

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

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

**IN THE TRIAL CHAMBER**

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

**Registrar: Mr Hans Holthuis**

**Date Filed: 16 December 2003**

**THE PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**PROSECUTION SUBMISSION OF AN EXPERT REPORT OF  
REYNAUD J. M. THEUNENS PURSUANT TO RULE 94bis**

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**The Office of the Prosecutor:**

Mr. Geoffrey Nice  
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**Amici Curiae:**

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Mr. Timothy McCormack

**The Accused:**

Slobodan Milošević

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

**THE PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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

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**PROSECUTION SUBMISSION OF EXPERT REPORTS OF  
REYNAUD J. M. THEUNENS PURSUANT TO RULE 94 *bis***

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1. Pursuant to Rule 94 *bis* of the Rules of Procedure and Evidence the Prosecution submits herewith the following expert report of Reynaud Theunens entitled "*The SFRY Armed Forces and the Conflict in Croatia – JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces*".
2. The Prosecution respectfully requests the Accused, the Appointed Associates and the *Amici Curiae* take notice of this filing, and the Accused file a notice pursuant to Rule 94 *bis*, within 30 days of the date of this submission, indicating whether he accepts the expert reports or whether he wishes to cross examine Mr. Theunens.



MP  
Geoffrey Nice  
Principal Trial Attorney

Dated, this 16th day of December 2003  
At The Hague, Netherlands

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**Military Analysis Team Expert Report Case IT-02-54-T**

**The SFRY Armed Forces and the Conflict in Croatia –  
JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

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**Military Analysis Team Expert Report Case IT-02-54-T**

**The SFRY Armed Forces and the Conflict in Croatia –  
JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

**Overview and Executive Summary**

## Military Analysis Team Expert Report Case IT-02-54-T

### The SFRY Armed Forces and the Conflict in Croatia – JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces

#### Overview

- The aim of this study is to analyse the role of the SFRY<sup>1</sup> (and subsequently FRY<sup>2</sup>) Armed Forces during the conflict in Croatia (1991-1995), and Bosnia-Herzegovina (BiH) (1992-1995).
- The analysis focuses on two aspects. Firstly, the report examines the concept of command and control, covering its two main components: command and control over the (S)FRY armed forces (that is the relationship between the armed forces and the Supreme Command), and, command and control within the (S)FRY armed forces (JNA<sup>3</sup> and TO<sup>4</sup>, and subsequently VJ<sup>5</sup>). Secondly, the report analyses the relations between the (S)FRY armed forces, other armed groups (volunteer formations and groups known as paramilitary groups) and the armed forces of the Serb self-declared entities in Croatia and BiH (local Serb TO and subsequently SVK<sup>6</sup> and VRS<sup>7</sup>, and local Serb MUP<sup>8</sup>) during the aforementioned time period.
- In order to accomplish its aim in the most effective way, the study has been divided in three parts.
- Part I is titled "STRUCTURE, COMMAND & CONTROL and DISCIPLINE of the SFRY ARMED FORCES". This part is a brief overview of the main elements of command and control and of the legislative and doctrinal framework in which the SFRY armed forces operated. Part I is designed to provide the necessary information required to understand Part II and III and put those parts into context. Part I also addresses the operational and military-territorial organisation of the

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<sup>1</sup> SFRY: Socialist Federal Republic of Yugoslavia

<sup>2</sup> FRY: Federal Republic of Yugoslavia (Successor to SFRY after 27 April 1992)

<sup>3</sup> JNA: jugoslovenska narodna armija (Yugoslav People's Army)

<sup>4</sup> TO: Territorijalna Odbrana (Territorial Defence)

<sup>5</sup> VJ: Vojska Jugoslavije (Armed Forces of FRY) (successor to the JNA)

<sup>6</sup> SVK: Srpska vojska krajine (Serbian Army of Krajina: armed forces of the RSK)

<sup>7</sup> VRS: vojska republike srpske (Army of the Serb Republic) (armed forces of the RS)

<sup>8</sup> MUP: ministarstvo unutrašnjih poslova (Ministry of Interior) (Incl police forces)

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SFRY Armed Forces, as well as military law and the laws of armed conflict that applied to the SFRY Armed Forces. Part I does not deal with the legislative framework that came into existence after the creation of the FRY on 27 April 1992. An overview of the FRY related legislation and regulations can be found in the report prepared by Prosecution Expert Witness Philip COO for the Kosovo component of case IT-02-54-T<sup>9</sup>.

- Part II of the report is entitled "The SFRY ARMED FORCES and the CONFLICT in CROATIA". Part II compares the legislative and doctrinal framework described in Part I to the situation on the ground during the conflict in Croatia, without, however, being intended to be a detailed account of all SFRY Armed Forces operations in Croatia. Using this comparison as a starting point, Part II examines the extent to which the legislative and doctrinal framework was applied and/or amended in order to respond to the particular circumstances and conditions imposed by the conflict in Croatia (and subsequently BiH). This examination focuses on command and control, structure of the SFRY Armed Forces, discipline and related issues. Part II also analyses the nature of the relationship that developed between the SFRY Armed Forces and volunteer groups (and groups known as paramilitary groups), and the Serb forces in Croatia. It concentrates on the various components regarding the assistance the SAO<sup>10</sup> TO's (and subsequently the RSK TO, and SVK) and the RSK MUP received from the JNA (and later the VJ), as well as the dependence of the Krajina Serb forces on this support.
- Part III of the report is titled "JNA ACTIVITY in BiH and JNA (VJ) SUPPORT TO BOSNIAN-SERB FORCES". Part III begins with an analysis of the JNA's structure and activities in BiH during the period prior to the conflict (Spring 1992), including joint operations between JNA units and local Serb forces (TO, MUP) during the take over of certain municipalities, until the JNA's withdrawal from BiH. Part III then shows the nature, extent, and significance of the support, both direct and indirect, that the JNA (VJ)/FRY provided to the Bosnian Serb defence structures (BSRBiH<sup>11</sup> TO and subsequently VRS) during the period

<sup>9</sup> Exhibit Nr ERN K022-4151-K022-4278 (Part I) and K022-7525-K022-7643 (Part II)

<sup>10</sup> SAO: Srpska autonomna oblast (Serbian Autonomous Region)

<sup>11</sup> BSRBiH: Bosnian Serb Republic of BiH



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Spring 1992 to the end of 1995. It deals specifically with direct combat support/participation, personnel, logistical, communications, intelligence, and air & air defense support.

- This analysis is based on a study of documents in possession of the OTP, with the exception of witness/suspect statements and Court testimony. Documentary sources include SFRY legislation, JNA regulations and manuals, SSNO, JNA (VJ), RSK TO, SVK, BSRBiH TO and VRS orders, open source publications and other documents related to military operations.

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## **Military Analysis Team Expert Report Case IT-02-54-T**

### **The SFRY Armed Forces and the Conflict in Croatia – JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

#### **Executive Summary**

1. The SFRY armed forces consisted of the JNA and the Territorial Defence (TO). The JNA was a federal body, whereas the TO was organised on the republic level. The TO comprised all armed formations that were not part of the JNA or the police. During the latter part of the 1980's, measures were taken to increase Federal control over the TO.
2. The JNA was composed of a General Staff and three branches: Army (land forces), Air Force and Air Defence, and Navy. There were three Army Military Districts, consisting of Corps, Divisions, Brigades, Regiments, Battalions (all these levels had their own staffs), companies, and platoons, and one Naval Military District. The Air Force and Air Defence consisted of three Air Force and Air Defence corps (and their staffs). The TO was made up of municipal, operative zone (or district), autonomous regions/provinces and republican-level units and staffs. There were two types of TO units: local and mobile (or manoeuvre) units.
3. During operations, SFRY Armed Forces would be organised in Operational Groups (OG) and Tactical Groups (TG), to facilitate single command and control over all forces involved. OG's and TG's were ad hoc formations, comprising all military forces (JNA, TO) involved in the operation, set up to carry out specific operations during a specific time period.
4. The SFRY Presidency was the most senior command and control body of the SFRY armed forces. The SFRY Presidency was assisted in this task by the Secretary for People's Defence and his Secretariat (SSNO). After the declaration of one of the three states (State of War, Imminent Threat of War, Emergency), the SFRY Presidency would become the Supreme Command, assisted by the Supreme Command Staff (consisting of the SSNO (including the Secretariat), the Chief of the General Staff (and the General Staff) of the SFRY Armed Forces).

5. The Presidents of the Republics were not part of the Supreme Command and had no legal competence over the JNA. According to the 1990 Constitution and the 1991 Law on Defence of the Republic of Serbia, the President of the Republic of Serbia commanded the “*armed forces*” of the Republic in peace and wartime. Until the creation of such armed forces, the TO was to be considered the armed forces. The 1991 Law on Defence for the Republic of Serbia also stated that only competent state bodies were allowed to organise and train armed forces.
6. When the conflict in Croatia broke out, the police and Territorial Defence of the Republic of Croatia split into Croatian and Serb structures. In areas where they had a majority or significant minority, local Serbs set up their own police and TO units (including staffs) that did not answer to the republican authorities in Croatia, but stayed loyal to what remained of the SFRY, and Serbia. In addition, nationalist political parties in Serbia created their own volunteer formations and paramilitary groups, which were not foreseen by the SFRY or Serbian legislative framework. Some of these groups had close ties with the Serbian authorities (Ministry of Interior (MUP) and Ministry of Defence (MOD)). These groups were allowed to participate in the operations in Croatia.
7. In order to regularise the *de facto* situation that existed on the ground, in particular with regard to the presence of volunteer groups and paramilitary formations, legislation was amended. In August and September 1991, Serbia and the SFRY adopted Decrees and Instructions for the registration and acceptance of volunteers in the TO of the Republic of Serbia and the JNA. In December 1991, the SFRY Presidency adopted an Order for the engagement of volunteers into the SFRY Armed Forces. Contrary to the situation during the Kosovo conflict eight years later, volunteers were allowed to join and remain in their own groups during their participation in the operations.
8. The mission of the SFRY Armed Forces was to protect the independence, sovereignty, territorial integrity and social order as defined by the SFRY Constitution. From late summer 1991 onwards, after the JNA’s withdrawal from Slovenia, the evolution of the situation in Croatia was such that this objective became less clear from the military perspective. Orders and instructions from what

remained of the SFRY Presidency, the Supreme Command and the Supreme Command Staff indicated that at least *de facto* the JNA moved towards ceasing to be the "SFRY Army" and instead gradually developed into a mainly Serb force, serving Serbian goals. The JNA's role had been transformed from one of interposing between the conflicting parties to one of creation and control of Serb-held areas in those parts of Croatia that the Serb(ian) leadership considered Serb. Hence, the constitutional mission of "*safeguarding territorial integrity*" had been reduced to the consolidation of Serb(ian) control of the latter areas.

9. With regard to command and control within the armed forces, unity of command and single authority within the composing elements of the armed forces were considered essential principles for the successful execution of military operations. A commander would be assisted by a command staff, which had to be able to provide him, at any time during combat, with detailed information about the situation. A commander at all times had to know the situation of his subordinate units two levels down. Orders were given to maintain this system during the conflict in Croatia. Documentary evidence indicates that (local) Serb(ian) TO units and staffs operated under single, unified command and control with the JNA. The JNA established Operational (OG) and Tactical Groups (TG) to restore and/or maintain unified and single command and control during the operations, involving JNA, local Serb TO, Serbian TO and volunteers/paramilitaries.
10. The local Serb forces in Croatia, consisting of MUP and SAO (later RSK) TO, and subsequently the SVK, required support that was provided by SFRY, Serbia and the JNA (VJ). The organised nature of this support and its extent (make-up, size, duration, etc.) indicate that the assistance provided by the JNA, was authorised and endorsed by the supreme (political) command levels of (S)FRY.
11. There are examples of Slobodan MILOŠEVIĆ, President of Serbia, being involved in the decision-making process to provide assistance to the local Serb forces in Croatia. The local Serb leadership in Croatia considered MILOŠEVIĆ as a person to have influence and contacted him during the conflict in order to help implement their requests for assistance.

12. The SSNO and the JNA (VJ) General Staff (and its subordinate commands and organs) were responsible for the planning, establishment, and (re)structuring of the TO of the SAO Krajina, and its transformation into the RSK TO and subsequently the SVK. Retired and active duty JNA officers served in the local Serb defence structures. These officers remained JNA officers (payment of salaries, promotions, etc.) and were compensated for the time spent in the local Serb forces. The local Serb forces structures depended heavily on the JNA for the fulfilment of their logistical needs.
  
13. The JNA (VJ) continued to provide the aforementioned assistance to the RSK TO (and subsequently SVK) after the withdrawal of the JNA from Croatia between March-May 1992 under the VANCE plan, and the recognition of Croatia by the United Nations. Co-ordination mechanisms existed between the SVK and the VJ, including meetings between their respective General Staffs. In 93, 94 and 95, Slobodan MILOŠEVIĆ, President of Serbia, Lieutenant-General Momčilo PERIŠIĆ, the CGS of the VJ, and the FRY Supreme Defence Council were informed of the military situation in the RSK, through SVK daily combat reports that were sent to them.
  
14. The regulations that applied to the SFRY Armed Forces with regard to Military Laws and the Laws of armed conflict, and the prosecution of transgressions of these laws and regulations referred to the many international humanitarian law treaties that the SFRY had ratified. These included, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions. In addition, there were laws establishing a system of military prosecutors and military courts. According to the evidence available, during the conflict in Croatia, notwithstanding that the SFRY (and Serbian) political and military leadership were notified of alleged violations of the laws of war, these laws were only selectively enforced. Some violations of the international laws of war were prosecuted, but mainly if they were perpetrated by low level volunteers and paramilitaries, or members of opposing forces. Senior JNA officers who were allegedly involved in crimes, were promoted or otherwise protected. Officers whose loyalty was considered doubtful were pensioned off.

15. By March and April 1992, Serb dominated JNA units undertook operations to protect the Bosnian Serb population and secure those areas of Bosnia-Herzegovina (BiH) claimed as Serb. This became visible through increasing JNA assistance in organising and arming the SDS-led Bosnian Serb population and through the support provided by the JNA in the Serb take-over of certain municipalities in BiH. Radovan KARADŽIĆ, President of the SDS<sup>12</sup>, issued instructions to establish Crisis Staffs and to place Bosnian Serb TO units under JNA command. The JNA also began making preparations during this time, which would enable it to leave behind significant elements of its Bosnian Serb personnel and military equipment to enable the creation of a Bosnian Serb army.
  
16. Examples of JNA support to the Bosnian Serbs was most significant in April 1992 when Serb-dominated JNA units actively assisted the SDS-controlled Bosnian Serb TO in carrying out military actions against certain non-Serb villages. These operations were aimed at establishing Serbian control over these areas and removing the remaining non-Serb population. These JNA units carried out such operations in co-operation with the Bosnian Serb leadership via the bodies/leadership controlled by the SDS (incl. Crisis Staffs), Bosnian Serb TO's, paramilitary units from the SFRY, Bosnian Serb paramilitaries, etc.
  
17. The Bosnian Serb TO was established from existing TO units of the Republic of BiH in areas where a significant Serb population existed, with assistance of the JNA, and the MUP and MOD of the Republic of Serbia, through the SDS. Plans for the arming and assisting of local TO units by the JNA were made as early as 30 Dec 1991.
  
18. On 28 February 1992, the Bosnian Serb Republic of BiH (SRBiH) National Defence Law was proclaimed. This law established the framework of a Bosnian Serb MOD and outlined a role for the MOD that included the drafting of plans for the development, supplying and training of Bosnian Serb TO forces. The JNA was involved in the arming and equipping the Bosnian Serb TO, as well as some Bosnian Serb police units.

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<sup>12</sup> SDS: sprska demokratska stranka (Serbian Democratic Party)

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19. On 15 April 1992 an order for full mobilisation of (Bosnian Serb) TO forces was issued and command was given to the BSRBiH MOD. These forces were to be considered the armed forces of the BSRBiH and were to be commanded and controlled by the municipal, district, regional and Republic level staffs of the BSRBiH. Co-operation with the JNA was sought in preparation for the training and deployment of TO units, and where possible, a unified command between the JNA and Bosnian Serb TO was to be established.
20. The 16<sup>th</sup> session of the Assembly of the Serbian People of BiH, held in Banja Luka on 12 May 1992, 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. Radovan KARADŽIĆ also set out six strategic goals for the Serbian people. These six goals would manifest themselves in the operations prior to the JNA's formal withdrawal and further in operations conducted by the VRS throughout the conflict in BiH.
21. The VRS was officially established on 12 May 1992 by superimposing the structure of the JNA's former 2<sup>nd</sup> Military District (2<sup>nd</sup> MD), headquartered in Sarajevo, over the SDS-controlled forces of the Bosnian Serb TO. The VRS Main Staff reported by the end of 1992 that infantry units of the Bosnian Serb TO and paramilitaries initially used by the Crisis Staffs were incorporated into the new VRS.
22. A significant portion of JNA 2<sup>nd</sup> MD units and equipment in BiH were transferred to the VRS during the formal withdrawal of the JNA from BiH. Former JNA Corps and subordinated formations in Serb-dominated areas of BiH were renamed and assumed the role of principal land force combat components of the VRS.
23. By leaving behind material resources and experienced personnel, the JNA (VJ) provided the expertise and resources required by the VRS. By late May 1992, much of the direct role in combat operations previously played by the JNA was 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, after May 1992 the VJ's role in BiH turned largely to providing support and assistance to the VRS in the areas of logistics supply, maintenance and transportation; personnel

(incl. administration and financing); communications and intelligence; air defence; and medical care.

24. Besides the support and assistance role, examples exist of the engagement of VJ combat units in BiH. By early 1993, the Muslim-dominated government-controlled forces of BiH (ABiH) offensives in the Drina Valley, along the border with Serbia, had proven so successful that in some areas Muslim troops held the western side of the border between BiH and Serbia. With the assistance of VJ troops, fire support, and resupply, the VRS launched a series of successful (counter)offensives in the Drina Valley and around Srebrenica by mid-March 1993. At the same time, the United Nations Security Council (UNSC) declared Srebrenica a "Safe Area". In May 1993, the UNSC expanded the Safe Area concept to five other areas (Goražde, Žepa, Sarajevo, Tuzla and Bihać).
25. Direct VJ involvement in combat operations in BiH after May 1992 was not limited to the Drina Valley - Serbian border region. Operations PANCIR-1, 2 & 3 against ABiH forces around Sarajevo (October 1993 - September 1994), were conducted primarily by units of the VRS Sarajevo-Romanija Corps and other VRS formations, supported by elements from the VJ. Operations in Western BiH involved the active participation of VJ elements on several occasions. These operations were aimed at supporting and, re-establishing the so-called Autonomous Province of Western Bosnia (APWB), led by Fikret ABDIĆ. In November 1994, a special military command "PAUK" was formed to conduct operations against the ABiH 5th Corps in the Bihać pocket. The PAUK commander, Colonel-General Mile NOVAKOVIĆ - a former JNA officer-, coordinated his unit's operations with those of the SVK, MUP special units of the republic of Serbia, the APWB armed forces, and VRS units.
26. The VRS Main Staff produced a plan in November 1993 for combat operations under the code-name "DRINA". The second phase of this plan consisted of 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". In this second phase it was anticipated that the assistance of the VJ would be significantly enhanced. This was to include the involvement of VJ units in combat actions. Overall, the Drina plan clearly



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indicated the anticipated involvement of the VJ in supporting VRS operations in late 1993/early 1994.

27. The VJ assisted the VRS in the area of manpower by maintaining a role in the training of VRS military personnel, and through incentives offered to officers who served in the VRS. VJ personnel sent to serve in the VRS continued to be paid by the VJ, were promoted within the VJ system, and received compensation due to the hardships of their work. From November 1993, the personnel matters of VJ officers serving in the VRS, as well as civilian and other personnel, were administered by the 30<sup>th</sup> Personnel Centre of the Personnel Department of the General Staff of the VJ, an administrative unit specifically established for this purpose.
28. The RS Assembly recognised the RS's own inability to fund the operations of the VRS. To compensate for its monetary shortfalls, the RS and VRS developed links with the FRY involving the provision of financial support.
29. There are many examples highlighting the strong relationship between the VRS and the VJ in the area of logistical support and re-supply. On its establishment in May 1992, the VRS inherited large stocks of weapons, vehicles, other military equipment, ammunition, fuel and other resources from the JNA. After the JNA's withdrawal, the VJ provided ammunition, fuel and other supplies to operate this equipment. VJ material support to the VRS was critical during this period as the RS had almost no independent war production capability, and imports from other sources were non-existent.
30. In the late summer of 1992 the VRS Main Staff and the VJ General Staff agreed upon a plan of supply, code-named IZVOR. IZVOR was aimed at facilitating the delivery of large quantities of ammunition and fuel from the FRY to the VRS. Later on, standardised procedures for the taking over of fuel and other supplies from FRY were established.
31. Other examples of close co-operation between VJ/FRY - VRS/RS include the efforts to re-establish the (official) Yugoslav Association of Arms and Military Equipment Industries (ZINVOJ) with FRY and RS defence industry. ZINVOJ

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played an important role in the reorganisation and revitalisation of the military industry in the RS after the eruption of the conflict in 1992, by arranging RS and FRY industrial production for the needs of both armies. Unis Pretis produced ammunition for both the VRS and the VJ. Its activities during the conflict show close co-operation with similar production facilities in FRY and with the VJ.

32. Co-operation between the VRS and the VJ developed in the fields of communications and radio-technical reconnaissance. In 1992, the VJ implemented a system that permitted secure communications between organs of the FRY and RS governments. After May 1992, the VJ also assisted the VRS in establishing its own intelligence body. Through their joint military communications systems the VRS and VJ shared intelligence information.
  
33. In relation to air defence, a memorandum prepared in advance of a co-ordination meeting between the VJ, VRS and the RSK armies held in December 1993 described the co-ordination of the three armies achieved. This included the transfer of weapon systems, the plan to establish secure communications between the three armies, and the creation of a joint air defence system.

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**Military Analysis Team Expert Report Case IT-02-54-T**

**The SFRY Armed Forces and the Conflict in Croatia –  
JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

**Part I: STRUCTURE, COMMAND & CONTROL and  
DISCIPLINE of the SFRY ARMED FORCES**

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December 2003*

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## Section ONE: The SFRY Armed Forces

### 1. Introduction

- a. This section provides an overview of the relevant legislative framework that defined the SFRY armed forces, their components, and their mission.
- b. The SFRY armed forces consisted of the JNA and the (republican) Territorial Defence (TO). The TO comprised all armed formations that were not part of the JNA or the police. The mission of the SFRY Armed Forces was to protect the independence, sovereignty, territorial integrity and the social order as defined by the SFRY Constitution.

### 2. General

#### a. All People's Defence

- (1) The defence of the Socialist Federal Republic of Yugoslavia (SFRY) was regulated by law. For most of the late Yugoslav period, the principal legislation covering military affairs was the SFRY All-People's Defence Law ("ONO Law") promulgated in 1982<sup>1</sup> and its errata. Certain fundamental provisions were also outlined in the 1974 SFRY Constitution<sup>2</sup>, to which the "ONO Law" made frequent reference. The 1985 Law on Service in the Armed Forces legislated the service in the SFRY Armed Forces.<sup>3</sup>
- (2) SFRY's military doctrine of "*All-People's Defence*"<sup>4</sup> was formulated after the Soviet invasion of Czechoslovakia in 1968 and published as the official military doctrine in 1969.<sup>5</sup> All People's Defence meant that the country was defended or war was waged using all human and material

<sup>1</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982

<sup>2</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974

<sup>3</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985

<sup>4</sup> Opštenarodna Odbrana

<sup>5</sup> Exhibit Nr B9719; ERN Eng 0343-4653-0343-5304, *Area Handbook for Yugoslavia*, 1973, at page 536

resources and forces of the society in the struggle against the aggressor.<sup>6</sup> All Peoples Defence encompassed various forms of combat and resistance; in addition to the armed forces (which were the chief agent and mainstay of the struggle), the whole of the population was involved, including those who were able to fight and offered resistance and all the economic and other resources of the society.<sup>7</sup>

- (3) The doctrine of All-People's Defence was subsequently codified in Article 240 of the revised SFRY Constitution of 1974.

Article 240 of the 1974 SFRY Constitution

The Armed Forces of the Socialist Federal Republic of Yugoslavia shall protect the independence, sovereignty, territorial integrity and the social system of the Socialist Federal Republic of Yugoslavia established by the present Constitution.

The Armed Forces of the SFRY shall make a unified whole and shall consist of the Yugoslav People's Army as the common armed force of all the nations and nationalities and of all working people, and citizens, and the Territorial Defence, as the broadest form of organised total national armed resistance established by this Constitution.<sup>8</sup>

Any citizen who takes part in resisting aggression towards the country is a member of the armed forces of the SFRY.

This last paragraph is of particular importance as it has clear command responsibility implications regarding the use of armed citizens.

b. The SFRY Armed Forces

- (1) Article 91 of the 1982 "ONO Law" (quoting the second paragraph of Article 240 of the 1974 SFRY Constitution) established the two elements that constituted the SFRY's armed forces: the Yugoslav People's Army (JNA: Jugoslovenska Narodna Armija) and the Territorial Defence (TO: Territorijalna Odbrana).

<sup>6</sup> Exhibit Nr B6189; ERN BCS 0068-1276-0068-1276; Eng 0081-6252-0081-6335, *Legal Manual for Commanding Officers*, 1976

<sup>7</sup> Exhibit Nr B6189; ERN BCS 0068-1276-0068-1276; Eng 0081-6252-0081-6335, *Legal Manual for Commanding Officers*, 1976

Article 91 of the 1982 ONO Law

The Armed Forces make up a single entity and are comprised of the Yugoslav People's Army and the Territorial Defence.

Any citizen who with weapons, or in any other fashion, participates in resistance against the enemy is also considered a member of the Armed Forces.<sup>9</sup>

The second sentence in the above extract also has clear command responsibility implications regarding the use of armed citizens.

- (2) The 1983 SSNO Manual "*Strategy of Armed Conflict*" defined the SFRY Armed Forces as follows:

SFRY armed forces are made up of the Yugoslav People's Army and the Territorial Defence. The Yugoslav People's Army is a common armed force of all nations and nationalities and all working people and citizens of Yugoslavia. The Territorial Defence is the broadest form of organisation of working people and citizens for armed combat and specific tasks of social self-protection and the broadest form of organised armed all people's resistance.<sup>10</sup>

c. The JNA

- (1) As part of All People's Defence, the JNA was the core of the Yugoslav Armed Forces.<sup>11</sup>
- (2) The JNA was an important and powerful federal institution. Amongst these most significant federal institutions 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 (Bratstvo I Jedinstvo)*", and "*the group most loyal to the Yugoslav State*"<sup>12</sup>.

- (3) Article 99 of the 1982 ONO defined the JNA as follows:

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<sup>8</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World, 1974*, Art 240

<sup>9</sup> Already Tended by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani - ONO)*, Belgrade, 1982, Art 91

<sup>10</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>11</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>12</sup> Exhibit B9721; ERN Eng 0063-4242-0063-4295, Bradford Studies on Yugoslavia Nr 13, *The Yugoslav People's Army: The Political Dimension*, Marko MILIVOJEVIĆ, 1988

## Article 99 of the 1982 ONO Law

The Yugoslav People's Army is the joint armed force of all Yugoslav nations and nationalities and all its working people and citizens.

The Yugoslav People's Army shall be organised into wartime and peacetime units and institutions.<sup>13</sup>

- (4) Article 101 provided some information on the structure of the JNA. The JNA consisted of branches (Army, Air Force and Anti Aircraft Defence, Navy), arms (Army: armour, infantry, artillery) and services (logistics, engineers, etc.).

## Article 101 of the 1982 ONO Law

The Yugoslav People's Army shall consist of branches, arms, and services.

The branches shall be the ground forces, the air force and air defence, and the navy.

The branches shall consist of arms and services.

The arms shall be divided according to type and speciality, while the services shall be subdivided into sections and specialities.<sup>14</sup>

- (5) The 1983 JNA Manual on *Command and Control* stated:

The JNA is equipped and trained to go up against the main enemy forces from the very outset of an aggression, and to perform the most complex tasks of defending the country from the beginning till the end of war. It consists of three branches: Army, Airforce and Anti-Aircraft Defence, and Navy.<sup>15</sup>

d. The Territorial Defence (TO)

- (1) In addition to the JNA, as a part of the concept of "*All Peoples Defence*", TITO in 1968 mandated the establishment of Territorial Defence forces (TO).<sup>16</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. TO

<sup>13</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani - ONO)*, Belgrade, 1982, Art 99

<sup>14</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani - ONO)*, Belgrade, 1982, Art 101

<sup>15</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, *JNA Textbook on Command and Control*, 1983, p 85

units were organised, funded and equipped by the republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia).<sup>17</sup>

- (2) The 1982 All-People's Defence Law contained a series of provisions addressing the TO forces and their command structure. The basic structure of the TO was laid out in Paragraphs 3 and 4 of Article 102. This article stipulated among other things that the TO comprised all armed structures that were not part of the JNA or the police.

Article 102 of the 1982 ONO Law

Territorial defence shall be the broadest aspect of an organised grassroots resistance. Territorial defence shall be organised in basic and other organisations of associated labour, at the level of local communities, municipalities, autonomous provinces, republics and other socio-political communities.

Territorial Defence shall comprise all armed formations that are not incorporated in the Yugoslav People's Army and the police.

Territorial defence shall comprise units, institutions and staffs, and other forms of organisations of working people and citizens for a general popular armed resistance. Territorial defence units and institutions, and other forms of organisations of working people and citizens for a general popular armed resistance shall be set up and trained in time of peace, and engaged in time of war, in the event of an immediate threat of war or in other emergencies, as well as during exercises and in the course of other assignments in time of peace envisaged by this Law.

In time of peace, territorial defence institutions may be established for the purpose of training of territorial defence members, and for other assignments and tasks related to territorial defence preparations.

Communications units established by socio-political communities for the needs of governance in those communities in time of war, in the event of an immediate threat of war or in other emergencies, shall organise and make preparations according to the provisions of this Law pertaining to territorial defence.<sup>18</sup>

- (3) Article 103 of the 1982 "ONO Law" outlined the legal framework in which the TO operated.

Article 103 of the 1982 ONO Law

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<sup>16</sup> Exhibit Nr B9719; ERN Eng 0343-4653-0343-5304, Area Handbook for Yugoslavia, Foreign Area Studies, American University, 1973, at page 536

<sup>17</sup> Exhibit Nr B9719; ERN Eng 0343-4653-0343-5304, Area Handbook for Yugoslavia, Foreign Area Studies, American University, 1973, at page 536



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Territorial defence shall be organised and set up within a joint system of all-people's defence, in accordance with the Constitution, law, fundamentals of organisation and outlines of plans of development of the armed forces and a plan of their use, the system of command and control in the armed forces, a common system of arms procurement, equipment and training of the armed forces and the decisions and plans of socio-political communities.<sup>19</sup>

e. Volunteers

(1) Article 119 of the 1982 "ONO Law" addressed the issue of "*volunteers*".

The article defined the circumstances under which volunteers could be activated as well as their duties and their place within the military hierarchy. Of key importance was paragraph 5, which asserted that "*in view of their rights and responsibilities, volunteers are on an equal footing with military personnel or military conscripts*".

Article 119 of the 1982 ONO Law

In time of war, in the event of an immediate threat of war or in other emergencies, as well as for the purpose of military exercises, mobilisation readiness tests and training, units, institutions and staffs of the Armed Forces shall be reinforced with personnel from the regular and reserve structures of the Armed Forces and material resources from the war reserves and inventoried materiel.

In time of war, in the event of an immediate threat of war or in other emergencies the Armed Forces may also be replenished with volunteers.

Volunteers, as referred to in this Article, are considered to be persons not subject to military service who have been accepted in and joined the Armed Forces at their own request.

In time of peace, persons who are not conscripts may also voluntarily take part in military exercises and other forms of training of units, institutions and staffs of the Territorial Defence.

<sup>18</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art102

<sup>19</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 103

Persons referred to in paragraphs 2 and 4 of this Article shall have the same rights and duties as military personnel and/or military conscripts.<sup>20</sup>

(2) Volunteers were an important element to help filling the ranks of the JNA, particularly during the conflict in Croatia, when the JNA saw itself confronted with a dwindling response to mobilisations and an increasing number of desertions. The additional decrees and orders on volunteers that were adopted during the conflict in Croatia will be addressed in detail in Part II of this study, Section TWO.

f. Police

Although not a component of the SFRY Armed Forces, the police could be used for military tasks. Article 104 of the 1982 ONO Law stated that during a war, during the time of the imminent threat of war and other extraordinary circumstances, *"the police may be utilised for the fulfilment of military tasks of the armed forces in accordance with the law."* Accordingly, during the time the police are carrying out their military tasks for the armed forces, they were *"placed under the authorised (military) officer who directs the military activities"*. In this context, "police" means both Federal and Republican police forces. The subordination of police forces to the military commander meant that the latter becomes responsible for how the police carried out operations.

Article 104 of the 1982 ONO Law

In war, in time of an immediate threat of war and in other emergencies, the police may be used for carrying out military activities for the armed forces in accordance with the law.

During its engagement for combat activities in the armed forces the police shall be under the command of the authorised officer in charge of the military activity.

The reserve forces of the police shall be replenished by military conscripts.<sup>21</sup>

<sup>20</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 119

<sup>21</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Art 104

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### 3. Mission of the SFRY Armed forces

- a. Article 92 of the 1982 SFRY All-People's Defence Law ("ONO Law") defined the mission of the armed forces.

#### Article 92 of the ONO Law

"The Armed Forces safeguard independence, sovereignty, territorial integrity and the social order as defined by the SFRY Constitution. The Armed Forces may carry out certain tasks in relation to social self-protection, providing the conditions stipulated by the federal law are met".<sup>22</sup>

- b. The 1983 SSNO Manual "*Strategy of Armed Conflict*" detailed this mission, emphasising the role of the SFRY Armed Forces in protecting the interests of "*all nations and nationalities*" in the SFRY.

SFRY armed forces, together with other forces of all people's defence and social self-protection, protect the interests of all nations and nationalities and all working people and citizens of the socialist self-managing and non-aligned Yugoslavia and are the expression of their readiness and determination to successfully defend themselves against any aggression. SFRY armed forces have a national, socialist, revolutionary and defensive character and are exclusively designated for defence of the country and safeguard of peaceful construction of a socialist self-management society and non-aligned foreign policy.<sup>23</sup>

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<sup>22</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 92

<sup>23</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

## Section TWO: Command and Control over the SFRY Armed Forces

### 1. Introduction

- a. This section examines how (political) command and control over the SFRY Armed Forces was organised and describes the competencies of the most relevant Federal bodies (SFRY Presidency, Federal Executive Council, and Secretary for People's Defence and his Secretariat) in relation to the armed forces and other defence-related matters.
- b. The SFRY Presidency was the most senior command and control body of the armed forces. After the declaration of one of the three states (State of War, Imminent Threat of War, Emergency), the SFRY Presidency would become the Supreme Command, assisted by the Supreme Command Staff (consisting of the Federal Secretary for People's Defence, his Secretariat, the Chief of the General Staff and the General Staff of the JNA). The Presidents of the Republics were not part of the Supreme Command and had no legal competence over the JNA. They could however influence decision-making through the representatives of the Republics (and the representatives of the autonomous provinces) in the SFRY Presidency

### 2. General

- a. Under the 1974 SFRY Constitution<sup>24</sup>, the main organs of state power were:
  - The Federal Assembly
  - The Federal Executive Council
  - The President of the Republic (after TITO's Death replaced by the collective SFRY State Presidency)
- b. The Federal Assembly had two chambers: the Federal Chamber and the Chamber of Republics. The Federal Chamber consisted of 220 delegates from self-managing organisations, communities and socio-political organisations in the republics and autonomous provinces. The Chamber of Republics and

<sup>24</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974

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Autonomous Provinces comprised delegations from the assemblies of the republics and autonomous provinces.

- c. The Federal Executive Council acted as the government or cabinet with a president at its head, five vice-presidents and twenty-three members. The President of the Republic proposed a candidate for the post of President of the Federal Executive Council to the Federal Assembly. This candidate, who had to be a member of the Assembly, was then confirmed by it and in turn nominated candidates for the other posts on the Council.
- d. The 1974 Constitution made TITO President of the Republic for life.<sup>25</sup> When TITO died on 04 May 1980, the section of the Constitution on the President of the Republic (Articles 333-45) was automatically superseded by the provisions for a collective State Presidency<sup>26</sup>. This body consisted of eight members, one representative (not to be confused with the Presidents of the Republics) from each of the six republics (Slovenia, Croatia, Serbia, Bosnia-Herzegovina, Montenegro and Macedonia) and two autonomous provinces (Kosovo and Vojvodina).

### 3. Command and Control over the SFRY Armed Forces

- a. Article 96 of the 1982 "ONO Law" provided a general description of command and control of the armed forces.

#### Article 96 of the 1982 ONO Law

The competent federal bodies command and control the Armed Forces; determine the foundations for the organisation of the Armed Forces, the system of command and control of the Armed Forces, the basic elements of development plans and the plan on the use of the Armed Forces; and ensure unity in their activities and, in line with this, organise and prepare the JNA.

In compliance with the basic elements of the plans as defined in Paragraph 1 of this Article, the Federal Secretary for People's Defence passes regulations on the way in which the development plans and the plan on the use of the Armed Forces is formulated and the procedure for this.

<sup>25</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 335

<sup>26</sup> Hereinafter the "SFRY Presidency"

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The competent bodies in the republics and autonomous provinces shall organise and carry out the preparations for territorial defence, and direct and secure the unity of its organisation, preparations and operation in keeping with the outlines of plans for the development and use of the Armed Forces.<sup>27</sup>

- b. The 1983 JNA *Manual (Draft) for the Work of Commands and Staffs* defined three levels of Command and Control related to the Armed Forces:
- **Strategic level** of Command and Control: SFRY Presidency and part of the SSNO and the General Staff – the Supreme Command
  - **Operational level** of Command and Control: commands of Armies and republican and provincial Territorial Defence Staffs, Corps commands and other operational and strategic commands when they are established
  - **Tactical level** of Command and Control: tactical unit commands, up to and including the level of Division Commands and Territorial Defence Staffs, up to and including the level of the Territorial Defence zone staffs.<sup>28</sup>

#### 4. The SFRY Presidency

- a. In Accordance with Article 313 of the 1974 SFRY Constitution, the “ONO Law” reaffirmed in its Article 106, the SFRY Presidency as “*the most senior command and control body of the armed forces*”.

##### Art 313 of the 1974 SFRY Constitution

The SFRY Presidency shall represent the Socialist Federal Republic of Yugoslavia at home and abroad, and shall have other rights and duties as laid down by the present Constitution.

Within the framework of its rights and duties, and in order to realise the equality of the nations and nationalities, the SFRY Presidency shall work to achieve adjustment of the common interests of the Republics and Autonomous Provinces, in conformity with their responsibility concerning the realization of federal rights and duties.

<sup>27</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 96

<sup>28</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983, Chapter I, Para 19

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The SFRY Presidency is the supreme body in charge of administration and command of the Armed Forces of the Socialist Federal Republic of Yugoslavia in war and peace.

The SFRY Presidency shall consider foreign policy and the safeguarding of the order established by the present Constitution (state security) and shall stand to provide initiative for adopting measures and adjusting the activities of competent agencies for the execution of the established policy in these spheres.<sup>29</sup>

In carrying out the duties referred to in paragraph 1 of this Article, the SFRY Presidency may issue guidelines, directives, rules, decisions, orders and other enactments.<sup>30</sup>

- b. In article 316, the 1974 SFRY Constitution spelled out the Presidency's responsibilities in relation to the organisation and structure of the Armed Forces. Paragraph 1 of this article regulated military preparation, mobilisation, and determination of the existence of the imminent threat of war and the proclamation of a state of war.

#### Article 316 of the 1974 Constitution

In matters concerning People's Defence, the SFRY Presidency shall:

- 1) Lay down the fundamentals of plans and preparatory measures for the defence of the country
- 2) Issue guidelines for taking measures for alerting and mobilising the country's potential and forces for defence purposes and for the adjustment of plans and measures of the socio-political communities, organisations of associated labour and other self-managing organisations and communities
- 3) Determine the existence of an imminent danger of war
- 4) Order general or partial mobilisation and, if the SFRY Assembly is not in a position to meet, proclaim the state of war.

The SFRY Presidency shall draw up a plan for the use of the Armed Forces of the Socialist Federal Republic of Yugoslavia in the event of war, and shall order the use of Armed Forces in peace-time,

<sup>29</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 313

<sup>30</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 106

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The SFRY Presidency may transfer specific affairs concerning the command and control of the Armed Forces of the Socialist Federal Republic of Yugoslavia (SFRY) to the Federal Secretary of People's Defence (SSNO). The SSNO shall be responsible to the SFRY Presidency for the conduct of affairs transferred to him.

For the purpose of reviewing the implementation of the established policy concerning the command and control of the Armed Forces of the Socialist Federal Republic of Yugoslavia, the SFRY Presidency may send its delegates directly to the Federal Secretariat of People's Defence and to other higher commands of the SFRY Armed Forces.

- c. The 1982 "ONO Law" mirrored the above-mentioned duties and articulated them in more specific terms, in Article 106. Accordingly, the SFRY Presidency:
- established plans for the use of the armed forces in time of war;
  - ordered the use of the armed forces in peacetime;
  - established the military sectors within the country;
  - developed the strategy of armed conflict (basic rules and other acts pertaining to the strategy of armed conflict, mobilisation and the use of the armed forces);
  - established the command and control system of the armed forces in accordance with the principles stipulated by the Constitution, and monitored the implementation of the policy for the command and control of the armed forces; and
  - established the organisation of the JNA and determined the structure of the JNA

#### Art 106 of the 1982 ONO Law

The SFRY Presidency, as the supreme command and control organ of the Armed Forces, shall:

- 1) Establish the outlines of the plans of development of the Armed Forces and the development plan of the Yugoslav People's Army;
- 2) Establish the basic structure of the Armed Forces and the structure and formation of the Yugoslav People's Army;
- 3) Establish command and control system of the Armed Forces in accordance with the fundamentals established by this Law;
- 4) Monitor the implementation of the adopted policies on command and control in the Armed Forces;



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- 5) Establish the plan for the use of the Armed Forces in the event of war and order their use in time of peace;
- 6) Provide guidelines for the preparation and mobilisation of the Armed Forces and guidelines for co-ordination of preparations and plans of the Yugoslavian /as written/ People's Army with the Territorial Defence;
- 7) Prescribe measures of preparedness in the Armed Forces in the event of an immediate threat of war and in other emergencies, and order their implementation and the transition of the Armed Forces into a state of alert;
- 8) Establish the basis for arms procurement and equipment of the Armed Forces;
- 9) Establish the military-territorial organisation of the country;
- 10) Issue the basic rules and other enactments pertaining to the strategy of armed combat, mobilisation, development and use of the Armed Forces, and the rules governing the internal order and relations in the discharge of military service in the Armed Forces.
- 11) Issue regulations for training in the Armed Forces and military discipline, as well as other regulations called for by the federal law;
- 12) Appoint and relieves of duty, at the proposal of competent republican and/or provincial organs, the commanders of the Territorial Defence of Republics and/or commanders of the Territorial Defence of Autonomous Provinces;
- 13) Perform other duties pertaining to command and control of the Armed Forces, on the basis and within the framework of the SFRY Constitution and the federal law.

In carrying out the duties referred to in paragraph 1 of this Article, the SFRY Presidency may issue guidelines, directives, rules, decisions, orders and other enactments.<sup>31</sup>

- d. As specified in paragraph 3 of article 316 of the 1974 SFRY Constitution, and article 108 of the "ONO Law", the Presidency could transfer certain command and control matters to the Federal Secretary for People's Defence (SSNO). Paragraph 2 of Article 108 emphasised that the SSNO had to answer to the SFRY Presidency for all matters transferred to him.

#### Article 108 of the ONO Law

The Presidency of the SFRY may transfer certain duties in the sphere of command and control of the Armed Forces to the Federal Secretary for People's Defence.

The Federal Secretary for People's Defence shall be responsible to the SFRY Presidency for tasks transferred to his competence by the SFRY Presidency.

<sup>31</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 106

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In carrying out the enactments of the SFRY Presidency referred to in Article 106, paragraph 2 of this Law and the tasks of command and control of the Armed Forces transferred to his competence by the SFRY Presidency, the Federal Secretary for People's Defence may issue rules, orders, instructions and other enactments.<sup>32</sup>

- e. In addition, article 97 of the 1982 "ONO Law" defined a number of specific responsibilities of the SFRY Presidency with regard to the TO. According to this article, the SFRY Presidency
- co-ordinated the preparation plans of JNA and TO;
  - established a joint Command for the JNA and the TO; and
  - appointed JNA units to the TO and TO units to the JNA.

#### Article 97 of the 1982 ONO Law

On a decision of the SFRY Presidency, joint commands for units and institutions of the JNA and the Territorial Defence may be set up for certain areas.

On a decision of the SFRY Presidency, certain units and institutions of the JNA may be redefined as Territorial Defence units or institutions and become a part of the Territorial Defence, while certain units and institutions of the Territorial Defence may be redefined as JNA units or institutions and become a part of the JNA, if particular conditions require this.<sup>33</sup>

## 5. The President of the SFRY Presidency

- a. The SFRY Presidency was a collective body with equality among its members and a formal practice of acting on a consensus basis. In addition, there were a President and a Vice-President of the Presidency, elected for a period of one year from the ranks of the Presidency, with certain constitutional and statutory powers.<sup>34</sup>
- b. Article 328, paragraph 2 of the 1974 SFRY Constitution stated: *"The President of the SFRY Presidency shall, on behalf of the SFRY Presidency, be in charge of the command of the Armed Forces of the Socialist Federal*

<sup>32</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 108

<sup>33</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 97

<sup>34</sup> See Article 327, 328 and 330 of the 1974 SFRY Constitution

*Republic of Yugoslavia, in conformity with the present Constitution and federal statute." Paragraph 4 added, "During a state of war, in the event of an imminent threat of war and in other similar kinds of emergency when the SFRY Presidency is not able to meet, the President of the SFRY Presidency shall, on behalf of the SFRY Presidency, exercise specific rights and duties as authorised by the SFRY Presidency." Article 328 also regulated the absence of the President of the SFRY Presidency and the termination of his office.*

Article 328 of the 1974 Constitution

The President of the SFRY shall, on behalf of the SFRY Presidency,

- 1) Represent the Socialist Federal Republic of Yugoslavia
- 2) Represent the SFRY Presidency
- 3) Convene and preside over the meetings of the SFRY Presidency
- 4) Sign acts adopted by the SFRY Presidency
- 5) Ensure the implementation of acts and conclusions of the SFRY Presidency
- 6) Issue instruments of ratification of international treaties and
- 7) Receive letters of credence from foreign diplomatic representatives accredited to the SFRY Presidency.

The President of the SFRY Presidency shall on behalf of the of the SFRY Presidency be in charge and in command of the Armed Forces of the Federal Republic of Yugoslavia, in conformity with the present Constitution and federal statute.

The President of the SFRY Presidency shall be the Chairman of the Council of People's Defence.

During a state of war, in the event of an immediate danger of war and in other similar kinds of emergency, when the SFRY Presidency is unable to meet, the President of the SFRY Presidency shall on behalf of the SFRY Presidency, exercise specific rights and duties, as authorised by the SFRY Presidency

During his absence or prolonged inability to perform his office, the President of the SFRY Presidency shall be deputised for by the Vice-President who may represent him in the conduct of affairs entrusted to him by the President

With the termination of the office of the President of the Republic, the SFRY Presidency shall exercise all the rights and duties vested in it under the Present Constitution and the Vice-President of the SFRY shall become President of the SFRY Presidency until the expiry of the term for which he was elected Vice-President.<sup>35</sup>

<sup>35</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 328

- c. Article 107 of the 1982 “ONO Law” asserted that besides conducting affairs envisaged by the SFRY Constitution and federal law, as well as affairs authorised by the SFRY Presidency, the President of the Presidency also represented and commanded the Armed Forces, in line with the SFRY Constitution, federal law and decisions of the Presidency; signed acts of the SFRY Presidency related to the armed forces and oversaw their implementation.

Article 107 of the 1982 ONO Law

On behalf of the SFRY Presidency, The President of the SFRY Presidency shall:

- 1) Command the Armed Forces, in accordance with the Constitution of the SFRY, the federal law and the decisions and positions taken by the SFRY Presidency;
- 2) Represent the Armed Forces in the country and abroad;
- 3) Sign enactments of the SFRY Presidency pertaining to the Armed Forces and oversee their implementation;
- 4) Perform other duties envisioned by the SFRY Constitution and the federal law, as well as any additional duties entrusted to his charge by the SFRY Presidency.<sup>36</sup>

- d. As indicated previously, Article 316, paragraph (3) of the 1974 SFRY Constitution, authorised the SFRY Presidency to transfer specific affairs concerning the command and control over the Armed Forces to the Federal Secretary for People’s Defence, adding that the Federal Secretary for People’s Defence “*shall be responsible to the SFRY Presidency for the conduct of affairs transferred to him*”.

- e. Article 108 of the 1982 “ONO Law” reaffirmed this provision.

Article 108 of the 1982 ONO Law

The Presidency of the SFRY may transfer certain duties in the sphere of command and control of the Armed Forces to the Federal Secretary for People’s Defence.

The Federal Secretary for People’s Defence shall be responsible to the SFRY Presidency for tasks transferred to his competence by the SFRY Presidency.

<sup>36</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 107

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In carrying out the enactments of the SFRY Presidency referred to in Article 106, paragraph 2 of this Law and the tasks of command and control of the Armed Forces transferred to his competence by the SFRY Presidency, the Federal Secretary for People's Defence may issue rules, orders, instructions and other enactments.<sup>37</sup>

## 6. The Federal Executive Council (SIV)<sup>38</sup>

- a. Article 347 of the 1974 SFRY Constitution and Article 77 of the 1982 "ONO Law" determined the authorities and responsibilities of the Federal Executive Council (SIV). Paragraph 7 of Article 347 stated that the Federal Executive Council was to "*ensure the execution of the country's defence policy and the implementation of preparations for defence within the framework of the rights and duties spelled out by the present Constitution and Federal statutes*".

### Article 347 of the 1974 SFRY Constitution

The Federal Executive Council shall:

- (1) Review the state and realization of the policy of the SFRY Assembly and propose to the Assembly formulation of internal and foreign policy;
- (2) Introduce federal bills, draft regulations and other draft enactments and have the right to express its opinion on bills, draft regulations and other draft enactments introduced in the SFRY Assembly by other authorised proposers;
- (3) Lay down draft social plans of Yugoslavia;
- (4) Introduce proposals for the determination of the total volume of expenditure of the Federal Budget, adopt drafts of the Federal Budget and of the Federation's Annual Balance Sheet;
- (5) Pass decrees, make decisions and adopt other regulations regarding the enforcement of federal statutes, other regulations and enactments of the SFRY Assembly;
- (6) Ensure the execution of policy and the enforcement of statutes, other regulations and enactments of the SFRY Assembly;
- (7) Ensure the execution of the country's defence policy and the implementation of preparations for defence within the framework of the rights and duties spelled out by the present Constitution and federal statutes
- (8) Ratify international treaties whose ratification does not fall within the competence of the SFRY Assembly;

<sup>37</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, SFRY *All Peoples Defence Law (Zakon o Opšsenarodnoj Odbrani – ONO)*, 1982, Art 108

<sup>38</sup> SIV: Savezno Izvršno Vece (Federal Executive Council)

- (9) Adjust and direct the work of federal administrative agencies with a view to ensuring the execution of policy and the enforcement of statutes, other regulations and enactments of the SFRY Assembly; supervise the work of federal administrative Agencies and rescind regulations of federal administrative agencies which are contrary to a federal statute, other regulation or enactment of the SFRY Assembly or to a regulation passed by the Council for the implementation of a federal statute, other regulation or enactment, and may, under conditions specified by federal statute, Annul regulations passed by these agencies;
- (10) Lay down general principles concerning the internal organisation of federal administrative agencies; open diplomatic and consular missions of the Socialist Federal Republic of Yugoslavia abroad; set up professional and other services for Its own needs and joint services for the needs of federal administrative agencies; appoint and relieve of duty officials as specified by federal statute;
- (11) Adopt Rules of Procedure concerning its own work;
- (12) Conduct other affairs specified by the present Constitution.<sup>39</sup>

- b. Article 7 of the 1982 ONO law detailed the responsibilities of the SIV pertaining to defence policy and planning, as well as defence industry, communication, reporting and related matters.

#### Article 77 of the 1982 ONO Law

In the sphere of All-People's defence, the Federal Executive Council shall:

- 1) Ensure the implementation of the country's defence policy and carry out defence preparations;
- 2) Adopt its own plans for defence and other emergencies and co-ordinate the plans for defence and other emergencies of the federal administrative organs and federal organisations and agencies, as well as other federal organs and organisations and other self-management organisations and communities which perform tasks relevant to the functions of the Federation;
- 3) Pass regulations on the organisation and work, and regulations on the classification of tasks and duties, in a state of war, of federal administrative organs and federal organisations and agencies which perform tasks relevant to the functions of the Federation, and/or approve such regulations passed by other federal organs and self-management organisations and communities which perform tasks relevant to the functions of the Federation;
- 4) Propose outlines of plans and preliminary measures for the country's defence and outlines of preparations for the operation of the economy and social services in time of war, as well as a plan for the operation of these services in time of war;

<sup>39</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 347

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- 5) Establish the basic methodology and common indicators for drafting defence plans and plans for the development of all-people's defence in self-management organisations and communities, socio-political and other social organisations and socio-political communities;
- 6) Establish the basic criteria and standards for the assignment of working people and citizens, and material resources required for the replenishment of the armed forces and for other purposes of all-people's defence;
- 7) Co-ordinate, direct and supervise the federal administrative organs and organisations in the sphere of all-people's defence to ensure the implementation of policies and laws and other regulations and general enactments of the SFRY Assembly, and supervise the work and preparations of these organs and organisations for defence and the discharge of other tasks and duties pertaining to all-people's defence.
- 8) Be in charge of securing financial and other means for the work of organs and organisations of the Federation in time of war, in the event of an immediate threat of war and in other emergencies;
- 9) Be in charge of developing the production and other capabilities for the manufacture of arms and military equipment and trade of such products, and in conjunction with that take the necessary measures, in accordance with the federal law;
- 10) Be in charge of ensuring an adequate supply of material and financial resources for the implementation of Federation defence plans and securing strategic reserves required by the country in time of war, in the event of an immediate threat of war and in other emergencies, as well as the necessary funds for certain preparations in the industries of particular importance for the country's defence;
- 11) Ensure that the measures for a state of readiness that are ordered by the SFRY Presidency in the case of an imminent threat of war and other extraordinary situations are implemented and take the necessary measures in connection with the above;
- 12) Establish the basic guidelines for anti-electronic security, the organisation of cryptographic security and the safe transmission of confidential data and information;
- 13) Establish the fundamentals of a communications system for the purpose of governance within socio-political communities in time of war and a general mode of operation and use of the communications system in time of war, in the event of an immediate threat of war and other emergencies.
- 14) Organise a monitoring and reporting service for use by the organs and organisations of the Federation;
- 15) In time of war, in the event of an immediate threat of war and in other emergencies it may order, under conditions determined by the Constitution and federal regulations, the introduction of censorship of the mail and other media of communication, restrictions of movement and international traffic across the SFRY border, when required by the country's defence and security.

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16) Perform other duties within its competence as stipulated by the federal law.<sup>40</sup>

## 7. The Federal Secretary/Secretariat for People's<sup>41</sup> Defence (SSNO)<sup>42</sup>

People's Defence was highly centralised in the SFRY. The Federal Secretariat for People's Defence was headed by the Federal Secretary for People's Defence. The SSNO organised and supervised the armed forces of the SFRY on a day-to-day basis.

a. Articles 79 through 88 of the 1982 SFRY "ONO Law" dealt with the powers of the Federal Secretariat for People's Defence (SSNO).

(1) Article 79 described the organising and preparing of all-people's defence, as well as its implementation and stated in its Para 4) that the Federal Secretariat "*shall be in charge of ... the implementation of the system of command and control in the armed forces*".

### Article 79 of the 1982 ONO law

In relation to organising and preparing all-people's defence, implementing the basic elements of plans and preparatory measures for the country's defence and ensuring command and control in the Armed Forces, the Federal Secretariat for People's Defence shall be in charge of the following administrative and specialist affairs:

- 1) The study and elaboration of the concept of all-people's defence, armed conflict and conduct of all-people's warfare;
- 2) An assessment of war risk and other threats to the country;
- 3) The preparation and formulation of the basic elements of development plans for the armed forces and the harmonisation of these plans with the plans and preparatory measures for the country's defence, as well as the determination of the organisation and methodology of development planning in the armed forces;
- 4) The implementation of the system of command and control in the armed forces;
- 5) The preparation of terrain for the activities of the armed forces and co-operation with competent socio-political community bodies as regards preparing terrain for other needs of all- people's defence;

<sup>40</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 77

<sup>41</sup> Some sources use the term "National" Defence instead of "People's" Defence

<sup>42</sup> SSNO (Savenzi sekretariat za narodnu odbranu) are used in this document for both the Secretary as the office (the Secretariat)



- 6) The training of members and units of the armed forces, and expert assistance in the training of young people and the general population for armed combat and the training of personnel for work on affairs pertaining to all-people's defence;
- 7) The preparation of a system of communications important for the activities of the armed forces in wartime; the harmonisation of this system of communications with the needs of the armed forces; and the preparation of a general regime for the use and utilisation of communications in war, during an immediate threat of war and other emergency situations;
- 8) The organisation and operation of a wartime system of navigation at sea and inland water ways;
- 9) The implementation of basic elements of the system of civil defence, the protection of cryptographic data and surveillance and communications, as well as the basic elements of the system of communications for management needs in socio-political communities;
- 10) The implementation of the basic elements of self-protection in all-people's defence and of security in the armed forces;
- 11) The organisation and preparation of manufacturing and other capacities for the production of weaponry and military equipment and the ensuring priority production for the needs of the armed forces;
- 12) Scientific research carried out within the Armed Forces and other research of particular importance for all-people's defence;
- 13) Statistical research and keeping of records of general interest for the defence of the country and for the exercise of the Federation's functions in the sphere of all people's defence;
- 14) Co-operation with other federal organs and organisations regarding the organisation and effectiveness of social self-protection.

The Federal Secretariat for People's Defence shall also be in charge of administrative and specialised duties pertaining to the implementation of the basic elements of the system of all-people's defence and the implementation of federal laws, other federal regulations and general legislation enacted by the SFRY Assembly and the Federal Executive Council in the field of all-people's defence which fall within its competence according to federal law, as well as other affairs pertaining to all-people's defence unless they are within the competence of another federal administrative body or federal organisation.

The Federal Secretariat for People's Defence shall be in charge of headquarters-related and other specialist affairs for the needs of the SFRY Presidency in relation to its rights and duties pertaining to all-people's defence as defined by the SFRY Constitution and federal law, except for the specialist tasks within the scope of other federal administrative bodies and federal organisations in that field.

The Federal Secretariat for People's Defence shall adopt regulations within its competence and issue expert instructions for the implementation of defence

preparations and the performance of other tasks as described in paragraphs 1 and 2 of this law.<sup>43</sup>

- (2) Article 80 focused on the role of the SSNO in organising and preparing the JNA for its mission. Paragraph 1) gave the SSNO the competence to oversee “*the co-ordination of plans and measures of the JNA with plans and measures of the Territorial Defence*”.

#### Article 80 of the 1982 ONO Law

In connection with the organisation and preparations of the Yugoslav People's Army, the Federal Secretariat for People's Defence shall perform duties relating to the following:

- 1) The preparation and realisation of plans for the use and development of the Yugoslav People's Army and the co-ordination of corresponding Territorial Defence plans with those plans;
- 2) The mobilisation and replenishment of the Yugoslav People's Army and the implementation of the military and material requisition requirements and the exercise of other rights and duties of working people and citizens and self-management organisations and communities relating to the organisation, preparation, replenishment and mobilisation of the Yugoslav People's Army;
- 3) The training of members and units of the Yugoslav People's Army;
- 4) Security and self-protection in the Yugoslav People's Army;
- 5) The implementation of the established personnel policy in the JNA;
- 6) The implementation of policies on the arming and equipping of the Yugoslav People's Army;
- 7) The organisation and management of material and financial matters in the Yugoslav People's Army, securing of material resources for the Yugoslav People's Army, the organisation and security of traffic, and medical security in the Yugoslav People's Army;
- 8) The publication of military newspapers and other works and publications in the Yugoslav People's Army;
- 9) The organisation of safety at work and environmental protection in the Yugoslav People's Army;

The Federal Secretariat for People's Defence also performs other duties related to the organisation and preparations of the Yugoslav People's Army within its competence as stipulated under federal law.

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<sup>43</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 79

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The Federal Secretary for People's Defence shall adopt regulations within his competence and provide expert instructions for organising and implementing preparations and conducting other affairs as described in Paragraph 1 of this Article<sup>44</sup>

- (3) Article 87 was important in that it expressed the authority of the SSNO over the defence bodies and organs in the republics.

#### Article 87 of the 1982 ONO Law

In the implementation of federal laws and other federal regulations in the sphere of all-people's defence, the relations between the Federal Secretariat for People's Defence and the republican and provincial organs shall be based on mutual co-operation, exchange of information and consultations.

In order to ensure that federal laws and other federal regulations pertaining to all-people's defence are implemented, the Federal Secretariat for People's Defence may:

- 1) Issue binding instructions to republican and provincial administrative bodies for People's Defence as regards the conduct of affairs pertaining to the realisation of the principles of the system of all-people's defence and the supervision of the implementation of federal regulations pertaining to all-people's defence, except in activities within the competence of other federal administrative bodies and federal organisations;
- 2) Request republican and provincial administrative bodies to submit the required reports on the implementation of federal regulations pertaining to all-people's defence which are within their competence.

The Federal Secretariat for People's Defence may set up regional bodies in order to co-ordinate the replenishment of the armed forces, assignment of conscripts to wartime units of the armed forces and in order to monitor the carrying out of tasks relating to military service and requisitions.<sup>45</sup>

- (4) Article 88 of the 1982 "ONO Law" introduced the Military Council. The Military Council was an advisory body, belonging to the SSNO. It had the following members: the Federal Secretary for People's Defence and his Deputy, the Chief of the General Staff, the Under-secretary for People's Defence, Assistants to the Federal Secretary for People's Defence, the

<sup>44</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 80

<sup>45</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 87

Chief Inspector for People's Defence, the commanders of the armies, commanders of the Territorial Defence of the republics, the commanders of the Territorial Defences of the Autonomous Provinces and other senior military personnel appointed by the Federal Secretary for People's Defence. The president of the Committee of the Organisation of the League of Communists in the JNA was also a member.

Article 88 of the 1982 ONO Law

A Military Council shall be set up within the Federal Secretariat for People's Defence with the task of giving the Federal Secretary for People's Defence its opinions and suggestions on activities within the competence of the Secretariat, especially in activities concerned with setting up, developing and equipping the armed forces and elaborating the doctrine of all-people's defence and the strategy of armed combat.

The Military Council shall be comprised of the Federal Secretary for People's Defence, the Chief of the General Staff, the Deputy Federal Secretary for People's Defence, the Under-secretary for People's Defence, Assistants to the Federal Secretary for People's Defence, the Chief Inspector for People's Defence, the commanders of the armies, commanders of the Territorial Defence of the republics, the commanders of the Territorial Defences of the Autonomous Provinces and other senior military personnel appointed by the Federal Secretary for People's Defence. The president of the Committee of the Organisation of the League of Communists in the JNA is also a member of the Military Council.<sup>46</sup>

Republican and provincial secretaries for national defence shall be invited to attend the sessions of the Military Council when the Council is deliberating about issues within the competence of the organs they head.

The Federal Secretary for People's Defence may also set up other advisory bodies within the Federal Secretariat for National Defence and within units and institutions of the Yugoslav People's Army.

- b. Article 108 of the 1982 "ONO Law" provided the Federal Secretary for People's Defence with the power to issue regulations, orders, instructions and "other acts". This way, he was effectively able to carry out command and control responsibilities transferred to him by the SFRY Presidency as set forth

<sup>46</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 88

in article 108. This article also allowed the implementation of acts of the SFRY Presidency from article 106 of the 1982 "ONO" law.

Article 108 of the 1982 ONO Law

The Presidency of the SFRY may transfer certain duties in the sphere of command and control of the Armed Forces to the Federal Secretary for People's Defence.

The Federal Secretary for People's Defence shall be responsible to the SFRY Presidency for tasks transferred to his competence by the SFRY Presidency.

In carrying out the enactments of the SFRY Presidency referred to in Article 106, paragraph 2 of this Law and the tasks of command and control of the Armed Forces transferred to his competence by the SFRY Presidency, the Federal Secretary for People's Defence may issue rules, orders, instructions and other enactments.<sup>47</sup>

- c. Article 110 asserted that the Federal Secretary for People's Defence executed *"command and control in the armed forces in accordance with the powers granted to him by the SFRY Presidency on the basis of the SFRY Constitution and in line with federal law"*. However, in the case that the SSNO was prevented from carrying out his duties outlined in this article, the Chief of the General Staff (CGS) of the Armed Forces should act on his behalf.

Article 110 of the 1982 ONO Law

The Federal Secretary for People's Defence shall exercise the duties of Command and control in the Armed Forces in accordance with the powers transferred to him, pursuant to the SFRY Constitution, by the SFRY Presidency, and in keeping with the federal law. The Chief of the General Staff shall replace the Federal Secretary for People's Defence in the event of the latter's absence or inability to discharge the duties referred to in paragraph 1 of this Article.

Commanders of units and institutions of the Yugoslav People's Army shall carry out the command and control duties in the Yugoslav People's Army in accordance with the federal law.<sup>48</sup>

<sup>47</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 108

<sup>48</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 110

- d. Article 117 of the 1982 "ONO Law" authorised the SSNO to issue orders, binding instructions and "*other acts*" to Territorial Defence commanders regarding command and control matters of the armed forces that were transferred to him by the SFRY Presidency, and the implementation of the SFRY Presidency's adopted "*guidelines, directives, rules, decisions, orders and other acts*" affecting the armed forces as laid out in article 106.

#### Article 117 of the 1982 ONO Law

The Federal Secretary for People's Defence may issue orders, binding instructions and other enactments to Territorial Defence commanders with respect to the implementation of enactments of the SFRY Presidency referred to in Article 106, paragraph 2 of this Law and control and command of the Armed Forces transferred to his competence by the Presidency of the SFRY.

Republican and provincial Territorial Defence staffs shall provide the necessary data and expert and other analyses essential to the discharge of the duties referred to in paragraph 1 of this Article.<sup>49</sup>

- e. The 1983 JNA Textbook on "*Command and Control*" stated that the Federal Secretariat for National Defence had two roles: it acted as a staff for the SFRY Presidency in charge of command and control of the armed forces, and as an administrative and expert body responsible for national defence matters under the jurisdiction of the federation.<sup>50</sup>

## 8. Supreme Command - Supreme Command Staff

### a. Legal Framework

- (1) Although the SFRY Presidency was at the top of the JNA's operational chain of command<sup>51</sup>, Article 283 of the 1974 SFRY Constitution gave the Federal Assembly the power to decide about the states of war and peace. Article 283, paragraph 1, point 5, stated that "*The SFRY Assembly shall decide on war and peace; ratify international treaties pertaining to*

<sup>49</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 117

<sup>50</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, page 97

<sup>51</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 313

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*political and military co-operation, and international treaties entailing the passage of new laws or amendments to existing ones”.*<sup>52</sup>

- (2) In Article 316, the 1974 SFRY Constitution spelled out the Presidency’s responsibilities in relation to military preparation, mobilisation, determination of the existence of the imminent threat of war and the proclamation of a state of war in case the Federal Assembly could not meet.
- (3) According to Article 317, Paragraph 1, of the 1974 SFRY Constitution, the SFRY Presidency could assume Federal Assembly powers during an armed conflict or in the event of an imminent threat of war.

Article 317 of the 1974 SFRY Constitution

During a state of war or in the event of an imminent threat of war, the SFRY Presidency may, on its own initiative or at the instance of the Federal Executive Council pass decrees with the force of law on questions falling within the competence of the SFRY Assembly. The SFRY Presidency shall submit these decrees to the SFRY Assembly for approval as soon as this is in a position to meet.”<sup>53</sup>

- (4) According to Article 6, Paragraph 3 of the 1982 “ONO Law”, the Presidency of the SFRY was the body which held the ultimate authority to make a decision on the state of affairs<sup>54</sup> within the country and, following, made further decisions as to what “*necessary*” or “*other corresponding*” measures should be undertaken to address any extraordinary situation.

Article 6 of the 1982 ONO Law

...

The existence of an immediate threat of war and other emergencies shall be established by the SFRY Presidency, pursuant to the SFRY Constitution and the federal law, which shall order, in connection with that, necessary readiness measures and other appropriate and necessary measures to ensure the defence of the country

<sup>52</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 283

<sup>53</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 317

<sup>54</sup> State of Imminent Threat of War, State of War, State of Emergency

and the social order established by the Constitution, that is the introduction of a state of emergency.<sup>55</sup>

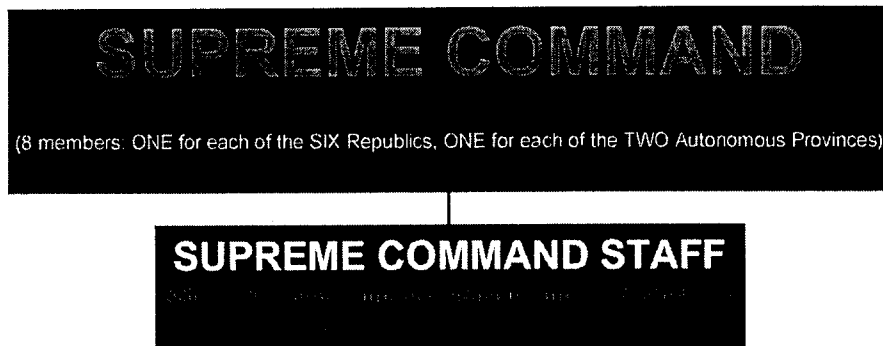
- (5) Related to this, the SFRY Presidency prescribed measures to ensure the readiness of the armed forces in case of the “*Imminent Threat of War*” and other extraordinary circumstances, and issued orders for their implementation and for the armed forces (or part of the armed forces) to be placed under a state of alert. This was explained in Article 133 of the 1982 “ONO Law”.

#### Article 133 of the 1982 ONO Law

The Armed Forces or segments thereof shall implement preparedness /measures/ in the event of an immediate threat of war and in other emergencies, pursuant to a decision of the SFRY Presidency (Article 106, paragraphs 1 and 7).

Exceptionally, in the event of an immediate threat of war and in other emergencies, the readiness of individual segments of the Territorial Defence may also be ordered by Committees for All-People’s Defence and Social Self-Protection in conformity with a decision of the SFRY Presidency.<sup>56</sup>

#### b. The Supreme Command – The Supreme Command Staff



- (1) Although the 1974 SFRY Constitution made no mention of a separate “*Supreme Command*” body<sup>57</sup>, this body was defined in at least two JNA regulations. According to the 1983 JNA “*Draft instructions for the Work*”

<sup>55</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 6

<sup>56</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 133

<sup>57</sup> According to Article 342 of the 1974 SFRY Constitution, the SFRY President was “*the Supreme Commander of the armed forces*” while TITO was alive.



of *Commands and Staffs*”<sup>58</sup>, the “strategic level of control and command comprises the SFRY Presidency with part of the Federal Secretariat for People’s Defence (SSNO) and the General Staff – the Supreme Command.” In addition, the 1983 JNA’s “*Strategy of Armed Conflict*”, publication<sup>59</sup> stated:

In war the Presidency of the SFRY performs the functions of the organ of supreme command and control over the armed forces of the SFRY as the Supreme Command of the armed forces of the SFRY. In wartime staff affairs for the Supreme Command are conducted by the SSNO. The Federal Secretary for People’s Defence, commanders of the Army, the Airforce and Air Defence, the Navy and Coastal Defence, independent corps and the Territorial Defence of the socialist republics and the socialist autonomous provinces and all commanders of strategic groups, when they are formed, are directly subordinated to the SFRY Presidency as the highest organ of command and control.<sup>60</sup>

- (2) The Supreme Command Staff (also known as Staff of the Supreme Command) was also mentioned in the 1985 Manual on Territorial Defence.<sup>61</sup> According to this publication, “*Supreme Command Staff affairs are the responsibility of the SSNO acting as SFRY Armed Forces Supreme Command Staff. Republic and Autonomous Provinces’ commanders of Territorial Defence are subordinated to the SFRY Presidency as the supreme organ of controlling and commanding (Article 4 of SFRY Constitution and the Law on People’s Defence of the Republic of Serbia)*”.<sup>62</sup>
- (3) The 1991 Amendments to the 1982 ONO Law added the following sentence to Article 79 of the 1982 ONO Law, which enumerated the powers of the SSNO: “*In performing these duties, the Federal Secretariat*

<sup>58</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745; Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs* (Draft), 1983, Para 18

<sup>59</sup> Exhibit Nr B9720; ERN BCS 0055-1062-0055-1221, JNA handbook entitled “*Strategy of Armed Conflict*” (in Slovenian), 1983

<sup>60</sup> Exhibit Nr B9720; ERN BCS 0055-1062-0055-1221, JNA handbook entitled “*Strategy of Armed Conflict*” (in Slovenian), 1983, at 0055-1128

<sup>61</sup> Exhibit Nr B9724; ERN BCS 0046-9953-0047-0194, JNA Manual on *Territorial Defence*, 1985

<sup>62</sup> Exhibit Nr B9724; ERN BCS 0046-9953-0047-0194, JNA Manual on *Territorial Defence*, 1985 p. 147

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*for People's Defence acts as the Staff of the Supreme Command of the Armed Forces".<sup>63</sup>*

- (4) The aforementioned articles and regulations can be summarised as follows:
- During **peacetime**, the Federal Secretary for People's Defence (and his Secretariat) and the Chief of the General Staff of the JNA (assisted by the General Staff) had an advisory role to the SFRY Presidency.
  - During **one the three states** - "*War, Imminent Threat of War, Emergency*"-, the SFRY Federal Presidency became the "*Supreme Command*" and would act as the national command authority. In these circumstances, the SSNO (both the Secretary and his Secretariat) and the General Staff (Incl the Chief of the General Staff) formed the "*Supreme Command Headquarters*" (aka "*Supreme Command Staff*"), with the SSNO as Chief of Staff (COS) of the Supreme Command Headquarters (or Supreme Command Staff).
- (5) The 1974 Constitution does not include any provisions for the involvement of the Presidents of the six constituent SFRY Republics in the command over the JNA. The Presidents of the Republics were not part of the Supreme Command and had no legal competence over the JNA. They could however influence decision-making through the representatives of the Republics (and the representatives of the autonomous provinces) in the SFRY Presidency.

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<sup>63</sup> Exhibit Nr ERN BCS 0046-1971-0046-2267, Eng 0085-8931-0085-8942, Decree on the Declaration of the Law on Amendments to the Law on All People's Defence, 17 May 1991, Article 26

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## Section THREE: The Armed Forces of the Republic of Serbia

### 1. Introduction

- a. This section describes the legislative framework that applied to defence matters in the Republic of Serbia.
- b. According to the 1990 Constitution and the 1991 Law for Defence of the Republic of Serbia, the President of the Republic commanded the “armed forces” of the Republic in peace and wartime. Until the creation of such armed forces, the TO was to constitute these armed forces.
- c. The President of Serbia was not part of the Supreme Command over the JNA/VJ. The 1991 Law for Defence for the Republic of Serbia also stated that only competent state bodies were allowed to organise, reinforce, arm, equip and train armed forces.

### 2. President of Serbia

#### a. Introduction

After serving as a member of the collective Presidency of the Socialist Republic of Serbia, Slobodan MILOŠEVIĆ was elected President of the Republic of Serbia on 8 December 1990.<sup>64</sup> MILOŠEVIĆ remained President of Serbia until 23 July 1997.

#### b. Legal Framework

- (1) According to Article 9 of the 1990 Constitution of the Republic of Serbia, the President of the Republic represented the Republic and expressed its state unity.

Article 9 of the 1990 Constitution of the Republic of Serbia

Constituent and legislative power is vested in the National Assembly.

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<sup>64</sup> Exhibit Nr K1096; ERN BCS 0046-1139-0046-1222, *Službeni glasnik Republike Srbije*, 21/90, pp. 790-91, 02 Number 013-1151/90, 12 December 1990

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The Republic of Serbia is represented and its State unity symbolised by the President of the Republic. Executive power is vested in the Government. Judicial Power is vested in the courts of law.

The protection of constitutionality, as well as the protection of legality, in accordance with the Constitution, is vested in the Constitutional Court.<sup>65</sup>

- (2) Article 83 of the 1990 Constitution of the Republic of Serbia described the specific duties of the President of the Republic. In Para 5, the article stipulated that the President commanded the “*armed forces*” in peacetime and wartime. These “*armed forces*” are not defined in the Constitution. There is no provisions relating to the Territorial Defence in this Constitution.<sup>66</sup>

#### Article 83 of the 1990 Constitution of the Republic of Serbia

The President of the Republic of the Republic shall:

- 1) Propose the Prime Ministerial candidate to the National Assembly after hearing the opinion of the representative of the majority in the National Assembly
- 2) Propose to the National Assembly the candidates for the president and the justices of the Constitutional Court
- 3) Promulgate laws by ordinance
- 4) Conduct affairs in the spheres of relations between the Republic of Serbia and other states and international organisations in accordance with law
- 5) Command the “Armed Forces” in peacetime and wartime, the popular resistance in wartime, order the general and partial mobilisation and organise defence preparations in accordance with law
- 6) If the National Assembly is not in a position to meet and after obtaining an opinion from the Prime Minister, establish the fact of existence of an imminent threat of war or proclaim a state of war
- 7) At his own initiative or at the proposal of the Government during a state of war or immediate danger of war, pass the enactments relating to questions falling within the competence of the National Assembly, provided his being bound to submit them to the Nation Assembly for approval as soon as it is in a position to meet. By way of the enactments promulgated during the state of war it shall be possible to restrict some freedoms and rights of man and citizen, and to alter the

<sup>65</sup> Exhibit Nr K1096; ERN Eng 0046-1139-0046-1222, *1990 Constitution of the Republic of Serbia*, in English, as published by Blaustein, 28 September 1990, Art 9

<sup>66</sup> Article 115 of the 1974 SFRY Constitution stated that the Commanders of the Republican TO and autonomous provinces were responsible to the SFRY Presidency.

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organisation, composition and powers of the Government and of the ministers, courts of law and public prosecutor's office

8) At the proposal of the Government, if the security of the Republic of Serbia, the freedoms and rights of man and citizens or the work of the State bodies and agencies are threatened in a part of the territory of the Republic of Serbia, proclaim a state of emergency and take the measures that the circumstances giving rise to it may require;

9) Grant pardons; and

10) Bestow decorations

11) Establish professional and other kinds of services to conduct affairs falling within his jurisdiction

12) Conduct other affairs in accordance with the Constitution.<sup>67</sup>

- (3) The Republic of Serbia Law on Defence, which entered into effect on 3 August 1991, regulated the President's authority in relation to the armed forces of the Republic.

Article 5 of the 1991 Defence Law of the Republic of Serbia

In accordance with the Constitution of the Republic of Serbia, the organisation of the armed forces in the Republic of Serbia shall be regulated by special legislation.

The President of the Republic, in organisation of defence preparations:

- Commands the armed forces in peacetime and war, thus including the authorisation for realisation of organisational and personnel issues in territorial defence;
- Brings defence plan of the Republic of Serbia and other acts that establish the measures for organisation and realisation of defence preparations;
- Orders realisation of measures for readiness and other required measures;
- Establishes foundations for organisation and the number of police forces in case of an imminent war threat and war;
- Can order use of police in war, during an imminent war threat and emergency state, as for protection of rights and duties of the Republic and its citizens, established by the Constitution.<sup>68</sup>

In accordance with Para 1 of Article 5 of this law, until a further law establishing the organisation of the "Armed Forces" of the Republic was to be passed, the Territorial Defence was to act in that capacity in the event of a threat to the Republic's interests. Article 113 and 115 of the 1982

<sup>67</sup> Exhibit Nr K1096; ERN Eng 0046-1139-0046-1222, *1990 Constitution of the Republic of Serbia*, in English, as published by Blaustein, 28 September 1990, Art 83

ONO law, however, stipulated that it was the SFRY Presidency who was in command of the Territorial Defence.

Article 4 of the 1991 Defence Law established that Territorial Defence was one of the defence functions of the Republic of Serbia.

Article 4 of the 1991 Defence Law of the Republic of Serbia

The Republic of Serbia, through its republic authorities, within the domain of defence: organises and enables defence preparations; leads national resistance in war; plans defence preparations and makes the Republic defence plan; organises and prepares territorial defence, civil protection, monitoring and reporting and lines of commanding; organises and carries out mobilisation in state authorities, companies and other organisations; secures realisations of rights and duties of citizens; organises and realises preparations in state authorities, companies and other organisations during war; organises defence training; realises other rights and duties of importance for the Republic defence.<sup>69</sup>

- (4) In certain circumstances, the President of the Republic of Serbia had legal authority over the police and other personnel of the MUP. Article 17 of 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>70</sup> Article 5, Para 3, item 5 of the 1991 Defence Law of the Republic of Serbia stated that the President *could order the use of police in war, during an imminent war threat and emergency state, as for protection of rights and duties of the Republic and its citizens, established by the Constitution mentioned earlier.*<sup>71</sup>

Article 17 of the 1991 Law on Internal Affairs

Should martial law be proclaimed in any part of the territory of the Republic, the Ministry of the Interior shall undertake such lawful measures, to protect the security

<sup>68</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 5

<sup>69</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 4

<sup>70</sup> Already Tendered by the Prosecution as Exhibit 526 Tab 21, Exhibit Nr B2704; ERN BCS 0046-1930-0046-1970, *Republic of Serbia Law on Internal Affairs*, 17 July 1991, Art 17

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of the Republic and its citizens as are specified by the orders and other acts of the President of the Republic intended to relieve the state of martial law.

The minister shall undertake the measures mentioned in paragraph 1 above in accordance with the law and under the terms and by the procedure determined by the legislation issued by the President of the Republic.

The law on Internal Affairs of the Republic of Serbia, did not contain any articles on the subordination of the MUP to the JNA during the time of the imminent threat of war, a war or other extraordinary circumstances.<sup>72</sup>

### 3. Ministry of Defence of the Republic of Serbia

- a. Articles 7 and 8 of the 1991 Law of Defence of the Republic of Serbia determined the competencies of the Government in relation to defence.

#### Article 7 of the 1991 Defence Law of the Republic of Serbia

The Government, within the defence domain:

- Proposes to the President of the Republic to bring the defence plan of the Republic of Serbia and other acts that establish measures for organisation and realisation of defence preparations;
- Implements acts and measures from the domain of defence preparations ordered by the President of the Republic;
- Brings acts on organisation and systematisation of the tasks of ministries and other organisations during state of war;
- Establishes courts of honour for reserve military officers, decides about areas and sites of those courts, authorities for instituting proceedings, establishes organisation, composition and work of courts of honour and appoints and dismisses president, deputy, judges, prosecutors and their deputies in those courts;
- Conducts other tasks establishes by law.<sup>73</sup>

#### Article 8 of the 1991 Defence Law of the Republic of Serbia

Ministries, within their jurisdiction and in case of an imminent war threat or war, implement laws, war regulations and tasks established by the Republic defence plan and are liable for functioning of the domain they are established for.

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<sup>71</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 5

<sup>72</sup> See Art 104 of the 1982 ONO Law

<sup>73</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 7

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Ministries as well as other republic authorities and organisations, within their jurisdiction, shall provide the Ministry of Defence, upon its request, with the available information required for the defence purpose.<sup>74</sup>

- b. Article 9 listed the duties of the Ministry of Defence. These duties concerned mainly civil protection and assistance with mobilisation. The Serbian Ministry of Defence had no command responsibility over the TO of the Republic of Serbia nor the JNA. The duties enumerated in Art 9 do not include particular provisions for the support to Serb defence structures outside the territory of the Republic either.

Article 9 of the 1991 Defence Law of the Republic of Serbia

The Ministry of Defence:

- 1) Carries out mobilisation of state authorities, units and civil protection headquarters formed by the Republic, monitoring and reporting service and the units providing communication for commands as well as takes care of realisation of mobilisation in companies and other authorities and organisations, pursuant to the Government regulation concerning the criteria for redeployment and mobilisation of citizens and material means for the needs of defence;
- 2) Inspects defence preparations and has an administrative supervision over the implementation of the provisions of this Law;
- 3) Gives an estimation of military, economic and other conditions in case of aggression as well as an estimation of the level of threat and the possibility for protection and rescuing, thereafter submitting the required information from those estimations to the ministries, municipalities and companies as well as to other organisations of special importance for the Republic defence. The required information from the estimation of threat and the possibility for protection and rescuing submits to the companies, other organisations and services that work in protection and rescuing;
- 4) Performs particular tasks concerning military obligation and mobilisation;
- 5) Brings closer regulations concerning the means of record keeping in defence domain;
- 6) Performs other tasks established by law.

The Ministry of Defence performs tasks within its jurisdiction in the organisational units formed out of the Ministry.<sup>75</sup>

<sup>74</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 8



#### 4. Territorial Defence (TO) of the Republic of Serbia

- a. Article 31 and 32 of the 1991 Defence Law of the Republic of Serbia contained the joined provisions for the TO of the Republic of Serbia. Article 31 underlines that the TO of the Republic of Serbia was part of the united armed forces of the SFRY

##### Article 31 of the 1991 Defence Law of the Republic of Serbia

Territorial Defence in Republic of Serbia, as a part of united armed forces of Socialist Federative Republic of Yugoslavia, protects independence, sovereignty, territorial integrity and constitutionally established social structure of Socialist Federative Republic of Yugoslavia and Republic of Serbia.

Territorial Defence in the Republic of Serbia, as a part of armed forces intended for a specific purpose, is organised in the municipalities, autonomous regions and republics.

Organisation, preparation, development, equipment and management of Territorial Defence in Republic of Serbia, within the united defence system, is carried out according to the Constitution of Socialist Federative Republic of Yugoslavia, Constitution of Republic of Serbia, federal law, this law, organisation and plan on development of armed forces and the plan of their use, according to system of management and command of armed forces, united rules of arms, equipment and training of armed forces and the plans on development of Territorial Defence of the Republic.<sup>75</sup>

##### Article 32 of the 1991 Defence Law of the Republic of Serbia

The commander of Territorial Defence of Republic of Serbia, commanders of Territorial Defence of autonomous regions, operative zones and commanders of Territorial Defence of municipalities, according to the development plans and the plan on use of armed forces, within the rights and duties determined by law, organise,

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<sup>75</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 9

<sup>76</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 31

prepare and operate Territorial Defence, and protect the integrity of the organisation and its preparation and activity.<sup>77</sup>

- b. Command and Control over the TO of the Republic of Serbia were addressed in Article 34 to 36. These articles describe the responsibilities of the Commander of the TO and his role in commanding, managing and organising the TO. The commander of the Republican TO was accountable to the President of the Republic for the training, combat readiness and equipment of the TO.

#### Article 34 of the 1991 Defence Law of the Republic of Serbia

The commanders of Territorial Defence and chiefs of staffs, units and institutions of Territorial Defence are in charge for the management and command in Territorial Defence according to federal law, this law and authorities they are given.

The commanders of Territorial Defence and chiefs of staffs, units and institutions of Territorial Defence report to their superiors about their work, combat readiness, use of units and institutions, about management and commanding according to the system and principles of management and commanding of armed forces.

The commander of Territorial Defence of autonomous regions reports to the commander of Territorial Defence of Republic of Serbia about his work, combat readiness, use of units and institutions, and about management and commanding.<sup>78</sup>

#### Article 35 of the 1991 Defence Law of the Republic of Serbia

The commander of Territorial Defence, who is in charge for united command of the units of the Yugoslav People's Army and the units of Territorial Defence while carrying out a joint operation, also reports to the superior commander of Territorial Defence about his work, combat readiness, use, management and commanding of Territorial Defence.<sup>79</sup>

#### Article 36 of the 1991 Defence Law of the Republic of Serbia

<sup>77</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 32

<sup>78</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 34

<sup>79</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 35

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The commander of Territorial Defence of Republic of Serbia, in case of imminent threat of war, in war and other exceptional circumstances, gives orders to the commanders of Territorial Defence of autonomous regions about the use of Territorial Defence, mobilisation of forces and equipment of Territorial Defence. He also gives orders on taking other measures for a successful countrywide resistance on the territory of the Republic.

The commander of Territorial Defence of Republic of Serbia gives orders for mobilisation of certain units, staffs and institutions of Territorial Defence in order to check mobilisation and combat readiness of Territorial Defence, or in other words for the training of units and staffs of Territorial Defence. Also, he gives orders for the participation in protection from natural and other disasters in peace.<sup>80</sup>

- c. With regard to the manning of the TO, Article 39 of the 1991 Defence Law of the Republic of Serbia stated that that the TO could be replenished with volunteers, in case of war, imminent threat of war or state of emergency.

Article 39 of the 1991 Defence Law of the Republic of Serbia

In war or case of an imminent war threat and state of emergency, Territorial Defence could be replenished with volunteers.

The Ministry of Defence makes the lists of volunteers from par. 1 of this Article.<sup>81</sup>

- d. Article 40 contained additional information on the duties of the Commander of the TO of the Republic of Serbia

Article 40

The Commander of the Republic of Serbia Territorial Defence:

- 1) regulates and establishes formation of headquarters, units and institutions of Territorial Defence in peace and war time;
- 2) brings regulations and other acts concerning organisation, preparation, development, use, management and command of Territorial Defence.

- e. According to Article 118 of the 1991 Law on Defence of the Republic of Serbia, only government organs were allowed to set up armed forces.

<sup>80</sup> of the 1991 Defence Law of the Republic of Serbia, Art 36

<sup>81</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 39

Article 118 of the 1991 Law on Defence of the Republic of Serbia

Only competent state bodies may organise, reinforce, arm, equip and train armed forces. Any person violating the provisions of paragraph 1 of this article shall be liable to a prison sentence of up to 60 days. The legally responsible individuals, acting on behalf of legal persons violating the provisions of paragraph 1 of this article shall be liable to a fine ranging from Din 1000 to Din 10 000.<sup>82</sup>

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<sup>82</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261, Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 118

**Section FOUR: Command and Control within the SFRY**  
**Armed Forces**

**1. Introduction**

a. This section examines the theoretical and practical aspects of command and control within the SFRY Armed Forces. This includes the relevant SFRY legislative framework and JNA doctrine, regulations, principles and function of command and control, as well as command structures (command staffs and command posts), command at unit level in peace and wartime, and elements of reporting, planning and conduct of combat operations.

b. Unity of Command and Single Authority over and within the composing elements of the SFRY Armed Forces (JNA and TO) were considered essential principles for the successful execution of military operations. During the latter part of the 1980-s, measures were taken to increase Federal control over the republican TO's.

A Commander would be assisted by a Command Staff, which had to be able to provide him, at any time during the combat, with detailed information about the activity. According to JNA regulations, a commander at all times had to know the situation of his subordinate units, two levels down.

**2. Legal Framework**

a. The JNA

(1) Article 110 of the 1982 "ONO Law" specified that Command and Control of the JNA was carried out by the commanders of units and institutions of the JNA, in line with the federal law. It also stated that the Chief of General Staff (CGS) of the JNA replaced the SSNO when the latter was absent.

Article 110 of the 1982 ONO Law

The Federal Secretary for People's Defence shall exercise the duties of Command and control of the Armed Forces in accordance with the powers transferred to him,

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pursuant to the SFRY Constitution, by the SFRY Presidency, and in keeping with the federal law.

The Chief of the General Staff shall replace the Federal Secretary for People's Defence in the event of the latter's absence or inability to discharge the duties referred to in paragraph 1 of this Article.

Commanders of units and institutions of the Yugoslav People's Army shall carry out the command and control duties of the Yugoslav People's Army in accordance with the federal law.<sup>83</sup>

- (2) Article 113 added that, in accordance with the system of command and control established by the SFRY Presidency, and within the scope of their competences, the commanding officers of units and institutions of the JNA and the TO were responsible to their superior military officers for their work, combat readiness, use of units and institutions, and the way how they carried out command and control.

#### Article 113 of the 1982 ONO Law

Territorial Defence commanders and officers in charge of units and institutions of the Yugoslav People's Army and Territorial Defence shall be responsible to their superior officers for their work, combat readiness, use of units and institutions and command and control in accordance with the command and control system in the Armed Forces (Article 106, paragraph 1, item 3 and Article 112) and within the scope of their powers.<sup>84</sup>

#### b. The Territorial Defence (TO)

- (1) Command and control over the TO were addressed in Articles 95 and 115 of the 1982 "ONO Law". Article 115 stated that the Commanders of the Republican TO and autonomous provinces were responsible to the SFRY Presidency.

#### Article 95 of the 1982 ONO Law

The organisation, preparation and management of the territorial defence in the republics and autonomous provinces is carried out by the competent organs in the

<sup>83</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 110

<sup>84</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 113

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republics and autonomous provinces, in accordance with the rights and duties stipulated by the Constitution and Law.<sup>85</sup>

#### Article 115 of the 1982 ONO Law

Territorial Defence commanders of republics and Territorial Defence commanders of autonomous provinces shall be responsible, pursuant to Article 113 of this Law, to the SFRY Presidency.

Mutual relations between the Territorial Defence commander of the Socialist Republic of Serbia and the Territorial Defence commanders of the socialist autonomous provinces shall also be regulated in accordance with Article 4 of the SFRY Constitution.<sup>86</sup>

- (2) Article 116 of the 1982 "ONO" law explained the co-ordination and co-operation<sup>87</sup> between the JNA and the TO.

#### Article 116 of the 1982 ONO Law

Units and institutions of the Yugoslav People's Army and units and institutions of the Territorial Defence engaging in a joint combat operation shall be subordinate to the officer in charge of carrying out the operation.

In temporarily occupied (or possessed) territory, when required by combat conditions, commanders of territorial defence shall also assume command and control over units and institutions of the Yugoslav People's Army, unless otherwise stipulated by the plan or a special order.

Territorial Defence staffs shall co-ordinate the plans and combat activities of the Territorial Defence with the plans and combat activities of the Yugoslav People's Army, as well as with the plans and activities of the Territorial Defence of the neighbouring socio-political community.<sup>88</sup>

The second paragraph of this article implies that during other scenario's for military operations, the TO would be subordinated to the JNA.

<sup>85</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102;, Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 95

<sup>86</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102;, Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 115

<sup>87</sup> Co-ordination and Co-operation are explained in Paragraph 4 of this Section.

<sup>88</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102;, Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 116

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- (3) The 1983 SSNO Manual on "*Strategy of Armed Conflict*" provided additional information on Command and Control arrangements between the JNA and the TO during operations. This manual also emphasised the importance of continuous and close co-ordination between the JNA and the TO.<sup>89</sup>

In principle, the commander of a Yugoslav People's Army unit commands on the front, and the commander of the staff or a Territorial Defence unit commands on a temporarily occupied (or possessed) territory, unless otherwise provided by the plan of a special order.

The Territorial Defence units will most frequently be resubordinated to the commands of Yugoslav People's Army units in defence of cities, in extensive anti-landing combats, in actions on the front and in other situations that require it.

Yugoslav People's Army units will most frequently be resubordinated to Territorial Defence staffs on a temporarily occupied territory, along auxiliary axes and in other situations in which the Territorial Defence is the leader of combat actions.<sup>90</sup>

- (4) In terms of organisation of command, TO Staffs were initially under double subordination/management: firstly, under the governments of the republics and provinces in terms of Territorial Defence equipment and training, and secondly under the Supreme Command in terms of combat use of units and formations of Territorial Defence.<sup>91</sup>
- (5) Over the years and in particular after TITO's death (04 May 1980), pro-Yugoslav senior officers within the JNA became increasingly distrustful of the TO. It was feared that the republics mold their own TO units into an independent army capable of opposing the JNA.<sup>92</sup> According to the SSNO, Veljko KADIJEVIĆ, the 1974 Constitution had given the republics and the provinces the right to oversee the TO, and placed the TO Staff in a subordinate position on two counts: subordinate to the commands of the

<sup>89</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>90</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>91</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>92</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999. See also Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512, Eng 0036-2637-0036-2726), Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade, 1993, at ERN 0036-2674



Armed Forces and accountable to the leaderships of the republics, the provinces, and the municipalities. KADIJEVIĆ considered this “*a superb basis for paralyzing the command structure, and even more than that*”.<sup>93</sup>

(6) Hence, a process aimed at centralising control over the TO was launched.

A first step appeared to be the establishment in 1980 of a Territorial Defence Council in the SSNO, under the control of the Federal Secretary for People’s Defence.<sup>94</sup> The Council included representatives of the Federal Secretary for People's Defence and of TO commanders in the republics and provinces. The Council advised the SSNO on the organisation, training and requirements of TO units.

(7) The *JEDINSTVO* (“Unity”) reorganisation plan, adopted in 1986, not only introduced a new military-operative and military-geographic division of the territory of the SFRY<sup>95</sup>, but also placed the Staffs and units of the TO of the republics and provinces under the command of the strategic commands of the Armed Forces (= the Military Districts)<sup>96,97</sup>. As a result of *JEDINSTVO*, the “*Chief of the General Staff of the JNA*” became the “*Chief of General Staff of the Armed Forces*”<sup>98</sup>, including not only the JNA but also the republican TO’s. According to the authors of the plan, *JEDINSTVO* was intended to prevent the “*continued disintegration of the defence system and the armed forces*”.<sup>99</sup>

(8) The subordination of the TO’s to the Armed Forces strategic-operational commands meant that formally and practically a unified command and

<sup>93</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512, Eng 0036-2637-0036-2726), Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade, 1993, at ERN 0036-2674

<sup>94</sup> Exhibit Nr B9721; ERN Eng 0063-4242-0063-4295, Bradford Studies on Yugoslavia Nr 13, *The Yugoslav People’s Army: The Political Dimension*, Marko MILIVOJEVIĆ, 1988.

<sup>95</sup> See Section FIVE, Paragraph 4

<sup>96</sup> Vojni Oblast (VO)

<sup>97</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>98</sup> Already Tendered by the Prosecution as Exhibit 526 Tab 3, Exhibit Nr B9727; ERN BCS K001-5880-K001-5880, Order on alteration of the name of “General Staff of the JNA” into “General Staff of the Armed Forces of the SFRY”, SFRY Official Military Gazette, 13 October 1987

<sup>99</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

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control system of the armed forces was created.<sup>100</sup> The SSNO, Veljko KADIJEVIĆ, wrote that the JNA's new territorial organisation would reduce the control of the Republics over the TO and the JNA.<sup>101</sup> Thus, by the late 1980s, *JEDINSTVO* effectively brought the TO under direct control of the SSNO and the JNA.

- (9) With the same intention, measures were taken to increase JNA control over the TO's weapons and ammunition. On 14 May 1990, Colonel-General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed Forces<sup>102</sup>, issued the Strictly Confidential Order Nr 19-01 for the "*Safekeeping of the ammunition and the weapons of the TO*" to the commanders of the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Military Districts, the Naval Military District and the Air Force and Air Defence. This order imposed the take over by the JNA and storage of arms and ammunition of the Territorial Defence in JNA depots.

Safekeeping of Weapons and Ammunition of the Territorial Defence (TO)– Order

In order to provide for the safe storage and safekeeping of the territorial defence weapons and ammunition, and in keeping with the tasks laid out by the Federal Secretary for People's Defence at the Military Council session held on 27 April 1990, I hereby issue the following

ORDER

The Military District, Airforce and Naval District Commands together with the TO Staffs of the Socialist Republics and Socialist Autonomous Provinces shall organise the take-over, storage and safekeeping of the complete stock of the TO weapons and ammunition in the JNA supply dumps and depots. Within the scope of further organisational and establishment improvements, TO commanders shall consider the possibility of abolishing certain smaller TO units whose weapons and ammunition cannot be safeguarded in the JNA dumps and depots.<sup>103</sup>

<sup>100</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>101</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512, Eng 0036-2637-0036-2726), Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade, 1993, at 0036-2676

<sup>102</sup> Including both the JNA and the TO (see what was mentioned under *JEDINSTVO* in paragraph 8 of this Section).

<sup>103</sup> Already Tendered by the Prosecution as Exhibit 447 Tab 3, Exhibit Nr C4169; ERN BCS 0207-7103-0207-7103, Eng 0302-9202-0302-9203, "*Order for the Safekeeping of Weapons and Ammunition*", Colonel-General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed forces, 14 May 1990

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Order 19-01 followed an order from the SSNO on 04 May 1990. Veljko KADIJEVIĆ described the decision to disarm the TO and to place it under the control of the JNA as “*one of the most important steps taken to paralyse the baneful constitutional concept of the Armed Forces*”.<sup>104</sup> Borisav JOVIĆ, at that time Serbian representative and President of the SFRY Presidency, provided the following comments in his published diary:

*“We are taking measures for weapons to be taken from civilian TO depots in Slovenia and Croatia and transferred to military depots. We shall not allow TO weapons to be abused in possible conflicts or for forcible secession. We have practically disarmed them. Formally, this was done by the Chief of the General Staff, but actually, on our instructions. The Slovenes and Croats reacted strongly, but there is nothing they can do.”*<sup>105</sup>

According to reports of the TO of the Republic of Croatia, efforts were made to implement order 19-01.<sup>106</sup>

- (10) In May 1990 a draft “*Doctrine of the Territorial Defence of Armed Forces*” was disseminated among relevant departments within the SSNO, General Staff of the SFRY Armed Forces and JNA and TO staffs, for temporary use and review during the 1990-1992 timeperiod, and would be finalised and a final version issued in 1992.<sup>107</sup> There is no evidence that this document became official doctrine. The document makes a distinction between peacetime and wartime, stating that “*during peacetime, the Republican Staff of the TO commands and controls all the TO forces of the*

<sup>104</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512, Eng 0036-2637-0036-2726) Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993, at 0036-2677

<sup>105</sup> Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ “*Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992*” (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492, Entry for 17 May 1990

<sup>106</sup> Exhibit Nr C346; ERN BCS 0201-1572-0201-1576, Eng 0201-1570-0201-1571, *Report on relocation of weapons and ammunition to JNA Depots*, Nr 365/3, 21 May 1990. Already Tendered by the Prosecution as Exhibit 475 Tab 2, Exhibit C347; ERN BCS 0201-1546-0201-1565, Eng 0201-1544-0201-1545 *Report on relocation of weapons and ammunition*, Nr 23-10-16, 31 May 1990

<sup>107</sup> Exhibit Nr B9728; ERN 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 2

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*Republic, and in a state of war they resubordinated to the command of the strategic groups". In addition, the document states, there was a Deputy Chief of Staff of SFRY Armed Forces for the TO, who would be the "expert and staff organ of the General Staff for planning, development, build-up, control and co-ordination on the strategic level of the TO Control and Command".*

TO Control and Command is part of a unique system of Control and Command of the SFRY Armed Forces. The SFRY Presidency – the Supreme Commander during war, realise the integrally of the Armed Forces and the armed combat on the whole Yugoslav theatre of war.

The Federal Secretary for People's Defence, according to the authority he's been given by the SFRY Presidency, during peacetime is in charge of Control and Command of all the SFRY Armed Forces.

In an All Peoples Defence war he realises and orders the use of TO partisan forces directly through the TO commanders in republics and autonomous provinces, or indirectly through the battlefield command.

Organisational SSNO (Federal Secretariat for People's Defence) units realise staff-related, operational and inspection tasks in the TO, through the Republican Staff of Territorial Defence and commands of strategic groups.

The SFRY Armed Forces General Staff is a staff organ and expert organs when it comes to organisation, equipment, training and planning of both parts of SFRY Armed Forces in the framework of the SSNO responsibilities.

The deputy Chief of Staff of SFRY Armed Forces for the TO is the expert and staff organ of the General Staff for planning, development, build-up, control and co-ordination on the strategic level of the TO Control and Command.

The republican Staff of TO during peacetime control and command all the TO forces in the republic, and in a state of war they resubordinate to the command of strategic groups. The TO partisan units belong to the formations of the corps or partisan divisions of the JNA, and the TO Staffs control and command the TO area forces.

Organs of Control and Command in TO institutions are the administrations. The TO Commanders during duties which refer to tasks regarding equipment, training and financing report to certain bodies of the republic, the autonomous provinces municipalities, working organisations and companies in the framework of their responsibility.

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The TO Commanders in municipalities and those who are at the same level, are subordinated to the superior TO Commander, or rather to the Commander of JNA units in the AOR.<sup>108</sup>

### 3. JNA Regulations

- a. The JNA Regulation "*Rule Corps of Ground Forces (provisional)*" of 1990 defined Command and Control. This regulation re-emphasised that the JNA Corps Commander was the overall commander of the JNA and the TO units subordinated or attached to him.

Command and control are conscious and organised activities of the Commander of the Corps and of the bodies of command, aimed at engaging and unifying the actions and activities of all units, commands, headquarters and other entities of All People's Defence and social self-protection in the zone of operation, as well as the equipment used in combat, for the purpose of achieving the set goals in the optimal way.

Command and control are exercised through planning, concerted action, organisation, command and control, preparation and execution of operations and other combat actions; they are based on unified, continuous, secure, flexible, efficient, operative and secret information flows among commands, units and institutions. The Commander of the Corps commands the forces of the Yugoslav People's Army and the Territorial Defence in his subordination in the zone of operation.<sup>109</sup>

- b. The 1990 regulation highlighted the need for close co-ordination between all participants in operations.

The activities of all participants in the execution of a combat assignment are harmonised through concerted action, co-ordination and co-operation, thus providing for planned execution of set tasks, integration of forces and equipment, and higher efficiency.

Co-ordination helps harmonise the actions of units of the Yugoslav People's Army and the Territorial Defence, the actions of units on the front, in one's own rear, and on temporarily occupied territory, and the support and engagement of the potential of socio-economic communities in the execution of the assignment. The Commander is the one who organises the implementation of co-ordination among all participants for

<sup>108</sup> Exhibit Nr B9728; ERN 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces, 1990*, pp 6-7

<sup>109</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 63

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the execution of a common combat assignment, whereas the Chief of Staff of the Corps co-ordinates the work of the Command.

Co-ordination must clearly determine who, when, where and how executes the given assignment.<sup>110</sup>

Co-ordination is organised for the purpose of full integration of combat actions in the course of the operation among elements of the operative disposition and other forces and equipment by assignment place and time.<sup>111</sup>

#### 4. Elements of Command and Control

The 1983 Regulation on *Command and Control* spelled out eight “*basic elements, which were considered essential to make command and control successful*”.<sup>112</sup>

These elements are discussed here below, including their definitions as provided by this regulation.

##### a. Objectives

The creating or functioning of a system is instrumental to attaining an objective. An objective is defined as a specific value that has to be either achieved or preserved. Objectives are determined by social entities or organs. In order to be attainable, an objective must be clearly outlined and based on realistic assumptions.

##### b. Authority

Authority is an extremely important element of command and control. It is quite understandable and therefore unnecessary to explain at great lengths that a superior officer with stronger authority will have more success in command and control, unlike an officer with weaker authority.

Authority is defined as good reputation, and it is judged by the environment in which a senior or an executive officer operates (a collective, community, etc.). The authority linked with the rank and position of a senior military officer represents his official authority. No doubt that this kind of authority is necessary, but it is not enough for successful command and control. What is also needed is personal authority, because the two constitute the right measure required for successful command and control.

<sup>110</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 111

<sup>111</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 112

<sup>112</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Chapter 1, Subtitle 4, pp5-27

c. Responsibility

Responsibility is a social category, which means a conscientious, competent and devoted attitude towards the assumed responsibilities in a professional service. This particularly applies to a military organisation, which cannot function efficiently without full responsibility of all those involved.

In peacetime, and especially during a war, military units are entrusted with highly complex tasks from which numerous obligations and personal responsibilities derive. Carrying such a weight, the duty of a senior officer does not only entail a prescribed responsibility, but also a moral responsibility for the success of his unit. Therefore, a responsible officer must be knowledgeable about military regulations, he must adhere to them, but not only that, because the regulations cannot be a cure for every situation. Often an officer has to find his own solutions for the problem, knowingly taking the responsibility and the risk.

d. Trust

Senior officers in a military organisation discharge very complex and responsible duties, such as: training of soldiers and units for defence of the country, handling of a large number of highly sophisticated pieces of military equipment, etc.

An appointment to a certain position (by order) is a token of trust displayed by superiors and an expectation that the appointee will prove worthy of the confidence, especially through his achievements. For a senior officer it is both duty and trust. Trust generates obligations and responsibility, because without trust there is no responsibility. Other people's confidence must be won, reaffirmed and expanded only by results achieved through honest labour. Any other way towards winning confidence is unacceptable and foreign to our socialist ethic.

e. Discipline

Discipline can be defined as a segment of social awareness about an established human behaviour intended to secure efficient life and work of a specific society. There is not a single organisation that can effectively operate without established rules of behaviour applicable to its members. In other words, discipline is necessary for an organisation to function properly.

Since the role and duties of a military organisation are of paramount importance (defence), it is only natural that high demands and the need for harsh discipline make it singular.

As an element of command and control, discipline is connected to all other elements thereof. Discipline permeates all interpersonal relations and spreads across the entire organisation. In the system of command and control it is crucial to establish complete faith and understanding

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among all members of a unit on the ground of its main task, rights and obligations, including subordination, that require both strict discipline and comradeship.

f. **Morale**

The achievement of intended goals depends on people, their consciousness, will power and level of organisation. Only a unit with high morale can endure the hardships of a battle and effectively put into practice combat techniques and military skills. The combat strength of a unit consists of the following elements: weapons, training, good co-ordination, etc. Morale is a factor that glues all these elements together. The state-of-the-art weaponry, masterful training and skills, but without high morale, are not much of a value for a unit and its combat strength. Therefore, the vital element of command and control is the appraisal of morale of a unit – its morale and political mood.

g. **Regulations**

The activity of a military organisation is an important domain in every society. It is a significant, complex and responsible activity, and that equally applies to the organisation as whole, and to its parts and individuals in particular. Such an important segment of society cannot be allowed to function chaotically, without clearly established relations with the society, as well as within the organisation itself. Laws and regulations govern these relations. Through control, these regulations are translated into procedures. Legal norms of control stem from that. The existence and functioning of a military organisation is based on laws, regulations, rules and directives. Senior officers must be fully familiar with them and able to apply them in practice.

h. **Time**

As an element of command control, time is acquiring an increasingly important and sometimes even decisive role. Nowadays, commands and senior officers are required to make decisions within a shortest possible time, which makes the element of time critical.

## **5. Principles of Command and Control**

- a. Article 112 of the 1982 “ONO Law” listed the following three principles of Command and Control:
- Unity of Command
  - Single authority
  - Obligation to implement decisions.



## Article 112 of the 182 ONO Law

Command in the Armed Forces shall be founded on the principles of unity of command with respect to the use of forces and resources, single authority and the obligation to implement decisions, commands and orders of a superior officer.<sup>113</sup>

- b. These three principles were further detailed in the 1983 JNA "*Command and Control*" publication, where seven principles were listed.<sup>114</sup>

(1) Single Authority

This principle ensures that in the process of command and control there is only one superior who issues commands and to whom the others report about the execution of tasks. The principle of single authority in command and control implies an inalienable right of a commander to command and control a subordinated command and unit in keeping with the powers deriving from the competence ascribed to a specific level of command and control.

Single authority means that there is just one superior who commands and to whom all others are accountable for the execution of tasks.

(2) Subordination

Subordination is a social relation characterised by duty to perform tasks in an exact and timely manner. The main characteristic of subordination is that individuals and commands must unconditionally, accurately and in time carry out any order issued by a superior officer or a superior command. Subordination within a military organisation introduces a chain of command from top to bottom – from the SFRY Presidency to a squad.

(3) Unity

The principle of single authority in command and control is based on a doctrinal thesis that defence of a country is integral and indivisible. The following constitutes the basis for application of the principle of single authority in command and control of armed forces:

- ideological unity;

<sup>113</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 112

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- unity of military organisation and the communications and liaison system
- integrated functioning and interface between the armed forces and defence structures of a society;
- a single concept, doctrine and strategy of armed struggle.

#### (4) Perpetuity

Perpetuity means stability and vitality of the command and control system, as well as the ability to quickly reorganise itself should any disruption occur.

#### (5) Flexibility

Even if a decision has been taken on the basis of known elements and in time, it does not necessarily mean that the situation will develop as envisaged.. A deviation from the plan and sudden (even unexpected) changes of the combat situation is nothing unusual.

#### (6) Operativeness

The operativeness of commands is a guarantee that decisions will be taken in due time, that a hostile strike will be pre-empted, and that the combat capacity of units will be effectively utilised. In order to be operative, a command must consist of expert bodies, it must be well trained and organised, its staff must be familiar with the situation and follow it consistently, it must take decisions in a timely manner and convey them to subordinated levels, and it has to influence the implementation of a decision and effect properly timed changes in response to changed circumstances.

#### (7) Confidentiality

All decisions, measures and objectives that arise in the process of command and control are doomed to fail if the enemy uncovers them in any way before their implementation, and that may entail serious consequences.

The principles of Command and Control identified in these JNA publications can be considered universal. They are valid for any armed force, be it NATO, JNA or (former) Warsaw Pact, at any period of time and during any scenario, for operations.

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<sup>114</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Chapter 1, Subtitle 5, pp 27-35

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Particularly during combat operations, however, it is imperative that the principles of command and control are respected and implemented at all times, in order to allow the smooth and successful conduct of the operations.<sup>115</sup>

## 6. Functions of Command and Control

The 1983 JNA textbook on Command and Control identified five functions of Command and Control (see below).<sup>116</sup> These five functions provide a comprehensive and specific description of the authority, the duties and the responsibilities of the commander.

### a. Planning

Planning consists of a series of jobs performed by command and control organs, whereby the best solution, method and schedule for completion of the given task is sought.

Planning is an ongoing process, which commences upon receipt, and ends upon completion of a task. Planning exists at all levels, from the basic one (e.g. squad), up to the top command and control organ (SSNO).

### b. Organisation

The essence of organisation as a function of command and control is to set up an organisational frame for putting into practice an adopted decision. It involves establishing a whole system for the purpose of completing a task, starting from designing and assigning the task; effecting re-subordination; forming groups and special formations and deploying them to specific location (establishing a combat order); installing command and control staff at command and observation posts; organising co-ordination; establishing communication links (command and co-ordination); logistic support and combat security. In other words, the product of organising is an organisation suited for completion of a task (combat order, marching order, etc.).

### c. Command

The decision-making process and assignment of tasks to subordinated individuals, commands, organs and units are called command. Therefore, command (and control) at all levels, from the highest (strategic) to the lowest (tactical), down to the last individual, is exerted through command. The process of assigning tasks through executive orders is in fact command. This

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<sup>115</sup> This can be derived from Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983

<sup>116</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Chapter 1, Subtitle 6, pp 35-52

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implies that only superior officers and decision-makers, and not other organs and commands, are entitled to carry out command.

Commanding is effected through giving direct and immediate commands. Only superior officers have the right to give commands.

Command is a procedural function of control. It constitutes a specific part of control over armed forces because it rests on certain principles which are characteristic only of a military organisation, and those are single authority and subordination.

Orders are issued orally, in writing or via communications equipment, whereas commands are given only orally or by signs (signals). All orders under which a unit is assigned to a mission, no matter how they are issued, belong to the domain of command, and encompass orders, directives and instructions.

#### d. Co-ordination

Co-ordination is a function of command and control that harmonises the activities of participants performing a common mission. By co-ordinating the operations of all participants in a combat mission better effectiveness is achieved, the enemy suffers greater losses, time is gained, and the losses of own manpower and equipment are reduced.

The form of co-ordination applied in combat operations is called a co-ordinated action. A targeted co-ordinated action is reflected in concerted efforts of manpower and equipment towards achieving one goal. This can be accomplished only by firm centralisation. A co-ordinated action must be organised to the last detail and it includes: assignment of tasks to the manpower and equipment participating in the co-ordinated action; precise timetable; precise sectors, lines and facilities that will be the subject of action. Co-ordination is carried out during preparations for a combat action, and must be checked, tested and upgraded while a combat action is in progress.

Co-ordination helps harmonise the actions of units of the Yugoslav People's Army and the Territorial Defence, the actions of units on the front, in one's own rear, and on temporarily occupied territory, and the support and engagement of the potential of socio-economic communities in the execution of the assignment. The Commander's decision is the basis, and the elaborated plans are the instruments for achieving co-ordination. The Commander is the one who organises the implementation of co-ordination among all participants for the execution of a common combat assignment, whereas the Chief of Staff of the Corps co-ordinates the work of the Command. Co-ordination must clearly determine who, when, where and how executes the given assignment. <sup>117</sup>

This means that if two or more units have to co-ordinate their operations, this co-ordination does not require a command relationship between them. The order to co-ordinate will, however, emanate from a superior command echelon.

e. Control (Inspection)

Control is a function of command and control, which provides an insight into the status, and degree of accomplishment of the assigned tasks. It is organised and conducted incessantly in the course of all other functions. Through control comparison is made between the planned (anticipated) results and actually achieved results within a specific timeframe.

## 7. Command Structure

a. Command and Command Staff

(1) The 1983 JNA textbook "*Command and Control*" provided a comprehensive explanation of the command structure within military units above the Company level.<sup>117</sup> According to the textbook, each level of command had a commander. From regiment-level on, the commander was assisted by a Staff, led by a Chief of Staff (COS), who was at the same time deputy commander. The staff consisted of staff sections (or organs) dealing with the various aspects of the preparation and conducting of military operations. These organs were:

- the Organ for Operations and Training,
- the Organ for Intelligence
- the Organ for Organisation, Mobilisation and Personnel, and
- the Organs for combat arms.

The Head of these Organs acted also as Assistant Chiefs of Staffs. In addition, the commander had a number of Assistant Commanders who were in charge of specialised organs (Political Guidance, Security, and Logistics) and did not belong to the staff.

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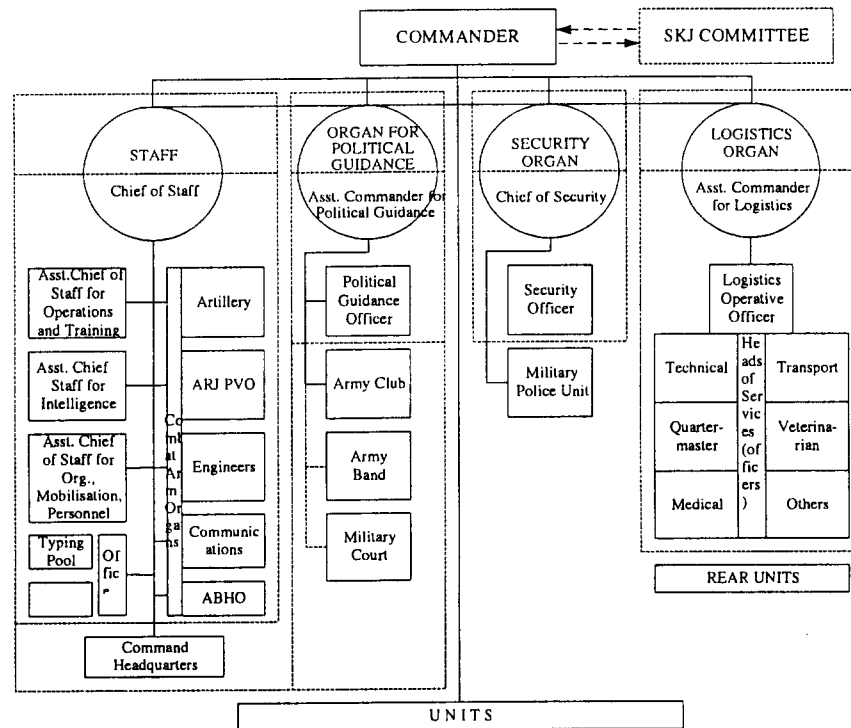
<sup>117</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Par 111

<sup>118</sup> Battalion – Regiment - Brigade - Division - Corps - Army(Military District) - General Staff (See also Section Four: Structure of the SFRY Armed Forces, Paragraph 2 Operational Structure of the JNA,)

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All commands, from battalions upward, are similarly structured. At the head of all commands – staffs are commanders to whom all units are directly responsible.<sup>119</sup>

Every command, from a regiment upward, has its own staff led by a Chief of Staff (COS), who is at the same time a deputy commander. Depending on the level of command, a staff consists of a certain number of organs (for intelligence and operative work; organisation, mobilisation and personnel affairs; and combat arm organs). An administrative organ and a unit serving the command (command headquarters) are directly connected to the commander. Given the need for political, security and logistics support, the organs in charge of these issues are also part of the command structure. The heads of these organs are directly subordinated to the commander. Together with the Chief of staff, they act as assistant commanders.<sup>120</sup>



- (2) The 1990 JNA "Regulations on the Responsibility of the Land Army Corps Command in Peacetime" in its Art 13 mentioned the existence of an Organ for Territorial Defence within the Corps Staff, headed by the Assistant Chief of Staff for Territorial Defence. His duties as enumerated in Article 13 confirm the importance that was given to the close co-ordination and co-operation between the JNA and the TO.

<sup>119</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Pp 98-99

<sup>120</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Pp 103-104

The Assistant Chief of Staff for Territorial Defence shall be a professional staff organ for co-ordination and co-operation with units, institutions and territorial defence staffs in the corps' zone of responsibility and in this regard, he shall have the following responsibility:

1. He shall create the necessary co-ordination and co-operation between the corps command and its organs and units, institutions and Territorial Defence staffs in the preparation, organisation and use of forces, resources and territory for combat activities.
2. He shall participate in compiling and co-ordinating the utilisation plan, the mobilisation plan and the corps' readiness plan with the appropriate TO staffs' defence plans.
3. He shall participate in assessing the situation and propose the use of subordinate TO units and their engagement in the corps' zone of responsibility, in order to execute joint combat activities. He shall compile the plan of joint activities for the corps with the TO according to target, location and time and follow its realisation.
4. He shall participate in compiling orders for combat training and education and shall be in charge of formulating contributions that regulate the joint training of corps units with TO units and staffs.
5. He shall propose the content of training for officers and commands in the field of territorial defence, and directly work on certain topics.
6. He shall participate in compiling the plan for the use of firing ranges, training grounds and other educational facilities and co-ordinate their use by corps units and TO units according to their requests.
7. He shall participate in the planning, development, organisation and realisation of joint forms of command training and the exercises of corps and TO units and co-ordinate joint activities. He shall provide the necessary assistance to subordinate units and corps commands in the realisation of co-operation with the TO and joint forms of training.
8. He shall prepare and provide the necessary elements for compiling annual and monthly work plans of the corps command in regard to the joint tasks and obligations of units and corps commands and TO units and staffs, and co-ordinate the work and the realisation of the plans. He shall participate in compiling the annual co-ordination and co-operation plan with the TO.
9. He shall monitor the development, principles of usage, the organisational and formation structure, and the equipping and armament of the TO and inform the corps command and its organs.
10. He shall participate in analyses, consultations and seminars organised and held by TO units and pass on his experience as regards improving training in corps units.
11. He shall co-operate, and with other corps branch organs and TO staffs, co-ordinate joint training for branch units and provide the required assistance in the professional-specialist training of branch units.

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12. He shall establish co-operation and co-ordinate the work of organs of logistic services in the corps and TO staffs on joint activities and on perfecting a uniform system of logistics support.

13. He shall participate in the formulation and realisation of control plans, the assessment of combat readiness and the training of corps units and commands, stressing the control of the situation throughout the TO. He shall participate in the work and perform other tasks in the competence of the staff.

14. He shall keep the required records with information significant for TO combat readiness and the requirements of the corps, stressing units with manoeuvrability.

15. He shall perform other work and tasks entrusted to him by the Chief of Staff.<sup>121</sup>

(3) The command staff supported the unit commander by turning his intent into detailed direction in the form of directives, instructions, orders and commands. These directives, orders and commands could only issued by superior officers.<sup>122</sup> The command staff also monitored the progress of operations for the commander and ensured that he was aware of the situation facing his forces. Once combat operations were underway, the command staff delivered information up the chain of command through various means and types of reporting.

(a) Directives are used by the Supreme Command, army commands, other commands at that level and appropriate TO staffs. Directives provide long-term regulations for issues relating to the preparation and conduct of combat operations. They set tasks in less detail; more emphasis is put on the goal of the operation and the general mission of the unit and the concept of the commander.<sup>123</sup>

(b) Instructions are issued by command of joint tactical units and higher. They provide in greater detail information and guidelines for the execution of a task, activity and alike.<sup>124</sup>

(c) In an order, the decision of the commander is given in categorical and executive terms, giving the subordinates tasks in a specific, clear and unequivocal way. Combat

<sup>121</sup> Exhibit Nr K2451; ERN BCS 0058-3476-0058-3476; Eng 0090-9994- 0091-0027, *Regulations on the Responsibility of the Land Army Corps Command in Peacetime*, Federal Secretariat for People's Defence of the SFRY, 1990, Art 13

<sup>122</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, at L006-3346

<sup>123</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-074; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 124



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orders in principle contain the following: data about the enemy; tasks of the unit, its reinforcements and support by the superior; information about adjacent elements and perimeters; decision of the commander.<sup>125</sup>

(d) Commands are brief orders that regulate certain the work and operations of individual units or specific measures (e.g. engineers, reconnaissance, transport, etc.). They are issued by the command in lieu of the integral order an in cases when it is necessary in the course of preparations and actual operations to change, enlarge, or set new tasks to the units.<sup>126</sup>

(4) The 1990 JNA "*Corps of Ground Forces Rule (temporary)*"<sup>127</sup> and the 1990 JNA "*Regulations on the Responsibility of the Land Army Corps Command in Peacetime*"<sup>128</sup> describe how the Command and the Command Staff on Corps level were organised and operate. The principles and procedures in these regulations are identical with what was contained in the 1983 Textbook on *Command and Control*, and are valid for military units below the Corps level too.

#### b. Command Posts

(1) The 1984 JNA *Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)* defined the command post as follows:

A command post (KM) is an area consisting of several buildings or rooms where the command (or part of it), appropriate communications centres and other equipment are deployed. Areas of deployment for command posts must provide favourable conditions for the command and control of units in the area of combat operations. The KM area must allow the scattered disposition, secure communications, and successful security and defence of the KM.<sup>129</sup>

<sup>124</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-074; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 125

<sup>125</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-074; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 126

<sup>126</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-074; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 127

<sup>127</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990

<sup>128</sup> Exhibit Nr K2451; ERN BCS 0058-3476-0058-3476; Eng 0090-9994- 0091-0027, *Regulations on the Responsibility of the Land Army Corps Command in Peacetime*, Federal Secretariat for People's Defence of the SFRY, 1990

<sup>129</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 156

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## (2) The 1983 Manual for the Work of Commands and Staffs (draft)

distinguished 6 types of Command Posts, described below:<sup>130</sup>

- (a) Basic Command Post: are established by commands/staffs at all levels. This is where the command and control over subordinate units and institutions is exercised during the preparation and execution of combat operations. It is located in the main area of combat operations, in a location which ensures successful command and control without frequent change of position
- (b) Logistics Command Posts: set up by the commands of higher-level joint tactical units, operational and strategic/operational formations which have logistics executive organs. This is where the part of the command whose task is to control logistical support is located.
- (c) Forward Command Posts: are organised in situations where it is necessary, in order to have a better insight into and greater influence on the course of combat operations, for the commander and a certain number of commanding officers to be located at an appropriate place – observation posts, in the main area of operations, and in any case in which it is difficult to exercise command from the command post.
- (d) Reserve Command Posts: are planned, set up and manned as necessary by TO staffs, Air Force and Air Defence Commands and Navy unit commands.
- (e) Joint Command Posts: are set up whenever it is necessary for various commands or their representatives to work at the same place in the course of the preparation, organisation and execution of combat operations. This may be the case when it is necessary to effect joint operations of the JNA and TO units or of various branches of the armed forces (Ground forces, Air Force and Air Defence and the Navy).
- (f) False Command Posts: are set up as a part of operational camouflage activity.

## (3) Command Post Elements

The basic Command Post is composed of a command group, auxiliary group and communications centre.<sup>131</sup>

## (a) The Command Group

<sup>130</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983, Chapter III, Para 44

<sup>131</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 51

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The Command Group is composed of the commander, the Chief of Staff, the Chiefs of the operations organ, intelligence organ and the combat arms organ. The Chief of the Organs for Legal and Political Affairs and the security and the secretary of the Party committee may be stationed at the command post or the logistics command post, at the discretion of the commander. It may also include representatives from the TO staff or JNA Commands and officers from the logistics organs.<sup>132</sup>

The command group prepares the decision, plans, organises, co-ordinates and analyses combat operations. Its organs develop combat documents, plot data into their operation map and the staff operation map.<sup>133</sup>

(b) The Auxiliary Group

The Auxiliary group at the command post consisted of units whose specific role was to provide services and security for the command post.

(c) The Communication Centre

The Communication Centre was to ensure constant and prompt communication with the superior, subordinate and co-operating commands, staffs and institutions, communications for the purpose of collaboration with socio-political communities, communications for alerting and reporting and internal communications at the command posts.

## 8. Command at the JNA Unit Level

- a. The 1990 JNA Manual "*Regulations on the Responsibility of the Land Army Corps Command in Peacetime*" captured concisely the rights and responsibilities of commanders. The last paragraph of Article 6 stated that even if the Commander delegates some of his authority to other officers, he remains responsible for the situation in the units they command, as well as for their work.

### Article 6

The right to command units and institutions of the organic compound of the Land Army/ Corps (hereinafter: Corps) is under the exclusive responsibility of the Commander. Units and institutions outside the Corps' organic compound, those

<sup>132</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 52

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temporarily subordinated, are commanded and controlled by the commander only within the limits of the stipulated authorities.

The commander may authorise certain officers from the command, to command units and institutions of branches or services, but the commander shall continue to bear responsibility for the situation in these units, and for the work of the officers to whom he transferred some of his rights.<sup>134</sup>

b. A second manual provided corroborating detail with respect to a Corps Commander and his responsibilities:

The Corps Commander shall, directly or through his Chief of Staff, his assistant or the heads of branches, command all units of the corps and units attached to it in the area.

He shall directly control the work of the corps command, assign tasks to his subordinates, make sure they are carried out and bear full responsibility for their completion and for the overall state of the corps.<sup>135</sup>

c. Article 9 of the 1990 Manual on "*Regulations on the Responsibility of the Land Army Corps Command in Peacetime*" listed the constituent elements of command responsibility for a Corps Commander. Subparagraph 12 underlined the responsibility of the Commander to "*take measures concerning crimes, disciplinary offences and errors in line with the legal regulations that regulate this field*".

Article 9

The commander shall command and control subordinate units and institutions within the scope of the responsibility received. He shall be responsible to his superior for his work and the situation in subordinate units and institutions and for proper and timely execution of work and tasks in the competence of the command organ.

The commander shall undertake the command and control of units and institutions through command organs and the commands of subordinate units and institutions through: orders, commands, instructions, guidelines and advice, as well as other forms of command and control. The commander shall undertake the formulation, ↘

<sup>133</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 52

<sup>134</sup> Exhibit Nr K2451; ERN BCS 0058-3476-0058-3476; Eng 0090-9994- 0091-0027, *Regulations on the Responsibility of the Land Army Corps Command in Peacetime*, Federal Secretariat for People's Defence of the SFRY, 1990, Art 6

<sup>135</sup> Exhibit K2450; ERN BCS: 0038-7487-0038-7541; Eng 0085-0000 - 0085-0057, *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4<sup>th</sup> Corps Command, 29 August 1991, Section IV, pp 14-15

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development and implementation of plans, tasks and measures personally and through corps command organs and subordinate commands.

The commander shall give subordinate officers tasks in the spirit of the regulations and powers, influence the execution of the tasks and ensure that corps command organs and subordinate commands, units and institutions work within the law.

The commander shall be in charge of the following:

1. Monitoring and directing the work and development of methods of work of command organs and subordinate commands, developing uninterrupted activities and creative initiatives.
2. Monitoring and studying combat readiness and taking measures for its strengthening and maintenance in line with plans, directives and orders from superior commands.
3. Monitoring and assessing the state and results of combat training and the teaching of commands, units and institutions, directing the work of command organs and subordinate commands in the implementation of directives, orders and plans and programmes for combat training and education.
4. Ensuring that plans for the utilisation, mobilisation and financing of the corps are formulated and updated in a prompt, realistic and comprehensive way.
5. Taking measures to ensure uniformity in the work and activities of command organs and officers of subordinate units as regards the maintenance and strengthening of discipline, the execution of tasks and the implementation of regulations and internal order in commands and units.
6. Managing the security service, being responsible for the security of the command and subordinate units and institutions and taking measures on the basis of regulations and his responsibility.
7. Managing the personnel organ and providing for professional improvement, education, advancement and the resolution of other issues involving military and civilian personnel serving in the corps, within the limits of his responsibility.
8. Monitoring and assessing the situation and directing the work of the command and subordinate commands in the development and strengthening of morale and the political situation and proper relations and in the education of soldiers and officers, units and institutions and in ensuring unity and full responsibility in the execution of tasks.
9. Regulating the deployment of units and institutions, in line with mobilisation development and orders.
10. Managing subordinate organs in the study of the forces of foreign countries-potential aggressors and a certain territory on the basis of guidelines from the superior command and the utilisation plan and taking measures and undertaking activities to prepare the corps for armed combat.

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11. Ensuring co-operation and co-ordination of work between command organs and appropriate JNA commands, TO staffs, organs of socio-political communities and socio-political organisations, in line with legal regulations, plans and his responsibility.
12. Taking measures concerning crimes, disciplinary offences and errors in line with the legal regulations that regulate this field.
13. Organising councils within the command, appointing their members, determining the organisation of work and command, issuing positions, conclusions and decisions and determining the manner of their realisation.
14. Ordering the use of corps units in the protection and rescue of the population or material resources from natural disasters and large-scale accidents, within the limits of his special responsibility.
15. Regulating the organisation, implementation and control of security for State borders in the zone of responsibility.
16. Providing the superior command with requests for construction support for corps commands, units and institutions, within planned deadlines.
17. Participating in the work of the appropriate organs and organs of the socio-political communities and organisations, and with them organising direct and uninterrupted co-operation through the command organs.<sup>136</sup>

d. The 1991 *"Instructions to the 4<sup>th</sup> Corps Command in Carrying out Priority Assignments in Peace and Wartime"* provided the following overview of main aspects of the command responsibility for a Corps Commander. The Commander's duties, included, in subPara 9, to *"constantly monitor the situation in the zone of combat operations, report to the superior commander, make decisions in accordance with the on-going combat operations and pass orders on to his subordinates"* and, in subPara 10, to *"make sure there is uninterrupted contact with the superior command, as well as with the subordinate and attached commands and units"*.

- (1) To make decisions which are important to the Corps or individual subordinate units.
- (2) To assign tasks to his subordinates.
- (3) To organise joint operations and co-operation in the zone of the Corps' responsibility.
- (4) To make sure that decisions are implemented.
- (5) To constantly monitor and promote the enhancement of specialised and combat skills and moral values in the Corps and some of its individual bodies.

<sup>136</sup> Exhibit Nr K2451 ERN BCS 0058-3476-0058-3476; Eng 0090-9994- 0091-0027, *Regulations on the Responsibility of the Land Army Corps Command in Peacetime*, Federal Secretariat for People's Defence of the SFRY, 1990, Art 9

- (6) To be responsible for co-ordinating activities among the Corps Command, subordinate commands and staffs, and the corresponding social structures in combining combat activities and all types of combat and general resistance by the people in the designated area.
- (7) To organise and manage the Corps operations.
- (8) To issue directives and orders to the Corps Command bodies and subordinate commands and units in good time.
- (9) To monitor constantly the situation in the zone of combat operations, report to the superior commander, make decisions in accordance with the on-going combat operations and pass orders on to his subordinates.
- (10) To make sure there is uninterrupted contact with the superior command, as well as with the subordinate and attached commands and units.
- (11) To perform other duties laid down under the provisions of other rules, laws and regulations on the Armed Forces.<sup>137</sup>

From the regulations<sup>138</sup>, it becomes apparent that ensuring the continuous flow of information between superior and subordinate commanders, and the maintenance of uninterrupted contact with the superior and subordinate command and attached units and commands are crucial aspects of command responsibility. These requirements logically extend to all levels in a chain-of-command.

- e. While the examples all relate to a commander at the Corps level, the basic principles listed in the aforementioned regulations and instructions, they also apply to units above and below the Corps level (e.g. General Staff and Army above; Divisions, Brigades, Regiments, Battalions, and Companies below).

## 9. Reporting

- a. The 1983 JNA textbook on *Command and Control*, when discussing the functions of command and control, stated:

The command and control organs must be familiar with and follow the situation in units, which can be ensured through organising a system of reporting and supervising

<sup>137</sup> Exhibit K2450, ERN 0085-0000 – 0085-0057, *Instructions on How the 4th Corps Command is to Operate when carrying out Priority Assignments in Peacetime and Wartime*, Section IV, pp 14-15

<sup>138</sup> See also Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Chapter IV Command

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the progress of all missions.<sup>139</sup>

- b. This was further detailed in the 1983 JNA Manual for the “*Work of Commands and Staffs*” (draft). This document stated that the Command (Staff) *had to be able to provide the commander, at any time during the combat, with detailed information about the activity and intentions of the enemy, status, activity, capabilities, and decisions of the subordinate units, and to submit proposals for decision.*<sup>140</sup>
- c. Using the system within which command occurred, a commander “*must at all times know the status, position, and capabilities of his units two levels down*”.<sup>141</sup> The subordinate commands submitted to their superior command “*all the information about the enemy and essential information about their own units using the shortest route.*”<sup>142</sup>
- d. All documents that directly pertained to the preparation, organisation and execution of combat operations, marches, transportation, deployment and resting of the units/institutions were called “*Combat Documents*”.<sup>143</sup> There were three different types of Combat Documents:
- Command Documents: commands, orders, instructions and directives, orders for combat operations, support and other activities, etc.
  - Reporting and Notification Documents: combat and operational reports, reports on various types of combat operations, support and other activities, notices of all types, etc.
  - Auxiliary (or other) documents: lists, tables, standards and data overviews, various calculations etc.<sup>144</sup>
- e. The purpose of combat documents was to prepare and implement the commander’s decisions. They could be written, graphic presentations, audio

<sup>139</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 43

<sup>140</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 358

<sup>141</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 358

<sup>142</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 358

<sup>143</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 493

<sup>144</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 493



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and videotapes, films and photographs.<sup>145</sup> As mentioned before in this Section, orders could also be issued orally.

## 10. Planning & Conducting Operations

- a. Large military operations are exceptionally complex. They require detailed planning, with the factors needing consideration increasing in complexity at each successively higher level in the chain of command. Armed Forces throughout the world have developed similar systems for planning, and rely on command staffs to assist the commander.
- b. The 1990 "*General Staff of the Armed forces of SFRY Corps of Ground Forces Rule (temporary)*" describes in detail the work of the command (commander and command staff) during the planning and conduct of operations.
  - (1) The work of the Corps' command upon receipt of an assignment comprises the following: studying and understanding the assignment; issuing prior orders; developing the work plan of the Command; acquainting the bodies of command with the assignment, the work plan and the basic concept; assessing the situation and taking decisions; planning the operation and other forms of combat actions; transmitting the decision to subordinated commands and controlling its implementation.<sup>146</sup>
  - (2) Successful work of the Command during the execution of the operation is assured by the Commander's decision based on realistic estimates of the course of events; timely, complete, organised and secret preparation of the command and units for the execution of the operation; constant monitoring of the situation; the Command's ability to quickly and flexibly respond to any change in the situation, introducing the necessary adjustments in the basic decision; and persistence in the execution of the given assignment.<sup>147</sup>
  - (3) With a view to providing successful command and control during the execution of the operation, the Command of the Corps engages in the following: constant collection of data on the enemy, their analysis and transmission to the appropriate bodies of the command, subordinates, seniors and neighbours; constant and intensive monitoring of developments and timely notification of these developments to subordinated commands,

<sup>145</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 494

<sup>146</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376; Eng 0079-7104 - 0079-7232, *General Staff of the Armed forces of SFRY, Corps of Ground Forces Rule (temporary)*, 1990, Para 84

neighbours of co-ordinating commands, headquarters of Territorial Defence, and bodies of socio-political communities and organisations; quick reaction to any hitches in the plan of action, adjusting the action of subordinated, attached and co-ordinated forces; quick restoration of the command system, communications, concerted action and co-operation after disturbances; efficient controlling of all stages of work and action of subordinated units; quick evaluation of the situation and enabling the Commander to adjust his decision and issue orders to executors in a timely manner; timely reporting to the senior command, neighbours and subordinates on mutual actions and their results. For exerting the right influence on the course of execution of the operation, of vital importance are the level of training of the Command and the Commander's ability to realise in good time that his earlier decision needs to be supplemented and adjusted.<sup>148</sup>

c. The 1991 "JNA 4<sup>th</sup> Corps Command Instruction on Carrying out Priority Assignments in Peacetime and Wartime" included in its Section VI an aide-memoir for the Corps Commander and his Staff outlining the procedures to follow upon receipt of an assignment.<sup>149</sup> Ordinarily, these are general procedures applicable to units above and below a Corps. According to this aide-memoir, the work of the Corps command on receiving the assignment involved the following:

- (1) Receipt, study, and understanding of the assignment;
- (2) Issuing of preliminary orders;
- (3) Formulation of the work plan of the Command;
- (4) Familiarising the bodies of the Command with the assignment, the work plan, and the basic concept (when formulated and announced);
- (5) Assessing the situation and taking a decision;
- (6) Planning the operation and other combat actions;
- (7) Transmitting the decision to subordinate commands;
- (8) Monitoring the implementation of the decision.<sup>150</sup>

Of the above eight steps, steps 7 and 8 warrant further examination.

<sup>147</sup> Exhibit Nr K2715; ERN BCS 0039-5376- 0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 114

<sup>148</sup> Exhibit Nr K2715; ERN BCS 0039-5376- 0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 115

<sup>149</sup> Exhibit K2450 ERN 0085-0000 – 0085-0057 *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4<sup>th</sup> Corps Command, 29 August 1991, section VI

<sup>150</sup> Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4<sup>th</sup> Corps Command, 29 August 1991, section VI

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(1) Step 7, the transmission of a decision to subordinate commands, is simply the issue of an order containing, among other things, the following:

- Information about the enemy;
- The Corps' assignment;
- Reinforcements, support, and other units with which there is joint action;
- Information on neighbouring units...in the area;
- Command and communications;
- Joint operations and co-operation....<sup>151</sup>

(2) Step 8 in the aide-memoir above, monitoring the implementation of the decision, required that a commander checked to make sure subordinate units received orders on time and that they understood and carried out his orders. This monitoring was accomplished through reports from subordinate commands, the study of combat documents, surveillance of combat operations, and by the commander or staff checking personally on the progress of subordinate commanders.<sup>152</sup>

## 11. Command and Control in Peacetime and in Wartime

### a. Peacetime

According to the 1983 JNA *“Manual for the Works of Commands and Staffs (draft),*

In peacetime, control and command is basically focused on the building up and preparation of armed forces for war and as effective as possible conduct of an armed struggle; therefore its essence and main tasks are as follows:

- to plan and schedule the development of armed forces;
- to set up a doctrine of armed struggle;
- to prepare members of the armed forces morally, politically and psychologically;
- to conduct expert military training of units and commands;
- to educate cadres;
- to establish a system of mobilisation and preparatory activities for mobilisation;
- to ensure combat readiness and security;
- to build a military infrastructure;
- to develop equipment and weapons;

<sup>151</sup> Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4<sup>th</sup> Corps Command, 29 August 1991, section VI

<sup>152</sup> Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4<sup>th</sup> Corps Command, 29 August 1991, section VI

- to organise and secure the functioning of logistics support, etc.<sup>153</sup>

b. Wartime

- (1) The 1983 JNA *“Manual for the Works of Commands and Staffs (draft)”*, stated

The command and control system in the combat operations area consists of commands, TO staffs and other command and control structures whose relationships are regulated in accordance with the principles of operations of a military organisation in armed combat. Every element in the command and control system in an area, axis, theatre, area of war or any part thereof, defined by space and function, have to be assigned its precise place and relationship in order to achieve a harmonious functioning of the command and control system. The most senior command/TO staff unifies the combat operations of JNA and TO units and other structures of all people's defence in the axis or area of combat operations pursuant to a decision of the superior command or TO staff or in its own initiative and in agreement with the command and control organ in all people's defence in the combat operations area (in cases when the superior command is unable to regulate such actions).<sup>154</sup>

The remark that *“the most senior command/TO staff unifies the combat operations of JNA and TO units and other structures of all people's defence in the axis or area of combat operations”* is important in the context of this report.

The role of command and control in wartime is to make the best possible use of armed forces in combat. The command and control system covers the whole territory of Yugoslavia, which provides for an effective combat across the entire country and in all conditions, on land, sea and in air.<sup>155</sup>

With the assistance of corresponding JNA commands and republican and provincial TO staffs, the Presidency of the SFRY directly controls and commands strategic and operative groups and operative units; in certain battle zones or sectors of the front, the command function is in the hands of the JNA command (TO staff) that leads the

<sup>153</sup> Exhibit Nr B9722; ERN Eng L006-3322-L006-3474 BCS 0214-8123-0214-8517, JNA Textbook on *Command and Control*, 1983, p 105

<sup>154</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983, Chapter V, Para 20

<sup>155</sup> Exhibit Nr B9722; ERN Eng L006-3322-L006-3474 BCS 0214-8123-0214-8517, JNA Textbook on *Command and Control*, 1983, pp 105-109

operations in these specific conditions. Re-subordination is effected at lower levels as well, following the same principle, with TO units being most often subordinated to JNA commands on the front, in defending towns and zones targeted by airborne units, and in other situations where it is necessary and appropriate.<sup>156</sup>

(2) The 1983 JNA *Manual for the Works of Commands and Staffs (draft)* listed 7 conditions for the successful Command and Control in the course of combat operations. Conditions 4 (*rapid reestablishment of disrupted command system*) and 5 (*Efficient control over the work and engagement of subordinate units in every stage*) are relevant in the context of this report.

- Constant gathering of data about the enemy, their analysis and transmission to interested command organs, subordinates, superiors and adjacent elements;
- Constant and intensive monitoring of the situation development and prompt notification of commanders, adjacent elements, cooperating commands, TO staffs, etc;
- Prompt reaction to any disruption of the operation plan, harmonisation of the activities of the subordinate, attached and cooperating force
- Rapid reestablishment of the disrupted command system, communications, cooperation and collaboration;
- Efficient control over the work and engagement of subordinate units in every stage (from the assignment of the combat mission until its execution);
- Rapid situation assessment and enabling the commander to make decisions and issue prompt orders to those who must implement them;
- Prompt reporting to the superior command, adjacent elements and subordinates about activities on both sides and results.<sup>157</sup>

These conditions were re-affirmed in the 1991 JNA Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime.<sup>158</sup>

(3) The 1983 Manual also added that it was particularly important for the command organs to make it possible for the commander to make prompt,

<sup>156</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517, Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, pp 105-109

<sup>157</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983, Chapter V, Para 138

functional and realistic decisions in combat, To this end, it was imperative for a commander to ensure he kept himself informed about the situation, capabilities and activities of both the enemy and his own forces.<sup>159</sup>

## 12. Combat operations

- a. Military combat operations can be divided in offensive and defensive operations. The 1984 *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)* listed five types of tactical combat operations (or activities): attack, defence, movement, encounter combat, and resting.<sup>160</sup>
- (1) An attack is the basic form of combat operations in which the brigade targets all the elements of the enemy disposition, by combining fire and manoeuvre, penetrating into his disposition, breaking it up, destroying or capturing and liberating facilities and area temporarily occupied by the enemy and destroying any organs and organisations the enemy may have set up, acting in co-operation with the TO forces and in collaboration with the organs and organisations of the socio-cultural community, socio-political organisations and organisations of associated labour, simultaneously, decisively and in accordance with a single concept.
- The basic objective of the attack is to rout, destroy or capture the enemy forces and to liberate or occupy a certain area or facility. Depending on the combat situation and other conditions, the objective of a brigade in an attack may be to take certain facilities or positions; to deceive the enemy as regards its real intentions; tie the enemy down on certain axes for certain periods of time; destroy a stronghold; cut communications, etc.<sup>161</sup>
- (2) Defence is a type of combat operation in which a brigade, in co-operation with the TO units and in collaboration with the appropriate organs and organisations of the DPZ (Social Political Community), DPO (Social Political Community) and OUR (Organisation of Associated Labour) simultaneously and decisively, in accordance with a single concept, takes advantage of the terrain and engineer works thereon, counter-mobility measures, force and effectiveness of fire and manoeuvre, and engages mostly in defensive

<sup>158</sup> Exhibit Nr K2450; ERN 0085-0000 – 0085-0057, *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4<sup>th</sup> Corps Command, 29 August 1991, section VI

<sup>159</sup> Exhibit Nr K2459; ERN BCS 0055-0707-0055-0745, Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983

<sup>160</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984

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operations on the front and active operations from the flank and rear against all the elements of the enemy combat disposition, inflicting casualties, preventing quick incursions, repelling his attacks, holding the positions (or areas or facilities) that have already been taken in order to prevent major losses among its own forces and make it possible for an attack to be launched.<sup>162</sup>

The basic objective of the defence is to inflict as great losses on the enemy as possible, to break down, repel, halt or slow down his attack, prevent major casualties in our forces and create conditions for an attack to be launched. The objective of the defence may be to secure the wings, flanks and rear of the higher unit as it attacks; to tie down the enemy forces in a certain area or on a certain axis; to prevent the enemy from pulling out; to hold and defend certain facilities, areas, etc.<sup>163</sup>

b. The 1990 JNA Manual "*Corps of Ground Forces Rule (Temporary)*" provided the following information on offensive operations:<sup>164</sup>

(1) Offensive operation of the Corps on the front is the basic form of organisation for executing offensive operations on the front wherein, according to a uniform plan, within the allocated zone/area and the given timeframe, offensive and defence fights and battles, tactical combat actions and other activities of the Corps, units of Territorial Defence and other forces of All People's Defence and self-protection are combined and directed to attain a common operative objective.

The Corps achieve success in an offensive operation through harmonised strikes of its own forces and the units of Territorial Defence (with the support of the Air Force and Air Defence or, in naval zones, forces of the Navy and the Coastal Defence) against enemy forces in the entire depth of the enemy's disposition, combined with all forms of mass resistance by other entities of All People's Defence and social self-protection.<sup>165</sup>

(2) The objective of an offensive operation is to break up or destroy enemy forces on a chosen route and to capture and liberate a designated structure or premises held by the enemy. Sometimes, the goal of the operation may be to tie up enemy forces on a certain

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<sup>161</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 306

<sup>162</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 470

<sup>163</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 471

<sup>164</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Chapter IV

<sup>165</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 145

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route or in a certain area, to take up defensive positions and hold a structure, premises, island, or part of a territory.<sup>166</sup>

- (3) An attack on a settlement is carried out in concerted action with units of Territorial Defence and in co-operation with the bodies of socio-political communities and other organisations. Units of the Corps, as required, insert part of their forces into a settlement for concerted action in offensive actions against important enemy structures. Attacks on settlements and cities which have been included in the enemy's defence system are carried out in line with the progress of forces of the first echelon. Whenever possible, settlements and cities are surrounded, isolated, and then, by concentric attack by the second echelon or the reserve, captured in concerted action with units of Territorial Defence. If the enemy's resistance is weak, the forces of the first echelon capture the settlement on their own.<sup>167</sup>

In attacks on larger settlements, the operative disposition is adjusted to the situation at hand. An attack on a big city is undertaken in concerted action with the command of the city's defence, with actions of forces outside and inside the city co-ordinated with all types of resistance by other forces. Units located inside the city often play the decisive role in such attacks. Command over the forces involved in the attack on the city is unified. Concerted action is minutely organised and constantly maintained.<sup>168</sup>

There is a repeated emphasis on the importance of the co-ordination ("*harmonisation*") of the operations of the JNA and the TO. As mentioned in Para 6.d. of this section, co-ordination is a function of command and control and can therefore have command implications.

<sup>166</sup> Exhibit Nr K2715; ERN BCS 0039-5376- 0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, Corps of Ground Forces Rule (temporary), 1990, Para 146

<sup>167</sup> Exhibit Nr K2715; ERN BCS 0039-5376- 0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, Corps of Ground Forces Rule (temporary), 1990, Para 204

<sup>168</sup> Exhibit Nr K2715; ERN BCS 0039-5376- 0039-5376; Eng 0079-7104 - 0079-7232, General Staff of the Armed forces of SFRY, Corps of Ground Forces Rule (temporary), 1990, Para 205



## Section FIVE: Structure of the SFRY Armed Forces

### 1. Introduction

- a. This section provides an overview of the operational structure (General Staff, Security and Intelligence administration, Army, Air Force and Air Defence and Navy and their internal composition) and military-territorial organisation of the JNA, and the structure of the TO. Furthermore, at the end of the section, the concepts of Operational Group and Tactical Group are introduced and explained.
- b. The JNA was composed of a General Staff and three branches: Army (land forces), Air Force and Air Defence and Navy. There were 3 Army Military Districts, consisting of companies, battalions, regiments, brigades, divisions and corps, and one Naval Military District. The TO was made up of municipal, operative zone, autonomous regions and republican-level units and Staffs. There were two types of TO units: local and mobile (or manoeuvre) units. During operations, Operational Groups (OG) and Tactical Groups (TG) would be created, to facilitate command and control. OG's and TG's were ad hoc formations, comprising all military forces (JNA, TO) involved in the operation, set up to carry out specific operations during a specific time period.

### 2. Legal Framework

- a. Article 101 of the 1982 "ONO Law" determined the structure of the JNA in its broadest terms.

#### Article 101 of the 1982 ONO law

The Yugoslav People's Army shall consist of branches, arms and services.

The branches shall be the ground forces, the air force and air defence, and the navy.

The branches shall consist of arms and services.

The arms shall be divided according to type and speciality, while the services shall be subdivided into sections and specialities.<sup>169</sup>

<sup>169</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 101

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- b. Article 106, Para 2 and 9, of the 1982 "ONO Law" granted the SFRY Presidency the power to determine the arms and services in the Yugoslav People's Army (JNA), and the military-territorial organisation of the country.

Article 106 of the 1982 ONO Law

The SFRY Presidency, as the supreme command and control organ of the Armed Forces, shall:

2) Establish the basic structure of the Armed Forces and the structure and formation of the Yugoslav People's Army;

9) Establish the military-territorial organisation of the country<sup>170</sup>

### 3. Operational Structure of the JNA

#### a. General Staff

- (1) The JNA Military Lexicon<sup>171</sup> defined the General Staff as follows:

The main organ of the Ministry of Defence or the high command for operations and planning in the area of development, preparation and use of the defence forces.

In *peacetime*, it shapes and develops the concept of the country's defence (waging war), prepares the *war plan*, develops *military* and *war doctrine*, and strategy, plans the development, organisation and structure of the system of combat and mobilisation readiness, organises war planning, co-ordinates the development of infrastructure and the preparation of the territory for waging war; etc.

In *wartime*, as the headquarters of the main command, it follows and studies the situation in the theatre of war and on the battlefield, prepares and carries out decisions (plans, orders, directives and instructions) for executing the operations and combat actions, controls the execution of the army command directives, analyses and generalises war and combat experiences in the area of war doctrine, command organisation, the operation of branches and arms of service, and so on. The *General Staff's* jurisdiction, organisation, structure and operational system depend on the socio-political system of the country and the policy of the ruling class, the size, structure and purpose of the defence forces, the geo-strategic position, the foreign policy orientation and line, tradition, and so on. In some Western countries (USA, Great Britain, France, Italy), in addition to the *General Staff* (for the defence forces

<sup>170</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art. 106

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as a whole), there are also special *General Staffs* for different services (the ground forces, navy and air force). The *General Staff* appears first in the 17th century as the highest military institution and main commanding body.

- (2) Additional information on the Departments and Organs of the General Staff can be found back in Section 4: Command and Control, Paragraph 7 and 8. Taking into account the role they played during the conflict in Croatia, the Security and Intelligence Organs will be discussed separately hereunder.

b. Security and Intelligence Organs

(1) Introduction

The military intelligence and security (including counter intelligence) activities in the SFRY were carried out by two agencies, both colloquially referred to as "KOS"<sup>172</sup>:

- The Security Administration of the SSNO<sup>173</sup> and
- The Intelligence Administration of the General Staff<sup>174</sup>

The Security Administration acted mainly as a counter-intelligence service, while the Intelligence Administration<sup>175</sup> served as an intelligence service.

(2) Security Administration- Security Organs

- (a) Article 194 of the 1982 "ONO Law" listed the tasks of the JNA Security Organs (UB).

Article 194 of the 1982 ONO Law

Specialised tasks relating to security of the Armed Forces shall be organised and performed by security organs of the Armed Forces, security organs of the Territorial Defence, the Military Police and other specialised military organs, and also, for certain specialised tasks, by administrative organs in charge of internal affairs.

<sup>171</sup> Exhibit Nr. K2461 ERN 0400-2219-0400-3347 Vojni Leksikon, Military Publisher, Belgrade, 1981

<sup>172</sup> KOS (Kontrobevestajna Služba) was the name of the Counter Intelligence Service that existed after the Second World War

<sup>173</sup> Or Uprava Bezbednosti, hereinafter "UB"

<sup>174</sup> Or Obaveštanja Uprave Generalštaba, also known as the 2nd Administration, hereinafter "OU".

<sup>175</sup> Also known as "2<sup>nd</sup> Administration".

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Security organs of the Yugoslav People's Army, in accordance with their rights and duties stipulated by the federal law and the regulations adopted pursuant to the law, shall collect data and information and take the necessary measures in order to discover and prevent the activities of individuals, groups and organisations aimed at undermining or overthrowing the social order established by the SFRY Constitution and compromising the security of the country, if such activities are carried out in the JNA or against the JNA, as well as for the purpose of discovering and preventing the activities aimed at compromising the security and confidentiality of the plans and preparations of the Armed Forces for the defence of the country.

Security organs of the Territorial Defence shall be organised and carry out security related tasks for the needs of the Territorial Defence in accordance with the law.<sup>176</sup>

- (b) The 1984 "*Rules of Service of the Security Organs in the Armed Forces of the SFRY*", defined the mission of the Security Organs as follows:

Security organs, as specialist organs of commands, units, institutions and staffs of the armed forces, carry out duties of state security that are placed within their competence by the law and regulations issued pursuant to the law, for the purposes of detecting and preventing activities aimed at subverting or disrupting the social order established by the Constitution of the Socialist Federative Republic of Yugoslavia (SFRY) and threatening the country's security, if such an activity is carried out in the armed forces or against the armed forces from within the country or from abroad, and also for the purposes of detecting and preventing activities aimed at breaching the secrecy of the plans and preparations of the armed forces for the country's defence.<sup>177</sup>

- (c) Furthermore, the 1984 Regulation mentioned the following tasks:

Security organs are responsible for:

- a) The detection, tracking and prevention of intelligence activities and other activities of foreign military intelligence and non-military intelligence services, and the activities of hostile Yugoslav emigration carried out in the country or from abroad, which are aimed against the armed forces and the preparations of the armed forces

<sup>176</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 194

<sup>177</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 1

- for the country's defence, while JNA security organs also deal with activities aimed/ against organisations for armament and military equipment;
- b) The detection and prevention of hostile activities by individuals, groups or organisations against the armed forces and members of the armed forces, while JNA security organs also deal with activities against organisations for NVO and persons employed in these organisations, which are aimed at subverting or disrupting the social order established by the Constitution of the SFRY and threatening the country's security, and also threatening the armed forces or breaching the secrecy of the plans and preparations of the armed forces for the country's defence;
- c) The implementation of measures and operations of counterintelligence protection for tasks and duties, documents, materiel and technical equipment, territories, zones and features of particular importance for the country's defence, when this is determined by the law, other regulations or decisions of a competent officer in accordance with those regulations;
- d) The gathering and verification of information for the operational needs of security organs and the running of security checks on persons for recruitment into the armed forces and persons being employed in organisations for armament and military equipment, when this is prescribed by the law, these rules or other regulations and general enactments;
- e) The security preparation of members of the armed forces and organisations for armament and military equipment with respect to relations with foreign countries or foreign persons;
- f) The organisation and maintenance of the security organ's information system for the purposes of analysing data and intelligence, reporting, informing, controlling and guiding within the competence of the security organ and in accordance with these rules, other regulations and general enactments;
- g) Their own preparations for work in war, an imminent threat of war and other exceptional circumstances and control of the preparations of the military police in war, an imminent threat of war and other exceptional circumstances.<sup>178</sup>

Security organs participate in:

- a) The detection and prevention of serious crimes that involve the theft of or damage to arms, ammunition, combat equipment, mines and explosive devices, and other types of serious property crime in the armed forces and organisations for NVO that threaten their defence capability and combat readiness;
- ....
- e) Operations that precede the initiation of criminal proceedings and the criminal proceedings themselves, in accordance with the provisions of the federal laws that regulate criminal procedure and the jurisdiction of military courts;

<sup>178</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 6

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f) Detecting indications of possible aggression.

Security organs report on their work to their immediate superior and the security Organs of superior commands, units, institutions or staffs in accordance with the provisions of these rules.<sup>179</sup>

- (d) As quoted below, 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. Through this function, the UB learned of, investigated and reported on allegations of misconduct by those under JNA control.

When there are reasonable grounds to suspect that a crime within a security organ's competence has been committed, authorised officers of the security organ are obliged to take necessary measures to ensure that the perpetrator of the crime is found, that the perpetrator or accomplice does not go into hiding or escape, that traces of the crime and objects that may serve as evidence are discovered and secured, and also that all information that may be of use for the successful pursuit of criminal proceedings is gathered.<sup>180</sup>

- (e) The Head of the UB was directly subordinated to the SSNO. Security officers<sup>181</sup> within JNA units, commands or institutions were according to the 1984 regulation subordinated to their operational commanders.

The security organ is directly subordinate to the commanding officer of the command, unit, institution or staff of the armed forces in whose strength it is placed in the establishment, and it is responsible to that officer for its work, while JNA security organs in organisations for NVO are responsible to the competent Assistant Federal Secretary for People's Defence.

The Federal Secretary for People's Defence, or a military officer authorised by him, manages JNA security organs with regard to the application of the methods and means for the work of these organs.

In the Territorial Defence, the commander of the Territorial Defence of a republic or the commander of the Territorial Defence of an autonomous province has the powers of the Federal Secretary under paragraph 1 of this item.<sup>182</sup>

<sup>179</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 7

<sup>180</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 52

<sup>181</sup> also called "Security Organs"

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- (f) The authority of the Security Administration (= Head of the Security Organs) over the security organs in JNA Commands, units and institutions was according to the 1984 regulation limited to "*Specialist Management*".

The Security Administration of the SSNO (hereinafter "Security Administration") performs duties as prescribed by these rules and other regulations. The Security Administration provides specialist management for security organs in JNA commands, units and institutions according to the provisions of these rules and organises and directs their work of importance for security.

The Security Administration provides specialist direction and co-ordination for the work of security organs of the territorial defence relating to counterintelligence matters and the counterintelligence protection of members of the armed forces in territorial defence staffs, and concerning the fulfilment of reporting and keeping documents and files as prescribed in security organs of the armed forces, while in wartime, in the event of an imminent threat of war and other exceptional circumstances, it provides specialist direction and co-ordination for the work of security organs of the territorial defence.<sup>183</sup>

- (g) According to the 1984 "*Rules of Service of the Security Organs in the Armed Forces*", Security Officers were to provide "*specialist management*" for the Military Police (MP) units.

An officer of a security organ of a command, unit, institution or staff of the armed forces provides specialist management for a military police unit. He recommends the use of the military police unit to the senior officer of the command, unit, institution or staff, and he is responsible to him for the state and activity of the unit.<sup>184</sup>

The 1985 "*Service Regulations of the SFRY Armed Forces Military Police*" describe the subordination relation between the Security Officers and the MP as follows:

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<sup>182</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 16, 17

<sup>183</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 57, 58

<sup>184</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 22

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The officer in charge of the military unit and institution within whose establishment the military police unit is placed or to which it is attached commands and controls the military police.

With respect to specialty, the officer in charge of the security body/organ of the unit or institution within whose establishment the military police unit is placed or to which it is attached controls the military police. He makes suggestions to the officer in charge of the military unit or institution on the use of military police units and is responsible for the combat readiness of the military police unit and the performance of their tasks.

When controlling a military police unit, the officer in charge of the security body from paragraph 1 of this item has the same rights and duties, which the officers of arms services of military units and institutions have in controlling the units of arms and services.<sup>185</sup>

- (h) The UB was also tasked with propaganda and counter-propaganda.

In the operative work of JNA security organs, disinformation is the planned and systematic spreading of true, half-true and false information to foreign intelligence and counterintelligence services, Yugoslav hostile émigré circles and the internal 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, and to protect the methods used by the security organs to discover the plans, intentions, forces and methods of activity of external and internal enemies directed against the SFRY armed forces and organisations producing arms and military equipment. Disinformation spread by the security organs using their methods and means of work is prepared by the Security Administration and security organs of the army command and equal organs in accordance with the plan of strategic-operative camouflage. In order to spread disinformation, an officer's decision must be secured, pursuant to item 124 of these Directions.<sup>186</sup>

- (i) The aforementioned 1984 and 1986 regulation were replicated in the 1990 "*General Staff of the Armed forces of SFRY Corps of Ground Forces Rule (temporary)*", the 1990 *Regulations on the Responsibility of the Land Army Corps Command in Peacetime*, the 1991 *Instructions on the 4<sup>th</sup> Corps Command on carrying out Priority Assignments in*

<sup>185</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 12, 13

<sup>186</sup> Exhibit Nr C522; ERN BCS 0090-9844-0090-9878; Eng 0092-6833-0092-6874, *Instructions on the Methods and Means of Work of the JNA Security Organs*, 1986, Para 50



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*Peacetime and Wartime* and JNA regulations that applied to subordinate units.

(3) Intelligence Administration- Intelligence Organs

- (a) The Chief of the Intelligence Administration was subordinated to the Chief of the General Staff of the SFRY Armed Forces.<sup>187</sup>
- (b) The Intelligence and reconnaissance organisation of the JNA and TO consisted of three basic elements:
- a) intelligence organs, commands and staffs;
  - b) intelligence and reconnaissance organs, and
  - c) reconnaissance units and organs (permanent and temporary)<sup>188</sup>
- (c) The basic duties of the intelligence organs in commands and staffs were included in the 1987 JNA Regulation "*Intelligence Support of the Armed Forces*" (see below). With regard to Prisoners of War, Intelligence Organs were to "*organise and, if necessary, question the prisoners of war and defectors for the purpose of intelligence support of his command, staff and unit*".<sup>189</sup> The III<sup>rd</sup> Geneva Convention relative to the Treatment of Prisoners of War was attached to the Regulation.<sup>190</sup>

Basic duties of the intelligence organ in commands and staffs of the JNA and TO are as follows:

- to plan, organise, direct and co-ordinate the overall intelligence and reconnaissance activity in the zone/area of intelligence responsibility;
- to constantly gather and process intelligence about the enemy, physical and weather conditions and to make a general assessment of the enemy in co-operation with other organs (analysing the status, capabilities, intentions, goal and probable manner of engagement), point to changes that have been identified and take additional intelligence support measures as needed;

<sup>187</sup> Exhibit Nr B9998 ERN BCS 0113-2537-0113-2680; Eng 0304-7987-0304-8102, JNA Regulation "*Intelligence Support of the Armed Forces*", 1987

<sup>188</sup> Exhibit Nr B9998 ERN BCS 0113-2537-0113-2680; Eng 0304-7987-0304-8102, JNA Regulation "*Intelligence Support of the Armed Forces*", 1987, para 12

<sup>189</sup> Exhibit Nr B9998 ERN BCS 0113-2537-0113-2680; Eng 0304-7987-0304-8102, JNA Regulation "*Intelligence Support of the Armed Forces*", 1987, para 13

<sup>190</sup> Exhibit Nr B9998 ERN BCS 0113-2537-0113-2680; Eng 0304-7987-0304-8102, JNA Regulation "*Intelligence Support of the Armed Forces*", 1987, Attachment 1

- in the process of decision-making and in the course of combat operations, to present to the commander/chief the proposal for the organisation and implementation of intelligence support;
- to exercise direct control over the subordinate intelligence and reconnaissance organs and reconnaissance units in accordance with the concept and decision of the commander or the order of the chief of staff, take care of their preparation, training and education, staffing levels and logistics support;
- to make sure that the equipment for gathering data about the enemy is used properly and effectively;
- to co-operate with the intelligence and reconnaissance organs of co-operating and adjacent commands, staffs and units of the JNA and TO and relevant organs of the DPZ /socio-political communities/ on the front and in the temporarily occupied territory;
- to organise the most functional use of intelligence; to notify the commander, chief of staff and all interested organs of the command and staff about all significant data; he must inform the interested commands and staffs immediately, using the quickest route, of any data that are important for the superior command or for subordinate, co-operating and adjacent units, staffs and DPZ organs; to pay special attention to urgent notification of interested parties about any nuclear, chemical and biological weapons and delivery systems, rapid reaction and airborne troops that have been discovered;
- to take part in the selection and monitoring of targets for the use of nuclear weapons;
- to take part in the planning and implementation of misinformation campaigns as part of the operational and strategic camouflage measures at the level of operational and strategic commands;
- to take part in the planning of electronic jamming of the enemy radio and radio-relay communications and radar stations;
- to organise and, if necessary, directly run the preparations of the intelligence and reconnaissance organs for the execution of tasks in the depth of the combat or operational disposition of the enemy and to provide documents needed for the maintenance of contact with the organs;
- to organise and take security and self-protection measures in the course of the preparation and execution of the tasks of intelligence and reconnaissance organs, and in the course of the gathering and use of intelligence;
- to organise and, if necessary, question the prisoners of war and defectors for the purpose of intelligence support of his command, staff and unit;
- to take part in the planning and implementation of the instruction of officers and units regarding the armed forces of potential aggressors and in the organisation of intelligence support in their units;
- to take part in the election and assignment of intelligence and reconnaissance officers and civilians serving in the armed forces;
- to draft required intelligence documents;

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- to study and analyse the experience gleaned from the work of our own and foreign intelligence and reconnaissance organs and units and to use it for the improvement of the intelligence and reconnaissance activity.<sup>191</sup>

(d) According to the 1990 JNA “*Corps of Ground Forces Rule (temporary)*”,

The body for intelligence affairs is responsible for and organises technical affairs related to intelligence support. It constantly monitors enemy forces. In the process of decision-making by the Commander, it participates in the assessment together with other bodies of the Command. It submits to the Commander or the Chief of Staff its proposal for intelligence support of the Corps stating as follows: conclusions drawn from the assessment of the enemy, principal tasks of intelligence support and the engagement of forces and equipment for intelligence support. It guides the intelligence bodies of subordinated commands; organises concerted action with intelligence bodies of adjacent units, and co-operation with the appropriate bodies of other entities of All People's Defence and social self-protection in the zone of intelligence responsibility. It leads reconnaissance units and suggests their use.<sup>192</sup>

c. Military Police

The 1985 “*Service Regulations of the SFRY Armed Forces Military Police*” listed the tasks of the Military Police (see below)<sup>193</sup>. With regard to prisoners of war, these tasks consisted of “*providing security for prisoners of war in camps for prisoners*<sup>194</sup>, *participate in the arrest*<sup>195</sup> *and escorting*<sup>196</sup>”.

22. In peacetime, the military police perform the following duties:

provide direct physical security for: commands, institutions and staffs which include military police; high-ranking military officers, by a special order; foreign military delegations; the highest state and party officials and heads, and certain delegations of foreign countries during their visit to military units and institutions, or military

<sup>191</sup> Exhibit Nr B9998 ERN BCS 0113-2537-0113-2680; Eng 0304-7987-0304-8102, JNA Regulation “*Intelligence Support of the Armed Forces*”, 1987

<sup>192</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 68

<sup>193</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 22-25

<sup>194</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 25

<sup>195</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 52

<sup>196</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 55

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facilities, or when being transported in military vehicles;

provide the internal security for military penal and correctional facilities and military prisons and detention centres at military courts (further referred to as: military prisons);

provide security for military documents, weapons and military equipment which constitute a state secret, as well as explosive materials and flammable gases during their transfer and transport, when ordered by the military officer in charge;

take part in securing military facilities, directions and areas of special importance for the defence of the country;

...

within the given jurisdiction, take persons into custody;

regulate and control military traffic on the roads, carry out the reconnaissance of traffic and collect information on traffic accidents and violations of military personnel engaged in traffic;

...

take part in the struggle against sabotage and terrorist, renegade and other armed enemy groups in the area of military facilities and military units and institutions under attack, as decided by the officer in charge of the military unit or institution within which the military police unit is placed;

...

uncover, find and take into custody the perpetrators of crimes within the jurisdiction of military courts who are being charged *ex officio*, secure the evidence of crime, collect any information and material evidence which may be of use to criminal proceedings, and act in accordance with the request of the military court or other body in charge of the criminal proceedings;

...

23. In addition to the tasks from item 22 of this rule, in extraordinary circumstances, the military police execute the following tasks:

reinforce the security and defence of commands, institutions and headquarters of armed forces, military facilities, areas and directions and execute any other tasks from the plans and orders for extraordinary circumstances;

fight or overcome the resistance of armed persons who have raided military facilities or military vehicles;

free hostages from military facilities or military vehicles, as ordered by the army commander or a high-ranking officer;

...

when the need arises and upon agreement by the federal secretary for national defence, assist the police in restoring law and order in public places.

24. In addition to the tasks from items 22 and 23 of this rule, during an imminent threat of war and mobilisation, the military police also execute the following tasks:

take part in monitoring the implementation of the ordered security measures during the execution of mobilisation;

directly secure the plans for deployment of the armed forces;

...

the military police of the military-territorial bodies and territorial defence staffs take part in finding and apprehending military conscripts who have not answered the call-up by the bodies in charge, to discharge their military obligation.

25. In addition to the tasks from items 22 to 24 of this rule, in wartime the military police also execute the following tasks:

directly provide for the security of the command post, commander of the military unit or institution both when stationary and when on the move and military messengers conveying military documents of the highest degree of secrecy – when the military officer in charge issues a special order;

take part in preventing the activities by any armed enemy groups or individuals who have been infiltrated or left behind on the axes of movement and in areas to which commands, institutions and staffs of the armed forces have been deployed, and in temporarily occupied territory;

take part in controlling and ensuring the implementation of the security measures regulated and ordered in the areas of waiting, collection, embarkation, i.e. disembarkation, and in certain directions of movement of military units and institutions;

...

take part in directing the movements of refugees and uncover any members of enemy units who have infiltrated the refugees;

take part in preventing the dissemination of enemy propaganda material in the zone-area of combat activities;

take part in providing security for prisoners of war in camps for prisoners of war; search buildings and areas where enemy commands, institutions and staffs were placed, in order to find documents, weapons and military equipment.

## d. Branches of the JNA

(1) Army (ground forces) (KOV)<sup>197</sup>

The Army was the basic force and the main protagonist of an armed struggle. They were numerically the largest and the most important branch that supported all other branches of the JNA and the TO.<sup>198</sup> (JNA ground forces will be discussed in detail in Para 2. d. of this Section).

(2) Air Force and Air Defence (RV i PVO)<sup>199</sup>

(a) The Air Force and Air Defence's chief role was to achieve the highest possible level of domination of the air space, and thus create favourable conditions for other branches of the JNA to operate, as well as the TO and other ONO structures relevant for waging a war.

(b) The Air Force and Air Defence had a dual purpose:

- Secure anti-aircraft protection of the SFRY and the OS groups
- Render air support to the army, navy and TO forces in performing their tasks according to their plans.

(c) The Air Force and Air Defence consisted of basic **combat arms** (airforce and artillery-missile units; other combat arms and special formations (air surveillance, warning and guidance units, counter-electronic operations, electronic reconnaissance, etc.); **services** (airforce technical and meteorological services; technical, quartermaster, etc.), and **institutions** (airforce institutes, centres, establishments, airforce schools and academies, etc.).<sup>200</sup>

(3) Navy (RM)<sup>201</sup>

<sup>197</sup> KOV: Kopena Vojska

<sup>198</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 85

<sup>199</sup> RV i PVO: Ratno vazduhoplovstvo I protivvazdušne odbrane

<sup>200</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, pp 87-90

- (a) The Navy was intended to conduct combat operations in the sea battle zone, on navigable rivers and lakes, with a view to defending sovereignty and territorial integrity of the SFRY and protecting its interests and rights in the Adriatic Sea, on navigable rivers and lakes. It carried out these tasks either independently or in concert with other JNA branches or parts of the armed forces.
- (b) The main task of the Navy was to defend the country in all possible situations, and it derived from the concept of all-people's defence, within placed it in the forefront of armed resistance to any attempt of aggression against the SFRY via the Adriatic Sea.<sup>202</sup>
- e. Army (ground forces)
- (1) The ground forces consisted of **combat arms** (infantry, armoured units, artillery, artillery rocket units of anti-aircraft defence, engineering corps, communications system – which covered all three branches – and nuclear-biological-chemical defence), **services** (technical, quartermaster, medical, veterinarian, transport, construction, legal, financial, administrative and musical), and **institutions** (institutes, schools, social clubs, holiday facilities, health centres, etc.).<sup>203</sup>
- (2) The ground forces were divided into units that could independently carry out tasks under all conditions of an armed struggle. It consisted of **operative units** (army and corps), **joint tactical units** (regiments, brigades and divisions), and **basic tactical units** (companies – batteries and battalions – divisions).<sup>204</sup>
- (a) **Army**: largest strategic and operative unit of the Ground forces of changeable strength. It consisted of Corps, Divisions, Brigades, Regiments, independent battalions – divisions and other segments. An army co-ordinated actions of all forces

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<sup>201</sup> RM: Ratna Mornarica

<sup>202</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, pp90-92

<sup>203</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 85

<sup>204</sup> Exhibit Nr B9722; ERN Eng L006-3322-L006-3474 BCS 0214-8123-0214-8517, JNA Textbook on *Command and Control*, 1983, p 85

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in a sector of a battle zone, and acted as the main protagonist of an armed struggle and strikes in order to achieve operative and strategic goals. In concert with the TO, it conducted operations within the range of operative axes, in the theatre of operations or on a part of the front.

(b) **Corps**: operative unit of changeable strength. It consisted of Brigades, Regiments, independent Battalions – Divisions and other segments. A Corps co-ordinated actions of all forces in a sector of a battle zone, and acted as the main protagonist of an armed struggle and strikes in order to achieve operative and strategic goals. In concert with the TO, it conducted operations on a part of the front and along operative-tactical axes.

(c) **Division**: highest joint tactical unit of ground forces, composed of a varying number of brigades and regiments. Depending on its place and role in a specific mission, it could be joined-up by infantry, mountain, light, mechanised, armoured, anti-armoured, artillery and other types of brigades-regiments and battalions, which made it capable of operating within the range of tactical-operative axes or in wider areas.

(d) **Brigades and Regiments**: higher joint tactical units of the Ground forces of changeable strength, depending which basic units constituted them (infantry, mountain, light, armoured, mechanised, anti-armoured, artillery, air defence, engineers, etc.), but they could also be of combat arm-based composition.

(e) Basic tactical units (battalions, companies and platoons): formations of permanent strength.<sup>205</sup>

(3) Tactical, operative, and even strategic tasks carried out along independent lines parts of the front or battle zone, required temporary formations to be established, such as **combat** and **tactical groups (TG)** at the level of basic tactical units; joint detachments at the level of joint tactical units; **operational groups (OG)** at the level of operations units; and strategic operations groups at the strategic level.<sup>206</sup> The concept of Operational and Tactical Group will be explained in detail in paragraph 6 of this section.

<sup>205</sup> Exhibit Nr B9722; ERN Eng L006-3322-L006-3474 BCS 0214-8123-0214-8517, JNA Textbook on *Command and Control*, 1983, p 86-87

<sup>206</sup> Exhibit Nr B9722; ERN Eng L006-3322-L006-3474 BCS 0214-8123-0214-8517, JNA Textbook on *Command and Control*, 1983, p 87



(4) With the *JEDINSTVO* restructuring<sup>207</sup>, implemented in 1988, the Armies were abolished, and as a peacetime military-territorial structure, replaced with the **Military District** (MD). Military Districts (*Vojni Oblast; VO*) were parts of the state territory where all units-institutions and military-territorial organs were joined under a single command. An Army territory was in principle determined by the existing political-administrative division of the country. It could be divided into Corps (district) or Divisions (districts). In SFRY, an Army was the operational-strategic and military-territorial command, which carried out all All-Peoples' Defence tasks within its jurisdiction in co-operation with relevant social-political community organs (DPZ).<sup>208</sup>

(5) Another result of *JEDINSTVO* was that a new formation –the Corps– was introduced immediately below the MD, to replace the Division-level.

#### 4. Military-territorial organisation of the JNA.

- a. The military-territorial organisation of the JNA reflected the strategic concept of “*All People's Defence*”, i.e. the defence of the territorial integrity of the SFRY against foreign threats.<sup>209</sup>
- b. Initially, the defence from an aggression by forces of the Warsaw Pact was considered the worst-case war scenario.<sup>210</sup> This was reflected in the military-geographic division of the country, with a division of the SFRY territory into seven (7) army zones of responsibility, with seven (7) Armies as the strategic-operational groups of the JNA.<sup>211</sup> Every republic was given one army zone, excepted Serbia and Montenegro, whose territory was divided each over two army zones (Serbia: the 1st Army (Belgrade) and the 2nd Army (Niš), and an independent Corps (52<sup>nd</sup> Corps) in Kosovo).<sup>212</sup>

<sup>207</sup> See Section FOUR, Title 2. b.

<sup>208</sup> Exhibit K2461; ERN BCS 0400-2219-0400-3347 *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

<sup>209</sup> ERN Eng 0343-4653-0343-5304, Area Handbook for Yugoslavia, 1973

<sup>210</sup> ERN Eng 0343-4653-0343-5304, Area Handbook for Yugoslavia, 1973

<sup>211</sup> Their Headquarters were located in Belgrade, Niš, Skopje, Zagreb, Sarajevo, Ljubljana and Podgorica)

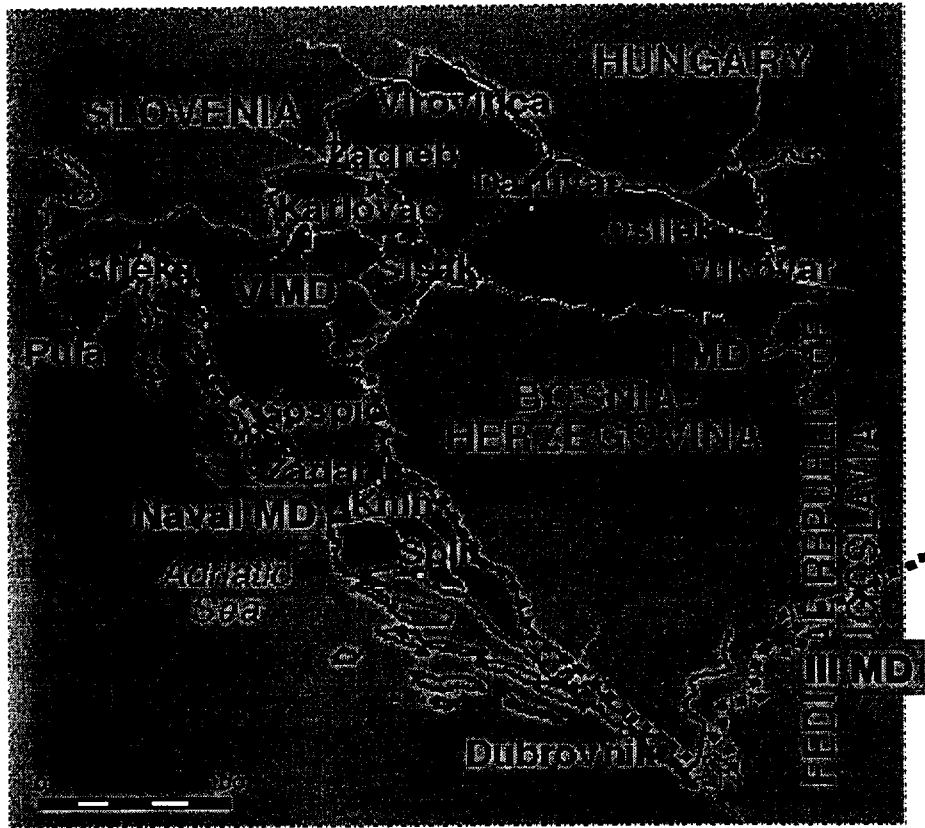
<sup>212</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

- c. The collapse of the Warsaw Pact at the end of the 1980's, led to a review of the threat assessment. The implementation of the *JEDINSTVO* reorganisation plan saw the reduction of the number of strategic-operational groups, and their name changed from "Armies" into "Military Districts (MD)". The areas of responsibilities (AOR) of these MD were drawn in such a way that one MD would encompass the territory of two or more republics, "in another attempt to stop the disintegration of the defence strategy".<sup>213</sup>
- d. The 1988 organisation comprised five (5) Military Districts:
- Three Army (Military) Districts (1, 3, 5) (VO), consisting of 16 Corps
  - One Naval Military District, consisting of 3 Military Naval Sectors (VPS)
  - One Air Force and Air Defence (RV i PVO), consisting of 3 RV i PVO Corps.<sup>214</sup>
- e. The Army (Military) Districts
- The three Army Military Districts had the following AOR's:
- 1<sup>st</sup> MD (HQ: Belgrade): Eastern Croatia, Bosnia-Herzegovina, and Central and Northern Serbia (Incl. Vojvodina)
  - 3<sup>rd</sup> MD (HQ: Niš): Southern Serbia (Incl. Kosovo), Montenegro and Macedonia
  - 5<sup>th</sup> MD (HQ: Zagreb): Western Croatia and Slovenia
- f. The Naval Military District covered the full length of the Adriatic Coastline to a depth of just a few miles inland

<sup>213</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>214</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

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## 5. Organisation of the TO

- a. The 1983 SSNO Manual on “*Strategy of Armed Conflict*” stated that:

The Territorial Defence, as the broadest form of organised armed resistance and an integral part of single armed forces, is organised over the whole territory and maritime zone of Yugoslavia on a single basis, in accordance with the needs and plans of defence and protection.<sup>215</sup>

- b. The organisation of the TO reflected the political organisation of the SFRY.

The following levels existed:

- **Municipal** Staff and Territorial Defence units (municipal level: Municipal, Sector and City Staff);
- **Operative** Zone Staff and Territorial Defence units (operative zones);
- **Autonomous regions** Staff and Territorial Defence units (Serbia: Kosovo and Vojvodina until 1990);

<sup>215</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

- **Republican Staff and Territorial Defence units.**<sup>216</sup>

The Territorial Defence is established across the whole territory and sea area of Yugoslavia in basic and other organisations of associated labour, local communities, municipalities, socialist autonomous provinces and socialist republics and other socio-political communities. It is made up of staffs, units and installations and other forms of organisation of working people and citizens for all people's armed resistance.

The Territorial Defence staffs are established in socialist republics and socialist autonomous provinces, regional communities (Territorial Defence zone staffs, association of municipalities staffs and city staffs) and municipalities, larger local communities and larger organisations of associated labour.

Territorial Defence units are of variable establishment strength, ranging from a group of soldiers and squads to a brigade. The organisation and establishment of Territorial Defence units are adapted to the needs of actions in various conditions.<sup>217</sup>

Territorial Defence headquarters shall be organised in socialist republics, socialist autonomous provinces, regional communities (territorial Defence zone headquarters, municipal community headquarters and city headquarters), municipalities, large local communities and organisations of associated labour.<sup>218</sup>

The organisational structure of Territorial Defence headquarters, units and institutions is essentially the same for the entire territory of the SFRY, but is flexible enough to adapt to the needs and conditions of different regions of the country during armed conflicts. Headquarters and units are, as a rule, different in composition, depending on the purpose of assignments and actual circumstances.<sup>219</sup>

- c. Based on their mission, two types of TO units could be identified: Local and Mobile (also called Manoeuvre) Units.<sup>220</sup>

(1) Local Territorial Defence Units

Local Territorial Defence Units (approximately 80% of the total TO)<sup>221</sup>

<sup>216</sup> Exhibit Nr B9728; ERN 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces, 1990*, pp 4-5

<sup>217</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "Strategy of Armed Conflict" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>218</sup> Exhibit Nr B9730; ERN Eng 0048-0663-0048-0665, *Strategy of All People's Defence and Social Self-Protection of the SFRY* (excerpts), Belgrade, 1987

<sup>219</sup> Exhibit Nr B9730; ERN Eng 0048-0663-0048-0665, *Strategy of All People's Defence and Social Self-Protection of the SFRY* (excerpts), Belgrade, 1987

were organised in local communities, and municipalities, with their strength varying from groups and squads, to battalions and various types of detachments (infantry, diversion, counter-diversion, engineering, air defence, reconnaissance, courier, training, logistics, supplementary, police, etc). They were intended to operate in a limited geographic area, and could carry out the following tasks:

- combat control of territory,
- protection of population and securing of facilities and sectors,
- sabotage, anti-sabotage and other combat operations,
- maintenance of order and security,
- maintenance of production and protection of assets,
- prevention of the establishment of any kind of aggressor's authority in temporarily occupied (or possessed) territory, and
- other tasks.<sup>222</sup>

Territorially based (or local) Territorial Defence units are established on a territorial basis and are immediately linked to their territory of origin. They are established in local communities, organisations of associated labour and municipalities. They can be of varying establishment strength, ranging from a group or squad to territorial battalion and detachment. Their basic purpose is combat control of the territory, protection of and support to the functioning of social structures and industrial, public and other facilities, conduct of combat actions on their territory and specific tasks of social self-protection.<sup>223</sup>

## (2) Mobile (or manoeuvre) Territorial Defence Units

Mobile (or manoeuvre) Territorial Defence Units (approximately 20% of the total TO)<sup>224</sup> represented the main mobile and strike force within the TO. They included both large and permanent formations (brigades and divisions) and temporary formations (combat groups, detachment groups, brigade groups and operative groups). They were capable of conducting independently or in co-ordination with the JNA units

<sup>220</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 95

<sup>221</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>222</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 95

<sup>223</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "Strategy of Armed Conflict" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

various large-scale operations in a general ground zone (maritime zone), and under all wartime conditions.<sup>225</sup>

Manoeuvring Territorial Defence units are established as brigades intended for combat actions on a larger area of the battle zone and the theatre of war, in accordance with the situation and needs. They perform their tasks on the front, on a temporarily occupied territory and in our rear. They carry out combat actions in co-ordination with the Territorial Defence territorially based units and Yugoslav People's Army units or independently and drawing on other forces of all people's defence and social self-protection.<sup>226</sup>

(3) The 1990 Draft "*Doctrine of the Territorial Defence Armed Forces*"

contained the following categorisation of TO units:

- Partisan Units:

Partisan units are higher tactical units with characteristics of manoeuvre meant for combat actions at the entire theatre of war and battlefields, at the front, the temporarily occupied territory, and in their own rear. Partisan units are: brigade, air squadron, navy flotilla, artillery division and tactical special purpose units. In certain conditions, for a specific task temporary TO units can be formed: partisan divisions and groups of partisan brigades.<sup>227</sup>

- Protection Units

Protection units of the TO can form protection brigades, and other units meant for the protection and defence of command posts, sectors of war disposition of government authorities and other bodies and important institutions.<sup>228</sup>

- Area Units

Area units are organised according to the territorial principle. They mainly act on their original territory, and in case of need, outside the area of responsibility. They are meant for armed combat actions and resistance, combat control of the territory, the protection of mobilisation, facilities and institutions and social self-protection.

<sup>224</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>225</sup> Exhibit Nr B9722; ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 95-96

<sup>226</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>227</sup> Exhibit Nr B9728; ERN 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 5

<sup>228</sup> Exhibit Nr B9728; ERN 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 5

They are being formed in the municipality, local community, working and other organisations.<sup>229</sup>

## 6. Operational Groups (OG) and Tactical Groups (TG)

- a. The 1981 JNA Military Lexicon defined Operational Groups as:

The temporary joined formation of ground forces, airforces and navy, their formation ranging from several brigades up to two or more divisions or Corps, to conduct a specific operative task (separate direction, larger town, airborne or suborn attacks and similar). It is in general formed within the formations of Armies (Military Districts) or groups of Armies, and exceptionally under the auspices of the Supreme Command. It may consist of one type of troops (infantry, armour) or combined (of two or more types and forms and troops), performing the tasks either on the front line or in its own enemy's back lines. The strength of an OG could vary from several brigades to several divisions. After the completion of the task, it is most often dissolved. The formation, organisation and the method of operating of the operational group is determined, in principle, for each specific case. As a rule, the leading and commanding over units requires the creation of a separate HQ or provisional Command, and in terms of supply of combat needs, the OG becomes independent, in order to have as much freedom of operation as possible".<sup>230</sup>

- b. Tactical Groups (TG) were according to the 1981 JNA Military Lexicon:

"temporary joint formations intended for combat activities in a separate tactical direction, when a formation unit in the zone (in the direction) of activities could not carry out specific combat tasks. They were formed in joint tactical units and operated independently or as part of the unit's battle formation. A separate command was assigned to the TG or they were commanded by the command, which formed it. The strength and composition of the TG depended on the troop strength and composition of the unit which formed it, the tasks, the terrain features, zone size, troop strength and formation of the enemy".<sup>231</sup>

- c. The 1983 SSNO Manual "*Strategy of Armed Conflict*" added that larger provisional formations (like Operational Groups) included both JNA and TO units.

<sup>229</sup> Exhibit Nr B9728; ERN 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 5

<sup>230</sup> Exhibit K2461; ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

<sup>231</sup> Exhibit K2461; ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

Provisional joint formations of various strength and purpose can be established within the Armed Forces for conduct of specific tasks along independent axes or areas, particularly for anti-landing combat and defence of a larger city, for actions along a forward tactical or operational axis, or for some other tasks. They can be combat and tactical groups and joint tactical detachments – for the completion of tactical tasks, and operational groups – for the completion of operational tasks. Larger provisional formations are made up of Ground Forces and Territorial Defence units.<sup>232</sup>

- d. The 1984 JNA *Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)* included the following composition for Tactical Groups (TG).

Tactical group (TG) can generally have a composition of one the following: one battalion with a TO unit (group-battalion), one to two tank companies, a support unit, a platoon and up to a company of engineers and necessary communication equipment.<sup>233</sup>

- e. The 1990 JNA “*Corps of Ground forces Rule (provisional)*” provided additional information, and (explicitly) mentioned the incorporation of TO units into OG and TG. According to this regulation, Operational and Tactical Groups could be formed within the Corps, in exceptional circumstances when the Corps' zone of action included clearly separated routes or areas (making unified command and continuous execution of the operation difficult). The composition of Operational or Tactical Groups could vary.<sup>234</sup>

An OG would be formed out of units of the Yugoslav People's Army and the Territorial Defence. In most cases, its strength equals several regiments and brigades of various types and a partisan division, reinforced with units of artillery, anti-rocket units of Air Defence, etc., depending on the situation at hand. A Tactical Group (TG) could have the strength of several battalions of the Yugoslav People's Army and the Territorial Defence, reinforced with units of artillery, engineer and other units, depending on the assignment.<sup>235</sup>

<sup>232</sup> Exhibit Nr B9720; ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

<sup>233</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 29

<sup>234</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 27

<sup>235</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 27



## Section SIX: JNA LOGISTICAL PROCEDURES

### 1. Introduction

- a. This section discusses the main aspects of logistical support and related JNA doctrine. Logistical support was pivotal in the relationship between the JNA and the Serb forces<sup>236</sup> in Croatia and BiH during the conflicts in these areas.<sup>237</sup>
- b. The Command of a Corps or any other superior formation was responsible for the logistical support of subordinated and attached units of the JNA and TO.

### 2. Logistical Support in the SFRY Armed Forces

#### a. General Provisions

(1) Logistical support of the Corps is a system of activities of commands, departments, units and institutions of the armed forces, the bodies and organisations of socio-political communities, and enterprises which use material sources, and manufacturing and catering capacities of the armed forces and of the territory of a socio-political community, in an organised way, in order to create the best material and health conditions for combat, and life and work of the troops of the Corps. It takes the form of the following activities:

- Supply
- maintenance of material resources
- food
- traffic and transportation
- health care
- veterinary services
- civil engineering and construction
- fire prevention.<sup>238</sup>

(2) Logistical support is organised and provided by logistical bodies and units institutions of the Corps, relying on logistical bases and other logistical units and institutions of the superior command, materiel supplies and manufacturing/catering and health care capacities of the territory of a

<sup>236</sup> Serb forces include local Serb TO (TO of the SAO Krajina, later the RSK TO, and subsequently the SVK, and, for what BiH is concerned, TO of the SAO's and subsequently VRS), Serbian TO, volunteers and Paramilitaries.

<sup>237</sup> See Part II, Section Three, Para 8

<sup>238</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 485

socio-political community.<sup>239</sup>

(3) Logistical support of units and institutions of the Corps is effected through the following forms of support: technical, quartermaster, medical, veterinary, traffic, construction and fire prevention. Logistical bodies and units participate in the rehabilitation of the battle zone and the logistical support of POW's.<sup>240</sup>

(4) These provisions are also valid for the other echelons (battalion, brigade, Division) within the JNA.<sup>241</sup>

(5) Logistical support is directed by Assistant Commander for Logistics with the commanders of logistical units/institutions and logistical organs, and organs of logistical services: technical, quartermaster, medical, veterinary, transport and construction.<sup>242</sup>

b. Logistical support to subordinated and attached units (Including the TO)

(1) Permanent and durable logistic support is essential to be able to carry out sustained combat operations, in particular for what mechanised units are concerned. When units are re-assigned, for example with the creation of Operational Groups (OG) or Tactical Groups (TG), arrangements have to be made to ensure that these units can rely on the existing structures for support and supply.

(2) The JNA Corps<sup>243</sup> and Brigade<sup>244</sup> regulations stipulate that the Command of the Corps is responsible for the logistical support of subordinated and

<sup>239</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 485

<sup>240</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 486

<sup>241</sup> See for example Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 244-295

<sup>242</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 487

<sup>243</sup> Exhibit Nr K2715; ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990

attached units of the Yugoslav People's Army (JNA) and Territorial Defence (TO).

For the execution of the greatest part of activities of logistical support, the Command and units - institutions of the Corps rely on the designated logistical base and other logistical units and institutions of the strategic grouping, and on material reserves, manufacturing/catering and health care capacities of the socio-political community. The formation composition of the Corps includes a medical unit and a road transport unit which supplement the organisation of logistical support in the zone of combat actions of the Corps. The Command of the Corps is responsible for the logistical support of subordinated and attached units of the Yugoslav People's Army (JNA) and Territorial Defence (TO).

Under certain circumstances, a logistical base can be re subordinated to the Corps. In order to avail itself of the material reserves and the manufacturing/catering and health care capacities of the territory of a socio-political community, the Command of the Corps organises co-operation with the appropriate authorities of the socio-political community and enterprises. Mutual obligations can be adjusted by sending representatives or establishing co-ordinating bodies, which are of provisional nature.<sup>245</sup>

The Brigade commander is responsible for the logistic support of the brigade, attached units and units or institutions placed under the jurisdiction of the brigade as regards logistic support. He runs logistics support through his assistant for logistics and he transfers some of his authority to him.<sup>246</sup>

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<sup>244</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984

<sup>245</sup> Exhibit Nr K2715, ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 489

<sup>246</sup> Exhibit Nr K2720; ERN BCS 0202-8796-0202-8796; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 245

## **Section SEVEN: Military Law and the laws of armed conflict**

### **1. Introduction**

- a. This section examines the legislative framework and the related regulations that applied to the SFRY Armed Forces with regard to Military Laws and the Laws of armed conflict, and the prosecution of transgressions of these laws and regulations.
- b. The JNA regulations explicitly referred to the many international humanitarian law treaties that the SFRY has ratified. These included, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions. In addition, there were laws establishing a system of military prosecutors and military courts.

### **2. Legal framework**

- a. In its capacity as Supreme Commander, the SFRY Presidency bore both the responsibility and the authority to maintain discipline within the Armed Forces of the SFRY, including compliance with the SFRY's obligations under international law. The 1974 SFRY constitution, 1982 "ONO Law", and relevant military regulations discussed hereunder created systems of military discipline and justice, defined the SFRY's obligations under international humanitarian law, and established the FRY President's duty to ensure discipline and respect for the law within the armed forces.
- b. From a purely military point of view, a subordination relationship provides for the superior's authority to prevent or punish transgressions by the subordinate, or, when the circumstances are such<sup>247</sup>, at least the obligation to inform the appropriate level in the military chain of command of violations of military rules and regulations in general, and violations of the laws of war in particular. This accountability is an element of command responsibility, and is applicable when the commander has the authority to promote or demote.

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<sup>247</sup> this will depend of a variety of factors, including magnitude of the crime, rank and responsibilities of the commander and alleged perpetrator, etc.

- c. The following documents are considered relevant:
- (1) SFRY 1974 Constitution<sup>248</sup>
  - (2) SFRY "Law on Military Courts", 1977<sup>249</sup>
  - (3) SFRY "Law on the Office of of Military Prosecution", 1977<sup>250</sup>
  - (4) SFRY "ONO Law", 1982<sup>251</sup>
  - (5) SFRY "Law on Service in the Armed Forces", February 1985<sup>252</sup>
  - (6) JNA "Regulations on the Application of the Rules of International Laws of War in the Armed Forces of the SFRY", Apr 1988<sup>253</sup>
  - (7) "Criminal Code of the SFRY", 1990<sup>254</sup>
  - (8) JNA "Rules for Ground forces Corps" (Provisional), 1990<sup>255</sup>
  - (9) JNA "Regulations on the Authority of the Ground Forces Corps Commander in Peacetime", 1990<sup>256</sup>
- d. Article 93 of the 1982 "ONO Law" described the responsibilities of the members of the SFRY Armed Forces during combat activities in relation to the respect of the rules of international conflict.

Article 93 of the 1982 ONO Law

During combat activities, members of the Armed Forces are obliged at all times and in all circumstances to abide by the rules of the international law of war on the humane treatment of wounded and captured enemies, on the protection of the civilian

<sup>248</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974

<sup>249</sup> Exhibit Nr B9731; ERN BCS 0263-3404-0263-3419, *SFRY Law on Military Courts*, 1977

<sup>250</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, *SFRY Law on the Office of Military Prosecution*, 1977

<sup>251</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982

<sup>252</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985

<sup>253</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of the Rules of International Laws of War in the Armed Forces of the SFRY*, April 1988

<sup>254</sup> Exhibit Nr K2718; ERN BCS 0025-3394-0025-3549; Eng 0091-6725 -0091-6734, *Criminal Code of the SFRY*, SFRY Official Gazette, dated 1990, Chapter 16, "Criminal Offenses against Humanity and International Law", Art 141- 155

<sup>255</sup> Exhibit Nr K2715; ERN BCS 0039-5376- 0039-5376; Eng 0079-7104 - 0079-7232, *JNA Temporary Rules for Ground Forces*, 1990

<sup>256</sup> Exhibit Nr K2451, ERN BCS 0058-3476-0058-3476; ERN 0090-9994-0091-0027, *JNA Regulations on the Responsibilities of the Land Army Corps Command in Peacetime*, 1990

population and other regulations in this law, in compliance with the Constitution and the law.<sup>257</sup>

e. Article 53 of the 1985 "*Law on the Service in the Armed Forces*" added:

Article 53

Members of the armed forces shall carry out orders issued by their superior officers with respect to the service, unless it is clear that carrying out such orders would amount to criminal offence...

"If he receives an order whose implementation would be a criminal offence, a member of the armed forces shall immediately notify a higher superior officer or an officer who is senior to the individual who issued the order."<sup>258</sup>

f. The 1988 "*Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*" laid out the SFRY's obligations and commitment to international humanitarian law. Comprising an introduction -the 1988 "*Order on the Application of the International Laws of War in the Armed Forces of the Socialist Federal Republic of Yugoslavia*" and the 1988 "*Instructions on the Application of the International Laws of War in the Armed Forces of the Socialist Federal Republic of Yugoslavia*," - the regulations addressed both the substance of the SFRY's international legal obligations and their implementation within the chain of command.

(1) The introduction first affirmed the SFRY's commitment to and obligations under the "*international laws of war*":

As a member of the international community of States, Yugoslavia accepts the rules of the international laws of war. Respect for these rules is consonant with its general commitment to abide by rules, which rest on humane sensibilities when treating victims of war.<sup>259</sup>

<sup>257</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 93

<sup>258</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 53

- (2) The Instructions further recognised the many international humanitarian law treaties that the SFRY has ratified as well as those it deemed part of customary international law.<sup>260</sup> These included, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions.<sup>261</sup> More generally, the Instructions expressed the opinion of the SFRY that “*the international community considers a violation of the laws of war an attack on the common good*”:

The parties to a conflict shall have the duty to prevent violations of the laws of war with every means at their disposal and to call transgressors to account and punish them, irrespective of their nationality.

In their regulations even in peacetime, States have the duty to define serious violations of the law of war as criminal offences.<sup>262</sup>

- (3) In the case of SFRY service members who violated the laws of the war, the Instructions specified that the SFRY military courts enjoyed jurisdiction.<sup>263</sup> In establishing individual criminal responsibility for war crimes, however, they also recognised the jurisdiction of international tribunals:

Every individual — a member of the military or a civilian — shall be personally accountable for violations of the laws of war if he/she commits a violation himself/herself or orders one to be committed. Ignorance of the provisions of the laws of war does not exonerate the transgressors from liability.

<sup>259</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, ERN 0080-7685-0080-7768 at 7690, “Introduction.”

<sup>260</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, ERN 0080-7685-0080-7768,” Para 9-10

<sup>261</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7695, “Instructions,” Para 9

<sup>262</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7698, “Instructions,” Para 18

<sup>263</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7705, “Instructions,” Para 37

Persons who commit a war crime, or any other grave violation of the laws of war, shall be criminally accountable before their national courts or, if they fall into enemy hands, before the courts of the enemy.

The perpetrators of such criminal acts may also answer before an international court, if such a court has been established.

A person organising, inciting, or assisting in the commission of a violation of the laws of war, or an accomplice in the same, shall also be held responsible as a perpetrator.<sup>264</sup>

The Instructions thus recognised the law of war as binding on the armed forces of the SFRY.

- (4) Beyond stating the SFRY's international legal obligations and outlining when and how those obligations applied, the Regulations also discussed command responsibility for violations of the laws of war. The Order on the Application of the International Laws of War in the Armed Forces of the SFRY outlined both superior and subordinate responsibility for compliance with the laws of war:

The commanders of units and every individual member of the armed forces shall be responsible for the application of the international laws of war.

The officer in charge shall institute proceedings against persons who violate the international laws of war for the pronouncement of the penalties prescribed by the law.<sup>265</sup>

- (5) The Instructions further specified a commander's responsibility for the actions of subordinates:

An officer shall be personally liable for violations of the laws of war if he knew or could have known that units subordinate to him or other units or individuals were planning the commission of such violations, and, at a time when it was still possible to prevent their commission, failed to take measures to prevent such violations. That

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<sup>264</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7698-7699, "Instructions," Para 20



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officer shall also be held personally liable who, aware that violations of the laws of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or, if the instituting of proceedings does not fall within his jurisdiction, fails to report the violation to his superior officer.

An officer shall be answerable as an accomplice or instigator if by failure to take action against his subordinates who violate the law of war he contributes to repeated commission of such acts by units or individuals subordinated to him.<sup>266</sup>

- (6) Consistent with their liability for the acts of subordinates, officers also bore a responsibility to report violations of the laws of war and to prevent their recurrence:

A Yugoslav officer who learns of violations of the laws of war shall order that the circumstances and facts surrounding the violation are investigated and the necessary evidence collected....

If it is established that a member of the armed forces of the FRY, a Yugoslav citizen or a person residing in the FRY has committed violations of the laws of war which are subject to criminal prosecution, the collected information and evidence shall be submitted to the military prosecutor directly or through the superior officer and the necessary measures taken to prevent further violations of the laws of war.<sup>267</sup>

Following the Instructions, commanders bore liability for the actions of their subordinates, and may themselves be held responsible for a failure to prevent or punish crimes that occur under their command or they were aware of, but also those which they should have or could have had knowledge of based on their official position or function.

- (7) Paragraph 22 of the Regulations defined the responsibility for violations of the laws of war committed on orders.

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<sup>265</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7690, "Order," Para 3

<sup>266</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7699, "Instructions," Para 21

<sup>267</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7704-05, "Instructions," Para 36

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Responsibility for the breaches of the rules of the law of war committed on orders:

"A member of the armed forces shall be liable to criminal punishment also for breaches of the rules of the law of war committed by following orders resulting in the commission of a war crime or another grave criminal offense, if he knew that the orders were intended to bring about a breach of the rules of the law of war which constitutes a criminal offense"<sup>268</sup>

- (8) The Instructions also addressed the question of when the laws of war applied. Articles 39 through 43 dealt with the inception of a state of armed conflict and the subsequent application of the law of armed conflict. For the purposes of SFRY law, armed conflict began at the moment a state or states commenced an armed attack against the SFRY,<sup>269</sup> or at the moment the SFRY proclaimed a state of war.<sup>270</sup> In the former circumstance the regulations stated that "*from the start of the armed conflict the parties to the conflict shall apply the international laws of war.*"<sup>271</sup> In the latter circumstance,

Upon the proclamation of a state of war, special Yugoslav regulations applicable to such situations and international laws of war shall come into force. The proclamation of a state of war does not have to coincide with the commencement of the armed conflict, but may precede or follow it.<sup>272</sup>

- (9) As discussed below, the Order and Instructions also stipulated, at various points, minimum standards applicable even in circumstances outside a state of armed conflict.
- (10) In terms of substantive offences, the Instructions specifically outlawed, *inter alia*, attacks on the civilian population. Listed under a paragraph

<sup>268</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988 at 7705, "Instructions," Para 22

<sup>269</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7705, "Instructions," Para 39

<sup>270</sup> Exhibit Nr K2716; BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7706, "Instructions," Para 42

<sup>271</sup> Exhibit Nr K2716; BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7707, "Instructions," Para 39

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outlining “War crimes and other serious violations of the laws of war”, the prohibition on attacks against a civilian population clearly detailed the SFRY Armed Forces’ responsibilities:

War crime against a civilian population: attack on civilians or individual civilian property; indiscriminate attack without a selected target, which hits the civilian population or civilian facilities, in the knowledge that such an attack will cause excessive loss of life; ... killing, torture, or inhuman treatment, ... inflicting great suffering or injury to bodily integrity or health, unlawful resettlement or relocation, forcible denationalisation... rape, application of measures of intimidation and terror, taking of hostages, collective punishment, unlawful deportation to concentration camps and other unlawful imprisonment, deprivation of the right to a fair and impartial trial, ... confiscation of property, pillage, unlawful and arbitrary destruction of property not justified by military necessity, the taking of unlawful and disproportionately high contributions and requisitions....<sup>273</sup>

- (11) The Instructions also separately listed deliberate bombardment of the civilian population as a serious violation of the laws of war,<sup>274</sup> and provided specific protection to civilians as “*Persons Not Participating in War Operations*”:

The civilian population and its property may not be the direct object of combat operations. All civilians who are in the territory of the parties to the conflict shall, irrespective of their nationality, be entitled to this protection.<sup>275</sup>

The only exceptions to that rule apply to civilians in military facilities that come under attack; civilians who are with military units; and civilians in the immediate vicinity of a military facility that comes under attack, provided that “the military advantage to be gained by such combat operations and the consequences of such

<sup>272</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7706, “Instructions,” Para 42

<sup>273</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7702-7703, “Instructions,” Para 33(2)

<sup>274</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7703, “Instructions,” Para 33(5)

<sup>275</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7703, “Instructions,” Para 53

operations on the civilian population” are considered.<sup>276</sup> When an attack on a defended place or a military facility puts a civilian population at risk, and should military necessity permit, commanders must inform the civilian population of the attack beforehand so that it can seek shelter.<sup>277</sup> Commanders must also take “all measures necessary” to prevent the destruction of cultural, religious, and medical facilities.<sup>278</sup>

- (12) The Instructions further discussed the question of combatants intermingled with the civilian population. Those individuals who are “*led by a person who is responsible for his subordinates, bore a permanent identification mark which can be seen from a distance*” *openly bear arms, and abide by the law of war are to be considered an armed force for purposes of application of the laws of war*”.<sup>279</sup> Even if the government did not recognise an insurgent force, the regulations nevertheless set a baseline for conduct:

In hostilities with insurgents who have not been recognised as a party to the conflict by the government against which they have risen, the rules of domestic law shall apply, but, in any event, the basic rules of humanity must be respected as a minimum.<sup>280</sup>

A footnote further defined that baseline as compliance with common Article 3 of the 1949 Geneva Conventions:

The basic rules of humanity which must as a minimum be applied to insurgents in an armed conflict which is not of an international character, are contained in common Article 3 of the 1949 Geneva Conventions....<sup>281</sup>

<sup>276</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7703, “Instructions,” Para 54

<sup>277</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7717, “Instructions,” Para 80

<sup>278</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7717, “Instructions,” Para 79

<sup>279</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7708, “Instructions,” Para 48

<sup>280</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7697, “Instructions,” Para 17

<sup>281</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7698, “Instructions,” Para 17, footnote

At the very minimum, the Instructions recognised that the laws of war prohibit reprisals against the civilian population:

The laws of war prohibit the use of reprisals against the following persons and property:

Against prisoners of war, the sick, the wounded, the shipwrecked, and civilians and their property; collective punishment may not be meted out to prisoners of war, the wounded, the sick or civilians, not even as reprisals....<sup>282</sup>

- (13) The Instructions also addressed the issue of non-combatants in surrounded areas.

Rights and duties of the commanding officer in relation to non-combatants in a surrounded zone or place. International laws of war allow the commanding officer of units which have surrounded a zone or a defended place to prevent any non-combatants from leaving that zone or place, even by use of arms.

At his discretion, the commanding officer may allow individuals or individual categories of civilians to leave or enter such a zone or place. When zones or places are surrounded, international laws of war recommend that the commanding officers of the parties to the conflict conclude local agreements on the evacuation of wounded, sick, infirm and old people, children and pregnant women from the surrounded zone or place, as well as on the passage of medical staff and supplies. Whether such agreements shall be concluded, and their coverage, shall depend on the circumstances, in particular whether the officer commanding units engaged in the surrounding operation considers that such an agreement would not hamper the taking of the surrounded zone, paying due regard to humanitarian considerations within the framework of military necessity.<sup>283</sup>

- g. Chapter Sixteen of the 1990 SFRY Criminal Code listed the criminal offences against humanity and international law.

- (1) Genocide (Article 141), Punishable by imprisonment of no less than five years, or by death penalty.

<sup>282</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7702, "Instructions," Para 31

<sup>283</sup> Exhibit Nr K2716; ERN BCS 0013-6803-0013-6937; Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Para 70

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- (2) War Crimes against the Civilian Population (Article 142), Punishable by imprisonment of no less than five years, or by death penalty.
- (3) War Crimes against the Wounded or Sick (Article 143), Punishable by imprisonment of no less than five years, or by death penalty.
- (4) War Crimes against Prisoners of War (Article 144), Punishable by imprisonment of no less than five years, or by death penalty.
- (5) Organising a group and Instigating the Commission of Genocide and War Crimes (Article 145), punishable by imprisonment of between one and ten years.
- (6) Unlawful Killing or Wounding of the Enemy (Article 146), Punishable by imprisonment of no less than one year, or by death penalty.
- (7) Marauding (Article 147), Punishable by imprisonment of between one and ten years.
- (8) Making use of Forbidden Means of Warfare (Article 148), Punishable by imprisonment of no less than one year, or by death penalty.
- (9) Violating the Protection Granted to Bearers of Flags of Truce (Article 149), Punishable by imprisonment of between six months and five years.
- (10) Cruel Treatment to the Wounded, Sick and Prisoners of War (Article 150), Punishable by imprisonment between six months and five years.
- (11) Destruction of Cultural and Historical Monuments (Article 151), Punishable by imprisonment for not less than one year.
- (12) Instigating an Aggressive War (Article 152), Punishable by imprisonment for one to ten years.
- (13) Misuse of International Emblems (Article 153), Punishable by imprisonment between six months and five years.<sup>284</sup>

### 3. Prosecution of violations of the laws of war and international law

#### a. Military Prosecutor – Military Court

- (1) The 1974 SFRY Constitution recognised in its Art 221, 236 and 280 (Para 7), the existence of an Office of the Military Prosecutor and a Military Court system.

Article 221 of the 1974 SFRY Constitution

...

Criminal offences committed by military personnel and certain criminal offences committed by other persons relating to the national defence and security of the

<sup>284</sup> Exhibit Nr K2718; ERN BCS 0025-3394-0025-3549; Eng 0091-6725 -0091-6734, *Criminal Code of the SFRY*, SFRY Official Gazette, dated 1990, Chapter 16, Articles 141 to 155. The remaining two articles in Chapter 16 refer to Racism (Article 154) and Slavery, Terrorism, Attacks upon Protected Persons, and the Taking of Hostages. (Article 155 inclusive).

country, and other legal matters relating to disputes in connection with service in the Yugoslav People's Army shall be decided upon by military courts.

Art 236 of the 1974 SFRY Constitution

The Office of the Military Prosecutor shall prosecute criminal offences which fall within the jurisdiction of military courts, take specific measures for the protection of interests of the social community, and use avenues of legal relief with a view to protecting constitutionality and legality in the way specified by federal statute.<sup>285</sup>

Art 280 of the 1974 SFRY Constitution

The Federation shall through its agencies:

....

7) ...Regulate and organise military courts and the office of the Military Prosecutor....<sup>286</sup>

(2) The 1977 Law on the Office of Military Prosecution and 1997 Law on Military Courts established the mandate, and jurisdiction of the Military Prosecutor and the Military Court. These laws created the legal framework for prosecuting and adjudicating crimes committed by members of the SFRY Armed Forces.

(3) Article 1 and 6 of the Law on the Office of Military Prosecution defined the authority of the Military Prosecutor.

Article 1 of the Law on the Office of Military Prosecution

The Office of Military Prosecution will prosecute perpetrators of criminal acts, which are under jurisdiction of Military Courts; also it will take specific actions in order to protect the community interests and takes legal actions in order to protect the constitutionality and legality as described by this law or any other federal law.<sup>287</sup>

Article 6 of the Law on the Office of Military Prosecution

The right and duty of the Military Prosecutor is to prosecute the perpetrators of criminal acts which are under jurisdiction of Military Courts and which result in prosecution, and to do the following:

<sup>285</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 236

<sup>286</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 280

- 1) to organise necessary actions in order to discover criminal acts and find their perpetrators and to guide the previous criminal procedure;
  - 2) to demand the investigation;
  - 3) to issue and represent a bill of indictment, i.e. the accusatory proposal before the authorised Military Court;
  - 4) to file in an appeal against the verdicts and to start special legal means against legally valid Court decisions.<sup>288</sup>
- The Military Prosecutor will also fulfil other rights and duties for which he is authorised by the federal law.

- (4) The mandate of the Military Court was established in Article 1 of the Law on Military Courts.

Article 1 of the 1977 Law on Military Courts

Military courts, as regular courts, try criminal acts committed by military persons and by other persons when such criminal acts are related to the national defence and to the security of the state, as well as in other legal cases that are related to the service in the Yugoslav People's Army.<sup>289</sup>

- (5) Article 2 of the Law on Military Court confirmed the independence of the Military Courts.

Article 2 of the 1977 Law on Military Courts

Military courts are independent in executing the court function, and they administer justice on the grounds of the Constitution, law and self-management by-laws.<sup>290</sup>

- (6) Article 3, 16 and 17 of the Law on the Office of Military Prosecution provided information on the organisation of the Office of Military Prosecution.

Article 3 of the Law on the Office of Military Prosecution

The function of the Office of Military Prosecution will be performed by the Offices of Military Prosecution organised at the units or bodies of Yugoslav People's Army and the Office of Military Prosecution of the Yugoslav People's Army.

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<sup>287</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 1

<sup>288</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 6

<sup>289</sup> Exhibit Nr B9731; ERN BCS 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 1

<sup>290</sup> Exhibit Nr B9731; ERN BCS 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 2



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The Offices of Military Prosecution at the units or bodies of Yugoslav People's Army will be organised for the specific units or bodies of the Yugoslav People's Army or for the specific military territory, i.e. for specific units or in bodies of Yugoslav People's Army and for specific military territory.

Organisation, termination, formation, the seat and the territory of the Offices of Military Prosecution at the units or at the bodies of Yugoslav People's Army and the formation, and the seat of the Office of Military Prosecution will be decided by the Supreme Commander of the Armed Forces.<sup>291</sup>

#### Article 16 of the Law on the Office of Military Prosecution

The authorities of the Office of Military Prosecution are divided between the Military Prosecutor of the Yugoslav People's Army and Military Prosecutors at the units and institutions of the Yugoslav People's Army.

Each Military Prosecutor is authorised to work in limits of his real and his workplace authorisation.

The Military Prosecutor of the Yugoslav People's Army is authorised to carry procedure before the Supreme Military Court and Federal Court.<sup>292</sup>

#### Article 17 of the Law on the Office of Military Prosecution

The Military Prosecutor of the Yugoslav People's Army will supervise the work of Military Prosecutors.

The Military Prosecutor of the Yugoslav People's Army will guide the work of Military Prosecutions. He may object the work of Military Prosecutors and give them necessary instructions for correct work. The instructions of the Military Prosecutor of the Yugoslav People's Army might be relevant even to handling of specific trial and it is mandatory to follow for the Military Prosecutor.<sup>293</sup>

- (7) The organisation and jurisdiction of the Military Courts was defined in Article 10 to 12 of the Law on Military Courts. According to Article 10, there were two levels of Military Courts: Military Courts of first instance and the Supreme Military Court.<sup>294</sup> Articles 17 and 23 examined the authority of the Military Courts of first instance and the Supreme Military Court.

#### Article 11 of the 1977 Law on Military Courts

<sup>291</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 3

<sup>292</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 16

<sup>293</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 17

Military courts of first instance are constituted for a specific military territory, or with certain military units or military institutions, that is, for a specific military territory and for certain military units or military institutions.

The Supreme Commander of Military Forces decides on constitution, annulment, formation, domicile and territorial jurisdiction of military courts of first instance, and formation and domicile of the Supreme Military Court.<sup>295</sup>

#### Article 12 of the Law on Military Courts

##### Military courts:

- 1) try cases involving criminal acts committed by military personnel, and cases involving criminal acts committed by other persons (Article 13) in stipulated by this Law;
- 2) try cases involving disputes for compensation of damage inflicted on the Federation, by servicemen or civilians employed in the Yugoslav People's Army in the course of their service; claims by the federation for reimbursement of funds on account of the illegal or irregular work of those persons, and other disputes stipulated by the federal law;
- 3) try cases involving administrative disputes against administrative decisions of military organs, and administrative decisions of other federal organs, federal organisations and communities if so stipulated by the federal law;
- 4) perform certain tasks relative to the enforcement of penalties falling within their jurisdiction under this Law;
- 5) perform other work stipulated by the federal law.<sup>296</sup>

#### Article 17 of the 1977 Law on Military Courts

In matters falling within the jurisdiction of military courts, military courts of first instance:

- try crimes in first instance;
- undertake investigation;
- decide on appeals against rulings by the investigating judge of a military court;
- decide on objections to indictments
- decide in first instance in disputes relating to compensation for damage inflicted on the Federation by servicemen employed in the Yugoslav People's Army or civilians employed in the Yugoslav People's Army in the course of their service, and claims by the Federation for a refund of

<sup>294</sup> Exhibit Nr B9731; ERN BCS 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 10

<sup>295</sup> Exhibit Nr B9731; ERN BCS0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 11

<sup>296</sup> Exhibit Nr B9731; ERN BCS 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 12

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damages paid on account of illegal or irregular work of these persons (hereinafter: property disputes).

- decide in first instance on proposals for protection against the illegal actions of officials in military organs if no other judicial protection is provided;
- decide in first instance on other legal matters when stipulated by the federal law;
- perform certain tasks relative to the enforcement of penalties falling within their jurisdiction under this Law;

perform other duties that fall within their jurisdiction under the federal law.

#### Article 23 of the 1977 Law on Military Courts

##### The Supreme Military Court:

- decides on appeals against decisions by military courts of first instance in cases stipulated by this Law;
- decides on motions for the protection of due process of law against enforcement of the decisions passed by military courts of first instance in cases stipulated by this Law;
- decides on motions for extraordinary mitigation of the sentence;
- decides in administrative disputes, in first and final instances, against administrative regulations by military organs, and against administrative regulations by other federal organs, federal organisations and units if so stipulated by the federal law;
- decides on motions to protect the freedom and rights guaranteed by the Constitution of the SFRJ if these have been violated by a valid enactment of a military organ, and no other form of judicial protection has been provided,
- resolves conflicts of jurisdiction between military courts of first instance;
- appoints representatives of the Supreme Military Court to participate in joint session of supreme courts;
- defines legal principles concerning issues of interest for a uniform application of the law by military courts;
- initiates proceedings for the assessment of law and other regulations, by-laws or self-managemental by-laws with the Constitution in front of an authorised constitutional court, when a question of constitutionality and/or legality is asked in a trial at the Supreme Military Court;
- performs other duties falling within its jurisdiction under the federal law.

(8) Article 5 of the Law on the Office of Military Prosecution is relevant for notice, as it imposed the duty upon the Offices of the Military Prosecution

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at the units and bodies of the JNA, to inform not only the Office of Military Prosecution about the implementation of the law and their work, but also the superior officers of units and bodies of the JNA. The same responsibility was incumbent upon the Office of Military Prosecution with regard to the Supreme Commander of the Armed Forces (= the SFRY Presidency). The same obligation can be found back in Article 4, Para 3 of the 1977 Law on Military Courts.

Article 5 of the Law on the office of Military Prosecutions

The Office of Military Prosecution at the units or bodies of Yugoslav People's Army will inform the superior officers of the units, or bodies and The Office of Military Prosecution of Yugoslav People's Army about the implementation of the law and their work.

The Office of Military Prosecution of Yugoslav People's Army will inform the Supreme Commander of the Armed Forces about the implementation of the law, its own work and work of its Offices of Prosecution through the Federal Secretary for People's defence.<sup>297</sup>

Article 4 of the 1977 Law on Military Courts

.....  
Military courts, through the Federal Secretary for the People's Defence, inform the President of the Republic who is the supreme commander of the Armed Forces of the Socialist Federative Republic of Yugoslavia, on the implementation of the law and on their activity.<sup>298</sup>

b. Role of the Security Organs and the Military Police

- (1) Article 196 of the 1982 ONO Law stated that the Military Police carried out tasks related to "*the discovery of criminal offences and perpetrators falling under the jurisdiction of military courts and prosecuted ex officio, according to the federal law and regulations adopted on the basis of the federal law*".

Article 196 of the 1982 ONO Law

<sup>297</sup> Exhibit Nr B9732; ERN BCS 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 5

<sup>298</sup> Exhibit Nr B9731; ERN BCS 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 4

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The Military Police shall carry out certain security related duties for the needs of the Yugoslav People's Army, protection of people and property, security of military traffic, military order and discipline, and duties related to the discovery of criminal offences and perpetrators falling under the jurisdiction of military courts and prosecuted *ex officio*, according to the federal law and regulations adopted on the basis of the federal law.<sup>299</sup>

- (2) According to the 1984 "*Rules of Service of the Security Organs in the Armed forces of the SFRY*", the Security Organs participated in:

The detection and prevention of serious crimes that involve the theft of or damage to arms, ammunition, combat equipment, mines and explosive devices, and other types of serious property crime in the armed forces and organisations for NVO that threaten their defence capability and combat readiness;

Operations that precede the initiation of criminal proceedings and the criminal proceedings themselves, in accordance with the provisions of the federal laws that regulate criminal procedure and the jurisdiction of military courts<sup>300</sup>;

In addition,

When there are reasonable grounds to suspect that a crime within a security organ's competence has been committed, authorised officers of the security organ are obliged to take necessary measures to ensure that the perpetrator of the crime is found, that the perpetrator or accomplice does not go into hiding or escape, that traces of the crime and objects that may serve as evidence are discovered and secured, and also that all information that may be of use for the successful pursuit of criminal proceedings is gathered.<sup>301</sup>

- (3) The 1985 JNA "*Service Regulations of the SFRY Armed Forces Military Police*" mentioned the following for the Jurisdiction of the Military Police:

In accordance with the law and regulations passed on the basis of the law, the military police performs certain security duties for the needs of the JNA, and in wartime also performs security duties for the needs of territorial defence, relating to the following: protection of people and property; military traffic safety; military

<sup>299</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 179

<sup>300</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 7

<sup>301</sup> Already Tendered by the Prosecution as Exhibit 350 Tab 2, Exhibit Nr K2717; ERN BCS 0090-9817-0090-9843, Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 52

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order and discipline; the detection of crimes and their perpetrators being pursued *ex officio* within the jurisdiction of military courts; participate in providing security for high-ranking officers of the armed forces, documents and combat equipment of the highest degree of secrecy, areas, zones, axes and military facilities of special importance for the armed forces and the defence of the country.<sup>302</sup>

One of the duties of the Military Police consists of crime prevention.<sup>303</sup>

The military police crime prevention service includes duties carried out by police bodies according to the law regulating criminal procedure, and which refer to crimes within the jurisdiction of military courts.<sup>304</sup>

If there are reasonable grounds for suspicion that a crime within the jurisdiction of a military court punishable *ex officio* has been committed, the authorised officials of the military police are required to undertake the necessary measures to find the perpetrator of the crime, to prevent the perpetrator or accomplice from hiding or escaping, and to uncover and secure the traces of the crime and any objects that may serve as evidence, and to collect any information that may be of use to the successful conduct of criminal proceedings. In the case of those crimes where security bodies must to act, the security body in charge is to be informed of them immediately, and the military police bodies are to undertake any urgent measures required.<sup>305</sup>

Authorised military police officials carry out, *ex officio*, the duties and legal authorisations regulating criminal procedure, at the request of the military prosecutor and military court.<sup>306</sup>

An authorised military police official may collect the data and information necessary on a crime within the jurisdiction of the military court punishable *ex officio* and on the perpetrator of a crime against members of the armed forces, including both military personnel and other citizens of the SFRY who are not members of the armed forces, but may not interrogate them as witnesses, defendants or court experts, nor implement any measures of coercion against a person who refuses to furnish information.<sup>307</sup>

<sup>302</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 17

<sup>303</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 41

<sup>304</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 67

<sup>305</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 68

<sup>306</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 69

<sup>307</sup> Exhibit Nr B9729; ERN BCS 0207-2092-0207-2115; Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Par73

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## **Section EIGHT: Promotions – Commendations – Appointments- Retirements**

### **1. Introduction**

- a. This section lists the main legal references regulating promotions, appointments and retirements in the JNA and the TO.
- b. The SFRY Presidency appointed generals, admirals and officers performing the duty of commanders of divisions, equal to them or of higher rank.

### **2. Legal Framework**

- a. Article 315 of the 1974 SFRY Constitution stipulated that the SFRY Presidency appoints, promotes and relieves of duty Generals, Admirals and other army officers, as specified by federal statute.

#### Article 315 of the 1974 SFRY Constitution

Within the framework of its rights and duties the SFRY Presidency shall:

- (1) Propose to the SFRY Assembly a candidate for the President of the Federal Executive Council;
- (2) Announce the decision of the SFRY Assembly on the election of the Federal Executive Council;
- (3) Promulgate federal statutes by ordinances;
- (4) Propose the election of the President and judges of the Constitutional Court of Yugoslavia;
- (5) Appoint and recall by ordinances ambassadors and envoys of the Socialist Federal Republic of Yugoslavia, receive letters of credence and letters of recall from foreign diplomatic representatives accredited to it, and issue instruments of ratification international treaties
- (6) Appoint, promote and relieve of duty generals and admirals and other army officers, as specified by federal statute; appoint and relieve of office the presidents, judges and lay-assessors of military courts, and military public prosecutors;
- (7) Propose the election and relief of office of members of the Council of the Federation,
- (8) Confer decorations of the Socialist Federal Republic of Yugoslavia;
- (9) Grant pardon, in accordance with federal statute, for criminal offences defined by federal statutes;

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(10) Adopt Rules of Procedure concerning its work<sup>308</sup>

- b. Article 242 of the 1974 SFRY Constitution stated that *"As regards the composition of the officer corps and promotion to senior command and control posts in the JNA, the principle of the most proportional possible representation of the Republics and Autonomous Provinces shall be applied."*<sup>309</sup>
- c. Affirming article 315 of the 1974 SFRY Constitution, Article 122 of the 1982 "ONO Law" lay down that the SFRY Presidency appointed the following military figures: *"Generals, admirals and officers performing the duty of commanders of divisions, equal to them or of higher rank."* Article 122 of the 1982 ONO Law also outlined the promotion of lower ranking officers.

## Article 122 of the 1982 ONO Law

Military officers shall be assigned as follows:

- 1) The Presidency of the SFRY shall assign generals, admirals and officers performing the duty of division commander or an equal or higher duty;
- 2) The Federal Secretary for People's Defence and commanding officers of units and institutions of the Yugoslav People's Army authorised by him shall assign officers and military clerks ranking from classes VII to I and junior officers and reserve soldiers to officer duties in the Yugoslav People's Army;
- 3) The republican Territorial Defence commander and/or the Territorial Defence commander of an autonomous province, and/or other officers of the Territorial Defence authorised by them shall assign officers, junior officers and reserve soldiers to officers' duties in the Territorial Defence.

The competent municipal organ shall carry out the manning of units, institutions and staffs of the Armed Forces and assign other conscripts according to the given numerical allocations of conscripts and inventoried materiel in conformity with the established criteria and priorities of allocation of conscripts.<sup>310</sup>

<sup>308</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 315

<sup>309</sup> Exhibit Nr K1093; ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 242

<sup>310</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art. 122



- d. Paragraph 1, Point 12 of Art 106 of the 1982 “ONO Law” stipulated that the SFRY Presidency appointed and relieved Territorial Defence Commanders on proposals of the authorised organs of the republic or autonomous provinces. .

Article 106 of the 1982 ONO Law

The SFRY Presidency, as the supreme command and control organ of the Armed Forces, shall:

...  
 12) Appoint and relieves of duty, at the proposal of competent republican and/or provincial organs, the commanders of the Territorial Defence of Republics and/or commanders of the Territorial Defence of Autonomous Provinces;

...<sup>311</sup>

- e. Article 95 of the 1985 “Law on Service in the Armed Forces” confirmed that the Presidency of the SFRY promoted officers to the rank of Major General and higher.

Article 95

The Presidency of the SFRY shall promote officers to the rank of major general and higher.<sup>312</sup>

- f. Articles 96 and 97 of the 1985 Law on the Service in the Armed Forces described the rules for the promotion of military personnel below the rank of General (or Admiral)

Article 96

The Federal Secretary shall promote active officers and officers in the reserves to the rank of major, second lieutenant and colonel; active military employees and employees in the reserves to class III, II and I, as well as active junior officers, military employees and officers up to the rank of colonel as provided under articles 82 and 83 herein.<sup>313</sup>

<sup>311</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102.; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art. 106

<sup>312</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 95

<sup>313</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 96

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Article 97

The Commander of the army and senior officers of the same or higher rank and the commander of another military unit which is determined by the Federal Secretary, shall promote active junior officers, active officers up to the rank of captain 1st class and active military employees up to class IV, as well as officers in the reserves up to the rank of captain 1st class and military employees in the reserves from class VIII to IV - who have been allocated to the JNA.

Junior officers in the reserves and class IX military employees in the reserves allocated to the JNA shall be promoted by the senior officer of the first instance military and territorial body.

Active members of the armed forces from paragraph 1 herein, allocated to the territorial defence and sent to a State body, organisation of associated labour or another organisation, shall be promoted by the senior officer from paragraph 1 herein appointed by the Federal Secretary.<sup>314</sup>

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<sup>314</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 97

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**Military Analysis Team Expert Report Case IT-02-54-T**

**The SFRY Armed Forces and the Conflict in Croatia –**  
**JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

**Part II: the SFRY Armed Forces and the Conflict in  
Croatia**

***Reynaud THEUNENS***  
***Prosecution Expert Witness***  
***Case IT-02-54-T***  
***December 2003***

## Section ONE: Command and Control over the SFRY Armed Forces

### 1. Introduction

- a. This section details the evolution within the Supreme Command at the outset of the conflict in Croatia and the impact this had on the mission of the JNA during the conflict in Croatia.
- b. The constitutional mission of the SFRY armed forces consisted of safeguarding the independence, sovereignty, territorial integrity and the social order of the SFRY. From late summer 1991 onwards, after the JNA's withdrawal from Slovenia, the evolution of the situation in Croatia was such that this objective became less clear from the military perspective. Orders and instructions from what remained of the SFRY Presidency, the Supreme Command and the Supreme Command Staff indicated that at least *de facto* the JNA moved towards ceasing to be the "SFRY Army" and instead gradually developed into a mainly Serb force, serving Serbian goals. The JNA's role had been transformed from one of interposing among the conflicting parties to one of creation and control of Serb-held areas in those parts of Croatia that the Serb(ian) leadership considered Serb. Hence, the constitutional mission of "*safeguarding territorial integrity*" had been reduced to the consolidation of Serb(ian) control of the latter areas.

### 2. SFRY Presidency

- a. In accordance with Art. 313 of the 1974 SFRY Constitution, and re-affirmed in Art. 106 of the 1982 "ONO Law", the SFRY Presidency was "*the most senior command and control body of the armed forces*".<sup>1</sup>
- b. The Federal Secretary for National Defence (SSNO) was responsible to the SFRY Presidency for commanding and controlling the armed forces in

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<sup>1</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 106

compliance with the powers granted to him by the SFRY Presidency.<sup>2</sup> The Chief of General Staff (CGS) of the SFRY Armed forces (consisting of JNA and TO) acted as the deputy for the SSNO.<sup>3</sup>

- c. During spring 1991, high-ranking political and military officials, as well as the media, started to use the terms “*Supreme Command*” and “*Supreme Command Staff*”. There appears to be no indication that a formal decision to activate these organs was taken. Based on open source reporting of the time, it is likely that the Supreme Command (the SFRY Presidency) and the Supreme Command Staff (consisting of:
- The Federal Secretary for People’s Defence: Army General Veljko KADIJEVIĆ: Chief of Staff of the Supreme Command Staff, and the SSNO;
  - The Chief of the General Staff of the SFRY Armed Forces: Colonel-General Blagoje ADŽIĆ;
  - The General Staff of the SFRY Armed Forces)
- were activated not later than March 1991.<sup>4</sup>
- d. On 15 May 1991, Stipe MESIĆ, the Croatian member of the SFRY Presidency who was anticipated to take over the rotating Chairmanship of the Presidency<sup>5</sup>, failed to obtain the necessary quorum from the other members of the Presidency.<sup>6</sup> After the intervention of the EU, on 01 July 1991, MESIĆ

<sup>2</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 108, 110

<sup>3</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Article 110

<sup>4</sup> Exhibit Nr B9734; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002; Exhibit Nr B9733; ERN V000-4244-V000-4248 Videotape of the Session of the SFRY Presidency and the JNA General Staff, - *Sjedenica Predsjedništva*, 14-15 March 1991

<sup>5</sup> Exhibit Nr B9734; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

<sup>6</sup> Borisav JOVIĆ, Serbian member and outgoing Chairman, wrote in his published diary that on 13 May 1991, he, Slobodan MILOŠEVIĆ, Momir BULATOVIĆ and Yugoslav KOSTIĆ had agreed that MESIĆ could not be elected (Already tendered by the Prosecution as Exhibit 596 tab 2, Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ “*Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992*” (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492)

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assumed the post of President of the Presidency (and head of the Supreme Command),<sup>7</sup>

- e. The Federal Secretary for People's Defence, Army General Veljko KADIJEVIĆ, did not recognise MESIĆ as (new) Supreme Commander.

“There were two reasons for this. MESIĆ could not gain any personal influence as Presidency President because, among other things, he had already publicly compromised himself as the destroyer of Yugoslavia. All of his attempts to gain influence looked ridiculous. There were the orders he issued to the army through the media, which we at Supreme Command General Staff simply ignored, treating them as if they did not exist and denied him influence over the armed forces.”<sup>8</sup>

- f. By the beginning of October 1991, the SFRY Presidency was reduced to the representatives of Serbia, Montenegro, Vojvodina and Kosovo. At its the 143<sup>rd</sup> Session, this reduced body declared an Imminent Threat of war in the SFRY, as of 1 October 1991.<sup>9</sup> The state of Imminent Threat of War remained in effect until 22 May 1992.<sup>10</sup>
- g. On 3 October 1991, the remaining Presidency members passed amendments to the Presidency's Rules of Procedure of 1984.<sup>11</sup> One of these amendments allowed the Presidency during the State of War, Emergency, or Imminent Threat of war to make decisions on the issues within its competence by a majority of votes of the SFRY Presidency members present at the session.

Exceptionally, in case that, besides taking all available measures, armed conflicts, interruption of communications and other circumstances prevent the SFRY Presidency to meet in a complement envisaged by the Rules of Procedure, the SFRY

<sup>7</sup> Exhibit Nr B9734; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

<sup>8</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade, 1993, at ERN 0036-2656

<sup>9</sup> Already Tendered by the Prosecution as Exhibit 526 Tab 28, Exhibit Nr B2828; ERN BCS 0055-8660-0055-8660, *Službeni list SFRJ* 75/47, 18 October 1991

<sup>10</sup> Exhibit Nr B3464; ERN BCS 0049-5865-0049-5865; Eng 0049-5864-0049-5865, *Službeni list SRJ* 6/1, 22 May 1992

<sup>11</sup> Already Tendered by the Prosecution as Exhibit 526 Tab 27, Exhibit Nr C2904; ERN BCS 0050-1672-0050-1672; Eng ET 0050-1672-0050-1672, Decision of SFRY Presidency, 3 October 1991; Exhibit Nr C2916; Already Tendered by the Prosecution as Exhibit 328 Tab 13, ERN BCS 0050-1712-0050-1716; Eng 0302-5007-0302-5010, Draft minutes of 144<sup>th</sup> session of SFRY Presidency, 3 October 1991

Presidency can make decisions on the issues within its competence by a majority of votes of the SFRY Presidency members present at the session. In this case, the results of the consultations, which were possible to be held with the absent members, will be also taken into consideration.<sup>12</sup>

These amendments to the SFRY Presidency's 1984 Rules of Procedure enabled the four remaining members of the Presidency to continue functioning as the SFRY Presidency, and they assumed the powers of the SFRY Presidency in relation to the command of the Armed Forces of what remained of the SFRY. The Vice-President of the Presidency, Branko KOSTIĆ, took up the powers of the office of President of the Presidency from 02 October 1991 on.

- h. Three (Borisav JOVIĆ, Branko KOSTIĆ and Jugoslav KOSTIĆ) of the four remaining members of the SFRY Presidency met almost on a daily basis with the Montenegrin President, Momir BULATOVIĆ, the SSNO, Veljko KADIJEVIĆ, the CGS, Blagoje ADŽIĆ, and the President of Serbia, Slobodan MILOŠEVIĆ, to discuss the situation in SFRY.<sup>13</sup> During these meetings, MILOŠEVIĆ and JOVIĆ at several occasions gave KADIJEVIĆ instructions on the use of the SFRY Armed forces.<sup>14</sup>

### 3. Evolution of the Mission and objectives of the SFRY Armed forces during the conflict in Croatia

- a. Art. 92 of the 1982 "ONO Law" outlined that the mission of the armed forces consisted of "*safeguarding the independence, sovereignty, territorial integrity and the social order as defined by the SFRY Constitution*".<sup>15</sup>

<sup>12</sup> Already Tendered by the Prosecution as Exhibit 526 Tab 27, Exhibit Nr C2904; ERN BCS 0050-1672-0050-1672; Eng ET 0050-1672-0050-1672, Decision of SFRY Presidency, 3 October 1991, Para 2

<sup>13</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492; Borisav JOVIĆ refers to this six people as the "Group of Six" in his Published Diary. This Diary contains references to 27 meetings and other contacts between JOVIĆ and KADIJEVIĆ during the May-December 1991 timeperiod

<sup>14</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492

<sup>15</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani - ONO)*, 1982, Art 92

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The reference in Art. 92 to “*territorial integrity*” is significant, as it represented the legal basis for the JNA’s efforts to maintain the SFRY in 1991 and 1992. However, from summer 1991 on, after the JNA’s withdrawal from Slovenia, the evolution of the situation in Croatia would demonstrate that this objective had begun to change.

- b. On 05 July 1991, during a meeting with the SSNO, Veljko KADIJEVIĆ, Slobodan MILOŠEVIĆ and Borisav JOVIĆ, Acting President of the SFRY Presidency, made a number of demands with regard to the role of the JNA. One of their demands was to concentrate the main forces of the JNA along a line running from Karlovac to Plitvice in the west, from Baranja, Osijek, and Vinkovci to the Sava in the east, and along the Neretva in the south. In this way, the JNA would cover all Serb populated territory until the situation is fully resolved, i.e., until a final free expression of popular will in a referendum.<sup>16</sup> According to JOVIĆ, KADIJEVIĆ accepted this demand without any discussion.<sup>17</sup> During an earlier meeting between JOVIĆ, KADIJEVIĆ and MILOŠEVIĆ, on 27 June 1991, MILOŠEVIĆ had insisted several times that the military had to defend the future borders of Yugoslavia:

"Why should it defend Slovenia's borders, that is temporary. We must defend that which will be permanent."<sup>18</sup>

Events on the ground, assessed later in this report, corroborate this entry in JOVIĆ’s published diary.

<sup>16</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*). Beograd: Politika, 1995, pp.1-492, entry for 05 July 1991

<sup>17</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*). Beograd, Politika, 1995, pp.1-492, entry for 05 July 1991

<sup>18</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*). Beograd, Politika, 1995, pp.1-492, entry for 27 June 1991



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c. In his book, *My view of the Break-Up*<sup>19</sup>, the SSNO, Army General Veljko KADIJEVIĆ, explained the evolution of the mission and objectives of the SFRY Armed Forces during the conflict.

(1) According to KADIJEVIĆ, mid March 1991, the most suited option for the JNA was - relying on political forces in the federation and in the republics of those nations that wished to live in Yugoslavia, while peacefully parting with those that wanted to leave it – to continue to ensure this policy. In practical terms this meant protecting and defending the Serb people outside of Serbia and assembling the JNA within the borders of the future Yugoslavia. The latter would have to be timed with and operatively adjusted to the former. Backed by political figures that supported this political course for settling the crisis, this option was unanimously accepted.<sup>20</sup>

(2) This implied, according to KADIJEVIĆ that the two constitutionally defined tasks -defence against an external and internal aggression- were “radically” changed into:

- *Defence of the Serb nation in Croatia and the national interests of the Serb nation;*
- *Pulling out JNA garrisons from Croatia;*
- *Gaining of full control of Bosnia-Herzegovina, with the ultimate aim of defending the Serb nation and its national rights there;*
- *Creation and defence of the new Yugoslav State of those Yugoslav nations that desire to be a part of it, meaning in this phase the Serb and Montenegrin Nations.*<sup>21</sup>

(3) KADIJEVIĆ identified two phases in the armed conflict in CROATIA.

(a) During the first phase, which lasted from the first armed attacks on Serbs in the Serbian Krajina region to the end of the summer of 1991,

<sup>19</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993

<sup>20</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993, at 0036-2697

<sup>21</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993, at 0036-2685 and 0036-2686

when Croatia began its open armed attacks on the JNA, the JNA's objective was to "*protect the Serb nation in Croatia against attack by armed Croat formations*" and to enable it to consolidate and militarily organise itself for defence. At the same time, the JNA was to be prepared for war in Croatia once the latter embarked on war against the JNA. All this had to be done within the scope of "*preventing clashes between the nations*", as worded in the SFRY Presidency decision.<sup>22</sup>

- (b) The second phase started at the end of summer 1991, with the attacks by the Croats on military units and garrisons in Croatia, and lasted until the VANCE peace plan<sup>23</sup> was accepted.<sup>24</sup> The task of the JNA during this second phase was to "*protect the Serb people in Croatia in such a way that all regions with a majority Serb population would be completely freed from the presence of the Croatian army and the Croatian authorities; to pull the JNA out of Croatia, by first ensuring that the above task was completed; to carry out the continued country-wide transformation of the JNA into the army of the future Yugoslavia, focussing on its internal national and organisational structure and its territorial location*".<sup>25</sup>
- (c) One of the principle ideas behind the concept for deploying the JNA during the second phase was "*full co-ordination with Serb insurgents*

<sup>22</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993, at 0036-2704 and 0036-2705

<sup>23</sup> The VANCE Plan was agreed upon by the parties on 02 January 1992 in Sarajevo. It detailed the means of implementing the cease-fire signed by the Serbian President, Slobodan MILOŠEVIĆ, the Croatian President, Franjo TUDJMAN and the Federal Secretary for People's Defence, Army General Veljko KADIJEVIĆ in Geneva on 23 November 1991. The VANCE Plan was intended as "an interim arrangement to create the conditions for peace and security required for the negotiation of an overall settlement of the Yugoslav Crisis". The plan consisted of three phases: 1) Deployment of Blue Helmets (UNPROFOR, UNMO's and UNCIVPOL) in the three United Nations Protected Areas (UNPA) established by the Plan. The three UNPA's corresponded with four Sectors: South, North, West and East. 2) Control of the demilitarisation of the UNPA's (this included the withdrawal of the JNA, Croatian armed forces (ZNG, HV), and volunteers and paramilitaries, the disarming and demobilisation of the Local Serb TO and other armed groups). Only a lightly armed (local Serb) police force could remain in the UNPA's. 3) Maintaining of Peace in the UNPA's and preparation of the return of refugees and displaced persons (see ERN Eng 0050-7900-0050-793, The ECMM Monitoring Mission in the Balkans, 31 December 1992)

<sup>24</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993, at 0036-2706

<sup>25</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993; at 0036-2709

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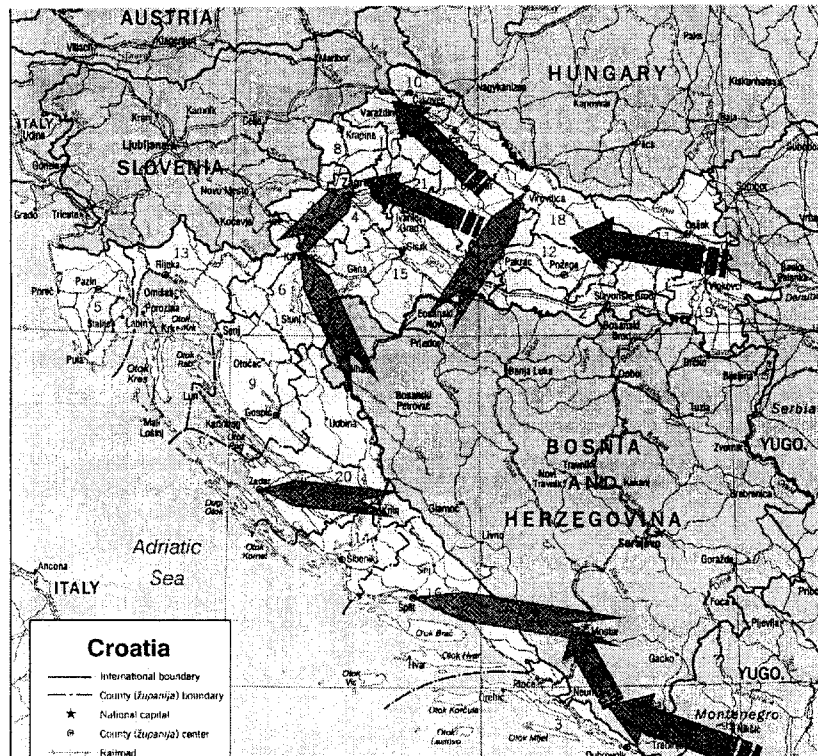
*in the Serbian Krajina”*.<sup>26</sup>

(d) The tasks of the JNA during this second phase were to be carried out in two stages:

- The first stage (end of July - beginning of September 1991) focussed primarily on tactically important counter-attacks *“until Croatia's aggression came fully to the fore, while at the same time intensively organising and preparing Serb insurgents in Croatia”*. JNA forces were to be grouped and deployed in conformity with the plan for the operative-strategic assault operation envisaged for the second stage. The idea behind this manoeuvre embraced the following basic elements:
  - *A total air and sea blockade of Croatia;*
  - *The directions of offensives of the main forces of the JNA were directly connected to the liberation of Serb regions in Croatia and JNA garrisons deep inside Croatian territory. To this end the JNA was to cut Croatia along the following lines: Gradiska-Virovitica; Bihac-Karlovac-Zagreb; Knin-Zadar; Mostar-Split. The strongest group of armoured-motorised forces was to liberate Eastern Slavonia and then move quickly westward, linking up with forces in Western Slavonia and proceeding on to Zagreb and Varaždin, i.e. toward the Slovene frontier. At the same time, strong forces from the Herceg Novi - Trebinje region would be used to block Dubrovnik from land and break out into the Neretva Valley, thus linking up operations with forces working along the Mostar-Split line.*

<sup>26</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ *“My view of the Break-up”*, Belgrade 1993, at 0036-2709

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Graphic representation of the first stage of the second phase of the armed conflict in Croatia (Source: Exhibit C4227 "My View of the Break Up")

- After the seizure of certain installations, the JNA was to secure and hold the border of the Serbian Krajina in Croatia, withdraw the remaining troops of the JNA from Slovenia and subsequently pull the JNA out of Croatia;
  - Mobilisation, training and deployment of newly mobilised and recently completed units along the planned routes would take 10 to 15 days, depending on their combat readiness and distance from the areas of deployment.<sup>27</sup>
- The second stage of the second phase (beginning of September 1991 until the signing of the VANCE Plan) was an integral operative-strategic operation to defeat the Croatian army and carry out the set tasks.<sup>28</sup> During this stage, the JNA carried out its strategic-operative assault operation, but in considerably modified form. The (only) reason for this modification was the only semi-

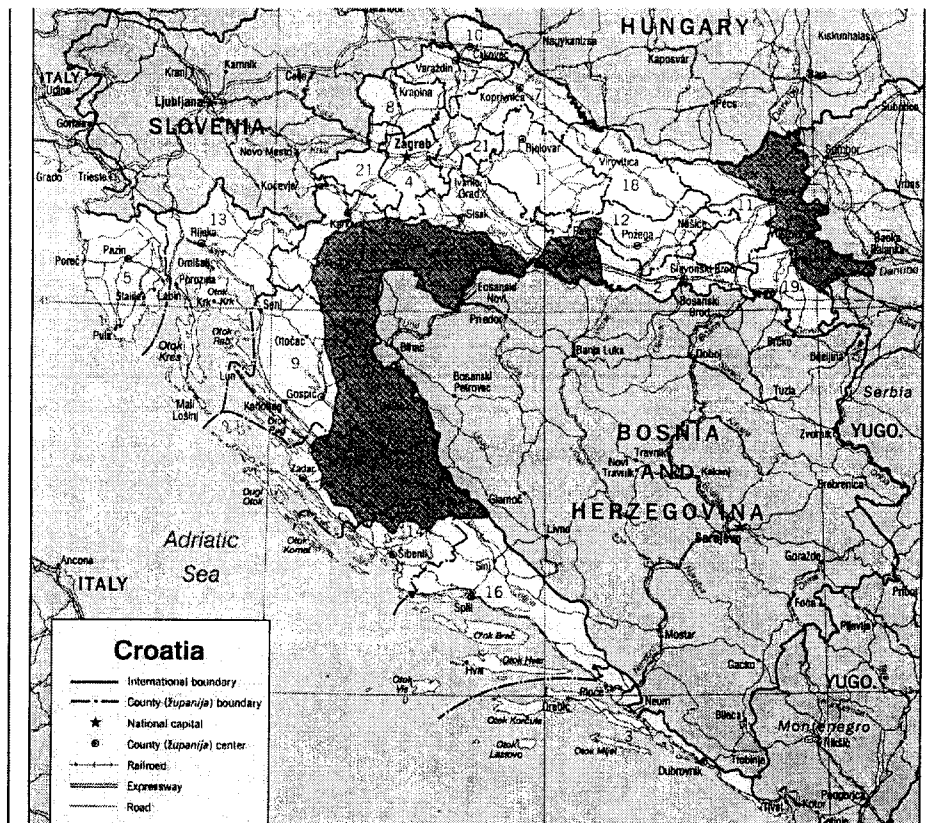
<sup>27</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993, at 0036-2709 - 0036-2710

<sup>28</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993, at 0036-2709

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successful mobilisation and organised desertion of the JNA reserve corps<sup>29</sup>. The main tasks of the modified plan of operations were carried out:

- *In close co-ordination with the Serb insurgents, all Serb regions in Croatia, except for a part in Western Slavonia, were liberated. This comprises approximately one third of the former Republic of Croatia's territory;*
- *The future army of the Serbian Krajina was actually built up in the course of fighting, and equipped by the JNA with corresponding arms and material.*<sup>30</sup>



*Graphic representation of the second stage of the second phase of the armed conflict in Croatia (Source: Exhibit C4227 "My View of the Break Up")*

- d. The 1<sup>st</sup> MD Order Strictly Confidential Order 5-89 for Operations in Slavonia, dated 19 September 1991, however, seemed to point towards far more ambitious objectives for the JNA than those described by KADIJEVIĆ under

<sup>29</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993, at 0036-2710

<sup>30</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 1993, at 0036-2713

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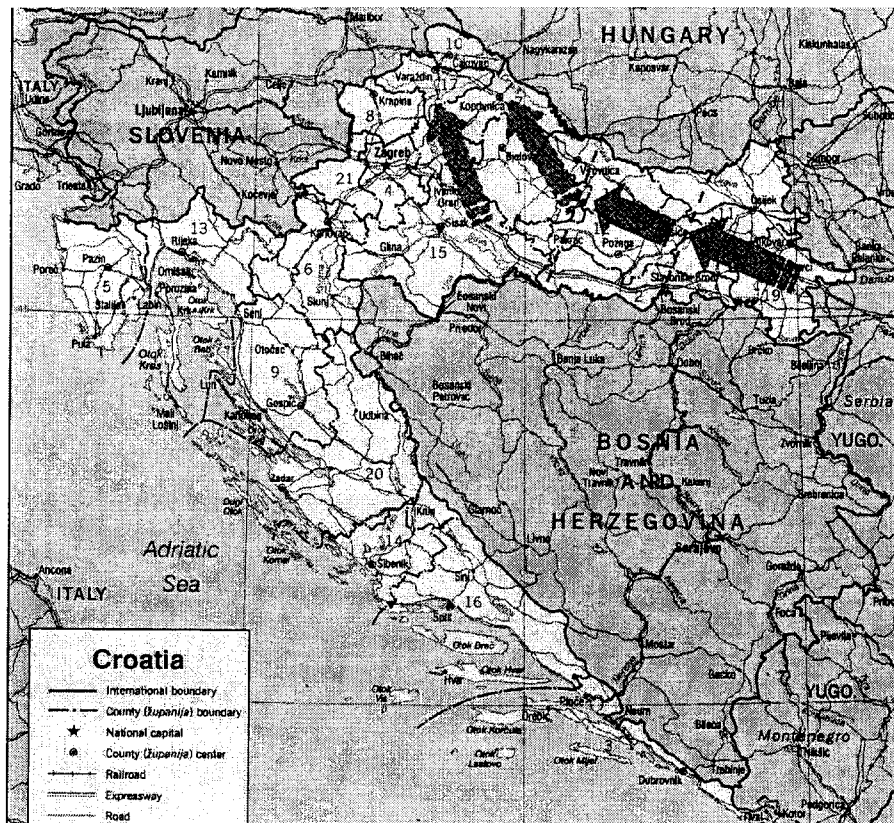
“the second stage of the second phase” of JNA operations in Croatia.

According to the Order, the 1<sup>st</sup> MD was:

To complete the mobilisation, to bring the units and to energetically start the attack with main forces in the area between Drava and Sava rivers, and with secondary forces (5<sup>th</sup> Corps) in Okučani – Pakrac – Virovitica – and Okučani – Kutina, with the task: to surround and break the forces of the Republic of Croatia in Slavonia, with air and artillery support and in co-operation of TO units, to de-block the units and military objects, to reach Našice – Slavonski Brod line and to be in combat readiness to extend the attack towards Koprivnica and Okučani.

The operation is to be carried out in two phases:

- In the I<sup>st</sup> phase, in the duration of 2-3 days, to de-block the units in Vinkovci garrison, to take the control of Našice – Slavonski Brod line and to be in combat readiness for the activities to follow.
- In the II<sup>nd</sup> phase, in the duration of 4-5 days, to reach Suhopolje – Okučani line and to be in combat readiness for continuation of attack in Varaždin and Koprivnica direction. Use part of the forces to secure the border with Hungary and the left flank of the main forces.<sup>31</sup>



Graphic representation of the 1<sup>st</sup> MD Order Nr 5-89 for Operations in Slavonia, dated 19 September 1991 (Exhibit C4178)

<sup>31</sup> Exhibit Nr C4178; ERN BCS 0076-2360-0076-2384; Eng ET 0076-2360-0076-2384, 1<sup>st</sup> MD Order Nr 5-89 for Operations in Slavonia, 19 September 1991

The comments Colonel-General Života PANIĆ, Commander of the 1<sup>st</sup> MD, and from the end of September 1991 on, Commander of the operations in the Vukovar area, made during his interview for the BBC series "Death of Yugoslavia" demonstrate that this order was not fully implemented.

PANIĆ: Osijek was abandoned, because we entered Osijek without troops, but then I was ordered to go back. I obeyed, and that's when KADIJEVIĆ er... asked explanation. Before er... going to KADIJEVIĆ I remember ADŽIĆ er... saying, "Oh, may God help you. You will be replaced".

I told him we had plans and I worked according to those plans. The moment Vukovar fell, er... had orders to take Osijek Županja and to march towards Zagreb with two columns, along the Drava and the Sava rivers. And we could have accomplished that in two days and er... why... why we failed so to say, regardless of the fact that the plan was approved, I think that there was a position, um... because the Serbian leadership then insisted on protecting only the Serb populated areas. And on not going further. And that's er... why we obeyed. Not a single Croat populated village in Slavonia, Baranja or Western Slavonia was taken. Only those with the majority Serb population.

Q: Did you ever talk to Borisav JOVIĆ about that decision from the...? ...or MILOŠEVIĆ, or...?

PANIĆ: I talked to JOVIĆ, although he was just a member of the presidency at the time, and KOSTIĆ was vice president. And I also talked to President MILOŠEVIĆ. That was his decision. MILOŠEVIĆ's decision and that was approved by the Rump presidency.

Q: How did you explain that position to MILOŠEVIĆ?

PANIĆ: Simply he said er... we have no job there in Croat populated areas. We have to protect the Serb pop... Serb areas, to protect them from genocide, from a repetition of the genocide of the World War 2, and that was the line. And I told him if the task was to protect Yugoslavia we should go further. Because it would have been easy, because the Croats fled Vinkovci, Županja, Osijek. When Vukovar fell, Croatia fell too.

And we could have marched easily on. But President MILOŠEVIĆ said, among other things, that we must um... stop. And that was the order from the defence minister and I just obeyed. We protected the Serb areas, and that's where the line is

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here today.<sup>32</sup>

Four years later, in an interview with a Serbian current affairs magazine, PANIĆ would confirm these earlier statements:

Q: You are the victor over Vukovar. Could in the military sense that affair have been resolved otherwise, without so much destruction?

PANIĆ: There are many opinions now as to what should have been done. I would take as a point of departure the objective that was to be achieved. A decision that all inhabited places with a Serbian majority were to be liberated had been adopted. And at that time there were 52% of Serbs living in Vukovar. If you want to take a city, it is better to demolish it with as few casualties as possible than have people get killed and lose the city. And when we liberated Vukovar the road was open. Everything before us was clear. Osijek was empty. Vinkovci was empty. We could have headed for Zagreb straight away. Without a hitch, but they would not let us... The Supreme Command would not let us forge ahead. All that had to be done was to protect the Serbian people. We had achieved our objective and we stopped there.

We had a good army, we were equipped, morale was high. We could have done that job. Gone to Zagreb and finished the job. We had the legitimate right for the Ustasha army was a rebellious army in a joint state. I was the Commander of the First Army then. I reached the middle of Osijek and then they ordered me to stop.

Q: Who ordered you?

PANIĆ: ADŽIĆ called me to go back, and then I went for a talk with General KADIJEVIĆ. Icily he asked me why I had gone farther than what had been ordered me. And he was only doing the job given him and agreed on some higher level. In fact, as for him personally, it suited him for us to finish the job and reach Zagreb.<sup>33</sup>

- e. On 01 October 1991, the Supreme Command Staff of the SFRY Armed Forces issued an ultimatum to the Croatian political and military authorities, in a reaction to the *“ignoring by the leadership and armed formations of all cease-fire agreements”* and the *“strengthening of the*

<sup>32</sup> Already Tendered by the Prosecution as Exhibit 596 Tab 14, Exhibit Nr B9736; ERN Eng V000-4026-V000-4026, Copy video tape of unedited interview of former VJ General Zivota PANIĆ conducted by the Brooke Lapping company, for the BBC *“The Death of Yugoslavia”*, 4 and 5<sup>th</sup> October 1994

<sup>33</sup> Exhibit Nr B9737; ERN BCS 0061-7654-0061-7658; Eng 0063-8441-0063-8449, Interview with former CGS VJ, Života PANIĆ, 01 Apr 1998



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*blockades of (JNA) military units*". The ultimatum contained the following warning:

- For each attacked and overrun JNA facility, one facility of vital importance to the Republic of Croatia will be immediately destroyed
- For each attacked and taken garrison, vital facilities of the town in which the garrison is located will be destroyed. The civilian population is warned to withdraw in time from inhabited places.
- As military response to taking several barracks and other military facilities since the latest cease-fire, we will launch offensive actions in part of the Republic of Croatia.
- If you wish to avoid further bloodshed and destruction, local authorities should immediately contact the responsible JNA commands to facilitate safe withdrawal of units with all their medical equipment and movable assets as well as the dependants of army members from the threatened garrisons. Monitors from international missions may help with this"<sup>34</sup>

- f. This ultimatum would be followed on 07 November 1991 by an order by Colonel-General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed Forces, on how to prevent JNA equipment from falling into the hands of the Croatian forces in the JNA garrisons under blockade. This order not only included detailed instructions on how to disable weapon systems, vehicles, and other military equipment and facilities, that could be seized by the besieging Croatian forces, but also stipulated the "*use of more powerful combat systems for the purpose of threat and retaliation, chose the targets and threaten their certain destruction, adding Carry the threat through if our demands are not met or if the lives of our people are endangered*".<sup>35</sup>
- g. The declaration by the (reduced) SFRY Presidency of an "Imminent Threat of War" on 01 October 1991, was followed by a statement by Army General Veljko KADIJEVIĆ on 03 October 1991. Hereunder are some excerpts of this statement, which was published in Issue Nr 35 of the "Bulletin" of the Information Service of the SSNO.

<sup>34</sup> Exhibit Nr C4145; ERN Eng R030-0306-R030-0306, Statement of the Supreme Command Headquarters of the SFRY Armed Forces, TANJUG, 01 October 1991

<sup>35</sup> Exhibit Nr B9738; ERN BCS 0207-7054-0207-7055; Eng 0302-9250-0302-9250, 9<sup>th</sup> Corps Strictly Confidential Order 673-1 to 8<sup>th</sup> VPS, dated 08 November 1991, forwarding SFRY Armed Forces 1<sup>st</sup>

STATEMENT BY THE FEDERAL SECRETARY FOR NATIONAL DEFENCE,  
GENERAL OF THE ARMY VELJKO KADIJEVIĆ (OCTOBER 3, 1991)  
CITIZENS OF YUGOSLAVIA,

MEMBERS OF THE ARMED FORCES OF YUGOSLAVIA, FROM THE VERY ONSET OF THE CRISIS IN OUR COUNTRY, THE YUGOSLAV PEOPLE'S ARMY HAS BEEN ATTEMPTING TO CREATE CONDITIONS FOR ITS PEACEFUL AND DEMOCRATIC RESOLUTION ON THE BASIS OF THE CONSTITUTION AND FEDERAL LAWS, THROUGH THE INSTITUTIONS OF THE SYSTEM.

...

WE HAVE BEEN LEFT WITHOUT A STATE, AND FROM WHAT WAS SEEN AND HEARD LAST NIGHT ABOUT THE MARCH SESSIONS OF THE SUPREME COMMAND, YOU COULD HAVE SEEN ONCE AGAIN, IN AN OBVIOUS WAY, WHAT KIND OF A SUPREME COMMANDER WE HAVE. SOME MEMBERS OF THE SFRY PRESIDENCY CONTINUOUSLY PREVENTED THE MAKING OF DECISIONS WITH A CLEAR GOAL OF BREAKING UP YUGOSLAVIA BY HINDERING AND BREAKING THE ARMY. THE FEDERAL PRIME MINISTER HAS JOINED THEM WITH HIS PERFIDIOUS DECEIT. SUCH AN ATTITUDE OF THE SUPREME COMMANDER AND THE PRIME MINISTER TOWARDS THEIR OWN ARMY IS NOT KNOWN ANYWHERE ELSE IN THE WORLD.

...

AND WHAT HAS THE YUGOSLAV PEOPLE'S ARMY TRULY WANTED AND WHAT HAS IT ACTUALLY ACHIEVED? ACTING UPON THE DECISION OF THE SFRY PRESIDENCY, OUR EXCLUSIVE GOAL WAS TO PREVENT BLOODY INTER-ETHNIC CLASHES AND THE REPETITION OF THE GENOCIDE AGAINST THE SERBIAN PEOPLE BY ENGAGING THE BULK OF OUR FORCE IN CRISIS AREAS.

...

WHAT IS IN FORCE IN THE REPUBLIC OF CROATIA IS NEONAZISM. AT PRESENT, NEONAZISM IS THE MOST SERIOUS THREAT TO THE SERBIAN PEOPLE IN CROATIA, BUT IT IS ALSO DIAMETRICALLY OPPOSED TO THE VITAL INTERESTS OF THE CROATIAN PEOPLE AND ANY OTHER PEOPLE IN THE YUGOSLAV ENVIRONMENT.

THE ARMY NOW WANTS NOTHING MORE BUT TO RESTORE CONTROL IN THE CRISIS AREAS, TO PROTECT THE SERBIAN POPULATION FROM PERSECUTION, AND ANNIHILATION AND TO LIBERATE THE ARMY PERSONNEL AND MEMBERS OF THEIR FAMILIES. THE CONDITION FOR THIS IS TO DEFEAT THE USTASHA FORCES. WE FIRMLY RETAIN THE POSITION VOICED ON SEVERAL OCCASIONS THAT ALL POLITICAL ISSUES MUST BE RESOLVED BY

AGREEMENT, WITH THE RESPECT FOR THE LEGITIMATE RIGHTS AND INTERESTS OF ALL OUR PEOPLES.

....<sup>36</sup>

This statement not only clarified the views of the SSNO on the objectives of the JNA, but also provided some insight in the status of the relation between the SSNO and the Federal Prime Minister, Ante MARKOVIĆ, and between the SSNO and the (official) Chairman of the SFRY Presidency, Stipe MESIĆ.

- h. On 12 October 1991, the CGS of the JNA, Colonel-General ADŽIĆ, signed the Confidential Letter Nr 6-83 on the role of the JNA on the territory of the Republic of Croatia.<sup>37</sup> This role, according to ADŽIĆ was *"to defend parts of the Serbian people from genocide and biological extermination at the hands of "Ustaša" forces"*. ADŽIĆ also ordered that *"All armed units, be they JNA, TO or volunteer units, must act under the single command of the JNA"*.

In keeping with its constitutional obligations and the decision of the Presidency of Yugoslavia, despite such huge obstacles, the Army continues to perform its main task of preventing the spread of interethnic conflicts and the recurrence of genocide against the Serbian people in Croatia.

The Army has been performing its duties in keeping with its constitutional obligations and the decision of the Presidency of Yugoslavia, but the behaviour of the Ustasha forces towards units blockaded in barracks and the Serbian population in Croatia and captured members of JNA and their families represents typical genocidal behaviour, meant to destroy them and ethnically cleanse Croatia.

The decisive battle to save the state from a civil war and bloodshed is currently underway. The army and all patriotic forces must win this battle and thus prevent huge and unnecessary human losses.

In order to successfully achieve that goal, the blockade around the barracks in Croatia must be broken as soon as possible for reasons of security, humanity and morality, and the complete units must be pulled out of them and moved to new locations. This would, besides saving human lives, strengthen forces for the Army's main task.

<sup>36</sup> Already Tendered by the Prosecution as Exhibit 446 Tab 63, Exhibit Nr C5678; ERN 0054-5294-0054-5299, *Bulletin*, Nr 35, Information Office of the SSNO, 5 October 1991

<sup>37</sup> Already Tendered by the Prosecution as Exhibit 446 Tab 64, Exhibit Nr C4325; ERN BCS 0207-7090-0207-7091; Eng 0302-9257-0302-9258, Letter by the SSNO Moral Guidance Administration, Nr 6-83, General Blagoje ADŽIĆ, 12 Oct 1991

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It is obvious that the war, which has been imposed upon the Serbian people in Croatia and the JNA by the Ustasha forces and their leadership, is not about the conquest of Croatian territory, as some peacemakers falsely insinuate and pretend. It is rather about defending parts of the Serbian people from genocide and biological extermination with which they are threatened by resurrected fascism in Croatia, securing the safe withdrawal of the JNA forces currently under blockade and families of AVL (military personnel) and liberating the detained military personnel who are now held hostage by the Ustasha fascist forces under the threat of physical liquidation. Indeed, all the military activities, which the fascist Ustasha forces are permanently carrying out and stepping up, are targeted at parts of the Serbian people and JNA forces in Croatia, and they are not spreading beyond the boundaries of the crisis spot in Croatia, where part of the Serbian population lives and where, in addition to the Serbian people, the JNA units are being attacked with all the available means. The main goal is to oust them with arms, or in any other way, so that the Serbian people are left bare-handed at the mercy of the Ustasha forces who are ready to physically liquidate them, as this is the only way for them to achieve an ethnically and racially independent, bloodstained Croatia for a second time.

That is why the Presidency of the Socialist Federative Republic of Yugoslavia (PSFRY) has taken a clear position that the JNA units withdrawal from Croatian territories inhabited by Serbs would be unacceptable, because that would expose them to physical liquidation.

In keeping with the above, the PSFRY has decided that the military forces will stay where they are for as long as a political resolution to the Yugoslav crisis is not found. Once political solutions are adopted, the JNA will act according to the political decisions and agreements that are achieved.

This, in essence, is the reply given by the Federal Secretary for National Defence, Army General Veljko KADIJEVIĆ, to the EC Chairman, the Dutch Minister of Foreign Affairs van Den BROEK.

When it comes to protecting the biological survival of parts of a people and JNA units which are under direct threat from the fascist Ustasha forces, this is the task that takes priority over all party political affiliations and views and power struggle, it should be the guideline and motif of the struggle for every honest, patriotically-minded person, regardless of party or other affiliations, which cannot be a priority under these circumstances. Our moral, patriotic and human obligation is to mobilise and move all available forces and to carry this honourable and the most humane of all tasks to a successful end.

All our men should be aware of the importance of this task so that they can show understanding and have patience. Obviously, no surprises should be allowed in these circumstances. Every provocation should be met with decisiveness and without any hesitation.

During the performance of the above tasks, any act of disobedience, indiscipline, unauthorised leaving of units, maltreatment of citizens irrespective of their nationality in the areas where units are located, plundering, looting and imposition of anybody's private laws should be prevented at all costs.

All armed units, be they JNA, TO or volunteer units, must act under the single command of the JNA. They should behave and act according to the rules that apply in the army, showing full respect for military discipline, hierarchy, military laws and regulations, in all circumstances of life, work and combat activities.

These positions should immediately be communicated to the JNA officers, and subsequently, in the most suitable manner, to soldiers and civilians. This should be illustrated by the most important experiences of one's own unit in the past and an outline of the immediate and forthcoming tasks.<sup>38</sup>

- i. JNA Tactical Group 2 Command internal order, *Information on the goals of war of the SFRY Armed Forces*, Order Nr 22/38-1, dated 20 November 1991 and signed by Col Čedomir BULAT, indicates that ADŽIĆ's order was disseminated to the lower command levels of the JNA.

In these times, the fate of our peoples is being decided and we must not allow the others to determine it, to destroy us and enslave us. This would lead to a catastrophe and a defeat of which it would take generations to recover. It has to be clear to everyone – the officers, the soldiers, both reserve and active, that in this war we defend the right to life and survival, dignity, honour and the right of those peoples of our country who champion the continuation of the mutual living in Yugoslavia.

The destroyers of Yugoslavia in the country - before all those in Croatia, and all of those who are with them, supported by the rising German and Austrian nationalism, which, for its short-term interests, the rest of Europe has not opposed yet, have chosen a military option. Being the legitimate force in charge of the defence of the country's integrity, the Yugoslav People's Army had no other choice but to take the war that had been imposed on it and to meet force with force.

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<sup>38</sup> Already Tendered by the Prosecution as Exhibit 446 Tab 64, Exhibit Nr C4325; ERN BCS 0207-7090-0207-7091; Eng 0302-9257-0302-9258, Letter by the SSNO Moral Guidance Administration Nr 6-83, signed by General Blagoje ADŽIĆ, 12 Oct 1991

JNA is leading a defensive war with very clear goals:

1. Rescue of the JNA members in besieged barracks.
2. Prevention of the repeated genocide against the Serb people in critical areas.
3. Defence of the rights of those peoples of our country who want to continue mutual life in new Yugoslavia.

....<sup>39</sup>

- j. Veljko KADIJEVIĆ re-affirmed the goal of "*Protection of the Serb population*" in the Strictly Confidential Order Nr 2256-1, "*Directive on the Use of the Armed Forces for the Preparation and Performance of Combat Operations in the Forthcoming Period*", issued on 10 December 1991. Important to highlight in the context of this report are KADIJEVIĆ's order to "*put all units of the JNA and the TO as well as volunteers, which agree to be subordinate to that command and wear JNA and TO insignia under the command of the most senior JNA officers*", and to "*take all steps to prevent theft and genocidal (vengeful) behaviour*".

#### DIRECTIVE

#### ON THE USE OF THE ARMED FORCES FOR THE PREPARATION AND PERFORMANCE OF COMBAT OPERATIONS IN THE FORTHCOMING PERIOD

##### I

1. The Yugoslav crisis has been internationalised and is the subject of consideration by world institutions, with the European Community and the UN in the forefront. There have been notable changes in the behaviour of many European countries and their attitudes to the Yugoslav question, from well intentioned to destructive. All the threats and pressures, as well as the misuse of their positions and roles in the international community, are parts of this function. For these reasons it is difficult to predict the future course of events.
2. In the foregoing period the armed forces of the Republic of Croatia, apart from increasing their numbers and organisation, have suffered heavy losses along the entire front line, especially following the fall of Vukovar, which has had a significant influence on the development of events at the political level. However, despite this, the opponent is striving to recover parts of its lost territory by constant combat activity. Therefore we must expect that in the forthcoming period, by means of armed strikes, attacks and actions, it will try to maintain the state of conflict with the intention of: causing losses to our armed forces; improving its position on the front

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line; and influencing the political resolution of the Yugoslav crisis, above all via the institutions of the EC and the UN Security Council. This points to the conclusion that the war may continue for longer.

3. The Yugoslav People's Army and TO, despite certain initial weaknesses which were the result of inadequate replenishment, the haemorrhaging of personnel, treachery and weaknesses in the command and control, has managed to perform all the tasks it was given, thus strengthening its fighting capabilities and spirit, stabilising its situation, and preserving its integrity and Yugoslav character. This has contributed substantially to the relieving of our besieged forces in the Republic of Croatia and the acceptance of the SFRY Presidency proposal for the engagement of UN peacekeeping forces in Yugoslavia. Significant experience has been gained in combat operations so far.

This completes a very important period for realising the set aims of the war.

## II

Our armed forces are entering a new period of exceptional significance for accomplishing the ultimate aims of the war, protection of the Serbian population, a peaceful resolution of the Yugoslav crisis, and the creation of conditions in which Yugoslavia may be preserved, for those peoples that wish to live in it. Therefore the preservation of the combat readiness of the JNA and the armed forces as a whole is still the central task of command and control and its members at all levels, until such time as a political solution to the Yugoslav crisis is found.

Bearing in mind all the complexity of the situation, our experiences up till now and the overall situation, and hence the need for the continued raising of b/g, I hereby set all levels of command and control the following

### TASKS

1. Take all possible measures for the constant improvement of the command and control system. To ensure that orders, decrees and tasks are executed in their entirety, extremely responsibly and in a disciplined manner.
2. By faithfully applying the principle of subordination ensure that each level of command and control (RiK) deals with the tasks for which it is responsible. Each higher level of RiK is obliged, depending on the task given and the evaluation, to take timely decisions and dispense tasks. Prevent the practise of merely passing on orders and tasks to those that execute them, and thus avoiding personal responsibility.

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<sup>39</sup> Already Tendered by the Prosecution as Exhibit 446 Tab 65, Exhibit Nr C3881; ERN BCS 0200-9443-0200-9443, *Information on the goals of war of the SFRY Armed Forces*, 20 November 1991

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3. Depending on the decisions taken, each level of RiK must ensure that the subordinates grasp the essence and the sense of the tasks and orders they are given, and then require that they be executed faithfully.

Prevent under any circumstances the execution of combat and other tasks at the whim of individuals.

4. By co-ordinating duties and tasks, ensure that the principle of personal contact is applied. To this end, dispense both decisions and tasks at the subordinate command post /hand-written question mark/ whenever the circumstances allow. To ensure a planning and logistics presence in the subordinate units and influence their work by personal involvement. To this end, perform an analysis of organisation of the KM /command post/ by levels and establish an order that ensures constant surveillance of the situation at the front.

5. To intensify political activity among personnel in the forthcoming period and ensure a higher level of awareness. At the same time, prevent inaccurate and malicious reports from units and from the front. To this end, undertake the necessary measures to prevent the spread of falsehoods and opinions which could damage the reputation of the JNA, and which are the product of anti-army propaganda. In connection with this, perform an analysis of the system of informing the public at all levels of command and control, and propose necessary measures. These tasks must be performed by the most responsible officers. Simultaneously, prevent the unauthorised movement and activity in combat zones of various reporters who do not have the necessary permit from the competent army organs.

6. In all zones of combat operations place under the command of the most senior JNA officers all units of the JNA and TO, as well as volunteer units which agree to be subordinate to that command and wear JNA and TO insignia. Consider all other armed formations paramilitaries, disarm them, and remove them from the b/d zone.

Take all steps to prevent theft and genocidal (vengeful) behaviour. To this end, establish the necessary controls by engaging Military Police organs and units for this purpose, as well as the criminal prosecution organs.<sup>40</sup>

This directive has to be seen in the context of the ongoing attempts to find a peaceful solution for the conflict. On 23 November 1991, an agreement on an

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<sup>40</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 10, Exhibit Nr C4191; ERN BCS 0106-1438-0106-1438 Eng 0300-4686-0300-4690, Directive Nr. 2256-2 by Colonel-General Veljko KADIJEVIĆ "On the Use of the Armed Forces for the Preparation and Performance of Combat Operations in the Forthcoming Period", 10 December 1991



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immediate cease-fire had been signed by the Presidents of Serbia, Slobodan MILOŠEVIĆ, Croatia, Franjo TUĐJMAN, and the SSNO, Army General Veljko KADIJEVIĆ, in Geneva, under the auspices of the UN and the EU. The parties also agreed to the speedy establishment of a United Nations peacekeeping operation.<sup>41</sup>

- k. The following excerpt of the “*Bulletin*” published by the Information Service of the SSNO provides some insight on the relation between the JNA and the local Serb leadership in Vukovar after the fall of this Croatian city.

Military Authorities are helping to set up Civilian rule (Vukovar, 29 November 1991)  
 The Primary aim of the military authorities in Vukovar is to help the setting up of civilian rule – Lieutenant-Colonel Milorad VOJNOVIĆ, Commander of the town of Vukovar, stated to TANJUG. In carrying out this task, the Army has been co-operating with the government of this Serbian region.<sup>42</sup>

- ...
- l. The instructions from what remained of the SFRY Presidency, KADIJEVIĆ’s analysis and ADŽIĆ’s order indicate that at least *de facto* the JNA moved towards ceasing to be the “SFRY Army” and instead gradually developed into a mainly Serb force, serving Serbian goals. The JNA’s role had been transformed from one of interposing among the conflicting parties to one of creation and control of Serb-held areas in those parts of Croatia that the Serb(ian) leadership considered Serb. Hence, the constitutional mission of “*safeguarding territorial integrity*” had been reduced to the consolidation of Serb(ian) control of the latter areas.

<sup>41</sup> Exhibit Nr B9734; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

<sup>42</sup> Exhibit Nr B9739; ERN Eng: 0054-5630-0054-5662, *Bulletin*, Information Service of the Federal Secretariat for National Defence, at 0054-5639

**Section TWO: Command and Control Aspects within the SFRY  
Armed Forces during the conflict in Croatia**

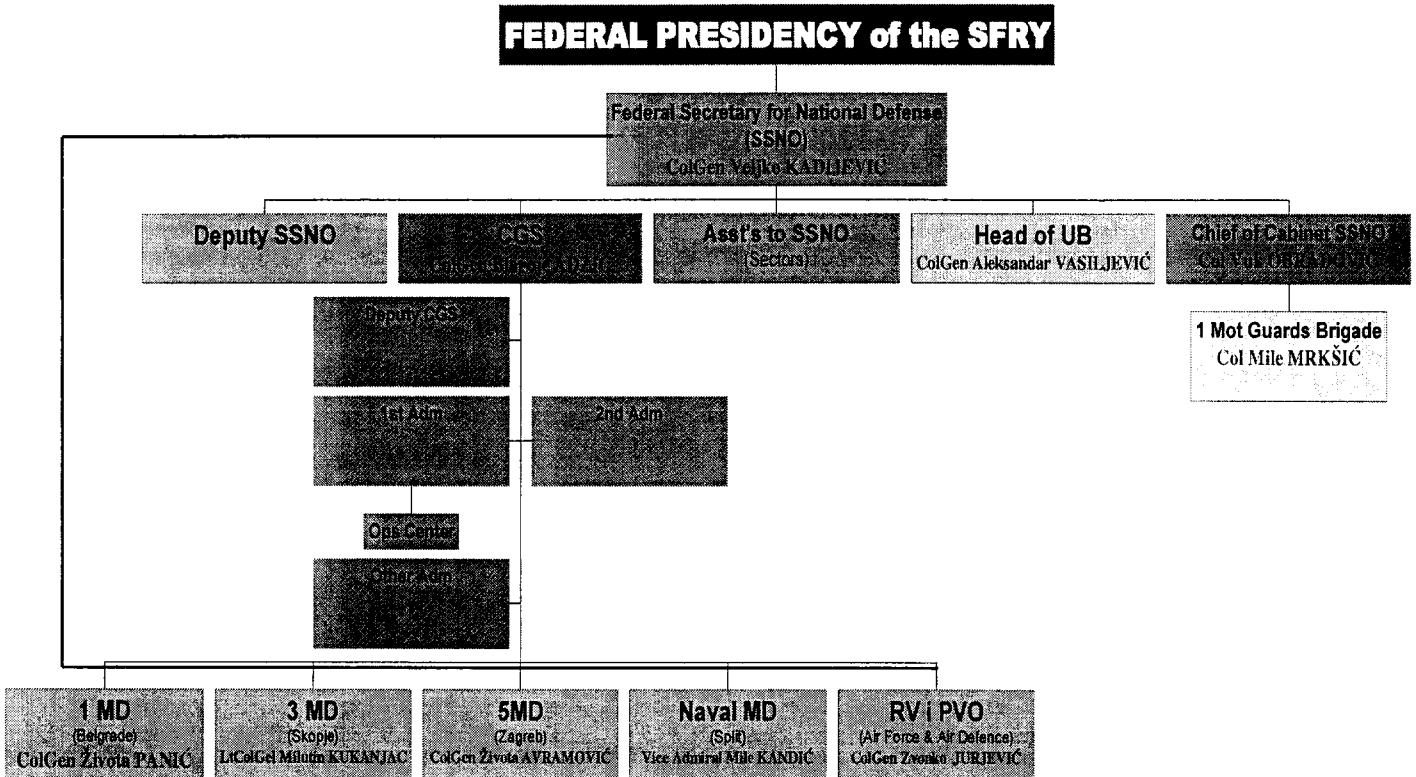
**1. Introduction**

- a. This section examines the impact of the conflict in Croatia on the structure of the SFRY Armed Forces and the consequences it had for command and control arrangements within the armed forces, as well as for the legislative framework in which the armed forces existed and operated.
- b. When the conflict broke out, the police and Territorial Defence of the Republic of Croatia *de facto* split into Croatian and Serb structures. In addition, in the areas where they had a majority or significant minority, local Serbs set up their own MUP (police) and TO units and staffs and did not answer to the Republican authorities in Croatia anymore, but stayed loyal to what remained of the SFRY (and Serbia). These TO units and staffs operated under single, unified command and control with the JNA.
- c. In addition, nationalist political parties in Serbia created their own volunteer formations and paramilitary groups, which were not foreseen by the SFRY or Serbian legislative framework. Some of these groups had close ties with the Serbian authorities (MUP and MOD). Notwithstanding that they were illegal, these groups were allowed to participate in the operations in Croatia.
- d. The JNA established Operational (OG) and Tactical Groups (TG) to restore and/or maintain unified and single command and control during the operations, between JNA, local Serb TO, Serbian TO and volunteers/paramilitaries.
- e. In order to regularise the *de facto* situation that existed on the ground, in particular with regard to the presence of volunteer groups and paramilitary formations, the legislative framework was amended. In summer 1991, Serbia and SFRY adopted Decrees and Instructions for the registration and acceptance of volunteers in the TO of the Republic of Serbia, and the JNA. In December 1991, the SFRY Presidency adopted an Order for the engagement of volunteers into the SFRY Armed Forces.

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2. (Peacetime) Structure of the SFRY Armed Forces during the conflict in Croatia

a. Overall Command and Control

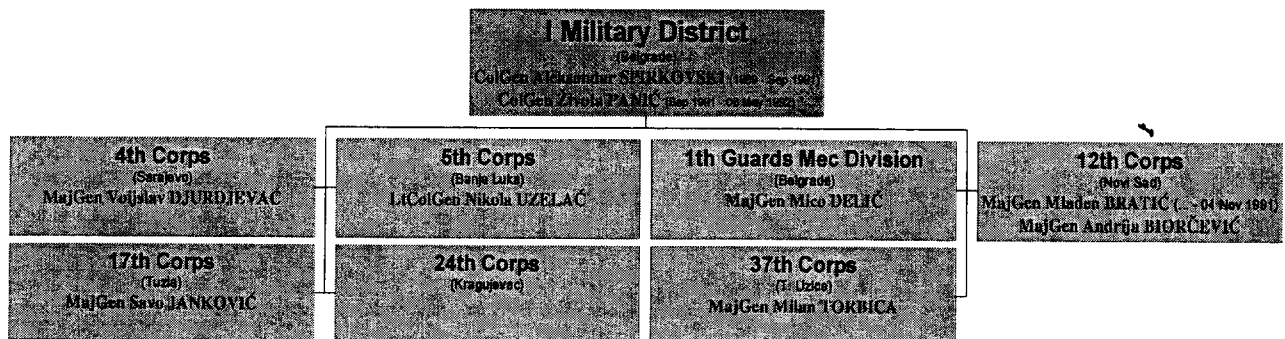


Situation Fall/Winter 1991

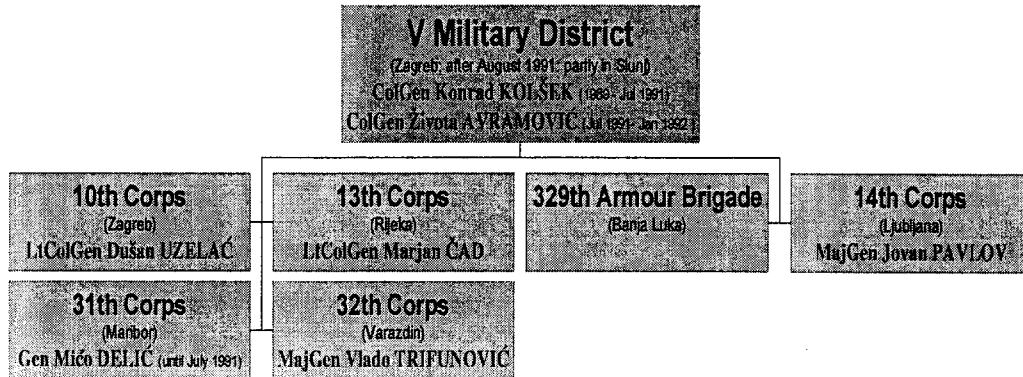
b. JNA

The Croatian territory was covered by the 1<sup>st</sup> MD, 5<sup>th</sup> MD and the Naval Military District. The main units of these Military Districts are listed below.<sup>43</sup>

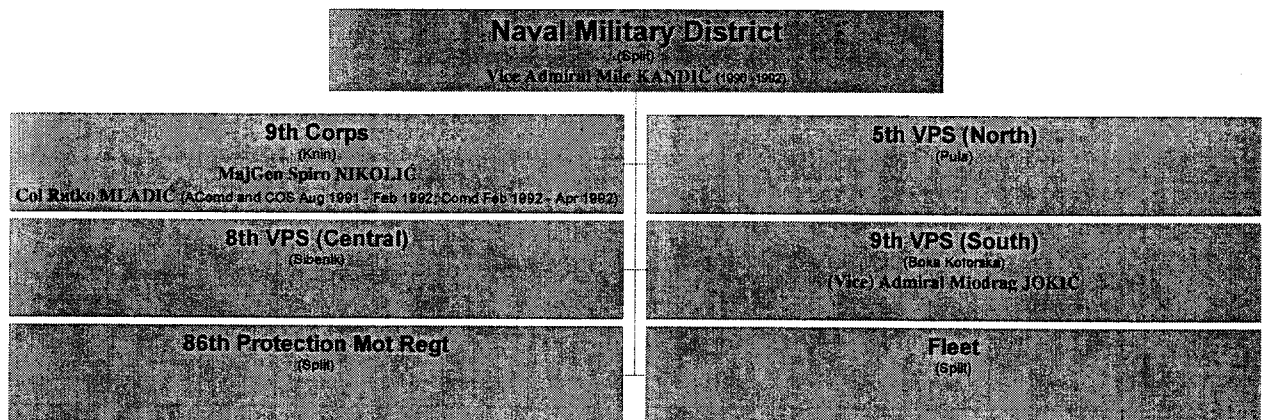
Not all the units included in these charts participated in the conflict. At the same time, reserve units were mobilised and additional units, belonging to



other military districts, were re-deployed to Croatia. In addition, elements of the 1<sup>st</sup> Guards Motorised Brigade, which was directly subordinated to the SSNO, were sent to Eastern Slavonia during the Vukovar Campaign.<sup>44</sup>



The 14<sup>th</sup> (Ljubljana) Corps withdrew to the area of Prijedor - Derventa - Zenica (Bosnia Herzegovina) and the 31<sup>st</sup> (Maribor) Corps withdrew to Šabac - Valjevo - Gornji Milanovac (Serbia) after the JNA pulled out of Slovenia.<sup>45</sup>



c. TO

<sup>43</sup> Exhibit Nr B9740; ERN Eng 026349A48-026334A55, *Yugoslavia's Armed Forces Order of Battle*, Jane's Intelligence Review, Michael BROWN August 1991

<sup>44</sup> Exhibit Nr B9741; ERN Eng M000-0868-M000-0869, Summary of BBC World: Gen. KADIJEVIĆ inspects troops of 1<sup>st</sup> MD. Commander of Novi Sad Corps, Col-Gen. PANIĆ, Života; Commander of the First Proletarian Guards Motorised Division, Maj-Gen Mico DELIĆ; Commander of the Guard Motorised Brigade, Col MRKSIĆ, Mile informed Gen. KADIJEVIĆ about the situation in the units, 18 November 1991

<sup>45</sup> Exhibit Nr B9742; ERN BCS 0060-6845-0060-6849; Eng 0060-6850-0060-6853, Order Nr 51-1, *Transfer of Forces and equipment from the territory of the Republic of Slovenia*, SSNO, 25 July 1991

The TO that is relevant for this section was not the (official) TO of the Republic of Croatia. The term TO is used here for those TO-forces that were unilaterally established by the Serbs in Croatia. It also includes units of the TO of the Republic of Serbia and the Republic of Montenegro, operating on the territory of the Republic of Croatia.

(1) Local Serb TO

(a) Summary

- The local Serb TO in Croatia consisted of units created by the local Serbs from the existing (legal) TO of the Republic of Croatia in areas where they had a majority or significant minority. In some areas, the existing units of the TO of the Republic of Croatia, due to the conflict, had become *de facto* Serb, because the non-Serbs had left, or the non-Serbs did not recognise the SFRY anymore and ceased their co-operation with the JNA. As it was set up and operated outside of Republican (i.e. Croatian) control, the local Serb TO could be considered contrary to the existing regulations and legislation (including the SFRY Constitution).

(b) Discussion

- The process of creating a Serb-only TO in Croatia started in January 1991 on the local level<sup>46</sup> and became more organised in April 1991.

The Executive Board of the Serbian Autonomous Region of Krajina, at the session held in Korenica on April 1<sup>st</sup> 1991, issued the following:

ORDER

Territorial Defence of Serbian Autonomous Region of Krajina and volunteer units are to be mobilised in order to defend the freedom of all citizens and to protect the territorial integrity of the Serbian Autonomous Region of Krajina.

As well as:

CONCLUSION

We request from the Government of the Republic of Serbia that the forces of the Ministry of Interior of the Republic of Serbia provide technical and personnel support to the SUP of the Serbian Autonomous Region of Krajina.<sup>47</sup>

- Between April 1991 and December 1991, local Serb TO Staffs and/or Brigades and subordinate units were, according to the orders that were issued, established in and for the following areas:
  - Northern Dalmatia<sup>48</sup>: Knin, Benkovac, Obrovac
  - Lika: Korenica, Plaški, Gračac, Donji Lapac<sup>49</sup>
  - Kordun: Vojnić, Slunj, Vrgin Most<sup>50</sup>
  - Banija: Glina, Kostajnica, Petrinja, Dvor na Uni, Sisak<sup>51</sup>
  - Western Slavonia: Slavonska Požega, Pakrac, Daruvar, Podravska Slatina, Grubišno Polje<sup>52</sup>
  - Eastern Slavonia, Western Srem and Baranja<sup>53</sup>: Dalj, Beli Manastir, Vukovar, Mirkovci
  
- On 02 August 1991, Milan BABIĆ, Prime Minister of the SAO Krajina, informed the Presidents of the Municipal Assemblies and

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<sup>46</sup> Exhibit Nr C3838; ERN BCS 0152-8131-0152-8138; Eng L004-2885-L004-2897, Records on the conference held on 03-Aug-93 re: war experiences of RSK and Slunj Municipality in the period from Jun-91 until Jun-93

<sup>47</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 38, Exhibit Nr C2260; ERN BCS 0217-2109-0217-2109; Eng ET 0217-2109-0217-2109, Order to mobilise the TO of the SAO Krajina and volunteers units, issued by Milan BABIĆ, President of the Executive Council of the SAO Krajina, 1 April 1991

<sup>48</sup> Already Tendered by the Prosecution as Exhibit 351 Tab 74, Exhibit Nr C4183; ERN BCS BCS 0207-7936-0207-7938; Eng 0303-1785-03031787, Report by Milan BABIĆ on the SAO Krajina TO, 10 October 1991

<sup>49</sup> Exhibit Nr C4320; ERN BCS 0217-2096-0217-2096; Eng ET 0217-2096-0217-2096, 05 October 1991

<sup>50</sup> Already Tendered by the Prosecution as Exhibit 351 Tab 74, Exhibit Nr C4183; ERN BCS BCS 0207-7936-0207-7938; Eng 0303-1785-03031787, Report by Milan BABIĆ on the SAO Krajina TO, 10 October 1991

<sup>51</sup> Already Tendered by the Prosecution as Exhibit 351 Tab 74, Exhibit Nr C4183; ERN BCS BCS 0207-7936-0207-7938; Eng 0303-1785-03031787, Report by Milan BABIĆ on the SAO Krajina TO, 10 October 1991

<sup>52</sup> Already Tendered by the Prosecution as Exhibit 327 tab 24, Exhibit Nr C4328; ERN BCS 0029-3475-0029-3477; Eng ET0029-3475-0029-3477, Report of TO Staff Western Slavonia, 16 October 1991

<sup>53</sup> Already Tendered by the Prosecution as Exhibit 466 Tab 12 Exhibit Nr C4117; ERN BCS 0063-6946-0063-6946; Eng 0064-1702-0064-1702, Certificate by TO HQ SBWS, signed by STOJIČIĆ, 13 December 1991

the Commanders of the Municipal Territorial Defence Staffs of the SAO Krajina that Government of the SAO Krajina had passed a decision on the application of the Law on Defence of the Republic of Serbia on the territory of the SAO Krajina. In accordance with this law, BABIĆ would be the Commander of all armed forces and the TO of the SAO Krajina.

We hereby inform you that in a session held on 1 August 1991, the Government of the Serbian Autonomous District of Krajina, passed, in accordance with the Law on the Application of Legal Regulations of the Republic of Serbia on the Territory of the Serbian Autonomous District of Krajina, a Decision on the Application of the Law on Defence of the Republic of Serbia on the Territory of the SAO Krajina.

In accordance with the said Law, the Prime Minister of the SAO Krajina, Dr Milan BABIĆ, is commander of all armed forces and the Territorial Defence of the SAO Krajina.

Territorial Defence zone (region) commanders are appointed by the commander of the Territorial Defence of Krajina, i.e. the Prime Minister. Commanders of municipal Staffs are appointed by Territorial Defence zone (region) commanders.<sup>54</sup>

- On 08 August 1991, Milan BABIĆ appointed Milan MARTIĆ to the position of Deputy Commander of the TO of the SAO Krajina.<sup>55</sup> MARTIĆ was at that time already Head of the Police.
- BABIĆ announced on 21 August 1991 the regulations for the establishment of TO Staffs and units of the SAO Krajina municipalities.<sup>56</sup>
- Command and control over the local Serb TO in Croatia was consolidated in September/October 1991, with the introduction of

<sup>54</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 25, Exhibit Nr C4175; ERN BCS 0207-7903-0207-7903; Eng 0300-4734-0300-4734, Letter Nr 172/91-1 by Milan BABIĆ, 02 August 1991

<sup>55</sup> Exhibit Nr C2325; ERN BCS 0207-7590-0207-7590; Eng 0301-8388-0301-8388, Order Nr 179/91-1, Milan BABIĆ, 8 August 1991

an overall Staff for the TO of the SAO Krajina, relying on retired and other former JNA Officers: on 30 September 1991, Lieutenant-Colonel Ilija ĐUJIĆ, a retired JNA officer, was appointed commander of the SAO Krajina TO.<sup>57</sup> ĐUJIĆ was relieved of his duties on his own request on 28 November 1991<sup>58</sup> and replaced by Colonel Radoslav MAKSIĆ.<sup>59</sup>

- On 10 October 1991, Milan BABIĆ, as President of the 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>60</sup> In his report, BABIĆ highlighted the difficulties that the SAO Krajina TO encountered and requested additional assistance from the JNA.<sup>61</sup>
- In December 1991, Colonel Dušan KASUM, Deputy Commander of the TO of the SAO Krajina, contacted the Ministry of Defence of the Republic of Serbia, when he wanted to draw the attention on the “*Main Problems in Units and Staffs of the Territorial Defence of the R. Srpska Krajina*”.<sup>62</sup> Among these problems were, according to the author of the document, “*to whom the Commander of the Staff of the TO of the RSK was subordinated and in whose competence (President of the Republic, President of the Presidency*

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<sup>56</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 116, Exhibit Nr C4176; ERN BCS 0107-5230-0107-5230; Eng 0300-3467-0300-3467, Regulations Nr 194/91-1 regarding the formation of SAO Krajina TO HQ's and units, 21 August 1991

<sup>57</sup> Exhibit Nr C4320; ERN BCS 0217-2096-0217-2096; Eng ET 0217-2096-0217-2096, Official decision by Milan BABIĆ to appoint Ilija DUJIĆ as Commander of the SAO Krajina TO, 05 October 1991

<sup>58</sup> Exhibit Nr C2416; ERN BCS 0217-2106-0217-2106; Eng ET 0217-2106-0217-2106, Order Nr 10/1-91 by Milan BABIĆ, relieving Ilija DUJIĆ of his duty as commander of the SAO Krajina Territorial Defence, dated 28 November 1991

<sup>59</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 71, Exhibit Nr C2413; ERN BCS 0207-0945-0207-7945; Eng 0302-9191-0302-9191, Order Nr 404/91-1, Milan BABIĆ, appointing Colonel Radoslav MAKSIĆ as commander of the SAO Krajina Territorial Defence, dated 28 November 1991

<sup>60</sup> Already Tendered by the Prosecution as Exhibit 351 Tab 74, Exhibit Nr C4183; ERN BCS BCS 0207-7936-0207-7938; Eng 0303-1785-03031787, Report by Milan BABIĆ on the SAO Krajina TO, 10 October 1991

<sup>61</sup> Already Tendered by the Prosecution as Exhibit 351 Tab 74, Exhibit Nr C4183; ERN BCS BCS 0207-7936-0207-7938; Eng 0303-1785-03031787, Report by Milan BABIĆ on the SAO Krajina TO, 10 October 1991

<sup>62</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 6, Exhibit Nr C4391, BCS 0207-6715-0207-6718; Eng ET 0207-6715-0207-6718; list of documents: page 3-4 (Eng), Order nr 140/91, Dušan KASUM, 25 December 1991



*of the SFRY Presidency or the SSNO) was the appointment of the commander of the TO of the RSK’.*<sup>63</sup>

- The RSK Constitution of January 1992, in its Art. 102 declared the Territorial defence of the Republika Srpska Krajina, the Armed Forces of the Republika Srpska Krajina.

The Territorial Defence of the Republic of Serbian Krajina shall constitute the armed forces of the Republic of Serbian Krajina. The armed forces of the Republic of Serbian Krajina shall be defensive by nature and serve exclusively for defending the territorial integrity and state sovereignty of the Republic of Serbian Krajina.<sup>64</sup>

(2) TO of the Republic of Serbia and TO of the Republic of Montenegro

- (a) Amongst the existing combat related documents for JNA operations in Croatia, several make reference to the involvement of units of the TO of the Republic of Serbia in the conflict.

- According to the personal (hand-written) notebook of Lieutenant Colonel Momčilo BOGUNOVIĆ, for the November 1991 to April 1992 timeperiod, a platoon of the TO of Vojvodina was involved on the operations in the Benkovac area (Škabrnja-Nadin).<sup>65</sup>
- Several units of the TO of the Republic of Serbia were part of the forces involved in the operations in Slavonia, Baranja and Western Srem (SBWS), including Vukovar. The 1<sup>st</sup> MD Strictly Confidential Order Nr 1614-162, dated 16 November 1991, which contains an overview of the JNA and TO Serbia units subordinated to the 1<sup>st</sup> MD during the operations in SBWS, lists approx. 30 Units

<sup>63</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 6, Exhibit Nr C4391, BCS 0207-6715-0207-6718; Eng ET 0207-6715-0207-6718; list of documents: page 3-4 (Eng), Order nr 140/91, Dušan KASUM, 25 December 1991

<sup>64</sup> Exhibit Nr B9743; BCS 0038-2432-0038-2473; Eng 0004-1851-0004-1902, *Constitution of the Republika Srpska Krajina*, Official Gazette of the Republika Srpska Krajina, 02 January 1992, Article 102

<sup>65</sup> Exhibit Nr C2622; ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ

of the TO Serbia, originating from areas like Sombor, Valjevo, Užice, Leskovac, Srbobran, Kragujevac, etc.<sup>66</sup>

- (b) Units of the TO of Montenegro and elements of the self-styled Bosnian Serb TO were involved in the Dubrovnik campaign, for example:

Communication of the JNA Operational Group for Herzegovina (Trebinje, 9 October 1991)

The Ustachi forces are offering resistance around Osojnik fortifications. A Territorial Defence Detachment from Trebinje took control over the road linking Plat and Mlini yesterday. There were no casualties in the unit.<sup>67</sup>

9<sup>th</sup> Naval Sector Command

Strictly confidential No. 27-64/33

06h00 01 October 1991

COMBAT ORDER

...

2. Decision:

- a) At 09h00 4/472<sup>nd</sup> Motorised Brigade shall start the attack according to the decision. Until then Territorial Defence units shall be brought to the region of Vodovoda and contact shall be made with 1<sup>st</sup> patbrTO.
- b) With Herceg Novi Territorial Defence Detachment occupy position on Debeli Brijeg and support the attack of 4/472<sup>nd</sup> Motorised Brigade.
- c) With Kotor Territorial Defence Detachment occupy positions in the region of the villages of Vodovoda – Bani.<sup>68</sup>

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9<sup>th</sup> NAVAL SECTOR COMMAND

Strictly confidential No. 27-64/80-266

17h00 20 November 1991

Command Post: Kupari

Combat Order No. 6

...

1. Trebinje Territorial Defence Detachment and Trebinje Territorial Defence Battalion are not under the control of 472<sup>nd</sup> Motorised Brigade as of 08h00 on 21 November 1991 and shall be further subordinated to 9<sup>th</sup> Naval Sector Command.

<sup>66</sup> Exhibit Nr B11097; ERN BCS 0345-0008-0345-0011; Eng ET 0345-0008-0345-0011, Order Nr 1614-162, 1<sup>st</sup> MD, Lieutenant Colonel-General Vladimir STOJANOVIC

<sup>67</sup> Exhibit Nr B9745; ERN Eng 0054-5321-0054-5326, *Bulletin*, Nr 39, Information Service of the Federal Secretariat for National Defence, 9 October 1991

<sup>68</sup> Exhibit Nr B9710; ERN BCS 0118-5468-0118-5469; Eng L009-1848-L009-1850, Combat Order Nr 1, 9<sup>th</sup> Naval Sector Command, 01 October 1991

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....

6. Trebinje Territorial Defence Battalion: by courier – to Skoplje  
 From 08h00 on 21 November 1991 Trebinje Territorial Defence Battalion shall be subordinated to 9<sup>th</sup> Naval Sector Command in the region Golubov Kamen - Oštra Glava with a task to support the actions of 9<sup>th</sup> Naval Sector Command in the region of Rijeka Dubrovačka.

...

7. Trebinje Territorial Defence Detachment  
 From 08h00 on 21 November 1991 Trebinje Territorial Defence Detachment shall be subordinated to 9<sup>th</sup> Naval Sector Command in the region Ljubač - Gromača with pre-assigned task. Trebinje Territorial Defence Detachment Commander will report to 9<sup>th</sup> Naval Sector Command IKM /Forward Command Post/ (Kupari) until 12h00 on 21 November 1991 in order to inform himself on the situation and receive assignment. 9<sup>th</sup> Naval Sector Command Chief of Communications shall establish safe connection with Trebinje Territorial Defence Detachment Commander.<sup>69</sup>

...

(c) As was discussed in Part I of this report<sup>70</sup>, Art. 115 of the 1982 ONO Law states that the Commanders of the Republican TO and autonomous provinces are responsible to the SFRY Presidency.<sup>71</sup> The 1987 JNA Regulation on “*Strategy of the All People’s Defence and Social-Protection of the SFRY*” mentions that:

Territorial Defence units on the ground are organised according to the territorial principle. In most cases, they belong to their own territory, but they can be deployed in the broader territory.<sup>72</sup>

At the same time, it was mentioned in this regulation that the deployment of TO units was subject to a decision of the SFRY Presidency.

In the event of an immediate threat of war or other emergencies, Territorial Defence units can be deployed to maintain public law and order, to fight against terrorist and other subversive forces and carry out other duties

<sup>69</sup> Exhibit Nr B9746; ERN BCS 0118-5499-0118-5500; Eng L009-9847-L009-9851, Combat Order Nr 6, 9<sup>th</sup> Naval Sector Command, 20 November 1991

<sup>70</sup> Part I, Section 4, Title 2.b.(8)

<sup>71</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 115

regarding social self-protection based on a decision of the SFRY Presidency. Territorial Defence units are to be deployed for the above-mentioned assignments when law enforcement bodies are unable to carry them out successfully and in time.<sup>73</sup>

(d) Part I, Section 4, Title 2.b. of this report examined the implications of the *JEDINSTVO* (“Unity”) reorganisation plan. Whereas the Republican TO’s were previously (directly) subordinated to the SFRY Presidency, *JEDINSTVO* placed the Staffs and TO of the republics and provinces under the command of the strategic groups (Military Districts) of the army.<sup>74</sup> The Chief of the General Staff of the JNA became the Chief of the General Staff of the Armed Forces, composed of the JNA and the TO.

(e) Consequently, the involvement of units of the TO of the Republic of Serbia or the Republic of Montenegro was subject to the same legal conditions that apply for the use of the Armed Forces in general: a decision of the SFRY Presidency. There is no evidence to support that the SFRY (Rump) Presidency took such a decision prior to the declaration of the “*State of the Imminent Threat of War*” on 01 October 1991.<sup>75</sup>

#### d. Volunteers/Paramilitaries

##### (1) Legal framework<sup>76</sup>

- a. Art. 240 of the 1974 Constitution and Art 91 of the 1982 ONO Law stipulates that the SFRY Armed forces consist of the JNA and the TO. Art. 102 of the 1982 ONO Law adds that the TO comprised all armed structures that are not part of the JNA or the police.<sup>77</sup> Art. 119 of the

<sup>72</sup> Exhibit Nr B9730; ERN Eng 0048-0663-0048-0665, *Strategy of All People’s Defence and Social Self-Protection of the SFRY (excerpts)*, Belgrade, 1987

<sup>73</sup> Exhibit Nr B9730; ERN Eng 0048-0663-0048-0665, *Strategy of All People’s Defence and Social Self-Protection of the SFRY (excerpts)*, Belgrade, 1987

<sup>74</sup> Exhibit Nr B9726; ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, Military Expert Report by Prof Dr. Radovan RADINOVIĆ for KUNARAC trial, 1999

<sup>75</sup> Already Tendered by the Prosecution as Exhibit 526 Tab 28, Exhibit Nr B2828; ERN BCS 0055-8660-0055-8660, *Službeni list SFRJ 75/47*, 18 October 1991

<sup>76</sup> Part I, Section 1, Title 1.b.

<sup>77</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 102

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1982 “ONO Law” addresses the issue of “volunteers” and delineates their duties as well as their place within the military hierarchy. Paragraph 5 asserted that “*in view of their rights and responsibilities, volunteers are on an equal footing with military personnel or military conscripts*”.<sup>78</sup>

- b. According to Art. 39 of the 1991 Defence Law of the Republic of Serbia, *in war, imminent war threat and state of emergency, Territorial Defence could be replenished with volunteers*. Art. 118 of the 1991 Law on Defence of the Republic of Serbia stated that “*Only competent state bodies may organise, reinforce, arm, equip and train armed forces*”.<sup>79</sup>

(2) Situation on the ground

- (a) According to the Federal Secretary for People’s Defence (SSNO), Army General Veljko KADIJEVIĆ, mobilisation became a major limiting factor in carrying out plans to deploy the JNA during the conflict in Croatia, “*more of one than all the other problems put together, and much more so than the military worth of armed enemy formations*”.<sup>80</sup> KADIJEVIĆ also denounced the role of the state, which according to him failed to take the right measures to answer to the existing wartime situation.<sup>81</sup>
- (b) On 28 September 1991, the President of Serbia, Slobodan MILOŠEVIĆ, the SSNO, Army General Veljko KADIJEVIĆ, the President of Montenegro, Momir BULATOVIĆ, the representative of Montenegro in the SFRY Presidency, Branko KOSTIĆ, the representative of Serbian the SFRY Presidency, Borisav JOVIĆ, and

<sup>78</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 119

<sup>79</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 24, Exhibit Nr C4174; ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 39 and Art 118

<sup>80</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993, at ERN 0036-2687

the Chief of the General Staff of the SFRY Armed Forces, Colonel-General ADŽIĆ<sup>82</sup> met and discussed the problems the JNA was encountering with the mass desertions of called up reservists and the adverse effects this had on the operational capabilities of the JNA. The necessity of the creation of “Units of Rebel Serbs” was discussed.

....  
In conclusion, Gen. Adzic says this:

- 1) The lines that have been achieved must be consolidated.
- 2) Units must be supplemented by volunteers.
- 3) Units of Serb rebels must be composed and positions must be established to defend the achieved lines.
- 4) Slavonia must have infantry to exercise control over the liberated territory.<sup>83</sup>

(c) Manpower problems were also exacerbated by the loss of potential soldiers who preferred to join volunteer and paramilitary groups. Several nationalist political parties in Serbia established volunteer/paramilitary formations.<sup>84</sup> As the existing legislation (1974 SFRY Constitution, 1982 ONO Law and 1991 Law on Defence of the Republic of Serbia) did not contain provisions for the creation of such “new armed forces”<sup>85</sup>, these private armies had no legal basis. Nevertheless, they were tolerated and supported by the Serbian authorities, especially the MOD.<sup>86</sup> The most notorious of such groups

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<sup>81</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “My view of the Break-up”, Belgrade 1993, at ERN 0036-2688

<sup>82</sup> Borisav JOVIĆ refers to these six people as the “Group of Six” in his Published Diary “Last Days of the SFRY (See Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327 cited here below). This Diary contains references to 27 meetings and other contacts between JOVIĆ and KADIJEVIĆ during the May-December 1991 timeperiod

<sup>83</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ “Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992” (The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992) Beograd, Politika, 1995, pp.1-492, entry for 28 September 1991

<sup>84</sup> Exhibit Nr C4111; ERN BCS 0214-1307-0214-1317; Eng 0303-9479-0303-9485, VJ Security Organs Report on Recent Intelligence on Paramilitary Organisations Within Certain Serbian and Montenegrin Opposition Parties, 19 October 1993

<sup>85</sup> Article 118 of the 1991 Law on Defence of the Republic of Serbia actually states that only the competent authorities are allowed to organise such forces

<sup>86</sup> Already Tendered by the Prosecution as Exhibit Tab 568 Tab 9, Exhibit Nr C3647; ERN BCS 0114-1145-0114-1464; Eng 0096-1072-0096-1099, “Srpska Vojska: Iz Kabineta Ministra Vojnog”, Dobrila GAJIĆ-GLIŠIĆ, 01 January 1992. Already Tendered by the Prosecution as Exhibit 342 Tab 11, Exhibit Nr C1277; ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, Telegram signed by Lieutenant Colonel Milan EREMIJA, Deputy-Commander for Instructions in matters of morale and political propaganda, 1<sup>st</sup> Guards Mechanised Division, to the Command of the 1<sup>st</sup> Military District, 23 October 1991

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were the "*Chetniks*" who were linked to Vojislav ŠEŠELJ's Serbian Radical Party (SRS)<sup>87</sup>; the "*White Eagles*" (Beli Orlovi) led by Dragoslav BOKAN and Mirko JOVIĆ of the Serb National Renewal Party (SNO); "*Dušan Silni*"; and the "*Srpska Garda*" of Vuk DRASKOVIĆ's Serb Renewal Movement (SPO).<sup>88</sup>

Veljko KADIJEVIĆ denounced the adverse role of political parties and forces that set up their own volunteers and sent them to the field and thereby paralysed the army.

In the absence of the right measures by the state, measures which would have answered the existing wartime situation, the decisive role in thwarting mobilisation was played by those political parties and forces that did their utmost to paralyse the army, sending their own agents into the field, spreading lies among the troops, trying to set off panic, while at the same time hypocritically calling on the JNA to defend the threatened Serb nation in Croatia against Ustasha crimes. This had a much more negative effect on implementing JNA deployment plans (in terms of both the calibre and timing of this deployment), than all enemy activity together.<sup>89</sup>

According to a VJ Security Organs report of October 1993, "*a large number of the people who have joined these formations<sup>90</sup> are armed, mostly with small arms from depots of the former JNA, MUP and Serbian Ministry of Defence that were distributed in large numbers to volunteer forces engaged on the fronts in Croatia and BiH, and in most cases were not returned.*"<sup>91</sup>

(d) Other groups such as "*Arkan's Tigers*" and Captain DRAGAN's "*Knindas*" according to intelligence reports prepared by the JNA

<sup>87</sup> Exhibit Nr C4111; ERN BCS 0214-1307-0214-1317; Eng 0303-9479-0303-9485, *VJ Security Organs Report on Recent Intelligence on Paramilitary Organisations Within Certain Serbian and Montenegrin Opposition Parties*, 19 October 1993; Exhibit Nr C3666; ERN BCS 0041-3135-0041-3202; Eng 0068-1948-0068-1954, Translation of article; *Combat Actions of the Kragujevac Četnik Detachment*, Velika Srbija, 28 Februari 1992

<sup>88</sup> Exhibit Nr B5775; ERN BCS 0125-3268-0125-3273; Eng L009-1713-L009-1723, (VRS) *Information on paramilitary formations on the territory of the Serb Republic of BiH*, signed by Colonel Zdravko TOLIMIR, 28 July 1992

<sup>89</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade 1993, at ERN 0036-2688

<sup>90</sup> Paramilitary groups of the SRS

Security Organs (OB) and the JNA Security Administration at the Federal Secretariat for People's Defence (UB), maintained close ties with the Serbian MOD and Serbian MUP.<sup>92</sup>

- On 28 August 1991, Colonel Milorad BOŠKOVIĆ, Chief of the 3<sup>rd</sup> Department of the Security Administration at the Federal Secretariat for People's Defence (UB at the SSNO), sent the Strictly Confidential Report Nr 437, "*Some information on Daniel SNEDDEN, Australian Citizen, alias Kapetan Dragan*", to the Federal Secretary for People's Defence, Army General Veljko KADIJEVIĆ, and to five other addressees. The report provides a detailed overview of the activities of DRAGAN since his return to Serbia, includes his visit to Bor together with Nikola SAINOVIĆ, a minister in the Government of Serbia, to ask the local authorities for their support to set up a training centre for volunteers. The UB report to KADIJEVIĆ also mentions the involvement of DRAGAN in the training of the "special unit" of the SAO Krajina MUP in Golubić (vicinity of Knin), and DRAGAN's "close" connection with "*several organs of the MUP Serbia who are engaged in the same mission*". These "organs" are identified in a footnote, as STAMATOVIĆ (aka "Frenki") and Dragoljub FILIPOVIĆ (aka Fico). According to the report, the aforementioned close connection between DRAGAN and organs of the MUP Serbia indicates that "*we are talking about an organ or person engaged on behalf of the MUP of Serbia*".<sup>93</sup>
- During October 1991, Security Organs of the 1<sup>st</sup> Military District prepared at least 4 reports ("*Information*") for the UB at the SSNO, on the activities of Željko RAŽNATOVIĆ (aka ARKAN) and his

<sup>91</sup> Exhibit Nr C4111; ERN BCS 0214-1307-0214-1317; Eng 0303-9479-0303-9485, *VJ Security Organs Report on Recent Intelligence on Paramilitary Organisations Within Certain Serbian and Montenegrin Opposition Parties*, 19 October 1993

<sup>92</sup> Exhibit Nr C4110, ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*; See also Exhibit Nr C3647; ERN BCS 0114-1145-0114-1464; Eng 0096-1072-0096-1099, "*Srpska Vojska: Iz Kabineta Ministra Vojnog*", Dobriša GAJIĆ-GLIŠIĆ, 01 January 1992

<sup>93</sup> Exhibit Nr B10077; ERN BCS 0340-4983-04985; Eng ET 0340-4893-0340-4985, *Some Information on Daniel SNEDDEN alias "Kapetan Dragan"*, Colonel Milorad BOŠKOVIĆ,



Serbian Volunteer Guard in Eastern Slavonia. These OB reports expose the threatening behaviour of Arkan or members of his group towards the JNA<sup>94</sup>, the general belief that Arkan is involved in crimes<sup>95</sup>, including crimes against non-Serb<sup>96</sup>, Arkan's role in the distribution of weapons and ammunition in the area<sup>97</sup> and the relations between ARKAN and the Ministry of Interior (Including the State Security (SDB)<sup>98</sup>) and Ministry of Defence of Serbia<sup>99</sup>.

### (3) Decrees and Instructions

- (a) In an attempt to try to alleviate the manpower difficulties the JNA was facing, the Serbian Government on 14 August 1991 adopted a Decree on the "*Registration of Volunteers in the Territorial Defence*". This Decree was followed by an "*Instruction on the mobilisation of Volunteers in the Territorial Defence*", and, on 13 September 1991, by an "*Instruction*" from the SSNO on "*the Acceptation of volunteers in the JNA*". These regulations were also the first steps in the process to regularise the status, including the rights and responsibilities, of volunteers participating on an individual or collective basis in the conflict in Croatia. This regularisation took place notwithstanding an already existing legislation on the Federal level that created the conditions for the replenishment of the Territorial Defence or the JNA

<sup>94</sup> Already Tendered by the Prosecution as Exhibit 607 Tab 13, Exhibit Nr B9963; ERN BCS 0340-4868-0340-4869; Eng ET 0340-4868-0340-4869, *Information*, Strictly Confidential Report Nr 5-459, Colonel Stevan MITREVSKI, 01 October 1991; Exhibit Nr B9964; ERN BCS 0340-4874-0340-4875; Eng ET 0340-4874-0340-4875, *Information*, Strictly Confidential Report Nr 35-1683, Major-General Mile BABIĆ, 29 October 1991

<sup>95</sup> Already Tendered by the Prosecution as Exhibit 607 Tab 13, Exhibit Nr B9963; ERN BCS 0340-4868-0340-4869; Eng ET 0340-4868-0340-4869, *Information*, Strictly Confidential Report Nr 5-459, Colonel Stevan MITREVSKI, 01 October 1991

<sup>96</sup> Exhibit Nr B9966; ERN BCS 0340-4864-0340-4865; Eng ET 0340-4864-0340-4865, *Information*, Strictly Confidential Report Nr 35-1646, Major-General Mile BABIĆ, 18 October 1991; Exhibit Nr B9967; ERN BCS 0340-4876-0340-4878; Eng ET 0340-4876-0340-4878, *Information*, Strictly Confidential Report Nr 56-582, Major-General Mile BABIĆ, 25 October 1991

<sup>97</sup> Exhibit Nr B9964; ERN BCS 0340-4874-0340-4875; Eng ET 0340-4874-0340-4875, *Information*, Strictly Confidential Report Nr 35-1683, Major-General Mile BABIĆ, 29 October 1991; Exhibit Nr B9965; ERN BCS 0340-4872-0340-4873; Eng ET 0340-4872-0340-4873, *Information*, Strictly Confidential Report Nr 68-443, Major-General Mile BABIĆ, 18 October 1991

<sup>98</sup> Already Tendered by the Prosecution as Exhibit 607 Tab 13, Exhibit Nr B9963; ERN BCS 0340-4868-0340-4869; Eng ET 0340-4868-0340-4869, *Information*, Strictly Confidential Report Nr 5-459, Colonel Stevan MITREVSKI, 01 October 1991

<sup>99</sup> Exhibit Nr B9965; ERN BCS 0340-4872-0340-4873; Eng ET 0340-4872-0340-4873, *Information*, Strictly Confidential Report Nr 68-443, Major-General Mile BABIĆ, 18 October 1991

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with volunteers, albeit during a state of emergency, imminent threat of war or state of war.<sup>100</sup>

(b) Serbian Government Decree on the Registration of Volunteers in the Territorial Defence.

Pursuant to article 2, item 2 and article 30, paragraph 1 of the Law of Defence on the Government of the Republic of Serbia ("Official Gazette of the Republic of Serbia", number 5/91), the Government of the Republic of Serbia passes the

**DE C R E E**  
ON THE REGISTRATION OF VOLUNTEERS  
IN TERRITORIAL DEFENCE<sup>101</sup>

Article 1

This decree regulates the registration of volunteers in Territorial Defence. The replenishment of the JNA with volunteers is carried out in accordance with federal regulations.

Article 2

According to this decree, the following persons are considered as volunteers:

- persons who do not have a military obligation, and are not younger than 17;
- men subject to military conscription and women subject to military conscription who do not have wartime assignments in the JNA, Territorial Defence, police, the observation and information service, civil protection HQ's, civil protection units formed by the Republic, the city of Belgrade and the municipality, command communications units; companies and other organisations which produce arms and military equipment or other objects of special importance for defence, or are capable of such production; companies and other organisations in the sphere of road, railroad and air traffic, navigable inland waterways traffic, post-telegraph-telephone traffic and other communications systems; companies and other organisations and organs whose scope of activity includes observation and determination of certain phenomena in the areas of hydrometeorology, fire fighting, seismology, health, radiological protection, agriculture, waterpower engineering, electricity-generating industry, traffic and other areas; companies and other organisations of special importance for defence.

<sup>100</sup> See Part I, Section ONE of this report

<sup>101</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 13, Exhibit Nr C4190; ERN BCS 0046-1723-0046-0046-1730; Eng 0046-1717-0046-1722 at 0046-1719-0046-1722, Serbian Government Decree on the Registration of Volunteers in the Territorial Defence, 14 August 1991

## Article 3

The registration of volunteers in Territorial Defence is carried out in wartime, in the case of immediate danger of war and state of emergency, in order to fill units, headquarters and institutions of Territorial Defence.

In peacetime and for training purposes, persons from article 2 of this decree can voluntarily join the military manoeuvres and other forms of training of the units, headquarters and institutions of Territorial Defence.

Articles 4 and 7 of this decree apply accordingly to the persons from paragraph 2 of this article.

## Article 4

Persons who wish to enlist as volunteers, as well as persons from article 3, paragraph 2 of this decree, are to submit an application to the Ministry of Defence through the competent municipal National Defence Secretariat, or Department of National Defence of the City Secretariat of National Defence, according to their place of permanent or temporary residence.

Applications to enlist as volunteers are submitted personally on form number 1, which is a part of this decree. A submitted application is irrevocable.

## Article 5

The Municipal Secretariat of National Defence or the Department of National Defence of the City Secretariat of National Defence shall refer volunteers who do not have a military obligation and women subject to military conscription to a test to determine their fitness for military service. The fitness for military service of volunteers from paragraph 1 of this article is determined by a medical institution designated to carry out medical and other examinations and psychological examinations of recruits. A volunteer who has adequate general health and the psycho-physical ability to carry and handle weapons, as well as to endure great physical strain, will be pronounced fit for military service.

The Ministry of Defence signs a contract on carrying out the examinations with the health institution from paragraph 2 of this article.

## Article 6

The Municipal Secretariat of National Defence, or the Department of National Defence of the City Secretariat of National Defence registers in military records volunteers from article 5, paragraph 1 of this decree who are pronounced fit for military service, according to the regulations in sections 19 and 20 of the Instructions on the military records of persons subject to military conscription and equipment in the inventory.

## Article 7

The Municipal Secretariat of National Defence, or the Department of National Defence of the City Secretariat of National Defence, submits lists of enlisted volunteers from article 2, paragraph 2 and article 6 of this decree to the Ministry of Defence - Department of National Defence established outside the seat of the Ministry, to the City Secretariat of National Defence, or provincial Secretariats for National Defence of the autonomous provinces, and they forward the unified lists of volunteers to the Territorial Defence headquarters of the operational zones.

#### Article 8

The determination and notification of the wartime assignments of volunteers is carried out according to the Rules on the mobilisation of the Armed Forces of the SFRY /Socialist Federative Republic of Yugoslavia/.

#### Article 9

This decree takes effect on the day it is published in the "Official Gazette of the Republic of Serbia".

### (c) Instruction on the Mobilisation of Volunteers in the Territorial Defence<sup>102</sup>

1. This Instruction provides a closer regulation of the mobilisation of volunteers into the units, headquarters, and institutions of the Territorial Defence.
2. For the purposes of this Instruction, volunteers refer to persons under Article 2 of the Decision on the mobilisation of volunteers into the Territorial Defence, regardless of whether they have been assigned a wartime position.
3. The Municipal Secretariats for Defence and the offices of the Secretariat for Defence of the City of Belgrade shall be responsible for compiling the list of volunteers, including the details relevant for military exercises (e.g. whether they have served their military duty, details about their military training, whether they have been assigned a wartime position, etc.) and providing information on the numbers of volunteers to the Ministry of Defence every day by 10 o'clock through the People's Defence section of the Ministry of Defence, or the Secretariat of Defence of the City of Belgrade, or the Secretariats of Defence of the Autonomous Provinces. The list of volunteers shall be compiled in accordance with Article 7 of the Decision on the Recruitment of Volunteers in the Territorial Defence.
4. The headquarters, units, and institutions of the Territorial Defence shall recruit and assign volunteers in accordance with the peacetime of wartime arrangements, depending on the availability of troops, the circumstances in the area of their responsibility, and the responsibilities of those headquarters, units, and institutions.

5. The reservists - volunteers whose wartime position is in other units shall be sent to their own wartime units whenever possible, and in situations where it is not possible they shall be assigned to available positions, that is, the positions under the wartime or peacetime arrangements, depending on their specialist military training.
6. Reservists whose wartime position is not in the JNA and persons relieved of their military duty shall be assigned by the headquarters, units, and institutions of the Territorial Defence to available positions under the wartime or peacetime arrangements depending on their specialist military training, level of education, and other skills acquired in the civil life.
7. Volunteers shall be assigned to the existing headquarters, units, and institutions of the Territorial Defence, or additional formations, or special units and groups that operate along side the existing units of the Territorial Defence.
8. Volunteers shall be assigned to positions for which they are qualified, and if that is not possible, they shall be assigned to other available positions, on the condition that they are provided with the minimum training required by that position.
9. Volunteers shall be given full military training, supplementary training, or retraining, lasting, in principle, two to three days, and it shall include the use of their personal weapons, or if they serve in the artillery, the use of the artillery piece to which they have been assigned.
10. The provision of the equipment and weapons for volunteers shall be the responsibility of the institution in charge of logistics.
11. Volunteers shall be recruited into the headquarters, units, or institutions of the Territorial Defence after their identity and other details of interest to the Territorial Defence have been checked. The identity of volunteers shall be ascertained on the basis of their identity card, details in the application form, their personal military book, in correspondence with the appropriate state institutions where possible, etc. On the basis of the evidence presented of their identity, each volunteer assigned to the headquarters, units, or institutions of the Territorial Defence shall be provided with their military records.
12. Recruitment into the Territorial Defence shall also include a medical examination of the volunteers. The medical examination shall be conducted within the unit, that is, the training centre of the Territorial Defence.
13. The security checks in the process of recruitment and the monitoring of volunteers in the Territorial Defence shall be conducted in accordance with the rules and regulations of the Security Service.
14. Recruitment of volunteers for the service in the Territorial Defence shall be the responsibility of the Municipal Secretariat for Defence or the People's Defence section of the Secretariat for Defence of the City of Belgrade.

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<sup>102</sup> Exhibit Nr B9747; ERN BCS K036-6387-K036-6551; Eng 0110-0316-0110-0424, Book on

15. During their service, volunteers shall be treated equally with other members of the military or other persons on military duty in relation to their rights and responsibilities.
16. A decision on the recruitment of volunteers into the headquarters, units, and institutions of the Territorial Defence shall be made by the municipal commander of the Territorial Defence or the commander of a brigade. A report on the recruitment of volunteers shall be regularly presented to the superior commanders.
17. After they cease to exist, the responsibilities of the municipal and other Secretariats for Defence, as defined by this Instruction, shall be taken over by the appropriate organisational units of the Ministry of Defence.
18. On this Instruction coming into force, the Instruction on the Recruitment of Volunteers into the Territorial Defence, No. 80-1023 and 1242-1 from 1 October 1991 shall come out of force.

This Instruction shall come into force on the day of its adoption.<sup>103</sup>

Paragraph 15, confirms the equality of volunteers and other members of the armed forces.

(d) SSNO Instruction on the Acceptation of Volunteers into the JNA.

406 NO. 2391-1

13 September 1991

("The official paper of the SFRY", no. 2I/8 and 11/91)

INSTRUCTION ON ACCEPTING VOLUNTEERS INTO THE  
YUGOSLAV NATIONAL ARMY (JNA)<sup>104</sup>

1. This instruction regulates the acceptance of volunteers into the units and establishments of the Yugoslav National Army.

2. By volunteer, this instruction means an individual who files a written request for the admittance into a unit - establishment of the JNA, if he is capable of performing the according military duty.

The volunteer can be an individual (male) from any part of the SFRY, under the condition that he is the age of 18 to 60. If the individual from Section I of this count is younger than 27 and has not served his military service yet, he will be sent to military service if he is capable of serving.

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Defence Law of the Republic of Serbia, Annex 7

<sup>103</sup> Exhibit Nr B9747; ERN BCS K036-6387-K036-6551; Eng 0110-0316-0110-0424, Book on Defence Law of the Republic of Serbia, Annex 7

<sup>104</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 14, Exhibit Nr C4179; ERN BCS 0201-2075-0201-2078; Eng 0201-2072-0201-2074, *SSNO Instruction on the Acceptance of Volunteers into the JNA*, 13 September 1991

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3. The command and the senior officers of the units and establishments of the JNA will accept and assign the volunteers from item 2 of this direction to their units - establishments according to the peace or wartime formation, depending on the degree of filled personnel slots, the situation in the zone of responsibility and the task of the unit - establishment.

The individuals from the reserve forces - volunteers who are assigned to units will be assigned to duties and formation slots that are set during the formation of the combat units.

The individuals from the reserve forces - volunteers who are assigned to other war units (RJ), will be sent the headquarter units when possible, and when this is impossible, they will be assigned to vacant duty positions, the formation places within their units according to peace or wartime formation, depending on their military occupational speciality. The commands and senior officers will accept and assign the individuals from the reserve forces who have no unit assignment as the individuals from item 2 of this direction, to vacant formation slots of the peace or wartime formation of their units according to their occupational speciality in their military records, i.e. their occupation, knowledge and skills acquired as citizens.

4. The JNA units based on the applications that the volunteers fill out at the units that conduct the recruiting of volunteers into the JNA. The registration form is regulated by this direction and is its constituent part. The submitted application cannot be revoked.

5. The volunteers are accepted to duties and formation slots they qualify for, and if this is impossible, they are assigned to vacant formation slots, with completion of prior most essential training for performing tasks and duties of this formation slot.

6. The volunteers are accepted after their identity and other necessary data of interest for the Yugoslav national security are checked. The identity is proven on the basis of identification cards, the data in the application, their unit record, their military card, through the authorities of social-political associations where possible etc. On the basis of the established identity, a respective military record is made up for each volunteer accepted into the unit.

7. During the acceptance into the units of the JNA, the physical ability of the volunteer for the duty, from item 5 of this instruction, is established. The physical ability is established, whenever possible, by the nearest military health institution. If this is impossible the physical ability is established by the company physician on the basis of a medical examination and when necessary a consultation with a specialist from a military or civilian medical institution.

8. The security check during the acceptance and observation of the volunteers is conducted according to security service regulations, which should be strictly followed.

9. The volunteers will either complete military training, additional training, or retraining for particular duties in the unit-establishment. The type and duration of the training depend on the volunteers' prior knowledge. The training is essentially accompanied by work in the base unit-establishment.
10. The volunteers are by law and duties equal to military individuals, i.e. military conscripts and are by law entitled to according compensation.
11. The senior officers of the units and establishments of the brigade, regiment, independent battalion, and equal units decide about the acceptance of volunteers into the Yugoslav National Army. A report on the acceptance of volunteers is regularly submitted to a superior commando.
12. The military service of the individual (volunteer) can end if he is not needed in his unit anymore or at his request: in case of justified lawful reasons according to Articles 32 and 33 of the Military Conscript Law, or if he has spent maximum time in the unit according to Article 52 of this law.
13. The instruction comes into effect with the day of signing.
14. In case of any abstruseness, the superior commands and authorised organisational units of the Federal Secretariat for National Defence must be contacted.
- (e) The aforementioned Decree issued by the Government of the Republic of Serbia and the SSNO Instruction were also used to arrange for the participation of Bosnian Serbs in the conflict in Croatia. On 22 September 1991, Radovan KARADŽIĆ, President of the Serbian Democratic Party (SDS)<sup>105</sup>, issued an order to *“all Municipal Secretariats for National Defence”*, for *“our volunteers to join forces with our liberators, the units of Serbia and Montenegro and to support their mission to create a union of Serbian States”*.<sup>106</sup>
- (f) The Serbian Decree and SSNO Instruction demonstrate that the Serbian and SFRY authorities embraced a policy aimed at supporting, organising and assisting the sending of volunteers, both consisting of individuals and groups, to the disputed areas in Croatia. With the Decree and the Instruction, it was attempted to normalise and regulate the status of these volunteers (individuals and groups).

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<sup>105</sup> in BiH

<sup>106</sup> Exhibit Nr C2822, ERN BCS 0091-4815-0091-4815; Eng 0301-2794-0301-2794, Order issues by Radovan KARADŽIĆ to all People's Defence Secretariats, 22 September 1991



### 3. Command and Control within the SFRY Armed Forces during the conflict in Croatia

#### a. JNA and TO<sup>107</sup>

The command relationship between the JNA and the other Serb(ian) armed formations reflected the legislative framework that was described in Part I of this report. When addressing the relationship between the JNA and the local Serb TO and units of the Serbian TO participating in the conflict in Croatia, the Federal Secretary for People's Defence, Army General Veljko KADIJEVIĆ wrote "*Naturally, we used the territorial defence of Serb regions in Croatia and BiH in tandem with the JNA*".<sup>108</sup>

#### b. Reporting

The importance the SFRY Armed Forces Supreme Command attached to "*efficient command and control and the execution of command tasks*" can be seen from the Highly Confidential Order Nr 99-1, the Chief of the General Staff (CGS) of the SFRY Armed Forces, Colonel-General Blagoje ADŽIĆ, issued on 29 September 1991, to the commanders of the 1, 3, 5 MD, the Naval Military District, the Air Force and Air Defence, OG-2 and the 5<sup>th</sup> and the 9<sup>th</sup> Corps.<sup>109</sup> In this order ADŽIĆ instructed these units to submit of regular (= daily) combat reports, on the basis of "*regular combat reports of the brigade and Corps from 3 levels down (brigade-regiment, independent battalion-division) for all units and detachments*". ADŽIĆ also ordered the Operations Administration of the General Staff to "*compile an integral report with map presentation of the situation, for the needs of the SSNO and the General Staff of the SFRY Armed Forces*", adding "*The Operative Duty Team of the SSNO are to keep the operative log book and the work map*".

#### c. Volunteers and Paramilitaries

<sup>107</sup> Local Serb TO in Croatia and units of the TO of the Republic of Serbia, Montenegro and BiH involved in operations in Croatia

<sup>108</sup> Exhibit Nr C4227; ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade 1993, at ERN 0036-2686

<sup>109</sup> Exhibit Nr B10076, ERN BCS: 0340-5876-0340-5876; Eng ET 0340-5873-0340-5873, Highly Confidential Order Nr 99-1, Colonel-General Blagoje ADŽIĆ, 29 September 1991

- (1) As described in Part I, Section 2. e. and Section 2.d. of this Report, Art. 102 of the 1982 "ONO Law" specified that the TO comprised all armed structures that were not part of the JNA or the police.<sup>110</sup> Art. 119 of the 1982 "ONO Law" addressed the issue of "volunteers" and delineated their duties as well as their place within the military hierarchy. Paragraph 5 asserted that "in view of their rights and responsibilities", volunteers "are on an equal footing with military personnel or military conscripts".<sup>111</sup>
- (2) Following the 14 August 1991 Serbian Government Decree on the Registration of volunteers for the TO, and the 13 September 1991 SSNO Instruction on the Acceptation of Volunteers in the JNA, the SFRY authorities on 10 December 1991 issued a third regulation -SFRY Presidency Order Nr. 73 on the "*Engagement of Volunteers in the Armed Forces of the SFRY during an Imminent Threat of War*"<sup>112</sup> -, to clarify and legalise the status of volunteers who individually and/or collectively participated in the conflict in Croatia.

Order No 73

Pursuant to article 316 of the Constitution of the Socialist Federative Republic of Yugoslavia and article 106, paragraph 1, item 6 and paragraph 2 of the Law on All People's Defence ("Official Gazette of the SFRY", No. 21/82 and 11/91), at a meeting held on 10 December 1991, the Presidency of the SFRY issued the following

ORDER

ON THE ENGAGEMENT OF VOLUNTEERS IN THE ARMED FORCES  
OF THE SFRY DURING IMMEDIATE DANGER OF WAR

1. Pursuant to regulations in article 119 of the Law on All People's Defence, during the immediate danger of war, the Yugoslav People's Army and Territorial Defence are replenished, among others, with volunteers, who are, from the moment they join

<sup>110</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani - ONO)*, Belgrade, 1982, Art 102

<sup>111</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 21, Exhibit Nr C2210; ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani - ONO)*, Belgrade, 1982, Art 109

<sup>112</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 12, Exhibit Nr C4190; ERN BCS 0046-1723-0046-1730; Eng 0046-1717-0046-1722 at 0046-1717-0046-1718, *Order on the Engagement of Volunteers in the Armed Forces of the SFRY During the Period of Imminent Threat of War*, Official Gazette of the SFRY, 13 December 1991

units and institutions of the Armed Forces of the SFRY, equal in all things with soldiers or military conscripts.

2. Volunteers are accepted in the Armed Forces of the SFRY according to the procedure for the acceptance of persons subject to military conscription. The person wishing to join the Armed Forces of the SFRY is to report to the territorial military organ competent for the place of residence of the person subject to military conscription.

3. A volunteer can be assigned to an appropriate duty and task in a unit or institution of the Armed Forces of the SFRY, according to the replenishment requirements and service requirements of the Armed Forces of the SFRY.

4. When joining a unit or institution of the Armed Forces of the SFRY, a volunteer who has not previously made a solemn declaration in accordance with the regulations on service in the Armed Forces of the SFRY is to take an oath in front of his superior officer. Only volunteers who have made the solemn declaration and passed the appropriate training can be assigned to tasks involving the use of weapons.

5. A volunteer who joins a unit or institution of the Armed Forces becomes a member of the Armed Forces and wears the uniform and common insignia of members of the Armed Forces of the SFRY, and has all the other rights and duties of persons in the service of the Armed Forces of the SFRY.

6. A volunteer's service in the Armed Forces of the SFRY ends:

- 1) if it is established on the basis of the findings and assessments of a military health institution that he is unfit for service in the Armed Forces of the SFRY, or for the duty he performs;
- 2) when he requests it, and there are reasons defined by law to postpone or terminate the military service;
- 3) when the need for his engagement in the Armed Forces of the SFRY ceases to exist.

A volunteer's service in the Armed Forces of the SFRY can end on his request, if the service requirements allow it.

7. Volunteer formations currently engaged outside the Armed Forces of the SFRY on the carrying out of certain military assignments and volunteers currently in the units and institutions of the Armed Forces of the SFRY must bring their position in the Armed Forces of the SFRY into accord with the regulations in this order within 10 days of the day this order takes effect.

Within the same period, all individuals and volunteer formations not included in the Armed Forces of the SFRY in the manner defined in this order shall be removed from the territory falling under the responsibility of the commands, units and institutions of the Armed Forces of the SFRY.

The regulation as stated in paragraph 2 of this article applies to the volunteers currently in the Armed Forces of the SFRY should they fail to comply with this order.

8. Lawful measures will be taken against persons found wearing the uniforms and insignia of members of the Armed Forces of the SFRY who have not joined the Armed Forces of the SFRY in a way defined by law and regulated their position in accordance with this order.

9. Should the need arise, the Federal Secretariat of National Defence is authorised to issue instructions for the implementation of this order.

10. The order is to be published in the "Official Gazette of the SFRY".

11. The order takes effect on the day it is published.

Presidency of the

Socialist Federative Republic of Yugoslavia

Order No. 73

10 December 1991

Vice-president<sup>113</sup>

Dr. Branko KOSTIĆ

- (3) SFRY Presidency Order Nr. 73 assists in showing the involvement of Serbian volunteers and paramilitary units during the conflict in Croatia, and the role of the Serbian and SFRY political authorities in this matter. SFRY Presidency Order Nr 73 expressed the willingness, albeit somewhat late -taking into account the signing of a lasting cease fire agreement in Geneva on 23 November 1991- of the SFRY political leadership to sort out the question of volunteers and paramilitary. In particular, the order legalised the status of volunteers who individually and/or collectively participated in the conflict in Croatia.

- (4) Paragraph 7 states "*Volunteer formations currently engaged outside the Armed Forces of the SFRY on the carrying out of certain military*

<sup>113</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 12, Exhibit Nr C4190; ERN BCS 0046-1723-0046-1730; Eng 0046-1717-0046-1722 at 0046-1717-0046-1718, *Order on the Engagement of*

*assignments and volunteers currently in the units and institutions of the Armed Forces of the SFRY*". This acknowledges the existence of (volunteer and/or paramilitary) groups that were, at least when they were not involved in operations, outside the regular military chain of command. The fact that they were carrying out "*certain military assignments*" demonstrates though that an (unspecified) authority was aware of their existence and participation in the conflict.

- (5) The reference to "*volunteer formations*" in Paragraph 7 of SFRY Presidency Order Nr. 73 is of relevance too for this report, because it contrasts with the situation that would exist almost 9 years later, during the conflict in Kosovo. Whereas SFRY Presidency Order Nr. 73 authorises that volunteers remain in their own groups, the VJ General Staff during the Kosovo crisis issued an order to prevent the integration of volunteers on a collective basis (as groups).<sup>114</sup> The situation on the ground in Croatia (and BiH) as described in Subparas (6) and (9) of this Para, and Paragraph 4 of this Section, show that the fact volunteers were allowed to stay as groups resulted in problems.
- (6) Order Nr. 73 entered into effect on 13 December 1991 and included a 10-day deadline within which volunteer formations were to subordinate themselves to the JNA. By the time the war broke out in BiH in April and early May 1992, there are examples that the volunteer and paramilitary groups the order was intended for, were reported in north-eastern BiH.<sup>115</sup>
- (7) Order 73 was followed by the SSNO's Strictly Confidential Directive Nr 2256-1, "*Directive on the Use of the Armed Forces for the Preparation and Performance of Combat Operations in the Forthcoming Period*", issued on 10 December 1991.

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*Volunteers in the Armed Forces of the SFRY During the Period of Imminent Threat of War*, Official Gazette of the SFRY, 13 December 1991

<sup>114</sup> Already Tendered by the Prosecution as Exhibit 323 no. 1, Exhibit Nr B9748; ERN BCS K022-8602-K022-8604; Eng 0306-6771-0306-6774, Supreme Command Staff Order Strictly confidential Order no. 06/1039-1, 7 April 1999

...  
 In all zones of combat operations place under the command of the most senior JNA officers all units of the JNA and TO, as well as volunteer units which agree to be subordinate to that command and wear JNA and TO insignia. Consider all other armed formations paramilitaries, disarm them, and remove them from the b/d zone.<sup>116</sup>

- (8) The interview with Major General Tomislav RADOVANOVIĆ, Head of the Legal Department of the SSNO, titled "*Volunteers are also military personnel*", on 22 December 1991 in the JNA Magazine "*Narodna Armija*"<sup>117</sup>, sheds (additional) light on SFRY Presidency Order 73. In the interview, RADOVANOVIĆ stated:

"In our legal system, no armed units other than Armed Forces of the SFRY (composed of the JNA and the TO) may be present in the territory of the SFRY. Under the Constitution, the Armed Forces are an integrated system, with the (integrated) functions of command and control performed by the Federation - that is, executed by the Presidency of the SFRY on behalf of the Federation".

RADOVANOVIĆ adds:

"It is common knowledge that armed systems other than the legal and legitimate armed forces are operating in Yugoslav territory, contrary to the Constitution, laws and international standards. Their legal "status" is not hard to define and can be described in precise terms if adhering to a simple logic one seeks answers to the following questions: what are they doing, for whom and under what conditions, who has established them and who has provided the funds, what are their short-term and what their long-term objectives?"<sup>118</sup>

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<sup>115</sup> Already Tendered by the Prosecution as Exhibit 425 Tab 2, Exhibit Nr B4674; ERN BCS 0018-3969-0018-3970; Eng 0096-1185-0096-1187, Daily Combat Report Strictly conf. no. 20/27-96/1 for the 17<sup>th</sup> JNA Corps, 04 April 1992

<sup>116</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 10, Exhibit nr C4191; ERN 0106-1438-0106-1438 Eng 0300-4686-0300-4690, Directive Nr 2256-2 by Colonel-General Veljko KADIJEVIĆ "*On the Use of the Armed Forces for the Preparation and Performance of Combat Operations in the Forthcoming Period*", 10 December 1991

<sup>117</sup> Exhibit Nr C4194; ERN BCS 0046-6926-0046-6926; Eng 0053-5843-0053-5844, Interview with Tomislav RADOVANOVIĆ "*Volunteers Are Also Military Personnel*", Narodna Armija, 22 December 1991

<sup>118</sup> Exhibit Nr C4194; ERN BCS 0046-6926-0046-6926; Eng 0053-5843-0053-5844, Interview with Tomislav RADOVANOVIĆ "*Volunteers Are Also Military Personnel*", Narodna Armija nr 2758, 22 December 1991

(9) After the 10-day deadline had expired, the presence of paramilitary or volunteer groups in the RSK after the withdrawal of the JNA during spring 1992 was still an issue, for example:

(a) On 18 June 1992, Colonel-General Milan TORBICA, Commander of the TO of the RSK, issued the strictly confidential order Nr 636-1 "*Undertaking measures on preventing of actions of various paramilitary groups on the territory of the RSK*", to his subordinate Staffs.

Undertaking measures on preventing of actions of various paramilitary groups on the territory of RSK (Republic Serbian Krajina)

2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup> Zone Staff of Territorial Defence

Pursuant to the order of the President of RSK, number 01-1-5/92 dated 18-Jun-1992 and reports of legal authorities, Zone Staffs of TO (Territorial Defence) Commanders and personal insight into the situation on the territory of RSK, it is obvious that the legally elected authority is not being respected.

This is especially characteristic of Eastern Slavonija, Western Srem and Baranja, where some groups appeared, which do not recognise legal authorities and are trying to introduce lawlessness and violence against the population.

In the majority of cases, these are armed groups, which are not under the command of TO and MUP (Ministry of Internal Affairs), which means they are illegal.

Since these groups are conducting violence, robbing and destroying private and state property, jeopardising public peace and order, they became extremely dangerous. In order to stop these groups, prevent their actions and protect the population, it is necessary to disarm these groups immediately and establish legal authority. All authority bodies on the territory of RSK must know that there is the RSK TO Main Staff, which is only competent to nominate the commanders of TO Zone Staffs, which they did. Colonel Milan ĐILAS was nominated Commander of Northern Dalmacija TO Zone Staff, Lika Colonel Milan SUPUT, Kordun Colonel Čedo BULAT, Banija Colonel Rade VUKAJLIJA, Western Slavonija Colonel Jovo ČUBRIĆ, and Eastern Slavonija, Western Srem and Baranja Colonel Bogdan SLADOJEVIĆ. These Commanders were legally nominated and have full right to command in their areas of responsibility and to assist legal bodies in establishing of authority, and they are obliged to fully co-operate with those bodies.

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Besides the TO Staffs in the areas of responsibility there are also brigades of Special Police Units, which have the task to protect the population from the enemy invasion, and not to preserve the public peace and order. The Commanders of these brigades are: Knin Brigade – Major Milorad RADIĆ, Benkovac – Lieutenant Colonel Momčilo BOGUNOVIĆ, Korenica – Lieutenant Colonel Miloš CVETIČANIN, Vojnik – Colonel Mile NOVAKOVIĆ, Petrinja – Colonel Stanko LETIĆ, Okučani – Major Milenko BABIĆ, Vukovar – Lieutenant Colonel Božidar KOŠUTIĆ and Beli Manastir – Lieutenant Colonel Rajko NOVAKOVIĆ.

In order to prevent the activities of illegal formations and groups and to ensure the functioning of the established legal system and legal state and secure the maximum safety of citizens and property,

I order:

1. Immediately disarm and disband paramilitary formations acting on the territory of RSK and disable their further acting, and undertake legal measures against individuals from those formations, who violated the law and legal system of RSK.
2. The Commanders of TO Zone Staffs and Commanders of brigades of Special Police Units are responsible for implementation of this order.
3. The deadline for implementation of this order is 29-Jun-1992.
4. Submit the written report by 01-Jul-1992 at 12:00.<sup>119</sup>

(b) Dragan LAZIĆ, Head of the SUP (Secretariat of the Interior) office in Vukovar, on 03 August 1992 informed the RSK Ministry of Interior in Knin of the following:

On 3 August 1992, we learned that a special-purpose unit called *Crveni Tigrovi* /The Red Tigers/ was being formed in the village of Ernestinovo. It will be part of the 101<sup>st</sup> RSK MUP Training Centre, which is led by Željko RAŽNJAKOVIĆ /as printed/, aka Arkan. The unit will be located in the former *Jelen* catering establishment, whose owner is unknown and which is located by the roadside between the villages of Laslovo and Ernestinovo. The unit will be led by Nenad MILANOVIĆ from Palača, a full brother of Assistant Defence Minister Milan MILANOVIĆ, aka Mrđud, who knows everything about the activities related to the foundation of the centre. Members of the said unit wear uniforms of the MUP of the Republic of Serbia, which they received two days ago with the approval of the Assistant Minister of the Interior of the Republic of Serbia, Radovan STOIJIČIĆ, aka

<sup>119</sup> Exhibit Nr C4155; ERN BCS 0202-9316-0202-9317; Eng ET 0202-9316-0202-9317, Order Nr 626-1, *Undertaking Measures on Preventing of actions of various paramilitary groups on the territory of the RSK*, Colonel-General Milan TORBICA, 18 June 1992



Badža. The weapons were provided by the Ministry of Defence. Pay for July for the members of the unit will be secured from the Training Centre funds, but in the forthcoming period, the unit will be financed from the account of the special police unit commanded by Božo /?K/OŠUTIĆ, who knows nothing about these plans or any other activities.<sup>120</sup>

This document also indicates knowledge of the relations between the ARKAN and the Ministry of Interior (MUP) of Serbia, and the role in SBWS of Radovan STOJIČIĆ (aka BADŽA), Assistant Minister of Interior of Serbia.

- (c) In February 1993, the Intelligence and Security Organ of 15<sup>th</sup> (“Lika”) SVK<sup>121</sup> Corps Command, in its Strictly Confidential Situation Report Nr. 187-2, informed the Chief of Security at the General Staff of the SVK of the presence of Arkan volunteers in the area of responsibility (AOR) of the Corps.

When Željko RAŽNJATOVIĆ, aka Arkan, joined the Brigade, bringing along 200 volunteers, the situation worsened. In fact, on the one hand, the presence of Arkan and his men, their courage, bravery and perseverance inspired trust in other soldiers and motivated them, but on the other hand, their behaviour and privileges and the awe they inspired by overtly physically mistreating some soldiers and officers also caused unconcealed dissatisfaction, which may lead to open conflicts that could escalate further. Some members of the Brigade Command have accepted this abnormal behaviour, which causes fear of “ARKANISATION” among the soldiers and may have negative consequences.<sup>122</sup>

Situation Report 187-2 also mentioned “ *12 people with official Serbian MUP (Ministry of Interior) identity cards arrived in Korenica under direct control and supervision of the Deputy Prime Minister*”.

<sup>120</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 20, Exhibit Nr C3971; ERN BCS 0207-6696-0207-6697; Eng L005-5590-L005-5592, Report by Dragan LAZIĆ to RSK Ministry of Interior, 03 August 1992

<sup>121</sup> SVK: Sprska Vojska Krajina: Armed Forces of the RSK; succeeded to the RSK TO

<sup>122</sup> Exhibit Nr C3986; ERN BCS 0207-6719-0207-6721; Eng L003-4265-L003-4271, Report by the Intelligence and Security Organ of the 15<sup>th</sup> Corps, 16 February 1993

According to the report, “they came to this territory with the intention of establishing paramilitary groups”.<sup>123</sup>

d. Doctrine: Operational Group – Tactical group

- (1) In August 1991, the JNA adapted its structure to the unfolding situation with the implementation of the concept of Operation Groups (OG), and on a lower level, Tactical groups (TG). As was discussed in Part 1 of this Report<sup>124</sup>, OG’s were “*ad hoc*” task forces, set up for specific operations in a specific area and during a specific timeframe. They could include subordinate units (Brigades, Battalions) originating from several large units (Corps) which (in peacetime formation) did not necessarily belong to the same superior command.
- (2) An analysis of JNA orders for combat operations and situation reports in Croatia discussed in Para 4 here below, demonstrates two key aspects in relation to the OG’s and TG’s.
  - (a) In summary, OG’s and TG’s included all forces active in a specific area: Not only JNA, Serbian (or Montenegrin) TO and local Serb TO units, but also volunteers and paramilitaries, all operating under the single command of the OG or TG Commander. Combat reports and other JNA documentation related to the operations in Croatia, however, also indicate that in some specific areas there were problems. Measures were taken; however, to attempt to solve these issues (see above).
  - (b) A second important feature of the Operational and Tactical Groups during the conflict in Croatia was an effective Command and Control structure. According to the orders for combat operations and situation reports discussed below (Para 4), the Commanders of the OG and TG were in control of the situation in their AOR. OG Commanders reported to the MD Commanders or the Supreme Command Staff of the JNA, and maintained a chain of command and reporting with their

<sup>123</sup> Exhibit Nr C3986, ERN BCS 0207-6719-0207-6721; Eng L003-4265-L003-4271, Report by the Intelligence and Security Organ of the 15<sup>th</sup> Corps, 16 February 1993

<sup>124</sup> Part I, Section 5, Title 6

subordinates. For example, situation and other combat-related reports were exchanged on a daily basis between the subordinate and the superior commands.<sup>125</sup>

#### 4. Command and control during the over local Serb forces

- a. Before SFRY Presidential Order 73 was issued (10 December 1991), JNA, Serbian TO, Montenegrin TO, local Serb TO, RSK police and volunteers or paramilitary forces were already operating together under single JNA command, in OG's and TG's.

(1) During the operations against Kijevo, on 26 August 1991, the 9<sup>th</sup> JNA Corps, local Serb TO and elements of the RSK police, operated under one single (JNA) command. This was highlighted by Colonel Ratko MLADIĆ, the then Chief of Staff (COS) of the 9<sup>th</sup> JNA Corps (Knin) during his speech at the 16<sup>th</sup> Session of the Assembly of the Serb Republic of Bosnia-Herzegovina (SRBH), held on 12 May 1992 in Banja Luka:

“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, isn't that right MARTIĆ? And because he and I, I call him and say: give me 40 policemen here at Kijevo, and you took part in the fighting, isn't that right, Milan, and we did what we had planned...”<sup>126</sup>

On 18 August 1991, Milan MARTIĆ, Minister of Interior of the SAO Krajina, had warned the (Croatian) police department in Split and Kijevo that the SAO Krajina would not tolerate Croatian police offices on its territory, adding that if the station in Kijevo would not be abandoned in 48 hours, it would be attacked:

<sup>125</sup> See for example the situation in the Vukovar area with OG South reporting on a daily basis to the 1<sup>st</sup> MD: Exhibit Nr B9751; ERN BCS 0327-1235-0327-1236; ET 0327-1235-0327-1236, Regular Combat Report OG “JUG” Strictly Confidential Nr 402-1 to 1<sup>st</sup> MD, dated 15 November 1991; Exhibit Nr B9749; ERN BCS 0327-1248-0327-1248; Eng ET 0327-1248-0327-1248, Regular Combat Report OG “JUG” to 1<sup>st</sup> MD, Strictly Confidential Nr 467-1, dated 21 November 1991; Exhibit Nr B9750, ERN BCS 0327-1249-0327-1249; Eng ET 0327-1249-0327-1249, Regular combat report, Strictly Confidential Nr 473-1, dated 22 November 1991

<sup>126</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 49 Exhibit Nr C5298; ERN BCS 0084-7711-0084-7761; Eng 0091-3501-0091-3562, *Minutes of the 16<sup>th</sup> Session of the Assembly of the Serbian People in BiH*, Banja Luka, 12 May 1992, at 0091-3548.

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TO: SPLIT POLICE ADMINISTRATION  
 KIJEVO POLICE STATION  
 KIJEVO LOCAL COMMUNE

You and your leadership have brought relations between the Serbian and Croatian populations to such a state that further co-existence in our Serbian territories of the SAO /Serbian Autonomous Region/ Krajina is impossible. That is why we will not allow your police stations – upholders and guardians of the Ustasha and fascist policy of the so-called young Croatian democracy – anywhere in the SAO Krajina.

You have a police station in the village of Kijevo in Knin municipality. This ultimatum is to warn you that our forces will attack this police station at a time we find appropriate if your police forces do not withdraw from this village within 48 hours from the moment of receipt of this ultimatum.

We also want to advise the population of Kijevo to find safe shelters on time so that there should be no casualties among them. We would like to stress that we want co-existence and understanding between the residents of the Serbian villages and the Croatian population in Kijevo, and we guarantee civil and human rights to everyone.

You will bear full responsibility before your own people for all the consequences that may result from your failure to honour this ultimatum.<sup>127</sup>

After the international mediator Lord CARRINGTON<sup>128</sup> complained to the SFRY leadership about the destruction of churches and religious buildings in Kijevo during the JNA operations, MLADIĆ wrote a report to justify how the situation was handled.<sup>129</sup>

- (2) On 9 October 1991, General Špiro NIKOVIĆ, Commander of the JNA OG-1, issued Top Secret Order Nr 103/1-91. This order puts local Serb TO units of the Banija and Kordun zones under his command, starting on 19 October 1991.

Placing TO units under JNA units - 1<sup>st</sup> Operational Group Command

I ORDER:

17<sup>th</sup> partisan brigade, 62<sup>nd</sup> motorised brigade, 544<sup>th</sup> motorised brigade, Tactical Group-1, 9<sup>th</sup> motorised brigade, 6<sup>th</sup> combined anti-armour artillery battery, 6<sup>th</sup> combined artillery regiment, 58<sup>th</sup> combined artillery brigade, 389<sup>th</sup> missile brigade,

<sup>127</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 68 Exhibit Nr C3758; ERN BCS 0050-1494-0050-1494; Eng L005-0035-L005-0036, Document signed by Milan MARTIĆ, Ministry of Interior SAO Krajina, 18 August 1991

<sup>128</sup> Lord Carrington was in September 1991 appointed Co-chairman of the European Commission (EC)-sponsored Peace Conference on the Former Yugoslavia in The Hague

<sup>129</sup> Exhibit Nr C4146; ERN BCS 0207-6675-0207-6676; Eng L003-4258-L003-4261, *Report on the attack on Kijevo*, submitted by Ratko MLADIĆ, COS 9<sup>th</sup> JNA Corps, 4 October 1991

TO Zone HQ of Banija and Kordun, Municipal TO HQ of Dvor na Uni, Municipal TO HQ of Kostajnica, Municipal TO HQ of Sisak, Municipal TD HQ of Glina, Municipal TD HQ of Vrginmost and Municipal TO HQ of Vojnic

All TO units from TO Zone HQ of Banija and Kordun in the above mentioned title are placed under 1<sup>st</sup> Operational Group Command starting on 19 October 1991 and continue as such to be engaged and used as an organic part of JNA units in the combat zones where JNA units are.

Commands: 17<sup>th</sup> partisan brigade, 622<sup>nd</sup> motorised brigade, 544<sup>th</sup> motorised brigade, Tactical group-1, 9<sup>th</sup> motorised brigade, 6<sup>th</sup> combined anti-armour artillery regiment, 6th combined artillery regiment, 580<sup>th</sup> combined artillery brigade, 389<sup>th</sup> missile brigade take over all obligations of rear and financial support for all personnel.

The amount of compensation for each soldier - CO for September is 280,00 Dinars daily, and for October is 310,00 Dinars daily, which is to be provided by the 1<sup>st</sup> Operational group Command for unit needs.<sup>130</sup>

- (3) Colonel Momir TALIĆ, Commander of the JNA 5<sup>th</sup> Corps (Banja Luka), on 31 October 1991 issued the Top Secret Order Nr no. 37-226 stating that *"all TO units and HQ's 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>131</sup>

- (4) The Order issued on 1 November 1991 by Colonel Čedomir BULAT<sup>132</sup>, commander of the JNA TG-2, for an attack against Saborsko, included a list of the units that would participate in the attack as well as their responsibilities during and after the attack. These units include the local Serb TO from Lička Jesenica and the local Serb TO Brigade from Plaški.<sup>133</sup> A subsequent order by Lieutenant-Colonel Slobodan ĐORĐEVIĆ, Commander of the 13<sup>th</sup> JNA Corps on 07 November to TG-2

<sup>130</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 173 Exhibit Nr C4333; ERN BCS 0201-1628-0201-1628; Eng 0201-1627-0201-1627, Order Nr. 100-233, Command of the 1<sup>st</sup> JNA Operational Group, 19 Oct 1991

<sup>131</sup> Exhibit Nr C5302; ERN BCS 0051-8824-0051-8825, 5<sup>th</sup> JNA Corps order Nr 37-226, on the engagement of and co-operation with units of the TO, Momir TALIĆ, 31 October 1991

<sup>132</sup> On 30 April 1992, Čedomir BULAT, a JNA Officer was appointed Commander of the KORDUN TO Staff (See Exhibit Nr C502, ERN BCS 0202-9341-0202-9342; Eng ET 0202-9341-0202-9342., Order 270a signed by LieutenantColonel-General Milan TORBICA)

<sup>133</sup> Exhibit Nr C4184; ERN BCS 0109-9990-0109-9995; Eng ET 0109-9990-0109-9995, Order and plan for the attack of Saborsko on 12 November 1991

for an attack in the Saborsko area contains similar information.<sup>134</sup> Already on 23 October 1991, General Života AVRAMOVIĆ, 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. One of the missions of TG-2 was to “unify the activity of the JNA units in the Slunj Polygon training area and of the TO Veljun and Plaški”.<sup>135</sup> TG-2 Order Nr 22/318-1 of 5 January 1992 listing the AOR’s of the units of the TG, mentioned also the 3<sup>rd</sup> TO Brigade.

145. Ippbr/light anti-infantry brigade/: Srednja Gora V.Makovnik, Kos Kapela, Jasenak, Railway Station Lička Jasenica, V. Sivnik Kneja.

3<sup>rd</sup> Command of Territorial Defence Brigade: Krstinja, G.Poloj, including Korjege, Čičin Most, Slunj, Slušnica, Rakovica, Tržac, Cetingrad

1<sup>st</sup> battalion: Krstinja, Veljun, the river of Korana, Slunj, Kruškovača, Cetingrad

2<sup>nd</sup> battalion: Veljun, G.Poloj, including Kurjege, the river of Mrežnica, Čičin Most, Čubrin Vrh, Slunj, the river of Korana

3<sup>rd</sup> battalion: Kruškovača, Sredpolje, the river of Korana, Slunj, Broćanac, Rakovica, Tržac.<sup>136</sup>

- (5) On 10 November 1991, the Strictly Confidential Order Nr 09/75-1034 to create OG-3, was released by the 5<sup>th</sup> Military District Command, and signed by General Života AVRAMOVIĆ. The order stated that OG-3 would be commanded by LieutenantColonel-General Vladimir BANJANIN and would operate under the direct command of the 5th Military District. According to the order, OG-3 would consist of the following units:

5<sup>th</sup> Partisan Brigade; TG-2 Slunj; 105 mm Howitzer Battalion of 102<sup>nd</sup> Mixed Anti-Armour Brigade; 2<sup>nd</sup> TO Operations Zone; 1<sup>st</sup> Armoured Battalion of 329<sup>th</sup> Armoured Brigade; Motorised Battalion of 4<sup>th</sup> Armoured Brigade, and in accordance with the formation, also 6<sup>th</sup> Lička Division and other JNA and TO units which are in 3<sup>rd</sup>

<sup>134</sup> Exhibit Nr C4185; ERN BCS 0152-7773-0152-7777, Order by Colonel Slobodan ĐORĐEVIĆ for the attack on Lička Jasenica – Saborsko - Sertić Poljana - Kuselj – Fontana, 7 November 1991

<sup>135</sup> Exhibit Nr C3811; BCS 0200-9444-0200-9445, Order to create TG-2 signed By Života AVRAMOVIĆ, 23 October 1991

<sup>136</sup> Exhibit Nr C4196, ERN BCS 0200-9418-0200-9418, Order Nr 22/318-1, TG-2, signed by Colonel Čedomir BULAT, 5 January 1992

Operations Group area of responsibility, which comprises the following territory:  
Plitvice-Slunj-Ogulin-Otočac-Gospić-Sveti Rok-Udbina.

The order also added to establish the 6<sup>th</sup> Lika Division:

Form 6<sup>th</sup> Lička Division "R" according to formation no. 111.753, out of volunteers who have to be organised in accordance with the Order of SFRY Armed Forces General Staff, top secret, no. 2694-1, from 10.10.1991.

...

The replenishment of OG-3 and 6<sup>th</sup> Lička Division with officers will be managed by the SSNO Personnel Administration, and for what soldiers are concerned by 5<sup>th</sup> Military District Command and 3<sup>rd</sup> Administration of the General Staff of the Armed Forces.

All the issues of the supply of OG-3 with weapons and military equipment, as well as the logistics issues, will be managed SSNO Logistics Sector and 5<sup>th</sup> Military District Command, through logistics bases and will provide specialist aid in the establishment of its formations.

The formation of OG-3 will be done by 14.11.1991, until which time the report on formation will be submitted to 5<sup>th</sup> Military District Command.<sup>137</sup>

The order shows that OG-3 included JNA, volunteer and TO units. In addition, the order demonstrates the involvement of the SSNO in the personnel and logistical support of this unit.

On 20 November 1991, Lieutenant-Colonel-General Vladimir BANJANIN, Commander of OG-3, issued the order Strictly Confidential Nr. 695-1023, to the 6<sup>th</sup> Lika Division, Tactical Group (TG) – 2 to put all units, including JNA and local Serb TO under one command.

Pursuant to SFRY Armed Forces General Staff, SSNO conscription and Mobilisation 1<sup>st</sup> Administration order, classified no: 1949-3 dated 12 November 1991 and that of 5<sup>th</sup> Military District, classified no: 09/75-110 dated 18 November 1991, all with the aim of preventing potential disagreements between commands and units in OG-3 area of responsibility. (...)

<sup>137</sup> Exhibit Nr C3819; ERN BCS 0202-9343-0202-9344, Order by General AVRAMOVIĆ to form OG 3, 10 November 1991

All units in the said area of responsibility are placed under the single command of OG-3, i.e. the most senior JNA command in the subordinated units' and formations' area of responsibility.

(...)

OG-3 Command hereby determines the borders of the subordinated units and formations areas as follows:

1. TG-2 right-hand border, OG-3 right-hand border (left-hand border OG-1), border to the left Lička-Jasenica-Rakovica-Trzac all inclusive. In the mentioned TG-2 area, all TO units (TO Plaški, TO Mašvina and other smaller TO formations – independent companies-platoons), as well as TO HQs in the mentioned area are placed under the Command of TG-2.
2. 6<sup>th</sup> Lika Division border to the right, TG-2 border to the left, border to the left, left-hand border of OG-3. All TO structures and units as well as JNA units are placed under a single command in the said area of responsibility.<sup>138</sup>

(6) On 25 November 1991, the Mayor of the “*Serbian Municipality*” of Petrinja, Radovan MALJKOVIĆ, sent the letter Nr 2-110/91, to Željko RAŽNATOVIĆ (aka ARKAN):

Agreement with the participation of Z. RAZNATOVIĆ's unit in the defence of  
Petrinja

We agree with the proposition that members of Željko RAŽNATOVIĆ's - ARKAN's unit participate in fighting on the JNA and Territorial Defence positions in the municipality of Petrinja. The unit will be commanded by a senior officer and the unit will be part of and under the command of the commander of the 2nd motorised battalion of the 622nd motorised brigade, Bogdan ERCEGOVAC. Arming and food supplies are responsibility of the 2nd motorised battalion.

The time of arrival and acceptance of the unit will be agreed on afterwards, in agreement with "AG" and "OM".<sup>139</sup>

The 622<sup>nd</sup> Motorised Battalion was a JNA unit.<sup>140</sup> This letter demonstrates the co-operation between local Serb political leaders and the JNA, local Serb TO, volunteers and paramilitaries, as well as the participation of

<sup>138</sup> Exhibit Nr B9752; ERN BCS 0203-2589-0203-2591, Order Nr Strictly Confidential 695-1023, Lieutenant-Colonel-General Vladimir BANJANIN, 20 November 1991

<sup>139</sup> Exhibit Nr C4380; ERN BCS 0201-2027-0201-2028; Eng 0201-2026-0201-2026, Letter Nr 2-110/91 by MALJKOVIĆ to RAZNATOVIĆ, 25 November 1991

<sup>140</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 173, Exhibit Nr C4333; ERN BCS 0201-1628-0201-1628; Eng 0201-1627-0201-1627, Order Nr. 100-233, Command of the 1<sup>st</sup> JNA Operational Group, 19 Oct 1991



ARKAN's volunteers/paramilitaries under the command and control of the JNA, and that the JNA is responsible for arming and feeding the volunteers/paramilitaries.

- (7) The Information Service of the SSNO in its "*Bulletin, Nr 110*" and "*Bulletin Nr 113*" of 03 and 06 December 1991 reported about the operations of local Serb TO units in Western Slavonia:

Operations against the Western Slavonia Territorial Defence units hardly ever ceased. Targeted are both units and even entire villages in the northern part of Western Slavonia.

The following has been reported from the Western Slavonia Territorial Defence HQ: The Ustasha were more aggressive in all parts of the territory in the course of yesterday (Sunday, 01 December) than earlier. Artillery and mortar fire was opened from the direction of the villages of Slatina and Mikleuša.<sup>141</sup>

The Banja Luka Corps Command has seriously cautioned Croatia for its paramilitary forces still intensively attacking Corps units on the Western Slavonia front. According to a statement issued by the Banja Luka Corps Information Service, armed Croatian formations continue the offensive against the JNA and the Territorial Defence along the front this Corps is covering despite the fortnightly cease-fire.<sup>142</sup>

- (8) There was co-operation between the local Serb Territorial Defence in Western Slavonia and the SRS. The Podravska Slatina Municipal TO Staff on 12 October 1991 requested the SRS to send volunteers.<sup>143</sup> On 24 October 1991, Zoran RANKIĆ, "*Deputy Chief of the SRS War Staff*", informed the Podravska Slatina TO Staff that Radovan NOVAČIĆ was authorised "*on behalf of the SRS Volunteer units*" to co-ordinate with them.<sup>144</sup> Captain 1<sup>st</sup> Class Radovan NARANČIĆ, commander of the Okučani Municipal TO Staff, on 02 December 1991 send a request to the SRS War Staff in Belgrade for volunteers, including tank crews.<sup>145</sup> A

<sup>141</sup> Exhibit Nr B9753; ERN BCS 0054-5048-0054-5055, *Bilten*, Nr 110, Information Service of the Federal Secretariat for National Defence, 03 December 1991

<sup>142</sup> Exhibit Nr B9754; ERN BCS 0054-5067-0054-5071, *Bilten*, Nr 113, , Information Service of the Federal Secretariat for National Defence, 06 December 1991

<sup>143</sup> Exhibit Nr B9755; ERN BCS 0116-9412; Eng L009-6742, Request for help in manpower, Municipal TO Staff Podravska Slatina, 12 October 1991

<sup>144</sup> Exhibit Nr B9756; ERN BCS 0116-9431; ERN Eng L009-6747, Letter of Authority, Zoran RANKIĆ, 24 October 1991

<sup>145</sup> Exhibit Nr B9757; ERN BCS 0116-9454-0116-9455; Eng 0307-1388-0307-1389, Request for Volunteers, Captain 1<sup>st</sup> Class Radoslav NARANČIĆ, 02 December 1991

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stamped list of volunteers of the SRS on leave, issued by the TO Municipal Staff Podravska Slatina and dated 9 December 1991, shows the relationship between the local Serb TO and these volunteers originating from Serbia. The list is signed by (JNA) Captain 1<sup>st</sup> Class Rajko BOJČIĆ, commander of the Municipal TO HQ in Podravska Slatina.<sup>146</sup>

b. Eastern Slavonia - Baranja and Western Sirmium (SBWS)

- (1) The local Serb TO in SBWS was until 9 October 1991 subordinated to the local Serb MUP, under the command of Radovan STOJIČIĆ<sup>147</sup>, who later became the Deputy/Assistant Minister of Interior of the Republic of Serbia<sup>148</sup>. From 9 October 1991 onwards, the Ministry of Defence of the SAO took over a number of responsibilities in relation to the TO:

The Ministry of Defence shall perform state administration tasks related to the following: the organisation, preparation and realisation of defence, the performance of specialist and other tasks for leading the people's resistance in wartime and the implementation of the plan of defence of the Serbian District of Slavonia, Baranja and Western Srem, as well as the mobilisation of organs, organisations and companies for carrying out the tasks in wartime, the organisation and the functioning of the Territorial Defence and civil protection, training for defence, arranging the territory for defence and other tasks as determined by law.<sup>149</sup>

- (2) The "Great Assembly of the Serbian District of Slavonija, Baranja and Western Šrem" on 10 October 1991 adopted a decision to attach the TO of SBWS to the Armed Forces of SFRY.<sup>150</sup>

DECISION

<sup>146</sup> Exhibit Nr C4193; ERN BCS 0200-8671-0200-8671; Eng 0301-8858-0301-8859, List of SRS volunteers on leave, signed by Captain 1<sup>st</sup> Class Rajko BOJČIĆ, 19 December 1991

<sup>147</sup> Already Tendered by the Prosecution as Exhibit 466 Tab 12, Exhibit Nr C4117; ERN BCS 0063-6946-0063-6946; Eng 0064-1702-0064-1702, Certificate by TO HQ SBWS, signed by STOJIČIĆ, 13 December 1991

<sup>148</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 20, Exhibit Nr C3971; ERN BCS 0207-6696-0207-6697; Eng L005-5590-L005-5592, Letter from Dragan LALIĆ, Secretary of the Interior of the RSK, Vukovar, to the Ministry of the Interior of the RSK in Knin, 3 August 1992

<sup>149</sup> Exhibit Nr B9758; ERN; BCS 0060-0629-0060-0631; Eng 0061-4518-0061-4520, Official Gazette of the Serbian District of Slavonia, Baranja and Western Srem, Law on Provisions, Basic Provisions, 19 December 1991, Art 6

<sup>150</sup> Exhibit Nr B9759; ERN BCS 0333-2410-0333-5746; Eng , Official Decision of the Great Assembly of the Serbian District of Slavonija, Baranja and Western Srem, Official Gazette of the SAO SBWS, Nr 1, Beli Manastir 09 October 1991

On attaching the Srpska District of Slavonija, Baranja and Western Srem TO to the SFRY Armed Forces.

Article 1.

By this decision, the Srpska District of Slavonija, Baranja and Western Srem TO is to be attached to the SFRY Armed Forces and will become its composite part.

Article 2.

The Government of the Srpska District of Slavonija, Baranja and Western Srem are authorised to, in agreement with the Federal Secretariat of the National Defence, take all measures in order to implement this Decision.

Article 3.

This Decision comes into effect on the day it is passed and will be published in the "Official Gazette" of the S.O. /Srpska District/ of Slavonija, Baranja and Western Srem.

No: 22/91

Beli Manastir, 09-Oct-91

THE GREAT PEOPLE'S ASSEMBLY  
PRESIDENT  
KONČAREVIĆ, Ilija, s.r. /personally/

(3) During the operations around Vukovar and their aftermath, the local Serb TO, as well as Serbian volunteers and paramilitaries, including Arkan's Tigers, operated under JNA command and control.

(a) Colonel-General PANIĆ, commander of the 1st MD (and from September 1991 on, commander of all SFRY ground forces operating in SBWS) indicated during his interview for the BBC "*Death of Yugoslavia*", when discussing the operations in the Vukovar area, that:

"All these formations - Arkan Tigers, ŠEŠELJ'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>151</sup>

(b) The Strictly Confidential Order Nr 106-1, dated 15 October Nr. 235-1, issued by Colonel Mile MRKŠIĆ, Commander of OG "JUG" (SOUTH), on 29 October 1991, on the "*continuation of the assault*

<sup>151</sup> Already tendered by the Prosecution as Exhibit 596 Tab 14; Exhibit Nr B9736; ERN Eng V000-4026-V000-4026, Copy video tape of unedited interview of former VJ General Zivota PANIĆ conducted by the Brooke Lapping company, for the BBC "The Death of Yugoslavia", 4 and 5<sup>th</sup> October 1994

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operation Vukovar“ lists the Leva Supoderica and Petrova Gora units among the units under his command, in the Assault Detachment 1.<sup>152</sup>

2. UNITS' TASKS:

JOd-1 (Assault Detachment) structure: 1. mtb (Motorised Battalion); 1-3/2. bVP (Military Police Battalion), Od (Detachment) Leva Supoderica; Od (Detachment) Petrova Gora, volunteers Company Novi Sad, 1 tank M-84; 1/1 pionč (Combat Engineer Company); part of the TO units from the current area extend the attack and with the co-operation of JOd-2 (Assault Detachment) by the insertion or the forces break apart Ustasha forces in the settlements of “Cvetno” and “Pionirsko”; emerge to the 1. Maja Street, then with co-operation with 3./211 okbr (Armoured Brigade) extend the attack with main forces in the area of 1. Maja Street and by supporting break apart the Ustasha forces in the area of “6 Proleterske divizije settlement.”<sup>153</sup>

- (c) The War Diary of the 1 Guards Motorised Brigade (gmtbr) covering the 01 October to 21 November 1991 timeperiod has the following entry for 06 November 1991:

|  |  |                          |  |
|--|--|--------------------------|--|
| Negoslavci village, 1030 hours, 6 November | The Commander of the JOd-1 reported that he had a problem with engagement of some forces in combat (misunderstanding between members of volunteer units – the ŠEŠELJ's men and members of the TO). | signed: Major TRIFUNOVIĆ | The Commander of the OG Jug ordered the JOd-1 to call the officer and resolve the problem. |
|--|--|--------------------------|--|

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- (d) The OG South Regular Command Report, Strictly Confidential Nr. 402-1, dated 15 November 1991, addressed to the Command of the 1<sup>st</sup> MD and the SSNO, has the following entry for “losses suffered in the course of the day”:

1. In the course of the day we had the following losses:
  - a/ Gmtbr (Guard Motorised Brigade):
  - ....
  - b/ Other units:

<sup>152</sup> According to the JNA Military Lexicon, 1981 (Exhibit Nr K2461; ERN BCS 0400-2219-0400-3347) Assault Detachment (JOd) – an element of combat formation of joint tactical units in the attack on heavily fortified positions or on larger settlements, in order to take control of fortified facilities. It is of temporary composition, a company to battalion strong, supported by armoured combat vehicles, engineers, artillery and communication equipment. It operates jointly or by assault groups.

<sup>153</sup> Already tendered by the Prosecution as Exhibit 387 Tab 31, Exhibit Nr C5443; ERN BCS 0119-2667-0119-2669; Eng ET 0119-2667-0119-2669, Order by OG "South" strictly confidential no. 235-1, Mile MRKŠIĆ, 29 October 1991

<sup>154</sup> Exhibit Nr B9760; BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, War Diary, 1 gmtbr, 01 October – 21 November 1991, at L010-0531

- killed 3. (1. Volunteer member of ŠEŠELJ's party Dragoslav ŽIVKOVIĆ from Leskovac)<sup>155</sup>

- (e) The Information Service of the SSNO in its "Bulletin Nr 80" of 19 November 1991 - a few days prior to the fall of Vukovar- carried the following report:

*Communication of the First Army District Information Service (17 November 1991)*

In the course of the day, the units of the Yugoslav People's Army, acting jointly with the Territorial Defence Units and the Volunteer Formations, responded to the armed provocations of Croatian armed formations, thus preventing their co-ordinated action, and have taken control of practically the whole of Vukovar.<sup>156</sup>

*Communication of the Novi Sad Corps Information Service (17 November 1991)*

After several days of fierce fighting, the Novi Sad Corps units, along with the territorial defence and volunteers freed Borovo and Borovo Naselje yesterday.<sup>157</sup>

*Communication of the First Army District Information Service (17 November 1991)*

In the course of the day, the units of the Yugoslav People's Army, acting jointly with the Territorial Defence units and Volunteers Formations, responded to armed provocations of Croatian armed formations.<sup>158</sup>

- (f) A request for promotion of "warriors" sent by the Vukovar (local Serb) TO Municipal Staff, and signed by "Četnik Commander" Slobodan KATIĆ, shows the links between the Vukovar TO, including the Leva Supoderica detachment, and the SRS and its "Četnik" volunteers.<sup>159</sup> Among the aforementioned "warriors" figured Miroljub VUJOVIĆ, Commander of the TO in Vukovar<sup>160</sup>, and Stanko VUJANOVIĆ, chief of the Vukovar TO<sup>161</sup>. In Spring 2003, the MUP Serbia 2003 opened

<sup>155</sup> Exhibit Nr B9751; ERN BCS 0327-1235-0327-1236; Eng ET 0327-1235-0327-1236, OG South Regular Command Report, Strictly Confidential Nr 402-1, 15 November 1991

<sup>156</sup> Exhibit Nr B9761; ERN Eng 0054-5419-0054-5426, *Bulletin*, Nr 80, Information Service of the Federal Secretariat for National Defence, 19 November 1991, at 0054-5423

<sup>157</sup> Exhibit Nr B9761; ERN Eng 0054-5419-0054-5426, *Bulletin*, Nr 80, Information Service of the Federal Secretariat for National Defence, 19 November 1991, at 0054-5425

<sup>158</sup> Exhibit Nr B9761; ERN Eng 0054-5419-0054-5426, *Bulletin*, Nr 80, Information Service of the Federal Secretariat for National Defence, 19 November 1991

<sup>159</sup> Already Tendered by the Prosecution as Exhibit 458 Tab 20, Exhibit Nr B8894; ERN BCS 0116-9410; ERN Eng 0307-1275, Request TO Vukovar Municipal Staff, 9 December 1991

<sup>160</sup> Already Tendered by the Prosecution as Exhibit 458 Tab 20, Exhibit Nr B8894; ERN BCS 0116-9410; Eng 0307-1275

<sup>161</sup> Already Tendered by the Prosecution as Exhibit 458 Tab 20 See ERN BCS 0116-9410; Eng 0307-1275

criminal proceedings against VUJOVIĆ, VUJANOVIĆ and 4 others for their alleged involvement in “*the commission of a war crime against prisoners of war under Article 144 of the Criminal Code of the FRY*” (Ovcara killings).<sup>162</sup>

(g) According to the OG South Strictly Confidential Report Nr 464-1 of 21 November 1991, which was sent to at least eight addressees, including the Commander of the “*Šešeljevci Volunteers Detachment*” and the “*Commander of the TO Vukovar*”, the Leva Supoderica detachment remained subordinated to OG South until the course of 21 November 1991<sup>163</sup>. Order 464-1 stipulated that Leva Supoderica would become subordinated to the 12<sup>th</sup> Motorised Brigade (of the 12<sup>th</sup> Novi Sad Corps) in the course of 21 November 1991. According to the same order, “*Vukovar TO units were to be re-subordinated to the 80<sup>th</sup> Motorised Brigade and continue with their assigned tasks*”.<sup>164</sup>

(h) Video footage of the speech of General Andrija BIORČEVIĆ, Commander of the 12th JNA Novi Sad Corps and of OG North, praising ARKAN's role during the Vukovar campaign, shows the co-operation between JNA OG North and the ARKAN Tigers during operations. According to the transcript, BIORČEVIĆ stated:  
“That was the greatest contribution of ARKAN's volunteers. Some people say that I conspire with paramilitary formations. These are not paramilitary formations; they are people who came voluntarily to fight for the Serbian people... We surround a village, they enter it, kill those who refuse to surrender and we go on.”<sup>165</sup>

(i) During a press interview, end of November 1991, Captain Miroslav RADIĆ, commander of an infantry company in the 1<sup>st</sup> battalion of the 1<sup>st</sup> Guards Motorised Brigade (gmtbr), described the situation as follows:

<sup>162</sup> Exhibit Nr B9762; ERN BCS 0294-2905-0294-2913; Eng L010-2931-L010-2944, MUP Application for opening of Criminal Proceedings, 23 May 2003

<sup>163</sup> This means until after the killings in Ovcara which took place during the night of 20/21 November 1991 (Case IT-95-13/1)

<sup>164</sup> Exhibit Nr B9763; ERN BCS 0340-5685-0340-5685; Eng ET 0340-5685-0340-5685, Order Strictly Confidential Nr 464-1, Colonel Mile MRKŠIĆ, 21 November 1991

<sup>165</sup> Exhibit Nr C4153; ERN BCS/Eng 0062-2146-0062-2147, Transcript of speech by General Andrija BIORČEVIĆ on TV-Beli Manastir, 01 January 1992

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“At one point, there were about 500 people of different nationalities and with different party affiliations in the company which I commanded. There were active servicemen, volunteers, reservists, Chetniks and Serbian volunteers. I had to unite them under one command to ensure success”.<sup>166</sup>

RADIĆ also stated that he had authority over the local Serb TO and that the "*Leva Supoderica*" Regiment was "*if I could put it that way, sponsored by ŠEŠELJ's SRS*"<sup>167</sup>.<sup>168</sup>

- (j) Branislav VAKIĆ, a former “Četnik Vojvoda”<sup>169</sup>, stated the following about the relations between his “Četnik” group and the JNA during the Vukovar campaign.

When the first incidents from the Croatian side and their attacks on Serbian villages in Slavonia began, Serbian volunteers and Četniks set out there at the invitation of the Territorial Defence and the Serbian people. We were called to Borovo Selo by the late Vuksan SOSKOČANIN" and there we got "Thompson" weapons from the then JNA. In the beginning of November 1991 we, the Serbian Četniks, entered Vukovar via Negoslavci at the invitation of the JNA, That is when, from a Major of the then JNA, Veselin ŠLJIVANČANIN, we weapons and we co-operated with him, that is with the Yugoslav Army.

After the liberation of Vukovar we set out for Western Slavonia. There, my volunteers and Četniks got weapons with the personal knowledge of the commander in Western Slavonia, General UZELAC.<sup>170</sup>

In a letter, sent on 09 November 1991 by Ljubiša PETKOVIĆ from the SRS War Staff to the Commander of the Leva Supoderica Detachment of the Vukovar TO, PETKOVIĆ recommended Branislav VAKIĆ to be appointed commander of the volunteers platoon from Niš, Leskovac and surroundings.<sup>171</sup>

<sup>166</sup> Exhibit Nr C3633; ERN BCS/Eng 0059-3913-0059-3917" *Kapetan Miroslav Radić: Rat mi se ogadio*", interview with Captain Miroslav RADIĆ, "*Intervju*" 29 November 1991

<sup>167</sup> SRS: srpska radikalna stranka (Serbian Radical Party)

<sup>168</sup> Exhibit Nr C3633; ERN BCS/Eng 0059-3913-0059-3917" *Kapetan Miroslav Radić: Rat mi se ogadio*", interview with Captain Miroslav RADIĆ, "*Intervju*" 29 November 1991

<sup>169</sup> Vojvoda: "Duke" rank within the Serbian Četnik Movement (srpski četnički pokret), based on traditions from WW II. In 1991, issued on the basis of certain criteria by the SRS

<sup>170</sup> Exhibit Nr C4161; ERN Eng 0068-1955-0068-1958, Interview with Branislav VAKIĆ, *Telegraf*, 28 September 1994

<sup>171</sup> Already Tendered by the Prosecution as Exhibit 458 Tab 9 Exhibit Nr ; ERN BCS 0116-9457-0116-9457; Eng L009-6649-L009-6650, Letter from Commander SRS War Staff to Commander Leva Supoderica detachment, 09 November 1991

**Section THREE: JNA (VJ)<sup>172</sup> and Serbian Support to the local  
Serb Defence Structures in Croatia**

**1. Introduction**

- a. This section demonstrates the various aspects of the support that SFRY and/or Serbia in general, and the JNA in particular provided to the local Serb defence structures in Croatia between 1991 and 1995.
- b. The local Serb forces, consisting of MUP and SAO (later RSK) TO, and subsequently the SVK, relied heavily on the support that was provided by SFRY, Serbia and the JNA. The organised character of this support and its extent (in nature, size, duration, etc.) indicate that the assistance provided by the JNA, was authorised and endorsed by the highest (political) command levels in Serbia and the SFRY.
- c. The SSNO and the JNA<sup>173</sup> (VJ) General Staff (and its subordinate commands and organs) were responsible for the planning, establishment, and (re)structuring of the TO of the SAO Krajina, and its transformation into the RSK TO and subsequently the SVK.
- d. Retired and active duty JNA (and later VJ) officers served in the local Serb defence structures. These officers remained JNA officers (payment of salaries, promotions, loyalty, etc.) and were compensated for the time spent in the local Serb defence structures. These reassignments continued even after Croatia had become independent. In the course of 1993, a separate office, the 40<sup>th</sup> Personnel Centre, was established within the Personnel Department of the General Staff of the VJ, to administer these officers. The local Serb defence structures depended heavily on the JNA (VJ) for the fulfilment of their logistical needs. The General Staff of the JNA (VJ) played a leading role in organising and providing logistical support and supply.

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<sup>172</sup> With the declaration of the FRY on 27 April 1992, the JNA was transformed into the VJ (Vojska Jugoslavije) (May 1992)

<sup>173</sup> SFRY Armed Forces



- e. The JNA (VJ) continued to provide assistance to the RSK TO (and subsequently SVK) after the withdrawal of the JNA from Croatia between March-May 1992 under the VANCE plan, and the recognition by the UN of Croatia on 18 May 1992. SVK Daily Combat Reports continued to be sent to the FRY Supreme Defence Council, at the attention of Slobodan MILOŠEVIĆ, President of Serbia and the CGS of the VJ, Lieutenant General Momčilo PERIŠIĆ, personally. VJ and SVK also closely and systematically co-ordinated their activities.

## 2. General

SFRY/Serbia assistance to the Serbs in Croatia comprised the following aspects:

- a. Direct involvement of the Serbian political leadership;
- b. JNA (VJ) assistance in the organisation and planning of the local Serb TO (and subsequently the Serbian Armed forces of Krajina "SVK" );
- c. Personnel Support;
- d. Training;
- e. Logistical Support (including arming);
- f. Intelligence Support

These aspects will be discussed in detail hereunder

## 3. Direct involvement of the Serbian political leadership

- a. The ten page detailed request for ammunition and other military equipment, Milan MARTIĆ, Minister of Defence of the RSK, sent on 18 September 1991, to his Serbian counterpart, Lieutenant-General Tomislav SIMOVIĆ provides information on the role of the Ministry of Defence of Serbia in the provision of supplies to the RSK TO.

Request for necessary ammunition and other military equipment

REPUBLIC OF SERBIA

MINISTRY OF DEFENCE – BELGRADE

(To the Minister, Lieutenant General Tomislav SIMOVIĆ, personally)

In reference to your telegram confidential no. 5-259 of 12 September 1991, we hereby forward you the list of items needed by SAO Krajina. The list of ammunition was compiled on the basis of weapons we have at the moment, calculating four

/combat sets/ of ammunition per weapon. In addition, many staffs have submitted requests for necessary weapons, which we enclose. Also enclosed please find a request for other necessary military equipment we need.<sup>174</sup>

The request contained a detailed break down of ammunition, weapons and other military equipment needed per TO unit.

- b. On 12 November 1992, a meeting on defence matters between representatives of Serbia and the RSK was attended by Slobodan MILOŠEVIĆ, President of Serbia, and the RSK leadership. The Minister of Defence of the RSK, Stojan SPANOVIĆ, took the minutes of the meeting and subsequently forwarded them to the Serbian Ministry of Interior.

OFFICIAL NOTE FROM THE TALKS  
BETWEEN REPRESENTATIVES OF THE  
RSK GOVERNMENT AND PRESIDENT  
SLOBODAN MILOŠEVIĆ

On 12 November 1992 a meeting was held, hosted by the President of the Republic of Serbia, between representatives of the RS Krajina and the Government of the Republic of Serbia, which was attended by the following persons: from the Republic of Serbia: President Slobodan MILOŠEVIĆ, Prime Minister Radoman BOŽOVIĆ and the Governor of the National Bank of Serbia and from the RSK President Goran HADŽIĆ, Prime Minister Zdravko ZEČEVIĆ, Minister of the Interior Mile MARTIĆ, Minister of Defence Stojan ŠPANOVIĆ, Finance Minister Vojin PEURAČA and Deputy Prime Minister Boško BOŽANIĆ.

At the meeting, the mode of financial assistance to the Krajina until the end of the year was agreed.

Regarding defence, the question of an outline creating the RS Krajina's army and its financing was brought up.

The President, Mr. MILOŠEVIĆ, agreed to the concept of creating a defence system of the Krajina which would be based on about 23,000 people in the police, of whom 5,000 in the regular force and 18,000 in brigades which would make up the peacetime core of the army and provide security for the borders of the Krajina. The view is that this number should not be reduced and that a manner and system of financing need not to be found as this number of men should remain in the standing force as the professional part of the Army. It was accepted that the planning of funds

<sup>174</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 76 Exhibit Nr C4281; ERN BCS 0207-7593-0207-7602; Eng 0301-9255-0301-9266, Request for Necessary Ammunition and Other Military Equipment, Milan MARTIĆ, 18 September 1991

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for Army and police needs should begin immediately as was done in 1992, via the RSK Ministry of Defence and the Ministry of Defence of the Republic of Serbia.

President MILOŠEVIĆ said that funds for maintaining equipment should be planned via the Army of Yugoslavia, that he would help in the implementation of this and that the Army of Yugoslavia should finance the active officers and civilians who stayed behind in the Krajina. All other defence finance needs should be planned via the Ministry of Defence. It was agreed to begin the planning of these funds immediately, so that this process could be completed on time.

The problem of obtaining the funds planned for this year was brought up at the meeting, since the Ministry of Defence of the Republic of Serbia, has insufficient funds.

The Prime Minister of the Republic of Serbia was asked to intervene so that these funds should be transferred and he agreed to do so.

Based on the positions thus taken, I ask the Ministry of Defence of the Republic of Serbia to plan the funds necessary to finance the defence of the RS Krajina in 1993 and to ensure the inflow of funds for this year, as follows: 200,000,000 until the end of the month and 150,000,000 by 5 December 1992.<sup>175</sup>

According to these minutes, Slobodan MILOŠEVIĆ, as President of Serbia, had 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.

- c. Milan MARTIĆ the then minister of Interior of the RSK, and Major-General Mile NOVAKOVIĆ, CGS of the SVK, on 09 June 1993 addressed the following letter, Nr 38-691, "*indicators of Aggression against RS Krajina*", to Slobodan MILOŠEVIĆ, President of Serbia:

Dear Mr. President,

Having assessed the military and political situation in the RSK /Republic of Serbia/ Krajina/ as very complex, we feel obliged to inform you about it and ask you to use your authority and position in order to improve the situation.

...

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<sup>175</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 9 Exhibit Nr C2449; ERN BCS 0207-7285-0207-7285; Eng 0301-8377-0301-8378, Official record of a conversation of RSK representatives with Slobodan MILOŠEVIĆ, 12 November 1992

The SRJ Army (VJ) failed to meet its obligations regarding the required ammunition and spare parts.

We hereby ask you to do the following:

- Exert pressure on the General Staff of the Yugoslav Army to provide us with the required ammunition, spare parts and other equipment.
- The General Staff of the Yugoslav Army should send the requested officers to the RSK.

It is worth noting that we have sent these requests to the Chief of the Yugoslav Army General Staff/, but they are being fulfilled slowly or not at all.

Hoping for your assistance,

Yours sincerely,

COMMANDER

Major General

Mile NOVAKOVIĆ

/signed and stamped: /

Republic of Serbian Krajina

Serbian Army Main Staff

MINISTER

Milan MARTIĆ

/signed and stamped: /

Republic of Serbian Krajina

Ministry of the Interior

Knin<sup>176</sup>

- d. MILOŠEVIĆ's status is also shown by the fact that requests for assistance intended for the Federal authorities and the JNA (VJ), were directly addressed to him, personally. In June 1993, Goran HADŽIĆ, President of the RSK, sent a letter to MILOŠEVIĆ to request his assistance towards solving the personnel and logistic problems of the SVK. The letter specifies a broad range of areas where the SVK requires support and assistance.

REPUBLIC OF SERBIAN KRAJINA  
OFFICE OF THE PRESIDENT OF THE REPUBLIC  
03-9-171/1-93

Meeting the requests of the commanders  
of the Serbian Army of Krajina /SVK/.

TO THE PRESIDENT OF  
THE REPUBLIC OF SERBIA

Dear Mr. MILOŠEVIĆ,

We wish to draw your attention to some issues that we are unable to solve on our own and that present a pressing problem for the Serbian Army of Krajina.

<sup>176</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 23 Exhibit Nr C4236; ERN BCS 0207-7288-0207-7289; Eng 0302-0859-0302-0861, Letter by Milan MARTIĆ and Major-General Mile NOVAKOVIĆ to Slobodan MILOŠEVIĆ, Nr 38-691, "Indicators of Aggression Against RS Krajina", 09 June 1993

The problem concerns the requests of the SVK for personnel, primarily officers originating from the territory of the RSK. Lower-rank officers are needed the most, to perform the duties of commanders. Due to the establishment of military courts and military prosecutor's offices, officers with a degree in law are also needed for the posts of military judges and military prosecutors.

Assistance in the maintenance of our weapons and the procurement of ammunition, lubricants and fuel is also very important. The quantities we have received from the VJ are not sufficient for the normal logistical support of war operations, despite our efforts to use them economically. We are running out of spare parts for the numerous damaged equipment and materiel. We are unable to pay for the mid-term repairs and overhauls that would be carried out by VJ repair depots.

Artillery ammunition supplies are at a minimum and the quantity of fuel and lubricants available for combat operations will only last for several days.

These problems were last mentioned by SVK Main Staff representatives, led by the Commander, at the meeting held at the VJ General Staff on 24 May 1993.

Please do what you can within your competence to meet at least some of our requests that were specified to the VJ General Staff, as soon as possible.

We believe that you will understand the reasons for our urgent request, especially now that we expect the expansion of the Croatian aggression, about which we have reliable information.<sup>177</sup>

- e. HADŽIĆ's and MARTIĆ's letters to MILOŠEVIĆ demonstrate that the RSK political and military structures relied heavily on the support provided by the organs and individual agents of the Serbian and (S)FRY governments. They also show that the RSK leadership considered Slobodan MILOŠEVIĆ, President of Serbia, as a person to have influence. Goran HADŽIĆ and Milan MARTIĆ perceived MILOŠEVIĆ's to have a willingness and ability to help them.

**4. SSNO and JNA (VJ) assistance in the organisation and planning of the local Serb TO (and subsequently the Serbian Armed forces of Krajina (SVK))** ↘

- a. On 10 October 1991, Milan BABIĆ, President of the 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>178</sup> BABIĆ's report contained the following requests for additional assistance from the JNA:

REQUESTS:

1. Urgently replenish Staffs and commands at all levels with active officers.
2. Resolve the status of TO members in the same way as the status of JNA members is resolved.
3. Unify the logistical support of JNA and TO units.
4. Precisely define the limits of JNA units' responsibility, in relation to that of TO units, especially in the fields of command and control, replenishment and engagement.
5. Undertake immediate measures for the supply of communications equipment and execute them as soon as possible (a list of the communications equipment needed has been given to the Ministry of the SR /Socialist Republic/ of Serbia).
6. There is a request for the zone of the 9<sup>th</sup> Corps to be extended to Lika.
7. Resolve the problems and demands of the SAO Krajina more efficiently and operationally.

- b. Colonel Petar TRBOVIĆ<sup>179</sup>, Commander of the 2<sup>nd</sup> Lika Brigade, on 12 November 1991 informed The Ministry Of Defence of the SAO Krajina of the following:

Comrade MARTIĆ,

The Federal Department for the People's Defence (SSNO) ordered me to come, together with a group of superiors, on the specific day to Vrhovine and to make preparations for establishing the 2nd Lika's Brigade of the 6th Lika's Division that will take over the commanding from the Territorial Defence and that will combine activities of all structures on this territory.

...<sup>180</sup>

<sup>177</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 5 Exhibit Nr C584; BCS 0106-1362-0106-1364-; Eng L004-4279-L004-4285, Stamped letter Nr 03-9-171/1-93 from RSK President HADŽIĆ to the President of Serbia, Slobodan MILOŠEVIĆ, 24 June 1993

<sup>178</sup> Already Tendered by the Prosecution as Exhibit 351 Tab 74, Exhibit Nr C4183; BCS 0207-7936-0207-7938; Eng 0303-1785-0303-1787, Report by Dr BABIĆ on the SAO Krajina TO, 10 October 1991

<sup>179</sup> TRBOVIĆ was a JNA officer who stayed in the RSK after the withdrawal of the JNA (see ERN BCS 0207-8188)

<sup>180</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 14 Exhibit Nr C4187; ERN BCS 0201-1636-0201-1636; Eng 0201-1635-0201-1635, Strictly Confidential letter nr 1/10, Petar TRBOVIĆ, 12 November 1991

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- c. On 27 February 1992, General Blagoje ADŽIĆ, CGS of the JNA and acting SSNO, released order Nr 892-1 (Strictly Confidential) on the Establishment of Staffs and Units of the Territorial Defence of the Republic of Serbian Krajina.<sup>181</sup> This 17-page document contained a detailed overview of the peacetime and wartime organisational structure for the TO of the RSK, including the Main Staff, Zone TO Staffs, TO Brigades, down to the Municipal TO Staff level, that had to be adopted. ADŽIĆ issued an additional order, Strictly Confidential Order Nr 1349-1 on 24 March 1992<sup>182</sup>. Strictly Confidential 1943-1, dated 28 April 1992<sup>183</sup>, dealt with the establishment of “Milicija”<sup>184</sup> Brigades in the RSK.
- d. The JNA and SSNO not only determined the structure of the SAO Krajina TO, but also prepared the Standing Operating Procedures (SOP) and other regulations for the SAO Krajina (and later RSK) TO. SSNO III Administration, Top Secret document Nr 116-1, dated 12<sup>th</sup> March 1992, contained the SOP’s for TO HQ and unit’s mobilisation and demobilisation.<sup>185</sup>
- e. Mile NOVAKOVIĆ, Commander of the SVK, on 27 November 1992 issued Order Nr 947-23/1 for the “*Reorganising the Territorial Defence and the Special Police into the Serbian Army of the Republic of Serbian Krajina*”. This order contained detailed information for the transformation of the RSK TO into the SVK.<sup>186</sup> With regard to personnel issues, the order mentions that officers will be replenished by “*taking in limited-term contracts, engaging for a limited term professional officers from the FRY Army who were born in the*

<sup>181</sup> Exhibit Nr C4172; ERN BCS 0207-7072-0207-7088; Eng L005-3394-L005-3414, Strictly Confidential Orders Nr 892-1 and 1349-1 signed by Colonel-General Blagoje ADŽIĆ, 27 February and 24 March 1992

<sup>182</sup> Exhibit Nr C4172; ERN BCS 0207-7072-0207-7088; Eng L005-3394-L005-3414, Strictly Confidential Order Nr 892-1 and 1349-1 signed by Colonel-General Blagoje ADŽIĆ, 27 February and 24 March 1992

<sup>183</sup> Exhibit Nr C4215; ERN BCS 0201-1673-0201-1677; Eng 0201-1671-0201-1672, SSNO Order Strictly Confidential 1943-1, 28 April 1992

<sup>184</sup> The “Milicija” was the police force of the RSK. The fact that ADŽIĆ issues orders for the Milicija is probably related to the implementation of the VANCE plan, according to which the TO had to be demobilised, and the RSK could keep a police force

<sup>185</sup> Exhibit Nr C4207, ERN BCS 0201-1648-0201-1658; Eng 0201-1637-0201-1647, SSNO Document Top Secret Nr 116-1, *SOP for TO HQ and units mobilisation and demobilisation of the units*, Lieutenant Colonel-General Ljubomir DOMAZETOVIĆ, 12 March 1992

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RSK". The order also stipulated that during the truce period, related to the VANCE Plan, the SVK shall be organised as and shall carry out the duties of the regional police.

- f. These orders demonstrate the role of the SSNO and the JNA (VJ) General Staff (and its subordinate commands and organs) in the planning, establishment, (re)organisation and functioning of the TO of the SAO Krajina, and its transformation into the RSK TO and the SVK.
- g. Regular combat reports illustrate that the assistance to set up the local Serb defence structures was not limited to the SSNO or JNA General Staff, but that this kind of support was also provided at JNA unit level. In the 9<sup>th</sup> Corps Strictly Confidential regular Combat Report Nr. 4-907 for 26 February 1992, sent to the Operations Centre of the Forward Command Post of the 2<sup>nd</sup> Military District, Major-General Ratko MLADIĆ, the 9<sup>th</sup> Corps Commander<sup>187</sup> mentions under "*Commander's Intentions*" that he has decided to:

Continue to assist the Territorial Defence Staff and the MUP of the Republic of Serbian Krajina in carrying out organisational and establishment changes, and in equipping Territorial Defence and MUP units.<sup>188</sup>

2<sup>nd</sup> MD Duty Operations Team Daily Combat and Operations Reports and 2<sup>nd</sup> MD Logistics Reports for Spring 1992 confirmed the close involvement of its subordinate units in the formation of the RSK TO and MUP.

For example:

2<sup>ND</sup> MILITARY DISTRICT COMMAND  
DUTY OPERATIONS TEAM  
Strictly confidential no. 10/36-2321  
18 April 1992

Send to: GŠ OS SFRJ  
- 2<sup>nd</sup> Military District Command at RKM /Reserve Command Post/

COMBAT AND OPERATIONS REPORT

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<sup>186</sup> Exhibit Nr B9765: ERN BCS 0207-6245-0207-6261; Eng 0301-8353-0301-8367, *Reorganising the Territorial Defence and the special units of the police into the Serbian Army of the RSK*, Major-General Mile NOVAKOVIĆ, 27 November 1992

<sup>187</sup> Ratko MLADIĆ was COS of the 9<sup>th</sup> JNA Corps from 31 July until December 1991. MLADIĆ was promoted Major-General on 08 October 1991. In December 1991, MLADIĆ became commander of the 9<sup>th</sup> Corps.



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9<sup>th</sup> Corps

Assistance has been offered to the GrŠTO /Town Territorial Defence Staff/ and the RSK MUP in the formation of TO and MUP units.<sup>189</sup>

Another example:

2<sup>ND</sup> MILITARY DISTRICT COMMAND  
Strictly confidential no. 10/36-2500  
26 April 1992

To: OC GŠ OS SFRY /Operations Centre, General Staff, Armed Forces of the Socialist Federative Republic of Yugoslavia/ - FOR LOGISTICS SECTOR

Logistics report - OP 66

Types of support

a) Technical support

The focus has been on providing TOB /technical support/ to units engaged in areas of combat operations, re-supplying units of the Republic of Serbian Krajina TO with TMS /equipment and materiel/, and preparing the TMS for relocation to safer areas. 45 TAM 110 T-7BV /trucks/ have been delivered to the units of the RS Krajina police: 20 pieces to Knin, 12 pieces to Benkovac and 13 pieces to Petrinja.<sup>190</sup>

## 5. Personnel Support

- a. Already in 1991, measures were taken to allow the JNA to help alleviate the manpower problems (in particular in commanding and other vital positions), the local Serb TO in Croatia was confronted with.

(1) In September 1991 orders were issued to transfer JNA personnel to the SAO Krajina TO. Confidential order Nr 24-175 dated 20 September 1991 and signed by Major General Gojko KRSTIĆ, Head of the Personnel Department of the SSNO, contained the names of 10 senior officers, as well as junior officers and NCO's who are transferred from the JNA to the TO of the Republic of Serbian Krajina.<sup>191</sup>

<sup>188</sup> Exhibit Nr C4202; ERN BCS 0207-6683-0207-6684; Eng L005-5340-L005-5343, Regular Combat Report, 9th JNA Corps, submitted by General MLADIĆ, COS 9<sup>th</sup> Corps, 27 February 1992

<sup>189</sup> Exhibit Nr B9766; ERN BCS 0018-4050-0018-4053; Eng 0190-1009-0190-1012, 2<sup>nd</sup> MD Duty Operations Team, Strictly Confidential Report Nr 10/36-2321, Colonel Petar SALAPURA, 18 April 1992

<sup>190</sup> Exhibit Nr C4583; ERN BCS 0106-5830-0106-5832; Eng 0190-9974-0190-9977, 2<sup>nd</sup> MD Strictly Confidential Nr 10/36-2500, Logistics Report OP 66, Colonel Dušan KAOVAČEVIĆ, 26 April 1992

<sup>191</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 4 Exhibit Nr C4181; ERN BCS 0201-1803-0201-1810; Eng, 0201-1794-0201-1802, Order Nr 24-175 of the Head of the Personnel Department of the SSNO, 20 September 1991

- (2) JNA Colonel Jovan TRBOJEVIĆ was on 20 September 1991 assigned to the Command of the “*Territorial Defence of the SAO Western Slavonia*”.<sup>192</sup>
- (3) On 5 December 1991, Major General Gojko KRSTIĆ, Head of the Personnel Department of the SSNO, signed the Order Nr 3681/321 for the assignment of an Air Defence Colonel to the Staff of the TO of the SAO Krajina.<sup>193</sup>
- b. On 05 December 1991, Borisav JOVIĆ, the acting Chairman of the SFRY Presidency, discussed the future of the JNA in Bosnia-Herzegovina with Slobodan MILOŠEVIĆ:

Sloba feels that we must withdraw all citizens of Serbia and Montenegro from the JNA in Bosnia-Herzegovina in a timely fashion and transfer citizens of Bosnia-Herzegovina to the JNA there in order to avoid general military chaos upon international recognition, caused by moving the military around from one part of the country to another. That will also create the possibility for the Serb leadership in Bosnia-Herzegovina to assume command over the Serb part of the JNA, just as the Muslims and Croats have already done. We immediately call up Veljko KADIJEVIĆ and ask him to join in the discussion. Sloba tells me, in simplified terms, that the military must be redistributed: everyone from Bosnia-Herzegovina to Bosnia-Herzegovina and vice versa, that such a move is strategically and politically necessary.<sup>194</sup>

- c. On 11 May 1992, one week before the UN Security Council adopted UNSCR 753 (18 May 1992), calling the UN General Assembly to admit Croatia to the United Nations, JNA Order Nr. 53-3 was issued by Lieutenant General Života PANIĆ, Chief of the General Staff of the SFRY Armed Forces. This order

<sup>192</sup> Exhibit Nr B9767; ERN BCS 0334-4080-0334-4080, Eng ET 0334-4080-4080, Strictly Confidential Order Nr 24-175, signed by Major-General Gojko KRSTIĆ, 20 September 1991

<sup>193</sup> Exhibit Nr C4384; ERN BCS 0106-0975-0106-0976; Eng ET 0106-0975-0106-0976, Order signed by Major General Gojko KRSTIĆ, 5 December 1991

<sup>194</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ “*Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992*” (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, 1995, entry for 05 Dec 1991

dealt with the transfer of JNA combat units from BiH. Order 53-3 was relevant for Croatia too as it contained a reference to the situation in the RSK.

On the basis of the entire situation on the territory of the Republic Bosnia and Herzegovina, and in accordance with the Decision of SFRY Presidency on the transfer of members of the JNA - citizens of the Federal Republic of Yugoslavia (FRY) from the territory of Bosnia and Herzegovina to the territory of FRY, and vice versa, I hereby ORDER

....

2. The officers, soldiers and civilians from the aforesaid units born in the territory of the Serb Republic Krajina or Bosnia and Herzegovina, or according to the plan of the Personnel Department of the SSNO are determined to replenish the TO and the police of the Serbian Republic Krajina or the Serb Republic in Bosnia and Herzegovina, will stay in the territory.

The deadline for the execution of the task is 15 May 1992 at the latest.<sup>195</sup>

- d. JNA (VJ) officers serving in the SVK, received different forms of compensation for their "*service under aggravating (special) circumstances*".<sup>196</sup>

(1) There are examples of JNA (VJ) Officers serving in the SVK who continued to be promoted according to the regulations that were valid in the JNA (VJ).<sup>197</sup> According to SFRY Presidency Certificate 4/28, Dušan KASUM, CGS of the TO of the RSK, was promoted to Major-General on 24 April 1992 by Branko KOSTIĆ, the Vice-President of the Presidency of the SFRY.

Order No 2/48

Presidency of the Socialist Federative Republic of Yugoslavia from 24 April 1992  
Based on the article 315, clause 6 of the Constitution of the Socialist Federative Republic of Yugoslavia ("Službeni list SFRJ" - The Official Papers of SFRY -, No. 174) and the articles 83 and 95 of the Law of Service in Armed Forces ("Službeni list SFRJ", No. 7/85, 20/89, 40/98 and 26/90) especially promoted to the rank of Major General: as Communications Colonel

<sup>195</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 15 Exhibit Nr C4217; ERN BCS 0201-1727-0201-1728; Eng 0201-1725-0201-1726, Order Nr. 53-3 by GŠ JNA, re: transfer of combat units, 11 May 1992

<sup>196</sup> Exhibit Nr C4802; ERN BCS 0201-1880-0201-1880; Eng 0201-1878-0201-1879 Document by ČELEKETIĆ, Military Post 4001 Belgrade, Nr 23/13-21, "*Decision to entitle Mile NOVAKOVIĆ compensation for performing duty under difficult circumstances*", 10 February 1995

4. - KASUM Obrad Dušan directed in war and peace to the duty of Chief of Staff of the Territorial Defence of the Republic of Serbian Krajina.<sup>198</sup>

(2) There are also examples of officers being allotted or other compensation for the time served in the SVK. This can be illustrated with the following documents related to Colonel Milan ČELEKETIĆ:

(a) Colonel Milan ČELEKETIĆ was on 12 February 1993 appointed Commander of the Western Slavonia Corps (aka 18<sup>th</sup> "Okučani" Corps) of the SVK.<sup>199</sup>

(b) On 14 July 1993, Colonel Milan ČELEKETIĆ requested an attestation on the time spent in the armed forces, from the Personnel Department of the VJ General Staff.

I served in the following garrisons:

1971 - 1977 - garrison in Subotica,

1977 - 1982 - garrison in Belgrade,

1982 - 1990 - garrison in Koprivnica,

1991 - 1992 - garrison on the battle-field in Western Slavonia,

October 1992 - February 1993 - Yugoslav Army

1 February 1993 until today - duty of the commander of the 18<sup>th</sup> Okučani Corps, Serbian Army of Krajina.<sup>200</sup>

(c) ČELEKETIĆ received the following answer from the VJ Personnel Department:

Document 2843-2

This is to confirm that ČELEKETIĆ Milan, Colonel of armoured and mechanised units, born on 12 August 1946, during the active military service in the

Yugoslav Army, was on the territory of the Federal Republic of Yugoslavia:

from 31 July 1971 until 30 August 1977 in the garrison in Subotica;

from 31 August 1977 until 25 August 1982 in the garrison in Belgrade;

<sup>197</sup> See Article 315 of the 1974 SFRY Constitution and Art 122 of the 1982 ONO Law discussed in Part 1, Section 8, Title 2

<sup>198</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 73, Exhibit Nr C4213; ERN BCS 0201-2167-0201-2167; Eng 0201-2166-0201-2166, Certificate by the SFRY Presidency Nr 2/48 for the promotion of Dušan KASUM to Major-General, 24 April 1992

<sup>199</sup> Exhibit Nr C4229; ERN BCS: 0201-1833-0201-1833; Eng 0201-1832-0201-1832, Order by the commander of the SVK, Mile NOVAKOVIĆ, Nr 45-25, 12 February 1993

<sup>200</sup> Exhibit Nr C4238; ERN BCS 0201-1835-0201-1835; Eng 0201-1834-0201-1834, Request by Colonel Milan ČELEKETIĆ, 14 July 1993

from 19 May 1992 until 16 July 1993 in the garrison in Belgrade.  
He served his duty from 26 August 1982 until 18 May 1992 in Western Slavonia.

The attestation is issued with a view to resolving housing matters, and cannot be used in any other purpose.<sup>201</sup>

(d) On 27 June 1994, ČELEKETIĆ received the following reply from the VJ Personnel Division on his request for recognition of his time spent in the SVK as years of service in a double duration.

Personnel Division of the Headquarters of the Yugoslav Army, in processing the demand submitted by ČELEKETIĆ, Pere Milan, Major-General, for recognition of his years of service in a double duration, pursuant to Article 156, para 1, and Article 157, para 1 of the Law on the Yugoslav Army (Official Gazette of the SRJ, No. 67/93) takes the following DECISION

1. It is recognised to ČELEKETIĆ, Pere MILAN, Major-General from a. P.O. 4001 Belgrade, born 12 August 1946, the right to his years of service in a double duration for the period from 1 March 1991 to 30 September 1992  
29 January 1993 to 31 May 1994
2. The total time for counting the years of service is 2 years, 11 months, 1 day, which in double duration amounts to 5 (five) years, 10 (ten) months, 2 (two) days.

Explanation

ČELEKETIĆ Pere MILAN, Major-General, submitted a demand for recognition of his years of service in double duration for the period from

- 1 March 1991 to 30 September 1992
- 29 January 1993 to 31 May 1994

By examining official documents, it has been established that the demand is founded. Pursuant to Article 164, para 3 of the Law on the Yugoslav Army, the conditions for recognition of the years of service in double duration are met, for the period from

- 1 March 1991 to 30 September 1992
- 29 January 1993 to 31 May 1994

and the demand has been granted. (...)<sup>202</sup>

<sup>201</sup> Exhibit Nr C4239; ERN BCS 0201-1837-0201-1837; Eng 0201-1836-0201-1836, Certificate Nr 2843-2 by the VJ Personnel Department, 16 July 1993

<sup>202</sup> Already Tendered by the Prosecution as Exhibit 505 Tab 17, Exhibit Nr C4780; ERN BCS 0201-1854-0201-1854; Eng 0201-1853-0201-1853, Document Nr 15/4-256 by Colonel Ljubomir LALIĆ, Personnel Division of the VJ, 27 June 1994

- (3) Colonel Dušan LONČAR was another officer VJ officer serving in the SVK.<sup>203</sup> The Official Document Nr 69-152/1 signed by Colonel Mico DELIĆ, acknowledged his LONČAR's right for compensation because of "service in combat operations"

On the basis of articles 156, 157 and 264 of the Law on the Yugoslav Army, and relating to entitlement for benefited time of service (i.e. Service twice as long as the service recorded in the documents), I issue AN OFFICIAL DECISION THAT

1. for LONČAR, sun of Mitar LONČAR, Dušan, Colonel, the time he spent as a member of the Armed Forces of Yugoslavia in combat operations from May 2nd, 1991 to August 15th, 1992, and from January 21st, 1993 to May 20th, 1993 is confirmed as a benefited time of service as part of pension seniority for a double period of 3 (three) years, 2 (two) months and 24 (twenty-four) days.

#### STATEMENT OF REASONS

LONČAR Dušan, Colonel, on July 2nd, 1994 submitted a request for issuing a certificate on the period of time spent on the battlefield, and a request demanding: That the time he spent as member of the Armed Forces of Yugoslavia in combat operations from May 2nd, 1991 to Aug.15th, 1992, and from Jan 21sr, 1993 to May 20th, 1993 is recognised as benefited time of service.<sup>204</sup>

The payment of compensation and the promotion through the JNA (VJ) (and for General officers, by the SFRY Presidency and subsequently the FRY Supreme Defence Council) were indications that the JNA (VJ) officers who were transferred to serve in the SVK, actually remained JNA (VJ) Officers.

- e. Orders for the reassignment of JNA (VJ) Officers to the SVK often referred to Art. 271 of the 1985 Law on the Service in the Armed Forces. Art. 271 regulated the temporary assignment of military personnel to another military unit or institution within the SFRY (and not to foreign armed forces).

#### Article 271 of the 1985 Law on the Service in the Armed Forces

An active serviceman can be temporarily deployed to another military unit, that is, a military institution in the same or in a different place to the one where he is doing his

<sup>203</sup> Already Tendered by the Prosecution as Exhibit 505 Tab 16 Exhibit Nr C370; ERN BCS 0201-1872-0201-1872; Eng 0201-1870-0201-1871, Document Nr 15/18-147/99, 13 June 1994

<sup>204</sup> Exhibit Nr C4254; ERN BCS 0201-1875-0201-1875; Eng 0201-1873-0201-1874, Stamped document Nr 69-152/1 by Lt Col Gen Mićo DELIĆ, 02 July 1994

military service, in order to stand in /for someone/ or to meet other requirements of the service. Temporary deployment for reasons of standing in /for someone/ can last up to one year during the course of 5 years, and for other reasons - up to 6 months in the course of two years.<sup>205</sup>

- f. Additional Orders, making reference to Art 271 of the 1985 Law on the Service in the Armed Forces, for the reassignment of JNA personnel to the TO of the RSK (and subsequently the SVK) were issued during the following months and years, even after Croatia was admitted as a member to the United Nations on 18 May 1992<sup>206</sup>, for example:
- (1) Confidential Order Nr 2-77, dated 22 April 1992, and signed by Gojko KRSTIĆ, Chief of the Personnel Administration of the General Staff of the VJ. Order 2-77 contained the names of 72 senior and junior officers.<sup>207</sup>
  - (2) 18<sup>th</sup> SVK Corps Strictly Confidential Order Nr 15-141, "*analysis of the personnel*", dated 13 April 1993 mentions that "*40 active duty personnel directed from the VJ on the basis of Article 271 of the Law on the Service in the Armed Forces are serving in the 18<sup>th</sup> Corps*".<sup>208</sup>
- g. LieutenantColonel-General Božidar STEVANOVIĆ, Commander of the JNA Air Force and Air Defence (RV i PVO), on 01 April 1992 signed highly confidential order 1-763 for the assignment of 14 officers to the helicopter squadron of the Ministry of Interior of the RSK.<sup>209</sup>
- h. The RSK TO Staff Confidential Letter Nr 684-185, "*List of AVL /active duty service men/ on temporary duty in the RSK, for resolution of status issues in the VJ*" dated 19 October 1992 and signed by the RSK TO Commander, Lieutenant-General Milan TORBICA, and sent to the VJ Personnel Staff

<sup>205</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 19, Exhibit Nr C5300; ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 271

<sup>206</sup> UNSCR 753 of 18 May 1992

<sup>207</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 175, Exhibit Nr C4211; ERN BCS 0207-6818-0207-6830; Eng 0301-4028-0301-4040, Order by Major-General Gojko KRSTIĆ, Chief of the Personal Administration of the VJ Headquarters, Order no. 2-77 on the deployment of 72 officers, 22 April 1992

<sup>208</sup> Exhibit Nr C361; ERN BCS 0201-1768-0201-1769; Eng 0201-1767-0201-1767, Strictly Confidential Order Nr 15-141, 13 April 1993

contains the names of over 250 VJ officers and other military personnel, whose status needs to be resolved.<sup>210</sup> A similar document, issued 11<sup>th</sup> “Slavonia Baranja Corps” of the SVK, Confidential document Nr 5-4/93 signed by Colonel Bogdan SLADOJEVIĆ contained 25 names.<sup>211</sup>

- i. There are SVK documents indicating that JNA (VJ) personnel were not always keen on serving in the SVK and did not turn up when re-assigned to the SVK, or left the SVK after their re-assignment.

(1) In November 1993, Major-General Mile NOVAKOVIĆ, CGS of the SVK, informed his subordinate units of the decisions of the “*Personnel Council*” of 02 November 1993. These decisions referred inter alia to the “*opinion of the General Staff of the VJ and the General Staff of the SVK*”, and imposed serious restrictions on the possibilities for return to the VJ.<sup>212</sup>

(2) On 07 December 1993, Major-General Mile NOVAKOVIĆ, CGS of the SVK sent the Confidential Report Nr 45/1247 “*List of AVL (Active Military Personnel) who left the SVK without permission (and returned to the VJ)*” to Lieutenant-General Momčilo PERIŠIĆ, Chief of the General Staff of the VJ.<sup>213</sup> According to the document, 8 officers responded to the summons included in a previous document. NOVAKOVIĆ asked PERIŠIĆ to take “*the necessary measures*” for the return of 81 other SVK officers and NCO’s. NOVAKOVIĆ sent a similar document to the 40<sup>th</sup> KC (Personnel Centre) on 15 February 1994.<sup>214</sup>

<sup>209</sup> Exhibit Nr C358; ERN BCS 0201-1787-0201-1792; Eng 0201-1786-0201-1786, Order Nr 1-763 by Božidar STEVANOVIĆ, 01 April 1992

<sup>210</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 176, Exhibit Nr C4225; BCS 0207-6764-6771; Eng 0302-3268-0302-3275, Confidential Letter Nr 684-185, “*List of AVL on temporary duty in the RSK for resolution of status issues in the VJ*”, Lieutenant-General Milan TORBICA, 19 October 1992

<sup>211</sup> Exhibit Nr C360; ERN BCS 0201-1757-0201-1759; Eng 0201-1755-0201-1756, Confidential Order 5-4/93 by Colonel Bogdan SLADOJEVIĆ, 20 January 1993

<sup>212</sup> Exhibit Nr B9768; ERN BCS: 0207-6233-0207-6244, List of documents signed by Major-General Mile NOVAKOVIĆ, at ERN0207-6242-0207-6242; Eng ET 0207-6242-0207-6242, Confidential Order Nr 45/23-42, *Conclusions reached at the session of the Personnel Council*, 10 November 1993

<sup>213</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 16, Exhibit Nr C4244; ERN BCS 0207-8133-0207-8134; Eng 0302-9204-0302-9208, Confidential Document Nr: 45/1247 signed by Mile NOVAKOVIĆ, *List of AVL who left the SVK without permission*, 7 December 1993

<sup>214</sup> Exhibit Nr C4246; ERN BCS 0207-6789-0207-6790; Eng 0301-4025-0301-4027, Strictly Confidential Document Nr 130-1/9, signed by Mile NOVAKOVIĆ, *List of officers and NCO’s that voluntarily left the SVK*, 15 February 1994



- (3) Colonel Lažo BABIĆ, commander of the 18<sup>th</sup> SVK Corps, on 16 July 1994, ordered a subordinate brigade that they could not contact the (VJ) 40<sup>th</sup> Personnel Centre<sup>215</sup> directly when they wanted measures to be taken against soldiers of the SVK who left (or deserted) the SVK, but had to submit the Command of the Corps who would inform the SVK General Staff.<sup>216</sup>
- (4) The problems that existed with (VJ) officers born in the RSK who refused to serve in the SVK, were also highlighted in the SVK Regular Operations report Nr 3-279, dated 22 May 1994, sent to the SVK Corps commanders and the Cabinet of the President of the RSK (Milan MARTIĆ), *personally*, the CGS of the VJ, Lieutenant-General (Momčilo PERIŠIĆ), *personally*, and the Cabinet of the President of the Republic of Serbia (Slobodan MILOŠEVIĆ), *personally*.<sup>217</sup> In this report, the commander of the SVK, Major-General Milan ČELEKETIĆ asks the VJ for measures against these officers.

During the period of crisis that arose after the Croatian incursion into the Maslenica area (Southern Dalmatia, West of Knin), end of January 1993, the assistance of the VJ was evident. This is illustrated by the Strictly Confidential Order Nr 193-1, dated 27 January 1993 and signed by Colonel-General PANIĆ, CGS of the VJ, on the "*Accepting and initiating conscript soldiers into the Army of the Republic of the Serbian Krajina*".<sup>218</sup> This order shows the VJ's active involvement in facilitating the incorporation of conscript soldiers in the FRY into the SVK. This included also the issuing of (VJ) personal weapons, ammunition and a uniform.

Accepting and initiating conscript soldiers into the Army of the Republic of the Serbian Krajina.

<sup>215</sup> The 40<sup>th</sup> Personnel Centre will be described in SubPara J of this Paragraph

<sup>216</sup> Exhibit Nr B9769; ERN BCS 0207-6749-0207-6749; Eng L003-4023-L0034024, Confidential Order Nr 8-216, 18<sup>th</sup> SVK Corps, 16 July 1994.

<sup>217</sup> Exhibit Nr B9770; ERN BCS 0217-1048-0217-1054; Eng L010-0679-L010-0694, Daily Operations Report Nr 3-279 signed by major-General Milan ČELEKETIĆ, 22 May 1994

<sup>218</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 152, Exhibit Nr C4694; ERN BCS 0201-1815-0201-1816; Eng 0201-1813-0201-1814, Order Nr 193-1, "*Accepting and initiating conscript soldiers into the Army of the Republic of the Serbian Krajina*", signed by Colonel-General Života PANIĆ, 27 January 1993

On account of the aggression of the armed forces of the Republic of Croatia on the territory of the Republic of the Serbian Krajina, the government of the Republic of the Serbian Krajina has declared a state of war and issued a general mobilisation, on the basis of which all conscripts of the Republic of the Serbian Krajina are obliged to report to their war units as soon as possible, or to the departments of the Ministry of Defence in their town.

For the purpose of organising the acceptance and initiation of conscript soldiers into the Army of the Republic of the Serbian Krajina, who are in the Socialist Republic of Yugoslavia, I ORDER

1. That the commands of the armies will, through the commands of the military regions, organise the acceptance and initiation of the conscript soldiers, who, answering to the appeal of the government of the Republic of the Serbian Krajina, report to the Army of the Republic of the Serbian Krajina.
2. That the acceptance and accommodation of the conscripts must be performed in the following way:
  - a) Those from the territory of central Serbia will go to "NC" "Bubanj Potok" in Belgrade and to the Barracks "Stevan Sindelic" in Niš.
  - b) Those from the territory of the Vojvodina Autonomous Province will go to the Barracks "Majeвица" in Novi Sad.
  - c) Those from the territory of the Republic of Montenegro go to the Barracks "Masline" in Podgorica.
3. The commands of the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Army will, through their subordinated commands, supervise the organised acceptance, accommodation and nourishment of the conscript soldiers to be performed in the named barracks until their assignments to the Republic of the Serbian Krajina.
4. The assignment of conscript soldiers shall be performed by the Government's Office of the Republic of the Serbian Krajina in Belgrade (Mosa Pijada Street 8 tel. 0111324-573) and co-operation must be established with them.
5. The conscript soldiers must be issued with personal weapons when assigned to the Republic of the Serbian Krajina, i.e. with a combat kit of ammunition, one dry daily ration and a uniform. The commands of the armies will make the weapons available, in co-operation with the Rear Sector of the General Staff of the Yugoslav Army. The commands of the armies will also make sure that the names and the addresses of the persons be recorded, while giving them weapons.
6. The Serbian Krajina Government Office will make sure that the conscript soldiers are given their personal weapons and equipment and that they are recorded.

7. The Administration for the organisation, mobilisation and replenishment of the General Staff of the Yugoslav Army must report the number of the registered and initiated conscript soldiers regularly.<sup>219</sup>

j. The Chief of the General Staff (CGS) of the VJ, Colonel-General Momčilo PERIŠIĆ, on 15 November 1993 ordered the establishment of the 30<sup>th</sup> and 40<sup>th</sup> Personnel Centres<sup>220, 221</sup>. Colonel-General PERIŠIĆ's order followed an Order of the FRY President, Order Nr ½-02-033/93-1 dated 10 November 1993.

(1) According to PERIŠIĆ's order, the Personnel Centres "*are to be subordinated to the Head of the Personnel Administration who will regulate assignments, deployments and all other issues related to the existence and functioning of personnel centres in collaboration with the VJ General Staff Organs in charge*".<sup>222</sup>

(2) Classified documents from the General Staff of the SVK indicate that after the establishment of the 40<sup>th</sup> Personnel Centre (KC), VJ personnel serving in the SVK under Art. 271 of the 1985 Law on the Service in the Armed Forces, were administratively assigned to the VJ 40<sup>th</sup> KC and administrated by this body.<sup>223</sup>

(3) The General Staff of the SVK would send its requests for additional personnel to the 40<sup>th</sup> KC. For example, the SVK Main Staff Strictly Confidential Order Nr 130-1/9, dated 15 February 1994, contained the names of 88 Officers and NCO's, the SVK Main Staff requested the 40<sup>th</sup> KC to assign to the SVK.

General Staff of the VJ

(Personnel Administration - 40<sup>th</sup> KC /Personnel Centre/)

<sup>219</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 152 Exhibit Nr C4694; ERN BCS 0201-1815-0201-1816; Eng 0201-1813-0201-1814, Order Nr 193-1, signed by Colonel-General Života PANIĆ, 27 January 1993

<sup>220</sup> *Kadrovski Centar* (KC)

<sup>221</sup> Exhibit Nr B10955; ERN BCS 0344-6160-0344-6163; Eng ET 0344-6160-0344-6163, Strictly Confidential Order Nr 3087-1 of the Chief of the General Staff of the VJ, 15 November 1993

<sup>222</sup> Exhibit Nr B10955; ERN BCS 0344-6160-0344-6163; Eng ET 0344-6160-0344-6163, Strictly Confidential Order Nr 3087-1 of the Chief of the General Staff of the VJ, 15 November 1993

03455009

For the purpose of replenishing specific establishment positions and maintaining needed combat readiness, promptly send the following officers to the Main Staff of the SVK /Serbian Army of Krajina/ for further assignment:

1. Major Čedomir DRAGIŠIĆ, son of Đuro, VES /military occupational speciality/  
32401

87. Captain Milan BOŽIČKOVIĆ, son of Miloš, VU, Topčider

88. Lieutenant Colonel Ljuban KARAN, son of Mirko, from the RV /Air Force/ and / PVO /anti-aircraft defence.<sup>224</sup>

(4) The 40<sup>th</sup> KC also took over the administration for the payment of compensation to VJ officers assigned to the SVK for *their "service under aggravating (special) circumstances"*.<sup>225</sup>

k. In the beginning of 1994, efforts were made to regulate the status of recruits from the FRY serving in the SVK. The 18<sup>th</sup> (SVK) Corps Confidential Order Nr. 18-263, dated 17 March 1994 contains detailed information on the rights and duties of such recruits.

According to the explanation of the General Staff of the Serbian Army of Krajina, Confidential No. 11-57 of 7 March 1994, in order to regulate the status of military recruits from the territory of the SRJ and the 7<sup>th</sup> Corps, I hereby  
O R D E R

1.- Through the chain of command and control and with the help of the Assistant Commander for Moral Guidance and Religious and Legal Affairs, the commands of the units shall explain to all military recruits from the SRJ that they have the obligation to spend at least 4 months in a single stretch during the year in the Serbian Army of Krajina, if there are no war operations. If war operations do take place, they shall remain in their war units.

...<sup>226</sup>

<sup>223</sup> See for example Exhibit Nr B8977; ERN BCS 0207-7196-0207-7197; Eng L005-8133-L005-8135, Strictly Confidential Order Nr 61-390, Mile NOVAKOVIĆ, 03 November 1993

<sup>224</sup> Exhibit Nr C4200; ERN BCS 0207-6791-0207-6792; Eng 0302-3263-0302-3264, Strictly Confidential Order Nr 130-1/9, Request for Officers and NCO's in the SVK, signed by Major-General Mile NOVAKOVIĆ, 15 February 1992

<sup>225</sup> Exhibit Nr C4802; ERN BCS 0201-1878-0201-1880; Eng Document by Milan ČELEKETIĆ Nr. 23/13-21 from: decision to entitle Mile NOVAKOVIĆ compensation for performing duty under difficult circumstances, 10 February 1995

<sup>226</sup> Exhibit Nr C4249; ERN BCS 0207-6754-0207-6756; Eng L005-5163-L005-5167, Confidential Order Nr 18-263, 18<sup>th</sup> Corps, 17 March 1994

- l. Colonel-General Momčilo PERIŠIĆ, CGS of the VJ, on 8 July 1994 signed an order for the reimbursement of expenses made of “*Yugoslav Army officers assigned to posts in the Army of the Republic of Serbian Krajina.*”<sup>227</sup>
  
- m. The aforementioned documents confirm that the presence of JNA (VJ) officers and other JNA (VJ) military personnel in the RSK TO and, subsequently, the SVK, was the result of a systematic process, organised and managed within the General Staff of the JNA (VJ). This process included the re-assignment and compensation of JNA (VJ) officers to the RSK TO, and subsequently the SVK. The presence of senior officers of the JNA (VJ) in command positions in the RSK TO (and subsequently the SVK) could be interpreted as a means for the JNA (VJ) and the (S)FRY political leadership to exercise influence over the activities of the RSK TO (and subsequently the SVK).

## 6. Training

- a. The SVK Main Staff Order Nr 01-334 of 01 April 1993 to the Commanders of the 18<sup>th</sup> (Okučani) and 11<sup>th</sup> (Slavonija-Baranja) Corps, provided information on the oath-taking celebration, in Subotica (Serbia), for soldiers of these two units.<sup>228</sup> Oath taking ceremonies for soldiers are usually related to the termination of basic training.
  
- b. On 22 February 1994 The CGS of the SVK, Mile NOVAKOVIĆ, issued Confidential Order Nr 3-101 for the “*Preparation of the March intake of the SVK (Serbian Army of Krajina) recruits.*”<sup>229</sup>

The preparation and sending of military recruits from the Serbian Army of Krajina for training in the Yugoslav Army is a task of extraordinary importance. The omissions that occurred were directly detrimental to the training and education of soldiers. In order to avoid undesirable consequences, carry out the tasks involved in sending the soldiers for training in the Yugoslav Army, carefully and in a timely manner. I hereby

<sup>227</sup> Exhibit Nr C4782; ERN BCS 0207-8165-0207-8166; Eng L004-4485-L004-4486, Order 369-1 signed by Momčilo PERIŠIĆ, 8 July 1994

<sup>228</sup> Exhibit Nr B9768; ERN BCS 0207-6233-0207-6244, List of documents provided by Major-General Mile NOVAKOVIĆ, at 0207-6238-0207-6238; Eng ET 0207-6238-0207-6238, Order on taking oath, 01 April 1993

<sup>229</sup> Already Tendered by the Prosecution as Exhibit 348 Tab 5, Exhibit Nr C4247; ERN BCS 0207-6760-0207-6761; Eng 0303-4533-0303-4534, Order by Mile NOVAKOVIĆ, CGS SVK, 22 February 1994

## ORDER

Immediately start the organised and planned preparation of young recruits for departure to do training in the VJ in March 1994. In that connection the following tasks are required:

- The organ for the recruit intake of the General Staff of the SVK, in co-operation with the Ministry of Defence will establish a schedule of the numbers and assignment of recruits from the RSK to the units and training centres of the VJ.

...

- All the corps commands shall send one officer each to the Command of the 107<sup>th</sup> Training Centre to work with the recruits and accompany them to the garrison in the Yugoslav Army. Until they take the military oath, clothe the recruits and prepare them for taking the oath and assignment to training in the Yugoslav Army.

...

- Ensure that the soldiers' uniforms bear the insignia of the SVK.<sup>230</sup>

...

The phrasing of Order 3-101 shows that it was a regular practice that SVK soldiers received their (basic) training at JNA (VJ) facilities. NOVAKOVIĆ's explicit request that the soldiers have the SVK insignia on their uniform indicates that he wanted to differentiate the SVK recruits from the VJ recruits in the VJ training facilities.

- c. SVK General Staff Confidential Order Nr 3-127 of 07 March 1994, *"Obtaining an insight into the behaviour and the training undergone by SVK troops in the Training Centres and Units of the VJ"*<sup>231</sup>, signed by Major-General Milan ČELEKETIĆ, contained a number of measures to handle the problems caused by *"a certain number of SVK troops, currently in training at the NC"*<sup>232</sup> *and in the units of the VJ, are behaving in a manner which is inappropriate for the military personnel and is against all the valid laws and regulations"*. These measures were:

## ORDER

<sup>230</sup> Already Tendered by the Prosecution as Exhibit 348 Tab 5 Exhibit Nr C4247; ERN BCS 0207-6760-0207-6761; Eng 0303-4533-0303-4534, Order by Mile NOVAKOVIĆ, CGS SVK, 22 February 1994

<sup>231</sup> Exhibit Nr B9971; ERN BCS 0207-6757-0207-6758; Eng ET0207-6757-0207-6758, Order 3-127, Major-General Milan ČELEKETIĆ, 07 March 1994

<sup>232</sup> NC: Nastavni centar (training centre)

A team from GŠ VJ is to inspect all Training Centres in the VJ units where the SVK troops are undergoing training in order to assess the situation and provide assistance to the Commands and the Commanding Officers in stabilising the situation and implementing the training program in full.

In relation to that:

I appoint the following personnel to the team that will inspect the NC and the VJ units:

Col SEKULIĆ, Milisav – team leader

Col NOVAKOVIĆ, Kosta

LtCol KRNJAJIĆ, Dušan

LtCol POZNAN, Nikola

The team is to inspect the following Garrisons:

Šabac (2 VP /military post codes), Ruma, Sremska Mitrovica, Vršac

Beograd (3 VP), Obrenovac

Kraljevo, Kragujevac, Čuprija

Novi Sad, Bačka Palanka, Sombor

...<sup>233</sup>

This order was also sent to the Chief of the Cabinet of the Chief of the General Staff (CGS) of the VJ.

- d. According to RSK Ministry of Defence Confidential Order Nr 358-1/93<sup>234</sup>, RSK Order 256-1 of 17 July 1994<sup>235</sup>, and SVK Confidential Order 3-370 of 08 August 1994<sup>236</sup>, SVK (officer and NCO) cadets were educated at VJ Academies and Military Schools in (S)FRY.
- e. On 10 September 1994, the commanding officer of the 18<sup>th</sup> Mixed Artillery Regiment of the SVK sent the strictly confidential Order 28-923-02, to inform the Command of the 18<sup>th</sup> Corps of the SVK about the return of his unit from target practice at the Pasuljanske Livade shooting range in FRY. The order also mentioned the participation of other SVK Air Defence Units.<sup>237</sup>

<sup>233</sup> Exhibit Nr B9971; ERN BCS 0207-6757-0207-6758; Eng ET0207-6757-0207-8166, Order 3-127, Major-General Milan ČELEKETIĆ, 07 March 1994

<sup>234</sup> Exhibit Nr C4241; ERN BCS 0207-6747-0207-6747; Eng L003-4025-L003-4027, Confidential Letter Nr 358-1/93 by Captain 1<sup>st</sup> Class Pedrag ROSIĆ, 09 August 1993

<sup>235</sup> Exhibit Nr C4255; ERN BCS 0201-1997-0201-1999; Eng 0201-1992-0201-1996, RSK Order Nr 256-1, Induction of Young Officers from Military Schools, 17 July 1994

<sup>236</sup> Exhibit Nr C4256; ERN BCS 0201-1990-0201-1990; Eng 0201-1991-0201-1991, SVK Confidential Order Nr 3-370, Assignment for young officers, 08 August 1994

<sup>237</sup> Exhibit Nr C4257; ERN BCS 0207-6743-0207-6746; Eng L005-6084-L005-6089, Report of combat training in the FRY 18th SVK Mixed Artillery Regiment, 10 September 1994

TO THE COMMAND OF THE 18<sup>TH</sup> CORPS

This is to inform you that the unit that had practised target shooting at the VAP /Air Defence Artillery Range/ returned from the FRY at 1900 hours on 9 September 1994.

**7. Logistical support (including arming)**

a. Particularly during combat operations, the logistical needs of mechanised or motorised units are considerable. The conducting of combat operations does not only require substantial amounts of ammunition, fuel, food and spare parts, but injured troops need also to be treated, and destroyed or damaged weapon systems need to be serviced, repaired or replaced. In order to safeguard the mobility of mechanised and motorised units, they carry reserves for a few combat days only. Hence there is a constant need for re-supply, not only of ammunition and fuel, or food and uniforms, but also spare parts, medical supplies etc. All this requires a well-organised logistical infrastructure that is able to operate continuously. This is illustrated by the examples below:

- (1) The 2<sup>nd</sup> MD<sup>238</sup> “Top Secret Document Nr 32/167-11 of 20 March 1992, “*Analysis of the State of the Functioning of the Technical Support in Combat Activities for the Period of 01 June 1991-31 December 1991*” mentioned:

Around 85.543 tons of ammunition was used during combat activities<sup>239</sup>

- (2) The VRS 1 Krajina Corps 1992 Combat readiness report mentioned:

Large daily consumption rates of ammunition (31 tonnes), fuel (34.7 tonnes), medicine (600 Kg), food (18-20 freight cars) and other materials which stretches the strength, equipment and facilities of logistical support to its limits.<sup>240</sup>

- (3) The 27 VRS Motorised Brigade/ 1 Krajina Corps Report from November 1993 provided the following:

<sup>238</sup> The 2<sup>nd</sup> MD was created end of December 1991, to replace the former 1<sup>st</sup>, 5<sup>th</sup> and Naval Military District, after the agreement to withdraw the JNA from Croatia

<sup>239</sup> Exhibit Nr B9772; ERN BCS SA03-5901-SA03-5923; Eng ET SA03-5901-SA03-5923, *Analysis of the State of the Functioning of the Technical Support in Combat Activities for the Period of 01 June 1991-31 December 1991*, 2<sup>nd</sup> MD Top Secret Nr 32/167-11, Colonel Dušan KOVAČEVIĆ, 20 March 1992

<sup>240</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 50 Exhibit Nr C4695; ERN BCS 0060-7481-0060-7538; Eng L000-6001-L000-6084, *Analysis of Activity concerning Elements of Combat Readiness in 1992*, Command of the 1<sup>st</sup> Krajina Corps, February 1993, at L000-6044



The daily food requirements of the Corps units amount to 150-190 tons of combat rations, a minimum of 13.5 and a maximum of 40.5 tons of fuel, 600 kg of medicines and about 800.000 to 1.000.000 rounds of various kinds of ammunition.<sup>241</sup>

- b. In January 1991, JNA Security Organs (OB) were aware of the (alleged) distribution of weapons to local Serbs in Croatia. This is illustrated by the report Nr 20-138 "*Situation in the territory of Ličko Petrovo Selo*", Dušan BALAN, a JNA Security Officer, sent to his superiors at the Security Organ of the 5<sup>th</sup> JNA Air and Air Defence Forces Corps in Zagreb on 23 January 1991.

Work with the *BAN* source

In the next few days trailer trucks carrying about 37,000 pieces of weapons are expected to arrive from Belgrade. The weapons will be delivered to Knin, from where they will be distributed to Donji Lapac, Srb and Titova Korenica, where they will be issued to the people with a receipt.<sup>242</sup>

- c. As was discussed in Part I of this report, when units were re-assigned, for example with the creation of Operational Groups (OG) or Tactical Groups (TG), arrangements had to be made to ensure that these units could rely on the existing structures for support and supply. During the conflict in Croatia, the aforementioned principles and regulations were applied in the orders for the formation of OG's and TG's.

- (1) For example, on 20 December 1991, Lieutenant-Colonel-General Vladan ŠLJIVIĆ, Assistant for Logistics to the SSNO, sent the Strictly Confidential Order Nr 683-165 to the 1<sup>st</sup> and 3<sup>rd</sup> OG and the Staff of the SAO Krajina TO:

Due to excessive work of the 993<sup>rd</sup> Logistics Base - Banja Luka and the problem related to it, please take measures that the following be assisted by the 530<sup>th</sup> Logistics Base - Bosanski Petrovac:

1<sup>st</sup> and 3<sup>rd</sup> Operational Group – 5 MD,  
Territorial Defence Headquarters of the Federal Autonomous District of Krajina.<sup>243</sup>

<sup>241</sup> Exhibit Nr C4748; ERN BCS 0091-1266-0091-1268; Eng L002-0981-L002-0987, Confidential Order Nr 1780-2, *The General Situation and Results Achieved by the 1<sup>st</sup> Krajina Corps*, 27<sup>th</sup> (VRS) Motorised Brigade Command report, 13 November 1993

<sup>242</sup> Exhibit Nr C465; ERN BCS 0207-6950-0207-695; Eng L004-9948-L004-9952, *UB Report Regarding Situation in the territory of Ličko Petrovo Selo*, 23 January 1991

<sup>243</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 7 Exhibit Nr C4394; ERN BCS 0201-1632-0201-1632; Eng 0201-1631-0201-163, Stricly Confidential Order Nr 683-165, signed by Vladan ŠLJIVIĆ, Assistant for Logistics to the SSNO, 20 December 1991

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- (2) An example of when the provision of logistical support caused difficulties was when SAO Krajina (and later RSK) TO units sent requests for support directly to the Serbian MoD<sup>244</sup>, or even the SSNO, without respecting the chain of command or the existing regulations. This resulted in the discontent of the JNA General Staff.<sup>245</sup> In order to redress the situation, the CGS of the JNA, Colonel-General Blagoje ADŽIĆ, on 31 December 1991 released the Confidential Order Nr 2268-1 on the “*Equipping of TO units with weapons and military equipment (NVO)*”.<sup>246</sup>

Since the start of combat operations, the TO units that have been formed have contacted the SSNO directly, either themselves or through their staffs, to request replenishment of NVO from JNA reserves.

When conditions allowed, these units were equipped by the relevant departments of the General Staff, branches, arms, with armament and military equipment through the 608<sup>th</sup> Technical Support Unit (TSB) of the SSNO, the SSNO and the Armed Forces Command. Due to the large number of requests and the difficulties involved in continuing to meet them at the level of the SSNO, and in order to continue to observe regulations and thereby prevent potential abuse, I hereby

O R D E R

1. - Replenish TO units with NVO exclusively in accordance with current regulations. Henceforth TO commands/staffs shall send NVO replenishment requests for their units to the command of the JNA unit in whose zone of responsibility they are located. Send replenishment requests to the SSNO through the competent TO organs, while units engaged in JNA forces should send them through JNA units and commands.
2. - The competent SSNO organ shall analyse requests received and, depending on an assessment of requirements and capabilities, shall approve the type of NVO and the unit that will hand over the authorised NVO to the TO.
3. - Following the authorisation of the tactical bodies (SSNO arms and services), the Command of the 608<sup>th</sup> SSNO TSB shall prepare formal decisions to assign NVO to TO units.

<sup>244</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 39, Exhibit Nr C4387; ERN BCS 0201-1924-0201-1925; Eng 0201-1923-0201-1923, Letter Nr 88-1089/91-02 by Major-General Branislav KUZMANOVIĆ, Assistant to the Serbian MOD, 11 December 1991

<sup>245</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 48, Exhibit Nr C4406; ERN BCS 0049-9540-0049-9542; Eng 0306-6930-0303-6931, Order Nr 2268-1 on Procedures, from Technical Services of SSNO, signed by Blagoje ADŽIĆ, 31 December 1991

<sup>246</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 48, Exhibit Nr C4406; ERN BCS 0049-9540-0049-9542; Eng 0306-6930-0303-6931, Order Nr 2268-1 on Procedures, from Technical Services of SSNO, signed by Blagoje ADŽIĆ, 31 December 1991

In considering the assignment of NVO or their transfer in some other manner, keep in mind the actual needs and purpose of TO units and their level of training to use the assigned equipment.

4. - The Command of the 608<sup>th</sup> SSNO TSB shall be required to notify the tactical bodies (SSNO arms and services) of the implementation of decisions adopted to assign NVO to TO units.
5. - Issue the commands/staffs of TO units with assigned NVO from JNA reserves in keeping with current regulations on stocktaking and record keeping of materiel in the JNA.
6. - Supplying engaged TO units with combat requisites on the basis of consumption in an organised manner through the units or /illegible/ that support them according to the logistical support chart /illegible/ is in all respects the same as for all reinforcement units.
7. - Send this order to all TO commands/staffs down to brigade level.<sup>247</sup>

Confidential Order 2268-1 was followed by corresponding orders from subordinate units.<sup>248</sup> Confidential order 2268-1 demonstrated the role of the JNA General Staff in the organisation of the provision of logistical support and supply to the SAO Krajina TO (and subsequently the SVK), since the outset of the conflict in Croatia, and the central role of the JNA's 608<sup>th</sup> Technical Support Base, and showed the dependency of the latter of the JNA's assistance in this field.

- d. The withdrawal of the JNA from Croatia, under the VANCE plan<sup>249</sup>, meant the dismantling of the JNA logistical infrastructure in Croatia. Instead, existing JNA logistical bases in Serb-held territories in Croatia were transferred to the SVK and additional logistical bases for the SVK were created, by the JNA. During the March-April 1992 time period, the SSNO and JNA General Staff issued several orders to (re)organise the logistical system and structures for the RSK TO (and subsequently the SVK).

<sup>247</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 48 Exhibit Nr C4406; ERN BCS 0049-9540-0049-9542; Eng 0306-6930-0303-6931, Order Nr 2268-1 *on Procedures, from Technical Services of SSNO*, signed by Blagoje ADŽIĆ, 31 December 1991.

<sup>248</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 48 Exhibit Nr 4406; ERN BCS 0049-9540-0049-9542; Eng 0303-2166-0303-2167, Order Nr 31/103-6-1, Colonel-General Milutin KUKANJAC, 9 January 1992

<sup>249</sup> See also Exhibit Nr C4205; ERN BCS 0089-1685-0089-1692; Eng ET0089-1685-0089-1692, *2<sup>nd</sup> Military District Command Report on the State of Affairs Regarding Preparations for the Arrival of UN Peace Keeping Forces*, Lieutenant Colonel-General Dobrašin PRAŠČEVIĆ, 07 March 1992

- (1) On 17 March 1992, Colonel Vladan ŠLJIVIĆ, Assistant SSNO for Logistics, released Order Nr 172-4 on the "Formation of Republic of Srpska Krajina Territorial Defence logistics bases".<sup>250</sup>

With the aim of implementing the Decision of the SFRY Presidency regarding compliance with the UN mission and the peaceful operation of UN forces in Yugoslavia, and for the timely formation of the Republic of Srpska Krajina Territorial Defence (TO) Main Staff and the Logistics Bases of the TO Sector Staff, the following working groups are to be formed:

- Col Aleksandar MILOSAVLJEVIĆ from the Federal Secretariat for National Defence<sup>251</sup> Internal Affairs Dept - group leader and executor in the Knin TO Sector Staff Logistics Base
- Col Ljubodrag ĐOKIĆ from the TO Main Staff - member and executor (Glina and Okučani TO ZŠ (sic) Logistics Base)
- Lt Col Boro MILUTINOVIĆ, from the Federal Secretariat for National Defence Technical Dept - member
- Col Tomislav MLADENOVIĆ from the Federal Secretariat for National Defence Quartermaster's Dept - member and executor (Korenica and Vojnić TO ZŠ(sic) Logistics Base)
- Col Tomislav ANTIĆ from the Federal Secretariat for National Defence Technical Dept - for Vukovar TO Sector Staff Logistics Base

The task of the working group and of the senior officer under no. 2 is to form the Republic of Srpska Krajina TO Main Staff Logistics Base and the TO Sector Staff Logistics Base in co-operation with the corps' commands and the logistics base, with the logistics sector organs of the 1<sup>st</sup> and 2<sup>nd</sup> Military District, and the Republic of Srpska Krajina TO Main Staff. They are to solve the following issues:

- Select men for the replenishment of peacetime military formations, and record their names on a list
- Determine the amount of material reserve, its accommodation and storage
- Determine the material reserve that needs to be pulled out from the base territory outside the area of responsibility and plan the pulling out
- Form the war schedule of logistics base reserve units and store it properly
- Outline the tasks and obligations of the peacetime functioning of logistics bases in their logistics support of the TO units, the police and the Krajina Ministry of the Interior

<sup>250</sup> Exhibit Nr B9773; ERN BCS 0227-9807-0227-9808; Eng ET 0227-9807-0227-9808, Order Nr 172-4 by Vladan ŠLJIVIĆ, Assistant SSNO for Logistics, for the creation of Logistical bases for the RSK TO, 17 March 1992

<sup>251</sup> = SSNO

- Solve other matters regarding the formation of Krajina TO Main Staff Logistics Base and the TO Sector Staff Logistics Base for peacetime activities and draw up the mobilisation plan of reserve units, etc.

All founded demands of the Republic of Srpska Krajina TO territorial staff are to be respected during the formation of the logistics base unless they exceed the quota determined by the formation.

The 1<sup>st</sup> and 2<sup>nd</sup> Military District Command will, if possible, give the working group all needed help by deploying the required number of senior officers from their logistics bases.

Food and accommodation for the working group senior officers will be provided by the corps commands and travel expenses will be covered by the Federal Secretariat for National Defence Logistics Sector Dept.

Work is to begin on 19-Mar and it is to be finished no later than 31-Mar-92 and in the Vukovar TO ZS no later than 23-Mar-92.

The service attachments are to be used during the realisation of tasks, because they include the elements for regulating all important Logistics Base issues.<sup>252</sup>

- (2) On 3 April 1992, ŠLJIVIĆ sent Strictly Confidential order 237-1 to the Command of the 2<sup>nd</sup> MD to clarify the transfer of "*real estate and materiel of the JNA to the units and Staffs of the RSK TO and the RSK police units*".<sup>253</sup>

#### TO: 2 VO (MILITARY DISTRICT) COMMAND

Pursuant to the request submitted by the commands of the TO units of the Republic of Serbian Krajina, and in order to implement a unified procedure for the transfer of real estate and materiel of JNA units to the units and staffs of the TO and the Republic of Serbian Krajina police units in the zone of responsibility of the UN Protection Forces in Yugoslavia, we issue the following

#### CLARIFICATION

1. The transfer of JNA real estate in its present state shall be carried out in accordance with the transfer protocol and the real estate list MP-22, which is to be

<sup>252</sup> Exhibit Nr B9773; ERN BCS 0227-9807-0227-9808; Eng ET 0227-9807-0227-9808, Order Nr 172-4 by Vladan ŠLJIVIĆ, Assistant SSNO for Logistics for the creation of Logistical bases for the RSK TO, 17 March 1992

<sup>253</sup> Exhibit Nr B3257; ERN BCS 0106-5887-0106-5887; Eng 0190-9981-0190-9982, Order 237-1 by Vladan ŠLJIVIĆ to the Command of the 2nd Military District, re *Implementation of a Unified*

compiled on site, in accordance with paragraphs 60 and 61 of the Instruction on Managing JNA Real Estate, GU-633/80.<sup>254</sup>

Order 237-1 demonstrated that not only the RSK TO, but also the local Serb police (MUP; also know as "Milicija") required logistical assistance provided by the JNA.

- (3) Colonel-General Vladan ŠLJIVIĆ issued another order, Top Secret Order 08-20, regarding the relocation of JNA units from RSK and establishment RSK Main Staff TO Logistics Base, on 7 April 1992. This order includes instructions for the 1<sup>st</sup> and 2<sup>nd</sup> Military District (MD) of the JNA to provide logistical support of the RSK TO. According to this order, the MD's were to support "*all units and institutions*" in the RSK. In case of problems they were to contact the SSNO Logistics Sector. The Development Planning and Finance Administration was to cover the financial needs of the RSK TO.

Pursuant to Article 46 of the Temporary Rules on the Jurisdiction of SSNO Organisational Units in Peacetime, Article 9 of the Rules on the Jurisdiction of Military District Commands in Peacetime and the demonstrated need for the relocation of certain JNA units and formation of TO logistics bases in the Republic of Serbian Krajina, I hereby

ORDER

1. Carry out logistics support for all units and institutions in the territory of the Republic of Serbian Krajina which is being occupied by UNPROFOR units, and preparations for their relocation to new areas of deployment, with your own forces and equipment, using to the utmost logistics organs of Military District Commands and logistics bases.

In order to resolve problems that Military District Commands (VO) cannot resolve with their own forces and equipment, contact the competent administration of the SSNO Logistics Sector.

2. At the request of the Republic of Serbian Krajina TO GŠ, form the logistics base of the Main Staff of the Republic of Serbian Krajina TO and zone logistics bases, and supply them with materiel up to establishment levels, using Military District reserves

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*Procedure for the Transfer of Real Estate and Materiel of JNA Units to the Units and Staffs of the TO and the Republic of Serbian Krajina Police Units, 3 April 1992*

<sup>254</sup> Exhibit Nr B3257; ERN BCS 0106-5887-0106-5887; Eng 0190-9981-0190-9982, Order 237-1 by Vladan ŠLJIVIĆ to the Command of the 2nd Military District, re *implementation of a unified procedure for the transfer of real estate and materiel of JNA units to the units and staffs of the TO and the Republic of Serbian Krajina police units, 3 April 1992*

through the PoB (logistics or rear base). Involve Corps logistics organs to the maximum in their areas of responsibility and the VO PoB.

3. The Commands of the 1<sup>st</sup> and 2<sup>nd</sup> Military District shall adjust their logistics support plans to the newly-arisen situation in order to include units of the Republic of Serbian Krajina TO (Operational Logistics Administration documents strictly confidential 8-15, dated 11 March 1992, and strictly confidential 236-1, dated 4 April 1992).

4. The SSNO Medical Administration shall issue in co-operation with the Personnel Administration an appropriate decision on the medical insurance of active military personnel (AVL), civilian personnel (GL) and families of military personnel (PVL) who remain in the territory of the Republic of Serbian Krajina.

5. The SSNO Construction Administration shall set up in co-operation with the Personnel Administration and Development Planning and Finance Administration (UPRF) a procedure for military housing fund (VSF) apartments in the territory of the Republic of Serbian Krajina, their maintenance, purchase and so on.

6. All costs of the preparation and relocation of units shall be covered from the annual budget of units. The Development Planning and Finance Administration shall ensure, in accordance with the logistical support (POoB) plan and reliance of TO units on the VO PoB, that the financial needs of TO units in the territory of the Republic of Serbian Krajina are covered.<sup>255</sup>

(4) SSNO Order 08-20 of 07 April 1992 was followed by two 2<sup>nd</sup> MD orders, Top Secret Order Nr 31/103-30<sup>256</sup> and Top Secret Order 31/103-90<sup>257</sup>, stipulating that the supplying of the Logistics Base of the TO RSK Main Staff with equipment was to be carried out from the 2<sup>nd</sup> MD reserves. The subsequent 2<sup>nd</sup> MD Top Secret Order Nr 31/101-230 to the Command of the 9<sup>th</sup> Corps made reference to a meeting of representatives of the SSNO, JNA, RSK TO Staff and RSK Ministry of Interior (MUP) held on 13 March 1992. This order mentions the allocation of “20.000 outfits and 100 field motor vehicles for the needs of the police organs and units”.

At the meeting of the SSNO representatives, the 2<sup>nd</sup> Military District, the Corps Command and the representatives of the MUP and the TO Main Staff of the RSK held on 13.03.1992 at the OG-6 Command, the chairman being the Deputy Chief of

<sup>255</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 21, Exhibit Nr C4493, ERN BCS 0089-1584-0089-1584; Eng 0300-5046-0300-5047, Order Nr 8-20 by Vladan ŠLJIVIĆ re relocation of JNA units from RSK and establish RSK Main Staff TO Logistics Base, 07 April 1992

<sup>256</sup> Exhibit Nr C4648; ERN BCS SA03-7083-SA03-7083; Top Secret Order Nr 31/103-30 by Colonel Dušan KOVAČEVIĆ, 08 April 1992

<sup>257</sup> Exhibit Nr C4473; ERN BCS 0089-1581-0089-158; Top Secret Order Nr 31/103-90 by Milutin KUKANJAC setting out tasks to be carried out re: Logistics Base.

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Staff of the SFRY Armed Forces Main Staff, standpoints had been taken regarding the provision of supplies of territorial defence units and staffs, and the police organs and units with MTS /material and technical equipment/ and MR /material stockpiles/.

20,000 outfits and 100 field motor vehicles are to be allocated for the needs of the police organs and units. The MUP was obliged to file a request for supplies for all other means.

Priority was given to the police, territorial defence and our advance guard units. The Corps Commands are obliged to perform the supply of the TO and police units and staff formations from their own means with the proper weapons and equipment. In case of supply shortage, one is to turn to the 2<sup>nd</sup> Military District, which submits the requests it can not solve to the authorised organs in the SSNO.<sup>258</sup>

The aforementioned order Nr 31/101-230 indicated that the JNA also provided logistical support to the RSK MUP.

- (5) The Assistant Commander for Rear Services (Logistics) of the 2<sup>nd</sup> MD, Colonel Dušan KOVAČEVIĆ<sup>259</sup>, on 08 April 1992, issued the Strictly Confidential Order Nr 31/103-29-6. This Order regulated the logistic support of the units and the institutions of the TO of the RSK.

To the Commands of 530<sup>th</sup> and 993<sup>rd</sup> PoB, 9<sup>th</sup>, 10<sup>th</sup> and 5<sup>th</sup> K and GŠ TO RSK  
The logistical support of the units and institutions of TO Republika Srpska Krajina, regulates, -

Pursuant to the Article 201, and in connection to Articles 10 and 44 of the Regulations of the peacetime SFRY OS logistical support (OUP classified No. 4-12, dated 07. 12. 1989.) and SSNO-OUP Enactment strictly confidential No. 8-17, dated 11. 03. 1992., I give this

#### ORDER

1. The Republic of Srpska Krajina TO is going to undertake, organise and execute the logistical support of the units-institutions according to the following:

- a) 530<sup>th</sup> PoB for units and institutions:
- GŠ TO RS Krajina Logistical Base with: GŠ TO RS Krajina (IV level MFO), Knin
  - ZnŠTO Knin Logistical Base with: North Dalmatia TO Sector Staff (IV level MFO), Knin, 1<sup>st</sup> brTO, 3<sup>rd</sup> brTO Benkovac, 4<sup>th</sup> brTO Obrovac, OpŠTO Knin, OpŠTO Benkovac and OpŠTO Obrovac.

<sup>258</sup> Exhibit Nr C4490; ERN BCS 0089-1583-0089-1583; Eng SA03-5924-SA03-5924, 2<sup>nd</sup> MD Order Strictly Confidential Nr 31/101-230, signed by Colonel-General Milutin KUKANJAC, 07 April 1992

<sup>259</sup> On 20 January 1993, KOVAČEVIĆ became the Minister of Defence of the RS



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- ZnŠTO Korenica Logistical Base with: Lika TO Sector Staff (IV level MFO), Korenica, 8<sup>th</sup> brTO Korenica, 145<sup>th</sup> brTO Plaški, 93<sup>rd</sup> OdTO Bruvno (Gračac), OpŠTO Gračac, OpŠTO Donji Lapac, OpŠTO Korenica and OpŠTO Plaški.

b) 993<sup>rd</sup> PoB for units and institutions:

- ZnŠTO Vojnić Logistical Base with: Bania TO Sector Staff (IV level MFO), Vojnić, 11<sup>th</sup> brTO Vojnić, 13<sup>th</sup> brTO Slunj, 19<sup>th</sup> brTO Vrgin Most, OpŠTO Vojnić, OpŠTO Vrgin Most, OpŠTO Slunj and OpŠTO Karlovac.

- ZnŠTO Glina Logistic Base with: Banija TO Sector Staff (IV level MFO), Glina, 24<sup>th</sup> brTO Glina, 26<sup>th</sup> brTO Kostajnica, 31<sup>st</sup> brTO Petrinja, OpTO Glina, OpŠTO Kostajnica, 31<sup>st</sup> brTO Petrinja, OpŠTO Glina, OpŠTO Kostajnica, Opšto Dvor na Uni /upon Una/, OpŠTO Petrinja and OpŠTO Sisak.

- ZnŠTO Okučani Logistical Base with: Western Slavonia TO Section Staff (IV level MFO) Okučani, 54<sup>th</sup> brTO Okučani, 51<sup>st</sup> OdTO Pakarac, 59<sup>th</sup> OdTO Daruvar, 63<sup>rd</sup> OdTO Podravska Slatina, 98<sup>th</sup> OdTO Jasenovac, OpŠTO Pakrac, OpŠTO Okučani, OpŠTO Daruvar and OpŠTO Podravska Slatina.

2. The above-mentioned units-institutions are to be placed /as printed/ according to all the expenses-tasks of the logistical support.

3. Realise all the tasks of the logistical support through PoOb agents, TO RS Krajina units-institutions – PoB GŠTO and PoB ZnŠTO.

4. Start immediately the realisation of PoOb according to this order.

5. Administration for PRF SSNO is going to, according to PoOb plan and with TO units supported by 2<sup>nd</sup> VO logistical bases, satisfy the requirements by financially supporting the TO units on the RS Krajina territory.

6. In the PoOb plan which is being made, the support of the units and ŠTO RS Krajina is going to be brought into accord with this Order.<sup>260</sup>

This order indicated that the RSK TO and its logistical bases relied for their logistical support on the infrastructure of the 2<sup>nd</sup> MD.

- (6) On 17 April 1992, another order, Strictly Confidential Order 172-11, “*Help in organising of Republic of Serbian Krajina TO Logistics*” was issued by the SSNO Logistics Sector, to assist in establishment of RSK TO and MUP logistical bases.<sup>261</sup>

<sup>260</sup> Exhibit Nr C4501; ERN BCS SA03-5947-SA03-5949, 2<sup>nd</sup> MD Strictly Confidential Order Nr 31/103-29-6, *Order on the Logistical Support of the Units and Institutions of the TO Republika Srpska Krajina*, Colonel Dušan KOVAČEVIĆ, 08 April 1992

<sup>261</sup> Exhibit Nr C4525; ERN BCS 0018-4091-0018-4092; Eng ET 0018-4091-0018-4091, Order Nr 172-11 by Vladan ŠLJIVIĆ to help organising RSK TO Logistics, 17 April 1992

On the basis of the tour of RSK TO and assigned tasks carried out on 15-Apr-1992 by the acting Armed Forces Chief of Main Staff with the team of RSK-SSNO-TO, within the work on the realisation of the TO Logistics and police, a working group of the SSNO Logistics Sector is to be formed, including:

The task of the working group is, in co-operation with 12<sup>th</sup> Corps, 5<sup>th</sup> Corps, 10<sup>th</sup> Corps and 9<sup>th</sup> Corps Commands and 405<sup>th</sup> Logistics Base (PoB), 530<sup>th</sup> Logistics Base, 993<sup>rd</sup> Logistics Base and 793<sup>rd</sup> Logistics Base, to provide following to the 1<sup>st</sup> Military District and 2<sup>nd</sup> Military District and RSK TO Main Staff Logistics Sector bodies:

- organisation-formation consults of the Logistics;
- distribution of personnel according to the formation assignments;
- realisation of the task plans of SSNO Logistics Sector (Logistics Operation Department, strictly confidential number 172-10);
- manipulation with weapons and military equipment and other materiel for the reinforcement of formation in accordance to the regulations of the services;
- carrying out of the delivery order or the return order for the oversupply of materiel;
- realisation of orders on procedure with war booty (order of SSNO, confidential number 1042/91 and UPRF confidential number 2352-1/91);
- safeguarding logistics police and war units staying on the territory.

By 20-Apr-1992, SSNO Logistics Sector organisation units will forward one copy of all regulation documents related to logistic supply of commands and units of RSK TO to SSNO Logistics Operation Department, to be used by members of the working group.

Commands of 1<sup>st</sup> Military District and 2<sup>nd</sup> Military District will provide assistance to the working group by engaging needed number of officers from their logistics or the logistics of 12<sup>th</sup> Corps, 5<sup>th</sup> Corps, 10<sup>th</sup> Corps or 9<sup>th</sup> Corps.

These orders are indications that the SSNO, the most senior JNA Staff level, was closely involved in the establishment and organisation of the RSK TO and RSK MUP logistical supply system. The orders also show that the RSK TO relied on JNA personnel and expertise for the organisation of its logistical supply system and structures. The orders demonstrate the systematic and organised nature of the assistance provided by the SSNO.

- e. As the JNA withdrew from Croatia, during Spring 1992, under the VANCE plan, there are examples of weapons, ammunition and other military

equipment that were handed over to the RSK TO and the RSK MUP, despite the fact that VANCE Plan foresaw the demilitarisation<sup>262</sup> of the Serb-held territories in Croatia.

- (1) On 10 March 1992, the Commander of the 1st MD, Lieutenant-Colonel-General Vladimir STOJANOVIĆ, sent document Nr 157-2 proposing the transfer of T-34 tanks, which were being phased out of the JNA inventory, to the TO. This document was sent to the HQ of the TO of the Republic of Serbia and of the Province of Vojvodina, and to the TO HQ's in Slavonia Baranja and Western Srem (SBWS), and the HQ of the TO of the RSK. STOJANOVIĆ proposed to hand over 10 tanks to the TO in SBWS.

With the reorganisation of JNA, the tanks T-34 would no longer be in the operative use in JNA. With consideration of this issue the tactical bearer (the department of the Armoured Mechanised Units) thinks that these tanks should be installed into the organisational-formation structure of the units of the Territorial Defence, taking into consideration their firing possibilities.

We consider that the tanks T-34 should be through companies (10 tanks) be installed into the structures of the brigades of the Territorial Defence in Eastern Slavonia, Baranja and Western Srem, as into the brigades of the Territorial defence, defending the airports and in the positions of important roads.<sup>263</sup>

- (2) On 01 April 1992, Colonel-General Milutin KUKANJAC, Commander of the 2<sup>nd</sup> MD, issued Order Nr 14/20-38 on the "*Hand over of Equipment*" to the TO of the SAO Western Slavonia.<sup>264</sup> This order was followed by the 1 Krajina Corps (VRS) Confidential order Nr 470-4 dated 29 May 1992, to hand over anti-aircraft guns and anti-aircraft rocket launchers to the Western Slavonia TO.<sup>265</sup>

<sup>262</sup> Exhibit Nr B9735; ERN Eng 0050-7900-0050-793, The ECMM Monitoring Mission in the Balkans, 31 December 1992

<sup>263</sup> Exhibit Nr C4206; ERN BCS 0201-1904-0201-1906; Eng 0201-1902-0201-1903, Proposal by General STOJANOVIĆ, Commander of the 1<sup>st</sup> MD, Nr 157-2, 10 March 1992

<sup>264</sup> Exhibit Nr C4471; ERN BCS 0089-1582-0089-1582; Eng ET 0089-1582-0089-1582, Order Nr 14/20-38 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

<sup>265</sup> Exhibit Nr C4220; ERN BCS 0124-1505-0124-1505; Eng 0301-8247-0301-8247, 1 Krajina Corps Confidential Order Nr 470-4 for the reallocation of air defence material, signed by Boško KELEČEVIĆ, 29 May 1992

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- (3) 2<sup>nd</sup> Military District Command Top Secret Order Nr 32/205 of 10 April 1992, ordered the 5<sup>th</sup> Corps to hand over the following weapons and other equipment to the (RSK) TO Staff in Western Slavonia:

|  |                      |
|--|----------------------|
| 1. – PISTOL semi-automatic.....                          | 383 pieces,          |
| 2. – PISOL automatic.....                                | 78 “                 |
| 3. – RIFLE 7,9 semi-automatic, Sniper.....               | 133 “                |
| 4. – BAG for carrying of the rifle launched grenade..... | 324 “                |
| 5. – BINOCULARS handheld.....                            | 589 “                |
| 6. – COMPASS handheld.....                               | 393 “                |
| 7. – CURVEMETER .....                                    | 102 “                |
| 8. – FIELD PERISCOPE.....                                | 5 “                  |
| 9. – AMMUNITION BAG, universal, leather, one piece.....  | 3.839 “              |
| 10. – PISTOL, flare .....                                | 103 “                |
| 11. – MACHINEGUN .....                                   | 109 “                |
| 12. – MORTAR LAUNCHER 60mm.....                          | 36 “                 |
| 13. – MORTAR LAUNCHER 82mm.....                          | 24 “                 |
| 14. – CANON recoilless.....                              | 46 “                 |
| 15. – RIFLE semi-automatic.....                          | 327 “                |
| 16. – LIGHT MACHINE-GUN.....                             | 116 “ <sup>266</sup> |

- (4) The 5<sup>th</sup> JNA Corps<sup>267</sup> Daily Combat Report for 16 April 1992, Strictly Confidential 44-1/110 contained the following information:

b) Logistical support:

Personnel and motorised vehicles have been prepared for the removal of the weapons from Knin (logistics base) which have been allocated on your orders for the replenishment of the staffs and units of the Western Slavonia TO.<sup>268</sup>

- (5) The 2<sup>nd</sup> MD Confidential Order Nr 32/198-129 of 22 April ordered the 530<sup>th</sup> POB (Rear Base) to issue the following types and quantity of ammunition to the Local Serb TO in Kordun:

|  |                     |
|--|---------------------|
| - 1307-1138-7068 BULLET 7,62 mm regular cartridge .....  | 56000               |
| - 1307-1334-1200 BULLET 7,9 mm universal cartridge .....   | 10800               |
| - 1307-1334-1204 BULLET 7,9 mm universal cartridge<br>( as a substitute for sniping bullet 7,9 mm) ..... | 9000                |
| - 1307-1334-1251 BULLET 12,7 mm for “Browning” .....   | 5600 <sup>269</sup> |

<sup>266</sup> Exhibit Nr C4512; ERN BCS 0089-1589-0089-1589; Eng ET 0089-1589-0089-1589, 2<sup>nd</sup> MD Top Secret Order Nr 32/205, signed by Colonel Gradimir PETROVIĆ, 10 April 1992

<sup>267</sup> The HQ of the 5<sup>th</sup> JNA Corps was located in Banja Luka. After the withdrawal of the JNA from BiH and the creation of the VRS on 12 March 1992, the 5<sup>th</sup> Corps was transformed into the 1 Krajina Corps (VRS)

<sup>268</sup> Exhibit Nr C4210; ERN BCS 0086-2051-0086-2056; Eng 0190-4065-0190-4067, 5<sup>th</sup> Corps Daily Combat Report for 16 April 1992, Strictly Confidential Nr 44-1/110, signed by Major-General Momir TALIĆ, 16 April 1992

<sup>269</sup> Exhibit Nr C4212; ERN BCS 0089-1602-0089-1602; Eng ET 0089-1602-0089-1602, Confidential Order Nr 32/198-129 from the 2<sup>nd</sup> MD to the 530 PoB, dated 22 April 1992

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A similar order, to supply even larger amounts of ammunition to the local Serb TO in Kordun, was issued on 26 April 1992.<sup>270</sup>

- (6) On 25 April 1992, the 2<sup>nd</sup> MD instructed the 530<sup>th</sup> POB to deliver the following (substantial amounts of) ammunition to the RSK MUP station in Okučani (Western Slavonia):

Based on a Federal Secretariat for National Defence Order top secret No. 352-1 dated 20<sup>th</sup> of April 1992, with intention of fulfilling with ammunition MUP Republic of Serbian Krajina, you need to issue without compensation from your ammunition warehouse (SKm) Bosanski Novi for needs of station MUP Okučani:

|   |                   |
|---|-------------------|
| -BULLET 7,62 mm regular cartridge for pistol.....               | 4200              |
| -BULLET 7,65 mm regular cartridge.....                          | 4000              |
| -BULLET 7,62 mm regular cartridge for AP /automatic rifle/..... | 705600            |
| -BULLET 7,62 mm marked cartridge for AP.....                    | 281000            |
| -BULLET 7,62 mm pz cartridge for AP .....                       | 100800            |
| -BULLET 7,62 mm regular cartridge (s).....                      | 48000             |
| -BULLET 7,62 mm marked cartridge (s).....                       | 13200             |
| -BULLET 7,62 mm pz cartridge (S).....                           | 8000              |
| -BULLET 7,9 mm sniper (replacement).....                        | 3600              |
| -HAND GRENADE M75.....  | 6650              |
| -BULLET 26mm signal.....  | 500               |
| -BOX smoke.....   | 96 <sup>271</sup> |

2<sup>nd</sup> MD Confidential Order Nr 32/198-135, dated 25 April 1992 ordered the 530<sup>th</sup> POB to provide ammunition to the Local Serb police (MUP) in Petrinja.<sup>272</sup> During the same time period, the 2<sup>nd</sup> MD also issued orders to its subordinate logistical units to provide ammunition to the RSK MUP in Benkovac<sup>273</sup>, Knin<sup>274</sup>, Vojnić<sup>275</sup>, Korenica<sup>276</sup>, Okučani<sup>277</sup> and other RSK

<sup>270</sup> Exhibit Nr C4577; ERN BCS 0018-4084-0018-4084; Eng 0301-3019-0301-3020, Strictly Confidential Order Nr 32/198-100/1, from 2<sup>nd</sup> MD to 530 Logistics Base and 10<sup>th</sup> Corps, 26 April 1992

<sup>271</sup> Exhibit Nr C4214; ERN BCS 0089-1614-0089-1614; Eng ET 0089-1614-00891614, Top Secret Order Nr 32/198-137 from the 2<sup>nd</sup> MD to the 530 PoB regarding the issuing of ammunition to the Okučani MUP station, 25 April 1992

<sup>272</sup> Exhibit Nr C4562; ERN BCS 0089-1610-0089-1610; Eng ET 0089-1610-ET0089-1610, Confidential Order Nr. 32/198-135, signed by Gradimir PETROVIĆ, 25 April 1992

<sup>273</sup> Exhibit Nr C4553; ERN BCS 0018-4134-0018-4134; Eng L006-4606-L006-4607, 2<sup>nd</sup> MD Order Nr 32/198-138 to issue ammunition to the MUP station in Benkovac, 25 April 1992

<sup>274</sup> Exhibit Nr C4554; ERN BCS 0018-4128-0018-4128; Eng ET 0018-4128-0018-4128, 2<sup>nd</sup> MD Order Nr 32/198-133 to issue ammunition to the MUP station in Knin, 25 April 1992

MUP stations. All these orders made reference to the SSNO Order Nr 352-1, dated 20 April 1992, concerning the supply of ammunition to the RSK MUP. On 24 April, the 2<sup>nd</sup> MD received an order from the 608 Technical Support Base (SSNO) to provide a total of 500 pistols and other equipment from its reserves and the reserves of the RSK MUP to the Knin, Benkovac, Vojnic, Petrinja, Okučani, Beli Manastir and Vukovar RSK MUP units.<sup>278</sup>

- (7) On 31 August 1992, the 1<sup>st</sup> Krajina Corps of the VRS (Armed Forces of the Bosnian Serbs) sent the General Staff of the VRS the inventory of weapons and equipment issued to the (local Serb) TO staffs since the beginning of the conflict in Croatia and BiH. This report, 18-168/1 dated 31 August 1992, included a survey of the weapons issued to TO units of the SAO Krajina and the SAO Western Slavonia by the 5th JNA Corps.

In response to your strictly confidential order number 21/15-41 of 25 August 1992, we hereby attach the inventory of weapons and equipment issued to units and TO staffs, in other words, to structures outside the Armed Forces, since the beginning of the activities aimed at protecting Serbs from genocide in Croatia and the Serb Republic.<sup>279</sup>

According to the list, SAO Krajina and SAO Western Slavonia TO units had received more than 2.500 Semi-automatic rifles (7.62 mm), over 430 M-48 rifles (7.9 mm), as well as over 420 "Zolja" hand-held anti tank rocket launchers (64 mm), 28 mortars (82 mm) and 8 mortars (120 mm), from the 5<sup>th</sup> JNA Corps.<sup>280</sup>

<sup>275</sup> Exhibit Nr C4555; ERN BCS 0018-4131-0018-4131; Eng ET 0018-4131-0018-4131, 2<sup>nd</sup> MD Order Nr 32/198-138 to issue ammunition to the MUP station in Vojnić, 25 April 1992

<sup>276</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 6 Exhibit Nr C4576; ERN BCS 0018-4129-0018-4129; Eng ET 0018-4129-0018-4129, 2<sup>nd</sup> MD Order Nr 32/198-134 to issue ammunition to the MUP station in Korenica, 25 April 1992

<sup>277</sup> Exhibit Nr C4557; ERN BCS 0018-4133-0018-4133, ET 0018-4133-0018-4133, 2<sup>nd</sup> MD Order Nr 32/198-137 to issue ammunition to the MUP station in Okučani, 25 April 1992

<sup>278</sup> Exhibit Nr C4538; ERN BCS 0018-4153-0018-4153; Eng ET 0018-4153-0018-4153, Order Nr 14/2-3, 24 April 1992

<sup>279</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 6 Exhibit Nr C4223; ERN BCS 0095-9772-0095-9773; Eng 0300-8020-0300-8022, Report from 1 KK to the GŠ VRS re *Inventory of Weapons & Equipment Issued to the TO*, 31 August 1991

<sup>280</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 6 Exhibit Nr C4223; ERN BCS 0095-9772-0095-9773; Eng 0300-8020-0300-8022, Report from 1 KK to the GŠ VRS re *Inventory of weapons & equipment issued to the TO*, 31 August 1991

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- (8) The 18<sup>th</sup> "Okučani" SVK Corps Confidential Order Nr 10-428 "Report on the Inventory and Verification of Operational Records" to the Main Staff of the SVK, dated 17 August 1993, also showed that JNA equipment was transferred to the SVK when the JNA withdrew from Croatia:

...  
 Checking out materiel in 1991, which remained on the Western Slavonia territory after the withdrawal of the 5<sup>th</sup> Krajiški Corps<sup>281</sup>, was not dealt with. The current status of this materiel has been noted, but the actual checking out hasn't been made and we see way of solving this problem.

...  
 In the 91<sup>st</sup> Rear Base, during the inventory of spare parts, a considerable amount obtained in various ways in FRY has been registered. That is why we were forced to make a record of their reception so as to register all spare parts.<sup>282</sup>

- (9) On 23 December 1993, Colonel Milan ČELEKETIĆ, Commander of the 18<sup>th</sup> "Okučani" Corps of the SVK, issued Confidential Order Nr 18-1223, "Order on the method of providing materiel supplies from the VJ", to his subordinate units. Confidential Order 18-1223 was intended to remind these units of the procedures that had to be applied when requesting logistical support from the VJ.

In spite of orders and many warnings that the provision of material resources (MS) from the Yugoslav Army (VJ) be done in planned fashion and through the General Staff (GŠ) of the SVK there are still instances of commands or individuals directly contacting the GŠ VJ or individual units.

Direct contacts without authorisation from the GŠ SVK, give the impression of unorganised and haphazard work, incur unnecessary costs and the requirements of the GŠ VJ and the units are not being met.

In order to curb the arbitrary actions of individual commanders and individuals, and pursuant to the GŠ SVK Order confidential number 29-124 of 22 December 1993,

I ORDER:

1. Requests to the VJ for MS replenishment of the units are to be sent directly to the Corps Command.

I strictly forbid subordinate commands and individuals to directly contact the GŠ VJ or the VJ units in order to provide MS.

<sup>281</sup> The 5<sup>th</sup> JNA Corps, with HQ in Banja Luka (BiH). Following the withdrawal of the JNA from BiH and the creation of the VRS, the 5<sup>th</sup> JNA Corps was transformed into the 1 Krajina Corps of the VRS

2. The unit commanders are directly responsible to me for the consistent carrying out of this order.
3. I will hold the unit commanders and perpetrators responsible for all violations of this order.<sup>283</sup>

ČELEKETIĆ order was a follow up to the order “*on the Manner of Acquisition of Material Support From the Army of FRY*”, the commander of the SVK, Major-General Mile NOVAKOVIĆ had issued the same day.<sup>284</sup>

## 8. Intelligence and Security

- a. JNA Order Nr 2-77 dated 22 April 1992 and the RSK TO Commander’s order 270a, dated 30 April 1992, are two examples of orders, demonstrating that personnel of the JNA Security Administration were incorporated into the SVK Security Structures, as a way to direct and support the local security forces.

ORDER Number 2-77

ISSUED BY THE CHIEF OF PERSONNEL ADMINISTRATION OF THE  
FEDERAL SECRETARIAT FOR NATIONAL DEFENCE  
DATED 22 APRIL 1992

Pursuant to items 8/m and 18 of the Order on determining responsibilities and powers of officers regarding service-related issues in military personnel service (*Official Military Gazette*, numbers 5/87 and 22/91), and in conjunction with articles 271 and 284 of the Law on Service in the Armed Forces (SFRY *Official Gazette*, numbers 7/85, 20/89, 40/89 and 26/90), the following are being

DISPATCHED

to take up positions

A/ IN THE REPUBLIC OF SRPSKA KRAJINA TERRITORIAL DEFENCE MAIN  
STAFF

....

4. –Miloš KRNJETA, son of Mile, Infantry

<sup>282</sup> Exhibit Nr C363; ERN BCS 0201-1961-0201-1962; Eng 0201-1959-0201-1960, Report Nr 10-428 by Ratko SLADOJEVIĆ regarding the inventory of material assets and audit of the operation records of the 18<sup>th</sup> Corps of the SVK, 17 August 1993

<sup>283</sup> Exhibit Nr C4753; ERN BCS 0207-6885-0207-6885; Eng 0302-3281-0302-3281, Confidential Order Nr 18-1223, *Order on the Method of Securing Materiel Supplies from the FRY Army*, signed by Milan ČELEKETIĆ, 23 December 1993

<sup>284</sup> Exhibit Nr B9768; ERN BCS 0207-6233-0207-6244, List of documents signed by Major-General Mile NOVAKOVIĆ, at BCS 0207-6243-0207-6243; Eng ET 0207-6243-0207-6243, Order on the Manner of Acquisition of Material Support from the Army of FRY, Mile NOVAKOVIĆ, 22 December 1993



Colonel, personal VES: 31139, born 24 April 1950. Currently by MF: Assistant Chief of the Security Organ of the 13<sup>th</sup> Corps Command in the 5<sup>th</sup> military district, Lieutenant Colonel FČ, PG 11 dated 13 June 1991, Rijeka Garrison<sup>285</sup>

Order Nr 270a

Order Nr 270 a issued by the Commander of the Territorial Defence Main Staff of the RSK, Knin, dated 30 April 1992, appoints the following persons to the Vojnić Garrison of the Kordun TO Staff:

Petar AJDINOVIĆ, son of Prokop, infantry lieutenant colonel, MOS 31101, born on 28 April 1952

Duty: CHIEF OF SECURITY

Establishment rank: LieutenantColonel, status group 12

By organisational structure: LieutenantColonel, status group 12

Currently by peacetime structure: Assistant Chief of the Counterintelligence group of the 13<sup>th</sup> Corps of the 4<sup>th</sup> Military District (Rijeka Garrison).<sup>286</sup>

- b. These two examples show that JNA (VJ) security officers serving in the SVK, continued to be paid by the JNA (VJ), were promoted within the JNA (VJ) system, and were compensated for their time spent serving in the SVK.

Pursuant to Article 156 of the Law on the Army of Yugoslavia (*Official Gazette of the Federal Republic of Yugoslavia* no. 67/ 93), articles 24, 25 and 26 of the Rules on Reimbursement of Travelling and Other Expenses in the Army of Yugoslavia, and in connection with the decision by the Chief of the GŠ VJ /General Staff of the Army of Yugoslavia/ on determination of tasks and territories where service is performed under harsh (special) conditions, I hereby issue the following

#### D E C I S I O N

1.- Dušan SMILJANIĆ (son of Nikola), Colonel, serving at Military Post 4001 Belgrade, /illegible/ on duties at Military Post 9000 Knin \_\_\_\_\_ is entitled to remuneration for service under harsh (special) conditions as follows:

C) To the amount of 4 \_\_\_\_\_ % of his basic salary (Article 24, paragraph 3).<sup>287</sup>

- c. On 2 August 1994, Colonel Dušan SMILJANIĆ, Assistant Commander for Intelligence and Security of the SVK Main Staff, sent a letter, strictly confidential Nr 53-178 to the subordinate commands in which he requested a

<sup>285</sup> Exhibit Nr C4211; ERN BCS 0207-6818-0207-6830; Eng 0301-4028-0301-4040, Order for the deployment of officers, signed by Gojko KRSTIĆ, dated 22 April 1992

<sup>286</sup> Exhibit Nr C502; ERN BCS 0202-9341-0202-9342; Order Nr 270a by the TO Main Staff Commander Republic of Serbian Krajina, Knin, 08 May 1992

<sup>287</sup> Exhibit Nr C516; ERN BCS BCS 0207-6802-0207-6803; Eng L003-4037-L003-4039, Official Decision by General CELEKETIĆ on the granting of financial compensation to Colonel SMILJANIĆ, for service under hardship, 6 December 1994

list of candidates for training to be held in the Pančevo (FRY) Intelligence and Security Training Center in September 1994.

From the VJ GS - Sector for headquarters operational affairs 2<sup>nd</sup> (Intelligence and Security) Administration

We have received information that an intelligence operational course lasting two and a half months will begin in September 1994. The course will be held in the Pančevo OBSC (Intelligence and Security Training Centre).

Officers in service or candidates for the replenishment of the OBSC and OBPC are eligible for this course.

With respect to this, please supply us with lists of candidates for this course by 7 August 1994. Candidates shall be selected by the command's intelligence organs in co-operation with the security organs.<sup>288</sup>

This request indicates that SVK Intelligence personnel were trained in VJ facilities.

#### **9. Situation after the withdrawal of the JNA from Croatia (May 1992- ...)**

- a. As shown by the orders and other JNA documents discussed in the previous paragraphs of this Section, the (S)FRY continued to provide military assistance (personnel, equipment, logistical supplies) to the local Serbs military (RSK TO) and police structures (RSK MUP) in Croatia, even after the withdrawal of JNA (between March and May 1992) and the transformation of the JNA into the VJ.
- b. The JNA Bulletin Nr 168 of 10 February 1992 contained a statement of the SSNO Information Service, which dealt with the imminent deployment of UN Peacekeeping forces in Croatia.

#### **ANNOUNCEMENT BY THE INFORMATION SERVICE OF THE FEDERAL SECRETARIAT FOR NATIONAL DEFENCE (10 February 1992)**

All the necessary prerequisites have been secured for the beginning of the UN peacekeeping operation. Comprehensive preparations have been carried out in Cupertino with the State Committee for Co-operation with the United Nations and, as far as the Army is concerned, the peacekeeping operation may start tomorrow. This

<sup>288</sup> Exhibit Nr C512; ERN BCS 0207-6742-0207-6742; Eng L003-3938-L003-3939, Letter Nr 53-178 signed by Colonel SMILJANIĆ 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,

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was stated by Colonel General Blagoje ADŽIĆ, the acting Federal Secretary for National Defence and the Chief of Staff of the SFRY Armed Forces, following his return from the Assembly in Glina. At a meeting with the commanders of the Bihać, Banja Luka, Knin and Fifth RV i PVO Corps in Bihać, Lieutenant Generals Špiro NIKOVIĆ and Vladimir VUKOVIĆ and Major Generals Ratko MLADIĆ and Ljubomir BAJIĆ reported to General ADŽIĆ on the situation in their zones of responsibility and the combat readiness of the corps under their command. General ADŽIĆ said, amongst other things, that there was now a realistic chance that a political solution to the Yugoslav crisis would be reached in a peaceful way, long and thorny as this path might be. Such an opportunity is contained in the engagement of the UN peacekeeping forces in Yugoslavia. However, should there be any attempts to frustrate the peacekeeping operation, by force or in any other way, the Army would stand ready to protect the Serbian people at any cost, emphasised General ADŽIĆ in his conversation with the JNA officers in Bihać.<sup>289</sup>

- c. During the withdrawal of the JNA from Croatia under the Vance Plan, some JNA units were converted into (local Serb) TO units. The JNA 6<sup>th</sup> OG Highly Confidential Order Nr 695-207, issued by Major-General Slobodan DJORDJEVIĆ and dated 22 March 1992, discusses a briefing to the brigade commanders. One of the items of the agenda of the briefing is *“the implementation of the tasks on the transforming of the units of the JNA into the TO”*.<sup>290</sup>
- d. An example of the direct co-operation between the VJ and the SVK can be found in the letter, Strictly Confidential Nr 562-1, *“Report on the current issues of operations co-operation”* Mile NOVAKOVIĆ, CGS of the SVK, sent on 27 July 1993 to the Prime Minister of the RSK (personally). This Strictly Confidential document makes reference to a *“supply and replenishment section that was formed by the SVK General Staff for the purposes of establishing direct co-operation with the General Staff of the VJ”*.<sup>291</sup> NOVAKOVIĆ in the same document also talks about the role of a

<sup>289</sup> Exhibit nr C3729; ERN 0207-7092-0207-7094; Eng 0302-9254-0302-9256, *Activities for implementing the decision of the SFRY Presidency and the Cease-Fire Agreement*, BILTEN Nr 168, 10 February 1992

<sup>290</sup> Exhibit Nr B9774; ERN BCS 0202-9345-0202-9345; Eng ET 0202-9345-0202-9346, Highly Confidential Order Nr 695-207, *Briefing of the Brigade Commanders*, 22 March 1992

<sup>291</sup> Exhibit Nr C4725; ERN BCS 0207-6919-0207-6920; Eng L005-8692-L005-8696, *Report on the current issues of operations cooperation*, Mile NOVAKOVIĆ, 27 July 1993

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Colonel KARAMARKOVIĆ, “*Head of the RSK Defence Ministry Office*” in Belgrade.<sup>292</sup>

e. SVK Daily Combat Reports, describing the military situation in the RSK were, according to the addressees mentioned in the heading of the documents, sent to the RSK political leadership and the following people:

- Office of the President of the Republic of Serbia (to Mr. Slobodan MILOŠEVIĆ, personally)
- Chief of General Staff of the VJ (to Lieutenant General Momčilo PERIŠIĆ, personally).<sup>293</sup>

during at least the 1993-1995 timeperiod.

(1) Combat reports and other military situation reports are usually transmitted through the chain of command to inform superior command levels, on a “need to know” basis, and assist them in their decision-making process.

(2) These SVK Daily Combat Reports provide information on the co-operation between the SVK and the VJ:

(a) In the Regular Combat report Nr 61-414 for 11 November 1993, it was mentioned that “*it was necessary to replenish the Serbian Army of Krajina troops with more active service personnel from the VJ, as well as that the supplies received from the VJ were insufficient*”.<sup>294</sup>

(b) Within the Regular Combat Report Nr 61-431 for 25 November 1993 mention was made that a new group of AVL (Active Duty Personnel) of the VJ had arrived on 23 November 1993. Of the 259 called up, 81 responded. It is also reported that “*the quality of the diesel and petrol that the SVK receives from Pančevo*<sup>295</sup> *refinery is inadequate, and that the requests for re-supply of ammunition and other material resources*

<sup>292</sup> Exhibit Nr C4725; ERN BCS 0207-6919-0207-6920; Eng L005-8692-L005-8696, *Report on the current issues of operations cooperation*, Mile NOVAKOVIĆ, 27 July 1993

<sup>293</sup> Exhibit Nr C4243; ERN BCS 0207-6206-0207-6206; Eng 0301-8347-0301-8348, List of 7 Combat reports addressed to the FRY Supreme Defence Council, signed by General NOVAKOVIĆ and General CELEKETIĆ, 11 November 1993 to 4 July 1994

<sup>294</sup> Exhibit Nr B9775; ERN BCS 0207-6207-0207-6210, Regular Combat Report 61-414 of the SVK signed by Major-General Mile NOVAKOVIĆ, 11 November 1993

<sup>295</sup> Pančevo is located 15 Km NorthEast of Belgrade

*submitted at the meeting with the NGS<sup>296</sup> on 20 October have so far not been fulfilled". In the Requests Section, it is asked that what was agreed in the co-ordination plan at the VJ GŠ on 22 November 1993 is honoured.<sup>297</sup>*

- (c) The 9 December 1993's Regular Combat Report included an entry that *"the SVK has not received salaries yet. Officers sent from the VJ to the SVK are getting the second last raise only today".<sup>298</sup>*
- (d) The Regular Combat Report Nr 61-491 for 21 December 1993, included the information that there were 2.045 Yugoslav Army members (officers, NCO's, civilians) serving in the SVK.<sup>299</sup>
- (e) In the Regular Combat Report Nr 3-19 for 07 January 1994, the problems with active servicemen and civilians temporarily deployed in the RSK or RS whose families live in the FRY were discussed.<sup>300</sup>
- (f) The Regular Combat Report Nr 3-21 for 10 January 1994 discussed the sending of 876 conscripts from the RSK for training centres and units of the Yugoslav Army temporarily employed in the SVK.<sup>301</sup>
- (g) The Regular Combat Report Nr 3-137 (13 March 1994)<sup>302</sup>, Nr 3-265 (15 May 1994)<sup>303</sup> and Nr 3-321 (04 July 1994)<sup>304</sup> also contained

<sup>296</sup> From this document, it can be concluded that the NGS is the Chief of the General Staff of the VJ, Lieutenant-General Momčilo PERISIĆ

<sup>297</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 17 Exhibit Nr C3398; ERN BCS 0207-8141-0207-8143; Eng L004-3483-L004-3488, Regular Combat Report Nr 61-431 of the SVK, signed by Major-General Borislav ĐUKIĆ, 25 November 1993

<sup>298</sup> Exhibit Nr C4245; ERN BCS 0207-7298-0207-7299; Eng L004-4544-L004-4549, Regular Combat Report Nr 61-463 of the SVK, signed by Major-General Mile NOVAKOVIĆ, 09 December 1993

<sup>299</sup> Exhibit Nr B9077; ERN BCS 0207-6211-0207-6213, Regular Combat Report Nr 61-491 of the SVK signed by Major-General Mile NOVAKOVIĆ, 21 December 1993

<sup>300</sup> Exhibit Nr B9776; ERN BCS 0207-6214-0207-6216, Regular Combat Report 3-19 of the SVK signed by Major-General Mile NOVAKOVIĆ, 07 January 1994

<sup>301</sup> Exhibit Nr B9777; ERN BCS 0207-6217-0207-6219, Regular Combat Report 3-21 of the SVK signed by Major-General Mile NOVAKOVIĆ, 15 May 1994

<sup>302</sup> Exhibit Nr B9778; ERN BCS 0217-1022-0217-0126; Eng L010-0439-L010-0448, Daily combat Report 3-137 of the SVK, signed by Major-General Mile NOVAKOVIĆ, 13 March 1994

<sup>303</sup> Exhibit Nr B9779; ERN BCS 0207-6224-0207-6227, ET 0207-6224-0207-6227 Regular Combat Report 3-265 of the SVK signed by Major-General Milan ČELEKETIĆ, 15 May 1994

<sup>304</sup> Exhibit Nr B9780; ERN BCS 0207-6228-0207-6232, Regular Combat Report 3-321 of the SVK signed by Major-General Milan ČELEKETIĆ, 04 July 1994

information on the training of SVK conscripts/recruits by the VJ and the serving of VJ personnel (predominantly officers) in the SVK. The Regular Combat Report Nr 3-380 (14 August 1994)<sup>305</sup>, mentioned that the “*data bank of information on professional soldiers sent from the VJ has been updated*” and also contained an assessment of the reactions in the RSK to the embargo FRY had decided against the RS.

- (h) Regular Combat report Nr 3-171, dated 10 April 1995, under Para 2.2 Material and medical support of the SVK:

Having received the materiel sources from the Republic of Serbia and from the VJ in February and March of 1995, the necessary materiel reserves (of ammunition and foodstuffs) for the military needs have been created which greatly reduced the problems of the logistical support.<sup>306</sup>

Regular Combat Report nr 3-171 also refers to the problems related to “*the question of citizenship of the professional officers and non-commissioned officers who had been transferred and posted to the 40<sup>th</sup> Personnel Centre of the GŠ VJ, but do not have the citizenship of the Republic of Serbia or Montenegro, i.e. Yugoslavia*”.<sup>307</sup>

- f. The SVK and the VJ developed and implemented procedures and mechanisms to co-ordinate their activities.

- (1) In October 1993, a “*reminder/report on formation and co-operation with the VJ General Staff*” was prepared by Lieutenant-Colonel Nikola Poznan of the SVK.<sup>308</sup> This document contains information on the co-operation and co-ordination between the SVK and the VJ:

- The Chief of the Operations Department of the VJ General Staff has agreed that the SVK submits weekly reports on the activities of the

<sup>305</sup> Exhibit Nr C4907; ERN BCS 0207-8135-0207-8139; Eng L003-4296-L003-4308, Regular Combat Report Nr –380 of the SVK signed by Major-General Milan ČELEKETIĆ, 14 August 1994

<sup>306</sup> Exhibit Nr B8975; ERN BCS 0217-1099-0217-1104; Eng ET 0217-1099-0217-1104, Regular Combat Report Nr 3-171, signed by Major-General Milan ČELEKETIĆ, 10 April 1995

<sup>307</sup> Exhibit Nr B8975; ERN BCS 0217-1099-0217-1104; Eng ET 0217-1099-0217-1104, Regular Combat Report Nr 3-171, signed by Major-General Milan ČELEKETIĆ, 10 April 1995

<sup>308</sup> Exhibit Nr B8976; ERN BCS 0207-7185-0207-7191; Eng ET0207-7185-0207-7191, *Reminder/Report on Formation and Co-operation with VJ General Staff, Lieutenant Colonel Nikola POZNAN*, October 1993

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enemy, and the own forces, “*in order for the VJ General Staff to have a better understanding of the defence of the RSK*”.

- Among the problems, the organisation of co-ordinated action between the 11th Slavonia Baranja Corps (SVK) and units of the Novi Sad Corps, as well as the “*organisation of an integrated and co-ordinated air surveillance units with the VJ and the VRS*”.

- (2) Brigadier General Mile NOVAKOVIĆ, CGS of the SVK, on 03 November 1993, sent the Strictly Confidential order Nr 61-390 to the General Staff of the VJ, referring to the latter’s Strictly Confidential Order Nr 5-176 of 01 November 1993. Order Nr 61-390 dealt with the co-ordination of tasks between the SVK and the VJ and announces the participation of the Commander of the SVK, the SVK Chief of Operations and Training, the SVK Chief of the Organ for Organisation, Mobilisation and Personnel Affairs, the SVK Commander of the RV i PVO (Air Force and Air Defence) and the Assistant Commander for Logistics of the SVK at this co-ordination meeting.<sup>309</sup>
- (3) In December 1993 Colonel Čedo RADANOVIĆ, Head of the Office of the CGS of the SVK, signed the strictly confidential document “*Memorandum on the Co-ordination of Tasks of the Yugoslav Army*”. RADANOVIĆ’s memorandum was the SVK reply to VJ order Nr 5-187 of 25 November 1993, and addressed the upcoming 17 December 1993 Co-ordination meeting between the VJ and SVK.<sup>310</sup> This document provides insights into the relationship between the SVK and the VJ.

TO THE GENERAL STAFF OF THE YUGOSLAV ARMY  
TO THE OFFICE OF THE CHIEF OF THE GENERAL STAFF

– Personally –

RE: your ref. strictly confidential no. 5-187 of 25 November 1993

<sup>309</sup> Exhibit Nr B8977; ERN BCS 0207-7196-0207-7197; Eng L005-8133-L005-8135, Strictly Confidential Order Nr 61-390, Mile NOVAKOVIĆ, 03 November 1993

<sup>310</sup> Already Tendered by the Prosecution as Exhibit 427, Tab 52 Exhibit Nr C4752; ERN BCS 0207-8152-0207-8164; Eng L004-6436-L004-6459 *Memorandum on co-ordination of tasks of the Yugoslav Army*, Dec 1993

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The co-ordination of tasks meeting between the VJ and the will be attended by the following from the GŠ of the SVK:

1. SVK Chief of Staff Major General Borislav ĐUKIĆ
2. Assistant Commander for Logistics Major General Mirko BJELANOVIĆ

We propose the following matters as the focus for the co-ordination meeting:

1. Command and Control:
  - Protection of communications
  - IT support
2. Morale:
  - Problems with supplies of materiel
3. Training:
  - Co-ordinating officer training courses for command duties at brigade and corps level
  - Training of SVŠ /secondary military school/ and VA /military academy/ cadets
4. Mobilisation:
  - Problems with manning and the establishment of the 40<sup>th</sup> Personnel Centre
  - Development of the SVK establishment (assistance of the 3<sup>rd</sup> Administration)
5. Logistics Support:
  - Analysis of the implementation of tasks from the previous co-ordination meeting and examination of new requests

In the Memorandum, RADANOVIĆ also gave a detailed analysis of the tasks that had been implemented since the previous co-ordination meeting and those that were not. These tasks dealt with Mobilisation and Personnel issues, Logistics, Air Force and Air Defence, etc.

- (4) Similar Memoranda were prepared by the SVK General Staff in January<sup>311</sup>, February<sup>312</sup>, and May<sup>313</sup> 1994. The reference in these documents to "the previous meeting" shows that co-ordination occurred at regular intervals and was standard procedure.

<sup>311</sup> Exhibit Nr B9781; ERN BCS 0207-6635-0207-6638; Eng ET 0207-6635-0207-6638, *Memorandum on the Co-ordination of Tasks*, Major-General Mile NOVAKOVIĆ, CGS SVK, 17 January 1994

<sup>312</sup> Exhibit Nr B9782; ERN BCS 0207-6627-0207-6634; Eng L006-1571-L006-1589, *Summary for the coordination of tasks in the General Staff of the Army of Yugoslavia*, Major-General Mile NOVAKOVIĆ, CGS SVK, 15 February 1994

<sup>313</sup> Exhibit Nr B9783; ERN BCS 0207-7207-0207-7214; Eng ET 207-7207-0207-7214, *Memorandum on the Co-ordination of Tasks*, Major-General Mile NOVAKOVIĆ, CGS SVK, 26 May 1994



- (a) The document for February 1994 contains a reference to “*approval of technical equipment for establishing communication with the General Staff of the Army of Yugoslavia and the Main Staff of Republika Srpska*”<sup>314</sup>.
- (b) An “*Aide-Memoir for Co-ordination in the GŠ (Main Staff) of the VJ*” was sent by Major-General Milan ČELEKETIĆ, CGS of the SVK, on 14 July 1994.<sup>315</sup> In this latter document, ČELEKETIĆ, raised the problems that were related to the issue of citizenship of officers and NCO’s as well as civilians in the Army of Yugoslavia who were serving in the SVK and were not nationals of the Republics of Serbia or Montenegro, i.e. Yugoslav nationals. He also discussed the issue of the assignment of commanding officers to the 40<sup>th</sup> KC (Personnel Centre).<sup>316</sup> In relation to logistical support, ČELEKETIĆ stated that “*the assistance provided by the VJ in the form of ammunition, food, medicines and other critical material and equipment was valuable but insufficient*”.<sup>317</sup>

These memoranda demonstrate that the VJ and SVK closely and systematically co-ordinated their activities throughout the conflict, notwithstanding that the JNA had withdrawn from Croatia in Spring 1992. They also show that the SVK depended on the assistance (know how and support) provided by the JNA (VJ).

- g. According to the SVK Confidential Document Nr 5/13-86, dated 18 April 1994, and sent to the Chief of the Department for Recruitment, Mobilisation

<sup>314</sup> Exhibit Nr B9782; ERN BCS 0207-6627-0207-6634; Eng L006-1571-L006-1589, *Summary for the coordination of tasks in the General Staff of the Army of Yugoslavia*, Major-General Mile NOVAKOVIĆ, CGS SVK, 15 February 1994, at L006-1584

<sup>315</sup> Exhibit Nr C4248; ERN BCS 0207-7215-0207-7224; Eng L003-4131-L003-4149, *Aide-Memoire for Co-ordination in the GŠ (Main Staff) of the VJ*, Major-General Milan ČELEKETIĆ, July 1994

<sup>316</sup> Exhibit Nr C4248; ERN BCS 0207-7215-0207-7224; Eng L003-4131-L003-4149, *Aide-Mémoire for Co-ordination in the GŠ (Main Staff) of the VJ*, Major-General Milan ČELEKETIĆ, July 1994, Para 4.a.

<sup>317</sup> Exhibit Nr C4248; ERN BCS 0207-7215-0207-7224; Eng L003-4131-L003-4149, *Aide-Mémoire for Co-ordination in the GŠ (Main Staff) of the VJ*, Major-General Milan ČELEKETIĆ, July 1994, Para 5

and Personnel issues in the General Staff of the VJ, there was a “*Co-ordinator for the SVK in the Cabinet of the FRY Defence Council*”.<sup>318</sup>

- h. VJ Strictly Confidential Order Nr 1488-1, dated 07 December 1994 and release by Momčilo PERIŠIĆ, CGS of the VJ, provides an example of Slobodan MILOŠEVIĆ, when president of Serbia, issuing direct instructions to the RSK leadership.

Federal Republic of Yugoslavia  
 Chief of General Staff of the Yugoslav Army  
 Office of the Chief of General Staff  
 Strictly confidential no. 1488-1  
 7 December 1994

To the President of the Republic of the Serbian Krajina, Mr. Milan MARTIĆ, and the Commander of the Main Staff of the SVK, Major General Milan ČELEKETIĆ

On the order of the President of the Republic of Serbia, Mr. Slobodan MILOŠEVIĆ, urgently facilitate the passage of UNPROFOR humanitarian aid in Western Bosnia (with forces in the Bihać pocket), for two reasons:

1. Because you, Mr. MARTIĆ, promised this to Mr. Yasushi AKASHI
2. Because the decision on UNPROFOR's withdrawal from Western Bosnia is at stake.

Inform UNPROFOR (Mr. AKASHI) in writing that you will perform this task you assumed immediately this evening (7 December 1994) and then do it.

Submit a report on completed task to the President of the Republic of Serbia, Slobodan MILOŠEVIĆ, through the NGŠ /Chief of General Staff/ of the VJ, tomorrow (8 December 1994), by 0800 hours.

On the authority of the President of the Republic of Serbia, Slobodan MILOŠEVIĆ  
 Chief of VJ General Staff, Lieutenant General Momčilo PERIŠIĆ<sup>319</sup>

This order was issued by the President of Serbia, through the CGS of the VJ, to the President of the RSK.

<sup>318</sup> Exhibit Nr B9784; ERN BCS 0217-1125-0217-1125; Eng ET 0217-1125-0217-1125, Confidential Document Nr 5/13-86, 18 April 1994

<sup>319</sup> Already Tendered by the Prosecution as Exhibit 469 Tab 18 Exhibit Nr C3415, ERN BCS 0207-7291-0207-7291; Eng 0301-8382-0301-8382, Strictly Confidential Order Nr 1488-1, from the CGS of the VJ, Momčilo PERIŠIĆ to Milan MARTIĆ, President of the RSK, 07 Dec 1994

**Section FOUR: The Implementation of Military Law and the  
laws of armed conflict during the conflict in Croatia**

**1. Introduction**

- a. The regulations that applied to the SFRY Armed Forces with regard to Military Laws and the Laws of armed conflict, and the prosecution of transgressions of these laws and regulations, referred to the many international humanitarian law treaties that the SFRY has ratified. These included, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions. In addition, there were laws establishing a system of military prosecutors and military courts.
- b. In its capacity of Supreme Commander, the SFRY Presidency bore both the responsibility and the authority to maintain discipline within the Armed Forces of the SFRY, including compliance with the SFRY's obligations under international law.
- c. During the conflict in Croatia, notwithstanding the political and military leadership's awareness of alleged violations of the laws of war, via reports prepared by the competent organs within the SFRY armed forces, written complaints and other reports by NGO's, as well as during meetings with peace envoys and other international officials, these laws were only selectively enforced.
- d. According to the evidence available, only those violations of the international laws of war perpetrated by people belonging to enemy forces, or low level volunteers and paramilitaries were prosecuted. (Senior) JNA (VJ) officers who were allegedly involved in crimes, including those indicted by the ICTY, were promoted or otherwise protected. The same applied to leaders of paramilitary, and volunteer groups.

## 2. Orders on the implementation of the Laws and Regulations

### a. General

- (1) As was described in the first part of this study, the SFRY Presidency, in its capacity of Supreme Commander, bore the responsibility and the authority to maintain discipline within the Armed Forces of the SFRY, including compliance with the SFRY's obligations under international law. The 1974 SFRY constitution, 1982 "ONO Law", and relevant military regulations created systems of military discipline and justice, defined the SFRY's obligations under international humanitarian law, and established the SFRY Presidency's duty to ensure discipline and respect for the law within the armed forces.
- (2) Taking into account the legal reference material and the JNA regulations discussed in Part I, Section Seven of this study, it can be assumed that the JNA military personnel, both those with command responsibility as well as ordinary soldiers were familiar with Military Law and the Laws of armed conflict. For the same reasons it can be concluded that the JNA personnel were aware that violations of these regulations and the laws of war in general were to be reported and would result in disciplinary measures.
- (3) Based on the fact that during operations in Croatia, local Serb TO, Serbian (or Montenegrin) TO and volunteers/paramilitaries (the latter in most cases) were subordinated to the JNA, it would be incumbent upon the JNA, starting with the JNA unit commanders, followed by JNA TG and OG Commanders, to take the appropriate measures with respect to alleged crimes or other violations involving the aforementioned units.

### b. Orders

- (1) Additional orders were issued during the conflict in Croatia to increase the awareness of military personnel in relation to the respect of Military Law and the Laws of War. Letter Nr 6-83 issued by the SSNO Administration for Moral Guidance on 12 October 1991 and signed by Colonel Blagoje ADŽIĆ's, CGS of the JNA, is one example:

During the performance of the above tasks, any act of disobedience, indiscipline, unauthorised leaving of units, maltreatment of citizens irrespective of their nationality in the areas where units are located, plundering, looting and imposition of anybody's private laws should be prevented at all costs.<sup>320</sup>

- (2) An additional order, signed by General Blagoje ADŽIĆ, CGS of the JNA, dealing specifically with the requirement to abide with the regulations of international law was published on 14 October 1991.

With observation of the regulations of international humanitarian law as the goal, I

**ORDER**

1. The JNA units shall ensure that the regulations of international humanitarian law are observed fully and consistently in all areas within their competence.
2. All means shall be employed to prevent any attempts of looting of property, attack or abuse of civilian population or persons who participate in armed conflicts, persons who surrender or hoist the white flag in order to hand over the injured and the sick, religion-related and medical personnel or all other protected persons.
3. It is strictly prohibited to attack cultural goods and other protected facilities (churches, historical monuments, medical institutions, etc.) except when JNA units come under fire directed from those facilities. In such cases, the officer in charge shall warn the adverse side in an appropriate manner prior to the opening of fire to cease their fire and abandon the facilities.

In cases in which it is impossible to avoid opening of fire at protected facilities, a report must urgently be submitted on all circumstances of the event. Whenever possible, such cases must be documented (photographs or television recordings, witness statements, etc.).

4. All breaches of the regulations of international humanitarian law in the area of the unit's activities must be reported and documentation available submitted to proper legal military organs who will take adequate action against the perpetrators as stipulated by law.
5. All officers and privates of the SFRY Armed Forces must be advised about this Order.<sup>321</sup>

<sup>320</sup> Already Tendered by the Prosecution as Exhibit 446 Tab 64, Exhibit Nr C4325; ERN BCS 0207-7090-0207-7091; Eng 0302-9257-0302-9258, Letter by the SSNO Moral Guidance Administration Nr 6-83, signed by General Blagoje ADŽIĆ, 12 Oct 1991

<sup>321</sup> Already Tendered by the Prosecution as Exhibit 406 Tab 15, Exhibit Nr C5488; ERN BCS 0326-9335-0326-9336; Eng ET ZA01-0627-ZA01-0627, *Order on the observation of the regulations of international humanitarian law*, Colonel General Blagoje ADŽIĆ, 14 October 1991

- (3) The aforementioned additional orders and instructions on the Application of the Laws of War were disseminated to subordinated units.<sup>322, 323</sup>

c. Memorandum of Understanding 27 November 1991

- (1) On 27 November 1991, representatives of the SFRY Federal Executive Council (SIV), the JNA, the Republic of Serbia, and the Republic of Croatia signed a "*Memorandum of Understanding*"<sup>324</sup>, under the auspices of the International Committee of the Red Cross (ICRC). This memorandum formalised the commitments of the warring parties towards the ICRC. The signing parties also explicitly undertook to strictly apply all four Geneva Conventions.<sup>325</sup>
- (2) Following the signing of this Memorandum of Understanding with the ICRC, the Legal Administration of the SSNO prepared a "*Report on the commitments the JNA has undertaken by signing the Memorandum of Understanding*".<sup>326</sup> This report argued that the conflict in Croatia was an internal conflict "*subject to the provisions of the Additional Protocol of the 12 August 1949 Geneva Convention on the Protection of Victims of Non-International Armed Conflicts*"<sup>327</sup>, *common article 3 of all four Geneva Conventions and the rules of international laws and customs of war, which contain the basic standards of humanity by all civilised nations*".<sup>328</sup>
- Because, at least according to the SSNO Legal Administration, the conflict

<sup>322</sup> Exhibit Nr B9786; ERN BCS 0216-2827-0216-2831; Eng ET 0216-2827-0216-2831, *Instruction on the Application of the International Laws of War in the Armed Forces of the SFRY, 5<sup>th</sup> Corps*, 17 Nov 1991

See also Exhibit Nr B9785; ERN BCS 0207-7089-0207-7089; Eng L005-3777-L005-3777, Order 1-65 of the 9<sup>th</sup> Corps, *Order of the Chief of the General Staff of the SFRY Armed Forces and SSNO Administration for Moral Guidance information*, 16 October 1991

<sup>323</sup> Exhibit Nr B9787; ERN BCS 0327-1215-0327-1217; Eng ET 0327-1215-ET0327-1217, *Information about protection of the cultural assets in Yugoslavia, 1<sup>st</sup> Guards Motorised Brigade*, Confidential Order Nr 111-90, 07 November 1991

<sup>324</sup> Exhibit Nr B9788; ERN Eng 0031-7866-0031-7869, *Memorandum of Understanding, Geneva*, 27 November 1991

<sup>325</sup> Exhibit Nr B9788; ERN Eng 0031-7866-0031-7869, *Memorandum of Understanding, Geneva*, 27 November 1991, Para (1) - (6)

<sup>326</sup> Exhibit Nr B4690; ERN BCS 0124-1849-0124-1854; Eng 0303-1375-0303-1379, *5<sup>th</sup> JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991*, 01 May 1992

<sup>327</sup> 2<sup>nd</sup> Protocol (1977)

<sup>328</sup> Exhibit Nr B4690; ERN BCS 0124-1849-0124-1854; Eng 0303-1375-0303-1379, *5<sup>th</sup> JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991*, 01 May 1992

in Croatia was an internal conflict, "there could be no talk of prisoners of war but only of persons detained in connection with the armed conflict". However, with the signing of the Memorandum, "the obligation to apply all four Geneva conventions was accepted".<sup>329</sup> According to the report, these obligations "cause many problems and misunderstandings", with most misunderstandings being related to the provision of information and keeping of records of detainees.<sup>330</sup> Interestingly, the report concluded as follows: "Finally, the problems that have so far been observed with regard to the fulfilment of the obligations show the need for officers directly involved in this work to study closely the provisions of the Geneva Conventions and the Instructions on the Application of the Law of War in the Armed Forces of the SFRY and to ensure their consistent and full application."<sup>331</sup>

### 3. Notice of alleged violations of Military Laws and the Laws of Armed Conflict

The Serbian and SFRY political leadership and the SFRY military leadership were notified and/or informed otherwise, of alleged violations of the laws of war.

- a. After Lord CARRINGTON complained to the SFRY leadership about the destruction of churches and religious buildings during JNA 9<sup>th</sup> Corps operations against Kijevo on 26 August 1991, Ratko MLADIĆ, 9<sup>th</sup> Corps COS, wrote the Strictly Confidential Report Nr. 19-1549, to explain and justify the way his units had handled the situation.<sup>332</sup>
- b. On 01 October 1991, the Supreme Command Staff of the SFRY Armed Forces issued an ultimatum to the Croatian political and military authorities, in a reaction to the "ignoring by the leadership and armed formations of all cease-

<sup>329</sup> Exhibit Nr B4690; ERN BCS 0124-1849-0124-1854; Eng 03031375-0303-1379, 5<sup>th</sup> JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991, 01 May 1992

<sup>330</sup> ERN BCS B4690; 0124-1849-0124-1854; Eng 0303-1375-0303-1379, 5<sup>th</sup> JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991, 01 May 1992

<sup>331</sup> ERN BCS B4690; 0124-1849-0124-1854; Eng 0303-1375-0303-1379, 5<sup>th</sup> JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991, 01 May 1992

<sup>332</sup> Exhibit Nr C4146; ERN BCS 0207-6675-0207-6676; Eng L003-4258-L003-4261, Strictly Confidential Report Nr 19-1549 on the attack on Kijevo submitted by Ratko MLADIĆ, COS of the 9<sup>th</sup> JNA Corps, 04 October 1991

*fire agreements” and the “strengthening of the blockades of (JNA) military units”*. The ultimatum contained the following warning:

- For each attacked and overrun JNA facility, one facility of vital importance to the Republic of Croatia will be immediately destroyed
- For each attacked and taken garrison, vital facilities of the town in which the garrison is located will be destroyed. The civilian population is warned to withdraw in time from inhabited places.
- As military response to taking several barracks and other military facilities since the latest cease-fire, we will launch offensive actions in part of the Republic of Croatia.
- If you wish to avoid further bloodshed and destruction, local authorities should immediately contact the responsible JNA commands to facilitate safe withdrawal of units with all their medical equipment and movable assets as well as the dependants of army members from the threatened garrisons. Monitors from international missions may help with this”<sup>333</sup>

There are also other examples of JNA officers using ultimatums to achieve their goals. Major Slobodan BARJAKTAROVIĆ on 28 September 1991, informed the “*inhabitants of the village of Bapska*” that if by 1600 Hr all weapons in the village were not collected and taken to JNA organs in Vikinci (Eastern Slavonia), they “*could count on it that their village would not appear anymore on geographical maps*”.<sup>334</sup> Ultimatums were also used during the campaign against Dubrovnik, by LieutenantColonel General Pavle STRUGAR. Commander of OG2, to demilitarise the city.<sup>335</sup>

- c. On 23 October 1991, Lieutenant-Colonel Milan EREMIJA, Deputy-Commander for Instruction in Matters for Moral and Political Propaganda in the JNA 1<sup>st</sup> Guard Mechanised Division, which was participating in the campaign against Vukovar, reported the following in his “*Weekly report on the state of morale in the 1<sup>st</sup> Guards Mechanised Division and its subordinate units*”, confidential message Nr 1276-1, sent to his superiors in the 1<sup>st</sup> MD.

<sup>333</sup> Exhibit Nr C4145; ERN Eng R030-0306-R030-0306, *Statement of the Supreme Command Headquarters of the SFRY Armed Forces*, TANJUG, 01 October 1991

<sup>334</sup> Exhibit Nr B9789; ERN BCS/Eng 0038-2393-0038-2394, *Message to the inhabitants of Bapska*, Major Slobodan BARJAKTAROVIC, 28 September 1991.

<sup>335</sup> Exhibit Nr B9790; ERN Eng 0201-1493-0201-1494, *Communication of the Naval Sector Boka to the Dubrovnik Crisis Center and the European Mission*, LieutenantColonel General Pavle STRUGAR, , 26 October 1991



4. - Activities and occurrences which have a negative impact on the state of the morale

in the division units:

In the combat activity zone of the 1<sup>st</sup> Guards Mechanised Division, the main motive behind the presence of several groups of different paramilitary formations from Serbia, Chetniks, the Dusan Silni Detachment, and various self-styled volunteers, is not to combat the enemy but to loot the people's property and engage in the sadistic abuse of innocent civilians of Croatian nationality.

In the village of Lovas, on one occasion, 80 villagers of Croatian nationality were captured by the TO Lovas and the Dusan Silni Detachment; they were then physically abused and four of the Lovas villagers were killed.

After the arrival of the Valjevo Detachment in the village of Lovas, the captured villagers were used for clearing minefields, and 17 villagers were killed. The wounded villagers were refused medical help by the staff at the Šid Medical Centre.

5. Proposals for improving morale in the units:

Undertake the organised disarming of paramilitary formations, in particular of the Dusan Silni Detachment, Chetniks, and Arkan's soldiers; authorities of the Republic of Serbia must participate in the campaign.<sup>336</sup>

EREMIJA's telegram, which was subsequently published in the international press<sup>337</sup> and also quoted in the "*Final Report of the United Nations Commission of Experts Established pursuant to Security Council Resolution 780 (1992) (Annex III.a Special Forces)*"<sup>338</sup>, demonstrated the damaging activities of volunteer units and units of the local Serb TO. The report identified criminal acts against humanity and singled out the alleged perpetrators. The OTP has no evidence that the competent SFRY military or political authorities acted upon EREMIJA's report and launched an investigation or took measures against the alleged perpetrators that were identified in the document.

- d. Video footage of a speech by General Andrija BIORČEVIĆ, Commander of the 12<sup>th</sup> JNA Novi Sad Corps and OG North during the Vukovar campaign,

<sup>336</sup> Already Tendered by the Prosecution as Exhibit 342 Tab 11, Exhibit Nr C1277; ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, Telegram signed by Lieutenant Colonel Milan EREMIJA, deputy-Commander for Instruction in Matters of Morale and Political Propaganda, 1<sup>st</sup> Guards Mechanised Division, to the command of the 1<sup>st</sup> Military District

<sup>337</sup> Exhibit Nr B9791; ERN Eng 0033-4459-0033-4459, *Serbs blamed for Mass Croatian Grave*, The Washington Post, 26 January 1993

<sup>338</sup> Exhibit Nr B7937; ERN Eng 0027-7184-0027-7441, *Final Report of the United Nations Commission of Experts Established pursuant to Security Council Resolution 780 (1992) (Annex III.a Special Forces)*, United Nations Security Council, 27 May 1994, at ERN Eng0027-7361

screened on local Serb TV Beli Manastir (SBWS) early 1992, showed that there were senior JNA officers in the 1<sup>st</sup> MD that praised the behaviour of the paramilitaries. According to the transcript of the video footage, BIORČEVIĆ stated:

"That was the greatest contribution of ARKAN's volunteers. Some people say that I conspire with paramilitary formations. These are not paramilitary formations, they are people who came voluntarily to fight for the Serbian people... We surround a village, they enter it, kill those who refuse to surrender and we go on."<sup>339</sup>

General BIORČEVIĆ's public comments came after articles published in the Information Bulletin of the SSNO, immediately after the fall of Vukovar (and prior to the killings in Ovčara<sup>340</sup>).

VUKOVAR IS NOT THREATENED BY A MASSACRE - STATEMENT BY COLONEL MIODRAG STARCEVIC OF THE FEDERAL SECRETARIAT FOR NATIONAL DEFENCE - (November 18,1991).

The representative of the Federal Secretariat for National Defence stated In a press release to Tanjug that the latest demands of the Croatian government were groundless, as there were no real reasons for fear that anyone in Vukovar would allegedly massacre civilians, old people and children. It is more likely that there is the wish to shift responsibility for the crimes already committed to the JNA - stated Colonel Dr. Miodrag Starčević, regarding the demands of Zagreb that the JNA protect the population of Vukovar against the alleged militant Chetniks and terrorists. He pointed out that the JNA had already a month and a half ago proposed in the drive-for the withdrawal of the wounded from Vukovar organised by the "Doctors Without Frontiers" that all civilians and children in particular should be removed from the town. The Croatian side flatly refused this suggestion, using civilians as a live-shield. The only humanitarian aid in Vukovar itself had been provided by the JNA, and co-operation with the Red Cross has been successful.<sup>341</sup>

- e. UNESCO expressed its concern to the SFRY political and military leadership about the way the JNA and the forces it controlled operated during the Dubrovnik campaign. On 06 December 1991, Frederico MAYOR, Director-General of UNESCO, sent a telegram to Army General Veljko KADIJEVIĆ,

<sup>339</sup> Exhibit Nr C4153, ERN BCS/Eng 0062-2146-0062-2147, Transcript of speech by General Andrija BIORČEVIĆ on TV-Beli Manastir, 01 January 1992.

<sup>340</sup> Case IT-95-13/1

Federal Secretary for People's Defence, to express his concern about the shelling by JNA forces of the Old Town of Dubrovnik<sup>342</sup>.<sup>343</sup> The 06 December 1991 telegram followed a series of letters about the threat the conflict posed to the natural and cultural heritage in the SFRY, the UNESCO Director sent to the SFRY, Serbian and Croatian leadership.<sup>344</sup> Already on 05 October 1991, Dragutin ZELENOVIĆ, President of the government of the Republic of Serbia, sent a letter to the government of the republic of Croatia, asking the latter to "*stop the destruction of Dubrovnik*" and "*expressing its firm conviction that all the members of the Yugoslav Army and troops of the Territorial Defence will put all efforts to protect this historical town*"<sup>345</sup>.

- f. On 21 January 1992, the US Helsinki Watch Committee sent a letter to Slobodan MILOŠEVIĆ, President of Serbia, and Colonel-General Blagoje ADŽIĆ, Acting Federal Secretary for People's Defence, regarding human rights abuses by the Serbian government and Yugoslav Army.

Dear President Milošević and General Adžić

The U.S. Helsinki Watch Committee is deeply troubled by reports of serious human rights abuses by the Serbian government and the Yugoslav Army. Our own investigations of these reports, conducted during a series of fact-finding missions to Yugoslavia over several years, indicate that many of these reports are well founded. We call upon you to investigate the abuses enumerated in this letter and to punish those responsible for them. We call upon you to take immediate measures to ensure that such violations of human rights do not occur again.

The abuses described in this letter include violations of the laws of war in the Croatian conflict, including the summary execution of civilians; the indiscriminate and disproportionate use of force against civilian targets; the torture and mistreatment

<sup>341</sup> Exhibit Nr B9761, ERN Eng 0054-5419-0054-5426, *Bulletin*, Nr 80, Information Service of the Federal Secretariat for People's Defence, 19 November 1991, at 0054-5426

<sup>342</sup> The Old Town of Dubrovnik was a protected UNESCO site (See Already Tendered by the Prosecution as Exhibit 408 Tab 12, Exhibit Nr C5481, ERN Eng 0326-2896-0326-2898, Document entitled "*Properties Inscribed on the World Heritage List - UNESCO 1972 - Convention Concerning the Protection of the World Cultural and Natural Heritage*")

<sup>343</sup> Exhibit Nr C5459, ERN Eng 0119-0785-0119-0785, Press report entitled "Director-General Sends Urgent Telegram on Situation in Dubrovnik to General KADIJEVIĆ, 06 December 1991

<sup>344</sup> Exhibit Nr B9792, ERN Eng 0031-6238-0031-6273, Series of Letters from Director-General of UNESCO and related correspondence, September-November 1991

<sup>345</sup> Already Tendered by the Prosecution as Exhibit 338 Tab 4 Exhibit Nr C3607; ERN BCS 0107-4940-0107-4940; Eng 0107-4941-0107-4941, letter from the Serbian government, Dragutin ZELENOVIĆ, 05 October 1991

of detainees; disappearances and the taking of hostages; the forced displacement and resettlement of civilian populations; and the killing of journalists covering the war. In addition to violations connected with the armed conflict in Croatia, Helsinki Watch has also documented restrictions on the press and on free expression in Serbia and harassment and repression of opposition political figures and people who have spoken out against the war. Finally, we object to the continuing persecution of the Albanian population of Kosovo.<sup>346</sup>

Attached to the letter was a 25-page detailed report of alleged violations of the rules of law committed by the JNA and other Serb forces during the conflict in Croatia. The Helsinki Watch letter received extensive coverage in international and (independent) Serbian media.<sup>347</sup>

Goran MILINOVIĆ, the Chief of Cabinet of Slobodan MILOŠEVIĆ, sent the following reply to Helsinki Watch.

Concerning the letter sent to the President of the Republic of Serbia, Mr. Slobodan MILOŠEVIĆ by the US Helsinki Watch Committee on January 21, we want to inform you as follows:

1. The places in which the mentioned crimes were committed are not within the territory of the Republic of Serbia; therefore the Republic is neither competent for nor involved in such acts in any way. Consequently the Republic of Serbia can not be responsible for that.
2. The President of the Republic of Serbia asked the competent organs of the Republic of Serbia to investigate the abuses enumerated in your letter and if any of the citizens of the Republic of Serbia participated in those crimes, they will be brought to justice.<sup>348</sup>

- g. In a document Nr. 386-91, called "*Indicators of aggression against the RSK*", dated 09 June 1993, the president of the RSK, Milan MARTIĆ, and the CGS

<sup>346</sup> Already Tendered by the Prosecution as Exhibit 359 Tab 3, Exhibit Nr C3653; ERN Eng 0018-7364-0018-7390, Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army, 21 January 1992

<sup>347</sup> Exhibit Nr B9793; ERN Eng 0026-5754-0026-5755, Press Coverage concerning Helsinki Watch's letter to the Serbian President Slobodan MILOŠEVIĆ and Blagoje ADŽIĆ, acting Minister of Defence and Chief of the General Staff of the Yugoslav People's Army

<sup>348</sup> Already Tendered by the Prosecution as Exhibit 359 Tab 6, Exhibit Nr C2879; ERN BCS 0302-0967-0302; Eng 0209-3684-0209-3684, Copy of the response from Goran MILINOVIĆ, Chief of Cabinet of the President of the Republic of Serbia, Slobodan MILOŠEVIĆ, to US Helsinki Watch letter, 12 February 1992

of the SVK, Mile NOVAKOVIĆ, informed Slobodan MILOŠEVIĆ, President of Serbia, among other things about the following:

Having assessed the military and political situation in the RSK /Republic of Serbian Krajina/ as very complex, we feel obliged to inform you about it and ask you to use your authority and position in order to improve the situation.

...  
So far we have undertaken the following measures:

...  
We moved P-65 LUNA rockets from the Army of Republika Srpska to the area of Banija and Kordun to prevent aggression or carry out possible attacks on Zagreb, should our towns come under attack.<sup>349</sup>

On 11 and 12 September 1993, the SVK fired LUNA rockets on Lučko, a suburb of Zagreb, and Jastrebarsko, 25 Km SW of Zagreb, in retaliation for the Croatian military incursion in the area of Medak (Lika) on 9 September 1991, where three Serb-held villages were seized.<sup>350</sup>

- h. The President of the RSK, Milan MARTIĆ in February 1995 gave a speech on the occasion of the briefing of the combat readiness of the SVK. MARTIĆ in his speech gave an outlook for the near future in the RSK and also spoke about the intentions of Croatia. When addressing the SVK response to a possible Croatian attack, MARTIĆ said *“There will be activities in the whole of the area of Croatia. We have the initiative in the attacks. We chose the place, the time, the manner of the attack. No one can stop us to fire at Zagreb, Osijek, Vinkovci, Zadar, Karlovac, Split...Have the plan of activities and prepare for the full and certain implementation”*.<sup>351</sup>

On 01 May 1995, after Croatian forces had launched an attack on Western Slavonia and the UNPA in that area (Operation Flash), the SVK retaliated by shelling Zagreb and other Croatian cities with ORKAN Multiple Barrel Rocket Launchers on 02 and 03 May 1995.<sup>352</sup>

<sup>349</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 23, Exhibit Nr C4236; ERN BCS 0207-7288-0207-7289; Eng 0302-0859-0302-0861, Letter Nr 386-91 signed by Milan MARTIĆ and Mile NOVAKOVIĆ, *Indicators of aggression against the RSK*, 9 June 1993

<sup>350</sup> Exhibit Nr B9734; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

<sup>351</sup> Exhibit Nr B9794; ERN BCS 0217-1146-0217-1152; Eng ET 0217-1146-0217-1152, *Briefing on the Combat Readiness of the SVK*, 10 February 1995

#### 4. Investigations of alleged violations of Military Law and the Laws of Armed Conflict.

Reports prepared by JNA Security Organs (OB) and Military Police suggest that a number of alleged violations of the laws of war, committed during the conflict in Croatia, were investigated by the competent JNA bodies.

- a. In November 1991<sup>353</sup> and March 1992<sup>354</sup>, OB organs within the 180<sup>th</sup> JNA Motorised Brigade investigated the massacre in Škabrnje and Nadin (Southern Dalam and identified the alleged perpetrators. On 01 December 1991, Lieutenant Ernest Raden, Military Police Officer in the Benkovać TO unit, wrote a report mentioning the killings that occurred during the operation.<sup>355</sup>
  
- b. On 23 March 1992, Lieutenant-Colonel Milan STEVILOVIĆ, Chief of the Security Organ of the Military Post 4022 in Banja Luka, submitted the Criminal Report Nr. 11-129 to the Office of the Military Prosecutor in Banja Luka.<sup>356</sup> In this report, STEVILOVIĆ identified a number of alleged perpetrators of "*looting, damaging the property of others, (and cultural property), and murder*" committed in December 1991, in the general area of Vočin. The report was followed by a letter of the RSK Public Prosecutor in Glina to his counterpart in Okučani, to launch criminal proceedings against some of those mentioned in the initial report.<sup>357</sup> This was followed by a letter signed by Slobodan POPOVIĆ, Chief of the RSK SJB Office in Okučani, to the Public Prosecutor in Okučani, that he could not provide him with information on the individuals as they had no permanent residence in the

<sup>352</sup> Exhibit Nr B9734; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002 and Case IT-95-11

<sup>353</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 33, Exhibit Nr C472; ERN BCS 0200-7358-0200-7360; Eng L006-4363-L006-4364, Official Record of the interview with Dragan MITROVIĆ re: Massacre in Škabrnje, 23 November 1991

<sup>354</sup> Already Tendered by the Prosecution as Exhibit 475 Tab 4, Exhibit Nr C489; ERN BCS 0200-7347-0200-7348; Eng L006-4662-L006-4665, Official record by JNA Security Department re: massacre in Škabrnje and Nadin, 08 March 1992

<sup>355</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 35, Exhibit Nr C474; ERN BCS 0200-7349-0200-7353; Eng L006-3757-L006-3759, Official Note by Ernest RADEN, Lieutenant, 01 December 1991

<sup>356</sup> Already Tendered by the Prosecution as Exhibit 327 Tab 11, Exhibit Nr C2747; ERN BCS 0200-8659-0200-8662; Eng 0300-4311-0300-4314, Criminal Report Nr 11-129, Lieutenant Colonel Milan STEVILOVIĆ, 23 March 1992

<sup>357</sup> Exhibit Nr C4156; ERN BCS: 0200-8663-0200-8663; Eng: 0302-0355-0302-0355, Letter KT-66/92, Public Prosecutor Glina, 18 June 1992

area.<sup>358</sup> In October 1992, the SUP Novi Sad informed the Prosecutor in Glina of their findings.<sup>359</sup>

## 5. Prosecution of alleged violations of Military Law and the Laws of Armed Conflict

Notwithstanding the pledge by President MILOŠEVIĆ's Chief of Cabinet in his reply to the Helsinki Watch letter<sup>360</sup> and the aforementioned investigations, official complaints or other information forwarded to the JNA Command and the Serbian and SFRY political leadership, the OTP has no evidence that measures were taken against the JNA officers or others who were in charge of the operations during which crimes were allegedly committed. In fact, JNA commanding officers were commended and subsequently promoted for the manner in which they conducted the operations during which the alleged crimes occurred. These commendations and promotions will be further outlined in the next Section.

- a. The SSNO *Bulletin* Nr. 94, dated 03 December 1991 contained a statement by the 1<sup>st</sup> Military District on the investigation and prosecution of alleged violations of the laws of war. The statement indicates that investigation efforts were mainly directed against members of the enemy forces.

STATEMENT BY THE COMMAND OF FIRST ARMY DISTRICT (BELGRADE, DECEMBER 2)

ACTING ON A PROPOSAL BY THE MILITARY PROSECUTOR'S OFFICE AT THE FIRST ARMY DISTRICT, A FORENSIC MEDICINE AND CRIMINAL INVESTIGATION TEAM OF THE YUGOSLAV PEOPLE'S ARMY HEADED BY CAPTAIN FIRST CLASS MILOMIR SALIĆ, AN INVESTIGATING JUDGE AT THE MILITARY COURT IN BELGRADE, IS ENGAGED IN IDENTIFYING PERSONS KILLED IN VUKOVAR, ESTABLISHING THE CAUSES OF THEIR DEATHS AND IDENTIFYING THOSE RESPONSIBLE, THE COMMAND OF THE FIRST ARMY DISTRICT SAID IN A STATEMENT ISSUED YESTERDAY.

<sup>358</sup> Exhibit Nr C4157; ERN BCS 0200-8664-0200-8664; Eng: 0301-8726-0301-8726, Letter by Slobodan POPOVIĆ, Chief of the RSK SJB Okučani, 04 September 1992.

<sup>359</sup> Exhibit Nr C4159; ERN BCS 0200-8666-02008667; Eng 0301-8728-0301-8730, Report Nr 233-1128/92 by SUP Novi Sad, 23 October 1992

SO FAR SOME 400 BODIES HAVE BEEN EXAMINED, INCLUDING THOSE OF FIVE CHILDREN. CRIMINAL PROCEEDINGS ARE IMMINENT OR HAVE ALREADY BEEN OPENED AT MILITARY AND REGULAR COURTS AGAINST A NUMBER OF MEMBERS OF THE CROATIAN PARAMILITARY FORMATIONS SUSPECTED OF COMMITTING THESE AND OTHER CRIMES, THE COMMAND SAID IN ITS STATEMENT.<sup>361</sup>

- b. On 25 November 1992, the Office of the Military Prosecutor of the VJ issued a report "*Information on crimes against humanity and international law committed in the territory of the former SFRY and processed by Military Courts*".<sup>362</sup> This report too showed that investigation and prosecution efforts were concentrated against members of enemy forces. According to the report,

Abiding by the law and within their authority and competence, in the period from the beginning of armed conflict in the territory of the SFRY until the withdrawal of the JNA from BiH, Military Prosecutors initiated, on the basis of criminal charges brought by criminal investigation authorities, criminal proceedings against 125 members of the armed forces of the Republic of Croatia who had committed crimes against Serbs and members of the armed forces of the SFRY, and against 1 member of the Armed Forces of the SFRY who had committed a crime against a member of the armed forces of Croatia.

....

Evidence shows that war crimes and the crime of genocide were committed almost exclusively by members of the armed forces of Croatia, while members of the armed forces of the SFRY complied with the norms of international humanitarian law both with respect to parties in the armed conflict and the civilian population.

- c. In July 1995, Human Rights Watch Helsinki published a 43-page report entitled "*War Crimes trials in the Former Yugoslavia*".<sup>363</sup> This extensive report provided a critical overview and analysis of war crimes prosecution by the FRY (including Serbia), Croatia and BiH. The report focuses principally

<sup>360</sup> Already Tendered by the Prosecution as Exhibit 359 Tab 3, Exhibit Nr C3653; ERN Eng 0018-7364-0018-7390, Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army, 21 January 1992

<sup>361</sup> Exhibit Nr B9795; ERN Eng 0054-5496-0054-5499, *Bulletin*, Nr 94, Information Office of the SSNO, 03 December 1991, at 0054-5496

<sup>362</sup> Exhibit Nr B9796; ERN Eng 0001-8575-0001-8578, *Information on crimes against humanity and international law committed in the territory of the former SFRY and processed by Military Court*, Office of the Military Prosecutor of the VJ, 25 November 1992

<sup>363</sup> Exhibit Nr B9797; ERN Eng 0032-1220-0032-1263, "*War Crimes in the Former Yugoslavia*", Human Rights Watch Helsinki, June 1995



on war crimes trials in Croatia, because *“Few war crimes trials have taken place in Serbian-controlled areas and Serbian authorities in Croatia, BiH and the FRY have generally refused to co-operate with or provide information to international human rights monitors, including Human Rights Watch Helsinki”*.<sup>364</sup>

- d. With regard to the actual prosecution of violations of the laws of war, the report noted that for what the RSK was concerned *“With one exception, Serbian authorities in the self-proclaimed Serbian ‘state’ in Croatia, the republic of Serbian Krajina (RSK) have not held accountable members of their armed forces for war crimes. A recently concluded trial convicted an RSK soldier of war crimes against six non-Serbs in the Vukovar area.”*<sup>365</sup>
- e. In relation to trials in FRY, it was stated in the report *“our research indicates that only two trials of alleged war criminals have taken place in the FRY: one such trial involved members of the Croatian Army who were later released as part of a prisoner exchange. As of this writing, the other trial of a member of a Serbian paramilitary group has been postponed twice in Serbia. No other trials of paramilitaries based in Serbia or members of the JNA responsible for violations of the rules of laws have taken place in FRY”*.<sup>366</sup> The report expressed doubts about the Yugoslav government’s willingness to try war crimes in its own courts.<sup>367</sup>

<sup>364</sup> Exhibit Nr B9797; ERN Eng 0032-1220-0032-1263, *“War Crimes in the Former Yugoslavia”*, Human Rights Watch Helsinki, June 1995, at 0032-1222

<sup>365</sup> Exhibit Nr B9797; ERN Eng 0032-1220-0032-1263, *“War Crimes in the Former Yugoslavia”*, Human Rights Watch Helsinki, June 1995, at 0032-1222. This trial was discussed in the VIP Daily News Report nr 370, *“First Trials begin”*, 02 December 1994

<sup>366</sup> Exhibit Nr B9797; ERN Eng 0032-1220-0032-1263, *“War Crimes in the Former Yugoslavia”*, Human Rights Watch Helsinki, June 1995, at 0032-1223 B9797

<sup>367</sup> Exhibit Nr; ERN Eng 0032-1220-0032-1263, *“War Crimes in the Former Yugoslavia”*, Human Rights Watch Helsinki, June 1995, at 0032-1224

**Section FIVE: Promotions - Commendations - Appointments -  
Retirements**

**1. Introduction**

- a. Art. 315 of the 1974 SFRY Constitution and Art. 122 of the 1982 ONO Law stipulated that the SFRY Presidency appointed, promoted and relieved of duty Generals, Admirals and other army officers, as specified by federal statute. Art. 122 of the 1982 ONO Law and Art. 95 of the 1985 Law on the Service in the Armed Forces stated that the SSNO had the authority to promote officers below the rank of General.
- b. Officers who had been in command of or involved otherwise in military operations that had provoked negative reactions of the international community, were commended or promoted. At the same time, officers whose allegiance to the SFRY leadership was considered doubtful were pensioned off, notwithstanding that the legal conditions for such a measure (years of service) had often not been met.

**2. Commendations and Promotions**

- a. Commendations and promotions are important instruments for the Supreme Command to express its appreciation for the achievements of the armed forces. As such, the Supreme Command represents the whole nation. Therefore, commendations, decorations and promotions are in particular in wartime a key factor to encourage the loyalty of the armed forces and to boost the morale of the troops.
- b. The commendation and/or promotion of commanding officers or other military personnel after the completion of a military operation can be considered as an official endorsement of the way these officers and other military personnel conducted the operations. It is a confirmation of the approval of how these officers carried out their command and the faith in their future activities.

c. During the conflict in Croatia, JNA officers and other military personnel were regularly decorated, commended or promoted as recognition of their activities on the battlefield.

(1) On 19 November 1991, one day after the fall of the Vukovar, the SSNO (and COS of the Supreme Command), Army General Veljko KADIJEVIĆ, issued Order Nr. 1023-1<sup>368</sup>, to commend the commanders of the JNA campaign in SBWS, and their units. They included Lieutenant-General Života PANIĆ, Commander of the 1<sup>st</sup> MD; Major-General Andrija BIORČEVIĆ, Commander of OG "NORTH"; Colonel Mile MRKŠIĆ, Commander of OG "South"; Colonel Branislav PETKOVIĆ, Commander of the 1st airforce Corps; and Colonel Branislav PETROVIĆ, Commander of the Air Defence.

Order Nr. 1023-1

Chief of Staff of the Supreme Command of the Armed Forces of the SFRY

By performing the tasks of suppressing attacks on the units and facilities of the Yugoslav People' Army (JNA) and the preventing of the repetition of genocide and other consequences of inter-ethnic armed conflicts, the armed forces of Yugoslavia have achieved a significant success in combat operations in the area of Vukovar. In long and hard combats, elite Ustasha formations and many murderers from the country and from abroad were beaten and captured.

The victorious operation was carried out by the Operational Groups "NORTH" and the "SOUTH" from the 1<sup>st</sup> Military District with the direct support of the 1<sup>st</sup> Corps of the combat Airforce and the Anti-Aircraft Defence.

For moral toughness, persistence, courage and resoluteness shown in combat operations in Vukovar, I award a commendation to:

1. LieutenantColonel-General PANIĆ Života, Commander of the 1<sup>st</sup> Military District
2. The Operational Group "NORTH" and its commander Major-General BIORČEVIĆ, Andrija
3. The Operational Group "SOUTH" and its commander Colonel MRKŠIĆ, Mile
4. The Airforce Unit of the 1<sup>st</sup> Air Corps of the Combat Airforce and the Anti-Aircraft Defence and its commander Colonel PETROVIĆ Branislav

The order must be announced to all the members of the Armed Forces of Yugoslavia.

Let the accomplishments, courage and devotion of the senior officers, soldiers and volunteers engaged in the operation in Vukovar be a sacred example to all soldiers and officers of the Yugoslav National Army and the Territorial Defence.

May the fallen soldiers and officers in Vukovar enjoy eternal glory.<sup>369</sup>

- (2) Issue Nr 83 of the *Bulletin* of the SSNO, published on 22 November 1991 also contained an article on the “*successful completion of combat operations in the Vukovar area*”, referring to a reception held by Army General to honour the senior officers involved in the campaign.

In the course of the meeting, General KADIJEVIĆ paid tribute to all those who had taken part in the clashes which lasted almost two months and in which elite Ustashi formations and numerous domestic and foreign mercenaries were routed and captured. General KADIJEVIĆ said that the successful operations, intrepidity and dedication of the officers, servicemen and volunteers in Vukovar would serve as an important incentive and inspiration to all Yugoslav People's Army and Territorial Defence soldiers and officers fighting against the renascent fascism and renewed genocide over the Serbian people, and stressed that in the moment of joy, homage needed to be paid to all officers, servicemen and volunteers who had sacrificed their lives for this victory.<sup>370</sup>

- (3) The Information Service of the SSNO announced on 29 November 1991, the promotion to higher ranks by Decree of the SFRY Presidency dated 28 November 1999, of senior JNA officers “*for successful directing and commanding, exceptional conduct and action in carrying out combat assignments of a particular importance for the armed forces and the defence of the country*”<sup>371</sup>. These officers among others included:
- Lieutenant Generals Života PANIĆ, Pavle STRUGAR and Nikola UZELAC, to the rank of Colonel General
  - Major General Nikola MANDARIĆ, Špiro NIKOVIĆ and Vladimir VUČKOVIĆ to the rank of Lieutenant General

<sup>368</sup> Exhibit Nr C4149; ERN BCS 0201-2164-0201-2165; Eng 0201-2162-0201-2163, Order Nr 1023-1 (1023-2), Veljko KADIJEVIĆ, 19 November 1991

<sup>369</sup> Exhibit Nr C4149; ERN BCS 0201-2164-0201-2165; Eng 0201-2162-0201-2163, Order Nr 1023-1 (1023-2), Veljko KADIJEVIĆ, 19 November 1991

<sup>370</sup> Exhibit Nr B9798; ERN En 0054-5440-005446, *Bulletin*, nr 83, Information Service of the Federal Secretariat for People's Defence, 22 November 1991, at pp 0054-5445-0054-5446

<sup>371</sup> Exhibit Nr B9739; ERN 0054-5639, Excerpt of *Bulletin*, Information Service of the Federal Secretary for People's Defence

- Colonel of the Infantry Mile MRKŠIĆ to the rank of Major-General<sup>372</sup>

(4) Colonel MLADIĆ was among the officers who had been promoted on 04 October 1991, by Presidential Decree Nr. 1/49, for “*Exceptional courage and fulfilment of combat duties of special significance for the Armed Forces and the defence of the country*”.<sup>373</sup>

d. Officers who had been indicted by the ICTY, continued to be promoted within the JNA. Major Veselin ŠLJIVANČANIN, Security Officer of the 1<sup>st</sup> Guards Motorised Brigade (and OG South) during the JNA operations in SBWS in Fall and Winter 1991 was promoted to Lieutenant Colonel in 1992 and was in October 1993 appointed as Commander of the 5<sup>th</sup> Motorised Brigade in the Podgorica Corps of the VJ.<sup>374</sup> On 07 November 1995, ŠLJIVANČANIN, together with Colonel Mile MRKŠIĆ and Captain Miroslav RADIĆ, was indicted by the ICTY for his alleged involvement in the massacre at Ovčara in the aftermath of the fall of Vukovar on 18 November 1991.<sup>375</sup>

Notwithstanding the ICTY indictment, ŠLJIVANČANIN was promoted to Colonel in the beginning of 1996 and transferred to the Military Academy Belgrade/Center of advanced military schools, where he served as a lecturer in Tactics until October 2001. In September 1997, ŠLJIVANČANIN was admitted to the VJ School for National Defence, the most advanced institution for military education in FRY. He was retired from active duty in the VJ in October 2001.<sup>376</sup>

### 3. Retirements

a. On 08 May 1992, 38 officers of the JNA were retired by the SFRY Presidency. Among them were Colonel General Života AVRAMOVIĆ, former Commander of the 5<sup>th</sup> MD, Colonel General Andrija RAŠETA, former deputy commander of the 5<sup>th</sup> MD, Vice-Admiral Miodrag JOKIĆ, commander

<sup>372</sup> Exhibit Nr B9739; ERN 0054-5639, Excerpt of *Bulletin*, Information Service of the Federal Secretary for People's Defence

<sup>373</sup> Exhibit Nr B9799; ERN Eng 0054-5327-0054-0054-5331, *Bulletin*, Nr 40, Information Service of the Federal Secretary for People's Defence, 10 October 1991, at 0054-5331

<sup>374</sup> Exhibit Nr B9800; ERN 0021-4116-0021-4121, *Vukovar War Criminal Commands Podgorica Unit*, Monitor, 05 November 1993, at 0021-4116.

<sup>375</sup> Case IT-95-13a.

of the Boka Military Naval sector, Colonel-General Špiro NIKOVIĆ, Commander of the Bihać Corps (and prior to that Commander of the Knin Corps), Colonel General Dusan UZELAC, Commander of the Territorial Defence of Vojvodina, Lieutenant Colonel General Marko NEGOVANOVIĆ, Defence Minister of the Republic of Serbia, and Major General Aleksandar VASILJEVIĆ, Head of the UB.<sup>377</sup>

- b. Borisav JOVIĆ provides in his published diary, "*Last Days of the SFRY*" a detailed account of the decision making process that resulted in this mass-retirement given.<sup>378</sup>

Recently, at the end of 1991, we adopted a similar decision for a similar number of generals and admirals, but at that time a careful analysis was conducted and the complete consent of the military leadership was obtained. That was not the case this time.

I must record the "technology" that preceded the adoption of this decision. As with the decision adopted at the end of last year, Branko KOSTIĆ continuously kept certain lists of candidates for retirement and endeavoured, in numerous informal contacts with members of the Presidency, to bring them up and achieve agreement. At the end of last year, he submitted his lengthy list to KADIJEVIĆ, who made corrections wherever possible and personally agreed to it. Now, however, there was none of that. Branko made several attempts to obtain my consent to dismiss the generals, but because I was very busy and insufficiently informed about those people, I told him that I could not agree to it "carte blanche." Since I had to go abroad, if he was in a hurry he should consult with Slobodan MILOŠEVIĆ, and I would accept whatever MILOŠEVIĆ accepts.

When I returned from my trip, the decision had been signed and published. Sloba MILOŠEVIĆ called me and asked when and why we dismissed Gen. Marko NEGOVANOVIĆ, who is the minister of national defense in the Serbian Government. Branko KOSTIĆ completely disregarded the procedure that we had agreed on, he did not consult MILOŠEVIĆ, and he adopted the decision with three members of the Presidency (himself, Jugoslav KOSTIĆ, and Sejdo BAJRAMOVIĆ). They had no idea of my conversation with B.

<sup>376</sup> Exhibit Nr B9801; ERN BCS 0229-8811-0229-8811; Eng ET 0229-8811-0229-8811, Letter from Deputy Military Prosecutor, Belgrade, KTN 49/98, 21 March 2002

<sup>377</sup> Exhibit Nr C4154; ERN R030-9241-R030-9243, *Positions of Retired Generals listed*, TANJUG, 12 May 1992

<sup>378</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "*Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992*" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492

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KOSTIĆ, believing that he could not do anything without first reaching an agreement with me and Slobodan.

The decision was officially legal, but it is barefaced impudence on Branko's part to proceed in that way. Slobodan and I refrained from any public reaction, and Marko NEGOVANOVIĆ remained a minister in the Serbian Government, as a civilian (retired general). Branko KOSTIĆ launched this witch-hunt against generals under the influence of Nedeljko BOŠKOVIĆ, a retired colonel from the military security service; BOŠKOVIĆ forced KOSTIĆ to reactive him, to promote him to general, and to appoint him head of the military intelligence service. From that position, he began taking revanchist actions against military personnel. Naturally there are some who should have been dismissed, but everything that happened and how it happened was not normal. At least in my opinion.<sup>379</sup>

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<sup>379</sup> Already tendered by the Prosecution as Exhibit 596 Tab 2, Exhibit Nr C327; ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492

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**Military Analysis Team Expert Report Case IT-02-54-T**

**The SFRY Armed Forces and the Conflict in Croatia –  
JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

**Part III: JNA Activity in BiH and JNA (VJ) Support to  
Bosnian-Serb Forces**

*Allen BORRELLI  
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Case IT-02-54-T  
October 2003*



## JNA SUPPORT TO THE BOSNIAN SERB DEFENCE STRUCTURES

### The Federal Army of Yugoslavia (JNA) in Bosnia-Herzegovina

#### *Summary*

1. This document will describe how Bosnian Serb defence structures that developed in 1991-1992 were extremely dependent upon the support and supply they received from elements of the JNA. It will explain how that assistance was ordered and organised at the highest command level of the JNA, how it was based on instructions of the (S)FRY Supreme Command, and carried out with Serbian Democratic Party (SDS) assistance. By March and April 1992, Serb dominated JNA units undertook operations to protect the Bosnian Serb population and secure those areas of BiH claimed as Serb. This became evident through increasing JNA assistance in organising and arming the SDS-led Bosnian Serb population and through the support provided by the JNA in the take-over of 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.<sup>1</sup> Borisav JOVIĆ noted in his book, that as early as 05 Dec 1991:

*“Sloba (MILOŠEVIĆ) feels that we must withdraw all citizens of Serbia and Montenegro from the JNA in BiH in a timely fashion and transfer citizens of BiH to the JNA in order to avoid general military chaos upon international recognition (of BiH)...This will also create the possibility for the Serb leadership in BiH to assume command over the Serb part of the JNA”.*<sup>2</sup>

2. No later than 25 March 1992, a meeting took place in Belgrade involving General ADŽIĆ, the JNA CGS and acting SSNO (Federal Secretariat for People's

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<sup>1</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 15, Exhibit Nr. C4455 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), 03 March 1992. BCS: ERN 0089-1572-0089-1572, ENG: ERN L004-2883-L004-2884, and Already Tendered by the Prosecution as Exhibit 352 Tab 90 Exhibit Nr. C2442 Report on the Current situation in the Area of Responsibility, signed by General Kukanjac, 01 March 1992. BCS: ERN 0089-1699-0089-1711, ENG: ERN 0300-5185-0300-5194.

Defence). 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>3</sup>

3. A subsequent order was issued by ADŽIĆ to the JNA's 2<sup>nd</sup> Military District (2<sup>nd</sup> MD) whose area of responsibility covered virtually all of Bosnia-Herzegovina (BiH) on 3 April 1992. This order 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, Čapljina and Travnik; and the planned and secure mobilisation on the territories where the Serbs are in the majority".*<sup>4</sup>

4. In a 20 March 1992 report from General KUKANJAC, Commander of the 2<sup>nd</sup> MD, the growing convergence between the objectives of the Serbian Democratic Party (SDS) and JNA in BiH and were highlighted:

*"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. (KARADŽIĆ, KOLJEVIĆ, PLAVŠIĆ, KRAJIŠNIK and ĐUKIĆ)".*<sup>5</sup>

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<sup>2</sup> Already Tendered by the Prosecution as Exhibit 569 Tab 2, Exhibit Nr. C327 JOVIC, Borisav, "The Last Days of the SFRY: Daily notes from the period 15.5.1989 – 8.7.1992. Beograd: Politika, 1995, pp. 1-492. BCS: ERN 0111-2738-0111-3226, ENG: ERN 0302-2817-0302-3251.

<sup>3</sup> Exhibit Nr. C4468 Minutes from the meeting of the representative of the Federal Secretary of National Defence, 25 March 1992. Validity of the extract confirmed by Lt. Gen. SIMONOVIĆ, Dragoljub. BCS: ERN 0089-1722-0089-1723. ENG: ERN ET0089-1722-0089-1723.

<sup>4</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 5 Exhibit Nr. C4478 Order from the SSNO, signed by General Adžić, dated 3 April 1992.

BCS: ERN 0018-4106-0018-4108, ENG: ERN 0060-7026-0060-7029.

<sup>5</sup> Exhibit Nr. B4670 Report on the current situation in the AOR of the 2nd MD, 20 March 1992. BCS: ERN 0046-5452-0046-5459, ENG: ERN 0048-0682-0048-0690.

5. On 27 March 1992, KARADŽIĆ, at the 14<sup>th</sup> Session of the Assembly of the Serbian people in BiH, instructed delegates to establish Crisis Staffs. KARADŽIĆ 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 ...especially in the newly formed municipalities...and if the JNA is there, they must be placed under its command".*<sup>6</sup>

6. By 15 April 1992, the SDS-dominated Bosnian-Serb Republic of BiH (BSRBiH) National Security Council declared an "imminent state of war", as well as the full mobilisation of the BSRBiH Territorial Defence (TO) Forces. Command of these forces was given to the BSRBiH Minister of Defence, Colonel Bogdan SUBOTIĆ, previously a medium-ranking JNA Officer assigned at the JNA Artillery School in Banja Luka prior to taking up his new political appointment.<sup>7</sup>
7. General Milutin KUKANJAC, commander JNA 2<sup>nd</sup> MD, whose area of responsibility included the Republic of BiH, along with several of his subordinate units referred to the growing influence of the SDS and other nationalist Serbs, particularly within the lower ranks of the JNA. In conjunction with ordering the mobilisation of "war-time" units of the 2<sup>nd</sup> MD however, he reported that his Rear Command Post (RKM) was in contact with the SDS Crisis Staff in the town of Pale which later became the RS capital. One report noted that "the increasing pressure of the SDS on members of the JNA" to join the Serbian Defence Forces and the "lack of an announcement of the official position of the JNA leadership regarding the aims and role of the JNA in events in Bosnia and Herzegovina" are negatively affecting the morale of soldiers, especially officers."<sup>8</sup> According to the

<sup>6</sup> Exhibit Nr. B6406 Transcript of the 14th Session of the Assembly of the Serb people in BiH, 27 March 1992. BCS: ERN 0089-6915-0089-6949, ENG: ERN 0092-6762-0092-6786.

<sup>7</sup> Exhibit Nr. B3296 Minutes from the joint session of the National Security Council and the Government of the Serbian Republic of BiH, 15 April 1992. BCS: ERN 0076-8045-0076-8047, ENG: ERN 0083-7942-0083-7944.

<sup>8</sup> Exhibit Nr. B4665 5<sup>th</sup> Corps inspection report on 343<sup>rd</sup> Motorised Brigade, 07 February 1992. BCS: ERN 0094-8333-0094-8347, ENG: ERN L001-6046-L001-6057; B4677 5<sup>th</sup> Corps Daily Combat Report, 12 Apr 1992. BCS: ERN 0086-2025-0086-2030, ENG: ERN 0301-3481-0301-3483; Exhibit

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account given by JOVIC, KUKANJAC was later dismissed for “*allowing the entire command of the 2<sup>nd</sup> Army District to fall into a Muslim trap in the middle of Sarajevo*”.<sup>9</sup>

### ***JNA Support to the TO***

8. JNA support to the Bosnian Serbs is significant from 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 non-Serb. These operations, described below, were aimed at establishing Serbian control over such areas and removing the remaining non-Serb population. It carried out such operations in co-operation with the Bosnian Serb leadership which controlled such bodies as the SDS, the Bosnian Serb TO's, Bosnian Serb paramilitaries, the Crisis Staffs, and with co-operation from paramilitary units from the FRY. As had occurred in Croatia,<sup>10</sup> local Serb TO, Serbian TO, paramilitary or volunteer units often played a significant role during these operations. Links that were established between elements of the JNA, the local Serb TO, and Serbian MUP (and the armed formations these organisations controlled) during the conflict in Croatia were continued during the first months of 1992 in BiH and were involved during the take-over operations.

### ***Examples of JNA support to the VRS***

9. This was an example in the JNA 5th Corps area of responsibility (Western BiH) where units were deployed to Bosanska Krupa to assist the SDS in taking control over the area.<sup>11</sup> Furthermore, at a Crisis Staff meeting held on 29 April 1992, for example, the President of the Trnovo Crisis Staff stated that “*the Army was ready to clear up the situation in Trnovo*”.<sup>12</sup>

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Nr. B3277 2nd MD Combat and Operations Report for 06 April 1992. BCS: ERN SA02-1550-SA02-1555, ENG: ERN 0300-5016-0300-5020.

<sup>9</sup> JOVIC, Borisav, “The Last Days of the SFRY 15.5.1989 – 8.7.1992. Beograd: Politika, 1995.

ERN: BCS 0111-2738-0111-3226, ENG 0302-2817-0302-3251

<sup>10</sup> See Part II of this report.

<sup>11</sup> Exhibit Nr. B4693 5th Corps response to the 6th Brigade of the 10th Partisan Division, 11 May 1992. BCS: ERN 0124-1359-0124-1360, ENG: ERN 0190-2856-0190-2856.

<sup>12</sup> Exhibit Nr. B5494 Minutes of the SDS Crisis Staff of Trnovo meeting, 29 April 1992.

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10. In some parts of BiH there were still a relatively large number of non-Serbs among the JNA officer Corps and to deal with this problem, and that of the Serbs who remained loyal to the concept of a Federal JNA and a continued Yugoslavia, alternative command and control arrangements were in some places established. This was the case, for example, during the take-over of Bijeljina on 4 April 1992, during which the 17<sup>th</sup> Corps Commander, General Savo JANKOVIĆ, was not in command of the operation, nor were some elements allowed to enter parts of the town after the operation. JANKOVIĆ reported on the day of the take-over that *"the town of Bijeljina is controlled by the SDS and Arkan's men"*.<sup>13</sup>
11. In another example of JNA involvement in response to a 2<sup>nd</sup> MD query regarding 'ultimatums' sent to municipalities, the 17<sup>th</sup> Corps indicated that the *"...Bratunac and Srebrenica municipal assemblies received no ultimatum because (of) the absence of Corps formations in that area"*.<sup>14</sup> Further indication of local armed forces possibly acting without the knowledge of the newly established VRS, was on 29 September 1992, when the Eastern Bosnia Corps (IBK) reported on the infiltration of Brčko;

*The town was flooded by different "patriotic" orientated individuals who used "devotion to Serbism" as an excuse for robberies, rapes and as a result of that murders for no justified reason. Besides those groups, which by the way came with looting plans worked out in detail before departure. We also believe that there were groups which came as ordered, i.e. who had the support of the than military and civilian authorities. Here we mean the leadership in Bijeljina, which in fact had brought 550 gathered "fighters" at the very beginning of the war. The most notorious of all were Mauzer and Major GAVRILOVIĆ with Arkan's escort /Arkan men/ lead by Peja and the civilian authorities in Bijeljina. Their honest desire to help their neighbours in trouble in Brčko should not be denied, however the bad organisation that had led to the situation where some individuals slipped out of control and committed certain murders. At the beginning as well as in June the radical Chetniks led by "Duke" /Vojvoda/ Mirko BLAGOJEVIĆ and his associate from Brčko Mile GATAREVIĆ aka Bolero, who were active in parts of Burić brdo, Ciganluk and the town centre itself.*<sup>15</sup>

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BCS: ERN 0094-3178-0094-3179, ENG: L001-6088-L001-6090.

<sup>13</sup> Already Tendered by the Prosecution as Exhibit 425 Tab 2, Exhibit Nr. B4674 17<sup>th</sup> Corps Daily Operational Report, 4 April 1992. BCS: ERN 0018-3969-0018-3970, ENG: ERN 0096-1185-0096-1187.

<sup>14</sup> Exhibit Nr. B8440 17<sup>th</sup> Corps Daily Operational Report, 11/2-17, 18 April 1992. BCS: ERN SA00-4492-SA00-4493, ENG: ERN In house ETSA00-4492-SA00-4493.

<sup>15</sup> Special Report to the Main Staff, RS, VRS, Chief of Intelligence and Security Administration, 29 Sep 1992. BCS: ERN 0113-0142-0113-0144, ENG: ERN ET0113-0142-0113-0144.

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12. Some JNA reports about these take-overs also reflect its co-operation with the Bosnian Serb TO or other armed Serbian forces during some of the operations. For example, on 18 April 1992, the JNA 17th Corps, based in reported that combined operations were conducted in Bosanski Šamac (on the northern BiH border with Croatia) with Bosnian Serb TO, police and elements of Tactical Group (TG) 17, part of the JNA 17<sup>th</sup> Corps, resulting in the capture of the town.<sup>16</sup> It also reported that TO units from Zvornik together with a JNA armoured battalion, were engaged in operations at Kula Grad, near Zvornik in Eastern BiH.<sup>17</sup> Similarly, the assistance of the JNA 9th Corps in Knin, Croatia, with the forming of TO Defence Staff and MUP units in the Corps zone (Western Herzegovina) was noted in the 2<sup>nd</sup> MD Combat and Operations report for 24 April 1992.<sup>18</sup>

13. The issue of "outside" volunteers also became a matter of concern for the Sarajevo-Romanija Corps (SRK) later the same year. This concern is illustrated by a report dated 19 October 1992 from the then Corps Commander, Colonel Stanislav GALIĆ, in which he informed the VRS Main Staff that morale was suffering because:

*"...there are again incidences of bringing in paramilitary groups and units from the outside under the guise of volunteer units. Having learned from previous experience, we believe that these groups will have a very negative influence on the morale of the soldiers and the populace".*<sup>19</sup>

14. On 3 November 1992, the SRK continued to have issues not only with the importing weapons but with volunteers from outside the RS:

*"The supreme organs of power in these municipalities (Ilijaš, Vogošća, Iližda, and Rajlovac) have been...independently importing weapons and ammunition and obstructing wherever they could. In*

<sup>16</sup> Exhibit Nr. B8440 17<sup>th</sup> Corps Daily Operational Report, dated 18 April 1992.

BCS: ERN SA00-4492-SA00-4493, ENG: In house ERN ET SA00-4492-SA00-4493.

<sup>17</sup> Exhibit Nr. B8440 17<sup>th</sup> Corps Daily Operational Report, dated 18 April 1992.

BCS: ERN SA00-4492-SA00-4493, ENG: In house ERN ET SA00-4492-SA00-4493.

<sup>18</sup> Exhibit Nr. B9937 2nd MD Command Combat and Operations Report, 24 April 1992.

BCS: ERN 0106-5581-0106-5584, ENG: ERN 0300-5041-0300-5044.

<sup>19</sup> Exhibit Nr. B9976 Sarajevo Romajija Corps regular combat report, 19 October 1992.

BCS: ERN Y000-0875-Y000-0875, ENG: ERN L005-2345-L005-2347.

*the Ilidža and Vogošća municipalities, a group of some 80 Serbian volunteers (Bokan's Chetniks), who came at the invitation of the president of the Ilijaš Municipality, are not under the control of the Ilidža lpbr (Light Infantry Brigade). In certain situations, they go so far as to block the barracks or cause disturbances with a clear political background. I have ordered the commander of the Ilidža lpbr to subordinate these men to the 2<sup>nd</sup> Sarajevo Light Infantry Brigade (2.Slpbr) for action on Mt. Igman".<sup>20</sup>*

### **The JNA and the Bosnian Serb Territorial Defence (TO)**

#### ***Summary***

15. The Bosnian Serb TO was established from existing TO units of the Republic of BiH in areas where a significant Serb population existed, with assistance from the JNA and the SDS.
  
16. Plans for the arming and assisting of local TO units by the JNA were made as early as 30 Dec 1991 when Blagoje ADŽIĆ, JNA Chief of General Staff, released confidential order 2268-1 regarding the equipping of local Serb TO units with weapons and equipment and the instructions that should be followed in order to obtain this equipment.<sup>21</sup> This confidential order was specifically referred to in a 03 March 1992 request from Col Gradimir PETROVIĆ, 2<sup>nd</sup> MD Chief of TSI (Technical Service) to the SSNO (Federal Secretariat of National Defence) Technical Administration for the replenishment of the Bosnian Serb TO and Bosanski Petrovac Public Security (SJB) units with weapons. This document included a request by the Bihać TO District Headquarters for 2000 infantry weapons.<sup>22</sup>
  
17. On 28 February 1992, the Bosnian Serbian Republic of Bosnia and Herzegovina (BSRBiH) National Defence Law was proclaimed. This law established the framework of a Bosnian Serb Ministry of Defence (MoD) and outlined a role for the MoD that included the drafting of plans for the

<sup>20</sup> Exhibit Nr. 9977 Sarajevo-Romanija Corps daily combat report signed by Col Dragan MARČETIĆ, 03 Nov 92. BCS ERN: Y000-0771-Y000-0772, ENG: ERN ET 0305-0313-0305-0314.

<sup>21</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 20 Order on Procedures from Tech Services SSNO, 31 Dec 1991. BCS: ERN 0049-9540-0049-9542, ENG: ERN 0306-6930-0306-6931.

<sup>22</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 15, Exhibit Nr. C4455 Request for weapons by Gradimir Petrović, on behalf of Chief of Tech Services (TCI), 03 March 1992.

BCS: ERN 0089-1572-0089-1572, ENG: ERN L004-2883-L004-2884.

development, supplying and training of Bosnian Serb TO forces.<sup>23</sup> JNA involvement in arming and equipping the Bosnian Serb TO (as well as some police units) is well documented during this period, as well as during the preceding months. The extent of this involvement is outlined in the paragraphs that follow.

### ***JNA INVOLVEMENT***

18. Prior to the establishment of the VRS, a document from 08 March 1992 describes the relationship between the JNA and the Serbian Guard (a Serb paramilitary group initially linked to Vuk DRASKOVIĆ). The document from Major General Vladimir VUKOVIĆ, JNA 5<sup>th</sup> Corps Commander, was sent to his commander at the 2<sup>nd</sup> Military District (2<sup>nd</sup> MD), General Milutin KUKANJAC.<sup>24</sup> This document details the organisation of transport for 12 members of the Serbian Guard from Sveti Rok, near Gračac, Croatia, to Sarajevo. Eight of these men were being sent to train members of the 2<sup>nd</sup> MD. This was done under the authorisation by 2<sup>nd</sup> MD commander, KUKANJAC.
19. The document further noted that, "*an agreement of the Serb Guard leadership with the (JNA) General Staff had been finally reached on their admission into JNA formations*" and that, according to this agreement, training centres were to be created in Vojvodina in Serbia, and two in BiH; one in Banja Luka and one in Sarajevo.
20. The report then acknowledged previous Serb Guard operations carried out at the request of the FRY "*SSNO First, Second, Third and Political Administrations*" noting that they had:

*"..arrived to the battlefield on a number of occasions, assigning them to Corps units, where they carried out combat tasks under unified insignia and integral command. I deemed this kind of help normal, as there have been similar cases to this day".*

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<sup>23</sup> Exhibit Nr. B1560 Decree on the Enactment of the Law on National Defence, 02-103/92, 28 February 1992. As published in the *Official Gazette of the Serbian People in BH*, 23 March 1992, Article 9. BCS: ERN 0018-4319-0018-4333, ENG: ERN 0044-3757-0044-3783.

<sup>24</sup> Momir TALIĆ, who subsequently became the 5th Corps Commander, and later the Commander of 1<sup>st</sup> Krajina Corps, was VUKOVIĆ's deputy commander at the time.



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21. VUKOVIĆ, the 5<sup>TH</sup> Corps Commander, concluded the document, by saying: *"I believe that the Corps cannot and must not remain alone in this region; that it is necessary for us to be closely linked to all those who hold peace and Yugoslavia dear."* <sup>25</sup> Other documents also detailed KUKANJAC's knowledge of Serb paramilitaries in the wider 2<sup>nd</sup> MD area which predominantly covered the Republic of BiH prior to the withdrawal of the JNA from BiH. <sup>26</sup>
22. On 10 April 1992, a document from the JNA 1<sup>st</sup> Motorised Brigade (Mtbr) based in Užice and part of the JNA 9<sup>th</sup> Corps, detailed the deployment of the Živojin Mišić detachment of the Serbian Guard between 26 December 1991 and 15 April 1992. It noted that the tasks of the Serbian Guard was to *"organize the defence of the Rizvanuša – Veliki and Mali Kraj - Čitluk axis in the village of Divoselo (Croatia) to secure the interspace and the left flank of brigade forces deployed on the left wing, and conduct reconnaissance and surprise attacks in its zone of responsibility, as well as protect the remaining property and people in the area"*. The author of the document, Lieutenant Col Rade RAJIĆ, Commander of the 1<sup>st</sup> Mtbr, went on to compliment the work that the Serbian Guard detachment carried out while deployed to the area. <sup>27</sup>
23. A 20 March 1992 report from Col. General Milutin KUKANJAC, the 2<sup>nd</sup> MD Commander, noted that:

*"51,900 weapons have been distributed to volunteer units. 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>28</sup>

<sup>25</sup> Exhibit Nr. 9978 5<sup>th</sup> Corps report to 2 MD following telephone conversation, signed by Vladimir VUKOVIĆ, 08 March 1992. BCS: ERN 0125-1492-0125-1494 ENG: In house ERN ET0125-1492-0125-1494.

<sup>26</sup> "Conclusions Drawn from the Assessment of the Situation in BiH and the AOR of 2 MD", 01 March 1992. BCS: ERN 0106-5519-0106-5530, ENG: ERN 0300-5185-0300-5194.

<sup>27</sup> Exhibit Nr. B9979 1<sup>st</sup> Motorised Brigade report on deployment of the Živojin Mišić detachment, 10 April 1992. BCS: ERN 0207-6772-0207-6772, ENG: ERN L003-4054-L003-4055.

<sup>28</sup> Already Tendered by the Prosecution as Exhibit 352 Tab 90 Exhibit Nr. C2442 Reports on the Current Situation in 2nd MD AOR, 20 March 1992.

BCS: ERN 0089-1699-0089-1711, ENG: ERN In house ET0089-1699-0089-1711.

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24. Later, a 6 April 1992 2<sup>nd</sup> MD Daily Combat and Operations Report to the Operations Center of the General Staff of the SFRY Armed Forces noted the activities of the JNA 10<sup>th</sup> Corps,<sup>29</sup> including a statement that “*TO and police units were being formed in the area of responsibility according to plan.*”<sup>30</sup> The next day, on 07 April 1992, a report from the 2<sup>nd</sup> MD Command to the 2<sup>nd</sup> MD Rear Command Post (RKM) and the General Staff of the SFRY Operations Center indicates that in some combat zones the local Serb TO units were considered to be, and accounted for as “*our forces*”.<sup>31</sup>
25. In an 18 April 1992 order from the Ministry of National Defense, Minister of National Defense, Bogdan SUBOTIĆ states:

*Pursuant to Article 68 and in accordance with Article 81 of the Constitution of the Serbian Republic of BH, SBH /Serbian Bosnia and Herzegovina/, at the session held on 15 April 1992 the Presidency of SBH adopted the following:*

*1. The Territorial Defence of the Serbian Republic of Bosnia and Herzegovina shall be formed as an armed force of the SBH. The Territorial Defence will be under the command and control of municipal, district and regional staffs and the Republican Staff of the SBH TO /Territorial Defence/.*

*2. A decision on other components of the armed forces will be adopted in accordance with a resolution of the political arrangement of Bosnia and Herzegovina and the status of the JNA /Yugoslav People's Army/.*

*Pursuant to Article 81 of the Constitution of the Serbian Republic of Bosnia and Herzegovina, and at the proposal of the Government, the Presidency of the SRBH /Serbian Republic of Bosnia and Herzegovina/ hereby adopts the following:*

*1. An imminent threat of war is hereby proclaimed.*

*2. A general, public mobilisation of the TO throughout the territory of SBH is hereby ordered.*

<sup>29</sup> Exhibit Nr. B3277 2nd MD Combat and Operations Report for 06 April 1992. The 10th Corps was originally headquartered in Zagreb in 1991, and moved to the Bihac area upon its departure from Zagreb. The headquarters relocated to Drvar upon the JNA withdrawal from Bihac city. BCS: ERN SA02-1550-SA02-1555, ENG: ERN 0300-5016-0300-5020.

<sup>30</sup> Exhibit Nr. B3277 2nd MD Combat and Operations Report for 6 April 1992, 10th Corps activities, page 3. BCS: ERN SA02-1550-SA02-1555, ENG: ERN 0300-5016-0300-5020.

<sup>31</sup> Exhibit Nr. B9980 2nd MD Report to the 2nd MD Rear Command Post and the General Staff of the SFRJ, 07 April 1992. BCS: ERN 0018-4168-0018-4171, ENG: ERN 0190-1013-0190-1016.

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*– All men liable for conscription shall be required to place themselves at the disposal of TO municipal staffs on the territory of SBH.<sup>32</sup>*

26. Command of the TO forces was given to the BSRBiH Minister of Defence Colonel Bogdan SUBOTIĆ<sup>33</sup> until a commander could be found. Following the declaration of “*imminent state of war*” by the BSRBiH National Security Council, Minister of Defence SUBOTIĆ issued an order to the governments of the Autonomous Region, and Serbian Autonomous Districts of the SRBiH, and to all Serbian municipalities.<sup>34</sup> At the beginning of the order, SUBOTIĆ noted that the TO would be the “*Armed Forces*” of the SRBiH, and that it would be commanded and controlled by the municipal, district, regional and Republic level staffs of the SRBiH TO. At the same time, it directed “*in preparation for the training and deployment of TO units, effect co-operation with the JNA units, and where possible, establish a unified command*” with the local JNA command.<sup>35</sup>
27. JNA – TO co-operation was exemplified on 18 April 1992, when the JNA 17<sup>th</sup> Corps reported that combined operations were conducted with the Bosnian Serb TO, police and elements of JNA Tactical Group 17 in Bosanski Samac, resulting in the capture of the town.<sup>36</sup> It also reported that TO units from Zvornik and the 1<sup>st</sup> Armored Battalion of the 336<sup>th</sup> Motorized Brigade were engaged at Kula Grad, in Zvornik Municipality.
28. Radovan KARADŽIĆ noted at the 50<sup>th</sup> Session of the National Assembly on 15/16 April 1995 that JNA support was fundamental to the creation and success of

<sup>32</sup> Exhibit Nr B5661 The Decision on Establishing the Territorial Defence of the Serb Republic BH. 18/04/1992 BCS: 0089-6953-0089-6953 ENG L004-2914-L004-2915

<sup>33</sup> Exhibit Nr. B3296 Minutes from the Session of Council for National Security and Government of SBH, 15 April 1992. BCS: ERN 0076-8045-0076-8047, ENG: ERN 0083-7942-0083-7944.

<sup>34</sup> Exhibit Nr. B39 Decision by the Ministry of National Defence of the Government of the Serbian Republic of BiH regarding the establishment of the Territorial Defence as an army of the Serb Republic of BiH, 16 April 1992, ERN: BCS 0057-4584-0057-4585 ENG: L000-1243-L000-1246.

<sup>35</sup> Exhibit Nr. B39 Decision by the Ministry of National Defence of the Government of the Serbian Republic of BiH regarding the establishment of the Territorial Defence as an army of the Serb Republic of BiH, 16 April 1992. Explanations, paragraph 4. BCS: ERN 0057-4584-0057-4585, ENG: ERN L000-1243-L000-1246.

<sup>36</sup> Exhibit Nr. B8440 17<sup>th</sup> Corps Daily Operational Report, 11/2-17, 18 April 1992. BCS: ERN SA00-4492-SA00-4493, ENG: In house ERN ETSA00-4492-SA00-4493.

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the Bosnian Serb TO<sup>37</sup> and in its involvement in the taking over of power in targeted municipalities in BiH by stating,

*“When war broke out, the JNA helped as much as they could...thanks to the JNA, weapons were distributed to the Serb people, but it was the SDS that created the (VRS) and organised people. Armed forces of the Serb Republic of BY, together with police, have liberated parts of the land, sometimes with help of the JNA”.*<sup>38, 39</sup>

## **Section 2: JNA TRANSITION TO THE VJ & VRS<sup>40</sup>**

### ***Summary***

29. Indication of the timing of the final key decisions in the transformation of the JNA in BiH into the VRS is given by the 25 April 1992 appointment by the SFRY Presidency of Ratko MLADIĆ, as Commander of the 2<sup>nd</sup> MD Chief of Staff,<sup>41</sup> the visit to Banja Luka on 2 May 1992 of General ADŽIĆ the SSNO (Federal Secretary for People’s Defence)<sup>42</sup> and also by the establishment from the 3<sup>rd</sup> to the 19<sup>th</sup> of May 1992, of the VRS Main Staff.<sup>43</sup> KARADŽIĆ noted at the 50th Session of the National Assembly of Republika Srpska held in Sanski Most, 15 and 16 April 1995, that he “*had asked for MLADIĆ, who at the time was at Knin,*” and that he had “*followed MLADIĆ’s work.*”<sup>44</sup> A 05 May 1992 5<sup>th</sup> Corps document, to its subordinate units, relayed a SFRY SSNO official instruction noting that BiH born members of the JNA in units within BiH were to remain in BiH, and that JNA personnel born in BiH serving in other republics were to be

<sup>37</sup> For further OTP documentation related to the Territorial Defence, though not directly used in the drafting of this report, please see Annex 1. Documents selected by Prosecution Team.

<sup>38</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 54, Exhibit Br. C4920, Audio recording from the sittings of the 50th Session of the National Assembly of Republika Srpska held in Sanski Most, 15 and 16 April 1995. BCS: ERN 0084-5781-0084-6113, ENG: ERN L000-4892-L000-4975.

<sup>39</sup> For further OTP documentation related to the Territorial Defence, though not directly used in the drafting of this report, please see Annex 1. Documents selected by Prosecution Team.

<sup>40</sup> For further OTP documentation related to the general Policy, though not directly used in the drafting of this report, please see Annex 2. Documents selected by Prosecution Team.

<sup>41</sup> Exhibit Nr. B4701 Decree of the SFRY Presidency of 25 April 1992 noted in 1KK report of 12 May 1992. BCS: ERN 0102-9868-0102-9869, ENG: ERN 0190-1997-0190-1998.

<sup>42</sup> Exhibit Nr. B8442, 5<sup>th</sup> Corps Regular Combat Report, 2 May 1992. BCS: ERN 0086-2147-0086-2153a, ENG: ERN 0096-1179-0096-1181.

<sup>43</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Analysis of the combat readiness and activities of the Army of Republika Srpska in 1992, p.69, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>44</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 54, Exhibit C4920 Audio recording from the sittings of the 50th Session of the National Assembly of Republika Srpska held in Sanski Most, 15 and 16 April 1995. BCS 0084-5781-0084-6113, ENG L000-4892-L000-4975.

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sent back to BiH.<sup>45</sup> This decree assisted the transition process. At the 16<sup>th</sup> session of the Assembly of the Serbian People of BiH, held in Banja Luka on 12 May 1992, the establishment of the VRS was formally announced to the Bosnian Serb delegates.<sup>46</sup> The decision of the Assembly on the formation of the Bosnian Serb Army and the 19 May deadline for the 'withdrawal' of the JNA from Bosnia and Herzegovina was the final step of the transforming process. At this 16<sup>th</sup> Assembly, six strategic goals for the Serbian people were set out by Radovan KARADŽIĆ. These six goals, expressed in the form of political imperatives, had manifested themselves in operations conducted prior to the JNA's withdrawal and in virtually all later military operations conducted by predominantly VRS forces during the conflict. The goals, listed in order of priority, were:

*"1) Separation of the Serbian people from the other two national communities.*

*2) Establishment of a corridor between Semberija and Krajina.*

*3) Establishment of a corridor in the Drina Valley, eliminating the Drina as a border separating Serbian States.*

*4) Establishment of a border on the Una and Neretva Rivers.*

*5) Division of the city of Sarajevo.*

*6) Establishing access to the sea."*<sup>47</sup>

30. The VRS Combat Readiness Report for 1992 indicates that the VRS was officially formed on 12<sup>th</sup> May 1992 and became functional eight days later on May 20<sup>th</sup>. That formation came about by the re-structuring of the JNA's former 2<sup>nd</sup> Military District (2<sup>nd</sup> MD), headquartered in Sarajevo, to be superimposed over the Serbian Democratic Party (SDS) - controlled forces of the Bosnian Serb

<sup>45</sup> Exhibit Nr. B4694, 5 Corps document quoting the SFRY regulation of status, 7 May 1992. BCS: ERN 0124-1910-0124-1910, ENG: ERN 0302-8203-0302-8203. See also order by the 5th JNA Corps, 07 May 1992. BCS: ERN 0124-1355-0124-1355, ENG: ERN 0306-6534-0306-6535.

<sup>46</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 49, Minutes from the 16<sup>th</sup> Session of the Assembly of the Serbian People in BiH, 12 May 1992. BCS: ERN 0084-7711-0084-7761, ENG: ERN 0091-3501-0091-3562. See also Exhibit Nr. B3422 Decision on the Formation of the Army of the Serbian Republic of Bosnia and Herzegovina signed by Momcilo KRAJISNIK.

<sup>47</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 49, Minutes from the 16<sup>th</sup> Session of the Assembly of the Serbian People in BiH, 12 May 1992. BCS: ERN 0084-7711-0084-7761, ENG: ERN 0091-3501-0091-3562. See also Exhibit Nr. B3420 BCS 0210-0267- 0210-0268 ENG ET0210-0267- 0210-0268 signed by Momcilo KRAJIŠNIK, President of the Assembly. BCS0040-8083-0040-8083 ENG 0302-5630300-5637, 12 May 1992

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Territorial Defence (TO). Initially, the VRS consisted of five Corps based on the earlier 2<sup>nd</sup> MD structure:

- 1<sup>st</sup> Krajina Corps (formerly approximating the 5<sup>th</sup> JNA Corps),
- 2<sup>nd</sup> Krajina Corps (formerly JNA 10<sup>th</sup> Corps)
- East Bosnia Corps (formerly approximating the JNA 17<sup>th</sup> Corps)
- Sarajevo-Romanija Corps (formerly approximating the JNA 4<sup>th</sup> Corps)
- Herzegovina Corps (covering areas predominantly within the former JNA 9<sup>th</sup> Corps AOR)

31. As an integral part of the transformation process, between 3 and 19 May 1992 the VRS Main Staff was organised from a group of senior Bosnian Serb officers, including MLADIĆ, Manojlo, MILOVANOVIĆ (Deputy Commander/COS), Milan, GVERO (Asst. Commander for Morale), Zdravko TOLIMIR (Asst. Commander for Security and Intelligence), and Djordje DJUKIĆ (Asst. Commander for Logistics) from the former 2<sup>nd</sup> MD headquarters and other JNA positions.<sup>48</sup> MLADIĆ was appointed as the Commander of the Main Staff on 12 May 1992, following the dismissal of the 2<sup>nd</sup> MD Commander, General KUKANJAC on 3 May 1992.<sup>49</sup>

32. The VRS Main Staff reported by the end of 1992 that "*infantry units of the TO and paramilitary formations, initially used according to the decision of crisis staffs and other similar authoritative bodies were incorporated into the VRS*". It went on to affirm that in accordance with the established organisation of the VRS:

<sup>48</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Analysis of the combat readiness and activities of the Army of Republika Srpska in 1992, p.11, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

MILOVANOVIĆ was previously the COS of the JNA 3<sup>rd</sup> Army in Skopje.

GVERO was on 12 May 1992 appointed as the 2<sup>nd</sup> MD Asst. Cmnd for Moral Guidance and Legal Affairs.

TOLIMIR was appointed on 12 May 1992 as the Asst. Cmnd for Security

DJUKIĆ was appointed on 12 May 1992 Asst. Comnd. For Logistics.

<sup>49</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 54, Exhibit C4920, Speech of Mladić at the 16<sup>th</sup> SRBH Assembly meeting, 12 May 1992. BCS: ERN 0084-7711-0084-7761, ENG: ERN 0091-3501-0091-3562. Karadžić stated some years later, at the 50th SRBH Assembly Session in April 1995 that together with Krajišnik he had selected Mladić because of what he did in Knin.

BCS: ERN 0084-5781-0084-6113, ENG: ERN 0096-8582-0096-8591.

The dismissal of KUKANJAC is discussed in paragraph 4.

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*"...the Serbian TO ceased to exist...and the possibility of the development or existence of paramilitary formations in RS territory was ruled out, which contributed significantly to the unity of the armed struggle of the Serbian People".*<sup>50</sup>

33. Despite the withdrawal of JNA units by 19 May 1992, a significant portion of 2<sup>nd</sup> MD units and equipment in Bosnia-Herzegovina simply became part of the VRS after this date, and the VRS structure mirrored significantly that of the former 2<sup>nd</sup> MD. VRS units were largely organised (or remained) as they had existed in the former JNA corps structure. As a result, the former JNA corps formations in Bosnia and Herzegovina assumed the role as the principal ground combat components of the newly organised VRS.<sup>51</sup>

34. According to the 1992 VRS Combat Readiness Report produced by the Main Staff and signed by Radovan KARADŽIĆ, *"The control and command function in the framework of the establishment of the Army of Republika Srpska developed in two stages, the first from 1 April to 15 June 1992, and the second from that date until today (5 April 1993)"*. The first period (1 April – 15 June 1992) mentioned in the report was significant in that:

*"in the territory of Bosnia and Herzegovina up to 19 May there existed and operated regular units of the former JNA...At the same time in the territory of Republika Srpska there were also the units of the Serbian territorial defence (TO), formed on the initiative and under the leadership of the Serbian Democratic Party as a self-organisational form of the Serbian people for defence...from the beginning of inter-ethnic conflict (from mid-March to 19 May), these forces succeeded in protecting the Serbian people...however, they failed to achieve the main strategic objectives of the armed struggle of the Serbian people in former BH".*<sup>52</sup>

35. The second period of the organisation and formation of the VRS (June 1992 – April 1993), as outlined by KARADŽIĆ and the Main Staff, was:

<sup>50</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Analysis of the combat readiness and activities of the Army of Republika Srpska in 1992,

April 1993, pp. 13 & 73. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>51</sup> Exhibit Nr. B4716, GŠ SRBH document "Organisational and establishment structure of the army corps, 26 May 1992. BCS: ERN 0091-6290-0091-6291, ENG: ERN 0091-7180-0091-7181; And Exhibit Nr. B4718 1KK document concerning proposals for the structure of the Corps, 27 May 1992.

BCS: ERN 0091-6292-0091-6300, ENG: ERN 0091-7182-0091-7188.

<sup>52</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Analysis of the combat readiness and activities of the Army of Republika Srpska in 1992,

*“essentially dominated by the decision of the competent authorities of the FRY to withdraw its armed forces and members of the former JNA – FRY nationals – from the territories of the former BH and Croatia. Thanks to the vigorous opposition of the Commander and the entire Main Staff of the VRS to the decision of the competent authorities of the FRY Army to withdraw combat hardware, the pullout of most of the combat hardware together with the personnel – the FRY nationals – was prevented”.*<sup>53</sup>

### **Section Three: VJ SUPPORT TO THE VRS**

#### ***Summary***

36. Implementation of the six strategic goals was dependant on the ability of the VRS to prepare and carry-out operations. In order to do so the VRS had to possess not only the relevant military expertise (in the form of operational planning, communications support and intelligence co-operation) but also the necessary resources (such as personnel, armaments, ammunition and equipment). The VRS had acquired military expertise in part as a result of being involved in combat operations in BiH in its previous guise of the JNA and it obtained the required resources as a consequence of the VRS establishment on 12<sup>th</sup> May 1992 when the JNA 2<sup>nd</sup> MD was transformed.
37. With the majority of Bosnian-based JNA personnel and equipment acquired by the newly designated VRS by late May 1992, much of the direct role in Bosnian combat operations previously played by the JNA (prior-to May 1992) was also assumed by the VRS. While its actions through to November 1995 indicate that the VJ did not completely forfeit its direct role in combat operations, after May 1992 the VJ's role in BH turned largely to providing extensive and systematic support and assistance to the VRS. That support and assistance however, covered a broad range: direct combat support; logistics supply; maintenance and transportation; personnel administration and financing; communications and intelligence; air defence; and medical care.

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April 1993, p69. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>53</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Analysis of the combat readiness and activities of the Army of Republika Srpska in 1992,



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**DIRECT COMBAT SUPPORT BY THE VJ TO THE VRS**

*Drina Valley (December 1992 - August 1993 & Spring 1995)*

**Summary**

38. 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. Later, the FRY government began to expand the VJ's role beyond the realm of indirect support (personnel and material assistance) to direct involvement in combat operations.

39. 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, which is the eastern border of BiH with Serbia. These losses led to a February 1993 strategic counteroffensive, known as "*Cerska 93*", aimed at securing the Drina Valley up to the Serbian border as outlined in Strategic Goal number 3. General Nikola MANDARIĆ, COS of the VJ 1st Army, stated on 26 January 1993 that "*by the decree of the president of the republic and the Supreme Defense Council, the Yugoslav Army is deploying a part of its forces on the right bank of the River Drina to give assistance*" to the VRS. He further 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>54</sup>

40. The extent of FRY support for early 1993 Eastern Bosnia counter-offensive preparations is 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 GŠ VRS. The report outlines the "*means of support for the Zvornik and Bratunac*

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April 1993, pp. 13 & 73. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>54</sup> Exhibit Nr. B4811, Interview with General Nikola Mandaric, commander of the VJ 1st Army, contained in "*Yugoslav Army Helping Army of Serbian Republic*", Politika, p.8, 26 January 1993.

Daily Telegraph report "Peace talks go on as Serbs queue to sign up as volunteers", p.10, 27 January

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*brigades' units"* and lists the following VJ elements present in the area from Lozniča to Ljubovija (FRY territory east of the Drina River):

- Armoured mechanised battalion(VJ) in Loznica (FRY)
- 122mm battery(VJ) in Radalj (FRY)
- Tank and mechanised company (VJ) in the area of Ljubovija (FRY)
- Howitzer 122mm M-38 battery (VJ) in Ljubovija
- VBR-128 OGANJ (multiple rocket launcher) battery (VJ) in Ljubovija
- Military police company (VJ) in the area of Mali Zvornik (FRY)
- Reconnaissance company (VJ) in the area of Mali Zvornik – Ljubovija
- RB 120mm (rocket launcher) (VJ) in the area of Ljubovija
- LJRL-128mm (rocket launcher) battery (VJ) in the area of Ljubovija
- Engineering company (VJ) in the area of Mali Zvornik – Ljubovija
- The KM (Command Post) of Command of the VJ Brigade (likely the 27<sup>th</sup> Infantry Brigade) from Valjevo (FRY), the KM (Command Post) of the VJ OG Drina from Valjevo and IKM (Forward Command Post) of the VJ 1st Army is based in the area of Ljubovija.<sup>55</sup>

41. January 1993 situation reports (SITREPs) from the VRS Bratunac Brigade clearly reflect the participation of some of these VJ units, including the VJ 1st Army's Forward Command Post, VJ 2<sup>nd</sup> Motorised Brigade, and elements of VJ OG Drina, as well as the VJ 95<sup>th</sup> Protection Motorised Regiment (Military Police Company) in offensive operations in Eastern BH.<sup>56</sup> A 25 January 1993 report from the Command of the Bratunac Brigade states that:

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1993. BCS: ERN 0304-3135-0304-3136, ENG M000-9790-M000-9791.

<sup>55</sup> Exhibit Nr. B620Bratunac Brigade Special SITREP 2-1942/24 to GŠ VRS & Command of Drina Corps, 24 January 1993. BCS: ERN 0067-5467-0067-5468, ENG: ERN 0303-5617-0303-5617.

<sup>56</sup> Already Tendered by the Prosecution as Exhibit 434, Tab 18, Bratunac Brigade Special SITREPs to GŠ VRS & Drina Corps Command, 26 January 1993. BCS: ERN 0067-4912-0067-4919, ENG: ERN 0090-4919-0090-4920 & Already Tendered by the Prosecution as Exhibit 434, Tab 17, Bratunac Brigade Special SITREPs to GŠ VRS & Drina Corps Command, 25 January 1993 BCS: ERN 0067-4904-0067-4911, ENG: ERN 0090-4916-0090-4918.

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*"Special brigade, the 2<sup>nd</sup> Infantry Battalion and the 95<sup>th</sup> ZMTP (Protection Motorised Regiment) (ČVP - Military Police Company) are operating at the Voljevac-Zalužani-Kunjarac-Sase (BH) mine axes [...] the 2<sup>nd</sup> motorised brigade with the 1st infantry battalion [...] are operating at the Bratunac-Potočari (BH) stretch".*<sup>57</sup>

42. 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 1993 order deploying one such unit, the 1KK'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>58</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>59</sup>

43. With the assistance of such VJ elements, the VRS began a series of successful attacks against ABiH forces in and around Srebrenica in mid-March 1993. At the same time, the UN Safe Area of Srebrenica was created.<sup>60</sup> An UNPROFOR situation report from 20 March 1993 states:

*"The Serb attack on Srebrenica enclave continues unabated [...] They [the VRS] have received a lot of support from across the border in Serbia during this offensive. The Serbians have supported the BSA(VRS) with artillery fire, aircraft-bombers, and ammunition re-supply convoys, as well as having allowed the Serbs to stage*

<sup>57</sup> Exhibit Nr. B621, Bratunac Brigade Special SITREP 2-1942/25 to GŠ VRS & Command of Drina Corps, 25 January 1993. BCS: ERN 0067-5463-0067-5466, ENG: ERN 0303-5558-0303-5559.

<sup>58</sup> Already Tendered by the Prosecution as Exhibit 434 Tab 16, Exhibit Nr. B7703, 1KK Forward Command Post order to 1KK 6th Light Infantry Brigade, 3 January 1993.

BCS: ERN 0087-6429-0087-6434, ENG: ERN 0090-2024-0090-2025.

<sup>59</sup> Exhibit Nr. B626, Bratunac Brigade Special SITREP 2-1942/26 to GŠ VRS & Command of Drina Corps, 26 January 1993. BCS: ERN 0067-4912-0067-4919, ENG: ERN 0090-4919-0090-4920.

<sup>60</sup> Exhibit Nr. B9383, UNSC Resolution 819 of 16 April 1993. ERN ENG 0007-0426-0007-0428.

*from within Serbian borders to attack from the East and South of the enclave".*<sup>61</sup>

44. 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>62</sup> Furthermore, a report from the Bajina Bašta, Serbia Detachment for Special Purposes (JPN) (a department within the Serbian MUP) notes that war booty seized from "*territories where combat operations are taking place*" were to be transferred from Skelani. This certificate to transfer goods across the border was issued "*on the basis of the Order of the TG1 (VJ Tactical Group 1) Commander, General Mile MRKŠIĆ, dated 12 March 1993.*"<sup>63</sup>
45. By late 1994, a number of flights<sup>64</sup>, predominantly by helicopters, across the FRY-BiH border – in violation of UN Resolution 781 and the August 1994 embargo imposed by the FRY – was noted by UN monitoring personnel. From 2-7 April 1995 alone, the ICFY monitoring mission registered 25 cross-border flights.<sup>65</sup> Between 09 October 94 and 4 May 1995, approximately 105 cross-border helicopter flights were observed by UN personnel, in direct violation of UN Resolution 781.<sup>66</sup>

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<sup>61</sup> Exhibit Nr. B8644, HQ BH Command (Main) Kiseljak Special SITREP (Srebrenica) to HQ UNPROFOR, Zagreb, 20 March 1993. BCS: ERN R018-5550-R018-5553, ENG: ERN R012-2481-R012-2484.

<sup>62</sup> Exhibit Nr. B9981, UNPROFOR press release "Bosnia-Herzegovina Cease-Fire Holding", 16 March 1993. ENG: ERN 0007-4539-0007-4657.

<sup>63</sup> Already Tendered by the Prosecution as Exhibit 387 Tab 18, Exhibit Nr. C5438, Authorisation to transfer war booty, 25 May 1993. BCS: ERN 0216-3263-0216-3263, ENG: ERN ET0216-3263-0216-3263.

<sup>64</sup> For further OTP documentation related to Flight activity, though not directly used in the drafting of this report, please see Annex 3. Documents selected by Prosecution Team.

<sup>65</sup> Exhibit Nr. B8399, Beta & Reuters, *Nasa Borba, "Milosević Agrees on Analysis of Radar Traces"*, 20 April 1995, Eng 0219-8880-0219-8880.

<sup>66</sup> Exhibit Nr. B9982, ICFY Inquiry into Unexplained Radar Traces Between the FRY and BiH, Final Report, 10 May 1995. ENG: ERN 0172-1369-0172-1441.

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### Sarajevo - Military Context

#### ***Strategic Goal Number 5 - Division of the City of Sarajevo***

46. At the 16<sup>th</sup> Session of the Assembly of the Serbian People in Bosnia and Herzegovina, Radovan KARADŽIĆ identified the issue of Sarajevo as the fifth strategic goal. In a similar manner to other strategic goals, the initial emphasis was on maintaining control of territory designated as Serb. With regard to Sarajevo, KARADŽIĆ stated;

*“the fifth strategic goal is division of the city of Sarajevo into Serbian and Muslim parts...and for Sarajevo, seen strategically and tactically, is of decisive importance. Alija (IZETBEGOVIĆ) does not have a state as long as we have a part of Sarajevo. Sarajevo is strategically in the fifth place, but the battle in Sarajevo and for Sarajevo, seen strategically and tactically, is of decisive importance, because it does not allow the establishment of even the illusion of a state. In addition, the fighting in Sarajevo keeps the fighting far away ... from all those areas, where we could possibly have conflicts with Muslims.”.*<sup>67</sup>

47. While the operations designed to achieve strategic goal no. 5 were conducted primarily by the VRS Sarajevo-Romanija Corps (SRK), there was some VJ involvement. Details concerning the VJ's involvement and an overview of the operations in the Sarajevo area, are provided below.

#### ***Implementation of the Strategic Goal***

48. By the time KARADŽIĆ made his speech to the delegates at the 16<sup>th</sup> Session it was evident that some aspects of the 5<sup>th</sup> strategic goal had already been realised. The arming of the ethnic communities in March and the skirmishes in April had already divided the city along ethnic lines. By the time KARADŽIĆ was articulating the goals, municipalities designated as Serb in Sarajevo were already under their control. There were indications from the discussions and comments at the Assembly Session itself that Sarajevo was already encircled and that this blockade should be maintained including from MLADIĆ who said:

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<sup>67</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 49, Minutes of the 16<sup>th</sup> Session of the Assembly of the Serbian People in BH, 12 May 1992. BCS: ERN 0084-7711-0084-7761, ENG: ERN 0091-3501-0091-3562.

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*"If we want to make the Muslims surrender, 300 guns must be densely planted around Sarajevo, of calibre ranging from Zolja /hand-held rocket launcher/ 40-64 millimetres to Orkan /multiple rocket launcher/ and P-65 rockets... And when we start fighting over Sarajevo, we must not say before the international public or tell Mr. OSTOJIĆ to pass it to them, we are going to shut down your water and power supply, why should I explain to him what am I going to do ? He will see what I am going to do. And we have to put a ring around the dragon's head of Sarajevo this very moment, and only those whom we let out should be allowed out, and this "we" is not just anyone among us, but the one who is in charge, who is the commander. We should not say: we will destroy Sarajevo, we need Sarajevo. We are not going to say that we are going to destroy the power supply pylons or turn off the water supply, no, because that would get America out of its seat, but gentlemen, please, fine, well, one day there is no water at all in Sarajevo.... Therefore, we have to wisely tell the world, it was they who were shooting, hit the transmission line and the power went off, they were shooting at the water supply facilities, there was a power cut at such and such a place, we are doing our best repairing this, that is what diplomacy is."*<sup>68</sup>

49. The period of early May 1992 in Sarajevo was marked by attempts by the Serbs to liberate the key JNA barracks which had been surrounded by non-Serb forces, negotiations to allow the JNA units to leave these locations, attempts to establish the VRS and an increase in Serb military activity in order to dominate key areas surrounding the city.

### ***Operational Objectives***

50. During the summer months of 1992, the objectives of the SRK remained in line with the objectives outlined by KARADŽIĆ in May 1992, namely to hold on to Serb designated territory and ensure that Muslim and Bosnian Croat forces remained tied-up in the city. In early August 1992, the Main Staff of the VRS issued order 02/5-92, commonly referred to as Operational Directive Number 3.<sup>69</sup> This was one of a series of operational directives issued by the VRS Main Staff during the war. Operational directives from the VRS Main Staff were significant instructions as they reflected the strategic political-military aims regarding the

<sup>68</sup> Already Tendered by the Prosecution as Exhibit 463 Tab 49, Minutes of the 16<sup>th</sup> Session of the Assembly of the Serbian People in BH, 12 May 1992. BCS: ERN 0084-7711-0084-7761, ENG: ERN 0091-3501-0091-3562.

<sup>69</sup> Exhibit Nr. B9983 GŠ SRBH order 02/5-92, Operations Directive 3, 03 August 1992. BCS: ERN 0131-3015-0131-3017, ENG: ERN 0300-7851-0300-7852.

conflict in BiH and carried the full authority of the commander of the VRS Main Staff, Ratko MLADIĆ.

### ***Operational Directive Number 3 - The Blockade of Sarajevo***

51. Operational Directive No. 3 from the VRS Main Staff set the following tasks for the SRK in August 1992:

*"Sarajevo-Romanija Corps: With persistent and active defence by main forces, keep the positions reached in Sarajevo and the wider surroundings, and with part of the forces, coordinate operations with the Herzegovina Corps in opening the Sarajevo-Trnovo-Kalinovik and Višegrad-Ustiprača-Goražde roads.*

*Task: with persistent and active defence and in co-ordination with neighboring units, prevent the breaking of the blockade of Sarajevo, and with active operations open the Sarajevo-Trnovo road for traffic. After that, prevent penetration towards Sarajevo and Trnovo with persistent and active defence and gradually tighten the siege of Sarajevo."*<sup>70</sup>

52. The SRK and Main Staff were in regular communication as the SRK implemented the tasks assigned by the Main Staff in Operational Directive No. 3 - the tasks designed to maintain KARADŽIĆ's strategic goal number 5. An indication of this regular communication is the daily reporting, often twice daily, between the SRK and Main Staff during the period.<sup>71 72 73 74 75 76</sup>
53. At a military-political meeting in Jahorina, south of Sarajevo, on 6 September 1992 the VRS Main Staff established a further set of operational tasks for the SRK aimed at achieving the original aim set out in strategic goal no. 5. This meeting

<sup>70</sup> Exhibit Nr. B1577, GŠ SRBH order 02/5-92, Operations Directive 3, 03 August 1992, para 5.4. BCS: ERN 0087-6215-0087-6229, ENG: ERN 0190-5849-0190-5855.

<sup>71</sup> Exhibit Nr. B9984, SRK daily combat report dated 04 August stated ERN Y000-1001-Y000-1002 translation ERN L005-2453-L005-2455.

<sup>72</sup> Exhibit Nr. B9985, SRK report dated 28 August 1992. ERN BCS Y000-1061-Y000-1062 ENG L005-2413-L005-2415.

<sup>73</sup> Exhibit Nr. B9986, SRK daily combat report dated 13 July 1992. ERN BCS Y000-1112-Y000-1113 ENG 0301-2729-0301-2730.

<sup>74</sup> Exhibit Nr. B9987, SRK daily combat report dated 21 July 1992. ERN BCS Y000-1158-Y000-1159 ENG 0305-0480-0305-0481.

<sup>75</sup> Exhibit NR. B9988, SRK daily combat report dated 30 July 1992. ERN Y000-1156-Y000-1157 translation ERN 0305-0371-0305-0372.

<sup>76</sup> SRK Regular Combat Report to the Main Staff 10/74-313, dated 31 August 1992. The OTP has documentary evidence of daily combat reports from the SRK until at least 18 June 1994.

was attended by the Acting SRK Commander, Col GALIĆ<sup>77</sup>, Brigade Commanders, Presidents of the Municipal Assemblies, chiefs of military sections, members of the Main Staff of the VRS, and members of the RS Government and Presidency. The operational aims were outlined in an order of 12 September 1992<sup>78</sup> which included the complete encirclement of Sarajevo, taking those parts of the city (to the south and west), centering on the Stupska Petlja, which would enable the taking of the high ground (Mojmilo) to the south of Novi Grad dominating the city. This inter-relationship between the Presidency of the RS, the Main Staff, and the SRK with regard to Sarajevo shows the existence of a functioning doctrinal chain-of-command covering these three entities.

### *Achievement of the Operational Aims*

54. On 9 September 1992, Colonel GALIĆ, as the SRK commander, noted in an order to the Corps that, "...for the most part, we have achieved the military goals of the war and do not expect major movements of the frontline except along certain axes in our favour...".<sup>79</sup>
55. In VRS Operational Directive No. 4 of 19 November 1992, improvements in command and control were noted in the SRK and the blockading of the city was re-emphasised:

*"Most of the tasks have been carried out in full, and among the most significant we would stress the following:...(4) The Sarajevo-Romanija Corps has fully stabilised the command and control system of the Corps and subordinate units, prevented the enemy from lifting the blockade of Sarajevo, severed the Muslim corridor Konjić – Trnovo – Goražde in the areas of Igman and Jabuk and considerably expanded the free territories towards Olovo, Pazarić and Žepa..."*<sup>80</sup>

<sup>77</sup> Exhibit Nr. B1579, SRBiH Presidency Decree 01-708/92, 31 August 1992.

BCS: ERN 0091-9841-0091-9841, ENG: ERN 0110-2012-0110-2013.

<sup>78</sup> Exhibit Nr. B9989, SRK Order to Command SRK Rear Command Post, 12 September 1992. Signed by Col. GALIĆ. BCS: ERN Y000-3671-Y000-3674, ENG: ERN 0304-6000-0304-6003.

<sup>79</sup> Exhibit Nr. B9990, SRK order 17/29-176, 09 September 1992.

BCS: ERN Y000-3669-Y000-3670, ENG: ERN 0304-6743-0304-6744.

<sup>80</sup> Exhibit Nr. B1730, VRS Main Staff Operational Directive 4, 19 November 1992.

BCS: ERN 0087-6272-0087-6287, ENG: ERN 0190-0424-0190-0431.



*The Sarajevo-Romanija Corps: Through persistent defence, its main forces are to keep Sarajevo and Igman under full blockade, and in accordance with developments, tighten the circle, cut off and isolate parts of the city and the surrounding communities... Through active operations of some of the forces, tie down as many of the enemy forces as possible on the Pale – Prača village – Goražde route, and co-ordinate your activities with the Drina Corps in breaking up the Muslim forces in the Podrinje.”<sup>81</sup>*

### **Operations outside Sarajevo**

#### **LUKAVAC-93**

56. Between 28 June 1993 and 18 August 1993, the VRS carried out an operation in the wider area of Jahorina, Bjelašnica, Treskavica and Igman under the name of “LUKAVAC-93.” This operation was intended to join up the forces of the SRK and the Herzegovina Corps and to take the Lukavica-Trnovo-Dobro Polje-Foča road leading to the RS capital of Pale, as well as to separate the units from Goražde and the main forces of the 1st Corps of the ABiH. LUKAVAC 93 consisted of units from the Sarajevo-Romanija Corps (SRK), the Drina Corps, the Herzegovina Corps, 1<sup>st</sup> Krajina Corps and other VRS units totalling 8,000 to 10,000 soldiers. This action was commanded by the Chief of the VRS General Staff, LtGen Ratko MLADIĆ. Logistic supplies for the operation were provided according to a plan drawn up on the basis of previous Operational Directives, from the Main Staff of the VRS and the Logistics Command Post of the Main Staff of the VRS, as well as on the basis of a decision by the Commander of the Sarajevo-Romanija Corps.<sup>82</sup>

#### **PANCIR**

57. Following LUKAVAC 93, operation PANCIR consisted of three parts, lasting from 25 October 1993 to 25 February 1994. The aims of this operation were to push the ABiH forces out of the wider area of Vogošća, and to take and hold the Nišići Plateau to the north west of Sarajevo. At the start of the operation, an order issued by the VRS SRK Command directed participating units - including 120 troops and a helicopter squad from the VJ - to conduct an operation aimed at *"securing favourable conditions for cutting Sarajevo in two [...] and creating*

<sup>81</sup> Exhibit Nr. B1730, VRS Main Staff Operational Directive 4, 19 November 1992.  
BCS: ERN 0087-6272-0087-6287, ENG: ERN 0190-0424-0190-0431.

<sup>82</sup> Exhibit Nr. B9991, VRS Main Staff Operational Directive 5 dated 25 June 1993.  
ERN BCS 0087-6413-0087-6420 ENG 0190-6788-0190-6793

*suitable conditions for the Famos, Orao and Pretis ammunitions factories to continue their work.*" <sup>83</sup> Units from the SRK, Drina Corps, Herzegovina Corps took part in the operation, assisted by other units, totalling some 9,800 troops. Logistics units (the technical, medical and quartermasters services) were relocated to the brigade bases.

58. By November 11, 1993, VRS directives continued to stress the importance of maintaining the blockade of Sarajevo. <sup>84</sup>

*"In the fighting against the HVO in Central Bosnia and in Herzegovina, they are having considerable success so it is to be expected that, on the wings of these successes, they will press on with attacks in the direction of Sarajevo in order to gain control of special-purpose facilities and then lift the siege of Sarajevo.*" <sup>85</sup>

*...prevent the lifting of the siege of Sarajevo, create conditions for taking control of it and link up Herzegovina with the territory of Republika Srpska."* <sup>86</sup>

#### ***Shift of main military activities outside the city of Sarajevo***

59. From 19 February 1994, the establishment of an UNPROFOR heavy weapons exclusion zone around Sarajevo, for both the VRS and ABiH forces, following the Markale market incident, was followed by a reduction in significant operations in and near the urban core of the city, as well as in surrounding suburbs. Despite this overall decline in military operations in the Sarajevo area, combat operations nonetheless did occur in and around the city as both sides attempted to improve their situations as described below.

60. On the VRS side, an objective was to keep significant elements of the ABiH 1st Corps inside the city. <sup>87</sup> It would aim to accomplish this with the minimum

<sup>83</sup> Exhibit Nr. B5894, SRK order 20/15-1409 to subordinate units, 15 December 1993. BCS: ERN 0097-1050-0097-1050, ENG: ERN 0110-4100-0110-4100.

<sup>84</sup> Exhibit Nr. B7898, VRS Main Staff Operational Directive 6, 11 November 1993. BCS: ERN 0102-9248-0102-9256, ENG: ERN 0190-1799-0190-1806.

<sup>85</sup> Exhibit Nr. B9991, VRS Main Staff Operational Directive 5, 25 June 1993. BCS: ERN 0087-6413-0087-6420, ENG: ERN 0190-6788-0190-6793.

<sup>86</sup> Exhibit Nr. B9991, VRS Main Staff Operational Directive 5, 25 June 1993. BCS: ERN 0087-6413-0087-6420, ENG: ERN 0190-6788-0190-6793.

<sup>87</sup> See paragraph 45.

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personnel and resources necessary, freeing other VRS forces for operations of strategic significance elsewhere.

### ***Continuing operations to the North of Sarajevo***

#### ***BRGULE 94***

61. Operation BRGULE 94, consisting of 4000 personnel from the SRK, Drina Corps and Herzegovina Corps, was carried out from 9 June 1994 to 24 September 1994 with the aim of stabilising the front at Nišići Plateau, north west of Sarajevo. This was the last major operation around Sarajevo before ABiH offensives in August 1995 and the implementation of the General Framework Agreement for Peace from December 1995. Combat reports from 1995 also describe the participation of "Kajman", "Plavi" and "Skorpija" MUP Special Forces from Serbia in combat operations in the Sarajevo-Trnovo areas in June of that year.<sup>88</sup>
62. Throughout the period outlined by the above mentioned operations, the SRK sent and received regular communications to and from the Main Staff and down to its respective brigades via the daily, and often twice daily, operational reports. Such reporting supports the existence of a chain of command operating from the RS Presidency to the Main Staff and then to the SRK. The review above of the Sarajevo operations by Serb forces shows how strategic-level direction (from the RS Presidency) was transformed into operational-level direction by the VRS Main Staff to the SRK who conducted these operations accordingly.

### **Western BiH (July 1994 - November 1994)**

#### ***Summary***

63. 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

<sup>88</sup> Both Already Tendered by the Prosecution as Exhibits 432, Tabs 15 and 16, Exhibit Nr. B4097, RS MUP report to Trnovo SBP Deputy Commander, Ljubiša BOROVIČANIN, 30 June 1995. BCS: ERN 0211-4112-0211-4112, ENG: ERN 0302-6292-0302-6292. RS MUP report to MUP; Deputy Minister, Bjeljina; COS of Pale Police; Vogošće Police Force Staff; spb (Special Police Bde) Janja, 01 July 1995. BCS: ERN 0095-2015-0095-2015, ENG: ERN 0110-1439-0110-1439.

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Bosnia (APWB), declared on 27 September 1993 by Fikret ABDIĆ. The area was of strategic importance for the Serbs as it separated the self-proclaimed Republika Srpska Krajina (RSK) in Croatia and the western RS.

#### **UNA-94**

64. A MS VRS combat order to 1<sup>st</sup> KK, 2<sup>nd</sup> KK and the SVK on 2 July 1994 outlined plans for Operation "UNA-94" which was an operation against the ABiH 5<sup>th</sup> Corps in the Bihać pocket. This order, based on Directive Number 6<sup>89</sup> of the RS Supreme Command (11 November 1993) and agreements between the VJ, VRS, SVK and forces of the APWB under Fikret ABDIĆ, 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 for "everything they need" logistically.<sup>90</sup>

#### **PAUK**

65. In November 1994, a special VRS military command with the pseudonym "Pauk" (Spider) was formed to conduct combat operations against the ABiH 5th Corps in the Bihać pocket. Its commander, Colonel General Mile "Pauk" NOVAKOVIĆ - a former JNA officer, serving in the SVK co-ordinated the combined operations with those of the SVK, Serbian MUP special units, 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 the ABiH 5<sup>th</sup> Corps in the Bihać pocket, and "Pauk" Operations Logbook No. 1, which runs from 16 November through 1 December 1994.<sup>91</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 include:

<sup>89</sup> Exhibit Nr. B7898, VRS Main Staff Operational Directive 6, 11 November 1993.

BCS: ERN 0102-9248-0102-9256, ENG: ERN 0190-1799-0190-1806

<sup>90</sup> Exhibit Nr. B5050, GŠ VRS order to 1KK, 2KK & SVK, 2 July 1994.

BCS: ERN 0086-8848-0086-8850, ENG: ERN 0090-1213-0090-1216.

<sup>91</sup> Already Tendered by the Prosecution as Exhibit 347 Tab 5, Exhibit B4280 and Exhibit Nr. K2292, Operative Diary of the "Pauk" Command, 16 November 1994 – 08 January 1995. BCS: ERN 0087-0141-0087-0154, ENG: ERN 0303-7012-0303-7028.

Operations Logbook No. 1 of the "Pauk" Command, 16 November 1994 – 25 May 1995.

BCS: ERN 0209-4543-0209-4740, ENG: ERN 0302-2669-0302-2794.

General Mile MRKŠIĆ, former Commander in the VJ Special Forces Corps and appointed CGS of the SVK on 18 May 1995,

Radojica "Kobać" BOŽOVIĆ, a member of the Serbian MUP and commander of VRS Operation PAUK TG-2,

Mihajlo "Legija" Ulemek (LUKOVIĆ), of VRS Operation PAUK TG-3, former commander in Arkan's Serb Volunteer Guard and of the Serbian (MUP) RDB Special Operations Unit (JSO).<sup>92</sup>

66. Operations in support of "Pauk" aims also included the use of air strikes flown from the RSK against ABiH 5th Corps targets in the Bihać area. Two such air strikes, conducted on 8 and 18 November 1994, likely made use of aircraft and munitions left to SVK forces following the official withdrawal of the JNA in 1992.

### **Operational Instruction Drina**<sup>93</sup>

67. In November 1993 RS President KARADŽIĆ issued Operational Directive Number 6.<sup>94</sup> This detailed the tasks of the VRS, which included conducting operations aimed at supporting 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>95</sup>

<sup>92</sup> Already Tendered by the Prosecution as Exhibit 347 tab 5, Exhibit Nr. B4288, Video of location Slunj on Vidovdan (Serb holiday). Parade regarding the creation of the SVK Rapid Reaction Force. Milan Mrkšić and Milan Martić are present. BCS V000-3330-V000-3330.

<sup>93</sup> Exhibit Nr. B4916, VRS Main Staff document for DRINA operation entitled "Extract from the Directive for use of the Republika Srpska Army", p. 12, December 1993.  
BCS: ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>94</sup> Exhibit Nr. B7898, VRS Main Staff Operational Directive 6, 11 November 1993.  
BCS: ERN 0102-9248-0102-9256, ENG: ERN 0190-1799-0190-1806.

<sup>95</sup> Exhibit Nr. B7914, Radovan Karadžić, Addition to Directive Number 6, 12 December 1993.  
BCS: ERN 0086-8689-0086-8691, ENG: ERN 0090-2047-0090-2049.

68. From these two directives the VRS Main Staff produced its own detailed directive for combat operations under the code-name "*Drina*".<sup>96</sup>
69. The Drina plan comprised two separate phases. The first phase, which was to be completed by the spring of 1994, was a series of strategic 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 elsewhere in BiH. 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>97</sup> The Drina plan as a whole included reference to - and co-ordinated action with - both the SVK and the VJ. Even in phase one of the plan, elements of the VRS 1KK were re-subordinated to the SVK GŠ "*to help defend the Dalmatian plateau*".<sup>98</sup> References were also made to the general objective of establishing conditions for a single Serb state.<sup>99</sup>
70. The first phase of the strategic Drina plan primarily concerned combat operations for the five Corps comprising the VRS (1<sup>st</sup> and 2<sup>nd</sup> Krajina Corps, Eastern Bosnia Corps, Drina Corps, Sarajevo-Romanija Corps), including an imperative to "*create conditions for launching large-scale offensive operations against the VRS /Republika Srpska Army/ in the Spring of 1994*".<sup>100</sup> Although the instructions for this phase predominantly involved VRS units, in certain areas, close co-operation and support was expected from the VJ. This included logistics, air defence, communications and intelligence assistance.

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<sup>96</sup> Exhibit Nr. B4916, VRS Main Staff document for DRINA operation entitled "*Extract from the Directive for use of the Republika Srpska Army*", December 1993. BCS: ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>97</sup> Exhibit Nr. B4916, Ibid, p. 7 ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>98</sup> Exhibit Nr. B4916, Ibid, p. 8 ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>99</sup> Exhibit Nr. B4916, Ibid, pp. 2, 6 & 11 ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629. And Exhibit Nr. B7903, Attachment Number 11 to DRINA Directive entitled "*Plan of Moral and Psychological Activities and Information work of the VRS*", pp. 1-2, undated. BCS: ERN 0087-6312-0087-6323, ENG: ERN 0304-0837-0304-0841.

### ***Logistics Support to Operation Drina***

71. In terms of logistic support, the VRS were to rely on their organic logistic capabilities, RS commodity reserves, manufacturing and service capacities of the RS, and from the VJ through requests sent by the Main Staff of the VRS.<sup>101</sup>

### ***Air Defence Support***

72. 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>102</sup>

### ***Communications Support***

73. In terms of communications, Belgrade was linked into the communications network for the Drina operation.<sup>103</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>104</sup>

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<sup>100</sup> Exhibit Nr. B4916, VRS Main Staff document for DRINA operation entitled "Extract from the Directive for use of the Republika Srpska Army", December 1993, BCS: ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>101</sup> Exhibit Nr. B4916, VRS Main Staff document for DRINA operation entitled "Extract from the Directive for use of the Republika Srpska Army", p. 12, December 1993. BCS: ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>102</sup> Exhibit Nr. B4915, Attachment No. 12 to Drina Directive entitled "The Use of Anti-Aircraft Defence and Air Support Forces", undated. BCS: ERN 0087-6306-0087-6309, ENG: ERN 0304-5868-0304-5869.

<sup>103</sup> Exhibit Nr. B7910, Supplement No. 2 to DRINA Directive entitled "Chart of the Republika Srpska Army's Daily Analogue Radio Relay Communications", undated. BCS: ERN 0087-6425-0087-6425, ENG: ERN 0303-4703-0303-4703.

<sup>104</sup> Exhibit Nr. B7911, Attachment to Drina Directive entitled "Communications Order Number 1", undated. BCS: ERN 0087-6435-0087-6440, ENG: ERN 0301-4016-0301-4019.

***Intelligence Support***

74. The "*Intelligence Plan for Execution of Defensive and Offensive VRS Operations*" indicates that information was exchanged via services of friendly countries, Organs of the MIP /Ministry of Foreign Affairs/ and DB /State Security/ and NB /National Security/ services.<sup>105</sup>

75. 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 to the Neretva valley on the Mostar - Metković - Neum line, and the coast on the Neum - Zaton and Cavtat - Prevlaka stretches".*<sup>106</sup>

76. During the second phase, in terms of air and air defence support, it was envisaged that combat activities were to be undertaken by VJ, SVK and VRS air and air defence forces.<sup>107</sup> Additional logistics support was also to be expected.<sup>108</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>109</sup>

<sup>105</sup> Exhibit Nr. B7906, Attachment No. 5 to DRINA Directive entitled "*Intelligence Plan for Execution of Defensive and Offensive VRS Operations*", undated. BCS: ERN 0087-6345-0087-6348, ENG: ERN 0303-7494-0303-7495.

<sup>106</sup> Exhibit Nr. B4916, VRS Main Staff document for DRINA operation entitled "*Extract from the Directive for use of the Republika Srpska Army*", p. 5, December 1993. BCS: ERN 0087-6363-0087-6398, ENG: ERN 0305-0616-0305-0629.

<sup>107</sup> Exhibit Nr. B4915, Attachment No. 12 to Drina Directive entitled "*The Use of Anti-Aircraft Defence and Air Support Forces*", undated.

BCS: ERN 0087-6306-0087-6309, ENG: ERN 0304-5868-0304-5869.

<sup>108</sup> Exhibit Nr. B3964, Attachment No. 13 to DRINA Directive entitled "*Logistical Support*", undated. BCS 0087-6294-0087-6305, ENG 0304-5888-0304-5892.

<sup>109</sup> Exhibit Nr. B3965, Attachment No. 10 to DRINA Directive entitled "*Order for Engineer Support of the Republika Srpska Army*", undated. BCS: ERN 0087-6324-0087-6327, ENG: ERN 0304-5887-0304-5887.



77. Plans for Drina, as outlined by the VRS Chief of Main Staff, MLADIĆ, were passed to subordinate commands for additional planning and preparation work. A related Drina document, signed by the 1KK Commander, General Momir TALIĆ, and given an effective date of 28 December 1993, expounds on the same overall objectives as MLADIĆ's two-phase plan by adding specific tactical objectives and timelines for 1KK units in both phases.<sup>110</sup>
78. A strategic plan such as Drina, dealing with complex combined and joint operations, would require detailed and extensive co-ordination meetings between the VRS, VJ and SVK. As an example, a document signed by Čedo RADANOVIĆ, 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>111</sup>
79. Overall, the Drina plan 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 that an outside aggressor (e.g. NATO) intervened militarily in the conflict.<sup>112</sup>

### PERSONNEL SUPPORT<sup>113</sup>

#### *Summary*

80. Although, prior to the establishment of the VRS, it was agreed that members of the JNA born in BiH were transferred to serve in BiH and even appointed to some of the VRS's most important positions, the VRS was still in constant 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

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<sup>110</sup> Exhibit Nr. B7924, VRS 1KK, "DRINA-R" document, 25 January 1994. BCS: ERN 0130-1314-0130-1398.

<sup>111</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 52, Exhibit C4752, Letter re: co-ordination of tasks meeting held on 17 December 1993. BCS: ERN 0207-8152-0207-8164, ENG: ERN L004-6436-L004-6459.

<sup>112</sup> For further OTP documentation related to Direct Combat Support by the VJ, though not directly used in the drafting of this report, please see Annex 4. Documents selected by Prosecution Team.

<sup>113</sup> For further OTP documentation related to Personnel issues, though not directly used in the drafting of this report, please see Annex 5. Documents selected by Prosecution Team.

specialisations and command ranks.<sup>114</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>115</sup> Members sent to serve in the VRS continued to be paid by the JNA/VJ, were promoted within the JNA/VJ system, and received extra compensation due to the hardships of their work.<sup>116</sup> Also, in accordance with an order given by JNA 5<sup>th</sup> Corps on 07 May 1992, all JNA personnel remaining in BH or transferred to BH would retain the same rights as other JNA personnel.<sup>117</sup> The following paragraphs provide examples of the nature and breadth of personnel support.

81. On 6 Aug 1994, the VRS 2<sup>nd</sup> Krajina Corps relayed that:

*From the command of the 30<sup>th</sup> Personnel Centre of the VJ General Staff and the command of the Republika Srpska Army Main Staff we have received a subsequent explanation regarding regulating years of pensionable service at double rate for professional soldiers (professional officers, professional non-commissioned officers, contract officers, contract non-commissioned officers and contract soldiers), and based on that explanation, with a view to regulating years of pensionable service at double rate. Every unit of the 2<sup>nd</sup> Krajina Corps and VRS /Republika Srpska Army/ is authorised to issue certificates only for the period starting 20 May 1992 onward. Those who took part in the war before 20 May 1992 are instructed to file a request, with the exact description of where they were, in which unit, upon whose orders, where the unit was and enclose any proof they may have. As soon as you have collected all the requests, certificates and other proof, forward them to this command (2KK), and the command of the 30<sup>th</sup> KC /personnel centre/ will issue*

<sup>114</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska in 1992", April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

Only 42% of active officers and non-commissioned officers of Serb, Montenegrin or Yugoslav / Serb ethnicity born in BH were serving in the VRS.

<sup>115</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska in 1992", p.142, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

"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".

<sup>116</sup> Exhibit Nr. C516, Official decision issued by Major General Milan ČELEKETIĆ supervising officer of the 4001 Military Post Belgrade, granting financial compensation to Col Dušan SMILJANIĆ for service under hardship, 06 December 1994. BCS: ERN 0207-6802-0207-6803, ENG: ERN L003-4037-L003-4039.

<sup>117</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 17, Exhibit Nr. B4692JNA 5<sup>th</sup> Corps document related to SFRJ Presidential Decision of 05/05/92 concerning the transformation of the JNA, 07 May 1992. BCS: ERN 0124-1355-0124-1355 ENG: ERN 0306-6534-0306-6535.

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*certificates to the effect of recognising years of pensionable service at double rate.*<sup>118</sup>

In a report from September 1992, MLADIĆ states that 21% of officers of the former JNA (in BiH) joined the VRS and, together with the joint efforts of Serb TO, civil defence and police, successfully defended the territory of Republika Srpska from Muslims and Croats.<sup>119</sup>

82. 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>120</sup>

83. On 28 November 1992, the VRS Main Staff issued a document that requested information from the 1KK and OG Doboj intended to "*improve the status of active military personnel in the service of the Republika Srpska Army and find a solution for it.*" The requested information differentiated between officers that stayed in the VRS at the time of the JNA's withdrawal and those that joined the VRS from the VJ "after 19 may 1992 for a specific period of time." They are also requested to be sent "*a list of contract soldiers (along with) one copy of their contract*".<sup>121</sup>

84. The personnel matters of VRS officers as well as contract workers and other personnel were administered from the 30th Personnel Centre of the VJ Personnel Department within the General Staff in Belgrade, an administrative unit specifically established by order of Momčilo PERIŠIĆ, VJ Chief of General Staff, on 15 November 1993<sup>122</sup> for this purpose. This arrangement was developed after a

<sup>118</sup> Exhibit Nr. B5060, 2 KK Command instruction to Bosanski Petrovac 15 Infantry Brigade regarding pensionable service at double rate, 06 August 1994. BCS: ERN 0211-4904-0211-4904, ENG: ERN 0301-2665-0301-2666.

<sup>119</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 2, Exhibit Nr. B5507, Report on the Army of Srpska Republika, General Mladić, 15 September 02. BCS: ERN 0104-2295-0104-2303, ENG ERN 0110-3316-0110-3324.

<sup>120</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "*Analysis of the Combat Readiness of the Army of the Republika Srpska in 1992*", p.105, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>121</sup> Exhibit Nr. B4778, GŠ VRS (Admin & Personnel Dept.) order to subordinate units, 28 November 1992. BCS: ERN 0086-8883-0086-8884, ENG: ERN 0090-2682-0090-2683.

<sup>122</sup> Exhibit Nr. B10955, Order signed by VJ Chief of GS Momčilo PERIŠIĆ regarding the creation of the 30 and 40 Personnel Centre. BCS: 0344-6160-0344-6163 ENG: ET 0344-6160-0344-6163

number of meetings between the VRS and the VJ <sup>123</sup> and, with more than 26,000 commissioned and non-commissioned officers in the VRS in July 1992, <sup>124</sup> contributed manpower enabling the VRS to continue military operations. The importance of funding from outside the RS was recognised by KARADŽIĆ in 1993:

*"In the course of the year, after the cessation of financing by the FR Yugoslavia and then of payment transactions from 1 July 1992, a confusion ensued concerning the salaries and emoluments of former active military personnel and civilian personnel remaining with the Army of RS in respect of:*

- a) sources of finance,*
- b) accounting venue, and*
- c) method of payment of salaries.*

*The Government of Republika Srpska requested that until the end of the year the gross salaries of this category of persons be paid into government accounts, the Government then to determine and payout salaries at the level of Republika Srpska, with the actual accounting of salaries, under this arrangement, being made by the Main Staff, i.e. organs of RS Army services.*

*After a series of meetings and arguments this request of the Government was rejected and it was agreed that salaries would be paid out as before, the method of accounting and the place of payment to be of the FRY Ministry of Defence /as printed/.*

*Agreement was reached with the Post Office Savings Bank in Belgrade for cheques to be cashed through the financial organs of RS Army units with payments into non- resident bank accounts and those of RS enterprises which had available cash in RS territory and needed Yugoslav dinars.*

*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*

*The basic difficulties attending this system of operation are the high demand for Yugoslav dinars on the part of current account holders which demands are in the majority of cases unjustified, and are a consequence of the shortage of cash in Post Office Savings Banks in the FRY. This system of cashing postal cheques will be retained*

<sup>123</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska in 1992", p.134, April 1993. ERN BCS: 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>124</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, pp. Eng 72 & 134 BCS: 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

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*pending the introduction of a unified payment system, when post offices and banks in RS will probably start functioning.”*<sup>125</sup>

85. In November 1993, Chief of VJ GS, PERIŠIĆ wrote an order on behalf the of the FRY President (then Zoran LILIĆ) describing how the VJ/FRY continued to regulate the financing of the VJ officers then serving in the SVK. The document details that:

*“VJ officers assigned to posts in the Army of the Republic of Serbian Krajina shall claim (Travel and Other Expenses) reimbursement at the expense of the reduced monetary reserves for current expenses to a total of 265,000 dinars”.*<sup>126</sup>

86. 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, including Đorđe ĐUKIĆ and Dragan OBRENOVIĆ, both later indicted by the ICTY.<sup>127</sup> When General Radislav KRSTIĆ was arrested by SFOR in 1998 on a warrant by the ICTY, he was serving as Commander of the VRS 5<sup>th</sup> Corps (formed from the previously disbanded VRS Drina Corps) but was in possession of VJ-issued identification permit.<sup>128</sup> Although it had expired in 1996 the permit had been issued to KRSTIĆ by Military Post 3001 (30th Personnel Center) on 10 January 1993 while he was already the Drina Corps Deputy Commander. As previously indicated, the 30th Personnel Center was the administrative unit to which all VJ officers serving in the VRS were assigned.

87. Similarly, when General Stanislav GALIĆ (commander of the SRK from 1992) retired in 1994, VRS Chief of Staff, General Manojlo MILOVANOVIĆ

<sup>125</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 133 BCS: 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>126</sup> Exhibit Nr. C4782, Order issued by Colonel General Momčilo PERIŠIĆ, Chief of Main Staff of the Yugoslav Army, 08 July 1994 (based on an order issued by the President of the Republic of Yugoslavia, 10 Nov 1993). BCS: ERN 0207-8165-0207-8166, ENG: ERN L004-4485-L004-4486.

<sup>127</sup> Exhibit Nr. B2074, For example, folder containing professional soldier records or PVL, 01 January 1992. BCS: ERN 0075-9919-0075-9975, ENG translations: ERN 0304-4465-0304-4465, ERN 0306-9738-0306-9738, ERN 0306-9737-0306-9737, ERN 0306-9736-0306-9736, ERN 0306-9735-0306-9735 and ERN 0084-0094-0084-0124. Also see 0037-4478-0037-4481 (Đorđe ĐUKIĆ) and 0304-4465-0304-4465 (Dragan OBRENOVIĆ).

requested the Personnel Administration of the General Staff of the VJ to promote GALIĆ to the rank of lieutenant general in the VJ for his service to the VRS. A letter from General MILOVANOVIĆ claims that GALIĆ 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>129</sup> He further notes in the same document that when he retired on 31 October 1994 that "the professional military service of (GALIĆ) in the Army of Yugoslavia ended" on that date. Documentary evidence demonstrates General GALIĆ sought resolution of his retirement benefits acquired from service with the VRS through the JNA Personnel Department after "the Decree from the President of the SRJ (Socialist Republic of Yugoslavia), no. 1/2 - 01-001/94-39, dated 30 September 1994, put an end to my professional military service, since I was no longer needed."<sup>130</sup>

88. In a VRS order dated 13 July 1995 handing over the command of the Drina Corps to Maj. General KRSTIĆ, it is indicated that the former commander, Maj Gen Milenko ŽIVANOVIĆ was appointed to new duties in the "VJ-VRS".<sup>131</sup> As no further explanation of the term "VJ-VRS" is made, it is unclear exactly what it seeks to describe. Several interpretations are possible, although a simple reading might suggest that little distinction was made about the two armies being separate and distinct for senior staffing matters.

<sup>128</sup> Exhibit Nr. B5387, VJ identification permit of Radislav Krstić, 25 January 1996. ERN A000-1594-A000-1594.

<sup>129</sup> Exhibit Nr. B1620, GŠ VRS, Decree Number 01-1573/74 Promoting General Stanislav Galić to the Rank of Lieutenant General, 07 August 1994, BCS: ERN 0091-9828-0091-9829, ENG: ERN 0110-7458-0110-7458. And: Cover letter by Lt. Gen. MILOVANOVIĆ, Manojlo, VRS HQ Deputy Comd to VJ HQ Personnel, of a decree by the Pres. of RS on promotion of Gen. Maj. GALIĆ, Stanislav into the rank of Lt.Gen. 31 December 1996. BCS: ERN 0091-9832-0091-9832, ENG: ERN 0110-6761-0110-6762.

<sup>130</sup> Exhibit Nr. B1636, Stanislav Galić, *Request for recognition of rank group 4 (for salaries) and confirmation of action of the rank of General*, 17 April 1997. BCS: ERN 0091-9830-0091-9830, ENG: ERN 0110-6760-0110-6760. See also Exhibit Nr. B1629, Colonel Nestorović, Military Social Insurance Fund, Strictly Confidential 103947 UP - 1 3869/94, 05 December 1994, BCS: ERN 0091-9826-0091-9827, ENG: ERN 0110-6757-0110-6759. And Already Tendered by the Prosecution as Exhibit 469 Tab 17, Exhibit Nr. B5096, President Zoran Lilić, *Decree by the President of FRY*, 30 September 1994, BCS 0091-9837-0091-9837, ENG 0110-6856-0110-6857.

<sup>131</sup> Exhibit Nr. B8558, Drina Corps Command document, Confidential Number 05/2-293, "Handover of Corps Commander Duties", 13 July 1995. BCS: ERN: 0202-8472-0202-8472, ENG: ERN 0202-8952-0202-8952.

89. Also on June 24 1995, the Bratunac, RS, Public Security Station (SJB) wrote a memo to the chief of the Zvornik Public Security Centre (CJB) which noted that;

*On 23 June 1995, a group of 10 men led by Miko PILOT entered the territory of the Republika Srpska at the border crossing. All the men were in uniforms of the special units of the MUP of Serbia (Frenki). They previously stayed in Bratunac in 1992/1993*

*They were pilots and air mechanics and they were members of the rvpo /Air Force and Anti-Aircraft Defence/ of the RS airbase in Bratunac. I questioned Mika PILOT, who told me that the deputy minister knew of their crossing and that they came on assignment to boost b/g /combat readiness/ at the Bratunac airbase. Please reply whether they have the permission of the Deputy Minister to pursue such business in the territory of Bratunac.*<sup>132</sup>

90. An example of the close nature of the personal and professional ties between the respective VRS and VJ senior officers is illustrated by a letter sent by the Commander of the VRS 1<sup>st</sup> KK, General Momir TALIĆ congratulating Momčilo PERIŠIĆ upon his appointment as the Chief of General Staff of the VJ. In the letter, dated 26 August 1993, General TALIĆ expressed his desire that PERIŠIĆ: “remove the weaknesses of the ... former JNA, creating a unified Serbian state and army, a state in which all the Serbs will live together, proudly and with dignity”.<sup>133</sup>

### FINANCIAL<sup>134</sup>

91. The Republika Srpska Assembly recognised 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”.<sup>135</sup>

<sup>132</sup> Exhibit Nr. B8631, Bratunac SJB request for information to Zvornik CJB, 24 June 1995. BCS: ERN 0177-6694-0177-6694, ENG: ERN L009-5616-L009-5616.

<sup>133</sup> Exhibit Nr. B8597, 1KK letter of congratulations, 26 August 1993. BCS: ERN 0130-2926-0130-2926, ENG: ERN 0307-7947-0307-7947.

<sup>134</sup> For further OTP documentation related to Financial support, though not directly used in the drafting of this report, please see Annex 6. Documents selected by Prosecution Team.

<sup>135</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 13, Exhibit Nr. B8287, Address by Major General Gvero, 1KK, 34th Session of the People's Assembly of Republika Srpska, Banja Luka, 29 September 1993. BCS: ERN 0048-0967-0048-0974, ENG: ERN 0091-6772-0091-6779.

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92. 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 serving in the VRS who had been (until 19 May 1992) members of the JNA, continued to be financed by the FRY after the withdrawal of the JNA.<sup>136</sup> In addition to paying salaries of officers and other VRS members, the VJ also contributed significantly to their food and clothing.<sup>137</sup> Financial support provided by the FRY to the VRS was also noted by the 1KK Commander, Major General TALIĆ, 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>138</sup>
93. 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 by 1KK Commander Maj. General TALIĆ on the co-ordination of tasks of the VJ, the SVK and the VRS dated 17 December 1993 cited above.<sup>139</sup> Additionally, financing of benefits to VJ officers serving in the VRS continued through the 30<sup>th</sup> Personnel Center at least until February 8 2002.<sup>140 141</sup>

<sup>136</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992", pp.127-131, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110- 3182.

<sup>137</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Combat Readiness Reports, pp. 101, 103 & 131 BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110- 3182.

<sup>138</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 50, Exhibit Nr. C4695, 1KK Command document "Analysis of Activity Concerning Elements of Combat Readiness in 1992", 01 February 1993. BCS: ERN 0060-7481-0060-7538, ENG: ERN 0190-5611-0190-5574.

<sup>139</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 52, Exhibit C4752, Letter re: co-ordination of tasks meeting held on 17 December 1993. BCS: ERN 0207-8152-0207- 8164, ENG: ERN L004-6436-L004-6459.

<sup>140</sup> V.I.P Daily News Report 8 February, 2002, Issue 2217 - V.I.P. News Services, Terazije 3/V, 11000 Belgrade, Yugoslavia

<sup>141</sup> Exhibit Nr. B9992, Further detail of financial support to the VRS is given in the Expert report of Morten Torkildsen regarding the financing of the Serb controlled districts in Croatia and BiH in the period 1991-95. ENG: ERN 0114-4404-0114-4455.



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TRAINING<sup>142</sup>

94. The VRS Analysis Combat Readiness Report for 1992 indicates that the VRS required the assistance of the VJ for training and preparing its personnel in a number of areas. It states, for instance:

*"...we are trying to organise training courses for intelligence and security organs in the brigades and for leaders of reconnaissance companies or platoons. However, having only modest resources for this purpose, we can not fully train them for these duties, and the solution should be sought in co-operation with the Army of Yugoslavia".*<sup>143</sup>

Further examples include Vinko PANDUREVIĆ, who as the Commander of the VRS Zvornik Infantry Brigade was sent to the VJ General Staff Academy for training to begin 01 September 1993. PANDUREVIĆ noted that;

*"I currently have no appointment in the VJ because I was sent to the GS Academy for regular training, but without the approval of my superior officer from the Army of Republika Srpska."*<sup>144</sup>

95. As late as November 1995, Dragomir VASIĆ, Chief of the Zvornik, Public Security Center, sent a request to Colonel PANIĆ, FNU in Belgrade noting;

*We hereby request your permission to send 10 active-duty policemen from the Zvornik Public Security Centre to your barracks for training under the guidance of Captain Stojan KLJAJIĆ.*

*These able-bodied and battle-tested men need additional training in order to be efficient, both individually and collectively, just like your special platoons, because only in that way will they be able to carry out the most complex tasks that lie ahead of us.*

*Since our cooperation with your units has been successful so far, we hope that your response to our request will be favourable so that owing to its urgency we can promptly send our men to you.*

*The Zvornik Security Centre is ready to help your units with the equipment and technical resources it has."*<sup>145</sup>

<sup>142</sup> For further OTP documentation related to Training support, though not directly used in the drafting of this report, please see Annex 7. Documents selected by Prosecution Team.

<sup>143</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992", p.84, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>144</sup> Already Tendered by the Prosecution as Exhibit 505 Tab 12, Exhibit B5443, Personnel files of PANDUREVIĆ, Vinko. BCS: ERN 0075-8969-0075-9020 ENG: ERN 0084-0094-0084-0124. The first document referenced is at 0084-0105 and the second at 0084-0115 with the above range.

<sup>145</sup> Exhibit Nr. B8595, Request from CJB Zvornik to Col. PANIĆ (Belgrade), 29 November 1995. BCS: ERN 0177-6700-0177-6700, ENG: ERN 0307-8549-0307-8549.

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### MEDICAL SUPPORT<sup>146</sup>

96. 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>147</sup> For example, in December 1993, General MLADIĆ made reference to the future role of the Belgrade Military Medical Academy in providing medical support for his proposed "Drina" operation.<sup>148</sup>

97. A 1995 report by Dr. Radomir DAVIDOVIĆ, the Director of the Sveti Nikola War Hospital, in Milići, RS, to the Drina Corps Command, General Radislav KRSTIĆ outlines the various methods of securing medical support, including some from the FRY, just prior to "Operation Srebrenica 95". In his report, Dr. DAVIDOVIĆ noted that he went to the Užice Health Center in Serbia in order to obtain medical assistance for RS persons. From this visit one ambulance was dispatched to Skelani and two were sent to Bileća. He further noted that at least five VRS personnel, wounded in combat, had been sent to Belgrade for medical treatment, including two that were transported by helicopter.<sup>149</sup>

### LOGISTICAL SUPPORT<sup>150</sup>

#### **Summary**

There are many examples highlighting the extensive and systematic relationship between the VRS and the VJ involved logistics re-supply. On transition in May 1992, the VRS inherited large stocks of military equipment and ammunition from the JNA.<sup>151</sup> For example, "*The armoured-mechanised units in the Army of Republika*

<sup>146</sup> For further OTP documentation related to Medical support, though not directly used in the drafting of this report, please see Annex 8. Documents selected by Prosecution Team.

<sup>147</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "*Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992*", p.110, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>148</sup> Exhibit Nr. B3964, Attachment No. 13 to DRINA Directive entitled "*Logistical Support*", undated. BCS 0087-6294-0087-6305, ENG 0304-5888-0304-5892.

<sup>149</sup> Exhibit Nr. B9993, Report "Medical Services in Srebrenica 95 operation" to Drina Corps Command, 24 July 1995. BCS: ERN 0117-2449-0117-2451, ENG: ERN 0307-9594-0307-9595.

<sup>150</sup> For further OTP documentation related to Logistics support, though not directly used in the drafting of this report, please see Annex 9. Documents selected by Prosecution Team.

<sup>151</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "*Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992*", April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

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*Srpska comprise platoons, companies, battalions and brigades. Armoured resources differ in type and kind. All these resources have been received from the former JNA or the Army of Yugoslavia.*<sup>152</sup> Additionally, *"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."*<sup>153</sup> VJ material support to the VRS was critical during this period as the RS had little independent war production capability, imports from other sources were few, material reserves were exhausted early in the conflict, and *"war booty has been of modest proportions and has not had a significant impact on the level of reserves."*<sup>154</sup>

98. An example of the importance of VJ material support for the VRS was shown by the VRS 1<sup>st</sup> Krajina Corps (1<sup>st</sup> KK). In May 1992, 1<sup>st</sup> KK equipment inventories 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 1<sup>st</sup> KK.<sup>155</sup> Supplies of some types of ammunition and materiel diminished as a result of fighting in the Posavina corridor by mid-1992. Those supplies were further reduced as a result of the ongoing combat activity of the Corps resulting in its expenditure of large quantities of ammunition.<sup>156</sup> In the course of the year, the VRS 1<sup>st</sup> KK was able to use a number of supply sources to overcome its logistics deficiencies, including FRY and RS 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>157</sup>

<sup>152</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, VRS document *"Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992"*, p.23, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>153</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, VRS document *"Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992"*, p. 131. *"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"*.

<sup>154</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, VRS document *"Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992"*, p. 97 BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>155</sup> The JNA 993rd Logistics base was re-named the 14th Logistics Base on transition to the VRS.

<sup>156</sup> Exhibit Nr. C4671, 1KK report to the VRS Main Staff on the consumption of materiel between 1 May - 1 October 1992, 9 October 1992, BCS: ERN 0125-2736-0125-2739, ENG: ERN 0300-8164-0300-8167.

<sup>157</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 50, Exhibit Nr. C4695, 1KK Command document *"Analysis of Activity Concerning Elements of Combat Readiness in 1992"*, 01 February 1993. BCS: ERN 0060-7481-0060-7538, ENG: ERN 0190-5611-0190-5574.

***Continued Supply from the FRY to the VRS***

99. To help avoid future logistics supply problems, in the late summer of 1992 the VRS Main Staff and the General Staff (GŠ) 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>158</sup> On 12 September 1992 the VRS Main Staff wrote to the 1<sup>st</sup> KK noting the agreement between the VJ GŠ and the VRS and that the 14th Logistics Base, in Banja Luka (which supported the 1<sup>st</sup> KK and the 2<sup>nd</sup> KK) had already taken over 225 tons of ammunition with a further 220 tons 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>159</sup> Further documentation indicates that VRS OG Dobož, in northern BiH received large quantities of materiel from FRY between 5 August - 14 September 1992, including small arms, artillery, tank and rocket ammunition.<sup>160</sup> 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>161</sup> and later documents indicate that this materiel was received by the technical services of the Corps.<sup>162</sup> In April 1993, in the Analysis of the Combat Readiness of the VRS for the year 1992, the VRS 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>163</sup>

<sup>158</sup> Exhibit Nr. C4292, UNSC Resolution 713 (1991) implementing an embargo on all deliveries of weapons and military equipment to Yugoslavia, 25 September 1991. BCS: ERN L009-6394-L009-6396, ENG: ERN 0057-0233-0057-0234.

<sup>159</sup> Exhibit Nr. C4653 Telegram from GS VRS to 1KK Command 12 September 1992, BCS: ERN 0125-2603-0125-2603, ENG: ERN 0190-3264-0190-3264. Repeated in Exhibit Nr. C4654, 13 September 1992, BCS: ERN 0084-1632-0084-1633, ENG: ERN 0302-8526-0302-8527, and also discussed in Exhibits C4655, C4644, 14 September 1992, BCS: ERN 0125-2600-0125-2604, ENG: ERN 0190-2695-0190-2696.

<sup>160</sup> Exhibit Nr. C4645, Hand written list of materials delivered "*Situation from 5 August to 14 September 1992 for entering from Serbia and Montenegro*", no date. BCS: ERN 0125-2609-0125-2613, ENG: ERN 0300-8597-0300-8601.

<sup>161</sup> Exhibit Nr. B4795, 1KK logistics report, 01 Jan 1993. BCS: ERN 0124-0282-0124-0283, ENG: ERN 0306-7091-0306-7093.

<sup>162</sup> Exhibit Nr. B4564, 1KK command document regarding munitions from FRY, according to *Izvor-3* plan., 08 Jan 1993. BCS: ERN 0124-0296-0124-0297, ENG: ERN 0306-7094-0306-7096.

<sup>163</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "*Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992*", p.33, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

100. Materiel transfers between Belgrade and Banja Luka re-commenced almost immediately after the Posavina corridor was re-opened in July 1992.<sup>164</sup> On 5 August, the 1KK noted that, “*We wish to point out once again the need for rigorous saving of ammunition and fuel, because reserves of these resources are minimal and the sources of supply are limited and located in the FRY*”.<sup>165</sup> Later in 1992, there is evidence that individuals from the 1KK travelled to the FRY in order to secure material and technical resources, including fuel, mines and explosives for their individual units.<sup>166</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>167</sup> References to the establishment of a commission for obtaining ammunition in the FRY,<sup>168</sup> certificates authorising the collection of fuel from the FRY bearing the 1KK commander's signature block and issued by the Corps,<sup>169</sup> and a request for ammunition sent to the Republic of Serbia Secretariat of the Interior (RSUP) also illustrate the on-going reliance of support from FRY and Serbia by the VRS.<sup>170</sup>

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101. In addition to paying salaries of officers and other VRS members, the VJ also contributed significantly to their food and clothing<sup>172, 173</sup> and the passing of

<sup>164</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 22, Exhibit Nr. B4740, Military Post Code 4022 (Banja Luka) order on transport of material stores from Belgrade to Banja Luka, 09 September 1992. BCS: ERN 0094-9919-0094-9920, ENG: ERN 0110-6356-0110-6357.

<sup>165</sup> Exhibit Nr. C4643, 1KK command instruction on the collection of cartridges and other ammunition elements, 05 August 1992. BCS: ERN 0125-2598-0125-2599, ENG: ERN 0300-8320-0300-8322.

<sup>166</sup> Exhibit Nr. B4773, 1KK Forward Command Post order banning individual unit trips to FRY for resources, 22 November 1992. BCS: ERN 0084-1105-0084-1106, ENG: ERN 0306-7111-0306-7111.

<sup>167</sup> Exhibit Nr. B4784, 1KK daily combat report to GŠ VRS, 06 December 1992. BCS: ERN 0086-7886-0086-7889, ENG: ERN 0190-7623-0190-7624.

<sup>168</sup> Exhibit Nr. B4789, 1KK logbook nr. 2 for year 1992, entry for 16 December 1992. BCS: ERN 0084-1369-0084-1408, ENG: ERN 0300-6456-0300-6495.

<sup>169</sup> Exhibit Nr. C4675, 1KK fuel authorisation certificate, 21 October 1992. BCS: ERN 0084-1582-0084-1583, ENG: ERN 0300-5269-0300-5269.

<sup>170</sup> Exhibit Nr. B4789, 1KK logbook nr. 2 for year 1992, “*Urgently needed ammunition for Corps units*” entry for 23 November 1992. BCS: ERN 0084-1369-0084-1408, ENG: ERN 0300-6456-0300-6495.

<sup>171</sup> Exhibit Nr. C4675, Letter of authorisation issued by 1KK comd to an unspecified individual, 21 October 1992. BCS: ERN: 0084-1582-0084-1583, ENG: ERN 0300-5296-0300-5296. Exhibit Nr. B4789, 1KK logbook nr. 2 for year 1992. BCS: ERN 0084-1369-0084-1408, ENG: ERN 0300-6456-0300-6495.

<sup>172</sup> Exhibit Nr. B4784, 1KK daily combat report to GŠ VRS noting receipt of goods from Serbia, 06 December 1992. BCS: ERN 0086-7886-0086-7889, ENG: ERN 0190-7623-0190-7624.

<sup>173</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Combat Readiness Reports, pp. 101, 103 & 131 BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

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military and civilian mail between the FRY army, the VRS Main Staff and subordinate units.<sup>174</sup>

102. The necessity of FRY military-related material supplies to the realisation of VRS objectives is illustrated in the 1<sup>st</sup> KK analysis of the VRS Combat Readiness Report for 1992, when the 1<sup>st</sup> KK Commander, General Momir TALIC recommended that a logistics base for the VRS be established in the FRY. The 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>175</sup>

103. In May of 1993 a fax to General Momir TALIC noted that,

*Mr General, today I was informed at the Federal Administration for Commodity Reserves, by the Deputy Manager, Nedo BODIROGA, that all provision of goods in the RS can be issued only upon a decision by the FRY Government and only as humanitarian aid. Request should be sent by some organ of civilian authority. I hereby suggest that Mr RADIC send to the FRY Government a request for humanitarian aid for the needs of Banja Luka region. In the request, amongst other goods, a 1000 tons of D-2 and certain quantities of MB-86 or 98 have to be listed as well.*

*In order to have this reviewed as soon as possible, and I believe approved, it is necessary to give a detailed explanation for what purposes certain goods are requested for (hospitals, schools, a large number of refugees, etc.) It shouldn't be mentioned that this is for the needs of the army, and it will be the way you agree.*<sup>176</sup>

104. At the 50th Session of the National Assembly of Republika Srpska in April 1995, General MLADIC provided a comprehensive review of weapons and other equipment used by the VRS from the start of the war until 31 December 1994 noting;

<sup>174</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 50, Exhibit Nr. C4695, 1KK Command document "Analysis of Activity Concerning Elements of Combat Readiness in 1992", 01 February 1993. BCS: ERN 0060-7481-0060-7538, ENG: ERN 0190-5611-0190-5574.

<sup>175</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 50, Exhibit Nr. C4695, Ibid.

<sup>176</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 23, Exhibit Nr. B4719, 1KK fax to Gen. TALIC on the method by which material donations are to be requested from the FRY, 28 May 1993. BCS: ERN 0076-2881-0076-2882, ENG: ERN ET0076-2881-0076-2882.

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*"Yugoslav army provided VRS with weapons and other equipment, which covered about 50% of the needs.*

*-9,185 tones of infantry ammunition have been consumed; 1.49% of which was self-produced, 42.2% from supplies VRS inherited and found in the former JNA barracks; 47.2% provided by the Yugoslav Army and 9.11% imported or purchased.*

*Currently VRS has got only 9.11% of the total needs for 1995.*

*As for artillery ammunition, 18,151 tones have been consumed, out of which 26.2% was self-produced, 39% from supplies, 34.4% provided by the Yugoslav Army, and 0.26% imported. VRS has got 18.36% of this year's needs.*

*As for anti-aircraft ammunition, 1,336 tones have been consumed, 0% was self-produced, 42.7% from supplies, 52.4% provided by the Yugoslav Army, 4.9% imported." <sup>177</sup>*

### FUEL<sup>178</sup>

105. On 28 May 1992, the Serb Municipality of Bosanska Krupa addressed a letter to Jugopetrol in Belgrade asking for supplies of petroleum products stressing that the situation in the region requires such help. <sup>179</sup>

106. A 23 June 1992 1KK report informed the SSNO and VRS Main Staff of the alarming situation in Bosanska Krajina and W.Slavonia. It stresses that the major problem is the fuel supply since the only conduit of supplies, the Banja Luka-Derventa-Modriča-Bijeljina corridor, was closed. <sup>180</sup>

107. A ban was issued, by the VJ 1<sup>st</sup> Army, on 29 July 1992 prohibiting the supply of fuel to any vehicles that were not a part of the VJ, specifically noting that vehicles and/or convoys from the RS and RSK were included in the ban. Special exemptions could be made with direct authorization by the General Staff of the

<sup>177</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 54, Exhibit C4920, Audio recording of General Mladić, 50th Session of the National Assembly of Republika Srpska, Sanski Most, 15-16 April 1995, BCS: ERN 0084-5781-0084-6113, ENG: ERN L000-4892-L000-4975.

<sup>178</sup> For further OTP documentation related to Fuel support, though not directly used in the drafting of this report, please see Annex 10. Documents selected by Prosecution Team.

<sup>179</sup> Exhibit Nr. B5723, Bosanska Krupa War Presidency document No. 254/92, 28 May 92. BCS: ERN 0125-3651-0125-3651.

<sup>180</sup> Exhibit Nr. B4736, 1KK report on the situation in Bosanska Krajina and W.Slavonia, 23 June 1992. BCS: ERN 0125-0380-0125-0382, ENG: ERN L003-0184-L003-0187.

VJ. This ban also would also regulate fuel distribution to VJ units engaged in combat activities.<sup>181</sup>

108. However, on 21 October 1992, the 1KK instituted a standardized form, signed by 1KK commander TALIĆ, that, "*Authorisation is hereby granted to (Blank Space) to take over MS (materiel) for the 1<sup>st</sup> Krajina Corps. The above-named may also take over fuel in the territory of the FRY for the same purpose. Fuel may be taken over pursuant to order no. DT 185-134 of 3 August 1992, issued by the Assistant NGŠ VJ /Chief of General Staff of the Yugoslav Army/ for Logistics. was to be used when taking over fuel supplies in the FRY.*"<sup>182</sup>

109. Further attempts by 1KK to regularize fuel acquisition from the FRY was demonstrated on 22 November 1992 when the 1KK Forward Command Post (IKM) issued an order which required the signature of the corps commander and stated,

*There has recently been an increasing number of cases of units sending their men directly to the FRY in order to obtain munitions, fuel, MES and other MTS via various connections and channels.*

*This sort of behaviour is wrecking the plans of the 1<sup>st</sup> KK logistics service, hindering the work of the organs that distribute MTS from the VSRJ, and it is often the case that resources arrive at units where they are not required and are lacking where they are required.*

*In order to avoid these shortcomings, **we warn** you that all future requests for the MTS you require must be submitted to the 1<sup>st</sup> KK logistics organ, through your logistics organs.*

*It is forbidden to send your men to the FRY in order to obtain MTS in the future.*

*The persons responsible for liaison and obtaining MTS from the FRY are Colonel Dragoljub JANKOVIĆ, and Colonel Jovo KONDIĆ, Major Boro VRANJEŠ and Captain 1<sup>st</sup> Class Milan VIDIĆ of the 1<sup>st</sup> KK.<sup>183</sup>*

<sup>181</sup> Already Tendered by the Prosecution as Exhibit 464 Tab 24, Exhibit Nr. B4749, 1<sup>st</sup> Army Command ban on issuing fuel, 29 July 1992. BCS: ERN 0080-8471-0080-8472, ENG: ERN L004-1519-L004-1521.

<sup>182</sup> Exhibit Nr. C4675, 1KK letter of authorization for fuel and material supplies, 21 October 1992. BCS: ERN 0084-1582-0084-1583, ENG: ERN 0300-5269-0300-5269.

<sup>183</sup> Exhibit Nr. B4773, Warning from 1KK IKM to units to stop individual trips to FRY, 22 November 1992. BCS: ERN 0084-1105-0084-1106, ENG: ERN 0306-7111-0306-7111.



110. Additionally, on 22 November 1992, 1KK announced that the use of FRY roads was free of charge to VRS elements making trips to collect fuel supplies and that vehicles could be re-supplied in Belgrade, Šabac, Čačak, Niš, and Nikšić.<sup>184</sup> On 19 December 1993, further information on how to obtain fuel for vehicles travelling on official business to FRY was distributed noting that fuel will not be given without VRS permission.<sup>185</sup>
111. The Sarajevo-Romanija Corps also issued documentation late in 1992 regarding the refuelling of vehicles at Belgrade garrison and other VJ gas stations.<sup>186</sup> Collection of fuel was also done by the VRS Air Force Command, when it collected 30,000 litres of fuel from Pančevo, Serbia on 06 February 1993.<sup>187</sup> In December 1993, a document details the amounts of fuel transferred from the FRY to the RS. At that point, 8.46 million litres of diesel fuel and 2.023 million litres of petrol had been delivered to the RS through the Main Staff. There is further discussion about redistributing fuel from within the RS and continued transfers of fuel from the FRY.<sup>188</sup>
112. On 30 April 1997, Trilux, a transport company from Prnjavor, RS, made a request to the RS Ministry of Finance for compensation of funds for services provided in transporting fuel from Serbia to Prnjavor covering the period of 1993 to 1995.<sup>189</sup> Throughout this period, a number reports were issued authorizing military personnel to cross the border into the FRY to obtain fuel and other supplies for the purpose of consumption within the RS/VRS.<sup>190</sup>

<sup>184</sup> Exhibit Nr. B4774, 1KK document nr 16-211, 22 November 1992. BCS: ERN 0125-2257-0125-2258.

<sup>185</sup> Exhibit Nr. B4927, Drina Corps document on how to obtain fuel for vehicles travelling on official business to FRY. BCS: ERN 0080-8289-0080-8290.

<sup>186</sup> Exhibit Nr. B4928, Sarajevo Romanija Corps document regarding refuelling vehicles at Belgrade garrison and other VJ gas stations, 20 December 1993. BCS: ERN 0226-2083-0226-2084, ENG: ERN L010-5669-L010-5671.

<sup>187</sup> Exhibit Nr. B3872, Permission for Air Force Command to transport fuel from Pančevo to Banja Luka. BCS: ERN 0215-9685-0215-9685, 06 February 1993.

<sup>188</sup> Exhibit Nr. B4227, RS Ministry of Defence report on the transfer of fuel from the territory of the former BiH to the present FR Yugoslavia and the delivery of fuel to the RS from FR Yugoslavia, December 1993. BCS: ERN 0215-9698-0215-9699.

<sup>189</sup> Exhibit Nr. B4225, Request for compensation by "Trilux" company to Military Post 7001/45 Prnjavor, with covering letter to Ministry of Finance RS, 30 April 1997. BCS: ERN 0215-9577-0215-9581.

<sup>190</sup> Exhibit Nr. B4806, Authorisation for captain Negojša ZDRAVKOVIĆ to get materiel for the 1KK on the territory of the SRJ, and to get fuel from the VJ. ERN 0130-4017-0130-4017. ERN 0130-4016-0130-4016. Zvornik Infantry Brigade transport section report on journey's made, 28 July 1992. BCS:

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TECHNICAL & MILITARY-INDUSTRIAL<sup>191</sup>*Summary*

113. The RS did not have much of an organic defence industry, due to fact that the SFRY had dispersed it throughout the republics. The capabilities the RS did have were fractured and disrupted at the initiation of hostilities. There is documentation that relations between the remaining Bosnian-Serb and FRY defence industries were maintained and intensified after the JNA's "withdrawal" on 19 May 1992. This support was both economic and military in nature. This relationship may be best illustrated via the dealings the VRS had with and through ZINVOJ and Unis Pretis Holding Company in Vogošća, Sarajevo.<sup>192</sup>
114. From the early stages of the war, the RS Ministry of Industry and Energy noted serious problems in the RS's ability to sustain the dependant parts of the RS military-industrial complex. In a confidential document dated 26 November 1992 from RS capital, Pale, the Ministry noted that:

*"Factories for special purpose production ... are to a great extent dependent on the factories from SR Yugoslavia. PRETIS, in particular, is largely dependent in terms of raw material and technology. A majority of factories used to be a part of a technological chain, which is now broken".*<sup>193</sup>

115. The same confidential document noted that,

*Their dependence on FRY is great and in some cases complete for raw material of our factories on FRY, with unsolved problem of payment turnover, puts a question mark on the function of the same both in Republic of Srpska and in FRY Yugoslavia. If through joint activities with the authorities of the Republic of Serbia and FRY the*

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ERN 0076-1457-0076-1458. ERN 0130-4020-0130-4020. ERN 0130-4019-0130-4019. ERN 0130-4021-0130-4021. ERN 0130-4022-0130-4022. ERN 0130-4025-0130-4025..

<sup>191</sup> For further OTP documentation related to Industry and Technical support, though not directly used in the drafting of this report, please see Annexes 12a & b. Documents selected by Prosecution Team.

<sup>192</sup> ZINVOJ was the Belgrade based "Yugoslav Association of Arms and Military Equipment Industries" made up of 56 enterprises and played a crucial role in the reorganization and revitalization of the military industry in the RS after the instigation of hostilities in 1992. PRETIS UNIS Holding company was a RS controlled, VRS protected, factory in Vogošća, Sarajevo that was used throughout the conflict to supply (and repair) the VRS with military arms, munitions, and other military equipment.

<sup>193</sup> Exhibit Nr. B4775, RS Ministry of Industry and Energy - information on current problems of special purpose industry of RS, 26 November 1992. ENG: ERN 0089-3918-0089-3922.

*status of special purposes companies from the Republic of Srpska is not agreed upon, some of them face the threat of closing down.*

*Taking over programs, based on possession of the documentation and knowledge of a part of our experts who left the country will in any case take from 6 months to several years, depending on the complexity of product. Some of our companies like ORAO, FMSN and PRETIS cannot be replaced in a longer time, and winning of their production would require substantial investment. The status of our firms is additionally complicated by their great dependence on the Ministry of Defence of FRY, i.e. plans and needs of the Army of Yugoslavia.*

*Present production capacities of the companies are too excessive even for the needs of former JNA, so that they cannot plan their future only on the production for the needs of the Republic of Srpska Army and the Yugoslav army. The only realistic option is organisation of production for the needs of both armies and export programs. Since the requirements of the Republic of Srpska Army are exceeding the present production abilities of PRETIS, which cannot get the permission for export of ammunition as to compensate main inputs, and since the payment turnover is not in function, there is a threat to halt the production lines.<sup>194</sup>*

116. ZINVOJ<sup>195</sup> played a crucial role in the reorganization and revitalization of the military industry in the RS after hostilities began in 1992. A letter sent by ZINVOJ, in January 1993, to the government of the RS, just two months after the above mentioned Ministry of Industry and Energy letter, is an example of ZINVOJ's role. In this letter, ZINVOJ found many of the issues brought up in the Ministry of Industry and Energy letter to be true. It noted that the production of armaments and military equipment in BH had virtually ceased and that those few instances where productivity did occur were due "*to the certain reserves of materials and parts from the cooperation and import*".<sup>196</sup> ZINVOJ's goal was "*to provide the connection and coordination of the manufacturers of military material from the territories of Yugoslavia, Bosnian Serb Republic and Republic of Serbian Krajina*".<sup>197</sup>

<sup>194</sup> Exhibit Nr. B4775, RS Ministry of Industry and Energy - information on current problems of special purpose industry of RS, 26 November 1992. ENG: ERN 0089-3918-0089-3922. All quotation in this paragraph are from the same source.

<sup>195</sup> Exhibit Nr. B9994, FBIS EEU-92-041 920302 Tanjug "M-84 Tank Parts Production Continues, 25 February 1992. ENG: R030-5942-R030-5942.

<sup>196</sup> Exhibit Nr. B5832, Association of Yugoslav Weapons and Military Equipment Industries document, 25 January 1993.

BCS: ERN 0210-0148-0210-0151. ENG: ERN L010-3504-L010-3508.

<sup>197</sup> Exhibit Nr. B5832, Ibid. BCS: ERN 0210-0148-0210-0151. ENG: ERN L010-3504-L010-3508

117. In concluding the document, ZINVOJ recommended that the RS government should establish relations:

*“With the governments of the Republic of Serbia and Republic of Montenegro, as well as SR Yugoslavia, and provides the space for the relations between the companies from Bosnian Serb Republic and Republics mentioned, in a manner that the existing technology and capacity of the military industry from the RS is counted in the concept of the development of the military industry in SR Yugoslavia”.*<sup>198</sup>

118. ZINVOJ found that the only way to properly re-invigorate the RS military industry that was hampered by:

*“shortage of material resources, employees and communications ... is possible only with the accord and will of the governments of the Republics mentioned, as well as the Federal Government of the Republic of Yugoslavia”.*<sup>199</sup>

119. An article in the Belgrade newspaper *NIN* on 26 Mar 1993 noted:

*“Except for the top Yugoslav military, other partners involved in weapons' export were the ZINVOJ (the Special-Interest Community of Yugoslav Armament and Military Equipment Manufacturers) as the manufacturer, and the SDPR (the Federal Directorate for Transport of Special Purpose Products) most often as the intermediary in business arrangements. Not one of these players could act on their own, since every deal had to have the blessing of the country's state leadership before a contract was signed and implemented”.*<sup>200</sup>

120. This co-ordination of the RS and FRY military industries is illustrated well by the dealings of Pretis, an armaments and ammunition factory located in Vogošća, Sarajevo. Throughout the conflict, Pretis prepared reports noting the amount of military product distributed to the VRS, and to what units specifically.<sup>201</sup>

<sup>198</sup> Exhibit Nr. B5832, Ibid. BCS: ERN 0210-0148-0210-0151. ENG: ERN L010-3504-L010-3508

<sup>199</sup> Exhibit Nr. B5832, Ibid. BCS: ERN 0210-0148-0210-0151. ENG: ERN L010-3504-L010-3508

<sup>200</sup> Exhibit Nr. B9995, ERN: Belgrade NIN “Brothers From the Third World”, 26 March 1993. R032-3897-R032-3898

<sup>201</sup> For example: Exhibit Nr. B6175, PRETIS report for the period 25 April 1992 – 31 January 1993. BCS: ERN 0215-9337-0215-9342. And Exhibit Nr. 4597, Overview of ammunition handed over by PRETIS for the period 01 January 1993 – 30 November 1993, dated 05 December 1993. BCS: ERN 0215-9178-0215-9182.

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121. Another example of the reporting of ammunition were the reports sent to the Sarajevo-Romanija Corps during their operations. Pretis reports illustrate that it employed 500 workers and produced 10,000 to 15,000 pieces of artillery and rocket munitions each month for the VRS.<sup>202</sup> The relationship between Unis Pretis and the FRY military industry was fourfold. First, the ammunition produced in Pretis factories was tested at the Nikinći Proving ground in the FRY. Secondly, Unis Pretis was used to produce ammunition for both the VRS and the VJ. Thirdly, a portion of the raw materials necessary for the production of ammunition was obtained in the FRY. And, finally, the RS received from the FRY end-products that they were unable to produce through Unis Pretis.

122. On 26 May 1992, in a move to improve liaison with Serbian partners companies, Unis Pretis opened a permanent branch, "The Pretis Komerc", in Belgrade.<sup>203</sup> The Managers of Unis Pretis travelled regularly to Serbia to visit Serbian Companies in order to obtain raw material for their military equipments. This was noted in a document dated 17 November 1992 by Col. Radomir Ecimovic, (Director of the Logistics Department) to General Manager of "PRETIS" Holding (Milorad MOTIKA). In this documents Col. Radomir ECIMOVIC states:

*"Pursuant to ruling n. 39/92 regarding an official trip, on 2<sup>nd</sup> November 1992 I travelled to the FRY in order to obtain raw material for continuing the production of weapons and military equipment. I visited "specific-purpose" companies in Valjevo, Uzice, Sevojno, Lucani and RTZ/Overhaul-Technical Centre in Kragujevac. I came to the premises of Pretis Komerc to provide information on the official trip and the deals made, as well as on further activities with the General Manager, Mr. MOTIKA. I was told that we would have to visit the logistics base of the Yugoslav Army in Pancevo, which we did on 12th November 1992".*<sup>204</sup>

<sup>202</sup> Exhibit Nr. B5924, Letter describing problems that the Pretis Company faces in ammunition production, 04 April 1994. BCS: ERN 0044-0983-0044-0984.

<sup>203</sup> Exhibit Nr. B9869, Message from Jovan TINTOR, Commander of Crisis Staff in Vogošca, regarding transport of leather from Vogošca to FRY by Unis Komerc. ENG 0223-2714-0223-2714

<sup>204</sup> Exhibit Nr. B9996, PRETIS letter referring to the purchase of raw materials from the FRY, 17 November 1992. BCS: ERN 0221-5705-0221-5707, ENG: ERN ET0221-5705-0221-5707.

123. The relationship between the Pretis management and the VRS authorities is further illustrated in a telegram sent to Vogošća, Sarajevo, by the VRS Main Staff which states, "*Representatives of the (RS) Government and the Army are going to ... come to you for a meeting related to the production and to inform the producers of Unis Pretis*".<sup>205</sup>
124. At the beginning of the conflict, Unis Pretis didn't have an adequate testing area to assess the quality of goods it produced. On 20 August 1992, the government of the RS, through an order written by then President Branko DJERIĆ, ordered the Ministry of Defence to:
- "...arrange and sign an agreement with the relevant institutions of Yugoslavia regarding the use of services and equipment...for testing of the artillery ammunition and other military instruments, for which there is no (site) on the territory of the Bosnian Serb Republic"*.<sup>206</sup>
125. The Nikinci Proving grounds in Serbia became the facility that Unis Pretis used to test its equipment and ammunition. Large, regular shipments of ammunition were sent to Nikinci for testing throughout the conflict with detailed reports being written from 17 August 1992 onwards.<sup>207</sup> Another shipment was sent by Pretis for testing five days after the above firing tests being carried out.<sup>208</sup>
126. On two occasions in 1993 (16 July and 17 December) Colonel Lazar MARJANOVIĆ, Chief of the Technical Department of the VRS Logistics Sector at the Main Staff, sent notices to Pretis Vogošća and Trudbenik (a Doboj-based factory also producing ammunition) noting each time that ammunition was not to be distributed to personnel authorized by their individual units, but that only the VRS Main Staff could authorize the distribution of ammunition. On one occasion,

<sup>205</sup> Exhibit Nr. B9867, Coded telegram, undated. ERN: 0223-1278-0223-1279. ENG ET0223-1278-0223-1279.

<sup>206</sup> Exhibit Nr. B5780, Order by RS Prime Minister re: RS MOD ammunition purchase for VRS needs, 20 August 1992. BCS: ERN 0210-0146-0210-0147.

<sup>207</sup> For example: Exhibit Nr. C4727, Record of firing results, 17 August 1993. ENG: ERN 0089-3867-0089-3867. And Exhibit Nr. C4728, Record of firing results, 18 August 1993. BCS: ERN 0089-3869-0089-3869. And Exhibit Nr. C4834 Unis factory, Pretis unit, delivery form re: receipt of charge for ammunition from Krušik factory in Valjevo, 23 October 1995. BCS: ERN 0089-3875-0089-3875.

<sup>208</sup> Exhibit Nr. C4733, Delivery form of Unis factory from Vogošća in Sarajevo, 22 August 1993. BCS: ERN 0089-3874-0089-3874.

17 December 1992, MARJANOVIĆ also instructed Pretis and Trudbenik on behalf of the VRS that:

*“...pursuant to an order by the head of the general staff of the VRS; accelerate production of all types of ammunition from your production program, immediately send us a report of the type and quantity of produced ammunition and forward such a report (to the VRS GS) every three days”.*<sup>209</sup>

MARJANOVIĆ was involved on September 1993 in the acquiring 600,000 German Marks worth of ammunition from Prvi Partizan enterprise, a company based in Užice, in the FRY.<sup>210</sup>

127. There are examples when it was apparent that funds were lacking and Pretis bartered with the VJ. In a “*military secret*” document sent on 29 January 1994 by Maj. General Djordje DJUKIĆ, the Assistant to the Commander of the VJ for Logistics,

*In the aforementioned document, the GS VJ informs us about the measures undertaken in order to secure the TMS sought in our request, as follows:*

*1. They are not able to supply the 2,000 tons of steel from Nikšić steelworks requested for the purpose of production in Pretis due to the lack of funds.*

*2. Reissuing of a decision to secure 100 tonnes of explosives (of the requested 150 tonnes) in exchange for the 125mm M-84 tank ammunition is currently underway. As soon as the decision is issued, the VJ Supplies Administration will sign a barter agreement with Pretis.*

*3. The supply of mortar shells from the Valjevo-based Krušik company has been approved by the decision, confidential no. 85-1, dated 10 January 1994, which has been delivered to the Krušik Valjevo company.*

*Please take note this information and deal with the obligations arising from items 1-3, which are in your exclusive competence and inform the GS VRS about the results of your actions.*

<sup>209</sup> Exhibit Nr. B8592, Letter from TO Head, Col. Lazar MARJANOVIĆ, to PRETIS demanding regular ammunition production information, 16 July 1993. BCS: ERN 0044-0986-0044-0986. And Exhibit Nr. B8596, Letter from TO Head, Col. Lazar MARJANOVIĆ, to PRETIS requesting the increase in ammunition production following the order issued by the VRS HQ Com, 17 December 1993. BCS: ERN 0044-0985-0044-0985.

<sup>210</sup> Exhibit Nr. B3952, Information on ammunition purchased by 1 KK from "Prvi Partizan" enterprise, Užice (Serbia), 25 September 1993. BCS: ERN 0215-9445-0215-9445, ENG: ERN 0307-7954-0307-7954.

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*We also ask you to order the Pretis Holding company in Vogošća to speed up their manufacturing process.*<sup>211</sup>

This shows that Pretis was not only supporting the VRS militarily, but also supported the VJ.

128. In a document written little more than two weeks later, on 19 February 1994, Pretis was notified that it would receive *"2 types of gun for operation support are being manufactured in the VTI (Military Technical Institute) in Belgrade...together with the trained (VRS) crews ... approved by Lt. General Ratko MLADIĆ"* the VRS Chief of the Main Staff.<sup>212</sup>

129. Another example of contact between the VJ and VRS was when mistakes were made in the deliveries as shown by a letter dated 07 July 1995 from Pretis sent to the 35<sup>th</sup> Logistics base in Bijeljina in which it was noted that *"...by mistake, NGB 161 gunpowder, weighing 979.7 kg has arrived in Pretis, instead of Krušik – Valjevo. Please, transport the gunpowder to Valjevo"*.<sup>213</sup>

130. Another military facility in the FRY that conducted business with Pretis was the VTI (Military Technical Institute) in Kragujevac, Serbia. On 10 November 1992, Pretis delivered *"adapters"* for 130mm ammunition casing to the Kragujevac Institute in exchange for 20.000-KG of TNT 2-12, 55.000 Igniters, 30.000 Cap TK and 30.000-KG of Gunpowder.<sup>214</sup> A contract was signed between PRETIS and VTI on 20 July 1995 in which a variety of military hardware was purchased; *"5000 x 60 mm shells; 5000 x 82 mm shells; 100 x FAB 100; 100 x*

<sup>211</sup> Exhibit Nr. B4942, Documents related to the purchase of weapons and ammunition between VRS, military factory "Pretis" in Sarajevo and military factory in Kragujevac, 28 January 1994.

BCS: ERN 0211-4907-0211-4912, ENG: ERN 0302-7759-0302-7764.

<sup>212</sup> Exhibit Nr. B4942, Documents related to the purchase of weapons and ammunition between VRS, military factory "Pretis" in Sarajevo and military factory in Kragujevac, 28 January 1994.

BCS: ERN 0211-4907-0211-4912, ENG: ERN 0302-7760-0302-7760.

<sup>213</sup> Exhibit Nr. B4942, ERN: 0211-4907-0211-4912 ENG 0302-7762-0302-7762

Documents related to the purchase of weapons and ammunition between VRS, military factory "Pretis" in Sarajevo and military factory in Kragujevac, 28 January 1994. BCS: ERN 0211-4907-0211-4912, ENG: ERN 0302-7762-0302-7762.

<sup>214</sup> Exhibit Nr. C4681, Exchange contract between Kragujevac and Pretis, 10 November 1992.

BCS: ERN 0221-5701-0221-5701.



*FAB 250; 2,000,000 x 7.62 rounds; 2000 x Automatic rifle clips; 5000 x Basic M74 charge pieces*".<sup>215</sup>

131. Another illustrator of how interconnected the two industries were was the development of AVIO air dropped, rocket propelled bombs (FAB 100 or FAB 250); large explosive devices containing no fragmentary material. The development, construction, and distribution of Avio air bombs continued through till at least September 1995, and their use was only authorized by the VRS Main Staff.<sup>216</sup>

132. In a document addressed personally to General MLADIĆ on 10 May 1994, Milorad MOTIKA, director of Unis Pretis, noted that Pretis:

*"would like you to urge Chief of the General Staff of the Yugoslav Army General PERIŠIĆ to send your letter related to 1,000 Grad 122mm rocket engines to the assistant defence minister of the FRY for the military-industrial sector for his approval, which should be sent to the Krušik Holding, Valjevo, for the needs of Pretis Holding*".<sup>217</sup>

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<sup>215</sup> Exhibit Nr. B4942, Documents related to the purchase of weapons and ammunition between VRS, military factory "Pretis" in Sarajevo and military factory in Kragujevac, 28 January 1994.

BCS: ERN 0211-4907-0211-4912, ENG: ERN 0302-7763-0302-7763.

<sup>216</sup> Exhibit Nr. B9856, Document from Col DAKIĆ, Djuro, Head Representative of VRS HQ, Logistics Sector to Sarajevo Romania Corps Comd; "Pretis" company; VRS 27 Logistics Base Comd, information re: transport of 4 air bombs FAB-250, 16 May 1995. BCS: ERN 0094-5252-0094-5253.

And Exhibit Nr. B9857, Main HQ of VRS, dep. of logistics letter to the commands of 1. KK, 1. Trebavska pbr and "HD Pretis", concerning the transport of 11 aviation bombs (for completion) from 1. Trebavska pbr to "HD Pretis", 27 May 1995. BCS: ERN 0086-8612-0086-8613, ENG: ERN 0090-2375-0090-2375.

Exhibit Nr. B9859, Dispatches re: ammunition production from CVIJETIĆ, Miroslav, VRS HQ Logistics, 04 June 1995. BCS: ERN 0040-8705-0040-8705.

Exhibit Nr. B9860, Order issued by Colonel Zarko Ljubojević on behalf of head of the technical division of the logistics unit of the VRS general staff, 18 June 1995. BCS: ERN 0040-8711-0040-8711.

Exhibit Nr. B9861, Dispatch re: take-over of aerial bombs from Pretis factory by 27 Logistics Base and Sarajevo –Romanija Corps, 26 June 1995. BCS: ERN 0040-8712-0040-8712.

Exhibit Nr. B9862, Letter ordering the release of ammunition from CVIJETIĆ, Miroslav, VRS HQ Logistics, relates to a request from the SRK Comd on 05 July 1995, dated 06 July 1995. BCS: ERN 0044-0981-0044-0981.

Exhibit Nr. B9863, Dispatch from CVIJETIĆ, Miroslav, VRS HQ Logistics, re: ammunition production and transportation, 27 July 1995. BCS: ERN 0040-8730-0040-8730.

Exhibit Nr. B9864, Telex of a letter from Milorad Motika director of Pretis to VRS general staff, logistics sector; document number 06/95, 18 August 1995. ENG: ERN 0061-6257-0061-6258.

Exhibit Nr. B9865, Order issued by Colonel Djuro Dakic on behalf of the head of the technical division of the logistics unit of the VRS GS, 27 September 1995. BCS: ERN 0040-8709-0040-8709.

<sup>217</sup> Exhibit Nr. B5931, Request from MOTIKA to VRS Main Staff c/o MLADIĆ, 10 May 1994. BCS: ERN 0221-5805-0221-5807, ENG: ERN 0303-5551-0303-5551.

This letter demonstrates the direct lines of communication linking Pretis, the VRS Main Staff, headed by MLADIĆ, and the VJ General Staff, headed by PERIŠIĆ and by illustrates the VRS reliance on the VJ for supplies.

133. The importance of the Pretis Vogošća facility to the VRS (and to a degree the VJ) was shown by efforts to send troops to defend the facility. On one such occasion, 18 April 1994, the RS Ministry of Defence sent an urgent order to the VRS Main Staff that,

*200 volunteers arrived in Vogošće Brigade to secure "Pretis" factory. Thus, it is necessary to urgently provide 200 pieces of automatic rifles in order to arm these volunteers.*

*If you do not have the above-mentioned arms in stock, contact VJ Main Staff and ask that they loan you the arms. After you have acquired arms, deliver them to Vogošće Brigade and inform Republika Srpska Ministry of Defense on measures taken and on execution of this task.*<sup>218</sup>

### COMMUNICATIONS SUPPORT<sup>219</sup>

134. Co-operation between the FRY and the VRS developed in the fields of communications and radio-technical reconnaissance. 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>220</sup>

<sup>218</sup> Exhibit Nr. B4605, RS MOD request for automatic weapons, 18 April 1994. BCS: ERN 0215-9151-0215-9153, ENG: ERN 0215-9151-0215-9153.

<sup>219</sup> For further OTP documentation related to Communications support, though not directly used in the drafting of this report, please see Annex 13. Documents selected by Prosecution Team.

<sup>220</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C47.12, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992", p.33, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

135. 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:

*"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>221</sup>

136. Overall, the VRS military communications system also *"made maximum use of an integrated wire service and PTT links"* at some point in 1992. VRS units linked up *"with the nearest PTT communications centre"* which 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 KRAJIŠNIK.<sup>222</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 Warning and Report Centre in the RS capital Pale, an organ of the *Republika Srpska* government.<sup>223</sup>

### INTELLIGENCE SUPPORT & CO-OPERATION<sup>224</sup>

137. The co-ordination of VJ and VRS also extended to the area of Radio-Technical Reconnaissance (RTI), commonly referred to as Signals Intelligence (SIGINT), the process of collecting information via electronic means. 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*

<sup>221</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 34. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182

<sup>222</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 36. See also p. 153. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182

<sup>223</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 36. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182

<sup>224</sup> For further OTP documentation related to Intelligence support and co-operation, though not directly used in the drafting of this report, please see Annex 14. Documents selected by Prosecution Team.

*radar stations, and surveillance, navigation and guidance systems*".<sup>225</sup>

138. After its May 1992 withdrawal from BiH, the FRY and VJ also assisted the VRS in establishing its own intelligence body.<sup>226</sup> In April 1993, the VRS Combat Readiness Report for 1992 stated:

*"The available intelligence data are promptly submitted to the command organs, the intelligence and security sections of the subordinated units and other interested users...Co-operation and exchange of data with related services in the territory of RS is generally satisfactory, as well as with the Main Staff of the SVRSK (Serbian Army of the Republic of Serbia commonly known as the SVK). Of late, co-operation has also been intensified with the intelligence and security organs of the Army of Yugoslavia, while with the Ministry of the Interior of the Republic of Serbia it is still at an unsatisfactory level"*.<sup>227</sup>

139. The VRS Combat Readiness Report of 1992 goes on to state:

*"Co-operation with related services in the territories of RS, the RSK, and the FR Yugoslavia, grew in proportion to the development of the intelligence-security system of the Army of RS and the MUP of RS. 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"*.<sup>228</sup>

140. On 01 August 1993, in an effort to further strengthen co-operation between the Yugoslav, RSK, and Bosnian Serb intelligence and security agencies, KARADŽIĆ also initiated a meeting of the leaders representing all the various military and Ministry of Interior institutions:

<sup>225</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Combat readiness, Report, p. 42. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182

<sup>226</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 146. "We were extended exceptional assistance in collecting intelligence by the Air Force and the AAD Command of FRY, namely its intelligence body".

<sup>227</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992", p.85, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>228</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992", p.85, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

*"With a view to eliminating the above and other weaknesses, we shall call for a meeting of the most responsible leaders of the Department for Intelligence and Security Affairs of the Main Staff of the, RS MUP, RSK MUP, SVK, 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>229</sup>

141. Through their joint military communications systems the VRS and VJ shared intelligence information.<sup>230</sup> VRS Main Staff intelligence reports were delivered not only to VRS and RS MUP units, but also to the VJ General Staff (Security Administration) and VJ General Staff 2<sup>nd</sup> Administration.<sup>231</sup> Other documents indicate that the VRS sent reports in the form of intelligence updates from Colonel Zdravko TOLIMIR, the Assistant Commander for Security and Intelligence within the VRS Main Staff. These updates, detailing military activity throughout the VRS the theatre of operations were sent to several elements such as the SVK General staff, the VJ Main Staff intelligence department, the VJ General Staff Security Department, and the VJ Special Units Corps Security and Intelligence Body.<sup>232</sup>

142. In January 1994, the RS State Security Department (RDB) was sharing intelligence with the VJ General Staff Administration for Intelligence Affairs as noted in a document from RDB Chief Dragan KIJAC on 19 January specifying

<sup>229</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 90. BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182

<sup>230</sup> Exhibit Nr. B8459, GS VRS, ObP report to the 1KK & IBK Intelligence Service on the formation of the 4.Gbr HVO in Orasje, 14 May 1995. BCS: ERN 0086-8672-0086-8673, ENG: ERN 0090-1942-0090-1942.

Exhibit Nr. B4084, GS VRS, ObP's intelligence report to subordinate units on the Lisbon meeting (15 May 95), 18 May 1995. BCS: ERN 0086-8666-0086-8668, ENG: ERN 0090-2153-0090-2156.

Exhibit Nr. B8458, GS VRS, ObP's intelligence report to subordinate units on foreign intelligence reports, transportation of weapons from the NATO base in Italy, 37 Division (Tesanj) and the presence of Tihomir Blaskic in Orasje on 21 May 1995, dated 21 May 1995. BCS: ERN 0086-8664-0086-8665, ENG: ERN 0090-2188-0090-2190.

Exhibit Nr. B8457, Intelligence report from GS VRS, 26 May 1995. BCS: ERN 0086-8658-0086-8659, ENG: ERN 0090-2197-0090-2198.

<sup>231</sup> Exhibit Nr. B5190, Deputy Chief of Staff Col. Petar SLAPURA, Intelligence Report, 20 May 1995. BCS: ERN 0129-1812-0129-1814.

<sup>232</sup> Exhibit Nr. B8598, For example: GŠ VRS detailed information letter concerning the latest political and combat activities of Muslims and Croats in BH, 15 September 1993. BCS: ERN 0087-6463-0087-6474, ENG: (Draft) 0087-6463-0087-6467.

Exhibit Nr. B7875, Intelligence report top secret no. 31/15-1081/93 by Col Zdravko TOLIMIR, VRS Main Staff Intelligence and Security Sector Head, 15 September 1993. BCS: ERN 0219-0516-0219-0518, ENG: 0307-7371-0307-7373.

Exhibit Nr. B7873, Intelligence report top secret no. 31/15-1078/93 by Col Zdravko TOLIMIR, VRS Main Staff Intelligence and Security Sector Head, 14 September 1993. BCS: ERN 0219-0525-0219-0527, ENG: ERN 0307-7951-0307-7953.

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that "on 06 January 1994 at the port of Roštok (Germany), a freighter was loaded with infantry weapons of French and German origin for the Muslims in former BH" stating that it was necessary to "work more intensely on checking the information we received from Serbian MUP RDB".<sup>233</sup>

143. A document dated 11 August 1995, indicates the Sector for Security and Intelligence of the VRS Main Staff was sending intelligence reports directly to the VJ Main Staff Security Administration about problems being experienced in western BiH relating to the "organized emigration of the population from (Grahovo and Glamoč)." <sup>234</sup>

#### AIR AND AIR DEFENCE SUPPORT<sup>235</sup>

144. VJ support after May 1992 also included assistance in maintaining and utilising VRS air support and air defence assets acquired after they were left behind as a result of the official withdrawal of the JNA from BiH. After May 1992, the FRY acted not only as a provider of spare parts to VRS air and air defence forces <sup>236</sup> but, as KARADŽIĆ wrote in April 1993:

*"After imposition of the no-fly zone [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>237</sup>

145. 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

<sup>233</sup> Exhibit Nr. B9997, RS RDB letter, 19 January 1994. BCS: ERN B003-8428-B003-8428, ENG: ERN ET B003-8428-B003-8428.

<sup>234</sup> Exhibit Nr. B8590, Report on organised exodus of Serbian population from Drvar area in August 1995 by Security Section of the Main Headquarters of the VRS to Security Section of the General Staff of the VJ. BCS: ERN: 0214-3950-0214-3951, ENG: ERN 0307-8077-0307-8079.

<sup>235</sup> For further OTP documentation related to Air & Air Defence support, though not directly used in the drafting of this report, please see Annex 15. Documents selected by Prosecution Team.

<sup>236</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, GŠ VRS document "Analysis of the Combat Readiness of the Army of the Republika Srpska In 1992", p.150, April 1993. BCS: ERN 0060-7339-0060-7480, ENG: ERN 0110-3019-0110-3182.

<sup>236</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 32, Exhibit Nr. C4712, Ibid, p. 142. BCS 0060-7339-0060-7480, Eng 0110-3019-0110-3182

<sup>237</sup> Already Tendered by the Prosecution as Exhibit 427 Tab 52, Exhibit C4752, 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.

December 1993 describes the co-ordination of the three armies. It includes a number of tasks relating to air force (RV) and air defence (PVO assets):

*"...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>238</sup>

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**Military Analysis Team Expert Report Case IT-02-54-T**

**The SFRY Armed Forces and the Conflict in Croatia –  
JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces**

**Glossary**

***Reynaud THEUNENS  
Prosecution Expert Witness  
Case IT-02-54-T  
December 2003***



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## Military Analysis Team Expert Report Case IT-02-54-T

### The SFRY Armed Forces and the Conflict in Croatia – JNA Activity in BiH and JNA (VJ) Support to Bosnian-Serb Forces Glossary

- **AAG:** *armijsko-artiljerijska grupa* Army Artillery Group
- **ABiH:** *armija Bosne i Hercegovine* Muslim-dominated Army of the republic of Bosnia-Herzegovina (also know as “Armija”)
- **abr:** *artiljerijska brigada* Artillery Brigade
- **ad:** *artiljerijski divizion/divizijun* Artillery Division
- **AOR:** Area of Responsibility
- **ap:** *artiljerijski puk* Artillery Regiment
- **AP:** *automatska puška* automatic rifle
- **APWB:** Autonomous Province of Western Bosnia (self-declared Muslim entity in Bosnia Hercegovia by Fikret Abdić) (see APZB)
- **APC:** Armoured Personnel Carrier
- **APZB:** *Autonomna Pokrajina Zapadna Bosna* Autonomous Province of Western Bosnia (self-declared Muslim entity in Bosnia Hercegovina by Fikret ABDIĆ) (see APWB)
- **ARJ:** *artiljerijsko jedinica* Anti-Aircraft Missile Unit
- **Arkanovci:** Serb nationalist paramilitary group loyal to Željko RAŽNATOVIĆ (Arkan)
- **ARSK:** Army of the Republic of Serb Krajina (see **SVK**)
- **ATC:** *automatska telefonska centrala* automatic telephone switchboard
- **ATJ:** *antiteroristička jedinica* Anti-Terrorist Unit
- **AVL:** *aktivna vojna lica* Active Duty Military Personnel
- **AVNOJ:** *anti-fašističko vijeće narodnog oslobođenja Jugoslavije* Anti-Fascist Council of the National Liberation of Yugoslavia (WW II)
- **b.:** *bataljon* Battalion
- **b/d:** *borbena dejstva* Combat operations
- **Beli Orlovi:** White Eagles. Paramilitary Group loyal to Dragoslav BOKAN
- **b/g:** *borbena gotovost* Combat Readiness
- **BHC:** Bosnia-Herzegovina Command (UNPROFOR); became UNPROFOR on 1 April 1995
- **BiH:** *Bosna I Hercegovina* Bosnia-Herzegovina
- **B/k:** *borbeni komplet* Combat Set
- **BOV:** *borbeno oklopno vozilo (BOV)* Armoured Combat Vehicle
- **br.:** *brigada* Brigade
- **brp:** *bojna remontne potpore* Technical support battalion
- **brrp:** *brigada remontne potpore* Technical support brigade
- **brTO:** *brigada teritorijalne odbrane* Territorial Defence Brigade

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- **BSA:** Bosnian Serb Army (see **VRS**)
- **bTO:** *bataljon teritorijalne odbrane* Territorial Defence battalion
- **b/v:** *borbeno vozilo* Combat vehicle
- **bVP:** *bataljon vojna policija* Military Police battalion
- **c.:** *četa* Company
- **CAS:** Close Air Support
- **CGS:** Chief of the General Staff
- **CJB:** *centar javne bezbednosti* Public Security Center
- **ClOB:** *centralna logistička baza* Central Logistics Base
- **COS:** Chief of Staff
- **CSB:** *centar službe bezbednosti* Center for Security Service
- **cTO.:** *četa teritorijalne odbrane* Territorial Defence Company
- **CZ:** *civilna zaštita* Civil Protection
- **d.:** *divizija* Division
- **D-2:** Type of Diesel fuel
- **DB:** *državna bezbednost* State Security
- **DG:** *diverzantska grupa* Sabotage Group
- **DTG:** *diverzantsko-teroristička grupa* Sabotage-Terrorist Group
- **DPZ:** *društveno - politička zajednica* Social Political Community (Organ)
- **Dušan Silni:** Serb nationalist Paramilitary group allegedly related to the Četniks
- **ECMM:** European Community Monitoring Mission
- **FRY:** Federal Republic of Yugoslavia (successor to the SFRY; see SRJ)
- **GL:** *građansko lice na službi u JNA* Civilian employee in the JNA
- **gmbr:** *gardijska mehanizovana brigada* Guards Mechanised Brigade
- **gmtbr:** *gardijska motorizovana brigada* Guards Motorised Brigade
- **GŠ:** *glavni Štab* Main Staff (predecessor to the General Staff)
- **GŠ:** *generalni Štab* General Staff (successor to the Main Staff)
- **hab:** *haubička baterija* Howitzer Battery
- **HDZ:** *hrvatska demokratska zajednica* Croatian Democratic Union
- **HDZ-BiH:** *hrvatska demokratska zajednica Bosna I Hercegovina* Croatian Democratic Union Bosnia-Herzegovina
- **HOS:** *hrvatske odbrambene snage* Croatian Defence Force (military wing of the HSP)
- **HSP:** *hrvatska snage prava* Croatian Party of Rights
- **HV:** *hrvatska vojska* Croatian Armed Forces
- **HVO:** *hrvatska vijeće odbrane* Croatian Defence Council (Armed forces of the Bosnian Croats)
- **HZHB:** *hrvatska zajednica Herceg-Bosna* Croatian Community of Herceg-Bosnia (self-declared state of the Bosnian Croats in BiH)
- **ICFY:** International Conference for the Former Yugoslavia (peace talks and from Fall 1994 on, border monitoring mission between BiH and FRY)
- **ICRC:** International Committee of the Red Cross

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- **Idg:** *izviđačko-diverzantska grupa* Reconnaissance Sabotage Group
- **IKM:** *istureno komandno mjest/mesto* Forward Command Post
- **IMS, InMS:** *intendantska materijalna sredstva* quartermaster supplies
- **InOb:** *intendantsko obezbjeđenje* quartermaster support
- **Iod:** *izviđački odred* Reconnaissance detachment
- **J.:** *jedenica* Unit
- **JA:** *jugoslovenska armija* Yugoslav Armed Forces;  
successor to JNA) (see also VJ)
- **JATD:** *jedinica za antiterorističko dejstvo/delovanje* anti-terrorist operations  
unit
- **JNA:** *jugoslovenska narodna armija* Yugoslav People's Army
- **JOd:** *jurišni odred* Assault Detachment
- **JS:** *javna sigurnost* Public Security
- **JSO:** *jedinica Specijalna Operacija* Special Operations Unit (MUP of  
Serbia)
- **JUL:** *jugoslovenska ujedinjeno levice* Yugoslav United Left (FRY)
- **JV:** *jedinice veze* Communications Unit
- **k.,K.:** *korpus* Corps
- **KAG:** *korpusna artiljerijska grupa* Corps Artillery Group
- **K-da:** *komanda* Command
- **K-dant:** *komandant* Commander, Commanding  
Officer
- **KK:** *krajiški korpus* Krajina Corps (1 –2) (VRS)
- **KM:** *komandno mesto* Command Post
- **KOS:** *kontrovestajna služba* Military Counterintelligence  
Service (colloquial term used for both the JNA Military Intelligence Agency (2nd  
Administration: Druga Uprava) and the JNA Security Administration (UB:  
Uprava Bezbednosti))
- **KoV:** *kopena vojska* Land/Army/Ground forces
- **LAP:** *laka artiljerijski puk* Light Artillery
- **lbr:** *laka brigada* Light Brigade
- **lpbr:** *laka pješadijska brigada* Light Infantry Brigade
- **LRZ:** *logor za ratne zarobljenike* prisoner of war camp
- **m:** *mehaniziran* mechanised
- **MAD:** *mješoviti artiljerijski divizion* Mixed Artillery Division
- **MAP:** *mješoviti artiljerijski puk* Mixed Artillery Regiment
- **Martićevci:** Colloquial name for the police of the Serb-held Krajina in Croatia  
(aka Milicija), named after its founder, Milan MARTIĆ
- **MBO:** *muslimanska bošnjačka organizacija* Muslim Bosniak Organisation
- **MBRL:** multiple barrel rocket launcher
- **md:** *mehanizovana divizija* Mechanised Division
- **MD:** Military District (JNA)(see VO)
- **Mechanised:** unit using tracked vehicles
- **MES:** *minsko-eksplozivna sredstva* Mines and explosives, explosive  
ordnance
- **MO:** *Ministarstvo Odbrane* Ministry of Defence (MOD)
- **MOD:** Ministry of Defence
- **Motorised:** unit using wheeled vehicles
- **Mpoab:** *mješoviti protivoklopni artiljerijski bataljon* Mixed Artillery Battalion
- **Mopoad:** *mješoviti protivoklopni artiljerijski divizion* Mixed Artillery Division

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- **Mpoabr:** *motorizirana protuoklopna artiljerijska brigada* Mixed Artillery Brigade
- **MR:** *materijalne rezerve* Material Stockpiles/reserve
- **MS:** *materijalna sredstva* Material resources
- **msd:** *motostreljačka divizija* Motorised Rifle Division
- **mt:** *motorizovan* Motorised
- **MTS:** *materijalno-tehnička sredstva* Material and Technical Equipment
- **mtb:** *motorizovan bataljonska* Motorised Battalion
- **mtbr:** *motorizovana brigada* Motorised Brigade
- **mtd:** *motorizovana tenkovska divizija* Motorised Tank Division
- **MUP:** *ministarstvo unutrašnjih poslova* Ministry of Interior
- **m/v:** *motorno vozilo* motor vehicle
- **MVPP:** *moral, vjerski i pravni poslovi* moral guidance, religious and legal affairs
- **NATO:** North Atlantic Treaty Organisation
- **NBJ:** *narodna banka jugoslavije* National Bank of Yugoslavia
- **NC:** *Nastavni centar* Training Centre
- **NDH:** *nezavisna država hrvatska* Independent State of Croatia during the Second War, led by Ante PAVELIĆ
- **NGŠ:** *načelnik generalštaba* Chief of the General Staff (CGS)
- **NO:** *narodna odbrana* People's (or National) Defence
- **NOP:** *nastavno-operativni poslovi* Operations and Training
- **NTSI:** *načelnik tehničke službe* Chief of Technical Services
- **NVO:** *Naruzanje i vojna oprema* Armament and Military Equipment
- **OB:** *odeljenje bezbednosti* Security Department
- **OB:** *organi bezbjednosti* Security Organ
- **OB:** *obavještajna služba/obaveštajna služba* Intelligence Service
- **ObC:** *obavještajni centar* Intelligence Center
- **o., od:** *odjeljenje/odeljenje* Department, Section (or Squad)
- **OC:** *operativni centar* Operations Center
- **Od:** *odret* Detachment
- **OkŠTO:** *okružni štab teritorijalne odbrane* District Territorial Defence Staff
- **OG:** *operativna grupa* Operational Group
- **Okb:** *oklopni bataljon* Armoured Battalion
- **Okbr:** *oklopna brigada* Armoured Brigade
- **Omb:** *oklopni mehanizovani bataljon* Armoured Mechanised Battalion
- **ONO:** *opstena rodna odbrana* All People's Defence
- **OS:** *oružane snage* Armed Forces
- **OS BiH:** *odbrambene snage bosne i hercegovine* The Defence Force of Bosnia-Herzegovina (forerunner of the ABiH)
- **OŠ:** *Opštinski štab* Municipal Headquarters/  
Municipal Staff
- **oTO:** *odjeljnje teritorijalne obrane* Territorial Defence Squad
- **Ot, OT:** *oklopni transporter* Armoured Personnel Carrier (APC)

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|  |  |
|--|--|
| - <b>ov:</b> <i>oklopno vozilo</i>   | armoured vehicle                             |
| - <b>OZ:</b> <i>operativna zona</i>  | Operative/Operational Zone                   |
| - <b>p., puk:</b> <i>puk/pukovnija</i>   | Regiment                                     |
| - <b>PAA:</b> <i>protivavionska artiljerija</i>  | Anti-Aircraft Artillery (AA)                 |
| - <b>Partizans:</b> <i>Communist "all nationalities" guerilla movement during WW II, led by Josip "TITO" Broz, dominated by Serbs and Montenegrins but with strong Croatian, Macedonian, Slovene, Albanian and Muslim participation in various regions</i> |  |
| - <b>PAP:</b> <i>poluautomatska puška</i>  | semi-automatic rifle                         |
| - <b>PATB:</b>   | Police Brigade for Anti-Terrorist Activities |
| - <b>Pb:</b> <i>pješadijski/pešadijski bataljon</i>  | Infantry Battalion                           |
| - <b>Pbr:</b> <i>pješadijska/pešadijska brigada</i>  | Infantry Brigade                             |
| - <b>Pd:</b> <i>pješadijska/pešadijska divizija</i>  | Infantry Division                            |
| - <b>Ppgmbr:</b> <i>pešadijska gardijska mehanizovana brigada</i>  | Mechanised Infantry Guards Brigade           |
| - <b>Pgmd:</b> <i>pešadijska gardijska mehanizovana divizija</i>   | Mechanised Infantry Guards Division          |
| - <b>PIM:</b> <i>protivtenkovska mina</i>  | Antitank mine                                |
| - <b>PJP:</b> <i>posebna jedinica policije</i>   | Special Police Unit                          |
| - <b>PKM:</b> <i>pozadinsko komandno mesto</i>   | Rear Command Post                            |
| - <b>PMP:</b> <i>popuna, mobilizacija i personalna</i>   | recruitment, mobilization and personnel      |
| - <b>p/n:</b> <i>protivnapad</i>   | counterattack                                |
| - <b>PM:</b> <i>puškomitraljez/puškostronjica</i>  | submachine gun                               |
| - <b>PNS:</b> <i>pomoćnik načelnika štaba</i>  | Assistant Chief of Staff (ACOS)              |
| - <b>PoB:</b> <i>protuoklopna pozadinska baza</i>  | Rear base                                    |
| - <b>POB:</b> <i>protivoklopna borba</i>   | Anti-Armour combat                           |
| - <b>pob:</b> <i>protuoklopni bataljun</i>   | Anti-armour battalion                        |
| - <b>Pod:</b> <i>prednji odred</i>   | Advance Guard                                |
| - <b>PoOB:</b> <i>pozadinsko obezbeđenje</i>   | Logistical Support                           |
| - <b>POOd:</b> <i>protivoklopni odred</i>  | Anti Armour Detachment                       |
| - <b>POW:</b>  | Prisoner of War                              |
| - <b>pp, ppuk:</b> <i>pešadijski puk</i>   | Infantry Regiment                            |
| - <b>PP:</b> <i>protupješadijski</i>   | Anti-personnel (AP)                          |
| - <b>PPM:</b> <i>protivpješadijska mina</i>  | Anti-personnel Mine                          |
| - <b>PS:</b> <i>Pravila službe</i>   | Service Regulation                           |
| - <b>Pt, PT:</b> <i>protivtenkovski</i>  | Anti-tank                                    |
| - <b>Ptap:</b> <i>protiv-tenkovski artiljerijski puk</i>   | Anti-tank artillery regiment                 |
| - <b>Ptbr:</b> <i>protivtenkovska baterija</i>   | Antitank battery                             |
| - <b>PTO:</b> <i>protivtenkovska odbrana</i>   | Anti-tank defence                            |
| - <b>PVL:</b> <i>profesionalna vojna lica</i>  | Professional Serviceman                      |
| - <b>PU:</b> <i>policajska uprava</i>  | Police Department                            |
| - <b>p/u:</b> <i>protivudar</i>  | counterattack                                |
| - <b>pvf:</b> <i>formacija</i>   | formation/unit                               |
| - <b>PVO:</b> <i>protivvazдушna odbrana</i>  | Anti-Aircraft Defence                        |
| - <b>PZS:</b> <i>protivzračna samohotka</i>  | self-propelled anti-aircraft gun             |
| - <b>PZT:</b> <i>protivzračni top/topništvo</i>  | anti-aircraft gun                            |
| - <b>rb, RB:</b> <i>ručni bacač</i>  | hand-held rocket launcher                    |
| - <b>RBiH:</b> <i>Republika Bosne i Hercegovine</i>  | Republic of Bosnia-Herzegovina               |

- **RDB:** *resor državne bezbednosti* Department of State Security
- **RH:** *Republika Hrvatske* Republic of Croatia
- **RIK:** *rukovodjenje I komandovanje* Command and Control
- **RIM:** *regrutovanje i mobilizacija* Conscription and Mobilisation
- **RJB:** *resor javne bezbednosti* Department of Public Security
- **RM:** *tatna mornarica* Navy
- **RMP:** *popuna, mobilizacija i personalna* Recruitment, Mobilisation and personnel
- **RMS:** *ratna materijalna sredstva* war material and equipment
- **RR:** *ratni raspored* wartime assignment/posting
- **RS:** *Republika Srpska* Serb Republic (Successor to the SRBH)
- **RSK:** *Republika Srpska Krajina* Republic of Serb Krajina (Self-declared state of the Serbs in Croatia)
- **RVI:** *ratni vojni* Disabled War Veteran
- **RV i PVO:** *ratno vazduhoplovstvo I protivvazdušne odbrane* Air Force and Air Defence (JNA)
- **Š.:** *Štab* Staff
- **SAJ:** *specialnija antiteroristička jedinica* MUP anti-terrorist Unit
- **SAO:** *Srpska autonomna oblast* Serbian Autonomous Region (Self-declared Serb areas in Croatia or Bosnia-Herzegovina)
- **SBO:** *sremsko baranjska oblast* Srem-Baranja Region
- **SBWS:** Slavonia, Baranja and Western Sirmium (Srem)
- **SČP:** *srpski Četnički pokret* Serbian Chetnik Movement
- **SDA:** *stranka demokratske akcije* Party for Democratic Action (Muslim) (Bosnia-Herzegovina)
- **SDB:** *služba državne bezbednosti* State Security Service
- **SDB:** *Srpska državna banka* Serbian National Bank
- **SDC:** Supreme Defence Council (FRY) (See VSO)
- **SDG:** *srpska drovoljačka garda* Serbian Volunteer Guard (aka Arkan Tigers)
- **SDP:** *stranka demokratska promena* Party of Democratic Changes (Croatia) (Reformed Communist Party)
- **SDK:** *služba društvenog knjigovodstva* State Accounting Service
- **SDS:** *sprška demokratska stranka* Serbian Democratic Party
- **SDS SZ:** *SDS srpski zemalja* Serbian Democratic Party of Serbian Lands
- **Šešeljevići:** paramilitary group loyal to the leader of the Serbian Radical Party, Vojislav ŠEŠELJ
- **SFRJ:** *socialistička federativna republika jugoslavija* Socialist Federal Republic of Yugoslavia
- **SITREP:** Situation Report
- **SIV:** *savezno izvršno vijeće* Federal Executive Council
- **SJB:** *služba javne bezbednosti* Public Security/Safety Service
- **SJB:** *stanica javne bezbednosti* Station for Public Security/Safety

- **Sk:** *skladište* depot, dump, magazine, warehouse
- **SKJ:** *savez komunista jugoslavije* League of Communists of Yugoslavia
- **SK-PJ** *savez komunista - pokret za jugoslaviju* Movement for Yugoslavia – League of Communists of Yugoslavia
- **SKS:** *savez komunista srbije* Serbian League of Communists
- **SMB:** *sivo-maslinasta (uniforma)* olive-grey (uniform)
- **SNO:** *Srpska narodna obnova* Serbian National Renewal (Party)
- **SnOb:** *sanitetsko obezbjeđenje* Medical Support
- **SNS:** *Srpski narodni savez* Serbian National Alliance
- **SOS:** *Srpske odbrambene sile* Serbian Defence Forces
- **SPO:** *Srpski pokret obnove* Serbian Renewal Movement
- **SPS:** *Socialistička partija srbije* Socialist Party of Serbia
- **SRBiH:** *Socialistička Republika Bosne i Hercegovine* Socialist Republic of Bosnia-Herzegovina
- **SRBH:** *Srpske Repubike Bosne I Hercegovine* Serb Republic Of Bosnia-Herzegovina (self-declared state of the Bosnian Serbs in BiH)
- **SRJ:** *Savezna Republika Jugoslavia* Federal Republic of Yugoslavia (replaced SFRY; see FRY)
- **SRK:** *Sarajevsko-romanijiski korpus* Sarajevo-Romanija Corps (VRS)
- **SRS:** *Srpska radikalna stranka* Serbian Radical Party
- **SSK:** *Srpska stranka krajine* Serbian Party of Krajina
- **SSNO:** *Savenzi sekretariat za narodnu odbranu* Federal Secretariat for People's (or National) Defence
- **SSUP:** *Savezni sekretariat unutrašni poslova* Federal Secretariat of Internal Affairs
- **STO:** *snage teritorijalne odbrane* Territorial Defence forces
- **ŠTO:** *štab teritorijalne odbrane* Territorial Defence Headquarters (Staff)
- **SUP:** *Sekretariat unutrašnji poslova* Secretariat of Internal Affairs
- **SVK:** *Štab Vrhovne komande* Supreme Command Staff (SFRY)
- **SVK:** *Srpska vojska krajine* Serbian Army of Krajina (See also ARSK)
- **SVLR:** *samohodni višecijevni lanser raketa* self-propelled multiple rocket launcher
- **TANJUG:** *Telegrafaska agencija nove Jugoslavije* Yugoslav (state) press agency
- **tč:** *tenkovska četa* Tank Company
- **tb:** *tenkovski bataljon* Tank Battalion
- **tbr:** *tenkovska brigada* Tank Brigade
- **TG/tg:** *taktička grupa* Tactical Group
- **TMS, tms:** *tehnička materijalna Šredstva* Technical Equipment and Material
- **TO:** *Territorijalna odbrana* Territorial Defence
- **Tp:** *tenkovski puk* Tank Regiment
- **TRD:** *topničko raketni divizion* Artillery & Rocket Battalion
- **TRZM:** *tehnički remontni zavod municije* Ammunition Repair Depot

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- **TRZ:** *tehnički-remontni zavod* Maintenance and Repair Depot
- **tv:** *tenkovski vod* Tank Platoon
- **TSk:** *tajno skladište* cache
- **TSI:** *tehnička služba* Technical Service
- **TU:** *tehnička uprava* Technical Department
- **UB:** *uprava bezbednosti* Security Administration
- **UbS:** *ubojna sredstva* weapons, ammunition, explosives
- **UDBA:** *uprava državne bezbednosti* State Security Administration
- **UNCIVPOL:** United Nations Civil Police
- **UNCRO:** United Nations Confidence Restoration Operation (successor to UNPROFOR in Croatia on 01 April 1995)
- **UNPREDEP:** United Nations Preventive Deployment (UN Peacekeeping mission in FYROM – Macedonia)
- **UNHCR:** United Nations High Commission for Refugees
- **UNMO:** United Nations Military Observer
- **UNPA:** United Nations Protected Area (Croatia)
- **UNPF:** United Nations Peace Forces (successor to UNPROFOR on 01 April 1995 in the former Yugoslavia)
- **UNPROFOR:** United Nations Protection Force (in Croatia until 31 March 1995 and Bosnia-Herzegovina until December 1995)
- **UNS:** *uprava namjenske proizvodnje* Defence Industry Department
- **v.:** *vod* Platoon
- **VBR:** *višecijevni/višecevni bacač raketa* multiple barrel rocket launcher (MBRL)
- **VES:** *vojnoevidenciona specijalnost* military occupational specialty (military function number)
- **VJ:** *Vojska Jugoslavije* Armed Forces of FRY (successor to the JNA) (See JA)
- **VK(OS):** *vrhovna komanda (oružanih snaga)* Supreme Command (of the Armed Forces)
- **VMA:** *vojnomedicinska akademija* Military Medical Academy
- **VO:** *vojna oblast* Military District (JNA)
- **VO, Vod:** *vojni odsek (S)* Military Department
- **v/o:** *vojni obveznik* man liable for military service, military-age man, conscript
- **VOPP:** Vance-Owen Peace Plan
- **VP:** *vojna policija* Military Police
- **VP:** *vojna pošta* Military Post/Military Unit Number
- **VP:** *vatreni položaj* combat/firing position
- **VPO:** *vojno-pomorska oblast* Military Naval District
- **VRS:** *vojska republike srpske* Army of the Serb Republic (RS)
- **VSO:** *vrhovi savet odbrane* Supreme Defence Council (FRY) (see SDC)
- **VSJ:** *Vojska Savezne Republike Jugoslavije* Armed Forces of FRY (see VJ)
- **VŠ:** *vrhovni štab* Supreme Headquarters, Supreme



- |   |  |   |
|---|--|---|
| - | <b>VT:</b> <i>vatrena tačka</i>  | Staff   |
| - | <b>VT:</b> <i>Vojno tužilaštvo</i>   | firing position                                       |
| - | <b>VTI:</b> <i>Vojno Tehniški Institut</i>                                   | Military Prosecutor's office                          |
| - | <b>ZINVOJ:</b> <i>Združena industrija namjenske vojne opreme Jugoslavije</i> | Military Technical Institute                          |
| - | <b>ZINVOJ:</b> <i>Združena industrija namjenske vojne opreme Jugoslavije</i> | Association of Arms and Military Equipment Industries |
| - | <b>ZMTP:</b> <i>zaštitni motorizovani puk</i>                                | Motorised Protection Regiment                         |
| - | <b>ZNG:</b> <i>Zbor narodne garde</i>  | (Croatian) National Guard Corps                       |
|   |  | (predecessor to the Croatian Army HV)                 |
| - | <b>ZnŠTO:</b> <i>zonski štab teritorijalne odbrane</i>                       | Territorial Defence Zone Staff                        |
| - | <b>ZO:</b> <i>zona odgovornosti</i>  | area of responsibility (AOR)                          |
| - | <b>ZONO:</b> <i>zakon o opštenarodnoj odbrani</i>                            | All People's Defence Law                              |
| - | <b>ZpM:</b> <i>zapovjedno m(j)esto</i>                                       | Command Post  |