

244. Under the above orders, all Crisis Staffs should have become War Presidencies after 31 May 1992, while after 10 June 1992 the republic Presidency could intervene and establish War Commissions where it chose. However these various orders and terms were not immediately or consistently applied, with many “Crisis Staffs” continuing to function. It is not always possible, nor is it necessary, to distinguish between Crisis Staffs, War Staffs, War Presidencies, and War Commissions, and the term Crisis Staffs is used here generically.<sup>518</sup>

245. Considering themselves the legal municipal government and an integral part of the RS, the Crisis Staffs saw themselves as responsible to the central state organs of the RS, and the central state organs similarly viewed the Crisis Staffs as part of the RS state system. The

<sup>514</sup> See e.g. NSC Minutes, 22 April 1992 BCS 0124-5299-0124-5301; RS Government Minutes, 23 May 1992 BCS 0124-5320-0124-5321; Instructions on Organisation and Work of Presidencies in Municipalities, 24 May 1992 BCS 0124-6855-0124-6855.

<sup>515</sup> Decision on Formation of War Presidencies, 31 May 1992 BCS 0050-8414-0050-8414, ENG 0050-9977-0050-9977.

<sup>516</sup> “Act Supplementing Constitutional Act”, 1 June 1992 BCS 0050-8414-0050-8414, ENG 0044-8095-0044-8095.

<sup>517</sup> Decision on Formation of War Commissions, 10 June 1992 BCS 0090-3101-0090-3102, ENG 0302-1126-0302-1127.

<sup>518</sup> On the transformation of Crisis Staffs in War Presidencies see e.g. Kotor Varo{ , 7 July 1992 BCS 0041-5542-0041-5542, EN G 0190-9360-0190-9360. On the confusion of terms, see RG Government Minutes of 8 July 1992 BCS 0124-5421-0124-5427 and 14 July 1992 BCS 0124-5434-0124-5441; see also Ilid`a order on Formation of War Presidency, 16 January 1993 BCS 0223-7061-0223-7061.

Crisis Staffs received orders from the Presidency, the NSC, and the Government of the RS.<sup>519</sup> The Crisis Staffs in turn cited orders and decisions of the Bosnian Serb Assembly, Presidency, NSC and Government as the basis for their actions, including moving non-Serbs out of the municipality.<sup>520</sup> The Crisis Staffs reported and appealed to central state organs of the RS, including the Presidency, the NSC, the Assembly, and ministries.<sup>521</sup>

246. As the highest organs of municipal authority in those territories that the Bosnian Serbs claimed for their state,<sup>522</sup> the Crisis Staffs were some of the most important agents of ethnic cleansing: they ensured that the command structures and actions of the police, military, and paramilitaries conformed to party and government policy.<sup>523</sup> The municipal Crisis Staffs were most active from April through June 1992, when they took over control of municipalities in the name of the Bosnian Serb state. They met regularly, often daily, to consider orders and policies of higher state bodies and to issue orders, decisions, and conclusions aimed at securing control of the municipality for the Bosnian Serb state.<sup>524</sup>

247. The Crisis Staffs played a central role in co-ordinating the military effort in the municipalities.<sup>525</sup> The Crisis Staffs provided the recruits, supplies, and material and moral support, without which the military units could not have operated.<sup>526</sup> The military representation on the Crisis Staffs ensured a commonality of purpose among the political and military bodies.<sup>527</sup>

<sup>519</sup> Examples of orders and decisions from central government include: Decision on Technical Equipment and Materiel, 29 April 1992 BCS 0050-8414-0050-8414, ENG E000-0031; General Mobilisation Order, 21 May 1992 BCS 0094-9157-0094-9157, ENG 0067-8216-0067-8217; Instructions from Ministry of Education, 27 May 1992 BCS P002-0993-P002-0994. Examples of orders and decisions from central government to specific Crisis Staffs include orders to Sokolac BCS 0124-6752-0124-6752; Ilija{ BCS 0124-6836-0124-6836; Bijeljina BCS 0215-9496-0215-9496.

<sup>520</sup> See e.g., Bosanska Krupa BCS 0091-4255-0091-4256, ENG 0092-3280-0092-3281; Biha{ BCS 0094-1676-0094-1678, ENG 0110-4280-0110-4281; Bratunac BCS 0083-5769-0083-5772.

<sup>521</sup> See e.g., NSC accepted Report on Work of Crisis Staffs, 28 April 1992 BCS 0124-5307-0124-5308; Novo Sarajevo Report on Activities of Crisis Staff BCS 0084-5158-0084-5162, ENG 0089-8392-0089-8396 was apparently reviewed at RS Government session, 7 June 1992 BCS 0124-5352-0124-5353; Bosanski [amac appeal to RS Government BCS 0208-9698-0208-9699.

<sup>522</sup> Crisis Staff claims to be the highest municipal authority include: Bosanski [amac: BCS 0045-6221-0045-6227, ENG 0052-6539-0052-6543; Bratunac: BCS 0083-5805-0083-5805, L003-1858-L003-1859; Sanski Most: BCS 0049-1713-0049-1737, ENG 0092-2333-0092-2386, p. 19.

<sup>523</sup> See e.g., Bosanski Petrovac, BCS 0091-5230-0091-5238, at 0091-5231; Ilija{ BCS 0226-5800-0226-5802; Sanski Most BCS 0047-1742-0047-1745, ENG 0110-6744-0110-6745.

<sup>524</sup> For the role of Crisis Staffs in take-overs, see e.g., Bijeljina: BCS 0074-9558-0074-9563, ENG L000-3856-L000-3858; Klju-: BCS 0057-5222-0057-5223, ENG 0110-7620-0110-7621; Prijedor: BCS 0100-8949-0100-8956, ENG 0208-9296-0208-9304; Rajlovac: BCS 0226-9283-0226-9290; Sanski Most: BCS 0037-9422-0037-9463, ENG 0110-4328-0110-4367, p. 13.

<sup>525</sup> E.g., Klju-: BCS 0048-9810-0048-9813, ENG 0102-5010-0102-5015; Trnovo: BCS 0228-0101-0228-0104; Vogo{a: BCS 0208-9414-0208-9414; Sarajevo: BCS SA02-9215-SA02-9216.

<sup>526</sup> E.g., Bosanski [amac: BCS 0045-6211-0045-6212, ENG 0052-6549-0052-6549; Prijedor: BCS P000-8404-P000-8410, L001-5763-L001-5775; Vogo{a: BCS 0222-5220-0222-5221.

<sup>527</sup> E.g., Klju-: BCS 0048-9810-0048-9813, ENG 0102-5010-0102-5015.

248. Crisis Staffs had already often been closely involved in SDS efforts to arm Serbs in 1991 and early 1992.<sup>528</sup> In some places the SDS took the initiative to arm and train local Serbs under the guise of the TO or the municipal Civil Defence.<sup>529</sup> In other cases the Crisis Staff armed and organised local Serbs into its own SDS paramilitary formations, often called the SOS (Serbian Defence Forces).<sup>530</sup> In some cases the Crisis Staffs extended financial and logistical support to paramilitary groups operating in their municipality,<sup>531</sup> or invited paramilitaries such as Arkan's Serbian Volunteer Guard to come to their assistance.<sup>532</sup> In other cases the Crisis Staff integrated local paramilitary groups into the regular TO or army.<sup>533</sup>

249. The Crisis Staffs' control over local TO forces stemmed from two sources: the *de facto* control of the SDS over the units it established and armed, and the legal provisions of the RS Constitution and Law on National Defence which obliged the municipalities to organise, manage, and support the municipal TO staffs. In a few cases the Crisis Staff President took his control over local forces to the point of assuming direct command of the local TO or army unit.<sup>534</sup> In other cases the Crisis Staff established the local TO commands, named officers, issued orders or decisions to, and received reports from TO units.<sup>535</sup>

250. The relationship of the Crisis Staff with the JNA varied by municipality: in some places the JNA commander was a member of the Crisis Staff and co-ordination was close. In some cases individual officers in the JNA had been secretly co-operating with the SDS as early as the summer of 1991, and later boasted of their help in "organising preparations and advising the SDS to take over power".<sup>536</sup> The 19 December 1991 Instructions stipulated that Crisis Staffs co-operate with JNA commands and staffs. On 27 March 1992 Karadžić

<sup>528</sup> E.g., Bosanska Krupa: BCS 0055-2814-0055-2824, ENG 0091-2076-0019-2088, p. 4; Ključ: BCS 0057-4129-0057-4130, ENG 0110-7493-0110-7493; Trnovo: BCS 0228-0101-0228-0104.

<sup>529</sup> E.g., Ključ: BCS 0057-4382-0057-4407, ENG 0302-3558-0302-3572; and BCS 0034-9558-0034-9572; Novo Sarajevo BCS SA02-3506-SA02-3506, ENG 0049-8882-0049-8882; Trnovo BCS 0094-9181-0094-9181, ENG 0305-2247-0305-2247.

<sup>530</sup> See e.g., Bijeljina BCS 0074-9558-0074-9563, ENG L000-3856-L000-3858; Sanski Most BCS 0037-9422-0037-9463, ENG 0110-4328-0110-4367, p. 23; BCS 0047-1802-0047-1805; Trnovo BCS 0094-9747-0094-9777.

<sup>531</sup> Evidence of Crisis Staff support for paramilitaries includes Zvornik BCS 0076-6079-0076-6082; 0076-8114-0076-8115; 0215-9575-0215-9576.

<sup>532</sup> Request of Ilijać Crisis Staff for aid, 14 June 1992 BCS 0224-9562-0224-9562.

<sup>533</sup> See e.g., Bosanska Krupa BCS 0091-4361-0091-4371, ENG 0091-2076-0091-2088, p. 6; Sanski Most BCS 0047-1862-0047-1863, ENG 0110-7725-0110-7726.

<sup>534</sup> Municipalities where the head of the Crisis Staff was also a military commander include Ilijać: BCS 0084-5289-0084-5289, ENG 0089-2249-0089-2249; Vogošća: BCS 0025-5231-0025-5249.

<sup>535</sup> Examples of Crisis Staffs ordering TO and naming command include: Analysis of Combat Readiness of VRS BCS 0060-7339-0060-7480, ENG 0110-3019-0110-3182, pp. 10, 13; Bihać BCS 0094-1674-0094-1675, ENG L001-6733-L001-6733; Bratunac BCS 0083-5804-0083-5804, ENG L003-9957-L003-9958; Trnovo BCS 0094-9338-0094-9370, ENG L001-9582-L001-9613, pp. 4, 10, 14, 15.

<sup>536</sup> Interview with Radmilo Zelaja, *Kozarski Vjesnik* 20 May 1994 BCS 0042-2366-0042-2367, ENG 0033-2746-0033-2753; Letter of Dušan Smiljanić, 15 October 1994 BCS 0200-9468-0200-9473, ENG 0300-4728-0300-

recommended that TO units organised by the Crisis Staffs be put under the command of the JNA where possible.<sup>537</sup> Such contacts and co-operation were apparently no longer clandestine matters but army policy by March and April 1992.<sup>538</sup>

251. There are many instances, however, of Crisis Staffs going far beyond this co-operation: some Crisis Staffs set tasks for the army or even issued orders and claimed authority over army units.<sup>539</sup> In other places the Crisis Staff saw its role as providing recruits, supplies, and material and moral support.<sup>540</sup> The relationship became even closer with the transformation of the JNA into the VRS.<sup>541</sup> VRS commanders or their representatives attended Crisis Staff meetings in several municipalities.<sup>542</sup> Some Crisis Staff members were in contact with General Mladić personally.<sup>543</sup>

252. The Crisis Staffs enabled the creation of Serb police forces on the municipalities, including the firing of non-Serbs from the police.<sup>544</sup> Once purely Serb police forces were created, Crisis Staffs controlled or closely co-ordinated with their municipal police.<sup>545</sup> The police forces' own hierarchy made it clear that the Crisis Staffs could order the local police.<sup>546</sup>

253. In addition to their military role, Crisis Staffs took other related actions which furthered the war efforts of the Bosnian Serb forces and the creation of "ethnically cleansed" territory. For example, Crisis Staffs:

- decided to cut off the water supply to the city of Sarajevo,<sup>547</sup>
- evacuated a town's Serbian population in preparation for an armed attack;<sup>548</sup>

---

4733; "Aims and Principles of Volunteer Units", 24 August 1991 BCS 0043-7721-0043-7724, ENG 0043-7717-0043-7720.

<sup>537</sup> 14<sup>th</sup> Assembly session Transcript BCS 0089-6915-0089-6949, ENG 0092-6762-0092-6786, p. 23.

<sup>538</sup> Order of General Adžić 25 March 1992 BCS 0060-7022-0060-7025; 5<sup>th</sup> Corps order 1 April 1992 BCS 0104-2415-0104-2418, ENG 0300-6328-0300-6331; Report of 2<sup>nd</sup> Military District Reserve Command Post, 6 April 1992 BCS 0089-1872-0089-1872, ENG 0304-6888-0304-6888; Novo Sarajevo CS minutes BCS SA02-6150-SA02-6151.

<sup>539</sup> E.g., SAO Bira- announcement BCS 0083-5801-0083-5801, ENG L003-9955-L003-9956; Bosanska Krupa: BCS 0049-2544-0049-2544, ENG 0092-3271-0092-3281, p. 5; Vogosnica: BCS 0223-2623-0223-2623; Zavidovići: BCS 0207-2621-0207-2621.

<sup>540</sup> E.g., Bosanska Krupa: BCS 0055-2814-0055-2824, ENG 0091-2076-0019-2088, p. 4; Ključ: BCS 0057-4129-0057-4130, ENG 0110-7493-0110-7493; Trnovo: BCS 0228-0101-0228-0104.

<sup>541</sup> E.g., 1<sup>st</sup> Partisan Brig. Meeting, 14 May 1992, BCS 0042-1533-0042-1536, ENG 0096-8573-0096-8575; Trnovo: BCS 0094-3178-0094-3179, ENG L001-6088-L001-6090; Vogosnica: BCS 0223-2652-0223-2653.

<sup>542</sup> E.g., Kotor Varoš: BCS 0041-5588-0041-5589, ENG L005-5627-L005-5629; Sanski Most BCS 0047-1742-0047-1745 ENG 0110-6744-0110-6745; Trnovo BCS 0094-9168-0094-9170, ENG 0304-3691-0304-3693.

<sup>543</sup> Intercept Unković and Mladić, 13 May 1992 CD-7-4-1/02//017, D000-0782-D000-0782.

<sup>544</sup> E.g., Brčko BCS 0074-1394-0074-1411, ENG 0096-7572-0096-7577; Ključ: BCS 0091-4749-0019-4750, ENG 0190-8920-0190-8921; Pale BCS 0204-8150-0204-8151, ENG 0302-6252-0302-6253.

<sup>545</sup> E.g., Bosanska Krupa BCS 0091-4269-0091-4270, ENG 0088-4608-0088-4609; Ključ: BCS 0048-9819-0048-9838, ENG 0300-8004-0300-8016; Prijedor BCS 0063-3784-0063-3786, ENG 0092-6816-0092-6818.

<sup>546</sup> E.g., CSB Banja Luka dispatch BCS 0063-3164-0063-3168, ENG 0091-6498-0091-6498; CSB Banja Luka Order 30 July 1992 BCS 0045-1835-0045-1840, ENG 0110-6417-0110-6420.

<sup>547</sup> Ilidža War Presidency, Decision to cut off water supplies, BCS 0223-7463-0223-7463.

- established, controlled, supported, or at least had access to, detention centres;<sup>549</sup>
- ordered the arrest of individuals and whole categories of people;<sup>550</sup>
- authorised the transfer of prisoners in and out of detention centres;<sup>551</sup>
- ordered the release of prisoners from camps and prisons;<sup>552</sup>
- controlled the local radio stations and other media which they used to broadcast their orders and decisions.<sup>553</sup>

254. The status, and exodus, of non-Serbs in the Serb municipalities was a constant theme of the Crisis Staffs' work: the Klju- Crisis Staff stated that it had "resolved issues about the organised emigration of Muslims as well as the very question of the status of Muslims".<sup>554</sup> Other Crisis Staffs also took discriminatory actions against non-Serbs, by:<sup>555</sup>

- ordering the firing of non-Serbs from municipal positions and from certain firms or kinds of employment;<sup>556</sup>
- controlling freedom of movement, issuing permits for travel;<sup>557</sup>
- ordering the establishment of the local judicial system, setting up courts, appointing judges and firing non-Serbs from court positions.<sup>558</sup>

255. The Crisis Staffs carried out the policies and the procedures for the forcible departure of non-Serbs.<sup>559</sup> In Bosanska Krupa the War Presidency, in its own words, "suggested two options to the Muslims: either to organise their own evacuation from the area, or to have that

<sup>548</sup> Report on Activities of Trnovo SDS Municipal Board, BCS 0228-0101-0228-0104.

<sup>549</sup> See Reports by Prijedor, Bosanski Novi and Sanski Most SJB: BCS B003-2526-B003-2564, ENG 0300-8556-0300-8567. See also Doboj: BCS 0074-1316-0074-1321, ENG 0302-5623-0302-5625; Ilija{: BCS 0107-0977-0107-0978; Kotor Varo{: BCS 0041-5539-0041-5539, ENG: 0190-0663-0190-0663.

<sup>550</sup> See e.g., Bosanski Petrovac BCS 0094-6846-0094-6847, ENG 0094-6844-0094-6845; Sanski Most BCS 0037-9462-0037-9462, ENG 0110-4365-0110-4365.

<sup>551</sup> See e.g., Sanski Most BCS 0047-1746-0047-1749, ENG 0110-6746-0110-6746; Kotor Varo{ BCS 0041-5634-0041-5634, ENG 0092-3386-0092-3386.

<sup>552</sup> See e.g., Prijedor BCS 0063-3800-0063-3800, ENG 0106-7856-0106-7857; Sanski Most BCS 0047-1270-0047-1270, ENG 0092-9267-0092-9267; Vogoa BCS 0223-2640-0223-2641.

<sup>553</sup> See e.g. Bosanski Petrovac BCS 0059-2510-0059-2510, ENG L003-5524-L003-5525; Klju- BCS 0047-4010-0047-4013, ENG 0047-7661-0047-7665.

<sup>554</sup> Klju- Report on Work of Crisis Staff BCS 0048-9810-0048-9813, ENG 0102-5010-0102-5015.

<sup>555</sup> E.g., ^elinac War Presidency Decision, 23 July 1992, BCS 0056-7982-0056-7984, ENG 0303-1072-0303-1075; Pale Crisis Staff Order, 7 May 1992, BCS 0208-9424-0208-9424.

<sup>556</sup> E.g., Klju-: BCS 0057-5238-0057-5238, ENG 0110-7185-0110-7185; Vogoa: BCS 0223-4988-0223-4988; Zvornik: BCS 0208-3639-0208-3640, ENG 0303-1292-0303-1294.

<sup>557</sup> E.g., Br-ko: BCS 0028-4833-0028-4833, 0028-4837-0028-4837; Ilid'a: BCS 0223-7470-0223-7470; Klju-: BCS 0091-4738-0091-4738, ENG 0300-0823-0300-0823.

<sup>558</sup> E.g. Bosanska Krupa: BCS 0059-0289-0059-0291, ENG 0302-0605-0302-0607; Klju-: BCS 0057-5231-0057-5231, ENG 0110-7622-0110-7622; BCS 0057-5232-0057-5232, ENG 0110-7623-0110-7623; BCS 0057-5233-0057-5233, ENG 0110-7405-0110-7405; BCS 0048-9810-0048-9813, ENG 0102-5010-0102-5015; Sanski Most: BCS 0047-1752-0047-1755, ENG 0110-6747-0110-6748.

<sup>559</sup> E.g., Reports by Prijedor, Bosanski Novi and Sanski Most SJB: BCS B003-2526-B003-2564, ENG 0300-8556-0300-8567; Kotor Varo{ BCS 0041-5557-0041-5557, ENG L004-2656-L004-2657; BCS 0041-5638-0041-5638, ENG 0091-8267-0091-8267; Sanski Most: BCS 0047-1742-0047-1745, ENG 0110-6744-0110-6745.

effected by military means".<sup>560</sup> That this was a co-ordinated policy for the creation of a Serb-dominated state is indicated by the 7 June 1992 agreement of seven municipalities that "Muslims and Croats should move out to a level at which all the municipalities can maintain Serbian power on their territories".<sup>561</sup>

256. The Crisis Staffs oversaw the removal of non-Serbs from the municipalities by establishing "Committees for Emigration", "travel agencies" and "exchange agencies".<sup>562</sup> They set criteria for departure<sup>563</sup> including the payment of a fee and the signing of a form that the non-Serbs were leaving "voluntarily".<sup>564</sup> They set a maximum sum of money, usually 300 DM, that the deportees could take with them.<sup>565</sup> They organised convoys of the expelled, arranging the busses and police escorts,<sup>566</sup> and negotiated with the Red Cross and with other municipalities for the movement of convoys.<sup>567</sup>

257. The Crisis Staffs oversaw the systematic collection and redistribution of non-Serbs' property,<sup>568</sup> either by forcing those expelled to sign their property to the state,<sup>569</sup> or simply declaring that "abandoned" property now belonged to the municipality.<sup>570</sup> Crisis Staffs took other measures to ensure that the non-Serbs would not return.<sup>571</sup>

#### 6. Bosnian Serb Ministry of Internal Affairs

258. The Bosnian Serb MUP co-ordinated and co-operated with the SFRY forces and Serbian forces in the takeover of power and maintenance of power on the territories claimed by the Serbs in BiH.

<sup>560</sup> Report on Work of Municipal Assembly and War Presidency BCS 0055-2814-0055-2824, ENG 0091-2076-0091-2088, p. 5; see also Order for evacuation of remaining Muslim population, 22 May 1992 BCS 0091-4396-0091-4396, ENG 0092-3271-0092-3272.

<sup>561</sup> Report on meeting of Political Representatives, 7 June 1992 BCS 0042-3657-0042-3658, ENG 0303-1763-0303-1764.

<sup>562</sup> E.g. Kotor Varo{ : BCS 0041-5572-0041-5573, ENG 0190-0444-0190-0445; Sanski Most: BCS 0043-1771-0043-1772, ENG 0090-2647-0090-2648; Zvornik: BCS 0208-3639-0208-3640, ENG 0303-1292-0303-1294.

<sup>563</sup> E.g.. Reports by Prijedor, Bosanski Novi and Sanski Most SJB BCS B003-2526-B003-2564; ENG 0300-8556-0300-8567; Sanski Most: BCS 0047-1756-0047-1759, ENG 0093-0256-0093-0257.

<sup>564</sup> E.g.. Kotor Varo{ : BCS 0041-5677-0041-5678, ENG 0092-2329-0092-2330; Bosanski Petrovac: BCS 0059-0675-0059-0675, ENG 0190-9741-0190-9741; Klju-: BCS 0057-4086-0057-4086, ENG L005-4111-L005-4112.

<sup>565</sup> E.g.. ARK BCS 0049-7857-0049-7858, cited in Banja Luka CSB dispatch, 31 July 1992, BCS 0047-8696-0047-8697; Kotor Varo{ : BCS 0041-5754-0041-5754, ENG 0190-9380-0190-9381.

<sup>566</sup> E.g.. Kotor Varo{ : BCS 0041-5754-0041-5754, ENG 0190-9380-0190-9381; Reports by Prijedor, Bosanski Novi and Sanski Most SJB BCS B003-2526-B003-2564; ENG 0300-8556-0300-8567.

<sup>567</sup> E.g.. Kotor Varo{ : BCS 0041-5677-0041-5678, ENG 0092-2329-0092-2330; Prijedor: BCS 0051-8614-0051-8614, ENG 0091-3716-0091-3716; Sanski Most BCS 0043-1771-0043-1772, ENG 0090-2647-0090-2648.

<sup>568</sup> E.g.. Ilija{ : BCS 0225-2619-0225-2626; Klju-: BCS 0048-9906-0048-9906, ENG L005-4161-L005-4163; Trnovo: BCS 0227-7822-0227-7827.

<sup>569</sup> E.g.. Bosanski Petrovac, 31 July 1992, BCS 0059-0675-0059-0675, ENG 0190-9741-0190-9741.

<sup>570</sup> E.g.. Prijedor: BCS P000-6784-P000-6785, ENG 0300-3208-0300-3208; Zvornik: BCS 0208-3639-0208-3640, ENG 0303-1292-0303-1294.

<sup>571</sup> E.g. Kalinovik: BCS 0094-9160-0094-9160, ENG 0110-5380-0110-5380; Klju-: BCS 0057-3856-0057-3893, ENG 0091-3841-0091-3866; Kotor Varo{ : BCS 0041-5650-0041-5650, ENG 0091-9717-0091-9717.



259. The establishment of the Bosnian Serb MUP was a critical part of the criminal plan of the Accused and the Bosnian Serb leadership. Following the establishment of the Bosnian Serb MUP, non-Serbs were no longer safe on territories claimed by the Serbs. Instead of the professional enforcement of law and order and equal rights in multi-ethnic communities, Bosnian Serb police enforced the policies of the Bosnian Serb leadership. The Bosnian Serb MUP disarmed non-Serbs, detained, interrogated, beat and killed non-Serbs, restricted freedom of movement, compelled forced labour, deported non-Serbs and participated in and aided and abetted Serb take-overs and massacres in multi-ethnic villages, cities and regions.

260. In September 1991, in a telephone conversation with the Accused, Karadžić referred to the planned division of the MUP: "... they are simply heading towards division of Bosnia and Herzegovina and we will carry out the establishment of regions and set up our MUPs wherever we are in power".<sup>572</sup> In this conversation Karadžić confirmed with the Accused that the strategy of "regional" organisation of the Serbs in BiH was a precursor to the establishment of the MUP and ultimately the ethnic division of BiH.

261. On 30 September 1991 in a speech in the Deputies' Club Karadžić emphasised the importance of the police in achieving the goal of ethnic division, stating that "the final goal is to break off with Muslims and Croats forever. The most important thing is to have as many as possible reserve policemen".<sup>573</sup>

262. On 17 October 1991 the Bosnian Serbs produced a document titled "Possibilities of Organising a Serbian Ministry of the Interior"<sup>574</sup> recommending that a Serbian MUP be established as a parallel organ of authority. On 11 February 1992, at a meeting of Serbian MUP officials, attendees were tasked with "carrying out all the necessary preparations for the functioning of the Serbian MUP after promulgation of the Constitution of the Serbian Republic of BH".<sup>575</sup> At this meeting, the police commander Predrag Jesurić referred to assistance provided by the Serbian MUP stating that the Serbian MUP had been "exceptionally helpful" in providing armaments to him.

263. The Internal Affairs Act of the SRBiH was adopted by the Bosnian Serb Assembly on 28 February 1992 and came into effect on 31 March 1992. The formal takeover of the police stations on territories claimed by the Serbs was effected on 1 April 1992 in accordance with

<sup>572</sup> Intercept BCS Transcript 0206-6173-0206-6176; (ENG). 0092-2914-0092-2917

<sup>573</sup> Notebook with notes of the SDS meetings (BCS) SA04-3587-SA04-3587, (ENG) 0304-6159-0304-6171

<sup>574</sup> SDS document titled "Possibilities of Organising a Serbian Ministry of the Interior" SA00-6606-SA00-6610 (BCS); 0086-0903-0086-0906 (ENG).

<sup>575</sup> Minutes from meeting of Serbian members of the Bosnian MUP in Banja Luka, (BCS) SA02-2282-SA02-2289; (ENG) 0049-8800-0049-8805

Article 126 of the Act and pursuant to a directive issued by the Bosnian Serb Minister of Justice and Administration Mom-ilo Mandić}.<sup>576</sup>

264. Article 2 of the Internal Affairs Act provided for co-operation with the Federal Ministry of Internal Affairs stating that the "Ministry's relations with the Federal Secretariat of Internal Affairs shall be implemented in accordance with the Constitution and provisions of the present law".<sup>577</sup>

265. The Act provided for the Federal Secretariat and Internal Affairs agencies from outside the republic, including the Serbian MUP, to operate on Bosnian Serb territory on an equal footing with the local Ministry of Internal Affairs<sup>578</sup> and for the Ministry to co-operate with the outside organs in "joint activities and security measures"<sup>579</sup>. There were also specific provisions for co-operation and reporting in respect of national security tasks.<sup>580</sup>

266. The first joint action of the conflict was the takeover of the municipality of Bijeljina. Arkan commanded the takeover<sup>581</sup> and the Bijeljina SJB were involved in activities such as "destroying Muslim extremists" and "securing the key structures in the town".<sup>582</sup> Upon Arkan's arrival the Bosnian Serb SJB was installed and commenced "operating in accordance with the instructions and orientation of the Ministry of the Interior of the Serbian Republic of Bosnia and Herzegovina".<sup>583</sup> The Federal SUP co-ordinator Petar Mihaljlović visited the police station on a number of occasions in the week following the takeover<sup>584</sup> and Arkan and the deputy commander of the takeover Ljubiša Savić utilised the police station.<sup>585</sup>

267. Following the takeover of Bijeljina, Arkan moved to Zvornik. In a television interview Arkan described the role that he played in Zvornik stating that he installed the local authorities in power but they were unable to maintain power, necessitating his return to re-

<sup>576</sup> Article 126 of the Law on Internal Affairs and facsimile from Mandić dated 31 March 1992: (BCS) 0049-0125-0049-0125; (ENG) 0085-9466-0085-9467

<sup>577</sup> Article 2 of the Act; Article 3 of the Constitution of the Serb Republic of Bosnia and Herzegovina which provides that the Republic is part of the Federal State of Yugoslavia.

<sup>578</sup> Articles 65 and 66 of the Law on Internal Affairs.

<sup>579</sup> Article 64 of the Law on Internal Affairs.

<sup>580</sup> Articles 21, 22 and 23 of the Law on Internal Affairs.

<sup>581</sup> Daily operative report dated 04 April 1992 from the Commander of the 17<sup>th</sup> Corps, Major Janković, to the Commander of the 2<sup>nd</sup> MD, (BCS) 0018-3969-0018-3970; (ENG) 0096-1185-0096-1187

<sup>582</sup> Report from Bijeljina Security Services to Interior Minister Mišo STANIĆ [I] (personally), in or around 9 April 1992, (BCS) 0074-9558, (ENG) L000-3856

<sup>583</sup> Report from Bijeljina Security Services to Interior Minister Mišo STANIĆ [I] (personally), in or around 9 April 1992, (BCS) 0074-9558, (ENG) L000-3856 (ENG).

<sup>584</sup> Report from Bijeljina Security Services to Interior Minister Mišo STANIĆ [I] (personally), in or around 9 April 1992, (BCS) 0074-9558, (ENG) L000-3856

<sup>585</sup> B-1483.

establish Serbian authority.<sup>586</sup> Eventually, resistance was suppressed and the Bosnian Serb TO and the Bosnian Serb MUP in Zvornik took control of the municipality.<sup>587</sup>

268. Telephone intercepts relating to events in Zvornik and Sarajevo confirm that the Serbian MUP and the Federal Secretariat worked with the Bosnian Serb MUP on joint activities and actions. On 18 April 1992 the President of the Zvornik Municipality was in contact with the Bosnian Serb Ministry of the Interior and discussed the involvement of representatives of the Serbian MUP in Zvornik.<sup>588</sup> On 17 May 1992 Mi}o Stani{i} and Mi}o Davidovi}, a commander of a special unit of the Federal Secretariat of Internal Affairs of the SFRY, discussed the participation of the Federal units in military activities in the Sarajevo area.<sup>589</sup> On 19 May 1992 Stani{i} reported to the SFRY Minister of Internal Affairs Petar Gra-anin in respect of combat activities in Sarajevo stating that their "positions were good" and confirming that Gra-anin's men had arrived. Stani{i} re-assured Gra-anin stating "We are co-operating very well".<sup>590</sup>

269. The JNA co-ordinated with and provided armaments and assistance to the Bosnian Serb MUP. On 19 December 1991 the SDS Main Board forwarded instructions to the SDS municipal Committees in respect of the formation of Crisis Staffs and mobilisation of Serb forces in the event of a state of emergency.<sup>591</sup> The document contemplated two levels of mobilisation and directed that, in the second stage of mobilisation "All members of the police force of Serb nationality are to be mobilised and in co-operation with the commands of the headquarters of the JNA their gradual subordination is to be ensured". Consistent with this directive, in the telephone intercepts referred to above of 17 May 1992 and 19 May 1992 between Stani{i} and the federal representatives Davidovi} and Gra-anin, the involvement of MUP units in combat activities around Sarajevo and co-ordination with the commander of the recently formed army of VRS, Mladi}, is discussed.<sup>592</sup>

<sup>586</sup> Interview with Arkan during summer 1994 on Risto \OGO's TV program "My Guest, His Truth V000-1462, V000-0268; (ENG) 0190-4817-0190-4839.

<sup>587</sup> Report from the Ugljevik SJB to the Ministry of the Interior, (BCS) 0074-1374-0074-1377, (ENG) L000-4862-L000-4862

<sup>588</sup> Intercept (ENG) 0321-9529-0321-9531; CD D000-0822-D000-0822.

<sup>589</sup> Intercept (ENG) 0203-0518-0203-0518; Tape D000-0780-D000-0780.

<sup>590</sup> Intercept (ENG) 0203-0519-0203-0520.

<sup>591</sup> SDS "Instructions for the organisation and activities of the organs of the Serb people in Bosnia and Herzegovina in a state of emergency", 19 December 1991, (BCS) 0027-0657-0027-0666; (ENG) 0027-0650-0027-0656 (ENG).

<sup>592</sup> Intercept (ENG) 0203-0518-0203-0518; Tape D000-0780-D000-0780; Intercept (ENG) 0203-0519-0203-0520; Also see, notification By CSB Banja Luka to all SJB's in the Banja Luka region in respect of mobilisation ordered by the MoD, (BCS) 0063-3791-0063-3792; (ENG) 0190-8333-0190-8335

270. Although the Bosnian Serb MUP relied closely on the Serbian MUP for its formation and supply,<sup>593</sup> it could also count on assistance from the JNA. On 3 March 1992, the command of the 2<sup>nd</sup> Military District<sup>594</sup> forwarded a request for the "loan of infantry weapons to the Bosanski Petrovac Public Security Station (SJB)".<sup>595</sup> On 23 April 1992 the Bosnian Serb MUP requested substantial equipment and armaments from the JNA for the use of the special forces established in Banja Luka.<sup>596</sup> This request included 88 items among which were Gazelle and Mi-8 helicopters, BRDM-2 and BOV armoured personnel carriers, as well as large amounts of rifles, ammunition and other equipment. On 24 April 1992 the Commander of the 2<sup>nd</sup> MD Milutin Kukanjac requested that in accordance with the order of Blagoje Ad`i} numbered 2268-1 and dated 30 December 1991, the Federal Secretariat of National Defence provide the assistance requested by the Bosnian Serb MUP.<sup>597</sup> The assistance was provided.<sup>598</sup> The fact that the request referred to JNA order 2268-1 indicated that it was not an isolated event and that it was a regular practice for the JNA Command to provide (military) equipment to the Bosnian Serb MUP. In the telephone intercept of 19 May 1992 Gra-anin discussed with Stani{i} the delivery of equipment to Stojan @upljanin, the head of the Banja Luka CSB, as well as the delivery of equipment to Sarajevo and other places.<sup>599</sup>

271. Following the take-overs of municipalities the authority of the Bosnian Serb MUP was maintained over the regions that had been seized. The Serbian MUP was organised into two services, the public security service and the state security service. Both services were organised on a regional basis.<sup>600</sup> Command and control was exercised by the Ministry

<sup>593</sup> Report signed by Milan Gvero, at 34th Session of Narodna Skupština Republika Srpska, Banja Luka, dated 29 September 1993, (BCS) 0048-0967-0048-0974 ; (ENG) 0091-6772-0091-6779

<sup>594</sup> Hereinafter "2MD".

<sup>595</sup>: Request for the replenishment of TO and SJB units with weapons, signed by Colonel Gradimir Petrovic, on behalf of the Chief of the Technical Service, dated 3 March 1992, (BCS) 0089-1572-0089-1572, (ENG) L004-2883-L004-2884

<sup>596</sup> Request From the Command of the 2<sup>nd</sup> Military District no. 31/103-41 dated 24 April 1992 to the Federal Secretariat of National Defence to the technical administration, referring to a request from the ministry of the interior of the Serbian Republic of Bosnia and Hercegovina strictly confidential No. 11 dated 23 April 1992, (BCS) 0018-3325-0018-3328, (ENG) 0089-1620-0089-1626

<sup>597</sup> Request From the Command of the 2<sup>nd</sup> Military District no. 31/103-41 dated 24 April 1992 to the Federal Secretariat of National Defence to the technical administration, referring to a request from the ministry of the interior of the Serbian Republic of Bosnia and Hercegovina strictly confidential No. 11 dated 23 April 1992 (BCS) 0018-3325-0018-3328, (ENG) 0089-1620-0089-1626

<sup>598</sup> Article titled "Special Detachments Soon" published in Glas Srpski on 29 April 1992, Stojan @upljanin confirms that "the CSB now has weapons and equipment from automatic rifles to armoured combat vehicles, even anti-aircraft ordnance and helicopters", (BCS) 0095-1922-0095-1922; (ENG) 0303-0429-0303-0430; Article titled "We Guarantee the Peace" published in Glas Srpski, 12 May 1992, Stojan @upljanin states that the special unit of the CSB "will be an elite unit, equipped with combat vehicles, helicopters and other contemporary equipment and weaponry", (BCS) 0202-9932-0202-9932, (ENG) 0302-5837-0302-5840.

<sup>599</sup> Intercept (ENG) 0203-0519-0203-0520.

<sup>600</sup> Articles 26 and 28 of the Law on Internal Affairs.

through the regional commanders to the municipal and local police stations.<sup>601</sup> In cases of a "state of war, immediate peril or other emergency" the President of the Bosnian Serb Republic could issue orders for the utilisation of the police.<sup>602</sup> The local police stations were required to submit regular reports in respect of their activities to the municipal and regional level and there was regular reporting to the republic level.<sup>603</sup>

272. The Bosnian Serb police enforced the laws and edicts of the Bosnian Serb Assembly by methods of force and violence. An example of the operation of the MUP is provided by events in Prijedor where Simo Drlja-a was chief of the Prijedor SJB and Stojan @upljanin was the head of the Banja Luka regional CSB. The Bosnian Serb MUP in Prijedor set up the Omarska Detention camp<sup>604</sup> and provided security in this detention facility.<sup>605</sup> The Prijedor SJB set about disarming the non-Serb population in Prijedor in accordance with the directive of Stojan @upljanin<sup>606</sup> and facilitating the departure of non-Serbs from the region.<sup>607</sup> Special units were formed at the regional level of the Banja Luka CSB<sup>608</sup> and members of these

<sup>601</sup> Article 30 of the Law on Internal Affairs; Also see Security Services Centre Banja Dispatch No. 11-144, 20 May 1992, recording the directive provided by Stojan @upljanin to the SJB's at a meeting of 6 May 1992 that "All my orders conveyed orally, as well as those I may forward by despatch, must be carried out: they are your law. The chain of command, commanding and execution are clearly distinguished in this service". (BCS) 0063-3164-0063-3168, (ENG) 0091-6498-0091-6502.

<sup>602</sup> Article 6 of the Law on National Defence of the Republic of Serbian Bosnia and Herzegovina.

<sup>603</sup> Articles 31 and 32 of the Law on Internal Affairs; Decision of the National Security Council requiring daily reports from the Minister of Internal Affairs, BCS 0124-5299-0124-5301; Also see List of complaints in relation to daily reporting forwarded by Stojan @UPLJANIN, Banja Luka CSB, to the SJBs in Banja Luka BCS P004-3234-P004-3235, Eng L003-6835-L003-6840; Dispatch from the Minister of the Interior requiring submission of reports on the security situation for the period between 01-Jul-92 and 30-Sep-92, dated 26 September 1992, (BCS) B003-9136-B003-9138, (ENG) 0110-2188-0110-2190; Letter from the Security Service Centre, Banja Luka to the Public Security Station, Klju-, referring to the letters from the Ministry of the Interior dated 17-May-92 and 20-Jul-92, submitting questionnaires on killed, missing and wounded members, and enclosing letter from the Minister of the Interior dated 20 July 1992, (BCS) 0057-5672-0057-5673; A dispatch by @upljanin, Stojan, Chief of CSB Banja Luka to all SJB (Public Security Stations) transmitting a dispatch received by RS MUP (Ministry of the Interior), 23 August 1992, ordering all SJBs to collect data on detained and missing Serbs, from territories covered by respective SJB, who could be detained in prisons located on the territory under the control of Croatian forces, (BCS) 0052-8436-0052-8437; Dispatch sent by @upljanin, Stojan, Chief CSB Banja Luka to all SJBs regarding the dispatch received from the Ministry of Internal Affairs, dated 13-Aug-92, requesting information in relation to Arabs, Kurds or other foreign citizens who were arrested and/or killed by Serb forces, BCS 0052-8433-0052-8433, (ENG) 0050-0666-0050-0666; Also see report on the work of the Sarajevo CSB, National Security Service detailing the formation of six wartime departments in the region conducting surveillance, (BCS) 0074-9701-0074-9701; Example of reports, see Report from Dragan Kijac to Karad`i, Kraji{nik, Deri} and Tolimir (BCS) 0084-5121-0084-5123, (ENG) 0087-3893-0087-3893 & Reports seized from Pale, (BCS) 0084-5117-0084-5118, (BCS) 0084-5119-0084-5120.

<sup>604</sup> Order of Simo Drlja-a establishing the Omarska collection centre, dated 31 May 1992, 0106-8146 (ENG);

<sup>605</sup> Performance report of Prijedor SJB for the first half of 1992, (BCS) P003-3215-P003-3226, (ENG) 0300-9594-0300-9602

<sup>606</sup> Dispatch from the Banja Luka CSB to all SJB's, P004-3255-P004-3255; 0300-0401 (ENG); Also see Prijedor SJB report to the Banja Luka CSB, (BCS) 0063-3225-0063-3226; 0300-6320 (ENG).

<sup>607</sup> Prijedor SJB report to the Banja Luka CSB, 5 July 1992, (BCS) 0063-3274-0063-3275, (ENG) 0091-6554-0091-6555.

<sup>608</sup> Article titled "Keeping the peace through prevention and negotiation", published in Glas Srpski, 15 April 1992, Stojan Župljanin announces the formation of a special unit of the CSB, (BCS) 0202-9780-0202-9780, (ENG) 0302-5851-0302-5852; Article titled "Special Detachments Soon" published in Glas Srpski on 29 April 1992, Stojan @upljanin confirms that "the CSB now has weapons and equipment from automatic rifles to

special units were subsequently reported to have abused detainees at Omarska.<sup>609</sup> Reserve police were activated and on 14 May 1992 were inspected by the Presidency,<sup>610</sup> these forces also were active at the Keraterm, Omarska and Trnopolje<sup>611</sup> camps. The Prijedor SJB forwarded regular reports to the regional and republic level in relation to its activities.<sup>612</sup>

273. The Bosnian Serb MUP played a critical role in all aspects of the crimes committed by Serbs on the territory the subject of the Indictment. The MUP acted in accordance with orders from the Republic, regional and local level and co-ordinated with and assisted the other Serbian Security forces in furtherance of the purpose of the joint criminal enterprise.

## B. MILITARY

### 1. SFRY Armed Forces Between 1945 and 1990

#### The JNA

274. The Yugoslav People's Army<sup>613</sup> was the successor of the National Army of Liberation established in 1942 by the Partisans. Tito developed the JNA into a strong military organisation, tasked with the defence of SFRY territorial integrity against foreign threats. Over the years, the JNA also became one of the most important and powerful federal institutions. More than any other institution in the SFRY, the JNA was a unifying agent within the Yugoslav federal system of diverse nationalities and the upholder and symbol of "Brotherhood and Unity". Tito ensured the loyalty of the JNA officer Corps by awarding them certain privileges.<sup>614</sup>

---

armoured combat vehicles, even anti-aircraft ordnance and helicopters", (BCS) 0095-1922-0095-1922; (ENG) 0303-0429-0303-0430; Article titled "We Guarantee the Peace" published in Glas Srpski, 12 May 1992, Stojan @upljanin states that the special unit of the CSB "will be an elite unit, equipped with combat vehicles, helicopters and other contemporary equipment and weaponry", (BCS) 0202-9932-0202-9932, (ENG) 0302-5837-0302-5840; Article titled "The Army must defend Krajina", published in Glas Srpski, 28 April 1992, the Assembly of the Bosnian Krajina AR adopted a decision to immediately form a special purposes unit in the Banja Luka CSB, (BCS) 0095-1920-0095-1920, (ENG) L001-7293-L001-7297.

<sup>609</sup> Report from the Prijedor SJB to the Banja Luka CSB, 13 June 1992, (ENG) 0091-6545.

<sup>610</sup> Article 33 of the Law on Internal Affairs; Article titled "Common Aim of the police and Army - to keep the peace" published in Glas Srpski, 14 May 1992, (BCS) 0202-9943-0202-9943, (ENG) 0302-5252-0302-5252.

<sup>611</sup> Report from Prijedor SJB to the Ministry of the Interior, the Army of the Serbian Republic of Bosnia and Herzegovina and the Banja Luka CSB, BCS 0063-3811-0063-3812, (ENG) 0091-6648-0091-6648.

<sup>612</sup> See Articles 31 and 32 of the Law on Internal Affairs; Dispatch from Stojan @upljanin, Banja Luka CSB, to the SJBs in Banja Luka in relation to standards for daily reporting (BCS) P004-3234-P004-3235, (ENG) L003-6835-L003-6840; Dispatch from the Minister of the Interior requiring submission of reports on the security situation for the period between 01-Jul-92 and 30-Sep-92, dated 26 September 1992, (BCS) B003-9136-B003-9138, (ENG) 0110-2188-0110-2190; Report from Prijedor SJB to the Banja Luka CSB confirming that the forces of the Serbian Army and Police are in control of the whole municipality, BCS P004-3162-P004-3162, (ENG) L003-7206-L003-7206; Performance report of Prijedor SJB for the first half of 1992, (BCS) P003-3215-P003-3226, (ENG) 0300-9594-0300-9602

<sup>613</sup> Or *Jugoslovenska narodna armija*, hereinafter "JNA".

<sup>614</sup> B-1230, C-1173, C-1180.

275. Serbs traditionally dominated the JNA officer corps. In 1991, Serbs accounted for 38% of the SFRY population, but 60% of JNA officers were of Serb ethnicity.<sup>615</sup>

#### The Territorial Defence

276. In addition to the JNA, as part of the concept of "Total National Defence" or "All Peoples Defence" (*op{tenarodna odbrana*), Tito mandated the establishment of Territorial Defence forces (TO) after the Soviet intervention in Czechoslovakia in 1968.<sup>616</sup> Under this concept a large portion of the male population received military training and would be able to participate in the defence of the SFRY on the basis of locally organised and largely autonomous units.

277. The TO was a republican institution, with the republics being responsible for the financing and equipment of their respective TOs. During operations, however, TO units were subordinated to the JNA.<sup>617</sup>

#### The JNA Post- Tito

278. Tito's death, on 4 May 1980, signified the disappearance of a strong moral authority in the SFRY. Pro-Yugoslav senior JNA officers, who were in most cases of Serb ethnicity and adhered to the Serbian view of a strong centralist SFRY (dominated by the Serbs), became distrustful of the increasingly open manifestations of nationalistic views and aspirations for more autonomy, if not independence, in Slovenia and Croatia. These officers had only limited confidence in the SFRY Collective Presidency and its members, whom they considered second class politicians only interested in defending the interests of their republics.<sup>618</sup> Some of them feared that the TOs would develop into republican armies, which is indeed what happened.<sup>619</sup> These officers also realised that any disintegration of the SFRY would mean the break up of the JNA and thus end their privileges.<sup>620</sup>

279. Starting in the late 1980s the JNA developed into a pro-Serbian army with some extreme nationalistic elements. In the summer of 1991, the JNA openly co-operated with SDS politicians, colluded with paramilitaries such as [e{elj's "Chetniks" and embraced the "Greater Serbia" ideology.<sup>621</sup> During this period, the dominance of the Serbs and Serbia in the JNA grew, with the proportion of non-Serb officers declining, particularly in the ranks of

<sup>615</sup> Garde, Paul, *Vie et Mort de la Yougoslavie*, Fayard, 1992.

<sup>616</sup> Area Handbook for Yugoslavia, US DOD, 1973.

<sup>617</sup> General Staff of the Armed forces of SFRY, Corps of Ground Forces Rule (temporary), 1990 0039-5376-0039-5376 BCS, 0079-7104-0079-7232 ENG).

<sup>618</sup> C-039.

<sup>619</sup> Veljko Kadijević "My view of the Break-up" BCS 0035-9426-0035-9512, ENG 0036-2637-0036-2726).

<sup>620</sup> B-1230, C-1173, C-1180.

<sup>621</sup> B-1233.

General, and ties between some Serbian JNA Generals and the League of Communists of Serbia became closer.<sup>622</sup>

### Jedinstvo

280. In 1989, the JNA was reorganised through a major operation called "Unity" (*Jedinstvo*). One of the main features of *Jedinstvo* was the reduction of the number of military (army) districts from six to three and a redrawing of their areas of responsibility.<sup>623</sup>

281. Before *Jedinstvo*, the boundaries of the military districts corresponded roughly to the boundaries of the republics. With the reduction in military districts brought about by *Jedinstvo*, the boundaries of some new districts greatly expanded. The boundaries of the newly created 1st Military District (1<sup>st</sup> MD), for example, encompassed BiH, Eastern Croatia and Northern Serbia. Such expanded boundaries, deliberately redrawn along non-republic lines, were an attempt to diminish the control of the republics over the military machinery stationed on their respective territories, increase the central control of Belgrade, and prevent the development of "republican armies". As a result of *Jedinstvo*, Croatia, the second most powerful Republic in the SFRY and the one of which Serbia felt most suspicious, had elements of three different MDs on its territory.

282. With the same intention, JNA took steps to increase its control over the TOs and their weapons and ammunition. On 14 May 1990, Colonel General Blagoje Adžić, Chief of the General Staff ("CGS") of the JNA, issued an order to take over and store TO arms and ammunition in JNA depots.<sup>624</sup> This effectively deprived the republics of Yugoslavia of access to arms.

### Vojna Linija

283. The loyalty of some segments of the JNA command was at least initially a cause for concern for the Accused. He responded by seeking to increase his influence over the JNA and other federal institutions through his associates in the Serbian MUP. In 1991, a military headquarters was formed in the Serbian MUP, with Radmilo Bogdanović as its chief.<sup>625</sup> This was followed by the creation of a personnel committee, led by Zoran Janjavić. This committee included Jovica Stanić, Radovan Stojić, Frenki Simatović and Bogdanović from the Serbian MUP. They established close ties with senior JNA officers like Željko Panić, Commander of the 1st MD, Božidar Stevanović, Commander of the 1st Air Force

<sup>622</sup> Branko Mamula, *Služaj Jugoslavija*, CID, Podgorica, 2000.

<sup>623</sup> 1 MD, 2 MD, 3 MD, and, the Air and Air Defence Forces (RV i PVO) and the Naval Military District).

<sup>624</sup> Order to take over and store arms and ammunition in the JNA depots, General Adžić, CGS JNA, 14 May 1990, BCS 0207-7103-0207-7103, ENG 0302-9202-0302-9203.

<sup>625</sup> C-039, K-1.



Corps (and later commander of the RV I PVO (Air Force)) and Slavoljub Djoki}, Commander of the TO of the Republic of Serbia. These JNA officers who were loyal to the Accused allowed him to implement his goals via the JNA, by circumventing those officers in the chain of command whose trustworthiness was dubious.

284. On 29 September, 1991, the aforementioned "loyal" JNA officers who were close to this "*Vojna Linija*" or "Military Line" launched a coup attempt against the head of the SSNO, General Kadijevi}. The attempt failed because General Ad` i}, CGS of the JNA, refused to take over Kadijevi}'s position as head of the SSNO.<sup>626</sup>

285. Reputable retired JNA officers like Petar Gra-anin, Nikola Ljubi-i~ and Perica Bu-eti} were re-activated to get closer to the military leadership and find out what the military leadership was doing and what its intentions were.<sup>627</sup> Other retired JNA officers who were considered loyal to the Serb cause were re-activated to assist in the establishment of Serb police and military structures in Croatia and organise the support to these structures.<sup>628</sup> The co-ordination group in the MoD of Serbia was also involved in informal co-ordination of these military structures, as described below.

286. The Accused had a decisive role in the early retirement of 35 JNA officers on 8 May 1992.<sup>629</sup> These retirements were engineered by people who operated under the Accused's control, and were aimed at removing those with dubious loyalties to the views of the Accused and his supporters regarding the future of the SFRY.<sup>630</sup>

#### The role of the Military Intelligence and Security Services

287. During the Croatia Indictment period, the military intelligence and counter intelligence activities in the SFRY were carried out by two agencies, both colloquially referred to as "KOS": the Security Administration<sup>631</sup> and the Intelligence Administration of the General Staff.<sup>632</sup> The Security Administration acted mainly as a counter-intelligence service, while the 2nd Administration served as an intelligence service.<sup>633</sup>

---

<sup>626</sup> C-039.

<sup>627</sup> C-039.

<sup>628</sup> C-032.

<sup>629</sup> C-039.

<sup>630</sup> Jovi} Diary.

<sup>631</sup> Or *Uprava Bezbednosti*, hereinafter "UB".

<sup>632</sup> Or *Obave{tanja Uprave General{taba*, also known as the 2nd Administration, hereinafter "OU".

<sup>633</sup> All Peoples Defence Law, 1982, Chapter 4 Security Organs of the Armed Forces and the Military Police, 0046-1869-0046-1929 (BCS), L004-8941-L004-9076 (ENG).

288. The Accused directed the actions of "KOS" through the JNA General Staff (G[]) and the SSNO and also directly through his personal contacts with high-ranking "KOS" officers.<sup>634</sup>

289. The chief of the UB was directly subordinated to the SSNO,<sup>635</sup> whereas the chief of the OU reported to the Chief of the General Staff.<sup>636</sup> General Aleksandar Vasiljevi}, formerly commander of a JNA division in Sarajevo from 1988 to 1990 and Deputy Head of the UB from 1990 to 1991, was in charge of the UB from June 1991 until 8 May 1992. From 8 May 1992, this position was held by General Nedeljko Bo{kovi}.

290. One of the primary duties of the UB was to police the activities of the members of the JNA. Officers of security organs were permitted to arrest a person and deliver him to an investigating judge of a military court or the nearest military unit or military institution.<sup>637</sup> Through this function, the UB learned of, investigated and reported on allegations of misconduct by those within JNA control. These reports would then be passed up both through the chain of command and also via the Head of the UB to the SSNO.<sup>638</sup>

291. The UB was also tasked with propaganda and counter-propaganda, directed at

...foreign intelligence and counterintelligence services, Yugoslav émigré circles and the international enemy, in order to mislead them about the real plans, intentions, activities and other facts relating to the state of the armed forces and their preparations for the defence of the country...<sup>639</sup>

292. The UB included an Office for Information and Psychological and Propaganda Activities. Specifically, the propaganda unit within the JNA Air Defence and Air Force (RV i PVO) was used to generate propaganda in order to stir up hate, fear and violence between the ethnic groups in Croatia with the intent to attain the overall objectives of the Accused and the other participants in the joint criminal enterprise.<sup>640</sup>

293. KOS played an important role in the arming of the local Serbs, largely those involved in the rebellion, by certain elements of the JNA.<sup>641</sup> "KOS" set up illegal operations to distribute significant quantities of weapons to local Serbs in Krajina, Western Slavonia and

---

<sup>634</sup> C-39, C-001.

<sup>635</sup> Rules of Service of Security Organs in the Armed Forces of the SFRY, 1984, BCS 0090-9817-0090-9843, ENG 0092-0099-0092-0131.

<sup>636</sup> C-039.

<sup>637</sup> Rules of Service of Security Organs in the Armed Forces of the SFRY, 1984, BCS 0090-9817-0090-9843, ENG 0092-0099-0092-0131.

<sup>638</sup> Ibid.

<sup>639</sup> Instructions on the Methods and Means of Work of the JNA Security Organs, 1986, BCS 0090-9844-0090-9878.

<sup>640</sup> C-001, C-034, C-035 and K-1217; Document on Opera, Bo{kovi}, BCS 202-6818-0202-9823.

<sup>641</sup> C -1153, C-001.

SBWS from at least 1991, and formed operational teams comprised of members of the UB for these specific tasks.<sup>642</sup>

294. In addition, members of both the UB and the 2<sup>nd</sup> Administration (OU) were involved with sabotage activities in Croatia in order to create unrest, distrust and fear among the local Serb population.<sup>643</sup> These activities led to the belief among the Serbs in Croatia that they could only be safe in an ethnically pure, or at least Serb-dominated, state. Even after the withdrawal of the JNA from Croatia and the deployment of UNPROFOR peacekeeping troops in the RSK, these activities continued to maintain a climate of distrust and keep the local Serb population under tension in order to prevent them from negotiations and a peaceful return into the Croatian framework.<sup>644</sup>

295. From at least 1991, members of the UB were involved in the activities of local Croatian and Bosnian Serb political leaders (such as Martić, Hadžić, Babić, and Radoslav Brđanin). Among other activities, "KOS" members provided weapons and co-ordinated military activities to local Serb defence structures in Croatia via these political leaders. These political leaders co-ordinated their strategies directly with the Accused or his agents.<sup>645</sup>

296. The UB knew of JNA and other Serb forces committing war crimes in Croatia from at least October 1991, and that reports were passed up through the military chain of command to the headquarters in Belgrade. As early as January 1991, reports were written on the ground level describing the arming of local Serbs, plans of sabotage and expected weapons deliveries to Serbs.<sup>646</sup>

297. Major Veselin [Ilić], the security officer for the 1st Motorised Guards Brigade, a Belgrade-based JNA elite unit directly under the command of the SSNO, participated in the events that led to the execution in Ovčara of more than 250 non-Serbs.<sup>647</sup> Notwithstanding that Major [Ilić] was indicted by the Tribunal on 7 November 1995<sup>648</sup> for his alleged involvement in this crime, he remained an officer in the JNA and VJ and was promoted several times after the issuing of the indictment.

<sup>642</sup> Letter by Col Smiljanić to General Mladić, 15 October 1994, BCS 0200-9468-0200-9473, ENG 0300-4728-0300-4733; C-034 and C-036.

<sup>643</sup> C-001 and C-039.

<sup>644</sup> C-001.

<sup>645</sup> Letter by Col Smiljanić to General Mladić, 15 October 1994, BCS 0200-9468-0200-9473, ENG 0300-4728-0300-4733; C-034 and C-036.

<sup>646</sup> C-001, Report on arbitrary behaviour of SAO Krajina TO soldiers, 02 February 1992, BCS 0152-8162-0152-8162; ENG L005-0037-L005-0038; Report on the situation on the territory of Ličko Petrovo Selo, 23 January 1991, BCS 0207-6950-0207-6951, ENG L004-9948-L004-9952.

<sup>647</sup> C-1067.

<sup>648</sup> Case IT-95-13a.

298. Members of the UB, in participation with other JNA units, unlawfully detained civilians at detention camps based at military airports, such as Biha} and Belgrade. Among the prisoners kept in such detention facilities was a Catholic priest who was tortured and unlawfully detained between October 1991 and January 1992 in Croatia, BiH and Serbia.<sup>649</sup>

## 2. The Accused and the JNA During the Conflict in Croatia

### The evolution of the attitude of the JNA in Croatia

299. The growing influence of the Accused over the JNA became particularly visible through the evolution of the JNA attitude to the crisis in Croatia. Even before the declaration of an imminent threat of war,<sup>650</sup> the JNA was actively involved in the conflict between local armed Serbs and the Croatian National Guard<sup>651</sup> (ZNG). Initial JNA involvement consisted of attempts to lift blockades of JNA barracks in Croatia and to separate the conflicting parties.

300. While hostilities in Croatia spread during summer 1991, however, the JNA in Croatia gradually developed into a mainly Serb force, serving purely Serb goals. Its role changed from one of pacification to one of active participation in the creation of ethnically pure Serb areas in those parts of Croatia that the Serb leadership considered Serb.<sup>652</sup>

301. Insider witnesses will testify to the Accused's control over the JNA by this time and his regular contacts with JNA commanders.<sup>653</sup>

302. In July 1991, Borisav Jovi} and the Accused demanded that Kadijevi} limit JNA operations to areas with a Serb majority.<sup>654</sup> Jovi} and the Accused also instructed Kadijevi} to remove the non-Serbs and non-Montenegrins from the JNA.<sup>655</sup> On 12 October 1991, the CGS of the JNA, General Ad`i}, signed a document on the role of the JNA on the territory of the Republic of Croatia according to its constitutional obligations and the decision of the Yugoslav Presidency.<sup>656</sup> This role, according to Ad`i} was "defending parts of the Serbian people from genocide and biological extermination" at the hands of "Usta{a} forces. Ad`i} ordered that "All armed units, be they JNA, TO or volunteer units, must act under the single command of the JNA".<sup>657</sup>

<sup>649</sup> C-034.

<sup>650</sup> Act No. 190, 1 October 1991, *Slu`beni list SFRJ* 75/91, BCS 0055-8660-0055-8660.

<sup>651</sup> *Zbor Narodne Garde* (ZNG)

<sup>652</sup> B-1230.

<sup>653</sup> C-028 and C-036.

<sup>654</sup> Jovic Diary, pp.1-492.

<sup>655</sup> Jovic Diary, pp.1-492.

<sup>656</sup> Letter by the SSNO Moral Guidance Administration, signed by General Ad`i}, 12 Oct 1991, BCS 0207-7090-0207-7091, ENG 0302-9257-0302-9258.

<sup>657</sup> *Ibid.*

303. @ivota Pani}, in an interview in the BBC video series "Death of Yugoslavia", stated that after the fall of Vukovar, it was the Accused's decision to limit JNA operations to areas with a majority Serb population.<sup>658</sup> For the goal of preserving the SFRY's territorial integrity, it would have been logical for the JNA to continue its operations towards Western Slavonia and restore SFRY control over other parts of Croatia. The 18 July 1991 decision of the SFRY presidency to withdraw the JNA from Slovenia - where a minimal number of Serbs lived - after a ten day conflict, fit the same pattern and goal: control of areas considered "Serb".<sup>659</sup>

304. On 23 November 1991, the Accused gave international mediators at the peace talks in Geneva assurances that the JNA and forces consisting of local Serb TO, Serbian TO, volunteers and paramilitaries would comply with the agreement on the cessation of hostilities he had signed.<sup>660</sup> The aforementioned forces largely respected the Accused's commitment.

Military districts, operational groups and tactical groups

305. Whereas Military Districts were essentially static area commands focused on defensive operations, the developments on the ground in Slovenia and Croatia, as well as the political situation in Belgrade, pushed the JNA General Staff into reviewing the structure of the ground forces. This restructuring had an effect on operations in both Croatia and BiH.

306. In August 1991, Operation Groups (OG) and - on a lower level - Tactical Groups (TG) were introduced in the disputed areas. OGs were essentially "ad hoc" task forces, set up for specific operations in a specific area for a specific time-frame. Their composition varied, but they would include (ground) units (brigades, regiments) of the JNA and the TO (Partisan divisions and brigades, smaller formations), reinforced with artillery air defence units.<sup>661</sup> TGs were similar to OGs but were smaller and established at a lower echelon. They generally had the strength of several battalions of the JNA and the TO.<sup>662</sup>

307. During the period covered by the Croatia Indictment, TO units were actually units of the local Serb TO and/or detachments of the TO of Serbia. JNA OG 2, during operations around Dubrovnik, included units of the Republic of Montenegro TO.<sup>663</sup> Also, contrary to existing JNA regulations at the time, OGs and TGs in Croatia also included volunteer and paramilitary units originating from Serbia.

<sup>658</sup> BBC Video "The Death of Yugoslavia" ENG V000-0553-V000-0553.

<sup>659</sup> B-1230. The pattern and goal of attacking only areas considered "Serb" did not apply to the case of Dubrovnik, which had a small Serb minority population, but was targeted for other strategic reasons.

<sup>660</sup> B-1243.

<sup>661</sup> General Staff of the Armed forces of SFRY, Corps of Ground Forces Rule (temporary), 1990, BCS 0039-5376-0039-5376, ENG 0079-7104-0079-7232, (page 0079-7114 for OG and TG).

<sup>662</sup> Ibid.

<sup>663</sup> B-1233.

### Local Serb TO

308. The local Serb TO in Croatia consisted of units created by the local Serbs from the existing TO of the Republic of Croatia in areas where they had a majority or significant minority. As it was set up and operated outside of Republican (i.e. Croatian) control, it was contrary to the SFRY Constitution.<sup>664</sup>

309. This process started on the municipal level in April 1991.<sup>665</sup> Command and control was consolidated in September/October 1991, with the introduction of an overall Staff for the TO of the SAO Krajina, relying on (former) JNA Officers.<sup>666</sup> On 30 September 1991, LtCol Ilija \uji}, a retired JNA officer, was appointed commander of the SAO Krajina TO.<sup>667</sup> Witness C-036 will testify that before the arrival of \uji} there was no real distinction between the local Serb TO and the local Serb police forces. Prior to \uji}'s nomination, Babi} was commander of the SAO Krajina TO, with Marti} as his deputy.<sup>668</sup> Large numbers of orders for the SAO Krajina TO were signed by Babi} in September, but also at the end of November, beginning of December 1991.<sup>669</sup> \uji} was relieved of his duties on his own request on 28 November 1991<sup>670</sup> and replaced by Dragoslav Maksi}.<sup>671</sup>

310. The Serbs in Croatia were only able to establish (and arm) their own TO with the authorisation and extensive support of the Serbian government. The Serbian MUP and MoD had a central role in this process.<sup>672</sup> The Accused directly participated in the establishment of the local TOs, the appointment of their leading commanders and their financing and equipping.<sup>673</sup>

311. On 10 October 1991, Milan Babi}, as president of the Serb Autonomous Region (SAO) of Krajina, wrote a report confirming that the TO of the SAO Krajina had been formed as ordered by the CGS of the JNA.<sup>674</sup> In his report, Babi} highlighted the difficulties that the

<sup>664</sup> C-039.

<sup>665</sup> Order to mobilise the TO of the SAO Krajina and volunteers units, issued by Babi}, President of the Executive Council of the SAO Krajina, 1 April 1991, BCS 0217-2109-0217-2109.

<sup>666</sup> C-032.

<sup>667</sup> Official decision by Babic to appoint Ilija Dujic, BCS 0217-2094-0217-2094; Stamped letter from Babi}, to the TO municipal headquarters and municipal secretariats for national defence, 5 October 1991, BCS 0217-2096-0217-2096.

<sup>668</sup> Order of Babi} to appoint Marti} as Deputy Commander of the TO, 8 August 1991, BCS 0207-7590-0207-7592.

<sup>669</sup> E.g.: Order signed by Babi}, rel. formation and deployment of the Zadar TO detachment deployed in the Benkovac municipality, 20 September 1991, BCS 0207-7918-0207-7918.

<sup>670</sup> Order by Babi}, relieving Ilija Dujic of his duty as commander of the SAO Krajina Territorial Defence, dated 28 November 1991 BCS 0217-2106-0217-2106.

<sup>671</sup> Order by Babi}, appointing Radoslav Maksic as commander of the SAO Krajina Territorial Defence, dated 28 November 1991, BCS 0207-7945-0207-7945

<sup>672</sup> C-032 and C-028.

<sup>673</sup> C-036.

<sup>674</sup> Report by Dr Babi} on the SAO Krajina TO, 10 October 1991, BCS 0207-7936-0207-7938.

SAO Krajina TO encountered and requested additional assistance from the JNA. Insider witness evidence will show that SFRY and Serbian organs and individuals, including the Accused, constantly took part in the development and functioning of the TO of the SAO Krajina.<sup>675</sup>

312. The operations of republican TOs were restricted to the territory of the respective republics. Involvement in operations on the territory of another republic required a decision of the SFRY presidency.<sup>676</sup> There is no evidence that either the SFRY Presidency or the republican (Croatian) government authorised the presence of Serbian or Montenegrin TO units in Croatia. Therefore, the involvement of these TO units in Croatia was contrary to the SFRY Constitution. A detachment of the Serbian TO from Valjevo was present in Lovas (SAO SBWS), and TO units from Montenegro participated in the assault on the Dubrovnik region.<sup>677</sup> In October 1991, a group of 600 JNA reservists from Valjevo sent a letter to a number of Serbian leaders, including the Accused, to complain about the "loathsome assignments ?liquidation of Muslim and Croat individualsg they were tasked with".<sup>678</sup>

#### Paramilitary groups and volunteer formations

313. In 1991, several nationalist political parties in Serbia established paramilitary formations. These groups were actually private armies, consisting largely of criminals, but were nevertheless tolerated and supported by the Serbian authorities, especially the MoD.<sup>679</sup> The most notorious of such groups were the "Chetniks" whowere linked to [e{elj}'s SRS; the "White Eagles" (Beli Orlovi) led by Dragoslav Bokan and Mirko Jovi} of the Serb National Renewal Party (SNO); Du{an Silni; and the "Srpska Garda" of Vuk Draskovi}'s Serb Renewal Movement (SPO).<sup>680</sup>

314. Other groups such as Arkan's Tigers and Captain Dragan's "Knin|as" maintained close ties with the Serbian MUP and were key participants in the armed conflict in Croatia and BiH, as discussed below.<sup>681</sup> None of these groups had a formal legal basis, but this did not prevent them from being present in disputed areas in Croatia and BiH and to participate in the operations.

---

<sup>675</sup> C-036.

<sup>676</sup> C-039.

<sup>677</sup> C-039 and C-043.

<sup>678</sup> Letter from Valjevo Reservists, 7 October 1991, BCS SA02-1505-SA02-1505, ENG 0096-0156-0096-0156

<sup>679</sup> C-032 and C-028.

<sup>680</sup> C-032, C-028.

<sup>681</sup> C-028.

315. At the same time, the Serbian MUP, through Stojić and Simatović, set up training camps for volunteers and paramilitaries in the SAOs Krajina and SBWS.<sup>682</sup> Serbian MUP units and paramilitary groups were also trained in military facilities in Serbia (Mount Tara, Bubanj Potok, Kula, and Goš) before being dispatched to Croatia and BiH.<sup>683</sup>

316. The Serbian MUP, MoD and the Accused knew of and were both directly and indirectly involved in the training, planning, deployment and operations of the above paramilitary groups and volunteers.<sup>684</sup> The Serbian MoD and the Accused were informed about the activities of the paramilitary groups in Croatia, and subsequently in BiH, including their participation in ethnic cleansing, looting, killings and other violations of the laws of war.<sup>685</sup>

Orders and decrees issued by the SFRY and Serbian authorities

317. In order to legalise the participation of Serbian TO units, paramilitaries and volunteers (individuals or groups) in the conflict in Croatia and BiH, the Serbian and SFRY political authorities adopted a number of orders and decrees.

- Serbian Government Decree on the Registration of Volunteers in the Territorial Defence.<sup>686</sup>
- SSNO Instruction on the Acceptation of Volunteers into the JNA.<sup>687</sup>
- SFRY Order 73: Order on the Engagement of Volunteers in the Armed Forces of the SFRY during an Imminent Threat of War.<sup>688</sup>

318. These orders and decrees demonstrate that the Serbian and SFRY authorities actively pursued a policy aimed at supporting, organising and assisting the sending of volunteers (individuals or groups) to the disputed areas in Croatia, and also to regularise and regulate their status once they were deployed and participate in military operations. In addition, SFRY Order 73 explicitly recognises the existence and involvement in the conflict of (Serbian) volunteer formations or paramilitary groups, stating that:

Volunteer formations currently engaged outside the Armed Forces for the carrying out of certain military assignments [...] must bring their position in the Armed forces of the SFRY into accord with the regulation in this order within 10 days. Within the same period, all individuals and volunteer formations not included in

---

<sup>682</sup> C-039.

<sup>683</sup> K-1, C-028 and K-1.

<sup>684</sup> E.g. C-032.

<sup>685</sup> C-032.

<sup>686</sup> (14 August 1991) Official Gazette of the Republic of Serbia, 05 nr 148/63, BCS 0046-1723-0046-0046-1730, ENG 0046-1717-0046-1722.

<sup>687</sup> (13 September 1991) SSNO Instruction on the Acceptance of Volunteers into the JNA, BCS 0089-3076-0089-3079.

<sup>688</sup> (10 December 1991) SFRY Order Nr 73, BCS 0046-1723-0046-0046-1730, ENG 0046-1717-0046-1722.



the armed forces of the SFRY...shall be removed from the territory falling under the responsibility of the commands, units and institutions of the SFRY.<sup>689</sup>

Situation on the ground: JNA command and control over local Serb forces

319. The aforementioned military, police and paramilitary units on the ground all co-operated under the unified command of the JNA during combat operations. Command and communication structures were in place and functioned up the chain of command to the top echelons in Belgrade.

320. Even before SFRY Order 73 was issued, in many cases JNA, Serbian TO, Montenegrin TO, local Serb TO and volunteers or paramilitary forces operated together under single JNA command in OGs and TGs.

321. Already during the operations against Kijevo, on 26 August 1991, the 9<sup>th</sup> JNA Corps, local Serb TO and elements of Martić's police operated under one single (JNA) command. This was highlighted by Mladić during his speech at the 16<sup>th</sup> Session of the Assembly of the SRBH, held on 12 May 1992 in Banja Luka, where he stressed that "The Knin Corps was successful, because under a single command in the zone of the Corps were the JNA, the TO and Martić's police".<sup>690</sup> After international mediator Lord Carrington complained with the SFRY leadership about the destruction of churches and religious buildings in Kijevo during the JNA operations, Mladić had to write a report to justify how the situation was handled.<sup>691</sup>

322. On 9 October 1991, General [Piro Niković], Commander of the JNA OG-1, issued an order to put Serbian TO units of the Banija and Kordun zones under his command starting on 19 October 1991 and to continue to be used as an organic part of JNA units.<sup>692</sup>

323. Colonel Momir Talić, Commander of the JNA 5<sup>th</sup> Corps (Banja Luka), on 31 October 1991 issued an order stating that "all TO units and HQs located in the AOR's of JNA Brigades are subordinated to those commands. The order adds that the JNA Brigades are to consider the attached units of the TO *and other formations of reinforcement* as elements of their own combat disposition and are to look after those formations."<sup>693</sup>

324. An order issued on 1 November 1991 by Colonel ^edomir Bulat, commander of the JNA TG-2,<sup>694</sup> for an attack against Saborsko includes a list of the units that would participate

<sup>689</sup> SFRY Order Nr 73, BCS 0046-1717-0046-0046-1730, ENG 0046-1717-0046-1730

<sup>690</sup> Minutes of the 16<sup>th</sup> Session of the Assembly of the Serbian People in BiH, Banja Luka, 12 May 1992, BCS 0084-7711-0084-7761, ENG 0091-3501-0091-3562 at 0091-3548.

<sup>691</sup> Report on the attack on Kijevo submitted by Ratko Mladić, COS 9<sup>th</sup> JNA Corps, BCS 0207-6675-0207-6676, ENG L003-4258-L003-4261.

<sup>692</sup> Order no. 100-233, Command of the 1<sup>st</sup> JNA Operational Group, 09 Oct 1991, BCS 0201-1627-0201-1628.

<sup>693</sup> 5<sup>th</sup> JNA Corps order on the engagement of and co-operation with units of the TO, 31 October 1991, BCS:

0051-8824-0051-8825

<sup>694</sup> C-1220.

in the attack as well as their responsibilities during and after the attack.<sup>695</sup> The local Serb TO is mentioned on the list.<sup>696</sup> Already on 23 October 1991, General @ivota Avramovi}, Commander of the 5th JNA MD (HQ in Zagreb) ordered the creation of TG-2, consisting of JNA and local Serb TO units under the command Colonel Bulat.<sup>697</sup> A later order for TG-2, signed by Colonel Slobodan \or |evi}, for subsequent attacks in the Saborsko area, contains similar information.<sup>698</sup>

325. On 10 November 1991 an order was issued by the 5th Military District Command, signed by General @ivota Avramovi}, to create OG-3.<sup>699</sup> The order stated that OG-3 would be under the direct command of the 5th Military District and would include all units present in the area: regular JNA, volunteers and TO. These units would operate under the orders of the commander OG-3 in Western Slavonia.

326. On 25 November 1991, the Serb Mayor of Petrinja, Radovan Maljkovi}, sent a letter to Arkan approving the participation of Arkan's men in the fighting in the Petrinja area. According to the letter, Arkan's unit would become part of a JNA unit and would receive their weapons and logistic supplies from this unit.<sup>700</sup> A stamped list of volunteers of the SRS on leave, dated 9 December 1991 and signed by the commander of the Municipal TO HQ in Podravska Slatina, shows the relationship between the local Serb TO and these volunteers originating from Serbia.<sup>701</sup>

327. The situation in SBWS was somewhat different. The local Serb TO in that part of Croatia was until 9 October 1991 subordinated to the local Serb MUP, under the command of Radovan Stoji-i}.<sup>702</sup> Stoji-i} co-operated closely with Arkan and Had`i}, President to the SAO SBWS, both also close associates of the Accused.<sup>703</sup>

328. From 9 October 1991 onwards, the SBWS TO was officially subordinated to the local Serb MoD.<sup>704</sup> During the operations around Vukovar and their aftermath, however, the local Serb TO, as well as Serbian volunteers and paramilitaries, including Arkan's Tigers, operated under JNA command and control. Pani}, commander of the 1st MD (and from September

<sup>695</sup> On the attack on Saborsko see also Crime Base section, below.

<sup>696</sup> Order and plan for the attack of Saborsko on 12 November 1991, BCS 0109-9990-0109-9995.

<sup>697</sup> Order to create TG-2, 23 October 1991, BCS 0200-9444-0200-9445.

<sup>698</sup> Order by Col Djordjevi} for the attack on Li}ka Jasenica – Saborsko - Serti} Poljana - Kuselj – Fontana, 7 November 1991, BCS 152-7773-0152-7777.

<sup>699</sup> Order by General Avramovi} to form OG 3, 10 November 1991, BCS 0202-9343-0202-9344.

<sup>700</sup> Letter by Maljkovi} to Raznatovi}, 25 November 1991, BCS/Eng 0201-2026-0201-2028.

<sup>701</sup> List of SRS volunteers on leave, signed by Boj-i-, 19 December 1991, BCS 0200-8671-0200-8671.

<sup>702</sup> Certificate by TO HQ for SBWS, signed by Stoji-i-, BCS 0063-6946-0063-6946. Witnesses C-025, C-029 and C-1177.

<sup>703</sup> C-040

1991 on, commander of all SFRY ground forces in the area) indicated that "All these formations - Arkan Tigers, [e{elj}'s Chetniks - were under my command. The people who wanted to act independently were being removed from that area and disarmed and returned home".<sup>705</sup> Video footage of General Andrija Bior-evi}, commander of the 12th JNA Novi Sad Corps and of OG North, praising Arkan's role during the Vukovar campaign, shows the close co-operation, or even subordination, between JNA OG North and the Tigers. Bior-evi} stated, "When regular JNA [...] did not want to make an assault, Arkan's volunteers [...] surround a village, they enter it, kill those who refuse to surrender and we go on".<sup>706</sup> In an interview at the end of November 1991, Captain Miroslav Radi}, commander of the MP anti-terrorist battalion of the 1st Guards Motorised Brigade and one of the three indictees for the Vukovar case,<sup>707</sup> explained that he had "500 people in the company he commanded, consisting of active servicemen, volunteers, reservists, Chetniks and Serbian Volunteers".<sup>708</sup> He also mentions that he had authority over the local Serb TO and that the "Leva Supoderica" Regiment was "sponsored" by [e{elj}'s SRS. The "Leva Supoderica" group operated under JNA Command, in the 1st Motorised Guards Brigade under the command of General Mile Mrk{i}.<sup>709</sup> The JNA also provided logistical support to the volunteers and paramilitaries.<sup>710</sup>

#### Support of the JNA to local Serbs in Croatia

329. The organs and individual agents of the Serbian and (S)FRY governments extensively supported the Serbs in Croatia. The number of requests sent by the RSK leadership demonstrates that this assistance was vital.

330. In October 1991, the SSNO and Serbian MoD established a Co-ordination Group, including retired JNA officers. This Co-ordination Group acted as an intermediary between the SAO Krajina, the Serbian MoD and the SSNO for all requests for assistance and related matters from the SAO Krajina. The Group processed these requests and forwarded them to the Serbian MoD or the SSNO, via the Serbian MoD.<sup>711</sup>

331. At least some of these requests were directly addressed to the Accused personally and the originators expressed their hope that his authority would be helpful in fulfilling their requests. On 12 November 1992, a meeting on defence matters between representatives of

<sup>704</sup> Official Gazette of Serbian Region of Slavonia, Baranja and Western Srem, 19 December 1991, BCS 0089-0422-0089-0457, ENG L000-4260-L000-4283.

<sup>705</sup> BBC Video "The Death of Yugoslavia", ENG V000-0553-V000-0553

<sup>706</sup> Transcript of speech by General Andrija Bior-evi} on TV - Beli Manastir, BCS/Eng 0062-2146-0062-2147.

<sup>707</sup> Case No IT-95-13

<sup>708</sup> "Kapetan Miroslav Radi}: *Rat mi se ogadid*", interview with Captain Miroslav Radi}, "Intervju"

29 November 1991, ENG 0059-3913-0059-3917

<sup>709</sup> C-005.

<sup>710</sup> C-005.

Serbia and the RSK was attended by the Accused and the RSK leadership (Had`i} and Marti}). At the meeting it was agreed that the Republic of Serbia would finance the defence of the RSK until the end of the year while also providing support in other defence related areas. The meeting minutes also indicate that the Accused would initiate financing by the Yugoslav Army of the active officers and civil personnel that stayed in the RSK.<sup>712</sup> In June 1993, Had`i} sent a letter to ask the Accused to use his influence towards solving the personnel and logistic problems of the SVK.<sup>713</sup>

332. Overall, JNA support to the Serbs in Croatia comprised the following aspects:

- JNA/VJ assistance in the organisation and planning of the local Serb TO (and subsequently the Serbian Armed forces of Krajina "SVK" );
- Personnel Support (including administration of promotions);
- Training;
- Supply of weapons and ammunition;
- Logistical Support;
- Intelligence Support; and
- Financial Support.

JNA /VJ assistance in the organisation and planning of the local Serb TO

333. The JNA General Staff was actively involved in the establishment and subsequent re-organisation of the SAO Krajina TO, and in its transformation into the RSK TO and the SVK.

334. In February and March 1992, General Ad`i}, CGS of the JNA, and acting SSNO, issued orders for the restructuring of the RSK (local Serb) TO and the creation of a TO Main Staff and subordinate commands in the RSK TO.<sup>714</sup>

335. JNA units were also involved in assisting the local Serb TO. In a regular combat report dated 26 February 1992, General Mladi}, Commander of the 9th JNA Corps, mentions as one of his future tasks as being "to continue providing support to the RSK TO HQ and MUP in organisational and formational changes, as well as providing TO and MUP units with necessary equipment".<sup>715</sup>

---

<sup>711</sup> C-032, C-028, and C-036.

<sup>712</sup> Official record of a conversation of RSK representatives with the Accused, 12 November 1992, BCS 0207-7285-0207-7285.

<sup>713</sup> Stamped letter by which the RSK President Had`i} asks the Accused to use his influence towards solving the personnel and logistic problems, BCS 0201-2122-0201-2123.

<sup>714</sup> Two orders issued by General Ad`i}, CGS of the JNA and acting SSNO, 27 February 1992 /02077073-02077087/ and 24 March 1992 /02077088/, BCS 0207-7072-0207-7088.

<sup>715</sup> Regular Combat Report, 9th JNA Corps, submitted by General Mladi}, COS 9<sup>th</sup> Corps, 27 February 1992, BCS 0207-6683-0207-6684.

### Personnel Support

336. The evidence relating to personnel support in general, and the assigning of JNA (VJ) senior officers to the SVK in particular, will show that the JNA (VJ) officers and other military personnel were not simply volunteers born in Krajina who on their own initiative returned to protect their families. A specific department in the personnel administration of the JNA General Staff - the 40th Personnel Center<sup>716</sup> (KC) at Military Post 4001 in Belgrade - was tasked with the administration of JNA (VJ) officers and NCO's serving in the SVK, indicating that personnel support was planned, co-ordinated, organised and carried out by the highest levels of the JNA.<sup>717</sup>

337. Personnel support started from the establishment of the local Serb TO and lasted throughout the conflict. Orders for the reassignment of JNA/VJ personnel to the SVK often made reference to Art. 271 of the 1985 Law on the Service in the Armed Forces which regulates the temporary assignment of military personnel to another military unit or institution.<sup>718</sup> JNA/VJ personnel serving in the SVK under Art. 271 were administratively assigned to the JNA 40th KC (Military Post 4001) and received compensation for their "service under aggravating (special) circumstances".<sup>719</sup>

338. The (S)FRY, JNA and VJ leaderships adopted a policy that all JNA officers who were born in Croatia and BiH, regardless of their citizenship, were to return to their home republics to serve in the local Serb armed forces - the SVK and the Bosnian Serb army (VRS) in BiH.<sup>720</sup> On 11 May 1992, VJ Order 53-3 was issued, dealing with the transfer of combat units and stating that "all servicemen born on the territory of the RSK and BiH are to reinforce the RSK TO and police units and are to remain on the same territory".<sup>721</sup> A list of military personnel of the Yugoslav Army temporarily deployed in the RSK TO submitted by Lieutenant General Milan Torbica, commander of the RSK TO HQ, on 19 October 1992, contains over 250 names of VJ personnel serving in the SVK.<sup>722</sup>

---

<sup>716</sup> *Kadrovski Centar* (KC)

<sup>717</sup> List of Active Military Personnel of the Yugoslav Army who were members of the SVK. The list contains the names of 261 officers and NCOs, their rank, military occupational speciality, registry numbers, dates of entrance and leaving the service posts and the region of RSK where the service was performed, BCS 0207-6683-0207-6684.

<sup>718</sup> Law on Service in the Armed Forces, *Zakon o slu`bi u oru`anim snagama Belgrade*, 13 February 1985 (Sluzbeni list SFRJ, Vol. XLI, No. 7, Item 105, pp. 249-306), BCS 0036-4339-0036-4395

<sup>719</sup> Document by ^eleketi}, Military Post 4001 Belgrade, no. 23/13-21 from 10 February 1995: decision to entitle Mile Novakovi} compensation for performing duty under difficult circumstances, BCS 0201-1878-0201-1880.

<sup>720</sup> C-039

<sup>721</sup> Order by the SFRY G[ no. 53-3 from 11 May 1992 re: transfer of combat units, BCS 0201-1725-0201-1728.

<sup>722</sup> List of military personnel of the VJ temporarily deployed in the RSK TO submitted by General Torbica, commander of the RSK TO HQ to Col Medakovi} G[ VJ Personnel Administration, dated 19 October 1992, BCS 0207-6764-0207-6771.

339. A very significant transfer of VJ staff to the SVK was the appointment of General Mrk{i} as CGS of the SVK in May 1995, a transfer in which the RSK leadership had no role. The Accused was directly involved in this transfer.<sup>723</sup>

340. An order signed by General Pani}, CGS of the VJ, at the end of January 1993, refers to the acceptance and initiation of conscripts into the Army of the Republic of Serbian Krajina, as a reaction to the Croatian Operation Maslenica of 22 January 1993. The order gave instructions to the commands of the armies (VJ) to facilitate the incorporation of conscript soldiers in the FRY into the SVK. The Government Office of the RSK in Belgrade was tasked with performing the assignment of the conscript soldiers. The order also stipulated that these conscript soldiers should be issued personal weapons, ammunition and a uniform.

#### Training

341. SVK officers and NCOs were trained in the FRY.<sup>724</sup> Several documents demonstrate the sending of SVK recruits and other military personnel to FRY to receive military training in JNA/VJ facilities. On 22 February 1994, for example, General Mile Novakovi}, CGS SVK, signed an order to prepare conscripts of the SVK for training in the VJ.<sup>725</sup> In some cases, combat units, such as a mixed artillery regiment, were sent for training in FRY.<sup>726</sup>

#### Logistical support

342. The Croatian Serb TO's logistical support relied on the logistics facilities of the JNA.<sup>727</sup> During the withdrawal of the JNA from Croatia, former JNA equipment and vehicles were simply re-painted and declared police property.<sup>728</sup>

343. The JNA delivered weapons and ammunition to the RSK TO (which later became the SVK). On 10 March 1992, the Commander of the 1st MD, General Vladimir Stojanovi}, proposed to put ten T-34 tanks (which were being phased out of the JNA inventory) at the disposal of the TO units in SBWS.<sup>729</sup> On 31 August 1992, the VRS (Armed Forces of the Bosnian Serbs) informed the General Staff of the VRS about the control of weapons and

---

<sup>723</sup> C-036

<sup>724</sup> C-001.

<sup>725</sup> Order by Mile Novakovi}, CGS SVK, BCS 0207-6760-0207-6761.

<sup>726</sup> Report of combat training in the FRY 18th SVK Mixed Artillery Regt, 10 September 1994, BCS 207-6743-0207-6746.

<sup>727</sup> C-032.

<sup>728</sup> C-036.

<sup>729</sup> Proposal by General Stojanovi}, Comd 1<sup>st</sup> MD, Nr 157-2, dated 10 March 1992, 0201-1902-0201-1906.

equipment issued to the TO staffs at the very beginning of the conflict in Croatia and BiH. This report includes a survey of the weapons issued to the TO units by the 5th JNA Corps.<sup>730</sup>

344. JNA and VJ documents pertaining to logistical support shows that this issue occasionally caused difficulties as units sent their requests directly to the Serbian MoD, or even the SSNO, without respecting the chain of command or existing regulations. The General Staff of the JNA issued orders to redress this situation. On 31 December 1991, Ad' i} accordingly released an order concerning the equipping of TO units with weapons and other military hardware, and the instructions that should be followed to obtain this equipment.<sup>731</sup>

#### Intelligence and security support

345. Personnel of the JNA Security Administration were incorporated into the SVK Security Structures, as a way to direct and support the local security forces. They continued to be paid by the JNA (VJ), were promoted within the VJ system, and received extra compensation due to the hardships of their work.<sup>732</sup>

346. SVK Intelligence personnel were trained in VJ facilities. On 2 August 1994, Colonel Du{an Smiljani}, Assistant Commander for intelligence and security of the SVK G[ sent a letter to the subordinate commands in which he requests a list of candidates for training to be held in the Pan-evo Intelligence and Security Training Center in September 1994.<sup>733</sup>

#### Financial support

347. The Serbian MoD, headed first by Tomislav Simovi} and later by Marko Negovanovi}, also played a key role in the provision of financial support to the local Serb defence structures in Croatia. This is demonstrated by several requests from the RSK authorities for such assistance, as well as documents pertaining to the financial support of the Republic of Serbia for the TO of the SAOs in Croatia, and subsequently the SVK.

348. The Serbian MoD regularly contacted the Government of Serbia. This is shown by several letters on the provision of resources and funds to the SAOs in Croatia, dated 11 November 1991.<sup>734</sup> One letter deals with putting assistance to the SAOs in Croatia on the agenda for the session of the Serbian Government, and another one is a request from the MoD

<sup>730</sup> Report from 1 KK to the G[ VRS concerning the control of weapons & equipment issued to the TO, dated 31 August 1991, BCS 0095-9772-0095-9773.

<sup>731</sup> Order Nr 2268-1 on Procedures, from Technical Services of SSNO, signed by Ad' i}, 31 December 1991, BCS 0049-9540-0049-9542 (hereinafter "Order on Procedures").

<sup>732</sup> C-001; Official Decision by General Celeketi} on the granting of financial compensation to Col Smiljani}, for service under hardship, dated 6 December 1994, BCS 0207-6802-0207-6803; Order for the deployment of officers, signed by Gojko Krsti}, dated 22 April 1992, BCS 0207-6818-0207-6830.

<sup>733</sup> Letter signed by Col Smiljani} to the command of the 7<sup>th</sup>, 11<sup>th</sup>, 15<sup>th</sup>, 18<sup>th</sup>, 21<sup>st</sup> and 39<sup>th</sup> SVK Corps, 02 August 1994, BCS 0207-6742-0207-6742

of Serbia, Tomislav Simovi}, to the Government of Serbia regarding the funds to be provided by the MoD to the Serbian People. Simovi} highlights among other things:

[...] it is our opinion that until the end of 1991, the Republic of Serbia should provide material aid to the amount of 80,256,000 dinars [...] The needs in financial means to be provided for the months of November and December of 1991 have been calculated on the basis of approximate numerical strength of manpower of around 50,000 men as part of TO SAO Krajina, Western Slavonia, Baranja and West Srem, on the basis of salaries, daily allowances [...] which amount to 1,205,200,000 dinars. Therefore, the total necessary help to Serbs in Croatia in material and financial needs from the Ministry of Defence resources until the end of 1991 would amount to 1,285,456,700 dinars [...] Considering that no legal grounds exist, i.e. that the meeting of the above said needs has not been provided by law, [...] we propose that this problem be legally settled by making appropriate provisions [...]

349. In February 1992 the Serbian Minister of Defence, General Marko Negovanovi}, granted the RSK TO 500,000 dinars to reconstruct certain facilities.<sup>735</sup> The Serbian MUP paid the salaries of the SAO Krajina (subsequently RSK) TO until at least February 1992.<sup>736</sup>

Situation after the withdrawal of the JNA from Croatia (March-May 1992)

350. The (S)FRY continued to provide military assistance to the local Serbs in Croatia even after the withdrawal of JNA (between March and May 1992) and the transformation of the JNA into the VJ.

351. The withdrawal of the JNA from Croatia, in the framework of the Vance plan, was abused to provide additional weapons, ammunition and other military equipment to the RSK TO, despite the agreement that Serb-held territories were to be demilitarised. In April 1992, the commander of the 2nd MD of the JNA, General Kukanjac, issued an order for the provision of weapons and other military equipment to local Serb TO units and MUP stations in Western Slavonia.<sup>737</sup> Kukanjac referred in his order to the order of the SSNO of 27 February 1992, which regulated the logistics support of the JNA (who were to be moved from the UN protected areas in Croatia) and established the TO RSK Logistics Bases.<sup>738</sup> This was followed by a 2<sup>nd</sup> MD order stipulating that the supplying of the Logistics Base of the TO

---

<sup>734</sup> Letters from the MoD, Republic of Serbia to the Government, Republic of Serbia concerning the provision of resources and funds to the Serbian Districts in Croatia, 11 November 1991 BCS FI04-3018-FI04-3026.

<sup>735</sup> 0201-2090-0201-2092 (BCS).

<sup>736</sup> C-001.

<sup>737</sup> Order by General Kukanjac to supply the TO of Western Slavonia with combat equipment from the 5<sup>th</sup> JNA Corps and the 993<sup>rd</sup> Logistics Base, 1 April 1992, 0089-1582-0089-1582 (BCS); Order to organise re-location of JNA units from RSK and establish RSK Main Staff TO Logistics Base, dated 7 Apr 1992, 0089-1589-0089-1589 (BCS).

<sup>738</sup> Order signed by General Sijivi}, SSNO Logistics Base Assistant, BCS 0089-1584-0089-1584.



RSK Main Staff with equipment was to be done from the 2nd MD reserves.<sup>739</sup> The Exhibit List provides additional documents on the supply of weapons and ammunition to the RSK TO and MUP during March and April 1992.

352. The VJ subsequently initiated the co-ordination of activities of the SVK and VRS. A 17 December 1993 "Memorandum on the Co-ordination of Tasks of the Yugoslav Army", signed by ^edo Radanovi}, Head of the Office of the CGS of the SVK, refers to VJ order Nr 5-187 of 25 November 1993, for a co-ordination meeting between the VJ, VRS and SVK.<sup>740</sup>

353. The close co-ordination between the SVK and VJ is also shown by reporting procedures. SVK Daily Combat Reports were sent to the FRY Supreme Defence Council, mentioning "Slobodan Miloševic and General Mom-ilo Peri{i} personal" on the addressee list.<sup>741</sup>

354. The RSK defence structures relied on financial support from Serbia and FRY both before and after the withdrawal of the JNA from Croatia. In a letter from the RSK Minister of Defence Spanovi} to Serbian Minister of Defence Negovanovi} dated 14 October 1992, the RSK MoD requests funds from the Serbian MoD.<sup>742</sup> A memorandum on the co-ordination of task of the Yugoslav Army (VJ), the SVK and the VRS Army dated 17 December 1993, states:

In the balance of requirements for 1994 it has been established that the SVK should procure USD 307,629,000 for development and regular activities. We do not yet have any information on whether we will be provided with finances to this extent in 1994 ?...g We have learned unofficially that of the above total balance of requirements for 1994, the Federal Government will only be able to provide USD 850 million for all three armed forces instead of USD 3.29 billion, i.e. 25.82% of the stated requirements. For the SVK this would amount to USD 79.43 million instead of USD 307.3 million. [...] Aware of the situation that we are all in together and the continuing unfavourable trends in all areas of life, we ask that at least these minimal finances not be reduced any further.<sup>743</sup>

355. Both the RSK military structures and the MUP continued to depend on Serbia/(S)FRY support after the JNA withdrawal. On 10 February 1992, Milan Martić requested the Serbian Minister of Interior, Sokolovi}, to stop payments to the Krajina TO through the SDK (Federal

<sup>739</sup> Order setting out tasks to be carried out re: Logistics Base SSNO order to regulate logistic support of JNA units moving out of UN Protected Areas and establish the RSK TO Logistics base, BCS 0089-1581-0089-1581.

<sup>740</sup> Memorandum on co-ordination of tasks of the Yugoslav Army, 17 Dec 1993, BCS 0207-8152-0207-8164.

<sup>741</sup> List of 7 Combat reports addressed to the FRY Supreme Defence Council, signed by General Novakovi} and General Celeketi}, 11 November 1993 to 4 July 1994, BCS 0207-6206-0207-6206.

<sup>742</sup> Request for financial support from Col [panovi}, MoD of the RSK, to Negavoni}, MoD of the Republic of Serbia, BCS 0207-6699; ENG L005-3791-L005-3792.

<sup>743</sup> Memorandum on co-ordination of task of the Yugoslav Army, 17 December 1993, BCS0207-8152-0207-8164.

Book-keeping Service), and to instead have the RSK MUP benefit from the payments.<sup>744</sup> The minutes of the above-mentioned meeting of 12 November 1992 attended by the Accused, also refer to the financing of the police force through the Serbian MoD.<sup>745</sup>

### 3. *The Accused and the JNA During the Conflict in Bosnia and Herzegovina*

#### Fall 1991: continuity and communality between JNA operations in Croatia and Bosnia - Herzegovina

356. The evidence demonstrates the continuity and communality of JNA operations in Croatia and in BiH. Similar to its role in Croatia, in BiH, the JNA participated in criminal acts by organising and arming the local Serbs, participating in certain municipality take-overs, and providing the basis for the formation and operation of the VRS. It did so in co-operation with the Bosnian Serb leadership and the organs that the leadership controlled, including the SDS, Bosnian Serb TOs, the Crisis Staffs, and Bosnian Serb paramilitary formations. It also included the Serbian paramilitary and volunteer or paramilitary formations that had already been involved in the conflict in Croatia, such as Arkan's Tigers and Serbian State Security "Red Berets" (Special forces belonging to the Republic of Serbia MUP, and led by Milorad "Legija" Ulemek).

357. It was important for the Accused and the Bosnian Serb leadership to secure military support and participation as broadly as possible, at the most senior command levels and down the chain of command, and to ensure that as many troops as possible were available to achieve their aims. During summer and autumn 1991, Serbia and the SFRY under the leadership of the Accused and the Rump Presidency (over which he had effective control) created the legal framework of orders and decrees which, as indicated above,<sup>746</sup> legalised the participation of Serbian TO units, paramilitaries and volunteers in the conflict in Croatia and BiH.

358. Numerous intercepted telephone conversations between, among others, the Accused, Karadžić, Nikola Uzelac and Radoslav Brđanin show that the Bosnian Serb leadership was fully committed to raising troops for the JNA in the second half of 1991.

#### The creation of the 2<sup>nd</sup> Military District (2<sup>nd</sup> MD)

359. The continuity of the operations of the JNA in Croatia and BiH became particularly visible with the creation of the 2<sup>nd</sup> MD in early January 1992. The creation of the 2<sup>nd</sup> MD, headquartered in Sarajevo, was partly a reaction by the SFRY Supreme Command to the situation that had emerged in Croatia after the signing of the Vance plan on 2 January 1992.

<sup>744</sup> Letter by Martić to Sokolović, dated 10 February 1992, BCS 0207-6692-0207-6692.

<sup>745</sup> Official Record of the Conversation of the RSK representatives with the Accused, 12 November 1992, BCS 0207-7285-0207-7285.

<sup>746</sup> See the section above headed "Orders and Decrees".

This plan was aimed at creating the conditions for resolving the situation in Croatia and required, among other things, the withdrawal of the JNA from all of Croatia.<sup>747</sup>

360. The 2<sup>nd</sup> MD was established, in part, to provide the military command infrastructure to accommodate JNA forces being re-deployed or removed from Croatia and to control the territory of BiH. As the JNA was withdrawn from Croatia, many units were deployed into strategically important areas. These included areas with a Bosnian Serb majority, regions separating Bosnian Serb majority areas but inhabited by other ethnic groups, and those areas where inter-ethnic conflict was most likely should the situation in BiH deteriorate as it already had in Slovenia and Croatia.<sup>748</sup>

361. During the relocation of these units, the JNA applied the lessons it learned in Croatia (in particular the threat of blockades by the local population in areas with a non-Serb majority). In the area of responsibility of the 17<sup>th</sup> JNA Corps, for example, JNA storage sites and warehouses located in areas dominated by other ethnic groups were emptied and the weapons, ammunition and other equipment and stores moved to areas with a Serb majority.<sup>749</sup>

362. The 2<sup>nd</sup> MD area of responsibility covered the majority of the territory of BiH (excluding Eastern Herzegovina, which was under the control of the newly created 4<sup>th</sup> MD, also responsible for Montenegro). Its position also allowed it to assume a role in providing continued support to local Serb TO units in Krajina and Western Slavonia following the JNA withdrawal there.

363. At its creation, the 2<sup>nd</sup> MD consisted of the following five Corps: 4<sup>th</sup> Corps (Sarajevo), 5<sup>th</sup> Corps (Banja Luka), 9<sup>th</sup> Corps (Knin), 10<sup>th</sup> JNA Corps (Bihać) and 17<sup>th</sup> Corps (Tuzla). The 10<sup>th</sup> Corps prior to the conflict in Croatia was stationed in Zagreb. The establishment of the 2<sup>nd</sup> MD reflected the intention of the SFRY authorities to maintain BiH within the SFRY and consolidate Serbian control over the area south of the Virovitica-Karlobag line (the so-called RAM plan).<sup>750</sup>

#### 4. *The 2<sup>nd</sup> Military District and the Situation in Bosnia and Herzegovina* January-March 1992: Significant confusion

364. The situation in BiH during January to March 1992 was characterised by a significant degree of confusion both in regard to the future status of BiH within the (S)FRY and the role

<sup>747</sup> The United Nations and the Situation in the Former Yugoslavia, reference paper, 15 March 1994

<sup>748</sup> 5<sup>th</sup> JNA Corps Command Order No. 313-1 to the 10<sup>th</sup> Partisan Brigade on the withdrawal of the 6<sup>th</sup> Partisan Brigade and its re-deployment to the area of Sanski Most. BCS 0104-2415-0104-2418, ENG 0300-6328-0300-6331; Plan for the relocation of units in the 5<sup>th</sup> Corps Area of Responsibility, BCS 0082-0770-0082-0781, ENG 0300-6727-0300-6735.

<sup>749</sup> B-1493

<sup>750</sup> B-1493

of the JNA within the Republic.<sup>751</sup> A lack of clear direction through the military command was compounded by problems relating to mobilisation, logistics issues, questions on the allegiance of Muslim and Croat JNA personnel, the changeover of high-ranking JNA officers, the withdrawal from Croatia, and at the lower levels a general lack of knowledge on the future status of the JNA (both inside and outside BiH).<sup>752</sup>

365. Nevertheless, even during this period it was clear that the initial objective of the JNA and the 2<sup>nd</sup> MD was to create conditions where BiH (or part of it) would remain within a federal - Serb-dominated - Yugoslavia and the prevention of the secessionist course taken by Slovenia and Croatia.

366. The Accused and the Rump Presidency, however, already in December 91/early January 1992, realised that BiH would not stay within a reshaped (S)FRY dominated by Serbia, and that BiH would vote to secede. Borisav Jovi}, on 5 December 1991, wrote:

When Bosnia and Herzegovina are recognised internationally, the JNA will be declared a foreign army and its withdrawal will be demanded, which is impossible to avoid. In that situation, the Serb populace [...] will be left defenceless [...] Sloba feels that we must withdraw all citizens of Serbia and Montenegro from the JNA in Bosnia and Herzegovina in a timely fashion and transfer citizens of Bosnia and Herzegovina to the JNA in order to avoid general military chaos upon international recognition [...] That will also create the possibility for the Serb leadership in Bosnia and Herzegovina to assume command over the Serb part of the JNA.<sup>753</sup>

367. On 25 December 1991, Jovi} wrote that "85 to 90% of the JNA forces in BiH were Bosnian citizens".<sup>754</sup>

March - April 1992: the gradual change in the attitude of the JNA in BiH, the referendum and international recognition of BiH

368. In March 1992 the 2<sup>nd</sup> MD became significantly concerned about the emerging instability in BiH and the rising influence of nationalistic political parties (SDA, HDZ and SDS).<sup>755</sup> In some cases, JNA units attempted to appease the situation and defuse ethnic tensions with the intention of ensuring the stability of BiH within the FRY. Concurrently with these actions, however, certain elements of the JNA were in many areas also actively

<sup>751</sup> Report on the Current Situation in the AOR of the 2<sup>nd</sup> MD, dated 20 March 1992, BCS 0046-5452-0046-5459; ENG 0048-0682-0048-0690; 2<sup>nd</sup> MD Report on the State of Combat Readiness for 1991, dated 23 January 1992, BCS 0097-0672-0097-0774, ENG 0110-9699-0110-9799.

<sup>752</sup> 25<sup>th</sup> JNA Corps Daily Combat report to the 2 MD, General Tali}, Commander 5<sup>th</sup> JNA Corps, 07 April 1992, BCS 0086-1753-0086-1758, ENG 0110-5116-0110-5121.

<sup>753</sup> Jovic diary, pp.1-492.

<sup>754</sup> Jovic Diary, pp.1-492.

<sup>755</sup> Report on the current situation in the AOR of the 2<sup>nd</sup> MD, dated 20 March 1992, BCS 0046-5452-0046-5459, ENG 0048-0682-0048-0690; 2<sup>nd</sup> MD Report on the state of combat readiness for 1991, dated 23 January 1992, BCS 0097-0672-0097-0774, ENG 0110-9699-0110-9799.

supporting and providing military assistance to the Bosnian Serbs who had started to organise and arm themselves.<sup>756</sup>

369. Subsequently, as the climate in BiH increasingly made the continued incorporation of the Republic in the SFRY unlikely, Serb-dominated JNA units rapidly began to move away from attempts to defuse tensions and began to overtly support the Bosnian Serbs and the SDS.

370. This process was accelerated by the referendum on the independence of BiH, which took place on 29 February- 1 March 1992, followed by the international recognition of BiH, on 6 April 1992 by the EC and the US. These proved to be key events for the future of the JNA in the republic. Many pro-Yugoslav JNA officers, both Serbs and non-Serbs, considered the referendum to be "the betrayal of the SFRY".<sup>757</sup> Together with the recognition of BiH independence, followed by the proclamation of the Serb Republic of BiH ("SRBH"), on the same date and the declaration of the FRY on 27 April 1992, it left the JNA in BiH in a vacuum, compounding the confusion that already existed.

371. All these events provoked growing concern amongst the Serb-dominated JNA Supreme Command in Belgrade for their compatriots in BiH, as well as with the Bosnian Serb JNA officers who dominated the 2<sup>nd</sup> MD, and galvanised the already existing links with SDS-led Bosnian Serb defence structures.

##### 5. *Bosnian Serb Defence Structures Prior to the Creation of the VRS*

###### Bosnian Serb TO

372. Similarly to Croatia, the Bosnian Serb TO was established out of the existing TO units of the Republic of BiH in areas where a significant Serb population existed. As it was set up and operated outside of Republican (i.e. BiH) control, however, the establishment of the Bosnian Serb TO ran contrary to the SFRY Constitution.<sup>758</sup> On 28 February 1992, coupled with the Proclamation of the Constitution of the Serbian Republic of Bosnia and Herzegovina (SRBH)<sup>759</sup>, the National Defence Law was proclaimed as noted above. This law established the framework of a Bosnian Serb MoD, within the context of the newly constituted Republic, and articulated its role under the law, including drafting the plans for the development, supplying and training of the TO forces.

---

<sup>756</sup> B-1268.

<sup>757</sup> B-1493.

<sup>758</sup> C-039.

<sup>759</sup> SRBH Constitution, dated 28 February 1992, BCS 0035-9816-0035-9825, ENG 0035-9826-0035-9849

373. The Bosnian Serbs established and armed their own TO with the assistance and extensive support of the JNA, the Serbian MUP and MoD, through the SDS.<sup>760</sup>

Volunteers and paramilitaries

374. Some of the groups that had already achieved notoriety for their role during the conflict in Croatia and their involvement in crimes there, deployed to BiH, with the knowledge and authorisation of the Serbian authorities or the JNA as described above.<sup>761</sup> The training camps that were set up during the conflict in Croatia continued to be used.<sup>762</sup> A witness will testify on the arrest of members of the Yellow Wasps paramilitary group, some of them carrying JNA documents, on 8 April 1992 by BiH MUP in Zvornik.<sup>763</sup> Another will describe how refugees of Serb ethnicity who had fled Croatia and BiH were arrested in Serbia and were forcefully returned to the frontlines.<sup>764</sup> In October 1995, Arkan Tiger's co-operated with the RS MUP to round up VRS deserters in the Prijedor area.<sup>765</sup>

JNA support to the Bosnian Serb defence structures

375. Bosnian Serb defence structures were totally depended upon the support and supply they received from elements the JNA, just as the SAO Krajina and SBWS TO had been. This assistance was ordered and organised at the highest command level of the JNA, based on instructions of the (S)FRY Supreme Command.

376. In March and April 1992, Serb dominated JNA units started to openly undertake operations to protect the Bosnian Serb population and secure those areas of BiH claimed as Serb. This became clearly visible through increasing JNA assistance in organising and arming the SDS-led Bosnian Serb population and the support of the JNA in the take-over of power in certain municipalities in BiH. The JNA also began making preparations during this time which would enable it to leave behind significant elements of its BiH-based personnel and material to enable the creation of a Bosnian Serb army.

377. The confidential Order on Procedures referred to above concerning the equipping of (local Serb) TO units with weapons and other military hardware and the instructions that should be followed to obtain this equipment, released by General Adžić on 31 December

---

<sup>760</sup> C-028 and K-1.

<sup>761</sup> C-032 and C-028.

<sup>762</sup> Witness K-1, C-028 and K-1.

<sup>763</sup> C-039.

<sup>764</sup> Witness K-1; see also Lawsuit and ruling, First Municipal Court Belgrade, filed by Nikola Bala} (a Serb refugee from Croatia who was arrested by Serbian MUP and after training by Arkan's troops forcefully transferred to the VRS), BCS 0051-1972-0051-1973, ENG L000-7207-L000-7209.

<sup>765</sup> Letter by Tomislav Kovač, Minister of Interior of the RS, to G[ ] VRS, Special Unit "Tigrovi", Special police detachment "Janja" and Chief CJB Prijedor, BCS 0212-9681-0212-9681, ENG L004-4310-L004-4311.

1991, also had implications for the Bosnian Serbs.<sup>766</sup> A 3 March 1992 request for the replenishment of the (Bosnian Serb) TO and Public Security (SJB) units with weapons, including a request from the Bihać (Bosnian Serb) TO District Headquarters for 2,000 infantry weapons, explicitly refers to the Order (Order 2268-1 of 30 December 1991).<sup>767</sup>

378. A 20 March 1992 report on the situation in the area of responsibility of the 2<sup>nd</sup> MD and signed by its Commander, General Kukanjac, indicated that "The JNA has distributed 51.900 weapons (to volunteer units) and the SDS has distributed 17.298 weapons. 300 automatic rifles have been distributed to reliable retired officers in Sarajevo to protect relatives and houses of active duty personnel".<sup>768</sup>

379. Not later than 25 March 1992 a meeting took place in Belgrade involving General Adžić (the JNA CGS and acting SSNO). The minutes of this meeting indicated that instructions would be given for "the formation, equipping and signing of JNA officers to volunteer units, the military organisation of volunteer units and co-ordinating them with JNA Commands, the reinforcement, evacuation, or destruction of strategic stockpiles and the mobilisation *in the areas where the Serbs make majority*".<sup>769</sup> A subsequent order issued by Adžić to the 2<sup>nd</sup> MD on 3 April 1992 included instructions for the "formation of brigade and detachment-size volunteer units with JNA officers as commanding staff and armed with JNA weapons; the acceleration of the retrieval of modern military equipment; the removal of JNA units and property from Zenica, ^apljina and Travnik; and the planned and secure mobilisation *on the territories where the Serbs are in the majority*".<sup>770</sup>

380. In the 6 April 1992 Daily Combat and Operations Report of the 2<sup>nd</sup> MD to the Armed Forces General Staff Operations Center (SFRJ-G[]), for example, the activities of the JNA 10th Corps are noted.<sup>771</sup> The activities reported included "TO and police units were being formed in the area of responsibility according to plan".<sup>772</sup>

381. In addition to support from the JNA, there were also units of the TO of the Republic of Serbia sent to BiH, to assist the Bosnian Serb TO. For example, units of the Loznica TO and

<sup>766</sup> Order on Procedures (2268-1).

<sup>767</sup> Request for the replenishment of TO and SJB units with weapons, signed by Gradimir Petrović, on behalf of the Chief of the Technical Service (TSI), dated 03 March 1992, BCS 0089-1572-0089-1572, ENG L004-2883-L004-2884.

<sup>768</sup> Report on the Current situation in the Area of Responsibility, signed by General Kukanjac, 20 March 1992, BCS 0089-1699-0089-1711, ENG 0300-5185-0300-5194.

<sup>769</sup> Minutes of meetings, dated 25 March 1992, BCS 0089-1722-0089-1723.

<sup>770</sup> Order from the SSNO, signed by General Adžić, dated 3 April 1992, BCS 0018-4106-0018-4108.

<sup>771</sup> 2<sup>nd</sup> MD Combat and Operations Report for 6 April 1992, BCS SA02-1550-SA02-1555, ENG 0300-5016-0300-5020.

<sup>772</sup> Ibid, 10th Corps activities, page 3.

of the Valjevo TO (both municipalities in the Republic of Serbia) were present in the area of Bosanski Brod and Derventa during Spring 1992.<sup>773</sup>

Relationship between the JNA and the SDS

382. In the 20 March 2<sup>nd</sup> MD report of General Kukanjac referred to above, he also noted the growing convergence between the objectives of the JNA and those of the SDS in BiH, stating:

Generally speaking, the SDS leadership and the Serbian people have embraced the army [...] They have protected it where possible, responding to calls to join our combat and volunteer units [...] This is quite normal since objectively the Serbian population here is threatened as well, and in accordance with that, we are protecting the people's interests; however there have been instances of acts and attitudes at odds with the generally accepted principles and positions [...] The commander of the 2<sup>nd</sup> MD will soon have a discussion with the top leadership of the Serbian people (Karad`i}, Koljevi}, Plav{i}. Kraji{nik and Duki}).<sup>774</sup>

383. Kukanjac also referred to the growing influence of the SDS and other nationalist Serbs, particularly within the lower ranks of the JNA. This was also reflected in the reporting of subordinate units like the 5<sup>th</sup> JNA Corps in Banja Luka.<sup>775</sup> Nevertheless, on 6 April 1992, when Kukanjac ordered the mobilisation of "war-time" units of the 2<sup>nd</sup> MD, he reported that his Rear Command Post (RKM) was in contact with the SDS Crisis Staff in Pale concerning the issue.<sup>776</sup>

384. The relationship between the JNA and the SDS corresponded with the latter's strong desire to bolster its ties with the JNA, particularly at the local and municipal level. On 27 March 1992, Karad`i}, at the 14<sup>th</sup> Session of the Assembly of the Serbian people in BiH, instructed delegates to establish Crisis Staffs. Karad`i} also told them to "find a number of reserve officers for those staff and have them register everyone who owns weapons[...] They should organise territorial defence units and if the JNA is there, they must be placed under its command".<sup>777</sup> By 15 April 1992, the SDS-dominated Serb Republic of BiH (SRBH) National Security Council declared an "imminent state of war", as well as the full mobilisation of the SRBH Territorial Defence Forces. Command of these forces was given to the SRBH Minister of Defence, Colonel Bogdan Suboti}, a medium-ranking JNA Officer prior to taking up his

<sup>773</sup> B-1493

<sup>774</sup> Report on the current situation in the AOR of the 2<sup>nd</sup> MD, 20 March 1992, BCS 0046-5452-0046-5459, ENG 0048-0682-0048-0690.

<sup>775</sup> 5<sup>th</sup> Corps inspection report on the 343<sup>rd</sup> Motorised Brigade, BCS 0094-8333-0094-8347, ENG L001-6046-L001-6057; 5<sup>th</sup> Corps Daily Combat Report, 12 Apr 1992; BCS 0086-2025-0086-2030, ENG 0301-3481-0301-3483.

<sup>776</sup> 2<sup>nd</sup> MD Combat and Operations Report for 06 April 1992, BCS SA02-1550-SA02-1555, ENG 0300-5016-0300-5020.

<sup>777</sup> Verbatim Transcript of the 14th Session of the Assembly of the Serb people in BiH, 27 March 1992, BCS 0089-6915-0089-6949, ENG 0092-6762-0092-6786.



new political appointment.<sup>778</sup> The development of close ties between the Crisis Staffs, TO units and the JNA is confirmed in an instruction entitled "Instructions for the Work of Crisis Staffs of the Serbian people in the Municipalities", of 26 April 1992, which discussed the relationship between these bodies and the functioning of local Serb Crisis Staffs.<sup>779</sup>

385. The close co-operation of the SDS and the JNA was explicitly confirmed by Karadžić at the 50<sup>th</sup> session of the National Assembly on 15/16 April in 1995:

When war broke out, the JNA helped as much as they could, General Subotić sent tanks to Banija and consequently Kostajnica fell and 300-400 Ustašas were captured. Thanks to the JNA weapons were distributed to the Serb people, but it was the SDS that created the Army and organised people. Armed forces of the Serb Republic of BiH together with the police have liberated parts of the land, sometimes with help of the JNA, sometimes without [...] We made various calculations and agreements with Yugoslavia [...].<sup>780</sup>

JNA involvement in the taking over of power in municipalities in BiH

386. The evidence of JNA support to the Bosnian Serbs is at its most overwhelming in April 1992 - prior to the formal establishment of the VRS - when Bosnian Serb-dominated JNA units actively and overtly assisted the SDS controlled Bosnian Serb TO in carrying out military actions against certain non-Serb villages. These operations were aimed at taking over these areas in order to establish Serbian control and remove the remaining non-Serb population. This was particularly visible in the JNA 5th Corps area of responsibility (Western BiH) where, for example, units were deployed to Bosanska Krupa to assist the SDS in taking control over the area,<sup>781</sup> but also in other areas. At a Crisis Staff meeting held on 29 April 1992, for example, the President of the Trnovo Crisis Staff stated that it had been agreed with the JNA representatives that they would participate in "cleaning of the Municipality" and that "the Army was ready to clear up the situation in Trnovo".<sup>782</sup>

387. The links that were established between certain elements of the JNA, the local Serb TO, and Serbian DB and MUP (and the armed formations these organisations controlled) before and during the conflict in Croatia had been consolidated during the first months of 1992 in BiH. They proved to be very helpful during the take over operations. As occurred in

<sup>778</sup> Minutes of the joint session of the National Security Council and the Government of the Serbian Republic of BiH, 15 April 1992, BCS 0076-8045-0076-8047, ENG 0083-7942-0083-7944.

<sup>779</sup> Instruction for the Operation of Crisis Headquarters of Serb people in the Municipalities", 26 April 1992, BCS 0027-0617-0027-0618, ENG 0301-7388-0301-7389.

<sup>780</sup> Minutes of the 50<sup>th</sup> Session of the SRBH Assembly held in Sanski Most held on 15-Apr-95, BCS 0084-5781-0084-6113, ENG 0096-8582-0096-8591.

<sup>781</sup> 0124-1359-0124-1360: 5th Corps instruction congratulating the 6th Brigade of the 10th Partisan Division for "liberating Bosanska Krupa", 11 May 1992.

<sup>782</sup> Minutes of the SDS Crisis Staff of Trnovo meeting, 29 April 1992, BCS 0094-3178-0094-3179, ENG L001-6088-L001-6090.

Croatia, local Serb TO, Serbian TO, paramilitary or volunteer units often played a decisive role during these operations.

388. To deal with the problem that in some parts of BiH, there were still a relatively important number of non-Serbs among the JNA officer Corps (or Serbs who did not adhere to the "Greater Serbia" philosophy) alternative command and control arrangements had to be put in place. This was, for example, the case during the take over of Bijeljina on 4 April 1992 and Zvornik (8 – 11 April 1992). The local commanding JNA officer was not in command of this operation, which was led by Arkan's Tigers in co-ordination with certain officers of the 2nd MD.<sup>783</sup> The 17<sup>th</sup> Corps Commander General Savo Jankovi} reported on 4 April that "The town of Bijeljina is controlled by the SDS and Arkan's men".<sup>784</sup>

389. JNA reports on these take-overs the co-operation between the JNA and the Bosnian Serb TO or other armed Serbian forces during some of these operations. For example, on 18 April 1992, the JNA 17th Corps reported that combined operations were conducted with the Bosnian Serb TO, police and elements of Tactical Group (TG) 17 in Bosanski [amac, resulting in the capture of the town.<sup>785</sup> It also reported that TO units from Zvornik together with a JNA armoured battalion, were engaged in operations at Kula Grad.<sup>786</sup> Similarly, the assistance of the JNA 9th Corps with the forming of TO Defence Staff and MUP units in the Corps zone (Western Herzegovina) was noted in the 2nd MD Combat and Operations report for 24 April 1992.<sup>787</sup>

390. The JNA, local Serb TO, Arkan Tigers and other paramilitaries co-operated in the attacks on Zvornik (8 - 11 April 1992) Br-ko in early May 1992, and other municipalities where there was no Serb majority.<sup>788</sup>

391. The chronology of these take over operations, the forces that were involved, the tactics that were used, and most important of all, the location of the municipalities that were attacked, clearly manifest patterns demonstrating the methodical approach of the perpetrators. It was clear that these operations were not isolated or spontaneous attacks, but were part of a well-prepared strategic plan aimed at creating an ethnically pure Serb entity in BiH. In order for this entity to be viable, it was considered essential that there was territorial integrity between the RSK and Serbia.

---

<sup>783</sup> B-1493

<sup>784</sup> 17<sup>th</sup> Corps Daily Operational Report, 4 April 1992, BCS 0018-3969-0018-3970, ENG 0096-1185-0096-1187.

<sup>785</sup> 17<sup>th</sup> Corps Daily Operational Report, dated 18 April 1992, BCS SA00-4492-SA00-4493.

<sup>786</sup> Ibid.

<sup>787</sup> 2<sup>nd</sup> MD Command Combat and Operations Report, 24 April 1992, BCS 0106-5581-0106-5584, ENG 0300-5041.

<sup>788</sup> K-1.

6. The Establishment of the VRS

April - May 1992: the road to the creation of the VRS

392. Increasing JNA support for the newly established Bosnian Serb TO, combined with the rapidly changing political environment in BiH, motivated the transitioning of these units into the Army of the Serb Republic of BiH (ASRBH), later named the Army of the Republika Srpska (VRS).

393. Serb-dominated JNA units stepped up co-operation with the Crisis Staffs established in Bosnian Serb controlled municipalities and improved their links with Bosnian Serb TO units. This process also involved the issuing of instructions in order to identify loyal TO units and secure their loyalty. On 14 April 1992, a 5<sup>th</sup> JNA Corps daily report on developments in BiH makes reference to an order to Colonel Petar Spasojević, commander of the regional (Bosnian Serb) TO staff in Banja Luka, to "talk with the commanders and commands of the subordinate municipal TO staffs *to determine whose side they are on*. Staff that refuse to carry out orders shall be disbanded and new staffs shall be formed in their place".<sup>789</sup> Another 5<sup>th</sup> Corps report for 14 April 1992 noted that "the 5<sup>th</sup> Corps focused its work on informing subordinate units, organising a meeting between the SAO/Serbian Autonomous District/ of Krajina (TO) Commander and the commanders of subordinate staffs (units)".<sup>790</sup>

394. Meanwhile, SDS-dominated SRBH political authorities stepped up preparations for the creation of a Bosnian Serb army. These preparations included a 16 April 1992 decision by the SRBH Minister of Defence and acting commander of the Serbian TO, Bogdan Subotić (then still a serving JNA officer), to establish the TO of the SRBH as the "Armed Forces" of the republic. The decision directs that "in preparations for the training and the deployment of the TO units, effect co-operation with the JNA units, *and where possible, establish a unified command*". The order also stated that "the JNA units will remain intact" and that "newly created TO units should be put where possible *under JNA control*".<sup>791</sup>

395. With the growing convergence of the JNA and the SDS in the early months of 1992, key decisions were taken in April and May on the establishment of the VRS. The 25 April 1992 appointment by the SFRY Presidency of Ratko Mladić as initially the deputy commander and later the commander of the 2<sup>nd</sup> MD,<sup>792</sup> the visit of the SSNO, General Ad`i`

<sup>789</sup> 5<sup>th</sup> JNA Corps report on the developments in BiH, 14 Apr 1992, BCS 0095-9774-0095-9777, ENG 0110-6358-0110-6361.

<sup>790</sup> 5<sup>th</sup> Corps Daily Combat report dated 14 Apr 1992, BCS 0086-2039-0086-2044, ENG, 0300-1012-0300-1014.

<sup>791</sup> Decision by the SRBH Minister of Defence, Bogdan Subotić, 16 April 1992, BCS 0091-4397-0091-4398, ENG 0301-5709-0301-5710 (emphasis added).

<sup>792</sup> Decree of the SFRY Presidency of 25 April 1992 noted in 1KK report of 12 May 1992, BCS 0102-9868-0102-9869, ENG 0190-1997-0190-1998.

to Banja Luka on 2 May 1992,<sup>793</sup> and the establishment on 3 May 1992 of the VRS Main Staff,<sup>794</sup> give an indication as to the timing of the final key decisions regarding the transformation of the JNA in BiH into the VRS. The SFRY official decision to transform the JNA was issued on 5 May 1992 and clearly advanced the transition process.<sup>795</sup> This decision kept Bosnian JNA personnel in positions within BiH and sent Bosnian JNA personnel serving in other republics back to BiH; all of them retaining the same rights as other JNA personnel.<sup>796</sup> In a 7 May 1992 order, issued by General Tali}, Commander of the 5<sup>th</sup> JNA Corps, reference was made to the SFRY Presidency decision of 5 May 1992 concerning the transformation of the JNA.<sup>797</sup>

396. Between 3 and 19 May 1992 the VRS Main Staff was organised from the former 2<sup>nd</sup> MD headquarters and other former JNA officers.<sup>798</sup> General Mladi} was appointed CGS of the VRS on 12 May 1992, following his appointment as Deputy Commander of the 2nd MD on 25 April and the 3 May dismissal of the 2<sup>nd</sup> MD Commander, Kukanjac. Mladi} had been selected following his participation in operations in and around the Knin area, and was a known quantity to the JCE members.<sup>799</sup> Other senior JNA Officers of Bosnian Serb ethnicity were also assigned to senior positions of the VRS. They included General Milan Gvero as Chief of Morale, General \or|e \uki} as Chief of Logistics and Col Zdravko Tolimir as Chief of Intelligence and Security.<sup>800</sup> With the establishment of the VRS, the key leadership of the Main Staff, Corps and Brigades was comprised of former JNA officers of predominantly Bosnian Serb origin. Where units were lacking in JNA officers, the shortfall was in part made up of mobilised reservists.<sup>801</sup> By 3 May 1992 it was evident that the Army of the Republika Srpska Main Staff had been formed with the "tacit consent of the Main Staff of the JNA".<sup>802</sup>

<sup>793</sup> 5<sup>th</sup> Corps Regular combat report, 2 May 1992, BCS 0086-2147-0086-2153a.

<sup>794</sup> Karad`i}, *Analysis of the Combat Readiness and Activities of the Army of Republika Srpska in 1992*, April 1993, BCS 0060-7339-0060-7480, ENG 0110-3019-0110-3182 (Hereinafter "Combat Readiness Report")

<sup>795</sup> SFRY regulation quoted in 1KK document dated 07 May 1992, BCS 0124-1910-0124-1910, ENG 0302-8203-0302-8204.

<sup>796</sup> Ibid.

<sup>797</sup> Order by the 5th JNA Corps, dated 07 May 1992, BCS 0124-1355-0124-1355.

<sup>798</sup> VRS G[ "Analysis of the Command Readiness of the Army of the Republika Srpska in 1992", April 1993, BCS 0060-7339-0060-7480, ENG 0110-3019-0110-3182.

<sup>799</sup> Speech of Mladi} at the 16<sup>th</sup> SRBH Assembly meeting, 12 May 1992, BCS 0084-7711-0084-7761 0091-3501-0091-3592, ENG 0091-3501-0091-3562. Karad`i} stated some years later, at the 50th SRBH Assembly Session in April 1995 that together with Kraji{nik he had selected Mladi} because of what he did in Knin, BCS 0084-5781-0084-6113, ENG 0096-8582-0096-8591.

<sup>800</sup> 5<sup>th</sup> Corps Command, Information about post assignments, 12 May 1992, BCS 0102-9868-0102-9869, ENG 0190-1997-0190-1998.

<sup>801</sup> C-039.

<sup>802</sup> Combat Readiness Report p70.

### The 16<sup>th</sup> Assembly Session

397. The 16<sup>th</sup> session of the Assembly of the Serbian People of BiH, which took place on 12 May 1992 in Banja Luka, was the final manifestation of the convergence between the SDS and the JNA in BiH. At this session the establishment of the VRS was formally announced to the Bosnian Serb delegates.<sup>803</sup> The session was chaired by Karadžić and Krajišnik. Mladić, still a serving JNA officer of the 2<sup>nd</sup> MD, was among the speakers. The decisions concerning the establishment of the Army of the Serbian Republic of Bosnia-Herzegovina (later renamed the Army of the Republika Srpska or VRS) included the official establishment of the Army of the SRBH, the renaming of existing TO units, the appointment of General Mladić as CGS, and the changing of the uniforms and insignia worn by members of the JNA and the TO into those of the Army of the SRBH.<sup>804</sup>

398. In terms of the actual transformation, despite the announced withdrawal of JNA units, the reality was that a significant part of the units and equipment from the 2<sup>nd</sup> MD simply became part of the VRS.<sup>805</sup> The VRS structure mirrored significantly that of the 2<sup>nd</sup> MD. The VRS initially consisted of five Corps based on the Corps of the 2<sup>nd</sup> MD: The 1st Krajina Corps (formerly the 5<sup>th</sup> JNA Corps), the 2<sup>nd</sup> Krajina Corps (formerly the 10<sup>th</sup> JNA Corps, which before the conflict in Croatia was stationed in Zagreb), the East Bosnia Corps (formerly the 17<sup>th</sup> JNA Corps), the Sarajevo-Romanija Corps ("SRK", and formerly the 4<sup>th</sup> JNA corps). A large number of Light Brigades were formed by integrating the Bosnian Serb TO into the VRS structure.

399. General Mladić, in a September 1992 document entitled "Report on the results achieved on the front, the state of the Army of the Republika Srpska, problems and tasks in the forthcoming period", states that "The decision of the Assembly of the Republika Srpska of 12 May 1992 enabled the armed people, the Serbs in the former JNA and the available material and equipment /to be used/ to transform the units and form the Army of the Republika Srpska [...]".<sup>806</sup>

400. It is clear that the overall process of transforming JNA units in BiH into VRS units, which included the hand-over of significant amounts of JNA arms, ammunition, fuel and other equipment, as well as thousands of military personnel (significant numbers of whom remained on the JNA/VJ payroll), could only have been accomplished with the authorisation

<sup>803</sup> Minutes of the 16<sup>th</sup> Session of the Assembly of the Serbian People in BiH, Banja Luka, 12 May 1992, BCS 0084-7711-0084-7761, ENG 0091-3501-0091-3562 ("Minutes of the 16<sup>th</sup> Assembly").

<sup>804</sup> Minutes of 16<sup>th</sup> Assembly.

<sup>805</sup> B-1268

<sup>806</sup> Report of the General Staff of the VRS, signed by Ratko Mladić, September 1992, BCS 0104-2295-0104-2303, ENG 0110-3316-0110-3324.

and approval of the (*de facto*) JNA Supreme Command, i.e. the command structure made up of the Accused and the people he controlled. Jovi} reports a meeting with the Bosnian Serb leadership on 30 April 1992 involving the Accused, Branko Kostić, Bulatović, Karadžić, Krajičnik and himself:

The Security Council has recognised Bosnia-Herzegovina. Interethnic fighting has broken out there. It is being demanded that we withdraw the JNA from BiH. Slobodan and I both expected and predicted this. There remain around 90,000 JNA soldiers in that republic, mostly of Serb nationality, over whom the Serb leadership from BiH can assume political command. Karadžić agrees. Krajičnik raises a series of questions: How will that military be financed, who will pay its wages, who will provide its pensions, etc., all of which are indeed problems, but are not critical to our discussion. There was plenty of back and forth about the deadline for withdrawal, and in the end we agreed to complete it within 15 days. Since it is also necessary to withdraw generals who are not originally from Bosnia-Herzegovina, it was agreed that Gen. Mladić would replace Gen. Vuković.<sup>807</sup>

#### 7. Relations Between the VRS and the JNA/VJ

##### The six strategic goals

401. During the 16<sup>th</sup> session of the Assembly of the Serbian People of BiH held on 12 May 1992, Karadžić set out six strategic goals for the Serbian people:

- Separation of the Serbian people from the other two national communities.
- Establishment of a corridor between Semberija and Krajina.
- Establishment of a corridor in the Drina Valley, eliminating the Drina as a border separating Serbian States.
- Establishment of a border on the Una and Neretva Rivers.
- Division of the city of Sarajevo.
- Establishing access to the sea.<sup>808</sup>

402. By a decision of the Presidency of the Republika Srpska of 15 June 1992, on the establishment, organisation, formation and command of the VRS, "the organised life of and combat operations of the Republika Srpska actually started, which, by a decision of the Commander of the Main Staff of 16 June 1992, was directed to pursue the basic strategic interests of the war of the Serbian people".<sup>809</sup> General Mladić implemented this order and issued instructions pursuant to it, notwithstanding that he was fully aware of its implications. During the 16<sup>th</sup> Assembly Session, he commented on the first goal, the separation of ethnic communities, that:

<sup>807</sup> Jović Diary.

<sup>808</sup> Minutes of the 16th Assembly pages 13-14.

<sup>809</sup> Karadžić, *Analysis of the Combat Readiness and Activities of the Army of Republika Srpska in 1992*, April 1993, p. 150, BCS 0060-7339-0060-7480, ENG 0110-3019-0110-3182.

People and peoples are not pawns nor are they keys in one's pocket that can be shifted from here and there. It is something easily said but difficult to achieve. [...] we cannot cleanse nor can we have a sieve to sift so that only Serbs would stay, or that the Serbs would fall through and the rest leave [...] I do not know how Mr Kraji{nik and Mr Karad`i} would explain this to the world. People that would be genocide.<sup>810</sup>

403. At the same meeting Mladi} indicated that he knew that the action that was about to be undertaken would need to be kept secret and presented in an acceptable manner:

"[...] let us not only put our minds into what we are doing, but let us also think thoroughly about it, and let us be cautious about when to keep mum. No. The thing that we are doing needs to be guarded as our deepest secret. And what our representatives appearing in the media, at political talks and negotiations, are going to say, and they do need to present our goals in a way that will sound appealing to the ears of those we want to win over to our side, without being detrimental to our Serbian people".<sup>811</sup>

404. Fully aware of the implications, Mladi} added "it is a common enemy, regardless of whether it is the Muslim hordes or Croatian hordes. It is our common enemy. What is important now is either to throw both of them out employing political and other moves, or to organise ourselves and throw out one by force of arms, and we will be able to deal somehow with the other [...]"<sup>812</sup>

405. By the summer of 1992, it was clear that the objectives of creating a Serb state and separating the communities in BiH were a driving factor behind the actions of the VRS. These objectives were emphasised in reports and instructions from the VRS Main Staff,<sup>813</sup> were highlighted in combat reports and instructions of the Corps,<sup>814</sup> mentioned in meetings and briefings<sup>815</sup> and disseminated to soldiers at the lowest level.

#### JNA/VJ support to the VRS (May 1992 - December 1995)

406. The VRS could only prepare and launch operations aimed at implementing the six strategic goals provided that it had the know-how (operational planning and Command, Control, Communications & Intelligence – C3I - capability) and the resources (personnel,

<sup>810</sup> Minutes of the 16th Assembly Session page 41.

<sup>811</sup> Minutes of the 16th Assembly Session page 40.

<sup>812</sup> Minutes of the 16th Assembly Session.

<sup>813</sup> VRS Main Staff Operational Directive Number 4, 19 November 1992, notes "in relation to forcible population transfers, the Drina Corps was tasked thus: "... From its present positions, its main forces shall persistently defend Vi{egrad (the dam), Zvornik and the corridor, while the rest of its forces in the wider Podrinje region shall exhaust the enemy, inflict the heaviest possible losses on him and force him to leave the Bira-, @epa and Gora`de areas *together with the Muslim population*"., BCS 0087-6272-0087-6287, ENG 0190-0424-0190-0431 (Emphasis added).

<sup>814</sup> 1 KK daily combat report of 7 August 1992 : in relation to Muslim and Croat refugees: "The attempt to expel them to Central Bosnia failed because of transportation difficulties and their resistance to leaving their places/of residence/". BCS 0086-2430-0086-2435, ENG 0086-7019-0086-7020.

<sup>815</sup> 1KK report on meeting between military, civilian and MUP representatives in Banja Luka, dated 14 September 1992, BCS 0124-2338-0124-2346, ENG 0300-8688-0300-8694 translation.

armament, ammunition, equipment, etc.) to do so. After the stage was initially set for combat operations in BiH by the JNA, the VJ provided the majority of the know-how and resources required by the VRS after May 1992. VJ assistance to the VRS was systematic and extensive throughout the indictment period.

407. With the majority of Bosnian-based JNA personnel and equipment assumed by the newly designated VRS by late May 1992, much of the direct role in Bosnian combat operations previously played by the JNA (pre-May 1992) was also assumed by the VRS. While its actions through November 1995 would show that the VJ did not completely forfeit its direct role in combat operations at this time, after May 1992 the VJ's role in BH turned largely to providing support and assistance to the VRS in the areas of logistics supply, maintenance and transportation; finance and personnel administration; air and air defence; medical care; and C3I.

#### *8. Direct Involvement in VJ Combat Operations*

##### Drina Valley (December 1992 - August 1993 & Spring 1995)

408. As the fighting in Eastern BiH intensified in late 1992 and early 1993, the loss of 'Serbian' land in the area was of significant concern to the FRY government. These concerns led the FRY government to expand the VJ's role beyond the realm of indirect support (personnel and material assistance) to direct involvement in combat operations.

409. By early 1993, ABiH offensives in the Drina Valley had proven so successful that in some areas Muslim troops held the western side of the Drina River opposite Serbia. These successes prompted an initial defensive response from the VRS and VJ and, subsequently, led to a February 1993 strategic counteroffensive, known as "Cerska 93", aimed at securing the Drina Valley up to the Serbian border. Initial VRS/VJ responses included the reinforcement of the border town of Skelani with VJ paratroops and Serbian RDB special operations forces. General Nikola Mandarić, COS of the VJ 1st Army, stated on 26 January 1993 that by decree of the President of the Republic and the Supreme Defence Council, the VJ was deploying forces on the right bank of the Drina River to provide assistance to the VRS. He commented that "for the time being, the assistance consists of a certain support of the Army of the Serbian Republic and of preventing sabotage-terrorist groups from penetrating into the territory of Serbia and Yugoslavia". He further stated "...if we receive the orders we will cross the river to help the Serbian people".<sup>816</sup>

<sup>816</sup> D. Pajak, Interview with General Nikola Mandarić, commander of the VJ 1st Army, contained in "Yugoslav Army Helping Army of Serbian Republic", Politika, 26 January 1993, p. 8, BCS 0304-3135-0304-3136, referenced in The Daily Telegraph, 27 January 1993, p. 10, ENG M000-9790-M000-9791.



410. Evidence suggests that such orders were indeed received as the VJ began playing a direct role in combat operations west of the Drina, even before Mandarić's acknowledgement of 'defensive' operations. The VJ Ulice Corps participated in the fighting for Foča, and the VJ Novi Sad Corps took part in the fighting in the Posavina Corridor in 1992.<sup>817</sup>

411. The extent of FRY support for early 1993 Eastern Bosnia counter-offensive preparations is clearly evident in a 24 January 1993 report from the Command of the Bratunac 1st Light Infantry Brigade to the Command of the Drina Corps and G[eneral] VRS. The report outlines the "means of support for the Zvornik and Bratunac brigades' units" and lists the following forces - including VJ elements - present in the area from Loznica to Ljubovija (FRY territory east of the Drina River):

- Armoured mechanised battalion in Loznica
- 122mm battery in Radalj
- Tank and mechanised company in the area of Ljubovija
- Howitzer 122mm M-38 battery in Ljubovija
- VBR-128 OGANJ [multiple rocket launcher] battery in Ljubovija
- Military police company in the area of Mali Zvornik
- Reconnaissance company in the area of Mali Zvornik - Ljubovija
- RB 120mm [rocket launcher] in the area of Ljubovija
- LJRL-128mm [rocket launcher] battery in the area of Ljubovija
- Engineering company in the area of Mali Zvornik - Ljubovija
- The KM [Command Post] of Command of the Brigade from Valjevo (FRY), KM of the OG Drina from Valjevo and IKM [Forward Command Post] of the 1st Army is based in the area of Ljubovija<sup>818</sup>

412. After the retaking of Kravica village by Muslim forces, the voice of the leader of the Serbian Crisis Staff (Deronjić) was intercepted on a radio broadcast asking for help from Serbia. He stated that only Bratunac was still in Serbian control and if they didn't get help from Serbia, Bratunac would be lost. On 13 January 1993, the Serbs started a counter-attack, one corps came from Ljubovija via Bratunac and another from Bajina Bašta in Serbia, a third came from Vlasenica via Milići.<sup>819</sup>

413. January 1993 situation reports (SITREPs) from the Bratunac Brigade clearly reflect the participation of some of these VJ units, including the 1st Army's Forward Command Post,

<sup>817</sup> B-1493.

<sup>818</sup> Bratunac Brigade Special SITREP 2-1942/24 to G[eneral] VRS & Command of Drina Corps, 24 January 1993, BCS 0067-5467-0067-5468.

2nd Motorised Brigade, and elements of OG Drina, as well as the 95th Protection Motorised Regiment (Military Police Company) in offensive operations in Eastern BH.<sup>820</sup> A 25 January 1993 report from the Command of the Bratunac Brigade states that "Special brigade, the 2nd infantry battalion and the 95th ZMTP [Protection Motorised Regiment] (^VP - Military Police Company) are operating at the Voljevac-Zalu`ani-Kunjarac-Sase mine axes ?...g the 2nd motorised brigade with the 1st infantry battalion ?...g are operating at the Bratunac-Poto-ari stretch".<sup>821</sup>

414. Elements of other VRS corps were also participating in combat operations within the area of responsibility of the Bratunac Brigade (itself subordinate to the VRS Drina Corps). A 3 January 1992 order deploying one such unit, the 1 KK's 5th Battalion of the 6th Infantry Brigade, directed the Battalion to march along a line that took it through FRY territory in order to take up a new position in Bratunac.<sup>822</sup> The combination and growing number of VRS and VJ units operating in the Bratunac area eventually resulted in command and control difficulties. In a special SITREP from 26 January 1993, the Bratunac Brigade Chief of Operations stated:

In view of the number of VRS and VSRJ [VJ] units, I suggest you form a Corps IKM [forward Command Post] (Main Staff) in Bratunac, which would consolidate the operations in the Drina River valley (Zvornik, Bratunac and Skelani), because it is no longer possible to go on this way.<sup>823</sup>

415. With the assistance of such VJ elements, the VRS began a series of successful attacks against ABiH forces in and around Srebrenica by mid-March 1993, which resulted in the creation of the three Muslim enclaves (Srebrenica, @epa and Gora`de). An UNPROFOR situation report from 20 March 1993 states: "The Serb attack on Srebrenica enclave continues unabated ?...g They ?the VRSg have received a lot of support from across the border in Serbia during this offensive. The Serbians have supported the BSA with artillery fire, aircraft-bombers, and ammunition resupply convoys, as well as having allowed the Serbs to stage from within Serbian borders to attack from the East and South of the enclave".<sup>824</sup>

---

<sup>819</sup> B-1494.

<sup>820</sup> Command of the Bratunac Brigade Special SITREPs to G[ VRS & Drina Corps Command, 25 & 26 January 1993, BCS 0067-4912-0067-4919, ENG 0090-4919-0090-4920 & BCS 0067-4904-0069-4911, ENG 0090-4916-0090-4918.

<sup>821</sup> Bratunac Brigade Special SITREP 2-1942/25 to G[ VRS & Command of Drina Corps, 25 January 1993, BCS 0067-5463-0067-5466, ENG 0303-5558-0303-5559.

<sup>822</sup> 1 KK Forward Command Post order to 1 KK 6th Light Infantry Brigade, 3 January 1993, BCS 0087-6429-0087-6434, ENG 0090-2024-0090-2025.

<sup>823</sup> Bratunac Brigade Special SITREP 2-1942/26 to G[ VRS & Command of Drina Corps, 26 January 1993, BCS 0067-4912-0067-4919, ENG 0090-4919-0090-4920.

<sup>824</sup> HQ BH Command (Main) Kiseljak Special SITREP (Srebrenica) to HQ UNPROFOR, Zagreb, 202355A March 1993, ENG R012-2481-R012-2484.

416. On 16 March 1993, another UN report highlighted the first confirmed use of air-to-ground attacks in BiH since the introduction of the "no-fly zone" in October 1992. The report referenced observations by UN personnel on 13 March 1993 of three aircraft crossing the Drina River from the FRY and dropping several bombs in the vicinity of the towns of Gladovici and Osatica (Southeast of Srebrenica) before crossing back into FRY airspace.<sup>825</sup>

417. In October 1994 an increased the number of flights across the FRY-Bosnia border in violation of UN Resolution 781 and the trade sanctions imposed in August 1994 was noted by UN monitoring personnel. On several occasions immediately following this observed increase in cross-border flight activity, the issue was brought to the attention of the Accused by Brig Gen Bo PeĹnās, then Head of the ICFY Serbian -BH/Montenegrin border monitoring mission. General PeĹnās will testify that during a meeting with the Accused in October 1994, he discussed ICFY concerns regarding the cross-border flights. During the meeting, the Accused stated that "one could not exclude that the flights had taken place". He further stated that "a number of measures, including changes to the control function, which granted permission to fly near the border and the introduction of a double check system" had now been instituted at his command. Furthermore, the Accused stated that "a reinforced radar surveillance company had been re-deployed along the border with Bosnia-Herzegovina to control the adjacent airspace and special troops had been deployed to the bases in question".<sup>826</sup> From 2-7 April 1995 alone, the ICFY monitoring mission registered 25 cross-border flights.<sup>827</sup>

418. It is obvious from the number of cross-border flights that UN observers continued to note through mid-1995, however, that the Accused failed to take adequate measures to stem their flow.

Sarajevo (October 1993 - September 1994)

419. Direct VJ involvement in Bosnian combat operations after May 1992 was not limited to the Drina Valley - Serbian border region. Operations Pancir-1, 2 & 3 were planned by the VRS Main Staff as one operation and carried out in stages against ABiH forces around Sarajevo between October 1993 and September 1994. While these operations were conducted primarily by units of the Sarajevo-Romanija Corps of the VRS, there was also support by outside elements from other VRS Corps and the VJ. At the start of the operation, an order issued by the VRS SRK Command directed participating units - including 120 troops and a

<sup>825</sup> UNPROFOR press release, 16 March 1993, ENG 0007-4545-0007-4545.

<sup>826</sup> B-1759.

<sup>827</sup> Beta & Reuters, *Nasa Borba*, "Miloseviĉ Agrees on Analysis of Radar Traces", 20 April 1995, Eng 0219-8880-0219-8880.

helicopter squad from the VJ - to conduct an operation aimed at "securing favourable conditions for cutting Sarajevo in two ...g and creating suitable conditions for the Famos, Orao and Pretis ammunitions factories to continue their work".<sup>828</sup>

420. Combat reports from 1995 also describe the participation of Serbian "Kajman", "Plavi" and "Skorpija" MUP special forces in combat operations in the Sarajevo-Trnovo areas in June of that year.<sup>829</sup>

Western BiH (July 1994 - November 1994)

421. Operations in Western BiH involved the active participation of VJ elements on numerous occasions. These operations were aimed at supporting and, when it became necessary, re-establishing the so-called Autonomous Province of Western Bosnia (APWB), declared on 27 September 1993 by Fikret Abdi}. The area was of strategic importance for the Serbs as it separated the RSK and the Western RS.

422. A G[ VRS combat order to 1 KK, 2 KK and the SVK on 2 July 1994 outlined plans for Operation "UNA-94". This order, based on Directive Number 6 of the RS Supreme Command (11 November 1993) and agreements between the VJ, VRS, SVK and forces of the APWB under Fikret Abdi}, tasked VRS units to start offensive actions towards the Una River on 10 July 1994. The order stated that the VRS logistical sector would rely on the VJ and SVK.<sup>830</sup>

423. In November 1994, a special military command with the pseudonym "Pauk" (Spider) was formed to conduct combat operations against the ABiH 5th Corps in the Biha} pocket. Its commander, Colonel General Mile "Pauk" Novakovi} - a former JNA officer like all of Pauk's senior command personnel - co-ordinated his unit's operations with those of the SVK, Serbian MUP special units (including the "Red Berets", which later became the Special Operations Unit of the RDB, JSO), the APWB armed forces, and VRS units. References to the interaction between these commanders and their subordinate units are contained in both the "Pauk" operations diary, which covers the period of its offensive operations against Velika Kladu{a in the Biha} pocket, and "Pauk" Operations Logbook No. 1, which runs from 16 November through 1 December 1994.<sup>831</sup> A video of the 28 June 1995 St. Vitus Day SVK parade in Slunj (RSK) also depicts some of the members of the Pauk command. These

<sup>828</sup> SRK Command, doc. no. 20/15-1409, 15 December 1993, BCS 0097-1050-0097-1050, ENG 0110-4100-0110-4100.

<sup>829</sup> RS MUP combat reports, 30 Jun & 1 Jul 1995, BCS 0211-4112-0211-4112, ENG 0302-6292-0302-6292 & BCS 0095-2015-0095-2015, ENG 0110-1439-0110-1439.

<sup>830</sup> G[ VRS order to 1 KK, 2 KK & SVK, 2 July 1994, BCS 0086-8848-0086-8850, ENG 0090-1213-0090-1216.

<sup>831</sup> "Pauk" Operative Diary, BCS 0087-0141-0087-0154, ENG 0303-7012-0303-7028, and "Pauk" Operations Logbook No. 1, BCS 0209-4543-0209-4740, ENG 0302-2669-0302-2794.

include General Mile Mrk{i}, who on 18 May 1995 was appointed CGS of the SVK notwithstanding his alleged involvement in war crimes in Vukovar; Radojica "Koba" Bo`ovi}, a member of the Serbian MUP and commander of VRS TG-2, and Mihajlo "Legija" Ulemek (Lukovi}), commander of VRS TG-3, a former commander in Arkan's Serb Volunteer Guard and of the Serbian (MUP) RDB Special Operations Unit (JSO).<sup>832</sup>

424. Operations in support of "Pauk" aims also included the use of airstrikes flown from the Serbian Krajina against BiH 5th Corps targets in the Biha} area. Two such airstrikes, conducted on 8 and 18 November 1994, made use of aircraft and munitions left to SVK forces following the official 'withdrawal' of the JNA in 1992.

Operational Instruction Drina<sup>833</sup>

425. In November 1993 the Bosnian Serb leadership disseminated Operational Directive Number 6 in response to ongoing political negotiations and the military situation within BiH.<sup>834</sup> This detailed the tasks of the VRS, which included conducting operations aimed at achieving the six strategic goals. In December 1993, an addition to Operational Directive 6 was issued to expand on the objectives outlined in the original Directive.<sup>835</sup>

426. From these two directives the VRS Main Staff produced its own detailed directive for combat operations under the code-name "Drina".<sup>836</sup> Much of the language and tasking contained within these three documents are similar.

427. The Drina plan comprised two separate phases. The first phase, which was to be completed by the spring of 1994, was a series of VRS wide combat operations aimed at defending RS territory, improving the tactical and operational position of the army, shortening the frontline and freeing VRS forces for engagement within the RS. The second phase was a detailed contingency plan involving the VRS, VJ and SVK forces in the event of Croatian aggression against the RSK or foreign aggression, including NATO air strikes, "against Serbian States".<sup>837</sup> The Drina plan as a whole included significant reference to - and coordinated action with - both the SVK and the VJ. Even in phase one of the plan, elements of the VRS 1 KK were re-subordinated to the SVK G[ "to help defend the Dalmatian

<sup>832</sup> Parade Video, BCS V000-3330-V000-3330.

<sup>833</sup> VRS Main Staff document for DRINA operation entitled "Extract from the Directive for use of the Republika Srpska Army", p. 12, BCS 0087-6363-0087-6398, ENG 0305-0616-0305-0629.

<sup>834</sup> Karad`i}, *Directive for Further Operations, Operational Number 6*, 11 November 1993, BCS 0102-9248-0102-9256, ENG 0190-1799-1090-1807.

<sup>835</sup> Radovan Karad`i}, *Addition to Directive Number 6*, 12 December 1993, BCS 0086-8689-0086-8691, ENG 0090-2047-0090-2049.

<sup>836</sup> VRS Main Staff, "Extract from the Directive for use of the Republika Srpska Army", BCS 0087-6363-0087-6398, ENG 0305-0616-0305-0629.

<sup>837</sup> *Ibid*, p. 7.

plateau".<sup>838</sup> References were also made to the general objective of establishing conditions for a single Serb state.<sup>839</sup>

428. The first phase of the Drina plan primarily concerned combat operations through the various Corps of the VRS, operations which were to be implemented through the early months of 1994. Although the instructions for this phase predominantly involved VRS units, it is clear that, in certain areas, close co-operation and support was expected from the VJ. This included logistics, air defence, communications and intelligence assistance.

- In terms of logistic support, the VRS were to rely, in part, on the VJ assistance and consolidated requests were to be requested through and signed by the VRS Main Staff.<sup>840</sup>
- VRS air surveillance and warning units and anti-aircraft units of the VRS were to be organised in a unified air defence system with those of the VJ and SVK focussing on monitoring the situation, transmitting information and the protection of key VRS units and facilities. Command and control of forces was to be carried out from the VRS air force and air defence operations centre in co-ordination with the airforce and air defence centres of the VJ and SVK with the approval of the VRS Main Staff.<sup>841</sup>
- In terms of communications, Belgrade was a component of the communications network for the Drina operation generally.<sup>842</sup> Stationary communications centres on the territory of the FRY were expected to be operating continually, PTT and telephone communications centres were to be operating according to a defence plan and co-ordination and co-operation between the VRS, VJ and RSK was anticipated.<sup>843</sup> Intelligence information was also to be exchanged.<sup>844</sup>

429. Although the VJ support in the first phase relied on co-ordination and limited elements of support, the second phase of the operation (contingent on an attack by Croat forces on the RSK or an attack by an external aggressor) anticipated that the assistance of the VJ would be significantly enhanced. This included the involvement of VJ units in combat actions. The overall objective of the second phase anticipated co-ordinated VRS and VJ action in order to: "...crush and destroy Muslim OS /Armed Forces/ in the enclaves, in Sarajevo and on the Kalesija - Tuzla - Lukavac axis, and then continue operations and advance as soon as possible

<sup>838</sup> Ibid, p. 8.

<sup>839</sup> Ibid, pp. 2, 6 & 11. Also note Attachment Number 11 to DRINA Directive entitled "*Plan of Moral and Psychological Activities and Information work of the VRS*", pp. 1-2, BCS 0087-6312-0087-6323, ENG 0304-0837-0304-0841.

<sup>840</sup> VRS Main Staff, "*Extract from the Directive for use of the Republika Srpska Army*", p. 12, BCS 0087-6363-0087-6398, ENG 0305-0616-0305-0629.

<sup>841</sup> Attachment No. 12 to Drina Directive entitled "*The Use of Anti-Aircraft Defence and Air Support Forces*", BCS 0087-6306-0087-6309, ENG 0304-5868-0304-5869.

<sup>842</sup> Supplement No. 2 to DRINA Directive entitled "*Chart of the Republika Srpska Army's Daily Analogue Radio Relay Communications*", BCS 0087-6425-0087-6425, ENG 0303-4703-0303-4703.

<sup>843</sup> Attachment to Drina Directive entitled "*Communications Order Number 1*", BCS 0087-6435-0087-6440, ENG 0301-4016-0301-4019.

<sup>844</sup> Attachment No. 5 to DRINA Directive entitled "*Intelligence Plan for Execution of Defensive and Offensive VRS Operations*", BCS 0087-6345-0087-6348, ENG 0303-7494-0303-7495.

to the Neretva valley on the Mostar - Metkovi} - Neum line, and the coast on the Neum - Zaton and Cavtat - Prevlaka stretches".<sup>845</sup>

430. During the second phase, in terms of air and air defence support, it was envisaged that defensive and offensive combat activities were to be undertaken by VJ, SVK and VRS air and air defence forces.<sup>846</sup> Additional logistics support was also to be expected.<sup>847</sup> Although undefined in terms of timing, additional assistance from the VJ was also anticipated in the field of engineering support. VJ engineer units were to assist in securing crossings over the Drina River and VJ and RS engineer units were to co-operate in the area of road maintenance and obstacle crossing.<sup>848</sup>

431. It is also clear that plans for Drina, as outlined by the CGS VRS, Mladi}, were passed to subordinate commands for additional planning and preparation work. A related Drina document, signed by the 1KK Commander, General Momir Tali}, and given an effective date of 28 December 1993, expounds on the same overall objectives as Mladi}'s two-phase plan by adding specific tactical objectives and timelines for 1 KK units in both phases. The combination of G[ VRS and 1 KK Drina documents illustrates the extent to which planning for the operation was advanced - planning which relied heavily on VJ support.<sup>849</sup>

432. A strategic plan such as Drina, dealing with complex combined and joint operations, would have required detailed and extensive co-ordination between all parties involved. There is evidence that such co-ordination meetings between the VRS, VJ and SVK indeed took place. A document signed by ^edo Radanovi}, Head of the Office of the commander of the SVK, on 17 December 1993, includes a proposal for the agenda of the meeting for the co-ordination of tasks between the VJ, SVK and VRS.<sup>850</sup>

433. Overall, the Drina plan clearly indicated the anticipated involvement of the VJ in supporting VRS operations in late 1993/early 1994. It also anticipated significant additional assistance (including VJ combat support) should Croatia have mounted attacks on RSK territory or in the event an outside aggressor (e.g. NATO) intervened militarily in the conflict.

<sup>845</sup> VRS Main Staff, "Extract from the Directive for use of the Republika Srpska Army", p. 5, BCS 0087-6363-0087-6398, ENG 0305-0616-0305-0629.

<sup>846</sup> Attachment No. 12 to DRINA Directive, BCS 0087-6306-0087-6309, ENG 0304-5868-0304-5869.

<sup>847</sup> Attachment No. 13 to DRINA Directive entitled "Logistical Support", BCS 0087-6294-0087-6305, ENG 0304-5888-0304-5892.

<sup>848</sup> Attachment No. 10 to DRINA Directive entitled "Order for Engineer Support of the Republika Srpska Army", BCS 0087-6323-0087-6327, ENG 0304-5887-0304-5887.

<sup>849</sup> General Momir Tali}, Commander VRS 1 KK, "DRINA-R" document, 21 January 1994, BCS 0130-1314-0130-1398.

<sup>850</sup> Office of the Commander of the SVK reply to VJ strictly confidential nr 0.5-187, 25 December 1993, BCS 0207-8152-0207-8164, ENG L004-6436-L004-6459.

Air and air defence support

434. VJ support after May 1992 also included assistance in maintaining and utilising VRS air support and air defence assets - both acquired after the official withdrawal of the JNA. After May 1992, the FRY acted not only as a provider of spare parts to VRS air and air defence forces<sup>851</sup> but, as Karadžić wrote in April 1993:

After imposition of the no-fly zone in October 1992, conditions were created for training aviation units in general military skills in a more organised manner, while specialised training is provided to helicopter pilots who discharge daily transportation missions, fighter and bomber pilots are trained at a FRY aerodrome".<sup>852</sup>

435. In relation to air defence, a memorandum prepared in advance of a co-ordination meeting between the VJ, VRS and the RSK armies held on 17 December 1993 describes the co-ordination of the three armies achieved to date. It includes a number of tasks like "the transfer of surface-to-air missiles from VJ to RSK storage depots; the plan to establish secure digital communications between the three armies; the delivery of equipment approved by the general staff of the VJ; the creation of a unified system of air defence without effecting the combat readiness of the RV and PVO of the VJ".<sup>853</sup>

Command, control, communications & intelligence (C3I) Support

436. Additional co-operation between the FRY and the VRS developed in the fields of communications and radio-technical reconnaissance. A significant feature of the command and control capability of any army lies in its ability to communicate secretly. In 1992, the VJ implemented a system that permitted secure communications between organs of the FRY and *Republika Srpska* governments:

The Army of Yugoslavia has extended great assistance to us [the VRS] in putting into place this type of communication link, as it has made available to us a number of its connecting pathways and the available capacities of its communication channels at FRY stationary communications hubs for the transit of a number of our own radio-relay channels. Parallel with the simultaneous transmission of information, a digitally protected information transmission radio-relay service has been established...<sup>854</sup>

437. The value of the radio-relay communications link, developed with VJ assistance, for combat operations in BiH was highlighted in Radovan Karadžić's VRS Combat Readiness Report for 1992:

<sup>851</sup> Combat Readiness Report p. 150.

<sup>852</sup> Ibid, p. 142.

<sup>853</sup> VJ strictly confidential nr 0.5-187 Memorandum for the Co-ordination of Tasks Meeting at VJ General Staff, 17 December 1993, BCS 0207-8152-0207-8164, ENG L004-6436-L004-6459.

<sup>854</sup> Combat Readiness Report p. 33.



It is important to stress that the radio-relay communications link has been organised with 102 formations of regiment and brigade-equivalent rank, and that it is the basic communications link between corps and brigade commands.<sup>855</sup>

438. Overall, the VRS military communications system also "made maximum use of an integrated wire service and PTT links". VRS units linked up "with the nearest PTT communications centre" which, in many cases, made use of communications links of PTT Belgrade and the military automatic telephone exchanges in Belgrade. This VRS communications system linked all necessary VRS elements, as well as integrating the Supreme Command of the Republika Srpska, a civilian body which included Karadžić and Krajićnik.<sup>856</sup> It was also available to the Information and Propaganda Centre as well as the SRNA news agency, and enabled these entities to communicate with the main staff of the VRS and the Pale Warning and Report Centre, an organ of the *Republika Srpska* government.<sup>857</sup>

439. The integration of VJ and VRS technical systems also extended to the area of Radio-Technical Reconnaissance (RTI), otherwise known as Signals Intelligence (SIGINT). Karadžić noted in his April 1993 report:

Late in 1992, the RTI linking system started in the territories of RS and the FRY so as to make possible the collection of data on enemy radar stations, and surveillance, navigation and guidance systems.<sup>858</sup>

440. This 'linked' system of RS and FRY technical intelligence systems would have provided the VRS with a greatly increased intelligence collection and reporting capability. In turn, this intelligence information could then be passed to VRS air and air defence forces - via the military communications system also established with FRY assistance - to provide more advanced warning than would otherwise be possible.

441. After its May 1992 withdrawal from BiH, the FRY and VJ also assisted the VRS in establishing its own intelligence body.<sup>859</sup> In April 1993, Karadžić stated "We consider the co-operation with related [intelligence & security] services in the Serbian Army, the RS Krajina and the National Security Service of Republika Srpska until now to have been very good, professional and untrammelled by any substantive obstacles". In an effort to further strengthen co-operation between the intelligence agencies of the various Serb military/police institutions, Karadžić also called for a meeting of the responsible leaders of the "Intelligence

---

<sup>855</sup> Ibid, p. 34.

<sup>856</sup> Ibid, p. 36. See also p. 153.

<sup>857</sup> Ibid, p. 36.

<sup>858</sup> Ibid, p. 42.

<sup>859</sup> "We were extended exceptional assistance in collecting intelligence by the Air Force and the AAD Command of FRY, namely its intelligence body", Ibid, p. 146.

and Security Affairs of the Main Staff of the VRS, RS MUP, RSK MUP, SV, RSK, MUP of the Republic of Serbia, MUP of the FRY, the Security Department and the II Department of the Main Staff of the VJ".<sup>860</sup> VJ intelligence support for the VRS and the sharing of intelligence information between the two bodies was further advanced by the secure communications system described earlier.

442. Through their joint military communications systems the VRS and VJ shared intelligence information on a regular basis. VRS Main Staff intelligence reports were delivered not only to VRS and RS MUP units, but also to the VJ Main Staff (Security Administration) and VJ Main Staff 2nd Administration.<sup>861</sup>

#### Logistical support

443. One of clearest examples highlighting the strong relationship between the VRS and the VJ involved logistics resupply. On transition in May 1992, the VRS inherited large stocks of military equipment and ammunition from the JNA.<sup>862</sup> For example, all of the armoured resources employed by the VRS in 1992 were received from the JNA or the VJ.<sup>863</sup> The VJ also provided support with respect to the ordnance and fuel essential to operating this equipment.<sup>864</sup> VJ material support to the VRS was indispensable during this period as the RS had no independent war production capability, imports from other sources were virtually non-existent, material reserves were exhausted early in the conflict, and proceeds from "war booty" were insufficient to have an effect on reserve levels.<sup>865</sup>

444. The importance of VJ material support for the VRS was made clearly evident in the VRS 1 Krajina Corps (1 KK). In May 1992, 1KK acquisitions included tanks and armoured fighting vehicles which had been located at the JNA's armoured training school in Banja Luka, as well as arms, ammunition, fuel and other material, much of which had been stored at the JNA 993rd Logistics Base, which was taken over by the 1KK.<sup>866</sup> With fighting leading to temporary closure of the Posavina corridor by mid-1992, the general combat activity of the Corps and large quantities of ammunition expended<sup>867</sup> diminished supplies of some types of ammunition and materiel. In the course of the year, the VRS 1KK was able to use a number of supply sources to overcome its logistics deficiencies, including federal and republican

<sup>860</sup> Ibid, p. 90.

<sup>861</sup> Deputy Chief of Staff Col. Petar SLAPURA, Intelligence Report, 20 May 1995, BCS 0129-1812-0129-1815.

<sup>862</sup> Combat Readiness Report p. 33.

<sup>863</sup> "All these resources have been received from the former JNA or the Army of Yugoslavia", Ibid, p. 23.

<sup>864</sup> "The successful maintenance of ordnance and the procurement of fuel and ammunition was possible primarily thanks to the inherited reserves and assistance from the FRY Army", Ibid, p. 131.

<sup>865</sup> Ibid, p. 97.

<sup>866</sup> The JNA 993rd Logistics base was re-named the 14th Logistics Base on transition to the VRS.

reserves on the territory of RS (at the discretion of the VRS Main Staff) and reserves and warehouses of the FRY (upon permission being granted).<sup>868</sup>

445. To help avoid future logistics supply problems, in the late summer of 1992 the VRS Main Staff and the General Staff (G[]) of the FRY agreed upon a plan of supply, code-named "*Izvor*" (Source). This plan was aimed at facilitating the delivery of large quantities of ammunition and fuel from the FRY to the VRS, in contravention of the arms embargo implemented by the UN in September 1991.<sup>869</sup> On 12 September the VRS Main Staff wrote to the 1KK noting the agreement between the G[ FRY and the VRS and that the 14th Logistics Base (which supported the 1KK and the 2KK) had already taken over 225 tonnes of ammunition with a further 220 tonnes to follow. The letter also noted that the logistics base and the Corps were also allowed to procure ammunition and fuel in the FRY.<sup>870</sup> Documents also indicate that VRS OG Doboj received large quantities of materiel from Serbia and Montenegro between 5 August - 14 September 1992, including small arms, artillery, tank and rocket ammunition.<sup>871</sup> There were probably at least three deliveries of ammunition to the 1KK through the *Izvor* plan as documentation in early 1993 notes the delivery of supplies in accordance with "*Izvor-3*". On 1 January 1993, a 1KK logistics report noted that 29 trailer trucks had been dispatched for the transport of materiel from the FRY as per the *Izvor-3* plan<sup>872</sup> and later documents indicate that this materiel was received by the technical services of the Corps.<sup>873</sup> In April 1993, in an analysis of the combat readiness of the VRS, the Main Staff noted that units of the army had been supplied with technical equipment from the FRY reserves and that 7,451 tonnes of ammunition had been received via the *Izvor* plan.<sup>874</sup>

446. Other evidence indicates additional FRY technical and materiel support to the VRS. Almost immediately upon the re-opening of the Posavina corridor in the summer, materiel transfers between Belgrade and Banja Luka began once again.<sup>875</sup> On 5 August, the 1KK

<sup>867</sup> 1KK report to the VRS Main Staff on the consumption of materiel between 1 May - 1 October 1992, 9 October 1992, BCS 0125-2736-0125-2739, ENG 0300-8164-0300-8167.

<sup>868</sup> 1KK Command document entitled "*Analysis of Activity Concerning Elements of Combat Readiness in 1992*", BCS 0060-7481-0060-7538, ENG 0190-5611-0190-5574.

<sup>869</sup> UNSC Resolution 713 (1991), 25 September 1991, implementing an embargo on all deliveries of weapons and military equipment to Yugoslavia, ENG 0057-0233-0057-0234.

<sup>870</sup> VRS Main Staff instruction, 12 September 1992, BCS 0125-2603-0125-2603, ENG 0190-3264-0190-3264. Repeated in 1KK Forward Command Post instruction, 13 September 1992, BCS 0084-1632-0084-1633, ENG 0302-8526-0302-8527, and also discussed in 1KK Command letter, 14 September 1992, BCS 0125-2600-0125-2601, ENG 0190-2695-0190-2696.

<sup>871</sup> Document entitled "*Situation from 5 August to 14 September 1992 for entering from Serbia and Montenegro*", no date, BCS 0125-2609-0125-2613, ENG 0300-8597-0300-8601.

<sup>872</sup> 1KK logistics report, 01 Jan 1993, BCS 0124-0282-0124-0283, ENG currently in translation.

<sup>873</sup> 1KK logistics report, 08 Jan 1993, BCS 0124-0296-0124-0\_297, ENG currently in translation.

<sup>874</sup> Combat Readiness Report.

<sup>875</sup> Military Post Code 4022 (Banja Luka) order on transport of material stores from Belgrade to Banja Luka, 09 September 1992, BCS 0094-9919-0094-9920, ENG 0110-6356-0110-6357.

noted that sources of ammunition and fuel were limited but supplies were located in the FRY.<sup>876</sup> Later in 1992, there is evidence that individuals from the 1KK were travelling to the FRY in order to secure material and technical resources, including fuel, mines and explosives for their individual units.<sup>877</sup> Other references note that repairs of military equipment were being carried out in the FRY and transported back to the 1KK. In December 1992, a daily combat report noted that three thousand 82mm mortar shells had come back from repairs in FRY.<sup>878</sup> References to the establishment of a commission for obtaining ammunition in the FRY,<sup>879</sup> certificates authorising the collection of fuel from the FRY bearing the 1KK commander's signature block and issued by the Corps<sup>880</sup>, and a request for ammunition sent to the Republic of Serbia Secretariat of the Interior (SUP) also illustrate the extent of FRY and VJ support for the VRS.<sup>881</sup>

447. Other indications of logistical co-operation between the VRS and the FRY army include provision of foodstuffs,<sup>882</sup> medical assistance and supplies by the Medical Corps of the FRY army,<sup>883</sup> the treatment of soldiers in FRY hospitals<sup>884</sup> and the passing of military and civilian mail between the FRY army, the VRS Main Staff and subordinate units.<sup>885</sup>

448. The importance of FRY military-related material supplies to the realisation of VRS objectives is illustrated in the 1KK analysis of combat readiness report for 1993, when the 1KK commander recommended that a logistics base for the VRS be established in the FRY. This recommendation stated that the VRS should: "Examine, with the General Staff of the Army of the FRY, the possibility of establishing a logistics base for the VRS on the territory of the FRY. This would be done with the objective of co-ordinating procurement and the execution of logistics support tasks on the territory of the FRY for the needs of the VRS".<sup>886</sup>

<sup>876</sup> 1KK command instruction on the collection of cartridges and other ammunition elements, 05 August 1992, BCS 0125-2598-0125-2599, ENG 0300-8320-0300-8322.

<sup>877</sup> 1KK Forward Command Post order banning individual unit trips to FRY for resources, BCS 0084-1105-0084-1106.

<sup>878</sup> 1KK daily combat report, 06 December 1992, BCS 0086-7886-0086-7889, ENG 0190-7623-0190-7624.

<sup>879</sup> 1KK logbook entry, 16 December 1992, BCS 0084-1369-0084-1408, ENG 0300-6456-0300-6495.

<sup>880</sup> 1KK fuel authorisation certificate, 21 October 1992, BCS 0084-1582-0084-1583, ENG 0300-5269-0300-5269.

<sup>881</sup> 1KK logbook entry, "*Urgently needed ammunition for Corps units*", 23 November 1992, BCS 0084-1369-0084-1408, ENG 0300-6456-0300-6495.

<sup>882</sup> 1KK daily combat report noting receipt of goods from Serbia, 06 December 1992, BCS 0086-7886-0086-7889, ENG 0190-7623-0190-7624.

<sup>883</sup> BCS 0060-7339-0060-7480, ENG 0110-3019-0110-3182.

<sup>884</sup> RS Minister of Defence (Bogdan Subotić) Order 01-21-173/92 to the G[ VRS, 11 September 1992, to submit list of injured soldiers sent to FRY, BCS 0090-4437-0090-4438, ENG L005-4124-L005-4124.

<sup>885</sup> 1KK Command document titled "*Analysis of Activity Concerning Elements of Combat Readiness in 1992*", BCS 0060-7481-0060-7538, ENG 0190-5611-0190-5574.

<sup>886</sup> *Ibid.*

449. Overall, the extensive logistics link between the VRS and the FRY was vitally important to the VRS, enabling it to obtain significant quantities of materiel through both organised means such as the *Izvor* plan and via individual efforts acting on behalf of their own units. At the 50th Session of the National Assembly of Republika Srpska in April 1995, General Mladić provided a consumption review of weapons and other equipment used by the VRS from the start of the war until 31 December 1994. After initially obtaining roughly 40% of the infantry, artillery and anti-aircraft ammunition it was to use from former JNA stocks, the VRS received at least another 34% of the total amount of each of these items it consumed before 31 December 1994 from the VJ. These figures clearly reflect the indispensable nature of both the May 1992 JNA hand-over of equipment and material and subsequent support provided by the VJ to the VRS.<sup>887</sup>

#### Personnel support

450. Although, prior to the establishment of the VRS, many Bosnian members of the JNA were transferred to serve in BiH and even appointed to some of the VRS's most important positions, the VRS was still constantly in need of manpower. Despite a mobilisation process throughout 1992, not every Bosnian Serb returned to serve in the VRS and there were shortages in certain military specialisations and command ranks.<sup>888</sup> The VJ assisted the VRS in this area by maintaining a significant role in the training of VRS military personnel, and through incentives offered to FRY military officers who volunteered to serve in the VRS.<sup>889</sup>

451. In a speech in Sokolac on 5 June 1992, General Mladić touted the substantial incentives involved when inviting gathered VJ officers to join the VRS. He stressed a range of privileges offered to officers who did so, including financial compensation and promotion in rank. On 6 Aug 1994, the VJ Main Staff decided to provide officers serving in the RS double credit (for pension purposes, etc.) for duty performed in BiH after 20 May 1992.<sup>890</sup> In a report from September 1992, Mladić states that 21% of officers of the former JNA (in BiH)

<sup>887</sup> Audio recording, General Mladić, 50th Session of the National Assembly of Republika Srpska, Sanski Most, 15-16 April 1995, BCS 0084-5781-0084-6113, ENG 0096-8582-0096-8591 & L000-4892-L000-4975.

<sup>888</sup> G[ ] VRS document entitled "*Analysis of the Combat Readiness of the Army of the Republika Srpska in 1992*", April 1993, indicating only 42% of active officers and non-commissioned officers of Serb, Montenegrin or Yugoslav/Serb ethnicity born in BH were serving in the VRS, BCS 0060-7339-0060-7480, ENG 0110-3019-0110-3182.

<sup>889</sup> "In addition to training recruits, training was also organised for soldiers seconded from FRY, workers of the Kosmos defence industry plant, for reserve commanding officers, as well as engineers to take on commanding duties". Combat Readiness Report, p. 142.

<sup>890</sup> VJ Main Staff decision to provide officers serving in the RS double credit (for the purposes of pension etc.) for time served in BiH, BCS 0211-4904-0211-4904, ENG 0301-2665-0301-2666.

joined the VRS and, together with the joint efforts of Serb TO, civil defence and police, successfully defended the territory of Srpska Republika from Muslims and Croats.<sup>891</sup>

452. From May to December 1992 the VRS also experienced a severe shortage of transportation personnel. To resolve this problem, experienced personnel from the VJ were sent to help organise and maintain the VRS's essential transportation services.<sup>892</sup> Most of the vehicles used by the VRS had already been left by the VJ and were taken from resources that had been relocated from the Republic of Slovenia, the Republic of Croatia and BiH.<sup>893</sup>

453. The personnel matters of VRS officers as well as contract workers and other personnel were administered from the 30th Personnel Centre of the General Staff of the VJ in Belgrade, an administrative unit specifically established for this purpose. This arrangement was developed after a number of meetings between the VRS and the VJ<sup>894</sup> and, with more than 26,000 commissioned and non-commissioned officers in the VRS in July 1992,<sup>895</sup> provided the VRS with the ability to continue operations despite its monetary and personnel shortfalls. Its importance was recognised by Karadžić in 1993: "This manner of payment prevented the drain of active military personnel from the Army of the Republika Srpska, which would have suffered damage if any other solution had been adopted, and this system has been retained to date".<sup>896</sup>

454. Some VJ officers continued to officially serve in the VJ and, in some cases, even completed their military careers while filling significant assignments in the VRS. Identification cards, posting orders, remuneration statements, pension orders and other documents depict a regular practice of active VJ officers serving in the VRS.<sup>897</sup> One VJ officer, General Radislav Krstić, who was arrested on indictment number IT-98-33 in 1998, had a VJ-issued identification permit in his possession. The permit, valid until 1996, included a photo of Krstić in uniform, and indicated his appointment to service in VP (Military post) 3001 (30th Personnel Center) from 10 January 1993 with the rank of Major General.<sup>898</sup>

455. Similarly, when General Stanislav Galić (commander of the SRK in 1992) retired in 1994, VRS General Manojlo Milovanović requested the General Staff of the VJ to promote Galić to the rank of lieutenant general in the VJ for his service to the SRK. A letter from

<sup>891</sup> Report on the Army of Srpska Republika, General Mladić, 01 Sep 02, BCS 0104-2295-0104-2303, ENG 0110-3316-0110-3324.

<sup>892</sup> Combat Readiness Report p. 105.

<sup>893</sup> Ibid, p. 147.

<sup>894</sup> Ibid, p. 134.

<sup>895</sup> Ibid, pp. 71 & 128-129.

<sup>896</sup> Ibid, p. 134.

<sup>897</sup> See various military personnel documents contained in 0075-9919-0075-9975.

General Milovanovi} claims that Gali} had not been previously promoted in the VJ "for reasons which are known, namely the events which have taken place at the international level in connection with the war in the territory of the former Socialist Republic of Bosnia and Herzegovina..."<sup>899</sup> Documentary evidence demonstrates that a dispute which arose regarding General Gali}'s retirement benefits was resolved according to Yugoslav law and VJ regulations and was ultimately decided by a decree of the President of Yugoslavia.<sup>900</sup>

#### Financial Support

456. The *Republika Srpska* Assembly recognised early on its own inability to fund the operations of the VRS. During the 34th People's Assembly of the *Republika Srpska* held 10 to 17 September 1993, a report on the military operations to date included the statement, "We had not budget or material supplies for the war to rely on. We have not purchased a single plane, helicopter, tank, artillery piece, etc".<sup>901</sup>

457. To compensate for its monetary shortfalls, the *Republika Srpska* and VRS developed significant links with the FRY involving the provision of both financial support and specialised military personnel. Documentation shows that professional JNA officers, non-commissioned officers, soldiers under contract and workers in the VRS who were (until 19 May 1992) members of the JNA, continued to be financed by the FRY.<sup>902</sup> In addition to paying salaries of officers and other VRS members, the VJ also contributed significantly to their food and clothing.<sup>903</sup> Financial support provided by the FRY to the VRS was also noted by the 1KK Commander, Major General Talic, who stated that FRY payments made the procurement of "all requirements easier, goods will be acquired through more direct routes and [will] be cheaper than when purchased through middlemen".<sup>904</sup>

---

<sup>898</sup> VJ identification permit of Radislav Krsti}, A000-1594-A000-1594.

<sup>899</sup> G[ VRS, "Decree Promoting General Stanislav Gali} to the Rank of General., 31 October 1994", confidential number 09/4963-3, 31 December 1996, BCS 0091-9828-0091-9829, ENG 0110-7458-0110-7458, and Karad' i}, Decree nr 01-1573/74, of the President of Republika Srpska, 7 August 1994, BCS 0091-9832-0091-9832, ENG 0110-6761-0110-6762.

<sup>900</sup> Gali}, *Request for recognition of rank group 4 (for salaries) and confirmation of action of the rank of General.* BCS 0091-9830-0091-9830, ENG 0110-6760-0110-6760. See also Colonel Nestorovi}, Military Social Insurance Fund, Strictly Confidential 103947 UP - 1 3869/94, 5 December 1994, BCS 0091-9826-0091-9827, ENG 0110-6757-0110-6759 and President Zoran Lilli}, *Decree by the President of FRY*, 30 September 1994, BCS 0091-9837-0091-9837, ENG 0110-6856-0110-6857.

<sup>901</sup> Address by Major General Gvero, 1 KK, 34th Session of the People's Assembly of Republika Srpska, Banja Luka, 29 September 1993, BCS 0048-0967-0048-0974, ENG 0091-6772-0091-6779.

<sup>902</sup> Combat Readiness Report, pp. 127-131.

<sup>903</sup> *Ibid.*, pp. 101, 103 & 131.

<sup>904</sup> 1KK Command document entitled "*Analysis of Activity Concerning Elements of Combat Readiness in 1992*", BCS 0060-7481-0060-7538, ENG 0190-5611-0190-5574.

458. FRY financial support to the VRS (and the SVK) was not only limited to the timeframe immediately after partitioning of the JNA, as shown by a memorandum on the co-ordination of tasks of the VJ, the SVK and the VRS dated 17 December 1993 cited above.<sup>905</sup>

#### Medical Support

459. The VJ also provided support and assistance to the VRS through the medical corps of the VJ and health care institutions under VJ control.<sup>906</sup> In December 1993, General Mladić relied on this type of support to such an extent that he included references to the Belgrade Military Medical Academy's role of providing medical support for those injured in the "Drina" operation he was planning.<sup>907</sup> The Prosecution will establish with documentary evidence that Serb paramilitaries and Russian mercenaries fighting in BiH were treated in a VJ medical facility

---

<sup>905</sup> VJ strictly confidential nr 0.5-187 Memorandum for the Co-ordination of Tasks Meeting at VJ General Staff, 17 December 1993, BCS 0207-8152-0207-8164, ENG L004-6436-L004-6459

<sup>906</sup> Combat Readiness Report, p. 110.

<sup>907</sup> Attachment No. 13 to DRINA Directive entitled "*Logistical Support*", BCS 0087-6294-0087-6305, ENG 0304-5888-0304-5892.



## SECTION III. CRIMES COMMITTED IN CROATIA

### A. SAO KRAJINA

460. As early as spring 1991,<sup>908</sup> the Serb forces of the SAO Krajina started to attack the villages located in the SAO Krajina. To achieve the objective of an ethnically pure SAO Krajina, a parallel political and military structure organised by associates of the Accused and fully financed by Serbia was created at that time. From about 7 October 1991, the Serb forces comprised of the JNA, members of the TO and members of the Militia of the SAO Krajina (also known as the SAO Krajina Police or Marti}’s Police) were in control of the area of Hrvatska Kostajnica. During the attacks, the Serb forces arbitrarily arrested non-Serbs, establishing a system of persecution that included restriction of movements,<sup>909</sup> detention, beatings, killings, looting and destruction of property.

461. The brutality of Marti}’s Police was widely known.<sup>910</sup> Nevertheless, the JNA structure and their commanders in the territory, among them the 9<sup>th</sup> Knin Corps commanded by Ratko Mladi}, co-operated with this structure.<sup>911</sup> Influential people who tried to interfere with the radical policies of the advocates of a Greater Serbia were intimidated.<sup>912</sup> The Accused, although aware of the brutality of the members of the parallel structure of the SAO Krajina, insisted that Milan Marti} and Frenki Simatovi} should be in charge. The Accused also ordered that Arkan and [e{elj}’s men be sent to Benkovac.<sup>913</sup>

462. The majority of the Serb population, influenced by the propaganda used by their nationalist leaders, supported the radical views against the non-Serbs especially the Croats.<sup>914</sup>

463. In August 1991, Serb forces comprised of JNA, local TO, Marti}’s Police, Serbian MUP members subordinated to Simatovi} and Jovica Stani{i} and paramilitary formations from Serbia engaged in a wide-scale, carefully planned attack against predominantly Croat villages throughout the SAO Krajina and municipalities bordering the SAO Krajina.<sup>915</sup>

---

<sup>908</sup> C-1230, C-1232.

<sup>909</sup> A preferred tool of persecution by Marti}’s police was to erect barricades to control the movements of Croats. As the tensions grew, it became virtually impossible for Croats to leave their village. When the Croats attempted to cross the roadblocks, they were harassed or beaten. Witnesses C-1073, C-1232, C-1234, C-1233, C-1152.

<sup>910</sup> C-1220, C-1211, C-1233.

<sup>911</sup> C-1166.

<sup>912</sup> C-1141, C-036.

<sup>913</sup> C-033.

<sup>914</sup> C-1141, C-1220. C-1102 will testify that in the months prior to the war, Serbs from Medvida, a small village close to Bru{k}a, gathered in a local bar, which was later frequented by Marti}’s police, and were heard singing nationalistic songs. Some of the words of the songs included “Milo{evi} send us some lettuce, there will be meat because we will be slaughtering Croats” (“Milo{evi}u, {alji nam salate, bit }e mesa, klat }emo Hrvate”).

<sup>915</sup> C-1220.

464. These attacks were conducted in a recurring pattern. First, the JNA attacked the villages using military planes, tanks, artillery and other heavy equipment.<sup>916</sup> During this initial attack, most of the population fled, leaving behind the old, sick and weak.<sup>917</sup>

465. After the initial shelling, the Serb forces, mostly the TO, police and paramilitary units, entered the villages and forced the civilians out of their shelters,<sup>918</sup> saying things like "Come out you Ustaže, we are going to slaughter you all",<sup>919</sup> or simply firing into the door with a machine-gun after knocking and introducing themselves as "Krajina Militia".<sup>920</sup>

466. Between August 1991 and June 1992, the Serb forces killed hundreds of civilians<sup>921</sup> and occasionally deported some of the survivors.<sup>922</sup> A large number of the non-Serb male population was held in detention facilities, primarily in Knin and Benkovac.<sup>923</sup> A minority of the villagers, mostly elderly and disabled persons, were initially allowed to remain but most of them were killed in the following weeks by Serb forces, principally Martić's Police.<sup>924</sup>

467. After having forced the Croat population from their villages, the Serb forces systematically looted<sup>925</sup> and then destroyed Croat houses and Catholic churches.<sup>926</sup> Commanders who witnessed this conduct did not condemn it.<sup>927</sup> Residents of the villages saw the extent of the destruction when they returned after "Operation Storm" in August 1995.<sup>928</sup>

468. The Prosecution will concentrate on the events listed in the Indictment but notes that they constitute only a sample of the incidents that occurred between August 1991 and June 1992 in the SAO Krajina. Witnesses will also refer to incidents in other locations such as Kijevo, Drnič, Glina, Petrinja, Slunj, Vrlika, Knin and Lovinac to give an overview of the widespread and systematic nature of the atrocities committed by the Serb forces during the relevant period.

469. The result of these attacks was that virtually the entire non-Serb population of the SAO Krajina (according to the 1991 census, 28% Croats (70,708), 5% others (13,101)) was

---

<sup>916</sup> C-1231, C-1220, C-1201, C-1202.

<sup>917</sup> C-1205, C-1063, C-1141, C-1234.

<sup>918</sup> C-1202.

<sup>919</sup> C-1201.

<sup>920</sup> C-1091.

<sup>921</sup> Eyewitnesses and pathologist witness C-1214, exhumation reports and videotapes will be presented to prove the violent death of hundreds of non-Serbs (see Annex I) at the hands of the Serb forces in the SAO Krajina.

<sup>922</sup> C-1072, C-1091.

<sup>923</sup> C-1202, C-1201, C-1073.

<sup>924</sup> C-1072.

<sup>925</sup> C-1205, C-1073, C-1072.

<sup>926</sup> C-1073, C-1231, C-1233.

<sup>927</sup> C-1073.

<sup>928</sup> C-1102, C-1202, C-1084, C-1234, C-1232.

forcibly removed, detained or killed, fulfilling the objective of an ethnically pure SAO Krajina.

1. [kabrnja<sup>929</sup>/Nadin

470. [kabrnja/Nadin are villages in the Zadar municipality. In 1991, the villages had approximately 2000 residents who lived in 400 houses. The population of [kabrnja was purely Croat. The majority of the people were farmers. The ethnic composition of the surrounding villages was mixed. For the Serb forces, [kabrnja/Nadin were of strategic importance because they were situated on a main road linking a JNA military base near Zadar with an airport to the municipality Benkovac in the SAO Krajina.

471. The villages of [kabrnja/Nadin and their surrounding hamlets were attacked by Serb forces in the period ranging from the end of August to the end of November 1991.

472. From 25 September 1991 onwards, [kabrnja was subjected to a shelling campaign by the JNA. Military planes dropped inflammatory bombs in order to set the forest close to the village on fire to deprive the Croats of a hiding place. When people tried to extinguish the fire, the JNA soldiers shot at them. In the following days, the JNA continued to attack the village. Tanks passed through the village, frightening the civilian population. On 1 October 1991, the Crisis Committee for the municipality in Zadar decided to evacuate the civilian population from the village.<sup>930</sup> Out of about 2000 inhabitants, only 245 people stayed.<sup>931</sup>

473. On 2 October 1991 the JNA attacked Nadin, about 5 kilometres south of [kabrnja, and the hamlet of Zemunik Gornji, using tanks and infantry. When people fled from Nadin through [kabrnja, the JNA Air Force attacked [kabrnja again. However, on 5 November 1991, many civilians returned to the villages after a cease-fire had been agreed upon.<sup>932</sup>

474. This cease-fire lasted only until 18 November 1991. On that day, the JNA attacked [kabrnja with at least 1000 soldiers from the Knin corps, the Benkovac TO and Marti}’s Police. General Mladi} commanded the attack over the radio network. There were tanks coming from different directions followed by JNA trucks full of infantry soldiers. The intensity of the attack was overwhelming for the [kabrnja villagers who had set up a small defence constituted of men armed with hunting rifles.<sup>933</sup>

<sup>929</sup> The witnesses often refer to “[kabrnja” as “[kabrnje”. For consistency with the Indictment, “[kabrnja” will be used to describe this village.

<sup>930</sup> C-1166.

<sup>931</sup> C-1166.

<sup>932</sup> C-1166.

<sup>933</sup> C-1166.

475. The villagers then sought refuge in basements or fled [kabrnja. Taking over the village section by section, the Serb forces moved from house to house, ordered the people to leave the basements and summarily executed at least 38 non-Serb civilians, including several elderly people.<sup>934</sup>

476. During the 18 November 1991 attack, at about 11:30 a.m., a JNA ammunition truck exploded. A witness who knew General Ratko Mladić personally<sup>935</sup> intercepted the radio communication between Mladić and the commander on the ground in [kabrnja, Lt. Colonel ^e-ovi}. ^e-ovi} told Mladić that he had to withdraw, because he had lost all his ammunition supplies. Mladić replied that he would shoot him if he did. He instead promised ^e-ovi} that he would get him the required reinforcements to proceed with the attack. Soon after the conversation between Mladić and ^e-ovi}, several helicopters landed in the surroundings, letting out young soldiers, dressed in dark uniforms. The witness understood that they were Special Forces. The Serb forces then easily marched on [kabrnja.

477. On 19 November 1991, when the JNA had [kabrnja firmly under control, the take-over of Nadin commenced in a similar fashion. The JNA launched heavy artillery attacks against the village. The villagers had to hide in the cellars of their houses. When the shelling stopped, Serb troops invaded the village. They captured seven mostly elderly women and a young man. They brought the young man out of the house and killed him by shooting him in his mouth. They then shot six of the women with their automatic rifles. One woman survived by chance and will testify about this massacre.<sup>936</sup> Twenty-six of the remaining elderly and infirm Croat civilians were killed by Serbs forces during the occupation of [kabrnja between 18 November 1991 and February 1992.<sup>937</sup>

478. After the 18 November attack, a delegation<sup>938</sup> collected the bodies from the killing sites in [kabrnja and Nadin. Once on the sites of the killings, the bodies were put in black body bags provided by the JNA and transported in the rear of a military and two civilian trucks.<sup>939</sup> The bodies were then brought to the Pathology Department of the General Hospital in Zadar. There, the body bags were opened and relatives identified the bodies. Dr. Dujella, the Chief Pathologist at the Zadar Hospital, was there, as was a team of ECMM monitors led

<sup>934</sup> C-1072, C-1073, C-1123, C-1190, C-1201, C-1202.

<sup>935</sup> C-1166.

<sup>936</sup> C-1205. Witnesses C-1123, C-1166 and C-033 will give additional details about the Nadin attack.

<sup>937</sup> C-1072; Special Report on mass graves (exhumations) in [kabrnja from the Commission for Detained and Missing Persons of the Croatian Government. 27 grave sites, BCS 0043-1080-0043-1148.

<sup>938</sup> C-1123 will testify that the delegation was formed by the Unit for the Collection of Croat bodies in the area of the municipalities of Zadar, Biograd, Benkovac and Obrovac.

<sup>939</sup> C-1123.

by Joseph Rousseau.<sup>940</sup> Exhumation reports and evidence detailing the names of the victims and the circumstances of the violent deaths occurring between November 1991 and February 1992 in [kabrnja and Nadin will also be presented.<sup>941</sup> The victims of the killings by Serb forces were mostly civilians, and in many cases, elderly, infirm or children.<sup>942</sup>

## 2. Bru{ka

479. Bru{ka and the hamlet of Marinovi}i are located about 15 kilometres north-east of Benkovac. Bru{ka was an almost exclusively Croat village. However, the five villages surrounding Bru{ka (Karin, Bjelina, Brgud, Medvi|a and Zelengrad) were exclusively Serb villages.

480. In the months leading to the war, the Serbs from the surrounding villages got weapons from the JNA and the first barricades were erected in February 1991 by Serb forces. The Croat inhabitants of Bru{ka were harassed at these roadblocks. In summer 1991, military vehicles continually passed through the village, especially during the attack on Kru{evo. Every two or three days, around ten Serb paramilitaries came to Bru{ka, went to the village square and harassed the local population by asking: "Why don't you go to Franjo Tu|man"? They told the Croats that this was Serb country and that they should leave.<sup>943</sup>

481. On 21 December 1991, Serb forces, in particular members of Marti}'s Police, entered the village of Bru{ka and the hamlet of Marinovi} where they killed ten civilians, among them nine Croats.<sup>944</sup> Ante Marinovi}, a survivor, underwent surgery in the Knin hospital.<sup>945</sup> During his stay, a member of Marti}'s police came to interrogate him. He threatened the witness and said, "This Usta{a must be slaughtered". The doctor attending the witness heard this and saved him by telling Marti}'s man to leave without harming the witness.<sup>946</sup>

482. The Serb forces who entered Bru{ka and other surrounding villages such as Medvida took the remaining Croats to prisons in Knin where they were psychologically intimidated,<sup>947</sup> beaten, mistreated and made to perform forced labour. Marti}'s Police ran one of the prisons

<sup>940</sup> C-1123, C-033, C-1190.

<sup>941</sup> C-1214.

<sup>942</sup> C-1214, C-1123, C-033. Special Report on mass graves (exhumations) in [kabrnja from the Commission for Detained and Missing Persons of the Croatian Government. 27 grave sites, BCS 0043-1080-0043-1148.

<sup>943</sup> C-1152.

<sup>944</sup> C-1152, C-1214.

<sup>945</sup> Witness C-1152 survived seven bullets. The only other member of the hamlet of Marinovi} that survived, Jasna Marinovi}, was also wounded.

<sup>946</sup> C-1152.

<sup>947</sup> Witness C-1102 will testify that members of Marti}'s police who guarded the prisoners at the old Knin hospital taunted by saying, for example: "All the Croats have to be killed", "The Croatian nation has to be destroyed", "All of Croatia will be burning and destroyed and it won't last long". Every day, the Marti}'s police guards took some of the detainees out of their cells and beat them, swore at them, and kicked them. C-1102

located in the old hospital in Knin.<sup>948</sup> Another prison was located in the JNA barracks in Knin.<sup>949</sup> Some of the detainees during their detention time saw General Mladić inspecting the prisons.<sup>950</sup> On or about 15 October 1991, the witness saw General Mladić walking through the courtyard of the Knin hospital prison escorted by Captain Dragan's men.<sup>951</sup>

483. In a speech to about one hundred of the detainees at the Knin barracks, General Mladić said: "Whoever thinks that they will build up Croatia over the bones of my father, will end up the same as those in [kabrnja]".<sup>952</sup>

484. On or around 20 January 1992, when all the Croat villagers had left Bručica, Captain Dragan came with his men and established his training centre there. A section of the Knin hospital was used as a dormitory for Captain Dragan's men and members of the JNA Reserve. One of the tasks the Croat detainees had to carry out was cleaning after the Serb soldiers and paramilitaries in the dormitory.<sup>953</sup>

### 3. Saborsko, Poljanak, Lipovača

485. The village of Saborsko is located in the Municipality of Ogulin on the main road between Plaški and Plitvica. In 1990, Saborsko had about 800 inhabitants, of which only 15 were Serbs.<sup>954</sup> At the time of the events, Saborsko was the largest Croat village in the area.

486. The Croatian authorities maintained a police presence in Saborsko. Meanwhile, the surrounding Serb villages of Lička, Jesenica and Plička became Serb political and military focal points.<sup>955</sup> As the Serb military build-up in the area gained momentum, the Croat village of Saborsko became more and more isolated.<sup>956</sup>

487. In April 1991, the police in the Serb villages surrounding Saborsko was separated along ethnic lines.<sup>957</sup> While only Serb policemen stayed in these villages, the Croat policemen were sent to Saborsko.<sup>958</sup>

488. In summer 1991, the JNA increased its presence in the area. The first mortar attack started on August 1991. About 150 shells were then fired on the lower part of Saborsko.<sup>959</sup>

---

considers himself lucky because he "only got two broken ribs and one cracked rib". Others suffered a much worse fate.

<sup>948</sup> C-1102.

<sup>949</sup> C-1073.

<sup>950</sup> C-1073, C-1102.

<sup>951</sup> C-1102.

<sup>952</sup> C-1073.

<sup>953</sup> C-1102.

<sup>954</sup> C-1234.

<sup>955</sup> C-1234, C-1233, C-1220.

<sup>956</sup> C-1234, C-1233.

<sup>957</sup> C-1234, C-1233.

<sup>958</sup> C-1234.

In the following night, a group of Croat police officers, together with women, children and elderly people, fled the village. From that day on, there were daily artillery attacks, destroying many houses.<sup>960</sup> Some of the men were arrested and taken to prison camps in Croatia and in BiH where they were mistreated by members of Martić's police.<sup>961</sup>

489. On 28 October 1991, TO units entered Lipova-a and killed eight civilians.<sup>962</sup> In the first house in the village, a family of three was killed as they went about their normal duties. In the house located 30 meters further, four people, including three elderly, were shot with an automatic rifle. Three of the bodies were piled on top of each other, in a pool of blood.<sup>963</sup>

490. The neighbouring villages Poljanak and Lipova-a were attacked from October 1991 onwards and finally taken over at the beginning of November 1991. During these attacks, several civilians were killed.<sup>964</sup> On or about 7 November 1991, JNA and TO units, in particular the 63<sup>rd</sup> parachute unit from Niš, an elite unit of the JNA, entered the Croat hamlet of Vukovići near Poljanak and executed nine civilians.<sup>965</sup> An insider witness will testify that a member of the special unit from Niš later bragged about his participation in the attack in the Saborsko region.<sup>966</sup>

491. On 12 November 1991, JNA and TO soldiers and members of Martić's Police prepared a large-scale attack to finally conquer Saborsko and suppress any Croat opposition. During the attack, 11 or 12 JNA military planes flew over Saborsko and dropped several bombs on houses of Saborsko.<sup>967</sup> Soldiers then entered the village and forced the civilian population to come out of their cellars. As they were going from one house to the other, they separated the men from the women, killing at least twenty Croat civilians in the process.<sup>968</sup> The Serb forces burned down the entire village and the churches, reducing it to rubble.<sup>969</sup> The surviving villagers returned only after "Operation Storm" in August 1995.<sup>970</sup>

---

<sup>959</sup> C-1233.

<sup>960</sup> C-1233.

<sup>961</sup> C-1234.

<sup>962</sup> The Prosecution concedes that Franje Brozin-ević is the same person as Franjo Brozin-ević and that therefore para. 42 should read "On 28 October 1991, TO units entered Lipova-a and killed seven civilians. The names of the victims are set out in Annex I attached to this indictment".

<sup>963</sup> Witnesses C-1203, B-1133, C-1214. See also exhumation reports and a videotape from the "Saborsko Operation" related to the killings in Lipova-a: BCS 0152-8223-0152-8225, Eng 0300-4578-0300-4581; BCS 0152-8236-0152-8237; BCS 0152-8375-0152-8400, Eng L004-5773-L004-5815; BCS V000-2918-V000-2918.

<sup>964</sup> C-1230, C-1232.

<sup>965</sup> C-1230.

<sup>966</sup> C-036.

<sup>967</sup> C-1231.

<sup>968</sup> C-1231, C-1220.

<sup>969</sup> C-1233, C-1231.

<sup>970</sup> C-1233, C-1231, C-1234.

4. Dubica, Cerovljani, Ba}in

492. Hrvatska Dubica,<sup>971</sup> in the municipality of Kostajnica, is located on the Una River, opposite Bosanska Dubica, in BiH. The city of Dubica had about 2500 inhabitants; half of them were Serb, half of them Croat. There was also a small number of Muslims. Together with four surrounding villages, two of which were predominantly Serb (Slabinja and @ivaja) and two of which were predominantly Croat (Ba}in, Cerovljani). Including surrounding villages, Dubica had about 5,000 inhabitants. Relations between the ethnic groups were friendly and harmonious until 1990.<sup>972</sup>

493. The situation in the municipality in 1991 worsened. Forces from the SAO Krajina and Serb paramilitaries threatened the non-Serbs in the area. Every month, an increasing numbers of Serb volunteers who wore JNA olive-green uniforms, most of them with a red star and some with the double-headed eagle insignia, were seen roaming in the area of Dubica, threatening the Croats.<sup>973</sup>

494. As tensions grew between the two ethnic groups, the local Croats started to arm and mobilise themselves. However, in mid-September 1991, they found that resistance was no longer possible and retreated. They destroyed the bridge over the Una River in order to prevent JNA tanks from crossing the river. On 14 September 1991, most of the Croat inhabitants had fled their houses and went to other parts of Croatia.<sup>974</sup>

495. As of 7 October 1991, Serb forces were in control of the entire area called Hrvatska Kostajnica, including the villages of Dubica, Cerovljani and Ba}in. At that time, approximately 120 Croat civilians, mostly women, elderly and the infirm, were the only people still remaining in the three villages.

496. On or about 20 October 1991, Serb forces, in particular Marti}'s Police arrested 53 Croat civilians and detained them in the village fire station.<sup>975</sup> Ten of them were released during the day and the following night, because Serb acquaintances or relatives intervened on their behalf. The next day, the remaining 43 detainees, together with thirteen people from Cerovljani and Hrvatska Dubica were taken to a site in Ba}in (Kre-ane) located on the banks of the Una River.<sup>976</sup> There, they were brutally massacred by SAO Krajina forces.<sup>977</sup> Most of

---

<sup>971</sup> Hereinafter "Dubica".

<sup>972</sup> C-1141.

<sup>973</sup> C-1141.

<sup>974</sup> C-1141.

<sup>975</sup> C-1141.

<sup>976</sup> C-1141, C-1084, C-1063; Video of the exhumation of mass grave in Ba}in, BCS V000-2771-V000-2771;

Photo Album of the exhumation of the Mass Grave in Ba}in, BCS 0106-6027-0106-6303.

<sup>977</sup> C-1141.



them were elderly people.<sup>978</sup> The bodies remained there unattended for days, decomposing. Later on, they were buried in a mass grave on the site of the killing.<sup>979</sup> An additional thirty civilians from Ba}in and twenty-four from the villages of Dubica and Cerovljani were taken away by the Serb forces to unknown locations and killed.<sup>980</sup>

497. When the majority of the Croat population had left Dubica, Marti}’s police set up a Police Station in the municipal offices in the village. Mile Popovi}, one of the key figures in Dubica for the Serb forces, became the head of the local community after the Ba}in massacre. He was known for always wearing the uniform of Marti}’s police.<sup>981</sup>

498. Ba}in was burnt down and almost razed to the ground. The Catholic Church was completely destroyed. The same happened to the churches in the neighbouring villages. The part of Hrvatska Dubica where Croats lived was completely destroyed while the side of the village where both Serbs and Croats had their houses was not.<sup>982</sup>

499. In 1997, exhumations in Ba}in revealed 56 bodies,<sup>983</sup> 37 of which could be identified.<sup>984</sup> As the massacre site was located on the bank of the river, there is a strong possibility that a number of additional bodies were washed away by the river.<sup>985</sup>

## **B. WESTERN SLAVONIA**

500. In the Western Slavonia region, the military situation for the Serb forces was characterised by a lack of JNA manpower.<sup>986</sup> Therefore, the Serb forces used a large number of paramilitary forces, in particular [e(elj’s men and the White Eagles, including the sub-division of “Du}an Silni” to fill the ranks.<sup>987</sup> Former convicts from prisons in Serbia (Belgrade, Ni}, Novi Sad and Svetozarevo) also came as reinforcements for the Serb forces under the promise that they would get a reduction of sentence.<sup>988</sup>

501. These paramilitary units had a strong presence in Oku-ani, Kamensko and Vo}in at the time the crimes described in the Indictment were committed. It was widely known that these paramilitary groups were ruthless. The local Serb population was aware of their

---

<sup>978</sup> C-1084.

<sup>979</sup> C-1141.

<sup>980</sup> C-1084, C-1063.

<sup>981</sup> C-1211.

<sup>982</sup> C-1084, C-1141.

<sup>983</sup> C-1141, C-1084.

<sup>984</sup> C-1141, C-1084; Video of the exhumation of mass grave in Ba}in, BCS V000-2771-V000-2771; Photo Album of the exhumation of the Mass Grave in Ba}in, BCS 0106-6027-0106-6303.

<sup>985</sup> C-1141, C-1084.

<sup>986</sup> The only JNA officer in Vo}in was Jovan Trbojevi}, who acted as commander of the volunteers from Serbia operating in Vo}in. He had been sent by the Novi Sad Corps. There were no JNA soldiers: Witness C-1186.

<sup>987</sup> C-1079, C-1186, C-1200.

<sup>988</sup> C-1151. See also C-1186.

participation in crimes against the Croat population, but those who dared to openly criticise this were called "traitors" and intimidated.<sup>989</sup>

502. Despite their knowledge of the paramilitary units' brutality, the SAO TO commander Veljko Vukeli} and the JNA command co-operated with them. From September 1991, the JNA was in control in the region but withdrew in December 1991.<sup>990</sup> The evidence will further show that [e{elj visited his troops in the area. He visited Vo}in in December 1991 and harangued his troops there. On the next two days, massacres of Croat civilians occurred.<sup>991</sup>

503. Evidence will be presented that a persecution campaign was conducted against the non-Serb population of Western Slavonia similar to the one described above in relation to the SAO Krajina. The result of these attacks was that almost the entire non-Serb population of the SAO Western Slavonia (according to the 1991 census, 29% Croats (6.864) and 11% others (2577) was forcibly removed, detained or killed.

##### 5. Vo}in

504. Vo}in is a village in Western Slavonia, located south-west of Podravska Slatina. According to the 1991 census, one-third of the 1500 inhabitants of Vo}in were Croats.

505. Serbs initially began organising themselves along ethnic lines as early as the beginning of 1991. Jovan Ra{kovi}, leader of the SDS party at the time, visited Vo}in on 14 January 1991 and gave a speech to the inhabitants of Vo}in and the surrounding villages, stating that the Serbs had to be unified and that Vo}in would become Serbia and would be part of the "SAO Krajina".<sup>992</sup>

506. In early August, local Serbs set up barricades in Vo}in, which enabled them to control access to and from Vo}in.<sup>993</sup> On 19 August 1991, they formed the TO, commanded by Boro Luki}, a reservist Captain of the JNA. The Serb forces established a military and civilian power structure.<sup>994</sup> On the same day, they seized the police station in Vo}in, tearing down the Croatian flag, burning it and replacing it with the Serb and Yugoslav flags.

507. The new Serb authorities gathered all the Croat villagers in the centre of Vo}in where local Serb leaders Boro Luki}, Boro Radosavljevi} and Dragan Dobrojevi}, addressed them. Luki} ordered the Croats to hand over all their weapons and announced that Croats were not allowed to move anywhere from Vo}in. He announced that Vo}in was a part of "SAO

---

<sup>989</sup> C-036.

<sup>990</sup> C-036.

<sup>991</sup> C-1186.

<sup>992</sup> C-1151, C-1184, C-1195, C-1079, C-1103.

<sup>993</sup> C-1195.

<sup>994</sup> C-1226.

Krajina". Throughout these speeches, armed people wearing masks held automatic rifles pointed at the gathered citizens.<sup>995</sup>

508. Just before these events a JNA commander warned a Croat family that it would be better to leave because terrible things were going to happen in the village.<sup>996</sup>

509. At the end of September, the Serbs started to evacuate women, children and elderly people from Vo}in.<sup>997</sup> The remaining Croats were subjected to harassment, arbitrary arrests and were forced to perform different types of labour. Croat civilians who reported to the police as ordered by Boro Luki} and his associates were interrogated. Some of them were severely mistreated, and some disappeared without a trace and are presumed dead.<sup>998</sup>

510. In October 1991, a huge number of soldiers arrived in Vo}in in buses with Belgrade licence plates.<sup>999</sup> White Eagle and Du}an Silni flags were seen in the buses.<sup>1000</sup> Evidence will be presented that indeed a huge number of paramilitary soldiers belonging to [e{elj's Chetniks and the White Eagles arrived and stayed in Vo}in from October to December 1991.<sup>1001</sup> Before being taken to Western Slavonia the Serb volunteers spent two weeks in Banja Luka waiting for deployment. JNA Corps in Banja Luka was in charge of Western Slavonia at that time. Additionally, a JNA officer from the Novi Sad Corps, Jovan Trbojevi}, was present on the battleground and approved the arrival of these volunteers, even if it was common knowledge that they had committed crimes previously.<sup>1002</sup> The strength of the Serb forces can be seen from the fact that a Serb cook had to prepare food for 3,500 people each day. The food was distributed to all checkpoints, which had been established in the area.<sup>1003</sup>

511. Witnesses will testify about [e{elj's visit to his troops in Vo}in in November and December 1991 and the killings of Croat civilians that followed immediately afterwards. Also as a consequence of [e{elj's visit, the burning of Croat houses started.<sup>1004</sup>

512. The paramilitary soldiers did not leave any doubt as to the purpose of their visit to Vo}in. They openly bragged that they had come to kill "Usta}a".<sup>1005</sup> In the end of October-beginning of November 1991, Antun Supan and Viktor Supan were ordered by the Serb

---

<sup>995</sup> C-1226, C-1151, C-1195, C-1184.

<sup>996</sup> C-1079.

<sup>997</sup> C-1184.

<sup>998</sup> C-1079, C-1195, C-1151.

<sup>999</sup> C-1079, C-1186.

<sup>1000</sup> C-1186.

<sup>1001</sup> C-060

<sup>1002</sup> C-060; C-1186.

<sup>1003</sup> C-1079.

<sup>1004</sup> C-1103, C-1151, C-1059.

<sup>1005</sup> C-1151.

authorities to make lists of all Croats living in Vo}in. The Serb authorities requested another list in early December 1991.<sup>1006</sup>

513. Shortly after the second list was handed over to the Serb authorities, many killings were committed in Vo}in by the Serb forces.<sup>1007</sup> Before the Serb forces left Vo}in on 13 December 1991, soldiers went from house to house and killed 32 of the remaining Croat population.<sup>1008</sup> A witness who stayed throughout the period ranging from August 1991 to 13 December 1991 in Vo}in will describe the night between 12 and 13 December 1991 as “the worst”.<sup>1009</sup> She walked around town after the Serb forces had left and recognised the bodies of some of the victims killed that night. One of them was drenched in gasoline and left in the path in front of his house.<sup>1010</sup> On 14 December 1991, the Catholic Church, a protected building built on the remnants of a 12<sup>th</sup> Century Church, was blown up<sup>1011</sup> and the Croat houses were burned down.<sup>1012</sup> OSCE observers entered Vo}in and Hum on 15 December 1991 to document the destruction and counted a huge amount of bodies.<sup>1013</sup>

### C. VUKOVAR HOSPITAL

514. In the last days of the siege of Vukovar, several hundred people sought refuge at Vukovar Hospital, which was near the city centre, in the belief that it would be evacuated in the presence of neutral international observers. This evacuation had been agreed upon in Zagreb in negotiations between the JNA and the Croatian Government on 18 November 1991. In addition to the sick and wounded, civilians, families of hospital staff, and soldiers who had been defending the city, some posing as patients or hospital staff, gathered on the hospital grounds. On the afternoon of 19 November 1991, JNA units arrived at Vukovar Hospital and took control of it. Those inside offered no resistance. By the end of the day, the City of Vukovar was completely in the hands of the JNA and all fighting had ceased.<sup>1014</sup>

515. Early the following morning, on 20 November 1991, JNA major Veselin [Ijivan-anin ordered the nurses and doctors of the hospital to assemble for a meeting.<sup>1015</sup> While the

<sup>1006</sup> The reason given for the list was that it was for exchange or distribution of humanitarian aid which was never received by the Croats. The Prosecution submits that the list was in fact used by the Serb forces to track down the remaining Croats and kill them.

<sup>1007</sup> C-1151, C-1195, C-1079.

<sup>1008</sup> C-1184, C-1059.

<sup>1009</sup> C-1059.

<sup>1010</sup> C-1059.

<sup>1011</sup> C-1079, C-1151, C-1184, C-1195, C-1226.

<sup>1012</sup> C-1103, C-1151, C-1184.

<sup>1013</sup> C-1103. Evidence from pathologist C-1214, autopsy reports and photo documentation regarding the autopsy will be presented to prove the violent death of hundreds of non-Serbs (see Annex I) at the hands of the Serb forces in Vo}in between the beginning of August 1991 and 13 December 1991.

<sup>1014</sup> C-1067.

<sup>1015</sup> C-1067.

medical staff was attending this meeting, JNA and Serb paramilitary soldiers quickly removed about 400 men and at least two women from the hospital. Among those removed were wounded patients, hospital staff, journalists, soldiers who had been defending the city, Croatian political activists and other civilians. By the time the medical staff meeting with Major [Ijivan-anin concluded, the soldiers had removed almost all of the men who were at the hospital.<sup>1016</sup>

516. About 300 of these people were loaded onto five or six buses and held on the buses under JNA guard. Later that morning, the buses left the hospital compound and travelled through the centre of Vukovar to the JNA barracks on the south side of the city. The prisoners were kept inside the buses at the barracks for about two hours. During that time, on orders from Major [Ijivan-anin, at least 15 of the prisoners were removed from the buses, apparently because they were part of the hospital staff or were related to staff members. Those who remained in the buses were not physically abused, but they were threatened by Serb soldiers, some of whom remained outside the buses and some of whom boarded them.<sup>1017</sup>

517. While the buses were held at the JNA barracks, a meeting of the government of the SAO SBWS was taking place a short distance away at the Velepromet facility. In attendance at this meeting was Goran Had`i} and Arkan. At this meeting, Had`i} demanded that the prisoners being held at the JNA barracks not be taken from the region and transported to Serbia but rather be turned over to them.<sup>1018</sup>

518. Around noon, or shortly thereafter, the prisoners remaining at the JNA barracks were driven to a group of buildings at the Ov-ara farm, about four kilometres south-east of Vukovar. At the arrival of the buses, the JNA, members of the TO and Serb paramilitary soldiers took the prisoners from the buses and forced them to run between two lines of soldiers, who beat them as they passed. The prisoners were then forced into one of the hangars. In this building, the soldiers continued to beat the prisoners for the next several hours. At least two men died from the beatings.<sup>1019</sup>

519. As the beatings proceeded over the course of the afternoon, preparations were being made in all openness for the ensuing mass execution, as a grave was dug at the site where the killings would occur,<sup>1020</sup> and people were literally "saved" and removed from the building in

<sup>1016</sup> C-1077, C-1093, C-1107, C-1130, C-1134, C-1156.

<sup>1017</sup> C-1077, C-1134, C-006, C-1171.

<sup>1018</sup> V000-1131-V000-1131. (BCS)

<sup>1019</sup> C-1077, C-007, C-1130, C-1134, C-006, C-1171.

<sup>1020</sup> C-1125.

which the beatings took place. These reprieves concerned about seven of the men who were released after Serbs who were present intervened on their behalf. These men were driven back to Vukovar.<sup>1021</sup>

520. The remaining men were held in the building at Ov-ara, along with two women who had been included in the group at some point in time. The Serb authorities listed identifying information about each person and then divided them into groups of ten to twenty. During the course of the evening, the soldiers loaded each group in turn into a truck which left the farm building and then returned empty a short while later.<sup>1022</sup>

521. The truck travelled south from the Ov-ara farm building on the road leading to Grabovo. Approximately one and one-tenth kilometres south-east of the building, the truck turned left and then travelled north-east on a dirt-filed road which ran between a cultivated filed on the left and a wooded ravine on the right. At the head of the ravine, approximately 900 metres from the Ov-ara-Grabovo road, the soldiers removed the captives from the truck.

522. At this spot, JNA, TO and Serb paramilitary troops were assembled on the north side of the site. During the evening hours of 20 November 1991, these soldiers, firing in a southerly direction, shot and otherwise killed at least 198 men and two women. After the killings, the bodies of the victims were buried by a bulldozer in a mass grave at the same location.<sup>1023</sup> The bodies were later exhumed and identified.<sup>1024</sup>

523. Of the 320 or more persons taken from Vukovar Hospital on the morning of 20 November 1991, at least 200 were killed at Ov-ara.<sup>1025</sup> More than fifty other men remain missing. All of these persons were alive after the end of hostilities in Vukovar, and all of them were taken under JNA guard first to the JNA barracks and then to the Ov-ara farm. They have not been seen alive since that time.

#### **D. SAO SBWS**

##### **6. Dalj – 21 September 1991**

524. The Baranja region is situated in the north-eastern part of the Republic of Croatia, north of the city of Vukovar. Its municipal seat is the town of Beli Manastir. Based on the 1991 population census, the municipality of Beli Manastir was composed as follows: 22,740 Croats; 13,851 Serbs; 8,956 Hungarians; 4,265 Yugoslavs, making 54,265 in total.

<sup>1021</sup> C-1077, C-007, C-1130, C-1134, C-006, C-1208.

<sup>1022</sup> C-007, C-1171, C-042.

<sup>1023</sup> C-004, C-007, C-1156, C-1165.

<sup>1024</sup> Exhumation Report, Eng 0058-8828-0058-8872.

<sup>1025</sup> C-1165, C-041, C-015.

525. In August 1991, the TO of SBWS, together with JNA units that had been stationed in this territory, attacked and expelled Croatian Police from Beli Manastir. As a result, many Croats fled the region.

526. In early August 1991, the city of Dalj established a Serbian Militia. Shortly thereafter, Radovan Stojić arrived in the region from the MUP of Serbia in Belgrade. He stated that he was sent from Belgrade as the Commander of the TO for the region. He said that from then on, the TO was in charge of all matters in the region, both military and civilian.

527. In mid-September, Goran Hadžić brought approximately 25-30 Croat civilians to the Dalj Militia headquarters building where they were imprisoned. He said the prisoners were "Ustašas" from Baranja and that they would stand trial for horrible war crimes they had committed.<sup>1026</sup>

528. During the night of 21-22 September 1991, Hadžić and Arkan visited the detention facility in Dalj along with approximately 20 of Arkan's soldiers and ordered the release of two of the detainees. The eleven remaining prisoners were taken away by Arkan and shot.<sup>1027</sup> The bodies of seven of the eleven prisoners were later exhumed from a mass grave in the village of ^elije and in Daljski Atar.

529. Shortly after this incident, a report about it was personally handed to Janko Milaković (head of the SUP Vukovar), Miodrag Zavić (deputy to Radovan Stojić) and Pavle Milovanović (Commander of the TO).<sup>1028</sup>

#### 7. Dalj – 4 October 1991

530. On 4 October 1991, again accompanied by approximately 20 of his soldiers, Arkan arrived at the Dalj Militia Station. After ordering the militiamen guarding the prisoners to leave, Arkan and his men shot or otherwise killed twenty-eight of the Croat civilian detainees, which included prisoners taken by Serb forces in the Baranja region.<sup>1029</sup> The bodies of the victims were taken from the building and dumped into the nearby Danube River.

531. Shortly after this incident, a written report about it was personally handed to Janko Milaković (head of SUP Vukovar). Milorad Stričević, Security Officer of the TO Dalj, also signed a "receipt" for the prisoners he helped take out of the Dalj Militia Station. At a public

<sup>1026</sup> C-1109, C-1052, C-029, C-025.

<sup>1027</sup> C-029, C-013, C-1216, C-1215, C-015.

<sup>1028</sup> C-029.

<sup>1029</sup> C-1114, C-1187, C-029, C-025, C-1140, C-015.

meeting in Dalj shortly after this incident, Arkan publicly admitted that he was responsible for removing and shooting these prisoners.<sup>1030</sup>

8. Lovas Minefield -- 18 October 1991

532. On 17 October 1991 – the same day as thousands of non-Serbs were being forced from the village of Ilok – the Commander of the Lovas TO ordered the rounding up of all non-Serb males in Lovas between the ages of 18 and 55. The men were detained overnight in the village Zadruga building. There, they were forced to sit on benches all night. The beatings and terrorising continued through the morning of 18 October.<sup>1031</sup>

533. On 18 October 1991, members of the JNA, the TO of the SAO SBWS, and the Du{an Silni volunteer unit forced 50 Croat civilians to form into a column and march to the outskirts of the village of Lovas. During the march, one detainee who had been so severely beaten that he could not walk any further was shot by these Serb forces.<sup>1032</sup>

534. The column of 50 men arrived at a mine field on the outskirts of the village. The detainees were forced to enter the minefield and sweep their feet in front of them to clear the field of mines. At least one mine exploded, and the Serb forces opened fire on the detainees. Twenty-one detainees were killed either through mine explosions or gunfire.<sup>1033</sup> The bodies were later exhumed from a mass grave at the Lovas Catholic Cemetery.<sup>1034</sup>

9. Erdut – Cases One, Two & Seven

535. The village of Erdut is located in Eastern Slavonia along the Danube River. Based on the 1991 Croatia census, 1,459 people lived in Erdut, out of which 798 were Croats, 333 Serbs, 162 Hungarians, 88 Yugoslavs, and the rest undeclared or other nationalities.

536. The JNA arrived in Erdut on 2 August 1991. Several days after their arrival, a unit of the Militia of the SAO SBWS and Arkan's Tigers led by Arkan established themselves in Erdut. The Government of the SAO SBWS provided Arkan with the Erdut Territorial Defence Training Centre and made him Commander of the Training Centre for Volunteers of the SAO SBWS. Arkan initially shared this facility with a unit of Radovan Stoji{i}, who was sent to the region from SUP Belgrade. Later on, the Erdut Training Centre was used exclusively by Arkan and it became known as Arkan's Training Centre. Within the facility, Arkan set up a makeshift prison. As time progressed, the prison was often used as a detention facility for non-Serb villagers. Some of the detainees were released, but a large number were

<sup>1030</sup> C-029, C-1185.

<sup>1031</sup> C-1106, C-1238, C-1204, C-1085.

<sup>1032</sup> C-1106, C-1238, C-1204, C-1085.

<sup>1033</sup> C-1106, C-1238, C-1204, C-1085.

<sup>1034</sup> Exhumation Report, BCS 0205-3278-0205-3837.



maltreated, beaten and subsequently killed. Bodies of many of them were found in various mass graves, exhumed and identified.

537. On 9 November 1991, a number of non-Serb villagers (mostly Hungarians with the exception of Ivica Mihaljev who was a Croat) from Erdut, Dalj Planina and Erdut Planina were arrested.<sup>1035</sup> The arrest was carried out by Arkan's soldiers in co-operation with the Erdut Militia and Security Staff of the Dalj TO. Detainees were taken to the prison at TO Training Centre in Erdut.<sup>1036</sup> The same evening, of those arrested only Mihajlo Pap (aka Mi{ika) was released. He went home and told his relatives that he and the other detainees had been at the Erdut Training Centre. The following morning, one of Arkan's men came for him a re-arrested him. The twelve detainees were shot dead and most were buried in ^elije at the Catholic Cemetery.<sup>1037</sup>

538. Several days after this abduction, Juliana Pap (mother of Mihajlo) started to look for her son and other family members. She went to the Erdut Militia and the Erdut TO Training Centre. As a result, Mihajlo (Mile) Ulemek, Head of Arkan's Military Police, intervened with Stevo Bogi} (aka Jajo), Head of Serb National Security (SNB) and Minister Without Portfolio of the government of the SAO SBWS, in order to liquidate the rest of the family. Juliana Pap, her son Prajo Pap, and the fiancée of her son Mihajlo Pap, Matalija Rakin, were arrested by members of the SNB and executed. Their bodies were exhumed from a well in Borovo.<sup>1038</sup>

539. Still later, the head of Arkan's Military Police, Mihajlo (Mile) Ulemek, ordered members of SNB to arrest Marija Sena{i, a female family member of the original Hungarian victims who had continued to make inquiries about the fate of her relatives.<sup>1039</sup>

540. On 3 June 1992, Marija Sena{i was arrested as she rode her bike on the road between Erdut and Dalj Planina.<sup>1040</sup> She was transported to a house in Erdut that was used by Milorad Stri-evi} and Mihajlo (Mile) Ulemek as a detention and interrogation centre. She was killed and her body was thrown in an abandoned well in Dalj Planina.<sup>1041</sup>

#### Erdut – Case Three – Klisa

541. The village of Klisa is located in Eastern Slavonia, approximately 20 km south-east of the town of Osijek. Based on the 1991 Croatia census, there were 419 people living in Klisa,

---

<sup>1035</sup> Witnesses C-015, C-1129.

<sup>1036</sup> C-020.

<sup>1037</sup> Croatian Report on Identification, BCS 0200-7902-0200-7917.

<sup>1038</sup> C-020; Exhumation Report, Eng 0106-2529-0106-2542.

<sup>1039</sup> C-020.

<sup>1040</sup> C-1129.

<sup>1041</sup> C-020.

of which 333 were Serbs, 19 Yugoslavs, 55 Croats, and the rest undeclared or other nationalities.

542. In October 1991, Mihajlo Ulemek informed Arkan that there were Croats living close to the Klisa airfield. Arkan ordered Ulemek to bring these men to Erdut. On 11 November 1991, members of Arkan's unit led by Ulemek arrested seven non-Serb civilians and one Serb civilian in the village of Klisa. The detained civilians were transported to Erdut, where they were put in a house located across from the TO SBWS Training Centre. The Serb civilian who was detained was released when they discovered he was a Serb.<sup>1042</sup> The remaining seven prisoners were repeatedly interrogated and beaten. Later on they were brought into the TO SBWS Training Centre, interrogated, and placed into a makeshift prison inside of the Centre.<sup>1043</sup> On 13 November 1991, two of the detainees who had Serb relatives were released.<sup>1044</sup> The other five were executed and buried in a mass grave in the village of ^eljje.<sup>1045</sup>

#### Vukovar – Lovas Farm

543. Between 18 and 20 November 1991, the JNA finalised the military operations in and around the town of Vukovar. Large number of Croatian soldiers surrendered to the JNA, but some of them threw away their weapons and changed uniforms for civilian clothes. They, unarmed, came to the Vukovar hospital, Borovo Komerc, and other areas that the JNA had designated for Vukovar civilians to gather before the evacuation of the town.

544. The JNA organised buses and trucks to deport thousands of Croat and other non-Serb inhabitants of Vukovar into the territory of the Republic of Serbia. When the Government of SAO SBWS realised that Croats were being taken from the territory under their jurisdiction, Goran Hadžić demanded that the JNA hand over to them those men and women who were suspected of participation in the military operations.

545. On 20 November 1991, a large number of people were brought to the village of Dalj. Some of those people were turned over to the Dalj TO. They were screened by the TO members and those that were suspected of participating in the defence of Vukovar were selected for interrogation and detained in the TO detention facilities. The selected detainees

<sup>1042</sup> C-1118, C-015, C-1089, C-1169.

<sup>1043</sup> C-015, C-1169, C-1223.

<sup>1044</sup> C-1169.

<sup>1045</sup> Confirmations of Identification, BCS 0200-8181-0200-8193; BCS 0200-8202-0200-8213; BCS 0200-8194-0200-8201; BCS 0200-8214-0200-8218; BCS 0200-8219-0200-8226.

were interrogated, beaten and tortured. At least 34 were executed. The men killed were eventually buried in mass graves in Dalj Catholic Cemetery and at Dalj – Lovas Farm.<sup>1046</sup>

#### Erdut - Case Four

546. On 10 December 1991, members of the TO of the SAO SBWS led by Arkan and members of the Militia of the SAO SBWS arrested five non-Serb villagers from Erdut. The victims were taken to the TO training centre in Erdut and subsequently killed. The bodies of three of the victims were later disposed of in a well in Daljski Atar.<sup>1047</sup>

#### Erdut - Case Five

547. Between 22 December 1991 and 25 December 1991 (during the Catholic Christmas holidays), members of the TO of the SAO SBWS led by Arkan and members of the Militia of the SAO SBWS arrested seven ethnic Hungarian and Croat civilians in Erdut and took them to the TO training centre in Erdut. On 26 December 1991, they were shot and killed.<sup>1048</sup> The bodies of six of the victims were buried in a mass grave in Daljski Atar.<sup>1049</sup>

#### Erdut - Case Six

548. On 21 February 1992 in the evening, four members of the Albert family were arrested in Erdut by members of the TO of the SAO SBWS led by Arkan and members of the Militia of the SAO SBWS. Milorad Stri-evi}, who allegedly had intended to help her and her family leave Erdut for Croatian free territory, was also arrested by Arkan's men.<sup>1050</sup> They were all interrogated in the TO training centre in Erdut and then killed. The bodies of the four members of the Albert family were buried in a mass grave in Daljski Atar.<sup>1051</sup>

#### Grabovac

549. The village of Grabovac is situated in the Baranja region in the North-eastern part of the republic of Croatia. Based on the 1991 Croatia census, there were 1,079 people living in Grabovac, of which 873 were Croats, 34 Serbs, 31 Hungarians, 58 Yugoslavs, and the rest undeclared or other nationalities.

550. In early 1992, a unit of the Red Berets (members of a special operations component of the DB) was based in the Tikve{ Castle in the Kopa~ki Rit natural park.<sup>1052</sup> On 4 May 1992 in the evening, three men who were members of the Red Berets arrived in the village of Grabovac in a white mini-van. They arrested five non-Serb villagers and took them away and

<sup>1046</sup> C-1175, C-1194.

<sup>1047</sup> Exhumation Report, Eng 0207-2144-0207-2159.

<sup>1048</sup> C-1051, C-1162, C-1196.

<sup>1049</sup> Exhumation Report, Eng 0207-2144-0207-2159.

<sup>1050</sup> C-020, C-1050.

<sup>1051</sup> Exhumation Report, Eng 0207-2144-0207-2159.

<sup>1052</sup> C-025.

killed them.<sup>1053</sup> Their bodies were buried in the Tikveš park. The bodies were exhumed from this site in 1994 and later identified.<sup>1054</sup>

### E. EASTERN SLAVONIA

551. South of the city of Vukovar were several villages in the Vukovar municipality whose population was predominately Croatian. These included Bapska (total population: 1,624; Croats: 1,478); Ilok (6,775 and 4,248); Lovas (1,681 and 1,441); [otin (1,324 and 789), [arengrad (1,005 and 904) and Tovarnik (3,001 and 2,136).

552. In the period from July to October 1991, Serbian forces executed a systematic military operation in which they threatened, attacked, and then occupied every predominantly Croatian town or village in Vukovar, with the exception of Vukovar itself. In the last week of August, [otin was occupied. By the end of September, [arengrad, Tovarnik, Lovas, and Bapska had all been overrun. Ilok was occupied on 16 October. The villages were all located relatively close to each other in an arc running south and east from the city of Vukovar in a region that was overwhelmingly Croatian.

553. In every case, the JNA communicated threats to the townspeople, then followed with shelling, and then used armour and/or ground troops to occupy the villages. Occupation always meant the "evacuation" of any Croats who had remained, pillaging of their property, and finally destruction of Croatian homes, business, and churches. Any Croats who attempted to remain in their communities were subjected to constant harassment by the Serbs, and often became victims of violent assaults or murders.<sup>1055</sup>

554. These villages were, without exception, lightly defended, and posed no threat to the vastly superior JNA and Serb paramilitary forces. An examination of the chronology of events that occurred shows a clear pattern of Serb forces targeting one village, conquering it, and then moving on to the next town. The JNA and the paramilitaries clearly worked in coordination with each other on the Vukovar front. Moreover, JNA threats to village leaders often carried implications that if the villagers did not co-operate, the paramilitaries would be allowed to have a free hand in the villages, meaning rape,<sup>1056</sup> torture, and murder. Additionally, once the JNA completed shelling of the villages and moved in with armour, they then usually pulled out to some degree leaving the paramilitary "infantry" in place.

---

<sup>1053</sup> C-1168.

<sup>1054</sup> C-1154.

<sup>1055</sup> C-004, C-1142.

<sup>1056</sup> C-1126, C-1176, C-1109.

[otin

555. [otin, located Southeast of Vukovar on the Danube, was the first of the villages to come under attack on 28 August. On that day, a funeral was held for a young man who had been killed in fighting at Borovo Naselje two days earlier. The funeral procession was strafed by Yugoslav Air Force jets, and then later in the day, JNA units launched an attack on the town, forcing over 1,000 residents to flee for safety to the neighbouring town of Lovas. The town was completely occupied by Serbian forces on 5 September 1991.<sup>1057</sup>

## Tovarnik

556. The town of Tovarnik, Southeast of [otin, came under JNA attack on 12 September and by 21 September, it too had been occupied. Witnesses identify at least 43 civilians that were killed during the attack and in the following occupation by Serb forces. Many of the survivors fled for safety to Ilok, after being forced to sign over their properties to Serbian authorities. A number of people remained behind, however, but they too were forced out, and most of their homes were burned.<sup>1058</sup>

Lovas

557. Lovas, located a few kilometres north of Tovarnik, was the next village to be assaulted. It started on 28 September, when 11 JNA tanks were positioned on the edge of the city. This was followed on 3 October by the delivery of an oral ultimatum to the townspeople to turn over all of their weapons. The arms were then collected, but no one from the JNA ever came to get them. On 4 October, the villagers tried unsuccessfully to contact the JNA again. Without responding, the JNA began shelling the town the next day. Between 5 October and 7 October, when the shelling ceased, a number of buildings were destroyed, including the church. On 10 October, the tanks reportedly moved into the town along with "Chetnik" "ground troops". Witnesses will testify that the "Chetniks" came into the village and began terrorising the villagers, looting homes, beating people, and killing randomly. They also selected a number of towns people who were imprisoned at the town hall and the farm co-operative buildings, where they were held for over a week.<sup>1059</sup>

Bapska

558. Bapska, due east of Lovas, had been threatened on the same day the tanks arrived outside Lovas. On 28 September, the JNA issued a written ultimatum (signed by Major Slobodan Bajraktarovi}) to the people of Bapska to surrender. In the early morning hours of 4 October, Bapska was subjected to shelling by JNA artillery which fired over 250 mortar shells

<sup>1057</sup> C-1189, C-1085.

<sup>1058</sup> C-1204, C-1085, C-1069, C-1120, C-1126, C-1176, C-1189, C-1207, C-1117.

<sup>1059</sup> C-1106, C-1204, C-1085, C-1238, C-1069, C-1117, C-1126, C-1176, C-1189, C-1191.

into the small town. This was followed by the arrival of approximately fifteen JNA tanks with "Chetniks" riding on the outside of them. The tanks were said to have fired on and destroyed a number of house. At least four civilians were killed in the attack. Many residents were forcibly removed to Becejci prison camp, and their homes were then plundered by occupying forces and by Serbs from neighbouring villages. Subsequently, over 70 Croatian houses were either burned or destroyed with dynamite.<sup>1060</sup>

#### [arengard

559. On 4 October, town of [arengard, located between [otin and Ilok, was shelled. The shelling, which originated across the Danube in Vojvodina, caused severe damage to the town's buildings and resulted in at least one civilian death. Then, on 7 October, JNA armoured units entered the town centre and occupied the village. Most of the villagers fled to Ilok, but witnesses say that around twenty elderly Croats remained in the village.<sup>1061</sup>

#### Ilok

560. Most of the Croats from [otin, [arengard, Tovarnik, Lovas, and Bapska had fled to Ilok, causing the population of that town to swell from its normal population of around 6,000 to almost 15,000 people. On 2 October, the first ultimatum was issued to the people of Ilok to surrender any weapons they might have. This was followed on 3 October by the JNA blocking the bridge over the Danube, and disallowing anyone to enter or leave the town. Then, on 6 October the JNA cut off electricity to the town, which was by that time completely surrounded on all sides by Serb forces. On 10 October, officials from Ilok arranged a meeting with JNA General Aran|elovi} in [id in an attempt to negotiate. They were told by the general that if Ilok did not surrender immediately, the town would be razed to the ground. This caused the officials to return to Ilok and advise the residents of the ultimatum. The townspeople voted that it would be better to evacuate the city.

561. Another meeting occurred on 14 October between Ilok officials and the JNA with EC monitors present. At this meeting, it was agreed that the Croatian residents of the town would be evacuated to other parts of Croatia on 16 October. Beginning early that morning, the complete non-Serbian population of Ilok was forced to gather in the centre of town. A number of witnesses will testify that they left because of pressure and blackmail by the JNA, and they felt that their lives were in danger. Most were forced to sign statements saying that they were leaving voluntarily. The formation of the refugees took all day, and then the 15 kilometre long convoy moved out of the town across the bridge into Serbia. Refugees told of

---

<sup>1060</sup> C-1069, C-1117, C-1191.

<sup>1061</sup> C-1117, C-1069, C-1191.

abuse and maltreatment by the JNA and Serbian police units that “escorted” the group. Witnesses also say that some of the people in the convoy were singled out and taken to prison camps at Begejci and Sremska Mitrovica, but the majority were taken through Serbia and Bosnia to the Croatian border where they were released.

562. Soon after the forced evacuation, the homes and business of departed residents were systematically plundered by the occupying JNA and Serbian forces. At least six Croatian civilians who stayed in Ilok were killed in the first days of the Serbian occupation. The few Croats who had remained were subjected to regular harassment, and they were pressured to sign over their properties to the “Government of Serbian Slavonia, Baranja and Western Srem”. Serbs soon began arriving in the area and moved into the homes of Croats who had been expelled. Before the new residents arrived, these homes were often marked by signs which read, “This house confiscated by the police”.<sup>1062</sup>

563. With the fall of all of the surrounding villages, Vukovar was left as the only community in the Vukovar municipality not under Serbian occupation.

#### **F. DUBROVNIK REGION**

564. The city of Dubrovnik is located in the far south-eastern extremity of Croatia on the coast of the Adriatic Sea. The Dubrovnik municipality, as it existed in 1991, consisted of a narrow strip of land ranging from 500 meters to 15 kilometres in width and approximately 200 kilometres in length. The municipality was bordered by the Republic of BiH to the north and east and by the Republic of Montenegro to the south-east.

565. According to the 1991 census, the population of the Dubrovnik municipality was 71,419 of which 82.4% was Croat, 6.7% was Serb, 4% Muslims, 9% was Montenegrin, 1.7% was Yugoslav and 4.3% was “other” or undeclared.

566. Prior to 1991, there had never been any problems between the Serbs and the Croat majority in Dubrovnik. The Serb minority even enjoyed a privileged situation, historically being over-represented in the police, the DB, customs and judiciary system.<sup>1063</sup>

567. Dubrovnik and its surroundings had no military barracks or military significance for the JNA.<sup>1064</sup> Dubrovnik itself had been demilitarised in 1971, with the only remaining JNA facilities located on the Prevlaka peninsula, at the entrance to Kotor Bay.<sup>1065</sup> Therefore, both

<sup>1062</sup> C-1238, C-1204, C-1085, C-1069, C-1117, C-1189.

<sup>1063</sup> C-1173, C-1209.

<sup>1064</sup> C-1173. Witness C-1210 will also point out that the JNA used Plo-e, a much larger harbour than the one in Dubrovnik, as its naval base and military stronghold in Croatia. The JNA had a large contingent of 1000 infantry soldiers and 200 officers prior to the war. The Navy also had ten gunboats stationed there.

<sup>1065</sup> C-1173.

justifications used by the JNA to attack other towns in Croatia (that the Serb community was threatened by local Croats or JNA barracks were under threat) did not exist in the case of Dubrovnik.<sup>1066</sup>

568. In the summer of 1991, advocates of a "Greater Serbia" started to openly push the idea of the so-called Dubrovnik Republic. The Dubrovnik Republic was to be constituted of the area around Dubrovnik,<sup>1067</sup> that would have been detached from Croatia to be annexed to Montenegro, while remaining loyal to Yugoslavia. The relationship between the Dubrovnik Republic and Serbia was described by his proponents as being similar to that existing between Monaco and France.<sup>1068</sup>

569. The Bosnian Serb leadership was also eyeing some of the Dubrovnik municipality territory when tensions were building up in September 1991. Bo`idar Vu-urevi`<sup>1069</sup> spoke openly of Bosnian Serb pretensions to reach the coastal region south of Dubrovnik (Cliffs of Konavle) by taking that territory away from the Croats and make it part of a Greater Serbia.<sup>1070</sup>

570. The Serbian and Montenegrin state-run media outlets used propaganda to convince the population of the imminence of the threat of war posed by the Croats in Dubrovnik. A Montenegrin leader<sup>1071</sup> made several statements in September 1991 such as: "if Croats want a war they will get it" and "it's time for us to deal with the Croats once and for all".<sup>1072</sup> Before and during the war, there were constant reports spreading exaggerated and false messages of ethnically based attacks by Croats against Serb people in order to create an atmosphere of fear and hatred among Serbs living in Croatia.<sup>1073</sup> Everything was couched in terms of liberating the Dubrovnik Republic from Croatian occupation.<sup>1074</sup> The media and JNA officers also

<sup>1066</sup> C-1236. Also, C-1122 will testify that the Crisis Committee of Dubrovnik had strictly forbidden any military activity in the Old Town, mindful not to provoke the Serb forces to attack this UNESCO-protected site.

<sup>1067</sup> Effectively all of Croatia up to the Neretva River.

<sup>1068</sup> C-1180, C-043, B-1229.

<sup>1069</sup> Witnesses B-1233, B-1732 and C-1180 will testify that Bo`idar Vu-urevi` was the SDS Mayor of Trebinje and an important actor in the planning and execution of the attacks on the Dubrovnik region.

<sup>1070</sup> C-1180. Witness C-036 will confirm this Bosnian Serb leadership objective.

<sup>1071</sup> Witness B-1229.

<sup>1072</sup> C-043.

<sup>1073</sup> Upon taking his duties as Mayor of Dubrovnik, witness C-1180 discovered that there were several thousand unlicensed buildings in Dubrovnik municipality. Under the communist government, building permits had not been obtained by occupants, and as a result, many of them were sub-standard in construction. The buildings were dangerous for their occupants and to neighbouring buildings. In fact, after inspection, it was found that some were in such bad shape that they would have to be demolished. When this was done, television cameras filmed it and footage was shown on Serbian and Montenegrin television with commentary to the effect that the "Usta{a authorities" were destroying Serb homes. The truth was that the percentage of Serb-owned buildings destroyed was very small when compared to the number of Croat-owned buildings that were taken down.

<sup>1074</sup> B-1229.



argued that the Albanians from Kosovo were supposedly preparing to invade from the south-east and to move up the coast, linking up with the Croats against the Serbs.<sup>1075</sup>

571. In August-September 1991, a large number of Serb soldiers and weapons congregated in Trebinje,<sup>1076</sup> Ivanica and at the Montenegro border in anticipation for an attack on the Dubrovnik region.<sup>1077</sup> These Serb forces comprised of mostly TO units from Montenegro were mixed with JNA units that also included Serbian special forces<sup>1078</sup> and paramilitary units,<sup>1079</sup> all under the overall command of the JNA.<sup>1080</sup>

572. On 1 October 1991, the JNA land, sea and air forces joined their efforts to launch a full-scale attack on the entire Dubrovnik region. They set up a naval blockade offshore from Dubrovnik, which was a prelude to land invasion of Primorje and Konavle.<sup>1081</sup> They attacked Mount Sr| and the TV tower with military jets,<sup>1082</sup> after having taken control of the ^ilipi airport.<sup>1083</sup> The water and electricity supplies in Dubrovnik were also cut off.<sup>1084</sup>

573. The first village to be destroyed in the JNA's Dubrovnik campaign was not in Croatia, but in Herzegovina. The Muslim village of Ravno was first shelled from the neighbouring Serb village of Veli-ani and was later totally destroyed when JNA forces, under the command of Radovan Radovi}, moved in and occupied it.<sup>1085</sup>

574. Montenegrin TO units under JNA command positioned in Grab (Herzegovina) entered Croatia to attack Dubravka. Upon entering the village, Serb soldiers started firing their weapons even though no Croatian troops were around nor even any civilians.<sup>1086</sup> Shortly after their arrival, soldiers started breaking into houses and looting property. Some of the members of the Montenegrin TO units protested but the JNA officers did nothing to stop it. On the contrary, JNA officers encouraged the looting by silencing the complainants and participating

<sup>1075</sup> C-043. Witness C-1054 will also explain that Albanian Red Cross workers were abducted near Dubrovnik by a JNA officer and sent to Kosovo for detention, under the suspicion that they were reinforcements for the Croatian Army position.

<sup>1076</sup> Witness C-1054 will testify that the Serbs stationed in Trebinje boasted that they were going to destroy Dubrovnik.

<sup>1077</sup> C-1054, C-1182, C-1066.

<sup>1078</sup> C-1066.

<sup>1079</sup> C-1182.

<sup>1080</sup> C-043.

<sup>1081</sup> C-1180.

<sup>1082</sup> Witness C-1054 will testify that the military jets were MIG 21 aircraft with a Yugoslav flag painted on them.

<sup>1083</sup> C-1139.

<sup>1084</sup> Witness C-1100 will testify that the interruption of the water supplies by Serb forces made it very difficult for fire-fighters to extinguish the fires caused by incendiary shells that later hit houses, cars, boats, warehouses and hotels. The Dubrovnik fire department thus resorted to pump water from a source in Lapad. Witness C-1139 will testify that people remained without water and electricity for about three months.

<sup>1085</sup> B-1233.

in the looting and mass destruction themselves.<sup>1087</sup> All of the buildings were destroyed. JNA and TO troops even used anti-tank weapons to fire into the houses and mortars at close range to destroy the buildings.

575. From Dubravka, the JNA and TO troops advanced to Donja Ljuta, Popovi}i, Mihani}i, Drvenik, then crossed back into Herzegovina in Glavsko and Velji Do before coming back to Croatia by going to ^ilipi, Zvekovica, and Plat. What was done in Dubravka was repeated subsequently in all those villages. Soldiers involved in these acts made no attempt to hide what they were doing and almost every building in every occupied village was affected. There was not a single incident of a soldier being disciplined or arrested for looting or for destroying property. The clear message from the command down was that this was permissible activity.

576. Serb forces used trucks and buses belonging to or taken over by the JNA forces<sup>1088</sup> to bring back to Montenegro the produce of the systematic plunder of Croat villages and civilian buildings. Thefts initially started with small items, but soon men started looting larger items such as televisions and appliances. They would transport these items either on military trucks or in private vehicles that they had stolen. They also stole any vehicles that had been left by the Croats. Soldiers were driving these around in the villages where TO units under JNA command were deployed. Later, upon return to Montenegro, the parking lot at the Podgorica military barracks was filled with vehicles stolen from Croatia. Most of them had Dubrovnik license plates still on them.<sup>1089</sup>

577. On the day of this full-scale JNA attack, an extraordinary session of the Montenegrin government was held. It was attended by a number of high-ranking JNA officers, including representatives from KOS. Momir Bulatovi} and Milo \ukanovi} falsely accused Croatia of having attacked Montenegro with 30,000 "Usta{a" troops and said that the territory (at least to the Neretva river) and Dubrovnik itself needed to be "liberated".<sup>1090</sup>

578. Over the course of October 1991, the JNA gained control over the entire surroundings of Dubrovnik. Non-Serb women, children and elderly fleeing the conflict took refuge in

---

<sup>1086</sup> Witness C-1070 will testify that when Croat villagers dared to remain in their villages, they were mistreated by Serb forces. See also witness C-1100 and witness C-1116 on the fate of those who remained in the villages occupied by Serb forces.

<sup>1087</sup> C-043, C-1070.

<sup>1088</sup> C-1112, C-043, C-1070.

<sup>1089</sup> C-043.

<sup>1090</sup> B-1229.

Dubrovnik old town hotels,<sup>1091</sup> thinking the old town would never be attacked because of its protected status.<sup>1092</sup>

579. On 18 October 1991, during an international conference in The Hague on the Carrington Peace Plan, Momir Bulatovi} accepted the plan that was seen by many as the last chance to stop the war. By doing so, Bulatovi} had deviated, for a rare occasion, away from the Accused's policy. The Accused, along with other radical Serbian politicians, had decided to reject it. At the Conference, Bulatovi} was threatened by the Accused and the following day was summoned to a meeting with the SFRY Presidency. He was pressured to reverse his position and reject the Carrington Plan, which Bulatovi} ultimately did with a letter to Lord Carrington. He was afraid he would otherwise be removed from power, arrested or killed should he refuse to follow the Accused's position.<sup>1093</sup>

580. On 29 October 1991, the JNA reached @arkovica, a promontory 320 metres high, from which they had an unobstructed view of Dubrovnik, particularly the old town.<sup>1094</sup> From that point on, the city was entirely surrounded on land and by naval vessels at sea.<sup>1095</sup> Croats captured during Serb forces' attacks in the Dubrovnik area were systematically sent to Morinje,<sup>1096</sup> Bile}a<sup>1097</sup> and Kumbor.<sup>1098</sup> Many witnesses will describe the detention facilities' brutal living conditions, characterised by inhumane treatment, overcrowding, starvation, forced labour, inadequate medical care, and constant physical and psychological assault (including mock executions, torture, beatings and sexual assault). Some detainees had to sign statements admitting their "guilt" during interrogation usually supervised by JNA officers.<sup>1099</sup> None ever had their detention reviewed by a judge or an authorised officer.<sup>1100</sup> The Croats

---

<sup>1091</sup> C-1054, C-1139, C-1122.

<sup>1092</sup> C-1236, C-1122, C-1173.

<sup>1093</sup> B-1229.

<sup>1094</sup> C-1209.

<sup>1095</sup> C-1209. Witness C-1139 will testify that the siege of Dubrovnik began on 24 October 1991.

<sup>1096</sup> Witnesses C-1182, C-1221, C-1064, C-1066, C-1070, C-1088, C-1131, C-1159 and C-1116 will testify about their arrest by JNA and/or paramilitary forces and describe their detention in the Morinje military warehouse (Montenegro). Witness C-1135 will present reports about the conditions of the detained Croats in Morinje camp, ENG 0303-9428-0303-9436, BCS 0203-4382-0203-4390; and a map indicating the camp's location, BCS 0203-4391-0203-4391.

<sup>1097</sup> Witnesses C-1133, C-1159, C-1172, C-1210, C-1066, C-1100, C-1111 and C-1116 will testify about their arrest by JNA and/or paramilitary forces and describe their detention in the Bile}a military barracks in BiH.

Witness C-1135 will present reports about conditions of the detained Croats in the Bile}a camp, Eng 0303-9428-0303-9436, BCS 0203-4382-0203-4390; and a map indicating the camp's location, BCS 0203-4391-0203-4391.

<sup>1098</sup> Witnesses C-1197, C-1225 will testify about their arrest by JNA and/or paramilitary forces and describe their detention in the Kumbor military barracks (Montenegro).

<sup>1099</sup> In December 1991, witness C-1116 was forced to sign a 50-page indictment that a JNA officer had prepared in Bile}a camp. He was not allowed to read it but a prison guard told the witness of the details. The indictment was pure fabrication. From the day he was arrested, he was told he would be tried for war crimes. Also, witness C-1221 will testify that he was accused of shooting down the helicopter of commander \urovi} and required to sign papers after the interrogations without them being read back to him.

<sup>1100</sup> C-1116.

captured by Serb forces were detained for various periods, ranging from two and half months to nine months. Large groups of detained persons from Bile}a, Kumbor and Morinje were released on 12 December 1991,<sup>1101</sup> 23 March 1992<sup>1102</sup> and 12 July 1992,<sup>1103</sup> in Croat-controlled areas (usually Split or Cavtat).

581. Between 8 and 13 November, the JNA launched a sustained shelling campaign on the Dubrovnik old town,<sup>1104</sup> at times using missiles and causing considerable damage to civilian buildings and cultural monuments.<sup>1105</sup> Hotels full of displaced persons were indiscriminately targeted by hundreds of shells coming from JNA positions in @arkovica and Ivanica.<sup>1106</sup>

582. Following the intense November shelling, protests from various governments and the civil society abounded, asking the JNA, the Montenegrin and Serbian government to stop attacking the Dubrovnik region and its protected old town.<sup>1107</sup> Croatian and Serbian delegations continued to participate in negotiation sessions with international observers acting as mediators. During those sessions, many cease-fires were agreed upon. Almost as soon as an agreement would be reached though, the JNA would violate it.<sup>1108</sup>

583. Meanwhile, the propaganda in the Serbian-controlled media continued. For instance, on one occasion, whilst the JNA was sheltering the Monastery in the old town, a JNA spokesperson stated that they were not doing anything and that it was, in fact, the Croats that were shelling themselves.<sup>1109</sup>

584. On 28 November 1991, despite the constant international protest, Lieutenant Colonel General Pavle Strugar, the JNA officer in charge of the Dubrovnik combat operations was given a special promotion, for successful leadership and command qualities, exceptional behaviour and conduct in carrying out combat tasks of special importance for the defence of the country. He attained the rank of Colonel General.<sup>1110</sup>

585. In talks in Cavtat on 5 December 1991 between Croatian government representatives and the JNA, Miodrag Joki} <sup>1111</sup> agreed to a cease-fire in Dubrovnik as well as an easing of the

<sup>1101</sup> C-1088, C-1221 and C-1225 (although she says she was released on 15 December 1991).

<sup>1102</sup> C-1111, C-1210.

<sup>1103</sup> C-1054, C-1131, C-1159.

<sup>1104</sup> C-1209.

<sup>1105</sup> C-1090.

<sup>1106</sup> C-1090. See also C-1236.

<sup>1107</sup> C-1236.

<sup>1108</sup> C-1173. See also C-1180.

<sup>1109</sup> B-1474.

<sup>1110</sup> SFRY Presidency Decree, issued on 28 November 1991; BBC Press Report, 3 December 1991, Eng M000-0972-M000-0974.

<sup>1111</sup> Vice Admiral and Commander of the Ninth (Boka Kotorska) Military Naval Sector (the "Ninth VPS").

naval blockade of the city. He refused to sign an agreement, however, until he obtained the approval of the JNA Supreme Command in Belgrade.<sup>1112</sup>

586. Nevertheless, on 6 December 1991, the old town was targeted.<sup>1113</sup> The shelling of the old town started at 5:48 a.m., seemingly following a well-defined shooting pattern.<sup>1114</sup> Religious buildings, cultural monuments, buildings marked with ICRC flags and the major sections of the Dubrovnik old town generally were badly damaged by the intense JNA shelling.<sup>1115</sup> UNESCO protected buildings, some hotels with displaced persons, civilian structures in the old town were the focus of the JNA attacks.<sup>1116</sup> It constituted the fiercest shelling attack ever to fall on the Dubrovnik area.<sup>1117</sup> Up to 5 p.m.,<sup>1118</sup> the Institute for the Protection of Cultural Monuments in Dubrovnik estimated that around 1,000 shells hit the Old Town.<sup>1119</sup> There were many wounded and several civilian casualties.<sup>1120</sup>

587. That day, Frederico Mayor, Director General of the UNESCO, spoke with the Belgrade authorities and forcefully condemned the JNA heavy artillery attack on the old town. Belgrade assured him that the shelling would stop at 5p.m. The shelling indeed stopped at that time. Belgrade not only knew about the attacks, therefore, but also was in a position to order its cessation.<sup>1121</sup>

588. The evidence will show that, in periods of combat, Pavle Strugar<sup>1122</sup> would normally receive situation reports at a minimum of every six hours. Strugar, as commander, would have also been required to send reports up the chain of command to the JNA General Staff on at least a daily basis. Below Strugar, General Gruba-<sup>1123</sup> and Admiral Joki}, respectively, would have been apprised of the actions of their forces just as frequently.<sup>1124</sup>

589. Captain Vladimir Kova-evi},<sup>1125</sup> who was the officer who directly commanded the artillery attack on 6 December, acted within the instructions of the chain of command. Expert evidence and witness evidence will show that the Dubrovnik campaign was conducted with

---

<sup>1112</sup> C-1138.

<sup>1113</sup> C-1209.

<sup>1114</sup> B-1474. Witness C-1110 will testify that the shelling of the Old Town was "like rain falling".

<sup>1115</sup> C-1054.

<sup>1116</sup> C-1110, C-1100, C-1127.

<sup>1117</sup> C-1100, C-1105, C-1209.

<sup>1118</sup> C-1180.

<sup>1119</sup> C-1222.

<sup>1120</sup> C-1100, C-1180.

<sup>1121</sup> C-1180.

<sup>1122</sup> Commander of the Second Operational Group, which was formed by the JNA to conduct the military campaign against the Dubrovnik region of Croatia.

<sup>1123</sup> Commander of the Herzegovina Corps.

<sup>1124</sup> B-1233.

<sup>1125</sup> Captain First Class, he was named as the commander of the Third Battalion of the JNA Trebinje Brigade.

authorisation all the way up the chain of command. Had something occurred without approval, or counter to the orders of a superior, the officer (or soldier) involved would have been subject to immediate disciplinary action in the form of removal from his post and delivery for court-martial.<sup>1126</sup>

590. Therefore, the Prosecution submits that it is impossible that a massive shelling campaign such as the 6 December 1991 attack could start at 6 a.m. and last all day without everyone in the chain of command knowing about it and authorising it.<sup>1127</sup>

591. On 30 December 1991, by another decree of the SFRY "rump" Presidency General Colonel Pavle Strugar was appointed Commander of the (newly created) Fourth Military District with its HQ in Titograd/Podgorica, Montenegro.<sup>1128</sup>

592. On 23 May 1992, the siege of Dubrovnik was lifted and the JNA retreated from the area of Primorje, @upa Dubrova-ka and Brgat. However, the Konavle area remained occupied because of the strategic importance of Plat, where the water supply for Montenegro was located. On 20 November 1992, following negotiations, the JNA finally withdrew from Konavle.<sup>1129</sup>

593. An analysis conducted by the Institute for the Protection of Cultural Monuments, in conjunction with UNESCO, found that of the 824 buildings in the Old Town, 563 (or 68.33%) had been hit by projectiles in 1991 and 1992. Direct hits damaged 438 roofs and 262 were damaged by fragments of projectiles. Records show 314 direct hits on building facades and on the paving of streets and squares. Nine buildings were completely destroyed by fire.<sup>1130</sup>

594. In 1993, the Institute for the Rehabilitation of Dubrovnik, in conjunction with UNESCO, undertook a study to determine the costs of reconstructing and repairing the buildings in the old town which were destroyed or damaged as a result of JNA shelling in 1991 and 1992. The total cost for restoring public and private buildings, religious buildings, streets, squares, fountains, ramparts, gates, and bridges was estimated at \$US 9,657,578. By the end of 1999, over \$US 7,000,000 had been spent on restoration, a project which is expected to continue until 2003.<sup>1131</sup>

---

<sup>1126</sup> B-1233.

<sup>1127</sup> C-1173, C-1209, B-1233.

<sup>1128</sup> By decree of the SFRY Presidency on 30 December 1991, Eng R017-1852-R017-1852, BCS R018-3582-R018-3582.

<sup>1129</sup> C-1122.

<sup>1130</sup> Witnesses C-1110, B-1474 and C-1222 will present evidence supporting this claim and will introduce exhibits detailing the destruction of the Old Town.

<sup>1131</sup> C-1227.

595. When the Dubrovnik attacks occurred, Montenegro and Serbia were in firm control of the Accused. As set out above, the Accused controlled the JNA and the Montenegrin forces under JNA command, Momir Bulatovi}, Milan \ukanovi} and Branko Kosti}.<sup>1132</sup> Once the Accused made the decision that Dubrovnik was to be incorporated into Serbian territory, it was simply up to Bulatovi} and \ukanovi} and the generals to make it happen.<sup>1133</sup> Indeed, Bulatovi} was directly involved in the ordering and planning of the attacks on Dubrovnik.<sup>1134</sup> High-ranking military staff and Montenegrin politicians, including Bulatovi}, visited the Dubrovnik front during the fighting to encourage the soldiers.

---

<sup>1132</sup> Witness B-1229 will testify that “nothing happened anywhere in Serbia or Montenegro without Milo{evi}'s approval”. Bulatovi} and \ukanovi} constantly consulted with him and any matter of any importance was cleared with him before a decision was taken. Bulatovi} once told B-1229 that he talked to the Accused by telephone almost every day to find out what to do, especially when an important decision had to be made.

<sup>1133</sup> B - 1229.

<sup>1134</sup> B - 1229.

## SECTION IV. CRIMES COMMITTED IN BOSNIA

### Methodology of Proof

596. The Bosnia Indictment charges the Accused with crimes committed in over 45 municipalities in BiH. Recognising the difficulty in adducing evidence regarding every specific criminal event alleged in every municipality the subject of the Indictment, the Prosecution will present the evidence regarding those events in the following manner. Out of the original 47 municipalities identified in the Indictment, the Prosecution has selected 14 municipalities in which it will adduce comprehensive evidence of the criminal events in the municipality and the Accused's participation in those events. These municipalities are: 1) Bijeljina, 2) Bratunac, 3) Zvornik, 4) Dobojo, 5) Bosanska Krupa, 6) Nevesinje, 7) Brčko, 8) Višegrad, 9) Sanski Most, 10) Sarajevo<sup>1135</sup>, 11) Srebrenica, 12) Bosanski Šamac, 13) Foča and 14) Prijedor. What occurred in the last eight municipalities is or has been the subject of other trials before the Tribunal. Wherever appropriate the Prosecution will submit applications pursuant to Rule 94(B) requesting that this Chamber take judicial notice of facts previously adjudicated in other trials. Where such relief is not proper the Prosecution will submit applications pursuant to 92bis(D) for admission of the complete trial testimony or any other methods of proving facts as permitted under the Rules. With respect to the remaining municipalities the Prosecution will not adduce evidence regarding the events that occurred in 9 municipalities. As for the rest the Prosecution will introduce limited evidence in relation to the demographic impact of the Accused's crimes, criminal events of particular notoriety, and a representative sample of the significant connections between crimes in BiH, the Accused and his co-perpetrators.

### G. EASTERN BOSNIA AND HERZEGOVINA

#### 10. Bijeljina

597. In 1991 the population in Bijeljina was 59% Serb and 31% Muslim, the remainder Croats and others. By 1997 Serbs accounted for more than 90% of the total population. Bijeljina was a key to the Bosnian Serb leadership's strategic goal of establishing a corridor between Serbia and the Krajina.<sup>1136</sup>

598. The take-over of Bijeljina was one of the first conflicts of the war. On 31 March 1992 Bijeljina was attacked and taken over by soldiers ultimately under the command of @eljko

<sup>1135</sup> This is a reference to the whole of the area of Sarajevo which was subjected to the blockade and sniping and shelling campaign referred to in paragraphs 43 to 45 of the Bosnia Indictment, which incorporates all or part of the municipalities of Sarajevo Centar, Sarajevo Stari Grad, and Novo Sarajevo.

<sup>1136</sup> Decision on Strategic Goals by Krajišnik, 12/05/92, 0050-8418-0050-8418 (BCS) 0190-2431-0190-2431(ENG).



Ra`natovi} (aka "Arkan").<sup>1137</sup> In the course of the attack at least 48 non-Serb men, women and children were killed.<sup>1138</sup> The attack was organised by members of the SDS and armaments were provided to the paramilitary groups by the JNA.<sup>1139</sup> The SDS invited Arkan to Bijeljina.<sup>1140</sup> The Bijeljina SJB, under the guidance of the local SDS Crisis Staff, reported that Arkan's group, along with members of the Bijeljina TO, had taken control of Bijeljina.<sup>1141</sup> General Jankovi} engaged in discussions with the party leaders from 2 April 1992 and stated in his daily report on 4 April 1992 that "the town is controlled by the SDS and Arkan's men".<sup>1142</sup> On 3 April 1992 the President of the Municipal Board of Bijeljina requested the Main Board of the SDS and the organs of the Serbian Assembly to ensure that the JNA refrained from the conflict with the Serbs.<sup>1143</sup> Notably, on the day that the local SDS forwarded this request to the SDS leaders, a daily report to the General Staff of the JNA recorded that the "paramilitary units were increasing their activities" in Bijeljina.<sup>1144</sup>

599. Consistent with the 3 April 1992 request, the daily report of 2 April 1992 recorded that "the MUP organs" had refused "to accept mixed patrols with JNA".<sup>1145</sup> On 4 April 1992 Biljana Plav{i} came to Bijeljina and congratulated Arkan.<sup>1146</sup> In the company of General Pra{-evi} and General Jankovi}, she and Arkan discussed the take over.<sup>1147</sup> General Jankovi} informed Plav{i} that "many, many more Muslims" were killed in the conflict than Serbs.<sup>1148</sup>

600. Following the take-over many Muslim men were arrested, interrogated, beaten or tortured at the police station.<sup>1149</sup> Movement restrictions were imposed, and prominent Muslims were dismissed from their jobs.<sup>1150</sup> Muslims were subjected to forced labour, and Muslim homes were invaded and looted and occupants killed.<sup>1151</sup> Karad`i} received a report

<sup>1137</sup> Daily Operations Report of 17<sup>th</sup> Corps, 04/04/92, 0018-3969-0018-3970 (BCS), 0096-1185-0096-1187 (ENG); Letter from Adnan re: involvement of MUP in establishment of law and order in Bijeljina, 29/07/92, 0084-5101-0084-5106 (BCS), 0090-0120-0090-0124 (ENG) (hereinafter "Adnan letter").

<sup>1138</sup> B-1483; B-1003

<sup>1139</sup> Video compilation of interviews and broadcasts regarding Arkan, 01/08/94, 0190-4387-0190-4408 (BCS), 0190-4817-0190-4839 (ENG)

<sup>1140</sup> Ibid.

<sup>1141</sup> MUP report on Bijeljina situation, 09/04/92, 0074-9558-0074-9563 (BCS), L000-3856-L000-3858 (ENG); B-1483, B-1493; Adnan Letter.

<sup>1142</sup> Video regarding attack on Bijeljina V000-1462, 05/04/92; Daily Operations Report of 17<sup>th</sup> Corps, 04/04/92, 0018-3969-0018-3970 (BCS); 0096-1185-0096-1187 (ENG)

<sup>1143</sup> Letter re: Decisions of Crisis Staff of SAO Semberija and Majejica, 08/04/92, SA02-2698-SA02-2698(BCS), 0304-6742-0304-6742 (ENG)

<sup>1144</sup> Combat report re: rumours of dead Muslims in Bijeljina, 03/04/92, 0190-9993-0190-9996 (BCS) 0018-4070-0018-4074 (ENG)

<sup>1145</sup> Military report notes fierce fighting in Bijeljina, 02/04/92, SA03-4210-SA03-4214 (BCS)

<sup>1146</sup> B-1488

<sup>1147</sup> Newspaper article, 10/04/92; 0208-3273A-0208-3273(BCS), 0304-1695-0304-1699(ENG)

<sup>1148</sup> B-1488

<sup>1149</sup> Adnan Letter

<sup>1150</sup> B-1483; B-1491

<sup>1151</sup> B-1491; B-1483; Adnan letter.

from the Bijeljina CSB describing the steps taken to control the situation in Bijeljina.<sup>1152</sup> In accordance with a decision of the RS Presidency and a specific direction from Mandi}, numerous detention facilities were set up.<sup>1153</sup> One of the major camps in Bijeljina was Batkovi} camp which was under the control of the VRS. Detainees in these facilities were subject to continued maltreatment including beatings, torture and forced labour. Many were killed.<sup>1154</sup>

601. Arkan installed the SDS provisional government in Bijeljina and following his departure the SDS authority maintained control of the security forces.<sup>1155</sup> The local SDS authority reported to the Presidency of the Serbian Republic, Army Main Staff and the Ministry of Defence in respect of the situation in the municipality.<sup>1156</sup> Whilst the municipality was under SDS control, all five mosques in Bijeljina were destroyed and city streets were renamed.<sup>1157</sup>

### 11. Bosanski [amac

602. The municipality of Bosanski [amac, lying along the Sava River which divides BiH and Croatia, falls within the "Posavina Corridor". This municipality was of strategic importance for the plans of Serbs outside Serbia to connect with the Serbian motherland. In 1991 the census recorded the ethnic makeup of the municipality as 44.7% Croat, 41.5% Serb, 6.8% Muslim and 7% others<sup>1158</sup>, the Muslims living mainly in the town of Bosanski [amac and representing a majority there. Following the outcome of the 1990 elections Blagoje Simi}, President of the SDS in Bosanski [amac, was Vice President.<sup>1159</sup> In late 1991, the SDS Bosanski [amac joined the Serb Autonomous Region (SAO) for Northern Bosnia, and on 4<sup>th</sup> November 1991 Blagoje Simi} was elected Vice President of the Assembly of that SAO.<sup>1160</sup> In December 1991 members of the SDS created a Serbian municipality called the "Srpska Op{tina [amac".<sup>1161</sup>

<sup>1152</sup> Adnan letter.

<sup>1153</sup> Letter from M. Mandi} to form penitentiaries, 01/05/92, 0109-2703-0109-2706 (BCS), **Schedule C of the Indictment**

<sup>1154</sup> B-1103; B-1484

<sup>1155</sup> Bijeljina Municipal Assembly Presidency, 30/08/92., 0074-9583-0074-9586 (BCS), L000-4352-L000-4352(ENG); Letter from the Chairman of SDS Municipal Board Bijeljina to Kraji{nik, 22/11/92, 0084-5310-0084-5310 (BCS), 0090-1084-0090-1084(ENG)

<sup>1156</sup> Ibid.

<sup>1157</sup> B-1485; B-1486; B-1453.

<sup>1158</sup> 1991 Census, dated 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1159</sup> B-1636, Issue No. 7 of the Municipal Gazette 1990, Full edition, in particular items nos. 140, The results of the Elections, 147, The Appointment of the President of the Assembly and 148, the Appointment of the Vice President of the Assembly, 0045-6360- 0045-6513 (BCS) 0046-4655 (ENG/Sum).

<sup>1160</sup> Excerpts from Minutes of SAO for North Bosnia, 14/11/91, 0051-6372 (BCS) 0051-6352 (ENG).

<sup>1161</sup> This was formalised with the adoption of the Decision on Establishment of Serbian Municipality of Bosanski [amac, 29/02/92, 0045-6125 (BCS) 0052-6535 (ENG).

603. Militarily, Bosanski [amac fell within the area of responsibility of the JNA's 17<sup>th</sup> Tactical Group (TG), headquartered in Pelagi-evo, under the Command of Lt. Col. Stevan Nikoli}. The 17<sup>th</sup> TG was also responsible for Br-ko, Orasje, Grada-ac, Modri}a, and Gra-ani}a. In late 1991 the JNA established a unit called the Fourth Detachment, an alternative to the local Territorial Defence (TO) unit, and referred to it as the Serb TO. Other detachments were formed in the nearby Serb villages. The Fourth Detachment had approximately 500 members, who the JNA and Belgrade authorities supplied with arms and uniforms. Through this military unit the arming of the Serb population was effected.<sup>1162</sup> In January 1992, the JNA set up checkpoints on the access roads to Bosanski [amac town. JNA soldiers stationed in the nearby villages patrolled the area at night.<sup>1163</sup>

604. On or around 11 April 1992, special units from the DB in Serbia, requested by the SDS, were sent by the authorities in Belgrade in JNA helicopters to Batku}a. Prior to this a number of "volunteers" from Bosanski [amac had been sent for training in Erdut with those special forces.<sup>1164</sup>

605. Frenki Simatovi} ("Frenki") was in overall charge of the paramilitaries operating in Bosanski [amac.<sup>1165</sup> Some of the Special Forces operating in Bosanski [amac would introduce themselves as Arkan's soldiers.<sup>1166</sup>

606. On or about 13<sup>th</sup> April 1992, a meeting was convened by the SDS municipal leadership. Blagoje Simi} informed all attending that the Serbs had a plan to divide the municipality along ethnic lines, and, henceforth, the separate Serb municipality (Srpska Op{tina [amac) would begin to function. Blagoje Simi} suggested that the Croat and Muslim residents (approximately 12,000 people) should move to other areas where their ethnic groups had significant populations. The JNA officers expressed their agreement with the plan. The non-Serbs were given a week to comply with this "suggestion".<sup>1167</sup>

607. Since the non-Serbs did not comply with these demands, Blagoje Simi} called Lt. Col. Nikoli} on 17 April 1992 and advised him that the Crisis Staff had decided that it was time to conduct the take-over. The Serb police, the Special Forces of the DB and sections of the JNA attacked the town of Bosanski [amac and were busy securing and taking over the most

<sup>1162</sup> Interview with Simo Zari}, 01/04/98, ERN 0069-0574-0069-0617; Report on the Morale of the 2<sup>nd</sup> Posavina Infantry Brigade, 0074-9872 (BCS), 0301-3489 (ENG), Official note of an interview with Rajko Vujkovi}, 31/07/92 re: arming of Serbs in Odzak area. Y000-5773 (BCS).

<sup>1163</sup> B-1636 ; B-1244.

<sup>1164</sup> B-1244.

<sup>1165</sup> B-1244.

<sup>1166</sup> B-1244.

<sup>1167</sup> B-1244.

important facilities. Reports on 17 April from the 17<sup>th</sup> TG confirmed the take-over and requested the fly over of combat aircraft to “intimidate the enemy” in Bosanski [amac. <sup>1168</sup> Blagoje Simi} was appointed President of the Crisis Staff of the Serbian Municipality of [amac that same day.<sup>1169</sup> An order for all “members of Ustasha and Muslim formations” to surrender their weapons was issued,<sup>1170</sup> and all movement in or out of the town was prohibited.<sup>1171</sup>

608. The Serb authorities, Special Forces of the DB, Serbia, members of the Serb police and members of the JNA detained non-Serb males. Detainees were taken to the Police Station (SUP) and to the TO Building. Approximately 50-60 persons were detained in the first week after the take-over. Whilst in detention, the detainees were kept in inhumane conditions and subjected to torture, inhuman and cruel treatment by the police and members of the special forces of the DB in Serbia. Many of the men detained were wealthy businessmen and the paramilitaries tried to extort money from them.<sup>1172</sup>

609. Non-Serb males not detained in the initial week of the take-over had to report to the TO for forced labour, usually digging trenches and building bunkers on the combat lines separating Serb military forces from Croatian and Muslim units.<sup>1173</sup> Non-Serb women too were collected in trucks and taken to forced labour assignments. A curfew was imposed, three or more non-Serbs were forbidden from gathering in public places, and all political activity beyond that of the SDS was banned. Non-Serbs were required to wear white armbands to distinguish them from Serbs. Private homes and businesses of non-Serbs were systematically looted, and the telephone lines to non-Serb families were cut off.<sup>1174</sup>

610. Following the killing of Ante Bradi} “Dinkan” in detention by a member of the “Grey Wolves”, most of the prisoners detained in the TO building were transferred from Bosanski [amac to the JNA Barracks in Br-ko and again to the JNA Barracks in Bijeljina.<sup>1175</sup>

611. On 3 May 1992, at least six prisoners from Bosanski [amac were transferred from Bijeljina to a camp in Batajnica in Serbia. On 27 May some of the prisoners were transferred

<sup>1168</sup> Document to the 2<sup>nd</sup> Military District Command re the takeover of Bosanski Sama}, 17th Corps Headquarters, 17/04/92, 0051-6367 (BCS), 0051-6360 (ENG); JNA 17th Corps HQ Request to 2nd Military District for flyover of Bosanski [amac, 17/04/92, 0051-6366 (BCS), 0051-6361(ENG); Daily Operational Report 17th Corps Command, 18/04/92, 0018-3953 (BCS), 0051-6202 (ENG)

<sup>1169</sup> Order appointing Blagoje Simi} as President of the CS, 17/04/92, 0061-2210 (BCS), 0053-5831 (ENG)

<sup>1170</sup> Order of the Municipal Assembly to all “Ustasha and Muslim formations” to turn in their weapons, 17/04/92, 0045-6270 (BCS), 0052-6532(ENG)

<sup>1171</sup> Order prohibiting anyone from leaving the town of [amac, 17/04/92, 0061-0327 (BCS), 0061-5786 (ENG)

<sup>1172</sup> B0-0636, B-1637.

<sup>1173</sup> B-1640.

<sup>1174</sup> B-1639, B-1641.

<sup>1175</sup> B-1637, B-1636.

to the Sremska Mitrovica prison in Serbia, where they were held until they were exchanged later in the year.<sup>1176</sup> The other prisoners were returned to Bosanski [amac from Bijeljina.

612. Throughout the municipality of Bosanski [amac the mass detention of non-Serbs, including at least one Catholic priest, Father Jozo Pu{kari}, continued.<sup>1177</sup> Detainees were held at the SUP, the TO, the primary and secondary school gymnasiums and in various buildings in Crkvina.<sup>1178</sup>

613. On the night of 7 May 1992 there were approximately 52 men held in custody in the Agricultural Co-operative Building in Crkvina. Late in the evening members of the Special Forces of the DB in Serbia arrived at the warehouse and murdered at least 16 of the detainees. The surviving detainees had to help load the bodies onto a truck and clean up the blood and body parts in the warehouse.<sup>1179</sup>

614. On or around 9 May 1992 a meeting took place in Serbia at the Federal Secretariat for National Defence (SSNO) with General Gligonovi}, General Aleksandar Vasiljevi} and Colonel Jugoslav Maksimovi} who were advised of the massacre which had taken place in Crkvina.<sup>1180</sup>

615. On or around 21 May 1992, a delegation from Bosanski [amac Crisis Staff travelled to Belgrade to discuss the appointment of Dragan Djor|evi} (aka Crni), the head of special units of DB, Serbia as head of the 2<sup>nd</sup> Posavina Brigade. The meeting was held at the RViPVO HQ in Zemun. Also present was Frenki Simatovic and during the meeting a phone call was made to General Mladi}.<sup>1181</sup>

616. On 15 May 1992 the Crisis Staff, in the name of Blagoje Simi}, issued an order that "All people of Croatian nationality on the territory of the Serbian Municipality of Bosanski [amac shall be isolated and taken to vital facilities in the town and villages".<sup>1182</sup> Croat women from Bosanski [amac and the environs were taken and detained in buildings in Crkvina. The Croat village of Zasavica, which is bordered on three sides by water, was transformed into a village camp where the majority of Croat women, children and elderly

<sup>1176</sup> B-1636, Video Footage from Novi Sad TV of Prisoners, V000-0259, 0069-3536 0069-3537 (BCS); 0069-3538 0069-3538 (ENG).

<sup>1177</sup> B-1638.

<sup>1178</sup> B-1637, B-1638.

<sup>1179</sup> B-1069, B-1643

<sup>1180</sup> Todorovi}, Simo Zari} Interview, 01/04/98, 0069-0574-0069-0617 (BCS)

<sup>1181</sup> Todorovi}, Simo Zari} Interview, 01/04/98, ERN: 0069-0574-0069-0617 (BCS)

<sup>1182</sup> Crisis Staff Document, 15/05/92, 0061-1202 (BCS), 0061-5788 (ENG)

civilians, were taken and detained. Several of those detained in Zaslavica were required to perform forced labour assignments.<sup>1183</sup>

617. Croat men were detained and taken to the Secondary School in Bosanski [amac. Up to 400 Croat men were detained in the Gymnasium of the Secondary School from May to September 1992. The men were kept in inhumane conditions, subjected to torture, inhumane and cruel treatment including sexual abuse. They were taken out on forced labour assignments, and finally expelled from the municipality through so-called "exchanges". Muslim men were detained in the gymnasium of the primary school. They too were subjected to a regime of physical, sexual and psychological abuse.<sup>1184</sup>

618. On 21 May 1992 the Serbian Municipality of Bosanski [amac joined with the SAO Semberija and Majeveica and appointed Blagoje Simi} as its representative. On 24<sup>th</sup> May Blagoje Simi} wrote to MUP Serbia requesting that "conscripts" who had fled to Serbia be returned by force. On 21 July the Municipal Crisis Staff was renamed the War Presidency, with Blagoje Simi} as its president.

619. Torture, sexual abuse and further killings of detainees by the Special Forces of the DB, Serbia and Serb police continued to occur throughout this period.<sup>1185</sup> The Special Forces of the DB, Serbia briefly left Bosanski [amac in early autumn 1992 and returned in October 1992, on the request of the Crisis Staff and the orders of General Baji} and Colonel Jeremi} of the RViPVO and the MUP of Serbia. Dragan Djor|evi} (Crni) was appointed commander of an assault battalion on orders of General Novica Simi} of the VRS East Bosnia Corps.<sup>1186</sup>

620. On 2 October 1992 the town was formally renamed " [amac".<sup>1187</sup> In November 1992 those prisoners not released through "exchanges" were transferred to Batkovi} and other detention or forced labour camps in Serb controlled parts of BiH. Several of the prisoners were put on trial in Bijeljina Military Court and others languished in these camps for more than two years.<sup>1188</sup>

621. In November 1992 a meeting was held in Bijeljina with Dragan Djordevi}, General Baji}, Colonel Jeremi} and General Novica Simi}. Colonel Jeremi} instructed the VRS

---

<sup>1183</sup> B-1639, B0642

<sup>1184</sup> B-0637, B-1642, B-1643

<sup>1185</sup> B-1642, B-1643, B-1640, *Prosecutor v Todorovi}*, IT-95-9/1, Sentencing Judgement 31 July 2001.

<sup>1186</sup> *Todorovi}*, Banja Luka Court documents, Statement of Major Mile Beronja 0057-2321-0057-2325(BCS) 0068-4088-0068-4091 (ENG)

<sup>1187</sup> Crisis Staff Document, 02/10/92, 0061-0337 (BCS), 0061-5772 (ENG).

<sup>1188</sup> B-1640

commander that they had to keep the "volunteers" "until after the liberation of Orašje".<sup>1189</sup> On 1 December the Command of the Posavina Infantry Brigade issued a report documenting "the looting of private and socially-owned property, which was systematically transferred to Serbia" and the special links between the SJBs in Bosanski [amac (Bosnia), Ilko (Croatia) and Belgrade (Serbia).<sup>1190</sup>

## 12. Bratunac

622. Bratunac is located in eastern Bosnia on the border with Serbia. The 1991 census shows that the population in Bratunac in 1991 was 64% Muslim and 34% Serbs.<sup>1191</sup> The JNA armed and trained the local Serbs and in late 1991 installed artillery on hills overlooking the town of Bratunac.<sup>1192</sup>

623. In early 1992 the SDS formed a Crisis Staff, which Karadžić confirmed later.<sup>1193</sup> By 12 April the Crisis Staff proclaimed a state of emergency and established itself as the ultimate power in the municipality.<sup>1194</sup> Miroslav Deronjić was head of the Crisis Staff and commander of the TO.<sup>1195</sup> In early April 1992 the SDS and the SDA discussed separating the police force.<sup>1196</sup> Deronjić insisted on a separate Serbian police force, which was established on 10 April 1992.<sup>1197</sup> Deronjić said that he was under the direct control of Karadžić, who was pressuring him to get the division of the police underway.<sup>1198</sup>

624. On 12 April 1992 the Crisis Staff ordered that the TO and the police were in charge of defence in the municipality. It also stated that the MUP and the local SJB would handle all matters of state and public security and that the Crisis Staff would take all decisions relating to use of the TO.<sup>1199</sup> At the beginning of April 1992 JNA soldiers from Novi Sad were located around the Bratunac municipality building.<sup>1200</sup> On or around 16 April 1992 Novi Sad Corps moved into Bratunac. They were followed by several paramilitary groups, part of the

<sup>1189</sup> Document from Banja Luka court, Interview of Novica Simić, 14/12/92, 0057-2326-0057-2329 (BCS), 0067-8208-0067-8211 (ENG); Todorović; Simo Zarić Interview, 01/05/98, 0069-0574-0069-0617 (BCS)

<sup>1190</sup> Report on the Morale of the 2<sup>nd</sup> Posavina Infantry Brigade, 0074-9872-0074-9881(BCS), 0301-3489-0301-3498 (ENG).

<sup>1191</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1192</sup> B-1498; B-1494; Further artillery installed in beginning of April 1992, B-1702.

<sup>1193</sup> Confirmation of Karadžić, 17/06/92, 0090-3133-0090-3134 (BCS), 0302-1053-0302-1053 (ENG)

<sup>1194</sup> Crisis staff decision regarding state of emergency/ threat of war, 01/01/92, 0083-5805-0083-5805 (BCS), L003-1858-L003-1859 (ENG).

<sup>1195</sup> Witness testimony of Miroslav Deronjić, 30/05/94, 0093-9305-0093-9307 (BCS), 0302-5055-0302-5058 (ENG).

<sup>1196</sup> Handwritten agreement between SDS and SDA on the division of the municipality, 08/04/92, 0083-6060-0083-6062 (BCS), L003-1621-L003-1623 (ENG).

<sup>1197</sup> B-1494; B-1010; B-1702.

<sup>1198</sup> B-1498; B-1499.

<sup>1199</sup> Order of the Crisis Staff on the establishment of headquarters, commands and units of TO, 13/04/92, 0083-5804-0083-5804 (BCS), L003-9957-L003-9958(ENG).

<sup>1200</sup> B-1010.

“Bijeli Orlovi” (White Eagles) and “Arkanovi}i” (Arkan’s Tigers) units.<sup>1201</sup> On 16 April there was a conference of SDS municipal leaders from the region of Br}anska, including representatives from Bratunac municipality and other neighbouring municipalities. This conference was held at “Motel Brioni” in Ljubovija on the bank of the river Drina in Serbia. The conference, which was a publicly known gathering, was attended by Arkan and Vojislav [e{elj.<sup>1202</sup>

625. The Hotel Fontana in Bratunac was occupied by Arkan and [e{elj’s units. The commander wore a uniform with White Eagle’s insignia.<sup>1203</sup> Arkan and [e{elj’s units invited the Muslim authorities to a meeting at Hotel Fontana and told the President of the municipality and President of the SDA that the Muslim police must surrender completely.<sup>1204</sup> On 17 April 1992 Radmilo Bogdanovi} was seen with [e{elj. Both of them came to Bratunac to attend the meeting to discuss the division of the municipality. On that day the JNA and Serbian paramilitary groups entered the town and coerced Muslims to surrender.<sup>1205</sup> JNA forces from Vojvodina, Srem and Banat in Serbia replaced paramilitaries on 17 April. Around the same time as the regular JNA troops came a special police unit arrived from Belgrade.<sup>1206</sup>

626. On 9 May 1992, Serb forces under the command of Deronji} attacked Glogova, destroyed the local mosque, and summarily executed approximately 60 Muslim civilians.<sup>1207</sup> The women and children were forcibly transferred out of town, and some women were raped in course of this operation.

627. On 10 May 1992 hundreds of Muslims were forced by Arkan’s men to leave their homes unlocked and collect in Bratunac’s Stadium. Approximately 3000 Muslims were held at the stadium and they were forced to give the Serb soldiers their identification cards, money and other valuables.<sup>1208</sup>

628. Between 10 and 16 May 1992 at least 14 Muslim detainees were killed by Serb police at the Vuk Karad` i} school.<sup>1209</sup> Milenko Prodanovi}, Commander of the 1<sup>st</sup> Platoon, Bratunac Special Purpose Unit, was in charge of the facility at the Vuk Karad` i} school. Detainees

---

<sup>1201</sup> B-1500

<sup>1202</sup> B-1070

<sup>1203</sup> B-1702

<sup>1204</sup> B-1494; B-1070

<sup>1205</sup> B-1494; B-1501

<sup>1206</sup> B-1070

<sup>1207</sup> B-1010; B-1499; B-1500; B-1113; B-1502; B-1070; B-1703; B-1702; Statement to local judge by Miroslav Deronji}, 30/05/94, 0093-9305-0093-9307 (BCS), 0302-5055-0302-5058 (ENG)

<sup>1208</sup> B-1070; B-1502

<sup>1209</sup> B-1501; B-1070; B-1502.



were beaten, tortured and there were random killings of detainees.<sup>1210</sup> Non-Serbs were also detained at other facilities in the municipality, including Bjelovac, the football stadium and the police station.<sup>1211</sup> Throughout 1993-1995, the reconnaissance platoon of the Bratunac Brigade were in the area of Bratunac under command of light Infantry Bde Command. From there they conducted several attacks in the neighbouring municipality of Srebrenica.<sup>1212</sup>

### 13. Br-ko

629. Br-ko is located in north-east Bosnia, west of Bijeljina, on the south bank of the Sava River. It was of great strategic importance as a trade and supply route. According to the 1991 census approximately 44% of its inhabitants were Muslims, 25% were Croats, 21% were Serbs, and the remainder were listed as "other".<sup>1213</sup>

630. After the 1990 elections SDS members were given the key positions of President of the Executive Board and Deputy Chief of Police.<sup>1214</sup> SDA leaders were reluctant to antagonise their colleagues and tried to compromise by accepting the SDS demands.<sup>1215</sup>

631. In addition to their aggressive political tactics, the Serbs were also secretly distributing weapons to their people.<sup>1216</sup> On 29 April 1992 the Assembly of the Serbian Municipality of Br-ko met and elected a War Presidency to which all powers of the Assembly were transferred until peacetime conditions were created.<sup>1217</sup>

632. Hostilities broke out on 30 April 1992 when the bridges on the Sava River were blown up.<sup>1218</sup> Many people, including the Chief of Police, fled town after the bridges were destroyed.<sup>1219</sup> The Muslim mayor of Br-ko contacted the local JNA commander to request that the army not enter the town and instead allow the local police to maintain order.<sup>1220</sup> The

<sup>1210</sup> B-1070; B-1499; B-1502; Bratunac TO payment records, 01/07/92, 0133-6289-0133-6349 (BCS), L003-8666-L003-8749 (ENG); Folder with lists of soldiers in the Bratunac TO, 01/05/92, 0132-0384-0132-0458 (BCS), L003-8666-L003-8749 (ENG).

<sup>1211</sup> B-1113; B-1070; B-1502

<sup>1212</sup> 1<sup>st</sup> Bratunac Light Infantry Command report on deployment of units, 04/06/95, 0067-1838-0067-1840 (BCS), 0070-0840-0070-0871 (ENG); Reg. combat report of 1<sup>st</sup> Light Infantry Bde to Drina Corps, 15/03/94, 0133-4381 (BCS); Reg. combat report of 1<sup>st</sup> Light Infantry Bde to Drina Corps, 25/08/94, 0133-3871-0133-3873 (BCS).

<sup>1213</sup> 1991 census, dated 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1214</sup> B-1409.

<sup>1215</sup> B-1409.

<sup>1216</sup> Br-ko War Presidency documents "Summary of Events"; 0074-1394-0074-1411 (BCS); 0096-7572-0096-7577 (ENG).

<sup>1217</sup> Ibid.

<sup>1218</sup> Ibid; B-1409.

<sup>1219</sup> B-1409.

<sup>1220</sup> B-1409.

importance of the JNA's role in Brčko had been forecast in a 21 April report from the Bijeljina police chief to the MUP.<sup>1221</sup>

633. On 1 May 1992, the Serbs began a week of shelling of the town of Brčko.<sup>1222</sup> A variety of Serb forces, including active and reserve JNA members<sup>1223</sup>, paramilitary units in particular from the neighbouring municipality Bijeljina, the local Serb TO, and local Serb police, carried out the attacks in the area.<sup>1224</sup> One witness, who was transferred from Bijeljina to Brčko, saw Arkan's men and several men wearing red berets, who previously were involved in the actions in the neighbouring municipality, during his stay in the Galeb Hotel in Brčko. There he also met Goran Jelisić personally, whose chosen nickname was "Adolf".<sup>1225</sup>

634. By 2 May the Serbs had control of the key buildings.<sup>1226</sup> The SDS Crisis Staff assumed full control of the municipality and issued an ultimatum to non-Serbs to give up their weapons within two days or shelling of their areas would commence. Some Muslims attempted to mount a resistance and fighting began.<sup>1227</sup> By 3 May the various Serb forces began to ethnically cleanse non-Serb people from the town and surrounding villages.<sup>1228</sup> Serb police led by Goran Jelisić summarily executed numerous non-Serb civilians, including several near the Posavina Hotel.<sup>1229</sup>

635. Many non-Serbs were detained and taken to various collection centres. The non-Serb men of fighting age were separated and detained in various places, including the JNA barracks, the hospital, the fire station, the wooden mosque at Kolobara, the Laser bus company, and the newly-created camp at Luka.<sup>1230</sup> Conditions at these Serb-controlled facilities were abysmal. Prisoners at Luka were routinely interrogated, beaten, and tortured. Dozens of detainees at Luka were killed.<sup>1231</sup>

<sup>1221</sup> Report from the Bijeljina SJB to MUP, 21 April 1992, 0074-9568-0074-9571 (BCS); L000-4354-L000-4355 (ENG).

<sup>1222</sup> B-1446.

<sup>1223</sup> B-1446.

<sup>1224</sup> B-1412; B-1446; B-1407; Brčko War Presidency documents "Summary of Events", 0074-1394-0074-1411 (BCS), 0096-7572-0096-7577 (ENG).

<sup>1225</sup> B-1453.

<sup>1226</sup> Brčko War Presidency documents "Summary of Events"; 0074-1394-0074-1411 (BCS); 0096-7572-0096-7577 (ENG); B-1409.

<sup>1227</sup> Ibid, 0096-7572-0096-7577 (ENG).

<sup>1228</sup> Ibid, 0096-7572-0096-7577 (ENG).

<sup>1229</sup> B-1409; B-1412, B-1011.

<sup>1230</sup> B1112, B1146.

<sup>1231</sup> B-1071; B-1412.

636. One witness was told by his Serb interrogators that they had orders “from above” to kill all but 3 to 4% of the Muslims in Br-ko.<sup>1232</sup> The Serbs used lists and seemed to be targeting prominent members of the Muslim community for execution.<sup>1233</sup> Rapes were another method of persecution of Muslim women.<sup>1234</sup> Another witness was compelled to play “Russian Roulette” with a pistol in order to save his life.<sup>1235</sup>

637. The extent of the killings and the targeting of leaders is partially reflected in the identities and the numbers of the bodies recovered from several mass graves in the Br-ko area.<sup>1236</sup> By 19 May 1992 the Bijeljina police chief was able to advise the MUP that the Serbian TO “has liberated and holds three quarters of the Br-ko town territory”.<sup>1237</sup>

638. Further evidence of a policy to erase evidence of the Muslim population is reflected by the June/July 1992 destruction of the mosques<sup>1238</sup> in Br-ko and the forced removal of many of the remaining Muslims that summer. Those Muslims departing Br-ko had to sign over their property to the Serbs before being permitted to leave the area.<sup>1239</sup>

639. Documents recovered from Serb paramilitary Branislav Filipovi}, aka “[umar”, killed during the fighting in May 1992, show links between Serbia, the JNA, and the SDS Crisis Staffs in Bijeljina and Br-ko.<sup>1240</sup> “[umar” had authorisation from the JNA to obtain heavy ammunition in Belgrade for delivery to the TO in Br-ko from Belgrade.<sup>1241</sup> He also had authorisation to travel from Ljubi{a Savi}, and a second travel permit from \orde Ristani} and the War Presidency in Br-ko.<sup>1242</sup> His travel log reflected trips between Br-ko, Belgrade and Bijeljina during the week of 9-16 May 1992.<sup>1243</sup> Mirko Blagojevi} confirmed that

---

<sup>1232</sup> B-1412.

<sup>1233</sup> B-1450; B-1405.

<sup>1234</sup> B-1450; B-1405.

<sup>1235</sup> B-1411.

<sup>1236</sup> B-1451; Ministry of Justice Report reporting on 226 bodies in 5 mass-graves, 22/10/92; 0057-7933-0057-7959 (BCS), 0058-4605-0058-4610 (ENG); Autopsy Report by Dr. Hunt 0063-6311-0063-6333 (ENG); exhumations report of Dr. Wright, 0063-6122-0063-6235 (ENG);

<sup>1237</sup> Report to Ministry of Interior from Bijeljina Public Security Station, 19/05/92, 0074-9572-0074-9574 (BCS) L000-4863-L000-4864 (ENG)

<sup>1238</sup> B-1751

<sup>1239</sup> B-1412

<sup>1240</sup> B-1448 ; B-1559

<sup>1241</sup> Authority for Branislav Filipovi} to deliver weapons from Belgrade to Br-ko: 0109-4715-0109-4716 (BCS); 0300-5873-0300-5874 (ENG); Receipt, 13/05/92 issued to Filipovi} for the delivery of Weapons to Br-ko Garrison from Military Post code 5505 (Belgrade), 0109-4710-0109-4710 (BCS); Hand-written note to deliver weapons to Filipovi} Branislav aka “[umar”, 0109-4713-0109-4714 (BCS).

<sup>1242</sup> Freedom of Movement pass issued to Filipovi}, by the Crisis Staff of SAO Semberija & Majevic, noting the authority of the Serbian National Guard and bearing SDS stamp, Bijeljina. Signed by Mauser, 0109-4711-0109-4712 (BCS); 0300-5875-0300-5875 (ENG); [umar Freedom of movement pass issued to Branislav Filipovi} by War Presidency- Br-ko, 05/92, 0109-4717-0109-4718 (BCS); 0300-5878-0300-5878 (ENG).

<sup>1243</sup> Travel log from “Sumar”, 0300-5879-0300-5881 (ENG).

"[umar" was a member of his paramilitary group.<sup>1244</sup> Blagojevi} confirmed that he and his men reported to Br-ko and put themselves at the disposal of the SDS Crisis Staff. He also praised the Br-ko JNA command for their co-operation in the take over of Br-ko.<sup>1245</sup> Members of the special forces of the MUP Serbia under the command of @ivojin Ivanovi}, aka Crnogorac, were present in the region of Br-ko.<sup>1246</sup>

#### 14. Rogatica

640. Rogatica is located in eastern Bosnia between the municipalities of Vi{egrad and Pale. In 1991 approximately 60% of the inhabitants were Muslims and 38% were Serbs.<sup>1247</sup> By March 1992 the SDS had created their own Crisis Staff. Rajko Ku{ic, a close associate of Radovan Karad`i}, was not only a member of the Crisis Staff but also a member of the SDS Main Board. Kusi} formed his own paramilitary group, based in Borkie, supplemented by White Eagles. Later Kusi} and his men were designated the Rogatica Brigade and placed under nominal command of JNA General Milo{evi}.<sup>1248</sup>

641. During this time the SDS and JNA were actively engaged in arming the Serb population.<sup>1249</sup> Members of the JNA also manned roadblocks alongside the local Serbs. Muslims were dismissed from their jobs and had their freedom of movement restricted.<sup>1250</sup> The SDS authorities called for Muslims to surrender their weapons.<sup>1251</sup> Kusi} ordered that all citizens who surrender their weapons would be protected, but any who failed to do so would be killed.<sup>1252</sup> Beginning in May 1992 and throughout the summer Serb forces under Kusi} carried out attacks on non-Serb areas of the municipality. In June 1992 attacks against the Bosnian Muslims, involved [e{elj's men in addition to units from Gu~evo and Donje Polje.<sup>1253</sup> During June 1992 Arkan's men were also stationed in Borkie.<sup>1254</sup> The non-Serb survivors of these attacks were collected and the men taken to various detention facilities, including Veljko Vlahovi} school. Prisoners held at the school were subjected to regular beatings, rapes and inhumane living conditions. Most of the women, children and elderly

<sup>1244</sup> Video Interview with Mirko Blagojevi} on Belgrade TV, "My guest-His truth", V000-0710-V000-0710; 0089-2278-0089-2297 (BCS) 0089-2260-0089-2272 (ENG).

<sup>1245</sup> Ibid.

<sup>1246</sup> Report by the SR BiH Army Main Staff on para-military formations, 28/07/92, 0094-9847-0094-9852 (BCS), 0110-1308-0110-1319 (ENG)

<sup>1247</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1248</sup> B-1136.

<sup>1249</sup> B-1686.

<sup>1250</sup> B-1136.

<sup>1251</sup> B-1136.

<sup>1252</sup> Order signed by Rajko Ku{i}, 01/01/92, 0061-4819-0061-4819 (BCS), 0083-7940-0083-7941 (ENG).

<sup>1253</sup> B-1136.

<sup>1254</sup> B-1686.

men were deported.<sup>1255</sup> On about 15 June 1992 a number of Muslim men who had left Višegrad on a convoy were temporarily detained in Rogatica and then executed by local Serb soldiers, including Rajko Kusić's bodyguard.<sup>1256</sup>

642. In March 1993 the leader of the local SDS commented that all the Muslims in the area were going to disappear. He said that he had attended meetings with Radovan Karadžić in Pale. In these meetings it had been decided that one third of Muslims would be killed, one third converted to the Orthodox religion and a third would leave of their own accord.<sup>1257</sup>

643. Fighting continued for months, and Serb forces destroyed most of the mosques in the municipality.<sup>1258</sup>

#### 15. Rudo

644. In 1991 the population of Rudo consisted of 70.8% Serbs and 27.2% Muslims.<sup>1259</sup> The SDS won a controlling majority in the 1990 elections.<sup>1260</sup> In February and March of 1992 the first barricades appeared in Rudo, and numbers of soldiers in the area started to increase. In April the local Crisis Staff called for a general mobilisation.<sup>1261</sup> In spring 1992 the JNA and SDS distributed weapons to the local Serbs. Also at that time Muslims were fired from the police force, the TO and other positions of authority in the municipality.<sup>1262</sup>

645. Around 10 April a JNA motorised brigade from Utiče, Serbia, equipped with heavy artillery and tanks, took up positions in Rudo and paramilitaries began to appear.<sup>1263</sup> The JNA barracks in Rudo was used as a detention facility and as a training camp for Serb paramilitaries. Many local Serbs attended training there, after which they were given red berets and camouflage uniforms. The camp was visited in June 1992 by local SDS president Vojislav Topalović and Captain Dragan, who was allegedly to become the commander of Serb forces in Rudo municipality.<sup>1264</sup>

646. Also at this time Muslim residents received a written order signed by the police chief directing them to surrender weapons. Serb police advised Muslims to report to the police station to sign loyalty oaths.<sup>1265</sup>

---

<sup>1255</sup> B-1686.

<sup>1256</sup> B-1086.

<sup>1257</sup> B-1686.

<sup>1258</sup> B-1136.

<sup>1259</sup> 1991 Census, dated 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1260</sup> B-1039.

<sup>1261</sup> B-1038; B-1039.

<sup>1262</sup> B-1038, B-1039.

<sup>1263</sup> B-1038.

<sup>1264</sup> B-1728.

<sup>1265</sup> B-1039.

647. In May 1992, Colonel Ojdani}, commander of the U`ice Corps, spoke to Muslim representatives from Rudo. He advised of the positions the JNA would shortly hold around Rudo and demanded that they surrender.<sup>1266</sup> On 20 May 1992 the Muslim areas of the municipality of Rudo were shelled by the JNA. Houses and hamlets were burnt down. Several Muslims were killed during the take-over,<sup>1267</sup> and cultural and religious buildings were destroyed. In late June 1992, the Serbs announced that any Muslims remaining in the area after 12 July would be killed. Muslims had to forfeit their property and get approval of the Secretariat of Defence and the President of the Municipality before they were permitted to leave.<sup>1268</sup>

#### 16. Vi{egrad

648. In 1991 the population of Vi{egrad was 63% Muslim and 32% Serb.<sup>1269</sup> By 1997 the population in Vi{egrad was 96% Serb and there were no Muslims. Armed conflict commenced in Vi{egrad in early April 1992.<sup>1270</sup> On 14 April 1992 the U`ice Corps of the JNA shelled the city of Vi{egrad and the Muslim population fled the town. Representatives of the SDA met with JNA Colonel Ojdani} and obtained his assurance that the JNA would protect the civilian population in Vi{egrad. However, on the same day JNA soldiers at the Uzamnica barracks planned for further attacks on Vi{egrad and referred to the further "cleaning" of Vi{egrad.<sup>1271</sup> Just after the take-over, JNA Lt. Col. Jovanovi} made a statement about the cleansing of Vi{egrad and stated in his speech that the "White Eagles" are under his command.<sup>1272</sup> The SDS Crisis Staff was installed by the JNA as the civilian authority in the municipality.<sup>1273</sup> On 16 April 1992 Biljana Plav{i} met with the Crisis Staff President Brane Savovi} at the Hotel Vi{egrad, the local headquarters of the JNA.<sup>1274</sup>

649. In or around late April 1992 a paramilitary group lead by Milan Luki} arrived from Serbia, commonly referred to as "White Eagles" or "Avengers". The group were accommodated near the SDS headquarters which was situated in the hotel Vi{egradska Banja.<sup>1275</sup> On 14 June 1992 and 27 June 1992 Luki} and his paramilitary unit forced Muslim civilians, including women and children, into abandoned homes. They tortured their victims and burned them alive, incinerating the house and shooting at those who attempted to escape.

---

<sup>1266</sup> B-1038.

<sup>1267</sup> B-1038, B-1039.

<sup>1268</sup> B-1039.

<sup>1269</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1270</sup> B-1505.

<sup>1271</sup> B-1505.

<sup>1272</sup> B-1505.

<sup>1273</sup> B-1505.

<sup>1274</sup> B-1505.

<sup>1275</sup> B-1505; B-1143 ; B-1506.

On the first occasion at least 60 people were killed and on the second occasion at least 70 were killed.<sup>1276</sup>

650. Throughout June 1992 Lukić and his men executed hundreds of Bosnian Muslim men, women and children at various bridges over the Drina and on the river banks.<sup>1277</sup> Lukić and his group lined up Muslim men, women and children, executed them, and threw their bodies into the river.<sup>1278</sup> Many Muslim men were incarcerated in the HQ of Lukić's group in the Vilina Vlas Hotel, interrogated and severely beaten.<sup>1279</sup> Another detention centre was in the Uzamnica Barracks, a former military warehouse. Some of the people were held there until October 1994.<sup>1280</sup>

651. Radovan Karadžić visited Višegrad on numerous occasions.<sup>1281</sup> On 17 September 1992 the War Commission of Višegrad was established by the Presidency including both Branimir Savović and Vinko Pandurević, who led the military in the area as members.<sup>1282</sup> Pandurević, who was also a former member of the JNA Ustice Corps, had close links with Lukić.<sup>1283</sup> During Pandurević's service with the VRS he remained a VJ officer and was paid by them.<sup>1284</sup> Serb forces deported Muslims, who were not killed and did not leave of their own accord.<sup>1285</sup> The two mosques in town were razed to the ground.<sup>1286</sup>

### 17. Vlasenica

652. In 1991 the population in Vlasenica was 55% Muslim and 42% Serb.<sup>1287</sup> On 7 April 1992 the Serbs demanded that the Muslims accept ethnic division of the municipality in accordance with maps that they presented or "the boundaries would be drawn in blood".<sup>1288</sup> On 21 April 1992 a JNA unit, with the assistance of members of the Serbian Volunteer Guard, took over the town. Other para-military forces including members from special forces of

<sup>1276</sup> B-1055; B-1054, B-1513.

<sup>1277</sup> B-1512

<sup>1278</sup> B-1143; B-1506.

<sup>1279</sup> B-1510; B-1507.

<sup>1280</sup> B-1144.

<sup>1281</sup> B-1512.

<sup>1282</sup> Decision on the appointment of members of the Municipal Commission of War in the municipality of Višegrad, 17/09/92, 0090-3107-0090-3107 (BCS), 0302-1039-0302-1039 (ENG).

<sup>1283</sup> Three part interview, in Belgrade paper "Dnevni telegraf", 0051-1758-0051-1764 (BCS); Personnel records of Lt Col Vinko (Jovan) Pandurović, 0084-0094-0084-0124 (BCS), 0091-3264-0091-3293 (ENG).

<sup>1284</sup> 0075-8969-0075-9020 (BCS), 0091-3264-0091-3293 (ENG)

<sup>1285</sup> B-1086; Video re ethnic cleansing in Višegrad, 01/04/92, V000-3200, B-1594; Press Report The Washington Post re interview with Savović, M000-6394-M000-6396 (ENG).

<sup>1286</sup> B-1506; Video re ethnic cleansing in Višegrad, 01/04/92, V000-3200; Press Report The Washington Post re interview with Savović, M000-6394-M000-6396 (ENG).

<sup>1287</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1288</sup> B-1623; Protocol of Agreement on the partition of Vlasenica, 0084-7401-0084-7407 (BCS).

MUP Serbia were involved in the ethnic cleansing campaign.<sup>1289</sup> Prior to the take-over the Muslims were dismissed from employment, disarmed, arrested and interrogated.<sup>1290</sup>

653. Following the take-over the SDS Crisis Staff assumed control of the municipality. The freedom of movement of the non-Serb population was restricted and they were unable to leave the municipality without permission.<sup>1291</sup> Muslims were detained and beaten in the local police station and other detention facilities and they were forced to bury persons killed by Serb forces.<sup>1292</sup>

654. Rajko Duki}, member of the Main Board of the SDS and President of the Executive Board of the SDS was the Chief Executive Officer of the bauxite mine "Boksit", situated in Mili}i.<sup>1293</sup> The Boksit offices were utilised by the Crisis Staff and the command of the TO and military.<sup>1294</sup> Duki} provided substantial finance to Republika Srpska and was involved in the provision of supplies to the local forces and to the region generally, including fuel from Belgrade.<sup>1295</sup> Rajko Duki} was involved in the deployment of soldiers from brigades based in Mili}i at the request of Radovan Karad`i}.<sup>1296</sup>

655. On 16 May 1992 the local Serb forces and police carried out a brutal attack on the village of Zaklopa-a.<sup>1297</sup> Over 60 men, women and children were killed. Prior to the attack, Serb police disarmed the local population.<sup>1298</sup> SDS member Milenko \uri} was present immediately prior to the attack. Two days after the attack the local police chief Rade Bjelanovi} requested a witness to identify the bodies left lying in the streets.<sup>1299</sup> On 2 June Serb forces attacked the village of Drum.<sup>1300</sup> The soldiers executed men in front of women and children.

---

<sup>1289</sup> B-1056; B-103.

<sup>1290</sup> B-1056 ; B-1623.

<sup>1291</sup> B-1056 ; B-1621.

<sup>1292</sup> B-1056.

<sup>1293</sup> Minutes of the 1<sup>st</sup> newly elected SDS Executive Board, 31/07/91, SA02-6710-SA02-6713 (BCS), L000-0551-L000-0555 (ENG).

<sup>1294</sup> B-1621.

<sup>1295</sup> Confirmation of bank transfer, 15/12/92, 0084-5301-0084-5304 (BCS); Memo from Boksit Milici to Zoran Pantij, Boksit Mili}i, Marketing Department re fuel supply and partial sale, 02/04/92, SA03-2161-SA03-2311 (ENG); Letter by Lakta{i from Boksit Mili}i: Boksit is asking for payment according to the agreement, thus enabling them to fulfil certain financial obligations of mutual interest, 24/02/92, SA04-2311-SA04-2311 (ENG); Document from Jugopetrol, to place 300.00 litres at the stock company "Boksit", SA03-2158-SA03-2158 (ENG)

<sup>1296</sup> Fax from Duki} to Karad`i}/Kraji}nik, Duki} refers to an order from Karad`i}, 05/12/92, 0084-5301-0084-5304 (ENG); Intercept Karad`i}/Bjelica, 13/12/91, 0205-2736-0205-2737 (BCS) 0304-0814-0304-0815 (ENG); Intercept Karad`i}/Vajagi}, 11/12/91, 0212-9194-0212-9197 (BCS);

<sup>1297</sup> B-1057 ;

<sup>1298</sup> B-1057.

<sup>1299</sup> B-1057.

<sup>1300</sup> B-1056 .



656. Non-Serb civilians were detained at Su{ica camp. The operational commander of the camp was Dragan Nikoli}, a member of the special police,<sup>1301</sup> who was the principal perpetrator of persecutions and killings in the camp. There was daily communication between the camp and the MUP and the SDS Crisis Staff.<sup>1302</sup> At Su{ica camp throughout June and July 1992, a number of detainees were killed and some women raped.<sup>1303</sup>

657. Local soldiers operating from the civil defence building also detained non-Serbs at a warehouse in Vlasenica. When these non-Serbs were being bussed out, the vehicle was stopped and the majority of these people were massacred.<sup>1304</sup> Another massacre of non-Serbs occurred at Vlasenica warehouse, where people were also regularly beaten. Other places of detention where beatings, killings and rapes took place included the Police Station, SUP in Vlasenica, Vlasenica Prison, Vlasenica Secondary School, and the Stadium in Vlasenica.<sup>1305</sup>

### 18. Zvornik

658. The 1991 census figures recorded that the population in Zvornik in 1991 was 59% Muslim and 38% Serb.<sup>1306</sup> The municipality of Zvornik includes several predominantly Muslim villages: Liplje, Drinja-a, Kozluk and Divi}. The local SDS made final preparations for the take-over of Zvornik in late 1991.<sup>1307</sup> At the beginning of April 1992 an agreement was reached on the division of the municipality of Zvornik between Serbs and Muslims.<sup>1308</sup> At the same time there was a big military build up around Zvornik on the opposite bank of the Drina River on Serbian territory.<sup>1309</sup>

659. Most of the military were JNA units but during the first few days of April 1992, para-military units appeared. The factory of Alhos in an industrial area of Karakaj was taken over by units of the para-military group "Arkanovi}i" or the so-called Serbian Volunteer Guard, headed by Arkan.<sup>1310</sup> One witness will describe how Serbs captured him on about 10 April 1992 and imprisoned him in the Arkanovci HQ in the Alhos factory, where he saw Arkan

---

<sup>1301</sup> B-1621.

<sup>1302</sup> B-1056.

<sup>1303</sup> B-1056; B-1093, B-1627, B-1625 .

<sup>1304</sup> B-1497, B-1500.

<sup>1305</sup> B-1497 ; B-1056 ; B-1500.

<sup>1306</sup> 1991 Census , dated 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1307</sup> Hand written announcement by the SDS Zvornik Municipal Board ,12/05/91, SA04-1219-SA04-1222 (BCS); Announcement by Municipal Board of SDS, Zvornik, 30/05/91, SA02-1015-SA02-1020 (BCS), SA04-1217-SA04-1218 (BCS).

<sup>1308</sup> B-1521.

<sup>1309</sup> Witness who is a member of an humanitarian organisation

<sup>1310</sup> B-1769.

himself. He will explain how SDS president Bruno Guji} and other SDS functionaries obviously collaborated with Arkan's men.<sup>1311</sup>

660. On 5 April 1992, Serbian paramilitary formations came to Zvornik and began erecting barricades around the vicinity of Kozluk.<sup>1312</sup> On or around the same date Arkan visited Zvornik, where he met with Peji} and Major Marko Pavlovi} (aka Branko Popovi}).<sup>1313</sup> Pavlovic, a Serb from Serbia, was the commander of the Territorial Defence in Zvornik<sup>1314</sup> and was involved with the work of the Crisis Staff.<sup>1315</sup> He also took over command of the Yugoslav Armed Forces( JNA) troops in April 1992.<sup>1316</sup>

661. On or about 7 April 1992 there was a meeting between the Muslim leaders, Alija Kapad`i}, Secretary for National Defence in Zvornik and Abdullah Pasi}, President of Municipality, with Arkan at Hotel "Jezero" in Mali Zvornik. At this meeting Arkan provided an ultimatum to the Muslim leaders to surrender or the town would be attacked by troops that were stationed on the other side of the Drina River.<sup>1317</sup>

662. A Crisis Staff was established in accordance with the instructions promulgated by SDS leaders, and the Serb municipality of Zvornik was declared.<sup>1318</sup>

663. On 8 April 1992 a state of war was declared and general mobilisation was ordered.<sup>1319</sup> A report prepared by the Zvornik SJB records that Serbian people left Zvornik for Karakaj on 5 April 1992.<sup>1320</sup>

664. The take-over of Zvornik took place on 9 April 1992 and Serb forces, including Arkan's troops and JNA units killed many civilians.<sup>1321</sup> SDS President Brano Gruji} informed Muslims that there was no place for them in Zvornik.<sup>1322</sup> On 10 April 1992, the Muslims of Kozluk received instructions to hand over their weapons.<sup>1323</sup> On 18 April 1992

---

<sup>1311</sup> B -1524.

<sup>1312</sup> B -1462.

<sup>1313</sup> Interview with Brano Gruji}, 05/02/98, B -1237; Article from "Vreme", 27/02/95, 0040-8466-0040-8468 (ENG).

<sup>1314</sup> B -1521.

<sup>1315</sup> Interview with Brano Gruji}, 05/02/98, B -1517; B-1237.

<sup>1316</sup> B -1521.

<sup>1317</sup> B-1237; B -1769.

<sup>1318</sup> Decision on proclamation of the Serb municipality of Zvornik, 27/12/91, SA04-2210-SA04-2210 (BCS), 0304-6771-0304-6771 (ENG).

<sup>1319</sup> Article from Srpski Glas, 14/05/92, 0208-3639-0208-3640 (BCS) 0303-1292-0303-1294 (ENG)

<sup>1320</sup> Assessment of the security in Zvornik, 0074-9729-0074-9734 (BCS).

<sup>1321</sup> B -1237; Cable of the Command of the 17th Corps, strictly confidential No.11/43-477, 10/04/92, SA03-6013-SA03-6014 (BCS); Signed request for artillery support to 2<sup>nd</sup> MD, Gen Jankovi} requesting artillery support from Serbia, 10/04/92, 0021-2318-0021-2318 (BCS); stamped and highly confidential intelligence reports re: JNA activities in BiH, 25/04/92, SA00-4408-SA00-4410 (BCS), SA03-3372-SA03-3374 (BCS).

<sup>1322</sup> B -1058

<sup>1323</sup> B -1462

the Bijeljina CSB reported to the MUP that the city was under the control of the Serbian police, and being cleansed.<sup>1324</sup>

665. There were a number of detention facilities maintained by the Crisis Staff, the TO and the police in Zvornik. On 24 April 1992, a meeting was called in the village Divi} by Major Pavlovi}/Popovi}, the head of the Zvornik Territorial Defence and representatives of the Muslim Crisis Committee. At the meeting Pavlovi} demanded that the residents of Divi} surrender. They refused. Almost immediately, Serb military and paramilitary forces began to shell the village.

666. On 25 April 1992, Serb paramilitary forces took over most of the Muslim villages in the area of Liplje, arrested around 450 people, mainly women, children and elderly persons and detained them inside a large house in Liplje. For nine days these people were repeatedly beaten and otherwise terrorised. Many women, some of them younger than 18, were continuously raped.<sup>1325</sup>

667. On 26 May 1992, the residents of Divi} were ordered by Major Pavlovi} to assemble on the village sports field and were then loaded onto several busses. Approximately 175 men were detained for several days at the Novi Izvor administration building. Twelve men were separated from the group and were never seen again. At least two men died during the detention. While in Novi Izvor Brano Gruji}, the SDS president came and promised the men they would be allowed to return to their homes unharmed.<sup>1326</sup>

668. On 29 May 1992, 162 men were transferred from the Novi Izvor building to the Dom Kulture in ^elopezek. There, Muslims were massacred, sex crimes were perpetrated and inmates were mutilated. One of the main perpetrator groups was the "Yellow Wasps".<sup>1327</sup>

669. Around 1000 non-Serbs were detained at the Karakaj Technical School.<sup>1328</sup> Non-Serbs were transported to Ekonomija farm by local police and detained by units subordinated to the territorial defence.<sup>1329</sup> Serb forces were involved in the transport of Bosnian Muslims to both Karakaj Technical School and Gero's slaughterhouse, and soldiers provided security in these facilities.<sup>1330</sup>

<sup>1324</sup> Report on security situation in Zvornik and Br-ko, 18/04/92, 0074-1374-0074-1377 (BCS), L000-4862-L000-4862 (ENG).

<sup>1325</sup> B-1477

<sup>1326</sup> B-1095

<sup>1327</sup> B-1394; B-1096; B-1461, Video on crimes committed by "Yellow Wasps", V000-0889-V000-0890,

<sup>1328</sup> B-1097; B-1394

<sup>1329</sup> B-1571.

<sup>1330</sup> B-1097.

670. In each of the detention facilities there were beatings and inhumane conditions, including lack of food, water and hygiene and in some of the facilities there were mass killings. In particular, in early June 1992 around 160 Bosnian Muslim men were killed at Karakaj Technical School,<sup>1331</sup> and about 190 non-Serbs were killed at Gero's slaughterhouse.<sup>1332</sup> Detainees were also killed at Economija Farm and the Novi Izvor building.<sup>1333</sup>

671. On 29 April 1992 Kostijerevo and Drinja-a fell to Serb control.<sup>1334</sup> Shortly after this weapons were handed over to Major Pavlovi}/Popovi}. On 30 May 1992 soldiers and military vehicles entered Drinja-a and began rounding up the Muslim population. They were taken to the Dom Kulture in Drinja-a. At the Dom Kulture, men were separated from women and children.<sup>1335</sup> Following the separation of men from women and children approximately 80 men remained inside the Dom. These men were beaten and tortured and then taken out to the rear of the Dom in groups of up to 10 and executed. Three men survived. Following the execution of the men, the women and children who were waiting outside were ordered to go inside and a number of the women were raped.<sup>1336</sup> An exhumation was carried out in 1998, where 55 bodies were identified as coming from the Dom Kulture massacre.<sup>1337</sup> In late May 1992, at least 55 non-Serb men were killed at Drinja-a.<sup>1338</sup>

672. On or about 26 June 1992, during a Crisis Staff meeting, Brano Gruji} and other Serbian representatives, ordered that all Muslims leave Kozluk within one hour pursuant to the deportation order issued in the name of Major Pavlovi}/Popovi}.<sup>1339</sup> The Muslim inhabitants of Kozluk were gathered in front of the Dom Kulture before their expulsion, and were told by Brano Gruji} that they would have to leave their property behind.<sup>1340</sup> The Muslim inhabitants were ordered to sign documents stating that they were willingly signing over their property to the Serb Municipality of Zvornik.<sup>1341</sup> The convoy of deportees were first sent to Serbia then, as part of a prearranged plan, put on trains to Subotica-Serbia to Hungary and Austria.<sup>1342</sup>

---

<sup>1331</sup> B-1098; B-1097.

<sup>1332</sup> B-1098.

<sup>1333</sup> B-1094; B-1095.

<sup>1334</sup> B-1059.

<sup>1335</sup> B-1518.

<sup>1336</sup> B-1518.

<sup>1337</sup> Video of exhumation, 28/10/98, V000-3842.

<sup>1338</sup> B-1059.

<sup>1339</sup> B-1517.

<sup>1340</sup> B-1517.

<sup>1341</sup> B-1517; B-1462

<sup>1342</sup> B-1517

673. Other crimes in Zvornik included forced labour, the destruction of mosques and the deportation of around 1,822 people from the village of Kozluk on or around 26 June 1992.<sup>1343</sup> The deportation of villagers from Kozluk was conducted by the Zvornik Infantry Brigade of the VRS and the SDS president Branko Grujić was present.<sup>1344</sup> A letter to Radovan Karadžić dated 14 December 1992 from the President of the Serb municipality of Zvornik demonstrates that the local SDS members contacted Karadžić to resolve problems with the local Serbian police or the local main board.<sup>1345</sup>

674. There was significant publicity and reports from non-government organisations in respect of the atrocities in Zvornik. On 15 May 1992, Karadžić held a press conference in Belgrade where the situation in Zvornik was discussed. On 3 June 1992 a report referring to atrocities in Zvornik was published by an alliance of Non-Government Organisations.<sup>1346</sup> On 4 October 1992 an article was published stating that Serbian attacks had resulted in 20,000 people fleeing Zvornik.<sup>1347</sup>

675. In addition to the information received from entities directly under their command and control, the SDS leaders also had access to paramilitary leaders such as Arkan. On 23 April 1992 Biljana Plavčić attempted to contact Arkan by telephone and having contacted his assistant, made enquiries in relation to the situation in Zvornik.<sup>1348</sup>

## H. SARAJEVO AREA

### 19. The blockade of Sarajevo: Sniping and Shelling of the Civilian Population

676. Counts 23 to 29 of the Indictment charge the Accused with crimes which took place during the shelling and sniping attacks and blockade against the capital of BiH, Sarajevo, from April 1992 to November 1995.<sup>1349</sup> The attacks and blockade were focussed on the urban parts of Sarajevo, including Sarajevo Centar, Sarajevo Stari Grad, and Novo Sarajevo, but Bosnian Serb forces were also in control of surrounding Greater Sarajevo municipalities including Hadzici, Ilidža, Trnovo, Vogošća, Pale, Ilidža and in part, Novi Grad.

677. Sarajevo was a cosmopolitan, ethnically diverse city. According to the 1991 census, the total population of Sarajevo Centar was 79,286, consisting of 50.15% Muslim, 20.98%

<sup>1343</sup> B-1517; B-1394; Signed official record of a statement given by Zeljak, Djino in the Bijeljina SJB, dated 03/08/92, 0075-8465-0075-8466 (BCS)

<sup>1344</sup> B-1517.

<sup>1345</sup> Document regarding problems facing Zvornik municipality, dated 14/12/92, 0084-5277-0084-5278 (BCS)

<sup>1346</sup> Report on war destruction, violation of human rights and crimes against humanity in BiH, 03/06/92, 0090-4804-0090-4867 (BCS)

<sup>1347</sup> United Press International (UPI) Article entitled: New fighting as EC attempts fresh mediation, dated 10/04/92, M000-1566-M000-1568

<sup>1348</sup> Intercept Plavčić /Arkan's HQ, 23/04/92, 0206-9058-0206-9059 (BCS), D000-0780-D000-0780;

<sup>1349</sup> The area, which was under attack, or from which SRK sniping and shelling on the city came, included the municipalities of Sarajevo Centar, Sarajevo Stari Grad, and Novo Sarajevo.

Serb, 16.43% who considered themselves “Yugoslavian”, 6.85% Croat and 5.59% “other”. The population of Sarajevo Stari Grad was 50,744, Muslims constituting 77.66% and Serb 10.15%. Novo Sarajevo had a total population of 95,089, with 35.65% Muslims, 34.60% Serbs, 15.88% Yugoslavs, 9.25% Croats and 4.62% others.<sup>1350</sup>

678. For some time prior to the attack on the city of Sarajevo, the JNA had been conducting military exercises in the area.<sup>1351</sup> In March 1992 the JNA took over the Sarajevo airport for use as a military airport.<sup>1352</sup> Barricades and checkpoints were erected around Sarajevo at the instigation of the SDS in the first days of March 1992, immediately following the referendum on independence for BiH.<sup>1353</sup> JNA units were deployed to strategic positions in elevated areas overlooking Sarajevo in March 1992.<sup>1354</sup>

679. Following the announced withdrawal of the JNA in May 1992 and the reorganisation of those forces, the Sarajevo-Romanija Corps (SRK) of the VRS was formed, principally from the remnants of the JNA 4<sup>th</sup> Corps.<sup>1355</sup> General Stanislav Galic from September 1992 to August 1994 and Colonel Dragomir Milošević from August 1994 to November 1995 commanded the SRK.

680. The attack on the city of Sarajevo commenced in April 1992. On 12 May 1992, the Assembly of the *Republika Srpska* announced that, among the strategic objectives of the new Bosnian Serb Army (VRS) was the objective to “Divide the city of Sarajevo into Serbian and Muslim parts and establish effective State authorities in both parts”.<sup>1356</sup> Confrontation lines had by this time been established which effectively blockaded Sarajevo, with the Bosnian Muslim majority civilian population and some ABiH forces remaining on the inside.<sup>1357</sup> The key vantage points – particularly the hills overlooking the city and a series of high-rise buildings - were in SRK hands and, while the ABiH were stronger in numbers, the SRK enjoyed the advantage of more artillery and ammunition than the ABiH forces.<sup>1358</sup> Snipers

<sup>1350</sup> 1991 Census Statistics, 0052-3182/0044-3829 (BCS & ENG).

<sup>1351</sup> B-1273.

<sup>1352</sup> B-1273.

<sup>1353</sup> B-1347 ; B-1273; B-1727; B-1273.

<sup>1354</sup> B-1347; B-1060.

<sup>1355</sup> \or|e \ukic, interview, 0037-4387-0037-4390 (BCS), 0099-6145-0099-6146 (ENG).

<sup>1356</sup> Minutes of the 16<sup>th</sup> Session of the Assembly of the Serbian People in Bosnia and Herzegovina, 12 May 1992, 0084-7711-0084-7761 (BCS) 0091-3501-0091-3562 (ENG).

<sup>1357</sup> Marked map of Sarajevo; B-1389.

<sup>1358</sup> B-1389; B-1652.

were an integrated part of SRK forces<sup>1359</sup> over which the SRK commanders exerted effective control.<sup>1360</sup>

681. The sniping and shelling was almost continuous throughout the period of the Indictment, with occasional and minimally successful cease-fires from 1993 onwards and at other times, intensification, such as the co-ordinated military attack which sought to divide Sarajevo on 31 October 1992.<sup>1361</sup>

682. Shelling and sniping attacks by the SRK and assisting Serb forces were directed at civilians or civilian areas of the city, some were directed into the city without distinction between military objects and civilian objects, and others caused civilian casualties which were disproportionate to any military advantage obtained. Observers describe the sniping and shelling of Sarajevo at various times over the period of this Indictment as random and without legitimate military purpose, uncontrolled,<sup>1362</sup> disproportionate and indiscriminate.<sup>1363</sup> Medical workers and others observed an enormous disproportion in the scale of civilian casualties in comparison to military casualties.<sup>1364</sup> Children, the elderly, and civilians who were clearly dressed in civilian clothing and engaged in non-military activity such as collecting water, riding on trams, attending funerals or cemeteries<sup>1365</sup> were targeted and attacked. Locations which were not used for any military purpose, such as the Markale market place,<sup>1366</sup> water collection points, and mosques and other cultural monuments<sup>1367</sup> were shelled, causing numerous civilian casualties. Evidence will be given at trial of the indifference of SRK soldiers as to whether the target of their fire was civilian or military.<sup>1368</sup>

683. Concentrated and extended bursts of heavy weapon fire were directed randomly into the city at specific times of significance to the Bosnian Serb forces, such as Christmas Eve and the Serb Greek-Orthodox Christmas Eve. According to an international observer in the city, these attacks in Christmas 1992 were so precisely timed and co-ordinated that they could only have been achieved with the approval and co-ordination of the SRK command, at that time General Galic.<sup>1369</sup> Galic was also able to exert disciplinary control over local

---

<sup>1359</sup> B-1278.

<sup>1360</sup> Members of an international organisation (to whom Rule 70 applies) will testify as to the immediate ability of SRK commanders to implement an effective cease-fire.

<sup>1361</sup> B-1389.

<sup>1362</sup> B-1276; B-1652; B-1389.

<sup>1363</sup> B-1467.

<sup>1364</sup> B-1274.

<sup>1365</sup> B-1271.

<sup>1366</sup> B-1347; B-1654.

<sup>1367</sup> B-1273.

<sup>1368</sup> B-1271; B-1278.

<sup>1369</sup> B-1389.

commanders: for example, UN Military Observers were taken hostage by local commanders and immediately released when the matter was raised with General Galic.<sup>1370</sup>

684. In efforts to protect Sarajevo's civilian citizens from sniping as they moved through the streets to conduct essential business, the city's civil authorities erected passive anti-sniping barricades, including large containers, in locations in front of known sources of sniper fire, including the Holiday Inn, where the local SDS was based.<sup>1371</sup>

685. Essential supplies such as electricity, gas and water were cut off.<sup>1372</sup> In addition to the impact on everyday life, these shortages, in combination with limited medical facilities, made the provision of medical care, including to shelling and sniping victims, extremely difficult.<sup>1373</sup> Civilians were targeted as they collected water from the limited number of outlets outside their homes. People engaged in essential civil services - including funerals, the burial of the dead<sup>1374</sup> and fire fighting services<sup>1375</sup> - were targeted by sniping and shelling.

686. The involvement and assistance of Serbia and the FRY to the Bosnian Serb forces took a variety of forms. The JNA left artillery, weapons and ammunition behind which were subsequently used by the SRK.<sup>1376</sup> The SRK continued to use weapons and ammunition provided from the FRY throughout the conflict.<sup>1377</sup> Some of the munitions and ammunition used later in the conflict was of a kind only produced in Serbia.<sup>1378</sup>

687. Officers of the SRK received their pay almost continuously from the JNA administration in Belgrade,<sup>1379</sup> which also consulted the VRS about internal staffing issues of the SRK such as the promotion of Galic.<sup>1380</sup> The SRK were also assisted more actively by reinforcements from Serbia, including special forces from the VJ.<sup>1381</sup> Special forces from the

---

<sup>1370</sup> B-1652.

<sup>1371</sup> B-1273.

<sup>1372</sup> B-0273; B-0389.

<sup>1373</sup> B-0274.

<sup>1374</sup> B-0273.

<sup>1375</sup> B-0276; B-0727.

<sup>1376</sup> B-1347; List of 1<sup>st</sup> Ilijas Brigade Motor Vehicles received from JNA, 0226-1778 (BCS).

<sup>1377</sup> Explanation by Commander Dragan Josipovic to 1<sup>st</sup> Ilijas Light Infantry Brigade Units re purchasing and bartering of ammunition from FRY, 02/04/93, 0226-1546. (BCS).

<sup>1378</sup> B-1347.

<sup>1379</sup> \or|e \ukic interview, 0037-4387-0037-4390 (BCS), 0099-6145-0099-6146 (ENG), B-1389; Decision from Military Social Insurance Fund in Belgrade setting pension level for Galic, 05/12/94, 0091-9826-0091-9827 (BCS) 0110-6757-0110-6759 (ENG). See also 1997 correspondence from Manojlo Milovanovic, (Deputy Commander of Main Staff of VRS) and General Galic to "Personnel Administration of the General Staff of the Army of Yugoslavia" requesting correction of pension level for Galic for duties during the conflict: 0091-9840 (BCS) 01106764 (ENG); 0091-9831 (BCS) 0110-2402 (ENG); 0091-9830 (BCS), 0110-6760 (ENG).

<sup>1380</sup> Letter enclosing Decree promoting Galic to rank of Lieutenant General – requesting confirmation of his promotion by General Staff of Army of Yugoslavia. 0091-9832-0091-9832 (ENG) 0110-6761-0010-6762 (BCS).

<sup>1381</sup> Order from SRK Command for carrying out of operations around Sarajevo, with reference to "reinforcements" including "MUP forces up to a strength of one battalion – 500 people, VJ Special Forces up to



Serbian MUP were involved in combat activity in the Sarajevo region and Serbian paramilitary forces were also present in the region throughout 1995.<sup>1382</sup> A group led by Slavko Aleksic, who was one of [e{elj}'s volunteer forces, were involved in sniping on Sarajevo from the Jewish Cemetery at Grbavica.<sup>1383</sup>

688. During the period of the indictment the VRS was under the effective control of Radovan Karad`ic and General Ratko Mladic. Mladic was active in exerting strategic control over the Sarajevo campaign.<sup>1384</sup> He frequently boasted of his ability to crush or flatten Sarajevo if his demands were not met.<sup>1385</sup> Karad`ic and the Bosnian Serb political leadership were also aware of the scale of civilian casualties resulting from the shelling and sniping attack on Sarajevo but did nothing to halt the campaign.<sup>1386</sup> In a conversation intercepted on 13 October 1991, Karad`ic told Mom-ilo Krajišnik, that "In just a couple of days, Sarajevo will be gone and there will be five hundred thousand dead, in one month Muslims will be annihilated in Bosnia and Herzegovina, number of Serbs will be reduced and Croats will be the only ones to profit because they will keep their municipalities".<sup>1387</sup>

689. Despite the Accused Milošević's public indications of his opposition to the blockade of and attack on Sarajevo, evidence including intercepted conversations demonstrates that he did not oppose the VRS actions.<sup>1388</sup> Long after the indiscriminate nature of the campaign against Sarajevo became apparent, he continued to support their actions through the material assistance provided through the JNA/VJ, over which he exercised effective control, and the Serbian MUP. He was aware of the responsibility of VRS forces for attacks on civilians in Sarajevo. In particular, evidence will be introduced as to the Accused's acknowledgement

---

120 people and a helicopter squad...". 15 December 1993, 0089-7320 -0089-7323 (BCS); 0211-4112-0211-4112 (BCS) 0302-6292-0302-6292 (ENG) 0110-4100-0110-4100 (ENG)

<sup>1382</sup> Combat Report from RS MUP referring to participation of Serbian MUP Special Forces "Kajman", "Plavi" and "Skorpija" in combat operations in the Sarajevo-Trnovo areas, 01/07/95, 0095-2015-0095-2015 (BCS), 0110-1439-0110-1439 (BCS). RS MUP combat report describing the involvement of the "Kajman" police detachment from MUP Serbia in an attack on the Lu}evik feature (along the Sarajevo-Trnovo road), 30/06/95 0211-4112-0211-4112 (BCS); 0302-6292-0302-6292 (ENG); also combat report, 24/07/95, 0211-4888-0211-4888 (BCS), 0301-2664-0301-2664 (ENG)

<sup>1383</sup> B-1276; Transcript of interview with [e{elj}, V000-0583-V000-0583 (BCS) L000-5738-L000-5747 (ENG).

<sup>1384</sup> B-1467 ; B-1276; B-1389

<sup>1385</sup> B-276; Intercept 25 May 1992, 0321-9259-0321-9261

<sup>1386</sup> B-1389

<sup>1387</sup> Intercept Karad`i}/Kraji{nik, 13/10/91, (BCS) 0321-9651-0321-9654, Eng 131091

<sup>1388</sup> Transcript of intercepted conversation between Milošević and Karad`i} in which Karad`i} informs Milošević that "Romanija are preparing to block Sarajevo. No one will be able to leave Sarajevo, it will be a disaster...". No response from Milošević. September 1991, 0092-2914-0092-2917

that the VRS were responsible for the Markale market shelling in August 1995, in which 43 people were killed.<sup>1389</sup>

## I. GREATER SARAJEVO AREA

### 20. Ilijač

690. The Municipality of Ilijač is adjacent to the municipalities of Vogošća and Visoko. Prior to the conflict, the population of Ilijač was 25,155 civilian persons. Muslims constituted 42.03% of the population, 44.97% were Serbs, 6.89% were Croats and the rest were classified as "Yugoslavians" and "others".<sup>1390</sup>

691. In July 1990, the SDS party held its constitutive assembly in Ilijač. At this assembly, Ratko Adžić was elected President of the Ilijač SDS. In November 1990, Ratko Adžić was elected the President of the Municipal Assembly in the multi-party elections,<sup>1391</sup> and on 12 July 1991, he was elected to the SDS Main Board on the first anniversary of the founding of the party.<sup>1392</sup>

692. Accordingly, Ratko Adžić may be considered the head of all the SDS political organs in Ilijač during this time.<sup>1393</sup> The Crisis Staff in Ilijač received its funding from the Bosnian Serb government.<sup>1394</sup> Payments to the TO and the MUP demonstrate how the Bosnian Serb government funded the armed take-over of the villages around Ilijač.<sup>1395</sup>

693. On 27 May 1992 the 1st Serbian Ilijač Brigade was formed as part of the Sarajevo Romanija Corps (SRK). Adžić exercised the function of Brigade Commander.<sup>1396</sup> As Brigade Commander, Adžić appealed for assistance to the Serbian National Defence, the Serbian

<sup>1389</sup> Minutes of meeting between Franjo Tuđman and Hrvoje Ćarinić re Ćarinić's meeting with Milošević, describing Milošević as admitting that Serbs (probably VRS) shelled Sarajevo Market place on 28 August 1995. 0155-5683-0155-5705 (ENG)

<sup>1390</sup> 1991 Census Statistics, 1994 0052-3182/0044-3829 (BCS & ENG)

<sup>1391</sup> B-1060

<sup>1392</sup> Press report "The Petrovdan Assembly of the Serbian Democratic Party", *Javnost*, 20 July 1991 0091-3723-0091-3724; List of members of the SDS Main Board, with their addresses and tel. numbers (36 persons) 0083-6024-0083-6025 (BCS).

<sup>1393</sup> Letter from Adžić to President of the Presidency 12 June 1992, 0089-2249-0089-2249 (ENG) 0084-5289-0084-5289 (BCS).

<sup>1394</sup> Spread sheet balance of the Ilijač Municipal Assembly for the period 11/05/92 to 30/06/92, Dated 30-Jun-92m and signed Trifko Radić 0225-2619-0225-2626 (BCS).

<sup>1395</sup> Fax message dated 12-May-92 unsigned author Rade Drljić, Operations Duty Officer from the Security Services Centre Banja Luka to the Ministry of Internal Affairs of the Serbian Republic BiH and the Heads of all Public Security Stations regarding SITREP on 11-12/05/92 for all Serb-held municipalities 0216-6696-0216-6698 (BCS).

<sup>1396</sup> Letter from Adžić, to the President of the Presidency 12/06/92, 0084-5289-0084-5289 (BCS); 0089-2249-0089-2249 (ENG).

Volunteer Guard and the Association of Serbs in Belgrade.<sup>1397</sup> In early July 1992, Ad`i} was replaced in his military function by Major Dragan Josipovi}.

694. On 4 June 1992, the Serbs took over the village of Lje{evo.<sup>1398</sup> For some months before the take-overs local Serbs had begun to openly carry weapons. Perpetrators of take-overs are listed as having received payment from the Bosnian Serb government, including in Lje{evo where a group of villagers were executed.<sup>1399</sup> In all the villages the men were separated from the women and children and detained, for example at the storehouse at the Iskra company.<sup>1400</sup> These men were held by Bosnian Serbs for the purpose of being used as human shields (predominantly at the frontline @uc),<sup>1401</sup> for prisoner exchanges, and underwent horrific treatment.

695. There were 21 Islamic religious structures or monuments in the Municipality of Ilija{ prior to the conflict, and a Catholic church in Tara-in Do. All of these were destroyed during the occupation. The two orthodox churches remain standing.<sup>1402</sup>

### 21. Had`i}i

696. The Muslims of the Had`i}i region comprised approximately 70% of the total population, while the Serbs numbered 27%.<sup>1403</sup>

697. The armed take-over of Had`ici began on 11 May 1992. Following the military attack, the Bosnian Muslims in Had`i}i, @unovica community and Kova-evi}i were arrested and taken to the Had`i}i Sports Centre (KSIRC), and the garage of the Had`i}i Municipality Building.<sup>1404</sup> Guards at the KSIRC appeared to be local Serbs, dressed in former JNA uniforms. On 20 May Bosnian Serb forces entered Musi}i, rounded up the men of the village, and took them to KSIRC where they were held in appalling conditions.

### 22. Ilid`a

698. The Municipality of Ilid`a is located 12 kilometres west of Sarajevo, and has strategic importance due to the Sarajevo airport within its territory. According to the 1991 census the population was 67,937, made up of 29,337 Muslims, 25,029 Serbs, 6,934 Croats, 5,181 Yugoslav and 1,456 others.<sup>1405</sup>

<sup>1397</sup> Report dated 14-Jun-92 signed Ratko Ad`i}, President of the Crisis Staff of the Serbian Municipality of Ilija{, being a request for manpower leveling. 0224-9561-0224-9561 (BCS).

<sup>1398</sup> B-1060.

<sup>1399</sup> B-1060.

<sup>1400</sup> B-1753.

<sup>1401</sup> B-1753.

<sup>1402</sup> B-1753

<sup>1403</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1404</sup> B-1752

<sup>1405</sup> 1991 Census, 1994 0052-3182/0044-3829 (BCS & ENG)

699. The SDA won the 1990 elections. Nedeljko Prstojević from the SDS was elected Deputy President of Ilid`a. On 3 January 1992, the Serbian Municipality of Ilid`a was declared by the Serbian authorities, again with Prstojević as president. The Crisis Staff for the municipality was activated soon thereafter, with Prstojević as president.

700. An army report from 23 May 1992 reveals the objective of the Serb forces in the area was to incorporate the neighbouring municipality of Trnovo into Ilid`a. Prstojević was described as the President of the joined municipalities. One objective was to establish a corridor route to the JNA barracks at Lukavica.<sup>1406</sup>

701. By April 1992, the Serbian Police was activated in Ilid`a, under the command of Tomo Kovač, later RS Deputy Minister of the MUP. On 22 April 1992, Serb control was effectively established over the Municipality of Ilid`a. On that day, an armoured mechanised unit of the JNA from Lukavica came to Ilid`a to divide the ethnic groups.<sup>1407</sup> The National Security Council was aware of the situation in Ilid`a. One day after the take-over Karadžić appealed to stop the conflict.<sup>1408</sup>

702. Various groups, including Arkan's Tigers, paramilitaries, and regular Serb forces were involved in the take-over of Ilid`a.<sup>1409</sup> The Serb Assembly of Ilid`a encouraged co-ordination between the military, police and paramilitary groups. The Assembly also requested more contacts with the RS government.

703. On 10 May Prstojević called for JNA officers and soldiers to join the VRS.<sup>1410</sup> On or about 10 May 1992, the suburb of Gornji Kotora}, located in Ilid`a, was cleansed by Serb forces. Intercepted communications demonstrate that the cleansing of Gornji Kotora} was directed by Prstojević.<sup>1411</sup>

704. On 30 August 1992, Prstojević stressed the importance of the media as a propaganda tool, particularly the Municipal TV station, in a speech to the Serb assembly of Ilid`a.<sup>1412</sup>

<sup>1406</sup> Extract, signed Mom-ilo [ekli] and Nedeljko Prstojević, from the minutes of the 2nd Assembly of the Serbian Municipality of Ilid`a, 30/08/92, 0223-7182-0223-7182 (BCS & ENG)

<sup>1407</sup> Combat and Operational Report from Zekanovi}, 2 Military District HQ, to JNA HQ Operational Center; 22/04/92; 0190-0658-0190-0661 (BCS & ENG)

<sup>1408</sup> Report from RS National Security Council regarding attack by Muslim forces on Ilid`a, 23/04/92. 0202-9821-0202-9821 (BCS & ENG)

<sup>1409</sup> B-1763

<sup>1410</sup> Call paper, signed Nedeljko Prstojević, Crisis Staff Commander, to all Serb patriot officers who are thinking of their homeland to enlist in the Yugoslav People's Army, 10/05/92, 0094-9217-0094-9218 (BCS) L001-9248-L001-9250 (ENG)

<sup>1411</sup> Intercept Prstojević/Novakovi}, FNU 0206-2692-0206-2694 (BCS & ENG)

<sup>1412</sup> Undated diary of Terzi}, Miroslav re: the activities of Ilidza MUP special unit. 0223-7182-0023-7182 (BCS & ENG)

### 23. *Novi Grad*

705. The municipality of Novi Grad is a densely populated area of Sarajevo, with an ethnic breakdown of 50% Muslim, 27% Serb and 6% Croat.<sup>1413</sup> The SDS Municipal Board for Novi Grad held its founding assembly on 2 October 1990.

706. On 1 April 1992, the Rajlovac Municipality Crisis Staff issued an order that the entire municipality be on full alert. In early April 1992, the police force of Novi Grad was divided. Mom-ilo Krajić signed the law on establishment of the Serbian municipality of Rajlovac on 11 May 1992.<sup>1414</sup>

707. Military activity around Ahatovići and Dobroševići began in February 1992. Serb civilians and SDS members were seen going to Rajlovac and Butile for training and meetings with JNA officers. Serb reservists established checkpoints on the road from Ahatovići to Sarajevo in late February 1992. Outside of Ahatovići, 15 captured men were executed by local Serbs. Some were shot, and others had their throats slit.<sup>1415</sup> A group of survivors were beaten and then transported by bus to Rajlovac, where over 30 prisoners were killed in June. On 14 June 1992, a number of prisoners were taken to Srednje, where approximately 47 of the men were executed.<sup>1416</sup>

### 24. *Vogošća*

708. According to the 1991 census, the total population of the municipality was 12,499 Muslims, 8813 Serbs, 1071 Croats, 1730 Yugoslavs and 534 others.<sup>1417</sup>

709. The Crisis Staff was formed as early as September 1991. The president was Jovan Tintor, who had close ties with both Karadžić and Krajić, as well as other republican level SDS members. Nikola Poplačen was appointed the War Commissioner for Vogošća. The War Commission exercised both civilian and military authority in Vogošća. From 1 to 4 March 1992, Serbs erected barricades at locations around Vogošća.

710. On 14 May 1992 Tintor signed an order placing the JNA garrison in Semizovac under the command of the Crisis Headquarters.<sup>1418</sup> On 17 May 1992 Ranko Jovanović signed a

<sup>1413</sup> Collection of Official Documents concerning the municipality of Bosanski Krupa-, 18/12/91, SA02-9073-SA02-9073(BCS).

<sup>1414</sup> Decree on the establishment of Rajlovac municipality by Krajić, 0107-0903-0107-0903 (BCS)

<sup>1415</sup> B-1099.

<sup>1416</sup> B-1099; .

<sup>1417</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1418</sup> Order signed by Tintor directing that the Semizovac Garrison Command be under the control of the Crisis Staff of the Serbian Municipality of Vogošća, 14/05/92, 0223-2623-0223-2623 (BCS).

conclusion from the Vogo{ }a Crisis Headquarters concerning the "cleansing of Svrake and other areas" .<sup>1419</sup>

### 25. Trnovo

711. Trnovo was a multi-ethnic municipality with a Muslim majority. Minutes of Trnovo SDS meetings show that in late 1991 the local SDS was requesting information on the reserve police force, and making plans to establish and train volunteers for a military formation.<sup>1420</sup> In December it decided to set up an Assembly of the Serbian People in Trnovo.<sup>1421</sup> The local SDS also expressly implemented the Variant A/B document on 25 December 1991 by deciding that "a crisis staff should be established in line with the instructions" .<sup>1422</sup>

712. The Serbian TO was established in March 1992. The link up with JNA military posts at Lukavica and Kalinovik was done in co-operation with the SDS Crisis Staff. There was daily progress in the arming of the TO units with infantry weapons.<sup>1423</sup>

713. On 29 April 1992, President Radivoje Draskovi} stated that it had been agreed with the JNA that they would participate in the cleaning up of the municipality. The Crisis Staff was to prepare the ground for APCs and tanks and also work on psychological and propaganda activities.<sup>1424</sup> On 16 May, the Crisis Staff ordered that all men eligible for military service were prohibited from leaving the territory because of the extremely difficult political and security situation.<sup>1425</sup> On 22 May, in line with a Presidency instruction of the previous day, the Crisis Staff summoned men to appear for mobilisation.<sup>1426</sup>

714. On 29 May 1992, the TO commander evacuated the population to "allow unhindered execution for task...for the liberation of Trnovo".<sup>1427</sup> That same day Colonel Bundalo told the commanders there would be an attack on Trnovo and Muslims would be driven out.<sup>1428</sup> The attack began on 31 May 1992. Serb forces, under Colonel Bundalo on orders of General

<sup>1419</sup> Conclusion signed by Jovanovi} of the SSOV Crisis Staff session of 16.05.92 relating to e.g., take-over of army barracks at Semizovic, "Cleansing" of Svrake, supplies for soldiers, problems at the Vogo{ }a Medical Centre, 17/05/92, 0223-4988-0223-4988 (BCS)

<sup>1420</sup> Minutes of the Trnovo SDS, 11/12/90, 0302-1579-0302-1630 (BCS), 0094-9660-0094-9741 (ENG)

<sup>1421</sup> Minutes of the Trnovo SDS, 11/12/90, 0302-1579-0302-1630 (BCS), 0094-9660-0094-9741 (ENG)

<sup>1422</sup> Minutes of the Trnovo SDS, 11/12/90, 0094-9660-0094-9741 (BCS), 0302-1579-0302-1630 (ENG)

<sup>1423</sup> Hand-written diary, 01/03/93-01/05/92, 0094-9338-0094-9370 (BCS); 0300-4620-0300-4651 (ENG)

<sup>1424</sup> Minutes of the meeting, SDS Crisis staff, 29/04/92, 0094-3178-0094-3179 (BCS), L001-6088-L001-6090 (ENG).

<sup>1425</sup> Decision on restriction of movement by Crisis staff, 16/05/92, 0094-3156-0094-3157 (BCS), 0302-9867-0302-9867 (ENG).

<sup>1426</sup> Invitation by Crisis HQ Trnovo to come to the Treskavica Hotel re. mobilisation orders issued by RS-BiH. Persons failing to attend can be held responsible according to regulations of the National Defence Act of the SRBiH, 22/05/92, 0094-3195-0094-3196 (BCS), L001-5740-L001-5742 (ENG).

<sup>1427</sup> Decision of TO Trnovo Bat Command, re planned attack on Kijevo and surrounding villages, 29/05/92, 0094-9262-0094-9265 (BCS), 0302-6231-0302-6234 (ENG).

<sup>1428</sup> Diary of Spasojevi} @eljko in which he accuses SDS for the attack on Trnovo and expulsion of Muslims, 01/05/92, 0094-9605-0094-9627 (BCS), 0302-7956-0302-7978 (ENG).

Mladi}, consisted of TO, units from Kalinovik and Trnovo Serbian Police. On 1 June men wearing the insignia of White Eagles arrived from Miljevina in an armoured vehicle and tore down and set on fire Muslim houses. After the attack on 31 May 1992, the Muslim population was expelled from Trnovo. Some people remained in the free part of the municipality, others went to Croatia and some were lodged in Hrasnica. There was a group of people who had been previously displaced from Fo-a and had temporarily settled in Trnovo, they were once more displaced. On 2 June 1992 amidst sporadic infantry fire and heavier artillery fire, Muslim people began to withdraw in large numbers. A total evacuation of Muslims from the Trnovo settlement was achieved by 4-5 June 1992.<sup>1429</sup>

## J. SOUTHERN BOSNIA AND HERZEGOVINA

### 26. *Bileca*

715. The municipality of Bile}a is located in the south-east corner of BiH, directly on the border of Montenegro to the east. According to the 1991 census, the municipality had a population of 13,199, of which 80% were Serbs, 14.66% were Muslims, and 5% were other.<sup>1430</sup> Bile}a was located away from most major battlefronts and served as a safe area for military HQs and prisons. In September 1991, the Muslim commander of the Civilian Defence sector of the TO of Bile}a was removed from his position by the municipal council at a meeting comprised only of SDS members. On the same day he heard several military men say that Muslims and Croats would be eliminated if they did not join the JNA.<sup>1431</sup>

716. The take-over of Bile}a began on 10 June 1992. It involved the local police, VRS troops and paramilitary groups including White Eagles.<sup>1432</sup> Local leaders involved include SDS president Milo{ Lero, Executive Board head Olrad Batini}, police commander Miroslav Duka, and General Ojdani}, commander of the 37<sup>th</sup> U`ice Corps.

717. Radovan Karad`i} denied, on live television, that there were Muslims being detained in Bile}a for being Muslim. Karad`i} stated that all of the prisoners were POWs and that they were not mistreated in any way. Later the RS Presidency did acknowledge the existence of at least one camp in Bile}a after the ICRC had visited.<sup>1433</sup> Prisoners were transferred between camps and to and from prisons in other municipalities.<sup>1434</sup>

<sup>1429</sup> Hand-written diary, 01/03/93-01/05/92, 0094-9338-0094-9370 (BCS); 0300-4620-0300-4651 (ENG).

<sup>1430</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1431</sup> B-1065.

<sup>1432</sup> B-1065.

<sup>1433</sup> Press Article, entitled "Karad`i} explains Views on Bosnia in Interview", Belgrade RTB Television Network, 22/09/92, R027-9282-R027-9286.

<sup>1434</sup> B-1020; Report by Warden Krnojejac, Milorad addressed to Herzegovina Corps Command of the Fo-a TO regarding their Order on the Relocation of the Prison from Bile}a to Fo-a, 06/05/92, 0099-6231-0099-6231 (BCS), 0300-3258-0300-3258 (ENG).

27. ^ajni-e

718. According to the 1991 census, the population of ^ajni-e, in south-eastern Bosnia, was 8919 of which 52.9% were Serbs, 44.9% Muslims, and 2.3% others.<sup>1435</sup> In mid-1990 local doctor Du{ko Kornja-a organised the founding meeting of the SDS party. Invited speakers included his associates Karad`i} and Plav{i}. During that meeting, the leaders of the SDS party were chosen and Kornja-a was elected as president of the SDS party for ^ajni-e.<sup>1436</sup> Kornja-a met regularly with the Serbian high command who discussed the concept of all Serbs banning together to form their own Republic.

719. During the general elections in 1990, the SDS gained nearly complete power. Kornja-a was chosen president of the municipal assembly, and later became head of the Crisis Staff that was formed in late March or early April 1992.<sup>1437</sup> After April 1992 non-Serbs could leave the municipality only with permission of Kornja-a.<sup>1438</sup> The roads leaving ^ajni-e were blocked by checkpoints manned by armed Serbs.<sup>1439</sup> Throughout this period and thereafter the Muslims were subject to intimidation by the Serbs who had been armed by Serbia in readiness for the planned take-over. Muslim men were regularly detained and beaten and even murdered by the Serb police/paramilitaries.<sup>1440</sup> During late March and early April armed men from Serbia and Montenegro arrived in ^ajni-e and co-operated with Kornja-a.

720. The separation of the police took place with a meeting on 11 April 1992. Kornja-a emphasised that all the power in ^ajni-e would be held by Serbs and the SDS and that the Bosniaks had to accept that domination. Further pressure to accept the division of the police was exerted on the Muslim police chief when Kornja-a, backed by the presence of armed SDS members, said he would cut the water supply for the Muslims in Gora`de. The Muslim police officers had to give back their automatic weapons and were told that only the Serb police were to work as police.<sup>1441</sup>

721. Kornja-a also received faxes directly from Karad`i} informing him that Karad`i} had secured the support of the Yugoslav air force and that it was time to expel all the Muslims from Serbian territories.<sup>1442</sup> The harassment of local Muslims included arrests and detention at the Mostina Hunting Lodge where many prisoners were beaten. On 19 May 1992 Serb

<sup>1435</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1436</sup> B-1072; B-1647.

<sup>1437</sup> B-1647.

<sup>1438</sup> B-1072.

<sup>1439</sup> B-1072.

<sup>1440</sup> B-150

<sup>1441</sup> B-1647.

<sup>1442</sup> B-150



forces under the command of Kornjača executed more than 30 detainees at the lodge.<sup>1443</sup> Individual Muslim houses in the city of Ćajniće and entire Muslim villages in the area were destroyed by Bosnian Serb forces. The two mosques of Ćajniće as well as many of the mosques and Muslim graveyards in the surrounding villages were also destroyed.<sup>1444</sup>

28. Foča

722. According to the 1991 census, the population of Foča was 40,513. 51.32% was Muslim, 45.21% was Serbian and 3.47% was classified as Croat, "Yugoslavian" or "others".<sup>1445</sup> In the 1990 elections the SDA won the majority in the local Assembly, winning 33 seats out of the total of 70. The SDS won 32 seats, and the remaining seats went to other parties. Before the elections the Serbs had held most of the leading political positions, and would not accept the changes in leadership.<sup>1446</sup> Velibor Ostojic, member of the main board of the SDS and subsequent Minister of Information, Vojislav Maksimović, and Petko Ćanar were involved in the pre-war planning and subsequent take-over of Foča.<sup>1447</sup> Miroslav Stanić, the President of the local SDS, President of the Foča War Presidency<sup>1448</sup> and head of the Crisis Staff in Foča, was responsible for the direct implementation of the plans for the take over.

723. The take-over of Foča was preceded by the covert build-up of arms among the local civilian Serbian population.<sup>1449</sup> The Crisis Staff organised the training and arming of Serb volunteers and appointed and promoted local military commanders.<sup>1450</sup> In March 1992, the President of the Serbian Assembly formally requested the JNA General Staff to station a garrison in Foča. The President assured that the Serbian Municipal Assembly was ready to reinforce the unit with troops who were presently training in the Kalinovik garrison.<sup>1451</sup>

724. Armed forces under the co-ordination of the Foča Tactical Group, forces which were originally TO forces and which in June 1992 became a VRS formation, were engaged in the attacks and take-overs of towns.<sup>1452</sup> Ostojic later reported on the success of the Territorial Defence in mopping up the Foča area.<sup>1453</sup> Colonel Marko Kovac, the Commander of the Foča

<sup>1443</sup> B-1647

<sup>1444</sup> B-1073

<sup>1445</sup> 1991 Census Statistics, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1446</sup> B-1538.

<sup>1447</sup> B-1537.

<sup>1448</sup> B-1618.

<sup>1449</sup> B-1015; B-1618.

<sup>1450</sup> B-1538.

<sup>1451</sup> Request for stationing a garrison in Foca from the Serbian Municipal Assembly to the JNA General Staff Belgrade, 17/03/92, 0018-3408-0018-3409 (BCS); 0092-0777-0092-0777 (ENG).

<sup>1452</sup> Order from Marko Kovac to end siege of Gorađe, 07/07/92, 0090-8267-0090-8271 (ENG).

<sup>1453</sup> Document from Ostojić, Velibor providing information on the achievements of Serb TO in Foča area, 30/04/92, 0208-9434-0208-9435 (BCS).

Tactical Group Command, signed permits allowing soldiers serving in Foča to travel to Belgrade.<sup>1454</sup> Soldiers identified as the White Eagles were involved in the take-overs.<sup>1455</sup> Together with the army commanders, the Crisis Staff was involved in the planning and execution of the attack on Foča.<sup>1456</sup> Soldiers from the Serbian Ustice Corps were present at centres where Muslims were being detained.<sup>1457</sup>

725. The attack on Foča began around 8 April 1992.<sup>1458</sup> Sirens preceded the attack, which involved heavy artillery and infantry from the surrounding hills. The attack initially focused on the predominantly Muslim neighbourhoods of Donje Polje, Aladža, and Cohodor Mahala. Fighting temporarily paused while SDA and SDS members met to negotiate. On 9 April Ostojić rejected the protocol of 21 items that the two sides drafted, and fighting resumed. Serb forces, including units of the JNA, the TO, the local police, and Arkan and [e]lj's paramilitaries participated in the attack on Foča.<sup>1459</sup> Foča town fell to the Serbs around 16 April, and many of the Muslims who remained during the fighting then fled the town.<sup>1460</sup> Four days after Foča fell, a delegation including Ratko Mladić and Biljana Plavčić visited Foča.

726. Groups of Muslim civilians, mainly men, were killed in numerous locations throughout Foča during the take-over of villages in the municipality. For example, on 26 April at least 5 Muslims were killed by Serb soldiers near a military warehouse in Filipovići.<sup>1461</sup> Between 1 May and 10 May, approximately 60 non-Serb civilians from the village of Jeleč were killed by Serb forces.<sup>1462</sup>

727. During and after the attack on Foča and surrounding villages, Serb authorities arrested and detained most of the Muslim population. Politicians, business leaders, doctors, lawyers, teachers and community leaders were principal targets of Serb pressure. The Serbs arrested SDA members, and those who sympathised with the SDA. They harassed the non-Serb population of Foča and made conditions for them unbearable.<sup>1463</sup> Muslims were permitted to leave only after obtaining a certification from the Foča police and signing a document

<sup>1454</sup> Request to Commander of KP Dom from Command of Foča Tactical Group, 08/05/92, Y000-3104-31-4 (BCS) 0301-5970 (Draft ENG); Travel permits signed by Marko Kovac allowing soldiers serving in Foča to travel between Belgrade and Foča between Aug 1992 and Nov 1992, 0040-4524-0040-4528 (ENG).

<sup>1455</sup> B-1538; B-1536.

<sup>1456</sup> B-1538

<sup>1457</sup> B-1120 (re Livade); B-1618 (Re KP Dom).

<sup>1458</sup> B-1618

<sup>1459</sup> B-1536; B-539; Document from Ostojić, Velibor providing information on the achievements of Serb TO in Foča area, 30/04/92, 0208-9434-0208-9435 (BCS)

<sup>1460</sup> B-1539

<sup>1461</sup> B-1015

<sup>1462</sup> B-1538

<sup>1463</sup> B-1539

assigning property to the Serbian Republic of Bosnia and Herzegovina.<sup>1464</sup> Non-Serb men who fled Fo-a into Serbia and Montenegro were returned by local authorities to Fo-a and detained there.<sup>1465</sup>

728. As soon as the take over was complete, the Serbs forces entered and searched Muslim homes and arrested people. Non-Serb civilians were beaten upon arrest and during transportation to detention facilities in the area.<sup>1466</sup> Serb forces brought civilians to the Kazneno-Popravni Dom ("KP Dom"), and other detention facilities in and around Fo-a, including warehouses in Livade.<sup>1467</sup> On 22 June 1992, 14 Muslim men from Trnova-a, a village six kilometres from Fo-a were taken by local Serbs, ostensibly to be detained in KP Dom, but were killed on the way.<sup>1468</sup>

729. The KP Dom facility was formally established pursuant to a decision of the Presidency of the Serbian Republic of Bosnia and Herzegovina and was funded out of the budget of the Republic.<sup>1469</sup> From 18 April to September 1992, the camp population averaged about 600 detainees. In April 1992, the Crisis Staff co-operated with the JNA in deploying KP Dom detainees for work on tasks approved by the Crisis Staff.<sup>1470</sup> Its temporary Warden, Milorad Krnojelac, was formally appointed to his position by a Decision of the Minister of Justice, Mom-ilo Mandić.<sup>1471</sup> In response to a request from the Fo-a Tactical Group Command, KP Dom was formally allocated as a place of detention for prisoners of war and detained persons from 10 May 1992.<sup>1472</sup> The Warden referred requests for release from Muslim civilian detainees to the Fo-a Crisis Staff for action.<sup>1473</sup>

730. The conditions at KP Dom were inhumane and degrading - basic medical care was not available. Non-Serb detainees were locked in their rooms for most of the day, or taken to do

---

<sup>1464</sup> B-1618.

<sup>1465</sup> Documentation relating to evacuation of wounded Muslims from Gorazde to hospitals in Serbia where they were questioned by a JNA officer; Some arrested and returned to Foca, incarcerated in KP Dom 0064-0683-0064-1090 (ENG).

<sup>1466</sup> B-1539; B-1121; B-1537.

<sup>1467</sup> B-1539; B-1121; B-1538, B-1618.

<sup>1468</sup> B-1018.

<sup>1469</sup> Letter No. 04/2-1/92, 25/07/92 signed by Mom-ilo Mandić, Y000-3009-Y000-3009 (BCS) Y000-3010-Y000-3010.(ENG).

<sup>1470</sup> Decision that JNA and Crisis Staff of Serbian Municipality of Fo-a shall co-operate on engaging KP Dom workers on tasks approved by Crisis Staff, 26/04/92, Y000-3033-Y000-3033 (BCS) Y000-3034-Y000-3034 (ENG).

<sup>1471</sup> Decision signed by Mom-ilo Mandić, 17/07/92, Y000-3086-Y000-3086 (BCS) 0301-5749-0301-5749 (ENG).

<sup>1472</sup> Request from Fo-a Tactical Group Command signed by Commander Miro Stanić, 08/05/92, 0106-1142-0106-1142 (BCS) 0301-5970-0301-5970 (ENG). Decision signed by Milorad Krnojelac, 10/05/92, 0106-1141-0106-1141 (BCS).

<sup>1473</sup> Stamped Letter No. 03-240-12/92 signed by Milorad Krnojelac, addressed to the Fo-a Crisis Staff, 15/05/92, Y000-3474-Y000-3474 (BCS); Enclosing letter from KP Dom detainee to Fo-a Crisis Staff, 15/05/92, Y000-3475-Y000-3475 (BCS), 0300-3700 0300-3700 (ENG).

forced labour. Many detainees were subjected to beatings and other forms of punishment. During its operation as a detention facility for non-Serbs, more than 250 Bosnian Muslims were killed in KP Dom or removed and killed elsewhere.<sup>1474</sup> At least 36 Muslims were killed during the month of July.<sup>1475</sup>

731. Muslim women and girls, who were separated from the men during the attacks on Fo-a and surrounding villages, were held in makeshift detention centres in the Fo-a High School (*Srednjoskola Centar*) and the Partisan Sports Hall.<sup>1476</sup> Some were also held by soldiers in various houses in the Fo-a area.<sup>1477</sup> Soldiers throughout the period of their detention repeatedly raped many of these women and girls. These soldiers included local Serbs and soldiers identified as being from Serbia and Montenegro, including from the units of Pero Elez and Dragoljub Kunarac, who operated under the command of the Fo-a Tactical Group.<sup>1478</sup>

732. Many cultural and religious objects in Fo-a were destroyed. On 2 August 1992 the Alad`a mosque was blown up and completely destroyed.<sup>1479</sup> The explosion was so powerful that many nearby houses had windows shattered and ceilings damaged. Before the war there were 11 Mosques in Fo-a, and all have been destroyed.<sup>1480</sup>

733. In January 1994, Fo-a was renamed Srbinje in reference to its almost exclusively Serbian population.

## 29. *Gacko*

734. The municipality of Gacko is located in Eastern Hercegovina and is bordered by Montenegro to the east. In 1991 the population was 10,788 with 61.74% Serb, 35.76% Muslim and 0.27% Croats.<sup>1481</sup> In the 1990 elections, the SDS won overall in the municipality but the SDA won in the town of Gacko itself.<sup>1482</sup> Mitar La`eti} of the SDS was appointed President of the municipality.<sup>1483</sup> SDA officials held negotiations with La`eti} and other SDS officials. SDS officials apparently had very little freedom of decision and were receiving orders from above.<sup>1484</sup> They would say they needed approval for decisions from Karad`i}.<sup>1485</sup>

---

<sup>1474</sup> B-1539; B-1538.

<sup>1475</sup> B-1539; B-1538.

<sup>1476</sup> B-1542; B-1543.

<sup>1477</sup> B-1542; B-1543

<sup>1478</sup> B-1542; B-1543

<sup>1479</sup> B-1542.

<sup>1480</sup> B-1539; B-1474.

<sup>1481</sup> 1991 census, 1994, 0052-3182(BCS & ENG).

<sup>1482</sup> B-1077.

<sup>1483</sup> B-1077; B-1122; B-1123.

<sup>1484</sup> B-1122.

<sup>1485</sup> B-1123.

735. Prior to the 1990 elections, there was an increase in Serb nationalist propaganda through the media and at rallies that increased the level of ethnic tension.<sup>1486</sup> After the elections, when the SDS gained all the positions of political and economic power, firing of Muslims from all position of influence began.<sup>1487</sup>

736. In 1990 and 1991 weapons were distributed to Serb civilians by the JNA.<sup>1488</sup> After the fighting began in Croatia, checkpoints were established throughout the municipality, manned by Serb police, Serb paramilitaries and JNA troops and were commanded by the SDS.<sup>1489</sup> By May 1992 the police force was exclusively Serb.<sup>1490</sup> From November 1991 there were many JNA units stationed in Gacko and from April 1992 there were also paramilitary groups, such as the White Eagles.<sup>1491</sup> From early 1992 the mistreatment of the Muslim population increased.<sup>1492</sup> Arrests of the non-Serb population, including by members of the White Eagles, began in April 1992 and increased in May and June.<sup>1493</sup> The SJB chief personally took part in the arrest of civilians.<sup>1494</sup> Muslims were told to surrender their weapons or the VRS would destroy and flatten everything.<sup>1495</sup>

737. Some of the Muslim population was bussed out of the municipality and others went to Fazlagi}a Kula and Bora}.<sup>1496</sup> On 17 June 1992 Fazlagi}a Kula was attacked by VRS, White Eagles and police.<sup>1497</sup> Many people managed to escape but some Muslims, including elderly, women and children, were killed.<sup>1498</sup> Many Muslims were in the mountains in the area of Bora}. Serb forces tried to convince people to surrender and many people that surrendered or were caught trying to escape were killed.<sup>1499</sup>

738. Non-Serbs were held at Avtovac post office, the Gacko SUP and a detention camp at Bile}a.<sup>1500</sup> People were also held in terrible conditions at the hotel of the electric plant where people were tortured and killed. Conditions at the SUP were harsh and on 3 July 1992, the

<sup>1486</sup> B-1077; B-1019; B-1123; B-1122; B-1020; B-1019.

<sup>1487</sup> B-1123; B-1077.

<sup>1488</sup> B-1122; B-1019.

<sup>1489</sup> B-1123 ; B-1020.

<sup>1490</sup> B-1020.

<sup>1491</sup> B-1122; B-1123; B-1020 ; B-1077; Order by Karad` i} to conduct an investigation about paramilitary groups in Gacko, 03/07/92, 0049-5327-0049-5370 (BCS), 0090-5599(ENG).

<sup>1492</sup> B-1122; B-1020; B-1077 ; B-1019.

<sup>1493</sup> B-1077; B-1122; B-1019.

<sup>1494</sup> B-1077.

<sup>1495</sup> B-1122; B-1123; Proclamation by the War Presidency of Gacko to Muslims in village of Bjela{nica to surrender weapons, 31/07/92, 0209-6313 (BCS).

<sup>1496</sup> B-1122; B-1123; B-1020.

<sup>1497</sup> B-1123; B-1019; B-1122.

<sup>1498</sup> B-1122; B-1123; B-1020; B-1019 .

<sup>1499</sup> B-1019; B-1122; B-1020 .

<sup>1500</sup> B-1122; B-1123; B-1077

Commander of Police and other Serbs executed 5 prisoners.<sup>1501</sup> The Commander of police, Vitomir Popi} was seen frequently with the Chief of Police, Vojin Popovi}, who was a member of the Crisis Staff. Popi} was also present at meetings with other members of the Crisis Staff.

### 30. Kalinovik

739. According to the 1991 census about 38% of the population of Kalinovik were non-Serbs. By 1997 of a total of 2,243 people, only 2.36% were non-Serbs.<sup>1502</sup> In 1991 and early 1992 the local Serb population was armed by the JNA.<sup>1503</sup> Muslims were discriminated against based on their lack of response to the mobilisation call.<sup>1504</sup> Reservists would provoke the non-Serb population with gunfire, including shooting at mosques. The ethnic separation of the police took place on 20 April 1992 at the direction of Mom-ilo Mandi}.<sup>1505</sup> General Ratko Mladi} originates from Kalinovik and visited often, including once on 11 May 1992 with Velibor Ostoji}.<sup>1506</sup>

740. On 25 June 1992 approximately 67 Muslims, responding to a SDS invitation to a meeting, were arrested and detained at the Milan Radojevi} School. All other Muslim men of military age were also arrested.<sup>1507</sup> On 1 August 1992 Muslim houses in the hamlet of Karaula were attacked.<sup>1508</sup> In early August 1992 all remaining Muslims in the municipality, including women and children were placed into detention, most at the elementary school.<sup>1509</sup> Maltreatment in the form of beatings and rapes began upon the arrival of the paramilitaries.<sup>1510</sup> Prisoners from other municipalities were also transferred to the detention facilities of Kalinovik.<sup>1511</sup>

741. On 5 August 1992, 23 prisoners from Kalinovik, who had been transferred to KP Dom in Fo-a were taken to the village of Ratine. Serb police and soldiers shot the prisoners and

---

<sup>1501</sup> B-1077

<sup>1502</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1503</sup> Situation report, 08/03/92, 0084-5155-0084-5156 (BCS), 0089-8401-0089-8402 (ENG)

<sup>1504</sup> Based on a decision by the War HQ of the Serbian Armed Forces (SOS) Kalinovik on 17 May 92, an order was issued to carry out a check of all able-bodied Muslim men residing in the municipality of Kalinovik, 0094-9160-0094-9160 (BCS) 0110-5380-0110-5380 (ENG)

<sup>1505</sup> B-1078

<sup>1506</sup> B-1078

<sup>1507</sup> B-1078

<sup>1508</sup> B-1078

<sup>1509</sup> B-1078

<sup>1510</sup> B-1020

<sup>1511</sup> Confidential Order, addressed military police platoon regarding transport of POWs from Fo-a prison to Kalinovik prison or place of exchange, 29/10/92: Y000-3108-Y000-3108 (BCS), 0300-3263-0300-3263 (ENG)

burned the bodies. Perpetrators of this massacre included the Kalinovik mayor, police commissioner, head of the Executive Board, and a JNA colonel.<sup>1512</sup>

### 31. *Nevesinje*

742. The 1991 population of Nevesinje was 14,448, comprising 74.13% Serbs, 22.93% Muslims, 1.45% Croats and 1.48% categorised as "others".<sup>1513</sup> Nevesinje was strategically significant because of certain military installations in the municipality.<sup>1514</sup> After the 1990 elections, Serbs held all substantial political positions in Nevesinje.<sup>1515</sup> A crisis staff was established in late 1991, and was dominated by the SDS.<sup>1516</sup> SDS leaders Maksimovi}, Ostoji} and Koljevi} visited the municipality on several occasions,<sup>1517</sup> and in April 1992, Karad`i}, Kraji{nik and Stani{i} visited the JNA barracks in Nevesinje.<sup>1518</sup> Beginning in late 1991 and throughout the spring of 1992, Muslim shops and homes were blown up.<sup>1519</sup> Barricades were erected and staffed by the Serb reserve police and paramilitary units.<sup>1520</sup> Massive arming of the Serb population took place with weapons brought from Mostar.<sup>1521</sup>

743. The take-over of Nevesinje occurred from mid June 1992 onwards over the course of about two weeks. Shelling, arrests and killings of non-Serbs began around Nevesinje. Wide spread persecutions, forced transfers into camps, beatings, interrogations and multiple rapes of women, forced many people from the municipality.<sup>1522</sup> Muslims who worked in police and other official organizations were fired from their jobs. Non-Serb police officers had to surrender their weapons and uniforms. Muslim and Croat officers in the JNA were dismissed.<sup>1523</sup> Muslims were ordered to leave their houses so that Serbs who arrived from

<sup>1512</sup> B-1078,

<sup>1513</sup> Census 1991: 0052-3182/0044-3829 (BCS & ENG)

<sup>1514</sup> The war in Croatia, especially against the city of Dubrovnik, was conducted with troops formerly stationed in Nevesinje JNA barracks; Presence of JNA units in Nevesinje and Trebinje : 0087-0100-0087-0102 (BCS), L000-5447-L000-5450 (ENG)

<sup>1515</sup> B-1550; B-1549.

<sup>1516</sup> B-1555.

<sup>1517</sup> B-1550 ; B-1549; Report by War Commission Nevesinje to the Presidency, 04/12/92 : 0089-8397-0089-8400 (ENG); Decision to appoint Vojislav Maksimovi} as Republic Commissioner for Nevesinje, 17/09/1992: 0302-1043-0302-1043 (BCS), 0090-3112-0090-3112 (ENG).

<sup>1518</sup> Karad`i} together with Kraji{nik & Stani{i} for talks with the TO, 07/05/92: V000-1463-V000-1463, L003-2395-L003-2395 (ENG); Article, 09/05/92 : 0202-9912-0202-9912 (BCS)

<sup>1519</sup> Report by Nevesinje SDA on attack carried out by Serb extremist, 26/07/91, SA04-0478-SA04-0482 (BCS)

<sup>1520</sup> B-1555; Report by Nevesinje SDA on armed operations in Nevesinje, 15/07/91, SA04-0476-SA04-0479 (BCS); Letter of SDA to Plav{i}, 30/07/1991, protesting against Serb barricades: SA02-0585-SA02-0585 (BCS), L001-9253-L001-9253 (ENG).

<sup>1521</sup> B-1549; B-1555; Letter of SDA to Plav{i}, 30/07/1991. SA02-0588-SA02-0589 & SA02-0585-SA02-0585(BCS).

<sup>1522</sup> B-1550; B-1027; B-151; B-152; B-161

<sup>1523</sup> B-1549 ; B-1555; B-152.

Mostar could live in them. Checkpoints were set up and run by a paramilitary group called "Karadorde".<sup>1524</sup>

744. Muslim intellectuals, politicians and affluent people were targeted in the cleansing campaigns.<sup>1525</sup> On or about 15 June 1992, SJB chief Krsto Savi} publicly killed Redo Trebovi}, a prominent Muslim businessman. He was shot in front of his own house and family.<sup>1526</sup> On 17 June 1992 Mustafa ] upina, the local SDA president was arrested and beaten to death at the SJB station.<sup>1527</sup> A group of elderly people (some in their eighties) from the village of Lakat were transported by trucks to the place called Boracko Lake ("Jezero"). The men were beaten and tortured. Those who survived, approximately 18 civilians, were taken towards Kiser and executed in the forest.<sup>1528</sup>

745. On 14 June 1992 about 20 Muslim and Croat civilians from the village Vrapcici were shot at the River Neretva.<sup>1529</sup> On 22 June 1992 16 or 17 elderly people of Kijuna village had their throats cut.<sup>1530</sup>

746. On 21 June 1992 attacks on the villages of Donja Bijena and Postoljani occurred, though the villagers had left their houses.<sup>1531</sup> On the following day the village Preskaja was shelled and taken by the Serbs.<sup>1532</sup> Several mosques and one Catholic Church were destroyed in Nevesinje town and municipality.<sup>1533</sup> Houses were looted and set on fire.<sup>1534</sup>

747. In late June, approximately 75 Muslims from the villages of Soplja, Borovcici, Lakat, Preskaja and Kljuna tried to escape via the Vale` mountain.<sup>1535</sup> They were however, ambushed near Teleca Lastva by Serb forces around 26 June 1992.<sup>1536</sup> Then the group was taken to a school in Zijemlja where the VRS separated men from women and children. The

---

<sup>1524</sup> B-1555.

<sup>1525</sup> B-1027.

<sup>1526</sup> B-1549; B-161.

<sup>1527</sup> B-1550 ; B-1555.

<sup>1528</sup> B-1028 –

<sup>1529</sup> C-017.

<sup>1530</sup> B-1552

<sup>1531</sup> B-1555

<sup>1532</sup> B-1027

<sup>1533</sup> B-1549.

<sup>1534</sup> B-1555; B-1027; C-017; B-1549; Document on Destruction of Religious Institutions :April –Dec 1992 in Nevesinje town – 0064-3903-0064-3911 (BCS), 0190-2540-0190-2547 (ENG); A report on the Devastation of cultural, historical and natural heritage of the Republic/ Federation of Bosnia and Herzegovina (5 April 1992-5 September 1995) – 0036-1693-0036-1839 (ENG), Council of Europe, Report on the destruction by war of the cultural heritage in Croatia and BiH, 02/02/92, 0096-9028-0096-9028 (BCS) 0003-3515-0003-0003-3566 (ENG)

<sup>1535</sup> B-1027; B-1555; The elderly people of the villages of Kijuna & Lakat who couldn't walk via Vale` mountain were killed B-1552; B-1028. See also : the investigative reports of French IPTF: 0300-9776-0300-9777 (BCS), 0110-6135-0110-6137 (ENG)

<sup>1536</sup> B-1027; Dispatch note of the Gendarmerie Nationale : 0212-2770-0212-2823 ; See also the letter provided by wit.B-1555; 0064-3749-0064-3750 (BCS).



men were driven in a forest truck to “Breza” pit and executed.<sup>1537</sup> The women and children were first detained for three days in the Central Heating Factory and then taken to “Lipovica” pit and killed there.<sup>1538</sup> In June 1992 a group of about 100 civilians were brought to the “Sopilja” pit and killed.<sup>1539</sup> At the end of June another group of non-Serbs were driven to the 60 metre deep “Lipovaca” pit in a suburb of Nevesinje. Paramilitaries wearing red berets stabbed them with knives, shot them or threw them alive into the pit. Between 250 to 300 Muslim men, women and children were killed in this way.

748. Muslim men, women and children were rounded up and detained in camps.<sup>1540</sup> In the Central Heating Factory women and children were detained in unsanitary and inhumane conditions. They were subjected to beatings, torture and other degrading treatment, including rape in the case of many women.<sup>1541</sup> Many of the women and their children were killed.<sup>1542</sup> Some of the women were singled out and brought to another camp, “Boratsko Jezero”, where they were raped and tortured.<sup>1543</sup>

749. On 28 June 1992 a convoy transporting weapons from Montenegro and designated for Nevesinje was intercepted in Gacko. The driver, a paramilitary leader, was arrested and taken to the local SJB. Nevesinje SJB Chief Savi} led a group to the Gacko SJB, forcibly took possession of the seized weapons, and released the paramilitary leader.<sup>1544</sup>

750. Muslims and Croats in Nevesinje who survived the attacks were forced to leave.<sup>1545</sup> Those who had not already left were picked up by the police and expelled from their apartments.<sup>1546</sup> The MUP organised buses which drove them to the separation line between Nevesinje and Mostar, then they were left to make their own way to Mostar. In 1993 the bodies of five women and one elderly man were found, having been shot at the place where they were put off the buses. These were the people who could not walk.<sup>1547</sup> As a result of

---

<sup>1537</sup> B-1027.

<sup>1538</sup> B-1027; B-161; .

<sup>1539</sup> B-1152; B1151

<sup>1540</sup> The Central Heating Factory B-1027.

<sup>1541</sup> B-1027 ; B-0550

<sup>1542</sup> B-1027 ; B-1028; B-1748; B-1747.

<sup>1543</sup> B-1028 ; B-1748 ; B-1747; C-017.

<sup>1544</sup> B-1123.

<sup>1545</sup> B-1549; B-1555

<sup>1546</sup> B-1550; B-1028; B-1555; B-1552; B-161.

<sup>1547</sup> B-1555

these massacres and killings<sup>1548</sup> over than 200 citizens of Nevesinje are considered to be “missing”.<sup>1549</sup>

### 32. *Trebinje*

751. According to the 1991 census, Trebinje had a population of 30,879, of which 69.3% was Serb, 17.9% (approx. 5500) was Muslim and 4% Croat.<sup>1550</sup> Trebinje came under the control of local Serb extremists led by Božidar Vučević in late 1991, when it was used as a major command and artillery base for the siege of Dubrovnik. It was seen as a token for achieving one of the six strategic objectives, namely access to the sea.<sup>1551</sup> The Accused was aware that extremist forces under the “Serbian Renewal Movement” (White Eagles) were causing trouble in the area.<sup>1552</sup>

752. Trebinje was declared the seat of the self-proclaimed Serbian Autonomous Region of E. Herzegovina after the JNA left in May 1992. Božidar Vučević headed the local SDS and later became President of the Crisis Staff. In 1992 Vojislav [elj] visited the municipality and pledged his support for the Serbian Autonomous Region. Vučević was present at this rally.<sup>1553</sup>

753. Arms smuggling through the region began as early as 1990. Weapons that were designated for the TO in Croatia and Muslim areas were transferred or made inaccessible to those groups and distributed on a large scale to Serb males. Other weapons were brought into Trebinje from the UDB in Pristina. The JNA began to work more closely with Vučević and the SDS, particularly the KOS.<sup>1554</sup> Special units of the MUP Serbia under the instruction of Frenki Simatović, were involved in the cleansing operation in Trebinje.<sup>1555</sup>

754. In January 1992 the chief of police of the SAO Herzegovina, Krsto Savić, ordered the chief of police in Trebinje to cleanse the police force of Muslims. At a meeting of police chiefs from the SAO Herzegovina shortly thereafter, the other chiefs boasted about having

<sup>1548</sup> Report regarding mass graves in Nevesinje municipality, 17/02/98: 0096-8710-0096-8711 & 0064-3745-0064-3746; map, 0064-3753.

<sup>1549</sup> Record of 210 cases provided by the Centre for Research of War Crimes & Genocide against Muslims, 12/01/93, 0018-9986-0018-9992 (BCS), 0300-1489-0300-1489 (ENG).

<sup>1550</sup> 1991 Census, dated 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1551</sup> ECMM document, re. Meeting on Peace between Trebinje and Dubrovnik, 21/08/95, R026-3931; Intercept between Vučević/Karadžić, 02/09/91, D000-0632, 0212-8628-0212-8635 ID 8022;

<sup>1552</sup> Intercept Milošević/Karadžić where Milošević complains about a problem in Trebinje concerning a “Valjevo Battalion”, 24/09/91, D000-0632, 0212-8772-0212-8773; B-1609.

<sup>1553</sup> BBC summary of World Broadcast, 02/04/92.

<sup>1554</sup> B-1233

<sup>1555</sup> C-017.

ethnically cleansed their police forces, while the chief from Trebinje was fired and arrested.<sup>1556</sup>

755. Around 1000 Muslims, mostly draft-age men, fled Trebinje when the war erupted in BiH, according to the SDA.<sup>1557</sup> However, most of the Muslim men spent up to 11 months fighting with the local Serbs against local Croats and other Muslims. The predominantly Croatian village of Ravno was pillaged and burned by JNA reserve soldiers and Serbian irregular troops in late 1991.<sup>1558</sup>

756. The peak of ethnic cleansing was in January 1993 with harassment against Muslims by Serbian militia. Under the Vance Owen peace plan, the region was one of three provinces that would be Serb dominated. Those Muslim men who fought on the Serbian side were all demobilised and disarmed. They received threatening phone calls, hand grenades were thrown into their yards and Serbian soldiers plundered Muslim homes of anything they wanted, from money and gold to cars and furniture.

757. On 22 January 1993, the Osman Pasha Mosque, the largest mosque in Trebinje, was burned down, and the same happened to many Muslim houses, shops and monuments.<sup>1559</sup> On 25 January, Muslims staged a protest in front of Vu-urevi}'s office demanding protection. Vu-urevi} stated in a public speech that his "government is not able to grant security to Muslims". This sparked an exodus of over 3000 Muslims from Trebinje.<sup>1560</sup>

758. ECMM went to meet with Vu-urevi} on 28 January 1993 and were told by Muslim families that the mosque had been blown up and burned the previous night.<sup>1561</sup> The ECMM team felt it was being "kept busy and out of the town" during the day while waiting to meet with Vu-urevi}. When they finally did meet with Vu-urevi}, his official word was that Muslims were not being forced to leave and that the loss of Muslims from Trebinje would be a great loss to the community.<sup>1562</sup> The Accused was put on notice in the course of February 1993 that a refugee flow of 4000 people out of Trebinje was imminent. The ECMM also sent letters of protest to Karad`i} and Mladic on 2 March 1993 regarding the forced exodus of Muslims from Trebinje.<sup>1563</sup>

---

<sup>1556</sup> B-1633.

<sup>1557</sup> Helsinki Watch Report, 0028-8762-0028-8777 (ENG).

<sup>1558</sup> Helsinki Watch doc. describing the attack on Ravno on 10/11/91, 0304-4374-0304-4389 (BCS), 0006-4381-0006-4404 (ENG). See section on Dubrovnik above.

<sup>1559</sup> Associate Press Report, 13/02/93, M001-0259 (ENG).

<sup>1560</sup> Helsinki Watch doc: 0028-8762-0028-8777 (ENG).

<sup>1561</sup> ECMM docs – describes the situation in Trebinje in Jan 93, 29/01/93, DK00-4181-DK00-4186.

<sup>1562</sup> ECMM docs – describes the situation in Trebinje in Jan 93, 29/01/93, DK00-4181-DK00-4186.

<sup>1563</sup> ECMM report, 23/02/93, 0015-6417 (ENG).

## K. NORTH WESTERN BOSNIA AND HERZEGOVINA

### 33. Banja Luka

759. The 1991 census recorded 195,692 residents in Banja Luka, with 14.6% Muslims, 14.8% Croats and 54.6% Serbs. By 1995 the percentage of Muslims had fallen to 6.43% and Croats to 6.77%, confirming the success of the ethnic cleansing campaign.<sup>1564</sup> In early April 1992, checkpoints manned by uniformed Serbs identifying themselves as the SOS (Serbian Defence Forces) were set up throughout the city. The 1KK Commander, General Tali} was aware of the existence of the SOS and their workings but still supported SOS demands.<sup>1565</sup> The SOS announced a curfew and issued a public statement claiming they were acting "because of the new genocide against the Serbian people".<sup>1566</sup> Later, paramilitary groups from Serbia, such as the "White Eagles", appeared armed on the streets of Banja Luka and in front of public buildings.<sup>1567</sup> The JNA and BiH presidency members were aware of the criminal activities of certain groups in the Banja Luka area.<sup>1568</sup> After the appearance of the SOS forces, Red "combi" vans drove through the streets of the city of Banja Luka, harassing, and sometimes detaining or beating, non-Serbs.<sup>1569</sup> Local Serb leader Radoslav Br|anin issued a public statement supporting the SOS.<sup>1570</sup> Beginning in April 1992, churches, mosques and shops owned by non-Serbs were vandalised and subjected to explosive attacks.<sup>1571</sup> From April until December 1992, there were 191 bombing incidents in Banja Luka reported to the CSB.<sup>1572</sup>

760. Beginning in late 1991 the JNA and the Bosnian Serb authorities distributed weapons to Bosnian Serb civilians.<sup>1573</sup> On 14 May 1992, the ARK Crisis Staff ordered the disarming of individuals in illegal possession of weapons. The Crisis Staff issued a decision that only Serbs could hold certain jobs.<sup>1574</sup> Local SDS leader Radoslav Br|anin met with directors of

<sup>1564</sup> Report, data on the number and ethnic structure of the population according to municipalities in the area of the Banja Luka RDB, for 1991 and 1995, 01/02/95 B003-1169-B003-1183 (BCS), 0093-0351-0093-0367 (ENG).

<sup>1565</sup> 5th Corps Command letter to Banja Luka Corps troops, 03/04/92, 0094-9911-0094-9913 (BCS), 0096-2628-0096-2630 (ENG); Reg Combat Report to 2nd Military District Command re the presence of SOS, 27/04/92, 0086-2115-0086-2122 (BCS), 0093-8526-0093-8528 (ENG).

<sup>1566</sup> Press Statement regarding the formation of SOS, 03/04/92, B105-2710-B105-2710 (BCS), 0190-3545-0190-3546 (ENG); B-1256; B-1261; B-1269.

<sup>1567</sup> B-1258; B-1257.

<sup>1568</sup> Letter of Banja Luka CSB to BiH Presidency; BiH Assembly; BiH Govt; BiH MUP and the JNA Banja Luka Corps, re: activities of paramilitary formations in the territory of the Banja Luka CSB, 23/09/91, SA02-0124-SA02-0132 (BCS), 0096-1057-0096-1063 (ENG).

<sup>1569</sup> B-1263; B-1258.

<sup>1570</sup> B-1256.

<sup>1571</sup> B-1263 ; B-1749; Report on the activities of Banja Luka CSB between 04-Apr-92 and 31-Dec-92, 15/01/93, B109-8119-B109-8147 (BCS), 0301-7944-0301-7960 (ENG); B-1263 ; B-1749.

<sup>1572</sup> Ibid (Report).

<sup>1573</sup> B-1529.

<sup>1574</sup> Order by CSB Chief, Banja Luka to all SJB stations on implementing decision by ARK Crisis Staff, Banja Luka, 01/07/92, 0063-3175-0063-3176 (BCS), 0190-8331-0190-8332 (ENG).

Banja Luka enterprises and ordered them to comply with the decision and sat on a commission that dismissed many non-Serbs from management positions.<sup>1575</sup>

761. In the summer of 1992, railway cars full of non-Serbs being deported from the Republika Srpska passed through Banja Luka. Muslims who came to give aid to the hot and thirsty deportees were refused permission to approach the cars by the Bosnian Serb police at the railway station.<sup>1576</sup> The persecutions extended to violence and murders, including the murder by soldiers of the Bosnian Serb Army in August 1992 of five members of the Muslim ]ulum family, in the village of Bastasi.<sup>1577</sup>

762. Non-Serb civilians were imprisoned, kept in unsanitary conditions, poorly nourished and often beaten or tortured in Serb-controlled detention facilities, including Mali Logor, a military prison, the CSB Building located in the city, and the Viz Tunjice Penitentiary.<sup>1578</sup> Many non-Serb civilians were also detained in Manja-a, a military training camp located in the south of Banja Luka municipality.<sup>1579</sup> Witnesses will testify about the early June 1992 killing of six prisoners from Sanski Most upon their arrival at Manja-a,<sup>1580</sup> the early July deaths of prisoners during transport from Sanski Most,<sup>1581</sup> the killing of Omer Filipovi} and others,<sup>1582</sup> and about killings in August 1992 of prisoners who arrived from the Omarska camp.<sup>1583</sup>

763. In August 1992, pamphlets were dropped from a plane over Banja Luka stating that Muslims should leave Banja Luka voluntarily or else they would be expelled by force.<sup>1584</sup> At this time, the VRS Army controlled all airfields in the area. Muslim and Catholic leaders informed General Tali} of the ongoing campaign of persecutions and appealed to him to put a stop to it. While Tali} promised that the military would protect the non-Serb communities, in fact, no action was taken.<sup>1585</sup>

764. Local Serb leaders made many public statements inciting Serbs to engage in persecutory acts against Muslims and Croats and to terrorise non-Serbs into fleeing their homes. Radoslav Br|anin repeatedly stated on mass media that only a small percentage of

<sup>1575</sup> Decision by the Commission to dismiss non-Serbs from management positions, 0301-5597-0301-5597 (ENG)

<sup>1576</sup> B-1263; B-1258.

<sup>1577</sup> B-1001; 1 KK Combat SITREP to GS VRSDiH, 12/08/1992, 0086-2514-0086-2515 (BCS), 0190-7204 (ENG); Karad'i} order re killing, 19/08/92, 0049-5343-0049-5343 (BCS), 0049-5362 (ENG).

<sup>1578</sup> B-1268.

<sup>1579</sup> B-1269; B-1266

<sup>1580</sup> B-1377; B-1062

<sup>1581</sup> B-1373; B-1042; B-1377

<sup>1582</sup> B-1377

<sup>1583</sup> B-1373; B-1062; B-1131

<sup>1584</sup> B-1263

Muslims could remain in the city.<sup>1586</sup> A witness who kept a diary will give an account of persecutory events in Banja Luka through 1992-1993.<sup>1587</sup>

765. Throughout the summer of 1992, General Tali} monitored the deportation of Muslims and Croats from the Krajina and Banja Luka. He supported this policy and concluded at one point that Muslims and Croats were not being moved out of Banja Luka fast enough by the regional authorities.<sup>1588</sup> As a result of the campaign of persecutions against Muslims in Banja Luka, many non-Serbs fled to Croatia, areas of BiH outside of Serb control, and to third countries.<sup>1589</sup>

766. Members of the RS leadership often visited Banja Luka during 1991 and 1992. @upljanin also sent a written report to Plav{i} about the activities of paramilitaries in the Banja Luka region.<sup>1590</sup> Reports of the burning of villages, destruction of all sixteen mosques and terrorisation of the non-Serb population continued in 1993, and different uniformed groups, including the police, attempted to shift the responsibility for these crimes from themselves.<sup>1591</sup>

#### 34. *Biha}* (*Ripa~*)

767. The municipality of Biha} is located in the northwest of Bosnia bordering Croatia and formed part of the ARK. According to the 1991 census the municipality was predominantly Muslim. Of the 70,732 residents, 66.1% identified themselves as Muslim, 17.9% as Serbs and 7.9% as Croats.<sup>1592</sup> Within the municipal borders, however, to the east of the town of Biha}, was the community of Ripa~, which consisted of Ripa~ and seven other villages with a total population in 1992 of about 5,000. The majority in the village of Ripa~ were Muslim, but in

---

<sup>1585</sup> B-1263

<sup>1586</sup> B-1263

<sup>1587</sup> B-1256

<sup>1588</sup> Reg Combat Report, No.44-1/227, 10/07/92, 1KK Command to SRBH Army Main Staff: about the awareness by Tali} of deportations of non-Serbs, 0086-3686-0086-3693 (BCS), 0086-7029-0086-7031 (ENG); Reg Combat Report to RS BH Army Main Staff about the awareness by Tali} of deportations of non-Serbs, 28/07/92 0086-2013-0086-2020 (BCS) 0093-8581-0093-8583 (ENG); Reg Combat Report to 2nd Military District Command regarding the presence of SOS, 27/04/92, 0086-2115-0086-2122 (BCS) 0093-8526-0093-8528 (ENG).

<sup>1589</sup> Official record by CSB, Banja Luka regarding Muslims moving out from RS and RSK, 16/12/92, B-108-0269-B-108-0270 (BCS) L002-1953-L002-1954 (ENG); Official record by CSB, Banja Luka re ethnicity of inhabitants before and after breakout of armed conflicts (1991 and 1993), 04/05/93, B003-1708-B003-1710 (BCS); 0190-3085-0190-3087 (ENG).

<sup>1590</sup> Letter from Zupljanin to Plav{i} and JNA Uzelac, on the activities of paramilitary formations in the territory of Banja Luka CSB, 23/09/91, SA02-0124-SA02-0132 (BCS) 0096-1057-0096-1063 (ENG)

<sup>1591</sup> ICRC Press Communication No 93/11, 07/05/93, 0031-8012 (ENG); Official note by CSB Banja Luka, SNB re division among SJBs, Banja Luka CSB and VRS, 26/02/93, B008-0201-B008-0203 (BCS); 0300-03095-0300-0397 (ENG); Maps of destroyed mosques, 0044-3810-0044-3810; 0039-9843-0039-9843

<sup>1592</sup> Figures from a summary table produced by the Republic of Croatia National Statistics Department, April 1995, 0048-1911-0048-1332 (BCS), L003-3514-L003-3515 (ENG).

the community as a whole, about 56% of the people were Serb.<sup>1593</sup> On 28 December 1991, the SDS established the “Serbian Municipality of Biha}”.<sup>1594</sup> Throughout the war in Bosnia, the town of Biha} remained controlled by Muslim forces in what was often referred to as the “Biha} pocket”.<sup>1595</sup> Bosnian Serb forces, however, controlled community of Ripa-.

768. The municipality of Biha} including the area of Ripa- was initially under the command of the JNA 10th Corps, who had their headquarters in the city of Biha}. Later, Ripa- was controlled by the 2<sup>nd</sup> Krajina Corps (“2KK”), based in Drvar. After the 1991 elections, police officers of Serbian ethnicity left their positions in the town of Biha} and moved to Ripa- and the premises of the “Traktorski Servis”.<sup>1596</sup>

769. From early 1992 onwards Muslims who remained within the community of Ripa- were persecuted by the Serbs throughout the indictment period. Documents and correspondence concerning the administration of the ARK and the Serbian Municipality of Biha} detail this persecution.<sup>1597</sup> A number of these documents demonstrate the link between the local SDS Crisis Staff and senior *Republika Srpska* political leaders.<sup>1598</sup> One document also demonstrates that Serbia was supplying ARK municipalities with foodstuffs and oil in 1992.<sup>1599</sup>

770. In May 1992 the Muslims who remained in the village of Ripa- were gathered in a school and addressed by the head of the SDS for Biha} municipality. The Muslims were told that their children could no longer be educated in Ripa-, but would have to go to Muslim areas of Biha} to be educated. They were also told that Muslims would be required to surrender their weapons and sign a loyalty oath and that the authorities would not guarantee the safety of those that refused.<sup>1600</sup> During this time Muslims were also dismissed from their jobs and their freedom of movement restricted.<sup>1601</sup>

<sup>1593</sup> B-1002.

<sup>1594</sup> Statute of the Serbian Municipality of Biha}, 11/01/92, 0100-8546-0100-8576 (BCS), 0110-4372-0110-4408. (ENG)

<sup>1595</sup> See further the discussion in the “Enclaves” section below.

<sup>1596</sup> B-1102; B-1566.

<sup>1597</sup> See e.g. 0042-3657-0042-3658 BCS, 0303-1763-0303-1764 ENG; 0059-2311-0059-2316 BCS, L002-2723-L002-2723 ENG.; 0094-1725-0094-1728 BCS; See also UN correspondence from to UNPROFOR, stating that UNMOs from Biha} reported that 42 Muslims were taken from their homes and detained in a school, 30/06/1992 ZA02-2117-ZA02-2119 (ENG).

<sup>1598</sup> See e.g. 0094-1729-0094-1731 (BCS), 0110-8513-0110-8515 (ENG); BCS 0050-1040-0050-1041, Eng. 0304-0701-0304-0702 (ENG); 0094-1695-0094-1699 (ENG).

<sup>1599</sup> Request from Banja Luka to each municipality to supply oil and foodstuffs requirements in order that these may be passed on to the Government of the Republic of Serbia, dated 21/02/92, 0100-8510-0100-8510 (BCS), 0190-1050-0190-1050. (ENG).

<sup>1600</sup> B-1002; B-1102; B-1480.

<sup>1601</sup> B-1102; B-1002; B-1480.

771. On 10/11 June 1992 the remaining Muslims from the villages of Kulen Vakuf and Oražac decide to leave after they were threatened by the Serbs. On the Radojla plateau Serb forces surrounded them. They then negotiated an agreement with the Serb Krajina forces allowing them to cross into Croatia. The Serb forces, however, stopped a number of Muslim men from crossing the border. They separated approximately 150 and 200 men who were mainly TO reservists. A witness of these events estimates that over 20,000 Muslim refugees were attempting to cross at the [trka-ki Buk from BiH into Croatia.<sup>1602</sup>

772. The men who were separated were taken to Ripa~ town and detained in the Traktorski Servis detention centre with other Muslim detainees. This detention facility was behind the Ripa~ police station. The conditions in the detention centre were appalling. The Serbs removed the detainees' valuables and a number of the detainees were interrogated, provoked and beaten. Often prisoners had their hands tied for extended periods of time. General Mladi} was seen regularly at the detention centre.<sup>1603</sup>

773. On 12 June 1992, soldiers from the 2KK took over Ripa~ village, looting and burning the homes of Muslims.<sup>1604</sup> On 14 June 1992 the minaret of the Ripa~ Mosque was destroyed using explosives.<sup>1605</sup> From July to September 1992, the few Muslims who remained in the village of Ripa~ were forced to work and live under harsh conditions. Many were forced to work on farms during where they were guarded by Serb civilians wearing military uniforms. They would be made to complete tasks in unreasonable times and work fifteen hours a day with only one meal. The tasks they undertook included burying bodies and digging roads and trenches. Any Muslims who had a day off work was made to report to the police station every hour.<sup>1606</sup> In September 1992, a group of Muslim civilians, including women and children, were taken to an orchard near the villages of Ora{ce and Duljci on a work detail. Elderly Muslims not normally obliged to work then joined them. Several Bosnian Serbs opened fire on both groups with automatic weapons killing many of these civilians.<sup>1607</sup>

774. A May 1993 report of the SNB department of the Banja Luka CSB, reported that 8,000 Muslims had moved out of the "Biha}" municipality.<sup>1608</sup> A 1995 document from the

---

<sup>1602</sup> B-1566; B-1557.

<sup>1603</sup> B-1566; B-1557.

<sup>1604</sup> B-1002; B-1102

<sup>1605</sup> B-1102

<sup>1606</sup> B-1102; B-1480

<sup>1607</sup> B-1002; B-1102; B-1480.

<sup>1608</sup> RS Ministry of Interior document, 05/93, B009-8148-B009-8153 (BCS), 0300-9270-0300-9275 (ENG)



same department reported that the Muslim population of Bihać-Ripač had decreased from 6,000 in 1991, to 0 in 1995 and that Serbs had become 100% of the population.<sup>1609</sup>

### 35. Bosanska Gradiška

775. In 1991, Bosanska Gradiška had a population of 59,974 of whom 59.61% were Serbs, 26.43% were Muslims, 5.70% were Croats, and 8.26% were categorised as "others".<sup>1610</sup> The municipality was of strategic importance because of its border with Croatia forming a link with the Serbs in the Krajina.

776. In the 1990 elections the SDS won the largest part of the municipal vote. Bosnian Serbs then took over all the principal positions of authority in the municipal government and refused to allow the Muslim candidate selected as police commander to take up his position. At the end of 1991 non-Serbs started to be dismissed from their employment. The municipal Crisis Staff, composed entirely of Serbs, started to function at the end of 1991 or beginning of 1992.<sup>1611</sup>

777. During the spring and early summer of 1992 an announcement was made requiring the Muslim community to hand in illegal weapons to the police or TO forces. Muslim men were then arrested by the police and interrogated and beaten.<sup>1612</sup>

778. On 15 July 1992, in a co-ordinated operation between members of the 16<sup>th</sup> Brigade of the 1KK and the local police, a mass arrest of 40 to 50 Muslim men was made. They were all placed in a school at Bistrica. Men were interrogated, beaten and abused both at the school and at the police station in Bosanska Gradiška by the police and military police.<sup>1613</sup>

779. Muslims were not able to consult with doctors who were now all Serbs and a curfew was placed on the movement of Muslims of the village of Orahovo. In August 1992, the Muslim men of Bosanska Gradiška were forced to perform labour by the Serb authorities and sometimes beaten. In August 1992, a Bosnian Serb unit was ambushed by a Bosnian Muslim armed unit in Bosanska Gradiška and suffered casualties. In response, local Bosnian Serb soldiers took revenge on the Bosnian Muslim community by murdering Muslim civilians, the

<sup>1609</sup> RS Ministry of Interior document, 02/95, B103-1169-B103-1183 (BCS), 0093-0351-0093-0367 (ENG)

<sup>1610</sup> 1991 census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1611</sup> B-1741

<sup>1612</sup> B-1005

<sup>1613</sup> See also: Report by the Civil Council Banja Luka that in August 1992 members of Banja Luka Corps killed an unknown number of civilians, including women and children: 0089-8817-0089-8817 (BCS); Public announcement re: the security situation in the territory of Bosanska Gradiška Municipality, SA02-0064-SA02-0068 (BCS)

culmination of which was the murder of four civilians by Bosnian Serb forces near the Bosanska Gradi{ka marketplace on 15 August 1992.<sup>1614</sup>

780. Members of the Muslim community were eventually forced to leave the municipality. They had to pay a fee, and sign over all their property to the municipality before leaving. All of their personal valuables were removed by military police prior to leaving BiH.<sup>1615</sup>

781. The mosques of Bosanska Gradi{ka, Dubrava and Liskovac were destroyed in 1992.<sup>1616</sup> At the end of the conflict, 7,516 of the non-Serb population had been forced to leave the municipality.<sup>1617</sup>

### 36. Bosanska Krupa

782. In 1991 the population of Bosanska Krupa municipality was 58,212 with 74.5% Muslim; 23.6% Serb and .24% Croat.<sup>1618</sup> With a Muslim majority, the SDA won the elections in 1990. There were few ethnic tensions in Bosanska Krupa until 1991.

783. In late 1991 and 1992 the police and the JNA were involved in the arming of Serb civilians.<sup>1619</sup> In September 1991 paramilitaries began to appear in the municipality. The SDS had their own forces, and [e{elj, Arkan, Marti}, Suha Rebra and White Eagle paramilitaries were also present.<sup>1620</sup> Attempts to disarm them were objected to by JNA and local SDS leaders.<sup>1621</sup> According to Gojko Kli-kovi}, a local SDS leader who was head of the Crisis Staff and War Presidency and a member of the SDS Main Board, in September 1991 the SDS had 5,000 paramilitary members under their control.<sup>1622</sup> Local SDS leader Gojko Kli-kovi} was also a member of the SDS national Main Board, and eventually became Prime Minister of the Serb Republic. Fellow SDS Crisis Staff member Miroslav Vje{tica was also a member of the Serbian National Assembly.

<sup>1614</sup> B-1005; B-1004; Press Report, 11/08/95, on Karad`i} visit in Bosanska Gradi{ka; Nenad is trying to reach Karad`i} to tell him about the situation in Gradi{ka :0206-6338-0206-6339 (BCS) 0092-1684-0092-1685 (ENG); Intercept Karad`i}/Milo{evi}, 01/09/91: T000-0973-T000-0973 & 0206-6246-0206-6249 (BCS) 0092-3190-0092-3194 (ENG).

Kraji{nik/Karad`i} – Koljevi} reported on "dramatic" events in Gradi{ka, dated 29/12/91 : T000-0997-T000-0997 & 0207-9308-0207-9311(BCS) & 0302-7331-0302-7334 (ENG).

<sup>1615</sup> B-1005; B-1004

<sup>1616</sup> B-1004; See also: Information submitted by RBiH municipality Bosanska Gradi{ka to AID Sanski Most about the destruction of mosques and Catholic churches in the years 1992-1994 and the rape of nuns by Serb paramilitaries, dated 06/11/97 : 0088-0097/0100(BCS) & 0302-9133/9135 (ENG);

<sup>1617</sup> Periodic report by Mr Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, 05/07/95.

<sup>1618</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1619</sup> B-1352; B-1068.

<sup>1620</sup> B-1352; B-1481.

<sup>1621</sup> B-1352; B-1481.

<sup>1622</sup> B-1350.

784. Intercepted conversations of Radovan Karadžić indicate that he was concerned with the future of Bosanska Krupa. In June 1991 he refers to “his people” on the right bank of the Una river and says that they are ready to redefine the municipalities, to make one part of Krupa a Serbian municipality.<sup>1623</sup> In September 1991 Karadžić makes the comment “we will have power in Krupa too”.<sup>1624</sup> Biljana Plavčević visited Bosanska Krupa in 1991 and met with SDS officials.<sup>1625</sup>

785. A significant event in the rise of ethnic tension was the September 1991 arrest of Knin paramilitary leader Milan Martić. There was a great deal of local unrest and high level interest in this incident, as Karadžić contacted the Accused by telephone to ask for his help in getting Martić released.<sup>1626</sup> Martić was eventually flown out by JNA helicopter.<sup>1627</sup>

786. On 25 October 1991, the SDS set up a “Provisional Assembly of the Serbian People of Bosanska Krupa” and by 21 November 1991 they declared that “63% of the present territory of Bosanska Krupa belongs to the Serbian people”.<sup>1628</sup> A report on the plebiscite of 2 December 1991 states that by May 1991, it was clear that there was no future for Serb-Muslim co-existence.<sup>1629</sup> At the second session of the Serbian provisional assembly on 11 December 1991, the previously elected municipal authorities were disregarded, and the Serbian Municipality of Bosanska Krupa was declared.<sup>1630</sup> At a 24 December 1991 meeting, members of the Crisis Staff were elected.<sup>1631</sup> Around this time the Executive Board also took initiatives to create a Serb police force<sup>1632</sup> and to mobilise the reserve police.<sup>1633</sup>

<sup>1623</sup> Telephone intercept Karadžić/osi}, 08/06/91, 0205-2747-0205-2758 (BCS); 0305-1311-0305-1317 (ENG)

<sup>1624</sup> Telephone intercept Karadžić/Babi}, 09/08/91, 0206-6170-0206-6172 (BCS),

<sup>1625</sup> B-1350.

<sup>1626</sup> Intercept Karadžić/Milošević}, 20/12/91, 0206-6244-0206-6245 (BCS) 0092-2908-0092-2910 (ENG).

<sup>1627</sup> B-1350, B-1481, B-1352.

<sup>1628</sup> Decision of the Municipal Board of SDS Bosanska Krupa, 25/10/91; 0091-4333-0091-4333 (BCS), 0190-1488-0190-1488 (ENG) 25/10/910091-4331-0091-4331(BCS), L002-7720-L002-7721 (ENG); Decision by the Provisional Assembly of Serbian People of Bosanski Krupa, 25/10/91, 0091-4335-0091-4335 (BCS), 0190-1489-0190-1489 (ENG)

<sup>1629</sup> Decision of the Assembly of Serbian People of BK, 11/12/91, 0091-4336-0091-4345 (BCS), 0300-5947-0300-5951 (ENG)

<sup>1630</sup> Excerpt from Minutes of 2<sup>nd</sup> Meeting of Provisional Assembly of Bosanska Krupa, 11/12/91, 0091-4346-0091-4351(BCS), 0300-5947-0300-5951(ENG)

<sup>1631</sup> Extract from 3<sup>rd</sup> Session of Executive Committee of Bosanska Krupa Serb Municipal Assembly, 27/12/91, 0059-0170-0059-0171 (BCS), 0190-1474-0190-1475 (ENG); Excerpt from the Minutes of the 3<sup>rd</sup> meeting of the Executive Board of Bosanska Krupa Municipal Assembly, 24/12/91, 0300-9340-0300-9341(ENG), 0091-4271-0091-4272 (BCS)

<sup>1632</sup> Report to BH Ministry of the Interior from the Security Services Center in Banja Luka, 23/12/91, 0091-4391-0091-4395 (BCS); 0190-1405-0190-1408 (ENG); Initiative of Exec. Committee of Assembly of Serb Municipality Bosanska Krupa, 23/12/91, 0049-2531-0049-2535 (BCS)

<sup>1633</sup> Order on the Activation of the Reserve Police Force by the Crisis Staff of Bosanska Krupa, 31/12/91, 0091-4269-0091-4270 (BCS), 0088-4608-0088-4609 (ENG)

787. On 11 February 1992, the Municipal Assembly sought approval from the JNA for the establishment of Serbian TO units.<sup>1634</sup> On 10 March 1992 Kličević sent a request to the military for numerous light and heavy weapons for the Serbian TO.<sup>1635</sup> Additional elements of the "Instructions" were implemented on 5 April 1992 when the Crisis Staff issued orders for permanent duty at the Crisis Staff headquarters; stand-by for military, police and TO commanders; full mobilisation of reserve police stations; and partial evacuation of the Serb population from certain areas.<sup>1636</sup>

788. In the days prior to 21 April 1992, repeated radio broadcasts gave an ultimatum for the Muslim population to move to the left bank of the river. On 21 April 1992 paramilitary units and Serb police assembled on the hills around Bosanska Krupa town.<sup>1637</sup> Serb civilians left the town en masse. JNA General Ninković met with SDS and SDA officials. Once Ninković left the town, the attack started.<sup>1638</sup> During the shelling of the town and the subsequent infantry attack, at least twelve people were killed and Muslim villages were destroyed as was the mosque and the Catholic Church.<sup>1639</sup> The minimal resistance was ineffectual, although it gave the Muslim population a chance to leave. The Muslims were unprepared, outnumbered and the Serbs had all the weapons from the JNA and the TO.<sup>1640</sup>

789. In late April 1992, JNA and War Presidency officials issued a number of orders, including the transfer of arms to the Serb TO,<sup>1641</sup> the destruction of bridges,<sup>1642</sup> the establishment of road blocks<sup>1643</sup> and the transportation of bodies to the cemetery.<sup>1644</sup>

790. People trying to escape the area were arrested and detained by Serb forces, some of whom were local Serb reservists<sup>1645</sup>. Some Muslims were taken to the elementary school at

<sup>1634</sup> Letter from the Executive Board of the Assembly of Serbian Municipality Bosanska Krupa to the Federal Secretariat of National Defence, General Staff Supreme Command, 11/02/92, 0091-4280-0091-4283 (BCS); 0190-1494-0190-1496 (ENG)

<sup>1635</sup> Request for supplying weapons to the TO by the Assembly of the Serbian Municipality of BK, 10/03/92, 0091-4403-0091-4404 (BCS) 0092-3278-0092-3279 (ENG)

<sup>1636</sup> Request for supplying weapons to the TO by the Assembly of the Serbian Municipality of BK, 05/04/92, 0091-4279-0091-4279 (BCS), 0088-4611-0088-4611 (ENG).

<sup>1637</sup> B-1350; B-1482.

<sup>1638</sup> B-1350; B-1352.

<sup>1639</sup> B-1350; B-1482.

<sup>1640</sup> B-1352.

<sup>1641</sup> Order from Kukanjac to give JNA weapons, ammunition and equipment to the Serb municipality of Bosanska Krupa, 24/04/92, 0018-3503-0018-3504 (BCS); 0300-6383-0300-6383 (ENG).

<sup>1642</sup> Order of the WP for 1<sup>st</sup> Krajina Brigade to destroy bridges at Crno Jezero et al. 24/04/92, 0091-4401-0091-4401 (BCS); 0092-3275-0092-3275 (ENG), 0049-2541-0049-2541 (BCS).

<sup>1643</sup> Order by the WP of Serbian Municipality Bosanska Krupa to all local commands to create road blocks on the territory of the Serbian municipality Bosanska Krupa, 28/04/92, 0091-4400-0091-4400 (BCS); 0300-5952-0300-5952 (ENG)

<sup>1644</sup> Order Issued by War Presidency of Bosanska Krupa, 28/04/92, 0059-0144-0059-0144 (BCS), 0300-1760-0300-1760 (ENG);

<sup>1645</sup> B-1482; B-1068

Jasenica<sup>1646</sup> and from there people were taken to the village of Arapu{a<sup>1647</sup> and the Petar Ko-i} Elementary School in the town.<sup>1648</sup> Killings and beatings occurred at Jasenica school and at Arapu{a.<sup>1649</sup> At Petar Ko-i} school the prisoners were guarded by the military police and the prisoners suffered severe beatings and torture. At least two prisoners were beaten or tortured to death, others were killed during forced labour on the front lines, and a group of ten or eleven were executed by TO members in late July or early August.<sup>1650</sup> During the summer of 1992 prisoners were exchanged and new prisoners were brought in from villages around Bosanska Krupa.

791. The events in Bosanska Krupa were well known to the Serbian leadership. SDS Crisis Staff member and representative to the National Assembly Miroslav Vje{tica spoke at length in the 12 May 1992 session of the Assembly of the Serbian People, (attended and presided over by the accused Kraji{nik), and advised that there were no more Muslims on the right bank of the Una in Bosanska Krupa and that in accordance with the President's instruction that the right bank was the border, it was unlikely that they would return.<sup>1651</sup> On 22 May 1992 an order was issued to the local and military police to "evacuate the remaining Muslim population from the territory of the Serbian Municipality of Bosanska Krupa".<sup>1652</sup> In July the Municipal Assembly issued a decision that abandoned Muslim property was to be declared municipal property.<sup>1653</sup> In August SDA members and all Muslim military forces were declared war criminals and were banned from returning to the territory.<sup>1654</sup>

### 37. Bosanski Novi

792. Bosanski Novi municipality is located in NorthWest Bosnia, within the Serbian Autonomous Region (SAO) of Krajina (ARK). In 1991 Bosanski Novi had a total of 41,665 inhabitants of whom 60% were Serbs, 34% were Muslims and approximately 6% categorised as "others".<sup>1655</sup>

793. The SDS party won approximately 34% of the votes in the September 1991 election. Radomir Pa{i}, President of the local SDS, was selected as President of the Municipal

---

<sup>1646</sup> B-1068.

<sup>1647</sup> B-1482.

<sup>1648</sup> B-1068.

<sup>1649</sup> B-1482; B-1068.

<sup>1650</sup> B-1068

<sup>1651</sup> Minutes of the 16th Session of the BiH SDS Assembly held in Banja Luka, 12/05/92, 0214-9439-0214-9485 (BCS) 0190-8511-0190-8570 (ENG).

<sup>1652</sup> Letter from the WP, 22/05/92, 0049-2539-0049-2539 (BCS), 0092-3271-0092-3272 (ENG).

<sup>1653</sup> Decision by the Municipal Assembly, 10/07/92, 0049-2590-0049-2590(BCS) 0091-8139-0091-8139 (ENG).

<sup>1654</sup> Decision that all members of SDA etc are considered war criminals, 21/08/92, 0094-1893-0094-1893 (BCS).

<sup>1655</sup> Census 1991, 1994, 0052-3182/0044-3829 (BCS & ENG).

Assembly and later the Crisis Staff.<sup>1656</sup> Pa{i} was also in regular contact, via cryptic correspondence, with Radovan Karadžić.<sup>1657</sup> The local JNA commander was also a member of the Crisis Staff.<sup>1658</sup> Prior to the war there was a large movement of weapons by JNA to Bosanski Novi.

794. From April 1992 onwards, Muslims who occupied positions in the local government and police were required to sign an oath of loyalty to the Serb authorities. Those who refused were dismissed.<sup>1659</sup> At the same time Serb military forces started to build up around the town of Bosanski Novi.<sup>1660</sup> The SDS party, led by Pa{i}, openly distributed arms to local Serb civilians, while at the same time disarming the local Muslim population and imposing ultimatums.<sup>1661</sup> Armed groups of Serbs were subsequently looting and searching their houses.<sup>1662</sup>

795. A JNA military police patrol, engaged in the disarmament process, was attacked at the beginning of May 1992. In response, Bosnian Serb military forces began the shelling of Muslim villages in the Japra valley.<sup>1663</sup> On 25 May 1992 Serbs expelled Muslims from villages in Japra valley. All those people were brought to Blagaj. There were hundreds of people there, whose movement was restricted and who were subject to searches.<sup>1664</sup>

796. The Serbs told Muslim negotiators that they not only wanted the Muslim houses in the Japra valley but that they wanted all Muslims to leave the municipality as well.<sup>1665</sup> About 9 June 1992, Serb military forces attacked the village of Blagaj and began a mass-deportation of Muslims.<sup>1666</sup> Civilian housing was directly targeted during the attack. Muslims were gathered and the men separated from the women and children. Leaders of the Muslim community were selected for execution during the expulsions from Blagaj.<sup>1667</sup>

797. Thousands of Muslim civilians from Bosanski Novi were then forced into crowded railway cattle wagons, locked from inside, which went to Doboje via Banja Luka.<sup>1668</sup> They

<sup>1656</sup> B-1355; B-1109; B-1672; Intelligence report regarding evaluation of safety in the municipality of BN: B008-0394-B008-0396 (BCS), 0300-8577-0300-8579 (ENG).

<sup>1657</sup> Letter from Pa{i} (President of the Bosanski Novi Municipality Assembly) to Karadžić and Presidency, 12/11/92, 0084-5286-0084-5286 (BCS), 0089-8391-0089-8391(ENG).

<sup>1658</sup> B-1355.

<sup>1659</sup> B-1665; B-1355; B-1006; B-1354; B-1672.

<sup>1660</sup> B-1355.

<sup>1661</sup> B-1355; B-1007; B-1354; B-1666, B-1059, Intelligence report evaluating safety in the municipality of BN: B008-0394-B008-0396 (BCS), 0300-8577-0300-8579 (ENG);

<sup>1662</sup> B-1672

<sup>1663</sup> B-1006; B-1354; B-1665; B-1670.

<sup>1664</sup> B-1667; B-1059; B-1666; B1006.

<sup>1665</sup> B-1006.

<sup>1666</sup> B-1059; B-1662; B-1109; B-1669

<sup>1667</sup> B-1354; B-1603; B-1669; B-1662.

<sup>1668</sup> B-1354; B-1006.

were kept inside for two days with no toilet, water or food. There was no ventilation.<sup>1669</sup> Men under sixty years of age were separated and taken to Omarska and Keraterm camps. Women and children were forcibly transferred to territory controlled by the Bosniak government. When the camps of Omarska and Keraterm would not accept these men they were returned via Banja Luka to the Mlavkve stadium in Bosanski Novi.<sup>1670</sup> At Mlavke camp leaders of the Muslim community who were prisoners were singled out for beatings and a number killed.<sup>1671</sup> Eventually the male inmates were deported to Croatia.

798. Non-Serbs were also detained in the Bosanski Novi Fire Station and Bosanska Kostajnica Police Station. Muslim men were interrogated and beaten there. Some were killed by Marti}evci.<sup>1672</sup>

799. In June 1992, armed attacks continued on Muslim hamlets in Bosanski Novi, including the villages of Ali}i and Eki}i. Civilian housing was set on fire. Women and children were forcibly removed from the village and 27 Muslim men from these villages were executed.<sup>1673</sup> During spring 1999 a mass grave in a cemetery in Ali}i was exhumed.<sup>1674</sup>

800. Throughout July 1992 life became almost impossible for those Muslims remaining in the municipality. The ex-president of the municipality, a Muslim, was executed. At the end of July 1992 Serb forces organised the deportation of thousands of Muslims out of the municipality.<sup>1675</sup> Those Muslims leaving were forced to sign a document assigning their property to the municipality of Bosanski Novi and stating that they were leaving of their own free will.<sup>1676</sup> One UN official present in Bosanski Novi in 1992 believed that the Bosnian Serb authorities had planned the mass-deportation of all non-Serbs from Bosanski Novi.<sup>1677</sup>

---

<sup>1669</sup> B-1667; B-1662; B-1354.

<sup>1670</sup> B-1006, *Koncentracioni logor "Vatrogasni Domi"* opština Bosanski Novi chapter 17: 0063-8952-0063-8953 (BCS).

<sup>1671</sup> B-1006; B-1354.

<sup>1672</sup> B-1670; B-1672, B-1109; Reports regarding the current situation and detainees, detention centres, refugees and role of SJB, dated 18/08/92, B003-2526-B003-2564 (BCS) L001-6667-L001-6707 (ENG); Final Report of the UN Commission of Experts established pursuant to UNSCR 780. ANNEXE VIII – Prison camps: 0019-8034-0019-8049 (ENG); *Koncentracioni logor "Vatrogasni Domi"* opština Bosanski Novi chapter 18: 0063-8954-0063-8955 (BCS); Chapter 19 gives information about the Serb run detention camp in Bosanski Novi fire station: 0063-8956-0063-8957 (BCS).

<sup>1673</sup> B-1007; B-1603;

<sup>1674</sup> B-1603; List of exhumed and identified persons. 29 bodies exhumed from individual and mass graves in Bosanski Novi municipality: 0091-1423-0091-1423 (BCS); Identification of 29 persons exhumed in Bosanski Novi, killed between 09/07/92 and 19/09/95, 13/10/99: 0091-1359-0091-1364 (BCS); Stamped list of civilian victims of war in Bosanski Novi comprising names of 134 people: 0088-7544-0088-7559 0088-7523-0088-7538 (BCS) & L002-0518-L002-0543 (ENG).

<sup>1675</sup> B-1059; B-1354; B-1666; Press report: 2.600 Bosnian refugees, arrived on 26/07/1992 in Germany and another 1,780 entered Austria: M000-3258-M000-3260 (BCS).

<sup>1676</sup> B-1006; B-1007; B-1667; B-1059; B-1603;

<sup>1677</sup> B-1228; Original Report from B.N. SJB re: reception centres, relocation of non-Serbs, 15/08/92, B003-2565-B003-2573 (BCS), 0096-8599-0096-8605 (ENG).

He went so far as to send a letter to Pa{i}, advising him that the forcible deportation of civilians was contrary to international law.<sup>1678</sup>

801. All the mosques in the municipality and the Catholic church were destroyed in 1992.<sup>1679</sup> In autumn and winter 1992 there were killings of Muslims who stayed in Bosanski Novi.<sup>1680</sup> On 2 December 1993 obligatory working orders were introduced for Muslim men and women. On 5 May 1995 the police arrested every man who stayed in Bosanski Novi. Radovan Karad`i} visited about 3-4 times Bosanski Novi with a military escort. In October 1995 there were organised buses for all non-Serbs to leave Bosanski Novi.<sup>1681</sup>

802. The described crimes are attributed by Bosnian Serb documentation to the Bosanski Novi TO, military police, JNA, VRS, police and a special purpose detachment from Banja Luka.<sup>1682</sup>

### 38. *Bosanski Petrovac*

803. According to the 1991 census, there were 15,621 inhabitants in Bosanski Petrovac, of whom 74.9% were Serbs, 21% were Muslims, 3.7% were Yugoslavs and "others".<sup>1683</sup> During 1991, access to any media other than Serb outlets ceased. Broadcasts were full of Serb anti-Muslim propaganda.<sup>1684</sup> On 24 October 1991, the SDS of Bosanski Petrovac Municipal Board decided to form a Crisis Staff of the Assembly of Bosanski Petrovac municipality.<sup>1685</sup>

804. From June through August 1992, approximately 95-100 non-Serb males were transferred from the police station and detained at Kozila, a forester's worksite.<sup>1686</sup> During the period of detention, men were called out of the rooms for interrogation by police

<sup>1678</sup> B-1228

<sup>1679</sup> B-1355; B-1672.

<sup>1680</sup> B-1666; B-1670; Letter from Pa{i} to Karad`i}, dated 12/11/92, 0084-5286-0084-5286 (BCS), 0089-8391-0089-8391 (ENG)

<sup>1681</sup> B-1666; Special Rapporteur of the Commission on Human Rights Tadeusz Mazowiecki, two reports: 10/02/93 & 17/11/93 : 0035-4133-0035-4134, 0030-8723-0030-8758 (ENG); Deportation of non-Serb population in Bosanski Novi area, including list of allegedly responsible individuals : 0088-7542-0088-7543 (BCS); Stamped document re Radomir Pa{i} 0088-7539-0088-7541 (BCS); information on seven members of Bosanski Novi Crisis Staff, responsible for persecution of Muslim and Croat civilians: 0088-7521-0088-7522 (BCS).

<sup>1682</sup> Original Report from Bosanski Novi re reception centres, relocation of non-Serbs, 15/08/92, B003-2565-B003-2573 (BCS) 0096-8599-0096-8605 (ENG); Special Task Detachment Unit within SJB BN, 0301-4348-0301-4349 (ENG).

<sup>1683</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1684</sup> Proclamation addressing Serb People, Citizens of Krajina, Members of VRS and Citizens of Bosanski Petrovac, 0059-5621-0059-5622 (BCS), L003-5869-L003-5870 (ENG).

<sup>1685</sup> Conclusion from SDS Municipal Board in Bosanski Petrovac re decision to form a Crisis Staff, 24/10/91, 0091-5254-0091-5254 (BCS) 0300-0011-0300-0011 (ENG).

<sup>1686</sup> List of persons for whom SJB, B. P. ordered isolation and list of persons handed over to CZ Kozila, 01/07/92, 0059-2317-0059-2318; (BCS) 0190-6318-0190-6319 (ENG).



inspectors and the camp commander and beaten by the camp commander and the guards.<sup>1687</sup> Non-Serbs had to sign a declaration that they were leaving of their own free will.<sup>1688</sup>

### 39. *^elinac*

805. According to the 1991 census, 88.88% of the population of ^elinac was Serb (16,554) and 7.71% Muslim.<sup>1689</sup> Muslims predominated in two settlements: Basi}i and Mehovci. According to a 1995 report of the Banja Luka CSB, the population of Muslims residing in ^elinac had been reduced from 1,440 in 1991 to 190 persons.<sup>1690</sup> On 23 March 1992, the 122<sup>nd</sup> Brigade and the 30<sup>th</sup> Division of the 5<sup>th</sup> Corps JNA were given orders to control the ^elinac area and to prevent infiltration by paramilitary forces of the SDA and to protect the population.<sup>1691</sup>

806. On 23 July 1992, the War Presidency of ^elinac issued a "Resolution on the status of the non-Serb population on the territory of the Municipality of ^elinac".<sup>1692</sup> This document imposed severe restrictions on the social and economic rights of the entire non-Serb population of the municipality. Among other measures, the document forbid non-Serbs to travel, use automobiles, to gather in groups of more than three men, and to be on the streets between 16.00 and 6.00 hours.

### 40. *Donji Vakuf*

807. The municipality of Donji Vakuf is located in central Bosnia. According to the 1991 census, the municipality had a population of 24,544 with 13,509 residents or 55% identifying themselves as Muslims, 39% as Serbs and 3% as Croat.<sup>1693</sup> A May 1993 report found that 12,970 Muslims had moved out of the municipality, confirming the effectiveness of the ethnic cleansing campaign in the region.<sup>1694</sup>

<sup>1687</sup> Hand-written records on interrogations of Muslims conducted in SJB, B. P. and Camp for isolation of persons due to security reasons in Kozila, Drni}, 0059-2296-0059-2310 (BCS) 0110-4039-0110-4050 (ENG)

<sup>1688</sup> Announcement by the Commission for Emigration re emigration of Muslims from Petrovac municipality, 31/07/92, 0059-0675-0059-0675 (BCS); 0190-9741-0190-9741 (ENG); List of Serbs who have received property from emigrated Muslims in Petrovac, 0059-0676-0059-0679 (BCS), L003-5847-L003-5850 (ENG); Lists of persons who sold their real estate to SO (Municipal Assembly) Petrovac, 0059-0680-0059-0688 (BCS); L004-4288-L004-4296 (ENG); Announcement by Executive Board of Municipal Assembly, Petrovac regarding property, 11/09/92, 0059-5604-0059-5605 (BCS), L002-2197-L002-2197 (ENG).

<sup>1689</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS &ENG).

<sup>1690</sup> Report on ethnic structure, 01/02/95, B003-1169-B003-1183 (BCS) 0093-0351-0093-0367 (ENG).

<sup>1691</sup> 5th Corps, 1KK logbook, 29/06/92, 0094-1331-0094-1446 (BCS) 0190-2607-0190-2692 (ENG).

<sup>1692</sup> B-1263; "Report on individual graves at Velagi}i and Klju- including a description of the corpses". ^elina-decree", 23/07/92, 0000-4684-0000-4687 (BCS).

<sup>1693</sup> 1991 census, 1994, 0052-3182-0044-3829 (BCS & ENG)

<sup>1694</sup> List of citizens who have moved out and into the area , 01/05/93, B009-8148-B009-8153 (BCS); 0300-9270-0300-9275 (ENG)

41. Doboj

808. The municipality of Doboj is located in the northern part of Bosnia, west of the entry to the "Posavina corridor".<sup>1695</sup> According to the 1991 census Doboj was populated by 40,14% Muslims, 38,83 % Serbs, 12,93% Croats and about 8% others.<sup>1696</sup> Doboj was the site of several JNA installations, and the regional CSB for Northern Bosnia.<sup>1697</sup>

809. During the RS Assembly session on 11 December 1991 Andrija Bjelo{evi}, the CSB chief from Doboj, underlined the importance of the municipality for the corridor between the Krajina and Eastern Bosnia.<sup>1698</sup> Bjelo{evi} was contacted by Plav{i} in order to inquire about the security situation in Doboj.<sup>1699</sup> Radovan Karad`i} was invited to a meeting in Doboj on 5 February 1992 which was convened with the SDS municipal boards in Krajina.<sup>1700</sup>

810. Karad`i} was involved in the mobilisation for recruits from Doboj to the conflict in Croatia in October 1991.<sup>1701</sup> In the following month Karad`i} was again working on issues relating to mobilisation.<sup>1702</sup> Non-Serb reserve officers who did not respond to the call-ups for the conflict in Croatia subsequently received written orders by special messengers according to which they had to hand in their uniforms. Some time in late 1991 JNA soldiers broke into the office of the Secretariat of National Defence in Doboj and seized all the mobilisation documents.<sup>1703</sup>

811. In 1991 there was an order from SSNO and the Republic Staff of the TO for the Doboj TO to hand all of their weapons over to the JNA.<sup>1704</sup> Starting in July 1991, the JNA mobilised, trained, and armed the Serb population in the territory of Doboj.<sup>1705</sup>

<sup>1695</sup> Report by the VRS 1 KK Corps, 20/06/92, 0090-0792-0090-0795 (BCS), 0090-4907-0090-4907 (ENG)

<sup>1696</sup> 1991 census, 1994, 0052-3182/0044-3829 (BCS & ENG)

<sup>1697</sup> VRS GS order for organisational changes to the VRS, 03/07/92, 0082-0936-0082-0943 (BCS), 0300-5262-0300-5262 (ENG)

<sup>1698</sup> Minutes of 3<sup>rd</sup> session of the Serbian Assembly, 11/12/91, SA02-4931-SA02-5059 (BCS);

<sup>1699</sup> Intercept Plav{i} and Andrije Bjelo{evi}, 14/11/91; 0207-8993-0207-8994 (BCS); T000-0990-T000-0990; D000-0632-D000-0632

<sup>1700</sup> An intercepted conversation appears to relate this meeting: Intercept Kraji{nik/Karad`i}, 01/02/92, T000-0998-T000-0998; 0207-9372-0207-9373 (BCS),

<sup>1701</sup> Intercept Karad`i}/Ciganovi}, (First Name Unknown) (Doboj area official), 06/10/91, D000-0632-D000-0632; 0212-8879-0212-8879 (BCS); Intercept Karad`i}/Ciganovi}, 06/10/91, 0212-8883-0212-8884 (BCS); Intercept Karad`i}/Ciganovi}, 06/10/92, 0212-8861-0212-8662 (BCS); D000-0632-D000-0632; Intercept Karad`i}/Ad`i} (JNA Chief of Staff) about mobilisation in Doboj and JNA not accepting people, 06/10/91, 0212-8880-0212-8880 (BCS); Document to SDS Main Board informing that the Serb people of Doboj made a decision proclaiming territories, integral and inseparable part of the FRY, 16/10/91, SA02-8807-SA02-8807 (BCS); Decision to declare Doboj as an integral and inseparable part of the FRY; 13/10/91, SA02-2842-SA02-2846 (BCS).

<sup>1702</sup> Intercept Karad`i}/Nikola Uzelac (Comdr. of 5th Corps in Banja Luka), 08/11/91, 0212-9085-0212-9092 (BCS); D000-0632-D000-0632

<sup>1703</sup> B-1445.

<sup>1704</sup> B-1456.

<sup>1705</sup> B-1457; B-1447; B-1456; B-1746.

812. In January or February 1992, units of Arkan's paramilitaries and [e{elj}'s White Eagles arrived in Doboj.<sup>1706</sup> Other paramilitaries in Doboj were the Predini Vukovi, the Marticevci from the Krajina, and Kninjas from Knin.<sup>1707</sup> Some paramilitary units were also set up and trained by the SDS.<sup>1708</sup> Special units from MUP Serbia were also seen at that time in the area training and performing random operations.<sup>1709</sup> By April of 1992 the SDS had secretly formed a Crisis Staff in Doboj,<sup>1710</sup> and the President of Doboj municipality was asked to form a regional TO staff.<sup>1711</sup> In spring 1992 non-Serbs were dismissed from work. Around the same time Serb forces erected checkpoints in Doboj municipality.<sup>1712</sup> SDA efforts to have ethnically mixed police manning the checkpoints failed.<sup>1713</sup> During this period, the non-Serb population was disarmed.<sup>1714</sup>

813. The take-over began the night of 2 May 1992, when Serb forces entered the undefended town and occupied vital municipal institutions and cut phone lines.<sup>1715</sup> Once the radio station was taken over it was announced that a Serb Crisis Staff would exist, that movement was restricted, and the population was requested to turn in their weapons.<sup>1716</sup> More than 5,000 non-Serbs escaped south towards Maglaj.<sup>1717</sup>

814. The remaining non-Serb population was targeted in various ways by the Serb forces that harassed, beat, arrested, interrogated and killed them.<sup>1718</sup> A CSB officer recommended informing political and military authorities about the lawless conditions in Doboj.<sup>1719</sup> On 8 May 1992, a radio announcement was issued to the effect that Doboj had been liberated and that the "Wolves from Vujacak" are mopping up the territory.<sup>1720</sup> Despite heavy resistance

---

<sup>1706</sup> B-1445; B-1456; B-1746.

<sup>1707</sup> B-1115.

<sup>1708</sup> B-1456.

<sup>1709</sup> B-1115; B-1746; SR-BH Army Main Staff report on para-military in the territory of RS, 28/07/92, 0094-9847-0094-9852 (BCS), 0110-1308-0110-1319 (ENG).

<sup>1710</sup> B-1445; B-1456.

<sup>1711</sup> A letter to President of Doboj municipality regarding forming of regional TO staff, 14/04/92, SA03-4902-SA03-4902 (BCS).

<sup>1712</sup> B-1457; B-1116.

<sup>1713</sup> B-1445; B-1456; Regular report by the BiH Regional Information Centre, Doboj on the explosion on 09/03/92, SA04-0275-SA04-0275 (BCS).

<sup>1714</sup> B-1116.

<sup>1715</sup> B-1746.

<sup>1716</sup> B-1456; B-1116.

<sup>1717</sup> B-1116.

<sup>1718</sup> Military report No. 133/92, 17/05/92: 0084-9896-0084-9897 (BCS); 0086-9428-0086-9428 (ENG); B-1116.

<sup>1719</sup> Report by Milo{, 03/06/92, B107-9275-B107-9276 (BCS), 0190-3187-0190-3187 (ENG).

<sup>1720</sup> BL Radio news, 08/05/92, Doboj is liberated and Vukovi sa Vu-ijaka /Wolves from Vu-ijak/ are mopping up the territory. 0210-5694-0210-5697 (BCS).

Serb forces reported that their take over of the municipality was a success and that numbers of Muslims and Croats had been arrested and their property expropriated.<sup>1721</sup>

815. On 10 May 1992 Serb forces under the command of JNA Major Stankovi} attacked the village of Gornja Grapska, where approximately 34 Bosnian Muslim civilians were killed in the initial shelling attack.<sup>1722</sup> Colonel Dejan Bilanovic, a former JNA commander, who had initially trained the Serb population of Doboj for the war, co-operated with the "Mi}e" paramilitary group during the war, and received some benefit from its war booty.<sup>1723</sup> Members of the "Mi}e" were arrested in early July 1992, and the reaction was intense pressure from Doboj authorities. Andrej Bjelo{evi}, the chief of CSB Doboj, reported a month later that this group was part of the "Red Berets" (a special police unit of the JNA) and was sent on request of the Tesli} Municipal Assembly to Tesli} to conduct combat operations. He complained that when they were arrested, they were severely mistreated and their goods were all confiscated without issuing them with a proper receipt.<sup>1724</sup> Nikola Peri{i} requested assistance from the RS Presidency, the RS Prime Minister, the VRS Main Staff, and the MUP.<sup>1725</sup> Though on notice of these crimes, the RS Presidency did not intervene when members of the "Mi}e" were released by the High Court of Doboj.<sup>1726</sup> Less than four months later Andrej Bjelo{evi}, engaged in joint combat activities with the "Mi}e" group.<sup>1727</sup> There is evidence of close co-operation between the RS MUP and the CSB Doboj and the other CSBs.<sup>1728</sup> The OG Doboj was re-organised by the VRS leadership on 3 July 1992, and visited soon thereafter by General Mladi}.<sup>1729</sup>

<sup>1721</sup> Military report No. 133/92 17/05/92: 0084-9896-0084-9897 (BCS); 0086-9428-0086-9428 (ENG) Report by Milo{, 03/06/92, B107-9275-B107-9276 (BCS), 0190-3187-0190-3187 (ENG); Report of VRS 1KK 20/06/92 0090-0792-0090-0795 (BCS), 0090-4907-0090-4909 (ENG).

<sup>1722</sup> B-1115; B-1449.

<sup>1723</sup> The article published by Glas daily entitled 'Zloglasne " Mi-e" na Slobodi', 23/07/92, RR03-9303-RR03-9303 (BCS), L003-0795-L003-0798 (ENG)

<sup>1724</sup> Report by Doboj Security Service Centre, signed by Chief of the State Security Service, Andrija Bjelo{evi} on persons arrested in Tesli} on 30 June 1992, 17/08/92, 0074-1322-0074-1333 (BCS), 0300-5713-0300-5717 (ENG); SR-BiH Army Main Staff report on paramilitary formations in the territory, 28/07/92, 0094-9847-0094-9852 (BCS), 0110-1308-0110-1319 (ENG).

<sup>1725</sup> Report from Peri{i}c (President of Tesli} Municipal War Committee to Parliament and Government of the Bosnian Krajina region), 0084-5063-0084-5064 (BCS) 0090-1087-0090-1089 (BCS).

<sup>1726</sup> Glas daily article entitled 'Zloglasne " Mi-e" na Slobodi', 23/07/92, RR03-9303-RR03-9303 (BCS); L003-0795-L003-0798 (ENG)

<sup>1727</sup> Official Note: situation in Tesli}, 16/11/92, 0084-9992-0084-9993 (BCS) 0086-9442-0086-9442 (ENG); Glas daily article entitled 'Zloglasne " Mi-e" na Slobodi', 23/07/92, RR03-9303-RR03-9303 (BCS) L003-0795-L003-0798 (ENG) Doboj CSB report: mentions paramilitaries: Vukovi (leader Predo Kujundzi) Nikola Jorgi}'s group. L000-3902-L000-3902 (BCS).

<sup>1728</sup> Fax from CSB (Security Service Centre), Banja Luka to all SJBs, 20/09/92, 0059-0604-0059-0604 (BCS),

<sup>1729</sup> VRS GS order for organisational changes to the VRS, 03/07/92, 0082-0936-0082-0943 (BCS) 0300-5262-0300-5265 (ENG); Announcement by 1KK Comd to all subordinate units stating that on 16-Jul-92 Gen Mladi}, the Comd of the GSVSRBH visited OG-Doboj Comd and its front-line on the River Sava, 17/07/92, 0084-1161-0084-1162 (BCS), 0300-6614-0300-6614 (ENG).

816. One witness will describe how a well-known criminal from Banja Luka, who was imprisoned in Foča but subsequently released and employed as a soldier, brutally raped her. Though he was taken away by Serb police forces and the witness was asked to provide a statement, the witness had another encounter with him about a month later.<sup>1730</sup>

817. In Doboj there were several detention facilities. The regular and military police were in charge of the camps.<sup>1731</sup> Bare, a former JNA facility, was established as a detention camp in May 1992.<sup>1732</sup> People were also beaten at the Doboj SUP station, and then transferred to Spreča Prison.<sup>1733</sup> Spreča Prison was created pursuant to an order by Momčilo Mandić.<sup>1734</sup> Police ran this camp, which consisted of eight cells and housed up to 100 prisoners. At night, prisoners were taken out of their cells and never seen again.<sup>1735</sup> Usora Camp was located on the premises of a former JNA barracks and housed between 50 and 220 prisoners in one warehouse.<sup>1736</sup> Perćina Disco was converted into a camp run by the Bosnian Serb police and at one time held at least 200 detainees.<sup>1737</sup> Militia wearing red berets and members of other forces were seriously mistreating prisoners in these camps.<sup>1738</sup>

818. Many examples of serious harassment of the non-Serb population are contained in the Report on the work of the Doboj SJB.<sup>1739</sup> Serb forces, including paramilitaries, looted non-Serb property.<sup>1740</sup> A large number of private houses owned mainly by Muslim and Croatian citizens suffered serious damage.<sup>1741</sup> Three mosques and the Catholic church in Doboj town were destroyed in 1992.<sup>1742</sup>

#### 42. Ključ

819. In 1991 Ključ was inhabited by 50% Serbs, 48% Muslims and 1% Croats. After the war the population of Ključ was 99% Serb.<sup>1743</sup> The 1990 elections were won by the SDS,

<sup>1730</sup> B-1746.

<sup>1731</sup> Report by Bjelo(ević), Doboj CSB, on activities of para-military formations, responding to the 19/07/92 request 0074-1316-0074-1321 (BCS), 0302-5623-0302-5625 (ENG); Report on work of the Doboj CSB, 27/07/92, 0074-1316-0074-1321 (BCS) and 0302-5623 (ENG); Report 01/10/92, 0074-9711-0074-9716 (BCS).

<sup>1732</sup> B-1115; B-1116.

<sup>1733</sup> B-1116; B-1457.

<sup>1734</sup> B-1116; Letter from M. Mandić to Bijeljina, etc. to form penitentiaries & correction houses, 01/05/92, 0109-2703-0109-2706 (BCS), 0223-4799-0223-4802 (ENG).

<sup>1735</sup> B-1115; B-1457; B-1116.

<sup>1736</sup> B-1115.

<sup>1737</sup> B-1457.

<sup>1738</sup> B-1457; B-1115.

<sup>1739</sup> Report, 01/10/92, 0074-9711-0074-9716 (BCS); B-1456.

<sup>1740</sup> B-1456; Military Situation Report, No.133/92, 17/05/92, 0084-9896-0084-9897 (BCS), 0086-9428-0086-9428 (ENG).

<sup>1741</sup> Ibid.

<sup>1742</sup> B-1445.

<sup>1743</sup> 1991 Census, 1994, 0052-3182/0044-3829 (ENG & BCS).

which placed Serbs in the most important municipal positions.<sup>1744</sup> In 1991, Vinko Kondić, head of the SJB in Ključ, had meetings with senior SDS and high level JNA from Banja Luka at the SJB building after hours. On 23 December 1991 a Serb crisis staff was secretly formed, and Kondić was a member.<sup>1745</sup> In early 1992, local JNA troops removed TO weapons from the Ključ municipal building.<sup>1746</sup> In February 1992 a special reserve police unit was sent to Manjača for heavy weapons training.<sup>1747</sup>

820. In March 1992 the Serbs announced that Ključ would be a Serb municipality and would join the SAO Krajina.<sup>1748</sup> During early spring 1992, the SDS began arming Serb civilians.<sup>1749</sup> At a 30 March 1992 Ključ crisis staff meeting, Kondić, after returning from a meeting with Karadžić, reported that all TO weapons had been moved.<sup>1750</sup> In March and April 1992 paramilitaries arrived in the area, and established barricades on the roads in Ključ municipality.<sup>1751</sup>

821. On 15 March 1992 Kondić signed a pledge of allegiance to the CSB Banja Luka and the ARK. In a subsequent meeting in Ključ he announced that non-Serb police officers would have to sign a loyalty oath.<sup>1752</sup> In April Muslim police officers were dismissed from active duty because they refused to sign such a declaration.<sup>1753</sup> On 1 May 1992, the Ključ Crisis Staff issued instructions on how to operate in wartime conditions.<sup>1754</sup> On 5 May 1992, the Ključ Municipal Assembly executed an order from the ARK Crisis Staff dated one day earlier, and imposed a curfew from 10:00 p.m. until 5:00 a.m.<sup>1755</sup>

822. On 7 May 1992, Serb forces occupied the town hall of Ključ and set up checkpoints all over town.<sup>1756</sup> The take-over of Ključ, however, did not begin until 25 May 1992. On 14 May 1992 the Ključ Crisis Staff adopted the "information in connection with the decisions of

<sup>1744</sup> B-1697; B-1698.

<sup>1745</sup> Minutes of the 6<sup>th</sup> meeting of the Executive Board. Committee of the SDS Municipal Board in Ključ, 23/12/91, 0091-4528-0091-4532 (BCS), 0092-4117-0092-4119 (ENG).

<sup>1746</sup> B-1696.

<sup>1747</sup> B-1696; Minutes of 9<sup>th</sup> Session of Executive of Municipal Board of SDS, 12/03/92, 0057-4129-0057-4130 (BCS), 0110-7493-0110-7496 (ENG).

<sup>1748</sup> B-1698.

<sup>1749</sup> Minutes of 9<sup>th</sup> Session of Executive of Municipal Board of SDS, 12/03/92, 0057-4129-0057-4130(BCS), 0110-7493-0110-7496 (ENG).

<sup>1750</sup> Minutes of the 11<sup>th</sup> Session of the SDS Executive Municipal Board, 30/03/92, 0057-4134-0057-4135 (BCS), 0092-4214-0092-4214 (ENG).

<sup>1751</sup> B-1695; B-1696.

<sup>1752</sup> B-1696; Minutes from the session of the Crisis Staff of the Ključ Municipal Assembly, 14/05/92, 0048-9893-0048-9896 (BCS)L001-8389-L000-8394 (ENG).

<sup>1753</sup> B-1021.

<sup>1754</sup> Proposal from the Ključ CS re the functioning of municipal organs in wartime Conditions, 05/92, 0047-4010-0047-4013 (BCS); 0047-7661-0047-7665 (ENG).

<sup>1755</sup> Order by the Chairman of the Council for National Defence, Jovo Banjac, Ključ Municipal Assembly, Ključ, 05/05/92, 0091-4751-0091-4751 (BCS), 0110-7629-0110-7629(ENG).

<sup>1756</sup> B-1697.

the Serbian Republic of BiH", and Kondić informed the Crisis Staff about the transformation of the armed forces in the RS.<sup>1757</sup> Four days before the take-over, a Crisis Staff meeting was convened and a telex message from Karadžić was read out.<sup>1758</sup> Before the attacks started the Crisis Staff organised the functioning of municipal organs in wartime conditions, and defined its relationship to the military authorities.<sup>1759</sup> The thorough co-ordination of the take over by the SDS is visible in an undated combat order from the Ključ- SDS Civil Defence Staff.<sup>1760</sup> Further documentary evidence demonstrates that the Ključ- SDS leaders were to rely closely on, and act in accordance with, at least the regional VRS forces, and with the highest echelons of the SDS.<sup>1761</sup>

823. By late May the municipality was surrounded by Serb Forces.<sup>1762</sup> Attacks on local villages began after the SDS Crisis staff demanded that villagers surrender their weapons.<sup>1763</sup> Starting on 24 May, the villages of Pudin Han, Crljeni, Krasulje, Plamenice, Velagići and smaller villages were attacked by Serb forces, and the police station in Sanića was taken over.<sup>1764</sup> On 28 May Jovo Banjać, the president of Ključ- Municipal Assembly, issued radio instructions calling for the surrender of Muslims in Pudin Han, including Omer Filipović, SDA President, by 17.00 hours. At 17.00 hours shelling began.

824. On 27 May, Serb Armoured Personnel Carriers and trucks headed towards the village of Velagići from Mrkonjić Grad.<sup>1765</sup> From 28 May until 1 June villagers coming from Pudin Han, Gornji Hadzicic, Nezići, and Vojići were requested to come to Velagići where they were rounded up. Six Muslims were killed during an interrogation and the remainder taken to the school in Velagići, where a mass execution took place on 1 June 1992.<sup>1766</sup> Kondić was

<sup>1757</sup> Minutes from the session of the Crisis Staff of the Ključ- Municipal Assembly, 14/05/92, 0048-9893-0048-9896 (BCS), L001-8389-L000-8394 (ENG).

<sup>1758</sup> A hand-written, Cyrillic, ORBAT of SDS Municipal Civil Defence Staff, 0057-4382-0057-4407 (BCS), 0302-3558-0302-3572 (ENG); Hand-written notes of Ljuban Bajić from SDS Municipal Board mtgs., 29/07/92, 0057-4147-0057-4196 (BCS).

<sup>1759</sup> Book of Minutes from Sessions of Ključ- Municipal Assembly Crisis Staff, 10/07/92, 0057-3856-0057-3893 (BCS); 0091-3841-0091-3866 (ENG).

<sup>1760</sup> A hand-written, Cyrillic, ORBAT of SDS Municipal Civil Defence Staff, 0057-4382-0057-4407 (BCS); 0302-3558-0302-3572 (ENG).

<sup>1761</sup> Ibid; Book of Minutes from Ključ Municipal Assembly Crisis Staff, 30/06/92, 0102-5010-0102-5015 (BCS), 0091-3841-0091-3866 (ENG).

<sup>1762</sup> B-1696.

<sup>1763</sup> B-1021; B-1697; B-1694.

<sup>1764</sup> B-1695; B-1694 ; B-1698 ; B-1696.

<sup>1765</sup> B-1698 ; ORBAT of SDS Municipal Civil Defence Staff re basic tasks which should be carried out by its local boards and staffs; 0057-4382-0057-4407(BCS), 0302-3558-0302-3572 (ENG)

<sup>1766</sup> B-1697; B-1021; Report on individual graves at Velagići and Ključ-, 0047-3203-0047-3214 (BCS); 1KK Report, 01/06/92, 0094-9888-0094-9891 (BCS), 0110-5471-0110-5473 (ENG) Serbian Authorities investigation files re: Velagici massacre. 0203-4822-0203-4822 (BCS)

informed about the arrest of the Muslim victims and was seen minutes after the massacre when he ordered an immediate cover-up operation.<sup>1767</sup>

825. Serb forces returned to the village of Prhovo on 1 June 1992. Masked Serb infantrymen under the command of Marko Adamovi} entered the village and assembled the civilians in front of the house of Osmanovi}. After being singled out, five to eight men were executed.<sup>1768</sup> Men were separated and forced to march down the road towards Pe}i, where they were subsequently beaten, and at least seven men were executed.<sup>1769</sup> A sniper killed a Serb soldier in Prhovo, prompting the Serb commander to order the execution of all women and children, and that the village be burned down. A few moments later a grenade exploded in front of the Osmanovi} house and killed 38 people, including four women and two children.<sup>1770</sup>

826. The surviving non-Serb men were brought to schools in the municipality under the authority of the SJB Kljuc, which were used as collection centres and for interrogations.<sup>1771</sup> Most detainees were transferred between the detention centres and were finally detained in Mali Logor or Manja-a, in Banja Luka.<sup>1772</sup> During the take-over non-Serb houses were extensively looted and burned.<sup>1773</sup> Several mosques were destroyed.<sup>1774</sup> Documents from the SDS Municipal Civil Defence indicate that such destruction was planned.<sup>1775</sup>

#### 43. Kotor Varo{

827. Kotor Varo{ is located in north central Bosnia, west of Tesli} and south of ^elinac. In 1991 Kotor Varo{ had a population of 36,853 of whom 38% were Serbs, 30% were Muslims, and 29% were Croat.<sup>1776</sup> In the multiparty elections in 1990 the SDS received about 36% of vote, the HDZ 31%, and the SDA, 30%. Although they got only 36% of the votes, the SDS insisted on getting over 50% of the municipal posts. Friendly relationships between the parties began to worsen in late 1991.<sup>1777</sup>

<sup>1767</sup> Investigation files by Serbian Authorities in relation to Velagici massacre. 0203-4822-0203-4822 (BCS)

<sup>1768</sup> B-1253.

<sup>1769</sup> B-1253; List made by the Klju- Crisis Staff Army of those Captured/Killed, 01/06/92, 0047-3294-0047-3295 (BCS), 0110-7736-0110-7737 (ENG).

<sup>1770</sup> B-1253; 0052-5247-0052-5248 (BCS), 0300-4302-0300-4302 (ENG), 07/05/97, Records from Cantonal Court in Biha} re: Exhumations and Investigations of Mass Grave in Klju-.

<sup>1771</sup> B-1697; B-1696; B-1698.

<sup>1772</sup> B-1697; B-1696.

<sup>1773</sup> B-1253; B-1695; B-1694; B-1021; B-1698.

<sup>1774</sup> B-1021; B-1697.

<sup>1775</sup> ORBAT of SDS Municipal Civil Defence Staff and basic tasks which should be carried out by its local boards and staffs, 0057-4382-0057-4407 (BCS), 0302-3558-0302-3572.

<sup>1776</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1777</sup> B-1365.



828. By late January 1992 the SDS in Kotor Varo{ had set up a Crisis Staff, (later designated a War Presidency), according to the SDS Main Board "Instructions" from 19 December 1991 (also referred to as the "Variant A and B document").<sup>1778</sup> The Crisis Staff had close contact with the Army. Colonel Peuli} attended Crisis Staff meetings and stressed the need for co-ordination between the army, the special units, and the police.<sup>1779</sup> These contacts proved vital for the take-over of Kotor Varo{ town in June 1992.

829. On 12 June 1992 the Crisis Staff ordered a curfew in the whole municipality, the closure of all catering establishments and the disarming of non-Serbs.<sup>1780</sup> It was decided that all important positions should be held by Serbs including the MUP and VRS, that Kotor Varo{ Regional War Presidency were aware of the position in Kotor Varo{ and that Serbia was supplying them with equipment.<sup>1781</sup> Serbs, assisted by paramilitaries and troops of the FRY started to take over Kotor Varo{ - many villages, including Cirki}i, Hanifi}i and Ve-i}i, were brutally "cleansed" from the municipality.<sup>1782</sup>

830. The Serb take over of Kotor Varo{ was brutal and violent throughout.<sup>1783</sup> In the course of the take-over many non-Serbs (including prominent persons) were arrested and taken to the Kotor Varo{ Police Station where they were interrogated, beaten and tortured. Some died as a result of the beatings. During June and July 1992 the Bosnian Serb police arrested non-Serbs. The Bosnian Serbs used several improvised detention facilities including the Maslovare primary school, the police station, the Kotor Varo{ prison, the Kotor Varo{ school, and the saw mill, where many women detainees were raped.<sup>1784</sup> Most prominent members of the community were taken to the Crisis Staff building in Banja Luka.<sup>1785</sup> At the school some of the prisoners were taken out to dig military fortifications on frontline

<sup>1778</sup> Instructions dated issued by the SDS for the Organization and Activity of the Organs of the Serbian people in BiH in extraordinary circumstances, which proved to be a blue-print for SDS takeovers, 19/12/91, 0018-4274 0018-4283(BCS); 0027-0657-0027-0666(BCS), 0027-0650-0027-0656 (ENG).

<sup>1779</sup> Minutes of Crisis staff, 22/06/92, 0041-5624-0041-5626 (BCS).

<sup>1780</sup> Crisis Staff orders curfew, 12/06/92, 0041-6494-0041-6491(BCS); 0300 4505 0300 4505(ENG), the closure of catering establishments, 12/06/92, 0041-4688-0041-4689 (B CS); Disarming of non Serbs: B -1101.

<sup>1781</sup> Decision of ARK crisis staff, 22/06/92, 0105-6404-0105-6404 (BCS), 0105-5870-0105-5870 (ENG), equipment provided by Serbia, 11/09/92, 0041-5716-0041-5716 (BCS), 0190-0664 0190-0664 (ENG).

<sup>1782</sup> Massacre at Ve}i}, 0304-0847 0304-0866(BCS), 0037-3743 0037-3759 (ENG), paramilitaries and FRY troops operating in Kotor Varos; Combat report, 12/05/92, 0086-2214 0086 (BCS) 0093-8540-0093-8542(ENG).

<sup>1783</sup> Crimes committed in Kotor Varo{ document, 25/06/92, 0019-9618 0019-9620 (BCS); 1KK Rapt dated stating that the situation is characterised by terrorism and liquidation, 28/06/92, 0086-1789 0086-1790 (BCS) 0096-1146-0096-1146(ENG); Press Rapt, on ethnic cleansing, 07/10/92, M000-7206-M000-7207; Minutes of crisis staff mentioning the killings and beatings at the hospital/medical centre, 26/06/92, 0041-5614-0041-5615(BCS), 0190-9922-0190-9923 (ENG).

<sup>1784</sup> Detention at the Saw mill, Kotor Varo{ prison and Medical centre, 29/06/92, 0041-5607-0041-5607 (BCS), 0190 9958 0190- 9958 (ENG); B-1365, B-1367, B-1673.

<sup>1785</sup> B-1366.

positions.<sup>1786</sup> The conditions were poor and prisoners were subjected to severe beatings and some were killed.<sup>1787</sup> The Crisis Staff was aware of the camps.<sup>1788</sup> The Crisis Staff ordered that forced labour be performed by the non-Serb population.<sup>1789</sup>

831. The Crisis Staff closely controlled the mass exodus of the non-Serb population from Kotor Varo{. Those leaving were required to leave their property to the municipality.<sup>1790</sup> On 14 July 1992 the War Presidency lamented that activities relating to the moving out of the population “failed to meet the expectations” and directed that an agency be set up to deal with the problem in a more organised fashion.<sup>1791</sup> The RS government and RS Presidency were involved in the final forced transfer of the non-Serbs from Kotor Varo{. \ekanovi} noted that the exodus of Muslims “and all activities had been conducted on the orders of the government and the Presidency of the RS”.<sup>1792</sup>

832. During an attack on Bajram (a Muslim holiday) in 1992 the Serbs destroyed mosques in Kotor Varos and Vrbanjci. Explosives destroyed the mosque in Hrvacani.<sup>1793</sup> On 25 June during an operation by Serb police, soldiers and special units, approximately twelve to fifteen Muslims were killed at and around the Medical Centre.<sup>1794</sup> On or about 13 August Serb soldiers operating in the area near Dabov}i executed at least 17 non-Serb men in a barn, which was then burned down.<sup>1795</sup> During 1992 there was massive looting and destruction of non-Serb private property, as well as the destruction of all mosques and Catholic churches.<sup>1796</sup>

833. On 23 September 1992 @upljanin, Banja Luka CSB chief, announced the “final conflict and cleansing of the terrain” in Kotor Varo{ in a joint effort with the VRS.<sup>1797</sup> The most notorious massacre in Kotor Varo{ occurred at Grabovica School on or around 4 November 1992 when VRS troops executed more than 150 Muslim prisoners.<sup>1798</sup> These

---

<sup>1786</sup> B-1365.

<sup>1787</sup> B-1365.

<sup>1788</sup> B-1367; Excerpt from Kotor Varo{ Crisis staff minutes, 08/09/92, 0041-5584 0041-5584(BCS), 0190-9371 - 0190-9371 (ENG).

<sup>1789</sup> B-1365, B-1364, B-1673.

<sup>1790</sup> Removal of non Serbs: combat Rpt dated 30/07/92 0086-2378 0086-2381(BCS), 0110-5153-0110-5155 (ENG); Letter concerning transfer of women and children, 19/02/92, 0105-5871-0105-5871(BCS).

<sup>1791</sup> Minutes of War Presidency meeting, 14/07/92, 0041-5572-0041-5573 (BCS).

<sup>1792</sup> Excerpt of War Presidency, 18/10/92; 0041-5677-0041-5678 (BCS).

<sup>1793</sup> B-1367.

<sup>1794</sup> B-1368; B-1673.

<sup>1795</sup> B-1367.

<sup>1796</sup> B-1367, B-1675; Excerpts of War Presidency, 28/07/92, regarding looting: 0041-5564-0041-5564 (BCS); 0190-9253-0190-5254 (ENG); Excerpts of War Presidency, 14/10/92; 0041-5683-0041-5684(BCS), 0092-2387 0092-2389 (ENG); Excerpts of War Presidency, 29/07/92 concerning robbery 0041-5754-0041-5754(BCS); Minutes of the War Presidency, 21/10/92, 0041-5673-0041-5674 (BCS).

<sup>1797</sup> The cleansing of the terrain, 23/09/92, 0088-1683-0088-1683(BCS), 0300-4514 0300-4514 (ENG).

<sup>1798</sup> B-1675; Karad'i} and Mladi}, involved with the detention of civilians at Ve}i}i and their subsequent massacre ,Combat Sit Rep, 04/11/92, 0086-7738 0086-7741(BCS), 0089-2575-0089-2577(ENG), War Presidency Minutes, 24/10/92, 0041-5673 0041-5674(BCS), 0092-2331 0092-0332 (ENG).

victims had surrendered the day before at the village of Vejići, after resisting for several months.

#### 44. Prijedor

834. In November 1990, the SDA party was elected with majority representation in the Municipal Assembly. However, Bosnian Serb officials resisted electoral change consistent with the results of the Municipal elections.<sup>1799</sup> Without the necessary votes in the Municipal Assembly, the SDS was unable to sign the Agreement on the Formation of a Community of Bosnian Krajina Municipalities in May 1991.<sup>1800</sup>

835. In August 1991, Serb extremists seized the television tower on Kozara Mountain. Accordingly, residents of the Municipality of Prijedor could only receive television broadcasts containing propaganda against the non-Serb population.<sup>1801</sup> On 27 December 1991, the "Instructions" from 19 December 1991 document were discussed at the Prijedor SDS Municipal Board and the SDS Representatives' Club meeting. On 7 January 1992, the Assembly of the Serbian People of Prijedor Municipality was proclaimed and a Serb Crisis Staff was formed.<sup>1802</sup> On 17 January 1992, the Assembly of the Serbian People in Prijedor Municipality issued a decision to join the ARK.<sup>1803</sup>

836. In early 1992, ethnic tensions began to rise.<sup>1804</sup> Witnesses observed a steady build-up of military activity in the area. During the seizure of power, the Bosnian Serbs supplied arms and weapons to the Serbian villages within the Municipality of Prijedor. In March -April 1992, Serb checkpoints were set up in the region.<sup>1805</sup>

837. On 30 April 1992, Bosnian Serb forces seized power in the Municipality of Prijedor. This take-over was planned, and implemented, by the SDS.<sup>1806</sup> Serb flags flew from official buildings and Radio Prijedor broadcast that the Serbs had taken over the Municipality - to be called "Srpske Opština Prijedor". Prior to April 1992, the population in the Municipality of

---

<sup>1799</sup> B-1374.

<sup>1800</sup> Agreement on the Formation of a Community of Bosnian Krajina Municipalities; Banja Luka, 29/04/91, 0044-8781-0044-8784 (BCS), 0190-7902-0190-7905 (ENG)

<sup>1801</sup> B-1374.

<sup>1802</sup> Radio Prijedor interview with Simo Mišković "Remembering the Serbian take-over, 29/04/92, 0100-8949-0100-8956 (BCS) 0208-9296-0208-9304 (ENG); SDS Decision of Proclamation of Assembly of Serbian People of Prijedor, 08/01/92, P003-8533-P003-8533 (BCS), 0190-2875-0190-2875 (ENG).

<sup>1803</sup> SDS Decision of Assembly of Serbian People of Prijedor – to join the Autonomous Region of Bosnia Krajina, 17/01/92, P003-8529-P003-8529 (BCS), 0300-8174-0300-8174 (ENG).

<sup>1804</sup> B-1374.

<sup>1805</sup> B-1131.

<sup>1806</sup> Reports by Prijedor SJB on the situation, detentions centres, refugees and the role of the SJB, 14/08/92, B003-2526-B003-2564 (BCS) 0300-8556-0300-8567 (ENG); 0110-8981-8983 (ENG); 0110-9856-0110-9865 (ENG); 0110-9080-9086 (ENG); article from Kozarski Vjesnik, titled "Simo Drljača, Deputy Minister of Interior of RS, 09/03/93, 0038-9281-0038-9282 (BCS), 0038-9283-0038-9286 (ENG).

Prijedor was evenly divided between Muslim (49,351) and Serb (47,581) ethnic groups.<sup>1807</sup> By June 1993, the Muslim civilian population in the region had been reduced to 6,124 and the Croat civilian population of 6,316 had been reduced to 3,169. At the same time, the Serb civilian population in the municipality increased to 53,655.<sup>1808</sup>

838. In the weeks following 30 April 1992, Radio Prijedor repeatedly broadcast demands that non-Serbs identify their homes by marking the exteriors with something white.<sup>1809</sup> Non-Serbs were ordered to surrender all firearms.<sup>1810</sup> During this time, travel for non-Serbs was increasingly curtailed and communication lines from predominantly Muslim villages to the outside world were severely restricted, and then prohibited.

839. Muslim officials met with Bosnian Serb authorities to negotiate a way in which the communities could co-exist peacefully. Non-Serbs were removed from their positions of employment, as part of a centralised plan of discrimination and persecution.<sup>1811</sup>

840. On 23 May 1992, Serb forces attacked Hambarine after a demand for the surrender of weapons.<sup>1812</sup> Civilian housing and the civilian population constituted the focus of the attack. Houses were burnt.<sup>1813</sup> The population was pursued into the woods by Serb forces.<sup>1814</sup> During the attack, a number of Muslims were executed.<sup>1815</sup>

841. On 24 May 1992, at approximately 14:00 hours, Serb forces attacked Kozarac, following the expiration of an issued ultimatum.<sup>1816</sup> After an armored and infantry assault, Serb infantry entered Kozarac, and began setting houses on fire. A number of persons died and many were wounded.<sup>1817</sup> On 26 May 1992, the civilian population in Kozarac was collected and removed to a collection point: the men were taken to the Keraterm or Omarska camps, the women and children were taken to Trnopolje camp, all under military escort.<sup>1818</sup> On the same day, Kami-ani was attacked by Serb forces. Many of the houses were burned

<sup>1807</sup> Republic of Croatia, National Statistics Depot, 01/04/95, 0048-1911-0048-1911 (BCS), 0302-9138-0302-9138 (ENG).

<sup>1808</sup> Summary of the Muslim, Croat and Serb population who left and who settled in the municipalities under the control of Banja Luka SNB (National Security Service) Sector, 01/05/93, B009-8148-B009-8153 (BCS), 0300-9270-0300-9275 (ENG); Report data on the number and ethnic structure of the population according to municipalities in the area of the Banja Luka RDB /Department of the State Security/ centre, for 1991 and 1995 01/02/95, B003-1169-B003-1183 (BCS), 0093-0351-0093-0367 (ENG).

<sup>1809</sup> B-1562.

<sup>1810</sup> B-1562

<sup>1811</sup> B-1562; B-1374

<sup>1812</sup> B-1029

<sup>1813</sup> B-1029

<sup>1814</sup> B-1369; B-1029

<sup>1815</sup> B-1369; B-1029

<sup>1816</sup> B-1132

<sup>1817</sup> B-1132

<sup>1818</sup> B-1132

down during the attack and at least 8 unarmed Muslim men and women were murdered.<sup>1819</sup> Between 27 May and mid June 1992, Serb forces cleansed the area between Kozarac and Trnopolje – the detainees were taken to various camps.<sup>1820</sup> In early June 1992, killings of Muslims also occurred in Hambarine. In the nearby village of Beli}i, two Muslim men were killed, and one man and one woman wounded, by Serb forces. On 14 June 1992, armed Serb forces entered the village of Sivci, rounded up all the non-Serb men, loaded them onto buses and took them to the Keraterm camp.

842. After 23 May 1992, large-scale Serb military attacks were carried out by the 1KK, army reservists, regular and reserve police officers, and paramilitary units.<sup>1821</sup> The non-Serb civilian population was targeted by these military operations. Artillery was used to indiscriminately shell non-Serb areas.<sup>1822</sup> Civilian homes, mosques and churches were subject to looting, arson or other destruction by the Serb forces.<sup>1823</sup> After surrender or capture, Serb forces separated the men from the women, children and elderly.<sup>1824</sup> Many of the men were beaten, and detained at Keraterm or Omarska. Most of the women, children and elderly were sent to the Trnopolje camp.

843. The events in the Prijedor hamlet of Jaski}i were considered in the *Tadi}* trial proceedings. The *Tadi}* Trial Chamber found:

In the afternoon of 14 June 1992, gunfire was heard and Serb soldiers arrived in Jaski}i and ordered men out of their homes and onto the village street, their hands clasped behind their heads; they were made to lie down and were severely beaten. The village houses were searched to make sure that all men were accounted for. Then the men, other than three older men, were marched off in the direction of Kozarac and their families have never seen or heard of them again. When they had left, the women found the bodies of five men who had been shot, their corpses left to lie where they fell ?...g.<sup>1825</sup>

844. In July 1992, the village of Bi{}ani was surrounded by Serb soldiers. The Muslim villagers were rounded up. Twelve leading male members of the community were killed on the spot.<sup>1826</sup> Houses were set alight. Surviving men were taken to the Trnopolje camp, a

---

<sup>1819</sup> B-1030; B-1132

<sup>1820</sup> B-1085

<sup>1821</sup> B-1562; B-1085; B-1132; Order on the Activation of the Reserve Police Force by the Crisis Staff of Bosanska Krupa, 30/12/91, 0091-4269-0091-4270 (BCS), 0088-4608-0088-4609 (ENG)

<sup>1822</sup> B-1132

<sup>1823</sup> B-1132

<sup>1824</sup> B-1085

<sup>1825</sup> *Prosecutor v. Du{ko Tadi}*, IT-94-1, Opinion and Judgement, 7 May 1997, paras. 342-376.

<sup>1826</sup>

number of men being murdered by Serb soldiers on the way there. Muslims were also killed in the hamlet of Hegji.<sup>1827</sup>

845. On 20 July 1992, Serb forces entered the hamlet of ^emernica. The Muslim men were rounded up and made to stand in an orchard, where one man was executed.<sup>1828</sup> In the nearby hamlet of Mrkalji, forty Muslim men were lined up in front of an APC and then ordered to flee. As the men ran, Serb soldiers fired shots from the APC, killing most of them.<sup>1829</sup>

846. On 20 July 1992, mass killings of Muslims took place in the villages and hamlets around the Brdo area. Between 21 and 24 July 1992, Muslims were forced to collect and load hundreds of dead bodies from the Bi{}ani area. These bodies were loaded onto four Serb army trucks. On 23 July 1992, the village of ^arakovo was attacked by the Serb forces.<sup>1830</sup> Serbs, dressed in camouflage and police uniforms, were seen killing men at the @eger bridge over the Sana river near the village of ^arakovo.<sup>1831</sup>

847. On 24 July 1992, the village of Bri{}evo was attacked by Serb forces. These Serb forces included members of the 6<sup>th</sup> Krajina Brigade and the 5<sup>th</sup> Kozara Brigade. Shelling lasted for approximately 36 hours, subsequently houses were set on fire. At least 68 people were killed.<sup>1832</sup> Approximately 40 men were arrested and detained at "Krings" in Sanski Most.<sup>1833</sup>

848. In the village of Ljubija, a mixed population of Bosnian Croats and Bosnian Muslims lived together. On 25 July 1992, a large number of Croat and Muslim men were taken to the Ljubija football stadium. Serb police and soldiers beat the men and a number of them were executed.<sup>1834</sup> On 25 July 1992, approximately 90 men were taken from the Ljubija football stadium by bus, in the company of ten Serb soldiers. The men were abused until arrival at the Ljubija iron ore pit where they were taken off the bus, executed, and thrown into the pit.<sup>1835</sup>

849. On the morning of 28 July 1992, about 500 women from ^arakovo and Zecovi were assembled for transfer and interrogation in Prijedor. During this process, a witness observed a VRS military commander shoot and kill an elderly Muslim man.<sup>1836</sup> On 21 August 1992,

---

<sup>1827</sup> B-1032  
<sup>1828</sup> B-1032  
<sup>1829</sup> B-1032  
<sup>1830</sup> B-1033; B-1369  
<sup>1831</sup> B-1369  
<sup>1832</sup> B-1034  
<sup>1833</sup> B-1034  
<sup>1834</sup> B-1035  
<sup>1835</sup> B-1035  
<sup>1836</sup> B-1033

Serb forces massacred about 200 non-Serbs on Vlasi} mountain.<sup>1837</sup> On 5 December 1992, members of the 3rd battalion of the 6th Krajina Infantry Brigade murdered four civilians.<sup>1838</sup>

850. During this time, the Prijedor Crisis Staff established detention camps in Prijedor municipality. On 26 May 1992, the Trnopolje Camp became operational and by August 1992, approximately 1,500 people were detained there. By 30 September 1992, this number had risen to 3,000.<sup>1839</sup>

851. On 23 May 1992, the Keraterm camp was established, pursuant to a decision of the Prijedor Crisis Staff.<sup>1840</sup> On 27 May 1992, the Prijedor Crisis Staff ordered that all prisoners from the Keraterm facility were to be transferred to the facility in Omarska.<sup>1841</sup>

852. On 20 July 1992, Serb authorities transported a number of Muslim male civilians from the Brdo region to the Keraterm camp. These individuals were confined in "Room 3". During the evening of 24 July 1992, Serb forces fired on the occupants of Room 3 with machine guns. About 150-200 civilian detainees were massacred. The following night, around 40 men were killed.<sup>1842</sup>

853. Detainees were tortured and brutally beaten by the guards and others and left to die.<sup>1843</sup> Detainees saw dead bodies loaded onto trucks and taken away on a regular basis. On 5 August 1992, 120 detainees were called out by name and put on a bus. The remains of some of these individuals were later exhumed from a mass gravesite in Hrastova Glavica.<sup>1844</sup> Many detainees were beaten and subsequently died.<sup>1845</sup> Bodies were also seen the morning prior to them being loaded onto trucks and removed from the camp.<sup>1846</sup>

854. Upon arrival at the Keraterm camp, many of the detainees had any remaining personal property confiscated and were then beaten prior to being locked into four storage rooms.<sup>1847</sup> The majority of the detainees at Keraterm were called for interrogation at some time during

---

<sup>1837</sup> B-1085,

<sup>1838</sup> B-1036

<sup>1839</sup> Reports by Prijedor, Bosanski Novi and Sanski Most SJB regarding the current situation and detainees, detention centers, refugees and the role of the SJB, 14/08/92, B003-2526-B003-2564 (BCS); 0300-8556-0300-8567; 0110-8981-0110-8983; 0110-9856-0110-9865; 0110-9080-0110-9086; 0110-8991-0110-8902 (ENG).

<sup>1840</sup> Ibid.

<sup>1841</sup> Ibid.

<sup>1842</sup> B-1088, .

<sup>1843</sup> *Prosecutor v. Sikirica et al.*, Case No. IT-95-8-T, Joint Submission of the Prosecution and the Accused Duško Sikirica Concerning A Plea Agreement and Admitted Facts, 6 September 2001, para. 10(a).

<sup>1844</sup> B-1088, .

<sup>1845</sup> B-1132; B-1083 .

<sup>1846</sup> B-1369.

<sup>1847</sup> B-1374.

their incarceration. Serb “inspectors” from Banja Luka and Prijedor carried out formal interrogations. Beatings and torture regularly accompanied interrogations.<sup>1848</sup>

855. The Keraterm authorities, as well as outsiders, regularly subjected detainees to severe beatings, torture, sexual assault, and other forms of abuse.<sup>1849</sup> In particular, Bosnian Muslim and Bosnian Croat political and civic leaders, intellectuals, the wealthy, and non-Serbs who were considered to be “extremists”, were targeted for beatings, torture or death.

856. On or about 5 August 1992, the majority of the detainees were transferred to the Manja-a, Trnopolje, or Omarska camps. On 21 August 1992, operations at the Keraterm camp were terminated. Local Serb leaders expressed their dismay at the “premature” closing of the detention facilities.

857. A number of detainees in Trnopolje camp were beaten and died as a result, or were executed in the camp or were taken from the camp and killed in areas nearby. On 20 July 1992, a number of Bosnian Muslims from Bi{}ani were brought to Trnopolje camp by the Serb Army. Some men were placed in the camp store and then the bus left Trnopolje with thirteen men on board. These men were killed near a place called Kratalj on the road between Bi{}ani and Prijedor.

858. On or about 25 August 1992, a group of Serb soldiers entered the camp and escorted 11 men out of the camp, took them behind a house and executed them.<sup>1850</sup> From the first days of operation, the Omarska camp housed many of the local Bosnian Muslim and Bosnian Croat political, social and professional elite, including political, administrative, business and religious leaders.<sup>1851</sup> Men were beaten on arrival at the camp.

859. During the operation of the Omarska camp, murders, serious assaults, sexual assaults and general abuse of detainees were a daily occurrence.<sup>1852</sup> The beatings, tortures and other cruel treatment and humiliating actions were generally inflicted in full view of other detainees and detainees made to beat each other.<sup>1853</sup> In Omarska, women were raped and sexually assaulted.<sup>1854</sup> Detainees were given starvation rations, and conditions were extremely inadequate.<sup>1855</sup> In August 1992, a large number of detainees were transferred from there to the Trnopolje and Manja-a camps. Of these detainees, 37 were women, 28 persons were under

---

<sup>1848</sup> B-1374.

<sup>1849</sup> B-1562

<sup>1850</sup> B-1369

<sup>1851</sup> B-1562

<sup>1852</sup> B-1562

<sup>1853</sup> B-1132

<sup>1854</sup> B-1562

<sup>1855</sup> B-1132



18 years of age and 68 persons over 60 years of age.<sup>1856</sup> On 21 August 1992, operations at the Omarska camp were terminated after international media attention. A very large number of the 3,334 persons detained in Omarska camp remain unaccounted for.<sup>1857</sup> Many detainees were taken from their rooms and never seen again.<sup>1858</sup>

860. In Trnopolje, beatings by guards and other military personnel occurred on a daily basis.<sup>1859</sup> Some detainees were severely beaten during interrogation with baseball bats, cables, furniture, boots and hands. Rape was a regular occurrence.<sup>1860</sup> Trnopolje held thousands of detainees, the majority being older men, women and children. Conditions at Trnopolje camp were severe – infectious diseases were rampant.

861. On or about 26 July 1992, over 100 Bosnian Muslims were captured near Ravska by Serbs. A number of men tried to escape and were killed. They were then taken to the Serb headquarters at Miska Glava where they were interrogated and beaten with axes, knives, police batons and rifle butts. The following day, a number of men in the group were killed.<sup>1861</sup> The men were then taken by bus to the Ljubija football stadium. When they got off the bus, policemen and soldiers with metal and wooden sticks and batons beat them. A number of men were killed. Men then had to load the dead bodies onto a bus.<sup>1862</sup>

862. Non-Serbs arrested or captured were taken to Prijedor SUP and JNA military barracks where severe beatings took place during and outside interrogation.<sup>1863</sup> During these aggressions, until 16 August 1992, over 20,000 citizens, mainly of Muslim and Croat ethnicity, fled the municipality.<sup>1864</sup> Other members of the non-Serb population were coerced to leave the Municipality. They were required to pay various authorities in order to depart, and to sign over their personal and real property to the authorities in the *Republika Srpska*.

863. Destruction, wilful damage and looting of residential and commercial properties occurred in various towns in the municipality, including: Prijedor, Bri{evo, Kami-ani, ^arakovo, Kozarac, Kozaru{a, Bi{)ani, Hambarine, Rakov-ani, Rizvanovi}i, Donja and Gornja Ravska, Kevljani, and various other Muslim and Croat hamlets and villages. Various

<sup>1856</sup> Reports by Prijedor, Bosanski Novi and Sanski Most SJB regarding the current situation and detainees, detention centers, refugees and the role of the SJB, 14/08/92, B003-2526-B003-2564 (BCS); 0300-8556-0300-8567; 0110-8981-0110-8983; 0110-9856-0110-9865; 0110-9080-0110-9086; 0110-8991-0110-8902 (ENG).

<sup>1857</sup> Ibid.

<sup>1858</sup> B-1085

<sup>1859</sup> B-1132

<sup>1860</sup> B-1369

<sup>1861</sup> B-1035

<sup>1862</sup> B-1035

<sup>1863</sup> B-1374; B-1132

CSB Security operatives submitted reports concerning looting of non-Serb homes and property and the destruction of, or wilful damage to, a large number of religious and cultural buildings occurred in Prijedor town and non-Serb areas within the Municipality.<sup>1865</sup>

864. From March 1992 onwards, the JNA 5<sup>th</sup> Corps gathered intelligence on the activities of the Muslim population in the Municipality of Prijedor. On 17 March 1992, the 5<sup>th</sup> Corps Command reported that 400 rifles were distributed amongst the Muslim population in the village of Kozarac. Prior to this event, the JNA Army armed the Serb population and with the approval of the 5<sup>th</sup> Corps Command took control of all TO weapons in Prijedor.

865. By 13 April 1992, General Tali} had knowledge of the ethnic tensions and conflict in Prijedor. On 20 April 1992, he visited Prijedor and "analysed" the situation. In addition, General Tali} had knowledge the SDS had seized power on 30 April 1992 in Prijedor. On the same day he was mobilising further forces of the 5<sup>th</sup> Corps in Prijedor and the Krajina.<sup>1866</sup> From 23 May 1992, General Tali} was in command of military operations against Muslim armed groups and the Muslim population in Prijedor, and in particular in the Hambarine and Kozarac areas. One of the 1KK's principal staff officers confirmed that only General Tali} could have committed units under his command to these attacks in accordance with normal command procedures.<sup>1867</sup>

866. On 25 May 1992, 1KK units had "sealed" Kozarac and had captured one hundred Muslim men. Survivors describe the widespread and gross criminal acts of VRS forces during these so-called "combat operations".<sup>1868</sup> On 27 May 1992, the 1KK command was

---

<sup>1864</sup> Set of reports by Prijedor, Bosanski Novi and Sanski Most SJB regarding the current situation and detainees, detention centers, refugees and the role of the SJB, 14/08/92, B003-2526-B003-2564 (BCS); 0300-8556-0300-8567; 0110-8981-0110-8983; 0110-9856-0110-9865; 0110-9080-0110-9086; 0110-8991-0110-8902 (ENG);

<sup>1865</sup> Security Assessment for the Prijedor Municipality, by Banja Luka Security Service Centre, 23/10/92, 0063-3340-0063-3340 (BCS), 0091-6591-0091-6593 (ENG); Report on security situation in Prijedor municipality, 16/09/92, 0084-9856-0084-9857 (BCS), 0086-9446-0086-9447 (ENG)

<sup>1866</sup> Information sheet by the SSNO /Federal Secretariat for National Defence/ presented by the 5th Corps Command to the subordinates: 13/04/92, 0094-9901-0094-9903 (BCS), 0110-5200-0110-5204 (ENG); JNA 5th Corps Regular Combat report to 2nd Military District, 20/04/92, 0095-9767-0095-9769 (BCS), 0110-8603-0110-8604 (ENG)

<sup>1867</sup> 0088-4608-0088-4609.

<sup>1868</sup> 1KK Command Report to the Commander Main Staff of the Army of the RS-BiH, 0110-6408-0110-6217 (ENG); Report from 1 KK Command on elimination of "Green Berets" in the wider area of the village of Kozarac, to the Srpska Republika BH Main Staff, 24/05/92; 0086-1467-0086-1468 (BCS). 0093-8549-0093-8549 (ENG); Report from the 1 KK to RS Presidency and VRS Main Staff signed by Vukeli}, 26/05/92, 0094-9892-0094-9894 (BCS), 0110-5189-0110-5194 (ENG); Regular Combat Report no. 44-1/151. Daily report to VRS GS., 28/05/92, 0086-1477-0086-1482 (BCS), 0093-8553-0093-8555 (ENG); Handwritten history of the 6th Krajina Bde, signed by Col. Basara - estimated date is end of 1992. ; 0047-8672-0047-8677 (BCS), 0110-2240-0110-2242 (ENG); Order on the Activation of the Reserve Police Force by the Crisis Staff of Bosanska Krupa, 30/12/92, 0091-4269-0091-4270 (BCS), 0088-4608-0088-4609 (ENG).

briefed on the attack on Kozarac. The 1KK reported to the VRS Main Staff that eighty to one hundred Muslim men were killed and 1500 were captured.<sup>1869</sup>

867. From May into June 1992, VRS and Serb police forces disarmed, captured and killed members of the non-Serb population. During this time, Muslim forces mounted a counter-attack on the VRS in Prijedor. By 1 June 1992, the 1KK reported to the VRS Main Staff that 7000 Muslims from Prijedor were detained in Omarska and Trnopolje camps.<sup>1870</sup> At this time, General Tali} informed the Main Staff that stolen Muslim property was centrally collected and forwarded on as war booty.<sup>1871</sup> Throughout July 1992, units of the 1KK pursued fleeing Muslim men of military age, armed or not, in Prijedor.

868. By 30 July 1992, the command of the 1KK knew that the Muslim and Croat population had been forced out of Prijedor.<sup>1872</sup>

#### 45. Prnjavor

869. In 1991, Prnjavor had 47,055 inhabitants of whom 71.2% were Serbs, 15.2% were Muslims, 3.7% were Croats, and the remaining 9.9% were Yugoslavs and others.<sup>1873</sup> In the 1990 elections the SDS won a controlling majority in the municipality. Once the war in Croatia started, the non-Serb population's refusal to fight led to their dismissal from jobs and their increasing persecution by the Serbs.<sup>1874</sup> The JNA 5<sup>th</sup> Corps was arming the Serb TO of Prnjavor by 14 May 1992.<sup>1875</sup>

870. Lieutenant Veljko Milankovi}, a local criminal who had taken part in the seizure of the Kozara transmitter in August 1991, commanded a JNA-trained paramilitary unit called the "Wolves of Vu-jak". They were supported by the SDS in Prnjavor and did the "dirty work" of the Crisis Staff. The "Wolves of Vu-jak" were a unit of the 1KK.<sup>1876</sup> On 6 September 1992, Gen. Tali} personally signed an order authorising Milankovi} to collect ammunition for

<sup>1869</sup> Casualties on the part of the units were four soldiers killed and fifteen injured.

<sup>1870</sup> Information report from 1KK Command signed by Vukeli}, 07/06/92, 0094-9888-0094-9891 (BCS) 0110-5471-0110-5473 (ENG)

<sup>1871</sup> Report by 1KK to RS BH Main Staff, 06/07/92, signed by Col. Ludvik Kranjc. 18/06/92, 0094-6534-0094-6535 (BCS), 0190-5969-0190-5970 (ENG); Order from the Command of the 6th partisan brigade for the execution of combat activities to the Command of the 3rd Infantry battalion, 18/06/92, 0047-2239-0047-2248 (BCS), 0110-7727-0110-7729 (ENG); Regular Activity Report from the 1KK Command to the Serbian Republic Army Main Staff, 25/07/92, 0086-1995-0806-1999 (BCS), 0086-7027-0086-7028 (ENG).

<sup>1872</sup> Report by 1KK to RS BH Main Staff, 06/07/92, signed by Col. Ludvik Kranjc. No enemy activity in zone west of the Vrbas river (Donji Vakuf) and South of the Sava River, except single group of Muslim extremists. 0086-1855-0086-1858 (BCS), 0110-5122-0110-5125 (ENG); Report from the 1KK combat Sitrep to GS VRS, 30/07/92, 0086-2378-0086-2381 (BCS), 0110-5153-0110-5156 (ENG).

<sup>1873</sup> 1991 census, 1994, 0052-3182/0044-3829 (BCS & ENG).

<sup>1874</sup> B-1134; B-1371; B-1370.

<sup>1875</sup> Order issuing weapons to Prnjavor Municipal Territorial Defence Staff, 14/05/92, 0125-2444-0125-2445 (BCS), 0300-7848-0300-7848 (ENG)

<sup>1876</sup> 1KK forward command post inquiry about Milankovi}'s Vucijak Battalion removal from the 4<sup>th</sup> Tactical Group, 21/09/92, 0131-3827-0131-3828 (BCS), L003-0333-L003-0334 (Draft ENG)

1KK needs.<sup>1877</sup> On 21 September 1992, Tali} knew that members of the Prnjavor Light Infantry Brigade had attempted to replace the local police force in Prnjavor. Milankovi} was identified as the instigator of events. Milankovi} had influence on the local police force and co-operated with them on operations. Milankovi} and his men took revenge on the non-Serb civilian population for the killing of their comrades in battle.<sup>1878</sup>

871. All non-Serbs in positions of authority, including two Muslim judges, were dismissed from their jobs by the Serbian authorities.<sup>1879</sup> In March or April 1992 all non-Serbs in the police force were dismissed. Those Serbs who objected to this were retired from the police force.<sup>1880</sup> Many of the police were replaced by Milankovi}'s men. Once all non-Serbs were gone from the police force, the destruction of non-Serb private and cultural property by police and TO units intensified all over the municipality.<sup>1881</sup> The destruction of the mosque in Prnjavor was well known and reported to the Bosnian Serb authorities by its own public security service.<sup>1882</sup>

872. Non-Serbs were subjected to a curfew and had to have the permission of the municipal authority to travel outside the municipality.<sup>1883</sup> Muslim homes were looted and destroyed by Serb police and TO members conducting searches for weapons.<sup>1884</sup> Many male members of the non-Serb population were taken by the Serb police to makeshift detention facilities at the Dom Culture building, the Sloga Shoe factory, the mill at Mlin, Vu-jak and the police station. They were interrogated about Muslim resistance and were beaten. Muslim men had to perform forced labour.<sup>1885</sup>

873. In late May 1992, in a combined operation by the Prnjavor police and Lieutenant Milankovi} and his unit, Serbian forces surrounded the villages of Li{nja and Pura}i. They demanded the Muslim villagers surrender their weapons. Weapons were handed over and the entire village was gathered at the sawmill. Serb forces then set fire to the villages and blew up the mosques. The men from the village were detained at the Sloga Shoe Factory.<sup>1886</sup>

---

<sup>1877</sup> Authorisation by the 1st KK Command for Milankovi} to collect ammunition for the needs of the 1st KK, 06/09/92, 0131-3799-0131-3800 (BCS) 0190-2945-0190-2945 (ENG)

<sup>1878</sup> B-1134; B-1371; B-1370.

<sup>1879</sup> B-1134.

<sup>1880</sup> B-1370.

<sup>1881</sup> B-1370; B-1371.

<sup>1882</sup> Information by Milo{ regarding destruction of Muslim mosques in Prnjavor and ^elinac, 22/06/92, B007-9206-B007-9206 (BCS),0301-0804-0301-0804 (ENG).

<sup>1883</sup> B-1134.

<sup>1884</sup> B-1371.

<sup>1885</sup> B-1134; B-1370.

<sup>1886</sup> B-1370.

874. Members of the non-Serb population were coerced into leaving the municipality. They had to pay the municipality in order to depart and sign over all their moveable and immovable property to Republika Srpska.<sup>1887</sup>

46. *Sanski Most*

875. In 1991 Sanski Most had a population of 60,119, of whom 47.04% were Muslims, 42.20% were Serbs, and 10.75% identified as "other". By 1995 the Bosnian Serbs constituted 88% of the population having successfully "cleansed" nearly 25,000 citizens of Muslim faith and over 3,000 of Catholic faith from the municipality.<sup>1888</sup>

876. The SDS won the first municipality elections in Sanski Most in early 1991 and insisted that all positions of authority go to Serbs.<sup>1889</sup> Nedjelko Račula of the SDS was President of the Municipal Assembly. In early April 1992 the Municipal Assembly of Sanski Most met for the last time.<sup>1890</sup> On 3 April 1992 the Serbian Assembly of Sanski Most chose to become part of the Autonomous Region of Krajina.<sup>1891</sup>

877. When the war in Croatia started in 1991 checkpoints manned by the local police, TO, and reservist military police appeared in the municipality.<sup>1892</sup> As early as in November 1991, the Sanski Most TO Staff was taking instructions from the 5<sup>th</sup> JNA Corps on the storing, maintaining and taking of weapons.<sup>1893</sup> Between late February and April 1992 many Muslim premises were destroyed by explosives.<sup>1894</sup>

878. In early April the 6<sup>th</sup> Krajina Brigade arrived in the area and took up positions around Sanski Most town.<sup>1895</sup> Serb police and military personnel began a gradual take-over in April beginning with the SDK, and followed later by the radio station, the bank, health centre, schools, factories and major companies. Non-Serb directors were removed from their positions and other non-Serbs were told not to return to work.<sup>1896</sup>

<sup>1887</sup> B-1134; B-1370.

<sup>1888</sup> Report on the number and ethnic structure of the population according to municipalities in the area of the Banja Luka RDB, 1991/1995, 01/02/95; B-103-1169-B-103-1183 (BCS), 0093-0351-0093-0367 (ENG).

<sup>1889</sup> B-1373.

<sup>1890</sup> B-1375.

<sup>1891</sup> Decision by Serb Assembly on the Serbian Municipality of Sanski Most to become part of the ARK, 03/04/92, 0047-1479-0047-1480 (BCS) .0110-6149-0110-6149 (ENG).

<sup>1892</sup> B-1043.

<sup>1893</sup> File cover and letter re the control of weapons from the TO S.M; 06/11/91, 0094-6595-0094-6596 (BCS), 0190-2240-0190-2241 (ENG).

<sup>1894</sup> B-1378.

<sup>1895</sup> SDS "Informator", July 92, 0092-2370-0092-2370 (ENG), 5th Corps Command; 01/04/92, 0104-2415-0104-2418 (BCS), 0300-6328-0300-6331 (ENG).

<sup>1896</sup> B-1373; B-1062

879. On 16 April 1992 the Assembly of the Serbian People established the Serbian Municipality of Sanski Most.<sup>1897</sup> On 17 April 1992 the Serbs split the police force in Sanski Most and created their own force.<sup>1898</sup> The Serbian authorities demanded all non-Serbs to sign an oath of loyalty to the Serbs. Those who refused to sign were to be dismissed from their jobs.

880. On 19 April 1992 Nedeljko Račula contacted the representatives of the SDA in the Municipal building and ordered them to surrender all their weapons and leave the building.<sup>1899</sup> The forcible take-over of Sanski Most was accomplished by Serb police and members of Račula's paramilitary group of Serb Volunteer Guards ("SOS").<sup>1900</sup>

881. After the attack on the Municipal building on 21 April 1992 two members of the Serb Crisis Staff were instructed to visit the leadership of the regional government of the ARK to obtain guidelines for further action in the municipality.<sup>1901</sup> At the same meeting the Crisis Staff took over responsibility for directing and co-ordinating the work of the police and TO in Sanski Most.<sup>1902</sup> Subsequent decisions of the Crisis Staff show that it effectively took over every aspect of life in Sanski Most.<sup>1903</sup> By 24 April 1992 all the key installations in Sanski Most were under the control of the 6<sup>th</sup> Partisan Brigade of JNA 5<sup>th</sup> Corps, the Serbian TO and police.<sup>1904</sup>

882. The first general request made by Serbs for disarmament of the non-Serb population came in early May. During the second half of May 1992 the freedom of movement of the non-Serb population was controlled by checkpoints.<sup>1905</sup> On 7 May 1992, pursuant to an order of the ARK Crisis Staff that a state of war existed in the ARK, the Crisis Staff of Sanski Most

<sup>1897</sup> Decision by Serb Assembly on the Serbian Municipality of Sanski Most to become part of the ARK, 03/04/92, 0047-1479-0047-1480 (BCS). 0110-6149-0110-6149 (ENG); B-1378.

<sup>1898</sup> B-1378.

<sup>1899</sup> JNA 5th Corps re: Combat Report to 2nd Military District 20/04/92, 0095-9767-0095-9769 (BCS), 0110-8603-0110-8604 (ENG); B-1630; B-1378 ; B-1375

<sup>1900</sup> B-1742.

<sup>1901</sup> Decision of the Serb Municipality of Sanski Most Crisis Staff, 21/04/92, 0047-1864-0047-1867 (BCS), 0110-2239-0110-2339 (ENG).

<sup>1902</sup> Decision of the Serb Municipality of Sanski Most Crisis Staff, 21/04/92, 0047-1864-0047-1867 (BCS), 0110-2239-0110-2339 (ENG).

<sup>1903</sup> Decisions of the Serb Municipality of Sanski Most Crisis Staff, 21/04/92, 0047-1864-0047-1867 (BCS), 0110-2239-0110-2339 (ENG); 22/04/92, 0047-1862-0047-1863 (BCS), 0110-7725-0110-7726 (ENG); 24/04/92, 0047-1860-0047-1861 (BCS), 0110-2359-0110-2360 (ENG)

<sup>1904</sup> Report: Serbian police and volunteers take Sanski Most and oust extreme members of SDA who fled to Croatia, 24/04/92, 0084-9882-0084-9882 (BCS), 0086-9443-0086-9443 (ENG); Military report regarding military activities, staffing and organisation of the 6th Sanska Bde between 08/10/91 and 28/08/92; (deployment in different municipalities as well as the actions in Sanski Most) 28/08/92, 0086-9822-0086-9833 0300-5936-0300-5946 (ENG)

<sup>1905</sup> B-1043; B-1042.

became a War Staff.<sup>1906</sup> By 30 May 1992 Colonel Basara, commanding officer of the 6<sup>th</sup> Partisan Brigade was a member of the Sanski Most Crisis Staff.<sup>1907</sup>

883. On 11 May 1992 two members of the Crisis Staff were instructed to consult Radoslav Br|anin about disarming the Muslim and Croat population of Sanski Most.<sup>1908</sup> The disarmament of paramilitary formations was to be co-ordinated with Prijedor and Klju} municipalities.<sup>1909</sup> On 12 May 1992 General Tali} reported that forces under his command were controlling Sanski Most. The Crisis Staff in Sanski Most was giving logistical support to the 6th Partisan Brigade and co-operating with it on the disarmament of the population.<sup>1910</sup> On 21 May 1992 the Crisis Staff set a final deadline of 24 May 1992 for the surrender of weapons. The TO and VRS were charged with implementing this deadline.<sup>1911</sup>

884. In late May the Crisis Staff also issued a list of Muslims who they stated were "Green Berets" and had to surrender to the Serb authorities. Those men selected were prominent Muslim intellectuals and wealthy men rather than men in any organised resistance force.<sup>1912</sup> Throughout May and June 1992 there were many arrests of Muslim and Croat men in Sanski Most. They were taken to makeshift detention facilities at the Sports hall, the school, Betonirka, Krings, and the police station where they were interrogated and most of them severely beaten. Almost all of the arrested non-Serbs eventually ended up at Manja-a, a VRS-controlled camp.<sup>1913</sup>

<sup>1906</sup> Conclusions of Crisis Staff of Sanski Most, 07/05/92, 0047-1842-0047-1845 (BCS), 0093-8627-0093-9628 (ENG).

<sup>1907</sup> Decisions of the Serb Municipality of Sanski Most Crisis Staff re: Composition of the crisis staff, 30/05/92, 0047-1742-0047-1745 (BCS), 0110-6744-0110-6745 (ENG).

<sup>1908</sup> Decisions of the Serb Municipality of Sanski Most Crisis Staff, 12/05/92, 0047-1836-0047-1839 (BCS), L001-7380-L001-7382 (ENG).

<sup>1909</sup> Ibid.

<sup>1910</sup> Daily combat report of the 5th Krajina Corps to 2nd Military District, 12/05/92 0086-2214-0086-2218 (BCS), 0093-8540-0093-8542 (ENG); The combat history of the 4<sup>th</sup> infantry Battallion, 1994, 0091-1286-0091-1287 (BCS), 0300-9162-0300-9163 (ENG) Station Logbook seized by AID Sanski Most. Mentions, inter alia, wounded being treated in Belgrade, ammunition coming from Serbia, etc 0207-8408-0207-8574 (BCS), 0302-8646-0302-8800 (ENG); Conclusion of Sanski Most. Crisis Staff, 12/05/92, 0047-1836-0047-1837 (BCS); 0110-6539 (ENG).

<sup>1911</sup> Decisions of the Serb Municipality of Sanski Most Crisis Staff, 22/05/92, 0047-1824-0047-1827 (BCS) 0110-6524-0110-6525 (ENG).

<sup>1912</sup> B-1684; B-1043.

<sup>1913</sup> Conclusions by the Crisis Staff of Serb Municipality, Sanski Most., 06/06/92, 0047-1230-0047-1231 (BCS), 0110-0943-0110-0943 (ENG); A list of 'persons imprisoned in military operations on the territory of the Municipality of Sanski Most from 18 May 92 to 6 June 92, 0049-3370-0049-3372 (BCS) 0110-2004-0110-2006 (ENG); Conclusions by the Crisis Staff of the Serbian Municipality of Sanski Most, 04/06/92, 0047-1274-0047-1277/0047-1746-0047-1749 (BCS) 0110-6746-0110-6746 (ENG); B-1378 ; B-1062; B-1043.

885. On the 27 May 1992 the Serb Army shelled the predominantly Muslim village of Hrustovo which continued until 31 May. On 31 May Serb soldiers in camouflage uniforms killed approximately 30 unarmed women and children the garage of Ibrahim Merdanovi}.<sup>1914</sup>

886. On the 26 or 27 May 1992 Serb artillery shelled the Muslim area of Mahala in Sanski Most. The houses in Mahala were set on fire.<sup>1915</sup> On 27 May 1992 the Commander of the Civilian Protection Staff ordered "The terrain in the area of Mahala, Otok and Muhi}i should be sanitised. Bodies must urgently be recovered, identified and buried in the designated place".<sup>1916</sup> The Serb authorities were well aware that many Muslim civilians had been killed in the attack on Mahala.

887. On the 29 May the Serb army attacked the predominantly Muslim village of Vrhpolje.<sup>1917</sup> On 31 May 1992 Serb soldiers entered the Begi}i hamlet of Kljevci village, collected all people from Donji Begi}i and took them to Gornji Begi}i. They separated the women and children from the men and took all the men towards the Vrhpolje bridge. Muslim men were killed on the way to the bridge. At the bridge the soldiers started beating the men and then ordered some men to jump from the bridge. As the men jumped to the river they were executed.<sup>1918</sup>

888. At the end of May 1992 the Serb controlled Crisis Staff had already declared their policy to forcibly remove the non-Serb population of Sanki Most.<sup>1919</sup> It noted that contact should be made with the leadership of the ARK regarding the implementation of the idea on resettlement of the population.<sup>1920</sup>

889. On 1 June 1992, two days after the execution of unarmed Muslim men at the Vrhpolje Bridge, Colonel Basara, commander of the 6<sup>th</sup> Partisan Brigade acknowledged that units under his command had been committing "genocide" against Muslim non-combatants.<sup>1921</sup> General Tali} reported to VRS Main Staff that 7000 Muslims had been captured in Klju}, Sanski Most

---

<sup>1914</sup> B-1611;

<sup>1915</sup> B-1377; B-1043.

<sup>1916</sup> Order issued by Comdr. of Civil Protection HQ to clean the terrain in the area of Mahala and bury the bodies etc, Pursuing the C risis Staff conclusion, 27/05/92, 0047-2219-0047-2219 (BCS), 0110-2187-0110-2187 (ENG).

<sup>1917</sup> B-1043.

<sup>1918</sup> B-1042 .

<sup>1919</sup> Decisions of the Serb Municipality of Sanski Most Crisis Staff. Re: Composition of the Crisis Staff, 30/05/92, 0047-1742-0047-1745 (BCS), 0110-6744-0110-6745 (ENG); B-1630.

<sup>1920</sup> Decisions of the Serb Municipality of Sanski Most Crisis Staff. Re: Composition of the Crisis Staff, 30/05/92, 0047-1742-0047-1745 (BCS), 0110-6744-0110-6745 (ENG).

<sup>1921</sup> Command of the 6th Partisan Brigade Order establishing discipline in the units of the brigade during combat operations, 03/06/92, 0086-9834-0086-9835 (BCS) 0300-6326-0300-6327 (ENG);



and Prijedor.<sup>1922</sup> On 2 June 1992 the Sanski Most Crisis Staff ordered the provision of machinery and manpower for the mass burial of persons killed in “combat operations” in Vrhpolje and Hrustovo.<sup>1923</sup>

890. On 4 June 1992 the Crisis Staff resolved to send Muslim and Croat prisoners who were politicians, nationalist extremists or otherwise unwelcome in Sanski Most to the VRS camp at Manja-a. This was to be arranged through the 1KK in co-ordination with the Banja Luka and Sanski Most police.<sup>1924</sup> On about 22 June over twenty men were taken out of the Betonirka detention facility and executed by Serb police in the Partisan cemetery in Sanski Most.<sup>1925</sup> On about 27 June 1992 local Serb army reservists entered the hamlet of Kenjari where they captured about twenty men, forced them into a house and killed most of them by tossing a hand grenade into the house.<sup>1926</sup>

891. During the first week of July 1992, 65 male inmates were taken by Serb forces from the Betonirka detention facility in a covered truck to the VRS camp at Manja-a. Eighteen men died of dehydration and heat exhaustion on the way. After arriving at Manja-a three men were selected to load the dead and unconscious onto one truck.<sup>1927</sup>

892. On 1 August shelling of the village of Lukavica started. Shortly after the shelling commenced Serb soldiers entered the village. They took about 14 unarmed Muslim men from the hamlet of Alibegovi}i, led them towards a brook near the neighbouring village of Budim where they executed them.<sup>1928</sup>

893. On 2 November five Bosnia Croats were summarily executed at Donji Kruhari, near Sanski Most, after their identifications had been searched by soldiers, who claimed to belong to Se{elj’s Army.<sup>1929</sup>

894. Sometime in July 1992 Vlado Vrke{ announced that those who wanted to leave Sanski Most had to apply to the municipality and the police for permission to leave. Non-Serbs were

<sup>1922</sup> Daily combat report to VRS GS, 01/06/92, 0086-1529-0086-1534 (BCS), 0096-1176-0096-1178 (ENG); Regular Combat Report to RS BH Army Main Staff, 01/06/92, 0086-1527-0086-1528 (BCS) 0093-8560-0093-8560 (ENG)

<sup>1923</sup> Order from the Sanski Most Crisis Staff. 0047-1192-0047-1193 (BCS), 0092-8909-0092-8909 (ENG); Order issued by Comdr. of civil protection HQ in pursuance of the conclusion of the Crisis Staff, 02/06/92, 0047-2216-0047-2216 (BCS), 0110-2186-0110-2186 (ENG).

<sup>1924</sup> Conclusions by Crisis Staff of the Serbian Municipality of Sanski Most, 04/06/92, 0047-1274-0047-1277 0047-1746-0047-1749 (BCS), 0110-6746-0110-6746 (ENG); Letter from Sanski Most SJB to commander of the Manteca Military Polygon, 06/06/92, 0106-1776-0106-1776 (BCS), 0190-1911-0190-1911 (ENG).

<sup>1925</sup> B-1043.

<sup>1926</sup> B-1044.

<sup>1927</sup> B-1042; B-1373; B-1377.

<sup>1928</sup> B-1684.

forced to state that they were leaving voluntarily and were obliged to leave all their property to the Serb authorities. In August 1992 the first meeting with UNPROFOR took place to facilitate the deportation of the non-Serb population of Sanski Most, Prijedor and Bosanski Novi.<sup>1930</sup> By the end of the year thousands of Bosnian Muslims and Croats had been forced to leave Sanski Most and sign over all their possessions to the Serbian authorities.

895. Wide scale looting and plunder of Muslim and Croat property and the destruction of Muslim and Croatian religious buildings was carried out in Sanski Most by VRS units.<sup>1931</sup> Most of the mosques and Catholic churches in the municipality were destroyed in 1992.<sup>1932</sup>

896. In mid 1995 ABiH troop advances threatened to overtake the municipality of Sanski Most. In order to stop the ABiH army advances, Arkan and his troops were called in by Nedeljko Račula, municipal president, from Serbia in September 1995.<sup>1933</sup> They arrived in large number, apparently from the direction of Vukovar, as some witnesses concluded from the vehicles' number plates, and rounded up the remaining Muslim male population, arrested them and incarcerated them in the Hotel "Sanus" in Sanski Most on about 19 September 1995.<sup>1934</sup> In fact some witnesses saw Arkan and Nedeljko Račula there.<sup>1935</sup> At the Hotel Sanus, about 30 Muslim men were kept in a small "boiler" room, in extreme cramped and unhygienic conditions, and were severely beaten by their captors. As a result of the severe beatings two of the men died.<sup>1936</sup>

897. On about the 20<sup>th</sup> of September 1992 in the early morning hours, Arkan's men took several of the men who were held at the Hotel by bus to a disused house in the village of Trnova, close to Sanski Most, where they were executed two at a time. All victims were shot in the back except two victims who had their throats cut. In order to ascertain that the victims

---

<sup>1929</sup> B-1046; Letter from the head of the Sanski Most SJB to the Banja Luka CSB re: commission of crimes against the non-Serb population; 90% of the crimes committed by military or paramilitary groups, 05/08/92, 0047-8902-0047-8911 (BCS); 0110-2620-0110-2627 (ENG)

<sup>1930</sup> B-1630

<sup>1931</sup> Report on the work of the SJB Sanski Most, 20/07/92, 0049-3711-0049-3729 (BCS), 0110-6421-0110-6435 (ENG); Report on the work and activities of the SOS Intervention Platoon attached to the 6th Krajina Brigade, 16/09/92, 0047-8685-0047-8690 (BCS) 0110-7197-0110-7201 (ENG); Report about activities of civil protection HQ, Sanski Most municipality, during the period 15 Jul to 15 Oct 92, 15/10/92, 0047-8984-0047-8991 (BCS), 0110-2628-0110-2634 (ENG)

<sup>1932</sup> B-1630; B-1684; Report about activities of civil protection HQ, Sanski Most municipality, during the period 15 Jul to 15 Oct 92, 15/10/92, 0047-8984-0047-8991 (BCS) 0110-2628-0110-2634 (ENG); Report on the work and activities of the SOS Intervention Platoon attached to the 6th Krajina Brigade, 16/09/92, 0047-8685-0047-8690 (BCS) 0110-7197-0110-7201 (ENG);

<sup>1933</sup> B-1742; Report by Chief of SJB Sanski Most, 01/10/95, 0045-1852-0045-1854 (BCS); Decision of Lower Belgrade Court, re: Nikola Ball} had been unlawfully arrested and detained when he was taken to the BiH boarder and handed over to men from Arkan's unit, trained, serving in Sanski Most in unit of VRS, 3/06/97, 0051-1972-0051-1973 (BCS), L000-7207-L000-7209 (ENG)

<sup>1934</sup> B-1047

<sup>1935</sup> B-1742; B-1047; B-1049.

<sup>1936</sup> B-1089; B-1048.

were all dead, final shots in the head were used. Only one person survived.<sup>1937</sup> Another group of thirty or more prisoners was brought around the same time in a bus to Sasina, where a similar mass-execution took place.<sup>1938</sup> After several days the remaining prisoners of the "boiler room" at the Hotel were transferred to another prison camp, in the Sanakeram a former ceramic tiles factory. The prisoners were again physically and psychologically abused, and another 10 men were executed. On 10 October 1995 the ABiH took over the terrain and freed the prisoners.<sup>1939</sup>

#### 47. [ipovo

898. [ipovo municipality is located in Western Bosnia. Of a population of 15,553, according to the 1991 census, 79.2% were Serbs, 19.3% were Muslims, and "others" were 1.5%.<sup>1940</sup> By 1995 Serbs composed approximately 97% of the total population.

899. On 29 May 1991, Radovan Karad`i} asked the Accused if the TO weapons in [ipovo and Mrkonji} Grad could be given back to him. After getting a favourable response, Karad`i} added that they had 150 men in [ipovo who were ready to go to Kupres.<sup>1941</sup> The Serbs were armed from outside sources.<sup>1942</sup>

900. The [ipovo Crisis Staff was established in early 1992, and as the supreme command co-ordinated all activities within the municipality, including the provision of a labour pool for military-related projects.<sup>1943</sup> Dragan \uki}, the local SDS President and head of the Crisis staff was often seen wearing the same uniform as Marti}'s police.<sup>1944</sup>

901. Stevo Medi}, first elected local SDS president and then member of the Serb National Assembly, was the direct link between the [ipovo Assembly/Crisis Staff and the Pale authorities. Another local link was the close association between Dragan \uki} and Karad`i} who was best man at \uki}'s wedding.<sup>1945</sup> Also attending the wedding were Kraji{nik, Plav{i}, Nicola Koljevi} and Velibor Ostoji}. Kraji{nik was also seen in [ipovo in April or May 1992 in a military convoy with Dragan \uki}.<sup>1946</sup>

---

<sup>1937</sup> B-1047.

<sup>1938</sup> B-1049, B-1048 ; B-1742.

<sup>1939</sup> B-1048; B-1090: The witness is deceased, the Prosecution will attempt to introduce his ICTY statement pursuant to Rule 92 bis (C).

<sup>1940</sup> 1991 Census, 1994, 0052-3182/0044-3829 (BCS & ENG); Report showing population movement in [ipovo, 03/92, B008-8215-B008-8218 (BCS); 0093-0351-0093-0367 (ENG), Combat Rpt showing the bussing out of women and children, 22/05/92, 0088-7489-0088-7491 (BCS), 0300-9279 0300-9280 (ENG).

<sup>1941</sup> Intercept Milo{evi}/Karad`i}, 29/05/91, 0035-9805-0035-9806 (ENG).

<sup>1942</sup> B-1766.

<sup>1943</sup> B-1767.

<sup>1944</sup> B-1380.

<sup>1945</sup> B-1767.

<sup>1946</sup> B-1380.

902. Mobilisation began in April 1992. By decision of the SDS, those who did not answer the call up were dismissed from work. Most Muslims were dismissed from their jobs.<sup>1947</sup> By late May 1992, all Muslims between the ages of 18 and 60 who were capable of working were required to report daily for labour at the [ipovo SJB. Those who refused to work were taken to Manja-a camp or simply disappeared.<sup>1948</sup>

903. Special Units MUP Serbia, Martić's Police and [elj's men all used [ipovo as a staging post. The White Eagles were mainly engaged in military action and ethnic cleansing around Kupre{, but they also mistreated non-Serbs in [ipovo.<sup>1949</sup>

904. Detention centres were set up to keep Muslims and on one occasion 120 prisoners were brought in from Manja-a in order to hide them from the ICRC. Both White Eagles and Martić's men regularly participated in searches of Muslim homes.<sup>1950</sup>

905. Beginning in the summer of 1992, Muslims throughout [ipovo were the victims of serious crimes including arson, destruction of property by explosives, thefts, beatings and killings.<sup>1951</sup> In early August 1992, 20-30 houses belonging to Muslims were burned in the village of Be{njevo.<sup>1952</sup> Mosques and other cultural property were destroyed and damaged throughout [ipovo.<sup>1953</sup>

906. A large number of Muslims who left [ipovo had to pay fees to the Serbian government of [ipovo to obtain the necessary documents.<sup>1954</sup> The president of the Executive Board said that he had received an order from "above" that Muslims had to go. A few days later, on 26 February 1993, approximately 1200 Bosniaks left [ipovo.<sup>1955</sup>

---

<sup>1947</sup> B-1767

<sup>1948</sup> B-1380

<sup>1949</sup> B-1380

<sup>1950</sup> B-1767; Crisis Staff Note: 0087-9466 (BCS), L000-7599-L000-7604 (ENG)

<sup>1951</sup> B-1766; B-1767; Official note of Banja Luka Security services confirming the burning and looting of Muslim property and the murdering of Muslims, 16/09/92, B006-8779-B006-8780 (BCS), 0301-7367-0301-7368 (ENG); Security assessment concerning the murder of Muslims by Martić's police and other paramilitaries, B006-8775-B006-8778 (BCS), 0301-7393-0301-7396 (ENG)

<sup>1952</sup> Ibid.

<sup>1953</sup> B-1380; Combat Report and note of Security Services concerning the destruction of mosques, 08/08/92, , 0088-7403-0088-7403 (BCS) 0300-1827 (ENG); Note by the War Dept concerning the destruction of mosques, 09/10/92, 0084-9968-0084-9969 (BCS), 0301-5153 (ENG); Report on destruction of cultural property in Bosnia between 1992 and 1995 0036-1693-0036-1839 (ENG)

<sup>1954</sup> B-1380

<sup>1955</sup> B-1767

48. *Tesli}*

907. *Tesli}* is located in the Eastern Krajina region of Bosnia. The 1991 census recorded that the civilian population in *Tesli}* was 53% Serb, 22% Muslim and 17% Croat. After the conflict, the civilian population was recorded as 89% Serb, 3% Muslim, and 2% Croat.<sup>1956</sup>

908. In October 1991 a JNA reserve unit was moved into the military barracks in *Duli}i*.<sup>1957</sup> The JNA seized the records and files of TO reservists and removed them to *Doboj*.<sup>1958</sup> On 6 April 1992, the *Tesli}* Municipal Assembly decided to join the ARK, and fell under the influence of the Banja Luka CSB.<sup>1959</sup>

909. From April 1992 non-Serb workers were continuously replaced in the municipal police and Radio *Tesli}*.<sup>1960</sup> Also in April the Crisis Staff ordered via radio that all non-Serb citizens must turn in their weapons by 25 May 1992,<sup>1961</sup> and checkpoints were erected and manned by Serb police.<sup>1962</sup>

910. At the beginning of May 1992, 250 to 300 Serb men were mobilized for the local TO units. On 12 May PTT *Tesli}* withdrew from the BiH PTT network, and linked to the PTT network of Bosanska Krajina.<sup>1963</sup> Fighting began in *Tesli}* only a few days later.<sup>1964</sup>

911. On 29 May 1992 Radio *Tesli}* announced, on the order of Nikola *Peri{i}*, President of the Crisis Staff, that Muslims and Croats must hand in weapons to the TO by 4 June 1992.<sup>1965</sup> In late May Nikola *Peri{i}* requested assistance from the CSB *Doboj*, and invited the "*Mi}e*" to *Tesli}*. On 2 June 1992 the Red Berets arrived in *Tesli}*, and started to arrest prominent people.<sup>1966</sup> At the same time the army and the military police attacked several villages.<sup>1967</sup> For the next few weeks the "*Mi}e*" group waged a campaign of terror including looting,

<sup>1956</sup> 1991 Census of Bosnia and Herzegovina, 0052-3182/0044-3829 (BCS & ENG)

<sup>1957</sup> B-1384

<sup>1958</sup> B-1091

<sup>1959</sup> *Tesli}* SJB monograph for the period 20 September 91-20 September 93, 25/09/93, 0084-9977-0084-9981 (BCS), 0086-9438-0086-9441 (ENG); Report by MUP RS, Banja Luka, *Tesli}* SJB regarding period from 20/09/91 to 20/09/93 Municipal Assembly voted in favour of ARK, 20/09/93, B007-9512-B007-9515 (BCS), 0300-6039-0300-6039 (ENG)

<sup>1960</sup> B-1382; B-1091; B-1384

<sup>1961</sup> B-1386

<sup>1962</sup> B-1091

<sup>1963</sup> Report by MUP RS, Banja Luka, *Tesli}* SJB regarding period from 20/09/91 to 20/09/93 Municipal Assembly voted in favour of ARK, 20/09/93, B007-9512-B007-9515 (BCS), 0091-5101-0091-5101 (ENG)

<sup>1964</sup> B-1384

<sup>1965</sup> B-1092; B-1382; B-1383

<sup>1966</sup> B-1382; B-1381; B-1091

<sup>1967</sup> B-1091

blackmail, arrests, rape, and murder. The group was also involved in the shelling of Rankovi} at the end of June 1992, and brought arrested persons to Pribini} for detention.<sup>1968</sup>

912. In early June, Serb forces attacked Gonji Hrankovi}i. Some villagers from Gornji Tesli} were used as human shields. Five men who surrendered had their heads shaved and were repeatedly and severely beaten.<sup>1969</sup> From early June there were two main camps in Tesli}: the detention centre in Pribini} (Pribini} camp) and the TO prison in Tesli} town.<sup>1970</sup> The TO camp was run by the Serb police.<sup>1971</sup> In June, several inmates died after beatings, or were taken by guards or paramilitaries, never to be seen again.<sup>1972</sup> Remains of victims have been found in exhumations at the "Bebe" mass grave.<sup>1973</sup> The Pribini} camp was operated by the military police, and Red Berets and Mice were also seen there actively beating prisoners. Conditions in Pribini} Camp were inhumane and there were occasional killings.<sup>1974</sup> During the attack on Teslic municipality, cultural buildings of non-Serbs were also destroyed.<sup>1975</sup>

#### 49. Enclaves

913. The military campaigns by the JNA and VRS in 1992 in BiH had the effect of forcing fleeing Muslim civilians into particular pockets. These pockets, which came to be known as the enclaves or "safe areas" included the following places: Sarajevo, Biha}, Gora`de, Srebrenica and @epa.<sup>1976</sup> All main access roads into these enclaves were controlled by the VRS. The Bosnian Serb political and military authorities adopted a policy of obstructing medical and food supplies into the enclaves, and of subjecting the besieged civilians trapped inside the enclaves to indiscriminate shelling and sniping.<sup>1977</sup> A VRS directive issued in 1995 states this position clearly.<sup>1978</sup> All these persecutory activities were designed, in the words of

<sup>1968</sup> Letter of the Serbian Police Security Station in Teslic regarding incident of killing of 40 Muslims and Croats in Dobo{, 08/07/92, B001-2326-B001-2327 (BCS), 0091-7372-0091-7372 (ENG); Report from Perisi} (Pres of Tesli}- Municipal War Committee to Parliament and Govt. of the Bosnian Krajina region), 03/06/92, 0084-5063-0084-5064 (BCS), 0090-1087-0090-1089 (ENG); Article published by Glas daily entitled 'Zloglasne "Mi-e" na Slobodi' re: that the paramilitary group "Mi}e" was released by the High Court Dobo{ without a trial, 23/07/92, RR03-9303-RR03-9903 (BCS), L003-0795-L003-0798 (ENG)

<sup>1969</sup> B-1381

<sup>1970</sup> B-1092; B-1382

<sup>1971</sup> B-1382; B-1381; B-1140

<sup>1972</sup> B-1386.

<sup>1973</sup> B-1091

<sup>1974</sup> B-1092; B-1381.

<sup>1975</sup> B-1382; B-1091

<sup>1976</sup> UN Security Council Resolutions 819 (16 April 1993) and 824 (6 May 1993) demanded that these areas be treated as safe areas free of armed attack; UN Security Council Resolution 836 (4 June 1993) extended the mandate of UNPROFOR to enable it to deter attacks on the safe areas.

<sup>1977</sup> Video showing the VRS blocking accesses to the enclaves in 1995, V000-0458-V000-0458.

<sup>1978</sup> Directive No. 7 issued by the Supreme Command of the VRS on 08/03/95, 0082-3159-0082-3179 (BCS), 0081-7122-0081-7135. (ENG)

the same VRS directive, to create “an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants”.<sup>1979</sup>

914. Any group seeking access to these areas had to negotiate with the Serb authorities. Bosnian Serb leaders, both political and military, were repeatedly reminded of their obligations to allow unhampered aid access to the civilian populations trapped in the enclaves. Humanitarian and other aid agencies describe intense negotiations with Bosnian Serb leaders and with leaders in Serbia, including the Accused, for access to the enclaves. Often, even after access was granted, the convoys would be trapped for days en route, or would be subject to harassment and unreasonable demands by soldiers on the ground.<sup>1980</sup>

915. Over time the enclaves took on camp-like characteristics, with large numbers of Muslims trapped into small and well-defined areas. The enclaves were almost totally reliant on external humanitarian aid, the inward flow of which was controlled by the Bosnian Serbs.<sup>1981</sup> Evidence will show that there was a persistent shortage of housing, and many people were either homeless or living in cramped and unsanitary conditions. People were hungry and desperate for food. They were afraid to wander freely around for fear of being hit by indiscriminate shelling and sniping. The hospitals were overcrowded with persons injured by shelling and sniping; the medical staff was overworked. Amputations were routinely performed without anaesthesia. Deaths from bacterial infections were commonplace.<sup>1982</sup> The civilian population inside the enclaves knew they could not escape. One witness observed: “The impression created in the civilian population was of a relentless, unstoppable momentum that could only end with the eventual death of everyone inside the enclave”.<sup>1983</sup>

916. The enclaves of Srebrenica and Žepa were eventually overtaken by the VRS in the summer of 1995. The other enclaves remained within the control of the Bosnian government throughout the war.

### 50. Srebrenica

917. The town of Srebrenica is in eastern BiH, approximately 15km from the Drina River, along which the inter state border between BiH and the FRY runs in that area. In 1991, the population of the municipality of Srebrenica was 37,000, of which 73% were Muslim and

<sup>1979</sup> Directive No. 7 issued by the Supreme Command of the VRS on 08/03/95, 0082-3159-0082-3179 (BCS), 0081-7122-0081-7135 (ENG)

<sup>1980</sup> B-1387; B-1276; A member of a humanitarian organisation

<sup>1981</sup> B-1387; B-1276; a member of a humanitarian organisation

<sup>1982</sup> B-1387; B-1276

<sup>1983</sup> B-1389

25% were Serb.<sup>1984</sup> For the Bosnian Serbs, control of Srebrenica and its environs was necessary in order to achieve their declared strategic objectives.<sup>1985</sup>

918. By 1993 the town was overcrowded with Bosnian Muslim refugees and siege conditions prevailed.<sup>1986</sup> On 16 April 1993, the UN Security Council passed a resolution declaring Srebrenica a "safe area".<sup>1987</sup> The Bosnian Serbs limited access by international aid convoys and UNPROFOR supply convoys into the enclave.<sup>1988</sup> In 1993, large numbers of Bosnian Muslims were transported from Srebrenica under the auspices of the UNHCR.<sup>1989</sup> Further Bosnian Serbs, allowed empty convoys to enter the enclave while at the same time not permitting aid deliveries, thereby effectively achieving "ethnic cleansing" of the enclave.<sup>1990</sup>

919. Between 1992 to 1993, the enclave was on many occasions attacked. Shelling came from the immediate vicinity around Srebrenica, and from positions in Serbia.<sup>1991</sup> Further, air-strikes were conducted against Srebrenica, following which the aircraft were observed flying in the direction of Serbia.<sup>1992</sup> In an interview in March 1995, [e{elj} stated that his volunteers had previously been engaged in Srebrenica.<sup>1993</sup>

920. As early as 1992, the goal of "ethnic cleansing" of the enclaves was set out in Operational Directive 04 issued by General Mladi}.<sup>1994</sup> This aim, which was to be the overarching and guiding purpose behind the subsequent action against the enclave, was also explicitly set out in RS Supreme Command Directive No. 7, dated 8 March 1995. In Directive 7, Radovan Karad`i}, ordered:

?...gwhile in the direction of the Srebrenica and @epa enclaves complete physical separation of Srebrenica from @epa should be carried out as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well -thought-out combat operations create an unbearable situation of

<sup>1984</sup> UN Secretary General's Report, "The Fall of Srebrenica", dated 15 November 1999, UN Doc. A/54/549, 0090-7954-0090-8066 (ENG), at para. 33;

<sup>1985</sup> Decision on Strategic Objectives of the Serbian People in Bosnia Herzegovina, dated 12 May 1992, published in the Official Gazette of the Republika Srpska on 26 November 1993, 0050-8418-0050-8418 (BCS), 0081-5457-0081-5457 (ENG)

<sup>1986</sup> B-1389

<sup>1987</sup> UN Security Council Resolution 829, UN Doc. S/RES/ 819 (1993).

<sup>1988</sup> B-1389;

<sup>1989</sup> B-1389; B-1770; B-1601;

<sup>1990</sup> UN Secretary General's Report, 0090-7954-0090-8066 (ENG), at para. 39.

<sup>1991</sup> B-1389; B-1770

<sup>1992</sup> B-1389; B-1770

<sup>1993</sup> Transcript of interview with [e{elj}, March 1995, 0304-0663-0304-0690 (BCS), 0090-7337-0090-7374 (ENG).

<sup>1994</sup> Directive for further operations of the Army of Republika Srpska, Directive operational No. 4, No: 02/5-210, dated 19/11/92, 0087-6272-0087-6287 (BCS), 0190-0424-0190-0431 (ENG - Revised), 0190-5961-0190-5968 (ENG).



total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and @epa.<sup>1995</sup>

921. On 31 March 1995, General Mladic, as Commander of the Main Staff of the VRS issued Directive 7.1. It set out the VRS' tasks "on the basis of Directive No. 7" and directed the Drina Corps to conduct "active combat actions ... around the enclaves".<sup>1996</sup>

922. The implementation strategy of the Supreme Command's directive was the Drina Corps plan entitled "Krivaja-95", issued on 2 July 1995, which ordered that the impending attack on Srebrenica should result in "reducing the enclave to its urban area".<sup>1997</sup> Karadžić issued a new order authorising the VRS to capture the town of Srebrenica on 9 July 1995.<sup>1998</sup>

923. On 6 July 1995, Serb forces mounted an offensive against the enclave. The shelling conducted during and certainly towards the end of this operation, was at, least in part, aimed at scaring the civilian population and forcing them to leave Srebrenica.<sup>1999</sup>

924. On 11 July 1995, General Mladic and other VRS officers took a victory walk through the empty streets of Srebrenica town.<sup>2000</sup> At this time, General Mladic stated that "...the moment has finally come for us to take revenge on the Turks here".<sup>2001</sup>

925. Following the fall of Srebrenica, thousands of Bosnian Muslim residents from Srebrenica fled to the UN base in Poto-ari for protection. Approximately 20,000 to 25,000 Bosnian Muslim refugees were gathered in and around the UN compound, the vast majority of whom were women, children, elderly or disabled. Conditions in Poto-ari, were deplorable. Throughout this period, there was no meaningful access to food, water, basic medical treatment, or sanitation facilities.

926. The Bosnian Muslim refugees taking shelter in and around the compound were subjected to persecution and a terror campaign comprising of threats, insults, looting and

<sup>1995</sup> Directive for further operations OP. No. 7, issued by the Supreme Command of the Armed Forces of Republika Srpska, dated 8 Mar 95, BCS 0082-3159-0082-3179, Eng. 0081-7122-0081-7135 (emphasis added).

<sup>1996</sup> Directive for further operations, Operative No. 7/1, Main Staff Order, dated 31-Mar-95, 0086-8786-0086-8787 (BCS), 0090-2042-0090-2042 (ENG), 0096-3164-0096-3176 (ENG).

<sup>1997</sup> Order by the Command of the Drina Corps, dated 2/07/95, 0084-7289-0084-7294 (BCS), 0088-3593-0088-3602 (ENG); See also General @ivanovi}'s order, dated 2/07/95, 0091-7863-0091-7863 (BCS), 0092-0413-0092-0414 (ENG). These orders made specific reference to Directives 7 and 7.1.

<sup>1998</sup> Order from the Main Staff of the VRS to Gvero and Krstić as Generals of the Drina Corps and for information to the President of RS (Karadžić) type-signed General Tolomir, 9 Jul 95, strictly confidential, BCS 0086-9096-0086-9096, Eng. 0089-2590-0089-2590.

<sup>1999</sup> B-1421; see also UNMO reports, dated 06/07/95, 0052-7524-0052-7526(ENG), dated 07/07/95 0052-7533-0052-7535 (ENG), dated 08/07/950052-7539-0052-7539, dated 08/07/95, 0052-7540-0052-7543 (ENG) and dated 10/07/95, 0052-7559-0052-7559 (ENG).

<sup>2000</sup> Various video clips of Mladic and Krstić walking through Srebrenica, V000-2455-V000-2455, V000-0642-V000-0642, V000-1605-V000-1605, 0095-3134-0095-3134 (BCS transcript), 0096-4421-0096-4421 (ENG).

<sup>2001</sup> See Compilation Video, V000-2711-V000-2711, 0087-4140-0087-4147 (BCS transcript), 0087-4210-0087-4216 (ENG);

burning of nearby houses, beatings, rapes, and murders.<sup>2002</sup> Screams and gunfire were audible throughout the night.<sup>2003</sup> Several individuals were so terrified that they committed suicide by hanging themselves.<sup>2004</sup> Throughout the night, stories about the rapes and killings spread through the crowd and the terror in the compound escalated.<sup>2005</sup>

927. Forces present in Poto-ari included VRS assets, including officers of the VRS Main Staff and members of the 10<sup>th</sup> Sabotage Detachment,<sup>2006</sup> as well as Drina Corps officers and units.<sup>2007</sup> Additionally, sightings of Arkan in Poto-ari were reported.<sup>2008</sup>

928. On 11 and 12 July 1995, General Mladic conducted three critical meetings with other VRS officers and UNPROFOR leaders at the Hotel Fontana in Bratunac. Representatives of the Bosnian Muslim refugee community at Poto-ari were present at the second and third meetings. During the second meeting General Mladic intimidated and threatened the Bosnian Muslims, and stated that he would provide the vehicles to transport the Srebrenica refugees out of Poto-ari. He demanded that all ABiH troops within the area of the former enclave surrender and threatened that, if this did not happen, the survival of the Bosnian Muslim population would be in danger. General Mladic wanted a clear determination on whether the Bosnian Muslims wanted to “survive, stay, or disappear”. At the third meeting, on 12 July 1995 General Mladic informed the group that he would supervise the “evacuation” of refugees and demanded to see all Bosnian Muslim men between the ages of 16 and 60 to screen for possible war criminals.<sup>2009</sup>

929. On 12 and 13 July 1995, VRS and MUP personnel forcibly transferred the Bosnian Muslim women, children, and elderly by bus from Potocari to Muslim-held territory near Kladanj.<sup>2010</sup> Intercepted communication and other evidence demonstrates that this forcible transfer operation was organised and facilitated by the VRS and the MUP. During the operation, General Mladic and other VRS commanders were seen in and around the compound in Poto-ari.<sup>2011</sup>

---

<sup>2002</sup> B-1582; B-1424.

<sup>2003</sup> B-0423; B-0422; B-0582

<sup>2004</sup> B-0422.

<sup>2005</sup> B-0422; B-0423; B-0582; B-0420

<sup>2006</sup> B-1241.

<sup>2007</sup> B-1601; B-1420.

<sup>2008</sup> B-1601; B-1582; B-1420; B-1421.

<sup>2009</sup> 1<sup>st</sup> Meeting, V000-1964-V000-1964, 0087-4165-0087-4201 (BCS transcript), 0096-5132-0096-5168 (ENG 2<sup>nd</sup> Meeting, V000-2712-V000-2712, 0090-5102-0090-5106 (BCS transcript), 0090-5007-0090-5011 (BCS transcript), 0090-5083-0090-5085 (ENG 0090-4991-0090-4997 (ENG); 3<sup>rd</sup> Meeting, V000-2713-V000-2713, 0090-5012-0090-5016 (BCS 0090-4996-0090-5000 (ENG).

<sup>2010</sup> B-0422.

<sup>2011</sup> B-0423; B-0422; B-0420; B-0574; B-0582; B-0421; B-0424.

930. From the morning of 12 July, VRS and MUP forces began separating approximately 1000 men from Poto-ari and detaining them as Bosnian Muslim refugees who were put on buses.<sup>2012</sup> These men were taken to a building in Potocari referred to as the "White House" and held in appalling conditions. General Mladic was present in the vicinity of the White House on the afternoon of 12 July 1995 while men were detained there.<sup>2013</sup> However, they were forced to leave their belongings, including their wallets and identification papers, outside the "White House" in a large pile, which was subsequently set on fire.<sup>2014</sup> These men were ultimately transported to temporary detention sites in Bratunac and then executed.<sup>2015</sup>

931. Around 15,000 Bosnian Muslim men, with some women and children, fled Srebrenica during the evening of 11 July 1995, in a large column, through the woods towards Tuzla. Bosnian Serb forces, including units from the MUP and the VRS,<sup>2016</sup> positioned themselves along the Bratunac-Mili}i road and other locations in an attempt to intercept the column. During the next several days, over 6000 Bosnian Muslims from the retreating column were captured by, or surrendered to, Bosnian Serb military forces.<sup>2017</sup> Once captured, the men were made to hand over money and valuables.<sup>2018</sup> The majority were taken to temporary collection points before being transferred to various execution sites.

932. Some men evaded capture and made their way to Tuzla after an opening was forced in the Bosnian Serb lines.<sup>2019</sup> Others (including Bosnian Muslim men who had fled the @epa enclave) swam across the Drina River to the FRY. However, some of them were subsequently arrested by the VJ and FRY police and detained in Serbia for a prolonged period.<sup>2020</sup> Others were returned to the RS, and detained before being exchanged.<sup>2021</sup>

933. In an intercepted conversation on 2 August 1995 General Krsti} and Major Obrenovi} discussed the capture of Bosnian Muslim men who were being pursued. Krsti} stated, "Kill them all, God damn it... Don't leave a single one alive".<sup>2022</sup>

<sup>2012</sup> B-0601; B-0422; B-0423; B-0420; B-0424; B-0574; B-0398; B-0392; At various points en route to Kladanj, VRS and MUP personnel systematically separated men from their families, B-0420.

<sup>2013</sup> B-0421.

<sup>2014</sup> B-0421; B-0574; B-0424; B-0574.

<sup>2015</sup> B-0421; B-0398.

<sup>2016</sup> Order No: 03/157 - 4, dated 11/07/95, 0247-0092-0248 (BCS); Zvornik Brigade Intelligence Report, dated 12/07/95, 0071-0209-0071-0210 (BCS), 0085-0526-0085-0526 (ENG); Daily Combat Reports, dated 12/97/95, 0071-6526-0071-6527 (BCS); See also intercepted communications, dated 12/07/95 0091-2571-0091-2571 (ENG), 0091-2571-0091-2571 (ENG), 0091-2574-0091-2574 (ENG), 0096-6076-0096-6077 (ENG).

<sup>2017</sup> B-0395; B-0401.

<sup>2018</sup> B-0401.

<sup>2019</sup> Zvornik Brigade Interim Combat Report No. 06-218, 0068-4874-4875 (BCS), 0081-5841-0081-5842 (ENG).

<sup>2020</sup> B-1770

<sup>2021</sup> B-1721

<sup>2022</sup> Intercepted communications, dated 2/08/95 0108-5012-0108-5013 (BCS), 0300-5487-0300-5487 (ENG); 0092-7828-0092-7829 (BCS); 0080-4430-0080-4431 (BCS); 0080-4463-0080-4465 (BCS), 0091-2546-0091-

934. The wide-scale and systematic detention and execution of over 7000 Bosnian Muslim men occurred in several locations in the vicinity of the Srebrenica enclave, including:

935. Cerska Valley: On 13 July 1995, VRS and/or MUP forces transported approximately 150 Bosnian Muslim men to an area along a dirt road in the Cerska Valley, summarily executed them with automatic weapons, and covered them with dirt.<sup>2023</sup>

936. Kravica: On 13 July 1995, VRS and/or MUP forces imprisoned approximately 1000 Bosnian Muslim men in a large warehouse in the village of Kravica and summarily executed them using grenades, automatic weapons, and other weaponry.<sup>2024</sup>

937. Orahovac: On 13 and 14 July 1995, VRS forces transported hundreds of Bosnian Muslim men from in and around Bratunac to the Grbavci School in Orahovac. A number of these men were summarily executed in and around the school by VRS forces. On 14 July 1995, VRS forces transported the remaining approximately 1000 Bosnian Muslim men, many of them blindfolded, to a nearby field and summarily executed them.<sup>2025</sup>

938. The "Dam" near Petkovci: On 14 July 1995, VRS and/or MUP forces transported hundreds of Bosnian Muslim men from detention sites in Bratunac to the school at Petkovci. On 14 July 1995, a number of these men were summarily executed in and around this school. On 14 and 15 July 1995, VRS forces transported the approximately 1000 remaining Bosnian Muslim men from the school to an area below the "Dam" near Petkovci and summarily executed them.<sup>2026</sup>

939. Branjevo Military Farm: On 16 July 1995, VRS forces transported approximately 1200 Bosnian Muslim men from the Pilica school to the Branjevo Military Farm. Here VRS soldiers from the 10th Sabotage Detachment, Bratunac Brigade, and other units summarily executed them.<sup>2027</sup>

940. Pilica Cultural Centre: On 16 July 1995, VRS military personnel including elements of the Bratunac Brigade, summarily executed approximately 500 Bosnian Muslim men detained inside the Pilica Cultural Centre.<sup>2028</sup> Kozluk: On or before 16 July 1995, VRS military personnel transported approximately 500 Bosnian Muslim men to an isolated place near Kozluk and summarily executed them.

2548 (ENG), T000-1001-T001-1001 (BCS); 0108-5034-0108-5034 (BCS); 0321-4405-0321-4406 (BCS); 0320-1780-0320-1782 (BCS)

<sup>2023</sup> B-0397

<sup>2024</sup> B-0395

<sup>2025</sup> B-0400; B-0398; B-0399

<sup>2026</sup> B-0401

<sup>2027</sup> B-0241; B-0401

941. By 18 July 1995, news of the missing Bosnian Muslims from Srebrenica had become widespread.<sup>2029</sup> Shortly thereafter, these missing men became a factor in the negotiations between the VRS and the ABiH at @epa.<sup>2030</sup> An attempt was then made to conceal the executions by disinterring the bodies from the initial mass graves and transferring them *en masse* to secondary graves.

942. The perpetrators knew that by selectively killing the men this would have a catastrophic and lasting impact on the Bosnian Muslims of Srebrenica. In a patriarchal society, such as the Muslim community of Srebrenica, the elimination of the majority of men has made it almost impossible for the Bosnian Muslim women who survived to successfully re-establish their lives.<sup>2031</sup>

943. According to an international peace negotiator, in April 1993, the Accused predicted that should Serb forces enter Srebrenica, there would be bloodbath.<sup>2032</sup>

944. Prior to the attack in July 1995 the Accused met with Karad' i} and discussed the military take-over of Srebrenica enclave in response to Muslim attacks from within the enclave.<sup>2033</sup> Further, during the first half of 1995 the Accused was in regular contact with General Mladi}.<sup>2034</sup>

945. As discussed earlier in the brief, the VJ assisted the VRS in numerous ways, including the provision of financial, logistical, personnel, communications, intelligence and medical support.<sup>2035</sup> The VRS continued to receive this support from the FRY around the time of the fall of the Srebrenica enclave in 1995. VRS officers responsible for crimes associated with the fall of the Srebrenica enclave held shadow appointments in both the VRS and VJ.<sup>2036</sup> For example, Vinko Pandurovi} and Dragan Obrenovi}, Commander and Deputy Commander of the Zvornik Brigade respectively held such shadow appointments and were paid by the VJ.<sup>2037</sup> General Krsti}, Drina Corps Commander from the afternoon of 13 July 1995, also had a VJ

---

<sup>2028</sup> B-1241

<sup>2029</sup> See e.g. 0096-5952-0096-5952 (BCS), 0094-0585-0094-0585 (ENG); 0096-5169-0096-5169 (BCS), 0094-0595-0094-0595 (ENG); 0096-5955-0096-5955 (BCS), 0094-0587-0094-0587 (ENG); 0096-5956-0096-5956 (BCS), 0094-0588-0094-0588 (ENG); UN Secretary General's Report, 0090-7954-0090-8066 (ENG), para. 390.

<sup>2030</sup> UN Secretary General's Report, 0090-7954-0090-8066 (ENG), at para. 400

<sup>2031</sup> B-1705; B-1706; B-1707

<sup>2032</sup> David Owen, *Balkan Odyssey*, (Victor Gollancz, London, 1995), pp.134-5.

<sup>2033</sup> B-0049

<sup>2034</sup> B-1228

<sup>2035</sup> See discussion above concerning these various forms of support, in particular in the sections entitled "Direct Involvement in Combat Operations" and "Relations between the VRS and the JNA/VJ".

<sup>2036</sup> Order regarding appointments for headquarters staff of 1<sup>st</sup> Zvornik Infantry Brigade, 5 September 1994, 0073-3235-0073-3256 (BCS), 0088-4615-0088-4625 (ENG).

<sup>2037</sup> Personnel records of Vinko Pandurevi} Commander Zvornik Brigade, 0075-8969-0075-9020 (BCS), 0084-0094-0084-0124 (ENG); Permission for Pandurevi} to go on a security measures training course, 0073-3622-0073-3623 (BCS), 0086-0337-0086-0338 (ENG).

identification card at the time of his arrest in 1998.<sup>2038</sup> VRS soldiers, from the 10<sup>th</sup> Sabotage Detachment, who participated in the take-over and mass executions in July 1995, also received both training and logistical support from the VJ.<sup>2039</sup> Further, Drina Corps Operation Plan Directive 9 "STIT -95" stated that relay stations in the FRY were integrated into the Drina Corps communication network.<sup>2040</sup> There was also a routine sharing of intelligence assessments between the VJ and the VRS.<sup>2041</sup> Bosnian Serb communications intercepted by the ABiH and SDB indicate that VRS forces received support from the FRY. Intercepts detail, for example, payment of salaries,<sup>2042</sup> military logistical support,<sup>2043</sup> communications assistance,<sup>2044</sup> medical assistance<sup>2045</sup> and the supply of other goods.<sup>2046</sup>

946. In July 1995 a series of meetings were held involving the Accused, General Mladić, UNPROFOR commanders and international diplomats during and after the period in which the crimes in Srebrenica were committed. During these meetings, events in Srebrenica were discussed. A number of those present at these meetings will testify as to the matters discussed and decisions reached.

#### 51. Destruction of or Damage to Religious and Cultural Property

947. As described above, Serbs deliberately destroyed religious and cultural property in various parts of Bosnia, notably in Brčko, Bratunac, Doboj and Foča.<sup>2047</sup> In Bijeljina 11 mosques were destroyed and the Catholic Church was desecrated and used as a toilet by the

<sup>2038</sup> VJ identification card of Radislav Krstić, A000-1594-A000-1594 (BCS).

<sup>2039</sup> B-1241

<sup>2040</sup> Drina Corps Order 1/4-218-2, and communication annex, dated 29/11/95, 0063-2749-0063-2855 (BCS), 0069-6907-0069-7110 (ENG), 0063-2848-0063-2848 (ENG), 0069-7097-0069-7097 (ENG).

<sup>2041</sup> GS VRS Intelligence Reports, dated 14/5/95, 0086-8672-0086-8673 (BCS), 0090-1942-0090-1943 (ENG), dated 18/5/95, 0086-8666-0086-8668 (BCS), 0090-2153-0090-2156 (ENG), dated 21/5/95, 0086-8664-0086-8665 (BCS) 0090-2188-0090-2190 (ENG), dated 26/5/95, 0086-8658-0086-8659 (BCS), 0090-2197-0090-0090-2198 (ENG).

<sup>2042</sup> Intercepted communications, re: delivery of salaries from Belgrade, dated 17/07/95, BCS 0320-1301-0320-1301, BCS 0072-7730-0072-7730

<sup>2043</sup> Intercepted communications, re: supply weapons, dated 18/07/95, BCS 0080-0648-0080-0650; re: ordinance, dated 24/07/95, BCS 0321-6300-0321-6302, re: uniforms and boots, dated 26/07/95, BCS 0321-6357-0321-6359; re: supply of spare part, dated 5/08/95, BCS 0321-4624-0321-4626; re: tank maintenance, dated 06/08/95, BCS 0321-4663-0321-4664

<sup>2044</sup> Intercepted communications, re: maintenance of hardware, dated 19/07/95, BCS 0321-6100-0321-6101; re: supply of tele-printer tape by JNA, dated 31/07/95, BCS 0320-1737-0320-1739.

<sup>2045</sup> Intercepted communications, re: supply of blood, dated 9/07/95 BCS 0078-1939-0078-1941; dated 14/07/95 BCS 0321-5881-0321-5882; re: medical evacuation flights, dated 23/07/95, BCS 0321-5379-0321-5380 and dated 4/08/95, BCS 0320-2178-0320-2180; re: transfer of wounded soldiers from the front line to Belgrade for medical treatment, dated 26/07/95, BCS 0072-8007-0072-8007

<sup>2046</sup> Intercepted communications, re: supply of 5 tons of goods, dated 15/07/95, BCS 0320-1214-0320-1215; re: supply of over 1000 piglets, by VJ General Perić to Mladić, dated 21/07/95, BCS 0320-1471-0320-1471

<sup>2047</sup> B-1751 B-1542 B-1456 B-1494

VRS.<sup>2048</sup> In Bosanka Krupa both the mosque and the Catholic church (which was also a significant cultural monument) were destroyed in a Serb attack.<sup>2049</sup>

948. In Nevesinje mosques and a Catholic church were reduced to rubble whilst in Prijedor a mosque was burnt by Serb soldiers and later destroyed by bombing.<sup>2050</sup> In Sanski Most the principle mosque at the entrance to the Mahala and Muhi}i district was shelled, dynamited and turned into a parking lot. At around the same time a mosque in Vi{egrad was destroyed by the Serbs and replaced by garbage containers.<sup>2051</sup> In both Zvornik and Bosanski [amac mosques were deliberately targeted by Serb shelling.<sup>2052</sup>

949. In Sarajevo, mosques and two of the most important pieces of cultural heritage in the whole of BiH - the National Library and Oriental Institute - were destroyed.<sup>2053</sup>

---

<sup>2048</sup> B-1750

<sup>2049</sup> B-1350

<sup>2050</sup> B-1549; B-1754

<sup>2051</sup> B-1762; B-1756

<sup>2052</sup> B-1516; B-1640

<sup>2053</sup> B-1599; Evidence to be provided by an expert witness.

## SECTION V. THE RESPONSIBILITY OF THE ACCUSED UNDER ARTICLE 7

### A. RESPONSIBILITY UNDER ARTICLE 7(1)

950. The Indictment alleges that during the Indictment period<sup>2054</sup> the Accused committed numerous acts for which he is criminally liable under the Statute. All of the acts alleged to have been committed by the Accused can be properly categorised as relating to more than one of the modes of participation prescribed by Article 7(1). Further, all of the acts as alleged in paragraphs 25 and 26 of the BiH and Croatia Indictments constitute the Accused's participation in the joint criminal enterprise described in the Indictment.

951. The Accused's participation in the joint criminal enterprise makes him criminally liable for the crimes committed by other members of the joint criminal enterprise under the conditions described below in the Legal Analysis section. The liability of the Accused for the crimes committed pursuant to the joint criminal enterprise arises from his participation as a co-perpetrator, alternatively, as an aider and abettor.

952. The scope of the joint criminal enterprise in relation to Croatia and BiH, and the participants of the enterprise, are described in paragraphs 6 and 7 of both Indictments.

953. As described above, the forcible removal of non-Serbs from the territories covered by the Indictment was the result of a plan developed, implemented, and overseen by the Accused and his co-perpetrators. The Accused relied on a group of individuals to execute this plan. Some of them were legally, hierarchically or *de facto* his subordinates, while others are better characterised as collaborators. The Accused was the leading figure among this group's members, whom he co-ordinated, empowered, directed and supported.

954. During the time relevant to the Indictment the Accused removed several of his co-perpetrators or collaborators from positions of power and thus, in effect, from the group, in particular those who did not obey his demands. Examples of such individuals include Blagoje Ad`i},<sup>2055</sup> Milan Babi}, Borisav Jovi}, Veljko Kadijevi},<sup>2056</sup> Tomislav Simovi} and Aleksandar Vasiljevi}. He also brought individuals, such as Milan Marti},<sup>2057</sup> Goran Had`i},

---

<sup>2054</sup> Paragraph 5 of the Bosnia Indictment states: "Slobodan Milo{evi} is individually criminally responsible for the crimes referred to in Articles 2, 3, 4 and 5 of the Statute of the Tribunal as described in this indictment, which he planned, instigated, ordered, committed, or in whose planning, preparation, or execution he otherwise aided and abetted. By using the word "committed" in this indictment, the Prosecutor does not intend to suggest that the accused physically committed any of the crimes charged personally. "Committed" in this indictment refers to participation in a joint criminal enterprise as a co-perpetrator". Paragraph 5 of the Croatia indictment is substantially identical, but does not include charges under Article 4.

<sup>2055</sup> C-039.

<sup>2056</sup> C-039.

<sup>2057</sup> C-039.



Momir Bulatovi} and Jovica Stani{i} into the group of co-perpetrators by elevating them to positions of power. He supported in particular those who followed his directives without questioning them.

955. The criminal conduct of the Accused falls within several distinct categories. This conduct has been set out in the Indictment and has been largely described in other sections of this brief.<sup>2058</sup> The following is a summary of the conduct which the Prosecution alleges was in violation of Article 7(1) of the Statute.

Acts committed through and in concert with the political and military leadership of (S)FRY, Serbia and Montenegro

956. The Accused, as the most powerful political figure in the (S)FRY and Serbia, exercised effective control over the so-called "Serbian Bloc" of the Federal Presidency (Jovi}, Kosti}, Kosti} and Bajramovi}) in the SFRY Presidency and from October 1991 the so-called rump Presidency. The rump Presidency exercised command control over the JNA.

957. In addition, the Accused was also part of the so-called "Group of Six" which included Momir Bulatovi}, Borisav Jovi}, Branko Kosti}, General Veljko Kadijevi} and General Blagoje Ad`i}. This group, which partly overlapped with the "Serbian Bloc", also enjoyed considerable influence over the course of events in Yugoslavia and exercised *de facto* command over the JNA.<sup>2059</sup>

958. For example, on 5 July 1991, the Accused and Jovi} met with Kadijevi} and demanded that Croats and Slovenes should be completely eliminated from the military. They drew the lines where the JNA should be concentrated so as to cover all the territory where Serbs lived.<sup>2060</sup> At meetings of the Group of Six, political and military issues were discussed, including military operations and replacement of personnel.<sup>2061</sup>

959. The Accused also exercised considerable control over the President of Montenegro, Momir Bulatovi}, and Milo Djukanovi}, and through them had access to the military resources of the Republic of Montenegro. Bulatovi}, for example, mobilised Montenegrin TO units and JNA reservists to participate in the attack on the Dubrovnik region as described later this brief. The Accused controlled Bulatovi} through a combination of fear and favour. Bulatovi} was so scared of the Accused that, after the Accused became enraged at Bulatovi}'s proposed acceptance of the Carrington Plan, he changed his flight for fear that the Accused

<sup>2058</sup> Croatia Indictment paragraphs 26 (a) to 26 (m) and Bosnia Indictment paragraphs 25 (a) to 25 (g).

<sup>2059</sup> B-1229, B-1230; Jovic Diary; Veljko Kadijevi}, *Moje vi/enje raspada*, 0089-7021-0089-7114 (BCS), 0036-2637-0036-2726 (ENG).

<sup>2060</sup> Jovi} Diary.

<sup>2061</sup> Jovi} Diary.

might harm him. Under intense pressure from the Accused, Bulatovi} changed his vote to reject the Carrington Plan. Bulatovi} knew that the Accused had the power to remove him from office if he did not follow his directives.<sup>2062</sup>

Acts committed through and in concert with the political leadership of the Croatian SAOs and the RSK respectively and Republika Srpska

960. As described above, the Accused either personally or through his agents in the Serbian MUP and MoD influenced and directed the political and military actions of the SDS leadership in all three SAOs and the RSK. He supported those within the Croatian Serb leadership who were loyal to him and was in constant contact with them.

961. Those who did not follow his directives were replaced by more obedient figures. As an example, Jovan Ra{kovi} was ousted after he had "unauthorised" contacts with the Croatian leadership in order to solve the crisis politically and was replaced by Milan Babi} who refused any negotiations with the Croatian government. Babi} himself was replaced by Goran Had`i} in 1992 after he had objected to Milo{evi}'s policy on the Vance plan.

962. With respect to BiH, the Accused used his relationship and influence over Bosnian Serb political leaders to further his criminal objectives. Milo{evi} had regular if not daily contact with Radovan Karad`i} the president of the *Republika Srpska* and through his emissary Jovica Stani{i}, communicated with other prominent leaders of the SDS party in BiH.

963. So integral was Milo{evi} to formulation and execution of SDS policies in both Croatia and BiH that he would represent their interests in meetings with members of the international community and during several peace negotiations.

964. As described earlier in this Indictment, the Accused worked with the political leaders in Croatia and BiH to assist them to obtain weapons to be illegally distributed to the local Serbs. In a complementary manner the Accused or his agents in the JNA called upon the SDS leadership in Croatia and BiH to assist the JNA in order to help secure volunteers for the Army. The Accused used his control over the Army to circumvent the ordinary JNA chain of command and encouraged Karad`i} to communicate directly with high ranking JNA officers from the Banja Luka Corps.

965. Such was the influence the Accused's had over Karad`ic, when the Accused finally determined that Karad`i}'s continued role as President of the *Republika Srpska* was no longer

---

<sup>2062</sup> Witness B-1229.

in the best interest of Serbs he compelled his resignation by sending Jovica Stani{i} to his home in Pale.

Financial, material and logistical support for regular and irregular military forces

966. As described above, the Accused, through his agents in the Serbian MUP and MoD, assisted the Croatian and Bosnian Serbs in the establishing, equipping and financing of military forces. In addition both ministries facilitated the deployment of irregular military forces in the Croatian and BiH territories.

967. On Sunday, 1 April 2001, the Accused was arrested on domestic charges and taken into custody by Officers from the Republic of Serbia MUP.<sup>2063</sup> In his appeal against the decision of the Judge of the Regional Court in Belgrade to detain him in custody, Milo{evi} provided an explanation of the use of the funds he is charged with misappropriating and stated, inter alia:

Help was provided for those who needed it most and this was my firm orientation and my directive. As regards the resources spent for weapons, ammunition and other needs of the Army of *Republika Srpska* and the Republic of Serbian Krajina, these expenditures constituted a state secret and because of state interests could not be indicated in the Law on the Budget, which is a public document. The same applies to the expenditures incurred by providing equipment, from a needle to an anchor, for the security forces and special anti-terrorist forces in particular, from light weapons and equipment to helicopters and other weapons which still remain where they are today, and this was not made public because it was a state secret, as was everything else that was provided for the Army of *Republika Srpska*. As to the exceptional amount of material gain quoted as a reason for custody, the question arises: for whom? For the Army of *Republika Srpska*, the security organs, the Army of the Republic of Serbian Krajina, to help the people across the Drina River.<sup>2064</sup>

968. This statement by the Accused is consistent with statements he previously made about his direct involvement in the contribution of aid and assistance to Serbs living in BiH during the conflict. On 6 May 1993 the Assembly of the *Republika Srpska* decided that the Vance-Owen peace proposal should be put to a referendum vote of the People of the *Republika*

<sup>2063</sup> The Accused was charged with offences of misuse of official position and organising to commit criminal acts under the Criminal Code of the Republic of Serbia and the Criminal Code of the Federal Republic of Yugoslavia. These charges relate, in part, to allegations that whilst serving as the President of the Republic of Serbia to 17 May 1997 and subsequently serving as the President of the FRY until 5 October 2000, the Accused misused his official position to "obtain material and other benefits for himself, for a number of other persons and the Socialist Party of Serbia and the President of the Federal Republic of Yugoslavia", BCS 0205-1235-0205-1247.

<sup>2064</sup> Appeal filed by Slobodan Milo{evi}, Belgrade District Court, 2 April 2001, BCS 0203-0919-0203-0921, Eng 0190-3521-0190-3523.

*Srpska*. Following this decision, on 11 May 1993, the Accused issued a press statement to the Official Belgrade news agency, Tanjug<sup>2065</sup>. This statement included the following:

In the past two years, the Republic of Serbia - by assisting Serbs outside Serbia - has forced its economy to make massive efforts and its citizens to make substantial sacrifices. ...g Most of the assistance was sent to people and fighters in Bosnia-Herzegovina [...]. At the same time, because of its solidarity with and assistance to the Serbs in Bosnia-Herzegovina, Serbia is subjected to brutal international sanctions. ...g Clearly, we were aware we could face these economic and general difficulties when deciding to provide assistance to Serbs who were at war. Most of the territory in the former Bosnia-Herzegovina belongs now to Serb provinces. This is sufficient reason to halt the war, and to remove further misunderstandings through negotiations and by peaceful means.

Serbs find it difficult to sustain the burden of the great assistance which goes to Bosnia, and of the sanctions which have been imposed on Serbia because of its solidarity with the Serbs outside Serbia, and there is no reason for it to sustain the burden if the war in Bosnia stops. Serbia has lent a great, great deal of assistance to the Serbs in Bosnia. Owing to that assistance they have achieved most of what they wanted.

969. Again, on 5 August 1994 after the assembly of the *Republika Srpska* at Pale rejected the affirmation of a new peace plan proposed by the Contact Group for ending the conflict in BiH the Accused issued a statement during which he said:<sup>2066</sup>

Time after time they have been giving us cause to break off all relations with them, as they never kept a single promise... We hesitated to break off relations in the hope that they would finally, at the crucial moment, act in accordance with the highest national interest and opt for peace...

970. The methods of the funding of the police and military structures of the Serbs in Croatia are already described above. The scheme organised by the Accused to supplement the funding of the MUP and VJ involved the transfer of revenue from the Yugoslavian Customs Service to the Serbian MUP, the VJ and other bodies assisted by the Accused. This funding was done outside of the normal funding mechanisms of the Yugoslav and Serbian State.

#### Serbian MUP and MoD

971. The Accused's control over the Serbian MUP and its role in the commission of crimes has been described above. In summary:

- The Republic of Serbia MUP was authorised by the Accused to operate outside the borders of the republic to participate in the commission of crimes.
- The MUP and MoD were involved in the illegal arming of Serbs in Croatia and BiH.

<sup>2065</sup> *Tanjug*, 11 May 1993, BCS 0035-9909-0035-9910, Eng 0066-1532-0066-1534.

<sup>2066</sup> *Borba*, 5 August 1994, BCS F102-5377-F102-5377, Eng F101-5711-F101-5714.

- During the war in Croatia, the MUP and MoD were involved in establishing local Serb police and TO forces, supplying them with weapons and training; both institutions were instrumental in setting up the armed forces of the SAOs Krajina and SBWS.
- Jovica Stanić, Frenki Simatović and Radovan Stojić (aka Badža), together with Martić and Hadžić and Dragan Vasiljković (aka "Captain Dragan") personally directed and organised Serb forces involved in the crimes described in the Indictment.
- The MUP secured the release from prison of perpetrators alleged to have committed war crimes, for example "Crni" in Bosanski Samac.
- The MUP, with assistance from elements of the JNA and the Serbian MoD, supported, armed and co-ordinated various paramilitary formations including that of Veljko Rađatović (aka Arkan).
- The MUP took over the Federal MUP in order to consolidate its power and facilitate its ability to participate in criminal activity undetected by other Yugoslav intelligence agencies.
- The MUP and armed formations under their command provoked clashes with the Croatian police, committed murders of local Serbs blaming them on Croats, killed Croat civilians, unlawfully detained Croat civilians and took part in expulsions. The MUP also orchestrated a campaign to create an atmosphere of distrust and fear among the local Serb population, producing a belief that Serbs could only be safe in a homogenous Serbian state.<sup>2067</sup>
- The MUP arrested Bosnian and Croatian Serb civilians and refugees living legally in Serbia and turned them over to the JNA and to paramilitary groups such as Arkan's Tigers to participate in the conflict.
- The MUP and MoD supported and facilitated the crimes committed by known paramilitaries in Eastern Bosnia.
- The Accused was instrumental in the creation and continued existence of the *Vojna Linija* an informal association of political, military and police officials that circumvented the laws and command structures established under the laws of the Republic of Serbia and the SFRY.
- The Accused was instrumental in the creation of Special Forces of the Serbian MUP. These covert paramilitary forces participated in the conflict over the course of the Indictment and were instrumental in the training and equipping of other paramilitary groups that in turn committed crimes.

Planning and preparation of the take-over of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, the Dubrovnik Republic and municipalities of BiH

972. Many of the acts described throughout this brief indicate the Accused's significant planning and preparation in advance of the crimes that were committed in Croatia and BiH. Evidence of planning will not only be direct (including witness statements and documentary evidence) but also circumstantial. In Croatia, there was a shared understanding that there was

---

<sup>2067</sup> C-001, C-036.

a general policy to remove Croats from the SAOs and the RSK, and that this policy was approved and partly implemented by leading figures from the Republic of Serbia.<sup>2068</sup> In BiH, numerous statements and intercepted telephone conversations between the Bosnian Serb leadership (and in some cases the Accused) together with the pattern of crimes shows the existence of a similar policy.<sup>2069</sup> In general the widespread and simultaneous illegal actions taken by JNA and paramilitary troops throughout the territory of Croatia and BiH show co-ordination that could only have been accomplished through significant advance planning involving the Accused.

973. In summary:

- The Accused was instrumental in the transformation of a inter-ethnic JNA that protected all the several nations of the former Yugoslavia into a Serb-dominated and oriented JNA.
- The Accused participated in the illegal arming of non-Serbs prior to the take-over of territory in the former Yugoslavia.
- The Accused regularly communicated with political and military leaders on matters related to the take-over of territory prior to and during the take-over of such territory.
- The Accused established armed forces apart from the JNA that he commanded and used in the commission and facilitation of crimes in Croatia and BiH.

#### JNA/VJ/VRS/SVK

974. The Accused's control over the Serbian MUP and its role in the commission of crimes has been described in detail above. In summary:

- The JNA was instrumental in the disarming of the non-Serb populations in Croatia and BiH and the illegal provision of arms to the SDS, locally formed "police units", paramilitary units and the Serb population in general.
- The JNA gave paramilitaries access to JNA camps for the purpose of training, equipping and preparing for the take-over of territory and the commission of crimes.
- During the take-over of territory in Croatia and BiH, the JNA worked in conjunction with paramilitaries and in some cases actually commanded paramilitary units. The JNA provided artillery and air support to paramilitary formations actively engaged in committing war crimes. JNA soldiers were actually involved in the commission of crimes as described in other sections of this brief. The JNA, during its withdrawal from Croatia and BiH and transition into the VJ, created before its departure a Bosnian Serb army staffed and equipped by officers and munitions from the JNA. JNA staff were deployed in military and police forces in the RSK (later the SVK). Military staff were shifted forth and back within these three armies.

---

<sup>2068</sup> C-001.

<sup>2069</sup> See "Introduction" section above and evidence cited there.

- The JNA/VJ, from the period of its withdrawal and during all periods relevant to the Indictment, paid the officers of the VRS and the SVK and managed their personnel records and retirements. In July 1992 there were over 26,000 such officers being paid for by the JNA/VJ in BiH.
- The Accused by virtue of his position on and control over the Supreme Defence Council ensured that the VRS and SVK received the significant financial and material resources essential to its ability to continue committing crimes despite his awareness of the crimes that had been committed.

#### The misuse of the Media and the use of Propaganda

975. During the conflict, the Accused and his collaborators directed, controlled or manipulated various forms of the electronic, print and photographic media in the (S)FRY, BiH and Croatia including<sup>2070</sup>

- The restriction of free public access to information and communication(s) through state-owned and operated news services in the region.
- The dissemination of misleading and false information. This false information was intended, and constructed, in a concerted effort to advance the political interests and military operations of Serb authorities in the region.
- The obstruction of media facilities not controlled by the Accused and his associates by subjecting them to power shortages and cuts, to material shortages, to destruction of media equipment and facilities.
- Aggressive harassment of media personnel and journalists, including: intimidation, physical assaults, beatings and killings. Professional journalists and staff were summarily dismissed from their employment in media facilities and outlets critical to the policies of the Accused and his associates.
- The imposition of regulatory and legislative restrictions upon media freedom.<sup>2071</sup>
- The curtailing, or prohibition, of general media reporting of events in the region and the expression of adverse editorial opinion.

#### **B. RESPONSIBILITY UNDER ARTICLE 7(3)**

976. The Accused is criminally responsible for the crimes pleaded in the Indictments pursuant to Article 7(3) of the Statute as set out in the paragraphs 29 to 33 of the Croatia Indictment and 27 to 33 of the Bosnia Indictment. The elements of this form of liability are explained in the Legal Analysis section below.

<sup>2070</sup> See generally B-036; See also UNHCR, Situation of Human Rights in the Territory of the former Yugoslavia, "Special Report on the Media" prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, 27 January 1995. Open source and also 0027-5782-0027-5821; Mark Thomson, "Forging War, The Media in Serbia and Bosnia and Herzegovina", Article 19, International Centre Against Censorship, (The Bath Press, United Kingdom, May 1994).

<sup>2071</sup> Thomson at pp. 219-221, Mazowiecki at p. 7 and p. 25 and Official Journal of the Republic of Serbia (1991) Law on Radio-Television. ERN 0087-1607- 0087-1611 (BCS) and Official Journal of the Republic of Serbia, No. 19 (1991)

977. From 1 August 1991 to December 1995, the period relevant to the Indictment, the Accused held positions of superior authority and exercised effective control over the individuals and institutions perpetrating crimes in Croatia and BiH. The Accused, in relation to the various perpetrating entities and individuals, had either *de jure* or *de facto* power or authority to prevent the crimes or to punish the perpetrators. These *de facto* or *de jure* powers have been set out above in this brief.

978. In short, as President of the Republic of Serbia, from 3 August 1991 and at all times relevant to the Indictment, the Accused commanded the Territorial Defence of the Republic of Serbia, and could order the use of the police during war, imminent threat of war or state of emergency.<sup>2072</sup>

979. As President of the Republic of Serbia, from 27 April 1992 and at all times relevant to the Indictment, the Accused had superior authority over the JNA/VJ, in his capacity as a member of the SDC of the FRY. The Accused also had effective control over the other members of the SDC, that is Dobrica Josić and Zoran Lilić, who successively held the position of President of the FRY, and Momir Bulatović, the President of Montenegro.

980. As President of the Republic of Serbia, from 3 August 1991 and at all times relevant to the Indictment, the Accused exercised effective control over all the military-industrial resources within the territory of the Republic of Serbia.<sup>2073</sup>

981. From at least March 1991 until 15 June 1992, the Accused exercised effective control over individuals who had superior authority over all institutions and bodies with supreme command authority over the JNA. The Accused exercised effective control over Borisav Jović, Branko Kostić, Sejdo Bajramović, and Jugoslav Kostić, members of the SFRY Presidency. The SFRY Presidency was the Supreme Commander of the JNA, and the TO units and volunteer units acting in co-ordination and under supervision of the JNA. The Accused also exercised effective control over the highest-ranking military officers in the JNA, General Veljko Kadijević and General Blagoje Adžić. As Secretary of the Federal Secretariat for National Defence, and Chief of Staff of the JNA, Generals Kadijević and Adžić had superior authority over the JNA, and the TO units and volunteer units acting in co-ordination and under supervision of the JNA.

<sup>2072</sup> Art. 5, Rep. of Serbia Law on Defence, PR number 77, 18 July 1991, *SLU@BENI GLASNIK REPUBLIKE SRBIJE*, 45/91, pp. 1769-82, BCS 0036-4325-0036-4338, Eng 0046-0799-0046-0809.

<sup>2073</sup> Art. 122, Rep. of Serbia Law on Defence, PR number 77, 18 July 1991, *SLU@BENI GLASNIK REPUBLIKE SRBIJE*, 45/91, pp. 1769-82, BCS 0036-4325-0036-4338, Eng 0046-0799-0046-0809.



982. During the period relevant to the Indictment, the Accused exercised effective control over individuals who had superior authority over the MUP forces. The Accused exercised effective control over Radmilo Bogdanovi} and Zoran Sokolovi}, who were both successively the Minister of Internal Affairs of the Republic of Serbia. As Minister of Internal Affairs, Bogdanovi} and his successor Sokolovi}, were responsible for the work of their subordinates within the Ministry of Internal Affairs.

983. The Accused acted as a superior with regard to the top people in those organisations, who in turn acted as superiors to the direct perpetrators on the ground. Among other things, the Accused acted to retire and remove generals, order the arrest of individuals, and order the commencement of investigations, which were often merely cursory.

984. With regard to events in Croatia specifically, evidence will show that officials from the SAOs directed requests for assistance to the Accused, including requests for ammunition and weapons, thus indicating their perception of his control. Through his control of the KOS, the Accused was able to ensure the promotion or appointment of key officers, a process which KOS influenced. Furthermore, the Accused was instrumental in the removal of JNA generals. The Accused also negotiated with international organisations and at peace conferences on behalf of the JNA/VJ, the Croatian and Bosnian Serbs and clearly presented himself, as well as being viewed by the public at large and the political structures involved, as the person in control.

985. The Accused had the ability to take measures to prevent or punish subordinates. He was integral in the planning and execution of the crimes committed, and thus could prevent the crimes. He had the ability to dismiss or demote people (including generals), to order investigations, and to have people arrested. For instance, after the Accused was put on notice of the criminal behaviour of Franko Simatovi} during early summer 1991 in Croatia, Simatovi} was briefly withdrawn, but then shortly thereafter, reinstated. During the period until he became President of the FRY, the Accused ordered an inquiry into the events at Vukovar hospital, but it was conducted in a cursory manner. Instead of insisting on a proper investigation, the Accused promoted the military personnel involved in the crimes. Similarly, the Accused not only failed to investigate the events at Dubrovnik or punish the perpetrators, he even promoted some of the naval officers involved.

#### Forseeability

986. The question of forseeability and the extent to which the Accused was aware of the crimes being committed in Croatia and BiH is relevant to consideration of the joint criminal enterprise under Article 7(1) as well as his liability under Article 7(3) of the Statute. The

Prosecution will prove that the Accused had actual knowledge of many of the crimes being committed in Croatia and BiH. This evidence will include correspondence and witness testimony of the many times the crimes were brought to his attention as well as evidence from which the reasonable inference is that the Accused was fully aware of the crimes being committed. Evidence will also be introduced to demonstrate that any reasonable person would have been aware of the crimes being committed in Croatia and BiH.

987. On 21 January 1992, while serious violations of law were still being committed in Croatia and before they began in BiH, the United States Helsinki Watch sent a letter to the Accused personally informing him of the crimes being committed by the JNA and paramilitaries. This letter included a detailed description of the crimes being committed by Arkan's Tigers, [e{elj's men and Mirko Jovi's White Eagles. The letter also gave detailed accounts of the inhumane treatment and detainment of civilians in Serb controlled detention centres. The Accused, through his chef de cabinet, responded to this letter publicly stating that no crimes were being committed within the Republic of Serbia territory but that any crimes committed by citizens of Serbia outside of Serbia would be investigated and punished.

988. This was not the first time the Accused received actual notice of the crimes being committed by the JNA. In October 1991 JNA reservists from Valjevo sent a letter to the Accused, Biljana Plav{i}, Radovan Karad`i}, General Kadijevi} and others stating that their refusal to fight was because they were being ordered to perpetrate war crimes.

989. Soon after this October letter, international representatives such as Ambassador Okun personally informed the Accused of crimes being committed by paramilitaries in Croatia and reports of paramilitary activities in Northern BiH. The Prosecution will introduce the evidence of other international diplomats who personally notified the Accused of the crimes being perpetrated.

990. The evidence from which it can be reasonably inferred that the Accused was aware of the crimes being committed includes:

- His instruction to General Simovi} of the Serbian MoD not to make public information regarding the activities of "volunteers" fighting in Croatia.
- In November of 1993 the Republic of Serbia initiated the prosecution of the Vukovi} brothers who commanded the Yellow Wasps paramilitary group that committed atrocities during the take-over of Zvornik.
- In April 1991 the Accused denied an assertion by Milan Marti} that he had promised to arm the Serb "volunteers" fighting in his area.

- The Accused maintained regular contact with the Serbian MoD, members of the MUP, political leaders in Croatia and BiH and other who were in a position to inform him of the crimes being committed by forces within his control.

991. In addition to actual knowledge, the Accused had reason to know of crimes committed by his subordinates or should have known that those crimes were committed. The persecutions of the non-Serb population within Croatia and BiH were so widespread, systematic and overwhelming that the outside world knew of their occurrence

992. The conflicts in the former Yugoslavia were among the most widely ever covered by world-wide media. An extensive part of that coverage included evidence and allegations of atrocities being committed against civilians in both Croatia and BiH. All of that coverage would have been readily available to the Accused. The crimes committed by the various paramilitaries and the JNA and the VRS were notorious and took place over an extended period of time. There have been numerous and well published accounts of the discoveries and exhumation of mass graves. Beginning in August 1991, Belgrade was the scene of numerous protests by Serbs concerned over the reports of atrocities being carried in local and international media.

993. Many of the groups alleged to have committed the crimes were led by people who the Accused had a close association with such as [e{el}j or Arkan. In particular [e{el}j's paramilitary forces committed persecutory acts against the Croat population within Vojvodina in 1992, thus in Serbia itself. Finally, many of the crimes alleged in the Indictment were the subject of earlier indictments issued by the ICTY and received widespread global publicity. This evidence will establish that the Accused would have had to have been "wilfullyblind" in order not to have known what was occurring across the relevant five year period.

994. Despite the clear and repeated notice he had of the type and scale of crimes committed by forces he created, supported, directed and controlled, the Accused failed to take any adequate, necessary and reasonable measures to prevent or punish the perpetrators of the crimes. Indeed not only did the Accused fail to prevent the continuance of ongoing crimes and punish those that had been committed, he personally promoted or oversaw the promotion of individuals who had committed these crimes.<sup>2074</sup>

### **C. THE RESPONSIBILITY OF THE ACCUSED FOR GENOCIDE**

995. As alleged in the Indictment the Accused participated<sup>2075</sup> in a joint criminal enterprise the objective of which, in the case of BiH, was the forcible and permanent removal of the

<sup>2074</sup> For example, Radovan Stojić (Bad'a), Mile Mrkić, Dragoljub Ojdani, Pavle Strugar.

<sup>2075</sup> The Prosecution's case is that the Accused participated in the joint criminal enterprise (of which genocide was a part) as a co-perpetrator, alternatively, as an aider and abettor.

majority of non-Serbs, principally Bosnian Muslims and Bosnian Croats, from large areas of BiH, through the commission of crimes in violation of Articles 2, 3, 4 and 5 of the Statute. This objective was primarily achieved through a manifest pattern of persecutions. Further, the Accused was criminally responsible for these persecutions and for other crimes alleged in the Indictment, for his role in instigating, planning, ordering, and otherwise aiding and abetting in their commission under Article 7(1) and as a superior under Article 7(3).

996. In some municipalities the campaign of persecutions included or escalated to include conduct committed with the intent to destroy in part the national, ethnical, racial or religious groups of Bosnian Muslims as such.<sup>2076</sup>

997. In these municipalities a significant section of the Bosnian Muslim groups, namely their leaderships, as well as a substantial number of the members of the groups as a whole were targeted. The most extreme manifestations of this form of partial destruction of the Bosnian Muslims took place in Bosanski Novi, Brčko, Ključ, Kotor Varoš, Prijedor, Sanski Most and Srebrenica. Although further municipalities were identified as having been the site of genocidal crimes in the Indictment, the Prosecution intends to proceed to prove the crime of genocide only in relation to these seven municipalities.<sup>2077</sup>

998. Taking Brčko as an example, one witness was told by his Serb interrogators that they had orders "from above" to kill all but 3 to 4% of the Muslims in Brčko.<sup>2078</sup> The Serbs relied on prepared lists to select persons to be killed, targeting prominent members of the Muslim community for execution.<sup>2079</sup> The extent of the killings is partially reflected in the number of bodies recovered from several mass graves in the Brčko area.<sup>2080</sup> Another example of the targeting of leadership figures, in this case for the purposes of detention, occurred in Sanski Most when on 4 June 1992, after discussions with ARK officials, the Crisis Staff resolved to send "Muslim and Croat prisoners who were [...] politicians [...] to the VRS concentration centre at Manjača".<sup>2081</sup>

<sup>2076</sup> The Indictment refers to the intent to destroy the Bosnian Croat population. The Prosecution will not seek to prove that genocide was committed with respect to this ethnic group.

<sup>2077</sup> This reduced geographical focus has been adopted both in the interests of judicial economy in light of the oral ruling of the Trial Chamber on 10 April 2002 as to the limitations on the time allocated to the Prosecution case and in order to enable a concentration on the most egregious examples of genocidal crimes within BiH.

<sup>2078</sup> B-1412

<sup>2079</sup> B-1450; B-1409.

<sup>2080</sup> See Ministry of Justice report dated 22 October 92 from Slobodan Avlijaš to the Minister of Justice reporting 226 bodies in five mass graves, 0058-4605-4610. (ENG) See also autopsy report of Dr. Hunt, 0063-6311/6333; exhumation report of Dr. Wright, 0063-6122-0063-6235 (ENG); Jelisić Trial testimony of John Ralston on 22 September 99; 0058-4611-0058-4623. (ENG).

<sup>2081</sup> Conclusions by the Crisis Staff of the Serbian Municipality of Sanski Most, 04/06/92, 0047-1274-0047-1277 (BCS); 0110-6746 (ENG); Minutes and decisions taken during the 5th Session of IO Skupština Opština Sanski Most, 06/06/92, 0106-1776-0106-1776 (BCS) 0190-1911 (ENG).

999. Other egregious and notorious examples of genocidal acts against Bosnian Muslims and Bosnian Croats, including leading members of their communities during their confinement in detention facilities, occurred in Prijedor Municipality as set out above in this brief.

1000. The execution of over 7,000 Bosnian Muslim men and boys in and around Srebrenica in less than one week in July 1995, the single largest massacre in European history since the second world war, also constituted genocidal conduct.<sup>2082</sup> Further wounded men from Poto-ari were only spared from death because of the presence of UNPROFOR. This mass killing, in the context of the mistreatment and forcible transfer of the remaining Bosnian Muslim population of the area, resulted in the partial destruction of a significant and substantial part of the Bosnian Muslim group. It may be inferred, *inter alia* from the killing of the men and the forcible transfer of the women and children, that General Mladić and other Serbian leaders intended not merely to persecute the Bosnian Muslims, but also to destroy the Bosnian Muslims of Srebrenica, a part of the Bosnian Muslim group as such.<sup>2083</sup>

1001. The Accused was a key participant in the joint criminal enterprise and was responsible individually and as a superior for crimes committed to achieve the objective set out above. These crimes constituted, in their most extreme manifestations, genocidal acts. They were committed in the context of an atmosphere of manifest and palpable ethnic hatred, of which the Accused was fully aware. These acts and other factors,<sup>2084</sup> coupled with the participation of the Accused in and (by his actions) furtherance of the plan, give rise to an inference of intent to destroy in part the Bosnian Muslim groups as such on the part of the Accused. In any event, these genocidal acts were known to the Accused, and they were foreseeable by him.

<sup>2082</sup> These events have already been found by a Trial Chamber of this Tribunal to have amounted to a genocide. *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-T, Judgement, 2 August 2001.

<sup>2083</sup> *Ibid*, para 634, "...the military aged Bosnian Muslim men of Srebrenica do in fact constitute a substantial part of the Bosnian Muslim group, because the killing of these men inevitably and fundamentally would result in the annihilation of the entire Bosnian Muslim community at Srebrenica. In this respect, the intent to kill the men amounted to an intent to destroy a substantial part of the Bosnian Muslim group..." and para. 595, "...The Bosnian Serb forces knew, by the time they decided to kill all of the military aged men, that the combination of those killings with the forcible transfer of the women, children and elderly would inevitably result in the physical disappearance of the Bosnian Muslim population at Srebrenica. Intent by the Bosnian Serb forces to target the Bosnian Muslims of Srebrenica as a group is further evidenced by their destroying homes of Bosnian Muslims in Srebrenica and Poto-ari and the principal mosque in Srebrenica soon after the attack".

<sup>2084</sup> See below in Legal Analysis Section for the factors which may be taken into account for the inference of intent.

## SECTION VI. LEGAL ANALYSIS

### MODES OF CRIMINAL RESPONSIBILITY UNDER ARTICLE 7 OF THE STATUTE

1002. Cumulative charging under Articles 7(1) and 7(3) is permissible,<sup>2085</sup> and conviction under both articles is possible.<sup>2086</sup> For any charge of 7(1) responsibility, the Trial Chamber has the discretion to find that the evidence supports any of the modes of liability whether or not they were expressly charged.<sup>2087</sup>

### INDIVIDUAL CRIMINAL RESPONSIBILITY UNDER ARTICLE 7 (1)

1003. The Indictment charges the Accused with all forms of participation enumerated in Article 7(1) in relation to all counts: that he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the crimes. He is also charged with participating, with known and unknown co-perpetrators, in a joint criminal enterprise with the objective of the forcible removal of the majority of non-Serbs from targeted areas of Croatia and BiH through the commission of crimes.<sup>2088</sup>

#### 52. "Committed"

1004. "'Committing' covers physically perpetrating a crime or engendering a culpable omission in violation of criminal law", whether alone or jointly with co-perpetrators.<sup>2089</sup>

Several perpetrators may "commit" the same crime if each individual fulfils the requisite elements of the substantive offence.<sup>2090</sup> While the Accused is not charged with direct physical perpetration of the criminal acts, "committed", as used in the Indictment, refers to his participation in a joint criminal enterprise as a co-perpetrator.<sup>2091</sup>

1005. The principles of a common criminal plan, design or purpose, *i.e.*, joint criminal enterprise, articulate a mode of individual criminal responsibility encompassed by Article 7(1)

<sup>2085</sup> *Prosecutor v. Blaškić*, Decision on the Defence Motion to Dismiss the Indictment Based upon Defects in the Form Thereof (Vagueness/Lack of Adequate Notice of Charges), Case No. IT-95-14-PT, 4 April 1997, para. 32.

<sup>2086</sup> *Prosecutor v. Žejnil Đalić et al.*, Judgement, Case No. IT-96-21-T, 16 November 1998 (hereinafter *Celebici* Trial Judgement), paras. 1221-23. See also *Prosecutor v. Delalić, et al.*, Decision on Motion by the Accused Hazim Delic on Defects in the Form of the Indictment, Case No. IT-96-21-T, 5 Nov. 1996, paras. 16-18. But see *Prosecutor v. Radislav Krstić*, Judgement, Case No. IT-98-33-T, 02 August 2001 (hereinafter *Krstić* Trial Judgement), para. 652; *Prosecutor v. Milorad Krnojelac*, Judgement, Case No. IT-97-225-T, 15 March 2002 (hereinafter *Krnojelac* Trial Judgement), paras. 173, 316, 496.

<sup>2087</sup> *Prosecutor v. Zoran Kupreškić, et al.*, Judgement, Case No. IT-95-16-T, 14 January 2000 (hereinafter *Kupreškić* Trial Judgement), para. 746; see also *Prosecutor v. Anto Furundžija*, Judgement, Case No. IT-95-17/1-T, 10 December 1998 (hereinafter *Furundžija* Trial Judgement), para. 189; *Krstić* Trial Judgement, para. 602. Cf., *Prosecutor v. Žejnil Delalić et al.*, Judgement, Case No. IT-96-21-A, 20 February 2001 (hereinafter *Celebici* Appeals Judgement), paras. 350-51.

<sup>2088</sup> Indictment, paras. 5-7. Accused is liable as a co-perpetrator in the joint criminal enterprise, alternatively as an aider and abettor to it.

<sup>2089</sup> *Krstić* Trial Judgement, para. 601; *Prosecutor v. Dragoljub Kunarac et al.*, Judgement, Case Nos. IT-96-23-T & IT-96-23/1-T, 22 February 2001 (hereinafter *Kunarac* Trial Judgement), para. 390.

<sup>2090</sup> *Kunarac* Trial Judgement, para. 390.

<sup>2091</sup> See *Krstić* Trial Judgement, para. 601 and note 1346.

of the Statute,<sup>2092</sup> in which one person can be criminally responsible for the acts of another where both participate in a common criminal plan.<sup>2093</sup>

1006. The *actus reus* of a joint criminal enterprise requires three elements. First, there must be two or more persons, who need not be organised in a military, political or administrative structure.<sup>2094</sup> Second, there must be a common plan, design, or purpose that amounts to or involves the commission of a crime. The plan need not be previously arranged or formulated, but may “materialise extemporaneously and be inferred from the fact that a plurality of persons acting in unison to put into effect a joint criminal enterprise”.<sup>2095</sup> Thus, the plan can be agreed upon either from the beginning or develop through the acts performed by the persons involved. A joint criminal enterprise may be “vast” and encompass “other subsidiary enterprises”.<sup>2096</sup> Its objective may also change over time.<sup>2097</sup> Third, the accused must participate in the enterprise. This participation need not involve the commission of a crime but may take the form of assistance in or contribution to the execution of the common plan or purpose. It is sufficient for the participant to perform acts that in some way are *directed to* the furthering of the plan or purpose.<sup>2098</sup>

1007. Tribunal case law regarding joint criminal enterprise has identified three different situations, for which the mental state differs.<sup>2099</sup> All three situations may be applicable in the same case.<sup>2100</sup> In the first situation, the accused intends to commit a certain crime, this intent being shared by all members of the joint criminal enterprise.<sup>2101</sup> All perpetrators, acting pursuant to a common design, possess the same criminal intention, although their roles in the enterprise may differ. To prove liability, the Prosecutor must show that the accused “voluntarily participate[d] in one aspect of the common design” and the accused, “even if not personally effecting the [criminal act], must nevertheless have intended this result”.<sup>2102</sup>

<sup>2092</sup> *Prosecutor v. Duško Tadić*, Judgement, Case No. IT-94-1-A, 15 July 1999 (hereinafter *Tadić Appeals Judgement*), para. 220; *Prosecutor v. Anto Furundžija*, Judgement, Case No. IT-95-17/1-A, 21 July 2000 (hereinafter *Furundžija Appeals Judgement*), para. 119; *Krstić Trial Judgement*, para. 601; *Prosecutor v. Miroslav Kvočka, et al.*, Judgement, Case No. IT-98-30/1-T, 2 November 2001 (hereinafter *Kvočka Trial Judgement*), para. 244.

<sup>2093</sup> *Tadić Appeals Judgement*, para. 185, 196, 222-23, 228; *Furundžija Appeals Judgement*, para. 117-19; *Krstić Trial Judgement*, para. 602 footnote 1349. Article 25 of the ICC Statute provides for joint criminal enterprise as a mode of liability.

<sup>2094</sup> *Tadić Appeals Judgement*, para. 227.

<sup>2095</sup> *Tadić Appeals Judgement*, para. 227, quoted also in *Furundžija Appeals Judgement*, para. 119.

<sup>2096</sup> *Kvočka Trial Judgement*, para. 307.

<sup>2097</sup> See *Krstić Trial Judgement*, para. 619, 633 (objective of joint criminal enterprise escalated from forcible transfer to destruction of Srebrenica’s Bosnian Muslim military-aged male community).

<sup>2098</sup> *Tadić Appeals Judgement*, para. 229 (iii).

<sup>2099</sup> *Tadić Appeals Judgement*, para. 227-228.

<sup>2100</sup> *Kvočka Trial Judgement*, para. 268.

<sup>2101</sup> *Tadić Appeals Judgement*, paras. 220, 228.

<sup>2102</sup> *Tadić Appeals Judgement*, para. 196.

Where this is the case, all the accused will be considered to have jointly “committed” the crime as co-perpetrators.

1008. In the second situation,<sup>2103</sup> the accused has knowledge of a system of ill-treatment, such as a concentration camp, and intends to further this system. Knowledge may be established expressly or reasonably inferred from the position of authority held by the accused at the relevant time. The accused need only know the nature of the system and intend to further the common design of ill-treatment.

1009. In the third situation, one of the participants in the joint criminal enterprise commits a crime “other than the one agreed upon in the common plan”.<sup>2104</sup> The accused may be held responsible for that crime if, under the circumstances, it was “foreseeable” that such crime might be perpetrated by some member of the group and the accused knew of and willingly took that risk.<sup>2105</sup> Foreseeability involves the concept that a crime is a “possible” consequence of the enterprise.<sup>2106</sup> The accused must intend to participate in and further the criminal activity or plan agreed upon “and to contribute to the joint criminal enterprise, or in any event to the commission of a crime by the group”.<sup>2107</sup>

### 53. “Planning”

1010. Planning implies that “one or more persons design the commission of a crime at both the preparatory and execution phases”.<sup>2108</sup> It may also include organising.<sup>2109</sup> The existence of a plan can be proven through circumstantial evidence.<sup>2110</sup>

### 54. “Ordering”

1011. “‘Ordering’ entails a person in a position of authority using that position to convince another to commit an offence”.<sup>2111</sup> No *formal* superior-subordinate relationship is required for a finding of “ordering” as long as the accused possessed the authority to order.<sup>2112</sup> It is not necessary to prove that the subordinate who executed the order shared the *mens rea* of the

<sup>2103</sup> *Tadic* Appeals Judgement, para. 228.

<sup>2104</sup> *Tadic* Appeals Judgement, para. 228.

<sup>2105</sup> *Krstic* Trial Judgement, para. 613.

<sup>2106</sup> *Prosecution v. Radoslav Brjanin & Momir Talić*, Case No. IT-99-36-PT, “Decision on Form of Further Amended Indictment and Prosecution Application to Amend”, 26 June 2001, para. 29.

<sup>2107</sup> *Tadic* Appeals Judgement, para. 228.

<sup>2108</sup> *Krstic* Trial Judgement, para. 601; *Prosecutor v. Tihomir Blaškić*, Judgement, Case No. IT-94-1-T, 3 March 2000 (hereinafter *Blaškić* Trial Judgement), para. 279.

<sup>2109</sup> *Prosecutor v. Jean-Paul Akayesu*, Judgement, Case No. ICTR-96-4-T, 2 September 1998 (hereinafter *Akayesu* Trial Judgement), para. 473.

<sup>2110</sup> *Blaškić* Trial Judgement para. 279; see also *Prosecutor v. Dario Kordić & Mario Ćerkez*, Judgement, Case No. IT-95-14/2-T, 26 February 2001 (hereinafter *Kordić* Trial Judgement), para. 386.

<sup>2111</sup> *Krstic* Trial Judgement, para. 601; *Akayesu* Trial Judgement, para. 483.

<sup>2112</sup> *Kordić* Trial Judgement, para. 388; *Akayesu* Trial Judgement, para. 483; *Blaškić* Trial Judgement para. 281.



accused; it is therefore irrelevant whether the order was illegal on its face.<sup>2113</sup> The giving of an order may be proven circumstantially, and the order need not be in writing,<sup>2114</sup> need not be given by the superior directly to the person who commits the crime,<sup>2115</sup> and may be express or implied.<sup>2116</sup>

#### 55. "Instigated"

1012. Instigating requires that the accused provoked, prompted or otherwise induced the conduct of another.<sup>2117</sup> The conduct of the accused must have been "a clear contributing factor to the conduct of the other person(s)".<sup>2118</sup> However, it is not necessary to prove that the crime would not have been committed at all if the accused had not instigated it.<sup>2119</sup> The accused must also have intended to "bring about" the commission of the crime, or have been aware of the substantial likelihood that the commission of a crime would be a consequence of his or her conduct.<sup>2120</sup>

1013. Instigation does not require any relationship of authority between the accused and the physical perpetrator. The accused's acts or statements directed at those over whom he had no authority to order may also be considered instigation. A superior's failure to punish past crimes may constitute instigation of future crimes.<sup>2121</sup>

#### 56. "Aiding and Abetting"

1014. The *actus reus* of aiding and abetting consists of "practical assistance, encouragement or moral support" to another person perpetrating a crime.<sup>2122</sup> Aiding and abetting may assume different forms of assistance, including omissions.<sup>2123</sup>

1015. "Proof that the conduct of the aider and abettor had a causal effect on the act of the principal perpetrator is not required",<sup>2124</sup> but the accused's act "must have had a substantial

<sup>2113</sup> *Blaski*} Trial Judgement, para. 282; *Kordi*} Trial Judgement, para. 388.

<sup>2114</sup> *Kordi*} Trial Judgement, para. 388; *Bla{ki}*} Trial Judgement, para. 281.

<sup>2115</sup> *Kordi*} Trial Judgement, para. 388; *Bla{ki}*} Trial Judgement, para. 282.

<sup>2116</sup> *Bla{ki}*} Trial Judgement, para. 281.

<sup>2117</sup> See *Kvo-ka* Trial Judgement, para. 252; *Krsti*} Trial Judgement, para. 601; *Kordi*} Trial Judgement, para. 387; *Bla{ki}*} Trial Judgement, para. 280; *Akayesu* Trial Judgement, para. 482.

<sup>2118</sup> *Kvo-ka* Trial Judgement, para. 252. See also *Kordic* Trial Judgement, para. 387; *Blaškic* Trial Judgement, paras. 278, 280.

<sup>2119</sup> *Kvo-ka* Trial Judgement, para. 252; *Kordic* Trial Judgement, para. 387.

<sup>2120</sup> *Kvo-ka* Trial Judgement, para. 252; *Kordi*} Trial Judgement, para. 386; *Bla{ki}*} Trial Judgement, para. 278.

<sup>2121</sup> *Blaski*} Trial Judgement, para. 337.

<sup>2122</sup> *Prosecutor v. Zlatko Aleksovski*, Judgement, Case No. IT-95-14/1-A, 24 March 2000 (hereinafter *Aleksovski* Appeals Judgement), para. 162; *Krnjelac* Trial Judgement, para. 88; *Kunarac* Trial Judgement, para. 391; *Bla{ki}*} Trial Judgement, para. 283; *Furund`ija* Trial Judgement at 249. See also *Tadic* Appeals Judgement, para. 229.

<sup>2123</sup> *Krnjelac* Trial Judgement, para. 88; *Kunarac* Trial Judgement, para. 391; *^elebi}i* Trial Judgement, para. 327 (assistance in different forms); *Bla{ki}*} Trial Judgement, para. 284.

<sup>2124</sup> *Krnjelac* Trial Judgement, para. 88; *Kunarac* Trial Judgement, para. 391; *Bla{ki}*} Trial Judgement, para. 285; *Furund`ija* Trial Judgement at 233.

effect on the commission of the crime”.<sup>2125</sup> There is no requirement of a pre-existing plan.<sup>2126</sup> Aiding and abetting can take place before, during or after the event.<sup>2127</sup> The accused’s knowing presence when a crime is committed can constitute the act of aiding and abetting if it encourages the perpetrators.<sup>2128</sup> An omission by a superior can contribute to the commission of a subordinate’s crime, “for example by encouraging the perpetrator”.<sup>2129</sup>

1016. For the required *mens rea*, the accused must make a conscious decision to act, either knowing that his conduct will contribute to the commission of a crime committed by another,<sup>2130</sup> or being aware of the substantial likelihood that it will do so.<sup>2131</sup> The accused must also have knowledge of the essential elements of the crime; this includes knowing - but not necessarily sharing - the perpetrator’s *mens rea*.<sup>2132</sup> It is not necessary that the aider or abettor “know the precise crime that was intended or which was actually committed”.<sup>2133</sup>

1017. An aider or abettor of a “special intent” crime, such as persecution, must not only have knowledge of the crime he is assisting, but he must also be aware that those crimes are committed with that specific intent. Thus, an aider or abettor of persecution “need not share the principal’s discriminatory intent, but must be aware of the broader discriminatory context and know that his acts of assistance or encouragement have a significant effect on the commission of the crimes”.<sup>2134</sup>

### **CRIMINAL RESPONSIBILITY AS A SUPERIOR UNDER ARTICLE 7(3)**

1018. The Accused is charged in all counts of the Indictment with responsibility as a superior under Article 7(3). The essential elements for superior or command responsibility are:

- the existence of a superior-subordinate relationship between the accused and the perpetrator of the offence;

<sup>2125</sup> *Krnjelac* Trial Judgement, para. 88; *Aleksovski* Appeals Judgement, para. 162. See also *Kunarac* Trial Judgement, para. 391; *Bla{ki}* Trial Judgement, para. 284 (“decisive effect”); *Furund`ija* Trial Judgement at 234.

<sup>2126</sup> *Aleksovski* Appeals Judgement, para. 163; *Tadi}* Appeals Judgement, para. 229.

<sup>2127</sup> *Krnjelac* Trial Judgement, para. 88; *Kunarac* Trial Judgement, para. 391; *^elebi}i* Trial Judgement, para. 327; *Bla{ki}* Trial Judgement, para. 285.

<sup>2128</sup> *Prosecutor v. Du{ko Tadi}*, Judgement, Case No. IT-94-1-T, 7 May 1997 (hereinafter *Tadi}* Trial Judgement), paras. 689-90; see also *Bla{ki}* Trial Judgement, para. 284; *Akayesu* Trial Judgement, para. 693.

<sup>2129</sup> *Kordj}* Trial Judgement, para. 371.

<sup>2130</sup> *Aleksovski* Appeals Judgement, para. 162; *Tadi}* Appeals Judgement, para. 229; *Furund`ija* Trial Judgement, paras. 245-46, 249.

<sup>2131</sup> *Bla{ki}* Trial Judgement, paras. 286-87; *Kvocka* Trial Chamber judgement, para. 255. See also *Krnjelac* Trial Judgement, para. 90; *Kunarac* Trial Judgement, para. 392.

<sup>2132</sup> *Aleksovski* Appeals Judgement, para. 162; *Krnjelac* Trial Judgement, para. 90; *Kvocka* Trial Judgement, paras. 255, 262; *Kunarac* Trial Judgement, para. 392; *Furund`ija* Trial Judgement, para. 245.

<sup>2133</sup> *Kvocka* Trial Judgement, para. 255; *Bla{ki}* Trial Judgement, para. 287; *Furund`ija* Trial Judgement, para. 246.

<sup>2134</sup> *Kvocka* Trial Judgement, at para. 262.

- the accused knew or had reason to know that the perpetrator was about to commit the offence or had done so; and
- the accused failed to take the necessary and reasonable measures to prevent the offence or to punish the perpetrator.<sup>2135</sup>

#### Superior-Subordinate Relationship

1019. The applicable test for whether the accused had superior responsibility for acts of the perpetrator is one of “effective control”.<sup>2136</sup> It is irrelevant whether the accused was a military leader, a civilian leader, or a civilian acting as a military leader by virtue of constitutional structure or self-proclaimed legitimacy.<sup>2137</sup>

1020. The accused’s superior authority can be either *de jure* or *de facto*.<sup>2138</sup> “[F]ormal designation as commander should not be considered a necessary prerequisite for command responsibility to attach, as such responsibility may be imposed by virtue of a person’s *de facto* [position]”.<sup>2139</sup> Evidence that the accused possessed *de jure* authority, however, raises a presumption of “effective control unless proof to the contrary is produced”.<sup>2140</sup> The existence of the superior-subordinate relationship, whether *de facto* or *de jure*, need not be evidenced by an official appointment or formal documentation.<sup>2141</sup> The effective control test implies that more than one superior may be held responsible for the same crimes.<sup>2142</sup>

1021. The status of subordinates may also be *de facto*.<sup>2143</sup> The relationship of subordination may be direct, or may be indirect, particularly “in situations where previously existing formal structures have broken down and where, during an interim period, the new, possibly improvised, control and command structures may be ambiguous and ill-defined”.<sup>2144</sup> A tacit or implicit understanding between the commander and his subordinate “as to their positioning *vis-à-vis* one another is sufficient”.<sup>2145</sup>

<sup>2135</sup> *Aleksovski* Appeals Judgement, paras. 71-72; *Krnjelac* Trial Judgement, para. 92; *Kvo-ka* Trial Judgement, para. 314; *Krstić* Trial Judgement, para. 604; *Kordić* Trial Judgement, para. 401; *Kunarac* Trial Judgement, para. 395; *Blaškić* Trial Judgement, para. 294.

<sup>2136</sup> *Celebici* Appeals Judgement, paras. 196-98.

<sup>2137</sup> *Celebici* Appeals Judgement, para. 196; *Kordić* Trial Judgement, paras. 405-06.

<sup>2138</sup> *Kunarac* Trial Judgement, para. 396; *Kordić* Trial Judgement, paras. 405-06.

<sup>2139</sup> *Celebici* Appeals Judgement, para. 188 (quoting the trial judgement); *id.* para. 193; see also ICRC Commentary (Additional Protocol I, Art. 86), para. 3544; *Celebici* Appeals Judgement, para. 193.

<sup>2140</sup> See *Celebici* Appeals Judgement, para. 197; *Blaškić* Trial Judgement, para. 308; *Prosecutor v. Aleksovski*, Judgement, Case No. IT-95-14/1-T, 25 June 1999 (hereinafter *Aleksovski* Trial Judgement), para. 80.

<sup>2141</sup> *Celebici* Appeals Judgement, para. 193.

<sup>2142</sup> *Krnjelac* Trial Judgement, para. 93; *Blaškić* Trial Judgement, para. 303; *Aleksovski* Trial Judgement, para.

106.

<sup>2143</sup> Article 87 of the 1977 Additional Protocol I; See *Blaškić* Trial Judgement, paras. 300-01.

<sup>2144</sup> *Celebici* Appeals Judgement, para. 254 (quoting the trial judgement para. 354).

<sup>2145</sup> *Kunarac* Trial Judgement, para. 397.

1022. A commander need not have *legal* authority to prevent or punish acts of his subordinates.<sup>2146</sup> Factors relevant to a finding of effective control by a superior over *de facto* subordinates may include, but are not limited to:

- the capacity to sign orders;<sup>2147</sup>
- the substance of orders;<sup>2148</sup>
- whether orders were acted upon;<sup>2149</sup>
- formal procedures for appointment to office;<sup>2150</sup>
- the position of the accused in the overall institutional, political and military organisation;<sup>2151</sup>
- the actual tasks performed;<sup>2152</sup>
- evidence that the accused has a high public profile;<sup>2153</sup>
- the accused's overall behaviour towards subordinates and his duties;<sup>2154</sup>
- the accused's use of his extant authority to prevent crimes and mistreatment;<sup>2155</sup>
- the exercise of powers generally attached to a military command;<sup>2156</sup>
- the submitting of reports to competent authorities in order for proper measures to be taken,<sup>2157</sup> and
- sanctioning power.<sup>2158</sup>

### Knowledge

1023. The Prosecution must show that a superior "knew or had reason to know that a subordinate was about to commit a prohibited act or had done so".<sup>2159</sup> The mental state requirement can be satisfied either by actual knowledge, *i.e.*, "actual notice", or by "notice of the risk of such offences",<sup>2160</sup> *i.e.*, "inquiry notice". The same state of knowledge is required for both civilian and military commanders.<sup>2161</sup>

<sup>2146</sup> *Blaškić* Trial Judgement, para. 302.

<sup>2147</sup> *Kordi* Trial Judgement, para. 421; *Kunarac* Trial Judgement, para. 397.

<sup>2148</sup> *Kordi* Trial Judgement, para. 421.

<sup>2149</sup> *Kordi* Trial Judgement, para. 421.

<sup>2150</sup> *Kordi* Trial Judgement, para. 422.

<sup>2151</sup> *Kordi* Trial Judgement, para. 423.

<sup>2152</sup> *Kordi* Trial Judgement, para. 424.

<sup>2153</sup> *Kordi* Trial Judgement, para. 424.

<sup>2154</sup> *Kordi* Trial Judgement, para. 424.

<sup>2155</sup> *^elebi}ji* Appeals Judgement, para. 206.

<sup>2156</sup> *Kunarac* Trial Judgement, para. 397.

<sup>2157</sup> *Bla{ki}* Trial Judgement, para. 302.

<sup>2158</sup> *Aleksovski* Trial Judgement, para. 78.

<sup>2159</sup> *Celebici* Appeals Judgement, para. 222; *Celebici* Trial Judgement, para. 383.

<sup>2160</sup> *Celebici* Appeals Judgement, para. 222.

<sup>2161</sup> *Krnjelac* Trial Judgement, para. 94.

1024. Actual knowledge is “defined as the awareness that the relevant crimes were committed or were about to be committed”,<sup>2162</sup> and can be established through either direct or circumstantial evidence.<sup>2163</sup> This Tribunal has used the United Nations Commission of Experts’ non-exclusive list of factors to prove actual knowledge circumstantially: the number, type and scope of the illegal acts; the time during which the acts occurred; the number and type of troops involved; the logistics involved, if any; the geographical location of the acts; the widespread occurrence of the acts; the speed of the operations; the modus operandi of similar illegal acts; the officers and staff involved; and the location of the commander at the time.<sup>2164</sup> An individual’s command position “*per se* is a significant indicium that he knew about the crimes committed by his subordinates”.<sup>2165</sup>

1025. Alternatively, the accused “had reason to know” his subordinates were about to or had committed certain offences, if he “had *some general* information in his possession, which would put him on notice of *possible* unlawful acts by his subordinates”.<sup>2166</sup> Once he is “in some way put on notice that criminal activity is afoot”, then Article 7(3) imposes a duty on the superior “to obtain information about crimes committed by subordinates”.<sup>2167</sup> For example, the “widespread nature of large-scale atrocities over a long period of time” should put an accused in a position of superior authority “on notice that crimes were being or had been committed by his subordinates”.<sup>2168</sup> The indicia listed by the United Nations Commission of Experts for actual notice can also be applied to inquiry notice.<sup>2169</sup>

1026. The general information putting a superior on notice “needs only to have been provided or available to the superior, or ... ‘in the possession of’”.<sup>2170</sup> “It is not required that he actually acquainted himself with the information”.<sup>2171</sup> Therefore, although Article 7(3) is not a form of strict liability,<sup>2172</sup> a superior is criminally responsible if he deliberately ignores available information that would put him on notice.<sup>2173</sup>

<sup>2162</sup> See *Kordij* Trial Judgement, para. 427-8; *Celebici* Trial Judgement, paras. 383, 386.

<sup>2163</sup> *Kordij* Trial Judgement, para. 427-8;

<sup>2164</sup> *Kordij* Trial Judgement, para.427; *Blaškic* Trial Judgement, para. 307; *Celebici* Trial Judgement, para. 386.

<sup>2165</sup> *Blaškic* Trial Judgement, para. 308; *Aleksovski* Trial Judgement, para. 80.

<sup>2166</sup> *elebi}i* Appeals Judgement, para. 238 (emphasis added).

<sup>2167</sup> *Kvo-ka* Trial Judgement, para. 317. See also *Krnojelac* Trial Judgement, para. 94.

<sup>2168</sup> *elebi}i* Appeals Judgement, para. 228.

<sup>2169</sup> *Kordij* Trial Judgement, para. 437.

<sup>2170</sup> *elebi}i* Appeals Judgement, para. 239; see also *Krnojelac* Trial Judgement, para. 94 (“in his possession”); *Kvo-ka* Trial Judgement, para. 318 (“information was available”).

<sup>2171</sup> *elebi}i* Appeals Judgement, para. 239.

<sup>2172</sup> *elebi}i* Appeals Judgement, para. 239; *Kordij* Trial Judgement, para. 437; *Kvo-ka* Trial Judgement, para. 318.

<sup>2173</sup> *elebi}i* Appeals Judgement, para. 238. Information available to the superior which can provide the requisite notice includes, for example, reports addressed to the superior, the tactical situation, and the training, instruction and character traits of subordinate officers and troops, (*elebi}i*) Appeals Judgement, para. 238,

Necessary and Reasonable Measures

1027. A superior must take “necessary and reasonable measures” to satisfy his or her obligation to prevent offences or punish offenders under Article 7(3).<sup>2174</sup> The adequacy of these measures is commensurate with the material ability of a superior to prevent or punish.<sup>2175</sup> Insofar as a superior is in effective control, therefore, he or she must exercise whatever ability he or she has to prevent crimes or punish perpetrators.

1028. The Trial Chamber should consider the accused’s “actual ability or effective capacity” to take action, rather than his legal or formal authority.<sup>2176</sup> “A superior is not obliged to perform the impossible[;] [h]owever, the superior has a duty to exercise the powers he has within the confines of those limitations”.<sup>2177</sup> The duty to prevent or to punish “includes *at least* an obligation to *investigate* the crimes to establish the facts and to report them to the competent authorities, if the superior does not have the power to sanction himself”.<sup>2178</sup> Whether the accused’s effort to prevent or punish the crimes committed by subordinates rises to the level of “necessary and reasonable measures” is for the Trial Chamber to evaluate under the facts of the particular case.<sup>2179</sup>

1029. The obligation to prevent “or” to punish “does not provide the accused with two alternative and equally satisfying options”.<sup>2180</sup> If the accused failed to prevent crimes he knew or had reason to know were about to happen, “he cannot make up for the failure to act by punishing the subordinates afterwards”.<sup>2181</sup> Similarly, an accused who lacked the opportunity to prevent crimes by assuming command after they were committed by subordinates would not be excused from the duty to punish.<sup>2182</sup>

**GENERAL REQUIREMENTS OF ARTICLE 2 OF THE STATUTE**

1030. The Accused is charged with crimes under Articles 2(a), 2(b), 2(c), 2(d), and 2(g).

---

quoting the ICRC Commentary on Additional Protocol I, para. 3545; *Kordić* Trial Judgement, para. 437), as well as “past behavior of subordinates or a history of mistreatment” (*Kvo-ka* Trial Judgement, para. 318).

<sup>2174</sup> *Krnjelac* Trial Judgement, para. 95; *^elebi}i* Trial Judgement, para. 394.

<sup>2175</sup> *Bla{ki}* Trial Judgement, para. 335; *^elebi}i* Trial Judgement, para. 395.

<sup>2176</sup> *Kordić* Trial Judgement, para. 443; see also *Bla{ki}* Trial Judgement, para. 335; *^elebi}i* Trial Judgement, para. 395.

<sup>2177</sup> *Krnjelac* Trial Judgement, para. 95.

<sup>2178</sup> *Kordić* Trial Judgement, para. 446 (emphasis added); see also, *Bla{ki}* Trial Judgement, para. 335.

<sup>2179</sup> *^elebi}i* Trial Judgement, para. 394. See also *Kvo-ka* Trial Judgement, para. 316.

<sup>2180</sup> *Bla{ki}* Trial Judgement, para. 336. The Trial Chamber in *Kvo-ka* also refers to the superior’s failure “to halt or suppress crimes”. See *Kvo-ka* Trial Judgement, para. 313; see also *id.* paras. 314, 315, 396, 409, 465, 501.

<sup>2181</sup> *Bla{ki}* Trial Judgement, para. 336; see also *Kvo-ka* Trial Judgement, para. 313; *Kordić* Trial Judgement, para. 446.

<sup>2182</sup> *Kordić* Trial Judgement, para. 446.

The general requirements of Article 2 are:<sup>2183</sup>

- (a) the existence of an international armed conflict in the relevant period,
- (b) a nexus between the conduct and that armed conflict, and
- (c) the victimised persons or property must be protected under one of the four 1949 Geneva Conventions.

International armed conflict

1031. "[A]n armed conflict exists whenever there is a resort to armed force between States or protracted violence between governmental authorities and organized armed groups or between such groups within a State".<sup>2184</sup> An armed conflict is international in character if:<sup>2185</sup>

- (a) the conflict takes place between two or more States; or
- (b) one or more States intervene into an hitherto internal conflict taking place within the territory of another State, either
  - (i) directly through their own troops, or
  - (ii) indirectly through, *inter alia*, subordinate armed forces, militias or paramilitary groups placed under the "overall control" of the intervening State.

1032. "Overall control" does not require "effective control"<sup>2186</sup> or the "issuing of specific orders ?org direction of each individual operation".<sup>2187</sup> However, the degree of control exercised by the foreign State must be greater than the mere provision of financial assistance or military equipment or training.<sup>2188</sup>

1033. At all times relevant to the Indictments, the 1949 Geneva Conventions applied to the territories of Croatia and BiH in their entirety.<sup>2189</sup>

<sup>2183</sup> See *Prosecutor v. Duško Tadić*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Case No. IT-94-1-AR72, 2 October 1995 (hereinafter *Tadić* Jurisdiction Decision), para. 84. See also *Celebici* Trial Judgement, paras. 201-02 (noting possibility that developments in customary law extend the grave breaches regime to internal armed conflicts).

<sup>2184</sup> See *Tadić* Jurisdiction Decision, para. 70 (temporal and geographic scope of armed conflict in international humanitarian law).

<sup>2185</sup> *Tadić* Appeals Judgement, paras. 84, 137. See also *Celebici* Appeals Judgement, para. 26; *Aleksovski* Appeals Judgement, para. 134.

<sup>2186</sup> See *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. U.S.)*, Judgement (Merits), 1986 I.C.J. Reports 14 (hereinafter *Nicaragua*), para. 115.

<sup>2187</sup> See *Nicaragua*, para. 115.

<sup>2188</sup> *Tadić* Appeals Judgement, para. 137.

<sup>2189</sup> On May 11 1992, Croatia deposited a declaration of succession to the four Geneva Conventions of 1949. Swiss Federal Department of Foreign Affairs, Notification to the Governments of the States Parties to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, Succession of Croatia, Berne, 7 July 1992. This declaration of succession declared the Geneva Conventions effective for Croatia retrospectively, as from 8 October 1991, the date at which its independence became effective. The effective date of independence of BiH was 6 March 1992. *Id*; Declaration of Succession of Bosnia-Herzegovina to the Geneva Conventions, 31 December 1992. The Geneva Conventions exemplify "treaties of universal character which express fundamental human rights" to which there is automatic State succession. *Id*, para. 111. Prior to 8 October 1991 and 6 March 1992 respectively, Croatia and BiH were constituent republics of the Socialist Federal Republic of Yugoslavia (SFRY), a State Party to the Conventions since 21 April 1950. Roberts and Guelff (eds.), *Documents on the Laws of War*, 3rd. ed. (Oxford University Press, 2000), p. 361.

Nexus between the conduct and the armed conflict

1034. To establish the required nexus, "[i]t is sufficient that the alleged crimes were closely related to the hostilities occurring in other parts of the territories controlled by the parties to the conflict".<sup>2190</sup> It need *not* be shown that the crime was part of a policy or practice officially endorsed or tolerated by one of the parties, in furtherance of a policy associated with the conduct of war, or in the interest of a party.<sup>2191</sup>

Protection under one of the four Geneva Conventions of 1949

1035. Persons protected under the Conventions include prisoners of war<sup>2192</sup> and civilians who "find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals".<sup>2193</sup> "In the hands of" includes not just civilians under arrest or in detention, but also civilians in territory under the control of an opposing party to the conflict.<sup>2194</sup> Formal nationality is not dispositive; civilians having the same nationality as the armed forces in control may still be protected if these forces acted as *de facto* organs of another State.<sup>2195</sup>

1036. Property can be protected by the Conventions in two ways. One form of protection extends to property in the occupied territory of the party causing destruction or appropriation.<sup>2196</sup> The second form extends to some property regardless of territorial control, including medical property (both military and civilian) and property of humanitarian aid societies.<sup>2197</sup>

**GENERAL REQUIREMENTS OF ARTICLE 3 OF THE STATUTE AND OF COMMON ARTICLE 3**

1037. The Accused has been charged with violations of Articles 3(b), 3(d) and 3(e), as well as with murder, cruel treatment and torture as violations of Article 3(1)(a) common to the 1949 Geneva Conventions<sup>2198</sup> chargeable under Statute Article 3. He is further charged under Article 3 with the offences of unlawful attacks against civilians and civilian objects.

1038. Article 3 of the Statute is a residual provision which, in addition to those offences expressly listed thereunder, enables prosecution of *all* other serious violations of the laws or

<sup>2190</sup> *Tadic* Jurisdiction Decision, para. 70; see also *Celebici* Trial Judgement, para. 193.

<sup>2191</sup> See *Blaškić* Trial Judgement, para. 70; *Celebici* Trial Judgement, para. 195; *Tadic* Trial Judgement, para. 573.

<sup>2192</sup> The definition of a prisoner of war is found in Article 4(A) of Geneva Convention III.

<sup>2193</sup> Article 4 of Geneva Convention IV. See *Tadic* Jurisdiction Decision, para. 81 (listing all categories of protected persons).

<sup>2194</sup> *Celebici* Trial Judgement, para. 246. See ICRC Commentary (GC IV), p 47.

<sup>2195</sup> *Tadic* Appeals Judgement, para. 166-68. See also *Celebici* Appeals Judgement, paras. 56-58, 63, 81-84; *Aleksovski* Appeals Judgement, paras. 151-52; *Blaškić* Trial Judgement, paras. 125-27; and *Celebici* Trial Judgement, para. 265.

<sup>2196</sup> *Kordić* Trial Judgement, paras. 335-41.

<sup>2197</sup> *Kordić* Trial Judgement, paras. 335-41 (discussing Conventions and ICRC commentary thereto).

<sup>2198</sup> Hereinafter "common Article 3".



customs of war.<sup>2199</sup> In order to come within the purview of Article 3, a violation of the laws or customs of war must meet the requirements set forth in the *Tadic* Jurisdiction Decision.<sup>2200</sup> The general requirements for violations of Article 3 are (a) that there was an armed conflict, and (b) there was nexus between the conduct and the armed conflict.

1039. The armed conflict can consist of localised areas of conflict,<sup>2201</sup> and may be international or internal.<sup>2202</sup> The necessary nexus is identical to that necessary for Article 2, discussed above.<sup>2203</sup> Customary international law imposes criminal liability for serious violations of common Article 3 of the 1949 Geneva Conventions<sup>2204</sup> which are prosecutable under Article 3, whether committed in international or internal armed conflicts.<sup>2205</sup>

1040. There is an additional general requirement under common Article 3, that the victims were persons taking no part in hostilities - whether they are in the hands of an opposing party - including members of the armed forces who have laid down their arms and those placed *hors de combat*.<sup>2206</sup> Accordingly, protection under common Article 3 is broader than that incorporated into Article 2 of the Statute.<sup>2207</sup>

#### GENERAL REQUIREMENTS OF ARTICLE 5 OF THE STATUTE

1041. The Accused is charged under Articles 5(a), 5(b), 5(d), 5(e), 5(f), 5(h), and 5(i). The general requirements of Article 5 are:

- (a) the existence of an armed conflict;
- (b) the existence of a widespread or systematic attack directed against a civilian population;
- (c) the accused's conduct was related to the widespread or systematic attack directed against a civilian population; and the accused had knowledge of the wider context in which his or her conduct occurred.

1042. The armed conflict may be internal or international.<sup>2208</sup> The Appeals Chamber held that Article 5 does not require a *substantive* connection between the crime and the armed

<sup>2199</sup> See *Tadic* Jurisdiction Decision, paras. 87, 89, 91; *Furundžija* Trial Judgement, paras. 132-133.

<sup>2200</sup> See *Tadic* Jurisdiction Decision, paras. 94, 143.

<sup>2201</sup> See *Kordić* Trial Judgement, para. 31.

<sup>2202</sup> *Tadić* Jurisdiction Decision, para. 137; *Kordić* Trial Judgement, paras. 162-64; *Blaškić* Trial Judgement, para. 161.

<sup>2203</sup> See *generally Kordić* Trial Judgement, para. 32.

<sup>2204</sup> *Tadić* Jurisdiction Decision, para. 134.

<sup>2205</sup> *^elebići* Appeals Judgement, paras. 150-52; 160-74.

<sup>2206</sup> See Article 3(1) common to the 1949 Geneva Conventions; *Tadić* Jurisdiction Decision, para. 69.

<sup>2207</sup> See *Celebici* Appeals Judgement, para. 420.

<sup>2208</sup> *Tadić* Jurisdiction Decision, para. 142; see also *id.*, para. 70; *Tadić* Trial Judgement, para. 628; *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-T, Judgement, 14 December 1999 (hereinafter *Jelisić* Trial Judgement), para. 29.

conflict.<sup>2209</sup> It is sufficient that the acts coincide geographically and temporally with the armed conflict.

1043. The attack may be widespread *or* systematic.<sup>2210</sup> The fact that an attack was widespread could itself be evidence of the systematic nature of the attack.<sup>2211</sup> The term “widespread” refers to acts committed on a “large scale” and “directed at a multiplicity of victims”.<sup>2212</sup> “[R]epeated or continuous commission of inhumane acts” could be evidence of a systematic attack.<sup>2213</sup> “Systematic” can refer to the pattern of inhumane acts.<sup>2214</sup> Existence of a plan or policy is not an element of crimes against humanity.<sup>2215</sup> “Civilian population” means that the population must be *predominantly* civilian in nature,<sup>2216</sup> even if non-civilians are present,<sup>2217</sup> and includes “individuals who at one time performed acts of resistance”.<sup>2218</sup>

1044. The “accused’s acts must be related to a widespread or systematic attack on a civilian population”<sup>2219</sup> and “the acts of the accused must comprise part of a pattern of widespread and systematic crimes”.<sup>2220</sup>

1045. The accused must be aware of the wider context in which his or her conduct occurred. The “accused must have *known* that his acts fit into such a pattern”.<sup>2221</sup>

#### ELEMENTS OF SPECIFIC CRIMES

1046. For all the specific crimes, criminal liability arises if the accused acted wilfully, that is, deliberately and not by accident. This *mens rea* includes not only the accused’s intention to cause the result, but also acting with reckless disregard of whether the result would occur.<sup>2222</sup>

#### Persecution<sup>2223</sup>

1047. Persecution under Article 5(h) requires that:<sup>2224</sup>

<sup>2209</sup> *Tadic* Appeals Judgement, para. 251; see also *Blaškić* Trial Judgement, para. 71.

<sup>2210</sup> *Kordić* Trial Judgement, para. 178; see also *Kupreškić* Trial Judgement, para. 544; *Blaškić* Trial Judgement, para. 207.

<sup>2211</sup> *Tadic* Trial Judgement, para. 653.

<sup>2212</sup> *Blaškić* Trial Judgement, para. 206; see also *Tadic* Trial Judgement, para. 648.

<sup>2213</sup> *Tadic* Trial Judgement, para. 648, citing commentary to the I.L.C. Draft Code of Crimes Against the Peace and Security of Mankind, *Report of the International Law Commission on the Work of its Forty-eighth session, 6 May - 26 July 1996*, G.A.O.R., 51st Sess., Supp. No. 10, 30, U.N. Doc. A/51/10, p. 94-95. (I.L.C. Draft Code).

<sup>2214</sup> *Akayesu* Trial Judgement, para. 580.

<sup>2215</sup> See *Krnjelac* Trial Judgement, para. 58; *Kordić* Trial Judgement, para. 181-82; *Kupreškić* Trial Judgement, para. 551; *Blaškić* Trial Judgement, para. 70; *Tadic* Trial Judgement, para. 573; *Celebici* Trial Judgement, para. 195.

<sup>2216</sup> *Kordić* Trial Judgement, para. 180; *Tadic* Trial Judgement, para. 638.

<sup>2217</sup> *Kordić* Trial Judgement, para. 180; see also *Kupreškić* Trial Judgement, paras. 547-49; *Blaškić* Trial Judgement, paras. 208-14; *Tadic* Trial Judgement, para. 643.

<sup>2218</sup> *Krnjelac* Trial Judgement, para. 56.

<sup>2219</sup> *Kordić* Trial Judgement, para. 178; *Tadic* Appeals Judgement, para. 271.

<sup>2220</sup> *Tadić* Appeals Judgement, para. 248.

<sup>2221</sup> *Tadić* Appeals Judgement, para. 248. See also *Krnjelac* Trial Judgement, para. 59 (knowingly taking the risk of participating in the attack is sufficient).

<sup>2222</sup> ICRC Commentary (Additional Protocols), para. 3474.

- (a) the accused committed acts or omissions against a victim or victim population violating a basic or fundamental human right;
- (b) the accused's conduct was committed on political, racial or religious grounds; and
- (c) the accused's conduct was committed with a discriminatory mental state.

1048. Persecutory acts may include all crimes enumerated elsewhere in the Statute.<sup>2225</sup> Non-physical acts with economic or legislative consequences may also constitute persecution. "The persecutory act or omission may encompass physical and mental harm as well as infringements upon individual freedom".<sup>2226</sup> Persecutory acts must be of the same level of gravity as other acts under crimes against humanity.<sup>2227</sup> A single act may constitute persecution.<sup>2228</sup>

1049. The act must "be discriminatory in fact".<sup>2229</sup> The persecutory conduct must be based on race, religion or politics.<sup>2230</sup> A discriminatory mental state against a group negatively defined such as "non-Serb" or "non-Muslim" can satisfy the "discriminatory grounds" requirement under Article 5.<sup>2231</sup>

1050. The Prosecution submits that the degree of the requisite discriminatory intent is correctly formulated as a conscious intent to discriminate.<sup>2232</sup> There is no requirement that the discriminatory intent be linked to any policy.<sup>2233</sup>

1051. Persecution has been charged to encompass all crimes covered by other counts in the Indictments, in addition to persecutory acts which are either not charged or which may not in themselves be crimes under the Statute. Persecution in these Indictments, thus, encompasses these separately charged criminal acts: (a) murder, (b) imprisonment/confinement, (c) inhumane conditions, (d) torture (in detention), (g) unlawful attack, (i) beatings and robbery,

<sup>2223</sup> BiH Indictment (Count 1); Croatia Indictment (Count 3).

<sup>2224</sup> *Tadic* Trial Judgement, para. 697; *Kupreskic* Trial Judgement, para. 621.

<sup>2225</sup> See *Kupreskic* Trial Judgement, para. 594; *Krstic* Trial Judgement, para. 537; *Blaškic* Trial Judgement, paras. 220, 227, 234; *Kordic* Trial Judgement, paras. 203-05.

<sup>2226</sup> *Krnjelac* Trial Judgement, para. 433.

<sup>2227</sup> *Kupreskic* Trial Judgement, para. 621; *Kordic* Trial Judgement, paras. 195-96; *Krnjelac* Trial Judgement, para. 434. See *Tadic* Trial Judgement, paras. 704-10; *Kupreskic* Trial Judgement, paras. 610-13; *Krstic* Trial Judgement, para. 537; *Blaškic* Trial Judgement, paras. 220, 227, 234; *Kordic* Trial Judgement, paras. 205-07.

<sup>2228</sup> *Kupreskic* Trial Judgement, para. 624; *Krnjelac* Trial Judgement, para. 433.

<sup>2229</sup> *Krnjelac* Trial Judgement, paras. 432-32.

<sup>2230</sup> *Tadic* Trial Judgement, para. 195 (mistake as to the victim's ethnicity would still meet the required persecution elements); *Krnjelac* Trial Judgement, para. 431.

<sup>2231</sup> See *Tadic* Trial Judgement, para. 717; see also Judgement of *Josef Altstotter and others*, Law Reports of trials of War criminals, vol. 6, p. 81, footnote 1.

<sup>2232</sup> *Krnjelac* Trial Judgement, para. 435. This is consistent with the Prosecution's position in the *Kordi* appeal. See The Prosecution's Consolidated Reply Brief to "Brief of Respondent Dario Kordi" and "Respondent Mario ^erkez's Brief of Argument", dated 25 September 2001, para. 2.3.

<sup>2233</sup> *Krnjelac* Trial Judgement, para. 435; *Kupre(ki)* Trial Judgement, para. 625. The Trial Chamber in *Kordi* mentioned a "discriminatory policy", para. 220, but the Prosecution has appealed this holding.

(j) beatings during and after arrest, (k) deportation/ forced transfer, and (l) destruction of property and cultural sites. Both (e) forced labour and (f) sexual assault have been charged under persecution only.<sup>2234</sup> Although restrictive measures under (h) are not themselves criminal acts, the Prosecutions submits that measures such as forcing non-Serbs to sign over their property to leave the area, are persecutory acts.

#### Extermination<sup>2235</sup>

1052. Extermination under Article 5(b) "can be said to be murder on a massive scale".<sup>2236</sup>

To establish the crime of extermination, the Prosecution must show:

- (a) the accused or his subordinate participated in the killing of certain persons;<sup>2237</sup> and
- (b) "the act or omission was done with intention to kill or the intention to cause serious bodily injury to the victim which the perpetrator must have reasonably foreseen was likely to result in death".<sup>2238</sup>

1053. No discriminatory element is required.<sup>2239</sup> Extermination includes not only the implementation but also the planning of mass killing or conditions that lead to mass killing.<sup>2240</sup> The terms "mass" or "on a large scale" should be interpreted on a case-by-case basis using a common sense approach.<sup>2241</sup> The definition of extermination "should be read as meaning the destruction of a numerically significant part of the population concerned".<sup>2242</sup>

#### Murder / Wilful Killing<sup>2243</sup>

1054. For wilful killing under Article 2(a) and murder under common Article 3(1)(a) and Article 5(a), the Prosecution must establish: (a) that the accused's conduct caused the death of

<sup>2234</sup> Forced labour occurs where the victim is compelled to work either without his consent or in conditions where the victim's consent or free will is absent. (*Krnjelac* Trial Judgement, para. 359-60. The Prosecution is appealing the Trial Chamber's application of this law to the facts before it in the *Krnjelac* case). There are limited exceptions. (GC IV, Art. 51; GC III, Arts. 49, 50 & 52). Sexual assaults include rape, (*Kunarac* Trial Judgement, para. 436-60), but in the context of persecution would also encompass acts of sexual violence violating a basic or fundamental human right.

<sup>2235</sup> BiH Indictment (Count 4); Croatia Indictment, (Count 2).

<sup>2236</sup> *Prosecutor v. Clément Kayishema & Obed Ruzindana*, Judgement, Case No. ICTR-95-1-T, 21 May 1999 (hereinafter *Kayishema* Trial Judgement), para. 142; see also *Akayesu* Trial Judgement, para. 591 (extermination differs from murder in imposing a requirement of mass destruction).

<sup>2237</sup> *Akayesu* Trial Judgement, para. 592. The "actor need not act with a specific individual(s) in mind".

*Kayishema* Trial Judgement, para. 145.

<sup>2238</sup> *Krstić* Trial Judgement, para. 495. The *Kayishema* Trial Chamber held that "gross negligence" could also suffice. *Kayishema* Trial Judgement, paras. 143, 146.

<sup>2239</sup> *Krstić* Trial Judgement, para. 499-500.

<sup>2240</sup> *Kayishema* Trial Judgement, para. 146.

<sup>2241</sup> *Kayishema* Trial Judgement, paras. 142, 145; see also *Akayesu* Trial Judgement, paras. 735-44 (finding accused guilty of extermination for ordering the killing of sixteen people).

<sup>2242</sup> *Krstić* Trial Judgement, para. 501. Even a single killing could be considered extermination, if it "actually form[ed] part of a mass killing event. An 'event' exists when the (mass) killings have close proximity in time and place". *Kayishema* Trial Judgement, para. 147.

<sup>2243</sup> BiH Indictment (Counts 5, 6 & 7); Croatia Indictment (Counts 3, 4 & 5).

one or more persons, and (b) that the accused thereby intended to kill, or to inflict serious injury in reckless disregard for human life.

1055. Omissions as well as concrete acts can satisfy the *actus reus*.<sup>2244</sup> Causation requires only that “the conduct of the accused was a substantial cause of the death of the victim”.<sup>2245</sup> In cases involving multiple accused or high level perpetrators, if each accused carried out complementary and distinct parts of a common criminal plan, the *actus reus* of murder may be attributed to each individual accused.<sup>2246</sup> The victim’s death may be proved either directly or circumstantially.<sup>2247</sup>

1056. The *mens rea* for wilful killing or murder is that the accused either intended to kill or, alternatively, inflicted serious bodily harm in reckless disregard for human life. An accused intended to kill if he or she consciously desired the death of the victim or was aware (*i.e.*, had knowledge) that his or her acts or omission would likely result in the death of the victim.<sup>2248</sup>

#### Unlawful Confinement / Imprisonment<sup>2249</sup>

1057. Unlawful confinement under Article 2(g) and imprisonment under Article 5(e) are essentially the same,<sup>2250</sup> and occur when the initial confinement was not legal, or even if the initial confinement was legal, the continuing confinement was not legal because procedural safeguards were violated.<sup>2251</sup>

1058. The evidence must show that there is no legal or military justification for the imprisonment of civilians, *i.e.*, arbitrary deprivation of liberty without due process of law.<sup>2252</sup> During armed conflict, some of the rights and privileges to which civilians are normally entitled may be temporarily restricted; for instance, if a person is “suspected of or engaged in activities hostile to the security of the State”.<sup>2253</sup> Continuing confinement of civilians, even if

<sup>2244</sup> *Celebici* Trial Judgement, para. 424.

<sup>2245</sup> *Kupreskic* Trial Judgement, para. 560; *Celebici* Trial Judgement, para. 424.

<sup>2246</sup> *Tadic* Appeals Judgement, paras. 190-229.

<sup>2247</sup> ICTY jurisprudence has taken into consideration the impossibility of providing death certificates or even bodies to prove death. See *Krnjelac* Trial Judgement, para 326-27; see also *Tadic* Trial Judgement, paras. 240.

<sup>2248</sup> See *Krnjelac* Trial Judgement, para. 324; *Blaskic* Trial Judgement, para. 217; *Celebici* Trial Judgement, para. 439; *Akayesu* Trial Judgement, para. 589.

<sup>2249</sup> BiH Indictment (Counts 8, 11); Croatia Indictment, (Counts 6, 9).

<sup>2250</sup> *Kordij* Trial Judgement, paras. 298, 301. The Trial Chamber in *Krnjelac* distinguished between imprisonment as a crime against humanity under Article 5 and imprisonment as a grave breach of the Geneva Conventions under Article 2. *Krnjelac* Trial Judgement, paras. 109-115. The Trial Chamber held that the elements of imprisonment under Article 5 are: (1) an individual is deprived of his liberty; (2) the deprivation is arbitrary or without legal basis; (3) the act or omission is performed intentionally or in the reasonable knowledge that the accused is likely to cause an arbitrary deprivation of liberty. *Krnjelac* Trial Judgement, para. 115.

<sup>2251</sup> *Celebici* Appeals Judgment, paras 320-322.

<sup>2252</sup> *Kordij* Trial Judgement, para. 299 (citing ILC definition of arbitrary imprisonment as crime against humanity). See also *Krnjelac* Trial Judgement, para. 115.

<sup>2253</sup> *^elebi}ji* Trial Judgement, para. 567. The ICRC Commentary requires the State to have a “good reason” to think the civilian represents a “real threat”. ICRC Commentary (GC IV) p 257-58. The evaluation must be on a case-by-case basis; thus, mass arrests would be illegal.

lawful at the outset, will cease to be lawful if the internees are denied basic procedural rights, such as review by "an appropriate court or administrative board".<sup>2254</sup>

Torture<sup>2255</sup>

1059. The specific requirements for torture under Article 2(b), common Article 3(1)(a), and Article 5(f) are the same:<sup>2256</sup> (a) the conduct of the accused caused the infliction of severe pain or suffering whether physical or mental; and (b) pain or suffering was inflicted on the victim for a prohibited purpose. Under international humanitarian law, the involvement in the torture process of a state official or any other person in authority is not necessary.<sup>2257</sup>

1060. Torture may be committed through either an act or omission.<sup>2258</sup> In order to constitute torture, there must be infliction of severe pain or suffering. The severity of the pain or suffering should be assessed in light of all the circumstances.<sup>2259</sup> Sexual violence including rape may constitute torture.<sup>2260</sup> Prohibited purposes include, at a minimum, the following: "obtaining information or a confession; punishing, intimidating, or coercing the victim or a third person; or discriminating, on any ground, against the victim or a third person".<sup>2261</sup> The list of prohibited purposes may not be exhaustive.<sup>2262</sup> The prohibited purpose(s) for which the pain or suffering is inflicted need only be "part of the motivation behind the conduct".<sup>2263</sup>

Inhumane Acts / Cruel Treatment<sup>2264</sup>

1061. Inhumane acts under Article 5(i) and cruel treatment under common Article 3(1)(a) are equivalent crimes, differing only in the general requirements for each Article.<sup>2265</sup> Committing an inhumane act or cruel treatment means that the accused or a subordinate participated in an act or omission causing serious mental or physical suffering or injury, or

<sup>2254</sup> Article 43(1) of the Fourth Geneva Convention; *Celebici Appeals Judgment*, para 321; *Kordic Trial Judgment*, para. 286, 303.

<sup>2255</sup> BiH Indictment (Counts 9, 12 & 14); Croatia Indictment (Counts 7, 10 & 12).

<sup>2256</sup> *Celebici Appeals Judgment*, para. 425; *Krnjelac Trial Judgment*, paras. 178-88; *Furundžija Appeals Judgment*, para. 111; *Kunarac Trial Judgment*, para. 482-97.

<sup>2257</sup> *Krnjelac Trial Judgment*, para. 187; *Kvo-ka Trial Judgment*, para. 138-39; *Kunarac Trial Judgment*, para. 496. *Cf. Furundžija Appeals Judgment*, para. 111.

<sup>2258</sup> See *Celebici Trial Judgment*, para. 468; *Furundžija Trial Judgment*, para. 162; *Kunarac Trial Judgment*, para. 497.

<sup>2259</sup> *Celebici Trial Judgment*, para. 468-69; *Krnjelac Trial Judgment*, para. 182-83.

<sup>2260</sup> *Celebici Trial Judgment*, paras. 495-96, 940-43, 963-65; *Furundžija Trial Judgment*, paras. 264-69; *Akayesu Trial Judgment*, para 597.

<sup>2261</sup> *Krnjelac Trial Judgment*, para. 185; *Kunarac Trial Judgment*, paras. 485-86.

<sup>2262</sup> See *Kvo-ka Trial Judgment*, para. 140; *Celebici Trial Judgment*, para. 470. Two Trial Chambers have found that humiliation is also a prohibited purpose. *Furundžija Trial Judgment*, para. 162; *Kvo-ka Trial Judgment*, paras. 140, 152. *But see Krnjelac Trial Judgment*, paras. 185-86.

<sup>2263</sup> *Krnjelac Trial Judgment*, para. 184; *Kunarac Trial Judgment*, para. 486; *Celebici Trial Judgment*, para. 470.

<sup>2264</sup> BiH Indictment (Counts 10, 15, 17, 24, & 28); Croatia Indictment (Counts 8, 13, 15, 24 & 26)

<sup>2265</sup> Although the accused is not charged with inhuman treatment under Article 2(b), it too is an equivalent crime. *Krnjelac Trial Judgment*, para. 130; *Kupre{ki} Trial Judgment*, para. 711; *^lebi}i Trial Judgment*, paras.

constituting a serious attack on human dignity. This crime encompasses *all* acts which "violate the basic principle of humane treatment, particularly the respect for human dignity".<sup>2266</sup>

1062. This is a generic charge which encompasses criminal acts not explicitly enumerated, which are of a "serious" nature.<sup>2267</sup> The seriousness of the suffering, injury or attack on human dignity need not rise to the level of severity required for the crime of torture<sup>2268</sup> and is evaluated on a case by case basis.<sup>2269</sup> It is not necessary that there be any specific purpose motivating the cruel treatment.<sup>2270</sup>

#### Wilfully Causing Great Suffering<sup>2271</sup>

1063. The requirements for wilfully causing great suffering or serious injury to body or health under Article 2(c) are "apparent on [the] face" of the Statute.<sup>2272</sup> The offence consists of "an act or omission that is intentional", and "which causes serious mental or physical suffering or injury".<sup>2273</sup> The requisite level of suffering is evaluated by "look[ing] at the plain ordinary meaning of the word[s] ['great' and 'serious']".<sup>2274</sup> "Moral suffering" may suffice,<sup>2275</sup> and a prohibited purpose is not required.<sup>2276</sup>

1064. Wilfully causing great suffering differs from inhumane acts and cruel treatment, discussed above, in that it does not encompass injuries to human dignity.<sup>2277</sup>

---

543-44, 551-52, 533; *Jelisij* Trial Judgement, para 52; *Blaškić* Trial Judgement, para. 186. See also *elebi}i* Appeals Judgement, para. 426; *Aleksovski* Appeals Judgement, para. 26.

<sup>2266</sup> *Celebici* Trial Judgement, para. 544. See also *Blaškić* Trial Judgement, paras. 154-155.

<sup>2267</sup> *Bla{ki}* Trial Judgement, para. 237; *Krnjelac* Trial Judgement, para. 130-31; *Tadić* Trial Judgement, para. 728. There is no closed list of acts which might make up this crime. Acts which have previously been held to constitute inhumane acts, cruel treatment or inhuman treatment in this Tribunal include: "mutilation and other types of severe bodily harm", "beatings and other acts of violence", (*Tadić* Trial Judgement, para. 729-30 (in part citing ILC Draft Code)); "serious physical and mental injury", (*Blaškić* Trial Judgement, para. 239); severe beatings, forced drinking of urine, infliction of burns and acts of sexual violence, (*Celebici* Trial Judgement, paras. 1018, 1058-59, 1066); the use of human shields, (*Blaškić* Trial Judgement, paras. 742-43); beatings and trench-digging, (*Kordić* Trial Judgement, paras. 777-78, 836) sexual mutilations, forced eating of grass, and solitary confinement for a year (*Krnjelac* Trial Judgement, para. 183; para. 236).

<sup>2268</sup> See *Celebici* Trial Judgement, para. 468; *Krnjelac* Trial Judgement, para. 181.

<sup>2269</sup> See *Celebici* Trial Judgement, para. 544; *Blaškić* Trial Judgement, para. 155.

<sup>2270</sup> *elebi}i* Trial Judgement, para. 552. The requisite *mens rea* is that the conduct be deliberate and not accidental. See *Celebici* Trial Judgement, paras. 543, 552; *Blaškić* Trial Judgement, paras. 154-155, 186; *Kordić* Trial Judgement, paras. 256, 265.

<sup>2271</sup> BiH Indictment (Counts 13, 26); Croatia Indictment (Counts 11, 25).

<sup>2272</sup> *elebi}i* Trial Judgement, para. 506.

<sup>2273</sup> *elebi}i* Trial Judgement, para. 511.

<sup>2274</sup> *elebi}i* Trial Judgement, para. 510 (noting in addition acceptance of "incapacity to work" standard);

*Kordić* Trial Judgement, para. 244. See also ICRC Commentary (GC II), p 269 and ICRC Commentary (GC III) p 628.

<sup>2275</sup> *elebi}i* Trial Judgement, para. 509; *Kordić* Trial Judgement, para. 244.

<sup>2276</sup> *Blaškić* Trial Judgement, para. 156; *elebi}i* Trial Judgement, paras. 508, 511.

<sup>2277</sup> *Kordić* Trial Judgement, para. 245.

Deportation / Forced Transfer<sup>2278</sup>

1065. Deportation under Article 5(d) and forced transfer under Article 2(g), (as well as forcible transfer charged as an inhumane act under Article 5(i))<sup>2279</sup> require: (a) transferring one or more persons from an area in which they were lawfully present without grounds permitted under international law; (b) by force or other coercive acts. The elements of the offence of deportation further require that the victim group be moved across a national border.<sup>2280</sup>

1066. An occupying power may carry out the lawful movement of a population "if the security of the population or imperative military reasons so demand".<sup>2281</sup> A population may be evacuated from an area "in danger as a result of military operations", or where "intense bombing" may occur,<sup>2282</sup> and the presence of protected persons would hamper military operations, but "real necessity must exist; the measures taken must not be merely an arbitrary infliction or intended simply to serve in some way the interests of the Occupying Power".<sup>2283</sup> Moreover, evacuees must be transferred back to their homes as soon as hostilities in the area have ceased.<sup>2284</sup> Even under these circumstances, transfer should only be within national boundaries unless it is impossible, and people must be transferred humanely, with "satisfactory conditions of hygiene, health, safety and nutrition".<sup>2285</sup>

1067. "Force" is not limited to direct physical violence. It may be accomplished by the "threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression, or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment".<sup>2286</sup> On the other hand, flight because of fear of being caught in hostilities between armed forces is not deportation. Departures motivated by fear of discrimination without force or coercion are not necessarily in violation of international law.<sup>2287</sup>

<sup>2278</sup> BiH Indictment (Counts 16, 18); Croatia Indictment (Count 14, 16).

<sup>2279</sup> *Kupreškić* Trial Judgement, para. 566; see also *Krstić* Trial Judgement, para. 523.

<sup>2280</sup> *Krstić* Trial Judgement, para. 521. Unlawful transfer can encompass internally displaced persons. *Id.*, para. 522 (discussing international humanitarian law); see also *Kupreškić* Trial Judgement, para. 566 (forcible displacement within national borders under Article 5(i)).

<sup>2281</sup> Article 49(2) of Geneva Convention IV.

<sup>2282</sup> ICRC Commentary (GC IV) p 280.

<sup>2283</sup> ICRC Commentary (GC IV, Article 49(5)) p 283.

<sup>2284</sup> *Krnjelac* Trial Judgement, para. 475 n. 1436 (citing Article 49, Geneva Convention IV).

<sup>2285</sup> *Kunarac* Trial Judgement, para. 529 n. 1289 (citing Article 17 of Additional Protocol II).

<sup>2286</sup> *Krnjelac* Trial Judgement, para. 475 (quoting *Krstić* Trial Judgement, para. 529). The Trial Chamber in *Krnjelac* also analogised this lack of "real choice" to the lack of real consent in rape cases. *Krnjelac* Trial Judgement, para. 475 n. 1435 (citing *Kunarac* Trial Judgement, para. 453); see also *Furundžija* Trial Judgement, para. 174 (threat of force in rape context).

<sup>2287</sup> *Krstić* Trial Judgement, para. 528; ICRC Commentary (GC IV) p 279 (on voluntary transfers).



Extensive Property Destruction or Appropriation / Wanton Destruction or Devastation<sup>2288</sup>

1068. Article 2(d) covers both extensive destruction of property and appropriation of property, while Article 3(b) covers wanton destruction of cities, town and villages. Despite the different language used, the essential requirements as to property damage are the same.<sup>2289</sup>

Article 2(d) also covers appropriation, and to that extent it overlaps with plunder under Article 3(e). Extensive or wanton destruction of property requires: (a) that property is damaged or destroyed, and (b) the damage or destruction is unlawful, that is, not justified by military necessity. "Extensive destruction" and "devastation" are used interchangeably.

1069. Prosecuting property offences under Article 2 also requires a showing that the property was protected by the Geneva Conventions, as discussed in the general requirements for Article 2.

1070. "Extensive" requires proof that the quantity or value of the property was sufficiently large,<sup>2290</sup> but this must be "evaluated according to the facts of the case - a single act, such as the destruction of a hospital, may suffice".<sup>2291</sup> Rendering houses or communal structures uninhabitable or useless would be covered by this prohibition.<sup>2292</sup>

1071. "Wanton" destruction in Article 3 simply means unlawful or without military necessity.<sup>2293</sup> Destruction is only justified if rendered necessary by military operations. Military necessity is understood to be the application of force or measures, to the extent necessary and in conformity with international law, in pursuit of specific military goal(s) or objective(s).<sup>2294</sup> Military necessity never justifies destruction of property to drive owners of a particular nationality or ethnicity out of the area.<sup>2295</sup>

1072. The accused must have "acted with the intent to destroy the property in question or in reckless disregard of the likelihood of its destruction".<sup>2296</sup> Wilfulness can be inferred from evidence, for example: suspected acts of arson, selective targeting of non-Serb residences, lack of evidence indicating collateral damage, evidence of prior planning and the

<sup>2288</sup> BiH Indictment (Counts 17, 18, 28, 29); Croatia Indictment (Counts 19, 20).

<sup>2289</sup> See *Blaskić* Trial Judgement, para. 183 (noting similarity).

<sup>2290</sup> *Kordić* Trial Judgement, para. 341.

<sup>2291</sup> *Blaskić* Trial Judgement, para. 157.

<sup>2292</sup> See, e.g., *Prosecutor v. Rajić*, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, Case No. IT-95-12-R61, 13 September 1996, paras. 52-53, 56.

<sup>2293</sup> This is consistent with the terms used in the French version of Article 3(b) : *sans motif*, i.e. without good reason.

<sup>2294</sup> Canadian Military Manual B-G-G-005-027/AF-020, the Laws of Armed Conflict at the Tactical and Operational Level, 20 Oct 1999. Chapter 2, p. 2-1 and Glossary p. GL-13. The Law of War Workshop Deskbook, published by the International and Operational Law Department, The U.S. Army Judge General's School, published June 2000. Chapter 7, pp 152-153.

<sup>2295</sup> See *Krstić* Trial Judgement at para. 527 (no military necessity justified the purpose of expelling Bosnian Muslim population).

indiscriminate nature of the attack.

Destruction of Historical or Religious Institutions<sup>2297</sup>

1073. Article (3)(d) includes as a war crime, “seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science”.

1074. For this crime, the Prosecution must establish that: (a) an institution, monument or work of religious, educational, cultural or historical value was destroyed or damaged; and (b) the property destroyed or damaged was protected under international humanitarian law.

1075. The crime is committed if even one item or building protected under this provision is destroyed or damaged. “Damage” requires a lesser degree of impairment or loss of value or significance than “destruction”. Acts causing damage to protected property include desecration and vandalism.<sup>2298</sup>

1076. At the moment of its destruction or damage, the institution, monument or work must be dedicated to religion, charity, education, arts and science or of artistic, scientific or historical value. In addition, if it is not in territory under the control of the party causing the destruction or damage, its use must be clearly indicated, it must not be used for any military purpose, and it must not be located in the immediate vicinity of military objectives.<sup>2299</sup>

Unlawful Attacks Against Civilians<sup>2300</sup>

1077. The crime of unlawfully attacking civilians is an un-enumerated offence under Article 3 (specifically, Additional Protocol I, Article 51 and Additional Protocol II, Article 13). An unlawful attack on civilians requires that: (a) an attack resulted in civilian deaths, serious injury to civilians, or a combination thereof; (b) the perpetrator knew or should have known the civilian status of the persons killed or seriously injured; and (c) the attack was wilfully directed against civilians.

1078. A perpetrator’s knowledge of the civilian status of a population or of individual victims can be established through direct or circumstantial evidence and may be inferred. An indiscriminate attack could substantiate an allegation that the attack was in reality directed at civilians.<sup>2301</sup> Circumstantial evidence may include: (a) only civilians not taking part in hostilities are killed or injured; (b) civilians and combatants are killed or injured without

---

<sup>2296</sup> *Kordic* Trial Judgement, para. 341; *Blaškić* Trial Judgement, para. 183.

<sup>2297</sup> BiH Indictment (Count 21); Croatia Indictment (Counts 19, 30).

<sup>2298</sup> See Article 4(1) and (3), 1954 Hague Cultural Property Convention.

<sup>2299</sup> See Article 27 of Regulations annexed to Hague Cultural Property Convention IV (Respecting the Laws and Customs of War on Land) of 1907; *Blaškić* Trial Judgement, para. 185.

<sup>2300</sup> BiH Indictment (Count 29); Croatia Indictment (Count 27).

distinction; or (c) the number of civilians killed or injured is clearly excessive relative to the direct and concrete military advantage anticipated.<sup>2302</sup>

1079. Humanitarian law requires that civilians and civilian objects must not be the object of attack. It is the obligation of those who order an attack to properly assess the target, and if unsure, to seek additional information.<sup>2303</sup> “In case of doubt whether a person is a civilian, that person shall be considered to be a civilian”.<sup>2304</sup>

#### Unlawful Attacks Against Civilian Objects<sup>2305</sup>

1080. The crime of unlawfully attacking civilian objects is also an un-enumerated offence under Article 3 (specifically, Additional Protocol I Article 52 and customary law). It is established by proving: (a) an attack resulted in damage to civilian objects; (b) the perpetrator knew or should have known the civilian character of the objects; and (c) the attack was wilfully directed at civilian objects.

1081. Any object which is not a legitimate military objective is by default a civilian object.<sup>2306</sup> A “military objective” may encompass tangible and visible things as well as combatants or members of the armed forces.<sup>2307</sup> An object may become a legitimate military objective if: (a) its nature, location, purpose or use makes an effective contribution to military action;<sup>2308</sup> and (b) the total or partial destruction, capture or neutralisation of an objective, in the circumstances ruling at the time, offers a definite military advantage. If there is a question of whether a civilian object has been used for a military use, the presumption is that it is a civilian object.<sup>2309</sup>

#### Plunder<sup>2310</sup>

1082. Plunder under Article 3(e) requires:<sup>2311</sup> (a) that public or private property was unlawfully acquired; and (b) that the property was acquired wilfully. This crime substantially overlaps with appropriation under Article 2(d), although the general requirements for each

<sup>2301</sup> *Blaskić* Trial Judgement, paras. 501, 512.

<sup>2302</sup> Additional Protocol I, Article 57(2)(a) iii.

<sup>2303</sup> Article 57(2)(a) of Additional Protocol I. This Article is a reflection of the principle of distinction which obligates military commanders to distinguish between military objectives and civilian persons or objects.

<sup>2304</sup> Article 50(1) of Additional Protocol I

<sup>2305</sup> Croatia Indictment (Count 32).

<sup>2306</sup> Article 52(1) of Additional Protocol I.

<sup>2307</sup> Article 52(2) of Additional Protocol I; ICRC Commentary (Additional Protocol I) para. 2017.

<sup>2308</sup> “Use” refers to the way an object is actually used at the time of the attack. A hotel, for example, is by *nature* a civilian object, but if used at the time of the attack to house troops or as a military headquarters, its *use* at that particular time may make it a legitimate military objective.

<sup>2309</sup> Article 52(1) of Additional Protocol I stipulates that “civilian objects are all objects which are not military objectives”; Article 52(3) provides that “in case of doubt whether an object which by its nature is normally dedicated to civilian purposes has become, by virtue of its use, a military objective, it shall be presumed to be a civilian object”.

<sup>2310</sup> BiH Indictment (Count 22); Croatia Indictment (Counts 20, 31).

Article differ.

1083. "Plunder" includes "all forms of unlawful appropriation of property [...] including those acts traditionally described as 'pillage.'"<sup>2312</sup> "Public or private property" includes cultural property, and may be movable or immovable, enemy or neutral. Plunder must be serious and of a widespread nature,<sup>2313</sup> certain cases of property misappropriation may not rise to this level.<sup>2314</sup>

1084. In relation to the lawfulness of the acquisition, there are certain exceptions to the inviolability of public and private property in armed conflict, such as those expressed in Article 48 of the Hague Regulations and Article 53 of the Hague Regulations.

1085. Property is acquired "wilfully" if, by holding, selling, consuming, destroying or passing it on, the perpetrator either intends to deprive the lawful owner of his effective possession of that property, or consciously disregards the risk. It is immaterial whether the perpetrator acquired the property "motivated by personal greed" or "within the framework of a systematic economic exploitation of occupied territory".<sup>2315</sup>

#### Genocide<sup>2316</sup>

1086. Genocide under Article 4(3)(a) requires: (a) one or more acts enumerated in Article 4(2); and (b) the *mens rea* of the offence, consisting of the special intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.<sup>2317</sup>

1087. The following acts or omissions<sup>2318</sup> committed against members of a national, ethnical, racial or religious group may constitute genocide:<sup>2319</sup>

- killing members of the group;<sup>2320</sup>
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting conditions of life to bring about physical destruction of the group, in whole or in part.

---

<sup>2311</sup> See, e.g., *Kordić* Trial Judgement, paras. 348-53 (the offence "has been long known to international law").

<sup>2312</sup> *Blaskić* Trial Judgement, para. 184; *^elebić* Trial Judgement, para. 591; *Jelisić* Trial Judgement, para. 48; *Kordić* Trial Judgement, para. 353.

<sup>2313</sup> See *Tadić* Jurisdiction Decision, para. 94(iii): (discussing requirement that the violation be "serious").

<sup>2314</sup> See *Tadić* Jurisdiction Decision, para. 94; see, e.g., *Celebici* Trial Judgement, para. 1154 (identification papers and personal effects not proved to be "of sufficient monetary value" to constitute plunder) (emphasis added); *Prosecutor v. Kunarac et al*, Decision on Motion for Acquittal, Case No. IT-96-23/1-T, 3 July 2000, paras. 15-16 (money and jewelry stolen from one victim not sufficient).

<sup>2315</sup> *^elebić* Trial Judgement, para. 590.

<sup>2316</sup> BiH Indictment (Count 1).

<sup>2317</sup> *Jelisić* Trial Judgement, para 62. See also, *Krstić* Trial Judgement, para. 542.

<sup>2318</sup> *Krstić* Trial Judgement, para. 513.

<sup>2319</sup> These acts or omissions correspond to Article 4(2)(a), (b) and (c); acts enumerated in Article 4(2)(d) and (e) are not charged in this case.

<sup>2320</sup> The Prosecution submits that one or more persons constitute "members of the group".

1088. The Prosecution submits that all forms of voluntary killings, whether premeditated or not, meet the requirements of “killing” under Article 4(2)(a).<sup>2321</sup> The seriousness of the “bodily or mental harm” must be “assessed on a case by case basis and with due regard for the particular circumstances”.<sup>2322</sup> It includes “harm that seriously injures the health, causes disfigurement or causes any serious injury to the external, internal organs or senses”.<sup>2323</sup>

1089. “?Inhuman treatment, torture, rape, sexual abuse and deportation are among the acts which may cause serious bodily or mental injury”.<sup>2324</sup> Sexual violence has been held to rise to the level of genocide because it “resulted in physical and psychological destruction of Tutsi women, their families and their communities”.<sup>2325</sup> The “conditions of life” that bring about part or all of the group’s physical destruction need not “*immediately* lead to the death of members of the group”.<sup>2326</sup> Rather, they “include circumstances which will lead to a slow death”,<sup>2327</sup> or by which a perpetrator ultimately seeks a group’s physical destruction.<sup>2328</sup>

1090. The specific genocidal intent<sup>2329</sup> has been stated in terms of a *perpetrator* who “seeks to achieve the destruction” of a group<sup>2330</sup> or acts which were “committed with the *goal* of destroying” the group.<sup>2331</sup> The crime of genocide can be committed by all other modes of liability found within Articles 7(1) and 7(3),<sup>2332</sup> with their requisite mental states. The requirements of the different modes of liability are discussed above.

<sup>2321</sup> The *Akayesu* Judgement held that “killing”, as enumerated in the crime of genocide, is broader than “murder” and includes all forms of intentional killing. (*Akayesu* Trial Judgement, para. 500). Similarly, the I.L.C. opines that “killing” is broader than “murder” and was “selected to correspond to the French word ‘meurtre’, which implies more than ‘assassinat.’” (Report of the International Law Commission on the work of its Forty-Eighth session, 6 May-26 July 1996, UN document A.51/10, p. 91, n. 122 in the English version.) Under the French *Code Pénal*, “meurtre” covers all forms of voluntary killing, (Article 221-1), while “assassinat” covers only premeditated murder (Article 221-3).

<sup>2322</sup> *Krstic* Trial Judgement, para. 513.

<sup>2323</sup> *Kayishema* Trial Judgement, para. 109; *Krstic* Trial Judgement, para. 513; see also *Akayesu* Trial Judgement, paras. 502, 503 and 513; *Musema* Trial Judgement, para. 156; *Prosecutor v. Georges Anderson Nderubumwe Rutaganda*, Case No. ICTR-96-3-T, Judgement, 6 December 1999, para. 51; *Prosecutor v. Ignace Bagilishema*, Case No. ICTR-95-1A-T, Judgement, 7 June 2001, para. 59.

<sup>2324</sup> *Krstic* Trial Judgement, para. 513.

<sup>2325</sup> *Akayesu* Trial Judgement, para. 731; see also *Kayishema* Trial Judgement, para. 95.

<sup>2326</sup> *Kayishema* Trial Judgement, para. 116.

<sup>2327</sup> *Kayishema* Trial Judgement, para. 115.

<sup>2328</sup> *Akayesu* Trial Judgement, para. 505; *Kayishema* Trial Judgement, para. 116. UN document PCNICC /2000/INF/3/Add.2, 6 July 2000, Article 6 Genocide (ICC Elements of Crime). Report of the Guatemalan Commission for Historical Clarification, Conclusions and Recommendations, paras. 116-118.

<sup>2329</sup> From the language of Article 4 itself, the accused must commit genocidal conduct with “intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”.

<sup>2330</sup> *Prosecutor v. Goran Jelisić*, Judgement, Case No. IT-95-10-A, 05 July 2001 (hereinafter *Jelisić* Appeals Judgement), para. 46; see also, *Krstic* Trial Judgement, para. 550.

<sup>2331</sup> *Krstic* Trial Judgement, para. 571.

<sup>2332</sup> Several defendants have been convicted of genocide under ICTR Article 6(3) (identical to ICTY Article 7(3)), see *Kayishema* Trial Judgement, paras. 555, 559, 563 and 569; *Musema* Trial Judgement, para. 926; and *Prosecutor v. Jean Kambanda*, Case No. ICTR 97-23-S, Judgement, 4 September 1998, para. 40 (culpability assessed from guilty plea).

1091. Intent to “destroy, in whole or in part, a ...g group, as such” means that the particular prohibited act must “be committed against a specifically targeted group”.<sup>2333</sup> It is the perpetrators’ intent to destroy the group that gives the crime of genocide its specific gravity.<sup>2334</sup>

1092. The scope of intended destruction may extend to an entire group or a “part” of the defined group. Bosnian Croats and Bosnian Muslims constitute the protected group in this case.<sup>2335</sup> Although the perpetrators of genocide need not seek to destroy the entire group protected by the [Genocide] Convention, they must view the part of the group they wish to destroy as a distinct entity which must be eliminated as such”.<sup>2336</sup> The ICTR found that the practice of targeting Tutsi women for rape and sexual violence in Rwanda constituted genocide.<sup>2337</sup> “Indeed, the physical destruction may target only a part of the geographically limited part of the larger group because the perpetrators of the genocide regard the intended destruction as sufficient to annihilate the group as a distinct entity in the geographic area at issue”.<sup>2338</sup> The Prosecution charges, however, that the genocidal intention extended to a “part” of this group, specifically, those Bosnian Croats and Bosnian Muslims living in the municipalities of Bosanski Novi, Brčko, Ključ, Kotor Varoš, Prijedor, Sanski Most and Srebrenica.

1093. A part of a group targeted for intended destruction can be “classed as substantial either because the intent sought to harm a large majority of the group in question or the most representative members of the targeted community”.<sup>2339</sup> Thus, the targeted group may include either a “reasonably substantial number” or “a significant section of the group, such as its leadership”,<sup>2340</sup> with leaders defined as persons “who, whether by reason of their official duties or by reason of their personality, had this special quality of directing the actions or

<sup>2333</sup> *Akayesu* Trial Judgement, para. 499; see also para. 521; I.L.C. Draft Code, p. 88.

<sup>2334</sup> Thus genocide can be distinguished from persecution as a crime against humanity, where the perpetrator chooses his victims because they belong to a specific community, but does not seek to destroy the community as such. See *Jelisić* Trial Judgement, para. 79; *Prosecutor v. Duško Sikirica et. al.*, Judgement on Defence Motions to Acquit, Case No. IT-95-8-T, 3 September 2001 (hereinafter cited as *Sikirica et. al.* Rule 98bis Judgement), para. 89.

<sup>2335</sup> *Krstić* Trial Judgement, para. 560, which defined, based on the indictment in that case, the protected group as the Bosnian Muslims.

<sup>2336</sup> *Krstić* Trial Judgement, para. 590.

<sup>2337</sup> *Akayesu* Trial Judgement, para. 731.

<sup>2338</sup> *Krstić* Trial Judgement, para. 590. See also, *Sikirica et. al.* Rule 98 bis Judgement, paras. 63-85; *Jelisić* Trial Judgement, para. 83 & n.116 (examples of communities meeting “in part” requirement). The Prosecution’s submission in the present case is consistent with that elaborated in the *Prosecution Response to the Defence Appeal Brief* (19 February 2002) in the *Krstić* case.

<sup>2339</sup> *Jelisić* Trial Judgement, para. 82.

<sup>2340</sup> *Sikirica et. al.* Rule 98 bis Judgement, para. 65 (quoting the United Nations Expert Study on Genocide); see also *Jelisić* Trial Judgement, para. 82; *Revised and updated report on the question of the prevention and punishment of the crime of genocide prepared by Mr. B. Whitaker*, E/CN.4/Sub.2/1985/6, 2 July 1985, para. 29.

opinions of the group in question, that is those who had a significant influence on its actions".<sup>2341</sup> They may include "political and administrative leaders, religious leaders, academics and intellectuals, business leaders and others".<sup>2342</sup> How large a part of the targeted group an accused must have *intended* to destroy is separate from the extent of *actual* destruction of the defined group.<sup>2343</sup>

1094. As to the means of proof of intent, the Prosecution submits that in addition to the actual destruction of the victim group, other factors from which the perpetrator's intent to destroy may be inferred include but are not limited to:<sup>2344</sup>

- "the general political doctrine which gave rise to the 'prohibited' acts";<sup>2345</sup>
- the general nature of atrocities in a region or a country;<sup>2346</sup>
- existence of a genocidal plan and the accused's participation in its creation and/or execution;<sup>2347</sup>
- "the scale of atrocities committed";<sup>2348</sup>
- the general context, including a manifest pattern of persecution by the same offender or others;<sup>2349</sup>
- "the perpetration of acts which violate, or which the perpetrators themselves consider to violate, the very foundation of the group";<sup>2350</sup>
- discriminatory statements and acts of the accused and/or his associates;<sup>2351</sup>
- "the combined effect of speeches or projects laying the groundwork for and justifying the acts";<sup>2352</sup>
- concealment of bodies in mass graves causing "terrible distress" to survivors "unable to verify or mourn the deaths".<sup>2353</sup>

1095. None of these factors is itself a *necessary* component of genocide. Genocidal  *motive* is also not necessary.<sup>2354</sup>

<sup>2341</sup> *Sikirica et al.* Rule 98 *bis* Judgement, para. 78.

<sup>2342</sup> See UNCOE Final Report, para. 94. The targeting of military aged Muslim men in Srebrenica was found to constitute a sufficient part of the Bosnian Muslim group because their destruction would have a "lasting" and "catastrophic impact" on the entire group or "inevitably and fundamentally would result in the annihilation of the entire Bosnian Muslim community at Srebrenica".<sup>2342</sup> (*Krstic* Trial Judgement, paras. 595, 634).

<sup>2343</sup> See *Akayesu* Trial Judgement, para. 497; see also *Prosecutor v. Radovan Karadzic and Ratko Mladic*, Case No. IT-95-5-R61 & No. IT-95-18-R61, Review of the *Indictment* Pursuant to Rule 61, 11 July 1996 (hereinafter *Karadzic* Rule 61 Decision, para. 92).

<sup>2344</sup> See also *Sikirica et al.* Rule 98 *bis* Judgement, paras. 46, 61.

<sup>2345</sup> *Karadzic* Rule 61 Decision, para. 94, referring to acts from Article 4(2).

<sup>2346</sup> *Akayesu* Trial Judgement, para. 523.

<sup>2347</sup> See *Jelusic* Appeals Judgement, para. 48; see also *Sikirica et al.* Rule 98 *bis* Judgement, para. 62.

<sup>2348</sup> *Akayesu* Trial Judgement, para. 523.

<sup>2349</sup> *Sikirica et al.* Rule 98 *bis* Judgement, paras. 46, 61; *Akayesu* Trial Judgement, para. 523; *Karadzic* Rule 61 Decision, para. 94; *Kayishema* Trial Judgement, para. 93. See also UN document PCNICC/2000/INF/3/Add.2, 6 July 2000, p. 6.

<sup>2350</sup> *Karadzic* Rule 61 Decision, para. 94.

<sup>2351</sup> *Sikirica et al.* Rule 98 *bis* Judgement, paras. 46, 61.

<sup>2352</sup> *Karadzic* Rule 61 Decision, para. 95.

Complicity in Genocide<sup>2355</sup>

1096. The Prosecution submits that the elements for complicity in genocide under Article 4(3)(e) are: (a) the accused was an accomplice in the commission of one or more criminal acts in Article 4(2); (b) the crime was committed; and (c) the accused knew that the crime was being committed in furtherance of the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.<sup>2356</sup>

1097. An accomplice to genocide need not consciously desire to destroy, in whole or in part, a national, ethnic, racial or religious group, as such; it is sufficient that an accomplice to genocide knew that the principal was acting with genocidal intent.<sup>2357</sup>

-----

---

<sup>2353</sup> *Krstic* Trial Judgement, para. 596.

<sup>2354</sup> *Jelavic* Appeals Judgement, para. 49; *Akayesu* Trial Judgement, para. 728.

<sup>2355</sup> BiH Indictment (Count 2).

<sup>2356</sup> ICTY and ICTR jurisprudence regarding complicity in genocide has developed separately from that relevant to Article 4(2). However, the Prosecution submits that modes of responsibility under Articles 7(1) and 7(3) apply to Article 4(2), as well as all other crimes within the Statute of the Tribunal.

<sup>2357</sup> *Akayesu* Trial Judgement, paras. 541, 545.



**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**PROSECUTOR**

**v.**

**SLOBODAN MILO[EVIC]**

**Case No. IT-02-54-T**

---

**ANNEX A TO  
PROSECUTION'S SECOND PRE-TRIAL BRIEF  
(CROATIA AND BOSNIA INDICTMENTS)**

---

**GLOSSARY**

<b>Term</b>	<b>English</b>	<b>B/C/S</b>
<b>1KK</b>	1 <sup>st</sup> Krajina Corps	Kraji{ki Korpus
<b>2<sup>nd</sup> MD</b>	2nd Military District	Druga vojna oblast
<b>Ad`i}, General Bagoje</b>	Acting SSNO 15-5-88 to 8-5-92, CGS JNA 21-9-89 to 8-5-92	
<b>ARK</b>	Autonomous Region of Krajina (originally ZOBK)	Autonomna Regija Krajina
<b>Arkan's Tigers / Volunteer Guards</b>	Paramilitary group lead by @eljko Ra`njatovi} (alias Arkan)	
<b>Babi}, Milan</b>	Held senior positions in the SAO Krajina as set out in the Indictment	
<b>BBC</b>	British Broadcasting Corporation	
<b>BiH</b>	Bosnia and Herzegovina	Bosna i Hercegovina
<b>Bogdanovi}, Radmilo</b>	Minister of Internal Affairs	
<b>Boutros Ghali, Boutros</b>	UN Secretary General	
<b>Br   anin, Radoslav</b>	Senior member of the SDS and President of the ARK Crisis Staff	
<b>Bulatovi}, Momir</b>	President of the Republic of Montenegro	

Term	English	B/C/S
<b>Chetnik</b>	A Royalist anti-Communist Serb resistance movement during WW2	^etnik
<b>Carrington, Lord</b>	Unsuccessfully tried to broker peace through the Carrington Peace Plan	
<b>CGS</b>	Chief of General Staff	
<b>Cosi}, Dobrica</b>	President of FRY 1992-1993	
<b>Crisis Staff (existed at the federal, regional, municipality and local levels)</b>	Replaced the Assemblies (federal and Municipal) if there was a threat of war or actual war	
<b>CSB</b>	Security Services Centre	Centar Slu`be Bezb(j)ednosti
<b>Cvijan, Stanko</b>	Serbian Minister for the Serbs outside Serbia	
<b>DB</b>	State Security Division of MUP	Dr`avna Bezbednost
<b>Djukanovi}, Milo</b>	Prime Minister of the Republic of Montenegro	
<b>Dra{kovi}, Vuk</b>	Leader of the SPO	
<b>EC</b>	European Community	
<b>ECMM</b>	European Community Monitoring Mission	
<b>FRY</b>	Federal Republic of Yugoslavia	Federativna Republika Jugoslavia
<b>Grey Wolves</b>	Special operations component of Serbian DB	
<b>Group of Six</b>	The Accused, Bulatovi}, Kostij}, Kadijevi}, Ad`ij} and Jovi}	
<b>Had`ij}, Goran</b>	President of SAO SWBS. He also held other senior positions as set out in the Indictment.	
<b>HDZ</b>	Croatian Democratic Union	Hrvatska Demokratska Zajednica
<b>HVO</b>	Croatian Defence Council	Hrvatsko vije}e obrane
<b>ICC</b>	International Criminal Court	
<b>ICRC</b>	International Committee of the Red Cross	
<b>ICTR</b>	International Criminal Tribunal for Rwanda	
<b>ICTY</b>	International Criminal Tribunal	

Term	English	B/C/S
	for the former Yugoslavia	
<b>ILC</b>	International Law Commission	
<b>ITN</b>	Independent Television News (British news station)	
<b>Izetbegovi}, Alija</b>	President of Presidency of BiH	
<b>JATD</b>	Special operations component of Serbian DB	Jedinice za antiteroristi{ka dejstva
<b>JB</b>	Public Security Division of MUP	Javna bezbednost
<b>JNA</b>	Yugoslav People's Army (ceased to exist in May 1992 when it was divided into the VJ and VRS)	Jugoslovenska Narodna Armija
<b>Jovi}, Borisav</b>	Senior member of the SDS-BiH, member of the SFRY Presidency. Also held other senior positions as set out in the Indictment.	
<b>Jovi}, Mirko</b>	Political leader and organiser of the White Eagles	
<b>JSO</b>	Special operations component of Serbian DB	Jedinice specijalne operacije
<b>JUL</b>	Yugoslav United Left	Jugoslovenska Ujedinjenja Levica
<b>Kadijevi}, General Veljko</b>	SSNO 15-5-88 to 6-1-92.Rtd 28- 2-92	
<b>Karad`i}, Radovan</b>	President of the SDS-BiH, President of Republika Srpska	
<b>Kertes, Mihalj</b>	Member of the Presidency of Serbia who also held other senior positions in the FRY	
<b>Koljevi}, Nikola</b>	Member of BiH Presidency, then Acting President and member of Presidency of Serb Republic	
<b>KOS</b>	Informal term for Serbian military intelligence which consisted of 2 parts: (a) the Security Administration; and (b) the Intelligence Administration	Kontraobave{ajna Slu`ba
<b>Kosti}, Branko</b>	Member of the SFRY Presidency. Also held other senior positions as set out in the Indictment.	
<b>Kraji{nik, Mom-ilo</b>	Senior SDS-BiH member who was President of the BiH Assembly and then the Bosnian	

Term	English	B/C/S
	Serb Assembly.	
<b>Markovi}, Mira</b>	Leader of the JUL and wife of the Accused	
<b>Marti}, Milan</b>	Minister of the Interior of the SAO of Krajina as well as heading the RSK Police commonly known as Marti}'s Police	
<b>Marti}'s Police</b>	Police force of the RSK led by Milan Marti}	
<b>Milo{evi}, Slobodan</b>	1990 President of SPS, 1990-96 President of Serbia, 1997-2000 President of FRY. Also held other senior positions as set out in the Indictment.	
<b>Mladi}, General Ratko</b>	Senior Officer of 9 <sup>th</sup> Corps JNA who participated in the Croatian War. From May 1992 he was Commander of the main staff of the VRS.	
<b>MoD</b>	Ministry of Defence	
<b>MUP (existed at both the federal and municipality levels)</b>	Ministry of Internal Affairs / Police (this consisted of two separate parts known as the JB and DB)	Ministarstvo Unutra{njih Poslova
<b>NATO</b>	North Atlantic Treaty Organization	
<b>NSC</b>	National Security Council	
<b>NVO</b>	Organisations / companies which needed special attention, e.g. munitions factories	Naoru`anje i Vojna Oprema
<b>OG's</b>	Operational groups	Operativna Grupa
<b>Ostoji}, Velibor</b>	Senior member of SDS-BiH	
<b>OU</b>	Intelligence Administration or Second Administration	Obave{tajna uprava
<b>Pani}, @ivota</b>	CGS JNA/VJ 8-5-92 to 26-8-92	
<b>Plav{i}, Biljana</b>	Member of BiH Presidency, then Acting President and member of Presidency of Serb Republic	
<b>Ra`njatovi}, Zeljko (alias Arkan)</b>	Led his own paramilitary group known as Arkans Tigers and also	

Term	English	B/C/S
	trained other Serb paramilitaries	
<b>Ra{kovic, Jovan</b>	Leader of SDS-Croatia	
<b>RS</b>	Republika Srpska	Republika Srpska
<b>RSK</b>	Republic of Serbian Krajina	Republika Srpske Krajine
<b>Rump FRY / Serbian Bloc</b>	Representatives of the Republics of autonomous regions of Serbia which had not left FRY such as Borisav Jovi}, Branko Kosti}, Jugoslav Kosti} and Sejdo Bajramovi}	
<b>SAO</b>	Serbian Autonomous Region	Srpska Autonomna Oblast
<b>SAO H</b>	Serbian Autonomous Region of Herzegovina	
<b>SAO Krajina</b>	Serbian Autonomous Region of Krajina	
<b>SAO NB</b>	Serbian Autonomous Region of Northern Bosnia	
<b>SAO RB</b>	Serbian Autonomous Region of Romanija Bira	
<b>SAO SM</b>	Serbian Autonomous Region of Semberija and Majevisa	
<b>SAO SWBS</b>	Serbian Autonomous Region of Eastern Slavonia, Baranja and Western [rem	
<b>SAO WS</b>	Serbian Autonomous Region of Western Slavonia	
<b>SDA</b>	Party of Democratic Action	Stranka Demokratske Akcije
<b>SDC</b>	Supreme Defence Counsel	Vrhovni savet odbrane
<b>SDP</b>	Reformed Communist Party of Yugoslavia	Stranka Demokratska Promina
<b>SDS-BiH</b>	Serbian Democratic Party of Bosnia and Herzegovina	Srpska Demokratska Stranka Bosna i Herzegovina
<b>SDS-Croatia</b>	Serbian Democratic Party of Croatia	Srpska Demokratska Stranka
<b>SFRY</b>	Socialist Federal Republic of Yugoslavia	Socijalisti-ka Federativna Republika Jugoslavia
<b>[e{elj, Vojislav</b>	President of SRS as well as leading his own paramilitary group known as [e{elj's men	
<b>[e{elj's Men / ^etniks</b>	Paramilitary groups led by [e{elj	

Term	English	B/C/S
<b>Simatovi}}, Franko alias Frenki</b>	Head of the special operations component of the Serbian DB	
<b>Simovi}}, Tomislav</b>	Serbian Minister of Defence	
<b>SJB</b>	Local police	Stanica Javne Bezb(j)ednosti,
<b>SNB</b>	Serbian National Security	Slu`ba Narodne Bezb(j)ednosti
<b>SNC</b>	Serbian National Counsel	
<b>Sokolovi}}, Zoran</b>	Succeeded Bogdanovi} as Minister of Internal Affairs	
<b>SPO</b>	Serbian Renewal Movement	Srpski Pokret Obnove
<b>SPS</b>	Socialist Party of Serbia	Socialisti-ka Partija Srbije
<b>SR BiH</b>	Serbian Republic of Bosnia and Herzegovina	
<b>Srpska Garda</b>	Paramilitary group associated with Vuk Dra{kovi}'s SPO	
<b>SRS</b>	Serbian Radical Party	Srpska Radikalna Stranka
<b>SSNO</b>	Federal Secretary for National Defence	Savenzi Sekretar za Narodnu Odbranu
<b>Stanisi}}, Jovica</b>	Chief of the Serbian DB	
<b>Stoji-i}}, Radovan (alias Bad`a)</b>	Deputy Minister of the Serbian MUP and head of its JB	
<b>Suha Rebra / Du{an Silni</b>	Paramilitary group	
<b>SUP (Later known as MUP)</b>	Secretariat of Internal Affairs	Sekretarijat Unutra{njih Poslova
<b>SVK</b>	Army of the Republika Srpska (formerly SAO Krajina TO and RSK TO) after May 1992 merged with the remnants of the JNA left in Bosnia to form the VRS	Srpska vojska Krajine
<b>TG's</b>	Tactical groups	Takti-ka Grupa
<b>Tito, Josip Broz</b>	Founder of the Communist Party, ruled from 1945-1980	
<b>TO</b>	Territorial Defence	Territorijalna Odbrana
<b>Tu man, Franjo</b>	President of Croatia	
<b>UB</b>	Security Administration	Uprava bezbednosti
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation	

Term	English	B/C/S
<b>UNPROFOR</b>	United Nations Protection Force	
<b>Ustaša</b>	Ruling political (fascist) party of the Croatian Independent State (NDH) of WW2 led by Ante Pavelić	
<b>Uzelac, Nikola</b>	JNA General	
<b>Vance, Cyrus and Owen, Lord David</b>	Unsuccessfully tried to broker peace through the Vance/Owen Peace Plan	
<b>Vasiljević, General Aleksandar</b>	General in the JNA who was also head of the UB part of KOS from 15-6-91 to 8-5-92	
<b>VJ</b>	Army of the Federal Republic of Yugoslavia (came into existence after May 1992 when the JNA ceased to exist)	Vojska Jugoslavije
<b>VRS/BSA</b>	Bosnian Serb Army	Vojska Republike Srpske
<b>War Commissions</b>	In some municipalities War Commissions replaced the Crisis Staff / War Presidencies	
<b>War Presidencies (existed at both federal and municipality level)</b>	In some municipalities War Presidencies replaced the Crisis Staff when war broke out	
<b>White Eagles</b>	Paramilitary group lead by Dragoslav Bokan and Mirko Jović	
<b>ZNG</b>	Croatian National Guard	Zbor Narodne Garde
<b>ZOBK</b>	Association of Municipalities of the Bosnia Krajina	Zajodnica općina Bosanske Krajine