



Humanitarian Law Center

Dossier: The JNA in the Wars in Croatia and BiH



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APPENDICES

Abbreviations:

BiH	Bosnia and Herzegovina
ECMM	European Community Monitor Mission
EC	European Community
FRY	Federal Republic of Yugoslavia
GŠ	General Staff (and Main Staff of the VRS)
GŠ OS SFRJ	General Staff of the Armed Forces of the Socialist Federative Republic of Yugoslavia
HDZ	Croatian Democratic Union
HV	Croatian Army
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
JNA	Yugoslav People's Army
JOD	Assault Detachment
KC	Personnel Centre
KOG	Counterintelligence Group
KOS	Military Counterintelligence
MP	Military Police
MtGBr	Motorised Guard Brigade
MUP	Ministry of the Interior
OG	Operational Group
OG North	Operational Group North
OG South	Operational Group South
OS	Armed Forces
OWCP	Office of the War Crimes Prosecutor of Serbia
PGMBr	Proletarian Guards Mechanised Brigade
PGMD	Proletarian Guards Mechanised Division
PSFRY	Presidency of the Socialist Federative Republic of Yugoslavia
PU	Police Administration
PVO	Air Defence
RDB	State Security Department
RO Luka	Luka Company
RS	Republika Srpska
RSK	Republic of Serbian Krajina
RV	Air Force
SAO	Serbian Autonomous District
SDA	Party of Democratic Action
SDB	State Security Service
SDG	Serbian Volunteer Guard ("Arkan's Men")
SDS	Serbian Democratic Party



SFRY	Socialist Federative Republic of Yugoslavia
SIV	Federal Executive Council
SJB	Public Security Station (Police Station)
SNV	Serbian National Council
SRK	Sarajevo-Romanija Corps of the VRS
SrR BiH	Serbian Republic of Bosnia and Herzegovina
SRS	Serbian Radical Party
SSNO	Federal Secretariat of National Defence
SUP	Secretariat of Internal Affairs
SVK	Serbian Army of Krajina
TEF	Electrode and Ferro-Alloys Factory
TG	Tactical Group
TIZ	Zadar Textile Industry
TLM	Boris Kidrič Light Metal Factory
TO	Territorial Defence Force
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNPROFOR	United Nations Protection Force, formed in Croatia and mandated to secure demilitarisation of certain areas. Its mandate was later extended to Bosnia and Herzegovina
UN SC	United Nations Security Council
VJ	Army of Yugoslavia
VO/MD	Military District
VPO	Naval Military District
VRS	Army of Republika Srpska
ZNG	Croatian National Guard Corps
17th TG	17 th Tactical Group
180th MtBr	180 th Motorised Brigade
221st MtBr	221 st Motorised Brigade
252nd ArBr	252 nd Armoured Brigade
343rd MtBr	343 rd Motorised Brigade
395th MtBr	395 th Motorised Brigade
405th PB	405 th Logistic Base
453rd MBr	453 rd Mechanised Brigade
46th PartD	46 th Partisan Division
472nd MtBr	472 nd Motorised Brigade
8th VPS	8 th Naval Military Sector
80th MtBr	80 th Motorised Brigade
813th EngP	813 th Engineering Regiment
9th VPS	9 th Naval Military Sector

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Summary

The role of the Yugoslav People's Army (JNA) in the wars in Croatia and Bosnia and Herzegovina (BiH) and its transformation from the Yugoslav into the Serbian army, is the subject of this, the tenth Dossier of the Humanitarian Law Center (HLC). It is the most extensive of the HLC Dossiers so far, covering the period from the end of the 1980s up to May 1992. It explores how the JNA and political leadership of the Socialist Federative Republic of Yugoslavia (SFRY) and Serbia prepared for the wars, the JNA's involvement in the conflicts, and its contribution to achieving the wartime goals of Serbia, the Republic of Serbian Krajina and Republika Srpska.

The introduction section of the Dossier presents facts about the development of the crisis in the former Yugoslavia and the steps undertaken by the leadership of the Republic of Serbia, headed by Slobodan Milosevic, to take control of the JNA, with a view to using it for achieving their own wartime goals.

The first part of the Dossier is dedicated to the role of the JNA in the war in Croatia, presenting evidence of the two phases of the JNA's activities in Croatia. In the first phase, the JNA separated the conflicting sides and created buffer zones between them, to hand them over later to the newly established Serbian authorities in that part of the territory of the Republic of Croatia. In the second phase, the JNA openly sided with the Serbs, shelled Croatian towns and cities, and fought jointly with Krajina militiamen and Serb paramilitary groups against the armed forces of the Republic of Croatia, participating in attacks on poorly defended or undefended villages.

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The Dossier lists and describes in great detail several events that exemplify JNA's military actions in 1991, during which the JNA committed war crimes, or prepared the ground for the Serb forces with whom it acted jointly to commit them. It also presents the evidence, based on documents and witness statements, concerning indiscriminate shelling of Croatian cities (Dubrovnik, Vukovar, Zadar, Šibenik) and attacks on parts of Croatian territory the Serb side laid claim to, in the course of which numerous crimes against Croat and other non-Serb civilians were committed, and the territory seized ethnically cleansed. That section of the Dossier also lists detention sites in both Croatia and Serbia run by the JNA, at which crimes were committed against the Croats who were held there.

After its withdrawal from Croatia during the first months of 1992, the JNA shifted its military focus from Croatia to BiH. The second part of the Dossier describes the JNA's involvement, on behalf of the Serbian side and working closely together with the Bosnian-Serb Serbian Democratic Party (SDS), in the take-over of municipalities in Bosnia and Herzegovina at the beginning of the war in BiH. The municipalities that were taken over with the assistance of the JNA soon became part of the wartime territory of the Serbian Republic of BiH (SrR BiH), which was later to be renamed Republika Srpska.

In each of the examples given of the JNA's military involvement in Croatia and BiH, the pattern of attacks is described and the JNA units that took part in them are listed. Also, evidence on the identity



of the perpetrators of crimes committed during the attacks, whether they were JNA members or members of Serb formations who participated in the actions alongside the JNA, is presented.

The Dossier also presents evidence on the JNA's role in arming Serb formations in Croatia and BiH in the lead-up to the conflicts, and on the assistance and support it provided to Serb militaries in Croatia and BiH after having formally withdrawn from these republics.

Some of the examples given, which are substantiated by military documents, make clear that after a decision was issued on JNA's formal withdrawal from BiH in May 1992, its units remaining behind in BiH were simply renamed, to become units of the Army of Republika Srpska (VRS). The VRS retained the command structure of the JNA and its manpower, and took possession of its weaponry. This gave the newly established army of the Bosnian Serbs a head start over all other armed formations in BiH.

The Dossier does not cover all instances where the JNA participated in attacks on towns and villages in Croatia and BiH. Its aim is not to provide a comprehensive overview of the JNA's overall engagement in the wars in these two republics, but to provide examples that reveal the pattern of actions of an army which was supposed to be Yugoslav, but instead helped one side, the Serbs, in the conflicts in the former Yugoslavia to achieve their wartime goals.

I. The JNA within the SFRY Armed Forces

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From 1945, the Yugoslav People's Army (JNA) was one of the two distinct components of the armed forces of the Socialist Federative Republic of Yugoslavia (SFRY). The second component was the Territorial Defence Force (TO).¹ Whilst the JNA was a federal body, equipped with all conventional weapons, the TO was organised on the republic level and equipped essentially with infantry weapons.²

The JNA consisted of branches, arms and services. The branches were Army (Ground Forces), Air Force and Air Defence, and Navy. The branches were divided into combat arms³ and services⁴, which were categorised according to type and speciality.⁵

1 Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Articles 240, 262 and 279.

2 Opinion and the ICTY Judgment in the *Tadić*, 7 May 1997, para. 105.

3 Law on Total National Defence, Article 101, Exhibit L0001, *Stanišić and Župljanin*; The combat arms were: infantry, artillery, air defence artillery missile units (which covered all three branches of the JNA), armoured units, engineering corps, nuclear-biological-chemical defence, communications, and border guard units, according to: Military Academy Textbook on Management and Commanding, SSNO, Exhibit no. P01031, *Stanišić and Simatović*, p. 53.

4 Ibid, The JNA services were: technical, construction, food, transportation, security and military police, medical, veterinary, financial, administrative, legal, geodetic, musical, and informatic in the armed forces. In the late 1980s, VOJIN (air surveillance, early warning and guidance) became a military branch, according to: Military Academy Textbook on Command and Control, SSNO, Exhibit no. P01031, *Stanišić and Simatović*, pp. 53 and 55.

5 Law on Total National Defence, Article 101, Exhibit no. L0001, *Stanišić and Župljanin*.



According to the SFRY Constitution, the SFRY State Presidency, as the supreme state body, that is, the President of the SFRY Presidency [see page 10] commanded the SFRY armed forces on its behalf.⁶ In the event of a state of emergency, imminent threat of war or threat of war, the Presidency of the SFRY would act as the Supreme Command and the President of the Presidency as the Supreme Commander of the armed forces. The Supreme Command would be assisted by the Supreme Command Staff, consisting of the Federal Secretariat for People's Defence (SSNO) and the JNA General Staff.⁷

The roles and tasks of the armed forces were laid down in the SFRY Constitution of 1974 and the Law on Total National Defence of 1982. According to the Constitution, the mission of the JNA was to protect the independence, sovereignty, territorial integrity and social system of the SFRY.⁸

Specifically, the role of the JNA as a part of the SFRY armed forces was to "protect the independence, sovereignty, territorial integrity and the social system of the SFRY [as defined in the present Constitution]"⁹ Until the breakout of conflicts on the territory of the former Yugoslavia, the JNA functioned as "the common armed force of all the peoples and minorities of Yugoslavia and of all working people and citizens"¹⁰ "As part of the joint armed forces. "it had the task "to organise itself and prepare in peacetime as a leading defence force of society, capable of warding off any sudden aggression or any other threat against the state."¹¹

The JNA was funded from the SFRY's federal budget.¹² Part of the funds also came from the Republics and Provinces.¹³

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II. Shift in the JNA's Objectives and Tasks in the Course of the Conflict in Croatia

It was in the course of the armed conflict in Croatia that the JNA ceased to be "the common armed force of all the peoples and minorities of Yugoslavia", and became instead the force that pursued the objective of "protecting the Serb people" as proclaimed by the Serbian leadership and the so-called truncated SFRY Presidency [see page 12].¹⁴

6 Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Articles 313 and 328.

7 Reynaud Theunens, Military aspect of the role of Jovica Stanišić and Franko Simatović in the conflict in Croatia and Bosnia and Herzegovina (BiH) (1991-1995), Exhibit no. P01575, *Stanišić and Simatović*, p. 5.

8 Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Article 237.

9 Ibid, Article 240.

10 Law on Total National Defence, Article 99, Exhibit no. L0001, *Stanišić and Župljanin*.

11 Ibid, Article 100.

12 Ibid, Article 279.

13 Stjepan Mesić, witness statement in *Milošević*, ICTY, 1 October 2002, p. 10572.

14 This objective was proclaimed first by the Serbian state leadership. It was discussed at the "meetings of the Group of Six" (Milošević, Jović, Adžić, Bulatović, B. Kostić, Kadijević) and then taken over by the so-called truncated Presidency of the SFRY, which was controlled by the Serbian leadership, that is, by Slobodan Milošević. Borisav Jović, *Poslednji dani SFRJ [The last days of the SFRY]*, 1996, pp. 277, 349-350, 389, 391, and 394.



From the evidence presented in this Dossier, it can be seen that this transformation of the JNA's role was caused by a political crisis and divisions within the SFRY leadership, and that it occurred in two phases. In the first phase, the JNA was still trying to give the appearance of being a Yugoslav, federal army separating the conflicting sides, while in reality it was only protecting the Serb people and seized territories on behalf of the Serb side. The second phase began in the summer of 1991, when the JNA openly aligned itself with the Serb side and participated alongside the Krajina TO and Serb paramilitaries in attacks on Croatian towns and villages, committing crimes or allowing for crimes to be committed. In both phases, the JNA armed only the Serb side in Croatia.

i. Political Crisis in the SFRY and the SFRY Presidency Crisis

Until its dissolution in the early 1990s, the SFRY consisted of six Socialist Republics and two Autonomous Provinces.¹⁵

Under the SFRY Constitution of 1974, the Presidency of the SFRY was responsible for representing the state “at home and abroad”, “working to achieve adjustment of the common interests of the Republics”, and also for “control and command of the armed forces of the SFRY”.¹⁶ President Josip Broz Tito¹⁷ exercised the powers vested in the Presidency until his death in 1980.¹⁸ After his death, a nine-member Presidency was established in accordance with the Constitution. It consisted of one representative of each republic and the two autonomous provinces, with the President of the League of Communists of Yugoslavia as the ninth, ex officio member.¹⁹ From 1988, the Presidency had eight members, as the President of the League of Communists was no longer a member of that body.²⁰

At the time of the disintegration of the SFRY, the Presidency Members were: Bogić Bogičević (BiH), Vasil Tupurkovski (Macedonia), Janez Drnovšek (Slovenia), Borisav Jović (Serbia), Stjepan Mesić (Croatia),²¹ Branko Kostić (Montenegro),²² Jugoslav Kostić (AP of Vojvodina)²³ and Sejdo Bajramović (AP of Kosovo).²⁴

15 The socialist republics were: BiH, Croatia, Macedonia, Montenegro, Serbia and Slovenia. The autonomous provinces of the Socialist Republic of Serbia were Kosovo and Vojvodina. Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Articles 1 and 2.

16 Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Article 313.

17 Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Articles 333 and 335.

18 Under the SFRY Constitution of 1974, the federal bodies of the SFRY were: the Assembly of the SFRY, the Presidency of the SFRY, the President of the SFRY, the Federal Executive Council, federal administration authorities, the Federal Court, the Federal Public Prosecutor's Office, the Public Attorney of Self-Management, and the Constitutional Court of Yugoslavia. Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Articles 282, 313, 333, 346, 636, 369, and 375.

19 Ibid, Article 321.

20 Dr. Ivan Kristan, *Expert Opinion on the Constitutional and Legal Issues in the Case against Slobodan Milošević*, Exhibit no. P524, *Milošević*, pp. 36-37, paras. 173-188.

21 Stjepan Mesić succeeded Stipe Šušar as the Croatian member of the Presidency in October 1990.

22 Branko Kostić succeeded Nenad Bućin as the Bosnian member of the Presidency in March 1991.

23 Jugoslav Kostić succeeded Dragutin Zelenović as the Montenegrin member of the Presidency in December 1990.

24 Sejdo Bajramović succeeded Riza Sapundžiju as the Kosovo member of the Presidency in March 1991.



The republics and autonomous provinces had their own authorities within the SFRY, which were controlled by their respective leagues of communists.²⁵ In 1986, the nationalist wing of the Serbian League of Communists, led by Slobodan Milošević, took over the party and hence came to power in Serbia.²⁶ In the first multiparty elections in Serbia held in 1990, Milošević was elected President of Serbia and his new party, the Socialist Party of Serbia, won the parliamentary majority.²⁷ The 1989 changes to the Serbian Constitution, pushed by Milošević, drastically curtailed Kosovo's and Vojvodina's autonomy, thereby allowing Serbia to exert control over the representatives of the two provinces on the Presidency of the SFRY.²⁸

Nationalist leaders took over in several other SFRY republics too, which triggered a political crisis in the country. As the new Slovene and Croat leaderships announced that their countries would seek to secede from the SFRY, Colonel-General Blagoje Adžić, the Chief of the JNA General Staff at the time, ordered on 14 May 1990 that TO weapons from all the republics be relocated from civilian to military warehouses. The real reason for the relocation, according to Borisav Jović, was to disarm Slovenia and Croatia and prevent them from forming their own armies with the arms of the TO.²⁹

Between spring 1991 and spring 1992, Slovenia, Croatia, Macedonia and BiH, after holding independence referenda, declared independence from the federal state. The process of international recognition of the new states began in the spring of 1992. Slovenia, Croatia and BiH were admitted to the membership of the United Nations on 22 May 1992, and Macedonia on 8 April 1993. Serbia with its provinces and Montenegro formed the Federal Republic of Yugoslavia on 27 April 1992.³⁰

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This political crisis throughout what was becoming the "Former Yugoslavia" affected the work of the SFRY Presidency. During the first months of 1991 it was unclear how decisions were being made and who was the commander-in-chief of the armed forces. The Serbian leadership led by Slobodan Milošević fully controlled the four members of the Presidency delegated by Montenegro, Serbia and the two provinces.

25 Constitution of the Socialist Federative Republic of Yugoslavia of 1974, Basic Principles, Chapter VIII, Articles 2 and 5.

26 Indictment against *Slobodan Milošević*, Background, ICTY Office of the Prosecutor, 22 May 1999, paragraph 6, available at: http://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-ii990524e.htm, [accessed 16 January 2018].

27 The Socialist Party of Serbia was born out of the transformation of the League of Communists of Serbia. Zlatoje Martinov, *U podnožju demokratskih propileja* [At the Foot of the Democratic Propylaea], available in Serbian at: <http://www.yuorpe.com/zines/republika/arhiva/2000/propileji/3.html>, [accessed 16 January 2018].

28 Dr. Ivan Kristan, *Expert Opinion on the Constitutional and Legal Issues in the Case against Slobodan Milošević* Exhibit no. P524, *Milošević*, p. 17, para 54.

29 Borisav Jović, statement pursuant to Rule 89F, Exhibit no. P596.1, *Milošević*, p. 7, para. 28; Blagoje Adžić's order of 14 May 1990 concerning the storing of the TO arms and ammunition, Exhibit no. 00409, *Martić*. Veljko Kadrijević, *Moje viđenje raspada: Vojska bez države* [My View of the Break-Up: An Army without a State], Exhibit no. P00343, *Perišić*, p. 49.

30 Agreed facts, *Martić*, ICTY, Exhibit no. 00820, para. 14; Second Prosecutor's request for taking judicial notice of adjudicated facts in the *Karadžić*, fact no. 395 adjudicated in the case of *Brdanin*, Constitution of the Federal Republic of Yugoslavia of 1992, Exhibit no. P00229, *Perišić*.



At the session of the SFRY Presidency on 12 March 1991, the Federal Secretary for National Defence (SSNO) Army General Veljko Kadijević proposed that a state of emergency be declared throughout the country in order to disarm all illegal armed formations on which the SSNO had information. The Presidency of the SFRY, with four votes in favour and four against, rejected the proposal, after which Borisav Jović resigned as President of the Presidency of the SFRY. Jović soon withdrew his resignation. After that, Serbian President Slobodan Milošević announced that he would no longer observe the decisions of the Presidency of the SFRY.³¹

On July 1st 1991 Croatian representative Stjepan Mesić replaced Jović as President of the SFRY Presidency and Commander-in-Chief of the Armed Forces of the SFRY, in accordance with the annual rotation system then in place. Veljko Kadijević and the General Staff declined to submit to Stjepan Mesić as Commander-in-Chief and simply ignored his instructions, not recognising his right to command the Yugoslav Armed Forces.³²

At the same time, the political leadership of Serbia and the military leadership of the JNA claimed that the JNA “is the army of those who wish to stay within Yugoslavia; they include, at the very least, Serbia, the Serbian people, plus Montenegro”.³³ At a meeting held on 11 July 1991, Veljko Kadijević, Slobodan Milošević, the Montenegrin Member of the Presidency Branko Kostić and the Serbian Member of the Presidency Borisav Jović discussed purging the JNA top brass of Slovenes and Croats because, as they put it, “they now have their own states and their own armies, which are in conflict with our army.”³⁴

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Slobodan Milošević was taking control of the JNA, primarily by using his influence over the representatives of Serbia, Montenegro, Kosovo and Vojvodina in the SFRY Presidency, and also over Federal Secretary of Defence Veljko Kadijević and Chief of JNA General Staff Blagoje Adžić, the two most senior officers of the armed forces.³⁵

After Slovenia, Croatia, BiH and Macedonia had withdrawn their representatives in October 1991, the SFRY Presidency shrunk to four members (the so-called truncated Presidency). These were: Borisav Jović (representing Serbia), Branko Kostić (representing Montenegro) Jugoslav Kostić (representing the AP of Vojvodina), and Sejdo Bajramović (representing the AP of Kosovo). They held meetings, almost on a daily basis, with the Montenegrin and Serbian Presidents Momir Bulatović and Slobodan Milošević, Federal Secretary of National Defence Veljko Kadijević, and Chief of JNA General Staff Blagoje Adžić, to discuss the situation in the SFRY. Borisav Jović and Slobodan Milošević gave Veljko Kadijević instructions regarding the engagement of the Armed Forces of the SFRY.³⁶

31 Borisav Jović, statement pursuant to rule 89F, Exhibit no. P596.1, *Milošević*, pp. 16-17, para. 63-68.

32 Expert report of Reynaud Theunens, Exhibit no. 00578, *Mrkšić*, p. 112.

33 Borisav Jović, *The Last Days of the SFRY*, pp. 366-367.

34 Ibid, pp. 364-365, Borisav Jović, statement pursuant to rule 89F, Exhibit P596.1, *Milošević*, p. 21, para. 84.

35 Milan Babić, witness statement in *Martić*, ICTY, 17 February 2006, p. 1503.

36 Borisav Jović, statement pursuant to rule 89F, Exhibit no. P596.1, *Milošević*; Expert Report of Reynaud Theunens, Exhibit no. 00578, *Mrkšić*, p. 113.



At its meeting of 1 October 1991, the truncated Presidency of the SFRY established that “the Socialist Federative Republic of Yugoslavia is facing an imminent threat of war“. A state of imminent threat of war was declared and remained in effect until 22 May 1992.³⁷

The JNA intervened militarily first in Slovenia, in order to disarm the Slovene TO and prevent this republic from breaking away. In the so-called Ten-Day War, fought from 27 June to 6 July 1991, the JNA was defeated and pulled out of Slovenia.³⁸ The next war fought by the JNA was that in Croatia.

ii. Political Situation in Croatia – Emergence of the Republic of Serbian Krajina

After the members of the Serbian Democratic Party (SDS) withdrew from the Assembly of the Republic of Croatia in the middle of the Yugoslav political crisis in the summer of 1990, they presented in the village of Srb the Declaration on the Sovereignty and Autonomy of the Serb People in Croatia. In accordance with this Declaration, a Serbian Assembly was established with the Serbian National Council (SNV) as its executive body. From 19 August to 2 September 1990, the SNV conducted a referendum amongst Croatian Serbs, where the majority voted for the autonomy of Serb-populated territories in Croatia.³⁹ When the police of the Republic of Croatia attempted to prevent the referendum, the Serbs responded by erecting barricades across roads in Croatia.⁴⁰

Several municipalities in Northern Dalmatia and Lika, in southeast Croatia and the SNV, passed a Statute by which they proclaimed on 21 December 1990 the Serbian Autonomous District (SAO) of Krajina, with an Executive Council as its executive body.⁴¹ According to the Statute, the SAO Krajina was part of Croatia within the SFRY.⁴²

After that, the Croatian MUP and TO began splitting into Croatian and Serb formations. As a result, the Serbian TO was formed in January 1991.⁴³ At the same time, the Executive Council of the SAO Krajina established its Secretariat of the Interior (SUP), based in Knin, with Milan Martić as its head.⁴⁴

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37 Expert report of Reynaud Theunens, Exhibit no. 00578, *Mrkšić*, p. 114.

38 Order SSNO Transfer of forces and equipment from the territory of the Republic of Slovenia dated 25 July 1991, Exhibit no. P01095, *Stanišić and Simatović*, Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, para. 303.

39 Agreed Facts in the *Martić* ICTY, Exhibit no. 00820, para. 7; Veljko Džakula, witness statement *Martić*, ICTY, 18 January 2006, p. 508; Milan Babić, witness statement in *Martić*, ICTY, 21 February 2006, pp. 1746- 7, and 2 March 2006, p. 1771.

40 Agreed Facts in the *Martić*, Exhibit no. 00820, *Martić*, para. 6; BBC interview with Milan Martić in *The Death of Yugoslavia*, 14 October 1994, Exhibit no. 00496, *Martić*, p. 6; MM-003, witness statement in the *Martić*, ICTY, 8 March 2006, pp. 1968-9; MM-078, witness statement in *Martić*, ICTY, 25 May 2006, p. 4475; Ratko Ličina, witness statement in *Martić*, ICTY, 14 August 2006, pp. 6397, 6400; MM-096, witness statement in *Martić*, ICTY, 18 August 2006, pp. 6777-8.

41 Milan Babić, witness statement in the *Martić*, ICTY, 21 February 2006, p. 1747.

42 Decision joining the SAO Krajina to the Republic of Serbia, Exhibit no. P01211, *Hadžić*.

43 This Serbian TO was contrary to the SFRY regulations in force at the time, as it was not commanded by the republic in which it operated. Expert Report of Reynaud Theunens, Exhibit no. 578, *Mrkšić*, p. 87.

44 Notification on the formation of the Secretariat for the Interior of the Serbian Autonomous District (SAO) of Krajina, Exhibit no. 00183, *Martić*.



On 5 January 1991, the Executive Council informed the Ministry of the Interior of Croatia (MUP) that this Ministry no longer had any authority in the SAO Krajina territory.⁴⁵

Two months later, in March 1991, all provisions referring to Croatia were removed from the Statute. On 1 April 1991, the Executive Council of the SAO Krajina made the decision on joining the SAO Krajina to the Republic of Serbia.⁴⁶

On 29 May 1991, the Executive Council was renamed the Government of the SAO Krajina, and the Milicija [police] of Krajina was established within the MUP, but put under the authority of the Ministry of Defence of the SAO Krajina.⁴⁷ Milan Babić was the first President of the SAO Krajina, and Milan Martić was appointed Minister of Defence.⁴⁸

On 19 December 1991, the Assembly of the SAO Krajina proclaimed the Republic of Serbian Krajina (RSK). Its armed forces were made up of TO units. Two months later, on 26 February 1992, the SAO of Eastern Slavonia, Baranja and Western Srem (created in June 1991) and the SAO of Western Slavonia (created in August 1991) joined the RSK.⁴⁹

iii. First Phase of JNA Involvement in the Conflict in Croatia

The first phase of the JNA involvement in the conflict in Croatia lasted from March to the summer of 1991. During this phase, the JNA purported to be a neutral force whose role was confined to “separating” the opposing sides in the conflict – the MUP of Croatia and the police of the SAO Krajina – by creating buffer zones between them. However, the creation of buffer zones was actually part of a plan to seize Croatian territories.⁵⁰ The usual scenario was: the SAO Krajina police would stage a provocation, the Croatian MUP would respond, and then the JNA would intervene to separate the two sides and deploy itself as a buffer.⁵¹ In the summer of 1991, the JNA became openly involved in

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45 Ibid.

46 Decision for joining the SAO Krajina to the Republic of Serbia, Exhibit no. P01211, *Hadžić*.

47 With the establishment of the Government in May 1991, the SUP of SAO Krajina was renamed the MUP of SAO Krajina. Decision of the Assembly of the SAO Krajina appointing the Minister of Internal Affairs, Exhibit no. 34, *Martić*.

48 Mobilisation order for the TO of SAO Krajina of 1 April 1991, Exhibit no. 00029, *Martić*; Milan Babić, witness statement in the *Martić*, ICTY, 15 February 2006, pp. 1406-1407; ICTY Trial Judgment in *Martić*, 12 June 2007, para. 135.

49 Prosecution’s Second Pre-Trial Brief in *Milošević*, ICTY, 31 May 2002, para. 165; *Martić* (Trial Judgment), ICTY, 12 June 2007, paras. 149, 151.

50 Buffer zones were JNA-controlled areas of land which separated Croat-and Serb-inhabited villages or hostile armed formations. The role of the JNA was to separate the warring sides „and then to then to deploy the JNA in those territories that were envisaged as the future Serb state and to later on retain the de facto situation that was supposed to have been recognized at a later stage by the international community.“ Milan Babić, witness statement in the case against *Martić*, ICTY, 16 February 2006, p. 1416.

51 The pattern of JNA actions was described to the ICTY by the then leader of the Serbs from Krajina, Milan Babić, during his testimony in the *Martić* on 17 February 2006, p. 1508: “I’m not saying that I saw a layout or an actual plan of deployment, but the JNA always deployed itself in the same way after incidents and provocations staged by the police of Krajina, the JNA would always come out, or rather first the Croatian police would respond and then the JNA would deploy itself in a buffer zone. That was the pattern from Plitvice on to Zadar all the way up to Vukovar, as far as I heard, in the entire territory of Croatia, wherever conflicts happened.”



the conflict in Croatia in order to secure that the areas that served as buffer zones remained under Serb control [see page 17].⁵²

The first armed clash between the MUP of Croatia and the police of the SAO Krajina broke out on 1 March 1991 in the Pakrac area. No one died in the clash.⁵³ In late March of the same year, an armed clash occurred in the Plitvice area, leaving one person dead on each side.⁵⁴ In both of these clashes, the JNA arrived at the scene after the conflict to create buffer zones between the conflicting sides.⁵⁵

On 2 May 1991, volunteers of the Serbian Radical Party (SRS) and members of the “Dušan Silni” [Dušan the Great] volunteer unit from Serbia staged a surprise attack against a group of Croatian policemen in Borovo Selo, in eastern Slavonia. In the battle that ensued, 12 Croatian policemen and a paramilitary from Serbia were killed. The JNA entered Borovo Selo five hours later to set up a buffer zone.⁵⁶

Incidents occurred on 25 and 26 July 1991 in the villages of Struga, near Dvor na Uni, and Glina followed the same pattern. After Serbian joint forces attacked the two villages,⁵⁷ the JNA intervened to establish buffer zones.⁵⁸

iv. Second Phase of JNA Involvement in the Conflict in Croatia

In the early summer of 1991, the second phase of JNA involvement in the conflict in Croatia begins. The JNA was increasingly arming the Serbian side in Croatia, and from August the same year onwards it openly took the side of Serbian insurgents and participated alongside the SAO Krajina TO and police in the attacks on Croatian towns and villages.

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Arming of Serbs in Croatia

While establishing the so-called buffer zones in the first half of 1991, the JNA actively participated in the arming of the Krajina TO.⁵⁹ The JNA's arming of Serbs in Croatia intensified in the second half of 1991.

52 Milan Babić, witness statement in *Martić*, ICTY, 16 February 2006, p. 1416; *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 329.

53 Veljko Džakula, witness statement in *Martić*, ICTY, 18 January 2006, pp. 516-7; Milan Babić, witness statement in *Martić*, ICTY, 17 February 2006, pp. 1512-3.

54 Milan Babić, witness statement in *Martić*, ICTY, 17 February 2006, pp. 1510-3.

55 Veljko Džakula, witness statement in *Martić*, ICTY, 18 January 2006, pp. 516-517; Milan Babić, witness statement in *Martić*, ICTY, 17 February 2006, pp. 1506-1507, 1510-1513. See also *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 132.

56 Vojislav Šešelj, witness statement in the *Milošević*, ICTY, 24 August 2005, pp. 43113- 43116; Expert Report of Reynaud Theunens, Exhibit no. 00578, *Mrkšić*, pp. 180-181.

57 Report on the action carried out on 26 July 1991, Exhibit no. 00587, *Martić*; Aernout van Lynden, witness statement in *Martić*, ICTY, 2 June 2006, p. 5002.

58 Milan Babić, witness statement in *Martić*, ICTY, 17 February 2006, pp. 1507-1520; Report on the course of the action of capturing the police station in Glina on 26 and 27 July 1991, Exhibit no. 00595, *Martić*; Živojin Ivanović's report on the events in Glina, Exhibit 00591, *Martić*; Report on the action carried out on 26 July 1991, Exhibit no. 00587, p. 2, *Martić*.

59 MM-037, witness statement in the *Martić*, ICTY, 28 March 2006, p. 2743.



The aim of arming the SAO Krajina by the JNA was to equip, organise and prepare the Serbs to fight Croatian forces.⁶⁰

Between the second half of 1991 and the beginning of 1992, weapons were delivered to the Krajina Serbs on verbal orders from Lieutenant-General Života Panić, Commander of the JNA 1st Military District (1st MD)⁶¹, through Major Čedomir Knežević of the 2nd Detachment of the Counter-Intelligence Group (KOG) of the JNA Air Force and Air Defence and Colonel Nikola Zečar of the JNA Security Administration.⁶²

An operation called *Proboj 1* was launched in the first half of 1991. It was led by Major Čedomir Knežević and Lieutenant-Colonel Dušan Smiljanić, Chief of Security of the JNA 10th Corps based in Zagreb. Its purpose was to arm the Serbs from Krajina and BiH. The weapons were coming from the TO warehouse in an area around Bihać.⁶³

Between the end of April and July 1991, Lieutenant-Colonel Dušan Smiljanić maintained communication with the entire leadership of the SAO Krajina and supplied the Serbs in Krajina with large quantities of infantry and artillery weapons from the JNA depots.⁶⁴

In early August 1991, the operation *Proboj 2* was launched for the purpose of providing an additional supply of arms to the Serbs in Croatia.⁶⁵ Lieutenant-Colonel Dušan Smiljanić was in charge of the operation and Major Ljuban Karan was the commander of the group that carried it out.⁶⁶ From August to October 1991 around 20,000 pieces of various types of weapons were taken out of the JNA warehouses in Croatia.⁶⁷

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60 Veljko Kadijević, *My View of the Break-Up: An Army without a State*, Exhibit no. P00343, *Perišić*, pp. 65-66.

61 Aleksandar Vasiljević, witness statement in the *Milošević*, ICTY, 6 February 2003, pp. 15776-7. As the Commander of the 1st MD (on the military-territorial organisation of the JNA see footnote 87), Života Panić was directly subordinated to Chief of the JNA General Staff Blagoje Adžić. Command structure of the JNA, Exhibit no. P387.1, *Milošević*.

62 Aleksandar Vasiljević, witness statement in *Milošević*, ICTY, 6 February 2003, pp. 15776-7.

63 *Gotovina* (Trial Judgment), ICTY, 15 April 2011, paras. 1687-1689; Mustafa Čandić, witness statement in *Milošević*, ICTY, 31 October 2002, pp. 12707-12713.

64 Letter of Colonel Dušan Smiljanić addressed to Ratko Mladić, 15 October 1994, Exhibit no. 00206, *Martić*.

65 *Ibid*; Mustafa Čandić, witness statement in *Milošević*, ICTY, 31 October 2002, pp. 12707-12713.

66 Mustafa Čandić, witness statement, Exhibit no. P350.4, *Milošević*, p. 7.

67 MM-037, witness statement in *Martić*, ICTY, 28 March 2006, pp. 2743, 2773; Letter of Colonel Dušan Smiljanić addressed to Ratko Mladić, 15 October 1994, Exhibit no. 00206, *Martić*.



The weapons for Krajina were coming from BiH too. One of the sources of supplies was the JNA warehouse near Bihać. Councillors of the local government and local community presidents from Knin were sent by President of the SAO Krajina Milan Babić to Bihać to pick up the weapons.⁶⁸

In late November or early December 1991, the Counter-Intelligence Group (KOG) attempted to conduct another operation, *Proboj 3*, but the operation was not carried out.⁶⁹

Federal Secretary of Defence Veljko Kadijević explained the purpose of arming the Serbs in Croatia in these terms: “The future army of the Serbian Krajina was actually built in the course of the fighting, and equipped by the JNA with the appropriate weapons and military equipment.”⁷⁰

JNA Openly Co-ordinates its Actions with those of Serbian Armed Forces in Croatia

After the period of time during which the JNA seized parts of Croatian territory by establishing buffer zones, in the summer of 1991 the JNA openly allied itself with Serb insurgents. In the words of the Federal Secretary for National Defence Veljko Kadijević, the JNA was being transformed into an army of those who wished to stay in Yugoslavia.⁷¹ During this phase, the JNA's objective in Croatia was to “achieve full co-ordination with Serb insurgents in the Serbian Krajina.”⁷²

The attack on the village of Kijevo, in Knin municipality, in August 1991 marks a watershed. During the war, Kijevo formed part of the Knin municipality. It was then that the JNA openly sided with the Serbs in Croatia. The decision to attack the village was taken jointly by Minister of the Interior of the SAO Krajina Milan Martić and the JNA.⁷³

On 18 August 1991, Milan Martić, in his capacity as Minister of the Interior of the SAO Krajina, issued an ultimatum to the police station in Kijevo, warning Croatian police forces that the station would be attacked unless they withdrew from the village. Martić also warned that the civilian population of Kijevo should be moved to “a safer place” so that there should be no casualties among them.⁷⁴ In consequence, the Croatian forces evacuated most of the Croatian population from Kijevo.⁷⁵

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68 Milan Babić, witness statement in *Milošević*, ICTY, 21 November 2002, p. 13270; Milan Babić, witness statement in *Milošević*, ICTY, 22 November 2002, pp. 13274-13276.

69 Mustafa Čandić, witness statement, Exhibit no. P350.4, *Milošević*, p. 8.

70 Veljko Kadijević, *My View of the Break-Up: An Army without a State*, Exhibit no. P00343, *Perišić*, p. 73.

71 Borisav Jović, *The Last Days of the SFRY*, 1996, pp. 257, 264, 367.

72 Veljko Kadijević, *My View of the Break-Up: An Army without a State*, Exhibit no. P00343, *Perišić*, p. 69.

73 Milan Babić testified about the meeting held between Milan Martić and Chief of Security of the JNA Knin Corps Zdravko Tolimir on 15 or 18 August 1991, after which Martić issued an announcement – or ultimatum - to the MUP of Croatia and the residents of the village to close down the police station in Kijevo. Babić said that he had heard from some people who were with the JNA at the time, that JNA members dictated the announcement to Martić - see in: Milan Babić's witness statement in *Martić*, ICTY, 16 February 2006, pp. 1438-9.

74 Letter of Milan Martić to the Split Police Administration, Police station in Kijevo and Local Community Government in Kijevo, Exhibit no. 00212, *Martić*.

75 Borisav Đukić, witness statement in *Martić*, ICTY, 20 October 2006, p. 9872.



As the Croats did not comply with the ultimatum, the Commander of the JNA 9th Corps, Major-General Špiro Niković, ordered an attack on Kijevo.⁷⁶ The JNA 9th Corps and the TO and MUP of SAO Krajina participated in the attack, which was commanded by the JNA.⁷⁷ Colonel Ratko Mladić was the Commander and Chief of Staff of the 9th Corps of the JNA at the time.⁷⁸

In the early morning of 26 August 1991, 9th Corps units of the JNA began an attack on Kijevo together with the police and TO of the SAO Krajina.⁷⁹ By noon, the JNA had taken over the village. Sixty members of the Croatian MUP were arrested in the village, and another 12 near Gornji Civiljani. The JNA suffered no losses.⁸⁰

Private houses were looted, torched and demolished during the attack, and the Catholic St. Michael's church was damaged and later destroyed.⁸¹

Following the attack on Kijevo, the JNA, blatantly siding with Serbs, launched offensive actions in the wider Krajina area to take control of territory in order to unite predominantly Serb areas.⁸²

Thus the Tactical Group 1 (TG 1) of the 9th Corps of the JNA attacked the village of Vrlika (Knin municipality) on 28 August 1991. General Borislav Đukić was at the time Commander of the TG 1. After the JNA had entered the village, a public security station (SJB) of the SAO Krajina MUP was established, and houses of Croats were looted.⁸³

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The next major attack by the JNA took place on 16 September 1991 in Drniš. The TG 1 of the 9th Corps participated in the attack. The centre of the town was destroyed during the attack,⁸⁴ after which massive looting of private houses of Croats by members of the JNA and SAO Krajina police took place.⁸⁵ As in Vrlika, an SJB of the SAO Krajina MUP was established.⁸⁶

76 Borisav Đukić, witness statement in *Martić*, ICTY, 19 October 2006, p. 9749.

77 Martić (Trial Judgment), ICTY, 12 June 2007, paras. 166-7.

78 Borisav Đukić, witness statement in *Martić*, ICTY, 19 October 2006, pp. 9749, 9765; Fourth Amended Indictment against Ratko Mladić, ICTY Office of the Prosecutor, 27 December 2011, p. 2, para 2.

79 Video footage: Armed attack on the Kijevo-Vrlika zone, Srpska TV, available (in Serbian) at: <https://www.youtube.com/watch?v=dVKEEDfoefY> 00:27:17, [accessed 10 September 2017].

80 Borisav Đukić, witness statement in *Martić*, ICTY, 19 October 2006, p. 9749.

81 Milan Babić, witness statement in *Martić*, ICTY, 3 March 2006, p. 1931; MM-078, witness statement in *Martić*, ICTY, 24 May 2006, pp. 4434-4435; Ratko Mladić's report to the General Staff of the SFRY Armed Forces and to the VPO Command, 4 October 1991, Exhibit no. P01134, *Stanišić and Simatović*.

82 *Martić* (Trial Judgment), ICTY, 12 June 2007, paras. 166-168, 443.

83 *Ibid*, par. 170; MM-078, witness statement in *Martić*, ICTY, 24 May 2006, pp. 4445-66; Borisav Đukić, witness statement in *Martić*, ICTY, 20 October 2006, pp. 9887-8; Milan Babić, witness statement in *Martić*, ICTY, 17 February 2006, p. 1562; Letter of Milan Martić addressed to the Police Administration in Split, PP Kijevo and MZ Kijevo, 18 August 1991, Exhibit no. 00212, *Martić*.

84 MM-078, witness statement in *Martić*, ICTY, 24 May 2006, p. 4452.

85 *Ibid*, p. 4450; Borisav Đukić, witness statement in *Martić*, ICTY, 20 October 2006, pp. 9889-9890.

86 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 171.



v. Decision to Transform the JNA into the Army of the Serbs

A number of military documents and statements of top army officials in the autumn of 1991 support the conclusion that the JNA had already been transformed from a neutral side separating the opposing Croatian and Serbian forces in Croatia into an army whose purpose was to conquer and link up predominantly Serb territories.

The first JNA document dealing with the conflict in Croatia was the Directive on Operations in Slavonia, issued by the Commander of the 1st MD of JNA, Života Panić, on 19 September 1991.⁸⁷ The Directive states as follows: “[t]he task of the 1st Military District is to capture the whole area of eastern and western Slavonia and prepare for a breakthrough toward the border with Hungary; the attack is planned to start on 21 September [1991].”⁸⁸

However, some of the objectives of this Directive were never realised. Života Panić pointed to the stance of the leadership of Serbia headed by President Slobodan Milošević and the truncated Presidency of the SFRY, that the JNA had to occupy the predominantly Serb areas in Croatia. For example, although occupying the Slavonian city of Osijek was an objective of this Directive, the city was never occupied by the JNA because Serbs did not constitute the majority there, in contrast to the case of Vukovar which, according to Života Panić, was a predominantly Serb town.⁸⁹

In early October 1991, the Federal Secretary for National Defence Veljko Kadijević said the main goal of the JNA was to prevent interethnic conflicts and a recurrence of genocide against the Serb people. Kadijević said at the time that “the Army wants nothing but to establish control in crisis areas, to protect the Serb population from persecution and extermination, and to free members of the JNA and their families. The precondition for this is the defeat of the Ustasha forces.”⁹⁰

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87 According to the SFRY Constitution of 1974, the JNA Ground Forces consisted of six armies in five republics: First Army (Belgrade) - northern Serbia and Vojvodina; Second Army (Niš) – southern Serbia and Kosovo; Third Army (Skopje) – Macedonia; Fifth Army (Zagreb) – Croatia; Seventh Army (Sarajevo) - Bosnia and Herzegovina; Ninth Army (Ljubljana)- Slovenia. The Fourth Army (Split), was transformed into the Coastal Military District, which came to include also Montenegro. Towards the end of 1988, the JNA adopted the “Jedinstvo” Plan – a new military-territorial organisation where Armies were replaced by Military Districts. The JNA now consisted of three Military Districts (MD) and a coastal and naval military district: First MD – northern Serbia, Republic of Bosnia and Herzegovina and the Autonomous Province of Vojvodina; Third MD - Republic of Macedonia, southern Serbia, Autonomous Province of Kosovo and the Republic of Montenegro; Fifth MD – Republic of Croatia, Republic of Slovenia; and the Coastal and Naval Military District - coastal parts of the Republic of Croatia and Montenegro and the Air Force with Air Defence.

88 Directive of the Commander of the 1st JNA MD concerning the operation in Slavonia, 19 September 1991, Exhibit no. 695, *Mrkšić*.

89 This statement is not correct. According to the 1991 census, 43.7% percent of the residents of Vukovar were Croats, and 37.4 percent were Serbs. See in: Mark Wheeler’s statement dated 12 January 1998, Exhibit no. 00447, *Mrkšić*, p.2, BBC interview with Života Panić, Commander of the 1st JNA MD for the documentary “The Death of Yugoslavia”, Exhibit no. 723, *Mrkšić*, pp. 26-7.

90 SSNO Newsletter no. 35, 5 October 1991, Exhibit no. 00699, *Mrkšić*, pp. 1-2.



The Chief of the JNA General Staff Blagoje Adžić was of the same mind. In a dispatch addressed to the SSNO, dated 12 October 1991, General Adžić stated that the JNA was abiding by its constitutional role but the actions of the Croatian side were provoking his Army's response. For that reason, Adžić explained, the JNA had reduced its objectives to "preventing interethnic conflicts and the recurrence of genocide against the Serb people in Croatia", adding that "all armed formations – the JNA, TO and volunteer formations alike – must operate under the single command of the JNA."⁹¹

In December 1991, Veljko Kadijević issued a Directive on the Use of the Armed Forces for the Preparation and Performance of Combat Operations, which defined "the protection of the Serb population, peaceful resolution of the Yugoslav Crisis and creation of conditions that will enable the preservation of Yugoslavia for those peoples who wish to live in it" as the ultimate aims of the war.⁹²

The nationalist wing in Serbia also became aware of the changed JNA role in the war in Croatia at a time when many political parties had organised and sent their volunteers to war zones in Croatia.⁹³ In November 1991, Vojislav Šešelj, leader of the SRS, said there was no longer any difference between his party's volunteers, the JNA and the TO. Šešelj saw them as one single army pursuing the same objectives. He emphasised that the JNA demonstrated through its actions that it was struggling to protect the Serb people and lands.⁹⁴

Following the attacks on Kijevo, Vrlika, Struga and Drniš, the JNA continued to shell Croatian cities and towns and also villages inhabited by Croats, operating in tandem with the TO of the SAO Krajina (later the Republic of Serbian Krajina), the MUP of SAO Krajina (later the Republic of Serbian Krajina), volunteer units from Serbia, police units under the control of the Serbian State Security Department (RDB), and units made up of local residents.

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91 Communication sent by Blagoje Adžić to the SSNO's Moral Education Administration, 12 October 1991, Exhibit no. P01099, *Stanišić and Simatović*.

92 Directive on the Use of the Armed Forces for the Preparation and Performance of Combat Operations of 10 December 1991, Exhibit no. D00048, *Stanišić and Simatović*, p. 3.

93 In the summer of 1991, Serbia and the SFRY adopted instructions and decrees on the registration and admission of volunteers into the Serbian TO and JNA. In December 1991, the Presidency of the SFRY adopted a decree and later an instruction on the engagement of volunteers in the Armed Forces of the SFRY which concerned individuals who enlisted in the JNA. Volunteer formations were given 10 days to adjust their position within the Armed Forces of the SFRY in accordance with this instruction. The instruction acknowledges the existence of armed formations outside the regular Armed Forces of the SFRY and clearly demonstrates that the SFRY Presidency was aware that those formations were being used by the regular armed forces for certain military assignments. Reynaud Theunens, *Military aspect of the role of Jovica Stanišić and Franko Simatović in the conflict in Croatia and Bosnia and Herzegovina (BiH) (1991-1995)*, Exhibit no. P01575, *Stanišić and Simatović*, p. 114.

94 Video footage: Šešelj: "Ja bi streljao svakog ko traži Srpsku armiju!" [I'd shoot anyone who asks for a Serbian army), available (in Serbian) at: https://www.youtube.com/watch?v=UN3SL_HIVug, [accessed 3 January 2018]. Vojislav Šešelj, *Politika kao izazov svesti!* [Politics as Challenge to Consciousness], Exhibit no. P01163, *Stanišić and Simatović*, pp 4-8; Expert Report of Reynaud Theunens, Exhibit no. 00578, *Mrkšić*, p. 135.



III. Shelling of Croatian cities by the JNA

i. Dubrovnik

At the end of September 1991, the JNA issued Directive Op. 2 for a blockade of Dubrovnik. The directive provided for shelling of the city and capturing Mount Srđ,⁹⁵ specifying three objectives: 1) capturing Mount Srđ, from which the JNA would control all heights around the city; 2) capturing the Dubrovnik airport at Čilipi; and 3) capturing the Prevlaka peninsula.⁹⁶

At the end of September 1991, the JNA imposed a blockade on Dubrovnik which lasted until May 1992, during which time the city and its surroundings were repeatedly shelled.⁹⁷ The shelling caused destruction of heritage buildings and claimed the lives of about 50 civilians, mainly on the outskirts Dubrovnik.⁹⁸

Description of the event

On 30 September 1991, the commander of the JNA 2nd Operational Group (2nd OG), Lieutenant-General Jevrem Cokić, with the approval of the Chief of the JNA General Staff Blagoje Adžić, issued Directive Op. 2 to start a blockade of Dubrovnik.⁹⁹ Immediately after the Directive was issued, the JNA forces stationed in Montenegro set off for Dubrovnik.¹⁰⁰

On 1 October, JNA battleships and aircrafts shelled and bombarded the Dubrovnik suburbs of Zlatni Potok, Lokrum, Bosanka and Slano, and also the Old Town of Dubrovnik.¹⁰¹

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95 Directive for an attack, Operational Directive No. 2 of 29 September 1991 Exhibit no. D44, *Strugar*, pp. 1-3;

96 Ibid.

97 Miodrag Jokić, witness statement in *Strugar*, ICTY, 19 April 2004, p. 4995.

98 Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A "The battle of Dubrovnik and the law of armed conflict", 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewjSvryfwuDVAhVEuhQKHV8GCHAQFggkMAA&url=http%3A%2F%2Fintersentia.com%2Ffen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F3f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usg=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ, last accessed 20 December 2017.

99 Miodrag Jokić, witness statement in *Strugar*, ICTY, 24 March 2004, p. 3823.

100 Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A "The battle of Dubrovnik and the law of armed conflict", 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewjSvryfwuDVAhVEuhQKHV8GCHAQFggkMAA&url=http%3A%2F%2Fintersentia.com%2Ffen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F3f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usg=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ, last accessed 20 December 2017.

101 Nikola Jović, witness statement in *Strugar*, ICTY, 20 February 2004, p. 2920-1; Lucijana Peko, witness statement in *Strugar*, ICTY, 4 February 2004, p. 1842.



The second attack took place on 5 October 1991. That day one person was killed in the city by an artillery shell.¹⁰² The artillery attack from the sea continued until 7 October 1991, when the Excelsior Hotel in the southern part of the Old Town was shelled.¹⁰³

Between these two attacks on Dubrovnik, the JNA on 3 October set up a detention camp in Morinj, Kotor Municipality, Montenegro, to which civilians and members of the Croatian armed forces from Dubrovnik were taken [see page 58].

The JNA managed to capture the airport at Čilipi on 5 or 6 October 1991.¹⁰⁴

The JNA again shelled Dubrovnik on 23 October, this time targeting the Old Town and urban neighbourhoods of Lapad, Ploče and Gruž.¹⁰⁵

On the following day, 24 October 1991, the JNA took Mount Žarkovica, a vantage point of great strategic importance, as it had a commanding view of Dubrovnik. This made laying siege to the city easier.¹⁰⁶ Meanwhile, the attack from the sea continued, targeting the city and the island of Lokrum.¹⁰⁷

During the 23-24 October attack on Dubrovnik, a ceasefire agreement was negotiated between the JNA and Croatian forces, through the mediation of the European Community Monitor Mission (ECMM). The ceasefire was to last until 8 November 1991.¹⁰⁸

The JNA continued to advance towards Dubrovnik, until coming to an area only 10 kilometres from the city, thus breaking the ceasefire agreement. Moreover, in the first half of November 1991, the JNA

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102 It was the poet Milan Milišić; Lucijana Peko, witness statement in *Strugar*, ICTY, 4 February 2004, p. 1843.

103 Colm Mangan witness statement in *Milošević*, ICTY, 27 February 2003, pp. 16987-8.

104 Pljačka Zračne luke Dubrovnik u listopadu '91 - Čilipi su „raspremljeni“ naredbom iz Beograda! [Looting of Dubrovnik Airport in October 1991: Čilipi “dismantled” on orders from Belgrade!], available (in Croatian) at: <http://dubrovniknet.hr/novost.php?id=48883#.Wjt64iPibcs> last accessed 21 December 2017.

105 Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A “The battle of Dubrovnik and the law of armed conflict”, 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjSvryfwuDVAhVEuhQKHV8GCHAQFggkMAA&url=http%3A%2F%2Fintersentia.com%2Ffen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F3f3f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usg=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ last accessed 20 December 2017.

106 Miodrag Jokić, witness statement in *Strugar*, ICTY, 2 April 2004, pp. 4452-4455; Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A “The battle of Dubrovnik and the law of armed conflict”, 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjSvryfwuDVAhVEuhQKHV8GCHAQFggkMAA&url=http%3A%2F%2Fintersentia.com%2Ffen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F3f3f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usg=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ last accessed 20 December 2017.

107 Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A “The battle of Dubrovnik and the law of armed conflict”, 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjSvryfwuDVAhVEuhQKHV8GCHAQFggkMAA&url=http%3A%2F%2Fintersentia.com%2Ffen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F3f3f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usg=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ, last accessed 20 December 2017.

108 Proposal for normalisation of life in Dubrovnik, Exhibit no. P123, *Strugar*.



repeatedly attacked Dubrovnik by sea, air and land.¹⁰⁹ Another ceasefire, negotiated on 13 November 1991, was broken by both sides, which led to the EC monitors leaving Dubrovnik for safety reasons.¹¹⁰ French politician Bernard Kouchner took over the mediation in ceasefire negotiations. The negotiations mediated by Kouchner resulted in another ceasefire agreement signed on 19 November 1991, which stipulated that both opposing sides would pull out from Dubrovnik and surrender their weapons.¹¹¹ This was followed by an agreement signed in Geneva on 23 November 1991, which provided for the unconditional withdrawal of JNA forces from Dubrovnik.¹¹² A couple of days later, 25 November 1991, JNA representatives – Admiral Miodrag Jokić and General Radomir Damjanović – signed a Memorandum of Understanding with the Croatian side represented by the Mayor of Dubrovnik Petar Poljanić. Bernard Kouchner also attended the signing. One of the Memorandum's articles provided for return of the ECMM to Dubrovnik.¹¹³

On 28 November 1991, Minister Davorin Rudolf was appointed by the Croatian Government to represent the Croatian side in negotiations with the JNA. The aim of the negotiations was cessation of hostilities and withdrawal of the JNA. Minister Rudolf arrived in Dubrovnik on 4 December 1991 and met with the Mayor of Dubrovnik, Poljanić. Negotiations with the JNA were planned to begin the following day, 5 December.¹¹⁴

Negotiations of 5 December 1991

Miodrag Jokić, the Commander of the 9th Naval Military Sector (VPS) of the JNA, led the negotiations on behalf of the JNA and the Commander of the JNA 2nd OG, General Pavle Strugar.¹¹⁵ On 5 December 1991, Jokić met with the Croatian representatives in order to negotiate an agreement. As only one issue remained unsettled that day, they decided to continue the meeting next morning.¹¹⁶ Jokić then went to Trebinje to inform Pavle Strugar about the outcome of the negotiation. As the settling of the remaining open issue was thought likely, a ceasefire was to take effect on 6 December 1991 at noon.¹¹⁷

Late in the afternoon of 5 December 1991, a meeting was held at the forward command post of the 9th Naval Military Sector (9th VPS) in Kupari, near Mount Žarkovica. It was attended by the senior officers

109 Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A "The battle of Dubrovnik and the law of armed conflict", 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rc=tj&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjSvryfwuDVAhVEuhQKHV8GCHAQFgkMAA&url=http%3A%2F%2Fintersentia.com%2Ffen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F33f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usg=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ

110 Paul Davis, witness statement in *Strugar*, ICTY, 13 January 2004, p. 607.

111 Per Hvalkof, witness statement in *Strugar*, ICTY, 10 February 2004, p. 2178.

112 UN doc. S/23239 Geneva agreement, 23 November 1991.

113 Per Hvalkof, witness statement in *Strugar*, ICTY, 10 February 2004, p. 2182.

114 Davorin Rudolf, witness statement in *Strugar*, ICTY, 28 April 2004, pp. 5485-5486.

115 Miodrag Jokić, witness statement in *Strugar*, ICTY, 26 March 2004, pp. 4030-4031.

116 The issue was whether the vessels would be inspected at sea or after berthing. Miodrag Jokić, witness statement in *Strugar*, ICTY, pp. 4038-9.

117 Miodrag Jokić, witness statement in *Strugar*, ICTY, 26 March 2004, pp. 4039-40.



of the 9th VPS.¹¹⁸ Captain Vladimir Kovačević, the Commander of the 3rd Battalion of the 472nd MtBr, proposed that his unit attack Mount Srđ early next morning, in order to take it by noon, before the ceasefire took effect.¹¹⁹ Mt. Srđ was to be attacked by howitzers located in Čilipi and mortars located in Uškoplje and Osojnik.¹²⁰ Later that evening, Captain Kovačević informed the officers present at the command post in Ivanica that the units under his command would attack Mount Srđ early next morning, and that the attack had been approved by the superior command of the 9th VPS.¹²¹

Attack on Mount Srđ

The attack began in the early morning of 6 December 1991 with artillery fire from Mount Žarkovica. Simultaneously with the artillery attack, infantry troops of the 3rd Battalion of the JNA 472nd MtBr made their way towards Mt. Srđ.¹²² However, shortly afterwards, at about 08.00 hours, the recoilless guns and Maljutka rockets mounted on the fortress atop Žarkovica were turned in a different direction, and the JNA began its attack on the Old Town.¹²³ At this point, Vladimir Kovačević, who knew that the fire was aimed at the Old Town, was at Žarkovica. As one of the soldiers present on Žarkovica at the time of the attack pointed out, the attack had initially been aimed at Mount Srđ, but shortly afterwards the guns and rockets were directed at Dubrovnik.¹²⁴ The same witness testified that at about 10.00 hours he heard Kovačević say that “everything should be flattened”¹²⁵, and that none of the officers present countered the decision to attack the Old Town with Maljutkas.¹²⁶

24 Giving evidence before the ICTY, Miodrag Jokić claimed that Vladimir Kovačević did not decide to shell the Old Town on the spur of the moment, but had three reasons to doing so: first, he wanted to exact revenge on the Croatian forces for killing and wounding some soldiers from his unit; second, he wanted to exact revenge on his former superior, Colonel Nojko Marinović, for defecting to the Croatian forces defending Dubrovnik; and third, he wanted to “inflict damage on the Old Town.”¹²⁷

118 The meeting was attended by Battleship Captain Zec, who was Chief of Staff of the 9th VPS, Captain Kozarić, operational officer of the 9th VPS, Lieutenant-Colonel Žarković, assistant Commander responsible for moral in the 9th VPS, Lieutenant-Colonel Stamenov, Commander of the 107th OAG, Lieutenant-Colonel Jovanović, temporary commander of the 3/5th MtBr, and Captain Kovačević, Commander of the 3/472th MtBr, who provided the assault troops for the attack on Mt. Srđ the following morning. Miroslav Jovanović, witness statement in *Strugar*, ICTY, 16 July 2004, pp. 8079-8080, 8132.

119 Miroslav Jovanović, witness statement in *Strugar*, ICTY, 16 July 2004, pp. 8079-81.

120 Ibid.

121 Slavoljub Stojanović, witness statement in *Strugar*, ICTY, 13 July 2004, p. 7822; Zoran Lemal, witness statement in *Strugar*, ICTY, 6 July 2004, p. 7367.

122 Zoran Lemal, witness statement in *Strugar*, ICTY, 6 July 2004, pp. 7371-2, 7413.

123 *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 130.

124 Testimony of protected witness B in *Strugar*, ICTY, 20 April 2004, p. 5037.

125 Ibid, p. 5052.

126 According to the witness, over 100 Maljutka rockets were fired on the Old Town. Testimony of protected witness B in *Strugar*, ICTY, 20 April 2004, pp. 5049, 5053.

127 Miodrag Jokić, witness statement in *Strugar*, ICTY, 29 March 2004, p. 4126.



Miodrag Jokić was aware that the artillery attack was directed against the Old Town,¹²⁸ since he himself ordered the Chief of Staff of the 9th VPS of JNA, Battleship Captain Milan Zec, to stop the attack on Dubrovnik immediately. Zec then ordered Captain Jovan Drljan, operations officer in charge of planning in the 9th VPS, who was in Kupari at the time, to go to Žarkovica and relay the order to Vladimir Kovačević.¹²⁹ Drljan did not arrive at Žarkovica until an hour later, but then (according to his own account) relayed the order to Vladimir Kovačević.¹³⁰ While at Žarkovica, Drljan saw a shell fired at the Old Town but did not oppose Kovačević or inform either Miodrag Jokić or Milan Zec about it.¹³¹ Also, he failed to submit a written report about the incident, believing it was not his job to do so.¹³²

The JNA never intended to conduct an effective investigation into the attack on the Old Town [see page 59].¹³³

In the ICTY judgment in the case against Pavle Strugar, it was established that the JNA had fired at Croatian military targets. However, it was also established the JNA units fired at Dubrovnik, including the Old Town, “extensively and without disciplined direction and targeting correction.”¹³⁴

The consequences of the JNA shelling of Dubrovnik

During the siege of Dubrovnik by the JNA 2nd OG, which lasted from early October 1991 to May 1992, at least 82 Croatian civilians were killed in the Dubrovnik area. 50 of them died in the JNA attacks that took place between 1 October and 6 December, which are described in this Dossier. The deadliest day for civilians was 6 December 1991, when 13 residents of Dubrovnik lost their lives in JNA shelling of the city.¹³⁵

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During this period, especially from early October to 6 December 1991, Dubrovnik sustained extensive and large-scale damage at the hands of JNA forces. The artillery attack on the Old Town on 6 December 1991 was aimed at destroying and damaging cultural property. It could not be justified by military necessity, as there were no legitimate military targets in the vicinity of the structures that were shelled.¹³⁶

128 Jovan Drljan, witness statement in *Strugar*, ICTY, 9 July 2004, pp. 7698-7701.

129 Ibid.

130 Jovan Drljan, witness statement in *Strugar*, ICTY, 12 July 2004, pp. 7701-7702.

131 Ibid, pp. 7727-7729.

132 Ibid, p. 7740.

133 Miodrag Jokić, witness statement in *Strugar*, ICTY, 29 March 2004, p. 4129.

134 *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 139.

135 Final report of the United Nations Commission of experts established pursuant to Security Council Resolution 780 (1992), Annex XI.A “The battle of Dubrovnik and the law of armed conflict”, 28 December 1994, p. 14, available at https://www.google.rs/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjSvryfwuDVAhvEuhQKHV8GCHAQFggkMAA&url=http%3A%2F%2Fintersentia.com%2Fen%2Ffileuploader%2Fdownload%2Findex%2Ffile%2F33f3be61dfebb34251b546ce5af7ef86d5b646fa22575a40e9%2Fproduct%2F33615%2F&usq=AFQjCNGQ2bvY5_cx7WwvKMEIPhi21D3TBQ last accessed 20 December 2017.

136 *Strugar* (Trial Judgment), ICTY, 31 January 2005, paras. 328-9.



The Old Town in Dubrovnik was inscribed on the UNESCO World Heritage Sites as far back as 1979, “because its architecture, its homogeneity or its place in the landscape, are of outstanding universal value from the point of view of history, art or science.”¹³⁷ Therefore, all the buildings and structures within the Old Town have been considered cultural property.¹³⁸

At least 52 buildings or structures within the Old Town were damaged and six were burned down in the shelling of 6 December 1991. Among the structures which sustained damage were the Franciscan Monastery, the Orthodox Church, St Vlaho (St Blaise) Catholic Church, the Mosque, the Synagogue, Onofri Fountain, and the City Cathedral.¹³⁹ Many private houses, buildings and shops were damaged too.¹⁴⁰

After the JNA had gained control over the Dubrovnik hinterland, the occupied territories were pillaged in an organised fashion, including the airport at Čilipi, from which expensive equipment was plundered.¹⁴¹

JNA units responsible for shelling Dubrovnik

The 2nd OG, which operated in Dubrovnik, was created in the autumn of 1991. It had dozens of units under its command, which operated in the wider Dubrovnik area.¹⁴² This OG was under direct command of the Federal Secretary for National Defence, General Veljko Kadijević.¹⁴³

At the time it was formed, Jevrem Cokić served as its commander. On 12 October 1991, Cokić was replaced by Pavle Strugar.¹⁴⁴

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137 Convention concerning the protection of the World Cultural and Natural Heritage adopted by the General Conference at its seventeenth session, Paris, 16 November 1972, Article 1, Exhibit no. P63, *Strugar*.

138 *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 327.

139 *Strugar* (Trial Judgment), ICTY, 31 January 2005 [see Annex 1].

140 *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 320.

141 “Operacija Dubrovnik - sve je bilo meta” [Operation Dubrovnik: Everything was a target], Veseljko Koprivica, Kapitol Zagreb, 2004; Uz godišnjicu najžešćih napada na Dubrovnik: ‘Crnogorci bi, da ih je tko zvao, išli obnavljati Konavle’, *Slobodna Dalmacija* [On the anniversary of the onslaught on Dubrovnik: ‘Montenegrins, if called, would come to reconstruct Konavle’], <http://www.slobodnadalmacija.hr/novosti/hrvatska/clanak/id/79221/uz-godisnjicu-najzescih-napada-na-dubrovnik-crnogorci-bi-da-ih-je-tko-zvao-isli-obnavljati-konavle> last accessed 9 January 2018; “Sabirni centar” JNA za ukradeni plijen s dubrovačkog područja [“Collection center” for war booty from Dubrovnik area] Feral.

142 *Military aspect of the role of Jovica Stanišić and Franko Simatović in the conflicts in Croatia and Bosnia and Herzegovina (BiH) (1991-1995)*, Exhibit no. P01575, *Stanišić and Simatović*, pp. 71-72; Miodrag Jokić, witness statement in *Strugar*, ICTY, 24 March 2004, p. 3822.

143 *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 23.

144 *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 380; in late September or early October 1991 Cokić was succeeded by General Mile Ružinovski. On 12 October 1991 General Pavle Strugar was appointed Commander of the 2nd OG and remained in that position well into 1992.



In 2008, Pavle Strugar was sentenced by the ICTY to seven and a half years' imprisonment for unlawful attacks against civilians, destruction or wilful damage to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science.¹⁴⁵

In 2005, the ICTY convicted Miodrag Jokić for the attack on Dubrovnik. Jokić, who was the Commander of the 9th JNA VPS, a unit which was part of the 2nd OG, was sentenced to seven years in prison following his guilty plea.¹⁴⁶

Vladimir Kovačević, the Commander of the 3rd Battalion of the JNA 472nd MtBr, which was also part of the 2nd OG, was also charged by the ICTY over the attack on Dubrovnik. As he lacked the ability to enter a plea due to illness, his case was transferred to Serbia's Office of the War Crimes Prosecutor (OWCP) in 2007. Because of his lack of fitness to stand trial, Kovačević has never been tried before a domestic court in Belgrade.¹⁴⁷

The ICTY also charged Milan Zec, Chief of Staff of the JNA 9th VPS. The indictment was withdrawn on 26 July, because there was not sufficient evidence to support the charges.¹⁴⁸

Jovan Drljan, who served as operations officer in charge of planning in the JNA 9th VPS at the time, and who was present at the Kupari meeting of 5 December 1991, at which the attack on Mt. Srđ was planned, was not charged by the ICTY, although he himself testified that he was present at Žarkovica at the time the Old Town was shelled. He was supposed to pass on to Vladimir Kovacevic Miodrag Jokić's order to stop the attack.¹⁴⁹ However, Drljan also testified that he did not stand up to Vladimir Kovačević, who continued to shell the city despite the order, neither did he report this to Milan Zec or Miodrag Jokić. His explanation was that "it was not his job because he was not the duty officer", and that his orders were to relay Jokić's order to Kovačević, which he did.¹⁵⁰

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Several units under the command of the 2nd OG took part in the attack on Dubrovnik. However, none of their commanders or members have been tried before the domestic courts.

ii. Vukovar

As noted above [see page 19], the JNA top brass considered Vukovar to be a predominantly Serb town, and that therefore it had to be captured and brought under the control of the JNA. The town was

145 *Strugar* (Case Information Sheet), ICTY, http://www.icty.org/x/cases/strugar/cis/en/cis_strugar_en.pdf, last accessed 26 November 2017.

146 *Jokić* (Case Information Sheet), ICTY, http://www.icty.org/x/cases/miodrag_jokic/cis/en/cis_jokic_en.pdf, last accessed November 2017.

147 Vladimir Kovačević suffers from a severe mental illness which makes him unfit to stand trial; *Kovačević*, (Case Information Sheet), ICTY, http://www.icty.org/x/cases/kovacevic_vladimir/cis/en/cis_kovacevic_vladimir.pdf, last accessed 9 January 2018.

148 ICTY, Indictment against Milan Zec withdrawn, <http://www.icty.org/en/sid/8079>, last accessed 11 January 2018.

149 Jovan Drljan, witness statement in *Strugar*, ICTY, 12 July 2004, pp. 7701-2.

150 *Ibid*, pp. 7740, 7728-9.



captured on 18 November 1991, following a three-month siege. During the siege, the JNA used heavy artillery and about 15,000 troops, including Serb volunteers under the command of JNA Operational Groups South and North.¹⁵¹ The Croatian forces defending Vukovar numbered no more than 1,800 troops.¹⁵²

Description of the event

The attack on Vukovar by JNA forces began in late June 1991.¹⁵³ By the end of August 1991, Vukovar was under siege by the JNA and other Serb forces.¹⁵⁴ At that point, shelling intensified. The JNA attacked the town with artillery fire on a daily basis until 18 November 1991, when Vukovar fell.¹⁵⁵ During this time, Vukovar suffered enormous material damage and loss of civilian lives.¹⁵⁶

The JNA attacked Vukovar with artillery from land positions around the town, from naval vessels on the Danube and with aircrafts as well.¹⁵⁷

During the three-month shelling of the town and its surroundings, the JNA used mortars, cannons and howitzer cannons, as well as rocket launchers, from which several thousand projectiles were fired.¹⁵⁸

By early October 1991, Vukovar was completely besieged by the JNA. Road communication between Vukovar and Osijek and Vukovar and Vinkovci was cut off. Borovo Naselje and Mitnica were cut off

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151 Imra Agotić, witness statement in *Mrkšić et al.*, ICTY, 22 November 2005, p. 2130; *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 39.

152 Mark Wheeler, witness statement in *Mrkšić et al.*, ICTY, Exhibit no. 00391, pp. 207-8.

153 Šarlota Foro, witness statement in *Mrkšić et al.*, ICTY, 28 November 2005, p. 2397; Binazija Kolesar, witness statement in *Mrkšić et al.*, ICTY, 31 October 2005, pp. 915-6; witness statement of P021 in *Mrkšić et al.*, ICTY, 9 November 2005, pp. 1347.

154 Mark Wheeler, witness statement in *Mrkšić et al.*, ICTY, 19 May 2006, p. 9326; Imra Agotić, witness statement in *Mrkšić et al.*, ICTY, 21 November 2005, p. 2019; Mark Wheeler, witness statement in *Mrkšić et al.*, ICTY, Exhibit no. 00391, pp. 209-11.

155 Šarlota Foro, witness statement in *Mrkšić et al.*, ICTY, 28 November 2005, p. 2397.

156 Binazija Kolesar, witness statement in *Mrkšić et al.*, ICTY, 31 October 2005, pp. 917-20; witness statement of P006 in *Mrkšić et al.*, ICTY, 3 November 2005, pp. 1108-9.

157 War diary of the JNA Guards Motorised Brigade, Exhibit no. 00401, *Mrkšić et al.*, pp. 2-16, 19-22, 24-28, 30, 32-38; Order to blockade and attack of 1 October 1991, Exhibit no. 00405, *Mrkšić et al.*; OG South Command's decision to extend Operation Vukovar, 15 November 1991, Exhibit no. 00408, *Mrkšić et al.*; Regular combat report of the OG Command, 14 November 1991, Exhibit no. 00427, *Mrkšić et al.*; OG South Command's decision of 14 November 1991, Exhibit no. 00430, *Mrkšić et al.*; OG South Command's decision of 16 November 1991, Exhibit no. 00431, *Mrkšić et al.*; Regular combat report of the OG South Command, 15 November 1991, Exhibit no. 00730, *Mrkšić et al.*; Regular combat report of the OG South Command, 17 November 1991, Exhibit no. 00731, *Mrkšić et al.*; OG South Command's decision of 16 November 1991, Exhibit no. 00733, *Mrkšić et al.*; Regular combat report of the OG South Command, 17 October 1991, Exhibit no. 00749, *Mrkšić et al.*; Regular combat report of the OG South Command, 20 October 1991, Exhibit no. 00750, *Mrkšić et al.*; Regular combat report of the OG South Command, 21 October 1991, Exhibit no. 00751, *Mrkšić et al.*; Mara Bučko, witness statement in *Mrkšić et al.*, ICTY, 2 December 2005, p. 2713; Vesna Bosanac, witness statement in *Mrkšić et al.*, ICTY, 25 October 2005, p. 551; Imra Agotić, witness statement in *Mrkšić et al.*, ICTY, 22 November 2005, p. 2132.

158 *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 41; Indictment against Veljko Kadijević et al., County State Attorney's Office in Vukovar, 24 December 2002, p. 4.



from Ilok. The JNA deployed tanks along the left bank of the Danube to blockade the town from that side too.¹⁵⁹ During the siege, electricity and water supplies in Vukovar were cut off.¹⁶⁰ Potable water was not available except from the water wells located on private properties on the outskirts of town, but these properties were the first to be destroyed by JNA artillery attacks.¹⁶¹

Intense daily shelling, complete lack of electricity and drinking water, and the constant fear Vukovar residents experienced caused a humanitarian disaster in the city.¹⁶² The local population took shelter from shells and bombs in basements, with many of them not leaving the basements for the duration of the siege.¹⁶³

Every building in the town was made a target, including schools, kindergartens, public and commercial buildings, water and electricity supply systems and roads.¹⁶⁴

The Vukovar hospital, which was clearly marked with a red cross sign, was also shelled on a daily basis by the JNA. There were several hundred people in the hospital at the time, including the wounded. In addition to being shelled, the hospital was also exposed to sniper fire by the JNA.¹⁶⁵ Because it was being hit by a large number of shells on a daily basis, a decision was made in September 1991 to move the patients to the hospital basement and an atomic shelter. The X-ray room in the basement was used as an operating room.¹⁶⁶

The consequences of the JNA shelling of Vukovar

By the time the JNA entered Vukovar on 18 November 1991, the town had been virtually demolished.¹⁶⁷ Hardly any residential buildings or private houses remained undamaged.¹⁶⁸

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159 Vesna Bosanac, witness statement in *Mrkšić et al.*, ICTY, 25 October 2005, p. 570.

160 Video clip, Vukovar after the war, Exhibit no. 00317, *Mrkšić et al.*; Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 2 March 2006, pp. 5318-20.

161 Šarlota Foro, witness statement in *Mrkšić et al.*, ICTY, 28 November 2005, p. 2400.

162 Witness statement of P007 in *Mrkšić et al.*, ICTY, 9 February 2006, pp. 4002-4003; witness statement of P021 in *Mrkšić et al.*, ICTY, 11 November 2005, p. 1500.

163 Herbert Okun, witness statement in *Mrkšić et al.*, ICTY, 17 November 2005, p. 1873.

164 Witness statement of P011 in *Mrkšić et al.*, ICTY, 8 March 2006, p. 5712; Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 2 March 2006, pp. 5317-8.

165 „Grad je bio meta: bolnica, Dom umirovljenika“ [Town was the target: its hospital, Pensioners' Home], Hrvatski centar Domovinskog rata, Zagreb, 2008, pp. 88, 100.

166 Jan Allan Schou, witness statement in *Mrkšić et al.*, ICTY, 30 March 2006, p. 6847; Juraj Njavro, witness statement in *Mrkšić et al.*, ICTY, 11 November 2005, p. 1515; witness statement of P006 in *Mrkšić et al.*, ICTY, 3 November 2005, pp. 1104-7.

167 Videoclip of Vukovar after the war, Exhibit no. 00317, *Mrkšić et al.*; Ambassador Herbert Okun, who visited Vukovar 19 on November 1991, said that the town was “turned to rubble” and compared it with Stalingrad. Herbert Okun, witness statement in *Mrkšić et al.*, ICTY, 17 November 2005, p. 1864; *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 465.

168 Ivan Grujić, witness statement in *Mrkšić et al.*, ICTY, 12 June 2006, p. 10331; Aerial footage of Vukovar after being captured by the JNA, <https://www.youtube.com/watch?v=DQ7PNY0FOyY>, last accessed 11 December 2018; video footage, The day when Vukovar fell - 87 days in hell, <https://www.youtube.com/watch?v=NnMA7kHxX1U>, last accessed 11 December 2018.



Some residential areas, such as Mitnica, and areas south of River Vuka, were virtually shelled to rubble.¹⁶⁹

Several buildings and monuments of historical importance were damaged or completely demolished, including the Eltz Castle, the Workers' Hall, the birthplace of Nobel Prize laureate Lavoslav Ružička, the Town Magistrate Building, the Veterans' and Pensioners' Home, Strym County Hall, several Catholic and Orthodox churches and Vukovar hospital.¹⁷⁰

As noted by the ICTY Trial Chamber in the case of *Mrkšić et al.*, the precise number of civilians who perished as a result of JNA shelling has never been established.¹⁷¹ However, on the basis of certain evidence, the number of Vukovar residents who lost their lives during the siege, that is, outside of battle, is estimated at several hundred.¹⁷²

From the beginning of 1991 until the JNA entered the town on 18 November 1991, about 14,000 persons were displaced or forced to flee Vukovar.¹⁷³

On the basis of the findings relating to the nature and scale of JNA shelling of Vukovar and its consequences on the civilian population, the ICTY Trial Chamber concluded, in the case of *Mrkšić et al.*, that the operation in Vukovar was "a widespread and systematic attack by the JNA and other Serb forces directed against the Croat and other non-Serb civilian population in the wider Vukovar area" and that "the attack was carried out in an indiscriminate way, contrary to international law".¹⁷⁴

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JNA units responsible for shelling Vukovar

The operational groups were temporary formations created to carry out specific tasks in a specific time period. They were made up of JNA and TO units, that is, all units engaged in a specific operation.¹⁷⁵ Two operational groups operated in the wider Vukovar area, OG North and OG South. They were both part of the JNA 1st VO (Military District), which was commanded by Života Panić.¹⁷⁶

169 Šarlota Foro, witness statement in *Mrkšić et al.*, ICTY, 28 November 2005, pp. 2397-8; Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 2 March 2006, T. 5318-20.

170 Indictment against Veljko Kadijević et al., County Attorney's Office in Vukovar, 24 December 2002, p. 4.

171 *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 649.

172 Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 6 December 2005, p. 2892; Šarlota Foro, witness statement in *Mrkšić et al.*, ICTY, 28 November 2005, pp. 2398-9; *The town was the target: its hospital, Pensioners' Home*, Hrvatski memorijalno-dokumentacijski centar Domovinskog rata, Zagreb, 2008, p. 102; Vesna Bosanac's fax message to the European Mission of 25 October 1991, Exhibit no. 00010, *Mrkšić et al.*; Indictment against Veljko Kadijević et al., County Attorney's Office in Vukovar, 24 December 2002, pp. 3-8.

173 Ivan Grujić, witness statement in *Mrkšić et al.*, ICTY, 12 June 2006, p. 10330.

174 *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 472.

175 Expert report of Reynaud Theunens, Exhibit No. 00578, *Mrkšić et al.*, p. 15, para. 10.

176 Expert report of Reynaud Theunens, Exhibit No. 00578, *Mrkšić et al.*, p. 173.



The OG North's geographic area of responsibility covered the northern parts of Vukovar (areas lying to the north of the River Vuka), including Borovo Selo, Borovo Naselje, Erdut and Bobota. Its commander was Major-General Andrija Biorčević.¹⁷⁷

The area of responsibility of the OG South included Vukovar, Jakobovac, Ovčara, Negoslavci and Berak in the south, and Nuštar, Petrovci and Mirkovci in the west.¹⁷⁸ Its commander was Colonel Mile Mrkšić. Major Veselin Šljivčanin was the chief security officer in OG South.¹⁷⁹

No one has been convicted either by the ICTY or before courts in Serbia over the indiscriminate and widespread attack on Vukovar.

iii. Other Croatian cities shelled by the JNA

A few other Croatian cities were also shelled by the JNA in the autumn of 1991.

Šibenik

Between 16 and 23 September 1991, the coastal town of Šibenik came under attack from the positions controlled by the 9th Corps of the JNA. The attack was carried out jointly by units of the 9th Corps, JNA 46th PartD, 8th VPS, JNA Naval Fleet, Air Force and Air Defence, as well as volunteer units attached to them.¹⁸⁰

During the attack on Šibenik, one woman was killed in her flat.¹⁸¹

Many cultural and historical monuments, religious edifices and industrial facilities were damaged in the attack, such as: St Jacob's Cathedral, St Francis' Church and Monastery, the Bishop's Palace, New Church, St Michael's Fortress, Prince's Palace, St Ann's Church, Šižgorić-Galbiani Palace, Chiabov House, Theatre Building, Iljadica House, and Mala Loggia. Also damaged were many graves, gravestones and monuments in the old cemetery, Town Hall, St John's Church, St Vitus' Church, the facilities and equipment of the Boris Kidrič light metal factory, the Vinoplod Winery, the TEF electrode and ferro-alloys factory, the Poliplast plastic processing factory, Izgradnje, Port of Šibenik, the Jadran and Krka Hotels, and the equipment and 120 vehicles of Autotransport.¹⁸²

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177 The OG North encompassed the northern parts of the town and municipality of Vukovar, Borovo Selo and Borovo naselje, towards Erdut. Major-General Mladen Bratić was Commander of the OG North until 4 November 1991. After his death, Biorčević took command of the OG North and JNA 12th Corps. Expert report of Reynaud Theunens, Exhibit No. 00578, *Mrkšić et al.*, p. 184.

178 *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 72.

179 Report of military expert Božidar Forca: The position, role and tasks of Captain Miroslav Radić in combat operations and their immediate aftermath in Vukovar in 1991, Exhibit no. 00798, *Mrkšić et al.*, p. 71, and Radoje Trifunović's witness statement in *Mrkšić et al.*, ICTY, 2 May 2006, p. 8034.

180 Documents. Book 1: Serb armed rebellion in Croatia and the aggression of the Armed Forces of the SFRY and Serb paramilitary troops against the Republic of Croatia (1991-1992), pp. 326-328.

181 Marija Krainz was murdered in her home in Njegoš Square. Judgment in the case against Slavko Lisica et al. (K br. 10/92), County Court in Šibenik, 10 June 1998.

182 Judgment in the case against Ratko Mladić et al. (K-6/92-36), County Court in Šibenik, 8 July 1992; Judgment in the case against Slavko Lisica et al. (K br. 10/92), County Court in Šibenik, 10 June 1998.



Seven JNA officers were convicted at the Court in Šibenik over the shelling of this town. Six of them – Ratko Mladić, at that time Colonel of the JNA, Battleship Captain Marko Sunarić, Momčilo Milosav, Lieutenant-Colonel Đuro Karajlović, Captain Božo Iglendža and Warrant Officer Milan Pavlović – were sentenced, in absentia, to 20 years in prison in 1992.¹⁸³ Colonel Slavko Lisica,¹⁸⁴ Commander of the armour and cannon units of the JNA 9th Corps, was sentenced to 15 years in prison in 1998.¹⁸⁵ The Court in Šibenik found that the order to launch an attack on Šibenik came from Ratko Mladić, the then Commander of the JNA 9th Corps. Mladić issued an order to the VPO (Naval Military District) in Split to carry out an air strike on Šibenik. Parallel to the air strike, an armoured unit of the 9th Corps commanded by Slavko Lisica, which was stationed on the bridge in Šibenik and in the villages of Gaćezezi and Dragišići outside Šibenik, attacked the town by land with artillery.¹⁸⁶

In September 2017, the County State Attorney in Split charged Battleship Captain Čedomir Borojević and Frigate Captain Slobodan Rajčević over the shelling of Šibenik. Borojević was the Commander of the 20th Navy Division, which formed part of the 8th VPS. In March 2017, he was arrested on a border crossing between Croatia and Montenegro on an arrest warrant from Croatia, and has been in custody ever since. Slobodan Rajčević is being tried in absentia in Croatia.¹⁸⁷

Zadar

During September and October 1991, the JNA attacked Zadar and its surroundings with artillery, mortars and howitzers from several directions: from the airport at Zemunik, from Debelo Brdo near Gornje Biljane, and from the JNA Ante Banina barracks in the Zadar area.¹⁸⁸ Zadar was at the time in the area of responsibility of the JNA 9th Corps. The units that participated in the attack on Zadar belonged to the 9th Corps - 221st MtBr, 180th MtBr - and 46th PartD, and 405th PB. They were assisted by VPO and TO units.¹⁸⁹

183 At the time of the attack on Šibenik, Ratko Mladić was the Commander of the 9th Corps of the JNA, Marko Sunarić was the Commander of the 8th VPS Šibenik, Momčilo Milosav was the head of the counter-intelligence at the 8th VPS Šibenik, Đuro Karajlović was the Commander of the “Rade Končar” barracks, Božo Iglendža was the Commander of the battery of 120 mm mortars, and Milan Pavlović was the Commander of the battery and guns. Judgment in the case against Ratko Mladić et al. (K-6/92-36), County Court in Šibenik, 8 July 1992. The former JNA officer Milan Pavlović was sentenced in May 2018 by the Split County Court to 4.5 years in jail, after pleading guilty, for taking part in the shelling of Šibenik in September 1991, when many religious, cultural, commercial and residential buildings were destroyed and one woman was killed. <http://srna.rs/novosti/592941/serb-officer-sentenced-for-death-of-woman-killed-by-croatian-sniper.htm>

184 Slavko Lisica died on 29 June 2013: <http://www.nezavisne.com/novosti/drustvo/Premينو-general-Slavko-Lisica/198430>

185 Judgment in the case against Slavko Lisica et al. (K br. 10/92), County Court in Šibenik, 10 June 1998.

186 Judgment in the case against Slavko Lisica et al. (K br. 10/92), County Court in Šibenik, 10 June 1998, p. 5.

187 Doneseno rješenje o provođenju istrage protiv 54-godišnjaka [Decision to subject a 54-year-old to investigation], County State Attorney’s Office in Split, available (in Croatian) at <http://www.dorh.hr/spl17032017> last accessed 26 January 2018; *Večernji*, “Borojević: Znam da je pucanje po gradu ratni zločin, no moja je savjest čista” [I know that random shelling of a city amounts to a war crime, but my conscience is clear], <https://www.vecernji.hr/vijesti/borojevic-znam-da-je-pucanje-po-gradu-ratni-zlocin-no-moja-je-savjest-cista-1208670>, accessed 26 January 2018.

188 Judgment in the case against Momčilo Perišić et al. (K br. 74/96), County Court in Zadar, 22 April 1997.

189 Documents. Book 1: Serb armed rebellion in Croatia and the aggression of the Armed Forces of the SFRY and Serb paramilitary troops against the Republic of Croatia (1991-1992), pp. 302-304, 308-310, 326-328, 352-357, 361-363, and 366-371.



The attack on Zadar was ordered by Colonel Momčilo Perišić, the then Commander of the JNA Artillery School Centre in Zadar, with the consent of Colonel Milić Potpara, Perišić's deputy, and Lieutenant-Colonel Ilija Branković, head of the targeting regulations department.¹⁹⁰ Perišić delivered the order to attack Zadar to Major Nikola Germanac, Commander of the artillery unit located at Zemunik airport, and Germanac relayed the order to Lieutenant-Colonel Stojan Vučković, Commander of the School for Reserve Officers of the JNA, whose command post was located in Gornji Biljani.¹⁹¹

On 22 September 1991, shells fired from 120mm mortars located in the area of the JNA Ante Banina barracks landed on the Youth Hostel Association building, TIZ factory and a residential building in the Vruljica neighbourhood, killing two persons.¹⁹² The artillery fire from Debelo Brdo and Zemunik airport during September 1991 caused damage to St Donat's Church, St Stosija's (Anastasia) Church, St John's Church, St Simeon's Church, St Chrysogonus' Church,¹⁹³ the SAS, Tankerkomerc, ŽTP, the Bagat factories, and the Danilo printing company.¹⁹⁴ During September and October 1991, Maslenica Bridge near Zadar, as well as residential properties in the Zadar suburbs of Murvica, Briševo and Islam Latinski, came under artillery attack from Debelo Brdo near Gornje Biljane, and by howitzers from the airport at Zemunik.¹⁹⁵

At least 30 civilians lost their lives and many residential and heritage buildings and religious edifices were damaged in the JNA attack on Zadar.¹⁹⁶

In 1997, Colonel Momčilo Perišić, Perišić's deputy Milić Potpara, Lieutenant-Colonel Ilija Branković, Lieutenant-Colonel Stojan Vučković, Vučković's deputy Lieutenant-Colonel Spasoje Čojić, and Major Nikola Germanac were each sentenced (in absentia) to 20 years' imprisonment at the County Court in Zadar for the attack on this town. Lieutenant Duško Gojković and Captain Miroslav Bobić both received 15 years in prison, Lieutenant Mile Rudić and Captain 1st Class Senaid Grba both received 14 years, Lieutenants Predrag Tasić, Željko Batinić and Saša Đurović each received 13 years, Lieutenants Mirko Marčeta and Nebojša Filipović both received 12 years and Junior Sergeant Jovan Milivojević received 10 years.¹⁹⁷ The County Court in Split sentenced Captain Aleksandar Lazarević to seven years' imprisonment in 2014. Lazarević was arrested in 2013 at the Rača border crossing between Serbia and BiH on an international arrest warrant issued by Croatia.¹⁹⁸

190 Judgment in the case against Momčilo Perišić et al. (K br. 74/96), County Court in Zadar, 22 April 1997, p. 12.

191 Ibid, p. 13.

192 Boris Mikin and Dragan Turuk. Judgment in the case against Momčilo Perišić et al. (K br. 74/96), County Court in Zadar, 22 April 1997

193 Ibid, p. 7.

194 Ibid, pp. 4 and 7.

195 Ibid, pp. 4

196 Damaged were six cultural monuments, 57 residential properties, 48 private houses, 23 factories, three sports facilities, nine commercial facilities and 24 vehicles. Judgment in the case against Momčilo Perišić et al. (K br. 74/96), County Court in Zadar, 22 April 1997.

197 Ibid.

198 "Kapetan JNA Aco Lazarević osuđen zbog granatiranja Zadra" [JNA Captain Aco Lazarević convicted over the Zadar shelling], available (in Croatian) at: <http://www.index.hr/vijesti/clanak/Kapetan-JNA-Aco-Lazarevic-osuden-zbog-granatiranja-Zadra/752330.aspx>, accessed 30 January 2018.



Neither Ratko Mladić nor Momčilo Perišić were indicted by the ICTY for crimes committed on Croatian soil during 1991. Ratko Mladić was sentenced by the ICTY Trial Chamber to life in prison for crimes committed in Bosnia and Herzegovina.¹⁹⁹ Momčilo Perišić was on 28 February 2013 cleared of aiding and abetting crimes in BiH and Croatia.²⁰⁰

The Serbian OWCP have not indicted anyone in respect of crimes committed during the JNA shelling of Šibenik and Zadar.

IV. Murders at Ovčara

Following the three-month siege of Vukovar [see page 27], Croatian defenders of the town capitulated on 18 November 1991, which marked the fall of Vukovar. JNA troops and Serbian volunteer units under JNA control entered the town.²⁰¹

Parts of the Croatian defenders of the town surrendered to the JNA. About 180 of them surrendered in the Vukovar neighbourhood of Mitnica on 18 November. The following day they were transported on military trucks to the prison in Sremska Mitrovica, in Serbia, where they were detained, together with other war prisoners from Croatia, until mid-1992 [see page 57].²⁰²

On the same day, 18 November 1991, the JNA and the Croatian authorities signed an agreement in Zagreb for the evacuation of the sick and wounded from Vukovar hospital and their transfer to Croat-controlled territories.²⁰³ As stipulated by the agreement, the evacuation was to be supervised by the ECMM, and the hospital was to be put under the protection of the International Committee of the Red Cross (ICRC).²⁰⁴ That is why many of the Croatian defenders took refuge in the hospital, in the hope that they would be evacuated together with the hospital patients and the wounded.²⁰⁵ This also explains the fact that on the day Vukovar fell there were nearly 750 people in the hospital, including sick, the wounded, and defenders and civilians who had taken refuge there.²⁰⁶

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199 *Mladić* (Trial Judgment), ICTY, 22 November 2017.

200 Momčilo Perišić was charged by the ICTY on the basis of his individual criminal responsibility with planning and preparing a crime and aiding and abetting its commission; he was also charged on the basis of his command responsibility for murder, inhumane acts and attacks on civilians in Sarajevo (1992-1995) and Zagreb (1995), and persecution, killings, extermination and inhuman acts committed in Srebrenica. *Perišić*, (Case Information Sheet), ICTY: http://www.icty.org/x/cases/perisic/cis/en/cis_perisic_en.pdf, last accessed 26 January 2018.

201 *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 44.

202 *Mrkšić et al.* (Trial Judgment), ICTY, 27 September 2007, para. 149; Miodrag Panić, witness statement in *Mrkšić et al.*, ICTY, 9 November 2006, para. 14391.

203 Agreement on the evacuation of the hospital from November, 18th 1991, Exhibit no. 00040, *Mrkšić et al.*

204 Agreement on the evacuation of the hospital from November, 18th 1991, Exhibit no. 00040, *Mrkšić et al.*, para. 7.

205 *Ibid.*, para. 6.

206 Vesna Bosanac, witness statement in *Mrkšić et al.*, ICTY, 25 October 2005, p. 547.



The JNA took over the hospital in the late morning of 19 November 1991. The military police took over the security of the hospital, placing soldiers to guard and patrol the hospital. During the afternoon, the chief security officer in the OG South, Veselin Šljivančanin, entered the hospital in the company of an ICRC representative. The JNA denied the ECOMM monitors access to the hospital,²⁰⁷ in breach of the agreement signed in Zagreb.

During the day of 19 November, a certain number of Croats who had taken refuge in the hospital after the fall of Vukovar were removed from the hospital by JNA forces and transported on trucks to the facility of the Velepromet company near the JNA barracks in Vukovar. There, JNA members separated the men from the women, children and elderly males, and started to physically abuse the men, beating them and tying their hands with wire.²⁰⁸

During 19 November, members of the Counter-Intelligence Service of the JNA (KOS) interviewed the people detained at Velepromet and reported back to Veselin Šljivančanin.²⁰⁹ The counter-intelligence officers noted that the prisoners were subjected to torture by the JNA and that, apart from JNA soldiers, there were also TO members and volunteers among the guards who secured the facility.²¹⁰

In the evening of 19 November, about 700 prisoners from Vukovar were taken to camps in Serbia [see page 57].²¹¹

Removal of patients and other residents of Vukovar from Vukovar hospital on 20 November 1991

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Early in the morning of 20 November, JNA members again entered Vukovar hospital.²¹² They told the patients and others who were able to walk to go the hospital exit. At the exit, they were separated into two groups.²¹³ One group, consisting of women and children, was told to go to Lola Ribar Street, where buses were waiting to transport them to camps in Serbia, or to a Croat-controlled territory.²¹⁴ The other group, consisting of about 250 men, was taken to Gundulić Street, where they were loaded

207 Petr Kypř, witness statement in *Mrkšić et al.*, ICTY, 24 March 2006, p. 6566; and *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 136.

208 Witness statement of P007 in *Mrkšić et al.*, ICTY, pp. 4028-4039; witness statement of Josip Čović in *Mrkšić et al.*, ICTY, pp. 3442-3451; *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 168.

209 Bogdan Vujić, witness statement in *Mrkšić et al.*, ICTY, 16 February 2006, p. 4497.

210 *Ibid.*, p. 4502.

211 Detention camps for Croats in Serbia existed from October 1991 until August 1992. The total number of persons detained in these camps was around seven thousand. HLC, Udruga Vukovar 1991 and FHP o logorima u Srbiji [Udruga Vukovar and HLC on camps in Serbia] at <http://www.hlc-rdc.org/?p=13756>, accessed 16 November 2017.

212 Binazija Kolesar, witness statement in *Mrkšić et al.*, ICTY, 1 November 2005, p. 942.

213 Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, pp. 5277-9; witness statement of P011 in *Mrkšić et al.*, ICTY, 8 March 2006, p. 5720.

214 Rudolf Vilhelm, witness statement in *Mrkšić et al.*, ICTY, 23 February 2006, p. 4866; Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, p. 5277; Ljubica Došen, witness statement in *Mrkšić et al.*, ICTY, 6 February 2006, pp. 3786-7.



onto five buses and transported to the JNA barracks.²¹⁵ Major Ljubiša Vukašinić, deputy head of security in the OG South, was at the head of the convoy of buses.²¹⁶

While the removal of patients and other Vukovar citizens from the hospital was still in progress, Veselin Šljivančanin and Colonel Nebojša Pavković, SSNO liaison officer in the OG South, who were on the bridge over the River Vuka in the hospital's immediate vicinity at the time, did not allow representatives of the ICRC and ECMM to reach the hospital, on the pretext that there were unexploded mines around the hospital.²¹⁷

The five busloads of prisoners from Vukovar hospital arrived at the JNA barracks, where they were met by members of Serbian TO forces, paramilitary units and volunteer groups. Between 12 and 15 prisoners were taken from the buses by members of the TO and paramilitary units and moved to an empty bus that had meanwhile arrived.²¹⁸ While boarding the bus and once on board, the prisoners were beaten with rifle butts, and punched and kicked by members of the TO and paramilitary units,²¹⁹ while members of the military police and several JNA officers just looked on.²²⁰

After some time, the bus carrying this group of men left the barracks compound and returned to Vukovar hospital, on instructions from JNA Major Ljubiša Vukašinić.²²¹ At the hospital, the men were questioned by Veselin Šljivančanin, who wanted to find out if they were members of the Croatian armed forces.²²² Five of the six prisoners whom Šljivančanin believed to be members of the Croatian forces were returned to the JNA barracks,²²³ while the rest of the men, together with other civilians, were taken back to the barracks, and from there transported to Sremska Mitrovica.²²⁴

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215 Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, p. 5278-80.

216 Ljubiša Vukašinić, witness statement in *Mrkšić et al.*, ICTY, 21 November 2006, p. 15023.

217 Veselin Šljivančanin, witness statement in *Mrkšić et al.*, ICTY, 27 October 2006, p. 13641; Evacuation of the Vukovar hospital on 20 and 21 November 1991, Exhibit no. 00333, *Mrkšić et al.*

218 Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, pp. 5282-5286; Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 5 December 2005, pp. 2823, 2825; Vilim Karlović, witness statement in *Mrkšić et al.*, ICTY, 20 March 2006, pp. 6335-6337.

219 Ibid.

220 Jovan Šušić, witness statement in *Mrkšić et al.*, ICTY, 17 November 2006, pp. 14888-14897; witness statement of P009 in *Mrkšić et al.*, ICTY, 16 March 2006, pp. 6147-6149. Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, pp. 5282-5286; Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 5 December 2005, pp. 2823-2825, 2940.

221 Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 5 December 2005, p. 2826.

222 Ibid, pp. 2826-2829.

223 Rudolf Vilhelm, witness statement in *Mrkšić et al.*, ICTY, 23 February 2006, p. 4880.

224 Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 5 December 2005, p. 2830; Rudolf Vilhelm, witness statement in *Mrkšić et al.*, ICTY, 23 February 2006, p. 4880.



While the buses were parked in the JNA barracks compound, several prisoners were taken from the buses by members of paramilitary units. No trace of them has ever been found since.²²⁵ The military policemen who were sitting on the buses took no action to prevent the beating and detainment of the prisoners.²²⁶

While the buses with prisoners were still waiting in the barracks compound, a meeting of the self-described government of the SAO Slavonia, Baranja and Western Srem was held at Velepromet. Present at the meeting were members of the SAO “government” Goran Hadžić and Slavko Dokmanović²²⁷ and two JNA officers, Colonel Bogdan Vujić of the JNA Security Administration and Lieutenant-Colonel Miodrag Panić, Chief of Staff of the OG South and the JNA Guards Motorised Brigade (gmtbr). The members of the SAO “government” said they were of the opinion that the prisoners on the five buses parked in the barracks compound should not be transported with other civilians and prisoners to Sremska Mitrovica, but held in the Vukovar area instead. It was also said at the meeting, in the presence of the JNA officers, that the SAO government intended to set up a “court martial”.²²⁸

After that, the participants at the meeting were informed that Mile Mrkšić, Commander of the OG South, had said that the JNA would comply with whatever decision the government made in respect of the prisoners of war.²²⁹

Early in the afternoon, the buses from the JNA barracks were sent to the Ovčara farm outside Vukovar. Military police members were on board each bus travelling to Ovčara.²³⁰

Upon arrival at Ovčara, between 13.30 and 14.30 hours on 20 November 1991, the prisoners of war and civilians were forced to get off the buses and enter a large farm building. To enter it, they had to go through a gauntlet made up of Serbian TO members,²³¹ paramilitaries and “Leva Supoderica” volunteer unit members, who hit them with wooden rods, rifle butts, bats and chains.²³² The prisoners

225 The three brothers of the Došen family were members of the Croatian forces. Two of them were on the bus and the third, who had been wounded, was in a military truck not far from the bus. Two paramilitaries got on the bus, took the two brothers out and beat them heavily. Then they took the third, wounded brother out of the truck. They put all three brothers into a van and drove them in the direction of Negoslavci, after which they disappeared without trace. Witness statement of P009 in *Mrkšić et al.*, ICTY, 16 March 2006, pp. 6148-9 and 6277.

226 Ibid, pp. 6147-8, 6151, 6277.

227 The ICTY charged Slavko Dokmanović with beating and killing prisoners at the Ovčara farm. Dokmanović committed suicide in his cell in the ICTY detention unit on 29 June 1998. Goran Hadžić was charged by the ICTY with extermination, murder, detention, torture, inhumane acts and cruel treatment in Velepromet. Hadžić died on 12 July 2016.

228 Bogdan Vujić, witness statement in *Mrkšić et al.*, ICTY, 17 February 2006, pp. 4558-4563.

229 Witness statement of P001 in *Mrkšić et al.*, ICTY, 6 June 2006, p. 10088; Branko Korica, witness statement in *Mrkšić et al.*, ICTY, 17 November 2006, pp. 14833-4.

230 Viliam Karlović, witness statement in *Mrkšić et al.*, ICTY, 20 March 2006, pp. 6338-6341; witness statement of P009 in *Mrkšić et al.*, ICTY, 16 March 2006, p. 6162.

231 Hajdar Dodaj, witness statement in *Mrkšić et al.*, ICTY, 3 March 2006, pp. 5440-1; Zlatko Zlogleda, witness statement in *Mrkšić et al.*, ICTY, 7 June 2006, pp. 10190-1.

232 Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, pp. 5291-5292; Emil Čakalić, witness statement in *Mrkšić et al.*, ICTY, 13 March 2006, p. 5909.



were stripped of their personal valuables and their IDs were torn and thrown away. The military policemen stayed on the buses throughout the course of the physical abuse of the Croatian prisoners of war and civilians, and took no action to prevent or stop the torture.²³³

After that, 250 prisoners of war and civilians from the hospital entered the farm building. Around 40 soldiers, including TO members, paramilitaries, members of the “Leva Supoderica” and military policemen of the JNA 80th MtBr secured the building. Inside the building the torture continued. By all accounts, several prisoners died there in the building from the injuries caused by the torture.²³⁴

At about 14.00 hours on 20 November 1991, a soldier in a JNA uniform wearing an officer’s belt, ordered a worker at the nearby Vupik pig farm to dig a hole 10 metres long, three metres wide and about two and a half metres deep with an excavator. The hole was dug at the end of a forest, in the direction of Grabovo village, less than a kilometre away from the farm building at Ovčara.²³⁵

Between 20.00 and 21.00 hours, the Commander of the OG South, Mile Mrkšić, ordered the military police to pull out from Ovčara, which they did sometime before 21.00.²³⁶ After their withdrawal, the prisoners of war were left in the custody of “Leva Supoderica” and TO members, the latter commanded by Miroљjub Vujović.²³⁷

At about 21.00, members of TO forces and “Leva Supoderica” began taking the prisoners by trucks from the farm building to the pit that had been dug in the evening. The prisoners were killed in groups of twenty and dumped in the pit up till midnight. More than at least 200 people were killed in this way.²³⁸

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The consequences of the massacre at Ovčara

On 18 October 1992, a team of the UN Special Rapporteur on human rights discovered a mass grave between the village of Grabovo and the Vupik farm and decided to place it under UNPROFOR guard. However, the excavation of the mass grave did not start until 31 August 1996, on instructions from the ICTY. The mortal remains of 200 individuals between the ages of 16 and 72, including two females, were recovered from the grave.²³⁹ 192 bodies were identified.²⁴⁰ It was established through autopsies that 188 individuals had died of gunshot wounds. Of these, 86 had suffered bodily injuries caused

233 Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, pp. 5287-5293, Vilim Karlović, witness statement in *Mrkšić et al.*, ICTY, 20 March 2006, pp. 6338-6341.

234 *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, paras. 237-238.

235 Witness statement of P017 in *Mrkšić et al.*, ICTY, 22 May 2006, pp. 9341-2.

236 Dragi Vukosavljević, witness statement in *Mrkšić et al.*, ICTY, 12 May 2006, p. 8744; *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 286.

237 *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 294.

238 Witness statement of P011 in *Mrkšić et al.*, ICTY, 8 March 2006, pp. 5737-5739, *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 252.

239 Davor Strinović, witness statement in *Mrkšić et al.*, ICTY, 23 May 2006, p. 9458.

240 *Ibid.*, p. 9467.



before death.²⁴¹ As for the time of death, it was established that they all died on the night of 20-21 November 1991.²⁴²

Although at least 200 people were executed near Grabovo, the fate of the remaining several dozen Croats who were also taken to Ovčara from Vukovar hospital, but whose mortal remains were not found in the mass grave near Grabovo, is unknown. They are still reported as missing.²⁴³

JNA units responsible for crimes at Ovčara and other locations in Vukovar

Members of the JNA 1st Battalion of the GMtBr and 1st JOD, a unit that was part of the JNA's OG South, entered the hospital in Vukovar late in the morning of 19 November 1991, led by Miroslav Radić.²⁴⁴ On the afternoon of that day, Captain Radoje Paunović, the Commander of the JNA 2nd Battalion of the MP GMtBr, acting on the orders of Panić, the Commander of the OG South, came to the hospital with two companies to take over the security of the hospital and to place guards.²⁴⁵

On the morning of 20 November 1991, the Deputy Chief of Security at the OG South, Major Ljubiša Vukašinić, left the OG South command post in Negoslavci, heading for the Vukovar hospital, with five buses. Two military policemen of the JNA MP 2nd Battalion were on board each bus.²⁴⁶

When they arrived at the hospital, the military policemen selected individuals who were to leave the hospital; those who were not able to move were told to stay and wait to be evacuated.²⁴⁷

At about 10.00, the convoy of buses, headed by Major Ljubiša Vukašinić, set off for the JNA barracks, with two military policemen on board each bus.²⁴⁸

The people who were at the barracks at the time mostly included members of the military police under the command of Captain Mladen Predojević, the Commander of the armoured companion of the JNA 1st Battalion of the MP. Major Branislav Lekić, the Commander of barracks and the JNA 2nd JOD, and Captain Jovan Šušić, the Commander of the JNA 1st Battalion of the MP.²⁴⁹

241 *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 495.

242 Notes of F. Hartmann, Exhibit no. 00521, *Mrkšić et al.*, and *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 495.

243 Ivan Grujić, witness statement in *Mrkšić et al.*, ICTY, 1 June 2006, pp. 9961-2.

244 Zoran Zirojević, witness statement in *Mrkšić et al.*, ICTY, 17 October 2006, pp. 13119; Miroslav Radić, witness statement in *Mrkšić et al.*, ICTY, 9 October 2006, p. 12647.

245 Radoje Paunović, witness statement in *Mrkšić et al.*, ICTY, 6 November 2006, pp. 14151- 2, 14180-1.

246 Ljubiša Vukašinić, witness statement in *Mrkšić et al.*, ICTY, 21 November 2006, pp. 15007-8, 15013-15016.

247 Bogdan Vujić, witness statement in *Mrkšić et al.*, ICTY, 17 February 2006, pp. 4533-4534.

248 Ljubiša Vukašinić, witness statement in *Mrkšić et al.*, ICTY, 21 November 2006, p. 15023.

249 Witness statement of P009 in *Mrkšić et al.*, ICTY, 16 March 2006, p. 6139; Jovan Šušić, witness statement in *Mrkšić et al.*, ICTY, 17 November 2006, pp. 14878-9, 14888.



JNA members who were in the JNA barracks yard at the time took no action to prevent the intimidation of the war prisoners on the buses by members of the TO and paramilitary formations.²⁵⁰ Nor did military policemen stop the beating of a group of men who had been taken from the buses [see page 36].²⁵¹

Sometime before 14.00 hours, the buses departed for Ovčara, with two members of the JNA 2nd MP Battalion, whose commander was Captain Radoje Paunović, on board each bus.²⁵²

Between 14.00 and 21.00 hours, members of the JNA 80th MtBr, commanded by Captain Dragan Vezmarović, secured the farm building at Ovčara.²⁵³ Around 21.00 hours, Vezmarović and Captain Dacić and Captain Svetolik Vukić from the 80th MtBr Command left Ovčara, leaving the security of the farm building to members of the Serbian TO.²⁵⁴

The Commander of the OG South, Mile Mrkšić, issued an order for the 80th MtBr to leave Ovčara. Mrkšić delivered the order to Captain Borče Karanfilov from the security organ of the OG South. Karanfilov then relayed the order to Dragan Vezmarović.²⁵⁵

Lieutenant-Colonel Milorad Vojnović was also informed that the 80th MtBr was no longer securing the farm building at Ovčara. That evening, Vojnović met with Mile Mrkšić for a regular briefing at the OG South command post in Negoslavci. After his meeting with Mrkšić, Vojnović sent Captain Dragan Vukosavljević to Ovčara to pass along to Dragan Vezmarović the order on the withdrawal of the 80th MtBr. But when Vukosavljević arrived at Ovčara, he found out that Vezmarović had already known of the order, because Captain Karanfilov had informed him about it.²⁵⁶

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The mass murder of Croatian war prisoners and civilians was committed by members of the Serbian TO and the “Leva Supoderica” volunteer unit.²⁵⁷

During the attack on Vukovar, the TO forces and “Leva Supoderica” were under the command and control of the JNA.²⁵⁸ Two JNA officers have been convicted by the ICTY over the crimes committed at the Ovčara farm: Mile Mrkšić, Commander of the OG South, was sentenced to 20 years in prison,

250 Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 5 December 2005, pp. 2822-4.

251 Dragutin Berghofer, witness statement in *Mrkšić et al.*, ICTY, 1 March 2006, pp. 5282-6; Irinej Bučko, witness statement in *Mrkšić et al.*, ICTY, 5 December 2005, pp. 2823-5, 2940.

252 Radoje Paunović, witness statement in *Mrkšić et al.*, ICTY, 6 November 2006, p. 14131.

253 *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 276.

254 *Ibid.*, para. 286.

255 *Ibid.*, para. 293.

256 *Ibid.*, para. 293.

257 *Miroљub Vujović et al.*, Judgment of the Court of Appeal in Belgrade (Kž1 Po2 br. 2/2014), p. 3.

258 In late October 1991 the Petrova Gora TO and the “Leva Supoderica” unit became part of the JNA 1st Assault Detachment commanded by the OG South. The Decision to extend attack operation “Vukovar” of 29 October 1991, Exhibit no. 00410, *Mrkšić et al.*; Zoran Zirojević, witness statement in *Mrkšić et al.*, ICTY, 17 October 2006, pp. 13161-13162; *Miroљub Vujović et al.*, Judgment of the Court of Appeal in Belgrade (Kž1 Po2 br. 2/2014), p. 3.



and Veselin Šljivančanin, chief security officer in the OG South, was sentenced to 10 years in prison.²⁵⁹ Milorad Vojnović, Commander of the JNA 80th MtBr, and Captain Borče Karanfilov, security officer in the OG South, have not been indicted either by the ICTY or by domestic authorities in relation to the crime at Ovčara, despite the fact that these two officers relayed Mile Mrkšić's order on withdrawal from Ovčara.

Eleven individuals, members of the TO forces and "Leva Supoderica", have been convicted by Serbia's judiciary over the crime at Ovčara.²⁶⁰

V. JNA attacks on Croatian villages

In the autumn of 1991, the JNA, together with the Serbian TO, SAO Krajina police (Martić's militia) and Serbian volunteer units under its control, attacked villages where the population was predominantly Croat. In the attack on Croat-majority villages, the JNA employed the following tactics: a village would first be shelled, then JNA ground forces would enter the village together with TO forces, SAO Krajina militia and volunteer units. Most often, members of TO forces, SAO Krajina militia and volunteer units would forcibly remove the civilian population to Croat-controlled territories. A certain number of civilians who did not manage to flee were killed, and their houses and local churches were looted and subsequently burnt. The remaining population would be bussed by the JNA to detention facilities in the area of Krajina[see page 56].²⁶¹

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Hence it is clear that in the period from August 1991 until the beginning of 1992, the JNA, assisted by members of TO forces, the SAO Krajina militia and volunteer units, carried out a widespread and systematic attack on predominantly Croat villages in Banija, Lika and northern Dalmatia. Among the villages attacked were: Kostajnica,²⁶² Cerovljani, Dubica,²⁶³ Baćin, Poljanak, Lipovača, Škabrnja and Nadin. These attacks were discriminatory because they were specifically directed against people of Croatian ethnicity.²⁶⁴

As indicated by this Dossier, the same tactics were used by the JNA in other parts of Croatia too, such as eastern Slavonia and Baranja, that is, Croatian territories which the Serbian authorities intended to become part of the territory under Serbian control.

259 *Mrkšić et al.* (Case Information Sheet), ICTY, http://www.icty.org/x/cases/mrksic/cis/en/cis_mrksic_al_en.pdf, last accessed 5 February 2018.

260 Court of Appeal in Belgrade, Judgment Kž1 Po2 2/2017 of 24 November 2017; Court of Appeal in Belgrade, Judgment Kž1 Po2 2/2010 of 24 June 2010; Court of Appeal in Belgrade, Judgment Kž1 Po2 8/13 of 3 November 2014.

261 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 427.

262 After 1995 known as Hrvatska Kostajnica.

263 After 1995 known as Hrvatska Dubica.

264 *Martić* (Trial Judgment), ICTY, 12 June 2007, paras. 358, 363, 367, 370, 377, and 383.



i. Attacks on villages in Lika and Banija

In the period from September to November 1991, JNA members together with the Serbian TO, SAO Krajina police and Serbian volunteer units, attacked, among other places, three villages in Lika (western Croatia) and Banija (central Croatia): Dubica, Cerovljani and Saborsko.

Dubica

Dubica is a village located in the Banija region. During the war, Dubica formed part of the Kostajnica municipality.

In mid-September 1991, the JNA took over Dubica and the neighbouring village of Baćin. Upon taking over Dubica, members of the JNA, together with members of the TO and SAO Krajina militia, looted the village, taking valuables from private houses, automobiles, farm machinery and cattle.²⁶⁵ After the looting, they set fire to several houses. The remaining houses were squatted by Serbs who came from the outskirts of Pakrac and Lipik.²⁶⁶

On the morning of 20 October 1991, 40 civilians, mostly Croats,²⁶⁷ were arrested by the SAO Krajina militia and locked up in the local fire station.²⁶⁸ The civilians in the fire station were guarded by members of the SAO Krajina militia, among them Katarina “Kaća” Pekić, Stevo Rađunović²⁶⁹ and a man surnamed Kovačević. The next morning, about ten of the civilians were released, and others were brought to a place known as Krečane, near the village of Baćin, where they were killed.²⁷⁰

In 1997, 56 bodies were exhumed from a mass grave at Krečane near Baćin. 32 bodies belonged to the civilians detained in the fire station in Dubica.²⁷¹ The mortal remains of nine other civilians who were killed at Krečane after being detained in the fire station are still missing.²⁷²

After 13 September 1991, most of the residents of Dubica left their homes, leaving behind only about 60 people, mostly women and elderly persons.²⁷³

265 MM-022, witness statement in *Martić*, ICTY, 20 March 2006, pp. 2293-2295, 2336; *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 357.

266 MM-022, witness statement in *Martić*, ICTY, 20 March 2006, p. 2296.

267 And a few Serbs and Bosniaks.

268 MM-022, witness statement in *Martić*, ICTY, 20 March 2006, pp. 2301-2302.

269 Stevo Rađunović was a member of the SAO Krajina militia.

270 Serbs, Bosniaks and a few Croats were released, MM-022, witness statement in *Martić*, ICTY, 20 March 2006, pp. 2304-2306 and 2360; Ana Kesić, witness statement in *Martić*, ICTY, 21 March 2006, pp. 2390, 2393-2394. *Croatia v Serbia (Genocide)*, Judgment, International Court of Justice, 3 February 2015, para. 261; *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 358.

271 Davor Strinović, witness statement in *Martić*, ICTY, 12 April 2006, p. 3669.

272 According to witness Mijo Ciprić, water probably carried away the bodies of the nine victims, as Krečane is located on the bank of the River Una, Mije Ciprić's statement to the ICTY, Exhibit no. 00274, p. 4, *Martić*. *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 183.

273 MM-022, witness statement in *Martić*, ICTY, 20 March 2006, pp. 2292-3 Ana Kesić, witness statement in *Martić*, ICTY, 21 March 2006, T. 2385-6.



Dubica was within the area of responsibility of the JNA 10th Corps, whose Commander was Lieutenant-General Dušan Uzelac,²⁷⁴ and whose chief security officer was Dušan Smiljanić.²⁷⁵ The SAO Krajina militia unit that operated in the area of Dubica was jointly commanded by Veljko Rađunović, his son Stevo Rađunović, and Momčilo Kovačević.²⁷⁶

Cerovljani

The village of Cerovljani is situated in Banija. During the war, Cerovljani formed part of the Kostajnica municipality.

In mid-September 1991, JNA forces, together with the SAO Krajina militia, captured the village of Cerovljani too. Having entered the village, where they found only elderly residents, they torched virtually all the houses, looted properties owned by Croats and damaged a Catholic church.²⁷⁷

In mid-October 1991, members of the JNA, together with armed Serbs from the neighbouring Serb-populated villages and the militia of the SAO Krajina, brought ten elderly residents of Cerovljani to a place called Krečane near Baćin, and killed them there.²⁷⁸ The bodies of seven of these victims were later recovered from the mass grave discovered at Krečane containing 56 bodies. The remaining three victims killed in Cerovljani are still reported as missing.²⁷⁹

Saborsko

Saborsko is a village in Lika. Under the administrative division in force in 1991, the village formed part of the then Ogulin municipality.

On 12 November 1991, JNA forces attacked Saborsko first by air and then by artillery from the direction of the JNA barracks in Lička Jesenica.²⁸⁰ Once the artillery attack was over, the JNA, together with the Serbian TO and SAO Krajina militia, entered the village. They looted private houses and shops, stole cars and tractors, and set fire to some of the houses. Two Catholic churches were damaged in the attack.²⁸¹

274 *Dnevno*, „Popis generala JNA iz Hrvatske: Samo sedam ih se pridružilo HV-u!“ [List of JNA generals from Croatia: Only seven joined Croatian Army], available (in Croatian) at <http://www.dnevno.hr/vijesti/hrvatska/popis-general-a-jna-iz-hrvatske-samo-sedam-ih-se-pridruzilo-hv-u-79367/>, accessed 7 February 2018.

275 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 174.

276 *Ibid*, para. 178.

277 *Ibid*, paras. 360-2.

278 Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, para. 496; *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 359; the Croats who had been detained in the fire station in Dubica were killed in the same location.

279 *Martić* (Trial Judgment), ICTY, 12 June 2007, paras. 186-8, 359-60, 363; *Croatia v Serbia (Genocide)*, Judgment, International Court of Justice, 3 February 2015, para. 259.

280 Marica Vuković, witness statement in *Martić*, ICTY, 22 March 2006, pp. 2441-2; Marko Vuković, witness statement in *Martić*, ICTY, 24 March 2006, pp. 2574-6, 2608.

281 MM-037, witness statement in *Martić*, ICTY, 28 March 2006, p. 2753; Jure Vuković's statement to the ICTY, Exhibit no. 00277, *Martić*, p. 2; Nikola Medaković, witness statement in *Martić*, ICTY, 9 October 2006, pp. 9015-6.



When the soldiers arrived at the house of Petar Bičanić, they found some 20 civilians sheltering in the cellar. Fearing that the soldiers would set fire to the house, the civilians came out of the cellar and surrendered. Soldiers wearing dark grey uniforms then took seven men from the group behind the house and shot them.²⁸² The rest of the civilians were given an hour to leave the village or face execution. When the civilians began to run away, the soldiers shot in their direction, killing a woman.²⁸³

In these and other incidents 20 civilians were killed in Saborsko on 12 November 1991. In October 1995, the mortal remains of 19 victims were found in different locations in Saborsko. One person is still reported as missing.²⁸⁴ Members of the SAO Krajina militia stole furniture and home appliances from private houses in the village, and cattle and tractors, after which they torched the houses.²⁸⁵ Tank shells fired by the JNA damaged two Catholic churches – St John’s Church and St Mary’s Church.²⁸⁶

Most of the Saborsko residents fled either to Karlovac, Zagreb or Ogulin²⁸⁷ after the attack. Only about 60 elderly villagers remained behind. These were arrested by members of the Plaški TO and brought to the JNA barracks in Lička Jesenica. The next day, they were transported on buses and expelled to the Croat-held town of Ogulin.²⁸⁸

The order to attack Saborsko with joint Serb forces on 12 November 1991 came from Colonel Čedomir Bulat, who commanded Tactical Group 2 (TG 2), which was part of the JNA’s 13th Corps. The 5th Partisan Brigade, which was also part of the 13th Corps, participated in the attack on Saborsko. Marijan Čad was the Commander of the 13th Corps.²⁸⁹

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Other forces that participated in the attack on Saborsko were: a Plaško TO brigade commanded by Bogdan Grba, which was subordinate to the TG 2;²⁹⁰ members of State Security Department in Plaško; and a SAO Krajina militia unit.²⁹¹

282 Marko Vuković, witness statement in *Martić*, ICTY, 24 March 2006, pp. 2588-9.

283 Jeka Vuković. Marko Vuković, witness statement in *Martić*, ICTY, 24 March 2006, p. 2588.

284 A mass grave containing 14 bodies was discovered in Popov Šanac, one containing three bodies was found in Borik, and three bodies were found in individual graves in Saborsko. Jure Štrk is reported as missing. *Martić* (Trial Judgment), ICTY, 12 June 2007, par. 234.

285 Notes while taking a statement from witness Marinko Mudrinić, Exhibit no. 00507, *Martić*, pp. 4, 5.

286 MM-037, witness statement in *Martić*, ICTY, 28 March 2006, p. 2753; Jure Vuković’s statement to the ICTY, Exhibit no. 00277, *Martić*, p. 2; Nikola Medaković, witness statement in *Martić*, ICTY, 9 October 2006, pp. 9015-6.

287 Vlado Vuković, witness statement in *Martić*, ICTY, 28 March 2006, pp. 2727; Transcript of Imra Agotić’s statement, Exhibit no. 00398, *Martić*, pp. 23315-6.

288 MM-037, witness statement in *Martić*, ICTY, 28 March 2006, pp. 2801-3; Nikola Medaković, witness statement in *Martić*, ICTY, 9 October 2006, pp. 9019-20.

289 Order and plan to attack Saborsko of 12 November 1991, Exhibit no. 00051, *Martić*; *Novosti*, „Čovjek čiji je neposluh spasio Rijeku“ [The man whose disobedience saved Rijeka], <http://arhiva.portalnovosti.com/2010/05/covjek-ciji-je-neposluh-spasio-rijeku/>, accessed 7 February 2018.

290 MM-037, witness statement in *Martić*, ICTY, 28 March 2006, pp. 2751, 2789-90.

291 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 225.



ii. JNA attack on villages in northern Dalmatia

In November 1991, the JNA attacked Škabrnja and Nadin, villages which were located in the Ravni Kotari area in northern Dalmatia.

Škabrnja and Nadin

Škabrnja and Nadin are villages located approximately 30 kilometres from the city of Zadar. At the beginning of the war, Škabrnja and Nadin formed part of the Zadar municipality.

Early in the morning of 18 November 1991, JNA forces, together with members of the Benkovac TO and SAO Krajina militia, began an attack on Škabrnja by shelling it from nearby Serb villages.²⁹² The attacks on Škabrnja and Nadin were part of a wider JNA operation aimed at capturing the Port of Zadar and shortening the front line.²⁹³ When a 750-strong Croatian Army unit was created and deployed in seven villages in the Ravni Kotari area, including Škabrnja, in early October 1991, it gave the JNA a pretext to attack this village. In Škabrnja there were 250 soldiers, mostly local residents.²⁹⁴

Following the shelling, JNA tanks and transporters rolled into the village from three directions - Smilčić, Benkovac and Zemunik Gornji.²⁹⁵ The first clash between the JNA troops and the defenders of the village took place on the outskirts of Škabrnja, in the hamlet of Ambar, which lies near the intersection of the roads leading to Zemunik Gornji and Zadar. Two JNA members were killed in the clash.²⁹⁶ After that, the JNA forces entered the centre of the village. A JNA tank attempted to enter St Mary's Church, after which it fired on it and demolished it. Next, JNA tanks opened fire on the elementary school in the village and several private houses.²⁹⁷

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Some local residents managed to flee to the quarry in a nearby forest, and some headed towards Zadar. Those who remained behind were sheltering in the cellars of their houses.²⁹⁸ After entering the village, members of the JNA and Benkovac TO, accompanied by volunteer units, started to search the houses and force the people hiding in the cellars to come out. Following this, members of the

292 Marko Miljanić, statement, Exhibit no. P00097, *Stanišić and Simatović*, p 3.

293 Milan Babić, witness statement, ICTY, 20 February 2006., pp. 1604-1605; Order to attack Zadar issued by the Commander of the 9th Corps on 3 October 1991, Exhibit no. D00674, *Stanišić and Simatović*.

294 At the head of this unit was a marine infantry officer, Marko Miljanic, who a few months earlier had left the JNA and joined the Croatian army; Marko Miljanić, statement, Exhibit no. P00097, *Stanišić and Simatović* p. 2;

295 Marko Miljanić, statement, Exhibit no. P596.1, *Martić*, p. 3; Map of Operation Alan, attack on Škabrnja, Exhibit no. P00097, *Stanišić and Simatović*.

296 *Martić* (Trial Judgment), ICTY, 12 June 2007, paras. 239-240; *Večernje Novosti*, "Savo Štrbac: Frenki, Jovica i inspiratori" [Savo Štrbac: Frenki, Jovica and the inspirers] <http://www.novosti.rs/vesti/naslovnadrustvo/aktuelno.290.html:582090-Savo-Srbac-Frenki-Jovica-i-inspiratori>, accessed 18 May 2017.

297 Photographs of the destroyed church in Škabrnja, Exhibit no. 00271, *Martić*; Luka Brkić, witness statement in *Martić*, ICTY, 5 April 2006, p. 3242; Helsinki Watch Human Rights Committee' letter to Slobodan Milošević and Blagoje Adžić, 21 January 1992, Exhibit no. 00922, *Martić*.

298 Marko Miljanić, witness statement in *Martić*, ICTY, 29 March 2006, p. 2880; Zoran Lakić, witness statement in *Martić*, ICTY, 30 October 2006, p. 10311.



Benkovac TO and Serbian volunteer units began shooting civilians in a killing spree.²⁹⁹ The worst killing of civilians took place in the houses of Slavko Šegarić and Petar Pavičić, where up to 14 civilians were killed.³⁰⁰ In addition, 25 more Škabrnja residents were killed in various locations in the village.³⁰¹

Some civilians and prisoners of war from Škabrnja were killed or died outside the village after the attack by the JNA and other Serb forces. Šime and Bude Šegarić, members of the Croatian defence force in the village, were taken away from the village and killed in Knin,³⁰² and Petar Rogić and Miljenko Šegarić were killed in Benkovac.³⁰³ A woman, Milka Žilić, died in Zadar after being wounded by a shell during the JNA attack on Škabrnja.³⁰⁴

One day after attack on Škabrnja, 19 November 1991, soldiers wearing JNA uniforms entered the village of Nadin, situated approximately three kilometres from Škabrnja. The soldiers came to the house of Pere Sopić, where they found seven civilians. They took one of them, Novica Atelj, and killed him outside the house. The remaining civilians were killed in the house.³⁰⁵

At least 46 civilians, residents of Škabrnja and Nadin, lost their lives when the JNA shelled these villages. Nearly all the houses in the two villages and St Mary's Church in Škabrnja were demolished. A large number of Croats from Škabrnja were expelled after the JNA, Serbian TO forces and volunteer units had entered the village. 1,500 of them fled to Zadar,³⁰⁶ whilst about 150 were transported on buses by the JNA and TO forces, first to Benkovac, then to the village of Pristeg, and from there to Croat-held territory.³⁰⁷

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Between late November and early December 1991, on three occasions in the Musapstan forest outside Zadar, the JNA handed over to the Croatian side the bodies of people killed in Škabrnja and Nadin.³⁰⁸ In all, 48 bodies belonging to civilians and defenders of the village killed in Škabrnja and Nadin were handed over.³⁰⁹

299 Marko Miljanić's statement, Exhibit no. P00097, *Stanišić and Simatović*, p. 5; Tomislav Šegarić's statement, Exhibit no. 00826, *Martić*, p. 3; Luka Brkić, witness statement in *Martić*, ICTY, 5 April 2006, p. 3234.

300 Lucija Šegarić, Josip Miljanić, Stana Vicković and Krsta Šegarić were killed in Slavko Šegarić's house; Jozo Brkić, Jozo Miljanić, Slavka Miljanić, Petar Pavičić, Ilija Ražov, Kata "Soka" Rogić, Ivica Šegarić, Rade Šegarić, Vice Šegarić, and members of the Croatian defence forces Mile Pavičić and Ivica Šegarić were killed in Petar Pavičić's house.

301 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 257; Official note dated 8 March 1992, Exhibit no. 00116, *Martić*; Ante Rožov autopsy report, Exhibit no. 00364, *Martić*; Statement of witness Nevena Šegarić given to the ICTY, Exhibit no. 00251, *Martić*, p. 4; Report of Zadar County authorities, Exhibit no. 00377, *Martić*, p. 11.

302 List of killed persons, statement of witness Ivan Jelić, ICTY, Exhibit no. 00825, *Martić*.

303 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 258.

304 List of killed persons, statement of witness Ivan Jelić, ICTY, Exhibit no. 00825, *Martić*, p. 36.

305 They were: Stoja Brkić, Danka Brzoju, Ika Čirjak, Maša Čirjak, Jakov Šestan and Marija Šestan. *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 252.

306 Marko Miljanić, witness statement in *Martić*, ICTY, 29 March 2006, p. 2880.

307 Luka Brkić, witness statement in *Martić*, ICTY, 5 April 2006, pp. 3251-3252; Nada Pupovac, witness statement in *Martić*, ICTY, 31 October 2006, pp. 10364, 10370.

308 Ivan Jelić's statement to the ICTY, Exhibit no. 00825, *Martić*.

309 35 bodies were handed over on 23 November 1991, 10 on 26 November 1991, and three on 5 December 1991.



On 5 and 6 of June 1996, a mass grave located to the west of the elementary school in Škabrnja was exhumed, on instructions from the County Court in Zadar and with the assistance of the Zadar Police Administration. The mortal remains of 26 people were recovered from the grave.³¹⁰

The plundering and destruction of private houses in Škabrnja and Nadin continued for months after the attacks, up until the end of the war in Croatia. The church in Nadin was demolished too.³¹¹

The attack on Škabrnja and Nadin was carried out by units of the 180th MtBr of the JNA, the Benkovac TO, and the SAO Krajina MUP. All these units were subordinate to the JNA during the attack.³¹² The 180th MtBr was part of the 9th Corps, whose Commander was Lieutenant-General Vladimir Vuković, and whose chief of staff was Major-General Ratko Mladić.³¹³

Colonel Tripko Čečović was the Commander of the 180th MtBr, but the attack was led by Chief of Staff of the 180th MtBr Momčilo Bogunović.³¹⁴ The Benkovac TO was commanded by Zoran Lakić. Boško Dražić was the head of the Benkovac police department.³¹⁵

The attack on the villages in the Ravni Kotari area, including Škabrnja and Nadin, was planned by the 9th Corps command as early as October 1991. An order issued at that time stated that units under the command of the 9th Corps “are to conduct an offensive operation in the area of Ravni Kotari, and additional forces are to be employed to secure the lines seized and control the territory”.³¹⁶

That there existed a JNA-devised plan to attack the two Croatian villages is corroborated by the following entry in Ratko Mladić’s diary of 17 November 1991 in which he noted: “Complete this in combat [...] mop up the sector of Nadin properly, Škabrnja, work for two days, if necessary”, after which he wrote “wipe it out”.³¹⁷

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iii. Attacks in eastern Slavonia

Between August and November 1991, JNA and Serbian TO forces attacked predominantly Croat villages in the former Vukovar municipality, namely Tovarnik, Sotin, Bapska, Lovas, Šarengrad, Ilok and Bogdanovci. The attacks would commence with shelling, after which the JNA ground forces

310 Ivan Grujić, witness statement in *Martić*, ICTY, 10 April 2006, pp. 3477-3479.

311 Boško Brkić, statement pursuant to rule 92 bis, Exhibit no. 00275, *Martić*, p. 3; Notes by Lieutenant-Colonel Bogunovic, Exhibit no. 00107, *Martić*, p. 4; Report on statements about violations of the second protocol to the Geneva Conventions concerning Drnis and the villages in the municipality of Drnis, dated 19 November 1991, Exhibit no. 00984, *Martić*, Annex 9, p. 31-39; MM-083, witness statement in *Martić*, ICTY, 16 June 2006, pp. 5747.

312 Zoran Lakić, witness statement in *Martić*, ICTY, 26 October 2006, pp. 10154-1057.

313 General Vladimir Vuković died in a military helicopter crash in 1992.

314 Zoran Lakić, witness statement in *Martić*, ICTY, 26 October 2006, pp. 10125-10128.

315 Zoran Lakić, witness statement in *Martić*, ICTY, 26 October 2006, pp. 10128-10130; MM-080, witness statement in *Martić*, ICTY, 8 June 2006, p. 5246.

316 Order to attack Zadar issued by the 9th Corps command on 3 October 1991, Exhibit no. D00674, *Stanišić and Simatović*.

317 Ratko Mladić’s diary, entry of 17 November 1991, Exhibit no. P02928, *Stanišić and Simatović*.



would enter the villages together with Serbian TO forces and the latter would force civilians from their homes, kill them, loot and torch their houses. After taking over a village, the JNA would set up its command and civilian and military local governments.³¹⁸

Tovarnik

Tovarnik is a village located 25 kilometres from the city of Vukovar. During the war, Tovarnik formed part of the Vukovar municipality.

The JNA commenced shelling Tovarnik for the first time on 12 September 1991. After that, an ultimatum was given by the JNA that Tovarnik residents surrender the village or the JNA would enter it. Although over the next few days the JNA was negotiating the surrender of the village with local residents, on 20 September 1991 the army started attacking Tovarnik. The attack commenced with shelling.³¹⁹

On 21 September 1991, JNA forces entered the village with tanks and occupied it.³²⁰ Having taken over the village, the JNA continued with armed operations, which caused villagers to flee. Some of them fled to Lovas and some to Ilok.

During the course of and after the attack on Tovarnik, between and 80 local residents were killed. Many houses were destroyed, either in the attack or afterwards, by the local TO forces. A Catholic church was also destroyed.³²¹

The JNA set up its command for the villages of Tovarnik and Ilača in Tovarnik, and the Tovarnik TO staff was composed of local Serbs.³²² The non-Serb population was expelled from the village. Many of them were taken away to be subjected to forced labour, others were transported to camps in Serbia [see page 57].³²³ After the Croats had been expelled from the village, Serbs who had fled from other parts of Slavonia were brought to the village to move into their houses.³²⁴

318 Order of the 1st VO of 20 November 1991, Exhibit no. D00019, *Hadžić*, p. 1; Analysis of the work of civilian and military authorities, report of the 3rd MBR Command of 25 February 1992, Exhibit no. P03302, *Hadžić*, p. 1; Analysis of the work of the military authorities by the 813th EngP of 23 February 1992, Exhibit no. P03180, *Hadžić*, pp. 1-2; Analysis of the Ilok Town Command pursuant to orders of the 1st MK 26 February 1992, Exhibit no. P00379, *Hadžić*, pp. 1-4.

319 Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, pp. 5234-5325.

320 Order concerning the chronology of events in the indictment related to Croatia, *Milošević*, ICTY, available at <http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Order/NotIndexable/IT-02-54/MRA1460R0000199370.tif> accessed 9 February 2017, paras. 50-51.

321 Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, p. 5324.

322 Analysis of the work of civilian and military authorities, report of the 3rd MBR Command of 25 February 1992, Exhibit no. P03302, *Hadžić*, p. 1.

323 Indictment against Miloš Stanimirović et al., County State Attorney's Office in Vukovar, 1 February 2001, pp. 10-29.

324 Analysis of the work of civilian and military authorities, report of the 3rd MBR Command of 25 February 1992, Exhibit no. P03302, *Hadžić*, pp. 1.



Tovarnik was in the area of responsibility of the 1st Proletarian Guards Mechanised Division (1st PGMD), which was part of the JNA 1st VO. It consisted of three proletarian guards mechanised brigades (1st PGMBR based in the Belgrade garrison, 2nd PGMBR from Valjevo, and 3rd PGMBR from Požarevac). The 1st PGMD was commanded by Major-General Dragoljub Arandelović and its command post was in Šid. In the autumn of 1991, TO units from Serbia were engaged as part of the 1st PGMD.³²⁵ Parts of the JNA 3rd PGMBR from Požarevac³²⁶ and the JNA 252nd Armour Brigade from Kraljevo also took part in the attack on Tovarnik,³²⁷ so did members of the SBZS TO and paramilitary formations.³²⁸ The JNA 2nd PGMBR was tasked with securing Tovarnik in October 1991. During December 1991, Tovarnik was in the area of responsibility of the JNA 3rd PGMBR.³²⁹

Sotin

Sotin is situated about 10 kilometres from the city of Vukovar. During the war, Sotin formed part of the Vukovar municipality.

The first artillery attack on Sotin began on 28 August 1991³³⁰ and continued into the next day, when about 1,000 residents of Sotin fled to Lovas.³³¹

Sotin was captured a month and a half later, on 14 October 1991, when JNA forces and Serb volunteers entered the village on tanks. Immediately after that, a number of houses owned by Croats were set fire to.³³²

325 Overview of the composition of the 1st VO forces, 16 November 1991, Exhibit no. P931, *Milošević*, p. 4; Order of the 1st PGMD Command no. 851-18 of 4 October 1991, Exhibit no. P01168, *Stanišić and Simatović*, pp. 1-3; Report on the establishment of civilian authorities in the area of responsibility of the 3rd PGMBR, 9 December 1991, Exhibit no. D00021, *Hadžić*, pp. 1-2.

326 "Beskrajna vera u komandanta"[Endless faith in the Commander], *Narodna armija*, 4 October 1991, p. 24.

327 Bojan B. Dimitrijević, *Neuspela intervencija Upotreba oklopnih jedinica JNA u ratu u Hrvatskoj 1991*, u „Istorija 20. veka“ [*Failed intervention of JNA armoured units in the 1991 war in Croatia*, in „20th Century History“] 1 2/2011, p.10, available (in Serbian) at http://istorija20veka.rs/wp-content/uploads/2017/11/2011_2_05_Dimitrijevic.pdf, accessed 28 February 2018.

328 Goran Stoparić, witness statement in *Šešelj*, ICTY, 15 January 2008, p. 2315, Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, p. 5324.

329 Order of the 1st PGMD Command no. 851-18 of 4 October 1991, Exhibit no. P01168, *Stanišić and Simatović*, pp. 1-3; Report on creation of civilian authorities in the area of responsibility of the 3rd PGMBR of 9 December 1991, Exhibit no. D00021, *Hadžić*, pp. 1-2.

330 Order concerning the chronology of events in the indictment related to Croatia, *Milošević*, ICTY, para 49, available at <http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Order/NotIndexable/IT-02-54/MRA1460R0000199370.tif> accessed 9 February 2017.

331 Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, para. 555.

332 Republic of Croatia's Application in *Croatia v Serbia*, ICJ, 1 March 2001, para. 4.108, p. 211.



After the JNA captured Sotin, local Serbs set up a TO headquarters as the body governing the village. The new government evicted local Croats from the village, after forcing them to sign that they were leaving voluntarily.³³³ Local residents were taken away by the local TO to locations where they were forced to perform hard labour. Dozens of people were killed in the village between October and December 1991.³³⁴

The artillery attack on Sotin of 28 August was led by the 1st Armoured Battalion of the JNA, commanded by Major Cvetan Dimitrov, which was assisted by the JNA 453rd Motorised Brigade based in Sremska Mitrovica. The JNA 252nd Armoured Brigade (252nd ArmBr) from Kraljevo, which was commanded by Colonel Jovan Vučković, and the JNA 46th PartD were responsible for the attack on Sotin and entering the village with tanks on 14 October 1991.³³⁵ All the above-mentioned units were under the command of the JNA 1st PGMD. Major-General Dragoljub Arandelović was the Commander of the 1st PGMD. In the autumn of 1991, TO units from Serbia were also deployed in Tovarnik as part of the 1st PGMD.³³⁶

Dragan Mitrović and Žarko Milošević, members of the Sotin TO, have been convicted by the War Crimes Department of the Higher Court in Belgrade for the crimes committed in Sotin between October and the end of 1991, including the murder of 13 Croatian civilians on 27 December 1991. Captain 1st Class Miroslav Milinković from the JNA 80th MtBr, who was the Commander of the village of Sotin at the time of the killing, was acquitted of aiding and abetting the crime.³³⁷

Bapska

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Bapska is a village situated about 30 kilometres from the city of Vukovar. During the war, Bapska formed part of the Vukovar municipality.

On 28 September 1991, Bapska residents were given an ultimatum by the JNA – either they surrendered their weapons or “the village would be wiped off the map”.³³⁸ The ultimatum was given despite the fact that, according to JNA accounts, its residents did not pose any threat to the JNA, nor had they engaged in any clashes with the JNA troops.³³⁹ The Bapska residents asked the JNA to protect them, but Major Slobodan Barjaktarević from the JNA 1st PGMD answered that it was not possible.³⁴⁰

333 *Živko Opačić et al.*, Trial Judgment, County Court in Vukovar, 19 July 2007, p. 6.

334 Analysis of the work of the military authorities, 813th IngP, 23 February 1992, Exhibit no. P03180, *Hadžić*, p. 2, Republic of Croatia’s Application in *Croatia v Serbia* 1 March 2001, para. 4.114, p. 214.

335 Republic of Croatia’s Application in *Croatia v Serbia* 1 March 2001, para. 4.108, p. 211, Regular combat report of the 1st PGMD submitted to the JNA 1st VO Command on 20 October 1991.

336 Overview of the composition of the 1st VO forces, 16 November 1991, Exhibit no. P931, *Milošević*, p. 4; Order of the 1st PGMD Command no. 851-18 of 4 October 1991, Exhibit no. P01168, *Stanišić and Simatović*, pp. 1-3.

337 *Dragan Mitrović et al.*, Trial Judgment, Higher Court in Belgrade, 26 June 2015, pp. 139-143.

338 JNA ultimatum given to Bapska residents on 28 September 1991, Exhibit no. 6, *Dokmanović*, p. 1.

339 JNA ultimatum given to Bapska residents on 28 September 1991, Exhibit no. 6, *Dokmanović*, p. 1.

340 Tomislav Rukavina, witness statement in *Hadžić*, ICTY, 4 December 2012, p. 2116. Questioning pursuant to rule 98 bis, Prosecution’s brief in *Hadžić*, ICTY, 18 December 2013, p. 9054.



Following the ultimatum, women and children were evacuated to Ilok. As the following days were calm, most of the villagers returned to their homes.³⁴¹

On 4 October 1991 at noon, the JNA launched an artillery attack on Bapska and Šarengrad [see page 53] which continued into the evening. The following day, 5 October 1991, JNA tanks rolled into Bapska from the directions of Šid and Pajzoš. While driving through the village, JNA troops shot randomly at houses and JNA tanks shot at the church bell tower. The locals fled to the forest at Kordoš, and from there to Ilok. A convoy of JNA vehicles drove through Bapska and then back towards Šid, shooting at houses all the time. Over the next few days, until 14 October 1991, the JNA sporadically shelled Bapska.³⁴²

Ten people were killed and around 80 houses were demolished in the attack.³⁴³

The task of taking Bapska was assigned to the 2nd PGMBR [see page 53].

Lovas

Lovas is village located 20 kilometres from the city of Vukovar. During the war, Lovas formed part of the Vukovar municipality.

On 10 October 1991, the JNA launched an artillery attack on Lovas, which killed one male resident and injured another, a female.³⁴⁴ After the artillery attack, members of the Lovas TO, Tovarnik Serbian militia, and “Dušan Silni” [Dušan the Great], a volunteer armed group from Serbia, entered the village from three different directions. In the village, they started to shoot at houses, throw hand grenades into yards, and set fire to several houses. During the “mopping up” of the village, they killed 23 local residents.³⁴⁵ The 46th PartD also participated in the take-over of Lovas.³⁴⁶ A local Serb government was set up in the village, comprising JNA officers and members of the local TO and militia,³⁴⁷ which imposed discriminatory measures against Croats, such as ordering them to wear white armbands and mark their houses with white sheets.³⁴⁸

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341 Tomislav Rukavina, statement of 2 February 1996, Exhibit no. P00324.B, *Hadžić*, pp. 3-4.

342 Ibid, pp. 4-5, Stipan Kraljević, statement, Exhibit no. 00383, *Mrkšić et al.*, p. 19.

343 Tomislav Rukavina, statement of 2 February 1996, Exhibit no. P00324.B, *Hadžić*, p. 5.

344 Petr Kypř, witness statement in *Mrkšić et al.*, ICTY, 27 March 2006, pp. 6546-9. Milan Latas was killed and Marija Vidić wounded.

345 22 Croats and one Serb. *Mrkšić et al.*, (Trial Judgment), ICTY, 27 September 2007, para. 47.

346 Regular combat report of the 1st PGMD submitted to the JNA 1st VO Command on 20 October 1991.

347 Units of Valjevo TO forces of the JNA reserve component from Serbia were tasked with securing the village, namely: one company each from the Ljig and Lajkovac TO, and a tank company of the 1st Armoured Battalion of the 2nd Proletarian Guards Mechanised Brigade of the JNA, who arrived immediately after the capture of the village. Thus the newly established government, apart from volunteers and militia forces and TO, was reinforced by JNA members.

348 *Ljuban Devetak et al.*, Trial Judgement no. K Po2 22/2010, Higher Court in Belgrade, 26 June 2012, pp. 81-83.



From 10 to 18 October 1991, members of the Serbian TO, militia and “Dušan Silni” paramilitaries mistreated and intimidated Lovas residents, took them to makeshift prisons and killed 25 people at various locations across the village.³⁴⁹ On the morning of 17 October 1991, the newly created Serb local government in Lovas used the town crier to call on all male villagers between the ages of 18 and 65 to assemble in the centre of the village. About 70 men turned up and were taken to Farmers’ Co-op, where they were held all night, guarded by members of the TO and “Dušan Silni”.³⁵⁰

The following day, 18 October 1991, about 50 of the men were taken by TO and “Dušan Silni” members to a minefield just outside the village, to be used as human mine detectors to demine the mines that had been laid by the JNA.³⁵¹ When they arrived at the minefield, members of the TO and “Dušan Silni” ordered them into the minefield to check with their feet where the mines were. After one mine exploded, the soldiers opened fire killing 20 men and wounding several others.³⁵²

From 10 October to 11 November 1991, 70 people, mainly Croats, were killed in Lovas. Most of the house owned by Croats were looted and torched.³⁵³ The mortal remains of people killed in Lovas were exhumed from the Catholic cemetery in Lovas in mid-1997.³⁵⁴

The order to attack Lovas was issued by Dušan Lončar, Commander of the 2nd PGMBR JNA, on 9 October 1991.³⁵⁵ As Lončar specified in the order, the purpose of the attack was to mop up the ZNG and Croatian MUP members from the village, along with “its hostile population”, meaning Croats.³⁵⁶ Milan Devčić was the Commander of the Lovas TO and Ljuban Devetak commanded the “Dušan Silni” unit. Several members of the Lovas TO and “Dušan Silni” are on trial at the Higher Court in Belgrade for the crime committed in Lovas.³⁵⁷ JNA Lieutenant-Colonel Dušan Lončar has retired and is living in Serbia. By the time this Dossier was published, the Office of the OWCP had pressed no charges against him.³⁵⁸

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349 Indictment of the Office of the War Crimes Prosecutor, 28 November 2007, available at <http://www.hlc-rdc.org/wp-content/uploads/2012/02/Lovas-Optuznica-Ljuban-Devetak-i-dr.pdf>, accessed 28 December 2017.

350 Indictment of the Office of the War Crimes Prosecutor, 28 November 2007, available at <http://www.hlc-rdc.org/wp-content/uploads/2012/02/Lovas-Optuznica-Ljuban-Devetak-i-dr.pdf>, accessed 28 December 2017. (only available in Serbian)

351 *Croatia v Serbia (Genocide)*, Judgment, International Court of Justice, 3 February 2015, para. 233.

352 In November 2007, the Office of the War Crimes Prosecutor indicted 14 members of the Valjevo TO which was made part of the JNA, and the “Dušan Silni” volunteer unit, over the murder of 68 civilians from Lovas. The case is currently being re-tried at the Higher Court in Belgrade.

353 Indictment of the Office of the War Crimes Prosecutor, 28 November 2007, available at <http://www.hlc-rdc.org/wp-content/uploads/2012/02/Lovas-Optuznica-Ljuban-Devetak-i-dr.pdf> accessed 28 December 2017. (only available in Serbian)

354 Prosecution’s Second Pre-trial Brief in Milošević, ICTY, 31 May 2002 para. 534.

355 Order to attack Op. no. 9 of the JNA 2nd PGMBR, 9 October 1991; Order of the 1st PGMD Command of 9 October 1991. On 2 November 2016, the HLC lodged a criminal complaint with the Office of the War Crimes Prosecutor against Dušan Lončar for ordering an indiscriminate attack on Lovas.

356 Order to attack Op. no. 9 of the JNA 2nd PGMBR, 9 October 1991.

357 The *Lovas*, <http://www.hlc-rdc.org/Transkripti/lovas.html>. (only available in Serbian)

358 HLC, „Criminal Complaint for Crime in Lovas Committed In 1991”, <http://www.hlc-rdc.org/?p=32894&lang=de>, accessed 7 February 2018. (only available in Serbian)



Šarengrad

Šarengrad is a village situated about 25 kilometres from the city of Vukovar.³⁵⁹ During the war, Šarengrad formed part of the Vukovar municipality.

After the JNA attacked the villages around Šarengrad in September 1991, it was completely cut off from Vukovar.³⁶⁰

JNA shelling of Šarengrad began on 4 October 1991. The shelling killed at least one person and damaged several buildings, including an Orthodox church. Sporadic shelling continued over the next few days.³⁶¹

During the night of 5-6 October 1991, local residents organised the evacuation of women and children to Ilok [see page 51].³⁶² On 7 October 1991, armoured JNA units backed by TO units entered Šarengrad.³⁶³ Šarengrad residents who had stayed behind in the village were subjected to mistreatment at the hands of both JNA and TO members, and later expelled to Croat-controlled territories by the new Serb local government, once it was established.³⁶⁴

The task to capture the villages of Bapska and Šarengrad in the autumn of 1991 was assigned to the 2nd PGMBR commanded by Lieutenant-Colonel Dušan Lončar.³⁶⁵ This brigade took the village jointly with the JNA 252nd ArmBr, JNA 46th PartD and TO units.³⁶⁶ The 2nd PGMBR was part of the 1st PGMD, which was commanded by Major-General Dragoljub Arandelović.³⁶⁷

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359 Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, p. 5313.

360 Pero Ćorić, witness statement in *Hadžić*, ICTY, 25 June 2013, pp. 6215-6216.

361 Order concerning the chronology of events in the indictment related to Croatia, *Milošević*, ICTY, para. 60, available at <http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Order/NotIndexable/IT-02-54/MRA1460R0000199370.tif> accessed 20 October 2017; Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, p. 5327; Pero Ćorić, witness statement in *Hadžić*, ICTY, 25 June 2013, pp. 6217-6218, Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, para. 559; Pero Ćorić, statement, 15 December 1995, Exhibit no. P02275.B, *Hadžić*, p. 3, para. 8.

362 Pero Ćorić, statement of 15 December 1995, Exhibit no. P02275.B, *Hadžić*, p. 4, para. 11.

363 Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, para. 559, Prosecution's Pre-trial Brief in *Hadžić*, ICTY, 3 July 2012, p. 7245; Order of the 1st PGMD no. 851-18 of 4 October 1991, Exhibit no. P01168, *Stanišić and Simatović*, p. 2.

364 Republic of Croatia's Application in *Croatia v Serbia*, ICJ, 1 March 2001, para. 4.61, p. 192; Pero Ćorić, statement of 15 December 1995, Exhibit no. P02275.B, *Hadžić*, p. 15, paras. 18 and 19; Prosecution's Pre-Trial Brief in *Hadžić*, ICTY, 3 July 2012, p. 7246.

365 Order of the 1st PGMD no. 851-18 of 4 October 1991, Exhibit no. P01168, *Stanišić and Simatović*, p. 2; Order to attack Op. no. 9 of 9 October 1991.

366 Republic of Croatia's Application in *Croatia v Serbia*, ICJ, 1 March 2001, p. 190, para. 4.57, and p. 199, para. 4.84, Regular combat report of the of the 1st PGMD to the command of 1st VO, 20 October 1991.

367 Overview of the composition of the 1st VO forces, 16 November 1991, Exhibit no. P931, *Milošević*, p. 4; Order of the 1st PGMD Command no. 851-18 of 4 October 1991, Exhibit no. P01168, *Stanišić and Simatović*, pp. 1-3.



Ilok

Ilok is a village situated some 35 kilometres from the city of Vukovar. During the war, Ilok formed part of the Vukovar municipality.

By August 1991, Ilok was completely encircled by JNA units. In early October, the electricity and water supply were switched off in Ilok and the village was surrounded by JNA tanks and mortars. A small number of ZNG troops equipped with two mortars were present in the village.³⁶⁸

When the JNA attacked the villages around Ilok in early October 1991 [see page 51], their residents fled to Ilok in large numbers. Because of that, representatives of the Ilok, Bapska, Tovarnik and Šarengrad residents set up a committee to negotiate with the JNA the fate of these people.³⁶⁹ Meetings with JNA were held in Šid, at which the JNA was represented by Major-General Dragoljub Arandelović, Commander of the 1st PGMD. On 11 October 1991, the JNA issued an ultimatum demanding that the residents and defenders of Ilok lay down their arms and allow the JNA to enter the village, search the houses and take over the village.³⁷⁰ Committee representatives answered that they would hand over their weapons to the local police without the JNA entering the village, but JNA officers declined the proposal, threatening that JNA forces would flatten the village unless their demands were met.³⁷¹

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Following the JNA ultimatum, a referendum was held for Ilok residents and refugees to decide whether they would comply with the ultimatum or leave the village.³⁷² 73 percent voted to leave the village i.e. against complying with the JNA ultimatum. On 14 October 1991, another meeting was held between Ilok representatives and the JNA in the presence of European Community monitors. The meeting resulted in an agreement which provided for the surrender of weapons and removal of Ilok residents and refugees to a territory controlled by Croatia.³⁷³

On 17 October 1991, 8,000 people left Ilok in a convoy. The JNA checked on the convoy, inspecting people's IDs and frisking them. Following the frisking, 17 people were arrested and subsequently taken to Serbia to be detained in the camp in Begejci.³⁷⁴ Those who attempted to leave Ilok on their own, outside the convoy, were also arrested and taken to Begejci.³⁷⁵ A Serb local government was

368 Petr Kypr, statement, Exhibit no. 81, *Dokmanović*, p. 4.

369 Petr Kypr, witness statement in *Mrkšić et al.*, ICTY, pp. 6496, 6504; Stipan Kraljević, statement, Exhibit no. 00383, *Mrkšić et al.*, p. 19.

370 JNA agreement/ultimatum from 11 October 1991, Exhibit no. P516.5, *Milošević*.

371 Stipan Kraljević, witness statement in *Milošević*, ICTY, 27 August 2003, p. 25413.

372 Stipan Kraljević, statement, Exhibit no. 00383, *Mrkšić et al.*, p. 21.

373 Agreement between representatives of Bapska, Šarengrad and Ilok and the JNA, Exhibit no. P01419, *Hadžić*, pp. 1-3; Stipan Kraljević, witness statement in *Milošević*, ICTY, 27 August 2003, p. 25413.

374 Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, pp. 5365-5367; List of persons taken from the convoy, Exhibit no. 02025, *Hadžić*.

375 Stipan Kraljević, statement, Exhibit no. 00383, *Mrkšić et al.*, p. 22, Tomislav Rukavina, statement of 2 February 1996, Exhibit no. P00324, *Hadžić*, p. 5; Stipan Kraljević, witness statement in *Milošević*, ICTY, 27 August 2003, p. 25453.



established in Ilok, which subsequently expelled all the Croats who had not been evacuated to the territory controlled by the Croat authorities.³⁷⁶

According to some testimonies, the JNA maintained control over the area of Ilok and surrounding villages under the command of Colonel Petar Grahovac of the 12th JNA Corps (Novi Sad Corps),³⁷⁷ until 31 January 1992, when the authority over the area was handed over to the SAO SBZS.³⁷⁸ However, the JNA continued to control the work of both civilian and military authorities for the next few months, through its local commands that had been established earlier.³⁷⁹

Bogdanovci

Bogdanovci is a village in the Vukovar municipality situated eight kilometres from the city of Vukovar. During the war, Bogdanovci formed part of the Vukovar municipality.

Between 2 October and 10 November 1991, members of the JNA and volunteer groups from Serbia killed approximately 87 Croatian civilians in Bogdanovci. The civilians were killed at various locations in the village, mostly by hand grenades that were thrown into basements in which they were sheltering, but also by shells fired by the JNA.³⁸⁰

The attack on Bogdanovci was carried out jointly by a company that was part of a JNA's 1st PGMBR battalion and parts of the JNA's 2nd PGMBR. The battalion of the JNA's 1st PGMBR that the company involved in the attack was part of was commanded by Captain Cane Simonovski and the JNA's 2nd PGMBR was commanded by Lieutenant Colonel Dušan Lončar.³⁸¹

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376 Stipan Kraljević, witness statement in *Hadžić*, ICTY, 4 June 2013, pp. 5367-5368.

377 Andrija Biorčević was the Commander of the Novi Sad Corps at the time.

378 Stipan Kraljević, statement, Exhibit no. 00383, *Mrkšić et al.*, pp. 18-22.

379 Analysis of the work of civilian and military authorities, report of the 3rd MBR Command of 25 February 1992, Exhibit no. P03302, *Hadžić*, p. 1; Analysis of the work of the military authorities by the 813th EngP of 23 February 1992, Exhibit no. P03180, *Hadžić*, pp. 1-2; Analysis of the Ilok Town Command pursuant to orders of the 1st MK of 26 February 1992, Exhibit no. P00379, *Hadžić*, pp. 1-4.

380 *Croatia v Serbia* (Genocide), Judgment, ICJ, 3 February 2015, paras. 225-230. On 10 November 2017, Documenta, Center for Dealing with the Past, lodged a criminal complaint with the State Attorney's Office of the Republic of Croatia against unnamed individuals for killing 22 persons in Bogdanovci, available (in Croatian) at https://www.documenta.hr/hr/kaznena-prijava-za-zlo%C4%8Dine-u-bogdanovcima.html?searched=bogdanovci&advsearch=neword&highlight=ajaxSearch_highlight%20ajaxSearch_highlight1, accessed 7 December 2017.

381 "Ti divni ljudi, hrabri mladi ratnici" [Those magnificent brave young warriors], *Narodna armija*, 22 December 1991, p. 21.



VI. Detention sites

Detention facilities were set up across the territory of the SAO Krajina to which residents of the captured villages were taken. They were, as a rule, controlled by the JNA, and JNA officers including Ratko Mladić, visited them. Mladić first visited them as Chief of Staff and later as the Commander of the 9th Corps.

Benkovac

Following the attack on Škabrnja on 18 November 1991 [see page 45], members of the JNA took about 85 local residents to the JNA barracks in Benkovac, where they questioned them about their role during the attack, abused and tortured them. The following day, 19 November, most of the prisoners were taken to the village of Pristeg, and a few to the JNA barracks in Knin [see page 46].³⁸²

After the attack on Škabrnja on 18 November, the JNA brought around 25 people, mostly women and children, to the kindergarten in Benkovac, which was located opposite the JNA barracks.³⁸³ The civilians were held there overnight, questioned, mistreated, and accused of being “Ustashi” and committing crimes against Serb children. The following day, most of the prisoners were taken to the village of Pristeg and allowed to cross into Croat-held territory. Three boys were taken to a shop in the village of Biljane, to the north-west of Benkovac, where soldiers who called themselves “Chetniks” insulted and threatened them.³⁸⁴ In the evening of the same date, the three minors were brought back to the kindergarten in Benkovac to be released the following day.³⁸⁵

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Knin

Between mid-1991 and mid-1992, Croat prisoners were brought to the two detention facilities in Knin by members of the JNA.

The first were the barracks of the JNA 9th Corps, in which about 200 Croats were detained. In several buildings of the barracks compound, prisoners were beaten by JNA members, and denied food and water; hygiene was far below any minimum standards. Ratko Mladić, the then Chief of Staff of the 9th Corps, visited the barracks twice in the winter of 1991, threatening the prisoners they could “suffer the same fate as those in Škabrnja” if they did not do what they were told.³⁸⁶

382 United Nations Security Council Report S/1994/674 Add. 2 (vol. IV) of 27 May 1994, p. 351, para. 2927.

383 Ibid, para. 2925, Tomislav Šegarić’s statement, Exhibit no. 00826, *Martić*, p. 6-7, *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 278.

384 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 278.

385 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 278. “While the Trial Chamber considers that these persons were detained without due process of law, the Trial Chamber finds that this detention is more appropriately described as part of the crime of deportation to which these persons were later subjected. The Trial Chamber therefore finds that the elements of the crime of imprisonment (Count 5) have not been established.”

386 Luka Brkić, witness statement in *Martić*, ICTY, 5 April 2006, p. 3275.



The second place in Knin that was used as a detention facility for Croats were the premises of the Old Hospital building, known at the time as “Martić’s Jail” or the “County Jail”. In the old hospital building, which had been used for this purpose since the beginning of 1991, up to 300 Croats were detained, including, mostly, civilians but also members of the Croatian armed forces. A part of this detention facility was under the control of the SAO Krajina militia, while the other part, which Ratko Mladić visited, was controlled by the JNA 9th Corps.³⁸⁷

Guards treated prisoners brutally, hitting them with rifle butts, plunging their heads into lavatory bowls, or making them clean latrines with their bare hands. Sometimes, prisoners were not allowed to use the toilet for days and were made to drink their own urine.³⁸⁸ Also, instances of sexual abuse were reported.³⁸⁹ The food was inadequate and poor.³⁹⁰

Dalj and Borovo Selo

Several detention facilities for Croatian civilians were set up in Dalj. During the war, Dalj formed part of the Osijek municipality. Having captured Erdut on 10 August 1991, members of the JNA Novi Sad Corps began apprehending Croatian civilians and taking them to Dalj.³⁹¹ Likewise, on 25 August 1991, they captured several dozen Croatian civilians, questioned them using psychological torture, then took them to Borovo Selo, where they held them for seven days, before they brought them back to Dalj to detain them in the premises of a company called Kooperacija.³⁹²

According to a UN Security Council report,³⁹³ the Novi Sad Corps commanded by Andrija Biorčević was responsible for the capture and detention of Croatian civilians in Erdut and detaining them in Dalj. Croatian prisoners were held in other places in Dalj as well, such as the police station and the Cultural Centre, the latter being used as the seat of the TO staff.³⁹⁴

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i. Detention sites in Serbia and Montenegro

From September 1991 until August 1992, six facilities in Serbia were used as detention camps for Croats. They included a camp in Stajićevo near Zrenjanin, a camp in Begejci near Žitište, the Correctional Institution in Sremska Mitrovica, the Correctional Institution and Military Prison in Niš, the military detention facility in Belgrade, and underground facilities of the Security Institute at Banjica (Belgrade) and Aleksinac.³⁹⁵ Croatian civilians and members of the Croatian armed forces were brought to these

387 Transcript of the testimony of Stanko Erstić, Exhibit no. 00392, *Martić*, p. 24980.

388 *Martić* (Trial Judgment), ICTY, 12 June 2007, para. 288.

389 *Ibid.*, para. 288.

390 *Ibid.*

391 United Nations Security Council Report S/1994/674 Add. 2 (vol. IV) of 27 May 1994, p. 377, para. 3127.

392 *Ibid.*, paras. 3127-9.

393 United Nations Security Council Report S/1994/674 Add. 2 (vol. IV) of 27 May 1994, p. 377, paras. 3127 and 3129.

394 Prosecution’s Pre-Trial Brief in *Hadžić*, ICTY, 3 July 2012, pp. 7270 and 7258.

395 http://yuhistorija.com/serbian/ratovi_91_99_txt01c2.html accessed 28 December 2017.



camps from Vukovar, Osijek and Vinkovci. In all, there were about 7,000 detainees, including a large number of women, children and elderly persons.³⁹⁶

The conditions were identical in all these camps: detainees were subjected to daily torture, humiliating treatment and starvation. Owing to the limited space, detainees had to sleep on their side on the bare concrete floor. The food was poor and inadequate. Each time they went to the W.C., detainees were beaten by guards with batons or rifle butts, and kicked and punched.³⁹⁷

While testifying before the ICTY, Aleksandar Vasiljević, head of Security Administration, confirmed that these camps were run by the JNA 1st VO.³⁹⁸ Also, Vasiljević confirmed that he visited the camps several times and kept records on the number of detainees, and that he was aware of the appalling conditions in the camps.³⁹⁹ In addition, Vasiljević took part in organising a prisoner swap on 10 December 1991, when 50 prisoners from these camps were exchanged with JNA members who had been detained in Gospić.⁴⁰⁰

In 2008, the “Vukovar 1991” association filed a criminal complaint with Serbia’s OWCP against 54 commanders and guards from these camps. But the complaint had no effect. The Prosecutor’s Office has never indicted anyone for crimes committed in the camps located in Serbia.⁴⁰¹

Morinj

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In early October 1991, what was called the “Reception Centre for Detainees” was set up in Morinj, a small village in Kotor municipality in Montenegro. The order to set up the centre was issued by the JNA 9th VPO Boka. The centre was in use until 18 August 1992.⁴⁰²

Members of Croatian forces, but also civilians captured in the wider Dubrovnik area in the course of the JNA attack, were brought to the camp in Morinj by the JNA. These captives were first taken to the prison in Bileća in BiH, from where they were transported on buses to Morinj during the spring and summer of 1992.⁴⁰³ In the camp in Morinj there was an interrogation team, made up of members of the JNA reserve force. The team interrogated detainees about their engagement in the Croatian armed

396 Between 3,500 and 4,000 Croatian prisoners were detained in the camp in Sremska Mitrovica, about 500 in Niš, between 200 and 300 in Aleksinac, about 100 in the military detention centre in Belgrade, over 1,300 in Stajičevo, and about 600 in Begejci.

397 http://yuhistorija.com/serbian/ratovi_91_99_txt01c2.html, accessed 28 December 2017.

398 Aleksandar Vasiljević, witness statement in *Milošević*, ICTY, 18 February 2003, p. 16387.

399 Ibid, pp. 16387-16388.

400 Ibid, pp. 16387-16389.

401 Vukovar 1991 association and HLC on the camps in Serbia, available (in Serbian) at <http://www.hlc-rdc.org/?p=13756>, accessed 28 December 2017.

402 Indictment against Mladen Govedarica et al., Supreme Prosecutor’s Office of Montenegro, 15 August 2008, in “Centar za građansko obrazovanje, *Proces suočavanja sa prošlošću u Crnoj Gori - Slučaj ‘Morinj’*” [The process of dealing with the past in Montenegro – The Morinj Case], Podgorica, 2014, p. 19, available (in Montenegrin) at <http://media.cgo-cce.org/2014/12/cgo-cce-proces-suocavanja-sa-prosloscu-u-cg-slucaj-morinj.pdf>, accessed 28 August 2017.

403 Marko Knežić, witness statement in *Milošević*, ICTY, 17 September 2003, pp. 26857-26858.



forces. During interrogation, detainees were humiliated, punched, kicked and hit with rifle butts. Three detainees died in the camps, probably as a result of torture.⁴⁰⁴ The camps consisted of three buildings, which were guarded by members of the military police of JNA.⁴⁰⁵ Guards forced detainees to sing Serbian nationalistic songs and keep their eyes cast downwards when addressing them.⁴⁰⁶ The conditions in the buildings were inhumane. As there were no toilets in the buildings, detainees had to urinate and defecate in buckets that were placed in their rooms.⁴⁰⁷

VII. Investigations undertaken by the JNA

In some instances, the JNA command undertook official investigations in the course of or after the actions led by the JNA. Most of the investigations were conducted at the behest of the ECMM. In its reports following investigations the blame for crimes was always ascribed to the TO or members of volunteer units.

Even if members of the TO and volunteer units were indeed responsible for the crimes that were investigated, the JNA, as their superior, was obliged, following the investigation, to hand over those found responsible to the competent prosecutorial authorities for further prosecution. However, there is no evidence that the JNA ever did this.⁴⁰⁸

Following the crimes in Škabrnja and Nadin, for example, the unit responsible for the attack on the two villages – the JNA 180th MtBr [see page 45] – conducted an investigation into the crimes committed there. The investigation was conducted by three officers of the brigade and four reports were produced. All four reports identified members of TO forces and volunteer units as perpetrators of the crimes. However, the reports failed to mention whether the JNA authorities had provided evidence regarding the perpetrators and their crimes to the military prosecution office or whether any JNA authority had disciplined them.⁴⁰⁹

The JNA proceeded in a similar way when investigating the attack on Dubrovnik. [see page 21] Immediately after the attack of 6 December 1991, Veljko Kadijević ordered Miodrag Jokić and Pavle

404 Ibid.

405 Indictment against Mladen Govedarica et al, Supreme Prosecutor's Office of Montenegro, 15 August 2008, in "Centar za građansko obrazovanje, *Proces suočavanja sa prošlošću u Crnoj Gori - Slučaj 'Morinj'*" [The process of dealing with the past in Montenegro – The Morinj Case], Podgorica, 2014, p. 19, available (in Montenegrin) at <http://media.cgo-cce.org/2014/12/cgo-cce-proces-suocavanja-sa-prosloscu-u-cg-slucaj-morinj.pdf>, accessed 28 August 2017; Robert Hausvička, witness statement in *Milošević*, ICTY, 10 January 2003, pp. 14705-14706.

406 Robert Hausvička, witness statement in *Milošević*, ICTY, 10 January 2003, p. 14706.

407 Ibid, p. 14705.

408 Regulations concerning the application of international law on war in the SFRY Armed Forces, SSNO 1988, Exhibit no. P01038, *Stanišić and Simatović*, p. 21, para. 36.

409 Note on the application of methods of work, 23 November 1991, Exhibit no. 00118, *Martić*; Note on the application of methods of work, 27 November 1991, Exhibit no. P1208, *Stanišić and Simatović*; Note on the application of methods of work, Exhibit no. 00615, *Martić*; Official note dated 8 March 1992, Exhibit no. 00116, *Martić*.



Strugar to come immediately to Belgrade for consultations. At a meeting held in Belgrade, Kadrijević ordered an inquiry into the attack on Dubrovnik and the JNA's responsibility for it.⁴¹⁰ Miodrag Jokić assigned the responsibility for investigation to the JNA 9th VPS.

An effective investigation, however, never took place. All that the officers of the 9th VPS in charge of investigation did was interview members of a unit whose members were killed or wounded during the attack.⁴¹¹ Also, none of the officers who took part in the attack were disciplined; and one of them, Captain Vladimir Kovačević, the Commander of the very unit that commenced the attack, first targeting Mount Srđ and later aiming their guns at the Old Town [see page 24], was even promoted only eight days after the attack.⁴¹² Only one officer was removed from his post over the attack on Dubrovnik. It was Lieutenant-Colonel Miroslav Jovanović, who served as the temporary commander of the 3rd Battalion of the 5th MtBr. He was dismissed a day after the attack, only to be reinstated to the same position very shortly afterwards.⁴¹³

Only on 8 December 1991 did a three-member commission of the 9th VPS Boka visit the Old Town to inspect and assess the damage. The following day, they submitted a report to Deputy Federal Secretary for National Defence, Admiral Stane Brovet, on the extent of damage caused to the Old Town by the attack. In the report, the commission sought to minimise the extent of damage and the JNA's responsibility for it.⁴¹⁴ The damage was described as slight, easily repairable and caused by small calibre shells.⁴¹⁵ In its conclusion, the commission said that "the damage on the cultural and historical buildings is not extensive". As to the cause of the damage, the report stated that "it cannot be assessed with certainty what caused the damage nor can the perpetrators be identified, because much of the damage was clearly not caused by an attack from outside the Old Town".⁴¹⁶

As regards the crime at the Ovčara Farm, it was not until 1998 that military investigators from Serbia looked into what had happened there, and they did it only because of ICTY pressure to hand over the individuals who had been indicted by this tribunal for these crimes.⁴¹⁷ Although the investigators from Serbia interviewed the JNA officers who were present at the Ovčara Farm at the time of the crimes, their investigation concluded that there was not enough evidence to instigate criminal proceedings against Mile Mrkšić, Veselin Šljivančanin or Miroslav Radić.⁴¹⁸

410 Message to the Dubrovnik Crisis Staff and Minister Davorin Rudolf, 6 December 1991, Exhibit no. P136, *Strugar*.

411 Officers of the 9th Corps had a conversation with soldiers of the 3rd Battalion of the 472nd MtBr to boost their morale, because that unit lost five fighters in the attack, and another 15 were wounded.

412 File containing personal information on Captain 1st Class Vladimir Kovačević, Exhibit no. P133, *Strugar*.

413 Report on the action of the 3rd Battalion of the 472nd MtBr against Srđ, 6 December 1991, Exhibit no. D65, *Strugar*, and *Strugar* (Trial Judgment), ICTY, 31 January 2005, para. 174.

414 Commission's report on the damage inflicted on the Old Town in Dubrovnik, Exhibit no. P61.39, *Strugar*.

415 Ibid.

416 Ibid.

417 The ICTY Office of the Prosecutor brought its first indictment against Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić in 1995. Milorad Vojnović, witness statement in *Mrkšić et al.*, ICTY, 17 May 2006, pp. 9097, 9144-5.

418 *Mrkšić* (Trial Judgment), ICTY, 27 September 2007, para. 320.



On the basis of all of the forgoing, it can be concluded that the JNA investigations were a travesty, and that they were conducted only to appease the ECMM or the ICTY, not to gather valid evidence regarding those responsible for the crimes, on the basis of which they could be indicted.

VIII. JNA's transformation into the Serbian Army of Krajina (SVK)

The JNA officially withdrew from Croatia in May 1992.⁴¹⁹ However, even before its official withdrawal, during February or March 1992, the SSNO issued orders requiring that the JNA be re-organised to become the TO of the RSK,⁴²⁰ which, under the RSK Constitution of 2 January 1992, constituted the armed forces of the RSK.⁴²¹ Members of the JNA continued to serve under the RSK TO, and after withdrawing from Croatia, the JNA left all its combat equipment and materiel to the RSK TO and militia.⁴²²

As according to the Vance Plan⁴²³ the TO of the RSK forces and all other armed groups except the police had to be disarmed and demobilised, the SSNO devised a ruse to evade the plan. Thus, on 28 April 1992, the SSNO ordered that eight militia brigades be formed in the RSK, to replace the TO and assume the functions of the armed forces of the RSK.⁴²⁴

What this meant in practice was that TO units were merely renamed “Special Police Units” and changed insignia accordingly.⁴²⁵ As a result, all officers and soldiers of the JNA and TO became members of the “Special Police Units”, and all JNA and TO equipment - weapons, ammunition and vehicles – became the equipment of the “Special Police Units”. This allowed for the RSK MUP performing all the tasks on the ground that had previously been performed by the TO.⁴²⁶ As the UN Secretary-General said at a SC session in September 1992, the transformation of the RSK TO into “militia” units in practice resulted in the demilitarisation provided in the Vance Plan being evaded.⁴²⁷

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419 Order concerning the chronology of events in the indictment related to Croatia, *Milošević*, ICTY, para. 821, available at <http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Order/NotIndexable/IT-02-54/MRA1460R0000199370.tif> accessed 6 March 2017,

420 Order concerning the changes in the organisation and structure in the RSK TO units dated 27 February 1992, Exhibit no. P2637, *Hadžić*; Order no. 145 of Light Infantry Brigade, dated 22 March 1992, Exhibit no. P2651, *Hadžić*.

421 Constitution of the Republic of Serb Krajina passed on 2 January 1992, Article 102.

422 Report of military expert Reynaud Theunens, Exhibit no. P1753, *Hadžić*, p. 253.

423 In November 1991, Cyrus Vance, the Special Envoy of the UN Secretary-General, came up with a plan for the demilitarisation of Krajina and deployment of UN peacekeeping forces (Blue Helmets) across the entire territory of Krajina. The Vance Plan also stipulated the withdrawal of the JNA from Croatia. Both parties to the conflict accepted the plan on 2 January 1992. Report of the Secretary-General pursuant to Security Council Resolution 721 (1991) S/23280, 11 December 1991, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/23280

424 They were formed in Knin, Korenica, Vojnić, Petrinja, Okučani, Vukovar, Beli Manastir and Benkovac.

425 „Border guard militia” and „multi-purpose militia brigades” were the names also used to refer to „Special Police Units”.

426 Report of military expert Reynaud Theunens, Exhibit no. P1753, *Hadžić*, p. 254.

427 Further Report of the Secretary-General pursuant to Security Council Resolutions 743 and 762, 28 September 1992, paras. 4, 6, 10-18, see in “Secretary-General’s report submitted pursuant to Security Council Resolutions 743 (1992) and 762 (1992), Exhibit no. D00070, *Hadžić*, pp. 3-5, 8-9.



On 27 November 1992, Major-General Mile Novaković issued an order by which the Serbian Army of Krajina (SVK) was created, made up of the TO of the RSK units and special police units. The structure of the SVK reflected the structure of the TO in the spring of 1992 before it was renamed “Special Police Units”. With the creation of the SVK, the TO zone headquarters ceased to exist, to be transformed into corps headquarters, and TO brigades became SVK brigades. The SVK had six corps and 26 brigades.⁴²⁸ Like the TO before it, the SVK was not lacking in support from the Yugoslav Army (VJ), the successor of the JNA. The support was coming in the form of exchange of operational data, personnel, training, logistics, etc. [see page 98].⁴²⁹

IX. The JNA in Bosnia and Herzegovina

Introduction

During the course of the 1991 conflict in Croatia, the JNA established cooperation with the Serbian Democratic Party (SDS) in Bosnia and Herzegovina (BiH). It included, among other things, the Bosnian-Serb political leadership’s assistance to the JNA with the mobilisation process in BiH, and securing the JNA a safe movement across the territory of BiH. The JNA, in turn, armed the Serbs in BiH, notably the TO forces controlled by the SDS and the Serbian volunteer units operating in BiH.⁴³⁰

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In late March 1992, the Bosnian-Serb Assembly issued a decision establishing the MUP of the Serbian Republic of BiH (SrR BiH). The first step towards establishing the Bosnian-Serb MUP was the withdrawal of the Serbs from the MUP of BiH. On 24 March 1992, Mićo Stanišić was appointed Minister of Internal Affairs of the SrR BiH.⁴³¹ After that, the Bosnian-Serb Assembly directed the Ministerial Council to prepare an operational plan “for taking over the field of internal affairs in the SrR BiH.”⁴³²

In the period from March to May 1992, the JNA, together with Bosnian-Serb MUP and Serbian TO forces and volunteer units, attacked many towns and cities in BiH, including Bosanski Brod, Derventa, Bijeljina, Kupres, Foča, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Brčko, certain Sarajevo municipalities and Prijedor.⁴³³

428 Report of military expert Reynaud Theunens, Exhibit no. P1753, *Hadžić*, p. 255.

429 Report of military expert Reynaud Theunens, Exhibit no. P1753, *Hadžić*, pp. 255-6.

430 An opinion and the judgment in the case of Tadić, ICTY, 7 May 1997, paras. 101-106; Veljko Kadijević, My View of the Break-Up: An Army without a State, Exhibit no. P00343, *Perišić*, p. 147.

431 Christian A. Nielsen, The Bosnian Serb Ministry of the Interior: beginnings, functioning, and control and command, 1990-1992, Exhibit no. P763, *Krajišnik*, paras. 74-79.

432 Stenographic notes of the 13th session of the Bosnian Serb Assembly in BiH, 24 March 1992, Exhibit no. P65.114, *Krajišnik*, pp. 12-13.

433 An opinion and the judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 125.



In May 1992, the JNA withdrew from BiH. The TO and JNA units that stayed behind in BiH formed part of what was to become the Army of Republika Srpska (VRS).⁴³⁴ The JNA played a key role in establishing, equipping, supplying and staffing the VRS. The cooperation between the JNA and the VRS continued even after the JNA's withdrawal from BiH, throughout the war in BiH, most notably in the form of the logistic, personnel and material support provided by the Federal Republic of Yugoslavia (FRY), and by the Yugoslav Army (VJ) as the successor of the JNA.⁴³⁵

Arming of the Bosnian Serbs

During 1991, the JNA established cooperation with representatives of the SDS in BiH in order to secure the safe passage and movement of its units through the part of BiH territory from which they could carry out operations and attacks against Croatia [see, e.g., the section of the Dossier on the JNA attack on Dubrovnik, see page 21]. Similarly, the cooperation between the JNA and representatives of the SDS facilitated a more efficient mobilisation of the Bosnian Serbs for TO units, and also accelerated the arming of the Bosnian Serbs.⁴³⁶

In the spring of 1991, the SDS, in cooperation with the JNA, began arming the Bosnian Serbs. The JNA's role in the process consisted in transferring weapons and ammunition from Croatia to BiH for the SDS to distribute them to the Serbian TO and volunteer units. The cooperation between the JNA and the SDS was the subject of a few military reports, including the report of Milutin Kukanjac, Commander of the JNA 2nd VO, of March 1992, in which he stated that it was thanks to this cooperation that many Bosnian Serbs were mobilised into reserve units⁴³⁷ and volunteer units.⁴³⁸ By 20 March 1992, the JNA distributed 51,900 pieces of weaponry to Serb volunteer units in the area of responsibility of the 2nd VO. Also, 17,298 pieces of weaponry were distributed through the SDS. In addition to receiving weapons from the JNA in BiH, the SDS also received weapons from JNA units that had withdrawn from Slovenia and Croatia.⁴³⁹

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434 The name "Army of Republika Srpska" was officially used as from 12 August 1992, when the Assembly of the Serbian People in BiH changed the name of the Serb entity in BiH from "Serbian Republic of BiH" to "Republika Srpska". From 12 May to 12 August 1992, the official name of its army was "Army of the Serbian Republic of BiH". To avoid confusion, this Dossier will only use the name "Army of Republika Srpska" and its acronym "VRS".

435 An opinion and the judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 595; Report of the UN Secretary-General on the situation in Bosnia and Herzegovina, 3 December 1992, Document A/47/747, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/47/747, last accessed 5 February 2018, pp. 3-4, paras. 9-11; The assistance was in the form of the maintenance of the rocket systems that the JNA had left to the VRS after withdrawing, see, e.g., Ratko Mladić's request from Momčilo Perišić of 15 January 1994, Exhibit no. P01818, *Perišić*; Document no. 24-7, Momčilo Perišić's reply to the Main Staff of the RSK, 19 January 1994, Exhibit no. P01138, *Perišić*.

436 Veljko Kadrijević, *My View of the Break-Up: An Army without a State*, Exhibit no. P00343, *Perišić*, p. 147. An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 106.

437 JNA reserve troops call-up.

438 Conclusions following the assessment of the situation in parts of BiH that are within the area of responsibility of the 2nd VO, 20 March 1992, Exhibit no. P03917, *Karadžić*, pp. 2-3; See the section dealing with the TO of the SrR BiH and volunteer units, see page 69.

439 Conclusions following the assessment of the situation in parts of BiH that are within the area of responsibility of the 2nd VO, 20 March 1992, Exhibit no. P03917, *Karadžić*, pp. 2-3, and Stenographic notes taken at the 14th Session of the Bosnian Serb Assembly of 27 March 1992, Exhibit no. P529.72 *Krajišnik*, p. 33; Osman Selak, witness statement in *Milošević*, ICTY, 12 June 2003, p. 22203.



In March 1991, for example, JNA officers brought weapons from Croatia to Drvar, BiH, and stored them in an old school in Drvar. Representatives of the SDS collected the weapons and distributed them, through SDS local boards, to TO forces and volunteer units.⁴⁴⁰

Similarly, Colonel Dušan Smiljanić, head of security of the JNA 10th Corps headquartered in Zagreb, organised the transport of approximately 20,000 pieces of weaponry from the military warehouse in Skradnik (Ogulin municipality, Croatia) to the BiH municipalities of Čelinac and Drvar, in coordination with Stojan Župljanin, head of the Banja Luka State Security Centre, and Radoslav Brđanin, president of the Executive Board of Čelinac municipality.⁴⁴¹

In January 1992, Smiljanić, in his capacity as Chief of Security in the JNA 10th Corps headquartered in Bihać, continued to cooperate with the SDS in arming the Serbs. Together with the MUP, Smiljanić organised the transport of about 5,000 pieces of infantry weaponry from the logistics base in Bosanski Petrovac to Bihać. These weapons were subsequently distributed to local Serbs in the area.⁴⁴²

Also, during 1991, the JNA 5th Corps handed 30 rifle crates to Veljko Milanković, Commander of the Serbian volunteer unit “Wolves of Vučjak”, who was to distribute them to Serbs living around Banja Luka.⁴⁴³

After the units of the TO of the Serbian municipalities were set up across BiH in spring 1992, the JNA supplied arms to these forces too. In late April 1992, Colonel General Milutin Kukanjac, Commander of the JNA 2nd VO, ordered that all surplus weapons, ammunition and equipment of the JNA 10th Corps be given to the TO of the Serbian municipality of Bosanska Krupa.⁴⁴⁴

In addition to the above described instances of arms being supplied to Bosnian Serbs, the JNA, together with the SDS, armed the Serbs in the following BiH municipalities: Banja Luka, Bileća, Bosanski Novi, Bosanski Petrovac, Bratunac, Brčko, Čelinac, Doboj, Donji Vakuf, Foča, Gacko, Hadžići, Ilidža, Kalinovik, Ključ, Novi Grad, Novo Sarajevo, Prijedor, Prnjavor, Rogatica, Sanski Most, Sokolac and Trnovo.⁴⁴⁵ Also, the JNA played a major role in equipping and training Bosnian Serb paramilitaries.⁴⁴⁶

440 *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, paras. 36-37.

441 In May 1992 Stojan Župljanin was a member of the Crisis Staff of the Autonomous Region of Krajina. In 1994, he was the internal affairs adviser to the President of Republika Srpska. Župljanin was sentenced by the ICTY to 22 years' imprisonment for crimes against humanity and violations of the laws or customs of war (see Trial Judgment in *Stanišić and Župljanin*, ICTY, 27 March 2013). Radoslav Brđanin was also a member of the Bosnian Serb Assembly. He was appointed Deputy-Speaker of the Assembly of the Autonomous Region of Krajina, and after that president of the ARK Crisis Staff. On a later date, he was appointed Minister of Construction, Transport and Local Public Services and Deputy Premier of Republika Srpska. The ICTY sentenced Brđanin to 30 years' imprisonment for crimes against humanity and violations of the laws or customs of war (see Trial Judgment in *Brđanin*, ICTY, 1 September 2004).

442 Colonel Dušan Smiljanić's letter to Ratko Mladić dated 15 October 1994, Exhibit no. 00206, *Martić*, pp. 2-4.

443 *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 38.

444 Order of the 2nd VO command no. 31/103-40-1 issued to the 10th Corps command and the 530th PoB command, 24 April 1992, Exhibit no. P07329, *Mladić*.

445 *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 41.

446 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 593.



i. The Ram (Frame) Plan

Several witnesses who gave evidence at the ICTY mentioned the existence of a plan named Ram.⁴⁴⁷ However, this plan was never admitted as evidence, nor has there existed a publicly available written version of it.⁴⁴⁸

What does exist, however, is a document in which the plan is expressly mentioned. It is a transcript of an intercepted telephone conversation between Radovan Karadžić, the then president of the SDS, and Serbian President Slobodan Milošević, on 8 July 1991. At one point in the conversation, which revolved around the deployment of Bosnian Serb units and their arming by the JNA, and the JNA top brass's support for Radovan Karadžić, Slobodan Milošević mentioned the importance of the Ram Plan, without explaining what it entailed.⁴⁴⁹

The existence of the Ram Plan was disclosed by the then Prime Minister of the SFRY, Ante Marković, at a closed session of the SFRY Government on 18 September 1991. Five days later, on 23 September 1991, the Belgrade weekly newspaper 'Vreme' published the stenographic notes taken at the session. According to the notes, Ante Marković said at the session that he had heard an audio tape of the conversation between Karadžić and Milošević in which they talked about the Ram Plan i.e. the plan to create the Greater Serbia. It was for that purpose that the Serbs in Croatia and BiH were armed.⁴⁵⁰

The Ram Plan was devised jointly by the political leadership of Serbia and segments of the JNA top brass who were aligned with them.⁴⁵¹ The plan defined the Karlobag-Ogulin-Karlovac-Virovitica line as the western border of the new Serbian state, which would bring all Serbs and all Serbian lands into one state.⁴⁵² Under this plan, the role of the JNA was not to defend Yugoslavia but only those parts of the country that the Serbs considered their own.⁴⁵³

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447 "Ram" in Serbian means "frame".

448 Ante Marković, witness statement in *Milošević*, ICTY, 23 October 2003, p. 28030; Sulejman Tihic, witness statement in *Šešelj*, ICTY, 3 December 2008, p. 12607; Stjepan Kljujić, witness statement in *Kordić and Čerkez*, ICTY, 19 October 1999, p. 8747; Marie-Janine Calic, witness statement in Mucic, ICTY, 19 March 1997, pp. 738-739; James Gow, witness statement in Tadić, ICTY, 9 May 1996, pp. 286-289.

449 Intercepted conversation between Radovan Karadžić and Slobodan Milošević of 8 July 1991, Exhibit no. P613.17, *Milošević*, p. 2; Intercepted conversation between Radovan Karadžić and Nikola Uzelac of 9 July 1991, Exhibit no. P613.19, *Milošević*. "Obrati se Uzelcu" [Go to Uzelac], *Vreme*, 30 September 1991, pp. 4-5.

450 "Zbrisaće nas sa kugle zemaljske" [They are going to wipe us from the face of the earth], *Vreme*, 23 September 1992, Exhibit no. P570.12, *Milošević*, p. 3.

451 Jens-Marten Eriksen i Frederik Stjernfelt, *Scenografija rata, nova putovanja u Bosnu i Srbiju*, Beograd, 2010, p. 110 [Translated from: *Krigens scenografi: nye rejser i Bosnien og Serbien*].

452 "...Obrati se Uzelcu", *Vreme*, 30 September 1991, pp. 4-5.

453 Robert J. Donia, *Radovan Karadžić: Uzroci, postanak i uspon genocida u Bosni i Hercegovini*, University Press, p. 93 [Translated from *Radovan Karadžić: Architect of the Bosnian Genocide* by Robert J. Donia: New York: Cambridge University Press, 2015].



Some people argue that the Ram Plan was already charted out in the 1980s by the JNA top brass. Its aim was to annihilate the Muslim population in BiH, ruin BiH economically, and divide its territory between Serbia and Croatia.⁴⁵⁴

There is also a view that the Ram Plan was just a modification of the defence plan devised by the JNA in 1988 in case of an attack from abroad, and known as the S-2 Plan.⁴⁵⁵

ii. JNA's withdrawal from Croatia to BiH

After the signing of the Vance Peace Plan in January 1992, the JNA began withdrawing from the territory of Croatia. The withdrawal was completed in May 1992. In order to stay near Croatia to oversee the implementation of the Vance Plan and prevent the conflict from spilling over from Croatia into the territory of BiH, the JNA moved its forces previously deployed in Croatia to BiH.⁴⁵⁶

Following its withdrawal from Croatia under the Vance Peace Plan, the JNA set out to reorganise itself. In early 1992, the 2nd Military District (VO) was formed in order to secure a swifter transfer of the JNA forces from Croatia into BiH and its easier control of BiH territory. The JNA 2nd VO was headquartered in Sarajevo and commanded by Colonel General Milutin Kukanjac.⁴⁵⁷ Its area of responsibility covered a major part of BiH Territory.⁴⁵⁸

The JNA removed its troops, equipment and weapons from Croatia to deploy them in BiH. Also, the TO warehouses and depots located in the areas of BiH where Serbs were in the minority were emptied, and weapons and equipment were transferred to the areas where the Serb population was

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454 A view offered by Vladimir Srebrov. Srebrov was one of the founders of the SDS in BiH, (cited from Jens-Marten Eriksen i Frederik Stjernfelt, *Scenografija rata, nova putovanja u Bosnu i Srbiju*, Beograd, 2010, pp. 112-114).

455 Jens-Marten Eriksen i Frederik Stjernfelt, *Scenografija rata, nova putovanja u Bosnu i Srbiju*, Belgrade, 2010, p. 114 [Translated from: *Krigens scenografi: nye rejser i Bosnien og Serbien*], and witness statement of B-1493 in *Milošević*, ICTY, 10 April 2003, pp. 18964- 18969 - Plan S-2 was a plan for internal reorganisation of the JNA conducted in 1988. It comprised the creation of military districts (VO) to replace armies. The borders of the 1st Military District are the same as those defined in Plan Ram: with the elimination of the 7th Military District and its incorporation into the 1st Military District, the north-west border of the area of responsibility of the 1st Military District is identical with the north-west border of the so-called Greater Serbia.

456 Veljko Kadjević, *My View of the Break-Up: An Army without a State*, Exhibit no. P00343, *Perišić*, pp. 147-148.

457 The 2nd VO consisted of four corps: 4th Corps (HQ in in Sarajevo), 5th Corps (HQ in Banjaluka), 9th Corps (HQ in Knin), 10th Corps (HQ in Bihać), and 17th Corps (HQ in Tuzla) - see the Report on combat readiness of the command and units of the 2nd VO dated 23 January 1992, by Chief of Staff Dobrašin Prašević, Exhibit no. P02528, *Hadžić*, pp. 11-14, Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, *Milošević*, para. 360.

458 The JNA reorganized four military districts: the 1st VO, HQ in Belgrade, covered northern Serbia (including Vojvodina) and north-eastern Bosnia and Herzegovina; the 2nd VO, HQ in Sarajevo, covered the rest of BiH; the 3rd VO, HQ in Skopje, covered southern Serbia (including Kosovo) and Macedonia; and the 4th VO, HQ in Podgorica, covered Montenegro and south-eastern parts of BiH (*Mladić*, Trial Judgment, ICTY, 22 November 2017, para. 280).



the majority. The aim was to prevent situations from arising from Croatia, where equipment and weapons left in some JNA barracks was blocked by the Croatian forces.⁴⁵⁹

During a meeting between Borisav Jović, Veljko Kadijević and Slobodan Milošević in early December 1991, Milošević told Kadijević that all JNA officers originating from BiH should be sent to serve in BiH and those born in Serbia and Montenegro should be sent back to Serbia and Montenegro. This arrangement was made to avoid the JNA being declared a foreign army once BiH was internationally recognised as a sovereign state and also to facilitate the transformation of the JNA units that remained in that area into the Serbian army. By late December 1991, 90 percent of the plan was implemented.⁴⁶⁰

iii. Changes in the ethnic composition of the JNA

In the early 1990s, the ethnic composition of JNA active military personnel and conscripts changed dramatically. The number of Serbian officers rose as officers of other ethnicities abandoned the JNA. In the spring of 1992, all Bosniak and Croat officials holding high positions were dismissed from the JNA - some were pressured into resigning.⁴⁶¹

Additionally, a certain number of officers left the JNA because they disagreed with its transformation from the federal Yugoslav army into the Serbian army, a process that was taking place in Croatia and BiH. As a result of all this, in March 1992 only 28 officers with the rank of general (almost exclusively Serbs and Montenegrins) remained in the JNA, as opposed to 150 in mid-1991. By April 1992, around 90 percent of all JNA officers were Serb or Montenegrin.⁴⁶²

A similar trend was observed in the number of conscripts: from spring 1991 to early 1992, the share of Serbian conscripts in the JNA rose from somewhat above 35 percent to around 90 percent. This was partly to do with the refusal of Bosniaks and Croats to take part in the war in Croatia, whereas the majority of Serbs responded to JNA call-ups.⁴⁶³

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459 Witness statement of B-1493 in *Milošević*, ICTY, 9 April 2003, p. 18881, Order of the 5th Corps Command No. 313-1 to the 10th Partisan Brigade with instructions on the withdrawal of the 6th Partisan Brigade from the combat area and its re-deployment to the area of Sanski Most, 1 April 1992, Exhibit no. P463.59, *Milošević*, pp. 1-3, Command of the 2nd Military District, Strictly Confidential order No. 31/03-90, 8 April 1992, Exhibit no. P463.11, *Milošević*.

460 Borisav Jović, *Poslednji dani SFRJ* [The last days of SFRY], 1996, pp. 420-421 and 448.

461 *Krajišnik* (Trial Judgment). ICTY, 27 September 2006, para. 202, Letter from 5th Corps command to 2nd Military District command, 15 March 1992, Exhibit no. 01746, *Stanišić and Župljanin*.

462 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 109, *Krajišnik* (Trial Judgment). ICTY, 27 September 2006, para. 202.

463 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 109.



X. The JNA's role in the take-over of municipalities in BiH

Introduction

On 24 October 1991, Serb deputies abandoned the BiH Assembly and established the Assembly of the Serbian People in BiH.⁴⁶⁴ In January 1992, the Bosnian-Serb Assembly decided to establish the SrR BiH.⁴⁶⁵ At that time, there were about 100,000 JNA troops deployed in BiH, mostly along the northern and western borders with Croatia. They were equipped with tanks, armoured personnel carriers, aircrafts and helicopters.⁴⁶⁶

The Commander of the 2nd VO, Milutin Kukanjac, in his report from March 1992 expressed concern over the volatile political situation in BiH and the growing influence of the ethnic political parties - Party of Democratic Action (SDA), Croatian Democratic Union (HDZ) and SDS – in the area. Nonetheless, Kukanjac believed that the JNA could count on the SDS's cooperation.⁴⁶⁷

At the third session of the Bosnian-Serb Assembly, held on 11 December 1991 in Sarajevo, a recommendation was issued that Serb municipal assemblies should be formed in BiH. SDS Clubs of Deputies were instructed to take formal decisions establishing municipal assemblies of the Serb people in municipalities where decisions against the interests of the Serb people were passed. The new municipal assemblies were to consist of SDS members and other Serbs.⁴⁶⁸

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During the same session, a document was sent to the JNA requesting it to defend with all available means the parts of BiH where a plebiscite of the Serbian people in BiH was held on 9 and 10 November 1991,⁴⁶⁹ in which Bosnian Serbs voted in favour of remaining in the SFR Yugoslavia. The document also stated that the JNA was bound to protect the sovereignty, territorial integrity and constitutional order of Yugoslavia and therefore to defend these parts of BiH as integral parts of Yugoslavia.⁴⁷⁰

464 Stenographic notes taken during the constitutive session of the Assembly of the Serbian People in Bosnia and Herzegovina held on 24 October 1991, Exhibit no. P65.53, *Krajišnik*, pp. 16-19; the Assembly of the Serbian People in Bosnia and Herzegovina had 78 deputies, of which only six were not members of the SDS. See: *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 78.

465 Stenographic notes taken during the 5th session of the Assembly of the Serbian People in Bosnia and Herzegovina, 9 January 1992, Exhibit no. P65.76, *Krajišnik*, pp. 9-11.

466 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 124.

467 Conclusions following the assessment of the situation in parts of BiH within the area of responsibility of the 2nd VO, 20 March 1992, Exhibit no. P03917, *Karadžić*, pp. 2-3, Prosecution's Second Pre-trial Brief in *Milošević*, ICTY, 31 May 2002, p. 369.

468 Stenographic notes taken during the 3rd session of the Assembly of the Serbian People in Bosnia and Herzegovina, 11 December 1991, Exhibit no. P65.62.1, *Krajišnik*; Recommendation on the establishment of the Assembly of the Serbian People in Bosnia and Herzegovina, 11 December 1991, Exhibit no. P03049, *Mladić*.

469 At the plebiscite held in November 1991 ballots were of different colours, depending on the ethnicity of the voters. Few non-Serbs participated in it. 99.9 percent of the 1,162,032 Serb voters and 99.1 percent of the 49,342 non-Serb voters who participated in the plebiscite voted in favour of remaining within Yugoslavia. See: *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 73.

470 Request addressed to the JNA by the Assembly of the Serbian People in Bosnia and Herzegovina, 11 December 1991, Exhibit no. P07749, *Mladić*.



However, when BiH was internationally recognised as an independent state in April 1992, the status of the JNA, as the army of the state that de facto no longer existed, became rather unclear. In order to establish itself as the major armed force on the territory of BiH, the JNA intensified its cooperation with the SDS and defence forces of Bosnian Serbs.⁴⁷¹

TO of the SrR BiH and volunteer units

On 28 February 1992, the Bosnian-Serb Assembly passed a constitution for the Serbian Republic in BiH, which stipulated that the defence of the republic should be the responsibility of the JNA and TO.⁴⁷² As in SAO Krajina in Croatia, the TO of the Serbian Republic was formed, composed of the existing forces of the TO of BiH, in breach of the then valid Constitution of the SFRY [see footnote 43]. The TO formed in this manner was used as the municipal defence force under the command of the JNA.⁴⁷³

Recruitment for the TO was conducted by the JNA through its recruitment offices and through cooperation with SDS municipal boards.⁴⁷⁴

In addition to TO units under its control, the JNA formed volunteer units which also operated under its command and control. In March 1992, volunteers under the command of the JNA 2nd VO numbered nearly 70,000.⁴⁷⁵

“Variants ‘A’ and ‘B’”

In December 1991, the SDS adopted a document entitled “Instructions for the organisation and activity of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances”, which laid down the tasks and measures to be taken to protect and defend the Serbs in BiH.⁴⁷⁶ To this purpose, control was to be gained over the municipalities which the SDS considered to be Serbian.⁴⁷⁷

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471 Document 75-1, JNA 4th Corps, Events in BiH, impact of the overall situation in BiH on the JNA, Exhibit no. P04946, *Mladić*, pp. 1-2; Analysis of combat readiness and activities of the Army of Republika Srpska in 1992, Exhibit no. P892.6, *Krajišnik*, pp. 62 and 67.

472 Decision promulgating the Constitution of the Serbian Republic in BiH (no. 02-94/92), Sarajevo, 28 February 1992, p. 8, Articles 109-112, Official Gazette of the Serbian People in BiH no. 3, Exhibit no. P18a, *Karadžić*.

473 Stenographic notes taken during the 14th Session of the Assembly of the Serbian People in Bosnia and Herzegovina, 27 March 1992, Exhibit no. P529.72, *Krajišnik*, p. 33.

474 Analysis of combat readiness and activities of the Army of Republika Srpska in 1992, Exhibit no. P892.6, *Krajišnik*, pp. 11 and 67; Report concerning exhibit IT-09-02, Ratko Mladić and the JNA-VRS 2nd VO, Reynaud Theunens, Exhibit no. P03029.B, *Mladić*, pp. 234-235.

475 Conclusions following the assessment of the situation in parts of BiH within the area of responsibility of the 2nd VO, 20 March 1992, pp. 3-4, Exhibit no. P03917, *Karadžić*; Notes of the meeting with the Federal Secretary of National Defence following the information submitted by the Command of the 2nd VO on the situation in BiH and proposal for relocation of JNA and RMR units, pp. 1-2, Exhibit no. P04934, *Mladić*.

476 „Instructions for the organisation and activity of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances”, dated 19 December 1991, pp. 1-10, Exhibit no. P43, *Krajišnik*.

477 *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 82.



The “Instructions” stipulated the establishment of Serbian municipal bodies, recruitment of Serbs in the police and TO forces through cooperation with the JNA, assuming control over public finances at the municipal level, creation of crisis staffs which were to assume the functions of municipal assemblies, and take-over of the personnel, premises and equipment of municipal state security organs. The measures and tasks set out in the document were planned to be implemented in two variants, “A” and “B”, because of which the document was also known as “Variants ‘A’ and ‘B’”.

Variant “A” referred to municipalities where the Serbs constituted a majority in which all of the said measures were to be implemented in their entirety. Variant “B” concerned the municipalities where Serbs were not in the majority and where the measures were to be implemented partially.⁴⁷⁸ The ultimate goal of the measures was either the take-over of municipalities by local Serb authorities or their division into Serb and non-Serb parts.⁴⁷⁹

Preparations for the take-over of municipalities began immediately after the “Instructions” were issued [see page 68].⁴⁸⁰

In most cases, the take-over of municipalities was carried out in the following fashion: paramilitary groups from Serbia or BiH would arrive in a municipality and start terrorising and intimidating the non-Serb local population, creating interethnic tensions, inciting panic and interethnic conflicts, and in some instances, committing crimes and killing people. As a result, many Bosniaks and Croats fled these municipalities. The JNA would take no action at all or openly side with the Serbs by collaborating with paramilitaries and local Serb armed groups.⁴⁸¹

Crisis staffs

Between autumn 1991 and spring 1992, the SDS as the major party representing Bosnian Serbs, set up municipal crisis staffs as parallel political and military institutions.⁴⁸² Bratunac and Bosanski Petrovac were the first municipalities to have crisis staffs made up of SDS members, in October 1991. Already

478 As opposed to Variant A, the segment concerning the take-over of personnel, premises and equipment of the state security organs was left out in Variant B; instead, the Variant B envisaged mounting guards and lookout posts at the entrance of Serb-populated settlements. See: „Instructions for the organisation and activity of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances”, dated 19 December 1991, p. 9, Exhibit no. P43, *Krajišnik*.

479 „Instructions for the organisation and activity of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances”, dated 19 December 1991, pp. 91-10, Exhibit no. P43, *Krajišnik*.

480 *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 98.

481 Miroslav Deronjić, witness statement in *Krajišnik*, ICTY, 16 February 2004, pp. 1012-1017.

482 In the autumn of 1991, the SDS decided to form its own institutions that would exist alongside the institutions of Bosnia and Herzegovina. So after establishing the Assembly of the Serbian People in Bosnia and Herzegovina the SDS set out to establish Serb municipal assemblies both in predominantly Serb municipalities and in municipalities where Serbs were in the minority or had not won a majority at municipal elections. In some municipalities (Prijeedor, for example) separate police departments were established. See: An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 101, Prosecution’s Second Pre-Trial Brief in *Milošević*, ICTY, 31 May 2002, para. 228.



at the beginning of 1992, when the SrR BiH was proclaimed, the crisis staffs were set up throughout BiH, as organs of the SrR BiH.⁴⁸³

In late April 1992, the Government of the SR of BiH issued “Instructions for Serbian People’s crisis staffs in municipalities”, which stipulated that crisis staffs in municipalities were to assume the responsibilities and authority of municipal assemblies.⁴⁸⁴ Crisis staffs comprised representatives of the SDS, Bosnian-Serb police officials and, in some municipalities, JNA and TO commanders.⁴⁸⁵

At the 16th session of the Bosnian-Serb Assembly, held on 12 May 1992, Radovan Karadžić presented a document entitled “Six strategic objectives for the Serbian people in BiH”, and the Assembly adopted it at this same session.⁴⁸⁶ The document envisaged separation of the Serbian people from the other two ethnic communities in BiH, and delineated the borders of the future Serb state within BiH.⁴⁸⁷ At the same session, a decision to establish the Army of SrR BiH was made and Lieutenant-General Ratko Mladić was appointed its commander.⁴⁸⁸ The decision adopting the “Six strategic objectives of the Serbian people in BiH” was published in the official gazette of the Bosnian-Serb Republic a year and a half later, in November 1993.⁴⁸⁹

Ratko Mladić and the army he commanded were entrusted with the task of implementing the six strategic objectives.⁴⁹⁰ When SrR BiH was renamed Republika Srpska on 12 August 1992, the army of SrR BiH was also renamed the Army of Republika Srpska (VRS).⁴⁹¹

483 Conclusion of the SDS Bosanski Petrovac municipal board meeting on 24 October 1991, Exhibit no. P529.14, *Krajišnik*, Notes taken at the first meeting of the Bratunac Crisis Staff held on 26 October 1991, Exhibit no. P529.16, *Krajišnik*, *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 259.

484 Serbian Republic of BiH, Excerpts from the instructions for the work of crisis staffs of the Serbian people at the municipal level, 26 April 1992, Exhibit no. D02676, *Mladić*, p. 1.

485 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 103.

486 Notes taken at the 16th session of the Assembly of the Serbian People in Bosnia and Herzegovina, 12 May 1992, pp. 7-9, Exhibit no. P00956, *Karadžić*.

487 The first objective was to create a separate Serb state within BiH. The second was to establish a corridor between Semberija and Krajina. The third objective was elimination of the River Drina as a border between Serbia and Republika Srpska. The fourth strategic objective was establishment of the border on the Una and Neretva rivers. The fifth objective was the division of the city of Sarajevo into Serbian and Bosniak parts and establishing state power in both parts. The sixth objective was to secure a passage to the Adriatic Sea. See in: Notes taken at the 16th session of the Assembly of the Serbian People in Bosnia and Herzegovina on 12 May 1992, pp. 7-9, Exhibit no. P00956, *Karadžić*.

488 Decision establishing the Army of the Serbian Republic of Bosnia and Herzegovina, Exhibit no. P02799, *Mladić*.

489 Decision on the strategic objective of the Serbian people in Bosnia and Herzegovina, p. 1, Exhibit no. P00334, *Perišić*.

490 Notes taken at the 16th session of the Assembly of the Serbian People in Bosnia and Herzegovina, 12 May 1992, p. 44, Exhibit no. P00956, *Karadžić*.

491 Notes taken at the 19th session of the Assembly of the Serbian Republic of Bosnia and Herzegovina, 12 August 1992, p.3, Exhibit no. P1358, *Karadžić*; Transcript of the 19th session of the Assembly of the Serbian Republic of Bosnia and Herzegovina, 12 August 1992, pp. 32-37, Exhibit no. D00422, *Karadžić*; Dispatch sent by the Main Staff of the VRS to the 1st Krajina Corps dated 18 August 1992, Exhibit no. D003834, *Karadžić*.



From all the foregoing it is clear that the JNA was involved, together with other Serb armed forces, in the take-over of parts of BiH which were later covered by the “Six strategic objectives of the Serbian people in BiH”, even before this document was adopted.

The following pages will describe instances of several BiH municipalities being taken over by the SDS with the assistance of the JNA.

i. Bijeljina

According to the 1991 population census, the municipality of Bijeljina had an ethnically diverse population, with 59.2 percent Serbs, 31.2 per cent Bosniaks and 0.5 per cent Croats.⁴⁹² It had strategic importance, as control over this municipality enabled control over the Posavina Corridor.⁴⁹³

In the first multiparty elections held in Bijeljina in 1990, the SDS won a majority of seats and formed a coalition government with the SDA.⁴⁹⁴

As noted above, in early 1992, the leadership of the SR of BiH decided that the Serbs should break away from the BiH MUP and create a separate Bosnian-Serb MUP. On the basis of this decision a state security department was formed in Bijeljina.⁴⁹⁵ Also, pursuant to Variant “A” of the “Instructions for the organisation of the Serbian people”, a crisis staff was set up in Bijeljina in the first half of 1992, which assumed all public functions in the municipality. The Bijeljina Crisis Staff was composed of SDS members and presided over by Milan Novaković, president of the Bijeljina SDS, and Ljubiša Savić “Mauzer”, also a senior SDS official and Commander of the Serb National Guard paramilitary unit. The crisis staff reported to the SDS Main Board.⁴⁹⁶

Bijeljina was in the area of responsibility of the JNA 17th Corps. Major-General Savo Janković was the Commander and General Rajko Lapčić was the chief of staff of the 17th Corps.⁴⁹⁷ The JNA Fadil Jahić Španac barracks were located in the town, commanded by Colonel Dragiša Masal.⁴⁹⁸ The 17th Corps was subordinated to the JNA 2nd VO, commanded by General Milutin Kukanjac.⁴⁹⁹

492 Population census in Bosnia and Herzegovina, ethnic composition, Exhibit no. P954, *Krajišnik*, p. 16.

493 Consolidated Version of the Expert Report of Reynaud Theunens for the Karadzic (IT-95-5/18) - Radovan Karadzic and the SrR BiH TO - VRS (1992-1995), Exhibit no. P03033, *Karadžić*, p. 374.

494 Statement of Milivoj Kićanović, ICTY, 3 March 2013, Exhibit no. D03089, p. 2, para. 6, *Karadžić*; Statement of witness Dragomir Ljubojević of 18 March 2013, Exhibit no. D03144, *Karadžić*, p. 4, para. 11; Results of the municipal election in Bijeljina, 28 November 1990, Exhibit no. D03090, *Karadžić*.

495 Notes taken at the meeting of the Serbian leadership held in Banja Luka on 11 February 1992, Exhibit no. P01083, *Karadžić*, pp. 6-8; Conclusions of the meeting held in Banja Luka on 13 February 1992, Exhibit no. P01112, *Karadžić*, p. 1.

496 Report of the Bijeljina Crisis Staff submitted to the SDS Main Board, 1 April 1992, Exhibit no. P02626, *Karadžić*, p. 1; Statement of witness Milorad Davidović dated 22 June 2011, Exhibit no. P02848, *Karadžić*, para. 89, pp. 33-34.

497 Daily operative report of the 17th Corps Command dated 4 April 1992, Exhibit no. P03906, *Mladić*.

498 Živan Filipović, witness statement in *Karadžić*, ICTY, 21 March 2013, p. 35805.

499 Conclusions following the assessment of situation in the BiH areas that were in the area of responsibility of the JNA 2nd VO dated 20 March 1992, Exhibit no. P03917, *Karadžić*, p. 1.



In the run-up to the armed clashes in Bijeljina, both Bosniaks and Serbs in Bijeljina were arming themselves through their respective ethnic political parties, the SDA and SDS.⁵⁰⁰ A few Serb paramilitary groups were present in the town, including the Serb National Guard⁵⁰¹ and local armed groups linked to Mirko Blagojević, head of the Serbian Radical Party (SRS) in Bijeljina.⁵⁰² Also, the Serb Volunteer Guard from Serbia, headed by Željko Ražnatović a.k.a. “Arkan” was invited in March 1992 by local Serb authorities and the SDS leadership to come to Bijeljina to their assistance.⁵⁰³

The first attack on Bijeljina took place on the night of 31 March 1992, when the Serbian Volunteer Guard entered the town. This unit, alongside the local TO force and the local paramilitary group Serb National Guard, took control of all public institutions in the town, including the local police station.⁵⁰⁴ A group of local residents linked to the SRS’s Mirko Blagojević also took part in the attack.⁵⁰⁵ The Bijeljina Crisis Staff commanded the attack.⁵⁰⁶

Although JNA members did not participate in capturing Bijeljina, they were positioned all around the town and controlled all the roads leading to the town during the attack.⁵⁰⁷ According to the 2nd VO’s report dated 1 April 1992, the conflicts between Serb paramilitary forces and the Bosniak side were escalating, causing many people to come to the army barracks seeking safety. On 1 April 1992, the JNA called a meeting between members of the municipal assembly of Bijeljina and all political parties present in Bijeljina to discuss the current situation in the town. At the meeting, it was decided to form ethnically mixed JNA-MUP patrols.⁵⁰⁸ The following day, the 2nd VO announced that MUP authorities had refused to form mixed patrols with the JNA, adding that “[i]nterethnic conflicts in Bijeljina have escalated dramatically.”⁵⁰⁹ Because of the conflicts, a number of tanks and troops of the JNA 336th MtBr stationed in Zvornik were moved to Bijeljina. On 5 April 1992, an armoured battalion of the

500 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 607.

501 This unit, later known as the “Panthers Guard”, was attached to the VRS East Bosnian Corps, Statement of Milorad Davidović dated 22 June 2011, Exhibit no. P02848, *Karadžić*, para. 78, p. 30.

502 SRT interview with Mirko Blagojević, pp. 5-7, Exhibit no. P02901, *Karadžić*.

503 Statement of witness Milorad Davidović of 22 June 2011, Exhibit no. P02848. *Karadžić*, p.29, para. 76; Transcript of the 22nd session of the Assembly of the RS, 23 and 24 November 1992, Exhibit no. P01105, *Karadžić*, p. 20.

504 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 612; Information on the engagement and activities of the MUP of the Serbian Republic of BiH in establishing power and legality in the area of the State Security Center in Bijeljina, 29 July 1992, Exhibit no. P411.7, *Milošević*, p. 2.

505 Excerpts from a book by Vojislav Šešelj, Milan Panić mora pasti [Milan Panić must fall], Belgrade, 1994, Exhibit no. D03667, *Karadžić*, pp. 8-9, Transcript of show *Moj gost - njegova istina: Mirko Blagojević* [My guest – his truth], Exhibit no. P727.3.A, *Krajišnik*, pp. 5-11.

506 Report of the Bijeljina State Security Department submitted to the MUP of Republika Srpska dated 9 April 1992, Exhibit no. P02629, *Karadžić*, p. 3.

507 Witness statement of B-1493 in *Milošević*, ICTY, 10 April 2003, p. 18939.

508 Combat and operative report of the 2nd VO Command no. 10/36-1905 dated 1 April 1992, Exhibit no. P06209, *Karadžić*, p. 2, Report of the Bijeljina Crisis Staff submitted to the SDS Main Board, 1 April 1992, Exhibit no. P02626, *Karadžić*, p. 1.

509 Combat and operative report of the 2nd VO Command no. 10/36-1940 dated 2 April 1992, Exhibit no. P01434, *Stanišić and Simatović*, p. 3.



JNA 1st VO was sent to Janja, a village in the municipality of Bijeljina, and re-subordinated to the JNA 17th Corps.⁵¹⁰

On 3 April 1992, the 17th Corps Command informed the 2nd VO that the situation in Bijeljina had simmered down a bit, but that the town was “in the state of utter chaos, disorder and panic.”⁵¹¹ From the letter dated 3 April 1992 and signed by Savo Kojić, who replaced Milan Novaković at the position of president of the municipal SDS board in Bijeljina, it can be seen that the SDS called upon the JNA to refrain from entering into conflicts with the Serbian people.⁵¹²

A report of the 17th Corps Command dated 4 April 1992 stated that the SDS and SDG were in control of Bijeljina. The report went on to say that the SDS and SDG had not allowed a JNA armoured vehicle to leave the barracks, and that the influence of the SDS and SDG in the corps units was very much felt and resulted in the desertion of conscripts.⁵¹³

During the take-over of Bijeljina, Serbian paramilitary forces killed at least 48 people, mostly Bosniaks.⁵¹⁴ A large number of Bijeljina residents sought shelter either in the JNA barracks in the town or in the nearby village of Patkovača. The Commander of the 17th Corps, General Savo Janković, reported to the 2nd VO about 3,000 refugees sheltering in the JNA barracks.⁵¹⁵ Although the JNA knew that these people were fleeing from the violence and murders taking place in the town, it took no action to prevent them.⁵¹⁶

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After the take-over of Bijeljina, the terror against non-Serbs continued and the JNA again did nothing to stop it. Serb paramilitary groups arrested, interrogated and mistreated Bosniak civilians and detained them in several detention camps that had been set up in the municipality, where they beat and sexually abused them. Civilian property in Bijeljina was appropriated, or destroyed, or looted by the paramilitaries.⁵¹⁷ As a result, the majority of non-Serb Bijeljina residents fled the town or were expelled.⁵¹⁸

510 Combat and operative report of the 2nd VO Command no. 10/36-1905 dated 1 April 1992, Exhibit no. P06209, *Karadžić*, p. 2; Combat and operative report of the 2nd VO Command no. 10/36-1940 dated 2 April 1992, Exhibit no. P01434, *Stanišić and Simatović*, p. 3; Letter of the 2nd VO Command addressed to the GŠ OS SFRJ, 5 April 1992, Exhibit no. D588, *Orić*, p. 1.

511 Combat and operative report of the 17th Corps Command submitted to the 2nd VO, 3 April 1992, Exhibit no. D00239, *Karadžić*, p. 1.

512 Letter of the SDS Municipal Board Pismo addressed to the SDS Main Board on 3 April 1992, Exhibit no. D01585, *Karadžić*, p. 1.

513 Combat and operative report of the 17th Corps Command dated 4 April 1992, Exhibit no. P03906, *Mladić*, p. 1.

514 “Krvavi bijeljinski Bajram” [Bloody Bairam in Bijeljina], *Slobodna Bosna*, 10 April 1992, Exhibit no. P584, *Krajišnik*, pp. 1-2, Daily operative report of the 17th Corps Command no. 20/27-99/1 dated 7 April 1992, Exhibit no. P06214, *Karadžić*, p. 1, *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 300.

515 Statement of Biljana Plavšić dated 29 and 30 May 2006, Exhibit no. C7.1, *Krajišnik*, para. 17, p. 4; Daily operative report of the 17th Corps Command dated 4 April 1992, Exhibit no. P03906, *Mladić*, p. 1.

516 Daily operative report of the 17th Corps Command no. 20/27-103/1 dated 11 April 1992, Exhibit no. P01391, *Stanišić and Simatović*, p. 1.

517 Information on the engagement and activities of the MUP of the Serbian Republic of BiH in establishing power and legality in the area of the State Security Center in Bijeljina, 29 July 1992, Exhibit no. P411.7, *Milošević*, p. 2.

518 *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 308.



Following the withdrawal of the JNA from BiH, the VRS East Bosnian Corps was formed comprising the JNA 17th Corps and parts of the Bosnian-Serb TO. Colonel Nikola Denčić, former JNA 17th Corps Assistant Commander in charge of logistics, was appointed the first Commander of the corps.⁵¹⁹

ii. Zvornik

The municipality of Zvornik is situated in eastern Bosnia, on the bank of the River Drina that forms a natural border between Serbia and BiH.⁵²⁰ According to the 1991 population census, the municipality had an ethnically diverse population, with 58.2 percent Bosniaks, 38 percent Serbs and 0.2 percent Croats.⁵²¹

At the 1990 multiparty elections, the SDS won a majority of votes and formed a coalition government with the SDS.⁵²² In the summer of 1991, there were sporadic clashes between Serbs and Bosniaks in the town of Zvornik and its surroundings.⁵²³

In late August 1991, the SDS began to arm the Zvornik Serbs.⁵²⁴ In early 1992, the Bosniaks too began to arm themselves⁵²⁵ and the JNA and members of the SJB of Serb nationality began to arm the local Serbs.⁵²⁶

In the latter half of December 1991, the municipal SDS board in Zvornik set up a Serb crisis staff in Zvornik. It was made up of local SDS leaders and the entire JNA Zvornik municipality command staff.⁵²⁷ Branko Grujić, president of the Zvornik SDS, was appointed president of the crisis staff. A few days later, the Assembly of the Serbian Municipality of Zvornik was formed, and defined the territory of the Serbian Municipality of Zvornik.⁵²⁸

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519 Information on the submission of the public redacted version of the Prosecution's Final Brief in *Mladić*, 10 August 2017, para. 104, pp. 56-57.

520 Map of the Zvornik area, Exhibit no. P03175, *Karadžić*.

521 Bosnian and Herzegovina population census, ethnic composition, Exhibit no. P954, *Krajišnik*, p. 23.

522 Statement of Marinko Vasičić, 9 June 2013, Exhibit no. D03693, *Karadžić*, para. 5; Statement of Branko Grujić, 23 June 2013, Exhibit no. D03724, *Karadžić*, para. 7; Statement of Jovan Ivanović, 9 June 2013, Exhibit no. D03692, *Karadžić*, para. 9.

523 Statement of Jovan Ivanović, 9 June 2013, Exhibit no. D03692, *Karadžić*, para. 10; Transcript of witness statement of KDZ059 in *Milošević*, ICTY, 13 and 18 November 2003, Exhibit no. P00067, *Karadžić*, pp. 29085-29086; *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1230.

524 Intercepted conversation between Milorad Bogićević and Radovan Karadžić, Exhibit no. P01180, *Stanišić and Župljanin*.

525 In the trial judgment passed on Radovan Karadžić, the Trial Chamber found that there had been armed formations of Bosnian Muslims in Zvornik but their level of organization had been limited, see in *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, p. 503, footnote 4265.

526 In the period preceding the ethnic division of the BiH MUP and creation of the SR BiH MUP, individuals at the State Security Department facilitated the transport of ammunition and weapons, see in: Annual report on the work of the Zvornik State Security Department during 1992 and activities planned for 1993, Exhibit no. P00348, *Stanišić and Župljanin*, p. 17.

527 Conclusion of the SDS Zvornik municipal board meeting on 22 December 1991, Exhibit no. P529.40, *Krajišnik*.

528 Statement of Branko Grujić dated 23 June 2013, Exhibit no. D03724, *Karadžić*, paras. 19, p. 6.



Around the beginning of 1992, representatives of the SDS and SDA negotiated a division of the municipality of Zvornik along ethnic lines.⁵²⁹ In mid-March 1992, the Assembly of the Serbian Municipality of Zvornik proclaimed the Serbian Municipality of Zvornik, which covered the predominantly Serb settlements in the municipality. The Serbian Municipality of Zvornik was established in accordance with Variant “B” of the “Instructions for the organisation of the Serbian People in BiH.”⁵³⁰

After the decision to separate Serb police forces from the BiH MUP in the spring of 1992, the newly-established Bosnian-Serb MUP and the crisis staff were based in the Karakaj area of the town, in the Alhos factory.⁵³¹ After a Bosniak armed group attacked a JNA convoy in Sapna, in Zvornik municipality, in early April 1992, active and reserve MUP and TO forces of the Serbian Municipality of Zvornik were mobilised.⁵³² Shortly afterwards, Branko Grujić, on behalf of the Zvornik Crisis Staff, invited several paramilitary groups from Serbia – the Serbian Volunteer Guard (SDG), the SRS volunteers (also known as „Šešelj’s Men”), the “Yellow Wasps”, the “White Eagles” and the “Red Berets” – to come to Zvornik. Other paramilitary groups were already present in Zvornik, such as the groups headed by Slobodan Mitrović Niški and Stojan Pivarski, “Sima’s Chetniks” and “Gogić’s Men.”⁵³³

Like Bijeljina, the municipality of Zvornik was in the area of responsibility of the JNA 17th Corps commanded by Major-General Savo Janković.⁵³⁴ One battalion of the JNA 336th MtBr, commanded by Colonel Radovan Tačić, was stationed in the territory of Zvornik municipality at the time.⁵³⁵ Its infantry unit was commanded by reserve officer Zoran Jovanović.⁵³⁶ The command of the 336th MtBr, headed by Captain Dragan Obrenović, was positioned in Mali Zvornik.⁵³⁷

In its daily report submitted to the JNA 2nd VO in early April 1992, the 17th Corps Command indicated that there was a risk that the security situation in Zvornik might worsen and escalate into interethnic conflicts.⁵³⁸

529 Witness statement of KDZ320 in *Karadžić*, ICTY, 25 April 2012, pp. 28092-28093.

530 Decision of the Zvornik Municipal Assembly proclaiming the Serbian Municipality of Zvornik, Exhibit no. D01693, *Karadžić*.

531 Information on the situation in the Zvornik Public Security Department, 1 April 1992, Exhibit no. P02764, *Karadžić*, p. 2.

532 Crisis Staff’s order for mobilization, 5 April 1992, Exhibit no. P657, *Krajišnik*; 1992 Annual report on the work of the Zvornik State Security Department during 1992 and activities planned for 1993, Exhibit no. P00348, *Stanišić and Župljanin*, p. 18; Statement of witness Čedomir Zelenović, 22 June 2013, Exhibit no. D03723, *Karadžić*, p. 5, para. 19.

533 Report on the military and paramilitary activities in the areas of Zvornik, Kiseljak, Drinjača and Brčko dated 23 July 1992, Exhibit no. D01632, *Karadžić; Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 360; *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1244.

534 Daily Operative Report of the 17th Corp Command, 4 April 1992, Exhibit no. P03906, *Mladić; Izet Mehinagić*, witness statement in *Krajišnik*, ICTY, 26 April 2005, p. 12652.

535 The 336th MtBr was created out of the 4th Armoured Brigade in December 1991 after the Mixed Artillery Division had been detached from it, Statement of Izet Mehinagić, Exhibit no. P644.1, *Krajišnik*, paras. 14-15.

536 Zoran Jovanović, witness statement in *Zvornik I*, District Court in Belgrade, 30 March 2006, p. 4.

537 Statement of Izet Mehinagić, Exhibit no. 644.1, *Krajišnik*, para. 17.

538 Daily Operative Report of the 17th Corp Command, 4 April 1992, Exhibit no. P03906, *Mladić*, p. 2.



On 5 and 6 April 1992, members of the Bosnian-Serb MUP, together with the SDG and other paramilitary groups, set up barricades in various locations in the municipality of Zvornik, using the incident in Sapna as a pretext.⁵³⁹ The SDA retaliated by setting up barricades on the bridge over the River Drina leading to Serbia.⁵⁴⁰

JNA forces, together with the police and several paramilitary groups from Serbia, including the SDG, “White Eagles” and “Yellow Wasps”, took over Zvornik on 8 April 1992. The town was first shelled by the JNA with mortars from Serbia, after which members of paramilitary units seized the area. Members of the Bosnian-Serb MUP set up checkpoints and seized all the major facilities in the town.⁵⁴¹ On 8 April 1992, members of paramilitary formations (the SDG and/or “Šešelj’s Men”) killed at least 11 non-Serb civilians who were sheltering in the cellar of a residential building in Zvornik.⁵⁴² Over the next two days, Serbian forces killed several dozen persons in Zvornik.⁵⁴³ In the period from April to June 1992, Serbian forces killed at least 507 Bosniaks on the territory of Zvornik municipality.⁵⁴⁴ Many houses were damaged or burned⁵⁴⁵, and most of the Bosniak cultural and religious monuments were destroyed or damaged during the mortar attack on the town of Zvornik.⁵⁴⁶ Members of paramilitary formations engaged in looting while the town was under attack.⁵⁴⁷

The attack forced many people to flee to the village of Kula Grad, three kilometres from the Zvornik township. On 10 April 1992, the Commander of the 17th Corps, Major-General Savo Janković, asked the JNA 2nd VO command to shell Bosniak positions in Kula Grad.⁵⁴⁸ A JNA tank unit carried out this request, after which most Zvornik residents fled to Tuzla. Members of the Bosnian-Serb MUP, SDG, “White Eagles” and other paramilitary formations took over Kula Grad on 26 April 1992.⁵⁴⁹ By the end of April, Serbian forces had also captured several villages around the town of Zvornik: the village of Divič was first shelled by the JNA from Serbian territory, whereupon Serbian forces seized Kostijerevo, Drinjača, Kozluk, Đulići, Snagovo and other villages.⁵⁵⁰

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539 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1237.

540 Petko Panić, witness statement in *Stanišić and Župljanin*, ICTY, 11 November 2009, pp. 2871, 2876; Witness statement of 30 June 1996, Exhibit no. P02189.B, *Stanišić and Župljanin*, pp. 2-3, *Krajišnik* (Trial Judgment). ICTY, 27 September 2006, para. 361.

541 Statement of Izet Mehinagić, Exhibit No. P644.1, *Krajišnik*, paras. 66-67 and witness statement 165 in *Krajišnik*, ICTY, 4 July 2005, p. 15733; Petko Panić, witness statement in *Stanišić and Župljanin*, ICTY, 12 November 2009, p. 2979, *Krajišnik* (Trial Judgment), ICTY, 27 September 2006, para. 362, *Stanišić and Župljanin* (Trial Judgment), ICTY, 21 March 2003, para. 1571.

542 *Stanišić and Simatović* (Trial Judgment), ICTY, 30 May 2013, para. 889.

543 *Karadžić* (Trial Judgment), ICTY, 24 March 2016, para. 1258, *Krajišnik* (Trial Judgment). ICTY, 27 September 2006, para. 362.

544 *Krajišnik* (Trial Judgment). ICTY, 27 September 2006, para. 374.

545 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1251.

546 *Krajišnik* (Trial Judgment). ICTY, 27 September 2006, para. 367.

547 Petko Panić, witness statement in *Stanišić and Župljanin*, ICTY, 11 November 2009, p. 2907.

548 Request for support made by the 17th Corps Command to the 2nd VO, 10 April 1992, Exhibit no. P02562, *Stanišić and Simatović*.

549 Statement of witness Matija Bošković, 20 November 2003, Exhibit no. 133, *Karadžić*, para. 26, Statement of witness Nedžad Hadžiefendić, 3 October 1997, Exhibit no. P00062.B, *Karadžić*, p. 3.

550 *Stanišić and Župljanin* (Trial Judgment), ICTY, 21 March 2003, paras. 1581, 1585-1586.



After taking over Zvornik, Serbian forces continued their actions in the villages of Zvornik municipality. On 10 April 1992, the Zvornik Crisis Staff decided to establish an interim government of the Serbian Municipality of Zvornik. This government replaced the crisis staff and assumed all its functions.⁵⁵¹ The interim government issued several decisions, one of which restricted the movement of Zvornik municipality residents by requiring them to have a pass to be able to move inside the town.⁵⁵² Another decision permitted the municipal government to seize property owned by Zvornik Bosniaks.⁵⁵³ After the take-over of Zvornik, “Šešelj’s Men” and the SDG withdrew from the town, but the groups led by Vojin Vučković Žuća, Stojan Pivarski and Slobodan Mitrović Niški remained behind.⁵⁵⁴

After the JNA withdrew from BiH in May 1992, several detention facilities were set up across Zvornik municipality by the Interim Government of the Serbian Municipality of Zvornik, the TO, the reserve police force, and various paramilitary groups. Bosniaks held in these facilities were beaten, physically and psychologically abused, and murdered.⁵⁵⁵

As a result of the attack on and take-over of Zvornik by the JNA and paramilitary formations and the crimes that followed the take-over, all Bosniaks moved out of the municipality. In December 1992, Colonel Miladin Prstojević from the VRS Drina Corps reported to the Corps Command that the municipality of Zvornik was ethnically clean and populated exclusively by Serbs: “With the arrival of paramilitary organisations to the Zvornik municipality, particularly Arkan and his people, this territory has been liberated from the Turks. Turks made up 60 percent of the municipality’s population, and it has now been cleansed and replaced with an ethnically pure Serb population.”⁵⁵⁶

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As mentioned above, following the JNA’s withdrawal from BiH, the JNA 17th Corps, which took part in the attack on Zvornik, was transformed, together with the Bosnian-Serb TO, into the VRS East Bosnian Corps, which was commanded by Colonel Nikola Denčić, former JNA 17th Corps Assistant

551 Branko Grujić, former Zvornik Crisis Staff Commander, was appointed head of the Interim Government of the Serbian Municipality of Zvornik. Zvornik Crisis Staff decision imposing curfew on the territory of the Serbian Municipality of Zvornik, Exhibit no. 1d00377, *Stanišić and Župljanin*, p. 1.

552 Zvornik Crisis Staff decision imposing curfew on the territory of the Serbian Municipality of Zvornik, Exhibit no. 1d00377, *Stanišić and Župljanin*.

553 Decision of the Interim Government of the Serbian Municipality of Zvornik of 1 May 1992, Exhibit no. P529.362, *Krajišnik*; Decision on the seizure of abandoned and vacant business premises in the territory of the Serbian Municipality of Zvornik, Exhibit no. P01607, *Stanišić and Župljanin*.

554 Statement of witness Fadil Banjanović, 30 March 2002, Exhibit no. P00104, *Karadžić*, paras. 19-24, Statement of Branko Grujić, 22 June 2013, Exhibit no. D3724, *Karadžić*, para. 37.

555 Detention facilities were set up at various locations: in the MUP building in Zvornik, in the Cultural Centre in Čelopek, in the Alhos factory, in the Novi Izvor company’s management building, in the Misdemeanour Court, in the Youth Centre and school in Drinjača, in the technical school in Karakaj, and elsewhere. Official notes of the State Security Department in Bijeljina regarding the interview with Duško Vučković Repić on 9 August 1992, Exhibit no. P865.D, *Krajišnik*, pp. 1-2. Indictment against Duško et al., District Court in Šabac, 28 April 1994, pp. 2, 5; Petko Panić, witness statement in *Stanišić and Župljanin*, ICTY, 11 November 2009, pp. 2897-2898; *Stanišić and Župljanin* (Trial Judgment), ICTY, 21 March 2003, paras. 1663-1668; *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, paras. 1295-1353.

556 Situation on the ground in the area of responsibility of the VRS Drina Corps, 17 December 1992, Exhibit no. P02955, *Karadžić*, p. 1.



Commander in charge of logistics.⁵⁵⁷ Captain Dragan Obrenović, who at the time of the attack on Zvornik was the Commander of the Assault Battalion of the JNA 336th MtBr, became in December 1992 the Chief of Staff of the VRS 1st Zvornik Infantry Brigade.⁵⁵⁸

iii. Vlasenica

Vlasenica is situated in eastern BiH.⁵⁵⁹ It was an ethnically diverse municipality, with Bosniaks accounting for 55.2 percent of the population, Serbs 42.3 percent, and Croats 0.1 percent, according to the 1991 census.⁵⁶⁰

Following the 1990 local election, a government in Vlasenica was formed jointly by the SDA and SDS.⁵⁶¹

Vlasenica was among the municipalities where the JNA, pursuant to the May 1990 order of the Chief of the General Staff of the Armed Forces of the SFRY, Colonel General Blagoje Adžić [see page 11], took control of the TO magazines.⁵⁶² Despite this, Bosniak representatives tried to negotiate with Dragomir Milošević, Commander of the 216th Mountain Brigade and the JNA barracks in Han Pijesak, for the mobilisation of the ethnically mixed TO forces to defend both Bosniaks and Serbs in the municipality. Milošević refused, saying that “Muslims cannot get a single rifle, because they will be turned against Serbs and fired at them”.⁵⁶³

In the spring of 1991, the arming of the Vlasenica Serbs and Bosniaks began,⁵⁶⁴ and continued until the beginning of the conflicts in BiH.⁵⁶⁵ The Serbs were armed by the JNA and the SDS.⁵⁶⁶

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557 Information on the submission of the public redacted version of the Prosecution’s Final Brief in the case of *Mladić*, 10 August 2017, pp. 56-57, para. 104.

558 From December 1992 to November 1996, Dragan Obrenović was Chief of Staff and deputy Commander of the 1st Zvornik Infantry Brigade of the Drina Corps of the VRS. After he pleaded guilty, Obrenović was sentenced by the ICTY to 17 years’ imprisonment for crimes against humanity (persecutions on political, racial and religious grounds, murder) see in *Dragan Obrenović* (Case Information Sheet) http://www.icty.org/x/cases/obrenovic/cis/en/cis_obrenovic_en.pdf, accessed 26 April 2018, Indictment against *Dragan Obrenović*, ICTY Prosecutor’s Office, 16 March 2001, para. 1.

559 Map of Bosnia and Herzegovina showing municipality borders, Exhibit no. D00484, *Karadžić*, p. 1.

560 Bosnia and Herzegovina census, ethnic composition, Exhibit no. P954, *Krajišnik*, p. 23.

561 Izet Redžić, witness statement in *Krajišnik*, ICTY, 30 August 2004, pp. 5005-5006.

562 Blagoje Adžić’s order of 14 May 1990 on the keeping of TO weapons and ammunition, Exhibit no. 00409, *Martić*.

563 Izet Redžić, witness statement in *Krajišnik*, ICTY, 30 August 2004, pp. 5010-5014. Izet Redžić, witness statement in *Karadžić*, ICTY, 23 August 2011, p. 17678.

564 Statement of Zoran Jovanović dated 18 February 2013, Exhibit no. D03007, *Karadžić*, paras. 14-16; *Karadžić* (Trial Judgment), ICTY, 24 March 2016, para. 1103.

565 Witness statement of ST 179 in *Stanišić and Župljanin*, ICTY, 10 March 2010, p. 7429.

566 *Ibid.*



In April 1992, the mobilisation of Serbs for the TO was carried out.⁵⁶⁷ The JNA was gradually increasing its presence in the municipality of Vlasenica.⁵⁶⁸ In the days preceding the conflicts in Vlasenica, Dragomir Milošević said that Serbs “must have an army of their own - an army to protect them.”⁵⁶⁹ A unit of the JNA 12th Corps was deployed in Šekovići, near Vlasenica, after the JNA’s withdrawal from Croatia.⁵⁷⁰

Between the end of March and mid-April 1992, representatives of the SDA and representatives of the local Bosniak population negotiated a new territorial division of the municipality of Vlasenica. The outcome was an agreement under which Milići was separated from the municipality of Vlasenica to form a new Milići municipality, and the rest of territory of the Vlasenica municipality was divided into Serb and Bosnian parts.⁵⁷¹ Despite the agreement, the joint forces of the JNA, Serbian TO and volunteer units attacked Vlasenica in the latter half of April 1992.⁵⁷²

Pursuant to Variant “B” of the “Instructions for the organisation of the Serbian people in BiH”,⁵⁷³ the Vlasenica SDS municipal board in early April 1992 issued a decision establishing a Serb crisis staff in the municipality. The crisis staff assumed all the functions and jurisdictions of the Municipal Assembly and the Executive Board of Vlasenica municipality. Milenko Stanić, a SDS official and former president of Vlasenica municipality, was appointed president of the crisis staff. The members of the crisis staff were Serbian representatives of the municipal authorities, the president of the municipal SDS board and members of the local SDS board, the Commander of the TO and the head of the Vlasenica Public Security Department (SJB).⁵⁷⁴

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567 Statement of witness Savo Čeliković dated 10 February 2013, Exhibit no. D02922, *Karadžić*, paras. 17 and 22; Statement of witness Momir Deurić dated 16 February 2013, Exhibit no. D02967, *Karadžić*, para. 15; Statement of witness Mana Đurić dated 3 March 2013, Exhibit no. D03093, *Karadžić*, para. 14.

568 Izet Redžić, witness statement in *Krajišnik*, ICTY, 30 August 2004, pp. 5039-5040 Statement of witness Savo Čeliković dated 10 February 2013, Exhibit no. D02922, *Karadžić*, para. 22.

569 Izet Redžić, witness statement in *Krajišnik*, ICTY, 30 August 2004, pp. 5014-5.

570 Witness statement of ST179 in *Stanišić and Župljanin*, ICTY, 10 March 2010, p. 7444.

571 Protocol on the division of the municipality of Vlasenica dated 11 April 1992, Exhibit no. P258, *Krajišnik*.

572 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1114; *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 349; *Stanišić and Župljanin* (Trial Chamber Judgment), ICTY, 27 March 2013, para. 1426.

573 Instructions for the organisation and activities of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991, Exhibit no. P43, *Krajišnik*, pp. 1-10.

574 Decision establishing the Crisis Staff of the Serbian Municipality of Vlasenica and its responsibilities dated 4 April 1992, Exhibit no. P06121, *Karadžić*.



The decision to take over Vlasenica was made at a crisis staff meeting held on 19 April 1992.⁵⁷⁵ On the same date, the crisis staff declared a state of war and decided to set up a Serb TO Staff and disarm the ethnically mixed active-duty and reserve forces of the Vlasenica SJB. The head of the common SJB, Radimir Bjelanović, was tasked with forming a new purely Serb SJB, which he did the same day.⁵⁷⁶

The municipality of Vlasenica was in the area of responsibility of the JNA 216th Mountain Brigade which was stationed in Han Pijesak, 18 kilometres from Vlasenica. As stated above, its Commander was Colonel Dragomir Milošević. The 216th Mountain Brigade was part of the JNA 4th Corps headed by Major-General Vojislav Đurđević.⁵⁷⁷ A unit of the Novi Sad Corps was positioned in Šekovići, 20 kilometres from the town of Vlasenica. Major-General Andrija Biorčević was the Commander of the Novi Sad Corps.⁵⁷⁸ Members of the “White Eagles”, a paramilitary group from Serbia, were positioned in the Milić area, near the bauxite mines.⁵⁷⁹

On 21 April 1992, around 200 soldiers of the Novi Sad Corps took over the town of Vlasenica with the assistance of the newly established Serbian SJB and TO,⁵⁸⁰ by taking control of the municipality premises, the police station, the court, the post office and other major town institutions.⁵⁸¹ The action was led by the Vlasenica Crisis Staff in coordination with the JNA.⁵⁸² The town was taken over without resistance and without casualties.⁵⁸³

After the take-over of Vlasenica, the crisis staff took over administration of the town, appointed Serbs to all high public posts, and activated the Assembly of the Serbian Municipality of Vlasenica and all its organs.⁵⁸⁴ The police set up checkpoints on the roads leading to the town and a pass was needed to enter or exit the town. Anyone who wanted to leave the town was required to sign a document saying they were doing it of their own free will. Passes to leave the town were issued mostly to women, children and older persons. For able-bodied Bosniaks obtaining a pass was difficult, and usually

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575 Crisis staff's decision to take control of the municipality of Vlasenica dated 19 April 1992, Exhibit no. P03214, *Karadžić*.

576 Crisis staff's decision establishing the TO Staff dated 19 April 1992, Exhibit no. P01064, *Stanišić and Župljanin*; Crisis staff's decision on the disarmament of active-duty and reserve forces of the Vlasenica SJB dated 19 April 1992, Exhibit no. P01060, *Stanišić and Župljanin*, p. 1; Statement of witness Mana Đurić dated 3 March 2013, Exhibit no. D03093, *Karadžić*, para. 23.

577 Asim Džambasović, statement pursuant to rule 92 bis, 16 October 2002, Exhibit no. P526.A.1, *Krajišnik*, paras. 7, 8, 11, and 13.

578 Statement of witness Mane Đurić dated 3 March 2013, Exhibit no. D03093, *Karadžić*, para. 28; Statement of witness Ibro Osmanović dated 10 October 1994, Exhibit no. P01041.02.B, *Stanišić and Župljanin*, pp. 2-3.

579 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1114.

580 Composed of Serb reservists from Vlasenica, Milić and Šekovići – see: *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, footnote 3810.

581 Letter no. 05-691/94 on creating the 1st Vlasenica IBR sent to the Drina Corps Command, 19 December 1994, Exhibit no. P02636, *Karadžić*, p. 1; Notebook of Ratko Mladić, Exhibit no. P01478.B, *Karadžić*, p. 230; Statement of witness Ibro Osmanović dated 23 August 2011, Exhibit no. P03212, *Karadžić*, para. 24.

582 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1114.

583 Statement of Zoran Jovanović dated 18 February 2013, Exhibit no. D03007, *Karadžić*, para. 21.

584 Crisis staff's decision on the take-over of the municipality of Vlasenica dated 19 April 1992, Exhibit no. P03214, *Karadžić*.



involved pulling some strings or paying large bribes.⁵⁸⁵ The Bosniaks who stayed in the town were subjected to constant pressures and threats, and their houses were torched.⁵⁸⁶ The crisis staff ordered all Vlasenica residents to hand over weapons possessed illegally to the JNA or the SJB,⁵⁸⁷ but only Bosniaks were disarmed in this way.⁵⁸⁸ The JNA, alongside the Serbian SJB, took part in the seizure of weapons from Vlasenica Bosniaks.⁵⁸⁹

After the take-over of the town, local Bosniaks were arrested, interrogated and detained in several detention facilities.⁵⁹⁰ Having taken control of the Vlasenica town centre, Serbian armed forces set out to take over villages across the municipality.⁵⁹¹ In mid-May 1992, a special police unit from Milić entered the village of Zaklopača and killed around 80 people there.⁵⁹²

In the period from May to September 1992, Serbian forces killed at least 279 Bosniaks.⁵⁹³ As a result of the take-over of Vlasenica and the violence against the local Bosniak population that followed, the majority of Bosniaks moved to the territory held by the Army of BiH. By the end of 1992, no more than 150 Bosniaks stayed behind in the town after others had been taken away to detention facilities or left their homes.⁵⁹⁴ From the 55.2 percent before the war, the Bosniak population was reduced to merely 1 percent in 1997, as a direct consequence of the take-over of Vlasenica and the forced expulsions and killings they suffered.⁵⁹⁵

Pursuant to the 4 May 1992 order of the Presidency of the SFRY on the withdrawal of the JNA from BiH,⁵⁹⁶ the JNA Novi Sad Corps withdrew from Vlasenica and its surroundings on 19 May 1992.⁵⁹⁷

At the same time, the 216th Mountain Brigade was renamed the 1st Romanija Infantry Brigade of the

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585 Expulsion procedure regulation dated 19 May 1992, Exhibit no. P01063, *Stanišić and Župljanin*; Statement of witness Ibro Osmanović dated 23 August 2011, Exhibit no. P03212, *Karadžić*, p. 45.

586 Statement of witness Ibro Osmanović dated 23 August 2011, Exhibit no. P03212, *Karadžić*, paras. 37-39; *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1119.

587 Vlasenica Crisis Staff's decision on the disarmament of citizens who illegally possess weapons, Exhibit no. P01059, *Stanišić and Župljanin*.

588 Ibro Osmanović, witness statement in *Krajišnik*, ICTY, 1 September 2004, p. 5225.

589 Statement of Ibro Osmanović dated 23 August 2011, Exhibit no. P03212, *Karadžić*, paras. 27-32, 35-37; *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, paras. 1121-1123.

590 People were detained in the Municipal Jail in Vlasenica and in the SJB building in Vlasenica. Some men were interrogated and killed, others were taken to the detention camp in Sušica, see in: *Stanišić and Župljanin* (Trial Chamber Judgment), ICTY, 27 March 2013, para. 1436; Ibro Osmanović, witness statement in *Karadžić*, ICTY, 29 August 2011, p. 17962; Statement of Ibro Osmanović dated 23 August 2011, Exhibit no. P03212, *Karadžić*, paras. 35-37.

591 Report of the 1st Birčan Infantry Brigade dated 30 October 1993, Exhibit no. P06458, *Karadžić*, p. 3.

592 *Stanišić and Župljanin* (Trial Judgment), ICTY, 27 March 2013, para. 1437.

593 *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 358.

594 *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, paras. 1218-1220.

595 Expert report of Ewa Tabeau in the case IT-02-54 (*Milošević*), Exhibit no. P01627, *Stanišić and Župljanin*, p. 84.

596 Notes taken at the 197th session of the SFRY Presidency held on 4 May 1992, Exhibit no. P00199, *Perišić*, p. 4.

597 Witness statement of ST 179 in *Stanišić and Župljanin*, ICTY, 10 March 2010, pp. 7444-5; Statement of witness Ibro Osmanović dated 10 October 1994, Exhibit no. P01041.02.B, *Stanišić and Župljanin*, p. 5.



VRS,⁵⁹⁸ and the Commander of the 216th Mountain Brigade Colonel Dragomir Milošević,⁵⁹⁹ became the Commander of the 1st Romanija Brigade of the VRS, to be appointed in the second half of 1994 the Commander of the Sarajevo-Romanija Corps of the VRS.⁶⁰⁰ Units of the Novi Sad Corps that withdrew from Vlasenica and Šeković left behind automatic weapons, machine-guns, mortars, armoured personnel carriers and tanks. All these weapons were handed over to local Serbs.⁶⁰¹ A detachment of the Vlasenica TO became part of the VRS 1st Birčan Brigade on 19 May 1992.⁶⁰²

iv. Bosanski Šamac

Bosanski Šamac municipality is located in the Posavina region of BiH. According to the 1991 census, the population of this municipality was ethnically mixed, with 44.7 percent Croats, 41.3 percent Serbs and 6.8 percent Bosniaks.⁶⁰³ This municipality was strategically important to the Bosnian-Serb leadership, as it lay in the corridor linking parts of western and eastern BiH, to which the Serbs laid claim.⁶⁰⁴

In the elections held in 1990, in Bosanski Samac, the national parties HDZ, SDS and SDA won the majority and assumed authority in the municipality.⁶⁰⁵

Bosanski Šamac was in the area of responsibility of the JNA 17th Tactical Group (TG) commanded by Lieutenant-Colonel Stevan Nikolić aka “Kriger”.⁶⁰⁶ The command of the 17th TG was based in Pelagićevo, a village located some 30 kilometres from the town of Bosanski Šamac, which during the war formed part of the Gradačac municipality.⁶⁰⁷ The 17th TG was formed in October 1991 on the orders of General Savo Janković, Commander of the JNA 17th Corps. It consisted of, among other elements, five infantry detachments made up of able-bodied men conscripted in the territory of Bosanski Šamac and neighbouring villages.⁶⁰⁸ The town of Bosanski Šamac was in the area of responsibility of the 4th Detachment of the JNA 17th TG, which was formed on the orders of Lieutenant-Colonel Nikolić, and

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598 Stevan Veljović, witness statement in *Dragomir Milošević*, ICTY, 30 May 2007, pp. 5815-5816.

599 From March 1993, Milošević was Chief of Staff to Stanislav Galić, Commander of the Sarajevo-Romanija Corps of the VRS, and from August 1994, Corps Commander of the Sarajevo-Romanija Corps. Sentenced by the ICTY to 29 years' imprisonment for murder, crimes against humanity (inhumane acts, murder) and violations of the laws or customs of war (terror); see in *Dragomir Milošević* (Case Information Sheet) http://www.icty.org/x/cases/dragomir_milosevic/cis/en/cis_milosevic_dragomir_en.pdf accessed 24 April 2018.

600 *Dragomir Milošević* (Trial Chamber Judgment), ICTY, 12 December 2007, para. 2.

601 Witness statement of ST179 in *Stanišić and Župljanin*, ICTY, 10 March 2010, pp. 7444-5; Statement of witness Ibro Osmanović dated 10 October 1994, Exhibit no. P01041.02.B, *Stanišić and Župljanin*, p. 5; Statement of witness Ibro Osmanović dated 23 August 2011, Exhibit no. P3212, *Karadžić*, para. 52

602 Letter no. 05-691/94 on creating the 1st Vlasenica IBr addressed to the Drina Corps Command, dated 19 December 1994, Exhibit no. P02636, *Karadžić*, p. 1.

603 Ethnic composition of Bosnia and Hercegovina, Exhibit no. P954, *Krajišnik*, p. 16.

604 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, paras. 174-175.

605 Sulejman Tihić, witness statement in *Simić et al.*, ICTY, 13 September 2001, pp. 1242-1243.

606 Stevan Nikolić, witness statement in *Simić et al.*, ICTY, 14 April 2003, pp. 18511-18513.

607 Stevan Nikolić, statement pursuant to rule 92 bis, Exhibit no. D47/4, *Simić et al.*, paras. 8-9, 14.

608 In addition to these five detachments, the JNA 17th TG included an armoured battalion based in the garrison in Brčko, three support artillery divisions, a motorised battalion and an air defence division. See in: Stevan Nikolić, statement pursuant to rule 92 bis, Exhibit no. D47/4, *Simić et al.*, paras. 9-14.



commanded by reserve JNA officer Radovan Antić. The 4th Detachment consisted of approximately 450 men.⁶⁰⁹

The autumn of 1991 saw an escalation of violence and armed clashes between Bosniaks, Serbs and Croats in Bosanski Šamac. Because of this, in January 1992 the common municipal assembly divided the town of Bosanski Šamac into four patrol zones. The JNA 4th Detachment patrolled the zone stretching along the Bosna and Sava rivers. Armed groups adhering to the SDA and HDZ patrolled the other parts of the municipality.⁶¹⁰

In late February 1992, the Serbian Municipality of Bosanski Šamac was established by the decision of the Serbian Assembly of BiH.⁶¹¹ Even though there is no hard evidence that the Serb deputies were guided by the “Instructions for the organisation of the Serbian People in BiH”, their decision clearly followed the pattern established in Variant “B” of that document.⁶¹²

In late March 1992, the Assembly of the Serbian Municipality of Bosanski Šamac established the Bosanski Šamac SJB, with Stevan Todorović, at that time still a SDS official and assistant Commander of the 1st Detachment of the JNA 17th TG in charge of security, as its head.⁶¹³ In mid-April 1992, the Assembly of the Serbian Municipality of Bosanski Šamac established a municipal crisis staff, with Blagoje Simić, President of the Bosanski Šamac SDS and Vice-President of the Bosanski Šamac Assembly, as its president.⁶¹⁴

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In mid-March 1992, Stevan Todorović, Commander of the 1st Detachment of the JNA 17th TG Mićo Ivanović, and Miloš Bogdanović, head of the JNA municipal recruitment office, formed a 20-strong group of soldiers from the municipality of Bosanski Šamac. The group was sent to the Special-Purpose Units’ camp in Ilok, Serbia, for training, on the orders of the Commander of the 1st Detachment of the JNA 17th TG.⁶¹⁵ The group came back to Bosanski Šamac in the first half of April 1992, and was tasked with training other members of the JNA 17th TG.⁶¹⁶

609 Stevan Nikolić, statement pursuant to rule 92 bis, Exhibit no. D47/4, *Simić et al.*, paras. 10 and 14, and Radovan Antić, witness statement in *Simić et al.*, ICTY, 13 March 2003, p. 16785; Sulejman Tihčić, witness statement in *Simić et al.*, ICTY, 17 September 2001, pp. 1327-1328; Stevan Nikolić, statement pursuant to rule 92 bis, Exhibit no. D47/4, *Simić et al.*, para. 14.

610 Sulejman Tihčić, witness statement in *Simić et al.*, ICTY, 17 September 2001, p. 1334.

611 The full name of the newly-established municipality was the Serbian municipality of Bosanski Šamac and Pelagićevo. See in: Decision establishing the Assembly of the Serbian Municipality of Bosanski Šamac dated 29 February 1992, Exhibit no. P01556.11, *Stanišić and Župljanin*; Instructions for the organisation and activities of the organs of the Serbian People in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991, Exhibit no. P43, *Krajišnik*, pp. 1-10.

612 Bosanski Šamac and the history of Bosnia and Hercegovina, Exhibit no. P1, *Simić et al.*, para.157.

613 Stevan Todorović, witness statement in *Simić et al.*, ICTY, 6 June 2002, pp. 9009-9011; Information on the situation in the Bosanski Šamac SJB, arrest of SJB heads by the military organs and closing of the Krajina-SRJ corridor, Exhibit no. P00406, *Stanišić and Župljanin*, p. 2.

614 Official Gazette of the municipality of Šamac, 3 June 1994, Exhibit no. P124 ter, *Simić et al.*, p. 7, and Decision appointing the crisis staff president dated 17 April 1992, Exhibit no. P79 ter, *Simić et al.*, p. 1.

615 Miloš Savić, witness statement in *Simić et al.*, ICTY, 7 February 2003, pp. 377-378; Aleksandar Janković, statement pursuant to rule 92 bis, Exhibit no. D172/1, *Simić et al.*, para. 10; set of documents relating to Miloš Savić, 16 July to 17 September 1992, Exhibit no. P01517, *Stanišić and Simatović*, p. 2.

616 Miloš Savić, witness statement in *Simić et al.*, ICTY, 7 February 2003, pp. 378-379.



Together with this group, a unit made up of 30 members of special police units from Serbia came to the municipality of Bosanski Šamac. It consisted of members of the “Red Berets”, State Security unit members, Dragan Đorđević, aka “Crni” [The black one], Slobodan Miljković, aka “Lugar”, and Srećko Radovanović, aka “Debeli” [Fat man].⁶¹⁷ The unit came, in a JNA helicopter, to the Serb-populated village of Batkuša, which was in the area of responsibility of the 1st Detachment of the JNA 17th TG. In Batkuša, the Serbian specials were received by three JNA officers, namely Maksim Simeunović, Chief Intelligence and Security Officer in the 17th TG, Mićo Ivanović, Commander of the 17th TG, and Stevan Todorović, Chief of the Bosanski Šamac SJB.⁶¹⁸ The special police unit from Serbia was re-subordinated to the command of the JNA 17th TG.⁶¹⁹

On the night of 16-17 April 1992, forces of the JNA 17th TG, the Serbian Municipality of Bosanski Šamac SJB and the specials from Serbia attacked the town of Bosanski Šamac⁶²⁰ and took it over, encountering no significant resistance.⁶²¹ Ahead of the attack, units of the 1st and 4th detachments of the 17th TG were positioned in strategic locations across the town, in a state of combat readiness.⁶²² In the early morning of 17 April 1992, the specials from Serbia and members of the Bosanski Šamac SJB took control of the police station and other key facilities and structures in the town, including the bridge over the River Sava, the radio station and the post office. The following day, 18 April 1992, the JNA 17th Corps reported to the 2nd VO that the 17th TG was ordered to “secure the success achieved.”⁶²³

The crisis staff of Bosanski Šamac municipality on 17 April 1992 issued an order for all members of “Ustashi and Muslim forces” to surrender their weapons.⁶²⁴ Members of the 4th Detachment of the 17th TG participated in the collection of weapons from local Croats and Bosniaks.⁶²⁵

617 Stevan Todorović, witness statement in *Simić et al.*, ICTY, 6 June 2002, pp. 9040-9043; Simo Jovanović, statement pursuant to rule 92 bis, 18 February 2003, Exhibit no. D173/1 ter, *Simić et al.*, p. 4.

618 Miloš Savić, witness statement in *Simić et al.*, ICTY, 7 February 2003, pp. 377-379; Simo Jovanović, statement pursuant to rule 92 bis, 18 February 2003, Exhibit no. D173/1 ter, *Simić et al.*, p. 4; Document 13 signatories, 2nd Posavina Brigade Command, 1 December 1992, Exhibit no. P127 ter, *Simić et al.*, p. 1; Maksim Simeunović, witness statement in *Simić et al.*, ICTY, 26 February 2003, pp. 15855- 15856; Stevan Todorović, witness statement in *Simić et al.*, ICTY, 6 June 2002, p. 9041.

619 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, para. 396; Statement of Blagoje Simić in the case against Dragan “Crni” Đorđević, Exhibit no. P01023, *Šešelji*, p. 2; Information on the situation in the Bosanski Šamac SJB, arrest of SJB heads by the military organs and closing of the Krajina-SRJ corridor, Exhibit no. P00406, *Stanišić and Župljanin*, p. 2. The command of the JNA 17th TG issued orders to this group, see in: Combat order to the “Lugar” command, dated 7 May 1992, Exhibit no. P174 ter, *Simić et al.*, and Combat order to “Leva kolona”, dated 7 May 1992, Exhibit no. P175 ter, *Simić et al.*

620 Report of the 17th Corps Command on the situation on the ground, 17 April 1992, Exhibit no. P19, *Simić et al.*; Extraordinary report of the 2nd VO Command, 17 April 1992, Exhibit no. D00018, *Stanišić and Simatović*.

621 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, paras. 442-443.

622 *Ibid.*, paras. 403-405, 448; Stevan Nikolić, statement pursuant to rule 92 bis, Exhibit no. D47/4, *Simić et al.*, para. 36; Aleksandar Janković, statement pursuant to rule 92 bis, Exhibit no. D172/1, *Simić et al.*, paras. 13-16; Simo Jovanović, statement pursuant to rule 92 bis, 18 February 2003, Exhibit no. D173/1 ter, *Simić et al.*, paras. 11-16.

623 Report of the 17th Corps Command dated 18 April 1992, Exhibit no. D00017, *Stanišić and Simatović*, p. 1.

624 Order of the Serb crisis staff in the municipality of Bosanski Šamac and Pelagićevo, 17 April 1992, Exhibit no. P77 ter, *Simić et al.*

625 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, paras. 451-454.



The take-over of Bosanski Šamac in April 1992 was followed by arrests of non-Serbs, which were conducted by, among others, members of the JNA 17th TG.

Moreover, members of the 4th Detachment of the JNA 17th TG took part in the beatings, torture, and unlawful and inhumane detention of non-Serb civilians.⁶²⁶ The JNA, the Serbian SJB and the crisis staff coordinated the arrests of local non-Serbs and their transfer from one detention facility to another.⁶²⁷

The arrested men were brought into the police station and the TO building in Bosanski Šamac, where they were subjected to inhumane living conditions, torture and inhumane treatment by Serbian police and paramilitary forces.⁶²⁸

In late April 1992, pursuant to an order of JNA Lieutenant-Colonel Stevan Nikolić, a group of detainees was transferred to the JNA barracks in Brčko, where they were guarded by JNA soldiers until the eruption of conflicts in that municipality [see page 92].⁶²⁹ After that, the JNA transferred the detainees to Bijeljina, first to the JNA barracks in that town, and later to the Batković detention camp. Six of the persons arrested in Bosanski Šamac were transferred from the JNA barracks in Bijeljina to the military prison in Batajnica, near Belgrade, in early May 1992.⁶³⁰

There existed other detention facilities for non-Serbs in the territory of Bosanski Šamac, such as the elementary and secondary schools in the town of Bosanski Šamac, and detention facilities in Zasavica and Crkvina.⁶³¹ Detainees held in these locations were forced to perform work for the military, including digging trenches and cutting down plants on the frontline. The JNA did not have a significant role in the arrests of non-Serbs and guarding detention facilities, but the transfer of detainees to the locations where they were subjected to forced labour was organised by the Secretariat for National Defence in Bosanski Šamac, which was part of the crisis staff.⁶³²

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In the village of Crkvina, in Bosanski Šamac municipality, non-Serbs were detained in several locations, including the Cultural Centre, the school, the football stadium and a warehouse. Those detained in the warehouse in Crkvina were subjected to unsanitary and inhumane living conditions. On 7 May 1992, Slobodan Miljković, aka “Lugar”, Dragan Đorđević, aka “Crni”, and several other members of the “Red Berets” came to the warehouse and killed 16 detainees. The JNA 17th TG Commander, Lieutenant-

626 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, para. 770.

627 *Ibid.*, para. 996.

628 Stevan Todorović, witness statement in *Simić et al.*, ICTY, 6 June 2002, pp. 9107-9112; *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, paras. 654-660; Prosecution’s Second Pre-Trial Brief in *Milošević*, ICTY, 31 May 2002, para. 608.

629 Dragan Lukač, witness statement in *Simić et al.*, ICTY, 25 September 2001, p.1685.

630 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, paras. 654-669.

631 Svetozar Vasović, witness statement in *Simić et al.*, ICTY, 30 January 2003, pp. 14964, 14993-14996; Radovan Antić, witness statement in *Simić et al.*, ICTY, 17 March 2003, p. 16843; Miroslav Tadić, witness statement in *Simić et al.*, ICTY, 19 February 2003, pp. 15532-15534.

632 Safet Dagović, witness statement in *Simić et al.*, ICTY, 18 April 2002, pp. 7190-7195.



Colonel Nikolić, admitted to having been informed of the incident already by 8 or 9 May 1992.⁶³³ General Aleksandar Vasiljević, Deputy Head of the Security Administration of the JNA General Staff, was also informed of the crime in Crkvina on 9 May 1992.⁶³⁴ Nevertheless, the murder in Crkvina has never been investigated by the JNA,⁶³⁵ even though it was known that the perpetrators were members of special police units from Serbia re-subordinated to the JNA 17th TG from Bosanski Šamac.⁶³⁶

On the orders of the Chief of the Bosanski Šamac SJB, a curfew on civilians was imposed in Bosanski Šamac restricting their movement within the municipality.⁶³⁷ In mid-June 1992, the crisis staff prohibited political activities of any kind.⁶³⁸ Having taken over the municipality, the crisis staff ordered Bosniaks and Croats to wear white armbands.⁶³⁹ The municipality was plundered and pillaged, and property belonging to Croats and Bosniaks was destroyed. Members of the 4th Detachment of the JNA 17th TG, members of the “Red Berets” from Serbia and local residents all took part in the destruction of non-Serb property.⁶⁴⁰

As a result of the attack on and take-over of the municipality of Bosanski Šamac and the persecution of the non-Serb population that followed, the ethnic composition of the municipality changed so dramatically that by 1997 the municipality had merely 1.9 percent Muslims and 1.3 percent Croats.⁶⁴¹

On 19 May 1992, the JNA withdrew from the territory of BiH. The JNA 17th TG was transformed to become the 2nd Posavina Brigade of the VRS.⁶⁴² Bosanski Šamac was now in the area of responsibility of the newly established VRS 2nd Posavina Brigade.⁶⁴³ Colonel Mićo Đurđević was appointed as the Commander of the 2nd Posavina Brigade, only to be transferred to Brčko just several days later and succeeded by Dragan Đorđević, aka “Crni”.⁶⁴⁴ Đorđević was appointed by the Commander of the VRS East Bosnian Corps, Colonel Nikola Denčić, former assistant Commander of the JNA 17th Corps in charge of logistics. Srećko Radovanović, aka “Debeli”, was appointed the chief of staff of the 2nd

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633 Stevan Nikolić, witness statement in *Simić et al.*, ICTY, 14 April 2003, pp. 18467-18471.

634 Simo Zarić, witness statement in *Simić et al.*, ICTY, 7 May 2003, pp. 19186-19187.

635 Stevan Nikolić, witness statement in *Simić et al.*, ICTY, 14 April 2003, pp. 18515-18516. Stevan Nikolić stated that the persons indicated as the perpetrators of the crime in Crkvina stood trial in Banja Luka, but the trial he mentioned concerned other acts, not the incident in Crkvina. See in: Decision of the Military Court in case no. KI 304/92 dated 26 November 1992, Exhibit no. D01207, *Stanišić and Simatović*, pp. 3-4.

636 Two orders issued by Lieutenant Stevan Nikolić on 7 May 1992 clearly show that on the day the murders in Crkvina took place, the perpetrators of this crime, Slobodan Miljković, aka “Lugar”, and Dragan Đorđević, aka “Crni”, were under the command of the JNA 17th TG, see in: Combat order to the “Lugar” command, dated 7 May 1992, Exhibit no. P174 ter, *Simić et al.*, and Combat order to “Leva kolona”, dated 7 May 1992, Exhibit no. P175 ter, *Simić et al.*

637 Order issued by the Bosanski Šamac SJB, dated 17 April 1992, Exhibit no. P36, *Simić et al.*, p. 1.

638 Order of the Crisis Staff of the Serbian Municipality of Bosanski Šamac and the Municipality of Pelagićevo in the process of being established, 12 June 1992, Exhibit no. P91, *Simić et al.*, p. 1.

639 Ibrahim Salkić, witness statement in *Simić et al.*, ICTY, 6 November 2001, pp. 3559-3560, 3576-3578; Witness “G”, witness statement in *Simić et al.*, ICTY, 19 November 2001, pp. 4048-4049.

640 *Stanišić and Župljanin* (Trial Judgment), ICTY, 27 March 2013, para. 1029.

641 *Ibid.*, paras. 993 and 1043.

642 Petar Đukić, witness statement in *Stanišić and Simatović*, ICTY, 6 March 2012, p. 17958.

643 Stevan Nikolić, statement pursuant to rule 92 bis, Exhibit no. D47/4, *Simić et al.*, para. 45, Document of 13 signatories, 2nd Posavina Brigade Command, 1 December 1992, Exhibit no. P127 ter, *Simić et al.*, p. 2.

644 Simo Zarić, witness statement in *Simić et al.*, ICTY, 15 May 1992, pp. 19793-19794.



Posavina Brigade.⁶⁴⁵ Following the JNA's withdrawal from BiH, the 4th Detachment of the 17th Corps was renamed the 5th Battalion of the VRS 2nd Posavina Infantry Brigade.⁶⁴⁶

v. Prijedor

The municipality of Prijedor is situated in north-western BiH. Like Bosanski Šamac, Prijedor was considered of strategic importance because of its position in the corridor linking western and eastern BiH which enabled the supply of goods and movement of people between the RSK and Serbia through BiH.⁶⁴⁷ According to the 1991 census in BiH, Prijedor was an ethnically mixed municipality with 43.9 percent Bosniaks, 42.3 percent Serbs and 5.6 percent Croats.⁶⁴⁸

Pursuant to Variant "B" of the "Instructions for the organisation of the Serbian people in BiH", the SDS municipal board in Prijedor proclaimed the Assembly of the Serbian people in Prijedor in early January 1992 and set up a crisis staff made up of senior SDS officials from Prijedor.⁶⁴⁹ Milomir Stakić, vice-president of the SDS municipal board and Vice-President of the Municipal Assembly of Prijedor, was appointed President of the Assembly of the Serbian people in Prijedor.⁶⁵⁰ In February 1992, the SDS decided to activate phase two of Variant "B", which included preparations for a take-over of Prijedor.⁶⁵¹

Over the first half of 1992, Serbs worked towards establishing parallel police forces in Prijedor. To achieve this goal, secret meetings were held in various locations in the town, including the JNA barracks.⁶⁵² By the end of April 1992, at least 10 "shadow" Serbian police stations had been set up and over 1,500 Serbian police officers had been mobilised to staff them.⁶⁵³ The JNA assisted this process by arming the Serbian police forces in Prijedor.⁶⁵⁴

On 16 April 1992, the Serbian Assembly in Prijedor elected the government of what was to become

645 Statement of Blagoje Simić in the case against Dragan Đorđević aka "Crni", Exhibit no. P01023, *Šešelji*, p. 2; Petar Đukić, witness statement in *Stanišić and Simatović*, ICTY, 6 March 2012, p. 17954.

646 *Simić et al.* (Trial Chamber Judgment), ICTY, 17 October 2003, para. 7.

647 Osman Selak, witness statement in *Tadić*, ICTY, 4 June 1996, pp. 1817-1818; *Stanišić and Župljanin* (Trial Chamber Judgment), ICTY, 27 March 2013, para. 502.

648 Bosnia and Herzegovina census, ethnic composition, Exhibit no. P954, *Krajišnik*, p. 20.

649 Minutes of the Prijedor SDS municipal board meeting held on 27 December 1991, Exhibit no. P00435, *Stanišić and Župljanin*, p. 1; Decision proclaiming the Assembly of the Serbian People in the municipality of Prijedor, Exhibit no. P03958, *Mladić*.

650 "U ovoj opštini žive i Srbi" [Serbs too live in this municipality], *Kozarski vjesnik*, 31 January 1992, Exhibit no. P02099, *Karadžić*; Milomir Stakić's statement dated 16 November 2013, Exhibit no. D04195, *Karadžić*, para. 2.

651 Simo Mišković, witness statement in *Stanišić and Župljanin*, ICTY, 1 October 2010, pp. 15187-15188; Instructions for the organisation and activities of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances, 19 December 1991, Exhibit no. P43, *Krajišnik*, pp. 1-10.

652 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 134 and Report on the work of Prijedor SJB during the last nine months of 1992, Exhibit no. P00689, *Stanišić and Župljanin*, p. 1.

653 Simo Drljača's response regarding the mobilization, 30 April 1992, Exhibit no. P05518, *Karadžić*.

654 An opinion and judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 134, and Report on the work of Prijedor SJB during the last nine months of 1992, Exhibit no. P00689, *Stanišić and Župljanin*, p. 1.



the Serbian Municipality of Prijedor.⁶⁵⁵ Simo Drljača, a SDS official, was appointed as Chief of the Prijedor Serbian SJB.⁶⁵⁶

In April 1992, the SDS municipal board issued a decision to subordinate to the crisis staff “all units and staff in commanding posts”. This was done to reinforce the crisis staff ahead of the take-over of power in Prijedor.⁶⁵⁷ In May 1992, Milomir Stakić became the president of the Prijedor crisis staff.⁶⁵⁸

In the first half of 1992, Prijedor was in the area of responsibility of the JNA 343rd Motorised Brigade (MtBr) headed by Colonel Vladimir Arsić. Major Radmilo Zeljaja was Chief of Staff of the 343rd MtBr. The 343rd MtBr was part of the JNA 5th (Banja Luka) Corps headed by General Momir Talić. The 5th Kozara Brigade of the JNA commanded by Pero Čolić and several local Serbian volunteer units were also present in the area.⁶⁵⁹

At a meeting held at the JNA barracks in Prijedor on April 29, 1992, a decision was made to work towards taking over power in the municipality of Prijedor. The meeting was attended by members of the Assembly of the Serbian people in Prijedor, Colonel Arsić and members of the Serbian SJB.⁶⁶⁰

655 The Serb municipality of Prijedor became operative when the Serbian armed forces took over the city of Prijedor on April 30, 1992.

656 In late March 1992, the Assembly of the Serbian people of the municipality of Prijedor appointed Simo Drljača to this post, and his appointment was confirmed by a decision issued in April of the same year. After the take-over of Prijedor on 30 April 1992, Simo Drljača officially took office as the Chief of the Prijedor SJB, see in: Summary minutes of the 5th session of the Serbian Assembly of Prijedor municipality dated 16 April 1992, Exhibit no. P06951, *Mladić*, p. 2; “Izabrana vlada Srpske opštine” [Government of the Serbian municipality elected], *Kozarski vjesnik*, 24 April 1992, Exhibit no. P02097, *Karadžić*; “Nisam htio da učestvujem u stvaranju njihove kneževine” [I did not want to take part in the creation of their dominion], *Kozarski vjesnik*, 9 April 1992, Exhibit no. 92, *Tadić*.

657 Minutes of the meeting of the SDS Prijedor municipal board held on 23 April 1992, Exhibit no. P01616, *Stanišić and Župljanin*, p. 1.

658 Decision concerning the organisation and operation of the crisis staff of Prijedor municipality published in the Official Gazette of the municipality of Prijedor on 25 June 1992, Exhibit no. S180B, *Stakić*, pp. 1-4.

659 Osman Selak, witness statement in *Stanišić and Župljanin*, ICTY, 6 December 2010, pp. 18114-18116 and 18126-18128; *Stanišić and Župljanin* (Trial Chamber Judgment), ICTY, 27 March 2013, para. 508; E. Brown, Military situation in Bosanska Krajina in 1992, Exhibit no. P01803.B, *Stanišić and Župljanin*, p. 19; Slavko Budimir, witness statement in *Stakić*, ICTY, 5 March 2013, p. 13001.

660 Simo Mišković, witness statement in *Stanišić and Župljanin*, ICTY, 4 October 2010, pp. 15227-15228, Slobodan Kuruzović, witness statement in *Stakić*, ICTY, 26 March 2003, p. 14493.



When Belgrade Television reported that the Presidency of BiH had ordered attacks on the military facilities and JNA convoys in the north-western part of BiH, this was used as a pretext to attack Prijedor.⁶⁶¹ The news proved false, as the BiH Presidency had never issued the said order.⁶⁶²

The attack on Prijedor commenced on the night between 29 and 30 April 1992. Five armed groups, comprising members of the JNA 343rd MtBr, the SJB and the TO, took part in the take-over of the town of Prijedor.⁶⁶³ Each group was tasked with gaining control of a major town institution: the Town Hall, the MUP building, the court, the bank and the post office.⁶⁶⁴ Serbian forces took control of Prijedor in the morning hours of 30 April.⁶⁶⁵ Sometime during the day of 30 April 1992, the JNA 5th Corps reported to the command of the 2nd VO that the SDS had assumed control over the municipality of Prijedor.⁶⁶⁶ The Serbian Municipality of Prijedor was proclaimed and the crisis staff took over the functions of the Municipal Assembly.⁶⁶⁷

In the days following the take-over of Prijedor, the JNA 343rd MtBr deployed its units to strengthen the lines in the Prijedor – Ljubija – Kozarac area.⁶⁶⁸

After the take-over of Prijedor, checkpoints were set up all over the town, at which members of the JNA, TO and Serbian police stopped and searched local residents.⁶⁶⁹ Police officers and members of the JNA or TO stood guard in front of all public institutions and public companies, not allowing Bosniaks and Croats to go to work in these institutions.⁶⁷⁰ The crisis staff imposed a curfew on Bosniak and Croats and prohibited them from leaving the town.⁶⁷¹ The crisis staff dismissed the municipal leadership and fired many people from the police, public companies and other institutions.⁶⁷² Colonel Arsić and Major Zeljaja became members of the People's Defence Council, which had the role of coordinating the work of the civilian and military authorities and ensuring full cooperation between

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661 Announcement on the take-over of power in Prijedor by the SDS, Radio Prijedor, 30 April 1992, Exhibit no. D56B, *Stakić*.

662 An opinion and the judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 138.

663 *Stakić* (Trial Chamber Judgment), ICTY, 31 July 2003, para. 76.

664 *Karadžić* (Trial Chamber Judgment), ICTY 24 March 2016, para. 1593.

665 Mirsad Mujadžić, witness statement in *Stakić*, ICTY, 27 May 2002, p. 3610; Transcript of show Sećanje na preuzimanje vlasti [Memories of the take-over of power], 29 April 1992, Exhibit no. S91B, *Stakić*, p. 5

666 Regular combat report of the 5th Corps, dated 30 April 1992, Exhibit no. D167B, *Stakić*.

667 Simo Drljača's response regarding the mobilisation, 30 April 1992, Exhibit no. P05518, *Karadžić*.

668 Regular combat report of the 5th Corps, dated 3 May 1992, Exhibit no. S345B, *Stakić*, p. 1.

669 Ivan Atlija, witness statement in *Stanišić and Župljanin*, ICTY, 18 October 2010, pp. 16079-16080.

670 *Ibid*, pp. 16080-16081; Nusreta Sivac, witness statement in *Karadžić*, ICTY, 26 October 2010, pp. 20386-20388

671 "Conclusion: Measures to blockade the town remain in force," published in the Official Gazette of the municipality of Prijedor on 25 June 1992, Exhibit no. S180B, *Stakić*, p. 38; An opinion and the judgment in the case of *Tadić*, ICTY, 7 May 1997, para. 137; Muharem Murselović, witness statement in *Stakić*, ICTY, 6 May 2002, pp. 2697-2698; *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 471.

672 Decisions on personnel changes, published in the Official Gazette of the municipality of Prijedor on 25 June 1992, Exhibit no. S180B, *Stakić*, pp. 21-34; Minutes of the session of the SDS municipal board held on 9 May 1992, Exhibit no. P803.B, *Krajišnik*.



the JNA and SJB in the Prijedor area.⁶⁷³ Even though not being officially appointed members of the crisis staff, the Commander and chief of staff of the JNA 343rd MtBr, Vladimir Arsić and Radmilo Zeljaja, attended meetings of the crisis staff.⁶⁷⁴

After the take-over of Prijedor and withdrawal of the JNA from BiH on 19 May 1992 [see page 95], Serbian police and military forces, including renamed JNA units which became part of the VRS [see page 96] committed numerous crimes against non-Serbs in Prijedor, including the crimes in the villages of Hambarine, Ljubija and Kozarac,⁶⁷⁵ and the crimes in the detention camps in Keraterm, Trnopolje, Omarska and the former JNA barracks in the town of Prijedor.⁶⁷⁶

The ethnic composition of Prijedor significantly changed as a result of expulsions and killings of the Croat and Muslim population. In 1997, the percentage of Bosniaks decreased from the pre-war 43.9 to merely 1 percent, the share of Croats fell to 2.5 percent, while the share of Serbs rose to 89 percent.⁶⁷⁷

Following the JNA's withdrawal from BiH on 19 May 1992, the JNA 5th Corps was transformed into the 1st Krajina Corps (KC) of the VRS. Major-General Momir Talić, the Commander of the JNA 5th Corps became the Commander of the 1st KC. The 1st KC consisted of the same units that had formed part of the JNA 5th Corps, the only change was that they were now wearing VRS insignia instead of JNA's. The JNA 343rd Motorised Brigade was renamed the VRS 43rd Motorised Brigade (also known as the Prijedor Brigade) with Colonel Arsić remaining at its head and Major Radmilo Zeljaja remaining its chief of staff. These units inherited the entire infrastructure, equipment and manpower that had previously belonged to the JNA units.⁶⁷⁸

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673 The composition of the People's Defence Council was nearly identical to that of the Municipal Assembly of Prijedor, that is, to the composition of the Prijedor crisis staff that assumed the roles of the Assembly. Minutes of the 2nd session of the Prijedor municipality People's Defence Council held on 5 May 1992, Exhibit no. S28B, *Stakić*; Minutes of the 4th session of the Prijedor municipality People's Defence Council held on 15 May 1992, Exhibit no. S60, *Stakić*; Minutes of the session of the Prijedor municipality People's Defence Council held on 29 September 1992, Exhibit no. S90B, *Stakić*.

674 Decision on the organisation and operation of the Prijedor municipality crisis staff published in the Official Gazette of the municipality of Prijedor on 25 June 1992, Exhibit no. S180B, *Stakić*, p. 1; Slobodan Kuruzović, witness statement in *Stakić*, ICTY, 27 March 2003, p. 14560.

675 Report on the work of the Prijedor SJB during the last nine months of 1992, Exhibit no. P00689, *Stanišić and Župljanin*, pp. 2 and 4. *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, paras. 1611, 1638-1640, 1658-1663.

676 *Stanišić and Župljanin* (Trial Chamber Judgment), ICTY, 21 March 2003, paras. 655-659; *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 487; *Karadžić* (Trial Chamber Judgment), ICTY, 24 March 2016, para. 1738; *Stakić* (Trial Chamber Judgment), ICTY, pp. 159-161, 162-163, 185-195; Report on the work of the Prijedor SJB during the last nine months of 1992, Exhibit no. P00689, *Stanišić and Župljanin*, p. 5. Report on the actual state of affairs and issues relating to prisoners, collection centres, exodus of people and the role of the SJB in this respect, 18 August, 1992, Exhibit no. D00470, *Karadžić*, pp. 1-6.

677 Expert report of Ewe Tabeau in the case no. IT-02-54, Exhibit no. P01627, *Stanišić and Župljanin*, pp. 87 and 91.

678 Expert report of Ewan Brown, Exhibit no. P891.1, *Krajišnik*, pp. 36-38; *Stanišić and Župljanin* (Trial Chamber Judgment), ICTY, 21 March 2003, para. 508; Meeting with presidents of the municipalities in the area of responsibility of the division, 14 May 1992, Exhibit no. P892.56, *Krajišnik*, p. 3.



vi. Brčko

Brčko is a municipality in the north of BiH. Like Bijeljina and Bosanski Šamac, it was of strategic importance because of its location on the Posavina corridor and because it was the largest river port in BiH.⁶⁷⁹ According to the 1991 census, 44.1 percent of the population in Brčko were Bosniaks, 25.14 percent were Croats and 20.7 percent were Serbs.⁶⁸⁰

At a meeting of the SDS municipal board in Brčko, held in late December 1991, the “Instructions for the organisation of the Serbian people in BiH” [see page 69] were read, after which, at the same meeting, the Serbian Municipality was proclaimed, pursuant to Variant “B” of the “Instructions”. SDS official Đorđe Ristanić was elected president of the municipality. A crisis staff was formed with Boško Maričić, vice-president of the SDS municipal board, as its president.⁶⁸¹

In the first half of 1992, the SDS began to call for the division of the municipality along ethnic lines into three parts (Serbian, Bosniak and Croat). In February 1992, the SDS municipal board proposed a division which would give 70 percent of the municipal territory to the Serbs.⁶⁸²

In early April 1992, the SDS began preparations for separating Serb policemen from the ethnically-mixed Brčko SJB. On 1 May 1992, a Serb Brčko SJB was formed.⁶⁸³ Sometime before that, on 29 April 1992, the Brčko war presidency was established and assumed the functions of the municipal assembly.⁶⁸⁴

The municipality of Brčko was in the area of responsibility of the JNA 17th Corps. Major-General Milan Nedeljković became the Commander of the 17th Corps in the latter half of April 1992.⁶⁸⁵ As for JNA forces present in Brčko at the time, the 395th Motorised Brigade, commanded by Lieutenant-Colonel Pavle Milinković, was stationed in the JNA Veljko Lukić Kurjak barracks. Major Slobodan Milinković was the Chief of Staff and Captain Momčilo Petrović was the Chief of Intelligence in the 395th MtBr.⁶⁸⁶

679 Statement of Mustafa Ramić dated 12 December 1998, Exhibit no. P513.1, *Krajišnik*, p. 3; War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, p. 3.

680 Bosnia and Herzegovina census, ethnic composition, Exhibit no. P954, *Krajišnik*, p. 17.

681 “Instructions for the organisation and activity of the organs of the Serbian people in Bosnia and Herzegovina in extraordinary circumstances”, 19 December 1991, Exhibit no. P43, *Krajišnik*, pp. 1-10; Statement of witness Đorđe Ristanić dated 15 June 2011, Exhibit no. P03023, *Karadžić*, paras. 1, 18-25, 30-45; War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, p. 3.

682 Transcript of show Dosije Brčko of 4 February 1998, Exhibit no. P23, *Krajišnik*, p. 7; Statement of Mustafa Ramić dated 12 December 1998, Exhibit no. P513.1, *Krajišnik*, p. 7.

683 Report on the work of RS MUP for the period April-December 1992, Exhibit no. P02761, *Karadžić*, p. 7.

684 Statement of witness Đorđe Ristanić dated 15 June 2011, Exhibit no. P03023, *Karadžić*, paras. 17 and 19.

685 Decision on conducting combat operations issued by the Command of the JNA 17th Corps dated 26 April 1992, Exhibit no. P01314, *Stanišić and Simatović*.

686 Statement of Fadil Redžić, 11 and 12 March 1995, Exhibit no. P514, *Krajišnik*, p. 4; Statement of Jasmin Fazlović, 14 and 15 March 1995, *Krajišnik*, Exhibit no. P71, p. 3, para. 13; Milorad Šehovac, witness statement in *Mladić*, ICTY, 15 July 2014, p. 24056.



An armoured battalion from the Brčko garrison formed part of the JNA 17th TG commanded by Lieutenant-Colonel Stevan Nikolić, aka “Kriger”. Both the 17th TG and the 395th MtBr were under the command of the JNA 17th Corps.⁶⁸⁷

At the beginning of 1992, the JNA began preparations for operations in Brčko. Members of the local Serb TO were setting up barricades and checkpoints around the town, while the JNA was deploying heavy artillery in the parts of the municipality populated by Serbs.⁶⁸⁸ During this period, the JNA was arming the Serbs in the municipality.⁶⁸⁹ Mobilisation of the JNA and TO was conducted, but only Serbs responded to the call for mobilisation.⁶⁹⁰ In the spring of 1992, a large number of members of the Bijeljina TO, reserve and active members of the newly established Serbian militia from Bijeljina, Ugljevik and Lopar, and members of Serb paramilitary formations from BiH and Serbia came to Brčko.⁶⁹¹ Some of these units were quartered in the local JNA garrison.⁶⁹²

The blowing-up of two bridges across the River Sava on 30 April 1992 marked the beginning of Serbian take-over of the municipality of Brčko.⁶⁹³ The following day, 1 May 1992, the attack on Brčko began. It was carried out jointly by JNA units, Serbian militia units, Serb TO units and several paramilitary formations including the Serb National Guard headed by Ljubiša Savić “Mauzer”, the Serb Volunteer Guard headed by Željko Ražnatović “Arkan”, the Serbian State Security force, aka the “Red Berets”, the “White Eagles”, the Serbian Radical Party volunteer group from Bijeljina commanded by Mirko Blagojević and others.⁶⁹⁴ The Serbian forces were armed with artillery and tanks, among other weapons.⁶⁹⁵

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The attack began with the shelling of the villages around Brčko, and also the areas inside Brčko where the population was predominantly non-Serb. The shelling continued for several days.⁶⁹⁶ On 2 May 1992, Serbian forces gained control of the Brčko SJB. Later that day, the war presidency appointed Dragan Veselić, a SDS member from Brčko, as chief of the Brčko SJB, and began to fill up the SJB with

687 Prosecution’s Second Pre-Trial Brief, ICTY, 31 May 2002, *Milošević*, para. 603; Statement of Stevan Nikolić pursuant to rule 92 bis, Exhibit no. P140 ter, *Simić et al.*, para. 9; Decision to conduct combat operations issued by the Command of the JNA 17th Corps, 26 April 1992, Exhibit no. P01314, *Stanišić and Simatović*.

688 Statement of Mustafa Ramić dated 12 December 1998, Exhibit no. P513.1, *Krajišnik*, pp. 6-7.

689 Report of the United Nations Security Council S/1994/674 Add. 2 (vol. IV), 27 May 1994, paras. 714, 715, and 718; Statement of Đorđe Ristanić dated 15 June 2011, Exhibit no. P03023, *Karadžić*, paras. 8-12; Witness statement of B-1011 in *Milošević*, ICTY, 10 December 2003, p. 30217.

690 War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, pp. 3 and 5.

691 War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, pp. 9 and 11; Report of the chief of Bijeljina Public Security Centre submitted to the MUP, dated 7 May 1992, Exhibit no. 727.6, *Krajišnik*, p. 2

692 Statement of Đorđe Ristanić dated 15 June 2011, Exhibit no. P03023, *Karadžić*, paras. 102-103.

693 According to the judgment in the case against Momčilo Krajišnik, Serbs were responsible for blowing-up the bridges in Brčko, see in: *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 324.

694 Report of the Bijeljina SJB dated 7 May 1992, Exhibit no. 727.6, *Krajišnik*, p. 2; Mustafa Ramić, witness statement in *Krajišnik*, ICTY, 19 April 2004, p. 2263; Report of the United Nations Security Council S/1994/674 Add. 2 (vol. IV) dated 27 May 1994, para. 716.

695 Mustafa Ramić, witness statement in *Krajišnik*, ICTY, 19 April 2004, p. 2263.

696 Statement of Fadil Redžić dated 11 and 12 March 1995, Exhibit no. P514, *Krajišnik*, p. 6.



Serbs who had previously worked at the police.⁶⁹⁷ During the next two days, Serbian forces took over the entire town of Brčko.⁶⁹⁸

The cooperation between the JNA and Serb paramilitary units continued after the take-over of Brčko, as shown by authorizations for the transport of JNA weapons and the use of the JNA equipment issued by the Brčko garrison command to members of paramilitary units.⁶⁹⁹

The take-over of Brčko was followed by widespread looting of the town by Serb paramilitary formations, done with the knowledge and assistance of both the JNA and the civilian authorities.⁷⁰⁰ In the first half of May 1992, people were called on through a loudspeaker mounted on a military truck to come out of their houses to be transported to the JNA garrison for safety. Those who came out of their houses were transported to the JNA barracks and detained there, and their houses were looted.⁷⁰¹

After 3 May 1992, members of Serb paramilitary groups and the SJB arrested, mistreated and killed Bosniaks and Croats in Brčko with the knowledge of the JNA.⁷⁰² Men, women and children from Brčko were detained in 14 locations across the municipality: in the JNA barracks in the town, in the Luka camp that was set up already by 7 May 1992, at the premises of the Laser Company, in the mosque in Kolobare, in the hospital in Brčko town, in the police station in Brčko town, in the Posavina Hotel, in the village of Brezovo Polje, etc. People detained in detention facilities were subjected to torture, sexual abuse and forced labour, and some of them killed.⁷⁰³

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In May and June 1992, many Bosniaks and Croats were killed in Brčko. About 220 of them, mostly civilians, were buried into a mass grave near the town of Brčko. The bodies had mostly come from the Luka camp and the Posavina Hotel.⁷⁰⁴

697 War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, p. 7; Isak Gashi, witness statement in *Stanišić and Župljanin*, ICTY, 21 October 2009, pp. 1783-1784; Information on the situation in the Brčko SJB, Exhibit no. 727.5, *Krajišnik*, p. 2.

698 Witness statement of B-1011 in *Milošević*, ICTY, 10 December 2003, pp. 30223-30228; War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, p. 5; Witness statement of KRAJ-224 in *Krajišnik*, ICTY, 5 February 2004, pp. 570-575; Report of the United Nations Security Council S/1994/674 Add. 2 (vol. IV), 27 May 1994, paras. 716 and 717.

699 Authorisation issued to Branimir Filipović and Mirko Blagojević for the transport of ammunition from Belgrade to Brčko, Exhibit no. P1128, *Krajišnik*, p. 1; Certificate on delivery of weapons from APO 5505 in Belgrade to the Brčko garrison issued to Branimir Filipović on 13 May 1992, Exhibit no. P02876, *Karadžić*.

700 Report of the intelligence organ of the Command of the VRS East Bosnia Corps dated 29 September 1992, Exhibit no. P01432, *Stanišić and Župljanin*, p. 1; War presidency of Brčko: Overview of events and situation, May 1992, Exhibit no. P22, *Krajišnik*, pp. 14-15.

701 Isak Gashi, witness statement in *Stanišić and Župljanin*, ICTY, 21 October 2009, pp. 1790-1791.

702 Isak Gashi, witness statement in *Milošević*, ICTY, 11 September 2003, pp. 26442, 26449-26452, 26454-26455, and 26459-26461.

703 Statement of Fadil Redžić dated 11 and 12 March 1995, Exhibit no. P514, *Krajišnik*, p. 9; Statement of Isak Gashi dated 4, 5 and 11 April 1995, Exhibit no. D2.1, *Krajišnik*, paras. 12-50; Report of the United Nations Security Council S/1994/674, Add. 2 (vol. IV), 27 May 1994, pp. 90-107, paras. 725-865.

704 Notes for May and June 1992 concerning the mass grave, Exhibit no. P00146, *Stanišić and Župljanin*; Cvjetko Ignjić, witness statement in *Stanišić and Župljanin*, ICTY, pp. 1869-1875.



Following the take-over of Brčko, a large number of Bosniaks and Croats were expelled to the neighbouring municipality of Lopare.⁷⁰⁵

After the JNA withdrew from BiH on 19 May 1992, the JNA 395th MtBr became the 1st Posavina Brigade of the VRS.⁷⁰⁶ Also, the leaders of the 395th MtBr stationed in Brčko remained on the territory of BiH. Lieutenant-Colonel Pavle Milinković became the Commander of the VRS 1st Posavina Brigade, Captain Momčilo Petrović became the Chief of Security, and Milorad Šehovac, former head of the local JNA mobilisation and recruitment office, became the Chief of Staff of the VRS 1st Posavina Brigade.⁷⁰⁷

XI. JNA's withdrawal from BiH and its support for the creation of VRS

The rump Presidency of the SFRY decided at its session of 4 May 1992 that the JNA members who were citizens of SR Yugoslavia should withdraw from BiH no later than within 15 days, that is by 19 May 1992.⁷⁰⁸ Despite the decision on withdrawal, small parts of the JNA/VJ remained in the territory of BiH, which caused the UN to react in August 1992 demanding that the remaining elements of the JNA/VJ be withdrawn from Bosnia and Herzegovina.⁷⁰⁹

Between 4 and 19 May 1992, the JNA worked on securing the lines that had been established and reinforcing the units that were to become part of the VRS after the JNA's withdrawal.⁷¹⁰ On 12 May 1992, the JNA 17th Corps Command issued an order for the mobilisation of the corps' war units (RJ). The order stated that it was absolutely necessary to "[e]nsure that all men of military age of *Serb ethnicity* [emphasis added] are mobilised, as well as members of other ethnicities who wish to fight for the just cause of the SrR BiH."⁷¹¹

The decision to establish the Army of Republika Srpska was made at the 16th session of the Bosnian-Serb Assembly held on 12 May 1992 in Banja Luka.⁷¹² The VRS was officially born on 1 June 1992 with the coming into force of the Law on the Army.⁷¹³

705 *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 337.

706 Minutes of the 197th session of the Presidency of the SFRY held on 4 May 1992, Exhibit no. P00199, *Perišić*, p. 4, *Perišić* (Trial Chamber Judgment), ICTY, 6 September 2011, para. 187, Obren Marković, witness statement in *Karadžić*, ICTY, 5 March 2013, p. 34785.

707 Milorad Šehovac, witness statement in *Mladić*, ICTY, 15 July 2014, pp. 24055-24057.

708 Minutes of the 197th session of the SFRY Presidency held on 4 May 1992, Exhibit no. P00199, *Perišić*, p. 4.

709 UN Resolution A/RES/46/242 of 25 August 1992, para. 3, available at <http://www.un.org/documents/ga/res/46/a46r242.htm>, accessed 10 April 2018.

710 Order of the Command of the 17th Corps for stabilisation of the frontline, Exhibit no. P07677, *Mladić*, p. 1. Mobilisation of 17th Corps RJ, request for engagement, 12 May 1992, Exhibit no. D01661, *Stanišić and Simatović*.

711 Mobilisation of 17th Corps RJ, request for engagement dated 12 May 1992, Exhibit no. D01661, *Stanišić and Simatović*.

712 Assembly of the Serbian People in Bosnia and Herzegovina, Decision establishing the VRS, 12 May 1992, Exhibit no. P02799, *Mladić*; Minutes of the 16th session of the Assembly of the Serbian People in BiH, held on 12 May 1992, Exhibit no. P00431, *Mladić*, pp. 43-44.

713 Law on Defence, Official Gazette Službeni glasnik, 1 June 1992, Exhibit no. P65.145, *Krajišnik*.



The VRS was formed by combining the JNA units that remained in BiH with the TO forces. Subsequently, local Serb volunteer units were attached to it.⁷¹⁴ The VRS assumed the organisational structure, personnel, military equipment and weapons of the JNA, as well as its regulations and land warfare doctrine.⁷¹⁵

In the 12 May 1992 order of the JNA 17th Corps Command, this process was described as “the creation of the defence forces of the Serbian Republic of BiH.”⁷¹⁶

i. Transformation of JNA units into VRS units

Since the establishment of the VRS, its units were organised in the same way as JNA units. In practice, this meant that those parts of the JNA units which remained in BiH after the formal withdrawal only changed their name, becoming the units of the newly established VRS, while the structure and commanders remained the same.

The JNA 4th Corps, for example, was renamed the VRS Sarajevo-Romanija Corps on the orders of the 2nd VO. The names of all units that formed part of the JNA 4th Corps were changed accordingly.⁷¹⁷

Other JNA corps were also renamed in the same way: the JNA 5th Corps became the VRS 1st Krajina Corps, the JNA 9th Corps became the VRS Herzegovina Corps, the JNA 10th Corps became the VRS 2nd Krajina Corps, and the JNA 17th Corps became the VRS East Bosnian Corps.⁷¹⁸

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The only corps that did not directly mirror the structure of any JNA corps was the VRS Drina Corps. This corps, formed in November 1992, was in charge of the Podrinje area, and partly assumed the structure and area of responsibility of the VRS East Bosnian Corps.⁷¹⁹

714 Analysis of VRS combat readiness and activities in 1992, Exhibit no. P892.6, *Krajišnik*, pp. 11 and 13.

715 Richard Butler, VRS Brigade Command Responsibility Report, Exhibit no. P00684.B, *Popović et al.*, para. 1.2.

716 Order of the Command of the 17th Corps for stabilisation of the frontline, Exhibit no. P07677, *Mladić*, p. 1.

717 The 49th MBr became the 1st Sarajevo Brigade; the 120th LBr became the 2nd Sarajevo Brigade; the 216th MBr became the 1st Romanija Brigade; the 4th Map became the Pale Artillery Regiment; the 4th MPOAP became the Pale Anti-Tank Regiment; the 346th LAP PVO became the Sarajevo Anti-Aircraft Missile Regiment; the 4th BVP became the Sarajevo MP Battalion; the 4th BV became the Sarajevo Communications Battalion; the 4th SnB became the Pale Medical Battalion; the 4th AtB became the Pale Automobile Battalion; and the 4th InžB became the Sarajevo Engineering Battalion. See in: Change of units' names, JNA 4th Corps Command, 17 May 1992, Exhibit no. P01447, *Stanišić and Simatović*.

718 Likewise, the 343rd JNA Mechanised Brigade became the VRS 43rd Brigade. Colonel Vladimir Arsić remained the Commander of the brigade and Major Radmilo Zeljaja remained the Chief of Staff. Richard Butler, Report on command responsibility in the VRS Main Staff, 9 June 2006, Exhibit no. P02249.B, *Perišić*, para. 1.0; *Krajišnik* (Trial Chamber Judgment), ICTY, 27 September 2006, para. 197.

719 Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006, Exhibit no. P02249.B, *Perišić*, para. 3.2.



Weaponry, military equipment and doctrine of the VRS

The VRS “inherited” the weapons and military equipment of the JNA units stationed on the territory of BiH. After the JNA’s withdrawal from BiH, its weapons and military equipment passed into the hands of the VRS. They included around 300 tanks, 800 armoured personnel carriers, and over 800 pieces of heavy artillery.⁷²⁰ After the JNA’s withdrawal from BiH, the VRS continued to receive military supplies from Serbia - that is to say, from the VJ [see page 98].

Ratko Mladić, the Commander of the VRS Main Staff at the time, noted in a report from September 1992 that the VRS was among the few armies in history to have had a solid material basis i.e. adequate supplies of weapons, military equipment and even food, at the beginning of a war.⁷²¹

The operational and tactical methodology of the VRS drew on the JNA methodology. The VRS adopted, almost entirely, the JNA’s land warfare doctrine, rules of combat and regulations.⁷²²

ii. VRS personnel

The VRS Main Staff was created in the period from 3 May to 19 May 1992 and consisted mainly of members of the JNA 2nd VO Staff.⁷²³

The Commander of the JNA 2nd VO, Lieutenant-General Ratko Mladić, was appointed Commander of the VRS Main Staff.⁷²⁴ General Manojlo Milovanović, former Chief of Staff in the JNA 2nd VO, became the Chief of the VRS Main Staff.⁷²⁵ Major Milan Gvero, who served as Assistant Commander of the 2nd VO in charge of morale, legal and religious affairs, was appointed to the VRS Main Staff, retaining the same responsibilities.⁷²⁶ General Radivoje Miletić, former Commander of the Anti-Aircraft Missile Regiment based in Zadar, Croatia, was assigned to the JNA 622nd MtBr. He also taught military strategy at the War School in Belgrade. In the VRS, Miletić was first appointed Head of the PVO Artillery and Rocket Unit, to be later appointed Head of Operations and Training in the VRS

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720 Report of Morten Torkildsen, Exhibit no. P426, para. 15, *Milošević*, p. 6; Analysis of VRS combat readiness and activities in 1992, Exhibit no. P892.6, *Krajišnik*, p. 13; An opinion and the judgment in the case of *Tadić*, ICTY, 7 May 1997, paras. 114-121; Veljko Kadijević, *My View of the Break-Up: An Army without a State*, Exhibit no. P00343, *Perišić*, p. 76; UN Secretary-General’s Report on the situation in Bosnia and Herzegovina, 3 December 1992, document A/47/747, para. 10, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/47/747, accessed 8 January 2018.

721 Report of Morten Torkildsen, Exhibit no. P426, para. 110, *Milošević*.

722 Richard Butler, Report on VRS brigade command responsibility, Exhibit no. P00684.B, *Popović et al*, paras. 1.4-1.9.

723 Richard Butler, Report on VRS Main Staff command responsibility, 9 June 2006, Exhibit no. P02249.B, *Perišić*, paras. 1.1 and 2.4.

724 Assembly of the Serbian People of BiH, Decision establishing the VRS, 12 May 1992, Exhibit no. P02799, *Mladić*. Ratko Mladić was Chief of Staff of the JNA 2nd VO from 25 April 1992 to 10 May 1992, when he was appointed as Commander of the JNA 2nd VO, according to: JNA 5th Corps’ information on appointments, Exhibit no. P03813, *Mladić*.

725 Manojlo Milovanović, witness statement in *Popović et al*, ICTY, 29 May 2007, p. 12151; Manojlo Milovanović, witness statement in *Karadžić*, ICTY, 28 February 2012, pp. 25429-25430.

726 Report on handover of duty by Major General Milan Gvero, 9 May 1992, Exhibit no. P04957, *Mladić*.



Main Staff.⁷²⁷ Zdravko Tolimir, Chief of Security in the JNA 2nd VO, became Chief of the Intelligence and Security Sector in the VRS Main Staff.⁷²⁸

The Sector of Operations in the VRS Main Staff consisted of the Intelligence Administration, headed by Colonel Petar Salapura, and the Security Administration, headed by Colonel Ljubiša Beara. Petar Salapura had previously served as Chief of the Intelligence Department of the JNA 2nd VO.⁷²⁹ Ljubiša Beara had been Chief of the VPO Security Department and Deputy Chief of the JNA 8th Military Naval District (VPO), holding the rank of Battleship Captain.⁷³⁰

The VRS Main Staff also had a Logistics Sector, which was headed by General Đorđe Đukić, former Head of the SSNO Technical Administration.⁷³¹

General Mićo Grubor, who had worked at the Mobilisation and Recruitment Organ in the JNA 2nd VO, became Head of the Mobilisation and Recruitment Sector in the VRS Main Staff.⁷³²

iii. Cooperation after May 1992

After the withdrawal of the JNA from BiH on 19 May 1992, the VJ continued to provide military, personnel and logistical support to the VRS in BiH and the SVK in Croatia.⁷³³

30th and 40th Personnel Centres

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Following the decision on the withdrawal of the JNA from Croatia and BiH, the SSNO on 6 May 1992 issued the order regulating the rights of active-duty military personnel who had been sent to serve in the VRS and the SVK. The order stated that they would retain all the rights pertaining to other members of the JNA.⁷³⁴

As the order failed to fully resolve the status and rights of these military personnel, the Chief of the VRS Main Staff, Ratko Mladić, in spring 1993 urged the General Staff of the VJ to regulate the status of VJ members serving in the VRS. This issue had to be resolved urgently, because active-duty

727 Personnel file of Radivoje Miletić, Exhibit no. P01729, *Perišić*, p. 10; Excerpt from personnel file of Radivoje Miletić, Exhibit no. P05018, *Mladić*; Manojlo Milovanović, witness statement in *Popović et al.*, ICTY, 29 May 2007, pp. 12158-12159; *Popović et al.* (Trial Chamber Judgment), ICTY, 10 June 2010, para. 1622.

728 JNA 5th Corps' information on appointments, no. 436-2, 12 May 1992, Exhibit no. P03813, *Mladić; Tolimir*. (Trial Chamber Judgment), ICTY, 12 December 2012, para. 2.

729 Statement of witness Petar Salapura dated 17 June 2013, Exhibit no. D03720, *Karadžić*, p. 1.

730 Mikajlo Mitrović, witness statement in *Popović et al.*, ICTY, 2 September 2008, pp. 25040-25041, Personnel file of Ljubiša Beara, Exhibit no. P01920, *Perišić*, p. 12.

731 Indictment against Đorđe Đukić et al., Office of the Prosecutor, ICTY, 29 February 1996, para. 1.

732 Petar Škrbić, witness statement in *Perišić*, ICTY, 15 June 2010, pp. 11624-11625; Personnel file of Mićo Grubor, Exhibit no. P01678, *Perišić*, p. 6.

733 *Perišić* (Trial Chamber Judgment), ICTY, 6 September 2011, paras. 761, 1234-1237, 1262-1263; The situation in Bosnia and Herzegovina, Report of the UN Secretary-General, 3 December 1992, Document A/47/747, para. 10, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/47/747, accessed 10 April 2018.

734 SSNO, Personnel Administration, Order no. 01/48-1 of 6 May 1992, Exhibit no. P00729, *Perišić*, p. 1.



military personnel and civilians serving in the VJ were leaving the VRS to return to the VJ without authorisation from the VRS Main Staff.⁷³⁵

In early November 1993, Momčilo Perišić, Chief of the VJ General Staff, issued an order regulating the rights of JNA active-duty servicemen and civilians sent to serve in the VRS or the SVK. It was decided that the VJ General Staff should organise and keep a record of the active-duty servicemen, contract servicemen and civilian employees of the former JNA who remained in the territory of Croatia or BiH. According to Perišić's order, these individuals were to be assigned and appointed to appropriate posts in the VRS and the SVK, through special personnel centres.⁷³⁶

Pursuant to this order, the 30th and 40th Personnel Centres (KC) were formed. The 30th KC was in charge of former JNA or VJ officers deployed to the VRS, and the 40th KC was in charge of officers deployed to the SVK. Both personnel centres were directly subordinated to the Head of the Personnel Administration of the VJ General Staff and were based at the General Staff offices in Belgrade.⁷³⁷

The establishment of the 30th and 40th Personnel Centres allowed military personnel dispatched to the VRA and SVK to enjoy all the rights and entitlements pertaining to VJ officers.⁷³⁸ Members of the personnel centres received salaries from the VJ commensurate with their rank,⁷³⁹ and could apply for pensions,⁷⁴⁰ compensation for serving in difficult conditions,⁷⁴¹ VJ housing,⁷⁴² and education grants.⁷⁴³ Members of the 30th and 40th KCs who served in the VRS and SVK were entitled to military medical insurance and were treated in VJ medical institutions in the FRY.⁷⁴⁴ Their promotions, after being granted by the VRS and SVK, were to be verified by the VJ General Staff in accordance with the Law on the Army of Yugoslavia.⁷⁴⁵

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735 Documents regarding the regulation of the status of VJ active-duty military personnel (born in BiH or the Republic of Croatia), Exhibit no. P01872, *Perišić*, p. 2; Analysis of VRS combat readiness and activities in 1992, Exhibit no. P892.6, *Krajišnik*, p. 35; Confidential letter no. 29/9-91 sent by Lieutenant-General Ratko Mladić, Commander of the VRS Main Staff, to the VJ General Staff on 31 March 1993, Exhibit no. P01529, *Perišić*, pp. 1-2.

736 Order on the establishment of special centres dealing with personnel issues of former VJ members, Exhibit no. P00731, *Perišić*, p. 1.

737 Momčilo Perišić's order on the establishment of the 30th and 40th Personnel Centres, Exhibit no. P00733, *Perišić*, pp. 1-2; *Perišić* (Trial Chamber Judgment), ICTY, 6 September 2011, para. 772.

738 Instructions on the functioning and planned activities of the special personnel centres, Exhibit no. P00734, *Perišić*, para. 4.

739 Stenographic notes of the 17th session of the Supreme Defence Council held on 10 and 13 January 1994, Exhibit no. P00791, *Perišić*, p. 4; Stenographic notes of the 58th session of the Supreme Defence Council held on 21 November 1996, Exhibit no. P00769, *Perišić*, p. 3.

740 Petar Škrbić, witness statement in *Perišić*, ICTY, 17 June 2010, p. 11799.

741 Mile Novaković, witness statement in *Perišić*, ICTY, 25 August 2010, p. 13051. Mile Novaković, witness statement in *Perišić*, ICTY, 1 September 2010, pp. 13324–13326.

742 Stojan Milčić, Mile Novaković, witness statement in *Perišić*, ICTY, 22 March 2010, pp. 11229–11232; Certificate by the VJ General Staff Personnel Administration, 23 September 1994, Exhibit no. P01792, *Perišić*.

743 *Perišić* (Trial Chamber Judgment), ICTY, 6 September 2011, para. 914.

744 List of VRS and SVK members treated in the FRY, Exhibit no. P00863, *Perišić*, pp. 1-30.

745 Stenographic notes of the 14th session of the Supreme Defence Council held on 11 October 1993, Exhibit no. P00709, *Perišić*, pp. 28-29.



The salaries for members of the 30th and 40th KCs were paid from the VJ Budget through the Accounting Centre of the Ministry of Defence of the FRY. The Military Social Insurance Fund was responsible for calculating and paying pensions to members of the 30th and 40th KCs, according to regulations which had also been applied for other members of the VJ. In addition, members of the KCs were entitled to housing benefits under the same conditions as other members of the VJ. Decisions for termination of military service by VJ members assigned to the 30th and 40th KCs were made either by the Chief of the VJ General Staff or the President of the FRY, in accordance with the Law on the Army of Yugoslavia.⁷⁴⁶

The main purpose of the personnel centres was to provide for the efficient appointment and transfer of VJ officers to the SVK and VRS, and their transfer back to the VJ. However, the VJ top brass kept these assignments of VJ officers to the VRS and SVK a secret. Officers would be formally assigned to KCs, but they were de facto dispatched to the VRS or SVK.⁷⁴⁷ In this way, the VJ tried to camouflage Serbia's involvement in the wars in BiH and Croatia, while giving significant assistance, in the form of personnel, weapons, equipment and logistics, to only one side in the conflicts.

According to the minutes of a session of the Supreme Defence Council (VSO) held on 11 October 1993, there were 3,612 VJ officers serving in the VRS and SVK at that time.⁷⁴⁸ In September 1994, there were 2,634 VJ officers assigned to the 30th KC.⁷⁴⁹ The following year, 1995, the number of professional officers and non-commissioned officers serving in the 30th KC was 2,664.⁷⁵⁰ In September 1996, the number of servicemen and civilians dispatched to the VRS rose to 5,093.⁷⁵¹ As regards the 40th KC, 1,192 VJ officers were deployed to the SVK in November 1993,⁷⁵² 1,474 (servicemen and civilians) in June 1994,⁷⁵³ and 930 VJ officers in 1995.⁷⁵⁴

Some of the most prominent VRS officers, including all members of the Main Staff and corps commanders, were VJ officers who served in BiH through the 30th KC. They included Ratko Mladić,

746 *Perišić* (Trial Chamber Judgment), ICTY, 6 September 2011, paras. 866, 880, 888-889, 896, 897, and 933; Documents pertaining to the cooperation between VRS, SVK and VJ in April and May 1994, Exhibit no. P02176, *Perišić*, pp. 9-10.

747 Stenographic notes of the 14th session of the Supreme Defence Council held on 11 October 1993, Exhibit no. P00709, *Perišić*, p. 24.

748 Ibid.

749 At that moment there were 4,614 men in the 30th KC, 2,634 of whom were professional soldiers, 1,688 civilians, and 292 contract soldiers. See in: Stenographic notes of the 27th session of the Supreme Defence Council held on 27 September 1994, Exhibit no. P00792, *Perišić*, p. 88.

750 The 30th KC had a total of 4,346 men. See in: Stenographic notes of the 31st session of the Supreme Defence Council held on 18 January 1995, Exhibit no. P00794, *Perišić*, p. 41.

751 This number included both active-duty servicemen and civilians employed by the VJ. Report by the Chief of the VJ General Staff on the personnel structure of the 30th Personnel Centre, 4 September 1996, Exhibit no. P01867, *Perišić*, p. 2.

752 Stenographic notes of the 15th session of the Supreme Defence Council held on 10 November 1993, Exhibit no. P00780, *Perišić*, p. 3.

753 Stenographic notes of the 21st session of the Supreme Defence Council held on 7 June 1994, Exhibit no. P00776, *Perišić*, p. 39.

754 Numerical strength of professional soldiers in the VJ 40th KC in May 1996, and monthly net funds needed, Exhibit no. D00246, *Perišić*, p. 3.



Manojlo Milovanović, Đorđe Đukić, Radivoje Miletić, Milan Gvero, Zdravko Tolimir, Milenko Živanović, Radislav Krstić, Vinko Pandurević, Vujadin Popović, Ljubiša Beara, Vidoje Blagojević, Dragan Jokić, Dragan Obrenović, Drago Nikolić, Svetozar Andrić, Stanislav Galić, Dragomir Milošević and Bogdan Subotić. Also, the status of the RS Minister of Defence during 1993 and 1994, Dušan Kovačević, was regulated through the 30th KC. As for the 40th KC, some of the key officers who served in the SVK through the 40th KC included Mile Novaković, Milan Čeleketić, Borislav Đukić and Dušan Lončar.⁷⁵⁵

iv. Military and logistical assistance

The VJ support to the VRS and SVK was not limited to provision of personnel through the KCs. It also included significant military and logistical assistance, which was provided through the VJ General Staff.⁷⁵⁶

The VJ General Staff delivered weapons, ammunition, and material support to the VRS and SVK⁷⁵⁷ through the 30th and 40th KCs respectively.⁷⁵⁸ Additionally, the General Staff provided them with technical and operational support for the production and testing of weaponry.⁷⁵⁹ The VJ maintained and repaired military systems that remained in the territory of the RS and RSK, because only the VJ was capable of doing that.⁷⁶⁰ VJ officers provided training to VRS and SVK soldiers and other staff.⁷⁶¹

755 *Perišić* (Trial Chamber Judgment), ICTY, 6 September 2011, paras. 795-796.

756 *Ibid.*, paras. 1234-1237, 1262.

757 Stenographic notes of the 7th session of the Supreme Defence Council held on 10 February 1993, Exhibit no. P00771, *Perišić*, pp. 26-30.

758 Order from the President of the FRY dated 18 February 1994, Exhibit no. P01009, *Perišić*, p. 3; Momčilo Perišić's order regarding material resources, dated 15 August 1994, Exhibit no. P00628, *Perišić*, p. 1.

759 Letter from Pretis-Holding dated 21 May 1994, Exhibit no. P01058, *Perišić*; Letter from Pretis-Holding Vogošća, dated 10 May 1995, Exhibit no. P1057, *Perišić*.

760 Ratko Mladić's request submitted to the VJ General Staff on 15 January 1994, Exhibit no. P01818, *Perišić*, p. 1; Letter from Momčilo Perišić addressed to the SVK Main Staff on 19 January 1994, Exhibit no. P01138, *Perišić*.

761 Tasks issued by Momčilo Perišić at the meeting of the Supreme Command Staff on 27 September 1993 and 26 October 1993, Exhibit no. P00878, *Perišić*, p. 2; VJ General Staff information addressed to the Ministry of Defence, 30 August 1993, Exhibit no. P00941, *Perišić*, p. 1; SRK Command memo to the VRS Main Staff regarding training of soldiers, 2 February 1995, Exhibit no. P00932, *Perišić*; Documents pertaining to the cooperation between VRS, SVK and VJ in April and May 1994, Exhibit no. P02176, *Perišić*, pp. 6-7; Documents relating to a request from Ratko Mladić to Perišić regarding provision of sniper training, May-July 1995, Exhibit no. P02721, *Perišić*, pp. 1-6.



SSRO /Federal Secretariat for National Defence/ GS OS /Main Staff of the Armed Forces/ of the SFRJ /Socialist Federative Republic of Yugoslavia/
1st Administration
Strictly confidential no. 19-1
14 May 1990

/written and circled by hand: 175/

/handwritten/ NO In keeping with this document, draft our own order and give /illegible/ to the Corps command and the RŠTO /Republican Territorial Defence Staff/
Deadline: by 1200 hours on 20 May 1990/ /initialled/

Military secret
Strictly confidential
Coded
Deliver immediately
To the commander personally

Safekeeping of Weapons and Ammunition of the TO /Territorial Defence/– 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 National Defence at the Military Council session held on 27 April 1990, I hereby issue the following

ORDER

1. The Military District, Airforce and Naval District commands together with the TO Staffs of the SR /Socialist Republics/ and SAP /Socialist Autonomous Provinces/ shall organise the take-over, storage and safekeeping of the complete stock of the TO weapons and ammunition in the JNA /Yugoslav People's Army/ 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.

this

During the implementation of this task, establish the exact number, type and quantity of the weapons and ammunition which are currently kept in the TO depots, as well as the concrete possibilities for their storage in the military facilities, as well as the implementation dynamics.

this

In the absence of space in the dumps and depots, use the most suitable premises within the area of those dumps and depots. Also, consider the possibility of using rooms in barracks, in keeping with the prevailing regulations.

2. Exceptionally, where facilities are very far away and where conditions are not conducive to or it is impossible to find a place for TO weapons and ammunition in JNA depots, they should be stored and safeguarded in TO depots guarded by JNA units.

this

3. The TO staffs and TO units are to take out weapons and ammunition required for the execution of planned activities, with the approval of the Military District Commands. The Military District Commands shall issue special instructions regulating the entry, maintenance and safekeeping procedures as well as the procedure for taking out and returning weapons and ammunition to the depots.

this

4. The collection and storage of weapons and ammunition is to be completed by 21 May 1990.

this

Submit a report on the execution of this order, with the exact break-down of the quantities and types of weapons and ammunition being kept in JNA dumps and depots, and exceptionally in the TO depots, to the OS Main Staff – 1st Administration by 5 June 1990.

For additional clarification address questions to the Chief of the GŠ OS SFRJ.

Chief of the GŠ OS SFRJ
Colonel General
Blagoje ADŽIĆ

/stamp/
FEDERAL SECRETARIAT FOR NATIONAL DEFENCE
SFRY ARMED FORCES MAIN STAFF
1st ADMINISTRATION
illegible/ no. 2256 -2
10 December 1991

MILITARY SECRET
STRICTLY CONFIDENTIAL
Copy number 25

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 a part 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 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 /Territorial Defence/, 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 b/d /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 b/g /combat readiness/ of the JNA /Yugoslav People's Army/ 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 RiK /command and control/ 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.

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 /handwritten 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 which 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.

7. Have contacts with the leaders of various parties only in accordance with the regulations in force and with the prior consent of, and in consultation with the higher command. In addition, undertake steps and avoid all compromising meetings with persons and representatives of anti-army propaganda, except in the case of negotiators from the opposing side. /two handwritten question marks/

8. Devote particular attention to combat security measures, and particularly to the prevention of surprise attacks and the activities of reconnaissance-sabotage and terrorist groups. Pay special attention to this during the forthcoming cease-fire period and during the performance of defensive b/d, when there is frequently a lower level of alertness and increased losses. To this end, in order to protect personnel and TMS /technical equipment and materiel/ from surprise actions and losses, conduct engineering work at positions on the achieved lines, organise a firing system, observation, ambushes and complete control of gaps, flanks and rear.

9. Immediately execute a control plan to prepare units for the approaching winter period. Additionally, bear in mind the principles of organisation for combat and survival in a winter environment. Constantly bear in mind that units must be constantly at full combat readiness and, depending on orders, directives and the actual situation, able rapidly and effectively to enter into combat, repel any attack or even go onto the attack themselves.

10. Resolve personnel issues more quickly and more boldly in the forthcoming period. The fundamental principle must be to choose the bravest and most competent people for the most responsible duties. Remove incompetent and indecisive people from command and other important establishment positions.

11. The Main Staff of the SFRY armed forces and SSNO/Federal Secretariat for National Defence/ sectors will perform an analysis of activity so far and undertake measures to improve the organisation of activities and the collection, processing and distribution of information. To this end, propose resources for improving the system of reporting from units, the work of the OC /operational centres/ and duty teams, and the mutual exchange of information.

Simultaneously elaborate plans for the engagement of the GŠ /Main Staff/ and organs of the SSNO to control and assist subordinate commands.

Produce the necessary documents and ensure a more stable intake of recruits to the RJ /wartime units/ from the competent organs.

12. The logistics sector of the SSNO, in co-operation with the military-industrial sector and the GŠ armed forces, will constantly monitor the functioning of PoOb /logistical support/ and propose measures for stable material support to, and the provisioning of, units, in which front-line units will be given priority. Replenish the MS /material supplies/ of front-line units from the existing reserves, and by employing MS from wartime units with R classification in garrisons where conditions for mobilisation do not exist.

Review the problems in servicing of NVO /weapons and military equipment/ and propose adequate solutions.

13. The military-industrial sector will make an analysis and recommend the most rational solution for the speedier production and procurement of NVO which is lacking.

FEDERAL SECRETARY
FOR NATIONAL DEFENCE
Army General
Veljko KADIJEVIĆ
/signed and stamped/

6th OG /operative group/ Command
 Highly Confidential No: 695-207
 22-Mar-92

/hand-written:/ K-illegible
 /?Commander/
 /illegible signature/

Briefing of the Brigade

Commanders, submitted to:

Commands of the 1st, 2nd and 4th lbr/ light brigade/ and the 145th lppbr /Light Infantry
 Plašćanska Brigade/ /hand-written:/ and the Commanders of the 122mm and 105mm
 had /howitzer arty div/

The briefing of the commanders is to convene at the KM /command post/ of the 6th
 OG, on 27-Mar-92 at 09:30am.

Briefing will be on:

- the situation in the AOR, possible problems in the securing of the said;
- how far has the process of the formation of the SRK police come;
- the implementation of the tasks on the transforming the units of JNA into the TO;
- the implementation of the tasks regarding the reception of the UN peace-keeping troops.

At the briefing, the Commanders will be given instructions and orders for future tasks.

Commander

Maj-Gen

Slobodan DJORDJEVIĆ

<u>Received:</u>	<u>23-Mar</u> (day and month)	<u>08:30</u> (hour and minute)	<u>1028</u> (no. of the telegram)
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<u>Submitted:</u>	<u>23-Mar</u> (day and month)	<u> </u> (hour and minute)	<u>/illegible signature/</u> (signature)

/affixed by seal, reading:/

Command of the

145th Light Infantry Plašćanska Brigade

/hand-written:/ highly conf. No: 536/1

23-Mar-9?

4TH CORPS COMMAND

Strictly confidential No. 09/19-190

17. May 1992

Changes in titles of units

For: Command of 216 Mountain Brigade

On the basis of Command of 2 Military Zone Order, strictly confidential No. 1-1/25, dated 14. May 1992, in aim to change titles of units of 4th Corps in time, hereby we submit you new titles of former units of 4th Corps, for now, until final decision, the following units will bear the following titles:

1. 4th Corps is receiving the title: Sarajevo-Romanija Corps
2. 49th Mixed Brigade is receiving the title: 1st Sarajevo Brigade
3. 120th Light Infantry Brigade is receiving the title: 2nd Sarajevo Brigade
4. 216th Mountain Brigade is receiving the title: 1st Romanija Brigade
5. 4th Mixed Artillery Regiment is receiving the title: Pale Artillery Regiment
6. 4th Mixed Anti-Tank Artillery Regiment is receiving the title: Pale Anti-Rank Regiment
7. 346th Light Artillery Regiment of Anti-Aircraft Defence is receiving the title: Sarajevo Regiment of Artillery-Rocket Units of Anti-Aircraft Defence
8. 4th Battalion of Military Police is receiving the title: Sarajevo Battalion of Military Police
9. 4th Battalion of Connection is receiving the title: Sarajevo Battalion of Connection
10. 4th Medical Battalion is receiving the title: Pale Medical Battalion
11. 4th Vehicle Battalion is receiving the title: Pale Vehicle Battalion
12. 4th Engineer Battalion is receiving the title: Sarajevo Engineer Battalion

L?D/MG/?/

REPRESENTING THE COMMANDER

Colonel

Milosav Gagović

*/signature and stamp with the
inscription: 4th Corps Command/*

/handwritten: 1/50/

17th CORPS COMMAND

Strictly confidential no. 11/2-210

/stamp: KEEP TO END permanently/

12 May 1992

TO COMMANDS OF: 395th mtbr /Motorised Brigade/, 11th partd /Partisan Division/, 38th partd, 92nd partd, 336th mtbr, 6th mtbr, 327th mtbr, 17th map PVO /Anti-Aircraft Defence Mixed Artillery Regiment/, 497th inžp /Engineers Regiment/, 17th mpoap /Mixed Anti-armour Artillery Regiment/, 17th pontb /Pontoon Battalion/.

Order to stabilise the front

Pursuant to the 2nd VO /Military District/ Command's strictly confidential order number 01/1-2 of 11 February 1992,

I HEREBY ORDER

1. Stop all withdrawals of soldiers and officers to areas outside BH. The return of soldiers and AVL /active military personnel/ pursuant to the order of the GŠ /General Staff/ of the OS /Armed Forces/ of the SFRY /Socialist Federative Republic of Yugoslavia/ will take place after the front has been stabilised and the offensive operations of the Ustasha formations have been defeated.

2. Conduct a mobilisation of the combat-fit Serbian population, including female volunteers for duties behind the lines and in other establishment positions in which they can take the place of men.

3. The commanders of divisions, brigades and independent battalions will contact the most responsible representatives of the authorities in the zones of their units and explain that we are in the process of creating the defence forces of the Serbian Republic of BH, and will to that end immediately create a single command for all forces within their zone of responsibility.

Bring the corps' units up to wartime establishment, giving priority to armoured and artillery units.

Pay particular attention to the enlarging of formations, the formation of strong artillery groups and the creation at all levels of command of mobile reserves that can operate on threatened axes.

4. Devote particular attention to the organisation of observation, reconnaissance and gathering of intelligence on the enemy.

Use large calibre artillery fire and economic use of ammunition to prevent the enemy from bringing reserves to the front and grouping on axes.

Place artillery observation posts as close as possible to the front line and ensure full observation of the effects of artillery and destruction or neutralisation of feasible targets.

5. Be extremely economic in the consumption of ammunition, fuel and other materiel due to the difficulties of procurement and supply.

6. Take with the representatives of the Serbian people all measures to prevent the blocking of supply convoys and put a stop to the relocation of materiel and military effectives from your zones, with the exception of the air force base in Tuzla and the Hadžići garrison in Sarajevo. Relocate ammunition and military effectives from the Sarajevo garrison to areas behind the front lines in Herzegovina and Romanija and the air force base to the territory of the FRY /Federal Republic of Yugoslavia/. I will personally approve all other relocations upon your proposal.

7. Inform all officers in units that they will retain their current status. Questions of the status of officers will be systematically resolved in the coming period. Officers from the territory of the FRY will remain at their posts until the duties are handed over to officers who will be systematically transferred from the territory of the FRY. This is necessary for the stabilisation and maintenance of the front.

We appeal to all officers from the territory of the FRY to place themselves at the disposal of the Serbian people in BH, which is the patriotic and sacred duty of every man and officer, since we belong to the same Serbian nation whose existence is threatened regardless of where they live.

Allow officers of other nationalities who wish to continue to take part in the just struggle of the Serbian people for survival and peaceful co-existence with other peoples in BH to carry out their establishment duties normally.

8. Take urgent measures to stabilise combat morale, eliminate apathy and pessimism, and raise motivation for the (just struggle). Work with the men, information and concern for soldiers and officers must be a continuous and central task. Devote particular attention to cooperation with the population and the unity of the Serbian people and defence forces. Encourage and develop initiative in all combat activities and work in the field.

COMMANDER
Major General
Milan NEDELJKOVIĆ
/stamped and signed/

RECEIVED:	12 May	1000	/initialled/
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	(day and month)	(hour and minute)	(signature)

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ENCLOSURE NO. 9 16"

2nd MILITARY DISTRICT COMMAND

Strictly confidential no. 31/103-40-1

24 April 1992

IT-02-54-T
The Prosecutor
Bosanska Krupa
Credite

Exhibit # P464, Tab 12

Date Admitted: _____

OTP Reference # C4544

VERY URGENT

To: 10th CORPS COMMAND

530th PoB *"/Logistics Base/"* COMMAND – the Commander personally

Reference: 10th Corps Command Telegram strictly confidential no. 19/81-442 of
23 April 1992

Taking into consideration the urgency of the realisation of the task on forming the Serbian Municipality Bosanska Krupa TO units, and in accordance with the Federal Secretary for NO *"/People's Committee/"* Order strictly confidential no. 359-1 of 21 February 1992, from the surplus in the 10th Corps units and available reserves in the 530th PoB, issue weapons, ammunition and equipment for the newly formed TO units of the Municipal Assembly of Bosanska Krupa.

The lacking means are to be requested via telegram from the SSNO *"/Federal Secretariat for National Defence/"* TU *"/Technical Department/"* referring to the SFRJ OS *"/Armed Forces/"* GŠ *"/General Staff/"* Chief Order confidential no. 2268-1 of 30 December 1991 and my consent.

COMMANDER

Colonel General

Milutin KUKANJAC

"/signed and stamped/"

“/stamp/”

RECEIVED:	<u>25 April 1992</u>	<u>11:10</u>	<u>“/hand-written illegible”</u>			
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Appendix 6

Dossier: The JNA in the Wars in Croatia and BiH

First Edition

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Humanitarian Law Center

Dečanska 12, Belgrade

www.hlc-rdc.org

Author: Jovana Kolarić

Editor: Ivana Žanić

Supervisor: Nemanja Stjepanović

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