

**UNITED  
NATIONS**

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International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
former Yugoslavia since 1991

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Case No.: IT-09-92-T  
Date: 13 October 2017

**TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr. John Hocking

**THE PROSECUTOR**

v.

**RATKO MLADIĆ**

**PUBLIC**

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**NOTICE OF FILING OF CORRIGENDUM TO UPDATED  
PUBLIC REDACTED VERSION OF PROSECUTION FINAL  
TRIAL BRIEF**

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**The Office of the Prosecutor:**

Mr. Peter McCloskey

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Mr. Branko Lukić  
Mr. Dragan Ivetić

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

Case No. **IT-09-92-T**

**THE PROSECUTOR**

**v.**

**RATKO MLADIĆ**

**PUBLIC**

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**NOTICE OF FILING OF CORRIGENDUM TO UPDATED PUBLIC  
REDACTED VERSION OF PROSECUTION FINAL TRIAL BRIEF**

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1. The Prosecution hereby files a Corrigendum to its Updated Public Redacted Version of Prosecution Final Trial Brief.<sup>1</sup>

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Respectfully submitted,



Peter McCloskey  
Senior Trial Attorney

Dated this 13<sup>th</sup> day of October 2017  
At The Hague, The Netherlands

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<sup>1</sup> The Prosecution files this Corrigendum to include the cover page, which was inadvertently omitted from the Updated Public Redacted Version of Prosecution Final Trial Brief filed on 11 August 2017 and made public pursuant to the Trial Chamber's 2 October 2017 Decision on Defence Request Regarding the Filing on Public Redacted Briefs.

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Date: 25 October 2016

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Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr. John Hocking

**THE PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC REDACTED VERSION***

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**PROSECUTION'S SUBMISSION OF FINAL  
TRIAL BRIEF**

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**ANNEXES:**

- Annex A: Municipality Summaries
- Annex B: Municipality Scheduled Incident Charts (SICs)
- Annex C: Srebrenica Mass Graves Connections
- Annex D: Summary of Srebrenica Demographic, DNA and Forensic Methodology and Protocols
- Annex E: Abbreviations and Acronyms
- Annex F: List of Persons
- Annex G: Victim Chart

## I. INTRODUCTION

1. In May 1992, Ratko **MLADIĆ** became Commander of the Main Staff (GŠ) of the Bosnian Serb Army (VRS). Together with Republika Srpska (RS) President and Supreme Commander Radovan KARADŽIĆ, **MLADIĆ** thereafter led the military implementation of a criminal plan—the implementation of which had already commenced—to permanently remove Bosnian Muslims and Croats from large portions of BiH through crimes including murder, extermination and in certain municipalities, genocide.

2. The backdrop to this criminal campaign was the JCE members' determination to create the RS, a homogenous ethnically-separate Serb state free of perceived enemies, on large parts of ethnically-intermixed BiH. This required the removal of Muslims and Croats through the violent crimes enumerated in the Indictment. **MLADIĆ**, who had already proven himself in Croatia to be a military commander willing and able to lead his subordinates to ethnically cleanse Serb-claimed territories, became a member of this JCE on 12 May 1992.

3. Once GŠ-VRS Commander, **MLADIĆ** led the military implementation of the cleansing campaign, using his command and control over the VRS and subordinated Bosnian Serb Forces (BSF) to drive hundreds of thousands of non-Serbs out of Serb-claimed territories through crimes including destruction of villages, round-ups of non-Serb inhabitants, confinement in brutal and inhumane detention facilities, murders, sexual violence, and other inhumane acts. By late 1992, most Bosnian Muslims and Bosnian Croats had been forced out of Serb-claimed territories. **MLADIĆ** and other JCE members then sought to remove non-Serbs from the remaining Muslim enclaves in Bosnian Serb-claimed territories, as well as from other parts of RS already controlled and largely cleansed.

4. While participating in this overarching campaign of ethnic cleansing, **MLADIĆ** also participated in formulating and executing three other criminal objectives, all of which were related to, and ultimately furthered, the objective of the overarching campaign through crimes in Sarajevo and Srebrenica, and through taking UN personnel hostage.

5. Between 12 May 1992 and November 1995, **MLADIĆ** and **KARADŽIĆ** led the implementation of a campaign of sniping and shelling against the besieged city of Sarajevo in order to spread terror among its civilian population. Under **MLADIĆ**'s command and control the Sarajevo-Romanija Corps (SRK) subjected the civilian population of Sarajevo to a campaign of shelling that included massive bombardments, routine random shelling, highly destructive and inaccurate modified airbombs, and sniping of civilians, including women, children and the elderly. The BSL modulated the level of terror in Sarajevo to further the overarching criminal purpose, including by pressuring the BiH government and the international community into agreeing to make permanent the results of the ethnic cleansing and to exact revenge for actions within Sarajevo or elsewhere in BiH.

6. By mid-1995, Srebrenica was one of the last remaining Bosnian Muslim enclaves in Bosnian Serb-claimed territory. On 6 July 1995, Srebrenica Forces ("SF")<sup>1</sup> under **MLADIĆ**'s command attacked Srebrenica. On 11 July 1995, **MLADIĆ** and SF took over the town of Srebrenica. Thereafter, pursuant to a JCE involving **MLADIĆ**, **KARADŽIĆ** and others to eliminate the Bosnian Muslims in Srebrenica, SF and civilian authorities forcibly transferred many thousands of Bosnian Muslim women, children and some elderly men, and executed over 7,000 Bosnian Muslim men and boys and buried them in mass graves.

7. In May and June 1995, **MLADIĆ**, **KARADŽIĆ**, and others formulated and implemented a criminal objective to take UN personnel hostage in order to prevent further NATO airstrikes against Bosnian Serb military targets. VRS and RSMUP forces captured hundreds of UN peacekeepers and military observers, threatened to kill or harm hostages and detained them at various locations considered potential targets of further airstrikes, to deter such strikes.

8. As described in this brief ("Brief"), **MLADIĆ** is criminally responsible for committing the crimes charged in the Indictment through his participation in each of these criminal plans.<sup>2</sup>

9. The structure of the Brief is as follows:

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<sup>1</sup> "Srebrenica Forces" comprise members of the VRS and/or RSMUP under **MLADIĆ**'s command.

<sup>2</sup> *Stakić* AJ, paras.64-65; *Brdanin* AJ, paras.410-413.

- Section II: VRS
- Section III: Overarching JCE
- Section IV: Sarajevo JCE
- Section V: Srebrenica JCE
- Section VI: Hostages JCE
- Section VII: Alternate Modes of Liability
- Section VIII: Evaluation of Evidence
- Section IX: Sentencing

10. The Brief's annexes are structured as follows:

- Annex A: Municipality Summaries, which provide a narrative account of events in each charged municipality.
- Annex B: Municipality Scheduled Incident Charts (SICs), which detail the proof for each of the incidents charged in Schedules A, B, C and D of the Indictment.
- Annex C: Srebrenica Mass Graves Connections
- Annex D: Summary of Srebrenica Demographic, DNA and Forensic Methodology and Protocols
- Annex E: Abbreviations and Acronyms
- Annex F: List of Persons
- Annex G: Victim Chart<sup>3</sup>

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<sup>3</sup> The Victim Chart provides a graphic guide to the evidence regarding the fate of victims killed or wounded in incidents charged in Schedules A-B and F-G, as identified in the Victims List to the Indictment or as additional victims in TABEAU:P02797. This Chart updates and supplements the May 2015 Victims Chart. The Victim Chart is based on P02797 and for transparency identifies both relevant admitted evidence and TABEAU's sources that have not been tendered into evidence. The Prosecution has included explanatory comments as in the May 2015 Victims Chart.

Annexes C and D are duplicative of information in the brief and/or non-argumentative and have consequently not been included in the word count.

## II. VRS STRUCTURE

### A. Establishment of the VRS<sup>4</sup>

11. Members of the BSL and leaders from the SFRY and Republic of Serbia created the VRS, and then appointed **MLADIĆ** as its commander, to forcibly achieve ethnic separation in BiH, through the commission of the crimes charged in the Indictment. The VRS was officially formed on 12 May 1992 from existing JNA units, TO<sup>5</sup> and volunteer units. The same leaders had already overseen the transformation of the JNA from a multi-ethnic force into a Serb-dominated army, much of which became the VRS. This transformation was already apparent by 1991, when the JNA openly sided with local Serb forces in Croatia and began arming Serbs in BiH.

12. By selecting **MLADIĆ**, **KARADŽIĆ** and other JCE members chose a commander who had demonstrated the willingness and ability to successfully implement forcible ethnic separation.<sup>6</sup> Upon the VRS' official establishment, **MLADIĆ** inherited a functioning army over which he exercised immediate command and control. **MLADIĆ** used his command over VRS forces to make significant contributions to the achievement of the common criminal purposes of all four charged joint criminal enterprises in this case.

#### 1. By 1991 the JNA was a pro-Serb fighting force

13. By summer 1991, the JNA's façade of neutrality gave way to outright support of local Serbs in Croatia.<sup>7</sup> Beginning in late August 1991, the JNA participated in violent takeovers of Serb-targeted territory in cooperation with local Serb TO and MUP forces, and volunteer formations from the Republic of Serbia DB.<sup>8</sup> As a senior officer in the JNA's 9<sup>th</sup> Corps, **MLADIĆ** led operations that expelled non-Serbs from areas in Croatia.<sup>9</sup> In an interview in 1994, Milan **MARTIĆ** credited **MLADIĆ** for his

<sup>4</sup> The VRS was known as the Army of the Serbian Republic of BiH, or VSRBiH, for the first several months of the war. For simplicity the Prosecution has used VRS throughout.

<sup>5</sup> The VRS incorporated both units of the pre-war RBiH TO and SDS-organised TO units. *See* Prijedor Summary.

<sup>6</sup> *See* Section III.C.1(b).

<sup>7</sup> P03078, pp.26-27; THEUNENS:T.20322; DONIA:P01999, p.13; P03080, p.3.

<sup>8</sup> M.BABIĆ:P04166, T.3384-3385,3388,3389-3390; THEUNENS:T.20321; P03078, pp.28-31.

<sup>9</sup> M.BABIĆ:P04166, T.3391-3393; THEUNENS:T.20315; P04913; P04909; P07640. *See* P07325, p.2.

role in the JNA's transformation in Croatia from buffer to active supporter of Croatian Serb efforts, explaining that:

Gen. **MLADIĆ**, came in June or July 1991 managed to create self-confidence to Serbs, and openly stated that the Serbs were right. Until that moment [the] JNA and its officers were a buffer zone between us and Croats. Then still a colonel, **MLADIĆ** openly said what the other officers hadn't – that Serbs were right.<sup>10</sup>

**MLADIĆ** and other JNA leaders presented the JNA's deployment in Croatia as necessary to address an alleged existential threat faced by Serbs in Croatia.<sup>11</sup> Mirroring the broader transformation of the JNA across the former Yugoslavia, by the end of 1991, JNA forces in Croatia were made up almost exclusively of Serbs.<sup>12</sup>

14. While openly siding with Serbs in Croatia, the JNA also began assisting in preparing Serbs in BiH for war. Throughout the latter half of 1991 the JNA strengthened its presence in BiH and armed the local Serb population in cooperation with the SDS.<sup>13</sup>

2. By late 1991 members of the BSL and leaders from the SFRY and Republic of Serbia began planning the creation of a Bosnian Serb army

15. By late 1991 efforts to strengthen the JNA's presence in BiH and arm the local Serbian population formed part of a broader plan to create a Bosnian Serb army. In December 1991, Slobodan MILOŠEVIĆ<sup>14</sup> planned the transfer of Bosnian Serb JNA personnel to JNA units in BiH so that "the Serb leadership in Bosnia-Herzegovina [could] assume control over the Serb part of the JNA".<sup>15</sup> Days later, the RS Assembly formally requested JNA protection,<sup>16</sup> and by 25 December, KADIJEVIĆ reported to

<sup>10</sup> P07638.

<sup>11</sup> P03087-P03088, p.3; P07325, p.2.

<sup>12</sup> P03051, p.16; THEUNENS:T.20321-20322.

<sup>13</sup> AF269; AF286; ĐUKIĆ:P01052, pp.21-22; Z.HADŽIĆ:P02800, p.7; P06912; RM802:P00439, paras.11,13(confidential); THEUNENS:T.20286P03030, p.5; P00352, p.296; [REDACTED]. E.g. P07675, p.4; P07398, pp.1-2; S.SIMIĆ:T.35937-35938.

<sup>14</sup> By late 1991 MILOŠEVIĆ had achieved *de facto* control over the JNA. See Milan BABIĆ:P04168, T.1567; Milan BABIĆ :P04167, T.13129OKUN:P03103, T.4147.

<sup>15</sup> P03084, pp.29-30.

<sup>16</sup> P07749.

MILOŠEVIĆ and JOVIĆ that “90 percent of the military has been dislocated in accordance with” this plan.<sup>17</sup>

16. By early 1992 SFRY leaders used the JNA’s withdrawal from Croatia to redeploy JNA units to areas of BiH with a Bosnian Serb majority and other areas in BiH where inter-ethnic conflict might erupt.<sup>18</sup> Equipment was placed under JNA control in BiH at “safe locations with a majority Serbian population”.<sup>19</sup> As part of this redeployment, on 10 January 1992, the SFRY Presidency transformed the JNA’s 5MD, which had been responsible for Croatia, into the 2MD.<sup>20</sup> All or part of six 2MD corps were deployed in BiH: the 4<sup>th</sup>(Sarajevo), 5<sup>th</sup>(Banja Luka), 9<sup>th</sup>(Knin), 10<sup>th</sup>(Bihac), 13<sup>th</sup>(Bileća), and 17<sup>th</sup>(Tuzla) Corps.<sup>21</sup> The 2MD ultimately became the “backbone” of the VRS.<sup>22</sup>

17. In March 1992, 2MD Commander Milutin KUKANJAC reported that in BiH, the JNA had “distributed 51,900 weapons (75%), and the SDS 17,298” to Bosnian Serbs in various municipalities.<sup>23</sup> During this period, the JNA assisted in establishing, arming and training Serb units<sup>24</sup> and coordinated with local Serb authorities about arming Serbs.<sup>25</sup> Reflecting the collaboration between the JNA and the SDS leadership, KUKANJAC declared that:

[T]he SDS leadership and the Serbian population have embraced the Army. They have been protecting it wherever objectively possible, responding to calls to join the combat and volunteer units, cooperating with commands as much as possible [...] this is quite normal, since objectively the Serbian population here is threatened as well, and in accordance with that, we are protecting the people’s interests.<sup>26</sup>

KUKANJAC added that he had explained the Bosnian Serbs’ position “and why it was justified” to international negotiators and would “soon have a discussion with the top leadership of the Serbian people (KARADŽIĆ, KOLJEVIĆ, PLAVŠIĆ,

<sup>17</sup> P03084, p.30. *See* DONIA:P02001, p.64.

<sup>18</sup> AF286; THEUNENS:P03029, pp.221-222; P03078, p.38.

<sup>19</sup> ĐUKIĆ:P01052, pp.20-22. *See* SELAK:P00244, paras.73-75; RM802:P00439, para.13(confidential); P06816, p.5; P06543, p.2; RM183:P03307, p.6(confidential)P00352, p.212.

<sup>20</sup> THEUNENS:P03029, p.221; BUTLER:P02210, p.4.; P07675, p.4. *See* Section III.B

<sup>21</sup> ĐUKIĆ:P01052, p.9; THEUNENS:P03029, p.221; P00352, p.264.

<sup>22</sup> P03078, p.38; KELEČEVIĆ:T.37138; THEUNENS:P03029, p.226.

<sup>23</sup> P03030, p.6. *See* P00352, p.296.

<sup>24</sup> *See* Rogatica, Sanski Most, Sokolac, Pale Summaries; Section III.G.2; P03918, pp.1-2; P00338, p.14; P04022, p.2. *See generally* P04931.

<sup>25</sup> *E.g.* Ključ, Sanski Most Summaries; P04583, pp.323-324; P03030, p.5; AF269; AF286.

KRAJIŠNIK, DUKIĆ).”<sup>27</sup> A week later, KARADŽIĆ directed Assembly members to establish Serb TO units in their municipalities, which would be placed under JNA command.<sup>28</sup>

18. In April, JNA units took part in operations in BiH together with Bosnian Serb units,<sup>29</sup> transferred weapons from Muslim-majority areas to Serb-majority areas,<sup>30</sup> and solidified command over TO staffs and/or replaced them with staffs that would answer to JNA command—at the same time that the RS formalised the creation of its own TO.<sup>31</sup> **MLADIĆ** personally contributed 9<sup>th</sup> Corps units to operations in Kupres<sup>32</sup> as part of creating “a Serbian state and Serbian army”<sup>33</sup> and met with JNA and RS leaders in Petrovac, telling them to prepare for war against Muslims and Croats.<sup>34</sup> Mobilisation in several areas followed the creation of the RS TO and declaration of a state of imminent threat of war.<sup>35</sup>

19. **MLADIĆ**’s transfer to BiH coincided with the culmination of the transformation process. **MLADIĆ** was promoted to Lieutenant-Colonel General on 24 April 1992<sup>36</sup> and appointed 2MD Chief of Staff and Deputy Commander the next day.<sup>37</sup> That day other future members of the VRS Main Staff were also appointed to the 2MD command, including Milan GVERO, Manojlo MILOVANOVIĆ, Đorđe ĐUKIĆ and Zdravko TOLIMIR.<sup>38</sup> The next day, Gen. Blagoje ADŽIĆ, JNA Chief of the General Staff, met with Alija IZETBEGOVIĆ and noted that 90% of the JNA in BiH was Serb.<sup>39</sup> After the FRY constitution, announced the next day, appeared to

<sup>26</sup> P03030, p.5. *See* THEUNENS:T.20286.

<sup>27</sup> P03030, p.5.

<sup>28</sup> P00407, p.20. When an official RS TO was formed, cooperation with and “where possible” subordination to the JNA was part of its mission. P03027, p.2. *See also* P04158, p.1.

<sup>29</sup> For instance, the JNA armed RS units during the attack on Bosanska Krupa town in late April 1992 and assisted in the attack. BORIC:T.34618-34621; P07328-P07330; P02365, p.2. JNA units also took part in the takeovers of power in municipalities including Bijeljina, Sanski Most and Vlasenica. *See* Municipality Summaries.

<sup>30</sup> *E.g.* P06605, p.3; P03030, p.8/P04930, p.7(duplicates); KUPUSOVIĆ:P02468, T.645; P00549, p.50; PUHALAC:T.28056-28059; P02703; TUPAJIĆ:P03170, T.15331-15332; P07752, p.2.

<sup>31</sup> D00051, p.3; [REDACTED]; P03027, p.2; P04941. *See* Sanski Most and Prijedor Summaries.

<sup>32</sup> P03090; P04259; R.ŠARENAC:T.28508-28511.

<sup>33</sup> P06926.

<sup>34</sup> BORIC:T.34624-34625.

<sup>35</sup> P03027.

<sup>36</sup> P04924.

<sup>37</sup> P03028.

<sup>38</sup> P04952(confidential); P04957; P04318; P04956; BUTLER:P02210, p.7; ĐUKIĆ:P01052, pp.1-

<sup>2.</sup>

<sup>39</sup> KOVIĆ:D01369, p.42. *See* DONIA:P01999, p.47.

indicate the JNA would have to withdraw from BiH,<sup>40</sup> 5<sup>th</sup> Corps Commander TALIC announced that “the army” would stay and defend the ARK.<sup>41</sup>

20. On 30 April 1992 KARADŽIĆ, KRAJIŠNIK and KOLJEVIĆ met with MILOŠEVIĆ and other Serbian and SFRY leaders.<sup>42</sup> According to Borislav JOVIĆ’s diary, it was at this meeting that the Bosnian Serbs “got their own military.”<sup>43</sup> Since the discussion was about leaving “around 90,000 JNA soldiers [in BiH], mostly of Serb nationality, over whom the Serb leadership from Bosnia-Herzegovina can assume political command”<sup>44</sup> and the RS TO had already been established, this can only have referred to the transformation of the JNA into what would become the VRS.

21. At the meeting, it was agreed that **MLADIĆ** would become commander of the soon-to-be Bosnian Serb army.<sup>45</sup> This agreement followed a request by KARADŽIĆ for the man he termed “the glorious fighter from Krajina.”<sup>46</sup> KARADŽIĆ would explain to the Assembly in April 1995 that he “had noticed MLADIĆ’s blunt statements in the newspapers. He was already in Knin then” and KARADŽIĆ “took an interest in him.”<sup>47</sup> KARADŽIĆ, together with KRAJIŠNIK, “went to General KUKANJAC’s office and listened to [MLADIĆ] issuing orders and commanding around Kupres and Knin.” Thereafter, he noted to the Assembly, “Gentlemen, we got the officers we asked for. I asked for **MLADIĆ**.”<sup>48</sup>

22. The same day, **MLADIĆ**, TALIC and other JNA commanders met with ADŽIĆ in Banja Luka.<sup>49</sup> ADŽIĆ stated that:

[i]t is possible that very soon the Presidency of the FRY will adopt a decision that it has nothing to do with the army across the Drina, and order that its citizens return. [...] If such a decision is taken then the

<sup>40</sup> BROWN:P02859, p.21.

<sup>41</sup> P07464, p.1. Similarly, a 2MD report decried the BiH Presidency’s “unlawful” decision that the JNA should leave BiH and noted JNA soldiers of Serb ethnicity could not be subordinated to the BiH Presidency. P04412. Meanwhile, the RS MOD coordinated with the JNA about manning high levels of the Serb TO. P04405.

<sup>42</sup> P03084, pp.31-32. See BROWN:P02862, pp.5-6.

<sup>43</sup> P03084, p.32.

<sup>44</sup> P03084, p.32. See [REDACTED]; [REDACTED].

<sup>45</sup> P03084, p.32.

<sup>46</sup> DONIA:P02001, p.118.

<sup>47</sup> P04583, p.324. See KUPREŠANIN:D00852, para.49.

<sup>48</sup> P04583, p.324. See KUPREŠANIN:D00852, para.49.

<sup>49</sup> E.g. P07467.

Government of the SR BH should publicly invite all officers to defend their people.<sup>50</sup>

23. ADŽIĆ also instructed that, following a decision to withdraw the JNA from BiH, “JNA units are to pull out to areas inhabited by Serbs and replenish themselves 100% with Serbian soldiers” and the Serb TO needed to be “[m]obilise[d] to the maximum [...] and organise[d] [...] in a military fashion”.<sup>51</sup> ADŽIĆ proclaimed that “if the JNA cannot stay in BH, then the Serbian army will stay.”<sup>52</sup> Days later, the SFRY Presidency issued a formal decision transforming the JNA so that members from BiH who were stationed in BiH would remain there and retain their rights as JNA servicemen.<sup>53</sup>

24. General Momčilo PERIŠIĆ told Bosnian Serb leaders **MLADIĆ** had demonstrated his suitability for his upcoming duties: “He showed with his own example what a JNA officer should be like. You have the right person, if you support him, you will get what you want.”<sup>54</sup>

25. In the days immediately preceding **MLADIĆ**’s appointment, he met with General Milan PANIĆ, Chief of the JNA’s General Staff,<sup>55</sup> who confirmed **MLADIĆ**’s imminent appointment, telling him that “you will be holding a very important duty.”<sup>56</sup> The next day, **MLADIĆ** became the Commander of the 2MD.<sup>57</sup> Immediately before this, **MLADIĆ** had met with KARADŽIĆ, KRAJIŠNIK, ADŽIĆ and other Serb leaders to discuss issues ranging from the name of the Bosnian Serb army to its “relationship with the non-Serb population,” command and control, headquarters, financing and its strategic goals.<sup>58</sup>

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<sup>50</sup> P00352, p.220.

<sup>51</sup> P00352, p.220.

<sup>52</sup> P00352, p.225.

<sup>53</sup> P04945.

<sup>54</sup> P00352, pp.292-293.

<sup>55</sup> P03084, p.31.

<sup>56</sup> P00352, pp.266-268.

<sup>57</sup> THEUNENS:P03029, p.220.

<sup>58</sup> P00352, p.246.

3. **MLADIĆ** inherited a functioning army which he used to achieve his and the JCE members' criminal goals

26. When the Assembly decided to establish the VRS on 12 May 1992, **MLADIĆ** addressed the Assembly and told them what he intended the VRS to do: intensify the ongoing siege and shelling of Sarajevo<sup>59</sup> and realise through military force the ethnic separation embodied in the BSL's Strategic Objectives which were announced at the same session.<sup>60</sup>

27. **MLADIĆ** inherited a functioning army which he used to achieve these objectives. By 3 May 1992 "the core of [the VRS] Main Staff" had been established.<sup>61</sup> Meanwhile, 2MD units became VRS units soon after 12 May 1992. Consistent with a diagram **MLADIĆ** drew on 6 May 1992,<sup>62</sup> the 4<sup>th</sup> Corps became the SRK, the 5<sup>th</sup> Corps became the 1KK, portions of the 9<sup>th</sup> and 10<sup>th</sup> Corps became the 2KK, the 13<sup>th</sup> Corps became the Herzegovina Corps, and the 17<sup>th</sup> Corps became the IBK.<sup>63</sup> Units within each Corps were renamed as VRS units as well. For example, a 4<sup>th</sup> Corps order dated 17 May 1992 set out the new VRS names of each of its subordinate units forming part of the SRK.<sup>64</sup>

28. While operating under new names, transformed 2MD units continued to pursue the same functions, under the same operating methodology, with the same equipment, and under largely the same leadership.<sup>65</sup> However, to maintain the appearance that JNA units had acceded to UN demands and were no longer fighting in BiH, the JNA formally withdrew from BiH on 19 May 1992 and was renamed the VJ the next day.<sup>66</sup>

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<sup>59</sup> See Section IV.B.3(c).

<sup>60</sup> See Section III.D.

<sup>61</sup> P00338, pp.69-70.

<sup>62</sup> P00352, p.264.

<sup>63</sup> ĐUKIĆ:P01052, p.7; RM802:P00439, para.20(confidential).

<sup>64</sup> P06534.

<sup>65</sup> AF302; KELEČEVIĆ:T.37138; BROWN:P02862, pp.8-9; THEUNENS:P03029, p.265; MILOVANOVIĆ:T.16894-16899; RM802:P00439, para.20(confidential); BUTLER:P02200, p.7.

<sup>66</sup> AF291; AF300; ĐUKIĆ:P01052, p.3; P07461.

4. **MLADIĆ demanded and achieved unity of command over Bosnian Serb fighting forces in BiH**

29. To ensure that the VRS accomplished its objectives **MLADIĆ** stressed the importance of maintaining unified command and control from the moment of the VRS' formation.<sup>67</sup> Speaking at the 16<sup>th</sup> Assembly **MLADIĆ** emphasised the need for "absolute obedience" and discipline in the VRS<sup>68</sup> and explained that:

I do know how to command an army, but to be able to command I need to have an army, and we cannot have 100 masters in one home. The army must have a unified command.<sup>69</sup>

Later in his speech **MLADIĆ** referred to his experience in Croatia, observing that the success achieved there rested on the principle of unified command:

[i]t would be absolutely out of the question to have 1000 commanders in one zone. The Knin Corps was successful because under a single command in the zone of the Corps were the JNA, the Territorial Defence forces and Martić's police.<sup>70</sup>

And he delineated the uppermost levels of that necessary command structure, declaring:

the President of the Serbian Republic of Bosnia and Herzegovina should have command and control over the army, through the Main Staff of the Serbian Republic of Bosnia and Herzegovina Army, and heading the Main Staff should be the commander who would be entrusted with that responsibility.<sup>71</sup>

30. On 19 May 1992, GVERO informed the troops that the VRS had been established, noting that **MLADIĆ** was the commander of the Main Staff and "All the other important elements of a united organisation and leadership and command have also been established."<sup>72</sup> The same chain of command which had existed in the 2MD began functioning in the VRS.<sup>73</sup>

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<sup>67</sup> BROWN:P02862, p.7.

<sup>68</sup> P00431, p.42.

<sup>69</sup> P00431, p.38.

<sup>70</sup> P00431, p.42.

<sup>71</sup> P00431, p.41.

<sup>72</sup> P07325, p.2.

<sup>73</sup> E.g. KELEČEVIĆ:T.37160-37161.

(a) **MLADIĆ** immediately began utilising a formal and functional chain of command

31. The RS Assembly decided to establish the VRS on 12 May<sup>74</sup> and it began functioning and issuing documents under its new name on 19 May.<sup>75</sup> Immediately before and after the VRS' official formation and his official appointment as Main Staff Commander, **MLADIĆ** took steps to establish the structure, discipline and obedience that the VRS needed to achieve its objectives. For example:<sup>76</sup>

- On 11 May 1992, **MLADIĆ** ordered the commands of the 5<sup>th</sup>, 10<sup>th</sup> and 17<sup>th</sup> Corps of the 2MD to maintain their current levels of equipment, continue with the process of mobilization, deploy soldiers from the FRY who held BiH citizenship; and ensure that troops and equipment were linked up;<sup>77</sup>
- By 12 May 1992, on **MLADIĆ**'s order, the VRS Main Staff was operational and communication had been established with the various parts of the army directly connected to it, including the corps commands and logistics bases;<sup>78</sup> and
- On 13 May 1992, **MLADIĆ** established a daily reporting structure for corps commanders and other units directly subordinated to him.<sup>79</sup>

Entries from **MLADIĆ**'s diary following the VRS' establishment show he then took stock of personnel, logistics, weaponry, and organizational matters across the Bosnian Serb armed forces and worked to resolve related issues.<sup>80</sup>

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<sup>74</sup> P02799.

<sup>75</sup> E.g. P07325, p.1. It is clear that from at least 19 May 1992 the new VRS chain of command and control was functioning. However, KARADŽIĆ's formal decision on the forming, organisation, establishment and command and control of the VRS was issued 15 June. P02906. In some instances VRS documents from the early period referred to subordinate units by their old JNA names or numbers, reflecting the continuity of many units and processes from the JNA to the VRS.

<sup>76</sup> See P03032; P04960.

<sup>77</sup> P03056.

<sup>78</sup> MILOVANOVIĆ:T.16902-16904.

<sup>79</sup> P03057.

<sup>80</sup> E.g. P00352, pp.311-313,315-320,322-324,326-327,330-331,339,341-343,348-350,352,354-356,358-359,361-363,367-369,372-373,389-391. See P00353, pp.28-33.

(b) MLADIĆ incorporated TO and volunteer/paramilitary forces into his chain of command

32. **MLADIĆ** integrated Bosnian Serb TO and volunteer/paramilitary units into the VRS. **MLADIĆ** identified this as a priority before the VRS was formed. On 11 May 1992, **MLADIĆ** met with MILOVANOVIĆ, ĐUKIĆ, GVERO and other soon-to-be senior VRS commanders and observed that the SDS had distributed weapons to approximately “85,000 to 90,000” Serb military conscripts who had been placed within TO units and these conscripts “had to be made a part of the structure.”<sup>81</sup> That day, in his capacity as 2MD Commander, **MLADIĆ** ordered that command and control be secured over “armed Serbian people, TO/Territorial Defence/ units [...] and volunteer units”.<sup>82</sup> In a telephone conversation on 13 May 1992 **MLADIĆ** stressed the importance of achieving unity of command over all Bosnian Serb armed forces:

[t]he most important thing now is that all military formations, no matter who they belong to, are put under the command of the 4<sup>th</sup> Corps [...] all under arms are under my command, if they want to stay alive.<sup>83</sup>

**MLADIĆ** and other high-ranking VRS officers then held meetings with local authorities to ensure an efficient transition to unified VRS command of Bosnian Serb military forces<sup>84</sup> in anticipation of the formal separation of the VRS and VJ on 20 May.<sup>85</sup>

33. Actual integration of TO units did not proceed at the same pace across the RS. In some areas, integration was either immediate, sometimes following on existing subordination of TO units to JNA units in the area,<sup>86</sup> or virtually immediate. [REDACTED]<sup>87</sup> TO units in the 1KK’s AOR were then formally transformed into light brigades.<sup>88</sup> On 22 May, SRK Commander ŠIPČIĆ ordered the formal

<sup>81</sup> MILOVANOVIĆ:T.16900-16901.

<sup>82</sup> P03032. See P02799.

<sup>83</sup> P00403, pp.2-3.

<sup>84</sup> See Ključ, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, Vlasenica Summaries, Section IV.D.

<sup>85</sup> P00352, p.314. See P00352, p.330.

<sup>86</sup> E.g. Prijedor and Rogatica Summaries.

<sup>87</sup> [REDACTED].

<sup>88</sup> See Banja Luka Summary; SAJIĆ:D00836, paras.11-12; P06970, pp.22,25-27, 29(confidential)); BROWN:P02859, pp.6,36,73-74,164,178;P02886, p.3; SAJIĆ:T.29192-29193.

transformation of TO units in the SRK area<sup>89</sup> and on 8 June IBK Commander ILIĆ ordered the formal transformation of TO units in the IBK area.<sup>90</sup> Many TO units in these areas were already implementing VRS orders even before formal transformations and/or were quickly formally incorporated.<sup>91</sup> However, the full formal integration of TO units was not completed immediately everywhere.<sup>92</sup>

34. Paramilitary groups were also incorporated into the VRS pursuant to **MLADIĆ**'s instructions.<sup>93</sup> For instance, the Sanski Most SOS was integrated into the 1KK before it and other 6<sup>th</sup> Brigade units ethnically cleansed Hrustovo and Vrhpolje in late May 1992.<sup>94</sup> In early June 1992, Mauzer's Panthers were incorporated into the IBK.<sup>95</sup> On 28 July 1992, **MLADIĆ** ordered all remaining paramilitary groups to place themselves under VRS command.<sup>96</sup>

5. **MLADIĆ** brought Serbs into the VRS and drove non-Serbs out of the VRS

35. **MLADIĆ** shaped the VRS to implement its objectives by populating it with Serbian personnel and removing non-Serbs. In a diary entry from 14 May 1992, **MLADIĆ** expressed his desire that "all Serbian officers who were born in BH territory [...] be put at our disposal".<sup>97</sup> Consistent with this entry, **MLADIĆ** sent numerous requests to the SSNO for Serbian JNA personnel.<sup>98</sup>

36. Given the ethnic separation that the VRS was responsible for achieving, **MLADIĆ** also saw no place in the army for non-Serbs. **MLADIĆ** noted in his diary that "[o]fficers belonging to other ethnic groups should not be sent to us for now because of secrecy protection and also for their own sakes."<sup>99</sup> By June 1992, **MLADIĆ** issued orders purging the VRS of non-Serbs.<sup>100</sup> Those efforts in addition to

<sup>89</sup> P06827.

<sup>90</sup> P03739.

<sup>91</sup> E.g. Rogatica, Sokolac, and Vlasenica Summaries; Sections III.B.5, IV.D.

<sup>92</sup> P04381, p.1; THEUNENS:P03029, p.290.

<sup>93</sup> See Section III.G.7.

<sup>94</sup> P07202; P07112, p.1; P07114, p.2; [REDACTED]; D00080; V.NIKOLIĆ:T.31272; V.NIKOLIĆ:D00892, para.28.

<sup>95</sup> P01061; P03911; P06935, p.3; [REDACTED] .

<sup>96</sup> P05112. See Section III.G.7.

<sup>97</sup> P00352, p.316.

<sup>98</sup> P04953; P04954; P04958; P04959; P04961-P04970; P07668. See P00352, p.314; RM802:P00439(confidential), para.9.

<sup>99</sup> P00352, pp.316-317. E.g. [REDACTED]; [REDACTED].

<sup>100</sup> P03893; P00217, p.2; P04971; P04036. See also P03892; RM802:P00439, paras.15-18(confidential).

the re-deployment of JNA personnel combined to make the VRS so Serb-dominated that when **MLADIĆ** ordered Corps's to send all Muslim and Croat personnel on annual leave and then to the VJ to "regulat[e] their future status in service", the 2KK had no one to send.<sup>101</sup> Similarly, the SRK became "mono-ethnic", consisting of 99.8% Serbs.<sup>102</sup>

## B. Overall Structure

37. **MLADIĆ**, as Commander of the GŠ-VRS, was the most powerful military officer in the RS, subordinate only to **KARADŽIĆ**.<sup>103</sup> The GŠ-VRS was the highest command and control body within the VRS,<sup>104</sup> serving also as the Staff of the Supreme Command.<sup>105</sup> The GŠ-VRS' role was to manage "the armed struggle and the war as a whole" by converting the BSL's Strategic Objectives into concrete military decisions entailing the use of VRS forces.<sup>106</sup> Immediately subordinate to **MLADIĆ** and the GŠ-VRS<sup>107</sup> were the corps commands which were responsible for planning and conducting combat operations within their individual AORs.<sup>108</sup> The VRS included six geographically-based Corps commands: the 1KK, 2KK, IBK, SRK, HK and, from November 1992 onwards, the DK.<sup>109</sup> Beneath the corps commands brigades, battalions, companies, platoons and squads formed the tactical level of command.<sup>110</sup>

38. In addition to these permanent formations, ad hoc formations called operational and tactical groups were created within the corps to ensure single and unified command and control over units with different backgrounds that were brought together to carry out operations for a finite period of time.<sup>111</sup> Operational groups

<sup>101</sup> P04971; P07326; BORIĆ:T.34612-34613.

<sup>102</sup> P07399, p.15.

<sup>103</sup> See P00338, p.8; P03011, pp.24-25.

<sup>104</sup> BUTLER:P02210, para.2.0; MILOVANOVIĆ:T.16909-16911; THEUNENS:P03029, pp.272-279.

<sup>105</sup> P00338, p.153.

<sup>106</sup> P00338, p.12; THEUNENS:T.20266; THEUNENS:P03029, p.324; MILOVANOVIĆ:T.16932; N.SIMIĆ:P04325, T.28657-28658. See Section III.C.4(c).

<sup>107</sup> Under command and control doctrine applicable in the VRS, when a command staff issues orders, it is the commander who exercises command. P03075, p.16.

<sup>108</sup> BUTLER:P02200, p.8; LAZIĆ:P04322, T.21746; THEUNENS:P03029, p.325; N.SIMIĆ:P04325, T.28498.

<sup>109</sup> THEUNENS:P03029, p.288; P02906; P03659.

<sup>110</sup> THEUNENS:T.20266; PHILIPPS:T.4694; D.ŠKRBA:T.21234.

<sup>111</sup> THEUNENS:T.20261; BROWN:P02859, p.178; PHILIPPS:T.4742; P00338, p.74; P05164, p.3.

consisted of brigade-level units, while tactical groups were formed from battalion-level units.<sup>112</sup>

### C. **MLADIĆ's Authority as Commander of the GŠ-VRS**

39. **MLADIĆ** was appointed Commander of the GŠ-VRS on 12 May 1992.<sup>113</sup> Under the Law on the Army, the Commander of the GŠ-VRS commanded the VRS in accordance with authority delegated to him by the President.<sup>114</sup> The deep extent of this delegation was expressed in a section of the VRS' analysis of its 1992 combat readiness, signed by KARADŽIĆ: "The Main Staff...has performed the functions of the Staff of the Supreme Command and at the same time that of the superior command for operational and some joint tactical formations, which presupposed the agreement of the Supreme Command in...all tasks and objectives of the armed struggle."<sup>115</sup> KARADŽIĆ's 15 June 1992 decision formalising the establishment of the VRS also reflected that the "control and command of operative groups in the front shall be performed by the Main Staff of the Army," directly subordinated to the RS Presidency.<sup>116</sup>

40. The 1992 analysis itself assessed that "[d]ecisions on the engagement of the [VRS] were taken at meetings of the bodies of the Main Staff headed as a rule by the Commander."<sup>117</sup> Whether issued under **MLADIĆ**'s name or on behalf of the GŠ-VRS, acts of the GŠ-VRS were exercises of command by **MLADIĆ**, in accordance with JNA command and control doctrine applied in the VRS.<sup>118</sup> In addition to the manifestly broad delegation of authority to command the VRS, other legislated responsibilities held by **MLADIĆ** included obligations for recruitment, training and the inspection of combat readiness.<sup>119</sup>

41. As GŠ-VRS Commander, **MLADIĆ** could delegate duties and obligations to subordinates, but he could never delegate responsibility.<sup>120</sup> He remained responsible,

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<sup>112</sup> THEUNENS:T.20261.

<sup>113</sup> P02799. When the army was re-named the VRS, KARADŽIĆ formally appointed **MLADIĆ** as Commander of the GŠ-VRS. P04989; P03029, pp.459-460.

<sup>114</sup> P03011, p.24-25.

<sup>115</sup> P00338, p.153.

<sup>116</sup> P02906, p.3.

<sup>117</sup> P00338, p.8.

<sup>118</sup> P03075, p.16; MILOVANOVIĆ:T.16929-16930; [REDACTED]; P02200, p.7.

<sup>119</sup> P03011, p.2.

<sup>120</sup> P03075, pp.13,18. See P02200, p.10.

under command and control doctrine, for the actions of his subordinates through his position as Commander. Accordingly, military doctrine held that a superior officer should always monitor compliance with his orders.<sup>121</sup> **MLADIĆ** also had command authority over RSMUP units when they were re-subordinated to the VRS.<sup>122</sup> **MLADIĆ**'s command authority included the material ability and responsibility to take measures to prevent the commission of the crimes charged in the Indictment and to punish subordinates for committing those crimes.<sup>123</sup>

42. As set out below, **MLADIĆ** exercised effective command and control over the VRS. Specific aspects of **MLADIĆ**'S command authority are addressed throughout this Section.

#### **D. Structure of the GŠ-VRS**

43. Within the GŠ-VRS, **MLADIĆ** surrounded himself with his handpicked sector chiefs who collectively formed his "inner-circle" and provided him with the necessary technical expertise to facilitate his command and control over the VRS.<sup>124</sup>

44. Gen. Manojlo MILOVANOVIĆ was **MLADIĆ**'s Chief of Staff. MILOVANOVIĆ also served as **MLADIĆ**'s Deputy Commander.<sup>125</sup> The Staff Sector was in charge of the VRS' combat readiness. It analysed how the VRS was functioning; evaluated the combat-related decisions made by corps commanders; made proposals to **MLADIĆ** concerning the use of VRS units; distributed weapons, ammunition and fuel to VRS units; and did "anything else [...] directly linked to combat activities."<sup>126</sup> The Staff Sector included the Administration for Operations and Training, and a number of combat arms departments, one of which, was the Artillery Department.<sup>127</sup>

45. The other GŠ-VRS sector chiefs served as **MLADIĆ**'s assistant commanders.<sup>128</sup> Each was directly subordinate to **MLADIĆ**.<sup>129</sup> **MLADIĆ**'s Assistant

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<sup>121</sup> P03075, p.13.

<sup>122</sup> See Section II.H.1(b).

<sup>123</sup> See Section II.G.

<sup>124</sup> L.OBRADOVIĆ:P01783, T.11943, T.12017, T.12019; BUTLER:P02210, para.2.6.

<sup>125</sup> L.OBRADOVIĆ:P01783, T.11935-11936, T.12019-12020.

<sup>126</sup> MILOVANOVIĆ:T.16916, T.16919-16920, T.16966-16967

<sup>127</sup> P02212; P01784; L.OBRADOVIĆ:P01783, T.11939.

<sup>128</sup> L.OBRADOVIĆ:P01783, T.12019.

Commander for Intelligence and Security was Gen. Zdravko TOLIMIR; his Assistant Commander for Morale, Religious and Legal Affairs was Gen. Milan GVERO; his Assistant Commander for Logistics was Gen. Đorđe ĐUKIĆ; and his Assistant Commander for Organisation, Mobilisation and Personnel Affairs was, first, Gen. Mićo GRUBOR, and then, Col. Petar ŠKRBIĆ.<sup>130</sup> **MLADIĆ** relied on his sector chiefs to provide him with proposals regarding the use of units and organs under their professional control; monitor and report on the work of these units and organs as well as other matters within their competence; and prepare the directives, orders, enactments and other documents through which **MLADIĆ** controlled the organisation and use of VRS forces.<sup>131</sup>

46. At the subordinate commands, there were organs which corresponded to the areas of expertise headed by GŠ-VRS Assistant Commanders.<sup>132</sup> These organs in the subordinate commands reported directly to their immediate unit commanders.<sup>133</sup> Their professional activities were monitored and controlled by their respective organs in the superior command.<sup>134</sup> For example, although the DK Security Department was directly subordinated to DK Commander Gen. KRSTIĆ, as GŠ-VRS Assistant Commander for Intelligence and Security, Gen. TOLIMIR had the authority to issue special intelligence-related assignments not related to command issues, directly to DK Chief of Intelligence Lt. Col. Svetozar KOSORIĆ.<sup>135</sup> Acts of the GŠ-VRS were, nonetheless, exercises of command by **MLADIĆ**.<sup>136</sup> Control along the professional line was conducted within the scope of the commander's authority,<sup>137</sup> and any issue that involved the command and control of the Drina Corps, for example, had to go through Gen. KRSTIĆ along the normal chain of command. The relation between this control and the chain of command is reflected in a 15 August 1994 report from LUGONJA, SRK Command, Intelligence-Security Organ, to the VRS-GŠ Intelligence-Security Sector and D.MILOŠEVIĆ; while proposing measures, as

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<sup>129</sup> MILOVANOVIĆ:T.16918.

<sup>130</sup> See Section II.D.

<sup>131</sup> See Section II.D.

<sup>132</sup> E.g., Section II.E.

<sup>133</sup> E.g., Section II.E. See D.TODOROVIĆ: T.19817-19818; M.NIKOLIĆ:T.11778-11780.

<sup>134</sup> P01577, para.2. E.g. KESEROVIĆ:T.12819; D.TODOROVIĆ:T.19817-19818; M.NIKOLIĆ:T.11778-11780. See para.97.

<sup>135</sup> E.g. P02142; P02143.

<sup>136</sup> P03075, p.16.

<sup>137</sup> See P02200, pp.16-17.

requested by TOLIMIR, that oppose UNPROFOR's proposed anti-sniper unit, LUGONJA emphasised that the proposals were a "framework in which [they] were allowed to negotiate," with D.MILOŠEVIĆ taking the final decision.<sup>138</sup>

47. When **MLADIĆ** or the GŠ-VRS made key decisions regarding operations in relation to one of the six strategic goals, they held a meeting of the "Commander's Collegium," which included all the Assistant Commanders.<sup>139</sup> The GŠ-VRS also held "extended" collegium meetings, which included the Corps Commanders.<sup>140</sup> Having consulted his collegium, **MLADIĆ** would then take decisions on operations at the collegium meeting or the following day.<sup>141</sup>

#### 1. Administration for Operations and Training

48. The Administration for Operations and Training was formed in May 1992 as a subordinate department within the GŠ-VRS Staff Sector and was headed by Col. Dragutin ILIĆ<sup>142</sup> beginning in late 1992.<sup>143</sup> In August 1993, Col. Radivoje MILETIĆ was appointed Chief of the Administration and remained in that position throughout the war,<sup>144</sup> after having served in the GŠ-VRS since May 1992 as Chief of the Training Section.<sup>145</sup> MILETIĆ, at the same time, was Deputy Chief of Staff of the GŠ-VRS.<sup>146</sup> His deputy was Col. Ljubomir OBRADOVIĆ.<sup>147</sup> The Administration comprised two active sections:<sup>148</sup> Operations and Training. As of 1 September 1994, OBRADOVIĆ headed the Operations section<sup>149</sup> and the Training section was headed by Col. Krsto ĐERIĆ.<sup>150</sup>

49. The main duties and responsibilities of the Operations and Training Administration were to monitor the situation across the war theatre; translate

<sup>138</sup> P00767, p.2.

<sup>139</sup> M.MILOVANOVIĆ:T.16952,T.16955-16956; P00356, pp.158-159.

<sup>140</sup> E.g. P05257; P00364, pp.92-104.

<sup>141</sup> M.MILOVANOVIĆ:T.16956-16957.

<sup>142</sup> P05027, p.4.

<sup>143</sup> P05027, p.4.

<sup>144</sup> P05027, p.4; L.OBRADOVIĆ:T.14518-14520; L.OBRADOVIĆ:P01783, T.11941-11942,T.11951-11952; MILOVANOVIĆ:T.16917; P02212; P05017; P04982, para.10; P05018. *See* P05277; P05278.

<sup>145</sup> P05018; P05027, p.6; P04982, para.10.

<sup>146</sup> MILOVANOVIĆ:T.16917; BUTLER:T.16574; BUTLER:P02210, para.2.7.

<sup>147</sup> L.OBRADOVIĆ:P01783, T.11941-11942.

<sup>148</sup> L.OBRADOVIĆ:P01783, T.11939,T.11941-11942; P02212.

<sup>149</sup> L.OBRADOVIĆ:P01783, T.11929,T.11939,T.11942; P02212; L.OBRADOVIĆ:T.14518.

<sup>150</sup> L.OBRADOVIĆ:P01783, T.11939,T.11942,T.11951; P02212; L.OBRADOVIĆ:T.14518-14519; P05027, p.6.

**MLADIĆ**'s intentions into operative documents and orders; provide insight, analysis, recommendations and proposals to **MLADIĆ** or **MILOVANOVIĆ**;<sup>151</sup> and oversee and manage the training of VRS soldiers and officers.<sup>152</sup>

50. With regard to Operations, Col. Milenko LAZIĆ, DK Chief of Operations from September 1994 to August 1995, who had also served as an operations officer in the GŠ-VRS until May 1993,<sup>153</sup> put its tasks simply:

The word is self explanatory. It's operations. Operational monitoring of the situation on the front line, collecting reports from the subordinate units and the analysis of these reports, as well as drafting proposals for measures to be taken in order to improve the situation on the front line. In other words, the use of armed forces in order to carry out the tasks that were assigned to the subordinate units.<sup>154</sup>

51. The Operations and Training Administration in the GŠ-VRS played a central role in VRS strategic planning,<sup>155</sup> as explained by Prosecution expert BUTLER:

Reflecting its role in the wider hierarchy, the Main Staff Operations and Training department was the focal point for planning much of the broader military strategy of the VRS. This effort manifested itself in a series of "Operational Directives" periodically drafted by the VRS for approval and ratification by the RS leadership. These Directives corresponded to various phases of the conflict, and were designed to ensure the full integration of all the political and military elements of the RS in support of the war effort.<sup>156</sup>

52. Directives drafted within the Operations and Training Administration were meant to regulate and plan the implementation of long term combat operations.<sup>157</sup> As OBRADOVIĆ explained:

Directives include tasks and deal with matters that concern corps. It's written for a longer period of time. It doesn't go much into detail. Objectives are stated there. So that corps commands have a kind of orientation about the tasks that are expected to follow through a certain period and they can prepare in every way for what is stated in the directive. Operations that are to be implemented at the level of the

<sup>151</sup> BUTLER:P02210, paras.2.7-2.8; MILOVANOVIĆ:T.16916-16918; L.OBRADOVIĆ:T.14519-14521. See L.OBRADOVIĆ:P01783, T.12017-12019.

<sup>152</sup> MILOVANOVIĆ:T.16916.

<sup>153</sup> LAZIĆ:P04322, T.21723-21724; P07221.

<sup>154</sup> LAZIĆ:P04322, T.21752. See BUTLER:P02210, paras.2.7-2.9.

<sup>155</sup> BUTLER:P02210, paras.2.7-2.8.

<sup>156</sup> BUTLER:P02210, para.2.8.

<sup>157</sup> L.OBRADOVIĆ:T.14527-14529; MILOVANOVIĆ:T.16973-16974.

army, including the involvement of the Main Staff, are mentioned there, just as operations supposed to be implemented independently by corps commands.<sup>158</sup>

53. Such directives were drafted by the GŠ-VRS, generally the Staff Sector, on the basis of proposals made by Corps Commanders; approved by the GŠ-VRS and the Supreme Command;<sup>159</sup> and disseminated down the chain of command.<sup>160</sup> **MLADIĆ** signed seven of nine directives<sup>161</sup> and supplemented the other two with technical military guidance to the lower units—as in the case of Directive 7 and 7/1.<sup>162</sup>

54. The Operations and Training Administration also compiled reports from the various corps and other units, sending an overall report on corps activities to the Supreme Command, from December 1992 onwards, and to the subordinate units in order to inform them of the overall situation throughout BiH.<sup>163</sup> Such reports were based on information obtained from a variety of sources, including regular combat reports from the corps command, the anti-aircraft defence section and training schools.<sup>164</sup> The designation prefix identifying documents generated by the Operations and Training Administration was “03/4”.<sup>165</sup> These tasks were physically carried out in the Operations Centre,<sup>166</sup> which was also used for weekly staff meetings.<sup>167</sup>

55. Additionally, **MLADIĆ** and the GŠ-VRS Administration for Operations and Training, through its Training Section outlined the VRS training plans, including officer and specialist training for implementation by the Corps.<sup>168</sup> As part of this process, the GŠ-VRS oversaw, for example, training of the SRK’s artillery/mortar crews and snipers.<sup>169</sup>

<sup>158</sup> L.OBRADOVIĆ:T.14529.

<sup>159</sup> L.OBRADOVIĆ:T.14527-14529,T.14530-14535; MILOVANOVIĆ:T.16973-16976.

<sup>160</sup> BORIC:T.34660-34662.

<sup>161</sup> P00474; D00099; P01963; P01968/P02217(duplicates); P02006; P05048; P01977.

<sup>162</sup> BUTLER:T.16158-16160. *See* MILOVANOVIĆ:T.16993-16996;

L.OBRADOVIĆ:T.14528,T.14531-14535,T.14631-14632.

<sup>163</sup> L.OBRADOVIĆ:P01783, T.11973-11974,T.12017-12022,T.14518-14524. *See* P01785.

<sup>164</sup> L.OBRADOVIĆ:P01783, T.11973-11974; L.OBRADOVIĆ:T.14519-14524.

<sup>165</sup> STEVANOVIĆ:T.35239; L.OBRADOVIĆ:P01783, T.12053-12054.

<sup>166</sup> L.OBRADOVIĆ:T.14520-14521.

<sup>167</sup> MILOVANOVIĆ:T.16928,T.16947-16950.

<sup>168</sup> P03011, p.2; P07324, p.2; P05041, p.3; P00338, pp.1,18-19,61,64;P07460, pp.1-2; P06827, p.3; P06818; P07248; P05259, pp.9-10; P00604, pp.4-5; P00606; P04471; P00677, p.2; P00605; P04506, pp.6-9; MILOVANOVIĆ:T.16916. *See also* P02917, pp.10-12; THEUNENS:T.20315.

<sup>169</sup> P00338, pp.10,61; P05041, p.3; R.MAKSIMOVIĆ:T.26793-26796; P06818; P04471, pp.1-2; P04506, pp.1,6.

56. Finally, the Operations and Training Administration dealt with issues related to UNPROFOR, in particular, the movement of humanitarian convoys through VRS-held territory.<sup>170</sup>

## 2. Sector for Intelligence and Security Affairs

57. Throughout the war-time period, the GŠ-VRS Sector for Intelligence and Security was headed by Gen. Zdravko TOLIMIR,<sup>171</sup> who was also Assistant Commander.<sup>172</sup> The Sector consisted of the Security Administration, headed by Col. Ljubiša BEARA,<sup>173</sup> and the Intelligence Administration, headed by Col. Petar SALAPURA.<sup>174</sup> As Chief of the Intelligence and Security Sector, TOLIMIR commanded, supervised, administered and was immediately responsible for the work of the two administrations<sup>175</sup> and their subordinates.<sup>176</sup>

58. Key members of the Security Administration included: Lt. Col. Dragomir KESEROVIĆ, Chief of Section for Military Police Affairs<sup>177</sup> and Lt. Col. Milorad MARIĆ, Chief of Counter-Intelligence.<sup>178</sup> Key members of the Intelligence Administration included: Col. Radoslav JANKOVIĆ, Desk Officer—Analysis Section,<sup>179</sup> Maj. Dragomir PEĆANAC, Intelligence Officer,<sup>180</sup> Lt. Col. Jovica KARANOVIC, Chief of Analysis Section,<sup>181</sup> and Maj. Slobodan MAMLIĆ, Chief of Electronic Reconnaissance.<sup>182</sup>

59. In the VRS, intelligence and security were closely related fields of expertise. The Security Administration protected the armed forces from enemy intelligence activities, whereas the Intelligence Administration collected information about the

<sup>170</sup> BUTLER:P02210, para.2.9; P01418; P01419; P01420; P01792; P02148; P02150; P02151; P02152; P02155; P02156.

<sup>171</sup> P05006, p.2; MILOVANOVIĆ:T.16918; L.OBRADOVIĆ:T.14586

<sup>172</sup> SALAPURA:T.13018-13020; P02212; SALAPURA:P01584, T.13474-13475; KESEROVIĆ:T.12807-12809; L.OBRADOVIĆ:P01783, T.11937. *See* P02943.

<sup>173</sup> SALAPURA:P01584, T.13475; KESEROVIĆ:T.12807-12808; MALINIĆ:T.12575; L.OBRADOVIĆ:P01783, T.11949; P02212.

<sup>174</sup> SALAPURA:P01584, T.13473; SALAPURA:T.13040; L.OBRADOVIĆ:P01783, T.11949; L.OBRADOVIĆ:T.14585; KESEROVIĆ:T.12808; MALINIĆ:T.12575; P02212.

<sup>175</sup> SALAPURA:P01584, T.13474,T.13484; SALAPURA:T.13018-13019; L.OBRADOVIĆ:P01783, T.11949; KESEROVIĆ:T.12809. *See* L.OBRADOVIĆ:P01783, T.11940.

<sup>176</sup> SALAPURA:P01584, T.13484-13485.

<sup>177</sup> P01579; P02212.

<sup>178</sup> P02212.

<sup>179</sup> SALAPURA:P01584, T.13475-13476; SALAPURA:T.13122; M.NIKOLIĆ:T.11804.

<sup>180</sup> P02099; D.TODOROVIC:T.35400-35402

<sup>181</sup> SALAPURA:P01584, T.13475-13476; SALAPURA:T.13084.

<sup>182</sup> SALAPURA:P01584, T.13476.

enemy.<sup>183</sup> The two administrations cooperated, such that when the Security Administration gathered external information about the enemy that was not relevant to its work, it would pass the information to the Intelligence Administration.<sup>184</sup>

60. Both the Security and Intelligence Administrations in the GŠ-VRS and subordinate units dealt with PoWs and detained civilians in VRS custody and often assisted in dealing with PoWs and detained civilians held under the control of the RSMUP or MoJ.<sup>185</sup> Intelligence officers were responsible for gathering information from PoWs and detained civilians, whereas security officers, typically through MP units, oversaw their transport and detention.<sup>186</sup> Brigade- and Corps-level security and intelligence officers were responsible for reporting information they had gathered from prisoners or other sources to their superior security organ, i.e. Corps or GŠ-VRS.<sup>187</sup>

61. As Assistant Commander and Chief of Sector, TOLIMIR made proposals on matters within his field of expertise and competence to **MLADIĆ** and implemented **MLADIĆ**'s orders.<sup>188</sup> For instance, TOLIMIR was responsible for proposing the manner of engaging MP units,<sup>189</sup> and drafting counter-intelligence plans that would complement **MLADIĆ**'s final decisions.<sup>190</sup> TOLIMIR subsequently monitored the implementation of **MLADIĆ**'s decisions, and while he could provide clarifications, he could not take any corrective action.<sup>191</sup>

(a) Intelligence Administration

62. The Intelligence Administration directed and co-ordinated overall intelligence and reconnaissance activities and proposed the organisation and implementation of intelligence support.<sup>192</sup> The Administration's principal focus was overseeing the VRS'

<sup>183</sup> KESEROVIĆ:T.12808; SALAPURA:P01584, T.13477-13478.

<sup>184</sup> SALAPURA:P01584, T.13480-13481.

<sup>185</sup> See Section III.D.4.

<sup>186</sup> KESEROVIĆ:T.12813,T.12880-12881,T.12884-12891; ŠKRBIĆ:T.13987-13988; BUTLER:T.16455; P02135. See SALAPURA:T.13127-13128.

<sup>187</sup> E.g. M.TODOROVIĆ:P02915, T.12960; RODIĆ:T.33118-33119; P06788; P06789; P06790; MALETIĆ:D00482, para.43; N.MIJATOVIĆ:D00468, paras.11-12; P00338, p.84.

<sup>188</sup> ŠKRBIĆ:T.13982-13983.

<sup>189</sup> KESEROVIĆ:T.12809-12810.

<sup>190</sup> KESEROVIĆ:T.12810.

<sup>191</sup> KESEROVIĆ:T.12810-12811.

<sup>192</sup> KESEROVIĆ:T.12880-12881. See THEUNENS:P03029, pp.72-73.

monitoring and collection of information on the enemy<sup>193</sup> and the international community.<sup>194</sup> The information gathered at each level by subordinate intelligence organs was relayed to the GŠ-VRS' Intelligence Administration and summarised daily for the benefit of the Chiefs of Staff, Assistant Commanders and subordinate units.<sup>195</sup> This administration also shared intelligence with other institutions, including DB Serbia and the RSMUP SNB.<sup>196</sup>

63. VRS intelligence organs' tasks also included the questioning of PoWs, detainees and refugees,<sup>197</sup> and overseeing the exchange of PoWs.<sup>198</sup> This aspect of their work intersected with the responsibility of security organs to supervise MPs in the detention and transportation of PoWs.<sup>199</sup> Close contact and communication between security officers and intelligence officers in dealing with PoWs can be seen throughout the war-time period.

64. The 10<sup>th</sup> Sabotage Detachment and the 410<sup>th</sup> Intelligence Centre, principally responsible for operative intelligence work,<sup>200</sup> were independent GŠ-VRS units directly subordinated to **MLADIĆ** and within the professional control of TOLIMIR and the Intelligence Administration.<sup>201</sup>

(b) The Security Administration

65. The Security Administration included the following organisational units: counter-intelligence, analysis and military police.<sup>202</sup>

66. The Security Administration was responsible for controlling the professional activities of subordinate security organs and MP units,<sup>203</sup> including the 65<sup>th</sup> ZMTP MP

<sup>193</sup> P07067; SALAPURA:P01584, T.13477-13478; SALAPURA:T.13127-13130; MILOVANOVIĆ:T.16924; L.OBRADOVIĆ:P01783, T.11970-11971.

<sup>194</sup> SALAPURA:P01584, T.13482.

<sup>195</sup> SALAPURA:P01584, T.13476-13477, T.13482-13484; KESEROVIĆ:T.12828-12829.

<sup>196</sup> P05103(confidential); P05104(confidential); P04270; P04271; P04316.

<sup>197</sup> KESEROVIĆ:T.12880-12881; SALAPURA:T.13127-13131.

<sup>198</sup> P00338, p.90; P02943; P02944; M.TODOROVIC:T.19883-19885, T.19890-19891.

<sup>199</sup> KESEROVIĆ:T.12880-12881.

<sup>200</sup> BUTLER:T.16167-16168; SALAPURA:P01584, T.13483, T.13499; BUTLER:P02210, pp.16-17.

<sup>201</sup> SALAPURA:T.13018-13021; SALAPURA:P01584, T.13499; P01588; PELEMIŠ:D00978, para.3; MILOVANOVIĆ:T.16924; L.OBRADOVIĆ:P01783, T.11960-11962; L.OBRADOVIĆ:T.14585-14586; BUTLER:P02210, pp.16-17. See Section V.A.2(b)(ii).

<sup>202</sup> KESEROVIĆ:T.12807; BUTLER:P02210, pp.16-17. See THEUNENS:P03029, p.74.

Battalion.<sup>204</sup> As KESEROVIĆ explained, “professional management of security organs in the subordinate units was in the hands of the security organ officer in the superior unit.”<sup>205</sup> In this regard, the Security Administration was also in charge of the selection, recruitment and training of personnel both of security organs and MP units.<sup>206</sup>

67. The Security Administration’s counter-intelligence group<sup>207</sup> was designed to protect against enemy “intelligence” gathering operations, including the detection and prevention of intelligence and hostile activities carried out within or against the armed forces of the RS, and aimed at subverting or disrupting VRS or RS governmental functions and threatening the country’s security.<sup>208</sup>

68. The criminal-legal responsibility of the Security Administration involved the enforcement of military justice in the VRS,<sup>209</sup> and therefore the investigation of crimes committed by VRS personnel.<sup>210</sup> Through MP units, the Security Administration was responsible for arresting suspects; collecting evidence of crimes; and submitting such evidence to investigative bodies for further proceedings.<sup>211</sup> When crimes fell within the competence of military courts, security organs could arrest and deliver individual(s) to an investigating judge of a military court or the nearest military unit or institution.<sup>212</sup> All security organs and the MP were obliged to assist the Military Prosecutor and courts in discovering crimes and finding their perpetrators.<sup>213</sup>

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<sup>203</sup> SALAPURA:P01584, T.13477-13478; KESEROVIĆ:T.12820-12825; BUTLER:P02210, pp.16-17; P01578; P04901, paras.13-14; P01577, para.2; M.TODOROVIĆ:T.19817-19818; M.TODOROVIĆ:P02915, T.13080; KESEROVIĆ:T.12812-12813,T.12882.

<sup>204</sup> The 65<sup>th</sup> ZMTP was an independent Main Staff unit directly subordinated to MLADIĆ and under the professional control of TOLIMIR and the Security Administration. *See* Section V.A.2(b)(i). MALINIĆ:T.12581-12583; L.OBRADOVIĆ:P01783, T.11962; MALINIĆ:P01555, T.15305-15308.

<sup>205</sup> KESEROVIĆ:T.12880,T.12949-12951.

<sup>206</sup> KESEROVIĆ: T.12811,T.12947-12948; P01577, p.2.

<sup>207</sup> KESEROVIĆ:T.12807.

<sup>208</sup> P04900, pp.6-7; SALAPURA:P01584, T.13477-13478.

<sup>209</sup> SALAPURA:T.13095-13097; SALAPURA:P01584, T.13477-13478; KESEROVIĆ:T.12812-12813; P01577, p.1. *See* Section II.G.

<sup>210</sup> SALAPURA:P01584, T.13477-13478. *See* BUTLER:P02210, p.17.

<sup>211</sup> L.OBRADOVIĆ:P01783, T.12193-12194; SALAPURA:T.13095-13097; HOMA:D01360, paras.23,27.

<sup>212</sup> P04900, p.18; P03551, p.1(Art.7).

<sup>213</sup> SALAPURA:T.13095-13097; RADULJ:T.35519; [REDACTED].

69. Although MP units fell under the authority of the commanders in whose units they were when carrying out combat tasks, the Security Administration could issue direct orders to MP units where their tasks comprised part of the work of the Security Administration<sup>214</sup> and could draft orders for MP unit engagement that were subject to **MLADIĆ**'s approval.<sup>215</sup>

70. Security organs throughout the VRS sent daily reports to the GŠ-VRS Security Administration, where the information was analysed and transmitted to **MLADIĆ** by TOLIMIR on a daily basis.<sup>216</sup>

71. Throughout the war-time period, **MLADIĆ** (through TOLIMIR, BEARA, the GŠ-VRS' Security Administration, and security organs at the corps and brigade level) supervised and oversaw the engagement of MP units in their tasks,<sup>217</sup> including the capturing, detaining and transporting of PoWs and civilians.<sup>218</sup>

### 3. Sector for Morale, Religious and Legal Affairs

72. The Sector for Morale, Religious and Legal Affairs (Morale Sector) was headed by GVERO,<sup>219</sup> a member of the "inner core" of the GŠ-VRS<sup>220</sup> who worked very closely with **MLADIĆ** as Chief of the Sector and Assistant Commander.<sup>221</sup> The Sector was organised into three manned sections: Morale and Religious Affairs, Information, and Legal Affairs.<sup>222</sup>

73. The Morale and Religious Section was responsible for managing and strengthening the combat morale of the troops<sup>223</sup> and for connecting the VRS with the

<sup>214</sup> KESEROVIĆ:T.12811-12813,T.12819,T.12947-12948,T.12882; P04900, para.18; P02917, p.31(Art.29, item 9).

<sup>215</sup> KESEROVIĆ:T.12809-12810,T.12948-12949; MALINIĆ:T.12582.

<sup>216</sup> KESEROVIĆ:T.12825-12826,T.12828-12830. E.g. P00767; P04382.

<sup>217</sup> MALINIĆ:P01555, T.15311-15312; KESEROVIĆ:T.12821-12825; P01577; P01578.

<sup>218</sup> KESEROVIĆ:T.12813-12815,T.12825.

<sup>219</sup> P02212; MILOVANOVIĆ:T.16916-16918; SOKANOVIĆ:T.35681.

<sup>220</sup> SOKANOVIĆ:T.35681; P01147, ERN:V000-9268, 00:22'14-00:24'51, tp.123; P01981, p.2; P05024; MILOVANOVIĆ:T.16918-16919.

<sup>221</sup> P04991; L.OBRADOVIĆ:P01783, T.11937; MILOVANOVIĆ:T.16918; MALINIĆ:T.12680; SOKANOVIĆ:T.35755-35758; MILUTINOVIĆ:T.30100; P02212. See also P07392.

<sup>222</sup> SOKANOVIĆ:T.35680-35681.

<sup>223</sup> P05082, pp.1-5; BUTLER:P02210, pp.15-16; P06646, p.2; MILOVANOVIĆ:T.16918-16919; SOKANOVIĆ:T.35684-35687.

religious communities in Republika Srpska.<sup>224</sup> The Information Section was responsible for managing the public information and psychological propaganda campaign in support of war aims (*“Informisanje i PPD”* or IPPD).<sup>225</sup> The Legal Section was responsible for the military justice system.<sup>226</sup>

74. As an important part of the “psychological morale preparations” of VRS troops, GVERO and Morale organs throughout the VRS were responsible for communicating KARADŽIĆ’s and **MLADIĆ**’s message that the Bosnian Muslims and Croats were intent on genocide of the Serbs, as had occurred in WWII, and as such posed an existential threat to the Serbian people.<sup>227</sup> For instance, in a speech to his subordinates and others on the anniversary of the Air Force, **MLADIĆ** portrayed the Serb people as the victims of an international conspiracy in which “the main levers are the loyal offspring of the ghost from the past whose ancestors had taken part in the mass genocide against the Serbian population, and in the past 50 years,”<sup>228</sup> and GVERO wrote that the “Croats and Muslims in these parts, former Serbs” shared “fanatic hatred of the Serbs, a hatred so strong that it is aimed at the extermination of Serbs by all methods and most often the most bestial ones.”<sup>229</sup>

75. This inflammatory message was communicated to soldiers and the public repeatedly by **MLADIĆ**, KARADŽIĆ, VRS Morale organs and other military and civilian leaders through speeches, orders, messages and military and civilian publications.<sup>230</sup> It was plainly designed to evoke strong feelings against Muslims and Croats in the VRS ranks and the Serb population as a whole. Indeed, the spectre of WWII crimes had animated soldiers involved in ethnic cleansing from the time of the JNA campaign in Croatia.<sup>231</sup>

<sup>224</sup> MILOVANOVIĆ:T.16918-16919; P05082, pp.3,8,10-11.The religious branch became more active at a later stage of the war, when it started dealing with veterans and support to the families of soldiers. BUTLER:P02210, p.15.

<sup>225</sup> P05082, pp.5-7; BUTLER:P02210, pp.15-16; P06646; DRAGIČEVIĆ:T.23707-23710.

<sup>226</sup> P05082, pp.9-10; BUTLER:P02210, p.15; MILOVANOVIĆ:T.16918-16919. *See See* Section II.G.

<sup>227</sup> P05081, pp.2-3; P05082, pp.1-3, 5-7; P05077; P04523, pp.1-2; [REDACTED]; SELAK:P00244, paras.14-15; P00338, p.159; P00431, p.48.

<sup>228</sup> P00358, pp.157,160-162.

<sup>229</sup> P06940, p.2.

<sup>230</sup> DONIA:P02001, p.18; THEUNENS:P03029, pp.268-271,587-588; P06647, p.1; P03918; P00358, pp.157-163; P00338, pp.7,46,48,152,159; P05075; P05079; P05080; P05170; P03978, pp.1-9; P04584, p.18; P04523, pp.1-2; P06940; P07395; P03750, p.1; P02875, p3; BARAŠIN:T.28761-28768. *See* P07394, p.3(evidencing an attempt to show media that Serbs were the real victims of the war).

<sup>231</sup> *See* BABIC:P04168, T.1565.

76. In part through the Morale Sector, **MLADIĆ**, **KARADŽIĆ** and other Bosnian Serb leaders were aware of reporting in the Muslim, Croat and international press including allegations of crimes by the VRS.<sup>232</sup> Accordingly, the Sector was responsible for justifying or covering up controversial elements of the VRS' operations and disseminating instructions to subordinate corps about how to do so. For instance, GVERO approved instructions directing VRS units to present offensive activities as "part of the natural right to self defence and a forced response."<sup>233</sup> **SOKANOVIĆ**, head of the Morale and Religious Section for most of the war, admitted that in statements to the media the Morale Sector "almost never spoke about civilian victims... everyone was treated and referred to as soldiers."<sup>234</sup>

(a) Morale and Religious Section

77. This section was responsible for managing both combat morale and religious issues.<sup>235</sup> Managing combat morale entailed the "fortification and strengthening of combat morale," which included monitoring, assessing and proposing measures to strengthen morale, direct morale building of units for combat, and participation in the combat decision-making process.<sup>236</sup>

78. Accordingly, the VRS Corps Morale organs monitored the state of combat morale within the units and, on the basis of their professional assessment, made proposals to their commanders<sup>237</sup> and compiled regular and interim combat reports for **MLADIĆ**'s and GVERO's review.<sup>238</sup> After reviewing these reports, the GŠ-VRS Morale Sector issued morale reports to the corps for distribution down the chain of command, proposing measures to improve morale.<sup>239</sup> The Morale organs were also mandated to "compile information intended to have psychological and propaganda

<sup>232</sup> E.g. SOLAJA:T.32730-32731; BELL:T.7840; SOKANOVIĆ:T.35734-35740; VULLIAMY:P00199, pp.217-218; VANLYNDEN:T.1330-1331,T.1348-1349; VANLYNDEN:P00066, paras.12-13.

<sup>233</sup> P06646, p.2; SOKANOVIĆ:T.35763-35765; P07362.

<sup>234</sup> SOKANOVIĆ:T.35681-35682,T.35785-35788.

<sup>235</sup> SOKANOVIĆ:T.35680-35685.

<sup>236</sup> P05082, pp.1-5; P06705; P07390, pp.5-6; P03949; DRAGIČEVIĆ:T.23701-23704; SOKANOVIĆ:T.35683-35685. See P06647, p.1; L.OBRADOVIĆ:P01783, T.12017-12018; P03951, pp.6-8; P05138, pp.2-3; D01765, p.2.

<sup>237</sup> N.SIMIĆ:P04325, T.28597-28598; L.OBRADOVIĆ:P01783, T.12017-12018; SOKANOVIĆ:T.35683-35685.

<sup>238</sup> P06705; P07390; DRAGIČEVIĆ:T.23701-23704; SOKANOVIĆ:T.35683-35687,T.35772. See also P06647; L.OBRADOVIĆ:P01783, T.12017-12018; P03951; P05138; D01765.

<sup>239</sup> P05078, pp.6-7,12; DRAGIČEVIĆ:T.23701-23704; SOKANOVIĆ:T.35683-35685,T.35772. See P06647.

effects on enemy forces and population...in order to weaken the combat morale of the enemy population and forces....Take other psychological and propaganda measures geared towards the enemy forces and population.”<sup>240</sup>

79. Beginning in late 1992,<sup>241</sup> this section also included a branch for religious affairs. The Religious Affairs section was responsible for developing and maintaining cooperation with the Serbian Orthodox Church and promoting Orthodox traditions within the VRS<sup>242</sup> in the context of a war the GŠ-VRS deemed “ethnic and religious”<sup>243</sup> against an allegedly fanatically religious enemy.<sup>244</sup>

(b) Information Section

80. The Information Section was responsible for information and psychological propaganda activities. Those included: i) controlling the GŠ-VRS and the Corps Information Centres;<sup>245</sup> ii) managing the information/propaganda campaign in support of war aims; iii) countering western media coverage directed against Bosnian-Serb military and political interests; iv) fostering unified support among the Serb people for the greater war effort and the Army; and v) carrying out a disinformation campaign aimed at marginalising the international community, and UNPROFOR in particular.<sup>246</sup>

81. Furthermore, this section was responsible for projecting a positive image of the VRS and its goals in the international and local media.<sup>247</sup> The Information Centre also relayed **MLADIĆ** and **KARADŽIĆ**’s propaganda themes to the troops through publishing *Srpska Vojska*, while the corps and brigades had their own publications.<sup>248</sup>

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<sup>240</sup> P05082, p.4.

<sup>241</sup> E.g. P03526.

<sup>242</sup> P05081, pp.1-2,4; P05082, pp.10-11; MILOVANOVIĆ:T.16919.

<sup>243</sup> P00338, pp.45,152,158. See P05083.

<sup>244</sup> E.g. P06940.

<sup>245</sup> P04011, p.4; BUTLER:P02210, pp.15-16; MILUTINOVIC:D00862, paras.54-55; DRAGIČEVIĆ:T.23707-23709,T.23713-23714; P06646, p.1; P07392, pp.2-3; P06819, pp.1,3; P05082, pp.5-7. E.g. P02483.

<sup>246</sup> BUTLER:P02210, pp.15-16; P05082, pp.5-7; P06819, pp.1,3. E.g. P06646.

<sup>247</sup> P07392; SOKANOVIĆ:T.35687-35689,T.35711-35712,T.35763-35765; D01053, p.1; D01058.

<sup>248</sup> P05078, p.11; SOKANOVIĆ:T.35742-35750; ŠOLAJA:T.32731; BARAŠIN:T.28761-28762; DRAGIČEVIĆ:T.23683-23684; BUTLER:T.16142; P00338, p.52.

82. Particularly because of its remit of developing psychological and propaganda activities and thwarting those of the other side, the Morale Sector worked closely with the Intelligence and Security organs.<sup>249</sup>

(c) Legal Affairs Section

83. The Legal Affairs Section was responsible for the military courts and promulgating the Guidelines for Determining Criteria for Criminal Prosecutions.<sup>250</sup> In 1992 and 1993 the military justice system was under the Sector's control.<sup>251</sup> Even after the Ministry of Defence took over the military court system,<sup>252</sup> **MLADIĆ** retained authority to order investigations and prosecutions<sup>253</sup> and the Legal Affairs Section still monitored the work of the military courts, as the number and nature of disciplinary violations and criminal complaints were considered indicative of a unit's combat morale.<sup>254</sup> Both before and after the changeover, the military justice system prioritised crimes of desertion and armed rebellion while comprehensively and systematically failing to prosecute VRS soldiers for crimes against Muslims and Croats.<sup>255</sup>

84. As indicated above, another reason for close cooperation between the Morale organs and the Security and Intelligence organs was that disciplinary violations, such as desertion, abandoning positions or discarding weapons, impacted combat morale and thus represented security threats. As such, the security situation affected the morale situation and vice versa,<sup>256</sup> resulting in very close cooperation between GVERO and TOLIMIR.<sup>257</sup>

<sup>249</sup> P05082, p.7; P00338, p.91.

<sup>250</sup> [REDACTED]; P03352; P05082, pp.9-10; [REDACTED]; P07386; BUTLER:P02210, p.15; MILOVANOVIĆ:T.16918-16919; BORIC:T.34656.

<sup>251</sup> See Section II.G.

<sup>252</sup> P03552; BUTLER:P02210, p.15; BUTLER:T.16815.

<sup>253</sup> THEUNENS:P03029, pp.541-543. See THEUNENS:P03029, pp.538-539,548-549; P05059; P03067; P05060; P05061; P05063; P05064; P05065. Orders emanating from the GŠ-VRS also demonstrate continuing authority to investigate and prosecute subordinates for their crimes. See P05057.

<sup>254</sup> P05082, pp.9-10; P05254, pp.22-24; [REDACTED]. See P02483, pp.7-9.

<sup>255</sup> See Sections II.G;III.E.3.

<sup>256</sup> MILOVANOVIĆ:T.16919; P00338, pp.9,48,58-59,91; P03951, pp.2-3; P05138; P03733, pp.2,3.

<sup>257</sup> E.g. P02121;BUTLER:T.16323-16324. See SALAPURA:P01584, T.13477.

#### 4. Logistics Sector

85. The Logistics Sector under Gen. Đorđe ĐUKIĆ was responsible for monitoring and meeting the VRS' logistics needs, including by ensuring through its logistics bases that subordinate units had the necessary supply of weapons, ammunition and fuel.<sup>258</sup>

86. After assuming full control over the JNA reserves turned over to the VRS at the beginning of the war,<sup>259</sup> **MLADIĆ** immediately called for the RS government to organise internal production of arms and military equipment.<sup>260</sup> Throughout the war he and the GŠ worked directly with RS manufacturers to obtain war materiel.<sup>261</sup> As the VRS depleted the JNA reserves by late 1992 and early 1993,<sup>262</sup> **MLADIĆ** and the GŠ also cooperated closely with the VJ<sup>263</sup> to ensure a steady supply of ammunition, weapons and other war materiel directly from the VJ as well as from manufacturers within the FRY,<sup>264</sup> cooperation which secretly continued throughout the period of FRY sanctions against the RS.<sup>265</sup>

87. Pursuant to **MLADIĆ**'s order, requests from subordinate units for logistics support from the VJ had to be approved by the GŠ-VRS Logistics Sector.<sup>266</sup> Based on these requests, ĐUKIĆ compiled a list of materials needed to accompany a formal letter of request to the VJ signed by **MLADIĆ**.<sup>267</sup> Under orders from **MLADIĆ**,

<sup>258</sup> ĐUKIĆ:P01052, pp.12-15; MILOVANOVIC:T.16918,T.16920; P05099; P04497; P04350.

<sup>259</sup> ĐUKIĆ:P01052, pp.3,20-22; RM183:P03307, paras.4-5,719(confidential); P00338, pp.11,118-119.

<sup>260</sup> P04361; P00338, p.125.

<sup>261</sup> ĐUKIĆ:P01052, p.4; RM183:P03307, para.16(confidential); P04543, p.3; P04366; P04409; P04519; P04384; P04481; P04467; P04411; P04487; P04482, pp.1-3; P04380, p.1; P04435, p.8.

<sup>262</sup> ĐUKIĆ:P01052, p.3; RM183:P03307, paras.6-7(confidential); P04389; P04481, p.3; P00338, pp.96-97; P04541, p.4; P04466, pp.4-5; P04548, p.2; P04416, p.6.

<sup>263</sup> Indictment, para.13(e),18.

<sup>264</sup> P04583, p.51; P01981, p.4; ĐUKIĆ:P01052, pp.3-4,16; P04389; P00338, p.99; P04492, p.2; P04489; P04493; P04568, p.3; P04578, pp.1-2; P04576, p.1; P04519; P04488; P04518, pp.2-3; P03073, pp.1,2-3,4,5; P04579; P04486, pp.1-2,4; P04573; P04570; P04400; P04574; P04554; P04557, pp.1,2; P04556; P04572; P04555; P02220; P04552, pp.2,3; P04577, pp.1-2,3; P04551; P04567; P04558, pp.1-2,2-3; P04553, pp.1,3; P04560; P04563; P04562, pp.1-2; P04561; P04564; P04565; P04566; P04575; P04490; P04404, p.6; P00359, p.30; THEUNENS:P03029, pp.323-324,425-426,435-446; P00338, pp.11,98; BROWN:P02859, pp.157-159; SELAK:P00244, para.84; RM183:P03307, paras.7-9(confidential). See Section III.G.2.

<sup>265</sup> [REDACTED]; P04388.

<sup>266</sup> P05086, p.1; AMIDŽIĆ:T.29515-29517; P06989; GENGO:T.21680-21681.

<sup>267</sup> ĐUKIĆ:P01052, p.3.

ĐUKIĆ met with the VJ General Staff and various government ministries to secure the materiel.<sup>268</sup>

88. The GŠ-VRS had four logistics bases, all of which were former JNA logistics bases<sup>269</sup> and directly subordinated to the GŠ-VRS logistics sector.<sup>270</sup> These bases were responsible for equipping the VRS Corps'. The 14<sup>th</sup> Logistics Base was responsible for the 1KK and 2KK, the 27<sup>th</sup> Logistics Base for the DK and SRK, the 30<sup>th</sup> Logistics Base for the HK, and the 35<sup>th</sup> Logistics Base for the IBK.<sup>271</sup>

89. The Logistics Sector also coordinated the production of artillery, including aerial bombs,<sup>272</sup> and through its subordinate organs gathered information for **MLADIĆ** concerning the logistics situation within the corps, including information about the consumption of ammunition.<sup>273</sup>

##### 5. Chief of Artillery

90. The Artillery Department, headed by the Chief of Artillery, was one of the Combat Arms Departments within the Staff Sector under MILOVANOVIĆ.<sup>274</sup> Col. Milenko ŽIVANOVIĆ was the Chief of the Artillery Department,<sup>275</sup> succeeded by Col. Rajko BALAC,<sup>276</sup> and then by Col. Dragiša MASAL in August 1994.<sup>277</sup> The Chief of Artillery controlled the production of artillery; supervised the performance and use of artillery in subordinate units; and kept **MLADIĆ** informed of these matters because it was **MLADIĆ** who decided on the deployment and use of artillery within the VRS.<sup>278</sup>

<sup>268</sup> ĐUKIĆ:P01052, pp.3-4,15-16; P05084, p.1; P05085; THEUNENS:T.20420; SELAK:T.3209-3210; P04578. *See* Section III.G.2.

<sup>269</sup> *E.g.* MILOVANOVIĆ:T.16903; SELAK:T.3182; RM183:P03307, p.7(confidential).

<sup>270</sup> SOKANOVIĆ:T.35762-35763; AMIDŽIĆ:T.29509-29510; VOJVODIĆ:T.38807; KELEČEVIĆ:T.37145 ĐUKIĆ:P01052, p.3.

<sup>271</sup> P04497, pp.2-3; RM183:P03307, p.10(confidential); AMIDŽIĆ:T.29503,T.29514; SELAK:T.2985; ĐUKIĆ:P01052, p.3.

<sup>272</sup> P04495; THEUNENS:P03029, pp.438,479,482; MILOVANOVIĆ:T.17015; P00359, p.108; ĐUKIĆ:P01052, pp.4,23,24; P04456; P00895; P05102. *See* Section IV.D.6.

<sup>273</sup> MILOVANOVIĆ:T.16970-16971; P05098; BUTLER:P02200, p.15; P06988.

<sup>274</sup> MILOVANOVIĆ:T.16916-16917,T.17017.

<sup>275</sup> P04975, p.2.

<sup>276</sup> MASAL:T.33503-33504.

<sup>277</sup> MASAL:T.33350; MASAL:D00942, paras.2,26; SOKANOVIĆ:T.35784-34785; P00361, pp.252,273.

<sup>278</sup> MILOVANOVIĆ:T.17016-17017; P04353; P07244; P00356, pp.71,163; P00360, pp.118-119; P00361, p.76; P00362, pp.7,9; P07248; VELJOVIĆ:T.22938; S.SIMIĆ:T.35954; P00580; P00465; P00812; P00813; P05168; P05031, p.2; P00581; ĐUKIĆ:P01052, pp.4,23-24; P00338, p.17; P00929;

## 6. Personnel

91. The Sector for Organisation, Mobilisation and Personnel was initially headed by Gen. Mićo GRUBOR, who was replaced in 1994 by Col. Petar ŠKRBIĆ.<sup>279</sup> The sector was responsible for all VRS personnel issues and prepared proposals concerning mobilisation of manpower and certain types of material assets for submission to the RS MOD.<sup>280</sup> **MLADIĆ**'s orders to remove all active-duty officers of Muslim and Croat nationality from the VRS were also issued through this sector.<sup>281</sup> The sector also administered **MLADIĆ**'s appraisals of his subordinates.<sup>282</sup> **MLADIĆ**'s orders setting out or amending the organisational structure of the VRS were often disseminated through this sector.<sup>283</sup>

92. **MLADIĆ** also implemented his personnel policy through the GŠ-VRS personnel council, which addressed matters such as the assignment, promotion and discharge of VRS personnel.<sup>284</sup> Corps commanders' proposals in that regard were discussed at council meetings.<sup>285</sup> At **MLADIĆ**'s order, the sector chief would then draft an enactment for **MLADIĆ** or prepare a decree for KARADŽIĆ to sign.<sup>286</sup> **MLADIĆ** used his *de jure* authority to appoint<sup>287</sup> and promote<sup>288</sup> VRS officers up to and including the rank of Lieutenant Colonel.<sup>289</sup> Upon **MLADIĆ**'s proposal,<sup>290</sup> the

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P07241, p.3; P00589; P07246; P04380; P04350; L.OBRADOVIĆ:T.14575-14576,T.14586. See P04461.

<sup>279</sup> MILOVANOVIĆ:T.16918,T.16923; ŠKRBIĆ:T.13981; TRKULJA:T.35154-35155; P05008; P05010; P02212; P04983; MALČIĆ:D00656, para.17.

<sup>280</sup> ŠKRBIĆ:T.13981-13983. E.g. P05131; ŠKRBIĆ:T.13984-13985,T.14020,T.14025,T.14030-14031; P01710; P01714; P01711; P01712.

<sup>281</sup> P03893; P04971; MALČIĆ:T.26232,T.26245-26246.

<sup>282</sup> MALČIĆ:T.26220-26224; P02631, p.3; P02887, p.3; P05023, p.3; P05025, p.3.

<sup>283</sup> See THEUNENS:P03029, p.289; P04974, p.4; P00353, pp.301,306; P00356, p.21.

<sup>284</sup> MILOVANOVIĆ:T.16952-16955; P00356, p.311; P00358, p.224; P00360, p.149-150; P00364, p.105.

<sup>285</sup> MILOVANOVIĆ:T.16952-16955.

<sup>286</sup> ŠKRBIĆ:T.13981-13983; P00356, p.304. E.g. P00356, p.204.

<sup>287</sup> E.g. P04985. Both **MLADIĆ** and KARADŽIĆ appointed colonels during the conflict. P07224; P05010; P04975.

<sup>288</sup> E.g. P04261; P07380; P04262; P04994(confidential); P07341; P07121; P03684; P03657; P05001; P05004; P05015.

<sup>289</sup> P04981, Arts.6(c),(c)(crossed out and changed from 5 into 6 in BCS original); THEUNENS:P03029, p.305.

<sup>290</sup> ŠKRBIĆ:T.13983,T.13992,T.14008; P05014; P01713; P05002.

RS President appointed<sup>291</sup> and promoted<sup>292</sup> VRS officers to the rank of Major-General and higher.<sup>293</sup>

93. The sector further assisted **MLADIĆ** in submitting requests concerning mobilisation of manpower and material assets to the RS MOD. For example, on the evening of 11 July 1995, **MLADIĆ** ordered **ŠKRBIĆ** to submit an urgent request to the MOD to organise at least 50 buses that needed to report at Bratunac Sport Stadium in Srebrenica the next day by 14:30 hours.<sup>294</sup> The MOD immediately followed up on this request and organised buses from Sarajevo and Zvornik.<sup>295</sup>

#### **E. Structure of the Corps Command Staff**

94. **MLADIĆ** primarily exercised his command and control over the operations of subordinate units through the Corps Commanders<sup>296</sup> and their Commands,<sup>297</sup> which were the key conduits for relaying his intentions and orders to VRS forces on the ground. Corps Commands were responsible for planning and conducting operations within their AORs<sup>298</sup> on the basis of GŠ-VRS orders<sup>299</sup> or directives.<sup>300</sup>

95. **MLADIĆ** had several mechanisms to monitor implementation of his orders in the various Corps. **MLADIĆ** and other GŠ-VRS officers regularly visited Corps Commands and subordinate units.<sup>301</sup> Corps Commands in turn regularly inspected subordinate units.<sup>302</sup> Corps Commands sent the GŠ-VRS two daily written reports.<sup>303</sup> **MLADIĆ** or **MILOVANOVIĆ** also spoke with Corps Commanders by telephone in

<sup>291</sup> E.g. P04991; P05010; P01713.

<sup>292</sup> E.g. P04002; P04993; P05000; P05003; P05006; P05019; P07807; P05020.

<sup>293</sup> P03011, pp.1,52; **ŠKRBIĆ**:T.14011; **THEUNENS**:P03029, pp.303-304.

<sup>294</sup> **ŠKRBIĆ**:T.13984-13985,T.14020,T.14025,T.14030-14031; P01710; P01714.

<sup>295</sup> P01711; P01712.

<sup>296</sup> P03075, p.16.

<sup>297</sup> E.g. **MILOVANOVIĆ**:T.16923,T.16965-16966,T.16971-16973; **N.SIMIĆ**:P04325, T.28491,T.28496; **SELAČ**:P00244, para.22; **M.SIMIĆ**:T.32533. [REDACTED].

<sup>298</sup> **N.SIMIĆ**:P04325, T.28498; **BUTLER**:P02200, p.8; **LAZIĆ**:P04322, T.21746.

<sup>299</sup> **SELAČ**:P00244, paras.19-21. E.g. P00338, pp.8,154; **KELEČEVIĆ**:T.37194; P03672; P04045.

<sup>300</sup> **N.SIMIĆ**:P04325, T.28498; [REDACTED]; **BORIĆ**:T.34661; **KELEČEVIĆ**:T.37304; **LAZIĆ**:P04322, T.21822; **THEUNENS**:P03029, p.325; **THEUNENS**:T.20349-20350; **DONIA**:T.15525. E.g. P00474; P07336; P02877; P00458; P00502; P07410, p.1; P02006; P06549; P04422; P00476.

<sup>301</sup> P00338, p.9; **THEUNENS**:P03029, pp.560-561; **BORIĆ**:T.34596,T.34627-34628; **BORIĆ**:P07331, p.6; P03061, pp.1-2; P03062, pp.1-3; **THEUNENS**:T.20248-50; **M.SIMIĆ**:T.32528-32529; P03060; P03063, p.2; P03064. E.g. **KELEČEVIĆ**:T.37148,T.37197-37198; P00731; **D.LALOVIĆ**:T.21973-21974.

<sup>302</sup> **N.SIMIĆ**:P04325, T.28492; **BORIĆ**:T.34616-34617.

<sup>303</sup> See Section II.H.2(a).

the morning and afternoon most days to follow up on the written reports;<sup>304</sup> exceptions were very rare.<sup>305</sup> Corps Commanders would contact **MLADIĆ** by phone if an urgent situation arose which required an immediate decision.<sup>306</sup>

96. Corps Commanders were responsible for the conduct and situation of forces under their command<sup>307</sup> and held the most important positions in the Corps.<sup>308</sup> They were directly subordinate to **MLADIĆ**.<sup>309</sup> Indeed, **MLADIĆ** was present when [REDACTED] Corps Commanders learned of their appointments.<sup>310</sup> Corps Commanders took part in meetings of **MLADIĆ**'s extended Collegium.<sup>311</sup> Several Corps Commanders ran daily morning meetings,<sup>312</sup> while in 1992 the 1KK held weekly meetings and on other days Gen. **TALIĆ** contacted assistant commanders by phone.<sup>313</sup>

97. Corps Commands were structured similarly to the GŠ-VRS,<sup>314</sup> with a Chief of Staff who also served as deputy commander<sup>315</sup> and corresponding corps-level departments.<sup>316</sup> Each corps also had assistant commanders who were in charge of the specialised departments within the corps command.<sup>317</sup> Each corps had an assistant commander for logistics and an assistant commander for morale, legal and religious affairs.<sup>318</sup> Within the 1KK there was also an assistant commander for civilian affairs, responsible for cooperation with civilian authorities.<sup>319</sup> Some Corps had separate chiefs of security and intelligence,<sup>320</sup> while others had a chief or assistant commander

<sup>304</sup> MILOVANOVIĆ:T.16967,T.16969; KELEČEVIĆ:T.37147-37148; N.SIMIĆ:P04325, T.28492; P03057; BORIC:P07331, p.7; BORIC:T.34597-34598. *E.g.* KELEČEVIĆ:T.37207.

<sup>305</sup> N.SIMIĆ:P04325, T.28494.

<sup>306</sup> N.SIMIĆ:P04325, T.28494; BORIC:T.34598.

<sup>307</sup> BORIC:T.34655; KELEČEVIĆ:T.37131-37133. *E.g.* [REDACTED]; P02917, Arts.6,9; BUTLER:P02200, p.33.

<sup>308</sup> BUTLER:P02200, p.9.

<sup>309</sup> AF1824. *E.g.* KELEČEVIĆ:T.31734; N.SIMIĆ:P04325, T.28484; P02631, p.3; P02887, p.3; P05023, p.3; P05025, p.3; BROWN:T.19552; RM163:P00628, paras.32,44-47(confidential); RM163:T.6101(confidential).

<sup>310</sup> BORIC:T.34585-34586,T.34600,T.34604; [REDACTED]; P01713.

<sup>311</sup> MILOVANOVIĆ:T.16952,T.16955-16957. *E.g.* P05257.

<sup>312</sup> BORIC:T.34616; AMIDŽIĆ:T.29505-29506; VELJOVIĆ:T.22936-22937.

<sup>313</sup> KELEČEVIĆ:T.37146,T.37206.

<sup>314</sup> BUTLER:P02210, para.2.6.

<sup>315</sup> BROWN:P02859, pp.172-174,176-177; BUTLER:P02200, pp.11-14. *See* Section II.D.6.

<sup>316</sup> LAZIĆ:P04322, T.21724,T.21751; BROWN:P02859, p.176; BUTLER:P02200, p.17.

<sup>317</sup> BUTLER:P02200, p.15.

<sup>318</sup> LAZIĆ:P04322, T.21758; BUTLER:P02200, pp.15-16; BROWN:P02859, pp.174-176.

<sup>319</sup> KELEČEVIĆ:T.37144; BROWN:P02859, pp.174-176.

<sup>320</sup> *E.g.* BUTLER:P02200, p.17.

responsible for a combined security and intelligence organ.<sup>321</sup> Each Corps' heads of departments were directly subordinated to the Corps Commander, but answered to their counterpart in the GŠ-VRS along the professional line of reporting, and similarly would receive reports from the chiefs of their counterpart organs in subordinate brigades.<sup>322</sup>

## F. VRS Corps

### 1. 1KK

98. The 1KK was primarily formed from the JNA's 5<sup>th</sup> Corps.<sup>323</sup> Its AOR included Banja Luka, Kotor Varoš, Prijedor, Sanski Most,<sup>324</sup> and – in late May 1992 – Ključ.<sup>325</sup> The 1KK was headquartered in Banja Luka.<sup>326</sup> Former 5<sup>th</sup> Corps Commander Gen. Momir TALIĆ was commander throughout the war.<sup>327</sup> It was the largest VRS Corps.<sup>328</sup>

99. **MLADIĆ** tasked the 1KK with securing control of the ARK and establishing a corridor between eastern and western Bosnia and a border on the Una River, in accordance with Strategic Objectives Two and Four.<sup>329</sup> Together with other Bosnian Serb forces, 1KK units secured the corridor and its western borders through operations which included the commission of massive crimes against non-Serb populations.<sup>330</sup> TALIĆ was a hands-on commander<sup>331</sup> whom **MLADIĆ** trusted;<sup>332</sup>

<sup>321</sup> E.g. P07341, p.1; BUKVA:T.25016-25017; M.TODOROVIĆ:P02915, T.12924,T.12929-12930.

<sup>322</sup> E.g. M.TODOROVIĆ:T.19817-19818; BASARA:T.34406-34407; BUKVA:T.25019; M.NIKOLIĆ:T.11779,T.11989; B.DAVIDOVIĆ:T.26504,T.26512; RODIĆ:T.33056; DRAGIČEVIĆ:T.23703.

<sup>323</sup> AF248; AF304; THEUNENS:P03029, p.288; P02886, p.10; KELEČEVIĆ:T.37160-37161; P01981, p.3; BROWN:T.19479-19480,T.19488. See SELAK:P00244, paras.81-83.

<sup>324</sup> BROWN:P02859, pp.39-43;P04381, p.2; P05136; P02886, pp.3,11,33; P02887, p.3.

<sup>325</sup> See Ključ Summary; P02886, p.11.

<sup>326</sup> BROWN:P02859, p.60.

<sup>327</sup> P02864; BROWN:P02859, pp.35,163; SELAK:T.2984,T.3001; KELEČEVIĆ:T.37131,T.37166(confidential); P02887; KELEČEVIĆ:D01110, para.9; UBIPARIP:T.31207; P02887, p.3.

<sup>328</sup> P07464, p.3; KELEČEVIĆ:T.37173-37175; SELAK:T.2975; BROWN:T.19486.

<sup>329</sup> E.g. P00474, p.3; P01963, p.4; P00338, p.162; P04616; P04048, p.3; P07173; BROWN:P02859, pp.27-28,30-31.

<sup>330</sup> RADULJ:T.35545-35546. See Banja Luka, Kotor Varoš, Ključ, Prijedor, Sanski Most Summaries.

<sup>331</sup> KELEČEVIĆ:T.37131.

<sup>332</sup> KELEČEVIĆ:T.37256.

**MLADIĆ** deemed **TALIĆ** to have “made a huge contribution to the defence of RS and the protection of the centuries-old homeland” and assessed him as “excellent.”<sup>333</sup>

## 2. 2KK

100. The 2KK was formed primarily from units in the JNA’s 9<sup>th</sup> and 10<sup>th</sup> Corps and Serb TO units in its AOR.<sup>334</sup> **MLADIĆ** later bragged he had personally “established 80% of the 2<sup>nd</sup> Corps” as JNA 9<sup>th</sup> Corps commander.<sup>335</sup> The 2KK’s AOR initially incorporated the area from Bosanski Novi to Kupreš, and from early June 1992 included Ključ.<sup>336</sup> It was headquartered in Drvar.<sup>337</sup> In May 1992, **MLADIĆ** informed former 10<sup>th</sup> Corps Chief of Staff Grujo **BORIĆ** he would command the 2KK, which he continued to do until late 1994.<sup>338</sup> **BORIĆ** was succeeded by Maj. Gen. Radivoje **TOMANIĆ**.<sup>339</sup>

101. One task **MLADIĆ** gave the 2KK was to secure and defend the RS’s northwestern borders on the Una, in accordance with Strategic Objective Four.<sup>340</sup> 2KK units implemented Directive One through ethnic cleansing operations in Ključ municipality.<sup>341</sup> Pursuant to **MLADIĆ**’s order,<sup>342</sup> the 2KK established and operated Kamenica camp.<sup>343</sup> **MLADIĆ** personally confirmed **BORIĆ**’s promotion<sup>344</sup> and promoted 2KK Chief of Security and Intelligence **MITROVIĆ**,<sup>345</sup> to whom Kamenica camp was directly subordinate.<sup>346</sup>

<sup>333</sup> P02887, p.3. See BROWN:T.19567.

<sup>334</sup> ĐUKIĆ:P01052, p.7; BORIĆ:T.34589-34590; D02073, p.2.

<sup>335</sup> P01981, p.3.

<sup>336</sup> P04381, pp.2-3; P04052; P05137; BROWN:P02859, p.42. See Ključ Summary.

<sup>337</sup> P02906, p.2.

<sup>338</sup> BORIĆ:T.34584-34586,T.34600,T.34604; ZORIĆ:T.30682; P03910; P07338; P07499; KELEČEVIĆ:T.37166(confidential). While **BORIĆ** claimed **MLADIĆ** told him he would be 2KK commander on 25 May, GŠ-VRS publication *Srpska Vojaska* dated the 2KK’s formation to 19 May. D02073, p.2.

<sup>339</sup> P05083, p.2; ZORIĆ:T.30682.

<sup>340</sup> E.g. P01968, pp.4-5; BORIĆ:T.34661-34662; P00338, pp.156,162.

<sup>341</sup> See Ključ Summary.

<sup>342</sup> P00377.

<sup>343</sup> P03910, p.1; BORIĆ:T.34647. While Kamenica is not a charged incident, evidence indicates prisoners there were also murdered. E.g. P07340, p.1; P07344, p.5.

<sup>344</sup> P07342.

<sup>345</sup> P07341.

<sup>346</sup> BORIĆ:T.34647.

### 3. SRK

102. **MLADIĆ** personally supervised the formation of the SRK,<sup>347</sup> primarily from the Sarajevo-based JNA 4<sup>th</sup> Corps<sup>348</sup> and Bosnian Serb TO units in and around Sarajevo.<sup>349</sup> Its initial AOR included besieged Sarajevo and the Serb-claimed territories encircling it, including Ilidža, Novi Grad, and Pale, as well as Rogatica and Sokolac.<sup>350</sup> The SRK was headquartered in Lukavica<sup>351</sup> and commanded by three former JNA officers over the course of the conflict: Gen. Tomislav ŠIPČIĆ (19 May–10 September 1992), Gen. Stanislav GALIĆ (10 September 1992–10 August 1994) and Gen. Dragomir MILOŠEVIĆ (from 10 August 1994).<sup>352</sup>

103. **MLADIĆ** tasked the SRK with dividing the wider Sarajevo area, securing a Serb Sarajevo, and encircling and besieging Bosnian-held Sarajevo in accordance with Strategic Objective Five.<sup>353</sup> SRK units were also responsible for taking control of municipalities in Eastern Bosnia.<sup>354</sup> SRK units implemented these orders through ethnically cleansing municipalities in their AOR<sup>355</sup> and terrorising Sarajevo's civilians through a campaign of shelling and sniping.<sup>356</sup> **MLADIĆ** recommended GALIĆ for early promotion and assessed D.MILOŠEVIĆ as “excellent.”<sup>357</sup>

### 4. IBK

104. The IBK was primarily formed from the JNA 17<sup>th</sup> Corps<sup>358</sup> and Bosnian Serb TO units in eastern and north-eastern BiH.<sup>359</sup> Its initial AOR incorporated most of

<sup>347</sup> MILOVANOVIĆ:T.17005.

<sup>348</sup> P04443/P06534(duplicates); THEUNENS:P03029, p.288; AF248.

<sup>349</sup> P03932/P06827(duplicates); AF1778; P02008, pp.1-2.

<sup>350</sup> See Ilidža, Pale, Novi Grad, Sokolac, and Rogatica Summaries; P04381, p.3; AF1676-AF1677, AF1777, AF1919-AF1920; [REDACTED]; LELEK:T.29581-29582; P00502; UJIĆ:T.26946-26947.

<sup>351</sup> AF1774; AF1775; RM163:T.6102(confidential); [REDACTED]; INDIĆ:T.25115; VELJOVIĆ:T.22932-22933; RADAN:T.21356.

<sup>352</sup> [REDACTED]; P05010, p.2; P04447; PHILIPPS:P00453, p.1; AF1787-AF1788; KELEČEVIĆ:T.37166(confidential),T.37241; P05023, p.3; AF272.

<sup>353</sup> E.g. P00338, p.162; P00474, pp.1-4; P01963, p.5; P01968/P02217(duplicates), pp.2,5; P04422; P00476; OKUN:P03103, T.4204; P07405, para.9; P06677, p.1; OVERGARD:P01047, T.635; SMITH:P00785, paras.25-28,61,202; RM120:P00807, p.29(confidential); ROSE:P00736, p.5. See Sections IV.D, IV.B.

<sup>354</sup> See Rogatica and Sokolac Summaries.

<sup>355</sup> See Ilidža, Novi Grad, Rogatica, and Sokolac Summaries.

<sup>356</sup> See Section IV(Sarajevo).

<sup>357</sup> P04571; P07462, p.10; P05023, p.3.

<sup>358</sup> S.ANDRIĆ:T.34740; P07345; THEUNENS:P03029, p.288; AF248.

<sup>359</sup> P03739; P03736, p.1.

SAOs Birač and Semberija, including Bijeljina and Vlasenica.<sup>360</sup> The IBK was headquartered in Bijeljina.<sup>361</sup> Its first commander was former 17<sup>th</sup> Corps Commander Col. Nikola DENČIĆ.<sup>362</sup> By 6 June 1992 DENČIĆ had been replaced by Col. Dragutin ILIĆ.<sup>363</sup> Gen. Novica SIMIĆ replaced ILIĆ on 31 August 1992 and served as commander for the remainder of the war.<sup>364</sup>

105. In accordance with Strategic Objective Three, **MLADIĆ** tasked the IBK, *inter alia*, with “čišćenje” of parts of the Drina river valley.<sup>365</sup> IBK forces implemented these orders through ethnically cleansing Vlasenica and other municipalities.<sup>366</sup> By September 1992, the IBK Birač Brigade controlled 70% of SAO Birač territory.<sup>367</sup> At **MLADIĆ**’s order, the IBK formed and operated Batković camp, where non-Serb civilians were detained and abused.<sup>368</sup>

## 5. HK

106. The HK was primarily formed from the JNA 13<sup>th</sup> Corps.<sup>369</sup> Its initial AOR, incorporating the Neretva valley and the border with Montenegro, included Foča and Kalinovik.<sup>370</sup> It was headquartered in Bileća<sup>371</sup> and commanded by former JNA officer Gen. Radovan GRUBAČ.<sup>372</sup>

107. **MLADIĆ** tasked the HK with operations along the Neretva and Upper Drina, in accordance with Strategic Objectives Three and Four.<sup>373</sup> HK units, including Tactical Groups from Foča and Kalinovik, implemented those objectives through

<sup>360</sup> See Bijeljina and Vlasenica Summaries; P04381, pp.2-3; P03738, p.1; BUTLER:P02210, para.3.0.

<sup>361</sup> P02906, p.2.

<sup>362</sup> S.ANDRIĆ:T.34740; P07345; P07346.

<sup>363</sup> P03739; P00188; P03738; N.SIMIĆ:P04325, T.28485; [REDACTED]; ANDAN:T.22399-22400;

<sup>364</sup> N.SIMIĆ:P04325, T.28483-28485. See KELEČEVIĆ:T.37166(confidential); M.TODOROVIĆ:P02915, T.12929-12930. ILIĆ later became head of the GŠ-VRS administration for operations and training. N.SIMIĆ:P04325, T.28485; SOKANOVIĆ:T.35770 .

<sup>365</sup> P00474, p.4.

<sup>366</sup> See Vlasenica Summary; Section III.D.3(b).

<sup>367</sup> D01036, p.2.

<sup>368</sup> See Bijeljina Summary; SIC:C.2.1(Bijeljina).

<sup>369</sup> ĐUKIĆ:P01052, p.7.

<sup>370</sup> P04381, p.3.

<sup>371</sup> P02906, p.3.

<sup>372</sup> P02829, pp.1,5; M.KOVAČ:T.41463; KELEČEVIĆ:T.37166-37167(confidential); MASAL:T.33429,T.33473-33474.

<sup>373</sup> P01963, pp.3-5; P00338, p.156; P02003.

operations involving mass crimes against Muslims in their municipalities.<sup>374</sup> **MLADIĆ** assessed GRUBAC as “excellent.”<sup>375</sup>

## 6. DK

108. **MLADIĆ** ordered the formation of the DK in late October 1992<sup>376</sup> from parts of the IBK, HK and SRK,<sup>377</sup> including units which had already been responsible for crimes against non-Serb communities in Rogatica, Sokolac and Vlasenica.<sup>378</sup> The DK’s AOR included 14 municipalities in eastern BiH.<sup>379</sup> It was initially headquartered in Han Pijesak and later moved to Vlasenica.<sup>380</sup> Upon the DK’s formation Gen. Milenko ŽIVANOVIĆ, who had served with **MLADIĆ** in Croatia,<sup>381</sup> and then as GŠ-VRS Chief of Artillery,<sup>382</sup> was appointed commander.<sup>383</sup> Gen. Radislav KRSTIĆ replaced ŽIVANOVIĆ as DK commander on the evening of 13 July 1995.<sup>384</sup>

109. In accordance with Strategic Objective Three, the DK implemented **MLADIĆ**’s order in Directive Four to force the Muslim population out of the Birač, Žepa and Goražde areas.<sup>385</sup> The DK also led the operation to eliminate the Bosnian Muslim population of Srebrenica in July 1995.<sup>386</sup> **MLADIĆ** later assessed KRSTIĆ as “excellent,” adding that he was “one of the most successful and most promising generals of the Serbian people.”<sup>387</sup>

## G. VRS Military Justice System

110. The VRS military justice system gave **MLADIĆ** the ability to punish his soldiers for crimes, including crimes against non-Serbs. The system was fully

<sup>374</sup> See Foča and Kalinovik Summaries.

<sup>375</sup> P02829,p.5. *E.g.* P01981, p.3.

<sup>376</sup> P03659, p.1. *See* AF1324; P01968, p.2.

<sup>377</sup> P03659, p.1.

<sup>378</sup> *See* Rogatica, Sokolac, and Vlasenica Summaries.

<sup>379</sup> P01087, pp.6-7; P00360, p.62.

<sup>380</sup> AF1328; P03659, p.1.

<sup>381</sup> P04911, p.2.

<sup>382</sup> P04975.

<sup>383</sup> AF1325.

<sup>384</sup> P01713; P02631, pp.2-3; [REDACTED]; [REDACTED].

<sup>385</sup> P01968/P02217(duplicates), p.5; P02003; P07742, p.4; OKUN:P03103, T.4275-4276; P01505, p.3; P07395, p.1. *See* Section III.D.9.

<sup>386</sup> *See* Section V(Srebrenica).

<sup>387</sup> P02631, p.3.

operational no later than the late summer or early fall of 1992.<sup>388</sup> Once established, the military justice system acquired jurisdiction over crimes which had already been committed by soldiers.<sup>389</sup> JNA rules on the application of international laws of war continued to apply in the VRS<sup>390</sup> and the VRS military justice system was based on the JNA's.<sup>391</sup> While **MLADIĆ** and other JCE members and senior VRS officers were aware of their legal obligations, they directed that the military justice system prioritise crimes against the army and/or against Serbs, and the military justice system thoroughly failed to prosecute even well-known crimes by VRS soldiers against Bosnian Muslims or Croats.

111. **MLADIĆ** exercised authority over the military prosecutors, military courts and military police and had the obligation and authority to order the investigation and prosecution of crimes. **MLADIĆ** exercised his authority through GVERO, his immediate subordinate, a member of the “inner core” of the GŠ-VRS,<sup>392</sup> and head of the GŠ-VRS Sector for Morale, Religious and Legal Affairs, which monitored, analysed and controlled the work of the military justice system.<sup>393</sup> Following **KARADŽIĆ**'s assumption of authority over the military prosecutors and courts in September 1993, the GŠ-VRS continued to receive regular reports on their work,<sup>394</sup> military prosecutors held regular meetings with **MLADIĆ**'s subordinates in Corps commands<sup>395</sup> and **MLADIĆ** retained authority over the military police and the obligation and authority to order the investigation and prosecution of crimes.

1. The VRS was aware of its international legal obligations

112. **KARADŽIĆ** acknowledged in May 1992 that RS forces were obligated to “apply and respect the rules of the international law of war.”<sup>396</sup> **MLADIĆ** and other

<sup>388</sup> P03535, p.2; P03554, pp.3-4; S.BOJANOVIĆ:D00747, para.4; P03550; [REDACTED]; P03535; P02886, p.12; [REDACTED].

<sup>389</sup> [REDACTED].

<sup>390</sup> [REDACTED]; [REDACTED]; BROWN:P02859, pp.183,186; P03352, p.7; DRAGIČEVIĆ:T.23697; P02185; P02184.

<sup>391</sup> THEUNENS:T.20385; [REDACTED]; P03535, p.1.

<sup>392</sup> SOKANOVIĆ:T.35681; P01147, p.123; P01981, p.2.

<sup>393</sup> MILOVANOVIĆ:T.16918-16919; BORIĆ:T.34656; P05078, p.13; S.BOJANOVIĆ:T.27948-27949; [REDACTED]; BUTLER:P02210, para.2.10. *See* [REDACTED].

<sup>394</sup> *See* paras.118-119.

<sup>395</sup> RADULJ:T.35518.

<sup>396</sup> P02184.

VRS officers and soldiers were trained in the international laws of war<sup>397</sup> and empowered and obliged to prevent and report crimes against humanity, war crimes and genocide.<sup>398</sup> Military prosecutors and courts were under an obligation to investigate and, where appropriate, prosecute such crimes.<sup>399</sup> All military organs had an obligation to report every criminal act, and the military police were required to investigate all crimes that may have been committed at the front line.<sup>400</sup>

## 2. VRS investigative processes

113. The military police and the security organ would prepare a criminal report and submit it to the office of the prosecutor.<sup>401</sup> After a criminal report was filed, if there was reasonable ground to suspect that a person had committed a crime, it was the military prosecutor's duty to submit a request to the investigating judge of the military court to initiate an investigation. After completing his investigation, the investigating judge sent the case back to the prosecutor for further action.<sup>402</sup> The military prosecutor's office would qualify the crimes, but the judge could change the qualification during trial.<sup>403</sup>

### (a) Structure of military justice system

114. On 31 May 1992 KARADŽIĆ issued a decree establishing military courts.<sup>404</sup> The GŠ-VRS then "prepared the concept and organisational and establishment structure for military courts and prosecutor offices" and ordered units to "promptly" inform the corps commands and GŠ-VRS "about the criminal reports submitted."<sup>405</sup>

115. KARADŽIĆ's decree established first-instance military courts in Banja Luka (with jurisdiction over the 1KK and 2KK), Sarajevo (with jurisdiction over the SRK

<sup>397</sup> E.g. RADULJ:T.35568; M.ŠEHOVAC:T.24034; D.LALOVIĆ:T.21970; KELEČEVIĆ:T.37222; VELJOVIĆ:T.22920; KESEROVIĆ:T.12986; M.ŠEHOVAC:D00559, para.11; N.SIMIĆ:P04325, T.28551,T.28680-28681. E.g. Dragić GOJKOVIĆ:T.37562.

<sup>398</sup> P02184; P03352, pp.8-9; P03356; BUTLER:P02201, pp.22-23,26,28,30; BROWN:P02859, pp.184-185,187; [REDACTED]; [REDACTED]; THEUNENS:P03029, pp.312-313,315-316,317; DRINIĆ:P03351, T.10852-10853; [REDACTED]; [REDACTED]; BORIĆ:T.34655.

<sup>399</sup> P03551, p.1; [REDACTED]; DRINIĆ:P03351, T.10845,T.10861-10862; RADULJ:T.35516.

<sup>400</sup> [REDACTED]; [REDACTED]; THEUNENS:P03029, pp.128-129,313; THEUNENS:T.20385-20386; DRAGIČEVIĆ:T.23699-23700; DRINIC:P03351, T.10852; [REDACTED]; [REDACTED].

<sup>401</sup> DRINIC:P03351, T.10845; [REDACTED].

<sup>402</sup> RADULJ:T.35516; DRINIC:P03351, T.10845.

<sup>403</sup> [REDACTED]; RADULJ:T.35517.

<sup>404</sup> THEUNENS:P03029, pp.311-312; [REDACTED].

<sup>405</sup> P03557, p.1; BROWN:P02862, p.20. See P07395,p.53

and HK) and Bijeljina (with jurisdiction over the IBK); a supreme court to hear appeals from the first-instance courts; military prosecutors' offices within the 1KK in Banka Luka, the SRK in Sarajevo and the IBK in Bijeljina, with jurisdiction over the corps formations within the responsibility of the corresponding first-instance courts; and a supreme military prosecutor's office attached to the GŠ-VRS.<sup>406</sup> By early 1993, a HK military court and military prosecutors office had been established in Bileća.<sup>407</sup> After it was created the DK fell under the responsibility of the Sarajevo court,<sup>408</sup> but was transferred to the Bijeljina court and prosecutor's office by July 1995.<sup>409</sup> A military court and military prosecutor's office were later established in Drvar,<sup>410</sup> where the 2KK was headquartered.<sup>411</sup>

116. Military prosecutors and courts had absolute jurisdiction over crimes against the state<sup>412</sup> and armed forces,<sup>413</sup> crimes against humanity, war crimes and genocide<sup>414</sup> committed by military and non-military personnel alike.<sup>415</sup> For other crimes, the military justice system had jurisdiction over anyone subordinated to the VRS or under a military obligation.<sup>416</sup>

(b) Authority over the military justice system

117. **MLADIĆ** exercised authority over the military justice system. He could—either personally or through GVERO—set the priorities of the military courts and had

<sup>406</sup> THEUNENS:P03029, pp.311-312; D00437,p.4; [REDACTED]. See [REDACTED]; DRINIĆ:P03351, T.10846-10847; [REDACTED]; S.BOJANOVIĆ:D00747, para.5; S.BOJANOVIĆ:T.27948; RADULJ:T.35515-35516; BROWN:P02859, p.183; BROWN:P02862, p.20.

<sup>407</sup> THEUNENS:P03029, p.318; P00338, p.53; D00437, p.4.

<sup>408</sup> DRINIĆ:P03351, T.10846-10847.

<sup>409</sup> [REDACTED]; [REDACTED]; P03533.

<sup>410</sup> P05012, p.12.

<sup>411</sup> BORIĆ:T.34591.

<sup>412</sup> In particular article 124 (armed rebellion) of the SFRY Criminal Code. See P02183; P02182, p.1.

<sup>413</sup> In particular articles 214 (failure to respond to military call-up and evasion of military service), 217 (unauthorised leave and desertion from the armed forces) of the SFRY Criminal Code.

<sup>414</sup> Including genocide, crimes against humanity and war crimes under articles 141-155 of the SFRY Criminal Code.

<sup>415</sup> The military justice system operated under the 1967 Law on the Office of the Military Prosecutor (P03542), the 1977 Law on Military Courts (P03541), the Criminal Code of the RBiH and the Criminal Code of the SFRY (P02183), which included these crimes: [REDACTED]; [REDACTED]; BUTLER:P02201, p.23; THEUNENS:P03029, pp.306-319; RADULJ:T.35511; BROWN:P02859, p.188. See P02184; P02185; P03352; P03546, p.3; D00437, p.5.

<sup>416</sup> This included when they were outside the geographic area of that unit and, until mid-1993, when a soldier was on leave. [REDACTED]; BUTLER:P02201, p.23; RADULJ:T.35510; Mane ĐURIĆ:T.27669-27670; MATIJEVIĆ:T.43080; BORIĆ:T.34656.

the authority to order investigations, including into crimes by VRS soldiers.<sup>417</sup> For instance, in September 1992, GVERO ordered military prosecutors to prioritise prosecuting crimes of desertion and failure to respond to military call-ups<sup>418</sup> and in early October, **MLADIĆ** sent out the VRS Guidelines for Determining Criteria for Criminal Prosecution to various military justice organs under his own signature.<sup>419</sup> BEARA monitored the trial of [REDACTED] and conveyed instructions from **MLADIĆ** that the GŠ-VRS supported the prosecution; [REDACTED], **MLADIĆ** did not allow the civilian authorities to transfer the case to the civilian justice system.<sup>420</sup> **MLADIĆ** and other senior officers also had significant authority over disciplinary offences.<sup>421</sup> **MLADIĆ** issued several orders regarding the investigation and punishment of such offences.<sup>422</sup> For instance, shortly after taking command, **MLADIĆ** exercised his disciplinary authority to issue an order for the investigation of a violation of military discipline,<sup>423</sup> which was later carried out.<sup>424</sup>

118. Military prosecutors and military courts were directly connected to the VRS. The Supreme Military Prosecutor's Office was attached to the GŠ-VRS.<sup>425</sup> Corps prosecutors' offices were attached to Corps Commands, and chief prosecutors and judges regularly met with and reported to Corps Commanders.<sup>426</sup> Regional courts and prosecutors' offices regularly reported up to the GŠ-VRS through the Supreme Military Court or Supreme Military Prosecutor.<sup>427</sup> These reports included a breakdown of the crimes reported, investigated and prosecuted, and the outcome in these cases by crime category.<sup>428</sup> The Supreme Military Court sent reports to the

<sup>417</sup> THEUNENS:P03029, pp.538-549.

<sup>418</sup> P07386, p.5. See [REDACTED]; [REDACTED]; BORIĆ:T.34656; RADULJ:T.35549,T.35553-35554,T.35578-35580.

<sup>419</sup> [REDACTED]. See [REDACTED]; [REDACTED]; P07386.

<sup>420</sup> [REDACTED]. [REDACTED] was not aware of any other instance where **MLADIĆ** used his influence to ensure a military prosecution went forward, though crimes [REDACTED] were well-known. [REDACTED]. See [REDACTED].

<sup>421</sup> P03011, pp.9-13; BROWN:P02859, pp.180-182.

<sup>422</sup> E.g. P01966, pp.6-8; P05054; P05059, p.2; P03067; P05061; P05063; P05064; P05065; P03352. See BROWN:P02859, p.184; BROWN:P02862, p.19.

<sup>423</sup> P03527.

<sup>424</sup> D00437, p.7.

<sup>425</sup> P00338, p.53; D00437, p.4; P03545; [REDACTED]; [REDACTED].

<sup>426</sup> RADULJ:T.35518; P00338, p.53; D00437, p.4; P03545; [REDACTED]; [REDACTED]. Indeed, Banja Luka military court Prosecutor PISAREVIĆ's assessment reflects that 1KK Assistant Commander for Legal, Morale and Religious Affairs VUKELIĆ was his superior officer. See P03550, p.2.

<sup>427</sup> P03545, p.4; P03557; [REDACTED]; [REDACTED]; D00437, pp.12,18-19,26-33; [REDACTED]; S.BOJANOVIĆ:T.27948.

<sup>428</sup> E.g. P03553; P03555;P03537;P03546; D00437;P03562;P03559;P03560;P03561.

Presidency and GŠ-VRS.<sup>429</sup> These reports allowed the GŠ-VRS to monitor the work of the military justice system.<sup>430</sup>

119. In September 1993, KARADŽIĆ placed the military prosecutors and courts under his direct authority.<sup>431</sup> However, the GŠ-VRS maintained a significant role: GVERO's sector remained responsible for cooperating with the Military Court, Military Prosecutor's Office and Military Disciplinary Tribunal;<sup>432</sup> basic military prosecutors still maintained the obligation to report to the GŠ-VRS military prosecutor;<sup>433</sup> and MLADIĆ retained authority over the military police.<sup>434</sup> MLADIĆ continued to issue orders to launch criminal investigations and proceedings<sup>435</sup> where they accorded with VRS priorities,<sup>436</sup> demonstrating that he retained the authority to do so, and in 1995, BEARA was still able to issue orders to military courts and prosecutors regarding the interrogation of "captured *Balijs*" from Žepa.<sup>437</sup> Consistent with MLADIĆ and KARADŽIĆ's shared intent for the crimes, the military justice system systemically failed to prosecute VRS soldiers for crimes against non-Serbs both before and after the changeover.<sup>438</sup>

(c) The military justice system functioned effectively and ensured impunity for JCE crimes

120. MLADIĆ's authority over the military justice system is reflected by the fact that its work mirrored his priorities. In the cases that MLADIĆ prioritised<sup>439</sup>—which involved crimes against Serbs, crimes against the state, and crimes against the armed forces—criminal reports were filed, indictments were issued, and court decisions were rendered.<sup>440</sup> Military courts and prosecutors implemented GŠ-VRS instructions

<sup>429</sup> [REDACTED].

<sup>430</sup> [REDACTED].

<sup>431</sup> P03552; THEUNENS:P03029, p.316; P03551, Art.6. *See* [REDACTED]; BUTLER:P02210, p.12.

<sup>432</sup> P05082, p.9. During RADULJ's time in the Banja Luka military Prosecutor's office, the military prosecutor also continued regularly meeting with the Corps Command. RADULJ:T.35518.

<sup>433</sup> P03551, Art.6.

<sup>434</sup> *See* Section II.D.2(b).

<sup>435</sup> THEUNENS:P03029, pp.541-543. *See* THEUNENS:P03029, pp.538-539, 548; P05059; P03067; P05061; P05063; P05064; P05065. Orders emanating from the GŠ-VRS also demonstrate continuing authority to investigate and prosecute subordinates for their crimes. *E.g.* P05057.

<sup>436</sup> *See* para.120.

<sup>437</sup> [REDACTED]. *See* [REDACTED].

<sup>438</sup> *See* Section III.E.3.

<sup>439</sup> *See* Section III.E.3(c).

<sup>440</sup> *See* Section III.E.3(c).

to prioritise such crimes.<sup>441</sup> By contrast, top military leaders [REDACTED] concluded soldiers should not be punished during the war for crimes against non-Serbs,<sup>442</sup> and VRS soldiers were indeed not punished for such crimes.<sup>443</sup> Known perpetrators were released and sent back to the front line even after they confessed to crimes against non-Serbs.<sup>444</sup> On the rare occasions when crimes against non-Serbs were investigated, the cases themselves were not pursued, or punishments were not imposed.<sup>445</sup>

## H. **MLADIĆ Exercised Command and Control over the VRS**

### 1. Command and control within the VRS

#### (a) The chain of command was respected

121. The VRS' hierarchical chain of command was based on the principle of subordination.<sup>446</sup> This principle was respected within the VRS.<sup>447</sup> For example, superior commands could not bypass intermediate command levels to issue orders directly to subordinate units, without the intermediate command being informed.<sup>448</sup> Consequently, **MLADIĆ** was familiar with brigade- and TG/OG-level events, and sometimes issued orders to and/or received reports from those formations.<sup>449</sup> While **KARADŽIĆ** occasionally issued orders to subordinates two levels down (like **MILOVANOVIĆ**), this did not exclude **MLADIĆ** from the chain of command, or consequently from responsibility for the decision made. As **MILOVANOVIĆ** testified, when this occurred, "he [the subordinate] was duty-bound to inform General **MLADIĆ** of it. When such a person received an order from the Supreme Commander, at the earliest opportunity, he had to notify General **MLADIĆ** of having received such orders from the Supreme Commander [...] I always sought General **MLADIĆ**'s approval before I proceeded. If not his approval, I at least wanted to make

<sup>441</sup> RADULJ:T.35549,T.35553-35554,T.35578-35580.

<sup>442</sup> [REDACTED]; [REDACTED]; RADULJ:T.35548; THEUNENS:T.20391-20392.

<sup>443</sup> See Sections III.E.3(b), IV.B.4(e).

<sup>444</sup> See Sections III.E.3(b).

<sup>445</sup> See Sections III.E.3(b).

<sup>446</sup> THEUNENS:T.20252.

<sup>447</sup> N.SIMIĆ:P04325, T.28491,T.28496; MILOVANOVIĆ:T.16923,T.16929-16930,T.16972-16973; [REDACTED]; KESEROVIĆ:T.12810-12811; THEUNENS:P03029, p.81; THEUNENS:T.20253-20254.

<sup>448</sup> MILOVANOVIĆ:T.16923.

<sup>449</sup> P03667; P03660.

sure that General **MLADIĆ** was abreast of the situation.”<sup>450</sup> Conversely, brigades could not bypass the corps command and send reports or requests directly to the GŠ-VRS. Brigade-level documents had to go through the corps commands.<sup>451</sup> Battalions, brigades and corps commands possessed no discretion to not file their daily reports.<sup>452</sup> When he believed that the chain of command had been circumvented, **MLADIĆ** intervened and ordered his subordinates to follow the proper procedures.<sup>453</sup>

(b) Singleness and unity of command was applied

122. Singleness of command means there is only one commander who has the exclusive right to issue orders and to whom the status of implementation of these orders has to be reported.<sup>454</sup> Unity of command means there is consistency between the directives, instructions and orders issued by the commands at each level of the military hierarchy.<sup>455</sup> These principles, which ensure consistency in the orders issued through the chain of command,<sup>456</sup> were applied within the VRS.<sup>457</sup> Furthermore, during combat operations in which both VRS and RSMUP units participated, RSMUP forces would typically be re-subordinated to the VRS to ensure singleness and unity of command.<sup>458</sup>

(c) Orders were followed and reported back on

123. It was mandatory within the VRS for subordinates to follow orders of their superior commanders and report back on the execution of the orders without question and without delay.<sup>459</sup> Sanctions would follow if orders were disobeyed.<sup>460</sup> Reporting from subordinate commands and inspections of subordinate units enabled superior

<sup>450</sup> MILOVANOVIĆ:T.16923,T.16972-16973.

<sup>451</sup> N.SIMIĆ:P04325, T.28496; P00589; THEUNENS:P03029, pp.479-480.

<sup>452</sup> MILOVANOVIĆ:T.16965-16966.

<sup>453</sup> THEUNENS:P03029, p.482; P00581. See P05074; P00589.

<sup>454</sup> P03011, p.24; [REDACTED]; M.TODOROVIĆ:P02915, T.13074,T.13078; MILOVANOVIĆ:T.16932;THEUNENS:T.20250.

<sup>455</sup> THEUNENS:T.20251.

<sup>456</sup> THEUNENS:T.20252.

<sup>457</sup> P03011, p.24; P02906, p.3; P00338, pp.7,153; P00431, p.38; KESEROVIĆ:T.12811; [REDACTED]; MILOVANOVIĆ:T.16932; BROWN:P02862, pp.10-11.

<sup>458</sup> See Section III.G.1.

<sup>459</sup> P04902, para.17; KRALJ:T.27436; STEVANOVIĆ:T.35267; [REDACTED]; SMITH:P00785, para.227; DANNATT:T.19054-19056. See THEUNENS:T.20251.

<sup>460</sup> [REDACTED]; P03011, pp.9-12; THEUNENS:P03029, pp.306-309;BROWN:P02862, p.19.

commands to supervise and verify that their orders were carried out.<sup>461</sup> For instance, in their daily written reports to the GŠ-VRS, corps commanders had to inform the GŠ-VRS of new decisions they intended to issue the next day.<sup>462</sup> This enabled **MLADIĆ** to ensure consistency between his decisions and those of his corps commanders.<sup>463</sup> When **MLADIĆ** modified a decision that a corps commander intended to issue, the corps commander would be duty-bound to acknowledge the change in their subsequent oral and written reports to the GŠ-VRS.<sup>464</sup>

(d) Responsibility was assumed for documents

124. Discipline within the VRS was also achieved by requiring VRS officers to assume responsibility for documents and reports issued in their name. Before signing a document, an officer was expected to have read it, familiarised himself with its contents and determined it to be valid and in good order; by signing the document, the officer confirmed his approval of it and assumed responsibility for it.<sup>465</sup> Even when documents were signed on behalf of a commander, those documents conveyed orders of that commander and carried his authority.<sup>466</sup>

125. Type-signed versions of VRS documents were as fully authoritative as hand-signed documents.<sup>467</sup> An order from the GŠ-VRS would be deemed an order from **MLADIĆ**;<sup>468</sup> for example, a document signed on **MLADIĆ**'s behalf by **MILOVANOVIĆ** carried **MLADIĆ**'s authority.<sup>469</sup>

2. GŠ-VRS control over subordinate units

126. **MLADIĆ** and the GŠ-VRS achieved good order and discipline within the VRS by exercising control, a function aimed at directing forces in the execution of the goals and tasks that have been set.<sup>470</sup> The GŠ-VRS had in place several means of ensuring that it received timely and accurate information from all fronts in the war

<sup>461</sup> MILOVANOVIĆ:T.16932,T.16968-16969; L.OBRADOVIĆ:P01783, T.11945-11946; THEUNENS:P03029, p.459; THEUNENS:T.20248-20250,T.20353; P03056.

<sup>462</sup> MILOVANOVIĆ:T.16966.

<sup>463</sup> MILOVANOVIĆ:T.16966-16969.

<sup>464</sup> MILOVANOVIĆ:T.16966-16967.

<sup>465</sup> N.SIMIĆ:P04325, T.28491-28492,T.28516; L.OBRADOVIĆ:P01783, T.11944.

<sup>466</sup> [REDACTED]; BUTLER:T.16234-16235.

<sup>467</sup> [REDACTED].

<sup>468</sup> P03075, p.16.

<sup>469</sup> [REDACTED].

<sup>470</sup> P04894, pp.13-14.

theatre: reporting, inspections, communications, and the presence of GŠ-VRS officers at forward positions and IKMs. It relied upon these various tools to make decisions and ensure that its goals and intentions were being implemented by subordinate commands.

(a) Reporting

127. Through efficient reporting within the VRS, **MLADIĆ** and other superior commands were kept informed about the situation on the ground and what actions were being taken.<sup>471</sup> Timely and accurate reporting was emphasised, since it was critical in order for the commander to be able to correct or update earlier decisions in keeping with developments on the ground.<sup>472</sup> Daily regular written reports were sent to **MLADIĆ** and the GŠ-VRS every evening.<sup>473</sup> Interim written reports were sent as needed.<sup>474</sup> In addition, information also reached **MLADIĆ** through the professional line of reporting.<sup>475</sup>

128. Daily written combat reporting was carried out at all levels, from battalions to brigades, from brigades to corps, and from corps to the GŠ-VRS.<sup>476</sup> Throughout the Indictment period, **MLADIĆ** and other GŠ-VRS members also regularly briefed the Presidency and, from December 1992 onwards, the Supreme Command, on the military situation in the field.<sup>477</sup> The contents of daily combat reports were prescribed by regulation and included information about the enemy, corps activities, neighbouring units, commanders' decisions for the following day and logistics requests.<sup>478</sup> Reports from the corps provided the GŠ-VRS with a summary of "[t]he

<sup>471</sup> RM802:P00439, para.74(confidential); MILOVANOVIĆ:T.16958; N.SIMIĆ:P04325, T.28491; THEUNENS:T.20254-20255; BROWN:P02859, p.171.

<sup>472</sup> LAZIĆ:P04322, T.21788; L.OBRADOVIĆ:P01783, T.11969-11972; N.SIMIĆ:P04325, T.28493; VELJOVIĆ:T.22930-22931; D00332.

<sup>473</sup> MILOVANOVIĆ:T.16958; N.SIMIĆ:P04325, T.28491.

<sup>474</sup> VELJOVIĆ:T.22930-22931,T.22933; M.GALIĆ:P03463, T.10587; P02119, p.2; BUTLER:T.16197. *See* S.SIMIĆ:T.35967-35968.

<sup>475</sup> KESEROVIĆ:T.12828-12829. In relation to reporting along professional lines, *see* SALAPURA:P01584, T.13483-13485; KESEROVIĆ:T.12826-12828; M.NIKOLIĆ:T.11778-11779,T.11989.

<sup>476</sup> MILOVANOVIĆ:T.16958,T.16960-16962; L.OBRADOVIĆ:P01783, T.11973-11974; S.SIMIĆ:T.35966-35967.

<sup>477</sup> THEUNENS:T.20396-20398; THEUNENS:P03029, p.550; P04263; P03068; P03033; P04267; BROWN:P02862, p.13; MILOVANOVIĆ:T.16913; P00338, p.153; P00356, pp.339-349; P00357, pp.79-80; P00358, pp.89-92,212-216,259,262-263,392-408; P00360, pp.88-89,91-96; P00361, pp.29-34,54-57,205-207,245; P00362, pp.59-64,140-142,159-160; P00345, pp.78-79,123-129,148-150.

<sup>478</sup> MILOVANOVIĆ:T.16958-16960. *See* P07404; S.SIMIĆ:T.35967.

entire situation” within the corps’ AOR.<sup>479</sup> By comparing reports from the corps, the GŠ-VRS was also able to assess the accuracy of the information provided.<sup>480</sup>

129. The process of generating these written reports began early in the afternoon each day as battalion commanders toured the positions of their company commanders and reported to the brigade command between 16:00 and 17:00 hours.<sup>481</sup> Brigade commands then assembled the reports from their battalion commands and reported that information to their respective corps commands between 17:00 and 18:00 hours.<sup>482</sup> Corps commands subsequently assembled the brigade command reports and reported that information to the GŠ-VRS between 18:00 and 20:00 hours.<sup>483</sup> For much of the Indictment period, the Operations and Training Administration within the GŠ-VRS compiled the reports from subordinate units and sent this information to the Supreme Command by midnight in a written report.<sup>484</sup> This report was also sent to the corps commands and GŠ-VRS IKMs.<sup>485</sup> The VRS’ combat readiness report for 1992 which noted that “[t]he Supreme Command as a whole, as well as every individual member of the Supreme Command, were informed of the objectives of planned operations and concerted battles, and of their results, frequently in great detail,”<sup>486</sup> confirms the effectiveness and efficiency of the VRS’ daily reporting structure.

130. In addition to daily written reports, oral reports were provided to the GŠ-VRS every morning and evening.<sup>487</sup> Corps commanders reported to **MLADIĆ** on the situation within their AOR, including any changes made to their decisions further to **MLADIĆ**’s instructions.<sup>488</sup> Since the corps’ daily written reports reflected the situation as of approximately 15:00 hours, corps commanders would report to **MLADIĆ** by telephone connections beginning at approximately 20:00 hours, any

<sup>479</sup> N.SIMIĆ:P04325, T.28491.

<sup>480</sup> MILOVANOVIĆ:T.16958-16960.

<sup>481</sup> MILOVANOVIĆ:T.16960,T.16962.

<sup>482</sup> MILOVANOVIĆ:T.16960,T.16962; L.OBRADOVIĆ:P01783, T.11973; LAZIĆ:P04322, T.21788; M.GALIĆ:P03463, T.10587-10588.

<sup>483</sup> MILOVANOVIĆ:T.16960,T.16962; N.SIMIĆ:P04325, T.28491; [REDACTED]; L.OBRADOVIĆ:P01783, T.11973; LAZIĆ:P04322, T.21788; BROWN:P02859, p.171.

<sup>484</sup> MILOVANOVIĆ:T.16961; L.OBRADOVIĆ:P01783, T.11973-11974; L.OBRADOVIĆ:T.14520.

<sup>485</sup> L.OBRADOVIĆ:T.14520-14521,T.14620.

<sup>486</sup> P00338, p.153.

<sup>487</sup> MILOVANOVIĆ:T.16961-16962,T.16966-16969; N.SIMIĆ:P04325, T.28492-28494; BANDUKA:D00711, para.5.

<sup>488</sup> MILOVANOVIĆ:T.16961-16962,T.16966-16968.

changes to the combat report.<sup>489</sup> The next morning, corps commanders spoke to **MLADIĆ** by telephone, reporting on any changes that took place overnight.<sup>490</sup> In addition, corps commanders also contacted **MLADIĆ** by telephone whenever an “extraordinary situation” arose that required “approval” for decisions that needed to be taken.<sup>491</sup> IBK Commander **SIMIĆ** explained, “the occasions when we did not [orally] communicate with the commander daily were very rare.”<sup>492</sup> **MILOVANOVIĆ** confirmed that through written and oral reporting, **MLADIĆ** was “kept abreast of all the developments.”<sup>493</sup>

131. The GŠ-VRS’ 65<sup>th</sup> ZMTP was ordered on a daily basis to orally report to the GŠ-VRS instead of submitting written reports.<sup>494</sup>

132. While written reports were mostly secure and secret, VRS documents rarely reported crimes. Reports relating to criminal operations were predominantly oral.<sup>495</sup>

(b) Inspections

133. **MLADIĆ** exercised command and control over subordinate units by sending GŠ-VRS teams to conduct inspections of subordinate units to determine their level of combat readiness and the situation on the ground, verify that orders were clearly understood and followed and ensure the GŠ-VRS was receiving accurate reports.<sup>496</sup> The inspecting team could correct mistakes on the spot.<sup>497</sup> In this way, “directives, command and orders reached those who were to execute them in the fastest possible

<sup>489</sup> N.SIMIĆ:P04325, T.28493-28495; MILOVANOVIĆ:T.16966-16969; BANDUKA:D00711, para.5.

<sup>490</sup> MILOVANOVIĆ:T.16961-16962; BANDUKA:D00711, para.5.

<sup>491</sup> N.SIMIĆ P04325, T.28494.

<sup>492</sup> N.SIMIĆ:P04325, T.28493-28495.

<sup>493</sup> MILOVANOVIĆ:T.16963-16964.

<sup>494</sup> L.OBRADOVIĆ:P01783, T.11966, referring to D00333.

<sup>495</sup> E.g. M.NIKOLIĆ, T.11963-11965; P01366(confidential); P01250(confidential); P01251(confidential); P01415; P01255(confidential); P01320(confidential); P01321(confidential); P02126(confidential); P01355(confidential); P01356(confidential).

<sup>496</sup> P03075, pp.28-30; P00338, p.9; MILOVANOVIĆ:T.16959; L.OBRADOVIĆ:P01783, T.11950-11951. E.g. P03064; P03062; P05269; P04344; P05188; P00354, pp.8-10; P03060; P00358, pp.139-142; P00361, pp.295-302; P00360, pp.116-125; THEUNENS:P03029, pp.560-568; THEUNENS:T.20248-20250; BUTLER:T.16129-16130,T.16424; P01579; P01578.

<sup>497</sup> P00338, p.9.

way, and the planned concerted action was relatively quickly performed.”<sup>498</sup> In some instances, plans were also formulated to address observed deficiencies.<sup>499</sup>

(c) MLADIĆ’s presence at and the deployment of GŠ-VRS officers to forward positions and IKMs

134. IKMs were established to enable the close monitoring and steering of the course of combat operations.<sup>500</sup> Senior GŠ-VRS officers, including **MLADIĆ**, were frequently present at forward positions and IKMs to represent the GŠ-VRS in important operations, supervise the combat situation, and make appropriate decisions on behalf of the GŠ-VRS, ensuring the successful implementation of operations.<sup>501</sup>

135. The GŠ-VRS formed its own IKM to coordinate and control operations involving two or more corps formations.<sup>502</sup>

(d) Communications

136. The VRS inherited from the JNA functioning communication systems which operated effectively from the VRS’ formation on 12 May 1992 through the end of the war.<sup>503</sup> The combat readiness report for 1992 provides:

[w]ith a high degree of certainty we can say that the existing communication system meets the needs of command co-ordination and reporting needs at all levels, from the Supreme Command, the Supreme Commander, the General Staff to lower levels.<sup>504</sup>

<sup>498</sup> P00338, p.9.

<sup>499</sup> P03062, p.2.

<sup>500</sup> L.OBRADOVIĆ:P01783, T.11949-11951. See P04894, p.27.

<sup>501</sup> L.OBRADOVIĆ:P01783, T.11949-11951; P00338, p.160; N.SIMIĆ:P04325, T.28529; THEUNENS:T.20374; BUTLER:T.16198-16199. Examples of these longer term forward deployments include Gen. MILETIĆ coordinating corps activities on the ground from the IKM in Rogatica during Operation Spring-93 (P04324, p.8), Gens. MILOVANOVIĆ and MASAL being sent to Zvornik in March 1995 to oversee Operation Spreča (MASAL:D00942, para.27; P07246), Gen. Tolimir supervising the Žepa operation from Rogatica (P01471; BUTLER:T.16405), Gen. MILOVANOVIĆ and MASAL were sent to the Krajina in 1994 (MASAL:T.33451) and **MLADIĆ** personally commanding the attack on the Srebrenica enclave from the DK’s IKM in Pribićevac (P01467, p.17).

<sup>502</sup> L.OBRADOVIĆ:P01783, T.11950; MASAL:D00942, para.28; MILOVANOVIĆ:T.16933.

<sup>503</sup> MILOVANOVIĆ:T.16936-16937; P00338, pp.30-33,40. See PAJIĆ:T.35827.

<sup>504</sup> P00338, p.9. See P05259, p.3.

During the Indictment period there was one “total interruption” which occurred during the NATO bombing on 29 August 1995 and lasted for two hours.<sup>505</sup> Beyond that there were only minor disruptions.<sup>506</sup>

137. From the GŠ-VRS’ command at Crna Rijeka, **MLADIĆ** was able to communicate with his subordinates whenever he needed to.<sup>507</sup> The GŠ-VRS extension “155”—which **MLADIĆ** regularly used<sup>508</sup>—was connected to the phone in the office that **MLADIĆ** shared with MILOVANOVIĆ.<sup>509</sup> Whenever **MLADIĆ** was in the office, he answered the phone.<sup>510</sup> The “155” extension was also connected by switchboard operators to phones in Vila Javor, where **MLADIĆ** spent his nights, MILOVANOVIĆ’s bedroom, the GŠ-VRS’ Operations room in the above-ground command post, and the Operations subterranean room.<sup>511</sup>

138. **MLADIĆ** and GŠ-VRS officers also maintained constant communications with subordinate units when in the field or at forward positions, at least by contacting an IKM which could, in turn, communicate with the GŠ-VRS.<sup>512</sup> This was accomplished through communication systems set up at IKMs which were equipped with “all types of communication [...] that also exist at a basic command post” and utilising the resources of subordinate commands.<sup>513</sup>

(c) Combat Readiness

139. **MLADIĆ** and the GŠ-VRS used the process of combat readiness analysis to systematically assess the strengths and weaknesses of the VRS or VRS organisational units to decide on corrective measures, particularly relating to improving command and control<sup>514</sup> and combat effectiveness. **MLADIĆ** was mandated by law to inspect the combat readiness of the VRS.<sup>515</sup> In addition to constantly monitoring units’

<sup>505</sup> MILOVANOVIĆ:T.16935-16936.

<sup>506</sup> MILOVANOVIĆ:T.16936. *See* P02886, pp.4-6.

<sup>507</sup> BANDUKA:T.27307-27309; BANDUKA:D00711, para.5.

<sup>508</sup> MILOVANOVIĆ:T.16927-16929.

<sup>509</sup> MILOVANOVIĆ:T.16927; BANDUKA:T.27316.

<sup>510</sup> MILOVANOVIĆ:T.16927-16928.

<sup>511</sup> MILOVANOVIĆ:T.16927-16929; L.OBRADOVIĆ:P01783, T.11990-11991; KESEROVIĆ:T.12840; BUTLER:T.16353-16354; P07396, p.3.

<sup>512</sup> STEVANOVIĆ:T.35246.

<sup>513</sup> L.OBRADOVIĆ:T.14619; L.OBRADOVIĆ:P01783, T.11987; N.SIMIĆ:P04325, T.28532,T.28494-28495.

<sup>514</sup> TRKULJA:T.35068; P00338, p.152.

<sup>515</sup> P03011, p.2.

combat readiness and capacities,<sup>516</sup> the GŠ-VRS conducted an annual analysis process—at brigade, corps, and GŠ-VRS levels—in which it studied the VRS' successes and failures from the preceding year.<sup>517</sup> Pursuant to **MLADIĆ**'s orders,<sup>518</sup> information obtained through this process moved up the chain of command,<sup>519</sup> from brigade-level analysis and reporting to the corps level<sup>520</sup> for further analysis,<sup>521</sup> and compilation into reports to the GŠ-VRS.<sup>522</sup>

140. To prepare an analysis of combat readiness across the VRS,<sup>523</sup> the GŠ-VRS convened a conference involving **KARADŽIĆ**, the defence ministry, corps commanders and heads of the GŠ-VRS organs, at which different elements of the combat analysis were presented and discussed.<sup>524</sup> In addition to the annual combat readiness analysis, which involved all VRS units, six-month analyses<sup>525</sup> and unit specific analyses<sup>526</sup> were conducted as decided by the GŠ-VRS. **MLADIĆ** and Corps Commanders would issue instructions to specific units on the basis of such analyses.<sup>527</sup>

141. Combat readiness analyses were also conducted in order to determine what further decisions needed to be made to accomplish strategic tasks,<sup>528</sup> which could include the issuance of a directive.<sup>529</sup> Directive 7, for instance, was the product of the combat readiness analysis that took place in January 1995.<sup>530</sup>

<sup>516</sup> *E.g.* TRKULJA:T.35068; P00338, p.152.

<sup>517</sup> N.SIMIĆ:P04325, T.28500; P03918, p.1.

<sup>518</sup> P05242; P04326.

<sup>519</sup> N.SIMIĆ:P04325, T.28497,T.28500. *E.g.* SOKANOVIĆ:T.35730.

<sup>520</sup> P03924; P07330; P06636; P02928. *See* P02920.

<sup>521</sup> P07680.

<sup>522</sup> N.SIMIĆ:P04325, T.28497; P02886; P07679; P05259; P04439; KELEČEVIĆ:T.37220. *See* BROWN:T.19563.

<sup>523</sup> P00338. *See* P03918.

<sup>524</sup> N.SIMIĆ:P04325, T.28497-28501; P00338, pp.4-6; P04366; P05245; P05258; P05260; P03918, p.2. *E.g.* MILOVANOVIĆ:T.17004.

<sup>525</sup> P05240; D00566; P06630; D00939/P01508(partial duplicates). *See* P05258; P05260.

<sup>526</sup> *E.g.* P04353; P04461; P04462; P04435; P07248.

<sup>527</sup> THEUNENS:P03029, p.560; P05241; P05159; P04484; P07410.

<sup>528</sup> N.SIMIĆ:P04325, T.28500; THEUNENS:P03029, pp.558-559; BROWN:T.19563.

<sup>529</sup> N.SIMIĆ:P04325, T.28500,T.28658-28660; P04326, pp.1-2.

<sup>530</sup> L.OBRADOVIĆ:T.14532; N.SIMIĆ:P04325, T.28658-28660.

(f) Daily operations of the GŠ-VRS' Inner Command Staff

142. Conducting regular GŠ-VRS meetings was one of the ways in which **MLADIĆ** exercised command and control over his subordinates.<sup>531</sup>

(i) Daily and Weekly Meetings

143. **MLADIĆ**, **MILOVANOVIĆ** and Assistant Commanders met in the Operations Centre of the GŠ-VRS every day at 07:00 hours.<sup>532</sup> These meetings were chaired by **MLADIĆ**, or, if absent, **MILOVANOVIĆ**.<sup>533</sup> **MLADIĆ** would also schedule evening meetings if developments on the front line demanded it.<sup>534</sup> These meetings were central to the VRS' planning process. **MLADIĆ** introduced issues to be discussed, and after **MILOVANOVIĆ** and the Assistant Commanders had given their assessment of the situations and given proposals, **MLADIĆ** would make his decision, issuing tasks and orders accordingly.<sup>535</sup> Regular combat reports sent by subordinate units the previous day, were analysed at these meetings.<sup>536</sup>

144. For weekly meetings, also attended by the entire Operations Administration, the agenda drafted by **MLADIĆ** was conveyed to the Chiefs of the GŠ-VRS Sectors through **MILOVANOVIĆ** the day before.<sup>537</sup> The chief of each sector would prepare a report regarding the work of their own sector, with **MILOVANOVIĆ** first providing an assessment of the situation on the front line, and proposals for the use of the VRS there.<sup>538</sup> After discussion,<sup>539</sup> **MLADIĆ** would issue "sometimes up to ten" tasks.<sup>540</sup> If a future operation was discussed, **MLADIĆ** would also issue a decision on the use of the military based on the proposals put forward by the Assistant Commanders.<sup>541</sup> **MLADIĆ**'s decisions were final.<sup>542</sup> These weekly briefings were also used to ensure

<sup>531</sup> **MILOVANOVIĆ**:T.16937.

<sup>532</sup> **MILOVANOVIĆ**:T.16937-16939,T.16945-16947.

<sup>533</sup> If both **MLADIĆ** and **MILOVANOVIĆ** were not present at the GŠ-VRS, the most senior Chief of Sector would take charge of the meeting. **MILOVANOVIĆ**:T.16946.

<sup>534</sup> **MILOVANOVIĆ**:T.16938,T.16946. *E.g.* P00354, pp.65-72.

<sup>535</sup> **MILOVANOVIĆ**:T.16947; P00353, pp.299-308.

<sup>536</sup> **MILOVANOVIĆ**:T.16947.

<sup>537</sup> **MILOVANOVIĆ**:T.16949. These meetings were held on either Fridays or Saturdays. **MILOVANOVIĆ**:T.16948.

<sup>538</sup> **MILOVANOVIĆ**:T.16949.

<sup>539</sup> *E.g.* P00360, pp.42-47.

<sup>540</sup> **MILOVANOVIĆ**:T.16950; P00359, pp.110-113; P00346, pp.133-137,150-153; P00358, pp.270-275,378-383.

<sup>541</sup> **MILOVANOVIĆ**:T.16950.

<sup>542</sup> **MILOVANOVIĆ**:T.16950.

the alignment of the working maps maintained by the Corps Commands and those of the GŠ-VRS.<sup>543</sup> MILOVANOVIĆ attested that coordination between the Staff Sector and other Sectors of the GŠ-VRS mainly took place at these meetings.<sup>544</sup>

(ii) Monthly meetings

145. **MLADIĆ** also convened monthly meetings at which the activities of the VRS for the month were analyzed.<sup>545</sup> These meetings were attended by all GŠ-VRS staff, including sector chiefs, their assistants, and desk officers.<sup>546</sup>

(g) Decision-making in the GŠ-VRS

146. Decisions on the engagement of VRS forces were generally made at meetings of the GŠ-VRS Command,<sup>547</sup> or shortly afterwards.<sup>548</sup> The principal decision-making method used by **MLADIĆ** and the GŠ-VRS was the so-called “full method,”<sup>549</sup> which involved the participation of the entire GŠ-VRS Command, with **MLADIĆ** ultimately taking the decision.<sup>550</sup> In addition, the full method was used for drafting Directives<sup>551</sup> and Combat Readiness Analysis reports.<sup>552</sup> The “fast-track” method would involve **MLADIĆ** coming to a decision having only consulted his Assistant Commanders, or nobody at all.<sup>553</sup> The fast-track method, however, was “resorted to only exceptionally,” and these exceptions mainly occurred in subordinate units, rather than in the GŠ-VRS.<sup>554</sup>

3. **MLADIĆ** was an active and engaged commander whose orders were followed

147. **MLADIĆ** effectively exercised command and control over the VRS through his corps commanders and down the chain of command, through the command and control framework set out above.

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<sup>543</sup> MILOVANOVIĆ:T.16948.

<sup>544</sup> MILOVANOVIĆ:T.16918.

<sup>545</sup> MILOVANOVIĆ:T.16951.

<sup>546</sup> MILOVANOVIĆ:T.16951.

<sup>547</sup> P00338, p.8

<sup>548</sup> MILOVANOVIĆ:16956-16957.

<sup>549</sup> P00338, p.8.

<sup>550</sup> [REDACTED]; THEUNENS:T.20267.

<sup>551</sup> L.OBRADOVIĆ:T.14530.

<sup>552</sup> [REDACTED].

<sup>553</sup> THEUNENS:T.20267-20268.

<sup>554</sup> P00338, p.8.

(a) Active and engaged commander

148. **MLADIĆ** was a proactive and engaged commander. His command style was repeatedly on display throughout the Indictment Period. The VRS' command and control system allowed **MLADIĆ** to exercise effective control from its inception and was continually upgraded and corrected – through combat readiness reviews, inspections, field visits and other measures – to ensure continued effectiveness throughout the war. The reporting requirement was strict. Through such rigorous application of command and control doctrine, **MLADIĆ** demonstrated the “continual, persistent and tireless efforts” that gave him authority over the VRS.<sup>555</sup>

149. **MLADIĆ** repeatedly worked from IKM's and field locations which permitted him to be deeply informed about the situational context of VRS activities and to exercise close oversight.<sup>556</sup> He was present in Sarajevo at the beginning of the war for a month and a half to ensure effective command and control in Sarajevo.<sup>557</sup> During this period, he took direct control of the massive bombardment of Sarajevo on 28-29 May (Scheduled Incident G.1) and was actively engaged with the BSL and SRK forces during the 5-8 June bombardment (Scheduled Incident G.2).<sup>558</sup> In April 1994, **MLADIĆ** was again at the “point of main effort”<sup>559</sup> during the attack on Goražde, in “total control” of this operation.<sup>560</sup> He was at the IKM in Pribičevac when the attack on the Srebrenica safe area was carried out,<sup>561</sup> and his directly engaged command style was evident as he made his way into Srebrenica from the IKM on 11 July.<sup>562</sup> The clear respect for his authority among VRS officers and soldiers was evident as he continued into Srebrenica, shouting orders to officers and soldiers, and in the subsequent day in Potočari.<sup>563</sup>

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<sup>555</sup> See P03075, p.12.

<sup>556</sup> See Section II.H.3; THEUNENS:P03029, p.461.

<sup>557</sup> See Section IV.D.2.

<sup>558</sup> See Section IV.E.6(b)(i).

<sup>559</sup> DANNATT:T.19072; DANNATT:P02629, para.103.

<sup>560</sup> See Section III.D.9.

<sup>561</sup> See Section V.A.3(a)(vii)-V.A.3(a)(viii).

<sup>562</sup> See Section V.A.3(a)(ix).

<sup>563</sup> P01147, ERN:V000-9265, 00:19'40-00:33'31, tp.6-12; ERN:V000-9266, 00:23'01-00:28'02, tp.55-56.

(b) MLADIĆ's control over personnel issues

150. **MLADIĆ** exercised his control over personnel issues to appoint or influence the appointment of persons whom he could rely on to implement his criminal objectives. Rajko KUŠIĆ, for example, had been involved in crimes in Rogatica before his appointment to the Drina Corps,<sup>564</sup> KRSTIĆ in Sokolac,<sup>565</sup> and ANDRIĆ in Vlasenica.<sup>566</sup> Others, such as TOLIMIR,<sup>567</sup> ŽIVANOVIĆ<sup>568</sup> and POPOVIĆ<sup>569</sup> had been reliable subordinates in Croatia.

(c) MLADIĆ's subordinates strictly followed orders and were clear on only acting with or within MLADIĆ's approval

151. Effective command and control ensured that **MLADIĆ's** will was implemented by his subordinates. **MLADIĆ**, as the Commander of the GŠ-VRS, had the right to issue orders to anyone in the VRS.<sup>570</sup> A senior VRS officer stated that a subordinate in the VRS had no discretion whether or not to obey an order.<sup>571</sup> One GŠ-VRS officer testified that "if a document is signed by General Mladić, the soldiers...would take that as gospel,"<sup>572</sup> and "orders of superior officers, especially General Mladić, his orders were strictly adhered to and carried out....There's no difference between a written order and an oral order."<sup>573</sup> **MLADIĆ's** orders were carried out, "no questions asked;"<sup>574</sup> a senior officer had never heard of any GŠ-VRS officer ignoring or failing to follow **MLADIĆ's** orders.<sup>575</sup> Even in **MLADIĆ's** absence, the GŠ-VRS could only issue orders "in the spirit" of **MLADIĆ's** orders.<sup>576</sup> Indeed, even if **MLADIĆ** left the country, his orders could not be changed or withdrawn; "as long as his decision was in effect, it would have to be fully implemented."<sup>577</sup> And even when it came to reporting, as MILOVANOVIĆ testified,

<sup>564</sup> See Rogatica Summary.

<sup>565</sup> See Rogatica, Sokolac and Vlasenica Summaries.

<sup>566</sup> See Vlasenica Summary.

<sup>567</sup> P05007, p.4.

<sup>568</sup> BUTLER:P02203, p.22.

<sup>569</sup> P07751.

<sup>570</sup> MILOVANOVIĆ:T.16923.

<sup>571</sup> [REDACTED].

<sup>572</sup> KRALJ:T.27420-27421.

<sup>573</sup> KRALJ:T.27436.

<sup>574</sup> STEVANOVIĆ:T.35267.

<sup>575</sup> L.OBRADOVIĆ:P01783, T.12037; [REDACTED].

<sup>576</sup> L.OBRADOVIĆ:P.01783, T.12020.

<sup>577</sup> MILOVANOVIĆ:T.16931.

subordinate commanders had no discretion not to submit a report.<sup>578</sup> The strict application of command authority down through the VRS hierarchy was underscored by a senior officer, [REDACTED]<sup>579</sup>

152. **MLADIĆ** inspired respect, bordering on fear among his subordinates,<sup>580</sup> a forceful personality which JNA doctrine prescribed as necessary for control over people.<sup>581</sup> As ĐUKIĆ put it: “Mladić was not given to listening to the opinions of others....MLADIĆ does not like to hear bad news....MLADIĆ is energetic, fast thinking, stern – his sternness sometimes borders on rudeness – bold and brave.”<sup>582</sup>

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<sup>578</sup> MILOVANOVIĆ:T.16965-16966.

<sup>579</sup> [REDACTED].

<sup>580</sup> Đ.ĐUKIĆ:P01052, p.27; ABDELRAZEK:P00293, para.58; DANNATT:T.19071-19072.

<sup>581</sup> P03075, p.13.

<sup>582</sup> Đ.ĐUKIĆ:P01052, p.27.

### III. OVERARCHING JCE

#### A. Introduction

153. **MLADIĆ** led the military implementation of the common criminal purpose: a massive ethnic cleansing campaign that throughout the charged municipalities (the “Municipalities”) and other Serb-claimed areas of BiH killed, detained, and expelled most Bosnian Muslims and Croats in order to establish homogenous, Serb-controlled territories by permanently removing their Muslim and Croat populations.<sup>583</sup> He and other JCE members sought to establish Serb control of and demographic dominance in most of BiH, including territories where hundreds of thousands of Muslims and Croats had lived before the war.

154. Once established, the VRS under **MLADIĆ**’s command was the key organ the JCE members used to carry out the cleansing campaign. **MLADIĆ** believed the RS should be an “all-Serbian state”<sup>584</sup> and stated his goal was to ensure Bosnian Muslims and Croats would “vanish completely.”<sup>585</sup> Reflecting this goal, the VRS and other Serb forces (often acting under VRS command) destroyed Muslim and Croat villages and sacred places, detained tens of thousands of Muslim and Croat civilians in inhumane and brutal conditions, and murdered or otherwise abused thousands of non-Serb civilians throughout Bosnian Serb-claimed territory.<sup>586</sup> The crimes committed during those operations and the detention of civilians taken prisoner during them, coupled with pervasive persecutory measures imposed by Bosnian Serb authorities on the non-Serbs who were not killed, detained or expelled during cleansing operations, left surviving non-Serbs no genuine choice but to leave.<sup>587</sup> The same goal was reflected in the destruction of Muslim and Croat cultural sites, done “to wipe out the traces of the existence of the people” who had lived there.<sup>588</sup>

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<sup>583</sup> The ethnic classifications of Bosnian Croat, Muslim and Serb groups were intrinsically related to their religious affiliations. DONIA:P01999, pp.17-18. For instance, **MLADIĆ** identified those descended from Serbs who had converted to Islam as Muslims (and *poturice*). *E.g.* P07719, p.4.

<sup>584</sup> P03076, p.18.

<sup>585</sup> P03076, p.20.

<sup>586</sup> *E.g.* P03111, pp.2-3; P00299, paras.7-21; ABDELRAZEK:T.3590; HARLAND:P00001, para.273; BOWEN:T.18050-18052. *See* Section III.D.

<sup>587</sup> *E.g.* [REDACTED]; ERCEG:T.34092; KELEČEVIĆ:T.37419.

<sup>588</sup> RADIC:P04333, T.7468.

155. **MLADIĆ** took command knowing that other JCE members had already established a policy of forcible ethnic separation, that Serb forces were already carrying out a campaign of ethnic cleansing to implement that policy, and that the VRS would be used to implement the same criminal purpose.<sup>589</sup> From 12 May 1992, he and other JCE members escalated the campaign and used military force to consolidate Serb control over most of BiH by forcibly removing the Muslims and Croats who lived there through the crimes alleged in the indictment.<sup>590</sup> Under his command, **MLADIĆ**'s VRS targeted non-Serbs—including women, children, elderly people and prisoners—for violence and expulsion.<sup>591</sup>

156. The campaign was brutal and successful. By the fall of 1992, the campaign which **MLADIĆ** and the VRS had assumed primary responsibility for in May had achieved substantially ethnically homogenous territory in most Serb-claimed areas.<sup>592</sup> **MLADIĆ** and other JCE members celebrated the creation of Serb-dominated territories and, even while working to further remove remaining Muslims (particularly in the enclaves in Eastern Bosnia), worked to cement the results of the cleansing campaign and prevent non-Serbs from returning to their ancestral villages.<sup>593</sup> As GVERO—one of **MLADIĆ**'s key Assistant Commanders,<sup>594</sup> responsible for disseminating the purpose of the war to the troops<sup>595</sup>—explained, “[w]e say everybody has to live on his own territory, Muslims on Muslim territory, Serbs on Serbian.”<sup>596</sup>

## B. Emergence of the Common Criminal Purpose

157. **MLADIĆ** undertook the military implementation of a JCE already underway. Months earlier, JCE members had determined to establish an ethnically-separate and homogenous Bosnian Serb entity on Bosnian territory through the crimes alleged in the Indictment.

<sup>589</sup> See Section III.C.1.

<sup>590</sup> See Section III.D.1.

<sup>591</sup> See Section III.D.2.

<sup>592</sup> WILSON:P00320, paras.116-118; KECMANOVIĆ:T.23941-23942; P06668. *E.g.* P00356, pp.146-147; TABEAU:P02788; TABEAU:P02798; P03216; P03853; [REDACTED]; Municipality Summaries.

<sup>593</sup> P03071, pp.4-5. *See* Section III.E.2.

<sup>594</sup> P01147, ERN:V000-9268, 00:21'50-00:28'22, tp.123; P01981, p.2; MILOVANOVIĆ:T.16918-16919.

<sup>595</sup> *E.g.* BARAŠIN:T.28690-28691.

<sup>596</sup> P07394, p.3.

158. The JCE members sought a largely homogenous Serb presence on portions of BiH inhabited by vast numbers of Muslims. This meant a dramatic demographic adjustment, which in turn required a commitment to deploying where necessary any or all of the crimes charged in the Indictment. The inclusion of these crimes, which together comprised the ethnic cleansing campaign, in the JCE members' common purpose is demonstrated, *inter alia*, by JCE members' threats of mass violence against non-Serbs, their preparations for imposing a forcible solution; their expectations that extreme levels of violence would be deployed; the necessity of violent crimes to establish ethnically-homogenous territories; the role of the cleansing campaign in causing non-Serbs to flee their homes; JCE members' continued participation in and contribution to the cleansing campaign, in full knowledge of the crimes; their ratification of the crimes through failures to punish, promotion of perpetrators, and deflection of criticism; and efforts to make permanent the ethnically-cleansed territory that their campaign had created.

1. The goal of ethnic separation

159. Yugoslavia's dissolution triggered Bosnian Serb concerns about a sovereign and independent BiH. Even before the multi-party elections in 1990, the BSL insisted that all Serbs in Yugoslavia live in the same state.<sup>597</sup> Their efforts initially focused on keeping Bosnia within Yugoslavia,<sup>598</sup> which gave way—particularly in the face of the memorandum of sovereignty the BiH Assembly adopted on 14-15 October 1991<sup>599</sup>—to the objective of an ethnically separate Bosnian Serb state within BiH that would ultimately join Serbia and the Republic of Serbian Krajina in a united state.<sup>600</sup>

160. Although KARADŽIĆ had previously acknowledged Muslims were Europeanized Slavs with whom Serbs would always live,<sup>601</sup> by late 1991 he began to assert that “Muslims cannot live with others,”<sup>602</sup> characterizing them as inherently

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<sup>597</sup> AF13; P07759, p.6.

<sup>598</sup> AF44-AF46; OKUN:P03103, T.4162-4164,T.4172; OKUN:P03115, p.3; TREANOR:P03003, p.16; DODIK:T.42220.

<sup>599</sup> AF72; DONIA:P01999, pp.37-38.

<sup>600</sup> AF43; AF53; AF64-AF67; AF76; AF99; AF108; M.DERONJIĆ:P03566, para.44; P03999; DONIA:T.15521-15524; P03776, pp.1,4; DONIA:P02001, pp.9-10,12,48-49; P07003, p.15; P07005, p.18; P03900, pp.10,37; P04580, p.43; OKUN:P03103, T.4177,T.4215; P07663, pp.6,8,10; P06999, p.2-3.

<sup>601</sup> P07759, pp.8-9. *See* P06921, p.13.

<sup>602</sup> P03900, pp.6,36.

incompatible with Serbs.<sup>603</sup> He depicted Muslims as historic enemies, fundamentalist “Turks” who once again sought Serb subjugation and destruction.<sup>604</sup> **MLADIĆ** similarly told Serbian media in 1993, “we all know who the Turks are. As a matter of fact, these Muslims are not even Turks, they are converts. They have betrayed the Serb people and repressed them for 500 years... that was the worst scum, the Serb people who changed their religion.”<sup>605</sup> The view that non-Serbs were all enemies also appeared in VRS documents.<sup>606</sup>

161. JCE members asserted that Muslims posed a demographic threat:<sup>607</sup> “they will overwhelm you with their birth rate and their tricks. We cannot allow that to happen.”<sup>608</sup> Even a 65% majority of Serbs such as in Serbia was considered unstable.<sup>609</sup>

162. Accordingly, the JCE members sought “as much separation as possible” in the territories they claimed,<sup>610</sup> demanding those territories be ethnically “clean” or “pure.”<sup>611</sup> JCE members would pursue a two-track policy: on the one hand, conduct negotiations aimed at an agreement to ethnically separate the people who lived in BiH, and on the other hand, prepare to forcibly impose a *de facto* solution.<sup>612</sup> Consequently, even while the JCE members prepared the infrastructure and forces to implement ethnic separation,<sup>613</sup> they engaged in negotiations both under international auspices and bilaterally to establish Serb ethnic territories in the parts of BiH they claimed.

163. For instance, in January 1992 KOLJEVIĆ conveyed to Croatian leaders the BSL’s plan for separate Serbian, Croatian and Muslim Bosnias,<sup>614</sup> including “homogeneity of certain areas,”<sup>615</sup> Croatian President TUĐMAN and KOLJEVIĆ agreed the “transfer” of populations or “population exchanges” would “be the way” to

<sup>603</sup> E.g. P03774, pp.18-19; P06922, p.4; P00407, p.8; P06923.

<sup>604</sup> P03776, pp.1-2; P04931, p.14.

<sup>605</sup> P07719, p.4.

<sup>606</sup> E.g. P03815, p.2; P00519, p.3.

<sup>607</sup> AF13; OKUN:P03103, T.4163-4164, T.4168-4170, T.4205; OKUN:P03104, T.1487-1488. See P04581, pp.85-86; DONIA:P02001, pp.19,28-29; SEJMENOVIC:P00283, para.12.

<sup>608</sup> P03900, p.36.

<sup>609</sup> P00360, pp.88-89. See P04581, p.85.

<sup>610</sup> P07003, p.12. See OKUN:P03103, T.4177.

<sup>611</sup> See para.166.

<sup>612</sup> AF108-109; OKUN:P03103, T.4406; P07723, p.14.

<sup>613</sup> See Section III.B.4(b).

<sup>614</sup> P06727, pp.7-9.

address these national problems.<sup>616</sup> Soon thereafter, BSL members including KARADŽIĆ and KRAJIŠNIK discussed ethnic-based exchanges of populations with regional Serb leaders at a meeting in Doboj.<sup>617</sup>

## 2. Territorial claims

164. JCE members cast the need for ethnic separation, in part, as a battle for “living space”.<sup>618</sup> One of their “constant refrain[s]” was that the Serbs were entitled to approximately 65% of the land in BiH despite comprising only 35% of its population,<sup>619</sup> encompassing large areas where the ethnic groups were intermixed and many where non-Serbs constituted a majority.<sup>620</sup> JCE members justified these claims by asserting, for example, that “historical justice” required that pre-WWII genocide Serb-majority lands be Serb-controlled<sup>621</sup> or that the November 1991 plebiscite determined which territories would stay in Yugoslavia, no matter how small the Serb population.<sup>622</sup> KARADŽIĆ characterized the plebiscite as a way to “mark our territory as dogs do.”<sup>623</sup>

165. The territories purportedly justified by these claims were required to fulfil the BSL’s goals of having continuous territory contiguous with Serbia,<sup>624</sup> “incorporat[ing] the national and territorial treasures,<sup>625</sup> and areas considered of “strategic” value. As KARADŽIĆ reminded the Assembly in August 1995,

To tell the truth, there are towns that we’ve grabbed for ourselves, and there were only 30% of us. I can name as many of those as you want, but we cannot give up the towns where we made up 70%.

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<sup>615</sup> P06727, p.13.

<sup>616</sup> P06727, pp.9,25,32-33.

<sup>617</sup> AF119-AF120. *See* DONIA:P02001, pp.10,28.

<sup>618</sup> P02005, p.6; DONIA:P02001, p.27; OKUN:P03103, T.4174-75.

<sup>619</sup> OKUN:P03103, T.4165-4166,T.4207; P07723, p.14. *See* P06669, pp.2,4; KECMANOVIĆ:T.23934-23937; P07325, p.2; P06735, p.2; P06736, p.2; P07003, p.5; HARLAND:P00001, para.276; HARLAND:T.674-675.

<sup>620</sup> OKUN:P03103, T.4167-4168,T.4196,T.4205-4206,T.4278; P03107. *E.g.* KECMANOVIĆ:T.23902.

<sup>621</sup> P03006, p.2; DONIA:P02001, p.18; OKUN:P03103, T.4156,T.4163-4167. *See* P02508, pp.11-12; LUKIĆ:T.25488-25489; P06735, p.1.

<sup>622</sup> *See* Section III.B.4(a).

<sup>623</sup> P02005, p.9.

<sup>624</sup> DONIA:P02001, p.9-10; HARLAND:P00001, para.267. *See* OKUN:P03103, T.4157-4158,T.4188,T.4241-4243; P07357, p.5; P00099, para.3.

<sup>625</sup> P07720, p.5. *See* DONIA:P02001, p.20; P07746, pp.10-11,16-17; OKUN:P03103, T.4208,T.4286-4287. *See* P07294.

Don't let this get around, but remember how many of us there were in Bratunac, how many in Srebrenica, how many in Višegrad, how many in Rogatica, how many in Vlasenica, in Zvornik, etc. Due to strategic importance they had to become ours, and no one is practically questioning it any more.<sup>626</sup>

166. JCE members emphasised that these territories had to be ethnically “clean” or “pure.”<sup>627</sup> **MLADIĆ** and other JCE members acknowledged to **HARLAND** and **ABDEL-RAZEK** that this “required the removal of very large numbers of Bosnian Muslims”<sup>628</sup> who would “be transferred out because we can't live together.”<sup>629</sup> **ABDEL-RAZEK** noted: “It was obvious to me that there was a consensus among the Serb leaders and their military commanders about the politics of ethnic cleansing.”<sup>630</sup>

### 3. The charged crimes were part of the common purpose

167. **KARADŽIĆ** and other members of the JCE were clear about their willingness to use force to achieve their aims.<sup>631</sup> **KARADŽIĆ** made this clear to **VANCE** and **OKUN** at their first meeting,<sup>632</sup> and explained to **KRAJIŠNIK** that in response to Bosnian Muslim moves towards independence, “We'll release our tigers and let them do their job...we shouldn't hold them back.”<sup>633</sup> Accordingly, they prepared their followers logistically and psychologically for the use of force, arming Serbs, creating organs to impose that force and imbuing Bosnian Serbs with the message that Muslims and Croats were bent on their destruction and “reciprocal” action was a necessity.<sup>634</sup> As **OKUN** warned at the time, “If you keep talking about the genocide of the Serbs so much, you will commit a pre-emptive genocide.”<sup>635</sup>

168. JCE members were equally aware of the nature and level of violence that would be required. **KARADŽIĆ** threatened non-Serbs with the same “highway to hell” experienced by those who opposed Serbs in Croatia, which would lead to

<sup>626</sup> P04584, pp.17-18.

<sup>627</sup> E.g. OKUN:P03104, T.1475; OKUN:P03103, T.4234-4235; P03115, p.8; P04584, p.17.

<sup>628</sup> HARLAND:P00001, para.270.

<sup>629</sup> ABDEL-RAZEK:P00293, para.33.

<sup>630</sup> ABDEL-RAZEK:P00293, para.32.

<sup>631</sup> See Section III.D.6. DONIA:P01999, pp.28-33; TREANOR:P03003, pp.21-22; P02678, pp.6-7; OKUN:P03103, T.4164,T.4172-4173,T.4213-4214,T.4220; P07003, p.4; P02005, p.6; P04202, p.4.

<sup>632</sup> OKUN:P03103, T.4162-4165.

<sup>633</sup> P02676, p.5.

<sup>634</sup> P02005, p.7.

<sup>635</sup> OKUN:P03103, T.4165.

Bosnian Muslims' "extinction" or "disappearance,"<sup>636</sup> their complete destruction and the deaths of their leaders,<sup>637</sup> and leave them "up to their necks in blood."<sup>638</sup> J. STANIŠIĆ, for example, in a conversation with KARADŽIĆ, explicitly advocated the extermination of non-Serbs, if negotiations failed.<sup>639</sup> ARK leader Radislav VUKIĆ told the RS Assembly that if Bosnia was recognised as independent by the European Community "there will be another Serbian uprising and there will be massive bloodshed in which some nations, that have been subsequently created, will disappear altogether."<sup>640</sup>

169. That awareness conformed to the reality of forcibly separating intermixed BiH, where people of different ethnic groups "[REDACTED]."<sup>641</sup> As one international noted, the undesired portion of those conjoined people were not going to disappear by "magic;" separating them "is what ethnic cleansing was designed to do."<sup>642</sup>

170. Ethnic cleansing meant a broad spectrum of persecutory crimes: "'ethnic cleansing' would necessarily involve at the minimum intimidation, deprivation of livelihood, verbal threats and violence... The other end of the spectrum would, of course, be death... during this period one observed, one heard, from the hundreds of thousands of Muslims of all of these modalities being deployed against them."<sup>643</sup> The crimes anticipated and chosen by the JCE members were indeed deployed to permanently remove non-Serbs:<sup>644</sup> it was the ethnic cleansing campaign, as even Defence witness KECMANOVIĆ admitted, that ethnically homogenised RS territory.<sup>645</sup>

171. As detailed throughout the brief, the JCE members continued after the crimes commenced to make clear that they were part of the common purpose by continuing the campaign in full knowledge that it was being implemented through the crimes,

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<sup>636</sup> P02004, 00:09'34-00:09'54, tp.3; P00108, pp.5-6; KECMANOVIĆ:T.23894-23897; P02654, pp.5-6; P04110, p.3; P04108, p.2; P04109, pp.3,8.

<sup>637</sup> P02654, pp.5-6.

<sup>638</sup> P04109, pp.3,8.

<sup>639</sup> P04114, pp.6-7.

<sup>640</sup> P07003, p.4.

<sup>641</sup> [REDACTED].

<sup>642</sup> OKUN:P03103, T.4205.

<sup>643</sup> OKUN:P03103, T.4408.

<sup>644</sup> See P00299, paras.7-23; P07293, p.1.

<sup>645</sup> KECMANOVIĆ:T.23941-23942; P06668.

deflecting criticism or defending the crimes and praising their results,<sup>646</sup> failing to punish perpetrators and instead promoting them<sup>647</sup> and attempting to ensure that the cleansing was cemented and not undone.

172. Viewed individually and particularly collectively, the factors outlined above demonstrate that the crimes were an integral part of the common purpose. While the scale of criminality required to achieve Serb dominance varied from municipality to municipality, forces under the control of **MLADIĆ**, **KARADŽIĆ** and the other JCE members committed an unmistakable pattern of crimes,<sup>648</sup> reflecting the JCE members' intention to do whatever was necessary to achieve their goals.<sup>649</sup> In some municipalities, particularly Prijedor, the totality of the cleansing campaign clearly manifested the intent to destroy the part of the Muslim or Croat group which that municipality comprised.<sup>650</sup> **MLADIĆ** is consequently responsible for committing the charged crimes as a member of a JCE whose participants used their subordinates to physically perpetrate the crimes.

173. The Defence suggests that Bosnian Serb acceptance of the Cutileiro plan "Statement of Principles"<sup>651</sup> somehow negates the the common purpose. In reality, the BSL regarded the Statement of Principles as destroying Bosnia and requiring instead three separate ethnic areas<sup>652</sup> but not constraining their territorial ambitions—"now it is a matter of quantity only."<sup>653</sup> **KARADŽIĆ** later explained the Cutileiro map was unacceptable because it did not allot Serbs all the territory they sought, for instance in Eastern Bosnia and the Sarajevo area.<sup>654</sup>

174. When the process collapsed soon after, the Bosnian Serbs—as **CUTILEIRO** himself acknowledged—"went brutally on the offensive,"<sup>655</sup> ethnically cleansing, *inter alia*, Eastern Bosnia, the ARK and parts of the Sarajevo area, in what

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<sup>646</sup> See Section III.E.1.

<sup>647</sup> See Section III.E.3

<sup>648</sup> See Section III.D.2(a).

<sup>649</sup> For instance, shortly after arriving in BiH **MLADIĆ** declared "We'll wage our war and if necessary I'll tear down all of Sarajevo for you if that's what it takes." P02727, p.1. See P06738, p.5.

<sup>650</sup> See III.D.6.

<sup>651</sup> P03106.

<sup>652</sup> D00639, p.7; P04582, p.4. See **CUTILEIRO**:T.42438-42439; P07005, pp.11,18; **KECMANOVIĆ**:T.23912-23914.

<sup>653</sup> P04580, pp.43-44.

<sup>654</sup> P07294, 00:09'08-00:09'35, tp.1. See **KECMANOVIĆ**:T.23912-23914.

<sup>655</sup> P07771; **CUTILEIRO**:T.42446-42454.

international observers recognised as the implementation of a policy to remove non-Serbs.<sup>656</sup>

#### 4. Pre-May 1992 preparations by JCE members

##### (a) JCE members established separate political institutions

175. By September 1991, the SDS had established several autonomous regions,<sup>657</sup> intended to assert Serb authority<sup>658</sup> and “destroy joint Bosnia.”<sup>659</sup> In mid-October, the joint BiH Assembly considered a proposed platform and memorandum supporting BiH sovereignty. Despite KARADŽIĆ’s threat that Muslims were risking a “highway to hell” and would be destroyed,<sup>660</sup> the Assembly adopted the platform.<sup>661</sup> Within a few days, KARADŽIĆ declared a state of emergency.<sup>662</sup>

176. On 24 October 1991, KARADŽIĆ told MILOŠEVIĆ, “KARADŽIĆ and the others will not give up on establishing an Assembly and parallel organs of authority... We will establish full authority over the Serbian territories in BiH and none of [IZETBEGOVIĆ’s] lawyers will be, will be able to show his nose there. He will not be able to exercise power. He will not have control over 65% of his territory. That is our goal.”<sup>663</sup>

177. That same day, the Bosnian Serb Assembly—the first republic-level organ of a nascent Serb parallel governmental structure—was established.<sup>664</sup> KARADŽIĆ told the Assembly at its inaugural session that the Serbs faced “the same plans, the same villains” as in WWII and added: “This is a historic step, a step by the Serbian people to shatter the last illusions, to discern between its friend and enemies, and to round out

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<sup>656</sup> See Section III.D.

<sup>657</sup> AF54-AF57; P06998; D00856; KEČMANOVIĆ:T.23902. All six SAOs had been established by November 1991. *E.g.* P03930.

<sup>658</sup> TREATOR:T.20137; P06996; D00857, p.11; P06999, p.3; P06503, p.2; DONIA:P01999, pp.34-37; TREATOR:P03003, paras.135-137; KOVIĆ:T.42015-42017; P07720, p.5; P07078; P07491, pp.5-6.

<sup>659</sup> P07000, pp.4,6; KUPREŠANIN:T.29709.

<sup>660</sup> P02004, 00:09’34-00:09’54, tp.3; DONIA:T.15521; KEČMANOVIĆ:T.23896-23897.

<sup>661</sup> AF72; DONIA:P01999, pp.37-38.

<sup>662</sup> P02657, p.5; D.HANSON:P00379, para.17.

<sup>663</sup> P02659, pp.6-7. *See* AF53.

<sup>664</sup> AF77; P03005, pp.8-9.

our entity in such a way that... it will never again find itself endangered from within."<sup>665</sup>

178. Two days later, KARADŽIĆ chaired a meeting of all municipal presidents in the ARK and ordered them to, *inter alia*, form a "town command" with round-the-clock guard duty; take over public enterprises; intensify TO mobilisation, form military units and subordinate to the JNA; disband paramilitary units and reassign to the TO; impose war taxes; take over the media and begin wartime programme broadcasts.<sup>666</sup>

179. At the beginning of November, KARADŽIĆ told his officials to "get ready and establish your authority in your territories" and seize control "completely and energetically! It cannot happen that a company manager is not loyal to the party, where the party is in power. We cannot have a radio chairman or a newspaper editor who is not implementing the policy of the party in power...."<sup>667</sup>

180. In November 1991, the Bosnian Serbs held a plebiscite on remaining in Yugoslavia pursuant to an Assembly decision.<sup>668</sup> Even in territories where Serbs were a minority, KARADŽIĆ explained that if Serbs voted to stay in Yugoslavia in the plebiscite the territory could not become part of an independent BiH.

We have the right and the ability to prevent anybody on the territories where we conducted our referendum to secede from Yugoslavia. In all territories where Serbs took part in the referendum, regardless of whether they make 5% or 55% of the population, they are the constituent element of that town or that Republic. All territories where we voted in our referendum to remain within Yugoslavia must stay within Yugoslavia if we decide so.<sup>669</sup>

The Assembly subsequently proclaimed all municipalities, communes, and settlements where a majority of registered Serbs had voted to stay in Yugoslavia part of Yugoslavia.<sup>670</sup>

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<sup>665</sup> P03005, p.25.

<sup>666</sup> AF58; AF60-AF61; P06933.

<sup>667</sup> P02005, p.4.

<sup>668</sup> AF76.

<sup>669</sup> P07003, p.9.

<sup>670</sup> AF79-80.

181. In late December 1991, KARADŽIĆ issued concrete instructions—Variant A/B—to prepare to assert Serb control at the municipal level by military means, if necessary.<sup>671</sup> At a 20 December 1991 meeting in Sarajevo,<sup>672</sup> these instructions were distributed to municipal leaders,<sup>673</sup> who further relayed them to their own municipal boards.<sup>674</sup> Variant A/B directed municipal leaders to implement the instructions in two stages: first to form CSs, establish Serbian Assemblies and prepare to establish municipal government organs<sup>675</sup> and second, among other things, to mobilise Serbian police and TO units in an effort to “[t]ake over” the police and place its infrastructure under Bosnian Serb control.<sup>676</sup> The second stage would be activated by a “secret” order to be given by KARADŽIĆ.<sup>677</sup> KARADŽIĆ supervised the implementation of Variant A/B,<sup>678</sup> which was a planned, centralised means of establishing and preparing the Serb municipal organs that would be used to implement the common criminal purpose.<sup>679</sup>

182. While Variant A/B focused on the municipal bodies instrumental in the takeover and control over territories from which non-Serbs were ultimately removed, the BSL formed additional republic-level institutions. On 9 January 1992, the Assembly proclaimed the Republic of the Serbian People of BiH.<sup>680</sup> On 11 January 1992, the Council of Ministers, which was essentially a “government-in-waiting” comprised of high-ranking Bosnian Serb functionaries in the ministries of BiH, held

<sup>671</sup> P03038/D00986/D00078(partial duplicates); THEUNENS:T.20281-20282; D.HANSON:P00379, para.25; TREANOR:P03003, paras. 61-63; DONIA:T.15522-15523; M.DERONJIĆ:P03566, para.45.

<sup>672</sup> AF86; P02672, pp.3-4; P04111; TREANOR:P03003, paras.62.

<sup>673</sup> AF87; D.HANSON:P00379, para.20; P02672 pp.3-4; M.DERONJIĆ:P03566, para.45.

<sup>674</sup> AF95; D.HANSON:P00379, para.26; P.RADIĆ:P04333, T.7384-7385; TREANOR:P03003, para.63. *E.g.* **Bijeljina**:P04115, p.7; **Bratunac**:M.DERONJIĆ:P03566, para.46; **Foča**:P02832, p.2; P06834, p.1; **R.MLAĐENović**:T.27059-27060; **Ilidža**:P06588/P03954(duplicates); **Ključ**:P03771; **KALABIĆ**:T.30228-30233; **Novo Sarajevo**:P06526; **Prijedor**:AF840-AF841; P03960; P03773, p.1; P03038, p.6; **B.MANDIĆ**:T.28888-28893,T.28933-28935,T.28954; **Rogatica**:P03909, p.5; **M.SOKOLOVIĆ**:T.26026-26027,T.26030; **RM037**:P02227, para.6(confidential); **UJIĆ**:T.26908; **VESELINOVIĆ**:D00770, para.13; **Sokolac**:P04113, p.2; **TUPAJIĆ**:P03170, T.15321,T.15323-15327,T.15460-15461,T.15464-15467.

<sup>675</sup> P03038, pp.3,6-7/D00986, pp.4-7/D00078, p.2-3,5-6(partial duplicates).

<sup>676</sup> P03038, pp.5-6,9/D00986, pp.5,9/D00078, p.4-5,7(partial duplicates); THEUNENS:T.20282-20284.

<sup>677</sup> P03038, p.10/D00078, p.8(partial duplicates).

<sup>678</sup> AF96; P04115, p.7;P02672, pp.3-4; P04112, pp.2-3; P06971, pp.5-7; D.HANSON:P00379, para.28.

<sup>679</sup> TREANOR:P03003, paras.63-64; P04583, p.323; D.HANSON:P00379, para.27. *See* Section III.G.8.

<sup>680</sup> AF110; P03006; TREANOR:P03003, para.94; OKUN:P03103, T.4188.

its first session, with KARADŽIĆ in attendance,<sup>681</sup> and identified its priorities as defining Serb ethnic territory, establishing government organs and economically disempowering the current authorities. In its second session the Council adopted a work program to enlarge the territory of the regions, encompass a large number of inhabitants and “consolidate the regions both ethnically and economically.”<sup>682</sup>

183. On 14 February 1992, KARADŽIĆ called an expanded session of the SDS Main and Executive Boards, with municipal presidents and other municipal officials,<sup>683</sup> to activate the second level of Variant A/B. He explained it was now “important to gain the real situation, the factual situation on the ground... that is why we called you today, to intensify, to introduce the ‘second level’ and to intensify the functioning of the government at any cost and on every single millimetre of our territory.”<sup>684</sup>

(b) JCE members established armed forces in BiH

184. As the Bosnian Serbs established separate Serb political institutions, they and Belgrade-based JCE members co-operated to establish armed forces in BiH under Serb control. By late 1991, SFRY leaders redeployed JNA units from Croatia to BiH as part of a broader plan to create a Bosnian Serb army.<sup>685</sup> The SDS leadership, who had formally requested JNA protection,<sup>686</sup> embraced the JNA by encouraging calls for mobilisation,<sup>687</sup> forming volunteer and “TO” units and seeking increased co-operation with the JNA command.<sup>688</sup>

185. Beginning in mid-1991 and continuing as Bosnian Serb authorities established and armed local Serb TO and police units pursuant to Variant A/B,<sup>689</sup> Serb forces based in Belgrade armed and trained Bosnian Serb forces in co-operation with Bosnian Serb authorities. Beginning by mid-1991, members of DB Serbia provided

<sup>681</sup> AF111; AF114; AF180; AF182; P03037; TREANOR:P03003, para.176. See P04580, p.7.

<sup>682</sup> AF112; P03037, p.2; P07722, pp.4-5. E.g. SEJMENOVIC:T.3485.

<sup>683</sup> TREANOR:P03003, paras.64-65; D.HANSON:P00379, para.29.

<sup>684</sup> P03774, pp.5,17,24; D.HANSON:P00379, para.29. See AF121; P06950, p.1; M.DERONJIC:P03566, para.47.

<sup>685</sup> AF269; AF286; ĐUKIĆ:P01052, p.20. See Section II.A.

<sup>686</sup> P07749. See M.DERONJIC:P03566, para.8.

<sup>687</sup> E.g. P04246.

<sup>688</sup> P03030, p.5. See THEUNENS:T.20286.

<sup>689</sup> THEUNENS:T.20285.

military training to Serbs at camps in the ARK and in Croatia.<sup>690</sup> By 1992, similar training camps were set up throughout the RS.<sup>691</sup> The JNA assisted in establishing, arming and training Serb units<sup>692</sup> and co-ordinated with the Bosnian Serb authorities about arming Serbs.<sup>693</sup> The JNA also moved large amounts of its weapons and ammunition to depots controlled by the Bosnian Serb authorities.<sup>694</sup>

186. At various locations in BiH, including the JNA barracks at Kalinovik, Manjača camp and the Victor Bubanj Barracks in Sarajevo, JNA instructors provided combat training to ethnic Serb reservists, volunteers and/or police officers.<sup>695</sup> [REDACTED].<sup>696</sup>

187. In many places in BiH, the official republic TO came under JNA command by late 1991 or early 1992, as part of the process of creating a united Serb army.<sup>697</sup> In other areas, following on KARADŽIĆ's instructions to establish and mobilise TO units<sup>698</sup>, Bosnian Serb authorities formed their own Territorial Defence units, often

<sup>690</sup> [REDACTED]; P02445; M.BABIĆ:P04167, T.13119-13123; M.BABIĆ:P04166, T.3378-3382.

<sup>691</sup> P04140, 00:12'09-00:19'29, tp.9-12; M.DERONJIĆ:P03566, paras.132-137; P00353, pp.265-270. See Section III.G.6.

<sup>692</sup> AF286; BROWN:P02859, p.64; [REDACTED]; MUJADŽIĆ:P03121, T.3608-3610(confidential); ĐUKIĆ:P01052, p.21; RADULOVIĆ:P03207, para.31(confidential); P07675, p.7; P07398, pp.1-2; S.SIMIĆ:T.35937-35938; P03918, p.2. See generally P04931.

<sup>693</sup> AF103; P04583, pp.323-324; P00338, p.14; P04022, p.2; **Banja Luka**:P03030, pp.6,11; **Bijeljina**:P03208, p.2. See P06659, p.13; [REDACTED]; **Bratunac**:M.DERONJIĆ:P03566, paras.33-36; **Foča**:AF527-AF528; Z.HADŽIĆ:P02800, p.7; P03030, pp.6,11; **Ildiža**:P03030, pp.6,11; P02653, pp.3-5; GUZINA:T.22496-22501,T.22504; **Kalinovik**:F.HADŽIĆ:P00138, p.3; POLJAK:P01425, p.5; Z.HADŽIĆ:P02800, p.7; **Kotor Varoš**:P03030, pp.6,11; [REDACTED]; **Novo Sarajevo**:P06912; **Novi Grad**:P03030, pp.6,11; **Pale**:P03030,pp.6,11; P06565; DONIA:P02001, p.73; CRNČALO:P00260, paras.19-22,58; **Prijedor**:P03948; SEJMENOVIĆ:P00283, para.14; **Rogatica**:P03030, p.11; [REDACTED]; RM081:P00309, paras.17-22(confidential); Elvir PASIĆ:P00434, paras.14-16; P03924, p.1; P02653, pp.4,7-8; **Sanski Most**:P03851, p.1; KARABEG:P03250, T.6094-6095; SEFEROVIĆ:P02502, p.5; [REDACTED]; A.ZULIĆ:P03611, para.7(confidential); **Sokolac**:P03030, p.11; AF271-AF272; **Vlasenica**:P03030, p.11; P04094, p.4; [REDACTED]; [REDACTED]. See Municipality Summaries.

<sup>694</sup> ĐUKIĆ:P01052, pp.21-22; [REDACTED]; **Kalinovik**:POLJAK:P01425, pp.4,5; Z.HADŽIĆ:P02800, p.6; **Pale**:P04930, p.7; **Sokolac**:TUPAJIĆ:P03170, T.15331-15332,T.15343-15345;P06605, pp.3-4; **Vlasenica**: M.DERONJIĆ:P03566, para.32.

<sup>695</sup> POLJAK:P01425, p.3; [REDACTED]; MILANOVIĆ:T.24154-24155; P03030, p.6; P06565, p.8; MUJADŽIĆ:P03121, T.3608-3610(confidential); DŽAFIĆ:P03394, paras.64-65; VRAČAR:T.28616-28618; EGRLIĆ:P03402, p.7; [REDACTED]; P06566; P03924, p.2; S.SIMIĆ:T.35937-35938;P02445; [REDACTED]; [REDACTED]; M.DERONJIĆ:P03566, paras.33-36.

<sup>696</sup> [REDACTED].

<sup>697</sup> E.g. [REDACTED]; R.JAVORIĆ:D00895, paras.12,15,17-18; R.JAVORIĆ:T.31432-31434,T.31437,T.31448-31449(confidential);P03841, p.3; [REDACTED]; SAJIĆ:T.29192; SAJIĆ:D00836, para.13; P04306; P04307.

<sup>698</sup> AF58; AF60-AF61; P06933; P03038/D00986/D00078(partial duplicates).

under CS control.<sup>699</sup> As noted above, they also sought to place these units under JNA command.<sup>700</sup> For instance, on 27 March 1992, KARADŽIĆ directed Assembly members to establish Serb TO units in their municipalities, which would be placed under JNA command.<sup>701</sup>

188. On 16 April 1992, the RS officially established the TO as an RS army. In the same decision, the Ministry of National Defence declared an imminent threat of war and ordered public mobilisation of the TO in the entire RS territory and the formation of TO staffs in newly established Bosnian Serb municipalities.<sup>702</sup> Co-operation with and “where possible” subordination to the JNA was part of the TO’s mission.<sup>703</sup> [REDACTED].<sup>704</sup> [REDACTED]<sup>705</sup> [REDACTED].<sup>706</sup>

189. At the end of March 1992 the BSL formed an ethnically separate RSMUP, which played a key role in municipality takeovers in April and May 1992 and continued to cooperate with the VRS in implementing the common criminal purpose thereafter.<sup>707</sup>

190. In March and April 1992, Bosnian Serb leaders and Belgrade-based JCE members also co-ordinated to form and/or deploy to BiH Serb paramilitary units, which took part in early takeovers and crimes.<sup>708</sup>

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<sup>699</sup> **Foča**:P02821; GRM277:T.26718; **Prijedor**:R.JAVORIĆ:D00895, para.17; VUJIĆ:T.34956-34957,T.35051; P06951, para.5; P07363; P04086;**Rogatica/Sokolac**:AF271-AF272; P02008, pp.1-2; P06931, p.1; **Sanski Most**:P03851, p.2.

<sup>700</sup> AF58; AF60-AF61; P06933.

<sup>701</sup> P00407, p.20.

<sup>702</sup> AF290; AF359; P03027.

<sup>703</sup> P03027, p.2; THEUNENS:P03029, p.334; THEUNENS:T.20284-20285. *See* P04158, p.1.

<sup>704</sup> [REDACTED]; [REDACTED].

<sup>705</sup> [REDACTED].

<sup>706</sup> [REDACTED]; [REDACTED].

<sup>707</sup> P03009; AF348; **Foča**:AF532; P02820; MILANOVIĆ:T.24128; R.MLAĐENović:D00697, para.6; Miladin GAGović:D00682, para.4-5; RM071:P02937, p.7(confidential); Z.HADŽIĆ:P02800, p.9; **Kalinovik**:AF732; **Prijedor**:AF856; SEJMENOVIĆ:P00283, paras.17,20; SEJMENOVIĆ:T.3510; P03948, p.3; RM017:P03228, pp.5-6(confidential); P07802; **Rogatica**:AF1120; [REDACTED]; RM081:P00309, para.9(confidential); **Sanski Most**:AF1153-AF1154; [REDACTED]; KARABEGP03248, pp.3,4,6-7; **Sokolac**:AF1235; P06569; DONIA:P02001, p.73; GAGULA:P02525, pp.4-5; **Vlasenica**: [REDACTED]; Mane ĐURIĆ:D00732, paras.19-21. *See* Section III.G.1.

<sup>708</sup> THEUNENS:P03029, pp.169-188; P07196, p.6; ANDAN:T.22414; P05129, 00:59’04-01:15’52, tp.26-33; P05156, p.1; P02711; P02709, p.1; P02713, p.2.

5. Beginning of takeovers and crimes in April and early May

191. On 24 March 1992, KARADŽIĆ informed the Assembly that Serb municipalities would soon “literally assume control of the entire territory of the municipality concerned... there will be a single method used and you will be able to apply it in the municipalities you represent, including both things that must be done as well as how to do them.”<sup>709</sup> The takeover of Bijeljina followed days later.<sup>710</sup> On 4 April 1992, after the attack on Bijeljina, he directed municipal Crisis Staffs to take control of their municipalities and disregard the BiH Presidency’s authority.<sup>711</sup> Following this “activation” order, CS’s in several Bosnian Serb-claimed municipalities emerged publicly, asserting authority as the municipal government.<sup>712</sup> While MLADIĆ is not charged with crimes between 31 March-12 May, they reflect the implementation of the common purpose had begun even before he arrived in BiH.

192. Consistent with KARADŽIĆ’s statement that the Serbs would soon “assume control”, in April and early May 1992 the Bosnian Serbs took over power in most Serb-claimed municipalities through seizing the institutions of municipal government and taking command of important features and facilities such as post offices, banks, hospitals, and radio or television stations.<sup>713</sup> Serb authorities took measure to disarm non-Serb populations,<sup>714</sup> restrict non-Serbs’ movement and impose curfews.<sup>715</sup>

<sup>709</sup> P00406, p.22.

<sup>710</sup> See Bijeljina Summary.

<sup>711</sup> P03899. See P00407, p.20. D.HANSON:P00379, paras.34-37.

<sup>712</sup> D.HANSON:P00379, para.37. E.g. **Bijeljina:** [REDACTED]; **Bratunac:**M.DERONJIĆ:P03566, paras.95,97; **Foča:**SIMOVIĆ:D00583, paras.5-6; **R.MLAĐENović:**T.27037-27038,T.27060; **MILANOVIĆ:**T:24123; P06835, pp.2-4; **Pale:**P03795; **CRNČALO:**P00260, para.42; **Rogatica:**P03913, p.1; **VESELINOVIĆ:**D00770, para.13; **Sanski Most:**P03294, pp.18-21; **Sokolac:**TUPAJIĆ:P03170, T.15323; **GAGULA:**P02525, p.3; **Vlasenica:**P06839. See Municipality Summaries.

<sup>713</sup> **Banja Luka:**RM017:P03228, pp.5-6(confidential); P03209; **Foča:**AF538; **M.VUJIČIĆ:**T.24192-24193; **Ključ:**AF751; P02406; P02365, para.6; P02867, p.2; P03851, p.5; D00358, p.4; P04121, pp.1-2; **EGRLIĆ:**P03402, p.8; P04020. See [REDACTED]; **Prijedor:**P03211; **B.MANDIĆ:**T.28876; **MERDŽANIĆ:**P00269, para.6; **Sanski Most:**P03994; P03851, p.4; **B.DAVIDOVIĆ:**T.26509,T.26513-26514; **MUJADŽIĆ:**P03121, T.3662(confidential); [REDACTED]. See [REDACTED]; P04243; **Vlasenica:**P04099; AF1247; **Mane ĐURIĆ:**D00732, para.18; P03736; P07352, p.3; **I.OSMANOVIĆ:**P00207, paras.5,14; **I.OSMANOVIĆ:**T.2778-2779; [REDACTED]. See Municipality Summaries.

<sup>714</sup> **Bratunac:**M.DERONJIĆ:P03566, paras.94,101-104; P07301, p.2; **Z.HADŽIĆ:**P02800, p.9; **Kalinovik:**AF733-734; P04073, p.2; **Pale:**CRNČALO:P00260, paras.28-30; P06568; [REDACTED]. See **UJIĆ:**D00691, para.28; **Rogatica:**AF1126; AF1123; AF1250; **Vlasenica:**AF1249; P06872; P06875; **I.OSMANOVIĆ:**T.2778-2779,T.2783-2784,T.2787-2788; P00353, p.233; **Mane ĐURIĆ:**D00732, paras.40-41; [REDACTED].

<sup>715</sup> **Banja Luka:**RADULOVIĆ:P03207, para.103(confidential); **Kalinovik:**AF736; **Novi Grad:**AF1220; AF1248; **Pale:**CRNČALO:P00260, paras.39-40,43-48; **Z.HADŽIĆ:**P02800, p.8;

Bosnian Serb authorities made non-Serbs' lives unbearable by continuous intimidation and harassment.<sup>716</sup> Many Muslims and Croats were dismissed from their jobs<sup>717</sup> pursuant to republic-level policy.<sup>718</sup> Others were arbitrarily arrested.<sup>719</sup> Those arrested were often abused.<sup>720</sup>

193. In some municipalities, taking power also involved violent attacks by JNA units and other Serb forces,<sup>721</sup> including TO units organised by the Crisis Staffs, operating under JNA command where possible, and RSMUP units.<sup>722</sup> Serb paramilitary troops who were feared for their violent and criminal behavior assisted in a number of these attacks.<sup>723</sup> During and after the attacks, Bosnian Muslim and Bosnian Croat villages or neighborhoods were burned and plundered and non-Serbian

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P06568; **Prijedor**:P03415; P03416, p.2; ATLIIA:P00168, paras.14,33-34; ATLIIA:T.2329; MERDŽANIĆ:T.3349; RM026:P02585, p.4(confidential); **Rogatica**:P06909, p.2; [REDACTED]; **Sokolac**:GAGULA:P02525, p.5; **Vlasenica**:I.OSMANOVIĆ:T.2779; I.OSMANOVIĆ:P00207, para.10; I.OSMANOVIĆ:T.2755-2756,T.2780-2781; P00209; RM145:P00255, para.4(confidential).

<sup>716</sup> **Banja Luka**:RADULOVIĆ:P03207, para.103(confidential) *See* [REDACTED]; **Bijeljina**: [REDACTED]; **Novi Grad**:RM145:P00255, paras.5-7(confidential); JAHIC:P03122, paras.13-14; **Pale**:P06568; P03869, pp.4-6; RM017:P03229, T.3387-3389(confidential); P03230; RM017:P03228, p.6(confidential); P03017, p.3; ISAKOVIĆ:P01637, p.2; **Prijedor**:AF857-858; AF927; **Rogatica**:AF1124; **Sanski Most**:RADULOVIĆ:P03207, paras.77-78(confidential); **Sokolac**:TUPAJIĆ:P03170, T.15383-15384.

<sup>717</sup> **Bijeljina**: [REDACTED]; **Pale**:CRNČALO:P00260, para.58; **Prijedor**:P03869, pp.6,15; P07384; SIVAC:P00480, T.6615; K.MEŠANOVIĆ:P03414, paras.12,23; ATLIIA:P00168, paras.9,16; [REDACTED]; RM017:P03228, pp.5-6(confidential); [REDACTED]; RM026:P02585, p.3(confidential); RM060:P02596, T.6853(confidential); BLAZEVIĆ:P03617, p.8; **Sanski Most**:AF1151-AF1152; P03606; [REDACTED]; E.ŠABANOVIĆ:P03124, p.3; E.ŠABANOVIĆ:P03125, T.6466-6469; [REDACTED]; [REDACTED]; **Vlasenica**:AF1242; I.OSMANOVIĆ:P00207, paras.6,13; [REDACTED].

<sup>718</sup> RADIĆ:P04333, T.7414-7415. *E.g.* P07385, p.3; RADULJ:T.35560; P07009.

<sup>719</sup> **Foča**:RM046:P00738, p.2(confidential); RM071:P02937,p.10-12(confidential); [REDACTED]; **Pale**:P06568;CRNČALO:P00260, paras.23-27; **Vlasenica**:I.OSMANOVIĆ:P00207, paras.8-9,14-15,19; [REDACTED]; [REDACTED]; Mane ĐURIĆ:D00732, paras.41-42; Mane ĐURIĆ:T.27654-27657; P04103; P06877(confidential).

<sup>720</sup> **Bratunac**:*See* para.194; **Foča**:RM071:P02937, pp.11-13(confidential); RM046:P00738, p.5(confidential); RM063:P00531, pp.4,5(confidential); RM046:T.7030-7031; **Pale**:CRNČALO:P00260, para.23; **Vogošća**:MURAVEVIĆ:P03185, paras.15-25.

<sup>721</sup> In particular Bosanski Brod, Derventa, Bosanski Šamac, Brcko, Bijeljina, Zvornik, Vlasenica, Višegrad, Foča and Kupreš. AF287; AF289; THEUNENS:P03029, pp.333-378 M.DERONJIĆ:P03566, paras.48-52; WILSON:P00320, paras.33-34; D01392, pp.1-2.

<sup>722</sup> D.HANSON:P00379, para.72; P00407, p.20; P03795; THEUNENS:P03029, p.334; THEUNENS:T.20284-20285.

<sup>723</sup> M.DERONJIĆ:P03566, paras.65-66; **Banja Luka**:RADULOVIĆ:P03207, paras.39,48,94-97(confidential);P04241;P07796; **Bijeljina**:AF499; P00412; P03906; D00250; [REDACTED]; [REDACTED]; M.DERONJIĆ:P03566, para.48; BELL:T.7843; THEUNENS:P03029, pp.335-341; **Bratunac**:M.DERONJIĆ:P03566, paras.69-71,83; D01384; **Foča**:AF541; RM050:P02935, p.7(confidential). KRNOJELAC:T.25982-25983,T.25963-25964; **Kupreš**:P00352, p.224; R.ŠARENAC:T.28508-28510; **Pale**:CRNČALO:P00260, paras.31-32,39,52-55; CRNČALO:T.3251,T.3258,T.3260,T.3289-3291; P06568; P06571; P06575, p.2(confidential);

inhabitants were maltreated, forcibly transferred, rounded-up for detention in inhumane conditions or killed.<sup>724</sup> Mosques were destroyed in at least a dozen municipalities.<sup>725</sup>

194. For instance, after the takeover of Bratunac in late April,<sup>726</sup> Serb forces committed crimes against Muslims in the municipality,<sup>727</sup> including the roundup, detention and mistreatment of hundreds of civilians, some of whom were murdered; the expulsion of hundreds more; and the destruction of the Muslim village of Glogova.<sup>728</sup> On 15 May, the Bratunac CS organised the transfer of approximately 400 Muslim men to Pale,<sup>729</sup> where they were further abused.<sup>730</sup> KARADŽIĆ ordered the Pale authorities to send the men to the area “where they belonged” in the direction of Sarajevo,<sup>731</sup> after which Pale police transported them into Muslim territory.<sup>732</sup>

195. By 12 May, the Bosnian Serbs had taken over power in all but two of the Indictment municipalities which had previously had Muslim majorities,<sup>733</sup> setting the stage for the VRS and other Bosnian Serb forces to escalate the implementation of the common purpose.

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**Srebrenica:**M.DERONJIĆ:P03566, para.84; **Zvornik:**AF310; **S.MLAĐENović:**T.34158; **BELL:**P00832, para.24; **M.DERONJIĆ:**P03566, para.50.

<sup>724</sup> D00052; **Banja Luka:**RM096:P03207, para.48(confidential); **Bosanska Krupa:**P00467; **Bratunac:**M.DERONJIĆ:P03566, paras.106-125; P07301,p.2; **ČRNČALO:**P00260, para.56; **ČVORO:**D00492, para.16; **ČVORO:**T.22159,T.22167; **TUPAJIĆ:**P03170, T.15393-15396; **D.MIČIĆ:**D00977, para.13;P07301, p.4; D01384(confidential); **M.MALAGIĆ:**P01462, T.10010,T.10015-10016; **Foča:**AF554; AF713-AF714; AF555-AF556; AF716; AF719-AF720; [REDACTED]; [REDACTED]; P00352, p.224; **Hadžići:**Mehmed MUSIĆ:P02225, para.19; **Srebrenica:**D01392, p.2; **Vlasenica:** [REDACTED]; Mane ĐURIĆ:T.27698-27699; **Vogošća:**MURAČEVIĆ:P03185, para.13-14; **Zvornik:**BELL:P00832, para.24.

<sup>725</sup> **RIEDLMAYER:**P02514, rows#49,67,91,92,95,98,99,145,152,153,155,178,180,184, 185,189,197, 269,272,273,276,403,425,450,453,479,510,518,526,528,531,533-535; **Bratunac:**M.DERONJIĆ:P03566, para.106; **S.MLAĐENović:**T.34200; **Foča:**AF722; AF714; **MVUJIĆIĆ:**T.24201-24203; **MVUJIĆIĆ:**D00579, para.12.

<sup>726</sup> **M.DERONJIĆ:**P03566, paras.92-97.

<sup>727</sup> **M.DERONJIĆ:**P03566, paras.94,105-106; P07301; **S.MLAĐENović:** T.34200.

<sup>728</sup> **M.DERONJIĆ:**P03566, paras.110-125; **D.MIČIĆ:**D00977, paras.6-8; **ČRNČALO:**P00260, para.56; P07301; **S.MLAĐENović:**T.34200; P06570.

<sup>729</sup> **M.DERONJIĆ:**P03566, paras.113-125; **ČRNČALO:**P00260, para.56; P06570; **D.MIČIĆ:**D00977, paras.6-8. See P07301; **S.MLAĐENović:**T.34200.

<sup>730</sup> P06570.

<sup>731</sup> **ČVORO:**D00492, para.16; **ČVORO:**T.22160-22161; P03177; **TUPAJIĆ:**P03170, T.15393-15396; P06567.

<sup>732</sup> **ČVORO:**T.22161-22162,T.22170.

<sup>733</sup> See Bijeljina, Foča, Ključ, Prijedor, Sanski Most and Vlasenica Summaries.

### C. **MLADIĆ was a Member of the Overarching JCE**

1. **MLADIĆ** shared the common criminal purpose of a JCE to permanently forcibly remove Bosnian Muslims and Croats from Serb-claimed territory through the commission of crimes no later than 12 May 1992

196. By 12 May, **MLADIĆ** shared the intent to permanently forcibly remove Bosnian Muslims and Croats from Serb-claimed territories in BiH through the crimes charged in the Indictment. **MLADIĆ** discussed the goal of ethnic separation with **KARADŽIĆ** shortly after his appointment to the 2MD and had previously helped lead the implementation of a similar campaign in Croatia, which the GŠ-VRS<sup>734</sup> and Presidency<sup>735</sup> both trumpeted as evidence of his qualifications to lead the VRS. Aware of both ongoing crimes by Bosnian Serb forces and the criminal goals of the campaign he had been chosen to command, he addressed the 16<sup>th</sup> Session of the RS Assembly, made clear he understood the VRS would be used to implement the common criminal purpose, and continued to share that purpose and lead its military implementation throughout the war.

(a) **MLADIĆ** was aware he was taking over a criminal campaign in BiH

197. **MLADIĆ** took over the VRS in full knowledge of the criminal campaign it would lead and which was already underway in BiH.<sup>736</sup> Indeed, by 12 May the nature of the cleansing campaign was obvious to the world. The UN Secretary-General reported that day:

All international observers agree that what is happening is a concerted effort by the Serbs of BiH, with the acquiescence of, and at least some support from, JNA, to create 'ethnically pure' regions... The techniques used are the seizure of territory by military force and intimidation of the non-Serb population...<sup>737</sup>

A commander with **MLADIĆ**'s access to information would have been aware of these notorious facts. Before 12 May, **MLADIĆ** was also directly informed both that the Bosnian Serbs were seeking to create ethnically pure regions and that they were doing so through the commission of crimes.

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<sup>734</sup> P07325, p.2.

<sup>735</sup> P04583, p.324. *E.g.* M.BABIĆ:P04166, T.3393; DONIA:P02001, p.118.

(i) MLADIĆ knew the Bosnian Serbs were seeking to create ethnically pure Serb territory by 12 May

198. After **MLADIĆ** was appointed to the 2MD in late April 1992,<sup>738</sup> he held a series of meetings with Bosnian Serb and JNA leaders.<sup>739</sup> His notes of meetings with **KARADŽIĆ** reflect their explicit discussion of their shared goal of ethnic separation: on 5 May 1992, **MLADIĆ** recorded a set of questions in his notebook, including “War objectives?” and “Relationship towards non-Serbian inhabitants in the territory?”<sup>740</sup> The next day, **KARADŽIĆ** noted “it would be a disaster if we did not separate with them” and added, “We are on the threshold of achieving our centuries-old dream of creating our own state without many internal enemies.”<sup>741</sup>

199. **MLADIĆ** and **KARADŽIĆ** continued to speak about the need for few “enemies” in the RS, referring to “Muslims and Croats” as those “enemies”: **MLADIĆ** described the state he wished to create as “all-Serbian with... as little enemies as possible, those who could be our potential enemies, and raise against us again in a few years,” adding that “Muslims and Croats, who are like this, represent a danger, by this knife.”<sup>742</sup> **KARADŽIĆ** similarly referred to “the first strategic goal, which is that we want to be rid of enemies in the house, those being the Croats and Muslims, so that we are no longer in the same state.”<sup>743</sup>

(ii) MLADIĆ knew Bosnian Serb forces were already pursuing that goal through the commission of crimes

200. **MLADIĆ** also knew before assuming command that Serb forces in BiH were pursuing the goal of having few “internal enemies” through the commission of crimes. At a meeting with JNA Gen. **ADŽIĆ** and others on 30 April, **MLADIĆ** noted

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<sup>736</sup> See Section III.B.5.

<sup>737</sup> P02814, para.5.

<sup>738</sup> See Section II.A.

<sup>739</sup> One day after **MLADIĆ**’s appointment as Deputy Commander of the 2<sup>nd</sup> Military District, the Collegium of the 9<sup>th</sup> Corps Commander focused on events in BiH, including events outside the 9<sup>th</sup> Corps’s area of responsibility. P00352, pp.204-206. **MLADIĆ** also met with leaders of Drvar and Bosansko Grahovo municipalities around this time. P00352, pp.204,206,229-231,245.

<sup>740</sup> P00352, p.246.

<sup>741</sup> P00352, pp.257-258. This physical separation would soon be codified in Strategic Objective One. See Section III.C.2.

<sup>742</sup> P03076, p.18.

<sup>743</sup> P04582, p.1. E.g. P03918, pp.4-5.

ADŽIĆ's caution that the contents of the meeting "should not be made public" but "should be disclosed to trustworthy brigade commanders."<sup>744</sup> Under the heading "Great damage," MLADIĆ noted "Arkan in Bijeljina, the destruction of Foča, the lootings and torchings, torching of Croatian villages at Kupreš, bombardment of the old part of Sarajevo."<sup>745</sup> He also noted ADŽIĆ's remark that "the objective – All Serbs in one state" could not be pursued "for the time being."<sup>746</sup>

201. Even before this meeting, MLADIĆ must already have been aware of the ongoing persecutory campaign conducted by Serb forces in BiH. Indeed, Kupreš—where ADŽIĆ noted Croat villages had been torched—had been attacked by 9<sup>th</sup> Corps units with MLADIĆ himself issuing combat assignments and directing units in the field by phone.<sup>747</sup> MLADIĆ cited the operation at the 16<sup>th</sup> Assembly.<sup>748</sup>

202. As reflected by the Secretary-General's 12 May report, other crimes were already internationally notorious. For instance, after KARADŽIĆ cited Zvornik as an example of where "Serbian municipalities... would literally assume control of the entire territory",<sup>749</sup> Serb forces including the JNA, Red Berets, and ARKAN's and ŠEŠELJ's men implemented an operation which had been "planned in Belgrade."<sup>750</sup> On 10 April 1992, BELL reported on the BBC that ARKAN's men were "making greater Serbia happen" in Zvornik, "the ethnic map of Bosnia is redrawn" and as many as 20,000 people were fleeing on foot.<sup>751</sup> Their expulsions were widely known and DOYLE protested them to KARADŽIĆ.<sup>752</sup> KARADŽIĆ and high-ranking VRS and civilian authorities praised and endorsed the cleansing of Zvornik throughout the war.<sup>753</sup>

<sup>744</sup> P00352, p.211.

<sup>745</sup> P00352, p.224; BROWN:T.19490. *See* Bijeljina and Foča Summaries; Section IV.E.2.

<sup>746</sup> P00352, p.215.

<sup>747</sup> R.ŠARENAC:T.28508-28510; P03090, p.1; P04259. The destruction in Kupreš and elsewhere became so iconic that TALIĆ threatened Sanski Most Muslims that if they called anyone for help "you will have Kupreš" or Bosanski Brod or Vukovar. P03294, pp.22-26; [REDACTED].

<sup>748</sup> P00431, p.40.

<sup>749</sup> P00406, p.22.

<sup>750</sup> P05129, p.29.

<sup>751</sup> P01874; BELL:P00832, para.24.

<sup>752</sup> BELL:P00832, para.25. *See* WILSON:P00320, paras.37,94,99.

<sup>753</sup> P00353, pp.249-254; P00354, p.13; P07746, p.15. DK Chief of Operations PRSTOJEVIĆ later noted that with ARKAN's help, Zvornik "was liberated from the Turks. Turks made up 60% of the municipality's population and it has now been cleansed and replaced with an ethnically pure Serbian population." P06580, p.1.

203. **MLADIĆ** also discussed murders committed by Serb forces in BH during his meetings in early May, recording ADŽIĆ's observation that "I don't know whether they too should be stopped"<sup>754</sup> and on 6 May, JNA Gen. MANDARIĆ's observation that 2 prominent SDS members in Bratunac were killing Muslims.<sup>755</sup> Days later, **MLADIĆ** was further informed about the cleansing of Bratunac during a meeting with KARADŽIĆ, Bratunac CS President Miroslav DERONJIĆ, and presidents of other Crisis Staffs in Pale. Maps on the wall divided BiH into different colours, with Serbian parts marked in blue. DERONJIĆ reported that Bosnian Muslims had been expelled from Glogova, in Bratunac municipality.<sup>756</sup> Everyone in the room applauded and Minister of Information Velibor OSTOJIĆ<sup>757</sup> said, "We can now also colour Bratunac blue."<sup>758</sup>

(b) **MLADIĆ** had already manifested his willingness to forcibly remove non-Serbs from Serb-claimed territories

204. **MLADIĆ**'s conduct in Croatia, where he led a campaign of murder and expulsion,<sup>759</sup> reflected his willingness to use brutal force to remove non-Serbs from Serb-claimed territories.<sup>760</sup> As he would in BiH, **MLADIĆ** was explicit that he considered almost all Croats to be targets, even women and children, declaring during an attack on Šibenik:

Nothing will get out of Dalmatia except children under the age of ten, if they carry on like this... All that is older than 10 and younger than 75 will come to harm in Šibenik and we will not leave a single house standing, unless they finish the job like it was done in Sinj.<sup>761</sup>

<sup>754</sup> P00352, p.249.

<sup>755</sup> P00352, p.253.

<sup>756</sup> 65 Muslim inhabitants of Glogova were killed during this expulsion and a mosque and mekteb were destroyed. M.DERONJIĆ:P03566, para.106; S.MLAĐENOVIĆ:T.34190-34191,T.34199-34201; RIEDLMAYER:P02514, rows#96,99. Muslims were expelled from other villages in Bratunac around the same time and the Bratunac mosque was completely destroyed. P07301; RIEDLMAYER:P02514, row#98. By June 1992, there were virtually no Muslims left in Bratunac municipality. P00353, pp.101,258.

<sup>757</sup> AF185; P00431, p.54; POLJAK:P01425, p.5; SOKANOVIĆ:T.35742; RM012:P03155, p.2(confidential).

<sup>758</sup> M.DERONJIĆ:P03566, para.106.

<sup>759</sup> M.BABIĆ:P04166, T.3340-3341,T.3388-T.3393; M.BABIĆ:P04167, T.13184. E.g. OKUN:P03103, T.4146.

<sup>760</sup> Pre-Indictment conduct may be relevant to establish an Accused's *mens rea*. Đorđević AJ, paras.295-298; Tolimir AJ, paras.564-565; Popović TJ, paras.1744-1746.

<sup>761</sup> P01959/P07052(duplicates), p.8

205. **MLADIĆ** was deployed to the Croatian Krajina with the JNA 9<sup>th</sup> Corps in June 1991.<sup>762</sup> Milan MARTIĆ explained to an interviewer that **MLADIĆ**'s deployment to Croatia coincided with the JNA's transformation from providing a "buffer zone" between Serb and Croat forces to serving as a pro-Serb army.<sup>763</sup> **MLADIĆ** was promoted to 9<sup>th</sup> Corps Chief of Staff shortly after his deployment and for a time was the most senior 9<sup>th</sup> Corps officer in theatre.<sup>764</sup>

206. **MLADIĆ**'s forces committed mass crimes against Croat civilians. For instance:

- In late August 1991, **MLADIĆ** commanded<sup>765</sup> an attack on the Croatian-inhabited village of Kijevo<sup>766</sup> in which the town was destroyed and its Croat inhabitants expelled.<sup>767</sup> **MLADIĆ** later used what his forces had done to Kijevo as a threat in negotiations with Croatian authorities prior to attacks on other Croatian villages.<sup>768</sup>
- **MLADIĆ** commanded operations in which Croats were expelled from Drniš,<sup>769</sup> then declared it would "never again" be a Croat town.<sup>770</sup>
- **MLADIĆ** commanded an operation where Croats were expelled from Šibenik;<sup>771</sup>
- After threatening Sinj with the same destruction his forces had visited on Kijevo,<sup>772</sup> **MLADIĆ** commanded operations in which the Croat population was expelled from Sinj.<sup>773</sup>

<sup>762</sup> P04907, p.1.

<sup>763</sup> P07638. See M.BABIĆ:P04166, T.3384. See Section II.A.

<sup>764</sup> P04908; THEUNENS:P03029, p.156; M.BABIĆ:P04166, T.3391; M.BABIĆ:P04167, T.13184; M.BABIĆ:P04168, T.1439.

<sup>765</sup> M.BABIĆ:P04167, T.13183.

<sup>766</sup> E.g. SABLJIĆ:T.30533.

<sup>767</sup> M.BABIĆ:P04166, T.3390,T.3392; M.BABIĆ:P04167, T.13183; M.BABIĆ:P04168, T.1565-1566; SABLJIĆ:D00876, para.6; SABLJIĆ:T.30553,T.30555,T.30558,T.30560; P07639; ŠTRBAC:T.41122-T.41123; P07725, p.3; P07726. See DONIA:P01999, pp.13-16; DONIA:T.15582-T.15583; THEUNENS:T.20301-20302.

<sup>768</sup> BABIĆ:P04166, T.3391-3393; P07639; ŠTRBAC:T.41122-41123; P07054, Side B, 00:04:04-00:08:24, tp.3-4. See SABLJIĆ:T.30564. See P04914,p.1 .

<sup>769</sup> BABIĆ:P04166, T.3340-3341,T.3388-3393; BABIĆ:P04164, para.15.  
<sup>770</sup> P04913.

<sup>771</sup> BABIĆ:P04166, T.3391-3393.

<sup>772</sup> BABIĆ:P04166, T.3391-3393; P07639; ŠTRBAC:T.41122-41123. See P04914,p.1 .

- **MLADIĆ** led the shelling of Zadar,<sup>774</sup> where Croatian forces had blockaded the nearby JNA barracks and artillery centre.<sup>775</sup> **MLADIĆ** threatened that if Zadar did not accept his demands, it would be destroyed;<sup>776</sup> seized control of utilities and told Croat negotiators he would not turn them back on unless his demands were met;<sup>777</sup> ordered tanks to “[d]estroy the city systematically from the outskirts towards the centre”<sup>778</sup> and approved an order to “strike the town of Zadar with direct-fire artillery weapons.”<sup>779</sup> Subsequent JNA shelling of the historic centre of town caused “massive destruction within [Zadar],”<sup>780</sup> including churches, schools, the Science Library, a concert hall, a monastery and many houses.<sup>781</sup>
- On 17 November 1991, **MLADIĆ** planned “očistiti” operations to be conducted against Croat-populated villages including Škabrnja and Nadin<sup>782</sup> and ordered his forces to forcibly enter and destroy Croat houses.<sup>783</sup> The next day JNA forces and other units under **MLADIĆ**’s command blockaded,<sup>784</sup> then attacked these villages and murdered dozens of civilians, including women and elderly people.<sup>785</sup> Surviving villagers were expelled<sup>786</sup> and did not return before 1995.<sup>787</sup>

207. The ethnic cleansing “modus operandi” of the Serb campaign **MLADIĆ** helped lead was visible to international observers.<sup>788</sup> Helsinki Watch protested crimes, including the executions of women and elderly people, committed by

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<sup>773</sup> BABIĆ:P04166, T.3391-3393.

<sup>774</sup> P07054, Side B, 00:04:04-00:08:24, tp.2-3; P07642; ŠTRBAC:T.41129.

<sup>775</sup> THEUNENS:T.20448,T.20434-20435.

<sup>776</sup> P01959/P07052(partial duplicates), Side A, 00:19’46-00:28’53, tp.5; THEUNENS:T.20326,T.20331-T.20332,T.20435-T.20437. See P07053, Side B, 00:00’06-00:02’39, tpp.1-2; SABLJIĆ:T.30564.

<sup>777</sup> P07640; ŠTRBAC:T.41124-T.41125; P00431,p.38; THEUNENS:T.20304,20307-20310.

<sup>778</sup> P00349, pp.144-145.

<sup>779</sup> P07641, p.2; ŠTRBAC:T.41127-T.41129.

<sup>780</sup> P00349, p.173.

<sup>781</sup> P07643, pp.1-13; P04916, p.1; ŠTRBAC:T.41127-41129; P00349, p.173; P03052, p.16.

<sup>782</sup> E.g. ŠTRBAC:T.41141.

<sup>783</sup> P00349, pp.348,356,361-362; P04915, pp.1-2; BABIĆ:P04167, T.13402.

<sup>784</sup> P04915, p.1; P00349, p.361.

<sup>785</sup> P04918; BABIĆ:P04167, T.13405-13406; ŠTRBAC:T.41141-41142; P03052, pp.7-8; P07644.

See P04912, p.2; P03080, p.2; P03088, p.3.

<sup>786</sup> ŠTRBAC:T.41147.

<sup>787</sup> BABIĆ:P04167, T.13408-13409; P04181.

<sup>788</sup> OKUN:P03103, T.4146-4147. E.g. WILSON:P00320, para.124.

**MLADIĆ**'s 9<sup>th</sup> Corps and other Serb forces in Croatia to **MILOŠEVIĆ** and the JNA command.<sup>789</sup> News of the crimes was widely published.<sup>790</sup> **MLADIĆ** was nonetheless promoted to Maj. Gen. in the middle of the campaign<sup>791</sup> and soon thereafter appointed 9<sup>th</sup> Corps Commander.<sup>792</sup> **MLADIĆ** similarly did not punish his subordinates for the crimes they had committed against ethnic Croats, despite the existence of a functioning military justice system that was used to prosecute crimes against the army.<sup>793</sup> By 1993, the RSK—which had been established in Serb-claimed areas of Croatia<sup>794</sup>—was overwhelmingly populated by ethnic Serbs, despite having been ethnically mixed before the war.<sup>795</sup>

208. Indeed, **MLADIĆ** considered these operations a model for what he would do in BiH. He used his attack on Zadar as a threat to Bosnian forces and promise to RS Assembly members about what he would do to besieged Sarajevo.<sup>796</sup> At the 16<sup>th</sup> Assembly session, **MLADIĆ** credited the “success” of the Kijevo cleansing operation to the 9<sup>th</sup> Corps, Croatian Serb TO, and **MARTIĆ**'s police operating “under a single command”—his. Addressing **MARTIĆ**, he added, “we did what we had planned.”<sup>797</sup> **BABIĆ** later saw the same pattern of destruction which **MLADIĆ**'s 9<sup>th</sup> Corps had wrought in Croatia in BiH as he travelled through northern BiH from the ARK through the Corridor to the east, through destroyed and empty Muslim and Croat villages.<sup>798</sup>

## 2. Formalisation of the Goal of Ethnic Separation and the Territories Where it would be Carried Out

### (a) **MLADIĆ** helped formalise the SSO's

209. Having been selected to spearhead the military implementation of the common purpose, **MLADIĆ** participated in the concrete formulation of the formal goals that

<sup>789</sup> P03052, pp.7-8. See P4916, p.1; P04917.

<sup>790</sup> P03053. E.g. CRNČALO:P00260, paras.38-41.

<sup>791</sup> P04910; THEUNENS:P03029, p.156.

<sup>792</sup> P04919; P04924; P03028; THEUNENS:P03029, pp.156,225.

<sup>793</sup> THEUNENS:P03029, pp.169-170; THEUNENS:T.20334-20335.

<sup>794</sup> **BABIĆ**:P04167, T.13210-13212.

<sup>795</sup> P04184, pp.2-4; **BABIĆ**:P04166, T.3333-3338.

<sup>796</sup> See Section IV.B.3(c); THEUNENS:T.20314; DONIA:P01999, p.93.

<sup>797</sup> P00431, p.42. See P03051, p.6; **M.BABIĆ**:P04167, T.13383,T.13391,T.14097-14098; THEUNENS:20311-12.

<sup>798</sup> **BABIĆ**:P04167, T.13081; **BABIĆ**:P04166, T.3411-T.3413. See P01874; SIVAC:P00480, T.6640.

would form the core of the VRS' focus throughout the war.<sup>799</sup> He met with Serb leaders including KARADŽIĆ and KRAJIŠNIK on two successive days to discuss the strategic goals “within the most select circle of comrades”.<sup>800</sup> On the second day, 7 May, **MLADIĆ** recorded KRAJIŠNIK's listing of “strategic goals.”<sup>801</sup>

210. At the 16<sup>th</sup> RS Assembly session held in Banja Luka on 12 May,<sup>802</sup> the BSL formally established the VRS and named **MLADIĆ** GŠ-VRS Commander.<sup>803</sup> The agenda for the meeting included a report on the “political and war situation” by KARADŽIĆ, amendments to the constitution concerning the armed forces and Presidency, and a “Decision on the take-over of soldiers of the JNA by the armed forces of the Serbian Republic of BH.”<sup>804</sup> KARADŽIĆ opened the session by noting the “war conflicts” taking place, characterising as “successful” operations in Foča and Zvornik, where serious crimes had already been committed against the Muslim populations.<sup>805</sup> He then announced the Strategic Objectives, which tracked the military-political goals outlined in the meeting with **MLADIĆ** a few days earlier.<sup>806</sup>

211. KARADŽIĆ explained that the first goal was “separation from the other two national communities—separation of states. Separation from those who are our enemies.”<sup>807</sup> As KARADŽIĆ later explicitly confirmed, the “first strategic goal... is that we want to be rid of enemies in the house, those being the Croats and Muslims, so that we are no longer together in the same state.”<sup>808</sup> KRAJIŠNIK explained “the first goal is the most important one.”<sup>809</sup>

212. This goal was immediately understood to encompass the physical separation of Muslims and Croats from Serbs.<sup>810</sup> As the delegate from Bosanska Krupa noted:

<sup>799</sup> See Section III.C.4.

<sup>800</sup> P00431, p.32. See P00352, p.256. See BROWN:T.19493-19494.

<sup>801</sup> P00352, p.262.

<sup>802</sup> P06968; SAJIĆ:T.29175-29179.

<sup>803</sup> P00431, pp.53-54.

<sup>804</sup> P04260, p.1.

<sup>805</sup> P00431, p.8. See Foča Summary; BELL:P00832, paras.24-25; WILSON:P00320, paras.36,94,99.

<sup>806</sup> See para.209.

<sup>807</sup> P00431, p.9.

<sup>808</sup> P04582, p.1.

<sup>809</sup> P00431, p.45. See P00356, p.147; THEUNENS:T.20346; THEUNENS:P03029, p.252; BROWN:P02859, p.25.

<sup>810</sup> DONIA:T.15507; BROWN:P02859, pp.25-26.

On the right bank of the Una river there are no more Muslims in the Serbian Municipality of Bosanska Krupa, all the enclaves that were there, Rapuša, Veliki Vrbovik, Ostrožnica, Babić, Muslim Jasenica and Zavir, we have evacuated them, so that there will be none there for the duration of war operations. Will they have a place to return to? I think it is unlikely after our President told us the happy news that the right bank of the Una is the border.<sup>811</sup>

Ten days later, the Bosanska Krupa War Presidency ordered the “evacuation” of remaining Muslims from the “Serbian municipality of Bosanska Krupa.”<sup>812</sup> In 1995, there were no Muslims left there.<sup>813</sup>

213. The other goals were “sub-items of the first one,”<sup>814</sup> identifying the geographical areas where separation was to be implemented.<sup>815</sup> Achieving these goals, KARADŽIĆ declared, would “finally finish the job of the freedom struggle of the Serbian people” and dispense with the “Serbian illusion of brotherhood and unity, especially one which transcends the boundaries of religion.”<sup>816</sup>

214. These geographic goals were:

- #2: a corridor across northern Bosnia linking Semberija and Krajina;<sup>817</sup>
- #3: a corridor in the Drina Valley and the elimination of the Drina as a border between the RS and Serbia. KARADŽIĆ noted “that belt along the Drina must basically belong to Serbian Bosnia and Herzegovina.” While he referred to “a possibility for some Muslim municipalities to be set up along the Drina as enclaves,”<sup>818</sup> by fall 1992 the VRS sought to remove the few remaining Muslim enclaves in the Drina valley;<sup>819</sup>
- #4: borders on the Una and Neretva rivers;<sup>820</sup>
- #5: division of Sarajevo into Serb and Muslim parts;<sup>821</sup> and

<sup>811</sup> P00431, p.20; ERCEG:T.34046. See BROWN:T.19646-19647; SAJIĆ:T.29260-29261.

<sup>812</sup> P03785. See P03786; P03901.

<sup>813</sup> P03853, p.9.

<sup>814</sup> P00431, p.45.

<sup>815</sup> DONIA:T.15515-15516; BROWN:P02859, p.27.

<sup>816</sup> P00431, p.10.

<sup>817</sup> P00431, p.9.

<sup>818</sup> P00431, p.9.

<sup>819</sup> See Section III.D.8(a)(iii).

<sup>820</sup> P00431, p.9.

- #6: access to the sea.<sup>822</sup>

The pursuit of these objectives had begun before the 16<sup>th</sup> Assembly<sup>823</sup> but would be escalated immediately afterwards.<sup>824</sup>

215. These territorially-based goals were immediately understood to embrace many areas where non-Serbs constituted a majority, such as Brčko. As the representative from Brčko noted in response to “the priority tasks” KARADŽIĆ set out, “for definitive clearing of the area” it would be necessary to have many more forces. He urged KARADŽIĆ and KRAJIŠNIK to mobilise more people for “these conquests that are currently necessary.”<sup>825</sup> While the Strategic Objectives are not unambiguously criminal on their face, the delegates’ clear understanding that they meant physical separation in and Serb control of territories where Serbs were minorities<sup>826</sup> made clear that, as one Bosnian Serb official admitted, they could not be achieved without forcibly relocating people.<sup>827</sup>

(b) The discussion at the Assembly reflected that the SSO’s required ethnic cleansing

216. Through the Strategic Objectives KARADŽIĆ, **MLADIĆ** and other JCE members formalised the goal of ethnic separation and earmarked the portions of BiH where that would take place. On the one hand, the Objectives included large portions of Bosnian territory, fulfilling their ambitious aspirations for contiguous territory, national treasures, restoration of pre-World War II majority municipalities,<sup>828</sup> and strategic value.<sup>829</sup> On the other, the Objectives defined by omission the areas where Muslims and Croats could settle in a rump Bosnia and potentially avoided unnecessary loss of Serb blood over areas deemed of insufficient importance to the national interest.

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<sup>821</sup> P00431, pp.9-10.

<sup>822</sup> Introducing this goal, KARADŽIĆ noted some goals were “more important... or more feasible than others.” P00431, p.10.

<sup>823</sup> E.g. BROWN:T.19501; THEUNENS:P03029, p.333; THEUNENS:T.20350.

<sup>824</sup> See Section III.D.1.

<sup>825</sup> P00431, pp.12-13. See OKUN:P03103, T.4278-4279.

<sup>826</sup> DONIA:T.15503.

<sup>827</sup> E.g. TUPAJIĆ:P03170, T.15398-15399. JCE members used other facially ambiguous terms, such as seeking to have all Serbs in one state, as shorthand for their shared intentions.

217. When **MLADIĆ** addressed the Assembly, he cautioned that, as he knew from experience, the task required by the Strategic Objectives was daunting enough to accomplish.<sup>830</sup> “People and peoples are not pawns nor are they keys in one’s pocket that can be shifted from here to there. It is something easily said but difficult to achieve.”<sup>831</sup> Indeed, implementing ethnic separation over these vast territories was not only “difficult to achieve” but, as **MLADIĆ** admonished the Assembly, something that “needs to be guarded as our deepest secret” so as not to draw international opprobrium.<sup>832</sup>

218. **MLADIĆ** repeatedly underscored his Croatia experience and made clear that he would bring it to bear on the challenges ahead. He explained that he would bring in officers who had worked under him in the 9<sup>th</sup> Corps during the successful efforts in Croatia: “I have seen a very bad picture and have ordered officers from the Knin Corps to come who will very soon change the picture.”<sup>833</sup> He requested the transfer of many JNA soldiers to the VRS immediately thereafter.<sup>834</sup> Those who had served under him in the 9<sup>th</sup> Corps included:

- Zdravko TOLIMIR, **MLADIĆ**’s Chief of Security in the 9<sup>th</sup> Corps,<sup>835</sup> who became GŠ-VRS Assistant Commander for Security and Intelligence;<sup>836</sup>
- Radovan STANKOVIĆ, [REDACTED],<sup>837</sup> who went on to control Karaman’s house where TG Foča soldiers subjected Muslim women to repeated and systematic acts of sexual violence;<sup>838</sup>
- Milenko ŽIVANOVIĆ, **MLADIĆ**’s Chief of Artillery in the 9<sup>th</sup> Corps,<sup>839</sup> who became GŠ-VRS Chief of Artillery<sup>840</sup> and then served as DK commander during the cleansing of Eastern Bosnia pursuant to Directive Four.<sup>841</sup>

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<sup>828</sup> E.g. P00431, p.39; KOVIĆ:T.42133.

<sup>829</sup> See Section III.C.3.

<sup>830</sup> E.g. BROWN:P02859, p.26.

<sup>831</sup> P00431, p.33.

<sup>832</sup> P00431, p.34; BROWN:P02859, p.27; BROWN:T.19504.

<sup>833</sup> P00431, p.35.

<sup>834</sup> See Section III.D.2.

<sup>835</sup> P04911, p.2.

<sup>836</sup> THEUNENS:T.20303.

<sup>837</sup> [REDACTED].

<sup>838</sup> See SIC:C.6.2(Foča).

219. **MLADIĆ** also made clear that he would not be constrained by the laws of war. He bragged about cleansing operations in Kijevo, Drniš and Zadar,<sup>842</sup> boasted about shelling a hotel where European Union representatives were located in order to force a capitulation,<sup>843</sup> casually noted that the way he had ordered a 9<sup>th</sup> Corps subordinate to get civilians to do something was to “beat up the first villager, he will work...”<sup>844</sup> and declared his intention to escalate the Bosnian Serb campaign: “If there is going to be a war, Bosnia will be of no use to anyone and Sarajevo even less. I refer to what is not on the front.”<sup>845</sup>

220. Defence expert KOVIĆ—who primarily read and commented on DONIA’s report rather than studying the full Assembly sessions, sometimes giving evidence about passages he admitted he had not himself read<sup>846</sup>—took portions of the speech out of context and claimed that they suggested **MLADIĆ** did not share the JCE members’ intent.<sup>847</sup> However, events on the ground, which KOVIĆ admitted would be a key source in evaluating intent,<sup>848</sup> reflect **MLADIĆ** escalated the now VRS-led cleansing campaign immediately after the formal establishment of an army under his command,<sup>849</sup> consistent with his declaration that he would use Croatia as a model and his other remarks at the 16<sup>th</sup> Assembly about what he would do and how he would do it.

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<sup>839</sup> P04911, p.2.

<sup>840</sup> P04975, p.2.

<sup>841</sup> See Section III.D.8-III.D.9.

<sup>842</sup> P00431, pp.31-32,34-37,39,42. See Section III.C.1(b).

<sup>843</sup> P00431, p.37.

<sup>844</sup> P00431, p.40.

<sup>845</sup> P00431, p.38.

<sup>846</sup> E.g. KOVIĆ:T.42049-42050.

<sup>847</sup> KOVIĆ:D01369, pp.60-61. KOVIĆ relied inter alia on **MLADIĆ**’s statement, after discussing Col. HASOTIĆ’s place in the 5<sup>th</sup> Corps, that “Therefore, we cannot cleanse nor can we have a sieve to sift so that only Serbs would stay, or that the Serbs would fall through and the rest leave...” P00431, p.35. **MLADIĆ** immediately continued by noting “I do not know how Mr. Krajišnik and Mr. Karadžić would explain this to the world. People, that would be genocide...” P00431, p.35. It is not clear what **MLADIĆ** meant would be genocide. Compare DONIA:T.15515; MILOVANOVIĆ:T.16905-16906; BROWN:T.19502-19503; BROWN:P02859, pp.26-27. **MLADIĆ**’s statement was however clearly part of his general concern that the international community not become aware of the scope of the JCE members’ intentions.

<sup>848</sup> KOVIĆ:T.42007.

<sup>849</sup> See Section III.D.1.

(c) The VRS was established to, and did, implement the SSO's

221. As noted, the VRS was established at the 16<sup>th</sup> Assembly and **MLADIĆ** appointed commander without objection.<sup>850</sup> Speaking of acquiring territory, **KRAJIŠNIK** added, "it will be easier to achieve this now, once we establish the Serbian army, which we could have done earlier."<sup>851</sup> **PLAVŠIĆ** relayed a message:

I am very sorry that I cannot be present there with you at this joyous moment, my congratulations on the occasion of establishing the Serbian Republic of Bosnia and Herzegovina Army, the triumph will be ours for the Serbian Army is taking us there.<sup>852</sup>

222. **MLADIĆ** and the VRS were responsible for the implementation of the Strategic Objectives.<sup>853</sup> In testimony, senior officers described these objectives as military goals or war goals,<sup>854</sup> as confirmed by **MLADIĆ**'s own remarks and such key VRS documents as the Combat Readiness Report.

223. Shortly after 12 May, the Strategic Objectives were disseminated through the ranks of what would become the VRS.<sup>855</sup> **GVERO** incorporated the first Strategic Objective into one of the VRS' foundational documents, explaining the purpose of the war to the troops.<sup>856</sup> After the cleansing campaign had been largely successful, **MILOVANOVIĆ** reflected the VRS' core responsibility for implementing the objectives, noting in 1993, "So far, our Army has achieved four strategic goals, that is, the tasks..."<sup>857</sup> **MLADIĆ** similarly explained:

People and the Army, with the help from the rest of us according to our possibilities, have carried out the most of tasks, and strategic goals, set to them. We have created Republika Srpska.<sup>858</sup>

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<sup>850</sup> P00431, p.54.

<sup>851</sup> P00431, p.47; BROWN:T.19505.

<sup>852</sup> P00431, p.54.

<sup>853</sup> N.SIMIC:P04325, T.28500,T.28658; ERCEG:T.34043-34044; BROWN:P02859, p.5; BROWN:T.19478,T.19505; THEUNENS:P03029, pp.252-253; TREANOR:T.20620-20621; DODIK:T.42296-42297; P07764, p.2; KOVIĆ:T.42029-42030(confidential).

<sup>854</sup> BORIĆ:T.34660-34661; BASARA:T.34449-34450; S.ANDRIĆ:T.34742.

<sup>855</sup> P02867; P07321, pp.1-2; P07070; KARAĆ:T.30743-30744; BROWN:T.19507.

<sup>856</sup> P07325, p.2; KOVIĆ:T.42026.

<sup>857</sup> P07764, p.2.

<sup>858</sup> P02508, p.32.

3. **MLADIĆ shared the common purpose**

224. Beginning immediately after the 16<sup>th</sup> Assembly, **MLADIĆ** led the military implementation of a common criminal purpose encompassing the crimes in Counts 1 and 3-8. As detailed above, **MLADIĆ** was selected by JCE members for this role on the basis of the reputation he had earned in Croatia, where he cleansed non-Serbs from Serb-claimed territory; knew before assuming command of the VRS that Bosnian Serb forces were seeking ethnic separation through crimes; participated in the formulation of the goals that would guide the VRS as it ethnically cleansed Serb-claimed territories; and made clear to the Assembly that formally named him commander that he would use his Croatian experience as a model in BiH. While that backdrop is sufficient in itself to demonstrate **MLADIĆ**'s participation in and commitment to the JCE, he repeatedly reaffirmed that he shared the common purpose through his actions and statements.

225. Additional factors reflecting **MLADIĆ**'s commitment to the common purpose include, as detailed below, (a) his repeated vilification of non-Serbs and characterisation of them as genocidal enemies;<sup>859</sup> (b) his expressions of commitment to an ethnically-homogenous RS; (c) his view that RS should comprise large portions of BiH territory inhabited by many non-Serbs; (d) the widespread crimes committed by those under his command; (e) the evidence of specific orders to commit crimes against non-Serbs; (f) his failure to punish crimes committed against non-Serbs; (g) his promotion of those who led the campaign against non-Serbs; (h) his praise of the results of the cleansing campaign and efforts to use VRS operations to make those results permanent.

(a) **MLADIĆ depicted Muslims and Croats generally as the VRS' enemies**

226. Using derogatory language, **MLADIĆ** cast Muslims and Croats as historical enemies. In his directives<sup>860</sup> and elsewhere, **MLADIĆ** referred to Muslims as

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<sup>859</sup> As set forth elsewhere in this brief, **MLADIĆ**'s commitment to an ethnically-homogenous RS encompassing most of BiH and derogations of non-Serbs were disseminated through the VRS' ranks. See Section III.C.3(a).

<sup>860</sup> E.g. P01977, pp.1-2.

“balijas”<sup>861</sup>, “Turks”<sup>862</sup> and “poturice”<sup>863</sup>, while Croats were “Ustasha.”<sup>864</sup> In 1993, he told NIN:

these Moslems are not even Turks, they are converts/*poturice*. They have betrayed the Serb people and repressed them for 500 years. That was the worst scum – the Serb people who changed their religion.<sup>865</sup>

227. **MLADIĆ** characterised these enemies as confronting the Bosnian Serbs with an existential conflict. In his directives, for example, he disseminated the message that the VRS’s task was “to protect Serbian populations from genocide and extermination”<sup>866</sup> and to “fight for physical survival of the Serbs in this territory.”<sup>867</sup> He characterised the conflict as “a defensive war for our freedom and against the genocide of the Serbian people”<sup>868</sup> and the Muslim side as a “fanatic adversary, who will be merciless to us and our people”<sup>869</sup> whose “ultimate goal” was “annihilating the Serbs.”<sup>870</sup> **MLADIĆ** opened a VRS symposium by referring to “...Ustasha and Islamic hordes which have, for decades, in secret and from within the bosom of our people, been preparing its extermination,”<sup>871</sup> and characterised the VRS as protecting Serbs “from the Nazi-Ustasha and fundamentalist genocide and enslavement.”<sup>872</sup> **MLADIĆ** instructed his subordinates to inform their troops of the “significance of military victory for survival of the Serbian people in BiH.”<sup>873</sup>

228. Indeed, **MLADIĆ** invoked the spectre of crimes against Serbs in the distant past to justify VRS operations which had ethnically cleansed Serb-claimed areas. For

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<sup>861</sup> P01981, p.5; [REDACTED].

<sup>862</sup> DONIA:T.15510-15511; THEUNENS:T.20381; [REDACTED]; P01971, 02:34’33-02:38’17, tp.2,5-6; P01973, pp.4-5; P01972, (1)00:00’53-00:01’46, (2)00:16’43-00:18’06, (3)00:33’03-00:33’09, (4)00:36’49-00:37’15, tp.1,7,14,16; P01978; P01979; P01609, 00:02’01-00:02’18, tp.3; P01974, (1)00:49’39-00:53’19, (2)00:58’17-00:58’34, tp.2-3,5; P01961, pp.4-5; P07719, p.4.

<sup>863</sup> M.KOVAC:T.41619-41622,T.41624-41626; BARAŠIN:T.28765-28766; KOVIĆ:T.42012-42013.

<sup>864</sup> P00431, p.32; P01969; P01971, 02:34’33-02:38’17, tp.1,4-6; P01981, p.5; P01977, pp.1-2; P01974, 00:49’39-00:53’19 and 00:58’17-00:58’34, tp.2-3,5; P01970; P01965; P01964; P01963; P03673, pp.2-3,7; P01967, p.3; P05075, p.2; P00359, p.150.

<sup>865</sup> P07719, p.4(BCS p.2).

<sup>866</sup> P00474, p.1. *E.g.* P02913, 02:16’25-02:16’34, tp.2.

<sup>867</sup> D00099, p.1.

<sup>868</sup> P01968, p.3/P02217, p.3(duplicates). Similarly, at the 16<sup>th</sup> Assembly, **MLADIĆ** had emphasised the need to protect Serbs from “the fascist and phantom Ustaša dragon” and defend Serb children from “the conquering ambitions of Nazi mercenaries.” P00431, p.41.

<sup>869</sup> D00099, p.2.

<sup>870</sup> P01968, p.2/P02217, p.2(duplicates). *See* P03918, p.2; P05075.

<sup>871</sup> P00359, p.150.

<sup>872</sup> P05080.

example, in 1994, **MLADIĆ** told NIN, “In the Second World War, genocide was committed against the Serb people in Vlasenica”, where by 1994 almost the entire Muslim population had been ethnically cleansed by VRS and RSMUP forces,<sup>874</sup> before explaining that in Eastern Bosnia:

we were forced to stop their savagery by a complex and militarily efficient operation, and to adequately punish [the Muslims] for what they had done in the past and for what they were doing now.<sup>875</sup>

**MLADIĆ**’s subordinates echoed his derogatory language<sup>876</sup> and the GŠ-VRS Combat Readiness Report repeatedly emphasised the VRS’ role in “protecting the Serbian people against genocide...”<sup>877</sup>

(b) **MLADIĆ** shared the goal of establishing Serb homogeneity in territories which in 1991 were inhabited by large numbers of Muslims

229. **MLADIĆ** repeatedly made clear that he shared the goal of establishing a largely ethnically homogenous RS without such enemies. Echoing one of his initial meetings with **KARADŽIĆ**,<sup>878</sup> he told the Assembly in 1994 that they had a historic chance to create an “all-Serbian state with... as little enemies as possible, those who could be our potential enemies, and raise against us again in a few years,”<sup>879</sup> stated of non-Serb populations, “My concern is to have them vanish completely”<sup>880</sup> and “May they disappear,”<sup>881</sup> and instructed his soldiers that “The Turks must disappear” from Eastern Bosnia.<sup>882</sup> Internationals who met with **MLADIĆ** and other BSL members

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<sup>873</sup> D00099, p.3.

<sup>874</sup> See Vlasenica Summary.

<sup>875</sup> P01973, p.4.

<sup>876</sup> E.g. P05185; P01064; P02192; P06940, pp.1-2; P04154; P02243(confidential); P02218; P01091(confidential). See [REDACTED]; P06647; DRAGIČEVIĆ:T.23715-23716; P06591; GUZINA:T.22541-22543; P07395; P04424; P06513; P06580, pp.1,13; P05206; P05083; P00353, pp.228,230; P02231(confidential); P00362, pp.8,55-56; P06721.

<sup>877</sup> P00338, pp.7,48,69,152,159.

<sup>878</sup> P00352, pp.255-258.

<sup>879</sup> P03076, pp.13-14,18.

<sup>880</sup> P03076, pp.13-14,18,20. Compare P01974, 00:49’39-00:53’19 and 00:58’17-00:58’34, tp.2-3,5.

<sup>881</sup> P01969.

<sup>882</sup> P00731. See THEUNENS:T.20381; P00361, pp.46,50-51.

understood they had a “consensus” that “we (and Muslims) can’t live together anymore.”<sup>883</sup> As **MLADIĆ** told an interviewer:

we have nothing against (non-Serbs’) staying on their territories and that we remain on our territories. But we can not carry them as a burden any longer... We agree that the Croats live in Herzegovina, the Moslems in “Muslimania” [the Muslim state] and we shall live in the “Republic of Srpska”...<sup>884</sup>

230. As **MLADIĆ** told Muslim Rasadnik detainees,<sup>885</sup> their choice was either to convert to Christianity or be transferred to “Alija’s state.”<sup>886</sup> In October 1992, **MLADIĆ** met with Bosnian Croat leaders and discussed dividing Bosnia and creating a Muslim canton which would give Muslims “somewhere to move to.”<sup>887</sup>

(c) The territories sought by **MLADIĆ** and other members of the JCE comprised large portions of BiH on which many non-Serbs lived before the conflict

231. Although **MLADIĆ** was determined that Muslims and Croats should be separated from Serbs, he was equally insistent that RS would include large territories which before the war had been inhabited by hundreds of thousands of Bosnian Muslims and Croats. For instance, he declared his intention to seize the territory he believed Muslim forces had taken during World War II and “as punishment, even more than that”<sup>888</sup> and spoke at the RS Assembly against the Vance-Owen plan in part because of the amount of seized territory it would require the RS to return.<sup>889</sup> His commitment to encompassing large portions of the territory of BiH within RS was reflected in the Strategic Objectives, which encompassed territories on which many Muslims lived not only intermixed but often as the majority-ethnicity in the area.<sup>890</sup>

<sup>883</sup> ABDELRAZEK:P00293, paras. 32-33. See TUCKER:P00317, para.78; OKUN:P03103, T.4267-4268.

<sup>884</sup> P07719, p.5.

<sup>885</sup> See SIC:C.16.3(Rogatica).

<sup>886</sup> HURKO:P00167, p.2; HURKO:T.2288.

<sup>887</sup> P00356, pp.73-75.

<sup>888</sup> P01975. See P01976.

<sup>889</sup> KECMANOVIĆ:T.23945-23949; P06670.

<sup>890</sup> See Section III.C.3(b).

(d) **MLADIĆ's** commitment to the common purpose is demonstrated by his subordinates' widespread crimes

232. **MLADIĆ's** sharing of the common purpose is also reflected in the repeated pattern of his subordinates' criminal implementation of his orders and his own praise and promotions of commanders of units responsible for ethnic cleansing.<sup>891</sup> The VRS could not have carried out a campaign of ethnic cleansing spanning the Municipalities and other Serb-targeted areas<sup>892</sup> if its commander—who knew in detail what his forces were doing<sup>893</sup>—had not intended them to do so.

233. The inescapable inference that **MLADIĆ** intended his subordinates' pattern of criminality<sup>894</sup> is further confirmed by the extent to which crimes were committed in the context of organised VRS operations co-ordinated at and/or reported on to higher levels of command<sup>895</sup> or committed in detention facilities from which information was passed up the VRS chain of command.<sup>896</sup> Moreover, VRS officers sometimes explicitly made clear that VRS cleansing was carried out pursuant to orders from superior commands.<sup>897</sup>

234. Specific calls by **MLADIĆ** for the commission of crimes or threats to undertake violence against non-Serbs further confirms his criminal intent. [REDACTED]<sup>898</sup> At a meeting with VRS and RSMUP officers from Teslić, he called for "ethnic cleansing... in Teslić municipality as soon as and as efficiently as possible", advising "some members of the Serbian Army and the SDS to set on fire and kill Muslims and Croats whenever they could."<sup>899</sup> In Directive Four, **MLADIĆ** ordered the DK *inter alia* to expel Muslim civilians.<sup>900</sup> In 1993 **MLADIĆ** told the RS

<sup>891</sup> See Section III.C.4.

<sup>892</sup> See Section III.D.

<sup>893</sup> See Section III.C.4.

<sup>894</sup> E.g. [REDACTED].

<sup>895</sup> E.g. SIC:A.3.3,B.8.1(Ključ),A.4.4(Kotor Varoš),A.6.1-6.9(Prijedor),A.7.1-7.3(Sanski Most),A.8.1(Sokolac).

<sup>896</sup> See Section III.D.4.

<sup>897</sup> E.g. RM081:P00309, paras.90-91(confidential); P07321, p.3; BLAZEVIĆ:P03617, p.17; BLAZEVIĆ:P03618, T.2491; P03715, p.2.

<sup>898</sup> [REDACTED]; [REDACTED].

<sup>899</sup> P06890; RADULOVIC:P03207, paras.133-134(confidential).

<sup>900</sup> P01968, p.5/P02217, p.5(duplicates).

Assembly, “we cannot allow leaving the mosques with two minarets” in the Tešanj pocket.<sup>901</sup>

235. **MLADIĆ** also indicated directly that he considered entire non-Serb populations military targets, mirroring his 1991 threat to kill everyone in Šibenik from the age of ten to seventy-five.<sup>902</sup> For example, on 23 May 1992, immediately before large VRS-led ethnic cleansing operations throughout BiH, **MLADIĆ** told Fikret ABDIĆ that “if one more of my soldiers gets killed... I will take such reprisals that you won’t even know what happened to you... The whole of Bosnia will burn if I start to speak.”<sup>903</sup> Months later, he threatened to aim “heavy artillery weapons... at densely populated area[s]” if HVO and BiH armed forces did not cease combat activities.<sup>904</sup> In 1993, he threatened to kill every adult in the Muslim-populated eastern enclaves unless 22 Serb POWs were released.<sup>905</sup>

236. Such calls for crimes against non-Serb populations reflect the full spectrum of crimes comprising the cleansing campaign and **MLADIĆ**’s operationalisation of the JCE members’ repeated message to their subordinates that Bosnian Muslims and Croats were all enemies against whom all means of military force—including illegal arrest, expulsion, murder and other brutalisation—were acceptable to “protect the Serbian population.”<sup>906</sup> As one international observed, he was ready to pursue the JCE members’ goals “by any means available.”<sup>907</sup> Further, from both his experience in Croatia and his familiarity with the ethnically intermixed nature of his native BiH, **MLADIĆ** knew the charged crimes were necessary to achieve the homogenous Serb territory the JCE members sought.<sup>908</sup>

(e) **MLADIĆ**’s intent is demonstrated by his response to those crimes

237. **MLADIĆ**’s reaction to the crimes further confirms that he intended them. As detailed in other sections of the brief, **MLADIĆ**, with other JCE members, praised the

<sup>901</sup> P02508, pp.32,38.

<sup>902</sup> See para.204.

<sup>903</sup> P02750, 00:03’46-00:06’19, tp.3-5.

<sup>904</sup> [REDACTED].

<sup>905</sup> HARLAND:P00001, para.67. See P00764, p.2; BANBURY:P00874, paras.41-42; [REDACTED].

<sup>906</sup> P00474, p.1. E.g. P02913, 02:16’25-02:16’34, tp.2.

<sup>907</sup> RM163:P00628, paras.51-52(confidential).

<sup>908</sup> See Section III.B.

results of ethnic cleansing,<sup>909</sup> promoted rather than punishing subordinates whose units had carried it out,<sup>910</sup> and took measures to stop expelled non-Serbs from returning to RS territory.<sup>911</sup>

238. **MLADIĆ** repeatedly took credit for establishing the ethnically-cleansed factual situation the JCE members sought to make permanent, explaining “our negotiation team have done everything to make the factual situation into permanent... you have started from the most favourable starting position in Geneva. You had the military result in your hands.”<sup>912</sup> After the Muslims had largely been expelled, **MLADIĆ** expressed concern that “the Turks” not return to their pre-war homes.<sup>913</sup> In one such instance, after VRS forces ethnically cleansed Kalinovik, **MLADIĆ** explained Kalinovik “belongs to the Serbs. Results of the war are essential.”<sup>914</sup>

239. Indeed, **MLADIĆ** celebrated his role in removing non-Serbs. For instance, in 1994, **MLADIĆ** told Milan LEŠIĆ that he “kicked the hell out of the Turks... who gives a fuck about them!” and commented LEŠIĆ should film what they had done to the “Turks,” pointing to abandoned homes and adding:

Look what a house this Turk motherfucker had! This is a Turkish house... This was a Turkish house. The one over there was Turkish and that one, all of them... You see what fine, gentle land the Turks had, look!<sup>915</sup>

4. **MLADIĆ** made significant contributions to the JCE

240. **MLADIĆ**’s primary contribution to the JCE was through his firm command and control of the VRS, by which he used VRS subordinates and members of subordinated Bosnian Serb forces to advance the common purpose.<sup>916</sup> His other contributions are discussed throughout the brief, as referenced below:

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<sup>909</sup> See Section III.E.1.

<sup>910</sup> See Section III.E.3.

<sup>911</sup> See Section III.E.2.

<sup>912</sup> P02508, pp.32-33.

<sup>913</sup> P01978.

<sup>914</sup> P07719, p.9.

<sup>915</sup> P01974, 00:52’08-00:52’29, tp.2.

<sup>916</sup> Indictment, paras.13(b),(c).

- Participating in establishing, organising and maintaining the VRS, including ordering, directly supervising, or substantially contributing to the formation of three VRS Corps' and the GŠ-VRS;<sup>917</sup>
- Disseminating propaganda to Bosnian Serbs (or organising its dissemination through VRS organs for legal, morale and religious affairs) which dehumanized Bosnian Muslims and Croats, stated Bosnian Serbs were threatened with genocide by Bosnian Muslims and/or Croats, and stated that territories on which Bosnian Muslims and Croats resided were Serb land;<sup>918</sup>
- Praising, promoting or rewarding perpetrators of crimes against Bosnian Muslims and Croats, while failing to prevent the crimes or punish the perpetrators;<sup>919</sup> and
- Deflecting criticism of the crimes committed by his subordinates;<sup>920</sup>
- Directing, monitoring and/or authorising the VRS's cooperation and coordination with other organs implementing the JCE;<sup>921</sup>
- Participating in procuring material and military assistance from the VJ which allowed for the continued implementation of the common purpose;<sup>922</sup> and
- Ordering the restriction of humanitarian aid to Bosnian Muslim enclaves, particularly in Eastern Bosnia.<sup>923</sup>

(a) **MLADIĆ commanded and controlled the VRS throughout the cleansing campaign**

241. **MLADIĆ** exercised clear command and control of the VRS throughout the cleansing campaign.<sup>924</sup> **MLADIĆ's** orders reflected his command of minute details of

<sup>917</sup> Indictment, para.13(a). *See* Section II.A.

<sup>918</sup> Indictment, para.13(g). *See* Section II.D.3.

<sup>919</sup> Indictment, paras.13(i),(j). *See* Section III.E.3.

<sup>920</sup> Indictment, para.13(h). *See* Section III.E.1; III.D.4(f).

<sup>921</sup> Indictment, para.13(d).

<sup>922</sup> Indictment, para.13(e). *See* Section III.G.2(b); II.D.4.

<sup>923</sup> Indictment, para.13(k). *See* Section III.D.10(b).

the campaign. He ordered even small amounts of weaponry<sup>925</sup> and/or personnel<sup>926</sup> reallocated from one brigade to another, and requested the VJ transfer specific soldiers and equipment to the VRS.<sup>927</sup> As part of his command and control **MLADIĆ** exercised command over VRS-run detention camps where detainees were brutalised and many killed,<sup>928</sup> VRS exchange commissions which participated in removing non-Serb civilians from Serb-claimed territory,<sup>929</sup> and the VRS units which carried out brutal cleansing operations.<sup>930</sup>

242. In its Analysis of the Combat Readiness and Activities of the VRS in 1992 (“CRR”),<sup>931</sup> the GŠ-VRS concluded the VRS’ 1992 operations were implemented “according to a single design and plan, entrusting subordinate commands with detailed or overall missions, as appropriate... in the pursuit of a single goal...”<sup>932</sup> and explained unified command had been established quickly: “the functional organisation of the Army and elements of stable control and command were quickly put in place... it would be difficult to find a similar example of a military organisation developing so quickly over so short a period of time and evolving from self-organised platoons, companies and detachments into a strategic formation, exceeding, in numbers and organisational level, a traditional army...”<sup>933</sup>

243. Internationals recognised **MLADIĆ**’s control over the VRS.<sup>934</sup> TUCKER noted nothing of any military significance could happen in RS without **MLADIĆ**’s specific approval: “It was very apparent that he made all the practical military decisions that mattered.”<sup>935</sup> The CRR explained how **MLADIĆ** exercised command:

Decisions on the engagement of the forces of the VRS were taken at meetings of bodies of the Main Staff headed as a rule by the Commander... The principal decision-making method was the so-

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<sup>924</sup> E.g. WILSON:P00320, para.127; TUCKER:P00317, para.282. See Indictment, paras.13(b),(c).  
<sup>925</sup> P03679.

<sup>926</sup> P03667, para.1.

<sup>927</sup> See Section III.G.2.

<sup>928</sup> See Section III.D.4(b).

<sup>929</sup> See Section III.G.5(a).

<sup>930</sup> See Section III.D.2.

<sup>931</sup> E.g. THEUNENS:T.20260; [REDACTED]. See KELEČEVIĆ:T.37220.

<sup>932</sup> P00338, p.7.

<sup>933</sup> P00338, pp.48,158.

<sup>934</sup> WILSON:P00320, para.127. E.g. VANLYNDEN:P00066, para.151; HARLAND:P00001, para.258; BANBURY:T.8225; ROSE:P00736, para.212.

<sup>935</sup> P02810, para.21; TUCKER:P00317, paras.56,59. See ABDELRAZEK:P00293, para.28.

called full method. This shows that the situation on the battlefields was regularly monitored and thoroughly analysed...<sup>936</sup>

The full method meant all the different GŠ-VRS sectors participated in decision-making, then **MLADIĆ** made the final decision.<sup>937</sup> The resulting VRS operations were “sophisticated... well organised, requiring good command and control...”<sup>938</sup>

(b) The VRS led armed operations during the cleansing campaign

244. Other Serb forces participated in this campaign together with the VRS. However, both doctrinally and in practice<sup>939</sup> the VRS generally commanded and controlled armed operations during which crimes were committed.<sup>940</sup>

245. **MLADIĆ** incorporated paramilitaries<sup>941</sup> and CS-formed units initially commanded by CS members<sup>942</sup> into the VRS chain of command and consequently assumed responsibility for them.<sup>943</sup> While in limited places there were temporary difficulties formalizing unified VRS-led command,<sup>944</sup> **MLADIĆ** immediately began issuing orders to CS-formed units and demanding paramilitaries subordinate themselves to his command.<sup>945</sup> The GŠ-VRS later observed it had successfully incorporated them, and operated “under a single control and command structure, despite the fact that initially we had a large number of different armies and paramilitary formations.”<sup>946</sup>

246. **MLADIĆ** often used OGs or TGs to incorporate such units into the VRS’ unified command.<sup>947</sup> **MLADIĆ** at times directly issued orders to or received reports directly from such groups.<sup>948</sup> Groups through which **MLADIĆ** used SDS- and CS-formed units to implement the common purpose included:

<sup>936</sup> P00338, p.8.

<sup>937</sup> [REDACTED]; THEUNENS:T.20267-20268. *See* L.OBRADOVIĆ:T.14530.

<sup>938</sup> WILSON:P00320, para.137.

<sup>939</sup> *E.g.* P04902, Art.16.

<sup>940</sup> *E.g.* Sections III.G.1-III.G.7.

<sup>941</sup> *See* Section III.G.7.

<sup>942</sup> *See* Section III.G.8.

<sup>943</sup> *E.g.* DANNATT:T.19200; DANNATT:P02629, para.38; [REDACTED].

<sup>944</sup> *E.g.* MILOVANOVIĆ:T.17092-17093.

<sup>945</sup> *See* Sections III.G.7-III.G.8.

<sup>946</sup> P00338, p.7.

<sup>947</sup> *E.g.* THEUNENS:T.20261-20262; KELEČEVIĆ:T.37366-37367.

<sup>948</sup> *See* Foča and Kalinovik Summaries.

- OTG Prijedor, which incorporated under 43<sup>rd</sup> Brigade command volunteer and MUP units;<sup>949</sup>
- TG Foča, which incorporated SDS-formed units which had previously been commanded by the Foča CS;<sup>950</sup>
- OG Vlašić, which incorporated under 22<sup>nd</sup> Brigade command units including the Kotor Varoš Ipbr (previously the Kotor Varoš TO);<sup>951</sup>
- TG Višegrad, which included the Rogatica Brigade (previously the Rogatica TO).<sup>952</sup>

247. Similarly, in accordance with the doctrine of unified command<sup>953</sup> (a practical necessity in military operations) and the VRS' lead role in joint military operations,<sup>954</sup> pursuant to an order by Mićo STANIŠIĆ<sup>955</sup> RSMUP forces would typically be resubordinated to VRS command during operations in which units from both the VRS and RSMUP participated.<sup>956</sup> For instance, in Prijedor re-subordinated RSMUP units participated with the VRS in attacks against Kozarac and Hambarine<sup>957</sup> and in the cleansing of the Brdo and Bišćani regions<sup>958</sup> during which Bosnian Serb forces destroyed villages, killed hundreds of non-Serbs, and rounded up thousands of others who were taken to the Keraterm, Omarska and Trnopolje camps, where they were held in brutal and inhumane conditions and hundreds more were executed.<sup>959</sup>

(c) **MLADIĆ** oversaw the Strategic Objectives' implementation

248. **MLADIĆ** oversaw the implementation of the Strategic Objectives, translating them into military operations<sup>960</sup> through orders and directives to subordinate units.<sup>961</sup>

<sup>949</sup> See Prijedor Summary.

<sup>950</sup> See Foča Summary.

<sup>951</sup> E.g. [REDACTED]; ŽUPLJANIN:T.30941.

<sup>952</sup> P03663, p.1.

<sup>953</sup> See Section II.H.1(b). E.g. THEUNENS:T.20620.

<sup>954</sup> E.g. THEUNENS:T.20620; [REDACTED].

<sup>955</sup> P03855.

<sup>956</sup> MATIJEVIĆ:T.43082-43084. E.g. P04027, p.2; M.SIMIĆ:T.32537; KARIŠIK:T.33183-33187; [REDACTED]; Mane ĐURIĆ:T.27698; P04390; [REDACTED].

<sup>957</sup> MATIJEVIĆ:T.43117-43118. E.g. P07209; P03434; P02405.

<sup>958</sup> [REDACTED]; [REDACTED].

<sup>959</sup> See Prijedor Summary.

<sup>960</sup> N.SIMIĆ:P04325, T.28657.

<sup>961</sup> BORIĆ:T.34661. See THEUNENS:T.20349-20350; DONIA:T.15525.

Corps Commanders then implemented **MLADIĆ**'s orders through operational orders to subordinate brigades.<sup>962</sup> The CRR explained the Objectives "served as a general guide-line upon which we planned the actual operations and concerted battles" and the GŠ-VRS translated the "set objectives and tasks" into VRS operations "with the goals of every individual combat action, operation or battle being specifically defined."<sup>963</sup>

249. Accordingly, **MLADIĆ** often discussed progress in achieving the Strategic Objectives with VRS commanders and other JCE members or political leaders<sup>964</sup> and led briefings on the Strategic Objectives.<sup>965</sup> **MLADIĆ** and other JCE members repeatedly underscored the Objectives' importance throughout the Indictment period.<sup>966</sup> **MLADIĆ** told *Srpska Vojska*<sup>967</sup> the Strategic Objectives were the "clearly defined goals of our struggle"<sup>968</sup> and explained the VRS' tasks "stem from the known six strategic objectives adopted by our Assembly... these objectives have not changed and were and are the driving force, the source and basis for boosting our army's morale."<sup>969</sup>

250. During the Indictment period, the VRS and other Bosnian Serb forces implemented each of the geographically-defined objectives through the commission of crimes.<sup>970</sup>

(d) **MLADIĆ** knew what subordinate units were doing

251. **MLADIĆ**'s high level of situational awareness<sup>971</sup> is reflected in 2KK Commander **BORIĆ**'s testimony that **MLADIĆ** "would know what the situation was

<sup>962</sup> BORIĆ:T.34661. See N.SIMIĆ:P04325, T.28498-28500; [REDACTED]; THEUNENS:T.20349-20350; DONIA:T.15525; KELEČEVIĆ:T.37304; LAZIĆ:P04322, T.21822.

<sup>963</sup> P00338, p.159. See BROWN:T.19569; THEUNENS:P03029, p.252; BROWN:P02859, pp.24-25; BASARA:T.34449; MILOVANOVIĆ:T.16952.

<sup>964</sup> E.g. P00356, pp.141-146; P00362, pp.59-64; P00358, pp.212-216; P00359, pp.53-62; P05272, p.9.

<sup>965</sup> BORIĆ:T.34660; RADAN:D00466, para.17. **MLADIĆ** also attended briefings KARADŽIĆ and KRAJIŠNIK provided on the Strategic Objectives. N.SIMIĆ:P04325, T.28651-28655; P04330; P00354, pp.131-156,144; P00353, pp.93-94.

<sup>966</sup> E.g. P04583, p.25; P03918, p.3; P02508, pp.14-15; P07359, p.4; P04581, p.87; DONIA:P02001, p.24; P04584, p.6; P05283; P00353, p.94; P04268, p.6. E.g. BROWN:P02859, p.32; THEUNENS:T.20260.

<sup>967</sup> BARASIN:T.28761; P07196, p.7.

<sup>968</sup> P03918, p.3; SOKANOVIĆ:T.35795.

<sup>969</sup> P04583, pp.22,25. See P00361, pp.209-210.

<sup>970</sup> See Municipality Summaries. E.g. KOVIĆ:T.42103.

<sup>971</sup> E.g. THEUNENS:T.20384.

like on the front line of the 2<sup>nd</sup> Krajina Corps without me having to report to him.”<sup>972</sup> **MLADIĆ** regularly visited the front<sup>973</sup> and monitored the implementation of his orders through regular written and oral reports on subordinate units’ activities, including reports from brigades to Corps and the GŠ-VRS through different VRS organs’ professional lines of reporting,<sup>974</sup> which enabled him to make informed and timely decisions and issue follow-up orders.<sup>975</sup>

252. **MLADIĆ** was aware that his subordinates were committing widespread crimes through these sources, meetings including with international observers and Serb civilian authorities and international media,<sup>976</sup> even becoming “furious with” VANLYNDEN about some of his reporting.<sup>977</sup> His response to this knowledge reflected that he intended the crimes and contributed to the JCE by deflecting criticism, covering up crimes, rewarding perpetrators and facilitating the commission of further crimes.<sup>978</sup>

5. The 1KK and 2KK Exemplify **MLADIĆ**’s Command and Control of the Military Implementation of the Common Purpose

253. Under **MLADIĆ**’s command, the 1KK and 2KK committed massive crimes against non-Serbs in 1992.<sup>979</sup> Those crimes are primarily set forth in sections of the brief related to the military implementation of the ethnic cleansing campaign, but even a brief recapitulation reveals their shocking scale and gravity: During VRS-led cleansing operations in the ARK, thousands of non-Serb civilians and/or prisoners *hors de combat* were murdered in nineteen different charged incidents.<sup>980</sup> Tens of thousands of non-Serbs were rounded up during and immediately after these operations and detained in inhumane conditions; often the VRS was well aware there

<sup>972</sup> BORIC:T.34596. *E.g.* [REDACTED]; THEUNENS:T.20241.

<sup>973</sup> P00338, p.9; BORIC:T.34596,T.34627-34628; BORIC:P07331, p.7; P03061, pp.1-2; P03062, pp.1-3; [REDACTED]; P06999, p.9; BELL:P00832, para.114; ROSE:P00736, para.210; THEUNENS:P03029, pp.458-459,560-561; THEUNENS:T.20249-20250,T.20373-20374,T.20384. *E.g.* KELEČEVIĆ:T.37148; BASARA:T.34402-34403; ĐUKIĆ:P01052, p.14; [REDACTED].

<sup>974</sup> MILOVANOVIĆ:T.16904; P03057; THEUNENS:P03029, p.459; THEUNENS:T.20254-20255,T.20354-20355; [REDACTED]. *See* Section III.C.4(a).

<sup>975</sup> MILOVANOVIĆ:T.16932,T.16958; DANNATT:T.19069-19070; THEUNENS:T.20249-20250,T.20384.

<sup>976</sup> *See* Section III.E.3.

<sup>977</sup> VANLYNDEN:P00066, paras.12-13.

<sup>978</sup> *See* Section III.E.3.

<sup>979</sup> *E.g.* RADULJ:T.35545-35546.

<sup>980</sup> *See* SIC:A.3.3,(Ključ),SIC:A.4.4,(Kotor Varoš),SIC:A.6.1-A.6.9(Prijedor),SIC:A.7.1-A.7.5(Sanski Most),SIC:B.1.4(Banja Luka),SIC:B.8.1(Ključ),SIC:B.13.2(Prijedor).

was no cause to detain the people it was holding.<sup>981</sup> 1KK and 2KK units and other Serb forces destroyed non-Serb villages in the ARK *en masse*, leaving their residents no choice but to flee.<sup>982</sup>

254. The 1KK command, GŠ-VRS, and international organisations were well aware 1KK units and other Bosnian Serb forces were committing widespread crimes in the ARK.<sup>983</sup> By 1995, this campaign fundamentally reshaped the ARK's demographics: hundreds of thousands of non-Serbs had been expelled and at least 80% of the population in every ARK municipality was ethnically Serb.<sup>984</sup>

(a) 1KK Structure

255. **MLADIĆ** called the 1KK the VRS' "strike force."<sup>985</sup> It was the largest VRS Corps,<sup>986</sup> with a correspondingly large AOR.<sup>987</sup> The Corps was so large and powerful that its Commander, Gen. Momir **TALIĆ**,<sup>988</sup> publicly bragged in late April 1992 "there is no risk of the Corps or the people of Krajina being endangered."<sup>989</sup>

256. **TALIĆ** was an experienced, hands-on commander.<sup>990</sup> His key assistants<sup>991</sup> were Chief of Staff Bosko **KELEČEVIĆ**,<sup>992</sup> Assistant Commander for Legal, Morale and Religious Affairs Milutin **VUKELIĆ**,<sup>993</sup> Assistant Commander for Civilian Affairs Gojko **VUJINOVIĆ**,<sup>994</sup> Assistant Commander for Logistics Vaso **TEPŠIĆ** and then Boško **AMIDŽIĆ**,<sup>995</sup> and Chief of Security Milan **STEVILOVIĆ** and then Stevo

<sup>981</sup> See SIC:C.1.2(Banja Luka),SIC:C.10.3(Ključ),SIC:C.15.2-C.15.5(Prijedor): Ključ, Kotor Varoš, and Sanski Most Summaries.

<sup>982</sup> E.g. Prijedor, Sanski Most, Kotor Varoš, and Ključ Summaries.

<sup>983</sup> E.g. Section III.E.3; Prijedor, Sanski Most, Kotor Varoš, Ključ, and Banja Luka Summaries.

<sup>984</sup> P03853. E.g. [REDACTED]; TUCKER:P00317, para.77.

<sup>985</sup> P02887, p.3.

<sup>986</sup> P07464, p.3; KELEČEVIĆ:T.37173-37175; SELAK:T.2975; AMIDŽIĆ:D00847, para.11.

<sup>987</sup> E.g. AMIDŽIĆ:D00847, para.11; P04583, p.19.

<sup>988</sup> BROWN:P02859, pp.35,63; SELAK:T.2984,T.3001; KELEČEVIĆ:T.37131,T.37166(confidential); P02887; KELEČEVIĆ:D01110, para.9; UBIPARIP:T.31207.

<sup>989</sup> P07464, p.3; KELEČEVIĆ:T.37173-37174.

<sup>990</sup> KELEČEVIĆ:T.37131,T.37256.

<sup>991</sup> E.g. KELEČEVIĆ:T.37146.

<sup>992</sup> KELEČEVIĆ:D01112, para.2; P07458, pp.21,30,34,37-42; AMIDŽIĆ:T.29505; SELAK:P00249, p.2. E.g. BROWN:P02859, pp.172-174.

<sup>993</sup> RM051:P00214, T.5299-5300(confidential); AMIDŽIĆ:T.29505; MALČIĆ:T.26228; Dragić GOJKOVIĆ:T.37555; RM051:T.2905; BARAŠIN:T.26888-26889; BROWN:T.19521; SELAK:P00249, p.2; BROWN:P02859, p.175.

<sup>994</sup> KELEČEVIĆ:T.37143; AMIDŽIĆ:T.29505; M.SIMIĆ:T.32539; SELAK:P00249, p.2; BROWN:P02859, pp.175-176.

<sup>995</sup> AMIDŽIĆ:D00847, para.66; KELEČEVIĆ:T.37142-37143; AMIDŽIĆ:T.29599-29500; SELAK:T.3001; SELAK:P00249, p.2; BROWN:P02859, p.175.

BOGOJEVIĆ.<sup>996</sup> The FRY paid senior 1KK officers' salaries.<sup>997</sup> As in the VRS generally, high-ranking Muslim and Croat officers were removed from the 1KK around the time the VRS was formed.<sup>998</sup>

257. The 1KK was seasoned, well-armed and experienced from the Western Slavonia front.<sup>999</sup> By April 1992, then-5<sup>th</sup> Corps units were generally transferred to the ARK to take control of the situation there and control the purported threat posed by Muslims and Croats.<sup>1000</sup> Once the VRS was established, the chain of command from the GŠ-VRS to the 1KK to its subordinate units was the same as had previously functioned in the JNA.<sup>1001</sup> 1KK units which played particularly critical roles in the cleansing campaign included the 5<sup>th</sup>, 6<sup>th</sup>, 22<sup>nd</sup>, and 43<sup>rd</sup> Brigades; the Kotor Varoš lpbr; the 30<sup>th</sup> Division; and the Corps' military police unit.<sup>1002</sup>

258. The 1KK immediately incorporated Serb-controlled TO units, which were already under JNA control.<sup>1003</sup> From 19 May 1992, these units received orders exclusively from the 1KK command.<sup>1004</sup> [REDACTED]<sup>1005</sup> By June 1992, the Regional TO was formally renamed the 1KK Group of Light Brigades, [REDACTED].<sup>1006</sup> TALIĆ appointed light brigades' commanders.<sup>1007</sup> The 1KK also incorporated into its units criminal paramilitary groups such as the Wolves of Vučjak, the Sanski Most SOS, and groups in Prijedor including Cigo's group and the *Manijakosi*/Maniacs.<sup>1008</sup>

<sup>996</sup> RM051:P00214, T.5270(confidential); MATIJEVIĆ:T.43078; ŽUPLJANIN:T.30950; BROWN:T.19557; RADINKOVIĆ:T.31736,T.31766; BROWN:P02859, p.174.

<sup>997</sup> KELEČEVIĆ:T.37163,T.37166-37169(confidential); M.SIMIĆ:T.32530; AMIDŽIĆ:T.29517; [REDACTED]; Dragić GOJKOVIĆ:T.37672.

<sup>998</sup> E.g. [REDACTED]; KELEČEVIĆ:T.37356; AMIDŽIĆ:T.29501; P06986.

<sup>999</sup> E.g. KELEČEVIĆ:T.37152-37153; BROWN:P02859, pp.17-21; BROWN:T.19486,T.19488-19489.

<sup>1000</sup> P02886, p.33; KELEČEVIĆ:T.37152-37154; BROWN:T.19478; KUPREŠANIN:T.29680. See Kotor Varoš, Prijedor, Sanski Most and Summaries; P07191, p.3.

<sup>1001</sup> KELEČEVIĆ:T.37160-37161.

<sup>1002</sup> See Municipality Summaries.

<sup>1003</sup> KELEČEVIĆ:T.37364; [REDACTED]; [REDACTED]; SAJIĆ:D00836, para.13. E.g. P03923, pp.21,23.

<sup>1004</sup> P02886, p.3. See SAJIĆ:T.29192.

<sup>1005</sup> [REDACTED].

<sup>1006</sup> SAJIĆ:D00836, paras.11-12; [REDACTED]; BROWN:P02859, pp.6,36,73-74,164,178; P02886 p.3; [REDACTED].

<sup>1007</sup> SAJIĆ:T.29192-29193.

<sup>1008</sup> [REDACTED]. See Prijedor and Sanski Most Summaries; Section III.G.7.

259. The 1KK also had a press centre which monitored international media,<sup>1009</sup> published the 1KK newsletter, *Krajiški Vojnik*,<sup>1010</sup> co-operated with civilian press,<sup>1011</sup> and disseminated propaganda about crimes against Serbs.<sup>1012</sup> Journalists seeking to visit camps in the 1KK AOR required permits from the press centre.<sup>1013</sup> Permits required approval from TALIC, who restricted journalists' visits to avoid that the "truth would be found out."<sup>1014</sup>

(b) Chain of Command from the GŠ-VRS to 1KK to subordinate units functioned properly

260. TALIC conducted 1KK operations based on GŠ-VRS orders.<sup>1015</sup> As OG Doboј commander SIMIC testified, TALIC's orders were "received from the Main Staff... He sent it down to me and I sent it down to my units. That's how it went."<sup>1016</sup> 22<sup>nd</sup> Brigade Battalion commander Slobodan ŽUPLJANIN reflected the iron-clad chain of command when asked if he supported MLADIC's decision that no one—men, women, children, or elderly people—could leave besieged Večići until all weapons were surrendered:

It was the decision of the military command and I was duty-bound to honour the decision of my superior command...

Q. And you supported what your military commanders told you to do; correct?

A. No. It wasn't up to me to support. It was up to me to implement the orders of my superior command.<sup>1017</sup>

261. Accordingly, TALIC alone could order 1KK units into combat.<sup>1018</sup> Once the 1KK received GŠ-VRS orders and issued implementing orders to subordinate units, its duty team ensured TALIC's orders were implemented and monitored reports from

<sup>1009</sup> ŠOLAJA:T.32730-32731; P07390, p.2.

<sup>1010</sup> BARAŠIN:T.28692,T.28767; ŠOLAJA:D00924, para.5; P00338, p.52; MILUTINOVIĆ:D00862, para.28.

<sup>1011</sup> ŠOLAJA:T.32733.

<sup>1012</sup> ŠOLAJA:T.32735; P07190, p.2.

<sup>1013</sup> ŠOLAJA:T.32738. See P02890, p.2.

<sup>1014</sup> [REDACTED]; [REDACTED]. See P03951, p.3.

<sup>1015</sup> SELAK:P00244, paras.19-21. E.g. KEVAC:T.30496-30498; KELEČEVIĆ:T.37148.

<sup>1016</sup> M.SIMIC:T.32533.

<sup>1017</sup> ŽUPLJANIN:T.30951.

<sup>1018</sup> AF892. E.g. [REDACTED].

subordinate units.<sup>1019</sup> During the key period in 1992, TALIĆ chaired weekly meetings of the 1KK Command staff to monitor events throughout its AOR and on other days consulted with assistant commanders by phone.<sup>1020</sup>

262. 1KK communications were reliable and allowed TALIĆ to communicate with subordinate units wherever he was located.<sup>1021</sup> Brigades sent daily reports to the 1KK Command,<sup>1022</sup> Corps staff visited brigades<sup>1023</sup> and TALIĆ often summoned brigade commanders to report to him in person, aside from the normal reporting process.<sup>1024</sup> The Corps's daily reports to the GŠ-VRS<sup>1025</sup> were based on information from subordinate units.<sup>1026</sup> TALIĆ regularly spoke with **MLADIĆ** to follow up on the written reports.<sup>1027</sup> The Corps took measures to correct any inadequacies in subordinate units' reports.<sup>1028</sup>

(c) **MLADIĆ** praised and promoted TALIĆ, who reflected his commander's intent

263. **MLADIĆ** trusted TALIĆ,<sup>1029</sup> lauded<sup>1030</sup> and promoted him.<sup>1031</sup> TALIĆ, in turn, explained the 1KK had "fulfilled all our tasks" and had "extraordinarily good co-operation with the Main Staff of the Army."<sup>1032</sup>

264. TALIĆ, like **MLADIĆ**, incorporated aspects of the common purpose in his orders and reports.<sup>1033</sup> For example, TALIĆ instructed subordinates "All [non-Serbs] capable of bearing arms are military personnel."<sup>1034</sup> His treatment of all non-Serbs as

<sup>1019</sup> SELAK:P00244, paras.16-18; SELAK:T.2987-2988; KELEČEVIĆ:T.37206.

<sup>1020</sup> KELEČEVIĆ:T.37146,T.37206. *See* AMIDŽIĆ:T.29506; [REDACTED].

<sup>1021</sup> KELEČEVIĆ:T.37207,T.37416. *See* P02886, pp.4-5; SELAK:P00244, para.10.

<sup>1022</sup> *E.g.* [REDACTED]; KEVAC:D00871, para.5; KELEČEVIĆ:T.37206; BASARA:T.34412; SELAK:P00244, paras.3,6-8,14.

<sup>1023</sup> SELAK:P00244, para.5; [REDACTED]; BROWN:P02859, pp.171-172.

<sup>1024</sup> *E.g.* BASARA:T.34407-34408.

<sup>1025</sup> *E.g.* [REDACTED]; AMIDŽIĆ:T.29525; BROWN:P02859, p.171.

<sup>1026</sup> KELEČEVIĆ:T.37147. *E.g.* KEVAC:T.30468; SELAK:P00244, para.18; BROWN:P02859, p.171; B.DAVIDOVIĆ:T.26505.

<sup>1027</sup> KELEČEVIĆ:T.37147.

<sup>1028</sup> SELAK:P00244, para.9; BROWN:P02859, p.171. *E.g.* D01999, p.1.

<sup>1029</sup> KELEČEVIĆ:T.37256.

<sup>1030</sup> P02887, pp.2-3. *See* BROWN:T.19567.

<sup>1031</sup> P04087; P04993. As noted elsewhere, while TALIĆ's promotion was signed by KARADŽIĆ **MLADIĆ** was indispensable to promotions at all levels of the VRS. *See* Section II.D.6.

<sup>1032</sup> P07191, p.7.

<sup>1033</sup> The presence of Serb nationalist themes in TALIĆ's reports increased after the transformation of the JNA 5<sup>th</sup> Corps into the VRS 1KK. BROWN:P02859, p.148.

<sup>1034</sup> P02877, p.4.

enemies was reflected in the 1KK's mass detention of non-Serbs regardless of their military status,<sup>1035</sup> 1KK reports referring to non-combatants, including women and children, as "Green Berets,"<sup>1036</sup> and a report signed by BOGOJEVIĆ that clearly stated the 1KK considered non-Serbs generally to be enemies who needed to be removed from Serb-claimed territory:

The Muslim organisation in Kotor Varoš is initiating negotiations on the modes of migration from that area. There have also been people moving away from other areas, while in the city of Banja Luka the authorities are not sufficiently organised in implementing this model for removal of the enemy.<sup>1037</sup>

265. TALIĆ also echoed **MLADIĆ**'s rhetoric. In an interview with *Krajiški Vojnik*, TALIĆ emphasised that territory controlled by the VRS would be "a unified living space for the Serbian people" and the 1KK had successfully saved Serbs from "complete annihilation" and "genocide."<sup>1038</sup> Similarly, VUKELIĆ relayed to 1KK troops GVERO's explanation of the purpose of the war: control of 65% of BiH and complete separation from Muslims and Croats.<sup>1039</sup>

266. TALIĆ also lauded subordinates who commanded units responsible for serious crimes.<sup>1040</sup> For instance, he assessed 43<sup>rd</sup> Brigade commander ARSIĆ as "particularly exceeds", noting ARSIĆ's "exceptional results";<sup>1041</sup> commended "all soldiers and officers of" ARSIĆ's brigade after it led the cleansing of Kozarac and Hambarine;<sup>1042</sup> together with **MLADIĆ** commended the 30<sup>th</sup> division after its crimes in Ključ;<sup>1043</sup> and reappointed Božidar POPOVIĆ as Manjača camp commander when it re-opened in 1993 after serious crimes were committed under POPOVIĆ's command at the camp in 1992.<sup>1044</sup> [REDACTED].<sup>1045</sup> TALIĆ also recommended 43<sup>rd</sup>

<sup>1035</sup> E.g. BROWN:T.19531-19532.

<sup>1036</sup> P03745, p.1.

<sup>1037</sup> P03815, p.2.

<sup>1038</sup> P07191, pp.2,5-6; ŠOLAJA:T.32746.

<sup>1039</sup> P07325, p.2; P02874, p.2; BARAŠIN:T.28691. E.g. P05157, p.1.

<sup>1040</sup> E.g. P04049; BROWN:P02859, pp.131-133.

<sup>1041</sup> P07474, p.3; KELEČEVIĆ:T.37250,T.37284; P07478.

<sup>1042</sup> P00151, p.2. See P03150, tp.2; SIC:A.6.1-A.6.2(Prijedor).

<sup>1043</sup> P03817, p.2. See P00472, p.3; Ključ Summary.

<sup>1044</sup> BROWN:P02862, pp.80-81; P06992, p.2; BROWN:T.19771-19772,T.19789-19800; MEDIC:T.2047; P00245; SELAK:T.2969-2971; SELAK:P00244, para.57; KRČMAR:T.32490-32492; AMIDŽIĆ:T.29528-29529; AMIDŽIĆ:D00847, para.49.

<sup>1045</sup> [REDACTED].

Brigade Chief of Staff ZELJAJA for promotion during the 43<sup>rd</sup> Brigade's brutal cleansing operations in Brdo and Bišćani.<sup>1046</sup>

(d) The 1KK co-operated with civilian authorities in the ARK

267. Consistent with **MLADIĆ** and **TALIĆ**'s direction,<sup>1047</sup> the 1KK and its subordinate units had a high level of co-operation with civilian<sup>1048</sup> and RSMUP<sup>1049</sup> authorities and shared common goals.<sup>1050</sup> Defence witness and CSB Banja Luka official **MATIJEVIĆ** had good working relationships with **BOGOJEVIĆ** and 2KK Chief of Security **MITROVIĆ**,<sup>1051</sup> arranging with them for RSMUP units to be resubordinated to the VRS for joint operations.<sup>1052</sup>

268. **TALIĆ** was an ARK CS member; either he or a deputy attended ARK CS meetings. When **TALIĆ**'s deputy attended he informed **TALIĆ** what had happened.<sup>1053</sup> The 1KK used its communications system to facilitate communications between civilian leaders in the ARK and in Pale<sup>1054</sup> while regional and municipal governments in the ARK provided brigades financial and other logistical assistance.<sup>1055</sup> There were occasional conflicts between ARK and 1KK authorities, particularly when civilian authorities attempted (unsuccessfully) to intervene in the military chain of command<sup>1056</sup> but generally VRS and civilian authorities co-operated in pursuing their common goals.<sup>1057</sup>

<sup>1046</sup> P05279, p.4. See SIC:A.6.5-A.6.9(Prijedor).

<sup>1047</sup> P03946, p.138; BROWN:P02859, p.49 ; P03993/P02865(duplicates); P02873, pt.1; P07324, p.2; BROWN:T.19483-19484.

<sup>1048</sup> E.g. [REDACTED]; KUPREŠANIN:T.29684.

<sup>1049</sup> E.g. **MATIJEVIĆ**:T.43079-43081; P07211, p.3; P03896, p.2.

<sup>1050</sup> E.g. [REDACTED]; [REDACTED]; **M.SIMIĆ**:T.32538-32539; P07175; **RADULOVIĆ**:P03207, paras.90,190(confidential); **SELAČ**:P00244, para.41; BROWN:P02859, pp.45-46.

<sup>1051</sup> **MATIJEVIĆ**:T.43078-43081.

<sup>1052</sup> **MATIJEVIĆ**:D01402, paras.6,10; **MATIJEVIĆ**:T.43078-43083. While 30<sup>th</sup> Division officer **KEVAC** attempted to deny resubordination was standard practice, he admitted he had no knowledge of whether police units were resubordinated and that "at the level of the Corps and the Main Staff... they defined tasks for the police and for the army that were being carried out in the field." **KEVAC**:T.30496-30499.

<sup>1053</sup> **SAJIĆ**:T.29206-29207; **KELEČEVIĆ**:T.37146; **KUPREŠANIN**:T.29684; **SELAČ**:T.3026; **SELAČ**:P00244, para.44; BROWN:P02859, pp.49-50; **RADIĆ**:P04333, T.7388-7389;P04337; P03984; [REDACTED].

<sup>1054</sup> **RADIĆ**:P04333, T.7532-7535. E.g. **ERCEG**:T.34032.

<sup>1055</sup> E.g. D01032; [REDACTED].

<sup>1056</sup> BROWN:P02859, pp.51-52. E.g. P04027, p.2.

<sup>1057</sup> E.g. **Ključ**:P00472, p.2; **Prijedor**:SEJMENOVIĆ:P00283, paras.21,23; **SEJMENOVIĆ**:T.3522-3523,T.3568-3569; P02871; D.HANSON:T.4152-4153; **Sanski Most**: [REDACTED]; P03294, p.59.

(e) 2KK functioning paralleled the 1KK

269. Similarly, BORIĆ ordered 2KK operations based on **MLADIĆ**'s orders<sup>1058</sup> and knew of no 2KK brigade commander ever launching an offensive operation without his approval.<sup>1059</sup> BORIĆ held a morning meeting with his assistant commanders and Chief of Staff VLAISAVLJEVIĆ.<sup>1060</sup> He and other members of the Corps Command regularly inspected subordinate units and met with civilian authorities in the 2KK AOR.<sup>1061</sup>

270. While many 2KK units operated in non-Indictment municipalities, evidence reflects both the 17<sup>th</sup> Brigade in Ključ and Kamenica camp staff played key roles in implementing the common purpose.<sup>1062</sup> In 1994, BORIĆ bragged to *Srpska Vojska* that the 2KK had "carried out successfully every task set before us" and "defended successfully the liberated Serbian territory and thus strengthened the borders of Republika Srpska," adding 2KK units had also participated in "combat operations" in other areas of BiH.<sup>1063</sup>

(f) The closing of the corridor did not interfere with **MLADIĆ**'s command over forces in the ARK

271. Defence witnesses attempted to distance JCE members from crimes in the ARK by claiming the ARK was cut off from the rest of the RS before Operation Corridor.<sup>1064</sup> While the corridor was briefly closed at times in early 1992,<sup>1065</sup> the constant functioning of the VRS communication system<sup>1066</sup> meant **MLADIĆ** could always exercise command.<sup>1067</sup>

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<sup>1058</sup> BORIĆ:T.34628,T.34645.

<sup>1059</sup> BORIĆ:T.34628.

<sup>1060</sup> BORIĆ:T.34616.

<sup>1061</sup> BORIĆ:T.34616-34617.

<sup>1062</sup> See Section III.D.4; Ključ Summary.

<sup>1063</sup> D02073, p.2.

<sup>1064</sup> E.g. KUPREŠANIN:T.29856; ERCEG:T.33980.

<sup>1065</sup> KELEČEVIĆ:T.37136.

<sup>1066</sup> MILOVANOVIĆ:T.16895,T.16903-16905,T.16935.

<sup>1067</sup> E.g. TUCKER:P00317, para.106.

6. **MLADIĆ co-operated with other JCE members and their subordinates in implementing the cleansing campaign**

272. While **MLADIĆ** and the VRS led the military implementation of the common criminal purpose, he also contributed to the JCE through his and his subordinates' co-operation with other Serb organs.<sup>1068</sup> As GVERO wrote in *Srpska Vojska*, "Our greatest value is the unity of the political and military leadership at all levels of the state, the unity of the people and the army, and a willingness to fight for victory."<sup>1069</sup>

273. International observers recognised this unity, noting **MLADIĆ**, **KARADŽIĆ** and other Bosnian Serb military and civilian authorities behaved as a "collective leadership" in the context of **KARADŽIĆ**'s supreme authority and **MLADIĆ**'s indispensable role in military matters.<sup>1070</sup> **WILSON** noted the VRS "was a professional military that was getting on with the job, and it appeared to be directed to achieving the political aims that were quite clearly stated: that is, setting up a separate Serb territory... the military operations seemed to mirror requirements of the political ambitions."<sup>1071</sup>

**D. After the 16<sup>th</sup> Assembly MLADIĆ and other JCE members intensified the Cleansing Campaign**

1. **From 12 May MLADIĆ prepared to escalate the campaign**

274. Immediately after the 16<sup>th</sup> Assembly, **MLADIĆ** and other JCE members met with local Bosnian Serb commanders and political leaders and prepared to escalate the ongoing cleansing campaign. **MLADIĆ** and other Serb leaders set up a formal and unified VRS command structure during this period<sup>1072</sup> and the Strategic Objectives were disseminated to local and regional Serb authorities.<sup>1073</sup> **MLADIĆ**'s unification of the VRS command structure was one of his initial contributions to the JCE<sup>1074</sup> and

<sup>1068</sup> Indictment, paras.13(d),(e).

<sup>1069</sup> P07391, p.3. See SOKANOVIĆ:T.35747; P00353, p.132; [REDACTED]; P00338, p.7.

<sup>1070</sup> HARLAND:P00001, paras.283-284; WILSON:P00320, paras.119,132-137; ROSE:P00736, para.211-212; ABDELRAZEK:P00293, para.28; SMITH:P00785, para.232; TUCKER:P00317, para.282; FRASER:P00576, paras.37,146-147(confidential); MILINČIĆ:T.28350.

<sup>1071</sup> WILSON:P00320, para.137. See P00338, p.159; SMITH:P00785, para.233.

<sup>1072</sup> P03855; P07122; P04443/P06534(duplicates); P07668. See Section II.A.

<sup>1073</sup> E.g. P02867; P06953; P07321, pp.1-2; P07070; KARAC:T.30743-30744; BROWN:T.19507; P03747, pp.1-2; MANDIĆ:T.28898-28899; P07325, p.2; KOVIĆ:T.42026.

<sup>1074</sup> Indictment, para.13(a).

facilitated the JCE members' use of Bosnian Serb forces to implement the common criminal purpose.

275. **MLADIĆ**'s immediate control over Serb forces in BiH is reflected in his conversations with authorities in Ilidža and Kalinovik on 13 May.<sup>1075</sup> In the following days, he cemented his command and honed the situational awareness necessary to effectively exercise it.<sup>1076</sup> On 14 May, **MLADIĆ** met with JNA Gen. SIMONOVIĆ, noting that the "SR BH Army" would separate on 20 May 1992.<sup>1077</sup> **MLADIĆ** next visited Trebinje, discussing available forces in Foča and elsewhere in Herzegovina, amounts of tanks and manpower, transformation of the JNA command in the Herzegovina area, and the need to put at the disposal of VRS forces in Herzegovina "all Serbian officers who were born in BH territory" but not "officers belonging to other ethnic groups."<sup>1078</sup> **MLADIĆ** then met with Serb leaders in Eastern Bosnia about military issues immediately before the VRS escalated the cleansing campaign there.<sup>1079</sup>

2. Under **MLADIĆ**'s command the VRS waged the war in a way designed to drive out non-Serb civilians through the commission of crimes

276. On 19 May, the JNA was formally transformed into the VRS. GVERO informed VRS troops that the purpose of the war included Serb control of 65% of BiH and complete separation from Muslims and Croats, **MLADIĆ**—who had "successfully commanded considerable troops on the Knin battlefield"—would be commander, and "All the other important elements of a united organisation and leadership and command have also been established."<sup>1080</sup> The GŠ-VRS then began large-scale ethnic cleansing operations, purportedly to "defend the Serbian people against genocide by the Muslim-Ustaša forces... protect the property and cultural heritage of the Serbian people... [and] liberate the territories which are ours and which belong to us by historical birthright..."<sup>1081</sup>

<sup>1075</sup> P01597(confidential); P00403.

<sup>1076</sup> E.g. THEUNENS:T.20312.

<sup>1077</sup> P00352, pp.313-314,330.

<sup>1078</sup> P00352, pp.316-325. Similarly, days later **MLADIĆ** reviewed mobilised troops in [REDACTED] and stated mobilisation applied only to Serbs "for the time being." [REDACTED].

<sup>1079</sup> See para.301.

<sup>1080</sup> P07325, pp.1-2. See P02874; P07345.

<sup>1081</sup> P00338, p.7.

277. **MLADIĆ** and other JCE members used the VRS to take control of, or complete the cleansing of, the territories they claimed. The CRR explained that before the VRS was established, Serb forces had “failed to gain control over a considerable part of the territory of former BH which historically and ethnically belongs to the Serbian people.”<sup>1082</sup> While in many such areas the Bosnian Serbs had seized control of the organs of power in the municipality before 12 May, large numbers of Muslims and Croats still lived there. Once the VRS was established, it led the ethnic cleansing of those non-Serbs from the Municipalities and other Serb-claimed areas. This cleansing campaign constituted a widespread and systematic attack directed at the non-Serb civilian populations in the territories the JCE members claimed.

278. Liberating the territories the VRS considered Serb left no place for their hundreds of thousands of Muslim or Croat inhabitants. The way the VRS waged the war under **MLADIĆ**’s command demonstrates their removal was part of the “single goal”<sup>1083</sup> driving its operations. They were removed through killings, including mass killings,<sup>1084</sup> unlawful detentions, other acts of persecution, and the wanton destruction of their homes, communities and sacred places. For non-Serbs in these areas, “it was devastating when you realize that this is no longer the army that was there to defend you, but that roles have been reversed.”<sup>1085</sup>

(a) The VRS and other BSF committed a repeated pattern of crimes

279. The pattern and scale of the ethnic cleansing operations the VRS carried out under **MLADIĆ**’s command reveals cleansing was an essential part of their purpose.<sup>1086</sup> In village after village, the VRS and other Bosnian Serb forces:

- Murdered non-Serb civilians or persons *hors de combat*;<sup>1087</sup>
- Engaged in the massive and ethnically-targeted detention of Bosnian Muslim and Croat civilians in inhumane facilities where many were beaten, raped, or murdered;<sup>1088</sup> and

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<sup>1082</sup> P00338, p.69.

<sup>1083</sup> P00338, p.7.

<sup>1084</sup> E.g. *Stanišić and Župljanin* AJ, para.1027.

<sup>1085</sup> RM141:P02624, para.67(confidential).

<sup>1086</sup> E.g. P02813, para.6. See HARLAND:P00001, para.270.

<sup>1087</sup> E.g. SIC:A.6.1-A.6.9(Prijedor),A.7.1-A.7.5(Sanski Most),A.8.1(Sokolac),A.9.1(Vlasenica).

- Burned down non-Serb houses and destroyed non-Serb cultural sites so that non-Serbs would be forced to leave and would not return.<sup>1089</sup>

This widespread pattern of crimes left surviving non-Serbs who had lived in villages destroyed by the VRS no genuine choice but to leave.<sup>1090</sup>

280. Some attacked villages had already surrendered their weapons or signed loyalty oaths to the Serbs, but were nonetheless attacked and burned, with their residents rounded up and taken to camps.<sup>1091</sup> In other villages, the Muslim presence of modest levels of arms<sup>1092</sup> or the actions of some villagers served as pretexts for VRS cleansing operations.<sup>1093</sup> Consistent with **MLADIĆ**'s statements,<sup>1094</sup> the VRS shelled or burned entire villages and detained and/or killed non-Serb civilians, including women, children and elderly people, driving out any enemy forces together with non-Serb civilians—a practice **MLADIĆ** would eventually codify in Directive Four.<sup>1095</sup> Consequently, while combat in some areas demonstrates the existence of an armed conflict for jurisdictional purposes,<sup>1096</sup> it does not negate the evidence of widespread illegal attacks on non-Serb villages, nor the JCE members' intention to use those attacks to ethnically homogenise Serb-claimed territories through the crimes charged in the Indictment.

281. For instance, Defence witnesses asserted there was an armed Muslim force in Kozarac<sup>1097</sup> when the VRS and other Bosnian Serb forces, under 43<sup>rd</sup> mtbr command, attacked the village in late May 1992.<sup>1098</sup> Aside from the fact that those defending the village were ill-armed and poorly organised,<sup>1099</sup> the criminal purpose underlying the

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<sup>1088</sup> See Section III.D.4.

<sup>1089</sup> AF1251; *E.g.* [REDACTED]; TUPAJIĆ:P03170, T.15431; [REDACTED]; [REDACTED].

<sup>1090</sup> *E.g.* [REDACTED]; ERCEG:T.34092; KELEČEVIĆ:T.37419; P00151, p.2; HARLAND:P00001, para.273.

<sup>1091</sup> See Foča, Kalinovik, Ključ, Kotor Varoš, Prijedor, and Vlasenica Summaries.

<sup>1092</sup> Typically hunting weapons. The ABiH was not formed until July 1992. P07676.

<sup>1093</sup> See Rogatica, Ključ, Vlasenica, and Prijedor Summaries; BROWN:P02859, pp.87-88.

<sup>1094</sup> See Section III.C.3.

<sup>1095</sup> P01968, p.5/P02217, p.5(duplicates).

<sup>1096</sup> The armed conflict existed in BiH at all times relevant to the crimes charged. *Tadić* Jurisdiction AD, para.67.

<sup>1097</sup> *E.g.* KARLICA:D00863, para.12; KELEČEVIĆ:D01110, para.15.

<sup>1098</sup> AF891; SELAK:T.2999; KELEČEVIĆ:T.37252; MATIJEVIĆ:T.43117-43118,T.43130-43131; P07474, p.3.

<sup>1099</sup> See Prijedor Summary.

attack is clear from the mass crimes Bosnian Serb forces committed against non-Serbs during and after the operation:

- Bosnian Serb forces including the VRS killed hundreds of non-Serb civilians during the attacks.<sup>1100</sup> Murder victims included policemen from Kozarac who had surrendered to 43<sup>rd</sup> mtbr Chief of Staff ZELJAJA,<sup>1101</sup> an ambulance driver named Nihad BAHONJIĆ,<sup>1102</sup> and 60 prisoners the VRS held at the Benkovac barracks.<sup>1103</sup>
- After ZELJAJA threatened Kozarac would be “razed to the ground,”<sup>1104</sup> a great part of nearby Jakupovići and Končari were indeed razed to the ground<sup>1105</sup> and Bosnian Serb forces destroyed large amounts of Muslim property in Kozarac town.<sup>1106</sup> Serb infantry set houses on fire, some with people inside.<sup>1107</sup> Mosques were destroyed.<sup>1108</sup>
- The VRS indiscriminately shelled Kozarac,<sup>1109</sup> including the medical centre, clearly identified as a medical building,<sup>1110</sup> and an area where a column of surrendering civilians had been directed to gather.<sup>1111</sup> Muslims were killed in the shelling, including children and one elderly woman.<sup>1112</sup> When MERDŽANIĆ attempted to negotiate passage to Prijedor hospital for a seven-year-old boy who had been injured in the shelling, he was told “die Balijs, we

<sup>1100</sup> AF890; RADULOVIĆ:P03207, paras.85,87(confidential); KELEČEVIĆ:T.37257,T.37286-37287. See SIC:A.6.1(Prijedor).

<sup>1101</sup> SIVAC:T.4846-4847,T.4849; TAČI:P00158, para.31; RM017:P03228, p.8(confidential); RM017:P03229, T.3335-3336,T.3342-3344,T.3386(confidential). See AF882; TAČI:T.2133-2134; SIVAC:P00480, T.6764; TABEAU:P02797, p.111; P05513.

<sup>1102</sup> MERDŽANIĆ:T.3359-3360; BLAŽEVIĆ:P03617, p.12; MERDŽANIĆ:P00269, para.23; MERDŽANIĆ:P00270.

<sup>1103</sup> AF887-AF888.

<sup>1104</sup> SEJMEŃOVIĆ:P00283, paras.25,28; SEJMEŃOVIĆ:T.3463-3466; SIVAC:P00480, T.6765.

<sup>1105</sup> RM017:P03229, T.3331(confidential).

<sup>1106</sup> AF878-AF879; ERCEG:T.34062; RODIĆ:T.33094; R.JAVORIĆ:T.31465; PUHALIĆ:T.31672-31673,T.32877-32878; RADULJ:T.35563-35564; ŠOLAJA:T.32736; D.VUJIĆ:T.34976; KELEČEVIĆ:T.37257; P00151; RADULOVIĆ:P03207, paras.85,87(confidential); P04136, (1)00:09'07-00:09'40, (2)00:11'02-00:11'22, (3)00:40'15-00:41'45, tp.3-4,18-19.

<sup>1107</sup> AF878; SEJMEŃOVIĆ:P00283, paras.35-36; RM017:P03228, pp.7-8(confidential). See RODIĆ:T.33094.

<sup>1108</sup> RM017:P03229, T.3404-3407; RIEDLMAYER:P02513, p.21; KELEČEVIĆ:T.37257. See R.JAVORIĆ:T.31465.

<sup>1109</sup> See AF869; RM017:P03228, pp.7-8(confidential); RM017:P03229, T.3329-3333(confidential).

<sup>1110</sup> AF880; MERDŽANIĆ:P00269, paras.12-18; BLAŽEVIĆ:P03617, p.9; BLAŽEVIĆ:P03618, T.2444-2445.

<sup>1111</sup> BLAŽEVIĆ:P03617, p.10.

<sup>1112</sup> MERDŽANIĆ:T.3357; MERDŽANIĆ:P00269, paras.14-18; BLAŽEVIĆ:P03617, pp.9-10; BLAŽEVIĆ:P03618, T.2446-2449.

will kill you anyway.” After Kozarac fell, the child was finally taken to the hospital, where he died;<sup>1113</sup>

- Mass detention, with men separated from women and children and primarily sent to Omarska and Keraterm, while women, children and elderly were taken to Trnopolje;<sup>1114</sup> and
- Muslims were expelled from Kozarac and it was subsequently renamed “Radmilovo” and repopulated with Serbs. By 1993, its pre-war Muslim population of 3,740 had been reduced to three.<sup>1115</sup>

The attacks on Hambarine,<sup>1116</sup> Pudín Han,<sup>1117</sup> Mahala,<sup>1118</sup> Ahatovići,<sup>1119</sup> and other non-Serb villages throughout BiH were carried out the same way.

(b) The nature of the cleansing campaign was obvious to international observers

282. International observers recognised the pattern and scale of the crimes committed during the cleansing campaign<sup>1120</sup> and reached the logical conclusion: the JCE members had established a policy of ethnic cleansing.<sup>1121</sup> They regularly protested to **MLADIĆ**, **KARADŽIĆ** and other Serb authorities about ethnic cleansing<sup>1122</sup> and made public statements condemning the cleansing campaign.<sup>1123</sup>

<sup>1113</sup> MERDŽANIĆ:P00269, para.18.

<sup>1114</sup> AF936; *E.g.* ARIFAGIĆ:P03388, p.10; ARIFAGIĆ:P03389, T.7075(confidential); RM017:P03229, T.3345-3347(confidential).

<sup>1115</sup> P07126. *See* Prijedor Summary.

<sup>1116</sup> *See* SIC:A.6.2(Prijedor).

<sup>1117</sup> *See* Ključ Summary.

<sup>1118</sup> *See* Sanski Most Summary.

<sup>1119</sup> *See* Novi Grad Summary.

<sup>1120</sup> *E.g.* OKUN:P03103, T.4216; P02813, para.6; P03111, pp.2-3; P00299, paras.7-23; ABDELRAZEK:T.3590; HARLAND:P00001, para.273; P02044, pp.2-3; P07361, p.2; P07292, p.1; P07293; P07361, p.2; P02812, paras.13-15.

<sup>1121</sup> *E.g.* P02046, p.6; BANBURY:P00874, paras.62-63; P00299, paras.7-21; ABDELRAZEK:T.3590; BOWEN:T.18050-18052; P07292, p.2; P07293, p.1; TUCKER:T.3789-3790; P07718, p.8; ABDELRAZEK:P00293, paras.32-33,58; KIRUDJA:P03587, paras.80,102.

<sup>1122</sup> *E.g.* P02532; BANBURY:P00874, para.49; P00887, para.9; ABDELRAZEK:P00293, paras.39-42; ABDELRAZEK:T.3614-3615; OKUN:P03103, T.4216; LUKIĆ:T.25416,T.41767-41768; WILSON:P00320, paras.101,104,109,112-113; P02048, pp.1-2; AKASHI:T.41764,T.41767-41768; P07699, para.7; ERCEG:T.34057; P02880; P03877, p.2; P02881; [REDACTED]; WILSON:T.3997-3999; P00205, p.4; P05186; P07337; P00553; TUCKER:P00317, para.115.

<sup>1123</sup> P02046, p.6; P03912; P03928; P01055; P01062; P02530; P01055; P07292, p.2; P07293; P03111, pp.2-3; P00287, tp.1.

The widespread crimes committed by Bosnian Serb forces were notorious: ethnic cleansing “was in the newspapers every day... on the television every day.”<sup>1124</sup>

283. Knowing the dangers remaining non-Serbs faced, internationals agonised about whether to assist in evacuating them: “on the one hand they wanted to save these people, but on the other hand, removing them... and taking them to Croatia, which was where most of them were going” would be “collaborating in ethnic cleansing.”<sup>1125</sup> Sometimes, however, severe immediate dangers to non-Serbs left no alternative to forced evacuation. For instance, internationals knew Bosanski Novi had been subjected to substantial, “systematic”<sup>1126</sup> ethnic cleansing in May and June.<sup>1127</sup> International negotiators repeatedly warned CS President PAŠIĆ that forcibly displacing people from their homes for ethnic reasons was against international law<sup>1128</sup> but due to what UN officials described as being “blackmailed” into facilitating the implementation of “the policy of ethnic cleansing,” the UN “accepted expulsion in order to prevent more killing”<sup>1129</sup> and organised a convoy in which thousands of non-Serbs were transferred to Croatia.<sup>1130</sup>

(c) VRS officers and other members of Bosnian Serb authorities reflected the nature of the cleansing campaign

284. VRS officers and other members of Bosnian Serb forces made the nature of the cleansing campaign clear in their orders and contemporaneous statements. Aside from **MLADIĆ**’s own statements,<sup>1131</sup> particularly relevant examples include:

- 43<sup>rd</sup> mtbr Chief of Staff ZELJAJA informed TALIC on 30 May that he was “cleansing everything”, sparing “neither women nor children”.<sup>1132</sup> That day, the VRS and other Bosnian Serb forces rounded up Muslims and took them to

<sup>1124</sup> OKUN:P03103, T.4371. *See* ABDELRAZEK:T.3587-3588.

<sup>1125</sup> OKUN:P03103, T.4190.

<sup>1126</sup> KIRUDJA:P03587, paras.77,80.

<sup>1127</sup> P03592; P03594. *See* para.298.

<sup>1128</sup> R.PAŠIĆ:T.31119; KIRUDJA:P03587, paras.71,79; P03589, pp.3-4.

<sup>1129</sup> P07105, pp.1-2. *See* P07104, p.1; KIRUDJA:P03587, paras.80,96-99.

<sup>1130</sup> KIRUDJA:P03587, paras.96-99.

<sup>1131</sup> *See* Section III.C.3.

<sup>1132</sup> [REDACTED].

Omarska, Keraterm and Trnopolje and destroyed the Muslim neighbourhood of Stari Grad, including the mosque there;<sup>1133</sup>

- Rogatica Brigade commander KUŠIĆ explained he was “running late with the cleansing of Rogatica”;<sup>1134</sup>
- Birač Brigade commander ANDRIĆ ordered subordinate units to expel all Muslim women and children and detain all Muslim men. Birač Brigade units then conducted cleansing operations in Vlasenica and elsewhere in Eastern Bosnia;<sup>1135</sup>
- The day after VRS soldiers massacred 150 Muslims from Večići at the Grabovica School, 22<sup>nd</sup> Brigade Battalion commander Slobodan ŽUPLJANIN explained that the VRS had ambushed Muslims from Večići, “That is how they met the fate they deserved”;<sup>1136</sup>
- [REDACTED];<sup>1137</sup>
- During 6<sup>th</sup> Brigade cleansing operations in Sanski Most, its Chief of Staff BRAJIĆ explained with regard to prisoners that “the most extreme among them” should be “isolated and punished so as not to walk this earth”, adding “our forces carry out the cleansing”;<sup>1138</sup>
- Ilidža CS President PRSTOJEVIĆ explained only Serbs could move into Serb-controlled Ilidža from Sarajevo “due to higher policy that I accepted once to perform”;<sup>1139</sup>
- 6<sup>th</sup> Brigade Military Police Lt. Slobodan CUMBA stated that even though Muslim villagers in Brdo and Bišćani had surrendered their weapons, the area would be “ethnically cleansed” pursuant to “policy.”<sup>1140</sup> Days later the VRS

<sup>1133</sup> See Prijedor Summary.

<sup>1134</sup> RM081:P00309, paras.90-91(confidential).

<sup>1135</sup> P07086; P00466. See Section III.D.3(b).

<sup>1136</sup> P07091, p.2.

<sup>1137</sup> [REDACTED].

<sup>1138</sup> P03294, pp.58-59.

<sup>1139</sup> P06945, p.3. See P06947, p.3.

<sup>1140</sup> BLAZEVIĆ:P03617, p.17; BLAZEVIĆ:P03618, T.2491; P03834.

led the ethnic cleansing of these areas, in which hundreds of non-Serbs were murdered;<sup>1141</sup>

- [REDACTED]<sup>1142</sup> and
- DK Commander ŽIVANOVIĆ lauded the burning of “Turks houses”<sup>1143</sup> as the DK ethnically cleansed Eastern Bosnia pursuant to Directive Four.<sup>1144</sup>

By contrast, KARADŽIĆ criticised Banja Luka Municipal Assembly President RADIĆ for not having expelled enough non-Serbs<sup>1145</sup> and OSTOJIĆ criticised RADIĆ for not destroying Banja Luka’s mosques.<sup>1146</sup>

285. High-ranking VRS officers also less directly reflected **MLADIĆ**’s intent in their statements, orders and reports. For instance, VRS documents repeated Serb claims to control of most of BiH’s territory,<sup>1147</sup> and referred to the goal of ethnic separation (and sometimes explicitly ethnic cleansing),<sup>1148</sup> and to the goal of having all Serbs in one state.<sup>1149</sup>

286. VRS officers also referred to Serb ethnic superiority and/or echoed the derogatory language **MLADIĆ** himself used<sup>1150</sup> to refer to non-Serbs in their orders and reports.<sup>1151</sup> This reflected a process of vilifying Muslims and Croats<sup>1152</sup> that contributed to an atmosphere of impunity, facilitating the soldiers’ commissions of

<sup>1141</sup> See SIC:A.6.5-6.6(Prijedor).

<sup>1142</sup> [REDACTED].

<sup>1143</sup> P02192.

<sup>1144</sup> See Section III.D.8(a)(iii).

<sup>1145</sup> RADIĆ:P04333, T.7494,T.7597-7598. See SOLAJA:T.32751-32753.

<sup>1146</sup> RADIĆ:P04333, T.7470-7471,T.7474. See SOLAJA:T.32752.

<sup>1147</sup> E.g. P07325, p.2. See P02874, p.2; P07345; BROWN:T.19521-19523; KELEČEVIĆ:T.37159-37160; BARAŠIN:T.28690-28691; B.DAVIDOVIĆ:T.26512-26513.

<sup>1148</sup> E.g. P04135, p.4; P02243(confidential); P03949, para.6; P00466; P07086; P02247, p.1(confidential); P07191, pp.1-3; ŠOLAJA:T.32746; P07394, p.3; P07395, p.1; P04320, p.4; P02095, p.1; LAZIĆ:P04322, T.21833,T.21835; P01505, p.3; BLAZEVIĆ:P03617, p.17; BLAZEVIĆ:P03618, T.2491; P03834; P03070, p.3; P07325, p.2. See P02874, p.2; P07345; BROWN:T.19521-19522; KELEČEVIĆ:T.37159-37160; BARAŠIN:T.28690-28691; B.DAVIDOVIĆ:T.26512-26513.

<sup>1149</sup> E.g. P04523, pp.5-6; P05157, p.1.

<sup>1150</sup> See Section III.C.3.

<sup>1151</sup> E.g. P05185, p.1; P01064, p.1; P02192; P06940, p.4; P04154; P02243(confidential); P02218, pp.2-3; P01091(confidential); P06647, p.1; DRAGIČEVIĆ:T.23715-23716; P06591; GUZINA:T.22541-22543; P07395, p.1; P04424, p.1; P06513; P06580, p.1; P05241, p.10; P05206, pp.1-2; P05083, p.1; P00353, p.230; P02231(confidential); P00362, pp.8,56; P06721, p.1.

<sup>1152</sup> BUTLER:T.16269-16270.

crimes and consequently contributing to the JCE.<sup>1153</sup> For instance, in early July 1992, 17<sup>th</sup> Brigade company commander Marko SAMARDŽIJA informed his troops,

This war has been imposed on the Serbian people by the alliance of the internal enemies, vampiric Ustasha forces... Again, as 50 years ago, insatiable pits are filling with the flesh and blood of the slaughtered Serbs... Thanks to the assistance of our brethren from neighbouring lands, we have somewhat alleviated the danger from our neighbouring enemy – the Muslim population in our villages – but the danger has not been removed. The wasp nest has, so to speak, been disturbed, but not destroyed...<sup>1154</sup>

Days later, 17<sup>th</sup> Brigade soldiers massacred at least 200 Muslim prisoners in and around the Biljani school in Ključ.<sup>1155</sup>

(d) **MLADIĆ's orders drove the cleansing campaign forwards**

287. The consistent pattern of crimes committed during all these operations reflects that criminality was part of the operations' purpose. As BOWEN explained, "ethnic cleansing was happening on a scale that to me it seemed clear that it was happening under orders."<sup>1156</sup> In Directive Four, **MLADIĆ** explicitly directed the DK to ethnically cleanse areas of Eastern Bosnia and VRS units dutifully cleansed those areas.<sup>1157</sup>

288. However, **MLADIĆ's** orders and those of other senior VRS officers generally did not openly direct the commission of crimes, instead using facially ambiguous terms such as "liberate" or "očistiti", and/or included boilerplate language reaffirming the dictates of the law of armed conflict. These orders too were often implemented through cleansing operations.

289. For instance, **MLADIĆ** issued Directive One on 6 June 1992, directing VRS units *inter alia* to "čišćenje the territories of remaining groups and of individuals belonging to the enemy."<sup>1158</sup> VRS Corps' issued implementing orders almost immediately thereafter.<sup>1159</sup> Brigades then implemented these orders through cleansing

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<sup>1153</sup> See Section III.E.3.

<sup>1154</sup> P00519, pp.1-3.

<sup>1155</sup> See SIC:A.3.3(Ključ).

<sup>1156</sup> BOWEN:T.18050-18052.

<sup>1157</sup> See Section III.D.8(a)(iii).

<sup>1158</sup> P00474, p.2.

<sup>1159</sup> P03738; P00458; P07336; P02877.

operations in municipalities including Ilidža, Ključ and Prijedor.<sup>1160</sup> Similarly, the IBK implemented **MLADIĆ**'s order to establish a POW camp<sup>1161</sup> by establishing Batković,<sup>1162</sup> where non-Serbs were detained solely because of their ethnicity,<sup>1163</sup> subjected to brutal abuse<sup>1164</sup> and some murdered.<sup>1165</sup> The pattern and scale of the criminal implementation of **MLADIĆ**'s orders clearly reflects both their true intentions and the meaningless formalism of references to international law.<sup>1166</sup>

290. **MLADIĆ** met with commanders whose units perpetrated serious crimes immediately before and/or during ethnic cleansing operations. **MLADIĆ** met with Rajlovac Brigade commander VUJASIN during the cleansing of Ahatovići,<sup>1167</sup> Rogatica Brigade commander KUŠIĆ during the initial cleansing operations in Rogatica,<sup>1168</sup> and TG Foča Battalion commander ELEZ shortly before his troops massacred non-Serbs detained at a TG Kalinovik barracks.<sup>1169</sup> In other meetings **MLADIĆ** held with VRS officers and civilian authorities, he was informed about the success of the cleansing campaign as officials bragged about the massive demographic change in Serb-claimed municipalities.<sup>1170</sup>

### 3. The VRS led large cleansing operations immediately after its establishment

291. Immediately following its establishment, the VRS and other Bosnian Serb forces escalated the ongoing cleansing campaign in Serb-claimed areas of BiH. Often, this was done under the guise of so-called disarmament operations.<sup>1171</sup> While sometimes purportedly directed at disarming everyone who possessed illegal weapons, these operations exclusively targeted non-Serbs<sup>1172</sup> and often involved demands that non-Serbs surrender all weapons they possessed, whether legally or

<sup>1160</sup> See Municipality Summaries.

<sup>1161</sup> P00377; P00189.

<sup>1162</sup> See Section III.D.4; Bijeljina Summary.

<sup>1163</sup> See Bijeljina Summary; SIC:C.2.1(Bijeljina).

<sup>1164</sup> See SIC:C.2.1(Bijeljina).

<sup>1165</sup> See SIC:B.2.1(Bijeljina).

<sup>1166</sup> E.g. BROWN:T.19534-19536; Đorđević TJ, paras.2132-2133.

<sup>1167</sup> See Novi Grad Summary.

<sup>1168</sup> See Rogatica Summary.

<sup>1169</sup> See Kalinovik Summary.

<sup>1170</sup> P00355, pp.26,66; P00358, pp.276-277; P00353, pp.101-102,248-250,258; P00354, p.13; P07746, p.15.

<sup>1171</sup> ERCEG:T.34009-34011.

<sup>1172</sup> AF430; BROWN:T.19507-19510,T.19786. E.g. R.PAŠIĆ:T.31110; P02889; KELEČEVIĆ:T.37212; Mane ĐURIĆ:T.27696-27698; AF756; RM010:T.1951(confidential).

illegally.<sup>1173</sup> Surrenders of weapons left many villages essentially defenceless. The VRS then led massive attacks involving a consistent pattern of crimes against non-Serb civilians<sup>1174</sup> which were so widespread one senior VRS officer acknowledged they were committed “practically everywhere.”<sup>1175</sup>

292. The crimes committed during these operations, the destruction of any limited Muslim or Croat resistance and the capture and/or killing of community leaders left many non-Serb communities which remained after late May defenceless. The VRS and other Serb forces could thus cleanse those communities of their remaining Muslims and Croats whenever they chose, as they then did.<sup>1176</sup> Bosnian Serb authorities also intensified discriminatory measures against remaining non-Serbs and many remaining non-Serbs fled as a result.<sup>1177</sup>

(a) ARK

293. **MLADIĆ** had exemplary command and control over VRS and subordinated BSF in the ARK.<sup>1178</sup> Under his command, those forces led a brutal ethnic cleansing campaign beginning immediately after the VRS’ establishment.

294. Serb leaders in the ARK had set 11 May 1992 as a deadline for the surrender of “illegal” weapons.<sup>1179</sup> That day the deadline was extended<sup>1180</sup> and expired on 14 May 1992,<sup>1181</sup> as the then-5<sup>th</sup> Corps prepared for the operations it would soon conduct.<sup>1182</sup> In mid-May 1992, **TALIĆ** ordered enhanced military co-operation with Bosnian Serb civilian authorities,<sup>1183</sup> the disruption of BiH governmental communication centres<sup>1184</sup> and assessments of the Corps’ troop strength and

<sup>1173</sup> See Rogatica, Kalinovik, Sokolac, and Kotor Varoš Summaries.

<sup>1174</sup> See Municipality Summaries.

<sup>1175</sup> [REDACTED].

<sup>1176</sup> SIC:A.6.5-A.6.9(Prijedor); SIC:A.8.1(Sokolac).

<sup>1177</sup> See Municipality Summaries.

<sup>1178</sup> See Section III.C.5.

<sup>1179</sup> P03415, p.1; BROWN:P02859, pp.64-65; KIRUDJA:P03587, para.47. See P05135, p.1; P00431, p.21.

<sup>1180</sup> P00285, p.1.

<sup>1181</sup> BROWN:P02859, pp.66-67; P03709, p.1.

<sup>1182</sup> BROWN:T.19511-19512; P02870.

<sup>1183</sup> P05134, p.2; P04025, p.1; P02873, pp.2-3; P03869, p.30; P03841, p.4; P04087; [REDACTED]; MUJADŽIĆ:P03121, T.3611-3614(confidential); RM017:P03228, p.21(confidential); SELAK:P00244, paras.37-44. See P04062.

<sup>1184</sup> P04056.

equipment levels and of Muslim “paramilitary” units in the area.<sup>1185</sup> BSF carried out some small operations during this period, for instance in Bosanski Novi.<sup>1186</sup>

295. After a very successful mobilisation in the 1KK,<sup>1187</sup> the 1KK led<sup>1188</sup> particularly vicious cleansing operations in Prijedor, Ključ and Sanski Most between 22 May and 1 June 1992, purportedly to complete disarming Muslims and Croats. Villages throughout these municipalities were subjected to a brutal pattern of crimes as VRS forces massacred non-Serbs in at least 11 different villages.<sup>1189</sup> **MLADIĆ** and the GŠ-VRS were regularly informed about these operations. **MILOVANOVIĆ** communicated by phone with **TALIĆ** about Kozarac during preparations for the attack on the village<sup>1190</sup> and 1KK combat reports regularly updated the GŠ-VRS on the operations’ progress.<sup>1191</sup> The brigades conducting the operations regularly sought orders and assistance from the 1KK command<sup>1192</sup> and updated the Corps on their progress, sometimes referring directly to the “čišćenje” or to the “pest control” they were carrying out.<sup>1193</sup>

296. By early June, operations in all three municipalities had been completed successfully. On 1 June **MLADIĆ** recorded in his notebook Ključ was “finished”<sup>1194</sup> and the 1KK reported Prijedor, Ključ and Sanski Most were under VRS control.<sup>1195</sup> The next day, **MLADIĆ** and **KARADŽIĆ** visited Banja Luka, discussing Serb forces in the ARK and local officials’ need for “a position please at the highest level” on “prisoners and refugees” with ARK, RSK and 1KK authorities.<sup>1196</sup>

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<sup>1185</sup> P02870.

<sup>1186</sup> E.g. P07103, pp.4-6; P07102.

<sup>1187</sup> P03987.

<sup>1188</sup> BROWN:T.19525. E.g. KELEČEVIĆ:T.37252; MATIJEVIĆ:T.43117-43118,T.43130-43131; P07474.

<sup>1189</sup> In Prijedor, Muslims and Croats were murdered in Hambarine(A.6.2), Kozarac(A.6.1), and Kamičani(A.6.3); in Ključ, in Pudin Han, Prhovo, and at the Velagići school(B.8.1); in Sanski Most, in Mahala, Muhići, Otoka, at Vrhpolje Bridge(A.7.1) and Hruštovo(A.7.2). See Municipality Summaries.

<sup>1190</sup> P07475.

<sup>1191</sup> P03890; P03727; P04148; P03443; P03445; P00247; P02405; P03832; P00151; P02367; P00246; P03752; P00353, p.44; BROWN:T.19525-19527; BROWN:P02862, p.27.

<sup>1192</sup> For instance, the 43<sup>rd</sup> Brigade consulted with the 1KK command about negotiations with residents of Hambarine village before attacking the village and contacted the 1KK command to request a flyover. P03923, p.49; P03946, pp.138-139; KELEČEVIĆ:T.37252-37253.

<sup>1193</sup> P03946, p.139; KELEČEVIĆ:T.37254; P02243(confidential); P03844, pp.2-3,5,7,10; P03923, pp.47,59.

<sup>1194</sup> P00353 pp.42-43. See [REDACTED]; D00358, p.11.

<sup>1195</sup> P02367, p.1; P00246.

<sup>1196</sup> P00353, pp.53-61.

297. These cleansing operations created thousands of prisoners and thousands of refugees. The 1KK reported on 30 May, “Muslim and Croatian families are stopping at nothing to find ways of moving out of the areas affected by the war.”<sup>1197</sup> The VRS-led destruction of Muslim and Croat-populated areas and detention and/or murder of non-Serb men often left survivors no choice but to flee.<sup>1198</sup> The 1KK noted the next day that those departing “will not be allowed to return.”<sup>1199</sup>

298. During and immediately after these operations, the VRS and other Bosnian Serb forces expelled non-Serb civilians from other areas of the ARK, including Bosanski Novi<sup>1200</sup> and Prnjavor municipalities.<sup>1201</sup> At least 15,000 Muslims had fled the ARK by 5 June.<sup>1202</sup>

299. Senior 1KK commanders knew their soldiers had committed serious crimes during these operations:

- 30<sup>th</sup> Division commander GALIĆ knew VRS soldiers had murdered civilians at Prhovo<sup>1203</sup> and the Velagići school in Ključ;<sup>1204</sup>
- 6<sup>th</sup> Brigade commander BASARA knew Muslim civilians had been massacred at Vrhpolje and Hrustovo in Sanski Most;<sup>1205</sup> and
- by mid-June TALIĆ knew about mass crimes in Prijedor, Sanski Most, Ključ, and elsewhere.<sup>1206</sup>

No soldiers were punished.<sup>1207</sup> Instead, the 1KK expressed pride in its accomplishments: VUKELIĆ reported to GVERO, “We have operated successfully in

<sup>1197</sup> P02876, p.1. *See* BROWN:T.19526; D00420, p.1.

<sup>1198</sup> *E.g.* P00151, p.2; ERCEG:T.34092; KELEČEVIĆ:T.37419.

<sup>1199</sup> P02875, p.1.

<sup>1200</sup> *E.g.* KIRUDJA:P03587, paras.44-56; P06491; P03594, pp.2-3; P07103, pp.8-9. Approximately 4000 Muslims gathered in Blagaj, Bosanski Novi, were expelled from the ARK by train a few days later in an operation run by the Bosanski Novi TO Chief of Staff. The train was stopped in Doboje, able-bodied men were forced off the train and returned to Bosanski Novi, where they were detained at the Mlakve Stadium. R.PAŠIĆ:T.31104,T.31115-31116. Shortly before the expulsion, the Bosanski Novi CS declared that it could no longer “guarantee security” in Blagaj. P07100, p.2; P07101. Many of the Muslims gathered in Blagaj had previously been expelled from their homes by “armed activities, which included use of mortars.” P07103, p.8. *See* R.PAŠIĆ:T.31081,T.31099.

<sup>1201</sup> D00418, p.1. *See* BROWN:P02859, pp.97-98.

<sup>1202</sup> P04598, p.2.

<sup>1203</sup> KALABIĆ:T.30274-30277.

<sup>1204</sup> KALABIĆ:T.30205-30206. *See* P03528, pp.5-12.

<sup>1205</sup> BASARA:T.34515-34519,T.34528-34531,T.34535; P02366.

<sup>1206</sup> P03873, p.1; P00151, p.2.

crisis areas such as Ključ, Sanski Most, Prijedor, Kozarac and Donji Vakuf,” adding “Thanks to our realistic assessments and the engagement of Corps units, the armed conflicts have been solved in the best possible way, and all the hotbeds are under control.”<sup>1208</sup> The 1KK later noted its “timely and decisive transfer of its focus of activity” to the ARK municipalities and bragged it had “liberated” Prijedor, Sanski Most, and other ARK areas.<sup>1209</sup> Ethnic cleansing in the ARK continued throughout the summer of 1992.<sup>1210</sup>

(b) Eastern Bosnia

300. **MLADIĆ** and the GŠ-VRS were heavily involved in cleansing operations in Eastern Bosnia.<sup>1211</sup> **MLADIĆ** issued orders to, received reports directly from and met regularly with officers in TGs responsible for cleansing Foča and Kalinovik;<sup>1212</sup> discussed with local Serb authorities the successful ethnic cleansing and detention of non-Serb civilians in Vlasenica, Foča, and elsewhere in Eastern Bosnia;<sup>1213</sup> and ordered the creation of Batković camp, where many non-Serbs were detained.<sup>1214</sup>

301. **MLADIĆ** met with Serb authorities in several areas of Eastern Bosnia shortly after taking command. On 17 May he, **KARADŽIĆ** and **KRAJIŠNIK** met with TO commanders and representatives of Rogatica, Olovo, Han Pijesak, and Sokolac.<sup>1215</sup> **MLADIĆ** noted tasks and quantities of arms.<sup>1216</sup> **KRAJIŠNIK** stated the time was “ripe for a demarcation of the areas between Croats, Serbs, and Muslims because... a common state with them is no longer possible”<sup>1217</sup> and **KARADŽIĆ** indicated they were “looking for results from the army”.<sup>1218</sup> The VRS Rogatica Brigade, under Rajko

<sup>1207</sup> See Municipality Summaries.

<sup>1208</sup> P03733, pp.1-2.

<sup>1209</sup> P02886, pp.3,11,33.

<sup>1210</sup> See Prijedor, Ključ, Kotor Varoš, and Sanski Most Summaries.

<sup>1211</sup> E.g. WILSON:P00320, para.127. **MLADIĆ** ordered several VRS operations in Eastern Bosnia in June and July 1992 and monitored *inter alia* the Birač Brigade’s level of ammunition. E.g. P03660; P03675; P03680; P00189; P00353, pp.163,237; P03679.

<sup>1212</sup> See Foča Summary; Kalinovik Summary; Section III.D.2(d).

<sup>1213</sup> P00353, pp.101-102,232,248-250,253-254,258; P00355, pp.63,66.

<sup>1214</sup> P00189; P03979; P00527; [REDACTED]. See I.OSMANOVIĆ:T.2763-2764; [REDACTED]; Mane ĐURIĆ:T.27706; S.ANDRIĆ:T.34884-34885; M.STANIĆ:T.30915. See SIC:C.2.1(Bijeljina).

<sup>1215</sup> P00352, p.349; P03176, p.1.

<sup>1216</sup> P00352, pp.349,354.

<sup>1217</sup> P03176, p.2.

<sup>1218</sup> P00352, p.351.

KUŠIĆ, carried out “*čišćenje*” operations beginning just days later, killing civilians, rounding up others and taking them to camps.<sup>1219</sup>

302. **MLADIĆ** met with Svetožar ANDRIĆ and the SAO Birač leadership the next day and appointed ANDRIĆ Birač Brigade commander.<sup>1220</sup> Days later, that Brigade—the strongest VRS unit in Eastern Bosnia, responsible for seven municipalities<sup>1221</sup>—took the lead in already-ongoing<sup>1222</sup> cleansing operations in Eastern Bosnia.

303. On 26 and 28 May 1992, ANDRIĆ ordered the Osmaci and Zvornik TOs to expel Muslim women and elderly people and detain men in camps.<sup>1223</sup> These orders implemented Strategic Objective One.<sup>1224</sup> Birač Brigade units and other Bosnian Serb forces implemented ANDRIĆ’s orders through cleansing operations: in several municipalities, where the VRS and other Bosnian Serb forces rounded Muslims up, some while working in their fields, and took the men to a series of camps.<sup>1225</sup> In Zvornik, the Yellow Wasps—who acted under VRS command in operations in Eastern Bosnia in late May<sup>1226</sup>—massacred non-Serbs.<sup>1227</sup> VRS and MUP units surrounded the Muslim village of Teočak in Ugljevik municipality and MUP units stopped a convoy of fleeing civilians and massacred everyone regardless of age or gender.<sup>1228</sup>

304. Crimes in the Drina were well known. In late May, Sokolac CS President Milan TUPAJIĆ saw passing through Sokolac “columns of Muslim refugees mainly

<sup>1219</sup> See Rogatica Summary.

<sup>1220</sup> S.ANDRIĆ:T.34737,T.34897-34898.

<sup>1221</sup> P07352, p.1; S.ANDRIĆ:D01033, paras.1-2. Several new VRS units were formed out of the Birač Brigade, including the Zvornik Brigade at the beginning of June 1992, the Bratunac Brigade and Skelani Battalion in November 1992 and the Milići-Vlasenica brigade in January 1993. P07352, pp.2-3.

<sup>1222</sup> See M.DERONJIĆ:P03566, paras. 62-66; WILSON:T.3995-3996; Section III.B.5.

<sup>1223</sup> P07086; P00466. Days later, the SAO Birač decided the Muslim population of Birač had to move out within seven days. P03737.

<sup>1224</sup> THEUNENS:T.20357-20358. See KOVAC:T.41577-41578.

<sup>1225</sup> M.RAMIĆ:P02528, paras.1-13; T.FERHATBEGOVIĆ:P02526, pp.3-5; [REDACTED]; [REDACTED]; e.g. P07352, pp.3,7-8; M.KURALIĆ:P02521, pp.3-5; S.ANDRIĆ:T.34772-34775,T.34794-34796(confidential),T.34796-34800(confidential).

<sup>1226</sup> S.ANDRIĆ:T.34769-34770; P07349, p.8; P07350, pp.4, (BCS,p.77); P07351, p.2. See Section III.G.7.

<sup>1227</sup> P06582, p.3; P06584.

<sup>1228</sup> [REDACTED].

from the Drina Valley area, Rogatica, and Višegrad.”<sup>1229</sup> BiH media reported “grave crimes perpetrated along the Drina Valley” including Rogatica and Zvornik.<sup>1230</sup>

305. Local Serb authorities bragged to **MLADIĆ** and other JCE members about their success cleansing Eastern Bosnia.<sup>1231</sup> In August 1992, **MLADIĆ** noted the Bosnian Serbs held “all the major towns and villages in the Podrinje, except Goražde.”<sup>1232</sup> By September 1992, the Birač Brigade held 70% of SAO Birač territory.<sup>1233</sup> Flying over these cleansed areas one could see a landscape of incinerated, deserted towns.<sup>1234</sup> This destruction was VRS policy and implemented throughout the region.<sup>1235</sup> For instance, during negotiations in August 1992, GŠ-VRS Chief of Intelligence SALAPURA<sup>1236</sup> threatened to “set on fire all the Muslim villages up to the Drina”; Podžeplje was burned soon afterwards.<sup>1237</sup> After the Birač Brigade’s cleansing operations, **MLADIĆ** praised and promoted ANDRIĆ.<sup>1238</sup>

(c) Sarajevo Area

306. Immediately after **MLADIĆ**’s arrival in BiH, the SRK and other Serb forces in and around Sarajevo escalated the implementation of Strategic Objectives One and Five by seizing and ethnically cleansing Serb-claimed areas surrounding the city.<sup>1239</sup> **MLADIĆ** was present in the Sarajevo area during this period and exercised clear command and control of Serb forces engaged against the city of Sarajevo and other Serb-claimed territories throughout the area.<sup>1240</sup>

307. The VRS took control of Grbavica in mid-May.<sup>1241</sup> As soon as the VRS arrived, “ugly things started happening” to Novo Sarajevo’s non-Serbs.<sup>1242</sup> Muslim

<sup>1229</sup> TUPAJIĆ:P03170, T.15376.

<sup>1230</sup> TUPAJIĆ:P03170, T.15377-15378. *E.g.* P06570; Mane ĐURIĆ:T.27696.

<sup>1231</sup> *E.g.* P00353, pp.101,253,258; P04581, p.73.

<sup>1232</sup> P03660, p.1.

<sup>1233</sup> D01036,p.2; S.ANDRIĆ:T.34839-34841.

<sup>1234</sup> VULLIAMY:P00199, T.7908; VULLIAMY:T.2584-2585.

<sup>1235</sup> *See* Foča, Kalinovik, Rogatica, Sokolac, and Vlasenica Summaries.

<sup>1236</sup> SALAPURA:P01584, T.13473.

<sup>1237</sup> SUBAŠIĆ:P03306, paras.7-8.

<sup>1238</sup> P00189, p.1; P03689, p.6; S.ANDRIĆ:D01033, para.1; P01713; P07380.

<sup>1239</sup> *E.g.* **Ilić**:P03784; **Hadžići**:M.MUŠIĆ:P02225, paras. 28,33-41. *See* Novi Grad Summary.

<sup>1240</sup> *See* Section IV.D.

<sup>1241</sup> [REDACTED].

<sup>1242</sup> [REDACTED].

and Croat civilians were rounded up, robbed, raped, and frequently expelled by soldiers, military police and RSMUP personnel.<sup>1243</sup>

308. Days later, **MLADIĆ** met with Rajlovac Brigade commander VUJASIN and other SRK officers in the midst of the Rajlovac Brigade's attack on Ahatovići.<sup>1244</sup> **MLADIĆ** later received information about the success of the attack, in which VRS forces executed Muslims and blew up the Ahatovići mosque:<sup>1245</sup> two days after the mosque was destroyed, he noted that "What is not disputed in Sarajevo" included "Rajlovac" and the next day he discussed with KOLJEVIĆ the detention of Ahatovići's women and children.<sup>1246</sup>

309. On 6 June 1992, **MLADIĆ** issued Directive One, requiring the SRK to "secure parts of Sarajevo with a majority Serbian population to *ocistiti* the wider area of Sarajevo airport and *ocistiti* its wider area of remaining groups and of individuals belonging to the enemy,"<sup>1247</sup> thus implementing Strategic Objectives 1 and 5.<sup>1248</sup> Shortly thereafter, **MLADIĆ** met with local Serb authorities and noted a decision "[t]o clear the Serbian territory in which Mojmiro and Dobrinja come first."<sup>1249</sup> Several VRS brigades then attacked Dobrinja, rounded up its non-Serb civilian residents, and expelled them or detained them in Lukavica Barracks or Kula prison.<sup>1250</sup>

310. Bosnian Serb forces implemented similar patterns of cleansing elsewhere in the Sarajevo area, in municipalities including Pale, Hadžići, and Vogošća. These cleansing operations established nearly-homogenous Serb territories ringing Sarajevo: by 1993 Rajlovac was 98% Serb,<sup>1251</sup> only 208 Muslims remained out of Vogošća's pre-war population of 11,000 Muslims,<sup>1252</sup> and Pale's Muslim population had been expelled.<sup>1253</sup> **MLADIĆ** noted in his diary in August 1993 a comment from a

<sup>1243</sup> [REDACTED]; [REDACTED]; RM141:P02624, paras.29,39-63(confidential);RM141:P02625, T.13192-13193(confidential).

<sup>1244</sup> P00353, p.28; VUJASIN:T.25602.

<sup>1245</sup> See Novi Grad Summary.

<sup>1246</sup> P00353, pp.101,114.

<sup>1247</sup> P00474, pp.2-4; P00353, pp.93-111; P00458; P00502.

<sup>1248</sup> THEUNENS:T.20371.

<sup>1249</sup> P00353, pp.170-172.

<sup>1250</sup> See Ilidža Summary.

<sup>1251</sup> P07734, p.1.

<sup>1252</sup> P07736, p.2. E.g. MURAČEVIĆ:P03185, paras.13-18.

<sup>1253</sup> See Pale Summary.

representative of one Sarajevo municipality that “From Hadžići to Čekrčići, the Serbian part of Sarajevo is ethnically pure.”<sup>1254</sup>

#### 4. The Camp System

311. **MLADIĆ** and the VRS, in concert with other Bosnian Serb forces (particularly the RSMUP<sup>1255</sup>), operated an interrelated system of detention facilities in which thousands of Bosnian Muslims and Croats were held in inhumane conditions. Many were murdered, raped and/or otherwise abused while in detention. The collection of non-Serbs into camps where they were brutalized also facilitated the expulsion of tens of thousands of Bosnian Muslim and Croat civilians from Serb-claimed territory.<sup>1256</sup>

##### (a) Camps were one centrally-controlled system

312. The Bosnian Serb archipelago of detention facilities was a single, centrally-controlled system. Prisoners were transferred from camps throughout the RS to VRS-run hubs including Manjača, Batković, and Kula in which thousands of prisoners were detained.<sup>1257</sup> The systematic nature of the archipelago is reflected in many victims’ detention and abuse in several facilities successively.<sup>1258</sup> Mehmed MUŠIĆ, for example, survived detention in seven separate facilities.<sup>1259</sup>

313. Transfers through the system were co-ordinated at higher levels of command. For instance, detainees were transferred from Sušica to Batković pursuant to **MLADIĆ**’s order to create Batković.<sup>1260</sup> The Sanski Most CS co-ordinated with the

<sup>1254</sup> P00358, p.276. KOPRIVICA was a Serb official in Vogošća. MURAČEVIĆ:P03185, para.10.

<sup>1255</sup> See Section III.G.1.

<sup>1256</sup> E.g. P03808, p.1.

<sup>1257</sup> See Banja Luka, Bijeljina, and Ilidža Summaries.

<sup>1258</sup> See generally ARIFAGIĆ:P03388; ARIFAGIĆ:P03389(confidential); ARIFAGIĆ:P03390; FERHATBEGOVIĆ:P02526; FERHATBEGOVIĆ:P02527; HURKO:P00164; ISAKOVIĆ:P01637; ISAKOVIĆ:P01638; KURALIĆ:P02521; KURALIĆ:P02522; KURALIĆ:P02523; K.MEŠANOVIĆ:P03414; I.OSMANOVIĆ:P00207; I.OSMANOVIĆ:P00208; Elvir PAŠIĆ:P00434; RAMIĆ:P02528; RM008:P03224(confidential); RM017:P03228(confidential); RM017:P03229(confidential); [REDACTED]; [REDACTED]; RM046:P00738(confidential); RM046:P00739(confidential); RM046:P00740(confidential); RM046:P00741(confidential); RM046:P00742(confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; SIVAC:P00480; TAČI:P00158; TAČI:P00159.

<sup>1259</sup> See generally M.MUSIĆ:P02225; M. MUSIĆ:P02226.

<sup>1260</sup> See Bijeljina and Vlasenica Summaries.

1KK Command about transferring detainees from Sanski Most to Manjača.<sup>1261</sup> When Manjača was closed at GŠ-VRS order, TOLIMIR signed an order transferring some prisoners to Batković and Kula while others were deported to Croatia.<sup>1262</sup> Considering **MLADIĆ** was directly involved in the issue<sup>1263</sup> and TOLIMIR was empowered to issue orders of this magnitude in his area of responsibility and with **MLADIĆ**'s knowledge and approval,<sup>1264</sup> **MLADIĆ** must have approved this order.

(b) The VRS and other Bosnian Serb forces committed mass crimes against camp detainees

314. Throughout the camp system detainees were held in miserable conditions and brutalised. As KP Dom Foča Warden KRNOJELAC admitted to a detainee, "there were camps in all municipalities and the conditions in all the camps were bad and... there was no food."<sup>1265</sup>

315. KRNOJELAC's acknowledgement that conditions in "all the camps were bad" was a gross understatement. Throughout the charged camps, detainees were killed, raped and beaten. Particularly brutal examples include:

- Violence against Omarska detainees was so constant that they feared dying every second they were held there;<sup>1266</sup>
- VRS soldiers gassed and subsequently murdered 190 detainees in Keraterm Room 3;<sup>1267</sup>
- Sušica camp commander NIKOLIĆ personally beat prisoners to death;<sup>1268</sup>
- Trnopolje camp commander KURUZOVIĆ kept a woman as a sex slave and raped her daily, sometimes while stabbing or otherwise assaulting her;<sup>1269</sup>

<sup>1261</sup> See Sanski Most Summary.

<sup>1262</sup> P04147.

<sup>1263</sup> P00356, pp.265-268; P03668.

<sup>1264</sup> See para.45.

<sup>1265</sup> RM046:P00739, p.3(confidential).

<sup>1266</sup> K.MEŠANOVIC:P03414, para.30.

<sup>1267</sup> See SIC:B.13.1(Prijedor).

<sup>1268</sup> See Vlasenica Summary.

<sup>1269</sup> See Prijedor Summary.

- In KRNOJELAC's KP Dom Foča, VRS and other Bosnian Serb forces murdered at least 200 prisoners.<sup>1270</sup> In October 1992, VRS soldiers took one group of detainees to the Miljevina Coal Mine and brutally murdered them;<sup>1271</sup>
- In the Veljko Vlahović school in Rogatica family members heard detainees screaming while both men and women were repeatedly raped, sometimes with instruments;<sup>1272</sup>
- In IBK-run Batković, prisoners were beaten to death<sup>1273</sup> and others forced to beat and perform sexual acts on each other.<sup>1274</sup>

Many survivors were traumatised by the abuse.<sup>1275</sup> Throughout the camp system, detainees were also deprived of basic essentials of nutrition and hygiene, conditions that led to rampant disease, weight loss, and in some instances a slow death.<sup>1276</sup>

316. Detainees were also abused in other facilities within the camp system, reflecting the widespread and systematic nature of criminality against them. Detainees were abused and some killed in camps in Sanski Most<sup>1277</sup> and Kotor Varoš,<sup>1278</sup> the Vlasenica SJB and secondary school,<sup>1279</sup> the Banja Luka CSB and Mali Logor,<sup>1280</sup> the bunker in Vogošća<sup>1281</sup> and 1<sup>st</sup> Sarajevo Brigade headquarters<sup>1282</sup> at the Slaviša Vajner Čiča barracks in Lukavica.<sup>1283</sup>

(c) VRS played a key role in the camp system

317. The VRS rounded up and detained huge numbers of non-Serbs in its initial cleansing operations.<sup>1284</sup> 1KK<sup>1285</sup> and Birač Brigade<sup>1286</sup> commanders then established

<sup>1270</sup> See SIC:B.5.1(Foča).

<sup>1271</sup> [REDACTED].

<sup>1272</sup> RM081:P00309, paras.72-77(confidential).

<sup>1273</sup> See SIC:B.2.1(Bijeljina).

<sup>1274</sup> See SIC:C.2.1(Bijeljina).

<sup>1275</sup> E.g. SIC:C.2.1(Bijeljina),C.6.1-6.5(Foča),C15.2-15.4(Prijedor).

<sup>1276</sup> See SIC:C.1.2(Banja Luka),C.2.1(Bijeljina),C.6.1,C.6.4-6.5(Foča),C.8.1(Ilidža),C.9.1-9.2(Kalinovik),C15.2-15.5(Prijedor),C.16.1,C.16.3(Rogatica),C.19.3(Vlasenica).

<sup>1277</sup> See Sanski Most Summary.

<sup>1278</sup> See Kotor Varoš Summary.

<sup>1279</sup> See Vlasenica Summary.

<sup>1280</sup> See Banja Luka Summary.

<sup>1281</sup> MURACEVIĆ:P03185, paras.42-47.

<sup>1282</sup> S.SIMIĆ:T.35936.

<sup>1283</sup> M.MUSIĆ:P02225, paras.70-89. E.g. P03059/P04498(duplicates).

<sup>1284</sup> See Section III.D.3.

camps to hold prisoners seized in these operations, including civilians.<sup>1287</sup> For instance, Birač Brigade commander ANDRIĆ issued repeated orders requiring his units to detain all male Muslims.<sup>1288</sup> He then ordered the organisation of Sušica, which was overburdened with mostly-civilian detainees—due in part to ANDRIĆ’s orders for mass detention.<sup>1289</sup> The VRS took other prisoners to camps run by the RSMUP or MOJ.<sup>1290</sup>

318. On 12 June 1992, **MLADIĆ** ordered each Corps to establish detention camps.<sup>1291</sup> A few days later, **MLADIĆ** reiterated to the IBK the need to create a camp at Corps level.<sup>1292</sup> The IBK implemented this order by creating Batković,<sup>1293</sup> where between 2000-3000 non-Serbs were detained and abused, many simply because of their ethnicity.<sup>1294</sup> The 2KK also established camps pursuant to **MLADIĆ**’s order.<sup>1295</sup> VRS brigades or TG’s controlled camps in Foča, Kalinovik, Rogatica, and Trnopolje camp in Prijedor.<sup>1296</sup>

319. **MLADIĆ** controlled VRS-run camps through the chain of command.<sup>1297</sup> In his 12 June 1992 order, he directed Corps Commands to form camps and maintain lists of “captured enemy personnel.”<sup>1298</sup> **TALIĆ** implemented this order by requiring 1KK camps to provide the Corps Assistant Commander for Moral Guidance and Legal Affairs with daily reports on the arrival of prisoners and send lists of prisoners who “may be exchanged” to 1KK Exchange Commission President **GRUJIĆ**.<sup>1299</sup>

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<sup>1285</sup> SELAK:P00244, para.59; P00253, pp.3-4; SELAK:T.2992-2993; BROWN:P02862, pp.26-27; [REDACTED]; MCLEOD:P03258, T.7314; KELEČEVIĆ:T.37237; [REDACTED]. See AMIDŽIĆ:D00847, para.25. The 1KK set up an exchange commission for prisoners seized in these operations. P07472.

<sup>1286</sup> AF1254; P00190; P03737; [REDACTED]; [REDACTED]; S.ANDRIĆ:D01033, para.4; S.ANDRIĆ:T.34744-34753,T.34802-34803; Mane ĐURIĆ:T.27707.

<sup>1287</sup> E.g. SELAK:T.2980.

<sup>1288</sup> P00466; P07086.

<sup>1289</sup> P00190; [REDACTED]; [REDACTED]; M.STANIĆ:T.30909,T.30912,T.30915. See Vlasenica

Summary.

<sup>1290</sup> E.g. KELEČEVIĆ:T.37257-37258,T.37264; S.ANDRIĆ:T.34894.

<sup>1291</sup> P00377.

<sup>1292</sup> P00189.

<sup>1293</sup> P03979.

<sup>1294</sup> [REDACTED].

<sup>1295</sup> P03910.

<sup>1296</sup> See Municipality Summaries.

<sup>1297</sup> E.g. BROWN:T.19551-19552; RM051:T.2937-2938.

<sup>1298</sup> P00377, pp.1-2. RS law made similarly VRS Corps Commanders responsible for “camp organisation and quartering.” P03540, p.2. E.g. BORIĆ:T.34670.

<sup>1299</sup> P00377, p.4.

The 1KK then maintained computerised records of the people it was detaining,<sup>1300</sup> many of whom were civilians.<sup>1301</sup> **MLADIĆ** and the GŠ-VRS also issued orders to VRS-run camps<sup>1302</sup> and controlled prisoners' detention through military exchange commissions<sup>1303</sup> which facilitated the detention and removal from Serb territory via exchange of non-Serb civilians.<sup>1304</sup>

320. Many other camps were joint operations between the VRS and the RSMUP<sup>1305</sup> or MOJ.<sup>1306</sup> VRS officers visited jointly-run or MUP-run facilities,<sup>1307</sup> controlled the exchange of prisoners held in some MOJ facilities,<sup>1308</sup> used prisoners held there for forced labour or as human shields, many at the front lines<sup>1309</sup> where some were killed.<sup>1310</sup>

321. **MLADIĆ** and the GŠ-VRS also received information from camps through the professional line of reporting of the VRS security and intelligence organ.<sup>1311</sup> As VRS security and intelligence organs were responsible for prisoners,<sup>1312</sup> brigade-or Corps-level security and intelligence officers interrogated prisoners in camps run either by the VRS or by civilian authorities,<sup>1313</sup> including at Omarska<sup>1314</sup> and in Sanski Most.<sup>1315</sup> The CRR noted "the expected results were not achieved"<sup>1316</sup> from these interrogations, reflecting both that many of those interrogated were merely civilians with no useful intelligence to provide<sup>1317</sup> and that the GŠ-VRS received regular

<sup>1300</sup> KRČMAR:T.32474; KELEČEVIĆ:T.37214.

<sup>1301</sup> E.g. Banja Luka Summary; P02886, p.12.

<sup>1302</sup> E.g. THEUNENS:P03029, pp.543-544; P03687; P04147; P03806; P06915; P06798; P04008; P03130.

<sup>1303</sup> See Section III.G.5.

<sup>1304</sup> P07169, p.3.

<sup>1305</sup> E.g. SIC:C.19.3(Vlasenica).

<sup>1306</sup> E.g. SIC:C.6.1(Foča),C.8.1(Ilidža).

<sup>1307</sup> E.g. RAMIĆ:P02528, paras.9-10; SIVAC:P00480, T.6640; SIVAC:T.4814,T.4870,T.4883.

<sup>1308</sup> E.g. P07739; P07740; P07741.

<sup>1309</sup> E.g. **Ilidža**:MALETIĆ:T.21822-21824; P06542; D.ŠARENAC:T.26131-26133; P06779;

**Manjača**:P07494; Dragić GOJKOVIĆ:T.37597-37598; **Vogošća**:P03194; P03197; P03198; P03202; P03205; P03206; MURAČEVIĆ:P03185, paras.71-84,88; M.MUSIĆ:P02225, paras.127-129; P06750; P06751. Other prisoners were used to clean up the rubble from destroyed mosques. See Vlasenica and Rogatica Summaries.

<sup>1310</sup> E.g. P03199; P03201; MURAČEVIĆ:P03185, para.88, #31,34-35,37-38,41. See P03970; [REDACTED]; GAGULA:P02525, p.14.

<sup>1311</sup> See para.97.

<sup>1312</sup> See para.60.

<sup>1313</sup> E.g. Section II.D.2.

<sup>1314</sup> M.RODIĆ:T.33095. See KELEČEVIĆ:T.37270-37271.

<sup>1315</sup> RADULOVIĆ:P03207, para.179(confidential).

<sup>1316</sup> P00338, p.84.

<sup>1317</sup> See Section III.D.4(d).

information from camps where non-Serbs were detained and abused in large numbers.<sup>1318</sup>

(d) **MLADIĆ** and other JCE members intended and knew massive numbers of civilians were being held in criminal conditions

322. **MLADIĆ**, **KARADŽIĆ**,<sup>1319</sup> **KOLJEVIĆ**,<sup>1320</sup> **PLAVŠIĆ**,<sup>1321</sup> **M.STANIŠIĆ**<sup>1322</sup> and **MANDIĆ**<sup>1323</sup> were all well aware of the ethnic-based detention of non-Serb civilians. Their conduct makes clear they intended to detain these civilians in criminal conditions in order to further their shared objectives.

323. No later than early June 1992, **MLADIĆ** knew non-Serb civilians were being detained.<sup>1324</sup> Allegations of large-scale detention of civilians began to appear in the press in May.<sup>1325</sup> On 1 June, the 1KK reported 7,000 non-Serbs had been detained in Prijedor.<sup>1326</sup> On 2 June, **BRĐANIN** noted to **MLADIĆ** and **KARADŽIĆ** the “Problem of the Krajina: 14,500 Muslims” and asked for a position “at the highest level” regarding prisoners.<sup>1327</sup> As there were almost 30,000 Muslims in Banja Luka alone before the war,<sup>1328</sup> **BRĐANIN** must have been referring to the thousands already being detained in Bosnian Serb camps in the ARK.

324. Just days later, **WILSON** confronted **MLADIĆ** and other BSL members about the detention of civilians.<sup>1329</sup> **PLAVŠIĆ** acknowledged Bosnian Serb camps and claimed prisoners there were “of military age... being detained so that they would not be able to fight.”<sup>1330</sup> While she implicitly acknowledged many detainees were non-

<sup>1318</sup> Many camps where prisoners were seriously abused and/or murdered were also immediately proximate to VRS command posts, whose commanders reported regularly up the chain of command and/or met directly with **MLADIĆ**. E.g. **Manjača**:KELEČEVIĆ:T.37189; **Jelaščko Polje**:See Kalinovik Summary; **Keraterm**:RODIĆ:T.33058-33069; P07203; **R.JAVORIĆ**:T.31450; P00487; **SIVAC**:P00480, T.6565-6566; **Rajlovac Barracks**:See SIC:B.10.1(Novi Grad); **Prijedor Barracks**: [REDACTED]; RM709:P03437, pp.6-7(confidential).

<sup>1319</sup> P03801.

<sup>1320</sup> P00353, p.114.

<sup>1321</sup> **WILSON**:P00320, paras.101-103.

<sup>1322</sup> P06659; P03801; P03874. E.g. P03784.

<sup>1323</sup> E.g. P02766, p.3.

<sup>1324</sup> See Section III.D.4(d).

<sup>1325</sup> **WILSON**:P00320, para.101.

<sup>1326</sup> P02367, p.1.

<sup>1327</sup> P00353, pp.53-56. **MLADIĆ** knew of the large-scale detention of non-Serbs in Prijedor, Ključ and Sanski Most by 1 June 1992. P00353, p.44; P00246; **BROWN**:P02862, p.27; P02367, p.1.

<sup>1328</sup> P03853, p.2.

<sup>1329</sup> **WILSON**:T.3997.

<sup>1330</sup> **WILSON**:P00320, paras.101-103.

combatants, many were even more obviously civilians. For instance, on 7 June, **MLADIĆ** and **KOLJEVIĆ** discussed the detention of hundreds of non-Serbs including women and children in the Sarajevo area.<sup>1331</sup> This practice was notorious: by 12 June, the BiH Presidency was discussing “the great problem regarding the arrested civilians who are being taken to Pale and other camps” in the RS.<sup>1332</sup>

325. Massive ethnically-based detention was Bosnian Serb policy. VRS and civilian authorities requested the VRS “round up or capture as many Muslim civilians as possible,”<sup>1333</sup> and various Crisis Staffs decided to arrest Muslims and Croats, sometimes making the discriminatory basis of their detention clear by ordering the detention of “all people of Croatian nationality”<sup>1334</sup> or simply referring to people who were “unwelcome”—meaning Muslims and Croats<sup>1335</sup>—and use “civilians for exchange.”<sup>1336</sup>

326. **MLADIĆ** and the GŠ-VRS continued to receive reports documenting the detention of non-Serb civilians throughout the summer of 1992.<sup>1337</sup> Camp staff,<sup>1338</sup> military court judges,<sup>1339</sup> and VRS Corps commands<sup>1340</sup> were all well aware of the mass detention of civilians.<sup>1341</sup> For instance, Manjača camp reported to the 1KK that prisoners were “being brought in massively and in large quantities, no selection has been made (they are bringing in those who shouldn’t be treated as prisoners of war because they have been picked up from their homes and off their fields),”<sup>1342</sup> prisoners were “probably brought only because they are Muslims and Croats” and

every new group of prisoners from Ključ and Sanski Most is less and less incriminated... this camp can be considered as a detention

<sup>1331</sup> P00353, p.114. *See* Novi Grad Summary.

<sup>1332</sup> P06658, p.3; **KECMANOVIĆ**:T.23837.

<sup>1333</sup> P03801, p.2.

<sup>1334</sup> P03975.

<sup>1335</sup> P02409, p.1; [REDACTED].

<sup>1336</sup> P03294, p.57; P07418, p.7.

<sup>1337</sup> P00353, p.232; P00355, p.63; P03951, pp.1-3. *See* P02886, p.12.

<sup>1338</sup> [REDACTED]; [REDACTED]; P00220(confidential); P00221(confidential); **RADINKOVIĆ**:T.31824-31826.

<sup>1339</sup> [REDACTED]; s.**BOJANOVIĆ**:T.27975; [REDACTED].

<sup>1340</sup> P02886, p.12; P00220(confidential); P00221(confidential); **SELAČ**:T.2979-2980; **MEDIĆ**:P00154, paras.15,21.

<sup>1341</sup> *See* [REDACTED]; P07238; P06681, p.2.

<sup>1342</sup> P00220, p.1(confidential).

camp, i.e. a camp for segregation of Muslims and Croats, which history will not forgive us...<sup>1343</sup>

327. On 3 September 1992, the 1KK acknowledged the criminal conditions in which these civilians were being held, expressing concern to the GŠ-VRS that the international community's "attempts to show the world public the unbearable conditions in" Bosnian Serb-run camps was negatively affecting soldiers' morale.<sup>1344</sup>

(e) Ethnic-based detention facilitated ethnic cleansing

328. The camps served as a critical tool in the cleansing campaign. The unlawful detention of non-Serb civilians created pressure to flee<sup>1345</sup> and the collection of such civilians in camps facilitated their organised removal, and consequently the ethnic cleansing of their areas.<sup>1346</sup>

329. Consistent with camps' role as collection points facilitating the ultimate removal of surviving detainees from RS territory, when detainees were exchanged or released they were regularly removed out of Serb-claimed territory.<sup>1347</sup> Indeed, Bosnian Serb authorities conditioned Manjača's closure on the transfer of released detainees to third countries.<sup>1348</sup> Many were subsequently sent to Croatia on GŠ-VRS orders<sup>1349</sup> while others were transferred to Batković.<sup>1350</sup>

330. Defence witnesses repeatedly admitted non-Serb civilians were detained<sup>1351</sup> simply because of their ethnicity,<sup>1352</sup> or claimed they had no idea of the legal basis for detaining people under their control<sup>1353</sup> or the circumstances in which their subordinates had taken prisoners.<sup>1354</sup>

<sup>1343</sup> P00221, p.1(confidential); [REDACTED].

<sup>1344</sup> P03951, p.2.

<sup>1345</sup> P00299, para.23; [REDACTED]; P03877, p.2; [REDACTED].

<sup>1346</sup> P07293, p.1; ERCEG:T.34057; BROWN:P02859, pp.109-110; MERDŽANIĆ:T.3328-3330; VULLIAMY:T.2738-2740; A.MEDIĆ:T.2050-2051; BOWEN:P02516, T.10097; BOWEN:T.18051-18052.

<sup>1347</sup> E.g. Banja Luka, Bijeljina, Foča, Kalinovik, Prijedor and Summaries.

<sup>1348</sup> P07193; ŠOLAJA:T.32757-32758.

<sup>1349</sup> P04147; P03806; P02882, p.1; P02923; P02924; P06796; P03824; P03886; P03887.

<sup>1350</sup> See Banja Luka and Bijeljina Summaries.

<sup>1351</sup> KRNOJELAC:T.25985-25986; Mane ĐURIĆ:T.27689; PEREULA:T.28303; KOVIĆ:T.42075; RODIĆ:T.33112-33114; V.NIKOLIĆ:T.31277-31278; DŽINO:T.25708; ERCEG:T.34056.

<sup>1352</sup> ANDAN:T.22398-22400.

<sup>1353</sup> Đ.KRSTIĆ:T.26365. E.g. BORIĆ:T.34675-34676; D.ŠARENAC:T.26168-26170; AMIDŽIĆ:T.29529-29530.

<sup>1354</sup> KELEČEVIĆ:T.37222-37223; BORIĆ:T.34651-34652.

331. Muslim and Croat community leaders were particularly targeted for arrest.<sup>1355</sup> Once in camps, these leaders were targeted for further violence. Community leaders were targeted for murder and particular abuse in Omarska camp;<sup>1356</sup> in Manjača, military police murdered Ključ Muslim leader Omer FILIPOVIĆ and Esad BENDER.<sup>1357</sup> Their detention and further targeting in camps contributed to the destruction of targeted communities by communicating to non-Serb communities they had no security and consequently pressured others to flee.<sup>1358</sup>

332. In many camps, prisoners were separated into categories which reflected both the targeting of community leaders and other prominent people and the conscious detention of civilians. For instance, Omarska prisoners were separated into three categories. The first, or “cooling list”, included leaders, wealthy people, and intellectuals, as well as those perceived to have been combatants.<sup>1359</sup> Category three included women, children, and people for whom there was no basis for their detention.<sup>1360</sup> Instead, CSB Banja Luka chief ŽUPLJANIN opined that such prisoners, of “no security interest... can be treated as hostages.”<sup>1361</sup>

(f) MLADIĆ, the VRS and other JCE members attempted to conceal criminal conditions in the camps

333. Bosnian Serb forces covered up the criminal conditions in the camps. In June 1992, Vlasenica battalion commander Slobodan PAJIĆ ordered measures “to prevent informing the public about [Sušica] prisoners’ appearance and the conditions they live in” including prohibiting “visits of any type, particularly bringing food and other material to the prisoners.”<sup>1362</sup> When international organisations were able to visit camps, important prisoners and/or prisoners bearing visible signs of abuse were often hidden.<sup>1363</sup> Prisoners knew they were not to discuss the real conditions in camps with

<sup>1355</sup> [REDACTED]; P03294, pp.57-58; MEDIĆ:T.2050-2051; [REDACTED]; RADULOVIĆ:P03207, para.165(confidential); P07650.

<sup>1356</sup> See Prijedor Summary.

<sup>1357</sup> See SIC:B.1.4(Banja Luka).

<sup>1358</sup> E.g. MEDIĆ:T.2050-2051; RADULJ:T.35558-35559.

<sup>1359</sup> K.MEŠANOVIĆ:P03414, para.41.

<sup>1360</sup> [REDACTED]; K.MEŠANOVIĆ:P03414, paras.40-43; [REDACTED].

<sup>1361</sup> P03874, pp.1-2.

<sup>1362</sup> P00193, p.4.

<sup>1363</sup> See Bijeljina, Vlasenica and Foča Summaries.

journalists or international monitors;<sup>1364</sup> prisoners who did so were punished.<sup>1365</sup> After international controversy about criminal conditions in camps, **MLADIĆ** and the VRS attempted to whitewash those conditions along with other JCE members.

334. In July 1992, criminal conditions in Bosnian Serb camps became a subject of international condemnation, including in the media.<sup>1366</sup> Journalists published articles about Omarska,<sup>1367</sup> international organisations learned of the extensive scope of the camp system<sup>1368</sup> and the ICRC repeatedly publicly condemned the widespread detention of civilians in BiH.<sup>1369</sup>

335. While **KARADŽIĆ** publicly disclaimed the existence of inhumane camps and challenged foreign journalists and ICRC to visit,<sup>1370</sup> behind the scenes the visitors were stalled as **MLADIĆ** ordered the military and police to clean up camps,<sup>1371</sup> detainees were transferred in anticipation of the visits,<sup>1372</sup> and Corps Commands ordered construction of additional buildings and release of very old and very young detainees<sup>1373</sup> or warned troops ICRC representatives would likely “show particular interest in civilians (women, children, elderly and sick)” who were detained.<sup>1374</sup> During these preparations, prisoners from Omarska and Keraterm were murdered and dumped in a mass grave at Hrastova Glavica.<sup>1375</sup> GŠ-VRS and 1KK Legal, Morale and Religious Affairs sector officers then accompanied reporters to Omarska, Trnopolje<sup>1376</sup> and Kula camps.<sup>1377</sup>

<sup>1364</sup> E.g. McLEOD:P03258, T.7331-7334; P03264; MURAČEVIĆ:P03185, paras.31-33; RM060:P02596, T.6882(confidential).

<sup>1365</sup> E.g. [REDACTED]; HURKO:P00164, para.45-46.

<sup>1366</sup> VULLIAMY:P00199, T.7904-7905; BROWN:P02862, p.63.

<sup>1367</sup> P02890; P02891; P03928; VULLIAMY:P00199, T.7904-7905; VULLIAMY:T.2584.

<sup>1368</sup> KIRUDJA:P03587, paras.74-75; P06954. E.g. ABDELRAZEK:P00293, para.141.

<sup>1369</sup> P07292, p.2; P07293, p.1; P03111, p.3. See DOYLE:T.1530-1532.

<sup>1370</sup> VULLIAMY:P00199, T.7904,T.8095-8096; VULLIAMY:T.2584; P00200, 00:00'00-00:00'16, tp.1.

<sup>1371</sup> P02879; P00201; [REDACTED]; BROWN:P02859, p.102; VULLIAMY:P00199, T.7905-7912; VULLIAMY:T.2584; [REDACTED]; [REDACTED]; ARIFAGIĆ:P03388, p.25. See Indictment, para.13(h).

<sup>1372</sup> E.g. BLAZEVIĆ:P03617, pp.27-28; P00206, 00:20'57-00:21:15, tp.13; VULLIAMY:P00199, T.7946,T.7957.

<sup>1373</sup> P06795.

<sup>1374</sup> P03996, p.1.

<sup>1375</sup> See SIC:B.13.3(Prijedor).

<sup>1376</sup> VULLIAMY:P00199, T.7936-7946,T.8095-8096; SOKANOVIĆ:T.35767. ARŠIĆ attempted to discourage journalists from visiting Omarska and Bosnian Serb forces staged a fight nearby. VULLIAMY:T.2625-2631,T.2737; VULLIAMY:P00199, T.7916,T.7936-7939,T.8084-8086; P00202; P00203, 00:18:20-00:19:07, tp.1.

<sup>1377</sup> VULLIAMY:P00199, T.7936-7946,T.8095-8096; SOKANOVIĆ:T.35767.

336. Despite these preparations, visitors observed inhumane conditions, creating additional pressure on RS authorities.<sup>1378</sup> While he did not fully acknowledge the scale of the abuse and inhumane conditions in the Prijedor camps, SOKANOVIĆ admitted he reported to GVERO that detainees did not have enough food<sup>1379</sup> and the RS Government publicly admitted conditions in Omarska were inadequate.<sup>1380</sup> Though both the military and civilian BSL acknowledged conditions were inadequate, no genuine investigation was done,<sup>1381</sup> and **MLADIĆ** and other JCE members repeatedly promoted officers in Prijedor's 43<sup>rd</sup> and 5<sup>th</sup> Brigades<sup>1382</sup> and Prijedor SJB personnel,<sup>1383</sup> and lauded the success of operations in Prijedor.<sup>1384</sup>

337. After international journalists gained access to the camps, KOLJEVIĆ—who months earlier had discussed the detention of civilians including women and children in the Sarajevo area with **MLADIĆ**<sup>1385</sup>—jeered that it “took a long time” for the media to find the camps because they had been so focused on Sarajevo: “there was no Winter Olympics in Prijedor. None of you ever took a holiday in Trnopolje.”<sup>1386</sup>

338. While **MLADIĆ** and other JCE members undertook steps that mimicked the initial stages of an investigation in the wake of the international controversy created by these visits, this process was a whitewash: most camps were not closed, known civilians continued to be detained, and no VRS officers were punished for the conditions in camps under their control.<sup>1387</sup>

339. On August 17, MUP and MOJ representatives issued a report ordered by the RS Presidency<sup>1388</sup> addressing Omarska, Keraterm, Trnopolje, Manjača, and three other camps. The report acknowledged conditions in Manjača were “extremely bad”<sup>1389</sup> but did not mention any of the mass crimes committed in the camps—including the massacre in Room 3 at Keraterm, about which the report only noted

<sup>1378</sup> VULLIAMY:T.2594,T.2599; BROWN:T.19541-19542.

<sup>1379</sup> SOKANOVIĆ:T.35780-35781.

<sup>1380</sup> P07194, p.4.

<sup>1381</sup> SOKANOVIĆ:T.35781-35782; [REDACTED]. See SEJMENOVIC:T.3475.

<sup>1382</sup> See Prijedor Summary.

<sup>1383</sup> See Section III.G.1.

<sup>1384</sup> P04087. Similarly, Prijedor SJB Chief DRLJAČA presented IKK Commander TALIC with a pistol “in acknowledgement of his services and whole-hearted assistance.” P04062; BROWN:P02859, p.77.

<sup>1385</sup> P00353, p.114.

<sup>1386</sup> VULLIAMY:P00199, T.7977-7979; VULLIAMY:T.2696.

<sup>1387</sup> BROWN:T.19555-19556.

<sup>1388</sup> P02932; D00443, p.2. See BROWN:P02862, p.69.

“There are currently no prisoners in the *Keraterm* facility.”<sup>1390</sup> Reflecting the nature of the report, the authors characterised Trnopolje as an “open reception centre... under the protection of the Army of the Serbian Republic,” a claim MAZOWIECKI eviscerated:

The Special Rapporteur was particularly shocked by the conditions in Trnopolje camp, where persons hoping to flee ethnic cleansing by Serbs have gathered. More than 3,000 people were cramped into three buildings and a few small houses, where they live in unspeakable squalor, sleeping on thin blankets and lice-infested straw, drinking contaminated water and surviving on minimum rations of bread... [with] a near-total absence of sanitation... Trnopolje was described by the local authorities as an open camp. However, conditions in the surrounding areas where virtually all houses belonging to Muslims and Croats were destroyed are such that these prisoners could only move at great risk for their lives. Even within the camp they feel threatened by the militia guarding the camp.<sup>1391</sup>

Though the RS government report did not mention any of the internationally notorious crimes which had been committed against detainees throughout the system, the government adopted it and perversely “assessed that the Report realistically described the situation in these buildings.”<sup>1392</sup>

340. Beginning on 18 August, the ICRC was denied access to Manjača and Trnopolje.<sup>1393</sup> During the next week, critical selections of prisoners took place in both camps.

341. On 19 August, **MLADIĆ** met with the Presidency about transferring “sick and weak prisoners for medical treatment abroad.”<sup>1394</sup> Immediately thereafter, pursuant to GŠ-VRS and Presidency orders, Manjača camp staff and officers from various SJB’s then retroactively created files on and evaluated Manjača prisoners, seeking to identify prisoners who had not participated in combat *and* were “quite ill and their

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<sup>1389</sup> P05149, p.8. See BROWN:P02862, pp.70-71.

<sup>1390</sup> P05149, p.4.

<sup>1391</sup> P02813, para.10.

<sup>1392</sup> P05150, p.1.

<sup>1393</sup> P03111, p.3; KELEČEVIĆ:T.37316.

<sup>1394</sup> P00354, p.77.

appearance is attracting attention from the media and humanitarian organisations.”<sup>1395</sup> While representatives identified 92 such prisoners,<sup>1396</sup> only three were among the 69 “patients”<sup>1397</sup> released from Manjača and Trnopolje three weeks later.<sup>1398</sup> The 1KK continued to detain other known civilians. [REDACTED].<sup>1399</sup> After every such interview, interrogators sent an official note to the 1KK security organ summarising their conclusions.<sup>1400</sup> [REDACTED],<sup>1401</sup> [REDACTED].<sup>1402</sup>

342. While many of the worst crimes in Bosnian Serb camps were committed before conditions there became an international scandal, several massacres of detainees occurred soon afterwards:

- Prijedor policemen murdered prisoners from Omarska during a transfer to Manjača that was part of closing Omarska camp;<sup>1403</sup>
- At almost the same time, TG Foča soldiers murdered more than 20 detainees from the Jelašćko Polje ammunition warehouse;<sup>1404</sup>
- Rogatica Brigade soldiers took Rasadnik detainees out, used them as human shields and then massacred 24 of them on 15 August 1992;<sup>1405</sup>
- Prijedor police took Trnopolje detainees identified by SJB commanders off a convoy towards Travnik and massacred approximately 200 at Koričanske Stijene on 21 August 1992;<sup>1406</sup>
- Vlasenica police massacred the approximately 140 remaining detainees at Sušica in late September 1992;<sup>1407</sup> and

<sup>1395</sup> P02899, p.4; BROWN:T.19796-19797; P00223, pp.1-2; P04288, pp.1-2; RADINKOVIĆ:T.31789-31791; BROWN:P02862, pp.72-74. See P00237(confidential).

<sup>1396</sup> P00223/P04288(duplicate); RADINKOVIĆ:T.31790-31791.

<sup>1397</sup> P00354, pp.167-176; BROWN:P02862, pp.76-77. See P03880.

<sup>1398</sup> P04289; BROWN:P02862, p.76. Compare P00223/P04288(duplicate).

<sup>1399</sup> [REDACTED].

<sup>1400</sup> RODIĆ:T.33118.

<sup>1401</sup> [REDACTED]; [REDACTED]. See [REDACTED].

<sup>1402</sup> [REDACTED]; [REDACTED]. See [REDACTED].

<sup>1403</sup> KELEČEVIĆ:T.37218-37220.

<sup>1404</sup> See SIC:B.7.1(Kalinovik).

<sup>1405</sup> See SIC:B.14.2(Rogatica).

<sup>1406</sup> See Prijedor Summary.

<sup>1407</sup> See SIC:B.16.2(Vlasenica).

- VRS soldiers massacred prisoners from KP Dom Foča at the Miljevina coal mine in October 1992.<sup>1408</sup>

Killings of detainees continued in 1993 and onwards.<sup>1409</sup>

343. The JCE members also continued to impose a widespread practice of mass detention, abuse and eventual expulsion of non-Serb civilians long after the international outcry about conditions in Bosnian Serb camps. In January 1993, after international pressure had forced Serbs into releasing many prisoners,<sup>1410</sup> KARADŽIĆ told **MLADIĆ** and other Serb leaders, “We now have to make arrests again, so as to be able to exchange”<sup>1411</sup>—just days after MORILLON had issued one of the “many protests” internationals made to the BSL about detention of non-Serb civilians.<sup>1412</sup> In April 1993, MILOVANOVIĆ ordered VRS Corps’ to make lists of “Croatian prisoners of war” and “captured Croatian civilians” and “Muslim prisoners of war and captured civilians in prisons of the RS.”<sup>1413</sup> VRS lists of prisoners in early 1993 reflected the detention of Muslim civilians, including elderly women and young girls, throughout Eastern Bosnia.<sup>1414</sup>

344. In October 1994, TOLIMIR ordered subordinate units to facilitate an exchange, noting “in the exchanges we receive captured soldiers of the Republic Srpska while we mostly give them civilians.”<sup>1415</sup> Considering this exchange had been agreed “between the President of Republika Srpska and the Muslim side”<sup>1416</sup> and TOLIMIR’s authority to issue orders of this magnitude in his area of responsibility was linked to **MLADIĆ**’s knowledge and approval,<sup>1417</sup> **MLADIĆ** must have approved this order. Consistent with its plain language, the residents of Muslim villages in Rogatica were then rounded up and exchanged pursuant to the order, while Muslim authorities mostly released Bosnian Serb fighters captured during combat

<sup>1408</sup> [REDACTED].

<sup>1409</sup> For instance, Batković detainees were murdered at Vanekov Mlin in February 1993. *See* Bijeljina Summary. The 1KK Security Organ informed the GŠ-VRS of reports Kamenica detainees were murdered in November 1994. P07343, p.2.

<sup>1410</sup> *E.g.* Banja Luka Summary.

<sup>1411</sup> P07746, pp.27-28.

<sup>1412</sup> P00553; TUCKER:P00317, para.115.

<sup>1413</sup> P06915, pp.1-2.

<sup>1414</sup> *E.g.* P07239; P06804; P06805.

<sup>1415</sup> P04008, p.1.

<sup>1416</sup> P04008, p.1.

<sup>1417</sup> *See* para.45.

operations.<sup>1418</sup> BiH authorities noted 101-year-old Hanka KUSTURA, who had been held in Rasadnik,<sup>1419</sup> had died in prison.<sup>1420</sup>

## 5. Summer and Autumn Cleansing in 1992

345. VRS-led ethnic cleansing continued throughout the summer and autumn of 1992. In municipalities already under firm Bosnian Serb control, Bosnian Serb forces removed most remaining pockets of non-Serbs, whether already disarmed or not. For instance:

- On 9-10 July, Bosnian Serb forces under 17<sup>th</sup> Brigade command and 2KK Chief of Staff VLAISAVLJEVIĆ's supervision cleansed the Sanica area in Ključ—two days after Serb authorities announced “life is gradually returning to normal in the Ključ municipality” and bus service to Sanica was restored.<sup>1421</sup> Prisoners were taken to the Biljani school and more than 200 were massacred;<sup>1422</sup>
- After the VRS and other Bosnian Serb forces took over power in Kotor Varoš, VRS soldiers murdered Muslims in villages throughout the municipality, including Hanifići and Dabovci—where residents had signed oaths of loyalty to RS authorities;<sup>1423</sup>
- In September, implementing GALIĆ's Operational Order No.1, 2<sup>nd</sup> Romanija mtbr soldiers surrounded Novoseoci, which had been disarmed in July; separated men from women, children and elderly people who they expelled to Sarajevo; then executed the men, destroyed the village mosque, and dumped the rubble from the mosque on top of the mass grave where the victims were buried.<sup>1424</sup>

346. The brutality of these operations and the fact that they were sometimes directed at villages where weapons had already been surrendered, reflect that they

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<sup>1418</sup> P06722, pp.3-4; P06830.

<sup>1419</sup> P06804; P06805. KUSTURA's first name is spelled inconsistently between P06804 and P06805.

<sup>1420</sup> P06722, p.5.

<sup>1421</sup> P04156, p.1.

<sup>1422</sup> See SIC:A.3.3(Ključ).

<sup>1423</sup> See Kotor Varoš Summary.

<sup>1424</sup> See Sokolac Summary; SIC:A8.1,D.14(Sokolac).

were intended to remove the remaining non-Serbs. This purpose was expressly reflected, for example, in Bijeljina where RSMUP personnel murdered Muslim families simply to create an atmosphere of fear, after which many Muslims fled.<sup>1425</sup> The VRS also expelled hundreds of Muslims from Novo Sarajevo,<sup>1426</sup> which had been under VRS control for months.<sup>1427</sup> Convoys carried thousands of non-Serbs out of Ključ, Kotor Varoš, Pale, Sanski Most and other Serb-controlled municipalities.<sup>1428</sup> Bosnian Serb authorities expelled thousands of Muslims from Bosanski Novi.<sup>1429</sup>

347. Pursuant to **MLADIĆ**'s Directive Two, VRS units could only open fire upon GŠ-VRS approval between 22 July and 2 August 1992.<sup>1430</sup> The VRS conducted cleansing operations in Kalinovik, Prijedor and Sanski Most during this period.<sup>1431</sup>

348. The VRS-led cleansing operations in the Brdo, Bišćani and Ljubija areas of Prijedor municipality between 20-25 July were particularly brutal and well-organised. After VRS<sup>1432</sup> and SJB<sup>1433</sup> officials made clear those areas would be ethnically cleansed and immediately after the first articles on Prijedor camps in the international press,<sup>1434</sup> three different VRS brigades (the 43<sup>rd</sup>, 5<sup>th</sup> and 6<sup>th</sup>) and Prijedor SJB units brutally cleansed non-Serb villages, many of which had already surrendered their weapons.<sup>1435</sup> More than 500 Muslims and Croats were massacred throughout approximately 20 different villages<sup>1436</sup> while thousands of others were taken to camps<sup>1437</sup> where hundreds more were promptly murdered.<sup>1438</sup> The 1KK reported to **MLADIĆ** on operations in Prijedor throughout the cleansing.<sup>1439</sup> The crimes were

<sup>1425</sup> AF521.

<sup>1426</sup> P00307, p.1; P06527; P04592; RM141:P02624, paras.83-84(confidential); ABDELRAZEK:P00293, paras.39-42; ABDELRAZEK:T.3614-3615.

<sup>1427</sup> [REDACTED].

<sup>1428</sup> See Municipality Summaries.

<sup>1429</sup> See Section III.D.2(b).

<sup>1430</sup> D00099, p.2.

<sup>1431</sup> See Kalinovik, Prijedor, and Sanski Most Summaries.

<sup>1432</sup> BLAŽEVIĆ:P03617, p.17; BLAŽEVIĆ:P03618, T.2491; P03834.

<sup>1433</sup> [REDACTED].

<sup>1434</sup> P02890; P02891.

<sup>1435</sup> [REDACTED]; SUŠIĆ:P07312, paras.10-15; MUJADŽIĆ:P03121, T.3718-3719(confidential); KARAGIĆ:P00998, T.5291-5294; KARAGIĆ:T.9100-9101; AF920; ATLIJA:P00168, paras.28-31; ATLIJA:P00169, para.40(confidential); KUPREŠANIN:T.29819-29820.

<sup>1436</sup> See SIC:A.6.5-6.9(Prijedor).

<sup>1437</sup> See Prijedor Summary.

<sup>1438</sup> See SIC:B.13.1,B.13.4-13.5(Prijedor).

<sup>1439</sup> P02892, pp.1-2; P00161; P01002, p.1; P00248, p.1; P03714, p.1; P03721; P03719, pp.1-2; P03945.

widely known,<sup>1440</sup> including to the 1KK and 43<sup>rd</sup> mtbr commands<sup>1441</sup> and used as a threat by local Serb authorities.<sup>1442</sup> These villages were effectively destroyed and many were left completely empty.<sup>1443</sup> The Commanders and Chiefs of Staff of the 43<sup>rd</sup>, 5<sup>th</sup> and 6<sup>th</sup> Brigades were all subsequently promoted.<sup>1444</sup>

349. Bosnian Serb forces also continued to ethnically cleanse additional targeted areas. For instance:

- After **MLADIĆ** noted “If there is response to mobilization into the 1<sup>st</sup> KK then we clear the Posavina of Croats.”<sup>1445</sup> during operations in the Posavina Corridor, Bosnian Serb forces torched non-Serb houses, destroyed cultural sites,<sup>1446</sup> and murdered, raped, detained and expelled non-Serb civilians,<sup>1447</sup> while many thousands more fled their homes in fear.<sup>1448</sup> OG Doboj Commander **SIMIĆ** requested soldiers arrested for killing non-Serbs be released to return to the front and the local court released them.<sup>1449</sup>
- When Jajce fell,<sup>1450</sup> Bosnian Serb forces sporadically shelled a column of thousands of non-Serbs fleeing to Travnik.<sup>1451</sup>
- In early November 1992, the VRS conquered Večići, in Kotor Varoš. Those Muslims who tried to break out were ambushed and then detained, and VRS soldiers executed approximately 150.<sup>1452</sup> Remaining Muslims surrendered and were expelled from the RS.<sup>1453</sup>

<sup>1440</sup> E.g. P06954, pp.4-5; P07011, p.2; RADULOVIĆ:P03207, paras.82-83,87,91(confidential); ATLIJA:T.2315-2316; P04134, p.1; O.MARJANOVIĆ:T.41033-41034.

<sup>1441</sup> P03820; RODIĆ:T.33082; VUJIĆ:T.34996; P07477, p.2; P04134, p.1. E.g. KUPREŠANIN:T.29813; KUPREŠANIN:P06994, pp.9-10.

<sup>1442</sup> P07477, p.2.

<sup>1443</sup> P07126. E.g. ATLIJA:T.2317-2318.

<sup>1444</sup> See Prijedor Summary; Sanski Most Summary.

<sup>1445</sup> P00353, pp.38-42(emphasis added). Non-Serbs had been a majority before the war in much of the Corridor area. E.g. P03107, p.1; P07724, p.10.

<sup>1446</sup> RADULOVIĆ:P03207, para.99(confidential); M.SIMIĆ:T.32540-32541; RIEDLMAYER:P02514, rows#135-162,465-471; P04245, p.1.

<sup>1447</sup> AF296; P05145, pp.1-3; P04245, p.1; RADULOVIĆ:P03207, paras.57-58,62,99,103-106,129-130(confidential); M.SIMIĆ:T.32540-32541.

<sup>1448</sup> **Odžak**:P07179, tp.1; P07469, pp.1-2; M.SIMIĆ:T.32551-32553. **Teslić**:M.SIMIĆ:T.32567. **Doboj**:M.SIMIĆ:T.32551; P07178, p.1.

<sup>1449</sup> P07180, pp.1-9; P07181, pp.1-3; P07182, pp.1-4; M.SIMIĆ:T.32560-62.

<sup>1450</sup> MATIJEVIĆ:T.43084.

<sup>1451</sup> TUCKER:P00317, para.50.

<sup>1452</sup> See SIC:A.4.4(Kotor Varoš).

<sup>1453</sup> See Kotor Varoš Summary.

6. The Crimes within the Common Purpose included genocidal acts committed with genocidal intent

350. The cleansing campaign included a consistent pattern of crimes. However, the levels of force and numbers of crimes varied from municipality to municipality. While ethnically cleansing the Municipalities of their non-Serb populations required crimes everywhere, in some municipalities the number and nature of the crimes reflected more than an intention to expel Muslims and Croats through the crimes alleged in the Indictment. Instead, the totality of the attack levelled against the Bosnian Muslim and Croat groups in those municipalities reflected nothing less than an intention to destroy that part of the Bosnian Muslim or Croat groups in order to realise the objective/motive of permanent removal and ethnic homogeneity. In the Prijedor municipality, for example, which is the focus of the discussion below, the Muslim and Croat groups were not simply expelled. More than 1,500 people were murdered, many thousands more subjected in abominable camps to conditions calculated to destroy, many of those prisoners further subjected to serious bodily or mental harm; their villages were attacked, most homes burned, mosques and churches destroyed and many thousands of members of the group expelled in packed convoys outside Prijedor and outside BiH to a bleak and uncertain fate.

351. When the terms of the Genocide Convention and the jurisprudence of the Tribunal are objectively applied to such a concerted attack on a protected group, it becomes clear that these circumstances reflect the convergence of thousands upon thousands of genocidal acts with the requisite genocidal intent. This intent is revealed both by a concerted attack on the very foundation and fabric of the group through acts prohibited under the Genocide Convention and other culpable acts, as well as by direct evidence of intent found in the statements of **MLADIĆ**, **KARADŽIĆ** and other members of the JCE.

352. As discussed earlier in this Brief, the constant refrain that Bosnian Muslims and Bosnian Croats were attempting, not merely to take political control of BiH through numerical superiority in a civil state, but to physically exterminate all Serbs in a manner similar to WWII, served to justify the view that the Serbs had to “defend” themselves through “all measures available”.<sup>1454</sup> As OKUN understood, this self-

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<sup>1454</sup> P01966, p.3. See Section III.C.3(d).

justifying fixation foreshadowed the use of genocidal force against those perceived enemies.<sup>1455</sup> As noted above, as the cleansing campaign unfolded, in certain municipalities the number and nature of destructive and other culpable acts reached a level that revealed the JCE members' intent to destroy that part of the Bosnian Muslim and Bosnian Croat groups. While the Prosecution has alleged that this combination of acts under Article 4 (*actus reus*) and genocidal intent (*mens rea*) existed in six municipalities,<sup>1456</sup> this section focuses for discussion purposes on the events in one of those municipalities—Prijedor. Given the scale of genocidal acts in Prijedor, it most clearly illuminates the application of the Genocide Convention and Article 4 to the acts of **MLADIĆ**'s forces and, coupled with the statements of **MLADIĆ** and other JCE members, the accompanying intent.

353. As discussed in detail below, the assessment of intention to destroy a group as such does not equate to a simple assessment of how many individual members of the group have been killed. It is clear from both the list of prohibited genocidal acts under Article 4 and from well-settled jurisprudence that the destruction of a group may be pursued (and the intent to destroy a group may be manifested) in ways that do not result in the deaths of large numbers or even any of the individual members. Because the victim of genocide is the group, a genocidal attack is directed against the fabric or foundation of the community to prevent it from a continued existence.<sup>1457</sup>

(a) Actus reus of genocide

(i) Killing

354. There is no "numeric threshold" or scale requirement for killings under Article 4(2)(a).<sup>1458</sup> Although even one killing coupled with genocidal intent would suffice to establish genocide, in Prijedor, the number of killings was massive. By conservative calculations based on the evidence in this case, in two and a half months, over 3% of

<sup>1455</sup> OKUN:P03103, T.4162-T.4165.

<sup>1456</sup> See SIC:A.2.1;B.5.1,C.6.1-C.6.5,D.5(Foča); SIC:A.3.3,B.8.1,C.10.3,D.7(Ključ); SIC:A.4.4,D.8(Kotor Varoš); SIC:A.6.1-A6.9,B.13.1-B.13.5,C.15.2-C15.5,D.11(Prijedor); SIC:A.7.1-A.7.5,D.13(Sanski Most); SIC:A.9.1,B.16.1-16.2,C.19.3(Vlasenica).

<sup>1457</sup> *Krstić* AJ, paras.28,30-31; *Tolimir* AJ, para.263; *Tolimir* TJ, para.777 quoting Final Report of the CoE, para.94.

<sup>1458</sup> *Karadžić* 98bis AJ, para.23; *Semanza* TJ, para.316; *Stakić* TJ, para.522. See also *Akayesu* TJ, para.521; *Sikirica* 98bis Decision, para.65; *S.Milošević* 98bis Decision, para.123, fn.226; *Muvunyi* TJ, para.483.

the Muslim population was murdered—some 1,500 people or more.<sup>1459</sup> In one week alone in late July 1992, nearly 1,000 Bosnian Muslims and Croats were killed in the VRS-led cleansings of the Brdo, Bišćani and Ljubija areas either during the cleansing or immediately afterwards in camps:<sup>1460</sup>

- Between 300-400 Bosnian Muslims, including whole families, were killed in the Brdo and Bišćani areas.<sup>1461</sup>
- At least 190 men were murdered in a single massacre in Keraterm.<sup>1462</sup>
- Approximately 180 men detained at Omarska following the Brdo cleansing were executed in the course of a single night.<sup>1463</sup>
- Bosnian Serb Forces killed 68 Bosnian Croats during an attack on Briševo, including 14 women, two minors and a number of elderly and invalids, by first raping, torturing, or beating them, and then shooting or hacking them to death.<sup>1464</sup>
- In Miška Glava Dom and Ljubija football stadium, 114 Bosnian Muslims and/or Croats were rounded up and detained, beaten and tortured, and some killed;<sup>1465</sup> the rest were brought to Ljubija mine where about 90 men were summarily executed.<sup>1466</sup>

355. Additionally, the intended destructive impact of the killings was heightened by the targeting of prominent members of the Bosnian Muslim and Bosnian Croat communities for arrest, detention and killing.<sup>1467</sup>

<sup>1459</sup> See SIC:A.6.1-A.6.8,B.13.1-B.13.5(Prijedor); Prijedor Summary, paras.24,26,39,46.

<sup>1460</sup> See SIC:A.6.5-A.6.9,B.13.1,B.13.4,C.15.5(Prijedor); Prijedor Summary.

<sup>1461</sup> See SIC:A.6.5-A.6.6(Prijedor).

<sup>1462</sup> See SIC:B.13.1 (Prijedor).

<sup>1463</sup> See SIC:B.13.4(Prijedor).

<sup>1464</sup> See SIC:A.6.9(Prijedor).

<sup>1465</sup> See SIC:A.6.8,C.15.5(Prijedor).

<sup>1466</sup> See SIC:A.6.7(Prijedor).

<sup>1467</sup> AF1026; RADULJ:T.35558-35559; SIVAC:P00480, T.6633-6634; SEJMENOVIĆ:P00283, para.41; RM017:P03229, T.3365-3367(confidential); [REDACTED]; P04136, 00:09'39-00:09:55,00:25'00-00:26'31, tp.3-4,9-10; K.MEŠANOVIĆ:P03414, paras.40-42. See Prijedor Summary, para.39.

(ii) Serious bodily or mental harm

356. Focusing merely on the genocidal acts committed in camps,<sup>1468</sup> Bosnian Serb Forces caused countless more Bosnian Muslims and Croats to suffer serious bodily or mental harm, prohibited under Article 4(2)(b).

357. The infliction of harm once prisoners entered camps started immediately. On arrival, prisoners at Omarska, for example, had to pass through a “reception procedure,” a euphemism for beating.<sup>1469</sup> Physical abuse thereafter was routine. Prisoners were beaten every day during interrogations, en route to or from their one inadequate and barely edible “meal,” attempting to use the fetid toilet facilities, and at night, as prisoners were called out for abuse.<sup>1470</sup> They were beaten with all manner of objects, including rifle butts, chains and clubs with nails, and lengths of heavy electrical cable.<sup>1471</sup>

358. Prisoners lived in constant terror—killings were so routine that prisoners feared death “every minute, every second”.<sup>1472</sup> Day and night, prisoners heard the sound of cries, moans and pleading from those being assaulted and, too often, murdered: “Don’t beat me, I haven’t done anything;” “Brother, why are you beating me so?”<sup>1473</sup> In short, those who escaped physical abuse so severe it often resulted in death waited helplessly in terror for their turn.<sup>1474</sup>

359. Bosnian Serb Forces committed widespread sexual violence, consistently recognized as inflicting serious bodily and mental harm on its victims.<sup>1475</sup> Women and girls who were detained were raped and subject to other forms of sexual violence, by

<sup>1468</sup> Indictment, paragraph 39(b), alleges acts in detention facilities as specific *actus reus* pursuant to Article 4(2)(b). Acts inflicting serious bodily or mental harm clearly occurred outside detention facilities, however, and may be considered in determining genocidal intent.

<sup>1469</sup> SIVAC:T.4824; [REDACTED]; [REDACTED]; SEJMENović:P00283, para.56; K.MEŠANOVIĆ:P03414, para.27,29; RM017:P03228, pp.13-14(confidential); RM026:P02585, p.8(confidential); [REDACTED]; SIVAC:P00480, T.6612-6614. See SIC:C.15.2-15.3(Prijedor). See also SIC:C.6.1(Foča).

<sup>1470</sup> SIC:C.15.2-15.3(Prijedor).

<sup>1471</sup> See SIC:C.15.2-15.4(Prijedor). See also SIC:C.6.1(Foča); SIC:C.19.3(Vlasenica).

<sup>1472</sup> K.MEŠANOVIĆ:P03414, para.30. In the atmosphere of terror, detainees not only frequently witnessed killings and bodies of fellow detainees piled on the grounds, but were forced to carry, load onto trucks or bury the bodies. See SIC:B.13.2,B.13.5,C.15.2-C.15.4(Prijedor). See also SIC:B.5.1(Foča); SIC:C.19.3(Vlasenica).

<sup>1473</sup> K.MEŠANOVIĆ:P03414, para.56; RM026:P02585, pp.8-9(confidential).

<sup>1474</sup> E.g. [REDACTED]; [REDACTED]; TAČI:P00158, paras.46,63.

<sup>1475</sup> Karadžić 98bis AJ, paras.36-37; Karadžić & Mladić Rule 61 Decision, paras.93-94; Seromba AJ, para.46; Akayesu TJ, para.731; Karemera TJ, para.1667.

multiple men and in some cases so often that the victims lost count.<sup>1476</sup> Soldiers, guards and other men from outside regularly were allowed to enter camps, remove women and girls and rape them;<sup>1477</sup> in Trnopolje camp, during one night in June 1992, VRS soldiers raped approximately forty women.<sup>1478</sup>

360. Rape and sexual violence notoriously exact severe physical and psychological trauma, a jurisprudential truism reflected by the evidence in this case.<sup>1479</sup> Those who survived these acts, as well as those who witnessed them, still suffer from permanent physical injuries, chronic pain and other physical disabilities, as well as mental anguish.<sup>1480</sup>

(iii) Deliberately inflicting conditions of life calculated to bring about physical destruction

361. In determining whether conditions of life imposed on a targeted group were calculated to bring about the group's physical destruction, Chambers have considered the "objective probability" of these conditions leading to the physical destruction of the group in part.<sup>1481</sup> The imposed conditions fall within the ambit of Article 4(2)(c) when of sufficient severity as to contribute to the destruction of the group, or to tend to do so.<sup>1482</sup> There is no requirement that the conditions be shown to have resulted in the destruction of the group. The determination of conditions calculated to bring about physical destruction "does not require proof of a result".<sup>1483</sup> ICTY and ICTR Chambers have identified the following acts as among examples of conduct which could fall within this provision:

- Subjecting a group of people to a subsistence diet;<sup>1484</sup>

<sup>1476</sup> See SIC:C.15.2-C.15.4(Prijedor); Prijedor Summary. See also SIC:C.6.2-C.6.5(Foča); Foča Summary.

<sup>1477</sup> See SIC:C.15.2-C.15.4(Prijedor); SIC:C.6.2-C.6.5(Foča); Prijedor Summary, para.44.

<sup>1478</sup> See SIC:C.15.4(Prijedor); Prijedor Summary, para.44.

<sup>1479</sup> See *Furundžija* TJ, para.172; *Krstić* TJ, para.509. See SIC:C.15.2-C.15.4(Prijedor). See also SIC:C.6.2,C.6.4-C.6.5(Foča); Foča Summary, para.27.

<sup>1480</sup> See SIC:C.15.2-C.15.4(Prijedor). See also SIC:C.6.2,C.6.4-C.6.5(Foča); *Tadić* SJ, 14 July 1997, paras.12-13; [REDACTED]; [REDACTED]; MERDŽANIĆ:T.3331; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>1481</sup> *Brdanin* TJ, para.906; *Popović* TJ, para.816; *Tolimir* TJ, para.742.

<sup>1482</sup> *Krajišnik* TJ, para.863.

<sup>1483</sup> *Stakić* TJ, para.517. See also *Brdanin* TJ, paras.691,697; *Popović* TJ, para.814; *Tolimir* TJ, para.741.

<sup>1484</sup> *Akayesu* TJ, para.506; *Kayishema* TJ, para.116; *Rutaganda* TJ, para.52; *Musema* TJ, para.157; *Stakić* TJ, para.517; *Brdanin* TJ, para.691; *Tolimir* TJ, para.740.

- Systematic expulsion from homes/lack of proper housing, clothing or hygiene;<sup>1485</sup>
- The reduction of essential medical services below the minimum requirement;<sup>1486</sup> and
- Excessive work or physical exertion.<sup>1487</sup>

362. Throughout the camp system in Prijedor, for example, Bosnian Serb Forces held detainees for months in appallingly overcrowded conditions in which they withheld access to adequate air, food, potable water during unbearably hot summer conditions, toilets, hygiene facilities and medical care, all resulting in starvation, malnutrition, spread of disease, lasting physical and psychological problems, and sometimes even in suffocation and other deaths.<sup>1488</sup> The detainees, who included women, children, elderly, mentally and physically disabled and sick,<sup>1489</sup> were particularly physically and mentally vulnerable, having suffered prior trauma and mistreatment in their villages during the cleansing operations and their arbitrary detentions.<sup>1490</sup>

363. The impact of these unbearable conditions was knowingly exacerbated by other forms of physical abuse regularly visited on the prisoners intended to further debilitate them.<sup>1491</sup> For example, prisoners were beaten attempting to obtain their meager and inadequate rations. Indeed, even as desperate as they were for nutrition, some prisoners chose to miss the food distribution for fear of further beatings. Similarly, many prisoners chose to relieve themselves in their dramatically

<sup>1485</sup> *Akayesu* TJ, para.506; *Kayishema and Ruzindana* TJ, para.115,116 ; *Rutaganda* TJ, para.52; *Musema* TJ, para.157; *Stakić* TJ, para.517; *Brdanin* TJ, para.691; *Popović* TJ, para.815; *Tolimir* TJ, para.740; *Tolimir* AJ, para.225.

<sup>1486</sup> *Akayesu* TJ, para.506; *Kayishema* TJ, para.115,116; *Rutaganda* TJ, para.52; *Musema* TJ, para.157; *Stakić* TJ, para.517; *Brdanin* TJ, para.691; *Popović* TJ, para.815; *Tolimir* TJ, para.740; *Tolimir* AJ, para.225.

<sup>1487</sup> *Kayishema* TJ, para.115; *Stakić* TJ, para.517; *Brdanin* TJ, para.691; *Popović* TJ, para.815; *Tolimir* TJ, para.740; *Tolimir* AJ, para.225.

<sup>1488</sup> See SIC:B.13.2,B.13.5,C.15.2-C.15.5(Prijedor). See also SIC:C.6.1(Foča); SIC:C.19.3(Vlasenica).

<sup>1489</sup> See SIC:C.15.2-C.15.5(Prijedor). See also SIC:C.6.1(Foča); SIC:C.19.3(Vlasenica).

<sup>1490</sup> SIC:A.6.1-A.6.6(Prijedor); Prijedor Summary. See also SIC:C.19.3(Vlasenica); Vlasenica Summary; Foča Summary.

<sup>1491</sup> The Prosecution recognises that killings (Article 4(2)(a)) and infliction of serious bodily or mental harm (Article 4(2)(b)) in the context of Article 4(2)(c) conditions should not result in “double-counting” individual genocidal acts. See *Tolimir* TJ, paras.227-229. This precaution, however, does not mean that other genocidal acts cannot contribute to the creation or exacerbation of Article 4(2)(c) conditions.

overcrowded rooms, rather than risk the beatings inflicted when prisoners attempted to use the toilets, which in any event were clogged and foul, covered in excrement.<sup>1492</sup>

364. Over the approximately two and a half months before the camps were closed due to the pressure resulting from international outrage over their discovery,<sup>1493</sup> prisoners suffered increasingly from malnutrition, starvation and illness.<sup>1494</sup> Prisoners lost many kilograms, in some cases up to 40% of their original weight.<sup>1495</sup> As one guard was reported to have said about Omarska, capturing its essence with only a small degree of hyperbole: “We won’t waste our bullets on them. They have no roof, there is sun and rain, cold nights, and beatings two times a day. We give them no food and no water. They will starve like animals.”<sup>1496</sup>

365. Omarska detainees were transferred to Manjača in August 1992. [REDACTED].<sup>1497</sup> As noted above, the dramatic and progressive debilitation suffered by those who endured Omarska was disrupted by international pressure.<sup>1498</sup> The recognition that this disruption terminated a slow killing process was reflected in comments by Paddy ASHDOWN in its immediate aftermath: “They had an appalling time in Omarska where they’ve come from. I think it’s a tremendous achievement on the part of the press to have exposed that, and they probably have saved many prisoners’ lives.”<sup>1499</sup>

(b) Mens rea of genocide: the intent to destroy

366. Under the Genocide Convention and customary international law, genocidal intent is the intent to physically or biologically destroy a national, ethnical, racial or religious group.<sup>1500</sup> The victim of genocide is the group itself “as a separate and distinct entity”,<sup>1501</sup> not its individual members through whom the group is attacked. The intent to destroy does not have to be realized to any particular degree or level. It

<sup>1492</sup> See SIC:C.15.2-C.15.4(Prijedor). See also SIC:C.6.1(Foča). See also SIC:C.19.3(Vlasenica).

<sup>1493</sup> See Section III.D.4(f).

<sup>1494</sup> See SIC:C.15.2-C.15.4(Prijedor). See also SIC:C.6.1(Foča); SIC:C.19.3(Vlasenica).

<sup>1495</sup> AF977. E.g. [REDACTED]; RM017:P03228, p.23(confidential); SIVAC:P00480, T.6638-6639.

<sup>1496</sup> P03928, p.3.

<sup>1497</sup> [REDACTED]. See [REDACTED].

<sup>1498</sup> See Section III.D.4(f).

<sup>1499</sup> P00157, 00:03’44-00:04’11, tp.1.

<sup>1500</sup> See ILC Report, pp.45-46; *Krstić* AJ, para.25, affirming *Krstić* TJ, paras.576, 580.

<sup>1501</sup> *Brdanin* TJ, para.698; *Stakić* TJ, para.521. See *Tolimir* AJ, para.236.

is the intent to destroy which is the “key factor”—not the result.<sup>1502</sup> Thus, the accused does not have to select the most efficient method to accomplish his objective of destroying the targeted group.<sup>1503</sup>

367. The genocidal acts outlined above not only represent the fulfilment of the *actus reus* on a massive scale, but also, when intent is properly assessed, powerfully reflect the requisite *mens rea* for genocide. As discussed below, genocidal intent does not require that a threshold number of individual members be targeted for murder. Genocidal intent is not undermined—but, rather, is further confirmed—when forcible transfer is employed as a means of further ensuring the group’s destruction. Additionally, the motive of an ethnically-homogenous area merely begs the question of what means were chosen to achieve that goal, providing an underlying reason for but not gainsaying the intended destruction.

368. In contrast to the occasional misconception that genocidal intent may only be found in the physical destruction of a certain percentage of the members of the group, the very nature of the list of prohibited acts—such as serious bodily or mental harm or imposing measures to prevent births<sup>1504</sup>—makes clear that destruction of the group in whole or in part may be achieved by methods other than killing members of the group. The intent to destroy the group is pursued and manifested by acts that target the bonds, relationships, and connections that make a collection of individuals a group. This is not limited to killings or infliction of serious harm but encompasses, for example, conduct that: impairs the capacity of group members to function normally as productive members of their society;<sup>1505</sup> causes physical and psychological damage that affect the relationships among family members<sup>1506</sup> and can “dismember the group;”<sup>1507</sup> and targets the leaders of a group, thus intending to destroy “the fabric of a society,” *i.e.*, that which holds it together as a group,<sup>1508</sup> all of which can reflect genocidal intent. The inability of the group to “reconstitute itself” is also an indication

<sup>1502</sup> *Stakić* TJ, para.522; *Krstić* AJ, paras.25,32; *Tolimir* TJ, para.746; *Popović et al.* TJ, para.822; *Brdanin* TJ, para.694. See also *S.Milošević*, 98bis Decision, para.124.

<sup>1503</sup> *Krstić* AJ, paras.32,37.

<sup>1504</sup> Article 4(2)(d) of the Statute.

<sup>1505</sup> *Tolimir* TJ, para.755.

<sup>1506</sup> *Akayesu* TJ, para.731.

<sup>1507</sup> *Karadžić & Mladić* Rule 61 Decision, para.94.

<sup>1508</sup> *Tolimir* AJ, para.263; *Tolimir* TJ, para.777. See also *Jelisić* TJ, para.82. The Commission of Experts Report relied on in *Tolimir* concludes that “the intent to destroy the *fabric of a society* through the extermination of the leadership, when accompanied by other acts of elimination of a segment of society, can also be deemed genocide.” Final Report of the CoE, para.94.

of destruction within the meaning of the Genocide Convention.<sup>1509</sup> By definition, this refers to the re-assembly of parts to re-form the group and thus means that the group is destroyed while its members exist, yet another indication that the destruction of the group is a matter of the bonds, relationships, and connections that make it a group. In short, genocidal intent can be inferred from acts that strike at the very foundation of the group<sup>1510</sup> and which prevent it from reconstituting itself.<sup>1511</sup> These factors reflect the fact that the group “as such” is neither a physical nor a biological entity and the destruction of the “group” lies in the undoing of the connectedness, bonds, fabric and relationships that make it such.

(c) Other Culpable Acts

369. Genocidal intent may also be inferred from, *inter alia*, “other culpable acts systematically directed against the same group”,<sup>1512</sup> such as forcible transfer and deportation,<sup>1513</sup> that, alone, do not necessarily form the *actus reus* of genocide. Even when the circumstances of forcible transfer do not bring it within one of the prohibited acts under Article 4, it can nevertheless be a powerful indication—when coupled with any of the specified Article 4(2) *actus reus*—of an accused’s intent to eliminate the possibility of the targeted group being able to reconstitute itself.<sup>1514</sup>

370. Thus, forcibly transferring women, men, and children instead of killing them does not negate genocidal intent. Rather, it can constitute an additional method by which an accused can “accomplish his objective of destroying the targeted part,” by eliminating “even the residual possibility” the group could reconstitute itself.<sup>1515</sup>

371. Destructive intent is even more clearly illuminated when the nature and circumstances of the forcible transfer reflect acts further physically and emotionally traumatizing members of the group. As emphasised by the *Tolimir* Appeals Chamber, a holistic assessment of the factors surrounding the transfer—including the painful process of the victims’ separation from loved ones, the fear and uncertainty of their fate and the drastic changes in their lives—may represent a further means “by which

<sup>1509</sup> Krstić AJ, para.31; Blagojević AJ, para.123, both cited by Tolimir AJ, para.209.

<sup>1510</sup> Karadžić & Mladić Rule 61 Decision, para.94.

<sup>1511</sup> Krstić AJ, paras.28,30-31.

<sup>1512</sup> Krstić AJ, para.33, citing Jelisić AJ, para.47.

<sup>1513</sup> Krstić AJ, paras.25-26, citing with approval Krstić TJ, para.580.

<sup>1514</sup> Krstić AJ, para.31; Blagojević AJ, para.123, both cited by Tolimir AJ, para.209.

<sup>1515</sup> Krstić AJ, para.32.

to ensure the physical destruction of the protected group”.<sup>1516</sup> In Prijedor, expulsions were often accomplished through violent attacks on towns and villages in which loved ones were killed or rounded up and placed in terrifying detention facilities, their fate unknown to remaining family members. Victims were cast out into a bleak limbo with, at best, a handful of belongings, having lost their homes, livelihoods, as well as very often family members and friends.<sup>1517</sup> These highly traumatic circumstances further demonstrate the destructive intent behind the commission of thousands of genocidal acts. As noted above, the jurisprudence confirms that forcible transfer occurring in the context of other traumatic and destructive circumstances may itself constitute an act in violation of Article 4(2)(b).<sup>1518</sup> While forcible transfer is not charged as an *actus reus* here, the finding that forcible transfer under traumatic circumstances may constitute prohibited destructive conduct illuminates the destructive intent aimed at the targeted communities.

372. Similarly, the destruction of mosques or other religious, cultural and heritage sites and the widespread destruction of Bosnian Muslim and Bosnian Croat houses when included in a holistic analysis of the attack on a group, illuminates the intent accompanying the commission of prohibited genocidal acts,<sup>1519</sup> as well as bolstering their effects. While cultural destruction alone is insufficient to support a finding of genocide,<sup>1520</sup> “where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group.”<sup>1521</sup> As recognised long ago, the destruction of mosques was clearly designed to annihilate the centuries-old presence of the group or groups.<sup>1522</sup> Additionally, as one Bosnian Serb official observed, the “informal rule” that if “we destroy their mosque or cemetery, the Muslim population will not return,” also “had an influence on their departure...”<sup>1523</sup> As a Crisis Staff president also put it: “There is a belief among the Serbs that if there are no mosques, there are no

<sup>1516</sup> Tolimir AJ, para.209.

<sup>1517</sup> SIC:A.6.1-A.6.6,B.13.1-B.13.2,B.13.5,C.15.2-C.15.5(Prijedor); Prijedor Summary. E.g. [REDACTED]; RM017:P03228, p.17(confidential); KARAGIĆ:P00998, T.5270-5277.

<sup>1518</sup> Tolimir AJ, paras.209-212.

<sup>1519</sup> E.g. Krstić AJ, para.33; Jelisić AJ, para.47; Krstić TJ, para.530.

<sup>1520</sup> Tolimir AJ, para.230.

<sup>1521</sup> Krstić AJ, paras.25-26, citing with approval Krstić TJ, para.580.

<sup>1522</sup> Karadžić & Mladić Rule 61 Decision, para.94.

<sup>1523</sup> [REDACTED].

Muslims.”<sup>1524</sup> Virtually all of Prijedor’s many mosques and Catholic churches were destroyed.<sup>1525</sup> The evisceration of religious property and the extensive and routine destruction of Bosnian Muslim and Bosnian Croat houses—in the context of widespread genocidal acts—also represent an effort to eliminate any possibility that either group would “reconstitute itself”.<sup>1526</sup> This heightens the destructive impact on the targeted communities and is a further reflection of the underlying destructive intent.

(d) Intent is legally distinct from motive

373. As noted above, the specific intent for genocide is the intent to destroy a protected group in whole or in part. Although sometimes confused with motive, the two are legally distinct. “(I)n genocide cases, the reason why the accused sought to destroy the victim group has no bearing on guilt.”<sup>1527</sup> The objective or “goal” of the operations—“that is, motive”—must be distinguished from “the methods that [the accused] intended to employ to bring that goal about.”<sup>1528</sup> This distinction is consistent with the Genocide Convention drafters’ decision not to include motive in the crime’s definition for fear that a “restrictive enumeration” of motives<sup>1529</sup> would prohibit convictions where a perpetrator was driven by motivations “legally irrelevant” to genocide’s specific intent.<sup>1530</sup>

374. Here, the objective or goal (“motive”) of the operation was the permanent removal of Bosnian Muslims and Croats to create ethnically-homogenous territory in the claimed areas.<sup>1531</sup> The question then becomes what methods were “employed to bring that goal about.” The answer to that in Prijedor was thousands upon thousands of acts specifically prohibited under the Genocide Convention and other culpable acts, which when taken together conclusively reveal an intention that goes well beyond mere forcible transfer but instead manifests the intent to physically destroy the foundations of the Muslim or Croat group, that which held it together “as such.” That

<sup>1524</sup> TUPAJIĆ:P03170, T.15431. See RADIĆ:P04333, T.7468.

<sup>1525</sup> See SIC:D.11(Prijedor); RIEDLMAYER:T.17933.

<sup>1526</sup> Krstić AJ, para.31.

<sup>1527</sup> Stakić AJ, para.45.

<sup>1528</sup> Stakić AJ, para.45.

<sup>1529</sup> UN GAOR Summary.

<sup>1530</sup> Niyitegeka AJ, para.53. See UN GAOR Summary; Van Schaack, pp.1127-1128. An earlier draft included a motive statement in genocide’s definition. See Second Draft Genocide Convention.

<sup>1531</sup> See Section III.B.

the destruction of the groups as such in Prijedor (or the charged municipalities) was not a goal in and of itself has no bearing on the methods used to bring that goal about, *i.e.*, no bearing on the assessment of intent.

(c) Holistic Analysis

375. As the Appeals Chamber has approvingly noted, the assessment of intent requires consideration of “all” the evidence, “taken together.”<sup>1532</sup> A Trial Chamber should avoid considering separately whether an accused intended to destroy the group through a particular genocidal act, but instead “should consider whether all of the evidence, taken together, demonstrates a genocidal mental state.”<sup>1533</sup>

376. Here, that holistic assessment affords only one reasonable conclusion. In a matter of a few months, more than 1,500 of Prijedor’s Bosnian Muslims and/or Bosnian Croats had been killed, thousands more brutalised, beaten, tortured, subjected to sexual violence and degraded, held for months in squalid, relentlessly depleting conditions and many thousands expelled. The groups’ religious structures and symbols were destroyed or badly damaged, its members’ homes burned and their livelihoods lost.<sup>1534</sup> By October 1992, roughly 38,000 members of the targeted groups were dead or expelled from the municipality, a figure which increased to 44,000 by May 1993.<sup>1535</sup> In some predominantly Muslim villages, where thousands of Muslims had lived, and in Muslim hamlets which bore the names of the families who founded them generations before—Alagići, Hagići, and Mrkalj—few or no Muslims remained by July 1993. This was replicated throughout Prijedor, as shown in the dramatic drop in the number of Bosnian Muslims in other villages from 1991 to 1993.<sup>1536</sup>

377. Bosnian Serb Forces and organs had attacked the group’s existence at virtually every level, through murders, torture, sexual abuse, starvation, decimation of the group’s leaders, destruction of homes, places of worship, livelihoods, and by casting traumatized, scarred and terrified victims into the limbo of an intended permanent exile. No other reasonable conclusion can be drawn from this attack on every aspect

<sup>1532</sup> *Tolimir* AJ, paras.246-254; *Tolimir* TJ, para.772.

<sup>1533</sup> *Karadžić* 98bis AJ, para.56. *See* ICJ Croatia Judgement, para.419.

<sup>1534</sup> *See* SIC:A.6.1-A6.9,B.13.1-B.13.5,C.15.2-C15.5,D.11(Prijedor); Prijedor Summary.

<sup>1535</sup> *See* Prijedor Summary.

<sup>1536</sup> [REDACTED]; P07029, pp.2-7 (BCS); P07126; P03791.

of the group's foundation other than the intent to end its existence as a group through thousands of individual genocidal and other culpable acts.

(f) Direct expressions of genocidal intent

378. As discussed above, the only reasonable inference to be drawn from a holistic assessment of the genocidal and other culpable acts is that Bosnian Serb Forces implemented the intent to destroy the Bosnian Muslim and/or Croat groups of Prijedor. Direct evidence of intent from **MLADIĆ**, **KARADŽIĆ** and other JCE members further confirms that inference.

379. Both **MLADIĆ** and **KARADŽIĆ**, as explained in detail above, were adamant that Bosnian Muslims and Bosnian Croats had to be removed from the territories claimed by the Bosnian Serbs and prepared to use the force necessary to accomplish that.<sup>1537</sup> Contemporaneous with the commencement of the JCE, **KARADŽIĆ** made clear that Muslims and Croats would “disappear,”<sup>1538</sup> face “possible extinction”<sup>1539</sup> and “be up to their necks in blood”<sup>1540</sup> if they persisted in their attempts to form an independent Bosnia. **KARADŽIĆ**'s comment in connection with some of these very pronouncements that “Europe will be told to go fuck itself, not to come back until **the job** is finished,”<sup>1541</sup> his suggestion to **KRAJIŠNIK** in the face of further Bosnian moves toward independence that they “release our tigers and let them do their job,”<sup>1542</sup> and his comparisons to Croatia,<sup>1543</sup> among other evidence, make clear that **KARADŽIĆ** was not referring to a *force majeure* but to what Muslims and Croats should expect from a Bosnian Serb response to independence.

380. **KARADŽIĆ** prepared and justified the intended use of such force through repeated characterisations of the Bosnian Muslims and Bosnian Croats as existential enemies who intended the destruction of Serbs and against whom “reciprocity” was a

<sup>1537</sup> P03076, pp.13-14,18,20; P01969, 00:51'10-00:51'20; P00731; [REDACTED]; [REDACTED]; P06890; RADULOVIĆ:P03207, paras.133-134(confidential); P02004, 00:09'34-00:09'54, tp.3; P00108, pp.5-6; P02654, pp.5-6; P04110, p.3; P04108, p.2; P04109, pp.3,8. See Sections III.B.1, III.B.3, III.C.3.

<sup>1538</sup> P04110, tp.3; P04109, tp.7-8.

<sup>1539</sup> P02004, 00:09'34-00:10'42, tp.3-4.

<sup>1540</sup> P04109, tp.7-8.

<sup>1541</sup> P04109, tp.9(emphasis added).

<sup>1542</sup> P02676, tp.5.

<sup>1543</sup> P02004, 00:09'34-00:10'42, tp.3-4.

Serb obligation—"You have to be equal to your task and your adversary."<sup>1544</sup> He was also aware that his followers understood his genocidal characterisation of the looming conflict with these non-Serbs as justifying an equivalent response.<sup>1545</sup> Once the cleansing campaign was underway, indeed during the one week in July 1992 when approximately 1,000 people were killed in Prijedor, KARADŽIĆ agreed with the statement of a speaker in the Assembly that Serbs had been assigned to be the "executioners" of the Muslims, who were "vanishing."<sup>1546</sup>

381. **MLADIĆ** was selected to lead the military implementation of the JCE on the basis of his efforts in Croatia, during which he made clear his willingness to achieve his objectives by targeting all members of the "enemy" group, whether civilian or military, woman or man, child or adult, infirm or able-bodied.<sup>1547</sup> Like KARADŽIĆ, **MLADIĆ** also depicted Muslims and Croats as historical enemies of the Serb people<sup>1548</sup> who represented an existential threat to Serbs. This was no abstract position. **MLADIĆ** communicated to his subordinates that the threat of extinction at the hands of Muslims justified "all measures available to defend ourselves from genocidal intentions and actions of our enemies"<sup>1549</sup> and spoke about the need for Muslims to "vanish"<sup>1550</sup> and "disappear."<sup>1551</sup> He explained that in the event of any attack by Muslims, however minor, "then they won't be no more,"<sup>1552</sup> that Muslims had to be punished for what they did in WWII,<sup>1553</sup> consistent with his emphasis on acts to "avenge"<sup>1554</sup> and "retaliate"<sup>1555</sup> against those he referred to as "Balijs", "Ustaša", and "Turks."<sup>1556</sup> When **MLADIĆ** visited Prijedor for the October 1992 session of the Assembly, after the bulk of the cleansing had been completed and large Muslim areas laid burned and empty, with mosques levelled, he and the BSL expressed satisfaction with what had been accomplished. **MLADIĆ** told the local newspaper that Prijedor should be proud of what its fighters had done while

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<sup>1544</sup> P02005, p.7.

<sup>1545</sup> P07003, p.4.

<sup>1546</sup> P04581, pp.41,86.

<sup>1547</sup> P01959/P07052(duplicates), p.8.

<sup>1548</sup> E.g. P00431, pp.37,39,41; KOVIĆ:T.42133; P01973, p.4.

<sup>1549</sup> P01966, p.3.

<sup>1550</sup> P03076, pp.18-20.

<sup>1551</sup> P01969; P01974, pp.1-2,5.

<sup>1552</sup> P02728, pp.1-2; P04638, pp.1-2; P01968; P01960.

<sup>1553</sup> P01973, p.4.

<sup>1554</sup> P01967, pp.25-26; P00431, p.36; P02750, p.4.

<sup>1555</sup> P00327, tp.1.

<sup>1556</sup> See Section III.C.3.

PLAVŠIĆ underscored that it was no accident that Prijedor had been selected as the site for the Assembly session—“We had in mind everything that had happened in Prijedor.”<sup>1557</sup>

382. The effort to instil in their followers the need to do whatever was necessary to vanquish an asserted genocidal adversary, the exploitation of historical Serb victimization and the need to avenge it, the calls for and anticipation of destruction and disappearance, the expressions of acceptance and even satisfaction with the brutal campaign, provide unmistakable insights into the destructive *mens rea* of the two key leaders of the genocidal campaign. When coupled with the implementation on the ground by their forces of their pronouncements, there is no doubt that the *actus reus* of genocide was accompanied by the intent to destroy the Bosnian Muslims and/or Croats of Prijedor.

(g) Substantial part of the group

383. The intent to destroy “in part” means seeking to destroy a distinct part of the group as opposed to an accumulation of isolated individuals within it. The part must be substantial, *i.e.*, “significant enough to have an impact on the group as a whole.” The jurisprudence of the ICTY and ICTR have long made clear that destruction of a group “in part” within the meaning of the Genocide Convention encompasses a limited geographical area, such as a municipality.<sup>1558</sup>

384. Whether a part of a protected group is substantial is determined by considering (i) the numeric size of the part intended for destruction in absolute terms and in relation to the overall size of the entire group, (ii) the significance of the targeted part, including its prominence within the group and whether it is emblematic of the overall group or essential to its survival and (iii) the area of the perpetrators’ activity and control, as well as the possible extent of their reach.<sup>1559</sup> These factors are not dispositive and their applicability and weight will vary depending on the circumstances of the case.<sup>1560</sup>

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<sup>1557</sup> P07629, pp.2,4.

<sup>1558</sup> *Stakić* TJ, para.523.

<sup>1559</sup> *Krstić* AJ, paras.8,12-13. See *Tolimir* TJ, para.749; *Brdanin* TJ, paras.701-703.

<sup>1560</sup> *Krstić* AJ, para.14.

385. The targeted communities within the Count 1 municipalities were not random aggregations of individuals—they were each “distinct entit[ies]”<sup>1561</sup> with specific histories, attachments and identities, developed over centuries.<sup>1562</sup> While the absolute size of the Prijedor Muslim part may be considered small by the standards of larger groups, it represented approximately the same percentage (2.6%) of the total group of Bosnian Muslims as New York City does to the United States.<sup>1563</sup> No one could plausibly suggest that the destruction of a community of such a size in the U.S. would not “serve as a potent example”<sup>1564</sup> of the overall group’s vulnerability.

386. Moreover, the impact on the overall group is further heightened by the strategic importance or emblematic nature of the group. For example, the *Krstić* Appeals Chamber recognised that Srebrenica and the surrounding Central Podrinje region were of “immense strategic importance” to the BSL because control over the Srebrenica region was essential to their goal of a viable political entity in Bosnia.<sup>1565</sup> That importance was no different for the Count 1 Municipalities. For instance, Prijedor was essential to the achievement of Strategic Objectives 1 and 2.<sup>1566</sup> Even in 1994, KARADŽIĆ continued to emphasise the need for continuing Serb control over Prijedor.<sup>1567</sup>

387. Furthermore, as with Srebrenica, the Bosnian Muslim and/or Bosnian Croat communities in Prijedor were emblematic of the larger groups. Prijedor itself and the Bosnian Muslim and Bosnian Croat communities living there symbolised World War II throughout the region; and for **MLADIĆ** and the BSL, in particular, these populations symbolised World War II sufferings and victimisation of Serbs. For instance, Prime Minister LUKIĆ testified that Prijedor had to be Serb because it had been Serb-majority before “the slaughter”, referring to World War II.<sup>1568</sup>

388. Moreover, Prijedor was a symbol throughout the region of Yugoslavia of “brotherhood and unity”, to the extent that Bosnian Muslims thought it was “the last

<sup>1561</sup> *Krstić* TJ, para.590.

<sup>1562</sup> MUJADŽIĆ:P03121, T.3581-3583(confidential); SIVAC:P00480, T.6753; [REDACTED].

<sup>1563</sup> See <https://www.census.gov/quickfacts/table/PST045215/3651000,00>.

<sup>1564</sup> *Krstić* AJ, para.16.

<sup>1565</sup> *Krstić* AJ, para.15.

<sup>1566</sup> See Prijedor Summary.

<sup>1567</sup> P07294, 00:07’37-00:11’19. E.g. P07028, tp.1.

<sup>1568</sup> LUKIĆ:T.25488-25489. See P06736; P06921, pp.6-7; P07294, 00:07’37-00:11’19.

town where ethnic conflict was possible.”<sup>1569</sup> Thus, the targeting of the Bosnian Muslims and Bosnian Croats of Prijedor represented an attack on the very concept that the BSL insisted had to be replaced with ethnic division.

389. These factors combined to make Prijedor emblematic of the overall group—and the destruction of the groups in Prijedor sent a potent message of “vulnerability and defenselessness”<sup>1570</sup> to Bosnian Muslims and Bosnian Croats. Just as the destruction of the desperate holdouts in Srebrenica served as an example to the overall group at the end of the war, the physical demise of the Prijedor Muslim and Croat communities, among others, served as an example in the relatively early stages of the war that “brotherhood and unity” was dead and a new order was being imposed that the overall group should not attempt to withstand or risk being destroyed.

7. By the end of 1992, much of the Common Criminal Purpose had been achieved

(a) By late 1992, the VRS and other BSF had ethnically cleansed most Serb-claimed territories

390. By late 1992, the VRS and other Bosnian Serb forces had conquered and controlled at least 65% of BiH, encompassing most of the territories they claimed.<sup>1571</sup> In November 1992, MLADIĆ stated the VRS had complete control over RS territory.<sup>1572</sup>

391. It was widely-known that the VRS and other BSF had ethnically cleansed these territories.<sup>1573</sup> MAZOWIECKI reported, “Ethnic cleansing does not appear to be the consequence of the war but rather its goal. This goal, to a large extent, has already been achieved through killings, beatings, rape, destruction of houses and threats.”<sup>1574</sup> OKUN noted that “by September 1992, already hundreds of thousands of Bosnian Muslims had been forcibly displaced from their homes to - - in order to make

<sup>1569</sup> RADULJ:T.35558-35559; [REDACTED].

<sup>1570</sup> *Krstić* AJ, para.16.

<sup>1571</sup> OKUN:P03103, T.4219; P07746, p.10; P04303, pp.4-5; KECMANOVIĆ:T.23936. *See* Section III.B.2.

<sup>1572</sup> P07391, p.4; P04266, p.8. *E.g.* P07743, p.4; P07629, p.5.

<sup>1573</sup> P02813, para.6; WILSON:P00320, paras.116-118; OKUN:P3103, T.4189-4191; TUCKER:P00317, para.46.

<sup>1574</sup> P02813, para.6.

Republika Srpska pure, or as pure as the Serb Army could make it.”<sup>1575</sup> The GŠ-VRS considered it had “performed its mission almost to the full. The greater part of the Serbian territory was liberated” and “favorable negotiating positions” achieved.<sup>1576</sup>

(b) JCE members and their forces removed many of the remaining Muslims

392. Large cleansing operations in most areas were thus complete by the end of 1992. Some of the municipalities charged in the Indictment had been made nearly-completely Serb,<sup>1577</sup> while in others remaining non-Serbs had been forced into small enclaves.<sup>1578</sup> In light of the success of the ethnic cleansing campaign and concerns about international condemnation, the JCE members subsequently pursued the goal of making RS “nationally homogenous” by less brutal and obvious means, as SFRY Foreign Minister JOVANOVIĆ suggested<sup>1579</sup> at a January 1993 Coordinating Council session. JOVANOVIĆ recommended homogenisation result from people fleeing based on the understanding that life where they were was “impossible” and the prevention of freedom of movement that might lead to mixing of populations and erode what had been accomplished.<sup>1580</sup> The BSL responded positively, with KARADŽIĆ boasting about the extent of homogenization that had already been accomplished<sup>1581</sup> and KOLJEVIĆ noting the need to pursue “settlement homogenisation while there’s still time.”<sup>1582</sup>

393. The pursuit of “smoother”<sup>1583</sup> forms of cleansing that were not as visibly attributable to the BSL was reflected in Vojkan ĐURKOVIĆ’s brutal and notorious<sup>1584</sup> expulsions of non-Serbs from Bijeljina, particularly his expulsion of several thousand Muslims from Bijeljina in 1994 which the JCE members and IBK exploited.<sup>1585</sup> Although BANBURY recognised this expulsion reflected JCE members’ policy,<sup>1586</sup> repeated protests to KARADŽIĆ<sup>1587</sup> produced only false

<sup>1575</sup> OKUN:P03103, T.4216.

<sup>1576</sup> P00338, p.48.

<sup>1577</sup> E.g. Foča, Kalinovik, Ključ, and Pale Summaries.

<sup>1578</sup> E.g. Rogatica and Vlasenica Summaries.

<sup>1579</sup> OKUN:P03103, T.4284-4285; P07746, p.16.

<sup>1580</sup> P07746, pp.14-15; OKUN:P03103, T.4285-4286.

<sup>1581</sup> P07746, p.15; OKUN:P03103, T.4286.

<sup>1582</sup> P07746, p.20.

<sup>1583</sup> OKUN:P03103, T.4285-4286.

<sup>1584</sup> E.g. P06739, p.2.

<sup>1585</sup> See Bijeljina Summary.

<sup>1586</sup> BANBURY:P00874, paras.62-63.

assurances that he would investigate and that it was not his policy.<sup>1588</sup> In fact, months later, KARADŽIĆ—after noting “Muslims remaining there in any way is disastrous for us”, referring to municipalities including Prijedor, Ključ, and Sanski Most<sup>1589</sup>—explained to **MLADIĆ** and others at a Supreme Command meeting that ĐURKOVIĆ’s ethnic cleansing activities, carried out under the title of a private agency, furthered BSL policy of a “separation of peoples, of cultures, of worlds” while allowing the leadership to deny responsibility for his actions: by “turn[ing] a blind eye” to Vojkan’s activities, “no one can accuse us.”<sup>1590</sup>

394. Bosnian Serb authorities made similar efforts to mask the continued removal of non-Serbs elsewhere in the RS. For instance, the BSL prevented UNHCR officers from visiting Banja Luka to verify repeated claims Muslims there were being expelled.<sup>1591</sup> VRS officers co-ordinated with Kotor Varoš civilian authorities about continuing “cleansing” Croats and Muslims in small groups “so that this could be concealed from the international public and UNPROFOR.”<sup>1592</sup> In Banja Luka, Bijeljina, Kotor Varoš and Sanski Most, the few remaining Muslims were persecuted before being removed.<sup>1593</sup>

8. **MLADIĆ** and other JCE members focus on completing the cleansing of Eastern Bosnia

(a) With the common criminal purpose achieved in the ARK the VRS focused on cleansing Eastern Bosnia

395. With the common criminal purpose largely achieved in the ARK, **MLADIĆ** and the VRS shifted their full attention to cleansing the Drina Valley.<sup>1594</sup> This task would fall primarily to the DK. As ŽIVANOVIĆ noted to **MLADIĆ** in 1994, before

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<sup>1587</sup> P00887, para.9; P02048, p.2; AKASHI:T.41763-41764,T.41766-41768; P03912; P01055; P07699, para.7; P07698, para.6.

<sup>1588</sup> P07698, para.6; BANBURY:P00874, para.61.

<sup>1589</sup> P06723, p.6.

<sup>1590</sup> P06723, pp.6-7.

<sup>1591</sup> ROSE:P00736, para.118; P07694, paras.12,13; AKASHI:T.41745-41746,T.41748-41750.

<sup>1592</sup> [REDACTED].

<sup>1593</sup> See Banja Luka, Kotor Varoš, and Sanski Most Summaries.

<sup>1594</sup> This area is also referred to as the Podrinje or Birač region.

the war 11 of the 14 municipalities in the DK's AOR<sup>1595</sup> were majority Muslim.<sup>1596</sup> By November 1992, the VRS and other Bosnian Serb forces had ethnically cleansed most of Eastern Bosnia, forcing most of the remaining Muslims into small areas around Srebrenica, Žepa and Goražde.<sup>1597</sup> **MLADIĆ**, **KARADŽIĆ** and the forces under their control then worked to complete the realisation of Strategic Objectives One and Three<sup>1598</sup> and crush ABiH forces led by Naser **ORIĆ**, which had achieved some military successes and connected some of these enclaves.<sup>1599</sup>

396. This campaign forced the Muslim population into smaller and smaller enclaves, then expelled Muslims from Srebrenica. Only the creation of the "safe areas" and deployment of UN forces there in April 1993 postponed the full ethnic cleansing of the Drina valley.

(i) **MLADIĆ** creates the DK, incorporating experienced ethnic cleansers such as **ANDRIĆ**, **KRSTIĆ** and **KUŠIĆ**

397. **MLADIĆ** ordered the creation of the DK in late October 1992.<sup>1600</sup> GŠ-VRS Chief of Artillery Milenko ŽIVANOVIĆ was appointed Commander.<sup>1601</sup> **MLADIĆ** appointed tried and tested ethnic cleansers, such as Radislav **KRSTIĆ**,<sup>1602</sup> Svetozar **ANDRIĆ**<sup>1603</sup> and Rajko **KUŠIĆ**.<sup>1604</sup> From November 1992 through the spring of 1993 when the UN intervened, the DK worked to complete the realisation of Strategic Objectives One and Three by expelling the remaining Muslim population from Eastern Bosnia and defeating the ABiH in the area.

(ii) The 8 November meeting

398. On 8 November 1992, **MLADIĆ** met with his corps commanders and leading RS officials, including **KARADŽIĆ** and **SUBOTIĆ**.<sup>1605</sup> **MLADIĆ** spoke about future

<sup>1595</sup> Zvornik, Bratunac, Vlasenica, Šekovići, Han Pijesak, Sokolac, Rogatica, Višegrad, Rudo, Srebrenica, and parts of Goražde, Olovo, Kalesija and Kladanj. P01087, pp.6-7.

<sup>1596</sup> P00360, p.62.

<sup>1597</sup> See Bijeljina, Rogatica, Sokolac, Vlasenica Summaries. See Section III.D.6.

<sup>1598</sup> E.g. TUCKER:T.3792.

<sup>1599</sup> AF1277; AF1279-AF1280; P02812, para.7; BUTLER:P02203, pp.17-18.

<sup>1600</sup> P03659.

<sup>1601</sup> BUTLER:P02203, p.11; P04975, p.2.

<sup>1602</sup> See Sokolac Summary.

<sup>1603</sup> See Vlasenica Summary.

<sup>1604</sup> See Rogatica Summary.

<sup>1605</sup> P00356, pp.141-152; see P03069.

assignments for the VRS,<sup>1606</sup> KARADŽIĆ suggested that it would be good if the issue of the Drina were solved.<sup>1607</sup> KRAJIŠNIK noted that the Posavina Corridor and thus Strategic Objective Two had been achieved,<sup>1608</sup> but pointed out the VRS had not achieved “[T]he Podrinje area.” He stated, “The Muslims must not stay with us and they should not be given any kind of autonomy... the most important objective is the task assigned to Živanović – the čišćenje of the Drina.” The most important task is separation from the Muslims.”<sup>1609</sup> Thereafter MILOVANOVIĆ and other GŠ-VRS officers drafted a new directive, and MILOVANOVIĆ discussed it with KARADŽIĆ and sent it to him.<sup>1610</sup> On 19 November 1992, **MLADIĆ** issued Directive 4, which in part called for defeating the Muslim army and removing the remaining Muslim population from Eastern Bosnia.

(iii) Directive 4

399. Directive 4 incorporated the discussion at the 8 November meeting that Muslims could not stay in the Podrinje.<sup>1611</sup> In pertinent part, **MLADIĆ** ordered the DK to remove the remaining Muslim population from Eastern Bosnia:

to exhaust the enemy, inflict the heaviest possible losses on them and force them to leave the Birač, Žepa and Goražde areas with the Muslim population....<sup>1612</sup>

400. On 24 November 1992, after a military-political conference involving KARADŽIĆ, ŽIVANOVIĆ, KRSTIĆ and KUŠIĆ was held at **MLADIĆ**’s order<sup>1613</sup> regarding the DK’s objectives,<sup>1614</sup> ŽIVANOVIĆ issued an order to the DK based on Directive 4:<sup>1615</sup>

inflict on the enemy the highest possible losses, exhaust them, break them up or force them to surrender, and force the Muslim

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<sup>1606</sup> P00356, p.145.

<sup>1607</sup> P00356, p.146.

<sup>1608</sup> P00356, p.147.

<sup>1609</sup> P00356, p.147.

<sup>1610</sup> MILOVANOVIĆ:T.16975-16976.

<sup>1611</sup> THEUNENS:T.20405.

<sup>1612</sup> P01968, p.5.

<sup>1613</sup> P02911.

<sup>1614</sup> P02912; P02925; P02926, p.2.

<sup>1615</sup> THEUNENS:T.20405-20406; BROWN:P02863, p.8.

population to abandon the area of Cerska, Žepa, Srebrenica and Goradže...<sup>1616</sup>

This order, reflecting further discussions about the DK's tasks with the Supreme Commander and members of the GŠ, further confirmed that the objective of Directive 4 was to remove the Muslim population from Eastern Bosnia, belying MILOVANOVIĆ's self-serving claim that the directive he had drafted<sup>1617</sup> referenced the population as merely following the ABiH as it left the region.<sup>1618</sup> VRS expulsion of Muslim civilians from the area both prior to and after Directive 4 further confirmed Directive 4 was a criminal order to expel the Muslim population from the Drina Valley.

9. MLADIĆ implemented Directive Four, driving much of the Bosnian Muslim population of Eastern Bosnia into the area around Srebrenica and forcing the evacuation of up to approximately 8000-9000 Muslims throughout March and April 1993

(a) VRS assaults on the enclaves in 1993

401. **MLADIĆ** made establishing complete Serb control over Eastern Bosnia and expelling the Muslim population one of the VRS' top priorities, committing the GŠ-VRS reserves and units from other Corps to ensure its implementation.<sup>1619</sup> VJ units also took part.<sup>1620</sup> The GŠ-VRS "planned and conducted" these operations<sup>1621</sup> and **MLADIĆ** often gave detailed instructions in his orders, such as particular axes along which to attack or roads to take.<sup>1622</sup> **MLADIĆ** and other GŠ-VRS representatives were present "steering... operations towards a single goal."<sup>1623</sup>

402. **MLADIĆ** ordered a series of operations, starting with Operation Proboj<sup>1624</sup> which was aimed at conquering and cleansing the areas of Cerska and Konjevic Polje of their Muslim population. These operations were "systematic" and involved

<sup>1616</sup> P02095, p.1.

<sup>1617</sup> MILOVANOVIĆ:T.16975-16976.

<sup>1618</sup> MILOVANOVIĆ:T.16985.

<sup>1619</sup> P02927, p.2-3; P00338, pp.160-164; M.DERONJIĆ:P03566, paras.152,157; P02195. See P02218, p.3; [REDACTED]; BORIĆ:T.34662-34663; P02242(confidential); PREDOJEVIĆ:T.30795-30796; P03943, p.1; D02073, p.2; S.BOJANOVIĆ:T.27976-27981.

<sup>1620</sup> [REDACTED]; M.DERONJIĆ:P03566, para.155-159; P04323.

<sup>1621</sup> P03071, pp.4-5.

<sup>1622</sup> E.g. P05033; P05034.

<sup>1623</sup> P00338, pp.160. See BROWN:T.19569-19571; P03063, p.2; ROSE:T.6853.

“ethnically cleansing one village at a time”.<sup>1625</sup> VRS practice was to torch Muslim homes during the operations: ŽIVANOVIĆ ordered homes burnt,<sup>1626</sup> the DK deliberately torched outlying Muslim hamlets around Cerska, including Gobelji and Paljevine.<sup>1627</sup> PANDUREVIĆ—in an effort to ensure homes for Bosnian Serb refugees from Tuzla to move into—had to affirmatively suggest to the DK Command that the VRS not burn homes when taking over Konjević Polje.<sup>1628</sup>

403. The devastation resulting from these systematic cleansing operations was visible to journalists even later in the war.<sup>1629</sup> The GŠ responded by attempting to control the flow of information from Eastern Bosnia in March 1993, instructing “all uncontrolled and unorganised movements of the local and foreign journalists in the theatre of war must be prevented”<sup>1630</sup> because the information coming out of Eastern Bosnia was “particularly sensitive”.<sup>1631</sup>

(i) The Cleansing of Cerska<sup>1632</sup>

404. BSF forced the Muslim population of Vlasenica into Cerska and its outlying hamlets during the summer of 1992.<sup>1633</sup> Cerska was thereafter shelled virtually non-stop.<sup>1634</sup> The VRS carried out Operation Proboj<sup>1635</sup> in co-ordination with the VJ Užice Corps, beginning January 1993.<sup>1636</sup> On 15 February, MILOVANOVIĆ reiterated the need to “crush and destroy enemy forces” in Cerska, noting the enemy’s weaknesses “such as starvation, the burden of a large number of civilian refugees...” and other problems.<sup>1637</sup>

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<sup>1624</sup> P02186; P02187; BUTLER:T.16848-16849; P02927, pp.2-3.

<sup>1625</sup> P07361, p.2; TUCKER:P00317, paras.157-158. *See* P07394, p.3.

<sup>1626</sup> P02192; P02242(confidential).

<sup>1627</sup> P02193; P04093; S.ANDRIĆ:T.34871-34875; P00178, p.41; P01087, p.18; P06870 (BCS, pp.2-3). *See* P02812, para.13; P07358, p.1.

<sup>1628</sup> P02194.

<sup>1629</sup> P07358, p.1.

<sup>1630</sup> P07392, p.3.

<sup>1631</sup> P07392, p.3; SOKANOVIĆ:T.35760-35762.

<sup>1632</sup> Indictment, para.71.

<sup>1633</sup> *See* Vlasenica Summary.

<sup>1634</sup> P02812, para.9; D01398, p.2.

<sup>1635</sup> THEUNENS:P03029, p.381.

<sup>1636</sup> P04323. The Bosnian Serb offensive in Eastern Bosnia was regularly aided by forces from Serbia. *See* P07361, p.2; TUCKER:P00317, paras.193-195.

<sup>1637</sup> P02218, pp.2-3.

405. Cerska, already swollen with refugees,<sup>1638</sup> was attacked and fell to Serb forces at the end of February 1993.<sup>1639</sup> After Cerska fell, thousands of refugees, the vast majority of whom were women, children and elderly,<sup>1640</sup> fled into Konjević Polje in fear for their lives.<sup>1641</sup> VRS forces attacked these fleeing civilians.<sup>1642</sup>

406. Bosnian Serb forces burned the remains of Cerska, where many houses were already destroyed by shelling.<sup>1643</sup> The mosque in Cerska was destroyed the month after Cerska fell.<sup>1644</sup> The attack on Cerska and expulsion of its Bosnian Muslim population left no Bosnian Muslim civilians remaining.<sup>1645</sup>

(ii) Cleansing of other areas of Eastern Bosnia

407. After the fall of Cerska, the VRS then attacked Konjević Polje, which fell in March 1993.<sup>1646</sup> Refugees fled to Srebrenica and were attacked as they fled.<sup>1647</sup> Mosques in Konjević Polje and Srebrenica municipality were destroyed in March 1993.<sup>1648</sup> In February 1994, DK Chief of Staff SKOCAJIĆ ordered the Zvornik brigade to remove the remains of the destroyed mosque in Konjević Polje and dump them “at the closest site for disposal of waste material.”<sup>1649</sup>

408. The VRS also encircled and shelled civilian targets in the Goražde enclave. On 11 February 1993, TG Višegrad Commander Dragisa MASAL ordered artillery fire against Goražde at “odd hours, with 2—3 projectiles;” ordered fire to cease the next day; and then for Saturday, ordered “a strong concentration of fire targeting the area of the marketplace.”<sup>1650</sup> From these orders, it is clear MASAL intended the people in the town to believe the shelling had stopped and it was safe to visit the market on Saturday, the market day in town,<sup>1651</sup> to maximize the number of civilians

<sup>1638</sup> P02812, paras.10,15; P02218, p.2. *See* Vlasenica Summary.

<sup>1639</sup> BOWEN:P02515, paras.62-66.

<sup>1640</sup> [REDACTED].

<sup>1641</sup> RM323:P03524, T.3927-3928(confidential); D01398, p.2; [REDACTED]. *E.g.* SOKANOVIĆ:T.35759.

<sup>1642</sup> P07361, p.2; P02191; P06928; P02812, paras.25-29.

<sup>1643</sup> P02812, para.15; D01395, p.2; D01398, p.2.

<sup>1644</sup> RIEDLMAYER:P02514, row#487.

<sup>1645</sup> BOWEN:T.18054,T.18058; I.OSMANOVIĆ:T.2795.

<sup>1646</sup> P02812, para.13.

<sup>1647</sup> P02812, para.24; D01394, p.1.

<sup>1648</sup> RIEDLMAYER:P02514, rows#100,102,454-455; RIEDLMAYER:T.17988.

<sup>1649</sup> P02507, p.1.

<sup>1650</sup> P07228, p.1; P07229, pp.2,5; P07230, p.1; P07231, p.1; MASAL:T.33368,T.33370-33371,T.33378-T.33380,T.33382.

<sup>1651</sup> D01598, p.1.

in the marketplace when the VRS concentrated fire on it. Around the fall of Cerska, TG Višegrad again shelled civilian targets in Goražde town, including a mosque and a school.<sup>1652</sup>

(iii) The assault on Srebrenica

409. After taking Cerska and Konjević Polje, the DK continued operations in “accordance with the assignments specified in Directive no.4”,<sup>1653</sup> and turned to Srebrenica. The VRS and other Serb forces continually bombed Srebrenica.<sup>1654</sup> On April 16, a Croatian intercept synopsis reported a person the Croats “supposed” was **MLADIĆ** ordering his troops to

seize Potočari village (north of Srebrenica). VRS forces around Srebrenica are to initiate attacks in order to enter the town today or tomorrow. Upon entering Srebrenica everyone who has weapons is to be killed, civilians and the wounded are to be taken out of town...<sup>1655</sup>

Such an order—whoever articulated it—could only have emanated from **MLADIĆ**, revealing his intention to kill all those deemed soldiers and remove the civilians from the area.

(iv) The Forcible Transfer of 8000-9000 Muslims from Srebrenica

410. Srebrenica municipality had a pre-war population of 37,000, of which 73% were Muslim and 25% percent Serb.<sup>1656</sup> By early March 1993 the conditions in the swollen Srebrenica enclave were terrible.<sup>1657</sup> It housed tens of thousands of men, woman, children and elderly refugees,<sup>1658</sup> mainly those who had initially fled from their homes to the Cerska/Konjević Polje enclave and further fled to Srebrenica.<sup>1659</sup> As a result there was severe overcrowding,<sup>1660</sup> insufficient food<sup>1661</sup> and the hospital

<sup>1652</sup> P07232; MASAL:T.33381.

<sup>1653</sup> P02190, p.3.

<sup>1654</sup> P07361, pp.1-2; M.MALAGIĆ:T.11210-11211,T.11226; P06958, p.2; TUCKER:T.3793-3794; TUCKER:P00317, para.209; D01398, p.2.

<sup>1655</sup> P06964.

<sup>1656</sup> AF1274.

<sup>1657</sup> Indictment, paras.56,73.

<sup>1658</sup> P02812, para.32.

<sup>1659</sup> AF1282; AF1284; P02812, paras.30-31; BOWEN:T.18055,T.18058-18060; P02529; D01385,

p.1.

<sup>1660</sup> P06959, pp.1-2; P07361, p.6.

<sup>1661</sup> AF1283; M.MALAGIĆ:T.11210; D01398, pp.2-3; TUCKER:P00317, paras.132,137-140,178.

had been reduced to providing almost medieval levels of care.<sup>1662</sup> By March 1993 there was almost no running water and people had to rely on makeshift generators for electricity.<sup>1663</sup>

411. Faced with such desperate conditions, between March and April 1993 UNHCR evacuated approximately 8000-9000 Muslims from Srebrenica, despite the Bosnian Muslim government's opposition to the evacuation because it would contribute to the "ethnic cleansing" of the territory.<sup>1664</sup> The most vulnerable persons in the Srebrenica enclave were the refugees who had been repeatedly expelled, most recently from Cerska and Konjević Polje.<sup>1665</sup> They and other Srebrenica residents were deemed to have no chance of survival given the lack of shelter, food and medical supplies and the time of year and the UN concluded it had no choice but to evacuate them from the area.<sup>1666</sup> The conditions in Srebrenica left these Muslims no genuine choice but to flee. Their removal consequently amounts to forcible transfer, as envisaged in Directive 4 and charged in Counts 7 and 8.<sup>1667</sup>

(b) Establishment of the Eastern Enclaves

412. **MLADIĆ's** plan to fully cleanse Eastern Bosnia was interrupted when Gen. MORILLON declared Srebrenica under UN protection in March 1993.<sup>1668</sup> VRS attacks still did not stop: VRS shelling<sup>1669</sup> killed at least 56 people and wounded 106 on 12 April 1993.<sup>1670</sup> On 16 April 1993, the Security Council declared Srebrenica a "safe area".<sup>1671</sup> A ceasefire was agreed on 18 April 1993, and the first UNPROFOR troops were deployed into the enclave.<sup>1672</sup> After the "safe areas" had been declared, **MLADIĆ** told an interviewer "Muslims were done for... Srebrenica was then like a cage which Morillon had taken his parrot in..."<sup>1673</sup> then explained the international community had stopped the VRS from taking the enclave:

<sup>1662</sup> P06959; TUCKER:P00317, paras.176-180; P07361, p.6.

<sup>1663</sup> AF1283.

<sup>1664</sup> AF1285; P02812, para.37; P06959; P06960; TUCKER:P00317, paras.228-237.

<sup>1665</sup> P02812, para.32.

<sup>1666</sup> P02812, paras.32-35.

<sup>1667</sup> Indictment, para.68.

<sup>1668</sup> AF1284.

<sup>1669</sup> P02231(confidential). See P06964; P05168, p.4.

<sup>1670</sup> P02812, para.38; D01398, p.2.

<sup>1671</sup> P00021, p.2.

<sup>1672</sup> AF1291; P00005, p.2.

<sup>1673</sup> P01973, p.3.

We should have liberated Srebrenica then. Until this war, it was a large Islamic and Turkish stronghold, from the time they first appeared in these parts. The settlement itself had been built on Serb soil, and as part of the heritage, does not belong to them, although they had been the majority population there. In this war, they were defeated for the first time in that area. If the international community had not meddled, they would have paid the price for everything they had done up to then to the Serb people...<sup>1674</sup>

413. Following other VRS shelling attacks, Tuzla, Žepa, Goražde and Bihać were also declared “safe areas” on 6 May 1993.<sup>1675</sup> A ceasefire agreement on BiH territory was reached on 8 May 1993.<sup>1676</sup>

414. The GŠ considered the operations until that point a success<sup>1677</sup> with the link between Srebrenica and Žepa severed.<sup>1678</sup> Dragomir MILOŠEVIĆ was later appointed SRK commander based in part on his “great contribution in the fighting, especially in Operation Cerska, Podrinje”.<sup>1679</sup>

415. While the creation of the safe areas prevented **MLADIĆ** from immediately taking over the enclaves and expelling the population, it merely postponed implementation of the goal of removing the remaining Muslims. Indeed, in August 1994 **MLADIĆ** expressed his frustration that peacekeepers were protecting the “Turks” so he had not been able to make them “disappear” from Eastern Bosnia:

In Podrinje we thrashed the Turks. If the Americans and English, the Ukrainians and Canadians in Srebrenica, in the meantime it's the Dutch, would not protect them, they would have disappeared from this area long ago.<sup>1680</sup>

Reflecting their shared intent, KARADŽIĆ predicted at the same time that if the UN withdrew “the Muslims will disappear, and we will split Bosnia up between ourselves and the Croats”.<sup>1681</sup>

416. Meanwhile, the VRS sought to prevent expelled Muslims from returning to the villages it had expelled them from: a May 1993 GŠ analysis, under the heading “Main

<sup>1674</sup> P01973, p.4. E.g. P02096, p.2.

<sup>1675</sup> P00022, p.2.

<sup>1676</sup> D00944; THEUNENS:P03029, p.486.

<sup>1677</sup> AF1281; P04324, p.2; P03071, p.5.

<sup>1678</sup> AF1281.

<sup>1679</sup> P03689, p.8. See P05164, pp.2-3.

<sup>1680</sup> P01974, p.2; L.OBRADOVIĆ:T.14636.

<sup>1681</sup> P07710, p.1.

Problems”, includes “[p]reventing the Muslim population from returning to previously abandoned villages and towns”.<sup>1682</sup> The GŠ concluded tactical moves and propaganda should result “in the population in these areas and sectors gradually moving out, with those who moved out before being reluctant to return”.<sup>1683</sup>

(c) Enclaves not demilitarised and conflict continued

417. With the declaration of the safe areas, the first UNPROFOR troops were deployed into the Srebrenica enclave.<sup>1684</sup> These peacekeepers were lightly armed, and comprised a much smaller number than originally requested.<sup>1685</sup> The ABiH inside the enclave was fully aware the UN troops were no match for the VRS units surrounding the enclaves and did not allow full demilitarisation.<sup>1686</sup>

418. The VRS concluded that it could not “plan to liberate” the enclaves<sup>1687</sup> but could keep them surrounded, “blockade the enemy forces” and “constantly inflict losses on them and disrupt their communications”.<sup>1688</sup> **MLADIĆ** underscored the importance of keeping the enclaves blocked, isolated and suffering to the Assembly in August 1993, saying the VRS had not allowed “any connection of the enclaves in Eastern Bosnia” and had to “provide the conditions” so that Muslims would be glad to get out of the enclaves.<sup>1689</sup> Consistent with this goal, **MLADIĆ** and the GŠ-VRS used their control over the passage of convoys on RS territory<sup>1690</sup> to squeeze the enclaves, restricting humanitarian aid and UN convoys.<sup>1691</sup> **MLADIĆ**, **KARADŽIĆ** and the

<sup>1682</sup> P03071, p.5.

<sup>1683</sup> P03071, p.6.

<sup>1684</sup> AF1291; P00005, p.2.

<sup>1685</sup> AF1293.

<sup>1686</sup> D00017; D00275, pp.2-3; RAVE:T.10257,T.10262; M.NIKOLIĆ:T.12003; KOSTER:P00057, pp.2-6; MILOVANOVIĆ:T.17050.

<sup>1687</sup> P03071, pp.5-6. This document is a GŠ-VRS assessment of the situation in the zone of a particular Corps. **MLADIĆ** reviewed such documents around this time. See P04517; M.ŠEHOVAC:T.24089-24092.

<sup>1688</sup> P04383, p.9; P02006, p.4.

<sup>1689</sup> P02508, p.36. Similarly, **KARADŽIĆ** noted in July 1993 that Muslims in Srebrenica were “like in a cage.” P07359, p.3.

<sup>1690</sup> P02245(confidential); MILOVANOVIĆ:T.17122; KRALJ:D00712, paras.5,32; D00007, p.6; SMITH:T.7295-7296; HARLAND:T.724-725.

<sup>1691</sup> Indictment, paras.13(k),56. While there were occasional blanket bans on convoys, these tended to be linked to particular demands, such as the cessation of air strikes by NATO or the release of Serb POWs. P00587, p.2; P00780, pp.4-5; D00007, p.6. See ROSE:P00736, paras.92,152-153,171-172.

GŠ-VRS then implemented Directive 7, further escalating the dire humanitarian situation in the enclaves.<sup>1692</sup>

419. Throughout 1994 and 1995, the VRS also continued to snipe and shell at the Srebrenica and Žepa enclaves<sup>1693</sup> and ABiH forces inside these enclaves continued to raid out of the enclaves, tying down VRS forces and preventing them from aiding the Sarajevo front.<sup>1694</sup> When circumstances permitted, the VRS seized territory in and around the enclaves.

420. For instance, the VRS repeatedly attacked the Goražde enclave. As KARADŽIĆ had made clear, Goražde had to become Bosnian Serb because, *inter alia*, “it is one of the strategic aims for the Drina not to be a border.”<sup>1695</sup> **MLADIĆ** ordered Operation *Mač* on 22 May 1993, designed to “liberate Goražde and assume control over the town and the whole Podrinje.”<sup>1696</sup> While it initially resulted in territorial gains,<sup>1697</sup> the ABiH and eventual international pressure led to a ceasefire on 16 June 1993.<sup>1698</sup>

421. In April 1994, the VRS once again attacked Goražde (Operation *Zvijezda-94*) with the objective to create conditions for its “liberation”.<sup>1699</sup> **MLADIĆ** was in “total control” of this operation<sup>1700</sup> and encouraged his troops: “Keep pushing energetically onwards, pay no attention to what is going on around us. The Turks must disappear from these areas.”<sup>1701</sup>

422. Consistent with **MLADIĆ**’s exhortation, during the VRS attack UN reports reflected the VRS had ethnically cleansed the areas it attacked, including burning villages, schools and mosques.<sup>1702</sup> The VRS positioned its guns in order to “directly fire at the town,”<sup>1703</sup> then shelled civilian buildings in Goražde<sup>1704</sup> including hospitals,

<sup>1692</sup> See Section III.D.10.

<sup>1693</sup> AF1302; M.NIKOLIĆ:T.11790-11792,T.12001; P01505, p.3.

<sup>1694</sup> AF1302; D00017; BUTLER:T.16151-16152,T.16781,T.16803-16804; M.NIKOLIĆ:T.11783; MILOVANOVIĆ:T.17050-17051; N.SIMIĆ:P04325, T.28656.

<sup>1695</sup> P07359, p.2.

<sup>1696</sup> P05173, pp.4,8.

<sup>1697</sup> P05033, p.1; P05034.

<sup>1698</sup> P05218.

<sup>1699</sup> P07241, pp.1-2.

<sup>1700</sup> ROSE:T.6853. See ĐUKIĆ:P01052, p.14.

<sup>1701</sup> P00731.

<sup>1702</sup> P07243, p.2-3; MASAL:T.33431; P07242, p.2; D00959, p.2.

<sup>1703</sup> P06655.

<sup>1704</sup> D00959, p.2.

a UNHCR warehouse and a refugee centre,<sup>1705</sup> and used modified airbombs.<sup>1706</sup> A shell landed in the city on 14 April, killing three children and injuring seven.<sup>1707</sup> International personnel in the town were taken hostage at **MLADIĆ**'s order.<sup>1708</sup>

423. Under strong pressure from the international community, **KARADŽIĆ** ordered the VRS to stop the attack<sup>1709</sup> but not before ensuring that the VRS had sufficient time to successfully complete its objectives. A ceasefire was agreed at a meeting on 23 April,<sup>1710</sup> where **AKASHI** noted "unacceptably high civilian casualties of the previous day, almost 100."<sup>1711</sup> UN peacekeepers were deployed into Goražde on 25 April 1994.<sup>1712</sup>

424. Even after the ceasefire was agreed, **MLADIĆ** continued to focus on creating the conditions to take Goražde at some future point in time. Foreshadowing Directive 7's criminal stratagem for Srebrenica and Žepa, **MLADIĆ** told his men "we're still not done with the M in the enclave of Goražde, the enclave needs to be cut down, reduced and made to suffer losses – especially on the outskirts, beyond a 3km perimeter, and in this way ensure that there is no perspective for the survival of M in this area."<sup>1713</sup>

425. After the operation was completed, **MASAL**, who had devised the lure-civilians-into-the-marketplace shelling order, was elevated to GŠ-VRS Chief of Artillery.<sup>1714</sup> His Chief of Staff, **Luka DRAGIČEVIĆ**, was promoted to SRK Assistant Commander for Moral Guidance where he provided such guidance as Serbs "are genetically stronger, better, more handsome, and cleverer" and advocated the use of force against the "weakest of the Serbs" who became "*poturice*" in order to "make them change their faith again."<sup>1715</sup>

<sup>1705</sup> [REDACTED]; P07583; P07243, p.2.

<sup>1706</sup> MASAL:T.33434-33435; P07244. *See* Section IV.E.6(b)(v).

<sup>1707</sup> P00586, pp.2-3.

<sup>1708</sup> P00514, p.1; P00586; P07695, pp.2-3,7; P07697.

<sup>1709</sup> P05039.

<sup>1710</sup> P07243, p.3; MASAL:T.33431-33432; ROSE:P00736, para.99.

<sup>1711</sup> D01362, p.3. This ceasefire did not last and another was declared on 22 May 1994. D00131, p.2.

<sup>1712</sup> D01362, p.7; D00189.

<sup>1713</sup> P00361, pp.46,50-51.

<sup>1714</sup> MASAL:T.33440-33441.

<sup>1715</sup> DRAGIČEVIĆ:D00554, para.2; DRAGIČEVIĆ:T.23772-23773; P06647, pp.1-2. *See* para.226.

10. Directive 7 – March 1995

(a) RS/VRS Goal to create conditions for the removal of the Muslim populations of Srebrenica and Žepa

426. In March 1995, MILETIĆ and GŠ-VRS organs drafted “Directive for Further Operations No.7”,<sup>1716</sup> which explicitly set out the strategy for creating conditions for the final expulsion of the Bosnian Muslim population from the Srebrenica and Žepa enclaves. Directive 7 included the following order to the DK:

[C]omplete physical separation of Srebrenica and Žepa should be carried out as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa.

In case the UNPROFOR forces leave Žepa and Srebrenica, the DK command shall plan an operation named *Jadar* with the task of breaking up and destroying the Muslims forces in these enclaves and definitively liberating the Drina valley region.<sup>1717</sup>

427. KARADŽIĆ signed Directive 7 on 8 March.<sup>1718</sup> MILOVANOVIĆ sent copies of the Directive to each of the Corps on 17 March.<sup>1719</sup>

428. While MLADIĆ and KARADŽIĆ continued to desire the removal of the Srebrenica and Žepa Muslims as set out in Directive 4,<sup>1720</sup> as previously stated,<sup>1721</sup> they understood that the creation of the “safe areas” meant that UNPROFOR would have to be neutralized in order to gain control of the enclaves and their populations. As it became clear that they were running out of time to take the enclaves,<sup>1722</sup> they settled on the strategy set out in Directive 7: to “create an unbearable situation” that would make it impossible for the Muslim population to sustain itself, leaving them

<sup>1716</sup> P01469, p.15.

<sup>1717</sup> P01469, pp.10-11. MLADIĆ was well aware that he could not take the enclaves while the UN forces remained inside them; this is clear from his instructions to the DK in Directives 5 and 6, which amount, in essence, to ordering it to encircle the ABiH forces, defend the lines and disrupt their communication. See Section III.D.9(c).

<sup>1718</sup> P01469, pp.2,15.

<sup>1719</sup> P01469, p.1; P02248.

<sup>1720</sup> P01968, p.5.

<sup>1721</sup> See Section III.D.9(b).

<sup>1722</sup> BUTLER:P02203, para.1.30.

with no choice but to leave the area.<sup>1723</sup> The 2 July *Krivaja-95* attack plan reflected this strategy. Instead of a takeover of Srebrenica itself, the order mandated the creation of “conditions for the elimination of the enclaves”.<sup>1724</sup> This remained the means by which the BSF targeted the Bosnian Muslim population through 9 July, when the strategy changed to include taking over the Srebrenica enclave.

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<sup>1723</sup> P01469, p.10.

<sup>1724</sup> P01465, p.3.

(i) The objective of Directive 7 was unlawful

429. Directive 7's objective to create intolerable conditions that would force the Bosnian Muslim population from Srebrenica and Žepa<sup>1725</sup> is clearly criminal and has been acknowledged as unlawful by MILOVANOVIĆ<sup>1726</sup> and "incriminatory" by Defence expert KOVAČ.<sup>1727</sup>

(ii) MLADIĆ approved Directive 7

430. **MLADIĆ** approved and was fully informed of Directive 7's contents prior to it being sent to the Corps, for the reasons set out below:

- The GŠ-VRS organs, led by MILETIĆ, drafted Directive 7.<sup>1728</sup> The structure and layout of the Directive indicates that the "full method" of drafting was used, involving the GŠ-VRS Sectors and Administrations proposing elements for incorporation which would in turn be provided to **MLADIĆ** for review.<sup>1729</sup> OBRADOVIĆ acknowledged that **MLADIĆ** had to have been shown the Directive and confirmed that MILOVANOVIĆ was "duty bound to show it to **MLADIĆ**".<sup>1730</sup> MILOVANOVIĆ testified that as **MLADIĆ** had appointed MILETIĆ to draft Directive 7, "**MLADIĆ** must have seen that";<sup>1731</sup>
- Directive 7 was one of only 9 directives issued by the GŠ-VRS or the Supreme Command to VRS Corps during the war.<sup>1732</sup> It was issued for the critical time period of 1995, when the end of the war was in sight,<sup>1733</sup> and set out instructions and policies concerning the Drina Valley, an area of such significance for the Bosnian Serbs that the third Strategic Objective was

<sup>1725</sup> See Sections III.D.10(b)(i)-III.D.10(b)(ii).

<sup>1726</sup> MILOVANOVIĆ:T.16991-16992.

<sup>1727</sup> KOVAČ:D01661, para.5.84; KOVAČ:T.41867.

<sup>1728</sup> P01469, p.15. The document was typed up by a soldier in the GŠ-VRS' logistics unit. L.OBRADOVIĆ:T.14531-14532.

<sup>1729</sup> L.OBRADOVIĆ:T.14530,T.14532. While OBRADOVIĆ claimed he was not present when Directive 7 was drafted, he noted that KARADŽIĆ's "Supreme Command and the civilian leadership did not have the professional staff to cover all of the segments of the directive. So the participation of the organs or the sectors and administrations of the GŠ-VRS was inevitable". L.OBRADOVIĆ:T.14533.

<sup>1730</sup> L.OBRADOVIĆ:T.14534. See MILOVANOVIĆ:T.17135-17136.

<sup>1731</sup> MILOVANOVIĆ:T.17135-17136.

<sup>1732</sup> THEUNENS:P03029, paras.43-44.

<sup>1733</sup> BUTLER:P02203, para.1.30.

dedicated solely to it.<sup>1734</sup> In April 1995, **MLADIĆ** spoke at the 50<sup>th</sup> Assembly session emphasising that directives were important decisions that both he and **KARADŽIĆ** had been involved in;<sup>1735</sup>

- **MILOVANOVIĆ** sent Directive 7 to the VRS Corps.<sup>1736</sup> However, in a transparent attempt to distance himself and **MLADIĆ** from the directive, he initially testified that **KARADŽIĆ** sent the directives directly to the Corps.<sup>1737</sup> When confronted with proof of his actions, **MILOVANOVIĆ** admitted he sent the directive to the Corps.<sup>1738</sup> As **MILOVANOVIĆ** also testified, “[a]ll the orders that I received from him (**KARADŽIĆ**) were forwarded by myself to General **MLADIĆ**”;<sup>1739</sup> and
- **MLADIĆ**’s previously expressed words and intentions are reflected in the language of the unlawful paragraph of Directive 7. For example, on 1 July 1994, **MLADIĆ** held a commander’s briefing where he stated “the enclave is not so that they survive, but so that they disappear”;<sup>1740</sup> on 4 July **OGNJENović**, who was present at the meeting, informed his subordinates: “The enemy’s life has to be made unbearable and their temporary stay in the enclave impossible so the they leave the enclave *en masse* as soon as possible, realising that they cannot survive there”;<sup>1741</sup> and on 8 March 1995, the day **KARADŽIĆ** signed Directive 7, **MLADIĆ** held a meeting at the GŠ-VRS command attended by Gen. **TOMIĆ**, Cols. **SKRBIĆ** and **BEARA**, and Lt. Col. **OGNJENović**. **ŽIVANOVIĆ**’s diary entry for the meeting records the words “Make life impossible”.<sup>1742</sup>

<sup>1734</sup> P02003.

<sup>1735</sup> P04583, p.239,242-243. **OBRADOVIĆ** testified that a directive was issued by the Supreme Commander and regulated the essential matters in connection with the planning and implementing of combat operations over the given period of time. L.OBRADOVIĆ:T.14527-14529.

<sup>1736</sup> **MILOVANOVIĆ**:T.17137-17138; P01469, p.1; P02248.

<sup>1737</sup> **MILOVANOVIĆ**:T.16995,T.17125.

<sup>1738</sup> **MILOVANOVIĆ**:T.17137-17138; P01469, p.1; P02248.

<sup>1739</sup> **MILOVANOVIĆ**:T.16972. Further, while Directive 7 is signed by **KARADŽIĆ**, it has a GŠ-VRS stamp over his signature. The stamp of the GŠ-VRS on **KARADŽIĆ**’s signature demonstrates that the GŠ-VRS not only reviewed the document, they also approved it. Such a review and approval would only be done at the highest level, by **MLADIĆ**. P01469, (BCS p.15); **MILOVANOVIĆ**:T.16989.

<sup>1740</sup> P05273, pp.1,3.

<sup>1741</sup> P01505, p.3. **OGNJENović** used the term “survive” in the same manner that **MLADIĆ** was recorded using the term in **ŽIVANOVIĆ**’s notebook.

<sup>1742</sup> P05274, p.27.

431. There can be no question that with Directive 7 being drafted by the GŠ-VRS under **MLADIĆ**'s supervision, the important instructions set forth in the Directive and the language reflecting **MLADIĆ**'s own words, **MLADIĆ** was fully aware of the details of Directive 7, including its unlawful objective and authorised its issuance to all the VRS Corps.

(iii) Directive 7/1 did not rescind the unlawful language of Directive 7

432. Both MILOVANOVIĆ<sup>1743</sup> and KOVAČ<sup>1744</sup> testified that **MLADIĆ** deliberately “omitted” the incriminatory language in Directive 7 from Directive 7/1. MILOVANOVIĆ blamed KARADŽIĆ for the earlier language<sup>1745</sup> while KOVAČ blamed MILETIĆ.<sup>1746</sup> This argument should be rejected for the following reasons:

- There is nothing in Directive 7/1 suggesting that the unlawful objective was rescinded. In fact, Directive 7/1 references Directive 7 as authority under the heading “Tasks of the VRS” and again in the section addressing DK combat actions around “the Srebrenica, Žepa and Goražde enclaves”.<sup>1747</sup> Had **MLADIĆ** intended to rescind the unlawful language he would not have cited Directive 7 to the DK in 7/1;<sup>1748</sup>
- **MLADIĆ** ordered his corps, including the DK, to “continue to execute their combat tasks in conformity with Directive no.7”, on 26 March 1995.<sup>1749</sup> While this order predates Directive 7/1, it demonstrates that **MLADIĆ** had read Directive 7 and agreed with its objectives, including the illegal objective given to the DK;
- Directive 7, including the incriminatory language, remained in force throughout the Srebrenica operation. ŽIVANOVIĆ referred to Directive 7 in his *Krivaja-95* attack order dated 2 July, and repeated in the order that the DK

<sup>1743</sup> MILOVANOVIĆ:T.16996.  
<sup>1744</sup> D01661, para.5.84; KOVAČ:T.41868-41869.  
<sup>1745</sup> MILOVANOVIĆ:T.16996.  
<sup>1746</sup> KOVAČ:T.41868-41869.  
<sup>1747</sup> P01470, pp.2,4.  
<sup>1748</sup> P01470, pp.2,4.  
<sup>1749</sup> P00803.

should “create conditions for the elimination of the enclaves”,<sup>1750</sup> language clearly based on Directive 7. The GŠ-VRS received a copy of *Krivaja-95*.<sup>1751</sup> It is not credible to argue that they would have allowed the DK to base an attack order on parts of a directive that had been superseded;

- MILOVANOVIĆ’s testimony on this point should be rejected because, firstly, he concocted the falsity that the Supreme Command sent Directive 7 directly to the Corps, bypassing the GŠ-VRS and then reversed himself when shown proof he had sent Directive 7 from the GŠ-VRS; second, MILOVANOVIĆ claimed he had no personal knowledge of the Directive and only first learned of its substance on 18 October 2005.<sup>1752</sup> Given the overall importance of Directive 7 and MILOVANOVIĆ’s position as Chief of Staff/Deputy Commander of the GŠ-VRS, his claim that he had not seen Directive 7 until 2005 is untruthful and another blatant effort to distance himself from its incriminatory content.

(b) Implementation of Directive 7

433. The Directive was implemented through various means:

1. Restricting UNPROFOR and humanitarian aid convoys;
2. Shelling, sniping and assaults on the Muslim civilian population and DutchBat leading up to the attack on the Srebrenica enclave; and
3. Targeting Dutch Ops, taking Dutchbat OP soldiers hostage, and targeting Muslim civilians during the 6-11 July attack on the Srebrenica enclave.

434. While encompassed by the overarching JCE, measure 3 above is important to understanding the crimes committed as part of the JCE to Eliminate. For this reason, the Prosecution describes measure 3, the events of 6-11 July, in the JCE to Eliminate section of the Brief.<sup>1753</sup>

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<sup>1750</sup> P01465, p.3.

<sup>1751</sup> P01465, p.10.

<sup>1752</sup> MILOVANOVIĆ:T.17135,T.17140.

<sup>1753</sup> Events after 11 July 1995 can only be viewed as part of the JCE to Eliminate, unless the Chamber finds that there was no JCE to Eliminate. In that case, the Chamber can consider the events post 11 July in the context of the JCE to permanently forcibly remove. Indictment, paras.42,59.

(i) **MLADIĆ** contributed to the JCE by authorising the restriction of humanitarian and UNPROFOR convoys

435. Directive 7 included specific instructions to the VRS and other state organs to create an “unbearable situation of total insecurity” to force the Bosnian Muslim population from the enclaves, including:

[T]hrough the planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependent on our good will while at the same time avoiding condemnation by the international community and international public opinion.<sup>1754</sup>

436. From March-July 1995, **MLADIĆ** and his GŠ-VRS officers restricted the delivery of supplies and men to the UNPROFOR units in the Srebrenica enclave, severely eroding UNPROFOR’s ability to function effectively.<sup>1755</sup> The GŠ-VRS and state organs also deliberately limited humanitarian aid to the Bosnian Muslim inhabitants of Srebrenica as part of the organised effort to make life unbearable for them.<sup>1756</sup>

a. The convoy approval process

437. The GŠ-VRS had the final decision-making authority in relation to all aspects of UNPROFOR convoy requests including when and what could pass, and the convoy’s route.<sup>1757</sup> The GŠ-VRS reviewed UNPROFOR requests for passage and then submitted them with proposed responses to **MLADIĆ**, **MILOVANOVIĆ**, **TOLIMIR** or **MILETIĆ**,<sup>1758</sup> who would often note their refusal, limitation or approval on the original request. **MLADIĆ** led this restriction effort and was particularly

<sup>1754</sup> P01469, p.14.

<sup>1755</sup> KRALJ:T.27454-27455; FRANKEN:P01417, paras.29-31; KOSTER:P00057, pp.2-4,6; NICOLAI:P01165, paras.36-40; NICOLAI:T.10575-10577; P01182; BOERING:P01139, T.1893-1894; M.NIKOLIĆ:T.11799-11800; EGBERS:P01629, T.2203-2204,T.2206; BUTLER:T.16157,T.16874; P02196, pp.2-3; P02197; P02198, pp.3-4; P02199, p.2. DutchBat rotated into the Srebrenica enclave in January 1995. AF1295.

<sup>1756</sup> BOERING:P01139, T.1894; P06860; [REDACTED]; SCHMITZ:P00027, para.16; P00042, p.2; P02806.

<sup>1757</sup> KRALJ:T.27474-27475; KRALJ:D00712, paras.6,8; NICOLAI:P01165, paras.36,38-40; FRANKEN:P01417, para.24; SMITH:P00785, para.58; BUTLER:T.16730.

<sup>1758</sup> L.OBRADOVIĆ:P01783, T.12021-12022; KRALJ:D00712, paras.27-28; KRALJ:T.27458-27461; P06856; P02222.

restrictive with requests for fuel.<sup>1759</sup> Once the final decision was made, the GŠ-VRS sent their response to UNPROFOR.<sup>1760</sup>

438. MILETIĆ or MILOVANOVIĆ then notified the relevant subordinate units of their decision and specified the goods and personnel that were approved or restricted and other details regarding the passage of the convoy through RS territory.<sup>1761</sup>

439. Before Directive 7 was issued, the GŠ-VRS took decisions on the movement of humanitarian convoys into the Srebrenica enclave.<sup>1762</sup> Shortly after Directive 7 was issued, the Co-ordinating Body for Humanitarian Aid, a working body of the State Committee for Cooperation with the UN and International Humanitarian Organisations, was established and became involved in the humanitarian aid convoy approval process together with the VRS.<sup>1763</sup> The State Committee was composed of both civilian and military authorities,<sup>1764</sup> with **MLADIĆ**'s direct subordinate, ĐURĐIĆ, representing the interests of the GŠ-VRS.<sup>1765</sup> The Committee declined any approvals, however, in the absence of a clear VRS position that it would provide security.<sup>1766</sup>

440. A June 1995 UN code cable regarding a convoy JANVIER and **MLADIĆ** discussed<sup>1767</sup> captures the essence of the GŠ-VRS' control over convoys:

The 56 truck convoy bound for the eastern enclaves arrived in Belgrade yesterday. However, the BSA has cut the number of trucks from 56 to 23, has cut the amount of food by 50% and the amount of fuel by 70%, has rejected the passage of two ambulances needed for UN troops, and has insisted that those personnel travelling with the convoy to the enclaves must also depart with it, though no one else

<sup>1759</sup> E.g. P02146, p.16, where **MLADIĆ**'s initials are beside the Serbian word for "no". L.OBRADOVIĆ testified that the same markings were **MLADIĆ**'s initials in P01797, p.2 and P01798(BCS versions). See L.OBRADOVIĆ:P01783, T.12023-12024,T.12032-12033.

<sup>1760</sup> L.OBRADOVIĆ:P01783, T.12029; KRALJ:D00712, para.29; KRALJ:T.27422.

<sup>1761</sup> E.g., P02152.

<sup>1762</sup> P01506; MILOVANOVIĆ:T.17084,T.17122. See KRALJ:D00712, paras.5,32; P01758.

<sup>1763</sup> D00336; KRALJ:D00712, para.12; P02153, p.2; P02160, p.2.

<sup>1764</sup> D00336; BUTLER:T.16450,T.16730; KRALJ:T.27462.

<sup>1765</sup> D00336, art.2; KRALJ:T.27463,T.27465,T.27454; KRALJ:D00712, paras.13, 26; MILOVANOVIĆ:T.17084, T.17121; BUTLER:T.16450,T.16730.

<sup>1766</sup> KRALJ:T.27464-27467,T.27473-27475,T.27524-27527,T.27530-27531; L.OBRADOVIĆ:T.14600; M.NIKOLIĆ:T.11796-11797; P01507; P06857; P06865; P02156; P02198, p.5; MILOVANOVIĆ:T.17122-17123; SMITH:P00785, para.58; P02148, p.1; P02157, pp.3-4; P02160, p.2; P02153, p.2; P02150, p.1; P02155, pp.2-3.

<sup>1767</sup> P02198, p.3; P02196, p.6; P02197.

may, in other words preventing any troop rotation or reinforcement.<sup>1768</sup>

b. Effects of the restrictions on UNPROFOR resupply convoys

441. Although VRS restrictions applied when DutchBat III first arrived in the enclave in January 1995,<sup>1769</sup> the VRS approved fewer and fewer convoys from March-April 1995 onwards.<sup>1770</sup> The VRS allowed only one fuel convoy into the Srebrenica enclave between February and June 1995.<sup>1771</sup> DutchBat's daily fuel requirement was 8,000-9,000 litres; by July they were forced to ration usage to 250 litres/day<sup>1772</sup> which prevented motorised patrols,<sup>1773</sup> crippled their medical station,<sup>1774</sup> limited electricity from diesel-powered generators<sup>1775</sup> and prevented water purification.<sup>1776</sup>

442. The VRS categorically denied ammunition, anything pertaining to Dutchbat weapons, spare parts and communications equipment.<sup>1777</sup> As a result, Dutchbat weapons were in poor condition and they were unable to repair them.<sup>1778</sup> By July 1995 there was little usable small arms and mortar ammunition<sup>1779</sup> and DutchBat's larger weapons were rendered unusable.<sup>1780</sup>

<sup>1768</sup> P02199, p.2; BUTLER:T.16874-16875.

<sup>1769</sup> FRANKEN:P01417, para.26; NICOLAI:P01165, paras.36-40; NICOLAI:T.10568.

<sup>1770</sup> AF1306-1307; VAN DUIJN:P01154, T.2260-2261; BOERING:P01139, T.1893-1894; FRANKEN:P01417, para.26; NICOLAI:P01165, paras.36-40; EGBERS:P01629, T.2203-2204, T.2206; M.NIKOLIĆ:T.11799-11800; BUTLER, T.16157.

<sup>1771</sup> FRANKEN:P01417, para.26; FRANKEN:T.10715-10716, T.10719; P01419, p.3; P01420; KOSTER:P00057, p.3; KOSTER:T.1259-1260; NICOLAI:T.10568; EGBERS:P01629, T.2203-2206.

<sup>1772</sup> FRANKEN:P01417, para.29; FRANKEN:T.10713; M.NIKOLIĆ:T.11801. See P01419, P.3; FRANKEN:T.10715-10718; EGBERS:T.13373; NICOLAI:P01165, para.38.

<sup>1773</sup> AF1309; NICOLAI:P01165, para.40; NICOLAI:T.10572, T.10576-10577; P01182; BOERING:P01139, T.1888-1889; FRANKEN:P01417, para.29; KOSTER:T.1260; VANDUIJN:P01154, T.2261.

<sup>1774</sup> FRANKEN:P01417, para.27; FRANKEN:T.10722; M.NIKOLIĆ:T.11800.

<sup>1775</sup> FRANKEN:P01417, paras.22,29; KOSTER:P00057, p.3; M.NIKOLIĆ:T.11800; KINGORI:P00034, para.42; EGBERS:T.13372-13373.

<sup>1776</sup> EGBERS:T.13373; FRANKEN:P01417, para.29; BOERING:P01139, T.1893. The absence of electricity was known to the GŠ-VRS. P02099, p.29; BUTLER:T.16167.

<sup>1777</sup> AF1303; FRANKEN:P01417, para.24; KRALJ:T.27393-27394.

<sup>1778</sup> FRANKEN:T.10724; VANDUIJN:P01154, T.2262-2263.

<sup>1779</sup> FRANKEN:P01417, para.30; FRANKEN:T.10723-10724; NICOLAI:P01165, para.40; VANDUIJN:P01154, T.2262.

<sup>1780</sup> FRANKEN:P01417, para.30; FRANKEN:T.10724.

443. The VRS restricted medical equipment, leaving DutchBat unable to keep its medical station operational.<sup>1781</sup>

444. At the end of March and into April 1995, the VRS refused to permit DutchBat soldiers and UNMOs to return to the enclaves following leave. This reduced the number of peacekeepers from 600 to approximately 400<sup>1782</sup> and the number of UNMOs from six to two.<sup>1783</sup>

c. Effects of convoy restrictions on the civilian population

445. As expressed by Maj. Franken, the VRS “convoy terror”<sup>1784</sup> had the intended effect of creating a desperate humanitarian situation for the civilian population in Srebrenica.<sup>1785</sup> The UNHCR food convoys were “the main lifeline of the whole enclave.”<sup>1786</sup> As food stocks dwindled, the situation became critical,<sup>1787</sup> with people dying of starvation before *Krivaja-95* began.<sup>1788</sup>

446. Neither DutchBat nor the hospital in Srebrenica received sufficient medical supplies to assist the population with medical aid.<sup>1789</sup> These shortages had tragic consequences during the *Krivaja-95* operation.<sup>1790</sup>

d. The convoy restrictions were designed to squeeze the enclave

447. In response to frequent UN complaints about the increased “squeezing”<sup>1791</sup> of the enclaves through the spring of 1995, **MLADIĆ**,<sup>1792</sup> his Assistant Commanders<sup>1793</sup>

<sup>1781</sup> FRANKEN:P01417, para.29; P02147, p.3; BOERING:P01139, T.1892.

<sup>1782</sup> AF1303; AF1131; P01181, p.4; NICOLAI:T.10571-10572,T.10574; FRANKEN:P01417, para.31; BOERING:P01139, T.1872-1873; VANDUIJN:T.10336; P02199, p.2; KOSTER:P00057, p.4; EGBERS:P01629, T.2203-2204.

<sup>1783</sup> KINGORI:P00034, paras.8,68; RECHNER:P02554, para.11(confidential).

<sup>1784</sup> FRANKEN:P01417, para.26.

<sup>1785</sup> AF1307; M.NIKOLIĆ:T.11801-11802

<sup>1786</sup> KINGORI:P00034, paras.35,39; [REDACTED]; NICOLAI:T.10570; P02198, p.3; BOERING:P01139, T.1893-1894. See P06716, para.17.

<sup>1787</sup> AF1307; P06862, p.2; BOERING:P01139, T.1893-1894,T.1898-1899; P00042, paras.2(a),3; P06861, para.4; NICOLAI:T.10570; NICOLAI:P01165, para.39; SCHMITZ:P00027, para.16; M.MALAGIĆ:T.11211; P00042, p.1.

<sup>1788</sup> P06862, p.2.

<sup>1789</sup> AF1307; BOERING:P01139, T.1892; [REDACTED]; P00042, p.2; P07709, pp.2-3; D00022, p.4.

<sup>1790</sup> D00022, p.4.

<sup>1791</sup> SMITH:P00785, paras.27,59,79. E.g. P02050; P02196; P02198, p.3; P01182; P01181, p.4; P02197; BANBURY:P00874, paras.128,151.

<sup>1792</sup> SMITH:P00785, paras.57,66; P00019; P02050, para.6; P02198, p.5.

and the Bosnian Serb political leadership<sup>1794</sup> claimed that convoy supplies were assisting the ABiH,<sup>1795</sup> the UN and the enclaves had ample supplies already,<sup>1796</sup> and argued the Bosnian Serbs were under international blockade.<sup>1797</sup> Contrary to these false explanations, the explanation for and intent of the restrictions was to “squeeze” UNPROFOR and the enclaves.<sup>1798</sup> After the war **MLADIĆ** linked convoy restrictions to his success:

And until I took everything, did not let anything through, I would not have taken Srebrenica or Žepa, if I had not starved them in the winter, since February I let through only one or two convoys.<sup>1799</sup>

(ii) Shelling, sniping and assaults against civilians and DutchBat

448. Following the issuance of Directive 7 until the fall of the enclaves, the VRS shelled and sniped civilian targets in Srebrenica,<sup>1800</sup> wounding civilians and causing panic,<sup>1801</sup> as part of an effort to make life for the Bosnian Muslims in the enclaves unbearable and thereby remove them.<sup>1802</sup> VRS shelling of the enclave between May and July caused schools to close and people to move closer to Srebrenica town.<sup>1803</sup> Swedish Shelter Project refugees<sup>1804</sup> and inhabitants of Potočari<sup>1805</sup> withdrew to Srebrenica as a result of the shelling. The VRS also fired at DutchBat more frequently in the months prior to the *Krivaja-95* operation.<sup>1806</sup>

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<sup>1793</sup> SMITH:P00785, para.92; P01775, p.3; BANBURY:P00874, para.128.

<sup>1794</sup> SMITH:P00785, paras.83,99,104-105; P01774, p.2.

<sup>1795</sup> SMITH:P00785, paras.57,66,83; P02198, pp.5-6; BANBURY:P00874, para.128.

<sup>1796</sup> SMITH:P00785, paras.57,66,83; P02198, pp.5-6; BANBURY:P00874, para.128.

<sup>1797</sup> P01774, p.2; P07405, para.10; P02198, p.8; SMITH:P00785, para.83; BANBURY:P00874, paras.128,151.

<sup>1798</sup> SMITH:P00785, paras.27,59,78; M.NIKOLIĆ:T.12076; KRALJ:T.27448-27449,T.27454-27455,T.27465.

<sup>1799</sup> P01789, p.4; L.OBRADOVIĆ:T.14634-14636.

<sup>1800</sup> AF1315-AF1316; P00792; KINGORI:P00034, paras.57-58; M.NIKOLIĆ:T.11790-11792, T.12001-12002; BOERING:P01139, T.1895-1896,T.1898; FRANKEN:P01417, paras.32-33; [REDACTED]. See P01508, p.7; P01506, p.4.

<sup>1801</sup> BOERING:P01139, T.1895; FRANKEN:P01417, paras.32-33; [REDACTED]; KINGORI:P00034, para.57.

<sup>1802</sup> KINGORI:T.1034-1036; KINGORI:P00034, para.32; FRANKEN:P01417, paras.32-33; P00792; [REDACTED]; KOSTER:P00057, p.3; P01508, p.7,13-15; P01506, p.4; M.NIKOLIĆ, T.11791-11792,T.12001.

<sup>1803</sup> P07709, pp.2-3; BOERING:P01139, T.1895-1896. See [REDACTED].

<sup>1804</sup> AF1373; BOERING:P01139, T.1895,T.1898; [REDACTED]; P01152.

<sup>1805</sup> BOERING:P01139, T.1895-1897.

<sup>1806</sup> FRANKEN:P01417, para.32; BOERING:P01139, T.1896-1898.

449. During the night of 23-24 June 1995 the 10<sup>th</sup> Sabotage Detachment led by Milorad PELEMIŠ, together with Bratunac Brigade Red Berets, entered Srebrenica through a mining tunnel and indiscriminately fired 19 hand held zolja rockets into the crowded town of Srebrenica.<sup>1807</sup> **MLADIĆ** approved the operation.<sup>1808</sup> One woman was killed<sup>1809</sup> and one child injured during the incursion. PELEMIŠ's contemporaneous hand-written notes describe the purpose of the "Srebrenica Tunnel incursion" as "coming into the town and causing panic and disarray".<sup>1810</sup> This episode was part of the VRS' efforts to spread fear among the Srebrenica population.

(c) Žepa

450. The attack on Srebrenica did not spell the final effort to eliminate Muslim presence in Eastern Bosnia. On 10 July, following the success of the VRS' attack on Srebrenica, **MLADIĆ** ordered the DK Command to "plan and launch an offensive in the 1<sup>st</sup> Plpbr area of responsibility, around the Žepa enclave".<sup>1811</sup> On the evening of 12 July **MLADIĆ** ordered his assembled Srebrenica assault troops to attack the Žepa enclave.<sup>1812</sup> The attack commenced on 14 July and by 24 July, the ABiH in the enclave had been defeated and forced to retreat.<sup>1813</sup> Faced with days of VRS shelling<sup>1814</sup> that targeted the civilian population,<sup>1815</sup> and the retreat of the ABiH towards Serbia, the majority of Žepa's women and children took the only option for survival and, between 25-27 July, were forcibly transported on buses from the enclave. On 26 July, **MLADIĆ** personally supervised the forcible transfer of Žepa's population, which was for the most part completed by the end of the day on 27 July.<sup>1816</sup> Revelling in his control over the Muslims' lives, **MLADIĆ** boarded the

<sup>1807</sup> P01585; ERDEMOVIĆ:T.13727-13729; D00017, p.2; PELEMIŠ:T.33811-33813,T.33817-33818; P07272, p.3; SALAPURA:P01584, T.13544-13545.

<sup>1808</sup> SALAPURA:P01584, T.13524-13525.

<sup>1809</sup> P01585; D00017, p.2.

<sup>1810</sup> P07272; M.PELEMIŠ:T.33811,T.33814-33819.

<sup>1811</sup> P02106, p.2; BUTLER:P02210, p.25. *See* M.TRIVIĆ:P01463, T.11841-11842,T.11862.

<sup>1812</sup> D00290; *See* para.1213.

<sup>1813</sup> P00011, p.2; HARLAND:P00001, paras.220-221; BUTLER:P02210, p.29; P03483; P01778, p.1; SMITH:P00785, para.176. The "agreement" which was signed by Hamdija TORLAK, provided for an immediate cease-fire, demilitarisation, registration of the male population for prisoner exchange and transportation for the civilian population. Given that Žepa was defenceless, TORLAK had no choice under pressure of continued bombardment of Žepa town but to sign the document presented to him by the VRS.

<sup>1814</sup> P00011, p.2. *See* P01371; P01372(confidential); D01630.

<sup>1815</sup> D00010, p.1.

<sup>1816</sup> In addition to its local population, Žepa was populated with Muslim refugees who had arrived from nearby areas that had been ethnically cleansed. D00957, p.1. Žepa was declared a safe area by UN Security Council Resolution 824 on 6 May 1993. P00022.

buses to tell the miserable, terrified and exhausted civilians “I am giving you your life as a gift.”<sup>1817</sup>

451. At the same time, the able-bodied men of Žepa fled the enclave, most of whom crossed the border to Serbia. By the first week of August 1995, the cleansing of the Žepa enclave had been completed.<sup>1818</sup>

452. The VRS captured Col. Avdo PALIĆ, Žepa Brigade Commander,<sup>1819</sup> with PEČANAC playing an important role in that operation.<sup>1820</sup> PALIĆ was then moved at night in mid-August on BEARA’s orders to military prison in Bijeljina.<sup>1821</sup> Both TOLIMIR and MLADIĆ had already informed HARLAND that PALIĆ was dead, the day after the VRS captured him;<sup>1822</sup> PALIĆ’s body was later recovered from a mass grave in Vragolovi, Rogatica.<sup>1823</sup> His disappearance, after being in VRS custody, means he must have been murdered. The murder of such a high-value ABiH prisoner could only have occurred on orders from MLADIĆ.

11. Defence arguments contesting the ethnic cleansing campaign were not credible

453. Defence witnesses, some themselves implicated in crimes,<sup>1824</sup> attempted to undermine the overwhelming evidence of an organised cleansing campaign by suggesting non-Serbs left voluntarily, some few Muslims remained or by referring to non-Indictment municipalities. These fictions were repeatedly exposed as false under cross-examination.

<sup>1817</sup> P01147, 00:07’49-00:08’20, tp.114.

<sup>1818</sup> P03478; BUTLER:P02210, para.4.17.

<sup>1819</sup> P06800; P07268; SAVČIĆ:T.33652.

<sup>1820</sup> D.TODOROVIC:T.35424-25426; P01147, 00:28’28-00:29’00, tp.126.

<sup>1821</sup> P06800; N.ANDRIĆ:T.26388-26390.

<sup>1822</sup> HARLAND:P00001, para.228; HARLAND:T.896; SAVČIĆ:T.33652.

<sup>1823</sup> P07268.

<sup>1824</sup> For instance, Đorđo KRSTIĆ was on trial in BiH at the time he testified. D.KRSTIĆ:T.26345-26346. Mane ĐURIĆ was removed from the police after the war because of evidence about his wartime conduct. Mane ĐURIĆ:T.27710. VRS soldiers who perpetrated crimes against non-Serbs in Doboj were released due to a request from their commander, Milivoje SIMIĆ. P07180; P07181; P07182; P07183. ANDRIĆ issued multiple orders for ethnic cleansing and ordered the organisation of Sušica camp. P00466; P07086; P00190. *See* Vlasenica Summary.

(a) Defence witnesses falsely claimed non-Serbs left voluntarily

454. The false claim of “voluntary” departure is belied by Bosnian Serb authorities’ own contemporaneous documentation,<sup>1825</sup> Defence witness admissions and the overwhelming evidence of the cleansing campaign. A 1KK report, for example, noted “the attempt to expel [Muslims and Croats] to Central Bosnia failed because of transportation difficulties and their resistance to leaving their places /of residence/.”<sup>1826</sup> The 1KK command later reported to the GŠ-VRS “the municipal and regional authorities should work much harder” at the departure of Muslims and Croats.<sup>1827</sup> Indeed, documentation even exposes the politically expedient but transparent falsehood of the voluntariness claim. For instance, the Sanski Most Executive Committee, after noting the significant number of non-Serbs in the municipality, declared that “in order to avoid danger to the Serbian people it is necessary to organise their voluntary resettlement”.<sup>1828</sup> After the late-July cleansing of remaining non-Serb communities in Prijedor, for instance, the IKK noted what it euphemistically termed “requests to move out from the Muslim and Croatian populations have intensified.”<sup>1829</sup>

455. In fact, as the evidence overwhelmingly shows, non-Serbs left to “save our heads”;<sup>1830</sup> “nobody went of their own free will.”<sup>1831</sup> Even Defence witnesses ultimately conceded non-Serbs left out of fear because of the crimes committed against them,<sup>1832</sup> “there was nothing voluntary about” many non-Serbs’ departures,<sup>1833</sup> large areas of the RS were ethnically homogenised by force and fear,<sup>1834</sup> or simply that the VRS expelled thousands of non-Serbs.<sup>1835</sup> As MARJANOVIĆ admitted, at

<sup>1825</sup> E.g. P03758, pp.3,14,15; P02063, p.1. See Pale, Sanski Most, and Vlasenica Summaries; P03737; P07086; P00466; P00190.

<sup>1826</sup> P03733, p.3.

<sup>1827</sup> P03714, p.1.

<sup>1828</sup> P07116, p.4. See Sanski Most Summary.

<sup>1829</sup> P03721, p.1.

<sup>1830</sup> S.CRNČALO:T.3296. See S.CRNČALO:T.3301; S.CRNČALO:P00260, paras.69,76; Pale Summary.

<sup>1831</sup> KARABEG:P03252, T.18701,T.18706.

<sup>1832</sup> E.g. **Ključ**:KALABIĆ:D00867, paras.25-28; KALABIĆ:T.30280; [REDACTED]; KEVAC:T.30534-30535. See AF793; **Pale**:ČVORO:T.22194; **Prijedor**:RADULJ:T.35563-35564; **Vlasenica**:Mane.ĐURIĆ:D00732, paras.36-38; Mane.ĐURIĆ:T.27695.

<sup>1833</sup> ERCEG:T.34092.

<sup>1834</sup> KECMANOVIĆ:T.23941-23943. E.g. KOVIĆ:T.42004-42005.

<sup>1835</sup> KOLENDA:T.31001; KOVAČ:T.41572.

first non-Serbs paid to stay in Prijedor. Later, after the massive crimes against their community, they paid to be allowed to leave.<sup>1836</sup>

(b) Defence claims that small groups of non-Serbs remained in Serb-claimed territories do not negate the CCP

456. While many Defence witnesses admitted that by the end of the Indictment period their municipalities were almost entirely Serb-populated,<sup>1837</sup> Defence witnesses claimed some "loyal" villages remained untouched by Serb Forces. In fact, in many "loyal" villages almost all non-Serbs eventually fled in fear due to continued persecution.<sup>1838</sup>

457. In any event, the continued presence of a token number of Muslims in areas largely cleansed is not inconsistent with the common purpose, which sought an ethnically-separate entity that would not be "threatened" from within. While this required dramatic reductions of the non-Serb population, it did not require the expulsion of every last non-Serb everywhere. Thus, various municipalities imposed quotas permitting a small number of non-Serbs to remain,<sup>1839</sup> reflecting centralised planning of the expulsions<sup>1840</sup> and fulfilling the desire to secure Serb dominance.<sup>1841</sup> It was also in JCE members' interest to retain a token non-Serb population to appease internationals, who, after the initial cleansing in 1992, increasingly pressured **MLADIĆ** and the Bosnian Serb leadership.<sup>1842</sup> Even so, Muslims and Croats who at first remained were often persecuted and eventually expelled.<sup>1843</sup>

<sup>1836</sup> O.MARJANOVIĆ:T.41035.

<sup>1837</sup> **Bijeljina**:S.BOJANOVIĆ, T.27988-27991; **Foča**:KRNOJELAC:T.25980; **Pale**:ČVORO:T.22171; **Rogatica**:VESELINOVIĆ:T.28275; **M.SOKOLOVIĆ**:T.26086-26087; **Vlasenica**:Mane ĐURIĆ:T.27709.

<sup>1838</sup> E.g. Ključ Kotor Varoš, Rogatica and Sanski Most Summaries.

<sup>1839</sup> E.g. **Banja Luka**:P03989, p.2; KUPREŠANIN:P06994, p.8; [REDACTED]; SAJIĆ:T.29210-29211; **Bijeljina**: [REDACTED]; [REDACTED]; **Ključ**:AF750; **MEDIĆ**:T.2050-2051.

<sup>1840</sup> [REDACTED].

<sup>1841</sup> P03753, p.2. Two days later, Ključ SDS President KONDIĆ reiterated at a CS meeting the need to solve "the question of population resettlement." P03758, p.15.

<sup>1842</sup> E.g. Section III.E.3.

<sup>1843</sup> E.g. Banja Luka, Bijeljina, Kotor Varoš, Rogatica, Sanski Most Summaries.

(c) Defence references to uncharged municipalities reinforced the pattern of ethnic cleansing

458. The Defence called witnesses to give evidence about non-indictment municipalities, purportedly to undermine the pattern of common purpose implementation. Instead, these municipalities further reflected the widespread and systematic nature of the cleansing campaign. Muslims in Doboj left because of crimes against them,<sup>1844</sup> thousands of non-Serb refugees fleeing in the face of violence and killings passed through Srbac,<sup>1845</sup> and Serb forces abused Muslim prisoners and Muslims fled in the face of ethnic cleansing in Bratunac.<sup>1846</sup>

459. **MLADIĆ**'s role in relocating thousands of Croats from Central Bosnia through RS territory into Croatia or Croat-claimed areas of BiH in 1993 similarly reflected the common purpose.<sup>1847</sup> KOLENDA conceded his group of prisoners had no food for days in detention and were forced to shout to a VRS TV crew "Bosnia is Serbian as much as Moscow is Russian" and "We are the war prisoners of the VRS."<sup>1848</sup> Other evidence showed **MLADIĆ** ordered Corps commanders to detain able-bodied Bosnian Croat civilians and use them as bargaining chips to secure concessions;<sup>1849</sup> Bosnian Croat civilians were then detained at Manjača camp for several days before being transferred to Vareš;<sup>1850</sup> and **MLADIĆ** sought to use the transfer to secure BiH's ethnic division,<sup>1851</sup> obtain concrete military advantages,<sup>1852</sup>

<sup>1844</sup> M.SIMIĆ:T.32549-32551. See P07178.

<sup>1845</sup> MILINČIĆ:D00783, para.17; MILINČIĆ:T.28389.

<sup>1846</sup> D.MIČIĆ:D00977, paras.6-13; D.MIČIĆ:T.33751-33755; S.MLAĐENović:T.34190-34191,T.34200-34201.

<sup>1847</sup> P03683, paras.1,2,5; GLOGOVAC:D00619, para.38; KOLENDA:D00889, para.31; KOLENDA:T.31017; MILUTINOVIĆ:D00862, paras.101-106; P06692; R.ŠARENAC:D00786, paras.24-25; G.ŠEHOVAC:D00596, para.10; R.MAKSIMOVIĆ:T.26776-26778; G.ŠEHOVAC:D00596, paras.10-13; G.ŠEHOVAC:T.24687-24689.

<sup>1848</sup> KOLENDA:T.31008-31009; KOLENDA:P07092, p.9.

<sup>1849</sup> P07170. See P07095, p.1; P07096.

<sup>1850</sup> P00245; P06992, p.2; P04290; BROWN:P02862, pp.80-81; BROWN:T.19799-19800; KOLENDA:D00889, para.47. Defence witnesses' denials that those held at Manjača at this time were detained bear no credibility in light of this contemporaneous VRS documentation. E.g. AMIDŽIĆ:D00847, para.49; MILUTINOVIĆ:D00862, para.104; GLOGOVAC:T.25264-25265.

<sup>1851</sup> P02006, para.3; P07094; P00358, p.240.

<sup>1852</sup> P03683, para.5; R.ŠARENAC:D00786, paras.26,27; R.MAKSIMOVIĆ:T.26778-26779; R.ŠARENAC:D00786, paras.26,27; D00007, pp.4,5.

improve the VRS' public image,<sup>1853</sup> and secure millions of hard currency from the HVO in payment for VRS assistance.<sup>1854</sup>

(d) The Defence unsuccessfully challenged the demographic evidence documenting the cleansing campaign

460. The wealth of witness and documentary evidence about massive demographic changes resulting from the cleansing campaign<sup>1855</sup> is corroborated by reliable demographic evidence. This demographic evidence about victims and population movements is supported by, respectively, an increasing number of DNA verifications,<sup>1856</sup> and data obtained by, and broadly known amongst, Bosnian Serb authorities during the Indictment period.<sup>1857</sup>

461. For instance, demographic evidence supports witness evidence of repeated mass murders by identifying or confirming the identities of more than 1,800 victims murdered in charged incidents in the Municipalities,<sup>1858</sup> of whom 123 were only recently exhumed from the Tomašica mass grave and identified.<sup>1859</sup> In order to draw reliable conclusions about victims' deaths, TABEAU analysed<sup>1860</sup> data in a large integrated database, matched from, and verified by, various statistical sources,<sup>1861</sup> and mortality information contained in hundreds of documents.<sup>1862</sup> However, many victims have not yet been identified. **MLADIĆ** should be held responsible for the number of victims of each charged incident shown by the totality of witness and documentary evidence, including those victims whose identities had been established, as well as those who are not identified by name.

<sup>1853</sup> MILUTINOVIĆ:D00862, para.105; P07093.

<sup>1854</sup> P07097; P07098 ; P00358, p.245.

<sup>1855</sup> See Municipality Summaries; Victim Chart.

<sup>1856</sup> E.g. P07744(confidential); D02134(confidential); [REDACTED]; [REDACTED]; P06268(confidential); P03305; P07454(confidential); P05965(confidential); P07437(confidential).

<sup>1857</sup> TABEAU:P02798, pp.5,12-15,88-89; P07519; P07520; P07521; P03216; P03853; LUKIĆ:T.25497,T.25503.

<sup>1858</sup> TABEAU:P02796, pp.32-33. See TABEAU:P02797; Victim Chart.

<sup>1859</sup> TABEAU:P07451, pp.163-173(confidential).

<sup>1860</sup> TABEAU:P02796, pp.2,7-9,12; TABEAU:T.19250; TABEAU:P07449, pp.3-10. See TABEAU:P02787.

<sup>1861</sup> TABEAU:P02796, pp.5-7,11; P02787, pp.5-8; P02785, T.9907-9909; TABEAU:T.19251-19259,T.19263-19265,T.19279-19280.

<sup>1862</sup> TABEAU:P02796, pp.4-7; TABEAU:T.19247-19248.

462. Demographic evidence reflects 214,329 Bosnian Muslims and Croats forced from their homes in the Municipalities did not return by 1997,<sup>1863</sup> based on statistical analysis of a minimum of 111,804 documented cases.<sup>1864</sup> These numbers, while shocking in and of themselves, still understate the total number expelled by excluding those displaced persons who returned home by 1997;<sup>1865</sup> while non-Serbs were generally prevented from returning by Serb authorities,<sup>1866</sup> many expelled Muslims returned home after Ključ and Sanski Most were re-taken by ABiH forces in late 1995.<sup>1867</sup>

463. By linking individual-level sources<sup>1868</sup> like the voters register—a large subset of the 1991 census<sup>1869</sup>—with the census,<sup>1870</sup> TABEAU produced a large and reliable sample,<sup>1871</sup> from which she could calculate population movement patterns by tracking many of “the same individuals between the two years considered.”<sup>1872</sup> Defence expert RADOVANOVIĆ, whose evidence was not credible due to her clear bias, evasiveness, and lack of scientific professionalism,<sup>1873</sup> fundamentally misunderstood<sup>1874</sup> and erred in characterising the underlying “matching process” of individually linking these related data sets.<sup>1875</sup> Her characterisation of the census and voting register as having “diametrically opposite objectives, purpose, characteristics, coverage and overall methodology of data collection”<sup>1876</sup> was a red herring, missing the simple point that inclusion in the census was a prerequisite to inclusion in the register, making the latter a logical subset population of the former,<sup>1877</sup> regardless of the substantive aims of either. Unlike TABEAU, who supported her methodological

<sup>1863</sup> TABEAU:P02798, pp.38-42. *See* TABEAU:T.19288.

<sup>1864</sup> *E.g.* TABEAU:P02798, p.12; TABEAU:T.19288,T.19290; TABEAU:P02788, p.30; TABEAU:P02798, pp.30-33.

<sup>1865</sup> TABEAU:P02788, p.31.

<sup>1866</sup> *See* Section III.E.2(b).

<sup>1867</sup> *E.g.* EGRLIĆ:P03403, T.10621-10622; DŽAFIĆ:P03394, p.47; DRAGANOVIĆ:P03293, p.25.

<sup>1868</sup> TABEAU:P02785, T.9904-9907; TABEAU:T.19293-19301; TABEAU:P02788, AnnexesB2-B6, pp.4-35; TABEAU:P02786, T.28121-28129; TABEAU:P02798, pp.5-7.

<sup>1869</sup> TABEAU:T.19306.

<sup>1870</sup> TABEAU:P02788, AnnexC1, pp.38-39; TABEAU:P02798, pp.3,6. *See* TABEAU:P02786, T.28121.

<sup>1871</sup> TABEAU:P02788, AnnexB5, p.30, AnnexC1, p.38.

<sup>1872</sup> TABEAU:P02788, AnnexC1, p.39.

<sup>1873</sup> *See* Sections III.E.4; V.C.2.

<sup>1874</sup> RADOVANOVIĆ:T.38371-38374.

<sup>1875</sup> TABEAU:P02788, AnnexC1, p.37; TABEAU:P02786, T.28131-28134; TABEAU:T.19294-19295, T.19403-19410; TABEAU:P02798, pp.5-7.

<sup>1876</sup> RADOVANOVIĆ:D01211, p.27(confidential).

<sup>1877</sup> TABEAU:P02788, AnnexB5, p.29.

approach to record-linking with extensive references to reputable scientific texts,<sup>1878</sup> RADOVANOVIĆ made no effort to support her fixed, formulaic view of the use of “matching keys” in the dynamic process of record-linking.<sup>1879</sup>

464. Indeed, RADOVANOVIĆ’s evidence was unsubstantiated, and frequently abstract<sup>1880</sup> or statistically unprofessional.<sup>1881</sup> She provided no basis for her rigid, formalistic characterizations of “official sources for statistics,” resorted to outlandish and impractical positions to defend her claims,<sup>1882</sup> and misleadingly alleged during testimony that she had not received a document from the Prosecution, when months before testifying she had received and accepted the document in an updated, more complete form.<sup>1883</sup> Further, RADOVANOVIĆ speculated about the contents of sources she claimed TABEAU should have used in her analysis, but failed to articulate any methodological deficiency in TABEAU’s approach or even analyse the contents of these sources, to which she had access, on the basis that it was “not important,”<sup>1884</sup> rendering her critique meaningless. RADOVANOVIĆ also ignored overwhelming evidence of the expulsion of hundreds of thousands of non-Serbs during the conflict,<sup>1885</sup> preferring instead to speculate without data that persons left their homes after the war,<sup>1886</sup> in order to advance her disingenuous critique of TABEAU’s use of the census and register as sources.<sup>1887</sup>

**E. MLADIĆ and other JCE Members Demonstrated Their Commitment to the Common Purpose and Contributed Significantly to it by Celebrating, Exploiting and/or Attempting to Cover Up the Success of the Ethnic Cleansing Campaign**

465. MLADIĆ’s and other JCE members’ commitment to the CCP was reflected in their ratification of the campaign through praise, promotions, concealment and measures to cement its success.

<sup>1878</sup> E.g. TABEAU:P01900, pp.67-76.

<sup>1879</sup> RADOVANOVIĆ:T.43874.

<sup>1880</sup> E.g. RADOVANOVIĆ:T.38153-38154,T.38159,T.38220-38221.

<sup>1881</sup> See RADOVANOVIĆ:T.38385-38390.

<sup>1882</sup> RADOVANOVIĆ:T.43660-43667.

<sup>1883</sup> RADOVANOVIĆ:T.43629-43634.

<sup>1884</sup> RADOVANOVIĆ:T.43989-43992. See RADOVANOVIĆ:T.43965-43970.

<sup>1885</sup> See Municipality Summaries.

<sup>1886</sup> E.g. RADOVANOVIĆ:D01211, p.40(confidential).

<sup>1887</sup> RADOVANOVIĆ:D01211, p.9(confidential); RADOVANOVIĆ:T.38167-38168,T.38244-38245.

1. Celebrating the success of the cleansing campaign and deflecting criticism

466. JCE members and other Bosnian Serb authorities lauded the results of cleansing throughout the municipalities. For instance:

- After the VRS and other Bosnian Serb forces had brutally cleansed Prijedor of most of its non-Serb population, **MLADIĆ** stated the people of Prijedor had “every right to be proud of their fighters”<sup>1888</sup> and **MILOVANOVIĆ**, on behalf of the GŠ-VRS, thanked the Prijedor authorities “for the generous co-operation of your municipality with the [VRS]” and expressed the VRS’ wish that this co-operation continue and expand;<sup>1889</sup>
- After visiting Omarska, ARK CS President **BRĐANIN** noted “what we have seen in Prijedor is an example of a job well done”;<sup>1890</sup>
- After Foča had been ethnically cleansed and its Muslim community subjected to large-scale murders and systematic acts of sexual violence, **KARADŽIĆ** and **KRAJIŠNIK** praised Foča as a “true Serbian town” which “will never be [Muslims’] again”;<sup>1891</sup>
- After Pale’s Muslims had all been expelled, Malko **KOROMAN** called Pale “free, Serbian, and a wonder for all the world.”<sup>1892</sup>

467. Unsurprisingly, therefore, when international observers protested to **MLADIĆ**, **KARADŽIĆ** and other JCE members about the ethnic cleansing their forces were carrying out<sup>1893</sup> they deflected this criticism rather than investigating or punishing the crimes.<sup>1894</sup> Examples of such deflection include:

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<sup>1888</sup> P07629, p.2.

<sup>1889</sup> P04087.

<sup>1890</sup> P03959, p.2; P03422, p.1.

<sup>1891</sup> AF728 ; P03076, p.26; P04132.

<sup>1892</sup> P03794, p.2.

<sup>1893</sup> E.g. P02532; BANBURY:P00874, para.49; P00887, para.9; ABDELRAZEK:P00293, paras.39-42; ABDELRAZEK:T.3614-3615; OKUN:P03103, T.4191,T.4369; OKUN:P03104, T.1505-1506; LUKIĆ:T.25416; WILSON:P00320, paras.101,104,109,112-113; WILSON:T.3997-3999; P00205, 00:06’42-00:06’49; P02048, pp.1-2; AKASHI:T.41764,T.41767-41768; P07699, para.7; ERCEG:T.34057; P02880; P03877, p.2; P02881; [REDACTED]; P05186; P07337; P00553; TUCKER:P00317, para.115.

<sup>1894</sup> E.g. Indictment, para.13(h).

- In response to the publication of journalists' visits to Omarska and Trnopolje camps in early August 1992, **MLADIĆ** said the transmissions had been forgeries, photo-montages or footage of Serbian prisoners in Muslim camps<sup>1895</sup> and claimed the footage of emaciated prisoners was "not a fair representation";<sup>1896</sup>
- **KARADŽIĆ** and other Bosnian Serb leaders did not deny ethnic cleansing but relied on *tu quoque* arguments or arguments about WWII;<sup>1897</sup>
- **PLAVŠIĆ** often received complaints about expulsions of Muslims from **ABDELRAZEK** and did not follow up.<sup>1898</sup>

2. **MLADIĆ** and other JCE members worked to cement the success of the ethnic cleansing campaign

468. Consistent with long-held plans,<sup>1899</sup> **MLADIĆ**, the GŠ-VRS and other JCE members strove to cement the post-ethnic cleansing reality so as to permanently achieve their objective of a continuous and ethnically homogenous Serb territory, in part through implementing a policy expelled non-Serbs could not return and resettling Serbs into RS-claimed territories.

(a) **KARADŽIĆ** and **MLADIĆ** sought to cement the post-ethnic-cleansing reality through negotiations

469. In peace negotiations, the BSL repeatedly attempted to impose a settlement based on the "post-ethnic cleansing" reality.<sup>1900</sup> **KARADŽIĆ** acknowledged this strategy both before the cleansing began and throughout the Indictment period.<sup>1901</sup> As he explained to the Assembly: "We have created new realities... We request Zvornik based on the right which comes out of a new reality."<sup>1902</sup> **MLADIĆ** was equally

<sup>1895</sup> VULLIAMY:P00199, T.8114-8115.

<sup>1896</sup> WILSON:P00320, para.104; WILSON:T.3997-3999; P00205, 00:06'42-00:06'49.

<sup>1897</sup> OKUN:P03103, T.4191-4192,T.4369; OKUN:P03104, T.1505-1506.

<sup>1898</sup> ABDELRAZEK:P00293, paras.39-40,48-49.

<sup>1899</sup> See P02659, p.1; P02005, p.11; P04927, p.4.

<sup>1900</sup> OKUN:P03103, T.4215-4216,T.4218-4219; OKUN:P03104, T.1778-1779. E.g. ROSE:P00736, paras.100,197; AKASHI:T.41732; P07691, pp.1-2.

<sup>1901</sup> E.g. P03774, p.5; P00354, p.22; P00360, p.54; D00639, p.7; P07693, p.2; P04582, pp.1-2; P07710, p.1; OKUN:P03103, T.4247,T.4274; P04143, 00:54'25-00:55'55, tp.1; D00639, p.9; P07746, pp.15-16.

<sup>1902</sup> P07357, p.5. See P07357, p.3.

committed to this strategy, observing “[w]hoever holds the territory also draws the maps” and “the people and its army have drawn the maps of Republika Srpska”<sup>1903</sup> and leading UNPROFOR to report that he wanted them to “authenticate the new lines of ethnic division.”<sup>1904</sup> **MLADIĆ**’s orders to VRS units reflected this strategy.<sup>1905</sup> As he reminded Corps Commands in Directive 2, referring to the creation of Serb corridors in Eastern Bosnia and Bosanska Posavina achieved in part through ethnic cleansing:<sup>1906</sup> “We liberated the territories we consider ours and created conditions for political and military leadership of SR BiH, so that they could perform all activities and negotiations regarding the future state of BiH from the position of the stronger one in this territory.”<sup>1907</sup>

470. In Directive 4, **MLADIĆ** ordered the VRS both to improve the RS leadership’s negotiating position and to expel the remaining Muslims from Eastern Bosnia.<sup>1908</sup> After the VRS and other BSF cleansed areas of Eastern Bosnia pursuant to Directive 4,<sup>1909</sup> **MLADIĆ** and other BSL members claimed the territory in negotiations, a claim negotiators knew “was based on ethnic cleansing.”<sup>1910</sup>

471. Internationals knew the BSL took negotiating positions that depended upon and attempted to cement the change in demographic conditions produced by ethnic cleansing—such as offers to end the war and accept the existing territorial distribution,<sup>1911</sup> or proposals to conduct referenda in Serb-claimed and cleansed territories.<sup>1912</sup> As OKUN explained, “holding a referendum in areas that you’ve ethnically cleansed looks like a pretty good deal to the cleanser.”<sup>1913</sup> OWEN

<sup>1903</sup> P01974, 00:49’26-01:00’05, tp.5.

<sup>1904</sup> P02810, para.2(a).

<sup>1905</sup> P03658; P01968/P02217, p.3; P03676.

<sup>1906</sup> See Sections III.D.3; III.D.5.

<sup>1907</sup> D00099, p.1. E.g. P04583, p.22. Similarly, **TALIĆ** noted to **MLADIĆ** the importance of insisting on the “factual situation” shortly after the 1KK had led the ethnic cleansing of municipalities throughout the ARK, including Prijedor. P00360, p.54.

<sup>1908</sup> P01968/P02217, pp.2-3,5.

<sup>1909</sup> See Section III.D.3(b).

<sup>1910</sup> OKUN:P03103, T.4192,T.4275-4276; P07742, p.4.

<sup>1911</sup> OKUN:P03103, T.4218-4219. **KARADŽIĆ** also told the Assembly in 1994 that, although previously he hoped that nothing would be accomplished during peace negotiations due to some “unfinished tasks related to military actions”, it was now a good time to make peace because, for example, the demographics in Doboj had changed from a Muslim relative majority to “almost 100% Serbian”. P03076, p.26.

<sup>1912</sup> E.g. OKUN:P03103, T.4245; OKUN:P03104, T.1518-1519.

<sup>1913</sup> OKUN:P03103, T.4245.

dismissed the proposal: "[t]oo much of the population has been displaced."<sup>1914</sup> International observers recognised that **MLADIĆ** and **KARADŽIĆ** also used the Sarajevo shelling and sniping terror campaign in an effort to compel the Bosnian authorities to agree to the post-ethnic cleansing reality.<sup>1915</sup>

(b) The GŠ-VRS and BSL sought to ensure non-Serbs removal from RS claimed territory was permanent through a policy of no return

472. To maintain the factual situation on the ground and cement their successful cleansing of Serb-claimed territories, the GŠ-VRS<sup>1916</sup> and BSL<sup>1917</sup> promulgated policies that ensured Bosnian Muslims and Croats who fled RS territory could not return. Non-Serbs were required to provide statements they were “voluntarily” and/or permanently leaving their homes,<sup>1918</sup> often required to obtain permission and pay a fee to leave,<sup>1919</sup> assign their property rights to Serb authorities or Serb owners, leave personal effects behind<sup>1920</sup> and limit the amount of money, valuables and goods taken out of the municipality.<sup>1921</sup> Even after **KARADŽIĆ** was forced to publicly repudiate the voluntary-departure statements,<sup>1922</sup> the BSL internally continued to cite them as useful. At a meeting of the Supreme Command, TOLIMIR approvingly noted similar “voluntary” statements were utilised in Croatia and as a consequence, “not a single Croat ever returned and we showed these papers to the UN and that is why the Croats cannot bring them back even by force.”<sup>1923</sup>

<sup>1914</sup> OKUN:P03104, T.1519.

<sup>1915</sup> ROSE:P00736, paras.28,197,199; BELL:P00832, para.60; BELL:T.7821; TUCKER:P00317, para.49; HARLAND:P00001, paras.28,35-39,43,63,155; HARLAND:T.679-680 RM163:P00628, paras.25-26,48,65,68,70,105,140(confidential); BANBURY:P00874, para.200.

<sup>1916</sup> See P03071, pp.5-6; P06723.

<sup>1917</sup> P02875; P03869, p.41; P07283; P00151, p.2; ERCEG:T.34046,T.34064,T.34014-34015; P02508, p.23. See P06976, 00:53'34-00:57'00, tp.2; KUPREŠANIN:T.29783-29786; KUPREŠANIN:P07010, T.43502.

<sup>1918</sup> E.g. KIRUDJA:P03587, paras.80,84; P03594, p.2; D.HANSON:P00379, para.101; P03788. See Ključ, Pale, Sanski Most, Vlasenica Summaries.

<sup>1919</sup> P03594, p.2; P03869, p.30; D.HANSON:P00379, para.101; P03715, p.2. See Bijeljina, Ključ, Prijedor, Sanski Most Summaries.

<sup>1920</sup> KIRUDJA:P03587, paras.84-85; DOYLE:P00091, para.112; P00099, p.2; D.HANSON:P00379, para.102; P03788. See Banja Luka; Ključ; Kotor Varoš; Pale; Prijedor; Sanski Most; Vlasenica Summaries.

<sup>1921</sup> P03869, pp.38-39,44; P03699; D00992; D.HANSON:P00379, para.101. See Pale, Kotor Varoš Summaries.

<sup>1922</sup> P00099, pp.1-2; D00427; D02041.

<sup>1923</sup> P06723, p.10.

473. Expelled non-Serbs' "abandoned" property was appropriated and redistributed and entitlements annulled pursuant to laws passed at the municipal,<sup>1924</sup> regional<sup>1925</sup> and republic levels,<sup>1926</sup> and municipal and RS commissions were established to receive "war booty" to be transferred to the RS's emergency reserves.<sup>1927</sup> VRS units then ordered that the military assume control over the collection and distribution of war booty and report daily on its status to superior commands.<sup>1928</sup> War booty commissions were established immediately after massacres in Ključ and Kotor Varoš in which VRS forces seized the victims' valuables before executing them.<sup>1929</sup>

474. KARADŽIĆ repeatedly made clear non-Serbs would not be able to return, stating in response to concern that a proposed peace plan might enable Muslims to return that "barbed wire" would be put up between Bosnian Serbs and non-Serbs.<sup>1930</sup> When Deputies' Club president MAKSIMOVIĆ said not even "500 or more Muslims" should be allowed back,<sup>1931</sup> KARADŽIĆ explained he would frustrate the right of return by insisting on a "two-way process",<sup>1932</sup> a reciprocal concept he elaborated on at the 53<sup>rd</sup> Assembly by explaining, "Muslims from Kozluk can return to Kozluk, if the Serbs from Kozluk return to Zenica", which they won't want or be able to do.<sup>1933</sup> KARADŽIĆ explained that this "cunning" approach meant he would not have to explicitly say Muslims would not be allowed to return.<sup>1934</sup>

(c) The BSL also cemented ethnic cleansing through strategic resettlement of ethnic Serbs

475. Ethnic cleansing created living space for Serbs to move into.<sup>1935</sup> The BSL then resettled Serbs into areas formerly inhabited by non-Serbs to ensure non-Serbs would not return to their homes. This cemented the Bosnian Serb "factual situation" on the

<sup>1924</sup> D.HANSON:P00379, para.102; P03931. *See* Bijeljina, Ilidža, Kotor Varoš, Rogatica, Vlasenica Summaries.

<sup>1925</sup> *E.g.* P03869, pp.15,26,28,31.

<sup>1926</sup> P00473, pp.2-3; D.HANSON:P00379, para.102.

<sup>1927</sup> P07048.

<sup>1928</sup> P07343; P04402; P03016; P04055; BROWN:P02859, pp.127-130. *See* Ilidža Summary.

<sup>1929</sup> *See* Ključ, Kotor Varoš Summaries.

<sup>1930</sup> P02508, p.23; ERCEG:T.34046,T.34064. *See* P06976, 00:53'34-00:57'00, tp.2; AKASHI:T.41732.

<sup>1931</sup> P03076, p.36.

<sup>1932</sup> P03076, p.38.

<sup>1933</sup> P04584, p.8.

<sup>1934</sup> P04584, p.8.

<sup>1935</sup> *E.g.* P02508, p.45.

ground,<sup>1936</sup> furthered the objectives of a continuous and ethnically homogenous Serb territory<sup>1937</sup> and consolidated the results of the ethnic cleansing campaign.

476. In July 1992, KARADŽIĆ ordered municipalities to inventory all housing facilities vacated by Muslims' purportedly "voluntary departure" and make such facilities available to Serbs.<sup>1938</sup> RS housing policy then sought to ensure "ethnic-geographical continuity of Serb population" in the RS<sup>1939</sup> by permanently resettling Serbs into the same areas targeted in the strategic objectives<sup>1940</sup> through Republic,<sup>1941</sup> regional<sup>1942</sup> and municipal<sup>1943</sup> commissions.

477. Permanent resettlement of Serbs into these territories represented an effort to cement the non-Serb population's displacement. As BRĐANIN, who had repeatedly called for expelling non-Serbs<sup>1944</sup> and led the resettlement program together with OSTOJIĆ,<sup>1945</sup> made clear in advocating for the proposed Law on Housing: "gentlemen, you cannot fool me that you believe in the greatest wonder of the world such as that BRĐANIN could participate in a process of return of Croats and Muslims."<sup>1946</sup>

3. **MLADIĆ's failure to punish JCE crimes and promotion of those responsible reflects his shared common purpose and forms part of his JCE contribution**

478. **MLADIĆ's** praise and promotions of subordinates whose units committed JCE crimes and his failure to punish them provide further evidence of his criminal intent and his contribution to the JCE.<sup>1947</sup> **MLADIĆ** was aware of crimes committed in the implementation of the overarching JCE but did not use his authority over the functioning VRS military justice system to punish his subordinates and prevent further JCE crimes.<sup>1948</sup> **MLADIĆ's** failure to prevent and punish JCE crimes and

<sup>1936</sup> P06734, p.4.

<sup>1937</sup> LUKIĆ:T.25447-25448,T.25477-25479,T.25481,T.25485-25486; D00632, p.5; P06742, p.11; D00639, p.16; P02508, pp.49-50.

<sup>1938</sup> P00263. E.g. KIRUDJA:P03587, para.51.

<sup>1939</sup> P02508, pp.49-50; P06734, p.4; D00639, pp.16-22; LUKIĆ:T.25483-25484. See P02003.

<sup>1940</sup> LUKIĆ:T.25446; D00632, p.5; P06734, p.4.

<sup>1941</sup> D00639, pp.16-18.

<sup>1942</sup> E.g. P03869, pp.29-30,41.

<sup>1943</sup> See Banja Luka, Ilidža, Ključ, Sanski Most Summaries.

<sup>1944</sup> See Banja Luka Summary.

<sup>1945</sup> D00639, p.16; LUKIĆ:T.25476-25477,T.25480; GLOGOVAC:T.25276.

<sup>1946</sup> P06742, p.11.

<sup>1947</sup> See Municipality Summaries.

<sup>1948</sup> See Section II.G.

rewarding of perpetrators created a culture of impunity which encouraged the commission of more crimes and furthered the common purpose.<sup>1949</sup>

(a) MLADIĆ knew Bosnian Serb forces including his subordinates were committing crimes

479. **MLADIĆ** and other JCE members were well aware crimes were being committed by Bosnian Serb forces throughout the cleansing campaign. Public reports<sup>1950</sup> and vast media coverage<sup>1951</sup> meant that anyone with even a casual interest in Bosnia was aware of the cleansing campaign. Internationals repeatedly made direct complaints to Bosnian Serb authorities, including **MLADIĆ**.<sup>1952</sup> This information was so pervasive that international negotiators found it unnecessary to raise it at every meeting—it was simply always in the background.<sup>1953</sup> The GŠ-VRS acknowledged its awareness of the international outcry, decrying the “brutal and ruthless anti-Serbian media campaign” about “massacres of civilians” and “bombardment of civilian facilities.”<sup>1954</sup>

480. **MLADIĆ** and the GŠ-VRS also received written reports of VRS crimes against non-Serbs<sup>1955</sup> and oral reports of such crimes.<sup>1956</sup> Finally, **MLADIĆ** personally observed at least forced labour and the devastation of Muslim civilian areas.<sup>1957</sup>

<sup>1949</sup> See Indictment, para.13(j).

<sup>1950</sup> E.g. P02813, paras.6,11; P03912; P01055; P01062; P00887, para.9; P03111, pp.2-4; P07292, pp.2,4; P07293.

<sup>1951</sup> P03928; P00206, 00:00'00-00:24'45; P02530; P02571; P02572; P02529; P02570; P06899, 00:49'40-00:52'30, tp.1; P00841; P06739; P06748; OKUN:P03103, pp.178-179; WILSON:P00320, para.101. See VANLYNDEN:P00066, paras.12-13.

<sup>1952</sup> P02532; P00553; TUCKER:P00317, para.115; [REDACTED]; P02047; P03899; P02048; AKASHI:T.41745-41750,T.41763-41764; P07694, paras.10-13; P07699, para.7; P07698, para.6; P03789, p.4; R.PAŠIĆ:T.31119; P07105, pp.1-2; P07104, p.1; WILSON:P00320, paras.104,109,112-113; WILSON:T.3997-3999; P00205, 00:06'42-00:06'47, tp.4.

<sup>1953</sup> OKUN:P03103, pp.178-179.

<sup>1954</sup> P00338, p.45.

<sup>1955</sup> **Expulsions:**D00418, p.1; P03733, p.3; P05148, p.2. **Unlawful detentions:**P03951, pp.1-3,4; P02886, p.12; P04146, p.1. See D01504, p.1. **Inhumane conditions of detention:**P00230, pp.1-2; P02880; P02881; [REDACTED]; P05138, pp.1-2; P04057; **Killings:**P00441, p.1; SIC:A.4.4(Kotor Varoš); P03819, p.1; P03724, p.1; P03730; P03823, p.2. GVOZDEN was released from custody after one month and not prosecuted. See Sanski Most Summary. E.g. P03730; P02843, p.2; P03716, p.1; P04040, p.1; P03818, p.1; P07340.

<sup>1956</sup> **Expulsions:**P00353, pp.253-254; P00345, pp.87-88; **Unlawful detentions:**P00353, p.114; P00355, p.63; **Killings:**P00358, pp.154-155.

<sup>1957</sup> See Prijedor and Rogatica Summaries.

(b) **MLADIĆ** did not use his authority to ensure subordinates who committed crimes against Muslims were punished

481. VRS soldiers and military court staff admitted that known crimes against non-Serbs were not pursued.<sup>1958</sup> The few investigations of crimes committed by Serbs against non-Serbs were largely dismissed and the perpetrators released.<sup>1959</sup> Otherwise, the accused were charged with lesser crimes, which avoided mandatory prison sentences,<sup>1960</sup> or punishments were not carried out.<sup>1961</sup> Perpetrators of such crimes often smugly confessed, aware of their immunity from prosecution.<sup>1962</sup> Perpetrators were released and, unlike perpetrators of crimes against Serbs,<sup>1963</sup> sent back to the front line to fight for the VRS.<sup>1964</sup>

482. This was VRS policy, consistent with the common criminal purpose. **MLADIĆ** himself promised impunity to those in Teslić enjoined to commit crimes against non-Serbs,<sup>1965</sup> [REDACTED],<sup>1966</sup> and VRS and civilian authorities at times pressured military courts to release Serb perpetrators, which they then did.<sup>1967</sup>

483. Defence witnesses were repeatedly unable to cite any instance where a soldier was punished for a crime against Muslims or Croats<sup>1968</sup> or any investigations into allegations of violations of the law of war.<sup>1969</sup> Evidence including the logbooks of the

<sup>1958</sup> [REDACTED]; [REDACTED]. See [REDACTED]. [REDACTED]; RADULJ:T.35548; [REDACTED].

<sup>1959</sup> [REDACTED]. E.g. [REDACTED]; [REDACTED]; [REDACTED]; P03536.

<sup>1960</sup> S.BOJANOVIĆ:T.27949,T.27956-27958,T.27972. See S.BOJANOVIĆ:D00747, paras.23-24. D00750. In the *Tasovac* case, BOJANOVIĆ gave the accused a sentence under 5 years, which the Supreme Court increased to 9 years on appeal. BOJANOVIĆ did not know how long the accused actually spent in prison. See S.BOJANOVIĆ, T.27957-27958; D00751; D00752; [REDACTED]; [REDACTED]; RADULJ:T.35517,T.35520; [REDACTED]. BOJANOVIĆ acknowledged that a Muslim convicted in an armed rebellion case, who was sentenced to 12 years in prison, received a longer sentence than any of the Serb he discussed in his statement. P06897.

<sup>1961</sup> [REDACTED].

<sup>1962</sup> [REDACTED]. E.g. P00235, p.2(confidential). Sakib MUHIĆ:P03426, pp.5,9-10; P00366; P03563, p.63.

<sup>1963</sup> [REDACTED].

<sup>1964</sup> AF774; [REDACTED]; [REDACTED]; P02369, p.2(confidential); [REDACTED]; S.BOJANOVIĆ:T.27965-27971; P03710, p.2. See [REDACTED]. D02018; D00257, pp.2-3(confidential); D00748; P03823, p.2; PREDOJEVIĆ:T.30796-30799,T.30824-30829; D00882; P07074, p.3; P07075; P07076; [REDACTED]; RADULJ:T.35531-35532; P03528, pp.38-40,58; Ključ Summary; [REDACTED]; P00369, p.2; P02371(confidential); P03556; [REDACTED]; P03543; P07851, pp.14-16.

<sup>1965</sup> P06890, p.1; RADULOVIĆ:P03207, para.133(confidential).

<sup>1966</sup> [REDACTED]; [REDACTED].

<sup>1967</sup> [REDACTED]; [REDACTED]. [REDACTED]. See [REDACTED]; [REDACTED]

<sup>1968</sup> BORIC:T.34672-34674; KELEČEVIĆ:T.37233-37235.

<sup>1969</sup> MIJATOVIĆ:T.21527.

Banja Luka and Bijeljina military courts<sup>1970</sup> and the Banja Luka military prosecutor's office<sup>1971</sup> confirm the absence of prosecutions of JCE crimes committed by **MLADIĆ**'s subordinates against non-Serbs.<sup>1972</sup>

484. The complete failure of the military justice system to prosecute crimes against Muslims and Croats was reflected in Defence attempts to demonstrate the opposite, which were exposed as relying upon cases in which the accused were not VRS soldiers at the time the crime was committed and the military court found it did not have jurisdiction,<sup>1973</sup> cases in which the victims were Serbs<sup>1974</sup> or VRS soldiers,<sup>1975</sup> cases for which there is no evidence the perpetrators were prosecuted,<sup>1976</sup> cases involving property<sup>1977</sup>—war booty—the owners of which had fled and which regulations required to be provided to central RS authorities<sup>1978</sup>, cases which were transferred to the civilian courts,<sup>1979</sup> and cases in which the accused were only prosecuted long after the war.<sup>1980</sup> For instance, the Defence cited the STANKOVIĆ case even though STANKOVIĆ was released after murdering a Muslim in Srbac in 1992<sup>1981</sup> and after being convicted of murdering another Muslim was released on appeal [REDACTED]. It was only later when STANKOVIĆ injured two Serb children that the case involving the killing of Muslims was reopened and he was prosecuted for both crimes.<sup>1982</sup>

<sup>1970</sup> P03564. See [REDACTED]; [REDACTED]; P03563.

<sup>1971</sup> P03547. See P03537; P02420.

<sup>1972</sup> [REDACTED]; RADULJ:T.35543-35545; THEUNENS:P03029, pp.318-319; THEUNENS:T.20388; D00437, p.28.

<sup>1973</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; S.BOJANOVIĆ:T.27959-27963(confidential); S.BOJANOVIĆ:D00747, para.12; P06894, p.4.

<sup>1974</sup> D02050.

<sup>1975</sup> D02102; D02063.

<sup>1976</sup> D01995; D01951; D01997; D02038; D02062; D01956; D02054.

<sup>1977</sup> D02047.

<sup>1978</sup> P07048. **MLADIĆ** and other JCE members focused on the appropriation of property by VRS members after the non-Serb population had fled because it violated rules providing that such property accrued to the State as "war booty". See S.BOJANOVIĆ:T.27964-27971,T.27997-27998,T.27991-27999; S.BOJANOVIĆ:D00747, para.26-27; P06895, pp.2,4; P06896, p.2. This is also reflected in the military prosecutors' reports and military court logbooks. See para.483. The Bijeljina military court applied a policy that a suspended sentence would have sufficient effect in theft cases, but only if the accused was a Serb.

<sup>1979</sup> P01063.

<sup>1980</sup> [REDACTED]; [REDACTED]; [REDACTED]. See [REDACTED]. [REDACTED]. [REDACTED].

<sup>1981</sup> MILINČIĆ:T.28362-28363. See MILINČIĆ:D00783, para.13.

<sup>1982</sup> [REDACTED]; P03538; MILINČIĆ:T.28353-28363.

(c) Other cases were pursued, demonstrating that the system was functioning and **MLADIĆ**'s influence over it

485. Indeed, the military justice system functioned for cases other than crimes against non-Serbs. **MLADIĆ** used his authority over the military justice system<sup>1983</sup> and his material ability to punish crimes<sup>1984</sup> to prosecute crimes against the state, the armed forces, and Serbs,<sup>1985</sup> unlike crimes against non-Serbs.<sup>1986</sup> Throughout the Indictment period, **MLADIĆ** issued orders to investigate breaches of and enforce military discipline, and launch criminal proceedings for evasion of military service and desertion.<sup>1987</sup> He also issued orders to obtain information about crimes committed by non-Serbs.<sup>1988</sup> Ironically, the GŠ-VRS' Guidelines for Determining the Criteria for Criminal Prosecution<sup>1989</sup> prioritised crimes against humanity and international law alongside desertion and failure to respond to mobilisation, but in reality such crimes were not pursued.<sup>1990</sup> Defence witness RADULJ, Banja Luka Military Court Deputy Prosecutor,<sup>1991</sup> accepted that cases where the victims were Serbian, or the Army's interests were implicated, came "first, last and only in the work of the Banja Luka Military Court."<sup>1992</sup>

486. [REDACTED],<sup>1993</sup> [REDACTED].<sup>1994</sup> [REDACTED].<sup>1995</sup> [REDACTED].<sup>1996</sup>

<sup>1983</sup> See Section II.G.

<sup>1984</sup> See Section II.G.

<sup>1985</sup> E.g. THEUNENS:T.20387-20390; P03066; P03067. Investigating and documenting crimes committed against Serbs was part of the government's platform. LUKIĆ:T.25447-25450; D00632, p.6; D00633, p.10; D00634, p.7; D00635, pp.5-9.

<sup>1986</sup> THEUNENS:T.20388. See BORIĆ:T.34654,T.34672-34674; P07340; P05186; P07337.

<sup>1987</sup> P03666; Radovan KARADŽIĆ and other JCE members' orders similarly reflect such a focus. E.g. P05057. See Section II.G.

<sup>1988</sup> P05053. See P04382; THEUNENS:P03029, pp.548-549. [REDACTED]. [REDACTED]; [REDACTED].

<sup>1989</sup> P03352; [REDACTED].

<sup>1990</sup> [REDACTED].

<sup>1991</sup> RADULJ:T.35481.

<sup>1992</sup> RADULJ:T.35540,T.35549-35550. See RADULJ:T.35524-35525; [REDACTED]; S.BOJANOVIĆ:T.27982.

<sup>1993</sup> [REDACTED]. See [REDACTED].

<sup>1994</sup> [REDACTED]; [REDACTED].

<sup>1995</sup> [REDACTED]; [REDACTED]. The Chief Military Prosecutor would also meet with the Corps command and commands of other units to report on the work of the Military Prosecutor's Office. RADULJ:T.35518.

<sup>1996</sup> [REDACTED]. See [REDACTED]; [REDACTED]; [REDACTED]

(d) VRS perpetrators of JCE crimes were promoted

487. Far from being prosecuted, in many instances commanders of VRS units which committed serious crimes received promotions which required **MLADIĆ**'s approval.<sup>1997</sup> For instance:

- The Commander of Manjača camp, the subject of international complaints about poor conditions and abuse<sup>1998</sup> was promoted<sup>1999</sup> and also reappointed as commander when the camp was reopened in 1993.<sup>2000</sup> No one was punished in the Banja Luka military court for crimes in the camp,<sup>2001</sup> including the identified perpetrators of the murders of BENDER and FILIPOVIĆ,<sup>2002</sup>
- 43<sup>rd</sup> Mtbr commander Vladimir ARSIĆ and his deputy Radmilo ZELJAJA<sup>2003</sup> were promoted after the 43<sup>rd</sup> mtbr led the ethnic cleansing of Prijedor municipality.<sup>2004</sup> TALIĆ recommended ZELJAJA for promotion even as the 43<sup>rd</sup> mtbr was cleansing the Brdo area.<sup>2005</sup> ARSIĆ, who finished the war as a Major-General,<sup>2006</sup> was promoted on the same day **MLADIĆ** was informed that ARSIĆ was involved in the Tomašica cover up,<sup>2007</sup>
- Radislav KRSTIĆ, 2<sup>nd</sup> Romanija Mtbr Commander, who oversaw the cleansing of Sokolac which culminated in the rounding up and murder of the remaining men in Novoseoci in September 1992, was appointed DK Chief of Staff and appointed DK Commander on the evening of 13 July 1995, the first day of mass executions committed pursuant to the JCE to Eliminate.<sup>2008</sup> In his performance evaluation spanning 1991 to 1995, **MLADIĆ** rated KRSTIĆ as "excellent."<sup>2009</sup>

<sup>1997</sup> See Section II.D.6.

<sup>1998</sup> See Banja Luka Summary.

<sup>1999</sup> BROWN:P02862, pp.62,80. See P02908, p.2.

<sup>2000</sup> BROWN:T.19771-19772,T.19799-19800; P03683, p.1; P00245. See MEDIĆ:T.2047.

<sup>2001</sup> [REDACTED]; [REDACTED].

<sup>2002</sup> RM051:P00214, T.2895-2896(confidential); P00222(confidential).

<sup>2003</sup> BROWN:P02859, p.132; P04291, p.2; P05279, p.4; P04087; SELAK:T.3005.

<sup>2004</sup> SIC:A6.1-6.6(Prijedor). See P03946, p.139.

<sup>2005</sup> P05279, p.4

<sup>2006</sup> P07807; R.JAVORIĆ:T.31424. See P07474

<sup>2007</sup> P00358, pp.154-155; P07478; KELEČEVIĆ:T.37284. He was promoted again in 1995. P07807; R.JAVORIĆ:T.31424. See P07474.

<sup>2008</sup> P02631, pp.2-3; P07056/P01713(duplicates). See Section V.A.3(m).

<sup>2009</sup> P02631, pp.2-3. See P03689, pp.6-7.

- **MLADIĆ** promoted Rajko KUŠIĆ, Commander of the 1<sup>st</sup> Podrinje Light Infantry Brigade, whose responsibility for numerous crimes in Rogatica was known to both SRK and DK commands.<sup>2010</sup> KUŠIĆ was awarded the Order of Miloš Obilić and lauded by *Srpska Vojska*<sup>2011</sup> and, on 5 June 1993, **MLADIĆ** promoted him to Maj.<sup>2012</sup> KUŠIĆ and his Brigade went on to, *inter alia*, “liquidate” five remaining “Balijs” from Žepa and one unarmed “Ustasha” from Srebrenica.<sup>2013</sup> In December 1995, **MLADIĆ** stating KUŠIĆ “deserve[d] every honour”.<sup>2014</sup>
- Svetozar ANDRIĆ, Commander of the IBK Birać Brigade, ordered his subordinate units to ethnically cleanse Eastern Bosnia<sup>2015</sup> and ordered the “organis[ation]” of Sušica camp<sup>2016</sup>—where **MLADIĆ** knew civilians including women and children were detained. ANDRIĆ was promoted to Lt. Col. early by **MLADIĆ** on 10 July 1992<sup>2017</sup> and on 13 July 1995 was appointed DK Chief of Staff.<sup>2018</sup>
- **MLADIĆ** exceptionally promoted 1KK Commander TALIC, whose Corps was responsible for a multitude of crimes, including the Grabovica massacre and internationally notorious crimes in Prijedor and Sanski Most,<sup>2019</sup> to Gen. Lt.-Col. on 31 December 1992.<sup>2020</sup> In November 1995, **MLADIĆ** rated TALIC as “excellent.”<sup>2021</sup> **MLADIĆ** commended the 1KK 30<sup>th</sup> Division for their work after they committed massacres at Velagići and Prhovo<sup>2022</sup> and promoted its commander, Stanislav GALIĆ, to command the SRK.<sup>2023</sup>

<sup>2010</sup> See Rogatica Summary.

<sup>2011</sup> P03915, p.1.

<sup>2012</sup> P03684. See P04002.

<sup>2013</sup> P01064, p.1. See [REDACTED].

<sup>2014</sup> P03689, p.7. See P03690, p.1.

<sup>2015</sup> P07086; P00466.

<sup>2016</sup> P00190; S.ANDRIĆ:T.34802-34803; P00353, p.232; SIC:C.19.3(Vlasenica).

<sup>2017</sup> P07380.

<sup>2018</sup> S.ANDRIĆ:D01033, p.1; P07056/P01713(duplicates).

<sup>2019</sup> Banja Luka, Kotor Varoš, Prijedor, and Sanski Most Summaries.

<sup>2020</sup> P04993.

<sup>2021</sup> P02887, pp.2-3.

<sup>2022</sup> See Ključ Summary.

<sup>2023</sup> BROWN:P02859, pp.132-133; KELEČEVIĆ:T.37241; P03844, p.57. While GALIĆ was SRK commander, **MLADIĆ** promoted him to Major General on 10 November 1993. P05002; P04571; P04986; P04987, p.5; P07462, p.10; P05009.

(e) MLADIĆ's failure to prevent or punish crimes made further crimes more likely

488. The culture of impunity created by **MLADIĆ's** rewarding perpetrators of JCE crimes rather than punishing them furthered the CCP by encouraging the commission of further JCE crimes.<sup>2024</sup> [REDACTED].<sup>2025</sup> [REDACTED], punishment of a single crime, [REDACTED], would have served a lesson to others.<sup>2026</sup>

489. Moreover, perpetrators of crimes who were not punished but released back to their units were likely to, and often did,<sup>2027</sup> reoffend.<sup>2028</sup> **MLADIĆ's** failure to punish JCE crimes and release of perpetrators back to their units had the added impact of increasing fear among non-Serbs, further pressuring them to leave.<sup>2029</sup>

(f) MLADIĆ issued spurious orders to comply with the Geneva Conventions to protect himself from liability

490. In this context, references to the Geneva Conventions or to not mistreating non-Serbs in orders issued by **MLADIĆ**, other JCE members and VRS officers<sup>2030</sup> were meaningless. While **MLADIĆ** and other professional VRS officers were aware of the law of war<sup>2031</sup> and consequently inserted conventional references to them in their orders, the lack of any punishment of VRS soldiers for JCE crimes reflects that such orders were window-dressing rather than genuine attempts to punish or prevent the crimes.<sup>2032</sup> Indeed, recipients were aware that these orders were meaningless: when a battalion commander read a statement from the Supreme Commander that soldiers were not to burn more property or kill more prisoners, they were also told that it had been written because of the international community, that the Commander sent best regards, that they should continue doing "a great job,"<sup>2033</sup> and that nobody was

<sup>2024</sup> See [REDACTED].

<sup>2025</sup> [REDACTED]. See [REDACTED]; [REDACTED].

<sup>2026</sup> [REDACTED]. See RADULJ:T.35541-35542.

<sup>2027</sup> E.g. paras.484,487; P07851; D02010.

<sup>2028</sup> [REDACTED]; [REDACTED]. See MATIJEVIĆ:T.43104-43105.

<sup>2029</sup> [REDACTED].

<sup>2030</sup> E.g. THEUNENS:P03029, pp.543-549. KARADŽIĆ, in particular, also issued self-serving orders designed to appease the international community and shield himself from liability. THEUNENS:P03029, pp.543-545; P02184.

<sup>2031</sup> D.LALOVIĆ:T.21970; KELEČEVIĆ:T.37222; VELJOVIĆ:T.22920; KESEROVIĆ:T.12986; M.ŠEHOVAC:D00559, para.11. E.g. Dragić GOJKOVIĆ:T.37562; P02185.

<sup>2032</sup> E.g. BROWN:T.19534-19536.

<sup>2033</sup> [REDACTED].

saying that there should be no more burning and killing – a suggestion otherwise was met with the response “who said that?”<sup>2034</sup> This understanding of the true objective, and the meaninglessness of toothless orders seemingly to the contrary, reflects the inescapable conclusion that **MLADIĆ**’s subordinates were able to draw from the absence of any investigations or prosecutions and the promotion of those responsible for crimes and underscores that **MLADIĆ**’s orders to follow the law were hollow and self-serving attempts to mimic conventional military practice and create a seemingly appropriate paper trail.

491. The relationship between the pursuit of the common purpose and **MLADIĆ**’s failure to punish and prevent is illustrated by his last request as GŠ-VRS Commander, when he expressed his concern about the fate of the Army and people who created it. He asked PLAVŠIĆ, then RS President, to “give written guarantees that not one member of the Army of the RS will bear any disciplinary, criminal or other responsibility or consequences for the execution of orders in line with the decisions and orders of Gen. **MLADIĆ** up to the passing of this decision.”<sup>2035</sup> This extraordinary request reflected **MLADIĆ**’s view that those who implemented the criminal campaign under orders should not be punished.

4. **MLADIĆ**, other JCE members and Serb forces covered up many of their gravest crimes committed during the cleansing campaign

492. **MLADIĆ**, other JCE members, and Serb forces covered up many of their gravest crimes committed during the ethnic cleansing campaign. In particular, they relied on mass grave burials to conceal the evidence of massacres.<sup>2036</sup> Oftentimes because of the haste in which bodies were initially buried,<sup>2037</sup> reburial operations were carried out to ensure the mass graves and their contents remained secret,<sup>2038</sup> underscoring the conscious decision to conceal the crimes. Reflecting the nature of

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<sup>2034</sup> [REDACTED].

<sup>2035</sup> P05028, p.1.

<sup>2036</sup> P00358, pp.154-155; P07656; [REDACTED]; P02407, p.1; [REDACTED]; P03528, pp.5-12. See AF1268; [REDACTED]; [REDACTED]; RIEDLMAYER:P02510, pp.141-142; RIEDLMAYER:T.17905-17906.

<sup>2037</sup> E.g. [REDACTED]; [REDACTED].

<sup>2038</sup> [REDACTED]; P00358, p.155; SÉBIRE:P03282, pp.48-50(confidential); [REDACTED]; [REDACTED]; P07021.

the cleansing campaign, in some places bodies were buried under the rubble of destroyed mosques.<sup>2039</sup>

493. These burial and reburial operations encompassed hundreds of mass graves and thousands of victims.<sup>2040</sup> While many have been found, and exhumations continued even in 2015,<sup>2041</sup> burial and reburial operations were often successful in concealing victims' identities and locations long after the war.<sup>2042</sup> The natural corollary to this is large numbers of non-Serbs remain missing throughout BiH,<sup>2043</sup> the resulting psychological effects on victims' families have been devastating and prolonged.<sup>2044</sup> Although the Defence purported to challenge this evidence, the attack was vague<sup>2045</sup> and grounded on superficial or uninformed analysis.<sup>2046</sup>

494. Consistent with the aim of the burial and reburial operations—to conceal evidence of murders—when **MLADIĆ** was informed about one of the largest known mass grave burials in the Municipalities, at Tomašica in Prijedor municipality,<sup>2047</sup> he ordered that information about the site be “retained well to prevent it getting into the hands of unauthorised people.”<sup>2048</sup> Similarly, senior RS officials expressed concern that uncovering burial sites would reveal victims as Muslim authorities searched after the war for mass graves in Nevesinje,<sup>2049</sup> where mass graves contained women, children and elderly people, many of whose remains were still missing in 2007.<sup>2050</sup>

<sup>2039</sup> E.g. P00727, p.2; RIEDLMAYER:P02510, p.130; RIEDLMAYER:P02503, para.48; P03919, p.2.

<sup>2040</sup> SÉBIRE:P03284, pp.5-6,11(confidential); TABEAU:P02797; TABEAU:P02796, p.32; TABEAU:T.19286; TABEAU:P07455, p.1. E.g. AF708; AF773; SÉBIRE:P03282, p.5(confidential); P00358, p.155; P02066, pp.90-92; EGRLIĆ:P03402, p.8; [REDACTED]; DRAGANOVIĆ:P03293, pp.25-28; DZAFIĆ:P03394, paras.135-136; ATLIJA:P00168, paras.71-94(confidential); ATLIJA:P00169, paras.1-34(confidential); RM046:P00741, p.1(confidential); P02068, pp.15-17; CLARK:P02265, p.2; CLARK:P02267, p.1; P04839; P00198; P03919, pp.1-2.

<sup>2041</sup> P07636.

<sup>2042</sup> E.g. SÉBIRE:P03284, p.4(confidential); TABEAU:P07449, pp.2; I.HANSON:P07431, pp.7-9,52-54; SELMANOVIĆ:P00717, para.23; SELMANOVIĆ:T.6719-6720; I.HANSON:P07431, p.9; DRAGANOVIĆ:P03293, p.27; I.OSMANOVIĆ:T.2767-2769; MATIJEVIĆ:T.43135; [REDACTED]. See Victim Chart:B.16.2.

<sup>2043</sup> E.g. DZAFIĆ:P03394, para.136; TABEAU:P02797, pp.318-387; TABEAU:P07449, p.41; P07657; SELMANOVIĆ:T.6723-6724; M.AVDIĆ:P03303, paras.9-13; P03304; P03305; DRAGANOVIĆ:P03293, p.28; Elvedin PASIĆ:T.589-592,T.637; [REDACTED]. See MIŠIĆ:T.36987.

<sup>2044</sup> E.g. Elvedin PASIĆ:T.589-592,T.637; RM060:P02596, T.6929(confidential); [REDACTED]; I.OSMANOVIĆ:T.2767-2770.

<sup>2045</sup> MIŠIĆ:T.36889-36892,T.37034.

<sup>2046</sup> MIŠIĆ:T.37032-37033,T.37035-37036.

<sup>2047</sup> P00358, p.155.

<sup>2048</sup> P00358, p.155.

<sup>2049</sup> P07656; P07655; KIJAC:T.41233,T.41236.

<sup>2050</sup> P07657. See P07664, p.1; P07665, p.1; P07666, p.1.

495. **MLADIĆ**'s subordinates were directly involved in the mass grave operations at Tomašica and elsewhere. VRS officers were informed and gave orders about mass grave operations;<sup>2051</sup> a number of mass gravesites were located near VRS barracks or checkpoints or on the property of a mobilised company.<sup>2052</sup> VRS officers and other Serb authorities took calculated steps to keep the burial and reburial operations secret:

- In Prijedor, information about mass graves was tightly controlled,<sup>2053</sup> access to grave locations restricted,<sup>2054</sup> and when individuals complained to Serb authorities about mass graves they did not investigate.<sup>2055</sup>
- In Sanski Most, the CS discussed means to conceal burial operations<sup>2056</sup> and in 1994 SNB Banja Luka discussed reburying Muslim victims to avoid "propaganda" about mass graves in the municipality.<sup>2057</sup>
- [REDACTED].<sup>2058</sup>
- Non-Serbs involved in the operations were often prisoners or people kept under tight control<sup>2059</sup>—including not being permitted to go to burial sites.<sup>2060</sup>
- Mass graves were created away from towns, often in areas under direct VRS control.<sup>2061</sup>
- Orders concerning the operations were often given verbally instead of in writing.<sup>2062</sup>
- Reburial operations were used to further conceal mass graves.<sup>2063</sup>

<sup>2051</sup> E.g. P03528, p.12; [REDACTED]; [REDACTED]; [REDACTED]; O.MARJANOVIĆ:T.41035-41036; [REDACTED]; P03919, pp.1-2.

<sup>2052</sup> See Prijedor and Ključ Summaries; [REDACTED]; [REDACTED].

<sup>2053</sup> E.g. [REDACTED]; ZDJELAR:P07311, paras.2-4; [REDACTED]; RM704:P02602, pp.4-7(confidential); [REDACTED]; [REDACTED].

<sup>2054</sup> E.g. [REDACTED]; [REDACTED].

<sup>2055</sup> E.g. RADULJ:T.35573-35574; [REDACTED]; [REDACTED]. See Section III.E.3.

<sup>2056</sup> P07418, pp.14-15.

<sup>2057</sup> P07021.

<sup>2058</sup> E.g. [REDACTED]; [REDACTED].

<sup>2059</sup> E.g. [REDACTED]; I.OSMANOVIĆ:P00207, para.28; RM704:P02602, pp.4-7(confidential); [REDACTED].

<sup>2060</sup> E.g. [REDACTED]; [REDACTED].

<sup>2061</sup> E.g. P07630, p.2; O.MARJANOVIĆ:T.41021-41022,T.41031,T.41036; P07385; [REDACTED]; KALABIĆ:T.30235-30236; [REDACTED]; [REDACTED].

<sup>2062</sup> E.g. [REDACTED]; [REDACTED]; ZDJELAR:P07311, paras.2-4; [REDACTED]; [REDACTED]; [REDACTED].

496. Many of the exhumed mass graves reflect extreme measures taken to conceal or resulting in the concealment of the graves and their contents.<sup>2064</sup> Explosive devices in some mass graves completely destroyed the bodies buried in them.<sup>2065</sup> More generally, heavy machinery and reburial operations disturbed the integrity of the victims' remains.<sup>2066</sup> As a result, in some cases, family members and others carrying out identifications were confronted with portions of the victim's remains exhumed in multiple locations,<sup>2067</sup> or with only small portions of the remains found at all.<sup>2068</sup>

497. The secrecy and other extreme measures associated with these burials would not have been necessary if the mass graves contained combatants killed in combat.<sup>2069</sup> The mass graves, however, primarily contained murder victims: detainees killed in camps in the Municipalities<sup>2070</sup> and civilian non-combatants killed in the Municipalities,<sup>2071</sup> including the elderly<sup>2072</sup> and children as young as three years of age.<sup>2073</sup> Defence claims that mass graves contained people who died in combat were unsubstantiated. For instance, Defence expert RADOVANOVIĆ, whose evidence was not credible,<sup>2074</sup> admitted that she had conducted no data matching herself and consequently could not identify any purported combat casualties.<sup>2075</sup> Indeed, RADOVANOVIĆ admitted that even the documents she cited to establish there had been conflict in Prijedor did not refer to the times or places when most of the victims

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<sup>2063</sup> [REDACTED]; P00358, p.155; SÉBIRE:P03282, pp.48-50(confidential); [REDACTED]; [REDACTED]; P07021.

<sup>2064</sup> E.g. DRAGANOVIĆ:P03293, p.27; [REDACTED]; [REDACTED]; SÉBIRE:P03282, p.48(confidential); P00727, p.2; RIEDLMAYER:P02510, p.130; RIEDLMAYER:P02503, para.48. See SIC:7.1(Kalinovik).

<sup>2065</sup> [REDACTED]; [REDACTED]. See SÉBIRE:P03282, p.48(confidential).

<sup>2066</sup> KRČMAR:T.32419; BARAYBAR:P02093, pp.2-3; I.HANSON:T.36347; I.HANSON:P07431, p.54.

<sup>2067</sup> E.g. I.OSMANOVIĆ:T.2767-2769. See TABEAU:P07449, pp.2,6-7,12; PARSONS:T.36417-36418.

<sup>2068</sup> E.g. I.OSMANOVIĆ:T.2768-2769; M.AVDIĆ:P03303, para.13; ElvedinPASIĆ:T.637.

<sup>2069</sup> See [REDACTED].

<sup>2070</sup> E.g. P07344, p.5; [REDACTED]; [REDACTED]; RM046:P00741, p.3(confidential); TABEAU:P02797, pp.294-315,388-599,601,604; OSMANOVIĆ:T.2769-2770; [REDACTED]; RM017:P03228, pp.16-17(confidential).

<sup>2071</sup> E.g. DŽAFERAGIĆ:P01894, pp.3-4,7; [REDACTED]; RM704:P02602, pp.4-7(confidential); DRAGANOVIĆ:P03293, pp.25-28,33-34,58-59,63; [REDACTED]; [REDACTED]; P02947(confidential); P02948(confidential); P07744(confidential); P07745; BARAYBAR:P02093, p.10; CLARK:P02267, pp.8-12; CLARK:P07443, pp.7-12; CLARK:P07444.

<sup>2072</sup> E.g. TABEAU:P02797, pp.12,206; CLARK:P02267, p.5; P04655, pp.8-9,11.

<sup>2073</sup> E.g. TABEAU:P02797, p.21; CLARK:P02267, p.5; BARAYBAR:P02093, p.4; RM074:P03431, p.8(confidential); P04655, p.6; P03299, p.2; SELMANOVIĆ:T.6817-6818; P05934.

<sup>2074</sup> See Section V.C.2.

<sup>2075</sup> RADOVANOVIĆ:T.43965-43969.

buried in Tomašica had gone missing.<sup>2076</sup> Instead, evidence reflects that most Tomašica victims went missing during approximately 20-25 July 1992<sup>2077</sup>—a period when VRS-led cleansing operations in the Prijedor municipality resulted in the murder of hundreds of Muslims.<sup>2078</sup>

498. The identifications of victims found in these graves are reliable. Combinations of exhumation, autopsy, DNA, and expert forensic and demographic analysis reports, together with witness and other documentary evidence, form the basis of reliable identifications and conclusions about the deaths of each victim.<sup>2079</sup> While the damaging effects of burial and reburial operations on the victims' remains<sup>2080</sup> have contributed to some misidentifications,<sup>2081</sup> Defence witness ODOBAŠIĆ's evidence shows that the few misidentifications the Defence has cited are a tiny part of "millions of valid and correct pieces of evidence,"<sup>2082</sup> and certainly do not amount to an "alarming number" in the context of the total number of exhumations<sup>2083</sup> and have generally since been corrected by DNA matching.<sup>2084</sup>

#### F. Other JCE members

499. As the commander of the GŠ-VRS, **MLADIĆ** led the military forces that implemented the common criminal purpose. He worked together with other JCE members<sup>2085</sup> to achieve the objective of permanently removing non-Serbs from Bosnian Serb-claimed territory through the crimes identified in the Indictment. While the JCE's membership fluctuated over time,<sup>2086</sup> each member made a significant contribution to achieving the common criminal purpose. The roles of significant JCE members aside from **MLADIĆ** are discussed below.<sup>2087</sup>

<sup>2076</sup> RADOVANOVIĆ:T.43678-43679,T.43681-43682,T.43978,T.43981.

<sup>2077</sup> TABEAU:P07449, p.38. *See* Prijedor Summary.

<sup>2078</sup> *See* Prijedor Summary; SIC:A6.5-A6.9,B13.1,B13.4(Prijedor).

<sup>2079</sup> *See* Victim Chart.

<sup>2080</sup> *See* RM704:P02602, pp.6-7(confidential).

<sup>2081</sup> I.HANSON:T.36347.

<sup>2082</sup> D02180, p.16.

<sup>2083</sup> D02180, p.15.

<sup>2084</sup> [REDACTED]; [REDACTED]. *E.g.* KRČMAR:T.32385-32386.

<sup>2085</sup> *See* Section III.C.4.

<sup>2086</sup> *E.g.* Karadžić TJ, para.3456.

<sup>2087</sup> Alternatively, the Chamber may find that a subset of the JCE members named in the Indictment shared the common criminal purpose and participated in its implementation.

1. Radovan KARADŽIĆ

500. KARADŽIĆ was the key Bosnian Serb political leader<sup>2088</sup> and policymaker.<sup>2089</sup> He was President of the SDS from its establishment in July 1990 to the end of the Indictment period.<sup>2090</sup> Beginning in 1992, KARADŽIĆ exercised the powers of the RS President on a *de jure* and *de facto* basis through an array of bodies he presided over. He was President of the National Security Council (NSC) (27 March-12 May 1992),<sup>2091</sup> President of the three-member Presidency (12 May-2 June 1992) and then of the five-member expanded or “War Presidency” (2 June-17 December 1992).<sup>2092</sup> He was sole President of Republika Srpska from 17 December 1992 through the end of the indictment period.<sup>2093</sup> From its inception and throughout the conflict, KARADŽIĆ was VRS Supreme Commander.<sup>2094</sup>

501. Before and throughout the conflict, KARADŽIĆ advocated the objective for all Serbs to live in one state,<sup>2095</sup> first via the continuation of Yugoslavia<sup>2096</sup> and later by the elimination of a unitary, multiethnic BiH<sup>2097</sup> and the establishment of an ethnically-separate Serb state.<sup>2098</sup> KARADŽIĆ emphasised that the Bosnian Serb leadership was prepared to wage war to prevent Bosnian Serbs from being an ethnic minority in an independent BiH and that Muslims would be “destroyed” or “disappear” if that happened.<sup>2099</sup> KARADŽIĆ told his followers that Serbs could not live together with Muslims and Croats, whom he cast as enemies representing an

<sup>2088</sup> DOYLE:P00091, para.45; WILSON:P00320, para.121. See DODIK:T.42238,T.42263-42264; KUPREŠANIN:T.29759-29760; P02685, p.8; KECMANOVIĆ:T.23923-23924; TUPAJIĆ:P03170, T.15366; P02772, pp.14,15,26.

<sup>2089</sup> TREANOR:T.20132-20133.

<sup>2090</sup> TREANOR:P03003, paras.12-14,41. See LUKIĆ:T.25398; WILSON:P00320, paras.25,121; KUPUSOVIĆ:P02468, T.628.

<sup>2091</sup> The NSC was the first step in the formalisation of the RS’s *de facto* collective leadership. P03040; TREANOR:P03003, para.98.

<sup>2092</sup> AF220; AF223-AF224; AF226; AF228; AF230-AF233; TREANOR:P03003, paras.98,180,236,260-265.

<sup>2093</sup> AF233; TREANOR:P03003, paras.188,266.

<sup>2094</sup> TREANOR:P03003, paras. 243-252; MILOVANOVIĆ:T.16909-16910; P00431, p.41; P06672; BROWN:P02862, pp.9-10.

<sup>2095</sup> M.DERONJIĆ:P03566, para.39; RADIĆ:P04333, T.7377-7378; P04334, 00:14’35-00:15’12, tp.1; P07005, p.7; P03776, p.1; P06934; BARAŠIN:T.28760-28761; P03991, p.2-3; P07357, p.5; P00358, p.369.

<sup>2096</sup> E.g. AF53; P07003, p.9.

<sup>2097</sup> P04001; CUTILEIRO:T.42438; D00639, p.7; P04582, p.4; P07294.

<sup>2098</sup> M.DERONJIĆ:P03566, paras.39-42; P03999; D00191, para.8; BANBURY:P00874, paras.35,36; DONIA:P02001, p.23; HARLAND:P00001, paras.140,272; OKUN:P03103, T.4204-4205,T.4220,T.4260,T.4267-4268,T.4296-4297,T.4352-4354; AKASHI:T.41732; P07691, pp.1,2; P03113, 00:27’49-00:28’31, tp.6; 00:34’42-00:34’57, tp.8; P03176; P07723, p.14.

existential threat.<sup>2100</sup> KARADŽIĆ, like **MLADIĆ**, maintained that RS must include few “internal enemies,”<sup>2101</sup> and insisted that Bosnian Serbs were entitled to large portions of Bosnia and Herzegovina, including areas where Muslims and Croats represented a majority.<sup>2102</sup> Accordingly, Muslims and Croats had to be removed from Serb-claimed territory.<sup>2103</sup>

502. Before the conflict, KARADŽIĆ played a key role in creating Bosnian Serb parallel governing structures through which the common purpose would be advanced.<sup>2104</sup> During the conflict, *inter alia*, he directed and oversaw its implementation, deflected international criticism and condemnation,<sup>2105</sup> commended and/or praised numerous perpetrators of war crimes,<sup>2106</sup> and attempted to cement the territorial gains resulting from ethnic cleansing.<sup>2107</sup>

503. Throughout the Indictment period **MLADIĆ** and KARADŽIĆ worked closely together to ensure the military implementation of BSL policy and in particular the common criminal purpose.<sup>2108</sup> KARADŽIĆ played an instrumental role in **MLADIĆ**’s deployment to BiH, noting later that he had “asked for **MLADIĆ**.”<sup>2109</sup> KARADŽIĆ and **MLADIĆ** were then viewed as at the forefront of the Bosnian Serb authorities from 12 May 1992 through the end of the war.<sup>2110</sup> They both participated in formulating the Strategic Objectives, which **MLADIĆ** operationalised, generally

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<sup>2099</sup> P02004, p.3; DONIA:T.15521; KECMANOVIĆ:T.23896-23897; P04108, p.2; RM081:P00309, paras.95-97(confidential); P04109, p.3; P04110; P04581, p.86; DONIA:P02001, pp.26-27; P07710.

<sup>2100</sup> P04581, pp.85-86; DONIA:P02001, p.19; P03978; VANLYNDEN:P00066, para.73; DONIA:P02001, pp.21,26-27; P00431, pp.3-4.

<sup>2101</sup> P00352, p.258; P03918, pp.4-5; P03076, p.18.

<sup>2102</sup> MILINČIĆ:T.28393-28397; P06922, p.4; P06923; P03774, p.19; P03900, p.36; DONIA:P02001, pp.26-27; ABDELRAZEK:P00293, para.33; VANLYNDEN:P00066, paras.71,73; OKUN:P03103, T.4156-4158,T.4220; P00360, p.89; P04931, p.14.

<sup>2103</sup> E.g. DONIA:P02001, p.21; P03900, p.36; OKUN:P03103, T.4205,T.4228,T.4260,T.4267-4268,T.4296-4297; HARLAND:P00001, para.140.

<sup>2104</sup> AF53; AF77; AF110-AF111; AF180; P03005, p.8-9; TREANOR:P03003, p.53. See Section III.B.4(a).

<sup>2105</sup> See Sections III.E.1-III.E.2; III.E.4..

<sup>2106</sup> E.g. P04315; P02442(confidential); P02436; P04236, pp.2,3,5,7,9; P07654, pp.1,2,4,8,14; P07582; P03964, p.3; P03978, pp.17-19.

<sup>2107</sup> See Sections III.E.1-III.E.2; III.E.4.

<sup>2108</sup> E.g. DONIA:T.15523-15524; WILSON:P00320, para.137; P05237; P05238; P02911; MILOVANOVIĆ:T.17107-17109; THEUNENS:P03029, pp.569-595; P01979, p.1; HARLAND:P00001, paras.283-284; WILSON:P00320, paras.132-136; ROSE:P00736, paras.211-212; ABDELRAZEK:P00293, para.28; SMITH:P00785, paras.230-231; P04583, pp.322-324. See DONIA:P02001, p.119.

<sup>2109</sup> P04583, p.324. See KUPREŠANIN:D00852, para.49.

through Directives that KARADŽIĆ approved.<sup>2111</sup> Reflecting their shared intent, after most of the ethnic cleansing campaign had been successfully carried out, KARADŽIĆ promoted **MLADIĆ** and assessed his performance as “excellent.”<sup>2112</sup>

504. While tensions between the two over certain issues arose, in particular in connection with the loss of the Croatian Krajina occasioned by Operation Storm in the summer of 1995,<sup>2113</sup> these tensions did not impact their shared pursuit of the common purpose or the proper functioning of the chain of command.<sup>2114</sup> KARADŽIĆ stated he had “accepted entirely the view of all the commanders and General **MLADIĆ**”<sup>2115</sup> and told high-ranking VRS and civilian officials, “Everyone is looking to find a rift among individuals in the leadership, especially between me and **MLADIĆ**. They will fail at that, because **MLADIĆ** and I talk about things as brothers. We tell each other face to face what we think and our aim is to move together towards the same goal.”<sup>2116</sup>

## 2. Momčilo KRAJIŠNIK

505. Momčilo KRAJIŠNIK was President of the multi-ethnic SRBiH Assembly from December 1990.<sup>2117</sup> He was a key SDS policy-maker<sup>2118</sup> and member of the SDS Main Board.<sup>2119</sup> Once the RS established separate institutions, he served as President of the Assembly of the Serbian People of BiH (“RS Assembly”) from its inception on 24 October 1991,<sup>2120</sup> a member of the SNB from 27 March 1992, and a member of the Expanded RS Presidency from 2 June 1992.<sup>2121</sup>

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<sup>2110</sup> E.g. P07753; ROSE:T.6850; BANBURY:P00874, paras.213-214; P00362, pp.59-64; ROSE:P00736, para.207.

<sup>2111</sup> P00338, p.159; DONIA:P02001, p.106. See Section III.G.3.

<sup>2112</sup> P04331, p.1; N.SIMIĆ:P04325, T.28670-28672; P05005.

<sup>2113</sup> THEUNENS:P03029, pp.568-569,585-587; MILOVANOVIĆ:T.17106,T.17115-17116; BORIĆ:T.34601-34603; DONIA:P02001, pp.122-124; SKRBIĆ:T.14018.

<sup>2114</sup> E.g. THEUNENS:T.20606-20607.

<sup>2115</sup> P04094, p.2.

<sup>2116</sup> P00361, p.269. See P06999, p.9; P04583, pp.352,362. See DONIA:P02001, p.120; P02508, p.38.

<sup>2117</sup> AF19; AF70; TREANOR:P03003, para.14.

<sup>2118</sup> TREANOR:P03003, para.14; WILSON:P00320, paras.140-141; ABDELRAZEK:P00293, paras.32-33,36; DONIA:P02001, p.14; OKUN:P03103, T.4155; DODIK:T.42253; TUPAJIĆ:P03170, T.15366. E.g. P03030, p.5.

<sup>2119</sup> TREANOR:P03003, paras.14-15,18; P06997; TREANOR:T.20114-20115.

<sup>2120</sup> TREANOR:P03003, para.167; TREANOR:T.20114-20115; MILOVANOVIĆ:T.16909; P07177; ABDELRAZEK:P00293, para.36; HARLAND:P00001, para.15.

<sup>2121</sup> TREANOR:P03003, paras.98,236,263; MILOVANOVIĆ:T.16909.

506. KRAJIŠNIK was KARADŽIĆ's closest collaborator.<sup>2122</sup> Often together with KARADŽIĆ, KRAJIŠNIK frequently met<sup>2123</sup> and communicated with MLADIĆ<sup>2124</sup> in order to ensure the fulfilment of the six strategic goals and the common purpose.<sup>2125</sup>

507. KRAJIŠNIK advocated the need for "pure" Serb territories<sup>2126</sup> and considered ethnic cleansing "necessary".<sup>2127</sup> In September 1994, MILOŠEVIĆ noted to MLADIĆ that KRAJIŠNIK's view was to kill off all Muslims and Croats.<sup>2128</sup>

### 3. Biljana PLAVŠIĆ and Nikola KOLJEVIĆ

508. Biljana PLAVŠIĆ and Nikola KOLJEVIĆ served as the two Bosnian Serb members of the BiH collective presidency following the 1990 elections.<sup>2129</sup> Together with KARADŽIĆ and KRAJIŠNIK, they constituted the inner core of the political BSL.<sup>2130</sup> Consistent with their positions, PLAVŠIĆ and KOLJEVIĆ were named "acting Presidents" by the RS Assembly on 28 February 1992 and served as such until

<sup>2122</sup> TREAOR:P03003, para.15.

<sup>2123</sup> There are 96 entries in the Mladić notebooks of meetings in which KRAJIŠNIK participated: P00351, pp.126-133(1-Feb-92); P00352, p.256-260(6-May-92),262-265(7-May-92),283-285(10-May-92),359-360(18-May-92),370-378(22-May-92); P00353, pp.45-48(1-Jun-92),92-93(5-Jun-92),93-111(6-Jun-92),124-127(9-Jun-92),130-146(10-Jun-92),155-156(13-Jun-92),166-169(15-Jun-92),182-183(20-Jun-92),196-215(21-Jun-92),219-222(23-Jun-92),238-241(27-Jun-92),279-282(2-Jul-92),309-316(10-Jul-92),322-327(13-Jul-92); P00354, pp.11-15(11-Jul-92),16-23(2-Aug-92),24-25(4-Aug-92),73-79(18-Aug-92),121-127(31-Aug-92),131-156(2-Sep-92); P00355, pp.105-114(22-Sep-92),130-135(27-Sep-92); P00343, pp.16-17(3-Oct-92); P00356, pp.23-25(13-Oct-92),25-28(14-Oct-92),29-38(14-Oct-92),48-60(19-Oct-92),63-68(21-Oct-92),95-105(31-Oct-92),106-121(1-Nov-92),141-152(8-Nov-92),279-300(14-Dec-92),339-349(20-Dec-92),370(25-Dec-92); P00357, pp.29-39(8-Jan-93),40-47(8-Jan-93),53-59(11-Jan-93),62-67(14-Jan-93),78(20-Jan-93),79-80(21-Jan-93); P00358, pp.89-92(7-May-93),164-180(28-May-93),182-194(2-Jun-93),211-212(17-Jun-93),212-216(19-Jun-93),233-236(2-Jul-93),320-325(10-Sep-93),325-330(10-Sep-93),392-404(24-Oct-93); P00359, pp.19-29(8-Nov-93),30(9-Nov-93),35-37(18-Nov-93),53-58(13-Dec-93),116-129(10-Jan-94),131-132(12-Jan-94),133-149(14-Jan-94); P00360, pp.48-49(24-Jan-94),49-51(25-Jan-94),96-100(3-Feb-94),105-109(15-Feb-94),134-143(27-Feb-94),163-165(14-Mar-94); P00361, pp. 54-57(8-May-94),95-96(7-Jun-94),99-101(9-Jun-94),108-111(12-Jun-94),205-207(14-Jul-94),216-229(17-Jul-94); P00362, pp.59-64(3-Oct-94),132-133(21-Oct-94),133-138(25-Oct-94),166(22-Dec-94),171(23-Dec-94); P00345, pp.42(24-Feb-95),73-78(31-Mar-95)91-110(15-Apr-95),113-117(17-Apr-95),123-129(1-May-95),130-131(8-May-95),242-251(2-Aug-95),251-256(3-Aug-95),324-325(25-Aug-95); P00364, pp.1-3(25-Aug-95),4-7(29-Aug-95),18-20(7-Sep-95),31-34(13-Sep-95),79(4-Oct-95),135-140(1-Dec-95),156-157(10-Dec-95),231-235(31-Dec-95).

<sup>2124</sup> P01603(confidential); P02751.

<sup>2125</sup> P00352, pp. 262-263; P00353, pp.108-109; P00354, pp.140-144; P00356, pp. 146-147; P03050; P04305, p.3.

<sup>2126</sup> AF728; OKUN:P03103, T.4156-4158; ABDELRAZEK:P00293, paras.32,33,36; P04132; DONIA:P02001, pp.14,46; P00356, p.147; P07005, p.18.

<sup>2127</sup> ABDELRAZEK:P00293, para.33. See RADULOVIĆ:P03207, paras.89-91(confidential); P04338, 01:22'29-01:23'30, tp.2,3.

<sup>2128</sup> P00362, p.17. See P04127, p.12.

<sup>2129</sup> AF146; TREAOR:P03003, para.16; TREAOR:T.20136; KECMANOVIĆ:D00556, para.6.

<sup>2130</sup> TREAOR:P03003, paras.18,241,267; P03030, p.5.

the establishment of the three-member RS Presidency, on which they served with KARADŽIĆ.<sup>2131</sup> Both continued as members of the expanded Presidency beginning on 2 June 1992.<sup>2132</sup> From 17 December 1992, when the War Presidency was replaced by KARADŽIĆ as President, PLAVŠIĆ and KOLJEVIĆ served as Vice Presidents and members of the Supreme Command.<sup>2133</sup> Both PLAVŠIĆ and KOLJEVIĆ frequently attended meetings at which MLADIĆ and the political leadership addressed political and military matters.<sup>2134</sup>

509. KOLJEVIĆ asserted 65% of BiH was Serb land<sup>2135</sup> and advocated ethnic “homogenization” in those areas.<sup>2136</sup> Even before the conflict, he advocated ethnic “separation” rather than “false coexistence”<sup>2137</sup> and met with TUĐMAN in early 1992 to propose creating ethnically homogeneous territory through property and population transfers.<sup>2138</sup> In keeping with the principle of national homogeneity, he told Pale Muslims in May 1992 that they had no place in RS: “It doesn’t matter... that you want to stay on living here, but the Serbs don’t want to continue living with you here.”<sup>2139</sup>

510. PLAVŠIĆ shared the objective of removing non-Serbs from Serb territory, which she considered constituted most of BiH.<sup>2140</sup> She invited paramilitaries, including ARKAN’s and ŠEŠELJ’s men, to come to BiH.<sup>2141</sup> When KARADŽIĆ was

<sup>2131</sup> AF222; AF224; TREANOR:P03003, paras.180,236; TREANOR:T.20127,T.20136.

<sup>2132</sup> AF231; TREANOR:P03003, para.236; TREANOR:T.20135-20136. *See* V.LUKIĆ:T.25398.

<sup>2133</sup> AF233; TREANOR:P03003, paras.265-266; MILOVANOVIĆ:T.16909; VOJVODIĆ:T.38800; HARLAND:T.675; TREANOR:T.20136; P03042; MILOVANOVIĆ:T.16910.

<sup>2134</sup> There are 37 entries in the Mladić notebooks of meetings in which PLAVŠIĆ participated: P00352, pp.380-384; P00353, pp.19-21,45-48,61-67,79-93,124-127,219-222,236-241,279-282,309-316; P00354, pp.16-23,121-127; P00343, pp.16-17; P00356, pp.29-38,48-63,106-121,311-314; P00357, pp.76-78; P00358, pp.320-325; P00359, pp.35-37; P00360, pp.180-188; P00361, pp.54-57,95-96,114; P00345, pp.38-40,91-110,242-251; P00364, pp.4-7,81-82,135-140,231-235; P00348, pp.95,103,153,171. *See* P02748. There are 63 entries in the Mladić notebooks of meetings in which KOLJEVIĆ participated. In the underlined references, MLADIĆ had one-on-one meetings with KOLJEVIĆ at KOLJEVIĆ’s request: P00352, pp.314-346; P00353, pp.92-114,124-127,155-156,166-169,238-241,279-282,308-309,309-316,321-322; P00354, pp.16-23,24-25,60-67; P00356, pp.209-213,279-300,321-335,339-349,370; P00357, pp.29-39,39-46,62-67; P00358, pp.164-180,212-216,320-325,325-330; P00359, pp.131-132; P00360, pp.48-49,49-51,88-89,91-96,105-109,134-143; P00361, pp.3-7,54-57,95-96,99-101,205-207,207,216-229,288-295; P00362, pp.59-64,132-133,138-139,140-142,171; P00345, pp.31,73-78,110-113,283-285,293-297,324-325; P00364, pp.4-7,31-34, 75,79-81,81-82,89,231-235; P00348, pp.16-17,27-28.

<sup>2135</sup> HARLAND:T.675; OKUN:P03103, T.4165-4166.

<sup>2136</sup> P07746, p.20. *See* OKUN:P03103, T.4280-4292.

<sup>2137</sup> P02001:DONIA, p.9; P07003, p.15. *E.g.* P07723, p.12.

<sup>2138</sup> P06727, pp.13-14,33.

<sup>2139</sup> CRNČALO:P00260, para.38; CRNČALO:T.3235-3236.

<sup>2140</sup> ABDELRAZEK:P00293, paras.32-36; DOYLE:T.1526; P04133. *See* P00353, pp.19-20.

<sup>2141</sup> P07196, p.6; ANDAN:T.22414.

out of BiH, he “most often” designated PLAVŠIĆ as the Supreme Command member to deal with military matters.<sup>2142</sup>

#### 4. Miće STANIŠIĆ

511. Miće STANIŠIĆ was the RS’s first Interior Minister from 24 March 1992<sup>2143</sup> until the end of 1992,<sup>2144</sup> resuming the post for a time in 1994.<sup>2145</sup> He was a member of the Council of Ministers,<sup>2146</sup> the NSC,<sup>2147</sup> and in 1994 of the Supreme Command.<sup>2148</sup> He also served as commander of armed RSMUP forces.<sup>2149</sup> M.STANIŠIĆ reported to and took orders from KARADŽIĆ<sup>2150</sup> and often met with MLADIĆ to discuss ongoing co-operation between the RSMUP and VRS.<sup>2151</sup>

512. M.STANIŠIĆ played a leading part in the creation of an ethnically separate RSMUP,<sup>2152</sup> which was envisioned as an instrumental vehicle for ethnic separation.<sup>2153</sup> As M.STANIŠIĆ explained to a gathering of the highest Bosnian Serb officials in the then-joint MUP in February 1992, it had been determined by the BSL that “in territories in SR BH which are under Serbian control, that control must be felt.”<sup>2154</sup> As Minister, M.STANIŠIĆ oversaw the RSMUP’s operation of camps in which non-Serb civilians were held in brutal and inhumane conditions and survivors ultimately ‘exchanged’ out of RS territory.<sup>2155</sup>

513. After the takeovers and conflict began, M.STANIŠIĆ’s RSMUP forces co-operated closely with the VRS to implement the common purpose, such that he characterised them as “a single organism.”<sup>2156</sup> Pursuant to M.STANIŠIĆ’s order,<sup>2157</sup> MUP forces were resubordinated to VRS command for military operations but

<sup>2142</sup> MILOVANOVIĆ:T.16911.

<sup>2143</sup> AF342; TREANOR:P03003, para.179.

<sup>2144</sup> AF238; ADŽIĆ:T.24799-24800.

<sup>2145</sup> P07800, pp.5,23-24,31; MATIJEVIĆ:T.43112-43113.

<sup>2146</sup> AF104.

<sup>2147</sup> P03035.

<sup>2148</sup> P03042; MILOVANOVIĆ:T.16910.

<sup>2149</sup> P03856.

<sup>2150</sup> KIJAC:T.40019. See DODIK:T.42250.

<sup>2151</sup> P00353, pp.373-376; P00359, pp.133-149; P00361, pp.188-196. See P00353, pp.166-169,238-241; P00356, pp.106-121,339-349; P00358, pp.361-365; P00359, pp.53-58; P00360, pp.96-100.

<sup>2152</sup> AF282; P03208; P03009; TREANOR:T.20122-20123; P06885; VLAŠKI:T.27797-27798.

<sup>2153</sup> See Section III.G.1(b).

<sup>2154</sup> P03208.

<sup>2155</sup> P03784; P06659, p.7; P03801. See Section III.D.4.

<sup>2156</sup> AF363-AF364; P07214; KARIŠIK:T.33176-33177.

<sup>2157</sup> P03855.

remained under the direct command of RSMUP officials.<sup>2158</sup> MUP forces worked together with the VRS in disarming, arresting, rounding up, detaining, beating, killing, and expelling Muslims and Croats.<sup>2159</sup> M.STANIŠIĆ was well aware his subordinates were committing crimes against non-Serbs.<sup>2160</sup> Nevertheless, MUP perpetrators were not punished and instead often promoted or commended.<sup>2161</sup>

## 5. Momčilo MANDIĆ

514. Momčilo MANDIĆ was Assistant Minister of the RSMUP in April 1992<sup>2162</sup> and RS Minister of Justice from May to December 1992.<sup>2163</sup> With M.STANIŠIĆ, MANDIĆ was the leading Bosnian Serb figure working toward the ethnic division of the MUP in the pre-war joint MUP.<sup>2164</sup> He managed the Serbian colloquium in the pre-war joint MUP to ensure the implementation of its decisions,<sup>2165</sup> worked to arm the emerging RSMUP,<sup>2166</sup> and sent the dispatch that directed Bosnian Serbs to leave the joint MUP.<sup>2167</sup> As Minister of Justice, he oversaw MoJ facilities in which non-Serb civilians were detained and abused.<sup>2168</sup> In 1992, the central Exchange Commission, which co-operated with **MLADIĆ** and the VRS in the detention and exchange of non-Serb civilians, operated within the jurisdiction of the MoJ.<sup>2169</sup>

515. MANDIĆ clearly expressed his support for the common purpose. He said in May 1992 that the Neretva River area should be divided, "The left bank to the Serbs, the right bank to the Croats, the Muslims can go down the river,"<sup>2170</sup> and that if the Lisbon talks broke down, the Serbs would defeat Sarajevo and "expel [the Muslims]

<sup>2158</sup> KARIŠIK:T.33183-33187; P03855; MATIJEVIĆ:T.43083; [REDACTED].

<sup>2159</sup> See Municipality Summaries; P04123, p.4; P03874, p.2; P04014, p.2; P05215.

<sup>2160</sup> E.g. RADULOVIĆ:P03207, paras.28,51,59,69,89,91,99,127,137,141,152,154,156,162,163,169(confidential); P07796; P03210; P03212; P03214; P04245; P04239; P03223; P03874.

<sup>2161</sup> See Section III.G.1(c).

<sup>2162</sup> Z.ČVORO:T.22153; ANDAN:T.22386-22387; [REDACTED].

<sup>2163</sup> P00353, p.19; P07740.

<sup>2164</sup> AF348; AF732; P03208; VLAŠKI:T.27785-27786; P03009; ANDAN:T.22385-22386; TREANOR:T.20122-20123; DONIA:T.15595; P07585, p.2; Z.HADŽIĆ:P02800, p.9; DONIA:P02001, p.73. E.g. DODIK:T.42250; [REDACTED].

<sup>2165</sup> P03208, p.4; VLAŠKI:T.27785-27786.

<sup>2166</sup> AF348; AF732; P03208; VLAŠKI:T.27785-27786; P03009; ANDAN:T.22385-22386; TREANOR:T.20122-20123; DONIA:T.15595; P07585, p.2; Z.HADŽIĆ:P02800, p.9; P02001, para.173.

<sup>2167</sup> P03009; [REDACTED]; TREANOR:T.20122-20123.

<sup>2168</sup> MURAČEVIĆ:P03185, para.62; P07737; P04226; P04231/P04232(partial duplicates); P03196; P03200; P03203; P07739; P07740. See Foča and Ilidža Summaries.

<sup>2169</sup> P03540, para.19. See Section III.G.5.

<sup>2170</sup> P07663, p.10.

all the way to Visoko."<sup>2171</sup> He made detained "women Turks" available to a journalist for propaganda purposes<sup>2172</sup> and bragged that the Serbs were "holding the Turks under siege" in Sarajevo to "starve them a bit"; would drive Bosnian Muslims into a small area of Sarajevo "from the Eternal Flame to Vratnik"<sup>2173</sup>; and would create "a new and nice Sarajevo" without mosques.<sup>2174</sup>

## 6. Slobodan MILOŠEVIĆ

516. Slobodan MILOŠEVIĆ was the President of Serbia.<sup>2175</sup> MILOŠEVIĆ shared with **MLADIĆ** and **KARADŽIĆ** the goal to have all Serbs live in one state<sup>2176</sup> and the view that "Serbian land" should encompass significant amounts of the territory of BiH, including areas which had before the war been Muslim-majority areas,<sup>2177</sup> and be homogeneously Serb-populated.<sup>2178</sup> For instance, while MILOŠEVIĆ late in 1992 expressed willingness to compromise on the amount of BiH's territory which would be Serb, he described it as "hard to accept" Serb territory that was not "ethnically clean."<sup>2179</sup> As early as 1991, MILOŠEVIĆ met with TUĐMAN about dividing BiH between Serbs and Croats.<sup>2180</sup>

517. Jovica STANIŠIĆ, in a conversation with **KARADŽIĆ**, referred to MILOŠEVIĆ as "the main boss".<sup>2181</sup> Indeed, by late 1991, MILOŠEVIĆ had control over the JNA, MUP Serbia and the SFRY Rump Presidency.<sup>2182</sup> During that period, he worked closely with **KARADŽIĆ**, who was the focal point for MILOŠEVIĆ's contact with Bosnian Serb leaders.<sup>2183</sup> MILOŠEVIĆ and his associates within Serbia/Yugoslavia provided support for Bosnian Serb objectives in targeted areas of

<sup>2171</sup> P02756, p.13.

<sup>2172</sup> P02766, p.3.

<sup>2173</sup> P07663, p.6.

<sup>2174</sup> P07663, p.8.

<sup>2175</sup> P05091.

<sup>2176</sup> M.BABIĆ:P04166, T.3397.

<sup>2177</sup> OKUN:P03103, T.4165-4166,T.4278; P07723, p.14. *E.g.* RM163:P00628, paras.51-52(confidential).

<sup>2178</sup> Among other things, MILOŠEVIĆ attended, together with **MLADIĆ** and other JCE members, the 21 January 1993 Coordinating Council session at which the need for ethnic homogeneity was reaffirmed. P07746.

<sup>2179</sup> OKUN:P03103, T.4234-4235; P03115, p.8.

<sup>2180</sup> M.BABIĆ:P04167, pp.124-126; P07723, p.8.

<sup>2181</sup> P02668, p.5.

<sup>2182</sup> *See* Milan BABIĆ:P04168, T.1567; M.BABIĆ:P04167, T.13129-13132; OKUN:P03103, T.4147; THEUNENS:P03029, pp.153-154; P03084, pp.18-19.

<sup>2183</sup> TREANOR:P03003, para.13; P04195; M.BABIĆ:P04166, T.3397.

BiH and Croatia through the use of the JNA/VJ<sup>2184</sup> and the Serbian MUP.<sup>2185</sup> MILOŠEVIĆ organised both the redeployment of JNA personnel to BiH that served as the basis for the formation of an ethnically-Serb VRS<sup>2186</sup> and the participation of JNA/VJ and DB Serbia forces in the Bosnian Serb campaign in BiH.<sup>2187</sup>

518. **MLADIĆ** had regular meetings with MILOŠEVIĆ and his inner circle about the Serb campaign in Croatia and BiH and progress in achieving the Strategic Objectives.<sup>2188</sup> **MLADIĆ**'s notes of these meetings reveal MILOŠEVIĆ's active support for the Bosnian Serb campaign. That support was key and "allowed the Bosnian Serbs to prosecute the war and the campaign of ethnic cleansing."<sup>2189</sup> MILOŠEVIĆ organised this logistical support through the VJ:<sup>2190</sup> when in June 1993 the RS Supreme Command sought continued remuneration from Belgrade for VRS officers, **MLADIĆ** noted this should be arranged "with MILOŠEVIĆ."<sup>2191</sup>

519. It was clear to international observers that MILOŠEVIĆ's goals were very similar, if not identical, to the BSL's at the beginning of the war and that they shared a common "bottom line" of Serb control.<sup>2192</sup> While MILOŠEVIĆ sometimes disagreed with BSL members later in the Indictment period,<sup>2193</sup> including advocating particular peace agreements as advantageous for the Serbs (sometimes under international pressure),<sup>2194</sup> neither these disagreements nor MILOŠEVIĆ's admissions to internationals that Bosnian Serb forces had committed notorious and undeniable

<sup>2184</sup> See Section III.G.2; P02647, pp.5,7; HARLAND:P00001, para.282; P05129, 01:05'25-01:05'44, tp.28; P07648, p.1; THEUNENS:P03029, pp.153-154,156-157.

<sup>2185</sup> M.BABIĆ:P04167, T.13123; P05129, (1)00:14'55-00:16'25, tp.7, (2)00:37'40-00:39'56, tp.16, (3)01:43'44-01:43'54, tp.45; M.DERONJIC:P03566, paras.8,11-32.

<sup>2186</sup> See Section III.B.4(b).

<sup>2187</sup> See Section III.G.2; P05129, 00:59'04-01:13'11, tp.26-32. MILOŠEVIĆ also met with ŠEŠELJ about the deployment of SRS volunteers. P05129, 00:59'04-01:00'51, tp.26-27.

<sup>2188</sup> P00356, pp.276-279(11-Dec-92),279-300(14-Dec-92); P00357, p.67(14-Jan-93); P00358, pp.238-243(8-July-93),339-349(24-Sep-93),390-392(21-Oct-93); P00359, pp.19-29(8-Nov-93),53-58(13-Dec-93),61-62(14-Dec-93); P00360, pp.112-113(17-Feb-94),165-179(15-Mar-94); P00361, pp.99-101(9-Jun-94),188-196(8-Jul-94),216-229(17-Jul-94); P00362, pp.16-33(20-Sep-94),81-101(7-Oct-94),157(25-Nov-94),158(27-Nov-94); P00345, pp.12-15(24-Jan-95),33-34(16-Feb-95),53-54(9-Mar-95),130-131(8-May-95),146-147(21-May-95),204-208(29-Jun-95),209-215(30-Jun-95),229-230(24-Jul-95),316-317(23-Aug-95),324-325(25-Aug-95); P00364, pp.1-3(25-Aug-95),4-7(29-Aug-95),28-29(10-Sep-95),79(4-Oct-95),126-133(27-Nov-95),217-231(28-Dec-95); P00348, pp.25(8-Feb-96),35(25-Feb-96),79(11-May-96). See VANLYNDEN:P00066, paras.65-66.

<sup>2189</sup> HARLAND:P00001, paras.280,282.

<sup>2190</sup> P04180; P05129, 01:05'25-01:05'44, tp.28; P00359, pp.19,57.

<sup>2191</sup> P00358, p.216. See BANBURY:P00874, para.55; DONIA:P02001, pp.40,44; P05091, p.42.

<sup>2192</sup> OKUN:P03103, T.4165-4166; P07723, p.14; BANBURY:P00874, para.54.

<sup>2193</sup> BANBURY:P00874, paras.51-54; P00886, p.6.

<sup>2194</sup> KEČMANOVIĆ:T.23944; OKUN:P03103, T.4235; P00361, pp.219,221,228; P00362, pp.17-19,23-24,27,85; P00345, pp.13,146.

widespread crimes<sup>2195</sup> stopped him from providing assistance to the Bosnian Serbs: MILOŠEVIĆ continued to meet with **MLADIĆ** and members of the BSL for the rest of the Indictment period to discuss common goals and strategies<sup>2196</sup> and support the Bosnian Serbs through DB Serbia and the VJ.<sup>2197</sup>

520. For instance, in December 1993 **MLADIĆ**, MILOŠEVIĆ and leaders from both the RS and Serbia met in Belgrade and discussed progress in achieving the Strategic Objectives and additional aid from Serbia.<sup>2198</sup> During the meeting, **MLADIĆ** discussed a planned military operation in the Sarajevo area. After MILOŠEVIĆ undertook to provide assistance to facilitate the operation,<sup>2199</sup> VJ forces covertly assisted a large-scale VRS operation in the Sarajevo area<sup>2200</sup> during which **MLADIĆ** and KARADŽIĆ ratcheted up the level of terror directed at the civilian population of Bosnian-held Sarajevo.<sup>2201</sup>

#### 7. Jovica STANIŠIĆ and Franko SIMATOVIĆ

521. Jovica STANIŠIĆ was chief of the Republic of Serbia MUP State Security Service (“DB Serbia”)<sup>2202</sup> and “the number two man in MILOŠEVIĆ’s regime.”<sup>2203</sup> His deputy Franko SIMATOVIĆ, a.k.a. FRENKI,<sup>2204</sup> was the head of one administration in DB Serbia<sup>2205</sup> and commander of the DB Special Purposes Unit, aka the Red Berets.<sup>2206</sup> Operating in secrecy,<sup>2207</sup> J.STANIŠIĆ and SIMATOVIĆ collaborated with the BSL in establishing Serb control in BiH municipalities.<sup>2208</sup>

<sup>2195</sup> E.g. P00333, p.1. See WILSON:T.3988.

<sup>2196</sup> P00359, p.19-29,53-58; P00360, pp.165-179; P00361, pp.99-101,216-229; P00345, pp.324-325; P00364, pp.4-7,79; BANBURY:T.8305-8306.

<sup>2197</sup> HARLAND:P00001, para.280; P05093(confidential); P05097; P05091, pp.42-52; P00362, pp.93-94; P04583, p.51; P00345, pp.53-54,209-215; P05100(confidential); P04567; P04566; P00359, p.108.

<sup>2198</sup> P00359, pp.53-62.

<sup>2199</sup> P00359, pp.57-58.

<sup>2200</sup> THEUNENS:P03029, p.448; P04422. See DONIA:P02001, pp.131-132.

<sup>2201</sup> See Section IV.E.6(b)(i)f.

<sup>2202</sup> P04274, p.4; P07578; KIJAC:T.40022-40023; [REDACTED].

<sup>2203</sup> M.BABIĆ:P04167, T.13175. See P02668, p.5; P05199.

<sup>2204</sup> M.BABIĆ:P04167, T.12918,T.13118; M.BABIĆ:P04166, T.3341-3342; M.BABIĆ:P04185, p.13.

<sup>2205</sup> KIJAC:T.40024; [REDACTED].

<sup>2206</sup> P05129, (1)00:37’40-00:38’31, tp.16, (2)01:06’51-01:07’33, tp.29; M.DERONJIĆ:P03566, pp.24-25.

<sup>2207</sup> P04140, 00:12’25-00:13’28, tp.9.

<sup>2208</sup> M.BABIĆ:P04167, T.13082-13083; M.BABIĆ:P04166, T.3406-3408; P02685, pp.3-5.

522. J.STANIŠIĆ shared the view that the purpose of the war was to "achieve the common goals of all the Serbian lands."<sup>2209</sup> As reflected by a conversation with KARADŽIĆ, he understood that, if the prospect of Bosnian independence could not be resolved peacefully to the Serbs' satisfaction, achieving those goals would require killing and extermination.<sup>2210</sup>

523. Before the creation of the VRS, J.STANIŠIĆ and KARADŽIĆ discussed and co-ordinated Serb activities in Croatia and BiH,<sup>2211</sup> including the use of the JNA<sup>2212</sup> and volunteers.<sup>2213</sup> J.STANIŠIĆ and the Serbian MUP provided arms to Serbs in BiH<sup>2214</sup> and established training camps for Serb fighters;<sup>2215</sup> while SIMATOVIĆ oversaw training of Serb forces<sup>2216</sup> and deployments to BiH.<sup>2217</sup> Indeed, in a meeting with MLADIĆ, KARADŽIĆ noted that at the start of the war the RS had received "strong support" from the Serbian DB.<sup>2218</sup> This support included the deployment of DB units like the Red Berets and ARKAN's Serbian Volunteer Guard.<sup>2219</sup>

524. Once the conflict began, the VRS and RSMUP shared intelligence and operational information directly with J.STANIŠIĆ.<sup>2220</sup> Among this intelligence sharing, the RSMUP Miloš Group informed J.STANIŠIĆ about widespread crimes, including massacres, committed against the non-Serb population in BiH. These included crimes by Red Berets under Rade BOZOVIĆ.<sup>2221</sup> STANIŠIĆ and SIMATOVIĆ maintained direct contact with MLADIĆ and the BSL,<sup>2222</sup> supported

<sup>2209</sup> P07578. See P05196.

<sup>2210</sup> P04114, pp.6,7

<sup>2211</sup> M.BABIĆ:P04166, T.3406-3409; M.BABIĆ:P04167, T.13082; M.BABIĆ:P04185, p.13;P06501; P02668; P02671; P02679; P04114; P02684; VLAŠKI:T.27825.

<sup>2212</sup> P02671.

<sup>2213</sup> P02668.

<sup>2214</sup> M.BABIĆ:P04167, T.13103,T.13106,T.13147,T.13134-13147; M.BABIĆ:P04166, T.3350-3353. See P04190.

<sup>2215</sup> M.BABIĆ:P04167, T.13118-13121; [REDACTED]; P02445; P00414, p.3; P04140, 00:12'25-00:19'29, tp.9-12; P03802, p.5. See P00353, p.270.

<sup>2216</sup> M.BABIĆ:P04167, T.13118-13121,T.13123-13124; THEUNENS:P03029, p.176; P04140, 00:12'25-00:19'29, tp.9-12; M.DERONJIĆ:P03566, paras.131-139; [REDACTED]; P02445, p.1; P00353, p.270; P05129, 01:05'25-01:06'54, tp.28,29. See Section III.G.6.

<sup>2217</sup> P05129, 01:06'54-01:07'33, tp.29. See Section III.G.2.

<sup>2218</sup> P00353, p.133.

<sup>2219</sup> P04275; THEUNENS:P03029, pp.169-188; P07196, p.6; ANDAN:T.22414; P05129, 00:59'04-01:15'52 tp.26-33; P05156, p.1.

<sup>2220</sup> P04316; P05103(confidential); P05107; P05189; P05191;RADULOVIC:P03207, para.20(confidential).

<sup>2221</sup> RADULOVIC:P03207, paras.52,60-65,69,141,148(confidential). See P04234.

<sup>2222</sup> M.BABIĆ:P04167, T.13082-13083; M.BABIĆ:P04166, T.3406-3407; P07577. The MLADIĆ notebooks contain 10 entries of meetings in which J.STANIŠIĆ participated: P00358, pp.233-235(2-Jul-93),238-243(8-Jul-93); P00359, pp. 53-58(13-Dec-93),59-61(14-Dec-93); P00361, pp.188-196(8-

Bosnian Serb efforts to achieve the Strategic Objectives,<sup>2223</sup> and—often pursuant to discussions with **MLADIĆ**<sup>2224</sup>—continued to deploy DB units in operations in BiH alongside Bosnian Serb Forces.<sup>2225</sup> For instance, ARKAN’s men were deployed to and committed crimes in Sanski Most in the fall of 1995.<sup>2226</sup>

8. Željko RAŽNATOVIĆ, a.k.a. ARKAN

525. Željko RAŽNATOVIĆ, a.k.a. ARKAN, led the Serbian Volunteer Guard or Tigers<sup>2227</sup> which was widely known and feared for their brutality.<sup>2228</sup> The Tigers were initially involved in operations in Croatia in 1991<sup>2229</sup> where the JNA, among others, knew they had committed crimes.<sup>2230</sup> Reflecting his unit’s criminality, in 1991 ARKAN proudly declared, “We don’t take any more prisoners. We are going to kill every fascist soldier we catch.”<sup>2231</sup> Those operations, as Arkan made clear in a 1992 event in Golubić which **MLADIĆ** attended, were an expression of the commitment to keeping all Serbs in one state, i.e., that RSK “is Serbia and will stay a part of Serbia.”<sup>2232</sup> ARKAN’s unit was based in Erdut, Croatia<sup>2233</sup> and under Serbian DB control.<sup>2234</sup>

526. The BSL invited,<sup>2235</sup> welcomed<sup>2236</sup> and awarded<sup>2237</sup> ARKAN and his men. The Tigers participated in municipal takeover operations in Bosnia in 1992. For instance, the DK noted approvingly that after the arrival of “Arkan and his people” to Zvornik, it had been “liberated from the Turks... cleansed and replaced with an ethnically pure

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Jul-94); P00362, pp.81-101(7-Oct-94); P00345, pp.79-80(6-Apr-95),209-215(30-Jun-95); P00364, pp.22-24(9-Sep-95),73(30-Sep-95).

<sup>2223</sup> P00359, pp.53-62; THEUNENS:T.20413-20415.

<sup>2224</sup> P00345, pp.209-215; P00364, pp.53,72-73,78-79; P00346, p.137.

<sup>2225</sup> See Section III.G.6. [REDACTED].

<sup>2226</sup> See Sanski Most Summary; Section V.A.3(ee).

<sup>2227</sup> P03095, p.2; P04275, p.3; THEUNENS:P03029, pp.251,321.

<sup>2228</sup> DOYLE:P00091, para.60; THEUNENS:T.20674; VUJIĆ:T.35034; KIJAC:T.40040.

<sup>2229</sup> P04275; THEUNENS:P03029, p.149.

<sup>2230</sup> THEUNENS:P03029, p.210.

<sup>2231</sup> P07581, p.1; KIJAC:T.40039.

<sup>2232</sup> P07377; KECMAN:T.35347-35348.

<sup>2233</sup> P04276, p.1; BELL:P00832, para.27.

<sup>2234</sup> THEUNENS:P03029, p.177; THEUNENS:T.20683-20684; P04140, 00:12’25-00:19’29, tp.9-12; P00345, p.213; P00364, pp.53,72-73; [REDACTED]; P04275, p.3.

<sup>2235</sup> P07196, p.6; ANDAN:T.22414.

<sup>2236</sup> I.OSMANOVIĆ:P00207, para.4; I.OSMANOVIĆ:T.2780.

<sup>2237</sup> P07582; KIJAC:T.40042. See P04275, p.10.

Serb population.”<sup>2238</sup> While many of their most critical activities in 1992 occurred in April (for instance in Zvornik and Bijeljina), ARKAN’s men continued to take part in VRS-led operations, for instance in Novi Grad and Rogatica.<sup>2239</sup> As late as October 1995, the GŠ-VRS approved the use of ARKAN’s men to arrest deserters from the Prijedor front.<sup>2240</sup> After the conflict was over, KARADŽIĆ commended ARKAN<sup>2241</sup> and ARKAN’s unit was decorated.<sup>2242</sup>

9. Vojislav ŠEŠELJ

527. Vojislav ŠEŠELJ was the leader of the Serbian Radical Party (“SRS”).<sup>2243</sup> He was an outspoken advocate of the policy of creating a homogeneous Greater Serbia which would encompass large areas of Croatia and BiH<sup>2244</sup> and forthright about the use of violence to do so. ŠEŠELJ stated that BiH was Serbian<sup>2245</sup> and said in 1991 that in a war, “not only shall the current victims be avenged but we shall make them pay for all the previous ones as well...”<sup>2246</sup> His SRS published magazines titled “Greater Serbia”<sup>2247</sup> and “Zapadna Srbija” which, *inter alia*, published cartoons in which mosques were destroyed.<sup>2248</sup> ŠEŠELJ met, collaborated with and praised KARADŽIĆ,<sup>2249</sup> and supported his policies in BiH.<sup>2250</sup>

528. ŠEŠELJ also collaborated with MILOŠEVIĆ, J. STANIŠIĆ and SIMATOVIĆ<sup>2251</sup> to arm SRS volunteers and deploy them to fight within Serb forces in Croatia<sup>2252</sup> and BiH.<sup>2253</sup> SRS volunteers were notorious for their brutality and

<sup>2238</sup> P06580, p.1. See BELL:P00832, paras.23-26; BELL:T.7907; P05129, 00:58’02-00:58’05, tp.25; Bijeljina Summary.

<sup>2239</sup> See Bijeljina, Novi Grad and Rogatica Summaries.

<sup>2240</sup> P00364, p.53; P03094; THEUNENS:T.20673-20684; P07367; P07368.

<sup>2241</sup> P07582.

<sup>2242</sup> KIJAC:T.40042.

<sup>2243</sup> P05129, 00:19’19-00:23’39, tp.9-10; KIJAC:T.40038.

<sup>2244</sup> M.BABIĆ:P04166, T.3393-3394; P00319, 00:11’19 00:11’34, tp.5; M.KOVAČ:T.41554; M.KOVIĆ:T.42035-42036; KECMANOVIĆ:T.23904; P06663.

<sup>2245</sup> KECMANOVIĆ:T.23904; P06663, pp.6-7.

<sup>2246</sup> P00319, 00:10’10-00:10’25, tp.3.

<sup>2247</sup> KECMANOVIĆ:T.24019; KOVIĆ:T.42035-42036.

<sup>2248</sup> P07497, p.1; P07498, (BCS p.3).

<sup>2249</sup> P05129, (1)00:53’25-00:54’33, tp.24, (2)01:38’08-01:38’35, tp.42; P00319.

<sup>2250</sup> P00319, 00:10’26-00:10’41, tp.3.

<sup>2251</sup> P05129, (1)00:14’55-00:16’25, tp.7, (2)00:30’12-00:38’24, tp.13-16, (3)00:52’25-00:53’25, tp.23.

<sup>2252</sup> M.BABIĆ:P04166, T.3394-3395.

<sup>2253</sup> P05129, (1)00:14’55-00:16’25, tp.7, (2)00:37’40-00:39’56, tp.16-17, (3)00:49’48-00:59’04, tp.22-26, (4)01:03’00-01:07’33, tp.28-29, (5)01:36’34-01:43’54, tp.42-45.

crimes against non-Serb populations in both Croatia and BiH.<sup>2254</sup> In BiH, after the VRS was created, ŠEŠELJ's volunteers were placed under **MLADIĆ**'s command: as ŠEŠELJ himself explained in September 1992, his volunteers were "on all frontlines" including the Sarajevo area and "under the command of the Serbian Army," i.e., the VRS.<sup>2255</sup> SRS units incorporated into the VRS committed crimes in the Sarajevo area throughout the war.<sup>2256</sup> Later in the war, ŠEŠELJ proclaimed many of his key volunteers "vojvodas", including volunteers involved in serious crimes.<sup>2257</sup>

## G. Other Organs Implementing the JCE

529. Each JCE member contributed to the JCE in part through their control over hierarchical institutions which participated in and/or facilitated the cleansing campaign. JCE members used their subordinates in these institutions to implement the common purpose on the ground<sup>2258</sup> and cooperate with other organs doing the same. Aside from his command and control over the VRS and use of VRS soldiers to commit the charged crimes, **MLADIĆ** also contributed to the JCE through personally directing, monitoring and/or authorising VRS cooperation with other organs implementing the JCE in furtherance of its criminal objectives.<sup>2259</sup> Those organs most significant in the implementation of the common purpose are addressed below.

### 1. RSMUP

530. KARADŽIĆ, M.STANIŠIĆ, **MLADIĆ** and other JCE members used the RSMUP to implement the common criminal purpose. RSMUP personnel co-operated with the VRS in the implementation of the JCE by participating, often in collaboration with or resubordinated to VRS forces, in cleansing operations, in unlawfully detaining and mistreating non-Serbs, and in the wider persecution of non-Serbs and their forcible removal from the targeted municipalities. Like VRS perpetrators, RSMUP

<sup>2254</sup> See Section III.G.7; Bijeljina and Ilidža Summaries. P03802, p.1; P03052, p.2.

<sup>2255</sup> P04013, p.6.

<sup>2256</sup> [REDACTED]; RM401:T.18241; P04595, p.1; S.MAKSIMOVIĆ:T.23517,T.23520-23521; P06631; V.DUNJIĆ:T.24907-24908; P06703; [REDACTED]; R.ADŽIĆ:T.24782-24785; ŠALIPUR:T.37452-37453; R.MAKSIMOVIĆ:T.26813-26815,T.26817,T.26819; [REDACTED]; [REDACTED]; THEUNENS:P03029, p.302; P05129, 00:46'56-00:51'13, tp.20-22; P05121, paras.1,6,13; P06696; R.ADŽIĆ:T.24784-24785. See Section III.G.7.

<sup>2257</sup> P06696, p.1; P05121, pp.1,3.

<sup>2258</sup> E.g. *Brdanin* AJ, para.413.

<sup>2259</sup> Indictment, paras.13(d),(e).

personnel who committed crimes against non-Serbs were not punished but were often commended.

(a) RSMUP Hierarchy and Establishment

531. As the tactic to keep all Serbs in one state shifted from maintaining Yugoslavia to the establishment of an ethnically-separate Serb entity in BiH,<sup>2260</sup> the JCE members heightened their focus on the need for an ethnically-separate MUP.<sup>2261</sup> After the Council of Ministers noted in January 1992 that the Declaration of the State made “the defining of ethnic territory” and establishment of government organs a priority,<sup>2262</sup> STANIŠIĆ observed at a February 1992 gathering of top Serb officials in the joint MUP that “in the territories in SRBH which are under Serbian control that control must be felt” and that “work has to be done by the organisation of the Serbian MUP.”<sup>2263</sup> On 14 February 1992, KARADŽIĆ activated the second level of Variant A/B,<sup>2264</sup> which called for local Bosnian Serb officials to “mobilise all Serbian police forces,”<sup>2265</sup> emphasising that establishment of the “factual situation” is now “up to us.”<sup>2266</sup> KOVAČ would later refer to this meeting as the time when “we, together with the political structures from the ranks of the Serbian people received instructions for creating a Serbian state” in the territory of the former BiH.<sup>2267</sup> On 24 March 1992, one day after the Assembly enacted the legislation governing the operation of the RSMUP,<sup>2268</sup> STANIŠIĆ was appointed as RSMUP Minister and KARADŽIĆ reassured the Assembly “you can be sure that numbers the police are quite sufficient... very soon, we can form whatever we want,” thus “at that moment, all the Serbian municipalities, both the old ones and the newly established ones, would literally assume control of the entire territory of the municipality concerned.”<sup>2269</sup> Days

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<sup>2260</sup> See Section III.B.1.

<sup>2261</sup> RADULOVIĆ:P03207, para.32(confidential). *E.g.* P07004, pp.3,6.

<sup>2262</sup> P03037, p.2. *E.g.* P07722, pp.4-5.

<sup>2263</sup> P03208, p.1. *E.g.* RADULOVIĆ:P03207, para.32(confidential).

<sup>2264</sup> See Section III.B.4(a).

<sup>2265</sup> P03038, p.,9.

<sup>2266</sup> P03774, p.5.

<sup>2267</sup> P07213, p.1.

<sup>2268</sup> AF341; AF345-346; P07288, p.1.

<sup>2269</sup> P00406, p.22.

later, the RSMUP was established,<sup>2270</sup> following which most non-Serb police officers were dismissed.<sup>2271</sup>

532. The RSMUP was a hierarchical organisation<sup>2272</sup> over which RS President KARADŽIĆ maintained *de jure* and *de facto* control.<sup>2273</sup> Mićo STANIŠIĆ was Minister in 1992,<sup>2274</sup> succeeded by Ratko ADŽIĆ,<sup>2275</sup> M.STANIŠIĆ again,<sup>2276</sup> and Tomo KOVAC.<sup>2277</sup>

533. The MUP's efficient reporting structure—from SJBs to regional CSBs to MUP headquarters and the RS authorities—kept MUP leaders, KARADŽIĆ and other members of the BSL informed of MUP activities.<sup>2278</sup> In addition, both republican and regional MUP authorities regularly met with subordinates to discuss pending matters.<sup>2279</sup>

(b) The RSMUP Played a Key Role in Implementing the Common Criminal Purpose

534. Immediately after its formation, the RSMUP participated in the wave of takeovers<sup>2280</sup> and operations to consolidate or expand Bosnian Serb territory. As KARADŽIĆ later noted, referring to the period before the establishment of the VRS, the RSMUP, together with the RS TO and in some places the JNA, “liberated and created the space.”<sup>2281</sup>

535. After the VRS was established, the MUP's role in implementing the common purpose was augmented by M.STANIŠIĆ's placement of substantial numbers of

<sup>2270</sup> P03009; RADULOVIĆ:P03207, para.35(confidential).

<sup>2271</sup> AF346; AF353; AF732; AF1139; AF1235; RADULOVIĆ:P03207, para.38(confidential). See Kalinovik, Ključ Summary and Vlasenica Summaries.

<sup>2272</sup> AF349; ANDAN:T.22387; KARIŠIK:T.33177-33178; MATIJEVIĆ:T.43086,T.43117-43119; Mane ĐURIĆ:T.27630-27632,T.27650-27651; P03866, p.2; P03986; P07215; ČVORO:T.22153; P06572, p.1.

<sup>2273</sup> P03048, Art.7; KIJAC:T.40019; P02723; P02768; P02719; P00802; P05128; P04329.

<sup>2274</sup> AF238; P03009, p.1; ADŽIĆ:T.24799-24800.

<sup>2275</sup> ADŽIĆ:T.24799-24800.

<sup>2276</sup> P07800, pp.23,31; MATIJEVIĆ:T.43112-43113.

<sup>2277</sup> P07800, pp.16-17.

<sup>2278</sup> P07806; MATIJEVIĆ:T.43117-43119; Mane ĐURIĆ:T.27651.

<sup>2279</sup> Mane ĐURIĆ:T.27631-27632,T.27671; P07586; MATIJEVIĆ:T.43090; P03866; KIJAC:T.40019-40020.

<sup>2280</sup> E.g. Ključ, Prijedor and Sanski Most Summaries.

<sup>2281</sup> P04583, p.324. E.g. P07213, p.1; KARIŠIK:T.33173-33174.

RSMUP personnel at the VRS' disposal.<sup>2282</sup> On 15 May 1992, in his capacity as commander of MUP forces,<sup>2283</sup> STANIŠIĆ formalised RSMUP-VRS co-operation by ordering the organisation of authorised RSMUP employees into "war units" to be subordinated to the VRS during combat operations.<sup>2284</sup> MUP forces then participated, often together with and in subordination to the VRS, in attacks on non-Serb communities accompanied by mass roundups, killings and wanton destruction. Before the attacks, RSMUP, VRS and other Bosnian Serb forces often worked to disarm non-Serbs.<sup>2285</sup>

536. Through such cleansing operations—both those carried out jointly and those carried out separately<sup>2286</sup> and regardless of whether MUP forces were formally resubordinated—the VRS and RSMUP both made significant contributions to achieving the common criminal purpose working, in STANIŠIĆ's words, as an "indivisible force."<sup>2287</sup>

537. The RSMUP also played a key role in the organised detention, mistreatment and subsequent expulsion of non-Serbs, often working closely with the VRS.<sup>2288</sup> For instance, ŽUPLJANIN reported to STANIŠIĆ on 20 July 1992 that in the ARK, the VRS and RSMUP had taken "a great number of citizens of Muslim and Croat nationality" into custody and had housed them in "various buildings like schools, centres, factory facilities, open spaces (playgrounds) and so on."<sup>2289</sup> Once non-Serbs were detained, RSMUP officials were active in various aspects of their detention and expulsion including, for example:

- Serving as commanders of camps, including Omarska<sup>2290</sup> and Keraterm;<sup>2291</sup>
- Detaining and abusing prisoners in police stations and other MUP-run facilities;<sup>2292</sup> and

<sup>2282</sup> E.g. AF365-AF366.

<sup>2283</sup> P03856.

<sup>2284</sup> P03855, pp.1,3.

<sup>2285</sup> AF428-AF432; P04160, p.2; M.DERONJIĆ:P03566, paras.102-104; P02405, p.1.

<sup>2286</sup> RSMUP forces committed other crimes in which evidence does not reflect VRS involvement. E.g. P03210; P07102; See Banja Luka, Bijeljina, Kotor Varoš, Pale, Prijedor and Vlasenica Summaries.

<sup>2287</sup> P07214.

<sup>2288</sup> E.g. P03801, p.2; P06659, p.7; P03874, p.1. See Section III.D.4.

<sup>2289</sup> P03874, p.1.

<sup>2290</sup> [REDACTED]; SIVAC:P00480, T.6616-6617; K.MEŠANOVIĆ:P03414, para.35.

<sup>2291</sup> AF1029.

- Working as guards and/or interrogators at, transporting prisoners to and mistreating prisoners in VRS-controlled detention facilities such as Manjača.<sup>2293</sup>

RSMUP personnel also physically transferred non-Serbs out of Serb territory, often in co-operation with the VRS.<sup>2294</sup>

538. The JNA, and later the VRS, assisted the RSMUP in the formation of special police units which were responsible for many serious crimes. For instance, the JNA assisted in forming the CSB Banja Luka special police detachment (“SPD”) in late April 1992.<sup>2295</sup> The 5<sup>th</sup> Corps Security Administration approved the SPD’s creation,<sup>2296</sup> military policemen were transferred to the SPD,<sup>2297</sup> and the 2MD provided the SPD with military equipment, including helicopters, armoured vehicles, weapons and ammunition.<sup>2298</sup>

539. The SPD also included many SOS members.<sup>2299</sup> On the same day SNB Banja Luka’s Miloš group reported the SOS was comprised of criminals,<sup>2300</sup> ŽUPLJANIN celebrated the creation of the SPD.<sup>2301</sup> The SPD then committed brutal crimes<sup>2302</sup> against non-Serbs in several municipalities. Similarly, the VRS provided MP to the Prijedor Intervention Platoon,<sup>2303</sup> which subsequently committed crimes including massacring a large number of Muslims at Koričanske Stijene.<sup>2304</sup> Following a meeting

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<sup>2292</sup> E.g. Banja Luka, Ključ, Kotor Varoš, Pale, Sanski Most, and Vlasenica Summaries; MURAČEVIĆ:P03185, paras.25-28,34-37.

<sup>2293</sup> See SIC:C.1.2(Banja Luka); P03268, p.1; RM051:P00214, T.5265,T.5267(confidential); RADINKOVIĆ:D00900, p.4; P00242; P00218(confidential); P00219(confidential).

<sup>2294</sup> E.g. P03875; P07046; P02900, pp.8,21; [REDACTED]; P03947; P04063; P04064; Bijeljina, Pale, Prijedor, Sanski Most, and Vlasenica Summaries.

<sup>2295</sup> AF356-AF357; P07162.

<sup>2296</sup> P07159, p.2.

<sup>2297</sup> KRČMAR:T.32433-32434; P07159, p.2. E.g. P02445, p.1.

<sup>2298</sup> P03862; P03810.

<sup>2299</sup> P07160; RADULOVIĆ:P03207, para.52(confidential); P04237; MATIJEVIĆ:T.43104.

<sup>2300</sup> P07796. E.g. MATIJEVIĆ:T.43098.

<sup>2301</sup> P07797; P03864, pp.2-3.

<sup>2302</sup> RADULOVIĆ:P03207, paras.57,60,62-63,68-69,75(confidential); P03210; P07209; P07102; P03711; P03712.

<sup>2303</sup> [REDACTED]. E.g. [REDACTED].

<sup>2304</sup> [REDACTED]; RM060:P02596, T.6886-6909(confidential); P03951, p.4; RADULOVIĆ:P03207, paras.154-155(confidential); [REDACTED]; NASIĆ:P02600, pp.3,9.

between **MLADIĆ** and STANIŠIĆ in July 1992, many members of special police units were transferred to the VRS.<sup>2305</sup>

(c) RSMUP perpetrators were not punished for crimes against non-Serbs

540. M.STANIŠIĆ and other MUP leaders were well aware that MUP personnel had committed crimes against non-Serbs. Aside from their awareness of the MUP's role, together with the VRS, in the mass detention of civilians in inhumane conditions,<sup>2306</sup> the republic-level MUP leadership received reports from its Miloš group of murders and other crimes committed by MUP personnel against non-Serb civilians.<sup>2307</sup> **MLADIĆ** was also aware of MUP crimes.<sup>2308</sup>

541. Rather than punishing them for crimes against non-Serbs, RSMUP leaders promoted and commended perpetrators.<sup>2309</sup> For instance, Prijedor SJB Chief Simo DRLJAČA was repeatedly promoted and commended<sup>2310</sup> despite the known responsibility of the Prijedor police for crimes against non-Serbs, including the Korićanske Stijene massacre<sup>2311</sup> and notorious crimes in Prijedor camps.<sup>2312</sup> Other perpetrators, like the Prijedor police who physically perpetrated the Korićanske Stijene massacre, members of the Banja Luka SPD, and members of the Vlasenica SJB's special police unit, either remained within the RSMUP or were transferred to the VRS. They were not punished.<sup>2313</sup> Instead, many were commended.<sup>2314</sup>

<sup>2305</sup> P00353, p.374; P04379; Mane ĐURIĆ:T.27651-27652; KRČMAR:T.32441-32442; [REDACTED].

<sup>2306</sup> E.g. P03801, p.2; P06659, p.7; P03874, p.1.

<sup>2307</sup> See Section III.F.4; RADULOVIĆ:P03207, paras.18-22,24-30,58-59-61,63-65,69,71-72,75,87-88,89-91,94-98,104-106,107-108,122,123-128,136,139-141,144-145,147-149,150-152,154-[REDACTED], [REDACTED]-169,171-175,183-188(confidential).

<sup>2308</sup> D00058; P03951, p.4. E.g. T.25314.

<sup>2309</sup> Military courts had jurisdiction over MUP staff resubordinated to the VRS. See Section II.G. However, even in those cases, MUP authorities maintained disciplinary and other power. Moreover, jurisdictional boundaries were essentially irrelevant since neither VRS nor RSMUP authorities made any meaningful attempts to prosecute RSMUP perpetrators for crimes against non-Serbs, whether or not the perpetrators were resubordinated *in temporae criminis*. See Section III.E.3.

<sup>2310</sup> MATIJEVIĆ:T.43105-43114; P07800, pp.4-6,14-27,31-40; P07798; [REDACTED]; P02436; P06699; O.MARJANOVIĆ:P07625, pp.5-6; P06718; P04236, p.2.

<sup>2311</sup> [REDACTED]; [REDACTED]; MATIJEVIĆ:T.43113-43114; D00058, p.2; P04239; P03951, pp.3-4; T.25314. See Prijedor Summary.

<sup>2312</sup> See Section III.D.4; Prijedor Summary.

<sup>2313</sup> [REDACTED],T.21162-21164; KRČMAR:T.32441-32442; P07162; P07163; P02445, p.2; MATIJEVIĆ:T.43096,T.43113-43114; Mane ĐURIĆ:T.27651-27653,T.27661; [REDACTED].

<sup>2314</sup> [REDACTED]; P02436; P04236, pp.2,3,5,7,9; P07795; [REDACTED]; P06869, pp.1,5; P07654, pp.1,2,4,8,14; P02895, p.1. E.g. KIJAC:T.41228-41229; Prijedor, Foča, Bijeljina, Vlasenica, Pale, and Banja Luka Summaries.

## 2. JNA/VJ

542. **MLADIĆ**, Slobodan MILOŠEVIĆ and other JCE members used the JNA and later the VJ to facilitate the implementation of the common criminal purpose. Under MILOŠEVIĆ's control, the JNA took part in and facilitated the implementation of the common purpose in BiH in April and early May 1992 through arming Serbs, participating in municipality takeovers and common purpose crimes. The VJ later provided indispensable logistical assistance to the VRS in its implementation of the common criminal purpose: **MLADIĆ** and PERIŠIĆ both emphasised during the conflict how essential the VJ's assistance was to the VRS' efforts.<sup>2315</sup>

543. The JNA was the core of the Yugoslav Armed Forces.<sup>2316</sup> It was traditionally envisioned as a "[...] common armed force of all nations and nationalities and all working people and citizens of Yugoslavia".<sup>2317</sup> On 20 May 1992, after much of the JNA had been transformed into the VRS, what was left of the JNA was officially renamed the Yugoslav Army ("VJ"), the army of the FRY.<sup>2318</sup>

544. The JNA also co-operated with and incorporated both Serb-controlled units of the official BiH TO and SDS-created TO units in other areas.<sup>2319</sup> In many areas, these TO units were under JNA command before their formal incorporation into the VRS.<sup>2320</sup>

### (a) JNA evolution

545. Beginning during the conflict in Croatia, the JNA was gradually transformed from an army whose purpose was to protect all peoples in the former Yugoslavia into an army which solely protected the interests of the Serbian people.<sup>2321</sup> By late 1991 Slobodan MILOŠEVIĆ, the President of Serbia, had *de facto* control over the

<sup>2315</sup> P04583, p.51; P05091, p.42; P01981, p.4. See P00338, pp.96,103.

<sup>2316</sup> AF258-AF259; THEUNENS:P03029, p.41; P04898, p.20.

<sup>2317</sup> P04898, p.20.

<sup>2318</sup> P07461. E.g. THEUNENS:P03029, p.104.

<sup>2319</sup> The TO was an element of the unified armed forces of SFRY, the widest form of mass organisation of the working people and citizens for armed defence and an all-people's resistance. It comprised all armed formations that were not part of the JNA or the police. See THEUNENS:P03029, pp.17,42. The SDS (and later RS authorities) set up Serb TO units in early 1992. See Section III.G.4.

<sup>2320</sup> E.g. P00407, p.20; SAJIĆ:T.29192; SAJIĆ:D00836, para.13; P03027, p.2; THEUNENS:T.20280; BROWN:P02859, p.70. See P04158, p.1.

<sup>2321</sup> THEUNENS:P03029, pp.148-167; P03078, pp.26,31; P04248; P03081, pp.3-5; THEUNENS:T.20322; P03051. See DONIA:P01999, p.14.

JNA.<sup>2322</sup> On 10 December 1991, the Yugoslav Federal Secretariat for National Defence ("SSNO")—still ostensibly charged with the protection of all of Yugoslavia's citizens—issued a Directive on the use of the armed forces, including as one of the "ultimate aims of the war: protection of the Serbian population".<sup>2323</sup>

546. Beginning in late 1991, the JNA strengthened its presence in BiH, assisted in arming the local Serbian population and in establishing and training Serb units,<sup>2324</sup> and established close co-operation with the SDS.<sup>2325</sup> The JNA and SDS co-operated in distributing weapons and establishing units that would become part of the VRS.<sup>2326</sup>

547. Once the conflict began, JNA units participated in attacks on non-Serb areas and the commission of crimes against non-Serb civilians, together with TO, paramilitaries and volunteers, in April and early May 1992.<sup>2327</sup>

(b) MLADIĆ contributed to the JCE by procuring assistance from the VJ to permit the VRS to continue implementing the CCP

548. Throughout the war, **MLADIĆ** worked with other JCE members to ensure the JNA/VJ continued to provide significant logistical and personnel assistance to the VRS, which enabled it to continue implementing the CCP.<sup>2328</sup> The VRS and VJ took measures to conceal VJ assistance.<sup>2329</sup>

549. During and immediately after the JNA's withdrawal from BiH in May 1992, **MLADIĆ** sent requests for active JNA/VJ service personnel to the SSNO Personnel Administration, so as to have them available to serve in the VRS.<sup>2330</sup> As a result, hundreds of JNA officers remained in BiH or were deployed to BiH as VRS members but continued to retain their JNA/VJ posts and receive their salaries, benefits and

<sup>2322</sup> See Milan BABIĆ:P04168, T.1567; M.BABIĆ:P04167, T.13129; OKUN:P03103, T.4147; THEUNENS:P03029, pp.153-154; P03084, pp.18-19; P00358, p.216.

<sup>2323</sup> P03080, p.3. See THEUNENS:P03029, pp.164-166; P04931, p.23.

<sup>2324</sup> See Section II.A.

<sup>2325</sup> P03030, pp.4-5; P03918, pp.2-3; P00338, p.14; P04022, p.2. See generally P04931.

<sup>2326</sup> P02799, p.1. E.g. BROWN:P02859, pp.68-81; THEUNENS:P03029, pp.226-236; P00338, p.75; P03030; P04094, p.4; P01966, p.2.

<sup>2327</sup> BROWN:P02859, pp.21,63,89,91; THEUNENS:P03029, pp.231,333-378,389-396; THEUNENS:T.20284-20285. See Section III.B.5.

<sup>2328</sup> See Indictment para.13(e).

<sup>2329</sup> ĐUKIĆ:P01052, p.4; THEUNENS:P03029, p.438; P07462, p.10; P05090, p.24; [REDACTED].

<sup>2330</sup> P04953; P04954; P04958; P04959; P04963; P04962; P04961; P04964-P04970; P07668. See P00352, p.314; [REDACTED]; SELAK:T.2977,T.3163,T.3210; BROWN:P02859, p.160; SELAK:P00244, para.84; P00249, p.4; P04971; P00338, pp.69,77.

other financial compensation from Belgrade.<sup>2331</sup> **MLADIĆ** later told *Srpska Vojska*, “entire units and even certain task forces transform(ed) into the Army of Republika Srpska.”<sup>2332</sup>

550. **MLADIĆ** continued to ensure trained VJ officers filled VRS ranks.<sup>2333</sup> For instance, in August 1992, Defence witness KUKOBAT was summoned by his VJ commander to meet with **MLADIĆ** and TOLIMIR at the JNA hall, where **MLADIĆ** recruited him and other Serb officers to serve in the VRS.<sup>2334</sup> **PERIŠIĆ** told **MLADIĆ** he would “discharge” any officer who refused to join the VRS<sup>2335</sup> and noted the need to “[d]eal with officers who avoid transfer.”<sup>2336</sup>

551. High-ranking VRS officers, including Corps Commanders and 1KK Chief of Staff KELEČEVIĆ, were promoted in the VJ. Reflecting **MLADIĆ**’s authority, when the VRS proposed promotions for a number of these officers, the SDC determined to ask him for his position.<sup>2337</sup> Shortly thereafter, **MLADIĆ** discussed verification of promotions with MILOŠEVIĆ and KARADŽIĆ<sup>2338</sup> and requested **PERIŠIĆ** “regulate the status of... officers promoted in RS and the RSK...”<sup>2339</sup> The officers were then promoted.<sup>2340</sup> Promoted officers enjoyed all rights in the VJ with respect to ranks they acquired in the VRS.<sup>2341</sup> **MLADIĆ** was also promoted in the VJ in 1994, shortly after his promotion in the VRS.<sup>2342</sup>

552. On 9 November 1993, **MLADIĆ** met with **PERIŠIĆ**, **KARADŽIĆ** and **KRAJIŠNIK** in **MILOŠEVIĆ**’s office and discussed, *inter alia*, a request for

<sup>2331</sup> P00338, p.129; P04583, pp.191-192; SOKANOVIĆ:T.35793; ĐUKIĆ:P01052, pp.2-3; KELEČEVIĆ:T.37162-37163,T.37166-37169(confidential); M.SIMIĆ:T.32530; BORIĆ:T.34613-34614; Dragić GOJKOVIĆ:T.37672; P00358, p.216; BUTLER:P02210, para.2.4; THEUNENS:P03029, p.323. See KECMANOVIĆ:T.23877.

<sup>2332</sup> P03918, pp.2-3.

<sup>2333</sup> THEUNENS:P03029, pp.222-226,323-324,425-434; P04945; P05091, pp.42-52; P05090; P07462; KECMAN:T.35340; P07375; P07327; P00358, pp.339-340; P00359, p.30; P05092; P05094; P05095; P05096; P05097; BUTLER:P02210, para.2.4 .

<sup>2334</sup> KUKOBAT:D00757, para.4; KUKOBAT:T.28011-28013; P00354, pp.51-55.

<sup>2335</sup> P00358, p.389.

<sup>2336</sup> P04568, p.3. See P05090, p.26.

<sup>2337</sup> P05090, pp.28-29.

<sup>2338</sup> P00358, pp.390-391.

<sup>2339</sup> P00359, p.30.

<sup>2340</sup> KELEČEVIĆ:T.37166-37169(confidential); P07462, pp.10-11. Similarly, **MLADIĆ** recorded **PERIŠIĆ** stating “I don’t want a single request without **MLADIĆ**’s signature” and telling **MLADIĆ** “we must resolve... together” the training of personnel and verification of ranks. P00358, p.389; P00360, p.115.

<sup>2341</sup> P05090, p.29.

<sup>2342</sup> THEUNENS:P03029, p.432. See P05005.

“officers, non-commissioned officers and conscripts to return to RS.”<sup>2343</sup> Days later the VJ established its 30<sup>th</sup> Personnel Centre.<sup>2344</sup> Additional VJ officers were assigned to the VRS through the 30<sup>th</sup> PC and many VRS officers’ salaries were paid from there.<sup>2345</sup>

553. The VRS also inherited large amounts of JNA arms and materiel, including communications systems,<sup>2346</sup> which provided it a significant military advantage.<sup>2347</sup> As **MLADIĆ** noted, “Our Army is one of the rare ones in history to have started a liberation war with a very solid material base.”<sup>2348</sup>

554. During the Indictment period **MLADIĆ** worked with the VJ to ensure it continued to provide the VRS material and military support, including arms, ammunition and rocket engines and units needed to launch modified air bombs.<sup>2349</sup> **MLADIĆ** had authority over requests for VJ logistics assistance: requests from VRS units were submitted to the VJ General Staff through the GŠ-VRS.<sup>2350</sup> **MLADIĆ** often personally signed requests to the VJ.<sup>2351</sup> For example, in December 1993—shortly after meeting with MILOŠEVIĆ, PERIŠIĆ and others about the Strategic Objectives—**MLADIĆ** requested jamming equipment and crew in a letter which addressed PERIŠIĆ as “dear friend” and concluded by wishing him the “best possible results in preserving the nation and achieving the strategic goals.”<sup>2352</sup> VJ units also occasionally covertly assisted specific VRS operations, including operations which

<sup>2343</sup> P00359, p.30.

<sup>2344</sup> P05095; [REDACTED]; THEUNENS:P03029, pp.426-429; P05094.

<sup>2345</sup> S.SIMIĆ:T.35951; P07400; TRKULJA:T.35066; [REDACTED]; SELAK:T.3163; SOKANOVIĆ:T.35793; KUKOBAT:T.28011-28013; KELEČEVIĆ:T.37163,T.37166-37169(confidential); M.SIMIĆ:T.32530; BORIĆ:T.34613-34614; Dragić GOJKOVIĆ:T.37672. The SDC discussed the use of the Personnel Centres to avoid putting in writing the deployment of VJ officers to the VRS and SVK. P07462, p.10; P05090, p.24.

<sup>2346</sup> P07752, p.2; BROWN:P02859, p.157; P00338, pp.14,23; THEUNENS:P03029, pp.265,435; P04583, p.51; P06921, p.10; P04267, p.4; BANBURY:P00874, para.55; MILOVANOVIĆ:T.16936-16937.

<sup>2347</sup> P04523, p.3; KUPREŠANIN:T.29680-29681; P06921, p.10.

<sup>2348</sup> P01966, p.5.

<sup>2349</sup> THEUNENS:P03029, pp.323-324,425-426,435-446; P05091, pp.42-52; THEUNENS:T.20420,T.20422-20423; P00338; ĐUKIĆ:P01052, pp.3-4,23-24; BROWN:P02859, pp.157-159; P04389; P06988; P05084; P03929; P02886, pp.24,28; MILOVANOVIĆ:T.17014-17017; P02220; P02221; P04347; P04490; P04551; P04567; P03073; P04553; P04563; P04564; P04566; P00358, pp.339-340; P00345, p.80; P00359, p.30; [REDACTED]; P05099; P05102; P04404, p.6; P04572, p.1; P04574; P04576, pp.1-2. *See* Sections IV.E.6(b)(v); II.D.6.

<sup>2350</sup> THEUNENS:P03029, p.436; P04578; THEUNENS:T.20420,T.20451; AMIDŽIĆ:T.29515-29517; P06989; P06990; P05085; P05086; P05089; GENGO:T.21680-21681; P04421, pp.1-2.

<sup>2351</sup> ĐUKIĆ:P01052, pp.3-4; [REDACTED]; P04553; P04563; P04564; P04551; P02220; P02221.

*See* P00358, p.389.

<sup>2352</sup> P04268, pp.5-6

were part of the larger effort to ethnically cleanse Eastern Bosnia pursuant to Directive Four.<sup>2353</sup>

### 3. Presidency

555. Radovan KARADŽIĆ<sup>2354</sup> and, from 12 May through 17 December 1992, Biljana PLAVŠIĆ, Nikola KOLJEVIĆ and Momčilo KRAJIŠNIK,<sup>2355</sup> used the powers of the Presidency to advance the common criminal purpose in concert with MLADIĆ.<sup>2356</sup> Beginning on 12 May 1992 KARADŽIĆ was President of the three-member collective Presidency comprised of PLAVŠIĆ, KOLJEVIĆ and KARADŽIĆ,<sup>2357</sup> and had responsibility for, among other things, military issues.<sup>2358</sup> This collective Presidency was formally expanded to five members on 2 June 1992, when KRAJIŠNIK and ĐERIĆ joined the War Presidency as *ex officio* members through their respective functions as President of the Assembly and Prime Minister.<sup>2359</sup> On 17 December 1992, KARADŽIĆ was elected sole President of RS with PLAVŠIĆ and KOLJEVIĆ as Vice-Presidents.<sup>2360</sup>

556. The President's duties and authority were initially delineated in the RS Constitution<sup>2361</sup> and further defined in subsequent legislation,<sup>2362</sup> much of which the Presidency itself enacted using its emergency powers.<sup>2363</sup> During the Indictment period, the President's powers included, *inter alia*, ordering mobilisation,<sup>2364</sup> issuing orders for the deployment of the police during the war,<sup>2365</sup> appointing municipal war commissions which served as the Presidency's agents in their municipalities,<sup>2366</sup> and

<sup>2353</sup> See Section III.D.8(a)(iii); [REDACTED]; M.DERONJIĆ:P03566, para.155-156; THEUNENS:P03029, pp.438,448; P04422.

<sup>2354</sup> During most of 1992, the RS did not have a single President, but KARADŽIĆ exercised the powers of the President on a *de jure* and *de facto* basis. See Section III.F.1.

<sup>2355</sup> While the collective presidency was only expanded to five members on 2 June 1992, in practice it operated with five members from its inception on 12 May 1992. AF232.

<sup>2356</sup> E.g. TREANOR:P03003, para.235.

<sup>2357</sup> AF222; P03043; TREANOR:P03003, para.180.

<sup>2358</sup> P06672, p.3.

<sup>2359</sup> AF231.

<sup>2360</sup> AF233; TREANOR:P03003, paras.188,266.

<sup>2361</sup> P03007, Arts.80-89.

<sup>2362</sup> P03048, Art.7.

<sup>2363</sup> AF219; AF228; P03007, Art.81; D00446; P03011, p.1; P03048, pp.17-18; P03565; P04904.

<sup>2364</sup> E.g. P02872; P03181; P00802; [REDACTED].

<sup>2365</sup> E.g. P04390; P07216.

<sup>2366</sup> D.HANSON:P00379, paras.50-52. E.g. P03046; P04159; P03859; P03041; P03076; P04016; P06635; P03045; P03717; P03981; P03569.

conferring decorations and awards determined by law.<sup>2367</sup> The Presidency, via KARADŽIĆ, also had *de facto* political control over all aspects of the RS government.<sup>2368</sup>

557. From 12 May 1992 through the Indictment period, the President of the Republic served as Supreme Commander of the VRS<sup>2369</sup> and commanded and controlled the VRS through **MLADIĆ**.<sup>2370</sup> As the Combat Readiness Report summarised, KARADŽIĆ generally set “objectives” (and occasionally “specific tasks”), and the GŠ-VRS “translated the set objectives and tasks into general and individual missions of the Army of RS... with the goals of every individual combat action, operation or battle being specifically defined.”<sup>2371</sup> In this context, **MLADIĆ** and the Presidency members acted like a collective leadership in pursuing their shared objectives.<sup>2372</sup>

558. **MLADIĆ** and other GŠ-VRS members regularly participated in meetings of the Presidency, and from December 1992 onwards, of the Supreme Command, to provide briefings on the military situation in the field.<sup>2373</sup> **MLADIĆ**’s meetings with Presidency members would often address the progress and importance of achieving the Strategic Objectives,<sup>2374</sup> which **MLADIĆ** operationalised, including through Directives.<sup>2375</sup> **MLADIĆ**’s 1992 Directives were approved by KARADŽIĆ on behalf of the Presidency,<sup>2376</sup> typically following meetings with the Presidency on topics ultimately addressed in the Directives.<sup>2377</sup> Later Directives were presented to the

<sup>2367</sup> During the war, KARADŽIĆ commended numerous perpetrators of war crimes. *E.g.* P04315; P02442(confidential); P02436; P04236, pp.2,3,5,7,9; P07654, pp.1,2,4,8,14; P07582; P03964; P03978, pp.17-19.

<sup>2368</sup> TREANOR:P03003, para.238

<sup>2369</sup> TREANOR:P03003, paras.243-252; P03011, Art.174; MILOVANOVIĆ:T.16909-16910.

<sup>2370</sup> *E.g.* P02906; P03011, Arts.174-175; P00431, p.41.

<sup>2371</sup> P00338, p.159.

<sup>2372</sup> HARLAND:P00001, paras.283-284; WILSON:P00320, paras.132-136; ROSE:P00736, paras.211-212; ABDELRAZEK:P00293, para.28.

<sup>2373</sup> THEUNENS:T.20396-20398; THEUNENS:P03029, p.550; P04263; P03068; P03033; P04267; BROWN:P02862, p.13; MILOVANOVIĆ:T.16913; P00338, p.153; P00356, pp.339-349; P00357, pp.79-80; P00358, pp.89-92,212-216,259,262-263,392-408; P00360, pp.88-89,92-97; P00361, pp.29-34,54-57,205-207,245; P00362, pp.59-64,139-141,157-159; P00345, pp.78-79,123-129,157-159,148-150. There is no evidence of the Supreme Command meeting in **MLADIĆ**’s absence.

<sup>2374</sup> P00353, p.42; P00354, pp.143-144; P00356, pp.146-147; P00362, pp.59-64; P00358, pp.212-216.

<sup>2375</sup> See Section III.C.4(c).

<sup>2376</sup> *E.g.* DONIA:P02001, p.106.

<sup>2377</sup> BROWN:P02862, pp.13-14. Directive 1 issued on 6 June 1992 was preceded by meetings between **MLADIĆ** and the Presidency on 5 and 6 June 92, P00353, pp.92-111. Directive 2, issued on 22 July 1992, referred to the ceasefire agreement in London and instructed the VRS on implementation

Supreme Command for their views before final approval by Supreme Commander KARADŽIĆ.<sup>2378</sup>

#### 4. SDS

559. KARADŽIĆ, KRAJIŠNIK, PLAVŠIĆ, and KOLJEVIĆ<sup>2379</sup> and other JCE members used the SDS to advance the common criminal purpose. In 1991 and 1992 the BSL, through the SDS, established ethnically separate parallel structures including a Serb MUP,<sup>2380</sup> and, together with the JNA,<sup>2381</sup> distributed weapons,<sup>2382</sup> organised military training,<sup>2383</sup> and mobilised the Serb TO<sup>2384</sup> and paramilitary units,<sup>2385</sup> among other steps, in preparation for ethnic separation. Over time, the BSL transformed these structures into the RS at municipal, regional and central “republic” levels.<sup>2386</sup> SDS members held the vast majority of key positions in the RS leadership.<sup>2387</sup> Before the establishment of the VRS, the forces assembled by the SDS began the process of forcible ethnic separation—in KARADŽIĆ’s words, “liberated and created the space.”<sup>2388</sup> SDS-created Serb formations then contributed significant manpower to the VRS as it began its implementation of the common purpose.

560. The SDS was a monoethnic, nationalist party.<sup>2389</sup> SDS leader and Minister of Information Velibor OSTOJIC<sup>2390</sup> explained that the RS was “one ethnic area [turned] into a state, thanks to a policy which was not ideology but national idea, and then

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of this agreement. **MLADIĆ** discussed this agreement with KARADŽIĆ the day before. P00353, p.358. Directive 3 was issued on 3 August 1992, one day after **MLADIĆ** had briefed the Presidency on the military situation. P03068. On 4 August 1992, **MLADIĆ** once again met with the Presidency, at which meeting the “directive [was] accepted without objections.” P00354, p.24. Directive 4, dated 19 November 1992, was preceded by a meeting between **MLADIĆ**, VRS corps commanders and Presidency members which discussed priorities—including the “*čišćenje* of the Drina”—which were then explicitly included in Directive Four. THEUNENS:T.20405; P00356, pp.141-152; P01968, p.5.

<sup>2378</sup> P04583, pp.242-243; MILOVANOVIĆ:T.16974.

<sup>2379</sup> TREANOR:P03003, paras.15-18.

<sup>2380</sup> See Section III.G.1(a).

<sup>2381</sup> E.g. P00338, p.14; P03030, pp.6,11-12; P02365; P04022, p.2.

<sup>2382</sup> E.g. AF103; P00338, p.14; P03030, pp.1,3,6,11-12; P00352, p.296; P06605, p.3; P02703; P04583, p.304. See Municipality Summaries.

<sup>2383</sup> [REDACTED]; [REDACTED].

<sup>2384</sup> E.g. P00338, pp.10,69; P04583, p.324.

<sup>2385</sup> See Municipality Summaries; Section III.G.7.

<sup>2386</sup> TREANOR:P03003, paras.75,98-99,162; P04583, p.298; D.HANSON:T.4235.

<sup>2387</sup> AF153; TREANOR:T.20129.

<sup>2388</sup> P04583, pp.322-326.

<sup>2389</sup> KEČMANOVIĆ:T.23903. See AF11.

<sup>2390</sup> AF185; TREANOR:P03003, paras.42,57

transformed into the SDS programme.”<sup>2391</sup> In particular, the SDS depicted itself as combating existential threats to Serbs, claims that **MLADIĆ** and his subordinates would disseminate to VRS soldiers.<sup>2392</sup> **MLADIĆ** similarly praised the SDS’s important role in “awakening national awareness, and organising and rousing people to resistance”, especially where they “have been exposed to brutal destruction and genocide unseen in history.”<sup>2393</sup> In February 1993, the SDS reiterated its goal of drawing up borders to “make complete the sovereignty of the [RS] as part of a single Serbian state in the Balkans” and to maintain “Serbian ethnic territory.”<sup>2394</sup>

561. The SDS of BiH was formed on St. Peter’s Day in 1990, celebrated by the Serbian Orthodox Church on 12 July.<sup>2395</sup> From its inception, the SDS was a hierarchical organisation.<sup>2396</sup> **KARADŽIĆ**, its President and dominant figure throughout the Indictment period,<sup>2397</sup> monitored, intervened in and exercised authority over local SDS affairs.<sup>2398</sup> Republic-level SDS bodies set policy and disseminated direction to local SDS organs, who implemented republic-level policy and reported back regarding events in their municipalities.<sup>2399</sup> The system of grassroots party contacts was described by **KARADŽIĆ** as “our computer system [...] our biggest force and the best connection”<sup>2400</sup> and his instructions were followed at the regional, municipal and local levels.<sup>2401</sup>

562. The BSL, under **KARADŽIĆ**’s leadership, established Serb-claimed regions<sup>2402</sup> and parallel Serb institutions through the SDS.<sup>2403</sup> Municipal and regional

<sup>2391</sup> P04583, p.297.

<sup>2392</sup> P00431, pp.3-4,6. See P04583, p.297; AF13.

<sup>2393</sup> P01966, p.2. See P07391, p.4; P06999, p.3.

<sup>2394</sup> P04065, pp.1,3.

<sup>2395</sup> Milan BABIĆ:P04166, T.3329-3330.

<sup>2396</sup> AF16; KOMAD:T.28097-28100; [REDACTED]; DONIA:T.15522; DODIK:T.42238,T.42240-42241,T.42252; P03957; RADIĆ:P04333, T.7386; D01145; P02634;D00857, 00:14’15-00:15’20, tp.13-14.

<sup>2397</sup> TREANOR:P03003, paras.14,41; TREANOR:T.20132-20133; DOYLE:P00091, para.45; LUKIĆ:T.25398; WILSON:P00320, paras.25,121; KUPUSOVIĆ:P02468, T.628.

<sup>2398</sup> ŠALIPUR:T.37465; P02720, p.2; P07008, p.2; P04112; P02672; P04115; P07763; P02636; P04113; P02832; P06971; D01143; P02674; P07490; P02690; TREANOR:P03003 paras.54,135; P02005, p.10; KOMAD:T.28088,T.28095-28096; P06902; P06903. E.g. RADAN:T.21348;DODIK:P07757, p.14; GAGULA:P02525, p.3; [REDACTED]; [REDACTED].

<sup>2399</sup> E.g. TUPAJIĆ:P03170, T.15345,T.15348-15349,T.15400-15402,T.15473-15474; M.DERONJIĆ:P03566, para.47; RADIĆ:P04333, T.7386; [REDACTED]; EGRLIĆ:P03402, p.6; R.PAŠIĆ:T.31064-31068; GLOGOVAC:T.25266-25267; DODIK:P07757, p.14; [REDACTED]; P07040; P07041; KALABIĆ:T.30211-30212; UJIĆ:T.26910; D00857, pp.13-14.

<sup>2400</sup> P03774 ,p.9.

<sup>2401</sup> See Municipality Summaries.

<sup>2402</sup> AF37-AF47; AF54-AF57; SEJMENOVIĆ:P00283, para.7; TREANOR:P03003, paras.135-137.

SDS crisis staffs, which received orders from and reported to the regional and republic organs of first the party and then the state, began to be formed in late 1991 and by April or May 1992, were all established and operational. Crisis Staffs were comprised of the highest level Bosnian Serb figures in the municipality, including the police and military, and co-ordination of the actions of these institutions with their own command structures in pursuit of their leaders' shared common purpose.<sup>2404</sup>

563. The SDS also led the formation of the Serb TO, which initially was subordinated to the JNA wherever possible and later provided a substantial number of Serb conscripts to the VRS upon its formation.<sup>2405</sup> While forming the GŠ-VRS in May 1992, **MLADIĆ** acknowledged the SDS's arming and mobilisation achievements, including its previous distribution of weapons to approximately 85,000 to 90,000 Serb military conscripts who formed a significant component of the VRS' manpower.<sup>2406</sup> The VRS inherited this formidable armed force and co-operated with the SDS<sup>2407</sup> in order to, according to the Combat Readiness Report, do what the Serb TO and JNA had not accomplished: "achieve the main strategic objectives of the armed struggle of the Serbian people in former BH."<sup>2408</sup> SDS TO commanders like Rajko KUŠIĆ in Rogatica became VRS officers and were praised and promoted by **MLADIĆ**.<sup>2409</sup>

564. The GŠ-VRS established and maintained "permanent and mutually beneficial co-operation" with the SDS.<sup>2410</sup> The 1993 GŠ-VRS Combat Readiness Report recognised the importance of this co-operation, the SDS's role in realising BSL goals and the importance of VRS-SDS co-operation, describing the SDS as "the most significant political factor in the political awakening, revival and homogenization of the Serbian people and its self-organisation for defence purposes."<sup>2411</sup> Among the GŠ-VRS' areas of co-operation with the SDS was propaganda. At the inauguration of the GŠ-VRS publication *Srpska Vojska* in the Assembly, OSTOJIĆ explained: "The very name and emblem of [*Srpska Vojska*] shows that the news network system of the

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<sup>2403</sup> AF73-AF74.

<sup>2404</sup> See Section III.G.8.

<sup>2405</sup> AF58; AF60; AF378; AF404.

<sup>2406</sup> MILOVANOVIĆ:T.16898-16901.

<sup>2407</sup> E.g. P00338, pp.7,12-13.

<sup>2408</sup> E.g. P00338, pp.69,75.

<sup>2409</sup> See Rogatica Summary.

<sup>2410</sup> P00338, pp.7,12-13.

<sup>2411</sup> P00338, pp.7,12-13,46.

Serbian people is developing in the direction determined by the SDS, and carried out and channelled by the National Assembly and its executive organs.”<sup>2412</sup> Months later, the SDS formally decided to “carry out moral guidance and political work in all units of the Serbian army.”<sup>2413</sup>

## 5. Exchange Commissions

565. Through its own exchange commissions and its extensive co-operation with civilian exchange commissions, the VRS participated in systematizing and facilitating the forcible and permanent removal of non-Serbs through transfers via the exchange commissions’ network to locations outside the RS.<sup>2414</sup>

### (a) VRS had exchange commissions over which **MLADIĆ** had control

566. Each VRS Corps had an exchange commission, whose members were appointed by the Corps Commanders with GŠ-VRS consent.<sup>2415</sup> The corps-level commissions co-operated closely with the centralised state exchange commission,<sup>2416</sup> which was formed on 8 May 1992<sup>2417</sup> and existed under various names throughout the war.<sup>2418</sup>

567. **MLADIĆ** exercised control over the VRS commissions and the exchange of prisoners through his subordinate Corps Commands.<sup>2419</sup> The commissions operated under the direction of the Corps Commands, which in turn required GŠ-VRS approval to carry out any exchange.<sup>2420</sup> **MLADIĆ** personally approved or authorised certain exchanges.<sup>2421</sup>

<sup>2412</sup> P07196, p.7. See Section II.D.3. The SDS also used local propaganda channels as “a political platform of the Serb nation, Army of Republika Srpska, as well as of political and civilian government organs of the Serb nation.” P07623. See SEJMENOVIĆ:T.3457; O.MARJANOVIĆ:T.40991-40993; P07621; P07622; AF858.

<sup>2413</sup> P04065, p.2.

<sup>2414</sup> P07738; P06722, p.4; P03808; P07172.

<sup>2415</sup> KRČMAR:D00916, para.4; L.MITROVIĆ:P03507, T.15159.

<sup>2416</sup> P03808; KRČMAR:T.32466; GLOGOVAC:T.25269-25270; P07165; P07167; L.MITROVIĆ:P03507, T.15159.

<sup>2417</sup> AF211-AF212; P03971.

<sup>2418</sup> P03971; D01134; D02084; P06718; D02083.

<sup>2419</sup> See Section II.E. P07166, p.2; P02142. E.g. P05184, p.1.

<sup>2420</sup> KRČMAR:D00916, paras.5,7; KRČMAR:T.32421-32422, T.32467-32468, T.32470-32471, T.32474; BORIĆ:T.34668-34669; KELEČEVIĆ:T.37214; P07338; P02944; P02130; P07472; P07170; P07473; P07166; P06914; P02943; M.TODOROVIĆ:T.19885-19886; P02143; P05183; P05181; P05184.

<sup>2421</sup> [REDACTED]; [REDACTED]; P04144; P07170.

(b) The VRS co-operated with the central exchange commission in exchanging civilians

568. VRS personnel worked closely with the central exchange commission, which was initially comprised of representatives from the MUP, MOJ and MOD<sup>2422</sup> under MoJ jurisdiction.<sup>2423</sup> From 1993, Dragan BULAJIĆ, a VRS officer who had served as president of the SRK's exchange commission,<sup>2424</sup> led the central exchange commission.<sup>2425</sup> Defence witness Spiro PEREULA, Chief of the GŠ-VRS Security Organ, was appointed by the GŠ-VRS to serve as the VRS representative on the civilian Commission.<sup>2426</sup> Their roles provided the VRS direct access to and participation in the civilian commission.

569. With the assistance and co-operation of VRS units,<sup>2427</sup> thousands of detainees,<sup>2428</sup> including many civilians,<sup>2429</sup> were transferred to locations outside the RS via the exchange commission system. VRS units supported the exchange commission system through capturing<sup>2430</sup> and detaining<sup>2431</sup> civilians; authorising exchanges;<sup>2432</sup> transporting civilian detainees<sup>2433</sup> and establishing secure conditions for exchanges.<sup>2434</sup> The exchanges completed the systemised process of permanent removal of civilians who the VRS and other Serb forces had rounded up or arrested and unlawfully detained.<sup>2435</sup>

570. By early June 1992 Bosnian sources protested that "exchanging" detainees to locations outside the RS constituted ethnic cleansing,<sup>2436</sup> and UNPROFOR similarly noted later in the war that exchanges into enemy territory amounted to "thinly

<sup>2422</sup> P03971.

<sup>2423</sup> P03540, para.19.

<sup>2424</sup> P07158; KRČMAR:T.32423-32425.

<sup>2425</sup> P06718;GLOGOVAC:T.25272-25273; PEREULA:T.28310-28311; LUKIĆ:T.25434-25435; KRČMAR:D00916, para.6; KRČMAR:T.32427; RECHNER:T.18506.

<sup>2426</sup> PEREULA:T.28302,T.28310-28311.

<sup>2427</sup> KRČMAR:T.32466; P07165; P07167; P02944, pp.2,4; P06719; P06721; GLOGOVAC:T.25284-25285.

<sup>2428</sup> P07738; P06722, p.4; P03808.

<sup>2429</sup> KRČMAR:T.32466; P07165; P07167; P06719.

<sup>2430</sup> P02919.

<sup>2431</sup> E.g. SIC:B.1.1-B.1.2,B.1.4,C.1.2(Banja Luka),SIC:B.2.1,C.2.1(Bijeljina); SIC:B.5.1,C.6.1(Foča),SIC:C.8.1(Ilidža),SIC:B.13.1-B.13.5,C.15.2-C.15.5(Prijedor); SIC:C.16.3(Rogatica),SIC:B.16.1-B.16.2,C.19.3(Vlasenica).

<sup>2432</sup> P00536(confidential)P02856; P06854; P06685.

<sup>2433</sup> E.g. D.ŠARENAC:T.26167; [REDACTED].

<sup>2434</sup> KRČMAR:T.32466; P07165; GLOGOVAC:T.25284-25285.

<sup>2435</sup> E.g. P07738; P07737; P06722, p.4; P03808; KELEČEVIĆ:T.37236-37237.

<sup>2436</sup> P07738.

disguised ethnic cleansing.”<sup>2437</sup> The commissions’ role as a vehicle for civilian expulsion nonetheless continued throughout the Indictment period. For example, the RS leadership took advantage of a prisoner-exchange agreement reached with BiH officials on 1 October 1994 to “[expel] the remaining Bosniak population from four Rogatica villages”—including women, children, and the elderly.<sup>2438</sup> As TOLIMIR had noted two days previously in ordering Corps intelligence sections to facilitate the exchange, “we receive captured soldiers of the Republic Srpska while we mostly give them civilians”.<sup>2439</sup>

(c) VRS exchange commissions also participated in the exchange of civilians

571. Defence witnesses claimed that the military commissions dealt exclusively with the exchange of POWs, while the Central Commission oversaw the exchange of civilians.<sup>2440</sup> These claims are both misleading and untrue. First, they are based on a false dichotomy because at times civilians and POW’s were exchanged together.<sup>2441</sup> Second, the VRS commissions routinely assisted the Central Commission in the organisation and execution of civilian exchanges.<sup>2442</sup> Finally, the Corps commissions themselves engaged in the exchange of civilians. For instance, consistent with the IBK and 1KK’s mass roundup and detention of civilians,<sup>2443</sup> those Corps commissions directly exchanged civilian prisoners. The IBK commission engaged in civilian exchanges<sup>2444</sup> and its Rules and Regulations explicitly noted it would conduct exchanges of women and elderly prisoners as well as soldiers.<sup>2445</sup> Similarly, TALIC considered the 1KK commission “authorised ... to help in organising the exchange of civilians”<sup>2446</sup> and the 1KK noted that its commission had primarily exchanged people who were not military personnel in its 1993 Combat Readiness Report.<sup>2447</sup>

<sup>2437</sup> P07172.

<sup>2438</sup> P06722, p.4. *E.g.* P03808.

<sup>2439</sup> P04008, p.1.

<sup>2440</sup> GLOGOVAC:D00619, paras.30-31. KRČMAR:D00916, paras.5-6.

<sup>2441</sup> *E.g.* P06719; P06720; P06722, pp.1,3.

<sup>2442</sup> P07167; GLOGOVAC:T.25269-25270; P02886, p.12-13; KELEČEVIĆ:T.37220-37222; P07170; P02142; P05182.

<sup>2443</sup> *See* Banja Luka, Bijeljina, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica Summaries.

<sup>2444</sup> L.MITROVIĆ:P03507, T.15158; P02143.

<sup>2445</sup> P07169, art.XIII.

<sup>2446</sup> P07167.

<sup>2447</sup> P02886, pp.12-13.

## 6. DB Serbia

572. MILOŠEVIĆ, DB Serbia chief J.STANIŠIĆ and his deputy SIMATOVIĆ<sup>2448</sup> used DB Serbia to advance the common criminal purpose in concert with KARADŽIĆ, **MLADIĆ** and other JCE members. DB Serbia members assisted in arming and training Serb forces in BiH and Croatia before the war<sup>2449</sup> and, beginning at the end of March 1992, DB Serbia deployed units to BiH, including the Red Berets,<sup>2450</sup> Skorpions<sup>2451</sup> and ARKAN's men.<sup>2452</sup> Those units participated in ethnic cleansing operations and committed crimes against non-Serbs *inter alia* in Eastern Bosnia in April 1992,<sup>2453</sup> the Posavina Corridor in summer 1992,<sup>2454</sup> and Eastern Bosnia in early 1993.<sup>2455</sup> When participating in operations together with the VRS, these units were generally placed under VRS command.<sup>2456</sup> Throughout the Indictment period, **MLADIĆ** and the BSL shared intelligence and operational information with DB Serbia through J.STANIŠIĆ, SIMATOVIĆ and their representatives.<sup>2457</sup>

573. Before their deployment of forces to BiH, DB Serbia leaders helped establish parallel structures of authority in Serb-claimed areas of Croatia, where DB units, including Red Berets, committed crimes against non-Serbs.<sup>2458</sup> By the time DB units began appearing in BiH, some had gained notoriety for crimes committed in Serb-

<sup>2448</sup> See Sections III.F.6-III.F.7; P04274, p.4; P07578; KIJAC:T.40022-40023; [REDACTED]; M.BABIĆ:P04167, T.12930,T.12932-12933,T.13082-13085,T.13118; P04185, para.16; P05129, pp.16,29; P04275, pp.1-2; P05199.

<sup>2449</sup> P04140, pp.9-12; M.DERONJIĆ:P03566, paras.132-137; P00353, p.180; [REDACTED]; P02445; P00414, pp.3-4; P03802, p.5; P04190; M.BABIĆ:P04166, T.3352-3353,T.3380; M.BABIĆ:P04165, p.6; Milan BABIĆ:P04167, T.13127-13128; THEUNENS:P03029, p.176; [REDACTED]. See M.BABIĆ:P04167, T.13118-13121; P00353, pp.265-270.

<sup>2450</sup> P04275; THEUNENS:P03029, pp.176-178,fn.460-461,468; 370,n.558; 424-425,fn.787 ; M.DERONJIĆ:P03566, paras.131-140.

<sup>2451</sup> [REDACTED]; P07588; P03096.

<sup>2452</sup> See Section III.F.8; THEUNENS:T.20683-20684; THEUNENS:P03029, p.177; P04275, pp.3-4,10; P04276; [REDACTED]; KIJAC:T.40041-40042; P00364, pp.53,72-73; [REDACTED]; [REDACTED].

<sup>2453</sup> E.g. BELL:P00832, paras.24-25.

<sup>2454</sup> See Section III.D.5; RADULOVIĆ:P03207, paras.60-65(confidential); THEUNENS:P03029, pp.176-178,fn.460-461,468; 349; 369-370,fn.558; 424,fn.787; P04275; P04140, p.5.

<sup>2455</sup> P05167; P04316.

<sup>2456</sup> E.g. P03096; P07588; THEUNENS:T.20671-20672; P03020, p.1; UJIĆ:T.26980; DANNATT:T.19160-19161; DANNATT:P02629, para.38.

<sup>2457</sup> See Section III.F; P04316; P05103(confidential); P05107; P05189; P05191; RADULOVIĆ:P03207, paras.10-13(confidential); P00359, pp.53-62; THEUNENS:T.20413-20415.

<sup>2458</sup> CRNČALO:P00260, paras.38-41; Milan BABIĆ:P04167, T.13089-13092,T.13129-13130; M.BABIĆ:P04166, T.3349,T.3382,T.3388.

claimed territories in Croatia.<sup>2459</sup> DB units then participated in criminal operations in Eastern Bosnia in early 1992, including in Zvornik and Bijeljina.<sup>2460</sup>

574. **MLADIĆ**'s co-ordination and co-operation with DB Serbia in the implementation of the criminal purpose is particularly highlighted in Eastern Bosnia. As had been agreed at the "top military, political and state levels" in the RS and Serbia,<sup>2461</sup> DB Serbia established several training centres in Eastern Bosnia and trained members of Bosnian Serb Forces in co-operation with RS municipal leaders.<sup>2462</sup> **MLADIĆ** and **SIMATOVIĆ** were both involved in creating a DB airbase in Bratunac; **MLADIĆ** later stopped **DERONJIĆ** from expelling Red Berets from the Bratunac area.<sup>2463</sup> **MLADIĆ** and VJ and DB Serbia leaders, including **SIMATOVIĆ**, co-operated in planning the *Udar* Operation,<sup>2464</sup> which implemented **MLADIĆ**'s Directive Four.<sup>2465</sup> On 28 February 1993, two weeks after the operation commenced, **MLADIĆ** met **SIMATOVIĆ** and the top leadership of the VRS and VJ for a "Plan of action in Operation *Udar*".<sup>2466</sup> Thousands of non-Serbs were expelled from their homes in eastern Bosnia in the ensuing weeks.<sup>2467</sup> The VRS noted "the enemy was squeezed into enclaves."<sup>2468</sup>

575. The Red Berets, also known as the Special Operations Unit, were created in May 1991 as a special unit of DB Serbia and deployed in Croatia and BiH.<sup>2469</sup> It was well-known that they had committed crimes in Croatia and so when they were deployed to Pale, this caused fear among non-Serbs.<sup>2470</sup> This unit participated in VRS operations in the Posavina Corridor in 1992<sup>2471</sup> and Eastern Bosnia in 1993.<sup>2472</sup> Unit members under Rade **BOZOVIĆ** committed crimes against non-Serbs during the

<sup>2459</sup> Milan BABIĆ:P04167, T.13081-13082; CRNČALO:P00260, paras.38-41.

<sup>2460</sup> THEUNENS:P03029, p.349; P04277; BELL:P00832, paras.24-25. *See* Bijeljina Summary.

<sup>2461</sup> M.DERONJIĆ:P03566, paras.134-137.

<sup>2462</sup> P04277; M.DERONJIĆ:P03566, paras.132-133,141-142,207; P00353, pp.180-181.

<sup>2463</sup> M.DERONJIĆ:P03566, paras.141-144,150; P04140, p.11.

<sup>2464</sup> *See* Section III.F; P00346, p.137; THEUNENS:P03029, pp.379-381.

<sup>2465</sup> *See* Section III.D.8(a)(iii).

<sup>2466</sup> P05164; P00346, p.137

<sup>2467</sup> *See* Section III.D.8(a)(iii).

<sup>2468</sup> P05164, p.3; P00346, p.137.

<sup>2469</sup> *See* Sections III.F; III.G.7; P04275; THEUNENS:P03029, pp.176-178,fn.460-461,468; p.349; pp.369-370,fn.558; p.424,fn.787; M.DERONJIĆ:P03566, paras.131-140,150; P04140, pp.9-10.

<sup>2470</sup> CRNČALO:P00260, paras.38-41.

<sup>2471</sup> *See* Section III.D.5; Milivoje SIMIĆ:T.32537,T.32567RADULOVIĆ:P03207, paras.20(confidential); P07174; P03210, p.1(confidential); THEUNENS:P03029, pp.176-178,fn.460-461,468; p.349; pp.369-370,fn.558; p.424,fn.787; P04275; P05167; P04140, p.11.

<sup>2472</sup> P05167; P04316; Milivoje SIMIĆ:T.32537,T.32567; P07174.

Corridor operation.<sup>2473</sup> Though many of the unit's operations and crimes had been carried out in areas with non-Serb majorities,<sup>2474</sup> SIMATOVIĆ—the unit's commander<sup>2475</sup>—characterised their efforts as protecting the Serbian people, whose “existence” was “directly jeopardised throughout its entire ethnic area.”<sup>2476</sup>

576. In November 1993, the RS MUP presented its highest award to **MLADIĆ** and members of DB Serbia, including J.STANIŠIĆ, and other JCE members.<sup>2477</sup>

## 7. Paramilitaries

577. **MLADIĆ** and other JCE members used paramilitary and volunteer formations to implement the common purpose. The JNA began to incorporate volunteers into its units by the fall of 1991.<sup>2478</sup> The Serbian leadership in Belgrade (in particular DB Serbia)<sup>2479</sup> and the BSL co-ordinated the formation, training, support and use of paramilitary and volunteer units.<sup>2480</sup> Beginning shortly after 12 May 1992, many of these paramilitary units and volunteers were incorporated into the VRS and treated as regular VRS soldiers.<sup>2481</sup>

578. Paramilitaries and volunteers, in particular those associated with ARKAN's and ŠEŠELJ's men, were widely known and feared for committing atrocities against non-Serbs that were extensively reported from 1991 onwards.<sup>2482</sup> In his July 1992 report on paramilitary formations to the GŠ-VRS, TOLIMIR noted that “[m]any formations...display hatred of non-Serbian peoples and one can conclude without reservations that are the genocidal element among the Serbian people.”<sup>2483</sup>

<sup>2473</sup> RADULOVIĆ:P03207, paras.10-13,20,60-65(confidential); P07174; P03210, p.1(confidential); Milivoje SIMIĆ:T.32537,T.32567.

<sup>2474</sup> E.g. P03076, p.26; P03107, p.1.

<sup>2475</sup> P05129, pp.16,29; M.DERONJIĆ:P03566, paras.131-138.

<sup>2476</sup> P04140, p.9.

<sup>2477</sup> P04315.

<sup>2478</sup> P03082; P04912, p.2; P05129, tp.13,15,22-23; P03080; THEUNENS:P03029, pp.194-199.

<sup>2479</sup> See Section III.G.6. ARKAN's men, the Skorpions and Red Berets were deployed by DB Serbia and are discussed in that section.

<sup>2480</sup> THEUNENS:P03029, pp.169-188,194-199,249-250; P07196, p.6; ANDAN:T.22414; P02711; P02709, p.1; P02713, p.2; P02741; BROWN:P02859, pp.13-14,20,39,82.

<sup>2481</sup> V.DUNJIĆ:T.24909-24910; P03011, Art.9; P05117.

<sup>2482</sup> P07581; P05111; DOYLE:P00091, para.60; WILSON:P00320, paras.94-95. See Section III.F.

<sup>2483</sup> P03802, p.1.

579. Paramilitaries and volunteers took part in the 1991 ethnic cleansing campaign in Croatia together with the JNA, Croatian Serb TO's and DB Serbia units.<sup>2484</sup> Despite public condemnation by the international community for the crimes these groups had committed in Croatia,<sup>2485</sup> JCE members redeployed notorious volunteer and paramilitary groups such as ŠEŠELJ's men, the White Eagles<sup>2486</sup> and ARKAN's Tigers to BiH in 1992. These and other paramilitary units such as the Serbian Defence Forces ("SOS") and the Yellow Wasps made significant contributions to the early stages of the implementation of the ethnic cleansing campaign in BiH.<sup>2487</sup>

580. Once **MLADIĆ** assumed command of the VRS in May 1992, his "command was far-reaching", embracing not just the VRS and TO, but also paramilitaries.<sup>2488</sup> The day after his appointment at the 16<sup>th</sup> Assembly, **MLADIĆ** was asked if some of ARKAN's men in Ilidža were under his command and responded "All under arms are under my command, if they want to stay alive."<sup>2489</sup> Indeed, from 12 May 1992 onwards, many paramilitary and volunteer groups and formations were incorporated into the VRS or RSMUP and consequently ceased to be paramilitaries.<sup>2490</sup> Reflecting this, for example, Defence witness M.SIMIĆ first attempted to blame crimes on paramilitary groups but admitted on cross-examination that each group was part of VRS or RSMUP forces.<sup>2491</sup>

<sup>2484</sup> M.BABIĆ:P04168, pp.20-21; M.BABIĆ:P04166, pp.78-80; THEUNENS:P03029, pp.169-188; P04276, pp.1-2. *See* Section III.G.6.

<sup>2485</sup> P03052, p.18; P03053; P03054.

<sup>2486</sup> *E.g.* WILSON:P00320, para.96.

<sup>2487</sup> M.DERONJIĆ:P03566, paras.65-66; THEUNENS:P03029, pp.169-188; P05129, p.20; P05111; **Banja Luka**:RADULOVIĆ:P03207, paras.39,48,94-97(confidential); P04241; P07796; **Bijeljina**:AF499; P00412; P03906; D00250; [REDACTED]; [REDACTED]; M.DERONJIĆ:P03566, para.48; BELL:T.7843; THEUNENS:P03029, pp.335-341; **Bratunac**:M.DERONJIĆ:P03566, paras.69-71,83; D01384(confidential); **Foča**:AF541; RM050:P02935, p.7(confidential); KRNOJELAC:T.25982-25983,T.25963-25964; **Pale**:CRNČALO:P00260, paras.31,32,39,52-55; P06568; P06571; P06575, p.2(confidential); **Zvornik**:AF310; S.MLAĐENOVIC:T.34158; BELL:P00832, para.24; M.DERONJIĆ:P03566, para.50; P02706; P05129, pp.25,27,29.

<sup>2488</sup> WILSON:P00320,paras.124,126,128.

<sup>2489</sup> P00403, tp.2-3.

<sup>2490</sup> *E.g.* **Mauzer's Panthers (IBK)**:P01061. *See* P03911; P06935, p.3; [REDACTED]; **Sanski Most SOS (6<sup>th</sup> Brigade)**:V.NIKOLIĆ:T.31272; V.NIKOLIĆ:D00892, para.28; P07202; P07112, p.1; P07114, p.2; [REDACTED]; D00080; **Wolves of Vujčak (327<sup>th</sup> Motorised Brigade)**:BROWN:P02859, pp.82-86; KELEČEVIĆ:T.37208-37212; M.SIMIĆ:T.32542-32646; P03826; **Yellow Wasps (Zvornik Brigade)**:AF311-312; S.ANDRIĆ:T.34767-34770; P07349, p.8; P07350, pp.4,32 (BCS,pp.4,77); P07351, p.2; **Several paramilitary groups (Rogatica Brigade)**:UJIĆ:26980.

<sup>2491</sup> M.SIMIĆ:T.32539-32545. *Compare* M.SIMIĆ:D00921, paras.24-26.

581. Many of the paramilitaries incorporated into the VRS had committed crimes. The Sanski Most SOS, which committed crimes against non-Serbs in April 1992,<sup>2492</sup> was incorporated into the 1KK 6<sup>th</sup> Brigade by mid-May 1992.<sup>2493</sup> SOS members who had become part of the 6<sup>th</sup> Brigade participated in murders at Vrhpolje Bridge, during transport to Manjača camp, and at Škrlejevita.<sup>2494</sup> Equally, although the 1KK command knew MILANKOVIĆ's unit committed crimes,<sup>2495</sup> it was incorporated into the VRS.<sup>2496</sup> 1KK Chief of Staff KELEČEVIĆ praised the unit and its "legendary commander" MILANKOVIĆ for "brilliantly fulfil(ing) all the tasks"; KRAJIŠNIK deemed them "history's favourites" for their "difficult but glorious" war path.<sup>2497</sup> MAUZER's Panthers fought on the front lines and were eventually arrested for looting in July 1992. They were never prosecuted. Instead, the VRS seized the looted goods and incorporated MAUZER and his unit into the IBK.<sup>2498</sup> In 1995, **MLADIĆ**, who knew that MAUZER's unit had committed crimes,<sup>2499</sup> commended the unit.<sup>2500</sup>

582. ŠEŠELJ himself stated in 1992 that his volunteers in BiH were incorporated into the VRS chain of command.<sup>2501</sup> Among ŠEŠELJ's men involved in Sarajevo were groups under Branislav GAVRILOVIĆ, a.k.a. BRNE<sup>2502</sup> in Ilidža, Slavko ALEKSIĆ in Grbavica,<sup>2503</sup> Jovo OSTOJIĆ in Vogošća<sup>2504</sup> and Vasilije VIDOVIĆ, a.k.a. VASKE, in Ilijaš.<sup>2505</sup>

583. Other paramilitaries were part of the RSMUP chain of command.<sup>2506</sup> The Banja Luka SOS<sup>2507</sup> under Nenad STEVANDIĆ, a close associate of KARADŽIĆ

<sup>2492</sup> See Sanski Most Summary.

<sup>2493</sup> P07202; P07112, p.1; P07114, p.2; [REDACTED]; D00080; V.NIKOLIĆ:T.31272; V.NIKOLIĆ:D00892, para.28.

<sup>2494</sup> See Sanski Most Summary; SIC:B1.1(Banja Luka).

<sup>2495</sup> P04293, pp.4-5; D01138; RADULOVIĆ: P03207, para.181(confidential).

<sup>2496</sup> P03826; P03802, p.4; M.SIMIĆ:T.32542-32545; KELEČEVIĆ:T.37209.

<sup>2497</sup> P07177. See P04294; P07471; KELEČEVIĆ:T.37210-37212.

<sup>2498</sup> ANDAN:T.22407-22410; P01061. See P03911; P06935, p.3; [REDACTED].

<sup>2499</sup> P00353, pp.147-151,215-217,219-222; P03919, p.1.

<sup>2500</sup> ANDAN:T.22410-22411; P06579. See P00355, p.40; P00345, pp.87-88.

<sup>2501</sup> P04013, pp.5-6. See [REDACTED]; R.ADŽIĆ:T.24782-24785; P06696; THEUNENS:P03029, pp.249-250.

<sup>2502</sup> S.MAKSIMOVIĆ:T.23517,T.23520-23521; P06631; V.DUNJIĆ:T.24907-24908; P06703; P06943.

<sup>2503</sup> ŠALIPUR:T.37452-37453; [REDACTED]; R.MAKSIMOVIĆ:T.26813-26815,T.26817,T.26819; [REDACTED]; [REDACTED]; [REDACTED]; VANLYNDEN:P00066, paras.111-112.

<sup>2504</sup> R.MAKSIMOVIĆ:T.26840-26843(confidential); R.MAKSIMOVIĆ:D00686, para.57; P06822.

<sup>2505</sup> [REDACTED]; THEUNENS:P03029, p.302; P05129, pp.20-22; P05121, pp. 1,3,5; P06696; R.ADŽIĆ:T.24784-24785. See P02717, p.2; P02707.

<sup>2506</sup> E.g. P06659, p.12; M.SIMIĆ:T.32539-32540.

and ARK official,<sup>2508</sup> played a significant role in the takeover of key locations in the city of Banja Luka<sup>2509</sup> and abused and persecuted non-Serbs in Banja Luka.<sup>2510</sup> Much of the SOS was incorporated into the CSB Banja Luka Special Unit.<sup>2511</sup>

584. In June and July of 1992, after the criminality of paramilitaries began to be directed against Serbs, the VRS and BSL took belated measures to bring remaining paramilitary groups under VRS control once their criminality was directed at Serbs and Serb interests.<sup>2512</sup> While Defence witnesses emphasised these operations,<sup>2513</sup> the evidence reveals that these measures were not taken due to paramilitaries' crimes against non-Serbs but to ensure unified command<sup>2514</sup> and/or due to their criminality against Serbs including persons as important as RS ministers. As Bosnian Serb officials themselves observed, "once they ran out of Muslim houses they switched to robbing Serb houses"<sup>2515</sup> and "even killing [Serbs]".<sup>2516</sup>

585. For instance, many Defence witnesses cited the operation against the Yellow Wasps.<sup>2517</sup> This operation immediately followed the Yellow Wasps' harassment of RS Ministers STANIŠIĆ and OSTOJIĆ and attacks on VRS units.<sup>2518</sup> By contrast, weeks earlier while co-operating with the VRS and subordinated TO units, they had "massacred" non-Serbs in Zvornik with impunity.<sup>2519</sup> When arrested the Yellow Wasps were simply sent to Serbia<sup>2520</sup> and were never charged with murder, even though members had confessed their involvement in murders to the military

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<sup>2507</sup> AF308; [REDACTED]; P03209, p.1; D00080; RADULOVIC:P03207, para.48(confidential).

<sup>2508</sup> AF308; P04337, p.1; DODIK:T.42295-42296; P07763; D00857.

<sup>2509</sup> AF453-AF455; P03209, p.1.

<sup>2510</sup> [REDACTED]; RADULOVIC:P03207, para.48(confidential).

<sup>2511</sup> P07160. *See* Banja Luka Summary.

<sup>2512</sup> THEUNENS:P03029, pp.295-301; P02930; P00501/P05112(duplicate); P03802; BROWN:P02859, pp.82-84; P05113; P05117; [REDACTED].For instance, **MLADIĆ**'s order on disarming paramilitaries on 28 July 1992 repeatedly mentions property crimes but does not mention crimes against non-Serbs. P00501.

<sup>2513</sup> *E.g.* KIJAC:T.41269-41270; RADOJČIĆ:T.23054-23055; RADOJČIĆ:D00535, paras.60-61; S.ANDRIĆ:T.34764-34770; Mane ĐURIĆ:T.27666-27667; ANDAN:T.22421.

<sup>2514</sup> RADOJČIĆ:T.23054-23055; RADOJČIĆ:D00535, paras.60-61.

<sup>2515</sup> ANDAN:T.22401-22402. *See* P00414, p.5; M.KARIŠIĆ:T.33147-33151; Mane ĐURIĆ:T.27665.

<sup>2516</sup> P03802, p.3.

<sup>2517</sup> *E.g.* S.ANDRIĆ:T.34764-34767,T.34769-34770; Mane ĐURIĆ:T.27666-27667; ANDAN:T.22421; KARIŠIĆ:T.33147-33148;

<sup>2518</sup> Mane ĐURIĆ:T.27665-27666; ANDAN:T.22401-22404; P03802, p.3.

<sup>2519</sup> P06582, p.3; P06584; P06583, p.3; S.ANDRIĆ:T.34770; P07349, p.8; P07350, pp.4,32 (BCS,pp.4,77); P07351, p.2.

<sup>2520</sup> ANDAN:T.22425-22430; P06583; P06582, p.2.

police.<sup>2521</sup> Members of the unit were incorporated into the VRS.<sup>2522</sup> Other paramilitary or formerly paramilitary formations taken into custody in Brčko and Bijeljina were also either released or taken to the border and handed over to the Serbian police and not prosecuted for their crimes against the non-Serb population.<sup>2523</sup>

586. Contrary to the Defence suggestion that there was a concerted effort to address paramilitary crimes, the continuing incorporation of criminal groups that had previously been paramilitaries more accurately reflects the motive behind the measures taken against paramilitaries in July 1992 – ensuring unified command over Serb forces in the face of crimes being committed against Serbs and against Serb interests. This is clearly reflected in KARADŽIĆ’s announcement of 6 August 1992, which exempted from the prosecution of paramilitary groups “politically organised units” and “units... that have subordinated themselves to the single command and are bravely fighting for the freedom of their Serbian Bosnia and Herzegovina and deserve all praise.”<sup>2524</sup> Indeed, incorporated former paramilitaries continued to commit crimes as part of the VRS or other Bosnian Serb forces throughout the war. For instance, in November 1992, former SOS member and 6<sup>th</sup> Brigade soldier Daniluško KAJTEZ was involved in the massacre of Croat civilians in Škrlejevita village in Sanski Most;<sup>2525</sup> and in May 1995, Slavko ALEKŠIĆ<sup>2526</sup> participated in taking UN peacekeepers hostage.<sup>2527</sup>

#### 8. Crisis Staffs (“CS”)

587. KARADŽIĆ, MLADIĆ and the BSL used CS and other local authorities to implement the common criminal purpose. The BSL created and controlled the CS.<sup>2528</sup> Beginning in late 1991, at BSL direction, CS implemented steps towards an ethnically-separate state.<sup>2529</sup> Comprised of high-level Serb functionaries from key institutions, including the military and police, CS also served as a forum to co-ordinate their organisations’ efforts in Serb-claimed territories.<sup>2530</sup> By the end of April

<sup>2521</sup> P06584.

<sup>2522</sup> ANDAN:T.22424; P06582, p.2.

<sup>2523</sup> ANDAN:T.22395-22396,T.22407-22410.

<sup>2524</sup> P02931.

<sup>2525</sup> P03294, pp.34-35; [REDACTED]. *See* Sanski Most Summary; SIC:A.7.5(Sanski Most).

<sup>2526</sup> *See* para.582.

<sup>2527</sup> RM401:T.18241.

<sup>2528</sup> *E.g.* Section III.B.4; D.HANSON:P00379, paras.16-25,38-39,56-60; P00408.

<sup>2529</sup> *See* Section III.B.5.

<sup>2530</sup> AF377; D.HANSON:P00379, paras.57,86; ERCEG:T.33997-34000; P04337.

1992, the CS were designated by the BSL as formal bodies of the Bosnian Serb state, directed to “take over all the prerogatives and functions of municipal assemblies, when they are not in a position to meet” during wartime conditions.<sup>2531</sup>

588. In early June 1992, KARADŽIĆ further formalised and centralised the governance of the Serbian municipalities by replacing CS with the short-lived War Presidencies (“WP”), which were very soon supplanted by War Commissions (“WC”), which served as municipal authorities with direct links to the RS Presidency through the War Commissioner.<sup>2532</sup> KARADŽIĆ personally appointed WP or WC members in various municipalities.<sup>2533</sup> The RS government also provided municipal CS with resources.<sup>2534</sup>

(a) Local authorities were created and controlled by the BSL

589. Commencing with the establishment of autonomous regions, the BSL created parallel authorities to administer Serb control at the republic, regional and local level. From September to November 1991, under KARADŽIĆ’s control, the BSL established Serb autonomous regions.<sup>2535</sup> The regions answered to<sup>2536</sup> and supported<sup>2537</sup> republic-level authorities, and disseminated their directions to local Serb organs.<sup>2538</sup> Co-ordinators at the municipal and regional levels assisted in ensuring dissemination of and adherence to republic-level instruction.<sup>2539</sup> The BSL was clear that regionalisation was intended to facilitate ethnic consolidation<sup>2540</sup> and destroy joint Bosnia.<sup>2541</sup>

<sup>2531</sup> P00408, p.1; D.HANSON:P00379, para.27.

<sup>2532</sup> See D.HANSON:P00379, paras.53-55,144. See AF387; AF393.

<sup>2533</sup> E.g. **Bijeljina**:P03045; **Bratunac**:P03935; **Ilidža**:P03804; **Pale**:P03041; **Rogatica**:P03047; **Vlasenica**:P03046; **Zvornik**:P04159.

<sup>2534</sup> E.g. ČVORO:T.22136-22139; P06563; P06564.

<sup>2535</sup> See P07078; P07079; P06998; P06995; P06999, p.3; TREANOR:P03003, paras.135-142; D.HANSON:P00379, paras.16-19; AF41-AF42; AF53-AF57; P07720; KOVIĆ:T.42015-42016,T.42018.

<sup>2536</sup> See Municipality Summaries; P00406, p.24; D.HANSON:T.4152-4153; P.RADIĆ:P04333, T.7401-7402,T.7414,T.7419-7422,T.7449,T.7456-7457; SAJIĆ:D00836, para.50.

<sup>2537</sup> P07006, p.3; P07721, p.5.

<sup>2538</sup> E.g. D.HANSON:T.4152-4153.

<sup>2539</sup> D.HANSON:P00379, para.64; P03770; P04115; AF379; P07082; P03861; P04034; P04031; P04033.

<sup>2540</sup> P07722, pp.4-5; KOVIĆ:T.42018. E.g. M.DERONJIĆ:P03566, paras.43-44.

<sup>2541</sup> P07000, pp.4,6; KUPREŠANIN:T.29709.

590. Immediately after KARADŽIĆ issued the Variant A/B instructions,<sup>2542</sup> the BSL began establishing municipal CS,<sup>2543</sup> later transformed into Serb state organs.<sup>2544</sup> These CS armed Serbs in co-operation with the JNA, SDS and RSMUP,<sup>2545</sup> clandestinely established Serb institutions led by CS members,<sup>2546</sup> and otherwise laid the groundwork for the municipality takeovers. As KARADŽIĆ retrospectively observed:

At the moment the war began, in the municipalities where we were in the majority, we had municipal power, held it firmly, controlled everything. In the municipalities where we were in the minority, we set up secret government, municipal boards, municipal assemblies, presidents of executive boards. You will remember, the A and B variants. In the B variant, where we were in the minority – 20%, 15% – we had set up a government and a brigade, a unit, no matter what size, but there was a detachment with a commander.<sup>2547</sup>

591. In the immediate build-up to the takeovers, KARADŽIĆ repeated his instruction for those municipal boards, particularly in the newly-established municipalities, that had not yet fully implemented Variant A/B: CS were to be “urgently established” and “presidents of municipalities and executive boards will hold the highest ranks in the crisis staffs.”<sup>2548</sup> On 4 April 1992, KARADŽIĆ, as the President of the NSC, ordered the activation of CS,<sup>2549</sup> completing their transformation from SDS to governmental organs of the new Serb state.<sup>2550</sup> Municipality takeovers in April and May 1992 established Serb CS as the pre-eminent political authorities in the municipalities. In many cases, a pre-existing Serb CS simply asserted itself as the new municipal authority.<sup>2551</sup>

<sup>2542</sup> P03038, pp.3,6-7; D00985, pp.4,8-9.

<sup>2543</sup> E.g. D.HANSON:P00379, paras.20-39; **Banja Luka**:P.RADIĆ:P04333, T.7384; **Bratunac**:M.DERONJIĆ:P03566, paras.46,97-99; **Ilidža**:MIJANOVIĆ:T.28812; **Ključ**:P03771; **Novo Sarajevo**:ŠALIPUR:T.37446-37447; **Prijedor**:P03773, p.1; **Rogatica**:VESELINOVIĆ:D00770, para.13;VESELINOVIĆ:T.28258.

<sup>2544</sup> D.HANSON:P00379, para.88.

<sup>2545</sup> See Sections III.G.11; III.G.4; III.G.6.

<sup>2546</sup> E.g. Ključ and Prijedor Summaries.

<sup>2547</sup> P04583, p.323.

<sup>2548</sup> E.g. P00407, p.20; P00406, p.22; D.HANSON:P00379, paras.33-34.

<sup>2549</sup> P03899.

<sup>2550</sup> D.HANSON:P00379, para.36.

<sup>2551</sup> See Municipality Summaries. E.g. **Bratunac**:M.DERONJIĆ:P03566, paras.46,97-99; **Ključ**:P00472, p.2; **Prijedor**:D00064; **MANDIĆ**:T.28888-28893,T.28933-28935,T.28954; **Rogatica**:P03913; VESELINOVIĆ:D00770, para.13.

592. Despite the evidence reflecting the implementation by local authorities of instructions from the republic-level, often relayed through the regional crisis staffs,<sup>2552</sup> Defence witnesses nonetheless attempted to distance the BSL from crimes in the municipalities by falsely claiming that local or regional authorities were “cut off”<sup>2553</sup> or acted independently.<sup>2554</sup> For instance, ARK CS members claimed in their statements that ARK authorities did not have contact with Pale authorities and/or that municipal authorities did not follow its directions.<sup>2555</sup> However, in addition to the contemporaneous documents belying that claim, those same witnesses and other ARK CS members admitted under cross-examination that ARK authorities did have communications with Pale,<sup>2556</sup> that ARK regional and municipal political institutions received and implemented instructions from the BSL during the early months of 1992,<sup>2557</sup> and that ARK CS decisions were binding on municipal CS.<sup>2558</sup> Similarly, STANIĆ admitted that by late May 1992 SAO Birač was making proposals to the RS government for its decisions.<sup>2559</sup>

(b) The CS served a co-ordinating function in achieving the common criminal purpose

593. Beyond the direct implementation of republic-level instructions aimed at the creation of an ethnically-separate entity, CS—comprised of the leading Serbian officials in various bodies and forces—served as a useful forum for co-ordinating the efforts of different arms of the RS toward the common goals shared by their leaders.<sup>2560</sup> The BSL, republican ministers, CS members and VRS members

<sup>2552</sup> E.g. KUPREŠANIN:P06994, p.6; AF380; ERCEG:T.34001-34002,T.34010,T.34016-34017,T.34019-34021,T.34028-34029; DODIK:T42263-42264; P00408; D00081; P02413; P06972; P03758, pp.1-2; P06948; P04340, P07287; D00079; [REDACTED]; [REDACTED]; ŠALIPUR:T.37451-37452; P07488; P03027; [REDACTED]; P07087; P03735; P03046; P07088; P03982; STANIĆ:T.30916-30919; M.DERONJIĆ:P03566, para.96.

<sup>2553</sup> E.g. SAJIĆ:D00836, para.48; SAVKIĆ:D00699, para.83; SAVKIĆ:T.27170-27173; STANIĆ:D00884, para.40.

<sup>2554</sup> E.g. KUPREŠANIN:T.29798; KUPREŠANIN:D00852, para.43; ERCEG:T.34001.

<sup>2555</sup> E.g. SAJIĆ:D00836, para.48; KUPREŠANIN:T.29798; KUPREŠANIN:D00852, para.43; ERCEG:T.34001.

<sup>2556</sup> ERCEG:T.34032; SAJIĆ:T.29228-29232,T.29235-29237. E.g. P04088;P06973; P07299; P07300; P06974.

<sup>2557</sup> E.g. KUPREŠANIN:T.29726,T.29740,T.29759; P07004; P07006; ERCEG:T.33986-33991; P07289; SAJIĆ:T.29230-29231; P03027; P03415; P.RADIĆ:P04333, T.7401-7402,T.7419-7422,T.7449,T.7456-7457; DODIK:T.42254. See Municipality Summaries.

<sup>2558</sup> P06972, p.1; ERCEG:T.34016. See P03758, p.2; P04341; P.RADIĆ:P04333, T.7429-7431; MANDIĆ:T.28875-28876; P03782; DODIK:T.42242; P07032, p.2; P00472, p.5.

<sup>2559</sup> E.g. STANIĆ:T.30899-30901.

<sup>2560</sup> E.g. Birač:P00190; Ključ:P00472, p.3; Zvornik:P00466.

maintained regular communications to facilitate their co-ordination.<sup>2561</sup> CS included leaders of key institutions—JNA and later VRS commanders for their area, Serb police officials, Serb TO commanders and SDS leaders.<sup>2562</sup> The presence of the leaders of the most important institutions in the area on CS's ensured the co-ordinated implementation of their common objectives<sup>2563</sup> by the different Bosnian Serb bodies, including the VRS,<sup>2564</sup> as members took the lead on issues in their areas of responsibility.<sup>2565</sup>

(c) The CS's military role

594. While the relationship of CS with the JNA and later the VRS evolved differently to some degree in each municipality, the CS's significant role in seizing and maintaining Serb power was advanced by, *inter alia*, co-ordinating with and supporting the JNA/VRS military effort.<sup>2566</sup>

(i) CS armed the Serb population and led early takeovers

595. Beginning before the takeovers, CS armed the Bosnian Serb population together with the JNA and SDS.<sup>2567</sup> In the context of Republic-level instructions that repeatedly emphasized the need for CS co-operation with and/or subordination to the JNA in military matters,<sup>2568</sup> CS Presidents or other members often commanded Serb TO's, particularly in April 1992.<sup>2569</sup> In some instances, they went on to serve as VRS officers. For instance, Bosko LUKIĆ was a CS member and Serb TO commander in

<sup>2561</sup> E.g. P00431, p.28; P00353, pp.28-29,53,60; P03955; BROWN:P02859, pp.47-51; Foča:P06836; P07291, p.4; Ilidza:P00352, p.3,389; P01967; MIJANOVIĆ:T.28812-28813; Ključ:P00472, p.3; Prijedor:SEJMENOVIĆ:T.3522-3523,T.3568-3569; D.HANSON:T.4152-4153; VULLIAMY:T.2588-2589; Vlasenica:P00353, p.232; P00189; D.HANSON:T.4159; KALABIĆ:T.30253-30254,T.30256.

<sup>2562</sup> AF373; P03038,pp.3,6-7; D.HANSON:P00379, para.39; BORIĆ:P07331, pp.11-12; SEJMENOVIĆ:T.3516; D.HANSON:T.4153-4154. See Municipality Summaries.

<sup>2563</sup> E.g. D.HANSON: P00379, paras.57-58,66,86; AF377; ERCEG:T.33997-34000, addressing P04337.

<sup>2564</sup> E.g. D.HANSON:P00379, para.86.

<sup>2565</sup> ERCEG:T.34000.

<sup>2566</sup> D.HANSON:P00379, paras.67-69,76; P00412; P02714.

<sup>2567</sup> E.g. D.HANSON:P00379, paras.61,70; D01708, p.4; P04138, pp.5,7; P03030, p.6; P03771. See Municipality summaries.

<sup>2568</sup> See P03038, pp.4-5; P00408.

<sup>2569</sup> See Foča, Ključ, Prijedor, Rogatica, Sanski Most Summaries.

Ključ. After the establishment of the VRS, he served as the Chief of Staff of the 2KK 17<sup>th</sup> Brigade.<sup>2570</sup>

(ii) VRS took over command of military operations once it was established

596. As set forth elsewhere, **MLADIĆ** insisted on immediate unified command of military operations.<sup>2571</sup> The day after the formal establishment of the VRS on 19 May 1992, **KARADŽIĆ** issued a decision on mobilisation into the VRS<sup>2572</sup> that was relayed by the 1KK Command<sup>2573</sup> and implemented by CS throughout the ARK within days.<sup>2574</sup> A few days after, the RS Presidency established first WP's and shortly thereafter WC's, in both cases emphasising the new institutions' role in co-operating with and facilitating the work of the VRS.<sup>2575</sup>

597. CS handed over military command to the VRS after its establishment.<sup>2576</sup> In the period before all CS-organised units were formally incorporated into the VRS, **MLADIĆ** would occasionally give direct orders to CS members about military issues.<sup>2577</sup> While some CS officials occasionally tried (unsuccessfully) to interfere in the chain of command,<sup>2578</sup> they did not impede the army's functioning. Indeed, no VRS witness testified that he had followed an order issued outside his chain of command and no CS member testified that he had issued an order to a VRS unit.<sup>2579</sup> However, the process of full formal incorporation into the VRS happened at different speeds in different areas. In Banja Luka, Ilidža, Ključ, Prijedor, Rogatica, and Sanski Most, for instance, units which were previously commanded by CS members were either fully incorporated or subordinated to VRS units within days of the VRS' establishment, often reflecting the simple continuation of their previous *de facto*

<sup>2570</sup> See Ključ summary.

<sup>2571</sup> See Section II.A.4; P00403, pp.2-3; D.HANSON:T.4162; MIJANOVIĆ:T.28815; THEUNENS:T.20312.

<sup>2572</sup> P02872.

<sup>2573</sup> P02873.

<sup>2574</sup> E.g. **Sanski Most**:D00079; **Prijedor**:P03417; **Ključ**:KALABIĆ:T.30252; [REDACTED]; [REDACTED]; P02872.

<sup>2575</sup> P04906; D.HANSON:P00379, paras.50-55,77,115; P00402, Art.4; P00401; D.HANSON:T.4149-4152.

<sup>2576</sup> E.g. D.HANSON:T.4154,T.4233; P00353, pp.53-56.

<sup>2577</sup> E.g. D.HANSON:T.4171-4172; P04125; P04024.

<sup>2578</sup> E.g. BROWN:P02859, pp.51-55.

<sup>2579</sup> KALABIĆ:T.30254-30257; P03758, pp.6,23; P00472, p.3.

subordination to local JNA units;<sup>2580</sup> while in Foča, CS President STANIĆ maintained command of TG Foča into early June 1992.<sup>2581</sup> By June 1992, the various armed Serb forces, including “irregular TO” units secretly formed by the SDS which had generally been under CS control, were recombined into the VRS.<sup>2582</sup>

(iii) CS continued to provide support to and co-operate with the VRS after handing over command

598. VRS-CS co-operation continued after CS handed over command of military operations to the VRS. Consistent with **MLADIĆ**’s declaration at the 16th Assembly that civilian authorities would “work for the front and produce for the front”,<sup>2583</sup> the CS provided the military with essential support, such as recruits, supplies and material and moral support.<sup>2584</sup> Within a month, **MLADIĆ** praised the authorities as “functioning at an optimal level with respect to the needs of the front”.<sup>2585</sup>

599. The VRS also maintained direct involvement in CS. VRS officers served as CS members and/or attended CS meetings.<sup>2586</sup> In Ključ, for example, the CS recorded the regular participation of VRS representatives in CS sessions, and described the period from May to July 1992 as “one of very successful co-operation between the Crisis Staff and military organs in crushing armed resistance by Muslim extremists.”<sup>2587</sup> Similarly, Gen. TALJIĆ briefed the ARK Assembly on military operations and informed his subordinate 1KK officers of ARK CS decisions.<sup>2588</sup>

(d) Local authorities co-operated with armed forces to implement the common criminal purpose

600. As CS brought together the leaders of different institutions responsible for implementing the common criminal purpose, the CS themselves often implemented

<sup>2580</sup> See Municipality Summaries. E.g. V.NIKOLIĆ:D00892, p.8; V.NIKOLIĆ:T.31272; N.DAVIDOVIĆ:T.31530; [REDACTED].

<sup>2581</sup> See Foča Summary.

<sup>2582</sup> D.HANSON:P00379, para.68.

<sup>2583</sup> P00431, pp.40.

<sup>2584</sup> D.HANSON:P00379, para.85.

<sup>2585</sup> P00353, p.132.

<sup>2586</sup> E.g. P00472, p.3; P03892.

<sup>2587</sup> E.g. P00472, p.3.

<sup>2588</sup> E.g. P03955; AF360; AF419; AF439.

the common criminal purpose through detentions,<sup>2589</sup> expulsions,<sup>2590</sup> and other restrictive/discriminatory practices imposed on the non-Serb population.<sup>2591</sup> VRS soldiers, veterans and their families benefited from the CS's appropriation of non-Serb property.<sup>2592</sup> CS co-operated with other Serb authorities in the commission of crimes and facilitated their co-operation in doing so. [REDACTED].<sup>2593</sup>

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<sup>2589</sup> *E.g.* **Foča**:AF638; P06685; P00536; P02828; P02856. *See* RM046:P00738, p.9(confidential); P00743; D00578; P02826; P02827; D00103; P06681; RM013:P00983, paras.27-28(confidential); P00985; P03801, p.2; **Prijedor**:P02900; P02895; P03891, p.3; P07129, pp.1,8,10; **Sanski Most**:P03787, p.2; P02409; P03842, p.2; P00404; P03870; P03127; P03255; P03787; RM028:P02489, T.8053,T.8068-8069; D00987; P02414.

<sup>2590</sup> D.HANSON:P00379, para.101. *E.g.* **ARK**:D00423, p.3; P00151, p.2; P02875; **Bosanski Novi**:P02900, pp.9,10,21-22; **Foča**:P02822; **Ključ**:P03758, pp.15-16; **Sanski Most**:P00404; P03753; P03787; **Prijedor**:P02900, p.9; P03895; **Kotor Varoš**:P00469; P03699; **Bosanska Krupa**:P00467; **Prnjavor**:P00468.

<sup>2591</sup> *E.g.* D.HANSON:P00379, para.98, fn.165; **ARK**:P04339; P06948; **Ključ**:P03758, pp.2,15-18,21; P03405; P07189; P00472, p.5; **Vogošća**:P03796; **Sanski Most**:P07117; P03787; **Bosanski Samač**:P03975; **Prijedor**:RADULJ:T.35555-35560.

<sup>2592</sup> *E.g.* P04286; BROWN:P02859, pp.47-48,116-117; D00429, p.3.

<sup>2593</sup> [REDACTED]; [REDACTED]. *See* Vlasenica Summary.

## IV. SARAJEVO JCE

### A. Overview

601. As the Commander of the GŠ-VRS, **MLADIĆ** was a key participant in a JCE to spread terror among the civilian population of Sarajevo through a sniping and shelling campaign<sup>2594</sup> implemented by SRK forces.

602. During the 44-month campaign, the SRK carried out widespread sniping of civilians engaged in civilian activities and launched tens of thousands of shells and bombs into Sarajevo which were often directed at or indiscriminately fired into populated residential areas or had no target, frequently as retaliation for BiH military or political actions or to leverage negotiations. The SRK amplified the impact of the sniping and shelling campaign through restrictions on humanitarian aid and utilities that instilled further fear and forced residents to expose themselves to attacks when searching for fuel for heating or cooking; or queuing for water or food. The campaign killed and wounded civilians, caused vast damage to Sarajevo's infrastructure and terrorised its civilian population.

603. The primary purpose of the shelling and sniping campaign was terror, as evidenced by its duration and intensity, its modulation, and its focus on targeting civilians and civilian objects. The nature and pattern of sniping and shelling attacks against civilians (exemplified by Schedules F and G), the strict command and control of SRK snipers, mortars and other artillery, the longevity of the campaign, and the personal involvement of **MLADIĆ** in Sarajevo events, make clear that the campaign resulted from a common criminal plan emanating from the top of the Bosnian Serb political and military hierarchy. Apart from **MLADIĆ**, members of the JCE included **KARADŽIĆ**, **GALIĆ**, **D.MILOŠEVIĆ**, and other members of the Presidency, all of whom intended that the crimes of terror, unlawful attacks against civilians and murder be committed in furtherance of the JCE.

604. From the outset, **MLADIĆ** manifested his willingness to participate in the Terror JCE and marked his arrival to the Sarajevo theatre in May 1992 with the immediate intensification of the terror campaign. He personally commanded the

massive bombardment of the city on or around 28 May 1992 (G1), and maintained firm control over the SRK and its implementation of the campaign of terror throughout the Indictment period. **MLADIĆ** used terror as a tool, modulating the violence against the civilian population in accordance with the BSL's political and strategic interests. At the same time, he promoted and rewarded key implementers of the campaign, and failed to prevent or punish perpetrators.

## **B. The Terror JCE**

### **1. The Common Criminal Purpose**

#### **(a) MLADIĆ and other JCE members shared the common criminal purpose**

605. As demonstrated by their words and actions, **MLADIĆ** and other JCE members (including **KARADŽIĆ**, **GALIĆ** and **D.MILOŠEVIĆ**), all shared the common purpose of conducting a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population, and involving the crimes of terror, unlawful attacks on civilians and murder ("Terror JCE").<sup>2595</sup>

606. As detailed below, the common purpose arose in April 1992.<sup>2596</sup> The sniping and shelling attacks against civilians of Sarajevo continued for the next 44 months,<sup>2597</sup> with **MLADIĆ** taking a leading role in the organisation, oversight and implementation of the campaign starting on 12 May.<sup>2598</sup> The JCE members varied the campaign's intensity in response to outside pressure or in furtherance of certain aims, but never suspended the campaign. The campaign, and thus the common purpose, ended by November 1995 with the conclusion of hostilities in BiH.<sup>2599</sup>

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<sup>2594</sup> See Definition of acts constituting a "campaign", *Galić* TJ, para.181; *Galić* AJ, para.205; *D.Milošević* AJ, para.266.

<sup>2595</sup> See Sections IV.B.3-IV.B.4; IV.C.

<sup>2596</sup> See Sections IV.B.3(a); IV.E.2.

<sup>2597</sup> See Sections IV.E.2 to IV.E.5.

<sup>2598</sup> See Sections IV.B.3; IV.B.4.

<sup>2599</sup> AF1767. See Section IV.E.5.

(b) The CCP was to spread terror among the civilian population of Sarajevo through a campaign of shelling and sniping

607. The primary purpose of the campaign—to spread terror among the civilian population—was obvious to those who observed it, and is the only conclusion that can be drawn from many years of attacks on civilians with very little effect other than to create and sustain an environment of terror.<sup>2600</sup>

608. The campaign of terror directed against Sarajevo civilians was distinct from, although sometimes co-existent with, the military operations conducted between the belligerent parties in the Sarajevo theatre. As BELL explained, in Sarajevo “it was as if there were two conflicts going on in the city. One was a conflict between two armies; the Bosnian Serb army and the ABiH. But there were also bombardments of civilian areas and the sniping at civilians.”<sup>2601</sup>

609. **MLADIĆ, KARADŽIĆ** and other JCE members used the terror caused by the sniping and shelling campaign for various motives, including as leverage in negotiations,<sup>2602</sup> as retaliation for military action by the ABiH within Sarajevo or elsewhere,<sup>2603</sup> to bolster the effect of offensive operations,<sup>2604</sup> to break the will of the civilian population,<sup>2605</sup> and to make it impossible for the BH government to properly

<sup>2600</sup> RM176:P00640, pp.4,13,16(confidential); RM176:T.6303,T.6307-6310(confidential),T.6366-6367(confidential); RM163:P00628, para.68(confidential); RM055:P00749, pp.8-10,27(confidential); RM055:T.7070-7071; RM120:P00807, pp.16,21-22,29,42(confidential); FRASER:P00576, paras.39-43,85,122(confidential); BRENNISKAG:P00992, para.62; HARLAND:P00001, paras.32-35,41,217,219,291; HARLAND:T.681-682; P00011, p.4; P06620; KONINGS:P01741, paras.35,43; VANLYNDEN:P00066, para.25; BANBURY:P00874, paras.94-95,197,199,202; BANBURY:T.8222; P00876, para.9; RM120:P00807, pp.16,21-22(confidential); TUCKER:P00317, para.44,49,82-85,90; P00299, p.6; RM155:P01925, paras.17-26(confidential); MANDILOVIĆ:P00679, paras.107-114; NAKAŠ:P00941, paras.49-58(confidential); RM112:P01948, para.12(confidential); ŠABANIĆ:P01913, pp.12-13; ZAIMOVIĆ:P02620, para.27; TURKUŠIĆ:P02009, para.86; DRAŠKOVIĆ:T.38041-38042; [REDACTED].

<sup>2601</sup> BELL:P00832, para.57; RM120:P00807, p.16(confidential). See Sections IV.E.6(a); IV.E.6(b)(i).

<sup>2602</sup> DONIA:P01999, pp.60-81; P02008, p.3; HARLAND:P00001, paras.35-36,41,63,155,270-271,300; MOLE:P00421, paras.91-96,116; RM163:P00628, paras.25-26,48,65,68,70,105,140(confidential); BELL:P00832, para.60; BELL:T.7821; BANBURY:P00874, para.200; VANLYNDEN:P00066, para.22; ROSE:P00736, paras.28,197,199; TUCKER:P00317, para.49.

<sup>2603</sup> RM163:P00628, paras.28,37,70,141(confidential); RM176:P00640, pp.3-5(confidential),19; HARLAND:P00001, paras.171,203,214,290-292; P00880, p.3; P01089, p.2; P00876, para.9; TUCKER:P00317, paras.82-85,90-91,95,295; MOLE:P00421, paras.91-96,105; MOLE:T.4324; BANBURY:P00874, paras.94,197.

<sup>2604</sup> See Section IV.E.6(b)(i).

<sup>2605</sup> HARLAND:P00001, para.63; OKUN:P03103, T.4202,T.4210-4211,T.4404; ROSE:P00736, para.199; BOWEN:P02515, paras.18-20,24-25,27,41-43; BOWEN:P02516, T.10107-10110,T.10116-

function.<sup>2606</sup> The campaign also furthered, and was furthered by, the blockade of Sarajevo, helping to perpetuate the ethnic division of the city that was largely accomplished between April and late May 1992.<sup>2607</sup>

2. Crimes within the common purpose

610. The common purpose encompassed the crimes charged in Counts 5, 6, 9 and 10 of the Indictment: terror, unlawful attacks against civilians and murder. As detailed below,<sup>2608</sup> and in the sections related to Schedules F and G, the Prosecution has proven beyond a reasonable doubt the elements for each crime,<sup>2609</sup> the chapeau elements for Articles 3 and 5,<sup>2610</sup> and **MLADIĆ**'s individual criminal responsibility.<sup>2611</sup>

3. Starting on 12 May 1992, **MLADIĆ** shared, and significantly contributed to implementing, the CCP

(a) **MLADIĆ** knew of the campaign from its outset

611. Even before his appointment as VRS Main Staff Commander on 12 May 1992,<sup>2612</sup> **MLADIĆ** was aware that a campaign of sniping and shelling had commenced against the city of Sarajevo. From early April 1992, JNA and local Serb TO forces (over whom **MLADIĆ** would soon assume command) and MUP units

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10117; BOWEN: T.18048-18049,T.18139-18140; BANBURY:P00874, para.197; P00299, p.6; TUCKER:P00317, paras.44,82-85,90-91,295. See Section IV.C.1(c).

<sup>2606</sup> P00431, p.10; P04581, p.16.

<sup>2607</sup> See Sections IV.E.2; IV.E.6(b)(i)f. RM163:P00628, para.26(confidential); P04422, p.1; P06947, tp.5-6; KECMANOVIĆ:D00556, para.16; P00353, p.309; P00359, pp.53-54,59,133; P02003; P02508, pp.14-15; DONIA:P01999, pp.28,60-67,70-71; P04585, p.16; P00360, p.164; P00345, pp.168-169; OKUN:P03103, T.4174-4175,T.4204,T.4251,T.4354-4355; P03115, p.4.

<sup>2608</sup> See Sections IV.E.3-IV.E.6.

<sup>2609</sup> *D.Milošević* AJ, paras.30-37,57,57,60; *Galić* AJ, paras.86,98,102,104,fn.411; *Strugar* AJ, paras.270-271. See Sections IV.E.6(a); IV.E.6(b).

<sup>2610</sup> See Indictment, paras.87-89. For crimes against humanity, they were committed as part of a widespread or systematic attack directed against the civilian population of Sarajevo. See Indictment, para.87.

<sup>2611</sup> See *Tadić* AJ, paras.195-227.

<sup>2612</sup> P00431, pp.53-54.

encircled the city,<sup>2613</sup> consolidated the confrontation lines,<sup>2614</sup> and began sniping and shelling the civilians in Sarajevo.<sup>2615</sup>

612. This shelling and sniping campaign attained worldwide notoriety in April 1992 through contemporaneous reporting in the international media. Broadcasting from Sarajevo for BBC during April and early May, BELL described shelling attacks by Serb forces on the television station<sup>2616</sup> and other civilian targets including the tram depot,<sup>2617</sup> as well as the resulting civilian casualties.<sup>2618</sup> “[S]ome buildings were destroyed completely, many others badly damaged,”<sup>2619</sup> he told his audience, and “much of the city is shattered.”<sup>2620</sup> DOYLE, who had received false assurances from KARADŽIĆ that a threatened attack on the city’s television station would not occur, condemned on BBC the ensuing attack that killed two civilians on 19 April.<sup>2621</sup>

613. Even apart from the awareness arising from media coverage, the international community was unsurprisingly well-apprieved of the shelling and sniping campaign.<sup>2622</sup> For example, on 1 May, the mayor of Sarajevo wrote to the European Commission to decry the civilian casualties in his city, reporting that residents were terrorised by sniper attacks and driven into their basements in fear of shelling.<sup>2623</sup> In particular, as discussed further below, the devastation of the city and the terror experienced by its residents was known within the JNA command and other Serb forces.<sup>2624</sup>

614. As Commander of the JNA 9<sup>th</sup> Corps,<sup>2625</sup> **MLADIĆ** was promoted “ahead of time” on 24 April 1992,<sup>2626</sup> and appointed the following day as NŠ/Chief of Staff and Deputy Commander of the JNA’s 2<sup>nd</sup> Military District in Sarajevo.<sup>2627</sup> The JNA

<sup>2613</sup> AF1706; P00431, p.8.

<sup>2614</sup> BELL:P00832, para.61; [REDACTED].

<sup>2615</sup> See Section IV.E.2.

<sup>2616</sup> BELL:P00832, paras.62,101; P01880. See P07683, p.2; P07731; DOYLE:P00091, para.77.

<sup>2617</sup> BELL:P00832, para.62; P01877.

<sup>2618</sup> BELL:P00832, para.62; P01877; P01880. See DOYLE:P00091, para.77; P07171, pp.9,15,18.

<sup>2619</sup> P01879.

<sup>2620</sup> P01879.

<sup>2621</sup> DOYLE:P00091, paras.77-78. See VANLYNDEN:P00066, paras.86,144; VANLYNDEN:T.1331.

<sup>2622</sup> DOYLE:P00091, paras.11,74-78,96; DOYLE:T.1526-T.1528.

<sup>2623</sup> P00094, p.1. See DOYLE:T.1615-1616.

<sup>2624</sup> P07729, p.1; P04939, p.2. See P07728, pp.2,4.

<sup>2625</sup> P04919; THEUNENS:P03029, p.156

<sup>2626</sup> P04924; THEUNENS:P03029, p.156,225.

<sup>2627</sup> P03028; THEUNENS:P03029, p.225.

command briefed him on the situation in Sarajevo. On 30 April, ADŽIĆ informed **MLADIĆ** of the “[b]ombardment of the old part of Sarajevo.”<sup>2628</sup> KUKANJAC reported to **MLADIĆ** on 9 May that Sarajevo was “a ghost town” and that the “Serbian leadership has been shelling it for months” with mortar and artillery—misstating the duration but not the underlying fact.<sup>2629</sup> Even without these specific references to the campaign-in-progress, during this period immediately preceding his appointment, **MLADIĆ** was informed of the Bosnian Serb objectives for Sarajevo and the status of progress, making it impossible that he did not know of the ongoing shelling of the civilian population and objectives for Sarajevo during the period immediately preceding his appointment.<sup>2630</sup>

615. On 10 May 1992, **MLADIĆ** took command of the JNA’s 2<sup>nd</sup> Military District,<sup>2631</sup> and began immediately to ensure that Bosnian Serb forces were ready for intensified use. On 11 May, **MLADIĆ** met with ĐURĐEVAC at the 4<sup>th</sup> Corps KM and inspected levels of combat readiness of units in the field, later assigning tasks “to improve the fortification of the positions reached around Sarajevo and beyond.”<sup>2632</sup> That same day he issued orders to prepare for the transfer of JNA units to FRY,<sup>2633</sup> and to mobilise and organise units to be “trained, armed and prepared for combat as soon as possible.”<sup>2634</sup> **MLADIĆ** personally inspected the level of combat readiness of 4<sup>th</sup> Corps units on 11 May, and then immediately assigned tasks to fortify positions around Sarajevo.<sup>2635</sup> Upon his appointment on 12 May as Commander of the GŠ-VRS,<sup>2636</sup> as discussed below, **MLADIĆ** immediately made clear his plan to intensify the terror campaign against civilians in Sarajevo.<sup>2637</sup>

(b) **MLADIĆ** proposed terror in Sarajevo immediately

616. From the moment he took command, **MLADIĆ**’s own words reflected his commitment to the common purpose of the Terror JCE. As shown below, his remarks at the 16<sup>th</sup> Assembly session to those who appointed him revealed his intention to use

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<sup>2628</sup> P00352, p.224.

<sup>2629</sup> P00352, p.273.

<sup>2630</sup> P00352, pp.257,262.

<sup>2631</sup> P03813; THEUNENS:P03029, p.225.

<sup>2632</sup> ĐUKIĆ:P01052, p.6.

<sup>2633</sup> P03056.

<sup>2634</sup> P03032; THEUNENS:T.20294-20296.

<sup>2635</sup> ĐUKIĆ:P01052, p.6.

<sup>2636</sup> P00431, pp.53-54.

VRS firepower against the city as a whole, to keep the city in encirclement and thus “beneath our hammer,” and to use other measures against civilians such as deprivation of means for normal survival.<sup>2638</sup> In the days immediately preceding and following the Assembly session, he threatened BiH authorities and internationals with destruction of the city and communicated to his own forces that Sarajevo and its population faced massive attacks if his demands were not met.

(c) **MLADIĆ’s 16<sup>th</sup> Assembly Speech**

617. **MLADIĆ’s** speech to the 16<sup>th</sup> Assembly on 12 May 1992 accurately presaged his upcoming attacks on civilians in Sarajevo and reflected his commitment to the common purpose. While underscoring his own command authority for what would happen to Sarajevo, **MLADIĆ** revealed his intention to significantly intensify the artillery attacks on the city, maintain its encirclement and put additional pressure on the civilian population through deprivations of water, gas, and electricity.<sup>2639</sup>

618. **MLADIĆ** told the Assembly that he intended to escalate the ongoing attacks against the civilian population<sup>2640</sup> and described the more aggressive campaign he would conduct against the city.<sup>2641</sup> He dismissed the attacks already underway as inadequate, saying, “One cannot take Sarajevo by spitting at it from a mortar or a howitzer. You cannot win the negotiations that way either...”.<sup>2642</sup> The attacks he envisioned, he made clear, would render Sarajevo “even less” than useless:

If there is going to be a war, Bosnia will be of no use to anyone and Sarajevo even less. I refer to what is not on the front. We should not spit at Sarajevo with two mortars.<sup>2643</sup>

**MLADIĆ** explained that large numbers of heavy weapons would be used to accomplish this, stating that “300 guns must be densely planted around Sarajevo.”<sup>2644</sup>

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<sup>2637</sup> See Sections IV.B.4(b)-IV.B.4(d).

<sup>2638</sup> P00431, p.35.

<sup>2639</sup> P00431, pp.35-39.

<sup>2640</sup> See Section IV.E.2.

<sup>2641</sup> DONIA:T.15527.

<sup>2642</sup> P00431, p.35.

<sup>2643</sup> P00431, p.38.

<sup>2644</sup> P00431, p.36.

619. These guns would be targeted at an encircled Sarajevo. After KARADŽIĆ reported to the 16<sup>th</sup> Assembly that Sarajevo was held “in complete encirclement,”<sup>2645</sup> **MLADIĆ** reminded the delegates and other officials of the importance of that encirclement and assured them that he would maintain it:

Just as this Military Hospital was under blockade, so the Muslims too are under a blockade. There is nowhere they can go. One of the reasons is because the head of the dragon of fundamentalism lies beneath our hammer.<sup>2646</sup>

620. Indeed, he considered the encirclement of Sarajevo significant enough that “not just anyone” but only “the one who is in charge, who is the commander,” would determine “whom we let out.”<sup>2647</sup> **MLADIĆ** made clear that he would make these decisions in the discharge of his responsibilities, through which Supreme Commander KARADŽIĆ exercised his command and control of the army. “I think that the President of the Serbian Republic of Bosnia and Herzegovina should have command and control over the army, through the Main Staff of the Serbian Republic of Bosnia and Herzegovina Army, and heading the Main Staff should be the commander who would be entrusted with that responsibility.”<sup>2648</sup>

621. As an example of how he intended to act against encircled Sarajevo with his “densely planted” guns, **MLADIĆ** invoked his experiences in Croatia regarding the besieging of Zadar and the accompanying indiscriminate artillery bombardment against civilian targets in the historic old town.<sup>2649</sup> Among other things, he boasted to the Assembly about firing on a hotel housing international officials during his Zadar operation.<sup>2650</sup> According to **MLADIĆ**, when the Croatian commander protested the firing upon the hotel because European Union personnel were there, he replied:

That is precisely what I am going to hit, because they are the ones who brought you here. You have five minutes to find shelter, five minutes have passed, I call, Sir, I am about to start firing, five rounds, fire! Boom, boom, boom, and he yells: **MLADIĆ**, are you

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<sup>2645</sup> P00431, p.8. See P00431, p.16.

<sup>2646</sup> P00431, p.35.

<sup>2647</sup> P00431, p.38.

<sup>2648</sup> P00431, p.41.

<sup>2649</sup> See Section III.C.1(b).

<sup>2650</sup> P00431, p.37.

sane? ... Sir, can we stop this? No, no, three more rounds.  
**MLADIĆ**, can we talk about this?<sup>2651</sup>

622. **MLADIĆ** also declared his intention to take other measures that targeted the civilian population for strategic and tactical purposes. He outlined his intention to shut down Sarajevo's electricity, gas and water,<sup>2652</sup> as he had previously done in Zadar and other Croatian cities,<sup>2653</sup> while "wisely telling the world" that Muslims had done it and the Bosnian Serbs were doing their best to repair it.<sup>2654</sup> This accurately outlined the BSL's repeated pattern over the next three-plus years of depriving the civilian population of means of survival while denying Bosnian Serb responsibility and falsely attributing it to BiH authorities.<sup>2655</sup>

623. Similarly, **MLADIĆ** also threatened to deny the besieged citizens in Sarajevo the use of their hospitals unless they acceded to his demands. Again invoking his previous campaign against Croatian civilians in Zadar, he said:

That was how I moved things out of Zadar. This hospital has been moved out, they will neither benefit from this Military Hospital nor from the Koševo hospital, nor from Sarajevo unless they accept peace.<sup>2656</sup>

(d) **MLADIĆ** threats, orders and admissions, May 1992

624. In the period immediately before and after **MLADIĆ** revealed his strategy for Sarajevo to the Assembly, **MLADIĆ** also made threats to BiH authorities and internationals to retaliate against Sarajevo and its civilian population if his demands were not met and repeatedly told his own subordinates that Sarajevo should be destroyed if his will was flouted.

625. After a single Presidency shell fell on the Maršal Tito barracks where JNA forces were blockaded, **MLADIĆ** warned DELIMUSTAFIĆ, "Mister minister take care of your life and *take care of Sarajevo*, that is what you'll save by saving those people that you have blocked."<sup>2657</sup> **MLADIĆ** warned ABDIĆ during the barracks

<sup>2651</sup> P00431, pp.37-38.

<sup>2652</sup> P00431, pp.38-39.

<sup>2653</sup> P00431, p.38. *See* Section III.C.1(b).

<sup>2654</sup> P00431, pp.38-39.

<sup>2655</sup> *See, e.g.*, TUCKER:P00317, para.116; TUCKER:T.3755-3757.

<sup>2656</sup> P00431, p.38. *See* P00431, p.19.

<sup>2657</sup> P02722, p.6(emphasis added). *See* P02722, p.9.

negotiations that if even one of his soldiers was killed, “I will take such reprisals that you won’t even know what happened to you. [...] Otherwise, if I start firing [...] I won’t stop in ten days [...],” noting that he would also order the shelling of “entire Bihać” and “it will burn too.”<sup>2658</sup>

626. **MLADIĆ** reminded the BiH authorities that his encirclement of Sarajevo allowed him to target the civilian population in ways other than shelling if his demands were unfulfilled. When **ABDIĆ** complained that “we lack everything in Sarajevo,” and that the only bread was that which had already been in the city, **MLADIĆ** told him, “That too will run out.”<sup>2659</sup>

627. **MLADIĆ** also conveyed his threats to target the city and its residents to internationals. At a meeting with **WILSON** on 20 May 1992, **MLADIĆ** threatened to use his artillery to destroy half the city if the JNA barracks were not peacefully evacuated.<sup>2660</sup> At a second meeting on 25 May 1992 with **PLAVŠIĆ** present, **MLADIĆ** warned **WILSON** that if the barracks were not evacuated in three days “strong action would be taken *against Sarajevo*,” and requested that his message be conveyed to the Presidency and UNPROFOR.<sup>2661</sup> At this same meeting, **MLADIĆ** also threatened to “level” Sarajevo if there was international military intervention.<sup>2662</sup>

628. **MLADIĆ** repeatedly told his subordinates that Sarajevo and its population would be targeted if his forces were attacked or his demands not met. When told that the enemy was threatening to use cisterns in some way against his forces, **MLADIĆ** retorted, “let him bring in a cistern. But, in that case, he would sentence first himself and then entire Sarajevo to death.”<sup>2663</sup> **MLADIĆ** told **TOLIMIR**: “If a hair of anybody’s head should be touched, Sarajevo will be gone!”<sup>2664</sup> Speaking to his commanders in the barracks, **MLADIĆ** said that if JNA troops were not peacefully evacuated, “Sarajevo will be worse than Zadar”.<sup>2665</sup> He reassured them that he had made clear that an attack on them meant that Sarajevo and its inhabitants would suffer

<sup>2658</sup> P02750, pp.3-5.

<sup>2659</sup> P04637, p.2; P04636, p.2. See P02757, pp.12-13.

<sup>2660</sup> **WILSON**:P00320, para.71; **WILSON**:T.3941-3942; P00321, p.8.

<sup>2661</sup> **WILSON**:P00320, paras.72-73,75; **WILSON**:T.3958-3959; P00326, p.1; P00327, p.1.

<sup>2662</sup> **WILSON**:T.3958-3959; P00326, p.1.

<sup>2663</sup> P04636, p.2.

<sup>2664</sup> [REDACTED]/P02752[REDACTED], pp.2,8.

<sup>2665</sup> P02727, p.2. See P02742, pp.7,9; P04638, pp.2,4.

greatly, saying “they know there would be no Sarajevo in case they attack you,”<sup>2666</sup> and that “[w]e’ll wage our war and if necessary I’ll tear down all of Sarajevo for you if that’s what it takes.”<sup>2667</sup> On the eve of his massive bombardment of the city on 28-29 May 1992 (G1), **MLADIĆ** promised:

If a single bullet is fired at you or at ‘Jusuf Džonlić’ barracks or ‘Maršal Tito’ barracks, or if a single soldier is wounded either at the front or in the barracks, I will retaliate against the town. [...] Make sure your soldiers are aware that Sarajevo is going to shake. [...] Sarajevo will shake, more shells will fall on per second than in the entire war so far. [...] Every soldier should be aware of this.<sup>2668</sup>

629. **MLADIĆ** also emphasised to his forces that the encirclement would be maintained.<sup>2669</sup> He underscored that “I have blocked Sarajevo from four corners. The city is trapped, there is no way out,”<sup>2670</sup> and that “entire Sarajevo is blocked. There’s nothing they can do. They can only breathe and birds can fly round Sarajevo.”<sup>2671</sup> This control, he reminded them, exposed Sarajevo and its citizens not only to destruction by his weaponry but also deprivation of the means of survival.<sup>2672</sup> As he emphasised, “It’s not the barracks which lack food, its Sarajevo!”<sup>2673</sup>

630. On 28 May 1992, **MLADIĆ** vividly implemented the many threats he had made against the city throughout May.<sup>2674</sup> [REDACTED],<sup>2675</sup> he ordered SRK forces to conduct a massive bombardment of the entire city with all available heavy artillery.<sup>2676</sup> Even beyond the massive indiscriminate bombardment, **MLADIĆ** also issued orders for his artillery to fire specifically on obvious civilian targets, including Baščaršija and other residential areas, specifying as a rationale for their selection that

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<sup>2666</sup> P01960, p.2.

<sup>2667</sup> P02727, p.1.

<sup>2668</sup> P00327, p.1. *See* WILSON:P00320, para.75; WILSON:T.3964.

<sup>2669</sup> P02728, p.1; P02738, p.3; P04637, pp.1-2; P04636, p.2-3; P00327, p.3. *See* WILSON:T.3964-3965; P02722, p.6.

<sup>2670</sup> P00327, p.3.

<sup>2671</sup> P00323, p.2; WILSON:T.3949.

<sup>2672</sup> P04637, p.2; P04636, p.2. *See* P02757, pp.12-13.

<sup>2673</sup> P04637, p.2; P04636, p.2. *See* P02757, pp.12-13.

<sup>2674</sup> *See* Section IV.E.6(b)(i)b.

<sup>2675</sup> [REDACTED].

<sup>2676</sup> [REDACTED]; WILSON:P00320, para.76; WILSON:T.3969-3973; P00329, pp.1-2; P01607(confidential); P01606(confidential); D00039, pp.2,5; P00331. *See* Section IV.E.6(b)(i)b.

“there is not much Serbian population there.”<sup>2677</sup> He was similarly explicit about his intent to terrorise them—“drive them out of their minds.”<sup>2678</sup>

4. Throughout the remainder of the Indictment period, **MLADIĆ** continued to significantly contribute to, and to share, the CCP

631. The SRK attacks on residential areas of Sarajevo were consistent with **MLADIĆ**’s threats and orders, reflecting the implementation of his intention to target Sarajevo and its inhabitants to achieve his ends.<sup>2679</sup> As ROSE stated, **MLADIĆ** “saw nothing wrong with using terror as a weapon or civilians as targets for his artillery if this advanced his strategy.”<sup>2680</sup> Through periods of fluctuation and varying intensity, the sniping and shelling of civilians remained a feature of the conflict in and around Sarajevo.<sup>2681</sup> The enduring nature of the shelling and sniping campaign was reflected in the strikingly similar observations about its characteristics by senior, experienced UN military personnel who arrived and served in Sarajevo at different periods throughout the conflict.<sup>2682</sup>

632. As set forth in greater detail below in Sections IV.B.4(a)-(f), **MLADIĆ** significantly contributed to the Terror JCE in the following ways:

- through his role as Commander of the GŠ-VRS, setting the strategy for, and exercising command over, the campaign of shelling and sniping, as well other forms of pressure on the civilian population;
- modulating the level of terror in accordance with the BSL’s goals and interests;
- playing a key role in the introduction and deployment of modified air bombs;
- denying and deflecting international criticism;

<sup>2677</sup> P00330, pp.1-2/[REDACTED]/P00105, pp.1-2(partial duplicates); P00111/P00105, pp.6-7(partial duplicates). *See* [REDACTED]; [REDACTED].

<sup>2678</sup> P00330, pp.3-4/P00105, pp.6-7/P00111, pp.6-7(partial duplicates). *See* [REDACTED]; [REDACTED].

<sup>2679</sup> *See* Section IV.B.3.

<sup>2680</sup> ROSE:P00736, para.210.

<sup>2681</sup> BELL:P00832, paras.32,54; RM055:P00749, p.9(confidential); MOLE:P00421, para.74.

<sup>2682</sup> ABDEL-RAZEK:P00293, paras.15-18; MOLE:P00421, paras.4,90; TUCKER:P00317, paras.21-22; RM176:P00640, pp.4,16(confidential); HAMILL:P00537, T.6163; HARLAND:P00001, paras.25-27; ROSE:P00736, paras.21-22,30; FRASER:P00576, para.78(confidential); RM120:T.13038-13039(confidential); KONINGS:P01741, paras.32,35,38; BRENNISKAG:P00992, para.97.

- promoting and rewarding key implementers of the campaign and failing to prevent or punish perpetrators; and
- securing material support from the VJ for the SRK's activities.

(a) MLADIĆ set the strategy for, and exercised command over, the campaign of shelling and sniping, as well as other pressures on the civilian population

633. As Commander of the GŠ-VRS, **MLADIĆ** maintained firm control over the implementation of the campaign of terror throughout the Indictment period.<sup>2683</sup> **MLADIĆ** significantly contributed to the terror JCE through his command and control of the SRK, including issuing orders, formulating plans, and monitoring, authorising, and/or directing operations in furtherance of terror.<sup>2684</sup> Such control was graphically illustrated by **MLADIĆ** himself when, while overlooking Sarajevo with VANLYNDEN,<sup>2685</sup> he pointed down to the city and then pointed to the palm of his hand, asserting "Sarajevo is there."<sup>2686</sup>

634. As TUCKER wrote following a 15 November 1992 meeting, "Lt. Gen **MLADIĆ** barely made any effort to conceal the fact that nothing [of military significance] could or would happen in Serb held BH without his specific approval. It was very apparent that he made all the practical decisions that mattered."<sup>2687</sup> Indeed, **MLADIĆ** intensified the shelling campaign against Sarajevo immediately after his appointment as Commander of the Main Staff VRS on 12 May 1992.<sup>2688</sup> **MLADIĆ** was also physically present in Sarajevo and oversaw SRK operations during which the level of shelling of civilian areas increased, such as G1,<sup>2689</sup> G2,<sup>2690</sup> *Lukavac-93*<sup>2691</sup> and *Pancir-2*.<sup>2692</sup>

<sup>2683</sup> HARLAND:P00001, para.258; ROSE:P00736, paras.210, 212; TUCKER:P00317, para.41; FRASER:P00576, para.142(confidential); SMITH:P00785, para.229; RM163:P00628, para.47(confidential); RM120:P00807, pp.13,16-18,24-25,54(confidential); RM120:T.7604(confidential). This contribution is further discussed in Section IV.D.

<sup>2684</sup> Indictment, para.13(b)-(d),(f). See Section IV.D.2. See BANBURY:T.8225; ABDEL-RAZEK:P00293, para.28; FRASER:P00576, para.35(confidential); RM120:P00807, p.21-22(confidential); ROSE:T.6858.

<sup>2685</sup> VANLYNDEN:P00066, paras.77-79.

<sup>2686</sup> VANLYNDEN:P00066, para.79; VANLYNDEN:T.1329-1330.

<sup>2687</sup> TUCKER:P00317, paras.56,59. See ABDEL-RAZEK:P00293, para.28; FRASER:P00576, para.35(confidential).

<sup>2688</sup> WILSON:P00320, para.41; WILSON:T.3920-3921; GRAY:D01414, T.29982;P04359, p.2. See Sections IV.E.6(b)(i)b-IV.E.6(b)(i)c.

<sup>2689</sup> P00353, p.19; MILOVANOVIĆ:T.17005.

<sup>2690</sup> P00353, p.79.

635. **MLADIĆ** maintained absolute military control of the SRK,<sup>2693</sup> and he paid close attention to activity in Sarajevo.<sup>2694</sup> As BANBURY noted, in such a system, “General **MLADIĆ** was the undisputed leader of the Bosnian Serb army who made the decisions and gave the orders and his orders were followed.”<sup>2695</sup> The effect of the military’s actions under **MLADIĆ**’s direction was that “the plight of civilians in Sarajevo...was rendered almost unbearable”.<sup>2696</sup> HARLAND described the commonly held view among those who interacted with **MLADIĆ** of “a direct connection between General **MLADIĆ**’s statements and results and effects and actions on the ground, down to quite -- from very large matters to quite small matters.”<sup>2697</sup> The increase in terror coinciding with his physical presence in Sarajevo should be no surprise given **MLADIĆ**’s own words, taken literally or metaphorically, “[W]henever I come by Sarajevo, I kill someone in passing. That’s why the traffic for Sarajevo was disrupted ... snipers. I go, kick the hell out of the Turks, who gives a fuck for them!”<sup>2698</sup>

636. As the rest of this Section demonstrates, **MLADIĆ**’s other significant contributions to the Terror JCE also emanate from his role as GŠ-VRS Commander, including his modulating the terror campaign, playing a key role in the introduction and deployment of modified air bombs (“MABs”), denying and deflecting international criticism of the terror campaign, promoting and failing to punish those who implemented the terror campaign, and procuring materials for the terror campaign from the VJ for the SRK.

(b) **MLADIĆ** and the SRK modulated the level of terror in accordance with the BSL’s goals and interests

637. **MLADIĆ** used the SRK to modulate the intensity of the campaign of terror in accordance with the goals and interests of the BSL. **MLADIĆ** applied terror as a tool

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<sup>2691</sup> MILOVANOVIĆ:T.16955-16956; P05035; P01973, p.5.

<sup>2692</sup> See Sections IV.E.6(b)(i)b, IV.E.6(b)(i)c, IV.E.6(b)(i)e and IV.E.6(b)(i)f. E.g. P03061.

<sup>2693</sup> See Section IV.D.2. WILSON:P00320, para.119; HARLAND:P00001, para.258; HARLAND:T.724-726; TUCKER:P00317, paras.41,282.

<sup>2694</sup> See Section IV.D.2. RM163:P00628, para.47(confidential). See RM120:P00807, pp.13,16-18,24-25,54(confidential).

<sup>2695</sup> BANBURY:T.8225.

<sup>2696</sup> BANBURY:T.8225.

<sup>2697</sup> HARLAND:T.724-725.

in service of the goals of the BSL, including pressuring the BiH government to negotiate or to accede to Serb peace terms,<sup>2699</sup> or retaliating for ABiH actions in Sarajevo or elsewhere.<sup>2700</sup> **MLADIĆ** and his staff also reduced the intensity of terror when he or **KARADŽIĆ** deemed it politically expedient, such as to avert the threat of NATO military intervention.<sup>2701</sup> Indeed, as internationals contemporaneously understood, **MLADIĆ** openly acknowledged this use of terror. He told SMITH that an increase in the SRK sniping in Sarajevo was in response to Serb casualties suffered in military offensives launched by the ABiH.<sup>2702</sup> It was, in the words of one international, “high-intensity gangsterism.”<sup>2703</sup>

638. **MLADIĆ** also intensified the shelling of civilian areas of Sarajevo in conjunction with SRK operations carried out pursuant to VRS directives.<sup>2704</sup> For example, in Directive 4, **MLADIĆ** instructed the SRK to “tighten the circle” and keep Sarajevo under full blockade.<sup>2705</sup> Within a week, citing the need to prevent lifting of the blockade, CVETKOVIĆ ordered SRK units to fire on residential areas including Baščaršija in support of the SRK offensive.<sup>2706</sup> The result was an upsurge in shelling throughout the city, including Baščaršija,<sup>2707</sup> in conjunction with the SRK offensive in Oteš.<sup>2708</sup>

639. **MLADIĆ** and his staff also reduced the intensity of the campaign of sniping and shelling when the potential cost of doing so appeared too high to the BSL. When the Presidency decided on 9 October 1992 to halt artillery bombardment on Sarajevo

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<sup>2698</sup> P01147, ERN:V000-9268, 00:10'39-00:10'53, tp.116.

<sup>2699</sup> HARLAND:P00001, paras.35-39,43,63,155; RM163:P00628, paras.25-26,48,65,68,70,105,140(confidential); BELL:T.7821; BELL:P00832, para.60; TUCKER:P00317, para.49; ROSE:P00736, paras.28,197,199.

<sup>2700</sup> RM163:P00628, paras.27-29,33-35,70,141(confidential). The modulation of terror to effectuate these items constitutes a significant contribution toward the CCP under Indictment paras.13(a-c),(f),(k) and 18.

<sup>2701</sup> HARLAND:P00001, para.36.

<sup>2702</sup> P00876, para.9; BANBURY:P00874, paras.94-95; BANBURY:T.8222,T.8226; P00787, para.3; SMITH:P00785, paras.44-45; P00345, p.50; SMITH:T.7297-7298.

<sup>2703</sup> HARLAND:P00001, para.41.

<sup>2704</sup> See Sections IV.E.6(b)(i)b-IV.E.6(b)(i)f; para.726.

<sup>2705</sup> P01968, p.5/P02217, p.5(duplicates).

<sup>2706</sup> P04423, pp.1-2.

<sup>2707</sup> P07683, p.2; P00071, (1)00:00'05-00:00'31, tp.1, (2)00:02'21-00:02'29, tp.1. See ABDEL-RAZEK:P00293, paras.63,85.

<sup>2708</sup> P00428, p.1; P00425, pp.2,4; MOLE:P00421, paras.47-51; MOLE:T.4433-4434. See Section IV.E.6(b)(i)d.

"because UNPROFOR is exerting control,"<sup>2709</sup> **MLADIĆ**'s SRK implemented those instructions the very next day.<sup>2710</sup> **MLADIĆ** emphasised his understanding of the risks of failing to temporarily suspend attacks on the city, taking notes at a 19 October 1992 meeting with KARADŽIĆ, PLAVŠIĆ and KRAJIŠNIK that KARADŽIĆ was "convinced 101% that [NATO] will bomb" and that accordingly it was "crucial" not to fire on Sarajevo.<sup>2711</sup>

640. Similarly, in June 1993, **MLADIĆ**'s GŠ-VRS warned the SRK not to fire at "the central Sarajevo area" due to an "agreement between President KARADŽIĆ, UNPROFOR and our enemy." The instruction was duly passed down the chain of command to SRK units.<sup>2712</sup>

641. This strategy of reducing the intensity of the campaign of terror when pressures and risks grew high extended to other forms of abusing the civilian population to achieve desired ends, such as manipulating the supply of humanitarian aid. **MLADIĆ** directed and authorised the restriction of humanitarian aid to Bosnian Muslims and Bosnian Croats in the parts of Sarajevo under blockade by the VRS in an effort to create unbearable living conditions for civilians there,<sup>2713</sup> thereby increasing psychological pressure on the population and enhancing the effect of the sniping and shelling campaign.<sup>2714</sup> This provided the BSL with another form of leverage that it could use against the Bosnian Muslim side and the international community<sup>2715</sup> and an additional mechanism for **MLADIĆ** to turn the "spigot of terror."<sup>2716</sup>

642. Like the sniping and shelling campaign, this additional form of using civilians as pawns for achieving desired ends was subject to modulation by members of the Terror JCE. Thus, during the period immediately following G8, in addition to implementing KARADŽIĆ's instructions to cease firing on Sarajevo in order to head

<sup>2709</sup> P04265, p.2. See P00298, p.4.

<sup>2710</sup> P00302.

<sup>2711</sup> P00356, p.59.

<sup>2712</sup> P04426. See P05031/D00066(duplicates); P00812; P04300.

<sup>2713</sup> The restriction of humanitarian aid and the necessities of life constitute significant contributions toward the CCP. See Indictment, paras.13(k),18. See Section IV.E.7.

<sup>2714</sup> See Section IV.E.7, paras.1027-1028.

<sup>2715</sup> See Section IV.E.7, para.1025. See TUCKER:P00317, paras.29-30; SMITH:P00785, para.39; SMITH:T.7295-7296.

<sup>2716</sup> HARLAND:P00001, para.39.

off international military intervention,<sup>2717</sup> the VRS also began to permit humanitarian aid convoys to enter Sarajevo, which lasted for a period of weeks.<sup>2718</sup>

643. Similarly, **MLADIĆ** and his staff played a key role in cutting off the supply of utilities like gas, water and electricity, and obstructing repairs to utility supply lines, again enhancing the effectiveness of the campaign of sniping and shelling both by exacerbating the vulnerability of the civilian population and forcing civilians outside to become targets as they searched for basic elements of survival like water and fuel.<sup>2719</sup> Utilities supply and infrastructure repair became an additional form of leverage that was used against the Bosnian Muslim side and the international community, and its denial also enhanced the sniping campaign and maintained pressure on the population during periods when intensive shelling of the population was unavailable for political reasons.<sup>2720</sup>

644. **MLADIĆ**'s and **KARADŽIĆ**'s strategy of modulating the level of terror was obvious to international observers, who observed their ability to improve conditions by stopping the sniping and shelling, and vice-versa, as well as their propensity to use this as leverage in negotiations.<sup>2721</sup> **MLADIĆ** also followed the same pattern elsewhere in BiH, using threats of indiscriminate attacks and restrictions on humanitarian aid, among other things, as leverage to pursue BSL interests.<sup>2722</sup>

(c) **MLADIĆ**'s role in introducing and employing modified air bombs

645. **MLADIĆ** was central to the introduction of modified air bombs (MABs), which were synonymous with terror,<sup>2723</sup> into the SRK arsenal.<sup>2724</sup> Their development occurred under the personal supervision of **MLADIĆ** within a limited circle.<sup>2725</sup> The

<sup>2717</sup> See Sections IV.E.4, paras.794-795; IV.E.6(b)(ii)a.

<sup>2718</sup> See Sections IV.E.4, paras.794-795; IV.E.6(b)(ii)a.

<sup>2719</sup> See Indictment, para.80. See Sections IV.E.4, paras.795-796; IV.E.7.

<sup>2720</sup> See Section IV.E.4, paras.795-796; IV.E.7. SMITH:T.7348-7349; P00796, para.8; BANBURY:P00874, paras.41-42,93; BANBURY:T.8217-8218; P00764, p.2; P00876, paras.7-8.

<sup>2721</sup> BANBURY:P00874, para.200; BELL:T.7821; BELL:P00832, para.60; TUCKER:P00317, para.49; ROSE:P00736, paras.28,197,199; RM163:T.6099-6100(confidential); VANLYNDEN:P00066, para.22; HARLAND:P00001, paras.35-37.

<sup>2722</sup> See Section III.D.9(c); HARLAND:P00001, paras.67,144-147; P00017; BANBURY:P00874, paras.41-42,93; BANBURY:T.8217-8218; P00764, p.2; P00876, paras.7-8.

<sup>2723</sup> RADOJČIĆ:T.23213,T.23280. See BRENNISKAG:P00992, para.31.

<sup>2724</sup> This contribution is further discussed in Sections IV.D.6-IV.D.7.

<sup>2725</sup> P00465; P04415; P04350; P04495; ĐUKIĆ:P01052, p.23.

bombs were developed at the *Pretis* ammunition factory in Vogosća<sup>2726</sup> with expert assistance from Serbia,<sup>2727</sup> and **MLADIĆ** personally ensured that component parts were delivered.<sup>2728</sup> The production, storage, transfer, and use of the MABs and its launchers were regulated by the GŠ-VRS.<sup>2729</sup> The SRK commander could order the actual launch of a MAB,<sup>2730</sup> but the order required prior approval from General **MLADIĆ**.<sup>2731</sup>

(d) **MLADIĆ** denied and deflected international criticism

646. **MLADIĆ** was well aware of international criticism of the SRK's actions directed against civilians in Sarajevo.<sup>2732</sup> He received protests concerning the SRK's shelling and sniping of civilians in Sarajevo via letter,<sup>2733</sup> telephone call,<sup>2734</sup> or in-person meetings with international officials.<sup>2735</sup> In letters, officials condemned the SRK's indiscriminate shelling of civilians.<sup>2736</sup> In one letter, for example, NICOLAI warned **MLADIĆ** that such actions "breach all international agreements on protection of civilians at war, including the Geneva Conventions . . . These very serious and inexcusable violations and killing of civilians are liable to trials by an international court."<sup>2737</sup> International officials similarly condemned attacks against civilians in face-to-face meetings. As ROSE stated, "We raised the issue of sniping and shelling of civilians with the Bosnian Serb leadership at every opportunity".<sup>2738</sup>

<sup>2726</sup> ĐUKIĆ:P01052, pp.4,24; RM183:P03307, para.19(confidential); ŠOJA:T.17157; MASAL:T.33437; P04395; P04525; P04434; P04414.

<sup>2727</sup> MASAL:T.33437,T.33503; ŠOJA:P02252, T.5121-5122; P04403; P02221.

<sup>2728</sup> ĐUKIĆ:P01052, p.24; ŠOJA:T.17162-17163; THEUNENS:T.20420; P04347; P04490; P04551; P04567; P03073, pp.5-6; P04553; P04563; P04564; P04566.

<sup>2729</sup> AF1883; MILOVANOVIĆ:T.17017; RM183:P03307, para.19(confidential); P00592; P04495; P00911/P04526(partial duplicates); P02254; P00901; P00908; P00897; P04527; P00914; P00894; P04501; P00898; P00916; P00925, p.2; P04441; P04524; P04419; P00900; P04391; P00921; P00920; P00919; P04500; P00928; P00917.

<sup>2730</sup> AF1841; RADOJČIĆ:T.23196; PHILIPPS:T.4710-4711; DRAGIČEVIĆ:T.23787; P06656.

<sup>2731</sup> P00812; ĐUKIĆ:P01052, pp.4,24; VELJOVIĆ:T.22951; FRASER:P00576, para.134(confidential); P00581.

<sup>2732</sup> **MLADIĆ** engaged in, supported, and/or facilitated efforts to deny or provide misleading information about crimes committed against Bosnian Muslims and the role of Serb forces in those crimes to representatives of the international community. *See* Indictment, para.13(h).

<sup>2733</sup> P00757, p.2; P04591, p.2; P05221, p.2; P00792, p.1; P00296, p.2; ABDEL-RAZEK:P00293, para.109; P00633(confidential); P00590; P01181, p.2; RM163:P00628, para.54(confidential); RM120:P00807, p.32(confidential); RM163:T.6091(confidential).

<sup>2734</sup> RM163:P00628, para.54(confidential).

<sup>2735</sup> ABDEL-RAZEK:T.3596; HARLAND:P00001, para.143; P00016, p.2; BANBURY:T.8225-8226; P05213, p.3.

<sup>2736</sup> P00296, p.2; ABDEL-RAZEK:P00293, para.109; P00757, p.2.

<sup>2737</sup> P00757, p.2.

<sup>2738</sup> ROSE:P00736, para.200.

647. In addition to **MLADIĆ**, UNPROFOR also lodged protests regarding the sniping and shelling of civilians with SRK commanders, including **GALIC**<sup>2739</sup> and **D.MILOŠEVIĆ**.<sup>2740</sup> These protests routinely went unanswered.<sup>2741</sup>

648. **MLADIĆ**, on the other hand, routinely denied or provided misleading information about these crimes and about the SRK's role in those crimes.<sup>2742</sup> Indeed, he employed a number of tactics when responding to international protests over the shelling or sniping of civilians in Sarajevo.

649. For example, **MLADIĆ** implausibly denied that the VRS was responsible for the shelling and sniping of civilians in Sarajevo.<sup>2743</sup> After SRK sniper fire at two trams on 8 October 1994 killed one civilian and injured 11 others, ROSE and GOBILLIARD issued a joint statement condemning the Serb sniping of civilians and ROSE issued a written protest to **KARADŽIĆ**.<sup>2744</sup> ROSE and GOBILLIARD met with **MLADIĆ** on 10 October 1994.<sup>2745</sup> At that meeting, **MLADIĆ** denied Serb responsibility and advised ROSE not to be duped by "Muslim propaganda."<sup>2746</sup> He instead claimed that the shooting came from the Holiday Inn in a "scenario" engineered by the BiH.<sup>2747</sup> An UNPROFOR technical expert then provided a map and assured **MLADIĆ** that the shooting was not from the Holiday Inn side.<sup>2748</sup>

650. On other occasions, **MLADIĆ** claimed that the shelling of civilians was part of the SRK's response to alleged BiH actions or threats. For example, on 30 May 1992, after the events of Scheduled Incident G1, WILSON met with **MLADIĆ** to convey the UN Secretary-General's appeal to cease or moderate the shelling of

<sup>2739</sup> ABDEL-RAZEK:P00293, paras.79-80,86,103,116; MOLE:P00421, paras.97-100; P00649, p.2(confidential). See INDIĆ:T.25124.

<sup>2740</sup> AF1855; RM163:P00628, para.54(confidential); RM120:P00807, p.32 (confidential); RM055:P00749, p.17(confidential); HARLAND:P00001, para.210; P00752; P00757, p.3; P00825, p.2(confidential); P00756; THOMAS:P00503, para.59. See INDIĆ:T.25124.

<sup>2741</sup> RM055:P00749, pp.17,20(confidential); RM163:P00628, para.55(confidential).

<sup>2742</sup> See Indictment, paras.13(h),18. P00076; FRASER:P00576, para.83(confidential); RM120:P00807, pp.60-61(confidential); BANBURY:T.8225-8226; HARLAND:P00001, para.143.

<sup>2743</sup> FRASER:P00576, para.83(confidential); BANBURY:T.8226; SMITH:P00785, paras.204-206,208; SMITH:T.7352,T.7356-7357; P00801.

<sup>2744</sup> P00771; ROSE:P00736, para.156; P00590. See Section IV.E.6(a)(i)c.

<sup>2745</sup> ROSE:P00736, para.155; [REDACTED]; P00016, p.2; HARLAND:P00001, para.143.

<sup>2746</sup> P00016, p.2; [REDACTED].

<sup>2747</sup> P00016, p.2; [REDACTED].

<sup>2748</sup> P00016, p.2; HARLAND:P00001, para.143; [REDACTED].

Sarajevo.<sup>2749</sup> **MLADIĆ** did not deny the attack on the city, but explained that he was “defending the Bosnian Serb people.”<sup>2750</sup>

(e) **MLADIĆ** promoted and rewarded key implementers of the campaign and failed to prevent or punish perpetrators

651. Although aware of the shelling and sniping of civilians—“he certainly understood that this was going on”<sup>2751</sup>—**MLADIĆ** took no meaningful steps to prevent, investigate, or punish SRK unlawful attacks on civilians in Sarajevo. He not only failed to prevent or punish but promoted or rewarded those responsible for the campaign. His responses to the information he repeatedly received about the terror campaign, coupled with his own direction and participation, illustrate that he not only intended to execute illegal attacks across the city, but also to build a culture within his forces that legitimised this criminal conduct from the top down. **MLADIĆ** thus created and sustained a culture of impunity.

(i) Failure to investigate or punish

652. Had **MLADIĆ** wanted to investigate and punish SRK crimes involving the shelling or sniping of civilians in Sarajevo, he could have done so effectively. **MLADIĆ** had the authority to terminate active-duty military service of officers up to and including Lieutenant Colonel,<sup>2752</sup> and all superior officers could initiate proceedings for sanctions against individuals who violated international laws of war.<sup>2753</sup> SRK Command documents confirm its power to investigate and punish its soldiers.<sup>2754</sup> Although the SRK conducted disciplinary proceedings against SRK soldiers in certain matters, it did not investigate its own officers for war crimes.<sup>2755</sup> On the other hand, the SRK investigated potential war crimes violations that Muslims and Croats committed against Serbs.<sup>2756</sup>

<sup>2749</sup> WILSON:T.3938,T.3985; P00332, p.1.

<sup>2750</sup> WILSON:T.3938,T.3985; WILSON:P00320, para.126.

<sup>2751</sup> SMITH:T.7297-7298. See ROSE:P00736, para.189; WILSON:T.3937-3938.

<sup>2752</sup> P04981, pp.2-3; P03029, p.305.

<sup>2753</sup> P02184. See Section III.E.3.

<sup>2754</sup> P04516; P04515.

<sup>2755</sup> AF1857; AF1859.

<sup>2756</sup> P04382.

653. The failure to exercise this power to punish was consistent with the fact that **MLADIĆ** would not logically have punished subordinates for unlawful shelling and sniping pursuant to a strategy he ordered.<sup>2757</sup>

(ii) Promotions and rewards

654. The prevailing culture of impunity for implementing the terror campaign was advanced not only by failure to punish the commission of crimes, but by promotions of those who did. **MLADIĆ** used his authority within the VRS promotion process<sup>2758</sup> to reward key implementers of the campaign. As such, **MLADIĆ** recommended the promotions of the individuals chiefly responsible for the implementation of the sniping and shelling campaign in Sarajevo, such as advocating the early promotion of **GALIĆ** to Major-General.<sup>2759</sup> **MLADIĆ** dispatched Dragomir **MILOŠEVIĆ** from the Drina Corps to become Chief of Staff of the SRK,<sup>2760</sup> supported his promotion to Commander of the SRK<sup>2761</sup> and appraised him an “excellent” officer.<sup>2762</sup> **MLADIĆ** also elevated Dragiša **MASAL** from Commander of TG-Višegrad to a position of greater responsibility as the Chief of the Artillery in the Main Staff after **MASAL** deployed MABs as part of Operation *Zvijezda-94*<sup>2763</sup> and shelled the marketplace in Goražde in a manner to maximize civilian casualties.<sup>2764</sup>

(f) **MLADIĆ** secured support from the VJ for the SRK’s terror-related activities

655. **MLADIĆ** had knowledge of the logistical supply and demand needs of his units, including the extensive materiel the SRK required to maintain the terror campaign, and he secured support from the VJ to carry out the SRK’s campaign of terror-related crimes.<sup>2765</sup> For example, on 30 January 1994—days before Scheduled

<sup>2757</sup> See Section IV.E.6(b)(i)b.

<sup>2758</sup> ŠRKBIĆ:T.13982-13983,T.13992,T.14008; P05014; P01713.

<sup>2759</sup> P05002, pp.1-2; P04571. **GALIĆ** was promoted to Major General less than one month later. P04987, p.5.

<sup>2760</sup> P04364.

<sup>2761</sup> P03689, ERN:T001-2439, Side A, 00:24’ 16-00:26’ 20, tp.8; R.MAKSIMOVIĆ:T.26765.

<sup>2762</sup> P05023, p.3.

<sup>2763</sup> **MASAL**:T.33434-33435,T.33440-33441; **MASAL**:D00942, paras.3,26; P07244; P00929; P07245; P07224. See paras.421-423.

<sup>2764</sup> P07228, p.1; P07229, pp.2,5; P07230, p.1; P07231, p.1; **MASAL**:T.33368,T.33370-33371,T.33378-33380,T.33382. See **DRAGIČEVIĆ**:T.23660.

<sup>2765</sup> This contribution is further discussed in Section IV.D.7. **THEUNENS**:T.20420-20421; P03029, pp.435,439,444; P04583, p.51; P04282; P04577; P04389, p.1; **ĐUKIĆ**:P01052, pp.3, 16; P04361, pp.1-2.

Incidents G7 and G8—**MLADIĆ** asked the GŠ-VJ to approve the delivery of rounds of small arms ammunition, mortar and artillery ammunition, sniper rifle 7.9mm bullets that he claimed were “necessary for combat security and supplying of units engaged in combat operations”.<sup>2766</sup> He obtained weapons, including MABs, from *Pretis* ammunition factory<sup>2767</sup> and *Krušik* – Valjevo in Serbia.<sup>2768</sup>

656. While the 27<sup>th</sup> VRS Logistics Base (the main logistics base supporting the SRK and Drina Corps) regularly received supplies from the VJ,<sup>2769</sup> the SRK Command also had direct contact with the VJ, which supported a “systematic re-supply” of the VRS and SRK.<sup>2770</sup> **MLADIĆ** maintained firm control of ordnance supply from the VJ. This is evident by his chastisement of the SRK for making direct contact with the VJ, and ordering that all authorisations for material aid from the VJ were invalid without his permission.<sup>2771</sup>

### **C. MLADIĆ Co-operated with Other JCE Members to Implement the Terror JCE**

657. **MLADIĆ** co-operated with and shared the common criminal purpose to implement the Terror JCE with KARADŽIĆ, GALIĆ, D.MILOŠEVIĆ and other JCE members. This section describes how **MLADIĆ** worked with each of these JCE members to implement the Terror JCE.

#### 1. KARADŽIĆ approved and facilitated **MLADIĆ**’s implementation of the shelling and sniping campaign

##### (a) Role as Supreme Commander

658. KARADŽIĆ was the Supreme Commander of the Bosnian Serb Forces,<sup>2772</sup> including those in Sarajevo, “mak[ing] decisions” while “the military...

<sup>2766</sup> P04518.

<sup>2767</sup> P03073, p.2; THEUNENS:T.20423; P03074; P04434. *See* Sections IV.D.6; IV.E.6(b)(v), para.1005.

<sup>2768</sup> P03073, p.1; THEUNENS:T.20422-20423.

<sup>2769</sup> [REDACTED]; P04500; P04526; P04419.

<sup>2770</sup> SMITH:P00785, paras.237-238; P00896; [REDACTED].

<sup>2771</sup> P01781, p.2.

<sup>2772</sup> *See* Sections II.C; III.F.1; MILOVANOVIĆ:T.16909-16910; P00734; BANBURY:P00874, para.212; OKUN:P03103, T.4154.

implement[ed] those decisions on the ground.”<sup>2773</sup> He repeatedly claimed such authority<sup>2774</sup> and was uniformly recognised as having such authority by his own subordinates and international observers.<sup>2775</sup> When he wanted the shelling and sniping to stop, it did.<sup>2776</sup>

659. KARADŽIĆ’s powers stemmed from his positions as President of the SDS, sole President of the Presidency and Supreme Commander.<sup>2777</sup> He issued orders to, and met frequently with, **MLADIĆ**, members of his GŠ-VRS and SRK commanders;<sup>2778</sup> contributed to the planning and directing of certain military operations;<sup>2779</sup> and, with **MLADIĆ**, set the overall military and political strategy for the SRK forces and Serb municipality organs and authorities in the Sarajevo area.<sup>2780</sup> KARADŽIĆ was well-informed about military matters, including through regular reporting by **MLADIĆ** and the GŠ-VRS.<sup>2781</sup> KARADŽIĆ approved of the assignment or promotion of SRK commanders based upon the recommendation of **MLADIĆ**,<sup>2782</sup> and granted **MLADIĆ** an exceptional promotion to Colonel General on 28 June 1994 for his achievements as GŠ-VRS Commander.<sup>2783</sup>

660. KARADŽIĆ and **MLADIĆ** worked closely together. Internationals such as ROSE saw decisions on ceasefires as being made by both and they sometimes jointly signed ceasefire agreements with the BiH side.<sup>2784</sup> While one or the other might

<sup>2773</sup> BANBURY:P00874, para.212; FRASER:P00576, para.147(confidential).

<sup>2774</sup> See Section III.F.1; P02235, p.2(confidential); P02508, p.46; P04267, pp.1,5; P04469.

<sup>2775</sup> See Section III.F.1; P04583, pp.21,320; ROSE:P00736, para.207; BANBURY:P00874, paras.112,208,211; P05248, p.5.

<sup>2776</sup> P00013; P00820; D00158, p.2(confidential); HARLAND:P00001, paras.125,133; RM176:P00640, p.12(confidential); FRASER:P00576, paras.81-82,134(confidential); ROSE:P00736, paras.45,64,104-106,141; BANBURY:P00874, para.50; VANLYNDEN:P00066, para.143.

<sup>2777</sup> See Section III.F.1; DOYLE:P00091, para.45; BANBURY:P00874, paras.104,111-112; P04376.

<sup>2778</sup> MILOVANOVIĆ:T.16923; D00098; P00356, pp.141-144; P02233(confidential); P02235, p.2(confidential); P02237(confidential); P02240(confidential); P02236(confidential); P03691. See ROSE:P00736, paras.93-100.

<sup>2779</sup> ABDEL-RAZEK:P00293, para.28;P00353, pp.166-175; P03059; P01861; P00359, pp.53-59; P02235, p.2(confidential); P04422; P00476.

<sup>2780</sup> WILSON:P00320, para.132; P00359, pp.133-134; P00461; P00460; P04469. See P01967; P00353, pp.92-93; P00352, p.347; P02701, pp.3-4.

<sup>2781</sup> E.g. P04583, pp.352,354. See Section II.H.2(a).

<sup>2782</sup> See Section II.D.6; [REDACTED]; P00353, pp.279-280; P04447; P05009; P05010, p.2; P04998, p.1; P05003.

<sup>2783</sup> P05005.

<sup>2784</sup> ROSE:P00736, paras.187-190; P00820.

momentarily dominate discussions,<sup>2785</sup> HARLAND observed that KARADŽIĆ and MLADIĆ, together with other military and political leaders at meetings with international representatives, acted in many ways like a collective leadership.<sup>2786</sup>

(b) Brought in MLADIĆ and approved his proposal to intensify the campaign

661. When it came time to select someone to lead the nascent Bosnian Serb army, KARADŽIĆ selected MLADIĆ on the basis of his prior comments about and role in operations in Croatia.<sup>2787</sup> MLADIĆ did not disappoint. On the date that MLADIĆ accepted his appointment as VRS Commander, he outlined to a closed session of the Assembly his intention to intensify the shelling of the encircled city by ringing the city with hundreds of weapons,<sup>2788</sup> noting that efforts to date had been insufficient: “One cannot take Sarajevo by spitting at it from a mortar or howitzer...If you want to make the Muslims surrender, 300 guns must be densely planted around Sarajevo...”<sup>2789</sup> He also advocated denying the city use of its hospitals “unless they accept peace,”<sup>2790</sup> and called for choking Sarajevo’s access to electricity, gas and water, and then lying about it by blaming the Muslims.<sup>2791</sup>

662. KARADŽIĆ’s support for MLADIĆ’s tactics in Sarajevo continued throughout the conflict. After his appointment as VRS Commander, MLADIĆ told KARADŽIĆ, VRS personnel and political leaders that he intended to have the SRK bombard Sarajevo with all the artillery at its disposal.<sup>2792</sup> [REDACTED].<sup>2793</sup> When the SRK in fact carried out an attack on such a scale (G1), unsurprisingly triggering vehement international protests, KARADŽIĆ’s response on 30 May 1992 was to defend MLADIĆ and blame the attack on inexperienced forces that he claimed MLADIĆ did not fully control,<sup>2794</sup> a claim that KARADŽIĆ obviously knew to be

<sup>2785</sup> ROSE:P00736, paras.204-207,210-212; ROSE:T.6850,T.6858. See BANBURY:T.8217; HARLAND:P00001, para.59; HARLAND:T.688-689; ABDEL-RAZEK:P00293, paras.28,58; ABDEL-RAZEK:T.3601-3602.

<sup>2786</sup> HARLAND:P00001, para.283. See WILSON:P00320, paras.132-136; BOWEN:P02515, paras.70,72.

<sup>2787</sup> P04583, p.324. See paras.21; 503; P00352, p.292; OKUN:P03103, T.4188-4189.

<sup>2788</sup> P00431, p.36.

<sup>2789</sup> P00431, pp.35-36.

<sup>2790</sup> P00431, p.38.

<sup>2791</sup> P00431, pp.38-39.

<sup>2792</sup> [REDACTED]. See WILSON:P00320, paras.71-73; WILSON:T.3956-3959; P00326; P00327,

p.1.

<sup>2793</sup> [REDACTED].

<sup>2794</sup> P00342, para.3; WILSON:P00320, para.80.

false by virtue of his presence when the operation was planned.<sup>2795</sup> Indeed, faced with international condemnation, KARADŽIĆ eventually called **MLADIĆ** to stop the bombardment.<sup>2796</sup>

663. Less than a week later, on 5 June 1992, the SRK carried out another massive shelling attack on the city that lasted for days (G2).<sup>2797</sup> These attacks overlapped with meetings on consecutive days between KARADŽIĆ and other members of the BSL, during which there was no suggestion that the previous or ongoing bombardments of the city were matters of concern but instead a reminder to **MLADIĆ** that it would be “very good” if in “4-5 days we accomplish militarily what is in the city.”<sup>2798</sup> The attack, as with G1, only ended after international pressure was brought to bear on the Bosnian Serb Presidency, which ordered the shelling to cease.<sup>2799</sup>

664. The following year, KARADŽIĆ’s continuing approval of **MLADIĆ**’s approach to terrorising the Sarajevo population was reflected in a 2 June 1993 meeting where **MLADIĆ** presented a report to KARADŽIĆ, the GŠ-VRS, the SRK Commander, and others.<sup>2800</sup> The report underscored efforts that should be made to ensure “that there is a constant negative effect on the morale of the Muslim forces and population, that they have a sense of fear and constant insecurity from the activities of our forces.”<sup>2801</sup> **MLADIĆ** contemporaneously recorded that KARADŽIĆ supported “everything that has been said here.”<sup>2802</sup>

(c) **MLADIĆ** and KARADŽIĆ oversaw the modulation of the campaign

665. Throughout the JCE time period, KARADŽIĆ and **MLADIĆ** modulated the level of terror on the civilian population of Sarajevo through their control over the sniping and shelling campaign, using terror as a tool for leverage in negotiations, to force the BiH government to negotiate or to concede to Serb peace terms;<sup>2803</sup> as well

<sup>2795</sup> See Section IV.E.6(b)(i)b, para.925.

<sup>2796</sup> P00342, paras.11,15.

<sup>2797</sup> See Section IV.E.6(b)(i)c.

<sup>2798</sup> P00353, p.107.

<sup>2799</sup> DOYLE:T.1528-1530; P00095, pp.2,4.

<sup>2800</sup> P00358, pp.182-194.

<sup>2801</sup> P04517, p.9. See M.ŠEHOVAC:T.24088-24092.

<sup>2802</sup> P00358, p.194.

<sup>2803</sup> HARLAND:P00001, paras.28,35-39,43,63,155; RM163:P00628, paras.25-26,48,65,68,70,105,140(confidential); BELL:T.7821; BELL:P00832, paras.60,98; VANLYNDEN:T.1305; TUCKER:P00317, para.49; ROSE:P00736, paras.28,197,199; RM163:P00628, paras.25-26,48,65,68,70,105,140(confidential). See Section IV.B.4(b).

as a tool to retaliate for actions elsewhere in the theatre.<sup>2804</sup> By contrast, they ratcheted the terror down when under sufficient pressure, such as the threat of NATO military intervention.<sup>2805</sup>

666. For example, in a meeting with SMITH on 5 April 1995, KARADŽIĆ warned that an imminent Bosnian offensive to open a land corridor to Sarajevo would mean that "we will take Sarajevo," threatening to use weapons they had not yet used.<sup>2806</sup> Just two days later, D.MILOŠEVIĆ ordered a MAB attack at the centre of Hrasnica (G10).<sup>2807</sup> The use of these weapons had to be approved personally by MLADIĆ,<sup>2808</sup> and the attack on Hrasnica was reported to KARADŽIĆ that same night.<sup>2809</sup>

667. This modulation was also part of a more general pattern of attacking civilians in Sarajevo in response to ABiH military offensives attempting to break the siege or elsewhere in the country,<sup>2810</sup> or in response to NATO airstrikes.<sup>2811</sup> At a meeting with Generals JANVIER and SMITH on 30 April 1995, KARADŽIĆ made explicit his view that "retaliation is productive," adding that "[w]hen they shell Doboj and we retaliate, it's effective."<sup>2812</sup>

668. Conversely, KARADŽIĆ also ratcheted down the campaign of terror in response to international pressure and international agreements. For example, on 16 July 1993, the SRK Command issued an order not to fire at "the central Sarajevo area" but only to fire "in case of necessary self-defence." The reason for the restraint was an "agreement between President KARADŽIĆ, UNPROFOR and our enemy."<sup>2813</sup>

<sup>2804</sup> MOLE:P00421, para. 108; P00426, p.15; P00425, pp.3,6,8; RM120:P00807, pp.57-58(confidential); FRASER:P00576, paras.120-121(confidential); FRASER:T.5796,5798; TUCKER:P00317, paras.82-90; P04626; RM163:P00628, paras.33-35,141(confidential); RM163:T.6094,T.6099-6100(confidential).

<sup>2805</sup> HARLAND:P00001, para.36.

<sup>2806</sup> P01774, p.3.

<sup>2807</sup> See Section IV.E.6(b)(v)a.

<sup>2808</sup> DJUKIĆ:P01052, pp.4,24; VELJOVIĆ:T.22951; FRASER:P00576, para.134(confidential); P00581.

<sup>2809</sup> P00591, p.2; P01048, p.5.

<sup>2810</sup> MOLE:P00421, para.108; P00426, p.15; P00425, pp.3,6,8; RM120:P00807, pp.57-58(confidential); FRASER:P00576, paras.120-121(confidential); FRASER:T.5796-5798; TUCKER:P00317, paras.82-90; P04626; RM163:P00628, paras.28,33-35,141(confidential); RM163:T.6094,T.6099-6100(confidential).

<sup>2811</sup> ROSE:P00736, para.174. See Section IV.E.6(b)(v)b, paras.1017-1018.

<sup>2812</sup> BANBURY:P00874, para.154.

<sup>2813</sup> P04426.

669. On 7 February 1994, in the face of the international outcry following G8, KARADŽIĆ ordered the SRK to exercise the “strictest control” over retaliation to AbiH artillery provocations rather than continuing to respond “up to 70 times more”.<sup>2814</sup> The order was implemented by the GŠ-VRS.<sup>2815</sup> Committing, in KRAJIŠNIK’s words, to do everything to avoid airstrikes “except capitulate,”<sup>2816</sup> KARADŽIĆ then ordered and implemented a number of dramatic military and humanitarian concessions to head off the possibility of NATO attacks, including a cease-fire for the Sarajevo area, and the imposition of the TEZ.<sup>2817</sup>

670. **MLADIĆ** and KARADŽIĆ’s strategy of modulating the level of terror was evident from their ability to improve conditions by stopping the sniping and shelling, and vice-versa, as well as KARADŽIĆ’s propensity to use this as leverage in negotiations.<sup>2818</sup> Conversely, it was an “accepted norm” that if the Bosnian Serb side failed to achieve their political or military objectives in BiH, Sarajevo would be subjected to heavy indiscriminate shelling.<sup>2819</sup> This strategy was also reflected in threats to international forces in order to influence international policy.<sup>2820</sup>

671. The strategic importance of Sarajevo made it particularly susceptible to its use as leverage in negotiations, retaliation or in degradation of the population’s will to resist.<sup>2821</sup> As early as 1991, KARADŽIĆ expressed his views on Sarajevo’s potential as a locus of punishment when, angered by an SDA and HDZ draft declaration of independence, he stated: “[T]hey have to know that there are 20,000 armed Serbs around Sarajevo, that’s insane, they will, they will disappear, Sarajevo will be a *karakazan* [black cauldron] where 300,000 Muslims will die, they’re not right in the head.”<sup>2822</sup> A month later, for similar reasons, he projected that “Sarajevo [...] will be destroyed.”<sup>2823</sup> KARADŽIĆ also underlined the importance of Sarajevo as a point of political leverage, telling Assembly delegates that the battle in Sarajevo was of

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<sup>2814</sup> P04469, p.1.

<sup>2815</sup> P02219.

<sup>2816</sup> D00008, p.6.

<sup>2817</sup> HARLAND:P00001, paras.79-80,84,86; THOMAS:P00503, paras.97,100,105,107; P00004, pp.4-5; D00008, pp.2-3.

<sup>2818</sup> BANBURY:P00874, para.200; BELL:T.7821; BELL:P00832, para.60; TUCKER:P00317, para.49; ROSE:P00736, paras.28,197,199; VANLYNDEN:P00066, para.22; HARLAND:P00001, paras.35-37.

<sup>2819</sup> MOLE:P00421, paras.91,96,116.

<sup>2820</sup> E.g. BANBURY:P00874, para.58; P00840, p.4.

<sup>2821</sup> BANBURY:P00874, para.73; TUCKER:P00317, paras.44,49,82-85,90.

<sup>2822</sup> P04109, p.7.

decisive importance "because it does not allow the establishment of even the illusion of a state. Alija does not have a state while we have a part of Sarajevo."<sup>2824</sup>

672. As mentioned earlier,<sup>2825</sup> **MLADIĆ** and **KARADŽIĆ** modulated the campaign of terror in tandem with restrictions of humanitarian aid and cutting of utilities to Sarajevo.<sup>2826</sup> In September 1994, in response to the possibility that the Security Council would soon tighten sanctions on Pale, **KARADŽIĆ** explicitly threatened the use of utilities as a means of war.<sup>2827</sup> Indeed, such restrictions were often imposed in concert with periods of increased shelling and sniping by the VRS.<sup>2828</sup>

(d) **KARADŽIĆ** received notice of the terror campaign from various sources

673. Aside from his awareness of the sniping and shelling campaign through **MLADIĆ** and the SRK, and his awareness of the campaign from news media,<sup>2829</sup> **KARADŽIĆ** also frequently received notice throughout the campaign from UN and international political and military officials who repeatedly and strongly protested to **KARADŽIĆ** about attacks on Sarajevo's civilians, sometimes in the presence of **MLADIĆ**. For example:

- UN representatives met on 30 May 1992 with Slobodan MILOŠEVIĆ and **KARADŽIĆ** in an appeal to stop what even MILOŠEVIĆ described as the "bloody, criminal" bombardment of the civilian population of Sarajevo.<sup>2830</sup>
- At a December 1992 meeting with **KARADŽIĆ** and **MLADIĆ**, OWEN denounced the shelling of Sarajevo as a "disgrace".<sup>2831</sup> One month later MORILLON protested to **KARADŽIĆ** about a direct artillery hit on the

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<sup>2823</sup> P02664, p.2. See P04001, p.6.

<sup>2824</sup> P00431, p.10; P04581, p.16. See BANBURY:P00874, para.197; P01999, pp.28-33; P00358, pp.392-396.

<sup>2825</sup> See Section IV.B.4(b).

<sup>2826</sup> HARLAND:P00001, para.171; P04634; ROSE:P00736, paras.118,127-129,150; P07776; P07707; D00461, p.3

<sup>2827</sup> HARLAND:P00001, para.135; ROSE:P00736, para.151.

<sup>2828</sup> HARLAND:P00001, paras.38-39.

<sup>2829</sup> BELL:P00832, paras.3,19; VANLYNDEN:P00066, paras.12-13,69-70.

<sup>2830</sup> P00333, para.3; P00342.

<sup>2831</sup> TUCKER:P00317, paras.94-99; P01882; BELL:P00832, para.82.

Koševo hospital that injured patients and staff, noting that "[T]here can be no excuse for shelling a hospital."<sup>2832</sup>

- After women and children were killed in G4, MORILLON immediately protested to KARADŽIĆ, both in writing and in person.<sup>2833</sup>
- AKASHI met with KARADŽIĆ to discuss shelling, sniping and other issues, including the closing of humanitarian aid Blue Routes into Sarajevo as retaliation for the sniping of Serbs.<sup>2834</sup>
- ROSE protested to KARADŽIĆ about shelling, sniping and harassment of convoys,<sup>2835</sup> including specific protests about G7<sup>2836</sup> and F11.<sup>2837</sup>

674. These are just a sampling of the many protests made to KARADŽIĆ regarding the sniping and shelling of civilians in Sarajevo, of which he was clearly aware.<sup>2838</sup> Indeed, UNPROFOR frequently pointed out to KARADŽIĆ, sometimes with **MLADIĆ** present, that the pattern of shelling of the city served only to terrorise the population and to cause civilian casualties.<sup>2839</sup>

(e) KARADŽIĆ's denial and deflection of international criticism

675. KARADŽIĆ had a variety of responses to the many protests he received. Although at times he would acknowledge Bosnian Serb responsibility, such as when admitting to international interlocutors that Serb retaliation was "unappropriate"[sic]<sup>2840</sup> or the shelling of Sarajevo was "senseless,"<sup>2841</sup> he generally

<sup>2832</sup> P07825. See P04617.

<sup>2833</sup> P00645; P07234.

<sup>2834</sup> P00819; P02050, p.3; BANBURY:P00874, paras.96-98,100; P00880, p.3.

<sup>2835</sup> ROSE:P00736, paras.35,63,146.

<sup>2836</sup> ROSE:P00736, para.35.

<sup>2837</sup> P00590, p.2.

<sup>2838</sup> BANBURY:P00874, paras.201-202; HARLAND:T.681-682; ABDEL-RAZEK:P00293, paras.106-107. See WILSON:P00320, paras.49,122; TUCKER:P00317, para.15; P00554; P00007; HARLAND:P00001, paras.60-61,63; P07699, p.1; P01774, p.1; FRASER:P00576, para.143(confidential); P00590; SMITH:P00785, para.79; SMITH:T.7304-7305; ABDEL-RAZEK:P00293, paras.86,106-110,120; ABDEL-RAZEK:T.3592-3593,T.3596; RM163:P00628, paras.30-31(confidential).

<sup>2839</sup> HARLAND:T.681-682.

<sup>2840</sup> P07534, p.3.

<sup>2841</sup> ROSE:P00736, paras.26,30-31,34; P00735, pp.1-2. Other examples include: on 18 April 1992, the Sarajevo TV station was hit by Serb mortar fire in an attack acknowledged by KARADŽIĆ. DOYLE:P00091, paras.77-78. At the beginning of June, KARADŽIĆ, **MLADIĆ** and PLAVŠIĆ

responded with a range of deflections, including false assurances, false denials, pointing the finger at others, *tu quoque*, cavalier brush-offs or even threatening to do worse. All his deflections and denials had the same purpose—to advance the campaign.

676. On some occasions, KARADŽIĆ provided false excuses when confronted about the sniping and shelling campaign. At a meeting on 16 October 1993, when BRIQUEMONT protested the shelling and sniping of civilians, KARADŽIĆ replied he had ordered firing to stop, and that any subsequent firing was the result of “rogue individuals”<sup>2842</sup> despite the blatant falsity of this claim in light of such factors as SRK command and control, the resources expended, the coordination required and the failure to punish perpetrators.<sup>2843</sup>

677. KARADŽIĆ also deflected protests by falsely blaming the BiH side, or by saying the Serb action in question was necessary to defend the Serbs in Sarajevo.<sup>2844</sup> ROSE said of KARADŽIĆ that: “[w]hen accused of carrying out some terrible atrocity, such as the shelling of the market place in Sarajevo, he would always blame the actions on the Muslims.”<sup>2845</sup> BANBURY noted that even when KARADŽIĆ reneged on his commitment to keep the Blue Routes open, he blamed the BiH side for sniping at Serbs.<sup>2846</sup> When negotiators in the midst of a bombardment confronted KARADŽIĆ about the shelling, KARADŽIĆ responded by accusing the Muslims of starting the war by expelling him from his apartment in Sarajevo.<sup>2847</sup>

678. KARADŽIĆ’s false promises and false denials were echoed by MLADIĆ<sup>2848</sup> and his subordinates, including SRK Commanders GALIĆ<sup>2849</sup> and

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admitted that their forces were responsible for an attack on unarmed civilian personnel delivering food. WILSON:P00320, para.70; P00336, p.3.

<sup>2842</sup> HARLAND:P00001, paras.60-61,63.

<sup>2843</sup> See Sections IV.D.2; IV.D.4; IV.D.5; IV.B.4(e)(i). TUCKER:P00317, paras.109-113; HARLAND:P00001, paras.60-61,63.

<sup>2844</sup> WILSON:P00320, paras.49,122; P00099, p.2; ROSE:P00736, para.201.

<sup>2845</sup> ROSE:P00736, para.209. See ROSE:P00736, para.93.

<sup>2846</sup> BANBURY:P00874, paras.205-206.

<sup>2847</sup> OKUN:P03103, T.4201-4202.

<sup>2848</sup> See Section IV.B.4(d).

<sup>2849</sup> FRASER:P00576, paras.81-82(confidential); P00607, p.1; ABDEL-RAZEK:P00293, paras.64,75-76; RM176:P00641, para.5(confidential).

D.MILOŠEVIĆ,<sup>2850</sup> and fit into an overall pattern. BANBURY's impression was that the Bosnian Serb leadership "constantly played us."<sup>2851</sup>

679. On other occasions, KARADŽIĆ treated protests capriciously. Once he refused to accept a protest letter from ABDEL-RAZEK because it did not address him as "President of the RS."<sup>2852</sup> On 30 April 1995, KARADŽIĆ responded to General JANVIER's complaint that Bosnian Serb forces were firing on civilians in Doboj by cavalierly saying, "[m]aybe some of our gunners have bad eyes,"<sup>2853</sup> thereby brushing off the shelling of civilians with a joke.

680. Finally, KARADŽIĆ also responded to international criticism with threats. As noted above, in response to General ROSE's "strong denunciation" of the VRS for its attacks on Sarajevo, KARADŽIĆ responded with a complaint about sanctions followed by a threat that "If the international community treats us like a beast, then we will behave like a beast."<sup>2854</sup>

2. Under MLADIĆ's command, GALIĆ and D.MILOŠEVIĆ supervised the SRK's implementation of the shelling and sniping campaign

681. As SRK Corps Commanders, GALIĆ and D.MILOŠEVIĆ were MLADIĆ's key contributors of the campaign of terror, reflecting that the sniping and shelling campaign was directed from above and its implementation was not dependent on the particular Corps Commander.<sup>2855</sup>

(a) GALIĆ implemented the terror campaign

682. GALIĆ was SRK Commander from 10 September 1992 to 10 August 1994.<sup>2856</sup> In this position, he directed and oversaw his subordinates' sniping and shelling attacks against the civilian population of Sarajevo, stonewalled protests from international observers, and did nothing to prevent or punish his subordinates' crimes. In short, he implemented and supported the campaign of terror.

<sup>2850</sup> RM120:P00807, p.15(confidential).

<sup>2851</sup> BANBURY:P00874, para.205.

<sup>2852</sup> ABDEL-RAZEK:P00293, para.110.

<sup>2853</sup> BANBURY:P00874, para.154.

<sup>2854</sup> ROSE:P00736, para.151. See HARLAND:P00001, para.135.

<sup>2855</sup> See RM176:P00640, p.10(confidential); FRASER:P00576, paras.33,35,146(confidential).

<sup>2856</sup> AF1787; AF1820.

683. GALIĆ was a powerful professional officer who was aware of what was happening in his area of responsibility, controlled the weaponry in his Corps, commanded the respect of his subordinates and strictly obeyed the orders he received.<sup>2857</sup> Upon his appointment as SRK Commander, GALIĆ finalised the SRK's composition and organisation.<sup>2858</sup>

684. International military observers noted that GALIĆ and **MLADIĆ** worked well together in the context of a visibly hierarchical relationship<sup>2859</sup> in which it was clear from their interactions that **MLADIĆ** was the commander.<sup>2860</sup> In addition to this hierarchical relationship, **MLADIĆ** also used INĐIĆ to ensure that GALIĆ was acting in accordance with orders issued by the GŠ-VRS.<sup>2861</sup>

685. GALIĆ was physically present in Sarajevo throughout the period of his command,<sup>2862</sup> and actively monitored the situation, in particular from the Lukavica Command post.<sup>2863</sup> His subordinates were aware of the shelling and sniping of civilians and kept him informed about it.<sup>2864</sup>

686. In the context of shelling and sniping against civilians in Sarajevo, GALIĆ also made ethnically-charged statements to his subordinates that reflected support of ongoing efforts. During his March 1993 speech concluding the first SRK combat-readiness analysis that had been performed on his orders, GALIĆ stressed a stark standard for measuring the success of SRK soldiers and units, using derogatory slang for Muslims: "Our priority is to ensure the further and full application of the criterion of success that has applied up to now. The value of each individual and each unit is the measure to which they have safeguarded the Serbs and Serbian territory and how many *poturica* they have liquidated and how much of their territory they have seized."<sup>2865</sup> One year later, GALIĆ emphasised the psychological effect he sought to

<sup>2857</sup> AF1790; AF1805; AF1807-AF1811; AF1813; AF1905; ABDEL-RAZEK:P00293, para.119; ABDEL-RAZEK:T.3603. See RM163:P00628, paras.32,44-45,47(confidential); RM163:T.6100-6101(confidential).

<sup>2858</sup> AF1791; P07404.

<sup>2859</sup> FRASER:P00576, para.33(confidential); FRASER:T.5777-5778. See FRASER:P00576, paras.36-38(confidential); FRASER:T.5940-5941.

<sup>2860</sup> FRASER:P00576, paras.33,36-37(confidential); FRASER:T.5777-5778. See FRASER:P00576, paras.36-38(confidential); FRASER:T.5940.

<sup>2861</sup> FRASER:P00576, para.32(confidential).

<sup>2862</sup> AF1792.

<sup>2863</sup> AF1793. See AF1795-AF1796.

<sup>2864</sup> AF1805; AF1809-AF1811. See ABDEL-RAZEK:P00293, paras.118-120.

<sup>2865</sup> P07680, p.1. See P07679; KOVAC:T.41625-41627.

achieve on Sarajevo residents, issuing an order to fortify positions around Sarajevo by erecting wire and concrete barriers, which would in turn strengthen the belief that “they really are blocked,” *i.e.* “in a camp.”<sup>2866</sup>

687. GALIĆ received repeated protests and complaints, both oral and written, from international officials regarding the shelling and sniping of civilians in Sarajevo,<sup>2867</sup> both directly and also through INDIĆ.<sup>2868</sup>

688. On some of these occasions, GALIĆ, echoing similar responses of MLADIĆ and KARADŽIĆ,<sup>2869</sup> GALIĆ denied the facts on the ground as observed by UNMOs.<sup>2870</sup> On other occasions, he would conflate the two responses, first denying that the SRK was responsible, and then threatening to continue the SRK’s (supposedly nonexistent) attacks if the ABiH continued their “violations.”<sup>2871</sup> Sometimes protests were simply ignored.<sup>2872</sup>

689. GALIĆ’s reflexive denials that Bosnian Serbs were shelling civilian targets occasionally gave way to more frank admissions, for example telling ABDEL-RAZEK “that the shelling came from the Serb side and that it came in retaliation” and that “he shelled the UN building.”<sup>2873</sup> Similarly, faced in 1992 with protests about the deliberate sniping of civilians crossing the airport, GALIĆ said that “if the civilians continued to cross the airport, his side would continue shooting at them.”<sup>2874</sup> That is exactly what happened. When desperate conditions caused more civilians to attempt night-time crossings of the airport in early 1993, from five to thirty civilians per night

<sup>2866</sup> P06523, p.2.

<sup>2867</sup> FRASER:P00576, paras.15,31,82(confidential); ABDEL-RAZEK:P00293, paras.64,73,75-76,79-80,83,86,91,100,103-104,106,120,132,140; ABDEL-RAZEK:T.3674-3676; P00649(confidential); P00651(confidential); MOLE:P00421, paras.97-100; P00642, pp.2,4(confidential); P00654(confidential); RM176:P00640, pp.4-5,18(confidential); RM176:P00641, para.5(confidential); P00607, p.1; P00652(confidential); P00646; RM163:P00628, paras.54,108(confidential); RM163:T.6091(confidential). *See* HAMILL:P00537, T.6148.

<sup>2868</sup> INDIĆ:T.25117,T.25121-25125,T.25129-25133(confidential),T.25180,T.25185-25186,T.25202; THOMAS:P00503, paras.53,57-59,66; THOMAS:T.5189-5190; P06715, p.1.

<sup>2869</sup> *See* Sections IV.B.4(d); IV.C.1(e).

<sup>2870</sup> RM176:P00641, para.5(confidential); FRASER:P00576, para.82(confidential); MOLE:P00421, paras.98-100; RM176:P00641, para.5(confidential).

<sup>2871</sup> ABDEL-RAZEK:P00293, para.76. *See* ABDEL-RAZEK:T.3653; ABDEL-RAZEK:P00293, paras.91,104; FRASER:P00576, para.82(confidential); P00607, p.1.

<sup>2872</sup> RM163:P00628, paras.54-55(confidential). *See* MOLE:P00421, para.100.

<sup>2873</sup> ABDEL-RAZEK:P00293, para.103.

<sup>2874</sup> ABDEL-RAZEK:P00293, paras.91,104.

were shot by GALIĆ's forces over a two-three-month period, as well as dozens of French UNPROFOR soldiers.<sup>2875</sup>

690. In spite of GALIĆ's knowledge of the unlawful sniping and shelling,<sup>2876</sup> as noted above, GALIĆ did not initiate investigations into such incidents.<sup>2877</sup>

(b) D.MILOŠEVIĆ implemented the terror campaign

691. D.MILOŠEVIĆ furthered the common purpose by, *inter alia*, continuing the implementation of the shelling and sniping campaign as SRK commander and indeed exacerbating the terror by personally commanding the deployment and use of MABs in SRK-held territory.

692. D.MILOŠEVIĆ served in the Sarajevo theatre for most of the conflict, initially as Commander of the JNA 216<sup>th</sup> Brigade in April 1992,<sup>2878</sup> then as Commander of the 1<sup>st</sup> Romanija Brigade under SIPČIĆ and GALIĆ,<sup>2879</sup> as SRK Chief of Staff and Deputy Commander also under GALIĆ,<sup>2880</sup> and finally as SRK Commander from 10 August 1994 until the end of the conflict,<sup>2881</sup> taking over the management of the campaign of sniping and shelling from GALIĆ.<sup>2882</sup> As SRK Commander, D.MILOŠEVIĆ held the rank of Major General and was immediately subordinate to **MLADIĆ** and the GŠ-VRS.<sup>2883</sup>

693. Like GALIĆ, D.MILOŠEVIĆ operated within a hierarchy visible to outside observers. International officials observed that "the real boss of the Romanija Corps was **MLADIĆ**" and that the strategy around Sarajevo "was perfectly thought out, worked out, by **MLADIĆ**."<sup>2884</sup> While the general strategy for Sarajevo was under **MLADIĆ**'s control, D.MILOŠEVIĆ had discretion within that strategy, such as

<sup>2875</sup> AF2121-AF2122; TUCKER:P00317, paras.117-123; RM176:P00640, pp.16-18(confidential); RM176:T.6311-6312,T.6381,T.6383-6385,T.6449-6451(confidential).

<sup>2876</sup> AF1809-AF1810. *See* AF1805; AF1811; paras.687-689 above.

<sup>2877</sup> *See* Section IV.B.4(e)(i), para.652.

<sup>2878</sup> GENGO:T.21608-21609; VELJOVIĆ:T.22970-22974.

<sup>2879</sup> P06605, pp.3-4; P00454, p.3.

<sup>2880</sup> AF1822.

<sup>2881</sup> AF1820-AF1821; AF1838; AF1860.

<sup>2882</sup> AF1866; AF1868.

<sup>2883</sup> AF1824.

<sup>2884</sup> RM120:P00807, pp.10-12,15-19,26(confidential); RM120:T.7597,T.7657,T.7667-7668(confidential). *See* P00810(confidential); FRASER:P00576, paras.35-38(confidential); FRASER:T.5941-5942.

selecting the types of weapons that were to be used,<sup>2885</sup> ordering sniping and shelling, directing its frequency,<sup>2886</sup> and issuing other orders relating to sniper training and ammunition,<sup>2887</sup> as well as artillery positioning and ammunition.<sup>2888</sup>

694. As he had done with GALIĆ, **MLADIĆ** also controlled and monitored D.MILOŠEVIĆ through INĐIĆ,<sup>2889</sup> with whom **MLADIĆ** spoke at least a hundred times during the conflict,<sup>2890</sup> and through whom he ensured that the SRK would “exert pressure and terrorise the population and kill” the inhabitants as part of the general strategy.<sup>2891</sup>

695. Under D.MILOŠEVIĆ, the SRK Command functioned well:<sup>2892</sup> he held regular meetings with his subordinate staff,<sup>2893</sup> received regular reports,<sup>2894</sup> and could verify information and compliance with orders within a tight chain of command and reporting.<sup>2895</sup> D.MILOŠEVIĆ was highly respected by his subordinates, who were very disciplined and followed his orders, including implementing the campaign of sniping and shelling.<sup>2896</sup>

696. In a March 1996 speech, D.MILOŠEVIĆ likened Sarajevo to a “permanently boiling kettle” that the SRK had to keep “under control and blockade,” lamenting that the SRK had to stop its activity “aimed at Sarajevo” when “some conferences were taking place,” despite his desire “to attack Sarajevo more fiercely.”<sup>2897</sup>

697. D.MILOŠEVIĆ was directly and frequently involved in the deployment of inherently indiscriminate<sup>2898</sup> MABs from at least April 1995.<sup>2899</sup> His deliberate use of

<sup>2885</sup> RM120:P00807, pp.17,24(confidential). See RM163:T.6101-6102(confidential).

<sup>2886</sup> RM120:P00807, p.22(confidential).

<sup>2887</sup> AF1902. See AF1863.

<sup>2888</sup> AF1828; AF1830; AF1837; AF1844-AF1848. See Section IV.E.6(b)(v)a, paras.1012-1013. See AF1863; AF1917.

<sup>2889</sup> RM120:T.7625(confidential). See RM120:P00807, pp.69-71(confidential); RM120:T.7613-7614,T.7621-7622,T.7625,T.7627,T.7654-7655,T.7668-7669,T.7674-7675,T.7780-7782,T.7799-7801(confidential); P00810(confidential); P00815; P00816(confidential); P00817; P00818(confidential); RM163:P00628, para.46(confidential); RM163:T.6246-6247(confidential).

<sup>2890</sup> INĐIĆ:T.25134.

<sup>2891</sup> RM120:P00807, pp.21-22(confidential).

<sup>2892</sup> VELJOVIĆ:T.22931-22934.

<sup>2893</sup> AF1827; VELJOVIĆ:T.22936-22937,T.22940.

<sup>2894</sup> AF1835.

<sup>2895</sup> AF1851; AF1861-AF1862.

<sup>2896</sup> AF1864; AF1866; AF1869; AF1903-AF1904. See AF1838.

<sup>2897</sup> P02008, p.3.

<sup>2898</sup> See Section IV.E.6(b)(v), paras.1007-1008.

MABs to inflict terror is demonstrated by his 6 April 1995 order to fire a MAB at “the most profitable target” in Hrasnica or Sokolović Kolonija, where “the greatest casualties and material damage would be inflicted,”<sup>2900</sup> which resulted in G10.<sup>2901</sup>

698. D.MILOŠEVIĆ knew, via reporting, protests, his own orders, and his own experience near the confrontation line, that subordinate units were sniping, and firing artillery and mortars, into civilian areas in the Sarajevo city centre and causing civilian casualties.<sup>2902</sup> He also received numerous oral and written protests from UNPROFOR and other international officials about crimes committed by SRK troops.<sup>2903</sup> As was the case when GALIĆ was SRK Commander, some international protests also continued to be routed through INĐIĆ.<sup>2904</sup> D.MILOŠEVIĆ’s awareness of SRK attacks on civilian areas was captured in a 1995 acknowledgement that his subordinates fired “at inhabited settlements and specific buildings when there are no combat actions whatsoever.”<sup>2905</sup> His concern, however, was not that civilians were being targeted but that the time had come to refrain from expending too much needed ammunition.<sup>2906</sup> D.MILOŠEVIĆ told a senior international official that he believed he could never leave BiH because he was guilty of wrong-doing.<sup>2907</sup>

699. The numerous protests by international officials to D.MILOŠEVIĆ regarding sniping and shelling were generally ignored.<sup>2908</sup> In spite of his knowledge of the sniping and shelling campaign,<sup>2909</sup> and the ability to bring disciplinary proceedings

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<sup>2899</sup> AF1839-AF1841; AF1845-AF1850; AF1918; P00900; P00916; P00581; P00897; P00922, p.2; P00923, p.1; P00811; P00592; P00914; P00922, p.2; RM120:P00807, pp.18-19(confidential).

<sup>2900</sup> AF1845; P00592. *See* P00591, p.2; Section IV.E.6(b)(v), para.1008.

<sup>2901</sup> *See* Section IV.E.6(b)(v)a.

<sup>2902</sup> AF1844; AF1851-AF1852; AF1855-AF1856.

<sup>2903</sup> AF1737; AF1855-AF1856; FRASER:P00576, paras.15,31,82(confidential); RM055:P00749, pp.17-23(confidential); RM055:T.7082-7083,T.7265-7266(confidential); RM120:P00807, pp.13-14,31-35,48,67-68,73-74(confidential); P00752; P00756; P00757, p.3; P00825(confidential); HARLAND:P00001, paras.210-212; RM163:P00628, paras.54,108(confidential); RM163:T.6091(confidential). *See* AF1852.

<sup>2904</sup> HARLAND:P0001, para.212; THOMAS:P00503, para.58; INĐIĆ:T.25124. *See* Sections IV.C.2(a), para.687; IV.D.2, paras.723-724.

<sup>2905</sup> P04440, p.1.

<sup>2906</sup> P04440, p.1. *See* AF1828; AF1830.

<sup>2907</sup> FRASER:P00576, para.34(confidential); FRASER:T.5779,T.5833-5835(confidential). *See* RM055:P00749, p.9(confidential).

<sup>2908</sup> RM163:P00628, paras.54-55(confidential); RM055:P00749, p.17(confidential); RM055:T.7082-7083(confidential); RM120:P00807, pp.34-35(confidential).

<sup>2909</sup> *See* paras.693,696-698.

against SRK soldiers,<sup>2910</sup> as noted above, there is no evidence that D.MILOŠEVIĆ initiated any proceedings into unlawful shelling or sniping.<sup>2911</sup>

### 3. Other JCE members

700. The other Presidency members, PLAVŠIĆ, KOLJEVIĆ, and KRAJIŠNIK, also shared and advanced the common criminal purpose.

701. They supported the shelling of the entire city and the use of threats and violence against Sarajevo as political leverage, and deflected or falsely excused the campaign to the media. For example, in 1992 one UN officer protested the targeting of civilians in Sarajevo directly to PLAVŠIĆ,<sup>2912</sup> who, following KARADŽIĆ's example,<sup>2913</sup> justified such Serb military action as being in self-defence.<sup>2914</sup> PLAVŠIĆ offered similar justifications in negotiations involving international officials alongside KARADŽIĆ and MLADIĆ.<sup>2915</sup> She lent her presence to meetings with UNPROFOR alongside MLADIĆ where, for example, MLADIĆ stated that "international military intervention" would bring catastrophe to Sarajevo and that Sarajevo would be "levelled."<sup>2916</sup>

702. Likewise, as an accomplished English-speaker, KOLJEVIĆ dealt extensively with international personnel, and frequently received and deflected protests about attacks on civilians by Serb forces.<sup>2917</sup> KRAJIŠNIK was no less aware and supportive of the illegal attacks against civilians. For example, in June 1995, he urged retaliation on the city using MABs.<sup>2918</sup>

703. Similarly, as the leader of the SRS, ŠEŠELJ shared and advanced the common criminal purpose in Sarajevo. ŠEŠELJ's SRS volunteers, who were described by the GŠ-VRS as including "pathological criminals,"<sup>2919</sup> were incorporated into the VRS

<sup>2910</sup> AF1859.

<sup>2911</sup> AF1857; RM055:P00749, p.9(confidential). *See* Section IV.B.4(c)(i), para.652.

<sup>2912</sup> ABDEL-RAZEK:P00293, paras.59,64,105-106,127.

<sup>2913</sup> *See* Section IV.C.1(c).

<sup>2914</sup> ABDEL-RAZEK:P00293, paras.105,127.

<sup>2915</sup> *E.g.* WILSON:P00320, paras.49,122; WILSON:T.3925-3926. *See* WILSON:P00320, para.70; P00336, p.3.

<sup>2916</sup> WILSON:T.3956-3959; WILSON:P00320, paras.71-73; P00326; P00327, p.1.

<sup>2917</sup> ABDEL-RAZEK:P00293, paras.106,110; P00297, p.3; P02771.

<sup>2918</sup> P02780.

<sup>2919</sup> P03802, p.1.

and played key roles on the front lines in Sarajevo.<sup>2920</sup> SRS units incorporated into the VRS committed crimes in the Sarajevo area during the conflict.<sup>2921</sup> ŠEŠELJ rewarded his volunteers involved in serious crimes, proclaiming them “vojvodas”.<sup>2922</sup>

#### **D. MLADIĆ’s Command and Control over the SRK**

704. **MLADIĆ** implemented the campaign of shelling and sniping directed at civilians in Sarajevo through the SRK. Successive SRK commanders exercised effective command and control over the Corps, which was a highly disciplined entity that operated throughout the Indictment Period in accordance with command and control principles that applied throughout the VRS.<sup>2923</sup> The GŠ-VRS exercised effective command and control over the SRK, with **MLADIĆ** demonstrating his active and engaged command style throughout.

##### **1. Composition of the SRK**

705. The SRK was the predominant Serb force engaged in the Sarajevo theatre and the catalyst for the campaign of shelling and sniping against the civilian population.<sup>2924</sup> The SRK was established in May 1992<sup>2925</sup> from the JNA 4<sup>th</sup> Corps,<sup>2926</sup> Serb TOs and volunteer units.<sup>2927</sup> The SRK comprised 18,000 to 30,000 personnel,<sup>2928</sup> almost entirely ethnic Serb.<sup>2929</sup> Its command structure reflected its inclusion of many former JNA active and reserve officers and soldiers.<sup>2930</sup>

<sup>2920</sup> P04013, p.6.

<sup>2921</sup> [REDACTED]; RM401:T.18241; P04595, p.1. *See* S.MAKSIMOVIĆ:T.23517-23518; P06631; DUNJIĆ:T.24907-24908; P06703; P06943; ŠALIPUR:T.37452-37453; R.MAKSIMOVIĆ:T.26813-26815,T.26817,T.26819; [REDACTED]; [REDACTED]; [REDACTED]; THEUNENS:P03029, p.302; P05129, 00:46:56-00:51:13, tp.20-22.

<sup>2922</sup> P06696, p.1; P05121, pp.1,3.

<sup>2923</sup> *See* Section II.H.

<sup>2924</sup> *See* Sections IV.E.2 to IV.E.6.

<sup>2925</sup> AF1769; AF1777-AF1778; P02008, p.1; THEUNENS:P03029, pp.322-323,391-393.

<sup>2926</sup> THUENENS:P03029, pp.391-393; P07675, p.4; DONIA:P01999,p.47; P06816, p.5.

<sup>2927</sup> AF269; AF286; AF1777; AF1791; P04443/P06534(duplicates); P03030, p.6; P03032; P03932; P02008, pp.1-2; P00501; THEUNENS:T.20285-20287; P03030, pp.6,11; DUNJIĆ:D00598, para.13; DUNJIĆ:T.24907-24912, T.24926-24950; P06704; R.MAKSIMOVIĆ:T.26815-26818; [REDACTED]; P06820; R.MAKSIMOVIĆ:T.26839-26843; P06822; RADOJČIĆ:T.23054-23055. *E.g.* D01867; P07489; P06703.

<sup>2928</sup> AF1779; BUKVA:D00608, para.18; P06817; P04439, p.9; M.SHOVAC:D00559, para.3; R.MAKSIMOVIĆ:T.26788-26792; PHILLIPS:T.7420; DUNJIĆ:T.24887-24888.

<sup>2929</sup> P07399, p.15.

<sup>2930</sup> P04435, pp.2-3; PHILLIPS:T.4720; S.SIMIĆ:T.35936; P07675, p.7; P07398; P06543; P05023, p.3. *E.g.* P03579.

706. The SRK's AOR included the greater Sarajevo area, the former zone of responsibility of the 4<sup>th</sup> JNA Corps.<sup>2931</sup> The SRK encircled and held elevated positions around Sarajevo.<sup>2932</sup> The Corps possessed at least twelve artillery firing positions from where they shelled all parts of Sarajevo.<sup>2933</sup>

707. The SRK command was located at the Lukavica barracks.<sup>2934</sup> The operations centre was on the first floor, the SRK Commander and Chief of Staff had offices just one floor above.<sup>2935</sup> The SRK Commanders during the Indictment Period were Tomislav ŠIPČIĆ from mid-May 1992 to September 1992,<sup>2936</sup> Stanislav GALIĆ, from about September 1992 to August 1994,<sup>2937</sup> and, as of 10 August 1994,<sup>2938</sup> Dragomir MILOŠEVIĆ, who had already served in the SRK as the Chief of Staff and Deputy to GALIĆ,<sup>2939</sup> and before that as 1<sup>st</sup> Romanija Brigade commander.<sup>2940</sup> Dragan MARČETIĆ<sup>2941</sup> preceded D.MILOŠEVIĆ as SRK Chief of Staff, and Čedo SLADOJE succeeded him.<sup>2942</sup>

708. The command staff was subordinated to the SRK Commander.<sup>2943</sup> The SRK command staff included,<sup>2944</sup> among others: Assistant Commander for Security and Intelligence Marko LUGONJA;<sup>2945</sup> Chief of Artillery Radisav CVETKOVIĆ,<sup>2946</sup> succeeded by Tadija MANOJLOVIĆ;<sup>2947</sup> Assistant Commander for Morale, Religious

<sup>2931</sup> AF1777; AF1919-1920; P04381, p.3. *See* [REDACTED].

<sup>2932</sup> AF1706; AF1922; AF1924; AF2020; P00352, p.257; HARLAND:P00001, para.237; HARLAND:T.674; ABDEL-RAZEK:P00293, para.111; ABDEL-RAZEK:T.3628-3629; ĐUKIĆ:P01052, p.6; RADOJČIĆ:T.23096; P06612; P00003, pp.46-49,51-63; P01892; P00655; P00602; P00295; P06731; D01907; [REDACTED]; DONIA:P01999, pp.34-59; P04121, p.6; P02728, p.1; P06543; M.ŠKRBA:T.22806-22807; RM120:P00807, p.27(confidential); WILSON:T.3925-3926.

<sup>2933</sup> [REDACTED]; P00003, p.46. *See* Sections IV.E.2; IV.E.3; IV.E.6(b)(i)a to IV.E.6(b)(i)c. *See* AF1704-AF1705; AF1713; P07683, pp.1-3; BELL:P00832, para.62; P01877; P00096/P02721(duplicates); P00094; P02814, p.2; P01878; TARČIN:P00282, para.4; DONIA:P01999, pp.51,55,57-58; P00549, pp.46-47,49-50,53-54,60-61; DOYLE:T.1526-1527; P07728; Milosav GAGOVIĆ:T.25374; RM176:P00640, p.15(confidential); RM176:P00641, p.2(confidential); RM176:T.6316(confidential).

<sup>2934</sup> AF1774-AF1775; INĐIĆ:T.25115. *See* P04540, p.3.

<sup>2935</sup> AF1796; VELJOVIĆ:T.22932-22939.

<sup>2936</sup> [REDACTED]; P00451; P06802.

<sup>2937</sup> AF1787-AF1788; AF1820; PHILIPPS:P00453, p.1.

<sup>2938</sup> P06604.

<sup>2939</sup> AF1821-AF1822; P05023, p.3; P04998; P05010; P05003; P04364.

<sup>2940</sup> GENGO:T.21609.

<sup>2941</sup> D00599, para.4.

<sup>2942</sup> P00451.

<sup>2943</sup> VELJOVIĆ:T.22932.

<sup>2944</sup> VELJOVIĆ:T.22936-22939; P00455.

<sup>2945</sup> P06709; P07400, p.1; P06783; P06719; P05233; P04513; P04510; P01773; P00767.

<sup>2946</sup> P00464; P04423; P04536; GENGO:T.21614.

<sup>2947</sup> S.SIMIĆ:T.35949; P01773; P00899; P04461, p.2; P00922/P04478(duplicates), p.2; P00905; P04435, p.9. *See* P01779, p.3; D00094, p.10.

and Legal Affairs Ljuban KOSOVAC<sup>2948</sup> succeeded by Luka DRAGIČEVIĆ;<sup>2949</sup> and Assistant Commander for Logistics Aleksa KRSMANOVIĆ.<sup>2950</sup> The Security and Intelligence sector comprised two departments: the security department (also headed by LUGONJA) and the intelligence department (headed by Milorad BUKVA).<sup>2951</sup>

709. SRK Assistant Commanders were subordinated to the SRK Commander in accordance with the chain of command, and were also, in their professional field, responsible to the corresponding Assistant Commander in the GŠ-VRS.<sup>2952</sup> Accordingly, for example, DRAGIČEVIĆ reported to and received guidance in his professional field from GVERO,<sup>2953</sup> as was the case with MANOJLOVIĆ with the GŠ-VRS Chief of Artillery; KRSMANOVIĆ with ĐUKIĆ; LUGONJA with BEARA and TOLIMIR;<sup>2954</sup> and VELJOVIĆ with MILETIĆ.<sup>2955</sup>

710. The SRK was organised into brigades,<sup>2956</sup> including, over the course of the war: 1<sup>st</sup> Romanija Pbr, 2<sup>nd</sup> Sarajevo Lpbr, the 1<sup>st</sup> Smbr,<sup>2957</sup> 3<sup>rd</sup> Sarajevo Pbr,<sup>2958</sup> Igman Pbr, Rogatica Brigade, Ilidža Lpbr, Ilijaš Lpbr, Vogošća Lpbr, Koševo Lpbr, Rajlovac Lpbr,<sup>2959</sup> and 4<sup>th</sup> Sarajevo Lpbr.<sup>2960</sup> The SRK adjusted and consolidated the composition of certain brigades over the course of the campaign in order to maintain and increase command and control.<sup>2961</sup>

711. The SRK possessed additional units which reported directly to the SRK Commander,<sup>2962</sup> including the 4<sup>th</sup> Mixed Artillery Regiment (4.Map) commanded by Dragojlo TOŠIĆ,<sup>2963</sup> then CVETKOVIĆ,<sup>2964</sup> the Mixed Anti-armour Artillery Regiment (4.Mpoap) commanded by Jovan BARTULA, succeeded by Savo

<sup>2948</sup> R.MAKSIMOVIĆ:T.26800; P01967, p.1; P06819; P07739; P07740.

<sup>2949</sup> DRAGIČEVIĆ:D00554, para.2; DRAGIČEVIĆ:T.23701-23702; P01773; P06647.

<sup>2950</sup> P01773; P01967, p.1.

<sup>2951</sup> BUKVA:T.25016-25017; P00462.

<sup>2952</sup> BUKVA:T.25018-25019; VELJOVIĆ:T.22936-22939.

<sup>2953</sup> DRAGIČEVIĆ:T.23703-23704.

<sup>2954</sup> BUKVA:T.25019. E.g. P00767, p.2.

<sup>2955</sup> VELJOVIĆ:T.22936-22939.

<sup>2956</sup> AF1779; AF1920; P00458; DUNJIĆ:T.24888; [REDACTED]; P00451; P00454; P00455; P00452; P00453.

<sup>2957</sup> TRAPARA:T.21150,T.21152; P04455.

<sup>2958</sup> P06821.

<sup>2959</sup> P07404; P00451; P00454; P00452; P00543.

<sup>2960</sup> VELJOVIĆ:T.22940-22941; VELJOVIĆ:D00532, para.28.

<sup>2961</sup> P00453, p.6; P03659; VELJOVIĆ:D00532, para.14; VELJOVIĆ:T.22941-22946; P06603; TRAPARA:T.21141; P04345.

<sup>2962</sup> VELJOVIĆ:T.22977-22978; S.SIMIĆ:T.35948.

<sup>2963</sup> P00003, pp.46-48; P07680.

<sup>2964</sup> S.SIMIĆ:T.35948.

SIMIĆ;<sup>2965</sup> the Anti-aircraft Defence Light Artillery Regiment (4.LapPVO); an Engineering Battalion; and a MP Battalion.<sup>2966</sup> The SRK formed Corps Artillery Groups (KAGs),<sup>2967</sup> as needed, from the corps level artillery units.<sup>2968</sup>

712. The SRK Artillery Regiments' and Brigades' AORs extended back from the confrontation line where they possessed heavy weapons, including tanks, mortars, howitzers and other artillery.<sup>2969</sup>

713. The SRK Command also included a liaison office at the SRK headquarters in Lukavica, where INĐIĆ was a liaison officer.<sup>2970</sup> This office liaised<sup>2971</sup> between, on the one side international institutes, press and even the ABiH;<sup>2972</sup> and on the other, the SRK, the GŠ-VRS and some RS civilian authorities.<sup>2973</sup> The liaison office forwarded requests and protests to the SRK commander or the GŠ-VRS (or their respective duty officers).<sup>2974</sup>

## 2. MLADIĆ exercised command and control over the SRK

714. **MLADIĆ** exercised effective command and control over the SRK.<sup>2975</sup> **MLADIĆ** was the "top dog"<sup>2976</sup> with the respect of, and firm grip over, his subordinates in the SRK.<sup>2977</sup> **MLADIĆ**'s directives and orders had to be followed and the SRK Commander was duty bound to implement all tasks assigned by the GŠ-VRS.<sup>2978</sup> Indeed, GALIĆ was clearly under **MLADIĆ**'s authority,<sup>2979</sup> as was

<sup>2965</sup> S.SIMIĆ:T.35949.

<sup>2966</sup> P00451; P07404.

<sup>2967</sup> D.ŠKRBA:T.21274; S.SIMIĆ:T.36020; MASAL:T.33452.

<sup>2968</sup> E.g. P00464.

<sup>2969</sup> [REDACTED].

<sup>2970</sup> INĐIĆ:T.25115-25116.

<sup>2971</sup> INĐIĆ:T.25116-25117. See Sections IV.C.2(a) and IV.C.2(b).

<sup>2972</sup> INĐIĆ:T.25117.

<sup>2973</sup> INĐIĆ:T.25117, T.25126-25128.

<sup>2974</sup> INĐIĆ:T.25122-T.25124.

<sup>2975</sup> ABDEL-RAZEK:P00293, p.30; ABDEL-RAZEK:T.3601-3602; FRASER:P00576, paras.36-37, 142(confidential); FRASER:T.5777-5778. See Section II.H.

<sup>2976</sup> FRASER:P00576, para.146(confidential).

<sup>2977</sup> AF1824; ABDEL-RAZEK:P00293, para.58; ABDEL-RAZEK:T.3601-3602; HARLAND:T.724-726; ROSE:T.6858; P02742; P01601; P02755; P02752; INĐIĆ:T.25210-25212.

<sup>2978</sup> [REDACTED]; SMITH:P00785, paras.227,229; DANNATT:T.19054-19056; THEUNENS:T.20251; ABDEL-RAZEK:T.3667-3668; FRASER:P00576, para.37(confidential); RM120:P00807, pp.21-22(confidential); RM120:T.7603-7604(confidential); BANBURY:T.8223-8225.

<sup>2979</sup> ABDEL-RAZEK:P00293, paras.28,58,121,144; RM176:P00640, pp.10-11(confidential); TUCKER:P00317, para.41; FRASER:P00576, paras.33,36(confidential); FRASER:T.5777-5778,T.5940-5941; ROSE:P00736, para.204.

D.MILOŠEVIĆ, who never took actions or made decisions outside the scope of orders from the GŠ-VRS.<sup>2980</sup> **MLADIĆ**'s authority was manifestly evident to international interlocutors as well, including senior UN military officers,<sup>2981</sup> UN civilian staff, other international diplomats and journalists.<sup>2982</sup>

715. **MLADIĆ** issued directives and orders to the SRK that conveyed a level of detail that reflected the knowledge available up through the command chain and provided precise instructions to the SRK.<sup>2983</sup> For example, **MLADIĆ** informed **GALIĆ** in April 1993 that there would be no firing on Sarajevo while a certain individual was visiting, but that the SRK should fire as many shells as possible at Sarajevo after this person's departure.<sup>2984</sup> This order not only demonstrates detailed knowledge of events in Sarajevo and authority over **GALIĆ**, but also his treatment of the entire city as a target.

716. As an active commander with a hands-on command style,<sup>2985</sup> **MLADIĆ** directly engaged in the SRK's activities, including issuing orders to shell civilian targets<sup>2986</sup> and allocating artillery and sniping equipment to SRK brigades.<sup>2987</sup> **MLADIĆ**'s active engagement in the SRK AOR even reflected a level of involvement in tactical issues at the level of a battalion commander.<sup>2988</sup> At times, he interacted directly with the SRK brigades, issuing orders to them, including one under the heading of the SRK Command that directly informed SRK brigades that the SRK commander must seek his approval before firing on UNPROFOR;<sup>2989</sup> or receiving written reports directly from SRK brigades.<sup>2990</sup>

<sup>2980</sup> FRASER:P00576, paras.35(confidential); RM120:P00807, pp.12-13,16,24; DRAGIČEVIĆ:T.23704; ROSE:T.6858.

<sup>2981</sup> FRASER:P00576, paras.142,146(confidential); FRASER:T.5777-5778; THOMAS:P00503, para.50; WILSON:P00320, para.128; RM163:T.6101(confidential); RM163:P00628, paras.32,44-45,47(confidential); RM055:P00749, pp.6-8(confidential); RM176:P00640, p.11(confidential); RM120:P00807, pp.11-13,16-20,24-25(confidential); TUCKER:P00317, para.55; SMITH:P00785, paras.227-232; ROSE:T.6856-6858.

<sup>2982</sup> HARLAND:P00001, para.258; BANBURY:P00874, para.200; BELL:P00832, para.113.

<sup>2983</sup> P00474, pp.1-4; P03673, pp.1,3; P01963, pp.1,3,5; P01968, pp.2,4-5; P02006; P04422; P00465; P04281; P02535; P03061, THEUNENS:T.20376-20377.

<sup>2984</sup> P02231(confidential).

<sup>2985</sup> See Sections II.H.2-II.H.3.

<sup>2986</sup> See Section IV.E.6(b)(i)b.

<sup>2987</sup> E.g. P04357; P04355; P04497, p.3; P04365.

<sup>2988</sup> P03061:THEUNENS:T.20376-20377.

<sup>2989</sup> P04479, p.1. See [REDACTED].

<sup>2990</sup> E.g. P04365.

717. **MLADIĆ**'s authority over SRK shelling and sniping was evident in his direct operational control over the G1 mass shelling,<sup>2991</sup> along with other orders throughout the campaign demonstrating his power to order and directly oversee SRK offensives;<sup>2992</sup> his authority over the development, procurement and use of MABs;<sup>2993</sup> and his established capacity to initiate, regulate, or stop shelling<sup>2994</sup> and sniping<sup>2995</sup> in the Sarajevo theatre. The GŠ-VRS's role in sniping is also reflected in its regulation of sniper training, including the procedure for nominating trainees.<sup>2996</sup>

718. **MLADIĆ** also spent extended periods in Sarajevo overseeing the SRK's activities. This was especially notable at the outset of the conflict, when **MLADIĆ** and TOLIMIR primarily spent approximately a month and half in the Sarajevo area, beginning in mid-May 1992, to work on "establishing the SRK" and the transition "from the command of the 4<sup>th</sup> JNA Army into the SRK command."<sup>2997</sup> Other examples of **MLADIĆ**'s active involvement in the SRK AOR include his oversight of Operation *Lukavac-93* between July and August 1993 and Operation *Pancir-2* between December 1993 and January 1994 – two periods involving increased shelling against the civilian population of Sarajevo.<sup>2998</sup>

719. **MLADIĆ** and the GŠ-VRS were well-informed of both the status of implementation of their orders as well as developments in the SRK AOR through a detailed flow of reporting from frontline SRK units through the SRK Command up to the GŠ-VRS.<sup>2999</sup> **MLADIĆ** regularly called the SRK Commander for a briefing on the situation in the SRK.<sup>3000</sup> Throughout the campaign, **MLADIĆ** supplemented his deep knowledge of events in Sarajevo and the situation with SRK units through field

<sup>2991</sup> See Section IV.E.6(b)(i)b.

<sup>2992</sup> See Sections IV.E.6(b)(i)d-IV.E.6(b)(i)f.

<sup>2993</sup> See Section IV.E.6(b)(v).

<sup>2994</sup> See Section IV.E.6(b)(i)b; WILSON:P00320, para.76; P02231(confidential); P00812; P04479, p.1; P04358; P04359; P04360; P05031, p.1-2; P00302; P00465.

<sup>2995</sup> E.g. FRASER:P00576, para.83(confidential); P00767, p.2.

<sup>2996</sup> P00338, p.10; P06818; R.MAKSIMOVIĆ:T.26793-26797; P00677, p.2; P04485, p.1.

<sup>2997</sup> MILOVANOVIĆ:T.17004-17005. See P04381; DANNATT:T.19072-19073; Milosav GAGOVIĆ:T.25341-25342; Section IV.E.2, para.718.

<sup>2998</sup> See Sections IV.E.6(b)(i)e-IV.E.6(b)(i)f. RM163:T.6101-6102(confidential); ROSE:T.6856.

<sup>2999</sup> BUKVA:D00608, paras.29,33; BUKVA:T.25019-25023; S.SIMIĆ:T.35969-35971; VELJOVIĆ:T.22933,T.22936; RADOJČIĆ:T.23119-23121; PHILIPPS:T.4712-4713,T.4696-4697; [REDACTED]; M.ŠEHOVAC:T.24086; FRASER:T.5787-5789. E.g. P04454; P04498; P00433; P00664; P07690; P00345, p.221; MILOVANOVIĆ:T.16958-16969.

<sup>3000</sup> [REDACTED].

visits, ascertaining for himself the situation and issuing orders on that basis.<sup>3001</sup> **MLADIĆ**'s high level of situational awareness in Sarajevo was evident to the international community<sup>3002</sup> who frequently protested of shelling and sniping incidents against civilians.<sup>3003</sup>

720. **MLADIĆ** and the GŠ-VRS applied combat readiness analysis and reviews of the SRK which furthered the level of control and implementation of VRS directives and orders.<sup>3004</sup> On one such occasion, **GALIĆ** presented the SRK's combat readiness analysis setting out the SRK's "criterion of success:" "The value of each individual and each unit is," among other things, "how many *poturica* they have liquidated...."<sup>3005</sup> Following this presentation, **GALIĆ** issued a list of tasks for SRK units to undertake, indicating that the tasks were based on the assessment of the state of combat readiness in the SRK units by the GŠ-VRS team.<sup>3006</sup> The tasks themselves ranged from the strategic ("[c]arry out the tasks from Directives nos. 2, 3, and 4 so that...Directive no. 5 may be initiated on time"<sup>3007</sup>) to detailed, technical matters.<sup>3008</sup>

721. 2<sup>nd</sup> Sarajevo Lpbr Commander M.ŠEHOVAC testified in relation to a 31 May 1993 GŠ-VRS "assessment"<sup>3009</sup> that "we had regular reports on combat-readiness. Then we would be issued tasks for the forthcoming period...almost always there would be someone from the Main Staff of the VRS, and frequently it would be General **MLADIĆ** who would attend those meetings."<sup>3010</sup> In this particular assessment, which contained **MLADIĆ**'s handwriting,<sup>3011</sup> the GŠ-VRS stated:

The activities of sabotage-terrorist groups should be used in further operations, as well as ambushes and surprise activities, so that there is a constant negative effect on the morale of the Muslim forces **and**

<sup>3001</sup> [REDACTED]; P04529, p.5; P03061; [REDACTED]; THEUNENS:T.20376-20377; P00076; DUNJIĆ:T24917.

<sup>3002</sup> FRASER:P00576, paras.49,145(confidential); RM163:P00628, para.47(confidential). See Sections IV.C.2(a) paras.684,694,698,723-724; IV.B.4(d).

<sup>3003</sup> ABDEL-RAZEK:T.3596; RM163:P00628, para.54(confidential); RM163:T.6090-6091(confidential); WILSON:P00320, paras.55,75-77; WILSON:T.3937-3938,T.3963-3965; BELL:P00832, para.82; BANBURY:T.8225-8226; SMITH:T.7297-7298.

<sup>3004</sup> See Section II.H.2(e); P000338, p.152; P07679, p.1.

<sup>3005</sup> P07680, p.1; KOVAČ:T.41624-41626. See P07410; P04439; P04484; P06636; P06630; P06608.

<sup>3006</sup> P07410, p.1.

<sup>3007</sup> P07410, p.1.

<sup>3008</sup> P07410, p.11.

<sup>3009</sup> P04517.

<sup>3010</sup> M.ŠEHOVAC:T.24082-24083.

<sup>3011</sup> M.ŠEHOVAC:T.24092.

**population**, that they have a sense of fear and constant insecurity from activities of our forces....it is necessary to develop in them a feeling that their fate depends on the Army of the Republika Srpska.<sup>3012</sup>

Indeed, **MLADIĆ** issued the order to form this unit three days later.<sup>3013</sup> Similarly, following the June 1994 combat readiness reviews,<sup>3014</sup> the GŠ-VRS set tasks for the SRK and its units, conveyed in a 13 July 1994 SRK order, including the construction of sniper nests.<sup>3015</sup>

722. **MLADIĆ** also participated in other meetings with both civilian and SRK representatives in the Sarajevo area, which provided him with even greater insight into the SRK's activities.<sup>3016</sup> For example, a civilian-military consultation at the Lukavica barracks, on 15 November 1992, gave him an overview of the military-political issues in the SRK's AOR,<sup>3017</sup> including problems involving "[g]enocide on other nations"<sup>3018</sup> and "the understanding and practice of individuals and groups that they are masters of life and death to every individual of different ethnicity, resulting in cases of unnecessary mistreatment and killing of member of other ethnicities, especially Muslims. Such people see the Geneva and other conventions as obsolete and unnecessary in this war."<sup>3019</sup> **MLADIĆ** concluded his closing remarks by stating, "The border was written in human blood, and marked with human heads."<sup>3020</sup>

723. **MLADIĆ** exercised an additional means of insight into and control over SRK activities through Lt. Col. Milenko INĐIĆ.<sup>3021</sup> Although he was formally an SRK command staff officer,<sup>3022</sup> it was clear that INĐIĆ exercised authority beyond his rank and position,<sup>3023</sup> demonstrating an ability to communicate quickly with **MLADIĆ**.<sup>3024</sup> For instance, INĐIĆ served as the conduit for conveying the intentions of the GŠ-

<sup>3012</sup> P04517, p.9(emphasis added).

<sup>3013</sup> P04997.

<sup>3014</sup> P03064; P04439.

<sup>3015</sup> P04484.

<sup>3016</sup> E.g. P00353, pp.28-33; P00355, pp.124-128; P01967; P00358, pp.182-194; P00359, pp.133-149.

<sup>3017</sup> P01967, p.3.

<sup>3018</sup> P01967, p.4.

<sup>3019</sup> P01967, p.9.

<sup>3020</sup> P01967, p.26.

<sup>3021</sup> HARLAND:P00001, para.265. See Sections IV.C.2(a) and IV.C.2(b).

<sup>3022</sup> P00451; P00817; RM120:T.7625(confidential).

<sup>3023</sup> JORDAN:T.1775-1776; HARLAND:P00001, paras.225-226,264-265; FRASER:T.5791; RM120:T.7627, 7798-7799(confidential).

<sup>3024</sup> HARLAND:P00001, para.265; FRASER:T.5791.

VRS to UNPROFOR and for UNPROFOR to convey messages to **MLADIĆ**.<sup>3025</sup> UNPROFOR officers formed the view that INĐIĆ was monitoring and even controlling the actions of the SRK Commander on behalf of **MLADIĆ** and the GŠ-VRS.<sup>3026</sup> Indeed, a 29 October 1993 “daily report” from the SRK Command Group for Cooperation with UNPROFOR Command, signed by INĐIĆ, appears to question an appointment to a SRK Command post as well as Ministry of Health communications with the SRK Command that bypass the GŠ-VRS.<sup>3027</sup>

724. UNPROFOR officials described INĐIĆ as “**MLADIĆ**’s man in Sarajevo,” “**MLADIĆ**’s liaison officer,” “**MLADIĆ**’s eye,” and the “eyes and ears” of the GŠ-VRS at the SRK.<sup>3028</sup> The dominant influence of INĐIĆ over the SRK commanders was so evident at meetings that an UNPROFOR official specifically took note during a meeting with D.MILOŠEVIĆ and INĐIĆ when “Gen MILOŠEVIĆ for the first time appeared more dominant in the meeting with LCI INĐIĆ.”<sup>3029</sup> INĐIĆ confirmed that shelling and sniping protests, including oral protests directed to **MLADIĆ**, were either conveyed in person to **MLADIĆ**, if confidential, or over the telephone to **MLADIĆ** or the GŠ-VRS duty officer, if non-confidential.<sup>3030</sup>

### 3. The SRK’s effective command and control

725. Once established, the SRK maintained a professional, effective and functioning structure of command and control throughout the campaign.<sup>3031</sup> GŠ-VRS and SRK Command orders to subordinate units were effectively conveyed down through the chain of command.<sup>3032</sup> Similarly, the reporting from the brigades enabled the SRK to send its daily and interim reports<sup>3033</sup> to the GŠ-VRS, informing the Main

<sup>3025</sup> FRASER:T.5791; FRASER:P00576, para.32(confidential).

<sup>3026</sup> RM120:T.7624-7625(confidential); RM120:P00807(confidential).

<sup>3027</sup> P00817.

<sup>3028</sup> HARLAND:P00001, para.265; SMITH:T.7327; FRASER:T.5790-5791; RM163, paras.39,46(confidential).

<sup>3029</sup> P00815, p.2.

<sup>3030</sup> INĐIĆ:T.25121-25122.

<sup>3031</sup> AF1808; PHILIPPS:T.4712-4713,T.4696-4697; P00453; FRASER:P00576, paras.35-38(confidential); FRASER:T.5777-5778. See P00451; P00454; P00455; P00452; P00453; S.MAKSIMOVIĆ:T.23543.

<sup>3032</sup> P00474; P00458; P00502; P01963; P06522; P02006, pp.1,3; P06549; P04422, p.1; P00476; MALETIĆ:T.21798,T.21832. See VELJOVIĆ:T.22929-22930,T.22933,T.22937-22939; [REDACTED]; GENGO:T.21609,T.21613-21615,T.21680; D.ŠKRBA:D00463, para.11, D.ŠKRBA:T.21250-21251,T.21278; TRAPARA:T.21144-21145; P04621, p.2.

<sup>3033</sup> VELJOVIĆ:T.22933. E.g. P00457; PHILLIPS:T.4697-4699.

Staff “succinctly, clearly, precisely, what was happening in the [SRK] and all brigades and all other units.”<sup>3034</sup>

726. The SRK’s hierarchy is reflected through a series of orders from **MLADIĆ**, the SRK and the brigades regarding the implementation of Directive 1 in June 1992, conveying the will of **MLADIĆ** and, going down the chain of command, where specific details needed to accomplish that will were added.<sup>3035</sup> SRK Commanders continued to issue operational orders involving SRK offensive activities in furtherance of GŠ-VRS directives throughout the campaign.<sup>3036</sup> Orders in evidence also reflect the SRK Command’s authority over a wide range of activities,<sup>3037</sup> including the positioning and use of artillery and ammunition,<sup>3038</sup> sniping,<sup>3039</sup> sniper training,<sup>3040</sup> and discipline.<sup>3041</sup> The SRK Command’s orders were disseminated and implemented by subordinate units.<sup>3042</sup>

727. SRK officers themselves assessed the command structure in the SRK to be effective.<sup>3043</sup> Both GALIĆ and D.MILOŠEVIĆ exerted daily control over the SRK during their command tenures,<sup>3044</sup> and were very familiar with the situation in the Corps overall.<sup>3045</sup> Internationals, including experienced military officers and commanders serving with UNPROFOR, likewise considered the SRK to have

<sup>3034</sup> VEJLOVIĆ:T.22933. *See* Section II.H.2(a).

<sup>3035</sup> P00474; P00458; P00502. *See* PHILIPPS:T.4712-4713,T.4696-4699;T.4707-4709; RM120:P00807, p.65(confidential).

<sup>3036</sup> **Directive 3:**P01963; P04497; P03663; P06522, pp.1-2; P00460, p.1; P07408, p.2; P00463; P00464; PHILIPPS:T.4707-4709; P06708, p.3; **Directive 4:**P01968, pp.1,4-5; P00430; P04423, p.2; P06753, pp.11-14; P02189; **Directive 5:**P02006, pp.1,3; P07410, p.1; P06549; P06929, p.2; P07556; **Directive 6:**P04383, pp.1,3-4; P04348, p.1; P04422, p.1; P00476; P03061; P04476.

<sup>3037</sup> P00463; P00456; P04425; P04620. *See* P04433.

<sup>3038</sup> AF1837; P06513; P00463; P04455; P04460; P00475. *See* AF1828; AF1830; P00913; P04470; P04423; P04440; P04503; P05235; P04477; S.SIMIĆ:T.35954-35955,T.36008-36009; TRAPARA:D00459, para.18; P00464; P00302; P06744; P06604; P06606, p.2; P00603; P06656; P07408, p.2.

<sup>3039</sup> P04430; P04463; P04446; D00808; D02086.

<sup>3040</sup> VELJOVIĆ:D00532, para.16; P00605; P04471, p.1; P04472.

<sup>3041</sup> *E.g.* P04507; P04511.

<sup>3042</sup> *E.g.* P00812; P00813; P00606; P00604. *See* AF1834; P04463, p.1.

<sup>3043</sup> VELJOVIĆ:T.22929-22930,T.22933,T.22937-22939; [REDACTED]; GENGO:T.21609,T.21613-21615,T.21680; D.ŠKRBA:D00463, para.11, D.ŠKRBA:T.21250-21251,T.21278; TRAPARA:T.21144-21145. *See* P04621, p.2.

<sup>3044</sup> AF1807; AF1861; AF1864; AF1866; AF1869; RM120:P00807, pp.12-13,16-17,21,24-25(confidential); RM120:T.7594-7599(confidential); FRASER:P00576, paras.34-38(confidential); FRASER:T.5777-5778; P00589; P00603; P00514; P00767, p.2.

<sup>3045</sup> *See* Section IV.C.2(a) to IV.C.2(b). *See* AF1793; AF1805; AF1810; AF1827; AF1852; AF1855.

excellent command and control throughout the conflict,<sup>3046</sup> including the SRK's "absolute control" over the sniping.<sup>3047</sup>

728. SRK officers issued orders that frequently used pejorative terms,<sup>3048</sup> invoked the genocide of Serbs to inspire morale,<sup>3049</sup> and directed actions that would constrain living conditions in Sarajevo.<sup>3050</sup> These orders mirrored GŠ-VRS orders for continuing operations to keep Sarajevo under blockade or siege,<sup>3051</sup> and actions that would place the population of Sarajevo under intense pressure.<sup>3052</sup>

729. Daily reporting to the SRK Command was obligatory,<sup>3053</sup> and followed the VRS' standardised format for the contents, frequency (twice daily), and timing; as well as two oral reports from SRK brigade, regiment and independent battalion commanders.<sup>3054</sup> The daily reporting enabled the SRK to prepare orders and ensure their implementation.<sup>3055</sup> Interim reports were sent when there were any unusual incidents or a need to report more frequently.<sup>3056</sup> The SRK command had means for secure communications with the brigade commanders<sup>3057</sup> and oral reporting could be done through radio communications.<sup>3058</sup> Each brigade needed to seek support from neighbouring brigades through the Corps command.<sup>3059</sup> The SRK operations centre could also enquire from SRK brigade operations officers whether orders were carried out by subordinates.<sup>3060</sup>

<sup>3046</sup> RM176:P00640, pp.10,13(confidential); RM176:T.6317(confidential); RM120:T.7605-7606(confidential); P00813; RM120:P00807, pp. 11-13,16-20,21,24-25(confidential); MOLE:P00421, paras.46,53-54,56,58; THOMAS:P00503, paras.48-50; RM055:P00749, pp.7-8,19-20,24 (confidential), RM055:T.7069-7070(confidential); RM163:P00628, paras.41,44,47(confidential); ABDEL-RAZEK:P00293, paras.117-121; FRASER:P00576, paras.34-38(confidential); FRASER:T.5777-5778; P00589; P00514.

<sup>3047</sup> ROSE:T.6849-6850; ROSE:P00736, paras.45,204-212; P04469. *See* MOLE:P00421, para.52; P00730; AF1838.

<sup>3048</sup> P06647, pp.1-2; KOVAC:T.41622,T.41624-41626; P07680, p.1; P06591; P04424; P06708, p.2; RADOJČIĆ:T.23285.

<sup>3049</sup> P06647, pp.1-2.

<sup>3050</sup> P06523, p.2; P04517, p.9.

<sup>3051</sup> P01967, p.26; P04517, p.8; P06708, p.3.

<sup>3052</sup> P04517, p.9; P06523, p.2.

<sup>3053</sup> AF1851; P07404; S.SIMIĆ:T.35958,T.35966-35968; VELJOVIĆ:T.22929-22933.

<sup>3054</sup> P07404; AF1862. *E.g.* BUKVA:T.25022.

<sup>3055</sup> PHILIPPS:T.4712-4713,T.4696-4697.

<sup>3056</sup> S.SIMIĆ:T.35967-35968; RADOJČIĆ:D00535, para.26; RADOJČIĆ:T.23119; VELJOVIĆ:T.22933. *E.g.* RADOJČIĆ:T.23200-23201.

<sup>3057</sup> RADOJČIĆ:T.23215-23216.

<sup>3058</sup> AF1809; VELJOVIĆ:T.22929; RADOJČIĆ:T.23225.

<sup>3059</sup> VEJLOVIĆ:T.22931.

<sup>3060</sup> AF1836.

730. SRK Commanders further exercised their command and control through daily morning briefings with the command staff at the SRK operations centre.<sup>3061</sup> During these briefings, the SRK Commander and his staff reviewed events in the SRK AOR; familiarized themselves with the contents of the brigades' twice-daily regular and interim combat reports and developments over the preceeding 24 hours;<sup>3062</sup> made proposals and issued tasks.<sup>3063</sup> The SRK Commander also held regular meetings, every week or two weeks, with all the commanders of the brigades, attended also by commanders of the regiments reporting directly to the SRK command, including the 4.map and 4.mpoap.<sup>3064</sup>

731. The SRK Commanders enhanced their situational awareness through inspections, field visits, and other measures. Both GALIĆ<sup>3065</sup> and D.MILOŠEVIĆ<sup>3066</sup> regularly visited the lines, inspecting the troops. Officers of the SRK Command Staff also visited field positions.<sup>3067</sup> Regular political-military consultations<sup>3068</sup> and combat readiness reviews further enhanced the situational awareness of SRK Commanders.<sup>3069</sup>

732. The SRK functioned as an efficient hierarchical structure at all levels. Command and control was similarly effective at the level of the brigades,<sup>3070</sup> their battalions and further down the chain of command.<sup>3071</sup> SRK brigade commands were structured similarly to their superior commands.<sup>3072</sup> Just as SRK Assistant Commanders reported to their VRS counterparts in the professional line, brigade command officers also reported to their counterparts in the SRK Command, for example on artillery matters.<sup>3073</sup>

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<sup>3061</sup> BUKVA:T.25020.

<sup>3062</sup> BUKVA:D00608, paras.29,33; BUKVA:T.25019-25023; S.SIMIĆ:T.35969-35971; VELJOVIĆ:T.22936; RADOJČIĆ:T.23119-23121.

<sup>3063</sup> S.SIMIĆ:T.35970-35971; BUKVA:T.25020.

<sup>3064</sup> AF1827; VELJOVIĆ:T.22940. *E.g.* D01842, p.4; D01868, p.2.

<sup>3065</sup> AF1792; DUNJIĆ:T.24914,T.24917; R.MAKSIMOVIĆ:T.26827-26838; D01773; D00616, p.3; P00655, p.1.

<sup>3066</sup> AF1853; AF1827; VELJOVIĆ: T.22934-22936; D00534; P04509.

<sup>3067</sup> VELJOVIĆ:T.22934-22935; S.SIMIĆ:T.35950-35951. *E.g.* D01863, p.2; D00119, p.2; D01778, p.2; D01722, p.2; D01854, p.1; D00616, p.3.

<sup>3068</sup> P00460; P00461; P06708.

<sup>3069</sup> *E.g.* P04484, p.1.

<sup>3070</sup> VELJOVIĆ:T.22929-22931; RADOJČIĆ:T.23119-23121.

<sup>3071</sup> VELJOVIĆ:T.22929-22931.

<sup>3072</sup> AF1776; P04896, pp.37-39; P02201, pp.10-17.

<sup>3073</sup> S.SIMIĆ:T.35949.

733. Brigade reports to the SRK Command were approved by the brigade's commander or, in his absence, by the chief of staff or, in the latter's absence, the operations officer.<sup>3074</sup> Reflecting the strict, mandatory nature of this reporting, the commander of the Ilidža Brigade "exclude[d] that possibility" that his brigade failed to send its regular report during his tenure as commander.<sup>3075</sup> In short, it was the duty of subordinate units to present to the superior command an accurate picture of developments in their AOR.<sup>3076</sup>

734. Battalion commands also held morning meetings,<sup>3077</sup> and sent daily reports to the brigade command.<sup>3078</sup> Battalion commanders used wireless and wired communications to report immediately on combat activities to their brigade operations centres.<sup>3079</sup> Witnesses confirmed that command responsibility also worked effectively at the company level and below.<sup>3080</sup> Even at the platoon level, there were morning and evening reviews at the company headquarters, at which orders were issued.<sup>3081</sup>

#### 4. SRK command and control over snipers

735. SRK Commanders exercised command and control over SRK snipers through the issuance of orders relating to sniping, the provision of sniper equipment, and the training of snipers.<sup>3082</sup> Corps level control of sniping in Sarajevo was evident from the SRK's own orders and the modulation of sniping throughout the campaign.<sup>3083</sup>

736. UNPROFOR and other international witnesses consistently assessed that the sniping was centrally controlled by at least the Corps level,<sup>3084</sup> and "perfectly integrated into the military system," with the "specific mission of maintaining pressure through terror."<sup>3085</sup> Snipers and their actions were a "Corps asset," over

<sup>3074</sup> VELJOVIĆ:T.22930.

<sup>3075</sup> RADOJČIĆ:T.23119-23120.

<sup>3076</sup> VELJOVIĆ:T.22930-22931.

<sup>3077</sup> MALETIĆ:T.21755-21756.

<sup>3078</sup> GUZINA:T.22529-22530.

<sup>3079</sup> VELJOVIĆ:T.22929. *See* GUZINA:T.22530.

<sup>3080</sup> AF1781; TRAPARA:T.21144-21145,T.21162-21163; M.ŠKRBA:T.22800. *See* MALETIĆ:T.21798,T.21832.

<sup>3081</sup> AF1782; [REDACTED]. *See* P04893, p.23.

<sup>3082</sup> AF1863; AF1902; AF1905; ROSE:T.6849-6850.

<sup>3083</sup> AF1838; AF1866; AF1903-AF1904. *See* Sections IV.E.3 to IV.E.5.

<sup>3084</sup> HAMILL:P00537, pp.108,113-114; ROSE:T.6850; FRASER:P00576, para.77(confidential); RM055:P02515, pp.8-10(confidential); RM055:T.7069-7071(confidential); RM163:P00628, paras. 27,67-68,75(confidential); RM163:T.6103-6104(confidential); RM120:P00807, pp.21-22,35-36,44(confidential); RM176:T.6317(confidential); RM176:P00640, pp.10,13(confidential).

<sup>3085</sup> RM176:P00640, p.13(confidential). *See* ROSE:P00736, para.199.

which the “Corps Commander was in general control...but operating under the direction of” the GŠ-VRS.<sup>3086</sup> In short, snipers operated as a “tool of the management.”<sup>3087</sup> Both GALIĆ and D.MILOŠEVIĆ also demonstrated their knowledge of sniping positions to UNPROFOR.<sup>3088</sup>

737. SRK Commanders GALIĆ<sup>3089</sup> and D.MILOŠEVIĆ<sup>3090</sup> issued orders relating to the deployment of snipers, their use, their training, and their weapons and other materiel. In November 1992, SRK Deputy Commander MARČETIĆ ordered all SRK units to identify and prepare locations for snipers, to position those snipers, and to notify the command if more snipers, sniper rifles or night vision equipment were needed.<sup>3091</sup> GALIĆ issued an order that each brigade set up a “platoon-strength snipers group (30 + 1 soldiers)” to be equipped with sniper rifles and other sniping equipment to immediately start carrying out assignments.<sup>3092</sup> Brigades promptly reported back, detailing the number of snipers they had already trained and the weapons they used, reflecting clearly that there were already snipers in operation across the SRK.<sup>3093</sup> D.MILOŠEVIĆ ordered the combined use of 1<sup>st</sup> SmbR artillery and snipers in a “coordinated action” on another occasion.<sup>3094</sup>

738. SRK brigades and battalions continued to convey the corps level management of sniping, issuing orders within their own scope of command.<sup>3095</sup> On 30 July 1994, for example, 2<sup>nd</sup> Sarajevo Lpr Commander ŠEHOVAC issued an order to his 3<sup>rd</sup> Infantry Battalion command, expressly based on two SRK command orders from the preceding day, requiring improvements in the planning and execution of sniping activities, as well as in the quality of combat reports and respect for the chain of command.<sup>3096</sup> ŠEHOVAC ordered, among other things, that the battalion command

<sup>3086</sup> FRASER:P00576, paras.21,78,134-135(confidential); ABDEL-RAZEK:P00293, paras.91,120-121,127; RM055:P02515, pp.8,10(confidential); RM163:P00628, pp.17-18(confidential); VANDERWEIJDEN:P01130, p.4.

<sup>3087</sup> HAMILL:P00537, p.108.

<sup>3088</sup> FRASER:P00576, para.69(confidential).

<sup>3089</sup> P04430; P04463; P04446.

<sup>3090</sup> AF1902; P04471; P04506; P00605; P04483. See P00677, p.2.

<sup>3091</sup> P04430.

<sup>3092</sup> P00675.

<sup>3093</sup> P00672; P00676; P04532; P04535; TRAPARA:T.21164; DRAŠKOVIĆ:T.38003,T.38026.

<sup>3094</sup> P06601, p.2.

<sup>3095</sup> [REDACTED].

<sup>3096</sup> P04463. The 30 July 1994 2<sup>nd</sup> Sarajevo Lpr order was issued on the basis of SRK Command “orders...20/15-402 and 405 of 29 July 1994,” directing the battalion to improve the performance of snipers.

issue to snipers (including to paired snipers) precise tasks, including place and time, and order the use of silencers and the conservation of ammunition.<sup>3097</sup>

739. Snipers were deployed to protected locations above and around the city.<sup>3098</sup> Their disposition and consistent behaviour underscores the central organisation of their deliberate attacks against civilians.<sup>3099</sup> The geographic and temporal scope, as well as the frequency and intensity, of the sniping of civilians is set out below,<sup>3100</sup> further underscoring the centralised command and control over the sniping of civilians.<sup>3101</sup> Certain locations in Sarajevo were particularly notorious sniping “hotspots,”<sup>3102</sup> including the Marin Dvor area around the Holiday Inn.<sup>3103</sup> The area south of the Miljacka River was recognised as conducive for snipers to get into good positions and find targets of opportunity.<sup>3104</sup> The main east-west road into Sarajevo was widely referred to as “sniper alley.”<sup>3105</sup> Witnesses confirmed SRK snipers operated from the skyscrapers in Grbavica, and from the Metalka 1 and 2 buildings.<sup>3106</sup> Indeed, the sniping of civilians was a particularly notorious aspect of the conflict in Sarajevo.<sup>3107</sup> However, the VRS did not prosecute or punish SRK snipers despite their well-known and repeated targeting of civilians throughout the campaign from these locations.<sup>3108</sup>

740. The central control of snipers was evident from the fact that when **MLADIĆ** and the SRK Command wanted the sniping to increase or stop,<sup>3109</sup> it did. For example, after **MLADIĆ** signed the 14 August 1994 Anti-Sniping Agreement,<sup>3110</sup>—another reflection of modulation in the face of international pressure—it resulted in a marked

<sup>3097</sup> P04463.

<sup>3098</sup> AF2048; VANLYNDEN:P00066, paras.46,50; MOLE:P00421, para.87; HARLAND:P00001, para.294; THOMAS:P00503, paras.65-66; KNUSTAD:P03158, p.4; P01878.

<sup>3099</sup> AF2135; FRASER:P00576, paras.78-79(confidential); RM055:P00749, pp.10-11(confidential); RM120:P00807, p.36(confidential).

<sup>3100</sup> See Sections IV.E.6(a)(i) to IV.E.6(a)(vii).

<sup>3101</sup> Eg., IV.E.4, paras.796-798; IV.E.5, paras.801,810.

<sup>3102</sup> AF2133-AF2134; AF2160; ABDEL-RAZEK:P00293, p.24; VANLYNDEN:P00066, para.47.

<sup>3103</sup> AF2162; BOWEN:T.18049-18050; ABDEL-RAZEK:P00293, p.24; ŠABANIĆ:P01913, para.6; MOROZ:D01370, p.26; VANLYNDEN:P00066, para.48.

<sup>3104</sup> FRASER:P00576 p.17(confidential).

<sup>3105</sup> See Section IV.E.6(a)(i), para.854.

<sup>3106</sup> AF2153-AF2154; [REDACTED]. See Sections IV.E.6(a)(i), paras.837-839; IV.E.6(a)(i)b.

<sup>3107</sup> See Section IV.E.6(a), paras.828-831.

<sup>3108</sup> [REDACTED].

<sup>3109</sup> FRASER:P00576, paras.81-82,90-94(confidential); RM163:P00628, paras.24,105(confidential); RM176:P00640, pp.13-14(confidential); ROSE:P00736, paras.205-207; RM120:P00807, p.35(confidential); P00360, pp.145-146.

<sup>3110</sup> P00013, p.4; P00015; FRASER:P00576, paras.90-94(confidential).

reduction in sniping incidents,<sup>3111</sup> at a level which showed “a total and absolute control” over sniping at the “senior military level.”<sup>3112</sup>

741. The SRK held training courses for snipers and sniper instructors.<sup>3113</sup> During combat readiness analyses, the SRK command also made recommendations for sniper training, including the organisation of training for “marksmen” identified as a task during the first SRK combat readiness review.<sup>3114</sup> The duration of the war and the static confrontation line around Sarajevo allowed SRK snipers to become highly proficient. In addition to their targeted shooting every day, snipers on higher ground could and did take practice shots at clearly identifiable objects to establish their settings and ensure greater accuracy of future shots.<sup>3115</sup> By 1994, when FRASER arrived in Sarajevo, he saw sniping to be primarily a terrorist activity, confined to “professional” sharpshooters, as “amateurs” would have been easily eliminated by UNPROFOR’s Anti-Sniping Task Force.<sup>3116</sup>

742. At times, senior VRS officers acknowledged the sniping, further underscoring command and control over sniping.<sup>3117</sup> International observers concluded that SRK snipers were very skilled, as reflected by their accuracy, use of well-hidden positions, and sophisticated arrangements in sniper nests in Grbavica to muffle the sound of fire and conceal and protect the shooter, such as remote-trigger mechanisms and concealment behind interior walls.<sup>3118</sup> The advanced skills of SRK snipers further suggested both organisation of the snipers and command over them at the level of battalion or higher, given their value.<sup>3119</sup>

##### 5. SRK command and control over artillery and mortars

743. The SRK Command exercised control over the mortars and artillery used to shell civilian areas of Sarajevo. The SRK Commander’s orders or authorisation was

<sup>3111</sup> FRASER:P00576, paras.90-94(confidential); P00584; P00594, pp.3-4; RM120:P00807, p.35(confidential).

<sup>3112</sup> ROSE:P00736, paras.139-141,205. See RM163:P00628, para. 70(confidential).

<sup>3113</sup> P04506, p.6; P04472; P00677; VANDERWEIJDEN:T.6615-6617; P04471, p.1; P00604, p.4; P00606, pp.2-3; P00605; P00673.

<sup>3114</sup> P07410, pp.5-6; P04484, p.5.

<sup>3115</sup> P00674, p.1; FRASER:P00576, para.74(confidential).

<sup>3116</sup> FRASER:P00576, paras.11,63,76-77(confidential); HARLAND:P00001, para.301; RM163:T.6103.

<sup>3117</sup> ABDEL-RAZEK:P00293, paras.91-92,104; P01079. See THOMAS:P00503, para.120; P00876, p.4; BANBURY:P00874, paras.44-45; BANBURY:T.8222.

<sup>3118</sup> FRASER:P00576, paras.63-74,88(confidential).

required to use mortars and artillery in all SRK units throughout the campaign, whether at the level of the corps or the brigades on down.<sup>3120</sup> As a battalion commander in the 1<sup>st</sup> Romanija Brigade testified, the mortar crews in his battalion fired only with his approval, and he himself needed to seek authorisation from his brigade command, which in turn needed the SRK Commander's approval.<sup>3121</sup> Through this chain of command, SRK artillery and mortar crews received orders to target civilian areas<sup>3122</sup> and objects, such as funerals and ambulances.<sup>3123</sup> They were not allowed to initiate fire on their own.<sup>3124</sup>

744. It was evident to international interlocutors that the SRK exercised command and control over shelling in Sarajevo.<sup>3125</sup> GALIĆ demonstrated his authority over shelling directly to a senior UNPROFOR official, threatening to continue shelling the city in response to claimed violations from the ABiH side,<sup>3126</sup> or explaining heavy shelling resulting in civilian casualties was retaliation, stating "we did that because their mortars landed among Serb civilians."<sup>3127</sup>

745. Orders for SRK artillery and mortar fire could be issued in writing or orally.<sup>3128</sup> Oral orders could be issued by telephone, radio or other means.<sup>3129</sup> Targeting orders were conveyed through the use of code language,<sup>3130</sup> requiring that both superior and subordinate commands share the code key, again reflecting a well-organised command structure. Written artillery plans also used encrypted co-

<sup>3119</sup> FRASER:P00576, para.76(confidential); RM163:T.6103(confidential).

<sup>3120</sup> AF1811; AF1841; P04445; GENGO:T.21613-21615; S.SIMIĆ:D01062, paras.17,20,29; S.SIMIĆ:T.35954; P07401; P04440, p.2; P04424; P04426; FRASER:P00576, para.104(confidential); RM176:P00640, p.14(confidential).

<sup>3121</sup> GENGO:T.21614-21615.

<sup>3122</sup> AF1813; AF1844; AF1846; P00111/P00330(partial duplicates); P00464, pp.1,3,5; P04423, p.1-2; P06513.

<sup>3123</sup> [REDACTED]. See BOWEN:P02515, paras.37-39; BOWEN:T.18038-18042; P02518; ABDEL-RAZEK:P00293, para.79; CRNČALO:P00260, para.91; HAJIR:P02616, paras.47,55; KUPUSOVIĆ:P02468, T.666; JORDAN:T.1764-1765,T.1769-1772; P00134; RM126:P01942, para.4(confidential).

<sup>3124</sup> [REDACTED]. Return fire could be approved at lower levels of command if there was an "immediate danger". However, all artillery fire had to be reported so that "everybody in the chain [of command] is made aware of the opening of fire." S.SIMIĆ:T.35953-35955. In short, artillery fire required orders or approval from the SRK Commander or, in urgent situations, notice to him.

<sup>3125</sup> MOLE:P00421, paras.46-52; ABDEL-RAZEK:P00293, para.119; FRASER:P00576, para.104(confidential); RM176:P00640, p.14(confidential); RM163:P00628, para.75(confidential).

<sup>3126</sup> ABDEL-RAZEK:P00293, para.76.

<sup>3127</sup> ABDEL-RAZEK:P00293, para.104.

<sup>3128</sup> [REDACTED]; S.SIMIĆ:T.35955-35956.

<sup>3129</sup> S.SIMIĆ:T.35958.

<sup>3130</sup> [REDACTED]; S.SIMIĆ:T.35955-35957; P04538, p.2; P07402; [REDACTED].

ordinates.<sup>3131</sup> The codes were prepared for specific operations and destroyed afterwards.<sup>3132</sup> The SRK Command also co-ordinated synchronised fire from its subordinate artillery and mortar batteries.<sup>3133</sup>

746. The SRK Command approved artillery plans that included targets throughout Sarajevo.<sup>3134</sup> The SRK Chief of Artillery developed artillery plans pursuant to the orders of the Corps Commander.<sup>3135</sup> Additionally, the SRK Chief of Artillery was in constant contact with the commanders of artillery units and subordinate chiefs of artillery.<sup>3136</sup> The SRK command structure ensured coordination between the chiefs of artillery at the SRK brigade level, who supervised brigade artillery groups,<sup>3137</sup> and reported professionally to their counterpart in the SRK command.<sup>3138</sup>

747. The SRK Command led analyses of the combat readiness of artillery units, in accordance with orders from **MLADIĆ**.<sup>3139</sup> In one such analysis, SRK Chief of Artillery MANOJLOVIĆ remarked on the “old habits of our soldiers and units for mass and unselective use of artillery,”<sup>3140</sup> information which the “commander probably knew and whoever else needed to know.”<sup>3141</sup>

748. No parts of Sarajevo were out of range for the SRK’s artillery, tanks and mortars.<sup>3142</sup> For instance, SRK artillery regiments and all brigades, except for the Igman and Ilijaš Brigades, could target the City Centre with their artillery.<sup>3143</sup> The City Centre was also within range of the Ilidža Brigade’s and 1<sup>st</sup> Smbor’s tanks and the 1<sup>st</sup> Romanija Brigade’s mortars.<sup>3144</sup> The SRK could target areas to the north of Baščaršija, reaching as far as Sedrenik from its positions on Trebević.<sup>3145</sup> In sum, the SRK’s weaponry enabled it to target the city’s expanse – from the northeast portions

<sup>3131</sup> [REDACTED]; [REDACTED]; S.SIMIC:T.35957.

<sup>3132</sup> S.SIMIC:T.35962; P07403.

<sup>3133</sup> VUJAŠIN:T.25625-25626.

<sup>3134</sup> P01892; P00003, p.47; [REDACTED]; P00464, pp.1,3,5; P04423, p.1-2; P00463; PHILIPPS:T.4707-4709.

<sup>3135</sup> [REDACTED]; S.SIMIC:T.35950-35951; P04435; P07407; P04461; P06604, p.4.

<sup>3136</sup> S.SIMIC:T.35970; P04435, p.1.

<sup>3137</sup> S.SIMIC:T.35944-35945; P04435, p.1.

<sup>3138</sup> S.SIMIC:T.35949.

<sup>3139</sup> P04353.

<sup>3140</sup> P07407, p.1.

<sup>3141</sup> S.SIMIC:T.35997-36000.

<sup>3142</sup> [REDACTED]; P00003, p.46; P07523; P00076.

<sup>3143</sup> GENGO:T.21626-21627.

<sup>3144</sup> GENGO:T.21625-21626.

<sup>3145</sup> GENGO:T.21624.

of the city to Dobrinja and Hrasnica in the southwest corner of the SRK's encirclement.<sup>3146</sup>

6. **MLADIĆ controlled the use and deployment of MABs**

749. **MLADIĆ** was directly involved in the development and acquisition<sup>3147</sup> of MABs and the decisions to deploy and use them were made by **MLADIĆ** and the GŠ-VRS.

750. **MLADIĆ** engaged personally in discussions at the beginning of 1994 on the development of MABs with PERIŠIĆ, before their use in Bosnia.<sup>3148</sup> On 19 February 1994, an engineer at *Pretis* confirmed in a report to MILOVANOVIĆ that two weapons "for operative support" were being developed in Belgrade in accordance with a strictly confidential 15 January 1994 order from **MLADIĆ**, to be completed by 23 February 1994 and manned by a rocket crew.<sup>3149</sup> The SRK commander followed these developments, and along with other members of the SRK command, observed a test launch at which one of the rocket engine failed to fire.<sup>3150</sup>

751. **MLADIĆ** and the GŠ-VRS controlled the use of MABs.<sup>3151</sup> As a 12 June 1994 order from the GŠ-VRS dictated: the "GŠ-VRS decides on the use of aerial bombs and possibly a Corps if the GŠ-VRS approves so and not a brigade according to its own plan."<sup>3152</sup> The authority of the GŠ-VRS over the use of MABs was forcefully underscored on the evening of 26 April 1995 when **MLADIĆ** received information that the SRK may be planning the use of MABs without the approval of the GŠ-VRS,<sup>3153</sup> the SRK Chief of Artillery responded the same evening.<sup>3154</sup> At the SRK level, D.MILOŠEVIĆ, as the Corps commander, was also responsible for the use and deployment of MABs in the Sarajevo theatre.<sup>3155</sup>

<sup>3146</sup> E.g. P00464, p.2; P04423, pp.1-2; GENGO:T.21624-21625; S.SIMIĆ:T.36042; ABDEL-RAZEK:P00293, para.111; WILSON:T.3925-3926.

<sup>3147</sup> See Section IV.D.7, paras.757-758.

<sup>3148</sup> MILOVANOVIĆ:T.17015; ĐUKIĆ:P01052, pp.23-24.

<sup>3149</sup> P04427.

<sup>3150</sup> VUJAŠIN:T.25655-25660.

<sup>3151</sup> ĐUKIĆ:P01052, p.23; P00580.

<sup>3152</sup> P00589; FRASER:P00576, para.134(confidential).

<sup>3153</sup> P00581.

<sup>3154</sup> P00580.

<sup>3155</sup> AF1918; AF1840-AF1841; AF1846-AF1849; AF1856; P00900; P00916; VELJOVIĆ:T.22950-22951; P00811; P00581; RM120:P00807, pp.18-19(confidential); RM120:T.7599-7601(confidential);

752. **MLADIĆ** and the GŠ-VRS decided the deployment of MABs and launchers, coordinating the movement of these assets among VRS units.<sup>3156</sup> Indeed, GŠ-VRS approval was required for the SRK to obtain MABs.<sup>3157</sup> The deployment and use of MABs were under the supervision of GŠ-VRS Chief of Artillery BALAĆ<sup>3158</sup> and his successor MASAL.<sup>3159</sup> The GŠ-VRS Technical Department Chief, in a 19 April 1995 document to the 27<sup>th</sup> PoB and *Pretis* on the construction of MABs, invokes an order of the GŠ-VRS that has “regulated the transfer of...aerial bombs from units to Pretis HD for their completion.”<sup>3160</sup>

753. The GŠ-VRS tightly monitored the MAB and launcher deployment, through the SRK chain of command, as demonstrated in a series of orders and reports from June 1995. MILOVANOVIĆ issued an order on 7 June 1995 to various Corps and other commands seeking information on the number of MAB launchers they possess, with responses required by 16 June.<sup>3161</sup> The following day, SRK Chief of Artillery MANOJLOVIĆ conveyed the request to several SRK brigade commands,<sup>3162</sup> receiving timely responses<sup>3163</sup> which, in turn, resulted in the SRK’s timely response to the GŠ-VRS on 15 June.<sup>3164</sup> The GŠ-VRS’ control over MAB inventory and deployment in the SRK context is consistent with such control in areas outside the SRK’s zone of responsibility.<sup>3165</sup>

#### 7. MLADIĆ’s command over SRK Logistics

754. **MLADIĆ** exercised direct control over VRS logistics and ensured that the SRK had sufficient weaponry, ammunition and other materiel necessary to conduct its terror campaign against Sarajevo. **MLADIĆ** personally controlled details of the

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P00897; P00923, p.1; P00922, p.2; P00591, p.2; P00592; P00924; P00927; P00919; P00906; P00918; P00913; P06656; P00926; P02212; P00899; P00904; P00907; P00902; P00910.

<sup>3156</sup> P04415; P00915; P04456; P00929; P00928.

<sup>3157</sup> P00465; P00914; P00916; P00900; P00917; P00920; P00921; P04441; P00906; RM120:P00807, pp.18-19(confidential); RM120:T.7599-7601(confidential); P00581.

<sup>3158</sup> MILOVANOVIĆ:T.17017; P07244. *See* P00929.

<sup>3159</sup> D00956; MASAL:T.33350; MASAL:D00942, para.26.

<sup>3160</sup> P00909.

<sup>3161</sup> P00908.

<sup>3162</sup> P00899.

<sup>3163</sup> P00902; P00904; P00907; P00910.

<sup>3164</sup> P00897.

<sup>3165</sup> P07244; MASAL:T.33434-33435; P07246, pp.1-2.

logistics operations in the VRS,<sup>3166</sup> and specifically in the SRK,<sup>3167</sup> imposing controls over the process used by the SRK to request ammunition and other materiel from the VJ<sup>3168</sup> and even handling logistics requests from SRK brigades.<sup>3169</sup> He personally directed and approved the production of MABs used by the SRK.<sup>3170</sup> Much of this materiel, including sniper bullets, mortars, artillery shells and MABs, was used by the SRK to snipe and shell the city's civilians for the duration of the war.<sup>3171</sup> D.MILOŠEVIĆ acknowledged the SRK "very often fire[d] at inhabited settlements and specific buildings when there [were] no combat actions whatsoever, spending vast quantities of ammunition."<sup>3172</sup>

755. As commander of the GŠ-VRS, **MLADIĆ** directed the logistics supply of the SRK through the Logistics Sector.<sup>3173</sup> Under the authority of the GŠ, the 27<sup>th</sup> Logistics Base provided logistical support to the SRK and the DK<sup>3174</sup> in accordance with established procedures.<sup>3175</sup> This base received and distributed the huge amounts of ammunition, weaponry and other war materiel supplied to the VRS by all its sources.<sup>3176</sup>

756. **MLADIĆ** procured these enormous quantities of ammunition and shells knowing that the SRK was using large quantities of these munitions to target civilians in Sarajevo.<sup>3177</sup> Supplied with a vast quantity<sup>3178</sup> of VRS ammunition and weaponry, including 82mm and 120mm mortars and 7.9mm sniper bullets,<sup>3179</sup> the SRK fully

<sup>3166</sup> See Section II.D.4; P04360; P04358; P04548, p.2; P04348, p.5; P04518, pp.2-3; P03073, pp.2-3; P04409; P04352; P04349, pp.1-2; P04416, pp.19-25; P04372; P05098, p.2.

<sup>3167</sup> P04349, p.1; P04351; P04371; P04206; P03074.

<sup>3168</sup> P04397; P04392; GENGO:T.21678-21681; P00893. See P04421; P04578, pp.1-2; P04407.

<sup>3169</sup> E.g. P04357.

<sup>3170</sup> ĐUKIĆ:P01052, pp.4,23-24; [REDACTED]; P04550, pp.1-2; P03073, pp.2-3; P04415; P04350; P04495; P04418; P04419; P04524; P04391; P04553, pp.1,3; P04563; P04564. See P04456; P04347; P04403; P04570; P04395, p.2; P04408/P04525(partial duplicates); P04414; P04526; P02254; P04527, pp.1,2; P04501; P04522, p.2; P04566; P04490, p.6; P04404, pp.9-10.

<sup>3171</sup> See Sections IV.E.6(a); IV.E.6(b); IV.E.6(b)(v).

<sup>3172</sup> P04440, p.1.

<sup>3173</sup> ĐUKIĆ:P01052, pp.4-5. See P04894, p.21.

<sup>3174</sup> [REDACTED]; P04497, p.3.

<sup>3175</sup> [REDACTED]; P04481, pp.4,5. See P04894, pp.27,57-59,62-63.

<sup>3176</sup> [REDACTED]; P04495; P04526; P02254; P04474; P04527, p.2; P04501; P04419; P04524; P04391.

<sup>3177</sup> See Section IV.E.6(b)(i)b and fn3180-fn3182. E.g. P04349, p.1.

<sup>3178</sup> E.g. P04547, pp.1-2; P04482, pp.1-3.

<sup>3179</sup> P04541, pp.5-10; P04542; P04544; P04545; P04546; P04547, pp.1-2; P04482, pp.1-3; P04474, pp.2-3; P04441; P04206; P03074; P04500; P04442, p.2; P04404, pp.8-10. See P04457.

expended this ordnance throughout its campaign against Sarajevo.<sup>3180</sup> As early as the fall of 1992, even *Pretis* was expressing concern to the GŠ-VRS about the substantial amount of ammunition used by the SRK, noting that from 9 August to 10 September the SRK used 1,309.7 tons of ammunition.<sup>3181</sup> In mid-1994, the SRK reported it had spent 9,680 tons of “lethal materiel” since the beginning of the war, and had recently received 210 tons of infantry ammunition, 980 tons of artillery ammunition and 32 tons of mines and explosives.<sup>3182</sup>

757. **MLADIĆ** and the GŠ-VRS exercised authority over the procurement of materiel for the MABs and MAB launchers, involving coordination of parts and munitions across the *Pretis* factory and VRS units, including Corps and logistics bases.<sup>3183</sup> **MLADIĆ** and the GŠ-VRS also exercised authority over the movement of parts and munitions among the VJ, state enterprises in Serbia, VRS units (including logistics bases), *Pretis* and TRZ Hadžići.<sup>3184</sup> An order from MANOJLOVIĆ on 10 August 1995 concerning the preparation of MABs by the 1<sup>st</sup> Smbr, reflects his recognition that the approval of the GŠ-VRS was needed for the transportation of relevant equipment to TRZ Hadžići.<sup>3185</sup> Indeed, the GŠ-VRS was informed of logistical developments with MABs.<sup>3186</sup> The involvement of multiple corps and units reporting to the GŠ-VRS units, as well as RS defense enterprises, in itself would have necessitated the role of the GŠ-VRS in coordinating the procurement and preparation of the MABs and launchers.<sup>3187</sup>

758. During 1995, the GŠ-VRS and **MLADIĆ** continued to be involved in the acquisition of the core components of MABs and in their development and construction. **MLADIĆ** sent a request on 31 May 1995 to the VJ, to PERIŠIĆ personally, to send an expert team to address problems with rockets and modified anti-aircraft equipment headed by VJ Colonel Ivan ĐOKIĆ,<sup>3188</sup> whom

<sup>3180</sup> E.g. P04454, p.2; P04349, p.1; P04520; P04505, p.1; P04521, pp.1-2; P04522; P04500; P04473; P04404, pp.8-10.

<sup>3181</sup> P04481, p.4.

<sup>3182</sup> P04439, p.10.

<sup>3183</sup> P00891; ĐUKIĆ:P01052, p.24.

<sup>3184</sup> AF1886; P00891; P04408; P00909; P00911; P00901; P00894; P00898; P05102; P04434; P04456; P04526; P00895.

<sup>3185</sup> P00905.

<sup>3186</sup> P04414; P00925; P04524.

<sup>3187</sup> MILOVANOVIĆ:T.16932-16933; ŠKRBIĆ:T.13987-13988; L.OBRADOVIĆ:P01783, T.11950; MASAL:D00942, para.28. E.g. P05036; P02006, p.5.

<sup>3188</sup> P02221.

MILOVANOVIĆ confirmed was an expert for rocket anti-aircraft ordnance involved in crafting a MAB launcher, called, in BCS, *Skalamerija* (contraption).<sup>3189</sup> The direct, personal roles of MLADIĆ and PERIŠIĆ in arranging for the VJ to assist the VRS in weapons development was reflected in a separate request the same day regarding another modified rocket launcher.<sup>3190</sup>

759. VRS logistics information, it should be noted, also serves a forensic purpose related to shelling incidents in Sarajevo. For instance, the SRK used 120mm LTF mortars<sup>3191</sup> produced during the war by *Krušik* in Valjevo, Serbia.<sup>3192</sup> These mortars contained specific manufacturer numbers, marked “KV” followed by the year and batch,<sup>3193</sup> and were supplied to the VRS through their logistics chain.<sup>3194</sup> These war-time 120mm LTF mortars were sent to the Nikinči range in FRY for testing prior to delivery to the VRS and included the wartime *Krušik* markings as those recovered during investigations of scheduled and non-scheduled incidents in which civilian areas of Sarajevo were shelled, including Scheduled Incident G18.<sup>3195</sup>

<sup>3189</sup> MILOVANOVIĆ:T.17016-17017.

<sup>3190</sup> P02220; P04282.

<sup>3191</sup> P04466, p.5; P04496, p.5; P04520; P04505, p.1; P04416, pp.22,25; P04557, p.2; P04552, p.2; P04441; P04521, pp.1-2.

<sup>3192</sup> P04486, pp.1-2; P04380, p.1; P03073, pp.1,4,5; P04486, pp.1-2,4; P04494, pp.2,4; P04490, pp.6-8.

<sup>3193</sup> SULJEVIĆ:T.8401-8402; P00935, pp.4-6,10; ĐUKIĆ:P01052, p.4.

<sup>3194</sup> P04494, pp.2,4.

<sup>3195</sup> P04549. *See also* regarding the testing of other artillery and mortars prior to their delivery to the VRS: P04413; P04410; P04403; P04418; P04386. The stabilizer recovered in the investigation of Scheduled Incident G18 was marked “MK, M74 KV 9307”. P00498, pp.7,16,17,18(confidential); TURKUŠIĆ:P02009, paras.78,112; TURKUŠIĆ:T.15918; P02053. Stabilizers also marked “MK, M74 KV 9307” were recovered from other shellings in Sarajevo on 28 August 1995, the date of Scheduled Incident G18. P02010; P02011, pp.2-3,5-6; TURKUŠIĆ:P02009, paras.113-116. A stabilizer with the same “MK, M74 KV 9307” marking was recovered from another shelling in Sarajevo on 18 June 1995. P02017, p.5; TURKUŠIĆ:P02009, paras.24-25. Stabilizers marked “MK, M74 KV 9309” were recovered from three shellings in Sarajevo in 1995. P02021, p.2; P02022, p.2; P01108, pp.2-3; TURKUŠIĆ:P02009, paras.28-29,48. Stabilizers marked “MK, M74 KV 9406” were recovered from four shellings in Sarajevo on 8 July 1995. P02020, p.2; P02032, pp.5,7; P02026, pp.2-3; P02031, p.2; TURKUŠIĆ:P02009, paras.34,36,44-45. Stabilizers with the same KB 9406 markings were recovered from two other shellings on 30 June 1995. P02033, pp.2-4; P02034, p.2; TURKUŠIĆ:P02009, paras.34,36-37. A stabilizer marked “MK, M74 KV 9310” was recovered from a shelling in Sarajevo in 1995. P02024, p.2; TURKUŠIĆ:P02009, para.38. Stabilizers marked “MK, M74 KV 9501” were recovered from three shellings in Sarajevo in June 1995. P01107, p.2; P02035, p.2; P01102, p.2; TURKUŠIĆ:P02009, paras.39-40. A stabilizer marked “MK, M74 KV 9405” was recovered from a shelling in Sarajevo in 1995. P02025, p.2; TURKUŠIĆ:P02009, para.41. Stabilizers marked “MK, M74 KV 9405” were recovered from two shellings in Sarajevo on 1 July 1995. P02027, pp.2,4; P02036, pp.2-3; TURKUŠIĆ:P02009, paras.42-43. Stabilizers marked “MK, M74 KV 9404” were recovered from three shellings in Sarajevo in 1995. P02028, p.2; P00936, pp.2-4; P02038, p.2; TURKUŠIĆ:P02009, paras.46-47. A stabilizer marked “MK, M74 KV 9408” was recovered from a shelling in Sarajevo on 23 July 1995. P02030, p.2; TURKUŠIĆ:P02009, para.49. Stabilizers marked “MK, M74 KB 9504” were recovered from five shellings in Sarajevo in 1995. P02029, pp.2-3; P02040,

## E. The Sniping and Shelling Campaign

### 1. Overview

760. The SRK and other Serb forces repeatedly attacked civilians, civilian objects and civilian activities<sup>3196</sup> through a 44-month campaign of shelling and sniping in Bosnian-held Sarajevo. The shelling and sniping campaign, including the illustrative examples set out in Schedules F and G, comprised acts of violence directed against the civilian population or individual civilians not taking direct part in hostilities, including indiscriminate attacks and attacks that were disproportionate in relation to the concrete and direct military advantage anticipated.<sup>3197</sup> Throughout the conflict these acts killed and injured civilians,<sup>3198</sup> and damaged or destroyed countless civilian objects<sup>3199</sup> in ABiH-controlled territory. Witnesses from varying backgrounds and experience, many of whom had served in conflict situations, reached the same conclusion: the purpose of the shelling and sniping of Sarajevo was to terrorise the population.<sup>3200</sup>

761. The following Sections IV(E)(2)-(5) discuss the terror campaign between April 1992 and November 1995, and cover the pre-VRS campaign and three subsequent periods that correspond to the service of each SRK Commander. They highlight key events during the campaign when the “levers” of terror, including the sniping and shelling of the civilian population and restrictions of utilities, food and

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p.2; P02012, pp.2-4; P02041, pp.3-4; P02042, pp.2,4-5; TURKUŠIĆ:P02009, paras.50,52. A stabilizer marked “MK, M74 KB 9403” was recovered from a shelling in Sarajevo on 26 June 1995, and another marked “MK, M74 KB 9406” from a shelling on Saraci St on 12 March 1995. P02023, p.2-3; P02018, p.1; TURKUŠIĆ:P02009, para.117. A stabilizer marked “KB 9502” was recovered from a shelling of the Centre of Sarajevo on 22 May 1995. P01097, p.2.

<sup>3196</sup> AF1813; AF2018; AF2037; AF2039; AF2045; AF2047; AF2053; AF2065ABDEL-RAZEK:P00293, para.79; TUCKER:P00317, paras.44,49.

<sup>3197</sup> See Sections IV.E.6(a)(i); IV.E.6(a)(v)IV.E.6(a)(ii); IV.E.6(a)(iv); IV.E.6(a)(vi); IV.E.6(a)(iii); IV.E.6(a)(vii); IV.E.6(b)(ii); IV.E.6(b)(iv); IV.E.6(b)(iii); IV.E.6(b)(v)IV.E.6(b)(i).

<sup>3198</sup> AF2036-AF2037; P07171, pp.9-10,15-19; P07594; POPARIĆ:T.40614-40619; P07409; P06592; NAKAŠ:P00941, paras.27-29,32,53-54,59-64,66-67,83,87-94(confidential); P00711; MANDILOVIĆ:P00679, paras.48,50,52,77-84,87-88,90,95; BELL:P00832, para.37; P01854; P02569; ZAIMOVIĆ:P02620, paras.8-9,16-18; ZAIMOVIĆ:P02621, pp.7,15-17; P02622; P02623; HAJIR:P02616, paras.15-16,17-18,21,25,29,34-36,41-45,48,69-73; WILSON:T.3935; BANBURY:T.8223-8224; D01905, pp. 1, 22-38(BCS); P00549; P07733; P07611; P07537.

<sup>3199</sup> AF2047; BELL:P00832, para.41; MOLE:P00421, para.73; HARLAND:P00001, para.27; WILSON:P00320, paras.48-49; P07683, pp.6-8.

<sup>3200</sup> OKUN:P03103, T.4211; BANBURY:P00874, paras.197-199; RM055:P00749, p.10(confidential); GIČEVIĆ:P01937, T.7614.

other humanitarian supplies to the city, were moved up or down by the BSL to achieve its objectives.<sup>3201</sup>

## 2. Commencement of the campaign (April – mid-May 1992)

762. On 6 April 1992, the day that an independent Bosnia was recognised by the international community,<sup>3202</sup> JNA 4<sup>th</sup> Corps and Bosnian Serb TO and MUP forces jointly commenced a campaign of terror in Sarajevo, sniping and shelling civilians across the city.<sup>3203</sup> Utilising the superior weaponry, ammunition and equipment which they already possessed, had seized<sup>3204</sup> or had been transferred into their possession,<sup>3205</sup> these forces began shelling the city from the advantageous positions they held in the surrounding hills.<sup>3206</sup> The intent of the BSF to deliberately target civilian neighbourhoods and buildings was evident on the first day of their campaign: residential neighbourhoods in Stari Grad, including Baščaršija, were shelled on 6 April,<sup>3207</sup> as were the tram depot<sup>3208</sup> and the radio and television building.<sup>3209</sup>

763. Through April and mid-May, the use of heavy artillery by the JNA “was exclusively under the authority of the Commander of the Military District.”<sup>3210</sup> Lower-ranking commanders did not have the right to use such heavy weaponry unless previously approved.<sup>3211</sup> With the support of this JNA artillery, the BSF conducted shelling and sniping attacks on the civilians of the city during April and May.<sup>3212</sup>

<sup>3201</sup> HARLAND:P00001, paras.35-39.

<sup>3202</sup> AF287.

<sup>3203</sup> AF1704; AF1705; AF287; P07683, pp.1-2; P04612, p.1; HURKO:P00164, para.2; DONIA:P01999, p.55. See P02702, pp.2-4; P03795; P02701, pp.3-4; P07585, pp.5-6.

<sup>3204</sup> P06605, p.3; P03030, p.8/P04930, p.7(duplicates); KUPUSOVIĆ:P02468, T.645; P00549, p.50; PUHALAC:T.28056-28059; P02703, p.2; TUPAJIĆ:P03170, T.15331-15332; Milosav GAGOVIĆ:T.25325; P03792, p.2.

<sup>3205</sup> AF1716; ĐUKIĆ:P01052, pp.21-22; P04932, p.2; P03031, pp.2-3; P04946, pp.1-2; P04435, p.2; P06816, p.5; DONIA:P01999, p.48; P04583, pp.323-324; P00352, p.212; P07398, p.2; RM183:P03307, para.4(confidential).

<sup>3206</sup> THEUNENS:T.20314; WILSON:T.3925-3926; P07686, p.3. See IV.D.1, para.706.

<sup>3207</sup> AF1704-AF1705; P07683, p.1; P06566, pp.4-5.

<sup>3208</sup> AF1704-AF1705; P04612, p.1.

<sup>3209</sup> P07683, p.2.

<sup>3210</sup> Milosav GAGOVIĆ:T.25374.

<sup>3211</sup> Milosav GAGOVIĆ:T.25374.

<sup>3212</sup> AF1211; P00094; P00099, p.2; P07729, p.2; P04939, p.3; DOYLE:P00091, paras.77-79; DOYLE:T.1634-1635; P02705, p.1; P02704; D00800, p.2; P02715, p.2; P02712; P02717, pp.1-2; P02711, p.2; P02718, p.1; P07678, pp.1-2; DONIA:P01999, pp.55,57; P00096, p.1/P02721, pp.2-3(partial duplicates); P00352, pp.211,224; BELL:P00832, paras.62,64,101; P01877; P01880; P01878; NAKAS:P00941, para.20(confidential); P00549, pp.46-57; KECMANOVIĆ:T.23862-23863,T.23879-23880.

Civilian buildings<sup>3213</sup> and neighbourhoods,<sup>3214</sup> including Stari Grad,<sup>3215</sup> continued to be attacked and civilians continued to suffer casualties.<sup>3216</sup> On 22 April, heavy fighting again broke out in the city and Old Town was shelled.<sup>3217</sup> Artillery destroyed the Olympic Museum and its collection of memorabilia on 25 April.<sup>3218</sup> By late April, the confrontation lines were largely established, and did not change significantly for the duration of the war.<sup>3219</sup>

764. The attacks against the city continued throughout early-May.<sup>3220</sup> On 2 May, an attack on the JNA Social Centre by Presidency forces led to heavy fighting,<sup>3221</sup> KUKANJAC then used the JNA big guns against the city centre in response.<sup>3222</sup> During that attack, the city was heavily shelled.<sup>3223</sup> Trams, symbolic of the normal functioning of the city, were among the civilian objects targeted and destroyed.<sup>3224</sup> The trams did not run again until early 1994.<sup>3225</sup>

765. The shelling in early May made the city so dangerous to move around that members of the BiH Presidency could not gather,<sup>3226</sup> and the ECMM withdrew its monitors from the city.<sup>3227</sup> Non-Serb civilians were targeted from the inception of the terror campaign, as TINTOR made clear in his message to hit a village above the "Zrak" company: "He can't miss, it's all Muslim."<sup>3228</sup>

<sup>3213</sup> BELL:P00832, paras.62,101; P01880; P07683, p.2; [REDACTED]; KAPETANOVIĆ:P00415, para.2; P02711, p.2; DONIA:P01999, pp.55,57; BELL:P00832, paras.62,64; P01877; P04612, p.1.

<sup>3214</sup> AF1211; P07729, p.2; P04939, p.3; P02712; P00352, pp.2,11,224; P01880; P01878; TARČIN:P00282, para.4; TARČIN:P00281, para.2; P07683, pp.1-2,4; P00549, pp.46-57.

<sup>3215</sup> P00099, p.2; P07729, p.2; P06566, p.9; P02715, p.2; P02717, pp.1-2; P07678, p.2; P02718, p.1; P00549, pp.46-57; P07683, p.1.

<sup>3216</sup> P02623, p.1; P07171, pp.9,15,17-19; P00549, pp.46-57.

<sup>3217</sup> AF1707; DOYLE:P00091, para.79; P02718, p.1; KUPUSOVIĆ:P02468, T.637-638.

<sup>3218</sup> DONIA:P01999, p.57; P06682, p.12; P04612, p.1; P07171, p.10.

<sup>3219</sup> AF1706; BOWEN:P02515, para.14; HARLAND:P00001, paras.5,30; BELL:P00832, paras.33,61; WILSON:P00320, para.39; [REDACTED]; P03792, p.3; P06999, p.4; P02814, p.2.

<sup>3220</sup> AF1713-AF1714; P00549, pp.57-64; P07683, pp.1-4,8; P02623, p.1; P07171, pp.9,15,17; P02725, p.2; D01306; P07663, pp.6,12; P02726; P02814, para.3; DOYLE:P00091, paras.90-91,96; DOYLE:T.1526-1528.

<sup>3221</sup> P04946, pp.2-3; KUPUSOVIĆ:P02468, T.635-638; MANDILOVIĆ:P00679, paras.22-24; MANDILOVIĆ:T.6654-6655.

<sup>3222</sup> BELL:P00832, para.65.

<sup>3223</sup> DOYLE:P00091, paras.91,96; KUPUSOVIĆ:P02468, T.641; HAJIR:P02616, paras.12,25,29.

<sup>3224</sup> KUPUSOVIĆ:P02468, T.635,T.638; BELL:P00832, para.48; MANDILOVIĆ:P00679, paras.22-24.

<sup>3225</sup> BELL:P00832, para.48; KUPUSOVIĆ:P02468, T.638; MANDILOVIĆ:P00679, para.23; P02814, p.2; P00886, p.8.

<sup>3226</sup> KUPUSOVIĆ:P02468, T.642.

<sup>3227</sup> DOYLE:P00091, para.97; DOYLE:T.1526-1528; P00549, pp.57-64

<sup>3228</sup> P04120.

### 3. The campaign between mid-May and August 1992

766. **MLADIĆ** was well-aware of the ongoing attacks of the BSF against the city prior to assuming command of those same forces on 12 May 1992,<sup>3229</sup> and, as he promised,<sup>3230</sup> he escalated those attacks.<sup>3231</sup> With **MLADIĆ** present at Lukavica from mid-May until mid- to late-June,<sup>3232</sup> and with the JNA and Serb TO in Sarajevo consolidated into the newly-formed SRK as of 17 May,<sup>3233</sup> the VRS shelling and sniping of Sarajevo intensified across the city.<sup>3234</sup> Immediately prior to that transformation, the JNA 4<sup>th</sup> Corps deliberately targeted civilian neighbourhoods and buildings, as on 16 May when Milosav GAGOVIĆ, subordinated to **MLADIĆ** in his role as 2MD Commander, agreed to fire into a “residential area [...] as heavy as possible.”<sup>3235</sup> JNA tanks and artillery from Vrace targeted the State Hospital which was hit with 40 shells between 13-16 May.<sup>3236</sup> Numerous buildings and objects, including the Oriental Institute and its priceless manuscript collection, the 15<sup>th</sup> century Ijdidžik Sinan Mosque, and the Sheik Magribija Mosque and minaret, were destroyed.<sup>3237</sup> Civilian casualties continued to mount.<sup>3238</sup> For instance, a shell fired from Trebević, controlled by the VRS,<sup>3239</sup> landed on a crowd of civilians queuing for bread on Vaše Miskina Street on 27 May, killing at least 16 and wounding 100.<sup>3240</sup>

767. These regular attacks on particular civilian areas or objects were interspersed with massive artillery barrages directed across the entire city.<sup>3241</sup> The JNA 4<sup>th</sup> Corps, operating under **MLADIĆ**’s control, launched the first such attack on 14 May.<sup>3242</sup> Two weeks later, having repeatedly threatened throughout May to wreak destruction

<sup>3229</sup> See Section IV.B.3(a).

<sup>3230</sup> See Section IV.B.3(b)-IV.B.3(c).

<sup>3231</sup> P00431, pp.53-54.

<sup>3232</sup> MILOVANOVIĆ:T.17005; ĐUKIĆ:P01052, p.6. See AF1774.

<sup>3233</sup> P04443/P06534(duplicates); P02008, p.1; P03932; P06827; DONIA:P01999, pp.53-54.

<sup>3234</sup> See Section IV.E.6(b)(i)a. P06725, p.2; P02735; P02737, pp.1-2; P06724, pp.1,3; P00072; VANLYNDEN:P00066, paras.52-53; WILSON:P00320, paras.7,64; P00549, pp.64-85; P07683, pp.1-4.

<sup>3235</sup> P06724, pp.1,3.

<sup>3236</sup> NAKAŠ:P00941, paras.22,34(confidential).

<sup>3237</sup> DONIA:P01999, p.57; P06682, p.12; P07683, pp.7-8. See P07731, p.1; P04612, p.2; P07171, p.10.

<sup>3238</sup> BELL:P00832, para.33; P00549, pp.64-73; P02623, pp.1-2; P07171, pp.9,15,17-19. See P07292, p.3.

<sup>3239</sup> P02759, p.10.

<sup>3240</sup> D01243; P03169; P06594; WILSON:P00320, paras.61-63; WILSON:T.4028-4029; MEĐEDOVIĆ:P03165, pp.3-4; P07552, p.1; P07171, pp.9,15,17-19; P01602(confidential).

<sup>3241</sup> See Section IV.E.6(b)(i).

<sup>3242</sup> See Section IV.E.6(b)(i)a.

on the city,<sup>3243</sup> **MLADIĆ** planned and ordered the city-wide bombardment on 28-29 May (Scheduled Incident G1).<sup>3244</sup> The SRK launched a third large-scale artillery attack across the entire city from 5-8 June (Scheduled Incident G2),<sup>3245</sup> while **MLADIĆ** met with the BSL at Jahorina and implemented Directive 1.<sup>3246</sup>

768. The sniping and shelling attacks on civilian Sarajevo accompanied operations pursuant to Directive 1, as they would numerous other offensive actions following Directives urging the SRK to maintain or tighten the blockade.<sup>3247</sup> For instance, following the G2 bombardment,<sup>3248</sup> SRK sniping attacks and artillery fire on the civilian population continued almost daily,<sup>3249</sup> including the 22 June mortar attack on a crowded street in the old city that killed 14 civilians and wounded 35.<sup>3250</sup> Civilians suffered casualties and property damage.<sup>3251</sup> The attacks, combined with limitations on humanitarian operations, left the population with a scarce supply of food and no electricity<sup>3252</sup>—an early example of modulation that would repeat throughout the campaign.

769. Following the hand-over of the Airport to UNPROFOR,<sup>3253</sup> heavy shelling in Sarajevo continued into early July 1992<sup>3254</sup> until 13 July, immediately before a conference in London, when **MLADIĆ** modulated down the level of terror and ordered the SRK to stop fire at the city.<sup>3255</sup> On 17 July, a 14 day cease-fire agreement was signed in London.<sup>3256</sup> The next day **MLADIĆ** sent an urgent order for all forces to “improve your operative and tactical position” by 19 July, the effective date of the

<sup>3243</sup> See Section IV.B.3(c)-IV.B.3(d).

<sup>3244</sup> See Section IV.E.6(b)(i)b.

<sup>3245</sup> See Section IV.E.6(b)(i)c.

<sup>3246</sup> P00474, pp.1-4; P00458, pp.1-4; P00353, pp.79,93,108-109; THEUNENS:P03029, p.325; THEUNENS:T.20363-20364,T.20370-20372.

<sup>3247</sup> E.g. **Directive 1**:P00474, pp.1-4; IV.E.6(b)(i)c. **Directive 3**:P01963, pp.3,5; IV.E.3, para.770. **Directive 4**:P01968, p.5; IV.E.6(b)(i)d. **Directive 5**:P02006, paras.2,4; IV.E.6(b)(i)c.

<sup>3248</sup> See Section IV.E.6(b)(i)c.

<sup>3249</sup> WILSON:P00320, paras.56-57,61,66,83; WILSON:T.3928,T.3933-3935,T.3952; P00339, p.1; P00340, p.1; VANLYNDEN:P00066, paras.52-53; P00072; BELL:P00832, paras.71-72; P01862; P01863; P01864; P00836; P00549, pp.73-103; P07733, pp.3-4; P07683, pp.1-4,7; P04612, p.2; OKUN:P03103, T.4202.

<sup>3250</sup> P00340, p.1.

<sup>3251</sup> P00549, pp.73-103; P07733, pp.3-4; P07683, pp.1-4,7; P07171, pp.9,15,17-19; P02623, pp.2-5; P04612, p.2. See BELL:P00832, paras.70,78; P01883; P01884

<sup>3252</sup> P00070; VANLYNDEN:T.1307-1309; BOWEN:P02515, paras.13,18,21.

<sup>3253</sup> AF1722-AF1723; BELL:P00832, para.75; P00334; P00337.

<sup>3254</sup> DOYLE:P00091, paras.104,106; BOWEN:P02515, para.14; P02815,p.3,5; P06657, pp.2-3. See WILSON:P00320, paras.90-91; WILSON:T.3991,T.3994-3995; P07171, pp.9,15,17-19; P07683, pp.1-3; P00549, pp.103-112; P02623, pp.5-7; P04612, p.2.

<sup>3255</sup> P05031/D00066(duplicates). See D01707; D01426, pp.1-2; D00099, p.1.

cease-fire.<sup>3257</sup> He instructed all his forces to respect the cease-fire from 19 July–2 August in Directive 2,<sup>3258</sup> a period where UNPROFOR noted a decrease in the overall level of shelling.<sup>3259</sup>

770. The day after the cease-fire ended, **MLADIĆ** issued Directive 3 ordering his forces to “keep Sarajevo firmly under blockade”<sup>3260</sup> and “gradually tighten the siege of Sarajevo.”<sup>3261</sup> The SRK implemented **MLADIĆ**’s Directive<sup>3262</sup> and increased the level of terror later that month.<sup>3263</sup> On 23 August, days before the London Conference convened,<sup>3264</sup> Sarajevo civilians were killed and wounded in SRK artillery attacks across the city:<sup>3265</sup> civilian neighbourhoods including Bistrik, Širokača, Pofalići, Velešići, Marin Dvor, Nedzarići and Stari Grad were targeted, as were the Koševo hospital, Stari Grad municipal building, Oslobodenje, the tobacco factory, the dairy and the Bare cemetery.<sup>3266</sup> The National and University Library, which was viewed as a symbol of Islamic culture,<sup>3267</sup> was heavily damaged.<sup>3268</sup> When ABDEL-RAZEK arrived at the end of the month, he found the city’s infrastructure destroyed, the shelling and sniping constant, and the problems of meeting the humanitarian needs of the city compounded by the heavy shelling.<sup>3269</sup> Indeed, from 20-31 August 1992, the SRK fired 14,160 pieces of 82mm shells, an average of 86 shells per weapon (a total of 164 82mm mortars).<sup>3270</sup> The month ended with a shell hitting around 100 civilians

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<sup>3256</sup> D00099, p.1. See P00353, pp.358-360.

<sup>3257</sup> P03676. See D01983.

<sup>3258</sup> D00099, pp.1-3. See P00353, pp.358-359; P5203, pp.1-3.

<sup>3259</sup> D01426, pp.1-2. Directive 2, admitted as D00099, p.2, provided that VRS units could return fire or fire if prior approval was obtained from the GŠ-VRS. Despite the significant downward modulation in shelling following this directive, shelling and sniping of civilian areas continued during this 14-day cease fire period. See P07683, pp.1-2; P00549, pp.107-112; P02623, p.6.

<sup>3260</sup> P01963, p.3.

<sup>3261</sup> P01963, p.5.

<sup>3262</sup> P06522; P04450; P04497.

<sup>3263</sup> ABDEL-RAZEK:P00293, para.18; ABDEL-RAZEK:T.3620. See P03111, p.3; P00299, para.17.

<sup>3264</sup> P00099; P03111.

<sup>3265</sup> P07171, pp.15,18; P00549, pp.125-126.

<sup>3266</sup> P07602, pp.2-4; P07683, p.1-4; P04612, p.3; P00549, pp.125-126.

<sup>3267</sup> P00833, p.2. See DONIA:P01999, p.57; P04612, p.2; P07683, pp.2,4,7,9; P00299, para.17.

<sup>3268</sup> RIEDLMAYER:P02514, row#441; P07171, p.10; P00656; RM176:P00641, para.8(confidential); BELL:P00832, para.41; P01888; P00833, p.2.

<sup>3269</sup> ABDEL-RAZEK:P00293, para.18; ABDEL-RAZEK:T.3620.

<sup>3270</sup> P04481, p.4.

queuing for bread at a market in Alipašino Polje on 30 August,<sup>3271</sup> adding to the city's mounting civilian casualties.<sup>3272</sup>

#### 4. The campaign between September 1992 and July 1994

771. The shelling and sniping of the city continued in the fall of 1992, after the appointment of GALIĆ as SRK Commander.<sup>3273</sup> Senior UNMO MOLE, who arrived in Sarajevo in September 1992,<sup>3274</sup> described sniping as ever-present and occurring in all locations of Sarajevo.<sup>3275</sup> This sniping danger was further reflected by a civilian eyewitness who described the sniping deaths of two pedestrians in the city centre in September.<sup>3276</sup> By this time, the large Red Cross flag that had been hung on the side of the State Hospital came down, having been reduced to tatters after repeated shellings.<sup>3277</sup>

772. **MLADIĆ** empowered GALIĆ to modulate the campaign and knew his new SRK Commander was shelling and sniping of Sarajevans. Shortly after GALIĆ's appointment,<sup>3278</sup> **MLADIĆ** received a protest from NAMBIAR who expressed "deep dismay at the indiscriminate shelling of civilian targets in Sarajevo and Bihac yesterday" which "caused great death and destruction".<sup>3279</sup> Later that month, MORILLON warned **MLADIĆ** "The world sees you as the aggressor because you are holding [Sarajevo] under siege."<sup>3280</sup> Notwithstanding, Bosnian Serb forces shelled and sniped at a group of Muslim civilians who had gathered in ABiH-held Novo Sarajevo after leaving Grbavica, killing at least one woman.<sup>3281</sup> By the time TUCKER arrived in early October, life in Sarajevo was "very unpleasant" with daily shelling of

<sup>3271</sup> RM155:P01926, T.3510-3513(confidential).

<sup>3272</sup> P07171, pp.9,15,17-19; P07683, pp.1-4; P00549, pp.112-132; P02623, pp.7-8; P04612, p.2.

<sup>3273</sup> See Section IV.C.2(a). AF1787; AF1792; AF1805; AF1811; AF1820.

<sup>3274</sup> MOLE:P00421, para.4.

<sup>3275</sup> MOLE:P00421, paras.89-90.

<sup>3276</sup> ČRNČALO:P00260, para.90.

<sup>3277</sup> NAKAŠ:P00941, para.22(confidential); P00069; P00299, para.17.

<sup>3278</sup> GALIĆ was the commander of the 1KK 30<sup>th</sup> Division prior to his promotion to the SRK. See Municipalities Summary, Ključ.

<sup>3279</sup> P00296, p.2.

<sup>3280</sup> AF1724; P00344, p.28. See P06702.

<sup>3281</sup> P00307; ABDEL-RAZEK:T.3614-3615. See P06527; P04592; P04594; P00306; ABDEL-RAZEK:P00293, paras.39-42.

various parts of the city<sup>3282</sup> and SRK restrictions of humanitarian aid convoys and utility repairs.<sup>3283</sup>

773. The SRK modulated the shelling and sniping campaign in October 1992. On 6 October, GALIĆ ordered “a firm blockade of the city” and the initiation of offensive operations.<sup>3284</sup> The next day, UN officials protested the recent artillery attacks on Sarajevo<sup>3285</sup> and reported that the mood of Sarajevans had reached the lowest level since April 1992 due to the continued shelling and lack of utilities.<sup>3286</sup> To avoid international intervention, the GŠ-VRS modulated down the level of terror inflicted on the population on 9 October 1992.<sup>3287</sup> Again, despite this reduction, the SRK launched an attack on the City Centre where the first few rounds caught people in the open and caused a number of casualties – enough to fill the hospitals.<sup>3288</sup>

774. On 11 November 1992, **MLADIĆ** issued an order implementing a cease-fire agreement that had been signed by the parties.<sup>3289</sup> Following a short-lived “quiet” period,<sup>3290</sup> MLADIĆ issued Directive 4 on 19 November, in which he instructed the SRK to keep Sarajevo under “full blockade” and “tighten the circle”.<sup>3291</sup> By 22 November, MOLE was reporting heavy, indiscriminate SRK shelling throughout the city, noting that although the SRK justification for the bombardment was a claimed ABiH infantry attack against Hreša, UNMOs had not observed such an infantry attack.<sup>3292</sup>

775. In December 1992, during the SRK’s Oteš offensive,<sup>3293</sup> the shelling in and around Sarajevo intensified, including SRK assaults both on front line combat positions as well as on residential areas in the city centre that “had nothing to do with the actual attack.”<sup>3294</sup> TUCKER confirmed that the period between 1 and 10

<sup>3282</sup> TUCKER:P00317, paras.21-23. See AF2024; ABDEL-RAZEK:P00293, para.113; P00424, p.4; MOLE:P00421, para.105; P06764(confidential); P06763(confidential).

<sup>3283</sup> TUCKER:P00317, para.21; ABDEL-RAZEK:P00293, para.38; P00297; P00298; P06715. See P06702; P06770(confidential); P07408, p.1; P00478, pp.1-2.

<sup>3284</sup> P00463, p.2.

<sup>3285</sup> ABDEL-RAZEK:P00293, para.113; P00297, p.3.

<sup>3286</sup> P00303; ABDEL-RAZEK:T.3605.

<sup>3287</sup> P00298, p.4; P00302; ABDEL-RAZEK:T.3603-3604,T.3662,T.3679; P00356, p.59.

<sup>3288</sup> TUCKER:P00317, paras.37-38; P00561.

<sup>3289</sup> D00065.

<sup>3290</sup> ABDEL-RAZEK:P00293, para.113.

<sup>3291</sup> P01968, p.5.

<sup>3292</sup> MOLE:P00421, paras.107-109; P00426, p.158.

<sup>3293</sup> See Section IV.E.6(b)(i)d.

<sup>3294</sup> TUCKER:P00317, paras.82,90; TUCKER:T.3765-3768,T.3772.

December “involved the worst sustained shelling of Sarajevo since the start of the war” by the Bosnian Serbs; while the attack initially concentrated around Oteš and Stup, in the west of Sarajevo, the city itself was also shelled by the SRK with the aim of breaking the people’s and their leaders’ will to resist.<sup>3295</sup> Sniping was also a daily occurrence during this time,<sup>3296</sup> and included the 13 December sniping of three-year-old Anisa Pita, who was shot by an SRK sniper on the porch of her home residence in Širokača (Scheduled Incident F1).<sup>3297</sup> Similar to other periods of increased modulation, Sarajevans went almost the entire month without electricity and water.<sup>3298</sup>

776. During this period, the VRS also engaged in occasional, but significantly-timed, indiscriminate nighttime bombardments across the city. At midnight on 24 December, the SRK unleashed a highly-coordinated twenty-minute barrage of fire on Sarajevo from all around the city against civilian targets.<sup>3299</sup> The same happened at midnight on 7 January 1993.<sup>3300</sup>

777. In January 1993, the SRK continued to shell the city,<sup>3301</sup> including areas with no military activity such as the Old Town, where a single shell fell on people queuing for water, seriously wounding 18 and killing at least eight, including three from the same family—a mother, father and daughter.<sup>3302</sup> SRK sniping also targeted civilians searching for basic supplies—BELL saw a woman who had been killed in the street,<sup>3303</sup> and witnessed individuals being fired upon while attempting to collect water near the maternity hospital, with one man hit in the leg while BELL’s crew was filming.<sup>3304</sup> The winter was at its coldest, with severe shortages of electricity, gas and oil, and morale in the city was at its lowest.<sup>3305</sup> Humanitarian convoys “continued to be harassed” and prevented from reaching the civilian population.<sup>3306</sup> In an attempt to escape the deprivation and attacks in the city, hundreds of civilians attempted to cross the airport to Butmir and Mt. Igman each night and were shot by SRK soldiers,

<sup>3295</sup> TUCKER:P00317, paras.82-83,86. *See* P00356, pp.261–262; P05204.

<sup>3296</sup> HAJIR:P02616, para.18; P05204.

<sup>3297</sup> *See* Section IV.E.6(a)(v).

<sup>3298</sup> P07682, p.1.

<sup>3299</sup> TUCKER:P00317, paras.109-114. *See* P06766, p.2(confidential).

<sup>3300</sup> TUCKER:P00317, paras.109-114.

<sup>3301</sup> P04640, p.2; P06596, p.1. *See* AF2025.

<sup>3302</sup> BELL:P00832, para.83; BELL:T.7836-7837; P00837.

<sup>3303</sup> BELL:P00832, para.37; P01854.

<sup>3304</sup> AF2096; BELL:P00832, para.50; BELL:T.7834-7835; P01857. *See* P07682, p.3; P04617; P07823; P07824; P07825.

<sup>3305</sup> TUCKER:P00317, paras.116–117; BOWEN:P02515, para.42; P07682, p.1; P00357, pp.60-61.

resulting in many killed or injured.<sup>3307</sup> ABDEL-RAZEK raised this issue with GALIĆ, who said that if civilians continued to cross the airport, his side would continue to shoot at them.<sup>3308</sup>

778. Attacks on civilians crossing the airport at nighttime continued in February, as the SRK raked the airport with machine guns, wounding or killing civilians as well as UN staff members trying to protect them.<sup>3309</sup> [REDACTED]<sup>3310</sup> RM176 described the SRK's shelling as falling into two distinct patterns. The witness observed heavy shellings with a daily average of 1,200 shells being fired<sup>3311</sup> and shelling of one or two shells that could land absolutely anywhere and "hardly ever targeted military objects", which "kept the population in a state of terror."<sup>3312</sup> During this time, civilians were also targeted by sniping whenever they could be fired at.<sup>3313</sup>

779. In March 1993, the SRK demonstrated its proclivity for punitive retaliation in response to a March 1993 ABiH offensive.<sup>3314</sup> The SRK countered with a heavy bombardment of the city over several days.<sup>3315</sup> On 17 March, 962 shells fell on Sarajevo; 3,000 fell on 20 March,<sup>3316</sup> while at least<sup>3317</sup> 2,398 impacts were recorded in Sarajevo on 21 March from artillery, mortars and tanks.<sup>3318</sup> That day, over 400 shells hit the old city in just over a four hour period.<sup>3319</sup> Butmir, Vasin Han, Stup and Dobrinja were also heavily shelled.<sup>3320</sup> That day alone, at least 5 civilians were killed and 81 wounded.<sup>3321</sup> Based on the "heavy (and perhaps unprecedented) shelling" in Vratnik and other areas that day, Sector Sarajevo's command concluded "there is no

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<sup>3306</sup> TUCKER:P00317, para.140. See P06771(confidential).

<sup>3307</sup> AF2121-2122; TUCKER:P00317, paras.116-123; ABDEL-RAZEK:P00293, paras.90-92,104; HAJIR:P02616, paras.34-36; HAMILL:P00537, T.6176-6177. See P06596, p.1.

<sup>3308</sup> ABDEL-RAZEK:P00293, paras.91-92,104; ABDEL-RAZEK:T.3653.

<sup>3309</sup> P00649(confidential); RM176:P00640, pp.16-17(confidential); RM176:T.6311-6312(confidential).

<sup>3310</sup> [REDACTED].

<sup>3311</sup> RM176:P00640, p.14(confidential).

<sup>3312</sup> RM176:P00640, pp.5,16(confidential).

<sup>3313</sup> RM176:T.6309-6310.

<sup>3314</sup> RM176:P00640, pp.4-5,19(confidential); RM176:P00641, p.4(confidential).

<sup>3315</sup> P07171, p.13; P00643, p.3; RM176:P00640, p.5(confidential).

<sup>3316</sup> P07171, p.13; P07611, p.3.

<sup>3317</sup> P00643, p.4.

<sup>3318</sup> P06607, p.2; P00643, pp.3-4; P07171, p.13; P07683, pp.2-3.

<sup>3319</sup> P06607, p.2; P00643, pp.3-4; P07171, p.13; P07683, pp.2-3.

<sup>3320</sup> P07683, p.3; P00643, p.1.

<sup>3321</sup> P07171, pp.9,16-17,19; RM176:P00640(confidential), p.19; [REDACTED]/[REDACTED].

doubt that civilians were deliberately targeted”<sup>3322</sup> in an effort to harass the city’s population.<sup>3323</sup> [REDACTED]<sup>3324</sup> After this retaliation, shelling and sniping continued throughout April.<sup>3325</sup>

780. The shelling continued in Sarajevo despite the UNSC passing Resolution 824 on 6 May, which established that safe areas, including Sarajevo, should be free from armed attack or any other hostile acts.<sup>3326</sup> UNMO HAMILL, who arrived in Sarajevo in May 1993, characterised his four-month tenure<sup>3327</sup> as “a long, long list” of shelling incidents.<sup>3328</sup> On 30 May 1993, during Operation *Mač*,<sup>3329</sup> Sarajevo suffered its heaviest bombardment in months with at least 20 people killed and 120 wounded.<sup>3330</sup>

781. When HARLAND arrived in Sarajevo in June 1993, after over a year of blockade and attacks, he found a city that seemed eerily empty, with burnt out cars on the streets, anti-sniping barricades made of containers and constant background noise of gunfire, its buildings peppered with damage from shelling and gunfire.<sup>3331</sup> On 1 June, two VRS shells exploded on a football match in the suburb of Dobrinja, causing many casualties (Scheduled Incident G4).<sup>3332</sup>

782. **MLADIĆ** issued Directive 5 on 25 June, in which he instructed VRS units to carry out Operation *Lukavac-93*.<sup>3333</sup> The SRK implemented this Directive the next day with orders to fire on multiple areas, including “the sectors of the Stari Grad municipality”.<sup>3334</sup> **MLADIĆ** personally led the *Lukavac-93* operations that lasted from 2 July until August 1993 and included the SRK’s heavy shelling of Sarajevo’s residential centre.<sup>3335</sup> Indeed, by the beginning of July 1993, shelling in Sarajevo was heavy and originated overwhelmingly from the SRK side.<sup>3336</sup> On 12 July, a shell exploded in Dobrinja near a water pump where civilians were queuing for water,

<sup>3322</sup> [REDACTED]/[REDACTED]; [REDACTED].

<sup>3323</sup> P00643, p.5. See [REDACTED].

<sup>3324</sup> [REDACTED]. See [REDACTED].

<sup>3325</sup> E.g. P04623, p.1; P02231(confidential); ĐOZO:T.5547-5552; ĐOZO:P00549, pp.21,23.

<sup>3326</sup> P00022. See HARLAND:P00001, para.102; P00011, p.3.

<sup>3327</sup> HAMILL:P00537, T.6060.

<sup>3328</sup> HAMILL:P00537, T.6163.

<sup>3329</sup> See para.420; P05173; MASAL:T.33383; P07234, pp.2-3.

<sup>3330</sup> P07233; P07171, pp.16,19.

<sup>3331</sup> HARLAND:P00001, paras.25–27.

<sup>3332</sup> See Section IV.E.6(b)(iv)a.

<sup>3333</sup> P02006, paras.2,4. See P02008, p.4. See Section IV.E.6(b)(i)e.

<sup>3334</sup> P06549, p.7.

<sup>3335</sup> See Section IV.E.6(b)(i)e; THOMAS:T.5159-5162.

<sup>3336</sup> P04641, p.4.

resulting in a number of casualties.<sup>3337</sup> Sniping also occurred, including the sniping death of Munira ZAMETICA on 11 July while gathering water (Scheduled Incident F3).<sup>3338</sup> After a brief respite in mid-July,<sup>3339</sup> shelling resumed with UNMOs reporting extensive shelling of the Sarajevo downtown area starting on 21 July 1993, including 680 impacts in the city centre within a 24-hour period.<sup>3340</sup>

783. After the SRK took control of Mt. Igman and Bjelašnica by early August,<sup>3341</sup> NATO threatened airstrikes.<sup>3342</sup> The GŠ-VRS and SRK responded by implementing orders that no shell was to land on Sarajevo,<sup>3343</sup> resulting in a decrease in the level of shelling.

784. Although the VRS maintained the temporary hold on the shelling of Sarajevo, it continued to terrorise Sarajevo civilians through individual sniping incidents. For instance, on 3 September 1993, an SRK sniper operating in the Ozrenska Street area shot and wounded Nafa TARIĆ, a 35-year-old woman, and her eight-year-old daughter, with a single bullet in Hrasno, a residential neighborhood in the southwestern part of Sarajevo (Scheduled Incident F4).<sup>3344</sup> This was one of many sniping incidents in that area at that time.<sup>3345</sup>

785. By October 1993, the shelling of Sarajevo resumed. Internationals arriving in Sarajevo at that time, seeing the situation with fresh eyes, made observations strikingly similar observations to those of their predecessors regarding the patterns of SRK sniping and shelling. Senior UNMO THOMAS, who arrived in mid-October,<sup>3346</sup> described a pattern of "indiscriminate [...] Serb shelling" where the SRK "would shoot once and not follow up."<sup>3347</sup>

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<sup>3337</sup> D01251; P07555.

<sup>3338</sup> See Section IV.E.6(a)(ii).

<sup>3339</sup> P04426.

<sup>3340</sup> P00540, p.1. See Section IV.E.6(b)(i)e; P00541, p.3; D01217.

<sup>3341</sup> HARLAND:P00001, paras.43,49; HAMILL:P00537, T.6168,T.6178-6179,T.6212; P01973, p.5.

<sup>3342</sup> HARLAND:P00001, para.49.

<sup>3343</sup> P04431; P04459; P04385; P02236(confidential). See P05205. P04431; P02240(confidential); P04431; HARLAND:P00001, paras.50-52; RM120:P00807(confidential), p.87.

<sup>3344</sup> See Section IV.E.6(a)(vi).

<sup>3345</sup> See Section IV.E.6(a)(vi).

<sup>3346</sup> THOMAS:P00503, para.13.

<sup>3347</sup> THOMAS:P00503,para.72. See HARLAND:P00001, paras.60-61; P00007, p.1; RM163:P00628, paras.6,24,33-34(confidential); RM163:T.6093-6094,T.6098-6100(confidential); JORDAN:T.1766-1768; P00133.

786. Throughout the week of 27 October 1993, VRS bombardments pounded Sarajevo, with 500 shells hitting the Sarajevo Old Town in a one-hour period on 27 October.<sup>3348</sup> At the same time, the VRS employed other forms of fear and pressure on the civilian population, delaying humanitarian aid convoys and cutting off water supplies to the city—the WHO reported a rise in cases of Hepatitis A, with the possibility of an epidemic.<sup>3349</sup>

787. The shelling of the city, including densely populated areas, continued in November and December 1993, often reported by the UNMOs as random SRK fire with no discernible target.<sup>3350</sup> The VRS simultaneously increased restrictions on humanitarian convoys and utility repairs.<sup>3351</sup> Substantial numbers of children were killed and wounded by shellings on 9-10 November 1993, including one that hit a school.<sup>3352</sup> Sniping persisted as well, as exemplified by Scheduled Incident F5 on 2 November, when Ramiza KUNDO, a 38-year old woman, was shot and wounded while carrying water in the west end of Sarajevo.<sup>3353</sup>

788. On 11 November, KARADŽIĆ issued Directive 6, which once again tasked the SRK with preventing the de-blockade and also creating objective conditions for the achievement of the VRS “war goals”, including the “liberation of Sarajevo.”<sup>3354</sup> Once again, the terror campaign was put in service of this effort. UN observers noted during the first week of December 1993 that there was a “high level of shelling activity at random throughout the city” and that it had been “continuous” and “in a harassing manner.”<sup>3355</sup> This included the nighttime shelling of the Koševo Hospital, which killed two.<sup>3356</sup> By the middle of the month, they were reporting a high level of civilian casualties relative to recent months.<sup>3357</sup>

<sup>3348</sup> D00007, pp.1,5,7; HARLAND:P00001, para.71; HARLAND:T.767,T.902; P01888. *See* P04602; P04587, p.1; RM153:P02461, pp.1-16

<sup>3349</sup> P07774, p.3; D00007, p.7; MOROZ:T.42489-42490.

<sup>3350</sup> P01067; P04603; P04606; P04607; P04608; P04630; P04609; P01069; P01070; P01071; P04631; THOMAS:P00503, paras.33,93–95; RM163:P00628, para.24(confidential); RM163:T.6093(confidential).

<sup>3351</sup> *E.g.* D00007, p.7.

<sup>3352</sup> P07617; P07618; ZAIMOVIĆ:P02620, paras.8-9,16-18. *See* ZAIMOVIĆ:P02621, T.1871-1885; P02622; P02623.

<sup>3353</sup> *See* Section IV.E.6(a)(iv).

<sup>3354</sup> P04383, pp.6,9-10.

<sup>3355</sup> P04604; P04607.

<sup>3356</sup> P04603.

<sup>3357</sup> P04608.

789. Starting on 19 December, and coinciding with the onset of Operation *Pancir-2* pursuant to a Supplemental Directive from **MLADIĆ** ordering, *inter alia*, the “Division of Sarajevo into two (2) parts,”<sup>3358</sup> the remainder of the month was marked by heavy daily bombardments,<sup>3359</sup> including shelling of residential areas in the “city centre.”<sup>3360</sup> This shelling of downtown Sarajevo was such a frequent occurrence that when the UNMO daily sitrep for Christmas Eve 1993 listed the residential areas of the city that had been shelled in the past 24 hours, it emphasised “the city centre *as always*.”<sup>3361</sup>

790. At the outset of this operation, UNMOs observed that this was the “highest level of shelling in the past two months” and that “[t]here is no indication that this fire is in support of a ground attack or what the objectives are.”<sup>3362</sup> UNMOs recorded over 6,000 impacts in ABiH-held Sarajevo during the five-day period of 21-25 December alone,<sup>3363</sup> noting that their figures represented only “confirmed observations and ... are likely low.”<sup>3364</sup> Maps indicating the locations of VRS shelling on specific dates in November and December 1993 and January 1994 as reported by grid references in UNMO sitreps further confirm that the shelling systematically targeted civilian areas.<sup>3365</sup> On 26 December, UNMOs also reported increased sniping activity in the city resulting in the wounding of women and children.<sup>3366</sup>

791. The heavy shelling of Sarajevo continued into January 1994, causing numerous civilian casualties,<sup>3367</sup> including one shell that killed three generations of one family.<sup>3368</sup> On 22 January, three shells landed in Alipašino Polje, killing six children who were playing outside in the snow (Scheduled Incident G6).<sup>3369</sup> When ROSE arrived in Sarajevo on 23 January 1994,<sup>3370</sup> he immediately learned that there

<sup>3358</sup> P04422. See Section IV.E.6(b)(i)f.

<sup>3359</sup> P04630. See P00137.

<sup>3360</sup> P04630, p.1.

<sup>3361</sup> P07535, p.7(emphasis added). See P04609; P04610.

<sup>3362</sup> P07535, p.3

<sup>3363</sup> P04630; P07535, pp.2,4,6-7; P04631; P04609. See P01069.

<sup>3364</sup> P07535, p.4.

<sup>3365</sup> P00512; P00510; THOMAS:T.5183-5186. See THOMAS:T.5177-5178; HAMILL:T.5474-5477.

<sup>3366</sup> P04610. See P97535, pp.2,4,6-7; P04609; P01069; P07536, p.1.

<sup>3367</sup> P07171, pp.17,19; THOMAS:P00503, paras.93,96; P00511; P01068; P04605; P04611; P00509; P04632; P04633; P04629; P01082; P01072, p.2; RM163:P00628, para.24(confidential).

<sup>3368</sup> P07537; P00511; RUSSELL:T.38751-38753.

<sup>3369</sup> See Section IV.E.6(b)(iii).

<sup>3370</sup> ROSE:P00736, paras.5,21.

was indiscriminate shelling within the city centre by the Bosnian Serbs.<sup>3371</sup> THOMAS observed that the high casualty rate in this period was partly caused by the fact that the Bosnian Serbs were shelling areas known to be used by civilians trying to avoid dangerous areas exposed to sniper fire.<sup>3372</sup> Indeed, sniping of civilians was also common.<sup>3373</sup> For example, on 6 January, Sanija DŽEVLAN, a 32-year-old woman, was shot and wounded while riding her bicycle in Dobrinja.<sup>3374</sup>

792. A UN memorandum from this period stated: “All civilian officers working in Sarajevo have been in life-threatening situations during the last few weeks, near-victims of sniper attacks and mortar bombs. They are constantly having to decide between not doing their jobs effectively and risking their lives.”<sup>3375</sup> It went on to add: “the BH situation has been getting worse in recent months - not only in Sarajevo. Sarajevo and Mostar now rank with Kabul and Mogadishu as amongst the most dangerous places in the world.”<sup>3376</sup>

793. Again, the shelling and sniping campaign against civilians was bolstered by other forms of attack on civilians. ROSE observed that the entire city had been reduced to a state of siege and all utilities were off—there was no electricity, no trams and no water. In the minus 20-degree weather, and with scant humanitarian aid reaching the city, ROSE described it as “an almost medieval state.”<sup>3377</sup>

794. On 4 and 5 February 1994, two shelling incidents took place, one in Dobrinja and the other at Markale market in the centre of Sarajevo, resulting in massive casualties (Scheduled Incidents G7 and G8).<sup>3378</sup> By this time, SRK shelling of the city was so common that SRK Artillery Officer CVETKOVIĆ, interviewed as part of the Markale I investigation, said “that in the previous year, they had fired 30 to 40,000 rounds into the city and why were [the UN] so concerned about one round when they had fired so many.”<sup>3379</sup> GŠ-VRS ordered and implemented a number of military and

<sup>3371</sup> ROSE:P00736, paras.23,30. See P00941(confidential); P01068; P04611; P04632.

<sup>3372</sup> THOMAS:P00503, para.96; P00509, p.1.

<sup>3373</sup> ROSE:P00736, para.23. See P07536, p.2; P01068, p.1; THOMAS:P00503, para.96; P05208, p.1.

<sup>3374</sup> DŽEVLAN:D01917.

<sup>3375</sup> P07781; MOROZ:T.42533-42534.

<sup>3376</sup> P07781; MOROZ:T.42533-42534.

<sup>3377</sup> ROSE:P00736, paras.21-22,30. See MOROZ:T.42488-42489,T.42503-42504; P07534, paras.2-

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<sup>3378</sup> See Sections IV.E.6(b)(iv); IV.E.6(b)(ii).

<sup>3379</sup> HAMILL:P00537, T.6109.

humanitarian concessions to avoid threatened NATO attacks following Markale I, including a cease-fire for the Sarajevo area,<sup>3380</sup> and the imposition of the TEZ.<sup>3381</sup> As a result of the cease-fire agreement, Sarajevo was relatively calm for the rest of February 1994; there were almost no war-related civilian deaths in the city in the last three weeks of the month.<sup>3382</sup>

795. With shelling and interference with humanitarian relief convoys temporarily unavailable as tools to terrify and demoralise the residents of Sarajevo, Bosnian Serb authorities continued to blockade the city and cut-off utilities as mechanisms for leverage. Roads in and out of the city remained blocked for residents by Bosnian Serb forces.<sup>3383</sup> Despite the fact that a reduction in hostilities would seemingly have signaled an opportune moment to conduct repairs of utilities lines,<sup>3384</sup> Bosnian Serb authorities refused to allow repair teams to access locations where necessary repairs could be made,<sup>3385</sup> and gas supplies continued to be denied to residents of central Sarajevo during frigid winter months.<sup>3386</sup> Severe shortages of electricity, water and fuel also persisted.<sup>3387</sup>

796. Further, the reduction of shelling was accompanied by a spike in sniping. By 19 March, the level of sniping in the city was increasing.<sup>3388</sup> Both THOMAS and RM163 testified that after the creation of the TEZ, sniping became a more pronounced component of the campaign: the SRK resorted to increased sniping against the civilian population because they had lost the advantage of their heavy weapons.<sup>3389</sup>

797. [REDACTED], FRASER, who arrived in Sarajevo in April 1994 and remained until May 1995,<sup>3390</sup> testified to a "pattern" of sniping across the city,

<sup>3380</sup> P02219.

<sup>3381</sup> HARLAND:P00001, paras.79-80,84,86; THOMAS:P00503, paras.97-98,100,104-107; ROSE:P00736, paras.40-44; P00004, pp.4-5; D00008, pp.2-3. See D01474; RM163:P00628(confidential), para.86; P00630.

<sup>3382</sup> HARLAND:P00001, paras.91,95; D00008, pp.1-2; P00008, pp.1-2; ROSE:P00736, para.45; THOMAS:P00503, para.107; RM163:P00628, para.94(confidential). See P00009, pp.1-2.

<sup>3383</sup> P07780, p.2.

<sup>3384</sup> MOROZ:T.42517-42519.

<sup>3385</sup> P07778, p.3.

<sup>3386</sup> P07779, p.3.

<sup>3387</sup> P07780, p.2. P07782, pp.8-13; P07775; MOROZ:T.42495; P06555, p.3; P06557.

<sup>3388</sup> ROSE:P00736, paras.63,65; P00513; THOMAS:P00503, para.119; RM163:P00628, para.70(confidential).

<sup>3389</sup> RM163:P00628, para.70(confidential); THOMAS:P00503, paras.62-63.

<sup>3390</sup> FRASER:P00576, para.7(confidential).

indicating that Bosnian Serb snipers were co-ordinating their actions pursuant to orders from a higher level of command.<sup>3391</sup> He also explained that UNPROFOR or UNMOs would investigate shelling incidents in the city centre, and that "for the most part, there were only civilian communities or people in those areas, no military target that we could identify."<sup>3392</sup>

798. In mid-April, the TEZ was being openly violated.<sup>3393</sup> As BANBURY observed, April 1994—during the crisis in Goražde<sup>3394</sup>—was a particularly bad period for Sarajevo, with sniping and mortar attacks prevalent, and very little gas, electricity, and water in the city.<sup>3395</sup>

799. An increase in sniping marked the summer months of 1994.<sup>3396</sup> As examples, on 28 May 1994, a SRK sniper fired on a bus in Dobrinja, wounding two women.<sup>3397</sup> On 19 June, the SRK fired on a tram on Zmaja od Bosne street, resulting in civilian casualties.<sup>3398</sup> UNPROFOR established an anti-sniping task force to attempt to engage snipers firing on civilians in the "Sniper's Alley" area from SRK held territory.<sup>3399</sup> Several UN personnel were killed by Bosnian Serb snipers in the course of carrying out their anti-sniping duties.<sup>3400</sup> On 26 June, an SRK sniper wounded Sanela MURATOVIĆ, a 16-year-old girl, while she was walking with a friend in the west end of Sarajevo (Scheduled Incident F9).<sup>3401</sup> Bosnian Serb snipers fired on electricity repair teams in ABiH-held territory.<sup>3402</sup> On 11 July 1994, an UNMO report documented the sniping of a civilian from the School for the Blind, noting "it may be high[-]lighted that this is the third casualty (all civilians) in the same spot in last few days."<sup>3403</sup> Two days later, the Ilidža Brigade's 1<sup>st</sup> Battalion commander<sup>3404</sup> admitted

<sup>3391</sup> FRASER:P00576, para.78(confidential).

<sup>3392</sup> FRASER:T.5937-5939.

<sup>3393</sup> P00586, p.1.

<sup>3394</sup> HARLAND:P00001, paras.102-109,112,118; BANBURY:P00874, para.13; ROSE:P00736, paras.66-102; P07695; P07696.

<sup>3395</sup> BANBURY:P00874, para.12.

<sup>3396</sup> RM163:P00628, para.24; P00601; SOKOLAR:P00567, p.3; THOMAS:P00503, para.68.

<sup>3397</sup> P07829.

<sup>3398</sup> P07830; POPARIĆ:T.40776.

<sup>3399</sup> FRASER:P00576, para.86(confidential); P00601.

<sup>3400</sup> FRASER:P00576, para.88(confidential); FRASER:T.5804; P00585.

<sup>3401</sup> See Section IV.E.6(a)(iii).

<sup>3402</sup> P06553, p.2; MOROZ:T.42528.

<sup>3403</sup> P01065, p.5. The reference in P01065, p.5 to BP859578 is a reference to the School for the Blind. See P01079, p.4.

<sup>3404</sup> See GUŽINA:T.22528; GUŽINA:D00514, para.37(confidential).

to the UN that the SRK had been sniping from the School for the Blind.<sup>3405</sup>  
[REDACTED].<sup>3406</sup>

800. In conjunction with increased sniping, the humanitarian situation in Sarajevo deteriorated again in the face of fighting in other parts of BiH and the failure of the Geneva Peace negotiations, with Bosnian Serb authorities cutting off electricity and gas to Sarajevo and halting aid convoys into the city.<sup>3407</sup> MILOVANović issued an order to the SRK to “carry out all necessary preparations” for the closure of the Airport Routes to civilians and humanitarian traffic on July 23.<sup>3408</sup> On 26 July, the VRS closed the airport to commercial convoys using the Airport Routes.<sup>3409</sup> As UN officials noted, “the strangulation of Sarajevo beg[an] to be applied again,”<sup>3410</sup> and the humanitarian situation had become “dire.”<sup>3411</sup> According to ROSE, for the first time in many months, Sarajevo was “moving backwards.”<sup>3412</sup>

##### 5. The campaign between August 1994 and November 1995

801. By early August 1994, tram service had been suspended following a spate of sniping incidents, which culminated in the killing of an 11-year-old girl on 11 August.<sup>3413</sup> The day after her death, in a meeting between ROSE, GVERO and TOLIMIR, the Bosnian Serbs accepted a proposed anti-sniping agreement, which ROSE had sought for weeks in the face of obstruction from the Bosnian Serb side.<sup>3414</sup> The agreement was ultimately signed on 14 August 1994,<sup>3415</sup> and only days after becoming SRK commander,<sup>3416</sup> Dragomir MILOŠEVIĆ ordered his units to immediately stop sniping activities.<sup>3417</sup> BANBURY described the Agreement’s effect as a kind of “collective exhale,” saying that while sniping was not completely

<sup>3405</sup> P01079, p.4; *see* THOMAS:P00503, para.120.

<sup>3406</sup> [REDACTED].

<sup>3407</sup> ROSE:P00736, paras.108-119. *See* P00886, p.4; D00132.

<sup>3408</sup> P04634.

<sup>3409</sup> ROSE:P00736, paras.127-129; P07687, p.2; P04634; RM163:P00628, para.102(confidential); P00886, pp.6,9.

<sup>3410</sup> P00886, p.6.

<sup>3411</sup> ROSE:P00736, para.128.

<sup>3412</sup> ROSE:P00736, para.129. *See* HARLAND:P00001, para.125.

<sup>3413</sup> ROSE:P00736, para.136; BELL:P00832, para.95; P01066.

<sup>3414</sup> ROSE:P00736, para.136; HARLAND:P00001, paras.126-127; BANBURY:P00874, paras.28-32; P00634(confidential).

<sup>3415</sup> P00013, p.4. *See* ROSE:P00736, paras.139-140; HARLAND:P00001, paras.129-131; P00583; P00767; RM163:P00628, paras.70,104(confidential); BELL:P00832, para.95; FRASER:P00576, paras.90-92(confidential).

<sup>3416</sup> AF1820-AF1821; AF1824; AF1838; AF1860; AF1828.

<sup>3417</sup> P00015.

eliminated, it was very close, with the result that "people would congregate in places they had not previously congregated before."<sup>3418</sup> The Agreement also led to the deployment of UN anti-sniping teams on the ABiH side of the confrontation line, but the SRK refused, without explanation, to allow those teams into Serb-held areas.<sup>3419</sup> The anti-sniping Agreement remained relatively effective through September.<sup>3420</sup>

802. With the reduction in sniping, Bosnian Serb authorities focused on the Sarajevo population in other ways: the gas supply to Sarajevo was cut off at the end of the month, and there was no progress on reopening the Airport Routes, resulting in the city receiving most supplies through the Butmir tunnel.<sup>3421</sup>

803. Sporadic sniping attacks on civilians occurred in September,<sup>3422</sup> and the Bosnian Serbs continued their manipulation of Sarajevo's utilities and humanitarian aid.<sup>3423</sup> KARADŽIĆ affirmed the BSL's commitment to manipulating utilities in Sarajevo when he said: "If the international community treats us like a beast, then we will behave like a beast," specifically mentioning, in this regard, the use of utilities as a means of war.<sup>3424</sup>

804. Days after that meeting, the SRK shot a civilian at the Holiday Inn and twice attacked UNPROFOR, leading to a NATO airstrike against a Bosnian Serb tank in the TEZ.<sup>3425</sup> The following day, **MLADIĆ** threatened that no convoy would pass through Bosnian Serb territory unless UNPROFOR apologised, and as threatened, all Serb check-points were closed for larger vehicles<sup>3426</sup> and some UN convoys detained.<sup>3427</sup> VRS threats against humanitarian aid flights caused the airport to be closed.<sup>3428</sup> Although the Bosnian Serb side eventually began restoring utilities to Sarajevo, their threats forced the airport to remain closed, preventing the entry of humanitarian

<sup>3418</sup> BANBURY:P00874, para.50. See ROSE:P00736, para.141; HARLAND:P00001, para.133; FRASER:P00576, paras.91-94(confidential); P00594.

<sup>3419</sup> FRASER:T.5799-5801; P00583.

<sup>3420</sup> HARLAND:P00001, para.133.

<sup>3421</sup> P00887, p.2. See BANBURY:P00874, para.58; P00840; P07687, p.2.

<sup>3422</sup> E.g. P00584; FRASER:T.5802-5803,T.5872.

<sup>3423</sup> P07775; MOROZ:T.42491-42495; P07775; P07776.

<sup>3424</sup> HARLAND:P00001, paras.134-135. See ROSE:P00736, para.151; HARLAND:P00001, para.137.

<sup>3425</sup> RM163:P00628, paras.113-114(confidential); ROSE:P00736, para.152; P00578; D00113; D00114; P00632(confidential).

<sup>3426</sup> P00579; FRASER:P00576, para.142(confidential); FRASER:T.5772-5777.

<sup>3427</sup> ROSE:P00736, para.152.

<sup>3428</sup> ROSE:P00736, para.152.

aid.<sup>3429</sup> By the end of the month, the Serbian City Assembly of Sarajevo even complained to RS officials about the damage caused to local Serbian households from “the most recent using of Sarajevo for the purpose of raising and lowering tensions in the whole of former Bosnia and Herzegovina (the cutting-off of electricity, water, and gas)” asking that in the future, “such activities should be carried out with prior consulting” with municipal officials.<sup>3430</sup>

805. However, with the failure of the Anti-sniping Agreement<sup>3431</sup> and an ABiH operation on Mt. Igman in early October,<sup>3432</sup> the SRK increased their shelling of the city and sniper fire on civilians, including the 8 October sniping of trams on Zmaja od Bosne street (Scheduled Incident F11).<sup>3433</sup> ROSE protested these attacks, but **MLADIĆ** deflected by denying SRK responsibility and arguing the shooting came from the Holiday Inn as some “scenario” engineered by the other side, a false claim rejected on the spot by ROSE and an expert.<sup>3434</sup> And the attacks continued: at the end of the month, a 15-year-old boy was killed by a SRK sniper firing from the Nedarići School for the Blind.<sup>3435</sup>

806. In early November, **MLADIĆ** issued an order to the SRK Command reflecting his displeasure that MILOŠEVIĆ had decided to take SRK heavy weapons out of the WCPs and “use them to fire at civilian targets in the city of Sarajevo.”<sup>3436</sup> **MLADIĆ** did not express concerns about the legality of this plan or categorically prohibit it; but instead forbade “firing from large calibre weapons at civilian targets in Sarajevo *without my approval*.”<sup>3437</sup> Two days later, a lethal shelling took place on at Livanska Street,<sup>3438</sup> followed the next day by a sniping incident resulting in multiple casualties.<sup>3439</sup>

<sup>3429</sup> P07777; P06555. See P07782, p.14; MOROZ:T.42513-42514.

<sup>3430</sup> P06714, pp.4-5. See MOROZ:T.42514.

<sup>3431</sup> HARLAND:P0001, para.133.

<sup>3432</sup> HARLAND:P00001, para.142; ROSE:P00736, para.155; P00016; FRASER:T.5888-5891; D00152(confidential); RM120:P00807, pp.57,90-91(confidential); D01478. See D00108.

<sup>3433</sup> RM120:P00807, pp.57-59,61(confidential); P00958. See Section IV.E.6(a)(i); P00362, pp.101-102.

<sup>3434</sup> P00016, p.2; HARLAND:P00001, para.143; FRASER:P00576, paras.143-144(confidential); P00590; ROSE:P00736, para.155.

<sup>3435</sup> VANDERWEIJDEN:P01130, pp.70-73(confidential).

<sup>3436</sup> P00812.

<sup>3437</sup> P00812, pp.1-2(emphasis added).

<sup>3438</sup> D00184.

<sup>3439</sup> P00870.

807. The humanitarian situation in Sarajevo deteriorated further in November.<sup>3440</sup> International observers realised, based on the “total halt” in the movement of convoys, the low level of humanitarian supplies, and the uncertainty about the arrival of humanitarian flights, that the Sarajevo population was again being “strangled” as the winter set in.<sup>3441</sup> In that context, sniping remained particularly effective at inducing terror. For instance, an SRK sniper shot a mother and her seven-year-old son while walking on Zmaja od Bosne street, killing the boy and wounding his mother (Scheduled Incident F12).<sup>3442</sup> On another occasion, a twelve-year-old girl was shot while walking to school in the Sedrenik neighbourhood by a SRK sniper operating from Špicasta Stijena.<sup>3443</sup> The next day, SRK snipers fired on a tram that was travelling on Zmaja od Bosne street, wounding two women (Scheduled Incident F13).<sup>3444</sup> Illustrating the measures residents were forced to take to protect themselves from SRK snipers, BELL filmed a group of civilians shuffling behind a slow-moving UNPROFOR APC, sheltering them from snipers in SRK-held Grbavica as they crossed a street.<sup>3445</sup>

808. SRK attacks on civilians continued unabated in December. Early in the month, attempts to re-start the tram service following the previous month’s attacks immediately failed: the SRK opened fire on civilians waiting at a tram stop near the Holiday Inn, injuring a 70-year-old man and a 16-year-old girl, who lost a leg.<sup>3446</sup> The SRK continued its use of guided anti-tank missiles from within the TEZ to shell the Sarajevo city centre—hitting targets including a cinema.<sup>3447</sup> The SRK also restricted humanitarian aid to the city,<sup>3448</sup> and forcibly removed a number of weapons from

<sup>3440</sup> BANBURY:P00874, para.69; D00146(confidential); D00196; RM120:P00807, pp.47-48(confidential); P00813.

<sup>3441</sup> RM120:P00807, pp.27-28,62(confidential); P00814(confidential).

<sup>3442</sup> See Section IV.E.6(a)(i).

<sup>3443</sup> VANDERWEIJDEN:P01130, pp.74-78(confidential).

<sup>3444</sup> See Section IV.E.6(a)(i).

<sup>3445</sup> BELL:P00832, para.53; P01865. See HARLAND:P00001, para.29; VANLYNDEN:P00066, paras.47-48; ABDEL-RAZEK:P00293, para.123; BOWEN:P02515, para.17.

<sup>3446</sup> P00775, p.5; HARLAND:P00001, para.157; ROSE:P00736, para.183.

<sup>3447</sup> P00825(confidential); ROSE:P00736, para.183; P00775, p.5; BELL:P00832, para.55; P01866; HARLAND:P00001, paras.151-152,157.

<sup>3448</sup> P00879, para.5; BANBURY:P00874, paras.75,78-85. See P00775, p.2; AF1745; P00875, p.2; ROSE:P00736, para.182; P00729, paras.3,9.

various WCPs around Sarajevo,<sup>3449</sup> subsequently shelling the fleamarket in Baščaršija killing two and wounding at least eight.<sup>3450</sup>

809. Peace negotiations led by Jimmy CARTER culminated in the signing of the COHA on 31 December 1994, followed by the agreement on its implementation signed on 11 January 1995;<sup>3451</sup> it was intended to last for an initial period of four months. This led to a lull in the campaign as the SRK temporarily reduced its sniping and shelling.<sup>3452</sup>

810. By February it was apparent the COHA was breaking down.<sup>3453</sup> Towards the end of the month, incidents of sniping in the city began to recur, including the sniping of civilians. On 27 February, a tram was shot at while travelling on Zmaja od Bosne street, resulting in a number of casualties.<sup>3454</sup> By March, the COHA continued to collapse, due to VRS violations and ABiH military offensives elsewhere in BiH, which then led to the resumption of sniping and shelling in Sarajevo on a regular basis.<sup>3455</sup> **MLADIĆ** directly told SMITH that the SRK's increase in sniping in Sarajevo was in response to Serb casualties suffered in ABiH military offensives, an explicit acknowledgement that sniping was used by the SRK as a punitive measure rather than for any lawful military gain.<sup>3456</sup> On 3 March, the SRK fired on another tram on Zmaja od Bosne street, causing civilian casualties (Scheduled Incident F15),<sup>3457</sup> while on 6 March, a SRK sniper operating from Špicasta Stijena shot Tarik ŽUNIĆ, a 14-year-old boy, while he was walking home from school in the Sedrenik neighbourhood (Scheduled Incident F16).<sup>3458</sup> On 7 March, an anti-sniping team was

<sup>3449</sup> ROSE:P00736, para.180; RM120:P00807, pp.27-28(confidential).

<sup>3450</sup> SULJEVIĆ:P00889, paras.43-47; P01112/[REDACTED]; P01113; P01114; P01115.

<sup>3451</sup> P00820; HARLAND:P00001, paras.160-161; ROSE:P00736, paras.186-188,190-194; P07687, pp.2-3.

<sup>3452</sup> E.g. D02150, p.4; D02151, pp.1,4-5,7; D02152, pp.1,4-5.

<sup>3453</sup> P00820; HARLAND:P00001, paras.158,160-161; ROSE:P00736, paras.186-188,190-194; SMITH:P00785, paras.20,22; D02169, pp.1,4-5; D02153, pp.1,6,14.

<sup>3454</sup> D01906.

<sup>3455</sup> RM163:P00628, para.70(confidential); P00878, pp.1,3-4; P00787, para.6; P04624; BANBURY:P00874, paras.91-94; HARLAND:P00001, paras.164-167,171; P00882. See P01868; BELL:P00832, para.99; P00815.

<sup>3456</sup> P00876, para.9; BANBURY:P00874, paras.94-95; BANBURY:T.8222; P00787, para.3; P00345, p.50; SMITH:P00785, paras.44-45; SMITH:T.7297-7298.

<sup>3457</sup> See Section IV.E.6(a)(i)f; D02158, pp.1,4-7.

<sup>3458</sup> See Section IV.E.6(a)(vii).

hit with five rounds from SRK territory, followed by a VRS demand for UN withdrawal from that location.<sup>3459</sup>

811. On 8 March 1995, VRS Directive 7 ordered the SRK to, among other things, prevent the "external lifting" of the blockade of Sarajevo at any cost.<sup>3460</sup> As in previous periods following the issuance of Directives, there was an upsurge in sniping activities against civilians, causing the tram service to be stopped.<sup>3461</sup> SRK snipers fired on, and in some cases killed, members of the anti-sniping task force performing their duties, and UNPROFOR soldiers erecting anti-sniping screens and barriers.<sup>3462</sup> UNPROFOR observed that the number of sniping casualties in the period up to 18 March was the highest since August 1994.<sup>3463</sup>

812. On 11 March, ABiH snipers killed two Serb girls in Grbavica.<sup>3464</sup> The next day, the SRK retaliated and subjected Sarajevo to its heaviest shelling since September 1994.<sup>3465</sup> At the same time, the BSL further retaliated by targeting civilians through restriction on aid. When AKASHI subsequently met with the BSL and **MLADIĆ**, **KARADŽIĆ** pronounced that the Blue Routes would close for one month for every Bosnian Serb killed by sniping in Sarajevo.<sup>3466</sup> **KARADŽIĆ** and **MLADIĆ** emphasised to AKASHI at that time that they intended to pursue through force what they could not achieve at the negotiating table.<sup>3467</sup> After the meeting, VRS attacks on UN aircraft at Sarajevo airport caused the suspension of flights between 17 and 24 March.<sup>3468</sup>

813. In a meeting with SMITH on 5 April 1995, **KARADŽIĆ** warned that an imminent ABiH offensive to open a land corridor to Sarajevo would mean that "we will take Sarajevo," threatening to use weapons they had not yet used.<sup>3469</sup> Given the use of the indiscriminate modified air bombs on the city, the threat conveyed a

<sup>3459</sup> P00876, para.9.

<sup>3460</sup> P01469, pp.7,11-12. See P01773.

<sup>3461</sup> HARLAND:P00001, paras.169-171; P07688, p.1.

<sup>3462</sup> M.BELL:P00832, para.39; P00585; RM120:P00807, pp.35,40(confidential).

<sup>3463</sup> P00880, paras.6-8; BANBURY:P00874, paras.99-102.

<sup>3464</sup> P07707, p.2; D00461, p.3; P00345, pp.60-62; D02157, pp.1,4-6.

<sup>3465</sup> P00880, paras.6-8.

<sup>3466</sup> P02050, para.6; SMITH:P00785, paras.64,92; BANBURY:P00874, paras.98,100,119; P00345, pp.60-62; P07706, paras.1,4; P07707, p.2; D00461, p.3; HARLAND:P00001, para.171; P00880, para.7; P01775, para.10; P07687, p.7.

<sup>3467</sup> P00880, para.3. See P00881, para.2; P01469, p.8.

<sup>3468</sup> P07688, para.3.

<sup>3469</sup> P01774, p.3.

willingness to employ even more terrifying weapons. The next day, D.MILOŠEVIĆ ordered—based on authority emanating from **MLADIĆ** and the GŠ-VRS<sup>3470</sup>—an MAB attack at the centre of Hrasnica,<sup>3471</sup> which was carried out and then reported up the chain to the VRS-GŠ that night (Scheduled Incident G10).<sup>3472</sup>

814. By mid-April, close to 1000 daily firing incidents were reported in the city, with mortar shells continuing to land in populated areas, killing and injuring civilians.<sup>3473</sup> UNMO KONINGS, who arrived in Sarajevo in April 1995,<sup>3474</sup> observed repeated “random fire” from the Bosnian Serb armed forces, with civilian people “always” being hit<sup>3475</sup> and “no military pattern” to the attacks.<sup>3476</sup> He concluded that the SRK was definitely “deliberately targeting civilians in Sarajevo, with shelling as well as sniping.”<sup>3477</sup> This continuing attack on the civilian population was accompanied by further restrictions to necessities of life—on 8 April, the Bosnian Serbs halted the humanitarian airlift, which did not resume until the end of the war.<sup>3478</sup> The Blue Routes also did not reopen until the end of the war.<sup>3479</sup> Consequently, by May 1995, the overall situation in Sarajevo was rapidly deteriorating in what HARLAND called “The Big Squeeze.”<sup>3480</sup>

815. The shelling and sniping of civilian areas continued throughout May.<sup>3481</sup> RM055, [REDACTED]<sup>3482</sup> observed that sniping “was targeting defenceless civilians that could not be construed in any way as military objectives.”<sup>3483</sup> Indeed, as part of the *Talas* operations approved by the GŠ-VRS,<sup>3484</sup> the SRK Command issued a 9 May order to place a major part of the Stari Grad Municipality under “fire control”—an

<sup>3470</sup> ĐUKIĆ:P01052, pp.4,24; VELJOVIĆ:T.22951; FRASER:P00576, para.134(confidential); P00589; P00581; P00812.

<sup>3471</sup> See Sections IV.D.6; IV.E.6(b)(v). P00592.

<sup>3472</sup> See Section IV.E.6(b)(v)a. P00591; P01048.

<sup>3473</sup> HARLAND:P00001, para.174; P00883, pp.1-3; P02021. See RM120:P00807(confidential), p.52; P00831.

<sup>3474</sup> KONINGS:P01741, para.9.

<sup>3475</sup> KONINGS:P01741, paras.20,32.

<sup>3476</sup> KONINGS:P01741, paras.35,38.

<sup>3477</sup> KONINGS:P01741, para.32; P00546; P00545; P07835.

<sup>3478</sup> HARLAND:P00001, paras.173,175-176; D02156, pp.1,4,6.

<sup>3479</sup> BANBURY:P00874, para.100.

<sup>3480</sup> HARLAND:P00001, paras.178-183; RM055:P00749, p.33(confidential); P06677, p.2; D00149, p.3(confidential).

<sup>3481</sup> SULJEVIĆ:P00889, para.48; P06677, p.2; P00494. See P01181; D00149, p.2(confidential); P07854.

<sup>3482</sup> [REDACTED].

<sup>3483</sup> RM055:T.10515(confidential).

<sup>3484</sup> P07369, p.2; P04478; P04370; THEUNENS:P03029, p.406.

action that would be improper in a densely populated urban area<sup>3485</sup>—as part of a coordinated action with snipers.<sup>3486</sup> In the days following this order, the SRK shelled “the heart of Sarajevo’s old town” and, on 12 May, the SRK continued to fire into the “heart” of the city as the shelling of Sarajevo accounted for 72% of the 2,211 firing incidents recorded in the whole of Bosnia that day.<sup>3487</sup>

816. By late May, there was an outbreak of fighting elsewhere in BiH and then in Sarajevo along the confrontation lines. Both sides withdrew heavy weapons from the WCPs; the SRK then used them to shell civilian areas in Sarajevo.<sup>3488</sup> As a result, on 24 May, SMITH issued ultimatums that airstrikes would result if they did not cease firing their heavy weapons on that day and return the heavy weapons to the WCPs or withdraw them from the TEZ.<sup>3489</sup>

817. On the same day, the SRK fired two MABs that exploded in Safeta Zajke street and Majdanska street, killing and injuring a number of people.<sup>3490</sup> The VRS did not return the weapons as instructed by SMITH and airstrikes were launched on 25 May and 26 May. Sarajevo and nearly “all the safe areas” were subsequently shelled in punitive responses, killing at least 70 civilians, the vast majority in Tuzla, where most of the victims ranged in age from 16-22.<sup>3491</sup> Additionally, within minutes of the second airstrike on 26 May, the VRS rounded up UN personnel in the Sarajevo theatre who were held as hostages and human shields.<sup>3492</sup> The SRK fired yet another MAB at central Sarajevo which exploded on Safeta Hadžića street, destroying the top floor of an apartment building, and injuring seventeen (Scheduled Incident G13).<sup>3493</sup>

818. The SRK simultaneously inflicted other punitive measures against the citizens of Sarajevo, such as closing land and air access to the city, and cutting off gas,

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<sup>3485</sup> S.SIMIĆ:T.35980.

<sup>3486</sup> P06601, pp.1-2.

<sup>3487</sup> P07405, p.2.

<sup>3488</sup> AF1756; RM120:P00807, p.74(confidential); HARLAND:P00001, para.183; P06677, p.2.

<sup>3489</sup> AF1756-AF1757; AF1759; RM120:T.7765-7766(confidential); HARLAND:P00001, para.183; SMITH:P00785, paras.116-117; D00185; P02563; P02557; P00791; SMITH:T.7310-7311. *See* para.1685.

<sup>3490</sup> P00495(confidential); P07568(confidential). *See* Section IV.E.6(b)(v)b.

<sup>3491</sup> AF1758-AF1759; P07708, para.4; P07705, p.4; P07259; RM120:P00807(confidential), p.74; RM120:T.7765; SMITH:P00785, paras.116.

<sup>3492</sup> *See* para.1685. AF1760; SMITH:P00785, paras.118-120; P07705, paras.8-12.

<sup>3493</sup> *See* Section IV.E.6(b)(v)b.

electricity and water in a gesture that Bosnian Serb authorities explicitly said was intended to “punish the Muslims” for their military offensive.<sup>3494</sup>

819. On 27 May, the SRK killed at least one UN soldier and wounded 14 others after temporarily seizing a UN observation post at the Vrbanja Bridge; they took additional UN soldiers hostage, later staging fake summary executions intended to deceive them into believing they were about to be killed.<sup>3495</sup> That day, BANBURY wrote that they were “paralysed on everything” including humanitarian aid.<sup>3496</sup> The VRS blocked land access to Sarajevo and severely restricted UNPROFOR’s freedom of movement.<sup>3497</sup> According to HARLAND, they sought to impose a “total blockade” on Sarajevo and cut off its food supply completely.<sup>3498</sup> The WCPs ceased to exist.<sup>3499</sup>

820. SRK attacks on civilians continued into June 1995.<sup>3500</sup> On 16 June 1995, the ABiH attempted an offensive to break out of Sarajevo; although they encountered some initial success, they were ultimately pushed back with heavy casualties.<sup>3501</sup> The SRK retaliated with deadly shelling and sniping attacks across Sarajevo, killing numerous civilians at water lines and marketplaces and firing MABs into the city (including Scheduled Incident G15).<sup>3502</sup> Three MABs struck different neighbourhoods in Sarajevo on 16 June, injuring a number of people.<sup>3503</sup>

821. In spite of the 16 June UNSC Resolution 998 expressing grave concerns over increasing attacks on the civilian population,<sup>3504</sup> the SRK continued firing on Sarajevo. The SRK shelled water lines in Dobrinja on 18 and 21 June, killing a total of 13 people and injuring 27,<sup>3505</sup> and shelled the Ciglane outdoor market on 21 June,

<sup>3494</sup> P07701, p.7; HARLAND:P00001, paras.197-204; P07708, para.6; P07705, para.14.

<sup>3495</sup> P07705, para.13; RM120:P00807, pp.75–76(confidential); RM120:T.7767,T.7772-7773(confidential); P07845, pp.4-7; D02159, pp.1,4; P06717.

<sup>3496</sup> BANBURY:P00874, para.167.

<sup>3497</sup> P07708, para.6; P07705, para.14.

<sup>3498</sup> HARLAND:P00001, para.178.

<sup>3499</sup> P07705, para.14; RM120:P00807(confidential), p.77.

<sup>3500</sup> AF1856; P01098; SULJEVIĆ:P00889, para.54; P02020, p.2; P02021, p.2; P02022, p.2; P02034, p.2; P02024, p.2; P01107, p.2; P02035, p.2; P01102, p.2; P02023, p.2; D02161, p.5.

<sup>3501</sup> HARLAND:P00001, paras.190,203-204; P00991, pp.1-3; RM120:P00807, p.52(confidential); RM055:P00749, pp.29–30(confidential). *See* Section IV.E.6(b)(v)c.

<sup>3502</sup> HARLAND:P00001, paras.195-199,203-204,290-291; P04601; P00991, pp.1-3,5; P00997; BELL:P00832, paras.54–55. *See* Section IV.E.6(b)(v)c.

<sup>3503</sup> *See* Section IV.E.6(b)(v)c.

<sup>3504</sup> P00026.

<sup>3505</sup> HARLAND:P00001, para.197; P00991, p.3; P02403; P02017; P00997. *See* Section IV.E.6(b)(iv). AF1761.

injuring five.<sup>3506</sup> Among others,<sup>3507</sup> similar incidents occurred in Novi Grad on 21 June,<sup>3508</sup> in Stari Grad and Novi Grad on 25 June,<sup>3509</sup> in Centar on 26 June,<sup>3510</sup> and in Novo Sarajevo and Stari Grad on 30 June.<sup>3511</sup> On 27 June, a SRK mortar landed in Miš Irbina Street in Centar, killing one and injuring six more—almost all children.<sup>3512</sup> Sniping spread even to areas usually considered reasonably safe: a SRK sniper killed a 16-year-old boy on a bicycle with a shot to the head on 25 June near the UNPROFOR headquarters, the aftermath of which was witnessed by HARLAND.<sup>3513</sup> As with the shelling, SRK snipers targeted civilians gathering water.<sup>3514</sup>

822. The SRK also continued to launch MABs on the city. On 22 June, another person was killed and five injured when a MAB landed near the TV building in Alipašino Polje; most of the victims were elderly, others were very young.<sup>3515</sup> On 28 June, SRK forces fired a MAB at central Sarajevo, hitting the TV building and causing multiple civilian casualties,<sup>3516</sup> and on 29 June, SRK forces fired two more MABs at the Alipašino Polje area, one destroying three floors of an apartment building and killing four people.<sup>3517</sup> During this time, Bosnian Serb officials openly told UN Civil Affairs that they intended to launch punitive counter-attacks against the urban area of Sarajevo in response to the Bosnian military offensive.<sup>3518</sup>

823. UN protests directly to **MLADIĆ** about the civilian deaths (including children) caused by the SRK's shelling<sup>3519</sup> had no effect, as the attacks, as well as the deprivations, continued into July. An UNPROFOR report of July 1995 starkly depicted the situation:

Sniping and mortaring are still at a reasonably high level. This seems to have no particular military value but contributes to a general atmosphere of terror in the city. Almost no civilians now use

<sup>3506</sup> HARLAND:P00001, para.197; P00991, p.3.

<sup>3507</sup> E.g., P00792; D00165(confidential).

<sup>3508</sup> SULJEVIĆ:P00889, paras.61-62; P01101; P01102.

<sup>3509</sup> P00550; ĐOZO:T.5553-5554; P00551; P01104.

<sup>3510</sup> P01105.

<sup>3511</sup> P02024; P01107.

<sup>3512</sup> P01106; SULJEVIĆ:P00889, paras.64-68; D00221; SULJEVIĆ:T.8582.

<sup>3513</sup> P01089/P00010(duplicates), p.3; HARLAND:P00001, paras.214-215.

<sup>3514</sup> P01089/P00010(duplicates), p.3.

<sup>3515</sup> HARLAND:P00001, para.197; P00991, p.3; SULJEVIĆ:P00889, para.63; P00993. See P00997.

<sup>3516</sup> D00165, pp.1,6,12(confidential); BANBURY:P00874, para.179; D00203, p.1; P04622.

<sup>3517</sup> P01089/P00010(duplicates), p.2; HARLAND:P00001, paras.214-215; SULJEVIĆ:P00889, paras.64-68. See AF1856.

<sup>3518</sup> P01089/P00010(duplicates), p.2.

<sup>3519</sup> P00792.

the city's main east-west thoroughfare ("Sniper Alley") -- so much so that snipers who used to work that area now seem to have relocated.<sup>3520</sup>

824. The first day of July 1995 saw at least seven separate shellings of the city centre that killed 11 and wounded 54,<sup>3521</sup> as well as another MAB attack on Hrasnica.<sup>3522</sup> As July progressed, the SRK continued its "sporadic" bombardment of the downtown area, day after day, "apparently in an effort to terrorise the population, rather than to attain any particular military objective."<sup>3523</sup> A volley of four mortar rounds hit Velešići in the middle of the month, killing five civilians (including women and elderly) and wounding others.<sup>3524</sup>

825. During July, in addition to the shelling and sniping attacks, Bosnian Serb authorities obstructed humanitarian convoys through denials of clearances or through the SRK shooting at them.<sup>3525</sup> There was a general air of fear, food warehouses were almost empty, and provision of utilities was nearly non-existent.<sup>3526</sup>

826. SRK attacks on civilians continued into August 1995.<sup>3527</sup> On 28 August, the SRK fired a 120mm mortar shell that exploded outside the Markale marketplace, killing and injuring dozens of civilians (Scheduled Incident G18).<sup>3528</sup> KONINGS noted that incident G18 fit into a pattern he had noticed for months: "just firing single rounds into the city knowing that you were hitting always something."<sup>3529</sup> Later that same day, the SRK also fired shells at the city mosque in Baščaršija.<sup>3530</sup> The next day, a four-year-old girl was killed by a SRK 128mm Plamen rocket while she was playing in a courtyard with other children.<sup>3531</sup>

<sup>3520</sup> P06620, p.2; HARLAND:P00001, para.217-219. See P00011, pp.1,4; P04477.

<sup>3521</sup> P00552; ĐOZO:T.5556-5559; ĐOZO:P00544, para.35. See P00996; BANBURY:P00874, para.179.

<sup>3522</sup> P07565.

<sup>3523</sup> HARLAND:P00001, para.217; P00011, p.4. See P01108; TURKUSIĆ:P02009, paras.36-44; P02026; P02031; P02028; P02022; P02029; P02030.

<sup>3524</sup> P01111; P01109; SULJEVIĆ:P00889, para.72.

<sup>3525</sup> P06861, p.3; RM055:P00749, pp.25-26(confidential); P06620, pp.3-4; HARLAND:P00001, para.218; P00011, pp.4-5.

<sup>3526</sup> P06620, pp.1-2; P06861, pp.2-3; P00011, pp.4-5.

<sup>3527</sup> P00936.

<sup>3528</sup> See Section IV.E.6(b)(ii).

<sup>3529</sup> KONINGS:P01741, para.96.

<sup>3530</sup> P00797, p.16; KNUSTAD:P03159, p.16.

<sup>3531</sup> KONINGS:P01741, paras.98-100; P02608; P01750.

827. On 14 September, KARADŽIĆ and HOLBROOKE agreed on a framework for a cease-fire agreement commencing in Sarajevo.<sup>3532</sup> Sarajevo trams started operating again on 25 September 1995,<sup>3533</sup> a cease-fire was agreed on 12 October,<sup>3534</sup> and the fighting subsided by 14 October.<sup>3535</sup>

6. SRK sniping and shelling targeted the civilian population of Sarajevo

828. For over three years and throughout all parts of Sarajevo, the SRK directly attacked the civilian population. As illustrated in the sniping and shelling sections below, the SRK targeted civilians with sniper fire and repeated shelling, which included massive bombardments that blanketed the city, small numbers of shells fired into parts of the city without any military purpose, and powerful and inaccurate modified air bombs.

829. Internationals living in Sarajevo between 1992 and 1995 saw what the civilian population well-understood: the SRK intentionally targeted the civilian population.<sup>3536</sup> The SRK attacked civilians in residential neighbourhoods throughout the breadth of the city.<sup>3537</sup> SRK shells fell on certain neighbourhoods with such regularity that one witness described it as “like drops of rain.”<sup>3538</sup> Sniper bullets and SRK mortars hit civilians during everyday activities:<sup>3539</sup> collecting or queuing for water,<sup>3540</sup> shopping

<sup>3532</sup> RM055:P00749, pp.5-7(confidential).

<sup>3533</sup> BANBURY:P00874, para.194.

<sup>3534</sup> HARLAND:P00001, paras.240-245

<sup>3535</sup> AF1767.

<sup>3536</sup> JORDAN:P00126, paras.21,43,46; FRASER:P00576, para.85(confidential); RM176:T.6309,T.6311,T.6366-6367,T.6449-6451(confidential); P00649; RM176:P00640, pp.16-17(confidential); ABDEL-RAZEK:P00293, paras.74,79,83,91,104; ROSE:P00736, para.201; WILSON:P00320, paras.49,66; BELL:P00832, paras.33,54,58; KONINGS:P01741, paras.32,40; OVERGAARD:P01047, T.639; GRM097:T.40160(confidential); HARLAND:T.698; VANLYNDEN:P00066, paras.55-56; P00509, para.9; THOMAS:P00503, para.96.

<sup>3537</sup> HARLAND:P0001, paras.27,71,210; ŠABANIĆ:P01913, p.12; E.HAFIZOVIĆ:P02455, p.4; BELL:P00832, para.41. **City Centre:** ROSE:P00736, paras.22-23; P04609;P00880, para.6; P04610; P01069; P01070; P01071; P04605; P00642(confidential); P00540. **Stari Grad:** P00549; TARČIN:P00282, para.5; PITA:P02453, T.5875; P00642(confidential); RM176:P00641, p.5(confidential); RM176:T.6320-6321(confidential); RM153:P02461, T.5481-5499; HARLAND:P00001, para.71; HARLAND:T.902; P01071; FRASER:P00576, paras.58,60(confidential). **Marin Dvor:** AF2160; POPARIĆ:T.40766-40767; RM120:P00807, pp.39-40(confidential); BOWEN:P02515, paras.15-16; FRASER:P00576, paras.56,60(confidential). **Hrasno:** P07611. **Brijesce Brdo:** KUNDO:P01917, T.5979,T.5981-5982; MENZILOVIĆ:P01921, pp.5-6. **Dobrinja:** HAJIR:P02616, para.18; ROSE:P00736, paras.36,51; P02403; P02071. **Alipašino Polje:** RM155:P01926, T.3510-3513(confidential).

<sup>3538</sup> PITA:P02453, p.1.

<sup>3539</sup> E.g. JORDAN:T.1768-1769.

<sup>3540</sup> HARLAND:P00001, paras.197-198,213-215; P00991, pp.1,3; P01089, p.3; HAJIR:P02616, paras.17-18,48; ZAIMOVIĆ:P02620, para.44; KUPUSOVIĆ:P02468, T.669-670; ŠAHINOVIĆ:P01904, p.5; ŠAHINOVIĆ:P01905, T.3414-3416,T.3442; RM112:P01948,

in marketplaces,<sup>3541</sup> or lining up for food or other humanitarian aid.<sup>3542</sup> In addition to striking individuals who were clearly civilians, including children,<sup>3543</sup> the SRK repeatedly attacked obvious civilian targets such as hospitals.<sup>3544</sup> When civilians used covered routes to avoid sniper fire, they were shelled instead,<sup>3545</sup> and the SRK shot at those who attempted to escape the city across the airport, including women, children and elderly.<sup>3546</sup>

830. The shelling and sniping campaign did not spare any sector of Sarajevo's population. For instance, UNICEF reported that of the estimated 65,000 to 80,000 children in the city: at least 40% had been directly shot at by snipers; 51% had seen someone killed; 39% had seen one or more family members killed; and 73% had their homes attacked or shelled.<sup>3547</sup>

831. Given the scope of the SRK's sniping and shelling, Sarajevans adapted their daily lives to protect themselves from the omnipresent risk of attack.<sup>3548</sup> They limited time outdoors,<sup>3549</sup> and waited until night to fetch water or forage for fuel to avoid been

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para.12(confidential); RM153:P02461, p.10; ČRNČALO:P00260, para.91; BELL:P00832, paras.50,83; BELL:T.7834-7837; P01857; P00837; KONINGS:P01741, paras.32,40; KNUSTAD:P03158, p.3; TASLAMAN:P01050, p.3; TASLAMAN:P01051, p.2;P02043; P02017; P00997, p.12; TURKUŠIĆ:P02009, para.24; BOWEN:P02515, para.19; VANLYNDEN:P00066, para.24.

<sup>3541</sup> See Sections IV.E.6(b)(ii)a-IV.E.6(b)(ii)b; ABDEL-RAZEK:P00293, paras.56,100,102; RM155:P01926, T.3510-3513(confidential); HARLAND:P00001, para.197; P00991, pp.1,3; ČRNČALO:P00260, paras.94-95; KUPUSOVIĆ:P02468, T.669-670; [REDACTED].

<sup>3542</sup> See Section IV.E.6(b)(iv)b; TASLAMAN:P01050, p.3; ČRNČALO:P00260, para.91; RM112:P01948, para.12(confidential); D01243; P03169.

<sup>3543</sup> See Sections IV.E.6(a)(v)-IV.E.6(a)(vi); IV.E.6(a)(i)d; IV.E.6(b)(iv)a; IV.E.6(b)(iii); AF2045; AF2300; AF2426; AF2436; ZAIMOVIĆ:P02620, paras.6-10,14,16,18; BOWEN:P02515, para.32; P07171, p.9; [REDACTED]; ABDEL-RAZEK:T.3643-3644; KUPUSOVIĆ:P02468, T.667; ZAIMOVIĆ:P02620, paras.6-10,14,16,18; ZAIMOVIĆ:P02621, T.1862-1885; P02622, p.2; P02623; ČRNČALO:P00260, para.92; P01111, pp.7-8; BELL:P00832, para.95; P01066; RM155:P01926, T.3510-3513(confidential); P00550; DJOZO:T.5553-5554; P00551; D00222; SULJEVIĆ:T.8582; P00866, p.1; TOPAL:P02465, pp.4,9(confidential); HAJIR:P02616, paras.21,35; KONINGS:P01741, para.98-100; P02608, p.22; P01750; RM176:T.6309; VANDERWEIJDEN:P01130, pp.70-78(confidential); P07832.

<sup>3544</sup> AF2090; AF2093; AF2096; THOMAS:P00503, paras.95-96; P01068, p.2; HAJIR:P02616, paras.44-46; ABDEL-RAZEK:P00293, paras.79-80,100; MANDILOVIĆ:T.6689; MANDILOVIĆ:P00679, paras.35,37,42-58,93,97-98; NAKAŠ:T.8604,T.8606-8609; NAKAŠ:P00941, paras.22-25,27-32,34(confidential); ZAIMOVIĆ:P02620, paras.11,14; P04603, p.1; P04617; TUCKER:P00317, paras.94-96,98; BELL:P00832, para.82; P01882; P00118, 01:38'45-01:39'38; BOWEN:P02515, para.25; P00299, para.17; TURKUŠIĆ:P00209, para.12.

<sup>3545</sup> P00509, para.9; THOMAS:P00503, para.96.

<sup>3546</sup> TUCKER:P00317, paras.117-121; P00649(confidential); ABDEL-RAZEK:P00293, paras.91,104.

<sup>3547</sup> P07171, para.16.

<sup>3548</sup> AF2049; RM155:P01925, para.18(confidential); ZAIMOVIĆ:P02620, para.42.

<sup>3549</sup> AF2049; HARLAND:P00001, paras.25-26,28-29,198; P06766, p.2(confidential); VANLYNDEN:P00066, para.21; ZUNIĆ:P01945, p.6; MENZILOVIĆ:P01922, T.7010;

seen and shot.<sup>3550</sup> Bereaved Sarajevans buried their dead at night because the SRK targeted funeral gatherings.<sup>3551</sup> Children at play learned not to cross invisible lines on the ground to avoid coming into the SRK's line of sight.<sup>3552</sup> Despite such precautions, most victims were civilians, including women and children.<sup>3553</sup>

(a) The Sniping Campaign Including Schedule F

832. SRK snipers intentionally targeted civilians.<sup>3554</sup> Most sniping victims in Bosnian-held Sarajevo were civilian,<sup>3555</sup> and many were women, children and elderly.<sup>3556</sup> They fired on cyclists,<sup>3557</sup> and other civilian targets including trams,<sup>3558</sup> buses,<sup>3559</sup> and ambulances.<sup>3560</sup> SRK sniping targeted "any person moving about the street,"<sup>3561</sup> at "any time,"<sup>3562</sup> and a moment of exposure could prove fatal.<sup>3563</sup> Pedestrians were often forced by necessity to use intersections which were exposed to

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RM112:P01948, para.6(confidential); RM112:P01949, T.827(confidential); HAJIR:P02616, paras.17-18; RM155:P01925, para.24(confidential).

<sup>3550</sup> AF2050; AF2647; RM155:P01925, paras.20-24 (confidential); MENZILOVIĆ:P01922, T.6982,T.7012.

<sup>3551</sup> [REDACTED]; ČRNČALO:P00260, paras.91,96; KUPUSOVIĆ:P02468, T.666; BOWEN:P02515, para.37; BOWEN:T.18038-18042; P02518; HAJIR:P02616, para.55; VANLYNDEN:P00066, para.62.

<sup>3552</sup> ROSE:P00736, para.51.

<sup>3553</sup> ROSE:P00736, para.201; BELL:P00832, para.33; KONINGS:P01741, para.32; JORDAN:P00126, paras.27,43,46; MANDILOVIĆ:P00679, paras.80-83,90; HAJIR:P02616, para.15; NAKAŠ:P00941, paras.59-60(confidential); ZAIMOVIĆ:P02620, paras.6-9.

<sup>3554</sup> FRASER:P00576, paras.58,85(confidential); RM176:T.6308-6309; BELL:T.7835; P01857; P02574; BANBURY:T.8222; HARLAND:T.698; ABDEL-RAZEK:T.3642-3644; HAMILL:P00537, T.6208.

<sup>3555</sup> See Section IV.E.6(a). AF2018; AF2036; BANBURY:T.8222; HARLAND:T.698; ABDEL-RAZEK:T.3642-3644.

<sup>3556</sup> BANBURY:P00874, para.32; BOWEN:P02515, para.37; ABDEL-RAZEK:T.3642-3643; HAJIR:P02616, paras.20-21; FRASER:P00576, paras.58,85(confidential); RM176:T.6308-6309(confidential); VANDERWEIJDEN:P01130, pp.70-83(confidential); POPARIĆ:D01330, paras.247-261,257,262 (confidential).

<sup>3557</sup> AF2045; HARLAND:P00001, para.214; P00010/P01089(duplicates); HARLAND:T.707; D01341.

<sup>3558</sup> See Sections IV.E.6(a)(i)c; IV.E.6(a)(i)e-IV.E.6(a)(i)f. AF2159; FRASER:T.5871; FRASER:P00576, para.66(confidential); ŠABANIĆ:P01913, p.12; ABDEL-RAZEK:P00293, para.79; BELL:P00832, para.48; P01853; MANDILOVIĆ:P00679, para.104; SABLJICA:P00855, p.66; P00787, p.3; P00876, para.9; P07688, p.1; MIOKOVIĆ:T.5958-5961,T.5965; P00775, p.5; P07830; D01909; VANDERWEIJDEN:P01130, pp.43-44,58,63(confidential); POPARIĆ:T.40776.

<sup>3559</sup> AF2117; AF2159; P07829; POPARIĆ:T.40725,T.40776.

<sup>3560</sup> HAJIR:P02616, para.47.

<sup>3561</sup> RM176:T.6308 (confidential).

<sup>3562</sup> BOWEN:P02515, para.17.

<sup>3563</sup> See VANDERWEIJDEN:P01130, pp.6-7(confidential); BANBURY:T.8222; ZAIMOVIĆ:P02620, para.10.

SRK snipers,<sup>3564</sup> and sniping at these locations was so routine that people placed warning signs<sup>3565</sup> and sheltered behind UNPROFOR vehicles as they crossed streets.<sup>3566</sup> All over town, civilians took measures to protect themselves from snipers, constructing makeshift barricades<sup>3567</sup> and using less-exposed routes for their trips.<sup>3568</sup> The fact that UNPROFOR peacekeepers were shot while carrying out anti-sniping tasks to protect the population further demonstrates that SRK snipers were determined to shoot civilians.<sup>3569</sup>

833. The Incidents in Schedule F,<sup>3570</sup> which follow as part of the sniping summaries, demonstrate the manner in which SRK snipers purposefully targeted civilians. These incidents illustrate sniper fire from well-known SRK sniping positions: Grbavica;<sup>3571</sup> Špicasta Stijena;<sup>3572</sup> the area of the Orthodox Church in Dobrinja IV;<sup>3573</sup> the upper parts of Hrasno Brdo and the area of Ozrenska Street;<sup>3574</sup> the School for the Blind in Nedžarići;<sup>3575</sup> and Baba Stijena.<sup>3576</sup> The victims were identifiable as civilians, not as legitimate military targets.<sup>3577</sup> There was no combat

<sup>3564</sup> RM176:T.6308-6310(confidential); [REDACTED]; RM055:T.7116-7117; RM141:P02624, para.35(confidential); P00070; VANLYNDEN:T.1304-1305,T.1308-1309; VANLYNDEN:P00066, paras.44,46; KUPUSOVIĆ:P02468, T.652-653; MANDILOVIĆ:P00679, para.103; ABDEL-RAZEK:P00293, para.123.

<sup>3565</sup> HARLAND:P00001, para.29; BOWEN:P02515, para.17; VANLYNDEN:P00066, para.48.

<sup>3566</sup> BELL:P00832, para.53; P01865; RM176:T.6308-6309(confidential).

<sup>3567</sup> RM176:T.6308-6309,T.6421(confidential); P00658; MENZILOVIĆ:P01922, T.7010; BOWEN:P02515, para.17; FRASER:P00576, para.61(confidential); HARLAND:T.697; VANLYNDEN:P00066, para.48.

<sup>3568</sup> AF2050; AF2117; HARLAND:P00001, para.28; BELL:P00832, para.38; P00836; P01850; FRASER:P00576, para.61(confidential).

<sup>3569</sup> ABDEL-RAZEK:P00293, para.116; HARLAND:P00001, paras.172,181; HARLAND:P00002, para.7; BELL:P00832, paras.39-40; P06677; P00585; FRASER:T.5804; FRASER:P00576, para.88(confidential); RM120:T.7593(confidential).

<sup>3570</sup> Indictment, Schedule F. *See* Section IV.E.6(a).

<sup>3571</sup> AF2143; AF2159; AF2161-AF2162; RM141:P02624, paras.93-94(confidential); [REDACTED]; P00119-P00122(confidential); THOMAS:P00503, para.65; P07615, p.4; SABLJICA:P00855, pp.60-63; P02403; P00620.

<sup>3572</sup> ŽUNIĆ:P02980, T.1728; ŽUNIĆ:P01945, pp.5,15; KNUSTAD:P03158, p.4; KNUSTAD:P03159, p.45; P00549. *E.g.* pp.7,10,16-17,19-22; ĐOZO:P00544, paras.16,22-23; P00674, pp.1,3; THOMAS:P00503, para.66.

<sup>3573</sup> AF2134; AF2230; AF2233; SOKOLAR:P00568, para.29; P02389, p.2; ŠAHINOVIĆ:P01905, T.3434.

<sup>3574</sup> [REDACTED]; P00109(confidential); P00110(confidential); P00121(confidential).

<sup>3575</sup> AF2134; AF2230; P01065, p.5.

<sup>3576</sup> AF2134.

<sup>3577</sup> VANDERWEIJDEN:P01130, pp.93-94(confidential); [REDACTED]. **Incident F1:**AF2222; PITA:P02450, p.9; VANDERWEIJDEN:P01130, p.15(confidential). **Incident F3:**AF2237, AF2238; VANDERWEIJDEN:P01130, pp.18,20(confidential). **Incident F4:**AF2240-AF2241, AF2248; AF2256; VANDERWEIJDEN:P01130, p.26(confidential); TARIĆ:P07612, p.2. **Incident F5:**AF2263; AF2265-AF2266; KUNDO:P01916, p.6; VANDERWEIJDEN:P01130, pp.32(confidential). **Incident F9:**AF2268; AF2275; AF2281; AF2283; VANDERWEIJDEN:P01130, p.38(confidential). **Incident F11:**AF2302-AF2303; RM112:P01948, para.9(confidential); VANDERWEIJDEN:P01130, pp.43-

activity or nearby military installations at the time the victims were shot.<sup>3578</sup> For instance, the trams that only ran during cease-fires were repeatedly shot at during these periods.<sup>3579</sup>

834. That civilian victims of snipings were intended targets is also reflected in the recurring evidence that snipers repeatedly fired before and after many sniping attacks, and even at rescuers attempting to assist their victims. Before F3, for example, civilians collecting water were hiding from sniper fire,<sup>3580</sup> and the shooting continued after the victim was shot, preventing her rescue.<sup>3581</sup> After F4, the victim could not be helped due to ongoing fire,<sup>3582</sup> and five other people were hit by sniper fire over the next hour in the same area.<sup>3583</sup> F11 was one of three sniping incidents that occurred within minutes of each other.<sup>3584</sup> moments before F11, another tram just ahead was sprayed with bullets,<sup>3585</sup> and shortly after, pedestrians were fired upon and wounded by a further burst of machine-gun fire from the south.<sup>3586</sup> Fifteen minutes after F13, another westbound tram was hit by a burst of automatic gunfire from the south in approximately the same area, killing one civilian and wounding another.<sup>3587</sup> After F15, trams following right behind the tram of the incident also came under fire from the same SRK sniper positions.<sup>3588</sup> After F16, the shooting continued, wounding

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44(confidential). **Incident F12:**AF2319; D.SOKOLOVIĆ:P01910, T.786; VANDERWEIJDEN:P01130, p.54(confidential). **Incident F13:**AF2335; ŠABANIĆ:P01013, paras.4-5; VANDERWEIJDEN:P01130, p.58(confidential). **Incident F15:**AF2345; AF2351-AF2354; GIČEVIĆ:P01935, p.4; P00612, p.24; VANDERWEIJDEN:P01130, p.63(confidential). **Incident F16:**AF2354; ŽUNIĆ:P01945, p.15; ŽUNIĆ:P02980, T.1724-1725; ĐOZO:P00544, para.19; ĐOZO:T.5543,T.5558-5559; VANDERWEIJDEN:P01130, pp.65,63(confidential).

<sup>3578</sup> FRASER:P00576, paras.58,85(confidential). **Incident F1:**PITA:P02452, para.11; PITA:P02453, T.5877; TARCIN:P00281, para.2. **Incident F3:**ŠAHINOVIĆ:P01905, T.3418,T.3433-3434,T.3448. **Incident F4:**AF2241; AF2249; TARIĆ:P07612, pp.2,3. **Incident F5:** AF2260; KUNDO:P01916, p.5; KUNDO:P01917, T.5981. **Incident F9:**AF2278. **Incident F11:** [REDACTED]; [REDACTED]. **Incident F12:**P00951, pp.2,13; D.SOKOLOVIĆ:P01910, T.810. **Incident F13:**ŠABANIĆ:P01913, p.12. **Incident F15:**GIČEVIĆ:P01935, pp.4,9; P00612, pp.24-25,31-32. **Incident F16:**ŽUNIĆ:P02980, T.1712.

<sup>3579</sup> **Incident F11:**RM112:P01948, p.13(confidential); RM112:P01949, T.824-825(confidential). **Incident F12:**D.SOKOLOVIĆ:P01910, T.766. **Incident F13:**ŠABANIĆ:P01913, p.12. **Incident F15:**GIČEVIĆ:P01935, p.4; P00612, pp.31-32.

<sup>3580</sup> ŠAHINOVIĆ:P01904, p.5; ŠAHINOVIĆ:P01905, T.3416-3417,T.3436.

<sup>3581</sup> AF2237; VANDERWEIJDEN:P01130, p.18(confidential); P00973, p.3.

<sup>3582</sup> AF2245; AF2246; TARIĆ:P07612, p.2.

<sup>3583</sup> TARIĆ:P07612, p.2; TARIĆ:P07613, T.3196-3197.

<sup>3584</sup> AF2297.

<sup>3585</sup> AF2299; P00670, pp.2,5-6; P00493, p.2(confidential); P00977.

<sup>3586</sup> AF2300; P00670, p.6; P00493, p.2(confidential); P00613/D01334(partial duplicates).

<sup>3587</sup> P00614, p.2; P00619, p.2.

<sup>3588</sup> P00612, pp.4,8,25.

another civilian and preventing rescue;<sup>3589</sup> and a UN APC came under fire while assisting the victims.<sup>3590</sup>

835. The following discussion of sniping Scheduled Incidents, which occurred within the context of broader sniping within a neighbourhood or area, illustrate how SRK snipers purposefully targeted civilians as part of their terror campaign against the city.

(i) Sniping of Civilians in Marin Dvor (Scheduled Incidents F11, F12, F13 and F15)

836. Scheduled Sniping Incidents F11, F12, F13 and F15 comprise a series of sniping attacks on trams and pedestrians between October 1994 and March 1995 along Zmaja od Bosne Street, also known as “Sniper Alley.”<sup>3591</sup> Each of these attacks targeted victims in the Marin Dvor neighbourhood, at or near the S-curve in the tram tracks on Zmaja od Bosne Street<sup>3592</sup> at the intersection of Franje Račkog Street. These attacks were part of recurring attacks by the SRK against civilians in the centre of Sarajevo.

837. Throughout the war, the SRK controlled Grbavica,<sup>3593</sup> with the Miljacka River forming the confrontation line between the factions.<sup>3594</sup> Civilians in Bosnian-held Sarajevo were repeatedly targeted by SRK snipers from notorious sniping locations in Serb-held areas of Grbavica.<sup>3595</sup> Investigations of the sniping incidents established a consistent origin of fire to the south of Zmaja od Bosne from notorious sniping locations in SRK-held parts of Grbavica: four high-rise apartment buildings at

<sup>3589</sup> ŽUNIĆ:P01945, pp.5,15.

<sup>3590</sup> P00674,p.1; ŽUNIĆ:P01945, p.15.

<sup>3591</sup> AF2160; P00003, p.23; BOWEN: P02515, paras.15-16; FRASER:P00576, paras.19,56-57(confidential); P00596; FRASER:P00577; SABLJICA:T.8189.

<sup>3592</sup> P01950; P02401; HOGAN:T.17540-17543; D01346; MEĐEDOVIĆ:P03165, p.3; RM112:P01949, T.826,830-832(confidential); VANDERWEIJDEN:T.6619; P07594, pp.48,65,79.

<sup>3593</sup> AF1919; AF1931; AF1936; SABLJICA:P00855, pp.62-63; P06538; HOGAN:T.19965-19967; P02953; P02008, p.1; SABLJICA:P00855, p.67. See MALETIĆ:D00482, paras.8-10; D00484; D00485; D00488; MALETIĆ:T.21742-21748.

<sup>3594</sup> AF1932; [REDACTED]; P00125(confidential); FRASER:P00576, paras.57,67(confidential).

<sup>3595</sup> AF2143; AF2162; P00122(confidential); [REDACTED]; P00112(confidential); P06538; See MALETIĆ:D00482, para.31; P00675; RM141:P02624, paras.93-94(confidential); RM141:P02625, T.13196; [REDACTED]; THOMAS:P00503, para.65.

numbers 6 to 8-A Grbavička Street (formerly Lenjinova Street),<sup>3596</sup> the Metalka building<sup>3597</sup> and the west side of the Jewish Cemetery.<sup>3598</sup>

838. On average, there were seven to eight snipers based in Grbavica, between Vrbanja Bridge and Elektroprivreda.<sup>3599</sup> Snipers went about their tasks with such daily regularity that their faces, names and nests in the high-rise buildings<sup>3600</sup> were known to the residents of Grbavica.<sup>3601</sup> They were part of the sniper squad that reported directly to the battalion commander.<sup>3602</sup>

839. The Metalka building had a clear and direct line-of-sight to the tram tracks across the intersection in front of the Holiday Inn, between the Faculty of Philosophy and the National Museum, to the immediate west of the S-curve.<sup>3603</sup> From the high-rise buildings on Lenjinova Street, there were unobstructed sightlines from the sniper positions in all directions, including “the complete stretch from the Holiday Inn to the school of science and mathematics.”<sup>3604</sup> Looking out of the north wall of the high-rise buildings, there was a clear view of Zmaja od Bosne Street,<sup>3605</sup> and areas around it where civilians and civilian objects were regularly targeted.<sup>3606</sup> Sniping from these areas was so common that the roadway became known as “Sniper Alley.”<sup>3607</sup>

<sup>3596</sup> AF2159; ŠABANIĆ:P01913, pp.5,7,12,17; [REDACTED]; P00119(confidential); P00120(confidential); SULJIĆ:T.8791; P02403; P02404; HOGAN:T.17548-17550; SABLJICA:P00855, pp.60-62; SABLJICA:T.8065-8066; P00862.

<sup>3597</sup> D00488; MALETIĆ:T.21742-21748; SABLJICA:P00855, p.62; AF2154; AF2159; SULJIĆ:T.8791; SABLJICA:P00855, pp.66-67; P00862; P07615, p.4; P06538.

<sup>3598</sup> AF1947-AF1949; AF2134; FRASER:P00576, para.59(confidential); THOMAS:P00503, paras.64-65; [REDACTED]MANDILOVIĆ:P00679, para.52; P00077; MANDILOVIĆ:T.6665. The SRK controlled the western part of the cemetery. GIČEVIĆ:P01935, p.4; P00119(confidential).

<sup>3599</sup> [REDACTED]; See RM141:P02624, paras.93-94(confidential).

<sup>3600</sup> RM141:P02624, para.94(confidential); [REDACTED].

<sup>3601</sup> RM141:P02624, para.93(confidential). RM141:P02625, T.13196-13197,T.13200-13202; [REDACTED], the Commander of the sniper squad was Marinko Krneta. See [REDACTED]; P06538. See MALETIĆ:D00482, para.31; P06517, p.3; MALETIĆ:T.21758-21759.

<sup>3602</sup> [REDACTED], the Commander of the sniper squad was Marinko Krneta. See [REDACTED]; P06538. See MALETIĆ:D00482, para.31; P06517, p.3; MALETIĆ:T.21758-21759; MALETIĆ:D00482, paras.8-10; D00484; D00485; [REDACTED].

<sup>3603</sup> P00678; VANDERWEIJDEN:T.6617-6618; P02401; HOGAN:T.17540-17543; P00003, p.24.

**Incident F11:**AF2302; VANDERWEIJDEN:P01130, pp.40-43(confidential); [REDACTED]; P01951.

**Incident F12:**VANDERWEIJDEN:P01130, pp.51-54(confidential). **Incident**

**F13:**VANDERWEIJDEN:P01130, pp.56-58(confidential). **Incident**

**F15:**VANDERWEIJDEN:P01130, pp.61-62(confidential); GIČEVIĆ:P01935, p.6.

<sup>3604</sup> SABLJICA:P00855, pp.60-61; [REDACTED]. **Incident F13:**P00620, pp.9-10,14,21,23,27,31,38,41,46,50,54,56,64,72,75,77,84,109 (BCS); D01336. **Incident F15:**P00620, pp.9,14,21,27,31,54,56,109(BCS).

<sup>3605</sup> [REDACTED].

<sup>3606</sup> SABLJICA:P00855, pp.60-62; SABLJICA:T.8065-8066; P00862; P00863; P00620; P02403; VANDERWEIJDEN:P01130, pp.41-43,49,52-54,56-58,61-62(confidential); P02404;

840. Firing positions in the area of the Jewish cemetery were under SRK control during the war,<sup>3608</sup> with an unobstructed line-of-sight to the tram tracks to the east of the S-curve.<sup>3609</sup> Slavko Aleksić was a company commander stationed at the Jewish Cemetery.<sup>3610</sup>

841. All targeted trams or pedestrian victims in the Scheduled Incidents discussed in detail below were impacted by shots from the south.<sup>3611</sup> VANDERWEIJDEN ruled out the possibility that fire originated from anywhere near the site of the incidents, or from the strip of ABiH-held territory along the Miljacka River (i.e., National Museum and the Faculty).<sup>3612</sup>

a. SRK resistance to UNPROFOR anti-sniping units along Sniper Alley

842. UNPROFOR's anti-sniping units were specifically deployed at intersections along Sniper Alley to respond to fire from these locations.<sup>3613</sup> The SRK threatened to shoot at UNPROFOR if it attempted to erect any sniper screens.<sup>3614</sup> One UNPROFOR soldier was eventually shot by SRK sniper fire and killed while installing anti-sniping barriers.<sup>3615</sup> This incident was reported to the VRS authorities, who demanded that the UNPROFOR patrol withdraw from this location.<sup>3616</sup> The incident was among those for which **MLADIĆ** explicitly acknowledged SRK responsibility in a revealing attempt to justify them, explaining that the increase in SRK sniping in the Sarajevo

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HOGAN:T.17548-17550; FRASER:P00576, paras.24,56-57,59-60,69-75(confidential); P00577; P00600.

<sup>3607</sup> AF2160; BOWEN:P02515, paras.15-16; FRASER:P00576, paras.19,56-57(confidential); P00596; P00577; SABLJICA:T.8189.

<sup>3608</sup> The SRK was positioned on the south-western side of the cemetery. AF1948; AF1949; AF2134; THOMAS:P00503, para.65; MANDILOVIĆ:P00679, para.52; GIČEVIĆ:P01935, p.4.

<sup>3609</sup> P07830; D01912. **Incident F11**:P00670, pp. 4-7; VANDERWEIJDEN:P01130, pp.48-49(confidential).

<sup>3610</sup> P06820; [REDACTED]; VANLYNDEN:P00066, para.109.

<sup>3611</sup> **Incident F11**: See Section IV.E.6(a)(i)c, paras.853-855. **Incident F12**: See Section IV.E.6(a)(i)d para.861. **Incident F13**: See Section IV.E.6(a)(i)e, para.864. **Incident F15**: See Section IV.E.6(a)(i)f, para.868. See P07852.

<sup>3612</sup> VANDERWEIJDEN:T.6619-6620,T.6588-6589; **Incident F11**:RM120:P00807, pp.60-61(confidential); P00016, para.5; ROSE:P00736, paras.155-156.

<sup>3613</sup> AF2161; RM176:P00641, para.8(confidential); P00613/D01334(partial duplicates); FRASER:P00576, para.61(confidential); RM055:P00749, p.11(confidential).

<sup>3614</sup> P00809, p.3.

<sup>3615</sup> RM120:T.7591-7592(confidential); P00585;FRASER:P00576, para.88(confidential); FRASER:T.5804; P00876, para.9. See Sections IV.E.1-IV.E.5.

area was “in response to Serb casualties suffered in military offensives launched by the Bosnian government.”<sup>3617</sup>

b. Organised nature of SRK snipers in Grbavica

843. During the conflict, UNPROFOR officials<sup>3618</sup> and journalist VANLYNDEN<sup>3619</sup> visited the snipers’ nests in Grbavica and its surrounding Serb-held neighbourhoods. The snipers’ nests were elaborately constructed, fortified with sandbags and boxes, and had firing slots and radio equipment.<sup>3620</sup> The snipers used walkie-talkies to communicate with observers about target acquisition and with men on the front line acting as spotters.<sup>3621</sup> These snipers were plainly part of an organised army “under clear military orders.”<sup>3622</sup> Following the reintegration of Sarajevo, the CSB Sarajevo searched the former VRS occupied territories and found several snipers’ nests in Grbavica.<sup>3623</sup> One of the four skyscrapers on Lenjinova Street alone contained ten snipers’ nests.<sup>3624</sup>

844. Almost all intersections along the main street of Sarajevo, Zmaja od Bosne, were targets for the snipers.<sup>3625</sup> Civilians had to keep curtains closed even during day time for fear of possible sniper attacks.<sup>3626</sup> SRK snipers in the skyscrapers of Grbavica constantly opened fire at whatever they saw,<sup>3627</sup> mainly civilians, which included elderly persons and children.<sup>3628</sup> These snipers “enjoyed killing in cold blood.”<sup>3629</sup> They enjoyed shooting at people “like somebody likes to shoot clay pigeons.”<sup>3630</sup> One

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<sup>3616</sup> P00876, para.9.

<sup>3617</sup> P00876, para.9.

<sup>3618</sup> HARLAND:P00001, para.301; FRASER:P00576, paras.24,56-57,59-60,69-75(confidential); RM120:P00807, p.36(confidential).

<sup>3619</sup> VANLYNDEN:P00066, paras.76,91.

<sup>3620</sup> VANLYNDEN:P00066, paras.94-95,97,101-103; P00082; P00077; FRASER:P00576, paras. 69-73(confidential); RM120:P00807, pp.36-39,44-45(confidential).

<sup>3621</sup> VANLYNDEN:P00066, paras.87,92,94,96,99-100,106,151.

<sup>3622</sup> VANLYNDEN:P00066, paras.87,92,94,96,99-100,106,151.

<sup>3623</sup> MIKOVIĆ:T.5979-5980.

<sup>3624</sup> MIKOVIĆ:T.5980; P00620; P02403.

<sup>3625</sup> RM112:P01948, p.5(confidential). *See* AF2160; NAKAŠ:T.8609.

<sup>3626</sup> RM112:P01948, p.5(confidential).

<sup>3627</sup> [REDACTED].

<sup>3628</sup> [REDACTED].

<sup>3629</sup> [REDACTED].

<sup>3630</sup> [REDACTED].

SRK sharpshooter said that he had killed a person and waited for somebody to approach the body so that he could shoot that person as well.<sup>3631</sup>

845. The snipers in the skyscrapers on Lenjinova Street “quite certainly had the ability from that distance to distinguish civilians from non civilians.”<sup>3632</sup> They constantly changed their positions and often took advantage of their freedom of movement to loot.<sup>3633</sup>

846. Trams, which were particularly vulnerable targets because they were slow, brightly coloured, and unable to deviate from the tram tracks, were repeatedly fired on, despite the manifest illegality.<sup>3634</sup> They were civilian conveyances used by civilians, not justifiable military targets. Beyond that, there was wide-spread media coverage that tram sniping incidents killed or injured civilians.<sup>3635</sup>

847. The regularity of sniping and vulnerability of trams led to the cessation of tram service at different periods. However, when there was a ceasefire trams would begin to run again, as people would “venture out to see the sunshine.”<sup>3636</sup> The resumption of tram service added an element of normalcy which had a “significantly positive psychological effect on the inhabitants of Sarajevo.”<sup>3637</sup> However, these periods of normalcy did not last long and were often followed by tragic consequences, including the killing or serious wounding of Sarajevo inhabitants when fire was again opened on trams.<sup>3638</sup> “Every time you took a tram, you took a risk, but people had to get around.”<sup>3639</sup>

848. By July 1995, “almost no civilians” used Sniper Alley, which was the city’s main east-west thoroughfare.<sup>3640</sup> The unabated “harassment of the civilian population”

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<sup>3631</sup> [REDACTED].

<sup>3632</sup> [REDACTED].

<sup>3633</sup> [REDACTED].

<sup>3634</sup> AF2115; AF2159; VANDERWEIJDEN:P01130, pp.43-44,58,63(confidential); POPARIĆ:T.40776; RM112:P01949, T.828-829(confidential); FRASER:P00576, paras.66,80(confidential); MIKOVIĆ:T.5958-5961,T.5965; ŠABANIĆ:P01913, p.12.

<sup>3635</sup> VANDERWEIJDEN:P01130, p.58(confidential); [REDACTED].

<sup>3636</sup> RM112:P01948, pp.6,13(confidential); RM112:P01949, T.824-825(confidential); MIKOVIĆ:T.5958.

<sup>3637</sup> MIKOVIĆ:T.5959.

<sup>3638</sup> MIKOVIĆ:T.5960-61.

<sup>3639</sup> RM112:P01948: p.13(confidential).

<sup>3640</sup> P06620, p.2.

by constant sniping contributed to a general atmosphere of terror in the city of Sarajevo.<sup>3641</sup>

c. Scheduled Incident F11 – 8 October 1994

849. On 8 October 1994, on a sunny day with good visibility,<sup>3642</sup> Alma ĆUTUNA was hit by sniper-fire while travelling on an eastbound tram along Zmaja od Bosne street with her husband.<sup>3643</sup> ĆUTUNA and her husband took the tram because a ceasefire was in place.<sup>3644</sup> The tram was so crowded that they had to let two trams pass before one arrived with enough room for them to board.<sup>3645</sup>

850. At around 12:00-12:10 p.m., as the tram was passing the area between the Museum and the Faculty of Philosophy and slowed down to manoeuvre around the S-curve in the tracks,<sup>3646</sup> it was shot with a burst of machine-gun fire<sup>3647</sup> near the intersection of Franje Račkog and Zmaja od Bosne streets, near the Holiday Inn.<sup>3648</sup> As a result, ĆUTUNA was wounded on the left side of her head and in the groin area of her right leg.<sup>3649</sup> [REDACTED].<sup>3650</sup> [REDACTED].<sup>3651</sup>

851. Just before and after ĆUTUNA's tram was shot,<sup>3652</sup> additional bursts of machine-gun fire were opened from the south on another tram<sup>3653</sup> and on pedestrians as they ran for cover behind an UNPROFOR APC parked in the line of fire between the tram tracks and SRK positions.<sup>3654</sup> These three sniping incidents resulted in one dead<sup>3655</sup> and eleven wounded civilians.<sup>3656</sup>

<sup>3641</sup> P06620, p.2.

<sup>3642</sup> AF2302; [REDACTED].

<sup>3643</sup> AF2304; [REDACTED]; [REDACTED]; P00493, pp.2-4(confidential).

<sup>3644</sup> [REDACTED].

<sup>3645</sup> [REDACTED]; [REDACTED].

<sup>3646</sup> [REDACTED]; [REDACTED]; P00493, p.2(confidential). As the tram was moving when it was shot, the precise location of the incident could only be approximated. MEĐEDOVIĆ:P03165, p.3.

<sup>3647</sup> [REDACTED]; P00493, p.2(confidential); P00613/D01334(partial duplicates) .

<sup>3648</sup> [REDACTED]; P01950; VANDERWEIJDEN:P01130, pp.42-46(confidential); P00493, p.2(confidential). See P00003, pp.8,23; P02381, p.2; P02394; D00096.

<sup>3649</sup> [REDACTED]; [REDACTED]; P01952(confidential).

<sup>3650</sup> [REDACTED].

<sup>3651</sup> [REDACTED].

<sup>3652</sup> AF2297; AF2299-AF2300; P00670, pp.2,5-6; P00493, p.2(confidential).

<sup>3653</sup> P00958; P00977; SULJIĆ:T.8722-8724;P00613/D01334(partial duplicates).

<sup>3654</sup> P00670, pp.2,5-6; P00493, p.2(confidential); P00613/D01334(partial duplicates).

<sup>3655</sup> Nedžad HADŽIBAJRIĆ, born 16 November 1953 in Sarajevo, was killed in this incident. P01088, pp.1-2; P00493, pp.1,3(confidential); SULJIĆ:T.8713; P00958,p.1.

852. ĆUTUNA was wearing normal civilian clothes, a red and black blouse and blue jeans.<sup>3657</sup> The tram was not being used by the Bosnian military.<sup>3658</sup> There were no military institutions or equipment in the vicinity of the incident's location and the closest military installation was the Maršal Tito Barracks, some two tram stops away.<sup>3659</sup> There was an UNPROFOR APC sitting between the Museum and Faculty of Philosophy.<sup>3660</sup> There was no apparent active military combat going on at the time of the sniper attack.<sup>3661</sup>

853. [REDACTED].<sup>3662</sup> CSB Sarajevo investigated Scheduled Sniping Incident F11<sup>3663</sup> and determined that the shots came from the Metalka building.<sup>3664</sup> Similarly, VANDERWEIJDEN also concluded that the fire that struck the tram at the intersection of Franje Račkog and Zmaja od Bosne streets originated from the Metalka building,<sup>3665</sup> which offered a clear view towards the tram lines.<sup>3666</sup>

854. UNPROFOR also investigated F11, as well as the two other sniping incidents that occurred around the same time, and concluded that all three incidents occurred at the intersection of Đure Daničića and Zmaja od Bosne streets, between the Faculty of Philosophy and the Executive Council building, as witnessed by the UNPROFOR personnel.<sup>3667</sup> This location is one block east of the S-curve,<sup>3668</sup> [REDACTED].<sup>3669</sup> UNPROFOR determined that the shots originated from a group of houses marked 9-14 in the Jewish Cemetery.<sup>3670</sup>

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<sup>3656</sup> P00493, pp.2-3(confidential); AF2300; P00771. See P00712; P00713; P00714; P01088; SULJIĆ:T.8707,T.8713-8721; MANDILOVIĆ:P00679, para.118,item20.

<sup>3657</sup> [REDACTED].

<sup>3658</sup> [REDACTED].

<sup>3659</sup> [REDACTED]; [REDACTED].

<sup>3660</sup> [REDACTED].

<sup>3661</sup> [REDACTED].

<sup>3662</sup> [REDACTED]; [REDACTED].

<sup>3663</sup> SULJIĆ:T.8706-8707; P01088; SULJIĆ:T.8713-8721; P00977; SULJIĆ:T.8722-8724.

<sup>3664</sup> AF2303; P00493, pp.1-2(confidential); [REDACTED]; [REDACTED]; P01951; P00613/D01334(partial duplicates).

<sup>3665</sup> VANDERWEIJDEN:P01130, pp.42-46(confidential); P00678.

<sup>3666</sup> VANDERWEIJDEN:P01130, p.42(confidential); P00678; VANDERWEIJDEN:T.6617-6618.

<sup>3667</sup> P00670, pp.2-3,6-7(Fre, p.5).

<sup>3668</sup> VANDERWEIJDEN:P01130, pp.46-49(confidential). Spot 2 is the intersection of Franje Račkog and Zmaja od Bosne streets. Spot 1 is the intersection of Đure Daničića and Zmaja od Bosne streets.

<sup>3669</sup> [REDACTED]; [REDACTED]; P00493, pp.1-2(confidential).

<sup>3670</sup> P00670, pp.2-3,6-7(Fre, p.5).

855. The difference in VANDERWEIJDEN's finding on the origin of fire and UNPROFOR's finding result from their differing determinations of the location where the tram had been hit. However, VANDERWEIJDEN agrees that if the tram was hit at the intersection of Đure Daničića and Zmaja od Bosne streets, then the fire would have originated from the Jewish Cemetery.<sup>3671</sup> VANDERWEIJDEN reconciled the difference between his findings and those of UNPROFOR by explaining the possibility that the shootings took place at both intersections while the tram was moving from west to east.<sup>3672</sup> Therefore, the tram could have been shot from both the Metalka building and the Jewish Cemetery.<sup>3673</sup>

856. Generals ROSE and GOBILLARD visited the site of the incident during the UNPROFOR investigation on the date of F11.<sup>3674</sup> On 9 October 1994, ROSE sent a letter to KARADŽIĆ, with a copy to **MLADIĆ**, protesting the sniping "in the strongest possible terms."<sup>3675</sup> In a meeting with **MLADIĆ** in Jahorina on the following day, ROSE condemned the VRS for this incident.<sup>3676</sup> **MLADIĆ** denied any VRS involvement and claimed that the shots came from the Holiday Inn in ABiH territory.<sup>3677</sup> VANDERWEIJDEN excluded this location as the possible origin of fire on tactical assumptions because the Holiday Inn was a well-known location for international press which would have noted fire by the ABiH on trams approximately 30 metres away.<sup>3678</sup>

857. Since multiple victims were shot during this incident and one victim remembered hearing bursts of fire, automatic fire was most likely used to shoot at the tram.<sup>3679</sup> Machine-guns are more effective against moving targets, such as trams that are only temporarily visible.<sup>3680</sup> The weapons used would have been either an M84 machine-gun in 7.62mm x 54Rmm calibre (known as "death sower" or "sower of

<sup>3671</sup> VANDERWEIJDEN:P01130, p.48(confidential).

<sup>3672</sup> VANDERWEIJDEN P01130, pp.48-49(confidential); VANDERWEIJDEN:T.6475-6477.

<sup>3673</sup> VANDERWEIJDEN:P01130, pp.48-49(confidential); VANDERWEIJDEN:T.6475-6477. The locations of the Metalka Building and the Jewish Cemetery are both consistent with the reference to fire originating from Grbavica in the CSB Report, P00493(confidential).

<sup>3674</sup> [REDACTED]; P00670, p.6; P00784; ROSE:P00736, para.156; P00771.

<sup>3675</sup> P00590; FRASER:P00576, para.143(confidential).

<sup>3676</sup> P00016, para.5; ROSE:P00736, para.155; HARLAND:P00001, para.143.

<sup>3677</sup> P00016, para.5.

<sup>3678</sup> VANDERWEIJDEN:T.6588.

<sup>3679</sup> VANDERWEIJDEN:P01130, p.40(confidential).

<sup>3680</sup> VANDERWEIJDEN:P01130, p.40(confidential).

death”),<sup>3681</sup> or a Mauser M53 machine-gun in 7.92mm x 57mm Mauser calibre, mounted on a bipod or tripod,<sup>3682</sup> consistent with the weaponry possessed by 1<sup>st</sup> Smb.<sup>3683</sup>

858. POPARIĆ’s conclusion that both trams were shot from the Executive Council building is based on unreasonable speculations and unsupported by the evidence, and should therefore be disregarded.<sup>3684</sup> His findings largely were based on the shape of dust clouds formed by bullets hitting the ground around the victims seen on a video footage of the scene taken after the incident.<sup>3685</sup> POPARIĆ admitted that his theory on the dust clouds was not based on any accepted scientific methods or published studies.<sup>3686</sup>

859. Additionally, POPARIĆ’s findings were based on a speculative analysis of video footage concerning the glass on the ground near a tram<sup>3687</sup> and a gesture made by an UNPROFOR soldier.<sup>3688</sup> His analysis of the glass is unreliable because it ignored the reasonable explanation that the glass resulted from the evacuation after the incident,<sup>3689</sup> as evidenced by witnesses on which he otherwise relied.<sup>3690</sup> POPARIĆ’s analysis of the UNPROFOR soldier takes a video without audio out of context<sup>3691</sup> and purposely ignores all available UNPROFOR forensic evidence, which concludes that the shot came from SRK territory at a low angle of descent in relation to the traces on the tram and the traces on the ground.<sup>3692</sup>

d. Sniping Incident F12 – 18 November 1994

<sup>3681</sup> P00493, p.2(confidential); RM110:T.4891-4892.

<sup>3682</sup> VANDERWEIJDEN: P01130, p.40(confidential)

<sup>3683</sup> P00672; P00675; D00545; P06624; P06625; P06626; P06627; P00918; RM141:P02624, paras.93-94(confidential); P06820.

<sup>3684</sup> POPARIĆ:D01330, pp.188-210(confidential). See POPARIĆ:T.40803-40805,T.40496-40497,T.40510-40512.

<sup>3685</sup> POPARIĆ:D01330, pp.196-198,fig.143(confidential).

<sup>3686</sup> POPARIĆ:T.40803-40805.

<sup>3687</sup> POPARIĆ:D01330, pp.192-194,figs.140,141(confidential). POPARIĆ’s analysis of footage of the broken glass was speculative and ignored the reasonable explanation that the glass resulted from the evacuation after the incident. POPARIĆ:T.40502-40505.

<sup>3688</sup> POPARIĆ:D01330, pp.204-205,fig.149(confidential).

<sup>3689</sup> POPARIĆ:T.40805-40808.

<sup>3690</sup> POPARIĆ:D01330, pp.190-192,fn.342(confidential).

<sup>3691</sup> POPARIĆ:T.40814-40815.

<sup>3692</sup> POPARIĆ:T.40814-40815. See P00670, p.6; RM120:P00807, pp.59-60(confidential); P00784; ROSE:P00736, para.156; P00771.

860. On 18 November 1994, Dženana SOKOLOVIĆ was walking east along Zmaja od Bosne with her daughter and seven-year-old son,<sup>3693</sup> Nermin DIVOVIĆ.<sup>3694</sup> They took this road because a cease-fire was in place, and there were other people on the road.<sup>3695</sup> SOKOLOVIĆ was carrying a bundle of wood.<sup>3696</sup> At the intersection of Franje Račkog and Zmaja od Bosne Streets, a single shot struck both SOKOLOVIĆ and DIVOVIĆ.<sup>3697</sup> The bullet tore through SOKOLOVIĆ's abdomen from the right, exited her body on the left<sup>3698</sup> and struck her son in the head,<sup>3699</sup> entering on the right side of his head and exiting, killing him instantly.<sup>3700</sup> Panic ensued and SOKOLOVIĆ and her daughter were immediately taken to the hospital by the GOFRS who were at the scene.<sup>3701</sup> SOKOLOVIĆ underwent surgery and was hospitalized for several days.<sup>3702</sup> She was unable to attend her son's funeral.<sup>3703</sup> SOKOLOVIĆ continues to take painkillers.<sup>3704</sup> Since being shot, she has been unable to hold a full time job, and supports her family through her children's allowance.<sup>3705</sup>

861. The shot came from the Metalka building,<sup>3706</sup> which has a clear line of sight to the location of the incident.<sup>3707</sup> VANDERWEIJDEN determined that the shooter would have been 312 metres away from the incident.<sup>3708</sup> At the time of the incident, no combat action or passage of ABiH military formations were reported in the area of the cross-roads or its surroundings.<sup>3709</sup> SOKOLOVIĆ and her children were deliberately attacked, as the shooter could have seen them with the naked eye at this

<sup>3693</sup> P00951, pp.5,10; D.SOKOLOVIĆ:P01909, p.5; D.SOKOLOVIĆ:P01910, T.774; P01912; NAKAŠ:P00941, para.88(confidential).

<sup>3694</sup> P00951, p.4.

<sup>3695</sup> D.SOKOLOVIĆ:P01909, p.5.

<sup>3696</sup> D.SOKOLOVIĆ:P01909, p.5.

<sup>3697</sup> P00951, pp.1,4,11-12; P00003, pp.8,23,25; P00136; P00671; HOGAN:T.17539-17543. *See also* P02381, p.2; P02395; VANDERWEIJDEN:P01130, p.52-53(confidential); VANDERWEIJDEN:T.6478-6481.

<sup>3698</sup> AF2317; D.SOKOLOVIĆ:P01909, p.5; BEŠLIĆ:P02609, pp.4-5; BEŠLIĆ:P02610, T.4419,T.4421-4423,T.4435-4436; P00951, p.5-7. *See* P00950, items9,10(confidential); NAKAŠ:P00941, paras.87,90(confidential).

<sup>3699</sup> AF2317; P00951, p.9; P01911; P00671. *See* P06478; NAKAŠ:P00950, items9,10(confidential); NAKAŠ:P00941, paras.87,90(confidential).

<sup>3700</sup> P06478; P00951, pp.2,9-11; D.SOKOLOVIĆ:P01909, p.5.

<sup>3701</sup> D.SOKOLOVIĆ:P01909, p.5; JORDAN:T.1777-1779; P00136.

<sup>3702</sup> D.SOKOLOVIĆ:P01909, p.5; D.SOKOLOVIĆ:P01910, T.780.

<sup>3703</sup> D.SOKOLOVIĆ:P01909, p.5.

<sup>3704</sup> D.SOKOLOVIĆ:P01909, p.5.

<sup>3705</sup> D.SOKOLOVIĆ:P01910, T.780.

<sup>3706</sup> P00951, pp.1,10-11; VANDERWEIJDEN:P01130, pp.52-53(confidential); VANDERWEIJDEN:T.6478-6481.

<sup>3707</sup> HOGAN:T.17539-17543; P02401; VANDERWEIJDEN:P01130, pp.52-53(confidential); VANDERWEIJDEN:T.6478-6481.

<sup>3708</sup> VANDERWEIJDEN:P01130, p.51(confidential).

distance and would have undoubtedly known that they were civilians given that SOKOLOVIĆ was a woman carrying wood while walking with two small children.<sup>3710</sup> VANDERWEIJDEN concluded that, either a machine gun or a semi-automatic sniper rifle was used in this incident.<sup>3711</sup> Both weapons use the same calibre bullets of 7,62mm x 54R and are both capable of hitting targets up to 800m.<sup>3712</sup>

862. POPARIĆ made imprecise claims concerning the location of the incident<sup>3713</sup> and speculated on the forensic pathology analysis of the victims' wounds,<sup>3714</sup> which is outside the realm of his expertise. Accordingly, his findings on F12 should be disregarded. When confronted with evidence from F12, POPARIĆ conceded that SOKOLOVIĆ and DIVOVIĆ would have been visible with the naked eye as civilians and could have been shot by a shooter in the Metalka building.<sup>3715</sup>

e. Sniping Incident F13 – 23 November 1994

863. On the afternoon of 23 November 1994, a cold day with clear visibility,<sup>3716</sup> a crowded westbound tram on Zmaja od Bosne was fired upon from SRK positions in Grbavica.<sup>3717</sup> The tram was struck in the area immediately west of the S-curve.<sup>3718</sup> There was panic throughout the tram and the passengers lay down on the floor of the tram.<sup>3719</sup> A bullet entered the tram through the left, south-facing side<sup>3720</sup> and fragmented,<sup>3721</sup> striking both Afeza KARAČIĆ and Sabina ŠABANIĆ in their right shoulders.<sup>3722</sup> ŠABANIĆ suffered debilitating injuries.<sup>3723</sup>

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<sup>3709</sup> P00951, pp.2,11; D.SOKOLOVIĆ:P01909, p.5.

<sup>3710</sup> VANDERWEIJDEN:P01130, p.54(confidential).

<sup>3711</sup> VANDERWEIJDEN:P01130, p.51(confidential).

<sup>3712</sup> VANDERWEIJDEN:P01130, p.51(confidential).

<sup>3713</sup> POPARIĆ:T.40519-40523. *See* POPARIĆ:T.40826-40827.

<sup>3714</sup> POPARIĆ:T.40529-40530.

<sup>3715</sup> POPARIĆ:T.40829-40830.

<sup>3716</sup> ŠABANIĆ:P01913, p.12.

<sup>3717</sup> AF2335; SABLJICA:P00855, p.69; P00614, p.1; P00619, p.2; P00618, p.1; ŠABANIĆ:P01913, pp.5,7,12; P01915; ŠABANIĆ:P01914, T.1449; VANDERWEIJDEN:P01130, p.56(confidential); D01336.

<sup>3718</sup> AF2334; P01915; P00614, p.1; P00003, pp.8,23,25; P02396; HOGAN:T.17543-17545.

<sup>3719</sup> ŠABANIĆ:P01913, p.5.

<sup>3720</sup> P00614, p.1; P00619, p.2; P00617, p.1; P00618, p.1.

<sup>3721</sup> P00614, p.1; P00619, p.2; P00618, p.1.

<sup>3722</sup> AF2336; P00614, p.2; ŠABANIĆ:P01913, pp.5,7,12; ŠABANIĆ: P01914, T.1450.

<sup>3723</sup> ŠABANIĆ:P01913, pp.5,7; P00614, p.2; P00619, p.2. *See* P00685; P00686; NAKAŠ:P00941, paras.87,90(confidential); D01336.

864. The fire came from either the high-rise buildings on Lenjinova Street<sup>3724</sup> or the Metalka Building.<sup>3725</sup> Since multiple victims were shot during this incident, machine-guns were most likely used,<sup>3726</sup> as they are more effective against moving targets such as trams, which are only temporarily visible.<sup>3727</sup> The weapons used would have been either an M84 machine-gun in 7.62mm x 54Rmm calibre (also known as “death sower” or “sower of death”),<sup>3728</sup> or an M53 machine-gun in 7.92mm x 57mm Mauser calibre, mounted on a bipod or tripod,<sup>3729</sup> consistent with the weaponry possessed by 1<sup>st</sup> Smbr.<sup>3730</sup>

865. POPARIĆ’s finding that the shot had come from the Executive Council building or the ABiH positions on Golo Brdo<sup>3731</sup> is speculative and unsupported by the evidence. POPARIĆ’s hollow conjecture about the high angle of the incoming fire originating from these locations is based on the injuries of the victims<sup>3732</sup> (without knowledge of their entry or exit wounds or the orientation of their arms)<sup>3733</sup> and beyond the scope of his expertise.<sup>3734</sup> His findings for F13 should thus be disregarded. Otherwise, POPARIĆ conceded that the shot could have come from the high-rise buildings on Lenjinova Street if F13 took place at the location indicated by ŠABANIĆ and PALO, the tram driver.<sup>3735</sup>

f. Sniping Incident F15 – 3 March 1995

866. On 3 March 1995, GIČEVIĆ left his apartment in Čengić Vila, where his family had been targeted by snipers on 10-15 occasions,<sup>3736</sup> and boarded a tram headed toward Bašćaršija.<sup>3737</sup> Around noon, the crowded eastbound tram<sup>3738</sup> was fired

<sup>3724</sup> AF2335; P00619, p.2; ŠABANIĆ:P01913, p.12; P01915; D01336.

<sup>3725</sup> AF2335; P00614, p.1; VANDERWEIJDEN:P01130, pp.55-57(confidential).

<sup>3726</sup> VANDERWEIJDEN:P01130, p.56(confidential).

<sup>3727</sup> VANDERWEIJDEN:P01130, p.56(confidential).

<sup>3728</sup> SABLJICA:T.8186-8188; P00493, p.2; RM110:T.4891-4892.

<sup>3729</sup> VANDERWEIJDEN:P01130, p.56(confidential).

<sup>3730</sup> P00672; D00545; P06624; P06625; P06626; P06627; P00918; P00675; RM141:P02624, paras.93-94(confidential).

<sup>3731</sup> POPARIĆ:D01330, pp.225-234(confidential).

<sup>3732</sup> POPARIĆ:D01330, pp.225-234(confidential); POPARIĆ:T.40541-40542. See POPARIĆ:T.40822-40827.

<sup>3733</sup> POPARIĆ:T.40828.

<sup>3734</sup> POPARIĆ:T.40828-40829.

<sup>3735</sup> POPARIĆ:D01330, p.229(confidential); POPARIĆ:T.40822-40827,T.40541-40542. See ŠABANIĆ:P01913, pp.5,7,12,17; ŠABANIĆ:P01914, T.1449; P01915; D01336.

<sup>3736</sup> GIČEVIĆ:P01935, p.8.

<sup>3737</sup> GIČEVIĆ:P01935, p.4; P00612, p.2.

<sup>3738</sup> GIČEVIĆ:P01935, p.4.

upon<sup>3739</sup> just before the S-curve in the tram tracks.<sup>3740</sup> Multiple bullets<sup>3741</sup> struck the tram on the right, south facing-side, hitting it at an angle nearly parallel to the ground.<sup>3742</sup> The passengers threw themselves on the floor, and there was panic.<sup>3743</sup> The tram moved forward and came to a stop at the Marijin Dvor station, where the tram could be sheltered from possible additional fire.<sup>3744</sup> GIČEVIĆ and Azem AGOVIĆ were wounded in the attack,<sup>3745</sup> which left GIČEVIĆ struggling with long term physical and psychological effects.<sup>3746</sup>

867. An exchange of fire between UNPROFOR and the SRK took place shortly after the shooting of the tram, which resulted in the injury of a French UNPROFOR soldier.<sup>3747</sup> F15 was the second sniping in the same week to cause the trams to stop.<sup>3748</sup> There were no military institutions, military vehicles or any other military equipment near the site of the incident, except for the Marshal Tito Barracks, where UNPROFOR was based, which was approximately 400-500 metres away.<sup>3749</sup>

868. The bullets were fired from Serb-controlled Grbavica.<sup>3750</sup> VANDERWEIJDEN ruled out the Jewish Cemetery as a source of fire because the intersection fired upon is not visible from the Jewish Cemetery.<sup>3751</sup> He concluded that the shot came from the Metalka building, which offers an unobstructed view towards the incident site approximately 312 metres away.<sup>3752</sup> At this distance, the shooter would have known that the victims were civilians.<sup>3753</sup>

<sup>3739</sup> P03167, pp.2,4.

<sup>3740</sup> GIČEVIĆ:P01937, T.7667; GIČEVIĆ:P01935, pp.4,9; GIČEVIĆ:P01936, T.800-802; P01939; P03167, p.4; P00612, pp.5; MEĐEDOVIĆ:P03165, p.3. See P00003, pp.8,23; P02381, p.2; P02397.

<sup>3741</sup> AF2352; GIČEVIĆ:P01935, p.5.

<sup>3742</sup> P00612, pp.7,9,22-23; P00612, pp.11-18 (BCS); MIOKOVIĆ:T.6023-6025; D00109; P03167, p.2.

<sup>3743</sup> GIČEVIĆ:P01935, pp.4,9.

<sup>3744</sup> P00612, pp.2,24.

<sup>3745</sup> AF2345; AF2352. See P00612, pp.20-21,28-29,31-32; P01938; P00954; NAKAŠ:P00941, paras.87,90,92,items17,93A(confidential). See P03167, pp.2,4.

<sup>3746</sup> GIČEVIĆ:P01937, T.7614.

<sup>3747</sup> P00612, pp.2-8,25.

<sup>3748</sup> P00878, p.3; BANBURY:P00874, para.91.

<sup>3749</sup> GIČEVIĆ:P01935, p.9; GIČEVIĆ:P01936, T.801-802; P01939.

<sup>3750</sup> AF2351; P00612, pp.2,4-5,7,9,18,22-23; GIČEVIĆ:P01935, pp.4-5,9; VANDERWEIJDEN:P01130, pp.61-62(confidential). See P02397; P02401; HOGAN:17540-17543.

<sup>3751</sup> VANDERWEIJDEN:P01130, p.61(confidential)

<sup>3752</sup> VANDERWEIJDEN:P01130, pp.61-62(confidential).

<sup>3753</sup> AF2353.

869. Both machine-guns and sniper rifles could have been used in this incident.<sup>3754</sup> The most likely machine-guns used were the M84 or M53 in 7,62 x 54Rmm calibre, bipod or tripod mounted.<sup>3755</sup> The most likely sniper rifles used were the M76 (7.92 x 57Mauser, 7.62 x 54R or 7.62 x 51mm calibre)<sup>3756</sup> or M91 (7.62 x 54R calibre)<sup>3757</sup> semiautomatic sniper rifles.<sup>3758</sup> Any one of these weapons and ammunition could have been used in this incident, and they were all in the possession of the 1<sup>st</sup> Smbr.<sup>3759</sup>

870. Defence expert POPARIĆ's finding that the shot had come from ABiH territory should be dismissed as it is unsupported by the evidence. POPARIĆ largely based his findings on guesswork concerning AGOVIĆ's sitting position in the tram<sup>3760</sup> and an incomplete analysis of other shots responding to Serb positions immediately following the sniping.<sup>3761</sup> His findings for incident F15 should thus be disregarded.

(ii) Sniping of Civilians in Dobrinja (Scheduled Incident F3)

871. On 11 July 1993, an SRK sniper positioned in the area of the Orthodox Church<sup>3762</sup> shot and killed<sup>3763</sup> Munira ZAMETICA as she was collecting water in the residential settlement of Dobrinja.<sup>3764</sup> This incident was part of a regular pattern of SRK sniping and shelling at civilians in Dobrinja.<sup>3765</sup>

872. Throughout the war, residents of Dobrinja were subjected to heavy SRK sniper fire and lived in constant fear of being shot.<sup>3766</sup> One Dobrinja police officer conducted more than 200 forensic investigations of shelling and sniping incidents, all of which involved civilian victims.<sup>3767</sup> SRK snipers targeted civilians, including

<sup>3754</sup> VANDERWEIJDEN:P01130, p.60(confidential).

<sup>3755</sup> VANDERWEIJDEN:P01130, p.60(confidential).

<sup>3756</sup> VANDERWEIJDEN:P01130, p.86(confidential).

<sup>3757</sup> VANDERWEIJDEN:P01130, p.86(confidential).

<sup>3758</sup> VANDERWEIJDEN:P01130, p.60(confidential).

<sup>3759</sup> P00672; D00545; P06624; P06625; P06626; P06627; P00918; P00675; RM141:P02624, paras.93-94(confidential).

<sup>3760</sup> POPARIĆ:D01330, pp.240-242(confidential); POPARIĆ:T.40819-40821.

<sup>3761</sup> POPARIĆ:T.40821-40822.

<sup>3762</sup> AF2233; P00973, pp.2-3; ŠAHINOVIC:P01904, p.5; P01907; P01908; HOGAN:T.17506-17508; P00003, p.14; VANDERWEIJDEN:P01130, p.20(confidential); VANDERWEIJDEN:T.6488.

<sup>3763</sup> AF2227; P00973, pp.2-3.

<sup>3764</sup> AF2238; AF1966. See P00003, pp.6,8; P01907.

<sup>3765</sup> See Sections IV.E.6(b)(iii)-IV.E.6(b)(iv).

<sup>3766</sup> SOKOLAR:P00567, para.15; GAVRANOVIĆ:P03102, T.6716,T.6718; HAJIR:P02616, para.12; ROSE:P00736, para.51.

<sup>3767</sup> SOKOLAR:P00568, para.27.

women<sup>3768</sup> and the elderly<sup>3769</sup> in the streets, and civilians in their own homes.<sup>3770</sup> Children as young as four were taught to stay out of the limits of the Serb field of fire.<sup>3771</sup> This constant vulnerability to sniper fire was further aggravated by interruptions to the water supply which forced Dobrinja's residents into the open to line up for water<sup>3772</sup> where they were shelled and sniped.<sup>3773</sup> One source of water was the Dobrinja River, but it was very dangerous because there was a sniper who appeared to have a "good view of the whole river."<sup>3774</sup> This sniper would sometimes fire throughout the day; as a result, many people were injured and killed.<sup>3775</sup>

873. The only road connecting Dobrinja to the rest of the city was constantly exposed to sniper fire.<sup>3776</sup> Likewise, the SRK fired at anyone attempting to leave Dobrinja and the city by crossing the airport.<sup>3777</sup> Because Dobrinja was hard to access from Sarajevo proper, a provisional hospital was set up in a local dispensary with several doctors.<sup>3778</sup> Medical staff at the hospital were killed and wounded by sniper fire as they were coming to and from work.<sup>3779</sup> Snipers regularly targeted ambulances transporting patients in Dobrinja, injuring or killing several drivers.<sup>3780</sup> An SRK soldier positioned in Dobrinja told General ROSE that if he saw any children, he would "undoubtedly shoot them" as it was better to "kill them now" than let them grow up to be Muslims.<sup>3781</sup>

874. SRK snipers shot at civilians of Dobrinja from several notorious locations, including Nedžarići, the Faculty of Theology,<sup>3782</sup> the Ikića Kuće settlement, and the Vasilije Ostroški<sup>3783</sup> Orthodox Church in Veljine.<sup>3784</sup>

<sup>3768</sup> AF2733-AF2734; AF2738; DZEVLAN:D01341; POPARIĆ:T.40625-40626.

<sup>3769</sup> SOKOLAR:P00567, para.11; SOKOLAR:T.5626-5627.

<sup>3770</sup> AF2826-AF2828; SOKOLAR:P00567, paras.2-5.

<sup>3771</sup> ROSE:P00736, para.51.

<sup>3772</sup> ŠAHINOVIĆ:P01904, p.5; HAJIR:P02616, para.48; TASLAMAN:P01050, p.2; P06765, p.1(confidential); GRM246: T.25862-25863(confidential). *See* Section IV.E.7.

<sup>3773</sup> AF2238; HAJIR:P02616, para.48.

<sup>3774</sup> ŠAHINOVIĆ:P01905, T.3414-3416.

<sup>3775</sup> ŠAHINOVIĆ:P01905, T.3416.

<sup>3776</sup> AF1966; KUPUSOVIĆ:P02468, T.658; HAJIR:P02616, paras.7-9,12; BOWEN:P02515, para.44.

<sup>3777</sup> E.HAFIZOVIĆ:P02455, paras.33-34. *See* P00555.

<sup>3778</sup> KUPUSOVIĆ:P02468, T.664-665.

<sup>3779</sup> HAJIR:P02616, para.45.

<sup>3780</sup> HAJIR:P02616, para.47.

<sup>3781</sup> ROSE:P00736, para.52.

<sup>3782</sup> THOMAS:P00503, para.65; P07829; SLADOJE:T.21076; P06508. *See* GUZINA:T.22531; GUZINA:D00514, para.38(confidential).

<sup>3783</sup> TRAPARA:T.21151.

875. On 11 July 1993, snipers had been firing throughout the day into Dobrinja from the direction of the Orthodox church and a nearby building<sup>3785</sup> in SRK-held territory.<sup>3786</sup> That afternoon, Munira ZAMETICA, a 48 year-old woman, was deliberately shot and killed<sup>3787</sup> by fire from SRK-held territory as she was collecting water from the Dobrinja River.<sup>3788</sup>

876. Sniper fire could be heard even as ZAMETICA and her neighbour Sadija ŠAHINOVIĆ headed towards the river to collect water.<sup>3789</sup> When ŠAHINOVIĆ arrived at the river, there were six or seven civilians sheltering below a bridge, not daring to venture out from that position to collect water.<sup>3790</sup> These persons told ŠAHINOVIĆ they had already seen bullets hitting the river.<sup>3791</sup> After several minutes of discussing how to go about collecting the water, ŠAHINOVIĆ's neighbours began going out with their bucket one after another.<sup>3792</sup> ZAMETICA was the third to go.<sup>3793</sup>

877. ZAMETICA was shot twice, and fell in the river.<sup>3794</sup> The shooters repeatedly fired toward her, preventing rescuers from approaching.<sup>3795</sup> ŠAHINOVIĆ started screaming and moved to help, but was pulled back and told "you too, will get killed because you're in the sights."<sup>3796</sup> Passing ABiH soldiers<sup>3797</sup> enabled the recovery of ZAMETICA's body by returning covering fire at the church, further confirming the source of sniper fire.<sup>3798</sup> Munira ZAMETICA's unconscious body was pulled out of the water and taken to the hospital; she was pronounced dead later that afternoon.<sup>3799</sup>

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<sup>3784</sup> AF2230; AF2134; SOKOLAR:P00568, para.29; ŠAHINOVIĆ:P01904, p.5; P02389, p.2; POPARIĆ:T.40833; THOMAS:P00503, paras.64-65.

<sup>3785</sup> ŠAHINOVIĆ:P01905, T.3436; ŠAHINOVIĆ:P01904, p.5.

<sup>3786</sup> AF2233-AF2134; TRAPARA:T.21151-21153; ŠAHINOVIĆ:P01905, T.3418,T.3434,T.3436; ŠAHINOVIĆ:P01904, p.5.

<sup>3787</sup> AF2227; P00973, pp.2-3.

<sup>3788</sup> AF2238; AF2233; P00973, p.2-3; ŠAHINOVIĆ:P01904, p.5; P00003, pp.6,8; P01907; P01908; HOGAN:T.17506-17508; P00003, p.14; VANDERWEIJDEN:P01130, p.20(confidential); VANDERWEIJDEN:T.6488. See Section IV.E.7.

<sup>3789</sup> ŠAHINOVIĆ:P01904, p.5; ŠAHINOVIĆ:P01905, T.3416-3417.

<sup>3790</sup> ŠAHINOVIĆ:P01904, p.5; ŠAHINOVIĆ:P01905, T.3417.

<sup>3791</sup> ŠAHINOVIĆ:P01904, p. 5.

<sup>3792</sup> ŠAHINOVIĆ:P01905, T.3417.

<sup>3793</sup> See ŠAHINOVIĆ:P01905, T.3417.

<sup>3794</sup> ŠAHINOVIĆ:P01904, pp.5,7; P00973, pp.2-3.

<sup>3795</sup> AF2237.

<sup>3796</sup> ŠAHINOVIĆ:P01905, T.3418.

<sup>3797</sup> ŠAHINOVIĆ:P01905, T.3453.

<sup>3798</sup> ŠAHINOVIĆ:P01905, T.3418,T.3434,T.3453.

<sup>3799</sup> ŠAHINOVIĆ:P01905, T.3418; P00973, pp.2-5.

878. The Orthodox Church had a clear and unobstructed line-of-sight to ZAMETICA's location<sup>3800</sup> approximately 1104 metres away.<sup>3801</sup> The Church was located in the zone of responsibility of the 1<sup>st</sup> Smbr.<sup>3802</sup> The SRK used the church tower as an observation post and sniper nest.<sup>3803</sup> The 1<sup>st</sup> Smbr possessed sniper rifles, optical equipment and silencers for sniper rifles,<sup>3804</sup> as well as designated snipers.<sup>3805</sup> Zametica's shooters likely used M76 or M91 semiautomatic sniper rifles of a calibre no greater than 7.92mm,<sup>3806</sup> consistent with weaponry possessed by the 1<sup>st</sup> Smbr.<sup>3807</sup>

879. Defence expert POPARIĆ conceded that there was a line of sight between the Orthodox Church and the site of Scheduled Incident F3<sup>3808</sup> and that the types of weapons possessed by SRK members position in the Orthodox church could have been used to kill ZAMETICA.<sup>3809</sup> His assertion that this incident resulted from an exchange of fire<sup>3810</sup> is entirely speculative and contrary to the evidence of deliberate sniping toward the river all day, particularly only shortly before the killing of ZAMETICA.<sup>3811</sup> The only relevant return of fire occurred when passing ABiH soldiers appeared after an ambulance's arrival<sup>3812</sup> and fired directly back in the direction of the church from which the Serbs continued to fire<sup>3813</sup> in order to provide cover to permit the retrieval of ZAMETICA's body.<sup>3814</sup>

(iii) Sniping of Civilians in Vojničko Polje and Alipašino Polje (Scheduled Incident F9)

880. On 26 June 1994, an SRK sniper positioned at the School for the Blind in Nedžarići shot and wounded 16-year-old Sanela MURATOVIĆ in Vojničko Polje as

<sup>3800</sup> AF2231; P01907; P01908; HOGAN:T.17506-17508; P00003, pp.12-14; VANDERWEIJDEN:P01130, pp.19-20(confidential); ŠAHINOVIĆ:P01904, p.5.

<sup>3801</sup> VANDERWEIJDEN:P01130, pp.18-20(confidential).

<sup>3802</sup> TRAPARA:T.21151-21153.

<sup>3803</sup> [REDACTED]; P04455, p.1; TRAPARA:T.21152-21153; P07608, p.1; P07609; P02390, p.5.

*See also* VANDERWEIJDEN:P01130, p.20(confidential).

<sup>3804</sup> P00675; P00672; TRAPARA:T.21160-21164.

<sup>3805</sup> TRAPARA:T.21165; P06517, p.3.

<sup>3806</sup> VANDERWEIJDEN:P01130, p.18(confidential).

<sup>3807</sup> P00672.

<sup>3808</sup> POPARIĆ:D01330, p.90(confidential).

<sup>3809</sup> POPARIĆ:T.40833-40834.

<sup>3810</sup> POPARIĆ:D01330, p.96(confidential).

<sup>3811</sup> *See* Section IV.E.6(a)(ii), paras.872,876.

<sup>3812</sup> ŠAHINOVIĆ:P01905, T.3453.

<sup>3813</sup> ŠAHINOVIĆ:P01905, T.3418.

<sup>3814</sup> ŠAHINOVIĆ:P01905, T.3434,T.3453.

she walked to a friend's house.<sup>3815</sup> The sniping was part of the recurring attacks of shelling and sniping from Nedžarići—and particularly the School for the Blind—against the civilian residents of Vojničko Polje and Alipašino Polje,<sup>3816</sup> including the sniping murder of 17-year-old Adnan Kasapović while travelling with his friends to celebrate a birthday.<sup>3817</sup>

881. The Ilidža Brigade controlled the Serb-held areas of Nedžarići<sup>3818</sup> and occupied positions in the School for the Blind, an important strategic location overlooking the confrontation line.<sup>3819</sup> The School for the Blind was one of the dominant buildings in the area of Nedžarići,<sup>3820</sup> which was bordered on three sides by ABiH controlled territory.<sup>3821</sup> The School for the Blind complex was composed of three buildings connected in an L-shape, the tallest of which was three or four floors.<sup>3822</sup>

882. The School for the Blind was a notorious source of SRK sniper fire targeting civilians<sup>3823</sup> and “the main threat” of danger to residents in the Vojničko Polje area.<sup>3824</sup> On 11 July 1994, approximately three weeks after Scheduled Incident F9,<sup>3825</sup> an UNMO report documented the sniping of a civilian from the School for the Blind, noting “it may be high[-]lighted that this is the third casualty (all civilians) in the same spot in last few days.”<sup>3826</sup> Two days later, the Ilidža Brigade's 1<sup>st</sup> Battalion commander<sup>3827</sup> admitted to the UN that the SRK had been sniping from the School for the Blind.<sup>3828</sup>

883. On 26 June 1994, between 7 and 7:30 p.m., 16-year-old Sanela MURATOVIĆ was walking with a friend on Đure Jakšića Street (now Adija Mulabegovića

<sup>3815</sup> AF2267; AF2270; MURATOVIĆ:P07601, p.2; OMERović:P01931, p.4; P00003, pp.19-20.

<sup>3816</sup> AF2134; P07603; P07602, p.4; P01077, pp.1-2; P01065, p.5; P00513, p.4. *See* THOMAS:P00503, para.119; P00865, pp.1-3,8-9(confidential); P07600.

<sup>3817</sup> AF2741; AF2752; P07832.

<sup>3818</sup> GUZINA:D00514, para.37(confidential); D00517.

<sup>3819</sup> GUZINA:D00514, para.38(confidential); P06512; SABLJICA:P00855, p.26; P07602, p.4.

<sup>3820</sup> GUZINA:D00514, para.38(confidential).

<sup>3821</sup> AF1959; SABLJICA:T.8106.

<sup>3822</sup> GUZINA:D00514, para.38(confidential); P00003, p.20.

<sup>3823</sup> AF2134; AF2752; P01079, p.4; VANDERWEIJDEN:T.6599; MURATOVIĆ:P07601, p.2; OMERović:P01932, T.3851-3852; OMERović:P01931, p.4; P07603, p.1.

<sup>3824</sup> OMERović:P01931, p.4.

<sup>3825</sup> AF2267; AF2270; MURATOVIĆ:P07601, p.2.

<sup>3826</sup> P01065, p.5. The reference in P1065, p.5 to BP859578 is a reference to the School for the Blind. *See* P01079, p.4.

<sup>3827</sup> *See* GUZINA:T.22528; GUZINA:D00514, para.37(confidential).

<sup>3828</sup> P01079, p.4. *See* THOMAS:P00503, para.120.

Street).<sup>3829</sup> The two had decided to walk to MURATOVIĆ's friend's home to retrieve a book.<sup>3830</sup> As they neared their destination, soldiers shouted to run because sniping had just occurred in the area.<sup>3831</sup>

884. As the two girls passed the corner of a building and moved into the open,<sup>3832</sup> MURATOVIĆ was shot in her right shoulder<sup>3833</sup> from an SRK position in the area of the School for the Blind,<sup>3834</sup> approximately 200 metres away.<sup>3835</sup> The School for the Blind had a direct line of sight to the incident location,<sup>3836</sup> a fact accepted by Defence expert POPARIĆ.<sup>3837</sup> Given the short distance between the shooting position and incident site, and the fact that she was shot in front of a civilian building,<sup>3838</sup> MURATOVIĆ would have been easily identifiable as a civilian.<sup>3839</sup>

885. VANDERWEIJDEN concluded that MURATOVIĆ was shot by an M76, M91, or M48 rifle.<sup>3840</sup> By the time of this incident, the Ilidža Brigade possessed at least 30 sniper rifles, of which 15 were M76 rifles and 15 were M48 rifles.<sup>3841</sup> All of these rifles could be fitted with magnifying options to enhance their uses as sniper rifles.<sup>3842</sup> However, given the close distance, the sniper could have used an ordinary rifle without an optical scope.<sup>3843</sup>

886. POPARIĆ's claim that MURATOVIĆ was hit by a ricocheting bullet is unsupported speculation that should be rejected. POPARIĆ based this conclusion on his observation of "traces on the surrounding buildings,"<sup>3844</sup> but then admitted that those traces provided no information about what happened at the time MURATOVIĆ

<sup>3829</sup> AF2267; OMEROVIĆ:P01931, p.4.

<sup>3830</sup> OMEROVIĆ:P01931, p.4.

<sup>3831</sup> OMEROVIĆ:P01931, p.4.

<sup>3832</sup> VANDERWEIJDEN:P01130, p.36(confidential); VANDERWEIJDEN:T.6595-6596. See P02386; P02054; P02381, p.2; P02393.

<sup>3833</sup> AF2270; AF2277; MURATOVIĆ:P07601, p.2; HAJIR:P02616, para.69; P00707, p.1(confidential); OMEROVIĆ:P01931, p.4; P01934.

<sup>3834</sup> AF2275; AF2283; VANDERWEIJDEN:P01130, pp.35-37(confidential); VANDERWEIJDEN:T.6592-6593; P00003, pp.20-21; OMEROVIĆ:P01931, p.4.

<sup>3835</sup> AF2281; MURATOVIĆ:P07601, p.2; VANDERWEIJDEN:P01130, p.38(confidential).

<sup>3836</sup> VANDERWEIJDEN:P01130, pp.36-37(confidential); P02393; HOGAN:T.17534-17535; P00003, pp.20-21; P07606.

<sup>3837</sup> POPARIĆ:T.40695,T.40705-40706; P07606.

<sup>3838</sup> OMEROVIĆ:P01931, p.4.

<sup>3839</sup> SLADOJE:T.21099-21100

<sup>3840</sup> VANDERWEIJDEN:P01130, p.35(confidential).

<sup>3841</sup> P04532.

<sup>3842</sup> VANDERWEIJDEN:P01130, p.35(confidential).

<sup>3843</sup> SLADOJE:T.21100.

<sup>3844</sup> POPARIĆ:D01330, para.157(confidential).

was shot.<sup>3845</sup> POPARIĆ's claim that no line of sight existed from the School for the Blind to where Adnan KASAPOVIĆ was shot is conjecture based solely upon one photograph and not supported by the investigative materials.<sup>3846</sup>

(iv) Sniping of Civilians in Brijesko Brdo (Scheduled Incident F5)

887. On 2 November 1993, at around 16:00 hours, an SRK sniper positioned in the area of Rajlovac shot and wounded Ramiza KUNDO as she was getting water from a nearby spring. This incident was one among several snipings of civilian residents in the area of Brijesko Brdo.<sup>3847</sup>

888. Ramiza KUNDO was shot and wounded in her left calf as she and a friend crossed Brijesko Brdo Street.<sup>3848</sup> KUNDO was returning with water from a nearby natural spring because the water supply to her home was cut off.<sup>3849</sup> That same week, Serb forces delayed humanitarian convoys that were needed to repair the water utilities in Sarajevo.<sup>3850</sup>

889. Ramiza KUNDO and her friend were easily identifiable as civilians.<sup>3851</sup> Both were wearing skirts and carrying water.<sup>3852</sup> After she was shot, KUNDO bled profusely from her leg, and the two women waited by a nearby garage for aid.<sup>3853</sup> Because of the perceived danger of additional sniper fire, KUNDO had to be taken up a hill to reach the hospital.<sup>3854</sup>

890. The shot that injured KUNDO originated from SRK-held territory in the direction of "Polje", a field in the Bačići and Brijesće area,<sup>3855</sup> which had an unobstructed line-of-sight to the incident site.<sup>3856</sup> The Rajlovac Brigade of the SRK

<sup>3845</sup> POPARIĆ:T.40712-40713.

<sup>3846</sup> AF2752-AF2757; P07607; POPARIĆ:T.40719-40720; P07832.

<sup>3847</sup> KUNDO:P01917, T.5979,T.5981,T.5990; MENZILOVIĆ:P01921, pp.5-6.

<sup>3848</sup> AF2263; D00381; HOGAN:T.17744-17745; KUNDO:P01917, T.5946,T.5950; P00691, p.1;P01918; P00003, p.17; P02385; P02399. *See* P02054; P02381, p.1.

<sup>3849</sup> KUNDO:P01917, T.5938-5939.

<sup>3850</sup> D00007, p.7.

<sup>3851</sup> MENZILOVIĆ:P01921, p.6; VANDERWEIJDEN:P01130, p.32(confidential).

<sup>3852</sup> AF2265; MENZILOVIĆ:P01921, p.6; KUNDO:P01917, T.5946.

<sup>3853</sup> MENZILOVIĆ:P01921, p.6.

<sup>3854</sup> MENZILOVIĆ:P01921, p.6.

<sup>3855</sup> AF2263; AF2266; KUNDO:P01917, T.5942; P02385; P02386; HOGAN:P02379, T.11210-11211; P02400; HOGAN:T.17532-17533; VANDERWEIJDEN:P01130, pp.31-32(confidential).

<sup>3856</sup> VANDERWEIJDEN:P01130, pp.31-32(confidential); P02385; HOGAN:P02379, T.11210-11211.

controlled these Serb-held areas.<sup>3857</sup> At the time of F5, the Rajlovac Brigade had two groups of snipers and possessed M76 7.9mm sniper rifles and semiautomatic sniper rifles.<sup>3858</sup> The SRK had specifically requested sniper rifles for the Rajlovac Brigade in 1992 following a conversation with General **MLADIĆ**.<sup>3859</sup>

891. The bullet that struck KUNDO could not have been more than 7.92mm because a greater calibre bullet would have caused far more serious damage,<sup>3860</sup> and the most likely weapon was an M76 or M91 rifle, consistent with the weaponry possessed by the Rajlovac Brigade.<sup>3861</sup> The maximum distance of the shot to the incident site was 825 meters.<sup>3862</sup> M76 7.9mm sniper rifles and semiautomatic sniper rifles were capable of delivering accurate fire at such a range.<sup>3863</sup>

892. POPARIĆ's claim that the shot could have originated from ABiH-held territory to the south of the incident site<sup>3864</sup> is erroneous. It is based on underlying premises that POPARIĆ conceded were inaccurate. First, POPARIĆ did not deny that he incorrectly plotted the location of the attack by 130 meters.<sup>3865</sup> Second, when POPARIĆ was confronted with the fact that his assessed field of fire was too wide, as it failed to account for obstacles on either side of the incident location which formed a natural tunnel limiting the line of sight,<sup>3866</sup> POPARIĆ conceded he "did not determine the width precisely"<sup>3867</sup> as compared to VAN DER WEIJDEN who "did invest a bit more effort trying to sort out angles."<sup>3868</sup> POPARIĆ attempted to justify his admitted imprecision by erroneously asserting that the width of the field of fire was "irrelevant,"<sup>3869</sup> denying the plainly obvious fact that the width of the field of fire was relevant to assessing whether the shot could have originated from ABiH-held territory.<sup>3870</sup>

<sup>3857</sup> P03932, p.2; P00003, p.55; P06613; RADOJČIĆ:T.23103.

<sup>3858</sup> P04535; VANDERWEIJDEN:P01130, p.29(confidential).

<sup>3859</sup> P04357; VUJASIN:T.25615-25616.

<sup>3860</sup> VANDERWEIJDEN:P01130, p.29(confidential).

<sup>3861</sup> P04535; VANDERWEIJDEN:P01130, p.29(confidential).

<sup>3862</sup> VANDERWEIJDEN:P01130, p.29(confidential).

<sup>3863</sup> P04535, p.1; VANDERWEIJDEN:P01130, p.29(confidential).

<sup>3864</sup> POPARIĆ:D01330, p.128(confidential).

<sup>3865</sup> POPARIĆ:T.40585. *See* P07591; P07592.

<sup>3866</sup> POPARIĆ:T.40603. *See* POPARIĆ:T.40602-40603, T.40605-40606; VANDERWEIJDEN:P01130, pp.30-31(confidential).

<sup>3867</sup> POPARIĆ:T.40606.

<sup>3868</sup> POPARIĆ:T.40607.

<sup>3869</sup> POPARIĆ:T.40607.

<sup>3870</sup> POPARIĆ:T.40608. *See* P07593, p.2, upper image.

(v) Sniping of Civilians in Širokača (Scheduled Incident F1)

893. On 13 December 1992, an SRK sniper positioned on Baba Stijena shot and wounded three-year old Anisa PITA as she was taking off her shoes in front of her house in Širokača.<sup>3871</sup> This incident was part of recurring shelling and sniping against the civilian residents of the area of Širokača.<sup>3872</sup>

894. Baba Stijena was a ridge located in SRK-controlled territory immediately below Serb positions on the Lukavica – Pale road.<sup>3873</sup> Its positioning made it an obvious location for a sniper position.<sup>3874</sup> Baba Stijena was a prominent source of SRK sniper fire against civilians<sup>3875</sup> because it offered a dominating view of the valley below.<sup>3876</sup> In December 1992, the SRK operated from the general area of Baba Stijena,<sup>3877</sup> which fell within the area of responsibility of the Trebević battalion of the 1<sup>st</sup> Romanija Brigade.<sup>3878</sup> At that time, the brigade had trained snipers and the Trebević battalion possessed weapons with sniping capabilities.<sup>3879</sup>

895. On the morning of 13 December 1992, three-year-old Anisa PITA, her father, and other neighbours went to a nearby creek to fetch water because all utilities, including water, to the home had been cut-off.<sup>3880</sup> While at the creek, the morning fog started to lift and PITA and a friend returned to her home.<sup>3881</sup> By this time, the fog had lifted and visibility was clear.<sup>3882</sup> At approximately 10:30 a.m., the friend

<sup>3871</sup> AF2221-AF2222; PITA:P02452, pp.9,13; P00549, pp.3-4.

<sup>3872</sup> P00549, pp.2,10,26-27,41,71,83,91-94,111,115,120-121,125; TARČIN:P00281, paras.3,7; PITA:P02453, T.5875; PITA:P02452, pp.13-14.

<sup>3873</sup> AF1942; M.ŠKRBA:T.22836-22837,T.22901; P02429; D00528; D00529; HOGAN:T.17772-17773; PITA:P02453, T.5879; P00463, p.12; P00430, p.26; P06543, p.2; P06549, p.12.

<sup>3874</sup> VANDERWEIJDEN:P01130, p.13(confidential).

<sup>3875</sup> AF2134.

<sup>3876</sup> VANDERWEIJDEN:P01130, pp.13-14(confidential); VANDERWEIJDEN:T.6570-6571; M.ŠKRBA:T.22836,T.22838-22839; ABDEL-RAZEK:P00293, para.111; PITA:P02453, T.5879.

<sup>3877</sup> AF1942-AF1943; AF2134; AF2222; M.ŠKRBA:T.22835-22837,T.22901; P02429; D00528; D00529; D00531; PITA:P02453, T.5879; VANDERWEIJDEN:T.6565; POPARIĆ:T.40407.

<sup>3878</sup> P06543, p.2; D00092, p.1; D00531; M.ŠKRBA:T.22790; M.ŠKRBA:D00524, para.16. Though M.ŠKRBA suggested that 1<sup>st</sup> Romanija Brigade became the SMBR in 1992, M.ŠKRBA:D00524, para.6; M.ŠKRBA:T.22804, other evidence suggests that the re-organisation occurred in 1993. See MALETIĆ:D00482, para.9; MALETIĆ:T.21752-21754.

<sup>3879</sup> P06543, p.2; P06603, p.1; VELJOVIĆ:T.22946.

<sup>3880</sup> PITA:P02452, p.13; PITA:P02453, T.5880.

<sup>3881</sup> PITA:P02452, p.13.

<sup>3882</sup> PITA:P02452, p.9.

removed her shoes and entered the house.<sup>3883</sup> As Anisa PITA bent over to untie her shoes on the porch, she was hit by a bullet above her right knee.<sup>3884</sup>

896. Anisa PITA was wearing overall jeans and a red jacket.<sup>3885</sup> Given her age and her small size, readily discernible in comparison to a nearby door, she was easily recognisable as a child and civilian.<sup>3886</sup> Anisa PITA was alone at the time she was shot.<sup>3887</sup> There was no one in uniform, no one carrying a weapon, and no military position near the home.<sup>3888</sup>

897. Given the limited sight lines to the location of the incident, the shot could only have come from the SRK positions on Baba Stijena.<sup>3889</sup> The entrance to the residence was completely walled in by neighbouring houses<sup>3890</sup> with only a narrow line of sight in the direction of Baba Stijena,<sup>3891</sup> from which there was a view into the courtyard of the PITA home.<sup>3892</sup> Anisa PITA was intentionally targeted.<sup>3893</sup> Contrary to Defence suggestions,<sup>3894</sup> exceedingly speculative at best, the limited sight lines meant that the shot was not the result of a ricochet or mis-shot.<sup>3895</sup>

898. Though the bullet that struck Anisa PITA was not recovered,<sup>3896</sup> the calibre could not have been greater than 7.9mm<sup>3897</sup> since a greater calibre of bullet would have inflicted more damage.<sup>3898</sup> The calibre of bullet that struck Anisa PITA was consistent with the weaponry possessed by the 1<sup>st</sup> Romanija Brigade at the time.<sup>3899</sup>

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<sup>3883</sup> PITA:P02452, p.13.

<sup>3884</sup> PITA:P02452, pp.9,13; P00549, pp.3-4.

<sup>3885</sup> PITA:P02452, p.9; VANDERWEIJDEN:P01130, p.16(confidential).

<sup>3886</sup> VANDERWEIJDEN:P01130, p.16(confidential); PITA:P02452, p.13.

<sup>3887</sup> PITA:P02452, p.14.

<sup>3888</sup> PITA:P02452, p.14; PITA:P02453, T.5877.

<sup>3889</sup> AF1943; AF2222; VANDERWEIJDEN:P01130, pp.13,15(confidential); PITA:P02452, p.9; PITA:P02453, T.5879.

<sup>3890</sup> AF2219; VANDERWEIJDEN:P01130, p.15(confidential).

<sup>3891</sup> AF2219; PITA:P02452, p.13; PITA:P02453, T.5890; P02391.

<sup>3892</sup> AF2219; P00003, p.10; VANDERWEIJDEN:T.6563-6565; VANDERWEIJDEN:P01130, pp.13,15,imgs.1-2(confidential); P02381, p.1; P02391; HOGAN:T.17499-17501.

<sup>3893</sup> AF2221-AF2222; VANDERWEIJDEN:T.6563-6565; VANDERWEIJDEN:P01130, pp.13-15,imgs.1-2(confidential); HOGAN:T.17504,T.17506; P00003, p.10; D00125; PITA:P02452, p.4. See D00528.

<sup>3894</sup> POPARIĆ:T.40406-40407.

<sup>3895</sup> VANDERWEIJDEN:T.6564.

<sup>3896</sup> PITA:P02452, p.9.

<sup>3897</sup> VANDERWEIJDEN:P01130, p.13(confidential); PITA:P02452, p.9.

<sup>3898</sup> VANDERWEIJDEN:P01130, p.13(confidential); VANDERWEIJDEN:T.6472.

<sup>3899</sup> P06603, p.1; VELJOVIĆ:T.22946.

899. Defence suggestions that there was no line of sight from Baba Stijena to the location of the attack<sup>3900</sup> and that VANDERWEIJDEN misidentified Baba Stijena<sup>3901</sup> have no basis. Unable to visit the precise location where PITA was shot,<sup>3902</sup> POPARIĆ based his line of sight claims on topographic maps.<sup>3903</sup> Additionally, POPARIĆ's claims regarding the alleged misidentification of Baba Stijena are incorrect because Baba Stijena was a geographic feature rather than a precise spot.<sup>3904</sup> POPARIĆ conceded that it would have taken only a small change in positioning from the precise spot he asserted as the origin of the shot to overcome any obstacles to a line of sight to the victim.<sup>3905</sup> Moreover, the victim's relatives affirmed that Baba Stijena was visible and was the origin of fire.<sup>3906</sup>

(vi) Sniping of Civilians in Hrasno (Scheduled Incident F4)

900. On 3 September 1993, an SRK sniper operating in the Ozrenska Street area shot and wounded Nafa TARIĆ and her eight-year-old daughter Elma as they emerged from behind an anti-sniping barrier on Ivan Krndelja Street (currently Azize Šaćirbegović Street) in the Bosnian-held neighbourhood of Hrasno.<sup>3907</sup> This incident was part of a series of recurring attacks against the civilian residents of the area of Hrasno.<sup>3908</sup>

901. Hrasno, a residential neighborhood in the southwestern part of Sarajevo, sat adjacent to SRK-controlled Grbavica.<sup>3909</sup> In the three month period leading up to the date of Scheduled Incident F4, there were only thirteen days without reported sniping incidents in Hrasno.<sup>3910</sup> In September 1993, snipers targeted the area on 20 different days and there were multiple sniping deaths.<sup>3911</sup> In October 1993 there were only two

<sup>3900</sup> POPARIĆ:D01330, p.75(confidential); POPARIĆ:T.40396,T.40405.

<sup>3901</sup> POPARIĆ:D01330, p.73(confidential); POPARIĆ:T.40397-40398.

<sup>3902</sup> POPARIĆ:D01330, p.65,img.39(confidential); POPARIĆ:T.40395,T.40561.

<sup>3903</sup> POPARIĆ:T.40405-40406,T.40410.

<sup>3904</sup> POPARIĆ:T.40408-40409; VANDERWEIJDEN:T.6564-6566.

<sup>3905</sup> POPARIĆ:T.40411-40415; VANDERWEIJDEN:T.6565.

<sup>3906</sup> P02454; PITA:P02452, pp.4,9. *See* P00003, p.10.

<sup>3907</sup> AF2239; AF2242-AF2244; AF2256; TARIĆ:P07612, p.2; P00003, pp.15-16; HOGAN:T.17527-17528; P02381, p.1; P00707, pp.2-3,5-6(confidential); VANDERWEIJDEN:P01130, p.23(confidential).

<sup>3908</sup> P07611, *see* pp.1-7; RM126:P01942, pp.8,13(confidential). *See* DRAŠKOVIĆ:T.38036-38037; CRNČALO:P00260, para.92.

<sup>3909</sup> AF1931; AF1937; HOGAN:T.19971. *See* P00003, pp.75-76; Slobodan TUŠEVLJAK:T.23386, T.23474.

<sup>3910</sup> P07611, pp.1,7-14.

<sup>3911</sup> P07611, pp.1,14-16; RM126:P01942, p.12(confidential); P01943, pp.1-2(confidential).

days with no sniping reports.<sup>3912</sup> Anti-sniping barriers were erected to shield civilians in Hrasno from Serb targeting but were able to provide only partial protection.<sup>3913</sup>

902. The Ozrenska Street area fell within the area of responsibility of the 1<sup>st</sup> Smbr.<sup>3914</sup> The Brigade had snipers and sniper equipment.<sup>3915</sup> Snipers in the area of Ozrenska Street<sup>3916</sup> were known to target civilians in Hrasno,<sup>3917</sup> firing down the broad transversal roads<sup>3918</sup> using special equipment, including long-barrelled rifles with telescopic sights.<sup>3919</sup>

903. On 3 September 1993, Nafa TARIĆ and her daughter Elma were walking down Ivan Krndelja Street in Hrasno. As they emerged from behind a line of protective containers, they were shot by a single bullet, which hit Nafa TARIĆ's left thigh, then grazed her daughter's right hand and penetrated her daughter's stomach.<sup>3920</sup> The shot was fired from a distance of approximately 825 metres,<sup>3921</sup> from SRK-held territory in the area of Ozrenska Street.<sup>3922</sup> SRK positions in the area of Ozrenska Street had clear, unobstructed views of the location where TARIĆ and her daughter were shot.<sup>3923</sup> The bullet that struck TARIĆ and her daughter was likely fired from a semiautomatic sniper rifle such as an M76,<sup>3924</sup> a weapon used by the 1<sup>st</sup> Smbr.<sup>3925</sup>

<sup>3912</sup> P07611, pp.17-25. See AF2663-AF2664; AF2669-AF2670; AF2676; AF2680.

<sup>3913</sup> [REDACTED]; VANDERWEIJDEN:P01130, p.24(confidential).

<sup>3914</sup> Slobodan TUŠEVLJAK:T.23386-23388,23474; P06537, p.2; P06777. See TARIĆ:P07612, p.2.

<sup>3915</sup> P00675, p.1; P00672; TRAPARA:T.21164-65; P06517, pp.3-4.

<sup>3916</sup> [REDACTED].See DRAŠKOVIĆ:T.38026.

<sup>3917</sup> RM126:P01942, pp.12-13(confidential); [REDACTED]; P00116; P00117(confidential); P00121(confidential); Slobodan TUŠEVLJAK:T.23473-23475; P06628; P06629; P01943, p.2(confidential); HOGAN:T.19971-19973; P02954; POPARIĆ:T.40448.

<sup>3918</sup> [REDACTED]; P00110(confidential); P00109(confidential); P00121(confidential); [REDACTED]; VANLYNDEN:T.1305.

<sup>3919</sup> [REDACTED].

<sup>3920</sup> AF2239; AF2242-AF2244; TARIĆ:P07612, p.2; VANDERWEIJDEN:T.6553; VANDERWEIJDEN:P01130, p.23(confidential); P00707, pp. 2-3,5-6(confidential). See MANDILOVIĆ:P00679, para.118, items 1,23.

<sup>3921</sup> VANDERWEIJDEN:P01130, pp.23,25(confidential).

<sup>3922</sup> AF2256; VANDERWEIJDEN:P01130, p.25(confidential); [REDACTED]; P00116(confidential); P00123(confidential); Slobodan TUŠEVLJAK:T.23474.

<sup>3923</sup> AF2252; VANDERWEIJDEN:P01130, p.25(confidential); HOGAN:P02379, T.11210; P02384; P02392; P06628; P06629. Serb positions near Ozrenska Street generally offered clear vantage points over the intersections below. [REDACTED]; Slobodan TUŠEVLJAK:T.23473-23474. See DRAŠKOVIĆ: T.38004.

<sup>3924</sup> VANDERWEIJDEN:P01130, p.23(confidential).

<sup>3925</sup> P00672; [REDACTED]; P00113(confidential)

904. TARIĆ and her eight-year-old daughter were civilians,<sup>3926</sup> and their clothing and height disparity would have made this apparent.<sup>3927</sup> There was no on-going military activity at the time of the attack<sup>3928</sup> and no soldiers, uniformed personnel, or military equipment in the immediate vicinity.<sup>3929</sup> Continued firing at the two as they lay on the ground confirms that TARIĆ and her daughter were intentionally targeted.<sup>3930</sup>

905. This continued sniper fire<sup>3931</sup> prevented rescuers from reaching Nafa and Elma TARIĆ,<sup>3932</sup> who had to crawl to safety from their exposed position. They were then taken to the hospital.<sup>3933</sup> Five others were injured by sniper fire in the same area within one hour.<sup>3934</sup>

906. Defence Expert POPARIĆ did not dispute the existence of a line of sight from SRK positions on Ozrenska Street to the incident location.<sup>3935</sup> His claim that the attacker must have fired at the victims before they emerged from the protective containers<sup>3936</sup> is based on unfounded and erroneous assumptions<sup>3937</sup> and should be disregarded.

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<sup>3926</sup>

AF2248.

<sup>3927</sup>

AF2240; TARIĆ:P07612, p.2; VANDERWEIJDEN:P01130, p.26(confidential).

<sup>3928</sup>

AF2249; TARIĆ:P07612, p.3.

<sup>3929</sup>

AF2249.

<sup>3930</sup>

See AF2245; TARIĆ:P07612, p.2.

<sup>3931</sup>

See AF2245; TARIĆ:P07612, p.2.

<sup>3932</sup>

AF2246; TARIĆ:P07612, p.2.

<sup>3933</sup>

AF2247; TARIĆ:P07612, p.2; P00707, pp.2-3,5-6(confidential).

<sup>3934</sup>

TARIĆ:P07612, p.2; TARIĆ:P07613, T.3196-3197; P07611, p.14.

<sup>3935</sup>

POPARIĆ:T.40755; POPARIĆ:D01330, p.121(confidential).

<sup>3936</sup>

POPARIĆ:D01330, pp.98-99,104,117-118(confidential).

<sup>3937</sup>

POPARIĆ:T.40449-40452,T.40454-40457,T.40461-40462,T.40637-40641. See D01331.

(vii) Sniping of Civilians in Sedrenik (Scheduled Incident F16)

907. On 6 March 1995, 14-year-old Tarik ŽUNIĆ was shot and wounded by a machine gun from SRK-held positions at Špicasta Stijena while walking home from school along Sedrenik Street.<sup>3938</sup> This incident was part of a pattern of SRK shelling and sniping against civilians in Sedrenik<sup>3939</sup> that caused widespread damage to family homes and injured or killed residents of Sedrenik, including women (including a pregnant woman), children and the elderly.<sup>3940</sup>

908. Špicasta Stijena, or “Sharpstone,” is a rock-faced ridge<sup>3941</sup> overlooking the civilian neighbourhood of Sedrenik<sup>3942</sup> and was a well-known SRK sniping position.<sup>3943</sup> SRK snipers from Špicasta Stijena frequently shot at the civilians of Sedrenik,<sup>3944</sup> including a 12 year-old girl who was walking to school,<sup>3945</sup> and a 49 year-old woman collecting wood in the backyard of her home.<sup>3946</sup> ŽUNIĆ himself had been fired upon from Špicasta Stijena on two occasions prior to F16.<sup>3947</sup> The side of ŽUNIĆ’s house facing Sharpstone still has marks from shrapnel and from bullets fired

<sup>3938</sup> AF2362; ŽUNIĆ:P01945, pp.5,15; P00003, pp.27-28.

<sup>3939</sup> AF2804; AF2629-AF2635, AF2639; AF2645; AF2801-AF2803; AF2817, AF2819; ĐOZO:P00544, para.22; ĐOZO:T.5569-5570; KNUSTAD:P03158, p.3; P01069; FRASER:P00576, para.58(confidential); P04610; P00511; P00513, p.4; P04606; P00674, pp.1,3; P06642; P01077; P00797, pp.10,16; P00548; P04600.

<sup>3940</sup> P00549, pp.4,6-7,9-10,13-14,16,20-21,24,26,29,34,65,85,97,99,108,110-112,114-115,118,120,123-124,133,138-139,143,153-154.

<sup>3941</sup> ĐOZO:P00544, para.16; P00547; ĐOZO:T.5543-5544.

<sup>3942</sup> AF2804; P00003, pp.29-30; P00547; ĐOZO:P00544, para.16; ĐOZO:T.5543-5544; VANDERWEIJDEN:P01130, pp.66-67(confidential); P07599(confidential); GENGO:T.21637-21638; KNUSTAD:P03158, p.4; THOMAS:P00503, para.65; S.MAKSIMOVIĆ:T.23531-23532.

<sup>3943</sup> AF2134; ĐOZO:P00544, paras.16,20; VANDERWEIJDEN:P01130, p.65(confidential); RM163:P00628, p.32(confidential); FRASER:P00576, paras.63-67(confidential); ŽUNIĆ:P01945, p.15; ŽUNIĆ:P02980, T.1728; KNUSTAD:P03158, p.4; KNUSTAD:P03159, T.2030; RM163:P00628, pp.17-18,32(confidential); P00549, pp.3,6,7,9-10,13-14,16-17,19-21,26,29-30,34,37,41,43,47,110,141,146,150-151,153,155.

<sup>3944</sup> ŽUNIĆ:P01945, pp.5-6. Two months before getting hit by snipers, ŽUNIĆ saw another man get hit by snipers in the area. *See* ŽUNIĆ:P01945, p.15. *See also* Sniping incident 17 April 1993: P02381, p.1; ĐOZO:T.5545-5546; P00549, p.21; ĐOZO:T.5549-5551; P07598(confidential). Sniping incident of 24 July 1993: AF2629-AF2635; AF2637; AF2645; ŽUNIĆ:P02980, T.1728; KNUSTAD:P03158, p.4; P00549, pp.3,6,7,9-10,13-14,16-17,19-21,26,29-30,34,37,41,43,47,110,141,146,150-151,153,155; ĐOZO:P00544, para.23; P00674, pp.1,3; THOMAS:P00503, para.66; KONINGS:P01741, para.40.

<sup>3945</sup> Sniping incident of 22 November 1994: AF2801-AF2804; P07833; VANDERWEIJDEN:P01130, pp.74-77(confidential).

<sup>3946</sup> Sniping incident of 10 December 1994: AF2807; AF2817; AF2819-AF2820; P00548/P07834(partial duplicates); P07836; VANDERWEIJDEN:P01130, pp.79-83(confidential).

<sup>3947</sup> ŽUNIĆ:P02980, T.1728.

from Sharpstone,<sup>3948</sup> enduring evidence of what an SRK battalion commander was referring to when he described Sedrenik as his “target practice area.”<sup>3949</sup>

909. The SRK controlled Špicasta Stijena throughout the war<sup>3950</sup> with the exception of a brief period in September 1994.<sup>3951</sup> By 1995, Špicasta Stijena fell within the 1<sup>st</sup> Romanija Brigade’s zone of responsibility.<sup>3952</sup> This Brigade trained snipers from the beginning of the war<sup>3953</sup> and possessed 7.9mm sniper rifles,<sup>3954</sup> M-53 light machine guns and M-84 machine guns.<sup>3955</sup> Members of the 1<sup>st</sup> Romanija Brigade were ordered to “fire on anything that moved,” whether they were soldiers or civilians,<sup>3956</sup> including women and children.<sup>3957</sup>

910. On 6 March 1995, 14-year-old Tarik ŽUNIĆ was walking home from school along Sedrenik Street.<sup>3958</sup> He was shot<sup>3959</sup> in the hand<sup>3960</sup> from the SRK-held positions<sup>3961</sup> at Špicasta Stijena as he emerged from behind an anti-sniper canvas screen. He was wearing a normal green jacket and was carrying a blue rucksack.<sup>3962</sup> After being shot, ŽUNIĆ took cover by lying on the ground for about half an hour, waiting for rescue.<sup>3963</sup> A civilian vehicle approached to collect ŽUNIĆ, but heavy shooting ensued, preventing it from rescuing ŽUNIĆ and leaving him helplessly on the road.<sup>3964</sup> Another man was hit as people tried to help the teenage boy.<sup>3965</sup> This

<sup>3948</sup> ŽUNIĆ:P01945, p.5.

<sup>3949</sup> P00674, p.1; VANDERWEIJDEN:T.6505-6506.

<sup>3950</sup> AF1986; AF2802; ĐOZO:T.5544,T.5550-5551; ĐOZO:P00544, paras.16-17; KONINGS:P01741, paras.40,99; ŽUNIĆ:P01945, p.15; S.MAKSIMOVIĆ:D00547, p.4; D00548; GENGO:T.21635; KNUSTAD:P03159, T.2030; RAŠEVIĆ:D00551, para.20; THOMAS:P00503, para.66; P00674, p.1.

<sup>3951</sup> GENGO:T.21636; S.MAKSIMOVIĆ:T.23531.

<sup>3952</sup> RAŠEVIĆ:T.23583-23584,T.23599.

<sup>3953</sup> P06543, p.1; P00676, p.1.

<sup>3954</sup> P00676, p.1.

<sup>3955</sup> P06603. The Brigade had seventy M-84 machine guns in November 1992.

<sup>3956</sup> P07809, p.2.

<sup>3957</sup> P07810.

<sup>3958</sup> ŽUNIĆ:P01945, pp.5,15; P00003, pp.27-28.

<sup>3959</sup> AF2362; ŽUNIĆ:P01945, p.15; P02381, p.3; P02402; HOGAN:T.17545-17546; P02398.

<sup>3960</sup> ŽUNIĆ:P01945, p.15; P00955(confidential); NAKAŠ:P00941, para.90(confidential); P00950, p.3(confidential); P07597, pp.1,3.

<sup>3961</sup> AF2362; VANDERWEIJDEN:P01130, pp.65-68(confidential); P00674, p.3; ŽUNIĆ:P01945, p.15; ŽUNIĆ:P02980, T.1728; P07597, p.3; S.MAKSIMOVIĆ:T.23531; D00548; GENGO:T.21635.

<sup>3962</sup> AF2354; ŽUNIĆ:P02980, T.1724-1725.

<sup>3963</sup> ŽUNIĆ:P01945, p.5.

<sup>3964</sup> ŽUNIĆ:P01945, p.5.

<sup>3965</sup> ŽUNIĆ:P01945, p.5.

rescuer eventually died.<sup>3966</sup> Soon after, a UN APC arrived and transported ŽUNIĆ to the Koševo Hospital.<sup>3967</sup>

911. ŽUNIĆ recognised the sound of the weapon used as an M-84 machine-gun,<sup>3968</sup> consistent with the weaponry possessed by the 1<sup>st</sup> Romanija Brigade. Civilians in the area were able to recognise this gun because of its distinctive sound and repetitive use.<sup>3969</sup> On at least seven occasions prior to F16, during a five-month period, women in Sedrenik were shot by an M-84 machine gun, which by then had become known as the “sower of death” or “death sower.”<sup>3970</sup> The incident site was within the weapon’s effective range from Špicasta Stijena,<sup>3971</sup> which had a clear view to where ŽUNIĆ was hit.<sup>3972</sup> There were no obstacles<sup>3973</sup> or leaves on the trees at the time.<sup>3974</sup> There were no ABiH military positions in the vicinity of ŽUNIĆ’s home.<sup>3975</sup>

912. SRK sniping on Sarajevo was purposefully heightened throughout the week of F16.<sup>3976</sup> At a meeting with General SMITH, **MLADIĆ** explicitly acknowledged both the escalation in sniping and SRK responsibility for it, stating that the increase in sniping was “in response to Serb casualties suffered in military offensives launched by the Bosnian government.”<sup>3977</sup>

913. UNPROFOR attempted to erect additional anti-sniper screens in Sedrenik following F16 and other similar attacks on civilians by SRK snipers from Sharpstone. In response, the SRK threatened to shoot at UNPROFOR if it attempted to erect any sniper screens.<sup>3978</sup>

914. Defence Expert POPARIĆ acknowledged that the F16 incident location described by the victim had a clear and unobstructed line of sight from Špicasta Stijena.<sup>3979</sup> However, POPARIĆ asserted that ŽUNIĆ had misidentified the incident

<sup>3966</sup> ŽUNIĆ:P01945, p.5.

<sup>3967</sup> ŽUNIĆ:P01945, pp.5,15.

<sup>3968</sup> ŽUNIĆ:P01945, pp.5,15; VANDERWEIJDEN:P01130, p.65(confidential).

<sup>3969</sup> ŽUNIĆ:P01945, p.5; P00549, p.21; ĐOZO:T.5549-5551.

<sup>3970</sup> P00549, pp.6,9,16,20-21,26; VANDERWEIJDEN:P01130, p.65(confidential); [REDACTED].

<sup>3971</sup> VANDERWEIJDEN:P01130, pp.65-66,86-87(confidential); ŽUNIĆ:P01945, p.15.

<sup>3972</sup> VANDERWEIJDEN:P01130, p.66.

<sup>3973</sup> ŽUNIĆ:P01945, pp.5,15.

<sup>3974</sup> ŽUNIĆ:P01945, p.5; VANDERWEIJDEN:P01130, pp.66-67(confidential).

<sup>3975</sup> ŽUNIĆ:P02980, T.1712.

<sup>3976</sup> P00876, p. 4; P00674, p.3.

<sup>3977</sup> P00876, p.4.

<sup>3978</sup> P00809, p.3. *See* RM120:T.7591(confidential).

<sup>3979</sup> POPARIĆ:T.40655.

location based on the statements of an unidentified couple that POPARIĆ met during a site visit in 2010.<sup>3980</sup> While admitting that ŽUNIĆ's testimony was consistent with other F16 evidence, POPARIĆ arbitrarily chose to rely on the statements of the unidentified couple instead.<sup>3981</sup> Moreover, his attempt to portray the incident as an exchange of fire between the warring parties is not only unsupported<sup>3982</sup> but contradicted by POPARIĆ's in-court admission that he had "no information" about the situation at the moment ŽUNIĆ was shot.<sup>3983</sup>

(b) The Shelling Campaign Including Schedule G

915. The SRK attacked civilians in a shelling campaign that took many forms, including massive bombardments that blanketed the city, sporadic intentional targeting of civilian areas with just a few shells, and the deployment of modified air bombs. The SRK shells spared virtually no civilian part of the city.<sup>3984</sup> Given the relative precision of SRK mortars and the SRK's repeated shelling of civilian areas, buildings, and gatherings, as well as contemporaneous admissions of VRS leaders, there can be no question that the SRK directed fire against the civilian population of Sarajevo.

916. The SRK was able to engage targets in Bosnian-held Sarajevo from its positions above the city,<sup>3985</sup> thereby allowing it to fire with great accuracy on Sarajevo's civilian population. Mortars were relatively precise weapons,<sup>3986</sup> and the conditions of their use by the SRK in Sarajevo—fixed in place, utilising pre-recorded targets, and launched by trained operators who became more experienced as the campaign progressed—enhanced that precision.<sup>3987</sup> Because SRK mortar operators knew Sarajevo well, targeting became, [REDACTED] [REDACTED], just "a

<sup>3980</sup> Some unidentified couple allegedly claimed that ŽUNIĆ was shot in front of their house, which was less visible from Špicasta Stijena than the incident location ŽUNIĆ identified. *See* POPARIĆ:D01330, p.248(confidential); POPARIĆ:T.40650-40652.

<sup>3981</sup> POPARIĆ:T.40652-40654.

<sup>3982</sup> POPARIĆ:T.40657-40658,T.40664-40665; P00674, p.1; POPARIĆ:D01330, pp.247,250(confidential).

<sup>3983</sup> POPARIĆ:T.40665-40666.

<sup>3984</sup> *See* Sections IV.E.6(b)(i)-IV.E.6(b)(v); IV.E.6(a)(v), para.893; P00549; P07611.

<sup>3985</sup> [REDACTED]; S.SIMIĆ:T.35930-35931,T.35937; RADOJČIĆ:T.23122; D.ŠKRBA:T.21221,T.21252-21253.

<sup>3986</sup> TURKUŠIĆ:P02009, para.13; TURKUŠIĆ:T.15775; MOLE:T.4457.

<sup>3987</sup> [REDACTED]; S.SIMIĆ:T.35960-35961; HIGGS:P02605, pp.2,4; JORDAN:P00126, para.29; JORDAN:T.1780-1781; GUZINA:T.22538.

question of mathematics.”<sup>3988</sup> In addition to relatively accurate mortars, the SRK also utilised modified air bombs which were both highly destructive and inaccurate.<sup>3989</sup>

917. As with the sniping campaign, international observers concluded that SRK shelling deliberately targeted the city’s civilian population.<sup>3990</sup> The impact locations were often residential or commercial areas.<sup>3991</sup> SRK attacks struck hospitals,<sup>3992</sup> schools,<sup>3993</sup> and residential buildings.<sup>3994</sup> The SRK targeted groups of civilians, including those lined up to obtain water<sup>3995</sup> and humanitarian aid,<sup>3996</sup> spectators gathered to watch a sporting event,<sup>3997</sup> groups of children playing outside,<sup>3998</sup> and crowded markets.<sup>3999</sup>

918. The various SRK shelling patterns all targeted civilian areas. In some cases, the SRK blanketed the entire city with shells in massive, large-scale bombardments.<sup>4000</sup> The SRK also engaged in regular, “background” shelling, firing

<sup>3988</sup> [REDACTED]; *see* [REDACTED].

<sup>3989</sup> *See* Section IV.E.6(b)(v), paras.1007-1008.

<sup>3990</sup> KONINGS:P01741, paras.32,35; BRENNISKAG:P00992, para.31; KNUSTAD:P03158, p.3; MOLE:P00421, paras.74-75,82,113-119; RM176:P00640, pp.15-16(confidential).

<sup>3991</sup> **MLADIĆ** expressly targeted residential neighbourhoods in **Incident G1**, and residential neighbourhoods across the city were similarly targeted in **Incident G2**. *See* Sections IV.E.6(b)(i)b-IV.E.6(b)(i)c; AF1713-AF1714; **Dobrinja (Incidents G4, G7)**:AF2436; HAJIR:P02616, para.8; D01443, pp.3-4,7; D01251, p.2. **Alipašino Polje (Incident G6)**:AF2426; SABLJICA:P00855, p.25; BOWEN:P02515, para.32. **Hrasnica (Incident G10)**:AF2535. **Stari Grad (Incident G8)**:AF2528; P00498, p.2(confidential); LEKA:P00564, p.2; VELJOVIĆ:D00532, para.26; [REDACTED]; HARLAND:P00001, para.71; BEŠIĆ:P01896, T.4795-4796; BEŠIĆ:P01897, T.9429; HIGGS:P02607, T.5939; HIGGS:P02605, p.13; KONINGS:P01741, para.74; [REDACTED]:P00498, pp.2,8,35,43(confidential).

<sup>3992</sup> *See* Section IV.F.3; AF2090; AF2096; NAKAŠ:P00941, paras.22-24(confidential); MANDILOVIĆ:P00679, paras.37,42-44,46,51,58; NAKAŠ:P00941, paras.22-25,27-32,34(confidential); HAJIR:P02616, paras.44-46; VANLYNDEN:P00066, para.35; BOWEN:P02515, para.25; P04617; TUCKER:T.3847; TUCKER:P00317, paras.94-96,98; ZAIMOVIĆ:P02620, paras.11,14; BELL:P00832, para.82; P01882; VANLYNDEN:P00066, para.39; P04603, p.1; P04608, p.1; P01068, p.2; P00299, para. 17; THOMAS:P00503, para.95; THOMAS, T.5172-5173; MOLE:P00421, para.125.

<sup>3993</sup> P07617; P07618; P02017; P02043.

<sup>3994</sup> P00549, pp.79-80,82; P00550, p.3; P07733, p.3; Z.AVDIĆ:P00380, paras.1-3,7; PALAVRA:P01946, paras.9-11; P07733, p.3. **G13**:AF2546; RM104:P00381, p.6(confidential); RM104:P00382, T.4523-4525(confidential); P00383(confidential); P00495, p.2(confidential); D00095; RM110:T.4922-4925, T.4892(confidential); P00497, pp.14-15(confidential).

<sup>3995</sup> HARLAND:P00001, para.198; KONINGS:P01741, paras.32,96; P00991, pp.1,3; D01251, p.2; P02017; P02043; P04601.

<sup>3996</sup> HIGGS:P02605, p.9.

<sup>3997</sup> *See* Section IV.E.6(b)(iv)a.

<sup>3998</sup> *See* Section IV.E.6(b)(iii).

<sup>3999</sup> **Incident G8**:AF2528; HIGGS:P02605, p.10; KONINGS:P01741, para.74; P00797,p.17; SVRAKA:P00444, para.6; LEKA:P00564, p.2; P00565; RM155:P01926, T.3510-3513(confidential); [REDACTED]:P00498, pp.2,8,35,43(confidential); P01112; RM155:P01926, T.3510-3513(confidential).

<sup>4000</sup> *See* Section IV.E.6(b)(i).

shells that would land anywhere in the city,<sup>4001</sup> Part of the pattern was firing single or small numbers of shells into civilian areas with no corrective fire and with no identifiable military purpose.<sup>4002</sup> Finally, the SRK utilized highly destructive and inaccurate modified air bombs in furtherance of the terror campaign.<sup>4003</sup>

919. These shelling incidents constituted acts of violence directed against the civilian population, and included indiscriminate attacks and attacks which were disproportionate in relation to the concrete and direct military advantage anticipated. Similarly, they formed part of the shelling and sniping campaign, the primary purpose of which was to spread terror among the civilian population of Sarajevo. Civilians engaged in peaceful activities, including women and children, became victims.<sup>4004</sup> No combat activities were ongoing at the time in the area of the incidents.<sup>4005</sup> Additionally, these shellings constituted unlawful attacks since firing projectiles at largely-civilian gatherings or areas would clearly be expected to cause excessive civilian death and injury in relation to any direct and concrete military advantage anticipated. As further explained in the Shelling Summaries below, the Schedule G

<sup>4001</sup> HARLAND:P00001, paras.33-34,203,214; HARLAND:T.678-680, T.767,T.902,T.904; MOLE:P00421, paras.74-76,82,108,113-119; RM176:T.6307,T.[REDACTED]; RM176:P00640, p.5(confidential); P00426, p.15; RM120:P00807, pp.57-58(confidential); FRASER:P00576, paras.120-121(confidential); FRASER:T.5797-5798; P00010/P01089(duplicates), pp.1-2; BOWEN:T.18048-18049(confidential); RM055:T.7187-7188; KNUSTAD:P03158, p.3; ABDEL-RAZEK:P00293, para.74; P02569; P02516; P04623; P00010/P01089, pp.1-2(duplicates); THOMAS:P00503, paras.95-96; P00504, para.7; P00752; [REDACTED]/P06607(duplicates); P00643; HARLAND:P00001, para.71; D00007, p.7; RM153:P02461, T.5481-5499; P07706, p.1; P00880, para.6; BANBURY:P00874, para.99; P00552; P00011, p.4; P00542, p.2; P07538; P06620, p.2.

<sup>4002</sup> BRENNKAG:P00992, para.31; RM176:P00640, pp.15-16(confidential); P06620, p.2; HARLAND:P00001, para.219; P00011, p.4; FRASER:T.5798,T.5938-5939; FRASER:P00579, paras.112-114(confidential); KONINGS:P01741, paras.32,35,38,96; HIGGS:P02605, p.4; HIGGS:P02606, T.5030; BRENNKAG:P00992, para.31; D01243; RM155:P01926, T.3510-3513(confidential); D01251, pp.1-3,6; D01217, pp.1-2; P07617; P07618; P01112; P02017; P02043; P04601; P00550; ĐOZO:T.5553-5554; P00551; P01106, p.1; P00552; P01109, p.1; P01111; P01750; P02608; KONINGS:P01741, paras.98-100; KNUSTAD:P03158, p.3; ABDEL-RAZEK:P00293, para.74; VANLYNDEN:T.1321-1322; MOLE:T.4457-4458; MOLE:P00421, paras.74-76,82,113-119; TUCKER:P00317, paras.23,82,90.

<sup>4003</sup> See Section IV.E.6(b)(v). P04622; D00203; P07572; P07565; HARLAND:P00001, para.214.

<sup>4004</sup> **Incident G1:** See Section IV.E.6(b)(i)b, para.930. **Incident G2:** See Section IV.E.6(b)(i)c, paras.935-936. **Incident G4:**AF2370; AF2377-AF2380; AF2386; AF2402. **Incident G6:**AF2426. **Incident G7:**AF2436; AF2477. **Incident G8:**P00868; P00004, pp.1,2. **Incident G10:**AF2531; AF2535. **Incident G13:**AF2554. **Incident G15:**AF2561. **Incident G18:**AF2577-AF2578; RM110:P00498, pp.2(confidential),8,35,43; LEKA:P00564, p.2; P00565.

<sup>4005</sup> **Incident G1:** See Section IV.E.6(b)(i)b. **Incident G2:** See Section IV.E.6(b)(i)c, para.934. **Incident G4:**AF2401-AF2402. **Incident G6:**AF2427-AF2428. **Incident G7:**P00542, p.1. **Incident G8:**SABLJICA:P00855, p.48. **Incident G18:**SVRAKA:P00444, paras.4,6; RM110:P00492, para.24(confidential); LEKA:P00564, p.2.

Incidents are examples of and consistent with the overall pattern of SRK units deliberately targeting civilian areas.<sup>4006</sup>

920. In part, the manner of fire confirms that the shellings had no military purpose. Aside from G18 and the large-scale bombardments of the city in G1 and G2 and MAB incidents, all Scheduled Incidents involved the firing of only 1-3 rounds<sup>4007</sup> with no adjusted fire, a firing pattern that serves no military purpose, especially in built-up areas.<sup>4008</sup> Where more than one round was fired, these shells all landed in the same civilian area, further confirming that the shells were not targeted at other locations.<sup>4009</sup> In G18, the relevant shell was the last in a series of five rounds fired from SRK positions,<sup>4010</sup> consistent with the SRK's general shelling campaign leading up to 28 August 1995<sup>4011</sup> confirming that this civilian area was deliberately targeted.<sup>4012</sup>

921. The following summaries of the shelling Scheduled Incidents are presented in the context and as illustrations of the overall artillery campaign against the city's civilians. This encompasses the first large-scale bombardments of the city by Serb forces, beginning 14 May 1992 and including Incidents G1 and G2; subsequent examples of other bombardments of the entire city during the course of the war; the Scheduled Shelling Incidents, which occurred within the context of broader shelling within a neighbourhood or area; and the SRK's use of MABs to heighten the degree of terror inflicted on the city's residents.

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<sup>4006</sup> *E.g. Incidents G1 and G2: See Sections IV.E.6(b)(i)b-IV.E.6(b)(i)c. Incident G4:HIGGS:P02605, pp.7-8. Incident G6:HIGGS:P02605, p.9. Incident G7:HIGGS:P02605, p.9. Incident G8:HIGGS:P02605, p.11. Incident G18:HIGGS:P02605, p.13.*

<sup>4007</sup> *Incident G4:AF2372; AF2374. Incident G6:HIGGS:P02605, p.9. Incident G7:HIGGS:P02605, p.9. Incident G8:AF2513; HAMILL:P00537, T.6086.*

<sup>4008</sup> *HIGGS:P02605, pp.4,7-9,11,13; KONINGS:P01741, paras.35,38.*

<sup>4009</sup> *Incident G4:AF2397. Incident G6:AF2434; HIGGS:P02605, pp.9-10. Incident G7:HIGGS:P02605, p.9.*

<sup>4010</sup> *D00139, p.1; P00797, pp.2,13-14,17-18,21; KONINGS:P01741, paras.64-65; DOZO:P00544, para.33.*

<sup>4011</sup> *See Section IV.E.6(b)(ii)b.*

<sup>4012</sup> *MANDILOVIĆ:P00679, para.90.*

(i) Large-scale Bombardments (Scheduled Incidents G1 and G2)

922. From the earliest days of his command until the end of the war, and in the midst of the SRK's daily campaign of sniping and shelling against the civilians in Sarajevo, **MLADIĆ**'s forces periodically launched large-scale bombardments<sup>4013</sup> across the city. These bombardments often occurred in conjunction with VRS operations, such as Operation *Lukavac-93* and Operation *Pancir-2*. During the course of these attacks, the SRK engaged not only ABiH positions but also directly targeted residential areas, including through indiscriminate fire,<sup>4014</sup> and killed or wounded Sarajevo civilians and caused widespread destruction of the city. These large-scale devastating bombardments became an established component of the campaign of terror against the civilians of Sarajevo.

a. 14 May 1992 Bombardment

923. The massive artillery bombardment launched against the city on 14 May 1992 is the first act of terror and unlawful attack against Sarajevo civilians for which **MLADIĆ** bears criminal responsibility.<sup>4015</sup> Shortly after taking up command in Lukavica<sup>4016</sup> and expressing his intent at the 16<sup>th</sup> Assembly Session,<sup>4017</sup> his forces<sup>4018</sup> began shelling the city around 05:00 the morning of 14 May and continued "until well into the evening."<sup>4019</sup> The 4<sup>th</sup> Corps, soon to be re-named SRK,<sup>4020</sup> launched an estimated 5,000-10,000 artillery rounds onto the entire city, an estimate WILSON said was "quite conservative."<sup>4021</sup> Although the fighting was taking place in the western

<sup>4013</sup> The Prosecution defines large-scale bombardments as attacks in which more than 500 shells fell across the city within a single day, a number that exceeds the daily average calculated by the UN Commission of Experts, which said that the city was hit "by an average of approximately 329 shell impacts per day" based on shelling reports between 10 October 1992 and 26 February 1994. *See* P07171, pp.9,13-14. While the daily average represents a substantial amount of shelling, this large-scale bombardment delineation is relative to the days in Sarajevo where the level of shelling was still significant, yet considered to be a "normal" or "relatively light" day. *E.g.* HAMILL:T.5475.

<sup>4014</sup> WILSON:P00320, paras.51-52,56; WILSON:T.3927-3930,T.3933-3934,T.3986; MOLE:P00421, paras.71,84-85,111-117,118-119; RM176:P00640(confidential), pp.4-5,19; RM176:P00641, p.4(confidential); HAMILL:T.5471; P07535, pp.2-3.

<sup>4015</sup> *See* Indictment, para.14.

<sup>4016</sup> ĐUKIĆ:P01052, p.6; MILOVANOVIĆ:T.17005; Milosav GAGOVIĆ:T.25341.

<sup>4017</sup> *See* Section IV.B.3(c).

<sup>4018</sup> P04318; Milosav GAGOVIĆ:T.25374.

<sup>4019</sup> WILSON:P00320, para.41; WILSON:T.3920-3921; GRAY:D01414, T.29982. *See* P06725, p.2; Milosav GAGOVIĆ:T.25360.

<sup>4020</sup> P04443.

<sup>4021</sup> WILSON:P00320, para.42; WILSON:T.3924,T.4036-4037.

part of the city,<sup>4022</sup> residential neighbourhoods within the Stari Grad Municipality in the eastern part of the city were hit throughout the day.<sup>4023</sup> Indeed, the shelling spanned the city and at least 40 civilians were killed,<sup>4024</sup> with widespread damage across the entire city.<sup>4025</sup> On the same day, snipers targeted a young girl who was shot through the spine and rendered paraplegic as a result.<sup>4026</sup>

924. The massive shelling even affected PLAVŠIĆ, who had not yet evacuated her residence in central Sarajevo, and who observed on 14 May that the shelling was "a horror" and asked "do they [Serb forces] really have to shell civilian targets?"<sup>4027</sup>

b. 28-29 May 1992 Bombardment (Scheduled Incident G1)

925. Two weeks later, **MLADIĆ** personally commanded another all-out assault on the city between 28 and 29 May 1992 (Scheduled Incident G1). [REDACTED].<sup>4028</sup> [REDACTED],<sup>4029</sup>. [REDACTED].<sup>4030</sup> [REDACTED].<sup>4031</sup>

926. Assuming direct command of the operation,<sup>4032</sup> **MLADIĆ** actively engaged in planning for the upcoming attack. Intending to use all available SRK artillery,<sup>4033</sup> he visited artillery positions around the city.<sup>4034</sup> He met "many more times" at the SRK command to discuss the "massive shelling of Sarajevo town,"<sup>4035</sup> never specifying any military goals for the attack.<sup>4036</sup> On 27 May **MLADIĆ** finalised his preparations for the bombardment, issuing an order to the SRK and other Corps "to have all units ready to open fire,"<sup>4037</sup> and directed that "no negotiations should be held with the enemy, other than from a position of force and a final act."<sup>4038</sup>

<sup>4022</sup> WILSON:P00320, para.42; P02732, p.1; MILJANOVIĆ:D00799, para.4.

<sup>4023</sup> P00549, pp.65-66.

<sup>4024</sup> P07171, pp.9,15,17.

<sup>4025</sup> P00549, pp.65-66; P04612, p.1; P07683, p.2; WILSON:P00320, para.49.

<sup>4026</sup> RM178:P02620, para.10; P02623, p.1.

<sup>4027</sup> P02733.

<sup>4028</sup> [REDACTED].

<sup>4029</sup> [REDACTED]. See [REDACTED].

<sup>4030</sup> [REDACTED].

<sup>4031</sup> P00111/P00330(duplicates); [REDACTED].

<sup>4032</sup> [REDACTED].

<sup>4033</sup> [REDACTED].

<sup>4034</sup> [REDACTED].

<sup>4035</sup> [REDACTED]. See P00352, pp.365,367-368,369-370,380; WILSON:T.3981.

<sup>4036</sup> [REDACTED].

<sup>4037</sup> P04359, p.2.

<sup>4038</sup> P04359, pp.1-2. See WILSON:T.3965-3966.

927. **MLADIĆ**'s forces opened fire the next day. In the evening on 28 May and continuing for the next 24 hours,<sup>4039</sup> the SRK began an artillery bombardment across the entire city.<sup>4040</sup> All SRK artillery weapons were deployed<sup>4041</sup> from 12 firing positions around Sarajevo that allowed every area of the city to be hit.<sup>4042</sup> Approximately 200 artillery pieces fired on the city,<sup>4043</sup> including 82mm and 120mm mortars; 155mm howitzers; multiple-barrel rocket launchers; and Praga anti-aircraft guns.<sup>4044</sup> [REDACTED].<sup>4045</sup>

928. **MLADIĆ** was in full command during the bombardment: he was physically present<sup>4046</sup> and actively directing the attack, ordering or approving fire on specific civilian targets and residential neighborhoods across the entire city.<sup>4047</sup> For example:

- **MLADIĆ** authorised POTPARA's attack "towards the museum and towards the hospital up there, and Crni Vrh," using weapons firing 82mm shells.<sup>4048</sup> That same date RM115 was injured in a shelling at the State Hospital.<sup>4049</sup>
- **MLADIĆ** repeatedly ordered shelling on Baščaršija,<sup>4050</sup> once directing VUKAŠINOVIĆ to "[s]hell Velešići and Baščaršija again from both sides and the Presidency....Fire three volleys each everywhere."<sup>4051</sup> Baščaršija was

<sup>4039</sup> WILSON:T.3969-3970; TARČIN:P00281, para.3; RM115:P00102, pp.2,5-6(confidential); P07731; [REDACTED].

<sup>4040</sup> WILSON:T.3969-3970,T.3986; [REDACTED]; [REDACTED]; TARČIN:P00281, paras.4-7,9; RM115:P00102, para.4(confidential).

<sup>4041</sup> [REDACTED].

<sup>4042</sup> [REDACTED].

<sup>4043</sup> WILSON:P00320, para.48; WILSON:T.3923-3926; P00352, pp.367-368; [REDACTED]; P04454, p.2 (BCS,p.1); P00330, p.5.

<sup>4044</sup> WILSON:T.3978-3980; P00330, pp.4-5; P00105/P02760(duplicates), pp.3-4,8-9; RM115:T.1654-1658(confidential); [REDACTED]; [REDACTED].

<sup>4045</sup> [REDACTED]. See TARČIN:P00281, paras.6-9; [REDACTED]; P01605, p.15(confidential).

<sup>4046</sup> P00353, p.19; MILOVANOVIĆ:T.17005.

<sup>4047</sup> P00105/P00330/P00111/[REDACTED] (partial duplicates); P01606(confidential); P01607(confidential); [REDACTED]. See WILSON:T.3974-3975; [REDACTED].

<sup>4048</sup> P01607(confidential).

<sup>4049</sup> RM115:P00102, paras.4-6(confidential). There is a straight line north from the National Museum and the Museum of the Revolution to the State Hospital and then to the Crni Vrh neighbourhood. D01892, pp.2,7; NAKAS:T.8648; D00231; P00003, pp.8,23-24.

<sup>4050</sup> [REDACTED]/P00105, pp.1-2/P00330, pp.1-2(partial duplicates); P00105, pp.3-4,6; P01605,p.8(confidential); P02759, p.258(confidential). See THEUNENS:P03029, p.390; D00007, p.7; HARLAND:T.733,T.902; VELJOVIĆ:T.22976; TARČIN:T.3411,T.3419; [REDACTED]; [REDACTED].

<sup>4051</sup> P00105, p.6.

shelled, with at least one civilian killed, one wounded and residences damaged.<sup>4052</sup>

- POTPARA informed **MLADIĆ** that shelling was going towards the tobacco factory,<sup>4053</sup> and the tobacco factory was reported as one of the buildings damaged in this bombardment.<sup>4054</sup>
- **MLADIĆ** repeatedly ordered Velišići to be attacked.<sup>4055</sup> The Velešići area was shelled the night of 28-29 May, resulting in “significant material damage” and injuries to one person.<sup>4056</sup>

929. **MLADIĆ** ordered attacks on other civilian features around the city, including Marin Dvor<sup>4057</sup> and a museum, and railway station.<sup>4058</sup> In addition to Bašćaršija, shells impacted other neighborhoods, including Vratnik<sup>4059</sup> and Širokaća,<sup>4060</sup> despite the absence of military targets in these areas.<sup>4061</sup>

930. People across the city were killed<sup>4062</sup> and wounded<sup>4063</sup> in the bombardment. The city itself was extensively damaged: mosques, court buildings, stores, homes, office buildings and the Olympic figure skating arena were shelled,<sup>4064</sup> as was the State Hospital.<sup>4065</sup> The television station was hit by at least ten shells.<sup>4066</sup>

<sup>4052</sup> P00105, p.6; P07683, p.1; P02759, p.25(confidential); P01605, p.8(confidential); WILSON:T.3969-3970.

<sup>4053</sup> [REDACTED]/P00105, pp.5-6[REDACTED].

<sup>4054</sup> P07731.

<sup>4055</sup> [REDACTED]/P00105, pp.1-2/P00330, pp.1-2(partial duplicates); P00105, p.6; P00111/P00105, pp.6-7/P00330, pp.3-4(partial duplicates). See [REDACTED]/P00105, p.5[REDACTED].

<sup>4056</sup> P07733, p.3.

<sup>4057</sup> P00105, p.4.

<sup>4058</sup> P01607(confidential).

<sup>4059</sup> P00549, pp.71-72.

<sup>4060</sup> TARČIN:P00281, paras.2-9; TARČIN:T.3447.

<sup>4061</sup> TARČIN:P00281, paras.2,11; TARČIN:T.3417-3421,T.3439,T.3448-3449; [REDACTED]; [REDACTED]; RM176:T.6320-6321(confidential).

<sup>4062</sup> Civilians killed included: Simo ŠIGUD (P07732, pp.1-4,6,11-19); Hasan RAMOVIĆ (P07732, pp.22-23,27-28); Sadija JUNUZOVIĆ (P00549, p.71); and others (P07171, pp.9,15,17); P07731; P07732, pp.24-25.

<sup>4063</sup> Civilians wounded included Ljibica ŠIGUD (P07732, pp.1-3,20-21); Edina GAČANIN (P07732, p.3); Fadila TARČIN (P00549, p.71); TARČIN:P00281, paras.4-10; TARČIN:T.3411; [REDACTED]; [REDACTED]; Salko FATIĆ (P07733, p.3); and others (P07731).

<sup>4064</sup> P00329, p.1; P07731, p.1; P04612, p.2; P00549, p.72; TARČIN:P00282, paras.2-3.

<sup>4065</sup> [REDACTED].

<sup>4066</sup> P07683, p.2; P07731, p.1.

931. It was “a really horrendous experience” for the people of Sarajevo that night, said WILSON,<sup>4067</sup> who further explained:

[T]here were literally thousands of rounds of all calibres, including rocket-launchers being fired into the city and distributed in such a way that there appeared to be no particular targets involved, just a general engagement of the city....There appeared to be no relationship between the shelling and the confrontation line. The city itself was the target. There was a lot of firing around the PTT, but the weight of fire seemed to be going into the old city.<sup>4068</sup>

932. The illegality of **MLADIĆ**’s May 28-29 attack was evident to everyone at the time, reflected in the [REDACTED],<sup>4069</sup> and the immediate repudiation of the shelling. A delegation led by BOŠKOVIĆ met with WILSON the morning of 29 May to dissociate the JNA from the bombardment, which they claimed **MLADIĆ** had ordered over their objections.<sup>4070</sup> BOSKOVIĆ confirmed that a recording of **MLADIĆ** personally directing artillery attacks on the city was authentic.<sup>4071</sup> The UN Secretary General appealed to **MLADIĆ** “to cease the bombardment immediately,”<sup>4072</sup> while even Slobodan MILOŠEVIĆ described it as a “bloody, criminal” bombardment of the civilian population of Sarajevo.<sup>4073</sup> **MLADIĆ** himself acknowledged responsibility for the attack, saying only that it was in response to provocations.<sup>4074</sup> **MLADIĆ** ended the attack only after pressure from the international community and the BSL,<sup>4075</sup> but by then he had accomplished his purpose: to terrorize the people of Sarajevo, or as he told VUKAŠINOVIĆ, to “drive them out of their minds.”<sup>4076</sup>

c. 5-8 June 1992 Bombardments (Scheduled Incident G2)

<sup>4067</sup> WILSON:T.3970. See [REDACTED]; TARČIN:P00281, paras.4-11; [REDACTED]; P01605, pp.8,15(confidential).

<sup>4068</sup> WILSON:T.3969-3970. See WILSON:T.3982; P00072; VANLYNDEN:P00066, para.53. [REDACTED].

<sup>4069</sup> [REDACTED].

<sup>4070</sup> WILSON:P00320, para.76; WILSON:T.3971-3973; P00329, pp.1-2. See [REDACTED].

<sup>4071</sup> WILSON:P00320, para.76; WILSON:T.3971-3973; P00329, pp.1-2.

<sup>4072</sup> P00331; P00342, p.1.

<sup>4073</sup> P00333, p.1; WILSON:P00320, para.79. See P00333, pp. 2-3; P00342, pp.1-2; WILSON:T.3988.

<sup>4074</sup> WILSON:P00320, para.77; WILSON:T.3984-3985, T.3938; P00341/P00328, p.7(partial duplicates); P00331; P00332, p.1; P00353, p.34.

<sup>4075</sup> P00331; P00333, p.1; P00342, pp.1-2; WILSON:P00320, para.79; P04452, p.3. The G1 Bombardment received worldwide attention. See P00072; VANLYNDEN:P00066, para.53; P07731.

<sup>4076</sup> P00330, pp.3-4/P00105, p.7/P00111(partial duplicate); [REDACTED]; [REDACTED].

933. Only one week later, despite the publicity<sup>4077</sup> and international condemnation<sup>4078</sup> of the G1 attack, **MLADIĆ**'s forces launched another large-scale bombardment across Sarajevo (Scheduled Incident G2). Beginning 5 June and continuing through at least 8 June, the city was subjected to successive barrages of artillery fire across the city.<sup>4079</sup> Chronicling the four days of attacks, VANLYNDEN said on the evening of 6-7 June that "[e]very night in Sarajevo, you think it can't get worse, but it does,"<sup>4080</sup> and on 7-8 June described the latest attack:

Suddenly on Sunday night, the whole city becoming the target. No district spared. All shaking as every 10 seconds the rockets, shells and mortars land. The fire so heavy, so incessant, that the deadly streams of light crisscross each other.<sup>4081</sup>

The SRK fired thousands of rounds at the city during this time<sup>4082</sup> from the artillery and mortars capable of hitting all parts of Sarajevo.<sup>4083</sup>

934. Prior to the attack, the last JNA forces in the Maršal Tito barracks were evacuated.<sup>4084</sup> On 5 June 1992, with **MLADIĆ** at Lukavica,<sup>4085</sup> the evacuation was completed without incident under a cease-fire agreement.<sup>4086</sup> There was "an eerie quiet throughout the whole city" that day,<sup>4087</sup> but once the last JNA troops were safely evacuated, SRK artillery immediately opened fire to destroy the barracks with targeted shelling.<sup>4088</sup> Simultaneously the rest of the city was subjected to heavy, widespread artillery shelling<sup>4089</sup> that continued through at least 8 June.<sup>4090</sup> Witnessing

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<sup>4077</sup> P07731.

<sup>4078</sup> P00331; P00333, pp.1-3; P00342, pp.1-2; WILSON:P00320, paras.77,79; WILSON:T.3984-3985,T.3988; P00341/P00328, p.7(partial duplicates); P00353, p.34.

<sup>4079</sup> VANLYNDEN:P00066, paras.55,59-60; P00073; P00074; P00075; VANLYNDEN:T.1315-T.1317,T.1319.

<sup>4080</sup> P00074; VANLYNDEN:P00066, para.59; VANLYNDEN:T.1317.

<sup>4081</sup> P00075; VANLYNDEN:T.1319; VANLYNDEN:P00066, para.60.

<sup>4082</sup> WILSON:P00320, paras.90-91; VANLYNDEN:T.1321-1322; T.1324.

<sup>4083</sup> WILSON:P00320, para.48; WILSON:T.3923-3926; [REDACTED].

<sup>4084</sup> DONIA:P01999, pp.73-74; VANLYNDEN:T.1420; VANLYNDEN:P00066, para.55; P00072.

<sup>4085</sup> P00353, p.79.

<sup>4086</sup> DONIA:P01999, pp.73-74; P00073; VANLYNDEN:T.1315-1316; WILSON:T.3954-3955,T.3989,T.3990; Milosav GAGOVIĆ:D00622, para.30. See P01605(confidential), pp.5,18.

<sup>4087</sup> WILSON:T.3952. See WILSON:T.3989; VANLYNDEN:T.1420; P00072.

<sup>4088</sup> VANLYNDEN:P00066, paras.55-56; P00073; VANLYNDEN:T.1315-1316; WILSON:P00320, paras.90-91; WILSON:T.3989-3991.

<sup>4089</sup> VANLYNDEN:P00066, paras.55-56; P00073; VANLYNDEN:T.1315-1316; WILSON:P00320, paras.90-91; WILSON:T.3990-T.3991.

<sup>4090</sup> VANLYNDEN:P00066, paras.55,59-60; P00073; P00074; P00075; VANLYNDEN:T.1315-1317,T.1319; WILSON:T.3991; P06660, p.1; KECMANOVIĆ:T.23891.

the attack from atop the State Hospital,<sup>4091</sup> VANLYNDEN characterised the two types of fire he saw: the artillery fire directed at the barracks was concentrated fire an army would use to destroy a particular target, and demonstrated the capability **MLADIĆ**'s forces had to direct such fire.<sup>4092</sup> The fire directed over the rest of the city appeared to be "wild scattered shelling," with no particular target.<sup>4093</sup> VANLYNDEN further described the latter shelling:

But what we saw in the rest of the city was one or two shells landing completely all over the place and I said just rained down because it came from the skies, and it felt almost as if it was raining shells. But as I said, all over the city and that cannot have had a direct military purpose apart from to bring terror to the lives of everyone living in the city.<sup>4094</sup>

935. From 5 June through 8 June, civilians were killed or wounded around the city centre and Stari Grad. "It was a terrible day" on 6 June, said AVDIĆ, who described shells "hitting all around" her street on Koševo Hill at the top of Ciglane.<sup>4095</sup> One of the shells that fell in her neighbourhood that day killed her husband Muhamed AVIDĆ, Abdulah FETAHOVIĆ and Osman KAPETANOVIĆ, and wounded two others.<sup>4096</sup> "[T]he whole city seemed to be shelled very heavily" on 6 June, said GRANILO,<sup>4097</sup> who was wounded by a shell that fell in her residential neighbourhood of Bjelave.<sup>4098</sup> Her daughter Jasna ZENIĆANIN-GRANILO was killed that same day by a shelling in Centar.<sup>4099</sup> PALAVRA was also injured on 6 June in a shelling in her Bistrik neighbourhood<sup>4100</sup> that killed family member Sadeta ŠKULJ<sup>4101</sup> and wounded three others.<sup>4102</sup> Shelling on 8 June wounded MUJHANOVIĆ in Barica, below Žuc and Poljine.<sup>4103</sup> When she was taken to Koševo Hospital she saw "about 150 other people wounded because of shelling that occurred throughout Sarajevo....I saw many

<sup>4091</sup> VANLYNDEN:P00066, paras.31-32.

<sup>4092</sup> VANLYNDEN:P00066, paras.55-56,58; VANLYNDEN:T.1316,T.1321-1322,T.1423; P00073; WILSON:T.3991-3992.

<sup>4093</sup> VANLYNDEN:P00066, paras.56,58; VANLYNDEN:T.1316,T.1321-1322; P00073.

<sup>4094</sup> VANLYNDEN:T.1322. See VANLYNDEN:P00066, para.56.

<sup>4095</sup> Z.AVDIĆ:P00380, paras.2,3-7; P04889; P00975/P06479(partial duplicate).

<sup>4096</sup> Z.AVDIĆ:P00380, paras.1,3-8; P04889; P00975; P02797, p.617.

<sup>4097</sup> GRANILO:P00386, para.3.

<sup>4098</sup> GRANILO:P00386, paras.2-5.

<sup>4099</sup> GRANILO:P00386, paras.6-7; P06479/P00975(partial duplicate), pp.9-11; P06480; P02797, p.617. See P07683, p.1.

<sup>4100</sup> P00549, pp.79-80.

<sup>4101</sup> PALAVRA:P01946, paras.5,10; P01947, pp.1-2,8; P00549, p.79.

<sup>4102</sup> PALAVRA:P01946, paras.2,5,10; P01947, pp.1-2,3-7; P00549, pp.79-80; P02623, p.3.

<sup>4103</sup> MUJANOVIĆ:P00387, paras.8-11.

persons admitted with terrible and shocking injuries from the effects of the shelling.”<sup>4104</sup>

936. Many other civilians were killed<sup>4105</sup> and wounded<sup>4106</sup> around the city during the 5-8 June bombardment. Other Sarajevo neighbourhoods were also shelled, including Vratnik, Baščaršija, Logavina, Bistrik, Sedrenik, Vasin Han and Hrid-Jarčedoli.<sup>4107</sup> Apartment buildings and homes were damaged,<sup>4108</sup> as were commercial buildings.<sup>4109</sup> One of the Unis Towers and the Parliament were set afire.<sup>4110</sup> The Music Academy was shelled,<sup>4111</sup> along with the RTV station.<sup>4112</sup> Fifty mosques were hit.<sup>4113</sup> On 9 June the Bosnian Serb Presidency and **MLADIĆ** met and agreed that “[a]ll heavy artillery activities on the City be halted.”<sup>4114</sup>

937. In the first four weeks after assuming command, **MLADIĆ** had subjected Sarajevo to days of massive bombardments against the entire city. The ferocity of the bombardments would have been noteworthy if directed against military targets, much less against civilians and civilian areas. “I had never seen such weight of fire used, and particularly not against civilian targets,”<sup>4115</sup> said WILSON, and VANLYNDEN said, “I have never otherwise witnessed this kind of intense, concentrated bombardment that I saw in June 1992.”<sup>4116</sup> Shortly after G2, Slobodan MILOŠEVIĆ

<sup>4104</sup> MUJANOVIĆ:P00387, para.12.

<sup>4105</sup> Other civilians killed included Nihad BOZALIJA, Salih MULAOMEROVIĆ; Mahmut SANDAKTAREVIĆ, Sali SANDAKTAREVIĆ, Hasija NEIMARLIJA, Munira ŠAGOVIĆ, Ferid HOĐIĆ; Derviš PROZORAC; Emir ARMAUTOVIĆ; Ismet ČENGIĆ, Salko JUSUFOVIĆ; Savo MARKOVIĆ, Razija BISER; Enisa BISER. P00549, pp.77,80,82,86. See P07171, pp.9,15,17; VANLYNDEN:P00006, para.59; P00074; VANLYNDEN:T.1317.

<sup>4106</sup> On 5 June, six civilians were wounded in Vratnik and six in Baščaršija; on 6 June, two were wounded in Vratnik and seven in Bistrik (PALAVRA’s family); on 7 June, two were wounded in Logavina, one in Hrid-Jarcedoli and one in Sredrenik; on 8 June, two were wounded in Vasin Han and one in Vratnik. P00549, pp.77-82. Three civilians were wounded in Velešići on 6 June. P07733, p.3. At least two wounded children were hospitalized. P02623, p.3; P00074; VANLYNDEN:T.1317. See P07171, pp.9,18-19.

<sup>4107</sup> P00549, pp.77-80; P07683, p.1.

<sup>4108</sup> P00549, p.79,80,82; P07733, p.3; Z.AVDIĆ:P00380, para.3; PALAVRA:P01946, paras.10-11.

<sup>4109</sup> P04612, pp.2,6; P07683, pp.1-2.

<sup>4110</sup> P00074; VANLYNDEN:P00006, para.59; VANLYNDEN:T.1317,T.1323; P04612, p.2.

<sup>4111</sup> P00549, p.79.

<sup>4112</sup> P07683, p.2.

<sup>4113</sup> P07683, p.4.

<sup>4114</sup> P04301/P03691(duplicates). See D01680, p.1.

<sup>4115</sup> WILSON:P00320, para.57; WILSON:T.3934-3935.

<sup>4116</sup> VANLYNDEN:P00066, para.57.

again condemned the shelling of the Sarajevo during discussions with Internationals as a “criminal enterprise...”<sup>4117</sup>

d. December 1992 Bombardments (Oteš Offensive)

938. **MLADIĆ** and the SRK launched another large-scale barrage against the city in December 1992, in conjunction with the SRK offensive on Oteš,<sup>4118</sup> with shells exploding across the city far beyond the scope of the fighting.<sup>4119</sup> UNMOs observed at least 6300 shells fell during the first ten days of the month<sup>4120</sup> and MOLE concluded that the total on many of these days “would actually be double” than the reported amount.<sup>4121</sup>

939. Less than two weeks before these bombardments, **MLADIĆ** had issued Directive 4,<sup>4122</sup> ordering the SRK to “tighten the circle, cut off and isolate parts of the city and the surrounding settlements,”<sup>4123</sup> with offensive operations.<sup>4124</sup> On 26 November, **GALIĆ** ordered SRK operations, which included a plan to “isolate Oteš”<sup>4125</sup> to start on 2 December.<sup>4126</sup> That same day, SRK 4<sup>th</sup> MAP Commander **CVETKOVIĆ** ordered his artillery regiments to “[p]revent enemy attacks from Sarajevo aiming to lift the blockade of Sarajevo by firing on the following sectors: Humsko Brdo, Pofalići, Velišići, Jarčedoli, Čolina Kapa, Briješće village, Štup, Alipašino Polje, Mojnilo hill,”<sup>4127</sup> and to fire along the axes Mrković-Breka and Borija-Bašćaršija.<sup>4128</sup> These SRK orders, and the following actions described below, illustrate that the Corps understood the Directive as instructing them to take action throughout the city, including civilian areas far from Oteš.

<sup>4117</sup> DOYLE:T.1528-1530; P00095, pp.2,4.

<sup>4118</sup> MOLE:P00421, paras.47-51.

<sup>4119</sup> MOLE:P00421, paras.71,84-85,111-117-119; TUCKER:P00317, paras.82-83.

<sup>4120</sup> P00428, p.1; P00425, pp.2-5; P04625; P00427; P04626, p.1; P04627, p.1; P07171, p.13; P07683, p.4.

<sup>4121</sup> MOLE:P00421, paras.47-51; MOLE:T.4433-4434; TUCKER:P00317, paras.84-85.

<sup>4122</sup> P01968, p.1; P02189; DONIA:P01999, pp.75-76.

<sup>4123</sup> P01968, p.5.

<sup>4124</sup> P01968, p.4.

<sup>4125</sup> P00430, pp.1,9,11.

<sup>4126</sup> P00430, pp.1,5-6.

<sup>4127</sup> P04423, p.1.

<sup>4128</sup> P04423, pp.1-2; *see* P06753, pp.11-14.

940. In accordance with **MLADIĆ**'s directive and subsequent orders, the SRK began its attack on the western part of the city on 2 December,<sup>4129</sup> and significantly increased the level of shelling with 1284 impacts on 3 December<sup>4130</sup> and 1480 on 4 December.<sup>4131</sup> The majority of the initial shelling was in the west of the city with fire directed at Oteš, but shells also fell on Dobrinja, Nedžarići, and City Centre.<sup>4132</sup>

941. By 5 December the fighting in Oteš had mostly ended,<sup>4133</sup> but VANLYNDEN reported on "the escalation of shelling here, in the centre of Sarajevo."<sup>4134</sup> UNPROFOR observed that the shelling had become "dispersed throughout the city."<sup>4135</sup> with 599 impacts on 5 December;<sup>4136</sup> 259 on 7 December; and 991 on 8 December.<sup>4137</sup>

942. As TUCKER explained, the SRK used its artillery not only as immediate support of the attacks by BSA infantry near Oteš, but also used firing all over the city at non-related civilian targets "in order to intimidate, first, the population of Sarajevo in general and to break their will to resist."<sup>4138</sup> Similarly, MOLE concluded that indiscriminate fire throughout this time was "used to fashion terror because there was no military objective."<sup>4139</sup>

943. During the attack, civilian neighbourhoods including the City Centre<sup>4140</sup> and Bašćaršija<sup>4141</sup> were shelled. Civilian buildings,<sup>4142</sup> including hospitals<sup>4143</sup> and a health centre,<sup>4144</sup> apartments,<sup>4145</sup> and the Holiday Inn,<sup>4146</sup> were also hit. Civilians were killed<sup>4147</sup> and wounded.<sup>4148</sup> Residents were warned to stay indoors because of

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<sup>4129</sup> P00425, pp.1-2.

<sup>4130</sup> P00425, p.2; P07171, p.13; ABDEL-RAZEK:P00293, para.53.

<sup>4131</sup> P00425, pp.2-3; P04625; P00427; P07171, p.13.

<sup>4132</sup> P00425, pp.1-3; P07683, pp.1,2,4; P00427.

<sup>4133</sup> P00433, p.1; D00090.

<sup>4134</sup> P00071.

<sup>4135</sup> P00425, pp.3-4; P04626, p.1; P04627; MOLE:P00421, paras.111-117.

<sup>4136</sup> P00425, p.3; P04626, p.1.

<sup>4137</sup> P00425, pp.3-4.

<sup>4138</sup> TUCKER:P00317, para.90.

<sup>4139</sup> MOLE:P00421, para.114. *See* MOLE:P00421, paras.71,84-85,111-119.

<sup>4140</sup> P07683, p.1.

<sup>4141</sup> P07683, p.2.

<sup>4142</sup> P04612, p.4.

<sup>4143</sup> P07683, pp.3-4; P00425, pp.3-4.

<sup>4144</sup> P04612, p.4.

<sup>4145</sup> P00071; VANLYNDEN:P00066, paras.122-127; VANLYNDEN:T.1313.

<sup>4146</sup> P07683, p.3.

<sup>4147</sup> P07171, pp.9,15-17; P00549, p.155.

<sup>4148</sup> P07171, pp.9,18-19; P00549, p.155; ABDEL-RAZEK:P00293, paras.63,85; P02622, pp.6-7.

increasing attacks,<sup>4149</sup> and civilians reported later that month that they almost never moved around the city “because they were afraid of shells.”<sup>4150</sup>

944. Knowing the liberation of this area had been largely achieved,<sup>4151</sup> **MLADIĆ** met with NAMBIAR on 8 December who expressed “deep concern” to him about the escalation of the conflict in Sarajevo.<sup>4152</sup> At the time of this meeting, **MLADIĆ** had already ordered his Corps to achieve “all war objectives” by 13 December in order for the BSL to officially declare unilateral suspension of combat operations in BiH.<sup>4153</sup> Consistent with this order, the SRK continued the shelling of the city which did not end until later that month.<sup>4154</sup>

c. July 1993 Bombardments (Operation *Lukavac-93*)

945. **MLADIĆ** ordered and the SRK executed Operation *Lukavac-93* throughout July and early August 1993.<sup>4155</sup> At that time, ABiH forces were in disarray<sup>4156</sup> and the humanitarian situation in the city was grim: people in Sarajevo were hungry, and there was no water, electricity or firewood.<sup>4157</sup>

946. A week before the commencement of the operation, **MLADIĆ** issued Directive 5 and tasked the SRK to undertake the *Lukavac-93* offensive in order to prevent the lifting of the siege of Sarajevo and create conditions for the linking-up of areas toward Herzegovina to the south of the city.<sup>4158</sup> The next day, **GALIĆ** issued an order to implement Directive 5,<sup>4159</sup> which included orders to fire on “sectors of the Stari Grad municipality” and other sectors in the city, including Butmir, Sokolović Kolonija, and Hrasnica in the west of the city; Hum, Žuč, and Buća and Boljakov Potok in the north of the city.<sup>4160</sup> Again, this SRK implementation order, and the

<sup>4149</sup> D01159, p.2. See ABDEL-RAZEK:P00293, para.63.

<sup>4150</sup> [REDACTED].

<sup>4151</sup> P00432, p.1; P00433, p.1.

<sup>4152</sup> P00356, pp.261-262.

<sup>4153</sup> P02189, p.1. See P05030.

<sup>4154</sup> P00425, pp.4-5; P07682, p.1; TUCKER:P00317, para.88; D00084, p.1.

<sup>4155</sup> P02006; P04439; P06929; P07556; ANDAN:T.22437-22438; RADOJČIĆ:T.23115-23116; D.ŠKRBA:T.21268; D.LALLOVIĆ:T.21971; R.MAKSIMOVIĆ:T.26833; S.SIMIĆ:T.36031.

<sup>4156</sup> P06788; D.ŠARENAC:T.26177; P07556, p.1; [REDACTED]; [REDACTED].

<sup>4157</sup> [REDACTED]; [REDACTED]; P06551; BATINIĆ:T.22703; D01251, pp.38,40-41.

<sup>4158</sup> P02006, pp.1,3; DONIA:P01999, pp.78-79; D.LALLOVIĆ:T.21974-75. The SRK commenced preparations for operations pursuant to Directive 5 in March 1993. See P07410, p.1.

<sup>4159</sup> P06549.

<sup>4160</sup> P06549, p.7. See P06929.

events described below, illustrate the Corps understood the Directive as instructing them to take action throughout the city, including civilian areas far from the areas to be “liberate[d].”<sup>4161</sup> **MLADIĆ** and the Main Staff directly led the operation, which he ordered to commence on 2 July 1993 at 04:00 hours,<sup>4162</sup> from the IKM in Jahorina.<sup>4163</sup>

947. The operation started on 2 July<sup>4164</sup> and the initial shelling over the first ten days encompassed civilian areas, including Stari Grad,<sup>4165</sup> Velešći,<sup>4166</sup> and Dobrinja.<sup>4167</sup> By 12 July, the SRK accomplished one of the *Lukavac-93* objectives and liberated the area to the south of Sarajevo between Jahorina and Treskavica.<sup>4168</sup> Nevertheless, **GALIĆ** ordered the continuance of the operation in order to capture Igman and to hold the town of Sarajevo under “blockade.”<sup>4169</sup> The ABiH 1<sup>st</sup> Corps subsequently received intelligence that this meant that Sarajevo was to be attacked with all available means.<sup>4170</sup>

948. That intelligence was confirmed as Sarajevo was subjected to city-wide SRK bombardments, with reports of between 6500-9000 shells striking the city between 17-24 July<sup>4171</sup>— with approximately 2000 shells impacting the city on the 17<sup>th</sup>.<sup>4172</sup> The SRK bombardments continued between 21-22 July, when UNMOs observed thousands of outgoing rounds<sup>4173</sup> on 21-22 July, with at least 680 shells impacting the civilian downtown area and many more falling in the area of Hrasno Brdo,<sup>4174</sup> the Holiday Inn,<sup>4175</sup> the City Centre,<sup>4176</sup> and the vicinity of UNPROFOR forces.<sup>4177</sup> At least ten civilians were killed during these bombardments,<sup>4178</sup> and 50 wounded.<sup>4179</sup>

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<sup>4161</sup> P02006, p.2.

<sup>4162</sup> P02006, p.3.

<sup>4163</sup> P02006, p.5; P06929; MILOVANOVIĆ:T.16955-16956; P05035; P01973, p.5.

<sup>4164</sup> P04641. UNPROFOR sitrep indicates Serb forces opened fire with artillery, mortar, tank and multiple rocket launchers at 0445 hrs.

<sup>4165</sup> P00549, pp.34-35.

<sup>4166</sup> P07733, p.5.

<sup>4167</sup> D01251; D01930; P07555. *See* Z.SUBOTIĆ:T.39847-39854.

<sup>4168</sup> P07556.

<sup>4169</sup> HAMILL:P00537, p.94; P06929, pp.2-3 (Item 4.1 of this order states “blokadi” in the BCS original); P07556.

<sup>4170</sup> P07689.

<sup>4171</sup> P07171, pp.9,13; P00540, p.3; P00541, pp.1,3; HAMILL:T.5467; THOMAS:P00503, para.120.

<sup>4172</sup> P07171, p.13; P07611, p.10.

<sup>4173</sup> HAMILL:P00537, T.6063,T.6211-6212; P00540, p.3.

<sup>4174</sup> P07611, pp.10-11.

<sup>4175</sup> P07683, p.3.

<sup>4176</sup> P07683, p.1.

<sup>4177</sup> P00540, pp.1,3; HAMILL:T.5465; P07171, pp.9,13; BATINIĆ:T.22700-22702.

<sup>4178</sup> P07171, pp.9,16-17; P00549, p.19; P00540, pp.1,3.

949. **MLADIĆ** and the SRK ended the *Lukavac-93* operation by early August 1993 after the BSL imposed a ceasefire<sup>4180</sup> in the lead-up to political negotiations in Geneva.<sup>4181</sup> Following the operation, **MLADIĆ** recommended an early promotion for **GALIĆ**, in part, for his implementation of the offensive.<sup>4182</sup>

f. December 1993-January 1994 Bombardments (Operation *Pancir-2*)

950. Bombardments of civilian areas again paralleled a major offensive operation as **MLADIĆ** and the SRK carried out Operation *Pancir-2* from 19 December 1993 through February 1994.<sup>4183</sup> The city was shelled heavily and repeatedly, with over 14,000 shells falling on the city from 19 December 1993 to 15 January 1994;<sup>4184</sup> on ten of those days more than 500 shells struck the city.<sup>4185</sup> Fire subsided by late January due to international pressure<sup>4186</sup> and ended in the wake of the Markale I shelling.<sup>4187</sup>

951. Five days before launching the *Pancir-2* operation, **MLADIĆ** issued a supplement to Directive 6 and ordered the SRK to commence Operation *Pancir-2* along axes to the northwest and southwest of the city and “to provide conditions for the division of Sarajevo in two (2) parts.”<sup>4188</sup> He directed the offensive to begin on 19

<sup>4179</sup> P07171, pp.9,19; P00549, pp.18-19; P00540, pp.1-3; P02622, p.15.

<sup>4180</sup> P04425; P02233(confidential); D01982. *See* P04468; D01723, p.1; D01842, p.4; P00358, p.302.

<sup>4181</sup> D01542; D01569.

<sup>4182</sup> P05002, p.2.

<sup>4183</sup> P04422, pp.1-2; P00476; P05246; P00359, pp.133,144-145,148.

<sup>4184</sup> P04630; P04631; P04632; P04633.

<sup>4185</sup> 1502 impacts, 20-21 December: P07535, pp.2-3; P04630; P07171, p.14. 1744 impacts, 21-22 December: P07535, pp.4-5; P04630; P07171, p.14. 1309 impacts, 22-23 December: P07535, p.6; P04630; P07171, p.14. 784 impacts, 23-24 December: P07535, p.7; P04630. 686 impacts, 26-27 December: P01069; P04631; P00512, p.2; P00510; P07171, p.14; THOMAS:P00503, para.95. 868 impacts/1613 outgoing rounds, 3-4 January: P01068, pp.1-2; P04632; P07171, p.14; P00512, p.6; P00510; THOMAS:P00503, para.96; THOMAS:P00504. 1333 impacts, 4-5 January: P04611, p.1; P04605; P04632; P07171, p.14; THOMAS:P00503, para.96; THOMAS:P00504. 815 impacts, 5-6 January: P04632; P07171, p.14. 704 impacts, 12-13 January: P04633; P07171, p.14.

<sup>4186</sup> P00360, pp.28-29; P00735, p.2.

<sup>4187</sup> AF2025; THOMAS:P00503, paras.107,119; RM163:P00628, para.24(confidential); P04476; P07690, p.2.

<sup>4188</sup> P04422, p.1. P04422 is a Supplement to Directive 6, which ordered the SRK to engage in offensive operations to “create objective conditions for the achievement of strategic war goals” of the VRS, including liberation of Sarajevo. *See* P04383, p.6. **MLADIĆ** subsequently ordered his Corps Commanders on 10 November 1993 to begin planning operations pursuant to Directive 6. *See* P04348, p.1. **MLADIĆ** met with several members of the overarching JCE in Belgrade on 13 December and discussed Sarajevo. *See* P00359, pp.53-62.

December.<sup>4189</sup> The SRK conveyed this order to its brigades and artillery regiment the next day.<sup>4190</sup>

952. Consistent with **MLADIĆ**'s orders,<sup>4191</sup> the operation commenced on the evening of 19 December as shelling of the city began to escalate, with 100 impacts in the western part of the city.<sup>4192</sup> The following day Sarajevo experienced its heaviest shelling in two months, with 1502 recorded impacts on the city and "no indication that this fire is in support of a ground attack or what the objectives are."<sup>4193</sup> Residential areas were shelled throughout the city that day, from Bistrik and Velesići in the eastern part of the city to Rajlovac in the west.<sup>4194</sup>

953. This pattern repeated for weeks<sup>4195</sup> and took a significant toll on the population of Sarajevo. From the 21<sup>st</sup> of December through 15 January, the SRK shelled all across the city every day with a mix of weaponry;<sup>4196</sup> on nine of those days more than 500 shells struck the city.<sup>4197</sup> Emphasising the volume of fire directed at Sarajevo, THOMAS said, referring to one day's total,<sup>4198</sup> "that 1600 rounds was more than the Canadian artillery unit would receive for one year's training."<sup>4199</sup>

954. Residential areas<sup>4200</sup> across the city were deliberately targeted throughout these bombardments, including the neighbourhoods of Sedrenik, Bare, Alipašino-Most, Bistrik, Kobilja Glava, Grahoviste and "as always,"<sup>4201</sup> the City Centre.<sup>4202</sup>

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<sup>4189</sup> P04422, p.1.

<sup>4190</sup> P00476.

<sup>4191</sup> P04422, p.1.

<sup>4192</sup> P07535, p.1.

<sup>4193</sup> P07535, pp.2-3; P04630; P07171, p.14; RUSSELL:T.38744.

<sup>4194</sup> P07535, p.2.

<sup>4195</sup> P00512; P00510; P07535, pp.1-2,4-9; P04609; P04610; P01069; P01070; P01071; P07536; P00511; P01068, p.1; P04611, p.1; P04605; P00509, p.2; THOMAS:P00503, para.96; THOMAS:P00504; P05208, p.1; THOMAS:T.5182,T.5183-5184; P04630; P04631; P04632; P04633.

<sup>4196</sup> P00506; P00507; THOMAS:P00503, para.74,119; THOMAS:T.5165-5167.

<sup>4197</sup> 1502 impacts, 20-21 December: P07535, pp.2-3; P04630; P07171, p.14. 1744 impacts, 21-22 December: P07535, pp.4-5; P04630; P07171, p.14. 1309 impacts, 22-23 December: P07535, p.6; P04630; P07171, p.14. 784 impacts, 23-24 December: P07535, p.7; P04630. 692 impacts, 24-25 December: P04609; P04630. 686 impacts, 26-27 December: P01069; P04631; P00512, p.2; P00510; P07171, p.14; THOMAS:P00503, para.95. 868 impacts/1613 outgoing rounds, 3-4 January: P01068, pp.1-2; P04632; P07171, p.14; P00512, p.6; P00510; THOMAS:P00503, para.96; THOMAS:P00504. 1333 impacts, 4-5 January: P04611, p.1; P04605; P04632; P07171, p.14; THOMAS:P00503, para.96; THOMAS:P00504. 815 impacts, 5-6 January: P04632; P07171, p.14. 704 impacts, 12-13 January: P04633; P07171, p.14.

<sup>4198</sup> P01068, pp.1-2; P04632; P07171, p.14; P00512, p.6; P00510; THOMAS:P00503, para.96; THOMAS:P00504.

<sup>4199</sup> THOMAS:P00503, para.96.

<sup>4200</sup> THOMAS:P00503, para.96; THOMAS:T.5178.

<sup>4201</sup> P07535, p.7; P04609; P04610.

Civilian features,<sup>4203</sup> including Koševo hospital,<sup>4204</sup> were attacked. On most days, at least half of the locations shelled were residential.<sup>4205</sup> By mid-January the city was described as ranking “with Kabul and Mogadishu as amongst the most dangerous places in the world.”<sup>4206</sup>

955. At least 89 civilians were killed and 678 wounded between 19 December and 15 January,<sup>4207</sup> often at locations where people queued for water and bread.<sup>4208</sup> Civilians were killed every day during the operation, even on the few days when there was a lower level of shelling.<sup>4209</sup> The SRK’s deliberate maintenance of the climate of terror was underscored by its deliberate shelling of areas routinely used by civilians to avoid sniper fire.<sup>4210</sup> On one day, a shell killed five members from three generations of the same family.<sup>4211</sup>

956. **MLADIĆ** directly oversaw the forces carrying out Operation *Pancir-2* between mid-December 1993 and February 1994. He conducted briefings with his commanders within the SRK’s AOR in Krivajevici<sup>4212</sup> and Vogošća,<sup>4213</sup> and issued orders from the Main Staff’s IKM in Vogošća.<sup>4214</sup> As the operation continued, **MLADIĆ** toured the Sarajevo front<sup>4215</sup> and remained actively engaged in its command.<sup>4216</sup> For instance, he met with PERIŠIĆ to discuss the VJ’s assistance and

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<sup>4202</sup> P00512; P00510; P07535, pp.1-9; P04609; P04610; P01069; P01070; P01071; P07536; P00511; P01068, p.1; P04611, p.1; P04605; P00509, p.2; THOMAS:P00503, para.96; THOMAS:P00504; P05208, p.1; THOMAS:T.5178,T.5182-5184; P07683, pp.1-4; P00549, pp.39-42; P07733, p.6; P07611, pp.24-27.

<sup>4203</sup> P04612, p.5; P07683, pp.2-4; P07733, p.6.

<sup>4204</sup> P01068, p.2; THOMAS:P00503, para.96; THOMAS:P00504; P07683, p.4.

<sup>4205</sup> P07535, pp.1-2,4-9; P04609; P04610; P01069, P01070; P01071; P07536; P00511; P01068, p.1; P04611; P04605; P00509; P05208.

<sup>4206</sup> P07781, p.3.

<sup>4207</sup> P01072, pp.1-2; THOMAS:P00503, para.119; THOMAS:T.5182. See P00549, pp.39-42; P07171, pp.9,17,19; P02622, pp.19-21.

<sup>4208</sup> KUPUSOVIĆ:P02468, T.669-670; RUSSELL:T.38749-38750.

<sup>4209</sup> RUSSELL:T.38749-38750. See P04631; P04632; P01070; P07535, pp.8-9; P01071; P00511, p.1; P00509, pp.1-3; THOMAS:P00503, para.96; P00512, pp.4-5,7; P00510; P00509, pp.1-2; THOMAS:P00503, para.96; THOMAS:T.5180-T.5181; P00512, p.7; P00510.

<sup>4210</sup> P00509, pp.1-2; THOMAS:P00503, para.96; THOMAS:T.5180-5181; P00512, p.7; P00510; P01071; P00511.

<sup>4211</sup> P00511; P07537; THOMAS:P00503, para.96. See P07536.

<sup>4212</sup> P04422, p.2; P00359, pp.69-71,100-102.

<sup>4213</sup> P00359, pp.104-107.

<sup>4214</sup> P05246. See P04268.

<sup>4215</sup> P03061.

<sup>4216</sup> P05206; P00873; P03061; P05211; P05247.

the “offensive on Sarajevo” in late December.<sup>4217</sup> In mid-January, **MLADIĆ** told **KARADŽIĆ** and **SRK** commanders that “Sarajevo is strategic goal no. 1 and it can be resolved militarily, not politically,” and must be pursued through Operation *Pancir-2*.<sup>4218</sup>

(ii) Shelling of Civilians in the City Centre and Stari Grad  
(Scheduled Incidents G8 and G18)

957. Scheduled Incidents G8 and G18 were part of a pattern of shelling of civilians in the Centar and Stari Grad municipalities of Sarajevo — “there were thousands upon thousands of shells that fell on the Stari Grad area.”<sup>4219</sup> — a practice which began in 1992 and continued through 1995,<sup>4220</sup> and was reflected in various orders by the Main Staff and **SRK** to shell Stari Grad.<sup>4221</sup>

958. Within Stari Grad, Baščaršija, the historic old town area with a high percentage of Muslims,<sup>4222</sup> was repeatedly shelled<sup>4223</sup> despite its dense civilian population and either the absence or negligible significance of any military targets.<sup>4224</sup> The repeated shelling of the area killed or wounded many civilians.<sup>4225</sup>

959. **MLADIĆ** specifically ordered **SRK** artillery to shell Baščaršija on 28 May 1992.<sup>4226</sup> On 11 October and 26 November 1992, **CVETKOVIĆ** ordered **SRK** artillery to engage in fire on Baščaršija,<sup>4227</sup> which was shelled on at least 15 occasions during these months.<sup>4228</sup> The Old Town received in excess of 400 shells on the morning of 21 March 1993 and, in nearby Vratnik, “citizens were deliberately

<sup>4217</sup> P00359, p.108.

<sup>4218</sup> P00359, pp.133-134,144.

<sup>4219</sup> ĐOZO:T.5542-5543. See P06601, paras.2,4.

<sup>4220</sup> See ĐOZO:T.5542-5543,T.5559; KONINGS:P01741, paras.22,32; ĐOZO:P00544, para.36; P06525; D01243; P07552, pp.1-2; SULJEVIĆ:P00889, paras.43-47; D01259(confidential); P07535, pp.1,4,7-9; P07536; P07405, p.3; P06601, paras.2,4.

<sup>4221</sup> P06601, paras.2,4; P06549, p.7; P01604(confidential); P04423, pp.1-2; M.ŠKRBA:T.22860.

<sup>4222</sup> D00007, p.7; HARLAND:T.733,T.902; VELJOVIĆ:T.22976.

<sup>4223</sup> P07683, pp.1-2; P00549, pp.12,14-15,18-19,21-24,26,35,38,40-41,53,54,70,77,82,98,100,109-110,119-125,128-129,131-132,134,138,140,142,144,147; D01259, pp.1-2,5(confidential); P07405, para.8.

<sup>4224</sup> RM176:T.6320-6321(confidential); [REDACTED]; VELJOVIĆ:T.22977; D00007, p.7; [REDACTED].

<sup>4225</sup> P00549, pp.12,18-19,22,35,39,40-41,70,77,98,124,125,128,131-32,138,142,144; D01259, pp.1-2,5(confidential).

<sup>4226</sup> P01604(confidential); P00330, pp.1-2; P07683, p.1.

<sup>4227</sup> P00464, p.2; P04423, p.2.

<sup>4228</sup> P07683.

targeted” in an operation that had no apparent military value.<sup>4229</sup> On 27 October 1993, the Old Town received almost 500 shells in a one-hour period.<sup>4230</sup> The Markale area was also repeatedly targeted: In the months leading up to Scheduled Incident G8, the area had been shelled up to a dozen times.<sup>4231</sup>

960. On the day before Scheduled Incident G8, UNMOs in Sarajevo reported no outgoing BiH fire, but that VRS outgoing fire included 50 anti-aircraft artillery rounds and eight mixed fire rounds, which included tank, gun, or mortar rounds.<sup>4232</sup> Between midnight and 08:00 on 5 February 1994 – the day of Scheduled Incident G8 – the residential area of the city centre was shelled and UNMOs reported three outgoing BSA mortars.<sup>4233</sup> The UNMO daily sitrep for 5 February 1994 observed 55 mixed impacts coming into BiH territory and none going out.<sup>4234</sup>

a. Scheduled Incident G8 – 5 February 1994

961. On Saturday 5 February 1994 between 12:00 and 12:30, a mortar shell struck Markale market,<sup>4235</sup> a popular Sarajevo market-place,<sup>4236</sup> killing over 60 people and injuring 140 others.<sup>4237</sup> The 120mm high-explosive mortar shell<sup>4238</sup> was fired from SRK-held territory<sup>4239</sup> in a conventional manner<sup>4240</sup> and detonated when it hit the ground.<sup>4241</sup>

962. Four separate investigations into the incident were undertaken, two local and two authorised by the UN. The first local investigation on 5 February by the Sarajevo

<sup>4229</sup> [REDACTED]; [REDACTED].

<sup>4230</sup> D00007, p.7.

<sup>4231</sup> AF2524; P00538, p.16; P07055.

<sup>4232</sup> P00542, p.1; HAMILL:T.5468-5470.

<sup>4233</sup> P00542, p.2; HAMILL:T.5470-5471.

<sup>4234</sup> P07538.

<sup>4235</sup> AF2513; P00868, pp.16,19,22,36,49-62; P00538, pp.3,32; HAMILL:P00537, T.6103. *See* P00003, pp.41-42; P02381, p.5.

<sup>4236</sup> AF2528; P00868, pp.3,12; BEŠIĆ:P01896, T.4795; P00538, pp.28,29.

<sup>4237</sup> AF2513; P00868, pp.7,16,23-24,63-69; P00538, pp.3,31; HAMILL:P00537, T.6104; P06482; P02613, pp.15-24. *See* P00705; P00716; MANDILOVIĆ:P00679, para.118,items3,22; NAKAŠ:P00941, para.83,item 7(confidential); P00706, pp.1,2,4-6,8.

<sup>4238</sup> AF2513; AF2515; P00868, pp.3,17,19,22,38,44,60-62 (BCS,pp.61-63); P00538, pp.3,12,18,21(Eng,p.2); P02605, p.10; SABLJICA:P00855, pp.12,40; HAMILL:P00537, T.6086; HIGGS:P02607, T.5925.

<sup>4239</sup> AF2522; AF2525. *See infra* paras.964,966-967,969.

<sup>4240</sup> HAMILL:P00537, T.6092-6093; P00538, pp.3,17; P00868, p.44; GAUTHIER:T.39088-39089.

<sup>4241</sup> AF2513; P00538, pp.3,10,12,17,18,20; HAMILL:P00537, T.6086; P02605, p.10; GAUTHIER:T.39089; P00868, pp.6,16-17,26-27,36; HIGGS:T.18932; SABLJICA:P00855, p.41. *See* SABLJICA:P00855, p.43.

CSB included SABLJICA and BEŠIĆ;<sup>4242</sup> the second, on 6 February, included a commission of ballistics experts.<sup>4243</sup> The first UN investigation was preliminary, conducted on 5 February by Sector Sarajevo's FreBat 4 Team along with VERDY. The main UNPROFOR investigation, under GAUTHIER's command, involved seven different analyses done by UN officials, including HAMILL and DUBANT, in the days following 11 February.<sup>4244</sup> The conclusions from both UNPROFOR teams were published in a report on 15 February 1994.<sup>4245</sup>

963. The shell left a clear crater in the pavement, allowing a reliable crater analysis, and the stabilizer was embedded in the crater.<sup>4246</sup> UN investigators determined that the scene had not been tampered with.<sup>4247</sup> BEŠIĆ and SABLJICA confirmed that the police secured the scene and sealed off the impact site until investigators arrived.<sup>4248</sup> There was an almost continuous UN presence at the scene until investigators arrived;<sup>4249</sup> at least three UNMOs arrived 5-15 minutes after the explosion.<sup>4250</sup>

964. CSB ballistics expert SABLJICA, heading a team of local investigators, concluded, based on an analysis using the recognised<sup>4251</sup> central axis method,<sup>4252</sup> that the shell was fired from a north-north-easterly direction on a bearing of approximately 18 +/- 5 degrees.<sup>4253</sup> The UNPROFOR Report determined a direction of fire of between 330 and 420 mils,<sup>4254</sup> which was consistent with the CSB investigators' findings of approximately 18 +/- 5 degrees.<sup>4255</sup> UNPROFOR's conclusion was based on eight independent examinations by members of both UNPROFOR investigation

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<sup>4242</sup> P00868, pp.15-17,26-28.

<sup>4243</sup> P00868, pp.33-48.

<sup>4244</sup> P00538; GAUTHIER:D01242, paras.5,8.

<sup>4245</sup> P00538.

<sup>4246</sup> AF2520; P00538, p.20; P00868, p.5; HAMILL:P00537, T.6075; SABLJICA:P00855, p.33; BEŠIĆ:P01896, T.4805; P02605, p.10.

<sup>4247</sup> P00538, p.28.

<sup>4248</sup> P00868, p.19; SABLJICA:P00855, p.31; BEŠIĆ:P01896, T.4796; BEŠIĆ:P03449, T.9521(confidential).

<sup>4249</sup> P00538, p.9.

<sup>4250</sup> P00538, pp.28-29.

<sup>4251</sup> HAMILL:P00537, T.6098; P02605, p.11.

<sup>4252</sup> SABLJICA:P00855, pp.13,18-19; SABLJICA:T.8049,T.8060-8061; BEŠIĆ:P01896, T.5031; P00868, p. 57-59 (BCS,pp.58-60); P00864, 00:06:40-00:07:25.

<sup>4253</sup> AF2515; P00868, pp.17,44; SABLJICA:P00855, pp.37,40; BEŠIĆ:P01896, T.5030; P02605, p.10; SABLJICA:T.8063; HIGGS:P02607, T.5925.

<sup>4254</sup> P00538, p.3; GAUTHIER:D01242, para.18.

<sup>4255</sup> HAMILL:P00537, T.6099; HIGGS:P02607, T.5927,T.5929.

teams, applying “three different conventional methods of crater analysis,”<sup>4256</sup> including an analysis of the splash pattern<sup>4257</sup> and the “fuse tunnel” method.<sup>4258</sup>

965. The main UNPROFOR report also determined that a crater analysis by the FreBat 4 Team in the course of its preliminary analysis and VERDY’s initial Markale assessment should be disregarded because one utilised an “inherently inaccurate” method and the other contained a mathematical error causing a flawed conclusion.<sup>4259</sup>

966. The range of the shell extended well into SRK territory. The shell’s angle of descent was 60 +/- 5 degrees.<sup>4260</sup> Applying an angle of descent of 60° +/-5° to a 120mm mortar firing table,<sup>4261</sup> Sarajevo ballistics experts determined the total possible range of fire of the shell to lie between 1,640m and 6,546m, depending upon the charge used in mortar firing.<sup>4262</sup> The UNPROFOR investigation determined the range to be between 300 and 5,551m.<sup>4263</sup>

967. Based on the stabilizer’s penetration into the ground, as well as situational factors corroborating that the mortar was not fired from within or at the confrontation line, the shell was fired from SRK-held territory,<sup>4264</sup> well beyond the confrontation line 2,600m away.<sup>4265</sup> A charge of 3 or higher means that the shell was fired from a minimum distance of 3,622m.<sup>4266</sup> When evaluating the possible firing locations, HIGGS excluded the use of the lowest charges because these charges would place the firing within the built-up areas of Sarajevo, and any firing would have been widely heard.<sup>4267</sup> The firing from the higher charges places the firing point beyond the confrontation line in SRK territory in the Mrković area.<sup>4268</sup> Even SUBOTIĆ, the Defence’s shelling expert, admitted that a stabilizer penetrates the ground when a

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<sup>4256</sup> P00538, p.9.

<sup>4257</sup> HAMILL:P00537, T.6092; P00538, pp.17-19.

<sup>4258</sup> P00538, pp.17-21; HAMILL:P00537, T.6087-6088; GAUTHIER:D01242, para.14.

<sup>4259</sup> P00538, pp.8,10-11; HAMILL:P00537, T.6096-6097; GAUTHIER:D01242, paras.9,11; RUSSELL:T.38688,T.38756.

<sup>4260</sup> P00868, p.39; SABLJICA:P00855, pp.14-16; P00538, pp.9,11,15,17.

<sup>4261</sup> P00868, p.41.

<sup>4262</sup> P00868, p.41. *See* SABLJICA:P00855, p.18.

<sup>4263</sup> P00538, p.3.

<sup>4264</sup> AF2519; AF2522-AF2525.

<sup>4265</sup> AF2519; AF2504.

<sup>4266</sup> P00868, p.41.

<sup>4267</sup> HIGGS:P02607, T.6027. *See* AF2522.

<sup>4268</sup> HIGGS:P02607, T.6027.

120mm mortar is fired from charge 3 or higher.<sup>4269</sup> Additionally, the recovery of the tail fin inside the crater indicates that the shell was fired on a charge 5 or 6.<sup>4270</sup>

968. The conclusion of the Sarajevo ballistics analysis incorporated a wide margin of error: even if the depth of the stabiliser had been considerably less, the very fact that the stabiliser was embedded in the surface at all, no matter what depth, indicates that the shell was fired with a high charge<sup>4271</sup> from a minimum of 3,622m.<sup>4272</sup>

969. These ballistic findings are confirmed by other evidence. On the day of the shelling, a man standing in his mother's garden at 12:00-12:30 heard the sound of a heavy mortar-like weapon being fired from Mrkovići, behind Špicasta Stijena.<sup>4273</sup> At around the same time, a woman in her home near Sedrenik also heard the shell and identified it as coming from the direction of Mrkovići.<sup>4274</sup> Mrkovići had numerous suitable sites for a mortar.<sup>4275</sup> Since October 1993, UNMOs had been denied freedom of movement by the VRS into the north-east quadrant of Sarajevo.<sup>4276</sup> Though denying responsibility for G8, CVETKOVIĆ, the commanding officer of a VRS artillery regiment in Mrkovići, confirmed that the Koševo Brigade held mortar positions there, and that the SRK had fired 30,000 to 40,000 rounds into the city the year before and wondered why the UN was "so concerned about one round when they had fired so many."<sup>4277</sup>

970. The firing was deliberately intended to harm civilians and there was no military objective gained by firing a single mortar round into the area.<sup>4278</sup>

971. Defence witnesses offered varying explanations for the incident, none of which were consistent. Though she couldn't suggest a single conspirator,<sup>4279</sup> SUBOTIĆ implausibly claimed that conspirators activated a stationary bomb, dug a

<sup>4269</sup> Z.SUBOTIĆ:T.39671-39672; D02113, para.97.

<sup>4270</sup> P02605, p.10; HIGGS:P02607, T.5983,T.6027; HIGGS:T.18769-18770; HIGGS:P02606, T.5013.

<sup>4271</sup> P02605, p.10; HIGGS:P02607, T.5983,T.6027; HIGGS:T.18769-18770; Z.SUBOTIĆ:T.39671-39672.

<sup>4272</sup> P00868, p.41.

<sup>4273</sup> AF2499; P00868, p.10; HIGGS:P02607, T.6027-6028; P02605, pp.4-5,11.

<sup>4274</sup> P00868, p.14.

<sup>4275</sup> P02605, p.10; HIGGS:P02607, T.5956.

<sup>4276</sup> P00538, pp.2,35; HAMILL:P00537, T.6107; HAMILL:T.5466; P00540, p.2.

<sup>4277</sup> AF2511; HAMILL:P00537, T.6109; GAUTHIER:T.39099; P00538, p.33. *See* P02605, p.10; P00868, p.3; D00473, para.13.

<sup>4278</sup> HIGGS:P02606, T.5030; BRENNKAG:P00992, para.31. *E.g.* P00004, p.2.

<sup>4279</sup> Z.SUBOTIĆ:T.39731-39732,T.39734-39735.

hole according to precise measurements so the mortar appeared to come from VRS territory, planted a stabilizer in that hole, and brought bodies from the morgue to mimic victims.<sup>4280</sup> GRM097 offered conjecture that the Mujahedin could be responsible for the mortar, even though he had never seen the Mujahedin in or around Sarajevo.<sup>4281</sup> Moreover, GRM097's evidence that the Bosnian Government claimed to possess, but failed to produce, a tape recording of Serb confessions regarding G8 is irrelevant to culpability.<sup>4282</sup> GRM116's allegation that he heard Bosnian leadership plotting G8 just before the incident is implausible since the period that GRM116 could have heard any such plot was at least eight months prior to the incident.<sup>4283</sup> Furthermore, HALILOVIĆ, who GRM116 claimed implemented the plan, was out of the BiH army before G8 occurred.<sup>4284</sup>

b. Scheduled Incident G18 – 28 August 1995

972. On 28 August 1995 at around 11 a.m., the SRK fired a 120mm mortar shell<sup>4285</sup> that fell and exploded on Mula-Mustafe Bašeskije Street, just outside Markale's indoor market,<sup>4286</sup> killing at least 35 people and injuring at least 78 others.<sup>4287</sup> Witnesses at Markale described a loud explosion,<sup>4288</sup> "indescribable chaos,"<sup>4289</sup> and

<sup>4280</sup> Z.SUBOTIĆ:T.39740-39742.

<sup>4281</sup> GRM097:D01298, para.9(confidential); GRM097:T.40147(confidential).

<sup>4282</sup> The only inference from the failure to produce a tape recording is that the Bosnians did not possess this recording. The inference is not that the Bosnians were behind the attack. GRM097:D01298, paras.11-12(confidential).

<sup>4283</sup> Though GRM116 claims that he heard IZETBEGOVIĆ, REIS, HALILOVIĆ, and TALIJAN agree at the Bank Building to carry out Scheduled Incident G8. (See GRM116:T.42690-42691,T.42700-42701), [REDACTED]. [REDACTED].

<sup>4284</sup> GRM116:T.42781-42782(confidential).

<sup>4285</sup> AF2580; P00498, pp. 2,18(confidential)/P00496, pp.1-2(confidential)(duplicates); P00755, p.1; D00138, p.1; P00797, pp.6,9,14; P02605, p.12; P02053; KONINGS:P01741, paras.56-58; SABLJICA:P00855, pp.11-12.

<sup>4286</sup> AF2564; LEKA:P00564, p.2; LEKA:P00565; SVRAKA:P00444, paras.4-7; KOŠARIĆ:P00566, paras.7-8; P00498, p.2(confidential)/P00496, p.2(confidential)(duplicates); P00797, pp.2,6,9,13/P00755,p.1(partial duplicates); KONINGS:P01741, paras.49-53; HIGGS:P02607, T.5939; P00446; P00499; BEŠIĆ:P01897, T.2569-2571; P00448; TURKUŠIĆ:T.15739; P00499, p.9. See P00003, pp.6,41-42; P02381, p.7; P00551; ĐOZO:T.5555-5556.

<sup>4287</sup> AF2577; P00012, p.2; P00498, pp.3-5,8-12(confidential)/P00496, pp.3-5(confidential)(partial duplicates); [REDACTED]; [REDACTED]; BEŠIĆ:P01897, p.24; D00139, p.2; SMITH:P00785, para.198; RM055:P00749, p.28(confidential). See P00693-P00703; P00946.

<sup>4288</sup> D01899, pp.3,5-7,9,11,17,21-22,25,29,34.

<sup>4289</sup> D01899, p.12.

bodies “lying lifeless on the pavement in puddles of blood.”<sup>4290</sup> The vast majority of victims were civilians.<sup>4291</sup> There was no military activity in the area.<sup>4292</sup>

973. G18 was consistent with the SRK’s general shelling campaign leading up to 28 August 1995<sup>4293</sup> and the last in a series of five rounds, four of which came from SRK positions near Lukavica,<sup>4294</sup> within a 25-minute period and a 300-metre area in central Sarajevo.<sup>4295</sup> In the two months prior to G18, the Markale Market area had been targeted by Serb shelling attacks.<sup>4296</sup>

974. Four contemporaneous on-site investigations were conducted: one by the Sarajevo CSB<sup>4297</sup> and three by independent UN teams:<sup>4298</sup> the FreBat Engineer Cell,<sup>4299</sup> a UNMO patrol from Sector Sarajevo<sup>4300</sup> and G2 HQ UNPROFOR, which concluded the shell came from the BSA side.<sup>4301</sup> The clear crater at the site allowed for a reliable crater analysis.<sup>4302</sup> Local investigators and UN representatives, who secured the scene immediately after the explosion,<sup>4303</sup> saw no evidence of tampering with the crater.<sup>4304</sup>

975. The shell was fired from a southerly direction on a bearing of 170 +/- 5 degrees.<sup>4305</sup> The inconsistent finding by the G2 team of a 220-240 degree bearing is not reliable, because they applied the fuse tunnel method without a clear fuse tunnel, and should be disregarded.<sup>4306</sup> The minimum angle of descent was 67 degrees,<sup>4307</sup> and

<sup>4290</sup> D01899, p.5.

<sup>4291</sup> AF2578; NAKAŠ:P00941, paras.65-66(confidential); MANDILOVIĆ:P00679, paras.89-90.

<sup>4292</sup> SVRAKA:P00444, para.6; NAKAŠ:P00941, para.66(confidential); D01899, p.27.

<sup>4293</sup> ĐOZO:P00544, paras.24-35; SMITH:P00785, para.198; ĐOZO:T.5542-5543; P00552.

<sup>4294</sup> P00797, pp.17-18. *See* HARLAND:P00001, para.232.

<sup>4295</sup> P00797, pp.17-18.

<sup>4296</sup> KONINGS:P01742, T.9313; ĐOZO:P00544, paras.24-35; ĐOZO:T.5553-5554,T.5558-5559; P00550; P00551; P00552.

<sup>4297</sup> P00498(confidential).

<sup>4298</sup> P00797, p.2.

<sup>4299</sup> P00755; P00446, 00:03’41-00:06’43.

<sup>4300</sup> D00138; D00139; P00797, pp.9-20.

<sup>4301</sup> P00797; D00009.

<sup>4302</sup> KONINGS:P01741, para.58; P00499, pp.3-8; TURKUŠIĆ:T.15739.

<sup>4303</sup> [REDACTED]; KONINGS:P01741, paras.53,55; [REDACTED]; BEŠIĆ:P01897, T.2569.

<sup>4304</sup> TURKUŠIĆ:P02009, para.56; KONINGS:P01741, para.60; [REDACTED].

<sup>4305</sup> AF2571; **CSB findings**:P00498, pp.2,18(confidential)/P00496, p.2(confidential)(partial duplicate); TURKUŠIĆ:P02009, paras.66,71. **UNMO findings**:D00138, p.3; P00755, pp.1-2,7/P00797, pp.6-7(partial duplicate). The Engineer Cell found the bearing to be 160 degrees, which KONINGS described as “roughly the same result”. KONINGS:P01741, paras.61,76,78-79,84; P02605, p.13; HIGGS:T.18801-18802.

<sup>4306</sup> KONINGS:P01741, paras.75,84; P02605, pp.12-13; HIGGS:P02607, T.5932,T.5936-5938. The mechanical damage on the surface of the crater is consistent with a bearing of approximately 170 degrees and rules out a direction of 220-240 degrees. P02015;P02014; TURKUŠIĆ:T.15877.

local investigators measured an angle of descent of 70±5 degrees.<sup>4308</sup> Applying the range table for a 120mm mortar<sup>4309</sup> to an angle of descent of 70 degrees, four minimum firing ranges were: 900m (charge 0+1), 1,600m (charge 0+2), 2,400m (charge 0+3), or 3,000m (charge 0+4).<sup>4310</sup> On the bearing of 170 degrees, the confrontation line was approximately 1,500-1,600 metres away,<sup>4311</sup> with the VRS controlling the slopes of Trebević beyond that.<sup>4312</sup>

976. The evidence excludes the possibility that the shell could have been fired from a distance of 900 to 1,600 metres, on the BiH side of the confrontation lines. There was an UNMO observation point (“OP1”) within the BiH side of the confrontation zone with a very clear view over Sarajevo.<sup>4313</sup> The incident took place on a bright, clear and quiet day with little wind.<sup>4314</sup> Given the location of OP1 and the loud noise of a mortar firing, these UNMOs “would certainly have heard any 120-millimetre mortar being fired from within the confrontation line [...] in the — direction of fire.”<sup>4315</sup> By contrast, the sound of a shell fired from behind the mountain ridge would have been muffled.<sup>4316</sup> UNMOs on duty at OP1 neither saw nor heard any firing activity within ABiH territory.<sup>4317</sup> Defence witness CONWAY claimed to hear the “muffled” sound of explosions,<sup>4318</sup> but he could not determine if the sound was from incoming or outgoing fire.<sup>4319</sup> Because the firing sound of a 120mm mortar is loud enough to be heard for kilometres,<sup>4320</sup> CONWAY testified that, if the shot had been

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<sup>4307</sup> TURKUŠIĆ:P02009, para.65; TURKUŠIĆ:T.15877-15878; P00498, p.22(confidential); D00139, p.2; KONINGS:P01741, para.61; P02605, p.13; HIGGS:P02607, T.5937.

<sup>4308</sup> TURKUŠIĆ:P02009, para.66; P02016; P02605, p.15.

<sup>4309</sup> KONINGS:P01741, para.81.

<sup>4310</sup> P02605, pp.15-16. *See* P07539, p.5. The velocity and corresponding range will be greater when firing from an elevated location. HIGGS:P02606, T.5033.

<sup>4311</sup> KNUSTAD:P03159, T.2001-2002; P03162; P02605, pp.15-16. *Compare with* P00797, p.3.

<sup>4312</sup> AF2571; P00602; P02952; HOGAN:T.19975-19976; NAKAŠ:P00941, para.25(confidential); NAKAŠ:T.8608-8609; RM055:P00749, p.28(confidential); TURKUŠIĆ:P02009, para.103; TURKUŠIĆ:T.15859; MANDILOVIĆ:P00679, para.51; KNUSTAD:P03158, p.3.

<sup>4313</sup> KONINGS:P01741, para.89; P01751; P01745; P01747; P01746; KNUSTAD:P03158, p.3; P03162.

<sup>4314</sup> KONINGS:P01741, para.89.

<sup>4315</sup> KNUSTAD:P03159, T.2004-2005. *See* P03162; KONINGS:P01741, paras.23,89,91; CONWAY:T.38965; SMITH:P00785, paras.201-202; KNUSTAD:P03159, T.2005-2007,T.2048; P00797, p.3; P02605, pp.15-16. For mortar launch noise: KNUSTAD:P03159, p.23; P02605, pp.15-16; HAMILL:P00537, T.6169.

<sup>4316</sup> KNUSTAD:P03159, T.2005; KONINGS:P01741, para.90; HIGGS:T.18810-18811.

<sup>4317</sup> KNUSTAD:P03159, T.2001,T.2007-2008,T.2048-2049; KNUSTAD:P03158, p.3; P03164; D00139, p.2; SMITH:P00785, para.202.

<sup>4318</sup> CONWAY:T.38958-38959; CONWAY:D01236, paras.12-13.

<sup>4319</sup> CONWAY:T.38958-38959; CONWAY:D01236, paras.12-13.

<sup>4320</sup> CONWAY:T.38959.

fired within the urban area of Sarajevo, those within 500 metres would have heard it.<sup>4321</sup> Investigators concluded that the evidence was decisive<sup>4322</sup> to establish that the shell must have been fired from a distance of at least 1,600m and thus from SRK-held territory.<sup>4323</sup>

977. This conclusion is corroborated by other evidence. The close proximity of the stabiliser to the crater is consistent with a medium level charge,<sup>4324</sup> and HIGGS concluded the crater is consistent with a shell being fired on a charge of 0+3.<sup>4325</sup> On the same day, the Markale shelling was the last in a series of five rounds from SRK positions within a 25-minute period and a 300-metre area in central Sarajevo.<sup>4326</sup> The mortar shell was determined to have been produced in Serbia and was “in common use by the BSA.”<sup>4327</sup>

978. A number of locations in the Mount Trebević area in a southern direction on a bearing of 170 +/- 5 degrees from G18 had flat, stable ground suitable for a mortar position.<sup>4328</sup> Moreover, the SRK maintained mortar positions in the Mount Trebević area during the conflict.<sup>4329</sup>

979. The Defence arguments should be rejected. Similar to her claims in G8, SUBOTIĆ relies on conspiracy theories, contending that the shell was either statically activated or thrown from the roof of a nearby building.<sup>4330</sup> DEMURENKO’s evidence must similarly be rejected. Although he originally claimed the line of direction he investigated was 176 degrees (which itself would have made his investigation irrelevant), he claimed at trial that he had no idea whether he followed a line of

<sup>4321</sup> CONWAY:T.38967.

<sup>4322</sup> P00498, p.2(confidential)/P00496, p.2(confidential)(partial duplicates); P00797, pp.3,21; KONINGS:P01741, para.90; P02605, p.16.

<sup>4323</sup> P00498, p.2(confidential)/P00496, p.2(confidential)(partial duplicates); P02605, p.16; HIGGS:P02607, T.5934-5935; TURKUŠIĆ:P02009, para.61; SMITH:P00785, para.208; SMITH:T.7461-7462; P00801.

<sup>4324</sup> HIGGS:T.18821.

<sup>4325</sup> P02605, p.16.

<sup>4326</sup> [REDACTED].

<sup>4327</sup> The shell had the marking KB9307. P02053; P00498, pp.16-17(confidential); TURKUŠIĆ:P02009, paras.11,78,112; TURKUŠIĆ:T.15725; P00755, p.1; P00797, pp.3,6; P04549. A shell that fell on 18 June 1995 in Dobrinja had the same marking. P02017, p.5. *See* Section IV.E.6(b)(iv)c, para.1002

<sup>4328</sup> P02380; P02382, pp.1,5-13; HOGAN:T.17561-17566. *See* AF2571; P00498, pp.2,18(confidential)/P00496, p.2(confidential)(partial duplicate); KONINGS:P01741, paras.61,76,78-79; HIGGS:T.18801-18802.

<sup>4329</sup> D00526; P06597; M.ŠKRBA:T.22814-22816,T.22864,T.22889-22891,T.22898; P06599; P06601, p.4; P06602; VANLYNDEN:P00066, para.91. *See* D.ŠKRBA:T.21273; P06521.

<sup>4330</sup> D02113, para.118.

direction of 176 degrees or 160 degrees or something else.<sup>4331</sup> DEMURENKO repeatedly changed key aspects of his evidence. He initially claimed that his investigation was based on the precise four locations from which the shell could have been fired based on firing table calculations,<sup>4332</sup> a point he repeatedly underscored to the *D.Milošević* Trial Chamber.<sup>4333</sup> He subsequently changed his story to claim that he checked all locations where the terrain allowed mortar placement,<sup>4334</sup> and then finally, revised his story to a third version, admitting that he in fact checked only an area on the line of direction he walked that fell within his field of vision, i.e., a width of 100 meters,<sup>4335</sup> even though by his own admission the possible location of fire would have been over 300 meters from his “line” at 3600 meters from the point of explosion and approximately half a kilometre at 6000 meters.<sup>4336</sup> He made false claims to the Trial Chamber about walking the entire route,<sup>4337</sup> falsely claimed that the terrain east of 170 degrees was rocky and full of slopes and therefore not suitable for mortars,<sup>4338</sup> although photographic evidence demonstrated this was incorrect.<sup>4339</sup> He falsely claimed that the *Karadžić* Trial Chamber had no doubts about his veracity, even though the *Karadžić* Trial Chamber expressly found that it did not believe him when he testified that he investigated a larger area than he claimed in 1995 or to the *D.Milošević* Trial Chamber and found that he changed his testimony to counteract the findings of the *D.Milošević* Trial Chamber, which had dismissed his investigation as too narrow.<sup>4340</sup>

(iii) Shelling of Civilians in Alipašino Polje (Scheduled Incident G6)

980. On 22 January 1994, at around 1:15 p.m.,<sup>4341</sup> three mortar shells—two 82mm and one 120mm<sup>4342</sup>—fired from SRK territory under the control of the Ilidža

<sup>4331</sup> DEMURENKO:T.44112-44116,T.44190.

<sup>4332</sup> D02122, 00:00'00-00:09'31, tp.1-2.

<sup>4333</sup> DEMURENKO:T.44130-44132,T.44136-44143.

<sup>4334</sup> DEMURENKO:T.44165.

<sup>4335</sup> DEMURENKO:T.44193-44194.

<sup>4336</sup> DEMURENKO:D02120, para.122.

<sup>4337</sup> DEMURENKO:T.44171-44172,T.44182-44185.

<sup>4338</sup> DEMURENKO:D02120, para.123.

<sup>4339</sup> P07843.

<sup>4340</sup> DEMURENKO:T.44176,T.44279-44281.

<sup>4341</sup> P00865, pp.1-2,4-5,7-8(confidential); P00866, p.1; AGANOVIĆ:P01940, p.4.

<sup>4342</sup> AF2426; AF2433; P00865, pp.2,8-9,17(confidential); P00865, pp.3,8(confidential); SABLJICA:T.8091; SABLJICA:P00855, pp.29-30. The measurement of the shell craters and their traces confirm that two shells were 82mm and one shell was 120mm. P00865, pp.8-9(confidential).

Brigade<sup>4343</sup> hit Alipašino Polje,<sup>4344</sup> with the two 82mm shells landing among children who were sledding and playing in the snow,<sup>4345</sup> killing six children and injuring other civilians.<sup>4346</sup> This incident was part of a series of recurring attacks against the civilian residents of the area of Alipašino Polje.<sup>4347</sup>

981. The first fatal shell, an 82mm mortar, fell in front of 3 Cetinjska Street, killing one child.<sup>4348</sup> After the explosion, the children who had been outside began running toward the entryways of nearby buildings.<sup>4349</sup> Shortly after, another 82mm mortar shell fell in front of 4 Klara Cetkin Street,<sup>4350</sup> killing five children.<sup>4351</sup> Additionally, a 120mm shell landed in a park between Klara Cetkin Street and Rade Končar Street, causing no additional casualties.<sup>4352</sup>

982. It had been a quiet day up to the time of the attack.<sup>4353</sup> Alipašino Polje was a residential area.<sup>4354</sup> Groups of children went outside to play in the street and there was no military activity or soldiers in the area<sup>4355</sup> and no nearby military targets.<sup>4356</sup> The

<sup>4343</sup> SLADOJE:D00453, paras.5-7; D00455; P00873, p.1.

<sup>4344</sup> P02386; P02054; P02381, p.4; P00003, pp.32,37.

<sup>4345</sup> AF2426; P00865, pp.1,3,7(confidential); P00865, p.25 (BCS)(confidential); RM172:P02466, T.7670-7672(confidential); KAPETANOVIĆ:P00415, para.5; P00416; KAPETANOVIĆ:T.4272; AGANOVIĆ:P01941, T.7718; P00420; P02515:BOWEN, para.32.

<sup>4346</sup> AF2426; AGANOVIĆ:P01941, T.7724; KAPETANOVIĆ:T.4282; P00420; P00866, p.1; D00178, p.2; P00865, pp.1-7,16-17(confidential); ZAIMOVIĆ:P02621, T.1879; P02622, p.21, entry 291. See P00704; [REDACTED]; P00968, pp.34-35; P02613, pp.1,3; GAVRANKAPETANOVIĆ:P02612, T.12603-12604; MANDILOVIĆ:P00679, para.118, item 2; P00692; P02467(confidential).

<sup>4347</sup> RM155:P01926, T.3510-3511(confidential); P07617; P07618; HARLAND:P00001, para.210; P04622, pp.2-4; P01089, p.2; D00240; P00993(BCS); AGANOVIĆ:P01940, p.4; AGANOVIĆ:P01941, T.7727-7728; BRENNISKAG:P00992, para.39; SULJEVIĆ:T.8384; P00752; RM110:P00492, paras.22-23(confidential).

<sup>4348</sup> P00865, pp.2,8(confidential); P00865, p.21(BCS)(confidential); SABLJICA:P00855, p.25. See HIGGS:T.18763.

<sup>4349</sup> KAPETANOVIĆ:P00415, para.6; KAPETANOVIĆ:T.4273,T.4278; P00417; RM172:P02465, p.9(confidential); P00865, p.15(confidential).

<sup>4350</sup> AGANOVIĆ:P01941, T.7720; P00865, pp.8,14(confidential); SABLJICA:P00855, p.24; RM172:P02465, pp.4,9(confidential).

<sup>4351</sup> P00865, pp.3,9(confidential); KAPETANOVIĆ:P00415, para.6; KAPETANOVIĆ:T.4279; SABLJICA:P00855, p.29; P00418; P00419.

<sup>4352</sup> P00865, pp.2,9(confidential); [REDACTED].

<sup>4353</sup> AF2427; KAPETANOVIĆ:P00415, para.6; KAPETANOVIĆ:T.4296-4297; AGANOVIĆ:P01941, T.7718,T.7725; P00866, p.1.

<sup>4354</sup> AGANOVIĆ:P01940, p.4; BRENNISKAG:P00992, para.41; P00865, p.1(confidential).

<sup>4355</sup> AF2428; P00865, p.1(confidential). See KAPETANOVIĆ:T.4296-4297; P04629.

<sup>4356</sup> SABLJICA:P00855, p.26; BRENNISKAG:P00992, para.41; P00865, p.1(confidential); RM172:P02465, para.6(confidential). See SLADOJE:T.21069; P00873, p.1; SABLJICA:T.8190-8191; AF2434.

shells were fired in a manner that would maximize civilian casualties, not neutralize a position or achieve a military objective.<sup>4357</sup>

983. Indeed, Assistant Battalion Commander Mile SLADOJE of the Ilidža Brigade<sup>4358</sup> never knew of any targets in the area during the war.<sup>4359</sup> Similarly, Nikola MIJATOVIĆ, Chief of Staff for the Ilidža Brigade,<sup>4360</sup> and Milorad BUKVA, Chief of the Intelligence Department in Lukavica,<sup>4361</sup> noted no military targets in the area.<sup>4362</sup> Although a witness recalled an ABiH location or group called Kulin Ban in Alipašino Polje, he knew little about it and had never been there.<sup>4363</sup> In any event, the VRS knew nothing of Kulin Ban, which, accordingly, could not have been the target of the attack.<sup>4364</sup>

984. The shells originated from SRK positions in Nedžarići to the west of the place of impact.<sup>4365</sup> On-site crater investigations confirmed that the shells came from SRK territory.<sup>4366</sup> The direction of fire is also confirmed by a witness who heard the hiss of a shell and indicated that its sound came from Nedžarići.<sup>4367</sup> Moreover, the Ilidža Brigade possessed mortars to the west of Alipašino Polje in Nedžarići, in barracks near the vicinity of the School for the Blind<sup>4368</sup> and the Faculty of Theology.<sup>4369</sup>

985. Just hours after the attack, the CSB conducted its on-site investigation and completed a detailed report.<sup>4370</sup> The G6 investigation was one of between 80 to 100

<sup>4357</sup> P02605, pp.8-9; HIGGS:T.18764; DOZO:T.5558-5559.

<sup>4358</sup> SLADOJE:D00453, para.5.

<sup>4359</sup> SLADOJE:T.21084-21085; P06507.

<sup>4360</sup> MIJATOVIĆ:D00468, para.11.

<sup>4361</sup> BUKVA:D00608, para.16.

<sup>4362</sup> P06531; MIJATOVIĆ:T.21544-21545; D00613; BUKVA:D00608, para.20. Though MIJATOVIĆ testified that there may have been other ABiH military targets that were not marked in his earlier testimony, his marking of the area in previous testimony should be considered conclusive, particularly since MIJATOVIĆ lived in Alipašino Polje. *See* MIJATOVIĆ:T.21547-21548.

<sup>4363</sup> KAPETANOVIĆ:P00415, para.9; KAPETANOVIĆ:T.4282,T.4292-4293,T.4295-4296; D00082.

<sup>4364</sup> AF2434.

<sup>4365</sup> AF2431-2433; P00865, pp.2-3,7-9(confidential). *See* SABLJICA:P00855, pp.25-26; SABLJICA:T.8104; HIGGS:P02607, T.5923; P02605, pp.8-9; SLADOJE:D00453, para.7; D00455; P00873, p.1.

<sup>4366</sup> P00865, pp.2-3,7-9(confidential); SABLJICA:P00855, pp.25-26; SABLJICA:T.8104; D00178, pp.1,3; P07553.

<sup>4367</sup> [REDACTED]; [REDACTED].

<sup>4368</sup> MIJATOVIĆ:T.21489,T.21492; SLADOJE:D00453, para.7; D00455; MIJATOVIĆ:D00468, para.22. *See* P00873, p.1.

<sup>4369</sup> P06508; P06509; SLADOJE:T.21076,T.21079.

<sup>4370</sup> P00865, pp.2-5(confidential); SABLJICA:P00855, p.19. Considering that ballistics experts of the CSB conducted an extensive analysis on the day of the incident, it is their official ballistic reports that should be most relied upon. SABLJICA:T.8117; P02605, pp.8-9. *See* HIGGS:P02607, T.5924.

shelling investigations conducted by SABLJICA, a CSB ballistics expert for the BiH MUP.<sup>4371</sup> The CSB used the accepted central axis method—the method affirmed even by SUBOTIĆ to be the best for determining mortar trajectory at the time—to determine that the direction of fire was the west, originating from Nedžarići.<sup>4372</sup> The CSB investigators also conducted precise measurements of the size of the craters to determine the calibre of the mortars.<sup>4373</sup> An 82mm mortar creates a smaller crater than a 120mm shell.<sup>4374</sup> On this basis, the CSB investigators could determine that the mortars were of different calibres because the 120mm shell traces near Rade Končar Street were “30 to 40 percent larger” than the 82mm shell traces in Klare Cetkin Street.<sup>4375</sup>

986. UNPROFOR also investigated the scene and completed a brief report with limited findings the day after the shelling.<sup>4376</sup> The UNPROFOR report determined the direction of fire to be 4200 and 4250 mils, corresponding to 236 and 239 degrees.<sup>4377</sup> Though the narrative of the UN investigation report describes that the shots could have been fired from either the Stup or Ilidža neighbourhoods on the Serb side,<sup>4378</sup> the plotting of the calculated degrees for the direction of fire in the UNPROFOR report corresponds to fire from the area of Nedžarići (toward Ilidža and not Stup), consistent with the CSB Report.<sup>4379</sup> The UN report does not include any measurements of the size of the craters and incorrectly notes that the calibre of all three shells were 120mm,<sup>4380</sup> when in fact two were 82mm shells based upon the CSB measurements.<sup>4381</sup> UNPROFOR’s mistaken understanding of the shell calibre does not impact the accuracy of its direction of fire determination,<sup>4382</sup> as the incoming trajectory of the shell is determined by the shell’s impact pattern, not the size of the

<sup>4371</sup> SABLJICA:P00855, pp.2,10,20; SABLJICA:T.8057-8058.

<sup>4372</sup> SABLJICA:T.8058,T.8104; SABLJICA:P00855, pp.20,25; Z.SUBOTIĆ:T.39574.

<sup>4373</sup> P00865, pp.8-9(confidential).

<sup>4374</sup> SABLJICA:T.8050; SABLJICA:P00855, p.14.

<sup>4375</sup> SABLJICA:T.8058; SABLJICA:P00855, p.14.

<sup>4376</sup> D00178, p.2; HIGGS:P02607, T.5923-5924.

<sup>4377</sup> D00178, p.2; SABLJICA:T.8116; Z.SUBOTIĆ:T.39633; D02117, para.68.

<sup>4378</sup> D00178, p.3.

<sup>4379</sup> P07553; Z.SUBOTIĆ:T.39635; P00865, pp.2-3,7-9(confidential).

<sup>4380</sup> Capt. VERDY incorrectly determined that all three shells were 120mm, even though there was a wide discrepancy in shell trace measurements. *See* D00178, p.2; P00865, pp.8-9(confidential).

<sup>4381</sup> P00865, pp.8-9(confidential); SABLJICA:T.8050,T.8057-8059.

<sup>4382</sup> Ballistics investigators confirmed that there were two separate determinations made in each mortar shell investigation—calibre and direction. *See* SABLJICA:P00855, pp.7,10; SULJEVIĆ:P00889, para.16.

crater,<sup>4383</sup> and as the central axis method is used to determine direction of fire regardless of mortar calibre.<sup>4384</sup>

987. SUBOTIĆ's evaluation of G6 should be disregarded as her analysis manipulated the findings of one investigation of the incident without scientific basis. Unable to perform her own analysis due to the fact that the craters had been physically altered by the time she sought to analyze them,<sup>4385</sup> SUBOTIĆ used a still image from a 2001 video to mischaracterise the direction of fire for the crater at 3 Cetinskja Street.<sup>4386</sup> Without any proven methodological basis, SUBOTIĆ claimed a shadow cast in the image of one crater<sup>4387</sup> supported her rationale for switching the angles of fire for the two craters as calculated by the UN investigator,<sup>4388</sup> despite an awareness of the inaccuracy of using photographs to determine the direction of fire.<sup>4389</sup> On this dubious and arbitrary premise, SUBOTIĆ switched the calculated angle of fire for 3 Cetinjska Street to the angle of fire for 4 Klare Cetkin Street, and vice versa, a manipulation that made the shots appear to come from ABiH territory further to the south of Nedžarići<sup>4390</sup>—a finding completely at odds with both investigations.<sup>4391</sup>

(iv) Shelling of Civilians in Dobrinja (Scheduled Incidents G4 and G7)

988. Dobrinja, the site of the former Olympic village, was a predominantly residential area<sup>4392</sup> toward the western end of Sarajevo, close to the airport.<sup>4393</sup> Scheduled Incidents G4 and G7 were two incidents within a repeated pattern of shelling and sniping on civilians in the Dobrinja area<sup>4394</sup> which resulted in numerous civilian injuries.<sup>4395</sup>

<sup>4383</sup> SABLJICA:P00855, pp.12-13; SULJEVIĆ:P00889, paras.19-20.

<sup>4384</sup> E.g. P00872, pp.6-7 (BCS); P0868, pp.58-59 (BCS); P00871.

<sup>4385</sup> D02117, paras.67,69; Z.SUBOTIĆ:T.39288,T.39624-39625.

<sup>4386</sup> D02117, paras.69-70, fig.62; Z.SUBOTIĆ:T.39625.

<sup>4387</sup> D02117, para.70, fig.61.

<sup>4388</sup> D02117, paras.70-71.

<sup>4389</sup> Z.SUBOTIĆ:T.39628-39630.

<sup>4390</sup> D02117, paras.70-72, fig.62; Z.SUBOTIĆ:T.39634-39635.

<sup>4391</sup> P07553; P00865, pp.2-3,7-9(confidential); D00178, p.2.

<sup>4392</sup> HAJIR:P02616, para.8; D01443, p.3.

<sup>4393</sup> HAJIR:P02616, para.8; P00003, pp.32-33.

<sup>4394</sup> P00997, pp.1-2,12; HAJIR:P02616, paras.12-13,15,48; D01251, p.2; GAVRANOVIĆ:P03102, T.6723; TASLAMAN:P01051, p.2; P02017, pp.1-2(partial duplicates); TURKUŠIĆ:P02009, paras.24-

989. The configuration of the confrontation lines enabled Serb forces to shell Dobrinja from two sides: from Lukavica to the east/southeast and Nedžarići to the northwest.<sup>4396</sup> The Ilidža Brigade located in Nedžarići and the 1<sup>st</sup> Smbr located in the Lukavica area both possessed 82mm and 120mm mortars.<sup>4397</sup> As ROSE stated, by 1994 Dobrinja “had been utterly destroyed over the past two years. The Serbs had it completely surrounded and were firing directly down into the suburb such that residents were forced to live in their basements.”<sup>4398</sup> The regular shelling and sniping meant “[t]here were no safe places in Dobrinja, every[]place was dangerous.”<sup>4399</sup>

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27; P07555, pp.2,5; E.HAFIZOVIĆ:P02455, paras.4,5; SOKOLAR:P00568, para.32; D01443, p.38; P07778, p.1; P04601; P00991, p.3. See E.HAFIZOVIĆ:P02456, T.7777-7778; Section IV.E.6(a)(ii).

<sup>4395</sup> HAJIR:P02616, para.15.

<sup>4396</sup> SOKOLAR:P00568, para.28; P07413; S.SIMIĆ:T.36041-36042; P07411; E.HAFIZOVIĆ:P02456, T.7772. See P00003, pp.65,80; P06511; SLADOJE:T.21081.

<sup>4397</sup> 1<sup>st</sup> Smbr:P07413; S.SIMIĆ:T.36041-36042; P07411; M.ŠKRBA:T.22809; D00136, p.3; P00003 p.54; P00506; **Ilidža Brigade**:MIJATOVIĆ:T.21489,T.21492; SLADOJE:D00453, para.7; D00455; MIJATOVIĆ:D00468, para.22. See P00873, p.1; P06508; P06509; SLADOJE:T.21076,T.21079.

<sup>4398</sup> ROSE:P00736, para.36.

<sup>4399</sup> E.HAFIZOVIĆ:P02455, para.33.

a. Shelling Incident G4 – 1 June 1993

990. On 1 June 1993, around 200 spectators gathered in Dobrinja IIIB, a residential settlement, to watch a football tournament set up in the corner of a parking lot<sup>4400</sup> surrounded by six-storey apartment blocks and by Mojmiro Hill.<sup>4401</sup> Some minutes after 10:00, two 81 or 82mm calibre<sup>4402</sup> shells exploded among the players on the pitch,<sup>4403</sup> killing over 10 persons and wounding approximately 100 others,<sup>4404</sup> including women and children.<sup>4405</sup>

991. All those present were playing or watching the football match, a civilian activity.<sup>4406</sup> The crowd included women and children, and some men in uniform.<sup>4407</sup> Because the area of the parking lot could not be seen from VRS territory,<sup>4408</sup> the VRS had no way to know the composition of the crowd at the football match. The SRK Combat Report from the date of G4 indicates no outgoing fire from Dobrinja.<sup>4409</sup> The fact that two shots landed close to each other in quick succession indicates that the intent was to target that civilian activity or civilian area, rather than achieve a hypothetical military objective.<sup>4410</sup>

992. Multiple on-site investigations, including by UNPROFOR, based on the splinter pattern of the shells,<sup>4411</sup> all established that fire originated from SRK-held territory in a general east-south-easterly direction.<sup>4412</sup> There was no line of sight from

<sup>4400</sup> AF2364-AF2365; AF2368; AF2370; GAVRANOVIĆ:P03102, T.6712,T.6716; D00175; D02117, para.29,figs.24,25 .

<sup>4401</sup> AF2368; D01443, pp. 6, 37-38; P02430; HOGAN:T.17753. *See* P00003, pp.32-33; P02381, p.4.

<sup>4402</sup> AF2386; D01443, p.9; P00872, p.5; HAMILL:P00537, T.6115; HIGGS:T.18761.

<sup>4403</sup> AF2372; AF2374; AF2407; GAVRANOVIĆ:P03102, T.6714,T.6718; D01896.

<sup>4404</sup> AF2376; AF2382-AF2383; AF2385; D01443, pp.42-51; HAJIR:P02616, para.42; D01894; P04635, p.1. *See* P00970; P00961; HAJIR:P02616, paras.69-70; P00715; [REDACTED]; P00971. Some of the victims were later transferred to the Koševo hospital. HAJIR:P02616, para.43; HAJIR:P02617, T.8792; D00237, pp.44-48; P00968, pp.49-52; P02613, pp.9-10; GAVRANKAPETANOVIĆ:P02612, T.12603-12604; P04890.

<sup>4405</sup> AF2377-AF2380; P00645, para.3; P02519; RM176:P00640, p.20(confidential); P02622, p.12; ZAIMOVIĆ:P02621, T.1878; P00715, p.1; [REDACTED].

<sup>4406</sup> AF2401-AF2402; AF2370; D01896; D01443, p.36; GAVRANOVIĆ:P03102, T.6716.

<sup>4407</sup> GAVRANOVIĆ:P03102, T.6716; D01896.

<sup>4408</sup> AF2406; HOGAN:T.17753; D01443, pp.4,38.

<sup>4409</sup> D01778.

<sup>4410</sup> AF2397; AF2399; GAVRANOVIĆ:P03102, T.6714; HIGGS:P02605, pp.7-8.

<sup>4411</sup> D01443, pp.9-11; SABLJICA:T.8052-8056; P00871; D02117, para.46.

<sup>4412</sup> AF2386; AF2391. **UNPROFOR:**D01443, pp.9-11; [REDACTED]; [REDACTED]. **BiH investigation:**P00872; SABLJICA:P00855, pp.18-19; P00871; SABLJICA:T.8052-8056. **ICTY investigation:**D01443, pp.1-7. **HAMILL investigation:**HAMILL:P00537, T.6111-6112,T.6114-6115,T.6172-6173; HAMILL:T.5506. **HIGGS:**HIGGS:P02605, pp.7-8; HIGGS:T.18761-18762.The

SRK positions to the parking lot.<sup>4413</sup> The distance from the site of the shelling to the confrontation lines in the direction of the fire was approximately 300 metres.<sup>4414</sup> The close proximity between the incident site and the confrontation line meant that the shells could only have been fired from SRK territory based upon the minimum angle of descent necessary for the shells to clear the surrounding buildings.<sup>4415</sup>

993. HIGGS examined the craters in question and agreed with the UNPROFOR investigation.<sup>4416</sup> Though the craters had been filled with a red substance by the time of his investigation, enough remained for HIGGS to conclude that the craters were made by mortars of a minimum calibre of 81/82 mm and fired from an approximate direction of between 138 and 143 degrees (2400-2500 mils).<sup>4417</sup>

994. SUBOTIĆ's attempts to discredit the Prosecution evidence reflect a dubious methodology and flawed opinions. Though she conceded that "the witness statements and all versions of this event" agree that the football match was played in the parking lot,<sup>4418</sup> SUBOTIĆ contended that the match actually occurred in a different location.<sup>4419</sup> Her attempt to discredit the UNPROFOR investigation fails due to her knowingly incorrect use of a map with different grid coordinates. The UNPROFOR investigation provided grid coordinates and a corresponding map that plotted the correct location of the shelling.<sup>4420</sup> SUBOTIĆ intentionally plotted the grid coordinates on a different map that utilized a different grid scale,<sup>4421</sup> a manipulation that moved the incident approximately 200 meters away from the UNPROFOR investigation.<sup>4422</sup> Furthermore, her claim that the wrong site was investigated "as a bid

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SRK possessed mortar positions to the southeast of Dobrinja. P00506; P07411; S.SIMIĆ:T.36035-36036.

<sup>4413</sup> AF2406; HOGAN:T.17753; D01443, pp.4,38; D02117, paras.28-29.

<sup>4414</sup> AF2389; HIGGS:P02605, p.7; D02117, para.29.

<sup>4415</sup> D01443, pp.9-11; [REDACTED]; HIGGS:T.18761-18762; P07549, pp.12 (BCS), pp.12,80; Z.SUBOTIĆ:T.39658,T.39662; HIGGS:P02605, p.8.

<sup>4416</sup> HIGGS:P02605, p.7.

<sup>4417</sup> HIGGS:P02605, p.7; HIGGS:T.18761.

<sup>4418</sup> D02117, para.28.

<sup>4419</sup> D02117, para.48.

<sup>4420</sup> D01443, pp.9-10.

<sup>4421</sup> Z.SUBOTIĆ:T.39646,T.39655-39656.

<sup>4422</sup> Z.SUBOTIĆ:T.39650. *Compare* D01443, p.10 with D02117, para.37,fig.30.

to cover up evidence”<sup>4423</sup> is equally unpersuasive given the multiple investigations and witness testimony identifying the parking lot as the location of the shelling.<sup>4424</sup>

b. Scheduled Incident G7 – 4 February 1994

995. On 4 February 1994 around 11.30 a.m., three 120mm mortar shells<sup>4425</sup> struck a group of civilians queuing for humanitarian aid in the Dobrinja I neighbourhood,<sup>4426</sup> killing at least 8 civilians, including one child, and wounding at least 18, including 2 children.<sup>4427</sup>

996. The shells struck a residential part of Dobrinja.<sup>4428</sup> The area was not used for military purposes<sup>4429</sup> and there was no military activity conducted on the day the shelling occurred.<sup>4430</sup> There had been no shelling prior to the incident that day.<sup>4431</sup>

997. The shells landed in close physical proximity of each other,<sup>4432</sup> and the first two shells landed nearly simultaneously.<sup>4433</sup> The first landed in front of a block of flats at Oslobodilaca Sarajeva Street, hitting persons who were distributing and receiving humanitarian aid and children attending religious classes.<sup>4434</sup> The second shell landed among persons trading at a market in an open area to the rear of the apartment buildings at Mihajla Pupina Street and Oslobodilaca Sarajeva Street.<sup>4435</sup> Moments later, a third 120mm shell fell in the same immediate vicinity near a

<sup>4423</sup> D02117, para.47.

<sup>4424</sup> E.g. AF2372; D01896; GAVRANOVIĆ:P03102, T.6712; D01443, pp.1-11; P00872.

<sup>4425</sup> AF2436; AF2477; P00867 pp.2,6,12,19-20; P03168; P01954, p.1; P01955 (BCS,p.2); [REDACTED]; MEĐEDOVIĆ:P03165, p.3; HIGGS:P02605, p.9; SABLJICA:P00855, p.51.

<sup>4426</sup> AF2436; AF2477; P00867, pp.2,9,46,95; SABLJICA:P00855, p.54; SABLJICA:T.8147. See P00003, pp.32-33,35; HOGAN:T.17554; P02381, p.5; HOGAN:P02379, T.11205; HIGGS:P02605, p.9; E.HAFIZOVIĆ:P02456, T.7762-7763.

<sup>4427</sup> AF2436; P00867, pp.1,5,8-10,44-74,98 (BCS pp.27-29,33-40). See AF2444; P00867, pp.61,63,67,71; P04891; P04892; P06481; P00688; P00689; P00684; HAJIR:P02616, paras.69-70; P00690; MANDILOVIĆ:T.6649-6650; P00683, pp.1,3; D00237, pp.2-3; P00968, pp.1-3,63-64; P02613, pp.13-14; GAVRANKAPETANOVIĆ:P02612, T.12603-12604; ZAIMOVIĆ:P02622, p.22,entry 294; ZAIMOVIĆ:P02621T.1879-1880.

<sup>4428</sup> [REDACTED].

<sup>4429</sup> E.HAFIZOVIĆ:P02455, para.13; E.HAFIZOVIĆ:P02456, T.7813.

<sup>4430</sup> E.HAFIZOVIĆ:P02456, T.7767; SOKOLAR:P00567, para.18.

<sup>4431</sup> E.HAFIZOVIĆ:P02456, T.7766-7767.

<sup>4432</sup> HIGGS:P02605, p.9; P00867, pp.19-20.

<sup>4433</sup> P00867, p.6.

<sup>4434</sup> AF2473; AF2477; P00867, pp.6,8,16,20,76,78,80,82-83,85-86,89; E.HAFIZOVIĆ:P02455, para.7; E.HAFIZOVIĆ:P02456, T.7759-7760,T.7762.

<sup>4435</sup> AF2474; P00867, pp.6,16,20,86,89,93 (BCS, pp.22,30-32); SABLJICA:P00855, p.50.

pedestrian walkway and asphalt area near a public garage.<sup>4436</sup> All three shells fell within a 40-meter radius of each other.<sup>4437</sup> The delay in fire between rounds<sup>4438</sup> indicates that the aim was to cause maximum casualties rather than destroy a target.<sup>4439</sup>

998. Investigators and ballistics experts determined, based on the size and shapes of shrapnel traces and the position of the embedded stabilizers, that all three shells came from SRK-held Lukavica in the east,<sup>4440</sup> in the direction of the Energoinvest Complex<sup>4441</sup> where the SRK had access to 120mm mortars.<sup>4442</sup> Given that at least one of the stabilisers was embedded into the ground,<sup>4443</sup> the shells were likely fired with higher charges.<sup>4444</sup> The absolute minimum firing distance was thus 600 metres,<sup>4445</sup> which falls well beyond the confrontation line 350 to 400 metres away in the (easterly) direction of fire.<sup>4446</sup> After the UNPROFOR analysis conclusively determined that the SRK fired the rounds, ROSE sent a protest letter regarding the attack to **MLADIĆ** and **KARADŽIĆ**, from whom he received no response.<sup>4447</sup>

999. The Defence arguments should be disregarded as not grounded in reliable evidence. For example, SUBOTIĆ cited alleged errors in an attempt to discredit investigators that she later conceded were immaterial.<sup>4448</sup> When she visited in 2010, one of the areas had been paved over and a second crater was no longer visible in

<sup>4436</sup> AF2474; D00181; P00867, pp.6,16,20,77,86,89,93 (BCS, pp.23-29); SABLJICA:P00855, pp.50-51; E.HAFIZOVIĆ:P02456, T.7763.

<sup>4437</sup> HIGGS:P02605, p.9.

<sup>4438</sup> P00867, pp.89,91,93.

<sup>4439</sup> HIGGS:P02605, p.9.

<sup>4440</sup> AF2477; AF2476. **Local investigation:**P00867, pp.2,6-9,12,16,19,27(BCS, pp.26,32)/P03168, p.2(partial duplicate); MEĐEDOVIĆ:P03165, p.3; SABLJICA:P00855, pp.51-53; SOKOLAR:P00567, para.18; SABLJICA:T.8158-8159; [REDACTED]. **UNPROFOR investigation:**D01888, p.3; P01074; THOMAS:P00503, para.108; ROSE:P00736, para.35; P00004, p.2. It was concluded that all three shells were fired from the same barrel because of the small distance between their impact points. AF2477; HIGGS:P02605, p.9.

<sup>4441</sup> P00867, pp.8,16; P03168, p.2; SABLJICA:P00855, p.53.

<sup>4442</sup> D00136, p.3; P00003 p.54. UNMO also recorded 5 Serb-held 120mm mortars in Lukavica at the Lima 5 OP on 16 January 1994. P00506.

<sup>4443</sup> P00867, pp.8,16 (BCS, pp.25,30-31); SABLJICA:P00855, p.50; Z.SUBOTIĆ:T.39672; BEŠIĆ:P01895, p.3; P01898.

<sup>4444</sup> See HIGGS:T.18825; HIGGS:P02606, T.5013; HIGGS:P02605, p.10.

<sup>4445</sup> The minimum firing distance depends on the mortar and shell type used. For M74 120mm light mortar and M49P1 shell: 600m. P07539 (BCS, p.12). For M74 120mm light mortar and M62, M56P3, R Shells: 1,600m. P07539(BCS, p.16).

<sup>4446</sup> SABLJICA:P00855, p.52; D00464; D.ŠKRBA:D00463, para.8. See AF2475; MEĐEDOVIĆ:P03165, p.3.

<sup>4447</sup> ROSE:P00736, para.35.

<sup>4448</sup> Z.SUBOTIĆ:T.39663; D02117, para.83. CSB investigators used a magnetic compass. P00867, p.12(BCS, p.32).

another area.<sup>4449</sup> Based solely on a photograph,<sup>4450</sup> however, SUBOTIĆ implausibly alleged a cover-up of evidence and misled the Chamber about the existence of a fourth shell which landed in Dobrinja on the same day but not at the location of G7.<sup>4451</sup>

c. Unscheduled Shelling of 18 June 1995

1000. On 18 June 1995, around 11:40 a.m., one 120mm mortar shell struck a group of civilians queuing for water in front of a water pump at the former Simon Bolivar primary school in Dobrinja,<sup>4452</sup> killing 7 civilians and wounding 12 others.<sup>4453</sup>

1001. The CSB determined that the 120mm shell was fired from Nedžarići.<sup>4454</sup> In addition, UNMO Observation Post 4 observed the outgoing shot from SRK territory and registered the impact of the shot at 11.46 a.m. in the area of the former Simon Bolivar school.<sup>4455</sup> Both investigations concluded the shell had an azimuth of approximately 320 degrees,<sup>4456</sup> a direction of fire in line with the former JNA barracks in Nedžarići approximately 1500 meters from the impact location.<sup>4457</sup>

1002. Forensic aspects of the 18 June 1995 shelling are relevant to the Markale II shelling (G18) because they confirm that the SRK possessed the specific mortar batch from which the shell used on 28 August 1995 came. The tail fin of the shell recovered at the scene on 18 June 1995 contained the markings for batch serial number “KB 9307”, corresponding to manufacture at the *Krušik* factory in Valjevo, Serbia.<sup>4458</sup> The

<sup>4449</sup> Z.SUBOTIĆ:T.39662-39663.

<sup>4450</sup> P07554; D02117, para.80, fig.67.

<sup>4451</sup> D02117, paras.80-81. SOKOLAR confirmed that he was injured by a fourth shell that fell some distance from the location of G7. SOKOLAR:P00567, para.18.

<sup>4452</sup> P02043, pp.1,3,5,8-10/P02017, pp.1,4-6(partial duplicates); TURKUŠIĆ:P02009, para.24; P00997, pp.1,8,12.

<sup>4453</sup> P02043, pp.1,3,6,7,23-42,53-56/P02017, pp.2-3(partial duplicates); P00997, pp.1-2,12; P00991, p.3.

<sup>4454</sup> P02043, pp.1,3,6,10/P02017, p.2(partial duplicates); TURKUŠIĆ:P02009, para.26; TURKUŠIĆ:T.15925-15926.

<sup>4455</sup> P00997: pp.1,8; BRENNKAG:T.9000-9001; HIGGS:T.18768.

<sup>4456</sup> P02043, pp.10-11/P02017, p.6(partial duplicates); P00997, p.12.

<sup>4457</sup> P02043, pp.10-11/P02017, p.6(partial duplicates); P02043(BCS, p.12)/P02017 (BCS, p.7)(partial duplicates).

<sup>4458</sup> P02043, p.9/P02017, p.5(partial duplicates); TURKUŠIĆ:P02009, para.24; P04549. *See* Sections IV.E.6(b)(ii)b, para.977; IV.D.7.

SRK fired five shells with this same batch marking on the Markale market and nearby areas on 28 August 1995.<sup>4459</sup>

(v) Modified Air Bombs (MABs) (Scheduled Incidents G10, G13 and G15)

1003. Between March and August 1995, the VRS campaign of terror on Sarajevo again increased in intensity.<sup>4460</sup> On 12 March 1995, the city was subjected to its heaviest shelling since September 1994.<sup>4461</sup> Sniping and the use of mortars resumed on a regular basis.<sup>4462</sup> The number of civilian casualties visibly rose, as did the number of incidents where UNPROFOR was targeted.<sup>4463</sup> The increase in attacks that terrorised civilians was accompanied by other efforts to place the population under pressure. Water to areas of Sarajevo was cut off again.<sup>4464</sup> As described by BELL during a news report, the noose on the capital was being tightened.<sup>4465</sup> HARLAND referred to this period as “the big squeeze” which eventually turned into strangulation.<sup>4466</sup>

1004. It was in this context that the VRS introduced MABs to the arsenal of mortars and guns they fired on the city of Sarajevo, the heaviest and most destructive weapons used throughout the course of the war.<sup>4467</sup> These large heavy bombs were originally designed to be dropped from planes, with gravity taking them to their targets.<sup>4468</sup> With the imposition of a no-fly zone in October of 1992, such bombs could no longer be used with planes.<sup>4469</sup>

<sup>4459</sup> P02053; P00498, pp.16-17(confidential); TURKUŠIĆ:P02009, paras.11,78,112; TURKUŠIĆ:T.15725; P00755, p.1; P00797, pp.2,3,6,14,17-19. See Section IV.E.6(b)(ii)b, para.977.

<sup>4460</sup> BANBURY:P00874, para.92; BELL:P00832, para.51; JORDAN:P00126, para.46; HARLAND:P00001, paras.181,183; P06677; BRENNKAG:P00992, para.31.

<sup>4461</sup> BANBURY:P00874, para.99.

<sup>4462</sup> BANBURY:P00874, para.92.

<sup>4463</sup> BANBURY:P00874, paras.99,101,120; P00880, para.8; P07688, paras.1,3; SMITH:P00785, para.79; HARLAND:P00001, paras.169-171.

<sup>4464</sup> HARLAND:P00001, para.201; P00991, p.4; P00011, p.5.

<sup>4465</sup> BELL:P00832, para.54.

<sup>4466</sup> HARLAND:P00001, paras.182,204. See P06677, pp.1-3.

<sup>4467</sup> BELL:T.7841; BELL:P00832, para.101; TURKUŠIĆ:P02009, para.18; SULJEVIĆ:P00889, para.37; ŠOJA:T.17173; SULJEVIĆ:T.8379; RADOJČIĆ:T.23124; MIJATOVIĆ:T.21499; FRASER:P00576, para.129(confidential); JORDAN:P00126, para.37; KONINGS:P01741, para.42.

<sup>4468</sup> AF1882; FRASER:P00576, para.126 (confidential); SULJEVIĆ:P00889, para.37; OVERGARD:P01047, T.639-640.

<sup>4469</sup> D01584, p.3. See OKUN:P03115, p.7; P00297, p.2.

1005. The idea to modify these bombs so they could be launched by rocket engines was discussed by **MLADIĆ** and **PERIŠIĆ** in late 1993.<sup>4470</sup> Soon after, **MLADIĆ** ordered his corps commanders to commence building launchers for these air bombs.<sup>4471</sup> The bombs were developed at the *Pretis* ammunition factory in Vogošća<sup>4472</sup> with expert assistance from Serbia.<sup>4473</sup> The development phase occurred within a limited group under supervision of **MLADIĆ** personally.<sup>4474</sup> Many of the rocket engines and units needed to launch these air bombs were acquired from Serbia through direct requests from **MLADIĆ**.<sup>4475</sup> **MILOVANOVIĆ**, who coordinated the engagement of the MABs in 2<sup>nd</sup> KK AOR,<sup>4476</sup> described the MAB launcher as a *skalamerija* (“contraption”) that was “put together in a makeshift way.”<sup>4477</sup>

1006. As of April 1995, MABs were used in Sarajevo by at least five SRK Brigades.<sup>4478</sup> The ABiH never possessed this weapon.<sup>4479</sup> The production, storage, transfer, and use of the MABs and its launchers were regulated by the GŠ-VRS.<sup>4480</sup> The SRK command deployed the MABs and issued firing orders to the Brigades.<sup>4481</sup> Only the Corps Commander could order the actual launch of a MAB,<sup>4482</sup> but the order required prior approval from **MLADIĆ**.<sup>4483</sup> According to RM120, **MLADIĆ**’s

<sup>4470</sup> MILOVANOVIĆ:T.17015; P00359, p.108. See Section IV.D.6.

<sup>4471</sup> ĐUKIĆ:P01052, pp.4,23-24; P04456, pp.1-2; P00895.

<sup>4472</sup> ĐUKIĆ:P01052, pp.4,24; RM183:P03307, para.19(confidential); ŠOJA:T.17157; MASAL:T.33437; P04395; P04525; P04434; P04414.

<sup>4473</sup> MASAL:T.33437,T.33503; ŠOJA:P02252, T.5121-5122; P04403; P02221.

<sup>4474</sup> ĐUKIĆ:P01052, p.4; P00465; P04415; P04350; P04495.

<sup>4475</sup> ĐUKIĆ:P01052, p.24; THEUNENS:T.20420; P04347; P04551; P04567; P04553; P04563; P04564; P04566; see P03073, p.4; ŠOJA:T.17162-17163; P04490, p.6.

<sup>4476</sup> P04350, p.2.

<sup>4477</sup> MILOVANOVIĆ:T.17103.

<sup>4478</sup> AF1839; VELJOVIĆ:T.22948; ŠOJA:P02252, T.5125-5126; P00904; P00910; P00924; P00907; P04521; P04522; P00912; P00927; P00918; P04473; P00913; P04442.

<sup>4479</sup> AF2865; AF2548; AF1892; BELL:P00832, para.101; BRENNISKAG:P00992, para.38; BRENNISKAG:T.9045; JORDAN:P00126, para.38; KONINGS:P01741, para.42; TURKUŠIĆ:P02009, para.21.

<sup>4480</sup> AF1883; MILOVANOVIĆ:T.17017; RM183:P03307, para.19(confidential); P00592; P04495; P00911; P04526; P02254; P00901; P00908; P04527; P00914; P00894; P04501; P00898; P00916; P00925; P04441; P04524; P04419; P00900; P04391; P00921; P00920; P00919; P04500; P00928; P00917. See Section IV.D.6.

<sup>4481</sup> AF1840; AF1918; P00923; P04478, p.2/P00922, p.2(partial duplicates); P00811; P02254/P00906(duplicates); P00899; P00902; P00914; P00916; P00912; P00900; P00905; P00913; P00928; P06656; P00917.

<sup>4482</sup> AF1841; RADOJČIĆ:T.23196; PHILIPPS:T.4710-4711; DRAGIČEVIĆ:T.23787; P06656. See Section IV.D.6, para.751.

<sup>4483</sup> ĐUKIĆ:P01052, pp.4,24; VELJOVIĆ:T.22951; FRASER:P00576, para.134(confidential); P00581; P00812, p.2.

personal endorsement was needed as the devastating effect of these MABs had strong media repercussions.<sup>4484</sup>

1007. The MAB was a highly inaccurate and destructive weapon.<sup>4485</sup> The weapon could be off target by as much as two kilometers and was not supposed to be used in urban areas.<sup>4486</sup> The improvised combination of an air bomb with multiple rocket engines required exact simultaneous ignition, heavily affecting its accuracy.<sup>4487</sup> Moreover, the rebuilt launchers for this weapon,<sup>4488</sup> which had no documentation or instructions, added to the overall inaccuracy.<sup>4489</sup> The great inaccuracy of this weapon was confirmed by many experienced military officers.<sup>4490</sup> As UN observer BRENNISKAG put it, "It was clearly a kind of home-made projectile with very simple modifications. The way it was made it could never be accurate."<sup>4491</sup>

1008. The huge potential radius of destruction of this bomb, coupled with its inaccuracy, made it a terrifying weapon for the population of Sarajevo.<sup>4492</sup> Even setting aside its inherent inaccuracy, launching such a highly destructive projectile in an urban residential area was disproportionate.<sup>4493</sup> As TURKUŠIĆ explained, only if the intent was to kill, devastate, and destroy within a large target area could one say that these MABs served a purpose.<sup>4494</sup>

1009. The trial record documents numerous shelling incidents involving MABs that were launched by the SRK into residential neighborhoods in Sarajevo between April

<sup>4484</sup> RM120:P00807, pp.18-19(confidential); RM120:T.7600-7601(confidential). *See* P00752.

<sup>4485</sup> VELJOVIĆ:T.22948,T.22953,T.22955; MILOVANOVIĆ:T.17017; SULJEVIĆ:P00889, para.60; TURKUSIĆ:P02009, para.17.

<sup>4486</sup> VELJOVIĆ:T.22949.

<sup>4487</sup> TURKUŠIĆ:P02009, paras.17-19; BRENNISKAG:P00992, para.35; SULJEVIĆ:P00889, para.40. The inaccuracy of MABs kept the SRK from targeting the Sarajevo tunnel entry as the SRK was afraid the MAB would inadvertently hit UNPROFOR monitors stationed nearby. *See* P00580; VELJOVIĆ:T.22949-22950; FRASER:T.5786.

<sup>4488</sup> AF1889.

<sup>4489</sup> VELJOVIĆ:T.22948-22950; MASAL:T.33438-33439; ŠOJA:P02251, p.4; ŠOJA:P02252, T.5115-5116; FRASER:P00576, para.126(confidential).

<sup>4490</sup> TURKUSIĆ:P02009, paras.17-19; SULJEVIĆ:P00889, para.40; FRASER:T.5784; JORDAN:P00126, para.39; KONINGS:P01741, paras.43-44; BRENNISKAG:T.9041; BRENNISKAG:P00992, para.42; ŠOJA:T.17177; [REDACTED]; MASAL:T.33438-33439.

<sup>4491</sup> BRENNISKAG:P00992, para.42.

<sup>4492</sup> FRASER:P00576, para.129(confidential); KONINGS:P01741, para.43; RADOJČIĆ:T.23280; BRENNISKAG:P00992, para.31.

<sup>4493</sup> FRASER:T.5784; BELL:P00832, paras.101-102; BELL:T.7842.

<sup>4494</sup> *See* TURKUŠIĆ:P02009, para.18.

and August 1995.<sup>4495</sup> The MAB attacks that occurred in Hrasnica (including G10) and throughout Sarajevo on 24-26 May 1995 (including G13) and mid-June 1995 (including G15) are discussed in greater detail below.

a. Shelling of Hrasnica – 7 April 1995 (Shelling Incident G10)

1010. During the war, the VRS placed the BiH-controlled area of Hrasnica under siege.<sup>4496</sup> RS authorities were aware that VRS shelling of the area injured thousands of civilians.<sup>4497</sup> On the morning of 7 April 1995 at about 08:50 hours, a 250 kg MAB landed on Aleksa Šantića Street in a residential area of Hrasnica,<sup>4498</sup> killing one civilian and injuring three,<sup>4499</sup> in addition to destroying two houses and damaging ten other houses.<sup>4500</sup>

1011. The projectile was fired by the Ilidža Brigade.<sup>4501</sup> Local witnesses informed UNMO OVERGARD that it had been fired from a truck located near a carpet factory in SRK-held territory in Ilidža.<sup>4502</sup> Damage to the houses, such as the windows broken along the direction from which the bomb had come, confirmed the direction of fire.<sup>4503</sup> Ilidža Brigade Commander RADOJČIĆ testified that the MAB made a “terrifying” hissing sound during its 20-second flight<sup>4504</sup> due to the emission of powder gases.<sup>4505</sup> He agreed that this sound would also have had a terrifying effect on the population in Sarajevo over whose heads the bomb was flying.<sup>4506</sup>

<sup>4495</sup> **Hrasnica:**AF2855; AF2865-AF2866; D01268; P07565; **Alipašino:**AF2834; AF2845-AF2846; AF2849; D01270; P07568; P00495(confidential); P07571; P07572; P07573; P04622; P00752; **Novo Sarajevo:**AF2874; AF2878; **Centar:**AF2830; AF2833; P07569; P07570; **Sokolovići:**AF2368; AF2871-AF2872. *See* HARLAND:P00001, para.213; BANBURY:P00874, para.179; JORDAN:P00126, para.36; BELL:P00832, para.100; KNUSTAD:P03158, p.4; OVERGARD:T.9164; FRASER:P00576, para.126(confidential); BRENNISKAG:P00992, para.34; ŠOJA:P02251, p.4; ŠOJA:P02252, pp.10-12; RM183:P03307, para.20(confidential).

<sup>4496</sup> OVERGARD:P01047, T.635.

<sup>4497</sup> [REDACTED]; [REDACTED].

<sup>4498</sup> AF2530; AF2539; P00582; P01048, p.5; FRASER:P00576, para.130(confidential).

<sup>4499</sup> AF2531; ŠUBO:P00390, p.6; P00952; D01268.

<sup>4500</sup> AF2540; P00839; P00392 (BCS, p.1); P00393(BCS, p.1); D01268.

<sup>4501</sup> AF2542; P00592; P00591, p.2; P01048, p.5.

<sup>4502</sup> AF2541; OVERGARD:T.9164-9165; OVERGARD:P01047, T.639-640; P00582, pp.1-4; D01268, p.8.

<sup>4503</sup> OVERGARD:T.9217-9218,T.9180,T.9242; P00582, p.3.

<sup>4504</sup> RADOJČIĆ:T.23213,T.23280; P00582, p.2.

<sup>4505</sup> RADOJČIĆ:T.23213,T.23280.

<sup>4506</sup> RADOJČIĆ:T.23280. *See* FRASER:P00576, para.129(confidential).

1012. The 250kg air bomb was fired following an order from SRK Commander D.MILOŠEVIĆ.<sup>4507</sup> His decision to launch this bomb could only be made upon approval by the GŠ-VRS.<sup>4508</sup> The order designated no specific target, only stating that “The most profitable target must be selected in Hrasnica or Sokolović colony where the greatest casualties and material damage would be inflicted.”<sup>4509</sup> If the intent had been to hit a particular military target, it would be expected to be clearly stated in the order.<sup>4510</sup> The bomb was not launched in direct response to any firing from the Hrasnica area around the *Famos* factory,<sup>4511</sup> and there was no military presence in the residential area where the bomb exploded at the time.<sup>4512</sup>

1013. RADOJČIĆ confirmed that the bomb did not hit any military target,<sup>4513</sup> but he suggested that the intended targets were the Aleksa Šantić school or the Hrasnica post office.<sup>4514</sup> Neither of these supposed targets for G10 were used by ABiH forces at the time of the attack,<sup>4515</sup> and thus neither constituted a legitimate military target. RADOJČIĆ’s claim that the school was a centre for the training of special units of the ABiH 1st Corps<sup>4516</sup> is undermined by OVERGARD, whose UNMO observation post was located about 200 meters from where the projectile impacted.<sup>4517</sup> OVERGARD did not have information that the school building was used for military purposes at the time.<sup>4518</sup> SUBOTIĆ agreed that UNMOs would have known of any military targets in their area of observation.<sup>4519</sup> Similarly, RADOJČIĆ’s self-serving testimony was undermined by an exhibit associated to his statement, showing that his own brigade knew the other supposed target in the post office—the 4<sup>th</sup> Motorised Brigade—had moved out of the building prior to G10.<sup>4520</sup> After the launch RADOJČIĆ also reported

<sup>4507</sup> RADOJČIĆ:T.23196; P00592; D01268, pp.9-10.

<sup>4508</sup> FRASER:P00576, para.13(confidential); P00589, p.1. *See* Section IV.D.6, para.1006

<sup>4509</sup> AF2529; P00592.

<sup>4510</sup> FRASER:P00576, para.132(confidential).

<sup>4511</sup> OVERGARD:T.9168-9169; P01048, p.4; P00592.

<sup>4512</sup> AF2535; OVERGARD:P01047, T.648; ŠUBO:P00390, p.5; ŠUBO:P00391, T.2773-2774; RM159:P01953, para.14(confidential).

<sup>4513</sup> RADOJČIĆ:T.23198,T.23200; P06618.

<sup>4514</sup> RADOJČIĆ:D00535, para.107; RADOJČIĆ:T.23198.

<sup>4515</sup> OVERGARD:T.9194; RADOJČIĆ:T.23245-23246; D00825; RADOJČIĆ:T.23243.

<sup>4516</sup> RADOJČIĆ:T.23041.

<sup>4517</sup> P00582, p.2. The close proximity between UNMO post and the Šantić school is corroborated by a MAB that landed in Hrasnica on 1 July 1995. The 1 July 1995 MAB landed 200 meters from G10. AF2855; P07565, pp.1,5; Z.SUBOTIĆ:T.39827-39828.

<sup>4518</sup> OVERGARD:T.9194.

<sup>4519</sup> Z.SUBOTIĆ:T.39828.

<sup>4520</sup> D00825; RADOJČIĆ:T.23243.

the outcome to his superior Dragomir MILOŠEVIĆ, who expressed satisfaction with the result and did not order further actions on either the school or the post office.<sup>4521</sup>

1014. Hrasnica was a densely populated civilian area where 5500 children, among many other civilians, lived during the war.<sup>4522</sup> Even if there had been a military target it would have been inappropriate to fire an uncontrollable weapon of immense destructive power at a target in an area with such a dense civilian population.<sup>4523</sup> In spite of this, the SRK targeted Hrasnica multiple times with MABs, including a 1 July 1995 MAB attack on the same street as G10, which injured 13 people, including two UNMOs.<sup>4524</sup>

1015. SUBOTIĆ's findings regarding G10 are unsupported. On a most basic level, she refused to even accept that the MAB in G10 was a 250kg bomb,<sup>4525</sup> even though contemporaneous evidence<sup>4526</sup> and the testimony of the Brigade Commander who fired the MAB<sup>4527</sup> confirmed this fact.

b. Shelling of Sarajevo – 24-26 May 1995, Including Scheduled Incident G13

1016. Fighting again escalated in Sarajevo in mid-to-late May 1995.<sup>4528</sup> At that time, the SRK used weapons taken from the WCP to fire into the BiH part of Sarajevo.<sup>4529</sup> In an evening telephone call on 24 May 1994, SMITH told **MLADIĆ** of his concern regarding “the development of a grave situation in and around Sarajevo.”<sup>4530</sup> Earlier that day, 24 May 1995, the SRK fired two 250kg MABs as part of its offensive.<sup>4531</sup> The first, a 250kg MAB fired from Lukavica, landed outside Safeta Zajke Street no.43 in Alipašino Polje, killing two civilians and wounding five.<sup>4532</sup> The second 250kg

<sup>4521</sup> RADOJČIĆ:T.23207.

<sup>4522</sup> AF2535; [REDACTED].

<sup>4523</sup> FRASER:P00576, paras.130,133(confidential).

<sup>4524</sup> AF2855; P07565, pp.1-3,5. Though SUBOTIĆ suggested otherwise, 13 people (including two UNMOs) were injured in the 1 July 1995 attack. Z.SUBOTIĆ:D02114, para.103; Z.SUBOTIĆ:T.39833-39834; P07565, pp.2-3,5.

<sup>4525</sup> Z.SUBOTIĆ:T.39828-39830.

<sup>4526</sup> P00591, p.2; P01048, p.5; D01268, pp.2,9-10.

<sup>4527</sup> RADOJČIĆ:T.23196.

<sup>4528</sup> RM120:P00807, p.74(confidential); SMITH:P00785, para.116; P02563, p.2.

<sup>4529</sup> RM120:P00807, p.74(confidential).

<sup>4530</sup> P02563, p.2.

<sup>4531</sup> D01270; P07568.

<sup>4532</sup> P02013; D01270, pp.2-3,5,7,9; TURKUŠIĆ:P02009, para.30.

MAB, also fired from Lukavica, landed in Majdanska Street in Novi Grad, killing two and injuring six people.<sup>4533</sup>

1017. Following UNPROFOR's unheeded warnings to the BSL to cease shelling civilian areas in Sarajevo and to return weapons that the VRS removed from WCPs,<sup>4534</sup> NATO carried out airstrikes against Bosnian Serb military targets in Pale on 25 May 1995.<sup>4535</sup> The VRS retaliated by shelling the safe areas of Srebrenica, Sarajevo, and Tuzla.<sup>4536</sup> NATO carried out additional airstrikes on 26 May 1995.<sup>4537</sup> The VRS responded by taking UNPROFOR personnel hostage.<sup>4538</sup>

1018. The SRK also fired another MAB into Alipašino Polje on 26 May 1995 (Scheduled Incident G13). The MAB hit an apartment building on Safeta Hadžića Street no.52, destroying the top three floors,<sup>4539</sup> seriously injuring two civilians, and slightly injuring at least fourteen civilians.<sup>4540</sup> A witness heard the incoming modified air bomb which sounded like a fast-moving airplane.<sup>4541</sup> The explosion was followed by several artillery rounds that impacted around Safeta Hadžića Street, causing material damage but no injuries.<sup>4542</sup>

1019. All projectiles related to G13 were fired from VRS/SRK-held territory.<sup>4543</sup> Alleged nearby targets were the Police Station and the Sarajevo RTV building,<sup>4544</sup> but neither of these locations was hit by artillery shells fired in the area.<sup>4545</sup> SUBOTIĆ's contention that the MAB ricocheted off the flat roof of the RTV building before it hit

<sup>4533</sup> P07568, pp.1-3,6; D01270, pp.3-4.

<sup>4534</sup> SMITH:P00785, para.116; [REDACTED].

<sup>4535</sup> P07254, p.1; SMITH:P00785, paras.116,118; V.BLAGOJEVIĆ:T.33532.

<sup>4536</sup> P07259; P07255; V.BLAGOJEVIĆ:T.33535; RM120:P00807, p.74(confidential).

<sup>4537</sup> SMITH:P00785, paras.116,118; P01869.

<sup>4538</sup> SMITH:P00785, para.118; P07708, pp.2-3; AKASHI:T.41788-41790; P01176, p.1. *E.g.* RILEY:P02543, paras.21-22; CORNISH:P00395, pp.5-9; VISHNEVSKI:P00399, pp.1-3; RM403:P03577, T.10728-10729(confidential); RM403:P03576, paras.6-7,12-23(confidential); [REDACTED]; P02559, p.1; RM120:P00807, p.75(confidential); HARLAND:P00001, para.183; P05233, p.1.

<sup>4539</sup> AF2546; RM104:P00381, p.6(confidential); RM104:P00382, T.4523-4525(confidential); P00383(confidential); P00495, pp.1-3(confidential); D00095; RM110:T.4922-4925,T.4892; [REDACTED].

<sup>4540</sup> AF2554; P00495, p.3(confidential); RM110:T.4937; [REDACTED]; P00943(confidential); P00953; P00708; P00709; P00710.

<sup>4541</sup> RM104:P00381, p.6(confidential).

<sup>4542</sup> P00495, p.1(confidential); [REDACTED]; RM110:T.4892,T.4925.

<sup>4543</sup> [REDACTED] the MAB was launched from the Lukavica area whereas the artillery rounds came from the area of Ilidža/[REDACTED]. *See* AF2555; RM110:T.4935-4936.

<sup>4544</sup> ŠOJA:T.17167-17169. *See* BELL:T.7842-7843.

<sup>4545</sup> RM110:T.4971-4973; D00095; D00211.

the apartment building at Safeta Hadžića Street no.52<sup>4546</sup> is undermined by her acknowledgement that MABs do not spin or rotate the same way as an artillery shell.<sup>4547</sup> Moreover, the RTV building is a civilian target<sup>4548</sup> and approximately 620 meters in distance and 45 meters lower in height than Safeta Hadžića Street no.52,<sup>4549</sup> making such a ricochet impossible.

c. Shelling of Sarajevo –16 June 1995 Shellings, Including Scheduled Incident G15

1020. On 16 June 1995, three MABs struck Sarajevo. In the Centar neighbourhood, a MAB fired from SRK positions in the north-west struck the University Medical Centre department of Oncology in Dositejeva Street, injuring three people and causing a number of buildings nearby.<sup>4550</sup> The second MAB, Scheduled Incident G15, exploded with great destructive force next to Trg Međunarodnog Prijateljstva no.10 in Alipašino Polje, injuring seven people.<sup>4551</sup> A third MAB fired from SRK territory struck the boiler-house at Čobanija Street no.7, injuring at least three civilians.<sup>4552</sup>

1021. In addition to injuring seven people, Scheduled Incident G15 left a huge crater after destroying a local community centre in the building and causing considerable damage to neighbouring buildings.<sup>4553</sup> The local community centre that was destroyed only housed civilians and there were no military installations or facilities nearby.<sup>4554</sup>

1022. The MAB in Scheduled Incident G15 came from the west and was launched from SRK-held territory.<sup>4555</sup> The Defence has suggested that the target was the Bitumenka factory located approximately 100 to 200 meters away from the place

<sup>4546</sup> Z.SUBOTIĆ:T.39517; Z.SUBOTIĆ:D02114, paras.64d,98,177.

<sup>4547</sup> Z.SUBOTIĆ:T.39840.

<sup>4548</sup> DOYLE:T.1634; P01089, p.2; JORDAN:P00126, para.36; HARLAND:P00001, para.210; P00752; P07572, pp.3,70,72,75,77.

<sup>4549</sup> Z.SUBOTIĆ:T.39839-39840; Z.SUBOTIĆ:D02114, para.50.

<sup>4550</sup> P07569, pp.1,3,10/P07570, p.1(partial duplicates); P00940; P00939; SULJEVIĆ:T.8574,T.8577.

<sup>4551</sup> AF2561; SULJEVIĆ:T.8384-8385; P07571; P00932, p.1 (BCS, pp.1-2)(confidential); HOGAN:P02379, T.11205; P02381, p.6.

<sup>4552</sup> AF2830; AF2833; P07570, pp.1,6/P07569, p.1(partial duplicates); P00933 (BCS); SULJEVIĆ:T.8388.

<sup>4553</sup> AF2561; SULJEVIĆ:T.8384-8385; P07571; P00932(BCS)(confidential); P00933(confidential); HOGAN:P02379, T.11205; P02381, p.6; RM155:P01925, paras.3-13(confidential); [REDACTED]; P01957(BCS, p.3); [REDACTED]; SULJEVIĆ:T.8384-8385; RM159:P01953, para.23(confidential).

<sup>4554</sup> [REDACTED].

where the bomb impacted.<sup>4556</sup> SUBOTIĆ's theory, however, required that if this factory were the actual target, the incoming projectile would have come from north-west rather than west,<sup>4557</sup> which does not make sense given the obstructions in the area. The bomb impacted directly south of a high-rise building,<sup>4558</sup> making a trajectory coming from north-west direction simply impossible.

7. Restrictions on humanitarian aid and utilities contributed to carrying out the campaign of sniping and shelling against the civilian population of Sarajevo

1023. **MLADIĆ** significantly contributed to the SRK's sniping and shelling campaign through the restriction of utilities and humanitarian aid to BiH-held Sarajevo.<sup>4559</sup> The restriction of aid and utilities contributed to the Terror JCE by: (1) enhancing the effectiveness of the shelling and sniping campaign carried out against the civilians by drawing people outdoors to search for food, water and fuel; and (2) augmenting the level of pressure on and sense of vulnerability of the civilians, and thereby increasing the psychological impact of terror inflicted through the shelling and sniping campaign. The Scheduled Incidents illustrate some of the occasions where the SRK engaged in acts of terror that either killed or wounded civilians while they queued for humanitarian aid or searched for the basic necessities of life.<sup>4560</sup>

1024. **MLADIĆ** intended to use deprivations as a strategy of applying pressure on the Sarajevo populace. During his 16<sup>th</sup> Assembly speech, **MLADIĆ** outlined the VRS strategy to restrict or obstruct the flow of utilities and use deprivations to put pressure on Sarajevo as a "tool or weapon" in negotiations.<sup>4561</sup> Shortly thereafter, **MLADIĆ** issued an order requiring his personal involvement in setting the conditions for any negotiations regarding the passage of humanitarian aid convoys "until further notice."<sup>4562</sup>

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<sup>4555</sup> AF2562; P01957, p.2 (BCS,p.3); P07571, pp.2,5; P01099(confidential); RM159:P01953, para.24(confidential).

<sup>4556</sup> ŠOJA:T.17170-17171; P00003, p.40.

<sup>4557</sup> Z.SUBOTIĆ:D02114, para.84,fig.58.

<sup>4558</sup> P00003, pp.37,40.

<sup>4559</sup> Indictment, paras. 13(k),18,80.

<sup>4560</sup> See Sections IV.E.6(a)(i)d; IV.E.6(a)(ii); IV.E.6(a)(iv); IV.E.6(b)(iv)b; BELL:P00832, paras.59,83; P01858; P00837; BELL:P00832, para.50.

<sup>4561</sup> P00431, pp.38-39; THEUNENS:T.20307-20310; THEUNENS:P03029, p.473.

<sup>4562</sup> P04359, p.2; OKUN:P03104, T.1778.

1025. **MLADIĆ** and **KARADŽIĆ** controlled and deliberately manipulated the supply of humanitarian aid and utilities throughout the campaign.<sup>4563</sup> **MLADIĆ** and his subordinates implemented an onerous control regime on convoys, which they used to restrict the flow of humanitarian aid into and out of Sarajevo.<sup>4564</sup> The VRS exercised “total control” over UN convoys, which were blocked for various invalid reasons.<sup>4565</sup> **BOWEN** personally witnessed the SRK holding up convoys “many times” and “sometimes for days.”<sup>4566</sup> **TUCKER** said that humanitarian convoys “continued to be harassed” and were prevented from reaching the civilian population.<sup>4567</sup> **MLADIĆ** made it clear that he controlled what happened in Sarajevo.<sup>4568</sup> For example, in September 1994, **MLADIĆ** demanded an apology for the NATO airstrikes against the VRS and threatened “to stop all convoys from entering Sarajevo.”<sup>4569</sup> When no apology was forthcoming, **MLADIĆ** closed all checkpoints in Bosnian Serb held territory.<sup>4570</sup>

1026. Water pumps, gas pipelines and electricity stations were located on Bosnian Serb territory, which also enabled the VRS to shut off the supply of water, gas and electricity.<sup>4571</sup> The VRS cut the supply of utilities in response to ABiH offensives in the Ozren region in mid-June 1994, and on 26 May 1995 following the NATO airstrikes.<sup>4572</sup> The VRS obstructed repairs to utilities in Sarajevo,<sup>4573</sup> or restored them, whenever they wanted to.<sup>4574</sup> Attempts by UNPROFOR and the warring parties to create joint groups of technicians for the repair of utilities around Sarajevo in late September 1992 did not materialise.<sup>4575</sup> Instead, the VRS obstructed repair teams, shot

<sup>4563</sup> BANBURY:P00874, paras.42,200; FRASER:P00576, paras.137-138(confidential); TUCKER:P00317, para.116.

<sup>4564</sup> BANBURY:T.8213-8214,T.8287-8288; FRASER:T.5805,T.5808; SMITH:T.7298; SMITH:P00785, para.137; ROSE:T.6845-6846; ABDEL-RAZEK:P00293, p.9; P02245(confidential); P00514, p.2; P01758; P01789, Side A, 00:08'47-00:16'28, tp.4; HARLAND:P00001, para.144; MILOVANOVIĆ:P02222, pp.2,12.

<sup>4565</sup> BANBURY:T.8213-8214; BANBURY:P00874, para.97; ROSE:T.6846.

<sup>4566</sup> BOWEN:P02515, para.23.

<sup>4567</sup> TUCKER:P00317, para.140.

<sup>4568</sup> FRASER:P00576, para.142(confidential); FRASER:T.5772-5777.

<sup>4569</sup> FRASER:P00576, paras.137,142(confidential); FRASER:T.5772-5777; P00579; P00578, p.2.

<sup>4570</sup> FRASER:P00576, paras.137,142(confidential); FRASER:T.5774-5775.

<sup>4571</sup> P07406; ABDEL-RAZEK:P00293, para.106; TUCKER:P00317, para.21; LUBURA:D00500, para.5; RM120:P00807, p.55(confidential); P00887, p.2; P00840, para.11; P00886, p.7; P07776, p.1; D00149, p.4(confidential); P06716, para.13; TUCKER:P00317, para.116. See P06556.

<sup>4572</sup> ROSE:P00736, paras.116,118; P07701, p.7; P07708, paras.6,17; P06716, paras.12-13; P06714, pp.4-5.

<sup>4573</sup> E.g. D00627, pp.1-2; P06553, paras.2.1,2.4; P06551, pp.1,7; D01570, p.2; D00007, p.7; P00667.

<sup>4574</sup> HARLAND:P00001, para.38; WILSON:P00320, para.123. E.g. P06555, p.1.

<sup>4575</sup> ABDEL-RAZEK:P00293, paras.38,107; D00504.

at UNPROFOR engineers, and shelled utilities soon after they were repaired.<sup>4576</sup> The VRS knew the flow of utilities benefited the inhabitants of Sarajevo and harassed utility repair missions for that reason.<sup>4577</sup>

1027. The restriction of humanitarian aid and utilities physically enhanced the effectiveness of the campaign of sniping and shelling. These restrictions caused widespread deprivations of the essential materials for survival, including food, water and fuel, and resulted in unbearable living conditions in Sarajevo.<sup>4578</sup> [REDACTED], deprivation of basic humanitarian needs in Bosnian-held Sarajevo “forced civilians into open areas, out of their homes, to line up for food or water or fuel, where they were targeted.”<sup>4579</sup> Civilians who attempted to escape the deprivation in the city were fired upon by the SRK and killed or injured as they crossed the airport.<sup>4580</sup> VANLYNDEN explained that “the movements of people going about their tasks made them ready targets for the SRK snipers and gunners” and that “every time someone went out to fetch something it was done in the knowledge that they were in danger of being shot or shelled.”<sup>4581</sup>

1028. As VANLYNDEN described above, these restrictions by **MLADIĆ** and the VRS also psychologically enhanced the effectiveness of the campaign. The deprivation of aid and utilities forced the inhabitants of Sarajevo to search for necessities on a more frequent basis, amplifying the terror associated with knowing one may be killed or injured any day by a shot or shell.<sup>4582</sup> RM126 observed: “It was more than just a fear, it was a form of paranoia. But people had to go out daily, to get

<sup>4576</sup> ABDEL-RAZEK:P00293, paras.18,38.

<sup>4577</sup> MOLE:P00421, para.103; TUCKER:P00317, para.116; P00991, p.5; HARLAND:P00001, para.201.

<sup>4578</sup> P00303, para.2; P06551, p.1; D01566, p.2; D00007, p.7; D00008, p.3; P0009, p.2; P00009, p.2; P07776, p.1; P00775, p.5; P07708, paras.6,17; P00991, pp.4-5; P01089, p.6; P06620, p.5; P00011, p.5; P07701, p.7; RM176:T.6303-6304,T.6306-6307(confidential); BELL:P00832, paras.35-36,49; BOWEN:P02515, paras.18-19,25,41; VANLYNDEN:P00066, paras.27-28; NAKAŠ:P00941, paras.37,43-44(confidential); MANDILOVIĆ:P00679, paras.34-35 .

<sup>4579</sup> [REDACTED]; JORDAN:P00126, para.27.

<sup>4580</sup> TUCKER:P00317, paras.116-120; ABDEL-RAZEK:P00293, paras.90-92,104; HAMILL:P00537, T.6176-6177; E.HAFIZOVIĆ:P02455, para.34; HAJIR:P02616, para.36.

<sup>4581</sup> VANLYNDEN:P00066, para.24; CRNČALO:P00260, paras.91-92; P00991, p.3; HARLAND:P00001, paras.197-198; P07555; P00011, p.4; P07701, p.7; P06558; RM155:P01925, paras.20,24(confidential); HAJIR:P02616, para.48.

<sup>4582</sup> AF2206; FRASER:P00576, para.149(confidential); KAPETANOVIĆ:P00415, para.3; CRNČALO:P00260, paras.87,91.

food, water, fuel. You could see in their faces that it had passed beyond normal fear, it was a fatalism.”<sup>4583</sup>

1029. Witnesses described extended periods during which the VRS cut-off the population from the most basic necessities.<sup>4584</sup> The lack of humanitarian aid and utilities in Sarajevo made life exceedingly difficult – especially in winter time.<sup>4585</sup> The civilian population was reduced to a “grind of survival.”<sup>4586</sup> The lack of utilities for heating during Sarajevo winters was “catastrophic,”<sup>4587</sup> resulting in an “endless” battle.<sup>4588</sup> Civilians cut down hundreds of trees for firewood, and when trees were depleted, they burned furniture, carpet, shoes, floorboards, doors, and even books to stay warm.<sup>4589</sup> Many vulnerable people, particularly the elderly, died from the cold.<sup>4590</sup> These privations increased their overall sense of helplessness and fear, and forced civilians out of their homes to search for food, water and fuel, where they became easy targets for snipers or shells.<sup>4591</sup>

1030. Contemporaneous UNPROFOR and SRK documents contradict the self-serving evidence of Defence witnesses who claimed that there were no purposeful restrictions<sup>4592</sup> and demonstrate that shortage of utilities in Sarajevo was caused by deliberate obstruction of utilities by SRK soldiers.<sup>4593</sup> Moreover, the evidence of these Defence witnesses is inconsistent with MLADIĆ’s strategy, and his own orders, to obstruct the repair of utilities to Sarajevo.<sup>4594</sup>

<sup>4583</sup> RM126:P01942, p.5(confidential).

<sup>4584</sup> VANLYNDEN:T.1305-1306; ROSE:P00736, para.22; CRNČALO:P00260, paras.82-84; TUCKER:P00317, paras.21,49,116; TUCKER:T.3755-3759,T.3765-3767; TUCKER:P00317, paras.117,121; VANLYNDEN:P00066, para.22; RM120:P00807, p.28(confidential); CRNČALO:P00260, para.84.

<sup>4585</sup> BOWEN:P02515, para.41; RM155:P01925, para.20(confidential); P00303, para.2; HAJIR:P02616, paras.51,53; TUCKER:P00317, paras.21,116-117.

<sup>4586</sup> BOWEN:P02515, para.42.

<sup>4587</sup> ROSE:P00736, para.30; P07682, pp.1-2.

<sup>4588</sup> VANLYNDEN:P00066, para.23.

<sup>4589</sup> VANLYNDEN:P00066, para.23; CRNČALO:P00260, para.83; BELL:P00832, para.49; P01856; P01852.

<sup>4590</sup> HAJIR:P02616, para.53.

<sup>4591</sup> VANLYNDEN:P00066, para.23-24; BOWEN:P02515, para.19; BELL:P00832, paras.49-50; P01852;TUCKER:P00317, paras.44,49.

<sup>4592</sup> LUČIĆ:D00658, para.27; RADOJČIĆ:P06611, para.49; M.ŠEHOVAC:D00559, para.41; R.MAKSIMOVIĆ:D00686, para.47; LUBURA:D00500, para.17; VUJASIN:D00641, para.47; TRAPARA:D00459, paras.23-24; LUBURA:T.22111-22112(confidential).

<sup>4593</sup> P06714; D01544; P06551; P06555; P06558.

<sup>4594</sup> P00431, pp.38-39. *E.g.* P07406.

8. The primary purpose of the sniping and shelling campaign was to spread terror

1031. As demonstrated in the previous sections, and illustrated by Schedules F and G, the only reasonable conclusion that can be drawn from the campaign of sniping and shelling against Sarajevo's civilians is that its primary purpose was terror. Witnesses from all walks of life reached the same conclusion about the shelling and sniping: its primary purpose was terror.<sup>4595</sup> Journalists reporting from Sarajevo<sup>4596</sup> observed that the campaign had "no military purpose apart from [bringing] terror to the lives of everyone living in the city."<sup>4597</sup> Even Defence witnesses acknowledged that the civilian population was "deeply scarred by the trauma" of the campaign.<sup>4598</sup> The modulation of the campaign, whether as retaliation or to achieve BSL objectives, necessarily relied on raising or lowering the level of terror, clearly reflecting the primary purpose of the shelling and sniping campaign.<sup>4599</sup> **MLADIĆ, ROSE** concluded, "saw nothing wrong in using terror as a weapon or civilians as targets for his artillery if this advanced his strategy."<sup>4600</sup>

1032. SRK snipers aimed deliberately at civilians to "make sure that the people would feel terrorised."<sup>4601</sup> The SRK's shelling of residential areas "[kept] the civilian population of Sarajevo locked down: vulnerable, fearful, isolated."<sup>4602</sup> The highly destructive and inherently inaccurate MABs fired by the SRK could only be intended to cause terror and, indeed, "sent shudders through the population."<sup>4603</sup> The psychological impact of the constant fear of being killed or wounded, or losing family or friends, was predictably devastating.<sup>4604</sup> Doctors at the city's hospitals treated

<sup>4595</sup> ROSE:P00736, para.210; SMITH:P00785, para.223; RM176:P00640, pp.13,15-16(confidential).

<sup>4596</sup> VANLYNDEN:P00066, paras.25,56; VANLYNDEN:T.1305,T.1322; BOWEN:P02515, para.24; BOWEN:T.18050.

<sup>4597</sup> VANLYNDEN:T.1305,T.1322.

<sup>4598</sup> MOROZ:T.42542. See KOVAČ:T.41573,T.41642; MALETIĆ:D00482, para.25; GRM097:T.40160-41061(confidential); RUSSELL:T.38749.

<sup>4599</sup> See Sections IV.B.4(b); IV.E.3-IV.E.5.

<sup>4600</sup> ROSE:P00736, para.210.

<sup>4601</sup> RM176:T.6310. See Section IV.E.6, paras.828-834.

<sup>4602</sup> HARLAND:P00001, para.33. See Section IV.E.6(b), paras.915-920.

<sup>4603</sup> FRASER:P00576, para.129(confidential). See Section IV.E.6(b)(v), paras.1007-1008.

<sup>4604</sup> AF2039; RM155:P01925, paras.16-19,21,24-26(confidential); RM112:P01948, pp.5,13(confidential); RM112:P01949, T.824-825(confidential); MUHANOVIC:P00387, paras.13-14; KUPUSOVIC:P02468, T.679-681,T.683-T.684; CRNČALO:P00260, paras.87-88,,91; RM112:P01948, p.6(confidential); NAKAŠ:P00941, paras.50-58(confidential); GICEVIĆ:P01937, T.7614; HAJIR:P02616, paras.56-57; MANDILOVIĆ:P00679, paras.107-114; BELL:P00832, paras.52-53; BELL:T.7835; P01864; P01865; P01867; P01868; P01883; BANBURY:P00874, para.199; TUCKER:P00317, paras.21-22,44; HARLAND:T.764,T.904; VANLYNDEN:P00066,

people with psychological problems related to the attacks;<sup>4605</sup> the number of those who sought care for mental health conditions was often greater than those with other injuries.<sup>4606</sup>

1033. The inescapable terror experienced by those subjected to the campaign also speaks volumes about its primary purpose. Civilians in Sarajevo experienced fear, anxiety and terror throughout the campaign. Children, for example, were traumatised when they were wounded in SRK sniping or shelling attacks; their trauma was compounded when the SRK attacked the hospital where they were being treated.<sup>4607</sup> The visible distress on the bandaged face of young Muhamed KAPETANOVIĆ lying on a hospital bed and the anguish of his father<sup>4608</sup> in the aftermath of G6; the screams of men and women as snipers fire into a group of people who run for shelter behind an APC and drag a wounded boy across the pavement to safety;<sup>4609</sup> and the paralyzing fear on the faces of Nermin DIVOVIĆ's mother and sister, whose cries reverberated in the aftermath of incident F12,<sup>4610</sup> illustrate only a few of the innumerable experiences that Sarajevo civilians suffered through the war. Those experiences, among countless others, establish that the SRK's campaign of sniping and shelling accomplished its primary purpose: terror.

## **F. Defence Arguments Should be Rejected**

1034. The Sarajevo Defence case consisted largely of calling former SRK members who attempted to minimise their own actions and misrepresent the criminal conduct of the VRS throughout the campaign. The false assertions that the SRK engaged in selective shelling and sniping of military targets in compliance with IHL should be rejected. As set out in the following sections, these self-serving depictions of the campaign were often facially unreliable and are, in any event, readily undermined by

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paras.21,24-25,51,126-127; P00071; MOLE:P00421, paras.8-9; RM176:P00640, p.16(confidential); RM120:P00807, p.41(confidential); FRASER:P00576, para.148-149(confidential); VANDERWEIJDEN:P01130, p.8(confidential); BOWEN:P02515, paras.24,27,43; P02569; BOWEN:P02516, T.10109-10110; BOWEN:T.18046; P00303, p.1.

<sup>4605</sup> NAKAŠ:P00941, paras.51-54(confidential); HAJIR:P02616, paras.56-57; MANDILOVIĆ:P00679, paras.107-111,114.

<sup>4606</sup> NAKAŠ:P00941, para.53(confidential).

<sup>4607</sup> ZAIMOVIĆ:P02620, paras.32-41; P07171, p.9.

<sup>4608</sup> P00420, 01:16'36-01:17'42, tp.1-3.

<sup>4609</sup> P00613.

<sup>4610</sup> P00136.

the SRK's own documents and the consistent accounts of dozens of experienced military observers who witnessed the campaign over many months.

1035. Sarajevo Defence witnesses demonstrated their partiality and bias throughout the case in various ways. Defence witnesses saluted the Accused in court,<sup>4611</sup> brought photographs for the Accused to sign (even comparing him to "Elvis Presley"),<sup>4612</sup> described the Accused in heroic terms,<sup>4613</sup> and embraced racist remarks.<sup>4614</sup> Defence witnesses were regularly evasive,<sup>4615</sup> even about simple facts, such as whether they saw each other before or during their testimony.<sup>4616</sup> While these witnesses acknowledged certain facts related to command and control or even conceded details of the campaign on cross-examination, the convergence of their bias and demonstrated untruthfulness ultimately renders their denials of the campaign not credible.

1036. In addition to former VRS witnesses, the defence ballistics experts were unreliable. The testimony of SUBOTIĆ and POPARIĆ are discussed generally at the end of the following sections and previously addressed in specific sections pertaining to the Scheduled Incidents.

#### 1. SRK fire targeted civilian areas for no military purpose

1037. Defence witness' claims that SRK soldiers did not fire at civilians and, instead, selectively targeted enemy positions<sup>4617</sup> pursuant to orders to only shell military targets<sup>4618</sup> and to avoid civilian casualties<sup>4619</sup> are false. First, the SRK did not selectively respond to fire as acknowledged, for example, by SRK Chief of Artillery MANOJLOVIĆ who in 1995 lamented the "old habits of our soldiers and units for the

<sup>4611</sup> E.g. G.ŠEHOVAC:T.24693-24694; R.ŠARENAC:T.28578. See e.g. INĐIĆ:T.25089; SLADOJE:T.21114.

<sup>4612</sup> BATINIĆ:T.22718-22719.

<sup>4613</sup> E.g. INĐIĆ:T.25211; DUNJIĆ:T.24990; MIJATOVIĆ:T.21577-21578; DEMURENKO:T.44197,T.44272-T.44273.

<sup>4614</sup> DRAGIČEVIĆ:T.23715-23721.

<sup>4615</sup> INĐIĆ:T.25178-25179(confidential); D.ŠARENAC:T.26130-26150; DEMURENKO:T.44148-44153,T.44164-44165,T.44180-44181; M.ŠEHOVAC:T.24095-24096; GRM246:T.25831-25832(confidential); VUJASIN:T.25630-25643; DUNJIĆ:T.24931-24932; GRM116:T.42696; M.ŠKRBA:T.22808-22809.

<sup>4616</sup> E.g. MALETIĆ:T.21774-21781; ČVORO:T.21935-21937; VELJOVIĆ:T.22959-22966.

<sup>4617</sup> E.g. DRAGIČEVIĆ:D00554, paras.29-30; VUJASIN:D00641, paras.35,37; S.SIMIĆ:D01062, para.20; BUKVA:D00608, para.28; D.ŠARENAC:D00653, para.18; SLADOJE:D00453, para.15; SLADOJE:T.21107-21110.

<sup>4618</sup> E.g. VELJOVIĆ:D00532, para.15; LUČIĆ:D00658, paras.11,18; GENGO:D00473, para.23.

<sup>4619</sup> E.g. D.ŠKRBA:T.21285; S.SIMIĆ:D01062, paras.20,29.

mass and unselective use of the artillery.”<sup>4620</sup> Second, the claim that the SRK did not target civilian areas is directly rebutted by, for example, an SRK Order from D.MILOŠEVIĆ stating that the SRK “very often fire[d] at inhabited settlements and specific buildings when there are no combat actions whatsoever.”<sup>4621</sup> Even VELJOVIĆ’s more narrow claim that pursuant to orders no shell was ever fired on Bašćaršija<sup>4622</sup> is belied by MLADIĆ’s own order to fire at Bašćaršija<sup>4623</sup> and other evidence that the SRK repeatedly targeted<sup>4624</sup> densely populated areas of Sarajevo throughout the war, including Bašćaršija.<sup>4625</sup> These self-serving claims by former SRK members are further undermined by, among other things, VRS acknowledgement of retaliation that was inappropriate and “counterproductive” serving no military purpose,<sup>4626</sup> as well as the view of numerous international observers that the sniping and shelling of civilian areas of Sarajevo were not aimed at achieving military objectives.<sup>4627</sup>

## 2. Defence shelling arguments are pretextual and invalid

1038. Defence witnesses claimed justifications for artillery attacks which, on their own terms, still represented admissions of indiscriminate attacks or disproportionate attacks, *i.e.*, attacks for which the expected civilian casualties would be disproportionate to the concrete and direct military advantage anticipated.<sup>4628</sup>

1039. For example, Defence witnesses sought to justify attacks on civilian areas by asserting that SRK artillery were engaging in targeting of mobile mortars. Given the limited number of ABiH mobile mortars,<sup>4629</sup> even accepting such claims on their face,

<sup>4620</sup> P07407, p.1. *See* S.SIMIĆ:T.35997-35600; P02232(confidential).

<sup>4621</sup> P04440, p.1. *See* S.SIMIĆ:T.36009-36013.

<sup>4622</sup> VELJOVIĆ:T.22976-22977,T.22980; VELJOVIĆ:D00532, paras.15,26.

<sup>4623</sup> P00105, pp.1-2/[REDACTED]/P00330, pp.1-2(partial duplicates).

<sup>4624</sup> AF1713; HARLAND:P00001, para.71; HARLAND:T.767,T.902; D00007, p.7; P01888; P05204; P00549; P00550; P01750; P02024; P02029; P01750; P02608; KONINGS:P01741, paras.98-100.

<sup>4625</sup> P00549; [REDACTED]/P01112[REDACTED]; SULJEVIĆ:P00889, paras.43-47; P01113; P01115; P01114; P00797, p.16; KNUSTAD:P03159, T.1997; P00511; ĐOZO:P00544, para.20; D00116. *See* P00674; P04604; P00511; P04605; P04611; P02026; [REDACTED]/ [REDACTED]; P00643, p.1; RM176:T.6318-6321(confidential); RM176:P00640, p.5(confidential). *See* P00666(confidential); RM153:P02461, T.5481-5499.

<sup>4626</sup> P07534, p.3.

<sup>4627</sup> HARLAND:P0001, para.33; MOLE:P00421, para.114; TUCKER:P00317, para. 23; VANLYNDEN:P00066, para.55; [REDACTED]/[REDACTED].

<sup>4628</sup> *See* Galić AJ, paras.136-138.

<sup>4629</sup> WILSON:P00320, para.53. *See* MANDILOVIĆ:T.6680-6681; MIŠČEVIĆ:D01247, T.32087-32088; MOLE:P00421, para.128.

only a small fraction of shelling conducted by the SRK could plausibly be attributed to such targeting. In any event, return fire on mobile mortars was pointless, as RAŠEVIĆ accepted.<sup>4630</sup> As MOLE observed, "the fact that it's a mobile mortar means that it is probably well gone by the time the response occurs."<sup>4631</sup> Indeed, DRAŠKOVIĆ acknowledged mobile mortars were "almost impossible" to hit and had "most often" moved by the time of return fire, leading him to assert the SRK targeted the location of fire in order to "intimidate" or "warn."<sup>4632</sup> Such efforts to "intimidate," again accepted on their face, were taken in the knowledge there was no achievable military target and risked civilian casualties. In reality, evidence indicates that such actions to "intimidate" were, in fact, heavy and dispersed, constituting indiscriminate attacks, as the only likely consequence was widespread civilian destruction. For instance, WILSON described an occasion where a mobile mortar fired two rounds and the VRS responded with a couple hundred rounds scattered over a large area. He observed that this event was consistent with the general VRS "overreaction" to provocations and analogized these responses to "the use of sledgehammer to crack a nut."<sup>4633</sup>

1040. Defence witnesses further admitted that the SRK did not even take into account the possibility of excessive civilian casualties when planning an artillery attack; asserting that it was up to the ABiH, and not them, to take steps to avoid civilian casualties in inhabited areas.<sup>4634</sup> Such purposeful blindness to the responsibility to weigh the risk to civilians would inevitably result in disproportionate attacks. And, indeed, international military officers witnessed SRK response or retaliatory fire that was disproportionate and indiscriminate.<sup>4635</sup>

1041. Nor could the SRK's failures in this regard be excused by the ABiH's non-compliance with its duty to separate civilians from military objectives. Any such ABiH non-compliance did not relieve the SRK of their obligation to comply with the principles of distinction and proportionality.<sup>4636</sup> Ultimately, given the pointlessness of

<sup>4630</sup> RAŠEVIĆ:T.23613-23614.

<sup>4631</sup> MOLE:T.4407.

<sup>4632</sup> DRAŠKOVIĆ:T.38032-38034 .

<sup>4633</sup> WILSON:T.3927-3928.

<sup>4634</sup> GENGO:T.21617-21619; DRAGIČEVIĆ:T.23777; VUJASIN:D00641, para.26; S.SIMIĆ:T.35971-35972; GENGO:D00473, para.23; SLADOJE:T.21103.

<sup>4635</sup> GRM097:T.40161(confidential). See WILSON:P00320, paras.51-52; FRASER:P00576, para.121(confidential).

<sup>4636</sup> *Galić* AJ,para.194. See *D.Milošević* AJ, para.60.

such alleged targeting for the reasons described above, such claims represent either invalid post-hoc attempts to justify shelling civilian areas or contemporary pretexts.

### 3. Shelling of hospitals was not justified

1042. Defence witnesses claimed that the SRK avoided fire at hospitals<sup>4637</sup> or, alternatively, that the ABiH used hospitals for military purposes by placing military objects near them, thereby rendering them valid targets.<sup>4638</sup> Such assertions, generally intended to deny unlawful attacks on hospitals, are misguided. First, these assertions leave unaddressed the shelling of hospitals when there were no mortars or military objects in the vicinity.<sup>4639</sup> Second, even on the few occasions when there may have been a mobile mortar at or near a hospital, the shelling of the hospital was disproportionate, and essentially deliberate, because it did not use limited means to directly target the mortar – not to mention unwarranted since the mortars would have left the area by the time the SRK returned fire.<sup>4640</sup> Instead, both the State Hospital and the Koševo Hospital were frequently penetrated by Serb artillery or direct fire tank rounds on multiple floors.<sup>4641</sup> The SRK never gave a warning or time to comply, as required by IHL,<sup>4642</sup> prior to firing on Sarajevo hospitals that they believed had been transformed into military objects. In sum, the targeting of hospitals throughout the campaign reflected **MLADIĆ**'s intentions to deprive the Muslims of any benefit from the State or Koševo Hospitals "until they accept peace."<sup>4643</sup>

### 4. The SRK engaged in offensives throughout the campaign

1043. Defence witnesses were not even forthcoming about basic aspects of the SRK's activities. Instead, they provided fables about the entirely, or almost entirely, defensive nature of the SRK's activities while seeking to "mask" their own offensive actions—just as the VRS trained them to do: "Mask our offensive activities

<sup>4637</sup> E.g. D.ŠKRBA:T.21284.

<sup>4638</sup> E.g. VELJOVIĆ:T.22922-22923; STEVANOVIĆ:T.35196-35197.

<sup>4639</sup> HAJIR:P02616, paras.44-46; AF2090; NAKAŠ:T.8604,T.8608-8610; NAKAŠ:P00941, paras.22-25,27-28,33-34(confidential); P00069; P00682; RM115:P00102, paras.2-9(confidential); MANDILOVIĆ:P00679, paras.37,39,43,47-48,50; BOWEN:P02515, para.25; P07824; P07825; ZAIMOVIĆ:P02620, paras.11-14; P07683, p.4; P00299, p.6; P07682, p.3; P04617; P04603; VANLYNDEN:P00066, paras.31-35,39,42.

<sup>4640</sup> JORDAN:T.1818-1819; MOLE:P00421, paras.122-128; SEGERS:T.43760; RAŠEVIĆ:T.23613-23614; DRAŠKOVIĆ:T.38032-38034. See MILOVANOVIĆ:T.17052.

<sup>4641</sup> BOWEN:P02515, para.25; NAKAŠ:T.8604,T.8608-8610; MANDILOVIĆ:P00679, paras.43,47-48,50; P07824; P07823; ZAIMOVIĆ:P02620, para.14.

<sup>4642</sup> *Galić* AJ, paras.341-346.

maximally.”<sup>4644</sup> The claim that the SRK only engaged in defensive operations, or rare offensives,<sup>4645</sup> often collapsed on cross-examination, with witnesses conceding that the SRK engaged in offensive operations.<sup>4646</sup> Even such concessions do not adequately acknowledge overwhelming evidence of SRK offensive operations,<sup>4647</sup> including GALIĆ’s order that plainly states, “The entire process of preparation, organisation and carrying out [combat activities] should be based on offensive and active activities with the application of defence only as the last resort.”<sup>4648</sup>

5. The campaign and scheduled incidents were not part of a BiH government conspiracy

1044. Defence witness claims that Bosnian authorities shelled and sniped at their own civilians to gain international sympathy and, eventually, international military intervention<sup>4649</sup> should be rejected. International witnesses consistently debunked these rumours,<sup>4650</sup> finding them baseless even at the time.<sup>4651</sup> Defence witnesses and documents purportedly asserting that ABiH forces fired on themselves did not hold-up when tested<sup>4652</sup> or viewed in context.<sup>4653</sup> Outright conspiracy theorists gave conflicting accounts on basic elements of their stories, like GRM116’s and GARAPLIJA’s conflicting claims haphazardly built around, or in conflict with, the

<sup>4643</sup> P00431, p.38.

<sup>4644</sup> P06646, p.2; P06819, pp.1,3.

<sup>4645</sup> DRAGICEVIĆ:D00554, paras.22,34; DŽINO:D00643, para.37; Milosav GAGOVIĆ:D00622, para.38; GENGO:D00473, paras.9,37; GUZINA:D00514, paras.31-32(confidential); LUČIĆ:D00658, para.10; R.MAKSIMOVIĆ:D00686, paras.8,10,33; MALETIĆ:D00482, paras.16,40; RADOJČIĆ:D00535, para.9; RADOJČIĆ:P06611, para.9; RAŠEVIĆ:D00551, para.21; D.ŠARENAC:D00653, paras.11-12,18,35; M.ŠEHOVAC:D00559, paras.4,6; S.SIMIĆ:D01062, para.15; D.ŠKRBA:D00463, para.16; Slobodan TUŠEVLJAK:D00539, para.11; VELJOVIĆ:D00532, para.22; VUJASIN:D00641, para.18.

<sup>4646</sup> E.g. GENGO:T.21649-21652; GUZINA:D00514, paras.31-33(confidential); LUČIĆ:T.26283-26284; P04621, p.1; LUČIĆ:D00658, para.10.

<sup>4647</sup> E.g. IV.E.6(b)(i)b-IV.E.6(b)(i)f.

<sup>4648</sup> P07410, p.2. E.g. P04476, pp.6,8; P06708, p.3; P06753; P06641, p.1; P06549, p.1; P05002, p.2.

<sup>4649</sup> E.g. GRAY:D01413, para.14; D.ŠARENAC:D00653, para.44;

<sup>4650</sup> BOWEN:T.18041-18042,T.18120-18122,T.18128; BOWEN:P02515, para.39; BELL:P00832, para.117; BELL:T.7919-7921; HARLAND:P00001, paras.296-298; BANBURY:P00874, para.203; THOMAS:T.5216; MOLE:P00421, paras.120-121; MOLE:T.4416-4417; ROSE:P00736, paras.213-215; NICOLAI:T.10669-10670; TUCKER:T.3858-3859; TUCKER:P00317, para.304; VANLYNDEN:T.1456; VANLYNDEN:P00066, para.164; RM176:P00640, p.15(confidential); FRASER:P00576, para.99(confidential); FRASER:T.5877-5880; RM055:P00749, pp.28-29(confidential); ABDEL-RAZEK:P00293, paras.79-80,103.

<sup>4651</sup> VANLYNDEN:T.1456; BOWEN:T.18041-18042,T.18120,T.18128; RM055:P00749, p.28(confidential); THOMAS:T.5216.

<sup>4652</sup> E.g. OIEN:T.43195-43196.

<sup>4653</sup> E.g. D01810; P07852, pp.23-25.

date of HALILOVIĆ's departure from the ABiH.<sup>4654</sup> Moreover, the invocation of **MLADIĆ's** baseless, contemporaneous deflections,<sup>4655</sup> and generalised conspiracies,<sup>4656</sup> fail in light of the evidence of frequent sniping and shelling attacks on civilians conducted by Serb forces during the three plus years of terror.<sup>4657</sup> As set out elsewhere in the Brief SUBOTIĆ's attempts to apply these conspiracy theories to specific incidents yield preposterous results.<sup>4658</sup>

6. Sarajevo was blockaded and encircled by SRK forces

1045. Defence witnesses' claims that the SRK did not besiege Sarajevo and was itself, rather, encircled, doubly encircled or surrounded by ABiH forces<sup>4659</sup> were readily dismantled. The feebleness of the Defence contentions is illustrated by D.ŠKRBA<sup>4660</sup> and RADOJČIĆ, who admitted under cross-examination that it was in fact the SRK that encircled the ABiH troops in Sarajevo,<sup>4661</sup> not the converse.<sup>4662</sup> DRAGIČEVIĆ admitted that it was impossible for the SRK to surround ABiH forces in the city without surrounding civilians.<sup>4663</sup> In any event, the narrative of these Defence witnesses is belied by the overwhelming evidence that the siege of Sarajevo was "an obvious reality [...] one of the most straightforward facts of a complicated war."<sup>4664</sup> **MLADIĆ** himself said the city was blocked,<sup>4665</sup> and repeatedly issued

<sup>4654</sup> GARAPLIJA:T.33957; GRM116:T.42781(confidential).

<sup>4655</sup> See IV.B.4(d). For example, in D01893, **MLADIĆ** denies that the Vase Miskina shelling on 27 May 1992 was caused by a mortar explosion due to the lack of any crater or shrapnel and claims that the explosion came from a static mine. This claim is not even consistent with SUBOTIĆ's acknowledgement of a mortar explosion and shrapnel at the scene (D02117, pp.30,33), let alone evidence from that day showing the VRS fired an 82mm mortar from Trebević (D01243, p.1 and P07552).

<sup>4656</sup> E.g. INDIĆ:D00614, para.20.

<sup>4657</sup> See IV.E.2-IV.E.6.

<sup>4658</sup> See IV.F.8, para.1053; IV.E.6(b)(ii)a, para.971; IV.E.6(b)(ii)b, para.979.

<sup>4659</sup> ADŽIĆ:D00597, paras.12-13; DRAGIČEVIĆ:D00554, paras.26,41; DUNJIĆ:D00598, paras.4,25; DUNJIĆ:T.24886-24887; DŽINO:D00643, para.36; GENGO:D00473, para.7; LUČIĆ:D00658, paras.8,16; LUČIĆ:T.26270; R.MAKSIMOVIĆ:D00686, paras.7-8,16; R.MAKSIMOVIĆ:T.26768; MALETIĆ:D00482, paras.12,18,35; RADOJČIĆ:D00535, paras.4-5; RADOJČIĆ:P06611, paras.4,6; RADOJČIĆ:T.23030,T.23081-23083; D.ŠARENAC:D00653, para.13; M.ŠEHOVAC:D00559, para.3; S.SIMIĆ:D01062, para.14; D.ŠKRBA:D00463, para.16; D.ŠKRBA:T.21205,T.21295-T.21298,T.21301-T.21304; SLADOJE:D00453, para.6; SLADOJE:T.21117; VELJOVIĆ:D00532, para.27; M.ŠEHOVAC:D00559, paras.4-5; VUJASIN:D00641, paras.16-17,48.

<sup>4660</sup> D.ŠKRBA:D00463, para.16; D.ŠKRBA:T.21205,T.21293-21294.

<sup>4661</sup> RADOJČIĆ:T.23091.

<sup>4662</sup> RADOJČIĆ:T.23081-23082,T.23085,T.23108,T.23155-23156. See RADOJČIĆ:T.23087-23096; P00003, p.54; P06612.

<sup>4663</sup> DRAGIČEVIĆ:T.23776-23778,T.23781. See RADOJČIĆ:T.23112.

<sup>4664</sup> BOWEN:P02515, para.52; OKUN:P03103, T.4204; OKUN:P03104, T.1794,T.1797. See IV.E.2-IV.E.5; IV.E.7.

orders to keep Sarajevo under a blockade and tighten the circle around it,<sup>4666</sup> as did his SRK commanders<sup>4667</sup> and KARADŽIĆ.<sup>4668</sup> Members of UNPROFOR on the ground,<sup>4669</sup> journalists,<sup>4670</sup> diplomats<sup>4671</sup> and people who lived in the city during the war,<sup>4672</sup> including defence witnesses,<sup>4673</sup> consistently described Sarajevo as blockaded, encircled or under siege. The Defence witnesses' utter lack of credibility regarding the fundamental fact that Sarajevo was besieged requires their evidence on other issues to be treated with great caution.

## 7. SRK witnesses distorted the relative strength of VRS and ABiH forces

1046. SRK Defence witnesses distorted the SRK's overall superiority over ABiH forces in Sarajevo in asserting that the ABiH forces: (1) vastly outnumbered the SRK,<sup>4674</sup> (2) overpowered the SRK in heavy weaponry,<sup>4675</sup> and (3) held dominant positions around Sarajevo. No dramatic imbalance existed. Defence witnesses inflated the number of ABiH troops inside Sarajevo, varying widely between 50,000 and

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<sup>4665</sup> P00431, pp.38-39; P00327, 00:01'27-00:01'35, tp.2; P00323, tp.2; P04637, tp.2; P04636, tp.2; P02757, 00:14'14-00:14'25, tp.12-13; P01967, p.26; P01973, p.5. *See* P07663, 00:04'10-00:04'25, tp.6.

<sup>4666</sup> P01963, pp.3,5; P01968, pp.2,5; P02006, pp.1-3; P04367, p.2.

<sup>4667</sup> P06522, p.2; P00464, p.2; P06708, p.3; P00430, pp.3-6; P04476, pp.1,5-6,8; P06523, pp.1-2; P02008, p.3.

<sup>4668</sup> P01469, pp.7,11.

<sup>4669</sup> ROSE:P00736, paras.21-22,199; ROSE:T.6878-6879,T.6986; SMITH:P00785, paras.23,26,28,39,61,87,104,140,142,202,223,225; SMITH:T.7298; ABDEL-RAZEK:P00293, paras.17,113; RM176:T.6303,T.6305(confidential); RM163:P00628, paras.4,49,65,140(confidential); RM120:P00807, pp.27-29(confidential); RM055:P00749, pp.10,17-18,35,37-39(confidential); RM055:T.7070,T.7090,T.7187-7188; BANBURY:P00874, paras.176,197-199,202; HARLAND:P00001, paras.25,35,41,88,180-181,204; HARLAND:T.674,T.764,T.768,T.851-852; TUCKER:P00317, paras.15,21,42,49,91,117,119,121-122; FRASER:P00576, paras.27,149(confidential); OVERGARD:P01047, T.635; THOMAS:T.5248; THOMAS:P00503, para.75; WILSON:P00320, paras.82,107,126,132; WILSON:T.3949. *See* contemporaneous UN reports: P02814, p.6; P00303, p.2; P06551, p.1; P00004, pp.2,5; P00886, p.8; P01776, p.3; P06677, pp.1-2; P07405, pp.3-4; P07708, p.4; P00884, p.2; P02199, p.2; D01565, p.2; P06711, p.1.

<sup>4670</sup> BELL:P00832, paras.35,49,55,57,60; BOWEN:P02515, paras.20,23,27,52; BOWEN:T.18126-18127,T.18130-18132; VANLYNDEN:P00066, paras.11,22,27; VANLYNDEN:T.1305,T.1353,T.1399-1400,T.1433. *See* contemporaneous media reports: P07233, pp.1-3; P07777, p.1; P06830; BOWEN:P02516, T.10107-10108; P02568.

<sup>4671</sup> P00299, p.6; OKUN:P03103, T.4204; OKUN: P03104, T.1794,T.1797.

<sup>4672</sup> NAKAŠ:P00941, para.49(confidential); BAZDAR:P02223, p.7; CRNČALO:P00260, para.97; KUPUSOVIĆ:P02468, T.673; T.679.

<sup>4673</sup> DEMURENKO:D02120, paras.30,31; GRM097:T.40113,T.40159(confidential); KECMANOVIĆ:T.23875.

<sup>4674</sup> *E.g.* BUKVA:D00608; paras.13,18; DŽIDA:D00489, para.25; LUČIĆ:D00658, paras.5,7-8,10,16; MALETIĆ:D00482, para.11; RADOJČIĆ:D00535, paras.5,18; RADOJČIĆ:P06611, paras.6,18; D.ŠARENAC:D00653, paras.13,35; TRAPARA:D00459, para.8; Slobodan TUŠEVELJAK:D00540, para.14; VELJOVIĆ:D00532, para.22; R.MAKSIMOVIĆ:D00686, para.6.

<sup>4675</sup> *E.g.* GENGO:T.21707; D.LALOVIĆ:D00498, para.29; LUČIĆ:D00658, para.16.

80,000.<sup>4676</sup> These figures are contradicted by **MLADIĆ**'s own recorded estimate of "20,000 armed Muslims and Croats"<sup>4677</sup> in June 1992 and **MLADIĆ**'s own admission that there were only 25,000 ABiH forces in the inner-ring of Sarajevo in September 1995.<sup>4678</sup> Even GALIĆ's higher figure, of around 30,000 to 35,000 ABiH troops<sup>4679</sup> belies the exaggerated claims of witnesses and runs consistent with other evidence on the ABiH,<sup>4680</sup> while the SRK forces numbered around 18,000-30,000.<sup>4681</sup>

1047. The SRK possessed overwhelming superiority with respect to weaponry, as evidenced in contemporaneous SRK and ABiH reports<sup>4682</sup> and confirmed by several Defence witnesses,<sup>4683</sup> members of UNPROFOR,<sup>4684</sup> and other international witnesses.<sup>4685</sup> In comparison, the ABiH soldiers were poorly armed<sup>4686</sup> and resorted to

<sup>4676</sup> E.g. GRM246:D00645, para.5(confidential); BUKVA:D00608, para.18; BUKVA:T:25042-25043; DRAGIČEVIĆ:D00554, para.26; DŽINO:D00643, para.35; Milosav GAGOVIĆ:D00622, para.39; M.ŠEHOVAC:D00559, para.3; VUJASIN:D00641, paras.14,17.

<sup>4677</sup> P00353, p.128.

<sup>4678</sup> D00150, p.4(confidential).

<sup>4679</sup> P00430, p.3.

<sup>4680</sup> MOLE:T.4414; D01369, p.62; P07686, p.8; [REDACTED]; RM055:P00749, pp.33-34(confidential); RM055:T.7088-7090,T.7187; THOMAS:T.5210,T.5265; BUKVA:D00608, para.18; BUKVA:T.25042-25043. The number of ABiH forces inside of Sarajevo was a small percentage of the city's wartime population of over 300,000. See P07171, p.8.

<sup>4681</sup> DRAGIČEVIĆ:D00554, para.26; DUNJIĆ:T.24888; DŽINO:D00643, para.37; R.MAKSIMOVIĆ:D00686, para.7; R.MAKSIMOVIĆ:T.26788; RADOJČIĆ:D00535, para.6; M.ŠEHOVAC:D00559, para.3; M.ŠEHOVAC:T.24089; VUJASIN:D00641, para.17; BUKVA:D00608, para.18; P00430, p.2; P06817; P07686, p.1.

<sup>4682</sup> P07686, pp.2,4,10; P04435, p.3. See P00344, p.28-29; [REDACTED]; P00003, pp.49,54,56.

<sup>4683</sup> GREY:D01413, paras.20,35; KECMANOVIĆ:T.23868,T.23872,T.23879,T.23936; KECMANOVIĆ:D00556, para.53; LUČIĆ:D00658, para.24; MILOVANOVIĆ:T.17101-17102; S.SIMIĆ:T.36012; VUJASIN:T.26179; D01369, p.62.

<sup>4684</sup> RM055:P00749, p.8(confidential); RM176:P00640, pp.14-15(confidential); RM176:T.6306,T.6316(confidential); RM120:P00807, pp.47,63,95(confidential); FRASER:P00576, paras.48,104,131(confidential); HARLAND:P00001, paras.40,290; HARLAND:T.857,T.896-897; MOLE:P00421, paras.36-37,135; MOLE:T.4325; ROSE:P00736, paras.50,201; THOMAS:P00503, para.71; TUCKER:P00317, para.295; TUCKER:T.3860; WILSON:P00320, paras.43,48; WILSON:T.3923-T.3924,T.3926; P00506; P00991, p.3.

<sup>4685</sup> JORDAN:T.1824; BELL:P00832, paras.56-57; BELL:T.7820; VANLYNDEN:T.1454.

<sup>4686</sup> RM055:P00749, p.32(confidential); RM055:T.7111(confidential); VANLYNDEN:P00066, para.156; D01160, p.2; P06789, p.1; WILSON:T.3922,T.3925; P00338, p.14; P06761, p.2(confidential); D.ŠARENAC:T.26179,T.26181-26182; P06790, p.1.

sharing weapons.<sup>4687</sup> The few heavy weapons they held in the city<sup>4688</sup> were often in disrepair and lacked ammunition.<sup>4689</sup>

1048. Finally, Defence witnesses' specious claim that ABiH positions in Sarajevo were dominant to those held by the SRK<sup>4690</sup> is contradicted by M.ŠKRBA,<sup>4691</sup> members of UNPROFOR and UNMOs,<sup>4692</sup> and journalists<sup>4693</sup> who visited and observed the commanding SRK positions around the city, as well as **MLADIĆ**'s own statements.<sup>4694</sup>

8. Defence ballistics experts provided biased, unreliable, and not credible evidence

1049. The co-authors of the four expert ballistics reports,<sup>4695</sup> SUBOTIĆ and POPARIĆ, provided biased, unreliable and not credible evidence. Although the Prosecution addressed the Defence experts' theories regarding the Scheduled Shelling and Sniping Incidents previously in its Brief,<sup>4696</sup> given the unreliability of the Defence experts, the Chamber should view with extreme scepticism any ballistics conclusions offered by SUBOTIĆ and POPARIĆ when making its findings.

1050. SUBOTIĆ's lack of experience casts doubt on the accuracy of her mortar analyses. SUBOTIĆ has never analysed a freshly formed crater in person nor been to the scene of a mortar explosion immediately following a detonation.<sup>4697</sup> Her previous

<sup>4687</sup> RM163:T.6145(confidential); RM176:T.6307-6308(confidential); THOMAS:T.5264-5265; HARLAND:T.741; RADOJČIĆ:P06611, para.5.

<sup>4688</sup> RM176:P00640, pp.14-15(confidential); RM176:T.6347-6348(confidential); RM163:P00628, para.74(confidential); RM120:P00807, p.47(confidential); [REDACTED]; MOLE:P00421, paras.21,39,41; MOLE:T.4380; TUCKER:P00317, para.295; WILSON:P00320, para.43; WILSON:T.3924,T.3933; BELL:P00832, para.101; BELL:T.7827; VANLYNDEN:P00066, paras.153-154,156,158; VANLYNDEN:T.1454; P06660, p.1; P00991, p.3; P06762, pp.2-3(confidential); D01545, pp.1-2.

<sup>4689</sup> P07685; MOLE:P00421, para.39; P06762, pp.3-4(confidential); P06660, p.3; P07686, pp.8-10,12-13.

<sup>4690</sup> E.g. DRAGIČEVIĆ:D00554, para.41; DUNJIĆ:T.24888; GENGO:D00473, para.19; S.MAKSIMOVIĆ:D00547, paras.3,7-8; RADOJČIĆ:D00535, para.17.

<sup>4691</sup> M.ŠKRBA:T.22806-22807.

<sup>4692</sup> RM120:P00807, pp.25,27,42(confidential); HARLAND:P00001, paras.237,294; HARLAND:T.674; ABDEL-RAZEK:P00293, para.111; ABDEL-RAZEK:T.3629; RM176:P00640, p.15(confidential); RM176:T.6316(confidential); WILSON:P00320, para.49; WILSON:T.3925-3926; DOYLE:T.1527-1528. See [REDACTED]; P07686, p.3.

<sup>4693</sup> BOWEN:P02515, paras.29-30; VANLYNDEN:P00066, paras.17-18,77-79,87,91,155; P00076; VANLYNDEN:T.1305,T.1329-1330; BELL:P00832, paras.84-86; BELL:T.7829-7830; P00835; P01892.

<sup>4694</sup> VANLYNDEN:P00066, paras.77,79; P00076; VANLYNDEN: T.1329-1330. See [REDACTED].

<sup>4695</sup> D02113; D02114; D02117; POPARIĆ:D01330 (confidential).

<sup>4696</sup> See IV.E.6(a)(i)-IV.E.6(a)(vii); IV.E.6(b)(ii)-IV.E.6(b)(v).

<sup>4697</sup> Z.SUBOTIĆ, T.39569.

expert work prior to the ICTY did not concern mortar fire or MABs.<sup>4698</sup> In fact, SUBOTIĆ's first—and only—experience with crater analysis occurred in 2010 in preparation for her testimony in the KARADŽIĆ trial.<sup>4699</sup> In addition to lacking experience in crater analysis, SUBOTIĆ demonstrated limited knowledge, and instead made-up information, regarding certain artillery and mortar characteristics<sup>4700</sup> such as the potential firing rate of a 76mm cannon which can be easily verified in manuals.<sup>4701</sup>

1051. Methodological failures pervade SUBOTIĆ's analysis. Most significantly, SUBOTIĆ analysed shell craters that had been physically altered in the years after the shellings.<sup>4702</sup> Though she agreed that the ideal time to conduct a reliable crater analysis was shortly after an impact,<sup>4703</sup> and that shell impacts can deteriorate over time,<sup>4704</sup> SUBOTIĆ rejected the on-site crater analyses that others conducted shortly after the shellings in favour of her exceptionally belated analyses.<sup>4705</sup> In situations where the physical shell craters no longer remained, SUBOTIĆ relied upon photographs and videos to conduct her crater analyses,<sup>4706</sup> a practice that could create “completely different results.”<sup>4707</sup>

1052. Moreover, SUBOTIĆ manipulated available evidence to reach her conclusions. For example, she freely admitted having inverted VERDY's calculations in his contemporaneous investigation of Scheduled Incident G6, a manipulation without reasonable basis that enabled her to claim he had made a mistake in his measurements.<sup>4708</sup> Although she agreed that a photograph should not be manipulated

<sup>4698</sup> Z.SUBOTIĆ:T.39570.

<sup>4699</sup> Z.SUBOTIĆ:T.39569.

<sup>4700</sup> E.g. Z.SUBOTIĆ claimed that a primary charge is fixed and cannot be moved afterwards. Z.SUBOTIĆ:T.39561-39564. The primary charge is simply secured by pushing it into the stabiliser, until the rim of the base lodges into the edges of the socket; P07548.

<sup>4701</sup> Z.SUBOTIĆ:T.39559-61; P07547.

<sup>4702</sup> D02117, pp.103-107; Z.SUBOTIĆ:T.39624-39625. **Unscheduled Incident G3:** Z.SUBOTIĆ:T.39642.

<sup>4703</sup> Z.SUBOTIĆ:T.39575.

<sup>4704</sup> Z.SUBOTIĆ:T.39574.

<sup>4705</sup> See e.g. D02117, paras.70-71,86-87.

<sup>4706</sup> **Unscheduled Incident G5:** D02117, pp.92-95, figs.46,50: Images and video used to establish detonation height and bearing; D02117, pp.91-95. **Incident G6:** D02117, pp.107-112, figs.59-61: The crater on Četinjska Street was no longer visible during Z.SUBOTIĆ's visit in 2010; Z.SUBOTIĆ:T.39624-39625. **Incident G7:** D02117, pp.125-129,134-146; Z.SUBOTIĆ:T.39295-39297. **Incident G8:** D02113, p.110, fig.110 (BCS p.164): Video-still used to assess the origin of fire. **Unscheduled Incident G9:** D02117, pp.155-162: Analyzed crater dimensions through comparison of the photographs of different artillery shells; Z.SUBOTIĆ:T.39695-39696. D02117, pp.159-161, figs.96,97; Z.SUBOTIĆ:T.39697-39698.

<sup>4707</sup> Z.SUBOTIĆ:T.39630.

<sup>4708</sup> D02117, pp.105-114, fig.62; Z.SUBOTIĆ:T.39634-39640.

or distorted in a manner that affects its content,<sup>4709</sup> SUBOTIĆ was shown to have done exactly that with imagery related to the Vaše Miskina breadline shelling,<sup>4710</sup> creating the appearance of an additional crater.<sup>4711</sup> She plotted the grid coordinates from an UNPROFOR investigation of Scheduled Incident G4 on a different map that utilised a different scale, a manipulation that moved the incident approximately 200 meters away from the UNPROFOR investigation.<sup>4712</sup>

1053. SUBOTIĆ's questionable methods led to unsupported, unreliable conclusions. In contrast to the conclusions of investigations conducted shortly after the shellings, SUBOTIĆ regularly concluded that the shells were not fired from SRK territory.<sup>4713</sup> In order to reach such conclusions, however, she sometimes had no choice but to resort to unsupported conspiracy theories.<sup>4714</sup> For example, in Scheduled Incident G8, though acknowledging that the blast pattern on the pavement "indicate[d] that the mortar shell came from Army of Republika Srpska positions,"<sup>4715</sup> she instead claimed the incident was caused by a professional sabotage team.<sup>4716</sup> Though she couldn't suggest a single conspirator,<sup>4717</sup> SUBOTIĆ implausibly claimed that conspirators activated a stationary bomb, dug a hole according to precise measurements so the mortar appeared to come from VRS territory, planted a stabilizer in that hole, and brought bodies from the morgue to mimic victims,<sup>4718</sup> a theory deemed "total and utter nonsense"<sup>4719</sup> by former UNMO HAMILL.

1054. Methodological failings similarly undermine POPARIĆ's evidence. POPARIĆ conducted limited on-site personal observations of scheduled and unscheduled incident sites.<sup>4720</sup> He constructed lines of sight arguments without the

<sup>4709</sup> Z.SUBOTIĆ:T.39583.

<sup>4710</sup> D02117, pp.41-45, fig.14.

<sup>4711</sup> P07550; Z.SUBOTIĆ:T.39600-39604.

<sup>4712</sup> Z.SUBOTIĆ:T.39650. Compare D01443, p.10 with D02117, pp.65-66, fig.30.

<sup>4713</sup> See D02117, pp.75-76,98-99,113-114,147-150,183-184.

<sup>4714</sup> Her analysis of the 27 May 1992 shelling of a breadline on Vaše Miskina being a case in point, D02117, pp.30-55. **Incident G8:**D02113, pp.90-92; Z.SUBOTIĆ:T.39731,T.39735-39740. See **Unscheduled Incident G5:**D02117, p.86. **Incident G7:**Z.SUBOTIĆ:T.39303-39304; D02117, pp.122-125. See also P00867, pp.2,5-6,8-9; D02117, pp.125-129,132-133; **Unscheduled Incident G9:**D02117, pp.157-159,161-163.

<sup>4715</sup> D02113, p.88.

<sup>4716</sup> D02113, pp.92-93; Z.SUBOTIĆ:T.39731,T.39735-39740.

<sup>4717</sup> Z.SUBOTIĆ:T.39731-39732,T.39734-39735.

<sup>4718</sup> Z.SUBOTIĆ:T.39740-39743.

<sup>4719</sup> HAMILL:P00537, T.6206.

<sup>4720</sup> **Incident F1:**POPARIĆ:T.40561. **Incident F9:**POPARIĆ:T.40569-40570. **Incidents F13 and F15:**POPARIĆ:T.40569,T.40772. **Unscheduled Incident F2:**POPARIĆ:T.40561-40562.

use of a GPS system.<sup>4721</sup> Similarly he ignored OTP GPS coordinates of the locations of victims of sniping incidents because they were “not necessary.”<sup>4722</sup>

1055. POPARIĆ also misrepresented the facts based on a selective use of the available evidence.<sup>4723</sup> POPARIĆ was confronted with evidence that his **MLADIĆ** report failed to address a number of omissions that were brought to his attention during his cross-examination in the **KARADŽIĆ** case,<sup>4724</sup> and in one instance POPARIĆ responded that he simply “forgot.”<sup>4725</sup> In addition to misrepresenting facts, POPARIĆ produced inaccurate illustrations to support his evidence,<sup>4726</sup> most notably where his incorrect plotting of Scheduled Incident F5 exposed the victim to a wider field of potential fire.<sup>4727</sup>

1056. Many of POPARIĆ’s conclusions are the product of unreliable inferences unsupported by sound science.<sup>4728</sup> He based his theory regarding Scheduled Incident F4 on a 2001 video of the victim crossing the street.<sup>4729</sup> His conclusion for Scheduled Incident F11 is based on (among other things) the alleged shape of dust clouds from bullets hitting the ground around the victims, shown on a fragment of film,<sup>4730</sup> film footage of glass shards on the ground near a tram,<sup>4731</sup> and footage of a gesturing UNPROFOR soldier.<sup>4732</sup>

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**Unscheduled Incident 9:**POPARIĆ:T.40563-40564. **Unscheduled Incident 10:**POPARIĆ:T.40564-40565.

<sup>4721</sup> POPARIĆ:T.40565-40569; POPARIĆ:D01330, pp.97-121(confidential).

<sup>4722</sup> POPARIĆ:T.40565. *See* POPARIĆ:T.40569.

<sup>4723</sup> **Incident F4:**POPARIĆ:T.40466-40467,T.40744,T.40747,T.40751-40752; P07612; P07613.

**Incident F5:**POPARIĆ:D01330, p.126(confidential); POPARIĆ:T.40619-40624. **Incident**

**F12:**POPARIĆ:T.40517-40525; P00951. **Unscheduled Incident F6:**POPARIĆ:T.40626-40629.

<sup>4724</sup> **Unscheduled Incident F2:**POPARIĆ:T.40672-40673; P07598, p.2(confidential); P07599(confidential). **Unscheduled Incident F6:**POPARIĆ:T.40626-40629.

<sup>4725</sup> POPARIĆ:D01330, p.126(confidential), POPARIĆ:T.40619-40624.

<sup>4726</sup> **Incident F5:**POPARIĆ:T.40584-40585,T.40602-40604; P07591; P07592. **Unscheduled Incident F7:**POPARIĆ:T.40350,T.40740-40744; P07610.

<sup>4727</sup> POPARIĆ:D01330, pp.126-128, Image 88(confidential); POPARIĆ:T.40584-40585,T.40601,T.40868,T.40875-40877; P07592; P07593.

<sup>4728</sup> **Incident F4:**POPARIĆ:T.40448-40449;D01331, ERN V000-6006-V000-6006, 01:42:12-01:57:50, tp1-3. **Incident F11:**POPARIĆ:D01330, pp.196-197, Image 143(confidential); POPARIĆ:T.40506-40508,T.40511,T.40808. **Unscheduled Incident F8:**POPARIĆ:T.40779-40784.

**Unscheduled Incident F10:**POPARIĆ:D01330, pp.186-188(confidential); POPARIĆ:T.40759-40762(confidential).

<sup>4729</sup> POPARIĆ:T.40449-40452,T.40454-40457,T.40461-40462,T.40637-40641(confidential). *See* D01331, ERN V000-6006-V000-6006, 01:42:12-01:57:50, tp1-3.

<sup>4730</sup> POPARIĆ:D01330, pp.196-197, Image 143(confidential); POPARIĆ:T.40511,T.40802.

<sup>4731</sup> POPARIĆ:T.40506-40508,T.40802.

<sup>4732</sup> POPARIĆ:D01330, pp.204-205, Image 149(confidential).

1057. Finally, where POPARIĆ did concede that a line of sight existed from SRK territory to a sniping incident, he offered speculative theories to conclude that a scheduled incident was not a targeted sniping. For example, though he claimed that Scheduled Incident F16 occurred as a result of fire exchanged between the warring parties, POPARIĆ admitted that he had “no information” about the situation at the moment that the victim was shot.<sup>4733</sup> Similarly, his conclusion that the victim in Scheduled Incident F9 was hit by a ricocheting bullet because of “traces on the surrounding buildings” was also shown to be mere speculation.<sup>4734</sup>

#### **G. MLADIĆ Shared the Intent for the Crimes of Terror, Unlawful Attacks and Murder**

1058. As discussed above, **MLADIĆ** was central to the implementation of the common criminal purpose to spread terror among the civilian population through a campaign of shelling and sniping encompassing the crimes of terror, unlawful attacks against civilians and murder. As Commander of the GŠ-VRS, **MLADIĆ** was in overall command of the SRK, the key forces implementing the common purpose. By 12 May 1992, **MLADIĆ** had embraced the terror campaign, and began escalating it almost immediately. For over three and a half years, **MLADIĆ** controlled the illegal shelling and sniping campaign and oversaw the modulation of terror as a strategic tool, while rewarding and promoting key implementers.<sup>4735</sup> Moreover, as discussed above, the nature, manner, timing and duration of the campaign<sup>4736</sup> demonstrate that terror was its primary purpose. **MLADIĆ**’s shared intent for the crimes underlying the common purpose—including his specific intent to spread terror—is revealed by his key contributions as well as his expressions of intent. In the same manner, as discussed above, other JCE members were aware of the criminal nature and effects of the campaign, acknowledged using the campaign to further their political and strategic interests, and contributed to, supported and worked with **MLADIĆ** to facilitate the campaign.

<sup>4733</sup> POPARIĆ:T.40657,T.40660-40666.

<sup>4734</sup> POPARIĆ:D01330, pp.176-178(confidential). POPARIĆ:T.40712-40713.

<sup>4735</sup> See Section IV.B.4

<sup>4736</sup> *D.Milošević* AJ, para.37.

## V. SREBRENICA

### A. Formation, Implementation and Cover-up of the JCE to Eliminate the Bosnian Muslim Population of Srebrenica

#### 1. Overview

1059. **MLADIĆ**, together with **KARADŽIĆ** and others, shared the common criminal purpose of the JCE to Eliminate the Bosnian Muslim population of Srebrenica. The objective was to forcibly remove the women, young children and some elderly men and summarily execute the able-bodied men and boys. The forcible transfers and summary executions were part of one military operation led by **MLADIĆ** on the ground in the Srebrenica and Zvornik areas.

1060. As described herein, the objective of the JCE to Eliminate was largely achieved between 12 and 16 July 1995. This massive crime was completed successfully in such a short time largely due to **MLADIĆ**'s command and leadership of the officers and men conducting the operations. **MLADIĆ**'s role in the commission of the crime becomes crystal clear when his involvement, the disciplined and hierarchical nature of the VRS, and the nature and scope of the operation is fully understood and considered together as a whole. This evidence is briefly summarised below:

(i) **MLADIĆ**, with **KARADŽIĆ**, commanded the forces conducting the JCE to Eliminate. They were exclusively the Armed Forces of the RS, acting within the normal chain of command consisting of officers and units from the GŠ-VRS, DK and subordinated forces of the RSMUP, with the support and involvement of the RS civil authorities. There is no credible evidence that paramilitaries, mercenaries, volunteer forces or "groups of avengers" acting outside the chain of command, played any role in the carrying out of the JCE to Eliminate.

(ii) The officers and units taking part in the JCE to Eliminate were disciplined, well organised and experienced men, all commanded and controlled under the principle of the singleness of command by their commander, General **MLADIĆ**.

(iii) The logistics and organisation involved in the successful completion of the JCE to Eliminate in only five days, including, controlling, transporting, securing,

executing and burying thousands of people, required a centrally controlled superior command with the authority to bring in and organise the men and materials from the GŠ-VRS, DK and RSMUP, along with the civil authorities, managed by the GŠ-VRS and the Presidency of the RS.

(iv) The JCE to Eliminate was a wide-ranging and complex effort led by **MLADIĆ** personally, on the ground in and around Srebrenica from 10-14 July, from Belgrade from 14-16 July and from Crna Rijeka from the evening of 16 July through about 1 November 1995.

### **Chronology of the Crime**

1061. **MLADIĆ** and **KARADŽIĆ** had long sought the removal of the Bosnian Muslim population from Eastern Bosnia. **MLADIĆ**, together with **KARADŽIĆ**, began the final push to end the Muslim presence in Srebrenica and Eastern Bosnia, as exemplified by Directive 7, from March 1995. In furtherance of Directive 7, **MLADIĆ** and **KARADŽIĆ** deliberately restricted UNPROFOR supplies and aid to the civilian population of Srebrenica and planned the assault to drastically reduce the size of the enclave, as set out in the DK attack plan *Krivaja 95*, dated 2 July 1995. The objective was designed to squeeze the civilian population into the urban area of Srebrenica, creating a humanitarian disaster similar to 1993. The attack commenced on 6 July and culminated in the collapse of Srebrenica town on the late afternoon of 11 July and the fall of Potočari by the early afternoon of 12 July, setting the stage for **KARADŽIĆ**'s and **MLADIĆ**'s destruction of the Muslims in Srebrenica.

1062. By July 9, **MLADIĆ** and **KARADŽIĆ** understood that taking complete control of the enclave was within their grasp, and agreed to continue the attack towards Potočari and the DutchBat base. From 9 through 12 July **MLADIĆ**'s forces, in a well-disciplined and organised attack, personally commanded by **MLADIĆ**, overran the UN forces protecting the enclave and defeated the BiH forces. During this time frame, **MLADIĆ** received information on the disarray of BiH forces, UN forces and the Muslim civilian population, and began to develop and implement plans to forcibly transport the Muslim civilian population and murder the able-bodied men and boys.

1063. By the evening of 11 July, **MLADIĆ**'s forces had overrun Srebrenica town, forcing thousands of Srebrenica Muslims to converge on the UN DutchBat compound in Potočari. That evening **MLADIĆ** had information that at least 1,000 able-bodied Muslim men were among the crowd of refugees descending upon the DutchBat base in Potočari. Sometime between the evening of 11 July and the morning of 12 July, **MLADIĆ** and other JCE members developed concrete plans to detain and summarily execute large numbers of captured Muslim men and boys, and forcibly transport to BiH territory the women and children of Srebrenica.

1064. Through the efforts of **MLADIĆ**, **KARADŽIĆ** and other members in the JCE to Eliminate, by the end of the day on 12 July many thousands of the women, children and some elderly men assembled in Potočari had been forcibly transported to BiH territory. This mass expulsion was successfully completed on the evening of 13 July. By the end of the day on 16 July, **MLADIĆ**'s forces had murdered thousands of men and boys in their custody. The JCE to Eliminate continued into the autumn with smaller mass executions and the exhumation of victims' bodies from primary mass graves to over 50 smaller secondary mass graves.

## 2. Overview and structure of key VRS, DK and MUP units involved in the JCE to Eliminate

### (a) GŠ-VRS

#### (i) Administration for Operations and Training

1065. Gen. Radivoje MILETIĆ was chief of Administration for Operations and Training and took part in the JCE to Eliminate.<sup>4737</sup>

#### (ii) Sector for Intelligence and Security Affairs

1066. The Sector for Intelligence and Security Affairs was headed by Gen. Zdravko TOLIMIR. TOLIMIR,<sup>4738</sup> Col. Ljubiša BEARA, Chief of Security Administration<sup>4739</sup> and Col. Petar SALAPURA, Chief of Intelligence Administration took part in the JCE

<sup>4737</sup> See paras.1168,1248,1286.1309,1324,1350-1352.

<sup>4738</sup> See paras.1211-1212,1240,1248-1249,1268-1269,1296.

<sup>4739</sup> See paras.1270,1273,1279,1281-1282,1289-1294.

to Eliminate.<sup>4740</sup> Also taking part in the JCE to Eliminate were Lt. Col. Dragomir KESEROVIĆ, Chief of Section for Military Police Affairs<sup>4741</sup> and Col. Radoslav JANKOVIĆ, a desk officer in the Analysis Section.<sup>4742</sup>

(iii) Sector for Morale, Religious and Legal Affairs

1067. The Sector for Morale, Religious and Legal Affairs was headed by Gen. Milan GVERO, who also took part in the JCE to Eliminate.<sup>4743</sup>

(b) GŠ-VRS Units

1068. The 65<sup>th</sup> Motorised Protection Regiment and 10<sup>th</sup> Sabotage Detachment were independent units directly subordinated to the GŠ-VRS.<sup>4744</sup> **MLADIĆ** was the immediate superior of these units, which were commanded by Col. Milomir SAVČIĆ (65<sup>th</sup>ZMTP) and 2<sup>nd</sup> Lt. Milorad PELEMIŠ (10<sup>th</sup> Sabotage Detachment).<sup>4745</sup> Both units took part in the JCE to Eliminate.

(i) 65<sup>th</sup> Motorised Protection Regiment

1069. The 65<sup>th</sup>ZMTP was designed to provide security for GŠ-VRS command posts and officers, including **MLADIĆ**,<sup>4746</sup> although it also carried out combat activities.<sup>4747</sup> In 1995, the 65<sup>th</sup>ZMTP's command was based at the GŠ-VRS Command in Crna Rijeka.<sup>4748</sup> Col. Milomir SAVČIĆ commanded the 65<sup>th</sup>ZMTP.<sup>4749</sup> The 65<sup>th</sup>ZMTP was under the professional control of the GŠ-VRS Security Administration.<sup>4750</sup>

<sup>4740</sup> See para.1241.

<sup>4741</sup> See paras.1341-1345.

<sup>4742</sup> See paras.1202-1203,1348-1354,1357.

<sup>4743</sup> See para.1248; P02119.

<sup>4744</sup> LJ.OBRADOVIĆ:T.14517; SALAPURA:P01584, T.13580; SALAPURA:T.13020; P05013.

<sup>4745</sup> LJ.OBRADOVIĆ:T.14517; P01784; LJ.OBRADOVIĆ:P01783, T.11960-11961; SAVČIĆ:T.33643; MALINIĆ:T.12579, T.12583; MALINIĆ:P01555, T.15304-15305; SALAPURA:P01584, T.13486-13487,T.13524; PELEMIŠ:D00978, para.3.

<sup>4746</sup> MALINIĆ:P01555, T.15302, T.15306-15307; MALINIĆ:T.12575-12577; SAVČIĆ:D00968, para.25; MILOVANOVIĆ:T.16920-16921.

<sup>4747</sup> SAVČIĆ:D00968, para.25; MALINIĆ:P01555, T.15306-15307. MILOVANOVIĆ:T.16920-16921. See also P01558; P02097; P02109, item.2; P07372.

<sup>4748</sup> MALINIĆ:P01555, T.15300; MALINIĆ:T.12575; LJ.OBRADOVIĆ:P01783, T.11962-11963; SAVČIĆ:D00968, para.27.

<sup>4749</sup> MALINIĆ:P01555, T.15305; LJ.OBRADOVIĆ:P01783, T.11963; D00333; SAVČIĆ:D00968, para.24; MILOVANOVIĆ:T.16921.

<sup>4750</sup> See para.66.

1070. The Regiment notably included a MP Battalion.<sup>4751</sup> Maj. Zoran MALINIĆ commanded the MP Battalion,<sup>4752</sup> which was headquartered in Nova Kasaba on the Milići-Konjević Polje-Zvornik road.<sup>4753</sup> Typically, MALINIĆ received orders from SAVČIĆ,<sup>4754</sup> who in turn reported to MLADIĆ.<sup>4755</sup> However, MALINIĆ received orders directly from MLADIĆ when SAVČIĆ was absent.<sup>4756</sup> The Security Administration, headed by BEARA, proposed the use of the 65<sup>th</sup>ZMTP MP assets<sup>4757</sup> and oversaw the 65<sup>th</sup>ZMTP's MP Battalion together with BEARA's subordinate Lt. Col. Dragomir KESEROVIĆ, the Chief of the Administration's MP Department.<sup>4758</sup>

1071. The 65<sup>th</sup>ZMTP was involved in securing and detaining many hundreds of Srebrenica men and boys at the Nova Kasaba football field, who were later transported to locations in and around Bratunac and Zvornik for execution.<sup>4759</sup>

(ii) 10th Sabotage Detachment

1072. The 10<sup>th</sup> Sabotage Detachment was specially trained for operations behind enemy lines and other special combat assignments, including sabotage and reconnaissance tasks.<sup>4760</sup> In 1995 it comprised approximately 60 men in two platoons based in Vlasenica and Bijeljina.<sup>4761</sup> The unit was commanded by 2<sup>nd</sup> Lt. Milorad PELEMIŠ.<sup>4762</sup>

1073. The Detachment was engaged in operational intelligence gathering falling within the professional control of the Intelligence Administration.<sup>4763</sup> The 10<sup>th</sup>

<sup>4751</sup> MALINIĆ:P01555, T.15303-15304. *See also* SAVČIĆ:D00968, para.26; LJ.OBRADOVIĆ:P01783, T.11962.

<sup>4752</sup> MALINIĆ:P01555, T.15300,T.15305; SAVČIĆ:D00968, para.26; MILOVANOVIĆ:T.16922.

<sup>4753</sup> SAVČIĆ:D00968, para.26; MALINIĆ:P01555, T.15312,T.15344-15346; P01567; MALINIĆ:T.12591; P01132, pp.40-41; KESEROVIĆ:T.12827.

<sup>4754</sup> MALINIĆ:P01555, T.15308-15309.

<sup>4755</sup> MALINIĆ:P01555, T.15304-15305; MALINIĆ:T.12579.

<sup>4756</sup> MALINIĆ:P01555, T.15311-15312; MALINIĆ:T.12584-12585(confidential).

<sup>4757</sup> KESEROVIĆ:T.12807-12808,T.12811; LJ.OBRADOVIĆ:P01783, T.11962.

<sup>4758</sup> MALINIĆ:P01555, T.15305-15306; KESEROVIĆ:T.12807,T.12811; LJ.OBRADOVIĆ:P01783, T.11962.

<sup>4759</sup> *See* paras.1240,1248,1258-1262.

<sup>4760</sup> SALAPURA:P01584, T.13529; SALAPURA:T.13038; LJ.OBRADOVIĆ:P01783, T.11960; ERDEMOVIĆ:T.13721; ERDEMOVIĆ:P01673, T.834,T.840; PELEMIŠ:D00978, para.4; MILOVANOVIĆ:T.16923-16924; P01588.

<sup>4761</sup> D.TODOROVIĆ:T.35366-35367; PELEMIŠ:D00978, para.13; ERDEMOVIĆ:P01673, T.836. *See also* P05013; P01799; P01679; P01681; P01680; P01682; P01683; P01148, p.33.

<sup>4762</sup> PELEMIŠ:D00978, para.3; ERDEMOVIĆ:P01673, T.835; P01148, p.41.

<sup>4763</sup> PELEMIŠ:D00978, para.3; LJ.OBRADOVIĆ:P01783, T.11960-11961; MILOVANOVIĆ:T.16923-16924; P01588.

Sabotage Detachment was under the professional control of the GŠ-VRS Intelligence Administration.<sup>4764</sup>

1074. SALAPURA and TOLIMIR were involved in decisions about the deployment of the 10<sup>th</sup> Sabotage Detachment.<sup>4765</sup> If TOLIMIR approved a proposal, he forwarded it to **MLADIĆ** for decision.<sup>4766</sup> TOLIMIR then passed **MLADIĆ**'s decision and corresponding orders to SALAPURA to instruct the unit on its engagement accordingly.<sup>4767</sup> SALAPURA would in turn report back to TOLIMIR on the implementation of the operation.<sup>4768</sup> Other members of the Intelligence Administration, such as Maj. Dragomir PEĆANAC, were also directly involved in the operational affairs of the 10<sup>th</sup> Sabotage Detachment.<sup>4769</sup>

1075. OBRADOVIĆ explained that because the Detachment was linked to the command of the GŠ-VRS, "[n]o one corps can say, I'll take the sabotage detachment and use it here or there; they can only request the assistance of a unit that belongs to another formation or the GŠ-VRS. And then that request can either be approved or not approved."<sup>4770</sup>

1076. The 10<sup>th</sup> Sabotage Detachment carried out the sabotage raid on Srebrenica town on 23 June 1995,<sup>4771</sup> was involved in the *Krivaja-95* attack on Srebrenica on 10-11 July,<sup>4772</sup> participated in the forcible transfer of the women, children and some elderly men in Potočari,<sup>4773</sup> took part in the executions of about 1,200 captured Muslim men from Srebrenica at Branjevo Farm on 16 July,<sup>4774</sup> and summarily executed at least 39 Muslim men in Bišina on 23 July.<sup>4775</sup>

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<sup>4764</sup>

See para.64.

<sup>4765</sup> SALAPURA:P01584, T.13487-13488,T.13526.

<sup>4766</sup> SALAPURA:P01584, T.13486-13487; SALAPURA:T.13021.

<sup>4767</sup> SALAPURA:P01584, T.13486; P01588; ERDEMOVIĆ:T.13721-13722,T.13733.

<sup>4768</sup> SALAPURA:P01584, T.13528.

<sup>4769</sup> See D.TODORVIĆ:T.35400-35402,T.35410-35411.

<sup>4770</sup> LJ.OBRADOVIĆ:P01783, T.11972-11973.

<sup>4771</sup> See para.449.

<sup>4772</sup> See para.1155; ERDEMOVIĆ:P01673, T.836-837.

<sup>4773</sup> See para.1206.

<sup>4774</sup> See paras.1298-1299,1518-1525.

<sup>4775</sup> See paras.1369-1374.

(c) DK

1077. The DK was formed on 1 November 1992 and was headquartered in Vlasenica.<sup>4776</sup> The Corps Command and its subordinate brigades adopted structures and procedures directly from the former JNA.<sup>4777</sup> In July 1995, the DK and its component units<sup>4778</sup> were an efficient and experienced military organisation, responsible for all operations within their area of responsibility.<sup>4779</sup>

1078. On 13 July 1995, KRSTIĆ was appointed Commander of the DK, replacing ŽIVANOVIĆ.<sup>4780</sup> Both KRSTIĆ<sup>4781</sup> and ŽIVANOVIĆ took part in the JCE to Eliminate.<sup>4782</sup> Prior to this appointment, KRSTIĆ was the Corps Chief of Staff.<sup>4783</sup> Svetozar ANDRIĆ was appointed to replace KRSTIĆ as Chief of Staff.<sup>4784</sup> Key members of the DK who took part in the JCE to Eliminate included: Lt. Col. Vujadin POPOVIĆ, Assistant Commander for Security; Lt. Col. Svetosar KOSORIĆ, Chief of Intelligence; Maj. Pavle GOLIĆ, Assistant Chief of Intelligence; Col. Slobodan CERVIĆ, Assistant Commander for Morale, Legal and Religious Affairs and Col. Lazar AĆAMOVIĆ, Assistant Commander for Logistics.<sup>4785</sup>

(d) DK Subordinate Units(i) Bratunac Brigade

1079. The Bratunac Brigade was a subordinate unit of the DK.<sup>4786</sup> Headquartered in Bratunac,<sup>4787</sup> its area of responsibility stretched from Nova Kasaba in the northwest, to Zeleni Jadar in the south and was bordered on the east by the Drina.<sup>4788</sup>

<sup>4776</sup> AF1324; AF1328; P02203, para.1.0.

<sup>4777</sup> AF1327; P02200, pp.6-8, paras.1.0-1.7; *See also* P02201, pp.4-12, secs.1-2; MILOVANOVIĆ:T.16929-16930; BUTLER:T.16117-16118; DANNATT:P02629, para.24.

<sup>4778</sup> AF1337; P02203, pp.23-29.

<sup>4779</sup> AF1337; DANNATT:P02629, para.67; BUTLER:T.16235.

<sup>4780</sup> AF1325; AF1331; AF1333; P07056; P01713; P02203, para.2.1; BUTLER:T.16214-16215. *See also* para.1265.

<sup>4781</sup> *See* paras.1164,1168,1174-1175,1202,1213,1238,1291-1296.

<sup>4782</sup> *See* paras.1168,1290.

<sup>4783</sup> AF1333; P02203, para.2.1.

<sup>4784</sup> P02203, para.2.3; P07056; P01713; P.ŠKRBIĆ:T.13991; BUTLER:T.16214-16215.

<sup>4785</sup> AF1330; AF1333; P02203, paras.2.4-2.5; P02204; BUTLER:T.16261,T.16394-16395; M.NIKOLIĆ:T.11833.

<sup>4786</sup> AF1337; M.NIKOLIĆ:T.11778-11779; P02203, para.2.6.

<sup>4787</sup> M.NIKOLIĆ:T.11804.

<sup>4788</sup> P01087, p.7.

1080. In July 1995, Col. Vidoje BLAGOJEVIĆ was the commander of the Bratunac Brigade<sup>4789</sup> with authority over all Bratunac Brigade units, including four infantry battalions, an intervention platoon (the “Red Berets”) within the composition of the 3<sup>rd</sup> infantry battalion, a Mixed Artillery Battery, and an MP Platoon.<sup>4790</sup>

1081. Key members of the Bratunac Brigade who took part in the JCE to Eliminate included: BLAGOJEVIĆ; Capt. Momir NIKOLIĆ, Chief of Security and Intelligence; Maj. Dragoslav TRIŠIĆ, Assistant Commander for Rear Services; 2nd. Lt. Lazar OSTOJIĆ, 1<sup>st</sup> Battalion Commander; Capt. 1<sup>st</sup> Class Radika PETROVIĆ, 4<sup>th</sup> Battalion Commander; Staff Sgt. 1<sup>st</sup> Class Mirko JANKOVIĆ, MP Platoon Commander; MP Mile JANJIĆ; and Capt. Mićo GAVRIĆ, Artillery Chief.<sup>4791</sup>

(ii) Bratunac Brigade MP Platoon

1082. In July 1995, the Bratunac Brigade MP Platoon, housed opposite the Bratunac Brigade HQ,<sup>4792</sup> was commanded by Mirko JANKOVIĆ.<sup>4793</sup> His deputy was Mile PETROVIĆ.<sup>4794</sup> JANKOVIĆ’s immediate professional superior was Momir NIKOLIĆ, and both NIKOLIĆ and BLAGOJEVIĆ issued orders to the MPs.<sup>4795</sup>

1083. The MP Platoon comprised approximately 30 men and was involved in securing bridges, roads and facilities, inspecting convoys and, most notably for the events in Srebrenica in July 1995, was responsible for the escort, care and physical security of PoWs captured by the brigade and held in its zone of responsibility.<sup>4796</sup>

1084. Bratunac Brigade MPs were involved in the forcible transfer of women, children and elderly men from Potočari; the separation and detention of men on 12-13 July and their transport to Zvornik on 14 July; and the 17 July sweep operation.<sup>4797</sup>

<sup>4789</sup> AF1349-AF1350; M.NIKOLIĆ:T.11778; V.BLAGOJEVIĆ:D00965, para.3; V.BLAGOJEVIĆ:T.33526; KOVAČEVIĆ:D00594, para.3.

<sup>4790</sup> AF1350; RM265:P02541, T.11282(confidential); P02203, p.26-28; M.NIKOLIĆ:T.11780-11781; P07256; P01508; V.BLAGOJEVIĆ:T.33526,T.33569; P07297.

<sup>4791</sup> AF1349-AF1350; P02203, para.2.8; P02206; P01445:JANJIĆ, T.9756; M.GAVRIĆ:T.13899. *See also* P01450; P07256.

<sup>4792</sup> RM265:P02540, T.3799(confidential).

<sup>4793</sup> RM265:P02540, T.3796(confidential); M.NIKOLIĆ:T.11780; M.BLAGOJEVIĆ:T.32611.

<sup>4794</sup> RM265:P02540, T.3817(confidential); M.NIKOLIĆ:T.11944; M.BLAGOJEVIĆ:T.32611.

<sup>4795</sup> RM265:P02540, T.3798-3799(confidential); RM265:P02541, T.11274-11276(confidential); M.NIKOLIĆ:T.11780-11781.

<sup>4796</sup> RM265:P02541, T.11276(confidential); RM265:P02540, T.3796-3798(confidential). *See also* D00285; P04901, paras.25(h),57; P02201, p.19, para.3.19.

<sup>4797</sup> *See* paras.1206,1277-1278,1341-1347.

(iii) Zvornik Brigade

1085. The Zvornik Brigade, commanded in July 1995 by Lt. Col. Vinko PANDUREVIĆ,<sup>4798</sup> was a subordinate unit of the DK<sup>4799</sup> and operated within its zone of responsibility as the principal unit for pursuing organised and integrated offensive and combat operations.<sup>4800</sup> Its area of responsibility stretched from the Drina River, west to the VRS/ABiH confrontation line, and from the Drinjača River in the south to Pilica in the north,<sup>4801</sup> including Baljkovica and Snagovo, where the Bosnian Muslim column engaged VRS forces after the fall of Srebrenica.<sup>4802</sup>

1086. Key Zvornik Brigade members who took part in the JCE to Eliminate included: PANDUREVIĆ; Maj. Dragan OBRENOVIĆ, Chief of Staff; 2<sup>nd</sup> Lt. Drago NIKOLIĆ, Assistant Commander for Security; Capt. Milorad TRBIĆ, Administrator for Security; Capt. 1<sup>st</sup> Class Sreten MILOŠEVIĆ, Assistant Commander for Logistics; Maj. Dragan JOKIĆ, Chief of Engineering; Lt. Miomir JASIKOVAC, MP Company Commander; Lt. Srećko AĆIMOVIĆ, 2<sup>nd</sup> Battalion Commander; Cpl. Lazar RISTIĆ, 4<sup>th</sup> Battalion Deputy Commander; Capt. 1<sup>st</sup> Class Ostoja STANIŠIĆ, 6<sup>th</sup> Battalion Commander; and Slavko PERIĆ, 1<sup>st</sup> Battalion Chief of Security.<sup>4803</sup>

(iv) Zvornik Brigade MP Company

1087. In July 1995, the Standard barracks in Karakaj housed the 89 rostered members of the Zvornik Brigade MP Company.<sup>4804</sup> Its members wore white belts and bore insignia indicating “military police.”<sup>4805</sup>

1088. Lt. Miomir JASIKOVAC commanded the MP Company.<sup>4806</sup> Drago NIKOLIĆ’s role was to make proposals to PANDUREVIĆ on their most effective use

<sup>4798</sup> AF1345; P02203, para.2.8; DRAGUTINOVIĆ:T.32219.

<sup>4799</sup> AF1337; P02203, para.2.6.

<sup>4800</sup> See generally P02201, p.4, para.1.1.

<sup>4801</sup> P01086; P01087, p.7.

<sup>4802</sup> P01087, p.19.

<sup>4803</sup> AF1345-AF1348; P02203, para.2.8; P02205; [REDACTED]; BUTLER:T.16353,T.16355,T.16437; S.PERIĆ:P03508, T.11369(confidential); BABIĆ:P03459, para.2.

<sup>4804</sup> RM269:P01561, T.6440(confidential); M.BIRČAKOVIĆ:P02161, T.11011; P01565; JEREMIĆ:T.34274-34275. The “Standard Barracks” at Karakaj housed the Zvornik Brigade Command: [REDACTED].

<sup>4805</sup> RM269:P01561, T.6439(confidential); JANJIĆ:P01445, T.9759.

<sup>4806</sup> RM269:P01561, T.6440(confidential); RM269:T.12736(confidential); M.BIRČAKOVIĆ:P02161, T.11012; D.IVANOVIĆ:P02169, T.14538; [REDACTED].

and to recommend appropriate tasks.<sup>4807</sup> Upon PANDUREVIĆ's decision, Drago NIKOLIĆ directed and instructed JASIKOVAC on the implementation of PANDUREVIĆ's order.<sup>4808</sup>

1089. Regular MP Company duties included securing bridges, inspecting soldiers, manning checkpoints and securing and escorting PoWs.<sup>4809</sup> Zvornik Brigade MPs were involved in the detention, transportation and summary execution of Bosnian Muslim men and boys at the Orahovac School, the Orahovac killing sites, and at the Ročević School.<sup>4810</sup>

(e) MUP and Other Units in the DK AOR and Trnovo Municipality

(i) MUP Special Police Brigade

1090. MUP forces involved in the July 1995 Srebrenica operation were resubordinated to the VRS under KRSTIĆ's and **MLADIĆ**'s direct command.<sup>4811</sup> The resubordinated MUP units comprised elements of the RS Special Police Brigade including the Second Šekovići Detachment, two companies from the MUP's Jahorina Training Centre and PJP units.<sup>4812</sup>

1091. The RS Special Police Brigade was a MUP combat unit.<sup>4813</sup> In July 1995, Goran SARIĆ commanded the Brigade, reporting to the Acting/Deputy Interior Minister Tomo KOVAČ.<sup>4814</sup> The Brigade's Deputy Commander was Ljubomir

<sup>4807</sup> P04901, paras.12,13; P02201, p.17, paras.3.12-3.15; P04900, para.23.

<sup>4808</sup> [REDACTED]; RM269:P01561, T.6440-6441(confidential); RM269:T.12736(confidential); M.BIRČAKOVIĆ:P02161, T.11012.

<sup>4809</sup> RM269:P01561, T.6440(confidential); P04901, paras.25(h),57. *See also* P02201, p.19, para.3.19; P02135, para.2.

<sup>4810</sup> *See* paras.1378,1460-1471,1497-1504.

<sup>4811</sup> AF1352; AF1354-AF1356; P02103/D00129(partial duplicates); P00724, pp.1-3.

<sup>4812</sup> P02203, para.3.20; KESEROVIĆ:T.12958-12959. KARIŠIK acknowledged that the special police were involved in the Kravica Warehouse massacre adding that they were commanded by Ljubiša BOROVCANIN and resubordinated to the VRS. While deflecting his own responsibility, KARIŠIK's acknowledgement of the involvement of units under his authority and responsibility is an admission against his own interest. KARIŠIK:T.33197-33198,T.33200-33202.

<sup>4813</sup> RM268:P02176, T.8571(confidential).

<sup>4814</sup> AF1353; RM268:P02176, T.8569,T.8572(confidential); ĐURIĆ:P02174, T.10797; KESEROVIĆ:T.12958; KARIŠIK:T.33172,T.33214; SALAPURA:T.13078.

BOROVČANIN,<sup>4815</sup> who led the MUP units deployed for the Srebrenica operation and took part in the JCE to Eliminate.<sup>4816</sup>

1092. The Brigade's members wore one-piece green camouflage overalls and were armed with automatic rifles, heavy machine guns, side arms, rocket launchers, grenades and bullet-proof vests.<sup>4817</sup> Their uniforms bore a patch on the sleeve, indicating "Special Brigade" and "Police," and a flag and coat of arms featuring a two-headed eagle.<sup>4818</sup>

1093. These units took part in the JCE to Eliminate through their roles in the forcible transfer of the population and the separation of men in Potočari on 12-13 July; the capture, escort and detention of Bosnian Muslim men at Sandići; the executions at Kravica Warehouse; and the 17 July sweep operation.<sup>4819</sup>

(ii) MUP Second Šekovići Detachment of the Special Police Brigade

1094. Miloš STUPAR commanded the Second Šekovići Detachment. He was directly subordinate to SARIĆ and BOROVČANIN.<sup>4820</sup> The Second Detachment comprised three platoons of 20-40 men.<sup>4821</sup> It had two T-55 tanks, a Praga and a BOV at its disposal.<sup>4822</sup> STUPAR's deputy, Rade ČUTURIĆ (nicknamed "Oficir") replaced him in June 1995.<sup>4823</sup>

<sup>4815</sup> ĐURIĆ:P02174, T.10797; ČELIĆ:P02173, T.13459; BUTLER:T.16203; KESEROVIĆ:T.12873,T.12958; D.MIČIĆ:D00977, para.17; PEPIĆ:T.12407.

<sup>4816</sup> See paras.1163,1184,1198,1207,1250-1254,1439-1458.

<sup>4817</sup> RM268:P02176, T.8577-8578(confidential); ČELIĆ:P02173, T.13461-13462; PEPIĆ:T.12408-12409; MIČIĆ:D00977, para.18.

<sup>4818</sup> ČELIĆ:P02173, T.13462; RM268:P02176, T.8578-8579(confidential); PEPIĆ:T.12409.

<sup>4819</sup> See paras.1250-1254,1341-1345,1439-1458.

<sup>4820</sup> ČELIĆ:P02173, T.13459; PEPIĆ:T.12407.

<sup>4821</sup> ČELIĆ:P02173, T.13459-13461,T.13494; PEPIĆ:T.12407-12408. The leaders of the First and Third Platoons were Marko ALEKŠIĆ and Milenko "Čop" TRIFUNOVIĆ, respectively. The Second ("Skelani") Platoon received its orders from ČUTURIĆ as its leader was out of action.

<sup>4822</sup> ČELIĆ:P02173, T.13461; PEPIĆ:T.12409-12411; RM268:P02176, T.8578(confidential).

<sup>4823</sup> ČELIĆ:P02173, T.13458-13459,T.13482; PEPIĆ:T.12407.

(iii) The Jahorina Training Centre

1095. Duško JEVIC (nicknamed “Staljin”) managed the Special Police Brigade’s Training Centre at Jahorina,<sup>4824</sup> which trained policemen and conscripts in MUP units.<sup>4825</sup>

1096. In June 1995, the MUP arrested and forcibly repatriated several hundred Bosnian Serb men who were evading military service in Serbia. They were trained,<sup>4826</sup> then formed into two companies of around 100 men.<sup>4827</sup> Mendeljev ĐURIĆ (nicknamed “Mane”) commanded the First Company,<sup>4828</sup> and Nedo IKONIĆ, the Second Company.<sup>4829</sup> Both were subordinated to JEVIC.<sup>4830</sup>

1097. Jahorina Training Centre soldiers wore two-piece green camouflage uniforms without insignia, light blue bullet proof vests, and were issued automatic rifles, but not side arms.<sup>4831</sup> Unlike the regular Brigade soldiers, they did not have tanks or armoured vehicles.<sup>4832</sup>

(iv) PJP Units

1098. The MUP also utilised regular police officers to perform military duties.<sup>4833</sup> Within each of the MUP CJBs, regular policemen from the SJBs were organised into companies, designated ‘PJPs’.<sup>4834</sup> For example, the Zvornik CJB had six PJP companies.<sup>4835</sup> Danilo ZOLJIĆ was in overall command and Radomir PANTIĆ

<sup>4824</sup> RM268:P02176, T.8567-8569,T.8648-8649(confidential); ĐURIĆ:P02174, T.10797; [REDACTED].

<sup>4825</sup> ĐURIĆ:P02174, T.10793-10794; RM268:P02176, T.8571(confidential); P02177, p.2.

<sup>4826</sup> ĐURIĆ:P02174, T.10794-10796, T.10842-10843; [REDACTED].

<sup>4827</sup> RM268:P02176, T.8572-8573(confidential).

<sup>4828</sup> RM268:P02176, T.8573,T.8601(confidential); ĐURIĆ:P02174, T.10796-10797; [REDACTED]; [REDACTED]. Mendeljev “Mane” ĐURIĆ should not be confused with Mane ĐURIĆ, Deputy Chief of the Zvornik Public Security Centre (“CJB”).

<sup>4829</sup> RM268:P02176, T.8573(confidential); ĐURIĆ:P02174, T.10796; [REDACTED].

<sup>4830</sup> RM268:P02176, T.8568-8569(confidential).

<sup>4831</sup> RM268:P02176, T.8576-8578(confidential); ĐURIĆ:P02174, T.10847,T.10882-10883; [REDACTED]; LJ.GAJIĆ:T.40273,T.40304-40305. *See also* P01148.

<sup>4832</sup> RM268:P02176, T.8578(confidential).

<sup>4833</sup> AF1352; P02203, paras.2.16-2.17; D.MIĆIĆ:D00977, paras.15-17,21; KESEROVIĆ:T.12841-12842.

<sup>4834</sup> RM336:P03455, T.4080-4084(confidential); RM336:P03458, p.3(confidential).

<sup>4835</sup> N.DERONJIĆ:D00584, para.6(confidential); P02203, para.2.17.

commanded the First Zvornik PJP Company.<sup>4836</sup> PJP members were sent on combat assignments in co-operation with the VRS.<sup>4837</sup>

(v) Serbian MUP Scorpions

1099. The Scorpions were based in Đeletovci, in what was then the RSK.<sup>4838</sup> The unit was commanded by Slobodan MEDIĆ (nicknamed “Boca”).<sup>4839</sup> In the summer of 1995, the unit formed part of the Serbian MUP.<sup>4840</sup> The Scorpions comprised two companies and six platoons, including one reconnaissance platoon and one working platoon.<sup>4841</sup> In July 1995, a Scorpions company of approximately 150 men was deployed to Trnovo to conduct combat operations on the front line.<sup>4842</sup> Deployed within the area of responsibility of the SRK,<sup>4843</sup> the Scorpions were re-subordinated to the SRK Commander Gen. Dragomir MILOŠEVIĆ, who reported to **MLADIĆ**.<sup>4844</sup> The Scorpions took part in the JCE to Eliminate by providing vehicles to transport the women and children from Srebrenica and by executing six Bosnian Muslim men from Srebrenica in Trnovo.<sup>4845</sup>

(f) Civilian Structures

(i) DERONJIĆ and other civilian structures

1100. Republic level, municipal and local level members of the RS political and governmental organs with responsibility in or for the Srebrenica, Vlasenica, Bratunac and/or Zvornik municipalities, including Miroslav DERONJIĆ, took part in the JCE to Eliminate.

<sup>4836</sup> BLASZCZYK:T.11568; D.MIČIĆ:D00977, para.16; P02203, para.2.17.

<sup>4837</sup> RM336:P03455, T.4089-4091(confidential).

<sup>4838</sup> [REDACTED]. *See also* [REDACTED].

<sup>4839</sup> [REDACTED].

<sup>4840</sup> The Scorpions operated under the command of the Serbian MUP, specifically Serbian State Security (DB), but their Scorpions/DB badges were replaced with Serbian MUP badges in Trnovo. [REDACTED]; P02102; P02603.

<sup>4841</sup> [REDACTED].

<sup>4842</sup> [REDACTED].

<sup>4843</sup> P07714.

<sup>4844</sup> P03096; THEUNENS:T.20671-20673. *See also* DANNATT:T.19162-19163; DANNATT:P02629, p.11, para.38.

<sup>4845</sup> *See* paras.1360-1368.

1101. KARADŽIĆ appointed DERONJIĆ Civilian Commissioner for Srebrenica on 11 July,<sup>4846</sup> and President of the War Presidency of Srebrenica-Skelani Municipality on 14 July.<sup>4847</sup> The appointment added to his already existing authority resulting from his relationship with KARADŽIĆ<sup>4848</sup> and his previous position of influence in Bratunac.<sup>4849</sup> DERONJIĆ kept KARADŽIĆ apprised of developments on the ground, receiving instructions and implementing them, for example, receiving KARADŽIĆ's instruction to move the Muslim prisoners from Bratunac to the Zvornik area, and by facilitating the VRS' use of Civilian Protection personnel and machinery for the burial operations in Bratunac.<sup>4850</sup> Civilian Protection included units for general use, a work obligation unit, and units for specialised use, which included a unit for "asanacija".<sup>4851</sup> Within the context of the Srebrenica events, *asanacija* was used to refer to the burying and re-burying of executed Muslim men.<sup>4852</sup>

1102. Civilian officials, including [REDACTED]<sup>4853</sup> [REDACTED];<sup>4854</sup> Srblisav DAVIDOVIĆ, President of the Bratunac Municipal Executive Board<sup>4855</sup> [REDACTED];<sup>4856</sup> [REDACTED]<sup>4857</sup> facilitated the use of Civilian Protection personnel and machinery for the burial operations in Bratunac that were controlled and overseen by the VRS.<sup>4858</sup>

### 3. The Context, Formation, Initial Stages and Implementation of the JCE to Eliminate

1103. The BSL had long desired the separation of the ethnicities and the cleansing of Eastern Bosnia to create an ethnically pure RS.<sup>4859</sup> SF, including the VRS, had already cleansed large parts of Eastern Bosnia of their Bosnian Muslim populations, including

<sup>4846</sup> P03568; P07216; M.DERONJIĆ:P03567, T.6137. *See also* P01138.

<sup>4847</sup> P03569; M.DERONJIĆ:P03567, T.6138.

<sup>4848</sup> M.DERONJIĆ:P03567, T.6376; [REDACTED].

<sup>4849</sup> M.DERONJIĆ:P03566, paras.2-3; M.DERONJIĆ:P03567, T.6197.

<sup>4850</sup> [REDACTED]; P01290(confidential). *See* paras.1266,1270.

<sup>4851</sup> P03625(confidential); [REDACTED]. *See also* RM306:P01474, T.9365-9370(confidential); RM306:T.11428-11429,T.11431,T.11441(confidential).

<sup>4852</sup> [REDACTED]; P01497; M.NIKOLIĆ:T.11961-11967; P01516.

<sup>4853</sup> [REDACTED].

<sup>4854</sup> [REDACTED].

<sup>4855</sup> M.NIKOLIĆ:T.12169; [REDACTED].

<sup>4856</sup> [REDACTED].

<sup>4857</sup> [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED].

<sup>4858</sup> [REDACTED]; [REDACTED]; [REDACTED].

<sup>4859</sup> *See* paras.211-214.

in Rogatica, Foča and Vlasenica in 1992.<sup>4860</sup> This cleansing continued in 1993, when Cerska and surrounding villages were cleansed of their Bosnian Muslim populations with most of the people pushed into the Srebrenica area in the Spring of 1993.<sup>4861</sup>

1104. Facing a humanitarian disaster of immense proportions, the UN responded by creating “safe areas” in Srebrenica, Žepa and Goražde.<sup>4862</sup> **MLADIĆ** appointed **MILETIĆ** to draft Directive 7,<sup>4863</sup> with its direction to the DK to “create an unbearable situation of total insecurity with no hope of further survival or life”,<sup>4864</sup> which **KARADŽIĆ** then signed,<sup>4865</sup> before it was sent out to the corps by **MILOVANOVIĆ**.<sup>4866</sup> The BSL, primarily through the VRS, then began restricting convoys to, and sniping and shelling the population in, the Srebrenica enclave, in its efforts to create the “unbearable situation”. On 6 July 1995, an operation began to reduce Srebrenica to its urban area.<sup>4867</sup> On 11 July, after the collapse of the ABiH forces, the VRS entered Srebrenica under the personal command of **MLADIĆ**;<sup>4868</sup> **MLADIĆ** himself walked through the empty village, before turning to the cameras and announcing that “the time has come to take revenge on the Turks in this region”.<sup>4869</sup> The Bosnian Muslims in Srebrenica fled *en masse* to Potočari.

1105. **MLADIĆ** and other JCE members became aware on the night of 11 July that there was a large number of able-bodied men and boys in Potočari among the refugees.<sup>4870</sup> Up until that point, the objective was to permanently forcibly remove the Bosnian Muslim population from Srebrenica.<sup>4871</sup> Soon after **MLADIĆ** and the other JCE members became aware of the large number of men and boys in Potočari, a JCE was created with the common criminal purpose of eliminating the Bosnian Muslims in Srebrenica. JCE members shared the intent to forcibly transfer the Bosnian Muslim

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<sup>4860</sup> See Municipality Summaries, Rogatica, Foča, Vlasenica.

<sup>4861</sup> See paras.398-410.

<sup>4862</sup> See paras.412-416.

<sup>4863</sup> **MILOVANOVIĆ**:T.17136.

<sup>4864</sup> P01469, p.10.

<sup>4865</sup> P01469, p.15.

<sup>4866</sup> **MILOVANOVIĆ**:T.17137-17138; P01469, p.1; P02248.

<sup>4867</sup> See paras.1114-1118.

<sup>4868</sup> See paras.1156-1157.

<sup>4869</sup> P01147, V000-9265, 00:30'16-00:31'17, tp.11.

<sup>4870</sup> See para.1159.

<sup>4871</sup> Indictment, paras.43-44.

women, children and elderly and commit genocide, extermination, murder and persecutions of the able-bodied men and boys.<sup>4872</sup>

(a) The Attack on and Fall of the Srebrenica Enclave

(i) Lead-up to the Attack on the Srebrenica Enclave

1106. In furtherance of Directive 7, on 12 May 1995, **MLADIĆ** issued an order to the DK and the 65<sup>th</sup>ZMTP<sup>4873</sup> to plan and undertake offensive operations for the creation of conditions for the liberation of the Srebrenica and Žepa enclaves.<sup>4874</sup> **KRSTIĆ** ordered preparations for an offensive to “establish conditions for the liberation of the enclaves” on 15 May 1995 consistent with **MLADIĆ**’s order.<sup>4875</sup> The next day, **KRSTIĆ** notified the GŠ-VRS in his daily combat report:

We are continuing with the preparations for stabilisation of defence around the enclaves of Srebrenica and Žepa, in accordance with your order. We are currently unable to implement your order to fully close off the enclaves and carry out attacks against them because we do not have sufficient forces, but we are continuing to take specific measures to uncover enemy groups in the gap, detect their combat support [...].<sup>4876</sup>

**MLADIĆ** would have been informed of the delay in the Srebrenica operation,<sup>4877</sup> but as noted by **KRSTIĆ**, plans for the assault continued and in early June, DutchBat observed a buildup of VRS forces around the Srebrenica enclave.<sup>4878</sup> They also noticed an increase in the number of ABiH soldiers.<sup>4879</sup>

1107. Any successful attack on the Srebrenica enclave required access through Zeleni Jadar in order to control the movement of troops and support for the assault.<sup>4880</sup> This was necessary for the VRS to have a proper staging area for the future military

<sup>4872</sup> Indictment, paras.44-45.

<sup>4873</sup> The order was also addressed to the GŠ-VRS’s 67<sup>th</sup> Communication Regiment.

<sup>4874</sup> P02097; BUTLER:T.16161-16162.

<sup>4875</sup> D00298, p.1.

<sup>4876</sup> P02098, pp.1,4; BUTLER:T.16166-16167.

<sup>4877</sup> BUTLER:T.16167.

<sup>4878</sup> RAVE:P01149, para.14. *See also* BOERING:P01139, T.1895.

<sup>4879</sup> KOSTER:P00057, p.6; EGBERS:P01629, T.2207; BOERING:T.10037.

<sup>4880</sup> BUTLER:T.16161-16162,T.16182. On 29 May, ŽIVANOVIĆ issued an urgent order to the Zvornik and Bratunac Brigades and the Skelani Separate Battalion “for the taking over of the Zeleni Jadar sector,” requiring units to provide soldiers in order to prevent Muslim forces from entering Zeleni Jadar “following UNPROFOR’s departure from the Zeleni Jadar checkpoint.” This order, which named Maj. Milenko JEVĐEVIĆ as one of the three DK officers who would lead the attack, clearly portended UNPROFOR’s removal from OP Echo. P07130.

operation against Srebrenica.<sup>4881</sup> DutchBat held a key intersection at Zeleni Jadar with OP Echo that overlooked the entire area and as such interfered with any VRS plan to use the area as an assault base. Accordingly, as detailed below, VRS forces assaulted and took OP Echo at Zeleni Jadar on 3 June,<sup>4882</sup> as a prelude to the major attack on the Srebrenica enclave<sup>4883</sup> and to gain access to the significant east-west road at Zeleni Jadar.<sup>4884</sup> This was the first major step in creating conditions for the removal of the Bosnian Muslims from Srebrenica.

1108. On 2 June, ŽIVANOVIĆ issued an order to the Bratunac Brigade Command and the Commander of the DK Manoeuvre Battalion (a.k.a. the Podrinje Detachment or “Drina Wolves”, which was part of the Zvornik Brigade)<sup>4885</sup> for the removal of the UN checkpoint at Zeleni Jadar.<sup>4886</sup> On 3 June, the VRS attacked OP Echo.<sup>4887</sup> The DutchBat soldiers withdrew with FRANKEN’s reluctant authorisation.<sup>4888</sup>

1109. A DK report for 3 June, described “the forceful expulsion of UNPROFOR from the Zeleni Jadar post”:

In a very precise and professional operation, /?our firm and daring approach/ forced the UNPROFOR checkpoint in Zeleni Jadar to withdraw in panic to Srebrenica [...]

Force was used but there were no injuries to the UN personnel [...]

We have expended small amounts of ammunition and three zoljas /hand-held rocket launchers/.<sup>4889</sup>

<sup>4881</sup> M.NIKOLIĆ:T.12077; BUTLER:T.16161-16162,T.16182; P02203, para.1.38. While JEVĐEVIĆ distanced himself from P02100, he acknowledged the value of controlling Zeleni Jadar. JEVĐEVIĆ:T.31878.

<sup>4882</sup> FRANKEN:P01417, para.43.

<sup>4883</sup> P01147, V000-9266, 00:34’52-00:37’12, tp.59-60.

<sup>4884</sup> BUTLER:T.16161-16162,T.16182; FRANKEN:P01417, paras.38,43; KINGORI:P00034, paras.59-60.

<sup>4885</sup> P01153, pp.2-3. Capt. Milan JOLOVIĆ a.k.a. Legenda was the commander of the Manoeuvre Battalion of the DK, the Podrinje Detachment, better known as the Drina Wolves. See P02203, para.3.2; BUTLER:T.16416; JEVĐEVIĆ:T.31982; RM269:T.12704-12705(confidential); [REDACTED]; GALLAGHER:T.10108.

<sup>4886</sup> P01153; BUTLER:T.16182-16184. See also P05274, p.51.

<sup>4887</sup> FRANKEN:P01417, para.38; P02100. See also P01508, p.3; RAVE:T.10294-10295.

<sup>4888</sup> FRANKEN:P01417, para.38; D00279.

<sup>4889</sup> P02100. While we have no direct communication of the take-over of Zeleni Jadar to **MLADIĆ**, there is no question that given the strategic importance of this location, **MLADIĆ** must have been informed. **MLADIĆ** attended a meeting with KARADŽIĆ and Bishop JEFTIĆ in Vidikovac, Zvornik on 2 June. P00345, p.165. JEVĐEVIĆ claimed he did not author this report, issued in his name, and challenged its accuracy, suggesting that ŽIVANOVIĆ drafted it in JEVĐEVIĆ’s name. JEVĐEVIĆ’s obvious efforts to minimise his knowledge of and involvement in the attack, including his claim that no

1110. Publicly, however, the VRS denied the OP Echo attack, claiming that it did not use any weapons, an unvarying tactic of deception and denial that continued throughout contacts with the UN in July.<sup>4890</sup>

1111. Unsure whether the VRS ultimately intended to seize only part or all of the enclave, DutchBat erected two new OPs, Sierra and Uniform, to protect the southern approach to Srebrenica town, particularly the Swedish Shelter Project, where approximately 3,000 refugees were at risk because of their proximity to the Serbs' new position at OP Echo.<sup>4891</sup>

1112. ŽIVANOVIĆ subsequently confirmed that the attack on OP Echo had been the first step of the VRS' ultimate takeover of the Srebrenica enclave, declaring in a victory speech on 12 July that:

At the beginning of June, more precisely at the end of May, we started to carry out preparations and then took Zeleni Jadar and tested what the expulsion of UNPROFOR with weapons looks like.<sup>4892</sup>

1113. In late June 1995, KARADŽIĆ and Momčilo KRAJIŠNIK visited the DK Command in Vlasenica, and met KRSTIĆ, then DK Chief of Staff/Deputy Commander, after which KRSTIĆ began preparations for the attack on Srebrenica.<sup>4893</sup>

(ii) The Krivaja-95 Attack Order

1114. On 2 July, ŽIVANOVIĆ issued a warning order to DK brigades regarding the imminent attack on Srebrenica; in the order, ŽIVANOVIĆ explicitly stated that he was issuing the order pursuant to Directives 7 and 7/1 of the GŠ-VRS.<sup>4894</sup> Later that day, ŽIVANOVIĆ issued the *Krivaja-95* Attack Order outlining the objective of the operation:

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shots were fired and that he had no command role, are unsupported by the record and should be given no weight in light of the other corroborating evidence. JEVĐEVIĆ:T.31876-31885,T.31988-31991.

<sup>4890</sup> P07709, para.3.

<sup>4891</sup> FRANKEN:P01417, paras.39-41,43; P07709: paras.4-5. On 9 July, VRS forces took over these two OPs. See paras.1125-1126.

<sup>4892</sup> P01147, V000-9266, 00:34'52-00:35'20, tp.59-60.

<sup>4893</sup> ŽIVANOVIĆ was away from the Command at the time. LAZIĆ:P04322, T.21727-21728,T.21747-21748.

<sup>4894</sup> AF1318; P01464, para.2.

The Command of the Drina Corps, pursuant to Operations Directive no. 7 and 7/1 of the GŠ VRS/Main Staff of the Army of Republika Srpska/, and on the basis of the situation in the Corps area of responsibility, has the task of carrying out offensive activities with free forces deep in the Drina Corps zone, as soon as possible, in order to split apart the enclaves of Žepa and Srebrenica, and to *reduce them to their urban areas*.<sup>4895</sup>

1115. The *Krivaja-95* Attack Order was approved by **MLADIĆ** and a copy was sent to the GŠ-VRS.<sup>4896</sup> The GŠ-VRS followed the operational preparations and informed the Supreme Command and other corps of the progress of the operation.<sup>4897</sup>

1116. The *Krivaja-95* Attack Order reflected the VRS goal set out in Directive 7 to create an “unbearable situation” for the population and set the stage for the removal of the Bosnian Muslims from Srebrenica.<sup>4898</sup> *Krivaja-95*’s stated purpose of reducing the enclaves to their urban areas<sup>4899</sup> was to force the Bosnian Muslim population from the rural areas of the enclaves into the small towns of Srebrenica and Žepa and thereby create impossibly overcrowded conditions for the Muslim population, replicating the 1993 humanitarian disaster in Srebrenica,<sup>4900</sup> and ultimately giving the population no option but to leave. The *Krivaja-95* Attack Order also included the task “to create conditions for the elimination of the enclaves.”<sup>4901</sup> Forcing some 40,000 people into the small urban area of Srebrenica would create conditions requiring their departure, thus paving the way for the “elimination of the enclave”. ŽIVANOVIĆ’s *Krivaja-95* Attack Order meant the collapse of the UN enclave and the expulsion of the Muslim population.<sup>4902</sup>

<sup>4895</sup> P01465, p.3 (emphasis added); AF1318; AF1326; AF1334; LAZIĆ:P04322, T.21864 (KRSTIĆ obviously relied upon Directives 7 and 7/1 as the basis for ŽIVANOVIĆ’s *Krivaja-95* combat orders, P01464, P01465).

<sup>4896</sup> P01465, p.10; P01087, p.25; LJ.OBRADOVIĆ:T.14567-14568,T.14630-14631; BUTLER:T.16187-16188.

<sup>4897</sup> P02101; P05271, p.3; P01466.

<sup>4898</sup> BUTLER:T.16192-16194; P02203, para.3.5; P01968; P02095.

<sup>4899</sup> P01465, p.3.

<sup>4900</sup> AF1282-AF1284; AF1360; P02812, paras.18,24,30-31; P07361, p.6; M.MALAGIĆ:T.11209-11210; P06959; TUCKER:P00317, paras.176-180; BUTLER:T.16156. *See* para.410.

<sup>4901</sup> P01465, p.3; BUTLER:T.16194-16196.

<sup>4902</sup> The Prosecution’s use of the term “eliminate” in the JCE to Eliminate is meant to mean both the expulsion of the Muslim population and the murder of the able-bodied men and boys.

1117. The *Krivaja-95* Attack Order also provided for measures to gather and secure PoWs and to regulate the security system in the area of combat activities. These tasks were naturally assigned to “[s]ecurity organs and military police.”<sup>4903</sup>

1118. The attack on the Srebrenica enclave had two legitimate military objectives: first, ensure demilitarisation of the enclave, thereby preventing the 28<sup>th</sup> Division from attacking outside the enclave; and second, completely sever all contact between the Srebrenica and Žepa enclaves. However, a third objective, to create conditions making life impossible for the civilian population of Srebrenica, targeting the civilian population with the intention of completely eliminating the enclaves, manifestly represented a serious violation of international criminal law. Legitimate military objectives do not negate illegal and criminal objectives.<sup>4904</sup> **MLADIĆ** and the other overarching JCE members involved in the *Krivaja-95* attacks, intended to achieve the crime of removing the Muslim populations of Srebrenica.

(iii) 6-7 July, Targeting of DutchBat OPs and Muslim civilians during the attack on the Srebrenica enclave

1119. On 6 July, VRS units attacked the Srebrenica safe area.<sup>4905</sup> The VRS used tanks, heavy artillery, aerial bombs, mortars, shells and rockets to pound the entire enclave.<sup>4906</sup> Much of the shelling of Srebrenica was random and civilians were wounded and hospitalised.<sup>4907</sup> In the southeast of the enclave (due north of OP Echo), OP Foxtrot suffered direct VRS tank, mortar and small arms fire.<sup>4908</sup>

1120. When the attack began, shells fell over 50 at a time, stopped for a while, and then continued from one side of Srebrenica to the other.<sup>4909</sup> The VRS targeted the market area, the hospital and the PTT building.<sup>4910</sup>

<sup>4903</sup> P01465, pp.6-7. *See also* para.1083.

<sup>4904</sup> *Popović et al.* TJ, paras.774-775; *Popović et al.* AJ, paras.602-606.

<sup>4905</sup> AF1363; P02203, para.3.10.

<sup>4906</sup> AF1298; AF1364; FRANKEN:P01417, paras.45-46; BOERING:P01139, T.1920-1922; NICOLAI:P01165, para.41; KINGORI:P00034, para.63; D00303, p.4; P00064; P00041, pp.5-6; RAVE:T.10188; P07263; V.BLAGOJEVIĆ:T.33565-33566.

<sup>4907</sup> FRANKEN:P01417, para.46; KINGORI:P00034, paras.71-73; KINGORI:T.1043-1044; RAVE:T.10287,T.10292.

<sup>4908</sup> FRANKEN:P01417, paras.45-46. *See also* AF1367.

<sup>4909</sup> KINGORI:P00034, para.66.

<sup>4910</sup> KINGORI:P00034, paras.75-77; P00041.

1121. In the early morning of 7 July, the VRS concentrated heavy weapons shelling on civilian targets in Srebrenica and Potočari, resulting in more deaths and injuries.<sup>4911</sup> More than 200 shells hit Srebrenica on 7 July.<sup>4912</sup> Casualties would have been higher, but civilians in Srebrenica had places to hide which they knew were safe based on previous shelling incidents.<sup>4913</sup> By the second day of shelling, approximately four civilians had been killed.<sup>4914</sup>

1122. Over the next few days, the VRS continued to shell civilians and civilian targets in the enclave,<sup>4915</sup> resulting in numerous civilian deaths and injuries.<sup>4916</sup> The VRS also fired on DutchBat OPs, positions and vehicles with tanks, artillery, mortar shells, rockets, and small arms.<sup>4917</sup> DutchBat's Potočari compound and the area around it were targeted.<sup>4918</sup> When DutchBat set up blocking positions with their APCs to stop the Serb advance, they too were shelled.<sup>4919</sup> DutchBat soldiers suffered injuries as a result of the VRS attack.<sup>4920</sup>

(iv) 8 July, GŠ-VRS attack on the enclave continued

1123. 8 July was the heaviest day of shelling and was concentrated from the early morning on the densely populated areas of Srebrenica and Potočari.<sup>4921</sup> Shrapnel began penetrating the wooden window replacements at the PTT building, heightening the anxiety of the civilians there.<sup>4922</sup>

1124. A VRS tank repeatedly fired at DutchBat OP Foxtrot, blowing away the OP's defence wall and forcing the peacekeepers to abandon their position.<sup>4923</sup> As the

<sup>4911</sup> KINGORI:P00034, paras.77-87; P00053.

<sup>4912</sup> KINGORI:P00034, para.86; P00053; P00043.

<sup>4913</sup> KINGORI:P00034, para.83.

<sup>4914</sup> KINGORI:P00034, para.87; RM323:P03524, T.3943(confidential).

<sup>4915</sup> P01173; BOERING:P01139, T.1931-1932; FRANKEN:P01417, para.46; KINGORI:P00034, para.73; KOSTER:P00057, p.8; NICOLAI:P01165, para.45. *See also* EGBERS:P01629, T.2213-2214.

<sup>4916</sup> RAVE:T.10287; P01152; NICOLAI:T.10650-10651; P00041, p.2; KINGORI:P00034, para.82; P00053; KOSTER:P00057, p.8.

<sup>4917</sup> P00041, pp.5-6; FRANKEN:P01417, paras.45-46; GROENEWEGEN:P01157, paras.14-15; KOSTER:P00057, pp.7-8; NICOLAI, T.10580; RAVE:T.10292-10293.

<sup>4918</sup> AF1364; KINGORI:P00034, paras.77,89,117,122; KOSTER:P00057, p.8; FRANKEN:P01417, paras.45-46; P00041; P00053.

<sup>4919</sup> EGBERS:T.13372,T.13413; FRANKEN:P01417, para.53.

<sup>4920</sup> FRANKEN:P01417, para.53; EGBERS:T.13372.

<sup>4921</sup> AF1371; KINGORI:P00034, paras.84,89; P00044; P07221.

<sup>4922</sup> KINGORI:P00034, para.91.

<sup>4923</sup> FRANKEN:P01417, para.47; NICOLAI:T.10580; P01170.

peacekeepers passed through an ABiH position, the ABiH fired on the Dutch peacekeepers to prevent them from withdrawing, killing one peacekeeper.<sup>4924</sup>

(v) 9 July, GŠ-VRS disabled and deceived UNPROFOR

1125. The intense shelling of Srebrenica resumed at 08:00 hours on 9 July, again concentrating on the centre of Srebrenica town.<sup>4925</sup> In the north of the enclave, OP Mike came under direct VRS tank and mortar fire, and DutchBat peacekeepers were forced to withdraw to the area of Jagličići.<sup>4926</sup> To the south, OPs Uniform and Sierra were overrun by the more heavily-armed VRS forces.<sup>4927</sup> The VRS intentionally attacked the UN positions. The VRS could differentiate between the ABiH fighters and the UN peacekeepers in their white OPs because it was obvious what was an OP and what was not.<sup>4928</sup> Over the next two days, additional DutchBat OPs also fell after attack or surrendered in advance to the VRS.<sup>4929</sup> The peacekeepers were taken to the Hotel Fontana in Bratunac, where they were detained.<sup>4930</sup>

1126. A 9 July DutchBat report summarised the severely deteriorating situation in Srebrenica, describing the civilian catastrophe caused by the VRS shelling using artillery, mortars and multiple rocket launcher systems; the direct targeting of OP Foxtrot by a VRS tank; and the forcible surrender of OPs Uniform and Sierra.<sup>4931</sup> The VRS attack was premeditated and well-organised and placed the VRS in position to conquer the entire enclave.

1127. Shots originating from the VRS Bratunac Brigade positions hit the Swedish Shelter Project, a housing project providing homes for several thousand people,<sup>4932</sup> causing the refugees housed there to flee towards Srebrenica in mounting panic.<sup>4933</sup> The streets became choked with people. There was not enough food or drink. The

<sup>4924</sup> FRANKEN:P01417, para.47; FRANKEN:T.10784; NICOLAI:P01165, para.43; NICOLAI:T.10580-10581; P01170; KOSTER:P00057, p.7. The Muslim army in Srebrenica was not a bigger threat to UNPROFOR than the VRS: FRANKEN:T.10784; EGBERS:P01629, T.2208-T.2211.

<sup>4925</sup> AF1365; P00045; P00046; NICOLAI:P01165, para.45. See also P07221; P07222; TRIŠIĆ:T.33283-33287.

<sup>4926</sup> FRANKEN:P01417, para.48; FRANKEN:T.10787; GROENEWEGEN:P01157, para.14.

<sup>4927</sup> FRANKEN:P01417, para.51; KOSTER:P00057, p.7; KOSTER:T.1265; D00145.

<sup>4928</sup> RAVE:T.10208.

<sup>4929</sup> AF1365; AF1367-1369; SMITH:P00785, para.150; FRANKEN:T.10784-10785; NICOLAI:P01165, para.47; NICOLAI:T.10597; KOSTER:P00057, p.7; KOSTER:T.1266.

<sup>4930</sup> AF1370; FRANKEN:P01417, para.59; BOERING:P01139, T.1923-1924, T.1929.

<sup>4931</sup> P01173; NICOLAI:T.10593-10596.

<sup>4932</sup> P02099, pp.21-22.

<sup>4933</sup> AF1373; FRANKEN:P01417, para.51; P00045, p.1; P01173, p.2.

VRS fired mortars into the crowds.<sup>4934</sup> Close air support for DutchBat was not deemed feasible at that time because of the risk that the VRS would retaliate against both DutchBat and Srebrenica itself.<sup>4935</sup>

1128. Over the following days, **MLADIĆ**, TOLIMIR and GVERO repeatedly lied to UNPROFOR to keep UNPROFOR guessing at the VRS' true intentions and thereby preventing UNPROFOR from taking significant military action.

1129. On 9 July at 17:50 hours,<sup>4936</sup> by which time the VRS had penetrated more than 4km into the enclave and were positioned only 1km from the centre of Srebrenica,<sup>4937</sup> NICOLAI warned TOLIMIR that UNPROFOR would defend the safe area with all means against the VRS attack and repeatedly requested the VRS withdraw south to the agreed 1993 confrontation line. Obstructing NICOLAI's attempt to stop the assault, TOLIMIR promised that he would check NICOLAI's information directly on the ground and asked NICOLAI to call him back.<sup>4938</sup> It is not credible that TOLIMIR would have been unaware of the location of the VRS frontline four days into combat operations.

1130. Around 18:20-18:30 hours, JANVIER attempted to reach **MLADIĆ** at the GŠ-VRS, but was told that **MLADIĆ** was "in the field."<sup>4939</sup> JANVIER left a message for **MLADIĆ** to withdraw his soldiers attacking Srebrenica by 08:00 hours the following morning.<sup>4940</sup> UNPROFOR then sent a warning directed to **MLADIĆ** that DutchBat had been ordered to take up a blocking position to the south of Srebrenica town and that if the VRS attacked the blocking position, NATO close air support would be employed.<sup>4941</sup> The warning was also released as a press statement to inform the international community of the gravity of the situation.<sup>4942</sup>

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<sup>4934</sup> BOERING:P01139, T.1931-1932.

<sup>4935</sup> NICOLAI:T.10595.

<sup>4936</sup> P01177.

<sup>4937</sup> AF1374.

<sup>4938</sup> NICOLAI:P01165, para.48; P01177; P01189(confidential)(intercepting same conversation as P03335 and P03336); P01407(confidential)(audio recording of same conversation).

<sup>4939</sup> P03333, p.4(confidential). *See also* P01194(confidential).

<sup>4940</sup> P03334; P03333(confidential)(intercepting same conversation as P03334); P01203 (noting that record no.524, the conversation in P03333(confidential), occurred at 18:30 hours and involved an interpreter for JANVIER).

<sup>4941</sup> P01152; NICOLAI:P01165, para.45; NICOLAI:T.10651.

<sup>4942</sup> NICOLAI:P01165, para.45; P01152.

1131. At 19:30 hours,<sup>4943</sup> NICOLAI again confronted TOLIMIR about the immediate threat the VRS posed to the enclave and insisted that the VRS cease its offensive and immediately release the DutchBat peacekeepers, warning of a serious counter-reaction from UNPROFOR should the attack continue.<sup>4944</sup> While many DutchBat soldiers were still being held hostage at the Hotel Fontana, TOLIMIR untruthfully and evasively repeated that there was no conflict between the VRS and UNPROFOR or the Srebrenica civilian population, and that the only conflict was with ABiH forces in the south of the enclave trying to link up with Žepa.<sup>4945</sup>

1132. The GŠ-VRS's delaying tactics of lies and deception through 11 July<sup>4946</sup> delayed the decision-making process regarding employment of NATO close air support, which—as all the parties in the conflict understood—was UNPROFOR's only means of repelling a VRS attack on the safe area.

(vi) 9 July, BSL's decision to take over the Srebrenica enclave

1133. In an interim combat report sent by KRSTIĆ to the GŠ-VRS the night of 9 July, KRSTIĆ reported on the stunning progress of the VRS attack earlier that day: “our units carried out a fierce attack” from the south, “thus separating the enclaves of Žepa and Srebrenica, carried out the immediate task and created conditions for extending the attack towards Srebrenica.”<sup>4947</sup> KRSTIĆ proposed “taking advantage of the success achieved, regroup the forces and carry out a vigorous and decisive attack towards Srebrenica.”<sup>4948</sup>

1134. Approximately 30 minutes later, TOLIMIR, the senior officer at the GŠ-VRS Command, passed down KARADŽIĆ's order:

The President of Republika Srpska has been informed of successful combat operations around Srebrenica by units of the Drina Corps and that they have achieved results which enable them to occupy the very town of Srebrenica. The President of the Republic is satisfied with the results of combat operations around Srebrenica and has

<sup>4943</sup> NICOLAI:P01165, para.49; P01172.

<sup>4944</sup> P01172.

<sup>4945</sup> P01172; P01191(confidential); P01192(confidential); NICOLAI:P01165, para.49.

<sup>4946</sup> See P01409(confidential); P01199(confidential).

<sup>4947</sup> D00288.

<sup>4948</sup> D00288; BUTLER:T.16196-16197.

agreed with the continuation of operations for the takeover of Srebrenica [. . .].<sup>4949</sup>

The proposed takeover with which KARADŽIĆ agreed must have been approved by **MLADIĆ**, as it marked a significant change from Directive 7 which had not conceived of a takeover until UNPROFOR left the area.<sup>4950</sup> **MLADIĆ** must therefore have approved KRSTIĆ's proposal, which was then passed on by TOLIMIR to the President. The decision to take the enclave paved the way for the actions against the inhabitants of Srebrenica in the upcoming days.

1135. In the evening on 9 July, UNPROFOR Command in Sarajevo ordered DutchBat to defend the enclave with all means.<sup>4951</sup> FRANKEN issued a "green order" to Bravo Company Commander GROEN<sup>4952</sup> to set up blocking positions to prevent the VRS from entering Srebrenica town.<sup>4953</sup> This "seriously meant green order" authorised DutchBat peacekeepers to use all means as a normal army, and to fire back at the VRS if attacked again.<sup>4954</sup> The green order required DutchBat peacekeepers to engage the VRS forces both in defence of the civilian population and in self-defence.<sup>4955</sup>

1136. DutchBat took up blocking positions between the VRS and Srebrenica town as a "line in the sand",<sup>4956</sup> past which the VRS would demonstrate to the international community its willingness to attack the UN even as the UN defended Srebrenica's civilian population.<sup>4957</sup> The Defence notion that the blocking positions were designed to serve as a pretext for or "provoke" the VRS into firing at the peacekeepers or Srebrenica town<sup>4958</sup> is absurd given that the peacekeepers and the civilian population had already been targeted for days.

(vii) 10 July, GŠ-VRS continued to disable and deceive UNPROFOR

<sup>4949</sup> P01466; TRIVIĆ:T.11266-11268.

<sup>4950</sup> P01469, p.11.

<sup>4951</sup> FRANKEN:P01417, para.52; FRANKEN:T.10725-10726; SMITH:P01165, para.45.

<sup>4952</sup> FRANKEN:P01417, para.52; FRANKEN:T.10726-10727.

<sup>4953</sup> FRANKEN:P01417, para.52.

<sup>4954</sup> FRANKEN:P01417, para.52; P01421; FRANKEN:T.10728-10729.

<sup>4955</sup> FRANKEN:T.10727-10728.

<sup>4956</sup> NICOLAI:T.10645-10648.

<sup>4957</sup> NICOLAI:T.10645-10647; FRANKEN:P01417, para.52; P00047; EGBERS:P01629, T.2212-2216; VAN DUIJN:P01154, T.2264-2266; VAN DUIJN:T.10304-10306.

<sup>4958</sup> NICOLAI:T.10645-10648.

1137. On 10 July, **MLADIĆ** supervised the attack on Srebrenica from the DK IKM in Pribičevac.<sup>4959</sup> By early afternoon, **MLADIĆ**, taking advantage of his successes in the attack on Srebrenica and anticipating its fall, ordered preparations for combat operations around the Žepa enclave.<sup>4960</sup>

1138. At 10:45 hours, JANVIER contacted the GŠ-VRS and spoke with **MLADIĆ**. **MLADIĆ** repeated the justification for the VRS attack, stating the ABiH had recently launched attacks from the enclave and burned Serb villages in an effort to link Srebrenica and Žepa.<sup>4961</sup> **MLADIĆ** falsely told JANVIER “we are doing everything to keep the situation under control and for it not to escalate,” and promised to “look into the whole matter and do everything to get it completely under control,” and to speak again with JANVIER at 18:00 hours after going to “the spot and see[ing] the situation” himself.<sup>4962</sup> UNPROFOR’s blocking positions and APCs came under direct VRS machine gun, tank and artillery fire beginning in the morning of 10 July.<sup>4963</sup>

1139. During 9-10 July, civilians poured into Srebrenica town, including into the DutchBat Bravo Company compound in Srebrenica.<sup>4964</sup> On 10 July there was “massive” shelling of Srebrenica, including the DutchBat compound there.<sup>4965</sup> Two heavy artillery shells hit the area immediately surrounding the hospital, shattering windows and showering the rooms of the hospital with shrapnel.<sup>4966</sup> The hospital was not being used for military purposes.<sup>4967</sup> **MLADIĆ** “personally commanded” from the DK IKM at Pribičevac as Srebrenica town was being heavily shelled that afternoon.<sup>4968</sup>

1140. Later that day, the VRS delivered an ultimatum to DutchBat via one of the captured DutchBat soldiers: civilians have 48 hours from 06:00 hours on 11 July to

<sup>4959</sup> P01467, p.17; [REDACTED]; P02107.

<sup>4960</sup> P02106; BUTLER:T.16221-16222.

<sup>4961</sup> P01197(confidential); P01198(confidential); P01196(confidential).

<sup>4962</sup> P01197(confidential).

<sup>4963</sup> FRANKEN:P01417, paras.53,55; P00047.

<sup>4964</sup> AF1373; AF1375; BOERING:P01139, T.1923,T.1931; KINGORI:P00034, paras.108-109; KOSTER:P00057, p.8.

<sup>4965</sup> AF1366; FRANKEN:P01417, para.55; KINGORI:P00034, paras.116-118; P00049; D00021, p.3; P00048.

<sup>4966</sup> KINGORI:P00034, para.121; P00047; P00065; SCHMITZ:T.944-947,T.982-983 (while around 20 armed soldiers accompanied their wounded colleagues at the hospital, the hospital was not being used for military purposes). *See also* RM323:P03524, T.3943(confidential).

<sup>4967</sup> KINGORI:P00034, para.97; P00047.

<sup>4968</sup> P01467, pp.17; P00724, p.2; P02107; D00021, p.3 (“at 1552hrs Srebrenica town came under another heavy shelling resulting in 9 serious injuries”); P00049.

leave the enclave through Yellow Bridge, and DutchBat and international organisation staff should leave the enclave and hand over their weapons.<sup>4969</sup>

1141. **MLADIĆ**'s forces took over the OPs, taking the outnumbered DutchBat soldiers prisoner and confiscating the APCs and equipment.<sup>4970</sup>

1142. With the blocking positions under direct VRS fire, NICOLAI quickly approved KARREMANS' request for close air support on the afternoon of 10 July.<sup>4971</sup> However, as it became dark and difficult to distinguish between the UN and VRS forces who had come so close,<sup>4972</sup> close air support was not deployed. JANVIER promised the airplanes would be available the next morning if necessary.<sup>4973</sup>

(viii) 11 July, the fall of Srebrenica town

1143. Early on 11 July, KARREMANS met ABiH and civilian leaders to discuss the VRS ultimatum. DutchBat then issued its own ultimatum to the VRS: by 06:00 hours on 11 July, stop the attack, withdraw to the 1993 confrontation line or there will be a massive air strike.<sup>4974</sup>

1144. As everyone awaited NATO air support, the early morning of 11 July was unusually calm.<sup>4975</sup> However, by late morning VRS shelling resumed.<sup>4976</sup> Thousands of civilians gathered near and inside the Bravo Company compound,<sup>4977</sup> which the VRS also shelled.<sup>4978</sup>

1145. With SF occupying the high ground around Srebrenica town, FRANKEN ordered his Bravo Company soldiers to follow the refugees who had already started to

<sup>4969</sup> P01427; D00022, p.3; KINGORI:P00034, para.136; P01410(confidential); P01202(confidential); FRANKEN:P01417, para.56.

<sup>4970</sup> P00795, p.2; FRANKEN:P01417, paras.48-49,58-59; BOERING:P01139, T.1871-1872,T.1923-1924,T.1929.

<sup>4971</sup> NICOLAI:P01165, para.50; RAVE:T.10204.

<sup>4972</sup> NICOLAI:P01165, para.51.

<sup>4973</sup> NICOLAI:P01165, para.51.

<sup>4974</sup> KINGORI:P00034, paras.126-127; D00022, pp.2-3.

<sup>4975</sup> D00022, p.3.

<sup>4976</sup> D00022, p.3.

<sup>4977</sup> AF1378; BOERING:P01139, T.1931-1932; [REDACTED]; RAVE:T.10169; M.MALAGIĆ:P01462, T.10017; VAN DUIJN:P01154, T.2268; P01147, V000-9265, 00:10'22-00:14'12.

<sup>4978</sup> AF1379; [REDACTED]; RAVE:T.10169; M.MALAGIĆ:P01462, T.10019-10020; BOERING:P01139, T.1932.

flee towards Potočari and stay between the advancing SF and the fleeing civilians.<sup>4979</sup> DutchBat trucks and APCs sent from the Potočari compound<sup>4980</sup> were used to transport the refugees, including the sick and wounded.<sup>4981</sup> The column of refugees and peacekeepers was shelled on either side by VRS mortars and artillery, forcing them to the main UN base in Potočari.<sup>4982</sup>

1146. On arrival in Potočari, the refugees were kept outside the DutchBat compound because the VRS had threatened to shell the compound.<sup>4983</sup> Once refugees were allowed into the compound, they filled all available space and overflowed into the adjacent industrial area.<sup>4984</sup> They were terrified<sup>4985</sup> and the humanitarian situation was desperate.<sup>4986</sup>

1147. NATO close air support was finally delivered in the early afternoon of 11 July,<sup>4987</sup> but was followed by a VRS threat: stop further air support or the VRS would shell the base, including the areas where the civilians were gathered, and kill the DutchBat soldiers being held in Bratunac.<sup>4988</sup> Though FRANKEN did not take the threat to execute his soldiers seriously, he considered the VRS threat to shell the Potočari compound as serious and realistic given the VRS' previous targeting of civilians.<sup>4989</sup> Shortly after the threat was issued, the VRS shelled a bus station outside the compound and fired a full round from the multiple rocket launcher in the area of Potočari,<sup>4990</sup> causing casualties and tremendous panic among the civilians there.<sup>4991</sup>

<sup>4979</sup> FRANKEN:P01417, para.60; BOERING:P01139, T.1931-1932,T.1937-1938.

<sup>4980</sup> AF1380; RM362:P03525, T.17304-17306(confidential); GROENEWEGEN:P01157, para.18; VAN DUIJN:P01154, T.2268.

<sup>4981</sup> FRANKEN:P01417, para.61; RAVE:T.10167-10170; RAVE:P01149, paras.18-19; EGBERS:P01629, T.2218-2219; GROENEWEGEN:P01157, para.18; KOSTER:P00057, pp.9-10; VAN DUIJN:P01154, T.2271; P01147, V000-9265, 00:15'01-00:18'44.

<sup>4982</sup> FRANKEN:P01417, para.61; EGBERS:P01629, T.2219-2220; BOERING:P01139, T.1938; RAVE:T.10171; RAVE:P01149, para.18; M.MALAGIĆ:P01462, T.10021-10022(confidential); SCHMITZ:P00027, para.33.

<sup>4983</sup> FRANKEN:P01417, paras.64-65; KOSTER:P00057, pp.9-10; D00022.

<sup>4984</sup> AF1390-AF1391; FRANKEN:P01417, para.64; M.MALAGIĆ:P01462, T.10023; GROENEWEGEN:P01157, para.22; RM255:P00055, p.2(confidential).

<sup>4985</sup> KOSTER:P00057, p.9; GROENEWEGEN:P01157, paras.18-19; SCHMITZ:P00027, para.38.

<sup>4986</sup> AF1393-AF1394; D00022, p.4; BOERING:P01139, T.1940; FRANKEN:P01417, para.67. Over the next few days, some people committed suicide or attempted to do so, and women gave birth in inadequate conditions. AF1400; KOSTER:P00057, pp.10,14; SCHMITZ:T.1011; P00038.

<sup>4987</sup> AF1383-AF1384; FRANKEN:P01417, para.65; NICOLAI:P01165, p.12; KINGORI:P00034, para.130; [REDACTED]; KOSTER:P00057, p.9; JANJIĆ:T.11019-11020.

<sup>4988</sup> FRANKEN:P01417, para.65; FRANKEN:T.10792; BOERING:P01139, T.1928-1929.

<sup>4989</sup> FRANKEN:P01417, para.65.

<sup>4990</sup> FRANKEN:P01417, para.65.

<sup>4991</sup> FRANKEN:P01417, para.65; KINGORI P00034, paras.133,138-140.

UNPROFOR halted further air support because of the threats, and the VRS continued its advance.<sup>4992</sup>

1148. Following the NATO air support, NICOLAI spoke with GVERO about the continuing VRS attack on UNPROFOR peacekeepers in Srebrenica with tank and artillery fire.<sup>4993</sup> GVERO threatened that if NICOLAI did not halt NATO air support, NICOLAI would be held responsible for all further developments and the destiny of his men and the civilian population in Srebrenica; <sup>4994</sup> language that chillingly mirrored **MLADIĆ**'s threat to Nesib MANDŽIĆ at the Hotel Fontana.<sup>4995</sup> NICOLAI took GVERO's threat seriously, given the demonstrated willingness of the VRS to fire on civilian targets, as it had in May when scores of civilians were killed in Tuzla by VRS retaliatory shelling immediately following NATO air strikes.<sup>4996</sup> GVERO also persisted in the VRS denials that it was attacking UNPROFOR and the civilian population and preposterously claimed that UNPROFOR troops were forced by the ABiH to send such reports.<sup>4997</sup>

1149. To avert what they believed would be a blood-bath, UNPROFOR called off further air support.<sup>4998</sup> The threats by **MLADIĆ** and his closest subordinates and other VRS tactics effectively crippled UNPROFOR and NATO, preventing them from providing any significant protection to the Muslim population.

1150. Immediately following his conversation with NICOLAI, GVERO delivered an update to KARADŽIĆ, assuring him that "[e]verything is going according to plan and do not worry".<sup>4999</sup> Twenty minutes later, GVERO reported to KARADŽIĆ that the attack had succeeded.<sup>5000</sup>

1151. Following his conversation with NICOLAI, GVERO issued a "Warning on treatment of UNPROFOR personnel in the enclave of Srebrenica," in which he noted that the attitude of the VRS towards UNPROFOR was the focus of world opinion and

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<sup>4992</sup> NICOLAI:P01165, para.56.

<sup>4993</sup> P01168; NICOLAI:P01165, para.55. *See also* NICOLAI:P01165, para.25.

<sup>4994</sup> P01168; P01204; NICOLAI:P01165, para.55; NICOLAI:T.10601-10604.

<sup>4995</sup> P01147, V000-9265, 01:33'42-01:38'19.

<sup>4996</sup> NICOLAI:T.10603-10604; NICOLAI:P01165, paras.30-31; SMITH:P00785, para.116; HARLAND:P00001, para.183.

<sup>4997</sup> NICOLAI:P01165, para.55; NICOLAI:T.10601-10603; SMITH:P00785, paras.150-151. *See also* P01168; P01204.

<sup>4998</sup> NICOLAI:P01165, paras.56-57.

<sup>4999</sup> P01205(confidential).

therefore the DK should avoid any “actions and provocations” against UNPROFOR units in the enclave.<sup>5001</sup> GVERO’s warning thus reflected his propagandist’s recognition that not further maltreating UNPROFOR, now that it no longer stood in the VRS’ way, had “multifarious” importance, including that the “set objectives” of the VRS to remove the Muslim population completely and efficiently would be best served with the least international scrutiny or condemnation.<sup>5002</sup>

1152. GVERO was receiving timely and accurate reporting of the events in Potočari.<sup>5003</sup> GVERO rejected NICOLAI’s involvement, insisting that all contact be between **MLADIĆ** and KARREMANS only.<sup>5004</sup> GVERO understood that the VRS had the upper hand by dealing not with a general, but with KARREMANS, who was boxed-in and “talking from the jail.”<sup>5005</sup>

(ix) 11 July, **MLADIĆ** enters Srebrenica town

1153. **MLADIĆ** was present at the Pribičevac IKM throughout the morning of 11 July,<sup>5006</sup> leading his troops in crushing the last resistance of the ABiH and neutralising all efforts made by Dutchbat to slow the VRS advance.<sup>5007</sup> Srebrenica town fell to **MLADIĆ** and SF on the afternoon of 11 July.<sup>5008</sup> That afternoon, **MLADIĆ** ordered BOROVIČANIN to take his troops from the Žuti Most checkpoint and make an assault on Potočari; however, BOROVIČANIN’s troops had not yet arrived in Bratunac, and he was unable to begin the assault on Potočari that day.<sup>5009</sup>

1154. As Srebrenica town fell, thousands of women, children and men fled to the UNPROFOR compound in Potočari and sought protection.<sup>5010</sup> These refugees remained in and around Potočari from 11-13 July. Meanwhile, approximately 15,000 Muslim men and boys, with some women and children, fled from Šušnjari and Jaglići

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<sup>5000</sup> P01206(confidential) (“President, Serbian silver, the Serbian church, the Serbian flag”).

<sup>5001</sup> P02484.

<sup>5002</sup> P02484.

<sup>5003</sup> P01169; P01240(confidential).

<sup>5004</sup> P01169; P01240(confidential); NICOLAI:P01165, para.60.

<sup>5005</sup> SMITH:P00785, para.155.

<sup>5006</sup> [REDACTED]; D00285, p.12.

<sup>5007</sup> P00724, p.2; P02203, paras.3.17-3.18; FRANKEN:P01417, paras.60-66; P01467, p.20.

<sup>5008</sup> AF1366; AF1377.

<sup>5009</sup> P00724, p.2.

<sup>5010</sup> AF1390. *See e.g.*, RM362:P03525, T.17304-17305(confidential); RM323:P03524, T.3945-3950(confidential).

toward Konjević Polje and Tuzla.<sup>5011</sup> About a third of this group consisted of armed men.<sup>5012</sup> The rest were unarmed soldiers and civilians.<sup>5013</sup>

1155. Upon the fall of Srebrenica town, members of the 10<sup>th</sup> Sabotage Detachment entered Srebrenica and called on the few people who remained to leave their houses.<sup>5014</sup> Detachment Commander PELEMIŠ ordered his subordinate Zoran OBRENOVIĆ<sup>5015</sup> to slit the throat of a Bosnian Muslim man they encountered, which OBRENOVIĆ did.<sup>5016</sup>

1156. At about 17:30 hours,<sup>5017</sup> **MLADIĆ**, accompanied by ŽIVANOVIĆ, KRSTIĆ, POPOVIĆ, TRIVIĆ and other VRS officers, took a triumphant walk through the empty streets of Srebrenica town.<sup>5018</sup> At one point, **MLADIĆ** revealed his hateful intentions towards the Srebrenica population, declaring into a TV camera:

Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet [another] great Serb holiday, we give this town to the Serb people as a gift. Finally, after the Rebellion against the Dahis, the time has come to take revenge on the Turks in this region.<sup>5019</sup>

1157. After walking through the town, **MLADIĆ** was driven back to Bratunac via Srebrenica-Pribičevac-Sase-Bratunac.<sup>5020</sup> He arrived at the Hotel Fontana shortly before the first meeting with Dutchbat that evening.<sup>5021</sup>

<sup>5011</sup> AF1382; AF1440-AF1441; AF1443-AF1445; AF1447-AF1450; M.ORIĆ:P01757, T.871-873. See also RM274:P03098, T.6972-6973(confidential); RM256:P01592, paras.3-4(confidential).

<sup>5012</sup> AF1450.

<sup>5013</sup> VAN DUJN:P01154, T.2271-2272; RM253:P01547, para.3(confidential).

<sup>5014</sup> AF1386.

<sup>5015</sup> ERDEMOVIĆ gives the soldier's first name Zoran with nickname "Marić": ERDEMOVIĆ:T.13711. PELEMIŠ denied the incident but confirmed Zoran OBRENOVIĆ was nicknamed "Maljić": PELEMIŠ:T.33810-33811; D00320.

<sup>5016</sup> AF1387; ERDEMOVIĆ:T.13710-13712,T.13741; ERDEMOVIĆ:P01673, T.837-839; P01147, V000-9266, 00:00'16-00:01'18; P01148, pp.53-54. See also P01538, 00:37'42-00:38'20 (showing the same body in the centre of Srebrenica with two other bodies on 14 July); Z.PETROVIĆ:P03347, T.18822-18823(confidential); BLASZCZYK:T.11525-11526,T.11539.

<sup>5017</sup> P01467, p.23.

<sup>5018</sup> AF1387; P01147, V000-9265, 00:24'43-00:33'31; P01148, pp.33-41.

<sup>5019</sup> P01147, V000-9265, 00:30'53-00:31'17, tp.11.

<sup>5020</sup> JANJIĆ:T.11017-11019. See also P.ANDRIĆ:T.34099-34101. That evening **MLADIĆ** could not travel directly from Srebrenica town to Bratunac through Potočari, because the VRS did not yet control Potočari. See paras.1153,1163.

<sup>5021</sup> **MLADIĆ** told KARREMANS "I had just arrived from Srebrenica before our first meeting here." P01147, V000-9265, 01:23'05-01:23'12, tp.37. The route from Srebrenica-Pribičevac-Sase-Bratunac was approximately 40km. P01087, p.9. Estimating that **MLADIĆ** left Srebrenica town between 18:00 and 18:30 hours, he would have arrived at Hotel Fontana not long before the meeting at 20:00 hours.

1158. By the evening of 11 July, about 20,000-25,000 Muslim refugees from Srebrenica, including 1,000-2,000 able-bodied men,<sup>5022</sup> had gathered in and around the DutchBat HQ in Potočari.<sup>5023</sup> Over the next few days, SF singled out some refugees in Potočari for individual abuse and intimidation, including murder, beatings and other physical cruelty.<sup>5024</sup>

(b) Plan to Implement the JCE to Eliminate

(i) 11 July, First Hotel Fontana Meeting, DutchBat informs MLADIĆ that the enclave is lost and requests permission to leave with the population

1159. On the evening of 11 July, two meetings took place at the Hotel Fontana in Bratunac. The first meeting ("First Hotel Fontana Meeting"), at around 20:00 hours, was attended by **MLADIĆ**, ŽIVANOVIĆ, GŠ-VRS Intelligence Officer Radoslav JANKOVIĆ, KOSORIĆ, KARREMANS, BOERING and RAVE.<sup>5025</sup> Momir NIKOLIĆ was assigned the task of securing the hotel and overheard what was being discussed at the meeting.<sup>5026</sup> By this time, NIKOLIĆ had received intelligence reports estimating there were about 1,000-2,000 able-bodied Muslim men in Potočari and passed this crucial information to his superiors, which would have included **MLADIĆ**.<sup>5027</sup> Col. JANKOVIĆ shared an office with NIKOLIĆ and was fully apprised of this intelligence information.<sup>5028</sup> NIKOLIĆ and JANKOVIĆ were at the two Hotel Fontana meetings on 11 July together with **MLADIĆ**. There can be no doubt that **MLADIĆ** would have been informed immediately of this vital information, as the presence of Muslim men in Potočari was important militarily

<sup>5022</sup> See para.1159.

<sup>5023</sup> AF1390-AF1391; [REDACTED]; FRANKEN:P01417, paras.86,92; KINGORI:P00034, para.164; D00022, p.4; P00050, p.4; P00724, p.2; P02117, p.1; D01316, p.1.

<sup>5024</sup> AF1399. See paras.1186,1188-1192,1236,1410-1411.

<sup>5025</sup> P01147, V000-9265, 00:33'32-01:12'53, tp.13-32; P01148, pp.42-44; BOERING:P01139, T.1941-1944,T.1947-1948 referring to P01142; RAVE:P01149, paras.22-24,26; M.NIKOLIĆ:D00301, para.3.

<sup>5026</sup> M.NIKOLIĆ:T.11809-11811; BOERING:P01139, T.1942-1943,T.1947; RAVE:P01149, para.24.

<sup>5027</sup> M.NIKOLIĆ:D00301, para.2; M.NIKOLIĆ:T.11807-11809,T.11812-11814. See para.1210. See also P02111; P02117; P00724, pp.2-3. [REDACTED] reported to BOROVIČANIN that he saw a large number of Muslim civilians assembled in Potočari in the area of the UNPROFOR base on 11 July: [REDACTED]. JANJIĆ counted approximately 10-15 buses each of some 70 men on 12 July and estimated there were two or three times as many buses of men on 13 July. JANJIĆ:P01446, T.17942-17945; JANJIĆ:P01445, T.9784-9786,T.9845; JANJIĆ:T.11005-11007. 22 Muslim men were reported as last seen in the vicinity of Potočari on 10 July, 494 on 11 July, 660 on 12 July and 827 on 13 July. P01901(confidential).

<sup>5028</sup> M.NIKOLIĆ:T.11812.

because they posed a potential threat to SF who **MLADIĆ** ordered to enter Potočari on the early morning of 12 July.<sup>5029</sup> The Muslim men in Potočari also represented a valuable source of military intelligence and, if detained, could be exchanged for VRS soldiers in BiH custody.<sup>5030</sup>

1160. **MLADIĆ** dominated the meeting. He demanded an end to air support and threatened to shell the UN Potočari compound along with the 2,500 refugees in it, the 15,000 refugees in the compound's vicinity and its DutchBat personnel.<sup>5031</sup> He shouted at KARREMANS and repeatedly threatened him,<sup>5032</sup> stating "[e]ach of your officers and soldiers, just like yourself, has just one life [...] And I don't believe you want to lose it here."<sup>5033</sup> Later **MLADIĆ** added "[y]ou can...all leave...all stay...or all die here".<sup>5034</sup>

1161. At one point, **MLADIĆ** changed tack and asked KARREMANS, "What do you want? You asked for the meeting. Speak up."<sup>5035</sup> KARREMANS replied that the enclave had been lost and requested **MLADIĆ**'s approval for the withdrawal of DutchBat and the thousands of Muslim refugees in Potočari.<sup>5036</sup> The refugees required humanitarian support and wanted to leave the enclave,<sup>5037</sup> with most of them wishing to go to Tuzla.<sup>5038</sup> KARREMANS told **MLADIĆ** that he had instructions to stop resisting so that UNPROFOR and the population could leave the enclave.<sup>5039</sup>

1162. In this watershed moment, **MLADIĆ** understood that UNPROFOR would not resist the VRS takeover of Potočari and importantly, unlike in 1993, would support the transfer of the Muslim population out of the enclave to Tuzla. With UNPROFOR's acquiescence, **MLADIĆ** was now able to focus on defeating the last Muslim resistance in the enclave, the logistics of removing the women and children and the fate of the able-bodied men. In response to KARREMANS' request to release

<sup>5029</sup> P00724, p.2. *See also* P01147, V000-9265, 01:12'58, 01:33'42-01:37'50, tp.41-42.

<sup>5030</sup> M.TODOROVIĆ:P02915, T.12941-12942; P02944.

<sup>5031</sup> P01143, p.1.

<sup>5032</sup> P01147, V000-9265, 00:39'28-00:40'33,00:47'14-00:48:16,00:57'12-00:57'44,00:59'15-01:02'12, tp.15-16,18-19,24-26; BOERING:P01139, T.1945-1946; BOERING:T.10009-10014; RAVE:T.10171-10172; RAVE:P01149, para.25; P01143.

<sup>5033</sup> P01147, V000-9265, 01:00'18-01:00'35, tp.25.

<sup>5034</sup> P01147, V000-9265, 01:01'54-01:02'07, tp.26.

<sup>5035</sup> P01147, V000-9265, 00:43'10-00:43'13, tp.17.

<sup>5036</sup> P01147, V000-9265, 00:43'17-00:45'15, 00:48'16-00:48'52, tp.17,19.

<sup>5037</sup> P01147, V000-9265, 00:43'09-00:50'03, tp.17-20.

<sup>5038</sup> P01147, V000-9265, 00:48'53-00:49'29, tp.19-20.

the Muslim population, **MLADIĆ** told KARREMANS to come back to the Hotel later that night with Muslim military and civilian representatives, concluding: “we can work out an arrangement.”<sup>5040</sup> This request shows **MLADIĆ**’s ominous shift in focus to the ABiH and its commander.

(ii) **MLADIĆ** ordered BOROVIČANIN to attack Potočari on 12 July

1163. **MLADIĆ** and his key officers were together at the Hotel Fontana for over an hour after the first meeting awaiting the return of KARREMANS, during which they no doubt discussed options and plans for the final assault on Potočari. **MLADIĆ** then ordered BOROVIČANIN to “launch an attack” on Potočari “in the early hours of the following morning”.<sup>5041</sup> On the morning of 12 July, BOROVIČANIN duly led joint VRS and MUP forces towards Potočari with no resistance from DutchBat or the ABiH.<sup>5042</sup>

(iii) 11 July, Second Hotel Fontana Meeting, **MLADIĆ**’s focus turns to the ABiH

1164. KARREMANS returned to Hotel Fontana at about 22:00 hours for a second meeting (“Second Hotel Fontana Meeting”), bringing with him Nesib MANDŽIĆ,<sup>5043</sup> even though MANDŽIĆ was just a schoolteacher amongst the refugees.<sup>5044</sup> The second meeting was attended by **MLADIĆ**, KRSTIĆ, JANKOVIĆ, KOSORIĆ, RAVE and BOERING.<sup>5045</sup>

1165. Again, **MLADIĆ** created an atmosphere of intimidation and control. At the beginning of the meeting, a window was opened so that MANDŽIĆ and the Dutch soldiers could hear the screams of a pig being slaughtered.<sup>5046</sup> After this, **MLADIĆ** allowed KARREMANS and MANDŽIĆ to explain the humanitarian needs of the

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<sup>5039</sup> P01147, V000-9265, 00:53’12-00:54’12, 00:55’38-00:56’25, tp.22-23.

<sup>5040</sup> P01147, V000-9265, 01:01’30-01:12’42, tp.26-32.

<sup>5041</sup> P00724, p.2.

<sup>5042</sup> P00724, pp.2-3.

<sup>5043</sup> P01148, pp.45-51; BOERING:P01139, T.1952; BOERING:T.10015-10016; M.NIKOLIĆ:D00301, para.3; M.NIKOLIĆ:T.11819; RAVE:P01149, paras.29,31; [REDACTED].

<sup>5044</sup> P01147, V000-9265, 01:24’25-01:24’28, tp.38; [REDACTED].

<sup>5045</sup> See M.NIKOLIĆ:T.11811; M.NIKOLIĆ:D00301, para.3; M.NIKOLIĆ:D00300, p.2.

population.<sup>5047</sup> As in the previous meeting, **MLADIĆ** continued to speak in terms of life and death, claiming that all of the Muslim soldiers who laid down their arms would be treated in accordance with international conventions and “will live”. **MLADIĆ** added that “the future of your people is in your hands” and gave **MANDŽIĆ** an ultimatum: the Bosnian Muslims could either “survive...stay or vanish.”<sup>5048</sup> **MLADIĆ** also laid the broken sign from the Srebrenica town hall before **MANDŽIĆ**.<sup>5049</sup>

1166. **MLADIĆ** insisted on having another meeting the next day,<sup>5050</sup> repeating his demand to **MANDŽIĆ** to “bring the people who can secure the surrender of weapons and save your people from destruction.”<sup>5051</sup> **MLADIĆ**’s repeated focus on the ABiH revealed his interest in them during the evening of 11 July and morning of 12 July when he decided to murder them.

(iv) 11-12 July, **MLADIĆ** ordered the mobilisation of buses

1167. During or after the Hotel Fontana Meetings on 11 July, **MLADIĆ** initiated the mobilisation of massive numbers of vehicles which were used over the next several days to transport the Muslim population from Potočari and the able-bodied men and boys to execution areas. That night, **MLADIĆ** ordered Gen. Petar **ŠKRBIĆ**, VRS Assistant Commander for Organisation, Mobilisation and Personnel Affairs, to arrange for buses “as soon as possible” for what **ŠKRBIĆ** called an “evacuation”.<sup>5052</sup> **ŠKRBIĆ** conveyed the order to the MOD, and spoke soon after with Momčilo **KOVAČEVIĆ**, Assistant Minister for Defence, who asked for the request in writing.<sup>5053</sup> On the morning of 12 July, **ŠKRBIĆ** wrote to the MOD, confirming his

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<sup>5046</sup> BOERING:P01139, T.1953,T.1958-1959; RAVE:T.10173,T.10249; RAVE:P01149, para.30; P00147(confidential), V000-9265, 01:14’41-01:15’06; [REDACTED].

<sup>5047</sup> P01147, V000-9265, 01:13’24-01:30’34, tp.33-42.

<sup>5048</sup> P01147, V000-9265, 01:33’43-01:37’09, tp.41-42; [REDACTED].

<sup>5049</sup> BOERING:P01139, T.1960; P01147, V000-9265, 01:24’01-01:24’06, tp.37; RAVE:P01149, para.32; [REDACTED].

<sup>5050</sup> P01147, V000-9265, 01:37’17-01:37’21, tp.41-42.

<sup>5051</sup> P01147, V000-9265, 01:37’42-01:37’50, tp.42. *See also* P00724, p.2.

<sup>5052</sup> **ŠKRBIĆ**:T.13984-13986,T.14020,T.14025-14027,T.14029. **ŠKRBIĆ** could not remember who called him to convey the order but knew the demand for buses was coming from **MLADIĆ**. *See also* **LJ.GAJIĆ**:T.40280 who heard **MLADIĆ** say on 12 July that he had issued an order to civilian authorities for the mobilisation of vehicles.

<sup>5053</sup> **ŠKRBIĆ**:T.13984,T.13989.

request and specifying “all buses available” be sent to Bratunac by 14:30 hours on 12 July.<sup>5054</sup>

1168. Meanwhile, the DK was mobilising buses. That morning, KRSTIĆ, on **MLADIĆ**’s orders,<sup>5055</sup> ordered Col. KRSMANOVIĆ, the DK’s Chief of Transportation Services, to obtain 50 buses to be at the stadium in Bratunac by 17:00 hours,<sup>5056</sup> and ŽIVANOVIĆ ordered DK Brigades to secure “[a]ll the available buses and mini-buses [. . .] for the use of the Drina Corps Command.”<sup>5057</sup> At around 10:00 hours, ŽIVANOVIĆ subsequently reported to the GŠ-VRS that buses from municipalities had been secured, and requested approval for the provision of fuel.<sup>5058</sup>

1169. All these arrangements occurred prior to the 12 July morning meeting at the Hotel Fontana, when **MLADIĆ** told the civilian representatives “[y]ou can choose to stay or you can choose to leave. Just express your wish.”<sup>5059</sup> Considering SF’s control of the population in Potočari and the substantial mobilisation efforts already underway, **MLADIĆ**’s representations were clearly false; there was no genuine option to stay in Srebrenica at that time. By 12:00 hours on 12 July, “more than 50 buses” had been mobilised,<sup>5060</sup> and by the early afternoon the removal of the women, children and elderly in Potočari had begun.<sup>5061</sup> At 12:50 hours, **MLADIĆ** was intercepted following up on his orders and inquiring as to the whereabouts of the buses. When informed that buses had already left, **MLADIĆ** responded “[g]ood, excellent [. . .] we’ll evacuate them all – those who want to and those who don’t want to”.<sup>5062</sup>

(v) 12 July, Third Hotel Fontana Meeting, **MLADIĆ** announced he would screen the men in Potočari

<sup>5054</sup> P01710; ŠKRBIĆ:T.13985. *See also* P01711; P01712.

<sup>5055</sup> P01714; P05275.

<sup>5056</sup> P01217(confidential). *See also* P01224(confidential); P01225(confidential); P01226(confidential); P01229(confidential); P01230(confidential); P01231; P01659, p.2(confidential); [REDACTED]; [REDACTED].

<sup>5057</sup> P05275.

<sup>5058</sup> P01714. *See also* KOVAČEVIĆ:T.24615; M.MLAĐENOVIĆ:T.27249; P07223; TRIŠIĆ:T.33295-33296,T.33298. The “final destination” of the buses to be used for the “evacuation” of the population from the Srebrenica enclave was determined by **MLADIĆ**: ŠKRBIĆ:T.14033. *See also* P01224(confidential); P01230, p.1(confidential) ; P01232; BUTLER:T.12649-16251.

<sup>5059</sup> P01147, V000-9266, 00:11’31-00:11’41, tp.50.

<sup>5060</sup> P01230(confidential). *See also* P01659, p.2(confidential); FRANKEN:P01417, para.71.

<sup>5061</sup> P01233(confidential); P01510, p.2. *See also* D01315.

<sup>5062</sup> P01235(confidential).

1170. A third meeting was convened at the Hotel Fontana at 10:00 hours on 12 July (“Third Hotel Fontana Meeting”).<sup>5063</sup> In attendance were **MLADIĆ**, **KRSTIĆ**, **JANKOVIĆ**, **KOSORIĆ**, **MILUTINOVIĆ**, **POPOVIĆ**, **KARREMANS** and **BOERING**, along with **MANDŽIĆ** and two additional Muslim representatives, **Ibro NUHANović** and **Ćamila OMANović**.<sup>5064</sup>

1171. **MLADIĆ** repeated his threat from the Second Hotel Fontana Meeting that the Muslims could either “survive or disappear.”<sup>5065</sup> He declared that all Muslims had to lay down their arms as a condition for survival.<sup>5066</sup> He made several comments about the Muslims leaving the enclave, sometimes adding that they could choose to remain in Srebrenica,<sup>5067</sup> though he clearly had no intention to allow any Muslims to stay.

1172. **MLADIĆ** announced that all the men between the ages of 16-60 would be separated for war crimes screening. Though not on the video, **BOERING** recalled the announcement.<sup>5068</sup> The gap between this explanation for separations and what actually transpired reveals **MLADIĆ**’s true intent. Men between the ages of 16-60, and many who were 12-15 years old and even more above the age of 60-70, were later separated from the women in Potočari. These separations were done without screening,<sup>5069</sup> indicating **MLADIĆ**’s intent to kill the men and boys, nearly all of whom were summarily executed by the evening of 16 July.

1173. At the end of the Third Hotel Fontana Meeting Radoslav **JANKOVIĆ** told Momir **NIKOLIĆ** to “coordinate the transportation of *all* the women and children.”<sup>5070</sup> When **KARREMANS** and **BOERING** returned to Potočari, they realised that several issues regarding the transportation of the civilian population

<sup>5063</sup> BOERING:P01139, T.1967-1968; M.NIKOLIĆ:T.11819; [REDACTED].

<sup>5064</sup> P01147, V000-9266, 00:05’30-00:15’03, tp.47; BOERING:P01139, T.1968-1973; *See also* P01148, pp.62-66; BOERING:T.10017; [REDACTED]; MILUTINOVIĆ:T.30090. Also present were Dragomir VASIĆ, Chief of the Zvornik Public Security Service; Miroslav DERONJIĆ, President of the Bratunac Municipality Executive Board; and Ljubisav SIMIĆ, Bratunac Municipal Assembly President.

<sup>5065</sup> P01147, V000-9266, 00:10’17-00:10’24, tp.49; [REDACTED].

<sup>5066</sup> P01147, V000-9266, 00:10’30-00:10’41, tp.49-50.

<sup>5067</sup> P01147, V000-9266, 00:10’43-00:12’48, tp.50.

<sup>5068</sup> BOERING:P01139, T.1969,T.1974-1975; BOERING:T.10018-10019; MILUTINOVIĆ:T.30089-30090. *See also* FRANKEN:P01417, para.86.

<sup>5069</sup> *See* paras.1190-1194,1229-1234. *See also* M.NIKOLIĆ:D00301, paras.4-6; [REDACTED]; P01510, p.2. Although POPOVIĆ reports that “the security organs and the DB /state security/ are working with them,” the evidence overwhelmingly shows that no systematic or significant interrogations of the separated men occurred.

<sup>5070</sup> M.NIKOLIĆ:D00301, para.5(emphasis added); M.NIKOLIĆ:T.11828,T.11831.

remained unclear from the meeting that morning at Hotel Fontana. BOERING and RAVE returned to Hotel Fontana on KARREMANS' orders to clarify the matters. There, they ran into Momir NIKOLIĆ, who told them to "go back to Potočari because the buses would be arriving there soon to transport the people towards Kladanj."<sup>5071</sup> By the time BOERING and RAVE returned to Potočari, the buses had already begun to arrive.<sup>5072</sup>

(vi) Between the evening of 11 July and the morning of 12 July  
MLADIĆ and his officers plan to murder the Muslim men and boys

1174. As noted previously, **MLADIĆ**, **KRSTIĆ**, **ŽIVANOVIĆ**, **POPOVIĆ** and **KOSORIĆ** were informed the evening of 11 July by **JANKOVIĆ** and **NIKOLIĆ** of the presence of the men in Potočari and would have considered it in their planning on the evening of 11 July in Bratunac.<sup>5073</sup> That night, following his meetings with DutchBat, **MLADIĆ** had dinner with **KRSTIĆ** at the Hotel Fontana.<sup>5074</sup> By then, **MLADIĆ** had already ordered **BOROVČANIN** to attack Potočari and ordered buses for the removal of the Muslim population.<sup>5075</sup> The biggest issue still confronting **MLADIĆ** was the fate of the able-bodied Muslim men.

1175. The decision by **MLADIĆ** and other members of the JCE to separate and murder the Muslim men and boys must have been discussed and decided upon sometime between the evening of 11 July, when **MLADIĆ** became aware of the large number of Muslim men in Potočari who would soon come under SF's control, and the Third Hotel Fontana Meeting at 10:00 hours on 12 July, where he announced that SF would be "screening" or "inspecting" the Muslim men at Potočari.<sup>5076</sup> In deciding to kill the able-bodied men in Potočari, **MLADIĆ** would have consulted with **KRSTIĆ** and his senior intelligence and security officers present in Bratunac, **POPOVIĆ**, **KOSORIĆ** and **JANKOVIĆ**,<sup>5077</sup> all of whom are seen on video at the Hotel Fontana on the night of 11 July or the morning of 12 July. **KARADŽIĆ** was available to

<sup>5071</sup> M.NIKOLIĆ:D00301, para.5; M.NIKOLIĆ:T.11828,T.11831.

<sup>5072</sup> BOERING:P01139, T.1975-1977; RAVE:P01149, paras.38-39; RAVE:T.10175-10176; M.NIKOLIĆ:D00301, para.5; M.NIKOLIĆ:T.11828.

<sup>5073</sup> P01147, V000-9265, 00:33'36-00:48-01:11'20; P01148, pp.42-44.

<sup>5074</sup> [REDACTED].

<sup>5075</sup> See paras.1163,1167-1169.

<sup>5076</sup> P02203, para.4.14; BOERING:P01139, T.1969-1975; BOERING:T.10018-10019; P02111, particularly paras.1,4.

<sup>5077</sup> MILOVANOVIĆ:T.16937,T.16946-16947,T.16949-16952,T.16955-16957.

**MLADIĆ** over the telephone at the Bratunac Brigade, where **MLADIĆ** had at least two meetings that morning.<sup>5078</sup>

1176. As discussed in detail below, the lack of “screening” in the separation process, in combination with other factors, prove that the decision to separate the Muslim men and boys, was in reality a decision to murder them. This conclusion is supported by the evidence of Momir NIKOLIĆ who testified that POPOVIĆ and KOSORIĆ approached him on 12 July outside the Hotel Fontana, prior to the meeting at 10:00 hours, and informed him that the Muslim men in Potočari would be separated and murdered.<sup>5079</sup> POPOVIĆ assigned NIKOLIĆ to assist in the co-ordination and organisation of the separation of the Muslim men in Potočari and the transfer of the women and children.<sup>5080</sup> POPOVIĆ and KOSORIĆ requested that NIKOLIĆ suggest appropriate locations for the detention and execution of the Muslim men, which he did.<sup>5081</sup> NIKOLIĆ proposed locations in Bratunac town for the detention of prisoners, including the Vuk Karadžić School and the Hangar, and two locations outside of Bratunac town, the “Ciglane” brick factory and the “Sase” mine, for the execution of the prisoners.<sup>5082</sup>

1177. The Prosecution asks the Trial Chamber to accept Momir NIKOLIĆ’s testimony where it is corroborated by other reliable evidence and the attendant circumstances. In this instance, there is significant evidence supporting the conclusion that the decision to murder the Muslim men in Potočari had been reached prior to the Third Hotel Fontana Meeting on 12 July.

1178. Momir NIKOLIĆ, POPOVIĆ and KOSORIĆ were present at the Hotel Fontana before the arrival of the Muslim representatives and the commencement of the Third Hotel Fontana Meeting.<sup>5083</sup> In normal circumstances, DK security and intelligence officers would pass **MLADIĆ**’s order to Momir NIKOLIĆ and POPOVIĆ and KOSORIĆ would have requested NIKOLIĆ’s assistance in carrying out **MLADIĆ**’s orders. This kind of communication, passing on the orders of the

<sup>5078</sup> P01509, para.2; M.GAVRIĆ:T.13920-13921,T.13967.

<sup>5079</sup> M.NIKOLIĆ:D00301, para.4; M.NIKOLIĆ:T.11820-11821,T.11827.

<sup>5080</sup> M.NIKOLIĆ:D00301, paras.4-8.

<sup>5081</sup> M.NIKOLIĆ:D00301, para.4; M.NIKOLIĆ:T.11821-11827.

<sup>5082</sup> M.NIKOLIĆ:D00301, para.4; M.NIKOLIĆ:T.11821-11824,T.11826-11827. Regarding the Bratunac Ciglane brick factory, *see* [REDACTED].

<sup>5083</sup> P01147, V000-9266, 00:05’29-00:06’45.

commander, was part of the “professional chain” of reporting between and within superior and subordinate security organs.<sup>5084</sup>

1179. Momir NIKOLIĆ’s testimony placing himself in the direct chain of orders implementing the murder operation is reliable as an admission against his own interest. Indeed, NIKOLIĆ would have known that had he been shown to have not told the truth on this point, he would have violated his plea agreement with the Prosecution to tell the truth and would not have had the Prosecution’s support during sentencing.

1180. **MLADIĆ** earlier indicated his violent intent towards the Muslim men of Srebrenica during his walk through Srebrenica on 11 July, stating, “Finally, after the Rebellion against the Dahis, the time has come to take revenge on the Turks in this region.”<sup>5085</sup>

1181. **MLADIĆ**’s intent to kill the Muslim men of Srebrenica is also evident from his repeated emphasis on his power of life and death over Muslims and their fate if he considered that they did not comply with his demand, as reflected in his comments to Nesib MANDŽIĆ during the Second Hotel Fontana Meeting:

Please write down the following: Number one, you need to lay down your weapons and I guarantee that all those who lay down their weapons will *live* [...] I need to have a clear position of the representatives of your people on whether you want to *survive...stay or* vanish. I am prepared to receive here tomorrow at 10 am a delegation of officials from the Muslim side with whom I can discuss the *salvation of your people from the enclave*, the former enclave of Srebrenica. I shall order a cessation of operations until 10 am tomorrow. If your...fighters, your fighters who lay down their arms we shall treat in accordance with international conventions and we guarantee that everybody will *live*, even those who committed crimes against our people. Have I made myself clear? Nesib, *the future of your people is in your hands* [...] Bring the people who can secure the surrender of weapons and *save your people from destruction*.<sup>5086</sup>

1182. At the Third Hotel Fontana Meeting, **MLADIĆ** repeated his threat to the Muslim representatives:

<sup>5084</sup> See para.66. See also KESEROVIĆ:T.12880; P01577, para.2.

<sup>5085</sup> P01147, V000-9265, 00:31’09-00:31’17, tp.11.

<sup>5086</sup> P01147, V000-9265, 01:33’42-01:37’50, tp.41-42 (emphasis added).

There is no need for your people to get killed ... your husband, your brothers or your neighbours [...] As I told this gentleman last night, *you can either survive or disappear*. For your survival, I demand that all your armed men, even those who committed crimes – and many did – against our people, surrender their weapons to the VRS.<sup>5087</sup>

1183. Indeed, when **MLADIĆ** delivered these words, he was aware that the ABiH 28<sup>th</sup> Division had no intention of surrendering, but was attempting to flee. These comments at the Hotel Fontana reflect the mind and intent of **MLADIĆ**, who had already ordered the execution of thousands of Bosnian Muslim men and boys. There is no indication that **MLADIĆ** considered exchanging, or transporting to safety, the Muslim men and boys of Srebrenica. Within four days, **MLADIĆ**'s forces had murdered thousands of men and boys in their custody.

(c) Implementation of the JCE to Eliminate

(i) 12 July, Entry and takeover of Potočari by SF under **MLADIĆ**'s command

1184. Early on 12 July, following **MLADIĆ**'s order to BOROVČANIN,<sup>5088</sup> VRS and MUP soldiers entered Potočari in an attack supported by a tank and took control of Potočari and the thousands of Muslims gathered there.<sup>5089</sup> While the VRS began receiving reports of Muslims fleeing in a north-westerly direction from Jaglići towards the area of Konjević Polje in the early morning hours of 12 July,<sup>5090</sup> the VRS command still believed the ABiH was in the area of Sućeska. During a meeting at the Bratunac Brigade at 07:00 hours, **MLADIĆ** ordered Lt. Col. Radomir FURTULA, Commander of the 5<sup>th</sup> Podrinje Light Infantry Brigade, to continue sweeping the terrain near Sućeska, an area in the southwest of the enclave.<sup>5091</sup> After an 08:00 hours

<sup>5087</sup> P01147, V000-9266, 00:10'20-00:10'39, tp.49-50.

<sup>5088</sup> P00724, p.2.

<sup>5089</sup> FRANKEN:P01417, paras.69-70; GROENEWEGEN:P01157, para.25; KINGORI:P00034, paras.141-142; P00724, p.2; P01510, p.1; P02117, p.1; P01785, p.4; M.NIKOLIĆ:D00301, p.2; [REDACTED]; Z.KOVAČEVIĆ:D00594, paras.12-14,17; RM268:P02176, T.8580-8581(confidential); RM312:P03488, p.5(confidential); P01147, V000-9266, 00:01'14-00:05'20, 00:15'42-00:16'53; P01148, pp.57-59,70-72. Forces were in uniform and advanced in a line: FRANKEN:P01417, para.69. Regarding shelling and setting houses on fire. See AF1396-AF1398; GROENEWEGEN:P01157, para.26; RAVE:P01149, para.36; M.ĐURIĆ:P02174, T.10806,T.10833; M.MALAGIĆ:P01462, T.10024-10025.

<sup>5090</sup> P01212(confidential); P01215(confidential); BUTLER:T.16240-16242.

<sup>5091</sup> M.GAVRIĆ:T.13921; P01087, p.17. FURTULA's presence at the meeting is significant as it demonstrates he was together with **MLADIĆ** in Bratunac where **MLADIĆ** could communicate with

meeting with **MLADIĆ**, Dragomir VASIĆ reported to his superiors that the Muslim forces were in the vicinity of Sućeska.<sup>5092</sup> It was not until the early afternoon of 12 July that **MLADIĆ** realised ABiH forces were making a breakout towards Konjević Polje and Tuzla.<sup>5093</sup> In response, **MLADIĆ** ordered BOROVIČANIN to deploy half of his forces along the Kravica-Konjević Polje road to block the Muslim column.<sup>5094</sup>

1185. Prior to **MLADIĆ**'s order, several thousand Srebrenica men managed to cross the road and head in the direction of Cerska towards Nežuk and Tuzla.<sup>5095</sup> **MLADIĆ** was aware of the large number of 28<sup>th</sup> Division members trapped behind the Bratunac-Konjević Polje-Nova Kasaba road,<sup>5096</sup> but was not yet aware that large numbers of the Muslim men had crossed the road and were making their way towards the rear of the Zvornik Brigade's front lines.<sup>5097</sup>

(ii) 12 July, Forcible removal of the women, children and elderly and the separation of men

a. The organised transportation of women, children and elderly

1186. On the afternoon of 12 July,<sup>5098</sup> MUP forces working with the VRS began to direct Muslim women and children onto buses and trucks<sup>5099</sup> and separate the Muslim men from the women and children in and around Potočari.<sup>5100</sup> Force and violence were used to push the frightened Muslims onto the over-filled buses.<sup>5101</sup>

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him directly. In two 15 July intercepts BEARA complains that FURTULA did not "carry out the boss's order" or "heed what the Commander orders him". P02126(confidential); P01320(confidential). See paras.1290-1292.

<sup>5092</sup> P01509, para.3.

<sup>5093</sup> BUTLER:T.16242; P02117; P00724, p.3.

<sup>5094</sup> P00724, p.3.

<sup>5095</sup> AF1457; P00724, p.3; D01315, p.1.

<sup>5096</sup> P02116; P02113.

<sup>5097</sup> See paras.1289,1300-1304,1308-1312,1320-1324. See also P01307(confidential); [REDACTED].

<sup>5098</sup> RM362:P03525, T.17307(confidential); RAVE:P01149, paras.36,39(confidential); M.NIKOLIĆ:T.11828,T.11831,T.11833; P01510; RM249:P01990, p.2(confidential).

<sup>5099</sup> AF1409; AF1411-AF1416; AF1419; P00724, pp.2-3; RM372:P03499, para.5(confidential).

<sup>5100</sup> AF1401; AF1403; AF1487; RM249:P01990, pp.2-3(confidential); RM249:P01991, T.670-671; BOERING:P01139, T.2014-2015; FRANKEN:P01417, paras.86-87; FRANKEN:T.10732; M.BEKTIĆ:P01040, pp.1-2; RAVE:P01149, para.39; KINGORI:P00034, paras.162,170-171; VAN DUJN:P01154, T.2286,T.2290; RM372:P03499, paras.5-6(confidential).

<sup>5101</sup> AF1402; AF1423; KINGORI:P00034, para.172; FRANKEN:P01417, paras.80-81; KOSTER:P00057, pp.12-13; GROENEWEGEN:P01157, paras.32-39; GROENEWEGEN:T.10496,

1187. The first convoy to leave Potočari in the afternoon was well-organised and consisted of ten buses and six trucks.<sup>5102</sup> Each bus of women and children carried about 50 people and each truck approximately 170.<sup>5103</sup> The first convoy had some men of military age on it,<sup>5104</sup> but most of them were separated later beyond the perimeter secured by DutchBat, including at the disembarkation point near Tišća.<sup>5105</sup>

1188. When the first convoy began to move, FRANKEN ordered BOERING and VOERMAN to accompany it.<sup>5106</sup> It stopped in the forest, where they passed by a body of a dead woman, causing fear amongst the women on the bus who thought they were going to be killed.<sup>5107</sup> After disembarking in the Tišća area, the refugees were forced to continue on foot for several kilometres to Kladanj in BiH territory.<sup>5108</sup>

1189. The women, children and elderly men who arrived in Tuzla were in a pitiful condition, traumatised and concerned about the male members of their families who were not with them.<sup>5109</sup>

b. Separation of the men and their detention

1190. The separation of men<sup>5110</sup> was well planned and ruthless,<sup>5111</sup> marked by brutality and torment.<sup>5112</sup> During this process, VRS and MUP forces under the supervision of Momir NIKOLIĆ abused many of the Muslim men.<sup>5113</sup>

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T.10524-10525; RM249:P01991, T.723; VAN DUIJN:P01154, T.2290-2291; ĐURIĆ:P02174, T.10807-10809.

<sup>5102</sup> AF1421; BOERING:P01139, T.2019-2020; EGBERS:P01629, T.2221; RAVE:P01149, para.39. See also MLAĐENOVIĆ:D00707, para.4; P02113.

<sup>5103</sup> JANJIĆ:P01446, T.17942-17944.

<sup>5104</sup> M.NIKOLIĆ:T.11836-11837; FRANKEN:P01417, para.87; FRANKEN:T.10826; BOERING:P01139, T.2010.

<sup>5105</sup> BOERING:P01139, T.2022-2024; BOERING:T.10021-10022; M.NIKOLIĆ:D00301, p.3 (men were allowed on first convoy as a propaganda exercise); FRANKEN:P01417, para.87. See paras.1245,1459 and RM249:T.15415-15416(confidential). See also AF1561-AF1562; paras.1190-1194.

<sup>5106</sup> AF1426; FRANKEN:P01417, para.79; EGBERS:P01629, T.2221; BOERING:P01139, T.2019-2020.

<sup>5107</sup> EGBERS:T.13374-13375; P00038, para.6 (DutchBat reported one woman and a baby died on one convoy); KINGORI:P00034, para.194. See also EGBERS:P01629, T.2227-2229.

<sup>5108</sup> AF1432-AF1433; EFENDIĆ:P01028, p.2; EFENDIĆ:P01027, p.3; H.MEHMEDOVIĆ:P01039, p.2-3; H.MEHMEDOVIĆ:P01038, p.4; P01147, V000-9266, 00:51'19-00:57'18; P01148, pp.100-102; M.MALAGIĆ:P01462, T.10038-10039; BOERING:P01139, T.2022,T.2025; FRANKEN:P01417, para.82; RM207:P03519, T.5756-5757(confidential); RM312:P03489, T.3620(confidential); RM311:P03520, p.2(confidential); RM311:P03521, T.3312-3313(confidential); M.GABELJIĆ:P01029, p.2.

<sup>5109</sup> P01147, V000-9266, 00:57'24-01:01'05, tp.70-71.

1191. FRANKEN began to assemble a list of Muslim men inside the UN compound, in an attempt to protect them by making their identities public.<sup>5114</sup> The list only contained 251 names.<sup>5115</sup> Many men refused to have their names recorded as they feared that the VRS would find the list. Muslim representatives were too intimidated by SF to continue gathering names.<sup>5116</sup>

1192. The men who were separated were mainly between 17 to 60 years of age,<sup>5117</sup> though even young boys and men who were elderly, including those who could barely walk or were disabled, were also singled out.<sup>5118</sup> When about 20 Muslim men were separated and standing by the road,<sup>5119</sup> armed SF<sup>5120</sup> directed them to a nearby unfinished house.<sup>5121</sup> SF threatened the Muslim men and denied them food and water.<sup>5122</sup> Muslim men in groups of approximately 20 continued to arrive until the house was full, and the following group was instructed to sit in front of the house.<sup>5123</sup> Men were also taken to a building known as the “White House”, near the

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<sup>5110</sup> FRANKEN:P01417, para.87; FRANKEN:T.10732; KINGORI:P00034, paras.153,160-162,170-171; RM362:P03525, T.17309-17310(confidential). Mendelevjev ĐURIĆ claimed incredibly in the *Popović et. al* case that he did not see any separations. His denial reflects his consciousness of guilt, knowing that the men who were being separated were to be killed: M.ĐURIĆ:P02174, T.10817. See M.JANJIĆ:P01445, T.9779-9781.

<sup>5111</sup> AF1487; M.NIKOLIĆ:T.11834-11837; KINGORI:T.1054,T.1062-1063; KINGORI:P00034, paras.160-162,170-171; LJ.GAJIĆ:T.40308.

<sup>5112</sup> AF1402; M.MALAGIĆ:P01462, T.10031-10032,T.10037-10038; KINGORI:P00034, paras.160-161; GROENEWEGEN:P01157, para.43; GROENEWEGEN:T.10485; RM312:P03489, T.3611,T.3618(confidential); RM312:P03488, pp.5-6(confidential); KOSTER:T.1231-1232; VAN DUIJN:P01154, T.2290-2292; JANJIĆ:P01445, T.9828; JANJIĆ:T.11004-11005. See also AF1400; M.MALAGIĆ:P01462, T.10032,T.10038; KOSTER:P00057, p.14.

<sup>5113</sup> M.NIKOLIĆ:D00301, pp.2-3; RAVE:P01149, para.40; H.MEHMEDOVIĆ:P01038, p.3; LJ.GAJIĆ:T.40296-40297.

<sup>5114</sup> FRANKEN:P01417, para.90; FRANKEN:T.10741-10742.

<sup>5115</sup> FRANKEN:P01417, para.91; FRANKEN:T.10742; P01137.

<sup>5116</sup> One representative, Čamila OMANOVIĆ, was so mistreated by the VRS that she had a complete breakdown and was evacuated from Potočari. FRANKEN:P01417, para.91.

<sup>5117</sup> AF1487; AF1402; GROENEWEGEN:P01157, para.45; RM362:P03525, T.17309(confidential); M.MALAGIĆ:P01462, T.10029,T.10036-10037; BOERING:P01139, T.2010,T.2012; S.BIRČAKOVIĆ:P02166, T.10746.

<sup>5118</sup> AF1402; AF1487; KINGORI:T.1054,T.1062-1063; KINGORI:P00034, paras.170; RM362:P03525, T.17313,T.17316(confidential); RAVE:P01149, para.39. See also Š.HAFIZOVIĆ:P01046, p.2; Š.HAFIZOVIĆ:P01045, p.2; VAN DUIJN:P01154, T.2289; RM207:P03519, T.5753-5755(confidential); RM312:P03489, T.3597,T.3611(confidential).

<sup>5119</sup> RM362:P03525, T.17310(confidential).

<sup>5120</sup> RM362:P03525, T.17311(confidential).

<sup>5121</sup> RM362:P03525, T.17309-17310(confidential); M.MALAGIĆ:P01462, T.10036; VAN DUIJN:P01154, T.2286-2287; RAVE:P01149, para.39; RM312:P03489, T.3611-3613(confidential); P03490.

<sup>5122</sup> RM362:P03525, T.17311(confidential).

<sup>5123</sup> RM362:P03525, T.17312(confidential).

UNPROFOR compound.<sup>5124</sup> The conditions in the White House were deplorable—it was overcrowded, with no water or sanitation for the prisoners, who appeared scared and weak.<sup>5125</sup> SF guarded the building and threatened DutchBat officers at gunpoint to prevent them from investigating.<sup>5126</sup>

1193. No significant selection or “screening” process took place before the prisoners were sent to the unfinished houses and to the White House.<sup>5127</sup> In fact, the Muslim men and boys were forced to drop all their belongings and IDs in a huge pile in front of the White House.<sup>5128</sup> Some interrogations of Muslims did occur in Potočari under the supervision of POPOVIĆ, working with state security.<sup>5129</sup> The interrogations were not systematic and, given POPOVIĆ’s leadership role in the implementation of the murder operation, these few interrogations were not conducted with a view to actually “screening” men as possible war criminals but rather for intelligence information. No survivors from Potočari nor anyone else suggested that any significant or systematic interviews or interrogations of Muslim prisoners took place in Potočari on 12-13 July.<sup>5130</sup>

1194. After approximately four hours, the men in the unfinished house were crammed onto two buses,<sup>5131</sup> accompanied by an armed Bosnian Serb soldier,<sup>5132</sup> and

<sup>5124</sup> AF1488; EGBERS:P01629, T.2230-2231; EGBERS:T.13375-13376; FRANKEN:P01417, para.86; FRANKEN:T.10732; KINGORI:P00034, paras.153; JANJIĆ:T.11003-11004; RAVE:P01149, paras.39; BOERING:P01139, T.2014-2015; RM255:P00055, pp.2-3(confidential); RM207:P03519, T.5754-5755(confidential); EFENDIĆ:P01461, para.12; RM312:P03489, T.3612-3617(confidential); LJ.GAJIĆ:T.40296-40297.

<sup>5125</sup> KINGORI:T.1055-1056,T.1060; KINGORI:P00034, paras.153-155,191; P01147, V000-9267, 00:08’27-00:08’56, 00:10’41-00:10’49, tp.76-77; VAN DUIJN:P01154, T.2302-2304; RAVE:P01149, para.41; LJ.GAJIĆ:T.40298-40300.

<sup>5126</sup> AF1491-AF1493; BOERING:P01139, T.2012-2013; FRANKEN:P01417, para.89; FRANKEN:T.10741-10742; RAVE:P01149, para.41; EGBERS:P01629, T.2231; EGBERS:T.13376. See also SCHMITZ:P00027, para.46.

<sup>5127</sup> GROENEWEGER:P01157, paras.43-45,56; GROENEWEGER:T.10493-10494; P01160; RM362:P03525, T.17309-17310(confidential); KINGORI:T.1054; KINGORI:P00034, paras.153-156,160-163,173-175; M.NIKOLIĆ:T.11837-11838; LJ.GAJIĆ:T.40310; FRANKEN:P01417, para.87; KOSTER:P00057, p.13; KOSTER:T.1231,T.1233-1234.

<sup>5128</sup> AF1489; AF1499; KINGORI:P00034, para.156; KINGORI:T.1057-1058,T.1060; P01147, V000-9267, 00:09’47-00:10’49; BOERING:P01139, T.2012,T.2018-2019; FRANKEN:P01417, para.87; RM312:P03489, T.3611,T.3617-3618(confidential); LJ.GAJIĆ:T.40305,T.40310,T.40312-40314; M.NIKOLIĆ:T.11834; VAN DUIJN:T.10320-10321,T.10385-10386; RAVE:P01149, para.39.

<sup>5129</sup> P01510, p.2.

<sup>5130</sup> ČELANOVIĆ:P01451, T.6627,T.6633-6637,T.6657-6659; P01510, p.2; BUTLER:T.16271; M.NIKOLIĆ:T.11837-11838. In P00055(confidential) and P03525(confidential), neither RM255 nor RM362 refer to any interview. See e.g., RM255:T.1172.

<sup>5131</sup> RM362:P03525, T.17313-17314(confidential).

<sup>5132</sup> RM362:P03525, T.17314(confidential).

driven to Bratunac.<sup>5133</sup> Prisoners from the White House, forced to leave their belongings behind,<sup>5134</sup> were driven off in buses in the direction of Bratunac.<sup>5135</sup> The VRS prevented DutchBat escorts from following the buses.<sup>5136</sup>

1195. After the men were transported out of Potočari, their belongings, which formed a big mound outside of the White House,<sup>5137</sup> were set on fire and burned.<sup>5138</sup> Had **MLADIĆ** intended to screen, incarcerate or exchange the Muslim men at Potočari, the VRS and MUP would have made a list of their names and retained their identity documents. This key information was necessary to identify suspected Muslim war criminals and to determine the number of Bosnian Serb soldiers to be exchanged. Keeping lists would identify the victims to be killed and would compromise the security of the operation.<sup>5139</sup>

1196. Together with the lack of screening, food, medical treatment and destruction of IDs, the plan to kill the Muslim men is also evidenced by the beatings and arbitrary executions that SF inflicted on the prisoners.<sup>5140</sup> When FRANKEN received reports that the prisoners were being mistreated on 12 July, he sent UNMOs to monitor the situation,<sup>5141</sup> however, SF blocked his patrols from entering the White House.<sup>5142</sup> JANJIĆ witnessed JANKOVIĆ falsely telling men detained at the White House that they would be reunited with the women and children.<sup>5143</sup>

1197. The mood was fearful at the compound that night. Some of the people who remained were those who did not want to get on the buses but wanted to stay.<sup>5144</sup> Ibro NUHANović, who attended the Third Hotel Fontana Meeting, told FRANKEN that

<sup>5133</sup> AF1495; RM362:P03525, T.17315(confidential).

<sup>5134</sup> AF1489; KINGORI:P00034, paras.173,176-177; RM255:T.1171-1172.

<sup>5135</sup> AF1495; RM255:P00055, p.3(confidential). *See also* M.NIKOLIĆ:T.11821; MLAĐENOVIĆ:T.27261.

<sup>5136</sup> FRANKEN:P01417, para.88.

<sup>5137</sup> VAN DUIJN:T.10321; EGBERS:T.13436; P01147, V000-9267, 00:09'47-00:10'49; LJ.GAJIĆ:T.40305.

<sup>5138</sup> AF1499; FRANKEN:T.10736-10737; P01423; FRANKEN:P01417, para.100; P01423.

<sup>5139</sup> KINGORI:P00034, paras.173-175.

<sup>5140</sup> BOERING:P01139, T.2012,T.2015-2016; FRANKEN:P01417, paras.94-95; FRANKEN:T.10738-10739; KINGORI:P00034, paras.179-182; GROENEWEGEN:T.10487-10491; GROENEWEGEN:P01157, paras.58-67; P01158; EGBERS:P01629, T.2230-2234; EGBERS:T.13376; RM372:P03499, p.7(confidential).

<sup>5141</sup> FRANKEN:P01417, paras.87,89-90; BOERING:P01139, T.2019.

<sup>5142</sup> AF1492; FRANKEN:P01417, paras.89-90.

<sup>5143</sup> JANJIĆ:P01445, T.9786-9787.

<sup>5144</sup> GROENEWEGEN:P01157, para.46. *See also* AF1399.

he wanted DutchBat to stop the transportations out of fear for the fate of the men.<sup>5145</sup> Some Muslims tried to injure themselves during the evening and one man hanged himself.<sup>5146</sup>

c. 12 July, **MLADIĆ** and other officers in Potočari

1198. **MLADIĆ** arrived in the early afternoon and met with commanding MUP officers who had been resubordinated to the VRS, including BOROVIČANIN and Duško JEVIĆ, as well as VRS Brigade officers.<sup>5147</sup> SF, including BOROVIČANIN, were filmed handing out sweets and bread to the refugees. While distributing the bread, the Bosnian Serbs shouted at the refugees, mocking and calling them names.<sup>5148</sup> When filming stopped so did the distribution and the Bosnian Serbs took back some of the items from the refugees.<sup>5149</sup>

1199. **MLADIĆ** was filmed addressing some civilians in Potočari, falsely telling them that they were free to stay.<sup>5150</sup> However, he was intercepted around the same time instructing over the radio: “[c]ontinue to monitor the situation. Don’t let small groups of them sneak in. They’ve all capitulated and surrendered and *we’ll evacuate them all – those who want to and those who don’t want to.*”<sup>5151</sup> Refugees in Potočari did not have a genuine choice of whether to remain in the Srebrenica enclave.<sup>5152</sup>

1200. Near the crowd of civilians, **MLADIĆ** told KOSTER that he wanted to “evacuate the refugees.”<sup>5153</sup> KOSTER replied that he was ordered to protest to **MLADIĆ**.<sup>5154</sup> **MLADIĆ** responded: “It regards my order. I couldn’t care less about

<sup>5145</sup> FRANKEN:P01417, para.92. See also FRANKEN:P01417, para.93; [REDACTED]. [REDACTED]: P01982, p.114(confidential).

<sup>5146</sup> KOSTER:P00057, p.14; VAN DUIJN:P01154, T.2299; AF1400.

<sup>5147</sup> LJ.GAJIĆ:T.40278-40280. See also P00724, p.3.

<sup>5148</sup> KOSTER:P00057, p.12; KINGORI:T.1046; KINGORI:P00034, paras.148-150; P01147, V000-9266, 00:19’40-00:22’57, tp.54; P00148(confidential), p.75; FRANKEN:P01417, para.73; S.OSMANOVIĆ:T.11180-11181; RAVE:T.10179.

<sup>5149</sup> KOSTER:P00057, p.12; KINGORI:P00034, paras.148-150; KINGORI:T.1046; RAVE:T.10178-10179,T.10252.

<sup>5150</sup> P01147, V000-9266, 00:27’33-00:27’37, tp.56.

<sup>5151</sup> P01235(confidential)(emphasis added); P00147(confidential), V000-9266, 00:23’54-00:24’30, tp.55.

<sup>5152</sup> GROENEWEGEN:P01157, para.42; FRANKEN:T.10744,T.10747; FRANKEN:P01417, paras.80-81; KINGORI:P00034, para.159; VAN DUIJN:P01154, T.2284; LJ.GAJIĆ:T.40310.

<sup>5153</sup> KOSTER:P00057, p.12.

<sup>5154</sup> KOSTER:P00057, p.12; P01147, V000-9266, 00:23’39-00:23’42, tp.55; P01148, p.79.

your commander”<sup>5155</sup> and that he (**MLADIĆ**) would do as he wanted. **MLADIĆ** later threatened **KOSTER**, warning, “if you oppose me, you will be in trouble”.<sup>5156</sup> **MLADIĆ** told **KINGORI**:

point blank, he does not require the use or help from the UN. [...] He, himself, had organised his own transport, and he would transport those people from there to Tuzla, where their Muslim brothers were located. Those were his words, “We will move the Muslims from here and take them to Tuzla to join their brothers there”.<sup>5157</sup>

1201. **MLADIĆ** exhibited his overt racial hatred for Muslims and black people in his comments to **VAN DUIJN** through **VAN DUIJN**’s Muslim interpreter in Potočari on 12 July. After noticing a dark skinned soldier among the DutchBat troops, **MLADIĆ** asked **VAN DUIJN** if the soldier was “from Ethiopia” and told **VAN DUIJN** that in ten years he (**MLADIĆ**) “would be in the Netherlands with his soldiers to protect the Dutch from other races—and also from Muslims”.<sup>5158</sup> Later, **MLADIĆ** performed what **VAN DUIJN** referred to as a “sick role play”,<sup>5159</sup> where **MLADIĆ** identified himself as a Muslim and said Muslims “only think of making babies”, whereas Serbs were “good [. . .] stand-up guy[s]” who should be respected.<sup>5160</sup> Finally, when **VAN DUIJN** sent his Muslim interpreter to ask **MLADIĆ** a question, **MLADIĆ** told **VAN DUIJN** that if he ever sent his Muslim interpreter to speak to him directly again, “he would shoot the interpreter on the spot”.<sup>5161</sup>

1202. **MLADIĆ** along with at least one other GŠ-VRS officer, **JANKOVIĆ**, personally oversaw the operation to remove the women, children and elderly and to separate and detain the men.<sup>5162</sup> DK officers were also present during this operation, among them **KRSTIĆ**, **POPOVIĆ** and DK Chief of Intelligence, Lt. Col. **Svetozar**

<sup>5155</sup> **KOSTER**:P00057, p.12; P01147, V000-9266, 00:23’39-00:23’42, tp.55; P01148, p.79. The subtitles read “about” and the transcript reads “for”. While these translations are different they have the same meaning.

<sup>5156</sup> **KOSTER**:P00057, p.12.

<sup>5157</sup> **KINGORI**:P00034, paras.167-168; **KINGORI**:T.1048-1049. *See also* P00050, p.5.

<sup>5158</sup> **VAN DUIJN**:T.10315-10317; **VAN DUIJN**:P01154, T.2292-2293.

<sup>5159</sup> **VAN DUIJN**:T.10319; **VAN DUIJN**:P01154, T.2294.

<sup>5160</sup> **VAN DUIJN**:T.10320. *See also* **VAN DUIJN**:P01154, T.2293-2295.

<sup>5161</sup> **VAN DUIJN**:T.10319; **VAN DUIJN**:P01154, T.2295.

<sup>5162</sup> **M.NIKOLIĆ**:T.11832-11833; **RAVE**:P01149, paras.42-43; **RAVE**:T.10179; **KINGORI**:P00034, paras.151-154,162; **KOSTER**:P00057, pp.12-13; **SCHMITZ**:T.934; **Lj.GAJIĆ**:T.40279-40280; P01147, V000-9266, 00:22’57-00:27’58; P01148, pp.77-79; P00050; **JANJIĆ**:P01145, T.9781: Mile **JANJIĆ** was told that men were being separated because **MLADIĆ** said that that is the way it would be.

KOSORIĆ.<sup>5163</sup> Around 14:00-15:00 hours, Col. Lazar AĆAMOVIC<sup>5164</sup> told FRANKEN that he was responsible for transporting the civilians out of Potočari. AĆAMOVIC asked for support, including transport and fuel.<sup>5165</sup> FRANKEN refused to supply fuel because he did not have any.<sup>5166</sup>

1203. Intelligence and security officers at all levels of the VRS, from the GŠ-VRS down, were deployed to oversee, co-ordinate and implement the forcible transfer operation. JANKOVIĆ, who had arrived in Bratunac around 8 July, shared an office with Momir NIKOLIĆ and was there on orders from the GŠ-VRS to help NIKOLIĆ.<sup>5167</sup> JANKOVIĆ played a key role in organising and conducting the separation of men from their families. After the Third Hotel Fontana Meeting, Momir NIKOLIĆ was instructed by JANKOVIĆ to co-ordinate the transportation of the women and children and the separation of the able-bodied Muslim men.<sup>5168</sup> JANKOVIĆ told NIKOLIĆ that the units that would implement the transportation had been assigned their tasks and that some were already in Potočari.<sup>5169</sup> JANKOVIĆ ordered MP JANJIC<sup>5170</sup> to count the number of civilians being transported out of Potočari, which he did, initially with the assistance of other MPs.<sup>5171</sup> MP Milisav ILIĆ performed the same task and both ILIĆ and JANJIC reported their figures to JANKOVIĆ on 12 and 13 July.<sup>5172</sup>

1204. KOSORIĆ and POPOVIĆ were also present in Potočari.<sup>5173</sup> KOSORIĆ, who had been at all three Hotel Fontana meetings, was in charge of organising the transportation of the refugees out of the enclave, including by personally escorting the buses.<sup>5174</sup> BOERING identified a “Kosović” or “KOSORIĆ” who led the first convoy in a civilian vehicle.<sup>5175</sup> This was KOSORIĆ.<sup>5176</sup> At about 17:30 hours on 12 July,

<sup>5163</sup> AF1405; AF1420; P01148, pp.76,81-83; M.NIKOLIĆ:T.11833; [REDACTED]; P02203, para.9.38.

<sup>5164</sup> FRANKEN:P01417, para.75; P02203, para.2.4.

<sup>5165</sup> FRANKEN:P01417, para.75; P00051.

<sup>5166</sup> FRANKEN:P01417, para.75.

<sup>5167</sup> M.NIKOLIĆ:T.11804-11806. JANKOVIĆ sent intelligence to the GŠ-VRS and the DK Command during this period. SALAPURA:P01584, T.13577.

<sup>5168</sup> M.NIKOLIĆ:T.11828-11831; M.NIKOLIĆ:D00301, p.2.

<sup>5169</sup> M.NIKOLIĆ:T.11831.

<sup>5170</sup> JANJIC:P01445, T.9756.

<sup>5171</sup> JANJIC:T.11009-11011; JANJIC:P01445, T.9767-9669,T.9774,T.9777-9778.

<sup>5172</sup> JANJIC:P01445, T.9776; JANJIC:T.11009-11010,T.11040.

<sup>5173</sup> AF1410; AF1420; P01148, pp.76,81-83; M.NIKOLIĆ:T.11833; [REDACTED].

<sup>5174</sup> BOERING:T.10015; P01148, pp.50,63; BOERING:P01139, T.1943,T.1948-1949,T.2020.

<sup>5175</sup> BOERING:P01139, T.1948-1949,T.2020.

<sup>5176</sup> P02203, para.9.38.

POPOVIĆ reported to his superiors that 5,000 women and children had been removed from Potočari and that Muslim men were being separated:

We are separating men from 17-60 years of age and we are not transporting them. We have about 70 of them so far and the security organs and the DB/state security/ are working with them.<sup>5177</sup>

1205. Here POPOVIĆ is reporting on the implementation of **MLADIĆ**'s order to separate the men of Potočari. POPOVIĆ's comment "we are not transporting them" is a telling indication that the VRS had no intention of bussing the men towards Kladanj with the women and children. Instead, the VRS kept the Muslim men in deplorable confinement in and around Bratunac on 12 July, where several men were murdered by the troops guarding them and others awaited transport and execution, beginning 14 July.<sup>5178</sup>

1206. Momir NIKOLIĆ confirmed that he co-ordinated, supervised and worked with members of the GŠ-VRS' 10<sup>th</sup> Sabotage Detachment, 65<sup>th</sup> ZMTP MPs, DK MPs, the Zvornik Brigade's Drina Wolves, Bratunac Brigade MPs, the Bratunac Brigade's 2<sup>nd</sup> and 3<sup>rd</sup> Infantry Battalions and MUP forces, all of whom participated in the separation of the men and the forcible transfer.<sup>5179</sup>

1207. With regard to the MUP forces, Special Police Officer Mendeljev ĐURIĆ, known to VAN DUIJN as "Mane", told VAN DUIJN that he was the person commanding the operation in Potočari.<sup>5180</sup> According to VAN DUIJN, "Mane" told VAN DUIJN how many buses or trucks would come and how many people could board them.<sup>5181</sup> "Mane" was the direct subordinate of Special Police supervisor Duško JEVIĆ<sup>5182</sup> who was also present in Potočari.<sup>5183</sup> BOROVIČANIN, who was JEVIĆ's superior and also present in Potočari, was placed under the command of the DK and received orders directly from **MLADIĆ** on 11 and 12 July.<sup>5184</sup> Therefore, "Mane" and

<sup>5177</sup> P01510; M.NIKOLIĆ:T.11835-11836.

<sup>5178</sup> See paras.1412-1425.

<sup>5179</sup> AF1401; AF1428; M.NIKOLIĆ:T.11830-11833; M.NIKOLIĆ:D00301, p.2. See also [REDACTED]; M.ĐURIĆ:P02174, T.10797 (identified himself as "Mane"),T.10804-10809; VAN DUIJN:P01154, T.2277-2284; P02117; P00724, pp.2-3; KOVAČEVIĆ:T.24596,T.24610-24611; P01147, V000-9265, 00:25'19-00:25'25, tp.7; P01148, p.33. See also KOVAČEVIĆ:T.24632.

<sup>5180</sup> VAN DUIJN:T.10313.

<sup>5181</sup> VAN DUIJN:T.10313.

<sup>5182</sup> [REDACTED]; VAN DUIJN:T.10313-10314; VAN DUIJN:P01154, T.2282-2283; P01148, pp.58,78; LJ.GAJIĆ:T.40276; P01147, V000-9266, 00:03'02-00:04'17, tp.44-45.

<sup>5183</sup> [REDACTED]; P01148, p.78.

<sup>5184</sup> P00724; See paras.1090-1093.

his forces in Potočari were under the command of **MLADIĆ** on 12 and 13 July. Their actions separating and transporting the Muslim men were conducted under **MLADIĆ**'s direct authority and at times in his presence, as noted above.

d. SF disabled DutchBat

1208. Although the first convoy was permitted to pass with the DutchBat escort and some men on board, by late afternoon on 12 July, SF systematically stopped, disarmed and hijacked their jeeps and turned back the DutchBat escorts.<sup>5185</sup> This coordinated "massive harassment" was systematic, sanctioned by the VRS leadership and done in order to take away DutchBat's eyes and ears so it would be "out of the way" and not be a witness.<sup>5186</sup> FRANKEN complained to JANKOVIĆ, without results.<sup>5187</sup>

1209. In addition, SF held DutchBat soldiers in Potočari captive at gunpoint and forcibly seized their radios, flak vests, weapons and other equipment.<sup>5188</sup> RUTTEN and six peacekeepers under his command were held captive for a few hours that afternoon.<sup>5189</sup>

(d) 12-13 July, TOLIMIR prepared for the transfer of approximately 1,200 Srebrenica prisoners to Batković and then called off the transfer

1210. With knowledge of the presence of over 1,000 able-bodied Muslim men in Potočari on 11 July,<sup>5190</sup> TOLIMIR took steps to arrange for their detention.<sup>5191</sup> That evening or the next morning,<sup>5192</sup> he ordered Col. Milenko TODOROVIĆ, IBK Chief of the Security Department, to prepare Batković camp to receive approximately

<sup>5185</sup> AF1426; FRANKEN:P01417, paras.84-85,88; RAVE:P01149, para.40; GROENEWEGEN:T.10486-10487.

<sup>5186</sup> FRANKEN:P01417, para.84; EGBERS:T.13385.

<sup>5187</sup> FRANKEN:P01417, paras.76,85.

<sup>5188</sup> KOSTER:P00057, pp.13-14,16.

<sup>5189</sup> KOSTER:P00057, p.13.

<sup>5190</sup> M.NIKOLIĆ:T.11807-11808,T.11812. TOLIMIR had access to intelligence and security information, see P02112; P01510; P02115; P02116.

<sup>5191</sup> See P02116, p.2 (noting the importance of recording the names of "all men fit for military service who are being evacuated from the UNPROFOR base in Potočari").

<sup>5192</sup> M.TODOROVIĆ:T.19820-19821; M.TODOROVIĆ:P02914, p.6. To avoid incriminating TOLIMIR in his trial, TODOROVIĆ attempted to make the timing of TOLIMIR's order appear as imprecise as possible. M.TODOROVIĆ:P02915, T.12933-12934.

1,000-1,300 prisoners from Srebrenica.<sup>5193</sup> On 12 July, TOLIMIR attended a meeting at the IBK Security Department at the IBK HQ in Bijeljina<sup>5194</sup> where he would have discussed arrangements for the captured prisoners.<sup>5195</sup> That same day, the operation to separate, detain and murder the able-bodied men was being implemented in Potočari. The separated Muslim men were not sent to Batković but were detained in Bratunac.<sup>5196</sup> *En route* to Crna Rijeka that evening, TOLIMIR stopped at the DK HQ in Vlasenica,<sup>5197</sup> where he sent instructions to, *inter alia*, subordinate intelligence and security departments and the MUP, and to the attention of KRSTIĆ and POPOVIĆ, underscoring the importance of noting down the names of able-bodied Muslim men separated in Potočari.<sup>5198</sup>

1211. While TOLIMIR was fully aware of the ongoing operation to separate and forcibly transfer the Muslim population, his trip to Bijeljina and order to note down the names of the able-bodied Muslim men for their receipt at Batković suggests that, on the evening of 12 July, TOLIMIR was not yet informed of the decision to murder the Srebrenica men.<sup>5199</sup> However, the report TOLIMIR sent on the evening of 12 July must have triggered an immediate response from POPOVIĆ or KRSTIĆ informing TOLIMIR of the plan then in place to kill the captured men.<sup>5200</sup> It was incumbent on POPOVIĆ to inform TOLIMIR, his professional superior, of his engagement in the murder plan.<sup>5201</sup> Otherwise, TOLIMIR would have continued to issue orders, directions or other proposals that potentially conflicted with the murder plan. Indeed, TOLIMIR's subsequent actions remove any doubt that he was fully informed of the murder operation by the morning of 13 July.<sup>5202</sup>

<sup>5193</sup> M.TODOROVIĆ:T.19815-19817; M.TODOROVIĆ:P02914, pp.1-2,4.

<sup>5194</sup> M.MIČIĆ:P03097, T.16001-16002.

<sup>5195</sup> TODOROVIĆ stated that he could have received TOLIMIR's order via a telegram from the GŠ-VRS, but did not exclude the possibility that he met TOLIMIR in person on 12 July. M.TODOROVIĆ:P02914, p.3; M.TODOROVIĆ:P02915, T.12934; M.TODOROVIĆ:T.19821,T.19853-19855.

<sup>5196</sup> See paras.1262,1266-1267,1412-1423.

<sup>5197</sup> M.MIČIĆ:P03097, T.16003.

<sup>5198</sup> P02116, p.2 (2<sup>nd</sup> Romanija Brigade received stamp at 21:50 hours); BUTLER:T.16274-16277.

<sup>5199</sup> See BUTLER:T.16275-16277. See also para.1261

<sup>5200</sup> See paras.1174-1183; M.NIKOLIĆ:T.11820-11821.

<sup>5201</sup> See P04900, p.9, Ch.I, items 12-13; LJ.OBRADOVIĆ:T.14552-14553 (a task received from a second superior in line needs to be reported to the immediate superior). See also MILOVANOVIĆ:T.16972-16973 (explaining that any order he received from KARADŽIĆ would be forwarded to MLADIĆ, his immediate superior); ŠKRBIĆ:T.14010.

<sup>5202</sup> See e.g. P01558; P02121.

1212. Within 24-48 hours of TOLIMIR's direction to prepare Batković Camp,<sup>5203</sup> IBK Commander Novica SIMIĆ told TODOROVIĆ to call TOLIMIR and find out when the prisoners were coming.<sup>5204</sup> TODOROVIĆ then called TOLIMIR, who told him that the prisoners were not coming: "[t]his task was given up on or was withdrawn;"<sup>5205</sup> "Drop all further preparations. *We gave up on that idea*" or "Drop any further preparations. *We are halting the task.*"<sup>5206</sup> This evidence clearly shows that TOLIMIR was now fully apprised of the murder operation and, together with other members of the GŠ-VRS, was actively involved in its implementation.

(c) Evening of 12 July, MLADIĆ met with KRSTIĆ, DK Brigade Commanders and other officers at the Bratunac Brigade HQ

1213. On the evening of 12 July, MLADIĆ, KRSTIĆ and the DK Brigade Commanders met at the Bratunac Brigade HQ, where MLADIĆ ordered commanders to depart for Žepa the following morning, 13 July.<sup>5207</sup> At this meeting, all the commanders would have been informed of prisoners separated in Potočari and the plan to execute them; indeed, several hundred prisoners were incarcerated in deplorable conditions within a few hundred metres of the Bratunac Brigade HQ where the commanders were meeting.<sup>5208</sup> Further, the military resources required to complete the separation, detention and execution process must have been incorporated into any decision to move the VRS units the next morning for the assault on Žepa.

1214. Defence witnesses Milenko JEVĐEVIĆ and Miodrag DRAGUTINOVIĆ falsely claimed this meeting took place on 11 July, in an attempt to remove the VRS

<sup>5203</sup> M.TODOROVIĆ:P02914, pp.7,14-15; M.TODOROVIĆ:T.19830. In a transparent attempt to avoid incriminating TOLIMIR at his trial, TODOROVIĆ testified that two, three *or maybe more days* elapsed from when he received TOLIMIR's order to prepare the camp and when TOLIMIR told him the prisoners were no longer going to Batković. M.TODOROVIĆ:P02915, T.12943-12944. *See also* M.TODOROVIĆ:T.19812-19813. *See also* LJ.MITROVIĆ:P03507, T.15174 (the day after he was confronted by relatives of Bosnian Serb prisoners (12 July, according to MITROVIĆ), M.TODOROVIĆ told MITROVIĆ that he had spoken with TOLIMIR who had ordered him to prepare Batković camp for around 1,300 prisoners).

<sup>5204</sup> M.TODOROVIĆ:T.19822-19823. *See also* M.TODOROVIĆ:P02914, pp.4-5; M.TODOROVIĆ:P02915, T.12942. Within 24 hours of TOLIMIR's order, parents of captured Serbian soldiers, having learned of the imminent arrival of Muslim prisoners, surrounded the IBK command, demanding information. LJ.MITROVIĆ:P03507, T.15152,T.15154,T.15156,T.15160,T.15173-15174.

<sup>5205</sup> M.TODOROVIĆ:T.19823. *See* TODOROVIĆ's 2010 interview, where he more precisely related what TOLIMIR told him: "[i]t's not going to happen. Stop the preparations!" M.TODOROVIĆ:P02914, p.5.

<sup>5206</sup> M.TODOROVIĆ:P02915, T.12942 (emphasis added).

<sup>5207</sup> P01467, pp.25,28; [REDACTED]; [REDACTED]; TRIVIĆ:T.11271-11273(confidential).

<sup>5208</sup> *See* paras.1412-1414.

officers at the meeting from involvement in the planning and implementation of the separations, detentions and murder operation that began the morning of 12 July.

(i) The meeting was on 12 July

a. TRIVIĆ dates the meeting to 12 July

1215. Mirko TRIVIĆ, commander of the 2<sup>nd</sup> Romanija Brigade, recorded in his war diary—a contemporaneously written, chronological recording of events—that on the evening of 12 July he attended a meeting in Bratunac with **MLADIĆ**, **KRSTIĆ** and other officers.<sup>5209</sup> TRIVIĆ noted that at this meeting, **MLADIĆ** ordered **KRSTIĆ** to draft the decision to attack Žepa “[b]y 0800 hours tomorrow” and “[i]n the morning of 13 July, at 1000 hours, General **MLADIĆ** will personally address the soldiers in the Vijogor village”.<sup>5210</sup> **KRSTIĆ** issued the Žepa attack plan on 13 July<sup>5211</sup> and **MLADIĆ** addressed his soldiers at Viogor the morning of 13 July.<sup>5212</sup> Thus, the meeting at which **MLADIĆ** ordered **KRSTIĆ** to produce this order “*tomorrow*” could only have occurred on 12 July.

1216. TRIVIĆ recounted the events in court just as he had noted them in his diary.<sup>5213</sup> Other key events recorded in TRIVIĆ’s diary are also corroborated,<sup>5214</sup> showing it to be a reliable, credible and accurate account of events.

b. [REDACTED] dates the meeting to 12 July

1217. [REDACTED] at approximately 17:00-18:00 hours on 12 July, **KRSTIĆ** held a meeting with TRIVIĆ, **PANDUREVIĆ**, Col. **ANDRIĆ** and other officers at Viogor.<sup>5215</sup> TRIVIĆ also recorded in his diary<sup>5216</sup> and testified to having attended this meeting with **KRSTIĆ** on the late afternoon of 12 July.<sup>5217</sup>

<sup>5209</sup> P01467, pp.25,28-29.

<sup>5210</sup> P01467, pp.28-29.

<sup>5211</sup> D00290.

<sup>5212</sup> TRIVIĆ:T.11323; P01467, p.30; DRAGUTINOVIĆ:T.32245-32246; M.BLAGOJEVIĆ:D00922, para.6.

<sup>5213</sup> TRIVIĆ:P01463, T.11837-11846; TRIVIĆ:T.11270-11278,T.11314,T.11323.

<sup>5214</sup> For example, *see* P01467, pp.18,20-21; AF1383; fn.4987. TRIVIĆ also recorded an exchange with **MLADIĆ** in Srebrenica in extraordinarily accurate detail. *See* P01467, pp.23-24; P01147, V000-9265, 00:28’38-00:29’20, tp.9.

<sup>5215</sup> [REDACTED]; [REDACTED]. *See also* DRAGUTINOVIĆ:P07156, paras.16-17.

1218. Following the meeting at Viogor, KRSTIĆ was taken back to the Bratunac Brigade HQ where he had another meeting with his brigade commanders and **MLADIĆ**.<sup>5218</sup> [REDACTED] the purpose of the meeting was to issue further instructions to the units and for KRSTIĆ to extend his appreciation for “the job done so far in Srebrenica.”<sup>5219</sup> The following day, KRSTIĆ told [REDACTED] that they were going to Žepa.<sup>5220</sup> Given the attendees and the content of the meeting [REDACTED], this must have been the same meeting attended by TRIVIĆ on the evening of 12 July.

1219. [REDACTED].<sup>5221</sup> [REDACTED]<sup>5222</sup>, [REDACTED]<sup>5223</sup> which bears no resemblance to the false 11 July meeting concocted by JEVĐEVIĆ.

c. The order to attack Žepa could not have happened before the Srebrenica enclave was taken

1220. It was not until the early afternoon of 12 July, when SF took control of Potočari<sup>5224</sup> and thereby almost all of the Srebrenica enclave, that the decision to move troops to Žepa could be made. **MLADIĆ** would not have ordered his troops to march to Žepa before he knew those troops would be freed up from combat in Srebrenica.<sup>5225</sup>

(ii) Credibility of JEVĐEVIĆ and DRAGUTINOVIĆ’s evidence

a. JEVĐEVIĆ’s claim that the meeting was on 11 July is false

1221. JEVĐEVIĆ falsely claimed **MLADIĆ**’s meeting with the DK Brigade Commanders occurred on the evening of 11 July. JEVĐEVIĆ testified that at around

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<sup>5216</sup> P01467, pp.25-26.

<sup>5217</sup> TRIVIĆ:P01463, T.11836-11837.

<sup>5218</sup> [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED].

<sup>5219</sup> [REDACTED].

<sup>5220</sup> [REDACTED].

<sup>5221</sup> [REDACTED]. [REDACTED]. See [REDACTED]; [REDACTED].

<sup>5222</sup> [REDACTED].

<sup>5223</sup> [REDACTED].

<sup>5224</sup> P02117.

<sup>5225</sup> VASIĆ’s report of 13 July to his superiors reports for the first time **MLADIĆ**’s decision to move troops to Žepa. P02118. See also P01509; P02111.

19:00 hours on 11 July, he packed up the DK IKM at Pribićevac, without any orders to do so,<sup>5226</sup> and drove to Bratunac via Srebrenica and Potočari<sup>5227</sup> where he attended a meeting at the Bratunac Brigade HQ at 22:00 hours with **MLADIĆ**, KRSTIĆ, ŽIVANOVIĆ, FURTULA and PANDUREVIĆ.<sup>5228</sup> JEVĐEVIĆ recalled that **MLADIĆ** ordered the VRS units to proceed to Žepa the following day, and he also recalled **MLADIĆ** rejecting PANDUREVIĆ's proposal that VRS units should consolidate the situation around Srebrenica before moving to Žepa,<sup>5229</sup> matching the notations in TRIVIĆ's diary.<sup>5230</sup> Given the attendees and the content of this meeting, it is clear that JEVĐEVIĆ and TRIVIĆ attended the same meeting. There could not have been two similar meetings on the evenings of 11 and 12 July; the meeting must have been on 12 July.

1222. JEVĐEVIĆ's account is contradicted by a 12 July intercept at 18:50 hours where he states that "from now on" he will be at Bratunac HQ.<sup>5231</sup> JEVĐEVIĆ acknowledged the accuracy of the content of this conversation, but claimed that it must have been intercepted on 11 July.<sup>5232</sup> This claim is contradicted by the intercept records, both the specifically dated printed version<sup>5233</sup> and the undated handwritten version.<sup>5234</sup>

1223. JEVĐEVIĆ also testified that *en route* to Bratunac from Pribićevac, he passed through the check-point at Žuti Most which was manned by members of the Bratunac Brigade or police.<sup>5235</sup> As SF only took control of Potočari and the Žuti Most check-point from UNPROFOR on 12 July,<sup>5236</sup> JEVĐEVIĆ must have driven through the check-point on 12 July and not on 11 July as he claimed. **MLADIĆ** drove to Bratunac

<sup>5226</sup> JEVĐEVIĆ:T.31972,T.32021.

<sup>5227</sup> JEVĐEVIĆ:T.31972.

<sup>5228</sup> JEVĐEVIĆ:T.31972-31973,T.32060.

<sup>5229</sup> JEVĐEVIĆ:T.31973-31974.

<sup>5230</sup> P01467, pp.25,28-29.

<sup>5231</sup> P01248(confidential); P01247.

<sup>5232</sup> JEVĐEVIĆ:T.32062-32063,T.32066-32067.

<sup>5233</sup> P01248(confidential); RM279:T.13315-13316.

<sup>5234</sup> P01247 is excerpted from a handwritten intercept notebook, P07137. While undated, JEVĐEVIĆ's conversation in P07137, p.5 is immediately preceeded by two conversations at 12:05 and 13:10 hours about buses going to Srebrenica, and followed by a conversation at 22:00 hours about taking Potočari "[t]his morning at 1000 hours", conversations that could only have been recorded on 12 July. *See also* P07136, pp.1,3(confidential); P07135(confidential).

<sup>5235</sup> JEVĐEVIĆ:T.32009,T.32012.

<sup>5236</sup> P00724, p.2.

on 11 July via the back route Pribićevac-Sase-Bratunac because the VRS did not yet control Potočari.<sup>5237</sup>

1224. Additionally, three telegrams sent to JEVĐEVIĆ's DK IKM (two of them addressed specifically to the IKM at Pribićevac) were signed as received by a 5<sup>th</sup> Communications Battalion member stationed at the IKM<sup>5238</sup> late at night on 11 July and during the morning hours on 12 July,<sup>5239</sup> *i.e., after* the time JEVĐEVIĆ claimed to have packed up the IKM.

1225. Finally, after the meeting at the Bratunac Brigade HQ, JEVĐEVIĆ testified that Zvonko BAJAGIĆ served a fish dinner to the attendees of the meeting in connection with the fast day of 11 July and claimed fish would not be eaten on the feast day of St. Peter's Day on 12 July<sup>5240</sup> as "*it would be completely contrary to our Orthodox customs to have somebody serve fish on the 12th. Impossible.*"<sup>5241</sup> However, when shown a video of BAJAGIĆ serving fish at a large gathering where ŽIVANOVIĆ was present on 12 July,<sup>5242</sup> JEVĐEVIĆ changed his mind and testified that fish could be served on 12 July<sup>5243</sup> exposing his complete lack of credibility.

b. DRAGUTINOVIĆ was mistaken or untruthful about the date on which PANDUREVIĆ said he had attended this meeting in Bratunac

1226. Miodrag DRAGUTINOVIĆ claimed that PANDUREVIĆ told him on the morning of 12 July that he (PANDUREVIĆ) had attended a meeting at the Bratunac Brigade HQ the previous evening, where he learned that the units were to be deployed to the Žepa area.<sup>5244</sup> This account is contradicted by DRAGUTINOVIĆ's prior testimony where he stated that it was on the evening of 12 July when he received

<sup>5237</sup> JANJIĆ:T.11017-11020; D00285, p.12. *See* para.1157.

<sup>5238</sup> JEVĐEVIĆ:T.32019-32020(confidential). Oliver SEKULIĆ was a 5<sup>th</sup> Communications Battalion member and the 5<sup>th</sup> Communications Battalion roster for July 1995 indicates he was at Pribićevac until 12 July. *See* P07134.

<sup>5239</sup> D00289 (*see also* P07131(confidential)); P07132(confidential); P07133.

<sup>5240</sup> JEVĐEVIĆ:T.32151-32152.

<sup>5241</sup> JEVĐEVIĆ:T.32177 (emphasis added).

<sup>5242</sup> *See* P01147, V000-9266. Fish can be seen being prepared at 00:31'50-00:32'05 and a fish is shown on the table in front of ŽIVANOVIĆ at 00:35'23.

<sup>5243</sup> JEVĐEVIĆ:T.32179,T.32181.

<sup>5244</sup> DRAGUTINOVIĆ:T.32240-32242.

“indications that we would prepare our units to proceed with combat activities in the Žepa sector”.<sup>5245</sup>

(f) 13 July, Forcible removal of the women, children and elderly and the separation of men continued

1227. Around 07:00 hours on 13 July, the buses arrived in Potočari.<sup>5246</sup> The conditions at the factories were deplorable, with refugees forced to sit in their own excrement and some dying of exhaustion and dehydration.<sup>5247</sup> With no food or water and many injured among them,<sup>5248</sup> the refugees could not stay there any longer.<sup>5249</sup> Around 08:30 hours, Mendeljev ĐURIĆ and his men returned to continue the same job as the day before,<sup>5250</sup> separating the men from the women and children and putting the women and children onto the buses.<sup>5251</sup>

1228. Throughout the day, Radoslav JANKOVIĆ continued to manage MP JANJIĆ and other MPs who were engaged in counting the number of Muslim civilians being transported.<sup>5252</sup> At the end of the day, JANKOVIĆ reported to the GŠ-VRS Intelligence and Security Sector and the DK Intelligence and Security Department on his activities.<sup>5253</sup>

(i) White House

1229. After several attempts, on the morning of 13 July, EGBERS managed to enter the White House.<sup>5254</sup> EGBERS saw terrified men, signalling their fear that SF would kill them.<sup>5255</sup> When RAVE asked **MLADIĆ** where the men were going to be taken,

<sup>5245</sup> DRAGUTINOVIĆ:T.32278-32281. *See also* DRAGUTINOVIĆ:P07156, para.17.

<sup>5246</sup> KOSTER:P00057, p.14; GROENEWEGEN:P01157, paras.48-49; RAVE:P01149, paras.46; VAN DUIJN:P01154, T.2999-2300.

<sup>5247</sup> FRANKEN:P01417, para.96; VAN DUIJN:P01154, T.2299-2300.

<sup>5248</sup> AF1393-AF1394; FRANKEN:P01417, para.96; FRANKEN:T.10744.

<sup>5249</sup> VAN DUIJN:P01154, T.2299-2300; VAN DUIJN:T.10380; RM207:P03519, T.5753-5754(confidential); RM311:P03521, T.3311-3313(confidential).

<sup>5250</sup> ĐURIĆ:P02174, T.10815-10816,T.10871. *See also* M.MALAGIĆ:P01462, T.10033; P01432; RAVE:P01149, paras.45-46; P01636, p.1; FRANKEN:P01417, para.98.

<sup>5251</sup> ĐURIĆ:P02174, T.10870-10871; KOSTER:P00057, pp.14-15; VAN DUIJN:P01154, T.2300-2301; RM207:P03519, T.5754-5756(confidential); RM311:P03521, T.3312(confidential); N.EFENDIĆ:P01027, pp.2-3; LJ.GAJIĆ:T.40295. *See also* AF1421.

<sup>5252</sup> JANJIĆ:P01445, T.9768-9769; JANJIĆ:T.11008-11010. *See also* P01257(confidential) (regarding JANKOVIĆ's involvement).

<sup>5253</sup> D00306. *See also* FRANKEN:P01417, paras.101-103.

<sup>5254</sup> EGBERS:P01629, T.2230-2234; EGBERS:T.13376.

<sup>5255</sup> EGBERS:P01629, T.2230-2234; EGBERS:T.13376.

**MLADIĆ** falsely told RAVE that they would be taken to a military prison in Bijeljina for exchange.<sup>5256</sup>

1230. KINGORI complained to VAN DUIJN and BOROVČANIN about the conditions at the White House that afternoon.<sup>5257</sup> VAN DUIJN then went to the White House and saw a house full of “frightened, weakened and very quiet” men, with passports and personal possessions piled outside.<sup>5258</sup> He asked “Mane” (Mendeljev ĐURIĆ) about Mane’s earlier explanation that the men were being separated to identify potential war criminals, pointing out that the men would need their passports to prove their identity.<sup>5259</sup> Grinning, Mane told VAN DUIJN that the men didn’t need their passports anymore, an indication that the plan was to kill rather than screen the men in the White House.<sup>5260</sup>

(ii) SF continued to disable DutchBat

1231. On 13 July, RAVE complained to **MLADIĆ** about the VRS’ seizure of UNPROFOR’s equipment, weapons and flak jackets. Standing just a few meters from the White House, **MLADIĆ** denied he had ordered them to do so and said he would try to stop it.<sup>5261</sup> RAVE’s complaint to **MLADIĆ** yielded no result.

1232. On the morning of 13 July, SF blocked RM372 in Bratunac as he tried to escort a bus filled with men who were being taken from the White House to Bratunac.<sup>5262</sup> SF detained RM372 and another DutchBat soldier, seizing their vehicle and equipment.<sup>5263</sup> Later that day, RM372 and another DutchBat soldier were told to escort one of the remaining convoys of buses towards Kladanj.<sup>5264</sup> Again, armed SF seized their vehicle and stripped them of their belongings.<sup>5265</sup> Returning from Tišća to Potočari, EGBERS was stopped and forced from his vehicle at gunpoint by members

<sup>5256</sup> RAVE:T.10178.

<sup>5257</sup> VAN DUIJN:P01154, T.2302; KINGORI:P00034, para.191; P01147, V000-9267, 00:08’27-00:08’56, tp.76. *See also* VAN DUIJN:T.10320.

<sup>5258</sup> VAN DUIJN:P01154, T.2303-2304; VAN DUIJN:T.10320-10321.

<sup>5259</sup> VAN DUIJN:P01154, T.2304; VAN DUIJN:T.10321.

<sup>5260</sup> VAN DUIJN:P01154, T.2304; VAN DUIJN:T.10321; KINGORI:P00034, paras.175-176. *See also* RM312:P03488, pp.5-6(confidential); RM312:P03489, T.3611(confidential) (on 12 July, RM312 attempted to give her brother his personal belongings, but was told by the Bosnian Serb soldier who separated her brother: “They will not need it anymore”).

<sup>5261</sup> RAVE:P01149, para.48; RAVE:T.10178.

<sup>5262</sup> RM372:P03499, para.8(confidential); MLAĐENović:T.27261.

<sup>5263</sup> RM372:P03499, para.8(confidential).

<sup>5264</sup> RM372:P03499, para.9(confidential).

<sup>5265</sup> RM372:P03499, para.9(confidential).

of the GŠ-VRS's 65<sup>th</sup> ZMTP at Nova Kasaba.<sup>5266</sup> He joined ten DutchBat soldiers detained there, who also had been forced to give up their vehicles, weapons and equipment.<sup>5267</sup>

1233. Preventing DutchBat escorts of the separated men and boys on 13 July facilitated the VRS plan to execute them. That same day, SF executed 15 men at Jadar River,<sup>5268</sup> 15 men at Sandići Meadow,<sup>5269</sup> approximately 22 men near Tišća,<sup>5270</sup> and approximately 1,000 men and boys at Kravica Warehouse.<sup>5271</sup> By 13 July, the murder operation was fully underway with **MLADIĆ** present in the area and in command.

(iii) Transportations end, 13 July

1234. By about 18:00 hours on 13 July, SF completed the transportation of Bosnian Muslims from Potočari.<sup>5272</sup> The men who had stayed in the UN compound were finally separated once they left it, and are either still missing or have been identified as dead, as was the fate of Ibro NUHANović<sup>5273</sup> and Mirsada MALAGIĆ's son, Elvir MALAGIĆ.<sup>5274</sup> Of the men on FRANKEN's list, 193 were on the ICRC Srebrenica Missing List, and as of February 2013, DNA matching by the ICMP has identified 187 of them.<sup>5275</sup> As the last refugees were transported out of the enclave, **MLADIĆ** belatedly permitted a UNHCR convoy to enter Potočari.<sup>5276</sup>

1235. After taking over the enclave and removing its Muslim population,<sup>5277</sup> the VRS destroyed at least eight mosques as well as other heritage buildings in the

<sup>5266</sup> EGBERS:P01629, T.2241-2242,T.2245-2246,T.2249-2250; P01636, p.1; EGBERS:T.13378-13379; P01630.

<sup>5267</sup> EGBERS:P01629, T.2241-2250; EGBERS:T.13376-13380,T.13384-13385,T.13443-13445; P01636, p.1; P01630.

<sup>5268</sup> See paras.1426-1435.

<sup>5269</sup> See paras.1455-1458.

<sup>5270</sup> See para.1459.

<sup>5271</sup> See paras.1439-1447.

<sup>5272</sup> P00051; FRANKEN:P01417, para.98; RAVE:P01149, para.50; VAN DUIJN:P01154, T.2307.

See also AF1435.

<sup>5273</sup> P01982, p.114(confidential).

<sup>5274</sup> Mirsada MALAGIĆ's son, Elvir MALAGIĆ, was on FRANKEN's list. P01137, p.4. His remains were recovered from [REDACTED]. M.MALAGIĆ:P01462, T.10008,T.10022,T.10041; P01982, p.158(confidential).

<sup>5275</sup> See para.1191; P01900; P01982(confidential).

<sup>5276</sup> KINGORI:P00034, para.196; P00038; M.ĐURIĆ:P02174, T.10816.

<sup>5277</sup> AF1424; AF1438.

Srebrenica enclave.<sup>5278</sup> This cultural and religious destruction shows the intent to eliminate the Muslim population. As ŽIVANOVIĆ said on 12 July:

On my way to Srebrenica I saw the most Turkish mosque you can imagine [...] I was asked this morning, “General, has this famous mosque been finished?” I told them “I think that they finished it this morning”. [...] Let me tell you with yesterday’s dusk any organized Muslim life to the left of Jadar ceased existing”.<sup>5279</sup>

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<sup>5278</sup> P01132, pp.266-273; P01541, 00:37’27-00:37’33, 00:41’16-00:41’52 (video footage of Srebrenica mosque with date stamp of 14 July 1995); P01539, pp.72-77; RIEDLMAYER:T.17929-17932; P02510, pp.218-231,250-268,272-277; P02512, slides#14-16; P02513, pp.32-39; P02503, sections 2.1,2.3; P02505. *See also* P02511; P01132, pp.268,270 (intact Orthodox church).

<sup>5279</sup> P01147, V000-9266, 00:39’08-00:40’57, tp.61. *See also* P01147, V000-9266, 00:38’12-00:38’36, tp.60 and RIEDLMAYER:P02510, pp.250-253, referring to the destruction of the Petriča mosque.

(iv) Killings in Potočari

1236. On 12-13 July, approximately 1,000 Muslim men were separated and detained in Potočari and thousands more were captured from the column of men fleeing from Srebrenica.<sup>5280</sup> At least ten Muslim men were murdered in Potočari.<sup>5281</sup>

(g) 13 July, **MLADIĆ** and senior GŠ-VRS officers implement and supervise the capture, detention and execution of Muslim men

1237. On the morning of 13 July, **MLADIĆ** was aware that thousands of Muslim men from the column fleeing northward had been blocked, pursuant to his orders, by his forces near Konjević Polje, with further fighting expected. **MLADIĆ** and his senior officers had to plan and act quickly to secretly detain thousands of newly captured prisoners, and transport them to holding sites in preparation for further transport to detention and execution locations. Also that day, **MLADIĆ**'s forces conducted the first known organised mass executions at the Jadar River, Kravica Warehouse, Sandići Meadow and at Luke School near Tišća.<sup>5282</sup> A trail of witnesses, documents, photo and video images and intercepted conversations was left, revealing their work in furtherance of the plan to murder the able-bodied men of Srebrenica.

1238. On the night of 12 July, MPs secured the Hotel Fontana where **MLADIĆ** spent the night.<sup>5283</sup> The next morning at around 09:30 hours at the Command of the Bratunac Brigade **MLADIĆ** met with KRSTIĆ and POPOVIĆ, as well as "Colonel VASIĆ".<sup>5284</sup> At the meeting, **MLADIĆ** ordered MUP units to continue transporting the Muslim population from Potočari<sup>5285</sup> and to fight the thousands of Muslims fleeing Srebrenica who had been blocked near Konjević Polje.<sup>5286</sup>

<sup>5280</sup> AF1496; JANJIĆ:T.11004; JANJIĆ:P01466, T.17944-17945; M.NIKOLIĆ:T.11841-11843. *See also* paras.1246-1248.

<sup>5281</sup> AF1486. *See* paras.1410-1411.

<sup>5282</sup> *See* paras.1426-1435,1439-1459.

<sup>5283</sup> D00285, p.13. Mile JANJIĆ was amongst those providing security at the Hotel Fontana on the night of 12 July. JANJIĆ:T.11046.

<sup>5284</sup> M.NIKOLIĆ:D00301, para.8.

<sup>5285</sup> On 13 July, Bratunac Brigade units also engaged in the forcible transfer. *See* paras.1227-1235.

<sup>5286</sup> P02118; P02117, p.2; P06983. VASIĆ claimed in his report to his superiors that MUP troops were the only units stopping the column. However, **MLADIĆ** had the 5<sup>th</sup> Engineering Battalion, elements of the 65<sup>th</sup> ZMTP MPs and members of the Bratunac Brigade all deployed in the area to block the Muslim column. *See* P02119; P03518; SIMANIĆ:P03517, T.14625-14626; MALINIĆ:P01555, T.15346-15347,T.15353; MALINIĆ:T.12591-12592,T.12598; P02113; P01785, para.6(b); P01786, p.3; P02203, paras.6.13-6.17,6.25; BUTLER:T.16287-16289.

1239. Shortly after his meeting in Bratunac, **MLADIĆ** traveled to Viogor as promised the night before,<sup>5287</sup> where he addressed the troops regarding their task to liberate Žepa.<sup>5288</sup>

1240. That morning, BEARA was co-ordinating the detention of Muslim men captured at Nova Kasaba using the GŠ-VRS' 65<sup>th</sup> ZMTP MP Battalion.<sup>5289</sup> As Chief of the GŠ-VRS' Security Administration, BEARA could only have been brought in to manage the murder operation on TOLIMIR's proposal and **MLADIĆ**'s authorisation.<sup>5290</sup> BEARA gave information and instructions regarding the prisoners to MALINIĆ and his deputy, Aleksandar LUČIĆ, at 10:09 hours,<sup>5291</sup> including that they were to be lined up on the field in rows. MALINIĆ informed BEARA "they're killing themselves..." to which BEARA responded, "You mean they're doing it amongst themselves?" and, "Well, excellent. Just let them continue, fuck it."<sup>5292</sup> BEARA's reference to "it" is a reference to the murder operation.

1241. SALAPURA was present with MALINIĆ at the Nova Kasaba football field at the time BEARA was issuing orders to secure the prisoners.<sup>5293</sup> Later that afternoon SALAPURA met with **MLADIĆ** in Srebrenica<sup>5294</sup> where he would have informed

<sup>5287</sup> P01467, pp.28-29; TRIVIĆ:P01463, T.11841-11843.

<sup>5288</sup> TRIVIĆ:T.11323; TRIVIĆ:P01463, T.11853-11854; P01467, p.30; M.DRAGUTINOVIĆ:T.32245-32246; M.BLAGOJEVIĆ:T.32604-32605. See also M.BLAGOJEVIĆ:D00922, para.6.

<sup>5289</sup> P01255(confidential); P01415; EGBERS:P01629, T.2241-2243,T.2245; P01636, paras.5,8 including Lt. EGBERS' 15 July 1995 official report written on his return to Potočari, in which EGBERS describes BEARA as "Major Zoran" [MALINIĆ]'s commanding officer; EGBERS:P01629, T.2246-2248 (MALINIĆ told EGBERS "he had to inform his superior, which was a colonel BEARA" about EGBERS' complaint), T.2254 (EGBERS complained to BEARA who responded that "he would look into the matter and he would contact us through this Major Zoran [MALINIĆ]"); EGBERS:T.13386-13387 (MALINIĆ told EGBERS that "Colonel BEARA was the colonel in charge of the surroundings in Nova Kasaba"); KESEROVIĆ:T.12867-12868.

<sup>5290</sup> See para.61.

<sup>5291</sup> MALINIĆ:T.12597-12599; MALINIĆ:P01574, pp.3-4; KESEROVIĆ:T.12867-12868.

<sup>5292</sup> P01415, p.2; P01255, pp.1-2(confidential).

<sup>5293</sup> P01415; P01255(confidential); P01256(confidential). Although SALAPURA attempted to distance himself from the football field and the prisoners detained on it, both SALAPURA and MALINIĆ acknowledge that SALAPURA was in the area that day, and SALAPURA corroborates his presence at the time indicated in P01256(confidential). SALAPURA:T.13050-13052; MALINIĆ:T.12597-12600,T.12604-12606(confidential).

<sup>5294</sup> SALAPURA:P01584, T.13583,T.13585-13587,T.13589; SALAPURA:T.13054. SALAPURA mistakenly thought he met **MLADIĆ** in Potočari. However, consistently with SALAPURA's initial recollection and the video footage, it is clear that SALAPURA met with **MLADIĆ** in Srebrenica on 13 July. See P01147, V000-9267, 00:06'78-00:02'40, tp.72-73; P01148, p.107; GALLAGHER:T.10122. SALAPURA identified himself in the footage and confirmed he spoke to **MLADIĆ** after this recording. SALAPURA:P01584, T.13588-13589; SALAPURA:T.13054-13056,T.13060-13062. On his way to Srebrenica, SALAPURA would have also passed Konjević Polje and Sandići Meadow. SALAPURA:T.13048,T.13053.

**MLADIĆ** about the prisoners in Nova Kasaba and received orders from **MLADIĆ** in furtherance of the murder operation. Whilst minimising his role by claiming he did not recall whether he informed **MLADIĆ** during their meeting about what he had seen *en route* from Nova Kasaba to Bratunac, SALAPURA conceded: “**MLADIĆ** was [probably] receiving information from all the units there and was better informed than I was.”<sup>5295</sup> After personally meeting with **MLADIĆ**, SALAPURA’s continued involvement in the murder operation is revealed in a 14 July notation in the Zvornik Brigade Duty Officer Notebook indicating he called the Zvornik Brigade Duty Officer and told him to have “Drago and BEARA” report to GOLIĆ.<sup>5296</sup> “Drago” must be a reference to Drago NIKOLIĆ, the Zvornik Brigade Chief of Security and “GOLIĆ” a reference to DK Intelligence officer Pavle GOLIĆ, who was involved in assisting the murder operation.<sup>5297</sup> SALAPURA’s communications with BEARA, Drago NIKOLIĆ and GOLIĆ could only have been done in furtherance of the murder operation as that was BEARA and NIKOLIĆ’s main responsibility at the time.

1242. Sometime after returning to Bratunac from Viogor, **MLADIĆ** arrived at the Bratunac Brigade HQ. **MLADIĆ** shouted at POPOVIĆ outside the HQ.<sup>5298</sup> By this time, POPOVIĆ had already passed through Konjević Polje at least once that morning.<sup>5299</sup> Given their interaction at the Brigade Command on 13 July and **MLADIĆ** and POPOVIĆ’s presence in Bratunac itself, both must have known that the Bosnian Muslim men were being captured or surrendering in large numbers.<sup>5300</sup> **MLADIĆ** and POPOVIĆ would have been in a position to discuss the capture, detention and execution of Muslim prisoners, particularly in light of the ever-increasing number of prisoners in SF custody.

<sup>5295</sup> SALAPURA:T.13057-13059.

<sup>5296</sup> See P01501, p.41.

<sup>5297</sup> GOLIĆ helped get fuel for POPOVIĆ on 16 July: P01333(confidential); P01501, p.85; BUTLER:T.16396-16399. GOLIĆ was involved in communications between **MLADIĆ** and POPOVIĆ on 16 July: P01501, p.79; BUTLER:T.16390-16392. GOLIĆ was also liaising between POPOVIĆ and KRSTIĆ on 17 July, see paras.1531-1533.

<sup>5298</sup> RM265:P02540, T.3813(confidential). This interaction most likely took place at noon or in the early afternoon of 13 July, after **MLADIĆ** returned to Bratunac from Viogor and before **MLADIĆ** reached Konjević Polje that afternoon. M.BLAGOJEVIĆ:D00922, paras.5-9; M.PETROVIĆ:T.31314-31315. [REDACTED]. [REDACTED].

<sup>5299</sup> See P01257(confidential).

<sup>5300</sup> See paras.1246-1248.

1243. After **MLADIĆ** shouted at **POPOVIĆ**, **POPOVIĆ** went with Momir **NIKOLIĆ** behind the Brigade HQ where the UN APCs were kept.<sup>5301</sup> [REDACTED].<sup>5302</sup> [REDACTED],<sup>5303</sup> [REDACTED].<sup>5304</sup>

(h) 13 July, organised executions began with the murder of at least 15 prisoners on the bank of the Jadar River and approximately 22 men near Tišća

1244. At around 11:00 hours on 13 July, the first known organised execution occurred, involving approximately 16 Muslim men along the banks of the Jadar River, a short distance north of Konjević Polje.<sup>5305</sup> The totality of the evidence demonstrates the involvement of the VRS and MUP.<sup>5306</sup>

1245. On 13 July, buses transporting Srebrenica Muslims from Potočari arrived in Tišća. There, approximately 22 men were separated by VRS soldiers from the rest of the passengers, detained, mistreated and summarily executed later that night. There is also evidence that approximately 15 men were separated in Tišća the previous day and undoubtedly killed.<sup>5307</sup>

(i) 13 July, SF captured approximately 6,000 Muslim men along the Bratunac-Konjević Polje-Milići road

1246. Around 10:00 hours on 13 July, SF called out to the column over loudspeakers: "You're surrounded, if you don't surrender, we will kill you, if you surrender, you will be treated according to the Geneva Convention."<sup>5308</sup> Many of the Muslim men surrendered. Around 14:00-15:00 hours, SF gave a final ultimatum for the Muslims to surrender or be killed, causing large numbers to surrender.<sup>5309</sup>

<sup>5301</sup> RM265:P02540, T.3814-3817(confidential).

<sup>5302</sup> RM265:P02540, T.3815(confidential).

<sup>5303</sup> RM265:P02540, T.3816-3817(confidential).

<sup>5304</sup> See paras.1246-1248,1256-1257.

<sup>5305</sup> See paras.1426-1435. The area of the Jadar River falls within the zone of the 5<sup>th</sup> Engineering Battalion of the DK, with responsibility for broader military operations in the area falling to the Bratunac Brigade. P02203, paras.6.13,6.17.

<sup>5306</sup> See paras.1426-1435.

<sup>5307</sup> See para.1459.

<sup>5308</sup> AF1460; RM204:P03357, p.6(confidential); RM297:P01443, p.2(confidential). See also RM253:P01547, paras.10-11(confidential).

<sup>5309</sup> RM297:P01443, p.2(confidential); RM204:P03357, p.6(confidential). See also RM253:P01547, para.13-14(confidential).

1247. By 17:30 hours on 13 July, SF had captured approximately 6,000 Muslim men from the column along the Bratunac–Konjević Polje–Milići Road.<sup>5310</sup> Approximately 1,500-2,000 men were detained at three major sites:<sup>5311</sup> Nova Kasaba, Konjević Polje and Sandići Meadow. That afternoon, BEARA passed on a message involving a request to send a bulldozer to Bratunac;<sup>5312</sup> DK Col. MILANOVIĆ, searching for an excavator for Konjević Polje, was informed they were all in the field.<sup>5313</sup> There is no military reason why BEARA or MILANOVIĆ would require engineering equipment. The only need for excavators at this time was for the burial of Muslim victims.<sup>5314</sup> BEARA was actively involved in the murder operation at this time.<sup>5315</sup> The captured Muslim men were marked for death, as known from survivors detained at each of these sites.<sup>5316</sup>

1248. The rapid increase in prisoners at Nova Kasaba was reported to SAVČIĆ, who was in the Žepa area with TOLIMIR,<sup>5317</sup> who in turn proposed measures to MLADIĆ and GVERO.<sup>5318</sup> With knowledge of the developing situation, TOLIMIR proposed measures, drafted at around 14:00 hours and sent at 15:10 hours,<sup>5319</sup> to hide the over 1,000 prisoners<sup>5320</sup> detained at Nova Kasaba by the 65<sup>th</sup>ZMTP, including by placing “them somewhere indoors or in the area protected from sighting from the ground or the air.”<sup>5321</sup> TOLIMIR was aware that NATO forces controlled the airspace above

<sup>5310</sup> AF1469; FRANKEN:T.10743,T.10833-10835; FRANKEN:P01417, para.112. *See also* AF1461-AF1462.

<sup>5311</sup> P01615(confidential); P01281(confidential). *See also* P01147, V000-9267, 00:27’48-00:28’00, tp.83-84 (after 16:48 hours, “three to four thousand”). *See also* AF1464.

<sup>5312</sup> P01501, p.37.

<sup>5313</sup> P01267-P01268(confidential); P01277-P01278(confidential).

<sup>5314</sup> Mass graves were exhumed in Nova Kasaba and Glogova. *See* P01987, pp.8-9,11-12.

<sup>5315</sup> *See* para.1240.

<sup>5316</sup> RM346 and RM253 (Nova Kasaba), RM314 and Mevludin ORIĆ (Konjević Polje), RM297 and RM204 (Sandići Meadow).

<sup>5317</sup> SAVČIĆ:D00968, paras.50-52,57; SAVČIĆ:T.33659,T.33662-33663; MALINIĆ:T.12594-12595; MALINIĆ:P01555, T.15362,T.15316-15318; BUTLER:T.16299.

<sup>5318</sup> P01558.

<sup>5319</sup> Danko GOJKOVIĆ:P03467, T.2817 (acknowledging his signature, and having sent the document at 15:10 hours on 13 July 1995).

<sup>5320</sup> P01269-P01270(confidential) ; P01570-P01571.

<sup>5321</sup> P01558, para.3. TOLIMIR’s proposal was sent. This is clear from a 14:05 hours intercept, five minutes after the proposal was drafted and one hour before it was sent, where one participant (almost certainly SAVČIĆ) tells the other (almost certainly MALINIĆ) that he will send him an urgent telegram ordering him to secure the prisoners. P01271-P01272(confidential); SAVČIĆ:T.33663. Danko GOJKOVIĆ, a Rogatica Brigade communications operator, confirmed not only that he typed-up the proposal, but that he sent it, memorialising its transmission by signing, dating, and timing the document: GOJKOVIĆ:P03467, T.2816-2818; GOJKOVIĆ:P03465, pp.24-26. SAVČIĆ acknowledged that he had no reason to doubt that GOJKOVIĆ transmitted the document: SAVČIĆ:T.33676. The results of forensic analysis of the proposal document further confirm its authenticity: P01708 (finding conclusive evidence that the document P01558 was produced on the

Bosnia; thus this order was designed to prevent NATO from knowing of the existence of these prisoners. SAVČIĆ's explanation that the prisoners were hidden from NATO by the VRS to protect the prisoners because the VRS feared NATO would mistake the large gathering of people for VRS soldiers and bomb them<sup>5322</sup> is patently absurd and reveals the true intent behind TOLIMIR's proposal: facilitating the secret murder of those prisoners. SAVČIĆ ordered MALINIĆ to "contact General MILETIĆ and receive from him additional orders and verify if the proposal has been approved by the Commander of the GŠVRS."<sup>5323</sup>

1249. **MLADIĆ** had already ordered that the men and boys be placed on vehicles and moved to Bratunac,<sup>5324</sup> in essence fulfilling the proposal to hide them from view. By 22:30 hours, **MLADIĆ** accepted the rest of TOLIMIR's proposal and sent out his own order securing the secrecy of the area and the prisoners by limiting access and banning the provision of any information "particularly on prisoners of war, evacuated civilians, escapees and similar".<sup>5325</sup> Many thousands of Muslim prisoners detained in the area covered by **MLADIĆ**'s order were detained in vehicles or buildings and summarily executed on 13-16 July in secret, away from the eyes of international forces and organisations, and hurriedly buried nearby in mass graves. **MLADIĆ**'s order was issued to ensure the covert and successful implementation of the murder operation.

(j) **MLADIĆ** travelled along the Bratunac-Konjević Polje-Milići road and stopped at the main detention sites

(i) Sandići Meadow

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same typewriter as P03484, and strong evidence that another regularly-produced document (P03485) was typed on the same machine). The document's unusual form, combining TOLIMIR's proposals with SAVČIĆ's orders to the 65<sup>th</sup>ZMTP MP Battalion, reflects urgency and expediency given that both TOLIMIR and SAVČIĆ were in Borike and had to pass on communications to the GŠ-VRS. SAVČIĆ:D00968, paras.57,60.

<sup>5322</sup> SAVČIĆ:T.33680-33681.

<sup>5323</sup> P01558, p.2.

<sup>5324</sup> See para.1262.

<sup>5325</sup> P01559/P02120 (partial duplicates). The elements of **MLADIĆ**'s order dealing with preventing leakage of confidential information—points 1, 4, and 5—were replicated in a 15 July 1995 order from SAVČIĆ to the 65<sup>th</sup>ZMTP battalion and company commanders. See P06957. In addition to eliminating points 2 and 3, which were no longer timely, the only change from **MLADIĆ**'s order is a revision of point 1 from "combat operations in the wider areas of Srebrenica and Žepa" to "the area of combat operations and the units zone of responsibility."

1250. RM204, a Petkovci Dam survivor, and RM274, a Kravica Warehouse survivor, surrendered near Sandići Meadow to armed SF who demanded that the Muslims hand over any weapons, bags and money they had.<sup>5326</sup> The prisoners were lined up along the road in five lines approximately 100m long.<sup>5327</sup> SF insulted the prisoners, calling them “[b]alijas”, made them do a three-fingered Serb salute to Muslim women and children who were passing by in buses, and beat a prisoner as he ran down the road.<sup>5328</sup> The prisoners eventually reached Sandići Meadow.<sup>5329</sup> 1,000-2,000 prisoners were detained at the Meadow<sup>5330</sup> by MUP forces under BOROVIČANIN’s command, including the Second Šekovići Detachment, Jahorina Training Centre troops and the 1<sup>st</sup> PJP Company from Zvornik,<sup>5331</sup> as well as members of the army.<sup>5332</sup> Other Muslims who surrendered at the Meadow were also stripped of their valuables and belongings, threatened<sup>5333</sup> and insulted.<sup>5334</sup>

1251. At Sandići Meadow, the prisoners were lined up in rows and guarded by SF.<sup>5335</sup> As in Potočari, the few women and children present were allowed to leave the Meadow.<sup>5336</sup> These separations at Sandići Meadow were integral to the murder operation and show that the Muslim men detained there, as well as at Konjević Polje and at Nova Kasaba, were to be murdered.

1252. Also as in Potočari, the prisoners were given very little food and some water, and the wounded were not attended to.<sup>5337</sup> Bosnian Muslim prisoners, including some

<sup>5326</sup> RM204:P03357, pp.6-7(confidential); RM274:P03098, T.6973(confidential). *See also* AF1465.

<sup>5327</sup> RM204:P03357, p.7(confidential); RM274:P03098, T.6973(confidential).

<sup>5328</sup> RM204:P03357, p.7(confidential). *See also* RM274:P03098, T.6978(confidential).

<sup>5329</sup> RM204:P03357, p.7(confidential); RM274:P03098, T.6973(confidential).

<sup>5330</sup> AF1464; RM204:P03357, p.8(confidential); RM274:P03098, T.6975(confidential); BUTLER:T.16306; RM256:P01592, para.11(confidential).

<sup>5331</sup> AF1352; P01281(confidential); P01615(confidential); RM256:P01592, para.11(confidential); RM274:P03098, T.6975(confidential); ČELIĆ:P02173, T.13473-13474; [REDACTED]. *See also* P02103; PEPIĆ:P01543, p.8; PEPIĆ:T.12407. *See also* fn.5992.

<sup>5332</sup> RM268:P02176, T.8585-8586(confidential). For further indications the army was in that area *see* M.NIKOLIĆ:D00301, p.5; P01477(confidential) (Miroslav STANOJEVIĆ of the Red Beret platoon of the 3<sup>rd</sup> Battalion of the Bratunac Brigade); BLASZCZYK:T.12343.

<sup>5333</sup> AF1465; RM297:P01443, p.3(confidential); RM256:P01592, para.14(confidential); RM257:P03371, T.3541(confidential); R.HUSIĆ:P03376, p.6. P03374, 00:11’25-00:11’44, 00:12’31-00:12’45, 00:13’13-00:13’32.

<sup>5334</sup> RM297:T.10948; RM257:P03371, T.3533-3534(confidential). *See also* AF1554.

<sup>5335</sup> RM297:P01443, p.3(confidential); RM297:T.10973; RM274:P03098, T.6974(confidential).

<sup>5336</sup> RM297:T.10973-10974; RM274:P03098, T.6976-6977(confidential).

<sup>5337</sup> AF1554; RM297:T.10947-10948; RM274:P03098, T.6974(confidential); RM256:P01592, para.14(confidential). *See also* AF1556.

wounded, were beaten at a house close to the Meadow.<sup>5338</sup> Other Muslim prisoners were beaten and then shot dead in plain view.<sup>5339</sup>

1253. On the afternoon of 13 July, **MLADIĆ** arrived at Sandići Meadow and addressed the prisoners, standing only a few metres away from the body of one of the Muslim prisoners who had been executed by the guards.<sup>5340</sup> In BOROVČANIN's presence, **MLADIĆ** told the prisoners that their governments were negotiating and that they would be exchanged.<sup>5341</sup> Bratunac Brigade MP Pero ANDRIĆ "got the impression that this speech as well as the circumstances had been staged".<sup>5342</sup> **MLADIĆ**'s promise was a lie, as he had already ordered their murders. While at the Meadow, **MLADIĆ** berated the soldiers for not having organised the arrival of buses earlier.<sup>5343</sup> **MLADIĆ** also spoke to the MUP commanding officers present and then left the Meadow to Konjević Polje and then Nova Kasaba.<sup>5344</sup> Approximately 1,000 of these prisoners were then bussed and marched to the Kravica Warehouse<sup>5345</sup> where beginning at around 17:00 hours they were summarily executed by SF.<sup>5346</sup>

1254. The prisoners remaining in the Meadow were ordered to lie on their stomachs with their hands above their necks, applaud and say "[l]ong live the king, long live Serbia."<sup>5347</sup> RM204 was detained at the Meadow from around 17:00 until twilight, during which time shooting started nearby.<sup>5348</sup> This coincided with the murder of the prisoners at the Kravica Warehouse.

<sup>5338</sup> AF1556; RM274:P03098, T.6975-6976(confidential); RM257:P03371, T.3534(confidential).

<sup>5339</sup> RM256:P01592, para.14(confidential); RM274:P03098, T.6975-6976(confidential).

<sup>5340</sup> RM256:P01592, paras.14,17(confidential).

<sup>5341</sup> RM297:P01443, p.3(confidential); RM297:T.10974-10975; RM256:P01592, paras.16-17(confidential); RM256:T.13193-13195. *See also* RM274:P03098, T.6979(confidential); Nedo JOVIČIĆ:D00976, paras.27-29; Nedo JOVIČIĆ:T.33724; M.BLAGOJEVIĆ:T.32633; P07185; P07186, p.19.

<sup>5342</sup> P.ANDRIĆ:P07295, para.2.

<sup>5343</sup> P.ANDRIĆ:P07295, para.4.

<sup>5344</sup> P.ANDRIĆ:P07295, paras.2-4,6-8,10; P.ANDRIĆ:T.34108-34109,T.34116; M.BLAGOJEVIĆ:D00922, paras.8-9,12. *See also* P07296; P01148, p.120; P.ANDRIĆ:T.34118,T.34120.

<sup>5345</sup> AF1530; AF1557; RM256:P01592, paras.18-19(confidential); RM274:P03098, T.6978,T.6981(confidential); P.ANDRIĆ:P07295, paras.2-4,6,7; P.ANDRIĆ:T.34108-34109,T.34116. *See also* P07296; P01148, p.120; P.ANDRIĆ:T.34118,T.34120; M.BLAGOJEVIĆ:D00922, para.8.

<sup>5346</sup> *See* paras.1439-1454.

<sup>5347</sup> AF1554; RM204:P03357, pp.7-8(confidential).

<sup>5348</sup> RM204:P03357, pp.7-8(confidential).

1255. Later that evening, most of the remaining prisoners at Sandići were crammed onto trucks and transported to Bratunac, escorted by a Golf vehicle.<sup>5349</sup> The prisoners spent the night in appalling conditions in and around Bratunac and the following morning, were transported to the Zvornik area<sup>5350</sup> where they were executed over the next three days. The approximately 15 prisoners remaining at the Meadow were executed that evening.<sup>5351</sup>

(ii) Konjević Polje

1256. **MLADIĆ** left Sandići Meadow and proceeded to Konjević Polje.<sup>5352</sup> **MLADIĆ** addressed a group of Muslim prisoners telling them that everything would be all right and that they would be taken to a place of their choosing.<sup>5353</sup> Momir **NIKOLIĆ** briefed **MLADIĆ** at the Konjević Polje intersection and after **MLADIĆ** addressed the prisoners, asked **MLADIĆ** what would happen to the men.<sup>5354</sup> **MLADIĆ** gestured with his hand with a flat wave, which **NIKOLIĆ** understood to mean that the prisoners would be killed.<sup>5355</sup> **MLADIĆ** left Konjević Polje in the direction of Vlasenica.<sup>5356</sup>

1257. Around 19:30 hours, Mevludin **ORIĆ** and other Muslims who had surrendered to SF were detained in a former agricultural warehouse in Konjević Polje.<sup>5357</sup> Forensic evidence indicates that at least three prisoners were executed in Konjević Polje.<sup>5358</sup> Around 21:00-22:00 hours the remaining prisoners were bussed to Bratunac, accompanied by three VRS MPs wearing blue flak jackets identical to those of

<sup>5349</sup> AF1557; RM204:P03357, pp.8-9(confidential); RM297:P01443, p.3(confidential).

<sup>5350</sup> See paras.1266-1270.

<sup>5351</sup> See paras.1455-1458.

<sup>5352</sup> M.NIKOLIĆ:T.11937; M.BLAGOJEVIĆ:D00922, para.9; M.BLAGOJEVIĆ:T.32673-32674; M.BLAGOJEVIĆ:P07187, p. 63; P.ANDRIĆ:P07295, para.8.

<sup>5353</sup> M.NIKOLIĆ:T.11938.

<sup>5354</sup> M.NIKOLIĆ:T.11939-11940. On 13 July, M.PERIĆ saw M.NIKOLIĆ on two occasions at Konjević Polje. M.PERIĆ:T.34240.

<sup>5355</sup> M.NIKOLIĆ:T.11940,T12159-12160; D01228, p.7. Regarding D01228 see BURSİK:T.38872,T.38908; P07542.

<sup>5356</sup> M.NIKOLIĆ:T.11940.

<sup>5357</sup> ORIĆ:P01757, T.885-887.

<sup>5358</sup> P01736, pp.94-95; P02086, pp.5,29-31. See also P01987, p.14; P01982, pp.87-88(confidential); P02259, pp.17-19.

UNPROFOR.<sup>5359</sup> ORIĆ and the other prisoners were transported to the Zvornik area the following day<sup>5360</sup> for execution.

(iii) Nova Kasaba

1258. RM253 and about 100-150 other men surrendered to SF who identified themselves as civilian police between Kravica and Sandići Meadow. SF demanded the prisoners' belongings<sup>5361</sup> and ordered them to walk along the road in the direction of Konjević Polje. MPs cursed, insulted and threatened the prisoners.<sup>5362</sup> They were then ordered onto five or six trucks which took them to the football field in Nova Kasaba,<sup>5363</sup> where they were instructed to throw away their remaining belongings.<sup>5364</sup> SF, including 65<sup>th</sup> ZMTP MPs, secured the detained men in the football field.<sup>5365</sup>

1259. There were about 2,000 Muslim prisoners in the football field lined up in rows,<sup>5366</sup> among them RM253, a Petkovci Dam survivor, and RM346, a Branjevo Farm survivor, sitting with their hands behind their necks.<sup>5367</sup> The prisoners received no water while detained at Nova Kasaba.<sup>5368</sup>

1260. Shortly after RM253 arrived at Nova Kasaba, **MLADIĆ** arrived.<sup>5369</sup> **MLADIĆ** addressed the prisoners, telling them that the Muslim authorities did not want them and that the Serbs would give them food and water then decide whether they would be sent to the Krajina, Fikret ABDIĆ or Batković. **MLADIĆ** also said that they would be transported by trucks to Bratunac or Kravica where they would spend the night and get some food, after which they would be exchanged.<sup>5370</sup> This was a lie,

<sup>5359</sup> ORIĆ:P01757, T.890-892.

<sup>5360</sup> See paras.1277-1278.

<sup>5361</sup> RM253:P01547, para.14(confidential); P01548(confidential).

<sup>5362</sup> RM253:P01547, paras.14-15(confidential).

<sup>5363</sup> AF1464; RM253:P01547, para.18(confidential); P01548(confidential).

<sup>5364</sup> AF1465; RM253:P01547, para.18(confidential).

<sup>5365</sup> RM253:T.12485-12486; P01549; P01118, RM346:T.3022; MALINIĆ:P01555, T.15351-15354; P01568.

<sup>5366</sup> AF1464; AF1461; RM253:T.12486; RM253:P01547, para.18(confidential); P01549; RM346:P01118, T.3022-3023; RM346:T.9561; P01132, pp.43-44; RUEZ:T.9665-9669; EGBERS:P01629, T.2226-2227; P01280(confidential) and see extension 394 in P07201; KESEROVIĆ:T.12863; TRIVIĆ: T.11324,T.11328-11329. See also B.SUBOTIĆ:T.32904-32905.

<sup>5367</sup> EGBERS:P01629, T.2225-2227,T.2229,T.2236-2237; EGBERS:T.13379,T.13389-13390; P01630; FRANKEN:P01417, para.99; FRANKEN:T.10739-10741.

<sup>5368</sup> RM253:T.12489.

<sup>5369</sup> RM253:P01547, para.19(confidential). See also P.ANDRIĆ:P07295, para.10; P.ANDRIĆ:T.34108-34109.

<sup>5370</sup> RM253:P01547, paras.19-20(confidential); RM253:T.12486-12488; P01549; MALINIĆ:P01555, T.15378; RM346:P01118, T.3024; RM346:T.9561-9562,T.9567;

as **MLADIĆ** had already ordered their murder. At the end of **MLADIĆ**'s speech, SF beat, shot and killed a detained Muslim prisoner in **MLADIĆ**'s presence.<sup>5371</sup> **MLADIĆ** did not react to the murder of the prisoner.<sup>5372</sup>

1261. In compliance with MP rules, **MALINIĆ** was registering the prisoners at the Nova Kasaba football field on a list.<sup>5373</sup> However, **MLADIĆ** ordered **MALINIĆ** to stop registering the prisoners.<sup>5374</sup> **MLADIĆ**'s order to halt the registration of the prisoners is inconsistent with any plan other than the plan to murder the Muslim men. **MALINIĆ**'s version, advanced in this trial, that the process of registering prisoners was "interrupted" because **MLADIĆ** was addressing the prisoners and because of time constraints, was a deliberate effort by **MALINIĆ** to minimize the incriminatory import of **MLADIĆ**'s order<sup>5375</sup> and is contradicted by **KESEROVIĆ**'s evidence that **MALINIĆ** told him that **MLADIĆ** ordered him (**MALINIĆ**) to stop registering the prisoners.

1262. Before leaving the Nova Kasaba football field, **MLADIĆ** ordered **MALINIĆ** to escort the prisoners from the field to the Vuk Karadžić School in Bratunac and confirmed that he had arranged for buses and trucks to arrive for the transportation of the prisoners to Bratunac, where everything would be organised.<sup>5376</sup> The prisoners were ordered onto trucks and buses.<sup>5377</sup> Prisoners who asked for their bags were told by the guards: "you won't need this anymore".<sup>5378</sup> Members of the 65th ZMTP MP Battalion escorted the convoy to Bratunac.<sup>5379</sup> At least four or five trucks, one with RM253 on board, drove to Kravica, stopping near the supermarket.<sup>5380</sup> Prisoners were taken off the trucks after which shots were heard.<sup>5381</sup> Other buses that were crowded

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B.SUBOTIĆ:T.32914-32916 acknowledged that a prisoner may have been killed, but in an effort to distance himself from the crime, claimed he was not at the stadium all the time; M.BLAGOJEVIĆ:P07187, pp.63-64; M.BLAGOJEVIĆ:P07186, p.19.

<sup>5371</sup> RM346:P01118, T.3024; **MALINIĆ**:P01555, T.15383.

<sup>5372</sup> RM346:P01118, T.3024.

<sup>5373</sup> **MALINIĆ**:T.12607,T.12646; **KESEROVIĆ**:T.12865.

<sup>5374</sup> **KESEROVIĆ**:T.12865.

<sup>5375</sup> **MALINIĆ**:T.12607-12609. **MALINIĆ** clearly understood the importance of registering prisoners: **MALINIĆ**:T.12608,T.12656-12657.

<sup>5376</sup> B.SUBOTIĆ:T.32911,T.32913-32914; B.SUBOTIĆ:D00926, para.34; **KESEROVIĆ**:T.12866.

<sup>5377</sup> RM253:P01547, para.22(confidential); RM253:T.12544; RM346:P01118, T.3025; RM346:T.9568(confidential); B.SUBOTIĆ:D00926, para.34.

<sup>5378</sup> RM253:P01547, para.21(confidential); RM253:T.12487-12488.

<sup>5379</sup> B.SUBOTIĆ:D00926, para.35; B.SUBOTIĆ:T.32969-32970; **KESEROVIĆ**:T.12865.

<sup>5380</sup> AF1466; RM253:P01547, para.22(confidential); P01548(confidential).

<sup>5381</sup> RM253:P01547, paras.23-24(confidential). See paras.1424-1425.

with prisoners, including Branjevo Farm survivor RM346, were escorted by SF to the centre of Bratunac, where they parked outside a school building.<sup>5382</sup> On the night of 13 July and the morning of 14 July, prisoners in Bratunac were transported to the Zvornik area<sup>5383</sup> for execution.

(k) 13 July, approximately 1,000 Muslim prisoners murdered at the Kravica Warehouse

1263. Shortly after **MLADIĆ** stopped at the Sandići Meadow on the afternoon of 13 July, approximately 1,000 Muslim men were taken from the Sandići Meadow to the Kravica Warehouse and executed by, *inter alia*, members of the Second Šekovići Detachment who were resubordinated to the VRS. The execution took place in an organised and systematic manner, as part of a planned operation.<sup>5384</sup>

(l) Killings in Bratunac

1264. Between 12 July and the morning of 14 July, thousands of men were transported to locations in and around Bratunac where they were held in appalling conditions in buildings and vehicles.<sup>5385</sup> The buildings and vehicles were secured by SF, including Bratunac Brigade MPs.<sup>5386</sup> More than 100 were killed in an opportunistic manner by SF.<sup>5387</sup>

(m) Evening of 13 July, **MLADIĆ** announced the promotion of KRSTIĆ to DK commander at the DK HQ, Vlasenica

1265. **MLADIĆ** arrived at the DK Command in Vlasenica in the early evening of 13 July.<sup>5388</sup> **MLADIĆ** had proposed the promotion of KRSTIĆ to DK Commander<sup>5389</sup>

<sup>5382</sup> RM346:P01118, T.3027-3028. *En route* from Nova Kasaba to Bratunac, RM346 saw a group of men surrounded by Serb soldiers on his left at Sandići and dead people in front of the Kravica Warehouse. RM346:P01118, T.3025-3027. *See also* para.1266.

<sup>5383</sup> AF1565. *See* paras.1277-1278.

<sup>5384</sup> *See* para.1439-1454.

<sup>5385</sup> AF1466; AF1497; AF1503; AF1517; P01132, p.274.

<sup>5386</sup> AF1502; AF1506; RM265:P02540, T.3834-3836(confidential); M.NIKOLIĆ:T.11956.

<sup>5387</sup> AF1505; AF1507; AF1509; AF1513-AF1514; AF1516; AF1518-AF1520; *see* paras.1412-1425.

<sup>5388</sup> KRSTIĆ arrived at the DK command around 17:00-18:00 hours. [REDACTED]; [REDACTED]. An 18:22 hours intercept on frequency 785.000 between "X" and a woman at a telephone switchboard, reveals that KRSTIĆ was "outside in front of the building [...] with General MLADIĆ". P01282; P01412, p.2(confidential); P.ANDRIĆ:P07295, para.13; P.ANDRIĆ:T.34110; M.BLAGOJEVIĆ:P07187, pp.65-66.

and instructed ŠKRBIĆ to draft a formal decree for KARADŽIĆ's signature.<sup>5390</sup> In a brief ceremony around 19:00 hours at the DK Command,<sup>5391</sup> **MLADIĆ** announced that KRSTIĆ was assuming command of the DK, replacing ŽIVANOVIĆ.<sup>5392</sup> At 20:00 hours, the DK Command issued an urgent notice announcing the handover of duties to KRSTIĆ.<sup>5393</sup>

(n) 13 July, KARADŽIĆ and **MLADIĆ** decided to move thousands of Muslim prisoners detained in Bratunac to the Zvornik area

1266. By the evening of 13 July, SF had thousands of Muslim men in its custody.<sup>5394</sup> Those who had not been killed at Kravica Warehouse, Jadar River or Sandići Meadow were taken from Nova Kasaba, Konjević Polje and Sandići Meadow to Bratunac where, along with the Muslim men who had been brought to Bratunac from Potočari, they were detained in deplorable conditions in buses, trucks, and at the Vuk Karadžić School,<sup>5395</sup> the Old Engineering School<sup>5396</sup> and the Hangar behind the Vuk Karadžić School.<sup>5397</sup> That evening, BEARA met ČELANOVIĆ at the Bratunac Brigade HQ. They discussed the large numbers of prisoners and surveyed the security situation at various detention sites.<sup>5398</sup>

1267. That afternoon or evening, KARADŽIĆ and **MLADIĆ** decided to transport these men to execution sites in the Zvornik area, approximately 40km north of Bratunac. An intercepted conversation between KARADŽIĆ and DERONJIĆ on the evening of 13 July dealt specifically with ensuring that the thousands of Bosnian

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<sup>5389</sup> ŠKRBIĆ:T13991-13992. In KRSTIĆ's November 1995 official appraisal, **MLADIĆ** stated that KRSTIĆ had "brilliantly" carried out the operations for the liberation of Srebrenica and Žepa "with great success". P02631.

<sup>5390</sup> ŠKRBIĆ:T.13991-13993.

<sup>5391</sup> N.BLAGOJEVIĆ:T.30618,T.30621-30622; [REDACTED].

<sup>5392</sup> AF1325; AF1333; N.BLAGOJEVIĆ:T.30617-30618; [REDACTED]; P07056/P01713(partial duplicates). *See also* P02203, paras.2.1,9.12-9.14; BUTLER:T.16214-16215; M.KOVAČ:T.41844-41845. *See also* P02631, p.2.

<sup>5393</sup> P07056/P01713(partial duplicates); N.BLAGOJEVIĆ:T.30622. Almost immediately after assuming command of the DK, KRSTIĆ's issued his first regular combat report as commander. The report was received for processing at 19:45 hours. P01786, p.3.

<sup>5394</sup> *See* paras.1246-1248.

<sup>5395</sup> *See* paras.1418-1418.

<sup>5396</sup> *See* paras.1416-1417.

<sup>5397</sup> *See* paras.1412-1415. *See also* paras.1422-1423.

<sup>5398</sup> ČELANOVIĆ:T.11081-T.11085; ČELANOVIĆ:P01451, T.6637-6643,T.6649-6653; P01456; P01458.

Muslim prisoners in Bratunac were moved to other areas.<sup>5399</sup> The decision to execute the Muslim prisoners in the Zvornik area was likely due to the difficulty of concealing such executions in the Bratunac area, which had an international presence including UNMOs, UNPROFOR troops and UNHCR and MSF staff.<sup>5400</sup>

1268. At 22:30 hours, TOLIMIR proposed the accommodation of 800 Srebrenica PoWs at the Sjemeč horse, pig and sheep farm in the Rogatica Brigade's area of responsibility.<sup>5401</sup> He ended the proposal as follows:

[i]f you send them to this sector, this must be done at night, using 1<sup>st</sup> plpbr transport and troops. It would be best if this is a new group which has not been in contact with the other r/zs [prisoners of war].

1269. The Sjemeč farm was not legitimate accommodation for PoWs;<sup>5402</sup> there was no agricultural work to do there<sup>5403</sup> nor could the 1<sup>st</sup> Podrinje Brigade handle this many prisoners.<sup>5404</sup> TOLIMIR proposed that the prisoners be moved to Sjemeč at night, avoiding detection and consistent with his proposals earlier that day to ensure the secrecy of the murder operation. TOLIMIR's proposal to have the prisoners do work was a pretext to hide that fact that he was proposing the men to be moved to Sjemeč to be executed.<sup>5405</sup>

1270. Overnight, BEARA had a series of meetings at the SDS offices in Bratunac, including with [REDACTED], concerning the logistics of the burial operation.<sup>5406</sup>

(o) 13 July, Drago NIKOLIĆ makes preparations for the prisoners' arrival

1271. [REDACTED].<sup>5407</sup> [REDACTED].<sup>5408</sup> [REDACTED].<sup>5409</sup> [REDACTED].<sup>5410</sup>

<sup>5399</sup> P01290(confidential).

<sup>5400</sup> See BUTLER:T.16314-16315.

<sup>5401</sup> P02121. The 1<sup>st</sup> Podrinje Light Infantry Brigade (1.PLBR) was the official name of the Rogatica Brigade: RAZDOLJAC:P03491, T.8232.

<sup>5402</sup> RAZDOLJAC:P03491, T.8234-8236. TOLIMIR did not propose, for example, that the prisoners be accommodated at Rasadnik, where a functioning prison camp was operated by the Rogatica Brigade; at the Sušica prison in Šekovići; at the Srebrenica Correctional Facility; or in any other legitimate detention facility in RS. See e.g., M.TODOROVIĆ:T.19836-19837; P01057, pp.2-3(confidential).

<sup>5403</sup> RAZDOLJAC:P03491, T.8237.

<sup>5404</sup> BUTLER:T.16323-16324.

<sup>5405</sup> See para.1248, concerning TOLIMIR's earlier proposal on 13 July that prisoners should be concealed.

<sup>5406</sup> RM306 confirmed that his meeting with BEARA in the evening took place [REDACTED]. [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

1272. [REDACTED]<sup>5411</sup> [REDACTED].<sup>5412</sup> [REDACTED].<sup>5413</sup>

1273. Meanwhile, BEARA met Momir NIKOLIĆ in the centre of Bratunac<sup>5414</sup> and ordered him to travel to the Zvornik Brigade and inform Drago NIKOLIĆ that thousands of Muslim prisoners were being held in Bratunac and would be sent to Zvornik and executed.<sup>5415</sup> Around 21:45 hours, Momir NIKOLIĆ arrived at the Zvornik Brigade command and was informed that Drago NIKOLIĆ was on duty at the IKM.<sup>5416</sup> Momir NIKOLIĆ drove to the IKM, where he found Drago NIKOLIĆ<sup>5417</sup> and told him that he had been sent by BEARA to convey his order that the prisoners would be transported to the Zvornik area where they would be killed.<sup>5418</sup> Drago NIKOLIĆ responded that he would advise his command.<sup>5419</sup>

1274. The first group of Muslim prisoners from Bratunac were transferred to Zvornik that evening.<sup>5420</sup> JASIKOVAC and the MPs were deployed to Orahovac School that night, when the first group of prisoners from Bratunac arrived.<sup>5421</sup> The remaining prisoners were transferred to Zvornik in a huge convoy on the morning of 14 July.<sup>5422</sup>

1275. The Defence attempted to demonstrate through witness MP Nebojša JEREMIĆ that Momir NIKOLIĆ was not present at the Zvornik Brigade command and IKM on the evening of 13 July.<sup>5423</sup> JEREMIĆ testified that JASIKOVAC ordered him to guard duty at the gate of the Zvornik Brigade command while the other MPs

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<sup>5407</sup> [REDACTED]; [REDACTED].

<sup>5408</sup> [REDACTED]; [REDACTED].

<sup>5409</sup> [REDACTED]; [REDACTED].

<sup>5410</sup> [REDACTED]; [REDACTED].

<sup>5411</sup> [REDACTED]. NIKOLIĆ was relieved of his duty at the IKM by Mihajlo GALIĆ. P01495, p.6 ("I took over duty unscheduled from Lieutenant Drago NIKOLIĆ at 2300 hours."); [REDACTED]; M.GALIĆ:P03463,T.10495,T.10497,T.10545; P07150 (indicates that GALIĆ was in the terrain ("T") on 14 July).

<sup>5412</sup> [REDACTED]; [REDACTED].

<sup>5413</sup> [REDACTED].

<sup>5414</sup> M.NIKOLIĆ:D00301, p.6.

<sup>5415</sup> M.NIKOLIĆ:D00301, p.6.

<sup>5416</sup> M.NIKOLIĆ:D00301, p.6; M.NIKOLIĆ:T.11950.

<sup>5417</sup> M.NIKOLIĆ:D00301, p.6; M.NIKOLIĆ:T.11950.

<sup>5418</sup> M.NIKOLIĆ:T.11950.

<sup>5419</sup> M.NIKOLIĆ:D00301, p.6; M.NIKOLIĆ:T.11950.

<sup>5420</sup> See para.1461.

<sup>5421</sup> The Zvornik Brigade's Opel-Rekord was also noted to have traveled to Orahovac on 13 July, P02165, p.2 (see also BCS p.2). See also para.1461.

<sup>5422</sup> AF1565. See paras.1277-1278.

were ordered to the field.<sup>5424</sup> JEREMIĆ's 24-hour shift at the gate began at 06:00 hours.<sup>5425</sup> JEREMIĆ confirmed that MPs Goran BOGDANOVIĆ and Čedo JOVIĆ were among the MPs sent to the field on the day he was on guard duty.<sup>5426</sup>

1276. JEREMIĆ must have been on guard duty beginning at 06:00 hours on 14 July, not on 13 July. The Zvornik Brigade's MP Attendance Roster shows that BOGDANOVIĆ, JOVIĆ and other MPs were present during the day at the Zvornik Brigade command on 13 July, but not on 14 July.<sup>5427</sup> According to the Roster, JEREMIĆ was one of the few MPs who remained at the command on 14 July.<sup>5428</sup> In addition, BOGDANOVIĆ subsequently informed JEREMIĆ that the MPs had been at Orahovac and claimed that he (BOGDANOVIĆ) had refused to shoot the prisoners.<sup>5429</sup> BOGDANOVIĆ must have been at Orahovac on 14 July as the Orahovac killings started in the early afternoon on 14 July, and not on 13 July.<sup>5430</sup> Reliable evidence thus shows that JEREMIĆ was on guard duty on 14 July, not on the evening of 13 July when Momir NIKOLIĆ came to deliver instructions to Drago NIKOLIĆ.

(p) Morning of 14 July, POPOVIĆ led a convoy of thousands of prisoners from Bratunac to the Zvornik area

1277. On the morning of 14 July, the Muslim men detained at various locations around Bratunac were moved in a huge convoy to the Zvornik area.<sup>5431</sup> [REDACTED],<sup>5432</sup> [REDACTED],<sup>5433</sup> [REDACTED].<sup>5434</sup> [REDACTED].<sup>5435</sup>

1278. [REDACTED].<sup>5436</sup> [REDACTED].<sup>5437</sup> Bratunac Brigade MPs were ordered to follow the convoy of buses.<sup>5438</sup> After passing through Karakaj, some vehicles were

<sup>5423</sup> JEREMIĆ:T.34288-34292.

<sup>5424</sup> JEREMIĆ:T.34280,T.34340-34341.

<sup>5425</sup> JEREMIĆ:T.34281-34282.

<sup>5426</sup> JEREMIĆ:T.34341.

<sup>5427</sup> P01565. For BOGDANOVIĆ and JOVIĆ see P01565, BCS p.3, rows 5,7, columns 13-15; JEREMIĆ:T.34342.

<sup>5428</sup> P01565, BCS p.3, row 6, column 14; JEREMIĆ:T.34282,T.34342.

<sup>5429</sup> JEREMIĆ:T.34343-34347.

<sup>5430</sup> See paras.1462-1471.

<sup>5431</sup> AF1565; RM297:P01443, pp.3-4(confidential); RM297:T.10944; RM204:P03357, p.9(confidential); M.NIKOLIĆ:T.11955-11956; M.NIKOLIĆ:D00301, para.11.

<sup>5432</sup> [REDACTED].

<sup>5433</sup> [REDACTED].

<sup>5434</sup> [REDACTED].

driven to Petkovci School,<sup>5439</sup> some to Orahovac School,<sup>5440</sup> and others to Ročević School.<sup>5441</sup> Drago NIKOLIĆ went with MP Milorad BIRČAKOVIĆ to meet part of the prisoner convoy near the Hotel Vidikovac,<sup>5442</sup> some 2km from Zvornik.<sup>5443</sup> NIKOLIĆ instructed BIRČAKOVIĆ to get on the first bus and go to Orahovac.<sup>5444</sup> NIKOLIĆ then left in his Opel Rekord.<sup>5445</sup>

1279. NIKOLIĆ would have learned where and when to meet these prisoners at a 15-20 minute meeting he attended with BEARA and POPOVIĆ earlier that morning at the Zvornik Brigade HQ.<sup>5446</sup> The reason for this meeting was to organise and co-ordinate the ongoing detention and murder of the prisoners. BEARA had been organising the murder operation for much of the day on 13 July and he would have informed POPOVIĆ and NIKOLIĆ of the details of the operation at this time. After the meeting, BEARA returned to Bratunac where he continued to arrange for engineering equipment to bury the bodies of the Muslim men murdered at Kravica Warehouse the previous day.<sup>5447</sup>

1280. In addition, sometime before 09:00 hours on 14 July, the Zvornik Brigade's 1<sup>st</sup> Battalion received a telegram from the Zvornik Brigade Command stating that prisoners from Srebrenica were going to arrive at the Kula School and ordering 1<sup>st</sup> Battalion personnel to secure the School.<sup>5448</sup>

(i) On 14 July, BEARA went to the Zvornik Brigade area to deal with prisoner-related issues

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<sup>5435</sup> [REDACTED]; [REDACTED].

<sup>5436</sup> [REDACTED]; [REDACTED].

<sup>5437</sup> [REDACTED].

<sup>5438</sup> M.BLAGOJEVIĆ:P07186, p.4.

<sup>5439</sup> RM204:P03357, p.10(confidential); RM253:T.12490; RM253:P01547, para.27(confidential).

*See also* para.1482;P02203, para.6.9.

<sup>5440</sup> RM265:P02540, T.3844,T.3851(confidential); P02542. *See also* para.1462 and P02203, para.6.7.

<sup>5441</sup> *See* para.1491.

<sup>5442</sup> M.BIRČAKOVIĆ:P02161, T.11017-11019.

<sup>5443</sup> M.BIRČAKOVIĆ:P02161, T.11017.

<sup>5444</sup> M.BIRČAKOVIĆ:P02161, T.11018,T.11055.

<sup>5445</sup> M.BIRČAKOVIĆ:P02161, T.11014,T.11018.

<sup>5446</sup> M.BIRČAKOVIĆ:P02162, T.9194; M.BIRČAKOVIĆ:P02161, T.11014-11015,T.11089-11090, T.11097,T.11102,T.11118.

<sup>5447</sup> AF1537.

<sup>5448</sup> R.BABIĆ:P03459, para.3. *See* para.1509.

1281. At 15:00 hours, the following message was recorded in the Zvornik DO Notebook: "Colonel BEARA is coming in order to Orovoc Petkovci Ročević Pilica."<sup>5449</sup> Given the locations are all known schools where prisoners were detained prior to their execution, BEARA had plans to go to the Zvornik Brigade area to visit or deal with the issues related to the prisoners detained at the schools used for execution and detention sites.<sup>5450</sup>

1282. That day BEARA did go to Zvornik and sought out assistance from municipal authorities in Zvornik for the execution and burial of prisoners.<sup>5451</sup> BEARA met with [REDACTED]<sup>5452</sup> and told him: "We have a lot of prisoners and it is very hard for us to control them. They are at various locations in the Zvornik municipality. We have to get rid of them. I expect assistance from the municipality".<sup>5453</sup> BEARA assigned [REDACTED] to go to the brick works factory in Zvornik to determine whether it would be possible to burn the victims there. [REDACTED].<sup>5454</sup>

(q) 14 July, Detention and mass murder of prisoners at Orahovac and Petkovci

1283. On 14 July approximately 1,000 prisoners were detained at Orahovac School in inhumane conditions, guarded by Zvornik Brigade MPs. Two Muslim prisoners detained at the School were removed and summarily executed.<sup>5455</sup> The remaining prisoners were then transported to two nearby sites where they were executed by VRS soldiers, including members of the Zvornik Brigade.<sup>5456</sup> The few survivors included a seven year old boy.<sup>5457</sup>

1284. On 14 July, hundreds of prisoners were held in appalling conditions at the Petkovci School, where some were killed. That evening, the prisoners were crammed

<sup>5449</sup> P01502, p.20; P01501, pp.44-45. "Orovoc" is clearly a misspelling of "Orahovac."

<sup>5450</sup> See BUTLER:T.16296.

<sup>5451</sup> [REDACTED].

<sup>5452</sup> [REDACTED]; [REDACTED]. [REDACTED]. [REDACTED] [REDACTED]: [REDACTED]. [REDACTED]: [REDACTED].

<sup>5453</sup> [REDACTED]. [REDACTED]. [REDACTED]. See [REDACTED].

<sup>5454</sup> [REDACTED].

<sup>5455</sup> See para.1466.

<sup>5456</sup> See paras.1467-1471.

<sup>5457</sup> See para.1464,1469.

into VRS trucks and taken to the Petkovci Dam, where they were executed by VRS soldiers.<sup>5458</sup>

1285. Zvornik Brigade resources were used to transport and bury the murdered prisoners at Orahovac and Petkovci.<sup>5459</sup>

(r) At 21:02 hours on 14 July, the Zvornik Brigade Duty Officer informed BEARA that there were problems with the prisoners

1286. Around 21:00 hours on 14 July, JOKIĆ, the Zvornik Brigade's Duty Officer, received an urgent message that BEARA should call "155",<sup>5460</sup> the extension for MILOVANOVIĆ's office<sup>5461</sup> and also for the GŠ-VRS Operations Centre.<sup>5462</sup> The fact that a message was left for BEARA at the Zvornik Brigade shows that MILETIĆ or someone from his Sector for Operations and Training knew BEARA had been in the Zvornik area that day. The only reason BEARA was in the Zvornik area was to oversee the murder operation. Thus, MILETIĆ and the GŠ-VRS must also have known about and been involved in the co-ordination of the murder operation at this time.

1287. At 21:02 hours, JOKIĆ contacted BEARA at the Bratunac Brigade HQ to pass on the message.<sup>5463</sup> JOKIĆ also informed BEARA: "We have huge problems over here...There are big problems. Well with the people, I mean, with the parcel."<sup>5464</sup> Given JOKIĆ's knowledge of the prisoners detained at Orahovac, Petkovci, Ročević and Pilica,<sup>5465</sup> the "people" to whom JOKIĆ referred were the prisoners. "[T]he parcel" was a coded reference to those same prisoners.

1288. BEARA's response was not noted, then JOKIĆ stated: "Who? Drago is nowhere around. I don't know where the others are all day."<sup>5466</sup> Given that Drago

<sup>5458</sup> See paras.1479-1490.

<sup>5459</sup> See paras.1475-1478,1490.

<sup>5460</sup> P01501, pp.54-55; P01309-P01311(confidential).

<sup>5461</sup> MILOVANOVIĆ:T.16927-16928; BUTLER:T.16353-16354; P02213.

<sup>5462</sup> LJ.OBRADOVIĆ:P01783, T.11990-11991; BUTLER:T.16353-16354; MILOVANOVIĆ:T.16927-16928.

<sup>5463</sup> P01309-P01311(confidential).

<sup>5464</sup> P01309-P01311(confidential).

<sup>5465</sup> JOKIĆ sent an excavator to Orahovac that morning; passed on messages to BEARA and Drago NIKOLIĆ at Petkovci during the afternoon; was the duty officer at the time when Srećko AČIMOVIĆ called about the prisoners in Ročević; and received a delegation from Pilica just before he spoke with BEARA at 21:02 hours. See P01501, pp.40-57.

<sup>5466</sup> P01309-P01311(confidential).

NIKOLIĆ had spent much of the day overseeing the detention and murder of prisoners at Orahovac, as well as meeting with BEARA at the Zvornik Brigade HQ that morning and near Petkovci School that afternoon, the reference to “Drago” must have been a reference to Drago NIKOLIĆ. Accordingly, JOKIĆ’s report to BEARA about problems with the prisoners and the reference to Drago NIKOLIĆ in the same context, indicates that VRS security officers BEARA and NIKOLIĆ were involved in co-ordinating and overseeing the ongoing detention and murder of the prisoners at this time.

(s) Morning of 15 July, BEARA called ŽIVANOVIĆ and KRSTIĆ and requested more men to assist him in carrying out the executions

1289. By sunrise on 15 July, at least 2,500 prisoners were awaiting execution in Ročević and Pilica,<sup>5467</sup> and the last of the Petkovci prisoners were being shot at the Dam.<sup>5468</sup> That morning, BEARA was at the Zvornik Brigade HQ.<sup>5469</sup> BEARA’s ability to obtain troops from DK brigades had been hampered by the large column of Srebrenica Muslims that was nearing the Zvornik area. The VRS saw this as a major threat to the town and the rear of VRS forces.<sup>5470</sup> As a result, Zvornik Brigade resources were stretched thin and PANDUREVIĆ and his units were ordered back from Žepa.<sup>5471</sup> BEARA, who needed additional troops to carry out the murder of the prisoners at Ročević and Pilica, lacked troops to do so as Muslims had been held for two nights awaiting execution.

1290. In related conversations, BEARA discussed with ŽIVANOVIĆ and KRSTIĆ his lack of troops to assist in the executions of Srebrenica Muslims. BEARA complained to ŽIVANOVIĆ about the problems he was having obtaining troops, specifically referring to FURTULA,<sup>5472</sup> who had not sent an intervention platoon as ordered by “the Commander” and that BEARA had “informed the Commander about

<sup>5467</sup> P01987, p.41. *See also* paras.1503,1538.

<sup>5468</sup> *See* paras.1485-1490.

<sup>5469</sup> P01502, pp.56-57 (“0900 BEARA is coming”); P01319; P04212(confidential) (BEARA was looking for General ŽIVANOVIĆ and said that he should call him at ext. 139); P07155, p.7; P02203, para.10.23; BUTLER:T.16355-16356 (confirming that extension 139 was Drago NIKOLIĆ’s extension at the Zvornik Brigade HQ).

<sup>5470</sup> BUTLER:T.16361-16365,T.16380-16381; P01501, pp.57-59.

<sup>5471</sup> *See* para.1300.

<sup>5472</sup> This must have been Radomir FURTULA, Commander for the Višegrad Brigade. BUTLER:T.16357.

it”.<sup>5473</sup> “The Commander” is a reference to **MLADIĆ**, the only person who was the commander for both BEARA and ŽIVANOVIĆ. ŽIVANOVIĆ, who was no longer serving as DK Commander,<sup>5474</sup> told BEARA that he could no longer provide troops. He referred BEARA to Zlatar extension number 385, this being the number for the DK Commander, who by this time was KRSTIĆ.<sup>5475</sup>

1291. BEARA subsequently called KRSTIĆ and cryptically asked for troops to carry out executions. This conversation was recorded by two separate intercept operators<sup>5476</sup> and the two intercepts must be read together for a comprehensive understanding of the conversation.<sup>5477</sup> BEARA complained that FURTULA did not carry out the “boss’s order” and deliver 30 men to BEARA on 13 July so that BEARA could use them to “distribute parcels”.<sup>5478</sup> The boss is a reference to **MLADIĆ**, the only person in the command who was “the boss” for both KRSTIĆ and BEARA.<sup>5479</sup> BEARA specified that he needed “15-30 men and Boban Indić” to resolve his situation. Boban INDIĆ hailed from the Višegrad area, the area commanded by Radomir FURTULA, demonstrating that BEARA was identifying the very men that he expected FURTULA to deliver pursuant to **MLADIĆ**’s order.<sup>5480</sup>

1292. BEARA explained to KRSTIĆ that had he received FURTULA’s men on 13 July as ordered, he “wouldn’t still be asking for the third day”. With 15 July being the third day he was asking for men, his initial request must have been made on 13 July.<sup>5481</sup>

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<sup>5473</sup> BEARA was referring to an order from **MLADIĆ** to FURTULA to send Boban INDIĆ and his platoon to assist in the executions of the Bosnian Muslim prisoners. P01320-P01321(confidential); BUTLER:T.16356-16359. A 13 July intercepted conversation reveals that the bus carrying INDIĆ’s men from Višegrad had broken down *en route*. A bus was requested to pick them up and bring them back to Bratunac. P01285-P01287(confidential).

<sup>5474</sup> P01713; BUTLER:T.16357.

<sup>5475</sup> BUTLER:T.16358-16359.

<sup>5476</sup> P01322; P02126(confidential).

<sup>5477</sup> One intercept operator heard BEARA and KRSTIĆ introduce themselves to each other: P01322. A second missed the beginning but heard the rest of the conversation more clearly: P02126(confidential).

<sup>5478</sup> P01322; P02126(confidential).

<sup>5479</sup> BUTLER:T.16360.

<sup>5480</sup> BUTLER:T.16362.

<sup>5481</sup> This is consistent with the 13 July intercept at 10:09 hours where BEARA is intercepted organising the detention of Muslim prisoners in the Nova Kasaba and Konjević Polje areas, and is told that the Muslims were “killing themselves” and BEARA responds “You mean they’re doing it amongst themselves?”. “It” is a reference to the killing of the Muslims, the job that he has been ordered to implement. P01415.

1293. KRSTIĆ proposed that BEARA request troops from the Milići Brigade Commander, NASTIĆ<sup>5482</sup> or the Bratunac Brigade Commander, BLAGOJEVIĆ, because as KRSTIĆ explained, he “can’t pull anybody out of here”. KRSTIĆ was commanding the attack on Žepa at the time. KRSTIĆ reminded BEARA that the line was not secure and BEARA indicated that he knew this. Nevertheless, BEARA and KRSTIĆ continued their conversation, with KRSTIĆ again reiterating that BEARA should check with NASTIĆ and BLAGOJEVIĆ. BEARA persisted and KRSTIĆ finally said he would see what he could do. BEARA told KRSTIĆ to “have them go to Drago’s”, meaning Drago NIKOLIĆ’s Zvornik Brigade HQ. KRSTIĆ stated that he could not guarantee anything and suggested that BEARA take MUP from “up there”, meaning the Zvornik area. BEARA said he could not because “they won’t do anything” and that he had already spoken to them. BEARA concluded, “[t]here are 3,500 parcels that I have to distribute and I have no solution”, referring to the prisoners held in Ročević and Kula Schools and at the Pilica Cultural Centre (“Pilica Dom”), who were still to be executed.<sup>5483</sup> It is clear from this intercept that **MLADIĆ**’s order to FURTULA was intended to assist BEARA in the execution of the Bosnian Muslim prisoners.

1294. BEARA’s reference to “3,500 parcels” is consistent with the 2,590 individuals that have to date been identified in the primary and secondary graves linked to the Kozluk, Branjevo Farm and Pilica Dom executions.<sup>5484</sup>

1295. Through their military expert, KOVAČ, the Defence argued that BEARA was involved in coordinating the murder of the Srebrenica Muslims, but that BEARA was acting unknown to **MLADIĆ** and not under **MLADIĆ**’s orders.<sup>5485</sup> BEARA’s intercepted conversations with KRSTIĆ and ŽIVANOVIĆ, in addition to identifying **MLADIĆ** as issuing orders for men to assist BEARA with the executions, also clearly demonstrate that BEARA, as Chief of Security in the GŠ-VRS, did not have

<sup>5482</sup> Milomir NASTIĆ is the commander of the Milići Brigade. BUTLER:T.16361; P02203, p.28; TRIVIĆ:P01463, T.11803.

<sup>5483</sup> BEARA used the same code word for prisoners (“parcels”) that JOKIĆ had used the previous evening. P01309(confidential).

<sup>5484</sup> P01987, pp.39,41. That figure includes the 14 Kozluk surface remains associated with the Kozluk executions.

<sup>5485</sup> KOVAČ:T.41857-41861. In his report, KOVAČ concluded that BEARA “probably supervised” the operation of distributing prisoners of war in Bratunac and that the execution of prisoners was “probably committed” “in cooperation with some officers from security structures [...]”. D01661, p.229, para.5.1356, p.232, para.5.143.

the authority or ability to order any DK brigade commander or the Corps Commander to provide troops.

1296. Further, the established chain of command of the VRS did not give BEARA authority to order brigade commanders to provide him with troops or to order troops. It was thus necessary for BEARA to request troops from the DK Commander. BEARA could only act under the orders of the person commanding him, which could only have been TOLIMIR or **MLADIĆ**. TOLIMIR could only issue orders to BEARA that were based on the orders of his commander, **MLADIĆ**. It is clear from this intercepted conversation that the order to assist BEARA came from **MLADIĆ** and that KRSTIĆ was aware of the order.<sup>5486</sup> KRSTIĆ and FURTULA were with **MLADIĆ** in Bratunac the morning<sup>5487</sup> and evening<sup>5488</sup> of 12 July, when **MLADIĆ** could have given FURTULA the order directly, in KRSTIĆ's presence. Additionally, KRSTIĆ would have been informed through his position in the chain of command.

(t) 14-15 July, Detention and mass murder of Muslim prisoners at Ročević School and Kozluk

1297. On 14 July prisoners were detained at Ročević School. A number of prisoners were killed in front of the School that day.<sup>5489</sup> Members of the Zvornik Brigade's 2<sup>nd</sup> Battalion transported prisoners to the execution site at Kozluk where they murdered approximately 1,000 men and boys. Zvornik Brigade equipment was used to bury and transport the prisoners. There are no known Muslim survivors from Ročević School or Kozluk.<sup>5490</sup>

(u) 15/16 July, POPOVIĆ and PEĆANAC procure members of the 10<sup>th</sup> Sabotage Detachment at their HQ near Vlasenica

1298. Dragan TODOROVIĆ testified that sometime after 10:00 hours on 15 July, Dragomir PEĆANAC, an officer TODOROVIĆ described as **MLADIĆ**'s "aide-de-

<sup>5486</sup> When BEARA mentioned **MLADIĆ**'s order to FURTULA, KRSTIĆ responded "He ordered him to lead out a tank not a train," meaning a small rather than a large number of troops. BEARA's response "But I need 30 men, just like it was ordered", makes clear exactly how many men BEARA expected.

<sup>5487</sup> M.GAVRIĆ:T.13920-13921,T.13967; P01509. *See also* para.1184.

<sup>5488</sup> *See* paras.1213,1215; JEVĐEVIĆ:T.31972-31973,T.32060. While JEVĐEVIĆ testified falsely about the date of the meeting, the details of the meeting itself are generally corroborated by other evidence. *See* paras.1215-1220.

<sup>5489</sup> *See* para.1491.

camp”,<sup>5491</sup> arrived with POPOVIĆ<sup>5492</sup> at Dragasevac, base of the 10<sup>th</sup> Sabotage Detachment Vlasenica Platoon.<sup>5493</sup> PEĆANAC asked Zoran OBRENOVIĆ for some soldiers.<sup>5494</sup> An argument ensued,<sup>5495</sup> following which PEĆANAC directed Brano GOJKOVIĆ to gather up some men and take them to meet BEARA.<sup>5496</sup> Approximately eight soldiers were assembled, issued equipment, and left in a van.<sup>5497</sup>

1299. During his testimony, TODOROVIĆ appeared to suggest that PEĆANAC and POPOVIĆ’s visit to Dragasevac on 15 July, and TODOROVIĆ’s subsequent assistance preparing ammunition and other supplies for the group, related to a combat mission.<sup>5498</sup> However, TODOROVIĆ confirmed that Dražen ERDEMOVIĆ, Franc KOS, Brano GOJKOVIĆ, Stanko SAVANOVIĆ, and Marko BOSKIĆ were members of the assembled group—all known participants in the murders at Branjevo Farm on 16 July.<sup>5499</sup> This is consistent with ERDEMOVIĆ’s evidence, aside from the date.<sup>5500</sup> Moreover, TODOROVIĆ’s testimony that PEĆANAC ordered GOJKOVIĆ and the group to meet up with BEARA “in Šekovići or in Zvornik” indicates that the purpose of PEĆANAC and POPOVIĆ’s visit to Dragasevac was to recruit participants for the murder operation.<sup>5501</sup> While neither TODOROVIĆ nor ERDEMOVIĆ provide for the group’s whereabouts the evening of 15 July, the same individuals were engaged on 16 July at Branjevo.<sup>5502</sup>

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<sup>5490</sup> See paras.1492-1508.

<sup>5491</sup> D.TODOROVIĆ:T.35400-35401, T.35406-35408. In the summer of 1995, PEĆANAC was an officer with the 410<sup>th</sup> ObC. P02099. *See also* P02114.

<sup>5492</sup> D.TODOROVIĆ:T.35386-35387, T.35408-34510. Although TODOROVIĆ did not mention POPOVIĆ when questioned by the Defence, on cross-examination he confirmed his prior testimony—that he heard from the gate-keeper that POPOVIĆ was outside—and that he saw POPOVIĆ’s “cherry-coloured Golf of the Drina Corps, Drina Corps licence plates. [...] It should have been him or his driver or someone.” D.TODOROVIĆ:T.34510.

<sup>5493</sup> ERDEMOVIĆ:T.13723; D.TODOROVIĆ:T.35367.

<sup>5494</sup> D.TODOROVIĆ:T.35387-35390.

<sup>5495</sup> D.TODOROVIĆ:T.35390.

<sup>5496</sup> D.TODOROVIĆ:T.35390-35391,T.35410-35411.

<sup>5497</sup> D.TODOROVIĆ:T.35391-35392,T.32397-32398,T.35407-35410,T.35413-35414; P07379.

<sup>5498</sup> D.TODOROVIĆ:T.35391-35395,T.35403-35404.

<sup>5499</sup> D.TODOROVIĆ:T.35397.

<sup>5500</sup> ERDEMOVIĆ:P01673, T.843.

<sup>5501</sup> D.TODOROVIĆ:T.35411.

<sup>5502</sup> ERDEMOVIĆ:T.13745-13746,T.13756.

(v) Afternoon of 15 July, PANDUREVIĆ returned to the Zvornik AOR

1300. On 15 July, the column of Muslim men reached the area of Baljkovica, where it engaged the Zvornik Brigade forces from the rear.<sup>5503</sup> The column posed a real threat to the Brigade and the Zvornik area,<sup>5504</sup> resulting in KRSTIĆ withdrawing PANDUREVIĆ and his forces from the Žepa attack to Zvornik.<sup>5505</sup>

1301. [REDACTED].<sup>5506</sup> [REDACTED].<sup>5507</sup>

1302. [REDACTED].<sup>5508</sup> Entries in the Zvornik Brigade Duty Officer Notebook show that people were looking for POPOVIĆ in the Zvornik area on the evening of 15 July: “Communicate to POPOVIĆ that his proposal has been approved;”<sup>5509</sup> and “Drago and Lieutenant Colonel POPOVIĆ are to report to Major GOLJIĆ early in the morning.”<sup>5510</sup>

1303. At 19:25 hours PANDUREVIĆ sent off an interim combat report to the DK command reporting on both the column and the murder operation.<sup>5511</sup> After explaining the dual threat posed by the Srebrenica column and 2<sup>nd</sup> Corps forces from the Nežuk area, PANDUREVIĆ stated:

An additional burden for us is the large number of prisoners distributed throughout schools in the brigade area, as well as obligations of security and *asanacija*.<sup>5512</sup> This command cannot take care of these problems any longer, as it has neither the material nor other resources. If no one takes on this responsibility I will be forced to let them go.<sup>5513</sup>

1304. It is clear from the plain meaning of these words and their context that PANDUREVIĆ is referencing the prisoners held at the Orahovac, Petkovci, Ročević schools and his obligations to guard them (obligations of security) and to bury the

<sup>5503</sup> P01497; [REDACTED]; P00724, pp.3-4; P01087, p.11. See also [REDACTED]; Nedo JOVIČIĆ:T.33700-33701; DRAGUTINOVIĆ:T.32252-32253; SALAPURA:T.13141-13142.

<sup>5504</sup> P01467, pp.34-37; TRIVIĆ:P1463, T.11863.

<sup>5505</sup> BUTLER:T.16371-16372,T.16380; [REDACTED]; TRIVIĆ:P01463,T.11863.

<sup>5506</sup> [REDACTED].

<sup>5507</sup> P01497; [REDACTED]; [REDACTED]; P02203, paras.17-18; BUTLER:T.16380-16381.

<sup>5508</sup> [REDACTED]; [REDACTED]. See also RISTIĆ:P03510, T.10088-10090.

<sup>5509</sup> P01501, pp.72-73.

<sup>5510</sup> P01501, pp.74-75.

<sup>5511</sup> P01497.

<sup>5512</sup> P01497, BCS, p.2. Although this is translated as “restoration of the terrain”, the Prosecution case is that this refers to the requirement to bury bodies. BUTLER:T.16373-16375.

<sup>5513</sup> P01497.

remains of those executed (*asanacija*).<sup>5514</sup> At the time he wrote his report, all the prisoners at Orahovac, Petkovci and Ročević had been executed and were in the process of being buried. However, 1,700 prisoners remained at the Kula School and the Pilica Dom. PANDUREVIĆ, in a final reference to the prisoners, told his superiors that he could not deal with those problems anymore, meaning the guarding, executing and burying of the prisoners, and threatened to let the prisoners go if the command did not take over that responsibility.<sup>5515</sup> While the GŠ-VRS and DK provided additional resources for the murder operation in the Zvornik area on 16 July,<sup>5516</sup> PANDUREVIĆ and his men and materials continued to bear the brunt of the work to support the detention, murder and burial of the prisoners held at the Kula School and Pilica Dom.<sup>5517</sup>

1305. This report and [REDACTED]'s testimony demonstrate that PANDUREVIĆ was fully informed of the murder operation, including that his units were guarding the prisoners at schools and had taken part in the execution and burials on 14 and 15 July of prisoners held at Orahovac and Petkovci.<sup>5518</sup>

(w) At 11:00 hours on 16 July, CEROVIĆ passed on an order to BEARA that “triage” must be done on the prisoners

1306. At 11:11 hours, the GŠ-VRS, through Col. CEROVIĆ, DK Assistant Commander for Morale, Legal and Religious Affair, ordered BEARA to perform “triage” on the prisoners.<sup>5519</sup> This GŠ-VRS instruction to BEARA was recorded in the Zvornik Brigade Duty Officer Notebook.<sup>5520</sup> “Triage” was code for the murder of the roughly 2,000 Muslim prisoners still being held on 16 July at Kula School and in Pilica Dom. CEROVIĆ said, “[t]o do triage on those”. BEARA clearly acknowledged and understood the instruction as well as its nefarious purpose, which explains why BEARA said “I don’t want to talk about it on the phone.” There is no evidence of any selection process being conducted amongst the prisoners in Pilica and Kula on 16

<sup>5514</sup> The only *asanacija* related to the prisoners around Zvornik was the burial of the executed prisoners. BUTLER:T.16375-16376.

<sup>5515</sup> P01497. The “them” refers to the prisoners. BUTLER:T.16380-16381.

<sup>5516</sup> They procured the 10<sup>th</sup> Sabotage Detachment for the Branjevo Farm executions. *See* paras.1298-1299, 1518-1519.

<sup>5517</sup> *See* paras.1509-1539.

<sup>5518</sup> BUTLER:T.16372-16387.

<sup>5519</sup> BUTLER:T.16394-16396; P01329-P01330(confidential). *See also* P01501, pp.80-81.

July. Further, there is no evidence demonstrating that legitimate medical triage procedures were performed on any Muslim prisoners, with the exception of the wounded men taken to Milići Hospital on 13 July.<sup>5521</sup> The term “triage,” as used in this intercept, singularly refers to an execution.<sup>5522</sup> The instruction to do “triage” came from above, and could only have come from **MLADIĆ**.

(x) 14-17 July, Detention, mass murder and burial of Muslim prisoners at Kula School near Pilica, Branjevo Farm and Pilica Dom

1307. On 14 July, approximately 1,200 Bosnian Muslim prisoners were detained in inhumane conditions by Zvornik Brigade soldiers at the Kula School. On 16 July the prisoners were transported under MP escort to Branjevo Farm, where they were executed by members of the 10<sup>th</sup> Sabotage Detachment and other VRS formations.<sup>5523</sup> After the executions at Branjevo Farm were complete, at least 500 Bosnian Muslim prisoners detained at the Pilica Dom<sup>5524</sup> were summarily executed.<sup>5525</sup> The executed prisoners were subsequently buried using Zvornik Brigade engineering equipment.<sup>5526</sup>

(y) 16 July, Pandurević opened a corridor through the Zvornik Brigade AOR to avoid losses amongst his ranks

1308. At around 04:00 hours on 16 July, as fighting intensified in Baljkovica, the column mounted an all out effort to break through VRS lines, receiving some help from the ABiH 2<sup>nd</sup> Corps.<sup>5527</sup> The VRS’ 4<sup>th</sup> Battalion Command post was overrun and the Zvornik Brigade suffered significant losses.<sup>5528</sup> There was a concern that the Zvornik Brigade would be “completely cut off and surrounded.”<sup>5529</sup>

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<sup>5520</sup> P01501, pp.80-81 (“At 1115 hrs. It was reported from Zlatar that a triage of wounded and prisoners must be carried out (It was reported to BEARA)”).

<sup>5521</sup> See para.1375.

<sup>5522</sup> BUTLER:T.16394-16395. See also P02203, paras.20,10.40,12.14.

<sup>5523</sup> AF1622; see paras.1520-1523.

<sup>5524</sup> AF1621.

<sup>5525</sup> AF1622; see paras.1524-1525.

<sup>5526</sup> See paras.1530-1537.

<sup>5527</sup> BUTLER:T.16372-16373; P01513, para.1.

<sup>5528</sup> BUTLER:T.16373; P01513, paras.1-2; P01325, p.1(confidential); P01359(confidential); P00724, pp.3-4; [REDACTED]; [REDACTED]. Approximately 40 VRS soldiers were killed and 80 wounded, one member of the Zvornik Special Police Brigade was killed and five members wounded. P00724, p.4; D.MIĆIĆ:T.33761-33763.

<sup>5529</sup> P00724, p.4. See also P01513, p.1; P01324(confidential); P01359(confidential).

1309. At around 13:00 hours, PANDUREVIĆ, acting to save his troops from further casualties,<sup>5530</sup> reached an agreement with the ABiH command to open a corridor for the column to pass through to ABiH-held territory.<sup>5531</sup> He did this without his superiors' knowledge or approval<sup>5532</sup> and in contravention of the order issued by MILETIĆ to destroy the column.<sup>5533</sup>

1310. At 18:10 hours, PANDUREVIĆ sent an interim combat report to the DK command.<sup>5534</sup> In order to protect himself from criticism, PANDUREVIĆ falsely claimed in the report that the corridor was opened for civilians to pass through,<sup>5535</sup> but reiterated his commitment to the plan to remove the Muslim men and boys from Srebrenica stressing that he would seal off the Kamenica area and start searching the terrain because the *Krivaja-95* operation was not complete "as long as a single enemy soldier or civilian remains behind the front line."<sup>5536</sup>

1311. On the afternoon of 16 July, **MLADIĆ**, who was in Belgrade,<sup>5537</sup> was informed that PANDUREVIĆ had arranged for the passage of Muslims across VRS territory.<sup>5538</sup> The GŠ-VRS and the DK tried to urgently contact PANDUREVIĆ to instruct him not to do anything without authorisation.<sup>5539</sup> Failing to reach PANDUREVIĆ,<sup>5540</sup> the DK ordered POPOVIĆ to go personally to find PANDUREVIĆ so that the DK command could task PANDUREVIĆ.<sup>5541</sup> After

<sup>5530</sup> P01513, para.3; D.MIĆIĆ:T.33761-33764,T.33770. *See also* PEPIĆ:T.12461-12462.

<sup>5531</sup> P00724, pp.4-5; [REDACTED]; P01513, para.3; P07220; KARIŠIK:T.33233-33234; KARIŠIK:D00935, para.62; P01655(confidential); BUTLER:T.16388-16389; P01334(confidential); P01331. *See also*: PEPIĆ:P01543, p.10.

<sup>5532</sup> [REDACTED]; BUTLER:T.16383,T.16409-16410; P01513, para.3 (Interim combat report in which Pandurević states "I have decided" to open a corridor).

<sup>5533</sup> [REDACTED]. *See also* [REDACTED]; P01312(confidential).

<sup>5534</sup> P01513.

<sup>5535</sup> P01513, p.1; BUTLER:T.16383,T.16409-16410; [REDACTED].

<sup>5536</sup> P01513, p.2.

<sup>5537</sup> P01148, pp.154-156; P01147, V000-9267, 00:43'39-00:51'54.

<sup>5538</sup> P01655(confidential). *See also* D01045, p.4, very urgent report sent by MILETIĆ standing for the Chief of Staff to KARADŽIĆ; P02129; BUTLER:T.16419-16420. **MLADIĆ** can be seen on video in the Belgrade VMA on 16 July requesting information on the situation in PANDUREVIĆ's AOR. P01147, V000-9267, 00:50'46-00:51'15, tp.94. *See paras.*1319-1324.

<sup>5539</sup> P01655(confidential); P01337(confidential); P01501, pp.85,87.

<sup>5540</sup> P01501, pp.85-87; BUTLER:T.16399-16400,T.16403-16405,T.16407; P01337(confidential); P01655(confidential).

<sup>5541</sup> P01501, p.87; BUTLER:T.16383,T.16399-16400,T.16403-16407,T.16410-16412; P01340(confidential); P01350, p.1.

PANDUREVIĆ made his report at 18:10, **MLADIĆ** sent reinforcements to the Zvornik Brigade.<sup>5542</sup> On 17 July, the corridor was closed.<sup>5543</sup>

1312. PANDUREVIĆ had no other reasonable military alternative<sup>5544</sup> but to open a corridor and allow the column through. It was not a humanitarian gesture but rather military necessity; on 15 July, PANDUREVIĆ rejected the idea of opening a corridor for the column and it was only on 16 July, when the Zvornik Brigade had sustained heavy losses and faced more, that he agreed to open a corridor.

(z) 14-16 July, **MLADIĆ** traveled to Belgrade

1313. On the evening of 13 July, **MLADIĆ** was at the GŠ-VRS HQ in Crna Rijeka.<sup>5545</sup> At 08:05 hours on 14 July, **MLADIĆ** indicated that he would be “going to the field” for “two or three days and then I’m coming back”.<sup>5546</sup>

1314. On the afternoon of 14 July, **MLADIĆ** left for Belgrade,<sup>5547</sup> travelling from Han Pijesak via Vlasenica, Milići, Zvornik and the Karakaj bridge to Serbia.<sup>5548</sup> At the same time, **MLADIĆ**’s forces, including BEARA, POPOVIĆ and members of Zvornik Brigade’s Command Staff, were actively supervising the transportation of prisoners from Bratunac to Zvornik, as well as their detention and execution, on or very close to **MLADIĆ**’s route.<sup>5549</sup> *En route* to Belgrade, **MLADIĆ** drove past the Zvornik Brigade HQ in Karakaj, just eight kilometres from Orahovac where approximately 1,000 Bosnian Muslims were murdered the same day.<sup>5550</sup> **MLADIĆ** would have been fully informed that his order to transport thousands of Muslims to the Zvornik area for execution was being implemented.

1315. During his stay in Belgrade, **MLADIĆ** remained in command and control of SF as they continued to implement the murder operation. On the evening of 14 July,

<sup>5542</sup> P01345(confidential); P01350, p.2; P01351(confidential); P02129; BUTLER:T.16410-16414,T.16419-16420.

<sup>5543</sup> [REDACTED]; [REDACTED]; P00724, pp.4-5; [REDACTED]; DRAGUTINOVIĆ:T.32254-32255; P01499, para.1.

<sup>5544</sup> P01350. *See also* BUTLER:T.16410-16412.

<sup>5545</sup> Joint Submission on Revised Agreed Facts (Location of **MLADIĆ** 14 to 17 July 1995), 16 June 2016 (“14-17 July 1995 AFs”), Agreed Fact 1; BUTLER:T.16326-16327; P01298.

<sup>5546</sup> BUTLER:T.16326-16327; P01298.

<sup>5547</sup> 14-17 July 1995 AFs, Agreed Facts 2-5. *See also* P01298.

<sup>5548</sup> KENJIĆ:T.38638,T.38648-38649; P07531; 14-17 July 1995 AFs, Agreed Fact 6.

<sup>5549</sup> P07531; P01481, p.6. *See paras.*1277-1278,1460-1539.

<sup>5550</sup> *See paras.*1460-1478; P01087, p.11.

**MLADIĆ** met with Slobodan MILOŠEVIĆ, Carl BILDT, and Gen. DE SAUVILLE DE LE PRESLE in Belgrade<sup>5551</sup> to discuss, among other things, the situation in and around Srebrenica.<sup>5552</sup> **MLADIĆ** attended the meeting in his capacity as VRS Commander and was exercising his command over the VRS at this time.<sup>5553</sup> The internationals requested ICRC access to Bosnian Muslim prisoners from Srebrenica, permission for UNHCR convoys to deliver humanitarian supplies and exclusive rights for the UN in Srebrenica and Žepa so that all civilians could return if they wanted.<sup>5554</sup> The fate of the Bosnian Muslim men separated and detained by the VRS in and around Bratunac<sup>5555</sup> and the continued VRS detention of DutchBat troops<sup>5556</sup> were also discussed.

1316. Despite these requests, **MLADIĆ** did not allow the internationals access to the area around Srebrenica to register the Bosnian Muslim prisoners.<sup>5557</sup> However, **MLADIĆ** reacted to some of BILDT's concerns raised at the meeting by issuing an order to the DK to allow a group of DutchBat members to leave Bratunac to Serbia.<sup>5558</sup> He also issued an order to the DK and the SRK to allow Gen. Rupert SMITH to travel from Sarajevo to Belgrade on 15 July.<sup>5559</sup> Both these orders, dated 14 July and received in the early morning hours of 15 July, demonstrate **MLADIĆ**'s continuing focus on Srebrenica and his command of the VRS during the evening of 14 July.

1317. By sunrise on 15 July, around 2,000 Bosnian Muslim prisoners who had been detained at Orahovac and Petkovci schools<sup>5560</sup> had already been murdered, with at least 2,500 still awaiting execution in Ročević and Pilica.<sup>5561</sup> **MLADIĆ** continued to issue orders and receive VRS reports on 15 July 1995.<sup>5562</sup>

1318. On 15 July, **MLADIĆ** attended another meeting in Belgrade with MILOŠEVIĆ and international representatives including: BILDT, AKASHI, SMITH

<sup>5551</sup> P00363, p.2; BUTLER:T.16327-16328; 14-17 July 1995 AFs, Agreed Fact 7.

<sup>5552</sup> P00363, pp.2-3; BUTLER:T.16329-16330.

<sup>5553</sup> BUTLER:T.16330. *See also* BUTLER:T.16333.

<sup>5554</sup> D00410; P00363, p.2.

<sup>5555</sup> P00363, p.3; BUTLER:T.16329-16330. *See also* P07702; P07704; AKASHI:T.41780-41781.

<sup>5556</sup> P00363, p.3; BUTLER:T.16332.

<sup>5557</sup> *See e.g.* SMITH:P00785, para.166; SMITH:T.7345.

<sup>5558</sup> P02123; BUTLER:T.16332-16334; P00363, p.4.

<sup>5559</sup> P02124; BUTLER:T.16337-16338.

<sup>5560</sup> *See* paras.1460-1490.

<sup>5561</sup> *See* paras.1491-1539.

and others.<sup>5563</sup> **MLADIĆ** and SMITH met separately and discussed the recovery of DutchBat members and access to Bosnian Muslim prisoners who were unaccounted for.<sup>5564</sup> SMITH told **MLADIĆ** there were “rumors about atrocities, massacres and rape” against the population of Srebrenica and Žepa.<sup>5565</sup> It was decided that GVERO would meet on 16 July with UNHCR regarding access to the area.<sup>5566</sup> Despite their requests and warnings, the internationals were not provided access to the Srebrenica, Bratunac and Zvornik areas.<sup>5567</sup>

1319. **MLADIĆ**’s orders to the VRS and interactions with international representatives throughout 14 and 15 July, prove that he remained in command and control of SF employed in Srebrenica and Žepa operations during his stay in Belgrade.<sup>5568</sup>

1320. On 16 July, **MLADIĆ** continued to command the VRS from Belgrade as units of the GŠ-VRS and DK summarily executed the remaining hundreds of Bosnian Muslims in their custody. **MLADIĆ** was briefed by his command staff regarding operations in the Zvornik area. After spending part of the day attending wedding festivities, at 16:15 hours a duty officer at the GŠ-VRS informed **MLADIĆ** that KARADŽIĆ called inquiring about PANDUREVIĆ’s opening of a passage through VRS lines for the “Muslims”, namely the remnants of the Muslim men escaping Srebrenica to Bosnian Muslim held-territory.<sup>5569</sup>

1321. The GŠ-VRS was fully abreast of the murder operation occurring about 30km from the area where PANDUREVIĆ had opened a passage for the column.<sup>5570</sup> **MLADIĆ** did not speak openly on the telephone of the details of the murder operation, but it is inconceivable that he would have been informed of the ongoing

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<sup>5562</sup> See e.g. BUTLER:T.16340; P02125.

<sup>5563</sup> 14-17 July 1995 AFs, Agreed Fact 9. SMITH:P00785, paras.157-158; SMITH:T.7339-7340.

<sup>5564</sup> SMITH:P00785, paras.157-158; SMITH:T.7339-7340,T.7343.

<sup>5565</sup> P00363, p.5; SMITH:T.7342-7343; BUTLER:T.16339-16340.

<sup>5566</sup> D00410, p.3.

<sup>5567</sup> See e.g. SMITH:P00785, para.166; SMITH:T.7345.

<sup>5568</sup> See P02122-P02124; BUTLER:T.16325-16326,T.16332-16334,T.16337-16338; SMITH:T.7339-7341.

<sup>5569</sup> P01655(confidential); P01338(confidential); BUTLER:T.16405. See also RM316:T.13655-13657.

<sup>5570</sup> See paras.1509-1539.

combat operations<sup>5571</sup> without having also been briefed on the murder operation that he had ordered. Given the enormous scope of the murder operation and the large number of DK and GŠ-VRS personnel in its implementation, occurring in the same area as the combat operations, **MLADIĆ** would have been aware of the details of both operations, particularly as both had to be staffed from the same finite resources of men and materials.

1322. The thousands of Muslims in the column fighting PANDUREVIĆ's forces represented the remaining Muslim men of Srebrenica, all of whom **MLADIĆ** targeted for death. At around this time PANDUREVIĆ was "in the field" and not reachable.<sup>5572</sup> The GŠ-VRS Duty Officer told **MLADIĆ** that he had asked the Zvornik Brigade Duty Officer to have PANDUREVIĆ contact him via telegram about the situation and "not to do anything without authorisation until he receives our answer".<sup>5573</sup> The VRS focus on the column is demonstrated by an intercepted conversation, which occurred five minutes after the 16:15 hours intercept, wherein the DK (Zlatar) contacted the Zvornik Brigade (Palma) demanding that PANDUREVIĆ be located in order to provide a report on the situation.<sup>5574</sup> At 16:40 hours, the DK command again contacted the Zvornik Brigade command, to pass on the order that POPOVIĆ should go to find PANDUREVIĆ in the field.<sup>5575</sup> At 17:05 hours the DK command inquired whether PANDUREVIĆ had been reached.<sup>5576</sup> At 18:10 hours PANDUREVIĆ provided an interim combat report to the DK command, detailing the agreement to not oppose the Bosnian Muslim column's movement to BiH territory, for which he had not first obtained **MLADIĆ**'s or the GŠ-VRS' authorisation.<sup>5577</sup>

1323. In response to PANDUREVIĆ's unilateral decision to create a passage for the Srebrenica Muslims, **MLADIĆ** issued an oral order on the evening of 16 July (followed by a written order dated 17 July) to send three GŠ-VRS officers to Zvornik to investigate the propriety of PANDUREVIĆ's actions.<sup>5578</sup> While the precise wording of **MLADIĆ**'s order does not specifically refer to PANDUREVIĆ's action,

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<sup>5571</sup> **MLADIĆ** was also, in that same conversation, kept abreast of the activities in the Žepa operation. P01655(confidential); P01338(confidential).

<sup>5572</sup> P01336(confidential).

<sup>5573</sup> P01655(confidential); P01338(confidential).

<sup>5574</sup> P01501, p.87.

<sup>5575</sup> P01501, p.87.

<sup>5576</sup> P01501, p.87.

<sup>5577</sup> P01513. See paras.1308-1312.

the three GŠ-VRS officers went to Zvornik on 17 July to look into the reasons why PANDUREVIĆ allowed the column to pass.<sup>5579</sup>

1324. Later that day, **MLADIĆ** was filmed at the VMA in Belgrade speaking on the telephone and asking about the activities “up there, at Vinko’s”, and issuing an order to shoot down any NATO planes in the Žepa area.<sup>5580</sup> An intercept at 17:31 hours noted that the “boss” (meaning **MLADIĆ**) had passed on the message to contact UNPROFOR and threaten to destroy UNPROFOR in Žepa if NATO used air strikes.<sup>5581</sup> At 18:47 hours **MLADIĆ** issued an order via MILETIĆ for BLAGOJEVIĆ to send additional troops to the Zvornik Brigade.<sup>5582</sup> The issuing of such orders indicates **MLADIĆ**’s close familiarity with the operations on the ground in the area around Zvornik.

(i) **MLADIĆ** remained in command of the VRS while in Belgrade

1325. It should be noted at the outset that **MLADIĆ**’s purported “alibi”, even if true, would have no impact on his responsibility for the crimes charged in the Indictment. **MLADIĆ** conceived the plan to murder the able-bodied men and boys on 11 or 12 July and was present on the ground in and around where the prisoners were detained and executed including, Srebrenica, Bratunac, Sandići, Konjević Polje, Nova Kasaba, Crna Rijeka and Zvornik from 12 through the afternoon of 14 July, commanding the GŠ-VRS, DK and MUP units who he had ordered to commit the executions.

1326. The Defence’s claimed “alibi” and related argument that **MLADIĆ** relinquished his command during 14 to 17 July should be rejected as it is contradicted by the mutually reinforcing evidence showing **MLADIĆ** continued to exercise command and control throughout this time. The Defence, through its military expert, KOVAČ, argued that on 14 July, **MLADIĆ** appointed GVERO to “stand in” for him during his absence.<sup>5583</sup> OBRADOVIĆ explained that the designation “standing in”,

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<sup>5578</sup> P01579; BUTLER:T.16424.

<sup>5579</sup> P01498, p.4; [REDACTED]; BUTLER:T.16424; *see* para.1338.

<sup>5580</sup> P01147, V000-9267, 00:50’36–00:51’39, tp.94-95; BUTLER:T.16415-16418; 14-17 July 1995 AFs, Agreed Fact 16. *See also* P02128, p.1.

<sup>5581</sup> P01343.

<sup>5582</sup> P01345(confidential); P01346, p.5(confidential). *See also* P02129; P01351(confidential); P01352(confidential).

<sup>5583</sup> KOVAC:T.41393-41394.

however, did not concern the whereabouts of the commander, but rather whether the commander was unable to carry out his duties due to illness or some other reason.<sup>5584</sup> In any event, had GVERO stood in for **MLADIĆ** as the Defence contends, such an appointment would not have altered any commands **MLADIĆ** had issued before he left the territory,<sup>5585</sup> which included the orders to murder the men and boys of Srebrenica.<sup>5586</sup> Moreover, any such “standing in” did not affect **MLADIĆ**’s overall command even while absent.<sup>5587</sup>

1327. KOVAČ relied on one order to demonstrate that GVERO was standing in for **MLADIĆ** during **MLADIĆ**’s absence.<sup>5588</sup> Signed on 13 July, the document does not mention any change of command status.<sup>5589</sup> Confronted with this on cross-examination, KOVAČ adjusted his evidence, claiming that **MLADIĆ** “must have been outside of that zone because I don’t see otherwise why General GVERO would have signed this document on the 13<sup>th</sup>.”<sup>5590</sup> However, KOVAČ thereafter acknowledged that **MLADIĆ** was in fact in the areas of Bratunac, Sandići, Nova Kasaba, Vlasenica and at the GŠ-VRS command post on 13 July.<sup>5591</sup> Thus, this document in no way supports KOVAČ’s conclusion that GVERO was in command of the GŠ-VRS while **MLADIĆ** was in Belgrade, leaving nothing to support KOVAČ’s contention.

(ii) The Defence “groups of avengers” theory is baseless

1328. During his testimony, KOVAČ raised a baseless theory blaming outsiders for the crimes in Srebrenica. KOVAČ repeatedly suggested in his report that **MLADIĆ** and the VRS were not responsible but rather that “those crimes happened according to *someone else’s* plan ... .”<sup>5592</sup> When asked by the Chamber to identify who “someone else” may have been, since he did not do so in his report, KOVAČ repeatedly evaded

<sup>5584</sup> See LJ.OBRADOVIĆ:P01783, T.11936-11937,T.11976-11977.

<sup>5585</sup> MILOVANOVIĆ:T.16930-16931. See also LJ.OBRADOVIĆ:T.14545.

<sup>5586</sup> See paras.1174-1183.

<sup>5587</sup> LJ.OBRADOVIĆ:T.14545; P02200, para.2.12. See also LJ.OBRADOVIĆ:P01783, T.12020.

<sup>5588</sup> KOVAČ:T.41394.

<sup>5589</sup> KOVAČ:T.41844. The document he referred to is P02119, which concerns the efforts of the column from Srebrenica to break through to Bosnian Muslim held territory.

<sup>5590</sup> KOVAČ:T.41844.

<sup>5591</sup> KOVAČ:T.41844-41845. See also P.ANDRIĆ:P07295, paras.7-16; P.ANDRIĆ:T.34108-34111 (confirming **MLADIĆ**’s presence in these locations on 13 July 1995); M.BLAGOJEVIĆ:P07187, pp.58-70 (confirming **MLADIĆ**’s presence in these locations on 13 July 1995).

<sup>5592</sup> D01661, p.184 (emphasis added). See also D01661, pp.200,204,218.

the question; after confusingly insinuating that Presidents IZETBEGOVIĆ and CLINTON were involved, he backtracked when pressed and ultimately deserted the theory entirely.<sup>5593</sup>

1329. KOVAČ testified that “at this top level nobody planned crimes directly”<sup>5594</sup> and stated in his report that “Srebrenica is a crime for which not even today do we know for certain who exactly ordered or committed the mass executions.”<sup>5595</sup> With equal vagueness, he blamed the crimes in Srebrenica upon “self-organized paramilitary groups”<sup>5596</sup> and “groups of “avengers”<sup>5597</sup> that he claimed the VRS could not control.<sup>5598</sup> However, nothing in KOVAČ’s testimony or his report undercuts the overwhelming evidence the Prosecution has presented regarding the participants at each of the execution sites, making clear that the murder operation was carried out exclusively by SF, acting within the normal chain of command.<sup>5599</sup> There is no credible evidence that paramilitaries, mercenaries, volunteer forces or “groups of avengers” acting outside the chain of command played any role in carrying out this operation.<sup>5600</sup>

1330. KOVAČ stated that the groups who committed the crimes in Srebrenica did so “in co-operation with like-minded persons and individuals from the commands,”<sup>5601</sup> including “officers from security structures”<sup>5602</sup> of the GŠ-VRS, DK, and Zvornik Brigade.<sup>5603</sup> While his report did not identify particular individuals, KOVAČ testified that BEARA, POPOVIĆ, and NIKOLIĆ co-ordinated the crimes with their respective VRS security organs.<sup>5604</sup> In addition, KOVAČ acknowledged that under the chain of

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<sup>5593</sup> KOVAČ:T.41851-41853.

<sup>5594</sup> KOVAČ:T.41853.

<sup>5595</sup> D01661, p.200.

<sup>5596</sup> KOVAČ attempted to define the Scorpions as “a paramilitary group that was not under military control”, but the Scorpions had been resubordinated under the command of the VRS in July 1995. KOVAČ:T.41855. *See* para.1099.

<sup>5597</sup> D01661, p.232. *See also* D01661, pp.201,213.

<sup>5598</sup> D01661, pp.201,216,244.

<sup>5599</sup> *See* paras.1439-1454,1460-1539.

<sup>5600</sup> KOVAČ acknowledged that “[T]here is no reliable information” to the effect that paramilitaries and avengers committed the crimes in Srebrenica. D01661, p.232.

<sup>5601</sup> D01661, p.244.

<sup>5602</sup> D01661, p.232.

<sup>5603</sup> KOVAČ:T.41857-41859.

<sup>5604</sup> KOVAČ:T.41857,T.41859.

command, POPOVIĆ normally reported to his commander KRSTIĆ and through TOLIMIR to **MLADIĆ**.<sup>5605</sup>

1331. However, despite these acknowledgements, KOVAČ argued that POPOVIĆ and BEARA committed the transfer and murder of thousands of prisoners without **MLADIĆ**'s knowledge or approval,<sup>5606</sup> implying a total breakdown in the VRS chain of command that resulted in thousands of executions that nobody ordered, with no explanation better than the "revenge" and "chaos" of war.<sup>5607</sup> This claim lacks all plausibility. The separation, detention, execution and burial of thousands of men over the course of approximately five days required extensive organisation, manpower, and supplies. As shown in intercepted conversations that BEARA had with ŽIVANOVIĆ and KRSTIĆ,<sup>5608</sup> **MLADIĆ** personally ordered such resources be provided to BEARA, who lacked authority to gather support himself.<sup>5609</sup>

1332. In addition, **MLADIĆ** himself acknowledged in October 1995 that BEARA would not bypass the system or **MLADIĆ**'s orders,<sup>5610</sup> contradicting KOVAČ's claim that BEARA acted independently. Neither did KOVAČ know of **MLADIĆ** ever initiating criminal proceedings against POPOVIĆ and BEARA for their actions after they occurred, despite **MLADIĆ**'s responsibility to do so.<sup>5611</sup> Overall, KOVAČ's vague and unsubstantiated theories lacked credibility and should be given no weight.

(iii) **MLADIĆ**'s "alibi" witnesses are not reasonably capable of belief

<sup>5605</sup> KOVAČ:T.41858-41859.

<sup>5606</sup> KOVAČ:T.41860-41861. *See also* D01661, pp.216,222. KOVAČ relies for this conclusion on claims that **MLADIĆ** had poor communication systems and did not reliably receive timely information about the "avengers" and paramilitary groups committing executions as they were happening. D01661, pp.184,244. This conclusion is belied by **MLADIĆ**'s regimented oral and written reporting schemes as well as his versatile communication facilities. *See* paras.126-138.

<sup>5607</sup> D01661, p.201.

<sup>5608</sup> P01320(confidential); P02126(confidential). *See* paras.1289-1296.

<sup>5609</sup> BEARA required approval to engage the 65<sup>th</sup> ZMTP and the 10<sup>th</sup> Sabotage Detachment as well. *See* KESEROVIĆ:T.12812-12814,T.12878,T.12879,T.12882. When BEARA issued orders to MALINIĆ to organise hundreds of prisoners onto the football pitch at Nova Kasaba, for example, he must have done so with **MLADIĆ**'s knowledge and approval; **MLADIĆ** arrived shortly thereafter, addressed the prisoners, and issued orders directly to MALINIĆ to escort the prisoners to Bratunac. KESEROVIĆ:T. 12865-12868.

<sup>5610</sup> P07717, p.12. *See also* paras.122-123,151-152.

<sup>5611</sup> KOVAČ:T.41861,T.41916-41917.

1333. The Defence witnesses who attempted to support **MLADIĆ**'s alibi for the evening of 16 July and claim that he was not exercising command over the VRS on 16 July are not reasonably capable of belief.

1334. **MLADIĆ**'s wife steadfastly maintained that **MLADIĆ** arrived in Belgrade on the evening of 14 July and stayed with her through to and including the night of 16 July.<sup>5612</sup> When confronted with a previous account where she stated **MLADIĆ** arrived in Belgrade on 13 July,<sup>5613</sup> Mrs. **MLADIĆ** was unable to provide a substantive explanation for the discrepancy and admitted she changed her mind when she met with a Defence investigator in July 2014.<sup>5614</sup> Her credibility is also undermined by her claim that **MLADIĆ** did not use any communication equipment while in Belgrade, which is directly contradicted by records of several intercepted communications throughout the afternoon and evening of 16 July showing that **MLADIĆ** was in contact with the VRS throughout the afternoon and evening of 16 July.<sup>5615</sup>

1335. The internal inconsistencies in and between the evidence of Žarko and Biljana STOJKOVIĆ, Radovan POPOVIĆ and Mladen KENJIĆ demonstrate the unreliability of their evidence. Žarko STOJKOVIĆ's claim that **MLADIĆ** did not smoke while at the wedding,<sup>5616</sup> was disproven by photographs of **MLADIĆ** with a cigarette in his hand.<sup>5617</sup> POPOVIĆ claimed that **MLADIĆ** did not speak to anyone using communication devices while at the wedding.<sup>5618</sup> These claims are clearly undermined by the record of an intercepted communication involving **MLADIĆ** at 16:15 hours, during the period the STOJKOVIĆs and POPOVIĆ claimed **MLADIĆ** was at the wedding reception.<sup>5619</sup> KENJIĆ claimed that he took **MLADIĆ** to a meeting at the VMA and then dropped **MLADIĆ** and his wife at their house in Belgrade<sup>5620</sup> and, as far as he remembered, took **MLADIĆ** to Crna Rijeka the next

<sup>5612</sup> B.MLADIĆ:T.37693-37694,T.37714-37716; B.MLADIĆ:D01185, paras.7-8.

<sup>5613</sup> B.MLADIĆ:T.37696-37697,T.37706.

<sup>5614</sup> B.MLADIĆ:T.37706.

<sup>5615</sup> B.MLADIĆ:T.37682,T.37715-37717. *See also* B.MLADIĆ:D01185, para.5; P01655(confidential); P01338(confidential); P01345(confidential); P01346(confidential); P01657; P04221(confidential); P01658(confidential); paras.1315-1324.

<sup>5616</sup> Ž.STOJKOVIĆ:T.38091.

<sup>5617</sup> P07511; Ž.STOJKOVIĆ:T.38092.

<sup>5618</sup> POPOVIĆ:T.38984-38985. Žarko STOJKOVIĆ stretched credulity in claiming that he had his eyes on **MLADIĆ** non-stop between 14:00-17:00 hours, even while dancing with his wife. Ž.STOJKOVIĆ:T.38090-38096.

<sup>5619</sup> P01655(confidential); P01338(confidential); Ž.STOJKOVIĆ:T.38100-38101.

<sup>5620</sup> KENJIĆ:D01218, para.13.

day (17 July).<sup>5621</sup> KENJIĆ originally said he drove **MLADIĆ** from the wedding at 15:00 or 16:00 hours on 16 July but then changed this in testimony to 18:00 hours.<sup>5622</sup> KENJIĆ's evidence is not reasonably capable of belief as his shift in time was clearly an effort to enhance **MLADIĆ**'s alibi.

(aa) Evening of 16 July, **MLADIĆ** returned from Belgrade to Crna Rijeka, met KESEROVIĆ and ordered him to lead a sweep operation in the Konjević Polje, Bratunac area the next day

1336. **MLADIĆ** returned to Crna Rijeka from Belgrade on the evening of 16 July, most likely via helicopter.<sup>5623</sup> That evening signal "CER" was extended until 22:00 hours,<sup>5624</sup> which would prevent friendly fire from targeting **MLADIĆ**'s helicopter.<sup>5625</sup> In the late evening hours, **MLADIĆ** was in regular radio communication. At 22:30 hours, **MLADIĆ** was intercepted talking to MILOVANOVIĆ reporting from the Bihać front.<sup>5626</sup> **MLADIĆ**'s presence in RS territory that night is also demonstrated by an intercepted conversation between **MLADIĆ** and KOSTIĆ, who was calling from abroad.<sup>5627</sup> The communication travelled over the VRS' radio-relay network thus enabling Bosnian intercept operators to intercept the call and hear **MLADIĆ**. **MLADIĆ** would not have been audible had he been speaking from Belgrade.<sup>5628</sup>

1337. Upon his return to Crna Rijeka, **MLADIĆ** met with KESEROVIĆ<sup>5629</sup> and ordered him to take command of VRS and MUP troops in a sweep operation in the area of Bratunac, Konjević Polje and Nova Kasaba.<sup>5630</sup> Although KESEROVIĆ

<sup>5621</sup> KENJIĆ:D01218, para.13.

<sup>5622</sup> KENJIĆ:T.38654-38655.

<sup>5623</sup> Helicopter landing pads were available near the VMA in Belgrade, and **MLADIĆ** was known to land helicopters in a stadium in Zvornik. See KECMAN:T.35349-35350; P07378; RM269:T.12708-12709(confidential); P01564. A helicopter flight from the VMA to Eastern Bosnia took approximately 20-25min. KECMAN:T.35350.

<sup>5624</sup> On 16 July, the code-name "CER" signalled that attacks on aerial targets were forbidden, initially until 20:30 hours and then until 22:00 hours. DRAGUTINOVIĆ:T.32305-32309,T.32311-32314; P07152; P07153, pp.2-4; P07154; P01501, pp.79,91. See BUTLER:T.16421-16422; DRAGUTINOVIĆ:T.32309-32310.

<sup>5625</sup> See BUTLER:T.16421-16422; DRAGUTINOVIĆ:T.32309-32310.

<sup>5626</sup> P01657; P04221(confidential); P01666(confidential); P01658(confidential). See also RM316:T.13679.

<sup>5627</sup> P01658(confidential); P07146(confidential).

<sup>5628</sup> See PAJIĆ:T.35888, T.35898; DOSENOVIĆ:T.37893-37894,T.37902,T.37905(confidential). See also P07397(confidential).

<sup>5629</sup> KESEROVIĆ:T.12836,T.12840,T.12860-12861.

<sup>5630</sup> KESEROVIĆ:T.12840-12844.

claimed he was merely tasked with monitoring the sweep operation<sup>5631</sup> and could not recall whether he received the order from **MLADIĆ** on the evening of 16 July or 17 July,<sup>5632</sup> he was certain that he traveled from Crna Rijeka to the Bratunac area the morning after he received the order.<sup>5633</sup> KESEROVIĆ's uncertainty as to the date he received **MLADIĆ**'s order is a departure from his previous testimony where KESEROVIĆ affirmed "my stay in Bratunac should have been the 17<sup>th</sup> actually".<sup>5634</sup> KESEROVIĆ's recent uncertainty is a transparent unwillingness on his part to establish **MLADIĆ**'s presence in Crna Rijeka on the evening of 16 July, contradicting what he must have subsequently learned to be **MLADIĆ**'s claim that **MLADIĆ** was not in Crna Rijeka on the night of 16 July.

1338. That same night **MLADIĆ** also ordered GŠ-VRS colonels SLADOJEVIĆ, TRKULJA and STANKOVIĆ to go to the Zvornik area to investigate the situation in Baljkovica.<sup>5635</sup> Pursuant to **MLADIĆ**'s order, the three colonels traveled to the Zvornik AOR on 17 July.<sup>5636</sup>

1339. The day after receiving **MLADIĆ**'s order, KESEROVIĆ set out for Bratunac from Crna Rijeka.<sup>5637</sup> The evidence overwhelmingly demonstrates that KESEROVIĆ received **MLADIĆ**'s order on 16 July and traveled to Bratunac on the morning of 17 July. First, on his way to Bratunac, KESEROVIĆ stopped at the 65<sup>th</sup> ZMTP base at Nova Kasaba where he met MALINIĆ and informed him of the sweep operation he was tasked with.<sup>5638</sup> Second, an intercept from 11:15 hours on 17 July shows KESEROVIĆ going to see Momir NIKOLIĆ, who was in the Bratunac area at the

<sup>5631</sup> KESEROVIĆ:T.12848,T.12851-12853.

<sup>5632</sup> KESEROVIĆ:T.12838-12840,T.12861.

<sup>5633</sup> KESEROVIĆ:T.12860-12861.

<sup>5634</sup> KESEROVIĆ:T.12839-12840.

<sup>5635</sup> KESEROVIĆ:T.12846-12848,T.12858-12859; P01579. OBRADOVIĆ, who was also at Crna Rijeka the evening of 16 July, heard from MILETIĆ that he had sent the colonels to Zvornik pursuant to **MLADIĆ**'s order. LJ.OBRADOVIĆ:T.14535-14537. *See also* KESEROVIĆ:T.12858. TRKULJA also testified that he received the order to go to Zvornik the evening of 16 July from MILETIĆ. TRKULJA's questioning of **MLADIĆ** and KESEROVIĆ's presence at Crna Rijeka that evening is baseless as TRKULJA himself admitted he was not there when **MLADIĆ** issued the order to KESEROVIĆ. TRKULJA:T.35084,T.35089,T.35143,T.35154-35155. *See also* BUTLER:T.16424.

<sup>5636</sup> P01498, p.4; TRKULJA:T.35097. Pursuant to PANDUREVIĆ's orders, OBRENOVIĆ met the three colonels the afternoon of 17 July. [REDACTED]; [REDACTED]. *See also* TRKULJA:T.35099; P01367(confidential).

<sup>5637</sup> KESEROVIĆ:T.12860. *See also* P01362(confidential); P01361(confidential); KESEROVIĆ:T.12869-12871.

<sup>5638</sup> KESEROVIĆ:T.12863; MALINIĆ:T.12662-12663.

time.<sup>5639</sup> Third, in Bratunac, KESEROVIĆ met with BLAGOJEVIĆ before BLAGOJEVIĆ left for Žepa at 11:30 hours and did not return to Bratunac for the next 10-15 days.<sup>5640</sup> BLAGOJEVIĆ's departure to Žepa on 17 July is also corroborated by GAVRIĆ, who testified that he saw BLAGOJEVIĆ depart on the road towards Žepa at around 11:30 hours on 17 July after they met at the Bratunac Brigade HQ.<sup>5641</sup> Fourth, KESEROVIĆ saw the evacuation of wounded prisoners from the Bratunac Health Centre,<sup>5642</sup> which was reported by the MUP to have occurred on 17 July.<sup>5643</sup> Fifth, the sweep operation duly occurred on 17 July.<sup>5644</sup> Despite KESEROVIĆ's feigned confusion as to the date he met **MLADIĆ** at Crna Rijeka, he firmly adhered to his chronology of events, which is overwhelmingly corroborated by evidence in this case. Consequently, KESEROVIĆ must have received **MLADIĆ**'s order the evening of 16 July, and left for Bratunac on the morning of 17 July.

1340. **MLADIĆ**'s order to KESEROVIĆ concerning the sweep operation is reflected in a written order dated 17 July, which states the aim of the operation as: "discovering and destroying lagging Muslim groups."<sup>5645</sup> The sweep operation took place on 17 July and resulted in the murder of 150 Bosnian Muslims in the Cerska Valley.<sup>5646</sup>

(bb) On or around 17-18 July, Execution at Cerska Valley of Muslim men and boys captured during the sweep operation

1341. On 17 July, pursuant to **MLADIĆ**'s order,<sup>5647</sup> SF engaged in a sweep operation to capture and kill Bosnian Muslim men in the zone of Bratunac-Drinjača-Milići-Bešići village, on the right side of the Milići-Drinjača road.<sup>5648</sup> These forces

<sup>5639</sup> P01362(confidential); P01361(confidential); *see also* KESEROVIĆ:T.12869-12871.

<sup>5640</sup> KESEROVIĆ:T.12873,T.12975-12978; P01581(confidential); V.BLAGOJEVIĆ:T.33584-33586; BUTLER:T.16425-16426. *See also* V.BLAGOJEVIĆ:D00965, para.14.

<sup>5641</sup> M.GAVRIĆ:P01691, T.26487-26488,T.26513; GAVRIĆ:T.13895,T.13900,T.13915-13916.

<sup>5642</sup> KESEROVIĆ:T.12969-12971.

<sup>5643</sup> P01583. *See also* P01580.

<sup>5644</sup> *See paras.*1341-1345.

<sup>5645</sup> P01579; *see also* P01556.

<sup>5646</sup> M.GAVRIĆ:P01691, T.26488-26489; RM268:P02176, T.8631,T.8634(confidential). *See paras.*1341-1347.

<sup>5647</sup> P01579/P01556(partial duplicates); KESEROVIĆ:T.12840-12844; SALAPURA:T.13115,T.13118. **MLADIĆ** ordered KESEROVIĆ to command the operation on 16 July. *See paras.*1336-1337.

<sup>5648</sup> P01579, para.3; P01582, para.1; KESEROVIĆ:T.12981-12982; P01699, para.1; M.GAVRIĆ:P01691, T.26488; M.GAVRIĆ:T.13938; RM268:P02176, T.8631,T.8634,T.8700-8703(confidential); P02178; P02179.

consisted of elements from various units, including the Bratunac Brigade and Capt. Mićo GAVRIĆ, Bratunac Brigade Chief of Artillery; the Milići Brigade; the 67<sup>th</sup> Communications Regiment; MPs of the 65<sup>th</sup> ZMTP; and MUP forces, including Duško JEVIĆ, Assistant Commander for Training, Special Police Brigade, Jahorina Training Centre.<sup>5649</sup> During this sweep operation, SF captured approximately 150 Bosnian Muslim men and boys who were taken to an embankment in the Cerska Valley area where they were summarily executed and buried.<sup>5650</sup> There are no known survivors of this execution.

1342. On 17 July at 10:00 hours, BLAGOJEVIĆ issued orders to GAVRIĆ regarding the sweep operation at the Bratunac Brigade Command.<sup>5651</sup> GAVRIĆ then proceeded to a hill at Sandići to convene with other units participating in the sweep operation.<sup>5652</sup> That morning, BLAGOJEVIĆ also met at the Bratunac Brigade with KESEROVIĆ<sup>5653</sup> who had been appointed commander of the VRS and MUP forces participating in the sweep operation.<sup>5654</sup> At approximately 11:30 hours, while still in Sandići, GAVRIĆ saw BLAGOJEVIĆ pass by on his way to Žepa.<sup>5655</sup> Shortly thereafter, GAVRIĆ and JEVIĆ, together with SF,<sup>5656</sup> set out on their search.<sup>5657</sup>

<sup>5649</sup> P01579/P01556(partial duplicates); M.GAVRIĆ:T.13895-13896,T.13937-13938; M.GAVRIĆ:P01691, T.26488-26490,T.26514-26515; RM268:P02176, T.8699,T.8705(confidential). *See also* [REDACTED]; [REDACTED].

<sup>5650</sup> *See paras.*1540-1545.

<sup>5651</sup> M.GAVRIĆ:P01691, T.26487-26488,T.26513-26514; M.GAVRIĆ:T.13895,T.13899-13900,T.13928-13929,T.13937-13938. *See also* RM268:P02176, T.8631-8633(confidential); P01693, item 7. Goran SARIĆ issued an order for the engagement of MUP forces in this sweep operation on 17 July consistent with **MLADIĆ**'s order to KESEROVIĆ on the evening of 16 July. P01582. *See also* KESEROVIĆ:T.12981-12982.

<sup>5652</sup> M.GAVRIĆ:T.13894-13895; M.GAVRIĆ:P01691, T.26513-26515. *See also* RM268:P02176, T.8631(confidential).

<sup>5653</sup> KESEROVIĆ:T.12871.

<sup>5654</sup> P01579, item 3; SALAPURA:T.13115,T.13117-13118. On 15 July, after assessing the situation east of the Milići-Konjević Polje-Bratunac Road and concluding that there were "large groups of enemy soldiers located to the east of the road", DK officer Col. Ignjat MILANOVIĆ proposed to the DK that Col. BLAGOJEVIĆ be appointed commander of all forces engaged in the search of terrain east of the Nova Kasaba-Drnjača Road, noting that they did not have anyone in the DK who could be assigned to the task. P01694. Col. BLAGOJEVIĆ, however, received orders from the DK to lead Bratunac Brigade units to Žepa on 16 July and was thus no longer available to command the search operation. BUTLER:T.16425-16426; D00967. *See also* P01696, para.2.

<sup>5655</sup> M.GAVRIĆ:T.13895,T.13900; V.BLAGOJEVIĆ:T.33581,T.33584-33585; P01581(confidential).

<sup>5656</sup> M.GAVRIĆ:P01691, T.26489.

<sup>5657</sup> M.GAVRIĆ:T.13895,T.13929; RM268:P02176, T.8631(confidential).

1343. That afternoon, SF captured Bosnian Muslim men and boys near Burnice village<sup>5658</sup> and brought them to the Pervani area, near Lolići village on the Bratunac-Konjević Polje road.<sup>5659</sup> [REDACTED] RM254, who had fled Srebrenica with his father on 11 July, was among those captured.<sup>5660</sup> SF escorted RM254 and the other prisoners in single file, with their hands on the backs of their necks, across the Konjević Polje-Bratunac road to a meadow near a concrete water fountain in the Pervani area.<sup>5661</sup> SF hurled insults at the prisoners and threatened them, and one man who tried to escape was shot dead.<sup>5662</sup> Upon GAVRIĆ's orders, prisoners' hands were bound behind their backs with bare wire.<sup>5663</sup> [REDACTED].<sup>5664</sup> [REDACTED].<sup>5665</sup>

1344. [REDACTED].<sup>5666</sup> As at Potočari and Sandići Meadow, these separations at Pervani were integral to the murder operation and show that the Muslim men detained there were to be murdered.<sup>5667</sup> GAVRIĆ took the four boys to the Bratunac Brigade Command where they were handed to the Bratunac Brigade's MP.<sup>5668</sup> The four boys were later exchanged.<sup>5669</sup>

<sup>5658</sup> M.GAVRIĆ:P01691, T.26598; M.GAVRIĆ:T.13901; RM254:P01690, para.9(confidential) (confidential); RM254:T.13819; P01087, p.17; BULJUBAŠIĆ:P03450, p.3.

<sup>5659</sup> M.GAVRIĆ:T.13901; M.GAVRIĆ:P01691, T.26598; RM268:P02176, T.8700-8701(confidential); P02178; P01087, p.17; P01539, p.21.

<sup>5660</sup> RM254:P01690, paras.2,9-10(confidential); RM254:T.13819-13821(confidential); M.GAVRIĆ:T.13894,T.13902(confidential); M.GAVRIĆ:P01691, T.26493.

<sup>5661</sup> RM254:P01690, para.10(confidential); RM254:T.13819; M.GAVRIĆ:T.13902(confidential). The meadow is located on the right side of the Bratunac-Konjević Polje Road when travelling in the direction of Konjević Polje.

<sup>5662</sup> RM254:P01690, para.11(confidential); RM254:T.13819,T.13847; M.GAVRIĆ:P01691, T.26598.

<sup>5663</sup> RM254:P01690, paras.10-11(confidential); M.GAVRIĆ:P01691, T.26594. M.GAVRIĆ disputed that the prisoners' hands were bound with wire, insisting it was string or twine used to bind raspberry bushes. M.GAVRIĆ:P01691, T.26594,T.26599,T.26611-26612. 48 wire ligatures were found in the Cerska grave. P01740, pp.233-281; MANNING:T.14181-14182; P01831, pp.9,60; HAGLUND:T.14935-14937.

<sup>5664</sup> RM254:P01690, para.13(confidential); RM254:T.13809-13810,T.13886-13887(confidential).

<sup>5665</sup> [REDACTED]. P01982, pp.4,5,7(confidential); M.GAVRIĆ:P01691, T.26616-26617; P01697(confidential). [REDACTED]. P01901, p.9(confidential).

<sup>5666</sup> RM254:P01690, para.11(confidential); RM254:T.13821-13822(confidential); M.GAVRIĆ:T.13902(confidential); M.GAVRIĆ:P01691, T.26493,T.26598; P01698.

<sup>5667</sup> See paras.1190-1196,1227,1251.

<sup>5668</sup> M.GAVRIĆ:P01691, T.26493,T.26599; M.GAVRIĆ:T.13905(confidential); RM254:P01690, para.13(confidential); RM268:P02176, T.8634(confidential). See also M.GAVRIĆ:P01691, T.26597; M.GAVRIĆ:T.13905-13906(confidential); RM254:P01690, para.13(confidential); RM254:T.13822-13823(confidential); P01698.

<sup>5669</sup> M.GAVRIĆ:P01691, T.26494,T.26596,T.26611; RM254:T.13823; RM254:P01690, para.14(confidential).

1345. Members of the MUP involved in the sweep operation on 17 July estimated that between 100 and 200 Muslim men and boys were captured.<sup>5670</sup> These estimates are consistent with the number of individuals exhumed from the Cerska mass grave.<sup>5671</sup> GAVRIĆ admitted to capturing 38 prisoners in civilian clothing,<sup>5672</sup> and claimed he handed the prisoners over to JEVIĆ.<sup>5673</sup> Although GAVRIĆ testified that he did not know what ultimately happened to the prisoners, he admitted to seeing them the next day in Konjević Polje,<sup>5674</sup> [REDACTED].<sup>5675</sup>

1346. Around the time of the sweep, while hiding from SF, Reif MEHMEDOVIĆ saw an APC followed by three trucks, three buses, and an excavator on the Nova Kasaba-Konjević Polje road.<sup>5676</sup> Coming from the direction of Konjević Polje, the vehicles turned right onto the macadam road leading to Cerska.<sup>5677</sup> MEHMEDOVIĆ then heard small arms fire coming from the direction of Cerska.<sup>5678</sup> There was no other firing in the area at that time.<sup>5679</sup> Approximately three hours later, MEHMEDOVIĆ saw the excavator and a bus drive back from the direction of Cerska towards Konjević Polje.<sup>5680</sup> A few days later, MEHMEDOVIĆ crossed the Nova Kasaba-Konjević Polje road and passed alongside the Cerska mass grave.<sup>5681</sup>

1347. Sulejman BULJUBAŠIĆ also witnessed a convoy of vehicles, including three buses, two trucks, one car and two APCs, turn from the Nova Kasaba-Konjević Polje road towards Cerska on what he thought was on or around 17 July.<sup>5682</sup> Like MEHMEDOVIĆ, BULJUBAŠIĆ heard shooting coming from the direction of Cerska and sometime later saw the convoy of vehicles return.<sup>5683</sup> BULJUBAŠIĆ then saw an excavator travel towards Cerska.<sup>5684</sup> While their accounts do not correspond in every detail, MEHMEDOVIĆ and BULJUBAŠIĆ's overall consistent accounts indicate

<sup>5670</sup> [REDACTED] ("in the vicinity of 100 to 150"); [REDACTED]; RM268:P02176, T.8634(confidential)("some 200 Muslims and four children had surrendered [...]").

<sup>5671</sup> See paras.1540-1545.

<sup>5672</sup> M.GAVRIĆ:P01691, T.26493; M.GAVRIĆ:T.13949-13952. See also AF1526.

<sup>5673</sup> M.GAVRIĆ:P01691, T.26493,T.26516,T.26594; M.GAVRIĆ:T.13949-13950.

<sup>5674</sup> M.GAVRIĆ:P01691, T.26493; M.GAVRIĆ:T.13911-13913,T.13916-13917; P01132, p.50.

<sup>5675</sup> RM268:P02176, T.8634(confidential).

<sup>5676</sup> R.MEHMEDOVIĆ:P03452, pp.5-6. Buses used fit a minimum of 50 people. RM255:T.1199; RUEZ:T.9693; JANJIĆ:T.11005-11006; EGBERS:T.13375.

<sup>5677</sup> R.MEHMEDOVIĆ:P03452, p.5; P03453.

<sup>5678</sup> R.MEHMEDOVIĆ:P03452, p.6.

<sup>5679</sup> R.MEHMEDOVIĆ:P03452, p.6.

<sup>5680</sup> R.MEHMEDOVIĆ:P03452, p.6.

<sup>5681</sup> R.MEHMEDOVIĆ:P03452, pp.6-7; P03454. See also RUEZ:T.9685-9686.

<sup>5682</sup> BULJUBAŠIĆ:P03450, pp.3-4.

<sup>5683</sup> BULJUBAŠIĆ:P03450, p.4.

they both witnessed the same event<sup>5685</sup> and corroborate the forensic findings that the 150 people in the Cerska mass grave were victims of one single on-site execution.<sup>5686</sup> Taken together, the evidence overwhelmingly demonstrates that Bosnian Muslim men and boys captured pursuant to **MLADIĆ**'s sweep order were subsequently taken to the Cerska Valley for summary execution and burial.

(cc) 17-19 July, **MLADIĆ** and **KARADŽIĆ** determined the fate of wounded Bosnian Muslims and local staff of international organisations

1348. After the VRS finished forcibly transferring the Bosnian Muslims from Potočari on 13 July,<sup>5687</sup> only wounded Muslims and local Muslim staff of international organisations remained in Potočari from the Srebrenica population.<sup>5688</sup> **MLADIĆ** initially planned to execute the local Muslim staff, following the fate of the able-bodied Muslim men and boys during the preceding days. However, he and **KARADŽIĆ** ultimately decided that killing the local staff would jeopardise the secrecy of the murder operation and allowed them to leave the enclave with their organisations.

1349. **MLADIĆ** and **KARADŽIĆ** first released the wounded Bosnian Muslims. On **TOLIMIR**'s orders, Radoslav **JANKOVIĆ**, accompanied by **KESEROVIĆ**, was involved in their transfer on 17 July.<sup>5689</sup> The ICRC escorted most of the wounded in a convoy to Tuzla,<sup>5690</sup> and 22 of the remaining 23 men ultimately arrived at Batković camp on 18 July<sup>5691</sup>—the first Muslim men to arrive there after the Srebrenica events.<sup>5692</sup>

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<sup>5684</sup> BULJUBAŠIĆ:P03450, p.4.

<sup>5685</sup> The witnesses have differing recollections regarding the time of the day and the direction the vehicles were traveling on the Nova Kasaba-Konjević Polje road before turning towards Cerska. R.MEHMEDOVIĆ:P03254, pp.5-6; BULJUBAŠIĆ:P03450, pp.3-4.

<sup>5686</sup> See paras.1540-1545.

<sup>5687</sup> See para.1234.

<sup>5688</sup> FRANKEN:P01417, para.101; P01433. See also D00306.

<sup>5689</sup> KESEROVIĆ:T.12850,T.12872-12873,T.12962-12964; P01583; FRANKEN:P01417, paras.102-103; RAVE:P01149, paras.57-58. See also para.1339.

<sup>5690</sup> P01580; P01583; SCHMITZ:P00027, paras.67-69; P00035; D00013; RAVE:P01149, para.60.

<sup>5691</sup> P01515, para.1; SCHMITZ:P00027, paras.63,67-69; P00035; KINGORI:P00034, para.200; D00013; P01583; KESEROVIĆ:T.12963; P02918; P02132. The 23 men included seven of SCHMITZ's patients from Potočari. FRANKEN:P01417, para.103.

<sup>5692</sup> See P02132. By contrast, just a few days later, BSF executed 10 seriously wounded Muslim men treated at a hospital in Milići, who were unknown to the international community. See paras.1375-1378.

1350. Regarding the local Muslim staff, however, **MLADIĆ** resisted releasing the able-bodied men. On 17 July, JANKOVIĆ, also dealing with the local MSF, UNPROFOR and UNMO staff,<sup>5693</sup> received MILETIĆ's instructions that he (JANKOVIĆ) was to "write down what you want to do" and then "send it urgently by code up to TOLIMIR."<sup>5694</sup> The caller then told JANKOVIĆ that "[t]he Commander will decide with TOLIMIR and send you a reply."<sup>5695</sup> While the subject matter of JANKOVIĆ's request is not explained in the intercepted communication, a written request from JANKOVIĆ the following day reveals that JANKOVIĆ sought orders on what to do with local staff.<sup>5696</sup>

1351. MILETIĆ's reference to "the commander" meant **MLADIĆ**, as **MLADIĆ** was the only commander of MILETIĆ and JANKOVIĆ.<sup>5697</sup> Recognising that the ultimate fate of these remaining Muslims would require a decision from **MLADIĆ**, MILETIĆ directed JANKOVIĆ to submit his proposal to TOLIMIR. MILETIĆ's order to send a message "by code" underscores VRS efforts to keep matters involving the fate of prisoners secret.

1352. Pursuant to MILETIĆ's order, JANKOVIĆ hand-wrote a report that he sent on 18 July from the Bratunac Brigade Command to the GŠ-VRS's Intelligence and Security Sector and to the DK Intelligence and Security Departments.<sup>5698</sup> In addition to reporting that the wounded Muslim prisoners had been evacuated from the Bratunac Health Centre, he noted that the MSF convoy that arrived on 18 July to retrieve MSF staff from the UNPROFOR base in Potočari had been turned away. JANKOVIĆ requested direction as to what position he should take regarding the

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<sup>5693</sup> P00032(confidential); P01583. *See also* KINGORI:P00034, para.214.

<sup>5694</sup> P01374(confidential); P01375(confidential); BUTLER:T.16448-16449.

<sup>5695</sup> P01374(confidential); P01375(confidential).

<sup>5696</sup> P01515. The original handwritten report bears the initials "RJ", which stand for Radoslav JANKOVIĆ. BUTLER:T.16449. The handwritten document was taken by Momir NIKOLIĆ to be typed and transmitted. The typist replaced "RJ" with Momir NIKOLIĆ, though NIKOLIĆ was not the author of the report. M.NIKOLIĆ:T.11959-11960.

<sup>5697</sup> BUTLER:T.16448-16449.

<sup>5698</sup> P01515. The original handwritten report bears the initials "RJ", which stand for Radoslav JANKOVIĆ. BUTLER:T.16449. The handwritten document was taken by Momir NIKOLIĆ to be typed and transmitted. The typist replaced "RJ" with Momir NIKOLIĆ, though NIKOLIĆ was not the author of the report. M.NIKOLIĆ:T.11959-11960.

evacuation of MSF, UNMO and UNPROFOR local staff, noting that he believed KARADŽIĆ had ordered their release.<sup>5699</sup>

1353. Nonetheless, on the afternoon of 19 July, JANKOVIĆ had not yet received orders to release the local staff. Instead, at 14:32 hours, JANKOVIĆ was in contact with GŠ-VRS officer ĐURĐIĆ.<sup>5700</sup>

ĐURĐIĆ: Regarding what you were asking.

JANKOVIĆ: Yes.

ĐURĐIĆ: The boss has ordered that they be halted. . . [t]his is what he wrote.<sup>5701</sup>

1354. The “boss” in this context is a reference to **MLADIĆ**.<sup>5702</sup> Discussing the matter in detail, ĐURĐIĆ conveyed **MLADIĆ**’s order that the international staff members and “only women and children can go”. The men were not permitted to leave.<sup>5703</sup> ĐURĐIĆ named the men in question.<sup>5704</sup> JANKOVIĆ told ĐURĐIĆ that MSF’s local staff had permission from the local civilian government to leave.<sup>5705</sup> In response, ĐURĐIĆ said “[a]ll right, they have the permission, but you know that the procedure you, too, took part in...”; ĐURĐIĆ then asked “are they able-bodied or older than 60?”<sup>5706</sup> After JANKOVIĆ confirmed that the men were able-bodied, ĐURĐIĆ said “[s]o, that’s the procedure. And you saw what you left behind in Bratunac the other day.”<sup>5707</sup> This reference to “the procedure” and what was “left behind” is a euphemism for the separations in Potočari just days before, which were a key component of the murder operation. ĐURĐIĆ reiterated that the women, children

<sup>5699</sup> P01515. Momir NIKOLIĆ understood “abolished” to mean “freeing or releasing someone from responsibility [...] that they should not be held.” M.NIKOLIĆ:T.11958-11959,T.11973-11974.

<sup>5700</sup> Col. Miloš ĐURĐIĆ was the GŠ-VRS’s Chief of Section for Communication with Foreign Military Representatives. P05027, p.2. Col. ĐURĐIĆ, recorded as “Col. DRČIĆ”, was with Momir NIKOLIĆ on 13 July checking on who was in the DutchBat compound, and on 17 and 18 July met with UNMOs and DutchBat regarding the evacuation of the wounded and the withdrawal of the international organizations from the enclave. KINGORI:P00034, paras.187-188,210,215-216; D00013, paras.2-3; D00014, para.1.

<sup>5701</sup> P00031, p.1.

<sup>5702</sup> BUTLER:T.16450.

<sup>5703</sup> P00031, pp.1-2

<sup>5704</sup> P00031, p.2 *See also* P00032(confidential); KINGORI:P00034, para.214; SCHMITZ:P00027, para.74; SCHMITZ:T.954-956.

<sup>5705</sup> P00031, p.2. JANKOVIĆ refers to “permission from Koljević Government”; KOLJEVIĆ was a Deputy RS President who was appointed as head of the committee tasked with handling co-operation with the UN and international organizations. *See* D00336, p.3.

<sup>5706</sup> P00031, p.2.

<sup>5707</sup> P00031, pp.2-3.

and elderly could go and told JANKOVIĆ to consult with TOLIMIR further upon TOLIMIR's arrival in the early evening.<sup>5708</sup>

1355. Ultimately, the local staff members of MSF, UNPROFOR and UNMO survived.<sup>5709</sup> **MLADIĆ**'s order halting the departure of MSF's able-bodied male local staff members indicates that **MLADIĆ** had initially decided to separate them from the internationals still present in Potočari and kill them, as he had done with the other able-bodied Muslim men. However, upon further discussion, **MLADIĆ** must have approved their release, likely after consulting TOLIMIR or others.<sup>5710</sup> It was clear to Momir NIKOLIĆ that if the local staff had not been allowed to leave they would have shared the fate of the Muslim men taken prisoner and subsequently killed.<sup>5711</sup>

1356. The decisions made by **MLADIĆ** and KARADŽIĆ to release the wounded and local staff were not motivated by humanitarian grounds. Rather, separating and killing the men who had worked closely with the international organisations and were well known to them would have brought unwanted attention to the VRS and possibly exposed the murder operation, at a time when serious questions about the fate of the men and boys from Srebrenica had surfaced in the international community.<sup>5712</sup>

(dd) 17-19 July, Continued efforts to conceal the Srebrenica crimes

1357. On 17 July, while meeting with FRANKEN, Momir NIKOLIĆ, and Miroslav DERONJIĆ regarding the evacuation of the Bosnian Muslim wounded,<sup>5713</sup> JANKOVIĆ presented FRANKEN with a pre-prepared document declaring:

No incidents were provoked by any side during the evacuation and the Serbian side observed all the regulations of the Geneva Conventions and the International Law of War.<sup>5714</sup>

<sup>5708</sup> P00031, pp.2-3. *See also* BUTLER:T.16450-16452.

<sup>5709</sup> SCHMITZ:P00027, para.76; M.NIKOLIĆ:T.11970-11972.

<sup>5710</sup> Around the same time ĐURĐIĆ and JANKOVIĆ were intercepted discussing what to do with the local staff, SMITH met with **MLADIĆ**. SMITH reported that "after some debate Mladić accepted that all locally employed UNPROFOR personnel should be allowed to leave with DUTCHBAT without conditions", a further indication that the fate of the local staff was to be decided by **MLADIĆ**. P00795, para.3(f).

<sup>5711</sup> M.NIKOLIĆ:T.11970-11971.

<sup>5712</sup> AF1650; P01580; P07025. DutchBat's provision of a list of wounded to the VRS necessarily made their identities a matter of record. FRANKEN:T.10741-10742; KINGORI:P00034, paras.199-201. *See also* P02918; P00035; P01433; SCHMITZ:P00027, para.63. Similarly, the identities of the MSF local staff members were also a matter of record. P00031; P00032(confidential).

<sup>5713</sup> FRANKEN:P01417, paras.102-103.

1358. JANKOVIĆ made clear to FRANKEN that signing the statement would “favour” the release of the wounded Bosnian Muslims who remained in Potočari and Bratunac.<sup>5715</sup> Although he considered the document “nonsense”, FRANKEN signed it with a reservation limiting the statement to those convoys escorted by UN forces.<sup>5716</sup> This included only the first and second convoys leaving Potočari on 12 July.<sup>5717</sup> [REDACTED].<sup>5718</sup> DERONJIĆ admitted in his testimony that there was no real option for Bosnian Muslims to remain in Srebrenica and that, at the time he drafted the document on 16 July, he knew separations had occurred.<sup>5719</sup>

1359. On 19 July, at a meeting attended by SMITH and TOLIMIR, **MLADIĆ** claimed that Srebrenica was “finished in a correct way”.<sup>5720</sup> In an effort to conceal the crime and prevent international intervention, **MLADIĆ** repeated the same false assertions made in the 17 July declaration, namely, that the Bosnian Muslims in Potočari were “evacuated” at their own request, noting that he had engaged himself personally in the operation.<sup>5721</sup>

(cc) 13-22 July, Organised murder of six Muslim men and boys near Trnovo

1360. Between 13 and 23 July, a Serbian MUP unit called the Scorpions, operating under the command of **MLADIĆ** and the SRK, executed six Srebrenica Muslim men and boys: Azmir ALISPAHIĆ, Juso DELIĆ, Safet FEJZIĆ, Smajil IBRAHIMOVIĆ, Dino SALIHOVIĆ, and Sidik SALKIĆ.<sup>5722</sup> The Trnovo execution was part of the JCE to Eliminate, as demonstrated by the evidence discussed below.

1361. On or before 29 June 1995, the Scorpions were sent to Trnovo to conduct combat operations under the command of the VRS.<sup>5723</sup> While deployed in Trnovo, the

<sup>5714</sup> P01138, p.3; FRANKEN:P01417, para.104. *See also* P04220, p.1(confidential).

<sup>5715</sup> FRANKEN:P01417, para.107. *See also* para.1349.

<sup>5716</sup> P01138, p.3; FRANKEN:P01417, paras.105-107; FRANKEN:T.10744-10746; RAVE:P01149, para.59.

<sup>5717</sup> FRANKEN:P01417, paras.79,84,106. *See also* paras.1187-1188,1208.

<sup>5718</sup> [REDACTED].

<sup>5719</sup> M.DERONJIĆ:P03567, T.6218-6219,T.6221,T.6224-6225.

<sup>5720</sup> P00795, p.3; SMITH:P00785, paras.165,168.

<sup>5721</sup> P00795, p.3; SMITH:P00785, para.168.

<sup>5722</sup> Indictment, para.45, Schedule E; P02603; P02581, 01:39'00-01:57'56; P01987, p.39; P01982, p.337(confidential). *See also* Joint Submission on Agreed Facts (Correction to Site Coordinates for Godinjske Bare), 4 March 2016 (“Godinjske Bare AFs”), Agreed Fact 1.

<sup>5723</sup> P02102; [REDACTED].

Scorpions were under the command of Gen. Dragomir MILOŠEVIĆ, Commander of the SRK,<sup>5724</sup> who in turn was under the command of General MLADIĆ.<sup>5725</sup>

1362. The Scorpions were deployed beside the village of Turovi near Trnovo,<sup>5726</sup> within the area of responsibility of the SRK.<sup>5727</sup> Here, the Scorpions were engaged on the front line from at least 29 June<sup>5728</sup> through 23 July, when they were replaced.<sup>5729</sup> They were flanked by a PJP Company from Doboj to the south<sup>5730</sup> and the 4<sup>th</sup> Drina Light Infantry Brigade from the DK to north.<sup>5731</sup>

1363. The victims were murdered in the zone of responsibility of the SRK, immediately adjacent to the front line combat zone where the Scorpions were deployed in operations with the SRK.<sup>5732</sup> The murders occurred at or in Godinjske Bare 3km southwest of Trnovo,<sup>5733</sup> approximately 165km from the Srebrenica area.<sup>5734</sup> Prior to their execution, the victims were seen in areas traversed by the Muslim column fleeing Srebrenica.<sup>5735</sup>

1364. The execution of the six Bosnian Muslims from Srebrenica occurred sometime between the first organised murders on 13 July<sup>5736</sup> and the departure of the Scorpions from the Trnovo area on 23 July 1995.<sup>5737</sup> This is the same time the vast majority of the able-bodied men and boys from Srebrenica were summarily executed in the DK zone of responsibility.<sup>5738</sup>

<sup>5724</sup> P03096, p.1; THEUNENS:T.20671-20673; AF1821.

<sup>5725</sup> See para.1099. See also DANNATT:T.19160-19163; DANNATT:P02629, p.11, para.38.

<sup>5726</sup> P07588. See also M.KOVAČ:T. 41908-41910; P07715.

<sup>5727</sup> P07714; P01087, p.6.

<sup>5728</sup> P02102.

<sup>5729</sup> P02603. See also P07588.

<sup>5730</sup> P07588.

<sup>5731</sup> P03096; P07715; P07711; KOVAČ:T.41899-41900,T.41905-41910. See also P07712.

<sup>5732</sup> P07714; P07711; P07715; P07716. See also P01087, p.6

<sup>5733</sup> P07716; P01987, p.39; P01982, p.337(confidential); Godinjske Bare AFs, Agreed Fact 1; JANC:T.15250-15252.

<sup>5734</sup> See P07714; P01087, p.6; Godinjske Bare AFs, Agreed Fact 2.

<sup>5735</sup> P01901, pp.21,46,56,95,176,183(confidential). Azmir ALISPAHIĆ (missing in Kamenica, 12 July), Juso DELIĆ (missing in forest (Šuma), 11 July), Safet FEJZIĆ (missing in forest (Šuma), 11 July), Smajil IBRAHIMOVIĆ (missing in Nova Kasaba, 12 July), Dino SALIHOVIĆ (missing in forest (Šuma), 11 July), and Sidik SALKIĆ (missing in Kamenica, 12 July). Kamenica is located near Kravica: P01087, p.17.

<sup>5736</sup> See [REDACTED].

<sup>5737</sup> P02603.

<sup>5738</sup> [REDACTED]; GALLAGHER:T.10137.

1365. Contrary to Defence witness KOVAČ's assertion,<sup>5739</sup> the Scorpions were not an undisciplined group of "avengers" acting outside the chain of command. [REDACTED] explained that while the Scorpions were deployed in Trnovo after the fall of Srebrenica their Commander, Slobodan "Boca" MEDIĆ, received an order through his chain of command to provide vehicles to assist with the Srebrenica operation by transporting captured prisoners from Srebrenica to locations where they were killed.<sup>5740</sup> The six Bosnian Muslims who were subsequently killed were collected by a vehicle returning from Srebrenica.<sup>5741</sup> [REDACTED] claimed that the Scorpions provided the vehicles to assist with the transportation of women and children,<sup>5742</sup> resiling from a previous statement where he stated the vehicle was also provided to transport the men for execution.<sup>5743</sup> Nonetheless, he maintained that the Scorpions were ordered to provide vehicles for the Srebrenica operation and that the Bosnian Muslim victims killed by the unit returned on one of the vehicles that the Scorpions had provided.<sup>5744</sup>

1366. [REDACTED] evidence that the victims were picked up by a Scorpions bus that was sent to assist with the Srebrenica operation is supported by evidence showing that the victims were last seen and/or captured in the same locations as other Bosnian Muslims from Srebrenica who surrendered in the column.<sup>5745</sup> It is further reinforced by the implausibility of the victims walking approximately 165km across RS territory between Srebrenica and Trnovo.<sup>5746</sup> By bus the journey would have taken no more than a few hours. Indeed, VRS forces travelled from Bratunac to the Trnovo area during this time to replace their fellow soldiers.<sup>5747</sup> Additionally, buses from Sarajevo used to transport prisoners to the Branjevo Military Farm on 16 July 1995<sup>5748</sup> would have returned to the Sarajevo/Trnovo area.

<sup>5739</sup> KOVAČ:T.41856-41857; D01661, p.232 (para.5.143).

<sup>5740</sup> [REDACTED]; [REDACTED]; [REDACTED].

<sup>5741</sup> [REDACTED].

<sup>5742</sup> [REDACTED].

<sup>5743</sup> [REDACTED].

<sup>5744</sup> [REDACTED].

<sup>5745</sup> [REDACTED] evidence of the involvement of the Scorpions in the events in Srebrenica is further corroborated by the fact that on 12 July 1995 members of the Scorpions were videoed discussing the operation to bus the women and children out of Srebrenica and to kill male prisoners. P02581, 01:20'35-01:21'12, tp.56-57.

<sup>5746</sup> P07714; P01087, p.6; Godinjske Bare AFs, Agreed Fact 2.

<sup>5747</sup> P07713; P07714; M.KOVAČ:T.41902-41904.

<sup>5748</sup> ERDEMOVIĆ:P01673, T.843.

1367. The victims were transported from the DK area of responsibility<sup>5749</sup> across to Trnovo, in the SRK area of responsibility. As this involved two corps, the organisation and logistics of the movement fell under the remit of the GŠ-VRS,<sup>5750</sup> as no single corps could direct or order another corps. For instance, a GŠ-VRS order was required when a motorised company from the 16<sup>th</sup> KMTBR was sent to report to the SRK to execute tasks in the Trnovo area on 21 July 1995.<sup>5751</sup> GŠ-VRS involvement would be all the more necessary in the context of a secretive operation to move prisoners across corps for execution.

1368. The Scorpions constituted an organised and well-equipped unit,<sup>5752</sup> which had fought for the VRS in the Trnovo area since the end of June 1995.<sup>5753</sup> The video of the killing of the Bosnian Muslims attests to this. The unit was well-equipped: members were armed with assault rifles, dressed in well-kept uniforms and had a military transport vehicle in good condition. The unit detained and murdered the prisoners systematically: the unit ordered the prisoners off the bus, lined them up face down and subsequently marched them to the execution site in single file under armed guard; and the Scorpions systematically executed four of the prisoners and ordered the remaining two prisoners to move the bodies before summarily executing the remaining two prisoners.<sup>5754</sup> As disturbing as the video is, it does not depict an out of control group of individuals exacting revenge. The murders are the result of disciplined, well-equipped soldiers following orders.

(ff) 23 July, Murder of 39 Muslim men at Bišina

1369. On 23 July, while **MLADIĆ** attended a meeting in Belgrade with British, French and American generals,<sup>5755</sup> POPOVIĆ organised and oversaw the execution of at least 39 Muslim men in Bišina.

1370. Around 08:00-09:00 hours on 23 July, [REDACTED]<sup>5756</sup> [REDACTED].<sup>5757</sup> [REDACTED].<sup>5758</sup> [REDACTED].<sup>5759</sup> [REDACTED].<sup>5760</sup> [REDACTED].<sup>5761</sup>

<sup>5749</sup> See P01901, pp.21,46,56,95,176,183(confidential).

<sup>5750</sup> See ŠKRBIĆ:T.13987-13988.

<sup>5751</sup> P01796.

<sup>5752</sup> [REDACTED]. See also [REDACTED].

<sup>5753</sup> P02102.

<sup>5754</sup> See P02581, 01:39'50–01:57'56, tp.83-108.

<sup>5755</sup> P00345, p.229.

1371. That same day, [REDACTED] RM285 was ordered<sup>5762</sup> to drive five or six soldiers, members of the 10<sup>th</sup> Sabotage Detachment,<sup>5763</sup> to Bišina.<sup>5764</sup> [REDACTED].<sup>5765</sup> [REDACTED].<sup>5766</sup> The 10<sup>th</sup> Sabotage Detachment members remained at Bišina for three to five hours.<sup>5767</sup>

1372. [REDACTED]<sup>5768</sup> [REDACTED]. The prisoners were then systematically unloaded and executed in groups of five by the 10<sup>th</sup> Sabotage Detachment soldiers brought by RM285.<sup>5769</sup>

1373. A construction machine arrived and dug a grave.<sup>5770</sup> POPOVIĆ, who was present at the scene,<sup>5771</sup> ordered the two soldiers with [REDACTED] to help bury the bodies.<sup>5772</sup> In addition to [REDACTED]'s and RM285's testimonies, two intercepts from 24 July discuss one of the men executed at Bišina, Himzo MUJIĆ,<sup>5773</sup> and confirm POPOVIĆ's connection to MUJIĆ.<sup>5774</sup>

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<sup>5756</sup> [REDACTED]; [REDACTED].

<sup>5757</sup> [REDACTED]; [REDACTED]. *See also* Nikodin JOVIČIĆ: P02170, para.12.

<sup>5758</sup> [REDACTED]; [REDACTED]; P01822(confidential).

<sup>5759</sup> [REDACTED]. [REDACTED].

<sup>5760</sup> [REDACTED]; [REDACTED].

<sup>5761</sup> [REDACTED]; [REDACTED].

<sup>5762</sup> RM285:P03634, T.32782(confidential).

<sup>5763</sup> The men included Muslims and Croats and wore camouflage uniforms that bore the insignia of the 10<sup>th</sup> Sabotage Detachment: RM285:P03634, T.32784-32785(confidential); [REDACTED]. [REDACTED]; [REDACTED].

<sup>5764</sup> P01823; RM285:P03634, T.32782-32784, T.32786(confidential).

<sup>5765</sup> RM285:P03634, T.32787-32788(confidential).

<sup>5766</sup> RM285:P03634, T.32788(confidential).

<sup>5767</sup> RM285:P03634, T.32789(confidential).

<sup>5768</sup> [REDACTED]; [REDACTED].

<sup>5769</sup> [REDACTED]; [REDACTED].

<sup>5770</sup> [REDACTED]; [REDACTED].

<sup>5771</sup> [REDACTED]; [REDACTED]; RM285:P03634, T.32790-32797(confidential); P01823, p.2 (in columns 16-19 of the vehicle log next to the 23 July entry for this trip, RM285 was told to write down the name of the person he was told he reported to and recorded "Lt. Colonel POPOVIĆ"); P01706 (BARR concludes at para. 6.5, "the similarities [between the specimen signatures and questioned signatures] do, in my opinion, provide strong evidence that Vujadin POPOVIĆ produced the User's signatures (Potpis korisnika) for the entries dated 19<sup>th</sup> and 23<sup>rd</sup> July. I therefore consider that the possibility of another person being responsible is unlikely").

<sup>5772</sup> [REDACTED]; [REDACTED].

<sup>5773</sup> *See* P01982, p.304(confidential); P01984, pp.3,8.

<sup>5774</sup> P01387-P01389(confidential); P02172(confidential); P01390; P01391(confidential)(all showing that Himzo MUJIĆ had been held as a prisoner; P01390; P01391(confidential) indicating POPOVIĆ's knowledge of his fate).

1374. Upon exhumation in 2006, the Bišina grave was found to contain 39 victims who have been positively identified using DNA.<sup>5775</sup> Eighteen ligatures and four blindfolds were recovered from the grave.<sup>5776</sup> **MLADIĆ** would have known and approved of these murders.

(gg) On or around 23 July: Murder of “Milići patients”

1375. On 13 July, at least 11 seriously wounded Muslim men from the column fleeing Srebrenica were captured by SF<sup>5777</sup> and treated at the hospital in Milići (“Milići patients”).<sup>5778</sup>

1376. On 14 July, Col. Ratko ROKVIĆ, Chief of the GŠ-VRS Medical Corps, ordered Dr. Jugoslav GAVRIĆ, Director of the Zvornik Hospital, to transport “10 or 15” patients from the Milići Hospital to the Zvornik Hospital.<sup>5779</sup> The fact that the Chief of the GŠ-VRS Medical Corps ordered these prisoners to Zvornik on 14 July, where they were soon executed, underscores the close involvement and control the GŠ-VRS exercised over the murder operation. Shortly after their arrival at the Zvornik Hospital, the Milići patients were transferred to the Zvornik Brigade infirmary.<sup>5780</sup> One of the wounded, Aziz BEĆIREVIĆ, died at the hospital on or around 16 July.<sup>5781</sup>

1377. On 23 July, PANDUREVIĆ called CEROVIĆ and requested instructions on what to do with the wounded Muslims in his Brigade.<sup>5782</sup> Five minutes later,

<sup>5775</sup> P01987, pp.32-33; P01982, pp.302-304(confidential); JANC:T.15262-15263; P01984.

<sup>5776</sup> P01987, p.32.

<sup>5777</sup> DURMIĆ:T.26305-26306; DURMIĆ:D00659, para.38. B.SUBOTIĆ:T.32976-32978; B.SUBOTIĆ:D00926, paras.11,15,20-21,32.

<sup>5778</sup> Medical records show 11 named Muslim men admitted on 13 July: P02138(confidential). Three other named Muslim men, for whom there are no medical records, were also admitted on 13 July: P02137(confidential). The report of the director of the Milići Hospital noted that 18 wounded enemy/soldiers/ underwent surgery: P02136, p.2. The identities and fate of the other four Muslim men are unknown: BUTLER:T.16456-16458.

<sup>5779</sup> P03339, p.2; J.GAVRIĆ:P03341, T.8400,T.8404; J.GAVRIĆ:P03338, para.4; J.GAVRIĆ:P03340, T.9112,T.9114-9115; P02138, pp.2-3,7,10-11,15,18-19,22-23,27,31,35,38-39,42-43(confidential); P02136, p.2.

<sup>5780</sup> [REDACTED]; [REDACTED]; BUTLER:T.16456,T.16459-16460; J.GAVRIĆ:P03340, T.9115-9116,T.9118-9119; JEREMIĆ:T.34335. Although GAVRIĆ testified that he was told the wounded Muslims were evacuated from the Zvornik Hospital to Tuzla, the other testimony demonstrates that the prisoners were transferred to the Zvornik Brigade infirmary. The testimony of GAVRIĆ and [REDACTED] on P01512 also confirms that both witnesses referred to the same patients, *see* J.GAVRIĆ:P03340, T.9123-9124; [REDACTED].

<sup>5781</sup> P01501, p.77.

<sup>5782</sup> P02139; [REDACTED]; [REDACTED]. While the intercept operator only identified PANDUREVIĆ, the following intercept, P02140, in connection with the corresponding entry in the

CEROVIĆ called back and told the Zvornik Brigade Duty Officer<sup>5783</sup> to relay the message to PANDUREVIĆ that POPOVIĆ would come to the Brigade with instructions on what to do with the wounded prisoners.<sup>5784</sup>

1378. On or around 23 July, Zvornik Brigade MPs took the 10 remaining Milići patients from the Zvornik Brigade and executed them.<sup>5785</sup> [REDACTED].<sup>5786</sup> The remains of the 10 identified Milići patients have never been found.<sup>5787</sup>

(hh) Late July-August, Continuing murder of Muslim prisoners

1379. The killings of the Bosnian Muslim men continued throughout late July and August 1995. On or around 19 July, soldiers from the VRS 16thKMTBR and MPs mistreated and murdered Bosnian Muslim men captured at Tisova Kosa, close to Baljkovica and Nezuk.<sup>5788</sup>

1380. On or around 22 July, two Bosnian Muslim men and a boy were captured in the Snagovo area, after Dragan KULIĆ of the Ugljevik Public Security Station (SJB) ordered a cleansing of the area. All three were beaten, and the two men were shot by police officers.<sup>5789</sup>

1381. Around 26 July, four survivors of the Branjevo Farm massacre were captured and taken to the Zvornik Brigade HQ, after which they were murdered. Around the same time NIKOLIĆ ordered the detention of a Zvornik Brigade soldier and his son who had helped the four Branjevo Farm survivors by giving them food and clothing and directing them to Bosnian Muslim held territory.<sup>5790</sup>

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Zvornik Brigade Duty Officer Notebook, P01501, p.143, reveals that the second participant in the conversation must have been CEROVIĆ. The wounded Muslims to whom PANDUREVIĆ referred were the Milići patients: [REDACTED]; [REDACTED]; BUTLER:T.16459.

<sup>5783</sup> Lj.BOJANOVIĆ:P03570, T.11742(confidential).

<sup>5784</sup> P02140. *See also* P01501, p.143. The vehicle log for POPOVIĆ's VW Golf records that the vehicle made a trip from Vlasenica to Zvornik on 23 July:D00341, p.4.

<sup>5785</sup> [REDACTED]; [REDACTED]; JEREMIĆ:T.34335-34337.

<sup>5786</sup> [REDACTED].

<sup>5787</sup> *See* P01901(confidential); P01982(confidential), which shows that the remains of these 11 men have not been identified by DNA matching.

<sup>5788</sup> *See* paras.1546-1551.

<sup>5789</sup> *See* paras.1552-1554.

<sup>5790</sup> *See* paras.1555-1558.

1382. Between 7 and 27 July 1995 at least 86 individuals were buried in eight mass graves in the area of Nova Kasaba. There are no known survivors or witnesses of the Nova Kasaba executions.<sup>5791</sup>

(ii) The Cover-up

(i) September-October 1995, Reburial operations

1383. From about 1 August–1 November 1995, VRS and MUP personnel, ordered by the GŠ-VRS<sup>5792</sup> and co-ordinated by the VRS security organs,<sup>5793</sup> executed an organised and comprehensive effort to conceal the mass murders by exhuming bodies from primary mass graves at Glogova, Lažete (Orahovac), the Dam near Petkovci, Branjevo Farm and Kozluk and transferring them to secondary graves at Zeleni Jadar (seven sites containing bodies from Glogova), Budak (two sites containing bodies from Glogova), Blječeva (three sites containing bodies from Glogova), Hodžići Road (seven sites containing bodies from Orahovac), Liplje (five sites containing bodies from Petkovci Dam) and Čančari Road (13 sites containing bodies from Branjevo Farm and Kozluk).<sup>5794</sup> Such extreme measures would have been unnecessary had the bodies in the primary graves been combat victims. The potential need for a reburial operation was known from the start of the murder operation, given its scale and the haste with which the bodies were buried in July 1995.

(ii) The Zvornik reburial operation

1384. [REDACTED].<sup>5795</sup> [REDACTED].<sup>5796</sup> [REDACTED].<sup>5797</sup> On 14 September the Zvornik Brigade received a written order from **MLADIĆ** approving five tonnes of

<sup>5791</sup> See paras.1559-1560.

<sup>5792</sup> P01500; P02131. See also P01516, p.2; M.NIKOLIC:T.11965-11967; RM265:P02540, T.3863-3864(confidential).

<sup>5793</sup> See, e.g., RM265:P02540, T.3864,T.3866(confidential); [REDACTED]; [REDACTED]; P01500; P02131; M.NIKOLIĆ:T.11961-11965,T.11969; M.NIKOLIĆ:D00301, p.7, para.13. There was no known construction work or need for fuel in the Zvornik Brigade zone at the time. See also P01516, p.2; P02203, p.122; BUTLER:T.16437-16438.

<sup>5794</sup> AF1636-AF1637; AF1643; P01987; P01988; P01132, pp.239-264; D.LAZAREVIĆ:P03636, T.14467-14534.

<sup>5795</sup> [REDACTED]; [REDACTED].

<sup>5796</sup> [REDACTED]; [REDACTED].

<sup>5797</sup> [REDACTED]; [REDACTED].

fuel for “engineering works” for delivery to TRBIĆ, who would account for its use.<sup>5798</sup>

1385. [REDACTED].<sup>5799</sup> [REDACTED].<sup>5800</sup>

1386. [REDACTED].<sup>5801</sup> [REDACTED]. [REDACTED].<sup>5802</sup>

1387. JOKIĆ and Slavko BOGIČEVIĆ assigned Damjan LAZAREVIĆ to work on the reburial operation.<sup>5803</sup> LAZAREVIĆ was told to dig up the bodies and transfer them to another location and was handed a list of people who were to participate.<sup>5804</sup> Two or three operators from the Engineering Company who had taken part in the original excavations of the graves, including Cvijetin RISTANOVIĆ and Milovan MILADINOVIĆ, as well as personnel from other units of the Zvornik Brigade, were involved.<sup>5805</sup> The necessary fuel for the machinery and vehicles was obtained from the Zvornik Brigade.<sup>5806</sup> According to LAZAREVIĆ, TRBIĆ co-ordinated the operation and determined the status of the operation after every job.<sup>5807</sup>

1388. The Orahovac (Lažete 1 and 2), Kozluk, and Branjevo Farm grave sites were exhumed mostly during the night.<sup>5808</sup> The reburial operation took five or six days to complete.<sup>5809</sup>

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<sup>5798</sup> See P01500; P02131. See also [REDACTED]; P02203, para.11.2; BUTLER:T.16437-16438.

<sup>5799</sup> [REDACTED]; [REDACTED].

<sup>5800</sup> [REDACTED]; [REDACTED]. See also P04222-P04223(confidential).

<sup>5801</sup> [REDACTED].

<sup>5802</sup> [REDACTED].

<sup>5803</sup> AF1637; D.LAZAREVIĆ:P03636, T.14468.

<sup>5804</sup> D.LAZAREVIĆ:P03636, T.14467-14468.

<sup>5805</sup> AF1637; D.LAZAREVIĆ:P03636, T.14484,T.14522-14523.

<sup>5806</sup> D.LAZAREVIĆ:P03636, T.14487.

<sup>5807</sup> D.LAZAREVIĆ:P03636, T.14488,T.14489-14490,T.14508.

<sup>5808</sup> D.LAZAREVIĆ:P03636, T.14529,T.14484-14485,T.14510.

<sup>5809</sup> D.LAZAREVIĆ:P03636, T.14486-14487.

(iii) The Bratunac reburial operation

1389. VRS security organs also led and co-ordinated the reburials in the Bratunac area. In September,<sup>5810</sup> POPOVIĆ conveyed to BLAGOJEVIĆ and Momir NIKOLIĆ that the GŠ-VRS ordered a reburial operation; the operation was dubbed “asanacija”.<sup>5811</sup>

1390. POPOVIĆ told Momir NIKOLIĆ that the GŠ-VRS had ordered the relocation of the graves in Glogova to the Srebrenica area<sup>5812</sup> and that he (Momir NIKOLIĆ) was to conduct the operation.<sup>5813</sup> Bratunac Brigade MPs secured the road from Bratunac towards Srebrenica for this reburial operation.<sup>5814</sup>

1391. The reburial operation lasted from September until the end of October.<sup>5815</sup> On 16 October at a meeting of the Bratunac Brigade Command Staff, Momir NIKOLIĆ reported “we are currently engaged in tasks issued by the VRS Main Staff (“asanacija”)”, which NIKOLIĆ confirmed was a reference to the reburial operation.<sup>5816</sup>

(iv) The cover-up of the crimes continued

1392. From July 1995, **MLADIĆ**, together with his subordinates and KARADŽIĆ, worked to conceal the crimes.

1393. Unable to provide the murdered Muslim men for exchange, **MLADIĆ** falsely told a CNN reporter in a television interview on 13 August 1995 that only “a small part” of the Muslim forces had surrendered; in response to the query whether there were any mass graves or executions, **MLADIĆ** said, “Only what was killed in battle”.<sup>5817</sup> These lies helped stall and deflect international questions in the aftermath of the crimes.

<sup>5810</sup> AF1636; M.NIKOLIĆ:D00301, p.7, para.13; M.NIKOLIĆ:T.11961.

<sup>5811</sup> AF1637; AF1639; M.NIKOLIĆ:T.11961,T.11965-11967; P01516, p.2; M.NIKOLIĆ:D00301, p.7, para.13; RM265:P02540, T.3863-3868(confidential). RM265 testified that the GŠ-VRS was in charge of the operation, and that BEARA was running it.

<sup>5812</sup> M.NIKOLIĆ:T.11961-11963.

<sup>5813</sup> AF1637; AF1639; M.NIKOLIĆ:D00301, p.7, para.13. *See also* RM265:P02540, T.3865(confidential).

<sup>5814</sup> [REDACTED].

<sup>5815</sup> AF1636; M.NIKOLIĆ:D00301, p.7, para.13; M.NIKOLIĆ:T.11964.

<sup>5816</sup> AF1637; AF1639; P01516, p.2; M.NIKOLIĆ:T.11965-11967.

<sup>5817</sup> P01147, V000-9268, 00:15'34-00:17'51, tp.119.

1394. On 16 January 1996, at the request of SALAPURA, KIJAC, then Minister of the Interior, requested KARIŠIK, Head of the Public Security Department, to issue fake IDs for eight 10<sup>th</sup> Sabotage Detachment soldiers who were believed to be indicted by the ICTY.<sup>5818</sup> The fake IDs were issued to, among others, ERDEMOVIĆ, BOŠKIĆ and KOS.<sup>5819</sup>

1395. Two months later, on or about 21 March 1996, Madeline ALBRIGHT visited the mass grave near Branjevo Farm with representatives of the ICTY.<sup>5820</sup> Having received information provided by ERDEMOVIĆ, ALBRIGHT noted at a press conference afterward “we actually have evidence supplied by the killers themselves and corroborating the story that we saw.”<sup>5821</sup> On 22 March 1996, **MLADIĆ** and KARADŽIĆ met to discuss ALBRIGHT’s visit and the continued Srebrenica cover-up.<sup>5822</sup> In his notebook, **MLADIĆ** recorded KARADŽIĆ’s comments about ALBRIGHT’s visit to the Pilica area:

A big show was put on for ALBRIGHT, she expected they would find 1,200 Muslim bodies /?at/ Pilica, but they found some five bodies.<sup>5823</sup>

KARADŽIĆ also updated **MLADIĆ** on a report from “Fićo”<sup>5824</sup> that “those two would sell the story about [...] Srebrenica to The Hague”.<sup>5825</sup> KARADŽIĆ was referring to ERDEMOVIĆ and his former deputy commander, KREMENOVIC,<sup>5826</sup> who travelled together to Belgrade in late February 1996.<sup>5827</sup> While in Belgrade, ERDEMOVIĆ gave an interview providing an account of the executions of Muslim

<sup>5818</sup> P01586; SALAPURA:P01584, T.13595-13598,T.13600-13602; KARIŠIK:T.33237; KIJAC:T.41242-41243.

<sup>5819</sup> ERDEMOVIĆ:T.13713-13714(confidential).

<sup>5820</sup> P07660, 00:00’32-00:00’50, tp.1; RUEZ:T.9788-9789.

<sup>5821</sup> RUEZ:T.9790-9791; P07660, 00:00’20-00:00’32, tp.1. The Bosnian news report about her visit included aerial images of Branjevo Farm on 17 July 1995. P07660, 00:00’59-00:01’03; P07267; RUEZ:T.9790-9791. *See also* P01736, p.43.

<sup>5822</sup> P00348, p.47.

<sup>5823</sup> P00348, p.47. *See also* RUEZ:T.9790. **MLADIĆ** also noted KARADŽIĆ stating that Dragiša MILIĆ “will come and he will show a cassette about her visit”. P00348, p.47. The figure of “1,200 Muslim bodies” came from ERDEMOVIĆ’s interview. P00348, p.47; P07659, p.2. *See also* paras.1383-1391.

<sup>5824</sup> This is certainly Deputy Head of Administration, Dragan FILIPOVIĆ, who was known as “Fićo”. KIJAC:T.40024,T.41255.

<sup>5825</sup> P00348, p.47; ERDEMOVIĆ:T.13714(confidential). In early 1996, **MLADIĆ**’s ICTY indictment and potential arrest were a matter of concern for **MLADIĆ**, and something he was discussing with others: P00348, pp.27-28,35.

<sup>5826</sup> ERDEMOVIĆ:T.13712; RUEZ:T.9791.

<sup>5827</sup> ERDEMOVIĆ:P01673, T.853-854; ERDEMOVIĆ:T.13712-13713; P01677.

men at Branjevo Farm (“Pilice farm”) and the Pilica Cultural Centre.<sup>5828</sup> In this interview, an account of which was published in *Slobodna Bosna* on 22 March 1996, ERDEMOVIĆ admitted that “1,200” Muslim men were executed at Branjevo Farm, “all of them civilians”.<sup>5829</sup>

1396. Under obvious international pressure, KARADŽIĆ proposed at the 22 March meeting with MLADIĆ that “a commission to be formed on the basis of equal parity to really investigate all the deaths and killings around Srebrenica during the war”.<sup>5830</sup> He added that, if “they”—meaning international actors—“expand[ed] the campaign”, a “joint commission” would be formed “to investigate the killing of every individual”.<sup>5831</sup> The next day, KARADŽIĆ ordered the GŠ-VRS and MUP to set up a “mixed expert commission”

to fully investigate and determine the facts regarding the alleged discovery of two decomposed bodies at the scene of earlier battles with the Muslim side in the Pilica area, Zvornik Municipality.<sup>5832</sup>

1397. The order’s very wording provided the basis for a cover-up, because there were no “battles” in the “Pilica area” in July 1995; specifically, no battles at Branjevo Farm or the Pilica Dom.<sup>5833</sup> The commission’s membership (MUP and VRS) ensured that there would be no real investigation as illustrated at a meeting on 25 March 1996, chaired by Dragomir VASIĆ, CSB Zvornik Chief, and attended by TRBIĆ on behalf of the Zvornik Brigade<sup>5834</sup>—both of whom were deeply involved in the Srebrenica events.<sup>5835</sup> DRINIĆ, a Bijeljina Military Prosecutor who attended this meeting on behalf of his superior,<sup>5836</sup> noted that “[n]one of the people present [at the meeting] knew any details of the locality, or of the actions that needed to be undertaken nor was anyone informed about what would be ‘found’ on site, or else no one wanted to know.”<sup>5837</sup> DRINIĆ wrote to the GŠ-VRS Sector for Intelligence and Security Affairs requesting that TOLIMIR and BEARA form a commission to “obtain accurate

<sup>5828</sup> ERDEMOVIĆ:T.13714(confidential); P07659.

<sup>5829</sup> P07659, p.2.

<sup>5830</sup> P00348, p.47.

<sup>5831</sup> P00348, p.47.

<sup>5832</sup> P03353, pp.6,8(confidential).

<sup>5833</sup> JANC:T.15381; MANNING:T.14188.

<sup>5834</sup> DRINIĆ:P03351, T.10879-10884; P03353, p.4(confidential).

<sup>5835</sup> TRBIĆ was also involved with D.NIKOLIĆ in the cover-up reburial operations. *See* paras.1383-1391. *See also* paras.1238,1473.

<sup>5836</sup> DRINIĆ:P03351, T.10879-10880.

<sup>5837</sup> P03353, p.4(confidential).

information [...] through on-site intelligence work” and submit their results to the military prosecutor for further action.<sup>5838</sup> Unsurprisingly, DRINIĆ received no response from the GŠ-VRS.<sup>5839</sup> The 25 March meeting was not intended to achieve anything. It was a sham intended to cover-up the Srebrenica crimes.

#### 4. The investigation and the connections

1398. In 1996, the OTP commenced forensic examinations of suspected execution points and exhumations of mass graves.<sup>5840</sup> The examinations revealed that certain “primary” mass graves had been disturbed and that the bodies from those primary mass graves were removed and transferred to “secondary” mass graves.<sup>5841</sup> Forensic links between the primary gravesites and the secondary gravesites were found.<sup>5842</sup> These links are corroborated by evidence of DNA connections.<sup>5843</sup>

#### Specific primary to secondary connections

*Glogova 1 and 2 primary mass graves (Kravica Warehouse executions) are connected to the Zeleni Jadar, Zalazje, Budak and Blječeva secondary mass graves*

1399. A variety of forensic evidence, including aerial imagery showing disturbed earth indicating creation of primary and secondary graves, soil and pollen samples, artefacts, shell cases and DNA, proves that the men executed at Kravica Warehouse were first buried in the primary graves at Glogova and then reburied in the secondary graves at Zeleni Jadar, Zalazje, Budak and Blječeva.<sup>5844</sup> Fragments of grenades and shrapnel were also found in both the primary and secondary graves,<sup>5845</sup> consistent with survivor accounts and other evidence of grenade and RPG fire at Kravica Warehouse.<sup>5846</sup>

1400. While the majority of the victims identified from these graves come from Kravica Warehouse, the graves also contain bodies of Srebrenica-related victims

<sup>5838</sup> DRINIĆ:P03351, T.10882-10884; P03353, pp.3-4(confidential)(handwriting on top right hand corner: “for BEARA”).

<sup>5839</sup> DRINIĆ:P03351, T.10884; P03353, p.5(confidential).

<sup>5840</sup> AF1522; HAGLUND:T.14911; RUEZ:T.9737,T.9762; P01736, p.4; P01987, pp.3-5.

<sup>5841</sup> AF1636; AF1643; P01736, p.3. *See also Annex C.*

<sup>5842</sup> *See para.1596; Annex C.*

<sup>5843</sup> *See para.1587; Annex C.*

<sup>5844</sup> *See Annex C.*

<sup>5845</sup> AF1548. *See Annex C.*

<sup>5846</sup> RM274:P03098, T.6996,T.7000(confidential); ČELIĆ:P02173, T.13478-13479; P01541, 00:22'58-00:23'26; BLASZCZYK:T.12291-12992.

killed in Bratunac,<sup>5847</sup> Potočari<sup>5848</sup> and along the Bratunac-Konjević Polje Road.<sup>5849</sup> The remains of at least 10 Muslim men from Srebrenica who were captured in Serbia were also found in Glogova sub-grave L.<sup>5850</sup>

1401. As of February 2013, DNA matching by the ICMP has identified a total of 1,388 persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Glogova, Ravnice, Zeleni Jadar, Budak, Zalazje and Blječeva graves.<sup>5851</sup>

*Lažete 1 and 2 primary mass graves (Orahovac executions) are connected to the Hodžići Road secondary mass graves*

1402. Investigations at Orahovac confirmed that a mass execution took place near the primary mass graves Lažete 1 and 2.<sup>5852</sup> Investigation of the secondary grave sites of Hodžići Road 1-7 indicates that these sites are associated with the Lažete primary graves. Forensic evidence including aerial imagery showing disturbed earth indicating creation of primary and secondary graves, soil and pollen samples, shell cases, textile material, limestone and rocks, and DNA establish connections between the Orahovac execution site, Lažete 1 and 2 and the secondary grave sites of Hodžići Road 1-7.<sup>5853</sup> The recovery of blindfolds in the graves and at Orahovac School,<sup>5854</sup> corroborated by accounts of survivors and VRS members,<sup>5855</sup> connect the sites with each other, showing that the prisoners at Orahovac school were blindfolded with strips of cloth prior to execution.

<sup>5847</sup> JANC:T.15336,T.15355-15356. See paras.1420-1421. The remains of Hamed EFENDIĆ, who was murdered in the hangar behind Vuk Karadžić School, [REDACTED]. RM362:P03381, T.748; RM362:P03525, T.17318,T.17321(confidential); P01982, p.268(confidential).

<sup>5848</sup> [REDACTED].

<sup>5849</sup> D00342. See also RM306:T.11440-11441(confidential); RM306:P01474, T.9538-9539(confidential); RUEZ:T.9808-9809; M.NIKOLIĆ:T.11961-11962.

<sup>5850</sup> Evidence shows that, although the 12 individuals in subgrave L do not come from Kravica Warehouse, all 12 were killed by a single gunshot to the head; their hands were bound behind their backs, and then bound to each other in pairs. See D00342; P01735, p.14; P01766, pp.5-7; P02260, pp.21-22; P02261, p.14.

<sup>5851</sup> JANC:P01987, p.40; fn.6054. See **Annex C** for breakdown.

<sup>5852</sup> RUEZ:T.9734-9737; P01132, pp.139-143; P01735 p.4; RISTANOVIĆ:P03647, T.5374,T.5386.

See also **Annex C**.

<sup>5853</sup> See **Annex C**.

<sup>5854</sup> See **Annex C**.

<sup>5855</sup> RM297:P01443, p.5(confidential); ORIĆ:P01757, T.952; M.BIRČAKOVIĆ:P02161, T.11026; RM269:T.12719. See also paras.1467,1469.

1403. As of February 2013, DNA matching by the ICMP has identified a total of 848 persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Lažete 1 and 2 and Hodžići Road 1-7 graves.<sup>5856</sup>

*The Petkovci Dam primary mass grave is connected to the Liplje secondary mass graves*

1404. Forensic evidence linking the Liplje secondary mass graves (1-4 and 7) to the Petkovci Dam primary mass grave includes aerial imagery showing disturbed earth indicating creation of primary and secondary graves, the presence of limestone at the secondary graves, consistencies in the victims' injuries and DNA.<sup>5857</sup> Both Dam survivors testified that the prisoners' hands were bound with some type of string or rope;<sup>5858</sup> this is corroborated by the finding of ligatures at these graves, supporting the connection between the Petkovci Dam primary mass grave and the associated Liplje secondary graves.<sup>5859</sup>

1405. As of February 2013, DNA matching by the ICMP has identified a total of 815 persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Dam and Liplje 1-4 and 7 graves.<sup>5860</sup>

*Kozluk primary mass graves are connected to the Čančari Road secondary mass graves*

1406. Investigations of the site near Kozluk confirmed that a mass execution occurred there.<sup>5861</sup> Forensic evidence, including aerial imagery showing disturbed earth indicating creation of primary and secondary graves, soil and pollen samples, glass and bottle labels from the Vitinka bottling plant, shell cases, ligatures, blindfolds, consistencies in the victims' injuries and DNA establish connections between Kozluk and Čančari Road 1, 2, 3, 7 and 13.<sup>5862</sup>

1407. As of February 2013, DNA matching by the ICMP has identified a total of 825 persons who were reported missing after the fall of Srebrenica in July 1995, and

<sup>5856</sup> JANC:P01987, p.41. See **Annex C** for breakdown.

<sup>5857</sup> See **Annex C**.

<sup>5858</sup> RM253:P01547, para.37(confidential); RM204:P03357, pp.10-11(confidential). See also para.1483.

<sup>5859</sup> See **Annex C**.

<sup>5860</sup> JANC:P01987, p.41. See **Annex C** for breakdown.

<sup>5861</sup> RUEZ:T.9772-9773; P01132, pp.188-196; See **Annex C**.

<sup>5862</sup> AF1594. See **Annex C**.

whose remains were exhumed from the Kozluk primary grave and its related Čančari Road 1-3, 7, 13 secondary mass graves.<sup>5863</sup>

*Branjevo Farm primary mass graves are connected to the Čančari Road secondary mass graves*

1408. Forensic evidence, including aerial imagery showing disturbed earth indicating creation of primary and secondary graves, soil and pollen samples, consistencies in the victims' injuries and DNA, link the Branjevo Farm primary mass graves to the secondary mass graves Čančari Road 4-6 and 8-12.<sup>5864</sup> The connection between the graves is also established through the discovery of ligatures at the Branjevo Farm primary gravesite and the Čančari Road 12 secondary gravesite,<sup>5865</sup> which corroborates the recollections of both surviving witnesses that their hands were bound prior to the execution, as well as the recollection of various VRS members who saw the prisoners' hands tied up at Kula School and at the execution site itself.<sup>5866</sup>

1409. As of February 2013, DNA matching by the ICMP has identified a total of 1,751 persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from Branjevo Farm and associated Čančari Road 4-6, 8-12 secondary mass graves.<sup>5867</sup>

## **B. Crime Base**

### **1. 12-13 July: Opportunistic killings of Muslim men in Potočari**

#### **(a) Killing of nine Muslim men near Budak – E.14.1**

1410. On 13 July, KOSTER, RUTTEN and VAN SCHAIK found the bodies of nine men near a small stream behind the White House.<sup>5868</sup> The bodies had small-calibre sized entry wounds,<sup>5869</sup> and there were indications that the men had been killed very recently.<sup>5870</sup> All the bodies were dressed in civilian clothes.<sup>5871</sup> It appeared that the

<sup>5863</sup> JANC:P01987, p.41. See **Annex C** for breakdown.

<sup>5864</sup> See **Annex C**.

<sup>5865</sup> See **Annex C**.

<sup>5866</sup> AF1604-AF1606; RM255:T.1178; RM255:P00055, p.4(confidential); RM346:P01118, T.3039-3042; ERDEMOVIĆ:P01673, T.844. See also para.1516.

<sup>5867</sup> JANC:P01987, p.41. See **Annex C** for breakdown.

<sup>5868</sup> AF1486; KOSTER:P00057, p.15; P00060; P00059; KOSTER:T.1213-1214,T.1217-1219; FRANKEN:P01417, para.94; P01429; P01422; FRANKEN:T.10731-10732,T.10738; D00025, p.4.

<sup>5869</sup> KOSTER:P00057, p.15.

<sup>5870</sup> KOSTER:T.1218-1219; KOSTER:P00057, p.15.

men had been lined up and shot in the middle of the back, at that location.<sup>5872</sup> A Bosnian Serb soldier appeared, speaking into a walkie-talkie; KOSTER, VAN SCHAIK and RUTTEN left the scene and were suddenly shot at on their way back to the compound.<sup>5873</sup> KOSTER reported the incident to KARREMANS and FRANKEN.<sup>5874</sup> In 2006-2007, 12 bodies were exhumed from this area.<sup>5875</sup>

(b) Killing of one Muslim man near the “White House” – E.14.2

1411. In the afternoon of 13 July, GROENEWEGEN witnessed the execution of an unnamed Muslim man dressed in civilian clothes.<sup>5876</sup> A group of three or four SF in camouflage uniforms took this Muslim man from the crowd, walked him to a house, placed him with his face to the wall and shot him in the head, killing him.<sup>5877</sup>

2. Opportunistic Killings in Bratunac Town– E.15

(a) 12-13 July: the “Hangar” – E.15.1

1412. RM362, an Orahovac survivor, was separated from his family in Potočari on 12 July and transported to Bratunac,<sup>5878</sup> where he was held with other Muslim men in an abandoned warehouse behind Vuk Karadžić School<sup>5879</sup> (the “Hangar”).<sup>5880</sup> 10-15 members of SF guarded the Hangar as vehicles continued to bring Muslim men there until it was full.<sup>5881</sup> At least 400 Muslim men were detained in the Hangar,<sup>5882</sup> all of whom were elderly and/or infirm.<sup>5883</sup> The conditions were suffocating; the men were

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<sup>5871</sup> AF1486; KOSTER:P00057, p.15; KOSTER:T.1218-1219,T.1278–1279.

<sup>5872</sup> AF1486; P00059; KOSTER:P00057, p.15; KOSTER:T.1218-1219; FRANKEN:P01417, para.94.

<sup>5873</sup> KOSTER:P00057, p.15; P00060; KOSTER:T.1217-1218.

<sup>5874</sup> FRANKEN:P01417, para. 94; FRANKEN:T.10738; P01422; D00025, p.4: KOSTER reported the incident to his ‘co’ (commanding officer).

<sup>5875</sup> JANC:T.15265-15266,T.15269; P01987, pp.5,34-35; P01982, pp.315-316(confidential); P01985.

<sup>5876</sup> GROENEWEGEN:P01157, paras.58-67; P01158; GROENEWEGEN:T.10485-10490.

<sup>5877</sup> GROENEWEGEN:P01157, paras.58-62; GROENEWEGEN:T.10486,T.10529.

<sup>5878</sup> RM362:P03525, T.17306-17307,T.17309-17310,T.17312-17315(confidential).

<sup>5879</sup> RM362:P03525, T.17315-17318(confidential).

<sup>5880</sup> AF1511; P01475.

<sup>5881</sup> RM362:P03525, T.17315-17316(confidential).

<sup>5882</sup> RM362:P03525, T.17316(confidential).

<sup>5883</sup> RM362:P03525, T.17316(confidential).

not given any food or water that night.<sup>5884</sup> To keep the prisoners quiet, SF fired shots over their heads.<sup>5885</sup>

1413. During the night, SF entered the Hangar and called out for men from Glogova and other villages around Bratunac.<sup>5886</sup> Those who responded were told to leave their things behind and were taken outside, beaten and killed.<sup>5887</sup> Approximately 40 Muslim men were taken out of the Hangar and killed that night,<sup>5888</sup> [REDACTED].<sup>5889</sup> [REDACTED].<sup>5890</sup>

1414. Other men were badly beaten and left inside the Hangar without medical attention. At least five of those men died.<sup>5891</sup> Some Muslim men who were permitted to take these five bodies outside reported seeing a “pile of dead” behind the Hangar.<sup>5892</sup>

1415. The next morning, a soldier ordered the Muslim men to turn over their IDs, watches, wallets and money.<sup>5893</sup> Around 40 men were killed in and around the Hangar that day.<sup>5894</sup> It was also reported to Momir NIKOLIĆ that approximately 80 to 100 Muslims had been murdered in the Hangar on 13 July.<sup>5895</sup>

(b) 13 July: the “Old School” – E.15.1

1416. RM255, a Branjevo Farm survivor, was detained at the “Old School” in Bratunac.<sup>5896</sup> He and the other Muslim prisoners with him were forced to leave their

<sup>5884</sup> AF1512; RM362:P03525, T.17319(confidential).

<sup>5885</sup> RM362:P03525, T.17319(confidential).

<sup>5886</sup> AF1513; RM362:P03525, T.17316,T.17319(confidential).

<sup>5887</sup> RM362:P03525, T.17319-17320(confidential). *See also* AF1513-AF1515.

<sup>5888</sup> AF1519; RM362:P03525, T.17320,T.17324(confidential).

<sup>5889</sup> RM362:P03525, T.17320-17321(confidential); RM362:P03381, T.748.

<sup>5890</sup> P01982, p.268(confidential) [REDACTED].

<sup>5891</sup> AF1515; RM362:P03525, T.17320-17322(confidential).

<sup>5892</sup> RM362:P03525, T.17321-17322(confidential).

<sup>5893</sup> RM362:P03525, T.17326(confidential).

<sup>5894</sup> AF1519-AF1520; RM362:P03525, T.17324(confidential). *See also* AF1516; RM362:P03525, T.17322-17324(confidential).

<sup>5895</sup> M.NIKOLIĆ:D00301, para.11.

<sup>5896</sup> RUEZ identified the “Old School” as one of the main detention sites in Bratunac and marked it on different aerial images, RUEZ:T.9722-9725; P01132, pp.125-126,274. During his testimony, RM255 had difficulty identifying the building in the Vuk Karadžić school complex that he had been detained in on an aerial image. Mistakenly, he marked the Hangar and referred to it as the Vuk Karadžić School. *See* RM255:T.1173-1175; P00056. It is, however, clear from the statement RM255 gave to RUEZ in 1996 that he was held for two nights in an old, abandoned school building with several classrooms. His statement describes the building RUEZ identifies as the “Old School”. RM255:P00055, p.3(confidential).

bags in front of the School, and then forced into a classroom.<sup>5897</sup> While RM255 was detained there, the prisoners were not provided with food and often had no choice but to urinate on themselves.<sup>5898</sup>

1417. RM255, a Branjevo Farm survivor, saw a detainee being beaten by MPs wearing camouflage uniforms.<sup>5899</sup> An hour later that man was called outside and never returned.<sup>5900</sup> RM255 heard screams outside after the MPs took two other men from the classroom.<sup>5901</sup> Throughout RM255's detention, screams and bursts of fire were heard constantly after detainees were taken out of the classrooms.<sup>5902</sup>

(c) 13 July: inside and outside the Vuk Karadžić School – E.15.1

1418. Mevludin ORIĆ was detained in a bus parked outside Vuk Karadžić School. The three MPs who had accompanied the bus told the Muslim prisoners that there was no room in the School and that they would spend the night on the bus.<sup>5903</sup> Bratunac Brigade MPs secured the area.<sup>5904</sup>

1419. During the night, a Bosnian Serb named "Ilija from Spat" entered ORIĆ's bus and asked if there was anyone on the bus with a particular surname.<sup>5905</sup> A man who got up and went with "Ilija" never returned.<sup>5906</sup> ORIĆ also saw "Ilija" and two other men remove other people from the bus behind him, and from a nearby courtyard, and take them to Vuk Karadžić School.<sup>5907</sup> Once a prisoner was taken inside the School, screaming and bursts of fire could be heard.<sup>5908</sup> These men never returned.<sup>5909</sup> Another prisoner held on the bus was kicked and beaten with an automatic rifle.<sup>5910</sup>

1420. Prisoners were also held within the Vuk Karadžić School.<sup>5911</sup> During the night MP Mile JANJIĆ heard calls for resistance from the direction of the School, followed

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<sup>5897</sup> RM255:P00055, p.3(confidential).  
<sup>5898</sup> RM255:P00055, p.3(confidential).  
<sup>5899</sup> RM255:P00055, p.3(confidential).  
<sup>5900</sup> RM255:P00055, p.3(confidential).  
<sup>5901</sup> RM255:P00055, p.3(confidential).  
<sup>5902</sup> RM255:P00055, p.3(confidential). *See also* AF1505, AF1507.  
<sup>5903</sup> AF1503; AF1517; ORIĆ:P01757, T.908-909.  
<sup>5904</sup> P07186, p.4.  
<sup>5905</sup> ORIĆ:P01757, T.915,T.917-918.  
<sup>5906</sup> ORIĆ:P01757, T.915.  
<sup>5907</sup> ORIĆ:P01757, T.915-917.  
<sup>5908</sup> AF1507; ORIĆ:P01757, T.918-919.  
<sup>5909</sup> AF1518; ORIĆ:P01757, T.919. *See also* RM346:P01118, T.3028-3029.  
<sup>5910</sup> ORIĆ:P01757, T.914.  
<sup>5911</sup> AF1503; JANJIĆ:T.11054; M.BLAGOJEVIĆ:T.32610; P01517, pp.1-2.

by a volley of automatic gunfire, after which the shouting stopped.<sup>5912</sup>  
[REDACTED].<sup>5913</sup>

1421. In accordance with an order from BEARA, corpses from next to the school were taken for burial at Glogova.<sup>5914</sup> RM306 saw five to six bodies around the main school on 14 July.<sup>5915</sup> A driver told RM306 that “a lot more” bodies in the vicinity of the school had been disposed of.<sup>5916</sup> RM306 stood by previous testimony where he testified that “there was one truck load of corpses collected from the school compound”<sup>5917</sup> and “[i]n any case, a truck full of corpses arrived in Glogova”.<sup>5918</sup>

(d) 13 July: trucks parked outside Vihor’s garages – E.15.1

1422. RM297, an Orahovac survivor, was detained on a truck parked near “Vihor’s garages.”<sup>5919</sup> SF came and asked whether there were any Muslims from particular villages.<sup>5920</sup> Those who responded were taken out of the truck. RM297 could hear thuds, screaming and bursts of fire.<sup>5921</sup> This lasted all night.<sup>5922</sup>

(e) 13 July: Killing of a mentally ill Bosnian Muslim man in front of the Vuk Karadžić School – E.15.3

1423. Prisoners detained on buses outside the Vuk Karadžić School were told by SF that they could not go to sleep. One of the prisoners, who was mentally ill, fell asleep and was hit by an MP. The man hit the MP back. Two MPs then dragged this man off the bus in the direction of the School and then shots were heard.<sup>5923</sup>

<sup>5912</sup> JANJIĆ:P01445, T.9811-9812; JANJIĆ:T.11057-11058. *See also* M.BLAGOJEVIĆ:T.32640-32641; P07187, pp.80-81.

<sup>5913</sup> AF1520; [REDACTED]; [REDACTED]; [REDACTED]; P03628. *See also* P07186, p.4; M.BLAGOJEVIĆ:T.32655-32659.

<sup>5914</sup> RM306:P01474, T.9371-9372,T.9391(confidential); RM306:T.11440-11441(confidential). *See also* BUTLER, T.16373-16374.

<sup>5915</sup> RM306:P01474, T.9389-9391(confidential); P01476.

<sup>5916</sup> RM306:P01474, T.9391(confidential).

<sup>5917</sup> RM306T.11468(confidential).

<sup>5918</sup> RM306:T.11467-11469(confidential). *See also* RM306:P01474, T.9372(confidential).

<sup>5919</sup> RM297:P01443, p.3(confidential).

<sup>5920</sup> RM297:P01443, p.3(confidential).

<sup>5921</sup> RM297:P01443, p.3(confidential).

<sup>5922</sup> RM297:P01443, p.3(confidential).

<sup>5923</sup> ORIC:P01757, T.911-914.

3. 13 July: Opportunistic Killings in Kravica

1424. RM253, a Petkovci Dam survivor, was detained with 118 others on a truck parked outside the Kravica Supermarket.<sup>5924</sup> The conditions on the truck were inhumane.<sup>5925</sup>

1425. During the night, SF who were guarding the trucks beat the prisoners and hit them with rifle butts.<sup>5926</sup> SF asked if any of them were from Glogova and other villages.<sup>5927</sup> Any prisoner who responded affirmatively was taken outside.<sup>5928</sup> Five prisoners were taken off RM253's truck after which he heard bursts of gunfire.<sup>5929</sup> Throughout the night, the prisoners heard screams and bursts of gunfire from around the trucks.<sup>5930</sup> RM253 could see about ten other men being beaten and shot near his truck.<sup>5931</sup>

4. 13 July: Murder of approximately 15 Muslim prisoners at Jadar River – E.1.1

1426. On 12 July and the early hours of 13 July, VRS and MUP forces began capturing Muslim men in the areas of Ravni Buljim, Nova Kasaba and Konjević Polje.<sup>5932</sup> RM314, the only survivor of the Jadar River execution, which occurred around 11:00 hours on 13 July,<sup>5933</sup> was captured near the Konjević Polje intersection by policemen.<sup>5934</sup> RM314 was interrogated and mistreated in various locations in and around a group of buildings, primarily used by the 5<sup>th</sup> Engineering Battalion of the DK.<sup>5935</sup> RM314 was first taken to a guard house, then moved to a nearby burnt house and was thereafter taken, together with three other prisoners, to a warehouse at the intersection at Konjević Polje. They were detained at the warehouse with 12 other

<sup>5924</sup> AF1466; RM253:P01547, paras.22-23(confidential).

<sup>5925</sup> RM253:T.12489-12490; RM253:P01547, para.23(confidential). *See also* RM204's similar evidence - he was detained on a truck in an unspecified part of Bratunac: RM204:P03357, p.9(confidential).

<sup>5926</sup> RM253:P01547, paras.23-24(confidential); RM253:T.12488-12489.

<sup>5927</sup> RM253:P01547, para.23(confidential); RM253:T.12489.

<sup>5928</sup> RM253:P01547, para.23(confidential).

<sup>5929</sup> RM253:P01547, para.24(confidential).

<sup>5930</sup> RM253:P01547, paras.23-24(confidential).

<sup>5931</sup> RM253:P01547, para.24(confidential).

<sup>5932</sup> M.NIKOLIĆ:D00301, p.3. *See also* AF1454.

<sup>5933</sup> RM314:T.10859.

<sup>5934</sup> RM314:P01435, p.3(confidential). *See also* M.NIKOLIĆ:D00301, p.4 (confirming the existence of a civilian police checkpoint and the presence of policemen from Bratunac at the Konjević Polje intersection); RM265:P02540, T.3824-3825(confidential); P01132, pp.47-48.

<sup>5935</sup> P02203, p.56; P01132, pp.48-49; RUEZ:T.9670; RM314:P01435, pp.3-4(confidential).

Muslim prisoners.<sup>5936</sup> SF, including Nenad DERONJIĆ, a member of the 2<sup>nd</sup> PJP Company from the Zvornik CJB,<sup>5937</sup> were waiting at the warehouse.<sup>5938</sup>

1427. The soldiers ordered the prisoners to undress, lined them up and beat them.<sup>5939</sup> One soldier said that the prisoners were to be killed, not exchanged.<sup>5940</sup> The 16 prisoners, including a 15-year-old boy, were loaded onto a bus by the soldiers and taken to an isolated location on the banks of the Jadar River, approximately three kilometres from the Konjević Polje intersection.<sup>5941</sup> Upon arrival, the soldiers ordered the prisoners off the bus, took them down to the riverside, lined them up and shot them.<sup>5942</sup> RM314 was shot in the hip, whereupon he fell into the river.<sup>5943</sup> The soldiers continued shooting at him, but he managed to escape.<sup>5944</sup>

1428. RM314's account is corroborated by other evidence in this case. First, OTP investigator RUEZ found the guard house, which was located at the base of the 5<sup>th</sup> Engineering Battalion,<sup>5945</sup> and the warehouse at the Konjević Polje intersection.<sup>5946</sup> RM265 verified the existence of a ruined building at the Konjević Polje intersection, which was used as a detention facility.<sup>5947</sup> On 13 July, Momir NIKOLIĆ saw Muslim prisoners detained in a burnt out house at Konjević Polje.<sup>5948</sup> RM314 himself later identified these detention sites and the execution site during an on-site visit with OTP investigators as well as on photographs and maps shown to him.<sup>5949</sup>

<sup>5936</sup> RM314:P01435, p.6(confidential); RM314:T.10855-10858; P01438. *See also* RUEZ:T.9670-9671; P01132, pp.50-51.

<sup>5937</sup> D00584, para.6(confidential); N.DERONJIĆ:T.24429, T.24438.

<sup>5938</sup> AF1352; RM314:P01435, p.5(confidential); RM314:P01437, p.2(confidential); RM314:T.10918-10919(confidential); M.NIKOLIĆ:T.11946; M.NIKOLIĆ:D00301, p.4 (Momir NIKOLIĆ went to Konjević Polje on 13 July with an MP and saw Nenad DERONJIĆ there); P02111, item 5.

<sup>5939</sup> RM314:P01436, pp.5-6(confidential).

<sup>5940</sup> RM314:P01435, p.5(confidential).

<sup>5941</sup> RM314:T.10858-10860; P01439; RM314:P01435, p.6(confidential); RM314:P01436, p.2(confidential). *See also* RUEZ:T.9699-9703; P01132, pp.84-90; P01087, p.9; SUBAŠIĆ:P03306, para.47.

<sup>5942</sup> RM314:P01435, p.6(confidential); RM314:T.10858-10859. *See also* SUBAŠIĆ:P03306, para.47.

<sup>5943</sup> AF1485; RM314:P01435, p.6(confidential); RM314:T.10860-10863; P01440(confidential).

<sup>5944</sup> RM314:P01435, p.6(confidential).

<sup>5945</sup> RUEZ:T.9670-9671. *See also* M.NIKOLIĆ:T.11842-11843.

<sup>5946</sup> P01132, pp.48-51,85; RUEZ:T.9670-9672,T.9699. Mirko PERIĆ also confirmed that he saw several Muslims held in the white building depicted at P01132, p.51, though he objected to calling the building a "warehouse". M.PERIĆ:T.34262-34265.

<sup>5947</sup> RM265:P02540, T.3824-3825(confidential).

<sup>5948</sup> M.NIKOLIĆ:D00301, p.4; M.NIKOLIĆ:T.11945-11946; RM314:P01435, p.4(confidential).

<sup>5949</sup> P01132, p.49; P01438-P01439; RM314:T.10855-10857,T.10859-10860; P01132, pp.84-90; RUEZ:T.9699-9703.

1429. [REDACTED],<sup>5950</sup> [REDACTED]<sup>5951</sup> [REDACTED]<sup>5952</sup> [REDACTED].<sup>5953</sup>

1430. Third, the day after the execution, RM314 encountered a group of refugees including Mujo SUBAŠIĆ, a nurse from Podžepļje who dressed his wound.<sup>5954</sup> SUBAŠIĆ recalled dressing the wound of a man who joined his group on 14 July 1995 in the area between Liplje and Kamenica. SUBAŠIĆ recalled that the wounded man told him that he had survived an execution the previous day.<sup>5955</sup> SUBAŠIĆ's recollection of the survivor's story corresponds in essence with RM314's account.<sup>5956</sup>

1431. Contrary to the position taken by the Defence in its Rule 98bis submissions,<sup>5957</sup> doctors used the ambiguous Latin diagnosis "vulnus explosivum" or "vulnus explosiva" to describe not only shrapnel wounds but also gunshot wounds.<sup>5958</sup> Thus, RM314's medical record is consistent with him having survived an execution by gunshot. While Defence expert witness Dr. Zoran STANKOVIĆ insisted that it was technically incorrect to use the term "vulnus explosivum" for gunshot wounds,<sup>5959</sup> he acknowledged that Vincent DI MAIO, a top forensic pathologist who specializes in gunshot wounds,<sup>5960</sup> had found "the recurrent use of the term explosive" in the relevant literature regarding firearms wounds.<sup>5961</sup> STANKOVIĆ also acknowledged that although the doctor who first treated RM314 could not confirm whether the remains of a foreign metal object inside RM314's wound was shrapnel or a piece of a bullet, he used the term "vulnera explosiva" "mechanically" to describe RM314's injuries as this was a "common term used during the war-time-period for the wartime injuries".<sup>5962</sup>

<sup>5950</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>5951</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].  
[REDACTED]. [REDACTED].

<sup>5952</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED];  
[REDACTED]. [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]; [REDACTED];  
[REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]; [REDACTED].

<sup>5953</sup> [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED]; [REDACTED].  
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>5954</sup> RM314:P01435, p.7(confidential); RM314:T.10863.

<sup>5955</sup> SUBAŠIĆ:P03306, paras.3,46.

<sup>5956</sup> SUBAŠIĆ:P03306, para.47.

<sup>5957</sup> Rule 98bis Hearing, 17 March 2014, T.20729-20730,T.20735-20737.

<sup>5958</sup> E.g., P07816; P07817.

<sup>5959</sup> STANKOVIĆ:T.43503,T.43496.

<sup>5960</sup> DEL PINO:T.42178; STANKOVIĆ:T.43492-43493.

<sup>5961</sup> STANKOVIĆ:T.43495-43496.

<sup>5962</sup> STANKOVIĆ:T.43497-43500. See also STANKOVIĆ:T.43501-43502.

1432. The Latin diagnosis “vulnus explosivum”<sup>5963</sup> may thus be used to describe the state of a wound rather than the type of weapon that inflicted it.<sup>5964</sup> Defence witness Dr. Milan PEJIĆ, war-time director of the Blažuj Hospital, explained that the diagnosis is a descriptor of the wound as the physician sees it: an open wound with lacerated tissue.<sup>5965</sup> Thus, the diagnosis “vulnus explosivum” noted in the medical record of Ramiz MUJKIĆ, a patient who was brought to Blažuj hospital after having been shot and beaten on his wound during his detention, serves as a description of the untreated and infected wound MUJKIĆ presented with.<sup>5966</sup> PEJIĆ emphasised that doctors were not forensic specialists and did not determine how the wounds were sustained, especially given the number of patients admitted to the hospital during the war.<sup>5967</sup> The circumstances of RM314’s injury are remarkably similar to those of MUJKIĆ. After being shot in the hip, RM314 hit a stone with his wound when he fell into the Jadar River.<sup>5968</sup> RM314 pulled himself out of the river, and then walked through the woods for three days before he received proper medical treatment.<sup>5969</sup> In these circumstances, the diagnosis “vulnus explosivum” in his medical record is consistent with the appearance of the wound RM314 presented with.

1433. RM314’s scars also show that he sustained a small entry and a larger exit wound in his hip.<sup>5970</sup> Finding a point of entry and a point of exit is typical for a wound inflicted by a rifle bullet.<sup>5971</sup> Considering the shape, size and placement of RM314’s scars as depicted in a photograph,<sup>5972</sup> STANKOVIĆ opined that “[s]uch an injury may be caused by a bullet fired from a hand-held firearm which hit the damaged person from the back left side.”<sup>5973</sup>

<sup>5963</sup> See D00282, BCS(confidential); D00283(confidential).

<sup>5964</sup> None of the medical staff told RM314 that according to their diagnosis his wound had been caused by an explosion rather than by a bullet. RM314:T.10897-10899.

<sup>5965</sup> PEJIĆ:T.24550-24551,T.24560-24561.

<sup>5966</sup> P06689, p.2; PEJIĆ:T.24549-24554, but *see also* PEJIĆ:T.24559-24561.

<sup>5967</sup> PEJIĆ:T.24550-24551,T.24560.

<sup>5968</sup> RM314:P01435, p.7(confidential) (RM314 described the wound as having been “rather big”).

<sup>5969</sup> RM314:P01435, pp.6-7(confidential); RM314:T.10890(confidential).

<sup>5970</sup> P01440(confidential); RM314:T.10860-10862.

<sup>5971</sup> PEJIĆ:T.24560.

<sup>5972</sup> P01440(confidential).

<sup>5973</sup> STANKOVIĆ:T.43508-43509. A copper jacket of a 7.62mm bullet may separate from a bullet upon impact with either bone or soft tissue, leaving metal fragments behind in a victims’ body. *See* STANKOVIĆ:T.43505-43506.

1434. Finally, the five Muslim execution victims whose names RM314 was able to provide remain unaccounted for, which is consistent with their bodies having been washed away by the Jadar River.<sup>5974</sup>

1435. The testimony of the sole survivor of the execution, RM314,<sup>5975</sup> combined with other witness testimony, BUTLER's military analysis and radio intercept evidence, illustrates VRS and MUP involvement in the Jadar River execution.<sup>5976</sup> As buses were in very high demand on the morning of 13 July to transport civilians out of Potočari, it is not possible that individual soldiers or police officers could have interrogated the prisoners, commandeered a bus, organised an execution squad and carried out an execution of 16 people without GŠ-VRS knowledge and approval. This execution confirms the murder operation was in place and had begun by the morning of 13 July.

5. 13 July: Interrogation of six Muslim men at the Bratunac Brigade HQ who were eventually executed

1436. On 13 July, Rešid SINANOVIĆ, a Bosnian Muslim lawyer<sup>5977</sup> and the former Bratunac Chief of Police,<sup>5978</sup> was taken prisoner at Konjević Polje. Momir NIKOLIĆ arrived at the Konjević Polje checkpoint on the morning of 13 July and drove SINANOVIĆ to the Bratunac Brigade HQ,<sup>5979</sup> then handed SINANOVIĆ over to Zlatan ČELANOVIĆ, Bratunac Brigade Desk Officer for Morale, Legal and Religious Affairs,<sup>5980</sup> and asked ČELANOVIĆ to investigate war crimes allegations against SINANOVIĆ,<sup>5981</sup> consistent with instructions ČELANOVIĆ had received earlier from BEARA.<sup>5982</sup>

1437. ČELANOVIĆ testified that on the morning of 13 July he interviewed 5-6 other Bosnian Muslim men who arrived at the Bratunac Brigade HQ in a vehicle

<sup>5974</sup> RM314:P01435, pp.3-5(confidential); RM314:P01437, p.2(confidential). [REDACTED]. RM314:T.10918-10919(confidential); RM314:P01435, p.5(confidential).

<sup>5975</sup> RM314:P01435(confidential); RM314:P01436(confidential); RM314:P01437(confidential).

<sup>5976</sup> See M.NIKOLIĆ:D00301, p.4; RM265:P02540, T.3824-3825(confidential). P02203, para.6.17; RUEZ:T.9670-9671; P01132, pp.48-51,85.

<sup>5977</sup> ČELANOVIĆ:P01451, T.6634.

<sup>5978</sup> M.NIKOLIĆ:T.11941. See also RM314:P01435, p.5(confidential).

<sup>5979</sup> M.NIKOLIĆ:D00301, p.4; ČELANOVIĆ:P01451, T.6633. See also M.NIKOLIĆ:T.11941-11943.

<sup>5980</sup> ČELANOVIĆ:P01451, T.6626-6627,T.6630; M.NIKOLIĆ:T.11941.

<sup>5981</sup> ČELANOVIĆ:P01451, T.6633-6636; P01453; M.NIKOLIĆ:T.11941-11942.

<sup>5982</sup> ČELANOVIĆ:P01451, T.6628-6632.

escorted by special police.<sup>5983</sup> They were: Nazif AVDIĆ, Munib DEDIĆ, Aziz HUSIĆ, Mujo HUSIĆ and Hasib IBIŠEVIĆ.<sup>5984</sup> After the interrogations, the special police took SINANOVIĆ and the other Muslim prisoners to Vuk Karadžić School in Bratunac.<sup>5985</sup> All were then transported to Zvornik<sup>5986</sup> [REDACTED]<sup>5987</sup> [REDACTED].<sup>5988</sup> [REDACTED].<sup>5989</sup> [REDACTED].<sup>5990</sup>

1438. The interrogation, capture, detention, transportation and murder of these prisoners demonstrates the co-ordination of the VRS, including the DK, Bratunac Brigade and the Zvornik Brigade, and the MUP.

6. 13 July: Organised murder of hundreds of Muslim prisoners at the Kravica Warehouse – E.3.1

1439. During the morning and afternoon hours of 13 July, 1,000-2,000<sup>5991</sup> Muslim men and boys were detained at Sandići Meadow by MUP forces under BOROVIČANIN's command, including the Second Šekovići Detachment, Jahorina Training Centre troops and the 1<sup>st</sup> PJP Company from Zvornik,<sup>5992</sup> and members of the army.<sup>5993</sup> That afternoon **MLADIĆ**, BOROVIČANIN and others were present together at Sandići Meadow when **MLADIĆ** addressed the prisoners, telling them they would be exchanged.<sup>5994</sup> Within a few hours of **MLADIĆ** addressing the prisoners, approximately 1,000 were summarily executed at the nearby Kravica Warehouse.

<sup>5983</sup> ČELANOVIĆ:P01451, T.6632-6633,T.6645-6647.

<sup>5984</sup> ČELANOVIĆ:P01451, T.6637,T.6655,T.6658-6659; P01452; P01454; P01457. Note: Hajrudin BEGŽADIĆ's name was mentioned by Aziz HUSIĆ during his interview. He was not present that day.

<sup>5985</sup> ČELANOVIĆ:P01451, T.6645-6647,T.6650,T.6690; ČELANOVIĆ:T.11091; M.NIKOLIĆ:T.11942-11943.

<sup>5986</sup> M.NIKOLIĆ:T.11943.

<sup>5987</sup> [REDACTED].

<sup>5988</sup> [REDACTED].

<sup>5989</sup> See [REDACTED]. See also [REDACTED].

<sup>5990</sup> P01982, p.107(confidential); P01987, pp.41, 49.

<sup>5991</sup> See para.1250.

<sup>5992</sup> AF1464; AF1352; AF1530; P01281(confidential); P01615(confidential); RM256:P01592, para.11(confidential); RM274:P03098, T.6975(confidential); ČELIĆ:P02173, T.13473-13474; P01148, pp.125-147; [REDACTED]. See also P02103; PEPIĆ:P01543, p.8; PEPIĆ:T.12407. Moreover, no fewer than eighteen men have been identified as under BOROVIČANIN's command, all who appear on the segment of the Petrović footage taken on the Bratunac-Konjević Polje road, in the vicinity of Sandići Meadow.

<sup>5993</sup> RM268:P02176, T.8585-8586(confidential). For further indications the army was in that area see: M.NIKOLIĆ:D00301, p.5; P01477(confidential) (Miroslav STANOJEVIĆ of the Red Beret platoon of the 3<sup>rd</sup> Battalion of the Bratunac Brigade); BLASZCZYK:T.12343-12344.

<sup>5994</sup> See paras.1250-1255.

1440. Soon after **MLADIĆ** left Sandići, about 1,000 of the prisoners detained there were bussed or marched to Kravica Warehouse.<sup>5995</sup> Some of the prisoners remained at Sandići Meadow.<sup>5996</sup> Shortly before 17:00 hours,<sup>5997</sup> while **BOROVČANIN** was driving along the Kravica-Konjević Polje road in the direction of Konjević Polje,<sup>5998</sup> and the prisoners detained at Sandići Meadow were already moving towards Kravica,<sup>5999</sup> **BOROVČANIN** ordered Rade ČUTURIĆ (“Oficir”) to stop the traffic behind him.<sup>6000</sup> This traffic comprised of buses and trucks transporting the Muslim women and children<sup>6001</sup> from Potočari to Tišća.<sup>6002</sup> ČUTURIĆ in turn ordered his subordinate, Milenko PEPIĆ, stationed at Kravica village, to stop the traffic.<sup>6003</sup> PEPIĆ stopped the vehicles in the center of Kravica village, approximately 700m west of Kravica Warehouse.<sup>6004</sup>

<sup>5995</sup> AF1530; PEPIĆ:P01543, p.8; [REDACTED]; RM256:P01592, paras.16-19(confidential); RM256:T.13193-13195. See ČELIĆ:P02173, T.13477-13478; RM274:P03098, T.6978-6984,T.6988-6990(confidential); P03100; P03099; P01132, p.98; RUEZ:T.9644, T.9703-9706.

<sup>5996</sup> See para.1254.

<sup>5997</sup> PETROVIĆ testified he was with **BOROVČANIN** the entire time he was filming. Z.PETROVIĆ:P03347, T.18767-18768,T.18798,T.18813(confidential). The Petrović Video momentarily shows a timestamp at 16:49 hours on 13 July when **BOROVČANIN** and **PETROVIĆ** are stopped on the Bratunac-Konjević Polje Road at Pervani. P01541, 00:14'35-00:14'50; P01539, p.34. Given the running time of the video and the time required to travel from the point where **BOROVČANIN** and **PETROVIĆ** are at 16:49 hours, to the point where **BOROVČANIN** is heard ordering ČUTURIĆ to stop the traffic, the earliest that **BOROVČANIN** could have ordered the traffic stopped is 16:55 hours. More specifically, after the 16:49 time stamp, **PETROVIĆ** filmed for a further 2'23" before **BOROVČANIN** is heard to say “Oficir, Bor”. P01541, 00:17'08-00:17'29. From Pervani, a position located 2.8km west of Sandići Meadow, **BOROVČANIN** and **PETROVIĆ** changed location twice. First, they moved to a position around 3.1km from the Meadow, during which time **PETROVIĆ** was not filming. It is reasonable to estimate that this move took a minimum of one minute to complete. P01541, 00:14'52-00:14'59; P01539, pp.36-37. Second, they traveled around 1.1km towards Sandići, when **PETROVIĆ** started filming again while driving along the road (P01541, 00:16'49-00:17'07) at which point **BOROVČANIN** says, “Oficir, Bor”. P01541, 00:17'08-00:17'29, tp.10-11. The vehicle does not appear to be traveling at high speed and it is reasonable to assume that it was traveling at an average speed of 50 km/h. Thus, it would have taken around 1'30" to travel 1.1km. P01541, 00:16'49-00:17'29; P01539, p.38-39. Accordingly, it is reasonable to conclude that **BOROVČANIN** gave the order to stop traffic no earlier than around 16:55. Nedo JOVIČIĆ:T.33710; P01541, 00:14'02-00:14'10, 00:16'48-00:17'20, tp.10-11. See also P01539, p.21. Time codes in P01541 differ from those listed in P01539 because P01539 refers to P01538, another version of the same footage, with poorer sound quality.

<sup>5998</sup> P01539, pp.38-53; Nedo JOVIČIĆ:D00976, paras.28-30; Nedo JOVIČIĆ:T.33710,T.33724; P01541, 00:14'02-00:14'10.

<sup>5999</sup> P01541, 00:16'48-00:17'20, tp.10-11; BLAZCZYK:T.11583; PEPIĆ:P01543, p.8.

<sup>6000</sup> ČUTURIĆ stationed Milenko PEPIĆ on the bridge in Kravica, with explicit instructions to wait there for the order to stop the traffic. Thus **BOROVČANIN** wanted the traffic stopped on the Bratunac side of the Kravica village bridge when he told ČUTURIĆ to stop the traffic “behind you”. D00305; PEPIĆ:T.12408,T.12443-12445; PEPIĆ:P01543, pp.8-9; Nedo JOVIČIĆ:T.33712; P01541, 00:17'08-00:17'22, tp.11.

<sup>6001</sup> PEPIĆ:P01543, pp.8-9; PEPIĆ:T.12411.

<sup>6002</sup> BLAZCZYK:T.11586.

<sup>6003</sup> PEPIĆ:P01543, p.8.

<sup>6004</sup> PEPIĆ:P01543, p.8; P01544; D00305; PEPIĆ:T.12415-12417,T.12443-12445.

1441. With the buses stopped and out of sight, the guards began executing the prisoners in the West room of Kravica Warehouse with automatic weapons and hand grenades. RM256, who walked with many others to Kravica Warehouse from Sandići<sup>6005</sup> and was detained in the West room<sup>6006</sup> of Kravica Warehouse,<sup>6007</sup> testified that the shooting started in that room when the last prisoner entered.<sup>6008</sup> The shooting and killing continued until night fell with pauses to allow smoke to disperse.<sup>6009</sup> Hand grenades were also thrown into the West room.<sup>6010</sup> RM274, who was bussed to Kravica Warehouse from Sandići prior to RM256's arrival at Kravica Warehouse,<sup>6011</sup> testified he was detained in the East room of the Warehouse<sup>6012</sup> for some time when he heard shooting start outside, including automatic rifles and grenades.<sup>6013</sup> The initial shooting likely lasted approximately 15-20 minutes.<sup>6014</sup> RM274 was sure the shooting came from outside Kravica Warehouse.<sup>6015</sup> He saw soldiers standing in front of the Warehouse, firing from automatic rifles.<sup>6016</sup> The shooting and grenades that RM274 heard must have been the executions occurring in the West room where RM256 was detained and is consistent with RM256's account of the killings beginning in the West room. During the firing, the Serb guards told the prisoners in RM274's room: "They are attacking us. Look at what they're doing to us."<sup>6017</sup> The soldiers guarding RM274 were undoubtedly lying<sup>6018</sup> to provide a reason as to why there was shooting and

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<sup>6005</sup> RM256:P01592, para.18(confidential).

<sup>6006</sup> The Kravica Warehouse includes two large rooms, one at the east end of the building ("East Room") and one at the west end ("West Room"), with a smaller room in-between: RUEZ:T.9704-9705; P01132, p.95.

<sup>6007</sup> RM256:P01592, para.19(confidential).

<sup>6008</sup> RM256:P01592, para.20(confidential); RM256:T.13181-13183(confidential). *See also* AF1531; AF1532.

<sup>6009</sup> RM256:T.13182; RM256:P01592, para.21(confidential).

<sup>6010</sup> RM256:T.13183; RM256:P01592, para.21(confidential); RUEZ:T.9712; P01132, pp.102-103.

<sup>6011</sup> RM274:P03098, T.6981,T.6989-6990(confidential).

<sup>6012</sup> RM274:P03098, T.6987-6990(confidential) ; P04209. As the entrance to Kravica Warehouse was on the Bratunac side, *i.e.* the east side, it is logical that the East room would be the first one to be filled. P01132, p.95.

<sup>6013</sup> AF1531; RM274:P03098, T.6992-6996(confidential). *See also* PEPIC:P01543, p.9; PEPIC:T.12413; ČELIĆ:P02173, T.13479 (Predrag ČELIĆ also heard hand-grenade detonations from Kravica); P01541, 00:22'58-00:23'26.

<sup>6014</sup> RM274 states the shooting went on for approximately half an hour, although he is uncertain. RM274:P03098, T.6992,T.6995-6996(confidential). Given that the order to stop the traffic was issued at approximately 16:55 hours and the executions began shortly thereafter, that ČUTURIĆ was admitted to Bratunac Health Centre at 17:40 hours, and it would have taken 10-15 minutes to drive there from Kravica Warehouse, the execution in the West room took approximately 15-20 minutes.

<sup>6015</sup> RM274:P03098, T.6992(confidential).

<sup>6016</sup> RM274:P03098, T.6997(confidential); P04209(confidential).

<sup>6017</sup> RM274:P03098, T.6997(confidential).

<sup>6018</sup> RM274:P03098, T.6997(confidential).

explosions nearby, in an effort not to alert the prisoners in the East room of their impending fate.

1442. After roughly 15-20 minutes of firing, the soldiers moved to the East room and continued the executions. RM274 testified that after the shooting he heard stopped, the guards started shooting the prisoners in the East room.<sup>6019</sup> RM274 also testified that intermittent shooting continued throughout the night.<sup>6020</sup>

1443. The survivors' accounts are corroborated by Milenko PEPIĆ, who testified that after he stopped the traffic pursuant to BOROVCANIN's order, he heard strong and frequent firing and detonations from the direction of Kravica Warehouse<sup>6021</sup> which "was coming only from one side",<sup>6022</sup> meaning the Serb side of the confrontation line. PEPIĆ was told that "they" were firing on the Muslims, which PEPIĆ understood to mean shooting to kill them,<sup>6023</sup> a clear reference to the execution of the Muslim prisoners detained at the Kravica Warehouse just 700m away.<sup>6024</sup> RM204, a Petkovci Dam survivor, also corroborates the Kravica Warehouse survivors; he arrived at Sandići Meadow at around 17:00-18:00 hours<sup>6025</sup> and heard shooting when he was there,<sup>6026</sup> which must have been the executions taking place at Kravica Warehouse.

1444. The timing and movement of BOROVCANIN demonstrates that the shooting began in the West room before moving to the East room, corroborating the survivors' testimony. At some point after the executions began, a prisoner grabbed a rifle from and then killed Krsto DRAGIČEVIĆ (Krlc).<sup>6027</sup> The rifle was seized from the prisoner

<sup>6019</sup> RM274:P03098, T.6999(confidential).

<sup>6020</sup> RM274:P03098, T.6999-7000(confidential).

<sup>6021</sup> PEPIĆ:P01543, p.9; PEPIĆ:T.12412-12414. *See also* ČELIĆ:P02173, T.13478-13479.

<sup>6022</sup> PEPIĆ:T.12413-12414.

<sup>6023</sup> PEPIĆ:P01543, pp.8-9; PEPIĆ:T.12398,T.12413-12414. *See also* BLASZCZYK:T.11587; P01541, 00:22'58-00:23'26; ČELIĆ:P02173, T.13478-13479.

<sup>6024</sup> P01539, pp.21,60.

<sup>6025</sup> RM204:P03357, p.7(confidential).

<sup>6026</sup> RM204:P03357, p.8(confidential).

<sup>6027</sup> PEPIĆ:T.12452. Neither of the survivors mentions the burnt-hands incident at Kravica Warehouse. However, this may be because it took place outside. [REDACTED] testified that the prisoners inside the bus were shot by guards outside the bus. [REDACTED]. However, this cannot be the bus seen in the Petrović Video near the bodies, as BOROVCANIN came very quickly after the burnt-hands incident happened, and the bus seen in the video footage is clearly undamaged. Regardless of the location where the burnt-hands incident took place, it is clear from the video and BOROVCANIN's arrival time at Kravica Warehouse that the burnt-hands incident happened after the executions in the West room had begun. *See* para.1453.

by ČUTURIĆ, who burnt his hands grabbing the barrel (“burnt-hands incident”).<sup>6028</sup> While BOROVCANIN was at Sandići Meadow, or shortly thereafter,<sup>6029</sup> he received a call from Second Šekovići Detachment Commander Miloš STUPAR reporting the death of DRAGIČEVIĆ and the wounding of ČUTURIĆ at Kravica Warehouse, and requesting that BOROVCANIN return.<sup>6030</sup> BOROVCANIN hurried to Kravica Warehouse as soon as he received the report;<sup>6031</sup> he would have covered the short distance to Kravica Warehouse within a few minutes. BOROVCANIN arrived at Kravica Warehouse at approximately 17:25 hours, roughly 20-25 minutes after the executions started,<sup>6032</sup> from the direction of Sandići.<sup>6033</sup> BOROVCANIN and PETROVIĆ, driven by JOVIČIĆ, passed the front of Kravica Warehouse where several Muslim corpses were piled up in front of the West room and Centre room<sup>6034</sup> with two Serb soldiers standing with their backs to the closed doors<sup>6035</sup> of the West room. They appeared relaxed<sup>6036</sup> with one soldier, wearing a t-shirt, making a thumbs-up sign towards the vehicle<sup>6037</sup> indicating there was no reason to be concerned about any of the roughly 500 Muslims in that room who must have been already dead or

<sup>6028</sup> PEPIĆ:T.12452; PEPIĆ:P01543, pp.8-9; [REDACTED].

<sup>6029</sup> The segment on Petrović’s film immediately prior to the footage of the bodies at Kravica Warehouse is at Sandići Meadow, suggesting PETROVIĆ and BOROVCANIN did not go anywhere else before going to Kravica Warehouse. P01541, 00:22’04-00:24’36. Towards the end of the footage, the sound of screeching tires can be heard. P01541, 00:24’07-00:24’13. It is likely that this is initial word of the “burnt-hands” incident at Kravica Warehouse filtering through, with BOROVCANIN getting the call shortly thereafter. Given that the immediately prior footage was at Sandići, and the squealing of tires towards the end of that segment, BOROVCANIN would still have been at Sandići, or a short distance away, when he received the call.

<sup>6030</sup> Nedo JOVIČIĆ:D00976, para.30. *See also* PEPIĆ:P01543, pp.8-9.

<sup>6031</sup> Nedo JOVIČIĆ:D00976, paras.29-31; Nedo JOVIČIĆ:T.33724-33725; Z.PETROVIĆ:P03347, T.18797-18798(confidential).

<sup>6032</sup> The executions began shortly after the order to stop the traffic, which was issued at approximately 16:55 hours. BLASZCZYK:T.12291-12294; *see* para.1441. ČUTURIĆ was admitted to the Bratunac health center at 17:40 hours. P01477(confidential). The distance between Kravica and the Bratunac is approximately 13km. P01087, p.16. The distance between Kravica and Kravica Warehouse is approximately 700m further on, in the direction of Konjević Polje. P01539, p.21. The total distance between Kravica Warehouse and Bratunac is therefore approximately 14km. JOVIČIĆ stated that he thought the drive took “some 20 to 25” minutes. Nedo JOVIČIĆ:T.33742. However, given the relatively flat and straight road and the lack of traffic aside from controlled buses on it, the drive from Kravica Warehouse to Bratunac Health Centre would have taken no more than 15 minutes, particularly if one was driving quickly. BOROVCANIN’s driver JOVIČIĆ testified that they stayed for a very short period of time at Kravica Warehouse, that neither he nor BOROVCANIN exited the car, that ČUTURIĆ was put in another car and they drove with him to Bratunac. Nedo JOVIČIĆ:T.33728-33729. BOROVCANIN therefore would have left Kravica Warehouse a few minutes after arriving at approximately 17:25 hours.

<sup>6033</sup> Nedo JOVIČIĆ:D00976, paras.30-31; Z.PETROVIĆ:P03347, T.18797-18798(confidential); P01147, V000-9267, 00:36’20-00:36’57, tp.87; BLASZCZYK:T.12300; P01539, pp.60-61.

<sup>6034</sup> Nedo JOVIČIĆ:33726-33727; P01132, p.95. P01147, V000-9267, 00:36’20-00:36’57, tp.87.

<sup>6035</sup> BLASZCZYK:T.12300-12302; P01539, pp.60-61.

<sup>6036</sup> P01147, V000-9267, 00:36’20-00:36’57, tp.87.

<sup>6037</sup> P01147, V000-9267, 00:36’50-00:37’00; P03350; Z.PETROVIĆ:P03347, T.18803(confidential).

incapacitated.<sup>6038</sup> BOROVIČANIN and PETROVIĆ continued to the East side, where shooting can be heard on the video. BOROVIČANIN stopped there and spoke with STUPAR while ČUTURIĆ was put in a separate vehicle.<sup>6039</sup> BOROVIČANIN then escorted ČUTURIĆ to the Bratunac Health Centre,<sup>6040</sup> where ČUTURIĆ was admitted at 17:40 hours.<sup>6041</sup>

1445. By the time the shooting stopped, Kravica Warehouse was filled with corpses.<sup>6042</sup> PEPIĆ testified that the shooting stopped in the late afternoon or perhaps around dusk and he was told to allow the traffic to pass later that evening.<sup>6043</sup> PEPIĆ stated he traveled to the area of Kravica Warehouse later that evening and saw bullet holes in the wall and hay in front of Kravica Warehouse.<sup>6044</sup> He concluded that the hay was used to hide the bodies from the women and children once transportation resumed along the road in the direction of Konjević Polje.<sup>6045</sup>

1446. The shooters included members of the Second Šekovići Detachment.<sup>6046</sup> Throughout the Srebrenica operation, BOROVIČANIN and his forces were under KRSTIĆ's (and therefore MLADIĆ's) command.<sup>6047</sup> Information about the 13 July killings was quickly disseminated within the DK and higher commands as that night BEARA organised the burial of the Muslim men murdered at the Warehouse.<sup>6048</sup> The next day, a loader or excavator began taking the bodies out of Kravica Warehouse.<sup>6049</sup> The 14 July regular combat report of the DK 5<sup>th</sup> Engineering Battalion, headquartered

<sup>6038</sup> RM256, who was in the West room, was clear that the shooting started in that room. *See* para.1441. Given that no shooting is seen in the Centre room either, the audible shooting must be in the East room. This is consistent with RM274's testimony. RM274:P03098, T.6999(confidential). After the segment at Sandići, the taped over version of the Petrović video stops and is replaced with 22 seconds of a picture of a ration box, thus any further video of the eastern side of Kravica Warehouse, beyond the three seconds found on earlier footage, was deleted—likely because it showed the persons firing the automatic weapons that can be heard on the video just before it stops. P01541, 00:24'41-00:25'03.

<sup>6039</sup> Nedo JOVIČIĆ:T.33728-33729.

<sup>6040</sup> Nedo JOVIČIĆ:T.33728-33729,T.33732.

<sup>6041</sup> P01477(confidential).

<sup>6042</sup> AF1533. *See also* AF1534.

<sup>6043</sup> PEPIĆ:P01543, p.9; PEPIĆ:T.12447-12448.

<sup>6044</sup> PEPIĆ:P01543, p.9; PEPIĆ:T.12417-12419; P01545.

<sup>6045</sup> PEPIĆ:P01543, p.9. *See also* RM306:T.11438-11439; P01480.

<sup>6046</sup> [REDACTED]; [REDACTED]; M.NIKOLIĆ:D00301, p.5; RM268:P02176, T.8623(confidential). *See also* ČELIĆ:P02173, T.13459; Nedo JOVIČIĆ:T.33724,T.33728-33729; P01477(confidential); PEPIĆ:T.12423-12424; [REDACTED].

<sup>6047</sup> *See* para.1090. P01294; P02105(confidential).

<sup>6048</sup> AF1537. *See* fn.5406. *See also* AF1538; AF1540-AF1541.

<sup>6049</sup> AF1536; RM256:P01592, para.23(confidential). *See also* P01147, V000-9267, 00:36'00-00:37'00; P01132, pp.119,121-124 (showing damage to doorway, indicating that an excavator or loader had driven into Kravica Warehouse).

at Konjević Polje, detailed the arrest and killing of 1,000-1,500 Muslim soldiers and civilians.<sup>6050</sup>

1447. Forensic investigations at Kravica Warehouse yielded human tissue and blood, explosive residue, shell cases, bullets, hand-grenade handles and personal identification and belongings of victims.<sup>6051</sup> They showed that small arms, machine guns and grenades inflicted substantial damage<sup>6052</sup> as demonstrated in photographic evidence.<sup>6053</sup> As of February 2013, over 1,000 victims have been identified using DNA data in mass graves related to the Kravica Warehouse execution.<sup>6054</sup>

1448. These witness accounts and other evidence demonstrate that the Kravica Warehouse executions were part of an organised plan to kill all the prisoners. The murders were systematically carried out once Kravica Warehouse was full, beginning first with stopping the traffic; continuing with summary executions of at least 500 victims in the West room of the Warehouse; moving onto the Centre room of the Warehouse; and concluding with the execution of another 500 Muslims in the East room of the Warehouse.

1449. The Defence argues that the killings at Kravica Warehouse resulted from a prisoner taking a rifle from a Serb guard and shooting him, whereupon the Serb guards retaliated by killing all the prisoners at Kravica Warehouse;<sup>6055</sup> for example, in his statement PEPIĆ stated “I heard gunfire coming from the direction of the hangar. At that time I heard from “Oficir” (Čuturić) over the communication system that Krle (Dragičević) had been killed”, suggesting the executions happened at the same time DRAGIČEVIĆ was killed.<sup>6056</sup> While the burnt-hands incident did occur,<sup>6057</sup> it occurred after the executions had begun, as shown by (i) RM256’s testimony that the executions only began, with no shooting or provocation beforehand, when the last prisoner entered the West room where RM256 was; (ii) the timing of the order to stop

<sup>6050</sup> P03518. *See* SIMANIĆ:P03517, T.14635-14638; GRM010:T.29413-29416,T.29423,T.29427-29429(confidential).

<sup>6051</sup> AF1542; P01132, p.109; P01736, pp.31-34.

<sup>6052</sup> AF1542; RUEZ:T.9712-9715; P01736, pp.31-33.

<sup>6053</sup> P01120; P01132, pp.96-124.

<sup>6054</sup> P01987, p.40. The total number of individuals identified through DNA in the Glogova-related graves erroneously excludes 3 individuals, because it incorporates the 2012 count for mass grave Zalazje 1 rather than the 2013 update. *See* P01987, p.3. The correct total for Glogova-related graves is therefore 1,388 and not 1,385 as recorded at P01987, p.40.

<sup>6055</sup> *See* T.20893-20894 (98bis submissions).

<sup>6056</sup> PEPIĆ:P01543, p.8.

the traffic; (iii) the lack of reaction of SF at Sandići Meadow to the nearby gunfire and explosions; and (iv) the fact that the execution started well before BOROVIČANIN arrived, even although he got to Kravica Warehouse very quickly after receiving the call from STUPAR.

1450. RM256 testified that the shootings began in the West room, and makes no mention of any shooting before that.<sup>6058</sup> The shooting therefore cannot have started outside. RM256 also made no mention of the burnt-hands incident in his statement or testimony. The burnt-hands incident must therefore have taken place after the executions began.

1451. BOROVIČANIN not only ordered that the traffic be stopped before the executions began, he planned it far earlier; ČUTURIĆ notified PEPIĆ that he should wait for his order to stop the buses carrying the women and children<sup>6059</sup> approximately one hour in advance of BOROVIČANIN's order.<sup>6060</sup> These orders to prepare to stop, and then to stop, the traffic demonstrate that the executions were planned in advance. PEPIĆ claimed that the order to stop the traffic was to enable the escort of prisoners to Kravica Warehouse,<sup>6061</sup> but this claim should be rejected as unreasonable. First, when the order was issued, the column of prisoners was already moving down the road, as evidenced by radio traffic.<sup>6062</sup> If the order was given to allow the prisoners to walk to Kravica Warehouse, it would have been issued before the prisoners were made to walk down the road.<sup>6063</sup> Second, the prisoners walking along one side of the road would not have precluded the convoy of buses from driving along the other side.<sup>6064</sup> At Nova Kasaba, members of UNPROFOR escorting buses carrying women and children were allowed to pass along the road as prisoners walked towards the Nova Kasaba football field.<sup>6065</sup> Third, if the only reason was to allow the

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<sup>6057</sup> See para.1444.

<sup>6058</sup> RM256:P01592, para.20(confidential); RM256:T.13181-13183(confidential).

<sup>6059</sup> PEPIĆ:P01543, p.8. This shows the stopping of the vehicles was a planned event for at least an hour prior to the actual order to stop. **MLADIĆ** was at Sandići Meadow with BOROVIČANIN well before ČUTURIĆ was told to prepare for the order to stop the traffic.

<sup>6060</sup> At approximately 15:55. See fn.5997.

<sup>6061</sup> PEPIĆ:T.12438.

<sup>6062</sup> See para.1440.

<sup>6063</sup> It would have taken at least 20 to 30 minutes for the Muslims to walk the 1.2km to Kravica Warehouse, thus if the order was intended to allow the Muslim men to walk to Kravica Warehouse, it would have been issued at least 30 minutes prior to their arrival at Kravica Warehouse.

<sup>6064</sup> ČELIĆ:P02173, T.13477.

<sup>6065</sup> EGBERS:P01629, T.2221-2222,T.2227. See also RM249:P01990, p.4(confidential).

prisoners to walk to Kravica Warehouse, the convoys would have been stopped at Kravica Warehouse itself and not 700 meters away at Kravica village.<sup>6066</sup> In fact, this distance was necessary so the people on the buses would not see the murders.

1452. PETROVIĆ was with BOROVIČANIN at Sandići Meadow filming at the time of the executions and captured the sound of automatic gunfire and hand grenade explosions in the vicinity. These were the sounds of the execution at Kravica Warehouse.<sup>6067</sup> The video shows the soldiers were not reacting to these sounds,<sup>6068</sup> indicating they were aware that it was not combat going on nearby. Had this firing erupted from an unplanned event like the burnt-hands incident or combat, the soldiers at Sandići Meadow would have immediately reacted.

1453. The arrival of BOROVIČANIN at Kravica Warehouse very quickly after hearing of the death and wounding of his men, as outlined above, demonstrates that ČUTURIĆ burnt his hands only after the executions had started. When BOROVIČANIN arrived the killings had already finished in the West room, as demonstrated by the relaxed nature of the guards on the video who had their backs turned to the West room; the burnt-hands incident must therefore have occurred after the initial executions of the prisoners in the West room, as the firing lasted more than the few minutes it would have taken BOROVIČANIN to get there.<sup>6069</sup> Thus the burnt-hands incident could not have been the initial cause of the executions.

1454. Finally, any suggestion that the entire execution at Kravica Warehouse was simply a vengeful response to the killing of one of the Serb guards during the burnt-hands incident is incredible. The evidence shows that the killings were systematic, moving from the West room to the East room, and that the shooting and killings continued, after the initial first round, throughout the night. This was not an emotional response, but rather part of a series of systematic mass executions committed upon the orders of superior officers.

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<sup>6066</sup> P01539, p.21.

<sup>6067</sup> P01541, 00:22'59-00:23'27, tp.15; BLASZCZYK:T.12291-12292. Hand grenades were used at Kravica Warehouse, with handles being found outside Kravica Warehouse near the windows. RUEZ:T.9712; P01132, pp.102-103. Both survivors mention hand grenades being used. RM256:P01592, para.21(confidential); RM274:P03098, T.6996,T.7000(confidential).

<sup>6068</sup> P01541, 00:22'59-00:23'27, tp.15.

<sup>6069</sup> See para.1441.

7. 13 July: Organised murder of approximately 15 Muslim prisoners at Sandići Meadow – E.4.1

1455. While the vast majority of the prisoners who had been held at the Sandići Meadow on 13 July were taken away either to Kravica Warehouse or to Bratunac, by the evening there were 10-15 prisoners left at the Meadow.<sup>6070</sup> [REDACTED].<sup>6071</sup>

1456. [REDACTED]. [REDACTED].<sup>6072</sup> [REDACTED].<sup>6073</sup> [REDACTED].<sup>6074</sup> [REDACTED].<sup>6075</sup> [REDACTED].<sup>6076</sup>

1457. [REDACTED].<sup>6077</sup> [REDACTED]<sup>6078</sup> [REDACTED].

1458. [REDACTED] ICMP which confirms that 17 individuals were exhumed from a grave near the Sandići Meadow.<sup>6079</sup>

8. 13 July: Organised murder of approximately 22 Muslim men detained at Luke School near Tišća – E.5.1

1459. On 12 July, buses transporting Srebrenica Muslims, including a number of Muslim men and boys, arrived near Tišća.<sup>6080</sup> On orders from the DK, VRS soldiers from the Milići Brigade under the command of Major SARKIĆ<sup>6081</sup> separated 10-15 Muslim men and boys and took them away towards the forest.<sup>6082</sup> Again on 13 July, approximately 22 Muslim men, aged from under 20 to over 60 years old, were separated at Tišća. They were taken to the Luke School by VRS soldiers.<sup>6083</sup> They were brought indoors at nightfall, had their hands bound, and were kept under armed

<sup>6070</sup> AF1530; AF1557; [REDACTED].

<sup>6071</sup> [REDACTED] ([REDACTED] identified the deputy commander of the First Platoon of the 1<sup>st</sup> Company of the Jahorina unit as “Aleksa”).

<sup>6072</sup> [REDACTED]; [REDACTED].

<sup>6073</sup> [REDACTED].

<sup>6074</sup> [REDACTED]. *See also* paras.1090-1093.

<sup>6075</sup> [REDACTED]; [REDACTED].

<sup>6076</sup> [REDACTED].

<sup>6077</sup> [REDACTED]; [REDACTED].

<sup>6078</sup> [REDACTED].

<sup>6079</sup> [REDACTED]; P01987, p.33.

<sup>6080</sup> BOERING:P01139, T.2022-2023.

<sup>6081</sup> BOERING:P01139, T.2022-2023. BOERING knew SARKIĆ as the Liaison Officer for the Milići Brigade.

<sup>6082</sup> AF1564; AF1560-1561; BOERING:P01139, T.2022-2023.

<sup>6083</sup> AF1558-AF1559; AF1562; RM249:P01990, p.4(confidential); RM249:T.15417; P01997; RM249:P01991, T.672; P01132, pp.35-38; P01992.

guard.<sup>6084</sup> RM249 saw and heard SF receiving instructions from a superior officer,<sup>6085</sup> evidence that the separation and detention of the men at Luke was part of a larger, organised operation. Approximately 10 soldiers began interrogations, referring to the men as “balijas” and beating them.<sup>6086</sup> Shortly after midnight, the prisoners were loaded onto a truck by VRS soldiers and told that they were being taken to a military prison.<sup>6087</sup> Near Vlasenica, a member of the SF said to the driver: “Take them to the location where you took the others”.<sup>6088</sup> The prisoners were then driven to an isolated meadow, thrown off the truck by SF and shot.<sup>6089</sup> RM249 escaped, running into the forest.<sup>6090</sup> Two others who tried to escape were shot.<sup>6091</sup> RM249 later learned that the executions took place in the vicinity of Rašića Gaj.<sup>6092</sup> [REDACTED].<sup>6093</sup> The reference by the VRS soldier to take these prisoners to where they “took the others” indicates a similar murder of men occurred prior to RM249’s attempted execution, most likely the men separated at the Luke drop-off point on 12 July.

9. 14 July: Organised detention and murder of hundreds of Muslim prisoners at Orahovac School and at nearby field – E.6.1, E.6.2

(a) Evening of 13 July, JASIKOVAC and Zvornik Brigade MPs deployed to Orahovac and the first prisoners arrived from Bratunac

1460. The area of Orahovac falls within the zone of the 4<sup>th</sup> Battalion of the Zvornik Brigade<sup>6094</sup> and was used as a detention, execution and primary burial site from the night of 13 July through 15 July.<sup>6095</sup>

<sup>6084</sup> RM249:P01990, pp.4,7(confidential); P01994, P01995; P01132, pp.35-38.

<sup>6085</sup> RM249:P01990, p.4(confidential); RM249:T.15416-15416(confidential).

<sup>6086</sup> RM249:P01990, pp.5-6(confidential); RM249:T.15470; RM249:P01991, T.677; P01996(confidential).

<sup>6087</sup> RM249:P01990, p.7(confidential); RM249:T.15469-15470.

<sup>6088</sup> RM249:P01990, p.7(confidential).

<sup>6089</sup> RM249:P01990, p.7(confidential); RM249:T.15471.

<sup>6090</sup> RM249:P01990, pp.7-8(confidential); RM249:T.15471.

<sup>6091</sup> RM249:P01990, p.7(confidential); RM249:T.15471.

<sup>6092</sup> RM249:P01990, p.8(confidential); RM249:T.15472, T.15480(confidential); P01087, p.21 (see top right corner, north of the DK Command in Vlasenica).

<sup>6093</sup> The 22 men with RM249 included Abdulkadir (Abdurahman) VELIĆ [REDACTED], Rizo (Abaz) MUSTAFIĆ [REDACTED], Azem (Ramo) BEČIĆ [REDACTED], Hasan (Juso) SMAJIĆ [REDACTED], Fuad or Mirsad or Alija (Hasan) MUSTAFIĆ [REDACTED], Hamed (Aljo) DJOGAZ [REDACTED]. See P01982, pp.311-312(confidential); P01987, p.34; RM249:P01990, pp.4-6(confidential); RM249:T.15413-15414, T.15477-15480(confidential).

<sup>6094</sup> P02203, para.7.6. See also [REDACTED].

<sup>6095</sup> P02203, para.7.6; BUTLER:T.16315. See also AF1569-AF1572.

1461. On 13 July, approximately 10-15 Zvornik Brigade MPs were ordered to go to Orahovac School (also known as “Grbavci School”<sup>6096</sup>) to guard prisoners arriving from Srebrenica.<sup>6097</sup> There were no prisoners at the School when they arrived.<sup>6098</sup> Between 00:00-02:00 hours,<sup>6099</sup> buses carrying Muslim prisoners, guarded by VRS soldiers, arrived at Orahovac School.<sup>6100</sup> The convoy of buses was led by at least one captured UN APC and at least one PUH military jeep transporting a senior VRS officer.<sup>6101</sup> The prisoners began to disembark and Lt. Miomir JASIKOVAC, Commander of the Zvornik Brigade MP Company, told them to enter the gym.<sup>6102</sup> Those who arrived that night, including elderly and/or infirm,<sup>6103</sup> filled up approximately half of the School gym.<sup>6104</sup> Their identification, wallets, watches and money had been stripped from them earlier that day in Bratunac.<sup>6105</sup> JASIKOVAC assigned MPs to stand guard throughout the night.<sup>6106</sup> Once all the prisoners were inside the gym, MPs were deployed at the door, at the corners and at the back of the gym.<sup>6107</sup>

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<sup>6096</sup> RUEZ:T.9735.

<sup>6097</sup> S.BIRČAKOVIĆ:P02166, T.10741-10744; D.IVANOVIĆ:P02169, T.14539-14541. The evidence demonstrates that BIRČAKOVIĆ and IVANOVIĆ were deployed on the night of 13 July. They testified that they spent one full night and the entire next day at Orahovac, and the day after at Ročević. S.BIRČAKOVIĆ:P02166, T.10744-10745, T.10747-10748, T.10758-10760; D.IVANOVIĆ:P02169, T.14539-14540, T.14544-14545. This testimony, when read in conjunction with the erased and written-over entries in the Zvornik Brigade MP Attendance Roster, confirms their presence at Orahovac (“O”) on 14 July and Ročević (“R”) on 15 July. P01565 BCS p.3, row 14 and BCS p.5, row 47. Thus, the night these MPs spent at Orahovac, prior to the full day they spent there, was the night of 13 July. In relation to the erasures to the individual entries and the legend (BCS p.8) in the Zvornik Brigade MP Attendance Roster *see* RM269:T.12711-12716(confidential). *See also* RM362:P03525, T.17328(confidential), who arrived at Orahovac School on the night of 13 July.

<sup>6098</sup> S.BIRČAKOVIĆ:P02166, T.10744-10745; D.IVANOVIĆ:P02169, T.14540-14541.

<sup>6099</sup> RM362:P03525, T.17327-17328(confidential); D.IVANOVIĆ:P02169, T.14541. IVANOVIĆ testified that the buses arrived around 21:00 hours, but RM362 testified that the convoy of buses did not leave Bratunac until it was dark making it unlikely that the buses would have arrived so early.

<sup>6100</sup> RM362:P03525, T.17327-17328, T.17331-17332(confidential); RM362:P03381, T.742-747; P03382-P03384; P02542; D.IVANOVIĆ:P02169, T.14541.

<sup>6101</sup> S.BIRČAKOVIĆ:P02166, T.10745-10746; D.IVANOVIĆ:P02169, T.14541-14542.

<sup>6102</sup> D.IVANOVIĆ:P02169, T.14543; S.BIRČAKOVIĆ:P02166, T.10746.

<sup>6103</sup> RM362:P03525, T.17316(confidential). *See also* para.1472.

<sup>6104</sup> D.IVANOVIĆ:P02169, T.14571-14572.

<sup>6105</sup> RM362:P03525, T.17326(confidential).

<sup>6106</sup> D.IVANOVIĆ:P02169, T.14543, T.14564.

<sup>6107</sup> D.IVANOVIĆ:P02169, T.14543; S.BIRČAKOVIĆ:P02166, T.10746-10747.

(b) Drago NIKOLIĆ co-ordinated the changeover of security and deployment of additional Zvornik Brigade MPs at Orahovac

1462. Around 08:00 hours on 14 July, Drago NIKOLIĆ arrived at Orahovac School.<sup>6108</sup> Shortly afterwards, 20-40 soldiers arrived and NIKOLIĆ told JASIKOVAC that they were there to take over the prisoners as replacements for the MPs who had guarded the prisoners overnight.<sup>6109</sup> In addition, JASIKOVAC sent another “five or six” Zvornik Brigade MPs to Orahovac School that morning.<sup>6110</sup> These MPs were instructed to prepare the entrance gate for the arrival of prisoners, and they created a wire corridor for the expected prisoners.<sup>6111</sup> At least ten Zvornik Brigade MPs were present in Orahovac on 14 July, including JASIKOVAC. Their attendance roster was subsequently altered in an attempt to cover up the MPs’ involvement in the murder operation at Orahovac.<sup>6112</sup>

1463. On the morning of 14 July, POPOVIĆ led the convoy of prisoners from Bratunac to Orahovac School,<sup>6113</sup> arriving around 10:00 hours.<sup>6114</sup> Prisoners from more than a dozen buses and trucks<sup>6115</sup> were directed into the School by Zvornik Brigade MPs, assisted by civilian police, and forced to leave their personal belongings outside.<sup>6116</sup> Zvornik Brigade MPs were positioned around the School, providing security.<sup>6117</sup>

<sup>6108</sup> D.IVANOVIĆ:P02169, T.14544, T.14551, T.14564.

<sup>6109</sup> S.BIRČAKOVIĆ:P02166, T.10747; D.IVANOVIĆ:P02169, T.14544-14545.

<sup>6110</sup> RM269:P01561, T.6441, T.6445-6646(confidential); P01562.

<sup>6111</sup> RM269:P01561, T.6446-6447(confidential).

<sup>6112</sup> P01565. In the entries in the BCS original for 14 July 1995, it is visible to the naked eye that Miomir JASIKOVAC, Nada STOJANOVIĆ, Goran BOGDANOVIĆ, Čedo JOVIĆ, Dragoje IVANOVIĆ, Predrag RISTIĆ, Željko STEVANOVIĆ, Milomir SIMIĆ, Stanoje BIRČAKOVIĆ and Sladan JOKIĆ had “O” marked as their location at Orahovac, which was subsequently erased and remarked with “T” (designating “Teren” (“in the field”). P01565, p.6 (BCS, p.8)). *See also* fn.6097; P02203, paras.7.16-7.17; RM269:T.12711-12712, T.12714-12716(confidential).

<sup>6113</sup> AF1565; RM265:P02540, T.3838-3844, T.3849-3851(confidential); RM297:P01443, p.4(confidential); M.NIKOLIĆ:D00301, para.11; M.BIRČAKOVIĆ:P02161, T.11018-11019. *See* para.1278.

<sup>6114</sup> RM362:P03525, T.17333(confidential).

<sup>6115</sup> RM269:P01561, T.6449(confidential). *See also* ORIĆ:P01757, T.934.

<sup>6116</sup> M.BIRČAKOVIĆ:P02161, T.11029; ORIĆ:P01757, T.938-939; RM297:T.10944; RM297:P01443, p.4(confidential); RM269:P01561, T.6446(confidential). *See also* M.BIRČAKOVIĆ:P02161, T.11086-11087; P01132, p.131.

<sup>6117</sup> M.BIRČAKOVIĆ:P02161, T.11123; RM269:T.12718.

(c) Conditions of detention deteriorated and Drago NIKOLIĆ seen at the School numerous times

1464. Approximately 1,000 prisoners were packed into the gym<sup>6118</sup> in cramped and suffocating conditions,<sup>6119</sup> secured by Zvornik Brigade MPs.<sup>6120</sup> They received no food or medical attention, only a few received water, and many of the elderly prisoners fainted due to the extreme heat.<sup>6121</sup> Among the prisoners were four children, two of whom were approximately 10 and 14 years old, respectively.<sup>6122</sup> The remains of three boys have been identified in Orahovac-related graves.<sup>6123</sup> A fourth boy, RM313, who was seven years old at the time, was shot and wounded at Orahovac.<sup>6124</sup>

1465. Drago NIKOLIĆ returned to the School around 11:00 hours in an Opel Rekord. He spoke with JASIKOVAC and others,<sup>6125</sup> and was then seen between 12:00-15:00 hours standing on the road talking to some higher-ranking officers not from the Zvornik Brigade.<sup>6126</sup> NIKOLIĆ was at the School organising and directing the transportation of the prisoners,<sup>6127</sup> who were destined for the execution sites.

(d) Transport of prisoners to the execution site began

1466. The removal of prisoners from the School to the execution site commenced sometime between 10:00-11:30 hours<sup>6128</sup> and by 13:30 hours at the latest.<sup>6129</sup> Before the removal of prisoners from the gym began one prisoner protested, was taken

<sup>6118</sup> RM269:P01561, T.6450,T.6478-6479(confidential). *See also* RM297:P01443, p.5(confidential); ORIĆ:P01757, T.943; RM362:P03525, T.17338(confidential); P01987, pp.40-41.

<sup>6119</sup> RM362:P03525, T.17332-17333(confidential); ORIĆ:P01757, T.942-944; RM297:T.10950; RM297:P01443, p.5(confidential).

<sup>6120</sup> RM269:T.12718,T.12725-12726(confidential); RM269:P01561, T.6453(confidential).

<sup>6121</sup> RM362:P03525, T.17333-17334(confidential); RM269:P01561, T.6452(confidential); ORIĆ:P01757, T.944-945.

<sup>6122</sup> RM297:P01443, p.5(confidential); ORIĆ:P01757, T.944.

<sup>6123</sup> Edin (Šaban) ADEMOVIĆ, age 14 [REDACTED]; Amer (Meho) BOŠJAKOVIĆ, age 13 [REDACTED]; and Remzudin (Hasib) HASANOVIĆ, age 12 [REDACTED] have been identified in Orahovac-related graves. P01982, pp.28,203(confidential).

<sup>6124</sup> RM313:T.12255,T.12258-12261(confidential); RM313:P01535, T.7746-7747(confidential).

<sup>6125</sup> M.BIRČAKOVIĆ:P02161, T.11022-11023.

<sup>6126</sup> RM269:P01561, T.6451-6452,T.6484(confidential); S.BIRČAKOVIĆ:P02166, T.10748-10750,T.10753; P02167; D.IVANOVIĆ:P02169, T.14546,T.14548.

<sup>6127</sup> AF1570; AF1577.

<sup>6128</sup> S.BIRČAKOVIĆ:P02166, T.10754.

<sup>6129</sup> RM269:P01561, T.6453(confidential); ORIĆ:P01757, T.956-959.

outside and rifle shots and a scream were heard; then another prisoner was taken outside and another rifle shot heard.<sup>6130</sup>

1467. Prisoners were blindfolded before leaving the gym<sup>6131</sup> and MPs or the soldiers tied some of the prisoners' hands.<sup>6132</sup> The prisoners were then led by MPs onto trucks that were escorted by soldiers from the Zvornik Brigade (and MPs on at least one occasion)<sup>6133</sup> on the way to the execution sites.<sup>6134</sup> Shots and "bursts of fire" could be heard coming from the direction where the trucks were taking the prisoners.<sup>6135</sup>

(c) Executions

1468. The Orahovac executions occurred at two sites adjacent to each other and nearby the School.<sup>6136</sup> The prisoners were ordered to line up in rows<sup>6137</sup> before the soldiers opened fire on them.<sup>6138</sup> Some wounded Muslims were not killed immediately, but were left to suffer in agony.<sup>6139</sup> SF called the Muslims "Turks": "They said fuck our Turk mothers and they said we were best off dead."<sup>6140</sup> Trucks continued to arrive at regular intervals; prisoners were executed throughout the afternoon and into the evening.<sup>6141</sup>

1469. RM313, who was seven years old at the time, testified that he and his father were blindfolded and forced by men in camouflage uniforms onto a green truck with other people.<sup>6142</sup> When they got off the truck it was dark outside; they were forced

<sup>6130</sup> RM297:P01443, p.5(confidential). See also RM362:P03525, T.17333-17334(confidential); ORić:P01757, T.945-947.

<sup>6131</sup> RM362:P03525, T.17335(confidential); RM297:P01443, p.5(confidential); ORić:P01757, T.952; M.BIRČAKOVIĆ:P02161, T.11026; RM269:T.12719. Some 594 blindfolds have been located at the Orahovac School and in and around Orahovac-related graves. See **Annex C**.

<sup>6132</sup> RM269:T.12718-12719; RM269:P01561, T.6454,T.6458-6459(confidential); M.BIRČAKOVIĆ:P02161, T.11026.

<sup>6133</sup> RM269:P01561, T.6455-6457(confidential); RM269:T.12718.

<sup>6134</sup> RM269:P01561, T.6454-6455(confidential); M.BIRČAKOVIĆ:P02161, T.11026-11027; D.IVANOVIĆ:P02169, T.14549. The prisoners were told they were being taken to Batković camp. ORić:P01757, T.947,T.953; RM297:P01443, p.6(confidential).

<sup>6135</sup> RM269:P01561, T.6455(confidential); S.BIRČAKOVIĆ:P02166, T.10754-10755; M.BIRČAKOVIĆ:P02161, T.11037.

<sup>6136</sup> RUEZ:T.9735-9737; P01132, pp.139,141.

<sup>6137</sup> ORić:P01757, T.955; RM362:P03525, T.17336(confidential).

<sup>6138</sup> RM297:P01443, p.6(confidential); RM362:P03525, T.17336(confidential); ORić:P01757, T.955-956.

<sup>6139</sup> ORić:P01757, T.957; RM297:P01443, p.6(confidential).

<sup>6140</sup> ORić:P01757, T.961.

<sup>6141</sup> ORić:P01757, T.956,T.958-959,T.962; RM362:P03525, T.17336-17337(confidential); RM297:P01443, p.6(confidential).

<sup>6142</sup> RM313:P01535, T.7744-7746(confidential).

down onto the grass and were shot at.<sup>6143</sup> RM313 survived the execution and was taken in a white jeep with Red Cross markings to the Zvornik Hospital, where he was given an injection, a bath, and his arm and leg were sewn-up.<sup>6144</sup> [REDACTED].<sup>6145</sup>

1470. When the killings at the first execution site finished, survivor RM297 heard soldiers referring to their leader as “Gojko,” and recognised the voice of Gojko SIMIĆ, [REDACTED].<sup>6146</sup> SIMIĆ, a member of the Zvornik Brigade 4<sup>th</sup> Battalion, 2<sup>nd</sup> Company,<sup>6147</sup> was in charge and spoke with the other executioners about going to a mown meadow to continue shooting prisoners.<sup>6148</sup>

1471. The last TAM truck arrived at the execution site and the prisoners on board were executed.<sup>6149</sup> Afterwards, following some discussion about whether one of them would remain overnight, SF left the site.<sup>6150</sup> While escaping later that night, ORIĆ saw a meadow full of dead bodies and a railway embankment.<sup>6151</sup> He eventually made his way to BiH territory.<sup>6152</sup>

1472. As of February 2013, the remains of 848 individuals have been identified in Orahovac-related graves.<sup>6153</sup> ICMP DNA identification data confirms that of the remains exhumed, a minimum of 99 individuals were aged over 60.<sup>6154</sup>

(f) TRBIĆ requested reinforcements from the 4<sup>th</sup> Battalion and they were asked to form part of an execution squad

1473. In the afternoon, Drago NIKOLIĆ’s deputy, Milorad TRBIĆ, called Lazar RISTIĆ and asked RISTIĆ to send soldiers to Orahovac School to assist with the

<sup>6143</sup> RM313:P01535, T.7747(confidential).

<sup>6144</sup> RM313:P01535, T.7747-7750,T.7753(confidential); RM313:T.12261-12262; D00304(confidential).

<sup>6145</sup> P01536(confidential); P01534(confidential).

<sup>6146</sup> RM297:P01443, pp.6-7(confidential); RM297:T.10951-10953(confidential); P01444(confidential).

<sup>6147</sup> M.BIRČAKOVIĆ:P02161, T.11038-11039; RISTIĆ:P03510, T.10063 (SIMIĆ was in the 2<sup>nd</sup> Company, 4<sup>th</sup> Battalion, Zvornik Brigade). Gojko SIMIĆ was killed in battle two days later, on 16 July: P01444(confidential).

<sup>6148</sup> RM297:P01443, p.7(confidential).

<sup>6149</sup> AF1574; RM362:P03525, T.17339(confidential).

<sup>6150</sup> ORIĆ:P01757, T.960.

<sup>6151</sup> ORIĆ:P01757, T.967.

<sup>6152</sup> ORIĆ:P01757, T.968-970.

<sup>6153</sup> P01987, pp.40-41.

<sup>6154</sup> P01982, pp.18-32,179-210(confidential).

security of prisoners.<sup>6155</sup> RISTIĆ sent ten soldiers.<sup>6156</sup> Sometime later, RISTIĆ received a telephone call from one of his soldiers, who told RISTIĆ that they had been asked to participate in an execution.<sup>6157</sup>

1474. RISTIĆ testified that after receiving this call, he went to the School, lined up his men and sent them home;<sup>6158</sup> however, [REDACTED] when RISTIĆ lined up his men and was about to take them away, Drago NIKOLIĆ stopped him and offered to provide his men with new uniforms if they stayed.<sup>6159</sup>

(g) Burials

1475. Machine operators from the Zvornik Brigade Engineering Battalion dug the graves and buried the bodies. On the morning of 14 July, Zvornik Brigade excavator operator Cvijetin RISTANOVIĆ was ordered to go to Orahovac.<sup>6160</sup> RISTANOVIĆ went there with three other Zvornik Brigade members, Slavko BOGIČEVIĆ, the Deputy Commander of the Engineering Company<sup>6161</sup> and an excavator,<sup>6162</sup> arriving around 12:00 hours.<sup>6163</sup> RISTANOVIĆ was ordered to take it to the first execution site under the railway pass to dig a grave in a marked area.<sup>6164</sup>

1476. Shortly after 14:00 hours, [REDACTED] two additional Zvornik Brigade excavator operators to assist with the burials at Orahovac<sup>6165</sup> [REDACTED].<sup>6166</sup> One of the operators, MILADINOVIĆ, left with BOGIČEVIĆ to the Orahovac execution site,<sup>6167</sup> where he replaced RISTANOVIĆ.<sup>6168</sup>

<sup>6155</sup> RISTIĆ:P03510, T.10062,T.10068; [REDACTED].

<sup>6156</sup> RISTIĆ:P03510, T.10068-10070.

<sup>6157</sup> AF1571-AF1572; AF1577; RISTIĆ:P03510, T.10072.

<sup>6158</sup> RISTIĆ:P03510, T.10076; P02542; P03512. TRBIĆ, Čedo JOVIĆ and Goran BOGDANOVIĆ were opposite the school building, that is, not facing the school yard: RISTIĆ:P03511, T.9251(confidential).

<sup>6159</sup> [REDACTED]. See also M.BIRČAKOVIĆ:P02161, T.11039; RISTIĆ:P03510, T.10062-10063.

<sup>6160</sup> RISTANOVIĆ:P03647, T.5363-5364,T.5406-5407. See also AF1573-AF1574.

<sup>6161</sup> RISTANOVIĆ:P03647, T.5365. See also D.LAZAREVIĆ:P03636, T.14435; P03648, p.5(BCS) (identifying RISTANOVIĆ and MILADINOVIĆ as Zvornik Brigade Engineering Company soldiers).

<sup>6162</sup> RISTANOVIĆ:P03647, T.5365,T.5367. See also RISTANOVIĆ:P03647, T.5366,T.5398; P01491; P03646, p.2; RUEZ:T.11611-11612; P01487. The excavator was towed by a Mercedes 2626 truck: P03643, pp.5-6. See also AF1573-AF1574; RISTANOVIĆ:P03647, T.5396-5398; P01486.

<sup>6163</sup> RISTANOVIĆ:P03647, T.5371.

<sup>6164</sup> RISTANOVIĆ:P03647, T.5370-5372.

<sup>6165</sup> [REDACTED]; [REDACTED]; M.MITROVIĆ:P03645, T.5599-5601; P03648, BCS p.5 (MITROVIĆ and MILADINOVIĆ were members of the Engineering Company of the Zvornik Brigade).

<sup>6166</sup> [REDACTED]; [REDACTED].

<sup>6167</sup> M.MITROVIĆ:P03645, T.5601.

1477. Drago NIKOLIĆ returned to Orahovac School just before nightfall<sup>6169</sup> and remained there for up to one hour. During this time, an ULT loader arrived at the School and then departed in the direction of the execution sites.<sup>6170</sup> After dark, a second machine arrived at the execution site and parked next to the first; both lit up the site with their headlights, allowing the executions to continue.<sup>6171</sup>

1478. From 14-16 July, the Zvornik Brigade used a number of machines to dig the graves and bury the bodies,<sup>6172</sup> including a large “Rovokopač” single-grab backhoe excavator;<sup>6173</sup> an ULT 220 loader;<sup>6174</sup> and a smaller “Rovokopač” Torpedo excavator.<sup>6175</sup> These machines, together with a Mercedes 2626 truck that towed an excavator to Križeviči (next to Orahovac), received a minimum of 210 litres of D2 fuel on 14 and 15 July.<sup>6176</sup> The vehicle logs for the “Rovokopač” backhoe excavator and the “Rovokopač” Torpedo specifically state that the work at Orahovac was done for the VRS.<sup>6177</sup>

10. 14 July: Organised detention and murder of hundreds of Muslim prisoners at Petkovci School and the Petkovci Dam – E.7.1, E.7.2

(a) 14 July, arrival of Muslim prisoners at Petkovci School

1479. The area of Petkovci fell within the zone of the Zvornik Brigade’s 6<sup>th</sup> Battalion<sup>6178</sup> and was used as a detention, execution and primary burial site on 14 and 15 July. Petkovci School, where the prisoners were detained, and the Petkovci Dam

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<sup>6168</sup> RISTANOVIĆ:P03647, T.5375-5376.

<sup>6169</sup> M.BIRČAKOVIĆ:P02161, T.11023,T.11039.

<sup>6170</sup> M.BIRČAKOVIĆ:P02161, T.11041; RM362:P03525, T.17337-17339(confidential).

<sup>6171</sup> AF1574; RM362:P03525, T.17337-17338(confidential); ORIĆ:P01757, T.960. *See also* ORIĆ:P01757, T.964; RM297:P01443, pp.6-7(confidential); AF1578.

<sup>6172</sup> AF1574-AF1576; P02203, para.7.27; P01490, pp.3-4; P03642; P03643; P01486; P01488. *See also* RM362:P03525, T.17337-17339(confidential); RM297:P01443, p.7(confidential); M.BIRČAKOVIĆ:P02161, T.11041; ORIĆ:P01757, T.957.

<sup>6173</sup> *See* para.1475.

<sup>6174</sup> P01488; *See also* para.1477.

<sup>6175</sup> A second excavator was subsequently requested: [REDACTED]; P03642 (operated at Orahovac for five hours on 14 July).

<sup>6176</sup> AF1576; P01486 (the “Rovokopač” backhoe excavator (C-3117) received 40 litres on 14 July); P03642 (the “Rovokopač” Torpedo excavator received 40 litres on 14 July); P01488 (the ULT 220 loader received 100 litres of fuel on 15 July, two dispersals of 60 and 40 litres); P03643, pp.5-6 (the Mercedes 2626 truck received 30 litres on 14 July).

<sup>6177</sup> P01486, p.2; P03642, p.2.

<sup>6178</sup> P02203, para.7.28.

execution site and primary gravesite, were located less than 2km from the 6<sup>th</sup> Battalion's command post.<sup>6179</sup>

1480. On 14 July between 10:00-12:00 hours, Marko MILOŠEVIĆ, Deputy Commander of the Zvornik Brigade's 6<sup>th</sup> Battalion,<sup>6180</sup> received a call in his superior's absence in which the Brigade Duty Officer informed him that "imprisoned Muslims would be brought to the elementary school in Petkovci and that they would be accompanied by the security."<sup>6181</sup>

1481. Approximately two hours later, Ostoja STANIŠIĆ, 6<sup>th</sup> Battalion Commander, returned to the 6<sup>th</sup> Battalion Command where MILOŠEVIĆ informed him about the planned arrival of the Muslim prisoners.<sup>6182</sup> Later in the day, STANIŠIĆ ordered MILOŠEVIĆ to the Petkovci School area where he met with Drago NIKOLIĆ and BEARA and delivered a message to BEARA to "report to the brigade command."<sup>6183</sup> MILOŠEVIĆ saw 4-5 MPs (either Zvornik Brigade or DK) in camouflage uniforms and white belts with BEARA and Drago NIKOLIĆ.<sup>6184</sup> MILOŠEVIĆ returned to the Battalion Command and briefed STANIŠIĆ,<sup>6185</sup> and STANIŠIĆ informed the Zvornik Brigade that the message had been conveyed to BEARA.<sup>6186</sup> The Zvornik Brigade Duty Officer Notebook records BEARA going to Petkovci that day,<sup>6187</sup> [REDACTED].<sup>6188</sup>

(b) Appalling conditions of detention and numerous prisoners killed at the School

1482. When the prisoners arrived at the Petkovci School from Bratunac<sup>6189</sup> they were ordered off the trucks, told to place their hands behind their heads and to chant aloud "Long live Serbia" and "Srebrenica is Serbian". About twenty SF dressed in

<sup>6179</sup> AF1579; AF1581; AF1584-AF1585; MILOŠEVIĆ:P03504, T.13318. *See also* P02203, para.7.28.

<sup>6180</sup> M.MILOŠEVIĆ:P03504, T.13299.

<sup>6181</sup> AF1579; M.MILOŠEVIĆ:P03504, T.13300-13301,T.13342. *See also* P01501, pp.40-47.

<sup>6182</sup> M.MILOŠEVIĆ:P03504, T.13301.

<sup>6183</sup> M.MILOŠEVIĆ:P03504, T.13302-13304,T.13319. *See e.g* P01147, V000-9268, 00:18'58; P01148, p.182.

<sup>6184</sup> M.MILOŠEVIĆ:P03504, T.13303-13305.

<sup>6185</sup> M.MILOŠEVIĆ:P03504, T.13303.

<sup>6186</sup> M.MILOŠEVIĆ:P03504, T.13306.

<sup>6187</sup> P01501, pp.44-45.

<sup>6188</sup> [REDACTED].

<sup>6189</sup> AF1579; RM253:P01547, paras.22-27(confidential); RM204:P03357, p.9(confidential). *See also* P01132, pp.159-162; P01550; RM253:T.12490.

camouflage uniforms kicked, slapped and hit the prisoners with rifle butts as they entered the School.<sup>6190</sup> The classrooms were overcrowded with prisoners.<sup>6191</sup> When RM253 entered a classroom he saw two badly beaten men.<sup>6192</sup> One prisoner who looked outside one of the classroom windows was shot by a guard<sup>6193</sup> and when other prisoners tried to open a window, SF shot into the room, injuring four or five prisoners.<sup>6194</sup>

(c) Transport of prisoners to the execution site

1483. The prisoners were taken out of the classroom, and forced to discard their belongings including clothing and ID cards,<sup>6195</sup> the same procedure that took place in Orahovac earlier that day. Some of the prisoners' hands were then tied behind their backs.<sup>6196</sup> Twenty-four ligatures (one made of nylon rope and 23 made of twine) have been recovered from primary and secondary grave sites associated with the murder of prisoners detained at Petkovci School.<sup>6197</sup> Once their hands were bound, the prisoners were pushed into another classroom<sup>6198</sup> and then called outside in groups of five and ten.<sup>6199</sup> As he made his way out, RM253 saw many bodies of dead prisoners.<sup>6200</sup>

1484. Sometime after midnight, trucks crammed with at least 100 prisoners<sup>6201</sup> left the School for the nearby execution site.<sup>6202</sup> At least one prisoner was shot on the truck.<sup>6203</sup> Upon their arrival at the execution site, the prisoners on the truck heard

<sup>6190</sup> AF1581; RM204:P03357, p.10(confidential); RM204:P03359, T.1404-1405; RM253:P01547, para.30(confidential); RM253:T.12490-12491. *See also* RM253:P01547, para.29(confidential); P01551; P01132, pp.162,164-165.

<sup>6191</sup> AF1580; RM253:P01547, para.37(confidential); RM204:P03357, p.10(confidential). *See also* RM253:P01547, para.32(confidential).

<sup>6192</sup> AF1581; RM253:P01547, para.30(confidential).

<sup>6193</sup> RM253:P01547, para.31(confidential).

<sup>6194</sup> RM204:P03357, p.10(confidential). *See also* P01132, pp.166-168 (showing marks consistent with bullet ricochets on the blackboard inside one of the classrooms).

<sup>6195</sup> AF1581; RM253:P01547, paras.33,37(confidential); RM253:T.12492; RM204:P03357, p.10(confidential).

<sup>6196</sup> RM253:P01547, para.37(confidential); RM204:P03357, pp.10-11(confidential).

<sup>6197</sup> *See* P01736, p.71; P01734; P01740, pp.207-232.

<sup>6198</sup> RM253:P01547, para.37(confidential); RM204:P03357, p.10(confidential).

<sup>6199</sup> AF1581; RM253:P01547, para.38(confidential); *see also* RM204:P03357, p.10(confidential).

<sup>6200</sup> RM253:P01547, para.38(confidential). *See* RM204:P03357, p.11(confidential). *See also* RM253:P01547, paras.34-35(confidential); RM204:P03357, p.10(confidential).

<sup>6201</sup> RM253:P01547, para.40(confidential); RM204:P03357, p.11(confidential).

<sup>6202</sup> AF1584; RM204:P03357, p.11(confidential); RM253:P01547, para.41(confidential).

<sup>6203</sup> RM204:P03357, p.11(confidential).

heavy bursts of fire and yelling.<sup>6204</sup> At the location, which was lit up by floodlights on two poles,<sup>6205</sup> RM253 saw a very big area covered in dead bodies.<sup>6206</sup>

(d) Executions

1485. The VRS soldiers called the prisoners off the truck in groups of five or ten, ordered them to form rows and lie down on the ground.<sup>6207</sup> RM253 stated:

I saw bodies laying in rows in front of me. The men in my group did not talk. I was perspiring and felt sick. I thought of my children and wanted to be relieved of the pain.<sup>6208</sup>

1486. As the prisoners started to lie down, the soldiers opened fire at close-range.<sup>6209</sup> RM253 and RM204 survived the initial burst of gunfire<sup>6210</sup> and as RM204 lay there, badly wounded, other groups of men were marched out and executed, during which time he was shot again.<sup>6211</sup> SF went around and systematically shot many of the dead and dying prisoners in the head.<sup>6212</sup>

1487. As of February 2013, the remains of 815 of these individuals have been identified in Petkovci Dam-related graves.<sup>6213</sup> At least ten victims were over 60;<sup>6214</sup> two were 14 years old;<sup>6215</sup> and another two were 13 years old.<sup>6216</sup>

(e) 15 July, 6<sup>th</sup> Battalion sent soldiers and trucks to clean up the School

1488. [REDACTED] on 16 July STANIŠIĆ [REDACTED] that BEARA had brought prisoners to the nearby school, that a group of prisoners was not transported

<sup>6204</sup> RM204:P03357, p.11(confidential); RM253:P01547, para.42-43(confidential).

<sup>6205</sup> RM253:T.12497; RM253:P01547, para.43(confidential).

<sup>6206</sup> RM253:P01547, paras.43,48,54(confidential); *See also* P01553(confidential); P01552 and RM204:P03357, p.12(confidential); P01132, pp.171-184.

<sup>6207</sup> RM253:P01547, paras.41-45(confidential); RM204:P03357, pp.11-12(confidential).

<sup>6208</sup> RM253:P01547, para.43(confidential).

<sup>6209</sup> RM253:P01547, paras.43-44(confidential); RM204:P03357, p.12(confidential).

<sup>6210</sup> RM253:P01547, paras.43-44; RM204:P03357, p.12(confidential).

<sup>6211</sup> RM204:P03357, p.12(confidential); RM204:P03359, T.1424-1425(confidential); P03367-P03369(confidential)(RM204 injuries).

<sup>6212</sup> RM253:P01547, para.45(confidential); RM204:P03357, p.12(confidential).

<sup>6213</sup> *See* P01987, e.g. p.41, which shows that the remains of 19 individuals have been identified from the Dam near Petkovci; 159 from Liplje 1; 172 from Liplje 2; 57 from Liplje 3; 292 from Liplje 4; and 116 from Liplje 7. There are DNA connections between the Dam primary grave site and these five secondary sites. *See* P01987, p.49.

<sup>6214</sup> *See* P01982(confidential).

<sup>6215</sup> P01982, p.213 (Rijad (Ibran) GABELJIĆ), p.245 (Mehmed (Asim) VARNICA)(confidential).

<sup>6216</sup> P01982, p.216 (Elvis (Ibrahim) SABIĆ) and p.224 (Mehrudin (Sačir) ALIĆ)(confidential).

to the Dam for execution but was shot at the school, and that the bodies now needed to be transported to the Dam.<sup>6217</sup>

1489. Marko MILOŠEVIĆ was told by STANIŠIĆ that he had sent members of the 6<sup>th</sup> Battalion to clean up Petkovci School.<sup>6218</sup> Two trucks of the 6<sup>th</sup> Infantry Battalion made 10 trips between Petkovci and the Dam on 15 July, with two members of the 6<sup>th</sup> Infantry Battalion assigned as drivers of the vehicles.<sup>6219</sup>

(f) Burials

1490. On the morning of 15 July, RM253 and RM204 saw a Caterpillar bulldozer with a blade and a ULT loader which was scooping up bodies and loading them onto a truck at the Dam execution site; the truck returned approximately 20 minutes later to pick up more bodies.<sup>6220</sup> During the burial process that morning, RM253 saw soldiers shooting at the people among the corpses.<sup>6221</sup> The Zvornik Brigade Engineering Company Daily Order Log Book confirms that a ULT and an excavator were tasked with working at Petkovci on 15 July.<sup>6222</sup>

11. 14-15 July: Organised detention and murder of over 800 Muslim prisoners at Ročević School and Kozluk – E.8.1, E.8.2

(a) 14 July, arrival of Muslim prisoners at Ročević School

1491. The area of Ročević, used as a detention and execution site on 14-15 July, fell within the zone of the Zvornik Brigade 2<sup>nd</sup> Battalion and was located approximately 14km from the 2<sup>nd</sup> Battalion's command.<sup>6223</sup> Prisoners arrived at Ročević School on 14 July and were detained in the School building and the gym.<sup>6224</sup> A number of prisoners were killed in front of the School that day.<sup>6225</sup>

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<sup>6217</sup> [REDACTED].

<sup>6218</sup> M.MILOŠEVIĆ:P03504, T.13333-13334.

<sup>6219</sup> AF1583.

<sup>6220</sup> AF1584-AF1585; RM253:P01547, paras.50,54(confidential); RM253:T.12498-12499; P01554(confidential); RM204:P03357, p.13(confidential); RM204:P03358, p.5(confidential); P03363-P03364.

<sup>6221</sup> RM253:P01547, para.56(confidential).

<sup>6222</sup> AF1584-AF1585; P01490.

<sup>6223</sup> P02203, pp.108,120; AĆIMOVIĆ:P01594, T.12931(confidential); V.IVANOVIĆ:P03632, T.18174,T.18180(confidential).

<sup>6224</sup> Srećko AĆIMOVIĆ visited the School the day before the Kozluk executions and the prisoners were already at the School. This is clearly 14 July. AĆIMOVIĆ:P01594, T.12934-12945(confidential).

1492. Around 20:00-21:00 hours, Srećko AĆIMOVIĆ, Zvornik Brigade 2<sup>nd</sup> Battalion Commander, learned there were prisoners at Ročević School.<sup>6226</sup> He proceeded to the School, where he saw prisoners with soldiers standing guard.<sup>6227</sup> Shortly thereafter, AĆIMOVIĆ called the Brigade's duty officer to obtain more information about the prisoners.<sup>6228</sup> He spoke with POPOVIĆ<sup>6229</sup> who, according to AĆIMOVIĆ, told him to calm down and that the prisoners were going to be exchanged the next morning.<sup>6230</sup> It is extremely doubtful that POPOVIĆ would have tried to mislead AĆIMOVIĆ this way; this was more likely AĆIMOVIĆ's attempt to minimise his own knowledge of, and involvement in, the murder of those prisoners.

(b) Drago NIKOLIĆ passed on an order to the Zvornik Brigade's 2<sup>nd</sup> Battalion to participate in the execution of prisoners

1493. Between 01:00-02:00 hours, the 2<sup>nd</sup> Battalion received a coded telegram from the Zvornik Brigade HQ, ordering that a platoon of soldiers be assembled to execute prisoners.<sup>6231</sup> Forty-five minutes to an hour later, the 2<sup>nd</sup> Battalion received another telegram asking for the personnel to be gathered for the purpose of executing prisoners and that 2<sup>nd</sup> Battalion company commanders be informed of the contents of the telegram, which was done.<sup>6232</sup>

1494. Around 02:30 hours, Drago NIKOLIĆ called AĆIMOVIĆ, and told AĆIMOVIĆ that a platoon had to be allocated for the executions and that he could not refuse the order.<sup>6233</sup> AĆIMOVIĆ claimed he told NIKOLIĆ that the 2<sup>nd</sup> Battalion did

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Moreover, aside from one convoy of prisoners which arrived at Orahovac late on the night of 13 July, the vast majority of the prisoners were moved from Bratunac to Zvornik on the morning of 14 July. V.IVANOVIĆ:P03632, T.18176-18177,T.18182-18183(confidential); P07186, p.4.

<sup>6225</sup> AĆIMOVIĆ:P01594, T.12941(confidential); JOVIĆ:P03633, T.18050; M.LAZAREVIĆ:P03500, T.13367(confidential); M.LAZAREVIĆ:P03501, T.8518-8520(confidential).

<sup>6226</sup> AĆIMOVIĆ:P01594, T.12934-12935,T.12937(confidential); M.LAZAREVIĆ:P03500, T.13366(confidential). LAZAREVIĆ heard from AĆIMOVIĆ that the prisoners at the school were civilians, not soldiers. See M.LAZAREVIĆ:P03501, T.8519(confidential).

<sup>6227</sup> AĆIMOVIĆ:P01594, T.12936(confidential); M.LAZAREVIĆ:P03501, T.8521(confidential).

<sup>6228</sup> AĆIMOVIĆ:P01594, T.12937(confidential).

<sup>6229</sup> M.LAZAREVIĆ:P03500, T.13372-13373(confidential); AĆIMOVIĆ:P01594, T.12937-12940(confidential).

<sup>6230</sup> AĆIMOVIĆ:P01594, T.12940(confidential); M.LAZAREVIĆ:P03501, T.8523(confidential).

<sup>6231</sup> AĆIMOVIĆ:P01594, T.12944-12946(confidential); M.LAZAREVIĆ:P03500, T.13373-13375,T.13379(confidential).

<sup>6232</sup> AĆIMOVIĆ:P01594, T.12947-12948(confidential).

<sup>6233</sup> AĆIMOVIĆ:P01594, T.12950,T.13066(confidential). AĆIMOVIĆ confirmed he could recognise Drago NIKOLIĆ's voice.

not have enough people for the job and that they would not carry out the order.<sup>6234</sup> NIKOLIĆ insisted and said that he would contact AĆIMOVIĆ at 07:00 or 08:00 hours to check what AĆIMOVIĆ had done.<sup>6235</sup> As planned, NIKOLIĆ called AĆIMOVIĆ and asked whether the order had been implemented.<sup>6236</sup> AĆIMOVIĆ claimed he resisted NIKOLIĆ's demand.<sup>6237</sup> NIKOLIĆ told AĆIMOVIĆ to meet him at Ročević School at 09:00 or 10:00 hours.<sup>6238</sup>

1495. That morning, an UNPROFOR APC, Mirko JANKOVIĆ, Bratunac Brigade MP Commander, Bratunac Brigade MPs and soldiers from the Bratunac Brigade 1<sup>st</sup> and 2<sup>nd</sup> Battalions were at Ročević School.<sup>6239</sup> AĆIMOVIĆ arrived at Ročević School with his driver, Dragan JOVIĆ, at around 10:00 hours<sup>6240</sup> and remained for five or six hours.<sup>6241</sup> While there, AĆIMOVIĆ asked JOVIĆ to go and see "Drašković," whose brother had been killed earlier in the war, to see if he wanted to execute prisoners.<sup>6242</sup> AĆIMOVIĆ told JOVIĆ: "We have to do that. It's an order, the order must be carried out."<sup>6243</sup> Although JOVIĆ claimed DRAŠKOVIĆ declined the invitation, RM281 saw him on a truck that went to the Kozluk execution site.<sup>6244</sup>

1496. When AĆIMOVIĆ arrived at Ročević School, he met POPOVIĆ in front of the School where there were at least 12 corpses lying on the grass.<sup>6245</sup> From an office in the School and in the presence of AĆIMOVIĆ, POPOVIĆ called the Zvornik Brigade and requested vehicles for the transportation of the prisoners.<sup>6246</sup> Some 30

<sup>6234</sup> AĆIMOVIĆ:P01594, T.12950-12951(confidential).

<sup>6235</sup> AĆIMOVIĆ:P01594, T.12951(confidential).

<sup>6236</sup> AĆIMOVIĆ:P01594, T.12951(confidential).

<sup>6237</sup> AĆIMOVIĆ:P01594, T.12951-12952(confidential).

<sup>6238</sup> AĆIMOVIĆ:P01594, T.12953-12954(confidential).

<sup>6239</sup> JOVIĆ:P03633, T.18052-18053. *See also* JANJIĆ:P01446, T.17948-17952; JANJIĆ:T.11011-11013. JANJIĆ claimed that he and his colleagues only stayed at the School for a brief period. However, according to Dragan JOVIĆ, some Bratunac Brigade MPs remained at the School and escorted the first group of prisoners to the execution site. *See* JOVIĆ:P03633, T.18082-18083.

<sup>6240</sup> AĆIMOVIĆ:P01594, T.12957(confidential); JOVIĆ:P03633, T.18051-18052; M.LAZAREVIĆ:P03500, T.13379(confidential).

<sup>6241</sup> JOVIĆ:P03633, T.18067.

<sup>6242</sup> JOVIĆ:P03633, T.18054, T.18056-18057.

<sup>6243</sup> JOVIĆ:P03633, T.18057.

<sup>6244</sup> JOVIĆ:P03633, T.18057; RM281:P03451, T.8790-8791, T.8797(confidential).

<sup>6245</sup> AĆIMOVIĆ:P01594, T.12957-12959(confidential).

<sup>6246</sup> AĆIMOVIĆ:P01594, T.12958, T.12965-12967(confidential). Dragan JOVIĆ testified that he saw AĆIMOVIĆ go into the office. However, JOVIĆ did not enter the office himself (he stayed 20-30m away) and only stayed there a short period of time before going home for 40-60 minutes. *See* JOVIĆ:P03633, T.18054.

minutes later, one truck arrived.<sup>6247</sup> Incredulous that only one truck had been made available, POPOVIĆ told one of the soldiers guarding the prisoners, “they should all be killed in Ročevići” and that it “had to be done somewhere nearby”.<sup>6248</sup> Around this time, AĆIMOVIĆ ordered 2<sup>nd</sup> Battalion driver Veljko IVANOVIĆ to bring three crates of ammunition to the School.<sup>6249</sup>

(c) Zvornik Brigade MPs deployed to Ročević School

1497. Between 10:00-12:00 hours on 15 July, JASIKOVAC ordered Zvornik Brigade MPs including [REDACTED], Dragoje IVANOVIĆ, and Stanoje BIRČAKOVIĆ to go to Ročević School to secure the facilities and prisoners being held there.<sup>6250</sup> MPs and soldiers were seen carrying machine guns that were pointed at the School.<sup>6251</sup> When the MPs arrived, bodies of dead prisoners, mostly in civilian clothing, could be seen.<sup>6252</sup>

1498. The Zvornik Brigade MP Roster shows the deployment of seven MPs to Ročević School on 15 July.<sup>6253</sup> Alterations were made to the MP Roster to conceal the presence and involvement of MPs in the murder operation.<sup>6254</sup> Three of the MPs admitted to being in Ročević on 15 July<sup>6255</sup> and Milorad BIRČAKOVIĆ testified that he drove JASIKOVAC to Ročević on 15 July.<sup>6256</sup>

1499. Drago NIKOLIĆ’s presence in Ročević is corroborated by the Opel Rekord vehicle log, recording five trips to Ročević and Kozluk on 15 July and listing BIRČAKOVIĆ as the driver. NIKOLIĆ signed off on the entries for those trips.<sup>6257</sup>

<sup>6247</sup> AĆIMOVIĆ:P01594, T.12967(confidential); V.IVANOVIĆ:P03632, T.18176-18178,T.18181-18184(confidential).

<sup>6248</sup> AĆIMOVIĆ:P01594, T.12968-12969(confidential).

<sup>6249</sup> V.IVANOVIĆ:P03632, T.18177-18179(confidential).

<sup>6250</sup> [REDACTED]; D.IVANOVIĆ:P02169, T.14553; S.BIRČAKOVIĆ:P02166, T.10760.

<sup>6251</sup> RM281:P03451, T.8794(confidential).

<sup>6252</sup> RM269:P01561, T.6461-6462(confidential). These bodies were later transported with the live prisoners to the execution site.

<sup>6253</sup> See P01565. In the entries for 15 July 1995, it is visible to the naked eye that the names Miodir JASIKOVAC, Dragoje IVANOVIĆ, Predrag RISTIĆ, Milomir SIMIĆ, Stanoje BIRČAKOVIĆ, [REDACTED] and Dragan AŠĆERIĆ had “R” recorded next to their name, which was subsequently erased and remarked with a “T” to designate “in the terrain.”

<sup>6254</sup> See fn.6112.

<sup>6255</sup> RM269:P01561, T.6460-6461(confidential); D.IVANOVIĆ:P02169, T.14553; S.BIRČAKOVIĆ:P02166, T.10760.

<sup>6256</sup> M.BIRČAKOVIĆ:P02161, T.11045-11047.

<sup>6257</sup> P02165, pp.3-4.

(d) Three crates of ammunition arrived from the Zvornik Brigade HQ, and transport of prisoners began

1500. Around 11:00-11:15 hours on 15 July, Veljko IVANOVIĆ received an order from AĆIMOVIĆ to take three crates of ammunition to Ročević where he was to “load some other stuff” and then proceed to Malesić.<sup>6258</sup> IVANOVIĆ loaded a truck with three crates of automatic rifle ammunition, totalling 3,000 rounds, and drove to Ročević School.<sup>6259</sup> Arriving around noon he saw a large number of soldiers, with AĆIMOVIĆ standing next to the door leading into the School.<sup>6260</sup> The ammunition was taken to the execution site and AĆIMOVIĆ ordered Dragan JOVIĆ to take IVANOVIĆ to Kozluk to show him where the executions would take place.<sup>6261</sup> Prisoners were then loaded onto IVANOVIĆ’s truck.<sup>6262</sup>

1501. Some of the prisoners’ hands were tied and they were blindfolded.<sup>6263</sup> This is corroborated by the recovery of 205 ligatures and 63 blindfolds in primary and secondary graves associated with the Kozluk executions.<sup>6264</sup> IVANOVIĆ and JOVIĆ drove the first truck of prisoners to the execution site.<sup>6265</sup> At around 12:00-13:00 hours, Ljubo RISTANOVIĆ invited [REDACTED] Bosnian Serb civilian RM281 to come see the Muslim prisoners at Ročević School, then took him to the execution site in a truck carrying other Zvornik Brigade members and prisoners.<sup>6266</sup> JOVIĆ gave RM281 a rifle and told him to shoot people, which he did.<sup>6267</sup> JOVIĆ and other 2<sup>nd</sup> Battalion members continued to transport prisoners to the execution site.<sup>6268</sup> JOVIĆ made two or three trips with Muslim prisoners and one trip to deliver food and drinks to the soldiers there.<sup>6269</sup> IVANOVIĆ made three or four trips until it got dark.<sup>6270</sup> Each

<sup>6258</sup> V.IVANOVIĆ:P03632, T.18174,T.18176-18178(confidential).

<sup>6259</sup> V.IVANOVIĆ:P03632, T.18177-18179(confidential).

<sup>6260</sup> V.IVANOVIĆ:P03632, T.18177(confidential).

<sup>6261</sup> V.IVANOVIĆ:P03632, T.18177,T.18182(confidential); JOVIĆ:P03633, T.18058-18059,T.18082.

<sup>6262</sup> V.IVANOVIĆ:P03632, T.18177(confidential); RM269:P01561, T.6464(confidential). *See* RM281:P03451, T.8794-8796(confidential).

<sup>6263</sup> V.IVANOVIĆ:P03632, T.18182(confidential). *See also* RM281:P03451, T.8796(confidential).

<sup>6264</sup> AF1594; P01739, pp.3,212 (168 cloth and white nylon twine ligatures and 55 blindfolds found in the Kozluk primary grave), pp.174,269 (37 ligatures and 8 blindfolds recovered from the Čančari Road 3 secondary grave).

<sup>6265</sup> JOVIĆ:P03633, T.18059-18060; V.IVANOVIĆ:P03632, T.18178(confidential).

<sup>6266</sup> RM281:P03451, T.8790-8795,T.8797-8798(confidential).

<sup>6267</sup> RM281:P03451, T.8791(confidential).

<sup>6268</sup> JOVIĆ:P03633, T.18059-18061,T.18063; V.IVANOVIĆ:P03632, T.18181-18182(confidential); AĆIMOVIĆ:P01594, T.12981-12983,T.13119(confidential). AĆIMOVIĆ confirmed that they were members of his Battalion (*i.e.*, the 2<sup>nd</sup> Battalion).

<sup>6269</sup> JOVIĆ:P03633, T.18062,T.18067-18068.

round trip from the School to the execution site and back was no less than one hour.<sup>6271</sup>

(e) Executions

1502. At the Kozluk execution site,<sup>6272</sup> 40-50 soldiers and MPs were lined up on either side of a pit.<sup>6273</sup> The soldiers and MPs started shooting as the prisoners were unloaded from the truck.<sup>6274</sup> The prisoners were killed by this “crossfire.”<sup>6275</sup> By the evening of 15 July, most of the prisoners had been executed.<sup>6276</sup>

1503. As of February 2013, 839 victims have been identified using DNA in mass graves related to the Ročević/Kozluk executions.<sup>6277</sup> IVANOVIĆ testified that most of the victims were elderly men.<sup>6278</sup> Of the DNA identified remains in the primary and secondary graves associated with Kozluk, at least 246 of the men were over 60 years of age.<sup>6279</sup> Of these, at least 208 are recorded as missing from Potočari.<sup>6280</sup> Some of the murdered prisoners also had disabilities or signs of chronic disease.<sup>6281</sup> The age of these men, the recorded place of disappearance and the fact that some of them had obvious disabilities indicates that at least some of the men detained in Ročević and murdered at Kozluk were the elderly men separated from their families in Potočari on 12-13 July.

1504. IVANOVIĆ recalled that a young boy aged approximately 12-14 years old, who “was begging to be spared his life,” was executed.<sup>6282</sup> ICMP’s DNA matching

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<sup>6270</sup> V.IVANOVIĆ:P03632, T.18179,T.18190-18191,T.18200(confidential). IVANOVIĆ testified that the transportation finished by 14:30-15:00 hours, but this was clearly a mistake given his testimony that it was getting dark when he reached Malesić.

<sup>6271</sup> JOVIĆ:P03633, T.18061.

<sup>6272</sup> AF1588.

<sup>6273</sup> P01132, pp.188-196; RM281:P03451, T.8790-8791,T.8800-8802,T.8809(confidential).

<sup>6274</sup> RM281:P03451, T.8791(confidential).

<sup>6275</sup> V.IVANOVIĆ:P03632, T.18190(confidential).

<sup>6276</sup> AF1586; BUTLER:T.16375; RM269:P01561, T.6465(confidential).

<sup>6277</sup> See P01987, pp.3-4,40-41,48-49. An additional 14 individuals have been identified on the banks of the Drina River several hundred metres down the river from the Kozluk primary mass grave. Considering the circumstances of their recovery and their proximity to the Kozluk mass grave, these victims have been included in the total number of victims associated with the executions at Kozluk. P01987, pp.38-39; JANC:T.15249-15250.

<sup>6278</sup> V.IVANOVIĆ:P03632, T.18190(confidential).

<sup>6279</sup> See P01982(confidential).

<sup>6280</sup> See P01900.

<sup>6281</sup> AF1593; P02259, p.6; CLARK:P02257, T.3912-3913; P02341-P02342.

<sup>6282</sup> V.IVANOVIĆ:P03632, T.18190(confidential).

data shows that the remains of five boys who were 14 years old or younger have been identified in primary and secondary graves associated with the Kozluk executions.<sup>6283</sup>

(f) Burials

1505. Sometime before 08:00 hours on 16 July, Damjan LAZAREVIĆ was ordered to Kozluk<sup>6284</sup> to bury the bodies of execution victims.<sup>6285</sup> LAZAREVIĆ took a TAM 75 truck and arrived at the execution site around 08:00 hours.<sup>6286</sup> LAZAREVIĆ noticed pieces of green and white broken glass at the execution site, which had been transported there from the nearby Vitinka Kozluk mineral water plant.<sup>6287</sup>

1506. Around 08:00-09:00 hours on 16 July, Dragan JOKIĆ arrived at the Zvornik Brigade Engineering Company compound and ordered excavator operator Miloš MITROVIĆ and Engineering Company member Nikola RIKANOVIĆ to go to Kozluk with the “Skip” (*i.e.*, the “Rovokopač” Torpedo excavator).<sup>6288</sup> LAZAREVIĆ led MITROVIĆ and RIKANOVIĆ to the execution site, where MITROVIĆ saw the bodies of the executed prisoners, some of whom had uniforms on, but many of whom were dressed in civilian clothes, lying in “two or three” holes.<sup>6289</sup>

1507. MITROVIĆ worked for approximately half an hour with the “Rovokopač” until a ULT 220 driven by Rade BOŠKOVIĆ arrived.<sup>6290</sup> BOŠKOVIĆ reported to LAZAREVIĆ and then began covering the bodies with earth.<sup>6291</sup> The vehicle log specifies that this work was done for the VRS.<sup>6292</sup>

<sup>6283</sup> P01982, p.51 (Munir (Mujo) MUSTAFIĆ), p.45 (Adnan (Husejin) PITAREVIĆ), p.48 (Osman (Bajro) ALIĆ), p.90 (Mirnes (Azem) OSMANOVIĆ), p.90 (Hazim (Adil) SELIMOVIĆ)(confidential).

<sup>6284</sup> D.LAZAREVIĆ:P03636, T.14454-14455.

<sup>6285</sup> AF1587; AF1590; D.LAZAREVIĆ:P03636, T.14454.

<sup>6286</sup> AF2883, AF1576; D.LAZAREVIĆ:P03636, T.14455; P02203, para.7.55.

<sup>6287</sup> D.LAZAREVIĆ:P03636, T.14456.

<sup>6288</sup> AF1590; AF2883; P03648, pp.3,6; M.MITROVIĆ:P03645, T.5603. *See also* D.LAZAREVIĆ:P03636, T.14457, who only referred to MITROVIĆ arriving at the site. AF1589; AF1591.

<sup>6289</sup> D.LAZAREVIĆ:P03636, T.14457; M.MITROVIĆ:P03645, T.5605-5606. This corroborates RM281’s description of how the prisoners were pushed off the trucks into pits and executed there.

<sup>6290</sup> *See* M.MITROVIĆ:P03645, T.5606-5607; D.LAZAREVIĆ:P03636, T.14457-14458 (“I suppose that the order came from the unit. I suppose that they had realised [...] that that small machine was not fit for that job in that location, that it would take a very long time to accomplish the task, and I suppose that they had sent the big machine.”); D.LAZAREVIĆ:P03636, T.14522.

<sup>6291</sup> AF2883; M.MITROVIĆ:P03645, T.5609-5610.

<sup>6292</sup> P03642.

1508. A bulldozer was transported and used in Kozluk to “mend a trench” between 18-19 July.<sup>6293</sup> The work done by these engineering machines at Kozluk in the days following the executions can be clearly seen on the aerial photograph of the area dated 27 July.<sup>6294</sup>

12. 14-17 July: Organised detention and murder of hundreds of Muslim prisoners at Kula School near Pilica, Branjevo Farm and Pilica Cultural Centre – E.9.1, E.9.2, E.10

(a) Morning of 14 July, Zvornik Brigade 1<sup>st</sup> Battalion soldiers ordered to secure prisoners at Kula School

1509. Kula School in Pilica was used as a detention facility for Muslim prisoners between 14-16 July.<sup>6295</sup> On the morning of 14 July, Capt. Momir PELEMIŠ, Zvornik Brigade’s 1<sup>st</sup> Battalion Deputy Commander, received a direction that a group of around 200 Muslim prisoners would be arriving and, according to Slavko PERIĆ, 1<sup>st</sup> Battalion Assistant Commander for Intelligence, that they would be put in the schoolhouse near Kula, where they would spend the night and be exchanged the next day.<sup>6296</sup> PELEMIŠ conveyed this direction to his Command and shortly thereafter received a telegram from the Command of the Zvornik Brigade<sup>6297</sup> ordering his battalion to secure access to Kula School to detain the Srebrenica prisoners.<sup>6298</sup> PELEMIŠ, PERIĆ and other members of the command staff met and determined how to carry out the order.<sup>6299</sup> Approximately one hour after the telegram arrived, PERIĆ received a telephone call from Drago NIKOLIĆ who told him to go to Kula

<sup>6293</sup> AF1592; P01490, pp.6-7.

<sup>6294</sup> AF1589; P01132, p.243.

<sup>6295</sup> AF1596; AF1598-AF1599; R.BABIĆ:P03459, paras. 3, 7-8; BUTLER:T.16359,T.16366,T.16397-16398. Kula School is also known as Nikola Tesla school. BOGDANOVIĆ:P02940, T.11319; P01132, pp.197-198.

<sup>6296</sup> S.PERIĆ:P03508, T.11375-11376(confidential). Given the Zvornik Brigade Duty Officer had clearly directed the 2<sup>nd</sup> Battalion to form execution squads for the prisoners in the area of that battalion, it is unlikely the Zvornik Command told PELEMIŠ the prisoners in his area would be exchanged. PERIĆ likely colored his testimony to minimise his own responsibility.

<sup>6297</sup> R.BABIĆ:P03459, paras.3,9 (on or after 16 July, BABIĆ discovered that the page in the logbook containing the order/telegram had gone missing).

<sup>6298</sup> AF1596; R.BABIĆ:P03459, para.3.

<sup>6299</sup> R.BABIĆ:P03459, paras.2-3; S.PERIĆ:P03508, T.11379(confidential).

School.<sup>6300</sup> Significantly, around this time, BEARA, POPOVIĆ and Drago NIKOLIĆ met at the Zvornik Brigade HQ to co-ordinate the murder operation.<sup>6301</sup>

(b) 1<sup>st</sup> Battalion soldiers arrived at Kula School and later the prisoners arrived

1510. PERIĆ and other 1<sup>st</sup> Battalion soldiers went to Kula School and began preparations for the prisoners' arrival. PERIĆ was put in charge of them.<sup>6302</sup> When the prisoners arrived they were led into the gym and five classrooms.<sup>6303</sup> About four or five buses filled with prisoners remained parked outside the school the night of 14 July.<sup>6304</sup> Young boys and elderly men were among those detained in the School.<sup>6305</sup>

1511. The prisoners in the School were detained under horrendous and life-threatening conditions.<sup>6306</sup> It was overcrowded; they were hungry and thirsty; some had been stripped of their clothing.<sup>6307</sup> The prisoners were subjected to physical abuse.<sup>6308</sup> Some of the prisoners were murdered at Kula School.<sup>6309</sup>

(c) Morning of 15 July, PERIĆ went to the Zvornik Brigade Command to ask that the prisoners be taken elsewhere

1512. On the morning of 15 July, the prisoners who had remained overnight on buses outside the School were taken away.<sup>6310</sup> The prisoners inside the School remained. When PERIĆ informed PELEMIŠ about the developing situation, PELEMIŠ told PERIĆ that he had spoken with someone from the Zvornik Brigade Command and had requested that the prisoners be taken elsewhere, but that his

<sup>6300</sup> S.PERIĆ:P03508, T.11376(confidential).

<sup>6301</sup> See para.1279.

<sup>6302</sup> R.BABIĆ:P03459, paras.2,4,7; S.PERIĆ:P03508, T.11380(confidential). See also AF1600.

<sup>6303</sup> R.BABIĆ:P03459, paras.3-5; S.PERIĆ:P03508, T.11381-11383(confidential); P01132, pp.198-209; RM346:P01118, T.3029-3032; RM346:P01119, T.24124-24126; P01125; P01126; RM346:T.9568,T.9606,T.9610(confidential); RM255:P00055, pp.3-4(confidential); RM255:T.1199. RM255 likely arrived at Kula School on 14 July.

<sup>6304</sup> S.PERIĆ:P03508, T.11382-11383,T.11393(confidential). See also R.BABIĆ:P03459, para.4.

<sup>6305</sup> RM255:P00055, p.4(confidential).

<sup>6306</sup> AF1597; AF1601; R.BABIĆ:P03459, paras.5-6; RM346:P01118, T.3036-3037. See also RM255:P00055, pp.3-4(confidential).

<sup>6307</sup> AF1597; BOGDANOVIĆ:P02940, T.11321-11322; RM346:T.9607.

<sup>6308</sup> AF1601; RM255:P00055, p.4(confidential).

<sup>6309</sup> RM346:P01118, T.3032-3036,T.3038; P01121; RM255:P00055, pp.3-4(confidential); BOGDANOVIĆ:P02940, T.11323-11324. In contrast to these testimonies, Slavko PERIĆ denied seeing any bodies on 16 July or having received any reports concerning dead prisoners in and around the area of the School. S.PERIĆ:P03508, T.11409-11410(confidential). Clearly, this aspect of PERIĆ's testimony is a blatant fabrication to protect himself.

<sup>6310</sup> S.PERIĆ:P03508, T.11393(confidential).

request “was not met with understanding.”<sup>6311</sup> Together with PELEMIŠ, PERIĆ decided to go to the Zvornik Brigade Command to demand that the prisoners be taken elsewhere,<sup>6312</sup> but no one there provided any help or clarification.<sup>6313</sup>

1513. At around the same time, [REDACTED].<sup>6314</sup>

1514. Drago NIKOLIĆ, who was the Zvornik Brigade Duty Officer from at least 11:45 hours on 15 July through 06:35 hours on 16 July, was in contact with the 1<sup>st</sup> Battalion and, as Duty Officer, organised fuel and ammunition to be sent to the 1<sup>st</sup> Battalion. He received a request between 04:00-06:00 hours on 16 July from the 1<sup>st</sup> Battalion for 50 litres of oil and 20 litres of petrol “for transport of troops to Kula” as well as for “ten crates of 7.62mm ammunition”.<sup>6315</sup> The only significant operation requiring troops and ammunition was the murder of Muslim prisoners at Kula School.

(d) GŠ-VRS and DK officers were present at Kula School and the prisoners were transported from Kula School to Branjevo Farm, 16 July

1515. On the morning of 16 July, the prisoners detained at Kula School were transported to Branjevo Farm<sup>6316</sup> where they were murdered.<sup>6317</sup> PERIĆ recalled that at around 12:00 hours, two officers arrived at the School. After providing descriptions of the individuals in his testimony, PERIĆ reluctantly conceded that he had previously also identified these two officers by name: BEARA and POPOVIĆ.<sup>6318</sup> In addition, PERIĆ confirmed that he had heard a soldier refer to the shorter of the two officers as “Pope”.<sup>6319</sup> According to PERIĆ, after BEARA and POPOVIĆ arrived, a van carrying about a dozen soldiers also arrived, followed by an empty bus.<sup>6320</sup>

<sup>6311</sup> S.PERIĆ:P03508, T.11392(confidential).

<sup>6312</sup> S.PERIĆ:P03508, T.11392-11393(confidential).

<sup>6313</sup> S.PERIĆ:P03508, T.11397-11402(confidential). PERIĆ’s reference to “Captain JOKIĆ” was most likely Major Dragan JOKIĆ, Chief of Engineering, Zvornik Brigade in whose office the conversation took place. Additionally, Dragan JOKIĆ’s presence at the Zvornik Brigade Command on the morning of 15 July is confirmed by entries made by him in the Zvornik Brigade Duty Officer notebook. P01501, pp.59-69.

<sup>6314</sup> [REDACTED].

<sup>6315</sup> P01501, pp.74-75.

<sup>6316</sup> AF1604; P02203, paras.7.1,7.36,7.40; RUEZ:T.9784-9786; P01131; P01132, pp.209-220.

<sup>6317</sup> AF1604; RM255:P00055, pp.4-7(confidential); R.BABIĆ:P03459, para.10.

<sup>6318</sup> S.PERIĆ:P03508, T.11411, T.11413-11414(confidential).

<sup>6319</sup> S.PERIĆ:P03508, T.11415(confidential).

<sup>6320</sup> S.PERIĆ:P03508, T.11409-11410(confidential).

1516. The prisoners' hands were tied behind their backs using pieces of cloth, some were blindfolded, and they were escorted by VRS MPs onto buses.<sup>6321</sup> The VRS soldiers swore and shouted at the prisoners<sup>6322</sup> crammed onto the buses.<sup>6323</sup>

1517. Sometime before 14:00 hours on 16 July, POPOVIĆ requested 500 litres of fuel for Pilica to complete this "work".<sup>6324</sup> The DK Duty Officer and GOLIC were informed of POPOVIĆ's request.<sup>6325</sup> This fuel was clearly used to "finish[] the job"<sup>6326</sup> of transporting the Muslim men from Kula School to Branjevo Farm for execution.<sup>6327</sup>

(e) On the morning of 16 July, 10<sup>th</sup> Sabotage Detachment soldiers were deployed to Branjevo Farm

1518. On the morning of 16 July, ERDEMOVIĆ and six other 10th Sabotage Detachment soldiers under Brano GOJKOVIĆ's command<sup>6328</sup> travelled from their base in Dragaševac to the Zvornik Brigade's Standard Barracks, where GOJKOVIĆ and the driver reported in the guardhouse.<sup>6329</sup> After a short while, they emerged with a tall corpulent Lieutenant Colonel with greyish hair in a VRS uniform who was accompanied by two MPs.<sup>6330</sup> The Lieutenant Colonel and the two MPs got into a vehicle and the 10<sup>th</sup> Sabotage Detachment soldiers followed them to Branjevo Farm.<sup>6331</sup>

1519. At the farm, the Lieutenant Colonel spoke with GOJKOVIĆ, who announced that buses carrying Muslims from Srebrenica would be coming and that they were to

<sup>6321</sup> AF1605-AF1606; AF1613; RM255:P00055, p.4(confidential); RM346:P01118, T.3040; R.BABIĆ:P03459, para.8; BOGDANOVIĆ:P02940, T.11320-11321; ERDEMOVIĆ:P01673, T.844; ERDEMOVIĆ:T.13766; S.PERIC:P03508, T.11415(confidential).

<sup>6322</sup> RM255:P00055, p.4(confidential).

<sup>6323</sup> BOGDANOVIĆ:P02940, T.11321-11322; S.PERIC:P03508, T.11410,T.11415(confidential).

<sup>6324</sup> P01333(confidential); P02127; BUTLER:T.16396-16398. POPOVIĆ's presence in the Pilica area is reflected in a 16:40 hours entry in the Zvornik DO Notebook, noting that a message for POPOVIĆ to report to PANDUREVIĆ was relayed to the 1<sup>st</sup> (Pilica) Battalion. P01501, pp.86-87; BUTLER:T.16403; AF1608.

<sup>6325</sup> P01501, pp.84-85; BUTLER:T.16399.

<sup>6326</sup> P01349-P01350(confidential).

<sup>6327</sup> AF1608; BUTLER:T.16397-16398.

<sup>6328</sup> ERDEMOVIĆ:T.13745-13746; ERDEMOVIĆ:P01673, T.839-840,T.843. Brano GOJKOVIĆ told ERDEMOVIĆ that the order had come from Milorad PELEMIŠ. ERDEMOVIĆ:T.13745.

<sup>6329</sup> ERDEMOVIĆ:P01674, T.10964-10965; P01686; ERDEMOVIĆ:P01673, T.840.

<sup>6330</sup> ERDEMOVIĆ:P01674, T.10966-10967,T.10980-10981; P01684; ERDEMOVIĆ:P01673, T.840-841.

<sup>6331</sup> ERDEMOVIĆ:P01673, T.841; ERDEMOVIĆ:P01674, T. 10967.

be killed.<sup>6332</sup> The Lieutenant Colonel left as the first buses with Muslim prisoners arrived.<sup>6333</sup>

(f) The executions at Branjevo Farm

1520. As the prisoners neared Branjevo Farm, they heard bursts of gunfire.<sup>6334</sup> MPs ordered the men off the buses several at a time,<sup>6335</sup> and 10<sup>th</sup> Sabotage Detachment soldiers escorted them in a column for some 100-200m.<sup>6336</sup> With their backs to the executioners and before they could comply with the order that they lie down, GOJKOVIĆ ordered that they be shot.<sup>6337</sup> ERDEMOVIĆ and the other 10<sup>th</sup> Sabotage Detachment soldiers opened fire on the prisoners.<sup>6338</sup>

1521. RM346 described the execution:

When they opened fire, I threw myself on the ground. My hands were still tied behind my back and I fell on my stomach, face down. And one man fell on my head. I think that he was killed on the spot. And I could feel the hot blood pouring over me. The shooting continued and then they ordered soldiers to shoot people individually.<sup>6339</sup>

1522. In the early afternoon, a group of about ten VRS soldiers, who ERDEMOVIĆ described as from Bratunac, arrived at the execution site.<sup>6340</sup> As the executions progressed, these soldiers beat the civilians with bars and humiliated them before killing them.<sup>6341</sup> ERDEMOVIĆ identified an individual in a video from Potočari on 12 July as one of the people he thought was “from Bratunac” who took part in the executions.<sup>6342</sup> This person identified himself to investigators as Radenko “Gargija”

<sup>6332</sup> ERDEMOVIĆ:P01673, T.842-843. ERDEMOVIĆ recalled that the prisoners were wearing civilian clothes, ERDEMOVIĆ:P01673, T.843.

<sup>6333</sup> ERDEMOVIĆ:P01673, T.842; ERDEMOVIĆ:T.13763-13764.

<sup>6334</sup> RM255:P00055, p.4(confidential).

<sup>6335</sup> AF1609; RM255:P00055, p.4(confidential); RM255:T.1200; RM346:P01118, T.3040; ERDEMOVIĆ:P01673, T.844; ERDEMOVIĆ:T.13766.

<sup>6336</sup> ERDEMOVIĆ:T.13765; RM346:P01118, T.3040,T.3042-3043; P01122; RM346:P01119, T.24127; P01127; RM255:P00055, p.4(confidential); RUEZ:T.9795; P01132, pp.212-213.

<sup>6337</sup> AF1610; ERDEMOVIĆ:P01673, T.845; RM255:P00055, p.4(confidential).

<sup>6338</sup> ERDEMOVIĆ:P01673, T.843,T.845; RM255:P00055, p.4(confidential); RM346:P01118, T.3040-3041,T.3043-3044; D.TODOROVIĆ:T.35411-35414; P07379.

<sup>6339</sup> RM346:P01118, T.3041.

<sup>6340</sup> ERDEMOVIĆ:P01673, T.846; ERDEMOVIĆ:P01674, T.10976-10977; P01678; P01687; ERDEMOVIĆ:T.13769. ERDEMOVIĆ understood they were from Bratunac, but does not identify them as having been members of the Bratunac Brigade.

<sup>6341</sup> ERDEMOVIĆ:P01673, T.846.

<sup>6342</sup> ERDEMOVIĆ:P01674, T.10976-10977; P01674; P01448, p.70.

TOMIĆ, a member of the IBK's Mauzer's Panthers.<sup>6343</sup> The executions lasted from around 10:00-16:00 hours, during which time 15-20 busloads of prisoners were executed.<sup>6344</sup> By the time the executions ended, some 1,200 men had been killed.<sup>6345</sup>

1523. Close to dusk, RM255 escaped from the execution site.<sup>6346</sup> He encountered four other survivors, all of them younger men, including one from the village of Jagodnja.<sup>6347</sup> They hid until dark, then crossed a field and entered a forest where RM255 lost the other four survivors.<sup>6348</sup> RM346 also survived the execution and escaped, hiding under a bridge and eventually surrendering to Bosnian Serb authorities, together with RM255.<sup>6349</sup> They were transported to Batković and released in December 1995.<sup>6350</sup>

(g) Afternoon of 16 July, the prisoners at Pilica Dom were murdered

1524. At the conclusion of the Branjevo Farm executions on the afternoon of 16 July, the Lieutenant Colonel who accompanied the 10<sup>th</sup> Sabotage Detachment soldiers to Branjevo Farm that morning returned to the execution site<sup>6351</sup> and ordered the 10<sup>th</sup> Sabotage Detachment soldiers to proceed to Pilica, where another 500 Muslim men from Srebrenica were detained for execution at Pilica Dom.<sup>6352</sup>

1525. ERDEMOVIĆ and some other soldiers in his squad refused the order to execute the prisoners at Pilica Dom.<sup>6353</sup> The men from Bratunac left Branjevo Farm with the Lieutenant Colonel to carry out the executions in Pilica.<sup>6354</sup> The 10<sup>th</sup> Sabotage Detachment soldiers were instructed to meet the Lieutenant Colonel in a

<sup>6343</sup> TOMIĆ was also identified by Dobrisav STANOJEVIĆ in the *Popović* trial. P01448, p.70. See P06579. See Bijeljina Summary.

<sup>6344</sup> ERDEMOVIĆ:P01673, T.843,T.845-846; ERDEMOVIĆ:T.13762-13763; RM255:P00055, pp.4-5(confidential); BOGDANOVIĆ:P02940, T.11325; RM346:P01118, T.3042.

<sup>6345</sup> ERDEMOVIĆ:P01673, T.849; RM255:P00055, p.5(confidential); see para.1538; AF1612. See also AF1611; P01132, pp.218-220.

<sup>6346</sup> RM255:P00055, p.5(confidential).

<sup>6347</sup> RM255:P00055, p.5(confidential); RM255:T.1175-1176. Sakib KIVIRIĆ, one of the Branjevo Farm survivors murdered around 26 July, was born in Jagodnja. P07036. The recapture and disappearance of these four survivors is described at paras.1555-1558.

<sup>6348</sup> RM255:P00055, p.5(confidential); RM255:T.1175-1176.

<sup>6349</sup> RM346:P01118, T.3044-3045; RM255:P00055, pp.5-6(confidential).

<sup>6350</sup> RM346:P01118, T.3046; RM346:T.9569-9570(confidential); RM255:P00055, p.6(confidential).

<sup>6351</sup> ERDEMOVIĆ:P01673, T.849.

<sup>6352</sup> AF1622; ERDEMOVIĆ:P01673, T.849-850. See also S.PERIĆ:P03508, T.11403-11405(confidential).

<sup>6353</sup> ERDEMOVIĆ:P01673, T.850.

<sup>6354</sup> See ERDEMOVIĆ:P01673, T.850.

coffee bar, across the street from Pilica Dom.<sup>6355</sup> When ERDEMOVIĆ's squad arrived, the sound of gunfire and explosions of hand grenades could be heard coming from the Dom.<sup>6356</sup> Investigations of the interior of Pilica Dom confirmed executions occurred there.<sup>6357</sup>

1526. There are no known survivors of the massacre at Pilica Dom. However, Zvonik Brigade soldiers removed bodies from Pilica Dom and took them to Branjevo Farm.<sup>6358</sup>

1527. On the day following their assignment at Kula School<sup>6359</sup> (*i.e.*, on 17 July), around 12 members of BOGDANOVIĆ's platoon were ordered to go to Pilica, as "some people had been brought there."<sup>6360</sup>

1528. At Pilica Dom, BOGDANOVIĆ saw soldiers he did not recognise securing the area.<sup>6361</sup> BOGDANOVIĆ's commander, LAKIĆ, ordered the platoon to load the dead bodies that were scattered and piled up on each other inside Pilica Dom.<sup>6362</sup> It appeared to BOGDANOVIĆ that these victims had all been killed on site.<sup>6363</sup>

1529. From the morning until about 15:00 hours, members of BOGDANOVIĆ's platoon loaded bodies onto trucks.<sup>6364</sup> BOGDANOVIĆ estimated that there had been 550 bodies at Pilica Dom.<sup>6365</sup> On 17 July, Milenko TOMIĆ, a truck driver and member of the Zvornik Brigade R Battalion, received an order from Radislav PANTIĆ to go to Pilica and then to Kula.<sup>6366</sup> While TOMIĆ was reluctant to provide precise details of his own actions that day, it is clear from his testimony he spent the day transporting Muslim bodies killed at Pilica Dom to Branjevo Farm.<sup>6367</sup>

<sup>6355</sup> ERDEMOVIĆ:P01673, T.850-851; RUEZ:T.9797-9799; P01132, pp.223,225-226.

<sup>6356</sup> ERDEMOVIĆ:P01673, T.850-851.

<sup>6357</sup> AF1624; AF1626-AF1627; P01132, pp.230-235; RUEZ:T.9800-9801; P01736, pp.29-30.

<sup>6358</sup> BOGDANOVIĆ:P02940, T.11328-11329.

<sup>6359</sup> BOGDANOVIĆ:P02940, T.11326. *See paras.*1510,1516.

<sup>6360</sup> BOGDANOVIĆ:P02940, T.11326.

<sup>6361</sup> BOGDANOVIĆ:P02940, T.11328.

<sup>6362</sup> BOGDANOVIĆ:P02940, T.11328-11330,T.11332.

<sup>6363</sup> BOGDANOVIĆ:P02940, T.11331.

<sup>6364</sup> BOGDANOVIĆ:P02940, T.11328-11329,T.11332.

<sup>6365</sup> AF1622; BOGDANOVIĆ:P02940, T.11333.

<sup>6366</sup> TOMIĆ:P03652, T.20997-21001,T.21003,T.21012-21014.

<sup>6367</sup> TOMIĆ:P03652, T.21001-21003,T.21005-21014; P03653; P03654; P03655.

(h) Burials at Branjevo Farm

1530. The massive operation at Branjevo Farm to bury the Muslim prisoners who had been executed both there and at Pilica Dom began in earnest on 17 July.<sup>6368</sup> The operation was supervised and overseen by POPOVIĆ.<sup>6369</sup>

1531. At 12:42 hours, KRSTIĆ looked for POPOVIĆ. Major GOLIC told Zlatar 01 (KRSTIĆ) that POPOVIĆ is “in Zvornik” and will “be back in the afternoon.”<sup>6370</sup> KRSTIĆ instructed Major GOLIC to find POPOVIĆ “and have him report to the IKM.”<sup>6371</sup> At 12:44 hours, X, also looking for POPOVIĆ, was told by the Zvornik Brigade Duty Officer TRBIĆ that POPOVIĆ had gone “towards *that task*”, confirming that he was north of the Brigade Command.<sup>6372</sup> TRBIĆ was instructed to tell POPOVIĆ to “leave right away for here, for Zlatar 01.”<sup>6373</sup>

1532. At 12:49 hours, X called TRBIĆ back and told him that the plans had changed and that TRBIĆ was to contact POPOVIĆ and “let him finish that work that he’s doing, and have him report immediately here at Golac’s.”<sup>6374</sup> Given that GOLIC was a participant in a related intercept at 12:42 hours,<sup>6375</sup> the reference to ‘Golac’ in this intercept is simply a transcription error. Significantly, TRBIĆ told X that POPOVIĆ “[is] working on that, you know...The preparation is mainly finished”,<sup>6376</sup> confirming that the burial operation was almost complete.

1533. POPOVIĆ’s direct and personal involvement in the burial operation is evidenced by a 16:22 hours intercept:

Hello, POPOVIĆ here...boss...everything’s alright that job is done and dusted...everything’s alright...everything’s finished up there are no problems...I’m here in the place...I’m here in the place where I was before, you know...in the base...in the base, the base. Could I maybe have a spot of rest, a spot of rest for a bath and then

<sup>6368</sup> AF1615-AF1619; RM255:P00055, p.5(confidential); RM346:P01118, T.3044-3045.

<sup>6369</sup> P01416, p.5(confidential). *See also* P01349, p.2(confidential); P01350, p.1.

<sup>6370</sup> P01416, p.5(confidential).

<sup>6371</sup> P01416, p.5(confidential).

<sup>6372</sup> P01363(confidential); P01618(confidential)(emphasis added).

<sup>6373</sup> P01363(confidential); P01618(confidential).

<sup>6374</sup> P01364-P01365(confidential).

<sup>6375</sup> P01416, p.5(confidential).

<sup>6376</sup> P01364(confidential); P01365(confidential).

I'll have another think after...basically it all deserves an A... an A...  
the grade A, everything is OK...right, bye, cheers.<sup>6377</sup>

1534. Here POPOVIĆ is likely reporting to KRSTIĆ, particularly as POPOVIĆ earlier was directed to contact the DK Command.<sup>6378</sup> This conversation also directly follows the intercepted conversation involving GOLIC, in which GOLIC was told to find POPOVIĆ and have him report.<sup>6379</sup> POPOVIĆ identified his current location as “the base”, no doubt meaning the Zvornik Brigade Command. This is supported by the fact that GOLIC had stated only a few hours before that POPOVIĆ was in Zvornik.<sup>6380</sup>

1535. An entry made by TRBIĆ in the Zvornik Brigade Duty Officer Notebook on 16 July reads:

At 2210 hrs. the 1<sup>st</sup> pb asked for one loader,  
one excavator and a dump-truck with a tarpaulin  
*to be in Pilica* at 0800 hrs.<sup>6381</sup>

The request was conveyed to Zvornik Brigade Engineering Chief Dragan JOKIĆ and to Sreten MILOŠEVIĆ (Zvornik Brigade Assistant Commander for Logistics).

1536. Damjan LAZAREVIĆ, Commander of the Zvornik Brigade Engineering Company's Road and Bridge Platoon, received an assignment on the morning of 17 July to go to Branjevo Farm and dig a pit out “to dump the bodies in”.<sup>6382</sup> LAZAREVIĆ arrived at Branjevo Farm around 08:30-09:00 hours.<sup>6383</sup> Shortly thereafter, earth-moving equipment, including a G-700 backhoe excavator, arrived.<sup>6384</sup> Zvornik Brigade equipment and fuel logs reflect the extensive involvement of Zvornik Brigade engineers and engineering equipment in the burials that took place on 17 July.<sup>6385</sup> LAZAREVIĆ directed RISTANOVIĆ to dig a grave roughly

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<sup>6377</sup> P01366(confidential).

<sup>6378</sup> P01363(confidential); P01618(confidential).

<sup>6379</sup> P01416, p.5(confidential).

<sup>6380</sup> P01416, p.5(confidential).

<sup>6381</sup> AF1615; P01501, pp.94-95 (emphasis added); P01700.

<sup>6382</sup> D.LAZAREVIĆ:P03636, T.14459-14460.

<sup>6383</sup> D.LAZAREVIĆ:P03636, T.14460.

<sup>6384</sup> See, e.g., P03637; D.LAZAREVIĆ:P03636, T.14460; RISTANOVIĆ:P03647, T.5389-5392,T.5394-5395.

<sup>6385</sup> AF1614-AF1619; P03638; P01488; P03643, p.6.

equivalent in size to those previously created in Orahovac.<sup>6386</sup> The pit was excavated and the corpses were buried in it.<sup>6387</sup>

1537. The burial process continued throughout the day and by 19:00-20:00 hours, only a few bodies remained.<sup>6388</sup> The operation was completed sometime before nightfall.<sup>6389</sup>

(i) Forensic corroboration

1538. The execution and burial of Muslim prisoners is corroborated by data obtained from the ICMP, which as of February 2013, had identified 1,751 unique DNA profiles from the Branjevo Farm (Pilica) primary mass grave and the associated secondary mass graves.<sup>6390</sup> As noted above, ERDEMOVIĆ estimated 1,000-1,200 Muslims were killed at Branjevo Farm and an additional 500 were killed at Pilica Dom on the same day—nearly matching the 1,751 figure currently identified through DNA.<sup>6391</sup> ICMP DNA identification data confirms that, of the remains exhumed from Branjevo Farm and associated secondary graves so far identified, a minimum of 260 individuals were aged over 60<sup>6392</sup> and two were aged 14 or younger.<sup>6393</sup>

1539. Aerial imagery from 17 July 1995 shows a mass of bodies strewn across the execution site located near the Branjevo Farm buildings and track marks consistent with the use of heavy earth-moving equipment.<sup>6394</sup>

13. On or about 17-18 July: Murder of 150 Muslim prisoners at Cerska Valley

1540. In 1996, based on witness statements, the Cerska Valley primary mass grave<sup>6395</sup> was discovered.<sup>6396</sup> Aerial imagery shows that this grave was created

<sup>6386</sup> RISTANOVIĆ:P03647, T.5392.

<sup>6387</sup> D.LAZAREVIĆ:P03636, T.14460-14465. See P03641; P03644; P03640; RISTANOVIĆ:P03647, T.5392-5395; RUEZ:T.9797,T.9805-9806; P01132, pp.220,245-246.

<sup>6388</sup> D.LAZAREVIĆ:P03636, T.14463.

<sup>6389</sup> RISTANOVIĆ:P03647, T. 5395.

<sup>6390</sup> P01987, pp.41,76, Branjevo Farm primary grave is linked via DNA and other forensic connections to Čančari Road 4, Čančari Road 5, Čančari Road 6, Čančari Road 8, Čančari Road 9, Čančari Road 10, Čančari Road 11 and Čančari Road 12. See also para.1408.

<sup>6391</sup> See Annex C; ERDEMOVIĆ:P01673, T.849-850.

<sup>6392</sup> See P01982, pp.33-39 (Branjevo Military Farm), pp.105-110 (Čančari Road 4), pp.111-123 (Čančari Road 5), pp.124-128 (Čančari Road 6), pp.135-137 (Čančari Road 8), pp.138-144, (Čančari Road 9), pp.145-160 (Čančari Road 10), pp.161-167 (Čančari Road 11), pp.168-174 (Čančari Road 12)(confidential).

<sup>6393</sup> P01982, p.121 (Zulfo (Smail) AVDIĆ), p.123 (Esad (Bego) BAJRAKTAREVIĆ)(confidential).

<sup>6394</sup> P01132, p.219.

between 5 and 27 July 1995.<sup>6397</sup> Upon exhumation in 1996, the grave was found to contain 150 male victims, with a mean age distribution of 14 to 50,<sup>6398</sup> and 149 of whom died as a result of gunshot wounds.<sup>6399</sup> Forty-eight wire ligatures were recovered from the grave, including 24 still binding the arms of the victims behind their backs.<sup>6400</sup> As of February 2013, 149 persons have been identified through DNA from the Cerska primary mass grave.<sup>6401</sup> There are no known survivors of the Cerska Valley execution.<sup>6402</sup>

1541. The totality of the forensic evidence demonstrates that at least 150 men were taken to the Cerska Valley site, where they were lined up along the south-eastern roadside directly adjacent to the embankment, and shot by executioners who stood on the north-eastern side of the road.<sup>6403</sup> The victims fell or rolled off the slope and were covered up with soil<sup>6404</sup> that was removed using earth moving equipment<sup>6405</sup> from the embankment across the road.<sup>6406</sup>

1542. The 150 men were victims of a single execution, which took place at this site. This conclusion is based upon several facts, including the matching of bullet casings and the location and position of the bodies found in the grave. First, bullet casings found on the north-eastern side of the road matched cartridge casings recovered from the grave. This indicates that in the process of removing soil from the north-eastern side of the road, adjacent to where the executioners stood, numerous cartridge casings were incorporated into the overburden of the grave.<sup>6407</sup> This establishes a link

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<sup>6395</sup> MANNING:T.14159-14161,T.14185-14186; JANC:T.15257; HAGLUND:P01828, T.3737-3738; P01831, p.8.

<sup>6396</sup> AF1522; P01831, pp.8,39; RUEZ:T.9685-9693; P01132, pp.62-72,74-75; P01830.

<sup>6397</sup> RUEZ:T.9691; P01132, p.74; HAGLUND:T.14938-14939; P01481, p.9.

<sup>6398</sup> AF1524-1525; HAGLUND:P01828, T.3734. *See also* P01831, pp.8-9,53,67.

<sup>6399</sup> AF1524; HAGLUND:P01828, T.3733-3734; P01831, pp.10,61-62,67.

<sup>6400</sup> AF1527; HAGLUND:P01828, T.3734; P01831, p.9 (one individual, CSK-20, was bound by the ankle); MANNING:T.14179-14183; P01734; P01740, pp.233-281. *See also* MANNING:T.14935-14936.

<sup>6401</sup> For a listing of all currently-identified individuals from the Cerska undisturbed primary mass grave, *see* P01982, pp.3-10(confidential); JANC:T.15235; P01987, p.3. *See also* P01901(confidential).

<sup>6402</sup> RUEZ:T.9694.

<sup>6403</sup> P01831, p.62; HAGLUND:T.14931-14932; HAGLUND:P01828, T.3734-3735.

<sup>6404</sup> In this process numerous cartridge casings were swept into the grave along with bodies: AF1528; HAGLUND:T.14933-14935; P01831, p.9.

<sup>6405</sup> AF1529; P01831, p.9; HAGLUND:P01828, T.3734-3737; HAGLUND:T.14931-14934,T.14938-14940; P01481, p.9; RUEZ:T.9689,T.9691-9692; P01132, pp.67,75.

<sup>6406</sup> P01831, pp.9,19-20,38,66; HAGLUND:P01828, T.3733-3738; MANNING:T.14176-14177,T.14185-14187; RUEZ:T.9692; P01132, p.75; HAGLUND:T.14932-14935.

<sup>6407</sup> AF1528; P01831, pp.8-9; HAGLUND:T.14931-14935.

between the shooting that took place on the road and the individuals found inside the grave, demonstrating that an execution occurred at the site.<sup>6408</sup>

1543. Second, HAGLUND established from the exhumation of the Cerska grave that the victims fell down or rolled off the slope simultaneously, or in close succession after they were shot, coming to rest against each other or atop one another.<sup>6409</sup> The resting positions and distribution of the victims' bodies in the grave are consistent with their bodies having rolled down the slope at the same time and as a result of the same execution.

1544. Indeed, the way in which the bodies were intertwined and the absence of layers of soil between them shows that the victims were killed on site on one occasion.<sup>6410</sup> The different stages of decomposition of the bodies is not an indication that the victims were killed in separate incidents or buried in the graves on separate occasions, but results from a combination of factors, including the superficial placement of the bodies in the grave and the degree of their exposure to the sun.<sup>6411</sup> The forensic evidence points to only one reasonable conclusion: the 150 individuals were killed at the same time and in the same manner as part of one incident.

1545. This is further corroborated by the evidence of RM254, captured during the sweep operation on 17 July.<sup>6412</sup> Five of the men and boys RM254 identified as captured with him, CSK-30, CSK-32, CSK-36, CSK-101 and CSK-116,<sup>6413</sup> were found commingled with other victims and dispersed throughout the Cerska mass grave.<sup>6414</sup>

<sup>6408</sup> AF1528; P01831, pp.9,19-20,38,66; HAGLUND:T.14934-14935; HAGLUND:P01828, T.3734,T.3736-3737; MANNING:T.14176-14177.

<sup>6409</sup> P01831, p.9; HAGLUND:T.14931-14932.

<sup>6410</sup> MANNING:T.14185-14187; P01831, pp.9,38,66; HAGLUND:P01828, T.3737-3738; HAGLUND:T.14932,T.14952-14955,T.15064-15065.

<sup>6411</sup> P01831, p.21; HAGLUND:T.14952-14955; HAGLUND:P01828, T.3738. *See also* WRIGHT:T.14425-14426.

<sup>6412</sup> *See* para.1343.

<sup>6413</sup> RM254:P01690, para.13(confidential); RM254:T.13809-13810,T.13886-13887(confidential); P01982, pp.4,5,7(confidential).

<sup>6414</sup> *See* P01831, p.18, a topographical diagram of the Cerska mass grave illustrating levels and distribution of bodies across the depth of the grave, and p.25, showing positions of victims dispersed throughout the grave. *See also* P01831, pp.12-13. For an example of the proximity and commingling of the bodies *see* P01830 which shows the remains of victims CSK-30, CSK-31, CSK-32. *See also* HAGLUND:T.14942-14943.

14. 19 July: Murder of Muslim prisoners at Nezuk

1546. On or around 19 July, soldiers from the VRS' 16<sup>th</sup>KMTBR<sup>6415</sup> murdered at least four Bosnian Muslims whom they had captured at Tisova Kosa, close to Baljkovica and Nezuk.<sup>6416</sup>

1547. Members of the 16<sup>th</sup>KMTBR captured RM301, RM358, Mirsad ALISPAHIĆ, Hajrudin MEŠANOVIĆ, Džemail DELIĆ and Saib ADEMOVIĆ at around 13:00-14:00 hours.<sup>6417</sup> The soldiers kicked and beat the Muslim men with rifle butts and ordered them to lie down.<sup>6418</sup>

1548. RM301 described the soldiers' left sleeves as having yellow coloured insignia bearing the word "Krajišnici".<sup>6419</sup> Similarly, RM358 stated that one of his Serb captors stated that "they were Krajišnici". RM358 also said that the soldiers' patch contained the colours of the Serb flag, an eagle and the words "Army of Republika Srpska".<sup>6420</sup> Some of the soldiers also had insignia which said "VP", the abbreviation for Military Police.<sup>6421</sup>

1549. The soldiers then forced the Bosnian Muslim men to give up their documents and money before leading them away one by one and shooting them.<sup>6422</sup> Mirsad ALISPAHIĆ was the first to be murdered;<sup>6423</sup> then Hajrudin MEŠANOVIĆ;<sup>6424</sup> and RM301 was the third to be shot.<sup>6425</sup> After being beaten and shot in the shoulder, RM301 pretended to lie dead.<sup>6426</sup> He could hear the soldiers shoot his fellow detainees nearby, one of them only five to six metres away.<sup>6427</sup> When Saib ADEMOVIĆ and

<sup>6415</sup> See RM301:P03377, p.8(confidential); RM358:P03379, T.3719; RM358:P03378, paras.10-11(confidential). A unit from the 16<sup>th</sup>KMTBR arrived in Zvornik on 16 July 1995 and went immediately with OBRENOVIĆ to search the terrain. P01501, pp.89-91 (16 July, 17:25, 18:30 and 19:40 entries). On 18 July the men from the "16<sup>th</sup> Krajina" were at trig point 602, approximately 2km south-east of Tisova Kosa. P01501, p.109 (18 July, last entry); P01087, p.19 (see middle-left of page for trig point 602 and Tisova Kosa). See also P02916, p.1, item 2; P01499, p.1, item 2; P01796.

<sup>6416</sup> RM358:P03379, T.3673-3674; RM358:P03378, para.11(confidential); RM301:P03377, pp.7-8(confidential).

<sup>6417</sup> RM358:P03378, para.10(confidential); RM301:P03377, pp.6-7(confidential).

<sup>6418</sup> RM358:P03378, para.10(confidential); RM301:P03377, p.6(confidential).

<sup>6419</sup> RM301:P03377, p.6(confidential).

<sup>6420</sup> RM358:P03378, para.11(confidential); RM358:P03379, T.3719.

<sup>6421</sup> RM358:P03378, para.12(confidential).

<sup>6422</sup> RM301:P03377, pp.6-7(confidential).

<sup>6423</sup> RM358:P03378, para.11(confidential); RM301:P03377, p.7(confidential).

<sup>6424</sup> RM301:P03377, p.7-8(confidential).

<sup>6425</sup> RM301:P03377, p.7(confidential). See also RM358:P03378, para.11(confidential).

<sup>6426</sup> RM301:P03377, p.7(confidential).

<sup>6427</sup> RM301:P03377, p.7(confidential).

RM358 were the only two Muslims left,<sup>6428</sup> the Serb commander spoke with someone on the radio and then ordered his soldiers that RM358 should not be killed because he could be used for exchange.<sup>6429</sup> Saib ADEMOVIĆ was led away and shot.<sup>6430</sup>

1550. RM358 and RM301 were the only survivors of the execution at Nezuk.<sup>6431</sup> The murdered men included:

- Mirsad ALISPAHIĆ, found on the surface near Tisova Kosa;<sup>6432</sup>
- Saib ADEMOVIĆ, found in a grave at Brežljak,<sup>6433</sup> located approximately 2km from his place of capture at Tisova Kosa;<sup>6434</sup> and
- Hajrudin MEŠANOVIĆ<sup>6435</sup> and Džemail DELIĆ,<sup>6436</sup> whose names remain on the Srebrenica missing list.<sup>6437</sup>

1551. According to a GŠ-VRS order, a unit of the 16<sup>th</sup> KMTBR had been assisting the Zvornik Brigade in “a search of the terrain, blocking and destruction of crashed Muslim forces from Srebrenica in the wide area of Mount Udrč from 16 to 20 July 1995.”<sup>6438</sup> It was the only unit from either the 1<sup>st</sup> or 2<sup>nd</sup> Krajina Corps that was searching the terrain in the Zvornik Brigade’s AOR on this date.<sup>6439</sup>

<sup>6428</sup> RM358:P03378, para.11(confidential); RM301:P03377, p.8(confidential).

<sup>6429</sup> RM358:P03378, para.11(confidential).

<sup>6430</sup> RM358:P03378, para.11(confidential)(“Only myself and Saib were left. Saib was then led away and shot just like the others.”); RM301:P03377, p.8(confidential)(“At that moment I believed that these two, Mehdi and Saib were the only survivors. Then all of them left.”).

<sup>6431</sup> RM358:P03378, para.11(confidential).

<sup>6432</sup> P01982, p.365(confidential)( [REDACTED]). Mirsad or Mirzet-both identified, one in Liplje and the other in Tisova Kosa. P01982, p.225(confidential).

<sup>6433</sup> See P01982, p.322(confidential)( [REDACTED]).

<sup>6434</sup> According to RM358, Saib ADEMOVIĆ was led away and shot, which is consistent with where his remains were found.

<sup>6435</sup> P01901, p.131(confidential).

<sup>6436</sup> P01901, p.46(confidential).

<sup>6437</sup> Velega (Huso) ZUKIĆ, Fahrudin (Jusuf) ZUKIĆ, Mehmed or Mejma (Ramo) MUJIĆ and Ahmedin (Meho) SMAJLOVIĆ were also found killed and were likely murdered. Their remains were recovered from the surface at Križevačke-Nijve near Tisova Kosa where Mirsad ALISPAHIĆ was found. P01982, p.366(confidential).

<sup>6438</sup> P01796; P01501, pp.89-91,109 (16 July, 17:25, 18:30, 19:40 entries and 18 July, last entry); P02916, p.1, item 2; P01499, p.1, item 2.

<sup>6439</sup> See P01501, p.91 (18:30 hours entry).

15. On or about 22 July: Murder of Muslim prisoners at Snagovo

1552. Sometime after 10-12 July, Dragan KULIĆ of the Ugljevik SJB ordered a group of his officers to go to the Snagovo area to cleanse the terrain.<sup>6440</sup> KULIĆ ordered: “not a fly must escape during the mop up operation” or “not even a fly should be let out”. The officers, among them RM336, understood KULIĆ to mean that they should kill any Muslims they encountered.<sup>6441</sup>

1553. After arriving in Snagovo, near Zvornik,<sup>6442</sup> RM336’s group captured four<sup>6443</sup> Muslim men and RM323, who told RM336 he was a minor.<sup>6444</sup> RM323 had left Srebrenica on 11 July with the head of the column, reached Snagovo around 20 July and was captured the next day.<sup>6445</sup> The police officers tied the captured Muslims’ hands behind their backs, beat and searched them.<sup>6446</sup> Other policemen arrived and shot two of the prisoners in the head.<sup>6447</sup> RM336 did not know the executioner, but later heard he was from Zvornik. The killer wore the same olive military uniform as his colleagues.<sup>6448</sup> RM336, who had been assigned to escort and watch over RM323,<sup>6449</sup> hid the frightened boy behind him while the others were shot and left the area.<sup>6450</sup>

<sup>6440</sup> RM336:P03455, T.4078-4080,T.4093-4094(confidential). See also RM336:P03455, T.4106(confidential); RM336:P03458, paras.3-5(confidential).

<sup>6441</sup> RM336:P03455, T.4093-4099,T.4101,T.4144,T.4163(confidential); RM336:P03458, para.5(confidential).

<sup>6442</sup> RM336:P03458, paras.25,31(confidential); RM336:P03455, T.4106-4107(confidential).

<sup>6443</sup> RM336:P03458, paras.25,31(confidential); RM336:P03455, T.4106-4107(confidential).

<sup>6444</sup> RM323 had been in a group with six neighbors, but one left the group that morning, and another escaped at the point of capture, leaving RM323 and four adult men. RM323:P03524, T.3961-3966(confidential). RM336 testified that he saw three males from his angle of vision and other PJP members saw four. RM336:P03455, T.4112-4113(confidential). However, RM323, who recounts being captured in a group of five, personally knew the members of his group and identified all but one of them. RM323:P03524, T.3961,3965(confidential). Another witness gave a statement identifying two of the same individuals in a group of four decomposing bodies at Snagovo. D01400, p.2. See also PAVLOVIĆ:T.42991-42996.

<sup>6445</sup> See RM323:P03524, T.3969(confidential) ; RM336:P03455, T.4118(confidential).

<sup>6446</sup> RM336:P03455, T.4112-4113, RM336:P03458, para.31(confidential); RM323:P03524, T.3954,T.3959-3965,T.3968-3969(confidential).

<sup>6447</sup> RM323:P03524, T.3966-3967(confidential); RM336:P03455, T.4114(confidential).

<sup>6448</sup> RM336:P03455, T.4112,T.4114-4115(confidential); RM336:P03458, para.31(confidential).

<sup>6449</sup> RM336:P03455, T.4112,T.4114(confidential).

<sup>6450</sup> RM323:P03524, T.3968-3969(confidential).

<sup>6450</sup> RM323:P03524, T.3970(confidential); RM336:P03455, T.4112,T.4114-4115,T.4117(confidential).

1554. RM323 remained in the custody of RM336 and his colleagues. After two days and nights, RM336 brought RM323 to the Ugljevik police station.<sup>6451</sup> A short time later, he was taken to Batković Camp and eventually released.<sup>6452</sup>

16. Around 26 July: Murder of the four Branjevo Farm survivors

1555. Around 26 July, the three Muslim men and one boy who RM255 encountered after surviving the Branjevo Farm execution were captured and taken to the Zvornik Brigade HQ.<sup>6453</sup> After PANDUREVIĆ and Drago NIKOLIĆ learned the men and boy had survived the massacre, the prisoners disappeared.

1556. On the morning of 18 July, Zvornik Brigade soldier Neško ĐOKIĆ encountered the three Muslim men and the boy covered in blood in a field near Branjevo Farm.<sup>6454</sup> These four Muslims were later identified as Almir HALILOVIĆ, 14;<sup>6455</sup> Sakib KIVIRIĆ, 31;<sup>6456</sup> Emin MUSTAFIĆ, 25<sup>6457</sup> and Fuad ĐOZIĆ, 30.<sup>6458</sup>

1557. ĐOKIĆ gave them food and clothing and agreed to help take them to the front lines.<sup>6459</sup> ĐOKIĆ's son Slobodan gave the four directions to the front lines.<sup>6460</sup>

1558. The four were captured the following day and taken first to Ugljevik and then to the Zvornik Brigade HQ.<sup>6461</sup> The Muslims were interrogated and told their captors that they had been assisted by a father named "Neško" and his unnamed son, who were quickly identified as Neško and Slobodan ĐOKIĆ.<sup>6462</sup> Slobodan ĐOKIĆ confessed to helping the four Muslims after being hit by Drago NIKOLIĆ.<sup>6463</sup> On 25 July, Drago NIKOLIĆ ordered the detention of Neško and Slobodan ĐOKIĆ for up to three days for collaborating with the enemy.<sup>6464</sup> The prisoners were last seen at the

<sup>6451</sup> RM323:P03524, T.3973-3974(confidential); RM336:P03455, T.4119,T.4123(confidential).

<sup>6452</sup> RM323:P03524, T.3975-3976(confidential); RM336:P03455, T.4127(confidential). *See also* [REDACTED].

<sup>6453</sup> *See* para.1523.

<sup>6454</sup> P07302, p.1; P07303, p.1; P07310; P02203, para.8.16.

<sup>6455</sup> P07305, p.1.

<sup>6456</sup> P07306, p.1. *See* fn.6347.

<sup>6457</sup> P07304, p.1.

<sup>6458</sup> P07307, p.1.

<sup>6459</sup> P07302, p.1.

<sup>6460</sup> P07302, p.1; P07304, p.1.

<sup>6461</sup> P07306, p.1; P07304, p.1; P07307, p.2; P07305, p.2; P07310, p.2.

<sup>6462</sup> P07304-P07307.

<sup>6463</sup> JEREMIĆ:T.34302.

<sup>6464</sup> P07309; JEREMIĆ:T.34314-34315,T.34317,T.34320-34322. *See also* P07310.

Zvornik Brigade's Standard Barracks on or around 26 July<sup>6465</sup> and remain on the list of those missing after the fall of Srebrenica.<sup>6466</sup> These four victims were obviously murdered after Drago NIKOLIĆ discovered that they had survived the Branjevo Farm massacre and told Vinko PANDUREVIĆ.

17. Murder of Muslim men at Nova Kasaba

1559. Between 1996-1999, eight undisturbed primary mass graves were exhumed in the area of Nova Kasaba.<sup>6467</sup> Aerial imagery shows that these graves were created between 7-27 July 1995.<sup>6468</sup> There are no known survivors of, or witnesses to, these executions.

1560. The first four primary graves, NKS 1 through NKS 4, were exhumed in July 1996. These graves contained the remains of at least 33 people.<sup>6469</sup> Twenty-seven ligatures were recovered from these gravesites.<sup>6470</sup> Most victims died of gunshot wounds.<sup>6471</sup> DNA matching by the ICMP has identified a total of 33 individuals within the Nova Kasaba 1996 graves.<sup>6472</sup> In August 1999, another four primary graves were discovered in the Nova Kasaba area: NK04, NK06, NK07, and NK08.<sup>6473</sup> Most

<sup>6465</sup> The statement of Fuad ĐOZIĆ is dated 26 July. P07307.

<sup>6466</sup> P01901, pp.50,64,109,147(confidential); P01982, Annex D(confidential), which shows that the remains of these four men have not been identified by DNA matching; *see also* RM255:T.1176; JEREMIĆ:T.34327-34328. Evidence in the case corroborates that these four men actually *did* survive the executions at Branjevo Farm near Pilica: *See* RM255:T.1175-1176; RM255:P00055, p.5(confidential). The ages of the four Muslims Neško ĐOKIĆ met correspond with the younger age group of the four individuals described by RM255: RM255:T.1176; RM255:P00055, p.5(confidential). RM255 recalled that one of the Muslims was from Jagodnja, and Sakib KIVIRIĆ, one of the men Neško ĐOKIĆ met, is recorded as having come from the village of Jagodnja: P07306, p.1; RM255:T.1175. RM255 heard that the four Muslims he escaped with were captured and taken to Zvornik: RM255:T.1176. Neško ĐOKIĆ described the four Muslims as covered in blood, which could be expected from surviving a mass execution: P07302, p.1; RM255:T.1176. The village of Donji Lokanj is located very close to Branjevo Farm, but some 16-20km away from the area of Baljkovica where most of the Muslim column broke through to Muslim-held territory: P02203, para.8.16; P01087, pp.11,20.

<sup>6467</sup> P01736, p.40; P02086, pp.7-22.

<sup>6468</sup> P02087; P01736, p.39; P01727(confidential) (by site name Nova Kasaba and Nova Kasaba-Vlasenica, which indicate 11 July 1995 as the date of disappearance for the vast majority of identified individuals exhumed from these graves).

<sup>6469</sup> P01834, p.8; P01736, p.8, p.24. *See also* P01987, p.8; P01982, pp.11-13(confidential).

<sup>6470</sup> P01834, p.9, pp.24-25; P01736, pp.22,40. *See also* P01834, pp.29,32.

<sup>6471</sup> P01834, p.9; P01736, p.40.

<sup>6472</sup> P01987, p.8; P01982, pp.11-13(confidential).

<sup>6473</sup> P01736, pp.87-90; P01737, p.4. P02259, p.13; P02086, pp.7-22; P01987, p.9.

of these victims also died of gunshot wounds.<sup>6474</sup> DNA matching by the ICMP has identified a total of 53 persons within the Nova Kasaba 1999 graves.<sup>6475</sup>

18. Destruction of the women and children – victim impact

1561. In forcibly removing the women and children from the Srebrenica enclave, **MLADIĆ** intended to cause serious bodily or mental harm to the Bosnian Muslim population of Srebrenica aimed at the destruction of the Muslim population of Srebrenica. **MLADIĆ** knew that the transfers would ensure that the Bosnian Muslim population of Srebrenica would not return to those regions, nor reconstitute itself elsewhere.<sup>6476</sup>

1562. **MLADIĆ**'s contributions to the murder of the able-bodied men from Srebrenica also had the effect of destroying the population of Bosnian Muslims in Srebrenica. On the morning of 12 July 1995, **MLADIĆ** told the assembled civilian representatives of the Srebrenica enclave: "you can either survive or disappear."<sup>6477</sup> The women and children who survived the horrors of Srebrenica today walk a tenuous line between survival and disappearance as they struggle to cope with great mental and physical trauma, demonstrating the meaning of ICTY Article 4(2)(b).<sup>6478</sup>

(a) Destruction through physical and psychological trauma of survivors

1563. Survivors of the fall of Srebrenica have suffered insomnia, lack of appetite, weight loss and headaches caused by frequent bouts of crying. Some are prone to shaking, fainting, increased blood pressure and heart problems.<sup>6479</sup> One survivor recounted, "after what happened in Potočari I am not the same...there was fear and

<sup>6474</sup> P01736, pp.88-90; P02259, pp.13-16.

<sup>6475</sup> P01987, p.9; P01982, pp.14-17(confidential). *See also* P01736, p.24; P01737, p.4; P02259, p.13.

<sup>6476</sup> *See e.g. Tolimir TJ*, para.1218 (taking into account the patent vulnerability of the victims and the long-term physical and psychological suffering, in its gravity analysis for sentencing purposes); *Blagojević TJ*, paras.843-845 (taking into account for purposes of sentencing, the victim impact testimony concerning the vulnerability of the victims, their position of helplessness and the fact that they were subject to cruel treatment, as an aggravating circumstance).

<sup>6477</sup> P01147, V000-9266, 00:10'17-00:10'24, tp.49.

<sup>6478</sup> *See Blagojević TJ*, paras.645,651-654; *Tolimir TJ*, paras.756-757,759; *Tolimir AJ*, paras.202-203.

<sup>6479</sup> M.GABELJIĆ:P01029, p.3; KRDŽIĆ:P01024, p.3; IBIŠEVIĆ:P01021, p.4, SALČINOVIĆ:P01016, p.3; h.DELIĆ:P01013, p.3; EFENDIĆ:P01027, p.4; H.HAFIZOVIĆ:P01008, p.3; A.MALAGIĆ:P01031, p.3; MALKIĆ:P01005, p.3.

there was sorrow and I don't see very well now, I don't hear very well, I do not walk very well.”<sup>6480</sup> For several survivors their symptoms are incapacitating.<sup>6481</sup>

1564. The survivors also suffer from pervasive and debilitating psychological trauma, including feelings of fear, irritation, nervousness, aggressiveness, isolation and loss of concentration.<sup>6482</sup> Their psychological suffering stems from their grief for their husbands, sons and brothers. One survivor described: “It's hard for me when I see young boys going to school...I see the pictures of the fall of Srebrenica in my mind. The pictures of my children come to me.”<sup>6483</sup>

1565. Survivors have also reported repetitive nightmares, flashbacks and hallucinations about the events and the return of their lost family members.<sup>6484</sup> One survivor explained: “I sleep only one hour or two and then thoughts come to my head about what happened in Srebrenica and the people who disappeared”.<sup>6485</sup>

1566. The surviving children of Srebrenica have shown signs of extreme trauma. Pre-school age children exhibited excessive attachment to their mothers, feelings of fear, bouts of crying, appetite and sleeping problems.<sup>6486</sup> One victim spoke about how her young daughter asks “if we are going to return to Srebrenica because she thinks that her father is there.”<sup>6487</sup> School-aged children exhibited a generalized fear of people and sounds, and have experienced flashbacks, nightmares, bed-wetting, low concentration, and learning problems.<sup>6488</sup> Adolescents exhibited high oscillations of mood and behaviour, varying from aggressiveness to withdrawal, isolation and lack of activity.<sup>6489</sup> Most boys lack male role models to set an example of healthy male behaviour.<sup>6490</sup>

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<sup>6480</sup> H.HAFIZOVIĆ:P01008, p.3.

<sup>6481</sup> S.MEHMEDOVIĆ:P01034, p.4; SALČIHOVIĆ:P01016, p.3.

<sup>6482</sup> IBRAHIMEFENDIĆ:P01800, T.5816.

<sup>6483</sup> MALKIĆ:P01005, p.3.

<sup>6484</sup> S.HAFIZOVIĆ:P01045, p.3; MALKIĆ:P01005, p.3; M.MEŠANOVIĆ:P02214, p.3; SALČINOVIĆ:P01016, p.3.

<sup>6485</sup> SALČINOVIĆ:P01016, p.3.

<sup>6486</sup> IBRAHIMEFENDIĆ:P01800, T.5820,T.5822-5823.

<sup>6487</sup> M.MEŠANOVIĆ:P02214, p.3.

<sup>6488</sup> AF1656; IBRAHIMEFENDIĆ:P01800, T.5820.

<sup>6489</sup> IBRAHIMEFENDIĆ:P01800, T.5820.

<sup>6490</sup> IBRAHIMEFENDIĆ:P01800, T.5820,T.5823-5824.

(b) Srebrenica Syndrome: uncertainty and survivor guilt

1567. The trauma inflicted on the survivors of the fall of Srebrenica is distinct from normal war trauma and is described as the “Srebrenica Syndrome”.<sup>6491</sup> The situation among survivors is unique partly due to the collective and sudden nature of the suffering and partly as a result of the missing men.<sup>6492</sup>

1568. Many of the missing men of Srebrenica still are unaccounted for. As of February 2013, DNA evidence has identified 6,707 of the at least 7,930 individuals who went missing following the fall of Srebrenica.<sup>6493</sup> The survivors exist in a suspended state of perpetual uncertainty, unable to fully grieve in order to continue with life.<sup>6494</sup> Survivors continue to hope that their loved ones have survived, preventing them from completing the mourning process. Many of these women will take longer to recover than other trauma victims or simply “will never recover.”<sup>6495</sup>

1569. The survivors’ feelings of uncertainty result in self-destructive behaviour and suicidal thoughts.<sup>6496</sup> While few of the Srebrenica-related missing and dead are women,<sup>6497</sup> many surviving women continue to believe that dying would be better than the waking nightmare they live today.<sup>6498</sup>

(c) Destruction through breakdown of family life, including decreasing birth rate

1570. The Bosnian Muslim community of Srebrenica was a traditional patriarchal community where men took the leadership roles in both the public and private

<sup>6491</sup> IBRAHIMEFENDIĆ:P01800, T.5817,T.5842.

<sup>6492</sup> IBRAHIMEFENDIĆ:P01800, T.5842; SALČINOVIĆ:P01016, p.4; m.MEŠANOVIĆ:P02214, pp.3-4; MALKIĆ:P01005, p.4; IBIŠEVIĆ:P01021, p.4; EFENDIĆ:P01027, p.3; A.MALAGIĆ:P01031, p.4.

<sup>6493</sup> See paras.1583,1589.

<sup>6494</sup> There is also trauma inherent in the context of identifying the missing men’s remains and pronouncing the missing men officially dead. *See e.g.*, MALKIĆ:P01005, p.4; SALČINOVIĆ:P01016, p.4; m.MEŠANOVIĆ:P02214, p.4; IBIŠEVIĆ:P01021, p.4; EFENDIĆ:P01027, p.3; M.GABELJIĆ:P01029, p.3; S.OSMANOVIĆ:P01461, para.25.

<sup>6495</sup> IBRAHIMEFENDIĆ:P01800, T.5818.

<sup>6496</sup> H.HAFIZOVIĆ:P01008, pp.3-4; MALKIĆ:P01005, p.3; P01461, S.OSMANOVIĆ:P01461, para.20.

<sup>6497</sup> As of 2009, 68 of the Srebrenica-related missing and dead are women. *See* P01901, p.3(confidential).

<sup>6498</sup> H.HAFIZOVIĆ:P01008, p.3 (“you can’t go against God but if God showed me mercy tomorrow and I died I would be happy.”); MALKIĆ:P01005, p.3 (“Now when I get sick I don’t consider going to the doctor because I simply want to die [...] I will not feel good anymore in my life.”).

sphere.<sup>6499</sup> Men generally had a higher level of education than women. They were providers, protectors and decision-makers of the family, often working outside the home in factories, mines or farms. They dealt with public authorities on behalf of their families and managed the family finances.<sup>6500</sup> Women were responsible for the home, children and livestock.<sup>6501</sup> The families of these communities described a life of plenty before the war. Many had livestock, land and homes to which their identities and ways of life were closely linked.<sup>6502</sup>

1571. Killing the men and simultaneously uprooting the women, children, and elderly has resulted in the complete destruction of the pre-war familial and community structure of the Srebrenica Muslims. Women are forced to fulfil not only their traditional roles, but also the economic, emotional and social roles of their missing husbands.<sup>6503</sup> This shift in familial and community roles disrupts long-term recovery and the formation of new social relationships.<sup>6504</sup>

1572. An additional hindrance to recovery includes the particular bureaucratic and societal problems associated with the women's indeterminate marital status. One witness recounted: "I am married but I feel like a widow...I don't have any accurate information about what happened to my husband".<sup>6505</sup> Women whose husbands still have not been declared dead have a slow recovery and face constant regression and the re-emergence of trauma symptoms.<sup>6506</sup>

<sup>6499</sup> IBRAHIMEFENDIĆ:P01800, T.5856; BEKTIĆ:P01040, p.2; H.MEHMEDOVIĆ:P01038, p.5; M.GABELJIĆ:P01029, p.2; EFENDIĆ:P01027, p.4.

<sup>6500</sup> SALČINOVIĆ:P01016, p.3; H.HAFIZOVIĆ:P01008, p.3; MALKIĆ:P01005, p.3; S.HAFIZOVIĆ:P01045, p.3; BEKTIĆ:P01040, p.2; KRDŽIĆ:P01024, p.3; H.MEHMEDOVIĆ:P01038, p.5; S.MEHMEDOVIĆ:P01034, pp.2-3; S.OSMANOVIĆ:P01461, para.3; EFENDIĆ:P01027, p.4; S.OSMANOVIĆ:T.11180.

<sup>6501</sup> SALČINOVIĆ:P01016, p.3; MALKIĆ:P01005, p.3; H.MEHMEDOVIĆ:P01038, p.4; S.MEHMEDOVIĆ:P01034, p.2; S.OSMANOVIĆ:P01461, para.3; M.GABELJIĆ:P01029, p.2; A.MALAGIĆ:P01031, p.2; BEKTIĆ:P01040, p.2; S.OSMANOVIĆ:T.11180.

<sup>6502</sup> See MALKIĆ:P01005, p.2; H.HAFIZOVIĆ:P01008, p.3; SALČINOVIĆ:P01016, p.3; M.MEŠANOVIĆ:P02214, p.3; IBIŠEVIĆ:P01021, p.3; S.HAFIZOVIĆ:P01045, p.2; EFENDIĆ:P01027, p.3; M.GABELJIĆ:P01029, p.2; S.MEHMEDOVIĆ:P01034, p.2; PAŠAGIĆ:P01043, p.2; H.MEHMEDOVIĆ:P01038, p.4; BEKTIĆ:P01040, p.2; KRDŽIĆ:P01024, pp.2-3; S.OSMANOVIĆ:P01461, para.2.

<sup>6503</sup> AF1654. See MALKIĆ:P01005, pp.3-4; H.HAFIZOVIĆ:P01008, pp.3-4; SALČINOVIĆ:P01016, p.3; M.MEŠANOVIĆ:P02214, pp.3-4; IBIŠEVIĆ:P01021, p.4; S.HAFIZOVIĆ:P01045, p.3; EFENDIĆ:P01027, p.4; M.GABELJIĆ:P01029, p.3; S.MEHMEDOVIĆ:P01034, pp.3-5; PAŠAGIĆ:P01043, pp.2-3; H.MEHMEDOVIĆ:P01038, p.5; KRDŽIĆ:P01024, p.3.

<sup>6504</sup> IBRAHIMEFENDIĆ:P01800, T.5824-5826.

<sup>6505</sup> SALČINOVIĆ:P01016, p.4.

<sup>6506</sup> IBRAHIMEFENDIĆ:P01800, T.5817-5819; IBIŠEVIĆ:P01021, p.4.

1573. Many choose not to remarry because of the lack of similarly-aged men, the loss of a husband's pension upon remarriage, the social stigma of remarriage and feelings of guilt.<sup>6507</sup> Consequently, the birth rate in the community appears to be decreasing.<sup>6508</sup>

1574. Women who do seek remarriage face difficult bureaucratic hurdles. They first must somehow prove the existence of their first marriage, though many lost the necessary documentation while fleeing Srebrenica. Their husbands must be declared dead before the women can remarry, which can involve a complicated process.<sup>6509</sup>

1575. Some women also feel a sense of loss that a family name may cease to exist because no male relatives remain to carry it forward. One woman described the enormity of the loss of the men of her community as follows:

It is no good talking about what it was like before the war ... all that before has gone. I lost my house, property, my husband and my son... I know they say I can go back to Srebrenica now, but how, why? ... They burned the house, there are no stables, nothing, not just my house but my neighbours, everything, there is nothing there... Even our family name is going ... the name, the family of Hafizović is ending, is gone. Of my father in law's family ... 18 male members are missing.<sup>6510</sup>

(d) Destruction through forcible transfer: poverty and failure to live normally

1576. In contrast to their pre-war lives, survivors have been living in conditions of abject poverty, far below their quality of life prior to the fall of Srebrenica.<sup>6511</sup> Many saw their homes burned as they were being deported to other areas and others returned to find that none of their property remained.<sup>6512</sup>

1577. Many survivors continue to live in dire situations due to unemployment and insufficient income or aid to support themselves and their remaining family

<sup>6507</sup> IBRAHIMEFENDIĆ:P01800, T.5833-5834,T.5841-5842,T.5848; SALČINOVIĆ:P01016, p.4.

<sup>6508</sup> IBRAHIMEFENDIĆ:P01800, T.5858-5859.

<sup>6509</sup> IBRAHIMEFENDIĆ:P01800, T.5834.

<sup>6510</sup> H.HAFIZOVIĆ:P01008, p.2.

<sup>6511</sup> For examples of the striking contrast, *see* H.HAFIZOVIĆ:P01008, p.2; S.HAFIZOVIĆ:P01045, p.3; SALČINOVIĆ:P01016, pp.2-3; MALKIĆ:P01005, pp.2-3; BEKTIĆ:P01040, pp.2-3; h.DELIĆ:P01013, p.3; KRDŽIĆ:P01024, p.3; A.MALAGIĆ:P01031, pp.2-3; PAŠAGIĆ:P01043, pp.2-3; AF1653.

<sup>6512</sup> *See e.g.* H.HAFIZOVIĆ:P01008, p.2; S.HAFIZOVIĆ:P01045, p.3; IBIŠEVIĆ:P01021, p.4; KRDŽIĆ:P01024, p.3; M.MALAGIĆ:P01462, T.10011; M.MEŠANOVIĆ:P02214, pp.3-4; SALČINOVIĆ:P01016, p.4.

members.<sup>6513</sup> For example, several generations of one family lived in one or two rooms in collective refugee settlements owned by the State or in temporary housing.<sup>6514</sup> Often these accommodations did not even offer basic necessities such as running water or toilet facilities.<sup>6515</sup>

1578. Survivors, especially the elderly, also suffer a continuing sense of loss as many cannot or will not return to the sites of their former homes. Some worry that they cannot trust their neighbours in the old villages, while others simply cannot face the locations where the traumatic events occurred.<sup>6516</sup> One witness asked, “How can I go back there when half of my family is not there? [...] I don’t want to go back to my village. I can’t take going back through Kravica because that’s where my son was killed. People tried to return but the Serbs stoned them.”<sup>6517</sup> The young “dream of leaving Bosnia, of leaving it all behind.”<sup>6518</sup>

(e) Conclusion

1579. The traditional patriarchal societal structure of the Bosnian Muslims of Eastern Bosnia was well-known throughout the country. Many survivors attested to a pre-war relationship between Muslim and Bosnian Serb neighbours where frequent interaction was commonplace and where they understood the lifestyles of their neighbours.<sup>6519</sup>

1580. Because of his own experience in Bosnia and the former Yugoslavia, **MLADIĆ** was aware of the societal structure of the group and understood the essential role occupied by men in the Bosnian Muslim family structure. By committing the criminal acts charged in the Indictment, **MLADIĆ** knew of and intended the destruction of the group.

<sup>6513</sup> See e.g. H.HAFIZOVIĆ:P01008, p.3; M.MEŠANOVIĆ:P02214, p.3; AF1653-AF1654.

<sup>6514</sup> AF1653; See e.g., KRDŽIĆ:P01024, p.3; PAŠAGIĆ:P01043, p.3; BEKTIĆ:P01040, p.3.

<sup>6515</sup> MALKIĆ:P01005, p.3; IBIŠEVIĆ:P01021, p.4.

<sup>6516</sup> See e.g. M.MALAGIĆ:P01462, T.10039-10040; SALČINOVIĆ:P01016, p.4; h.DELIĆ:P01013, p2.

<sup>6517</sup> MALKIĆ:P01005, pp.2-3.

<sup>6518</sup> IBRAHIMEFENDIĆ:P01800, T.5832.

<sup>6519</sup> See e.g., S.MEHMEDOVIĆ:P01034, p.3; A.MALAGIĆ:P01031, p.2; KRDŽIĆ:P01024, p.3; MALKIĆ:P01005, p.3; S.HAFIZOVIĆ:P01045, p.3; EFENDIĆ:P01027, p.4.

19. SF murdered at least 5,956 Bosnian Muslim men and boys

1581. Investigation using DNA matching has determined that, of the men and boys fleeing Srebrenica or separated in Potočari, at least 6,849 have died, either as a result of execution or unknown causes, including combat, suicide, accident and murder.<sup>6520</sup> Of this 6,849 total, at least 5,925 were executed;<sup>6521</sup> the other 924 that have been identified are persons from the column who died during the trek from Srebrenica towards BiH territory from the causes noted above, the numbers for each cause unknown. Witness evidence proves that an additional 31 men and boys, whose bodies have not yet been found, and thus not DNA matched, were also murdered.<sup>6522</sup> Therefore, as of the dates of the evidence herein, the approximate total number of men and boys confirmed murdered after the fall of Srebrenica is 5,956.

1582. The number 5,956 is a conservative estimate.<sup>6523</sup> The Prosecution estimates the total number murdered is over 7,000, based on the following: (i) at least 924 individuals died in unknown circumstances while trying to break through to Tuzla, including combat, suicide, accident but also including murders, which are not counted by the Prosecution as the number of murdered is not known; (ii) there remains a

<sup>6520</sup> P01987, pp.3-5.

<sup>6521</sup> This number consists of the following graves: Glogova and related graves, 1,388 (P01987, p.40. See also fn.6054); Orahovac and related graves, 848 (P01987, pp. 40-41); Petkovci Dam and related graves, 815 (P01987, p.41); Kozluk and related graves, 825 (P01987, p.41); Branjevo Farm and related graves, 1,751 (P01987, p.41); Cerska, 150 (para.1540); Bišina, 39 (para.1374); two graves in Nova Kasaba, 86 (para.1560); Sandići, 15 (para.1458); Mršići, 16 (fn.6093); Potočari, 10 (paras.1410-1411); Konjević Polje, 3 (para.1257); and the following surface remains sites: Snagovo, 4 (paras.1552-1554); Kozluk, 14 (fn.6277); Trnovo, 6 (paras.1360-1367); Tisova Kosa, 2 (paras.1546-1551). The Prosecution has deducted 47 from the total, given that of the bodies in Glogova, approximately 20-25 came from the side of the Kravica-Konjević Polje road (RM306:T.11472(confidential)), 6-7 from Potočari (D00342), and 10-15 from Konjević Polje (D00342).

<sup>6522</sup> Jadar River, 15 (paras.1426-1427); Tisova Kosa, 2 (paras.1546-1551); Branjevo Farm survivors, 4 (paras.1555-1558); Milići Patients, 10 (paras.1375-1378).

<sup>6523</sup> On numerous occasions where there has been a choice of numbers, the Prosecution has chosen the lowest number. For example, in Tišća, witness evidence indicates that on 13 July, 22 men were separated before being held in a school, beaten, thrown in a truck after nightfall, driven to a meadow and executed, with one surviving. Only 16 have been found from the relevant grave. The Prosecution has therefore only counted 16. See para.1459. For a number of Bosnian Muslims known to have disappeared but for whom there is no further evidence, the Prosecution has not counted them; e.g. the approximately 10-15 Bosnian Muslim men who were separated on 12 July at Tišća, taken to the woods and never seen again. See para.1459. Finally, where it is unclear if a body was a murder victim, the Prosecution has not counted it; for example, the bodies found in Konjević Polje by the petrol station and others placed in Potočari that were placed in Glogova. It is unknown how these Bosnian Muslims were killed, and even although the strong likelihood is that they were executed, given it was at a place where the column would not have tried to cross the road, the Prosecution still does not count these people as murder victims.

significant number, approximately<sup>6524</sup> 1,000, of individuals who remain listed as persons missing after the fall of Srebrenica. These individuals are almost certainly dead.<sup>6525</sup> The Prosecution considers that these individuals have not yet been found because they are likely hidden in remote mass graves or other locations, and many will prove to be murder victims. Thus when all of the above is considered, it is clear that the total number of those known to have been murdered will continue to rise as more victims are found.

### C. DNA, Demographic and Forensic Methodology

1583. Comprehensive demographic analysis proves that at least 7,930 persons went missing or died after Srebrenica's fall in July 1995.<sup>6526</sup> This figure is comprised of integrating the number of missing reported to the ICRC and/or PHR (7,692),<sup>6527</sup> along with additions from the 2009 ICMP update of identified deceased persons (213),<sup>6528</sup> minus the Žepa victims included in these numbers (103).<sup>6529</sup> The Srebrenica-only additions from the 2013 ICMP update of identified deceased persons are then added (128).<sup>6530</sup> The additions from the ICMP updates are deceased persons identified by the ICMP through DNA, who were not reported missing to the ICRC and/or PHR, and thus are not included in the figure of 7,692.

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<sup>6524</sup> The total number of missing and dead from Srebrenica is 7,930. *See* para.1583. It remains impossible to provide a precise number of those missing due to the 142 "unique Srebrenica-related DNA profiles." P01987, p.2. These are individuals who ICMP has identified but have no DNA match for. It is possible that all of these individuals are on the ICRC missing list; it is equally possible that none of them are, because none of these anonymous individuals were reported missing. It is impossible to specify an exact number because a person may have been reported to ICRC or PHR by someone from whom no relevant DNA can be taken (*e.g.* a wife reporting her husband missing). In this situation, ICRC would list the name of the missing person. If ICMP were to exhume that person's body, they would have their DNA as one of the unique individual profiles. However, it would be impossible to match the two given the lack of relevant DNA necessary to make a match between DNA and name (*i.e.*, there is no blood relative of the victim through which to identify the victim). If the number 142 were to be added to the 7,930, there would almost certainly be some instances of double-counting; if the number is not added, there will almost certainly be under-counting. In order to be as conservative as possible, the Prosecution therefore does not add this number. However, the result is that the two totals, identified and missing, cannot at the moment (and may never) match fully.

<sup>6525</sup> While it is possible that individuals reported missing by their family have secreted their survival from their families for approximately 21 years, this is unlikely.

<sup>6526</sup> P02794, p.4. *Cf.* P02792, p.10 and P02795(confidential) to observe the growth of the total number of Srebrenica missing and dead over time. *See also* P01900, pp.1-3,64-66 (for a detailed discussion of methodology used to create the original list) and pp.77-80 (for an explanation of how the 2005 OTP List was matched with the October 2008 ICRC List of Srebrenica missing).

<sup>6527</sup> P01901, p.3, Parts I-II(confidential).

<sup>6528</sup> P01901, p.3, Part III(confidential).

<sup>6529</sup> P02794, p.4.

<sup>6530</sup> P02794, p.4.

1584. The number 7,930 should be considered a conservative minimum. As ICMP identifications continue, more persons who were not reported to ICRC and/or PHR will likely be revealed. Therefore, the current figure should continue to rise.

1. DNA evidence: Number of persons identified from graves and surface

1585. DNA identification evidence and other methods<sup>6531</sup> show that as of the end of February 2013, at least 6,849<sup>6532</sup> persons reported missing from Srebrenica (approximately 86%) have been identified from Srebrenica-related graves or surface remains.<sup>6533</sup> Of these 6,849 identified individuals,<sup>6534</sup> 5,627<sup>6535</sup> individuals were exhumed from mass graves associated with the five major execution sites.<sup>6536</sup> These are conservative figures and do not represent the total deaths as not all remains have been examined, matched, or located.<sup>6537</sup> DNA identifications continue to rise;<sup>6538</sup> ICMP's February 2013 update on Srebrenica-identified revealed an additional 133 individuals identified since its January 2012 update.<sup>6539</sup>

<sup>6531</sup> P01987, p.2; BRUNBORG:T.15145-15146. *See also* I.HANSON:T.36345-36346.

<sup>6532</sup> Currently, 6,056 individuals exhumed from Srebrenica-related mass graves have been DNA identified and 793 have been similarly identified from surface remains. JANC:T.15246-15247; P01987, pp.3-5,38-39,42-46 (this figure is the sum of 756 surface remains and 37 other individuals recovered from the surface at Kozluk, Godinjske Bare and along the banks of the Drina or Sava river bank). The number 6,056 represents the number of unique DNA profiles, including 142 unique DNA profiles (*i.e.*, individuals) yet unmatched to any name. PARSONS:T.14092-14093; JANC:T.15228.

<sup>6533</sup> P01987, p.5. This figure includes unique Srebrenica-related DNA profiles that have not yet been matched to a missing person: P01987, p.2; JANC:T.15251-15252. *See also* TABEAU:T.19241-19243; P02794, p.2 (excluding unique DNA profiles and identifications obtained through other methods); P01900, pp.8-9.

<sup>6534</sup> This figure includes victims identified by BiH authorities, PHR and the ICRC. JANC:T.15226-15227,T.15251-15252; P01987, p.5. *See* P01719; PARSONS:T.14061-14065,T.14107-14108 (for a detailed explanation of ICMP's methodology). *See also* PARSONS:T.14080-14083 (describing how ICMP links missing persons to Srebrenica's fall). The term "identification" is not used in a forensic sense, but describes each DNA profile, *i.e.*, the main case of each ICMP DNA match report which represents one unique individual, regardless of whether that person has yet been matched with a missing person. *See* JANC:T.15227-15228; P01987, p.2, fn.3. *See also* PARSONS:T.14061 (explaining how DNA identifies a unique individual); P01900, p.8.

<sup>6535</sup> P01987, pp.40-41. The total number recorded for all five sites is 5,624. However, three should be added to this total because the total number identified through DNA in the Kravica-related graves is 1,388, 1,385 as recorded. The discrepancy arises from counting 30 victims in Zalazje 1, where the 2013 update includes 33 individuals. *See also* P01987, p.3; P01982, p.298-299(confidential).

<sup>6536</sup> These are Kravica, Orahovac, Petkovci, Kozluk and Branjevo/Pilica. P01987, pp.40-41.

<sup>6537</sup> P01987, p.6. The number of Srebrenica victims identified through ICMP's DNA matching continues to increase: from 6,716 in 2012 to 6,849 in 2013. The figures have steadily risen from 2,591 as of 2005 to 6,745 in 2013 (including Srebrenica and Žepa victims and excluding unique DNA profiles and identifications obtained through other methods). JANC:T.15226. *See also* P01987, p.43. 104 "new" cases of surface remains were collected between January 2008 and June 2013.

<sup>6538</sup> *See* P02792, p.10; BRUNBORG:T.15154-15155.

<sup>6539</sup> P01987, p.5. These figures also include individuals identified by the BiH authorities, PHR and ICRC. *See also* P02794, p.2; P02792, p.10.

1586. Relative to the results of DNA matching, previous anthropological minimum number of individuals (MNI) calculations for the first 21 known Srebrenica-related graves have proven conservative. However, even DNA matching may not fully account for all Srebrenica missing as extraction of DNA from thousands of disarticulated body parts is not always possible.<sup>6540</sup>

1587. ICMP data has confirmed 1,001 DNA connections between the Srebrenica primary mass graves and one or more secondary mass graves (as well as between secondary mass graves),<sup>6541</sup> the result of victims' remains being split up during the reburial process. These findings are corroborated by forensic evidence connecting primary and secondary graves, including aerial imagery.<sup>6542</sup>

1588. As detailed in **Annex D**, the ICMP's DNA identification and matching process is reliable to a reasonable degree of scientific certainty<sup>6543</sup> and is in full accord with scientific norms and industry standards.<sup>6544</sup>

## 2. Demographic evidence: number of Srebrenica missing persons presumed dead

1589. The OTP Srebrenica Missing and Dead List shows that a minimum of 7,692 persons were reported missing from Srebrenica following the enclave's fall in July 1995.<sup>6545</sup> The reliability of the demographic analysis of Srebrenica-related missing or dead persons is supported by the increasing overlap with the ICMP DNA-identification data.<sup>6546</sup> Of the ICMP's 6,707<sup>6547</sup> DNA matches for named Srebrenica-

<sup>6540</sup> See PARSONS:T.36428-36429.

<sup>6541</sup> P01987, pp.48-80; P01988; JANC, T.15278-15283. The counting of such DNA connections is wholly separate from the counting of the total number of Srebrenica-related victims found in graves, since only the "Main Case" and not the "Reassociation" for each individual was counted in determining the total number of Srebrenica-related victims: P01987, p.6; PARSONS:T.14082-14083. A DNA connection is tracked through the "Protocol Number" on the ICMP update. So, for example, while the remains of an individual with Protocol Number 7923/06 were found both at the Budak 1 grave ("Main Case") as well as at the Zeleni Jadar 4 grave (re-associations, as attested by the suffix "R" following the protocol number) (P01727, p.131(confidential)), the individual was only counted once for purposes of a total calculation of Srebrenica-identified persons. Protocol Number 7923/06 can be found among Budak 1 remains, P01982, p.292(confidential), but not where Zeleni Jadar 4 Main Cases are listed, P01982, pp.261-264(confidential); PARSONS:T.14128-14129.

<sup>6542</sup> See paras.1399-1408 and **Annex C**.

<sup>6543</sup> PARSONS:T.14053-14057,T.14059-14061. The ICMP insists on a final quality control and consistency check between the DNA match report and the non-DNA evidence regarding the anthropological, pathological and circumstantial evidence. D00327(confidential).

<sup>6544</sup> See e.g., PARSONS:T.14078-14079.

<sup>6545</sup> BRUNBORG:T.15132-15133,T.15148; P01901, p.4(confidential); P01900, p.6; P02792, p.10. This figure includes Žepa victims.

<sup>6546</sup> BRUNBORG:T.15135,T.15150-15152; P01902; P02792, p.10. See P01901, p.3(confidential) (for an explanation of the increase in the numbers of DNA-identified persons); P01900, p.9. See also

related dead,<sup>6548</sup> 6,385 were also reported missing to ICRC and/or PHR, a 95.2% overlap.<sup>6549</sup>

1590. All available information and, in particular, the ICMP's DNA data, indicates that the people on the OTP Srebrenica Missing and Dead List are in fact dead.<sup>6550</sup> Approximately 99.1% of the "missing presumed dead" are male.<sup>6551</sup>

1591. As of 2009, of the Srebrenica missing, 3,162 (or 41.1%) were reported last seen in Potočari and in the forest. Another 2,340 persons (30.4%) were reported last seen in three locations: Kravica, Konjević Polje and Kamenica.<sup>6552</sup> At least 85.8% are of Muslim declared ethnicity.<sup>6553</sup> The vast majority lived in the Srebrenica area before 1995<sup>6554</sup> and 99% of victims disappeared from only five municipalities: Srebrenica, Bratunac, Zvornik, Vlasenica and Rogatica.<sup>6555</sup>

1592. As detailed in **Annex D**, in developing the OTP Srebrenica Missing and Dead List, Prosecution experts used the ICRC and PHR data<sup>6556</sup> and implemented standard demographic matching procedures to test their reliability.<sup>6557</sup> To ensure neutrality, documents of the parties to the conflict were not used.<sup>6558</sup>

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TABEAU:T.19250-19252 (for an explanation of the matching process). The number of persons found on both the ICMP list and the OTP Missing and Dead list has grown steadily over time, from 66 in 2000, to 6,603 in 2013. TABEAU:T.19241-T.19242, referring to P01902 and P02792, p.10.

<sup>6547</sup> The number 6,707 comes from the 6,849 DNA identifications by ICMP minus the 142 unique DNA profiles. *See* para.1585.

<sup>6548</sup> PARSONS:T.14061,T.14080-14081; P02794, p.2 (this figure excludes Žepa victims; the total figure of 6,745 reported in P02792, pp.2,6 (includes Žepa victims); BRUNBORG:T.15144-15146; P01900, p.5; P01902. *See also* P01900, pp.28-29; P02792, p.10; P02794, p.4 (stating that the number of missing and dead persons on the OTP lists (including Žepa victims) has increased from 7,477 in 2000 to 8,047 in 2013 and that the 30 November 2007 ICMP estimate of Srebrenica missing of 8,100 is fully consistent with OTP results since 2000).

<sup>6549</sup> P02794, p.4.

<sup>6550</sup> P01900, pp.3,9-10.

<sup>6551</sup> P01900, p.18 (referring to ratio of men:women).

<sup>6552</sup> P01900, p.16.

<sup>6553</sup> P01900, p.18.

<sup>6554</sup> P01900, pp.23-25.

<sup>6555</sup> P01900, p.30; TABEAU:T.19244.

<sup>6556</sup> BRUNBORG:T.15127-15132; TABEAU:T.36820; P01900, p.1 and Annex 3; TABEAU:P02786, T.28232-28236.

<sup>6557</sup> For detailed explanation of sources used, *see* P01900, pp.35-63; BRUNBORG:T.15150-15152,T.15172-15173.

<sup>6558</sup> For example, demographers did not use the Bosnian Book of Death, the largest database on victims of war in Bosnia and Herzegovina from April 1992 to the end to 1995, compiled by a Bosnian Human Rights NGO: P01900, pp.61-63. *See also* P01900, pp.56-57; BRUNBORG:T.15199-15200.

(a) Defence challenges to demographic evidence

1593. Defence expert RADOVANOVIĆ lacked credibility in her criticisms of the Prosecution's demographic evidence. She undermined her own expertise and revealed bias through her efforts to ignore or minimise unfavourable data, which permeated her work. For example, despite having reviewed Ewa TABEAU's 2013 update, RADOVANOVIĆ did not incorporate it into her analysis, relying instead on a 2009 report that cited the identification of fewer victims.<sup>6559</sup> Based on similarly outdated information, RADOVANOVIĆ expressed skepticism about the "unknown locations" in Serbia where bodies linked to Srebrenica were recovered,<sup>6560</sup> apparently unaware of or ignoring the fact that those unknown locations had since become known.<sup>6561</sup> RADOVANOVIĆ deviated from basic conventions of arithmetic<sup>6562</sup> and gave preference to demonstrably unreliable lists over DNA identification evidence<sup>6563</sup> when doing so would assist her in minimizing the number of Srebrenica victims.

1594. RADOVANOVIĆ also cited no professional or scholarly sources to support her criticisms of TABEAU's methodology<sup>6564</sup> and introduced confusion by misreading<sup>6565</sup> and misrepresenting<sup>6566</sup> TABEAU's data and methods. She was frequently evasive, including on fundamental topics such as the sources she consulted<sup>6567</sup> or cited<sup>6568</sup> and her understanding of basic concepts such as margin of

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<sup>6559</sup> P02794; P01900; RADOVANOVIĆ:T.38314-38317,T.38393-38397. Neither did RADOVANOVIĆ review or incorporate JANC's 2013 updated report, P01987. RADOVANOVIĆ:T.38317-38318.

<sup>6560</sup> See RADOVANOVIĆ:T.38313-38314; D01211, p.49(confidential).

<sup>6561</sup> See RADOVANOVIĆ:T.38334-38335. RADOVANOVIĆ also expressed skepticism about how the remains of Srebrenica victims could be recovered in Serbia without considering the underlying evidence establishing how this occurred. See RADOVANOVIĆ:T.38322-38337; P01987, p.38; P07513(confidential); P07516(confidential).

<sup>6562</sup> RADOVANOVIĆ:T.38278-38280,T.38391-38393.

<sup>6563</sup> Based on the ABiH Military List of Fallen or Missing Soldiers and other military personnel ("ABiH List"), RADOVANOVIĆ claimed that a number of persons found on the Srebrenica Missing and Dead List actually went missing or died prior to 1995, despite evidence that the ABiH List contained errors. RADOVANOVIĆ:T.38260-38261. See D00344, pp.2,5-10(confidential); TABEAU:T.19428-19429; JANC:T.15364-15365; RADOVANOVIĆ:T.38264.

<sup>6564</sup> RADOVANOVIĆ:T.38374-38379. Indeed, RADOVANOVIĆ's unsupported claims about methodological conventions and standards, such as her assertions that the method of proportions is "never used" in scientific and professional research on migration and was abandoned by the U.N. "a long time ago," see D01211, p.54(confidential); RADOVANOVIĆ:T.38207-38208, are questionable in light of the fact that a U.N. handbook entitled "Preparing Migration Data for Subnational Population Projections" explicitly recommended the method in 1992. See P07518, p.9; RADOVANOVIĆ:T.38376-38377,T.38380-38381.

<sup>6565</sup> See e.g., RADOVANOVIĆ:T.38385-38390.

<sup>6566</sup> See e.g., D01211, pp.41-44(confidential); RADOVANOVIĆ:T.38407-38408,T.38225-38228,T.38338; D01211, p.24(confidential).

<sup>6567</sup> RADOVANOVIĆ:T.38314-38317.

error<sup>6569</sup> and data matching.<sup>6570</sup> Finally, RADOVANOVIĆ revealed her bias and lack of scientific professionalism when claiming that she had published one internationally peer-reviewed article in a scientific journal.<sup>6571</sup> After RADOVANOVIĆ avoided answering whether the article was peer-reviewed<sup>6572</sup> and claimed not to know that other Defence witnesses in this trial had contributed to the collection of papers from a conference<sup>6573</sup> that concluded the ICTY should be shut down and its judges investigated for violations of international law,<sup>6574</sup> which she falsely characterized as a scientific journal, she ultimately admitted that “I’m not competent to say whether something is a scientific journal or not.”<sup>6575</sup>

### 3. Forensic Evidence: Mass Executions of Srebrenica Muslims

1595. Forensic evidence acquired during the exhumations conclusively demonstrates that graves were “robbed” (*i.e.*, dug up) and bodies were reburied in secondary graves; human remains found in the graves were those of missing Srebrenica Muslims; bodies found in the graves were of individuals who died shortly after Srebrenica’s fall; the cause of death for the vast majority was gunshot wounds; and victims were executed, not killed in combat. Witness testimony corroborates these forensic conclusions.<sup>6576</sup>

#### (a) Reburials

1596. Investigators and forensic experts conclude that the mass graves were disturbed and links existed between certain graves<sup>6577</sup> based on an analysis of shell casings,<sup>6578</sup> other materials found inside the graves<sup>6579</sup> aerial imagery<sup>6580</sup> and DNA

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<sup>6568</sup> RADOVANOVIĆ:T.38355-38356,T.38374-38377.

<sup>6569</sup> RADOVANOVIĆ:T.38349-38354.

<sup>6570</sup> RADOVANOVIĆ:T.38363-38364.

<sup>6571</sup> RADOVANOVIĆ:T.38289-38290.

<sup>6572</sup> RADOVANOVIĆ:T.38300-38308.

<sup>6573</sup> RADOVANOVIĆ:T.38308; P07514.

<sup>6574</sup> RADOVANOVIĆ:T.38309-38310; P07515.

<sup>6575</sup> RADOVANOVIĆ:T.38312.

<sup>6576</sup> See paras.1399-1408; *see also* AF1474, AF1478-AF1479.

<sup>6577</sup> P02340; P01736, pp.4-5,25; MANNING:T.14162-14163,T.14167. See P01761, p.27 (showing tooth marks of excavation machinery); P01731 (photograph of bodies in Kozluk with excavation tooth marks); P01832, pp.10,76. See **Annex C**.

<sup>6578</sup> MANNING:T.14174-14178; P01733; P01736, pp.15-16.

<sup>6579</sup> P01736, pp.17, 27; P01771; P01481, p.7; MANNING:T.14162-14163,T.14178-14185.

connections.<sup>6581</sup> Forensic evidence shows two types of mass graves: “primary”, in which individuals may have been executed or placed soon after their deaths, and “secondary,” into which individuals were reburied.<sup>6582</sup> The longest distance between primary and secondary gravesites (Branjevo Farm to Čančari Road) is 40km.<sup>6583</sup> This disturbance of graves seriously hampered the investigations into the executions.<sup>6584</sup>

1597. The victims in the graves were Srebrenica Muslims. In addition to DNA identifications of individuals missing from Srebrenica, artefacts and other materials found in the graves confirm the victims were Muslims from Srebrenica, including prayer beads and excerpts from the Koran,<sup>6585</sup> identity documents, personal belongings of reported Srebrenica missing,<sup>6586</sup> ration packs and Dutch newspapers related to the Dutch Peacekeepers stationed in Srebrenica and Potočari.<sup>6587</sup> The gender and age distribution of Srebrenica missing further correlates with the bodies exhumed from the graves.<sup>6588</sup>

1598. The victims in the graves were killed in the summer of 1995. The evidence that Srebrenica Muslims were in the mass graves, along with the testimony of survivors, VRS witnesses (such as Dražen ERDEMOVIĆ<sup>6589</sup>), aerial imagery, and observations by forensic experts,<sup>6590</sup> all support the conclusion that the individuals in

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<sup>6580</sup> Aerial images showed disturbed earth in areas removed from the primary graves, appearing simultaneously with disturbances of the primary graves, leading the investigators to discover some secondary graves: MANNING:T.14167-14170. *See* P01481.

<sup>6581</sup> *See* para.1587.

<sup>6582</sup> *See also* MANNING:T.14161; P01987, pp.7-41. For a full list of the forensic evidence linking the primary and secondary mass graves and corroborating DNA connection evidence, *see* P01987, pp.47-80; P01982(confidential). *See Annex C.*

<sup>6583</sup> P01087, p.7.

<sup>6584</sup> MANNING:T.14160. The damage to the bodies made it difficult to determine the cause of death, the number and the identity of victims. BARAYBAR:T.16015-16017; LAWRENCE:T.14705-14706.

<sup>6585</sup> P01900, p.18. *See e.g.* P01736, pp.38,41,45,49,53,57,60,64,71,74,78,82,90; P01735, pp.18-20; P01832, p.77.

<sup>6586</sup> AF1646; *see, e.g.*, P01762, p.26; P02260, p.8. There were very few true identifications of individuals prior to DNA identifications by ICMP. *See e.g.*, BRUNBORG:T.15145-15146.

<sup>6587</sup> P01762, pp.28-29; P01736, p.49,60,71.

<sup>6588</sup> *See* P01901(confidential); P01982(confidential); P01735, p.4; P01736, p.5; P01738, p.2.

<sup>6589</sup> ERDEMOVIĆ:P01673, T.836-855.

<sup>6590</sup> *See, e.g.*, P01832, p.14, noting of Lažete 2, that “[b]ased on the presence of fall leaves in the test unit, it was inferred that the disturbance had occurred after leaves were shed, probably during or after late September or October of the previous year (1995).” *See also* P01761, p.28 (photos of dead plants preserved under Kozluk bodies reveal seed and flower development consistent with mid-summer 1995 executions); P01762, pp.29-32 (an analysis of 10 self-winding watches found at different exhumation sites indicates 14 July 1995 was date of death); P02086, pp.15-23; BARAYBAR:P02070, T.3831-3832,T.3843.

the mass graves died in July 1995 and in certain cases, were reburied in late September/early October 1995.<sup>6591</sup>

1599. The majority of the victims died of gunshot wounds. Although the degree of decomposition, skeletonization and disarticulation of the bodies exhumed from mass graves impeded determinations as to the causes of death,<sup>6592</sup> pathological analysis shows that the overwhelming majority of exhumed individuals died of gunshot wounds.<sup>6593</sup>

1600. The victims in the graves were not battle, suicide or mine casualties. In order to bury individuals killed in the column, the VRS would have had to retrieve thousands of bodies from remote, heavily wooded locations with ongoing combat operations,<sup>6594</sup> made especially hazardous by live mines,<sup>6595</sup> all for the purpose of sanitizing terrain that did not pose an urgent health risk. There is no evidence that such an operation occurred, particularly prior to the closing of the Srebrenica mass graves on or before 19 July 1995.<sup>6596</sup>

1601. Moreover, additional evidence, corroborated by witness testimony,<sup>6597</sup> proves that execution victims and not battle casualties were in the graves.<sup>6598</sup> First, at least 448 blindfolds and 423 ligatures were located on or close to the bodies,<sup>6599</sup> signifying

<sup>6591</sup> MANNING:T.14167.

<sup>6592</sup> P02259, pp.3-5; LAWRENCE:T.14705-14706,T.14728-14732; LAWRENCE:P01801, T.4011-4012; CLARK:T.17228-17229.

<sup>6593</sup> CLARK:T.17209; CLARK:P02257, T.3910-3911; LAWRENCE:P01801, T.4017-4018. *See also* P01735, p.4; P01736, p.5; P01738, p.3.

<sup>6594</sup> BUTLER:T.16434-16435; RM306:T.11449-11451(confidential).

<sup>6595</sup> RM306:T.11451(confidential).

<sup>6596</sup> *See* D01397 (20 July 1995 order for asanacija dated, received 21 July 1995). Burial related to executions at Petkovci Dam and Orahovac were complete on 15 July (P02203, paras.7.27,7.32-7.35); at Branjevo Farm on 17 July (D.LAZAREVIĆ:P03636, T.14463; RISTANOVIĆ:P03647, T.5395); at Kozluk on 18 or 19 July (P02203, paras.7.55-7.57); and at Kravica Warehouse on 19 July (RM306:T.11465(confidential)). The only exception Defence expert PAVLOVIĆ could cite was the limited number of bodies the VRS collected from the Bratunac-Konjević Polje road, for which the Prosecution has accounted in its evidence. JANC:T.15336; RM306:T.11435-11439,T.11453(confidential). *See also* PAVLOVIĆ:T.43024-43027.

<sup>6597</sup> Civilians were shot at detention locations and later found in mass graves. *See e.g.*, RM362's testimony about Hamed EFENDIĆ's murder at the Hangar in Bratunac, whose remains were discovered in Zeleni Jadar 5. RM362:P03381, T.748; RM362:P03525, T.17321(confidential); P01982, p.268 (no.76)(confidential).

<sup>6598</sup> CLARK:P02257, T.3939-3941; MANNING:T.14185-14187; LAWRENCE:T.14763-14764,T.14784-14785.

<sup>6599</sup> P01738, pp.3,12; P01734; P01739-P01740; MANNING:T.14179-14180; MANNING:P01730, T.25823. Blindfolds and ligatures have also been found in post-2001 exhumations, including at Bišina, the Čančari secondary mass graves (excepting Čančari 4) and the Hodžići Road mass graves, bringing their number to at least 1,000 (approximately 593 blindfolds and 774 ligatures). JANC:T.15230-

that the victims were shot after having been blindfolded and/or with their hands tied behind their backs.<sup>6600</sup> Second, some of the victims were severely handicapped,<sup>6601</sup> suffering in some cases from physical deformities or illness, indicating that they were physically unable to contribute to the war effort.<sup>6602</sup> Third, the recovery of military clothing or weapons on victims was infrequent.<sup>6603</sup> Fourth, evidence such as shell casings found beneath the bodies of victims in the graves, with matching shell casings found outside the graves, shows that the executions took place *in situ*.<sup>6604</sup> Fifth, the pathologists who conducted the autopsies determined that the gunshot wounds were inconsistent with combat,<sup>6605</sup> instead showing a pattern of execution-type injuries.<sup>6606</sup> Finally, the very fact that reburials took place shows that the graves did not contain combat casualties.<sup>6607</sup>

1602. Forensic analysis does not support any reasonable inference that Srebrenica-related graves contain combat casualties as a result of their proximity to the column route. The evidence shows that approximately two-thirds of the men in the column

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15232,T.15376-15377; P01987, pp.15,20-21,23-25,26. *See also* P01718, p.4, para.5, p.15; P01717, p.4, para.5, p.16; P01984.

<sup>6600</sup> MANNING:T.14179-14185; HAGLUND:T.14935-14937 (re: Čerska grave); CLARK:P02257, T.3914-3915,T.3939-3940; LAWRENCE:T.14706-14710; PECCERELLI:T.18432; P01732; MANNING:T.14172-14173.

<sup>6601</sup> AF1649.

<sup>6602</sup> AF1483-AF1484; Branjevo Farm yielded a victim with a prosthetic leg and his hands tied behind his back. P01841. Čančari 3 yielded an individual with a fused spine, indicating severe disability and very limited movement. Another individual suffered from a deformed forearm, indicating significant movement problems. LAWRENCE:P01808, pp.49-50; LAWRENCE:P01801, T.3987-3989. Kozluk yielded the following disabilities or deformities of individuals: an individual with a fused elbow incapable of bending; an individual with a fused knee restricting the ability to walk; an individual with a steel plate in his skull; an individual with a glass eye; and an individual who had had open-heart surgery. P02341-P02342; CLARK:P02257, T.3912-3913; P01736, pp.73-74. In one grave, 5% of the people had significant physical disabilities: CLARK:P02257, T.3940. There was also evidence that some of the individuals in graves were wounded and/or carrying stretchers when they died: BARAYBAR:P02070, T.3816; CLARK:P02257, T.3917-3918,T.3930.

<sup>6603</sup> MANNING:T.14273-14275; LAWRENCE:T.14765-14767,T.14773-14774. *See also* WRIGHT:T.14454-14455.

<sup>6604</sup> MANNING:T.14176-14177; P01733, p.4 (evidence of shell casings located within the Čerska grave, matching shell casings on the surface, the roadway and other side of the roadway); BARAYBAR:P02070, T.3821. A photograph of a ligatured individual grabbing a root in the Kozluk grave provides another indication that individuals were alive before their execution *in situ*. *See* P01761, pp.12,29.

<sup>6605</sup> CLARK:P02257, T.3940-3942. According to CLARK, the "commonest types of injuries in battle casualties are shrapnel injuries and bombs and other projectiles," whereas injuries predominantly found in the Srebrenica graves were caused by bullets. CLARK also stated that combat results in far more wounded people than killed people. *See also* LAWRENCE:T.14765-14767.

<sup>6606</sup> CLARK:P02257, T.3940-3941; MANNING:T.14185-14187.

<sup>6607</sup> LAWRENCE:T.14738-14739; MANNING:T.14185. *See also* Krstić TJ, para.78 ("Such extreme measures would not have been necessary had the majority of the bodies in these graves been combat victims.").

were cut off and left behind in the Pobude area,<sup>6608</sup> where the largest groups of Bosnian Muslim men were captured.<sup>6609</sup> There is no evidence of fighting taking place deep in the rear of the Zvornik Brigade's zone of responsibility where the Branjevo Farm, Kozluk, Petkovci Dam and Orahovac mass graves are located.<sup>6610</sup>

1603. As detailed in **Annex C**, forensic experts observed generally-accepted procedures in the course of exhumations and analysis of remains.<sup>6611</sup>

(b) Defence challenges to forensic evidence

1604. The Defence hypothesis that VRS soldiers placed surface remains of Bosnian Muslim men killed during the retreat from Srebrenica into Srebrenica mass graves as part of a clean-up operation (*asanacija*) is unsupported. Defence expert Dušan PAVLOVIĆ defended this hypothesis by relying on mislabelled DNA results.<sup>6612</sup> For example, PAVLOVIĆ relied upon ICMP DNA match data to conclude that the remains of a Muslim man recovered from the Čančari Road 12 mass grave matched the DNA of remains (a jawbone) found on the surface along the path of the Muslim retreat. However, ICMP's review of its records determined the jawbone had been mislabelled and was actually recovered with the remainder of the body from the mass grave and mislabelled afterwards.<sup>6613</sup>

1605. PAVLOVIĆ misrepresented the conclusions of death certificates,<sup>6614</sup> and exaggerated or cherry-picked witness statements, often failing to account for compelling contrary evidence.<sup>6615</sup> On several occasions, PAVLOVIĆ admitted that

<sup>6608</sup> AF1457; P01987, pp.43-45, defining the Pobude area as stretching south of Bratunac-Konjević Polje road. See para.1246; JANC:T.15387.

<sup>6609</sup> See paras.1246-1249.

<sup>6610</sup> MANNING:T.14185-14188; JANC:T.15380-15383; BUTLER:T.16375-16376; P01087, pp.9,11. See also M.NIKOLIĆ:T.11969-11970.

<sup>6611</sup> MANNING:T.14201-14203.

<sup>6612</sup> PAVLOVIĆ:T.42919-42939.

<sup>6613</sup> P07791. The autopsy report and photographs confirm that the victim was exhumed from Čančari Road 12 with a head and jawbone intact. P07790. See also PAVLOVIĆ:T.42929-42930,T.42934-42935.

<sup>6614</sup> PAVLOVIĆ:T.42944-42953. Where death certificates indicate that cause of death was "gun-shot/explosive," PAVLOVIĆ represented to the court that the victim died from an explosive injury, failing to mention that the cause of death also listed gunshot. PAVLOVIĆ:T.42948-42949. All 42 death certificates PAVLOVIĆ cited relating to bodies found in graves not associated with Kravica warehouse included gun-shot as a potential cause of death. PAVLOVIĆ:T.42950.

<sup>6615</sup> PAVLOVIĆ:T.42954-42966,T.42971-42985,T.42991-42997(confidential). E.g, one victim who PAVLOVIĆ claimed died in combat, based on a witness statement, was exhumed from Cerska with a ligature and a gunshot wound to the back of the head. PAVLOVIĆ:T.42956-42959; P01982, p.7 (no.85)(confidential).

his research was limited<sup>6616</sup> and that his conclusions were undermined by other evidence.<sup>6617</sup>

1606. Defence objections to the conclusions reached by forensic pathologists also lack substance. Defence pathology expert Zoran STANKOVIĆ relied heavily on the pathology report of Dušan DUNJIĆ. In his report, DUNJIĆ criticized the cause of death conclusions in autopsy reports,<sup>6618</sup> arguing that determining cause of death from autopsies of skeletal remains was not possible because there was no soft tissue to indicate injury<sup>6619</sup> and any damage to bones could not be determined conclusively to have occurred prior to the victim's death.<sup>6620</sup> Prosecution pathology expert John CLARK agreed in his report, acknowledging that in skeletonized bodies, "it would never be possible to say, for instance, that a bullet hole in a skull definitely occurred before death as opposed to after it," since such determinations can be made "only by looking at associated soft tissue damage such as bruising or haemorrhage."<sup>6621</sup> CLARK noted, however, that "[c]ommon sense must come into the equation . . . any suggestion that all these people died in some obscure and undetected way, and then were systematically shot after they were dead, some of them several times, is surely far beyond belief."<sup>6622</sup>

1607. In addition, as STANKOVIĆ conceded, forensic pathologists may, in examining putrefied remains, assume that certain wounds were inflicted in life and therefore caused death, leaving the proof that the injury occurred during life to be established by other evidence.<sup>6623</sup> For example, STANKOVIĆ acknowledged that blindfolds or ligatures were "sure signs" of execution.<sup>6624</sup> Other evidence of executions includes survivor witness testimony, VRS witness testimony and aerial imagery.

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<sup>6616</sup> See e.g., PAVLOVIĆ:T.42935-42936,T.42943,T.42949-42953,T.42959-42960,T.42965-42966,T.43016.

<sup>6617</sup> See e.g., PAVLOVIĆ:T.42949-42953,T.42959,T.43014-43017(confidential). PAVLOVIĆ also stated that the Prosecution had been given the wrong version of his list of individuals who he claimed had died in combat but ultimately admitted that even the most updated version contained duplicate names, victims who had been summarily executed, an individual last seen in VRS custody and statements from witnesses who had no firsthand knowledge of a victim's death. PAVLOVIĆ:T.43021-43022.

<sup>6618</sup> D01448, pp.17-21,69.

<sup>6619</sup> D01448, pp.17-21,33-37,68.

<sup>6620</sup> D01448, pp.17-21,28,68-69. See also STANKOVIĆ:T.43529.

<sup>6621</sup> P02259, p.3.

<sup>6622</sup> P02259, p.3. See also fns.6606-6607.

1608. DUNJIĆ concluded that Srebrenica graves contain bodies of victims not related to the fall of Srebrenica.<sup>6625</sup> He uses Blječeva 1, a secondary grave associated with Glogova, as an example of non-Srebrenica related victims being counted as Srebrenica victims.<sup>6626</sup> However, JANC does not count the 1992 victims recovered from Blječeva 1 as Srebrenica-related victims.<sup>6627</sup> With the exception of sub-grave L of the Glogova 1 mass grave, which includes bodies that cannot definitively be associated with the fall of Srebrenica, there is no forensic evidence that bodies in Srebrenica mass graves include non Srebrenica-related victims.<sup>6628</sup>

1609. DUNJIĆ's observation that winter clothes in the Srebrenica graves meant that the individuals wearing them had died before July 1995 and were brought to the mass graves later,<sup>6629</sup> ignores evidence indicating that the victims were simply wearing winter clothing when they were executed in July.<sup>6630</sup> Contrary to DUNJIĆ, STANKOVIĆ acknowledged that sometimes, "people do wear multiple layers of clothing even during the summer," such that the presence of such layers on some bodies was not inconsistent with the mass executions of the victims in July.<sup>6631</sup>

1610. Finally, although STANKOVIĆ distanced himself from several of DUNJIĆ's most implausible arguments, he was neither objective nor credible in his role as an expert witness, as he attempted to mislead the Chamber regarding his relationship with **MLADIĆ**.<sup>6632</sup>

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<sup>6623</sup> STANKOVIĆ:T.43515. *See also* STANKOVIĆ:T.43517-43519,T.43547-43548.

<sup>6624</sup> STANKOVIĆ:T.43546-43548.

<sup>6625</sup> D01448, p.32; D00342.

<sup>6626</sup> D01448, pp.29-32.

<sup>6627</sup> P01987, p.30; P01983, pp.2,4-5. JANC also stated that in his analysis he counted as Srebrenica victims from Blječeva 1 those 47 individuals tied to Srebrenica through the ICRC missing list and ICMP list of DNA identifications and through DNA connections to Srebrenica-related mass graves. JANC:T.15257-15261. He excluded at least 80 individuals found in JNA body bags that he dated as having died in 1992. JANC:T.15349-15350. *See also* MANNING:T.14276-14278.

<sup>6628</sup> JANC:T.15336; D00342.

<sup>6629</sup> D01448, p.36.

<sup>6630</sup> *See e.g.*, photos of Meša EFENDIĆ wearing a red sweater vest over a shirt in Potočari and photo of that same vest prior to the removal of EFENDIĆ's remains during the exhumation of the Kozluk grave. P01532, p.9; P01010; P01530. *See also* P01982, p.49 (no.192)(confidential).

<sup>6631</sup> STANKOVIĆ:T.43534-43535.

<sup>6632</sup> *See* STANKOVIĆ:T.43557-43558. STANKOVIĆ adamantly denied that he could have told **MLADIĆ** that he would attempt to have the indictment against **MLADIĆ** withdrawn and that he and **MLADIĆ** discussed preventing a life sentence, despite audio recordings of such conversations. STANKOVIĆ:T.43570-43572,T.43577-43579. *See also* STANKOVIĆ:T.43573,T.43581-43583. STANKOVIĆ viewed the indictment of **MLADIĆ** as an indictment of the army **MLADIĆ** commanded. STANKOVIĆ:T.43585-43587.

## D. Liability

### 1. MLADIĆ Committed Forcible Transfer, Genocide, Extermination, Murder and Persecutions

#### (a) Overview

1611. **MLADIĆ** was the dominating force behind the JCE to Eliminate, with direct control over all units carrying out the forcible transfer and the murder operation. He decided the fate of the Bosnian Muslims of Srebrenica, planned the transfer and murder operation, gave orders to his subordinates to commence and then regulate these operations, and physically oversaw the operations ensuring the plan was implemented. Having such a crucial role, JCE alone does not fully capture **MLADIĆ**'s responsibility. To fully reflect his criminal actions and intent the Chamber should convict **MLADIĆ** for planning and ordering the crimes within the JCE to Eliminate, alongside his conviction for membership of the JCE. Members of the JCE to Eliminate included but were not limited to **KARADŽIĆ**, **KRSTIĆ**, **BORVČANIN**, **TOLIMIR** and **POPOVIĆ**.

#### (b) From about 11 July **MLADIĆ** and others shared in a common criminal plan to eliminate the Bosnian Muslims in Srebrenica

1612. The evidence establishes beyond a reasonable doubt that on or about the evening of 11 July a common plan existed to eliminate the Bosnian Muslims of Srebrenica. This plan, created by **MLADIĆ** and others, encompassed the crimes of forcible transfer, genocide, extermination, murder and persecutions.<sup>6633</sup>

1613. The JCE to Eliminate was implemented through (i) the forcible removal of the women, children and some elderly men from Srebrenica to other Muslim-held areas in BiH on 12 and 13 July;<sup>6634</sup> (ii) the murder of the able-bodied Muslim men and boys separated in Potočari or captured from the column fleeing from Srebrenica;<sup>6635</sup> (iii)

<sup>6633</sup> Indictment, paras.19,46,59,65,71,74.

<sup>6634</sup> Indictment, paras.44-45,57,59(c)(f),74.

<sup>6635</sup> Indictment, paras.45-46(a),57,59(a)(iii)(iv),65.

cruel and inhumane treatment;<sup>6636</sup> (iv) terrorising the population;<sup>6637</sup> and (v) other persecutions.<sup>6638</sup>

1614. The existence of the common plan from about the evening of 11 July is proven by:

(i) **MLADIĆ**'s statements at the Hotel Fontana meetings on 11 July, in the context of his knowledge of the situation in Potočari;<sup>6639</sup>

(ii) the mobilisation of buses on **MLADIĆ**'s order on the evening of 11 July to arrive in Bratunac the next day;<sup>6640</sup>

(iii) **POPOVIĆ** and **KOSORIĆ** telling Momir **NIKOLIĆ** of the plan to murder the able-bodied men just before the Third Hotel Fontana Meeting on the morning of 12 July;<sup>6641</sup>

(iv) **MLADIĆ**'s announcement at the Third Hotel Fontana Meeting on 12 July that Bosnian Muslim men between 16-60 years of age in Potočari were to be separated and "screened" for war crimes;<sup>6642</sup>

(v) separating the men and boys in Potočari and the extensive organisation required to complete the separation of the Muslim men, transport the men to Bratunac, guard them there and simultaneously carry out the forcible transfer of women, children and elderly;

(vi) the VRS, on **MLADIĆ**'s order, making no lists of names of the men or performing any kind of screening,<sup>6643</sup> stripping them of their personal belongings including their identity documents (some of which were destroyed),<sup>6644</sup> depriving

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<sup>6636</sup> Indictment, paras.45-46(b),57,59(c).

<sup>6637</sup> Indictment, paras.45,57,59(c).

<sup>6638</sup> Indictment, paras.45-46,57,59.

<sup>6639</sup> See paras.1160-1162,1165-1166.

<sup>6640</sup> See paras.1167-1169.

<sup>6641</sup> See para.1176.

<sup>6642</sup> See para.1172.

<sup>6643</sup> See paras.1172,1193.

<sup>6644</sup> See paras.1193-1195,1230.

them of food, water and medical treatment,<sup>6645</sup> and subjecting them to serious physical violence;<sup>6646</sup> and

(vii) the identified summary executions of thousands of Srebrenica men and boys from 13-26 July 1995.<sup>6647</sup>

1615. The evidence from 13 July onwards confirms the continuing existence of the common criminal plan. The forcible transfer of the women, children and some elderly men continued.<sup>6648</sup> Throughout 13 July, working under the direct supervision and control of participants in the JCE to Eliminate including **MLADIĆ**, **KARADŽIĆ**, **KRSTIĆ**, **BOROVČANIN**, **TOLIMIR** and **POPOVIĆ**,<sup>6649</sup> the VRS and re-subordinated MUP units blocked the fleeing column and captured thousands of Muslim men.<sup>6650</sup> By day's end, large numbers of Muslims had been killed in organised mass executions<sup>6651</sup> and preparations were in motion to murder thousands more.<sup>6652</sup> Killings continued on a massive scale until 16 July<sup>6653</sup> with smaller-scale mass executions thereafter.<sup>6654</sup> The geographic scope of the crimes—covering a large area of Eastern Bosnia, and for the victims transported to Trnovo, the SRK AOR—as well as the consistent *modus operandi* and enormous logistical support for the crimes demonstrate centralised GŠ-VRS co-ordination and prove the existence of the JCE to Eliminate. The extensive reburial operation further demonstrates that the murders of the men and boys were committed pursuant to a common criminal plan.

1616. **MLADIĆ** and others created and carried out the common criminal plan, as demonstrated by **MLADIĆ**'s significant contributions in ensuring the plan was carried out, his utterances and his actions after the crimes had been committed.<sup>6655</sup> **MLADIĆ**, and others such as **KARADŽIĆ**, **KRSTIĆ**, **BOROVČANIN**, **TOLIMIR** and **POPOVIĆ**, intended the elimination of the Bosnian Muslims of Srebrenica.

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<sup>6645</sup> See para.1192.

<sup>6646</sup> See paras.1190,1196,1236.

<sup>6647</sup> See paras.1360-1378,1410-1560.

<sup>6648</sup> See paras.1227,1234.

<sup>6649</sup> See paras.1184,1238,1240,1243.

<sup>6650</sup> See paras.1246-1249.

<sup>6651</sup> See paras.1426-1435,1439-1459.

<sup>6652</sup> See paras.1266-1274.

<sup>6653</sup> See paras.1460-1539.

<sup>6654</sup> See paras.1360-1378,1540-1560.

<sup>6655</sup> See paras.1622-1655.

1617. The evidence proves that KARADŽIĆ, KRSTIĆ, BOROVČANIN, TOLIMIR and POPOVIĆ and others shared the intent with **MLADIĆ** to forcibly transfer the women, children and elderly from Srebrenica. It remained a long standing goal of the BSL to “cleanse” the Drina.<sup>6656</sup> **MLADIĆ** and KARADŽIĆ had long had the intent to permanently forcibly remove Bosnian Muslims from Bosnian Serb-claimed territories.<sup>6657</sup> From 1992 until July 1995 they oversaw the forcible transfer of Bosnian Muslims across Bosnia, and displayed their intent to forcibly transport the Bosnian Muslims of Srebrenica in July 1995 by, *inter alia*, drafting and issuing Directive 7<sup>6658</sup> and approving on 9 July the taking of Srebrenica town.<sup>6659</sup> KARADŽIĆ was informed on 12 and 13 July about the forcible transfer operation.<sup>6660</sup> Others, such as POPOVIĆ and TOLIMIR, also had the intent to forcibly transfer the Bosnian Muslim women, children and elderly. This is demonstrated by the numerous significant contributions to the common criminal plan made by POPOVIĆ<sup>6661</sup> and TOLIMIR.<sup>6662</sup>

1618. Others, including KARADŽIĆ, KRSTIĆ, BOROVČANIN, TOLIMIR, BEARA and POPOVIĆ also shared with **MLADIĆ** the intent to commit genocide, extermination, murder and persecutions. **MLADIĆ**, after deciding to kill the men and boys, gave orders to his officers before the Third Hotel Fontana Meeting to carry it out. For example, POPOVIĆ’s knowledge of and agreement with the plan to kill the men and boys is demonstrated by his description of the plan to Momir NIKOLIĆ the morning of 12 July<sup>6663</sup> and the integral role he played thereafter in ensuring the murder operation was carried out: for example, he led the convoy of prisoners from

<sup>6656</sup> See paras.214,398-400.426-428.

<sup>6657</sup> See Municipality Summaries.

<sup>6658</sup> P01469.

<sup>6659</sup> See para.1134.

<sup>6660</sup> P01785; P01787.

<sup>6661</sup> These include, *inter alia*, ordering NIKOLIĆ to organise the forcible transfer, which NIKOLIĆ did; being in Potočari on 12 July with **MLADIĆ** when the population was being forcibly transferred; and thereafter sending a report to his superiors detailing that about 5,000 women and children had thus far been removed. See paras.1176,1202,1204-1206.

<sup>6662</sup> TOLIMIR’s own actions demonstrate that he intended to forcibly transfer the population; his report on the night of 12 July and his contact with his subordinate at Batković camp demonstrates he was involved in the forcible transfer. See para.1211. TOLIMIR’s subordinates were heavily involved in the forcible transfer operation; the separation process involved them selecting people who would be murdered as well as those who would be forcibly transferred, and intelligence and security officers at all levels of the VRS were involved in the actual forcible transfer itself. See paras.1176,1203,1207,1227-1228,1349-1355.

<sup>6663</sup> See para.1176.

Bratunac to the various detention and execution sites in Zvornik;<sup>6664</sup> procured the members of the 10<sup>th</sup> Sabotage Detachment to execute prisoners at Branjevo Farm;<sup>6665</sup> organised the execution of the Milići patients;<sup>6666</sup> took prisoners to Bišina and oversaw their execution and burial;<sup>6667</sup> and oversaw the massive reburial operations in an effort to hide the bodies.<sup>6668</sup> Equally, TOLIMIR's proposal, approved by **MLADIĆ**,<sup>6669</sup> to hide the prisoners and his cancellation of his order to the security chief at Batković camp to be ready for 1,500 prisoners, saying "[w]e are halting the task",<sup>6670</sup> demonstrate that TOLIMIR shared in the common criminal plan. The "we" can only refer to **MLADIĆ**, TOLIMIR and the other JCE members.

(c) The crimes of forcible transfer, genocide, extermination, murder and persecutions were committed

(i) Forcible transfer

1619. **MLADIĆ**, **KARADŽIĆ**, **KRSTIĆ**, **BOROVČANIN**, **TOLIMIR** and **POPOVIĆ** and the other JCE members forcibly removed the women, children and elderly Muslim population from Srebrenica through force, intimidation and forced "negotiations", using VRS and MUP units. **MLADIĆ** personally commanded and oversaw the forcible removal operation in Srebrenica and was central to the process, from his involvement in the design and implementation of Directive 7 until the transfer operation was complete. By day's end of 13 July, **MLADIĆ** and the other JCE members had driven tens of thousands of Muslims from their homes in Srebrenica.

1620. The evidence proves the Srebrenica Muslims left because of the RS and VRS leadership's successful long-term campaign to force them out. The unbearable humanitarian crisis resulting from SF's implementation of Directive 7, the attack on the civilian population of the enclave, and the intolerable and hostile atmosphere in Potočari, drove the desperate population to flee the enclave where they could no longer survive. There was no plausible justification for the transfer operation; the

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<sup>6664</sup> See paras.1277-1279.

<sup>6665</sup> See paras.1298-1299.

<sup>6666</sup> See paras.1375-1378.

<sup>6667</sup> See paras.1369-1374.

<sup>6668</sup> See e.g., paras.1384-1391.

<sup>6669</sup> See paras.1248-1249.

movement of the population from Srebrenica was unnecessary (taking place at the end of or after the attack, not during it) and the displacements were permanent; and the population was not removed for humanitarian reasons.

(ii) Genocide, extermination, murder, persecutions

1621. SF murdered thousands of Bosnian Muslim men and boys from Srebrenica through both organised and opportunistic executions, the vast majority between 13 and 16 July 1995. Meanwhile, the remaining population from Srebrenica was expelled from the RS. The murders were ordered, supervised and directed by **MLADIĆ** and the other JCE members, who were present at key crime sites. The guards, drivers, executioners, gravediggers and other personnel who supported the operation were VRS and MUP soldiers and members of units commanded and/or controlled by JCE members, who used these troops to commit the crimes within the common criminal plan. The murders, taken alone or combined with the separation of the men and boys from their families and the forcible removal of the women, children and elderly and the suffering endured throughout the operations, destroyed the Muslim population of Eastern Bosnia and amount to genocide. The murder operation also constitutes extermination, murder and persecutions.

(d) **MLADIĆ** significantly contributed to the common criminal plan

1622. Individually and collectively, **MLADIĆ**'s acts significantly contributed to the common criminal plan.

(i) **MLADIĆ** planned the forcible transfer and murder operations

1623. **MLADIĆ** significantly contributed to the JCE to Eliminate by planning to forcibly transfer the Bosnian Muslim women, children and elderly and murder the men and boys. On the night of 11 July, **MLADIĆ** received information that there were Bosnian Muslim men and boys amongst the Bosnian Muslims in Potočari,<sup>6671</sup> decided to murder the men and boys and thereafter planned their murder and the forcible transfer of the rest of the population. **MLADIĆ** must have discussed the logistics of the murder and transfer operations with his subordinate officers present in

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<sup>6670</sup> See para.1212.

Bratunac, including KRSTIĆ and POPOVIĆ,<sup>6672</sup> who were present for the Hotel Fontana meetings. Holding the highest position in the VRS and being on the ground in Srebrenica, **MLADIĆ** was instrumental in the formulation of the common criminal plan.<sup>6673</sup>

(ii) **MLADIĆ** issued orders to advance the forcible transfer and murder operations

a. **MLADIĆ** ordered the detention, murder and burial of the Srebrenica men and boys

1624. At the Third Hotel Fontana Meeting at 10:00 hours on 12 July, **MLADIĆ** announced that SF would be “screening” or “inspecting” the Muslim men in Potočari.<sup>6674</sup> By this time, **MLADIĆ** had issued an order to separate the Muslim men and boys in Potočari, detain them in Bratunac and then kill them. DK security and intelligence officers POPOVIĆ and KOSORIĆ conveyed **MLADIĆ**’s order to Momir NIKOLIĆ prior to the Third Hotel Fontana Meeting<sup>6675</sup> and assigned NIKOLIĆ to assist in co-ordinating and organising the separation of the men in Potočari and the identification of detention and execution sites. POPOVIĆ and KOSORIĆ did not have the authority to order the separations and executions; **MLADIĆ** issued those orders and relied on KRSTIĆ and the security and intelligence organs of the GŠ-VRS and DK to implement them. POPOVIĆ and KOSORIĆ’s transmission of **MLADIĆ**’s order to Momir NIKOLIĆ and their instructions to NIKOLIĆ fall within the professional chain of reporting between superior and subordinate security organs.

1625. On the afternoon of 12 July, under **MLADIĆ**’s command, and at times in **MLADIĆ**’s presence,<sup>6676</sup> SF separated Muslim men and young boys, including many who were 12 to 15 years old and even more above the age of 60 and 70, from their families and detained them. Mile JANJIĆ was told that men were being separated

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<sup>6671</sup> See para.1159.

<sup>6672</sup> See para.1175.

<sup>6673</sup> See paras.1159-1166,1170-1183.

<sup>6674</sup> See para.1172.

<sup>6675</sup> See para.1176.

<sup>6676</sup> See para.1202.

because **MLADIĆ** said that is the way it would be.<sup>6677</sup> The separations were well-planned and organised.<sup>6678</sup> At 17:30 hours on 12 July, **POPOVIĆ** reported on the implementation of **MLADIĆ**'s order to the GŠ-VRS' Security and Intelligence Sector, noting that the Muslim men were being separated and "we are not transporting them".<sup>6679</sup> **POPOVIĆ**, Momir **NIKOLIĆ**, **KOSORIĆ**, and Radoslav **JANKOVIĆ** oversaw the separations on the ground in Potočari.<sup>6680</sup> These officers oversaw what was in effect a selection of men and boys—deciding which boys and elderly men would be transported and which would be separated. As such, their work was in furtherance of both the forcible transfer operation and the murder operation.

1626. **MLADIĆ**'s order to separate the Muslim men and boys for execution was clearly understood by his subordinates overseeing the implementation of the murder operation. Consistent with **MLADIĆ**'s order, prisoners were not registered and their identification documents were not kept.<sup>6681</sup> In response to VAN DUIJN's enquiry on 13 July about why the men's identification documents were being confiscated when proof of their identity would be necessary to screen them, "Mane", under the command of **MLADIĆ**, responded that the "men didn't need their passports anymore."<sup>6682</sup> VAN DUIJN realised that "there was a very dark future ahead for the men in the house and in fact for the men that had been singled out the day before."<sup>6683</sup>

1627. In the following days, the men and boys separated in Potočari were transported to Bratunac where they were kept in deplorable confinement, suffering abuse and killings by the SF guarding them, while others awaited transport and execution.<sup>6684</sup> Boys and elderly men allowed to go by the selection process were forcibly transferred.<sup>6685</sup> Muslim men who managed to slip past the Potočari separation process and board buses and trucks were separated by VRS forces at the Luke drop-off point in Kladanj.<sup>6686</sup> Those separated at Luke on 13 July were summarily executed

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<sup>6677</sup> JANJIĆ:P01445, T.9781.

<sup>6678</sup> See paras.1190,1192,1228.

<sup>6679</sup> See paras.1204-1205.

<sup>6680</sup> See paras.1203-1204.

<sup>6681</sup> See paras.1193-1195,1230,1415,1483.

<sup>6682</sup> See para.1230.

<sup>6683</sup> VAN DUIJN:P01154, T.2304.

<sup>6684</sup> See paras.1412-1420,1422-1425.

<sup>6685</sup> See para.1186-1189; P01510, p.2.

<sup>6686</sup> See para.1459.

that evening.<sup>6687</sup> The men separated in Potočari and those who were captured or surrendered to SF were summarily executed at various sites in Bratunac and Zvornik over the next few days.<sup>6688</sup>

b. **MLADIĆ** ordered the forcible removal of the women, children and elderly men

1628. **MLADIĆ** ordered the forcible transfer of the Bosnian Muslim women, children and some elderly men from Srebrenica. Prior to the Third Hotel Fontana Meeting on 12 July, POPOVIĆ and KOSORIĆ conveyed **MLADIĆ**'s order for the forcible transfer to Momir NIKOLIĆ.<sup>6689</sup> At the end of the meeting, GŠ-VRS Intelligence Officer Radoslav JANKOVIĆ, who attended the meeting, told NIKOLIĆ to "coordinate the transportation of *all* the women and children."<sup>6690</sup> **MLADIĆ** had already ordered the mobilisation of buses, trucks and fuel for the forcible transfer operation.<sup>6691</sup> Soon after, NIKOLIĆ, KOSORIĆ and members of the DK Rear Services told BOERING and RAVE that the transportation of the refugees had already started or was about to start.<sup>6692</sup> By the time BOERING and RAVE returned to Potočari, the buses **MLADIĆ** ordered, which his subordinates ŠKRBIĆ, KRSTIĆ, ŽIVANOVIĆ and others mobilised, began to arrive.<sup>6693</sup>

1629. On the afternoon of 12 July, **MLADIĆ** arrived in Potočari and personally oversaw the implementation of the forcible transfer operation.<sup>6694</sup> Other GŠ-VRS officers, including JANKOVIĆ, and DK officers, including KRSTIĆ, POPOVIĆ and KOSORIĆ, all of whom had been present at the Hotel Fontana during some or all of the meetings,<sup>6695</sup> were also in Potočari implementing **MLADIĆ**'s order.<sup>6696</sup> While there, **MLADIĆ** met with the commanding MUP officers who had been resubordinated to the VRS—including BOROVČANIN, who led the attack on

<sup>6687</sup> See para.1459.

<sup>6688</sup> See paras.1426-1435,1439-1459,1460-1539,1360-1378,1540-1560.

<sup>6689</sup> See para.1176. M.NIKOLIĆ was informed about the murder operation at the same time. M.NIKOLIĆ:D00301, p.2.

<sup>6690</sup> See para.1173.

<sup>6691</sup> See paras.1167-1169. Only **MLADIĆ** could approve the final destination for the buses once they left Potočari. ŠKRBIĆ:T.14033.

<sup>6692</sup> See para.1173.

<sup>6693</sup> See para.1173.

<sup>6694</sup> See paras.1198-1202.

<sup>6695</sup> See paras.1159,1164,1178.

<sup>6696</sup> See paras.1175,1203-1204,1206; P01148, p.81.

Potočari pursuant to **MLADIĆ**'s order, and Duško JEVIC—as well as VRS Brigade officers.<sup>6697</sup> Near the crowd of Bosnian Muslim civilians, **MLADIĆ** told KOSTER that he wanted to “evacuate the refugees.”<sup>6698</sup> When KOSTER, on the order of his commander, protested to **MLADIĆ**, **MLADIĆ** responded: “It regards my order. I couldn’t care less about your Commander.”<sup>6699</sup> **MLADIĆ** told KINGORI that he (**MLADIĆ**) “had organised his own transport” and would “move the Muslims from here and take them to Tuzla to join their brothers there.”<sup>6700</sup> At around the same time **MLADIĆ** was filmed telling the refugees they were free to stay, he was intercepted saying “[t]hey’ve all capitulated and surrendered and *we’ll evacuate them all – those who want to and those who don’t want to.*”<sup>6701</sup>

c. **MLADIĆ** ordered the mobilisation of resources necessary to forcibly transfer the women, children and elderly and murder the men and boys

1630. **MLADIĆ** was personally involved in the challenging task of securing the vehicles and fuel necessary to transport the thousands of civilians in Potočari. Late at night on 11 July, **MLADIĆ** ordered the mobilisation of buses,<sup>6702</sup> an order implemented by **MLADIĆ**'s subordinates, including ŠKRBIĆ, KRSTIĆ and ŽIVANOVIĆ.<sup>6703</sup> By the afternoon of 12 July and pursuant to **MLADIĆ**'s order, more than 50 buses were procured from the VRS and, through the MOD, from state and private owners across the RS for use in the forcible transfer and murder operations.<sup>6704</sup> **MLADIĆ** was intercepted at 12:50 hours on 12 July personally monitoring the implementation of his order.<sup>6705</sup> On 12-13 July, SF used buses and trucks to forcibly transfer the women, children and elderly and then to transport the men to Bratunac and ultimately to Zvornik for execution.

1631. **MLADIĆ**'s hands-on involvement in the mobilisation of resources in furtherance of the murder operation is also demonstrated by his 13 July order to

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<sup>6697</sup> See para.1198.

<sup>6698</sup> See para.1200.

<sup>6699</sup> See para.1200.

<sup>6700</sup> See para.1200.

<sup>6701</sup> See para.1199.

<sup>6702</sup> See para.1167.

<sup>6703</sup> See para.1168.

<sup>6704</sup> See para.1169.

<sup>6705</sup> See para.1169.

MALINIĆ to transport Bosnian Muslim prisoners held at the Nova Kasaba football field to the Vuk Karadžić School in Bratunac.<sup>6706</sup>

d. MLADIĆ exercised command and control over the takeover of Potočari

1632. Pursuant to an order issued by **MLADIĆ** on the evening of 11 July, BOROVČANIN, re-subordinated to the VRS,<sup>6707</sup> launched an attack on Potočari in the early morning hours of 12 July.<sup>6708</sup> The joint VRS and MUP forces took control of the UN Checkpoint at the Žuti Most and secured the area around the DutchBat base in Potočari and the thousands of civilians that had gathered there.<sup>6709</sup> As a result of SF following **MLADIĆ**'s order, the VRS took control of the Muslim population in Potočari around the DutchBat base.

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<sup>6706</sup> See para.1262.

<sup>6707</sup> See paras.1090-1091.

<sup>6708</sup> See para.1184.

<sup>6709</sup> See para.1184; P00724, p.2; P02117.

e. **MLADIĆ** ordered the deployment of SF along the Bratunac-Konjević Polje-Nova Kasaba road to block the fleeing column of Muslims

1633. In the early afternoon of 12 July **MLADIĆ** received information that the majority of the Muslim forces were attempting to break out in the area of Konjević Polje towards Tuzla.<sup>6710</sup> In response, **MLADIĆ** ordered **BOROVČANIN** to deploy half of his forces along the Kravica-Konjevic Polje road to block the Muslim column.<sup>6711</sup> Following **MLADIĆ**'s order, **BOROVČANIN** deployed MUP forces along the Bratunac-Konjević Polje road.<sup>6712</sup> By the evening of 12 July, thousands of Muslim men from the column fleeing Srebrenica had become trapped south-east of the Bratunac-Konjević Polje-Nova Kasaba road.<sup>6713</sup> MUP forces remained in position along the road on 13 July.<sup>6714</sup> The MUP forces in control of the road participated in the capture, detention, transfer and execution of the fleeing Muslim men in the column<sup>6715</sup> pursuant to **MLADIĆ**'s orders.

1634. The Nova Kasaba-Konjević Polje road was controlled by the MP Battalion of the GŠ-VRS's 65<sup>th</sup>ZMTP<sup>6716</sup> based in Nova Kasaba<sup>6717</sup> and the 5<sup>th</sup> Engineering Battalion of the DK.<sup>6718</sup> Members of the 65<sup>th</sup>ZMTP MP Battalion were involved in the capture and detention of prisoners in the Nova Kasaba area and their transfer to Bratunac after which they were summarily executed.<sup>6719</sup>

f. **MLADIĆ** ordered **MALINIĆ** to stop registering prisoners detained at the Nova Kasaba football field

1635. On the afternoon of 13 July **MLADIĆ** ordered **MALINIĆ** to stop registering the Muslim prisoners detained at the Nova Kasaba football field when **MLADIĆ** arrived there. **MALINIĆ** had been complying with standard MP rules by registering

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<sup>6710</sup> See para.1184.

<sup>6711</sup> See para.1184.

<sup>6712</sup> P00724, p.2; P02117.

<sup>6713</sup> See paras.1184,1247.

<sup>6714</sup> P02117; P02118; see para.1238.

<sup>6715</sup> See paras.1250-1255,1439-1458.

<sup>6716</sup> See paras.1240,1248; P00724, p.3.

<sup>6717</sup> See para.1070.

<sup>6718</sup> See fn.5286. One Zvornik Brigade MP detachment was sent to Konjević Polje on 12 July. P02203, para.6.20.

<sup>6719</sup> See paras.1258-1262.

prisoners.<sup>6720</sup> **MLADIĆ** then lied to the prisoners, assuring them that they would be exchanged.<sup>6721</sup> Shortly thereafter, as they boarded buses headed for Bratunac pursuant to **MLADIĆ**'s order, prisoners were told they would no longer need their belongings,<sup>6722</sup> a clear indication the prisoners were not destined for exchange. The prisoners were detained in Bratunac in inhumane conditions and some prisoners were killed. Those who remained alive were transported to Zvornik and executed.<sup>6723</sup>

1636. There was no legitimate military reason for **MLADIĆ** to prevent the captured men from being registered. **MLADIĆ**'s order facilitated the implementation of the murder operation in secrecy and thus furthered the common criminal plan. The lack of a record of the hundreds of prisoners detained at the Nova Kasaba football field facilitated the later cover-up of the murders, facilitating **MLADIĆ** and others in hiding the murders. **MLADIĆ**'s order was also consistent with the lack of registration of prisoners at other detention sites.<sup>6724</sup>

g. **MLADIĆ** ordered FURTULA to provide BEARA with men to assist executing prisoners

1637. On 15 July, BEARA, from the Zvornik Brigade HQ, contacted ŽIVANOVIĆ and then KRSTIĆ to request additional troops to conduct executions.<sup>6725</sup> BEARA's need for troops on 15 July was to assist in the execution of prisoners detained at Ročević School and in Pilica.<sup>6726</sup> BEARA repeatedly linked the shortage he faced to FURTULA failing to comply with **MLADIĆ**'s order to send an intervention platoon on 13 July to assist BEARA in "distributing parcels", his code for murdering prisoners.<sup>6727</sup> In speaking to ŽIVANOVIĆ, BEARA stated that FURTULA did not comply with the order from "the Commander" and to KRSTIĆ he explained that FURTULA did not carry out the "boss's order".<sup>6728</sup> **MLADIĆ**'s order to FURTULA was intended to allow BEARA to carry out **MLADIĆ**'s order to execute the Bosnian Muslim prisoners.

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<sup>6720</sup> See para.1261.

<sup>6721</sup> See para.1260.

<sup>6722</sup> See para.1262.

<sup>6723</sup> See paras.1460-1539.

<sup>6724</sup> See e.g., paras.1193,1415,1447.

<sup>6725</sup> See paras.1290-1292.

<sup>6726</sup> See paras.1290-1293.

h. **MLADIĆ** ordered the 17 July sweep operation to execute any Bosnian Muslims captured in the area between Bratunac and Bešići village

1638. Upon returning to Crna Rijeka from Belgrade on the evening of 16 July,<sup>6729</sup> **MLADIĆ** ordered his subordinate KESEROVIĆ to command VRS and MUP forces in a sweep operation that covered the area of Nova Kasaba and Konjević Polje.<sup>6730</sup> **MLADIĆ** subsequently issued a written order to that effect. The stated purpose of the sweep operation was to “discover[] and destroy[] lagging Muslim groups”,<sup>6731</sup> which inferentially included an order to murder any Muslim men captured by the group. The order was issued by **MLADIĆ** at the climax of the murder operation when all Muslims captured from the column were sent for execution.<sup>6732</sup>

1639. On the morning of 17 July, KESEROVIĆ went to the Bratunac Brigade Command, where he met with BLAGOJEVIĆ not long before BLAGOJEVIĆ left for Žepa.<sup>6733</sup> That day, VRS forces subordinate to **MLADIĆ**, including elements of the Bratunac Brigade and MUP forces re-subordinated to the VRS<sup>6734</sup> carried out **MLADIĆ**’s order and captured and detained approximately 150 Bosnian Muslim men and boys near Pervani.<sup>6735</sup> The prisoners were subsequently taken to the Cerska Valley area, summarily executed and buried.<sup>6736</sup> **MLADIĆ**’s order to comb the terrain in pursuit of remaining Muslim men was made in furtherance of the ongoing operation to murder the able-bodied Muslim men and boys of Srebrenica.<sup>6737</sup>

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<sup>6727</sup> See paras.1293-1294.

<sup>6728</sup> See paras.1290-1291.

<sup>6729</sup> See para.1336.

<sup>6730</sup> See para.1337.

<sup>6731</sup> P01579.

<sup>6732</sup> The investigation has revealed that the first prisoners that survived were sent to Batković camp from where they were held in Bratunac. The bulk of the prisoners who survived custody of the BSF were sent to Batković on or after 23 July. See para.1349; P02132.

<sup>6733</sup> See para.1339.

<sup>6734</sup> See para.1341.

<sup>6735</sup> See paras.1341-1345.

<sup>6736</sup> See paras.1345-1347,1540-1545.

<sup>6737</sup> See paras.1546-1560.

(iii) **MLADIĆ** personally oversaw and supervised the forcible transfer and murder operations

1640. **MLADIĆ**'s physical presence in Srebrenica and Bratunac facilitated logistical support, neutralised potential obstacles, and reassured and emboldened his troops that the orders to commit the crimes came from the very top.

1641. **MLADIĆ**'s physical presence facilitated the logistics of planning the criminal operations. Gathered with his commanders at the Hotel Fontana on 11 July and at the Bratunac Brigade HQ on 12 July, the eve of the VRS attack on Žepa, **MLADIĆ** made decisions about distributing manpower and other resources between the crimes and the frontlines.<sup>6738</sup> For example, **MLADIĆ** not only ordered the mobilisation of buses on 11 July, he personally monitored their arrival in Potočari<sup>6739</sup> on 12 July, enabling the forcible transfer of the women and children,<sup>6740</sup> and their departure to Bratunac on 13 July,<sup>6741</sup> enabling the murder of the men.

1642. Finally, **MLADIĆ**'s physical presence also reassured, and emboldened his subordinates in committing the crimes he ordered. The physical presence of the commander of the VRS at detention sites on 13 July,<sup>6742</sup> even as the VRS attacked Žepa, demonstrated to his subordinates that the crimes were a top priority.<sup>6743</sup> His lack of reaction to the beating and murder of a prisoner in his presence<sup>6744</sup> demonstrated his disinterest in punishing those who committed arbitrary beatings or killings, leaving no room for the interpretation or concern that mid-level officers were pursuing their own criminal agenda. **MLADIĆ**, the highest ranking military officer in the VRS, was present, personally giving orders, making it that much harder for any soldier to protest illegal orders given.

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<sup>6738</sup> See paras.1174-1175,1213.

<sup>6739</sup> See para.1169.

<sup>6740</sup> See paras.1186-1189,1227,1234.

<sup>6741</sup> See para.1262.

<sup>6742</sup> See paras.1250-1262.

<sup>6743</sup> See paras.1290-1294.

<sup>6744</sup> See para.1260.

(iv) MLADIĆ together with KARADŽIĆ decided to move the prisoners from Bratunac to Zvornik

1643. By the evening of 13 July, **MLADIĆ** and **KARADŽIĆ** decided to move thousands of prisoners to execution sites 40km north to the Zvornik area.<sup>6745</sup> **BEARA** and **POPOVIĆ**, coordinating with both the Zvornik and Bratunac Brigades, made arrangements to transport the prisoners from Bratunac to Zvornik.<sup>6746</sup> Late that night, Zvornik Brigade MPs received the first group of prisoners from Bratunac at Orahovac School.<sup>6747</sup> The next morning, VRS personnel, led by **POPOVIĆ**, and MUP forces moved the vast majority of prisoners held in and around Bratunac to the Zvornik AOR, specifically Orahovac, Petkovci, Ročević and Pilica, where they were detained.<sup>6748</sup> The involvement of **MLADIĆ** on the ground at Konjević Polje and Nova Kasaba dealing with the prisoners who were ultimately transferred to Zvornik, the involvement of GŠ-VRS officer **BEARA** in arranging the transfer of the prisoners, and the co-ordinated and organised transportation of the prisoners by VRS and MUP forces, together with **MLADIĆ**'s presence at the DK HQ the evening of 13 July and Crna Rijeka that night where he had full communication capabilities, establishes that **MLADIĆ** authorised or approved the prisoners' transfer to the Zvornik area.

(v) MLADIĆ commanded, supervised, directed and controlled his subordinates' oversight and coordination of the crimes

1644. **MLADIĆ** commanded, supervised, directed and controlled GŠ-VRS officers to oversee, co-ordinate and participate in the forcible transfer and murder operations,<sup>6749</sup> including **TOLIMIR**,<sup>6750</sup> **GVERO**,<sup>6751</sup> **ŠKRBIĆ**,<sup>6752</sup> **MILETIĆ**,<sup>6753</sup> **BEARA**,<sup>6754</sup> **SALAPURA**,<sup>6755</sup> **JANKOVIĆ**,<sup>6756</sup> **KESEROVIĆ**,<sup>6757</sup> and **PEĆANAC**.<sup>6758</sup>

<sup>6745</sup> See para.1267.

<sup>6746</sup> See paras.1273-1280.

<sup>6747</sup> See paras.1274,1461.

<sup>6748</sup> See paras.1277-1278,1463,1482,1491,1510.

<sup>6749</sup> See paras.1622-1655.

<sup>6750</sup> See e.g., paras.1212,1240,1248-1249,1268-1269,1296.

<sup>6751</sup> See e.g., para.1248; P02119.

<sup>6752</sup> See e.g., paras.1167-1169.

<sup>6753</sup> See e.g., paras.1168,1248,1286,1309,1324,1350-1352.

<sup>6754</sup> See e.g., paras.1270,1273,1279,1281-1282,1289-1294.

<sup>6755</sup> See e.g., para.1241.

<sup>6756</sup> See e.g., paras.1202-1203,1348-1354,1357.

<sup>6757</sup> See e.g., paras.1342-1347.

<sup>6758</sup> See e.g., paras.1298-1299.

**MLADIĆ** also commanded, supervised, directed and controlled officers in units subordinated to the GŠ-VRS, including PELEMIŠ,<sup>6759</sup> SAVČIĆ,<sup>6760</sup> and MALINIĆ,<sup>6761</sup> as well as DK commanders ŽIVANOVIĆ<sup>6762</sup> and KRSTIĆ.<sup>6763</sup> **MLADIĆ**'s command, supervision, direction and control of his subordinates during their participation in the crimes ensured the successful implementation of the common criminal plan to forcibly transfer the women, children, and elderly and murder the men and boys.

(vi) **MLADIĆ** used SF resources to carry out the forcible transfer and murder operations

1645. **MLADIĆ** used SF under his command to carry out the forcible transfer and murder operations. This included SF used to transport the women and children out of the enclave;<sup>6764</sup> to separate the men and boys<sup>6765</sup> and transport them to detention sites;<sup>6766</sup> and to guard and execute the prisoners;<sup>6767</sup> as well as the buses, trucks and fuel needed to forcibly transfer the women and children, and the equipment needed to bury the prisoners.<sup>6768</sup>

(vii) **MLADIĆ** facilitated the common criminal plan by concealing the murder operation

1646. **MLADIĆ**'s personal conduct and orders to his subordinates to conceal the murder operation were essential for its success. If any aspect of the crime had been exposed before its completion, it would have led to condemnation and possible intervention by the international community, frustrating the RS's strategic objectives and the genocidal plan being implemented. **MLADIĆ**'s undertaking to keep the murder operation and its execution secret also underscores his consciousness of guilt.

1647. To maintain the operational secrecy of such an important and manifestly illegal operation, **MLADIĆ** lied to and manipulated UNPROFOR to prevent their

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<sup>6759</sup> See e.g., para.1155.

<sup>6760</sup> See e.g., para.1248.

<sup>6761</sup> See e.g., paras.1248,1258-1262.

<sup>6762</sup> See e.g., paras.1168,1290.

<sup>6763</sup> See e.g., paras.1164,1168,1174-1175,1202,1213,1238,1291-1296.

<sup>6764</sup> See paras.1186-1189,1227-1228,1234.

<sup>6765</sup> See paras.1190-1196,1206,1229-1230.

<sup>6766</sup> See paras.1263,1277-1278.

<sup>6767</sup> See paras.1412-1435,1439-1474,1479-1486,1491-1504,1509-1526.

intervention during the separation process on 12-13 July in Potočari and sought to conceal the captured Srebrenica Muslims in locations where they would not be detected before they were executed.

(viii) **MLADIĆ** facilitated the plan to kill the men and boys by concealing the plan and preventing UNPROFOR's intervention

1648. **MLADIĆ**'s lies and manipulation neutralised UNPROFOR troops during key stages of the murder operation such that UNPROFOR was unable to intervene and protect the men separated in Potočari. At the Third Hotel Fontana Meeting on the morning of 12 July, **MLADIĆ** announced that all the men between the ages of 16 and 60 would be separated, falsely purporting that they would be screened for war crimes.<sup>6769</sup> **MLADIĆ** continued to mask the decision to murder the men by lying to DutchBat about where the buses transporting the men were destined, claiming they would be taken for exchange in Bijeljina.<sup>6770</sup> SF blocked DutchBat at gunpoint from entering the White House where the separated men were detained,<sup>6771</sup> prevented DutchBat from escorting the buses of men,<sup>6772</sup> held DutchBat soldiers captive in Potočari and forcibly seized their radios, flak vests, weapons and other equipment.<sup>6773</sup> The systematic and organised disabling of DutchBat by SF on 12-13 July, which could only have occurred pursuant to superior orders, facilitated the plan to execute the men and boys.

(ix) **MLADIĆ** approved TOLIMIR's 13 July proposal and ordered his subordinates to take measures to conceal the captured prisoners

1649. In response to the growing number of Srebrenica Muslim men being captured or surrendering along the Bratunac-Konjević Polje-Milići road on 13 July, **MLADIĆ** approved measures designed to maintain the secrecy of their detention, transportation and eventual execution proposed by TOLIMIR.<sup>6774</sup> In the late afternoon, while at the Nova Kasaba football field, **MLADIĆ** ordered the prisoners to be transported to

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<sup>6768</sup> See paras.1167-1169,1270,1475-1478,1490,1505-1508,1530-1537.

<sup>6769</sup> See para.1172.

<sup>6770</sup> See para.1229.

<sup>6771</sup> See para.1192.

<sup>6772</sup> See paras.1208-1209,1232.

<sup>6773</sup> See paras.1209,1232.

<sup>6774</sup> See para.1248.

Bratunac where they were detained indoors and in buses.<sup>6775</sup> That evening, **MLADIĆ** issued an order entitled “Prevention of leakage of confidential military information in the area of combat operations”<sup>6776</sup> which adopted elements of an earlier proposal of TOLIMIR<sup>6777</sup> and included the closure of main roads, the regulation of access and the banning of the entry of journalists and the provision of any information about the prisoners. TOLIMIR’s proposal and **MLADIĆ**’s orders were designed to ensure that the early stages of the murder operation were carried out undetected. Over the next three days, thousands of prisoners were detained indoors or in buses and executed by SF in secret, away from the eyes of international forces and organisations, and buried in mass graves.

(x) **MLADIĆ** restricted access of UN and international organisations to the Srebrenica area so the murder operation could continue uninterrupted

1650. While in Belgrade on 14-15 July, **MLADIĆ** ensured the murder operation proceeded uninterrupted by continuing to control access to the Srebrenica area and misdirecting international representatives inquiring about the fate of the missing men and boys.<sup>6778</sup> By this time, **MLADIĆ** would have been briefed on international media reports about the separations and suspected murders in Srebrenica.<sup>6779</sup>

1651. At meetings on 14 and 15 July, international representatives requested, *inter alia*, that UNHCR be allowed to enter the enclave as soon as possible,<sup>6780</sup> which **MLADIĆ** denied on the basis that the Bosnian Muslim soldiers were a continued security threat.<sup>6781</sup> While there were still Bosnian Muslim soldiers east of the Milići-Konjević Polje-Bratunac road at this time,<sup>6782</sup> thousands of men and boys had been executed in the preceding 48 hours in the Bratunac area, including in and around the Kravica Warehouse,<sup>6783</sup> Sandići Meadow,<sup>6784</sup> Jadar River<sup>6785</sup> and Bratunac town.<sup>6786</sup>

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<sup>6775</sup> See para.1262.

<sup>6776</sup> P01559.

<sup>6777</sup> See para.1249.

<sup>6778</sup> See paras.1316-1318.

<sup>6779</sup> MILUTINOVIĆ:T.30091-30092; P07024.

<sup>6780</sup> See paras.1315,1318.

<sup>6781</sup> See para.1318.

<sup>6782</sup> See paras.1341-1345;P01694.

<sup>6783</sup> See paras.1439-1454.

<sup>6784</sup> See paras.1455-1458.

<sup>6785</sup> See paras.1426-1435.

On 14 and 15 July, a massive burial operation was also underway in Glogova,<sup>6787</sup> and thousands of prisoners were being detained and murdered in the Zvornik area,<sup>6788</sup> with hundreds still to be murdered on 16 July at Branjevo Farm and Pilica Dom.<sup>6789</sup> **MLADIĆ** deliberately restricted access to the Srebrenica area and misdirected internationals so that the murder operation could continue under a cloak of secrecy without intervention, and the victims of the mass executions could be buried without detection.

(xi) **MLADIĆ** led the cover-up of the murders of over 7,000 Muslims and acted to repress their investigation

1652. In August 1995, when asked by a CNN reporter about the whereabouts of thousands of missing Muslim men from Srebrenica, **MLADIĆ** replied that only “a small part of them surrendered and those who surrendered, they are under our control and are registered, or will be registered, with the International Red Cross.”<sup>6790</sup> This outright lie by **MLADIĆ** was designed to deceive the international community and prevent any investigation into the crimes.

1653. In September, **MLADIĆ** initiated a large scale reburial operation to cover-up the mass murders by exhuming the bodies of murder victims from mass graves and transferring them to secondary graves.<sup>6791</sup> **POPOVIĆ** told Momir **NIKOLIĆ** that the GŠ-VRS had ordered the reburial operation.<sup>6792</sup> On 14 September, **MLADIĆ** personally authorised the distribution of fuel to the Zvornik Brigade for this reburial operation in the Zvornik area.<sup>6793</sup> **MLADIĆ**’s subordinates, including **POPOVIĆ**, supervised and co-ordinated the reburial operation which was carried out by VRS, MUP and civilian personnel and equipment.<sup>6794</sup>

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<sup>6786</sup> See paras.1412-1423.

<sup>6787</sup> See paras.1399-1400.

<sup>6788</sup> See paras.1460-1508.

<sup>6789</sup> See paras.1509-1539.

<sup>6790</sup> See para.1393.

<sup>6791</sup> Glogova, Lažete (Orahovac), the Dam near Petkovci, Branjevo Farm and Kozluk. See paras.1398-1408.

<sup>6792</sup> See para.1389.

<sup>6793</sup> See paras.1384-1388.

<sup>6794</sup> See paras.1384-1386,1389-1391.

1654. As recounted in **MLADIĆ**'s diary, **MLADIĆ** and **KARADŽIĆ** met on 22 March 1996 and discussed how ALBRIGHT investigated Branjevo Farm expecting to find "1200 Muslim bodies" but only "found some five bodies."<sup>6795</sup> **MLADIĆ** was able to gloat in his diary because he had already ordered the majority of bodies buried in Branjevo Farm removed and reburied in secondary graves hidden along the isolated Čančari Road.<sup>6796</sup>

1655. Earlier that year, SALAPURA, acting under **MLADIĆ**'s authority, issued fake IDs to eight members of the 10<sup>th</sup> Sabotage Detachment including ERDEMOVIĆ, who were believed to be facing indictment by the ICTY for their role in the murders of the thousands of victims at Branjevo Farm.<sup>6797</sup> **MLADIĆ** must have authorised the issuance of the fake IDs and the only reasonable inference is that **MLADIĆ** did so to protect these individuals and himself from arrest and transfer to the ICTY.<sup>6798</sup> ERDEMOVIĆ's decision to publicly admit the murders clearly concerned **MLADIĆ** and **KARADŽIĆ** who discussed the matter during their 22 March 1996 meeting.<sup>6799</sup> To further deflect international scrutiny regarding the murders, **KARADŽIĆ** proposed to **MLADIĆ** a sham investigative commission.<sup>6800</sup> Upon **KARADŽIĆ**'s order, the GŠ-VRS and MUP—necessarily with **MLADIĆ**'s knowledge and approval—created the commission, staffed it in part with individuals involved in the Srebrenica events themselves, and ensured that no real investigation ever took place.<sup>6801</sup>

(e) **MLADIĆ** had the intent to commit the crimes and shared it with others

1656. From his position as the Commander of the GŠ-VRS, **MLADIĆ** knew of and actively led the key stages of planning and executing the forcible transfer and murder operations. **MLADIĆ**'s conduct and utterances conclusively prove that he shared the intent with other JCE members that genocide, extermination, murder, persecution and forcible transfer should be carried out.<sup>6802</sup>

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<sup>6795</sup> See para.1395.

<sup>6796</sup> See para.1408.

<sup>6797</sup> See paras.1394,1518-1523.

<sup>6798</sup> By this time, **MLADIĆ** was indicted by the ICTY for Srebrenica crimes.

<sup>6799</sup> See para.1395.

<sup>6800</sup> See para.1396.

<sup>6801</sup> See paras.1396-1397.

<sup>6802</sup> See *Krajišnik* AJ, para.200. The intent of other JCE members can be inferred from their acts and conduct as detailed throughout this Brief. See paras.1612,1617-1618.

(i) **MLADIĆ** had, and shared with others, the intent that the forcible transfer of the women, children and some elderly men should be carried out

1657. **MLADIĆ** shared with KARADŽIĆ, KRSTIĆ, BOROVIČANIN, TOLIMIR and POPOVIĆ the intent to permanently forcibly remove Bosnian Muslims out of Bosnian Serb-claimed territory since May 1992.<sup>6803</sup> This intent is evidenced by the cleansing of municipalities of Eastern Bosnia in 1992, resulting in the Bosnian Muslims of Eastern Bosnia being forced into small pockets;<sup>6804</sup> by his issuance of Directive 4, which ordered the defeat of the ABiH in Eastern Bosnia and removal of the Muslim population;<sup>6805</sup> by the assault and cleansing in Eastern Bosnia, halted only by the creation of the enclaves;<sup>6806</sup> by the drafting and issuance of Directive 7 that called for the creation of “an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa”,<sup>6807</sup> directly reflecting **MLADIĆ**’s intent; by his personal involvement, together with his most senior officers in the GŠ-VRS, in the ever-tightening restriction of UNPROFOR and humanitarian aid convoys;<sup>6808</sup> and by taking personal control over his forces during the *Krivaja-95* attack. **MLADIĆ** did all of the above in furtherance of his objective to expel the Muslims from Eastern Bosnia. **MLADIĆ**’s utterances throughout these events further demonstrate that he shared the intent to permanently forcibly remove Bosnian Muslims from Eastern Bosnia.<sup>6809</sup>

1658. **MLADIĆ** designed and ordered<sup>6810</sup> the forcible transfer operation. **MLADIĆ**’s order to BOROVIČANIN to take Potočari on 12 July<sup>6811</sup> placed the population under **MLADIĆ**’s control. He ordered the mobilisation of the buses and fuel required to forcibly transfer the population on the evening of 11 July,<sup>6812</sup> well before his charade on 12 July in Potočari of suggesting the population could stay if it wished to stay. He then personally ordered the forcible transfer operation take

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<sup>6803</sup> See para.196.

<sup>6804</sup> See Municipality Summaries, Rogatica and Vlasenica.

<sup>6805</sup> See paras.399-400.

<sup>6806</sup> See paras.401-410.

<sup>6807</sup> See paras.426-428.

<sup>6808</sup> See paras.435-447.

<sup>6809</sup> See para.421.

<sup>6810</sup> See paras.1623-1624.

<sup>6811</sup> See para.1632.

<sup>6812</sup> See paras.1630-1631.

place.<sup>6813</sup> His leadership and orders implementing the operation to forcibly transfer the Srebrenica women, children and some elderly men establish that **MLADIĆ** shared the intent that forcible transfer be carried out.

1659. **MLADIĆ**'s personal presence on the ground overseeing and supervising his subordinates in the forcible transfer operation<sup>6814</sup> demonstrates he shared the intent that the forcible transfer be carried out. While in Potočari, **MLADIĆ** ensured that the buses he had ordered would arrive in order to transport the women, children and some elderly men.<sup>6815</sup> **MLADIĆ** also neutralised DutchBat, an international force capable of interfering with the forcible transfer and murder operations.<sup>6816</sup> These acts helped prevent any international intervention.

1660. Soon after the Third Hotel Fontana meeting when **MLADIĆ** falsely stated that the Muslim civilians would be free to stay, **MLADIĆ** explicitly expressed his real intention in an order over the radio, stating "[t]hey've all capitulated and surrendered and we'll evacuate them all – those who want to and those who don't want to."<sup>6817</sup>

(ii) **MLADIĆ** had, and shared with others, the intent that genocide, extermination, murder and persecutions should be carried out

1661. **MLADIĆ** ordered, closely oversaw and supervised the summary execution of thousands of Muslim men and boys and the forcible transfer of the remaining population of Srebrenica, carried out by SF under his command.<sup>6818</sup> The evidence is overwhelming, and proves beyond a reasonable doubt that **MLADIĆ** had the intent that genocide be carried out against the Bosnian Muslims of Srebrenica and shared it with other members of the JCE to Eliminate.

1662. **MLADIĆ**'s acts and utterances demonstrate he shared the intent that genocide be carried out. **MLADIĆ** ordered that the Muslim men be murdered<sup>6819</sup> and provided detailed orders for its implementation; for example, on 13 July, **MLADIĆ** personally

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<sup>6813</sup> See paras.1628-1629.

<sup>6814</sup> See paras.1640-1642.

<sup>6815</sup> See para.1630.

<sup>6816</sup> See para.1648.

<sup>6817</sup> See para.1629.

<sup>6818</sup> See paras.1624-1627,1640-1642.

<sup>6819</sup> See paras.1624-1627.

ordered that FURTULA provide BEARA with men to carry out the execution operation.<sup>6820</sup>

1663. While walking through Srebrenica on 11 July, **MLADIĆ** stated “the time has come to take revenge on the Turks in this region”,<sup>6821</sup> reflecting his mindset just before he decided the fate of the Bosnian Muslim refugees. At the Second and Third Hotel Fontana meetings, **MLADIĆ** spoke about the Bosnian Muslims of Srebrenica as a group, telling Muslim representative Nesib MANDŽIĆ that Srebrenica Muslims had a choice to “survive or disappear”, “the future of your people is in your hands” and that MANDŽIĆ should “bring the people who can secure the surrender of weapons and save your people from destruction.”<sup>6822</sup> In categorising the Bosnian Muslims of Srebrenica in such a way, it is clear **MLADIĆ** was thinking about the “disappearance” and “destruction” of Bosnian Muslims in Srebrenica as a group. That **MLADIĆ** had the power to make life or death decisions about the fate of the Bosnian Muslims from Eastern Bosnia is confirmed by his statement to the Bosnian Muslims of Žepa when they were similarly at the mercy of his forces: “I am giving you your life as a gift”.<sup>6823</sup>

1664. **MLADIĆ** took steps which were intended to achieve destruction of the group. **MLADIĆ** announced at the Third Hotel Fontana Meeting that the men would be separated and screened for war criminals. **MLADIĆ** was personally present in Potočari and actively oversaw the implementation of his order to separate the able-bodied men and boys.<sup>6824</sup> The lack of any “screening” in the separation process, in combination with other factors including the destruction of personal identity documents, shows that **MLADIĆ**’s announced “screening” was merely a guise and that **MLADIĆ** had the intent to murder the Muslim men and boys. This intent is further revealed by, *inter alia*, his order to MALINIĆ to stop registering the Muslim men detained at the Nova Kasaba football field, men he had already marked for death.<sup>6825</sup>

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<sup>6820</sup> See para.1637.

<sup>6821</sup> See paras.1156,1180.

<sup>6822</sup> See paras.1165,1171,1181-1183.

<sup>6823</sup> P01147, ERN:V000-9268, 00:07’49-00:08’20, tp.114.

<sup>6824</sup> See para.1625.

<sup>6825</sup> See paras.1635-1636.

1665. **MLADIĆ** tried to kill as many able-bodied men and boys as he felt he could do in secret. **MLADIĆ**'s forces identified and separated at the Luke drop-off point the few men who had managed to get on buses forcibly transferring the women, children and elderly from Potočari, and then summarily executed them on the evening of 13 July;<sup>6826</sup> **MLADIĆ** ordered the fleeing column of Muslims be blocked;<sup>6827</sup> **MLADIĆ** became angry with **PANDUREVIĆ** for opening the corridor and letting some men and boys escape;<sup>6828</sup> **MLADIĆ** ordered the sweep operation on the night of 16 July which led to the murder of 150 Bosnian Muslim men and boys in the Cerska Valley;<sup>6829</sup> and **MLADIĆ**'s forces carried out ongoing executions of prisoners through the end of July.<sup>6830</sup> While **MLADIĆ** released some able-bodied Bosnian Muslim men who were MSF volunteers and some injured Bosnian Muslim men who were in the care of the internationals in Potočari and Bratunac, he did so only because they were so well-known that had he also ordered their murders, the international community may have been alerted to the ongoing murder operation.

1666. **MLADIĆ** acted to hide the prisoners prior to their execution. **MLADIĆ**'s adoption of **TOLIMIR**'s proposals to restrict access to the area and ban the provision of any information about prisoners on 13 July was to allow the murder operation to proceed under the cover of secrecy.<sup>6831</sup> **MLADIĆ** also decided with **KARADŽIĆ**<sup>6832</sup> to transport the men and boys from Bratunac to Zvornik, away from any potential oversight by international persons. **MLADIĆ**'s subordinates also attempted to ensure the prisoners remained hidden.<sup>6833</sup>

1667. **MLADIĆ** used vast VRS resources to carry out the murder operation. This included escorts and buses to transport the Muslim men to detention and execution sites; soldiers to guard and execute the prisoners; machines to bury them; as well as large quantities of fuel.<sup>6834</sup>

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<sup>6826</sup> See para.1459.

<sup>6827</sup> See paras.1633-1634.

<sup>6828</sup> See paras.1311,1338.

<sup>6829</sup> See paras.1638-1639.

<sup>6830</sup> See paras.1360-1378,1546-1560.

<sup>6831</sup> See para.1649.

<sup>6832</sup> See para.1643.

<sup>6833</sup> See, e.g., paras.1248-1249,1644.

<sup>6834</sup> See paras.1624,1627,1630-1631,1637,1641,1645.

1668. **MLADIĆ**'s forces destroyed at least eight mosques as well as other Islamic cultural buildings in the Srebrenica enclave,<sup>6835</sup> demonstrating that their target was the Bosnian Muslim group. The destruction of the Bosnian Muslims' ability to practice their religion in Srebrenica was intended to prevent their return to Srebrenica.<sup>6836</sup>

1669. **MLADIĆ** conducted a massive cover-up operation which involved the exhumation and transfer of thousands of bodies to secondary graves in remote locations.<sup>6837</sup> At no point did **MLADIĆ** act to investigate or punish the perpetrators of the crimes. The sham investigative commission he and **KARADŽIĆ** set up to deflect international scrutiny was never intended to actually make findings.<sup>6838</sup> Instead, fake IDs were issued to a number of those involved directly in the executions.<sup>6839</sup>

1670. **MLADIĆ** used derogatory and dehumanising terms such as "Turks" to refer to Bosnian Muslims,<sup>6840</sup> and tolerated the widespread use of similar terms by his subordinates, including those that carried out the murder and forcible transfer operations.<sup>6841</sup> **MLADIĆ** publicly displayed his overt racial hatred towards Bosnian Muslims when he told VAN DUIJN that in ten years he "would be in the Netherlands with his soldiers to protect the Dutch [...] from Muslims" and that if VAN DUIJN ever sent his Muslim interpreter to speak directly to **MLADIĆ** again, **MLADIĆ** "would shoot the interpreter on the spot."<sup>6842</sup>

1671. **MLADIĆ** knew that murdering thousands of men and boys and forcibly removing the remaining civilian population would have destructive consequences for the Muslims of Srebrenica. Based on his own experience in Bosnia and the former Yugoslavia,<sup>6843</sup> **MLADIĆ** understood the traditional patriarchal societal structure of the group and the essential role occupied by men in the Bosnian Muslim family. **MLADIĆ** knew the crimes would not only destroy the men who were murdered but also the survivors. **MLADIĆ**'s resolute effort to kill as many men and boys as he

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<sup>6835</sup> See para.1235.

<sup>6836</sup> [REDACTED]; TUPAJIĆ:P03170, T.15431; RADIĆ:P04333, T.7468-7469; [REDACTED].

<sup>6837</sup> See paras.1652-1655.

<sup>6838</sup> See para.1655.

<sup>6839</sup> See para.1655.

<sup>6840</sup> See para.1156; P01371.

<sup>6841</sup> P01057(confidential); P01064; P01206(confidential); P01242(confidential); P01293(confidential); P01355(confidential); P01403; P01415; P02139; P05185.

<sup>6842</sup> See para.1201.

<sup>6843</sup> See Municipality Summary, Kalinovik.

practically could whilst simultaneously uprooting the women, children, and elderly from the enclave allows for only one reasonable conclusion: **MLADIĆ** intended to destroy the Bosnian Muslims of Srebrenica.

1672. The facts proving **MLADIĆ**'s genocidal intent also demonstrate his intent to commit extermination, murder and persecutions. With regard to persecutory intent, **MLADIĆ** targeted individuals for killing, beatings and terrorisation on the night of 12 July in Potočari, as well as for forcible transfer,<sup>6844</sup> on the basis of their membership of the Bosnian Muslim group.

(f) The crimes committed can be imputed to **MLADIĆ**

1673. The crimes of forcible transfer, genocide, extermination, murder and persecutions were carried out by forces under the direct control of **MLADIĆ**.<sup>6845</sup> These crimes are therefore imputable to **MLADIĆ** as a participant in the JCE to Eliminate.<sup>6846</sup>

**E. MLADIĆ also Ordered and Planned Forcible Transfer, Genocide, Exterminations, Murder and Persecutions**

1674. Additionally, **MLADIĆ** is criminally liable for the crimes committed as part of the JCE to Eliminate based on other modes of liability, namely ordering and planning.

1. Ordering

1675. **MLADIĆ**'s orders, instructions and directions to his subordinate officers and units constituted "ordering". During the Indictment period of the JCE to Eliminate, **MLADIĆ** was the commander of the GŠ-VRS. As the highest operational military leader in the RS, **MLADIĆ** was in a position of authority over all VRS and

<sup>6844</sup> See Indictment, para.59(a)iii. and iv., (e) and (f).

<sup>6845</sup> The acts of individuals not subordinated to **MLADIĆ** are attributable to **MLADIĆ** because said individuals were either under the control of other JCE Members, for example RM306, or were acting together or in concert with his subordinates, for example RM281.

<sup>6846</sup> *Martić* AJ, para.195.

subordinated MUP units involved in both the forcible transfer and murder operations.<sup>6847</sup>

1676. The only reasonable conclusion based on the evidence of the pervasive, co-ordinated and disciplined involvement of the VRS units and assets in the forcible transfer of the Bosnian Muslim women, children and elderly out of the enclave and the murder of thousands of Bosnian Muslim men and boys is that **MLADIĆ** ordered his subordinates to carry out the crimes of forcible transfer and genocide, extermination, murder and persecutions.

1677. **MLADIĆ** also gave orders which had a substantial effect on the commission of the crimes of forcible transfer, genocide, extermination, murder and persecutions, including: his order to BOROVČANIN to take Potočari, taking control of the Muslim population who had sought refuge there;<sup>6848</sup> his order to ŠKRBIĆ to mobilise buses, which were used to forcibly transfer the Bosnian Muslim population and transport the able-bodied men to detention and execution areas;<sup>6849</sup> his order that males aged 16 to 60 be separated, who were detained and then summarily executed;<sup>6850</sup> his orders to GŠ-VRS, DK and MUP units to block the fleeing column of Muslim men in the area of Konjević Polje,<sup>6851</sup> leading to the capture of approximately 6,000 men and boys who were subsequently summarily executed; his orders to conceal the captured able-bodied men from view and knowledge of internationals, including his order to MALINIĆ to stop registering the prisoners at Nova Kasaba;<sup>6852</sup> and his order to GŠ-VRS, DK and MUP units to conduct a sweep operation on 17 July to capture and destroy lagging Muslim groups in the Milići - Bratunac area,<sup>6853</sup> leading to the murder of 150 captured men and boys in the Cerska Valley.<sup>6854</sup> He also ordered the massive burial<sup>6855</sup> and reburial operations.<sup>6856</sup>

1678. The orders to mobilise the buses, separate the men and boys and forcibly transfer the Bosnian Muslim women, children and elderly all had a substantial effect

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<sup>6847</sup> See paras.1065-1099.

<sup>6848</sup> See para.1184.

<sup>6849</sup> See paras.1167-1169.

<sup>6850</sup> See para.1172.

<sup>6851</sup> See para.1184.

<sup>6852</sup> See paras.1248,1261.

<sup>6853</sup> See para.1341.

<sup>6854</sup> See paras.1346-1347,1540-1545.

<sup>6855</sup> See paras.1270,1421,1475-1478,1490,1505-1508,1530-1537.

on the commission of forcible transfer. The orders to mobilise the buses, separate the men and boys, block the column, conceal the whereabouts and number of prisoners and carry out the sweep operation all had a substantial effect on the commission of genocide, extermination, murder and persecutions.

1679. **MLADIĆ** gave the orders regarding the start of the forcible transfer operation with the intent that the crime of forcible transfer be committed, with **MLADIĆ** intending that all the refugees be sent into Bosnian Muslim territory. **MLADIĆ** intended to transfer the Bosnian Muslim women, children and elderly whether they wanted to leave or not.<sup>6857</sup>

1680. **MLADIĆ** gave the order to kill the captured able-bodied men and boys, as well as the orders which had a substantial effect on the crimes, with the intent to commit the crimes of genocide, extermination, murder and persecutions.

## 2. Planning

1681. On the night of 11 July, when he discovered that there were a substantial number of men and boys in Potočari,<sup>6858</sup> **MLADIĆ** planned the forcible transfer of the Bosnian Muslim women, children and elderly from Srebrenica and the execution of the able-bodied men and boys.<sup>6859</sup> He designed the criminal conduct of his subordinates, intending that forcible transfer and genocide, extermination, murder and persecutions be committed in the execution of his design.

1682. **MLADIĆ** reviewed and approved Directive 7, with its criminal language aimed at forcibly transferring the Bosnian Muslim population of Srebrenica, as well as the *Krivaja-95* attack order which had the same objective.<sup>6860</sup> **MLADIĆ** oversaw the sniping and shelling attacks on the Srebrenica enclave and was personally involved in the convoy restrictions.<sup>6861</sup> Once Srebrenica had fallen and **MLADIĆ** learned of the refugees at Potočari, including men and boys, who would soon be in his custody, he planned their forcible transfer or execution. Events unfolded as **MLADIĆ**

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<sup>6856</sup> See paras.1383-1391.

<sup>6857</sup> See para.1169.

<sup>6858</sup> See para.1159.

<sup>6859</sup> See paras.1174-1183.

<sup>6860</sup> See paras.430-431.

had planned, with **MLADIĆ**'s own orders and other actions being instrumental in bringing the plan to fruition.<sup>6862</sup> The plan to kill all the men and boys included those in the column trying to break out, with those who surrendered to **MLADIĆ**'s forces joining those to be summarily executed. Within two days of taking the enclave, at least 25,000 women, children and elderly had been forcibly transferred and within four days, thousands of men and boys were dead and buried in remote mass graves.

1683. **MLADIĆ**'s plan had a substantial effect on the commission of all of the crimes within the JCE to Eliminate, and **MLADIĆ** intended the commission of the crimes of forcible transfer and genocide, extermination, murder and persecutions. **MLADIĆ**'s criminal intent and plan is clear from how events unfolded; the pervasive, co-ordinated and disciplined involvement of the VRS and police units subordinated to him in the forcible transfer of the Bosnian Muslim women, children and elderly out of the enclave; and the systematic detention, murder and burial of thousands of Bosnian Muslim men and boys across a short period of time.

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<sup>6861</sup> See paras.435-449.

<sup>6862</sup> See paras.1624-1655.

## VI. HOSTAGE-TAKING JCE

### A. Overview

1684. Following NATO airstrikes against Bosnian Serb military targets on 25 and 26 May 1995, VRS forces took more than 300 UNMOs and peacekeepers hostage.<sup>6863</sup> The BSL informed the UN that the hostages would be killed or injured if airstrikes continued, and hostages were held at strategic locations to deter potential airstrikes. These acts were part of a JCE to compel NATO to abstain from conducting further strikes. **MLADIĆ**, along with **KARADŽIĆ** and others, intended that UN personnel be taken hostage: he ordered VRS subordinates to detain them, use them as human shields and film them at potential airstrike targets so the media could broadcast images of them; threatened to kill them if NATO conducted further airstrikes; and negotiated for their release on the condition that airstrikes never happen again.

### B. UN Personnel Were Taken Hostage Pursuant to the Common Purpose of the JCE

1685. Following UNPROFOR's unheeded warnings to the BSL to cease shelling civilian areas in Sarajevo and return weapons that had been removed from WCP's,<sup>6864</sup> NATO carried out airstrikes against Bosnian Serb military targets on 25 and 26 May 1995.<sup>6865</sup> On 25 May 1995, following the first airstrikes, **MLADIĆ** ordered the SRK to seize UNPROFOR personnel.<sup>6866</sup> By the afternoon of 26 May, VRS forces had taken eight UNMOs captive and placed them at sites which had been targeted in earlier NATO strikes.<sup>6867</sup> **MLADIĆ** told SMITH that the hostages would be killed if there were further airstrikes,<sup>6868</sup> a threat re-affirmed by **MLADIĆ**'s liaison officer Milenko **INDIĆ**<sup>6869</sup> and others that same day.<sup>6870</sup> The following day, **KARADŽIĆ**

<sup>6863</sup> Hostage-taking is "when a person seizes or detains and threatens to kill, injure or continue to detain another person *in order to compel* a third party to do or abstain from doing something as a condition for the release of that person." *Blaškić* AJ, para.639(emphasis added). See *Sesay* TJ, para.240; ICC Elements, Art.8(2)(c)(iii).

<sup>6864</sup> SMITH:P00785, paras.108,116; P02563. See para.1688.

<sup>6865</sup> SMITH:P00785, paras.116,118; P01869.

<sup>6866</sup> RADOJČIĆ:T.23056-23057,T.23062-23063,T.23067-23071; RADOJČIĆ:P06611, para.68.

<sup>6867</sup> P02557; P07540, p.2; P02559, p.4.

<sup>6868</sup> SMITH:P00785, paras.123,125-127; SMITH:T.7308-7310; P02557, p.4; P00791, p.1; P07540, p.2.

<sup>6869</sup> **INDIĆ** was formally a liaison officer in the SRK. The evidence shows he served as **MLADIĆ**'s liaison officer. See Section IV.D.2.

approved an order to place hostages at target sites.<sup>6871</sup> On 28 May 1995, **MLADIĆ** reiterated the threat to harm the hostages, confirming that he had placed UN personnel at potential NATO targets, as well as his own headquarters.<sup>6872</sup> On 30 May, **MLADIĆ** ordered the Sarajevo command to complete disarming UNPROFOR members and deploy some of them to possible NATO targets, and to detain the remaining members in a “safe place”.<sup>6873</sup>

1686. By the end of May 1995, VRS forces had taken at least 300 UN personnel hostage.<sup>6874</sup> The hostages were filmed on **MLADIĆ**’s instructions<sup>6875</sup> so that the media could broadcast images of and threats against them.<sup>6876</sup> They were held by force or threat of force<sup>6877</sup> and some of them used as human shields,<sup>6878</sup> assaulted or otherwise mistreated.<sup>6879</sup> **MLADIĆ** visited hostages at Pale between 1 and 3 June 1995, where he and others interrogated two UNPROFOR members.<sup>6880</sup>

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<sup>6870</sup> SMITH:P00785, paras.125-126. See RECHNER:P02554(confidential), paras.27-28,31,36-39; RECHNER:T.18511,T.18454-18456,T.18460-18461; P02556, 00:38’16-00:39’41, tp.1; EVANS:P00396, pp.6-7; RM401:T.18275-18276; P02557, p.4; RILEY:T.18304,T.18336-18337; RILEY:P02543, paras.14-15.

<sup>6871</sup> P00789, p.2. See P01849; P02545/D00392, pp.1-2(partial duplicates); P02562;MILOVANOVIĆ:T.16972-16973.

<sup>6872</sup> P00790, pp.1-2; P02558, pp.2-3.

<sup>6873</sup> P05230, p.3.

<sup>6874</sup> SMITH:P00785, para.118; P07708, pp.2-3; AKASHI:T.41788-41790; P01176, p.1. E.g. RILEY:P02543, paras.21-22; CORNISH:P00395, pp.5-9; VISHNEVSKI:P00399, pp.1-3; RM403:P03577, T.10728-10729; RM403:P03576(confidential), paras.6-7,12-23; [REDACTED]; P02559, p.1; RM120:P00807(confidential), p.75; HARLAND:P00001, para.183; P05233, p.1.

<sup>6875</sup> SMITH:P00785, paras.125,127; RECHNER:P02554(confidential), paras.38-40,42-43,52-53; RECHNER:T.18527-18529. See S.LALOVIC:D00858, para.13; KALBARCYZK:P02801, p.5.

<sup>6876</sup> P01869, 00:26’41-00:30’06; P02556, 00:38’16-00:43’29; P01870, 00:35’43-00:36’02; P01871, 00:38’12-00:40’18; P02539, 01:54’45-01:55’15; P02803, 00:37’23-00:38’14; P02804, 00:40’35-00:43’21. See S.LALOVIC:T.29892-29896,T.29899-29901; S.LALOVIC:D00858, paras.8-9,12-14,17; EVANS:P00396, p.8; GELISSEN:P00397, pp.5-6,8; KALBARCYZK:P02801, pp.3-4; KALBARCYZK:T.19329-19335; RECHNER:T.18454-18456.

<sup>6877</sup> E.g. RECHNER:T.18455-18456,T.18480; RECHNER:P02554(confidential), para.36; D00391, p.1; D00393, pp.8-9; EVANS:P00396, pp.6-7; NIGHTINGALE:P00398, pp.5-6; CORNISH:P00395, pp.5,7-9; [REDACTED]; VISHNEVSKI:P00399, p.2; GELISSEN:P00397, p.5; KALBARCYZK:P02801, pp.2-3; KALBARCYZK:T.19327,T.19351-19352; WESTLUND:P00400, pp.4,7-8; RM401:T.18276-18277; P00826.

<sup>6878</sup> E.g. RECHNER:P02554(confidential), paras.31,41-45,48,51-53,55-56; RECHNER:T.18457-18460,T.18481; D00391, p.3; KALBARCYZK:P02801, pp.3-4; KALBARCYZK:T.19327-19328; HELGERS:P03581, pp.2-3; HELGERS:P03582, T.10750,T.10752,T.10759-60; P03583; WESTLUND:P00400, pp.5-7; EVANS:P00396, pp.6-8; GELISSEN:P00397, pp.6-7; RM403:P03576(confidential), paras.27-31,34;RM403:P03577, T.10722-10723; NIGHTINGALE:P00398, pp.6-7; P02556, 00:39’41-00:41’55; P02559, p.4; P01869; P02803; P06717, p.2. See P03584; P01849; VOJVODIC:T.38807-38808,T.38810-38813; S.LALOVIC:T.29892; D00393, pp.3-4,7,9-10; AKASHI:T.41781-41782.

<sup>6879</sup> RECHNER:T.18480; RECHNER:P02554(confidential), paras.32-34, 44; D00391, p.2; WESTLUND:P00400, p.6; RM403:P03576(confidential), paras.17-18,22; P05234, p.2;

1687. As affirmed by UN and VRS personnel who were involved, as well as contemporaneous RS documentation, the JCE was implemented systematically and under the JCE members' control.<sup>6881</sup> Orders issued at the Main Staff and Corps Command levels relating to the captured personnel were followed.<sup>6882</sup> The logistics of the hostage-taking was well-organised by the VRS<sup>6883</sup> and implemented primarily by its personnel.<sup>6884</sup> During and after negotiations between **MLADIĆ** and UNPROFOR Commander General Janvier,<sup>6885</sup> the hostages were released in stages between 2 and 19 June, in accordance with orders from **MLADIĆ** and **KARADŽIĆ**.<sup>6886</sup>

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RM401:P02537(confidential), pp.5-6,7,9-10; RM401:T.18215-18219(confidential),T.18257-18258,T.18277; P02538(confidential); RM120:P00807, pp.75-76(confidential); P00830; HELGERS:P03581, pp.2-3; HELGERS:P03581, T.10751; VISHNEVSKI:P00399, pp.2-3; KALBARCYZK:P02801, p.3; KALBARCYZK:T.19368-19369,T.19375. See D00393, pp.3-4,7-9.

<sup>6880</sup> KALBARCYZK:P02801, p.5; KALBARCYZK:T.18059-18060,T.19362-19365,T.19369-19374. See EVANS:P00396, p.9. **MLADIĆ** also visited Goražde sometime "early on". RILEY:P02543, para.26.

<sup>6881</sup> SMITH:P00785, paras.122,130,132; SMITH:T.7307; THEUNENS:P03029, pp.534-536; D00393, pp.3-4; P00826(confidential). See DRAGIČEVIĆ:P06644, para.43; RECHNER:T.18487-18488; RECHNER:P02554(confidential), paras.21-23,62,72; HELGERS:P03582, T.10757; RM120:T.7689-7692(confidential); RM120:P00807(confidential), pp.20-21; P00789; RILEY:T.18305-18306; P02544. The GŠ-VRS Intelligence and Security Sector sent communications to multiple Corps recommending the placement of hostages at specific target sites. See P03584; P01849; P00789.

<sup>6882</sup> E.g. RILEY:T.18307-18309; SMITH:P00785, para.130. Compare P00789, P01849, P02545/D00392, pp.1-2(partial duplicates), P02562 with P02803, P01869 P02546, p.6, P02559, p.5, D00393, p.2. See VISHNEVSKI:P00399, p.3; NIGHTINGALE:P00398, p.6; RECHNER:P02554(confidential), paras.51,53; RECHNER:T.18459-18460; KALBARCYZK:P02801, pp.3-5; EVANS:P00396, pp.7-9; GELISSEN:P00397, pp.5-7.

<sup>6883</sup> E.g. RM403:P03576(confidential), paras.25-31,35; P03578; RM403:P03577, p.13; NIGHTINGALE:P00398, pp.5-6; VISHNEVSKI:P00399, pp.2-3. See D00393, p.3; THEUNENS:P03029, pp.534-536.

<sup>6884</sup> P02546, p.6; P05234, pp.2-3; D01224, para.6; P07489, 00:14:32-00:16:05; R.MAKSIMOVIĆ:T.26813-26817,T.26819; D00393, pp.3-4. See RECHNER:P02554(confidential), paras.25-27,30, 46-47,50,51-53 RECHNER:T.18481,T.18503-18505,T.18519-18520,T.18528-18529; D00391, pp.2,5; GELISSEN:P00397, pp.5-7; KALBARCYZK:P02801, pp.2-4; KALBARCYZK:T.19346-19351; HELGERS:P03581, pp.2, 4, 10; HELGERS:P03582, T.10748-10749; RM401:P02537(confidential), p.5; RM401:T.18238-18241,T.18254-18256; [REDACTED]; RM403:P03576(confidential), paras.13-14,32-33; WESTLUND:P00400, pp.5-6; VOJVODIĆ:T.38790-38795,T.38824.

<sup>6885</sup> E.g. P02196; P00345, pp.166-167,190-192. See P00884; P02808, pp.1-2; P02001, p.100; BELL:P00832, p.28. **MLADIĆ** also met with a French representative to discuss release of the French hostages. P00345, pp.151-157,163-164. See RM401:T.18214-18215(confidential); P02537(confidential), p.7.

<sup>6886</sup> **2 June 1995:** P05231; P02481; RILEY:T.18310-18311; RM120:P00807(confidential), p.77; **6 June 1995:** P05232; P02480; RM403:P03577, T.10726-10727; P03578; P02197; **13 June 1995:** P02805; P02806; P02807; P02808; KALBARCYZK:P2802, T.10863-10872; KALBARCYZK:P02801, pp.5-6; P02809; P06860; **17 June 1995:** D00004; P02560; HELGERS:P03582, T.10761; P00991, pp.1, 2-3; GELISSEN:P00397, p.10; VOJVODIĆ:T.38836-38837; P07541. See P02472, pp.1-2; P02473, pp.1-2; THEUNENS:P03029, p.537.

**C. MLADIĆ Shared the Intent to Carry Out the JCE's Common Purpose and for the Crime of Hostage Taking**

1688. **MLADIĆ** shared the intent to carry out the common purpose of taking UN personnel hostage to compel NATO to abstain from conducting air strikes, and the intent for the underlying crime of hostage-taking. **MLADIĆ** ordered the detention of UN personnel and their use as human shields<sup>6887</sup> and repeatedly threatened the hostages with death in the event of further airstrikes,<sup>6888</sup> including by ensuring they were filmed at airstrike targets so the images could be broadcast.<sup>6889</sup> He intended to carry out this threat, having ordered his subordinates to kill hostages in the event of further airstrikes.<sup>6890</sup> **MLADIĆ** negotiated for their release upon the condition that airstrikes “never be repeated”.<sup>6891</sup> **MLADIĆ** admitted his involvement in the use of hostages as human shields and as bargaining chips against NATO bombing. Specifically, he told Smith on 26 May 1995 first through INDIĆ and then directly that “he would use ‘hripe’ [death rattle]” against the hostages if there were further attacks<sup>6892</sup> and 28 May 1995 admitted that “we deployed [UNPROFOR members...] to positions which we assessed would be [targeted by NATO].”<sup>6893</sup>

1689. **MLADIĆ** and other JCE members’ intention to take UN personnel hostage is reflected by the fact that in April 1994 **MLADIĆ** had ordered his subordinates to detain UNPROFOR members and secure them at NATO targets to deter further airstrikes,<sup>6894</sup> which BORIĆ conceded was illegal.<sup>6895</sup> **MLADIĆ** had repeatedly directly threatened violence against UN personnel, for instance warning General

<sup>6887</sup> See para.1685.

<sup>6888</sup> E.g. P02557, p.4; SMITH:P00785, paras.123,125-127; SMITH:T.7308-7310; P00791, p.1; P07540, p.2; P00790, pp.1-2; P02558, p.2-3. See RILEY:T.18304,T.18336-18337; RILEY:P02543, paras.14-15; VOJVODIĆ:T.38808-38809.

<sup>6889</sup> See fns.6875-6876.

<sup>6890</sup> P02557, p.4; RILEY:T.18304,T.18336-18337; RILEY:P02543, paras.14-15.

<sup>6891</sup> P02196, p.4. See fn.6878; P07705, p.4; AKASHI:T.41782-41783.

<sup>6892</sup> SMITH:P00785, paras.123,125-127; SMITH:T.7308-7310; P00791, tp.1.

<sup>6893</sup> P00790, pp.1-2.

<sup>6894</sup> P00587; P00781; P00514; P05224; P06930; THOMAS:P00503, paras.110-111; THOMAS:T.5191-5194; ROSE:T.6857; THEUNENS:P03029, pp.530. See P02249; P00608; P00780, pp.4-5; P07697, p.1; P07696, p.1; P07249, p.1-2; AKASHI:T.41752-41755. Taking hostages was “the normal practice following an air-strike.” ROSE:T.6856-6857.

<sup>6895</sup> BORIĆ:T.34658-34659. See P02185, p.18.

SMITH in March 1995 that he would take members of the British Battalion in Goražde, cut off their heads publicly and show it to CNN.<sup>6896</sup>

1690. KARADŽIĆ and senior VRS officers<sup>6897</sup> also shared the common purpose and intent for the crime of taking hostages.<sup>6898</sup> Before the airstrikes, on 9 May 1995 KARADŽIĆ warned that UN forces would be "detained" if NATO used force against the RS.<sup>6899</sup> KARADŽIĆ acknowledged that he decided to seize the hostages at the time,<sup>6900</sup> approved their use as human shields<sup>6901</sup> and said he would consider releasing them only if the Security Council "abolish[ed] the use of force".<sup>6902</sup> KARADŽIĆ issued orders staggering the hostages' release<sup>6903</sup> to avoid military intervention and maximize the BSL's negotiating leverage.<sup>6904</sup>

#### **D. MLADIĆ Significantly Contributed to the JCE**

1691. **MLADIĆ** was a central participant at every stage of the implementation of the common purpose. As discussed above, **MLADIĆ** issued orders to detain UNPROFOR members, use them as human shields, film them at potential NATO targets for broadcast and kill hostages in the event of further airstrikes.<sup>6905</sup> He admitted his involvement in the decision to detain the hostages at potential NATO airstrike targets,<sup>6906</sup> repeatedly threatened the hostages with death in the event of further airstrikes,<sup>6907</sup> participated in the interrogation of Pale hostages suspected of assisting NATO,<sup>6908</sup> negotiated with UN representatives for the hostages' release and implemented KARADŽIĆ's orders staggering the hostages' release.<sup>6909</sup>

<sup>6896</sup> P00788, p.1; SMITH:T.7299-7301. *See* SMITH:P00785, para.57.

<sup>6897</sup> *E.g.* P00789; P02545/D00392, pp.1-2(partial duplicates); P01849.

<sup>6898</sup> *See* P04127, pp.3-6,8-10,14; P02775; P02777; DONIA:P02001, p.98.

<sup>6899</sup> P04593, p.3; SMITH:P00785, paras.104,106.

<sup>6900</sup> DONIA:P02001, p.99.

<sup>6901</sup> P00789, p.2. *See* P06645, p.2; DRAGIČEVIĆ:T.23685-23688.

<sup>6902</sup> P02775, p.2. *See* P02776, p.6; P00888, p.2.

<sup>6903</sup> P05231; P05232; P02805; D00004.

<sup>6904</sup> *See* DONIA:P02001, p.100.

<sup>6905</sup> *See* paras.1628,1629,1631.

<sup>6906</sup> *See* fn.6892,6893.

<sup>6907</sup> *E.g.*, paras.1628,1629,1631.

<sup>6908</sup> DONIA:P02001, p.99.

<sup>6909</sup> P02481; P02480; P02560. *See* fn.6886. **MLADIĆ's** orders demonstrate his detailed knowledge of the hostage-taking operation, including the number and location of the hostages. THEUNENS:P03029, p.537. It follows that **MLADIĆ** also facilitated and encouraged the crime by failing to prevent, investigate or punish the perpetrators. *See* Indictment, para.14(h).

## **E. The Status of the Hostages is Irrelevant**

1692. Whether the hostages were civilians or combatants is irrelevant. Common Article 3 of the Geneva Conventions prohibits using persons “taking no active part in hostilities” as hostages. This includes persons placed *hors de combat* by detention, irrespective of their status at the time they were detained<sup>6910</sup> and irrespective of the purpose of their detention.<sup>6911</sup>

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<sup>6910</sup> *Karadžić 98bis* AJ, paras.15-16,21. *See Strugar* AJ, para.179, fn.460; *Karadžić* Jurisdiction Decision, para.59, *affirmed in Karadžić* Hostages AD, paras.25-26. *E.g.* DRAGIČEVIĆ:T.23690-23691.

<sup>6911</sup> *Karadžić 98bis* AJ, para.21.

## VII. ALTERNATE MODES OF LIABILITY

### A. JCE III

1693. For the reasons set forth in Sections III, IV, V, and VI, **MLADIĆ** is responsible for committing the charged crimes through his participation in the four pleaded JCEs. The charged crimes all formed part of the common purpose of one or more of those JCEs as set out in the Indictment.<sup>6912</sup>

1694. In the event the Chamber finds one or more charged crimes do not fall within the common purpose to permanently remove Bosnian Muslims and Bosnian Croats from Serb-claimed territories through the commission of crimes, that common purpose included at least the crimes of forcible transfer and deportation; it was foreseeable that the crimes of genocide (under Count 1), persecution, extermination, and murder might be perpetrated by JCE members or persons used by such members to carry out crimes forming part of the common purpose. **MLADIĆ** was aware such crimes were a possible consequence of the implementation of the common purpose, and willingly took that risk.<sup>6913</sup>

### B. Ordering (Article 7(1))

1695. **MLADIĆ** issued a vast number of orders throughout the Indictment period. By these orders, **MLADIĆ**, acting from his position of *de jure* and *de facto* authority within the VRS, instructed others to commit the crimes charged in the Indictment.<sup>6914</sup> These acts had a substantial effect on the commission of the crimes.<sup>6915</sup>

1696. Some of those orders were facially illegal in that they ordered crimes, for example Directive 4,<sup>6916</sup> the orders by **MLADIĆ** to fire on entire neighborhoods in Sarajevo because “not many Serbs live there”,<sup>6917</sup> or the order to kill the prisoners taken at Srebrenica.<sup>6918</sup> In other instances, **MLADIĆ** ordered his subordinates to use unlawful means to carry out attacks, such as using modified air bombs against areas

<sup>6912</sup> See Indictment, paras.8,14,19,24.

<sup>6913</sup> See Indictment, para.9; *Karadžić* JCE III Foreseeability Decision, para.18; *Šainović* AJ, para.1557; *Brdanin* AJ, paras.365,411.

<sup>6914</sup> *D.Milošević* AJ, para.290; *Kordić* AJ, para.28.

<sup>6915</sup> *Kamuhanda* AJ, para.75; *Kayishema* AJ, para.186; *Gacumbitsi* AJ, paras.185-186.

<sup>6916</sup> P01968, p.5.

<sup>6917</sup> P00330, p.4/P00111(partial duplicate).

which included a civilian population.<sup>6919</sup> As the orders demonstrate, **MLADIĆ** intended to order the commission of the crimes.

1697. **MLADIĆ** also issued orders for VRS operations in which crimes were committed and which, in light of the totality of the evidence, were intended to order the commission of crimes and/or issued with an awareness of the substantial likelihood a crime would be committed in the execution of the acts or omissions ordered.<sup>6920</sup> In such circumstances **MLADIĆ** is liable for ordering crimes whether or not his orders were *prima facie* illegal.<sup>6921</sup>

### C. Planning (Article 7(1))

1698. Through planning and approving VRS operations and operationalising BSL policy, **MLADIĆ** designed the crimes charged in the Indictment or approved the designs of others.<sup>6922</sup> These acts substantially contributed to the crimes.<sup>6923</sup> **MLADIĆ** intended that these crimes be committed, or acted with an awareness of the substantial likelihood that a crime would be committed in the execution of the acts or omissions planned.<sup>6924</sup>

### D. Instigating (Article 7(1))

1699. Through his acts and omissions, **MLADIĆ** prompted others to commit the crimes charged in the Indictment.<sup>6925</sup> These acts or omissions substantially contributed to the conduct of others in committing the crimes.<sup>6926</sup> **MLADIĆ** intended that these crimes be committed, or acted with an awareness of the substantial

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<sup>6918</sup> [REDACTED].

<sup>6919</sup> *D.Milošević* AJ, para.273. See Section IV.B.4(c).

<sup>6920</sup> *Blaškić* AJ, paras.42,166.

<sup>6921</sup> For instance, **MLADIĆ** ordered and oversaw Lukavac-93, led by **MLADIĆ**, during which SRK shelling resulted in the deaths and injuries of numerous civilians. P02006, p.5; P06549; D01251; D01930; P07555. **MLADIĆ** also ordered VRS Corps' to set up detention camps knowing Bosnian Serb forces were engaged in the widespread and arbitrary detention and abuse of non-Serb civilians. Thousands more civilians were detained and abused in camps set up pursuant to **MLADIĆ**'s order. See Section III.D.4.

<sup>6922</sup> *D.Milošević* AJ, para.268; *Kordić* AJ, para.26.

<sup>6923</sup> *D.Milošević* AJ, para.268; *Kordić* AJ, para. 26.

<sup>6924</sup> *D.Milošević* AJ, para.268; *Kordić* AJ, paras.29,31.

<sup>6925</sup> *Kordić* AJ, para.27.

<sup>6926</sup> *Kordić* AJ, para.27.

likelihood a crime would be committed in the execution of the acts or omissions instigated.<sup>6927</sup>

#### **E. Aiding and Abetting (Article 7(1))**

1700. Through his acts and his omissions while under a legal duty<sup>6928</sup> and ability to act,<sup>6929</sup> **MLADIĆ** provided practical assistance, encouragement or moral support that had a substantial effect on the perpetration of the crimes charged in the Indictment.<sup>6930</sup> He acted with awareness of the probability that one of a number of crimes would be committed and that his acts or omissions would probably assist the commission of these crimes.<sup>6931</sup>

#### **F. Superior Responsibility (Article 7(3))**

1701. As Commander of the GŠ-VRS and the highest ranking Bosnian Serb military officer, **MLADIĆ** had effective command and control<sup>6932</sup> over the VRS and groups subordinated to the VRS.<sup>6933</sup>

1702. During the Indictment period, **MLADIĆ** knew or had reason to know<sup>6934</sup> his subordinates were about to commit or had committed crimes charged in the Indictment. He nevertheless failed to take necessary and reasonable measures to prevent the commission of these crimes and/or punish his subordinates who perpetrated them.<sup>6935</sup> By doing so **MLADIĆ** also contributed to the various JCEs by encouraging the commission of further crimes.<sup>6936</sup>

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<sup>6927</sup> *Kordić* AJ, paras.29,32.

<sup>6928</sup> *Popović* AJ, para.1740.

<sup>6929</sup> *Mrkšić* AJ, para.49,134; *Orić* AJ, para.43.

<sup>6930</sup> *Šainović* AJ, para.1649; *Blaškić* AJ, para.46.

<sup>6931</sup> *Simić* AJ, para.86. *See Mrkšić* AJ, paras.49,63; *Blaškić* AJ, paras.45,50; *Ndindabahizi* AJ, para.122; *Furundžija* TJ, para.246; *Blaškić* TJ, para.287; *Brdanin* TJ, para.272; *Strugar* TJ, para.350. In the jurisprudence "probable" is synonymous with "likely". *See Martić* TJ, para.79,fn.150.

<sup>6932</sup> *Čelebići* AJ, para.256; *Halilović* AJ, para.59.

<sup>6933</sup> *See* Section II.H.

<sup>6934</sup> *See Čelebići* AJ, paras.232,239; *Hadžihasanović* AJ, para.97; *Orić* AJ, para.51.

<sup>6935</sup> *See Blaškić* AJ, para.417, *citing Čelebići* TJ, para.395. *See Orić* AJ, para.18.

<sup>6936</sup> *E.g.*, Section III.E.3.

## VIII. EVALUATION OF EVIDENCE

### A. Witness Credibility

1703. The vast majority of Defence witnesses were demonstrably lacking in credibility in a number of specific ways, as articulated below. At the same time, many of these witnesses provided credible and reliable evidence on matters not in apparent controversy, such as chains of command, military doctrine, and composition of forces – as well as on matters in controversy that particular witnesses believed nonetheless to be indisputable, such as the inherent inaccuracy of MABs. The Prosecution relies, pursuant to well-established Tribunal jurisprudence,<sup>6937</sup> on these as well as other portions of their evidence where circumstances indicate reliability, such as admissions made against a witness's interests and/or the interests of **MLADIĆ**, including those emerging from confrontation with documents on cross-examination, as well as corroboration by other reliable evidence. Many such instances are discussed throughout this Brief.

1704. With these exceptions, however, much Defence witness testimony was biased, confused, contradictory, vague, evasive, and sometimes even plainly absurd. Most were members of the VRS or other entities deeply implicated in the events about which they testified, and they frequently attempted to minimise or deny their personal role and **MLADIĆ**'s role in spite of compelling contemporaneous documentation to the contrary.

1705. Many Defence witnesses betrayed clear bias, openly acknowledging their devotion to, or admiration for, **MLADIĆ**.<sup>6938</sup> One witness gave thanks for the opportunity to testify on behalf of **MLADIĆ**, "the great Serbian hero,"<sup>6939</sup> while another explained that he had "great esteem and respect for General **MLADIĆ** as the commander and army leader," further emphasizing:

I am happy that I had the opportunity to meet a man like that in my life and that I had the luck to be under his command. Regardless of

<sup>6937</sup> E.g., *Šainović et al.* AJ, paras.294 & fn.834,326 & fn.952(holding that a trial chamber can reasonably accept certain parts of a witness's testimony and reject others).

<sup>6938</sup> E.g., MIJATOVIĆ:T.21577-21578; DUNJIĆ:T.24990,T.24922; INĐIĆ:T.25210-25211; P07846, p.3; DEMURENKO:T.44272-44273; BATINIĆ:T.22720; BILBIJA:T.29061-29063.

<sup>6939</sup> DUNJIĆ:T.24990.

how all this ends, General **MLADIĆ** has entered Serb history in the ranks of Serb heroes where his rightful place is.<sup>6940</sup>

1706. Another brought a photo of **MLADIĆ** for him to autograph, admitting that he had also saved a glass that was used at one of his first meetings with **MLADIĆ** as a souvenir.<sup>6941</sup> Many others sought the approval of, or to communicate with, **MLADIĆ** or the Defence in various ways, including through eye contact often in spite of admonishments from the Chamber, or by greeting or saluting **MLADIĆ** or requesting to shake his hand.<sup>6942</sup>

1707. Other Defence witnesses also displayed bias in other ways, such as by endorsing views of race-based animus against Muslims, including that they were genetically inferior to Serbs,<sup>6943</sup> or through their affiliation with organisations advocating, among other things, the abolition of this Tribunal and the investigation of its Judges for violations of international law.<sup>6944</sup> Some further confirmed their bias by attempting to offer exculpatory viewpoints on subjects about which they had no personal knowledge, as when **BARAŠIN** claimed that the Trnopolje camp was “some sort of free arrangement”<sup>6945</sup> but later admitted that with the exception of two and a half hours that he spent in Trnopolje with foreign journalists, he had no knowledge of the conditions there.<sup>6946</sup>

1708. Several Defence witnesses made categorical exculpatory claims shown to be false by compelling evidence to the contrary, such as **AMIDŽIĆ**’s claim that Manjača was not a PoW camp in 1993, which was shown to be false in light of IKK orders and reports.<sup>6947</sup> When confronted with clearly inculpatory evidence, many Defence witnesses also often gave evasive responses to questions, avoiding direct answers or disclaiming knowledge, or offered plainly unreasonable interpretations to minimise or

<sup>6940</sup> INDIĆ:T.25210-25211.

<sup>6941</sup> BATINIĆ:T.22718-22720.

<sup>6942</sup> L.OBRADOVIĆ:T.14638; SLADOJE:T.21114; MIJATOVIĆ:T.21574,T.21585; RADOJČIĆ:T.23341; G.ŠEHOVAC:T.24693-24694; M.INDIĆ:T.25089; N.ANDRIĆ:T.26396,T.26401; R.ŠARENAC:T.28577-28578; KEVAC:T.30526; KARIŠIK:T.33202-33203; V.BLAGOJEVIĆ:T.33518; BORIĆ:T.34606; S.ANDRIĆ:T.34761-34762; KIJAC:T.40226-40227; KOVIĆ:T.41996; DODIK:T.42285,T.42318-42319; DEMURENKO:T.44197.

<sup>6943</sup> E.g., DRAGIČEVIĆ:T.23715-23721.

<sup>6944</sup> E.g., Simo TUŠEVLJAK:T.38595-38596; P07515.

<sup>6945</sup> **BARAŠIN**:T.28753.

<sup>6946</sup> **BARAŠIN**:T.28760. See Đ.KRSTIĆ:T.26363-26364; P06797; MATIJEVIĆ:D01402, para.8; MATIJEVIĆ:T.43141; ŠOLAJA:T.32729,T.32760; B.MANDIĆ:T.28904-28909.

<sup>6947</sup> Compare **AMIDŽIĆ**:T.29528-29529 with P00245 and P06992. See B.MANDIĆ:T.28872,T.28900-28903.

to deflect blame to others.<sup>6948</sup> Evasions were frequently reflected in requests or admonishments from the Chamber to answer questions.<sup>6949</sup>

1709. A number of Defence witnesses also gave evidence that contradicted their own sworn testimony, either within this trial or from prior cases,<sup>6950</sup> or offered testimony

<sup>6948</sup> See VUJASIN:T.25630-25638; DRAGIČEVIĆ:T.23708-23710; MALETIĆ:T.21757-21760; MATIJEVIĆ:T.43094-43096,T.43098-43100,T.43101-43103,T.43121-43123,T.43138-43141; PEREULA:T.28330-28336; D.ŠARENAC:T.26130,T.26139-26140,T.26147,T.26150-26151,T.26155; V.BLAGOJEVIĆ:T.33563-33571; P07262; DUNJIĆ:T.24898-24901,T.24925-24937; DUNJIĆ:D00598, paras.14-15; DURMIĆ:T.26320; GARAPLIJA:T.33947; INĐIĆ:T.25178-25179; KALABIĆ:T.30248,T.30251; P02867; KEVAC:T.30516-30518; MALČIĆ:T.26237-26238; P00217; P03893; MALČIĆ:T.26234-26243,T.26246-26247; P00217; P03893; P04971; D00656, paras.19-20; MLADENOVIĆ:T.27062-27064; B.MLADIĆ:T.37714,T.37688,T.37682-37683; B.MLADIĆ:D01185, para.7; Z.NIKOLIĆ:T.24326,T.24329,T.24331-24333; Z.NIKOLIĆ:D00581, para.10; R.PAŠIĆ:T.31080-31090,T.31098-31100,T.31119-31124,T.31170-31176; PELEMIŠ:T.33844-33846,T.33849-33851; M.ŠEHOVAC:T.24092,T.24095-24096; P04517; GRM246:T.25827-25829,T.25831-25832,T.25835-25838,T.25841-25845,T.25846-25848(confidential); TRIŠIĆ:T.33298-33301,T.33311-33313; M.VUJIČIĆ:T.24238-24241; ŽUPLJANIN:T.30953-30954,T.30973-30977.

<sup>6949</sup> See BASARA:T.34504; BATINIĆ:T.22700-22702,T.22718; ĐURIĆ:T.27962; DMIČIĆ:T.41441-41442; DRAGOJEVIĆ:T.35637-35638; DUNJIĆ:T.24931-24932; Dragić GOJKOVIĆ:T.37620; GRM097:T.40154(confidential); GRM116:T.42696; GRM246:T.25832,T.25861,T.25866,T.25874(confidential); KECMANOVIĆ:T.23890,T.23946; KELEČEVIĆ:T.37238-37240; KEVAC:T.30516-30518; KIJAC:T.40196-40197,T.40202-40203,T.40215,T.41217-41218,T.41253-41254; KOVAC:T.41546-41547,T.41565-41566,T.41881-41882; KOVIĆ:T.42049,T.42069,T.42071-42072,T.42074; KUPREŠANIN:T.29792-29793; O.MARJANOVIĆ:T.41046; MASAL:T.33407; MIJATOVIĆ:T.21455,T.21457; MLADENOVIĆ:T.27062-27064; R.PAŠIĆ:T.31054-31057,T.31073,T.31089-31090,T.31119-31124; P07104; P07105; PAVLOVIĆ:T.42571-42572,T.42819-42820,T.43012-43013; PELEMIŠ:T.33831-33832; PEREULA:T.28324; POPARIĆ:T.40569,T.40799-40800; RADOVANOVIĆ:T.38314-38317,T.38349-38354,T.38355-38356,T.38363-38364,T.38374-38377,T.43962-43963; RAJAK:T.27354; D.ŠARENAC:T.26167; SAVČIĆ:T.33670; M.ŠEHOVAC:T.24069; M.ŠKRBA:T.22808; STRBAC:T.41073-41074,T.41117-41118,T.41160-41162,T.41175,T.41199; TRAPARA:T.21192(confidential); Simo TUŠEVLJAK:T.38545,T.38567; VUJASIN:T.25623-25625,T.25643.

<sup>6950</sup> E.g., V.NIKOLIĆ:D00892, para.12; V.NIKOLIĆ:T.31265-31266; PEREULA:T.28300-28301,T.28322; T.SAVKIĆ:T.27152-27155,T.27174-27176,T.27181-27182; AMIDŽIĆ:T.29505-29508; [REDACTED]; BASARA:T.34414,T.34416-34421,T.34439,T.34496-34500,T.34503; compare S.BOJANOVIĆ:D00747, paras.25-27 with S.BOJANOVIĆ:T.27964-27972; compare S.BOJANOVIĆ:D00747, para.18 with S.BOJANOVIĆ:T.27978,T.27980,T.27986-27987; ČVORO:T.21935-21937; compare N.DAVIDOVIĆ:T.31573 with N.DAVIDOVIĆ:T.31590; N.DERONJIĆ:T.24482-24485; DUNJIĆ:T.24898-24901; DŽINO:T.25717-25718; D00643, para.68; ERCEG:T.33987,T.33989-33991,T.34027-34029,T.34052; compare D00980 with GARAPLIJA:T.33934-33935,T.33938-33940; compare GARAPLIJA:T.33388 with GARAPLIJA:T.33959,T.33961-33962; GRM246:T.25835-25837(confidential); GRM116:T.42670-42673; R.JAVORIĆ:T.31453-31455,T.31451; compare R.JAVORIĆ:T.31441(confidential) with R.JAVORIĆ:T.31507; compare R.JAVORIĆ:D00895, para.22 with R.JAVORIĆ:T.31476-31477,T.31493-31494,T.31499-31501; KALABIĆ:T.30205,T.30270-30273,T.30276-30279,T.30311,T.30236-30237,T.30248,T.30251; P07031; P02867; KEČMAN:T.35295-35296; KECMANOVIĆ:T.23828,T.23827,T.23850-23853,T.23858-23859; KELEČEVIĆ: T.37195-37197,T.37401-37403; compare KELEČEVIĆ:T.37151 with KELEČEVIĆ:T.37250-37251,T.37254; compare KEVAC:T.30495-30498 with P07051 and KEVAC:T.30508-30510; compare KOLENDA:D00889, para.46 and P07093, p.2 and KOLENDA:T.31005-31007 with KOLENDA:P07092, p.9 and KOLENDA:31007-31009; compare KRČMAR:T.32432,T.32514-32416 with KRČMAR:T.32466,T.32516; compare KRŠIĆ:D00844, para.25 with KRŠIĆ:T.29373 and P06979; compare MALČIĆ:D00656, para.20 with MALČIĆ:T.26234-26236; O.MARJANOVIĆ:T.41018-41019,T.40995; P07624; MATIĆ:T.35452,T.35455,T.35462,T.35464;

that was contradicted by other credible evidence, including the testimony of other Defence witnesses credible on these points.<sup>6951</sup>

1710. Some Defence witnesses made absurd or bizarre claims that tested the limits of credulity on their face, and unraveled rapidly upon inquiry.<sup>6952</sup> GRM311, for example, insisted that he had been beaten so badly that he was barely able to stand or walk, but somehow continued to perform his tasks at his factory job and walk to and from work on a daily basis.<sup>6953</sup> GRM037, testified that he believed that the Markale I incident was likely a conspiracy caused by a Bosnian Muslim who threw a mortar shell out the window of a nearby building<sup>6954</sup> on the basis of an unnamed American soldier who allegedly told him this was the case and claimed he had photographic proof in the form of a snapshot showing the interior of a room with someone holding a mortar shell.<sup>6955</sup> GRM037 apparently unquestioningly accepted this version of events despite the fact that the soldier allegedly: waved the photograph in front of him at a distance without allowing him to see it;<sup>6956</sup> asserted that the photograph only showed the interior of a room, not its location;<sup>6957</sup> and inexplicably claimed that the photograph proving the Bosnian Muslim conspiracy was provided by the Bosnian

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MATIJević:T.43133-43136,T.43138-43141; MIŠIĆ:T.37008-37010,T.37049-37050,T.37061; R.MLAĐENović:T.27066-27069; *compare* S.MLAĐENović:T.34191 *with* S.MLAĐENović:T.34193-34194; *compare* S.MLAĐENović:T.34203-34205,T.34208 *with* D00588 *and* DERONJić:T.24470; *compare* B.MLAĐIĆ:D01185, para.2 *and* B.MLAĐIĆ:T.37693-37694 *with* B.MLAĐIĆ:T.37696-37697,T.37706; Z.NIKOLIĆ:T.24326,T.24329,T.24331-24333; Z.NIKOLIĆ:D00581, para.10; PLJEVALJČIĆ:T.27203,T.27207-27208; PLJEVALJČIĆ:D00706, para.6; POPOVIĆ:T.38981-38985,T.38987-38992; POPOVIĆ:D01238, paras.5-6; PREDOJEVIĆ:T.30814-30815; *compare* PUHALAC:T.28027-28028 *with* PUHALAC:T.28032,T.28037; *compare* PUHALIĆ:T.31664 *with* PUHALIĆ:T.31647,T.31696-31697; *compare* RADAN:T.21332-21334 *with* RADAN:21378-21383;*compare* RADOJČIĆ:T.23040 *with* RADOJČIĆ:T.23046-23047,T.23183,T.23165-23167; RADULJ:T.35563-35564; D.ŠARENAC:T.26157,T.26159; ŠOLAJA:T.32763; B.STOJKOVIĆ:T.38062-38063; *compare* Slobodan TUŠEVLJAK:23407,T.23409-23410 *with* Slobodan TUŠEVLJAK:23410,T.23394,T.23425-23426,T.23432; *compare* UJIĆ:T.26871 *with* UJIĆ:T.26922-26923; UJIĆ:T.27010,T.27026-27030; *compare* VLASKI:T.27815,T.27818 *with* VLASKI:T.27819; VLASKI:T.27820-27821; M.VUJIČIĆ:T.24238-24241.

<sup>6951</sup> DRAGIČEVIĆ:T.23694-23696; P06645; GRM277:T.26713-26714; GUZINA:T.22507-22508; MILANOVIĆ:T.24167; S.MLAĐENović:T.34193-34194; *compare* S.MLAĐENović:T.34203-34205,T.34208 *with* D00588 *and* N.DERONJIC:T.24470; *compare* B.MLAĐIĆ:T.37715-37716 *with* P01658 *and* P07146 *and* DOŠENOVIĆ:T.37901-37905; B.MLAĐIĆ:T.37702-37705; *compare* PELEMIŠ:T.33836-33838,T.33795,T.33861 *with* P07274 *and* ERDEMOVIĆ:T.13732-13736,T.13782; *compare* PUHALIĆ:T.31659 *with* PUHALIĆ:T.31691-31693; TRIŠIĆ:T.33316-33318.

<sup>6952</sup> *E.g.*, GRM037:T.39028-39029,T.39041-39042; MATIJević:T.43121-43123; GRM311:T.22261,T.22279-22280,T.22287(confidential).

<sup>6953</sup> GRM311:T.22287. *See* GRM311:T.22261,T.22279-22280(confidential).

<sup>6954</sup> GRM037:T.39041-39042.

<sup>6955</sup> GRM037:T.39028-39029.

<sup>6956</sup> GRM037:T.39028-39029.

Muslim side.<sup>6958</sup> GRM037 maintained this view until presented with images showing the explosion was further from the nearest windows than he remembered, at which point he finally acknowledged that it was not possible that a mortar had been dropped there by hand.<sup>6959</sup>

1711. Defence witness statements themselves, and the processes used to generate them, also gave rise to grave concerns about their reliability. For example, some Defence witnesses signed witness statements that they knew were inaccurate,<sup>6960</sup> including instances where representatives of the Defence had added information that, as one witness stated, “didn’t have anything to do with me.”<sup>6961</sup> In such circumstances, the Chamber observed, it seemed “that statements are prepared in great detail not on the basis of the information provided by the witness but apparently on another basis.”<sup>6962</sup>

1712. KUPREŠANIN discussed in his sworn statement a telephone conversation between himself and KARADŽIĆ, the transcript of which he claimed in his statement had been shown to him, yet testified in court that he could not remember the conversation or being shown the transcript,<sup>6963</sup> ultimately committing to the ambiguous and elusive position that “I may remember and I may not remember.”<sup>6964</sup>

1713. KECMANOVIĆ admitted that someone else had written part of one of his prior reports, that he had not verified the information himself, and that he had not told anyone about this,<sup>6965</sup> adding that some of his recent exculpatory revisions to his previous statements about repression in Prijedor and camp atrocities were based on conversations he had in cafés with people he could not remember.<sup>6966</sup>

1714. Some Defence witness statements appeared to be revised versions of their statements from prior testimony in the KARADŽIĆ case, containing changes that

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<sup>6957</sup> GRM037:T.39028-39029.

<sup>6958</sup> GRM037:T.39034.

<sup>6959</sup> GRM037:T.39047.

<sup>6960</sup> E.g., BATINIĆ:T.22585-22603; S.BOJANOVIĆ:T.27986-27987,T.28003-28006.

<sup>6961</sup> Slobodan TUŠEVLJAK:T.23406. See GRM246:T.25778-25794(confidential).

<sup>6962</sup> GRM246:T.25791(confidential).

<sup>6963</sup> KUPREŠANIN:T.29727-29734.

<sup>6964</sup> KUPREŠANIN:T.29729.

<sup>6965</sup> KECMANOVIĆ:T.23850-23853,T.23859.

<sup>6966</sup> KECMANOVIĆ:T.23851,T.23858-23859.

either deleted information inculpatory for **MLADIĆ**, or included information favourable to **MLADIĆ** that the witness had already admitted was incorrect during prior testimony.<sup>6967</sup>

1715. The discussion here is not exhaustive,<sup>6968</sup> and the lack of inclusion of a particular Defence witness here does not indicate that the Prosecution accepts the witness's evidence. Rather, this section contains representative examples of Defence witness claims that are contradicted by their own statements or by other reliable evidence, and other credibility or reliability issues that demonstrate these witnesses' lack of credibility. Moreover, many Defence witnesses were not challenged on every aspect of their evidence that is contradicted by a wealth of evidence led by the Prosecution. This too does not indicate that the Prosecution accepts the witnesses' evidence on these points. Rather, the Prosecution relies on the totality of the evidence presented at trial, which contradicts or undermines Defence witness claims.

1716. Additionally, many of the deficiencies discussed above also extend to the reports and testimony of Defence expert witnesses. During this trial, Defence experts were exposed as having: presented an unfinished draft version of a report on the eve of testimony that was riddled with errors, as PAVLOVIĆ did;<sup>6969</sup> manipulated underlying evidence in ways that assisted their conclusions, as SUBOTIĆ<sup>6970</sup> and POPARIĆ<sup>6971</sup> did; and criticized a Prosecution expert's use of original sources without actually consulting those sources to verify whether the criticism was valid (which it was not), as KOVIĆ did.<sup>6972</sup> Another Defence expert, GOJKOVIĆ, plagiarized parts of his report, admitting having taken passages of his report from a Prosecution expert report without attribution,<sup>6973</sup> while leaving out critical information on the timing of events that falsified his arguments.<sup>6974</sup> Others exhibited surprising sources of bias for purportedly independent scientific experts, such as RADOVANOVIĆ, who participated in the aforementioned conference alongside

<sup>6967</sup> See RADAN:T.21332-21334,T.21378-21383; P00344; P06527; B.MANDIĆ:T.28916-28918; Slobodan TUŠEVLJAK:T.23394-23395,T.23425-23426,T.23432; *compare* Slobodan TUŠEVLJAK:T.23407,T.23409 with Slobodan TUŠEVLJAK:T.23410.

<sup>6968</sup> Due to space constraints, the Prosecution's citation of affirmative evidence in support of its arguments in this Brief should also not be taken as exhaustive.

<sup>6969</sup> PAVLOVIĆ:T.42841,T.42864-42866,T.42971-42972.

<sup>6970</sup> Z.SUBOTIĆ:T.39634-39640,T.39583,T.39600-39604,T.39650.

<sup>6971</sup> POPARIĆ:T.40584-40585,T.40601,T.40740-40744,T.40868,T.40875-40877.

<sup>6972</sup> KOVIĆ:T.42042-42050.

<sup>6973</sup> Dragić GOJKOVIĆ:T.37570-37572,T.37575-37576.

<sup>6974</sup> Dragić GOJKOVIĆ:T.37579-37586.

other Defence witnesses advocating abolishing this Tribunal and investigating its Judges,<sup>6975</sup> as well as STANKOVIĆ who, on his own initiative, met with **MLADIĆ** and discussed the withdrawal of his Indictment—a fact that STANKOVIĆ testified about falsely.<sup>6976</sup> The dearth of credibility of Defence expert witnesses is discussed further in detail elsewhere in this Brief in the context of the subject-matter of their reports.

1717. Finally, as noted above, despite the demonstrably low credibility of evidence aimed at exculpating the witness and/or assisting **MLADIĆ**, a number of Defence witnesses at times owned up to the truth, sometimes by way of a prior statement, other times under cross-examination, and occasionally willingly. This phenomenon was notable particularly when witnesses admitted under cross-examination that their witness statements were selective and one-sided, omitting knowledge they possessed that was inculpatory. This was the case with SOLAJA, for example, whose statement stressed Predrag RADIĆ's desire not to expel Muslims, but who on cross-examination admitted he knew, and had omitted, that RADIĆ was receiving pressure from above to expel Muslims and criticism for failing to rapidly destroy Banja Luka's mosques and that other leaders like BRĐANIN were pushing intensively to expel Muslims.<sup>6977</sup>

1718. Defence witness admissions included not only points related to the commission of crimes, but often less controversial points on military organisation such as lines of reporting, chains of command, reporting practices and policies, subordination of paramilitaries, and systems of control. The reliability of their admissions—upon which the Prosecution relies in examples discussed throughout this Brief—is reflected by: the fact that they went against the interests of the witness and/or the interests of **MLADIĆ**; arose in circumstances reflecting their reliability, such as upon being confronted with contemporaneous documents contradicting the witness; and/or are corroborated by other reliable evidence. Reliance on Defence evidence in these circumstances is in line with prevailing Tribunal jurisprudence,

<sup>6975</sup> RADOVANOVIĆ:T.38300-38302,T.38308-38310.

<sup>6976</sup> STANKOVIĆ:T.43557-43564,T.43568-43587.

<sup>6977</sup> ŠOLAJA:D00924, paras.34,36-38; ŠOLAJA:T.32750-32752; *compare* BOJANOVIĆ:D00747, paras.18,25-27 *with* S.BOJANOVIĆ:T.27964-27972; *compare* DŽINO:D00643, para.68 *with* DŽINO:T.25717-25718; ERCEG:T.34052; *compare* ERCEG:T.34028 *with* D00982, para.59; *compare* R.JAVORIĆ:D00895, para.22 *with* R.JAVORIĆ:T.31476-31477,T.31501; *compare* PUHALAC:T.28027-28028 *with* PUHALAC:T.28032-28037; *compare* UJIĆ:T.26871 *with* UJIĆ:T.26922-26923.

which holds that a trial chamber can reasonably accept certain parts of a witness's testimony and reject others.<sup>6978</sup>

1719. Equally, the Prosecution relies on evidence from insider witnesses that it called. As with many Defence witnesses, the testimony of some insider witnesses was clearly influenced by a desire to minimise their own responsibility and/or a continued loyalty to **MLADIĆ**.<sup>6979</sup> While the Chamber should disregard obvious attempts by these witnesses to exculpate themselves or assist **MLADIĆ**, it should give weight to their against-interest admissions, previous statements given in circumstances which support their reliability and/or evidence which is reliably corroborated.

## **B. Reliability of Specific Srebrenica-related Evidence**

### **1. Reliability of Srebrenica-related intercepts**

1720. The Prosecution introduced several hundred intercepted communications for the Srebrenica component of the case. The intercept evidence comprises transcribed entries of radio relay communications contained in original notebooks and/or typewritten printouts of these transcriptions. Audiotapes of certain intercepts were also introduced. The vast majority of intercepts were the product of the ABiH 2<sup>nd</sup> Corps Anti-Electronic Warfare Unit (PEB), the ABiH 21<sup>st</sup> Division, and the State Security Services of Bosnia and Herzegovina (SDB). Some are Croatian-sourced intercepts.

1721. The detailed and credible testimony provided by five experienced intercept operators and supervisors from the ABiH 2<sup>nd</sup> Corps PEB, ABiH 21<sup>st</sup> Division, BiH SDB, and the Croatian Army Signal Intelligence Unit clearly establishes the

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<sup>6978</sup> E.g., *Šainović et al.* AJ, paras.294 & fn.834, para.326 & fn.952.

<sup>6979</sup> E.g., RM051:T.2895-2896; RM051:P00214, T.5272-5275, T.5306-5307, T.5346-5347, T.5348-5349.

intercepts' authenticity, accuracy, and reliability.<sup>6980</sup> Furthermore, the chain of custody of this evidence has been established.<sup>6981</sup>

1722. With near uniformity, intercept operators followed the same general procedures. Intercepted communications were identified by scanning radio frequencies, recorded on audio tapes, transcribed into notebooks and then typed into reports.<sup>6982</sup> The notebooks used by the ABiH were registered with "strictly confidential" numbers, and intercepts were transcribed systematically to include the date and time, frequency and channel, and operators' initials.<sup>6983</sup> Operators were not permitted to speculate about matters, add anything to intercepted material, or engage in analysis that in any way altered the nature of the intercepted conversations.<sup>6984</sup> For example, only participants identified during the course of the conversation were listed by name, otherwise no name was listed.<sup>6985</sup> Intercept supervisors and operators understood that errors in their work could fundamentally undermine military intelligence-gathering operations and potentially have far-reaching military consequences.<sup>6986</sup>

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<sup>6980</sup> RM279:P01614, T.2180,T.2187-2189(confidential); RM279:T.13334-13336,T.13474; P01623(confidential); RM275:P02904, T.3659-3661; RM316:P01654, T.2061-2064(confidential); RM316:T.13607-13610,T.13617-13621; P01655(confidential); P01656(confidential); P01657(confidential); P01658(confidential); P01235(confidential); RM243:P03139, T.5955-5958(confidential); RM243:P03138, T.8452-8460(confidential); P03140; P03141; [REDACTED]; P01756(confidential); [REDACTED]; P01755(confidential).

<sup>6981</sup> *E.g.*, FREASE:P03309, paras.5-14(confidential); RM243:P03139, T.5950-5955(confidential); RM316:T.13650; [REDACTED]; [REDACTED].

<sup>6982</sup> RM279:P01614, T.2163,T.2170,T.2179-2181(confidential); RM279:T.13314,T.13471-13472; RM275:P02903, T.6254. The SDB followed a similar process: RM316:P01654, T.2057-2059,T.2063-2064,T.2070-2071,T.2079-2080(confidential); P01670; RM316:T.13604-13606,T.13610-13611,T.13613,T.13649(confidential). The tactical group intercept operators transcribed conversations as they happened: RM243:P03139, T.5947-5948,T.5952(confidential). Operators in the Croatian Army summarised intercepted conversations, unless interlocutors were of the level of brigade commander or higher: [REDACTED].

<sup>6983</sup> RM279:P01614, T.2182-2185(confidential); RM279:T.13315-13319,T.13326-13327; RM275:P02093, T.6250; RM275:P02902, para.9(confidential). The SDB followed a similar process: RM316:P01654, T.2059,T.2066-2067(confidential); RM316:T.13622-13623.

<sup>6984</sup> RM279:P01614, T.2175(confidential); RM316:P01654, T.2061-2062(confidential); RM316:T.13615-13616(confidential); [REDACTED]; [REDACTED].

<sup>6985</sup> RM279:T.13317-13318,T.13331,T.13346,T.13560-13561(confidential); RM316:P01654, T.2076-2077(confidential); RM316:T.13607,T.13615-13616,T.13620-13621,T.13639,T.13654-13657,T.13669(confidential). RM275:P02902, para.9(confidential); [REDACTED]. Similarly, inaudible or unintelligible parts of conversations were marked with ellipses: RM316:T.13615-13616,T.13655(confidential); [REDACTED].

<sup>6986</sup> RM279:T.13474(confidential); RM316:P01654, T.2061-2063,T.2067-2069(confidential); RM316:T.13685; [REDACTED]. *See also* AF1659.

1723. The testimony of VRS personnel<sup>6987</sup> and others<sup>6988</sup> acknowledging conversations in which they were either an interlocutor or had knowledge of the subject matter further confirms the authenticity of the intercepts. Intercepted VRS telegram communications have also matched original VRS documents sent by telegram.<sup>6989</sup> Additionally, Stefanie FREASE's "Intercept Project", analysing intercepts against one another and alongside other sources, including VRS, RS MOD and UNPROFOR documents, as well as aerial images, further demonstrates the authenticity and reliability of the intercepts.<sup>6990</sup>

1724. The Defence's principal challenge to the intercept evidence was mounted through its communications expert, Mile DOŠENOVIC, and former VRS communications officers, Nedo BLAGOJEVIC and Milenko JEVĐEVIC. They asserted, *inter alia*, that the VRS took measures to protect communications, making them unintelligible to intercept operators.<sup>6991</sup> However, the evidence shows that MLADIC and other high-ranking VRS personnel complained of the use of

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<sup>6987</sup> E.g., MALINIC confirmed he was the participant noted as "Zoka" in P01255(confidential); MALINIC:T.12597-12598(confidential). SAVCIC considered it "highly likely" that he and MALINIC were the participants in P01272(confidential). SAVCIC:T.33661-33664; P00968, paras.50,52. JEVĐEVIC, while contesting its date, agreed he was a participant in P01248(confidential). JEVĐEVIC:T.32062-32067,T.32106-32108 (regarding his participation in P07140(confidential) and P07141(confidential)). BLAGOJEVIC testified that a reference in P01581(confidential) was to him. V.BLAGOJEVIC:T.33584-33585. KRALJ confirmed he was the "unknown man" in P06865. KRALJ:T.27528-27529. BANDUKA agreed that P06849(confidential) was a real conversation. BANDUKA:T.27318-27319. [REDACTED] discussed his recollection of the content of an intercept recorded in the tactical intercept notebook at P01496, p.4, and confirmed that "Lovac 1" was his call sign. [REDACTED]; [REDACTED].

<sup>6988</sup> NICOLAI:T.10582-10602; NICOLAI:P01165, paras.44,47-49. NICOLAI confirmed his participation in and described the circumstances surrounding P01185(confidential) (to be read with P01188(confidential) and P01203), P01186(confidential) (audio, P02981), P01187(confidential) (corresponds with P01167), P01188(confidential) (audio, P01406, corresponds with P01171), P01189(confidential) (corresponds with P01177), P01191(confidential) and P01192(confidential), (corresponds with P01172), and P01204. *See also* FREASE:P03310, T.5105-5130; P03332 (corresponds with P01185(confidential), to be read with P01188(confidential) and P01203); P01189(confidential) (corresponds with P01177, P03335(confidential), and P03336); P03334.

<sup>6989</sup> E.g., P07500(confidential), an ABiH intercept report including intercepts of teletype documents P07501 and P07503 (P07502 is type-written version); [REDACTED]. *See also* RM316:T.13644-13645(confidential).

<sup>6990</sup> FREASE:P03309, paras.17-36(confidential); FREASE:P03310, T.5102-5134; P03316-P03327. Intercepts are also corroborated by entries in the Zvornik Brigade Duty Officer Notebook. E.g., P01501, pp.54-55,80-81,142-143; P01309-P01311(confidential); P01329-P01330(confidential); P02140; P04214(confidential).

<sup>6991</sup> DOŠENOVIC:D01187, pp.26-28(confidential); DOŠENOVIC:T.37779-37780; N.BLAGOJEVIC:T.30595; JEVĐEVIC:T.31963.

unencrypted communications which allowed the Bosnian Muslims to “persistently” intercept the VRS and obtain secret military information.<sup>6992</sup>

1725. DOŠENOVIĆ’s insistence that VRS communications were protected is belied by the testimony of VRS communications officers who acknowledged that many of their communication lines<sup>6993</sup>—including those between the DK, its IKM and subordinate brigades—were open and susceptible to interception.<sup>6994</sup> Though some Defence witnesses disputed interceptors’ ability to hear both participants in a conversation on only one frequency,<sup>6995</sup> JEVĐEVIĆ, Commander of the 5<sup>th</sup> Communications Battalion of the DK,<sup>6996</sup> acknowledged that emission of the transmitter’s voice from the recipient’s headset could leak into the recipient’s microphone and travel along the same frequency as the recipient’s voice.<sup>6997</sup>

1726. DOŠENOVIĆ was an unreliable and biased witness. His lack of credibility is apparent from his insistence that an intercept where both interlocutors could be heard at the same time speaking over one another was a simplex<sup>6998</sup>—not duplex<sup>6999</sup>—communication. Eventually he had to admit that he was not aware of the existence of a device with the capability he was describing.<sup>7000</sup> Moreover, DOŠENOVIĆ relied heavily on the Defence expert report and appendices of Đuro RODIĆ from the

<sup>6992</sup> P07058; P07057. A report from BEARA shows that the VRS was intercepting its own unencrypted communications: P07504 (including an excerpt of a conversation intercepted on 29 August 1995); P07505; P07507, pp.2-3 (intercept and audio of same conversation); P07506(confidential); DOŠENOVIĆ:T.37919-37930. During their testimony, VRS communications officers acknowledged this behaviour: DOŠENOVIĆ:T.37856-37857; N.BLAGOJEVIĆ:T.30627-30629. *See also* P01305(confidential); SAVČIĆ:T.33659-33660; RM316:T.13644(confidential); RM243:P03138, T.8518-8519,T.8521-8522(confidential).

<sup>6993</sup> Veliki Žep was a radio relay hub used by the VRS. RM279:T.13337. DOŠENOVIĆ agreed that Veliki Žep would have been a good location on which to focus if attempting to intercept VRS communications. DOŠENOVIĆ:T.37986-37988; DOŠENOVIĆ:D01187, p.32(confidential). *See also* N.BLAGOJEVIĆ:D00878, para.13; PAJIĆ:T.35844.

<sup>6994</sup> PAJIĆ:T.35829-35830,T.35839,T.35869-35873. DOŠENOVIĆ:D01187, pp.30-31, paras.10.9,10.15(confidential); DOŠENOVIĆ:T.37849-37851,T.37893-37894,T.37902-37908(confidential); N.BLAGOJEVIĆ:D00878, para.22; N.BLAGOJEVIĆ:T.30613,T.30622-30627,T.30638(confidential); JEVĐEVIĆ:T.32101-32102; STEVANOVIĆ:T.35260-35262. *See also* SALAPURA:T.13088; RM316:T.13644(confidential).

<sup>6995</sup> DOŠENOVIĆ:T.37828,T.37929; PAJIĆ:T.35849-35852; N.BLAGOJEVIĆ:T.30660-30661,T.30669.

<sup>6996</sup> JEVĐEVIĆ:T.31843,T.31846-31847,T.32057-32058; P07134; BUTLER:T.16185; P02204.

<sup>6997</sup> JEVĐEVIĆ:T.32112. *See also* JEVĐEVIĆ:T.32188.

<sup>6998</sup> In simplex radio communications sound is transmitted and received over the same frequency, one side at a time. An interlocutor holds down a button when speaking and can only hear transmission from the other side when the button is released. JEVĐEVIĆ:T.31961,T.32183-32184,T.32186-32187; N.BLAGOJEVIĆ:T.30593-30594.

<sup>6999</sup> In duplex radio communications the transmitting and receiving frequencies are separate so that a participant speaks on one frequency and listens on another frequency. JEVĐEVIĆ:T.31924,T.32187.

<sup>7000</sup> *See* DOŠENOVIĆ:T.37970-37975(confidential); P07507; P07505.

*Popović* case, which he copied without independently verifying. For example, he insisted that a map depicting VRS communication routes was created by the ABiH and must have been included with an ABiH order from 1995.<sup>7001</sup> The map, which he criticised for being inaccurate, was not an ABiH map but was prepared by RODIĆ for his report.<sup>7002</sup>

1727. The overwhelming evidence in this case clearly demonstrates that the ABiH, the SDB and the Croatian Army had the capacity to successfully and reliably intercept VRS communications, and were indeed doing so.

## 2. The Zvornik Brigade Duty Officer Notebook

1728. The Zvornik Duty Officer Notebook<sup>7003</sup> is an authentic and reliable document. It was relied upon by the Zvornik Brigade Command and used by duty officers in July 1995. The authenticity of the Notebook is supported by the evidence of [REDACTED]<sup>7004</sup> and two former Zvornik Brigade Duty Officers, Milanko JOVIČIĆ and Ljubo BOJANOVIĆ.<sup>7005</sup> The nature of a duty officer's responsibilities, as well as witness and documentary evidence, further supports the reliability of the Notebook.

1729. The main role of a duty officer was to ensure "continuous and secure functioning of the command in all conditions."<sup>7006</sup> Most importantly, the duty officer monitored the course of combat operations; kept his commander informed of any major developments; maintained communications with superior and subordinate units; and received and dispatched orders and reports.<sup>7007</sup> One of the means for a duty

<sup>7001</sup> DOŠENOVIĆ:T.37804-37815,T.37875-37876; D01195-D01196(confidential).

<sup>7002</sup> D01196(confidential); D01200, p.2(confidential). The handwriting and blue ink on the map is identical to other diagrams and schematics in the appendix: D01200, pp.2-9,11-12,19-31(confidential). DOŠENOVIĆ would have seen this map in RODIĆ's materials as DOŠENOVIĆ cited to RODIĆ's report and appendix throughout his own report: *see* DOŠENOVIĆ:D01187, fns.16,32,38,40,43-44,50(confidential), and images on BCS pp.29,40, which are replicas of Appendix 1 to RODIĆ's report in the *Popović* case, D01200, pp.17,18(confidential).

<sup>7003</sup> P01501; P01502.

<sup>7004</sup> *See* [REDACTED].

<sup>7005</sup> JOVIČIĆ:P03343, T.11487-11488; Lj.BOJANOVIĆ:P03570, T.11760(confidential). Handwriting expert Kathryn BARR concluded that the evidence strongly suggests that Drago NIKOLIĆ produced the 15 July 1995 entries in the Notebook, starting with "11:45 7thbp" up to and excluding "16 July 1995". P01501, pp.68-77; BARR:P01701, pp.9-10. BARR also concluded there was strong evidence that Dragan JOKIĆ had written the entries on 14 July 1995. P01501, pp.40-59; BARR:P01702, pp.4-5; BARR:P01703-P01704. BARR concluded that the writing in the Notebook on 16 and most of 17 July 1995 belonged to one person but was unable to determine the identity of the writer. P01501, pp.76-97,100-103; BARR:P01701, pp.15-16. *See also* BARR:P01700, pp.8-9.

<sup>7006</sup> P03571, p.1.

<sup>7007</sup> BUTLER:P02201, p.15.

officer to successfully accomplish his duty of keeping the commander informed of all relevant events, especially in times of war, was to make contemporaneous and reliable entries in the Zvornik Brigade Duty Officer Notebook.<sup>7008</sup>

1730. Other evidence demonstrates the reliability and accuracy of the Notebook's entries. For example, three intercepts<sup>7009</sup> and two Zvornik Brigade Regular Combat Reports<sup>7010</sup> confirm that Dragan JOKIĆ was the Zvornik Brigade Duty Officer on 14 July. Similarly, three intercepts<sup>7011</sup> confirm that Milorad TRBIĆ was the Zvornik Brigade Duty Officer on 16 July and the morning of 17 July.<sup>7012</sup>

### C. Reliability of Specific Municipalities- and Sarajevo-related Evidence

#### 1. Reliability of Municipalities- and Sarajevo-related intercepts

1731. The authenticity, accuracy and reliability of the intercepted communications used in this case has been established beyond any reasonable doubt. The integrity of the intercepts is established by the cross-examined testimony of trained operatives who explained the process and methodology of monitoring and recording these communications, the fact that their services worked under strict procedures and protocols, and were mindful of the need for accuracy in their work.<sup>7013</sup> The Defence's broad and unsubstantiated arguments against the authenticity or reliability of intercept evidence<sup>7014</sup> should be dismissed.

1732. Evidence clearly identifies the speakers in intercepted communications.<sup>7015</sup> For instance:

- witnesses who were personally acquainted with the speakers recognised their voices;<sup>7016</sup>

<sup>7008</sup> See Lj.BOJANOVIĆ:P03570, T.11703-11704(confidential); JOVIČIĆ:P03343, T.11484-11485. P01308(confidential); P01311(confidential); P01313(confidential).

<sup>7010</sup> P01514; P03572, p.2; Lj.BOJANOVIĆ:P03570, T.11705-11706(confidential).

<sup>7011</sup> P01353(confidential); P01356(confidential); P01358(confidential).

<sup>7012</sup> The testimony of Milanko JOVIČIĆ shows that the duty officer on 16 and most of 17 July was Milorad TRBIĆ. M.JOVIČIĆ:P03343, T.11487-11490,T.11492-11493; P01501, pp.96-99.

<sup>7013</sup> **Bosnian State Security Services**: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. **Croatian** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>7014</sup> BASARA:T.34492; [REDACTED]; T.16460-16461; T.18198; Z.SUBOTIĆ:T.39618; WILSON:T.3950-3951; KELEČEVIĆ:T.37257

<sup>7015</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

- [REDACTED] identified speakers, including some of his former colleagues;<sup>7017</sup>
- sometimes speakers or their staff introduced themselves in communications;<sup>7018</sup> and
- both Prosecution and Defence witnesses testified that they personally participated in recorded conversations.<sup>7019</sup>

1733. The callers themselves are recorded speaking in code to protect their communications, or making statements showing they were aware that their communications were being contemporaneously monitored.<sup>7020</sup> The VRS reported opposing factions were “intensively tapping” radio-relay, radio, radio-telephone and even the lines going through the PTT system.<sup>7021</sup>

1734. Witnesses contemporaneously saw transcripts<sup>7022</sup> and heard the actual recordings of intercepted conversations.<sup>7023</sup> They gave evidence contextualising intercepts through their insider knowledge.<sup>7024</sup> Intercepts have been independently corroborated by documents obtained from other sources, witness testimony,<sup>7025</sup> and in one case, intercepts obtained from other services.<sup>7026</sup> In just one example, the intelligence note related to an intercepted communication dated 29 September 1992 reports on KARADŽIĆ and MILOVANOVIĆ’s visit to Vlasenica that same day to

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<sup>7016</sup> DOYLE:T.1523-1525; Z.ŠALIPUR:T.37456-37460; P07490; [REDACTED]; BABIĆ:P04164, para.15bis, pp.7-11; BABIĆ:P04165referring to P04194; P04191; P06502; P06500; P06503; P04192; P06501; P06505; P04109; P06507; P04188; P02633; P04190; P06499; P04193; P04195; P06504; P06506; P04200; P04201.

<sup>7017</sup> [REDACTED].

<sup>7018</sup> [REDACTED]; P02675; P01604; P02749; P01600; P02744; P02736; P02719; P02721; P02713; P00325; P04636; P02712; P02832; P02665; P04199; P02654; P02645; P04192; P02638; P02641; [REDACTED].

<sup>7019</sup> Milosav GAGOVIĆ:T.25342-25343,T.25358-25362; VESELINOVIĆ:T.28251-28257; P06907; KOMAD:D00760, paras.15-18; BABIĆ:P04165; [REDACTED].

<sup>7020</sup> P04204, p.1; P01600, pp.1-2; D00039, pp.1-3. *See also* [REDACTED]; WILSON:T.3987.

<sup>7021</sup> P07499.

<sup>7022</sup> DOYLE:P00091, para.88; DOYLE:T.1523-1525; P00096.

<sup>7023</sup> WILSON:P00320, para.76; WILSON:T.3971-3973; P00329. *See* Section IV.E.6(b)(i)b.

<sup>7024</sup> *See* KOMAD:T.28089-28095 regarding P06902; [REDACTED]; BABIĆ:P04164, para.15bis, pp.7-11; VLAŠKI:T.27779-27781, regarding P06884.

<sup>7025</sup> *E.g.*, P02774, p.3, naming prisoners identified in MURAČEVIĆ:P03185, para.57; P04225; DOYLE:T.1523-1525; P04126; P03793(; DŽINO:T.25704-25705,T.25708-25709; P02240; P04444; P04496; MUSIĆ:P02225, paras.64-69; P01758; P02245; [REDACTED].

<sup>7026</sup> *Compare* P01759 with P01200; [REDACTED].

attend a funeral for Serb soldiers.<sup>7027</sup> KARADŽIĆ's speech at the funeral was reported in a SRNA press release of the same date,<sup>7028</sup> recorded on video<sup>7029</sup> and recounted by [REDACTED]<sup>7030</sup> [REDACTED] VANLYNDEN.

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<sup>7027</sup> P02238  
<sup>7028</sup> D01825.  
<sup>7029</sup> P00184; P00084.  
<sup>7030</sup> [REDACTED].

## IX. LIFE SENTENCE

1735. **MLADIĆ** is responsible for exceptionally serious crimes requiring the imposition of the highest available sentence. Indeed, should the Chamber find **MLADIĆ** responsible for a substantial portion of the crimes encompassed by any of the three major components of the case, under any form of liability, life imprisonment is the only appropriate sentence that can fully reflect the gravity of these crimes.

### A. Gravity of the Offence

1736. Both the seriousness of the underlying crimes and the form and degree of **MLADIĆ**'s participation<sup>7031</sup> are of such an extreme gravity that a life sentence is the only appropriate sentence.<sup>7032</sup> The scale and scope of the crimes forming each of the charged components are so vast that each component's crimes exceed the threshold warranting a life sentence, the strongest condemnation that the international community can express.<sup>7033</sup> The duration of the crimes involved, particularly in the Overarching JCE and the Terror JCE which both spanned years, further exacerbates the enormity of **MLADIĆ**'s crimes.

1737. **MLADIĆ** took a dominant role in offences of the highest level of gravity, including genocide, persecutions, terror, extermination and murder.<sup>7034</sup> Across a large part of BiH territory, **MLADIĆ** exercised command and control over subordinates who, together with those cooperating with them and/or subordinated to them, inflicted suffering on a massive scale that defies just and adequate description. In the Municipalities, over 200,000 Bosnian Muslims and Bosnian Croats were forcibly expelled, their families separated, and homes, villages and places of worship destroyed. Thousands more were killed, many of their bodies dumped in mass graves.<sup>7035</sup> Tens of thousands were detained for months in camps, where they were subjected to murder, mistreatment, torture and sexual assaults.<sup>7036</sup> In Sarajevo, **MLADIĆ** and his subordinates shelled and sniped the besieged city, killing,

<sup>7031</sup> E.g., *Mrkšić* AJ, para.375; *Aleksovski* AJ, para.182, citing *Kupreškić* AJ, para.852.

<sup>7032</sup> *Galić* AJ, Schomburg Dissenting Opinion, para.3; *Bralo* SAJ, para.82; *Krajišnik* AJ, paras.776-777.

<sup>7033</sup> See *Bralo* SAJ, para.82.

<sup>7034</sup> See Sections III.D, IV.B.4, IV.D.2, V.D.

<sup>7035</sup> See Section III.E.4.

<sup>7036</sup> See all incidents in Indictment Schedules B and C.

wounding and terrorizing its civilian population for over three and a half years.<sup>7037</sup> Residents of Sarajevo lived in constant fear from shelling and sniping, in the context of a struggle for the basic necessities of survival.<sup>7038</sup> In Srebrenica, **MLADIĆ**'s subordinates summarily executed thousands of Bosnian Muslim men and boys.<sup>7039</sup> Tens of thousands of Srebrenica inhabitants were torn from their families and forcibly displaced.<sup>7040</sup> In assessing the seriousness of **MLADIĆ**'s responsibility, consideration should be given to the total numbers of proven criminal incidents as well as the prolonged duration of his criminal participation.

1738. **MLADIĆ**'s pivotal and extensive role in these crimes has been discussed in detail elsewhere in this Brief.<sup>7041</sup> Regardless of the mode of responsibility for which he is ultimately convicted, the degree of **MLADIĆ**'s participation in these serious crimes necessarily warrants the highest sentence. As Commander of the GŠ-VRS, **MLADIĆ** exercised highly effective command and control<sup>7042</sup> over the VRS. This enabled **MLADIĆ** to use the VRS, and subordinated units, to commit the charged crimes. As the most powerful military leader among the Bosnian Serbs, **MLADIĆ** deserves "the severest sentence"<sup>7043</sup> for his participation in these crimes.

1739. As a point of comparison,<sup>7044</sup> the Appeals Chamber has approved life sentences for four of **MLADIĆ**'s subordinates.<sup>7045</sup> The Appeals Chamber upheld life sentences for POPOVIĆ, BEARA and TOLIMIR based on their involvement in the crimes committed in Srebrenica in July 1995.<sup>7046</sup> The Appeals Chamber also sentenced GALIĆ, SRK commander from September 1992 to August 1994, to life imprisonment for Sarajevo crimes, finding an earlier-imposed sentence of 20 years "unreasonable and plainly unjust."<sup>7047</sup> **MLADIĆ**'s criminal responsibility exceeds that of his subordinates in terms of his "level in the command structure,"<sup>7048</sup> the scope

<sup>7037</sup> See Sections IV.B, IV.E.

<sup>7038</sup> See Section IV.B.

<sup>7039</sup> See Sections V.A.3, V.B.

<sup>7040</sup> See Sections V.A.3(c)(ii), V.A.3(f)(iii).

<sup>7041</sup> See Sections III.D, IV.B.4, IV.D.2, V.D.

<sup>7042</sup> E.g., Section II.H.

<sup>7043</sup> *Musema* AJ, para.382. See *Tadić* SAJ, paras.55-56.

<sup>7044</sup> *Popović* AJ, para.2093; *M.Nikolić* AJ, para.38.

<sup>7045</sup> The Trial Chamber's imposition of a fixed term sentence of 40 years in the *Karadžić* case is currently under appeal. See *Karadžić* Notice of Appeal, para.24.

<sup>7046</sup> *Popović* AJ, para.2117; *Tolimir* AJ, para.649.

<sup>7047</sup> *Galić* AJ, paras.455-456 and p.185.

<sup>7048</sup> *Tadić* SAJ, paras.55-56.

of his crimes, and the duration of his criminal responsibility.<sup>7049</sup> A sentence less than life imprisonment would be out of reasonable proportion to the sentences imposed on **MLADIĆ**'s subordinates.<sup>7050</sup>

## B. Individual Circumstances of the Accused

### 1. Aggravating circumstances

1740. Many aggravating circumstances could be highlighted in this case. Two of the most significant are abuse of authority<sup>7051</sup> and the special vulnerability of many of the victims.<sup>7052</sup> Other potential aggravating circumstances are best considered as part of the gravity discussion.

1741. "The consequences of a person's acts are necessarily more serious if he is at the apex of a military or political hierarchy and uses his position to commit crimes."<sup>7053</sup> **MLADIĆ** was at the very top of the VRS hierarchy, in which there was a clear and strong expectation that orders would be followed.<sup>7054</sup> He abused that position of extraordinary authority to commit unspeakable crimes. As the Commander of the GŠ-VRS, **MLADIĆ** bore a special responsibility to control illegal conduct by those under his command; instead, he dehumanized non-Serbs to his subordinates, justifying and facilitating the commission of serious crimes pursuant to his command.<sup>7055</sup> As a career JNA officer, **MLADIĆ** was well aware of his international responsibilities;<sup>7056</sup> instead of respecting and enforcing international humanitarian law, he willingly took a dominant role in the commission of crimes<sup>7057</sup> and their cover up.<sup>7058</sup> By training, doctrine and tradition, VRS soldiers were conditioned to follow orders and looked to their commanders for guidance.<sup>7059</sup> **MLADIĆ** abused that strict

<sup>7049</sup> See *Popović* AJ, para.16(a), citing *D.Milošević* AJ, para.304; *Martić* AJ, para.340; *Hadžihasanović* AJ, paras.350-353; *Kunarac* AJ, para.356. See also *Hadžihasanović* AJ, para.317.

<sup>7050</sup> See *Čelebići* AJ, para.849; *Nahimana* AJ, para.1060.

<sup>7051</sup> *Deronjić* SAJ, para.67.

<sup>7052</sup> *Blaškić* AJ, para.686.

<sup>7053</sup> *Krstić* TJ, para.709, citing *Rutaganda* TJ, para.469 (citing in turn, *Kambanda* TJ, para.44). See *Galić* AJ, paras.411-412.

<sup>7054</sup> [REDACTED]; *MILOVANOVIĆ*:T.16931; *ŽUPLJANIN*:T.30951. See Section II.H.

<sup>7055</sup> See Section II.D.3.

<sup>7056</sup> See Section II.G.1.

<sup>7057</sup> E.g., Sections III.D, IV.B.4, IV.D.2, V.D.

<sup>7058</sup> See Sections III.E.4, V.A.3(a)(ii), V.D.1(d)(xi).

<sup>7059</sup> E.g., Section II.H.

VRS hierarchy for criminal purposes of unimaginable consequence to countless victims.

1742. In exercising authority, **MLADIĆ** was “stern...border[ing] on rudeness.”<sup>7060</sup> A GŠ-VRS officer testified he had never heard of a GŠ-VRS assistant commander ignoring or failing to follow orders.<sup>7061</sup> **MLADIĆ** inspired respect and even fear.<sup>7062</sup> Even in **MLADIĆ**’s absence, the GŠ-VRS could only issue orders “in the spirit” of **MLADIĆ**’s orders.<sup>7063</sup> **MLADIĆ** established and maintained this strict hierarchy, and he abused it, using his troops to commit serious violations of international criminal law. The strict application of command authority down through the VRS hierarchy was underscored by a senior officer, [REDACTED]<sup>7064</sup> emphasising the greater pressure on more junior officers and soldiers to comply with orders.

1743. The vulnerability of the victims cannot be overstated. Many of the victims of these crimes were in situations of heightened vulnerability, such as detainees or civilians trapped in besieged Sarajevo. Vulnerable victims also included women, children, infirm and the elderly. Each of the three major components of the case reflect thousands of such victims, as illustrated by examples from each of the components.

- Sulejman CRNČALO and his family, after being forcibly expelled to Sarajevo in July 1992 from his home in Pale,<sup>7065</sup> exemplified the lives of many residents of Sarajevo, victims of the Terror Campaign for over three years,<sup>7066</sup> who lived with the constant fear that when they left the house they would not return alive.<sup>7067</sup> Shells fell like hailstones on the city at times and “we thought that nobody would survive” the shelling and sniping.<sup>7068</sup> CRNČALO anguished at the sight of corpses<sup>7069</sup> and streets covered in blood, which he stepped in “continually,”<sup>7070</sup> as he

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<sup>7060</sup> ĐUKIĆ:P01052, p.27.  
<sup>7061</sup> L.OBRADOVIĆ:P01783, T.12037. See [REDACTED].  
<sup>7062</sup> ABDELRAZEK:P00293, para.58.  
<sup>7063</sup> L.OBRADOVIĆ:P01783, T.12020.  
<sup>7064</sup> [REDACTED].  
<sup>7065</sup> CRNČALO:P00260, paras.64-77.  
<sup>7066</sup> See Section IV.B.  
<sup>7067</sup> CRNČALO:P00260, para.87.  
<sup>7068</sup> CRNČALO:P00260, para.86.  
<sup>7069</sup> CRNČALO:P00260, para.85; CNRČALO:T.3239.  
<sup>7070</sup> CRNČALO:T.3239.

hoped for rain to wash the blood away.<sup>7071</sup> Only a few months before the war ended, his wife went to the Markale market after hearing powdered milk might be available.<sup>7072</sup> When she failed to return, he followed her route and, after hearing the market had been shelled, desperately searched for her in streets strewn with body parts and pieces of clothing, and then on the hospital's lists of wounded.<sup>7073</sup> After finding her in the morgue, he then went home to tell his children, and buried his wife in darkness because daylight funerals were too dangerous.<sup>7074</sup>

- [REDACTED] watched as VRS soldiers murdered her mother and destroyed the village where her family had lived for generations.<sup>7075</sup> She was then rounded up, detained and transferred between multiple locations under VRS control for eight months, where she was subjected to gang-rapes, at times by as many as a dozen soldiers simultaneously; beaten; threatened with death; and treated like the soldiers' property. Living in a constant atmosphere of terror, she witnessed others, including a 12-year-old girl, raped, beaten and/or killed<sup>7076</sup> before she eventually fled BiH.<sup>7077</sup> [REDACTED] became suicidal and [REDACTED] her life was destroyed.<sup>7078</sup>
- The women and children of Srebrenica were particularly vulnerable when **MLADIĆ** took Srebrenica, having suffered deprivations of food and necessities of life in the months preceding its fall, when the vast majority of Muslim men were forced to flee for their lives, leaving behind their families. This suffering deepened and was compounded when the remaining men and boys were forcibly, and often violently, separated from their families in Potočari. Left without fathers, brothers, husbands and sons, the Srebrenica women and children were forced from their homes to live miserably in refugee camps, not knowing the fate of

<sup>7071</sup> CRNČALO:P00260, para.85.

<sup>7072</sup> CRNČALO:P00260, para.94.

<sup>7073</sup> CRNČALO:P00260, paras.94,95; CNRČALO:T.3240-3241.

<sup>7074</sup> CRNČALO:P00260, paras.95,96; CNRČALO:T.3241.

<sup>7075</sup> [REDACTED]; [REDACTED].

<sup>7076</sup> See SIC:C.6.2-C.6.5(Foča); [REDACTED].

<sup>7077</sup> [REDACTED].

<sup>7078</sup> [REDACTED]; [REDACTED].

their men. Many of the older women who survived Srebrenica have passed away in this state of despair, anguish and agony.<sup>7079</sup>

1744. In the context of the scale of the crimes in this case and the overlapping charges, in order to avoid any risk of “double counting,”<sup>7080</sup> other relevant aggravating circumstances are best considered as part of the gravity assessment. However, if the following circumstances are not fully considered in the gravity assessment, then they should be found to aggravate his sentence:

- Victim impact:<sup>7081</sup> **MLADIĆ**’s crimes caused long-term physical, psychological and emotional suffering to the victims, their families and their communities.<sup>7082</sup>
- Discriminatory intent in relation to crimes that do not require it as an element:<sup>7083</sup> **MLADIĆ**’s crimes were discriminatory in nature and/or furthered his discriminatory objectives.
- Sexual violence:<sup>7084</sup> Many acts of persecution were committed through sexual violence,<sup>7085</sup> a recognised aggravating factor.

## 2. Mitigating circumstances

1745. In this case, no mitigating circumstances exist that can discount the life sentence demanded by the extremely serious nature of **MLADIĆ**’s crimes and criminal responsibility.<sup>7086</sup>

1746. “Substantial co-operation with the Prosecutor before or after the conviction” is the only mitigating factor the Chamber would be obliged to take into account pursuant to Rule 101(B)(ii). **MLADIĆ** does not qualify for any mitigation under this Rule. To

<sup>7079</sup> M.MALAGIĆ:P01462, T.10040. See IBRAHIMEFENDIĆ:P01800, T.5816,T.5818; Section V.B.18.

<sup>7080</sup> E.g. *Stanisić & Zupljanin* AJ, para.1138.

<sup>7081</sup> *Blaškić* AJ, para.686.

<sup>7082</sup> E.g. I.OSMANOVIĆ:T.2770; Elvedin PAŠIĆ:T.637; KARAGIĆ:T.9111.

<sup>7083</sup> *Blaškić* AJ, para.686.

<sup>7084</sup> *Blaškić* AJ, para.686.

<sup>7085</sup> E.g., Foča Summary.

<sup>7086</sup> *Nyiramasuhuko* AJ, para.3394.

the contrary, **MLADIĆ** evaded justice for 16 years,<sup>7087</sup> and had a number of outbursts in court which disrupted the proceedings.<sup>7088</sup>

1747. Should the Defence advance **MLADIĆ**'s health conditions as a mitigating factor, the Chamber should find that his health has no impact on this sentencing determination under the circumstances. In fact, **MLADIĆ**'s health has improved since his transfer into the custody of the Tribunal, as **MLADIĆ** recognised in court.<sup>7089</sup>

1748. Any mitigating factor(s) raised by the Defence should be strictly assessed in light of all the facts in the record, including the severity of these crimes, his fugitive status for 16 years, and his disrespectful attitude in court, which included offensive comments against a testifying victim.<sup>7090</sup>

### **C. Recommended Sentence**

1749. Life imprisonment is the only appropriate sentence.

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<sup>7087</sup> First Indictment; Arrest Warrant; STANKOVIĆ:T.43560-43564,T.43572,T.43579; P07822; P00364, p.81. See D.LALOVIĆ:T.21999,T.22007,T.22013; D.LALOVIĆ:D00498, para.25.

<sup>7088</sup> E.g., T.29788(confidential); T.29832; T.7730-7731(confidential); T.35078; T.35134; T.351467; T.35159; T.9564-9566; T.22032-T.22033; T.9885-9886(confidential); T.9997; T.43556; T.21801.

<sup>7089</sup> T.12072.

<sup>7090</sup> SOKOLA:P02533; SOKOLA:T.18166-18167,T.18169-18170,T.18183; KARALL:P02180(confidential); P02181(confidential); KARALL:T.16593-16594,T.16594-16595(confidential). T.8831-8833(confidential).

## **ANNEX A**

### **Municipality Summaries**

## I. BANJA LUKA

### A. Overview

1. In 1991, the ethnic composition of Banja Luka municipality was roughly 55% Serb, 15% Croat, 15% Muslim and 15% others. By 1995, Serbs made up more than 80% of the population while the percentage of Muslims and Croats was less than 7% each.<sup>1</sup> The 1KK reported to **MLADIĆ** about the “demand for, and organisation of, the departure of Croatian and Muslim population” from Banja Luka and other towns, opining that civilian authorities “should work much harder at this”<sup>2</sup> and subsequently reported on the “exodus” of Muslims and Croats from Banja Luka.<sup>3</sup> The expulsions of Banja Luka’s Muslims and Croats furthered the first and second strategic objectives.<sup>4</sup>

2. Banja Luka served as 1KK headquarters.<sup>5</sup> It was the centre of the ARK.<sup>6</sup> **MLADIĆ** regularly visited Banja Luka, meeting with JNA and local leaders there immediately after being appointed to the 2MD,<sup>7</sup> in early June 1992<sup>8</sup> and throughout the war.<sup>9</sup> Banja Luka also housed a GŠ-VRS logistics base,<sup>10</sup> a CSB<sup>11</sup> and a regional communications centre.<sup>12</sup>

3. Manjača camp was set up in Banja Luka at **TALIĆ**’s order and served as one of the hubs of the camp system.<sup>13</sup> **MLADIĆ** controlled the camp through the VRS chain of command.<sup>14</sup> Mistreatment of non-Serb detainees was common; many were abused and some killed.<sup>15</sup> Survivors were expelled to third countries via Croatia.<sup>16</sup>

<sup>1</sup> P03853, p.2. See P03888; SOLAJA:T.32748.

<sup>2</sup> P03714, p.1.

<sup>3</sup> P03821, p.3.

<sup>4</sup> P02003; P00178, p.6.

<sup>5</sup> BROWN:P02859, p.60; BROWN:T.19494; P00352, p.264.

<sup>6</sup> P03835, p.2; P03860, p.3; P06485, p.2; P03869. Though the name of the ARK did not include the prefix “Serb”, “it was understood to be a Serbian Krajina.” ERCEG:T.34080-34081.

<sup>7</sup> P00352, pp.211-228; KELEČEVIĆ:T.37181; P07467.

<sup>8</sup> ERCEG:T.34035; P07291, p.1; P00353, pp.53-61; P06969; [REDACTED].

<sup>9</sup> P00352, pp.297-309; P00353, pp.53-61; P00355, pp.31-36; P00356, pp.121-122,129,131,259-265,269-275; P00346, p.32; P00358, pp.60-62,151-157,278-279,303-304,308-310,357-367,369-373; P00361, pp.85-92,115-116,305-311; P00345, pp.89-90,260-261,283-288; P00364, pp.49-53,55-60,63-65,71-72,81-105,108-111,113.

<sup>10</sup> SELAK:T.3010,T.2984; AMIDŽIĆ:T.29498-29499,T.29509.

<sup>11</sup> AF24, AF325; P07215, p.24.

<sup>12</sup> P04088, p.1; P06973; SAJIĆ:T.29228-29229.

<sup>13</sup> See paras.17-23.

<sup>14</sup> See paras.24-29.

<sup>15</sup> See SIC:B1.1-1.2,B1.4, C.1.2(Banja Luka).

## B. Build-up and Establishment of Serb Organs

4. An SDS CS was formed in Banja Luka in January 1992.<sup>17</sup> By 1 April 1992, CSB Banja Luka was functioning as part of the RSMUP.<sup>18</sup> On 3 April 1992 JNA soldiers and members of the SOS<sup>19</sup>—an SDS paramilitary organisation with close ties to the RS leadership<sup>20</sup>—took over key locations and institutions within the city, including the Municipal Assembly building.<sup>21</sup> In response to SOS demands, a Municipal CS of which JNA 5<sup>th</sup> Corps CoS KELEČEVIĆ was a member was established immediately afterwards.<sup>22</sup>

5. The ARK CS was formed on 5 May 1992 pursuant to instructions from Pale<sup>23</sup> and headquartered in Banja Luka.<sup>24</sup> Its members were the leaders of key institutions in the ARK; the CS provided a forum for them to co-ordinate their efforts.<sup>25</sup> ARK CS members included its President, RS Assembly deputy Radoslav BRĐANIN, 1KK Commander TALIĆ, Lt. Col. SAJIĆ, CSB chief ŽUPLJANIN,<sup>26</sup> political leaders including Predrag RADIĆ, Vojo KUPREŠANIN, and Nikola ERCEG, and SOS commander Nenad STEVANDIĆ.<sup>27</sup> TALIĆ or a representative—often Col. Gojko VUJINOVIĆ—attended ARK CS meetings.<sup>28</sup> BRĐANIN's philosophy was to obey those above him and expect those below him to obey him.<sup>29</sup> His shared goal with KARADŽIĆ and the BSL brought them together.<sup>30</sup> Accordingly, the ARK CS implemented BSL decisions<sup>31</sup> and ARK CS decisions were binding for municipalities in the region.<sup>32</sup>

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<sup>16</sup> See para.29.

<sup>17</sup> P06971, 00:07'49-00:07'59, tp.7.

<sup>18</sup> P07288, pp.1-2.

<sup>19</sup> AF453-455; P03209, p.1; SAJIĆ:D00836, paras.25-26,29-30; RADULOVIC:P03207, paras.39-42,44-46,48(confidential); P04241.

<sup>20</sup> RADULOVIC:P03207, paras.39,42(confidential); [REDACTED].

<sup>21</sup> AF454-AF455; RADIĆ:P04333, T.7379,T.7384; RADULOVIC:P03207, para.40(confidential). P03209, p.6; [REDACTED].

<sup>22</sup> ERCEG:T.33986-33987.

<sup>23</sup> P04029; P04337; P03869.

<sup>24</sup> ERCEG:T.34000.

<sup>25</sup> AF419-AF420; P04337; P03802, p.4; P04029.

<sup>26</sup> AF419; P03802, p.4; P04337; P04029.

<sup>27</sup> SAJIĆ:T.29206-29207; SELAK:P00244, para.44; [REDACTED].

<sup>28</sup> P06997, p.8-9; KUPREŠANIN:T.29759.

<sup>29</sup> ERCEG:T.34040-34041. See DODIK:T.42263-42264.

<sup>30</sup> RADIĆ:P04333, T.7401-7402,T.7419-7421. See DODIK:T.42254.

<sup>31</sup> P06972, p.1; ERCEG:T.34016. See P03758, p.2.

### C. VRS Forces

6. On 19 May 1992, the JNA 5<sup>th</sup> Corps was transformed into the VRS 1KK, headquartered in Banja Luka. TALIC remained in command.<sup>33</sup> The Banja Luka Regional TO and its subordinate TO units were under 5<sup>th</sup> Corps rather than Republican TO control by April 1992.<sup>34</sup> The Regional TO command post was in the 5<sup>th</sup> Corps Command building.<sup>35</sup> From 19 May 1992 these units were part of the 1KK.<sup>36</sup>

7. The VRS air force and anti-aircraft defence and 14<sup>th</sup> Logistics Base were also in Banja Luka. Each was under direct GŠ-VRS control.<sup>37</sup> The 14<sup>th</sup> Logistics Base relayed 1KK requests for logistical support to the GŠ-VRS.<sup>38</sup>

### D. Persecutory Campaign Against Banja Luka's Muslims and Croats

#### 1. Crimes before 12 May 1992

8. Non-Serbs in Banja Luka were maltreated, including by the SOS and the Red Kombi Group.<sup>39</sup> The Red Kombi group—made up of SOS members and RSMUP officers—created fear in the non-Serb community. The group was under the control of the CSB Banja Luka SPD.<sup>40</sup> SOS members were incorporated into the CSB Banja Luka SPD when it was created in late April 1992.<sup>41</sup>

9. After March 1992, non-Serbs in Banja Luka lacked security, were stripped of their rights, were subjected to restrictions on freedom of movement and denied basic services such as medical care.<sup>42</sup> Serbs who opposed mistreatment of non-Serbs were also maltreated and some were murdered.<sup>43</sup>

<sup>33</sup> AF304; P02886, p.10.

<sup>34</sup> [REDACTED]; KELEČEVIĆ:T.37364-37365.

<sup>35</sup> SAJIĆ:T.29192.

<sup>36</sup> See Section III.C.5.

<sup>37</sup> KELEČEVIĆ:T.37145; P02906, p.3; SELAK:T.3182; AMIDŽIĆ:T.29498-29499.

<sup>38</sup> AMIDŽIĆ:T.29503.

<sup>39</sup> RADULOVIĆ:P03207, paras.48,94-97(confidential); P07796.

<sup>40</sup> RADULOVIĆ:P03207, paras.94-97(confidential).

<sup>41</sup> P07160, pp.1-2; RADULOVIĆ:P03207, para.52(confidential); P04237. See MATIJEVIĆ:T.43104.

<sup>42</sup> RADULOVIĆ:P03207, para.103(confidential). See [REDACTED].

<sup>43</sup> RADULOVIĆ:P03207, para.103(confidential). See [REDACTED].

## 2. Crimes after 12 May 1992

10. Between 1 April and 31 December 1992, many non-Serbs in Banja Luka were forced to either sign over their property or exchange their property for property in Croatia. Banja Luka authorities set up an agency to facilitate these exchanges.<sup>44</sup> Bosnian Serbs then moved into apartments belonging to non-Serbs who had left Banja Luka.<sup>45</sup>

11. BRĐANIN repeatedly and publicly called for Muslims to leave Banja Luka.<sup>46</sup> He made derogatory statements about non-Serbs, including that only a few elderly Muslims could stay in Banja Luka to sweep the streets;<sup>47</sup> that “foul non-Christians” were “befouling” Serb soil;<sup>48</sup> that only a small percentage of Muslims could remain;<sup>49</sup> and endorsed KALINIĆ’s view that Muslims’ “key people” had to be “liquidated.”<sup>50</sup> His statements made Muslims afraid and caused them to leave.<sup>51</sup> BRĐANIN and KARADŽIĆ both referred to putting up “barbed wire,” meaning that those who left could not return.<sup>52</sup> BRĐANIN was in communication with VRS officers about his position on the expulsion of non-Serbs.<sup>53</sup>

12. Non-Serbs in Banja Luka were subjected to killings, rapes, and bombings. The goal of these crimes was to put pressure on Muslims to leave and the crimes indeed caused many non-Serbs to leave. No one was prosecuted for these crimes.<sup>54</sup> ICFY negotiators protested to KARADŽIĆ about “ethnic cleansing” in and around Banja Luka in September and November 1992.<sup>55</sup>

13. Despite the pressures and threats, the BSL was not satisfied with the pace of Muslim departures. KARADŽIĆ criticised Municipal Assembly President RADIĆ for not having expelled enough non-Serbs from Banja Luka.<sup>56</sup> OSTOJIĆ<sup>57</sup> criticised

<sup>44</sup> AF448.

<sup>45</sup> AF450.

<sup>46</sup> [REDACTED]; SOLAJA:T.32749-32750. *See* ERCEG:T.34037-34038.

<sup>47</sup> SAJIĆ:T.29211. *See* P06994, ERN:T000-4808, 00:10’26-00:10’59, tp.7.

<sup>48</sup> P06976, 00:54’03-00:54’37, tp.3; SAJIĆ:T.29249-29254.

<sup>49</sup> P03989, pp.1-3; KUPREŠANIN:P06994, p.8. *See* [REDACTED].

<sup>50</sup> P00431, pp.17,24; N.ERCEG:T.34051-34052.

<sup>51</sup> [REDACTED]; KUPREŠANIN:T.29779,T.29784; KUPREŠANIN:P06994, pp.7,11.

<sup>52</sup> P06976, 00:55’59-00:56’12, tp.2; P02508, p.23; ERCEG:T.34064.

<sup>53</sup> KUPREŠANIN:T.29786; KUPREŠANIN:P07010, T.43502.

<sup>54</sup> [REDACTED]. *See* SELAK:T.3030-3031.

<sup>55</sup> P03789, p.4. *See* OKUN:P03103, T.4221-4222.

<sup>56</sup> RADIĆ:P04333, T.7494,T.7597-7598. *See* SOLAJA:T.32751-32753.

RADIĆ for allowing mosques to continue to stand.<sup>58</sup> The mosques were subsequently destroyed, several in May 1993,<sup>59</sup> and ethnic cleansing, harassment and intimidation of non-Serbs continued.<sup>60</sup>

14. Non-Serbs were also mistreated in detention at Mali Logor Military Prison, where they were abused by the military police,<sup>61</sup> and at CSB Banja Luka, with ŽUPLJANIN's knowledge.<sup>62</sup> Thousands were detained and mistreated at Manjača, as described below.

15. In addition to the crimes Serb authorities from Banja Luka perpetrated against Banja Luka's non-Serbs, thousands of non-Serb civilians expelled from municipalities including Prijedor and Bosanski Novi were transferred through Banja Luka into Muslim territory by rail over routes which the 1KK command monitored.<sup>63</sup>

16. In 1994, there were widespread reports of rape by men in uniform and non-Serbs were forced to dig trenches at the front lines.<sup>64</sup> International monitors repeatedly challenged the BSL about ethnic cleansing in Banja Luka.<sup>65</sup> When they attempted to visit KARADŽIĆ deflected them.<sup>66</sup>

#### E. Manjača Camp

17. TALIĆ ordered on 1 June 1992 that a camp be set up at the 1KK's Manjača training ground to accommodate approximately 2,500 people.<sup>67</sup> TALIĆ would have been obligated to consult with MLADIĆ—his immediate superior<sup>68</sup>—about creating

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<sup>57</sup> AF185; P00431, p.54; POLJAK:P01425, p.5; SOKANOVIĆ:T.35742; RM012:P03155, p.2(confidential).

<sup>58</sup> RADIĆ:P04333, T.7470-7471,T.7474. See SOLAJA:T.32752.

<sup>59</sup> P06991; AMIDŽIĆ:T.29518; AMIDŽIĆ:D00847, para.60; RIEDLMAYER:P02503, p.18; RIEDLMAYER:P02514, rows#2-29; RIEDLMAYER:T.17983; P02505, p.1; P00358, p.156; DONIA:P02001, p.88; [REDACTED].

<sup>60</sup> P02812, p.3.

<sup>61</sup> [REDACTED]; P03696, pp.1-2(confidential). See [REDACTED]; AMIDŽIĆ:T.29521-29522.

<sup>62</sup> RADULOVIĆ:P03207, paras.165-169(confidential).

<sup>63</sup> R.PAŠIĆ:T.31068-31069,T.31081,T.31090-31091,T.31104;P07101; KELEČEVIĆ:T.37190-37192; M.SIMIĆ:T.32531; RADIĆ:P04333, T.7436-7437.

<sup>64</sup> ROSE:P00736, para.118.

<sup>65</sup> P02048, p.2; AKASHI:T.41763-41764; P07694, p.4; P07699, p.2.

<sup>66</sup> P07694, p.4; AKASHI:T.41745-41746,T.41748-41750.

<sup>67</sup> SELAK:P00244, para.59; P00253, pp.3-4; SELAK:T.2992-2993; BROWN:P02862, p.26; [REDACTED]; MCLEOD:P03258, T.7314; RADINKOVIĆ:D00900, pp.1-2; DRAGANOVIĆ:P03293, p.24; [REDACTED]. See AMIDŽIĆ:D00847, para.25.

<sup>68</sup> BROWN:T.19551-19552.

the camp.<sup>69</sup> **MLADIĆ** must have authorised the establishment of Manjača. The same day, **MLADIĆ** and the GŠ-VRS knew the 1KK had captured thousands of prisoners throughout the ARK.<sup>70</sup>

18. Manjača was an organisational unit of the 1KK command; its line of command went up to the GŠ-VRS.<sup>71</sup> The camp was located around 20-25 kilometres from the city of Banja Luka<sup>72</sup> and less than a kilometre from a 1KK command post.<sup>73</sup> Col. Božidar POPOVIĆ was camp commander.<sup>74</sup> The head of camp security reported directly to the 1KK Intelligence and Security Organ.<sup>75</sup> Pursuant to a 1KK order,<sup>76</sup> the Corps' Intelligence and Security organ received daily reports<sup>77</sup> and official notes in relation to events including specific killings that occurred in and around Manjača camp.<sup>78</sup> The Corps kept computerised lists of prisoners<sup>79</sup> and sometimes reported to the GŠ-VRS certain issues.<sup>80</sup> The 1KK Command's military police unit was primarily responsible for camp security under POPOVIĆ's command.<sup>81</sup> Public and state security officials provided external security and interrogated and categorised the detainees<sup>82</sup> "with the knowledge and approval of the OB [Intelligence and Security]

<sup>69</sup> KELEČEVIĆ:T.37237; BROWN:P02862, pp.26-27.

<sup>70</sup> P00353, pp.42-45; BROWN:P02862, p.27; P00246.

<sup>71</sup> AF460; AF484; RM051:T.2937(confidential); KELEČEVIĆ:T.37215; RADINKOVIĆ:T.31736; SELAK:T.2976; RADIC:P04333, T.7614; BROWN:P02862, pp.3,41; MEDIC:T.2042-2043; KUPREŠANIN:T.29800,T.29873-29874.

<sup>72</sup> P00239. See P03264, p.1.

<sup>73</sup> KELEČEVIĆ:T.37189.

<sup>74</sup> AF460; RM051:P00214, T.5261(confidential); RM051:T.2880(confidential); Sakib MUHIĆ:P03426, p.13; RADINKOVIĆ:D00900, p.2; DRAGANOVIĆ:P03293, p.24; MEDIC:T.2047; P00157; [REDACTED]; BROWN:T.19551-19552.

<sup>75</sup> RM051:P00214, T.5255,T.5270-5271(confidential); RADINKOVIĆ:T.31736-31738; RADINKOVIĆ:D00900, p.8.

<sup>76</sup> BROWN:P02862, p.39; P00377, p.4.

<sup>77</sup> RM051:P00214, T.5271(confidential).

<sup>78</sup> P00227(confidential); P00233, pp.1-15(confidential); P00222(confidential); P03879, p.2(confidential); BROWN, P02862, pp.52-57; RADINKOVIĆ:T.31736-31737; RADINKOVIĆ:D00900, p.3; RM051:P00214, T.5270-5271(confidential). See SIC:B1.2,B1.4(Banja Luka).

<sup>79</sup> KRČMAR:T.32474; KELEČEVIĆ:T.37213-37214; P06914.

<sup>80</sup> BROWN:P02862, p.40; e.g.P05139. See KELEČEVIĆ:T.37206-37207,T.37140; P02923.

<sup>81</sup> BROWN:P02862, p.40. SJBs, upon instructions from CSB Banja Luka, routinely sent police officers to assist with security. RADINKOVIĆ:D00900, p.2; P03268; RM051:P00214, T.5266-5270(confidential).

<sup>82</sup> P00242; P00218(confidential); P00219(confidential); P00231(confidential); P00236; RM051:P00214, T.5266-5270,T.5272-5275(confidential); RM051:T.2872-2874(confidential); RADINKOVIĆ:D00900, pp.2,4; DRAGANOVIĆ:P03293, p.46.

Chief of the 1KK.”<sup>83</sup> RSMUP staff on duty at the camp were resubordinated to the VRS.<sup>84</sup>

19. The day after TALIC ordered Manjača created, **MLADIĆ** and **KARADŽIĆ** met with representatives of the ARK leadership and 1KK unit commanders. The group discussed ARK issues, including BRĐANIN’s request to have a position “at the highest level” on matters related to prisoners and refugees.<sup>85</sup> Abuse of prisoners at Manjača began immediately; by the next day, the 1KK command was aware prisoners were being abused.<sup>86</sup>

20. Manjača was one of the hubs of the RS detention camp system. Beginning in early June 1992,<sup>87</sup> VRS, military police, police, and SOS forces transferred a large number of detainees to Manjača from detention facilities in municipalities throughout the ARK.<sup>88</sup> More than 1,100 detainees were transferred from Ključ,<sup>89</sup> more than 1,000 from Sanski Most<sup>90</sup> and others from Grapska, Doboj, Mrkonjić Grad, Šipovo, Banja Luka, Glamoč, Kupreš, Derventa, Kotor Varoš, Bosanska Dubica, Donji Vakuf, Prijedor and Jajce as well as Stara Gradiška prison in Croatia.<sup>91</sup> During transfers from the Hasan Kikić and Betornika detention facilities in Sanski Most and Omarska camp in Prijedor, a number of Muslim detainees were killed.<sup>92</sup>

<sup>83</sup> RADINKOVIĆ:D00900, p.4.

<sup>84</sup> RM051:P00214, T.5267(confidential).

<sup>85</sup> P00353, pp.53-61.

<sup>86</sup> SELAK:T.3001-3002.

<sup>87</sup> AF481. See SIC:B.1.1(Banja Luka); P02409; P03127; P03255; P05139.

<sup>88</sup> AF459; AF461; P05149, p.5; P00215, p.1(confidential); P03876, p.2; RADINKOVIĆ:T.31738; BROWN:P02862, p.31; DRAGANOVIĆ:P03293, p.23; KELEČEVIĆ:T.37218-37220; RM051:P00214, T.5275(confidential); RM051:T.2892-2893(confidential); P02900, pp.4,7-8,11,31; RADIC:P04333, T.7435-7436,T.7614; P03216; RADINKOVIĆ:D00900, p.7; RADINKOVIĆ:T.31753,T.31768; [REDACTED]; [REDACTED].

<sup>89</sup> P04085, p.2; P03761; P00215, p.1(confidential); P00218(confidential); P00219(confidential); P00221(confidential); [REDACTED]; MEDIC:P00154, para.15.

<sup>90</sup> AF481; AF483; AF1205; P00231, p.1(confidential); P03127; P02900, pp.7-8,11,16; P03876, p.2; P00215, p.1(confidential); P00218(confidential); P00219(confidential); P00221, p.1(confidential); P00226, p.1(confidential); P03870; P03255; P00227, p.1(confidential); P02409; [REDACTED]; KARABEG:P03250, T.6184-6185; [REDACTED]; P03849; B.DELIĆ:P03433, T.7978; P03435, p.1; V.NIKOLIĆ:T.31269, T.31271.

<sup>91</sup> DRAGANOVIĆ:P03293, p.23; BROWN:P02862, p.31.

<sup>92</sup> AF943; AF1006; See SIC:B.1.1-B.1.2(Banja Luka). For Omarska, see P00224, p.2; P00233(confidential); P00235(confidential); RM051:P00214, T.5307(confidential); RM051:T.2944-2946(confidential); [REDACTED]; [REDACTED]; RADINKOVIĆ:D00900, pp.6-7; RADINKOVIĆ:T.31764-31765; RM026:P02585, pp.9-10(confidential); P03854; P00237, p.1(confidential); P03265, para.15; P02900, pp.4,11,31; P03876, p.2; P00215, p.1(confidential); P03948, p.12; P04068, p.5; A.ZULIĆ:P03611, para.130(confidential); RM017:P03228, pp.22-23(confidential); RM017:P03229, T.3373-3374(confidential).

21. The over 4,400 detainees registered at Manjača camp between June and mid-December 1992<sup>93</sup> were Muslim and Croat civilians, and a few Serbs.<sup>94</sup> Of the thousands held at Manjača, only four non-Serbs were the subject of criminal charges.<sup>95</sup> Camp daily reports reflected that the vast majority of Manjača detainees were civilians “who shouldn’t be treated as prisoners of war,” that there was no basis for their detention<sup>96</sup> and that the prisoners were being abused.<sup>97</sup> On 22 July, opining that prisoners were “probably brought only because they are Muslims and Croats,” camp staff reported to the 1KK Command that “this camp can be considered... a camp for segregation of Muslims and Croats, which history will not forgive us.”<sup>98</sup>

22. Conditions at Manjača were inhumane and detainees were subjected to mistreatment, including beatings and killings.<sup>99</sup> TALIĆ was personally aware of and repeatedly informed about this mistreatment.<sup>100</sup> Like TALIĆ, camp commander POPOVIĆ, camp personnel and interrogators, among others, knew detainees were being physically abused in Manjača.<sup>101</sup> The Corps Command ordered that prisoners be used to do forced labour, sometimes for military purposes.<sup>102</sup> In August 1992, a government commission which generally whitewashed the camp system<sup>103</sup> admitted conditions in Manjača were “extremely bad.”<sup>104</sup> These inhumane conditions were evident to anyone who visited the camp,<sup>105</sup> including TALIĆ and other Corps Command staff,<sup>106</sup> Banja Luka military court staff,<sup>107</sup> KUPREŠANIN,<sup>108</sup>

<sup>93</sup> AF462; AF479; RM051:T.2925(confidential). See RM051:P00214, T.5269-5270(confidential); RADINKOVIĆ:T.31749-31750; P00234(confidential); P00232; P03876, p.2; P05149, p.5; P03264, p.2; P00299, p.10; S.MUHIĆ:P03426, p.11; [REDACTED]; SEFEROVIĆ:P02502, p.7.

<sup>94</sup> See SIC:C.1.2(Banja Luka).

<sup>95</sup> [REDACTED]; P03547, pp.713-729; P00241(confidential); P02506, p.4.

<sup>96</sup> P00220(confidential); P00242; P00221, p.1(confidential); P00241, p.1(confidential); P00227, p.1(confidential); P00231, p.1(confidential); BROWN:P02862, pp.35-36; KELEČEVIĆ:T.37235-37236.

<sup>97</sup> See RADINKOVIĆ:T.31775-31776; P00229, p.1(confidential).

<sup>98</sup> P00221, p.1(confidential); RM051:P00214, T.5301-5303(confidential). Similarly, 1KK Assistant Commander for Legal Affairs VUKELIĆ admitted that “among the 2,000 prisoners in the camp not even 200 had anything to do with the armed conflict.” MEDIC:P00154, para.21.

<sup>99</sup> See SIC:B.1.1-1.2,B.1.4,C.1.2(Banja Luka).

<sup>100</sup> AF475; P03873, p.1; MEDIC:P00154, para.15; P06993, p.2; MEDIC:T.2048,T.2052.

<sup>101</sup> AF474-476; Sakib MUHIĆ:P03426, p.13; RADINKOVIĆ:D00900, p.3; RADINKOVIĆ:T.31772-31774.

<sup>102</sup> BROWN:P02862, pp.44-45; P03881; P03268, p.2; P04054; P03882; D.GOJKOVIĆ:T.37597-37604; P07494; P00238.

<sup>103</sup> See Section III.D.4.(f).

<sup>104</sup> P05149, p.8; P05150, p.1.

<sup>105</sup> E.g. RADIC:P04333, T.7614-7617; MEDIC:P00154, paras.4,6,8,18; KUPREŠANIN:T.29802. See P00243 P00157.

<sup>106</sup> SELAK:T.3001-3002;P03873; MEDIC:P00154, para.15; P06993, p.2; KELEČEVIĆ:T.37219-37220.

ŽUPLJANIN and other police officials.<sup>109</sup> Detainees who were released were not sent home but expelled out of the RS.<sup>110</sup>

23. Defence witnesses' claims that Manjača detainees were treated lawfully<sup>111</sup> are not credible in light of the overwhelming evidence of crimes against detainees, including contemporaneous Manjača camp documents and ICRC reports.<sup>112</sup> Corps Command witnesses' claims that they were not aware of the crimes against Manjača detainees are belied by evidence of direct notice to TALIĆ of crimes against detainees,<sup>113</sup> evidence from camp staff that they informed the Corps Command of crimes by military policemen<sup>114</sup> and, in AMIDŽIĆ's case, his participation in visits to the camp which served as the basis for some complaints.<sup>115</sup>

#### F. MLADIĆ and Manjača Camp

24. **MLADIĆ** and the GŠ-VRS were also aware the non-Serb civilians detained in Manjača were kept in inhumane conditions.<sup>116</sup> The ICRC visited Manjača camp on 16 July 1992. **MLADIĆ** was informed the same day that the ICRC had reported seeing injuries on prisoners and terminated its visit prematurely.<sup>117</sup> On 25 July, the ICRC informed KARADŽIĆ the camp was not suitable for detention and had to be closed.<sup>118</sup> Neither **MLADIĆ** nor KARADŽIĆ took any action at this time; despite ICRC recommendations, Manjača was kept open. Indeed, in the wake of the

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<sup>107</sup> P00227, p.2(confidential); [REDACTED]; BROWN:P02862, p.58; DRAGANOVIĆ:P03293, p.45.

<sup>108</sup> KUPREŠANIN:T.29802; D00842, p.3; DŽAFIĆ:P03394, para.125; P02908, p.2; DRAGANOVIĆ:P03293, p.45; SABANOVIĆ:P03124, p.15.

<sup>109</sup> P00223, p.1; P00237, p.2(confidential); DŽAFIĆ:P03394, para.121; DRAGANOVIĆ:P03293, pp.24,45; RADULOVIĆ:P03207, para.170(confidential).

<sup>110</sup> RM051:T.2903-2907(confidential). See RADINKOVIĆ:T.31794.

<sup>111</sup> E.g. KELEČEVIĆ:T.37218-37219; AMIDŽIĆ:D00847, paras.29-31; RADINKOVIĆ:D00900, paras.7-9.

<sup>112</sup> E.g. P02880, pp.4-7; P00230, pp.1-2; P00229, pp.1-2(confidential); P00222(confidential); P03879, p.2. See SIC:B.1.1-1.2,B.1.4,C.1.2(Banja Luka).

<sup>113</sup> MEDIĆ:P00154, para.15.

<sup>114</sup> RADINKOVIĆ:T.31765-31767. See P00229, p.1(confidential); P00222(confidential); P03879, p.2.

<sup>115</sup> AMIDŽIĆ:T.29535-29536,T.29540,T.29544-29545; P06993; P03873.

<sup>116</sup> BROWN:P02862, p.43; P02880, pp.4-7; P00230, pp.1-2.

<sup>117</sup> P00230, pp.1-2.

<sup>118</sup> P02880, pp.6-7. See P00230; P00229, p.1(confidential); BROWN:P02862, pp.47-48,61-62.

international exposure of the criminal conditions in Omarska and Trnopolje, about 1,500 detainees were transferred from Prijedor to Manjača camp.<sup>119</sup>

25. Following the outcry concerning camps,<sup>120</sup> journalists sought to visit Manjača and report on conditions there.<sup>121</sup> Before the journalists arrived, however, **MLADIĆ** ordered conditions be improved and limits imposed during visits to mislead the visitors.<sup>122</sup> To disguise their civilian status, detainees were forced to wear old JNA uniforms.<sup>123</sup> Although journalists who visited the camp on 8 August 1992 inquired about the newly-arrived Omarska prisoners (who had been subjected to beatings during their transfer and some of whom had died)<sup>124</sup>, they were not allowed to see them.<sup>125</sup>

26. A day after the story of conditions in Prijedor camps broke,<sup>126</sup> **KARADŽIĆ** wrote to the ICRC that he had on that day been “informed” about the reports on camp conditions and had requested **MLADIĆ** and the RS Government to take action in accordance with ICRC recommendations.<sup>127</sup> On 12 August, **MLADIĆ** issued instructions to the 1KK Command for the improvement of the accommodation of the prisoners and acknowledged the Presidency had sent him a written report on the state of the prisoners of war in Manjača camp.<sup>128</sup> **MLADIĆ**’s awareness of crimes at Manjača, as reflected in his order, obliged him to immediately inform the military prosecutors (over whom he had authority through **TALIĆ**) about the abuse of prisoners, yet no investigation into abuse of detainees at Manjača was conducted [REDACTED].<sup>129</sup> The lack of prosecutions and **MLADIĆ**’s general failure to follow up on his 12 August order made clear the meaningless formalism of **MLADIĆ**’s orders to the camp to abide by international law.<sup>130</sup>

<sup>119</sup> P03854; P00234(confidential); P02900, p.31; P03948, p.12; P03850; P05150, p.1; P00224, p.2; RM051:P00214, T.5307(confidential).

<sup>120</sup> *E.g.* II.D.4.f.

<sup>121</sup> P00234, p.2(confidential); P02908; BROWN:P02862, pp.58-59; RADINKOVIĆ:D00900, p.8.

<sup>122</sup> P02879; P00201; P00157; P03264, p.7; MCLEOD:P03258, T.7306-7312,T.7314-7319; P00222(confidential); P03879; DŽAFIĆ:P03394, paras.113,120; A.ZULIĆ:P03611, para.131(confidential); P02908; P02881; P03696(confidential); BROWN:P02862, pp.17,56-57,63-64.

<sup>123</sup> DŽAFIĆ:P03394, para.113.

<sup>124</sup> *See* para.20.

<sup>125</sup> P02908; BROWN:P02862, pp.58-59.

<sup>126</sup> *See* Section III.D.4(f).

<sup>127</sup> P02880, p.1; BROWN:P02862, pp.68-69.

<sup>128</sup> P02881; BROWN:P02862, pp.50,70; [REDACTED].

<sup>129</sup> [REDACTED]; P02881; BROWN:P02862, p.70.

<sup>130</sup> BROWN:T.19534-19536.

27. Days later, **MLADIĆ** attended a Presidency meeting where **KARADŽIĆ** noted the ICRC would “take the sick and weak prisoners for medical treatment abroad.”<sup>131</sup> The “highest organs of authority” then issued an order to SJBs that had transported detainees to Manjača, to *post-hoc* “create a file on each prisoner” which operatives were to bring with them to Manjača on 20 August.<sup>132</sup> On 20 August, 1KK Security Officer Maj. Pero STUPAR relayed a GŠ-VRS tasking to the camp: in accordance with an RS Presidency order, release those for whom there was no evidence that they participated in combat activities *and* “are quite ill and their appearance is attracting attention from the media and humanitarian organisations.”<sup>133</sup> Representatives identified 92 such detainees.<sup>134</sup> During this critical period, internationals were kept out. The Special Rapporteur of the Commission of Human Rights, Tadeusz MAZOWIECKI, was denied access to detainees in Manjača on 23 August under a variety of excuses,<sup>135</sup> as was the ICRC between 18 and 25 August.<sup>136</sup>

28. On 2 September 1992, 1KK, CSB, and political authorities met with the ICRC. It was agreed to evacuate a group of “sick” detainees from Manjača and Trnopolje.<sup>137</sup> On 9 September **MLADIĆ** recorded that 69 “patients” were to be released.<sup>138</sup> Two days later, **KARADŽIĆ** “pardoned” 69 detainees in Manjača and Trnopolje camps. Only three of the 92 prisoners identified on 20 August were included.<sup>139</sup>

29. Most detainees remaining in Manjača were finally released in November and December and sent outside the RS.<sup>140</sup> The BSL conditioned the closing of Manjača camp and the release of the detainees on their deportation to third countries.<sup>141</sup> In addition, without the ICRC’s knowledge,<sup>142</sup> when Manjača was closed hundreds of

<sup>131</sup> P00354, p.77.

<sup>132</sup> P04047.

<sup>133</sup> P02899, p.4; BROWN:T.19796-19797. P00223, pp.1-2; P04288, pp.1-2; RADINKOVIĆ:T.31789-31791; BROWN:P02862, pp.72-74. See P00237(confidential).

<sup>134</sup> P00223/P04288; RADINKOVIĆ:T.31790-31791.

<sup>135</sup> P00299, pp.9-10; P03805; P00354, p.87; BROWN:P02862, pp.60-61. The Special Rapporteur considered detention of civilians a means to pressure non-Serbs to leave the territory. See P00299, para.23.

<sup>136</sup> P03111, p.3; KELEČEVIĆ:T.37316.

<sup>137</sup> P03880; ERCEG:T.34054-34055; ERCEG:D00982, para.48.

<sup>138</sup> P00354, pp.167-176; BROWN:P02862, pp.76-77.

<sup>139</sup> P04289; BROWN:P02862, p.76. Compare P00223/P04288.

<sup>140</sup> See SIC:C.1.2(Banja Luka).

<sup>141</sup> P07193; ŠOLAJA:T.32757-32758.

<sup>142</sup> At the 16 July ICRC visit, POPOVIĆ confirmed to ICRC that they would be informed on all arrivals and departures to/from the camp, including transfers, arrivals, releases, exchanges and deaths. See P02880.

non-Serb civilians were sent to other RS-run camps.<sup>143</sup> The closure of the camp was done after **MLADIĆ** promised it to the ICRC<sup>144</sup> and the closure and transfer were done at GŠVRS order and under GŠ-VRS supervision.<sup>145</sup>

## G. Knowledge and Approval of Manjača Camp Crimes

30. The 1KK, CSB and SJBs were aware of the 7 July suffocations<sup>146</sup> but neither the military nor civilian police investigated.<sup>147</sup> Although KAJTEZ was identified as one of the perpetrators of the 6 June killings<sup>148</sup> and confessed his involvement,<sup>149</sup> he was never charged with these killings.<sup>150</sup>

31. Likewise, the 1KK and the military court failed to properly address the murder of Ključ community leaders Omer FILIPOVIĆ and Esad BENDER, even though the identities of the perpetrators were readily available.<sup>151</sup> The military policemen who murdered FILIPOVIĆ and BENDER were only tried by courts in BiH many years after the war.<sup>152</sup> Despite **MLADIĆ**'s awareness of crimes in Manjača in 1992,<sup>153</sup> when Manjača was reopened in 1993 to detain Bosnian Croat civilians and HVO soldiers, POPOVIĆ was appointed commander again and had in the meantime been promoted.<sup>154</sup>

<sup>143</sup> RADINKOVIĆ:D00900, p.9; P03968; P03887 P00191, (BCS,pp.7,21,23,26,29-30,38,40,43,45,48,52,55,59,72,74,82,84,88,90,92,102,104,107,109,125,127,129,142,147,149,155,157,164,166,173,175,180,186,188,191.

<sup>144</sup> P00356, pp.265-268; P03668.

<sup>145</sup> P04147; P03806; P02882, p.1; P02923; P02924; P06796; P03824; P03886; P03887; P02901.

<sup>146</sup> P02900, p.7; P00220(confidential); [REDACTED]; P03131, pp.1-2; P00235(confidential).

<sup>147</sup> See SIC:B.1.2(Banja Luka).

<sup>148</sup> Sakib MUHIĆ:P03426, pp.5,9-10. See SIC:B.1.1(Banja Luka).

<sup>149</sup> P00366.

<sup>150</sup> P03563, p.53. When KAJTEZ was arrested for other crimes, he was released at the behest of VRS and civilian authorities. [REDACTED]; P02371(confidential).

<sup>151</sup> RADINKOVIĆ:D00900, pp.5-6; RADINKOVIĆ:T.31734; RM051:P00214, T.5265,T.5268(confidential); RM051:T.2957-2959(confidential); P00222(confidential); P03879(confidential); P03288; KELEČEVIĆ:T.37233.

<sup>152</sup> RM051:T.2895-2896(confidential); RADINKOVIĆ:D00900, p.6; RADINKOVIĆ:T.31737.

<sup>153</sup> See para.24.

<sup>154</sup> BROWN:P02862, pp.80-81; P06992, p.2; BROWN:T.19771-19772,T.19799-19800; MEDIC:T.2047; P00245; SELAK:T.2969-2971; SELAK:P00244, para.57; KRČMAR:T.32490-32492; AMIDŽIĆ:T.29528-29529; AMIDŽIĆ:D00847, para.49.

## II. BIJELJINA

### A. Overview

1. In 1991, Bijeljina municipality's population was 31.1% Muslim and 59.1% Serb.<sup>1</sup> Bijeljina was the first municipality in BiH taken over by the Bosnian Serbs.<sup>2</sup> KARADŽIĆ considered Bijeljina "one of the important centres in the development... of the Serbian state."<sup>3</sup> The forcible removal of Bijeljina's Muslim population began in 1992 and continued through 1995.<sup>4</sup> The overwhelming majority of the Muslim population was expelled during the war. By 1995 very few Muslims remained.<sup>5</sup> These expulsions advanced the first, second and third strategic objectives.<sup>6</sup> **MLADIĆ** was well aware of the expulsions of Bijeljina's Muslims<sup>7</sup>, which were also internationally notorious.<sup>8</sup>

2. Bijeljina municipality was IBK Command headquarters<sup>9</sup> and part of SAO Semberija.<sup>10</sup> It housed a GŠ-VRS logistics base,<sup>11</sup> a regional communications centre<sup>12</sup> and for much of the war the RSMUP headquarters.<sup>13</sup>

3. In June 1992 **MLADIĆ** ordered the establishment of Batković camp in Bijeljina municipality, which was operated by IBK personnel. Mistreatment of detainees was common. As one of the hubs of the RS detention camp system, Batković was used to expel thousands of non-Serbs.<sup>14</sup>

<sup>1</sup> TABEAU:P02788, p.25. *See* TABEAU:P02798, p.19.

<sup>2</sup> AF498; P02530, 00:46'20-00:46'25, tp.1.

<sup>3</sup> P06947, p.6.

<sup>4</sup> P00345, pp.87-88; P06799(confidential). *See* P02530; P06899, p.1; ANDAN:T.22396.

<sup>5</sup> S.BOJANOVIĆ:T.27988-27991. *See* P00887, para.9; TABEAU:P02798, pp.19-20.

<sup>6</sup> P02003; P00178, p.6; THEUNENS:P03029, pp.335-336; V.LUKIĆ:T.25398-25399; P06726; P07743, p.6; P03071, pp.4-5. *See* Section III.C.2.

<sup>7</sup> P00345, pp.87-88.

<sup>8</sup> *E.g.* P02530; P00841; P01055; P01062; P03908; P06739; P02047; P06799(confidential).

<sup>9</sup> *E.g.* P03674, p.1; P00352, p.264.

<sup>10</sup> P03930, p.2; P00178, p.5; [REDACTED].

<sup>11</sup> N.SIMIĆ:P04325, T.28648; ĐUKIĆ:P01052, p.3.

<sup>12</sup> P04088.

<sup>13</sup> O.MARJANOVIĆ:P07625, T.11757; Simo TUŠEVLJAK:T.38541.

<sup>14</sup> *See* paras.16-19 below; SIC:C.2.1(Bijeljina).

## B. Build-up and Establishment of Serb Organs

4. Variant A/B was received and implemented in Bijeljina. On 16 January 1992, Jovan ČIZMOVIĆ<sup>15</sup> reported to KARADŽIĆ he had “talked to Bijeljina Š...Ć They are prepared for full co-operation” with the instructions.<sup>16</sup> The Serbian MUP<sup>17</sup> and SDS<sup>18</sup> participated in arming Serbs in Bijeljina.

5. On 13 February 1992, the Bijeljina SJB received instructions from Momčilo MANDIĆ to prepare to establish a Serb MUP.<sup>19</sup> By 1 April, a Serb SJB under Predrag JEŠURIĆ was functioning in Bijeljina “according to the instructions and guidelines of the Ministry of the Interior of the Serbian Republic of Bosnia and Herzegovina”.<sup>20</sup>

6. A CS under SDS Main Board member Milan NOVAKOVIĆ<sup>21</sup> was established and operational by the end of March<sup>22</sup> and later grew into the municipal government.<sup>23</sup> In June 1992, KARADŽIĆ appointed a municipal War Commission.<sup>24</sup>

## C. VRS Forces

7. On 19 May 1992 the JNA 17<sup>th</sup> Corps was transformed into the IBK, headquartered in Bijeljina.<sup>25</sup> The next day, IBK Commander DENČIĆ relayed GVERO’s proclamation that the VRS had been formed, **MLADIĆ** was in command, and the Serb people would have to “struggle for complete separation” from Muslims and Croats.<sup>26</sup>

8. The JNA 17<sup>th</sup> Majevica Brigade in Bijeljina became the IBK 1<sup>st</sup> Semberija Brigade.<sup>27</sup> On 7 June 1992, the Bijeljina TO was formally incorporated into the IBK as the 2<sup>nd</sup> Semberija Brigade<sup>28</sup> commanded by Maj. PANTELIĆ.<sup>29</sup> The Serb National

<sup>15</sup> The BSL tasked ČIZMOVIĆ with facilitating the implementation of Variant A/B. D.HANSON:P00379, p.12; P03770; P02672, tp.3.

<sup>16</sup> P04115, p.7.

<sup>17</sup> P03208, p.2. See P06659, p.13.

<sup>18</sup> [REDACTED].

<sup>19</sup> P03952.

<sup>20</sup> P00412, pp.1,3. See [REDACTED].

<sup>21</sup> [REDACTED]; P06919, p.3.

<sup>22</sup> P00412, pp.1-2; [REDACTED]

<sup>23</sup> P00412, p.2; D.HANSON:P00379, para.54, fn.69.

<sup>24</sup> P03045.

<sup>25</sup> E.g. P03674, p.1; P00352, p.264; THEUNENS:P03029, pp.335-336. See Section II.F.4.

<sup>26</sup> P07345; P07325.

<sup>27</sup> DRAGUTINOVIĆ:T.32217-32218.

<sup>28</sup> P03739, p.1.

Guard under Ljubiša SAVIĆ aka MAUZER—initially established “pursuant to the decision of the Government of SAO Majevisa and Semberija”<sup>30</sup>—was also incorporated into the IBK.<sup>31</sup> MAUZER was appointed to a position in the IBK Command<sup>32</sup> and met with **MLADIĆ** personally.<sup>33</sup> In 1995, **MLADIĆ** commended MAUZER’s unit.<sup>34</sup>

#### **D. Ethnic Cleansing of Bijeljina’s Muslims**

##### **1. Takeover and pre-12 May 1992 Crimes**

9. At the invitation of Bosnian Serb authorities including PLAVŠIĆ,<sup>35</sup> Serb forces including ARKAN’s, ŠEŠELJ’s and MAUZER’s units and the Serb TO took over power in Bijeljina at the beginning of April 1992.<sup>36</sup> The takeover was covered in the international press.<sup>37</sup> Shortly after the takeover, PLAVŠIĆ visited Bijeljina and embraced ARKAN on the news.<sup>38</sup> At a dinner with UNPROFOR representatives, PLAVŠIĆ described Bijeljina as “liberated”.<sup>39</sup> Events in Bijeljina and neighbouring Zvornik caused fear in other municipalities.<sup>40</sup> **MLADIĆ** was informed of ARKAN’s criminal activities in Bijeljina immediately after being appointed to the 2<sup>nd</sup> Military District.<sup>41</sup>

10. Pursuant to SDS policy, dismissals of Muslims from their jobs began even before the takeover.<sup>42</sup> Bosnian Serb forces subjected Bijeljina’s non-Serbs to wide-

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<sup>29</sup> P01061, p.2.

<sup>30</sup> P01061, p.2. *See* AF501; P03802, p.5.

<sup>31</sup> P01061, p.2; P03911, p.1; P03943; P06935; [REDACTED]; P06659, p.12; ANDAN:T.22410.

<sup>32</sup> P03911.

<sup>33</sup> P00355, pp.40-58.

<sup>34</sup> P06579; ANDAN:T.22411-22412.

<sup>35</sup> ANDAN:T.22414; THEUNENS:P03029, pp.336-341; P07196, p.6; P03919, p.1.

<sup>36</sup> P00412; P03906; [REDACTED]; [REDACTED]; THEUNENS:P03029, pp.335-341. *See* ANDAN:T.22414.

<sup>37</sup> BELL:T.7843.

<sup>38</sup> I.OSMANOVIĆ:P00207, para.4.

<sup>39</sup> AF500.

<sup>40</sup> S.MLAĐENOVIĆ:T.34158; I.OSMANOVIĆ:P00207, para.4.

<sup>41</sup> P00352, p.224; BROWN:T.19490. *E.g.* P03899.

<sup>42</sup> [REDACTED].

ranging crimes, including sexual violence and killings.<sup>43</sup> Many vanished without a trace.<sup>44</sup> SDA leaders were killed and others disappeared.<sup>45</sup>

## 2. Continuing Crimes after 12 May 1992

11. Large-scale crimes against Bijeljina's Muslims continued after 12 May. The VRS destroyed non-Serb religious and cultural monuments throughout the municipality, including the Atmačići, Janjari, and Srednja Trnova mosques.<sup>46</sup> VRS soldiers<sup>47</sup> and Duško MALOVIĆ's Special Police Unit<sup>48</sup> murdered non-Serbs later in 1992. In mid-June 1992, the SAO Semberija-Majeveica presidency decided that remaining Muslims in managerial positions should be replaced; that should "the genocide against the Serbian people" continue all Muslims would be fired from their jobs and expelled from the territory; and that Muslims who had fled would lose their jobs, their apartments would be seized, and they should not return.<sup>49</sup> Muslims were indeed dismissed from their jobs.<sup>50</sup> Muslim and Croat civilians were detained in seven detention centres in Bijeljina municipality, including Batković, as described below, and the Bijeljina SUP.<sup>51</sup>

12. These crimes were intended to force Muslims out of Bijeljina. Killings were perpetrated as part of a plan to create an atmosphere of fear<sup>52</sup>, and the destruction of the mosques was a "signal" Muslims should leave.<sup>53</sup> This campaign created a climate in which there was no genuine choice for Muslims but to flee Bijeljina municipality and many did so.<sup>54</sup>

13. In 1993, pursuant to an SDS decision that only two percent of Bijeljina's Muslims could remain there,<sup>55</sup> Bosnian Serb authorities directed that Muslims who

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<sup>43</sup> E.g. AF499; AF504; [REDACTED]; [REDACTED]; M.DERONJIĆ:P03566, paras.62-66; WILSON:P00320, para.95.

<sup>44</sup> [REDACTED].

<sup>45</sup> [REDACTED]; P00412, p.2.

<sup>46</sup> See SIC:D.1(Bijeljina); [REDACTED]; P04163, 00:00'42-00:00'47, tp.1; AF517.

<sup>47</sup> [REDACTED].

<sup>48</sup> AF521.

<sup>49</sup> AF502-AF503.

<sup>50</sup> [REDACTED].

<sup>51</sup> AF515.

<sup>52</sup> AF521.

<sup>53</sup> [REDACTED]. See TUPAJIĆ:P03170, T.15431; [REDACTED].

<sup>54</sup> AF499; [REDACTED].

<sup>55</sup> [REDACTED]; [REDACTED].

had remained in Bijeljina be listed and determined which ones to expel.<sup>56</sup> Municipal Assembly President and SDS leader Dragomir LJUBOJEVIĆ, a “fervent advocate” of ethnic cleansing, was responsible for co-ordinating the expulsions.<sup>57</sup> Many Muslims were so desperate to leave that they paid considerable amounts to be allowed to do so.<sup>58</sup> Most, however, were violently removed from their homes. These violent removals continued in 1993 and 1994.<sup>59</sup> Many expulsions were carried out by Vojkan ĐURKOVIĆ, president of the Regional Exchange commission and a member of ARKAN’s political party,<sup>60</sup> sometimes aided by MAUZER’s unit.<sup>61</sup> Victims were robbed, able-bodied men were detained or forced to join work units,<sup>62</sup> while women, children, elderly, sick and disabled were driven to the frontline near Tuzla, and “forced to cross minefields to reach safety”.<sup>63</sup> Others were deported to Hungary through the Europa agency, staffed by RSMUP personnel.<sup>64</sup> Abandoned Muslim houses were looted and then allocated to Serbs by ĐURKOVIĆ upon payment of a fee.<sup>65</sup>

14. As set forth elsewhere, though ĐURKOVIĆ’s brutal expulsions were reported to MLADIĆ and the subject of international condemnation,<sup>66</sup> MLADIĆ and other BSL members used ĐURKOVIĆ to conduct these expulsions throughout the Indictment period.<sup>67</sup> Bosnian Serb authorities’ support for ĐURKOVIĆ was reflected in his ability to act at night, after the curfew;<sup>68</sup> his continued expulsion of Muslims long after the first international criticism of his actions;<sup>69</sup> and [REDACTED].<sup>70</sup> [REDACTED].<sup>71</sup>

<sup>56</sup> [REDACTED].

<sup>57</sup> [REDACTED].

<sup>58</sup> P03912; P00840, para.8; P06799, p.1(confidential); P06899, p.1; P02530, 00:48’40-00:49’06, tp.2; BOWEN:P02515, para.11; [REDACTED].

<sup>59</sup> P06799, p.1(confidential); P03912; [REDACTED]; BOWEN:T.18062-18063.

<sup>60</sup> P00840, para.8. *See* P06739, p.2; [REDACTED]. The Prosecution does not assert ĐURKOVIĆ was a VRS member.

<sup>61</sup> AF519; [REDACTED].

<sup>62</sup> P06799, p.2(confidential); P03912; P02048, p.2; P06899, p.1.

<sup>63</sup> P06799(confidential); [REDACTED]; P03912; P06899, p.1; P01055; P02530, 00:49’12-00:49’20, tp.2; P00840, para.8.

<sup>64</sup> [REDACTED]; [REDACTED].

<sup>65</sup> AF520.

<sup>66</sup> P00345, p.87; P06799(confidential); P03912; P06899, p.2; P02048, p.2; P02530, 00:48’12-00:48’20, tp.1; P06739, p.2.

<sup>67</sup> *See* Section III.D.7.b.

<sup>68</sup> *E.g.* [REDACTED].

<sup>69</sup> *E.g.* P06739;P00345, pp.87-88.

15. The BSL and IBK both exploited the results of ĐURKOVIĆ's expulsions. After ĐURKOVIĆ expelled Muslims in early September 1994, at the time of the CG negotiations,<sup>72</sup> KRAJIŠNIK personally travelled to Bijeljina and met with Serb refugees to discuss the use of "abandoned properties," which he said were now adequate to provide housing for Serb refugees.<sup>73</sup> The IBK euphemistically observed, "Since some Muslims moved out of Bijeljina and Janja, a number of residential units were obtained for the needs of IBK soldiers and officers, which affected morale positively..."<sup>74</sup>

#### **E. MLADIĆ Created and Controlled Batković Camp**

16. In June 1992, MLADIĆ ordered the IBK to establish Batković camp to "relieve the (Birač) Brigade of guarding prisoners" held in the overcrowded Sušica camp.<sup>75</sup> Thousands<sup>76</sup> of detainees from many different municipalities were held in Batković. Many were transferred there from other camps in the RS-wide detention system,<sup>77</sup> including prisoners secretly transferred from Manjača pursuant to GŠ-VRS orders without the ICRC being informed.<sup>78</sup>

17. The vast majority of detainees at Batković were non-Serb civilians, including women and elderly persons.<sup>79</sup> Detainees were subjected to inhumane conditions and mistreatment.<sup>80</sup> Beatings "were a daily thing."<sup>81</sup> A group of detainees called the "special unit" was singled out for particularly harsh treatment.<sup>82</sup> Detainees were killed

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<sup>70</sup> [REDACTED]. Similarly, MAUZER was arrested in 1992, but not for crimes against Muslims, and was released and never prosecuted during the war. ANDAN:T.22407-22409. *E.g.* P00353, pp.147-151,215-217,219-222.

<sup>71</sup> [REDACTED].

<sup>72</sup> BANBURY:P00874, paras.48-50.

<sup>73</sup> BANBURY:P00874, paras.62-63; P00885, para.7.

<sup>74</sup> P07700, p.2. *See* AKASHI:T.41769.

<sup>75</sup> P00189; P03979; P00527; [REDACTED]. *See* I.OSMANOVIĆ:T.2763-2764; [REDACTED]; Mane ĐURIĆ:T.27706; S.ANDRIĆ:T.34884-34885; M.STANIĆ:T.30915. *See* SIC:C.19.3(Vlasenica).

<sup>76</sup> P00191; KURALIĆ:P02521, p.8.

<sup>77</sup> SIC:C.2.1(Bijeljina); AF508.

<sup>78</sup> P04147, p.2; P03806; P06796; P03992; P03990, p.2; P03968; P03887.

<sup>79</sup> AF508; P06797; P06799(confidential); P07393; S.BOJANOVIĆ:T.27975; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; Elvir PAŠIĆ:P00434, para.39; ANDAN:T.22398-22400; AF508; P00191, pp.12,17,22,25; P00191, BCS, pp.9,78; KURALIĆ:P02521, p.8; I.OSMANOVIĆ:P00207, paras.56,64. *E.g.* I.OSMANOVIĆ:T.2763.

<sup>80</sup> SIC:B.2.1(Bijeljina).

<sup>81</sup> I.OSMANOVIĆ:T.2767.

<sup>82</sup> KURALIĆ:P02521, p.8; [REDACTED].

in the camp; others were killed on work details at the front lines<sup>83</sup> and at Vanek's Mill, across the street from the Bijeljina VRS barracks.<sup>84</sup> [REDACTED] called the camp a "disgrace."<sup>85</sup> Reflecting the indiscriminate and unlawful nature of detention at Batković, camp deputy warden KRSTIĆ admitted under cross-examination that, during his time there, he had no idea whether those detained at Batković were civilians or not.<sup>86</sup>

18. The GŠ-VRS was directly involved in the operation of Batković and the detention there of prisoners, including civilians. In March 1993 MLADIĆ admitted the prison at Batković, as well as those at Foča and Kula, were under his control.<sup>87</sup> The exchange of a prominent prisoner, [REDACTED], required MLADIĆ's personal approval.<sup>88</sup> The GŠ-VRS involved itself directly in the transfer of prisoners to and from Batković, at the same time acknowledging the use of Batković to detain civilians. In July 1993, MILOVANOVIĆ ordered the transfer of "soldiers and civilians" from IBK and DK prisons to Batković.<sup>89</sup> In 1994, TOLIMIR ordered the exchange of prisoners held at Batković.<sup>90</sup> Many of those exchanged were sent to third countries.<sup>91</sup>

19. The IBK was responsible for day-to-day operations at Batković.<sup>92</sup> In implementing MLADIĆ's order to create Batković, Corps Commander ILIĆ noted the IBK Command would appoint the camp commander and the soldiers guarding the prisoners, and questioning of prisoners would be carried out by the IBK security organs and military police.<sup>93</sup> ILIĆ continued to issue orders directly to the camp<sup>94</sup> and ANDAN was able to arrange for the release of a Croat detainee by contacting ILIĆ.<sup>95</sup> The IBK Command assigned Đ.KRSTIĆ to serve as deputy warden.<sup>96</sup> Later, while N.SIMIĆ was IBK Commander, guards from the IBK military police battalion

<sup>83</sup> AF512; P03970; Đ.KRSTIĆ:T.26367; [REDACTED]. See GAGULA:P02525, p.14.

<sup>84</sup> S.BOJANOVIĆ:T.27976-27982; [REDACTED]; [REDACTED]. See M.TODOROVIĆ:T.19842-19843.

<sup>85</sup> [REDACTED]; [REDACTED].

<sup>86</sup> Đ.KRSTIĆ:T.26359.

<sup>87</sup> TUCKER:P00317, para.248. See SIC:C.6.1(Foča),SIC:C.8.1(Ilidža).

<sup>88</sup> [REDACTED]; [REDACTED].

<sup>89</sup> P06798.

<sup>90</sup> E.g. P04008.

<sup>91</sup> Đ.KRSTIĆ:D00664, para.21.

<sup>92</sup> E.g. S.BOJANOVIĆ:T.27973.

<sup>93</sup> P03979, p.1. See P00189.

<sup>94</sup> P06795; P07393.

<sup>95</sup> ANDAN:T.22398-22400.

subordinated to the IBK assistant commander for security and intelligence were responsible for internal security.<sup>97</sup> IBK security organs performed “checks” and were responsible for verifying prisoners’ status.<sup>98</sup> Intelligence received from interrogation of Batković prisoners was reported to the GŠ-VRS via the IBK security and intelligence organ’s daily reports.<sup>99</sup> When prisoners were transferred from Batković to Kula prison pursuant to GŠ-VRS orders, Kula staff were informed by IBK Chief of Staff GAVRIĆ.<sup>100</sup>

20. While Defence witnesses claimed Batković camp was “supervised” by the ICRC,<sup>101</sup> in fact ICRC efforts to monitor conditions in the camp were met by VRS efforts to cover those conditions up. Once visits began, higher VRS authorities notified camp officials before ICRC visits<sup>102</sup> and particular detainees were hidden from the ICRC.<sup>103</sup> Before the first visit by journalists to RS camps in August 1992, IBK Commander ILIĆ ordered the camp to build a second building to “relieve the pressure” on the first and to release those detainees who were more than 70 years old.<sup>104</sup>

21. Similarly, Đ.KRSTIĆ’s claims that living conditions in Batković were “fairly good”<sup>105</sup> are belied by overwhelming evidence from detainees about the crimes committed there, many of which in any event occurred before his tenure. Indeed, KRSTIĆ admitted he had omitted from his statement that prisoners were taken to do forced labour and some were killed.<sup>106</sup>

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<sup>96</sup> Đ.KRSTIĆ:T.26349.

<sup>97</sup> N.SIMIĆ:P04325, T.28685. See Đ.KRSTIĆ:T.26344; M.TODOROVIĆ:P02915, T.12949-12950. While police officers also served as guards at Batković early in the war, e.g. [REDACTED], the camp commander was always an IBK officer.

<sup>98</sup> Đ.KRSTIĆ:T.26359; M.TODOROVIĆ:P02915, T.12959.

<sup>99</sup> M.TODOROVIĆ:P02915; T.12960.

<sup>100</sup> P03992. See P03806, p.1.

<sup>101</sup> S.BOJANOVIĆ:D00747, para.18; Đ.KRSTIĆ:D00664, paras.12-13.

<sup>102</sup> P06795; P06898.

<sup>103</sup> [REDACTED]; [REDACTED]; [REDACTED]; KURALIĆ:P02521, p.8; AF513.

<sup>104</sup> P06795; P07393. See [REDACTED].

<sup>105</sup> Đ.KRSTIĆ:D00664, paras.6,8,19.

<sup>106</sup> Đ.KRSTIĆ:T.26367. See P03970; [REDACTED]; AF512. See GAGULA:P02525, p.14.

## F. MLADIĆ Knew and Approved of the Crimes in Bijeljina

22. **MLADIĆ** was regularly present in Bijeljina, meeting with Corps Commanders,<sup>107</sup> IBK officers and officials from Bijeljina and neighbouring municipalities,<sup>108</sup> negotiating with internationals<sup>109</sup> and attending the 20<sup>th</sup> Assembly session.<sup>110</sup> He was aware of the expulsion of non-Serbs from Bijeljina<sup>111</sup> and crimes committed by units from Bijeljina including MAUZER's in Brčko.<sup>112</sup> Moreover, expulsions of non-Serbs from Bijeljina municipality,<sup>113</sup> destruction of non-Serb cultural heritage sites therein<sup>114</sup> and the deaths of Muslims on work detail from Batković camp<sup>115</sup> were reported internationally during the war. **MLADIĆ** took no measures to prevent or punish these crimes. Instead, despite the regular use of detainees in VRS-controlled camps (including Batković) for front line labour, **MLADIĆ** categorically denied this policy on the same day Batković detainees were killed on their way to perform work detail near the front.<sup>116</sup>

23. While several Batković officials, including Đ.KRSTIĆ, are currently on trial in Bosnia,<sup>117</sup> no VRS soldiers were prosecuted in the Bijeljina military court for crimes committed there during the war.<sup>118</sup> The military court was aware of the murder of detainees on work detail at Vanek's Mill, but minimal investigation was done<sup>119</sup> [REDACTED].<sup>120</sup> [REDACTED].<sup>121</sup> The replacement of some camp personnel<sup>122</sup> is not indicative of measures to stop the crimes in light of the promotion of one of the perpetrators, Milenko LUJIĆ, to deputy commander<sup>123</sup> and continuing crimes against detainees.

<sup>107</sup> P00356, p.141.

<sup>108</sup> P05265; P00345, pp.40-58; N.SIMIĆ:P04325, T.28649-28654.

<sup>109</sup> P00361, pp.79-85.

<sup>110</sup> P00344, pp.4-24.

<sup>111</sup> E.g. P00345, pp.87-88.

<sup>112</sup> P03919.

<sup>113</sup> See fn.8 above.

<sup>114</sup> P04163.

<sup>115</sup> P03970.

<sup>116</sup> P03970; TUCKER:P00317, para.248.

<sup>117</sup> D00047; Đ.KRSTIĆ:T.26345-26346.

<sup>118</sup> [REDACTED]; [REDACTED]; S.BOJANOVIĆ:T.27988.

<sup>119</sup> S.BOJANOVIĆ:T.27976-27982.

<sup>120</sup> [REDACTED]; [REDACTED].

<sup>121</sup> [REDACTED]; [REDACTED].

<sup>122</sup> E.g. [REDACTED].

<sup>123</sup> [REDACTED].

24. The civilian authorities also failed to punish perpetrators under their jurisdiction. KARADŽIĆ commended Duško MALOVIĆ, whose MUP unit was responsible for the killings of Muslims intended to create fear in the Muslim community.<sup>124</sup> [REDACTED].<sup>125</sup> While KARADŽIĆ replaced some of Bijeljina's civilian leaders, this was a consequence of their interference with the VRS chain of command<sup>126</sup>—not a punishment for the crimes committed against Bijeljina's Muslims, which continued throughout the war.

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<sup>124</sup> AF521; [REDACTED]; P04236, pp.1,3.

<sup>125</sup> [REDACTED].

<sup>126</sup> N.SIMIĆ:P04325; T.28649-28654.

### III. Foča

#### A. Overview

1. Foča, the largest municipality territorially in the RS,<sup>1</sup> was approximately 51% ethnic Muslim in 1991.<sup>2</sup> By September 1992, its population was 99% ethnic Serb<sup>3</sup> as a result of massive crimes, including mass detentions, killings, rapes, wanton destruction and mass expulsion, by the VRS Foča Tactical Group (TG Foča) and other Bosnian Serb Forces. The demographic transformation of Foča achieved by this campaign furthered the first, third and fourth strategic objectives.<sup>4</sup>

2. Reflecting the symbolic importance they attached to Foča's dramatic demographic transformation, Bosnian Serb leaders repeatedly expressed pride in that transformation and determination that it would not be reversed. In September 1992, CS/War Commission President Miroslav STANIĆ<sup>5</sup> informed **MLADIĆ** Foča "was supposed to be the second Islamic Centre for Muslims in Europe" but was now 99% Serb.<sup>6</sup> Speaking before the Assembly in April 1993, Foča mayor Petko ČANČAR<sup>7</sup> said there was "only one people living on the territory of Foča, and there is only one religion practised there".<sup>8</sup> During the war, Serb authorities renamed Foča "Srbinje"—"town of the Serbs".<sup>9</sup> In January 1994, KARADŽIĆ explained that Foča "is extremely important to" the Muslims, "but it will never be theirs again"<sup>10</sup> and Vojislav MAKSIMOVIĆ, RS Commissioner for Foča, promoted a "firm attitude that the Muslims and the Croats will not be allowed to return to the areas under our rule. ... [A]ny thought about having 500 or more Muslims within our future country is out of the questions."<sup>11</sup> In August 1994, KRAJIŠNIK praised Foča's Serbs for having created "a true Serbian town" and preventing Foča becoming "another Mecca."<sup>12</sup> In an interview about crimes against Muslims and demographic changes in Foča,

<sup>1</sup> P02852, 00:15'46-00:17'22, tp.1; P06838, p.3; P02427, p.2; VUJIČIĆ:T.24188.

<sup>2</sup> P00355, p.66; RM046:T.7027; SIMOVIĆ:T.24404; P06686, p.3(BCS, p.3); TABEAU:P02788, p.25.

<sup>3</sup> P00355, pp.60-66; KRNOJELAC:T.25980.

<sup>4</sup> P02003; P00178, pp.7-8; TUPAJIĆ:P03170, T.15398-15399; P07743, p.6; P03071, pp.4-5; DONIA:P02001, p.18. See RM050:P02936, T.18835(confidential); D00639, p.5. See Section III.C.2.

<sup>5</sup> MILANOVIĆ:T.24123; P06835, pp.2-4.

<sup>6</sup> P00355, pp.60-66. See P03076, p.26.

<sup>7</sup> P02834, p.1.

<sup>8</sup> P06838, p.3. See P02427, p.2.

<sup>9</sup> AF728; RM050:P02936, T.18831-18832(confidential); RM013:T.8900.

<sup>10</sup> P03076, p.26; see V.MARIĆ:T.27594-27595.

<sup>11</sup> DONIA:P02001, pp.31-32. See RM046:P00739, p.4(confidential); RM046:T.7038.

ČANČAR asserted, “Those who study about us will see that the Serbian people was right... not to bow to the Crescent moon. ... We are not a minority, we are the most numerous people and we want to remain that at any cost.”<sup>13</sup>

3. **MLADIĆ** ordered the formation of the VRS TG Foča;<sup>14</sup> visited Foča to meet with perpetrators;<sup>15</sup> and acknowledged the prison in Foča was “under his control.”<sup>16</sup> His stature in Foča was reflected in STANIĆ’s remarks to a crowd in “Srbinje” in 1994: “We, the Serbs living to the West of the Drina River, know very well that our leaders are Dr. Radovan KARADŽIĆ and Gen. Ratko MLADIĆ.”<sup>17</sup>

## **B. Build-up and Establishment of Serb Organs**

4. Prior to the war, the SDA and SDS held major rallies in Foča.<sup>18</sup> The SDS rallies were attended by high-level SDS officials including KARADŽIĆ, PLAVŠIĆ, Minister of Information Velibor OSTOJIĆ,<sup>19</sup> and MAKSIMOVIĆ—then President of the SDS Deputies Club in the BiH Assembly.<sup>20</sup> At the SDS Foča founding assembly attended by KARADŽIĆ and PLAVŠIĆ, MAKSIMOVIĆ stated that the Drina river would be full of blood and that Muslims would disappear from the area,<sup>21</sup> while STANIĆ later recalled the “magnificent founding assembly... when we said that the Drina would never become a border, but a windpipe between two lungs.”<sup>22</sup>

5. In 1991 and early 1992, the JNA and SDS armed and trained Serbs in Foča, with the SDS forming eight battalions.<sup>23</sup> In January 1992, Muslim reservists left the

<sup>12</sup> AF728; P04132.

<sup>13</sup> P02834, 00:24’50-00:27’46, tp.4-5. Similarly, STANIĆ commended individuals without whose involvement, “we would probably have a constant headache from the muezzins’ singing from the tops of minarets.” P02853, 00:18’53-00:19’49.

<sup>14</sup> See para. 9

<sup>15</sup> P00353, pp.389-398; [REDACTED]; [REDACTED]. MILOVANOVIĆ also visited Foča in 1992. P02835, p.1.

<sup>16</sup> TUCKER:P00317, para.248. See Bijeljina, Ilidža Summaries.

<sup>17</sup> P07753.

<sup>18</sup> PLJEVALJIĆ:T.27193-27194; VUJIČIĆ:T.24221; RM086:P02933, pp.6-7 (confidential).

<sup>19</sup> AF185; P00431, p.54; POLJAK:P01425, p.5; SOKANOVIĆ:T.35742; RM012:P03155, p.2(confidential).

<sup>20</sup> RM071:P02937, pp. 6-7(confidential); RM086:P02933, pp.6-7(confidential). See POLJAK:P01425, p.5.

<sup>21</sup> RM071:P02937, pp. 6-7(confidential). See RM046:P00738, pp.8-9(confidential).

<sup>22</sup> See RM050:P02936, T.18832-18834(confidential).

<sup>23</sup> AF527-AF528; POLJAK:P01425, p.3; RM086:P02933, p.7(confidential); MILANOVIĆ:T.24154-24156; R.MLADJENOVIĆ:D00697, paras.2-5; VUJIČIĆ:T.24189; P02851; RM013:P00982, paras.5-7(confidential); Z.HADŽIĆ:P02800, p.7; P03030, pp.6,11. See P00352,

JNA base in Uštikolina; following their departure, civilian Serbs were regularly trained there.<sup>24</sup> In March 1992, “considering the prevalent mood of just the Serbian people who make up 50% of all the inhabitants of the municipality,” Foča’s Serb Assembly requested that the JNA station a garrison in Foča, offering to reinforce the unit with local Serb troops.<sup>25</sup>

6. On 2 March 1992, the Foča SDS Municipal Board wrote to KARADŽIĆ affirming its unconditional support for the “Crisis Staff of the SDS [BiH]” and stating, “We are ready to carry out any order you issue.”<sup>26</sup> Reflecting this obedience, during the pre-war period Foča’s Serb authorities reported to KARADŽIĆ<sup>27</sup> and implemented his and other BSL members’ instructions by setting up parallel institutions<sup>28</sup> as required by Variant A/B.<sup>29</sup> Those institutions included a separate Serb Assembly<sup>30</sup> and Executive Committee.<sup>31</sup> Republic-level leaders OSTOJIĆ and MAKSIMOVIĆ regularly met with local SDS members, including STANIĆ.<sup>32</sup>

7. On 3 April, the Serbian Assembly adopted its Statute, formally creating the Serbian Municipality of Foča<sup>33</sup> and providing that it would enforce RS and SAO Herzegovina laws, regulations, and general documents.<sup>34</sup> The same day, the Assembly formally established a CS for the Serbian Municipality of Foča.<sup>35</sup> STANIĆ was CS President. Members included Radojica MLAĐENOVIĆ, Foča Serb Assembly President Josip MILIČIĆ,<sup>36</sup> and republic-level leaders MAKSIMOVIĆ and

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p.296; RM071:P02937, p.7(confidential); RM086:P02933, p.7(confidential); P02857, p.8; P06679; P06683; KRNOJELAC:T.25949; RM086:P02933, p.6(confidential).

<sup>24</sup> RM050:P02935, p.6(confidential).

<sup>25</sup> P02821. See GRM277:T.26718.

<sup>26</sup> P03957.

<sup>27</sup> P02832, 00:01’43-00:01’47, tp.2.

<sup>28</sup> P06834, 00:35’45-00:35’58, tp.1; R.MLAĐENOVIĆ:T.27050-27053,T.27060; R.MLAĐENOVIĆ:D00697, para.10.

<sup>29</sup> P03038; P02832, 00:01’55-00:01’57, tp.2.

<sup>30</sup> P06680, pp.1-2; R.MLAĐENOVIĆ:D00697, paras.10-11; R.MLAĐENOVIĆ:T.27049,T.27059-27060.

<sup>31</sup> P06834, 00:35’59-00:36’13, tp.1

<sup>32</sup> RM046:P00738, pp.2-3,8-9(confidential); RM046:T.7048; RM013:P00982, paras.2,9(confidential); RM071:P02937, pp.6-7(confidential); [REDACTED]

<sup>33</sup> P06680, p.6.

<sup>34</sup> P06680, p.9.

<sup>35</sup> See P00407, p.20; SIMOVIĆ:D00583, paras.5-6; D.HANSON:P00379, para.34; R.MLAĐENOVIĆ:T.27037-27038,T.27060; MILANOVIĆ:T.24123; P06835, pp.2-4.

<sup>36</sup> P06835, pp.2-4; R.MLAĐENOVIĆ:T.27037-27038,T.27060; MILANOVIĆ:T.24123; RM071:P02937, p.6(confidential); R.MLAĐENOVIĆ:D00697, paras.6,11; KOMAD:D00761, para.16. JNA commander Zoran VLAHOVIĆ also attended CS meetings. RM050:P02935, p.7(confidential).

ČANČAR.<sup>37</sup> OSTOJIĆ was also actively involved in the Foča CS leadership.<sup>38</sup> The JNA and CS both had headquarters in Velečevo women's prison.<sup>39</sup>

### C. VRS Forces

8. In early May 1992, the TO was transformed into TG Foča,<sup>40</sup> which prefigured its incorporation into the VRS. TG Foča included units led by Brane ČOSOVIĆ<sup>41</sup> (whose members included Janko JANJIĆ aka "Tuta",<sup>42</sup> Radomir KOVAC aka "Klanfa",<sup>43</sup> and Zoran VUKOVIĆ<sup>44</sup>); Gojko JANKOVIĆ<sup>45</sup>; Pero ELEZ<sup>46</sup> (whose unit included Radovan STANKOVIĆ<sup>47</sup>); and Dragan KUNARAC aka Žaga.<sup>48</sup> Soon after the TG's formation, leaders in Foča learned that **MLADIĆ** had been appointed commander of the VRS.<sup>49</sup>

9. CS President STANIĆ remained TG commander until 2 June 1992.<sup>50</sup> On 3 June 1992, **MLADIĆ** visited the Herzegovina Corps Command and discussed, *inter alia*, forces in Foča.<sup>51</sup> Three days later, **MLADIĆ** issued Directive One, ordering the

<sup>37</sup> RM071:P02937, p.6(confidential).

<sup>38</sup> P02824; RM050:P02936, T.18835-18836(confidential); RM050:P02935, pp.9-11(confidential); RM050:P02936, T.18835-18836(confidential); [REDACTED]; PETKOVIĆ:D00681, para.5; PETKOVIĆ:T.26570-26571; RM013:P00982, para.2(confidential). OSTOJIĆ and STANIĆ reported on Serb military progress to republic-level bodies. P02824; P02852, V000-0940f, 00:15'49-00:17'22, tp.1. Similarly, the RS Government had direct communications with the Foča CS, P06836, and conducted official visits there. P07291, p.4.

<sup>39</sup> RM050:P02935, pp.6-7(confidential); PETKOVIĆ:D00681, para.5.

<sup>40</sup> P00574; Miladin GAGOVIĆ:D00682, para.9; Miladin GAGOVIĆ:T.26602,T.26607-22608; RM046:T.7038(confidential); [REDACTED]; P02852, p.1; PLJEVALJČIĆ:T.27216.

<sup>41</sup> Brane ČOSOVIĆ led the Dragan Nikolić unit, whose eponymous leader died early in the conflict. Z.NIKOLIĆ:T.24277,T.24299-24301,T.24348-24349; SIMOVIĆ:T.24389,T.24392-24393; KRNOJELAC:T.25975-25976; [REDACTED].

<sup>42</sup> [REDACTED]; RM070:P02422, para.76.

<sup>43</sup> RM070:P02423, pp.9-11,16-17(confidential); [REDACTED]; SIMOVIĆ:T.24393; PLJEVALJČIĆ:T.27222-27223; GRM277:T.26715-26716.

<sup>44</sup> PLJEVALJČIĆ:T.27222-27223; [REDACTED]; GRM277:T.26715-26716.

<sup>45</sup> Gojko JANKOVIĆ was commander of an intervention unit. VUJIČIĆ:T.24211; P06683; Z.NIKOLIĆ:T.24302,T.24305; RM070:P02422, paras.13-21,23,26-27(confidential); RM070:P02423, pp.8-11,16-17(confidential); RM070:T.17637,T.17665-17666(confidential); [REDACTED].

<sup>46</sup> Pero ELEZ was in charge of the 7<sup>th</sup> Battalion, often called the Miljevina Battalion. P04153; P02851; VUJIČIĆ:T.24212; [REDACTED]; Z.NIKOLIĆ:T.24307; PLJEVALJČIĆ:T.27221;P06684;P00353, pp.389-394; P06812; [REDACTED].

<sup>47</sup> SIMOVIĆ:T.24394.

<sup>48</sup> Dragoljub KUNARAC, head of the Independent Žaga Detachment, was convicted at the ICTY. SIMOVIĆ:T.24393. P02823, p.3; [REDACTED]; Z.NIKOLIĆ:T.24306-24307; Miladin GAGOVIĆ:D00682, para.8; SIMOVIĆ:T.24393-24394; PLJEVALJČIĆ:T.27222-27224; P06842.

<sup>49</sup> MLAĐENOVIĆ:T.27070.

<sup>50</sup> P00355, pp.60,66; Miladin GAGOVIĆ:T.26602,T.26607-26608; D00575. Likely referring to STANIĆ's position, MILANOVIĆ testified that the CS remained in control "until the beginning of June." MILANOVIĆ:T.24141-24142.

<sup>51</sup> P02830; P02819.

HK to “complete total mobilisation of all the men” in the Foča area and to “form a strong tactical group” there.<sup>52</sup> After the issuance of Directive One, STANIĆ turned TG Foča command over to VRS officer Marko KOVAČ.<sup>53</sup> TG Foča was a VRS unit:<sup>54</sup> it reported to the Herzegovina Corps,<sup>55</sup> which, in turn, reported to the GŠ-VRS.<sup>56</sup> KOVAČ had command over TG units, issuing them orders and reporting on their activities to the HK command.<sup>57</sup> Occasionally KOVAČ sent reports directly to the GŠ-VRS.<sup>58</sup> The GŠ-VRS issued orders to KOVAČ, who implemented those orders through his own orders to ELEZ, KUNARAC and other commanders on the ground.<sup>59</sup>

10. Apart from his hierarchical relationship with Foča forces, **MLADIĆ** periodically held personal meetings with Foča officials. Following the 3 June 1992 meeting mentioned above, **MLADIĆ** met with HK officers including ELEZ in late July 1992.<sup>60</sup> In September 1992, **MLADIĆ** met with Foča’s military and civilian leadership.<sup>61</sup> [REDACTED],<sup>62</sup> [REDACTED].<sup>63</sup> [REDACTED].<sup>64</sup>

#### **D. Ethnic Cleansing of Foča’s Muslims**

##### **1. Takeover and Pre-12 May crimes**

11. On 7 April, a number of Serbs were mobilised and issued weapons and Serbs took over the TO warehouse.<sup>65</sup> On the same date, Foča’s SDS leadership implemented

<sup>52</sup> P00474, p.4. See P02857; RM046:P00738, p.9(confidential).

<sup>53</sup> P02852, p.1; P00355, pp.60,66; P02823; RM046:P00738, p.9(confidential); RM046:T.7037-7038; SIMOVIĆ:T.24389; PETKOVIĆ:D00681, para 7; RM013:T.8898; [REDACTED]. See PLJEVALJČIĆ:T.27216; RM046:P00738, pp.8-9(confidential); P02831; RM013:P00738, paras.27-28(confidential).

<sup>54</sup> P02831; P03680; P02818; P02838.

<sup>55</sup> P02830; P02819; P02835; P02839; P02840; P02841; P02831; P02850; P02842; P00353, pp.389-394; P00989; P02836; P04154.

<sup>56</sup> P00353, pp.389-390; P02823; P02843; P02836; P00355, pp.71-73,99-105; P02837; [REDACTED]; see P00357, page 67; P00354, p.359; P02817; P02846(referring to P02845); P02847; P00356, pp.77-79; P02848; P04468; [REDACTED].

<sup>57</sup> E.g. SIMOVIĆ:T.24389-24390; P02823; P06684.

<sup>58</sup> P02839, p.1; P02840, p.1; P02841, p.1; P02842, p.1.

<sup>59</sup> P03680, p.4; P02823, p.3.

<sup>60</sup> P00353, pp.389-398.

<sup>61</sup> P00355, pp.60-71.

<sup>62</sup> RM012:P03155, p.5(confidential).

<sup>63</sup> [REDACTED].

<sup>64</sup> [REDACTED].

<sup>65</sup> AF538; RM013:T.8917,8977-8980(confidential).

the ethnic division of Foča's police force, installing Dragan GAGOVIĆ as chief.<sup>66</sup> The next day, OSTOJIĆ reported on the radio that "state and executive authority" had been established in Foča and "The Serbian people will resolutely exercise every national and state right of the Serbian people in Foča, if not peacefully then energetically with all available means"<sup>67</sup> and issued orders inciting Serb troops to indiscriminate violence.<sup>68</sup> Serb forces then attacked Foča town using a combination of infantry fire and shelling from artillery weapons.<sup>69</sup> OSTOJIĆ and MAKSIMOVIĆ took the position that there should be no negotiations with Foča's Muslims.<sup>70</sup>

12. Many civilians were wounded in the attack, most of whom were Muslim.<sup>71</sup> On 12 April, the old part of Foča town was burned down<sup>72</sup> and many Muslims fled.<sup>73</sup> On 14 April, OSTOJIĆ reported the Serb TO was "controlling a huge part of the town."<sup>74</sup> Bosnian Serb forces established full control over the municipality approximately ten days later.<sup>75</sup> On 30 April, OSTOJIĆ reported that the "[s]ituation in the liberated areas is stabilising because of the rule of law and because the institutions of civilian authority have control over the overall situation."<sup>76</sup> The same day, **MLADIĆ** recorded in his notebook information from JNA Gen. ADŽIĆ about "the destruction of Foča, the lootings and torchings."<sup>77</sup>

13. Serb forces—military, police, and paramilitaries—systematically attacked Foča's Muslim neighbourhoods and villages, destroying homes and property, rounding up the population, and beating and killing civilians.<sup>78</sup> They looted and destroyed houses in Muslim neighbourhoods and villages during attacks and after areas were secured.<sup>79</sup> Serb forces also destroyed mosques and other Muslim cultural

<sup>66</sup> AF532; P02820; MILANOVIĆ:T.24128; R.MLAĐENOVIĆ:D00697, para.6; RM071:P02937, p.7(confidential). See Section III.G.1.

<sup>67</sup> P02820. See R.MLAĐENOVIĆ:T.27048,T.27062,T.27064.

<sup>68</sup> RM013:P00982, para.8(confidential).

<sup>69</sup> AF541; RM013:P00982, paras.5,7,10(confidential); RM071:P02937, p.9(confidential); Z.NIKOLIĆ:D00581, para.6.

<sup>70</sup> RM013:P00982, para.9(confidential). See RM012:P03155, p.2(confidential).

<sup>71</sup> AF544. See V.MARIĆ:T.27554,T.27575-27579; RM071:P02937, p.9(confidential).

<sup>72</sup> AF714.

<sup>73</sup> Z.NIKOLIĆ:T.24327; Z.NIKOLIĆ:D00581; RM013:P00982, para.10(confidential).

<sup>74</sup> P06810; PETKOVIĆ:T.26570.

<sup>75</sup> AF545; AF548; AF567; P02852; ČEDIĆ:P02939, p.5; RM086:P02933, p.8(confidential); RM046:T.7033.

<sup>76</sup> P02824.

<sup>77</sup> P00352, p.224.

<sup>78</sup> AF550-AF554; [REDACTED]; RM086:P02933, pp.9-12(confidential); [REDACTED].

<sup>79</sup> AF552; AF574-AF575; AF713. The houses of Serbs who didn't co-operate were also burned. See [REDACTED].

buildings.<sup>80</sup> In some cases, Muslim houses were burned while Serb houses were protected.<sup>81</sup>

14. For instance, Bosnian Serb forces attacked the Muslim village of Pilipovići and Uštikolina and its environs in late April 1992, burning down houses and driving away Muslim residents.<sup>82</sup> Serb forces including the Intervention Platoon of ELEZ's unit, then part of the Foča TO, attacked the Muslim village of Jeleč in early May 1992, burned houses, killed 35 Muslims and took survivors to KP Dom.<sup>83</sup> On 6 May, **MLADIĆ** recorded in his notebook, "Foča has been finished."<sup>84</sup>

15. Official discrimination against Muslims in Foča included subjecting Muslims (but not Serbs)<sup>85</sup> to dismissal from jobs or preventing or discouraging them from reporting to work,<sup>86</sup> ordering them to surrender their weapons,<sup>87</sup> the enforcement by Serb military forces and police of restrictions on Muslim movement and association,<sup>88</sup> and the re-allocation of Muslim apartments to Bosnian Serbs.<sup>89</sup> Muslim businesses were looted or burned.<sup>90</sup>

## 2. Post 12 May Crimes

16. On 12 May, KARADŽIĆ informed the Assembly that what he termed "war conflicts" had "ended successfully" in Foča.<sup>91</sup> Nevertheless, attacks on Muslim villages by Bosnian Serb forces continued into June. Bosnian Serb attacks on villages applied the same pattern—once towns and villages were securely in their hands, the Serb forces systematically ransacked or burnt down Muslim houses or apartments,

<sup>80</sup> AF722; AF714; RIEDLMAYER:P02514, rows#175,178-185,189-190,193-206,209; RIEDLMAYER:P02512, slides#16-19,24-25,27,31,35-47; VUJIČIĆ:T.24201-24203; VUJIČIĆ:D00579, para.12.

<sup>81</sup> AF715-AF716

<sup>82</sup> AF555-AF556; AF716; AF719-AF720; RM070:T.17633-17635(confidential); RM070:P02422, para.7(confidential).

<sup>83</sup> [REDACTED]; RM086:P02933, pp.9-11(confidential); P06686, p.5(BCS). The Jeleč mosque was destroyed on or about 4-5 May 1992. RIEDLMAYER:P02511, record#45; RIEDLMAYER:P02514, row#197; RM086:P02933, p.11(confidential)

<sup>84</sup> P00352, p.255.

<sup>85</sup> AF574-AF576; AF569.

<sup>86</sup> AF568-AF569.

<sup>87</sup> AF576; RM086:P02933, p.8(confidential). See D00576; RM070:T.17635-17636(confidential).

<sup>88</sup> AF551; AF564; AF570-AF571; AF573; ČEDIĆ:P02939, p.6.

<sup>89</sup> AF717; KRNOJELAC:T.25978-25979; RM013:P00982, para.50(confidential).

<sup>90</sup> AF577.

<sup>91</sup> P00431, p.8.

Muslim villagers were rounded up or captured, and sometimes beaten or killed in the process.<sup>92</sup>

17. In early July 1992 VRS forces including JANKOVIĆ, KOVAC and JANJIĆ attacked the Muslim village of Mješaja/Trošanj, where villagers had already surrendered their weapons and signed a declaration of loyalty to the Serbs; rounded up and abused surviving villagers, killing three during the attack; separated the men from the women; killed seven of the men;<sup>93</sup> and took the women to Buk Bijela, where they were raped and otherwise abused.<sup>94</sup> In another brutal incident, in the spring of 1993 three elderly Muslim women who had survived the destruction of Jeleč in May 1992 [REDACTED] were then executed.<sup>95</sup> Some Muslims who had fled Foča in 1992 were even returned to Foča from Montenegro, detained in KP Dom, and then expelled.<sup>96</sup>

18. Mosques and cultural buildings in Foča were destroyed after the takeover and continued to be destroyed through August 1992.<sup>97</sup> Defence suggestions that the mosques were targeted during active fighting because they served as munitions storehouses<sup>98</sup> are incredible in light of the continuing destruction of mosques months after the takeover. The eventual destruction of all of Foča's mosques<sup>99</sup>—as well as mosques throughout BiH<sup>100</sup>—also undermines the Defence position.

19. This cleansing campaign left those Muslims able to flee Foča with no genuine choice but to do so. After consulting with then-Commissioner MAKSIMOVIĆ,<sup>101</sup> the

<sup>92</sup> AF552; ČEDIĆ:P02939, pp.6-7

<sup>93</sup> See SIC:A.2.1(Foča).

<sup>94</sup> AF551; AF558; AF560-AF563; [REDACTED]; [REDACTED]; [REDACTED]; P02424(confidential); P05303, p.5; P02834, 00:02'51-00:03'13, tp.1; ČEDIĆ:P02939, p.7; D00576. See SIC:C.6.2(Foča).

<sup>95</sup> [REDACTED]. Another Muslim man who was found hiding in a basement was killed in the middle of the street. [REDACTED].

<sup>96</sup> RM013:T.8928-8930; P07238; RM012:P03155, pp.3-5(confidential).

<sup>97</sup> AF723; VUJIČIĆ:T.24244-24249; [REDACTED]; RM070:T.17666-17667(confidential); RIEDLMAYER:P02510, pp.138-143. Riedlmayer's database refers to 9 cultural sites in Foča which were damaged or destroyed after 12 May 1992. RIEDLMAYER:P02511, records#21-23,26,29-30,32,34-35. See RIEDLMAYER:P02514, rows#176,186-188,191-192,196,202-203,206-208.

<sup>98</sup> PLJEVALJIĆ:D00607, para.8; VUJIČIĆ:D00579, paras.11-12. VUJIČIĆ's claim that NATO destroyed mosques in its 1995 shelling of Foča is not supported by the evidence. VUJIČIĆ:T.24200-24203.

<sup>99</sup> RIEDLMAYER:T.17986-17987; [REDACTED].

<sup>100</sup> See RIEDLMAYER:T.17933; P02505.

<sup>101</sup> P04021; R.MLAĐENović:T.27062.

War Presidency decided on 18 June to facilitate remaining Muslims' departures.<sup>102</sup> By the end of 1992, the overwhelming majority of Foča's Muslims had been killed, expelled, or detained.<sup>103</sup> The detention of Muslims because of their ethnicity<sup>104</sup> in brutal and inhumane conditions and the ultimate expulsion of survivors continued well past 12 May, as detailed below.

## **E. Detention Facilities in Foča**

### **1. KP Dom Foča**

20. In April 1992, Bosnian Serb Forces, including soldiers wearing SMB uniforms,<sup>105</sup> acting under CS authority,<sup>106</sup> initially took many Muslims to the Livade military warehouse<sup>107</sup> before transporting them to Foča's main detention facility, KP Dom.<sup>108</sup> At both Livade<sup>109</sup> and KP Dom, detainees were held in poor conditions, and subjected to torture, beatings, abuse, cruel treatment, and other inhumane acts.<sup>110</sup> At KP Dom, detainees were mostly civilians<sup>111</sup> and many were held for years.<sup>112</sup> Between June and December 1992, prison guards and soldiers killed over 200 detainees at KP Dom.<sup>113</sup>

21. In May 1992, STANIĆ, in his capacity as TG commander, requested that the KP Dom prison be provided to TG Foča to house "prisoners-of-war and detainees".<sup>114</sup>

<sup>102</sup> P02822; R.MLAĐENović:T.27073.

<sup>103</sup> *E.g.* P00355, pp.60-66; KRNOJELAC:T.25980.

<sup>104</sup> AF633.

<sup>105</sup> RM071:P02937, pp.10-11(confidential); RM046:P00738, p.3(confidential).

<sup>106</sup> *See* RM046:P00738, p.2(confidential).

<sup>107</sup> RM046:P00738, p.3(confidential); KRNOJELAC:T.25971; RM071:P02937, pp.11-13(confidential).

<sup>108</sup> RM046:P00738, p.4(confidential); RM046:T.7028; RM071:P02937, p.13(confidential); PLJEVALJČIĆ:T.27195-27196.

<sup>109</sup> RM071:P02937, pp.11-13(confidential); RM046:P00738, p.4(confidential).

<sup>110</sup> RM013:P00982, paras.23,25,27-28(confidential); RM013:P00983, para.5(confidential); RM013:P00984, para.2(confidential); RM046:T.7034-7036; RM046:P00747, p.39(confidential); RM046:P00738, pp.5-9(confidential); RM046:P00739, pp.3-4(confidential); RM046:P00740, T.1283-1285(confidential); [REDACTED]; RM012:P03155, p.4(confidential); RM086:P02933, pp.12-16(confidential).

<sup>111</sup> AF631-AF632; RM013:P00982, paras.20,22(confidential); RM046:P00739, p.4(confidential); RM046:P00738, pp.4,7,9(confidential); RM046:T.7033; P06681, p.2.V.MARIĆ:T.27556-27559; RM012:P03155, p.4(confidential); KRNOJELAC:T.25985-25986. *See* P06685.

<sup>112</sup> AF626; RM013:P00982, para.24(confidential); RM046:P00738, pp.5, 9(confidential).

<sup>113</sup> *See* SIC:B.5.1(Foča). Evidence shows KP Dom was open from April 1992 through at least October 1994. Killings of prisoners between 12-31 May 1992 are relevant to C.6.1. Killings at any other time during the camp's operation are not charged but are relevant to the widespread and systematic nature of the abuse of non-Serb detainees.

<sup>114</sup> P00574; *see* P02852, p.1; P00355, pp.60,66.

Two days later, “the premises of” KP Dom were “relinquished to the Foča TG command.”<sup>115</sup> Milorad KRNOJELAC, a JNA reserve officer initially appointed temporary warden by the Executive Committee,<sup>116</sup> was subsequently formalised as warden by the RS MOJ.<sup>117</sup> His deputy was Savo TODOVIĆ.<sup>118</sup>

22. **MLADIĆ** acknowledged in 1993 that the prison in Foča was under his control.<sup>119</sup> Indeed, while the MOJ was involved in overseeing the facility,<sup>120</sup> the military command (initially the CS functioning as military command, later KOVAČ as TG Foča commander) had control over who was detained and released from KP Dom.<sup>121</sup> The command also decided which persons could enter KP Dom and had some control over assignments within the facility.<sup>122</sup> KOVAČ worked closely with KRNOJELAC.<sup>123</sup> [REDACTED].<sup>124</sup> KOVAČ also visited KP Dom.<sup>125</sup>

23. Individuals from various Serb bodies were, at times, present and involved in the abuse of prisoners at KP Dom.<sup>126</sup> Those guarding and abusing prisoners included soldiers from the JNA and the Foča TO;<sup>127</sup> former Serb guards from the KP Dom Foča;<sup>128</sup> and VRS military police and soldiers.<sup>129</sup> Mitar RAŠEVIĆ had overall

<sup>115</sup> P00985, p.1; P00575.

<sup>116</sup> RM012:P03157, p.2(confidential); KRNOJELAC:T.25972; R.MLAĐENović:D00697, para.20.

<sup>117</sup> AF636; D00133; RM013:P00982, paras.29,31(confidential); RM013:P00983, paras.24,26(confidential); RM013:T.8920; RM046:P00738, pp.5,8(confidential); RM046:P00739, pp.2-3(confidential); RM046:T.7028; R.MLAĐENović:D00697, para.20; KRNOJELAC:T.25972.

<sup>118</sup> RM046:P00738, p.8(confidential).

<sup>119</sup> TUCKER:P00317, para.248.

<sup>120</sup> P06811; P00985.

<sup>121</sup> AF638; P06685; P00536(confidential); P02828; P02856. *See* RM046:P00738, p.9(confidential); P00743; D00578; P02826; P02827; D00103; P06681, p.2; RM013:P00983, paras.27-28(confidential); P00985.

<sup>122</sup> AF640-AF641. *See* P04154; RM013:P00983, paras.27-28(confidential); P00985; [REDACTED]; RM012:P03155, p.4(confidential).

<sup>123</sup> AF638; AF640-AF641; [REDACTED]; RM046:P00738, p.8(confidential); P06837.

<sup>124</sup> [REDACTED].

<sup>125</sup> RM046:P00738, pp.4,7-9(confidential).

<sup>126</sup> 1. AF666; AF683-AF684; AF687; AF689-AF691; AF693; RM046:P00738, pp.4,7-9(confidential); RM046:T.7035; RM013:P00982, para.22(confidential); RM013:T.8917,T.8967-8968; [REDACTED].

<sup>127</sup> AF634; RM046:T.7030-7031(confidential); KRNOJELAC:T.25983-25984,T.25958.

<sup>128</sup> AF636.

<sup>129</sup> AF666; AF690; AF693; RM046:P00738, pp.4,7-9(confidential); RM046:T.7035; RM013:T.8918,T.8967-8968(confidential); [REDACTED]; AF634; RM046:T.7030-7031(confidential); KRNOJELAC:T.25983-25984,T.25958; P00985, p.1.

command of the various personnel serving as guards at KP Dom.<sup>130</sup> KRNOJELAC and TODOVIĆ wore SMB uniforms.<sup>131</sup> RAŠEVIĆ wore a police uniform.<sup>132</sup>

24. Detainees at KP Dom Foča were subjected to a pervasive pattern of beatings, killings, and inhumane conditions.<sup>133</sup> This was known at all levels of the camp. Warden KRNOJELAC and head of guards RAŠEVIĆ were frequently present at the facility and witnessed beatings of prisoners.<sup>134</sup> Additionally, prisoners could be heard screaming and moaning during beatings.<sup>135</sup> In any event, the resulting injuries and deaths could not have escaped notice by the prison authorities.<sup>136</sup> The fact that prison authorities concealed prisoners from visiting ICRC officials<sup>137</sup> further demonstrates the awareness and responsibility of those authorities and their superiors within the military command for the treatment of KP Dom's Muslim inmates.

## 2. Detention and systematic sexual assault and rape of women and girls in Foča

25. VRS soldiers and other members of Bosnian Serb forces arrested Muslim women and girls in Foča and transferred them between sites throughout the municipality<sup>138</sup>—including Karaman's house,<sup>139</sup> Buk Bijela,<sup>140</sup> Foča high school (*srednja škola*),<sup>141</sup> and Partizan Hall<sup>142</sup>—where soldiers, police and paramilitary members subjected them to systematic acts of sexual violence including rape and torture,<sup>143</sup> often for months or longer.<sup>144</sup> Victims included a pregnant woman and a

<sup>130</sup> AF636; AF665; RM013:P00982, para.31(confidential); RM013:P00983, para.26(confidential); RM013:T.8920; RM046:P00738, p.9(confidential); RM086:P02933, p.15(confidential); P00985, p.3.

<sup>131</sup> RM012:P03155, p.5(confidential); RM012:P03157, pp.2,4(confidential); RM046:P00739, p.3(confidential); RM050:P02935, p.16(confidential); RM063:P00532, p.2(confidential).

<sup>132</sup> RM012:P03157, p.4(confidential).

<sup>133</sup> See SIC:B.5.1-C.6.1(Foča).

<sup>134</sup> RM013:P00982, paras.29,31,34(confidential); RM013:P00983, paras.20,22,24(confidential); [REDACTED]; [REDACTED].

2. <sup>135</sup> AF667; [REDACTED].

<sup>136</sup> AF689-AF690; AF664-AF665; AF670.

<sup>137</sup> P06681, p.2; RM013:P00983, para.30(confidential); RM013:T.8912-8913, T.8919-8920(confidential); P00989, pp.1-2; RM046:P00738, p.9(confidential).

<sup>138</sup> AF598; AF604; AF607; AF609-AF611; AF581; [REDACTED]; [REDACTED]; [REDACTED]; VUJIČIĆ:T.24253; [REDACTED].

<sup>139</sup> [REDACTED]; [REDACTED] See SIC:C6.2(Foča).

<sup>140</sup> [REDACTED]; [REDACTED]; ČEDIĆ:P02939, pp.7-8. See SIC:6.3(Foča).

<sup>141</sup> [REDACTED]; [REDACTED]. See SIC:C6.5(Foča).

<sup>142</sup> [REDACTED]; [REDACTED]; ČEDIĆ:P02939, pp.7-8. See P02426. See SIC:C.6.4(Foča).

<sup>143</sup> See AF581; AF598-AF599; AF604-AF612. See [REDACTED]; [REDACTED]; P06867; [REDACTED]; RM046:P00741(confidential); [REDACTED]; [REDACTED]; P06730. See SIC:C6.2-6.5(Foča).

<sup>144</sup> E.g. [REDACTED]; [REDACTED]; RM070:T.17651.

12-year-old girl who was sold to a soldier for 200DM and is missing to this day.<sup>145</sup> Women from Gacko and Kalinovik municipalities were also transferred to rape camps in Foča, detained and subjected to crimes of sexual violence there.<sup>146</sup>

26. These detention facilities<sup>147</sup> were variously guarded by soldiers,<sup>148</sup> police,<sup>149</sup> or guards under CS authority, sometimes working in collaboration with paramilitaries.<sup>150</sup> VRS soldiers were in charge of Karaman's House<sup>151</sup> and Buk Bijela<sup>152</sup> and also committed crimes against women detained at Partizan Hall and Foča High School.<sup>153</sup> Contrary to the Defence contention,<sup>154</sup> guards did not protect the women<sup>155</sup> but rather prevented them from escaping.<sup>156</sup> That they did not protect the detained women is evident from the widespread pattern of rapes and sexual assault across Foča. The perpetrators included prominent TG Foča commanders KUNARAC,<sup>157</sup> JANKOVIĆ,<sup>158</sup> and ELEZ,<sup>159</sup> and their men (including Radovan STANKOVIĆ),<sup>160</sup> other TG Foča soldiers under ĆOSOVIĆ,<sup>161</sup> and SJB Chief GAGOVIĆ.<sup>162</sup>

27. For example, [REDACTED] was detained by commanders of TG Foča units at several locations between July 1992 and March 1993.<sup>163</sup> Over that period, she was raped, including vaginally, anally, and orally, by dozens of soldiers. At times, she was gang raped and threatened with additional physical attacks. [REDACTED] witnessed soldiers raping girls, [REDACTED], and beating women who refused to have sex.

<sup>145</sup> [REDACTED]; [REDACTED].

<sup>146</sup> [REDACTED]; [REDACTED].

<sup>147</sup> See SIC:C6.2-6.5(Foča).

<sup>148</sup> AF621; AF610; AF580-AF581; P00357, p.67; [REDACTED]; [REDACTED]; [REDACTED].

<sup>149</sup> AF614; AF592; [REDACTED]; [REDACTED].

<sup>150</sup> AF585; [REDACTED]; VUJIČIĆ:D00579, paras.2-10; VUJIČIĆ:T.24188-24189,T.24249. See P06835, p.3.

<sup>151</sup> AF622; [REDACTED]; [REDACTED].

<sup>152</sup> AF580; [REDACTED].

<sup>153</sup> See SIC:C.6.4-C6.5(Foča). ĆEDIĆ:P02939, p.8.

<sup>154</sup> [REDACTED]; VUJIČIĆ:D00579, paras.2-10. See PLJEVLJAČIĆ:T.27195-27199; VUJIČIĆ:T.24189,T.24191,T.24231.

<sup>155</sup> [REDACTED]; [REDACTED].

<sup>156</sup> [REDACTED]; [REDACTED].

<sup>157</sup> See paras.8-9 above. AF598-AF599; [REDACTED].

<sup>158</sup> See para.8 above. [REDACTED]. Z.NIKOLIĆ:T.24349.

<sup>159</sup> See paras.8-10 above. P04153; [REDACTED]; [REDACTED].

<sup>160</sup> See paras.8,10 above. P06843;PLJEVALJČIĆ:T.27221; [REDACTED]. AF622; [REDACTED].

<sup>161</sup> See para.8 above. [REDACTED]; PLJEVALJČIĆ:T.27222.

<sup>162</sup> See para.11 above.

<sup>163</sup> [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED].

[REDACTED]<sup>164</sup> [REDACTED].<sup>165</sup> [REDACTED] explained the impact of these crimes on her: “My opinion was that they wanted to destroy, kill, destroy our spirit as much as they could because a raped woman—there is no cure for a woman who was raped. I will not recover.”<sup>166</sup>

28. Similarly, [REDACTED] was imprisoned and subjected to various forms of sexual assault by Serb soldiers for over a year.<sup>167</sup> She was 16 at the time of her first rape, during which a Serb soldier cut and hit her.<sup>168</sup> Shortly after that, an older soldier beat her with his pistol and a knife, and forced her to perform fellatio on him.<sup>169</sup> Like RM070, [REDACTED] was exchanged between and raped by multiple soldiers, vaginally, orally and anally. After several weeks of this, she was taken and held [REDACTED]. [REDACTED] described this as being held “hostage” and explained that an element of her detention was having involuntary sex with [REDACTED]. As she put it, having sex with her captor was “the price of safety.”<sup>170</sup>

#### **F. Knowledge and Approval of Foča Crimes**

29. **MLADIĆ** was well aware of the nature and success of the ethnic cleansing campaign in Foča,<sup>171</sup> which was in any event well-known: Radio Sarajevo reported a massacre in Foča;<sup>172</sup> the BBC confronted ČANČAR about crimes against Foča’s Muslims;<sup>173</sup> and in February 1993, the Council of Europe noted “fears” that 13 mosques in Foča had been destroyed.<sup>174</sup> As noted above, Bosnian Serb leaders inside and outside Foča celebrated the success of this campaign.<sup>175</sup>

30. The unlawful detention of Muslim civilians in Foča solely because of their ethnicity was similarly widely known.<sup>176</sup> The detention and abuse of dozens of

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<sup>164</sup> [REDACTED].

<sup>165</sup> See SIC:C.6.2(Foča).

<sup>166</sup> [REDACTED].

<sup>167</sup> [REDACTED].

<sup>168</sup> [REDACTED].

<sup>169</sup> [REDACTED].

<sup>170</sup> [REDACTED].

<sup>171</sup> E.g. P00355, pp.60-66.

<sup>172</sup> ČEDIĆ:P02939, pp.6-7.

<sup>173</sup> P02834, pp.1-2.

<sup>174</sup> P06682, pp.10-11. See RIEDLMAYER:P02514, rows#183-187,189-190,200,202; RIEDLMAYER:P02511, records#16-17,20,22,24,26,31,35,39.

<sup>175</sup> See para.2.

<sup>176</sup> AF591; AF613; [REDACTED]; KRNOJELAC:T.25986.

Muslim women and girls<sup>177</sup> was notorious both inside<sup>178</sup> and outside Foča: the RS government was aware the Croatian government had protested to the UN about rape camps in various locations, including Foča.<sup>179</sup> The Bosnian exchange commission knew specific girls ELEZ was detaining were being treated like they were in a "brothel" and "exposed to daily sexual abuse," as did the girls' families; both repeatedly sought their exchange.<sup>180</sup>

31. In the context of these well-known crimes, **MLADIĆ** knew there were very few Muslims left in Foča<sup>181</sup> and knew his subordinates, including ELEZ, were detaining Muslim women and girls,<sup>182</sup> at least one of whom he met during her captivity.<sup>183</sup> For instance,<sup>184</sup> **MLADIĆ** and S.MILOŠEVIĆ discussed a request to release a 16-year-old girl who was being held in "ELEZ's prison in Miljevinia,"<sup>185</sup> which evidence reflects was Karaman's House.<sup>186</sup> [REDACTED],<sup>187</sup> [REDACTED].<sup>188</sup> Indeed, the perpetrators saw no need to conceal their victims, but felt free to parade them in front of the RS leadership:<sup>189</sup> [REDACTED] took [REDACTED] to meet **MLADIĆ** at a military celebration in Trnovace, where **MLADIĆ** revealed his awareness of her ethnicity but expressed no surprise that a teenage girl from a banished group would be brought to the event by a soldier in his mid-thirties. **MLADIĆ** inquired of [REDACTED], her captor, "Is this your Herzegovinian girl?" and asked [REDACTED], "Are you faring better than in Alija's state?"<sup>190</sup>

32. The strong inference that **MLADIĆ** knew that the girls his subordinates were detaining were also being subjected to crimes of sexual violence was further confirmed by his dismissive and aggressive attitude toward [REDACTED] when she

<sup>177</sup> [REDACTED]; [REDACTED]; P06730, p.3.

<sup>178</sup> AF591; AF613; [REDACTED]. See SIC:C6.2-C6.5(Foča).

<sup>179</sup> P06733, pp.3,5; D00637, p.14; V.LUKIĆ:T.25462.

<sup>180</sup> P06730, pp.1,3,8; [REDACTED].

<sup>181</sup> P00355, pp.60-66. See [REDACTED].

<sup>182</sup> P00357, p.67; P06730, p.7.

<sup>183</sup> [REDACTED].

<sup>184</sup> **MLADIĆ** also noted the names of other women who were being detained, one of whom Drgan ĐUROVIĆ had taken away. **MLADIĆ** record that "Drgan ĐUROVIĆ would like to marry" one. P00359, p.13; [REDACTED]; [REDACTED].

<sup>185</sup> P00357, p.67; P06730, p.7.

<sup>186</sup> [REDACTED]; [REDACTED].

<sup>187</sup> P06730. See [REDACTED]; [REDACTED]; [REDACTED].

<sup>188</sup> P06730, pp.1,3,8.

<sup>189</sup> [REDACTED]. [REDACTED]. See [REDACTED].

testified. [REDACTED]<sup>191</sup> Immediately after her testimony, **MLADIĆ** said, “All of this is correct, and I’m proud of them, what the fuck does a Muslim woman want?”<sup>192</sup>

33. The perpetrators of crimes against Muslims committed during the cleansing of Foča were lauded rather than punished. In 1995 **KARADŽIĆ** appointed **STANKOVIĆ** commander of a special police unit in “Srbinje”<sup>193</sup> and commended him,<sup>194</sup> **KOVAČ** proposed **JANKOVIĆ** for the “honour of Vojvoda” for his “excellent results in the liberation of Foča”,<sup>195</sup> the “Srbinje Garrison Command” publication **VINS** lionised **ELEZ**,<sup>196</sup> and **STANIĆ** publicly praised many of the perpetrators for their roles in the takeover of Foča.<sup>197</sup> TG Foča soldiers including **KUNARAC**, **STANKOVIĆ** and **Radomir KOVAC** were convicted by the ICTY or Bosnian state court after the war but no soldiers were punished for crimes against Muslims during the war.<sup>198</sup> **LUKIĆ**, whose government knew about allegations of mass rape in Foča, complained to **MLADIĆ** about rapes elsewhere in RS only after soldiers began to “even rape Serbian women.”<sup>199</sup> **KRNOJELAC** and **TODOVIĆ** were also convicted of crimes against humanity only by the ICTY and Bosnian court after the war for crimes against KP Dom detainees.<sup>200</sup>

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<sup>190</sup> [REDACTED].

<sup>191</sup> [REDACTED].

<sup>192</sup> SOKOLA:P02533.

<sup>193</sup> P06843, p.2.

<sup>194</sup> P07654, p.2.

<sup>195</sup> P06683.

<sup>196</sup> P02857, pp.6-7.

<sup>197</sup> P02851.

<sup>198</sup> SIMOVIĆ:T.24393-24395,T.24398-24400; PLJEVALJČIĆ:T.27221.

<sup>199</sup> P00346, p.157; P06733, pp.3,5; D00637, p.14; V.LUKIĆ:T.25462.

<sup>200</sup> KRNOJELAC:T.25982,T.25987.

## IV. ILIDŽA

### A. Overview

1. Prior to the conflict, the population of Ilidža municipality was approximately 43% Muslim, 37% Serb and 10% Croat.<sup>1</sup> Muslims were expelled most intensively between April and June 1992;<sup>2</sup> by 1997 the Muslim population in Serb-claimed areas of Ilidža was reduced by 99%.<sup>3</sup> As Ilidža was one of the six municipalities which formed the central area of Sarajevo,<sup>4</sup> the removal of non-Serbs from Serb-claimed areas therein furthered the ethnic division of Sarajevo<sup>5</sup> and consequently the first and fifth strategic objectives.<sup>6</sup> Ilidža also held strategic importance for the VRS encirclement of Sarajevo and served as one of the primary locations from which SRK forces shelled and sniped Sarajevo's citizens.<sup>7</sup>

2. **MLADIĆ** was personally involved in the efforts to establish a Serb-dominated Ilidža. He kept the telephone number of CS President Nedeljko PRSTOJEVIĆ in his notebook<sup>8</sup> and met with PRSTOJEVIĆ several times.<sup>9</sup> After one such meeting, at which the clearing of Serb territory was discussed, the VRS cleansed Muslim neighbourhoods in Ilidža and PRSTOJEVIĆ allocated empty Muslim apartments to Serbs.<sup>10</sup> In November 1992, **MLADIĆ** again met with PRSTOJEVIĆ, along with SRK Commander GALIĆ, and VRS and RS authorities in the Sarajevo area.<sup>11</sup> **MLADIĆ** gave a briefing on the Strategic Objectives<sup>12</sup> and in his concluding remarks told the gathered leaders, "People's blood compels us to avenge them."<sup>13</sup>

<sup>1</sup> TABEAU:P02788, p.26; THEUNENS:P03029, p.390.

<sup>2</sup> See MIJANOVIĆ:T.28827.

<sup>3</sup> TABEAU:P02798, pp.54,56.

<sup>4</sup> AF1676.

<sup>5</sup> E.g. P06947, 01:43'04-02:00'25, tp.5; P03777, p.1.

<sup>6</sup> P04581,p.66; P00437, pp.1-2; P06947, 01:43'04-02:00'25tp.5; MIJANOVIĆ:T.28844; P00352, pp.346-347.

<sup>7</sup> See Sections IV.E.6.a.(ii); IV.E.6.b.(iv); IV.E.6.b.(iii); IV.E.6.b.(v).

<sup>8</sup> P00352, p.3.

<sup>9</sup> P00352, p.389; P00353, pp.170-172; P00358, p.185; P01967, pp.1-3,16.

<sup>10</sup> See below paras.11-12.

<sup>11</sup> P01967.

<sup>12</sup> RADAN:D00466, para.17.

<sup>13</sup> P01967, p.26.

## B. Build-up and Establishment of Serb organs

3. Beginning in early 1991, the JNA, SDS, and Serb members of the Ilidža SJB (led by then-SJB Commander Tomislav KOVAČ) armed Ilidža's Serbs.<sup>14</sup> By March 1992, there were 2,800 armed Serb volunteers in Ilidža.<sup>15</sup> Muslim police officers were dismissed from their positions and a Serb SJB was created.<sup>16</sup> By the commencement of the conflict or shortly thereafter, Serb forces in Ilidža also included ARKAN's<sup>17</sup> and ŠEŠELJ's men.<sup>18</sup>

4. Pursuant to Variant A/B, the already self-declared Serb Municipality of Ilidža proclaimed a Serbian Municipal Assembly on 3 January 1992<sup>19</sup> and formed a CS with PRSTOJEVIĆ as President.<sup>20</sup> The Serb Municipal Assembly immediately proposed to the RS Assembly that the status of Serb volunteers and TO members be regulated, a decision on military obligation be adopted, and measures be taken to protect Ilidža's Serbs.<sup>21</sup> Months later, the CS became a war commission led by Commissioner Jovo MIJATOVIĆ, who was appointed by KARADŽIĆ.<sup>22</sup>

## C. VRS Forces

5. On 6 April 1992, as BiH and the RS were declaring their respective national independence,<sup>23</sup> the Ilidža CS, in conjunction with the Vogošća and Novo Sarajevo Serb CS's, called for a general mobilisation of all Serb military conscripts into "JNA units, Serbian MUP units and the Serbian Territorial Defence units."<sup>24</sup> By 22 April 1992, the CS had established a military unit under its control, which PRSTOJEVIĆ considered could only be deployed with JNA 4<sup>th</sup> Corps Col. GAGOVIĆ's authorisation.<sup>25</sup>

<sup>14</sup> P03792, p.2; P03807, pp.1-5; P03030, pp.6,11; P02653, tpp.3-5; GUZINA:T.22496-22501,T.22504. According to GUZINA, both Muslims and Serbs armed themselves during this period.

<sup>15</sup> P03030, p.11.

<sup>16</sup> AF1210; P03792, p.3; P04619, p.1. See P03807, p.2.

<sup>17</sup> P02731; [REDACTED].

<sup>18</sup> P06943; MIJANOVIĆ:T.28824; THEUNENS:P03029, p.393. See P06703.

<sup>19</sup> P06588/P03954(duplicates).

<sup>20</sup> MIJANOVIĆ:T.28812; P03038, p.3.

<sup>21</sup> P04928; THEUNENS:P03029, p.390.

<sup>22</sup> P03804.

<sup>23</sup> AF287; P00431, p.5; AF146-AF147; P02820, p.1.

<sup>24</sup> P06589; P04938; GUZINA:T.22505-22507; THEUNENS:P03029, p.391. See AF287.

<sup>25</sup> P02714.

6. Immediately after his appointment, **MLADIĆ** emphasised the need for his unified command over Ilidža forces, telling CS member UNKOVIĆ “The most important thing now is that all military formations, no matter who they belong to, are put under the command of the 4<sup>th</sup> Corps, under GAGOVIĆ”, adding “all under arms are under my command if they want to stay alive.”<sup>26</sup> The next day, PRSTOJEVIĆ called GAGOVIĆ to request powder for recoilless guns, addressing GAGOVIĆ as “Great Leader.”<sup>27</sup>

7. Almost immediately after the VRS’ establishment, the Ilidža TO was transformed into the SRK Ilidža Brigade and placed under Maj. Pero DESPOTOVIĆ’s command.<sup>28</sup> Days later, **MLADIĆ** met with PRSTOJEVIĆ about military issues and noted PRSTOJEVIĆ’s remark that “from 19 May 1992 we are the BH Serbian army.”<sup>29</sup>

#### **D. Ethnic Cleansing of Ilidža’s Muslims**

8. On 22 April 1992, the CS proclaimed a state of war in Ilidža.<sup>30</sup> By the end of April, under Lt. Col. Tadija MANOJLOVIĆ’s orders, JNA heavy artillery, rocket launchers, anti-aircraft guns, and tanks fired every evening on targets in Sarajevo, including the Muslim-controlled neighbourhoods of Butmir and Hrasnica in Ilidža.<sup>31</sup> The Serb SJB also took part in the attacks.<sup>32</sup> From April through June, JNA and Bosnian Serb forces rounded up and expelled non-Serbs from Ilidža,<sup>33</sup> several mosques were seriously damaged or destroyed<sup>34</sup> and many non-Serbs fled Ilidža.<sup>35</sup> Serb soldiers and police officers frequently moved into their abandoned apartments in a violent manner.<sup>36</sup>

<sup>26</sup> P00403, tpp.2-3. See P06941; D.HANSON:T.4162; MIJANOVIĆ:T.28815.

<sup>27</sup> P02735.

<sup>28</sup> P03932/P06827(duplicates); THEUNENS:P03029, p.392.

<sup>29</sup> P00352, p.389.

<sup>30</sup> P03780, p.2. See P07678, p.1; P04118.

<sup>31</sup> AF1211; P02735.

<sup>32</sup> AF1211.

<sup>33</sup> E.g. paras.10-12.

<sup>34</sup> RIEDLMAYER:P02514, rows#398-403. Serb soldiers blew up another mosque in Ilidža in February 1993. P06757(confidential)).

<sup>35</sup> MIJANOVIĆ:T.28827.

<sup>36</sup> P06769, p.1(confidential); GRM246:T.25870-25873(confidential).

9. The expulsions of Muslims and Croats fulfilled the explicit objectives of Bosnian Serb authorities in Ilidža.<sup>37</sup> By early May 1992, Serb Forces controlled much of Ilidža, with the exception of a few Muslim- or Croat-majority communities.<sup>38</sup>

10. Serb forces then targeted those remaining non-Serb communities. For instance, on 14 May 1992 the JNA and TO separated Kotorac men from women and took the men to Kula prison.<sup>39</sup> When PRSTOJEVIĆ was asked whether the women should be taken to Butmir, he explained that it would be pointless since Butmir, along with other Muslim neighbourhoods, would be treated like Kotorac: “They cannot go to Butmir, we’ll mop up Butmir in time as well... Butmir will be mopped up, Sokolović will be mopped up, Hrasnica will be mopped up... those who convert to Orthodox religion on the spot, they can stay, women and children.”<sup>40</sup> On 19 May 1992, PRSTOJEVIĆ issued a decision allowing “the moving out of Croats and Muslims from all territories of Ilidža Serb municipality,”<sup>41</sup> while shortly after telling GAGOVIĆ that “ŠaĆll the Serbs, men, women, children, adults” from Sarajevo “will be accepted by Ilidža” but “no Muslim shall be allowed to leave Sarajevo... due to higher policy that I accepted once to perform.”<sup>42</sup> As PRSTOJEVIĆ retrospectively explained to the RS Assembly, when KARADŽIĆ visited Ilidža following the outbreak of conflict in Sarajevo and “encouraged us, the Serbs from Sarajevo retained control over the territory, and even extended their territory in some areas, driving the Muslims out of the territories where they had actually been majority.”<sup>43</sup>

11. On 6 June 1992, **MLADIĆ** issued Directive One, requiring the SRK to “secure parts of Sarajevo with a majority Serbian population to *očistiti* the wider area of Sarajevo airport and *očistiti* its wider area of remaining groups and of individuals belonging to the enemy,”<sup>44</sup> thus implementing Strategic Objectives 1 and 5.<sup>45</sup> Shortly thereafter, **MLADIĆ** met with PRSTOJEVIĆ and authorities from Ilidža and Novo Sarajevo. PRSTOJEVIĆ requested “ŠtĆhat officers should plan an operation and take the men to Dobrinja”, promising “There can be more than 500 men at the ready.”

<sup>37</sup> E.g. P00470; MIJANOVIĆ:T28838; P06945, tpp.2-3; P04581, p.66; P02764, tp.3.

<sup>38</sup> AF1212; DONIA:P01999, pp.36-37; D01684, p.2.

<sup>39</sup> P03784.

<sup>40</sup> P04122, tp.3.

<sup>41</sup> P00470.

<sup>42</sup> P06945, p.3. See P06947, p.3.

<sup>43</sup> P04581, p.66.

<sup>44</sup> P00474, pp.2-4; P00353, pp.93-111; P00458; P00502.

<sup>45</sup> THEUNENS:T.20371.

**MLADIĆ** noted the conclusion, “ŠtĆo clear the Serbian territory in which Mojmiło and Dobrinja come first.”<sup>46</sup>

12. The Ilidža Brigade then took control of part of the airport neighborhood while 1<sup>st</sup> and 2<sup>nd</sup> Sarajevo Brigade units attacked Dobrinja.<sup>47</sup> The Ilidža brigade captured non-Serb civilian residents and took them to the airport, from which they were sent to Kiseljak and Split.<sup>48</sup> The civilian residents rounded up by the 1<sup>st</sup> and 2<sup>nd</sup> Sarajevo Brigades were sorted according to ethnicity: Serbs and Croats were defined as civilians and taken to Lukavica barracks whereas Muslims were classified as prisoners and detained in Kula prison.<sup>49</sup> Subsequently, with the airport settlement “completely under control,”<sup>50</sup> PRSTOJEVIĆ told Rade RISTIĆ, from Kasindol, to “hold on to [Dobrinja I and Dobrinja IV] tightly and have them all killed there ... [a]ll that is Muslim [is] to be killed like, Alija ... I don’t [want] to see one military aged Muslim alive there.”<sup>51</sup> PRSTOJEVIĆ then authorised giving Muslim apartments in the area to Serbs.<sup>52</sup>

13. In early July 1992, Ilidža authorities passed regulations allowing the temporary use of abandoned flats in Ilidža Serb Municipality by families of combatants in the VRS or the Ilidža MUP.<sup>53</sup> The Ilidža War Commission decided that people who had left Ilidža and had not returned by 20 May 1992 or “justif[ied] the reason for not returning” would lose all employment, pension, and tenancy rights as well as the right to RS citizenship.<sup>54</sup> Two weeks later, KARADŽIĆ requested all Sarajevo municipalities to inventory housing facilities abandoned by Muslims, in order to make them available to Serbs fleeing from Muslim-held parts of the city.<sup>55</sup>

14. After Bosnian Serb forces had expelled Muslims from Ilidža, PRSTOJEVIĆ on 4 April 1993 officially banned them from returning, citing “security reasons” and

<sup>46</sup> P00353, pp.170-172.

<sup>47</sup> P03059/P04498(duplicates), paras.1,3; GUZINA:T.22522-22526.

<sup>48</sup> GUZINA:T.22510-22512,T.22523-22524; GUZINA:D00514, para.33(confidential). *See* P02766, tp.4.

<sup>49</sup> P03059/P04498(duplicates); [REDACTED].

<sup>50</sup> P02769, tp.2.

<sup>51</sup> P02770, tpp.1-2.

<sup>52</sup> P02770, tp.2.

<sup>53</sup> MIJANOVIĆ:T.28817-28822,T.28825-28827; P06942; P06944. *See* P02770, tp.2.

<sup>54</sup> P06942, p.1.

<sup>55</sup> P00263.

asserting “the necessary conditions for their return” did not exist.<sup>56</sup> Around the same time, Ilidža was declared part of the “Serb city of Sarajevo.”<sup>57</sup>

15. The Ilidža Brigade, municipal authorities and the MUP shared “a common goal”<sup>58</sup> and the Brigade command and CS were located in the same building.<sup>59</sup> However, PRSTOJEVIĆ and DESPOTOVIĆ did not individually co-operate successfully—DESPOTOVIĆ opposed the SDS<sup>60</sup> while PRSTOJEVIĆ was viewed as trying to interfere with the army.<sup>61</sup> [REDACTED]<sup>62</sup> [REDACTED]:<sup>63</sup> [REDACTED].<sup>64</sup> DESPOTOVIĆ was eventually replaced in late August,<sup>65</sup> after a group of Ilidža Brigade soldiers complained to **MLADIĆ** about their commander.<sup>66</sup> PRSTOJEVIĆ and the Ilidža Brigade subsequently maintained “a good relationship and... cooperation”;<sup>67</sup> when Vladimir RADOJČIĆ was Brigade Commander, he served on the Ilidža War Presidency.<sup>68</sup> When **MLADIĆ** met with GALIĆ, PRSTOJEVIĆ and other Serb authorities in November 1992, both he and PRSTOJEVIĆ emphasised the need for Serb unity.<sup>69</sup>

#### **E. KP Dom Butmir (Kula prison)**

16. From the outbreak of the conflict until at least 28 October 1994,<sup>70</sup> thousands of non-Serb civilians and POWs were detained at Kula Prison.<sup>71</sup> Kula was one of the hubs of the RS camp system.<sup>72</sup> It was located near Lukavica barracks in Novo

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<sup>56</sup> P06946.  
<sup>57</sup> DONIA:P01999, p.70. *See* P06947, p.4.  
<sup>58</sup> P07399, p.24.  
<sup>59</sup> S.MIJANOVIĆ:T.28814.  
<sup>60</sup> P00354, pp.59-60.  
<sup>61</sup> P04451; P00353, p.388.  
<sup>62</sup> [REDACTED]; [REDACTED]; [REDACTED].  
<sup>63</sup> [REDACTED].  
<sup>64</sup> [REDACTED].  
<sup>65</sup> D01976.  
<sup>66</sup> P00354, pp.59-60.  
<sup>67</sup> P07399, p.24. *See* P00358, p.185; RADOJČIĆ:D00535, para.66.  
<sup>68</sup> RADOJČIĆ:D00535, para.66.  
<sup>69</sup> P01967, pp.16,25.  
<sup>70</sup> P03808, p.1.  
<sup>71</sup> AF1213.  
<sup>72</sup> *E.g.* III.D.4.

Sarajevo,<sup>73</sup> which housed the SRK command.<sup>74</sup> The RSMUP initially ran Kula prison,<sup>75</sup> but around late July 1992 the MOJ took over operations.<sup>76</sup>

17. While Kula prison was run by civilian authorities, it was also controlled by the VRS.<sup>77</sup> As **MLADIĆ** himself admitted in March 1993, Kula was among the prisons under his control.<sup>78</sup> Indeed, **MLADIĆ** and other GŠ-VRS officers at times directly involved themselves in the detention, transfer and exchange of prisoners at Kula.<sup>79</sup> VRS control of prisoners' detention was also reflected in Minister of Justice **MANDIĆ**'s order that Kula detainees could not be exchanged without the SRK commander's approval<sup>80</sup> and 1<sup>st</sup> Sarajevo Brigade Chief of Security Desimir ŠARENAC's command over a VRS barracks where some Kula prisoners were held.<sup>81</sup>

18. Roughly 10,000 Muslim civilians of all ages were detained at Kula for periods ranging from a few days to several months.<sup>82</sup> Civilians held at Kula came from numerous municipalities including Ilidža,<sup>83</sup> Hadžići,<sup>84</sup> Rogatica,<sup>85</sup> Sokolac,<sup>86</sup> Foča,<sup>87</sup> Vogošća,<sup>88</sup> Trnovo<sup>89</sup> and those transferred from Manjača via Batković pursuant to GŠ-VRS orders.<sup>90</sup> Detainees were held in overcrowded and dirty conditions, provided inadequate food,<sup>91</sup> regularly beaten<sup>92</sup> and denied access to medical care.<sup>93</sup> One prisoner died due to denial of proper medical treatment.<sup>94</sup>

<sup>73</sup> [REDACTED]; D.ŠARENAC:T.26137.

<sup>74</sup> INĐIĆ:T.25115; VELJOVIĆ:T.22932.

<sup>75</sup> AF1215; P04119, p.4; P03784.

<sup>76</sup> AF1215; P04228; P04225; P04226; MURAČEVIĆ:P03185, para.88; P03203.

<sup>77</sup> SOKANOVIĆ:T.35768; RM046:T.7047.

<sup>78</sup> TUCKER:P00317, para.248.

<sup>79</sup> E.g. P04146, p.1; P04008, p.1; P03992; ANDAN:T.22439-22440; P06913.

<sup>80</sup> P07739; P07740. See P07741.

<sup>81</sup> D.ŠARENAC:T.26143.

<sup>82</sup> See SIC:C.8.1(Ilidža).

<sup>83</sup> AF1214; AF1218; P03784.

<sup>84</sup> Mehmed.MUŠIĆ:P02225, paras.5, 92-101; P01608, tp.2(confidential); D.ŠARENAC:T.26171-26174; VANLYNDEN:P00066, para.63; P07741.

<sup>85</sup> HURKO:P00164, paras. 49-50.

<sup>86</sup> GAGULA:P02525, p.6.

<sup>87</sup> RM046:P00738, p.9(confidential); [REDACTED]; RM012:P03155, pp.2,5-6(confidential); D.ŠARENAC:T.26167-26168.

<sup>88</sup> P07741; P03196; P03200; MURAČEVIĆ:P03185, para.88.

<sup>89</sup> ANDAN:T.22439-22440.

<sup>90</sup> P03992; P06914. See Banja Luka, Bijeljina Summaries.

<sup>91</sup> See SIC:C.8.1(Ilidža).

<sup>92</sup> See SIC:C.8.1(Ilidža).

<sup>93</sup> P06713(confidential); P06914, p.2.

<sup>94</sup> P06914, p.2; RM046:T.7047; RM046:P00740, T.1285. See P06713(confidential).

19. The SRK used Kula detainees for forced labour at dangerous frontline positions in the Sarajevo area.<sup>95</sup> As a result, many detainees were seriously wounded and numerous killed.<sup>96</sup> SRK officers, at times after approval from the Corps Command, submitted requests for such perilous labour assignments to the Kula prison authorities.<sup>97</sup> Detained civilians were also forced to perform other manual labour.<sup>98</sup> The Exchange Commission was aware prisoners on work detail had been killed<sup>99</sup> and ŠARENAC admitted he knew during the war that prisoners on work detail were beaten.<sup>100</sup>

20. The Exchange Commission expelled thousands of Muslim civilians detained at Kula prison to Muslim-held parts of BH or abroad, using transparently-false terms such as “family reunification” and “freedom of movement”.<sup>101</sup> As TOLIMIR explained in the context of an exchange of Muslims held at prisons including Kula (which he referred to as “Butmir”), “in the exchanges we receive captured soldiers of the Republic Srpska while we mostly give them civilians.”<sup>102</sup>

21. [REDACTED] SRK officers acknowledged during their testimonies that civilians were held at Kula.<sup>103</sup> MANDIĆ and high-level RSMUP officials were aware conditions at Kula were inadequate by 20 May 1992.<sup>104</sup> In June 1992 MANDIĆ, who sought to use “arrested Turk women” in Kula for propaganda purposes,<sup>105</sup> visited the prison canteen where detainees who had been beaten were also present.<sup>106</sup> The detention of civilians in poor conditions at Kula nonetheless continued throughout the war: in 1994 [REDACTED].<sup>107</sup>

<sup>95</sup> SIC:C.8.1.(Ilidža). The ICRC protested this practice when prisoners were killed by a shell working at front line positions at Zlatiste. P06914, pp.6-7,9.

<sup>96</sup> SIC:C.8.1.(Ilidža).

<sup>97</sup> D.ŠARENAC:T.26137-26138; P06783; P06784; MALETIĆ:T.21822-21831.

<sup>98</sup> AF1217; [REDACTED]; [REDACTED]; P06782; D.ŠARENAC:T.26136.

<sup>99</sup> P06914.

<sup>100</sup> D.ŠARENAC:T.26156.

<sup>101</sup> P03808. Although P03808,p.1 states that these civilians were being accommodated for reasons of “freedom of movement” and “family reunification”, these were euphemisms for cleansing and expulsion. See P07172; P07738; P07737, tp.3; P06722, p.3; P01608, tp.3(confidential); [REDACTED].

<sup>102</sup> P04008, p.1. See P06722, p.3.

<sup>103</sup> [REDACTED]; M.INDIĆ:T.25179(confidential).

<sup>104</sup> P03784.

<sup>105</sup> P02766.

<sup>106</sup> Mehmed.MUSIĆ:P02225, para.101.

<sup>107</sup> P06713(confidential).

## V. KALINOVIK

### A. Overview

1. Beginning in 1991, Kalinovic's Muslims were harassed and intimidated.<sup>1</sup> At the end of July and beginning of August 1992, after crimes against them had been ongoing for months, the VRS Kalinovic Tactical Group (TG Kalinovic) attacked Muslim villages and virtually the entire remaining Muslim population in Kalinovic was rounded up and detained.<sup>2</sup> VRS soldiers killed dozens of detained Muslims and expelled survivors out of RS territory.<sup>3</sup> As a result, while Kalinovic had been 36.7% Muslim in 1991,<sup>4</sup> in 1997, there were only 56 non-Serbs of voting age left in Kalinovic.<sup>5</sup> The criminal campaign against Kalinovic's Muslims supported the first, fourth, fifth and sixth strategic objectives.<sup>6</sup>

2. **MLADIĆ** was born and raised in Kalinovic municipality.<sup>7</sup> He was directly connected to Serb leaders in Kalinovic, issued orders to and received reports from TG Kalinovic, and visited Kalinovic to meet with local leaders repeatedly throughout the summer of 1992.<sup>8</sup>

### B. Build-up and Establishment of Serb Organs

3. Following the 1990 elections, the SDS took political control over Kalinovic.<sup>9</sup> Posters were put up in public in which the SDS declared Kalinovic would become part of Greater Serbia.<sup>10</sup> By November 1991, Kalinovic was part of SAO Herzegovina.<sup>11</sup>

4. Kalinovic held the largest JNA training ground in Yugoslavia. In 1991 and early 1992, thousands of Serb recruits passed through this training camp.<sup>12</sup> These

<sup>1</sup> Z.HADŽIĆ:P02800, p.8.

<sup>2</sup> AF739; F.HADŽIĆ:P00138, p.4; Z.HADŽIĆ:P02800, p.10.

<sup>3</sup> RM032:P00180, paras.50-54(confidential); [REDACTED]; P00354, pp.64-65; P00355, p.63; P07747.

<sup>4</sup> TABEAU:P02788, pp.23,25.

<sup>5</sup> TABEAU:P02798, pp.21,23,25.

<sup>6</sup> P02003; DONIA:P02001, p.16.

<sup>7</sup> F.HADŽIĆ:P00138, p.2; POLJAK:P01425, p.2.

<sup>8</sup> See paras. 5,7,10-11.

<sup>9</sup> POLJAK:P01425, pp.2-3.

<sup>10</sup> Z.HADŽIĆ:P02800, p.7.

<sup>11</sup> P06998; THEUNENS:P03029, pp.238-239; P00178, p.6; P03930, p.1; F.HADŽIĆ:P00138, p.3.

<sup>12</sup> POLJAK:P01425, p.3; P03030, p.6; MILANOVIĆ:T.24154-24155; P06565, p.8.

soldiers would wear Serb insignia, go through town drunk singing Chetnik songs and harass and physically intimidate Kalinovik's Muslim population.<sup>13</sup> Over time, pressure from Serbs on Kalinovik Muslims at work, school and home expanded and increased, including threats, ethnic epithets, and harassment, producing an intimidating environment from which many Muslims ultimately fled.<sup>14</sup>

5. SJB Chief Boško GOVEDARICA had no police experience but was closely connected to **MLADIĆ** and **KARADŽIĆ**.<sup>15</sup> He was responsible for a huge arsenal of weapons stored at the JNA Donji Logor barracks.<sup>16</sup> In 1991 and early 1992, GOVEDARICA oversaw the distribution of these weapons to local Serbs in Kalinovik and the neighbouring municipalities of Foča, Gacko and Trnovo.<sup>17</sup> The JNA also assisted in arming Kalinovik's Serb population.<sup>18</sup>

6. At the beginning of April 1992, SJB Kalinovik became part of the RSMUP Trebinje CSB.<sup>19</sup> On 20 April 1992, following an order from Momčilo MANDIĆ, all Muslim police officers were forced to sign a loyalty oath committing to implement RS law and were summarily dismissed when they refused.<sup>20</sup> On 11 May 1992, following a decision by SAO Herzegovina, all commercial entities and social service providers in Kalinovik were required to switch immediately to operation in wartime conditions.<sup>21</sup>

### C. VRS Forces

7. VRS forces in Kalinovik were under the command of TG Kalinovik. TG Commander Col. Ratko BUNDALO's<sup>22</sup> telephone number was jotted down in the notebook **MLADIĆ** used during the summer of 1992.<sup>23</sup> While the TG was part of the Herzegovina Corps, the GŠ-VRS also issued orders directly to the TG.<sup>24</sup> In July 1992, **MLADIĆ** ordered the creation of OG Podrinje composed of the Kalinovik, Foča and

<sup>13</sup> AF731; POLJAK:P01425, pp.3-4; Z.HADŽIĆ:P02800, pp.7-8. *E.g.* F.HADŽIĆ:P00138, p.2.

<sup>14</sup> Z.HADŽIĆ:P02800, p.8.

<sup>15</sup> POLJAK:P01425, p.4.

<sup>16</sup> POLJAK:P01425, p.5; Z.HADŽIĆ:P02800, p.6.

<sup>17</sup> Z.HADŽIĆ:P02800, p.7; POLJAK:P01425, p.5.

<sup>18</sup> F.HADŽIĆ:P00138, p.3.

<sup>19</sup> P04073, p.2.

<sup>20</sup> AF732; POLJAK:P01425, p.6; Z.HADŽIĆ:P02800, p.9.

<sup>21</sup> P07286; ERCEG:T.34021-34022.

<sup>22</sup> Z.HADŽIĆ:P02800, p.6; P04150.

<sup>23</sup> P00353, p.6.

<sup>24</sup> P02849; P02846; P02218.

Goražde TG's.<sup>25</sup> The OG Podrinje Command was quartered in the military barracks at Kalinovik and frequently reported directly to **MLADIĆ**.<sup>26</sup> In September 1992, Kalinovik Municipal Assembly President Nikola KOVAC told **MLADIĆ** "cooperation between military and civilian authorities is good."<sup>27</sup>

8. VRS forces from TG Foča commanded by Dragan KUNARAC aka ŽAGA, Pero ELEZ and Gojko JANKOVIĆ were also involved in crimes in Kalinovik after their formal incorporation into the VRS in June 1992.<sup>28</sup> **MLADIĆ** personally met with ELEZ and other HK officers including BUNDALO on 31 July 1992.<sup>29</sup> Immediately afterwards, TG Foča reported that ELEZ and "ŽAGA"'s units had taken part in a VRS operation to seize Rogoj.<sup>30</sup>

#### D. Conflict and Crimes

9. In May 1992, all Muslims in Kalinovik municipality had to surrender their weapons<sup>31</sup> and were required to carry a permit issued by the CS in order to move around.<sup>32</sup> **MLADIĆ** visited Kalinovik on 11 May 1992, just before taking command of the VRS, and ordered BUNDALO "what to do up there and how to treat those people."<sup>33</sup> Two days later, **MLADIĆ** ordered Col. PAVLOVIĆ to completely disarm several Kalinovik villages including Mjehovina and Golubići.<sup>34</sup> On 18 May, the CS issued an order calling upon all military-aged Muslim men to report to the municipal secretariat for national defence and to the police twice a week.<sup>35</sup>

10. In May 1992, Muslims from Golubići complained directly to **MLADIĆ** about Serb artillery guns that were pointed at their village. **MLADIĆ** flew in by helicopter to discuss the situation. **MLADIĆ** told the villagers that BiH would be a Serb state and the laws of this Serb state had to be observed. While the weaponry was

<sup>25</sup> P03677.

<sup>26</sup> P00353, pp.389-398; P00355, p.63; P04152.

<sup>27</sup> P00355, p.69.

<sup>28</sup> See Foča Summary.

<sup>29</sup> P00353, pp.389-398.

<sup>30</sup> P06684; P01963, p.3; SIMOVIĆ:T.24391-24392.

<sup>31</sup> AF733-AF734; P04073, p.2; Z.HADŽIĆ:P02800, p.9.

<sup>32</sup> AF736; Z.HADŽIĆ:P02800, p.8.

<sup>33</sup> P01597, 00:03'10-00:03'40, tp.5(confidential); Z.HADŽIĆ:P02800, p.6; P00431, pp.27,35.

<sup>34</sup> P01597, 00:03'52-00:04'04, tp.5(confidential).

<sup>35</sup> AF735; P03931.

temporarily removed, in August 1992 the same guns were put back in position and used to shell Golubići.<sup>36</sup>

11. In late May and early June 1992, a joint Trnovo-Kalinovik operation was set up to create an ethnically clean Serb territory along the entire line from Krupac (in Ilidža municipality) to Foča.<sup>37</sup> Days later, BUNDALO reported “enemy forces and populace” were fleeing Trnovo.<sup>38</sup> On 11 June 1992, BUNDALO declared Kalinovik a war zone and movement of Muslims was further restricted.<sup>39</sup> That same day, a Muslim delegation requested an organised departure from Kalinovik to Konjić. Kalinovik SO President KOVAC reported this request to **MLADIĆ**.<sup>40</sup>

12. The Kalinovik municipal and military authorities then issued a decision to “br[ing] in” all able-bodied Muslims to the Kalinovik elementary school, which the SJB implemented.<sup>41</sup> Thus, on 25 June 1992, Nedžo BANJANIN, Secretary of the Municipal Secretariat for National Defence summoned Muslim men to report for work assignments.<sup>42</sup> About 60 people responded, who were then arrested and taken to the “Miladin Radojević” Elementary School in Kalinovik, where they were guarded by Kalinovik SJB personnel.<sup>43</sup>

13. After 12 days these detainees were moved to a military ammunition warehouse located at the Logor barracks in Jelašaćko Polje. The warehouse had no sanitary facilities. Detainees had to sleep on the concrete floor, received little food and water and were regularly and severely beaten.<sup>44</sup> Detainees were placed under TG Kalinovik guard.<sup>45</sup> The commander of this detention facility was Đordislav

<sup>36</sup> F.HADŽIĆ:P00138, p.3; F.HADŽIĆ:T.1837-1838,T.1846.

<sup>37</sup> P06888, p.4; P06889, pp.3-5. While the Defence has questioned the provenance of P06889, its content is consistent with other exhibits of undisputed authenticity that describe meetings also addressed in P06889. *See* T.38120-38121; P03777; P06887.

<sup>38</sup> P04150. *See* KIJAC:T.40228.

<sup>39</sup> AF737-AF738.

<sup>40</sup> P00353, pp.205-206.

<sup>41</sup> P04073, p.4.

<sup>42</sup> AF740.

<sup>43</sup> AF740; POLJAK:P01425, p.6; F.HADŽIĆ:P00139, p.1; F.HADŽIĆ:P00138, p.4; P04073, p.4; *See* SIC:C.9.1(Kalinovik).

<sup>44</sup> *See* SIC:C.9.2(Kalinovik).

<sup>45</sup> P04073, p.4; F.HADŽIĆ:T.1839; POLJAK:P01425, pp.6-7; F.HADŽIĆ:P00139, p.2; Z.HADŽIĆ:P02800, p.10..

AŠKRABA, who was seconded to the VRS by the RSMUP for this task.<sup>46</sup> The barracks was under BUNDALO's overall command.<sup>47</sup>

14. In early July 1992 Serbs rounded up and detained at Kalinovik Elementary School at least 180 women, children, and elderly persons from Gacko. Serb policemen and soldiers guarded these detainees.<sup>48</sup>

15. At the end of July and beginning of August 1992, VRS forces shelled and burned villages such as Ljuta, Jelašca, Jezero, Mjehovina, and Daganj. Many villagers, including women and elderly people, were killed during these attacks.<sup>49</sup> At the same time, almost all remaining Muslim men and women from Kalinovik were rounded up and detained at the Elementary school.<sup>50</sup> After July 1992, the VRS destroyed Kalinovik's mosques.<sup>51</sup>

16. Serb soldiers and police beat, threatened and killed detainees at the Kalinovik Elementary School, stole jewellery and money from them, held them in inadequate conditions and raped dozens of women and girls.<sup>52</sup> The sole reason for this treatment of the civilians was their Muslim ethnicity.<sup>53</sup> VRS soldiers, including members of the Žaga Detachment and ELEZ's unit, removed some of the women and girls from the school,<sup>54</sup> and detained them in various locations in Foča, including Karaman's House, where they were subjected to further brutal sexual crimes.<sup>55</sup>

17. On 5 August 1992, VRS soldiers removed the civilian men who had been detained at the ammunition warehouse at the Logor barracks for the purpose of liquidating them. On 5 August 1992, VRS soldiers from TG Foča, including battalion commander ELEZ,<sup>56</sup> who had met personally with **MLADIĆ** five days earlier,<sup>57</sup> took

<sup>46</sup> F.HADŽIĆ:T.1849-1851; P07748, p.2.

<sup>47</sup> Z.HADŽIĆ:P02800, p.6.

<sup>48</sup> RM032:P00180, paras.9,12(confidential); RM032:T.2393-2394(confidential); [REDACTED]; P04073, p.3.

<sup>49</sup> AF739; Z.HADŽIĆ:P02800, p.10; F.HADŽIĆ:T.1839-1840; P04073, p.3. *See* P01597, 00:03'52-00:04'04, tp.5(confidential).

<sup>50</sup> AF741; RM032:T.2380(confidential); Z.HADŽIĆ:P02800, p.10; F.HADŽIĆ:P00138, p.4.

<sup>51</sup> F.HADŽIĆ:T.1838-1839. *See* SIC:D.6(Kalinovik).

<sup>52</sup> *See* SIC:C.9.1(Foča).

<sup>53</sup> AF742.

<sup>54</sup> AF604-AF607; [REDACTED]; RM032:T.2380-2381(confidential); PLJEVALJCIĆ:T.27224; P02823, p.3; [REDACTED].

<sup>55</sup> [REDACTED]; RM032:P00180, paras.15-29(confidential); RM032:T.2394-2396(confidential). *See* SIC:C6..2(Foča).

<sup>56</sup> P04153; P06812; SIMOVIĆ:T.24394; [REDACTED]; P02823.

away a group of approximately 15 Muslim detainees from the ammunition warehouse.<sup>58</sup> Several of these Muslim detainees were later found in nearby mass graves.<sup>59</sup> Later that same day, ELEZ and Milenko VUKOVIĆ took away another group of 24 Muslim men and transported them under police escort to the village of Ratine in Foča municipality.<sup>60</sup> The detainees were severely mistreated, their hands tied with wire, and their valuables taken away. At a stable in Ratine, the convoy stopped and a group of soldiers shot about 20 of them with automatic weapons in ELEZ's presence. Four men were initially spared and ordered to place the dead bodies in the stable, following which they were also shot by the same soldiers. The soldiers poured petrol over the bodies, set the stable on fire and left. Only Fejžija HADŽIĆ survived.<sup>61</sup> [REDACTED].<sup>62</sup>

18. In late August and September 1992, the VRS exchanged and transferred to Muslim-held territory in neighbouring municipalities many of the detainees still in Kalinovik Elementary School.<sup>63</sup> As the detainees constituted the remainder of the Muslim population at the time they were rounded up, the removal of surviving detainees through exchange completed the ethnic cleansing of Kalinovik municipality. **MLADIĆ** subsequently told Serb media that Kalinovik "belongs to the Serbs. Results of the war are essential..."<sup>64</sup> After the war, BUNDALO and AŠKRABA were convicted of crimes in Kalinovik by the Court of BiH.<sup>65</sup>

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<sup>57</sup> P00353, pp.389-398.

<sup>58</sup> F.HADŽIĆ:P00139, pp.3-4; F.HADŽIĆ:T.1834,T.1843,T.1863.

<sup>59</sup> F.HADŽIĆ:P00139, pp.3-4; P06059, pp.4-5.

<sup>60</sup> F.HADŽIĆ:P00139, pp.3-4.

<sup>61</sup> AF745; F.HADŽIĆ:P00138, pp.4-5; F.HADŽIĆ:P00139, pp.3-4; F.HADŽIĆ:T.1840-1843; P06059, p.5; SIC:B.7.1(Kalinovik).

<sup>62</sup> [REDACTED]; [REDACTED]. See [REDACTED].

<sup>63</sup> RM032:P00180, paras.50-54(confidential); [REDACTED]; P00354, pp.64-65; P00355, p.63; P07747.

<sup>64</sup> P07719, p.9.

<sup>65</sup> F.HADŽIĆ:T.1858-1859.

## VI. KLJUČ

### A. Overview

1. In 1991, the ethnic composition of Ključ municipality was approximately 49% Serb, 47% Muslim, 1% Croat and 3% other.<sup>1</sup> As a result of an organised campaign of violence and intimidation carried out by Bosnian Serb Forces from May 1992 onwards, between 14,000 and 15,000 Muslim inhabitants had been expelled by November 1992 and 2,000-3,000 Serbs had moved in.<sup>2</sup> By September 1995 the Muslim population had been reduced to no more than 1,000.<sup>3</sup> The attacks, widespread arrests, mass expulsions, killings and other crimes perpetrated against Ključ's non-Serb population reflected the implementation of the first and second Strategic Objectives.<sup>4</sup>

2. As CS President Jovo BANJAC<sup>5</sup> stated on Banja Luka TV in July 1992, "I think that life has to be totally ethnically demarcated and the areas ethnically cleansed of all those who cannot live together in this area."<sup>6</sup> BANJAC kept the BSL informed of Ključ's progress towards this goal, telling **MLADIĆ** in September 1992 that "ŠtĆhere were 17,000 Muslims, now there are 5,000, and 1,500 left today."<sup>7</sup>

### B. Build-up and Establishment of Serb Organs

3. On 23 December 1991, Ključ SDS President Veljko KONDIĆ<sup>8</sup> informed the Ključ SDS Municipal Board of the Variant A/B instructions, which they considered to be binding.<sup>9</sup> The SDS then formed a Serb CS headed by BANJAC, which included police and TO officials,<sup>10</sup> and discussed mobilisation and arming Serbs.<sup>11</sup> The SDS-majority Ključ Municipal Assembly confirmed its accession to the ARK three days

<sup>1</sup> AF747; P07037; P03398, p.1; TABEAU:P02788, p.25. See P03853, pp.12-13; KALABIĆ:T.30286-30287; EGRLIĆ:P03402, p.8; EGRLIĆ:P03403, T.10621-10622; DŽAFIĆ:P03394, paras.7-9; BROWN:P02859, pp.119-120.

<sup>2</sup> AF795; P03216, p.2. See AF794; P03769, pp.4-5; KEVAC:T.30534; P04071, pp.1-2; VOLAS:T.32706-32707; KELEČEVIĆ:T.37311; BROWN:P02859, pp.119-120.

<sup>3</sup> EGRLIĆ:P03402, p.8; EGRLIĆ:P03403, T.10621-10622; KALABIĆ:T.30283. See P03853, pp.12-13; BROWN:P02859, pp.119-120.

<sup>4</sup> P03769; P02867, p.2; P07321, p.2; P07070, pp.1-2; P03753.

<sup>5</sup> E.g. P03977, p.5.

<sup>6</sup> P04137, 00:54'00-00:56'10, tpp.15-16.

<sup>7</sup> P00355, pp.26-27. See AF792; AF794-AF795; P00356, p.124.

<sup>8</sup> E.g. KALABIĆ:T.30212.

<sup>9</sup> P03771, p.1; D00078/P03038; KALABIĆ:T.30228.

<sup>10</sup> P03771, p.1; P00472, p.2. See [REDACTED]; DŽAFIĆ:P03394, para.54.

later.<sup>12</sup> Local SDS authorities, including the CS, continued to rely upon and implement SDS regional- and republic-level instructions and policy,<sup>13</sup> reporting events on the ground back up through the party organs.<sup>14</sup> For instance, on 14 February 1992, KALABIĆ attended the extended SDS meeting in Sarajevo where KARADŽIĆ gave instructions to implement the second stage of Variant A/B, following which KALABIĆ briefed the Ključ SDS Municipal Board.<sup>15</sup> KARADŽIĆ and KOLJEVIĆ often visited Ključ in 1991.<sup>16</sup>

4. Ključ authorities co-operated with Serb military, police and political authorities in establishing Bosnian Serb armed forces in the municipality.<sup>17</sup> By February 1992, a Serb TO commanded by CS member Boško LUKIĆ had been formed.<sup>18</sup> In February, JNA and MUP instructors trained Serb members of SJB manoeuvre units in municipalities including Ključ in the use of heavy weapons at Manjača.<sup>19</sup> In late January or February 1992,<sup>20</sup> the RS Assembly requested, in a document distributed as a closely-held state secret, the deployment of a JNA unit to Lanište, near Ključ.<sup>21</sup>

5. In late March 1992 **MLADIĆ**, as JNA 9<sup>th</sup> Corps Commander, redeployed a 9<sup>th</sup> Corps engineering unit from Knin to Lanište.<sup>22</sup> Unit commander Mićo VLAISAVLJEVIĆ<sup>23</sup> later became 2KK CoS.<sup>24</sup> Vujadin POPOVIĆ also served in the unit.<sup>25</sup> JNA units redeployed to Ključ brought tanks and artillery weapons, which

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<sup>11</sup> P03771, pp.2-3.

<sup>12</sup> P07030. See EGRLIĆ:P03402, p.6; VRAČAR:T.28643; P03930, p.1. Though the name of the ARK did not include the prefix "Serb", "it was understood to be a Serbian Krajina." ERCEG:T.34080-34081. See RADULJ:T.35572.

<sup>13</sup> EGRLIĆ:P03402, p.6; P07032, p.2; P00472, p.5; [REDACTED]; [REDACTED]; P07040; P07041; KALABIĆ:T.30211-30212. See VRAČAR:T.28651.

<sup>14</sup> [REDACTED].

<sup>15</sup> [REDACTED]; P07041, pp.1-2; P07031. See P03774.

<sup>16</sup> EGRLIĆ:P03402, p.6.

<sup>17</sup> P07042; P07043, p.1; P07044, p.1; P07032; P03030, p.11. See D.HANSON:T.4158.

<sup>18</sup> AF748; [REDACTED]. The previous Ključ Republican TO commander had been replaced at JNA behest because his mother-in-law was an ethnic Croat. [REDACTED].

<sup>19</sup> DŽAFIĆ:P03394, paras.64-65; VRAČAR:T.28616-28618; D00358, p.4. See EGRLIĆ:P03402, p.7.

<sup>20</sup> KOVIĆ:T.42106; DONIA:P02001, p.64.

<sup>21</sup> P07750, p.2.

<sup>22</sup> P00352, pp.130-137, at p.136; [REDACTED]. See BORIĆ:T.34590; EGRLIĆ:P03402, pp.7-8; KALABIĆ:T.30235-30236.

<sup>23</sup> P04247, p.3.

<sup>24</sup> BORIĆ:T.34586,T.34614,T.34616.

<sup>25</sup> P07751(confidential).

increased Muslim anxiety and fear for their security.<sup>26</sup> Around the same time, the CS co-ordinated with the JNA 5<sup>th</sup> Corps about arming and training Serbs<sup>27</sup> and transferring weapons from the TO armoury in the Ključ Municipal Building to the JNA 30<sup>th</sup> Division command post in Mrkonjić Grad.<sup>28</sup> In April 1992, the Ključ Serb TO was transformed into the 3<sup>rd</sup> Battalion of the JNA 30<sup>th</sup> Division, armed with the same weapons.<sup>29</sup>

6. Ključ CS members attended ARK CS meetings<sup>30</sup> and reported back to the CS on the conclusions reached, "...which were binding with regard to all issues related to life and work in the municipality."<sup>31</sup> The CS was eventually renamed the War Presidency ("WP") pursuant to a RS Presidency decision.<sup>32</sup> The WP remained the highest civilian authority in Ključ municipality.<sup>33</sup>

7. By late April 1992 Serb authorities had established a high degree of control over Ključ municipality.<sup>34</sup> On 5 May, BANJAC, acting as president of the National Defence Council, imposed a curfew in Ključ municipality pursuant to a decision of the ARK government.<sup>35</sup> At approximately the same time, dismissals of Muslims from work began.<sup>36</sup>

8. On 7 May 1992 Serb forces including units of the JNA 6<sup>th</sup> Brigade and 9<sup>th</sup> Corps forces based in Lanište entered and took control of Ključ town,<sup>37</sup> occupying the municipal building and placing troops at strategic locations around town. The RS flag was placed on all important buildings.<sup>38</sup> The next day, the Ključ CS publicly declared

<sup>26</sup> [REDACTED]; DŽAFIĆ:P03394, para.44. See AF748; [REDACTED]; P07041, pp.3-6; EGRLIĆ:P03402, p.7; BORIĆ:T.34681-34682; [REDACTED]; DŽAFIĆ:P03394, para.41; [REDACTED]; FILIPOVIĆ:P03133, p.3.

<sup>27</sup> P07043, pp.1-2; P07042; P07044, p.1.

<sup>28</sup> DŽAFIĆ:P03394, para.48; [REDACTED]; KELEČEVIĆ:T.37240-37241; P07043, p.1; P07044, p.1. See KEVAC:T.30461.

<sup>29</sup> P06932, pp.2-3; KEVAC:T.30471; [REDACTED]; P04052.

<sup>30</sup> P03758, p.8.

<sup>31</sup> P00472, p.5. See P03747; P03758, pp.13-14,17,23; ERCEG:T.34016; KALABIĆ:T.30209; D.HANSON:T.4236; P03782.

<sup>32</sup> P03756. See P02929; KALABIĆ:T.30208.

<sup>33</sup> P00472, p.2; P03758, p.18.

<sup>34</sup> P07032, p.2.

<sup>35</sup> AF749; P03415; P07045; [REDACTED].

<sup>36</sup> AF753-AF754.

<sup>37</sup> AF751; P02406; P02365, p.3; P02867, p.2; P03851, p.5; D00358, p.4; P04121, pp.1-2; EGRLIĆ:P03402, p.8; P04020. See [REDACTED].

<sup>38</sup> AF751; EGRLIĆ:P03402, p.8.

it was bound by the ARK's regulations and decisions.<sup>39</sup> On 7 May 1992, the insignia on police uniforms was changed to the RS police insignia.<sup>40</sup> Non-Serb policemen were requested to sign a loyalty oath to the RS in the presence of CSB Banja Luka inspectors<sup>41</sup> and dismissed from the police force when they did not comply.<sup>42</sup> Muslims were dismissed from the SDK, Radio Ključ and other public bodies and companies.<sup>43</sup> The CS took over Radio Ključ, which from that point worked "according to Crisis Staff instructions."<sup>44</sup>

9. The VRS had "very successful" co-operation with the CS.<sup>45</sup> TO Commander/17<sup>th</sup> Brigade CoS LUKIĆ served on the CS and 17<sup>th</sup> Brigade commander Drago SAMARDŽIJA served on the WP.<sup>46</sup> 30<sup>th</sup> Division Commander Stanislav GALIĆ and other VRS officers participated in CS sessions and briefed the CS about events in the field.<sup>47</sup> CS members were involved in establishing and equipping the 17<sup>th</sup> Brigade.<sup>48</sup> The SJB Chief sat on the CS/WP<sup>49</sup> and regularly informed the CS/WP about its work.<sup>50</sup>

### C. VRS Forces

10. By late May 1992, the JNA 30<sup>th</sup> Division was transformed into the 1KK 30<sup>th</sup> Division. GALIĆ remained commander.<sup>51</sup> In late May 1992 VRS forces in Ključ included the 2KK 2<sup>nd</sup> engineering unit at Lanište,<sup>52</sup> which reported directly to the 2KK Command,<sup>53</sup> and units subordinated to the 30<sup>th</sup> Division.<sup>54</sup> Attacks on non-Serb villages in late May were carried out under 30<sup>th</sup> Division command.<sup>55</sup>

<sup>39</sup> P04020.

<sup>40</sup> AF751; P04020, p.1; KALABIĆ:T.30240-30241. *See* EGRLIĆ:P03402, pp.7-8; [REDACTED].

<sup>41</sup> AF752; DŽAFIĆ:P03394, paras.74-76. *See* EGRLIĆ:P03402, p.7; [REDACTED]; RM010:T.1874-1875.

<sup>42</sup> AF752; DŽAFIĆ:P03394, paras.76,78-80; [REDACTED]. *See* EGRLIĆ:P03402, p.7; RM010:T.1874-1875.

<sup>43</sup> AF753-AF754.

<sup>44</sup> P03977, p.5; [REDACTED].

<sup>45</sup> P00472, p.3; D.HANSON:T.4159. *See* P03758, p.18; P03756; D.HANSON:P00379, para.80.

<sup>46</sup> [REDACTED]; P03756.

<sup>47</sup> KALABIĆ:T.30253-30254,T.30256; P00472, p.3; P03758, pp.9-13,17,19-21,23; D00358, pp.3,9.

<sup>48</sup> P00472, pp.5-6; D01032; P07047, p.2.

<sup>49</sup> P03756.

<sup>50</sup> D00358, p.3; P03758, pp.5-6,9,12-15,17,22. *See* [REDACTED].

<sup>51</sup> KELEČEVIĆ:T.37240-37241.

<sup>52</sup> *See* para.5 above.

<sup>53</sup> P05137, p.9; BORIĆ:T.34681-34682.

11. In early June 1992, **MLADIĆ** ordered Ključ transferred to the 2KK's AOR, with units of the 30<sup>th</sup> Division's 3<sup>rd</sup> Battalion deployed in that area re-established as the 2KK's 17<sup>th</sup> Light Infantry Brigade.<sup>56</sup> TO Commander and CS member LUKIĆ initially served as the 17<sup>th</sup> Brigade's Chief of Staff.<sup>57</sup> Drago SAMARDŽIJA, a professional JNA officer who in late April had threatened to expel "all Muslims, Croats and others" from the ARK,<sup>58</sup> was appointed commander.<sup>59</sup>

#### **D. VRS Attacks on Ključ's Non-Serb Villages**

12. The strategic objectives were disseminated to Ključ almost immediately after being announced. KALABIĆ attended the 16<sup>th</sup> Assembly at which KARADŽIĆ articulated the objectives.<sup>60</sup> Two days later, the objectives and the VRS' establishment were discussed at a military/political meeting at the Ključ Municipal Assembly building attended by GALIĆ, 6<sup>th</sup> Brigade commander Branko BASARA, and authorities from several municipalities including Ključ.<sup>61</sup> KALABIĆ and CS President Jovo BANJAC briefed the CS on the strategic objectives and **MLADIĆ**'s appointment as VRS commander the same day.<sup>62</sup> Shortly thereafter, the Ključ Secretariat for National Defence implemented RS Presidency decisions on mobilisation—which had been received by telex from "Bosanska Krajina and R.KARADŽIĆ"—mobilising people into the 30<sup>th</sup> Division.<sup>63</sup>

13. VRS and other Serb forces then conducted "disarming" operations throughout Ključ, which paralleled the timing and implementation of similar operations in other ARK municipalities.<sup>64</sup> Such operations, which were exclusively aimed at non-Serb

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<sup>54</sup> AF759; P02062. The 30<sup>th</sup> Division is also referred to as the 30<sup>th</sup> Partisan Division. *See* BROWN:P02859, pp.16,29; KELEČEVIĆ:T.37241; P02867, pp.1-2.

<sup>55</sup> *See* paras.14-16 below.

<sup>56</sup> P04381, p.2; P05137. *See* BROWN:P02859, pp.43-44; KEVAC:D00871, para.21; KEVAC:T.30547; BORIĆ:T.34644,T.34703. KELEČEVIĆ's claim that the 30<sup>th</sup> Division was re-subordinated to the 2KK in late May, while irrelevant to **MLADIĆ**'s responsibility, is contradicted by the 30<sup>th</sup> Division's reporting to the 1KK during operations in late May in Ključ. KELEČEVIĆ:T.37241.

<sup>57</sup> [REDACTED]; KUKOBAT:D00757, para.5; P07334; P07335.

<sup>58</sup> P04926, p.1.

<sup>59</sup> P03754; P00520; BORIĆ:T.34682; KUKOBAT:T.28014.

<sup>60</sup> P03747, p.2; [REDACTED]. *See* D.HANSON:T.4158-4159.

<sup>61</sup> P02867, p.1; P07321, p.2; P07070, pp.1-2; KARAC:T.30745-30747; KALABIĆ:T.30246; [REDACTED]; [REDACTED]; BROWN:T.19505-19507; BASARA:T.34441-34443. *See* BROWN:P02859, p.29.

<sup>62</sup> P03747, p.2; [REDACTED]; D.HANSON:T.4158-4159. *See* Sanski Most Summary.

<sup>63</sup> KALABIĆ:T.30252; [REDACTED]; [REDACTED]; P02872.

<sup>64</sup> *See* Prijedor, and Sanski Most Summaries.

communities, often commenced with ultimatums to poorly-armed communities to surrender weapons they mostly didn't have, followed by attacks on and destruction of Muslim and Croat villages and the rounding up and detention of villagers.<sup>65</sup>

14. A handful of clashes with local Muslims served to trigger GALIĆ's order to attack non-Serb communities, under the guise of measures for dealing with extremists. Serb forces went to the Muslim village of Pudín Han<sup>66</sup> on or about 25 May and, through megaphones, called for the surrender of weapons.<sup>67</sup> On 27 May there was an armed clash between Serb police and local Muslims in Krasulje<sup>68</sup> and a Muslim attack on a JNA convoy.<sup>69</sup> GALIĆ then deployed a 30<sup>th</sup> Division unit from its base at the Kula barracks to Ključ town and personally came to Ključ, where he attended meetings in the municipal president's office.<sup>70</sup> Thereafter, together with the 2KK engineering unit from Lanište and the 6<sup>th</sup> Sana Brigade,<sup>71</sup> GALIĆ's units blocked the town.<sup>72</sup> The CS imposed severe restrictions on Muslims' movement.<sup>73</sup> On 28 May, the CS directed all members of armed units, including the White Eagles, to place themselves under the 30<sup>th</sup> Division, called on all citizens to hand over weapons or face "vigorous measures...which could have disastrous consequences for the security of people and property," and called for the surrender of Omer FILIPOVIĆ,<sup>74</sup> commander of the lightly-armed Muslim TO.<sup>75</sup> The call for surrendering weapons was only enforced against Muslim villages.<sup>76</sup>

<sup>65</sup> P02062; P04084; P00151, p.1; P03749, p.2; [REDACTED]; BROWN:P02859, pp.64-68; RM010:T.1950-1951(confidential). See [REDACTED]; KALABIĆ:T.30253; KALABIĆ:D00867, para.18.

<sup>66</sup> AF777; KEVAC:T.30473. See VRAČAR:T.28638.

<sup>67</sup> [REDACTED].

<sup>68</sup> AF758; KALABIĆ:D00867, para.6; VRAČAR:D00789, paras.7-12; VRAČAR:T.28621-28622; KEVAC:T.30474-30475,T.30493-30494; VOLAŠ:T.32681; [REDACTED]; BROWN:P02859, pp.87-99.

<sup>69</sup> KALABIĆ:D00867, para.7; VRAČAR:D00789, para.15; VRAČAR:T.28623; KEVAC:D00871, paras.11,14; BORIĆ:T.34605; P02875, p.1; [REDACTED]; RM051:T.2903; BROWN:P02859, pp.87-88. See [REDACTED].

<sup>70</sup> KALABIĆ:T.30252-30253; KALABIĆ:D00867, para.17.

<sup>71</sup> KEVAC:T.30461,T.30463,T.30472-30474. See P03749, p.2.

<sup>72</sup> KEVAC:T.30461; KALABIĆ:T.30252.

<sup>73</sup> AF757; P02061; [REDACTED]; D.HANSON:P00379, para.98,fn.167.

<sup>74</sup> P02062. See AF759; EGRLIĆ:P03402, p.8; FILIPOVIĆ:P03133, pp.3,8,10.

<sup>75</sup> EGRLIĆ:P03402, p.8; FILIPOVIĆ:P03133, pp.3,8,10.

<sup>76</sup> AF756; AF763. See RM010:T.1951,T.1974(confidential); FILIPOVIĆ:P03133, p.4; KEVAC:T.30514; EGRLIĆ:P03402, p.8; P00151, p.1; [REDACTED].

15. GALIĆ personally issued a final ultimatum for FILIPOVIĆ's surrender and then ordered the mortar shelling of Pudin Han.<sup>77</sup> The VRS then attacked Pudin Han, killing some villagers during the shelling and forcing the rest to flee.<sup>78</sup> Serb forces under GALIĆ's command,<sup>79</sup> including units from the 30<sup>th</sup> Division, 2KK, the 6<sup>th</sup> Sana Brigade, the Ključ TO and a police battalion from the Ključ SJB<sup>80</sup> then launched large-scale, co-ordinated attacks on non-Serb areas across the municipality.<sup>81</sup> GALIĆ established a Ključ Defence Command, bringing together all armed Serb forces under a single command, including the local SJB.<sup>82</sup> The 30<sup>th</sup> Division reported to the 1KK on these operations in Ključ<sup>83</sup> and the 1KK regularly informed the GŠ-VRS.<sup>84</sup>

16. By 29 May, both the 30<sup>th</sup> Division and IKK Command were reporting full control of the area.<sup>85</sup> Muslims provided only weak resistance.<sup>86</sup> Hundreds of civilian Muslim men were taken prisoner during roundup operations between late May and mid June.<sup>87</sup> These prisoners were transported to detention facilities including the Nikola Mačkić school and Ključ SJB, both of which were very close to CS headquarters.<sup>88</sup> Bosnian Serb police officers, soldiers and local Serbs beat detainees at the Nikola Mačkić school and the SJB building.<sup>89</sup> Many detainees were eventually transferred to Manjača in agreement with the VRS.<sup>90</sup>

17. During these operations, VRS soldiers murdered Muslims, including women and children, in Prhovo<sup>91</sup> and after the RSMUP had ordered all military-age men from several Muslim hamlets to go to the Velagići school, VRS soldiers abused and then

<sup>77</sup> KEVAC:T.30461-30463,T.30472-30474,T.30514; [REDACTED]; [REDACTED]; KALABIĆ:T.30253-30254; KALABIĆ:D00867, para.17; EGRLIĆ:P03402, p.8. See P04084.

<sup>78</sup> AF761-AF762; KALABIĆ:T.30253-30254; KEVAC:T.30461,T.30463,T.30472-30474,T.30514-30515; EGRLIĆ:P03402, p.8; [REDACTED]; RM010:T.1971-1972(confidential).

<sup>79</sup> KEVAC:T.30461,T.30466,T.30494. See BROWN:P02859, pp.87-88.

<sup>80</sup> KEVAC:T.30479-30480, T.30492-30493; KARAC:T.30711,T.30713; P07015, p.22; P02876, p.3; P03832; P02367, pp.1-2; P03923, p.59; P03749, p.2; P02875;P03817, p.2.

<sup>81</sup> AF761-AF762; AF766; AF777-AF778; P02875, p.1; BROWN:P02859, pp.87-88; D00358, pp.6-8; P03923, p.59; P06932, p.3; P03749, p.2; [REDACTED]. See AF758; P03817, p.2; KEVAC:T.30473.

<sup>82</sup> P03750; P03758, pp.5,9-12,17; KALABIĆ:T.30253-30254;P03751. See P03754, p.2; P00520, p.2; P02064.

<sup>83</sup> P03923, p.59.

<sup>84</sup> P00151, p.1; P00246; D00418, p.1; P02405, p.1-2.

<sup>85</sup> P02875, p.1; P02405, p.1; BROWN:P02859, pp.138-139.

<sup>86</sup> P00151, p.2; EGRLIĆ:P03402, p.8; D00358, p.6; P02405, p.1; BROWN:P02859, pp.135-136.

<sup>87</sup> DZAFIĆ:P03394, para.147; [REDACTED]; P03528, p.10. See MEDIĆ:P00154, para.15.

<sup>88</sup> P07033; KALABIĆ:T.30243-30245; EGRLIĆ:P03402, p.8. E.g. P07050 p.2.

<sup>89</sup> [REDACTED]; EGRLIĆ:P03402, p.8; KALABIĆ:T.30271-30273; VRAČAR:T.28634-28636; [REDACTED].

<sup>90</sup> KALABIĆ:T.30273.

murdered at least 77 Muslims detained there.<sup>92</sup> Large numbers of non-Serb homes were destroyed<sup>93</sup> and the mosques in Krasulje, Pudín Han and Tičevići<sup>94</sup> were destroyed. Bosnian Serb soldiers, police and civilians looted Pudín Han and Prhovo.<sup>95</sup> This extensive destruction was no secret to **MLADIĆ**. On 31 May, the 1KK reported to **MLADIĆ** that, following VRS operations against, *inter alia*, Ključ, Muslim conscripts expressed “dissatisfaction with the massive destruction of their towns.”<sup>96</sup> By the next day, **MLADIĆ** was aware of the success of VRS operations in Ključ, recording in his notebook that Ključ was “finished with.”<sup>97</sup>

18. Although Ključ was firmly under Bosnian Serb control, attacks on non-Serbs continued throughout the summer of 1992.<sup>98</sup> The operations included shelling and infantry fire and the rounding up and widespread arrests of non-Serbs.<sup>99</sup> Between 28 May and mid-July 1992, 3,500 Muslim-owned houses were either completely destroyed or heavily damaged by fire and explosives.<sup>100</sup> Civilians continued to be detained and mistreated. For instance, on or about 7 June 1992, after days of mistreatment and malnourishment,<sup>101</sup> a group of approximately 400 detainees was forced by Serb police and military personnel to walk for about seven hours from Sitnica school to Manjača. Some were beaten en route.<sup>102</sup> By the end of August 1992, the majority of Ključ detainees, including minors, elderly and the sick,<sup>103</sup> had been transferred to Manjača.<sup>104</sup> From Manjača, detainees from Ključ were deported to

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<sup>91</sup> KALABIĆ:T.30273-30277.

<sup>92</sup> See SIC:B.8.1,C.10.3(Kljuc).

<sup>93</sup> AF762; AF777-AF778; D00358, p.11; P00151, p.2; [REDACTED].

<sup>94</sup> [REDACTED]; [REDACTED].

<sup>95</sup> AF778.

<sup>96</sup> P00151, p.2. See [REDACTED].

<sup>97</sup> P00353, pp.42-43.

<sup>98</sup> AF765; P07336, p.2; P03754; BORIC:T.34648-34650. See P00218(confidential); BROWN:P02859, pp.43-44,75-76,78,130.

<sup>99</sup> AF765; AF768; AF770-AF771; P07050, p.2; D00418, p.1; P03755; P00218(confidential); P00520; P03754, item 2(e); P02064; EGRLIC:P03402, p.8; P07336, p.2; BORIC:T.34648-34650; BROWN:P02859, pp.97-99. See KEVAC:T.30495.

<sup>100</sup> AF760; AF775.

<sup>101</sup> DŽAFIC:P03394, paras.84-95.

<sup>102</sup> DŽAFIC:P03394, paras.96-99.

<sup>103</sup> P00223; P00220, p.1(confidential).

<sup>104</sup> [REDACTED]; P03761, p.1; P00218(confidential); P00215, p.1(confidential); P03396; P00221, p.1(confidential); EGRLIC:P03402, p.8; DŽAFIC:P03394, para.129; KALABIĆ:T.30271-30273; P00218(confidential). See RADINKOVIĆ:T.31738; KELEČEVIĆ:T.37218; MEDIC:T.2050-2051.

Karlovac in Croatia in late 1992<sup>105</sup> or transferred to other VRS-run detention facilities.<sup>106</sup>

19. 1KK and 2KK units co-ordinated a joint “mopping-up” operation in Sanski Most and Ključ municipalities in late June 1992. Corps Commanders BORIĆ and TALIĆ co-ordinated and brigade commanders BASARA and SAMARDŽIJA jointly planned the operation.<sup>107</sup> SAMARDŽIJA’s order to conduct the operation implemented BORIĆ’s Operational Order Number 1,<sup>108</sup> which in turn implemented **MLADIĆ**’s Directive One.<sup>109</sup> The VRS and other Serb forces committed crimes during this operation: a group of Muslims were taken prisoner and subsequently murdered in Sanski Most,<sup>110</sup> the Sanica mosque was set on fire,<sup>111</sup> and non-Serbs were rounded and detained. The 1KK then reported to the GŠ-VRS that “mopping up and disarming of paramilitary units” had been carried out in municipalities including Ključ and Sanski Most.<sup>112</sup> Shortly thereafter, [REDACTED] at Manjača reported to the Corps Command that detainees from Ključ had been “massively” rounded up from their homes and fields, brought “in large quantities,” and “no selection” was made to distinguish civilians from others.<sup>113</sup>

20. Detainees from Ključ were also held at the 2KK’s Kamenica camp in Drvar and the 1KK Stara Gradiška prison in Croatia.<sup>114</sup> The GŠ-VRS received information that detainees from Ključ were killed at Kamenica but the 2KK was not ordered to investigate.<sup>115</sup>

21. On 10 July 1992, under 17<sup>th</sup> Brigade command<sup>116</sup> and with 2KK CoS VLAISAVLJEVIĆ monitoring from Lanište,<sup>117</sup> VRS soldiers, including a 17<sup>th</sup>

<sup>105</sup> AF493; [REDACTED]; DŽAFIĆ:P03394, para.128.

<sup>106</sup> EGRLIĆ:P03402, p.8; DŽAFIĆ:P03394, paras.128,148. *See* Banja Luka Summary.

<sup>107</sup> BORIĆ:T.34650; P03754; P07418, pp.34-36; P03755; P07015, p.22; KARAC:T.30711-30713. *See* MILOVANOVIĆ:T.16932-16933.

<sup>108</sup> BORIĆ:T.34648; P07336; P03754.

<sup>109</sup> P00474; P07336; BORIĆ:T.34645.

<sup>110</sup> *See* SIC:A.7.3(Sanski Most).

<sup>111</sup> RIEDLMAYER:P02510, p.173.

<sup>112</sup> P07495, p.2.

<sup>113</sup> P00220, p.1(confidential).

<sup>114</sup> EGRLIĆ:P03402, p.8; EGRLIĆ:P03403, T.10562,T.10566-10567; BROWN:P02859, pp.98-99,104; [REDACTED]; MEDIĆ:P00154, paras.23-24. *See* D00358, p.8.

<sup>115</sup> P07340, p.2; BORIĆ:T.34673-34674,T.34700.

<sup>116</sup> P00520; BORIĆ:T.34687; BORIĆ:P07331, p.23.

<sup>117</sup> BORIĆ:P07331, p.25; BORIĆ:T.34686.

Brigade unit commanded by Marko SAMARDŽIJA, MP, and Ključ SJB personnel<sup>118</sup> rounded up Muslim inhabitants from Biljani's hamlets and instructed them to go to the local school building.<sup>119</sup> At the school, members of the Ključ SJB, Sanica police, special police, and hundreds of soldiers searched and abused the Muslims. At least 144 Muslim men were murdered at the Biljani school; others were taken and murdered elsewhere.<sup>120</sup> A total of 188 bodies were exhumed from the "Lanište I" site,<sup>121</sup> near the 2KK engineering unit's base.<sup>122</sup>

22. 2KK Commander BORIC's claim that the 17<sup>th</sup> Brigade was established only in July and not fully subordinated to the 2KK during these operations<sup>123</sup> is self-serving and not credible. By 7 June, the day after VLAISAVLJEVIĆ and GALIĆ discussed the re-subordination of Ključ units to the 2KK,<sup>124</sup> BORIC was issuing orders to the 17<sup>th</sup> Brigade.<sup>125</sup> By 12 June, the 17<sup>th</sup> Brigade was submitting daily reports to BORIC.<sup>126</sup> Moreover, while BORIC was evasive and inconsistent in answering questions that could inculcate him,<sup>127</sup> he asserted generally that he had been truthful in his previous interview<sup>128</sup> and acknowledged that he "probably" stood by his previous claims that SAMARDŽIJA's order for the operation was based on a task BORIC issued him;<sup>129</sup> the Ključ SJB was under SAMARDŽIJA's command for the operation;<sup>130</sup> VLAISAVLJEVIĆ monitored the operation and had communications with BORIC;<sup>131</sup> and BORIC himself was informed on 10 July that the Biljani operation was carried out and the territory "liberated."<sup>132</sup> These admissions reflect the 2KK's high degree of control over the Biljani operation and thoroughly belie

<sup>118</sup> AF767; BORIC:P07331, p.23; [REDACTED]; [REDACTED]; RM010:T.1878-1882(confidential); P02064; P00518; P00519.

<sup>119</sup> AF767; AF768; WEISS:T.5299; BORIC:P07331, p.23; BORIC:T.34685-34686; RM010:T.1878-1882(confidential); P02064; DZAFIC:P03394, paras.140-141; DŽAFERAGIĆ:P01894, pp.2-3; [REDACTED]; [REDACTED].

<sup>120</sup> See SIC:A.3.3(Ključ).

<sup>121</sup> P02066, pp.90-92;P03299, pp.9-10; P02069; [REDACTED]; P00144; [REDACTED]; WEISS:T.5284; DŽAFERAGIĆ:P01894, p.3.

<sup>122</sup> BORIC:T.34681-34682; KALABIĆ:T.30235-30236.

<sup>123</sup> BORIC:T.34605,T.34704-34706.

<sup>124</sup> P04052; BROWN:P02859, p.42.

<sup>125</sup> P07343. See P07336, pp.2-4; BORIC:T.34645-34646.

<sup>126</sup> P07334; P07335.

<sup>127</sup> BORIC:T.34625-34626,T.34666-34667,T.34685. See P07331, p.7.

<sup>128</sup> BORIC:T.34608.

<sup>129</sup> BORIC:P07331, p.24; BORIC:T.34685.

<sup>130</sup> BORIC:P07331, p.23; BORIC:T.34686.

<sup>131</sup> BORIC:P07331, p.25; BORIC:T.34685-34686.

<sup>132</sup> BORIC:P07331, p.26; BORIC:T.34687.

BORIĆ's attempt during his testimony to distance himself from the 17<sup>th</sup> Brigade and the massacre.

23. Contemporaneous with the ongoing attacks on non-Serb areas and widespread arrests of civilians, the CS implemented long-running BSL policy<sup>133</sup> by dismissing non-Serb personnel from positions of authority,<sup>134</sup> referencing ARK decisions.<sup>135</sup> On 31 July 1992, SJB Chief KONDIĆ informed the Ključ Municipal Assembly that "only Serbian workers worked in companies and other business enterprises".<sup>136</sup>

24. Most Muslims not detained and/or expelled fled Ključ municipality in the face of the crimes and pressure described above.<sup>137</sup> These departures furthered the objective of achieving a minimal non-Serb presence; as BANJAC stated, Serbs would have to leave some territories of BiH, while Muslims and Croats would have to leave others, so that their respective presence as minorities would amount to no more than five or six percent.<sup>138</sup> Ključ representatives attended the 7 June 1992 regional meeting where representatives of several municipalities discussed the need to reduce the population of Muslims and Croats in their areas to a level where Serb control could be ensured.<sup>139</sup> BORIĆ also attended meetings of this group.<sup>140</sup>

25. The CS/WP co-ordinated the "organised moving out of Muslims,"<sup>141</sup> in part through its agency for reception and removal of refugees.<sup>142</sup> In its decisions related to the departure of non Serbs, the CS/WP made clear departure was permanent.<sup>143</sup> Those leaving the municipality had to obtain a permit from the municipal authorities,<sup>144</sup> submit a statement saying that they were leaving permanently and exchanging their property or surrendering it to the municipality,<sup>145</sup> and pay a fare.<sup>146</sup>

<sup>133</sup> RADIĆ:P04333, T.7409,T.7414-7415.

<sup>134</sup> AF755; P03757, p.1; P03759, p.7; FILIPOVIĆ:P03133, p.9. *See* DŽAFIĆ:P03394, paras.78-80; RM010:T.1874; P03404; P03758, p.15; EGRLIĆ:P03403, T.10615; P03405; P03747, p.1; P07189; P06948, p.2; P03136; P03135; FILIPOVIĆ:P03134, T.9517-9518.

<sup>135</sup> P03758, p.15.

<sup>136</sup> P03759, p.1.

<sup>137</sup> *E.g.* AF793.

<sup>138</sup> AF750; MEDIĆ:T.2050-2051. *See* [REDACTED].

<sup>139</sup> P03753, p.1. Two days later, Ključ SDS President KONDIĆ reiterated at a CS meeting the need to solve "the question of population resettlement." P03758, p.15.

<sup>140</sup> D01027, p.1; BORIĆ:T.34693-34694.

<sup>141</sup> P00472, p.5. *See* P03758, p.3.

<sup>142</sup> AF789.

<sup>143</sup> AF790; D00430; P07034; P04105.

<sup>144</sup> AF785; AF789-AF790. *See* VRAČAR:D00789, para.23; [REDACTED].

<sup>145</sup> AF790; D00430; P04105; VRAČAR:D00789, para.23; VRAČAR:T.28614; P07188.

26. In accordance with a 3 June 1992 ARK decision,<sup>147</sup> individuals leaving the ARK could take with them no more than 300 German marks.<sup>148</sup> Non-Serbs were also required to falsely state that they were leaving “without coercion”,<sup>149</sup> although, as noted above, their departures and surrenders of property were triggered by the cleansing campaign and their decisions were involuntary.<sup>150</sup>

27. From late July through September 1992, the RSMUP organised convoys of Bosnian Muslims and Bosnian Croats leaving Ključ for Travnik.<sup>151</sup> Large convoys in late July and on 1 October 1992 mostly transferred women, children and/or elderly people.<sup>152</sup> VRS soldiers co-operated in organising the 1 October convoy.<sup>153</sup>

28. In Ključ municipality, at least 15 mosques,<sup>154</sup> one Catholic Church and other religious institutions were either completely destroyed or heavily damaged by Bosnian Serb Forces between May and August 1992.<sup>155</sup> By the time Muslims returned to Ključ in 1995, all mosques in the municipality and the Catholic Church had been levelled.<sup>156</sup>

29. Defence witnesses’ claims that Muslims left voluntarily<sup>157</sup> or that Muslims were able to remain in certain villages they identified<sup>158</sup> are not credible. Indeed, several of the same witnesses ultimately admitted during cross-examination that Muslims left the municipality out of fear and because of the crimes being committed against them.<sup>159</sup> Further, villages where Defence witnesses claimed Muslims had “remained untouched” throughout the war<sup>160</sup> housed hundreds of Muslims before the war but were almost entirely empty by October 1992.<sup>161</sup> When Muslims returned to

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<sup>146</sup> AF787.

<sup>147</sup> P03875.

<sup>148</sup> AF791; [REDACTED]; [REDACTED]; P07046.

<sup>149</sup> P04105.

<sup>150</sup> EGRLIĆ:P03403, T.10618-10619.

<sup>151</sup> AF785-AF787. *See* VRAČAR:D00789, para.23.

<sup>152</sup> AF788.

<sup>153</sup> AF788.

<sup>154</sup> RIEDLMAYER:P02511, records#68-83,96-97,162-164.

<sup>155</sup> *See* SIC:D.7(Ključ).

<sup>156</sup> EGRLIĆ:P03403, T.10621. *See* KALABIĆ:T.30279.

<sup>157</sup> *E.g.* KALABIĆ:D00867, paras.25-28; [REDACTED].

<sup>158</sup> [REDACTED]; VRAČAR:D00789, para.23.

<sup>159</sup> KALABIĆ:T.30280; [REDACTED]; KEVAC:T.30534-30535. *See* AF793.

<sup>160</sup> [REDACTED].

<sup>161</sup> P07037; P04071, p.2; [REDACTED]. *See* P03769, p.5; MEDIĆ:T.2050-2051.

Ključ in 1995, more than 700 bodies of Muslims who had not been able to flee Ključ were exhumed from mass graves throughout the municipality.<sup>162</sup>

#### **E. Knowledge and Approval**

30. Despite widespread knowledge that crimes had occurred,<sup>163</sup> no genuine efforts were made to punish VRS or MUP members for crimes committed against non-Serbs in Ključ between 1992 and 1995,<sup>164</sup> On the contrary, crimes were covered up.<sup>165</sup> For instance, the massacre at Velagići was notorious and widely-known.<sup>166</sup> Immediately after the massacre, Lt. Col. VUKAŠEVIĆ and SJB Chief KONDIĆ<sup>167</sup> organised the transport of the bodies from the scene to woods where the victims were buried, near the engineering unit headquarters at Lanište.<sup>168</sup> Although several perpetrators were identified and arrested,<sup>169</sup> they asked TALIĆ to release them to their units<sup>170</sup> and were then released.<sup>171</sup> [REDACTED].<sup>172</sup> Civilian authorities also supported the release.<sup>173</sup> Other massacres were also notorious; GALIĆ and Ključ civilian authorities knew VRS soldiers had murdered civilians at Prhovo<sup>174</sup> and the Biljani massacre was well-known in Ključ.<sup>175</sup>

31. In September 1992, KONDIĆ noted “monstrous” crimes against Muslims, including murders and the “commonplace” torching of entire Muslim hamlets, but wilfully covered them up, saying the SJB “has not filed any reports, either against unknown persons or... against known perpetrators”, because of the need to avoid “pressure from the international community” if knowledge of these crimes were to become public.<sup>176</sup> GALIĆ, members of the 1KK command and the RSMUP were also

<sup>162</sup> EGRLIĆ:P03402, p.8; EGRLIĆ:P03403, T.10621-10622.

<sup>163</sup> P03223; P02063; P03769, p.3; VRAČAR:D00789, para.35; VRAČAR:T.28612-28613,T.28624,T.28627-28628,T.28633,T.28655; KALABIĆ:T.30275-30277; RADULJ:T.35535-35539; KELEČEVIĆ:T.37242.

<sup>164</sup> P03769, p.3; P02063; [REDACTED]; [REDACTED].

<sup>165</sup> P03528, pp.5-6,12; [REDACTED].

<sup>166</sup> VRAČAR:T.28655; KALABIĆ:T.30257-30258; [REDACTED]; RADULJ:T.35538-35539.

<sup>167</sup> See [REDACTED].

<sup>168</sup> P03528, pp.5-6,12. See DŽAFIĆ:P03394, paras.135-136; EGRLIĆ:P03403, T.10622.

<sup>169</sup> AF774; P03528, pp.38-40.

<sup>170</sup> P03528, pp. 38-40.

<sup>171</sup> AF774; [REDACTED].

<sup>172</sup> [REDACTED].

<sup>173</sup> P03528, p.58.

<sup>174</sup> KALABIĆ:T.30274-30277.

<sup>175</sup> VRAČAR:T.28655. See KALABIĆ:T.30277; WEISS:T.5303.

<sup>176</sup> P02063.

aware of looting and destruction of non-Serbs' property by perpetrators including VRS soldiers.<sup>177</sup>

32. 17th Brigade CoS LUKIĆ, Assistant Commander Marko ADAMOVIĆ,<sup>178</sup> and Marko SAMARDŽIJA were only prosecuted and convicted by BiH authorities after the war and Drago SAMARDŽIJA is currently under indictment.<sup>179</sup> Instead of punishing them or other perpetrators during the war, about six weeks after units of the 1KK 30<sup>th</sup> Division had committed massacres at Velagići and Prhovo, **MLADIĆ** and **TALIĆ** commended the division.<sup>180</sup> GALIĆ was promoted to SRK commander and Maj. Gen.<sup>181</sup> and then Lt. Gen.<sup>182</sup> BORIĆ was promoted in the VRS and VJ.<sup>183</sup>

<sup>177</sup> P03769, p.2; P03844, p.5; P02063. See KEVAC:T.30525-30527,T.30529,T.30538-30539; P00472, p.4; [REDACTED].

<sup>178</sup> KUKOBAT:T.28015-28016. See KALABIĆ:T.30253-30254.

<sup>179</sup> KUKOBAT:T.28017; [REDACTED]; WEISS:T.5315-5316.

<sup>180</sup> P03817, p.2. See P00472, p.3.

<sup>181</sup> P04986; KELEČEVIĆ:T.37241. E.g. BROWN:P02859, pp.132-133. GALIĆ was also promoted in the VJ. P05090, pp.28-29; P07462, p.10.

<sup>182</sup> P05009.

<sup>183</sup> P07342; BORIĆ:T.34680; P05090, pp.28-29; P07462, p.10.

## VII. KOTOR VAROŠ

### A. Overview

1. In 1991 the ethnic composition of Kotor Varoš municipality was 38% Serb (14,056), 30% Muslim (11,090) and 29% Croat (10,695).<sup>1</sup> As a result of a campaign of ethnic cleansing that included wide-spread murders, detentions and expulsions, by May 1993 only around 1,000 Croats and 4,500 Muslims remained, while the Serb population was relatively unchanged<sup>2</sup>; another 2,700 Muslims fled before June 1994, leaving a tiny community mostly comprised of elderly people and children.<sup>3</sup> The expulsions and other crimes against Muslims and Croats in Kotor Varoš furthered the first and second strategic goals.<sup>4</sup>

2. Večići village in Kotor Varoš was one of the last places in the ARK that resisted VRS takeover. **MLADIĆ** took a special interest in the village and sent a subordinate to relay his orders to let no-one out unless everyone disarmed. Thereafter, all of those who surrendered were expelled and of those who tried to break out, approximately 150 were ambushed, captured and executed,<sup>5</sup> completing Serb control over Kotor Varoš.

### B. Build-up and Establishment of Serb Organs

3. The Assembly declared Kotor Varoš as part of the ARK in November 1991.<sup>6</sup> The Kotor Varoš Assembly of Serbian People, which had been established following a plebiscite in Kotor Varoš,<sup>7</sup> declared its accession to the ARK on 7 February 1992.<sup>8</sup> Thereafter, the Kotor Varoš authorities implemented the decisions of the ARK CS and the ARK government.<sup>9</sup>

4. In April or May 1992,<sup>10</sup> **KARADŽIĆ** visited Maslovare, a Serb village in Kotor Varoš where the 5<sup>th</sup> Company of the then-122<sup>nd</sup> Brigade was based.<sup>11</sup>

<sup>1</sup> AF796; P07106, p.3. See P03853, p.4.

<sup>2</sup> P06808, p.1. See UBIPARIP:T.31210.

<sup>3</sup> P03217. See P03853, p.4; P06808, p.1.

<sup>4</sup> See Section III.C.2; P02003; UBIPARIP:D00891, para.17; [REDACTED].

<sup>5</sup> See paras. 32-43 below.

<sup>6</sup> P03930, p.1.

<sup>7</sup> P07284, p.1.

<sup>8</sup> P07284.

<sup>9</sup> ERCEG:T.34019-34020. E.g. P07285; P03415, p.1; ERCEG:T.34020-34021.

<sup>10</sup> [REDACTED].

KARADŽIĆ told the Serbs they had to follow the SDS and gave his support to local SDS leader Nedeljko ĐEKANOVIĆ.<sup>12</sup> The SDS created a CS, with ĐEKANOVIĆ as president, which assumed authority over the municipality once the takeover of Kotor Varoš<sup>13</sup> was completed.<sup>14</sup>

5. The Kotor Varoš authorities implemented regional- and republic-level direction. The ARK CS appointed a co-ordinator for the Kotor Varoš CS.<sup>15</sup> ĐEKANOVIĆ relayed ARK CS discussions to the Kotor Varoš CS<sup>16</sup> and Kotor Varoš authorities reported to the ARK.<sup>17</sup> Similarly, Kotor Varoš created its War Presidency<sup>18</sup> in accordance with republic-level instructions.<sup>19</sup>

6. These local civilian authorities echoed republic-level rhetoric, claiming Bosnian Muslims and Bosnian Croats aimed to exterminate Serbs.<sup>20</sup> In its bulletin on 26 June 1992, the CS began by describing the number of Serb soldiers killed, missing and injured in the municipality, before stating “these figures show and remind us that we are in a war that was started to bring about the extermination of the Serbian people from these parts, that we are in a war with an enemy that took the oath/ a solemn oath/ for their father/ in a jihad.”<sup>21</sup>

7. By March 1992, the JNA and SDS had armed hundreds of Serbs in Kotor Varoš.<sup>22</sup> Around the same time, the JNA 122<sup>nd</sup> Brigade commanded by Boško PEULIĆ was redeployed from Western Slavonia to BiH.<sup>23</sup> Its 5<sup>th</sup> Company, commanded by Slobodan ŽUPLJANIN, remained in Kotor Varoš at Maslovare.<sup>24</sup>

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<sup>11</sup> P07106, pp.2-3; [REDACTED]; ŽUPLJANIN:D00887, paras.4,7; KELEČEVIĆ:T.37292-37293.

<sup>12</sup> [REDACTED].

<sup>13</sup> See para.14 below.

<sup>14</sup> [REDACTED].

<sup>15</sup> P04023, p.1.

<sup>16</sup> P03701, p.2.

<sup>17</sup> P04023, p.1.

<sup>18</sup> P03706, p.1.

<sup>19</sup> P03706, p.1; P00401; D.HANSON:T.4231-4232.

<sup>20</sup> See Section III.C.3.(a).

<sup>21</sup> P03698, p.1. See P03718, p.1.

<sup>22</sup> P03030, pp.6,11. See [REDACTED].

<sup>23</sup> P04933; KELEČEVIĆ:T.37292; P07479.

<sup>24</sup> ŽUPLJANIN:D00887, paras.4,7; KELEČEVIĆ:T.37292; [REDACTED]; P07089, p.1; BUBIĆ:T.26455.

8. In May 1992 the JNA and SDS escalated arming. On then-5<sup>th</sup> Corps Commander TALIĆ's orders the JNA 5<sup>th</sup> Corps armed the Kotor Varoš TO shortly before it became the VRS Kotor Varoš lpbr.<sup>25</sup> The reserve police were also mobilised in May 1992; only Serbs were called up.<sup>26</sup>

### C. VRS Forces

9. The 122<sup>nd</sup> Brigade was reorganised on 7 May 1992.<sup>27</sup> The 5<sup>th</sup> company, based at Maslovare in Kotor Varoš, became the 2<sup>nd</sup> Battalion at this time.<sup>28</sup> The Brigade was renamed the 22<sup>nd</sup> Brigade when it became part of the VRS<sup>29</sup> in mid-May 1992. PEULIĆ remained brigade commander<sup>30</sup> [REDACTED].<sup>31</sup> [REDACTED].<sup>32</sup>

10. The Kotor Varoš TO formally became the VRS Kotor Varoš lpbr on 8 June 1992.<sup>33</sup> It was, by 7 July 1992, the largest unit in Kotor Varoš municipality<sup>34</sup> with approximately 1000-1200 soldiers.<sup>35</sup> Dušan NOVAKOVIĆ commanded the brigade<sup>36</sup> from 8 June 1992.<sup>37</sup> Manojlo (nicknamed Mane) TEPIĆ was appointed Chief of Staff on 8 June 1992.<sup>38</sup>

11. The Kotor Varoš lpbr was placed under the control of the 22<sup>nd</sup> Brigade on 30 June 1992,<sup>39</sup> in a "Brigade Group"<sup>40</sup> commanded by PEULIĆ.<sup>41</sup> The Kotor Varoš lpbr functioned<sup>42</sup> and communicated normally within the structure of the 1KK,<sup>43</sup> contrary to Defence claims.<sup>44</sup> While Defence witnesses claimed the Kotor Varoš lpbr was

<sup>25</sup> P07463; KELEČEVIĆ:T.37158,T.37170; P06987; AMIDŽIĆ:T.29504; [REDACTED].

<sup>26</sup> [REDACTED].

<sup>27</sup> P07089, p.1; ŽUPLJANIN:D00887, para.7.

<sup>28</sup> P07089, pp.1-2; ŽUPLJANIN:D00887, para.7; [REDACTED].

<sup>29</sup> KELEČEVIĆ:T.37292-37293; [REDACTED].

<sup>30</sup> KELEČEVIĆ:T.37292-37293; ŽUPLJANIN:T.30934-30935; [REDACTED].

<sup>31</sup> [REDACTED].

<sup>32</sup> [REDACTED].

<sup>33</sup> P06978; P06807; [REDACTED]; P03718, p.1.

<sup>34</sup> P03706, p.1.

<sup>35</sup> KRŠIĆ:D00844, para.4.

<sup>36</sup> [REDACTED].

<sup>37</sup> P06807; KRŠIĆ:D00844, para.4.

<sup>38</sup> P06807.

<sup>39</sup> P04296, p.1.

<sup>40</sup> D00428, p.1; KRŠIĆ:T.29323.

<sup>41</sup> D00428, p.7.

<sup>42</sup> *E.g.* P06807; P06978; P00851; KRŠIĆ:T.29310-29314. *See* KRŠIĆ:T.29314.

<sup>43</sup> *See* D00428, p.4; P05146; P06979; P00440.

<sup>44</sup> KRŠIĆ:T.29276-29281,T.29315.

multi-ethnic,<sup>45</sup> a list of brigade personnel reflects that all but two of its officers were Serbs.<sup>46</sup>

12. The VRS and political authorities worked together in Kotor Varoš. VRS officers attended CS and War Presidency (“WP”) meetings and briefed those present.<sup>47</sup> The lpbr’s commander was a member of the WP<sup>48</sup> and attended WP meetings.<sup>49</sup> Other officers attended such meetings at critical times, for example in the run up to the events at Večići and Grabovica.<sup>50</sup>

#### **D. Takeover and Cleansing of Kotor Varoš**

13. The 22<sup>nd</sup> Brigade blockaded Kotor Varoš town in early June 1992.<sup>51</sup> VRS and RSMUP units then attacked Kotor Varoš town on 11 June 1992.<sup>52</sup> The SDS, RSMUP Miloš Group and VRS planned the takeover in advance.<sup>53</sup> The co-ordinated nature of the takeover rebuts Defence suggestions that it was prompted by the death of a soldier or rumours that Muslims intended violence against Serbs.<sup>54</sup> Defence witness BUBIĆ’s claim that the army was not involved in the takeover<sup>55</sup> is contradicted by his own admission that, as a Kotor Varoš lpbr member,<sup>56</sup> he guarded buildings in Kotor Varoš during the takeover.<sup>57</sup>

14. Bosnian Serb forces targeted leaders of non-Serb communities. Croats Anto MANDIĆ, pre-war president of the municipal assembly<sup>58</sup> and chairman of the National Defence Council,<sup>59</sup> Nedeljko MARIĆ, pre-war SJB commander,<sup>60</sup> and Miro

<sup>45</sup> KRŠIĆ:D00844, para.25; KRŠIĆ:T.29303-29306; UBIPARIP:D00891, para.7; UBIPARIP:T.31185-31186; ŽUPLJANIN:D00887, para.4.

<sup>46</sup> P00851, p.3(BCS),p.8(ENG); KRŠIĆ:T.29316-29318; UBIPARIP:T.31191-31193.

<sup>47</sup> ŽUPLJANIN:D00887, para.30.

<sup>48</sup> P03706.

<sup>49</sup> E.g. P02884, pp.4,6,9,10,11,12.

<sup>50</sup> E.g. P02884; P03743; P00852; P07090; P03705.

<sup>51</sup> P03844, p.8; P07482, p.2.

<sup>52</sup> AF822; BUBIĆ:T.26456-26458,T.26468; KRČMAR:T.32442-32443,T.32456; P04235; RADULOVIĆ:P03207, para.67(confidential); KELEČEVIĆ:T.37305; RM089:P02451, pp.4-5(confidential).

<sup>53</sup> P04235; [REDACTED]; RADULOVIĆ:P03207, para.67(confidential); P03844, p.8.

<sup>54</sup> ŽUPLJANIN:D00887, para.11; BUBIĆ:D00674, para.5; BUBIĆ:T.26462-26464.

<sup>55</sup> BUBIĆ:T.26443.

<sup>56</sup> BUBIĆ:D00674, para.3; BUBIĆ:T.26453-26454; P06807.

<sup>57</sup> BUBIĆ:T.26456-26458,T.26465.

<sup>58</sup> [REDACTED].

<sup>59</sup> P07479, pp.1-2.

<sup>60</sup> P07479, p.1.

PETRUŠIĆ, pre-war NDC Secretary,<sup>61</sup> were arrested on 11 June.<sup>62</sup> They were transported to Banja Luka and interrogated at the CSB Banja Luka building before being imprisoned and further interrogated.<sup>63</sup> Ahmet ČIRKIĆ, a Muslim who was president of the municipal assembly's executive board,<sup>64</sup> was arrested on 15 June.<sup>65</sup> [REDACTED].<sup>66</sup> The arrests of the SDA and HDZ leadership were reported up the 1KK chain of command.<sup>67</sup>

15. Immediately after the takeover, VRS and other Bosnian Serb forces demanded Muslims in Kotor Varoš surrender their weapons.<sup>68</sup> Disarming of Muslims continued through July and August 1992, with PEULIĆ's personal involvement.<sup>69</sup>

1. Cleansing operations in Kotor Varoš

16. Following the takeover, Bosnian Serb forces attacked Muslim or Croat villages throughout Kotor Varoš.<sup>70</sup> During these attacks VRS soldiers and the CSB Banja Luka Special Police Detachment murdered non-Serbs.<sup>71</sup>

17. The 22<sup>nd</sup> Brigade's 2<sup>nd</sup> Battalion attacked the Muslim village of Hrvacani<sup>72</sup> on 13 June 1992 at 01:00.<sup>73</sup> The attack was accompanied by ethnic slurs over a megaphone.<sup>74</sup> By 07:00 everyone had fled Hrvacani, except for some elderly people who were murdered before their homes were burned down.<sup>75</sup> In late June or early July,<sup>76</sup> VRS soldiers herded Muslim civilians from Hanifići into the local mosque,

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<sup>61</sup> P07479, p.2.

<sup>62</sup> BUBIĆ:T.26465; [REDACTED]; P07479; RADULović:P03207, para.165(confidential); P07650.

<sup>63</sup> RADULović:P03207, para.165(confidential); P07650.

<sup>64</sup> [REDACTED].

<sup>65</sup> [REDACTED].

<sup>66</sup> [REDACTED].

<sup>67</sup> P03844, p.20.

<sup>68</sup> RM089:P02451, pp.5-6(confidential).

<sup>69</sup> P06808, p.1; P03715, p.1; UBIPARIP:T.31211-31212; P07108, p.2(confidential).

<sup>70</sup> AF799; AF811-AF812; AF815.

<sup>71</sup> See [REDACTED].

<sup>72</sup> Elvedin PAŠIĆ:T.538.

<sup>73</sup> AF816; [REDACTED]; ŽUPLJANIN:T.30935-30936; P07089, p.3; Elvedin PAŠIĆ:T.544-547,T.551.

<sup>74</sup> Elvedin PAŠIĆ:T.544.

<sup>75</sup> [REDACTED]; Elvedin PAŠIĆ:T.553.

<sup>76</sup> Elvedin PAŠIĆ:T.595, 605.

shot them and then set the mosque on fire.<sup>77</sup> By 26 June 1992, the CS was able to proclaim that they controlled most of the territory of Kotor Varoš.<sup>78</sup>

18. The VRS nonetheless continued cleansing Kotor Varoš municipality. On approximately 2 July 1992 the 2<sup>nd</sup> Battalion attacked Vrbanjci.<sup>79</sup> Around 20 Muslims were killed during the attack, and another 15 were detained in café Alagić. The detained Muslims [REDACTED] also murdered.<sup>80</sup> [REDACTED].<sup>81</sup>

19. The Kotor Varoš Ipbr attacked Dabovci, a 100% Muslim village,<sup>82</sup> in August 1992.<sup>83</sup> Though the inhabitants of Dabovci had signed an oath of loyalty to the RS,<sup>84</sup> VRS soldiers ordered all the men from the village into a barn, fired at the building using automatic rifles and threw hand grenades into it before setting it on fire, killing approximately 18 Muslim men.<sup>85</sup> [REDACTED].<sup>86</sup>

20. Attacks on other non-Serb villages followed the same pattern: a number of non-Serbs were killed and most inhabitants abandoned their villages and fled either to the woods or out of the municipality entirely.<sup>87</sup> Villages including Sokoline, Viševce, Ravan and Bilice were completely abandoned by their Muslim population.<sup>88</sup> In the end, thousands of Muslims and Croats<sup>89</sup> were left with no choice but to flee the municipality.

21. Fourteen Muslim and Catholic monuments in Kotor Varoš municipality were heavily damaged or completely destroyed in 1992, primarily in July and August.<sup>90</sup> This destruction was systematic and intentional—every time [REDACTED] saw Željko KRSIĆ's VRS demolition unit in Kotor Varoš, a religious structure was destroyed.<sup>91</sup> Similarly, during one of the attacks on Večići, a tank deliberately

<sup>77</sup> Elvedin PAŠIĆ:T.605-606; BUBIĆ:T.26470.

<sup>78</sup> P03698, p.1.

<sup>79</sup> [REDACTED]; P07089, pp.2-3; KRŠIĆ:T.29339-29340.

<sup>80</sup> [REDACTED].

<sup>81</sup> [REDACTED].

<sup>82</sup> Elvedin PAŠIĆ:T.541.

<sup>83</sup> [REDACTED]; [REDACTED].

<sup>84</sup> Elvedin PAŠIĆ:T.635.

<sup>85</sup> Elvedin PAŠIĆ:T.636; [REDACTED]; [REDACTED].

<sup>86</sup> [REDACTED].

<sup>87</sup> AF799; AF834; [REDACTED]; RM089:P02451, p.5(confidential); P06979, p.4.

<sup>88</sup> AF834.

<sup>89</sup> [REDACTED]; P03720, para.1; [REDACTED].

<sup>90</sup> See SIC:D.8(Kotor Varoš).

<sup>91</sup> [REDACTED]; P07089, p.3.

targeted a mosque in Večići.<sup>92</sup> By summer 1993, all the mosques in Kotor Varoš had been destroyed.<sup>93</sup>

## 2. Detention Facilities

22. The Bosnian Serb authorities established detention facilities to detain non-Serbs, including the Pilana sawmill, the elementary school, the SJB and the old prison.<sup>94</sup> During the attack on the town, military and civilian police went into buildings in Kotor Varoš and removed from their homes many non-Serbs who were then taken to detention facilities.<sup>95</sup>

23. Those captured in the villages were also arrested and detained. In June or July 1992, Bosnian Serb soldiers rounded up Bosnian Muslim men, women and children from numerous villages, separated the women and children from the men<sup>96</sup> and then took the women and children to the Pilana sawmill.<sup>97</sup>

24. The VRS participated in rounding up and detaining non-Serbs. For example, soldiers brought Bosnian Muslims to Maslovare Primary School<sup>98</sup> where they were detained<sup>99</sup> and mistreated<sup>100</sup> by military police.<sup>101</sup> Milorad KALAMANDA, ŽUPLJANIN's deputy commander,<sup>102</sup> had the power to transfer detainees from Maslovare Primary School to other detention centres.<sup>103</sup>

25. Detention centres were severely overcrowded.<sup>104</sup> Detainees were tortured,<sup>105</sup> raped,<sup>106</sup> humiliated,<sup>107</sup> murdered,<sup>108</sup> subjected to forced labour<sup>109</sup> and insufficiently fed.<sup>110</sup>

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<sup>92</sup> [REDACTED].

<sup>93</sup> UBIPARIP:T.31195-31196.

<sup>94</sup> [REDACTED]; [REDACTED]; RM089:P02451, p.5(confidential); P03712; P03223, p.6.

<sup>95</sup> BUBIĆ:T.26468; [REDACTED]; KRČMAR:T.32450-32451; P07164.

<sup>96</sup> AF821.

<sup>97</sup> AF823-AF824.

<sup>98</sup> [REDACTED].

<sup>99</sup> [REDACTED].

<sup>100</sup> See [REDACTED].

<sup>101</sup> [REDACTED].

<sup>102</sup> P07089, pp.2-3.

<sup>103</sup> [REDACTED].

<sup>104</sup> [REDACTED]; [REDACTED].

<sup>105</sup> [REDACTED]; RM089:P02451, p.5(confidential); P03223, p.7.

<sup>106</sup> RADULović:P03207, para.68(confidential).

<sup>107</sup> [REDACTED]; KRČMAR:T.32449; RM089:P02451, p.5(confidential).

<sup>108</sup> [REDACTED]; [REDACTED].

26. Crimes against non-Serbs were well-known. For example, the CSB Banja Luka SPD killed approximately 25 non-Serb detainees on the way to and at the Kotor Varoš health centre in Kotor Varoš town in June 1992.<sup>111</sup> This crime was discussed at the CS meeting the next day, where army personnel were present and participated in the discussion.<sup>112</sup> Other SPD crimes were also reported to the 1KK.<sup>113</sup> Instead of being punished for the crimes they had committed in Kotor Varoš, members of the SPD were incorporated into the 1KK<sup>114</sup> whilst others remained with the police<sup>115</sup> and were commended.<sup>116</sup>

27. Kotor Varoš authorities organised non-Serbs' removal. On 29 June 1992, the Kotor Varoš CS established an agency to oversee resettlement.<sup>117</sup> The War Presidency organised "relocation activities" on a "daily" basis,<sup>118</sup> and convoys of non-Serbs left Kotor Varoš throughout the summer<sup>119</sup> including children who were gathered at the sawmill after their villages were cleansed.<sup>120</sup> Additional convoys left Kotor Varoš in August and September 1992.<sup>121</sup> In October 1992 a convoy transferred 350 soldiers and "thousands of civilians"<sup>122</sup> who were expelled on the RS Government and Presidency's explicit orders.<sup>123</sup>

28. The VRS was heavily involved in expelling the population.<sup>124</sup> PEULIĆ himself claimed that he had participated from the very beginning, *i.e.* 11 June, in preparing all the activities<sup>125</sup> and Slobodan ŽUPLJANIN stressed "All activities were agreed bearing in mind directives from higher organs: the GŠ-VRS of the Army of Republika Srpska and the Presidency of Republika Srpska".<sup>126</sup> The War Presidency

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<sup>109</sup> [REDACTED].

<sup>110</sup> [REDACTED].

<sup>111</sup> [REDACTED]; P03223, pp.5-6. *See* KRČMAR:T.32455-32456.

<sup>112</sup> P03711, p.1. *See* P03732.

<sup>113</sup> RADULOVIĆ:P03207, para.70(confidential).

<sup>114</sup> P07162; KRČMAR:T.32441.

<sup>115</sup> P07163, p.2.

<sup>116</sup> P07795.

<sup>117</sup> AF827; P03712.

<sup>118</sup> P04023, p.3.

<sup>119</sup> AF825-AF826; P03765, p.2; P07481; P03223, p.7.

<sup>120</sup> AF824.

<sup>121</sup> BUBIĆ:T.26474-26476.

<sup>122</sup> P07481.

<sup>123</sup> AF825; P03715, p.1.

<sup>124</sup> KELEČEVIĆ:T.37293; P07480, p.2.

<sup>125</sup> P03715, p.1. *See* P03740, p.1.

<sup>126</sup> P03715, p.2.

publicly trumpeted their “resettling” Bosnian Muslims and Croats out of Serb-claimed territory, euphemistically claiming that this was “in accordance with the wishes” of those expelled and ignoring the massive crimes which had left them no choice but to leave.<sup>127</sup> As one of the victims explained, “There was no possibility for us to survive in Kotor Varoš”.<sup>128</sup>

29. The civilian authorities also institutionalised the plunder of departing non-Serbs’ assets, deciding on 29 July 1992 that persons moving out of the municipality could take with them only 300 DM<sup>129</sup> and had to state they were leaving their assets “in the custody” of the municipality.<sup>130</sup> The money confiscated from persons moving out was to be used to assist the families of fallen soldiers and cover “municipal expenses”.<sup>131</sup> VRS soldiers and other Bosnian Serb forces looted Bosnian Muslim homes<sup>132</sup> and [REDACTED].<sup>133</sup>

30. During 1992, VRS and RSMUP personnel instructed non-Serbs from Kukavice village to be subservient to Bosnian Serb policemen and soldiers who came to their village<sup>134</sup> [REDACTED].<sup>135</sup> As the cleansings continued, villages that accepted such instructions such as Kukavice or Garići,<sup>136</sup> where villagers signed loyalty oaths<sup>137</sup> and were told by Serb authorities that they would be safe once they turned in their weapons,<sup>138</sup> were not left in peace as Defence witnesses maintained.<sup>139</sup> Kukavice was raided and the inhabitants driven out; in late 1994 and into 1995 Garići’s residents were also persecuted and expelled from their homes.<sup>140</sup> In Šiprage, another Muslim village Defence witnesses claimed was left untouched, by 1994 the

<sup>127</sup> P03718, p.6; [REDACTED].

<sup>128</sup> M.AVDIĆ:P03303, para.2. *See* [REDACTED].

<sup>129</sup> AF829; P03699, p.1. *See* P07046.

<sup>130</sup> AF828; AF830; P03712; P03223, p.7.

<sup>131</sup> AF831; P03694, p.1.

<sup>132</sup> AF813; [REDACTED].

<sup>133</sup> [REDACTED].

<sup>134</sup> RM089:P02451, p.6(confidential).

<sup>135</sup> RM089:P02451, p.6(confidential).

<sup>136</sup> Elvedin PAŠIĆ:T.550.

<sup>137</sup> Elvedin PAŠIĆ:T.550,T.556.

<sup>138</sup> RM089:P02451, p.6(confidential).

<sup>139</sup> BUBIĆ:D00674, para.8; BUBIĆ:T.26442; UBIPARIP:T.31222-31223(confidential); ŽUPLJANIN:D00887, paras.13-14.

<sup>140</sup> RM089:P02451, p.7(confidential); P07109(confidential).

RSMUP considered the very few remaining able-bodied Muslim men “under the control of the VRS and the authorities”.<sup>141</sup>

31. Reflecting this persecution, the non-Serb population steadily decreased from 1992 to 1995. By May 1993, a CSB Banja Luka report noted that there were 1,000 Croats and 4,500 Muslims left in the municipality, predominantly children and elderly people.<sup>142</sup> By May 1994, Kotor Varoš had less than 200 able-bodied Muslim men, who had all been placed in forced labour brigades under VRS control.<sup>143</sup> By June 1994, there were only 1,800 Muslims and 850 Croats left in the municipality.<sup>144</sup> Despite the absence of even a claim of combat,<sup>145</sup> Muslims who requested to return to their villages in Kotor Varoš were not able to do so.<sup>146</sup>

### 3. Grabovica/Večići

32. Muslim forces in Večići village resisted the VRS takeover of the municipality until early November 1992. Some Muslim civilians expelled from other villages in Kotor Varoš also gathered in Večići. The VRS attacked Večići many times during the summer, including bombing it from the air with napalm and clusterbombs beginning in mid-to-late June 1992.<sup>147</sup> By autumn 1992, Večići was surrounded and negotiations had begun concerning its surrender. VRS officers PEULIĆ, Slobodan ŽUPLJANIN, 1KK Security Officer Nenad BALABAN,<sup>148</sup> and KALAMANDA were among the Bosnian Serb negotiators.<sup>149</sup> [REDACTED].<sup>150</sup>

33. Večići was one of the 1KK's most important concerns at that time.<sup>151</sup> **MLADIĆ** took a personal interest in Večići village<sup>152</sup> and received reports from the 1KK command about the negotiations.<sup>153</sup> He was nearby in Banja Luka at the 1KK

<sup>141</sup> UBIPARIP:T.31208-31210; P07107, p.1; P07106, pp.2-3.

<sup>142</sup> P06808, p.1.

<sup>143</sup> P07107, p.1.

<sup>144</sup> P03217.

<sup>145</sup> BUBIĆ:T.26474.

<sup>146</sup> P00854, p.5; [REDACTED].

<sup>147</sup> [REDACTED]; [REDACTED]; [REDACTED]; Elvedin PAŠIĆ:T.620; RM089:P02451, p.8(confidential); P00850, 00:03:59-00:04:52; ŽUPLJANIN:T.30938-30939.

<sup>148</sup> [REDACTED]; ŽUPLJANIN:T.30948.

<sup>149</sup> [REDACTED]; RM089:P02451, p.8(confidential); BUBIĆ:T.26441.

<sup>150</sup> [REDACTED].

<sup>151</sup> [REDACTED]; [REDACTED].

<sup>152</sup> [REDACTED].

<sup>153</sup> KELEČEVIĆ:T.37306; P05154; P02883, p.2. See Section II.H.2.(a).

command on 2 November 1992, when negotiations came to a head.<sup>154</sup> That day, in light of disagreement over whether civilians in Večići could leave before fighters unconditionally surrendered weapons, **MLADIĆ** decided that no-one was to be let go before everyone had disarmed<sup>155</sup> and sent 1KK chief of security BOGOJEVIĆ<sup>156</sup> to Kotor Varoš to relay **MLADIĆ**'s orders.<sup>157</sup> The Kotor Varoš authorities followed **MLADIĆ**'s direction.<sup>158</sup>

34. During the night of 3 November 1992, armed men from Večići, along with some women and children,<sup>159</sup> attempted to escape towards Travnik whilst the remaining women and children decided to surrender.<sup>160</sup> Those who surrendered were expelled.<sup>161</sup> A number of those who tried to break out were ambushed, captured and taken to Grabovica school, which was used as a barracks by the Kotor Varoš Ipbr's Grabovica company.<sup>162</sup> [REDACTED].<sup>163</sup> It was reported up the VRS chain of command at the time that Muslims, including women and children, had left Večići<sup>164</sup> and been captured.<sup>165</sup> Another group of about 150, "mostly women and children" was captured at Kneževo.<sup>166</sup>

35. The CS sent buses to expel the women, elderly and children to Muslim-controlled territory.<sup>167</sup> They were required to walk through a gauntlet of Serb civilians who severely beat them on their way to the buses.<sup>168</sup> As the buses went towards the front line, they were stopped several times by armed Bosnian Serb soldiers who demanded money from them.<sup>169</sup> The VRS executed the remaining men in several locations in and around the Grabovica school.<sup>170</sup>

<sup>154</sup> P00356, pp.120-121.

<sup>155</sup> [REDACTED]; P02884, p.4; P02884, p.3; RM089:P02451, p.8(confidential).

<sup>156</sup> KELEČEVIĆ:T.37306.

<sup>157</sup> P00443.

<sup>158</sup> [REDACTED]; P02884, pp.1,4; ŽUPLJANIN:T.30951.

<sup>159</sup> Elvedin PAŠIĆ:T.562-563; RM089:P02451, p.8(confidential).

<sup>160</sup> [REDACTED]; [REDACTED]; P03707; P03743; P02885, p.1.

<sup>161</sup> [REDACTED].

<sup>162</sup> See SIC:A.4.4(Kotor Varoš).

<sup>163</sup> [REDACTED]; [REDACTED].

<sup>164</sup> P02885, p.1; UBIPARIP:T.31226; P07110.

<sup>165</sup> [REDACTED]; ŽUPLJANIN:T.30953-30954.

<sup>166</sup> P03745, p.1; [REDACTED] [REDACTED]; P00852.

<sup>167</sup> AF804; Elvedin PAŠIĆ:T.579-580,T.583.

<sup>168</sup> Elvedin PAŠIĆ:T.580-581; RM089:P02451, p.10(confidential).

<sup>169</sup> Elvedin PAŠIĆ:T.583-584; RM089:P02451, p.10(confidential).

<sup>170</sup> See SIC:A.4.4(Kotor Varoš).

36. [REDACTED].<sup>171</sup> [REDACTED].<sup>172</sup> The 1KK command separately reported in writing to the GŠ-VRS on 4 November that “a brutal massacre of the captured members of the Green Berets started because of the wounding of four and the killing of one soldier of the Kotor Varoš Light Infantry Brigade and the burning of wounded soldiers on Gola Planina (Jajce)”.<sup>173</sup>

37. [REDACTED].<sup>174</sup> [REDACTED].<sup>175</sup> Whilst the report from the 1KK states “Measures were taken to prevent further massacres through the 22<sup>nd</sup> Ipbr”,<sup>176</sup> this was a mere formality and no measures were actually taken.<sup>177</sup>

38. Instead, a cover-up was commenced. The next day, the 1KK reported “[i]n the clash against the Army of Republika Srpska, following the death of one soldier and the wounding of several others, more than 150 extremists died in combat”.<sup>178</sup> Given there was no fighting the next day,<sup>179</sup> this was a transparent effort to cover up the massacre.<sup>180</sup>

39. NOVAKOVIĆ informed the War Presidency of the massacre,<sup>181</sup> [REDACTED].<sup>182</sup> They also set up a Commission to list the war booty gathered<sup>183</sup> which then collected the valuables of those who surrendered and those who were executed at Grabovica.<sup>184</sup>

40. Mile KLJAJIĆ, commander of the Kotor Varoš Ipbr’s Grabovica company,<sup>185</sup> [REDACTED].<sup>186</sup> [REDACTED]<sup>187</sup> [REDACTED].<sup>188</sup> [REDACTED].<sup>189</sup>

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<sup>171</sup> [REDACTED]. See ŽUPLJANIN:T.30967; UBIPARIP:T.31227-31228; [REDACTED].

<sup>172</sup> [REDACTED].

<sup>173</sup> AF807; P00441, p.1.

<sup>174</sup> [REDACTED].

<sup>175</sup> [REDACTED].

<sup>176</sup> P00441, p.1.

<sup>177</sup> [REDACTED]. See P03710, p.2.

<sup>178</sup> P00442, p.1.

<sup>179</sup> [REDACTED].

<sup>180</sup> BROWN:T.19561-19562.

<sup>181</sup> ŽUPLJANIN:T.30963; P07090.

<sup>182</sup> [REDACTED]; [REDACTED].

<sup>183</sup> P07090.

<sup>184</sup> ŽUPLJANIN:T.30961-30962.

<sup>185</sup> P00851, p.7; [REDACTED]; KRŠIĆ:D00844, para.4.

<sup>186</sup> [REDACTED].

<sup>187</sup> [REDACTED].

<sup>188</sup> [REDACTED].

<sup>189</sup> [REDACTED]; P00853; [REDACTED].

[REDACTED].<sup>190</sup> [REDACTED].<sup>191</sup> ĐEKANOVIĆ went to Grabovica school the next day to monitor the “clearing up of the terrain and cleaning of the school”.<sup>192</sup>

41. After the massacre, the 2<sup>nd</sup> battalion of the 22<sup>nd</sup> Brigade stationed in Maslovare was relocated to Vlašić and the Kotor Varoš Ipbr assumed control of the territory.<sup>193</sup>

42. Defence arguments that the civilian population was responsible for the massacre at Grabovica school<sup>194</sup> are untenable. The operation was planned and executed entirely under VRS control, from the victims’ ambush and capture, to their overnight detention and transfer to execution locations, the mass execution [REDACTED].

43. [REDACTED].<sup>195</sup> [REDACTED].<sup>196</sup> [REDACTED].<sup>197</sup> [REDACTED]<sup>198</sup> [REDACTED].<sup>199</sup> [REDACTED]<sup>200</sup> [REDACTED].<sup>201</sup> Reflecting VRS policy to continue redeploying perpetrators to the front, TALIĆ met with the Kotor Varoš CS days later and expressed his position that “all irresponsible and undisciplined soldiers and mercenaries be detained and sent to the front line”.<sup>202</sup>

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<sup>190</sup> [REDACTED]; [REDACTED].

<sup>191</sup> [REDACTED].

<sup>192</sup> AF808; P03705.

<sup>193</sup> ŽUPLJANIN:D00887, para.15; ŽUPLJANIN:T.30937.

<sup>194</sup> BUBIĆ:T.26437; KRŠIĆ:D00844, paras.11-19; KRŠIĆ:T.29291; [REDACTED]; B.VASILJEVIĆ:D01030, paras.33,37-40; Milenko.ĐURIĆ:D00927, para.25.

<sup>195</sup> [REDACTED]; [REDACTED].

<sup>196</sup> [REDACTED].

<sup>197</sup> [REDACTED].

<sup>198</sup> [REDACTED].

<sup>199</sup> P00441; [REDACTED].

<sup>200</sup> See para.40.

<sup>201</sup> [REDACTED]; [REDACTED].

<sup>202</sup> P03710, p.2.

## VIII. NOVI GRAD

### A. Overview

1. In 1991, Novi Grad was approximately 50% Muslim, 28% Serb, 7% Croat and 15% Other.<sup>1</sup> Novi Grad was one of the ten Sarajevo municipalities<sup>2</sup> and considered historically “Serbian land”.<sup>3</sup> From 1991, KARADŽIĆ and the BSL sought to carve out a new Serb municipality of Rajlovac from certain areas of Novi Grad.<sup>4</sup> In late May and early June 1992, the VRS led the cleansing of Muslim areas of Novi Grad/Rajlovac. In a 6 June 1992 meeting with other BSL members, **MLADIĆ** recorded in his notebook that “What is not disputed in Sarajevo is: ... Rajlovac.”<sup>5</sup> By 1993, the non-Serb population of the Serb municipality of Rajlovac was 2%.<sup>6</sup>

2. The crimes against Rajlovac’s non-Serb inhabitants furthered the first and fifth strategic goals.<sup>7</sup> In addition, given its position to the north and west of central Sarajevo, encompassing broad, contiguous territory between Osjek to the south and Vogošća and Ilijaš to the north,<sup>8</sup> Novi Grad was also strategically important to the military encirclement of Sarajevo.<sup>9</sup>

### B. Build-up and Establishment of Serb Organs

3. On 19 November 1991, KARADŽIĆ explained that “we’ll probably carry out some kind of reorganisation of the city as such,” adding that the Muslims “can go to fucking hell.”<sup>10</sup> Days later, SDS leaders in Sarajevo highlighted the issue of Serbian minorities in Novi Grad, among other municipalities, as the reason for a planned regionalisation of Sarajevo where “Serbian organs of government would be formed” not only in areas with a Serb majority, but also in “places where Serbs were owners of real estate.”<sup>11</sup>

<sup>1</sup> TABEAU:P02788, p.26. *See* TABEAU:P02798, pp.20, 22, 24, 26.

<sup>2</sup> *E.g.* P06754; DONIA:T.15659; Simo TUŠEVLJAK:T.38481.

<sup>3</sup> P04138, 00:39’02-00:41’00, tp.12.

<sup>4</sup> *See* paras.3-5.

<sup>5</sup> P00353, p.101.

<sup>6</sup> P07734, p.1. *See* DŽINO:T.25716-25718; DŽINO:D00643, para.6.

<sup>7</sup> *E.g.* P00458, p.1; P00502, p.1. *See* Section III.C.2.

<sup>8</sup> P02688, p.1.

<sup>9</sup> DONIA:P01999, pp.36-37.

<sup>10</sup> P07490, p.2.

<sup>11</sup> P07491, p.5.

4. On 9 February 1992, KRAJIŠNIK informed KARADŽIĆ of a meeting he had just attended in Novi Grad and how “they want to establish Rajlovac Municipality as it used to be” and explained that given the size of the territory, he had to stay some time to discuss it.<sup>12</sup>

5. On 22 February 1992, a Serb municipality—with Jovo BOŽIĆ as President<sup>13</sup>—was established in the Rajlovac area, comprised of mixed-population villages, including the predominantly Muslim village of Ahatovići.<sup>14</sup> KARADŽIĆ was immediately informed of the municipality’s creation.<sup>15</sup> On 11 May, the RS Assembly formally recognised the creation of Rajlovac municipality.<sup>16</sup> A CS was formed, later becoming a War Commission, which continued to report to and receive assistance from the RS Presidency.<sup>17</sup>

6. In early 1992, the SDS and the JNA distributed arms in Novi Grad and local Serbs began to join reserve units that were being formed.<sup>18</sup> Muslims who requested arms from local barracks or attempted to join the reserves were refused.<sup>19</sup> Serb TO units and reserve police forces were mobilised.<sup>20</sup> Between the end of February and April 1992, Serbs in Rajlovac and Bojnik villages erected barricades in the direction of Sarajevo,<sup>21</sup> which were staffed by soldiers in olive-green JNA uniforms or the blue uniforms of the Rajlovac barracks’ Air Defense Institute.<sup>22</sup> Non-Serbs were singled out, searched, intimidated and threatened at the checkpoints.<sup>23</sup> Meanwhile, SDS officials threatened to attack the Muslims of Ahatovići if they did not vacate their village.<sup>24</sup> Ahatovići’s Muslims refused to leave.<sup>25</sup>

<sup>12</sup> P02686, p.1. *See* DONIA:T.15523; D.HANSON:T.4205.

<sup>13</sup> DŽINO:D00643, para.14.

<sup>14</sup> AF1219; DŽINO:D00643, paras.6-7; RM145:P00255, para.2(confidential); JAHIC:P03122, paras.5-6.

<sup>15</sup> P02688, p.1.

<sup>16</sup> P06754, p.1.

<sup>17</sup> D.HANSON:P00379, paras.55,59,63.

<sup>18</sup> P03030, pp.1,6,11; JAHIC:P03122, paras.7-8.

<sup>19</sup> JAHIC:P03122, para.9.

<sup>20</sup> KIJAC:D01292, para.21; P03932, pp.1-2; P02693, p.3.

<sup>21</sup> AF1220; RM145:P00255, para.4(confidential).

<sup>22</sup> JAHIC:P03122, para.13.

<sup>23</sup> RM145:P00255, paras.6-7(confidential); JAHIC:P03122, paras.13-14.

<sup>24</sup> RM145:P00255, para.5(confidential).

<sup>25</sup> RM145:P00255, para.5(confidential).

### C. VRS Forces

7. In early May 1992, the Rajlovac TO took over the JNA barracks in Rajlovac and the airport.<sup>26</sup> On 22 May, SRK Commander ŠIPČIĆ ordered the Rajlovac TO incorporated into the SRK as the Rajlovac Brigade and appointed an SRK Major responsible for forming the brigade.<sup>27</sup> Co-operation between the VRS and the municipal authorities in Rajlovac was “extremely good.”<sup>28</sup> In the same order, ŠIPČIĆ appointed Jovan TINTOR, a leading SDS member<sup>29</sup> involved in arming Serbs<sup>30</sup> and by then Vogošća CS Commander,<sup>31</sup> as Commander of the Vogošća Brigade,<sup>32</sup> thereby making him a member of the VRS.<sup>33</sup>

8. On 30 May 1992, as Serb shelling of Ahatovići was underway,<sup>34</sup> **MLADIĆ** met with Rajlovac Brigade commander Mihajlo VUJASIN and other SRK unit commanders.<sup>35</sup> Defence claims<sup>36</sup> that the Rajlovac Brigade was not established or constituted at the time of the crimes in Ahatovići are not credible in light of **MLADIĆ**’s identification of VUJASIN at this meeting as the Commander of the SRK’s Rajlovac Brigade composed of about 850 men,<sup>37</sup> the use of mortars under clear VRS control to shell Ahatovići,<sup>38</sup> and Defence expert KOVIĆ’s admission that the VRS was responsible for the early capture of sites in Rajlovac.<sup>39</sup>

### D. Attack on Ahatovići and Subsequent Crimes

9. By mid-May 1992, telephone and electricity service to Ahatovići were disconnected.<sup>40</sup> At the same time, Serb families living in the surrounding villages of Dobroševići, Bojnik, Mihaljevići and Brod left their homes and moved closer to the

<sup>26</sup> VUJASIN:D00641, para.10; THEUNENS:P03029, p.391; D.HANSON:P00379, para.72. *See* Milosav GAGOVIĆ:T.25348-25349.

<sup>27</sup> P03932, p.2; P06827, p.1.

<sup>28</sup> DŽINO:D00643, para.67.

<sup>29</sup> GLOGOVAC:T.25273; P06997, p.10; KUPREŠANIN:T.29691-29692; MURAČEVIĆ:P03185, para.10.

<sup>30</sup> P04583, p.304.

<sup>31</sup> P03186; P04138, p.7; MURAČEVIĆ:P03185, para.10.

<sup>32</sup> P03932, p.2; P06827, p.2.

<sup>33</sup> [REDACTED].

<sup>34</sup> *See* para.11.

<sup>35</sup> P00353, p.28; VUJASIN:T.25629,T.25635.

<sup>36</sup> *See* DŽINO:T.25729-25730.

<sup>37</sup> P00353, p.28.

<sup>38</sup> *See* para.12.

<sup>39</sup> KOVIĆ:D01369, p.61.

<sup>40</sup> RM145:P00255, para.13(confidential).

JNA barracks.<sup>41</sup> Paramilitary units including ARKAN's men and the White Eagles came to the area and subsequently participated in the attack on Ahatovići.<sup>42</sup>

10. On 24 or 25 May 1992, women, children and the elderly attempted to leave Ahatovići for Visoko municipality, but were prevented by Serb soldiers who fired at them<sup>43</sup> under the belief that keeping the women and children in Ahatovići could prevent the Muslims from launching an attack.<sup>44</sup> Following this incident, about 120-150 men from Ahatovići organised to protect the village.<sup>45</sup> On 25 May 1992, Serb soldiers issued an ultimatum to citizens of Ahatovići to surrender their weapons, which they refused.<sup>46</sup>

11. On 27 May 1992, VRS and other Serb forces with tanks and armoured vehicles took up positions in the hills around Ahatovići.<sup>47</sup> The VRS issued another ultimatum, threatening "Balijas, surrender or we kill your children."<sup>48</sup>

12. Following an initial failed infantry attack,<sup>49</sup> from about 28 May 1992 and in the context of the massive shelling of Muslim-controlled areas of Sarajevo<sup>50</sup> the Rajlovac Brigade and other Bosnian Serb forces shelled Ahatovići and the nearby village Dobroševići from the hills for four days. They used mortars that could only have come from the Rajlovac barracks, where they were housed under VRS control.<sup>51</sup> VRS officers were aware that when Ahatovići was being shelled, the Muslim women and children who had requested to be evacuated were still present.<sup>52</sup> 15-20 Ahatovići villagers were killed during the shelling.<sup>53</sup> On 2 June 1992, Serb Forces—members of the SRK, police and paramilitaries, including a mixed unit led by Vogošća Brigade

<sup>41</sup> RM145:P00255, para.8(confidential).

<sup>42</sup> RM145:P00255, para.9(confidential).

<sup>43</sup> AF1221; RM145:P00255, para.12(confidential); JAHIC:P03122, paras.13-14.

<sup>44</sup> DŽINO:D00643, para.14; DŽINO:T.2570.

<sup>45</sup> JAHIC:P03122, para.16.

<sup>46</sup> RM145:P00255, para.11(confidential).

<sup>47</sup> AF1222; RM145:P00255, para.15(confidential); JAHIC:P03122, para.12.

<sup>48</sup> AF1222; P06747, p.1; RM145:P00255, para.15(confidential).

<sup>49</sup> AF1223; RM145:P00255, para.15(confidential).

<sup>50</sup> See Section IV.E.6.(b).(i).

<sup>51</sup> AF1224; VUJASIN:T.25627; P06747; RM145:P00255, paras.17,19(confidential); JAHIC:P03122, para.12. See VUJASIN:T.25630; DŽINO:T.25701-25705, T.25737; P03809, pp.1, 5.

<sup>52</sup> DŽINO:T.25704.

<sup>53</sup> RM145:P00255, para.18(confidential).

Commander TINTOR—entered the village with APCs and tanks whereupon the Muslim villagers surrendered.<sup>54</sup>

13. Serb soldiers led by TINTOR executed captured Muslim men.<sup>55</sup> Those who were not killed were either arrested or expelled,<sup>56</sup> with Serb Forces rounding up and detaining approximately 400 women and children and 80 men that day.<sup>57</sup> Around that time women, children and men from the towns of Bojnik and Mihaljevići were also taken prisoner.<sup>58</sup> By 7 June both **MLADIĆ** and **KOLJEVIĆ** were aware that there was “[a] significant number of prisoners – 600 in Rajlovac” that included “women and children.”<sup>59</sup> Rajlovac Executive Board President Momo MIJATOVIĆ<sup>60</sup> observed in a 5 June 1992 conversation with Nedelko PRSTOJEVIĆ that “no threat is coming from Ahatovići any longer.”<sup>61</sup>

14. Senior Rajlovac Brigade officers escorted detainees towards the Rajlovac barracks,<sup>62</sup> temporarily holding the women and children in a local school in Reljevo.<sup>63</sup> The Rajlovac Executive Board directed that women and children “captives” were to be held in a gas facility secured by the Rajlovac Police.<sup>64</sup> Arrested males were detained by the Brigade in the Rajlovac Army Barracks cisterns.<sup>65</sup> These male detainees were repeatedly beaten, attacked with dogs, and subjected to other brutalities.<sup>66</sup> Many were taken out and killed.<sup>67</sup> Brigade officers were aware of beatings<sup>68</sup> and killings of prisoners.<sup>69</sup> VUJASIN’s self-serving claim that his attempts to prevent beatings were ineffectual because the perpetrators were beyond his control is not credible in light of the fact that he failed to even ascertain the names of the

<sup>54</sup> AF1224; VUJASIN:T.25627; RM145:P00255, paras.19-20, 22-23(confidential); JAHIC:P03122, paras.24-26; DŽINO:T.25704; P03792, p.5; P03793.

<sup>55</sup> RM145:P00255, para.23(confidential).

<sup>56</sup> AF1232. *See* DŽINO:T.25708.

<sup>57</sup> RM145:P00255, para.32(confidential); DŽINO:T.25704,T.25708.

<sup>58</sup> RM145:P00255, para.32(confidential).

<sup>59</sup> P00353, p.114.

<sup>60</sup> P03921, p.2.

<sup>61</sup> P04126, pp.2-3.

<sup>62</sup> VUJASIN:T.25634,T.25636,T.25638-25639.

<sup>63</sup> P03793; P03921, p.2.

<sup>64</sup> P03921, p.1.

<sup>65</sup> P03793; DŽINO:T.25705-25706. *See* SIC:B.10.1(Novi Grad).

<sup>66</sup> AF1227-AF1228; JAHIC:P03122, paras.27-38.

<sup>67</sup> *See* SIC:B.10.1, B.10.2(Novi Grad).

<sup>68</sup> VUJASIN:T.25641-25642.

<sup>69</sup> DŽINO:T.25706-25707.

perpetrators<sup>70</sup> and his inconsistent and evasive testimony attempting to deny his exercise of effective command and control over his units.<sup>71</sup>

15. Following Ahatović's takeover, Muslim houses were looted and burned to the ground<sup>72</sup> and the VRS destroyed the Ahatović mosque.<sup>73</sup> KARADŽIĆ requested any Muslim homes left standing in Rajlovac to be allocated to Serb refugees.<sup>74</sup> The following year, Rajlovac was declared part of the newly-formed "Serb City of Sarajevo."<sup>75</sup>

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<sup>70</sup> VUJASIN:T.25642.

<sup>71</sup> VUJASIN:T.25635-25640.

<sup>72</sup> AF1230; RM145:P00255, paras.18,23(confidential).

<sup>73</sup> See SIC:D.9(Novi Grad).

<sup>74</sup> P00263.

<sup>75</sup> DONIA:P01999, p.70.

## IX. PALE

### A. Overview

1. In 1991, Pale was approximately 69% Serb and 27% Muslim, with a small Croat population.<sup>1</sup> Throughout the spring and early summer of 1992, Serb authorities including RSMUP and paramilitary units persecuted Pale's Muslim civilians, leaving them with no choice but to flee and most did so.<sup>2</sup> Their expulsions furthered the first and fifth strategic objectives.<sup>3</sup>

2. From April 1992, Pale was the BSL's hub of power.<sup>4</sup> PLAVŠIĆ served as Pale War Commission President and met almost daily with local authorities about the situation on the ground,<sup>5</sup> while KOLJEVIĆ and KARADŽIĆ expressed directly to audiences in Pale that Muslims were unwelcome there.<sup>6</sup> MLADIĆ frequently attended meetings in Pale<sup>7</sup> with international officials<sup>8</sup> and media representatives<sup>9</sup> as well as meetings of the Supreme Command.<sup>10</sup>

### B. Build-up and Establishment of Serb Organs

3. After winning the multi-party elections in Pale, the SDS was its leading political party<sup>11</sup> and had "absolute power".<sup>12</sup> By May 1992, the SDS-dominated Pale Municipal Assembly was funding the SDS to the exclusion of other political parties.<sup>13</sup>

<sup>1</sup> AF1679; P06559; ČVORO:D00492, para.3; DONIA:P01999, p.24.

<sup>2</sup> ČVORO:T.22171; ČRNČALO:T.3237-3238.

<sup>3</sup> P02003; P00178, p.6.

<sup>4</sup> AF188-AF189; AF191; AF352; AF358; LUKIĆ:T.25417; D00460; P02701, p.2; RM163:P00628, para.54(confidential); INĐIĆ:T.25124; SELAK:T.3210; KEČMANOVIĆ:T.23953; MLADENOVIĆ:T.27065; BANBURY:T.8219,T.8291-8292; ČVORO:D00492, para.12; D00443; PEREULA:D00779, para.14; ĐURIĆ:T.27631.

<sup>5</sup> ČVORO:T.22233; P00304.

<sup>6</sup> See paras. 12-13.

<sup>7</sup> [REDACTED]; P00757; P00360, pp.3-5,48-49,105-109; P00352, pp.283-285,347-348; P00355, pp.130-135; P00356, pp. 48-61,61-63; P00358, pp.212-216; P00353, pp.48,238-241.

<sup>8</sup> D00196; SMITH:P00785, paras.21,80; SMITH:T.7295; ABDELRAZEK:T.3609; P00304; P00305; ROSE:T.6849-6850; FRASER:T.5789,T.5791; HARLAND:P00001, paras.16,50-51; HARLAND:T.681,T.683,T.690,T.726; P00297, p.4; P00880, para.3; P00356, pp.189-193,209-213; P00358, pp.92-94,116-117; P00362, pp.65-80,165-171,175-178,183-184; P00361, pp.3-7,288-295; P00345, pp.60-62.

<sup>9</sup> P00361, p.111; VULLIAMY:T.2586,T.2600; VANLYNDEN:T.1328-1329,T.1339.

<sup>10</sup> P00360, pp.29-34; P00357, pp.79-80; P00358, pp.212-216,262-263,392-408;P00361, pp.29-34,54-57,205-207; P00362, pp.59-64,159-160; P00345, pp.78-79.

<sup>11</sup> ČRNČALO:P00260, para.12; DONIA:P01999, p.25.

<sup>12</sup> ČVORO:T.22133-22135; P06562, p.3. See DONIA:P01999, p.32.

<sup>13</sup> ČVORO:T.22133-22135; P06562, p.3. See DONIA:P01999, p.32.

4. In early 1991, the Pale Municipal Assembly announced its intention to “secede” from the city of Sarajevo<sup>14</sup> and Muslims in Pale began to notice Serbian nationalist activity, including rallies.<sup>15</sup> On 6 May 1991, ŠEŠELJ and KARADŽIĆ attended St. George’s Day celebrations on Romanija mountain. ŠEŠELJ re-established the Četnik movement in the area and called on Serbs to avenge not only the victims of a “new genocide” against the Serbian people, but “all the previous ones as well.”<sup>16</sup> This rally caused fear among Pale Muslims.<sup>17</sup>

5. The JNA, Serbian members of the MUP, and the SDS armed, trained and militarily organised Pale’s Serb population.<sup>18</sup> In March 1992 the 2MD ordered the relocation of weapons and ammunition from Konjić and Visoko to the Koran-Mokro area in Pale.<sup>19</sup>

6. In November 1991, the RS Assembly proclaimed Pale part of SAO Romanija.<sup>20</sup> In March 1992, a Serb CS was formed in Pale with Zdravko ČVORO as President.<sup>21</sup> The municipal government was financially supported by the RS<sup>22</sup> and implemented the decisions of republic- and regional-level Bosnian Serb authorities.<sup>23</sup> The CS also provided accommodations, equipment, telephones and telephone numbers for Republic-level organs<sup>24</sup> and mobilised telephone numbers for the needs of the army.<sup>25</sup> When Muslim detainees were brought to Pale from Bratunac in May 1992, ČVORO consulted with the RS leadership. KARADŽIĆ instructed that they be sent towards Sarajevo “where they belonged” and the CS facilitated their transport out of the RS.<sup>26</sup>

<sup>14</sup> AF1682.

<sup>15</sup> ČRNČALO:P00260, para.10; ČRNČALO:T.3254-3257.

<sup>16</sup> P00319, p.3.

<sup>17</sup> ČRNČALO:T.3250-3253; *see* T.3910.

<sup>18</sup> P03030, pp.6,11; P06565; P06566; DONIA:P02001, p.73; ČRNČALO:P00260, paras.19-22,58; ČVORO:T.22145-22146,T.22149-22150; TUPAJIĆ:P03170, pp.12-13. *See* P00338, pp.13-15,158-159.

<sup>19</sup> P04930 p.7.

<sup>20</sup> P07077, p.6.

<sup>21</sup> ČRNČALO:P00260, para.42; ČVORO:T.22135-22136,T.22142,T.22175.

<sup>22</sup> P06563; P06564.

<sup>23</sup> P00267; P07048; P06569.

<sup>24</sup> ČVORO:T.22124-22125,T.22129-22130.

<sup>25</sup> ČVORO:T.22130.

<sup>26</sup> ČVORO:D00492, para.3; ČVORO:T.22160-22162,T.22167-22170; P03177. *See* para.42.

### C. VRS Forces

7. In a meeting reported as promoting “ethnic demarcation,”<sup>27</sup> **MLADIĆ**, **KARADŽIĆ**, and **KRAJIŠNIK** met in Sokolac on 17 May with representatives from Belgrade, Pale and other Romanija municipalities.<sup>28</sup> **KRAJIŠNIK** declared that a common state with Muslims and Croats was “no longer possible,” calling for a “demarcation of the areas” along ethnic lines,<sup>29</sup> while **KARADŽIĆ** stated: “We are looking for results from the army, that’s their job.”<sup>30</sup>

8. Days later, the SRK ordered a brigade be formed in Pale<sup>31</sup> and the [REDACTED].<sup>32</sup> Other JNA units in Pale were transformed into VRS units.<sup>33</sup> The VRS used the Pale Hotel Turist throughout the war<sup>34</sup> and trained military conscripts in Pale.<sup>35</sup> Concentrations of military equipment and soldiers in Pale increased in May and June 1992.<sup>36</sup>

### D. Campaign Against Pale’s Muslims

#### 1. Pre-12 May crimes

9. In early March 1992, CS member and SJB Chief<sup>37</sup> Malko KOROMAN called for the disarmament of non-Serbs in Pale.<sup>38</sup> Many non-Serbs then surrendered weapons.<sup>39</sup> In what local media claimed was a reaction to the removal of Serbs from positions in the Centar and Stari Grad police, the CS implemented the SAO Romanija’s order that all Muslims be dismissed from the Pale police force.<sup>40</sup>

<sup>27</sup> P03176.

<sup>28</sup> P00352, pp.349-352; P03176.

<sup>29</sup> P03176, p.2.

<sup>30</sup> P00352, p.351.

<sup>31</sup> P06827. See P03794, p.2.

<sup>32</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>33</sup> P06534.

<sup>34</sup> P00352, p.268; P00355, pp.130-135; P00356, pp.61-63; P00364, pp.11-18; ĐUKIĆ:P01052, pp.29-30; P04476, p.22.

<sup>35</sup> P06818, p.1.

<sup>36</sup> CRNČALO:P00260, para.52.

<sup>37</sup> P03794, p.1; CRNČALO:P00260, para.42.

<sup>38</sup> CRNČALO:P00260, paras.28-29.

<sup>39</sup> CRNČALO:P00260, paras.28-30; P06568.

<sup>40</sup> P06569; ČVORO:T.22176-22177; CRNČALO:P00260, para.25; P03794, p.2.

KOROMAN remained Chief of what he claimed was “the first Serbian Police Station in RS”.<sup>41</sup>

10. Shortly thereafter paramilitaries began appearing in Pale, over time in increasing numbers.<sup>42</sup> They searched and looted Muslim-owned homes and shops and instilled fear in the Muslim population.<sup>43</sup>

11. In early April a group of Muslim citizens called on the Pale CS to allow those who did not feel safe in Pale municipality to leave, citing abuse, unlawful arrests of Muslims, and other persecutory measures.<sup>44</sup> Although ČVORO signed a response promising protection to all citizens,<sup>45</sup> police officers including Radomir KOJIĆ (who later became a VRS officer)<sup>46</sup> intensified the pressure on the Muslim community, threatening Muslims that it would be better for them to leave peacefully than have Serbs chase them through the woods.<sup>47</sup> Muslims were dismissed from their jobs<sup>48</sup> and their movements were increasingly restricted.<sup>49</sup>

12. Local Muslims met with KOLJEVIĆ and KOROMAN in May 1992, seeking guarantees they could stay in Pale. KOLJEVIĆ told them: “It doesn’t matter what you want, that you want to stay on living here, but the Serbs don’t want to continue living with you here.”<sup>50</sup> KOROMAN supported KOLJEVIĆ and added that he could not guarantee their safety or keep the Red Berets, who had come from Knin to “get the job done”, under control.<sup>51</sup> KOROMAN told the group the Red Berets had been put up at the Panorama Hotel,<sup>52</sup> which also housed the RS Presidency.<sup>53</sup> These statements produced shock and fear among their Muslim audience, who were aware of crimes by the Red Berets in Croatia.<sup>54</sup>

<sup>41</sup> CRNČALO:P00260, para.24; P03794, p.2.

<sup>42</sup> CRNČALO:P00260, paras.31,39,52-55.

<sup>43</sup> CRNČALO:P00260, paras.31-32,52; CRNČALO:T.3251,T.3258,T.3260,T.3289-3291; P06568; P06571; P06575, p.2(confidential).

<sup>44</sup> P06568.

<sup>45</sup> D00493.

<sup>46</sup> VELJOVIĆ:T.22974.

<sup>47</sup> CRNČALO:P00260, paras.33-34.

<sup>48</sup> CRNČALO:P00260, para.58.

<sup>49</sup> CRNČALO:P00260, paras.39-40,43-48; P06568.

<sup>50</sup> CRNČALO:P00260, paras.36-38; CRNČALO:T.3235-3236.

<sup>51</sup> CRNČALO:P00260, para.39; CRNČALO:T.3235.

<sup>52</sup> CRNČALO:P00260, paras.39,71. See P05115, p.3.

<sup>53</sup> RECHNER:T.18462. See P05115, p.3.

<sup>54</sup> CRNČALO:P00260, paras.39-40.

## 2. Continuing crimes after 12 May

13. From March through late June or early July, local police and paramilitary forces arbitrarily arrested, beat and killed non-Serbs.<sup>55</sup> In the midst of this pressure, and following the killing of Serb soldiers near Žepa around 4 June 1992,<sup>56</sup> KARADŽIĆ told a crowd in front of the Pale Culture Centre that the best way to defend Serb houses was to attack all Muslim houses.<sup>57</sup>

14. Shortly thereafter, Municipal Assembly President STARČEVIĆ asked the Pale SDS Main Board to “adopt a general position on the moving out of non-Serbian population” so the Assembly could take action.<sup>58</sup> With 2<sup>nd</sup> Romanija Mtbr commander Radislav KRSTIĆ in attendance, the Municipal Assembly then passed a decision granting all who “wished” to change their residence safe passage from Pale.<sup>59</sup> ČVORO admitted this was understood at the time by many Muslims and Serbs as a decision that Muslims had to leave Pale, resulting in many Muslims feeling obliged to request approval to relocate<sup>60</sup> and Serbs coercing Muslims to leave.<sup>61</sup>

15. Some of those departing signed contracts “exchanging” their homes or turning them over to Serbs.<sup>62</sup> Municipal authorities prepared standard form contracts for this purpose.<sup>63</sup> Muslims felt they had no choice but to sign over their property,<sup>64</sup> sometimes immediately before they were forcibly transferred out of Pale.<sup>65</sup>

16. In late June and early July, Pale municipal authorities organised the mass removal of “most of” the remaining Muslims by bus.<sup>66</sup> Muslims gathered at locations designated by public notice,<sup>67</sup> boarded buses and were transported to Muslim-

<sup>55</sup> CRNČALO:P00260, paras.23-27,49,59-60,80; CRNČALO:T.3236; P06568; P06575, p.4(confidential).

<sup>56</sup> ČVORO:D00492, para.10; ČVORO:T.22173. See P03972, p.4.

<sup>57</sup> CRNČALO:T.3236-3237. See CRNČALO:P00260, para.78.

<sup>58</sup> D00494; ČVORO:T.22212 .

<sup>59</sup> P03973.

<sup>60</sup> P03972, pp.1,4-5; P03974; P03799/D0495(duplicates); P03973; P00264; P00266; P00267; ČVORO:T.22187,T.22208. See P06572.

<sup>61</sup> ČVORO:T.22187,T.22208; P03973; P03972, pp.4-5; P00264; P00266; P00267; P03974. See P06572.

<sup>62</sup> D00054; P03799.

<sup>63</sup> CRNČALO:P00260, para.61.

<sup>64</sup> CRNČALO:P00260, paras.62,76; CRNČALO:T.3295.

<sup>65</sup> CRNČALO:P00260, paras.62,76; ČRNČALOT.3295-3297; D00054; P00265.

<sup>66</sup> P03800;ČVORO:T.21931,T.22186,T.22207; CRNČALO:P00260, paras.64,66; P00264; P00266.

<sup>67</sup> CRNČALO:P00260, paras.65-68.

controlled Sarajevo.<sup>68</sup> They were only permitted to bring what they could carry.<sup>69</sup> At Municipal Assembly request, police assisted in this transfer operation,<sup>70</sup> including by escorting the buses.<sup>71</sup> Some Muslims who refused to leave were subsequently killed.<sup>72</sup>

17. Serb authorities expelled more than 1,000 Muslims from Pale in these convoys.<sup>73</sup> On 7 July, shortly after the convoys departed, ČVORO informed the RS Presidency, the Pale War Commission and PLAVŠIĆ personally that the 18 June Assembly decision had led to “a large number of illegal and criminal actions” including “expulsion of the Muslims population.” While ČVORO claimed that this arose from “subjective interpretation of the decision” and the expulsion was “unauthorised,”<sup>74</sup> the involvement of Pale’s civilian and RSMUP authorities in compelling, formalising and then implementing the Muslims’ expulsion reflect that the expulsion was official policy.

18. Consistent with Pale SJB officers’ instrumental role in expelling Muslims from the municipality, the police did no significant investigations into crimes committed against Muslims<sup>75</sup> or their property.<sup>76</sup> MUP and CSB officials were aware of these crimes and the Pale SJB’s failure to investigate. [REDACTED].<sup>77</sup>

19. Indeed, Muslims left Pale because of the widespread commission of crimes and coercion against them detailed above, believing they needed to “save their heads.”<sup>78</sup> ČVORO’s claim that Muslims left voluntarily<sup>79</sup> is contradicted by the consistent evidence of widespread persecution, harassment and threats by the Bosnian Serb authorities against Pale’s Muslims, his own contradictory 7 July letter,<sup>80</sup> and his

<sup>68</sup> CRNČALO:P00260, paras.71,77; ČRNČALO:T.3305; ĐOZO:T.5548; P00549, p.104; P06571; ČVORO:T.22188. *E.g.* RAŠEVIĆ:T.23591-23593.

<sup>69</sup> CRNČALO:P00260, para.71; CRNČALO:T.3298; P06571.

<sup>70</sup> P00264; ČVORO:T.22187-22188.

<sup>71</sup> P00264; P00266; P03800.

<sup>72</sup> CRNČALO:P00260, para.80; ČRNČALO:T.3237-3238,T.3247-3249.

<sup>73</sup> P03800. *See* P00266.

<sup>74</sup> ČVORO:T.22233; P6572.

<sup>75</sup> P06575, pp.1-4(confidential); ČRNČALO:T.3236.

<sup>76</sup> P06572. *See* [REDACTED].

<sup>77</sup> [REDACTED].

<sup>78</sup> ČRNČALO:T3296; CRNČALO:P00260, paras.63,69,76. *See* ČVORO:T.22187; P06572.

<sup>79</sup> ČVORO:T.22238.

<sup>80</sup> ČVORO:T.22233; P06572

admission that there were “individual pressures from the police and some other people to have the Muslims leave”.<sup>81</sup>

20. After Pale’s Muslims had been expelled, the Prača, Podvitez, and Bogovići mosques in Pale municipality were destroyed.<sup>82</sup> In 1993 KARADŽIĆ commended KOROMAN, KOJIĆ and SJB Pale.<sup>83</sup> In 1994, KOROMAN—by then the RSMUP’s Head of Police Administration—bragged that “today Pale is free, Serbian, and a wonder for all the world.”<sup>84</sup> In 1995, Višegrad SJB Chief Risto PERIŠIĆ reported that areas including previously Muslim-inhabited parts of Pale municipality “are mainly unpopulated, and before the war they were populated by Muslim inhabitants.”<sup>85</sup>

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<sup>81</sup> ČVORO:T.22194.

<sup>82</sup> See SIC:D.10(Pale).

<sup>83</sup> P04236, pp.3,7; RADULOVIC:P03207, para.163(confidential).

<sup>84</sup> P03794, p.2.

<sup>85</sup> P06574.

## **X. PRIJEDOR**

### **A. Overview**

1. The 1991 ethnic composition of Prijedor included 49,351 Muslims, 6,316 Croats, and 47,581 Serbs.<sup>1</sup> By May 1993, only 7,000 Muslims and 4,000 Croats remained.<sup>2</sup> Bosnian Serb forces led by the VRS' 43<sup>rd</sup>, 5<sup>th</sup> and 6<sup>th</sup> Brigades killed or expelled approximately 50,000 Muslims and Croats from Prijedor<sup>3</sup> through mass executions; murderous attacks on villages and in camps; and roundups of people who were then brutalized and dehumanized in camps until survivors were ultimately expelled. The attack on the Bosnian Muslims and Bosnian Croats in Prijedor advanced the first and second strategic objectives.<sup>4</sup>

### **B. Build-up to the Conflict**

2. In 1991, Serb authorities in Prijedor began preparations that eventually culminated in the takeover of power in the municipality. The JNA and other Serb forces provided military and police training to Prijedor Serbs<sup>5</sup> and together with the SDS began arming Serb villages in Prijedor in 1991.<sup>6</sup> Serb authorities installed pro-Serb personnel in key Prijedor radio and newspaper positions who worked closely with the JNA, local and regional Serb officials to disseminate anti-Muslim and anti-Croat propaganda. This propaganda fueled rising Serb nationalism and emphasised Serbs once again were endangered by “fundamentalists” and “Ustasha” intent on their elimination, creating great fear and distrust amongst Prijedor’s population.<sup>7</sup>

<sup>1</sup> P07029, pp.2-6(BCS). See AF839; P03853, pp.6-7; [REDACTED].

<sup>2</sup> P03216, p.2; RADULOVIĆ:P03207, paras.100-102(confidential). By February 1995, the population had been reduced to around 3,600 Muslims (5.44%), approximately 1000 (1.51%) Croats, and approximately 500 (0.75%) others; the Serb population had increased to 61,000 (92.28%). P03853, pp.6-7.

<sup>3</sup> P03216, p.2; P03853, pp.6-7.

<sup>4</sup> AF837; P00431, p.9; P02003; P02867; BROWN:P02859, pp.27-30; P00178, p.7.

<sup>5</sup> MUJADŽIĆ:P03121, T.3608-3610(confidential); [REDACTED]; P02445; P04140, 00:15'42-00:18'00, tp.11; [REDACTED]; [REDACTED].

<sup>6</sup> AF103, AF269; P03948, pp.1-2; BROWN:P02859, p.64; SEJMENOVIĆ:P00283, para.14; MERDŽANIĆ:P00269, para.5; RM017:P03228, pp.4-5(confidential); RADULOVIĆ:P03207, para.31(confidential); [REDACTED]; [REDACTED]; RM026:P02585, p.4(confidential); RM709:P03437, p.7(confidential); RM709:P03439, p.6(confidential); [REDACTED]; ARIFAGIĆ:P03388, pp.5-6; SELAK:P00244, paras.69,73-75; SELAK:T.3015-3016; SAJIĆ:D00836, para.22; VUJIĆ:T.34991-34992.

<sup>7</sup> AF62; AF927; [REDACTED]; TAČI:T.2111; SEJMENOVIĆ:P00283, paras.12,14,20; SEJMENOVIĆ:T.3457,T.3501-3502; ATLIJA:P00168, paras.12-13; ATLIJA:T.2327-2329;

3. The Prijedor SDS received and followed Republic-level instructions.<sup>8</sup> In September 1991, KARADŽIĆ personally intervened to replace the local SDS President with Simo MIŠKOVIĆ, who was committed to following central SDS policy.<sup>9</sup> Three months later, Prijedor SDS officials received and immediately began implementing Variant A/B, including by proclaiming a Serb Municipal Assembly, electing Milomor STAKIĆ as President<sup>10</sup> and establishing an SDS CS.<sup>11</sup> During this pre-takeover period, 43rd Brigade officers co-operated with the SDS and attended SDS organ meetings.<sup>12</sup> On 17 January 1992, the Prijedor Serb Assembly joined the ARK.<sup>13</sup>

4. On 17 February 1992, MIŠKOVIĆ relayed KARADŽIĆ's order implementing the second level of Variant A/B to the Prijedor SDS Municipal Board, which implemented the instructions.<sup>14</sup> A Serb "shadow government" was formed in Prijedor.<sup>15</sup> By April, the SDS had formed a Serbian Prijedor TO, commanded by JNA officer and SDS official Slobodan KURUZOVIĆ.<sup>16</sup>

### C. Transition to VRS in Prijedor

5. Three 1KK brigades, battle-tested in Western Slavonia,<sup>17</sup> operated in Prijedor: the 43<sup>rd</sup> mtbr, formerly the JNA 343<sup>rd</sup> mtbr, commanded by Col. Vladimir ARSIĆ and

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SIVAC:P00480, T.6618; SIVAC:T.4835-4837; RM017:P03228, pp.3,5(confidential); ARIFAGIĆ:P03388, p.6. See P07192; P07008, p.2; P03869, pp.46-47.

<sup>8</sup> SEJMENOVIĆ:P00283, paras.6,21.

<sup>9</sup> P06902; P06903, pp.3-4; P04199, p.2.

<sup>10</sup> AF840-AF841; P03960; P03773, p.1; P03038, p.6-10; D.HANSON:P00379, pp.10-11; B.MANDIĆ:D00826, para.5; VUJIĆ:T.34992-34993.

<sup>11</sup> B.MANDIĆ:T.28888-28894,T.28933-28935,T.28954; P03779; R.JAVORIĆ:T.31445-31446; SIVAC:T.4835; D.HANSON:P00379, pp.10-11.

<sup>12</sup> SEJMENOVIĆ:T.3522-3523; SEJMENOVIĆ:P00283, para.23; VUJIĆ:T.34991-34993; P03960, p.3; P03841, p.3.

<sup>13</sup> AF835-AF836; AF842; P00178, pp.6-7; P03930, p.1; P04028. Though the name of the ARK did not include the prefix "Serb", "it was understood to be a Serbian Krajina." See RADULJ:T.35571-35572; ERCEG:T.34080-34081.

<sup>14</sup> AF121; AF843; P06950, p.1; B.MANDIĆ:T.28888-28894,T.28933,T.28954; D.HANSON:P00379, pp.12-13; TREANOR:P03003, pp.15-16; P06951; P06952/P00288(partial duplicate); P03774, pp.5-7,17. See P03038; P03773.

<sup>15</sup> AF844; P03917, p.7; SEJMENOVIĆ:P00283, para.11; B.MANDIĆ:T.28888-28894,T.28933-28935,T.28954; SIVAC:P00480, T.10255-10256; SIVAC:T.4835; P03779; P06951; P00481.

<sup>16</sup> R.JAVORIĆ:D00895, para.17; P03917, p.4; P07363; P04086; VUJIĆ:T.34957,T.35051; P06951, p.2.

<sup>17</sup> KELEČEVIĆ:T.37153; R.JAVORIĆ:D00895, para.14. See RM387:P07316, para.9(confidential).

his deputy commander and CoS Maj. Radmilo ZELJAJA;<sup>18</sup> the 5<sup>th</sup> Kozara/Partisan/Infantry Brigade, commanded by Lt. Col. Pero ČOLIĆ;<sup>19</sup> and the 6<sup>th</sup> Partisan/Sana/Krajina Brigade based in Sanski Most, commanded by Col. Branko BASARA.<sup>20</sup> The 43<sup>rd</sup> mtbr also served as the command of the Prijedor Tactical and Operations Group (OTG);<sup>21</sup> ZELJAJA, as 43<sup>rd</sup> mtbr CoS, commanded the Prijedor OTG, which consisted of elements of the 43<sup>rd</sup> mtbr, 2<sup>nd</sup> mtbr, 6<sup>th</sup> Infantry Brigade, police, paramilitary units and newly formed units.<sup>22</sup>

6. Prijedor TO units were subordinated to ARŠIĆ's command before the VRS was established. The Prijedor Municipal TO under Rade JAVORIĆ<sup>23</sup> had been subordinated to JNA command since late 1991 or early 1992 and by late April was effectively incorporated into the JNA.<sup>24</sup> On 11 May, **MLADIĆ** (as 2MD Commander)<sup>25</sup> ordered the establishment of war units including "armed Serbian people" and "TO units which have been formed up to now."<sup>26</sup> TALIĆ relayed this order to 5<sup>th</sup> Corps units the next day.<sup>27</sup> Three days later, the Prijedor National Defence Council (NDC)—including ARSIĆ, ZELJAJA, KURUZOVIĆ, ČOLIĆ and JAVORIĆ—discussed the need for "a unified command for control and command of all the units formed in the territory" of Prijedor, which would include both KURUZOVIĆ's and JAVORIĆ's TOs.<sup>28</sup> On 17 May 1992, ARSIĆ implemented **MLADIĆ**'s and TALIĆ's orders by placing all TO units and commanders under his command.<sup>29</sup> [REDACTED].<sup>30</sup> On 29 May 1992, the Prijedor CS formalised the

<sup>18</sup> P04960; P03812, pp.1,4-6; P04035, pp.2,6-7; P04296; KELEČEVIĆ:D01110, para.14; KELEČEVIĆ:T.37179,T.37249,T.37258-37259; VUJIĆ:T.41497-41498; R.JAVORIĆ:D00895, para.4; ŠIPOVAC:T.28180-28181; RODIĆ:T.33057; VUJIĆ:T.34990; P00249, p.2; PUHALIĆ:T.31665-31666; ĐENADIJA:D01338, para.17; MUJADŽIĆ:P03121, T.3592(confidential). ZELJAJA was later promoted to Colonel and took command of the brigade. P02436.

<sup>19</sup> P03914, p.5; [REDACTED]; K.MEŠANOVIĆ:P03414, paras.17-18; P03417; KELEČEVIĆ:T.37254; MUJADŽIĆ:P03121, T.3591-3592(confidential); [REDACTED]; SIVAC:P00480, T.13258; R.JAVORIĆ:D00895, para.4; R.JAVORIĆ:T.31384.

<sup>20</sup> P03767, p.2; P02365, p.3; BROWN:P02859, p.77; VUJIĆ:T.34995-34996; BASARA:D01031, para. 4; BASARA:T.34399; P03851, pp.5,7; P02440.

<sup>21</sup> P04296.

<sup>22</sup> P02877, p.8; P04296; P03841, p.3; P03697, pp.2-3; ŠIPOVAC:T.28181; BASARA:D01031, paras.6-7. See MUJADŽIĆ:P03121, T.3663(confidential).

<sup>23</sup> R.JAVORIĆ:D00895, para.2.

<sup>24</sup> R.JAVORIĆ:D00895, paras.12,15,17-18; R.JAVORIĆ:T.31432-31434,T.31437,T.31448-31449(confidential); P03841, p.3; [REDACTED]; KELEČEVIĆ:T.37364-37365; VUJIĆ:T.34957,T.35051. See D00051, p.3.

<sup>25</sup> P03813; THEUNENS:P03029, pp.24,225.

<sup>26</sup> P03032.

<sup>27</sup> P07460.

<sup>28</sup> R.JAVORIĆ:T.31445-31447; P02871, pp.1-2; P03841, p.3. See P00431, pp.52-54; P02870.

<sup>29</sup> P07122; KELEČEVIĆ:T.37158-37159; R.JAVORIĆ:T.31394-31395.

incorporation of KURUZOVIĆ's TO into the VRS by issuing two decisions, one relieving KURUZOVIĆ of his duties as TO Commander and placing him under the command of the region,<sup>31</sup> i.e., under ARSIĆ's command,<sup>32</sup> and the other placing the Serbian Prijedor TO under VRS command.<sup>33</sup>

7. Once the VRS was established, police<sup>34</sup> and paramilitaries were also subordinated to or incorporated into the VRS during combat operations in Prijedor, including the Prijedor SJB intervention platoon (comprised of members of the VRS and police);<sup>35</sup> the Banja Luka CSB special detachment;<sup>36</sup> and local paramilitaries known as "Cigo's group", "Zolja's group", "*Manijakosi*/maniacs".<sup>37</sup> Often these units officially were incorporated into the VRS after committing crimes.<sup>38</sup> The 43<sup>rd</sup> Brigade and SJB Prijedor, and in particular ZELJAJA and DRLJAČA, co-operated closely with each other<sup>39</sup> and with the Prijedor CS.<sup>40</sup>

#### **D. Takeover and Establishment of Serb Organs in Prijedor**

8. In the early hours of 30 April 1992, JNA forces, KURUZOVIĆ's TO, and Serb active and reserve police clandestinely organised by DRLJAČA for that purpose, implemented the second level of Variant A/B by taking control of Prijedor town, flooding the town with troops; setting up checkpoints, snipers and machine-gun nests; occupying its most important buildings; and hoisting the Serbian flag as a sign the takeover was complete. They met no resistance from the non-Serb population.<sup>41</sup>

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<sup>30</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>31</sup> D00827, p.49/P02897(partial duplicate); R.JAVORIĆ:T.31447-31448,T.31453. See P04960; P03812, p.5.

<sup>32</sup> BROWN:T.19511-19512,T.19794-19795; KELEČEVIĆ:T.37179. See P07122; P04056.

<sup>33</sup> D00827, pp.80-81/P04043(partial duplicate).

<sup>34</sup> MATIJEVIĆ:T.43077-43079,T.43083,T.43117-43118,T.43130-43131. See P07209; P03434, p.2; P02405, p.1; P07211, p.3. See Section III.G.1.(a).

<sup>35</sup> D00827, pp.41-42/P03891, p.3(partial duplicate); P03894, p.2; P04027, p.2; [REDACTED].

<sup>36</sup> AF357; P03866, p.5; P07159, p.2; P07797; P07209; P04027, p.2; MATIJEVIĆ:T.43082-43084.

<sup>37</sup> BROWN:P02859, pp.83-86; D00839, p.3; P07620, pp.1-2,6; [REDACTED]; O.MARJANOVIĆ:T.40990; MERDŽANIĆ:P00269, para.64 P05113. See SIVAC:T.4838.

<sup>38</sup> P06879; P07794; P07162; [REDACTED]; BROWN:P02859, pp.83-86; [REDACTED]; [REDACTED]; RADULOVIĆ:P03207, paras.158-162(confidential); D00059; P02444; D00839, p.3.

<sup>39</sup> [REDACTED]; [REDACTED]; P07211, p.3; P03896, p.2; BROWN:P02859, pp.76-77; P04062.

<sup>40</sup> MATIJEVIĆ:T.43114; P02871; D00827, pp.7-9; P03894; SEJMENOVIĆ:P00283, paras.21,23; SEJMENOVIĆ:T.3522-3523,T.3568-3569; D.HANSON:T.4153-4154,T.4157-4158; VULLIAMY:T.2588-2589; VULLIAMY:P00199, T.7912-7913,T.8111.

<sup>41</sup> AF847; AF849-AF852; AF855; B.MANDIĆ:T.28876,T.28888-28894,T.28933,T.28954; P03917, pp.1-6; P03948, pp.1-2,15; P02900, pp.6,32; P07364, pp.1-2; P06952/P00288(partial duplicate); P03211; P03841, p.4; SEJMENOVIĆ:P00283, para.16; SIVAC:P00480, T.6568-6570;

Guards were posted to bar leading Muslim and Croat officials from entering municipal buildings and within the hour, previously selected Bosnian Serb municipal leaders assumed their new governmental duties.<sup>42</sup>

9. Contrary to claims that the takeover of Prijedor was a spontaneous response to a facsimile from the BiH leadership discovered by SDS officials,<sup>43</sup> witnesses and contemporaneous documents confirm the Prijedor JNA, TO, SJB, CS and SDS prepared well in advance for the forcible takeover.<sup>44</sup> ARSIĆ and ZELJAJA worked with Serb police, TO and political officials to plan the takeover.<sup>45</sup> Members of the then-343<sup>rd</sup> mtbr also participated in its implementation.<sup>46</sup> At most, the facsimile merely advanced the date of the takeover.<sup>47</sup>

10. The JNA and Prijedor SJB duly reported the Prijedor takeover to their commands.<sup>48</sup> By 3 May 1992, the 343<sup>rd</sup> mtbr and 5<sup>th</sup> Kozara Brigade strategically had placed troops, tanks, mortars, howitzers and anti-armour artillery around the Prijedor area.<sup>49</sup>

11. Shortly after the takeover, implementing a Republic-level decision,<sup>50</sup> the Prijedor Municipal Assembly proposed a Decision on the Organisation and Work of the Crisis Staff.<sup>51</sup> At the 15 May 1992 NDC meeting, the proposed CS decision was approved under the proviso that a representative of the garrison be added to the

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[REDACTED]; RM017:P03228, p.6(confidential); MUJADŽIĆ:P03121, T.3610-3611(confidential); P07299.

<sup>42</sup> P03211; RADULOVIĆ:P03207, para.81(confidential); P03917, pp.5-7; B.MANDIĆ:T.28894-28895; P06951.

<sup>43</sup> AF853; B.MANDIĆ:D00826, para.9; P03948, pp.1-2. See D00412; MUJADŽIĆ:P03121:T.3663-3666(confidential).

<sup>44</sup> AF845-AF846; AF848; B.MANDIĆ:T.28876-28881,T.28892-28894; P06951; P03917, pp.1-7; P03948, pp.1-2,15; P03983, p.2; P06952/P00288(partial duplicate); P03779; D02068, p.3; P07804; [REDACTED]. See [REDACTED]; RADULOVIĆ:P03207, paras.37,81(confidential).

<sup>45</sup> P03841, p.4; P03917, pp.1-4; P07363; P07634, p.1; K.MEŠANOVIĆ:P03414, para.11.

<sup>46</sup> AF847; AF849-AF852; P07364, pp.1-2; P03852, p.1; SIVAC:P00480, T.6568-T.6570; RM026:P02585, pp.3-4(confidential). See [REDACTED].

<sup>47</sup> AF853; P03917, pp.1,3-4; P03898, p.2.

<sup>48</sup> P07299, p.1; P06952/P00288(partial duplicate).

<sup>49</sup> P04944, p.1; D00866, p.1; P03923, pp.23,26; BROWN:P02859, p.62; P03914, p.4; ARIFAGIĆ:P03388, pp.5-6; BLAŽEVIĆ:P03617, p.7; SIVAC:P00480, T.13257; RM017:P03228, p.7(confidential); [REDACTED]; SUŠIĆ:P07312, para.7; SEJMENOVIĆ:P00283, paras.22,27; TAČI:P00158, paras.14-17; TAČI:T.2115. See NASIĆ:P02600, p.2.

<sup>50</sup> P00408/D00840(partial duplicate); D00064, p.2; D.HANSON:P00379, pp.16-18; BROWN:P02859, pp.44-47; R.JAVORIĆ:T.31445-31446.

<sup>51</sup> D00064.

proposed list of CS members.<sup>52</sup> The Prijedor Municipal Assembly formally adopted this decision reorganising the CS on 20 May 1992 and appointed its members, including *inter alia* Milomir STAKIĆ as President, KURUZOVIĆ and SJB Chief Simo DRLJAČA.<sup>53</sup> ARSIĆ also served on the CS<sup>54</sup> and sometimes attended municipal meetings.<sup>55</sup> Following RS orders, in June 1992 the CS became the War Presidency.<sup>56</sup>

12. Following the takeover and before 12 May, living conditions for non-Serbs deteriorated. Propaganda on Serb-controlled media became more strident and derogatory.<sup>57</sup> Muslim police commanders were replaced with Serb commanders<sup>58</sup> and non-Serbs were dismissed from their jobs or given less authority.<sup>59</sup> Serb authorities set up checkpoints, hindering travel by non-Serbs.<sup>60</sup> Armed Serbs patrolled. Non-Serbs felt helpless and fearful and that “the noose was tightening.”<sup>61</sup>

13. After 12 May, Serb authorities maintained and tightened persecutory measures against non-Serbs. Through speeches and media, Serb authorities disseminated dehumanising allegations and invective about non-Serbs, including prominent citizens, triggering further fear among the non-Serb population.<sup>62</sup> Non-Serbs continued to be dismissed from their jobs on an increasingly large scale.<sup>63</sup> Basic

<sup>52</sup> P02871, p.1; MUJADŽIĆ:P03121, T.3688,T.3691(confidential). See P03961, pp.2,4-5.

<sup>53</sup> AF859-AF860; AF956; D00827, pp.1-9; SEJMENOVIC:P00283, para.21.

<sup>54</sup> SEJMENOVIC:T.3516-3518,T.3522-3523,T.3568-3569; SEJMENOVIC:P00283, para.23; MUJADŽIĆ:P03121, T.3688,T.3691(confidential); P02871; VULLIAMY:T.2588-2589; VULLIAMY:P00199, T.7912-7913,T.8111. See D00827, p.5/D00064, p.4(partial duplicates).

<sup>55</sup> RM387:P07316, para.3(confidential); P04287, p.5; P07631, p.1; SEJMENOVIC:P00283, paras.24-28; [REDACTED] See P02871; P03422, p.2; P03959, p.2.

<sup>56</sup> AF865-AF866; P02929; P06905; P03278, 00:42'31-00:45'55, tp.14.

<sup>57</sup> AF857-AF858; AF927; P03869, pp.4; RM017:P03229, T.3387-3389(confidential); P03230.

<sup>58</sup> AF856; SEJMENOVIC:P00283, paras.17,19; SEJMENOVIC:T.3510; P03948, p.3; RM017:P03228, pp.5-6(confidential); P07802.

<sup>59</sup> P03869, pp.6,15; P07384; SIVAC:P00480, T.6615; K.MEŠANOVIĆ:P03414, paras.12,23; ATLIJA:P00168, paras.9,16; [REDACTED]; RM017:P03228, pp.5-6(confidential); [REDACTED]; RM026:P02585, p.3(confidential); RM060:P02596, T.6853(confidential); BLAŽEVIĆ:P03617, p.8.

<sup>60</sup> P03948, p.7; ATLIJA:P00168, paras.14,33-34; ATLIJA:T.2329; BLAŽEVIĆ:P03617, p.7; BLAŽEVIĆ:P03618, T.2435-2436; SUŠIĆ:P07312, para.8; TAČI:T.2097; RM017:P03228, pp.5-6(confidential); RM026:P02585, p.4(confidential); [REDACTED]; RM060:P02596, T.6853(confidential); MERDŽANIĆ:P00269, para.6; NAŠIĆ:P02600, pp.2,14; SEJMENOVIC:T.3507-3508; [REDACTED]; RM074:P03431, pp.5-6(confidential).

<sup>61</sup> TAČI:T.2097-2098; SEJMENOVIC:P00283, para.15; ARIFAGIĆ:P03388, pp.5-6; [REDACTED]; ATLIJA:T.2309-2310; [REDACTED].

<sup>62</sup> [REDACTED]; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6573,T.6618; ATLIJA:P00168, para.25; SAJIĆ:T.29209-29212,T.29249-29254; P06976, 00:31'05-00:31'20 and 00:53'34-00:56'52, tp.2-3; RADULJ:T.35572-35573; KUPREŠANIN:T.29782-29786.

<sup>63</sup> AF929; P03869, pp.17,21,24,29,39-40; P06948/P04339(partial duplicate); P00289; P03894, p.2; P06956; P04341, p.2; P03443, p.3; P07385, pp.3-4; RADULJ:T.35555-35563,T.35569-35571; SEJMENOVIC:P00283, paras.18-19; SEJMENOVIC:T.3458-3461,T.3506-3507; P00290;

services such as electricity, telephone and water in non-Serb settlements were cut off<sup>64</sup> and children were barred from attending school.<sup>65</sup> Movement by non-Serbs except by convoy out of the municipality was severely restricted by means of curfew and checkpoints.<sup>66</sup> Property belonging to non-Serbs was searched, and often looted or appropriated,<sup>67</sup> or ultimately had to be involuntarily relinquished as part of the Prijedor departure permit requirements.<sup>68</sup> Non-Serbs were arbitrarily arrested, interrogated and detained.<sup>69</sup>

## E. Ethnic Cleansing of Prijedor

14. In May 1992, the Prijedor NDC and CS ordered a series of mobilisations implementing orders from the ARK, RS Defence Ministry,<sup>70</sup> and RS Presidency.<sup>71</sup> Only Serbs were mobilised.<sup>72</sup> By 23 May 1992, the 43<sup>rd</sup> mtbr had over 5000 soldiers.<sup>73</sup>

15. Similarly, Bosnian Serb forces implemented a regional disarming decision that emanated at the republic-level. Although worded neutrally, the disarmament orders

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K.MEŠANOVIĆ:P03414, paras.12,23-24; MERDŽANIĆ:T.3326-3327,T.3348-3349,T.3395; RADULOVIĆ:P03207, para.93(confidential); RM387:P07316, para.13(confidential); [REDACTED]; O.MARJANOVIĆ:T.40993-40995; O.MARJANOVIĆ:P07624, pp.4-6; B.MANDIĆ:T.28869-28875; SAJIĆ:T.29212-29218; SAJIĆ:D00836, para.41; P.RADIĆ:P04333, T.7408-7409.

<sup>64</sup> AF931; SEJMENOVIĆ:P00283, para.17; TAČI:T.2097,T.2116-2119,T.2131-2132; [REDACTED]; SIVAC:P00480, T.6617; ATLIJA:T.2309.

<sup>65</sup> AF929; P03869, p.41; SIVAC:T.4836. See TAČI:P00158, para.8; TAČI:T.2097 ; [REDACTED]. See SEJMENOVIĆ:P00283, para.17; SEJMENOVIĆ:T.3508-3510.

<sup>66</sup> AF930; AF933; MERDŽANIĆ:P00269, paras.6-7,9; P03869, pp.20-21; SIVAC:P00480, T.6576; SIVAC:T.4841; SEJMENOVIĆ:P00283, para.38; [REDACTED]; P03948, p.7; D00827, pp.83-84; P04068, p.4; K.MEŠANOVIĆ:P03414, para.13. See D00423, p.3.

<sup>67</sup> P03869, pp.20,26,28,44-45; D00827, pp.16-17,23,43; P03891; P04005; [REDACTED]; SIVAC:P00480, T.6576,T.6603,T.6617-6618,T.6692; ATLIJA:P00168, para.15; ATLIJA:T.2330-2331; K.MEŠANOVIĆ:P03414, para.77; MERDŽANIĆ:T.3349-3350; RADULJ:T.35493-35494,T.35565-35569; D01048, p.1; VUJIĆ:D01041, paras.12-13.

<sup>68</sup> AF934; P02900, p.31; P03868, p.2; D00423, p.3; P02875, p.1; P03895; P04068, p.8; MERDŽANIĆ:P00269, para.82; SEJMENOVIĆ:P00283, para.40; SIVAC:P00480, T.6691; SIVAC:T.4842; RM026:P02585, p.4(confidential); P03278, 01:12'34-01:15'57, tp.22-23; P03895; P03959, p.4.

<sup>69</sup> [REDACTED]; [REDACTED]; RODIĆ:D00930, para.31(confidential); SIVAC:P00480, T.6577; SIVAC:T.4831-4832; SIVAC:P00480, T.6608-6614; MERDŽANIĆ:T.3349-3350.

<sup>70</sup> P03027; P04941; P03415/P03869,pp.1-2(partial duplicates); P03416, ; P05135; P03781, p.2; K.MEŠANOVIĆ:P03414, paras.15-18; P03417; B.MANDIĆ:T.28900; SAJIĆ:D00836, paras.18-20.

<sup>71</sup> P03417; P02872; K.MEŠANOVIĆ:P03414, para.18.

<sup>72</sup> K.MEŠANOVIĆ:P03414, paras.15-16; P03781, p.2; BLAŽEVIĆ:P03617, pp.5-7. See P03869, p.13.

<sup>73</sup> P03987, p.5; P03032, p.2; P02871, p.2; ŠIPOVAC:T.28181-28182. See P07464, p.3; VUJIĆ:T.34990KELEČEVIĆ:T.37173-37175.

were selectively enforced against non-Serbs.<sup>74</sup> Bosnian Serb forces, including the VRS, began disarming non-Serbs and issuing ultimatums to non-Serb villages to sign loyalty oaths, surrender all weapons or face military intervention.<sup>75</sup> By 24 May, ZELJAJA had threatened to raze Kozarac, a prosperous and historically significant town of thousands of Muslims, to the ground unless non-Serbs complied with these demands.<sup>76</sup> Even non-Serb villages that complied with ultimatums were attacked.<sup>77</sup>

# 1. Late May 1992 Attacks on Non-Serb Areas

16. Days after the VRS was formed, the 43<sup>rd</sup> mtbr led attacks<sup>78</sup> on large Muslim villages in the Hambarine and Ljubija area (23 May);<sup>79</sup> Kozarac and surrounding area (24-26 May);<sup>80</sup> and Kamičani (26 May).<sup>81</sup>

17. These late-May attacks were not mere reactive measures to provocations at checkpoints, as claimed by the Defence.<sup>82</sup> Rather, the pattern, scale, ferocity and criminality of the responses by the Serb forces reveal these minor checkpoint incidents were simply a pretext for Bosnian Serb Forces to take the next steps to implement the common purpose.<sup>83</sup> After Muslim villagers in Hambarine refused to comply with Bosnian Serb military and civilian ultimatums to surrender alleged Muslim shooting suspects and weapons,<sup>84</sup> and Kozarac representatives failed to meet

<sup>74</sup> AF854; RADULOVIĆ:P03207, para.92(confidential). See VUJIĆ:D01041, paras.1,6; VUJIĆ:T.34948-34960.

<sup>75</sup> AF428-AF429; AF854; AF876; BROWN:P02859, pp.64-68; P02900, p.27; P03415, p.1; P03416, p.2; P03869, pp.13,15,19,21/P02868(partial duplicate); P05135; P03781, p.2; P00285; P04066; P02866, p.1; P02871, p.2; P06953, p.1; P03869, p.19/P02868(partial duplicate); P04160, p.2; P02869; SUŠIĆ:P07312, para.9; RM047:P02594, p.2(confidential); ARIFAGIĆ:P03388, p.7; MUJADŽIĆ:P03121, T.3840-3842(confidential); [REDACTED]; TAČI:P00158, paras.10-11. See ERCEG:T.34010-34011.

<sup>76</sup> SIVAC:P00480, T.6753,T.6765; SEJMENOVIĆ:P00283, para.25; SEJMENOVIĆ:T.3461-3465; MUJADŽIĆ:P03121, T.3581-3583(confidential); P04136, 00:05'49-00:07'30, tp.2-3. See RADULJ:T.35558; Some entire villages within the Kozarac area, such as Jakupovići and Končari, were "razed". RM017:P03229, T.3329-3333(confidential).

<sup>77</sup> ARIFAGIĆ:P03388, p.7; BLAŽEVIĆ:P03617, p.17.

<sup>78</sup> AF891-AF892; P07474, p.3; KELEČEVIĆ:T.37250-37251; RM709:P03439, p.7(confidential).

<sup>79</sup> See SIC:A.6.2(Prijedor).

<sup>80</sup> See SIC:A.6.1(Prijedor); Section III.D.4.

<sup>81</sup> See SIC:A.6.3(Prijedor).

<sup>82</sup> P00482, pp.1-2; P02900, p.28; P03983, pp.5-6; P03948, p.3; ĐENADIJA:D01338, para.23; MILOJICA:D00834, pp.2-9; KELEČEVIĆ:D01110, paras.14-15; B.MANDIĆ:D00826, paras.10-11,14-17,28; R.JAVORIĆ:D00895, paras.22-24; KARLICA:D00863, paras.9-10,12.

<sup>83</sup> AF868; AF893; BROWN:P02859, pp.86-88,135-138; SIVAC:T.4845; SEJMENOVIĆ:P00283, para.32. See P03867, p.2; P07475.

<sup>84</sup> AF867-AF868; AF893; P00482, pp.1-2; P03987, p.1; P03946, p.139; RM026:P02585, pp.5-6(confidential); RM008:P03224, paras.8-9(confidential); ATLIJA:P00168, para.18; ATLIJA:T.2343-2344,T.2346; [REDACTED]; RM026:P02585, pp.5-6(confidential); RM060:P02596, T.6855-

an ultimatum to surrender an amount of weapons that they didn't have,<sup>85</sup> attacks on the villages followed, carried out by the 43<sup>rd</sup> mtbr, 5<sup>th</sup> Kozara/Infantry Brigade, 6<sup>th</sup> Krajina/Partisan Brigade and subordinated police and paramilitary units.<sup>86</sup> 1KK and GŠ-VRS commands received communications about the operations as they unfolded.<sup>87</sup>

18. Using tanks and other heavy weaponry against a poorly armed and inadequately organised Muslim population,<sup>88</sup> the VRS intentionally began shelling civilian areas, first in Hambarine on 23 May and then in Kozarac on 24 May 1992. The bombardment killed and seriously wounded civilians, destroyed homes, and caused people to flee.<sup>89</sup> Thereafter, Bosnian Serb forces led by the VRS and supported by heavy armament, advanced into the villages.<sup>90</sup> Hundreds of Muslims were killed in the shellings or after the VRS advanced into the villages.<sup>91</sup> Bosnian Serb forces also raped and robbed non-Serb villagers, looted, burned and destroyed their homes,

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6857(confidential); KELEČEVIĆ:D01110, paras.14-15; KELEČEVIĆ:T.37252-37253; O.MARJANOVIĆ:T.41048-41050.

<sup>85</sup> AF868; AF876; SEJMENOVIĆ:P00283, paras.24-25,33-34; ARIFAGIĆ:P03388, p.8; [REDACTED]; KELEČEVIĆ:D01110, paras.14-15; KELEČEVIĆ:T.37252-37253; O.MARJANOVIĆ:T.41050.

<sup>86</sup> AF871; MATIJEVIĆ:T.43117-43118,T.43130-43131; BROWN:P02859, pp.76-77,85-86; P02900, pp.6,32; P02893, p.1; P03948, p.4; P03896; P04068, p.3; P03444; SIVAC:P00480, T.13257-13258,T.13275-13277,T.13279; SEJMENOVIĆ:P00283, para.37; SEJMENOVIĆ:T.3542-3543.

<sup>87</sup> P03946, pp.139-140; P07475; KELEČEVIĆ:T.37252-37256.

<sup>88</sup> AF871; AF894-AF895; AF920; SEJMENOVIĆ:P00283, paras.27,30; SEJMENOVIĆ:T.3465,T.3527-3528; P03434, p.2; NASIĆ:P02601, T.12687; NAŠIĆ:P02600, pp.2,14; ATLIJA:P00168, paras.18-22; P00171; RM017:P03228, p.5(confidential); RM017:P03229, T.3328(confidential); [REDACTED]; RM026:P02585, pp.4,6(confidential); MUJADŽIĆ:P03121, T.3658-3661(confidential); SIVAC:T.4846; P00247; P03914, p.4; P02869, p.4; RADULOVIC:P03207, para.86(confidential); [REDACTED]; BLAŽEVIĆ:P03618, T.2534; MERDŽANIĆ:P00269, para.8; TAČI:T.2119; RM709:P03437, pp.7-8(confidential); RM709:P03439, p.7(confidential); RM709:P03440, T.11007-11008,T.11011,T.11023(confidential); ARIFAGIĆ:P03388, pp.7-9; VULLIAMY:T.2648-2649; BROWN:P02859, pp.133-139; P04136, 00:12'04-00:13'04, tp.4-5. See R.JAVORIĆ:T.31430-31431;T.31456.

<sup>89</sup> AF869; AF877; AF880; AF886; AF894-AF895; AF920; P03434, p.2; BLAŽEVIĆ:P03617, pp.8-9,23; BLAŽEVIĆ:P03618, T.2444-2449;MERDŽANIĆ:P00269, paras.12-18; MERDŽANIĆ:T.3357,T.3398; ARIFAGIĆ:P03388, p.9; MUJADŽIĆ:P03121, T.3718,T.3897(confidential); RM017:P03229, T.3329-3334(confidential); [REDACTED]; [REDACTED]; RM026:P02585, p.6(confidential); RM026:P02586, T.2303(confidential); RM008:P03224, paras.9-10(confidential); [REDACTED]; [REDACTED]; [REDACTED]; KARAGIĆ:T.9115-9116; ATLIJA:P00168, paras.18-30; ATLIJA:P00169, para.40(confidential); SEJMENOVIĆ:P00283, paras.35-36; SEJMENOVIĆ:T.3538-3542; SIVAC:T.4847; SUŠIĆ:P07312, para.9; VULLIAMY:T.2680-2681,T.2683; R.JAVORIĆ:T.31456; B.MANDIĆ:T.28902-28903; KELEČEVIĆ:T.37254. See SIC:A.6.1-A.6.2(Prijedor).

<sup>90</sup> AF867; AF870; AF878; AF889-AF892; AF895; KELEČEVIĆ:T.37252; KELEČEVIĆ:D01110, para.15; RM709:P03437, p.8(confidential); MATIJEVIĆ:T.43117-43118; P02900, pp.6,32; BROWN:P02859, pp.76-77,85-86; P04068, p.3.

<sup>91</sup> See SIC:A.6.1-A.6.3(Prijedor).

businesses, hospitals and religious sites.<sup>92</sup> Care was taken not to destroy Serb homes or Orthodox churches.<sup>93</sup> VRS and police rounded up over 7,000 people, the vast majority of whom were civilians, including women, children, elderly and disabled, and forced them onto bus or car convoys to camps. Generally, men were taken to Keraterm and Omarska, while women, children and the elderly were sent to Trnopolje.<sup>94</sup>

19. Total Serb control over Hambarine, Kozarac and surrounding areas was easily established in a matter of days.<sup>95</sup> **MLADIĆ**, the GŠ-VRS and 1KK commands were informed of these operations through daily combat reports,<sup>96</sup> while the Prijedor SJB regularly similarly received orders and reported on events in Prijedor, such as these

<sup>92</sup> AF870; AF878-AF879; AF1084; AF1089; AF1092; AF1094-AF1095; AF1099. *See* SIC:D.11(Prijedor). **Hambarine and Ljubija**:ATLIJA:P00168, paras.16-30; ATLIJA:T.2346-2350,T.2353-2354; NAŠIĆ:P02600, p.2; BLAŽEVIĆ:P03617, p.8; MERDŽANIĆ:P00269, para.11; SEJMEŃOVIĆ:P00283, paras.33,38,40; SEJMEŃOVIĆ:T.3466-3467,T.3541-3542; [REDACTED]; [REDACTED]; RM026:P02585, pp.6-7(confidential). **Kozarac**:ERCEG:T.34061-34063; RM017:P03228, p.7(confidential); RM017:P03229, T.3329-3334,T.3336,T.3347,T.3350-3351,T.3382-3383(confidential); RADULOVIĆ:P03207, paras.85,90-91,101(confidential); [REDACTED]; RM709:P03437, p.8(confidential); P03213; P03214; P04136, 00:09'01-00:09'40 and 00:11'02-00:11'22 and 00:40'15-00:41'45, tp.3-4,18-19; ATLIJA:P00168, para.24; BLAŽEVIĆ:P03617, p.14; BLAŽEVIĆ:P03618, T.2474-2475,T.2499-2500,T.2503; ZDJELAR:P07311, para.9; P00151, p.2; ELKASOVIĆ:P02588, T.4600-4602; ARIFAGIĆ:P03388, pp.9-11; NAŠIĆ:P02600, p.2; MERDŽANIĆ:P00269, paras.13,21-23,32-33; MERDŽANIĆ:P00270; P00277; MERDŽANIĆ:T.3381-3382; P03267; P03269, pp.58,160; MCLEOD:P03258, T.7328,T.7330,T.7409-7410; VULLIAMY:P00199, T.7911; VULLIAMY:T.2648-2649,T.2651,T.2671; SEJMEŃOVIĆ:P00283, paras.35-36,38,40; PUHALIĆ:T.31672-31673; RODIĆ:T.33093-33094; BERIĆ:T.32877-32878; KELEČEVIĆ:T.37257; R.JAVORIĆ:T.31465; ŠOLAJA:T.32736. **General**:MCLEOD:P03258, T.7325-7326,T.7377; RADULJ:T.35563-35564; VUJIĆ:T.34966-34967,T.34976; RIEDLMAYER:P02503, pp.17-20. *See* SIC:A.6.1-A.6.3(Prijedor).

<sup>93</sup> AF1085; AF1090-AF1091; [REDACTED]; P03411; BLAŽEVIĆ:P03617, pp.12,14; BLAŽEVIĆ:P03618, T.2503; SEJMEŃOVIĆ:P00283, para.40; SEJMEŃOVIĆ:T.3466; VULLIAMY:T.2671.

<sup>94</sup> AF883; AF936; P02875, pp.1-2; P02367, p.1; P00246; P00204, p.4; P03841, p.4; SELAK:P00244, paras.63-64; SELAK:T.2979-2980; K.MEŠANOVIĆ:P03414, para.22; ARIFAGIĆ:P03388, p.9; ARIFAGIĆ:P03389, T.7075(confidential); BLAŽEVIĆ:P03617, pp.11-12; [REDACTED]; RM017:P03228, pp.7-8,10(confidential); RM017:P03229, T.3334,T. 3337-3338,T.3341,T.3344-3347(confidential); MERDŽANIĆ:P00269, paras.21-26,38; SEJMEŃOVIĆ:P00283, paras.37-39; SIVAC:T.4847; MCLEOD:P03258, T.7325-7326,T.7388; P04136, 00:14'15-00:23'48, tp.6-9; RADULOVIĆ:P03207, paras.137-138(confidential); MUJADŽIĆ:P03121, T.3897(confidential); [REDACTED]; VULLIAMY:P00199, T.7961; MATIJEVIĆ:T.43127-43128; VUJIĆ:T.34976-34978,T.35014,T.35048; P03409(confidential); KELEČEVIĆ:T.37257-37258,T.37263,T.37279-37280; DRAGOJEVIĆ:T.35595-35597,T.35641,T.35646-35653; DRAGOJEVIĆ:D01049, para.2; P07388, p.2.

<sup>95</sup> BROWN:P02859, p.87,fn.392, pp.87,135-139; ARIFAGIĆ:P03388, pp.8-9; RADULOVIĆ:P03207, paras.85-86(confidential); RM709:P03440, T.11011(confidential); P04148; P00247; P03445; P00482; P03443, pp.1-2; P03843; P02405; P00151; P02875, pp.1-2; P00246; P02367; SIVAC:P00480, T.6573-6574; D00418, p.1; KARAGIĆ:T.9115; MUJADŽIĆ:P03121, T.3718-3720(confidential); ATLIJA:P00168, paras.26-31.

<sup>96</sup> AF890; P03890; P03727; P00246; P04148; P03443; P03445; P00247; P02405; P02876, p.2; P03832/P04015(duplicates); P00151; P02367; P02875; D00418; P03752; P00353, pp.53-56; P07475;

May attacks, up the RSMUP chain of command.<sup>97</sup> These reports stated contemporaneously that Serb forces suffered few casualties<sup>98</sup> but took thousands of prisoners and killed large numbers of “enemies”.<sup>99</sup>

20. After the 43<sup>rd</sup> mtbr destroyed Kozarac and removed virtually all its Muslim inhabitants, it installed a sign in Cyrillic renaming the town “Radmilovo”, after ZELJAJA.<sup>100</sup> Thereafter, Kozarac was repopulated with Serbs.<sup>101</sup>

21. On 30 May 1992, the VRS followed the destruction of Kozarac and Hambarine with the eradication of Stari Grad, the predominantly Muslim area of Prijedor town,<sup>102</sup> justified by Serb authorities as a response to an attack on Prijedor town by a group of lightly armed Muslim men attempting to reverse the takeover.<sup>103</sup>

22. The VRS and police crushed the group within hours.<sup>104</sup> During the operation, ZELJAJA informed TALIC that “from now on” he would spare “neither women nor children any longer” and was “cleansing everything....”<sup>105</sup> Following the pattern of attacks on Muslim villages, the VRS and police used tanks, APCs and heavy artillery to encircle Prijedor town and shell Stari Grad, destroying Muslim homes and mosques and driving non-Serb inhabitants wearing white armbands onto buses to Omarska,

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P02243(confidential); BROWN:T.19525-19527; KELEČEVIĆ:T.37252-37258; P03946, p.139; P00253, pp.1-2; SELAK:T.2984-2992; SELAK:P00244, paras.67, 86-87. *See* P00482.

<sup>97</sup> MATIJEVIĆ:T.43114,T.43117-43119; P07805; P07806; P03866, p.3; P04068, p.8; P.RADIĆ:P04333, T.7439-7440; ERCEG:T.34032-34035; [REDACTED]. *E.g.* P06952/P00288(partial duplicate); P07801; P03442; P03444; P03704; P07802; P07803; P07804; P02895; P07209; P02893; P03947; P03874; P07197; P03983; P03948; P02900, pp.27-33; P03854.

<sup>98</sup> AF890; P00247; P02875, p.2; P00482, p.2; P03843; RADULOVIC:P03207, para.85(confidential); P07474, p.3; BROWN:P02859, p.139.

<sup>99</sup> SELAK:P00244, paras.67,86-87; SELAK:T.2984-2992; P00253, pp.1-2; P00247; P03843; RADULOVIC:P03207, paras.85,87(confidential); P03434, p.2; P03443, p.1; KELEČEVIĆ:T.37257; RADULJ:T.35563-35564; P07475. *See* SIC:A.6.1-A.6.2(Prijedor); P03213; P03278, 00:46'38-00:48'18, tp.15.

<sup>100</sup> SIVAC:P00480, T.6753; [REDACTED]; K.MEŠANOVIĆ:P03414, para.11; SEJMENOVIĆ:P00283, para.38; SEJMENOVIĆ:T.3465-3466; BLAŽEVIĆ:P03618, T.2555; VULLIAMY:T.2648-2649.

<sup>101</sup> AF1092; BLAŽEVIĆ:P03617, p.18; BLAŽEVIĆ:P03618, T.2489-2490; P04136, 00:07'55-00:08'22, tp.3.

<sup>102</sup> AF1086; [REDACTED]; P00487; P00178, p.25; B.MANDIĆ:T.28918; JEŠIĆ:T.29917; SIVAC:P00480, T.6575.

<sup>103</sup> P03917, pp.5-6; SIVAC:P00480, T.6573-6574; SIVAC:T.4831; D00864; P07364, p.2; VUJIĆ:D01041, paras.2-5,12-13; B.MANDIĆ:D00826, paras.21-23; KARLICA:D00863, paras.13,15-17; KARLICA:T.30148; RODIĆ:D00930, paras.7-11(confidential); KELEČEVIĆ:D01110, para.15; ĐENADIJA:D01338, para.24; ŠIPOVAĆ:D00766, para.11; D00931, pp.1-2.

<sup>104</sup> SIVAC:P00480, T.6574; P00151; ATLIJA:T.2355; KARLICA:T.30163-30167; VUJIĆ:D01041, para.5; P07634, p.1; P07028.

<sup>105</sup> P02243(confidential); KELEČEVIĆ:T.37258; [REDACTED]. *See* [REDACTED].

Keraterm and Trnopolje.<sup>106</sup> The next day, the 1KK reported to the GŠ-VRS, “the town and suburban area are being cleared of žGreen Berets’ forces.”<sup>107</sup> Prijedor Serb authorities ordered those Muslim homes not already destroyed by shelling systematically torn down.<sup>108</sup> Non-Serbs were required to display their submission and loyalty to the RS by wearing a white armband or displaying a white flag on their homes.<sup>109</sup> By December 1992, Stari Grad had been “levelled”<sup>110</sup> and its schools, squares and streets given Serb names.<sup>111</sup>

23. Defence VRS witnesses claimed the 43<sup>rd</sup> mtbr was either in Croatia or the Posavina corridor while the May 1992 operations were carried out.<sup>112</sup> However, contemporaneous documents and in some instances the witnesses’ own testimonies refute these claims.<sup>113</sup> These false claims merely underscore the attempt to run from the criminality of the operations. Indeed, in June 1992 1KK Commander TALIC took credit for operations in Kozarac, saying:

What would have happened to us, what a massacre would it have been, had it not been for the Army? It would have been a massacre worse than the 1941 one. Not to mention what would have happened to us in Kozarac or Prijedor, had we not done what we did...<sup>114</sup>

24. Following these brutal May operations, STAKIC announced the Bosnian Serbs had control over the whole territory of Prijedor municipality;<sup>115</sup> TALIC directly reported to MLADIC on 1 and 8 June that Prijedor was quiet and under control.<sup>116</sup>

<sup>106</sup> P02876; SIVAC:P00480, T.6568-6570,T.6572-6576,T.13277; P03832/P04015(duplicates); K.MESANOVIC:P03414, paras.20-21; P07209; [REDACTED]; VUJIC:D01041, paras.14-15; KELECEVIC:T.37258; O.MARJANOVIĆ:T.40997-40998,T.41047.

<sup>107</sup> P00151, p.1.

<sup>108</sup> SIVAC:P00480, T.6694; D00827, pp.24-29,40-41,44-45,61-62; P00486; ZDJELAR:P07311, paras.9-10; O.MARJANOVIĆ:T.40997-40999,T.41062; P03278, 01:00’23-01:01’10 tp.19.

<sup>109</sup> AF925; P03266; SIVAC:P00480, T.6574-6576; VULLIAMY:P00199, T.7937-7938,T.8050; VULLIAMY:T.2649,T.2651,T.2737-2738; [REDACTED]; [REDACTED]; K.MESANOVIC:P03414, para.20; MERDŽANIC:P00269, paras.6-7; RADULJ:T.35565.

<sup>110</sup> P07385, pp.9-11; O.MARJANOVIĆ:T.40998; O.MARJANOVIĆ:P07624, p.5.

<sup>111</sup> KARLICA:T.30172-30174; SIVAC:P00480, T.6566.

<sup>112</sup> KELECEVIC:T.37149,T.37151; O.MARJANOVIĆ:T.40986,T.40988; R.JAVORIC:D00895, paras.27-29; VUJIC:D01041, para.7.

<sup>113</sup> KELECEVIC:T.37154,T.37250-37256; P07474, p.3; P03946, p.139; P07475; O.MARJANOVIĆ:T.41046-41049; P07364, pp.1-2; R.JAVORIC:T.31422,T.31437-31438(confidential); VUJIC:D01041, paras.2-5,7-9.

<sup>114</sup> P03150, tp.2.

<sup>115</sup> P00280; MERDŽANIC:T.3343-3344; SIVAC:P00480, T.6661-6662.

<sup>116</sup> P00353, pp.42-45,117,123; BROWN:P02862, p.27; P03902, p.1; P03733,pp.1-2. See P02875; P00246.

Despite facing little resistance,<sup>117</sup> throughout June 1992 the VRS intensified “total control measures”<sup>118</sup> through brutal “čišćenje” operations<sup>119</sup> that involved systematically killing, abusing, rounding up Muslim civilians and destroying and looting their homes.<sup>120</sup> A witness watching one Muslim village burn was told by the soldier guarding her, “It is Cigo’s team cleaning today. Today there will be no prisoners.”<sup>121</sup>

25. For example, on 14 June 1992, the VRS attacked and plundered the Muslim village of Jaskići, executing a number of its male villagers,<sup>122</sup> and swept through the Muslim villages of Mujkanovići and Sivći, threatening the villagers with tanks and forcibly rounding up, beating, robbing and abusing the residents before transporting them to camps.<sup>123</sup> That same day, TALIC reported to MLADIĆ that the “Corps Command was taking measures to carry out your [D]irective [1]”.<sup>124</sup> TALIC’s order implementing Directive One had tasked the Prijedor OTG with “total control measures” along the Bosanski Novi-Prijedor-Banja Luka axis,<sup>125</sup> which his 14 June report noted was being “secured” by the Prijedor OTG.<sup>126</sup>

## 2. July 1992 Attacks on Non-Serb Areas

26. Beginning in July 1992, the VRS turned its attention to Prijedor’s one remaining area of substantial Muslim habitation—the predominantly Muslim Brdo region,<sup>127</sup> as

<sup>117</sup> MERDŽANIĆ:T.3345. *E.g.* PUHALIĆ:T.31655-31656; SEJMENović:T.3537.

<sup>118</sup> P02877, p.8.

<sup>119</sup> *E.g.* P00246(BCS,p.1); P02367, p.2(BCS,p.5); D00418(BCS,p.3); D00420, p.1(BCS,p.1); P05139(BCS,p.1); P03902(BCS,p.1); P05140; P03732(BCS,p.1); P07495(BCS,p.1); P03731(BCS,p.1).

<sup>120</sup> AF1093-AF1095; RM026:P02586, T.2325-2326(confidential); RM026:P02585, pp.6-7(confidential); [REDACTED]; [REDACTED]; [REDACTED]; RM074:P03431, p.6(confidential); ARIFAGIĆ:P03388, pp.11-14; K.MEŠANOVIĆ:P03414, paras.24-26; SIVAC:P00480, T.6608-6609,T.6617-6623; BLAŽEVIĆ:P03617, pp.14,16,22-23; SEJMENović:P00283, paras.38,46; SEJMENović:T.3543-3545; TAČI:P00158, paras.25-74,94-99; MERDŽANIĆ:P00269, paras.43,59,65-69; MERDŽANIĆ:T.3328-3329,T.3384; P07129, pp.12-13(confidential); PUHALIĆ:T.31691-31693(confidential); RM017:P03228, pp.17,19-20(confidential); ELKASOVIĆ:P02588, T.4617-4619; ATLIJA:P00168, paras.35-37; ATLIJA:P00169, para.40(confidential); P07209. *See* SIC:A.6.2(Prijedor)-A.6.4(Prijedor).

<sup>121</sup> BLASEVIĆ:P03617, pp.14,22. *See* BROWN:P02859, pp.85-86; P07620, pp.1-2.

<sup>122</sup> *See* SIC:A.6.4(Prijedor).

<sup>123</sup> TAČI:P00158, paras.26-37; TAČI:T.2121; ARIFAGIĆ:P03388, pp.11-14.

<sup>124</sup> P03697.

<sup>125</sup> P00474, p.2; P02877, p.8; BROWN:P02862, p.17.

<sup>126</sup> P03697, pp.2-3.

<sup>127</sup> AF898-AF899; MUJADŽIĆ:P03121, T.3718(confidential); RM704:P02602, p.2(confidential); P02441. *See* SIC:A.6.5-6.6(Prijedor).

well as the Croat area of Ljubija.<sup>128</sup> Following the same pattern,<sup>129</sup> the VRS led attacks on the region, co-ordinating with police,<sup>130</sup> initially shelling unarmed villages, destroying homes and religious sites.<sup>131</sup> Bosnian Serb forces then entered the villages, killing, raping, looting and forcibly rounding up and transporting thousands of non-Serb civilians to camps.<sup>132</sup>

27. The 1KK reported on 19 July 1992 that Prijedor was fully under its control.<sup>133</sup> Immediately thereafter, in the week of 20-25 July, the VRS conducted extensive, systematic and bloody operations in Prijedor that eliminated Brdo's Muslim communities, during which hundreds of non-Serbs were slaughtered and buried in mass graves. As a VRS officer admitted to a Trnopolje detainee, these were planned cleansing operations without even the pretext of a disarming operation.<sup>134</sup> Crimes during the operations included:

- On 20 July 1992, facing no armed activity,<sup>135</sup> units of the 43<sup>rd</sup> and 6<sup>th</sup> Brigades and subordinated police attacked Bišćani and surrounding hamlets, killing hundreds of unarmed civilian Muslims and rounding up the remainder for transport to detention.<sup>136</sup> Over the course of three days, the [REDACTED]

<sup>128</sup> AF919; ATLIJA:P00168, paras.9-10; P01002, p.1; P03896, p.2; P04009; VULLIAMY:T.2650-2651; KARAGIĆ:P00998, T.5226-5227; KARAGIĆ:T.9103-9104. *See* SIC:A.6.7-6.9(Prijedor).

<sup>129</sup> *See* MERDŽANIĆ:P00269, paras.68-69.

<sup>130</sup> AF906; P02440; P02365, p.3; VUJIĆ:T.34995-34996; [REDACTED]; [REDACTED]; [REDACTED]; ATLIJA:P00168, paras.58-61; P00173.

<sup>131</sup> AF921; AF1083-AF1084; AF1094-AF1098; P03598, p.2; [REDACTED]; [REDACTED]; [REDACTED]; ATLIJA:P00169, paras.40-43(confidential); ATLIJA:P00168, paras.41-47,55-56,62-63,93; ATLIJA:T.2311; [REDACTED]; [REDACTED]; P03240, 00:04'14-00:10'33, 00:10'44-00:12'47; RM060:P02596, T.6858(confidential); BLAŽEVIĆ:P03617, p.17; BLAŽEVIĆ:P03618, T.2491. *See* SIC:D.11(Prijedor).

<sup>132</sup> AF900-AF901; AF922-AF923; P04068, p.3; [REDACTED]; ATLIJA:P00168, paras.38,48-92,97-102,109; ATLIJA:P00169, paras.1-41,48-51(confidential); ATLIJA:T.2302-2303,T.2311-2315,T.2360-2361; P00170; P00173; P00177, p.4; [REDACTED]; [REDACTED]; [REDACTED]; RM026:P02585, p.8(confidential); RM060:P02596, T.6860-6861,T.6867,T.6878(confidential); RM074:P03431, pp.7-9(confidential); [REDACTED]; [REDACTED]; RM704:P02602, pp.1-7(confidential); SUŠIĆ:P07312, paras.32-33; P07127; P02434(confidential); KARAGIĆ:P00998, T.5258-5262,5270,5277; KARAGIĆ:T.9143-9145; BLAŽEVIĆ:P03617, p.14. *See* VULLIAMY:P00199, T.7935-7936,T.7977,T.8027-8028; SIC:A.6.5-6.6,A.6.9(Prijedor).

<sup>133</sup> P03817, pp.1-2; P07476, p.2; KELEČEVIĆ:T.37273.

<sup>134</sup> BLAŽEVIĆ:P03617, p.17; BLAŽEVIĆ:P03618, T.2491; P03834. *E.g.* RM383:P07416, para.17(confidential).

<sup>135</sup> [REDACTED]. *See* [REDACTED].

<sup>136</sup> *See* SIC:A.6.6(Prijedor).

organised body collection, forcing Muslim villagers to load truckloads of bodies, which were dumped at Tomašica mine.<sup>137</sup>

- Around 20 July, Serb forces brought approximately 180 people rounded up from the Brdo area to Omarska, where they were beaten and then executed. The dead were scooped by excavator onto a truck that made two trips to remove all the bodies.<sup>138</sup>
- On 23 July, Bosnian Serb forces including units of the 43<sup>rd</sup> and 6<sup>th</sup> Brigades and the Prijedor SJB Intervention Platoon attacked the unarmed Muslim village of Čarakovo, executing entire families including children, and ten civilians and a religious leader in front of a mosque. VRS soldiers took away busloads of unarmed men, while others were forced to the Žeger bridge where there was a VRS checkpoint; soldiers shot a number of these men after forcing them to jump and threw their bodies into the Sana River;<sup>139</sup> the remaining men, women and children in the village were abused and taken to camps.<sup>140</sup>
- From 23-26 July, Bosnian Serb forces under the command of 6<sup>th</sup> Brigade CoS Veljko BRAJIĆ attacked the unarmed Bosnian Croat village of Briševo, torturing, beating, shooting and hacking to death 68 Bosnian Croats, including 14 women, two minors, and a number of elderly and invalid.<sup>141</sup>
- On 24 July, VRS soldiers machine-gunned to death around 190 Muslim men from the Brdo area detained in Room 3 at Keraterm camp and executed any survivors. Other detainees were forced to load the dead and wounded onto a truck; [REDACTED]. More detainees were murdered the next night.<sup>142</sup>
- On 21 July, VRS and police forces rounded up approximately 117 non-Serbs while they fled the cleansing of the Bišćani area, killed three, confiscated money

<sup>137</sup> RM383:P07416, paras.6-10,13-33(confidential); RM383:T.36115-36120,T.36122,T.36126-36128,T.36130,T.36134-36135,T.36147,T.36154,T.36156-36157(confidential); RM384:P07313, paras.2-3,8-22(confidential); RM704:P02602, pp.4-7(confidential); [REDACTED]; [REDACTED]; [REDACTED]. See SIC:A.6.6(Prijedor); paras.48-52.

<sup>138</sup> See SIC:B.13.4(Prijedor).

<sup>139</sup> See SIC:A.6.5(Prijedor).

<sup>140</sup> RM008:P03224, paras.12-16(confidential); [REDACTED]; RM074:P03431, pp.7-8(confidential); P07127, p.2.

<sup>141</sup> See SIC:A.6.9(Prijedor).

<sup>142</sup> See SIC:B.13.1(Prijedor).

and valuables and detained the remaining 114 men at the TO command post at Miška Glava Dom.<sup>143</sup> There, they were beaten, abused and a number taken out and killed.<sup>144</sup> Around 25 July, the remaining detainees were bussed to Ljubija football stadium and abused en route. At the stadium, VRS and police further beat and murdered approximately 15-20 detainees.<sup>145</sup> Later that evening, VRS soldiers brought the approximately 90 football stadium survivors to an area of Ljubija iron ore mine (“Kipe”) and summarily executed them, three at a time; a few survived. The bodies were thrown into a swampy depression and covered up.<sup>146</sup>

28. Throughout these late July operations, the 1KK’s regular reports to **MLADIĆ** and the GŠ kept them informed of, *inter alia*, mass killing at Keraterm, continued “čišćenje” of Muslim villages, “energetic action” against “individual extremists and groups” in areas including Ljubija, “intensified” requests by non-Serbs to move out, and “gradual capture and elimination of extremist groups” in Prijedor.<sup>147</sup> In any event, the brutal nature of the operations could not be kept secret: by 26 July, the mass crimes against the non-Serb civilian population in Prijedor between 17-26 July were known even outside of BiH.<sup>148</sup>

29. By the end of August 1992, at least 1,500 non-Serb civilians had been killed; thousands more detained in inhumane camps;<sup>149</sup> dozens of non-Serb villages in Prijedor were largely destroyed and uninhabited since people no longer could return to their homes;<sup>150</sup> and virtually all Muslim places of worship were damaged or demolished.<sup>151</sup> By early 1993, roughly 44,000 Muslim and Croat citizens had been

<sup>143</sup> NASIĆ:P02600, p.3. By this point the TO had been incorporated into the VRS. See SIC:C.15.5(Prijedor).

<sup>144</sup> See SIC:C.15.5(Prijedor).

<sup>145</sup> See SIC:A.6.8(Prijedor).

<sup>146</sup> See SIC:A.6.7(Prijedor).

<sup>147</sup> P02892, pp.1-2; P00161(BCS, p.1); P01002, p.1; P00248, p.1; P03714, p.1; P03721; P03719, pp.1-2; P03945. See P04009, p.1.

<sup>148</sup> P06954, pp.4-5.

<sup>149</sup> P.RADIĆ:P04333, T.7436; P03214; RADULOVIC:P03207, paras.87,91,137-138(confidential); ATLIJA:P00168, paras.94-96; ERCEG:T.34055-34056; R.JAVORIĆ:T.31451,T.31456,T.31459; KUPREŠANIN:T.29797-29799.

<sup>150</sup> P03598, p.2; SEJMENOVIĆ:P00283, para.38; RM008:P03224, para.11(confidential); BLAŽEVIĆ:P03617, p.30; P00205, 00:08’11-00:08’30, tp.4; P04136, 00:07’40-00:11’15, 00:39’00-00:41’30, tp.3-4,18; P04205(confidential); VULLIAMY:P00199, T.7937-7938; TUCKER:P00317, para.77; P04320, pp.3-4; P03212; KELEČEVIĆ:T.37237-37238,T.37311,T.37419; RADULJ:T.35563-35565; ATLIJA:P00169, para.42(confidential); ATLIJA:T.2317-2318; ERCEG:T.34061-34062,T.34092; R.JAVORIĆ:T.31465. See P07208, p.3.

<sup>151</sup> See SIC:D.11(Prijedor).

expelled from the municipality or killed to achieve an ethnically Serb municipality.<sup>152</sup> In some predominantly Muslim villages where thousands of Muslims had lived and in hamlets which bore the names of the Muslim families who founded them generations before—such as Aligići, Hegići, and Mrkalji—few or no Muslims remained by July 1993.<sup>153</sup>

30. Defence claims that the mass exodus of non-Serbs from Prijedor villages was voluntary<sup>154</sup> are refuted by the clear contrary evidence and by Defence witness admissions that non-Serbs were forced to leave in fear for their lives by the mass crimes and would not be permitted to return.<sup>155</sup> International and media organisations documented this reality.<sup>156</sup> Furthermore, military, local and regional officials repeatedly acknowledged both their goal to transform Prijedor into an ethnic Serb municipality by ridding Prijedor of non-Serbs and the means that would be employed to do so:

- ZELJAJA informed his commander on 30 May that he was “cleansing everything”, sparing “neither women nor children”;<sup>157</sup>
- Lt. Slobodan CUMBA stated that even though Muslim villagers in Brdo and Bišćani had surrendered their weapons, the area would be “ethnically cleansed” pursuant to “policy”;<sup>158</sup>

<sup>152</sup> AF1112-AF1113; AF1117; P.RADIĆ:P04333, T.7435-7436; P03216, p.2; P03214; P07011; RADULOVIC:P03207, paras.100-102(confidential); P07126; P03598, p.2; P03599; P03600; P03895; P07211, p.2; P06484, pp.2-3; P03596, p.2; KIRUDJA:P03587, paras.74,92-124; SAJIĆ:T.29182,T.29261; ERCEG:T.34092.

<sup>153</sup> [REDACTED]; MUJADŽIĆ:P03121, T.3581-3583(confidential); P07029, pp.2-7(BCS); P07126; P03791.For instance:

Year	Bišćani	Čarakovo	Hambarine	Kamičani	Kozarac	Kozaruša	Rakovčani	Rizvanovići	Trnopolje
1991	1421	2324	2768	3014	3740	2853	1406	1551	2667
1993	0	2	2	0	3	0	1	1	2

<sup>154</sup> See B.MANDIĆ:D00826, paras.7-8; BERIĆ:D00928, paras.6,31; PUHALIĆ:D00898, para.7; P04131, 00:11'50-00:13'36, 00:32'40-00:33'57, tp.2-3,7-8. See KIRUDJA:P03587, paras.41,45.

<sup>155</sup> P02875, p.1; RM060:P02596, T.6885-6886(confidential); ŠOLAJA:T.32775-32777; [REDACTED]; [REDACTED]; KUPREŠANIN:T.29820-29822; P07011; RADULJ:T.35489,T.35563-35565; VULLIAMY:T.2649-2650,T.2737-2738; VULLIAMY:P00199, T.7982-7988,T.8056-8057; P04136, 00:37'00-00:41'46, tp.17-19; ERCEG:T.34046,T.34092; O.MARJANOVIĆ:T.41035; KELEČEVIĆ:T.37311,T.37419; SAJIĆ:T.29257-29262; RM385:P07314, para.27(confidential); MCLEOD:P03258, T.7328,T.7334,T.7377; P03733, p.3. See P03869, p.41; SIC:A.6.1-A.6.9, B.13.1-B.13.5, C.15.2-C.15.5, D.11(Prijedor).

<sup>156</sup> P03111, pp.2-3; P03928; P04320, pp.2-3; P02813, para.11; P00204; P03965; P00206. See P07292, p.2; P07293; P07200, pp.2-3; P06488, p.2/P03594, p.3(partial duplicates); KIRUDJA:P03587, paras.44,46-47,52.

<sup>157</sup> P02243(confidential).

- Municipal representatives at the 7 June sub-regional meeting (including Prijedor) agreed Muslims and Croats should move out “until a level is reached where Serbian authority can be maintained and implemented on its own territory in each of these municipalities”;<sup>159</sup>
- During the Kozarac attack, a Muslim doctor seeking to evacuate wounded children from besieged Kozarac was told on a military or police scanner, “Die Balijas”, “we will kill you all anyway”;<sup>160</sup>
- Serbian civilian authorities in Ljubija threatened to release the chained “dogs”, “...then you will be done...You saw what happened to Briševo!”<sup>161</sup>
- [REDACTED];<sup>162</sup>
- 43<sup>rd</sup> mtbr soldiers later bragged that the Serbian state would be created by “finishing off” the “Balija”—“we will eradicate their seed”.<sup>163</sup>

## F. Camps

31. From May through the end of 1992, thousands of Bosnian Muslim and Bosnian Croat civilians were detained in various facilities in Prijedor, the most notorious of which were Keraterm, Omarska and Trnopolje camps.<sup>164</sup> In these camps, non-Serb detainees—including women, minors, elderly and disabled—were severely mistreated; psychologically abused; starved; denied water, hygiene and medical treatment; beaten; sexually assaulted; and tortured before being forcibly transferred, if they were not among the hundreds executed.<sup>165</sup> The co-ordination and logistics necessary to create and operate these camps over a lengthy period of time, and the

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<sup>158</sup> BLAŽEVIĆ:P03617, p.17; BLAŽEVIĆ:P03618, T.2491; P03834.

<sup>159</sup> P03753. *See* [REDACTED].

<sup>160</sup> AF880; MERDŽANIĆ:P00269, para.18.

<sup>161</sup> P07477, p.2.

<sup>162</sup> [REDACTED].

<sup>163</sup> P07364, p.2; P07366. The translation of P07366 has been corrected. A request to replace the translation is pending as of the date of this filing.

<sup>164</sup> AF935-AF936; P02900, pp.4-5,30-31; B.MANDIĆ:T.28905; KELEČEVIĆ:T.37212-37213; [REDACTED]. *See* SIC:C.15.2-C.15.4(Prijedor).

<sup>165</sup> *See* SIC:B.13.1-B.13.5,C.15.2-C.15.4(Prijedor).

mass, systematic crime associated with them, demonstrate that they were a planned, organised means of ethnically cleansing Prijedor of its Muslims and Croats.<sup>166</sup>

32. While the Prijedor CS formally established the camps,<sup>167</sup> the VRS and police collaborated in their operation:<sup>168</sup> the VRS organised and ran Trnopolje and co-operated with Prijedor SJB and Banja Luka CSB personnel in the operation of Keraterm and Omarska.<sup>169</sup> Mixed teams from the VRS, SJB and SNB jointly interrogated and categorised thousands of non-Serb detainees at Omarska and Keraterm<sup>170</sup> as well as at military installations, such as the Zarko Žgonjanin barracks and military police buildings next to Keraterm camp.<sup>171</sup> The logistics battalion of the 43<sup>rd</sup> mtbr and Cirkin Polje logistics base sporadically provided food and water to guards and prisoners at all three camps,<sup>172</sup> at a level and quality which was wholly inadequate for the camps' population.<sup>173</sup> Many detainees were eventually held in multiple facilities within the extensive camp system both inside and outside Prijedor; military, police and civilian authorities co-operated with each other and across municipality lines and even national boundaries to transfer detainees between the camps as well as out of Serb-held territory.<sup>174</sup> Both military and civilian authorities were well aware of the inhumane conditions and crimes committed in the camps.<sup>175</sup>

<sup>166</sup> P07293.

<sup>167</sup> AF938; AF946; AF955-AF956; AF1028; AF1059; P02900, pp.2-4,29-30; P02895.

<sup>168</sup> AF939; BROWN:P02859, pp.100-103.

<sup>169</sup> AF1028; AF1059; AF1063-AF1064; P02900, pp.2-6,11,28-30; P02895, p.1; P03948, pp.5,12.

<sup>170</sup> AF957-AF958; P02895, p.1; P02900, pp.3-4,29-30; RADULOVIC:P03207, paras.139,142(confidential); [REDACTED]; [REDACTED]; SEJMENOVIC:P00283, paras.53-54; RODIC:T.33110; [REDACTED]. See [REDACTED]. See Section III.D.4.

<sup>171</sup> RODIC:T.33066-33069; [REDACTED].

<sup>172</sup> BROWN:P02859, p.101; RM383:P07416, paras.6-13(confidential); PUHALIC:T.31664,T.31690-31691; P07129, pp.8-10(confidential); MERDŽANIC:P00269, para.44; MERDŽANIC:T.3370; RM008:P03224, para.28(confidential).

<sup>173</sup> See SIC:C.15.2-C.15.4(Prijedor).

<sup>174</sup> AF939-AF940; AF1032; P03947; P03948, pp.5-6; P03854; P04039; P02900, pp.3,6,11; P04047; P00235(confidential); P00237(confidential); P07199, p.9; KIRUDJA:P03587, paras.42-44,77,98,111-112; BERIC:T.32873; [REDACTED]. For transfers of detainees held in multiple camps, e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; TAČI:P00158, paras.43,85(Keraterm, Trnopolje); ARIFAGIĆ:P03388, pp.25-27(Keraterm, Trnopolje); SIVAC:P00480, T.6687(Omarska, Trnopolje); K.MEŠANOVIĆ:P03414, para.72(Omarska, Trnopolje). See P03876.

<sup>175</sup> P03801, p.2; P03820, p.2; RADULJ:T.35564; KELEČEVIĆ:T.37269-37270; ERCEG:T.34055-34057; RADIC:P04333, T.7437-7438,T.7612-7615,T.7617-7618; KUPREŠANIN:T.29795-29802; R.JAVORIĆ:T.31451; BERIĆ:T.32845,T.32859-32860,T.32885; SOKANOVIĆ:T.35775,T.35777-35782; [REDACTED];P00233, p.2(confidential); RADULOVIC:P03207, paras.137-138,141-152(confidential). See P07292; P07293.

33. While Omarska and Keraterm were commanded by SJB staff,<sup>176</sup> Defence claims that the camps were solely the responsibility of civilian authorities and not connected to the VRS<sup>177</sup> are refuted not only by the contrary evidence described below of military responsibilities within the camps, but also by the evidence of **MLADIĆ**'s own ability to issue orders authorising visits to Omarska and Trnopolje by foreign press and ICRC, and orders to camp authorities, disseminated through TALIC to the 43<sup>rd</sup> mtbr and Prijedor SJB, to belatedly make conditions in the camps appear satisfactory and assemble records for the prisoners, particularly death records.<sup>178</sup> Journalists had to secure permits or otherwise seek permission to access the camps,<sup>179</sup> and **MLADIĆ** ordered military officers to accompany visitors to the various camps.<sup>180</sup>

34. Keraterm was established at the time of the 23-26 May attacks on Hambarine and Kozarac, when the military brought non-Serb civilians rounded-up from their villages to the camp, located on the outskirts of Prijedor.<sup>181</sup> Prijedor SJB and MP, under camp commander and police reserve officer Duško SIKIRICA, provided security at the camp.<sup>182</sup> Members of the military worked in the camp as part of the mixed-team interrogators<sup>183</sup> and as camp security and escorts for interrogation.<sup>184</sup> By July 1992, the 43<sup>rd</sup> mtbr command—including the offices of ARSIC and the assistant commanders for Intelligence and Security and Morale—was located at Kozara Putevi, across the street from Keraterm.<sup>185</sup> Detainees were interrogated at the 43<sup>rd</sup> mtbr military police building located directly behind the camp.<sup>186</sup> During the entirety of Keraterm's operation, until its closure in August 1992<sup>187</sup> when detainees were

<sup>176</sup> See paras.34,37.

<sup>177</sup> R.JAVORIĆ:D00895, paras.25-26; SOKANOVIĆ:T.35768; MILUTINOVIĆ:D00862, paras.38-42.

<sup>178</sup> P02879.

<sup>179</sup> ŠOLAJA:T.32738; P02890, p.2; [REDACTED]; VULLIAMY:P00199, T.7937-7938.

<sup>180</sup> P02879, p.2; VULLIAMY:P00199, T.7937-7938; VULLIAMY:T.2587-2589,T.2642-2643; MILUTINOVIĆ:D00862, paras.38-39; SOKANOVIĆ:T.35766-35771.

<sup>181</sup> AF935-AF936; AF1027; AF1031-AF1032; P00178, pp.22,25; P00487; P02900, pp.2-3,29,32; P03948, pp.5,12; VUJIĆ:T.34977-34978; ARIFAGIĆ:P03388, p.15. See RODIĆ:T.33112-33113.

<sup>182</sup> AF1028-AF1029; P02900, pp.3,6,11,29. See P03966.

<sup>183</sup> AF957-AF958; AF1039; AF1042; P02900, p.3; RADULOVIĆ:P03207, para.139(confidential); [REDACTED].

<sup>184</sup> RODIĆ:T.33070,T.33114-33115; RADULOVIĆ:P03207, para.140(confidential); [REDACTED]; P07210; P02896; BROWN:T.19793-19794; P03966.

<sup>185</sup> RODIĆ:T.33058-33066; P07203; R.JAVORIĆ:T.31450; VUJIĆ:T.35061; P00487; SIVAC:P00480, T.6565-6566.

<sup>186</sup> RODIĆ:T.33066-33069; VUJIĆ:T.35061; P07203; P02900, p.3; [REDACTED].

<sup>187</sup> P05149, p.4; P03948, p.5; P04068, p.4.

transferred to the VRS-run camps of Manjača and Trnopolje,<sup>188</sup> approximately 4,000 detainees were detained in inhumane conditions, maltreated and many killed,<sup>189</sup> including the victims of the Room 3 massacre.<sup>190</sup>

35. The Room 3 massacre could not be hidden—“the word was out” in Prijedor.<sup>191</sup> The 1KK reported to the GŠ-VRS that many prisoners had been killed and subordinate VRS and MUP authorities all knew of the killings.<sup>192</sup> The VRS at the time and Defence witnesses here proffered inconsistent claims about the circumstances surrounding the killings, claiming variously that detainees were killed in retaliation for the death of a policeman,<sup>193</sup> attempting to escape,<sup>194</sup> or because of a rebellion.<sup>195</sup> Apart from the inconsistencies in these claims, they are unsustainable in light of eyewitness accounts of planning and set-up of the execution site;<sup>196</sup> the intentional gassing of detainees to force them to try to flee Room 3 and provide the pretext of an escape attempt;<sup>197</sup> the calculated executions of wounded; the cleaning and cover-up of the massacre site,<sup>198</sup> and the disposal of a truckload of bodies at Tomasića [REDACTED].<sup>199</sup>

36. Further, the failure of Serb authorities—including the VRS—to take any action regarding the Room 3 massacre reflects their acceptance of the crime. Despite the close proximity of the 43<sup>rd</sup> mtbr command headquarters and military police to Keraterm—close enough to hear shooting<sup>200</sup>—knowledge of the inconsistent claims, and the Banja Luka military court’s knowledge of the massacre, the VRS did not investigate the mass killing of 150 detainees that it twice reported to GŠ-VRS.<sup>201</sup>

<sup>188</sup> P05149, p.4; MERDŽANIĆ:P00269, paras.71,73; MERDŽANIĆ:T.3333-3334.

<sup>189</sup> AF1032. *See* SIC:C.15.3(Prijedor).

<sup>190</sup> SIC:B.13.1(Prijedor).

<sup>191</sup> RM385:P07314, paras.11,13,16,24(confidential); O.MARJANOVIĆ:T.41033; [REDACTED].

<sup>192</sup> BROWN:P02859, pp.106-107; VUJIĆ:D01041, para.8; [REDACTED]; P00161, p.1; P00248, p.1; RODIĆ:D00930, para.27(confidential); RODIĆ:T.33098-33102; ARIFAGIĆ:P03388, pp.23-24. *See* P03820, p.2.

<sup>193</sup> RODIĆ:T.33099,T.33111-33112.

<sup>194</sup> P00161, p.1; P00248, p.1; RM008:P03224, para.46(confidential); SELAK:P00244, para.68. *See* BLAŽEVIĆ:P03617, pp.20-21.

<sup>195</sup> VUJIĆ:D01041, para.8. *See* RM384:P07313, para.5(confidential).

<sup>196</sup> *See* SIC:B.13.1(Prijedor).

<sup>197</sup> TAČI:T.2104-2105. *See* SIC:B.13.1(Prijedor).

<sup>198</sup> *See* SIC:B.13.1(Prijedor).

<sup>199</sup> [REDACTED].

<sup>200</sup> RM385:P07314, paras.11,13(confidential); RODIĆ:T.33098-33099,T.33110-33111; P07203.

<sup>201</sup> RODIĆ:T.33099-33102; KELEČEVIĆ:T.37283; [REDACTED].

Similarly, subsequent RS, CSB Commission, and SJB review reports on Keraterm failed to even mention, let alone recommend investigation into, the massacre.<sup>202</sup>

37. Omarska camp, located within the RŽR Ljubija area, was formally established on 31 May 1992 under CS authority.<sup>203</sup> TALIĆ later admitted he had helped establish Omarska,<sup>204</sup> which was administered within the police chain of command.<sup>205</sup> Omarska SJB commander Željko MEJAKIĆ commanded the camp<sup>206</sup> and together with Prijedor SJB commander Dušan JANKOVIĆ, collaborated with the VRS and Banja Luka CSB in the operation of the camp.<sup>207</sup> Around the time the camp was created, the VRS and police had taken physical control of the RŽR Ljubija mine at Omarska and monitored general access to its facilities.<sup>208</sup> At the camp itself, the VRS and SJB provided layered security: the VRS provided two outer-rings of security, manned sentry posts, laid minefields,<sup>209</sup> and maintained a presence within the camp escorting detainees and providing some internal security.<sup>210</sup> Between 27 May and 21 August 1992, when Omarska closed, thousands of non-Serbs had been detained in Omarska and subjected to inhumane conditions, severe abuse and death.<sup>211</sup> “People were afraid of dying all the time: every minute, every second.”<sup>212</sup>

38. As in Keraterm, mixed teams from the VRS, SJB and SNB jointly interrogated and categorised thousands of non-Serb detainees in Omarska.<sup>213</sup> Lt. Col. MAJSTOROVIĆ was deployed by the 1KK Command to Omarska as head of the VRS component of the mixed interrogation teams and reported to 1KK Chief of

<sup>202</sup> P02900; P05149, pp.4,7-8; P03948.

<sup>203</sup> AF946-AF947; AF955; AF957; P02895; P02900, pp.3-4,29,32; RADULJ:T.35482; O.MARJANOVIĆ:T.40996-41000.

<sup>204</sup> RODIĆ:T.33110.

<sup>205</sup> P02895, pp.2-3.

<sup>206</sup> AF959-AF960; AF964; SIVAC:P00480, T.6616-6617; P03962; K.MEŠANOVIĆ:P03414, para.35.

<sup>207</sup> AF961; AF963; P02895, p.3; P02900, p.4; VULLIAMY:T.2589; BROWN:P02859, pp.101-103.

<sup>208</sup> RM387:P07316, paras.2,5-6(confidential); P07385, p.3; O.MARJANOVIĆ:T.41000-41002; O.MARJANOVIĆ:P07625, T.11701-11702.

<sup>209</sup> AF968; P02900, pp.4,11,29-30,32; P02895, pp.1-2; P03962; BROWN:P02859, p.101; SEJMENOVIĆ:P00283, para.55; SEJMENOVIĆ:T.3526-3527,T.3570,T.3572; SIVAC:T.4814-4815. See RADIĆ:P04333, T.7437.

<sup>210</sup> [REDACTED]; SEJMENOVIĆ:T.3570; SIVAC:T.4815.

<sup>211</sup> AF948-AF950; P02900, pp.3-4,30-31; P03983, p.5; R.JAVORIĆ:T.31459; KUPREŠANIN:T.29796-29797. See SIC:B.13.2,C.15.2(Prijedor); R.JAVORIĆ:T.31459.

<sup>212</sup> K.MEŠANOVIĆ:P03414, para.30.

<sup>213</sup> AF957-AF958; P02895, p.1; P02900, pp.3-4,29-30; RADULOVIĆ:P03207, paras.139,142(confidential); BROWN:P02859, pp.101-102; [REDACTED]; [REDACTED]; SEJMENOVIĆ:P00283, paras.53-54; RODIĆ:T.33110; [REDACTED].

Security BOGOJEVIĆ;<sup>214</sup> Ranko MIJIĆ, from Prijedor SJB, and Mirko JESIĆ, from SNB, headed their respective components.<sup>215</sup> MAJSTOROVIĆ, who eventually became assistant commander and head of intelligence and security of the 43<sup>rd</sup> Brigade, was tasked with reporting results of interrogations to 1KK Chief of Security BOGOJEVIĆ along the professional line and also regularly briefed ZELJAJA.<sup>216</sup>

39. Following interrogation, detainees were placed in one of three categories. According to Serb authorities, the first category included “persons [...] who directly organised and took part in the armed rebellion”; the second category included persons who supported or assisted category one detainees in the armed rebellion; and the third category was reserved for those of “no security interest”.<sup>217</sup> In practice, however, category one detainees largely comprised the non-Serb leadership in Prijedor—intellectuals and political leaders—who were earmarked for particularly brutal beatings and torture and ultimately for “elimination” and “liquidation”.<sup>218</sup> Accordingly, a substantial number of prominent Bosnian Muslim and Bosnian Croat political leaders,<sup>219</sup> doctors,<sup>220</sup> lawyers and judges,<sup>221</sup> professors and teachers,<sup>222</sup>

<sup>214</sup> RODIĆ:T.33056-33057,T.33095-33096. See KELEČEVIĆ:T.37401-37403,T.37409,T.37270-37271.

<sup>215</sup> AF957-AF958; AF994; P02900, pp.3-4,6,30; P02895, p.1; K.MEŠANOVIĆ:P03414, para.33; P03874, p.3; RODIĆ:T.33095.

<sup>216</sup> RODIĆ:T.33056-33058,T.33095-33096; KELEČEVIĆ:T.37270-37271,T.37409-37410.

<sup>217</sup> AF951; P02900, pp.4,30; P05149, p.4; K.MEŠANOVIĆ:P03414, paras.40-43; [REDACTED]; [REDACTED]; RM017:P03228, pp.21-22(confidential). See P03963.

<sup>218</sup> AF951-AF952; K.MEŠANOVIĆ:P03414, paras.40-41; RM017:P03228, pp.21-22(confidential); RM017:P03229, T.3367(confidential); [REDACTED]; [REDACTED]; P00431, pp.17,24; ERCEG:T.34050-34052; VULLIAMY:T.2740; P04136, 00:09'39-00:09'55, 00:25'29-00:26'30, tp.3-4,9-10. See P03703, p.2; P03963.

<sup>219</sup> **Political leaders:** E.g. Professor Muhamed ČEHAJIĆ (Municipal Assembly President, former Prijedor mayor, SDA member); Silvije ŠARIĆ (Prijedor HDZ President, lawyer); Bećir MEDUNJANIN (Member Executive Board and President Local Board Kozarac of SDA; Secretary of Secretariat, People's Defence of Prijedor); Čamil PEZO (SDA Board Vice-President, manager-general Pojopromet); Rufat SULJANOVIĆ (member SDA Board, physician); Islam BAHONJIĆ (member Kozarac SDA Board, medical technician); Velida MAHMULJIN (Municipal Assembly SDA Deputy); Idriz JAKUPOVIĆ (member of SDA, Director Social Welfare Centre Prijedor, President of the Municipal Commission for Reception of Refugees); Mehmedalija KAPETANOVIĆ (Secretary, Municipal Secretariat of Education and Culture); Senad MUJKANOVIĆ (Secretary, Municipal Secretariat for Urban Planning); Meho TURŠIĆ (Revenue Office head); Mehmedalija SARAJLIĆ (president, Executive Council of Municipal Assembly, Ljubija mine engineer); Husein CRNKIĆ (SDA deputy of the local parliament); Muhamed BURAZEROVIĆ (worked at Municipal Secretariat of People's Defence). Almost all SDA and HDZ leaders in Prijedor were killed; only three of twenty-three SDA officials survived. SEJMENOVIĆ:P00283, paras.41,56; AF952; AF1022; AF1024; P03278, 00:03'35-00:04'50, tp.2; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6628-6630,T.6680,T.6686; P00488; [REDACTED]; RM017:P03228, pp.21-22,26(confidential); RM026:P02585, p.3(confidential); BLAŽEVIĆ:P03617, pp.26-27; MUJADŽIĆ:P03121, T.3737(confidential); ARIFAGIĆ:P03388, p.5. See K.MEŠANOVIĆ:P03414, para.66.

<sup>220</sup> **Doctors/medical personnel:** E.g. Dr. Esad SADIKOVIĆ; Dr. Osman MAHMULJIN (specialist internal diseases, Vice-President management board, Medical Centre Prijedor); Dr. Jusuf PAŠIĆ; Dr.

managers and businessmen,<sup>223</sup> and police<sup>224</sup> were targeted and killed.<sup>225</sup> Most of their bodies were later exhumed from Stari Kevljani and Kevljani-2 mass graves.<sup>226</sup>

40. Defence claims that Omarska and Keraterm were legitimate “investigation centres” housing suspected criminals<sup>227</sup> are untenable in light of evidence that the vast majority of the rounded-up detainees were innocent civilians<sup>228</sup> and once detained, they continued to be held without official determinations of their criminal responsibility.<sup>229</sup> Following the revelations of “concentration camp”-like conditions in the camps by foreign media,<sup>230</sup> Serb officials reacted by closing Keraterm and transferring with incomplete investigative files so-called “serious extremists” from

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Enes BEGIĆ; Dr. Željko SIKORA; Dr. Rufad SULJANOVIĆ (member SDA Board). AF1023-AF1024; AF1026; SIVAC:P00480, T.6685-6686; RM017:P03228, pp.21-22(confidential); RM017:P03229, T.3366-3367(confidential); [REDACTED]; K.MEŠANOVIĆ:P03414, paras.23,37,65; MERDŽANIĆ:T.3395-3396; MUJADŽIĆ:P03121, T.3898(confidential); [REDACTED]; [REDACTED]; DRAGOJEVIĆ:T.35631-35639; P07387; P03278, 00:08'34-00:09'06, 00:18'43-00:19'06, tp.3,6.

<sup>221</sup> **Lawyers/Judges:** E.g. Esad MEHMEDAGIĆ (deputy Municipal Public Prosecutor, who was blind); Nedžad ŠERIĆ (Prijedor Court President); Omer KERENOVIC (Municipal Court judge, President of Elections Board); Ahmet ATAROVIC (defence attorney in Prijedor); TROŽIĆ (defence attorney); Ismail BURAZOVIC (lawyer in public construction and utility company). AF1026; SIVAC:P00480, T.6633-6634,T.6680; RADULJ:T.35554-35556; [REDACTED]; K.MEŠANOVIĆ:P03414, paras.23,60.

<sup>222</sup> **Teachers:** E.g. Sadeta MEDUNJANIN; Edna DAUTOVIĆ; Abdulah PUŠKAR (professor); Husein CRNKIĆ (also SDA deputy to local parliament); Mustafa TADŽIĆ (professor); Fikret MUJAKIĆ (professor). [REDACTED]; [REDACTED]; [REDACTED]; BLAŽEVIĆ:P03617, pp.26-27; SEJMENOVIĆ:P00283, para.56; SEJMENOVIĆ:T.3472-3473; K.MEŠANOVIĆ:P03414, para.64. See AF1026.

<sup>223</sup> **Managers/Businessmen/Professionals:** E.g. Zlatan BEŠIREVIĆ (director, Bosna Montaža); Zijad MAHMULJIN (economist, manager/director, Kozarac sawmill Dijel Kozarac, president Municipal Executive Committee); Ziko CRNALIĆ (wealthy restaurant owner); Asif KAPETANOVIĆ (wealthy restaurant owner); Fikret MUJIDIĆ (economist Čelapak factory); Ešref CRNKIĆ (electrical engineer Ljubija mine, uncle to Mirsad MUJADŽIĆ); Hamdija BALIĆ (owner Kozarac textile mill); Kadir MUJKANOVIC (director railway station); Senad MUJKANOVIC (engineer); Ziko MAHMULJIN (economist); Ibrahim Paunović (engineer). [REDACTED]; [REDACTED]; SIVAC:P00480, T.6636,T.6684-6685; MUJADŽIĆ:P03121, T.3737(confidential). See AF1026.

<sup>224</sup> **Police:** E.g. Ago SADIKOVIĆ (inspector Prijedor SUP); Mirzet LISIĆ (inspector Prijedor SUP); [REDACTED]; Senad SARAJLIĆ (Kozarac police); Esad ALIĆ (Kozarac police); Emir KARABAŠIĆ (Kozarac police); Ismet TARAS(; Fikret SARAJLIĆ; Meho MAHMUTOVIĆ; Hajrudin JAKUPOVIĆ (Kozarac police). AF1026; SIVAC:P00480, T.6633-6634; [REDACTED]; RM017:P03229, T.3365-3367,T.3505(confidential); RM017:P03228, pp.22,26(confidential); K.MEŠANOVIĆ:P03414, para.60; [REDACTED]; [REDACTED].

<sup>225</sup> AF1026; SIVAC:P00480, T.6633-6634. See SEJMENOVIĆ:P00283, para.41; RM017:P03229, T.3365-3367(confidential); RM017:P03228, pp.21-22(confidential); [REDACTED]; K.MEŠANOVIĆ:P03414, para.23; P04136, 00:09'39-00:09:55, 00:25'00-00:26'30, tp.3-4,9-10.

<sup>226</sup> See SIC:B.15.2-B.15.4(Prijedor).

<sup>227</sup> ŠIPOVAC:D00766, para.15; B.MANDIĆ:D00826, para.47; B.MANDIĆ:T.28908-28909.

<sup>228</sup> P07292, p.2; P07293; P00242; P03951, pp.3-4; P00233(confidential); P00234(confidential); P00237(confidential); RADULOVIĆ:P03207, paras.137,143,153(confidential); [REDACTED].

<sup>229</sup> P03985, p.2; P03854; P02900, p.31; P07197.

Omarska to VRS-run Manjača.<sup>231</sup> Even though the VRS determined many of the transferees were “people who weren’t even fit to hold a rifle in their hands, nonetheless to run or shoot” whose detention was based on the “shallow work” and “thoughtless conduct” of Prijedor authorities,<sup>232</sup> the VRS continued to detain them.<sup>233</sup> Those detainees determined to be of “no security interest” were not released but transferred to VRS-run Trnopolje, where they were further detained, abused, exchanged and/or expelled.<sup>234</sup> Despite thousands of interrogations conducted in the camps,<sup>235</sup> there were few criminal reports generated and essentially no prosecutions.<sup>236</sup>

41. Trnopolje became operational as a detention centre during the Hambarine and Kozarac attacks.<sup>237</sup> The camp was organised, run and secured by the VRS under the command of Maj. KURUZOVIĆ, former JNA and Serbian Prijedor TO commander<sup>238</sup> and Prijedor CS member.<sup>239</sup> 43<sup>rd</sup> mtbr member Slavko PUHALIĆ, who served under KURUZOVIĆ in the 343<sup>rd</sup> mtbr in Slavonia, operated as the link between KURUZOVIĆ and the VRS guards.<sup>240</sup> By the end of September 1992, over 23,000

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<sup>230</sup> VULLIAMY:P00199, T.7964,T.8054-8055,T.8058; P00204; OKUN:P03103, T.4189-4190,T.4200. *See* MERDŽANIĆ:T.3365.

<sup>231</sup> P03854; RADINKOVIĆ:T.31756,T.31759-31760; P02900, p.31; P00233(confidential); P00234(confidential); P00236; P04068, p.5; P00237, p.1(confidential); K.MEŠANOVIĆ:P03414, para.71; RM026:P02585, pp.9-10(confidential).

<sup>232</sup> P00233(confidential).

<sup>233</sup> *E.g.* RODIĆ:D00930, para.31(confidential); [REDACTED]; [REDACTED].

<sup>234</sup> AF962; P03874; MATIJEVIĆ:T.43127-43128; P03854; P03894; P03418; P03891, p.3; K.MEŠANOVIĆ:P03414, para.72. *See* SIC:B.13.5,C.15.4(Prijedor); para.45, *infra*; Section III.G.5.

<sup>235</sup> P03948, pp.5,12-13.

<sup>236</sup> [REDACTED]; [REDACTED]; P03983, pp.5-6; P03948, pp.8-13; P04068, p.5.

<sup>237</sup> AF1059; P02900, pp.2,28; SIVAC:P00480, T.6690; RM060:P02596, T.6873-6874(confidential); RODIĆ:D00930, para.24(confidential).

<sup>238</sup> AF1063-AF1064; P05149, p.3; P02900, p.28; P03854; P07197; P07363; PUHALIĆ:D00898, para.3; MERDŽANIĆ:P00269, paras.35-36; BLAŽEVIĆ:P03617, p.17; [REDACTED]; RM060:P02596, T.6874-6875,T.6884(confidential); SUŠIĆ:P07312, para.38; RM383:T.36155(confidential); SEJMENOVIĆ:P00283, paras.44,50; ERCEG:T.34053; BARAŠIN:T.28754; BROWN:P02859, p.67; BROWN:T.19511,T.19794-19795; R.JAVORIĆ:T.31427,T.31446-31448,T.31453; R.JAVORIĆ:D00895, para.17; D00827, p.49/P02897(partial duplicate); D00827, pp.80-81/P04043(partial duplicate)

<sup>239</sup> D00827, p.8; R.JAVORIĆ:T.31426-31427; SEJMENOVIĆ:P00283, para.24.

<sup>240</sup> PUHALIĆ:D00898, paras.2-4; PUHALIĆ:T.31653-31654,T.31663-31664,T.31694-31695,T.31706; P07129, p.12(confidential); MERDŽANIĆ:T.3332,T.3382; SIVAC:T.4816; R.JAVORIĆ:T.31427; BERIĆ:T.32852-32853; SOKANOVIĆ:T.35781.

Muslim and Croat civilians had been detained at Trnopolje,<sup>241</sup> as many as 8,000 at one time.<sup>242</sup> Trnopolje operated from 24 May<sup>243</sup> until the end of 1992.<sup>244</sup>

42. Defence claims that Trnopolje was secured by unincorporated municipal TO forces or police, not the VRS,<sup>245</sup> are not believable in light of their subsequent statements denying personal knowledge as well as their contradictory admissions;<sup>246</sup> conflicting contemporaneous documents;<sup>247</sup> contrary testimony from other witnesses that KURUZOVIĆ and the VRS secured Trnopolje;<sup>248</sup> and their inability to explain KURUZOVIĆ's previous statements and testimony confirming his incorporation into the 43<sup>rd</sup> mtbr and the 43<sup>rd</sup> mtbr's role in securing the camp.<sup>249</sup>

43. RS and Prijedor officials and Defence witnesses also asserted that Trnopolje was an "open collection centre" where non-Serb refugees voluntarily came and stayed for protection.<sup>250</sup> This contention is contradicted by overwhelming evidence from detainees who describe being forced to the camp, often by Bosnian Serb soldiers,<sup>251</sup> and imprisoned there;<sup>252</sup> from admissions by Defence witnesses that the detainees

<sup>241</sup> P07199, p.9; BERIĆ:T.32873-32874. See BLAŽEVIĆ:P03617, p.18.

<sup>242</sup> MERDŽANIĆ:P00269, para.38.

<sup>243</sup> P02900, pp.2,28.

<sup>244</sup> AF1060; KIRUDJA:P03587, para.74,fn.187; P03591; P03948, p.5; P03965; P07199, p.9; SUŠIĆ:P07312, para.36.

<sup>245</sup> BERIĆ:D00928, para.20; BERIĆ:T.32865,T.32867-32869; PUHALIĆ:T.31664-31666; SOKANOVIĆ:T.35782.

<sup>246</sup> BERIĆ:T.32852-32853,T.32869; PUHALIĆ:D00898, para.21; PUHALIĆ:T.31663-31666,T.31694; SOKANOVIĆ:T.35782.

<sup>247</sup> P07198; P03854; P07197; P02900, p.28; P05149, p.3.

<sup>248</sup> BLAŽEVIĆ:P03617, p.17; [REDACTED]; RM060:P02596, T.6874-6875,T.6884(confidential); RM383:T.36155(confidential); SEJMENOVIĆ:P00283, paras.44,50; ERCEG:P34053; BARASIN:T.28754.

<sup>249</sup> BERIĆ:T.32868-32869; PUHALIĆ:T.31664-31666.

<sup>250</sup> P05149, p.3; P02900, pp.2,28-29; P03896, p.2; P07197; PUHALIĆ:D00898, paras.6-11,18-19,21,24; PUHALIĆ:T.31684-31690; BERIĆ:D00928, paras.13,16,25,27,35; BERIĆ:T.32844-32845,T.32860; MCLEOD:P03265, pp.1-2; MCLEOD:P03269, pp.51-52; ŠIPOVAC:D00766, para.15; RODIĆ:D00930, paras.24-25(confidential); RODIĆ:T.33108-33109; VUJIĆ:T.34977-34979; KELEČEVIĆ:D01110, para.15; MILUTINOVIĆ:D00862, paras.41-42; ŠOLAJA:D00924, paras.14-16; MCLEOD:P03258, T.7322; BARAŠIN:T.28753,T.28756-28759,T.28774; P04131, 00:08'58-00:11'35, tp.2-3.

<sup>251</sup> BLAŽEVIĆ:P03618, T.2491,T.2498-2499,T.2539; ELKASOVIĆ:P02588, T.4618-4619; RM047:P02594, pp.2-4(confidential); RM047:P02595, T.6220-6221(confidential); RM017:P03228, pp.7-8,10,17(confidential); [REDACTED]; RM074:P03431, pp.7,9-10(confidential); MERDŽANIĆ:P00269, paras.21-26,38; MERDŽANIĆ:T.3327-3328,T.3333-3334,T.3386,T.3399,T.3402; SEJMENOVIĆ:P00283, paras.36,39-40,45; P04320, pp.1-2; RM709:P03437, pp.8-9(confidential).

<sup>252</sup> AF1066; P03418; RM017:P03229, T.3351(confidential); [REDACTED]; MERDŽANIĆ:P00269, paras.26-28,74; MERDŽANIĆ:T.3327-3328,T.3371; MERDŽANIĆ:P00271; MERDŽANIĆ:P00277; MERDŽANIĆ:P00278; BLAŽEVIĆ:P03617, p.18; RM060:P02596, T.6879(confidential); SIVAC:P00480, T.6691; P00206, 00:09'16-00:9'30, 00:12'40-00:13'10;

were not free to leave;<sup>253</sup> as well as evidence from international observers who rejected these and similar misleading claims made to try to create a falsely positive picture of camp conditions following the first journalists' visits.<sup>254</sup>

44. Moreover, the fact that detainees were repeatedly criminally victimized in the camp refutes any contention they were there voluntarily.<sup>255</sup> Notably, VRS soldiers, including KURUZOVIĆ, regularly raped women detainees with impunity. KURUZOVIĆ himself detained, raped and otherwise assaulted a young mother nearly every night for approximately a month.<sup>256</sup> Soldiers, guards and other men from outside the camp regularly were allowed to enter the camp, remove women and girls and rape them;<sup>257</sup> during one night in June 1992, VRS soldiers raped approximately forty women.<sup>258</sup>

45. At Trnopolje, Serb authorities systematically gathered civilians for deportation to other parts of BiH and third countries; convoys of buses and train cattle cars jammed with non-Serbs frequently left the camp.<sup>259</sup> The convoys were jointly arranged and managed across municipality lines by VRS, Prijedor CS and Prijedor SJB.<sup>260</sup>

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K.MEŠANOVIĆ:P03414, para.72; P04320, p.2; SEJMEŃOVIĆ:P00283, para.44; P03894; P03891, p.3; P02813, para.11. *See* P02875, p.2; P03983, p.5; P03880, p.1; P04289; P07198.

<sup>253</sup> PUHALIĆ:T.31713-31714. *E.g.* PUHALIĆ:D00898, para.7; SOKANOVIĆ:T.35781.

<sup>254</sup> MCLEOD:P03258, T.7326-7327; MCLEOD:P03265, p.5; MCLEOD:P03266; VULLIAMY:T.2724-2726,T.2728; P07200, pp.2-4; P04320, pp.2-3; P02813, para.11; P07293; P03111; P03965. *See* P04131, 00:06'52-00:19'40, tp.2-5.

<sup>255</sup> AF1073-AF1074; P02813, para.11. *See* SIC:B.13.5,C.15.4(Prijedor).

<sup>256</sup> AF1076; [REDACTED]; [REDACTED].

<sup>257</sup> AF1074-AF1075; RM047:P02594, pp.4,7(confidential); RM074:P03431, p.10(confidential); MERDŽANIĆ:P00269, paras.54,63-66; BLAŽEVIĆ:P03617, pp.23-26; BLAŽEVIĆ:P03618, T.2528; P04136, 00:15'40-00:16'10, 00:30'05-00:30'44, tp.6,12-13; SIVAC:P00480, T.6690; SIVAC:T.4842; SEJMEŃOVIĆ:P00283, para.46; P03620; VULLIAMY:T.2723.

<sup>258</sup> BLAŽEVIĆ:P03617, pp.23-25; RM047:P02594, pp.4,7(confidential); MERDŽANIĆ:P00269, paras.63-64.

<sup>259</sup> AF1114-AF1116; P02900, pp.2-3; ELKASOVIĆ:P02588, T.4619; BLAŽEVIĆ:P03617, p.18; MERDŽANIĆ:P00269, paras.76-77; MERDŽANIĆ:T.3328-3329; RM047:P02594, pp.4-5(confidential); RM017:P03229, T.3350-3351,T.3386(confidential); RM060:P02596, T.6876-6877(confidential); [REDACTED]; RM074:P03431, pp.9-10(confidential); TAČI:T.2129; [REDACTED]; VULLIAMY:P00199, T.8054-8055; VULLIAMY:T.2738-2740; BERIĆ:T.32873-32874; PUHALIĆ:D00898, para.7; P04320, pp.2-3. *See* P03965; P07199, p.9; MCLEOD:P03258, T.7334; P04320, pp.2-3.

<sup>260</sup> P03947; BERIĆ:T.32877; MERDŽANIĆ:T.3331; ELKASOVIĆ:P02588, T.4619-4622; [REDACTED]; BROWN:P02859, pp.110-111,118; KELEČEVIĆ:T.37191-37192.

46. Particularly after the public outcry following the August visits to Prijedor camps by the foreign media, the rate of convoy expulsions increased,<sup>261</sup> and included detainees destined for execution. On 21 August 1992, KURUZOVIĆ and VRS soldiers loaded Trnopolje detainees onto a convoy of buses,<sup>262</sup> which were escorted towards Korićanski Stijene cliffs on Vlasici Mountain<sup>263</sup> by Prijedor SJB staff, including intervention platoon members<sup>264</sup> as well as soldiers.<sup>265</sup> At the cliffs, approximately 200 male detainees were marched to the edge, forced to kneel and summarily executed in waves by members of the Prijedor SJB intervention platoon, their bodies pushed over the abyss.<sup>266</sup> Killing shots to the head were administered to victims after they fell into the ravine.<sup>267</sup> A few victims nonetheless miraculously survived.<sup>268</sup>

47. 22<sup>nd</sup> Brigade Commander PEULIĆ sent soldiers to the site, confirmed the massacre,<sup>269</sup> and reported the “genocide against the civilians” to the 1KK command.<sup>270</sup> Police authorities were also informed.<sup>271</sup> [REDACTED];<sup>272</sup> [REDACTED].<sup>273</sup> Formal requests to investigate were carefully timed to issue only after the survivors had been expelled to Croatia<sup>274</sup> and the perpetrators transferred to the front; MUP officials then claimed that they could not reach the perpetrators, who in fact remained easily accessible and under VRS command.<sup>275</sup> Afterwards the 1KK reported to the GŠ-VRS that while the massacre had created a “dark stain,” it was

<sup>261</sup> MERDŽANIĆ:T.3333,T.3367-3369; RM385:P07314, para.27(confidential); P04136, 00:25'00-00:25'29, tp.9. See Section III.D.4.(f).

<sup>262</sup> RM060:P02596, T.6886-6887(confidential); MERDŽANIĆ:P00269, paras.78-79.

<sup>263</sup> RM060:P02598(confidential); RM060:P02596, T.6887-6905(confidential).

<sup>264</sup> RM060:P02596, T.6884-6896(confidential); [REDACTED].

<sup>265</sup> TAČI:P00158, paras.94-98; TAČI:T.2129; RM060:P02596, T.6899-6900(confidential).

<sup>266</sup> RM060:P02596, T.6902-6908(confidential); RADULOVIĆ:P03207, para.154-155(confidential); [REDACTED].

<sup>267</sup> RM060:P02596, T.6907,T.6909(confidential).

<sup>268</sup> MERDŽANIĆ:P00269, paras.79-80; D01991; D01992; RM060:P02596, T.6909(confidential).

<sup>269</sup> ŽUPLJANIN:T.30987-30991.

<sup>270</sup> D00888; ŽUPLJANIN:T.30989-30991.

<sup>271</sup> D01994; [REDACTED]; RADULOVIĆ:P03207, para.29(confidential).

<sup>272</sup> RADULOVIĆ:P03207, paras.156,159-161(confidential); [REDACTED]; [REDACTED]; O.MARJANOVIĆ:T.40971,T.41010-41011.

<sup>273</sup> [REDACTED]; [REDACTED].

<sup>274</sup> RADULOVIĆ:P03207, paras.156-162(confidential); D00060; D00059; D02016; D02017; MERDŽANIĆ:P00269, paras.79-80; D01991; D01992.

<sup>275</sup> RADULOVIĆ:P03207, paras.156-162(confidential); D00059; D02017.

“very fortunate that the international community did not find out about it in more detail.”<sup>276</sup>

## G. Tomašica

48. While victims of the ethnic cleansing of Prijedor were found in dozens of graves around the municipality,<sup>277</sup> the role of the VRS and other authorities in using mass graves to conceal crimes in Prijedor is encapsulated by the Tomašica Mass Grave and related sites. The Tomašica grave was filled with non-Serbs killed during the largest-scale VRS-led cleansing operations, the week of 20-25 July 1992. The bodies were disposed of in the Tomašica grave by VRS soldiers and eventually reburied in Jakarina Kosa also with VRS involvement; both mass grave sites are located on property of a company whose resources and senior leadership had been mobilised for the needs of the VRS.<sup>278</sup>

49. The Tomašica grave is located within the Ljubija RŽR DP Prijedor (“RŽR Ljubija”) mining complex. RŽR Ljubija operated three mines on which mass graves were located: Central Mine (Redak Mass Grave);<sup>279</sup> Southern Mine (Jakarina Kosa Mass Grave); and Eastern Mine (Tomašica Mass Grave).<sup>280</sup> Omarska camp was located at RŽR Ljubija’s Omarska mine.<sup>281</sup> RŽR Ljubija maintained a high level of co-operation with the VRS and municipal authorities:<sup>282</sup> many senior managers and other mine employees were mobilised into the military or placed on work obligation to assist the VRS;<sup>283</sup> mine assets, [REDACTED],<sup>284</sup> were placed at the VRS’

<sup>276</sup> P03951, p.4. See T.25313-25314.

<sup>277</sup> See P03283; SEBIRE:P03282, p.5(confidential); SEBIRE:P03280, T.7340-7341; ATLIJA:P00168, paras.72-91; ATLIJA:P00169, paras.1-23,41(confidential); Section III.E.4.

<sup>278</sup> VUJČIĆ:T.41507-41508; P07385, pp.3-8,14,17-19,21,28,30-31; RADULJ:T.35562.

<sup>279</sup> P07417, pp.3-4; KARAGIĆ:P00998, T.5242-5244,T.5247; P01000; SEBIRE:P03282, p.29(confidential); SEBIRE:P03280, T.7349,T.7355-7358; O.MARJANOVIĆ:T.41035-41036; RADULJ:T.35482.

<sup>280</sup> P07417, pp.2-6; [REDACTED]; [REDACTED]; [REDACTED]; P07429; P07432; I.HANSON:P07431, pp.4,9-10,70-71; I.HANSON:T.36247-36249,T.36252-36255,T.36255-36257(confidential); O.MARJANOVIĆ:T.40965-40966,T.41050; RADULJ:T.35482.

<sup>281</sup> P02895, p.1; P02900, pp.3-4,29; RADULJ:T.35482; O.MARJANOVIĆ:T.40996-40998. See pp.37 above.

<sup>282</sup> P07385, pp.3-8; P03278, pp.18-19; P07622; O.MARJANOVIĆ:T.41013,T.41017-41018; [REDACTED]. See P07627; P07628.

<sup>283</sup> P07385, pp.3-6; P07317(confidential); [REDACTED]; [REDACTED]; [REDACTED].

<sup>284</sup> P07319(confidential); P07315(confidential); P07385, pp.7-8.

disposal;<sup>285</sup> and the VRS and Prijedor SJB strictly controlled access to mine facilities including Tomašica.<sup>286</sup> **MLADIĆ** personally approved the resources and services RŽR Ljubija gave the 1KK and its logistics base.<sup>287</sup>

50. The VRS used Tomašica as a planned mass grave site in July 1992—during the largest-scale ethnic cleansing operations in Prijedor. Most victims disappeared during the week of 20-25 July 1992.<sup>288</sup> The mass grave site was prepared early in the July campaign in an isolated waste dump site with no active mining operations,<sup>289</sup> as the 43<sup>rd</sup> Brigade command would have known from its geodesic maps of RŽR Ljubija.<sup>290</sup> While grading at the grave site and access road for use by the VRS began in May 1992,<sup>291</sup> by late July 1992 full preparations for the use of Tomašica as a mass grave site commenced. On 21, 23, 24 and 27 July, mine machinery was brought to Tomašica and used “for the needs of the army.”<sup>292</sup> There, an excavator dug a large pit.<sup>293</sup> On successive days, beginning on 21 July, 43<sup>rd</sup> mtbr officers dispatched trucks to collect bodies of persons recently killed in the Bišćani and Brdo regions.<sup>294</sup> VRS officers drove these trucks filled with hundreds of bodies<sup>295</sup> to the Tomašica mass grave site,<sup>296</sup> where soldiers unloaded the bodies into the pit.<sup>297</sup> The bodies quickly were covered with a layer of soil, leaving the pit open in anticipation of additional body deposits.<sup>298</sup> Around 25 July, the morning after the Room 3 massacre,<sup>299</sup>

<sup>285</sup> P03278, pp.18-19; P07385, pp.3-4,6-8,14,17-19,21,28,30-31; D01082; P07319(confidential); [REDACTED]; P07424; P07426, pp.3,6; P07425, pp.3-4(confidential); O.MARJANOVIĆ:T.41020,T.41030-41031,T.41036.

<sup>286</sup> P02900, p.4; [REDACTED]; P07317(confidential); O.MARJANOVIĆ:T.41000-41002; O.MARJANOVIĆ:P07625, T.11701-11702; SEBIRE:P03282, pp.48-50(confidential); [REDACTED]; [REDACTED].

<sup>287</sup> P07630, pp.1-2; O.MARJANOVIĆ:T.41020-41024.

<sup>288</sup> TABEAU:P07449, pp.21,43-44,47; TABEAU:T.36766-36770; TABEAU:P07453, pp.12-13,18; TABEAU:P07451, pp.163-173(confidential). *See* Tomašica Victim Chart.

<sup>289</sup> I.HANSON:P07431, p.10; O.MARJANOVIĆ:T.41020,T.41036; D01347; RM382:T.36180-36183,T.36190(confidential); P07421(confidential).

<sup>290</sup> O.MARJANOVIĆ:T.41020,T.41036; D01347.

<sup>291</sup> [REDACTED]; [REDACTED]; P07424; P07426, p.1.

<sup>292</sup> P07426, p.5; P07424, p.1; [REDACTED]; P07423, pp.4,6,8(confidential); P07424; [REDACTED].

<sup>293</sup> [REDACTED]; P07422, p.2; ZDJELAR:P07311, para.3; P07428, p.2; I.HANSON:P07431, pp.7,52. *See* [REDACTED].

<sup>294</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>295</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>296</sup> [REDACTED]; [REDACTED]. *See* [REDACTED].

<sup>297</sup> ZDJELAR:P07311, paras.5-7; [REDACTED]; I.HANSON:P07431, p.50; [REDACTED].

<sup>298</sup> I.HANSON:P07431, pp.24-25,34-35,43; I.HANSON:T.36276; ZDJELAR:P07311, paras.6-7; RM383:T.36120.

<sup>299</sup> *See* SIC:B.13.1(Prijedor).

[REDACTED],<sup>300</sup> [REDACTED].<sup>301</sup> In the pit exhumed in 2014, twelve separate deposits of bodies had been laid in at least four periods of activity,<sup>302</sup> consistent with [REDACTED] evidence that during the same period, numerous vehicles loaded with bodies and driven or escorted by men wearing military uniforms came to Tomašica.<sup>303</sup> JNA- (and VRS-) type gas masks, blankets and rubber gloves were found in and around the main grave.<sup>304</sup>

51. To cover up the crimes,<sup>305</sup> the graves at Tomašica<sup>306</sup> were robbed between 1993 and 1995; numerous remains were dug up using heavy machinery<sup>307</sup> and transferred to the secondary mass grave site at Jakarina Kosa.<sup>308</sup> Military explosives were also found in the Jakarina Kosa site, which was on a slope covered by an avalanche caused by explosives;<sup>309</sup> as at Tomašica, gloves, gas masks and blankets were recovered during the exhumation.<sup>310</sup> DNA matching confirms the linkage between remains exhumed from both Tomašica and Jakarina Kosa.<sup>311</sup>

52. The remains found at both Tomašica and Jakarina Kosa represent a minimum of 604 individuals.<sup>312</sup> Of those exhumed from both sites, a vast majority were Muslim (95.8 percent) men (98.6 percent) between 15 and 64 years of age (95.4 percent).<sup>313</sup>

<sup>300</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>301</sup> [REDACTED]; [REDACTED]; [REDACTED].

<sup>302</sup> I.HANSON:P07431, pp.34-35,37,47-50; I.HANSON:T.36268-36269,T.36273-36274.

<sup>303</sup> [REDACTED]; ZDJELAR:P07311, paras.5-7; [REDACTED]; [REDACTED].

<sup>304</sup> SEBIRE:P03282, p.22(confidential); I.HANSON:P07431, pp.38,41-42; KARAHASANOVIĆ:P07441, pp.2-13,15-18,20-21. See KARAHASANOVIĆ:P07442, pp. 91-93,105-109(BCS); P07427, p.2(confidential); [REDACTED]; [REDACTED]; RM704:P02602, p.5(confidential).

<sup>305</sup> See para.57.

<sup>306</sup> Tomašica mass grave site is comprised in relevant part of two large grave pits ("main grave" and "rectangular grave"). The "main grave" was exhumed in 2013-2014. The "rectangular grave" initially was excavated in 2002 and revealed no remains; it was re-excavated in 2004, 2006, and again in 2014, when additional remains were recovered. I.HANSON:P07431, pp.7,9-10,21,28,37,52.

<sup>307</sup> I.HANSON:P07431, pp.9-10,31,34-35,37,45-48; CLARK:P07443, p.3. E.g. ZDJELAR:P07311, paras.11-12; [REDACTED].

<sup>308</sup> BARAYBAR:P02093, pp.2-3; SEBIRE:P03281, T.16704-16705; SEBIRE:P03280, T.7373-7374.

<sup>309</sup> BARAYBAR:P02093, p.3; SEBIRE:P03280, T.7376-7377.

<sup>310</sup> SEBIRE:P03282, pp.48-49(confidential); SEBIRE:P03280, T.7376-7377.

<sup>311</sup> PARSONS:T.36416-36426; P07436; P07437(confidential); P07438; I.HANSON:P07431, pp.9-10; TABEAU:P07449, pp.2,6,12-13; TABEAU:P07451, pp.69-95(confidential); P07454(confidential).

<sup>312</sup> 385 individuals with distinct DNA profiles were recovered from Tomašica; 211 distinct identified individuals and 8 unmatched individuals were recovered only from Jakarina Kosa; there were a total of 604 unique individuals recovered from both grave sites. Included in the total of 604 are 99 individuals with remains found at both Jakarina Kosa and Tomašica. PARSONS:T.36417-36432; P07436; P07437(confidential); P07438; TABEAU:P07455, p.1;

<sup>313</sup> CLARK:P07443, p.6; CLARK:T.36653-36654; TABEAU:P07449, pp.13-14; TABEAU:T.36733-36735.

Approximately 96 percent of the people exhumed from the “main grave” in 2014 died from gunshot injuries, primarily fired at the head and chest areas, often from behind and mostly using high velocity rifles.<sup>314</sup> All persons exhumed from the “main grave” were dressed in normal civilian clothing, none of it military.<sup>315</sup> Evidence from autopsies of persons most recently exhumed is consistent with execution-style killings:<sup>316</sup> 45 percent of the gunshot head injuries were to the back of the head, which is inconsistent with injuries expected to be found during combat, i.e., either injuries to the front of the head or more typically explosive injuries.<sup>317</sup> Notably, Tomašica victims suffered more head injuries (35 percent) than other victims exhumed from similar mass grave sites;<sup>318</sup> most of the gunshot injuries to the trunk and arms of these victims were also fired from behind;<sup>319</sup> and many victims were clearly unarmed as they were from camps or from villages in the Bišćani area whose residents had surrendered weapons.<sup>320</sup>

## H. Knowledge and Approval

53. Crimes in Prijedor were internationally notorious<sup>321</sup> and known to the GŠ-VRS,<sup>322</sup> other high-ranking VRS officers,<sup>323</sup> RS civilian<sup>324</sup> and MUP<sup>325</sup> authorities. **MLADIĆ** and other authorities failed to take any action, and instead praised and rewarded the perpetrators, reflecting the RS-wide climate of impunity for crimes against non-Serbs that advanced the common criminal purpose.<sup>326</sup> For instance:

<sup>314</sup> CLARK:P07443, pp.6,8-15,17; CLARK:T.36585-36587,T.36590-36594,T.36602-36603,T.36607-36615,T.36672-36675; FRANJIĆ:P07434, pp.101-106; FRANJIĆ:P07435, pp.46-50; FRANJIĆ:T.36371-36377,T.36406-36408,T.36477-36486. See CLARK:P07444; CLARK:P07445.

<sup>315</sup> I.HANSON:P07431, p.51; CLARK:P07443, pp.7,17; CLARK:T.36655-36659.

<sup>316</sup> CLARK:T.36594-36596,T.36677-36678.

<sup>317</sup> CLARK:P07443, pp.8-12,17; CLARK:T.36590-36592,T.36595-36601,T.36619-36620,T.36675-36682.

<sup>318</sup> CLARK:P07443, p.9; CLARK:T.36597,T.36619-36620,T.36680-36681.

<sup>319</sup> CLARK:P07443, pp.8-12; CLARK:T.36598-36599.

<sup>320</sup> TABEAU:P07449, pp.43-44,47; TABEAU:T.36766-36770; TABEAU:P07453, p.18; TABEAU:P07451, pp.163-173(confidential); RM060:P02596, T.6858(confidential); [REDACTED]; BLAŽEVIĆ:P03617, p.17; BLAŽEVIĆ:P03618, T.2491; RM704:P02602, p.7(confidential).

<sup>321</sup> E.g. P02891; P07200; MCLEOD:P03258, T.7328,T.7332-7334; MCLEOD:P03266; P00204; VULLIAMY:P00199, T.7963-7965,T.7967; P02890; P06954, p.5; P00200; P00205; P00212; P04136; P04134, p.1; P02813, para.11; OKUN:P03103, T.4189-4190.

<sup>322</sup> E.g. P00151, p.2; P00161, p.1; SOKANOVIĆ:T.35775,T.35777-35782.

<sup>323</sup> P03820; P03873, p.15; KUPREŠANIN:T.29813,T.29817; KUPREŠANIN:P06994, pp.9-10; KELEČEVIĆ:T.37257-37258.

<sup>324</sup> ATLIJA:P00168, paras.103-107; P07011; P07194, p.4; VULLIAMY:P00199, T.7977-7979; KUPREŠANIN:T.29795-29797,T.29813,T.29817; KUPREŠANIN:P06994, pp.4-5,9-10.

<sup>325</sup> RADULOVIĆ:P03207, paras.87,89,91,164(confidential); P03703, pp.1-2; P03896; P04068, p.3.

<sup>326</sup> RADULJ:T.35541-35542; [REDACTED].

- High-ranking VRS officers as well as police and republic (KARADŽIĆ), regional (KUPREŠANIN), and municipal (STAKIĆ) officials were informed the VRS massacred unarmed civilians in Briševo, yet no one was punished.<sup>327</sup>
- The 1KK command knew about the murders and abuses committed by the 43<sup>rd</sup> Brigade Reconnaissance and Sabotage Unit, or “Zoran Karlica” unit, against civilians in Čarakovo, but failed to initiate any investigation;<sup>328</sup>
- The 43<sup>rd</sup> Brigade command was aware that “quite a few civilians fell victim” during the Brdo cleansing;<sup>329</sup>
- Notorious special police units—the Prijedor intervention platoon and the CSB Banja Luka special police detachment—known for crimes that included executions, robbery, rape and looting<sup>330</sup> were never punished. Intervention Platoon members who perpetrated the Korićanske Stijene massacre and participated in VRS-led cleansing operations at Bišćani and Čarakovo<sup>331</sup> were not investigated, prosecuted or punished, but transferred to the VRS and/or given awards.<sup>332</sup> Similarly, after they were disbanded, many CSB special detachment members were “reattached to the commander of the 1<sup>st</sup> Krajina Corps”<sup>333</sup> and/or subsequently awarded.<sup>334</sup>

54. VRS and civilian officials also were aware of crimes committed in and around camps where thousands of Bosnian Muslims and Croats were imprisoned in brutal and inhumane conditions as a result of the policy of ethnic cleansing.<sup>335</sup> Bosnian Serb regional leaders, including BRĐANIN, and regional police and military leaders

<sup>327</sup> ATLIJA:P00168, paras.103-107; ATLIJA:P00169, para.49(confidential); ATLIJA:T.2315-2316; P07011; KUPREŠANIN:T.29810-29813,T.29817,T.29819-29821; P07010, p.2; KUPREŠANIN:P06994, pp.9-10; P07477, p.2; RADULOVIĆ:P03207, paras.82-83,87,91(confidential).

<sup>328</sup> P03820; RODIĆ:T.33082.

<sup>329</sup> VUJIĆ:T.34996.

<sup>330</sup> RADULOVIĆ:P03207, paras.47,52-59,164-169(confidential); P03703, p.2; P07159, p.3; P07209. *See* paras.46-47.

<sup>331</sup> [REDACTED]; [REDACTED]. *See* SIC:A.6.5-6.6(Prijedor); paras.46-47.

<sup>332</sup> MATIJEVIĆ:T.43113-43114; RADULOVIĆ:P03207, paras.154-164(confidential); P02442(confidential); [REDACTED]; P04236, pp.2,5,7; P03703, pp.1-2; [REDACTED]; D00059; D02017; [REDACTED]; BROWN:P02859, pp.93-94. *See* P06879.

<sup>333</sup> P07162; [REDACTED].

<sup>334</sup> P04236, pp.1-3,6-7,9,18; RADULOVIĆ:P03207, para.59(confidential).

<sup>335</sup> P06954, p.5; P03801, p.2; P03874; P04581, p.32; P07292, p.2; P07293; P07194, pp.1-2,4; P00235(confidential); RADULOVIĆ:P03207, paras.137-153(confidential); RADIĆ:P04333, T.7612-7613,T.7437-7438; RADULJ:T.35564; SOKANOVIĆ:T.35775,T.35780-35781; MERDŽANIĆ:T.3332-3333; ERCEG:T.34055-34057; R.JAVORIĆ:T.31451,T.31459. *See* Section III.D.4.f; para.44.

ŽUPLJANIN and ZELJAJA, along with Prijedor CS and SDS members personally visited Omarska around 15 July,<sup>336</sup> witnessed non-Serb civilians detained in inhumane conditions,<sup>337</sup> forced to give the Serb salute and sing Serb nationalist songs.<sup>338</sup> Instead of condemning what they saw, ARK officials publically thanked the military and Prijedor authorities for their “ongoing efforts in creating a Serbian state in this area...” and BRĐANIN commented approvingly to local media: “What we have seen in Prijedor is an example of a job well done....”<sup>339</sup> Days later, ŽUPLJANIN sought the “decisive view” of RS officials on the status of detainees, recommending those of “no security interest” continue to be held as “hostages” for exchange.<sup>340</sup>

55. Despite notice of the abysmal conditions and inhumane treatment in the camps, Bosnian Serb military and civilian authorities failed to properly investigate or hold perpetrators accountable.<sup>341</sup>

- 43<sup>rd</sup> Brigade soldier Zoran ŽIGIĆ<sup>342</sup>, sometimes together with Duško KNEŽEVIĆ (who commanded the 43<sup>rd</sup> mtbr Sabotage and Reconnaissance Unit),<sup>343</sup> frequently abused, extorted, beat and killed Muslim detainees at all three camps.<sup>344</sup> On 4 July 1992, Keraterm camp commander SIKIRICA reported to Prijedor SJB that ŽIGIĆ, KNEŽEVIĆ and others repeatedly entered Keraterm camp and “beat prisoners to exhaustion”, resulting in their deaths.<sup>345</sup> Nevertheless, ŽIGIĆ, who was in custody at the time on unrelated bribery/extortion charges, was released from custody days later at the request of his co-perpetrator KNEŽEVIĆ on the basis that his unit was “getting ready to go to the front” and needed this “very capable, obedient and ... diligent fighter-soldier”.<sup>346</sup> Despite being arrested again for robbery, ŽIGIĆ was

<sup>336</sup> AF966; P03959; P03422; SAJIĆ:D00836, paras.57-58; SIVAC:P00480, T.6639-6644; SIVAC:T.4813-4814,T.4883; RADIĆ:P04333, T.7437-7438; K.MEŠANOVIĆ:P03414, paras.68-70; [REDACTED].

<sup>337</sup> RADIĆ:P04333, T.7437-7438; RADULOVIĆ:P03207, paras.142-149(confidential); SAJIĆ:D00836, paras.57-58.

<sup>338</sup> AF966; RADIĆ:P04333, T.7438; SAJIĆ:D00836, paras.57-58; SIVAC:P00480, T.6639-6641.

<sup>339</sup> P03959, p.2; P03422, p.1.

<sup>340</sup> P03874.

<sup>341</sup> MERDŽANIĆ:T.3332-3333; RADULOVIĆ:P03207, paras.149,152(confidential); [REDACTED]; SEJMEHOVIĆ:T.3475; RADIĆ:T.33098-33102; SOKANOVIĆ:T.35783-35784.

<sup>342</sup> RADIĆ:T.33075-33077,T.33085-33086; P07205; P07204.

<sup>343</sup> P07204; P07205; RADIĆ:T.33075-33077,T.33085-33086.

<sup>344</sup> P02896; P07210; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6608-6609; K.MEŠANOVIĆ:P03414, para.63; MERDŽANIĆ:P00269, para.53; BLAŽEVIĆ:P03617, p.20. See SIC:B.13.2.C.15.2(Prijedor).

<sup>345</sup> P03966.

<sup>346</sup> P07204; P07205; RADIĆ:T.33075-33077,T.33085-33086.

subsequently released once more by the military court in early October 1992.<sup>347</sup> ŽIGIĆ only was held responsible for his crimes in the camps by the ICTY after the war.<sup>348</sup>

- The VRS assisted in covering up the Room 3 massacre—which the GŠ-VRS knew about—by dumping the victims' bodies in the Tomašica mass grave;<sup>349</sup>
- The Bosnian Serb leadership and GŠ-VRS knew conditions in Prijedor camps were inhumane and killings were rampant, yet no institution investigated or prosecuted camp staff.<sup>350</sup> The commanders of Omarska and Keraterm—MEJAKIĆ and SIKIRICA—were only punished after the war by the ICTY or the courts in Bosnia.<sup>351</sup>
- While rapes in and around Trnopoje were reported and medically confirmed, and camp commander KURUZOVIĆ was one of the rapists, no one was ever prosecuted or punished for the rapes. Instead, the victims were forcibly expelled by convoy.<sup>352</sup>

56. Indeed, as elsewhere throughout the RS, perpetrators were rewarded:

- 43<sup>rd</sup> mtbr Commander Col. ARSIĆ, known as a domineering leader,<sup>353</sup> was promoted to General, reassigned to commander of the Doboj Operational Group (also a promotion), and later given high awards;<sup>354</sup>
- 43<sup>rd</sup> mtbr/Prijedor TOG Commander Maj. ZELJAJA—who actively commanded the forces during the May and June 1992 cleansing operations in Prijedor, was promoted to Colonel and given command of the 43<sup>rd</sup> mtbr;<sup>355</sup>
- 5<sup>th</sup> Kozara Brigade Commander Pero ČOLIĆ—whose subordinates participated in the late May campaigns as well as the Briševo massacre—was commended and

<sup>347</sup> P07206; RODIĆ:T.33078-33084.

<sup>348</sup> RODIĆ:T.33072; R.JAVORIĆ:T.31452.

<sup>349</sup> [REDACTED]. See SIC:B.13.1(Prijedor); paras.35-36.

<sup>350</sup> SOKANOVIĆ:T.35775,T.35780-35781,T.35784; [REDACTED].

<sup>351</sup> R.JAVORIĆ:T.31452-31453.

<sup>352</sup> BLAŽEVIĆ:P03617, pp.24-25; MERDŽANIĆ:P00269, paras.32-34,63-66; MERDŽANIĆ:T.3382-3383; BLAŽEVIĆ:P03618, T.2528,T.2530; PUHALIĆ:T.31679. See para.44.

<sup>353</sup> O.MARJANOVIĆ:T.41018-41019.

<sup>354</sup> P07474, pp.1,3; P03964, p.3; P07807, p.1; P07478; KELEČEVIĆ:T.37250,T.37284; P07478; R.JAVORIĆ:T.31424; BROWN:P02859, p.132.

<sup>355</sup> P05279, p.4; P04087; SELAK:T.3005; KELEČEVIĆ:T.37259; P03841; P02436.

promoted to General, eventually replacing **MLADIĆ** as head of GŠ-VRS after the war.<sup>356</sup>

- The 43<sup>rd</sup> mtbr—which played a central role throughout the criminal campaign in Prijedor, including the killings in May in the Kozarac and Hambarine areas and the July cleansing of the Brdo region<sup>357</sup>—received written commendation for their “determination, skill and courage” from 1KK Commander **TALIĆ** immediately after the Kozarac campaign: “They are an example of how one should act while defending the SR BH.”<sup>358</sup> While bestowing awards on the 43<sup>rd</sup> mtbr, **KARADŽIĆ** lauded the brigade for “... setting a positive example for acts achieved so far;”<sup>359</sup> members of the brigade received individual medals and certificates of merit;<sup>360</sup> and
- Simo **DRLJAČA**—who, as Prijedor SJB Chief in 1992, oversaw Omarska and Keraterm camps, and whose subordinates committed numerous massacres, including at Korićanske Stijene—was repeatedly promoted. **KARADŽIĆ** commended **DRLJAČA** and several of his subordinates.<sup>361</sup>

57. VRS and MUP officials also co-operated to conceal the evidence of the mass grave at Tomašica and the related crimes. In late May 1993,<sup>362</sup> the RSMUP Minister sent **DRLJAČA** to meet with **SUBOTIĆ**, **ARSIĆ**, **BOGOJEVIĆ** and **MATIJEVIĆ** to discuss 5,000 Muslim bodies “buried” at Tomašica mine.<sup>363</sup> On 27 May 1993, 1KK Chief of Security **BOGOJEVIĆ**<sup>364</sup> reported directly to **MLADIĆ** on the plan to cover up the existence of the bodies, expressing concern not about the crimes committed, but about negative international media attention should evidence of the mass grave come to light.<sup>365</sup> He sought **MLADIĆ**’s position. **MLADIĆ** blithely stated—“They killed them, so they should get rid of them”. While **MLADIĆ** suggested a military

<sup>356</sup> R.JAVORIĆ:T.31424; P03277, p.2; LALOVIĆ:T.21988-21989; [REDACTED]; P07656, p.1.

<sup>357</sup> See SIC:A.6.1-A.6.9(Prijedor).

<sup>358</sup> P00151, p.2; P02875, p.2; BROWN:P02859, pp.131-132; P03277.

<sup>359</sup> P03964, p.3.

<sup>360</sup> P03277; [REDACTED].

<sup>361</sup> P07800, pp.4-6,13-17,19,22-23,25-28,31,34,37,40; P07798; P07799; P02436; **MATIJEVIĆ**:T.43105,T.43107-43113; [REDACTED]; [REDACTED]; **RADULOVIĆ**:P03207, para.163(confidential); P04236, pp.2,5,7,12,14,18-19; P07654, pp.2,4-6,8-10,12-15. See Section III.G.1.

<sup>362</sup> P00358, pp.151,154.

<sup>363</sup> P00358, pp.154-155.

<sup>364</sup> **RADINKOVIĆ**:T.31766; **KELEČEVIĆ**:T.37306; **ŽUPLJANIN**:T.30950; **AMIDŽIĆ**:T.29505; **MATIJEVIĆ**:T.43078.

<sup>365</sup> P00358, p.155. See **MATIJEVIĆ**:T.43132-43133; P03919, pp.1-2.

investigation, it clearly was not with the aim of holding the perpetrators accountable, as he advised that the information be “retained well to prevent it getting into the hands of unauthorised people...”<sup>366</sup> Indeed, ARSIĆ, DRLJAČA and MATIJEVIĆ were all subsequently commended and promoted.<sup>367</sup>

58. At the end of 1992, **MLADIĆ**, **KARADŽIĆ**, **KRAJIŠNIK** and **PLAVŠIĆ** gathered with other members of the BSL in Prijedor for the 21<sup>st</sup> RS Assembly.<sup>368</sup> The devastation wreaked upon Muslim neighbourhoods and villages was evident to anyone in Prijedor at the time.<sup>369</sup> In an interview, **MLADIĆ** publicly lauded his troops, stating that the people of Prijedor had “every right to be proud of their fighters”.<sup>370</sup> As **PLAVŠIĆ** stated, it was no accident that Prijedor had been selected as the venue for that Assembly session: “We had in mind everything that happened in Prijedor.”<sup>371</sup> Soon thereafter, after receiving recommendations from the Prijedor SDS for promotions for **TALIĆ** and **ZELJAJA**, **MILOVANOVIĆ**, on behalf of the GŠ-VRS, expressed gratitude to the Prijedor authorities “for the generous cooperation of your municipality with the Republika Srpska Army” and expressed the VRS’ wish that this co-operation continue and expand.<sup>372</sup>

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<sup>366</sup> P00358, p.155.

<sup>367</sup> MATIJEVIĆ:D01402, para.2; MATIJEVIĆ:T.43081-43082; P07793. *See* para.56; Section III.E.3.(d).

<sup>368</sup> P04266, p.1; P07629.

<sup>369</sup> O.MARJANOVIĆ:T.41017. *See* P04205(confidential); P04136, 00:11’00-00:11’23, 00:11’58-00:12’23.

<sup>370</sup> P07629, p.2.

<sup>371</sup> P07629, p.4.

<sup>372</sup> P04087.

## XI. ROGATICA

### A. Overview

1. In 1991 the ethnic composition of Rogatica municipality was 60% Muslim, 38% Serb and 2% other.<sup>1</sup> By late 1992, as a result of a campaign of violence led by the VRS Rogatica Brigade under Rajko KUŠIĆ's command, the small remaining Muslim population had been forced into three pockets within the municipality: Žepa in the north, and two areas in the south, bordering Goražde.<sup>2</sup> **MLADIĆ** then ordered the DK to force the enemy "to leave the Birač, Žepa and Goražde areas with the Muslim population."<sup>3</sup> After **MLADIĆ** supervised the expulsion of Žepa's population in July 1995,<sup>4</sup> there were virtually no Muslims left in the municipality.<sup>5</sup> The expulsions and other crimes against Rogatica Muslims furthered the first and third strategic objectives.<sup>6</sup> Rogatica was also strategically significant with respect to both communication and transport between Serbia and Sarajevo.<sup>7</sup> In 1995, **KARADŽIĆ** emphasised that Rogatica "had to become ours" for strategic reasons, while acknowledging it had been a majority-Muslim municipality before the war.<sup>8</sup>

2. **MLADIĆ** met with Rogatica Brigade commanders and Rogatica civilian authorities during the critical takeover period.<sup>9</sup> He also visited Rogatica; in 1993, he told detainees from Rasadnik on work detail that "if they were willing to change religions they could live among the Serbs, otherwise they had to go live in Alija's land".<sup>10</sup> In 1995, after the Rogatica Brigade's campaign against Rogatica Muslims was complete, **MLADIĆ** described KUŠIĆ as the "alpha and omega of the peaceful sleep of Serbian children in this area".<sup>11</sup>

<sup>1</sup> P06772; P06773, p.1; TABEAU:P02788, p.25.

<sup>2</sup> [REDACTED]; P03019(confidential).

<sup>3</sup> P01968, p.5. *See* Section III.D.9.

<sup>4</sup> *See* Section III.D.10.

<sup>5</sup> VESELINOVIĆ:T.28275(confidential); M.SOKOLOVIĆ:T.26086-26087. *See* TABEAU:P02798, p.9; P06574, p.1.

<sup>6</sup> *See* P02003; P00178, p.6. *See* Section III.C.2.

<sup>7</sup> [REDACTED]; P00474, pp.1-2.

<sup>8</sup> P04584, pp.5-6.

<sup>9</sup> P00352, p.349; P03176, p.1; P00353, pp.28-29,243-244,284.

<sup>10</sup> HURKO:P00167, p.2; HURKO:T.2288-2290.

<sup>11</sup> P03689, p.7.

## B. Build-up to the Conflict

3. In December 1991, the Rogatica SDS implemented the Variant A/B instructions, establishing separate Serb municipal organs including a Serb Municipal Assembly<sup>12</sup> and a party CS.<sup>13</sup> Rogatica was declared part of SAO Romanija.<sup>14</sup> On 8 April 1992, the Rogatica CS was extended into a Municipal CS.<sup>15</sup> Serb authorities in Rogatica implemented the division of the police around the end of March or beginning of April, [REDACTED].<sup>16</sup>

4. The CS acted in accordance with KARADŽIĆ's instructions<sup>17</sup> and kept the SDS leadership informed of the situation in Rogatica.<sup>18</sup> [REDACTED]<sup>19</sup> [REDACTED].<sup>20</sup>

5. Local SDS members repeated the position of the SDS Main Board that there could be no more co-existence, the Serbs would get their own republic and if there was any resistance from non-Serbs, they didn't stand a chance and would be expelled.<sup>21</sup> SDS members spread the message that there was a Muslim threat to Serbs and Serbs must be prepared to defend themselves.<sup>22</sup>

6. In late 1990 and early 1991, the JNA removed TO weapons to JNA warehouses.<sup>23</sup> The JNA then distributed weapons to Serbs in Rogatica in late 1991 and early 1992,<sup>24</sup> aided by SDS and Serb police officials.<sup>25</sup> [REDACTED].<sup>26</sup>

7. The SDS established units at Gučevo<sup>27</sup> and Borik<sup>28</sup> in late February and early March 1992 under MILOŠEVIĆ and the 216<sup>th</sup> Brigade.<sup>29</sup> The Gučevo unit, under

<sup>12</sup> P03909, p.5; M.SOKOLOVIĆ:T.26026-26027,T.26030; [REDACTED]; UJIĆ:T.26908.

<sup>13</sup> VESELINOVIĆ:D00770, para.13.

<sup>14</sup> [REDACTED]; P00178, p.6; P03930, p.2.

<sup>15</sup> P03913, p.1; VESELINOVIĆ:T.28258,T.28262-28263; UJIĆ:T.26907. *See* AF1121; P06908; VESELINOVIĆ:D00770, para.13.

<sup>16</sup> AF1120; [REDACTED]; [REDACTED]. *See* AF348; P03009.

<sup>17</sup> P06823, p.1; P06907, pp.1,4; VESELINOVIĆ:T.28252-28257.

<sup>18</sup> VESELINOVIĆ:D00770, para.13; UJIĆ:T.26910.

<sup>19</sup> [REDACTED]; Elvir PASIĆ:P00434, para.15; [REDACTED]; UJIĆ:T.27012.

<sup>20</sup> [REDACTED]; [REDACTED]; VESELINOVIĆ:D00770, para.23.

<sup>21</sup> [REDACTED].

<sup>22</sup> [REDACTED]; *e.g.* P06906, p.1.

<sup>23</sup> LELEK:T.29647-29648. *See* P03083.

<sup>24</sup> [REDACTED]; [REDACTED]; Elvir PASIĆ:P00434, paras.14-16; P03924, p.1; P03030, p.11.

<sup>25</sup> Elvir PASIĆ:P00434, para.16; [REDACTED]; DONIA:P02001, p.73; P02653, tpp.4,7-8.

<sup>26</sup> [REDACTED].

<sup>27</sup> P03021, p.2; UJIĆ:T.26913; [REDACTED]; [REDACTED]; [REDACTED].

Radomir FURTULA, was mobilised into the 216<sup>th</sup> Brigade and deployed to Sarajevo.<sup>30</sup> KUŠIĆ commanded the Borike unit.<sup>31</sup> It included JNA soldiers and SDS volunteers<sup>32</sup> and was trained<sup>33</sup> and supplied<sup>34</sup> by the JNA. KUŠIĆ's unit became the Rogatica Serb TO in March 1992 after the division of the TO in Rogatica.<sup>35</sup> The Defence claim that the Serbs "self-organised" is incredible in light of this evidence.<sup>36</sup>

8. KUŠIĆ's unit terrorised non-Serbs.<sup>37</sup> By late March 1992, KUŠIĆ's men had erected checkpoints and were stopping Muslims<sup>38</sup> whom they searched, stole from and insulted on ethnic and religious grounds.<sup>39</sup> Muslims responded by erecting barricades in areas where they were in the majority and demanding the withdrawal of KUŠIĆ's unit.<sup>40</sup> The Bosnian Serb authorities approved of KUŠIĆ's actions; on 19 May 1992, Mićo STANIŠIĆ stated KUŠIĆ was "doing excellent so far" in Rogatica.<sup>41</sup>

9. This behaviour, combined with the JNA presence, the arming of Serbs and the disarming of Muslim villages<sup>42</sup>, left the Muslim population feeling intimidated and frightened.<sup>43</sup>

10. Between March and May 1992 D.MILOŠEVIĆ and SDS CS members (including KUŠIĆ)<sup>44</sup> negotiated with Muslim officials about dividing the municipality,<sup>45</sup> reporting regularly to the SDS Main Board in Pale.<sup>46</sup> Initially, they

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<sup>28</sup> AF1118; AF273; P03904; [REDACTED]; P03924, p.2; [REDACTED]; [REDACTED]; VESELINOVIĆ:D00770, para.13; P06543, p.1. *See* P06638, pp.1-2; P06931, p.1; ĐERIĆ:T.28596.

<sup>29</sup> AF271-AF272; P02008, pp.1-2; P00345, p.266; P06931, p.1.

<sup>30</sup> AF272; P03924, pp.1-2; VESELINOVIĆ:D00770, para.19; VESELINOVIĆ:T.28260-28261; P03021, p.2; [REDACTED]; P06773, pp.1-2.

<sup>31</sup> RAJAK:T.27342; ĐERIĆ:T.28586.

<sup>32</sup> AF1118; [REDACTED]; P03915, pp.2-3; ISAKOVIĆ:P01638, p.2.

<sup>33</sup> P03924, p.2.

<sup>34</sup> Elvir PASIĆ:P00434, para.14; ISAKOVIĆ:P01638, p.2; BAŽDAR:P02223, p.3; N.ANDRIĆ:D00665, para.7(confidential).

<sup>35</sup> P03924, p.2; RAJAK:T.27342-27343; LELEK:D00849, p.6.

<sup>36</sup> *E.g.* ĐERIĆ:D00788, para.4; RAJAK:D00708, paras.3,7; Milenko JANKOVIĆ:D00683, para.3.

<sup>37</sup> AF1124; P03017, p.3; [REDACTED]; [REDACTED].

<sup>38</sup> P06909, p.2; [REDACTED].

<sup>39</sup> P06909, p.2; [REDACTED]; Elvir PASIĆ:P00434, para.14.

<sup>40</sup> P06909, p.2; P03015; [REDACTED]; ISAKOVIĆ:P01638, p.2; UJIĆ:D00691, para.18; D00695; UJIĆ:T.26873-26883.

<sup>41</sup> P04123, pp.4,22.

<sup>42</sup> UJIĆ:T.26933; [REDACTED]; UJIĆ:D00691, para.32.

<sup>43</sup> ISAKOVIĆ:P01637, p.2. *See* BAŽDAR:P02223, p.3; [REDACTED]; P03021, p.2.

<sup>44</sup> [REDACTED].

<sup>45</sup> P03913, p.2; [REDACTED].

<sup>46</sup> [REDACTED].

demanding a “factual division on the ground”,<sup>47</sup> in accordance with KARADŽIĆ’s instructions<sup>48</sup> and backed by the threat of force: KUŠIĆ [REDACTED]<sup>49</sup> and threatened to attack the town if a separation did not take place.<sup>50</sup> Eventually, on 2 May 1992<sup>51</sup> Muslim negotiators agreed to a geographical partition in an effort to avoid war.<sup>52</sup>

11. Almost as soon as agreement was reached on the division of territory,<sup>53</sup> SDS representatives (under enormous pressure from the SDS Main Board and the military command to get the job done),<sup>54</sup> demanded control of the whole municipality, and ordered all Muslims to surrender their weapons under threat of arrest and expulsion.<sup>55</sup> The Muslim authorities refused.<sup>56</sup> [REDACTED].<sup>57</sup>

### C. VRS Forces

12. By 30 April 1992, the Rogatica Serb TO reported to the SAO Romanija TO command that it had a large number of territorial and manoeuvre units, which were armed with, *inter alia*, anti-aircraft guns<sup>58</sup> and mortars.<sup>59</sup> Units were spread throughout the municipality and took part in co-ordinated action with TO units in other municipalities.<sup>60</sup>

13. On or about 20 May 1992, KUŠIĆ’s Serb TO was incorporated into the VRS<sup>61</sup> as the Rogatica Brigade<sup>62</sup> with KUŠIĆ as commander,<sup>63</sup> a position he held throughout the Indictment period.<sup>64</sup> Mile UJIĆ, an SDS municipal board and CS member, became

<sup>47</sup> AF1119; [REDACTED]; P06823.

<sup>48</sup> P06823; UJIĆ:T.26911; VESELINOVIĆ:T.28259-28260.

<sup>49</sup> [REDACTED].

<sup>50</sup> P06823; UJIĆ:T.26911; P03015; P03018; [REDACTED]; [REDACTED].

<sup>51</sup> P06773, pp.1-2; UJIĆ:D00691, para.23; UJIĆ:T.26908.

<sup>52</sup> AF1119; [REDACTED]; [REDACTED]; [REDACTED].

<sup>53</sup> P03913, p.2.

<sup>54</sup> [REDACTED].

<sup>55</sup> AF1123; AF1126; [REDACTED]. *See* UJIĆ:D00691, para.28.

<sup>56</sup> AF1126; [REDACTED].

<sup>57</sup> [REDACTED].

<sup>58</sup> Milenko JANKOVIĆ:T.26655.

<sup>59</sup> P06814; [REDACTED].

<sup>60</sup> P03924, p.2; P06931, p.2; ĐERIĆ:T.28598; P06814; [REDACTED].

<sup>61</sup> P06815; Milenko JANKOVIĆ:T.26664; P06931, p.3; ĐERIĆ:T.28598-28599; UJIĆ:T.26925,T.26947,T.27016-27017; LELEK:T.29579; P06827, p.2; RAJAK:T.27345; P02008, pp.1-2. *See* T.27285; P03913, p.3; N.ANDRIĆ:D00666, para.7; ĐERIĆ:D00788, para.6.

<sup>62</sup> The Rogatica Brigade was later renamed the Podrinje Brigade. P03663.

<sup>63</sup> P06827, p.2; Milenko JANKOVIĆ:T.26664.

<sup>64</sup> Milenko JANKOVIĆ:D00683, para.15.

Chief of Staff.<sup>65</sup> The Rogatica Brigade was receiving orders from the SRK by 22 May<sup>66</sup> and reporting to the SRK by at least 29 May 1992.<sup>67</sup> **MLADIĆ** met with KUŠIĆ and UJIĆ on 30 May 1992,<sup>68</sup> later renamed the Rogatica Brigade the Podrinje Brigade<sup>69</sup> and selected it to be part of the DK.<sup>70</sup>

14. All Serb forces in Rogatica, including volunteer groups, were incorporated into the Rogatica Brigade.<sup>71</sup> These included JOVIĆ's men (aka the White Eagles<sup>72</sup>), ARKAN's men and ŠEŠELJ's men.<sup>73</sup>

#### **D. Cleansing of Rogatica Municipality**

15. On 17 May 1992, **MLADIĆ**, KARADŽIĆ and KRAJIŠNIK met with Rogatica representatives in Sokolac.<sup>74</sup> **MLADIĆ** noted quantities of mortar and artillery;<sup>75</sup> KRAJIŠNIK stated the time was "ripe for a demarcation of the areas between Croats, Serbs, and Muslims because ... a common state with them is no longer possible";<sup>76</sup> and KARADŽIĆ indicated they were "looking for results from the army".<sup>77</sup> At the meeting, **MLADIĆ** recorded tasks including reconnaissance of Muslim areas and further general mobilisation.<sup>78</sup> Immediately afterwards, the Rogatica Brigade carried out these tasks on KUŠIĆ's order.<sup>79</sup> The following day the Serbian Municipal Assembly abrogated a local agreement on the division of territory<sup>80</sup> and claimed the entire municipality of Rogatica a Serbian municipality.<sup>81</sup> Four days later, the Rogatica Brigade attacked the municipality's Muslim-populated areas.<sup>82</sup>

<sup>65</sup> P06833, p.1; UJIĆ:T.26907,T.26909; [REDACTED].

<sup>66</sup> P06827; UJIĆ:T.26946-26947.

<sup>67</sup> P03907; LELEK:T.29582.

<sup>68</sup> P00353, pp.28-29.

<sup>69</sup> P03663.

<sup>70</sup> P03659, p.1.

<sup>71</sup> P03020, p.1.

<sup>72</sup> THEUNENS:P03029, p.296.

<sup>73</sup> UJIĆ:T.26980.

<sup>74</sup> P00352, p.349; P03176, p.1.

<sup>75</sup> P00352, p.349.

<sup>76</sup> P03176, p.2.

<sup>77</sup> P00352, p.351.

<sup>78</sup> P00352, pp.349,354.

<sup>79</sup> UJIĆ:T.26942,T.26945-26946; P06826; P06825.

<sup>80</sup> P03913, p.3; P06773, p.2; M.SOKOLOVIĆ:T.26036; UJIĆ:T.26922-26924.

<sup>81</sup> P06773, p.2.

<sup>82</sup> [REDACTED].

# 1. Cleansing of Rogatica Municipality

16. Beginning on 22 May 1992 the Rogatica Brigade engaged in a combined shelling and infantry attack on Muslim-populated parts of Rogatica town and Muslim villages in Rogatica municipality.<sup>83</sup> On 23 May KUŠIĆ reported to the Supreme Command that the enemy was crushed and the Bosnian Serbs suffered no losses.<sup>84</sup> After the shelling of exclusively Muslim parts of Rogatica town,<sup>85</sup> on 23 May 1992, the Rogatica Brigade commenced what KUŠIĆ termed a “*čišćenje*” operation<sup>86</sup> in which he ordered all units to “carry out destruction of personnel without hesitation” and “open fire from all available weapons”.<sup>87</sup> VRS soldiers then moved methodically through the part of the town they had captured, cleansing and destroying Muslim areas<sup>88</sup> using grenades, machine guns, tanks, fire and dogs to flush Muslims out of their homes or cellars.<sup>89</sup> A large number of civilians were beaten and/or killed during these operations,<sup>90</sup> including several elderly women who were burned in their homes.<sup>91</sup> Some bodies were buried, others burned<sup>92</sup> and others left decomposing in the street.<sup>93</sup> 64 of the men arrested on the day the Brigade “cleansed” Rogatica were subsequently exhumed from a mass grave in the Paklenik pit.<sup>94</sup> Many were identified as civilians; none have been identified as soldiers.<sup>95</sup>

17. During these operations, KUŠIĆ ordered Muslims over a loud-speaker to surrender in the town’s central square.<sup>96</sup> Some Muslims surrendered and were taken to the Veljko Vlahović school;<sup>97</sup> thousands more fled the town instead.<sup>98</sup>

<sup>83</sup> AF1128; P00166; UJIĆ:T.26957-26958,T.26979; Elvir PASIĆ:T.4478. See Elvir PASIĆ:P00434, paras.17-20; [REDACTED]; ISAKOVIĆ:P01637, pp.3-4; HURKO:P00164, para.5; [REDACTED]; [REDACTED]; [REDACTED]; P06828, p.2; P04387, p.2.

<sup>84</sup> P00166.

<sup>85</sup> [REDACTED].

<sup>86</sup> P03022; HURKO:P00164, para.5; [REDACTED].

<sup>87</sup> P03022.

<sup>88</sup> [REDACTED]; [REDACTED].

<sup>89</sup> E.g. [REDACTED]; ISAKOVIĆ:P01637, p.4; Elvir PASIĆ:P00434, para.23.

<sup>90</sup> [REDACTED]; Elvir PASIĆ:P00434, para.23.

<sup>91</sup> P03014; [REDACTED].

<sup>92</sup> [REDACTED].

<sup>93</sup> [REDACTED].

<sup>94</sup> Elvir PASIĆ:T.4473-4474; P00315; P00436; [REDACTED]; [REDACTED]. See CLARK:P02262; P07529, pp.2,13-15.

<sup>95</sup> Elvir PASIĆ:T.4474; [REDACTED].

<sup>96</sup> [REDACTED]; [REDACTED]; VESELINOVIĆ:T.28273; UJIĆ:T.26906. See AF1128; Elvir PASIĆ:P00434, para.20; [REDACTED].

<sup>97</sup> See paras. 27-28.

<sup>98</sup> AF1136; UJIĆ:T.26972; RM037:P02227, paras.11-12(confidential); P03014, p.3.

18. Defence witnesses claimed this attack was a response to the killing of Draženko MIHAJLOVIĆ.<sup>99</sup> In fact, the Serb authorities had abandoned negotiation<sup>100</sup> and claimed authority over the entire municipality before MIHAJLOVIĆ died on 20 May 1992.<sup>101</sup> Together with the scale of the attack these factors make clear his death was merely a pretext.

19. On 19 June 1992, in the face of limited resistance in Rogatica town,<sup>102</sup> the Rogatica Brigade's Borike unit mounted a new offensive to take the remaining areas of the town.<sup>103</sup> At least 72 Bosnian Muslims, including women, were killed that day alone.<sup>104</sup> The offensive lasted for one month "until the entire town was cleansed of its Muslim population."<sup>105</sup> The Rogatica Brigade took full control of the town on 22 July 1992.<sup>106</sup>

20. The VRS also shelled and burned Rogatica's Muslim villages<sup>107</sup> before launching infantry assaults.<sup>108</sup> Throughout the municipality, Muslim villages were targeted as the VRS and other Bosnian Serb forces sought to remove all traces of Rogatica's Muslim inhabitants.<sup>109</sup> Where Muslims resisted, fiercer attacks followed.<sup>110</sup> KUŠIĆ embodied the Brigade's tactics in an undated order, directing "There are to be no negotiations", "Those who do not surrender and are disloyal will be persecuted and killed" and "Make it known that anyone who does not return their weapons and does not surrender will be killed".<sup>111</sup> Again, many Muslims fled in the face of these assaults.<sup>112</sup> Muslim civilians were killed during the shelling of or the infantry assault on Muslim villages,<sup>113</sup> whilst others went missing, were never seen

<sup>99</sup> UJIĆ:D00691, para.25;D00695; UJIĆ:T.26887-26888; VESELINOVIĆ:D00770, para.15; LELEK:D00849, para.13; M.SOKOLOVIĆ:D00652, para.10.

<sup>100</sup> P03913, p.3.

<sup>101</sup> D00709, p.1; Milenko JANKOVIĆ:T.26635(confidential); M.SOKOLOVIĆ:D00652, para.10. See para.11.

<sup>102</sup> [REDACTED]; Elvir PASIĆ:P00434, para.17; HURKO:P00164, para.4; HURKO:T.2246-2249; [REDACTED]; ISAKOVIĆ:P01637, p.3.

<sup>103</sup> Milenko JANKOVIĆ:T.26638(confidential).

<sup>104</sup> P03014, pp.4-6. See UJIĆ:T.26889,T.26899.

<sup>105</sup> [REDACTED].

<sup>106</sup> UJIĆ:T.26889.

<sup>107</sup> ISAKOVIĆ:P01638, p.3; [REDACTED]; HURKO:T.2257-2259.

<sup>108</sup> [REDACTED].

<sup>109</sup> [REDACTED].

<sup>110</sup> [REDACTED].

<sup>111</sup> P03920.

<sup>112</sup> [REDACTED].

<sup>113</sup> P03014, pp.1,3; [REDACTED]; UJIĆ:T.26931; [REDACTED]; [REDACTED].

again and must have been killed.<sup>114</sup> For example, HURKO was arrested in August 1992. He, his father and his uncle were held in a garage and beaten. The witness last saw his uncle being beaten in the garage. After that, his uncle disappeared and was never seen again.<sup>115</sup>

21. KUŠIĆ met with **MLADIĆ** a week after the attack commenced<sup>116</sup> and regularly reported to his superiors throughout the conflict in Rogatica.<sup>117</sup> **MLADIĆ** also met with Rogatica municipal representatives at least once in June.<sup>118</sup>

22. The Rogatica Brigade plundered abandoned Muslim property, including “motor vehicles and other kinds of goods and equipment.”<sup>119</sup> On 1 August 1992, KUŠIĆ took steps to control and centralise the ongoing plunder, ordering units to organise the collection of plundered goods and register the property with the Brigade Command, whereupon it would be taken over and stored by the Brigade’s logistics base.<sup>120</sup>

23. Bosnian Serb Forces destroyed numerous mosques in the municipality, including the two in Rogatica town.<sup>121</sup> Defence witnesses’ claims<sup>122</sup> that the mosques in Rogatica town were destroyed during legitimate combat activities are contradicted by the targeting of mosques even before the outbreak of the conflict<sup>123</sup> and the fact that these mosques were “completely destroyed” while the adjacent buildings, even those which were purportedly being targeted, remained in good condition.<sup>124</sup>

## 2. Detention Centres in Rogatica Municipality

24. The Brigade and other Bosnian Serb authorities in Rogatica detained non-Serbs, including civilians, in facilities including Rasadnik, the Sladara factory, Veljko

<sup>114</sup> P06801, pp.2-3.

<sup>115</sup> HURKO:P00164, para.11.

<sup>116</sup> P00353, pp.28-29.

<sup>117</sup> P03907; P06828; P03926; P04398; P04151; P00312; P04401; P04393; P06803; P04387; P00165; LELEK:T.29589-29590,T.29592-29593; UJIĆ:T.26942.

<sup>118</sup> P00353, pp.243-244.

<sup>119</sup> P03909, p.32; M.SOKOLOVIĆ:T.26047-26049; [REDACTED]; P03016.

<sup>120</sup> P03016.

<sup>121</sup> SIC:D.12(Rogatica).

<sup>122</sup> LELEK:D00849, para.20; VESELINOVIĆ:T.28237(confidential).

<sup>123</sup> ISAKOVIĆ:P01637, p.2.

<sup>124</sup> RIEDLMAYER:P02510, pp.69-73. See D00772 00:21:34-00:22:10; VESELINOVIĆ:T.28237(confidential).

Vlahović secondary school (“School”) and SJB Rogatica.<sup>125</sup> Rogatica Brigade officers, including KUŠIĆ, oversaw, participated in and/or permitted the unlawful detention, mistreatment, expulsions and killing of detainees in Rogatica. The detainees were brutally mistreated<sup>126</sup> and civilian authorities transferred the survivors out of Rogatica.<sup>127</sup>

25. Sladara factory was used as a detention facility.<sup>128</sup> KUŠIĆ and UJIĆ were present when Muslim TO commander Mehmed AGIĆ was detained at Sladara, lying on the floor, blindfolded and with his hands tied behind his back.<sup>129</sup> MLADIĆ also knew of AGIĆ’s arrest.<sup>130</sup> The CS had its headquarters in Sladara<sup>131</sup> from at least April to June 1992 and CS members were present regularly.<sup>132</sup> Rasadnik, where detainees were subjected to serious and systematic crimes, was only 300-400 metres away from CS headquarters.<sup>133</sup>

26. KUŠIĆ exercised control over, and was regularly present at, the School.<sup>134</sup> KUŠIĆ told Muslims who had gathered in Rogatica town square that Rogatica was now a Serbian municipality and the Muslim population had to sign a loyalty oath and move to the School.<sup>135</sup> On one visit to the School, KUŠIĆ told detainees he was “running late with the cleansing of Rogatica” and had to report to Pale why this was not yet completed.<sup>136</sup> Up to 1,100 Muslim civilians (mostly women and children) were detained there and subjected to cruel treatment, torture, rape and other acts of sexual violence, forced labour, unlawful detention and inhumane treatment.<sup>137</sup> Numerous non-Serb men were taken out of the School and killed between June and September 1992.<sup>138</sup> The Rogatica Brigade, police and municipal authorities expelled

<sup>125</sup> P02229, p.1; P06774, p.1.

<sup>126</sup> See SIC:B14.2,C.16.1,C.16.3(Rogatica).

<sup>127</sup> P06774, p.1.

<sup>128</sup> P02229, p.1; UJIĆ:T.26986-26988.

<sup>129</sup> UJIĆ:T.26986-26988,T.27019-27021. See P04387.

<sup>130</sup> P00353, p.245.

<sup>131</sup> M.SOKOLOVIĆ:T.26014.

<sup>132</sup> M.SOKOLOVIĆ:T.26015; VESELINOVIĆ:T.28267.

<sup>133</sup> UJIĆ:T.26992-26993; P06831; VESELINOVIĆ:T.28271.

<sup>134</sup> See SIC:C.16.1(Rogatica).

<sup>135</sup> AF1128; UJIĆ:T.26906; Elvir PASIĆ:P00434, paras.20-21; [REDACTED]; ISAKOVIĆ:P01637, p.4.

<sup>136</sup> [REDACTED].

<sup>137</sup> See SIC:C.16.1(Rogatica).

<sup>138</sup> See SIC:B.14.1(Rogatica).

many of the women, children and elderly detained at the School out of Serb-held territory, while surviving military-aged men were taken to other detention centres.<sup>139</sup>

27. Muslim civilians, including those captured in the town<sup>140</sup> and in attacks on villages,<sup>141</sup> were forced to go to the School,<sup>142</sup> contrary to Defence witnesses' unsubstantiated assertions that the Muslim population came to the School of their own free will to take shelter from war operations.<sup>143</sup> The personal accounts of those forced to go there are corroborated by Rogatica Brigade soldier Radisav LJUBINAC (aka "PJANO")'s conviction for forcibly transferring Muslims to and away from the School;<sup>144</sup> the fact soldiers were seen taking people to the School;<sup>145</sup> the fact guards and machine-gun nests were posted around the School and detainees were informed that the surrounding area had been set with landmines;<sup>146</sup> and the terrible conditions and abuse at the School,<sup>147</sup> to which no one would voluntarily subject themselves.

28. Muslims, including many civilians, were also detained at Rasadnik camp.<sup>148</sup> Many were transferred from the School.<sup>149</sup> Rogatica Brigade officer Vinko BOJIĆ commanded Rasadnik beginning in late 1992,<sup>150</sup> and KUŠIĆ controlled exchanges of detainees.<sup>151</sup> Rasadnik detainees were subjected to cruel treatment, torture, rape and other acts of sexual violence, forced labour, unlawful detention and inhumane treatment.<sup>152</sup> Defence witness claims<sup>153</sup> that detainees who were obviously civilians, such as minors, women and elderly persons, were there voluntarily are contradicted by contemporaneous DK prisoner lists which labelled such detainees as "prisoners" or

<sup>139</sup> AF506; [REDACTED]; BOWEN:P02515, para.53; Elvir PASIĆ:P00434, paras.30-34; ISAKOVIĆ:P01638, p.4; BAŽDAR:P02223, p.4; HURKO:P00164, paras.21-22; P06774, p.1; UJIĆ:T.26988-26989.

<sup>140</sup> AF1129; ISAKOVIĆ:P01637, p.4; Elvir PASIĆ:P00434, para.23.

<sup>141</sup> HURKO:P00164, para.14.

<sup>142</sup> [REDACTED]; [REDACTED].

<sup>143</sup> N.ANDRIĆ:T.26385; VESELINOVIĆ:D00770, para.18; VESELINOVIĆ:T.28273; UJIĆ:D00691, paras.28-29; UJIĆ:T.26988.

<sup>144</sup> UJIĆ:T.26988-26989.

<sup>145</sup> UJIĆ:T.26988.

<sup>146</sup> AF1131; [REDACTED].

<sup>147</sup> See SIC:C.16.1(Rogatica).

<sup>148</sup> See SIC:C.16.3(Rogatica).

<sup>149</sup> See SIC:C.16.3(Rogatica).

<sup>150</sup> See SIC:C.16.3(Rogatica).

<sup>151</sup> See SIC:C.16.3(Rogatica); P06854; RAJAK:T.27349-27350.

<sup>152</sup> See SIC:C.16.3(Rogatica).

<sup>153</sup> LELEK:T.29611-29615; VESELINOVIĆ:D00770, para.19; N.ANDRIĆ:T.26406-26407,T.26410-26411.

“captured persons”<sup>154</sup> and the detainees being held for exchange rather than released.<sup>155</sup>

29. On 15 August 1992, on KUŠIĆ’s order LJUBINAC took 27 detainees from Rasadnik to the frontline.<sup>156</sup> After the detainees were used as human shields, Brigade battalion commander PAUNOVIĆ ordered them executed. All but three were killed.<sup>157</sup> The Brigade Command learned of this crime immediately,<sup>158</sup> yet took no action against those involved.<sup>159</sup>

30. The ethnic cleansing of Rogatica continued after the Bosnian Serbs had cemented their hold on the municipality. Some Muslim villages that had surrendered their weapons and were considered “loyal” were spared during the initial attack,<sup>160</sup> but their populations were thereafter also cleansed,<sup>161</sup> sometimes through purported exchanges.<sup>162</sup> As the Bosnian Serb mayor of Rogatica stated in May 1993, “the Serbs and Muslims cannot live together Š...Ć the Serbs want their own state, once and for all”.<sup>163</sup>

#### **E. Knowledge and Approval of Rogatica Brigade Crimes**

31. By June 1992, the SRK Command was well aware KUŠIĆ and his men were committing violent crimes in Rogatica.<sup>164</sup> On 26 June SRK Commander ŠIPČIĆ claimed to warn KUŠIĆ “for the last time” to refrain from “massacr[ing], rampaging [and] abusing the innocent population.”<sup>165</sup> This was an empty threat, as KUŠIĆ continued this behaviour for months, and instead of being punished was promoted and rewarded. In December 1992, the new SRK Commander GALIĆ congratulated KUŠIĆ and the Rogatica Brigade for their “great and immeasurable contribution” to

<sup>154</sup> P06804; P06805. See HURKO:P00164, para.34; P06722, p.4; N.ANDRIĆ:T.26411.

<sup>155</sup> P06854. See N.ANDRIĆ:T.26412; RAJAK:T.27349.

<sup>156</sup> See SIC:B.14.2(Rogatica).

<sup>157</sup> See SIC:B.14.2(Rogatica).

<sup>158</sup> BAŽDAR:P02223, p.6; UJIĆ:T.26999-27001; P06832.

<sup>159</sup> PAUNOVIĆ was prosecuted for his involvement in this incident well after the war. P06832. See UJIĆ:T.27000-27002.

<sup>160</sup> [REDACTED].

<sup>161</sup> [REDACTED]; HURKO:T.2279-2280; P06830; UJIĆ:T.26895,T.26982-26983. Defence witnesses’ claims that Muslims remained in these villages bore no credibility. E.g. LELEK:T.29572-29574; Milenko JANKOVIĆ:T.26689; UJIĆ:D00691, para.35.

<sup>162</sup> P06722, p.4; P06830. See P04008.

<sup>163</sup> P04141.

<sup>164</sup> P04453.

<sup>165</sup> P04453.

the VRS' "magnificent successes in 1992."<sup>166</sup> On 15 February 1993, KARADŽIĆ promoted KUŠIĆ to 1<sup>st</sup> Class Captain.<sup>167</sup> Months later, MLADIĆ further promoted him to Major,<sup>168</sup> KUŠIĆ was decorated with the Order of Miloš Obilić, and his Brigade was awarded the Order of Nemanjić.<sup>169</sup> By August 1995, KUŠIĆ was a Lieutenant Colonel.<sup>170</sup>

32. In October 1993 Rogatica civilian authorities informed, among others, the RS Presidency, GŠ-VRS, and DK command that KUŠIĆ was engaging in "indecent behaviour", noting it worsened "after he got rank and medals".<sup>171</sup> By the end of the war KUŠIĆ openly reported to the DK command that the Brigade had "liquidated" a group of five "balijas" who had fled Žepa and "an unarmed Ustasha" from Srebrenica who was looking for food.<sup>172</sup>

33. Other criminal Rogatica Brigade members were also promoted and rewarded. In 1994, KUŠIĆ recommended LJUBINAC for promotion, citing his "exceptional bravery" during the "liberation of the Serb territory of Rogatica municipality"<sup>173</sup> when in fact he had been heavily involved in the forcible transfer of civilians<sup>174</sup> and in taking the Rasadnik prisoners who were used as human shields and then executed.<sup>175</sup> GŠ-VRS publication *Srpska Vojska*<sup>176</sup> lauded the Brigade, highlighting the unit commanded by Stojan PERKOVIĆ as being "among the best" in the Brigade<sup>177</sup> despite PERKOVIĆ and his unit's involvement in killing, expelling, raping, unlawfully detaining and mistreating non-Serbs in Rogatica.

34. After the conflict, the same Rogatica Brigade members that were lauded by superior VRS organs were found guilty of these crimes in BiH. LJUBINAC and PERKOVIĆ have been convicted of crimes against non-Serbs.<sup>178</sup> PAUNOVIĆ was

<sup>166</sup> P06829. See UJIĆ:T.26980-26981.

<sup>167</sup> P04002.

<sup>168</sup> P03684.

<sup>169</sup> P03915, pp.1,4.

<sup>170</sup> P01064, p.2; P03915, pp.1,4.

<sup>171</sup> P03909, p.32; M.SOKOLOVIĆ:T.26016-26017,T.26049.

<sup>172</sup> P01064, p.1.

<sup>173</sup> P04104; P03915, pp.1,4.

<sup>174</sup> UJIĆ:T.26988-26989.

<sup>175</sup> See SIC:B.14.2(Rogatica).

<sup>176</sup> BARAŠIN:T.28761; P07196, p.7.

<sup>177</sup> P03915, pp.1,4.

<sup>178</sup> P06801; P03915, p.4; UJIĆ:T.26988-26989.

convicted of executing the men taken from Rasadnik;<sup>179</sup> UJIĆ testified as a defence witness at PAUNOVIĆ's trial and failed to tell the court that he knew, and had known for over ten years, that PAUNOVIĆ was the perpetrator.<sup>180</sup>

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<sup>179</sup> P06832; UJIĆ:T.26929.

<sup>180</sup> UJIĆ:T.27001,T.27003-27010.

## XII. SANSKI MOST

### A. Overview

1. In 1991, Sanski Most municipality was comprised of 28,285 Muslims (47%), 25,372 Serbs (42.2%) and 4,267 Croats (7.1%).<sup>1</sup> Implementing the goal of making Sanski Most “purely Serb”,<sup>2</sup> the VRS 6<sup>th</sup> Brigade<sup>3</sup> and other Bosnian Serb Forces radically altered Sanski Most’s demography through attacks on the Muslim and Croat communities including the detentions, murders and expulsions of non-Serb civilians. This campaign was largely successful in removing Sanski Most’s non-Serbs by the end of 1992.<sup>4</sup> By February 1995, only 3,350 Muslims and 1,050 Croats remained in the municipality.<sup>5</sup> Their expulsions furthered the first and second strategic objectives.<sup>6</sup> KARADŽIĆ and KRAJIŠNIK stressed the strategic importance of Sanski Most and the need to retain it.<sup>7</sup>

### B. Build-up and Establishment of Serb Organs

#### 1. Creation of Serb Organs and Arming of Serb Population

2. Sanski Most SDS leaders echoed claims by republic-level and ARK SDS leaders that non-Serbs were a threat,<sup>8</sup> which intimidated non-Serbs and encouraged Serbs to commit crimes against non-Serbs.<sup>9</sup> The Sanski Most CS’s *Informator* newsletter accused non-Serbs of genocidal aspirations, claiming they had “monsters ready and committed to raping Serbian women” and “a system of killing each and every Serb”.<sup>10</sup> 6<sup>th</sup> Brigade battalion commander Boro TADIĆ contributed to the *Informator*<sup>11</sup> and the Brigade distributed similar propaganda to its soldiers.<sup>12</sup>

<sup>1</sup> P00162; P07484, pp.6-7; P03853, p.8.

<sup>2</sup> [REDACTED].

<sup>3</sup> The 6<sup>th</sup> Infantry Brigade was also referred to as the 6<sup>th</sup> Partisan Brigade, 6<sup>th</sup> Krajina Brigade, and the 6<sup>th</sup> Sana Brigade (“6<sup>th</sup> Brigade”). See BROWN:P02859, pp.47-48; BASARA:T.34399; [REDACTED]; [REDACTED].

<sup>4</sup> AF1207; [REDACTED]. See P07484.

<sup>5</sup> P03853, p.8. See KELEČEVIĆ:T.37310-37311,T.37419-37420.

<sup>6</sup> P00178, p.35; P03614. See Section III.C.2.; [REDACTED]; P04616; TADIĆ:D00861, para.6.

<sup>7</sup> P04583, p.2; P04188, pp.4-5; P07294, 00:07’37-00:39’58, tp.2; ERCEG:T.34091-34092.

<sup>8</sup> See Section III.B.

<sup>9</sup> [REDACTED]; P03837, p.1. See P07015, pp.3,6.

<sup>10</sup> See P07015, pp.3-4,6,8,24.

<sup>11</sup> P03851, p.3; TADIĆ:T.29969-29970; P07015, p.1. See B.DAVIDOVIĆ:D00675, para.16.

<sup>12</sup> P03851, pp.4-5; P02874; B.DAVIDOVIĆ:T.26512-26513.

3. In late 1991, as JNA 9<sup>th</sup> Corps Commander, **MLADIĆ** met with Serbs in Sanski Most about distributing arms to Serbs.<sup>13</sup> Afterwards, large quantities of arms were shipped from the Knin Krajina to Sanski Most.<sup>14</sup> The JNA and SDS armed Serbs in Sanski Most.<sup>15</sup> In February 1992 a “Serbian” TO Staff was established.<sup>16</sup>

4. Acting on ARK orders, in March 1992 the Sanski Most SDS called for dividing the municipality along ethnic lines<sup>17</sup> and later proclaimed all “Serbian” territories in Sanski Most part of the RS.<sup>18</sup> On 3 April the Serb Assembly of Sanski Most declared the municipality part of the ARK.<sup>19</sup>

5. The 6<sup>th</sup> Brigade arrived in Sanski Most the same day<sup>20</sup> with orders from then-5<sup>th</sup> Corps Commander **TALIĆ** to “establish full co-operation with the organs of government in Sanski Most municipality and [collaborate] with TO/territorial defence/ and police units.”<sup>21</sup> As Brigade commander Branko **BASARA** later wrote, with the Brigade’s arrival in Sanski Most “the Muslims and Croats became afraid, while the Serbs heaved a huge sigh of relief.”<sup>22</sup> After its arrival the 6<sup>th</sup> Brigade secretly armed Serbs<sup>23</sup> and, together with the SJB, erected checkpoints throughout town<sup>24</sup> at which 6<sup>th</sup> Brigade soldiers and other armed Serbs searched only non-Serbs.<sup>25</sup>

6. On 14 April 1992, the SDS established the Sanski Most CS, comprising members of the civilian and military leadership, with Nedeljko **RAŠULA** as CS President and including then-TO commander **ANIČIĆ** and then-6<sup>th</sup> Brigade Chief of

<sup>13</sup> [REDACTED].

<sup>14</sup> [REDACTED]. See P02365, p.1.

<sup>15</sup> [REDACTED]; TADIĆ:T.29977; P03851, p.1; KARABEG:P03248, p.5; KARABEG:P03250, T.6094-6095; SEFEROVIĆ:P02502, p.5; [REDACTED]; A.ZULIĆ:P03611, para.7(confidential).

<sup>16</sup> P03851, p.2.

<sup>17</sup> AF1147; KARABEG:P03248, p.3; [REDACTED]; [REDACTED]; A.ZULIĆ:P03611, para.18(confidential). E.g. [REDACTED].

<sup>18</sup> AF1148; P03837, pp.1-2; KARABEG:P03248, p.3.

<sup>19</sup> AF1149; P03837, p.3; P03254. Though the name of the ARK did not include the prefix “Serb”, “it was understood to be a Serbian Krajina.” ERCEG:T.34080-34081. See RADULJ:T.35572.

<sup>20</sup> P03993/P02865; P03994, pp.1-2; P07015, p.21; [REDACTED]; [REDACTED]; P03851, p.2; P02365, p.2; BROWN:T.19483-19484; TADIĆ:D00861, para.3; BASARA:T.34416; KELEČEVIĆ:T.37149-37151

<sup>21</sup> P02865/P03993, p.1; BROWN:T.19483-19484; BROWN:P02859, pp.46,71-72; BASARA:T.34400,T.34465-34466.

<sup>22</sup> P02365, p.2. See P03851, p.3.

<sup>23</sup> P02365, p.2; BASARA:T.34416-34421.

<sup>24</sup> AF1158; [REDACTED]; A.ZULIĆ:P03611, paras.8-9,28(confidential); P02410, p.1; P07112; KARABEG:P03248, p.5; KARABEG:P03250, T.6099; R.KOLAR:T.27909; V.NIKOLIĆ:T.31261-31265; P07115, p.1; STOJIC:P00365, T.6766-6767; E.ŠABANOVIĆ:P03124, p.3.

<sup>25</sup> AF1158; RM028:P02489, T.8050-8051; A.ZULIĆ:P03611, paras.8-9,28(confidential); KARABEG:P03248, p.5; E.ŠABANOVIĆ:P03124, p.3; [REDACTED].

Intelligence Mirko VRUČINIĆ.<sup>26</sup> The CS followed republic-level policy<sup>27</sup> and implemented ARK CS decisions, on 30 May declaring Vlado VRKEŠ (by then CS Deputy President)<sup>28</sup> responsible for implementation of “the ideas of the SDS leadership at the level of the Republic, region and municipality” and RAŠULA responsible for “harmonis[ing]” the CS’s work with the ARK CS.<sup>29</sup> The CS maintained direct contact with the ARK and republican authorities throughout the takeover period<sup>30</sup> and linked military, police and SDS institutions in Sanski Most.<sup>31</sup>

7. The SOS assisted in arming Serbs in Sanski Most, with 6<sup>th</sup> Brigade approval.<sup>32</sup> The SOS was initially a paramilitary force used by the CS to carry out a bombing campaign against civilian targets in Sanski Most to incite ethnic hatred and intimidate the non-Serb population into leaving.<sup>33</sup> It worked closely with the CS to implement instructions from republic-level and ARK authorities.<sup>34</sup> After the transformation of the TO,<sup>35</sup> the CS placed the SOS under TO command.<sup>36</sup> By mid-May 1992 the VRS had command over all SOS members.<sup>37</sup>

## 2. Takeover of Sanski Most

8. In about March 1992, KARADŽIĆ ordered the Sanski Most SDS to take over important organisations in Sanski Most municipality.<sup>38</sup> On 14 April, the CS laid out its plan to take over power in the municipality.<sup>39</sup> At the time, the CS included 6<sup>th</sup>

<sup>26</sup> P03294, pp.18-21; BASARA:T.34464-34465; [REDACTED].

<sup>27</sup> P00404, p.1. See D00079; [REDACTED]; [REDACTED].

<sup>28</sup> P03748, p.1; P00404, p.1.

<sup>29</sup> P00404, p.1; [REDACTED]; P07117; P03782; P02412; P00285; D00079; P07115, p.2; ERCEG:T.34001-34010,T.34030; P03606; [REDACTED]; D.HANSON:P00379, para.58.

<sup>30</sup> V.NIKOLIĆ:T.31261; ERCEG:T.34001-34010,T.34016,T.34030. See P02412; AF1197; P02413, p.2; ERCEG:T.34016-34017, T.34019-34021.

<sup>31</sup> D.HANSON:P00379, para.58.

<sup>32</sup> P07112; P07114, p.2; P07114, p.2; [REDACTED].

<sup>33</sup> [REDACTED]; P07114, pp.2-4; P03434, pp.2-4; P07112; B.DELIĆ:P03432, p.5; [REDACTED]; [REDACTED].

<sup>34</sup> V.NIKOLIĆ:T.31255-31256; P07114, p.3; [REDACTED]; [REDACTED]; P03294, pp.34-35; [REDACTED]; N.DAVIDOVIĆ:D00897, paras.15-16; RADULOVIĆ:P03207, para.78(confidential).

<sup>35</sup> See para.10 below.

<sup>36</sup> D00080, p.1. See P03294, pp.34-35; Section III.G.7; V.NIKOLIĆ:T.31255; P07202; P07114; P07112.

<sup>37</sup> V.NIKOLIĆ:D00892, para.28; V.NIKOLIĆ:T.31272; N.DAVIDOVIĆ:T.31530; [REDACTED].

<sup>38</sup> [REDACTED].

<sup>39</sup> P03294, pp.18-21; D.HANSON:P00379, para.58.

Brigade, Serb TO and SJB representatives; each organ had responsibility for specific tasks in implementing the takeover.<sup>40</sup>

9. When the Sanski Most Police Chief failed to carry out the ethnic division of the police,<sup>41</sup> RAŠULA intervened to divide the police<sup>42</sup> and agreed with BASARA to appoint VRUČINIĆ SJB Chief.<sup>43</sup> VRKEŠ ordered police officers to wear RS insignia and sign a declaration of loyalty to RS.<sup>44</sup> With one exception,<sup>45</sup> only Serbs signed.<sup>46</sup> At the same time, TALIĆ (then JNA 5<sup>th</sup> Corps commander) ordered regional TO commander Petar SPASOJEVIĆ to meet with commands of subordinated municipal TOs and, if those staffs would not follow JNA orders, establish new staffs.<sup>47</sup>

10. On 16 April, a day after the RS Presidency established the RS TO,<sup>48</sup> [REDACTED].<sup>49</sup> On 19 April the TO was ordered to move its command post into the 6<sup>th</sup> Brigade's command post. By 20 April, the official Sanski Most TO staff had been relieved of its duties and a new staff appointed<sup>50</sup> under Col. Nedo ANIČIĆ, previously commander of the "Serbian Sanski Most" TO.<sup>51</sup>

11. Non-Serb police officers and SDA leaders barricaded themselves in the municipality building in passive demonstration against the division of the police and imminent Serb takeover of the municipality.<sup>52</sup> On 19 April, the CS addressed an ultimatum to those inside.<sup>53</sup> 6<sup>th</sup> Brigade, TO, SOS and SJB units then attacked the

<sup>40</sup> P03294, pp.20-21.

<sup>41</sup> AF1153; P07288, pp.1-3; P03294, pp.18-22; [REDACTED].

<sup>42</sup> AF1139; [REDACTED]; P03294, p.22; DRAGANOVIĆ:P03293, pp.18-22.

<sup>43</sup> BASARA:T.34464-34465; [REDACTED].

<sup>44</sup> KARABEG:P03248, pp.3-4.

<sup>45</sup> [REDACTED].

<sup>46</sup> AF1153; [REDACTED]; KARABEGP03248, p.4.

<sup>47</sup> D00051, p.3.

<sup>48</sup> P03027.

<sup>49</sup> [REDACTED].

<sup>50</sup> [REDACTED]; P03606.

<sup>51</sup> [REDACTED]. See P03294, p.22; P07015, p.21.

<sup>52</sup> AF1154; [REDACTED]; KARABEG:P03248, pp.6-7.

<sup>53</sup> AF1154; P03294, pp.23-24; BASARA:T.34439; [REDACTED].

building,<sup>54</sup> and those inside fled to surrounding villages.<sup>55</sup> By 20 April 1992, the 6<sup>th</sup> Brigade controlled the most important features and facilities in town.<sup>56</sup>

12. At a meeting that day, TALIC warned non-Serb representatives not to call anyone for help, threatening that otherwise “you will have Kupreš, Bosanski Brod, Vukovar”.<sup>57</sup> That day, the CS declared the former municipal assembly illegal and that only the RS constitution and laws applied in the territory of Serb Sanski Most.<sup>58</sup> The CS also confirmed Serb control over the Sanski Most SJB, instructed RAŠULA and ANIČIĆ to visit ARK leadership and obtain guidelines for further action, and ordered that the RS leadership be informed of the situation by telex.<sup>59</sup> The SDS took over the Sana public radio station, and on 24 April 1992 the CS appointed a representative to disseminate propaganda in the municipality.<sup>60</sup> The CS also began dismissing non-Serbs from their jobs<sup>61</sup> and dismissed Serb managers who continued to allow non-Serb employees to come to work.<sup>62</sup>

13. The CS developed strong co-operation with the 6<sup>th</sup> Brigade, instructing the SOS to deliver stolen trucks to the JNA and TO,<sup>63</sup> meeting with BASARA to regulate the relationship between the TO and the JNA,<sup>64</sup> involving him in the “War Staff,”<sup>65</sup> and noting he was “awaiting orders from above to become a member of the War Staff.”<sup>66</sup> By late May, the 6<sup>th</sup> Brigade was well-represented on the CS: BASARA became a CS member by 30 May 1992<sup>67</sup> and a permanent member by 19 June.<sup>68</sup>

<sup>54</sup> AF1155; [REDACTED]; P03828; A.ZULIĆ:P03611, para.22(confidential); P03829; [REDACTED]. See P07114, pp.1,4; P03851, p.4; KARABEG:P03248, p.7; P07112; B.DAVIDOVIĆ:T.26509,T.26513-26514; BROWN:T.19488-19489.

<sup>55</sup> AF1155; [REDACTED]; KARABEG:P03248, p.7; [REDACTED].

<sup>56</sup> P03851, p.4; B.DAVIDOVIĆ:T.26509,T.26513-26514; MUJADŽIĆ:P03121, T.3662(confidential). See [REDACTED].

<sup>57</sup> P03294, pp.22-26; KARABEG:P03248, p.7; [REDACTED]. Kupreš had been attacked by Serb forces under **MLADIĆ**’s command in early April. Croat villages had been torched. R.ŠARENAC:T.28508-28510; P00352, p.224. In 1991, Vukovar in Croatia had been destroyed and prisoners murdered by JNA forces. OKUN:P03103, T.4143-4146; P07727, p.5.

<sup>58</sup> AF1150; P03828; P03294, p.26.

<sup>59</sup> AF1150; P03606. E.g. P07300, pp.1-2.

<sup>60</sup> [REDACTED]; P02410, p.1; [REDACTED]. See D00079, p.1.

<sup>61</sup> AF1151-AF1152; P03606; D00080, p.1; P02410, p.1; P07117; [REDACTED]; E.ŠABANOVIĆ:P03124, p.3; E.ŠABANOVIĆ:P03125, T.6466-6469; [REDACTED]; [REDACTED].

<sup>62</sup> AF1151.

<sup>63</sup> P02412; P03294, p.40; P02411, paras.9,10; V.NIKOLIĆ:T.31262-31263, 31265. See P03215, p.2.

<sup>64</sup> P03840; B.DAVIDOVIĆ:T.26519. See BROWN:T.19488-19489.

<sup>65</sup> P07115, p.1.

<sup>66</sup> P03294, p.40.

<sup>67</sup> P00404, p.1; [REDACTED].

<sup>68</sup> P04161, p.1.

BASARA's claims that he was not a CS member<sup>69</sup> are disproven by the contemporaneous documentation reflecting his membership and participation.<sup>70</sup> Other Brigade members and subordinates on the CS included battalion commander TADIĆ, Medical Service Chief Nenad DAVIDOVIĆ, TO commander ANIČIĆ, and SOS leader Vinko NIKOLIĆ.<sup>71</sup> SJB Chief VRUČINIĆ was also a CS member.<sup>72</sup>

### C. VRS Forces

14. On 19 May 1992, the JNA 6<sup>th</sup> Brigade became the VRS 6<sup>th</sup> Brigade.<sup>73</sup> BASARA remained commander.<sup>74</sup> His Chief of Staff was Veljko BRAJIĆ.<sup>75</sup> Referring to the process of the 6<sup>th</sup> Brigade becoming part of the VRS, BASARA noted "[i]ts task changed and the Muslims and the Croats became its opponents. The Brigade was tasked with disarming them and preventing the slaughter of the Serb people."<sup>76</sup> The 6<sup>th</sup> Brigade included 4,000 men and 11 battalions.<sup>77</sup> BASARA strictly followed the chain of command<sup>78</sup> and sent daily reports to the 1KK, which in turn reported to the GŠ-VRS.<sup>79</sup>

15. At a meeting in Ključ on 14 May 1992, BASARA and other military and political figures discussed the strategic objectives articulated by KARADŽIĆ two days earlier at the 16<sup>th</sup> Assembly session.<sup>80</sup> BASARA understood separation of the three national communities to be a "war goal"<sup>81</sup> and one of those present at this meeting specifically noted that according to MLADIĆ, "displacement according to the ethnic principle is also planned."<sup>82</sup> BASARA immediately passed these strategic objectives down the chain of command in a meeting with the 6<sup>th</sup> Brigade Command and Battalion Commanders.<sup>83</sup> The 1KK command also informed 6<sup>th</sup> Brigade soldiers

<sup>69</sup> BASARA:T.34459,T.34463-34464.

<sup>70</sup> P00404; P04161, p.1.

<sup>71</sup> D.HANSON:P00379, para.58; [REDACTED]; [REDACTED]; P00404; P03294, pp.18-21; D00079; BROWN:T.19483-19484.

<sup>72</sup> P00404, p.1; P04161, p.1.

<sup>73</sup> P02365, p.3; P03851, p.5.

<sup>74</sup> KELEČEVIĆ:T.37309.

<sup>75</sup> BASARA:T.34496; N.DAVIDOVIĆ:T.31575; P03851, p.9.

<sup>76</sup> P02365, p.3; BASARA:T.34415.

<sup>77</sup> P03851, p.4

<sup>78</sup> [REDACTED]; BASARA:T.34389-34390,T.34407-34412,T.34559-34560.

<sup>79</sup> See P03443, pp.1-2; P02367; P03902; P03767, p.2; P02405; P00246; D00418; P02875; D00420; P05141; P03732; P03733; P07495; BASARA:T.34403-34406,T.34412.

<sup>80</sup> P02867; P07070, p.2; P07321, p.2.

<sup>81</sup> BASARA:T.34444,T.34449-34451.

<sup>82</sup> P07321, p.3.

<sup>83</sup> KARAC:T.30750; P07070, pp.2-4; P07321, pp.2-3. See BASARA:T.34444,T.34449-34451.

of the need for “complete separation of the Serbs from the Muslim and Croat people.”<sup>84</sup>

16. Brigade, civilian and RSMUP leaders were in very close co-operation and worked together for the same goals.<sup>85</sup> In September 1992, **MLADIĆ** visited Sanski Most and encouraged military commanders, including BASARA, to “[e]xtend maximum support to the civilian authorities and the MUP.”<sup>86</sup> By late May 1992, BASARA had command over “every armed Serb in Sanski Most”,<sup>87</sup> including the TO<sup>88</sup> and SOS.<sup>89</sup>

#### D. Crimes in Sanski Most after 12 May 1992

17. Immediately following the VRS’ establishment, BASARA and other Serb authorities in Sanski Most intensified the ongoing<sup>90</sup> disarmament of non-Serbs.<sup>91</sup> The CS set a final deadline of 24 May 1992 for surrender of weapons<sup>92</sup> and, at BASARA’s urging, ordered that a call for disarmament be issued on the radio every 20 minutes on 23 May.<sup>93</sup> Non-Serbs were the real targets of this disarmament process,<sup>94</sup> which implemented republic-level orders passed down through the ARK CS and was coordinated with other ARK municipalities.<sup>95</sup> Radio Sana explicitly called on non-Serbs to surrender their weapons.<sup>96</sup> Prominent non-Serbs were arrested and some forced to make a public radio announcement calling on their fellow non-Serbs to unconditionally surrender all weapons they possessed, whether legal or illegal.<sup>97</sup>

<sup>84</sup> B.DAVIDOVIĆ:T.26512-26513; P02874.

<sup>85</sup> [REDACTED]; A.ZULIĆ:P03611, para.12(confidential). See BASARA:T.34536-34538,T.34570-34573; P07324, p.2; P02414, para.2; P03294, p.59.

<sup>86</sup> P07324, p.2; BASARA:T.34536-34538.

<sup>87</sup> [REDACTED].

<sup>88</sup> P03294, p.51; P07015, pp.21-22. In early June, the TO was dismantled and ANIČIĆ appointed commander of a 6<sup>th</sup> Brigade IKM. P03851, pp.6,9.

<sup>89</sup> [REDACTED]; P07112; V.NIKOLIĆ:T.31272; V.NIKOLIĆ:D00892, para.28.

<sup>90</sup> P03606; P03415, p.1; P02412; P02889, p.1; P03840. E.g. BROWN:T.19507-19508; KIRUDJA:P03587, para.47.

<sup>91</sup> P02413, p.2.

<sup>92</sup> D00079, p.2.

<sup>93</sup> P03607; P03294, p.55; P07418, p.5; A.ZULIĆ:P03611, paras.25,30(confidential).

<sup>94</sup> [REDACTED]; P02889, p.1; [REDACTED]; A.ZULIĆ:P03611, paras.25-27(confidential); STOJIC:P00365, T.6768-6769.

<sup>95</sup> P00285; P02412; P02889; P00431, p.21; ERCEG:T.34009-34011.

<sup>96</sup> RM028:P02489, T.8052-8054; P03302, pp.1,5-17; P03301, pp.1,3-5; DRAGANOVIĆ:P03293, p.35; BEGIĆ:T.2141; RM001:P02486, T.6409-6410(confidential); RM001:P02487, p.5(confidential); RM706:P02499, T.7246-7247(confidential); E.ŠABANOVIĆ:P03124, p.4; SEFEROVIĆ:P02502, p.5; STOJIC:P00365, T.6768-6769; A.ZULIĆ:P03611, paras.25,30(confidential).

<sup>97</sup> N.DAVIDOVIĆ:T.31584-31586; KARABEG:P03248, p.10; P03302, pp.5-9; P03294, p.57.

18. The 6<sup>th</sup> Brigade then led a comprehensive series of operations against Muslim areas in Sanski Most.<sup>98</sup> [REDACTED], BASARA would not have carried out these attacks without TALIC's approval.<sup>99</sup> These operations were preceded by the targeting of prominent non-Serb civilians for arrest<sup>100</sup> and the preparation of detention facilities for civilians who would be "exchanged".<sup>101</sup> As RAŠULA noted in his diary, "captured civilians to be used for exchange" and all those found with weapons should be killed: "/take/ no prisoners if armed".<sup>102</sup>

19. On 25 May, the 6<sup>th</sup> Brigade and subordinated Bosnian Serb forces<sup>103</sup> attacked the Muslim neighbourhood of Mahala, capturing "2000 civilians".<sup>104</sup> Serb forces shelled Mahala, Muhići and Otoka, killing civilians,<sup>105</sup> then entered and burned down houses.<sup>106</sup> Serb forces attacked other non-Serb villages at the same time,<sup>107</sup> with the objective "to cause the enemy great human, material and technical losses".<sup>108</sup> Consistent with CS planning<sup>109</sup> and patterns of cleansing throughout the RS,<sup>110</sup> Serb soldiers rounded up non-Serb residents,<sup>111</sup> separated men from women and children<sup>112</sup> and took them to detention facilities.<sup>113</sup> On 26 May, as roundups were ongoing, BRAJIC told the CS "we must make sure: that prisoners of war are to be taken over from MUP, held overnight, and the most extreme among them isolated and punished so as not to walk this earth," adding "our forces carry out the cleansing."<sup>114</sup>

<sup>98</sup> P03851, p.5; P02365, p.3; BASARA:T.34415; [REDACTED].

<sup>99</sup> [REDACTED].

<sup>100</sup> P03294, p.57; P07418, p.7; [REDACTED].

<sup>101</sup> P03294, pp.57-58; [REDACTED]. See P07418, p.7.

<sup>102</sup> P03294, pp.57-58; [REDACTED]. See P07418, p.7.

<sup>103</sup> [REDACTED]; P02411, pp.1-2; B.DAVIDOVIĆ:T.26526; P03851, p.5.

<sup>104</sup> P02889.

<sup>105</sup> AF1146; [REDACTED]; P02407; P02411; P03851, p.5; [REDACTED]; BASARA:T.34496. See P02889; P07418, pp.14-15; A.ZULIĆ:P03611, paras.33-34(confidential); [REDACTED]; [REDACTED]; P07123; B.DAVIDOVIĆ:T.26554-26555,T.26527; DRAGANOVIĆ:P03293, pp.22,44.

<sup>106</sup> AF1161; AF1143; A.ZULIĆ:P03611, paras.33-34(confidential); [REDACTED]; J.MARIĆ:P03117, p.3.

<sup>107</sup> See J.MARIĆ:P03117, p.3; SEFEROVIĆ:P02502, p.5.

<sup>108</sup> P02411, p.2.

<sup>109</sup> P03294, pp.57-58; P02411, p.3.

<sup>110</sup> See III.D.2.

<sup>111</sup> [REDACTED]; A.ZULIĆ:P03611, para.32(confidential); BROWN:T.19507-19508.

<sup>112</sup> E.g. B.DELIĆ:P03432, pp.7-8; Sakib MUHIĆ:P03426, pp.7-9.

<sup>113</sup> P02900, pp.7,14; P03842, p.2; [REDACTED]; N.DAVIDOVIĆ:T.31590; P07418, pp.10,22,27; B.DELIĆ:P03432, pp.7-8; Sakib MUHIĆ:P03426, pp.7-9.

<sup>114</sup> P03294, pp.58-59.

20. By 30 May 1992, “all of the Muslims living in Mahala had been expelled and it was completely empty”.<sup>115</sup> Though the 6<sup>th</sup> Brigade termed this a disarmament operation,<sup>116</sup> no significant amount of weapons were found.<sup>117</sup> Family members of villagers killed in these operations were prevented from attending the victims’ burials.<sup>118</sup> After the CS ordered Mahala blocked, the area was looted, at least in part under VRS command.<sup>119</sup> Serb radio announced other non-Serb settlements should surrender weapons or the “Serbian Armed Forces will act as they did with Mahala today... your resistance will force us to destroy and devastate your villages, which means that you will not be able to live with us in these territories.”<sup>120</sup> The announcement made clear that it would take little to trigger destruction and expulsion: “[a]s long as one of you has a weapon, you risk the destruction of your houses and families”.<sup>121</sup>

21. The operations the 6<sup>th</sup> Brigade carried out immediately afterwards were consistent with these threats. In late May 1992, the 6<sup>th</sup> Brigade, together with TO and paramilitary formations under its command,<sup>122</sup> attacked Hrustovo<sup>123</sup> and Vrhpolje.<sup>124</sup> In the face of limited resistance,<sup>125</sup> BASARA’s soldiers brutally “successfully cleared” Hrustovo and Vrhpolje.<sup>126</sup> In Hrustovo, VRS soldiers separated women and children from men. As these women and children sought sanctuary in a nearby garage, VRS soldiers discovered and executed them with automatic weapons.<sup>127</sup> The VRS later shelled a number of the Hrustovo men as they attempted to bury these women and children.<sup>128</sup> The same day, VRS soldiers separated men from women and children in Begići hamlet and brought them to the Vrhpolje bridge; soldiers executed

<sup>115</sup> [REDACTED]; A.ZULIĆ:P03611, paras.38,40(confidential); KARAC:T.30751; [REDACTED].

<sup>116</sup> P03851, p.5.

<sup>117</sup> P02889, p.1.

<sup>118</sup> N.DAVIDOVIĆ:T.31591-31594; P07418, pp.14-15.

<sup>119</sup> P02408, p.2; [REDACTED].

<sup>120</sup> P03302, pp.7,9; RM028:P02489, T.8052-8054.

<sup>121</sup> P03302, p.7.

<sup>122</sup> [REDACTED]; [REDACTED]; P07112; V.NIKOLIĆ:T.31272; V.NIKOLIĆ:D00892, para.28.

<sup>123</sup> A.ZULIĆ:P03611, para.36(confidential); [REDACTED]. See SIC:A.7.2(Sanski Most).

<sup>124</sup> A.ZULIĆ:P03611, paras.36,41(confidential); [REDACTED]; [REDACTED]. See SIC:A.7.1(Sanski Most).

<sup>125</sup> [REDACTED]; BEGIĆ:T.2180.

<sup>126</sup> P02365, p.3.

<sup>127</sup> A.ZULIĆ:P03611, para.36(confidential); [REDACTED]; [REDACTED]. See SIC:A.7.2(Sanski Most); P02889.

<sup>128</sup> [REDACTED].

four en route and at least 24 at the bridge.<sup>129</sup> On 31 May, the 1KK reported to **MLADIĆ** that Muslim conscripts in Sanski Most expressed “dissatisfaction with the massive destruction of their towns.”<sup>130</sup> This wanton destruction left the villages’ residents with no choice but to flee.<sup>131</sup> Many survivors were detained and then expelled to Central Bosnia.<sup>132</sup>

22. 6<sup>th</sup> Brigade cleansing operations continued during the summer of 1992. In late June 1992, the 6<sup>th</sup> and 17<sup>th</sup> Brigades conducted “*čišćenje terena*” actions in areas of Sanski Most and Ključ.<sup>133</sup> In Sanski Most, men from Kenjari were rounded up and murdered in Blazevići;<sup>134</sup> in Ključ, a mosque was destroyed in Sanica and non-Serb civilians were rounded up and detained.<sup>135</sup> The 6<sup>th</sup> Brigade characterised this a “successfully implemented operation”.<sup>136</sup>

23. From 29 July to 1 August 1992, the 6<sup>th</sup> Brigade, in another “successful” operation, “combed” the remaining Muslim villages to the left of the Sana River.<sup>137</sup> In one such village, Budim, soldiers commanded by 6<sup>th</sup> Brigade battalion commander Mićo “Kudra” PRAŠTALO<sup>138</sup> executed 14 civilians from a single family.<sup>139</sup> Attacks on and expulsions of non-Serb civilians continued: in August and September 1992, thousands of Muslims were expelled from Sanski Most in large convoys;<sup>140</sup> in November and December, respectively, 6<sup>th</sup> Brigade soldiers murdered Croat civilians in Škrlejevita<sup>141</sup> and Sasina<sup>142</sup> hamlets.

24. The CS discussed means to cover up these crimes, including excluding those who “talk too much”, disguising civilian casualties by dressing them in military uniforms and burying bodies in a common grave without “rituals”.<sup>143</sup> In 1994, SNB

<sup>129</sup> AF1169; [REDACTED]; [REDACTED]; A.ZULIĆ:P03611, para.36(confidential); BEGIĆ:T.2147-2170. See SIC:A.7.1(Sanski Most).

<sup>130</sup> P00151, p.2.

<sup>131</sup> KELEČEVIĆ:T.37237-37238,T.37311,T.37419.

<sup>132</sup> AF1201.

<sup>133</sup> P03851, p.7; P07418, pp.34-36.

<sup>134</sup> See SIC:A.7.3(Sanski Most).

<sup>135</sup> See Ključ Summary.

<sup>136</sup> P03851, p.7; P07418, pp.34-36.

<sup>137</sup> P03851, p.7. See SIC:A.7.4(Sanski Most).

<sup>138</sup> [REDACTED]; [REDACTED]; P03851, p.11; [REDACTED]; [REDACTED].

<sup>139</sup> [REDACTED]; [REDACTED]. See SIC:A.7.4(Sanski Most); [REDACTED]; [REDACTED].

<sup>140</sup> VULLIAMY:P00199, T.7982-7988,T.8056-8057; AF1194; AF1195; AF1206.

<sup>141</sup> [REDACTED]. See SIC:A.7.5(Sanski Most).

<sup>142</sup> PREDOJEVIĆ:T.30796-30800,T.30823-30829; D00882; P07074; D01967; P07075; P07076; D01952.

<sup>143</sup> P07418, pp.14-15; P02407, p.1; [REDACTED]; P03846.

Banja Luka recommended covering up mass graves holding the bodies of non-Serbs killed in Sanski Most in 1992, though claiming euphemistically that they had been killed in "armed clashes".<sup>144</sup>

## **E. Detention and Expulsion of Non-Serbs**

25. The VRS and other Serb authorities detained in criminal conditions most non-Serbs who survived the cleansing, including women, children and elderly people, and then expelled them.<sup>145</sup> As the "captured civilians to be used for exchange"<sup>146</sup> accumulated, they were held and abused in facilities initially guarded first by the VRS and later by the SJB.<sup>147</sup> Detainees were almost entirely civilians detained purely because of their ethnicity,<sup>148</sup> including Muslim community leaders,<sup>149</sup> young, healthy men who were detained not because of anything they had done but allegedly to prevent them fighting for the other side,<sup>150</sup> and many women and children detained prior to their expulsion.<sup>151</sup> Representatives of the VRS military police, SNB and SJB interrogated the detainees.<sup>152</sup> Detainees were routinely maltreated,<sup>153</sup> sometimes horribly,<sup>154</sup> and some—including the SDA municipal board secretary, a Muslim judge, and the municipal chief of police—were murdered while in detention or during transport to detention facilities.<sup>155</sup>

26. The CS had close oversight over the detention centres, appointing the warden,<sup>156</sup> authorising transfer of non-Serbs between centres,<sup>157</sup> and making decisions

<sup>144</sup> P07021.

<sup>145</sup> See [REDACTED]; [REDACTED]; [REDACTED]; P00368; P00370; STOJIC:P00365, T.6771-6773; KARABEG:P03248, pp.9,13; KARABEG:P03252, T.18700; P02900, pp.7,14; BROWN:P02859, p.103; KIRUDJA:P03587, paras.51-52,65,70,74,77,93,111-112,114,116,122; P03588; P03600; P03599.

<sup>146</sup> P03294, pp.57-58.

<sup>147</sup> P02900, pp.7-8,11,14-16; P02889; BROWN:P02859, p.103.

<sup>148</sup> RADULOVIC:P03207, para.179(confidential). *E.g.* AF1206.

<sup>149</sup> [REDACTED]; KARABEG:P03250, T.6138-6139; [REDACTED]; A.ZULIC:P03611, para.54(confidential); [REDACTED]. See P03294, pp.57-58.

<sup>150</sup> RADULOVIC:P03207, para.179(confidential).

<sup>151</sup> N.DAVIDOVIC:T.31590; P07418, pp.10,22,27.

<sup>152</sup> RADULOVIC:P03207, para.179(confidential); P02900, pp.7-8,11,14-16.

<sup>153</sup> AF1206.

<sup>154</sup> RADULOVIC:P03207, para.179(confidential); [REDACTED].

<sup>155</sup> See KARABEG:P03250, T.6166-6183; B.DELIC:P03432, pp.7-8; [REDACTED]; A.ZULIC:P03611, paras.46-86,106,112,114-115,117-119,122-127,132,134(confidential); AF1163; P03612, pp.8,10-12.

<sup>156</sup> P02900, p.7; P02409.

<sup>157</sup> P03842, p.2; P00404, p.2; P02409; P03870; P03127; P03255; P03787, pp.1-2; RM028:P02489, T.8068-8069.

on release.<sup>158</sup> For instance, the CS established detention facilities at Betonirka Factory Garage, the Sports Hall, and Krings Hall.<sup>159</sup> Betonirka was next to the TO headquarters where BASARA went every day.<sup>160</sup> Prisoners taken in VRS-led operations at the end of May were brought there and beaten and abused by perpetrators including VRS soldiers.<sup>161</sup> Prisoners were held for days in the Sports Hall in overcrowded conditions with no water and little food and beaten daily by both Serb guards and armed civilians.<sup>162</sup> Detainees at Krings Hall were tortured and beaten every night, and some were killed behind the factory building.<sup>163</sup> Other prisoners were held and abused at the SJB building<sup>164</sup> and the Hasan Kikić school.<sup>165</sup>

27. From those facilities, Serb soldiers and police generally expelled non-Serb women, children and elderly people from RS territory and transferred many male civilians to Manjača camp.<sup>166</sup> Contrary to Defence assertions,<sup>167</sup> the VRS provided security for a number of these transfers.<sup>168</sup> At Manjača, authorities immediately recognized that the detainees had not taken part in combat, had no weapons, and there was “no other evidence based on which they could be kept prisoners”.<sup>169</sup> Similarly, the 1KK reported to the GŠ-VRS that these detainees were mainly civilians who had not been involved in armed rebellion.<sup>170</sup> Nevertheless, the prisoners continued to be held, many for months.<sup>171</sup>

<sup>158</sup> D00987; P02414, para.4.

<sup>159</sup> P02900, pp.7-8,11,14-16; P03294, pp.57-58; P07418, pp.7,11-15,24-25; P03842, p.2; [REDACTED]; ČOROKALO:T.28462-28463; KOLAR:T.27913-27914; BEGIĆ:T.2172-2173.

<sup>160</sup> [REDACTED]; P03614.

<sup>161</sup> KARABEG:P03248, pp.10-12; KARABEG:P03250, T.6173-6175; [REDACTED]; ČOROKALO:T.28462; [REDACTED]; B.DELIĆ:P03432, pp.9-10; DRAGANOVIĆ:P03293, p.22. See P03612, pp.1-5; A.ZULIĆ:P03611, paras.49-74(confidential).

<sup>162</sup> E.ŠABANOVIĆ:P03124, pp.5-7; B.DELIĆ:P03432, pp.7-8; ČOROKALO:T.28462; [REDACTED]; DRAGANOVIĆ:P03293, p.22.

<sup>163</sup> RM028:P02489, T.8068-8069; ČOROKALO:T.28462; P03613, p.7; [REDACTED]; DRAGANOVIĆ:P03293, p.22. See P03614.

<sup>164</sup> KARABEG:P03248, pp.9-10,12-13; B.DELIĆ:P03432, pp.8,10; DRAGANOVIĆ:P03293, pp.21-22. See P03614.

<sup>165</sup> [REDACTED]; SABANOVIĆ:P03124, p.5; B.DELIĆ:P03432, pp.8-9; DRAGANOVIĆ:P03293, p.22; B.DELIĆ:P03432, p.8.

<sup>166</sup> DRAGANOVIĆ:P03293, p.22. See ČOROKALO:T.28462-28463; KARABEG:P03248, pp.9,13; KARABEG:P03252, T.18700; [REDACTED]; P02409; [REDACTED]; P03615; P03612, pp.5-6; A.ZULIĆ:P03611, paras.87-93,99,133(confidential); P05282, 00:02'44-00:06'03, tp.1.

<sup>167</sup> B.DAVIDOVIĆ:T.26545-26546.

<sup>168</sup> ČOROKALO:T.28467; E.ŠABANOVIĆ:P03124, p.7; B.DELIĆ:P03432, p.8; DRAGANOVIĆ:P03293, pp.22-23.

<sup>169</sup> P00231(confidential); [REDACTED]; P03612, p.12; P00242; P00241(confidential); P03951, p.3; P00220(confidential); P00221(confidential); RADULOVIĆ:P03207, para.179(confidential).

<sup>170</sup> P03951, pp.3-4; P00242; P00231(confidential). See P00227(confidential).

<sup>171</sup> See Banja Luka Summary; BROWN:P02859, p.108.

28. The 1KK command co-operated in the transfer of non-Serb civilians from Sanski Most to Manjača. For instance, the CS decided three categories of people should be sent to Manjača: “politicians”, “nationalist extremists”, and “people unwelcome in Sanski Most municipality”.<sup>172</sup> Those considered “unwelcome” included “basically everyone else of non-Serb ethnicity.”<sup>173</sup> To arrange this mass detention, the CS resolved on 4 June 1992 to co-ordinate with 1KK Chief of Security STEVILOVIĆ.<sup>174</sup>

29. Two days later, pursuant to an agreement between STEVILOVIĆ and the Banja Luka CSB, the CS sent a “group of persons who were captured during combat operations [...] as well as the persons who co-operated with them” from the Hasan Kikić school to Manjača.<sup>175</sup> On arrival, perpetrators including 6<sup>th</sup> Brigade soldier KAJTEZ murdered at least six of them.<sup>176</sup> The transportation of non-Serbs from Sanski Most to Manjača—and deaths in transit—continued during July.<sup>177</sup>

30. Most non-Serbs who were not detained were expelled. CS member Nenad DAVIDOVIĆ admitted the CS expelled so-called “non-loyal” persons, meaning those who advocated BiH’s independence and who were not in favour of Serb rule, together with their families.<sup>178</sup> More generally, non-Serbs were expelled in order to ensure Serbs had “steady control” of power.<sup>179</sup> The VRS was deeply involved in the expulsions. Military police and RSMUP members forced Muslims from their homes onto buses and expelled them.<sup>180</sup> The VRS attacked and destroyed villages, sometimes followed by Serb authorities telling villagers that they couldn’t guarantee their safety.<sup>181</sup> Following the Škrlevita massacre, for example, almost every Croat from Kruhari and Škrlevita left Sanski Most.<sup>182</sup>

<sup>172</sup> AF1205; P02409; BROWN:T.19791; P03615.

<sup>173</sup> [REDACTED].

<sup>174</sup> P02409. See MATIJEVIĆ:T.43078; KELEČEVIĆ:T.37140; RADINKOVIĆ:T.31736; BROWN:T.19791.

<sup>175</sup> P03255; P03127. See SIC:B.1.1(Banja Luka).

<sup>176</sup> See SIC:B.1.1(Banja Luka).

<sup>177</sup> [REDACTED]; [REDACTED]; P03612, pp.2,5-7; A.ZULIĆ:P03611, paras.88,91,94,102-105(confidential). See SIC:B.1.1-B.1.2(Banja Luka).

<sup>178</sup> N.DAVIDOVIĆ:T.31550,T.31557.

<sup>179</sup> N.DAVIDOVIĆ:T.31550,T.31557; P07418, pp.24-25. See KIRUDJA:P03587, paras.51-52,65,70,74,77,93,111-112,114,116,122; P03588; P03600; P03599.

<sup>180</sup> AF1198; [REDACTED]; [REDACTED]. See P03111, p.2.

<sup>181</sup> P06493, p.5; P06486, p.3; [REDACTED]; [REDACTED]. See P03111, p.2.

<sup>182</sup> T.DELIĆ:T.32953; STOJIC:T.4075.

31. The CS worked with ARK authorities regarding these expulsions, deciding on 30 May 1992 to contact the ARK leadership about resettling non-Serbs.<sup>183</sup> A few weeks later the CS appointed VRKEŠ to deal with “matters of relocation and exchange of population and prisoners” pursuant to an ARK CS instruction.<sup>184</sup> On 27 July, VRKEŠ told the Executive Committee Sanski Most “has to be a Serbian town” and “Manjača cannot take any more.”<sup>185</sup> The Executive Committee, noting that about 18,000 Muslims and Croats “remain[ed]” in the municipality, declared that “to avoid danger to the Serbian people, it is necessary to organise their voluntary resettlement.”<sup>186</sup> Days later, the 6<sup>th</sup> Brigade reported to the 1KK that the “Muslim and Croatian populations are moving out on a massive scale.”<sup>187</sup> The Executive Committee’s purportedly “voluntary resettlement”<sup>188</sup> resulted in non-Serbs being bussed to Croatia beginning on 18 August 1992 upon payment of 1000 dinars.<sup>189</sup> Those leaving were required to attest that they were “permanently leaving the municipality” and had either left their real property to the municipality, exchanged or sold it.<sup>190</sup> One way or another, “nobody went of their own free will, though it appeared that way. In effect, it was done under threat and duress.”<sup>191</sup> By May 1993, 24,000 Muslims and 3,000 Croats had left the municipality and 5,000 Serbs had moved in.<sup>192</sup> Around the same time, RS Prime Minister LUKIĆ claimed in *Srpska Vojska* that Serbs were entitled to control Sanski Most, emphasising the Serb majority in the municipality<sup>193</sup> that had been created by the ethnic cleansing.

32. The authorities allowed approximately 5,000 non-Serbs who had declared loyalty to the RS to remain in Sanski Most.<sup>194</sup> In response to VRS requests, many non-Serbs on “work obligation” were sent to labour on the front lines,<sup>195</sup> during which

<sup>183</sup> See P00404, p.1; AF1197; [REDACTED]; P03787, pp.1-2.

<sup>184</sup> P03787, pp.1-2; AF1202.

<sup>185</sup> P07116, p.4. See [REDACTED].

<sup>186</sup> P07116, p.4.

<sup>187</sup> P06924; ČOROKALO:T.28468. See P03949, pp.1-2; P03111, p.2; BROWN:P02859, pp.110-

111.

<sup>188</sup> P03787, pp.1-2; P07418, p.28; [REDACTED]; [REDACTED].

<sup>189</sup> [REDACTED]; P07125, p.1. See P00368; KARABEG:P03252, T.18701.

<sup>190</sup> AF1202; AF1206; P03256; A.ZULIĆ:P03611, para.140(confidential); KIRUDJA:P03587, para.114. See STOJIC:P00365, T.6772-6773; P00368; [REDACTED]; J.MARIĆ:P03117, p.3; KARABEG:P03252, T.18701.

<sup>191</sup> KARABEG:P03252, T.18701, T.18706. See KELEČEVIĆ:T.37310-37311, T.37419-37420.

<sup>192</sup> P03216, p.2. See KELEČEVIĆ:T.37310-37311, T.37419-37420.

<sup>193</sup> P06736, p.2; V.LUKIĆ:T.25489.

<sup>194</sup> P03597; STOJIC:P00365, T.6772-6773; ČOROKALO:T.28468-28469; KARABEG:P03252, T.18701.

<sup>195</sup> TADIĆ:T.30011-30012. See P07022; J.MARIĆ:P03117, p.3.

a number died.<sup>196</sup> Pursuant to ARK-level policies,<sup>197</sup> the CS continued the dismissal of non-Serbs from their jobs which had begun before 12 May.<sup>198</sup>

33. The VRS<sup>199</sup> and other Serb forces systematically destroyed Sanski Most's mosques and Catholic churches, together with many non-Serbs' homes.<sup>200</sup> In order to "delete all traces of Muslim influence in this area and...intimidate the remaining Muslims into leaving the area,"<sup>201</sup> Serb forces destroyed at least 18 mosques in Sanski Most,<sup>202</sup> destroying all the sites they were aware of.<sup>203</sup> One was destroyed on BRAJIĆ's order.<sup>204</sup> The destruction of Muslim religious sites and homes was intended to leave Muslims nothing to which to return.<sup>205</sup> The Municipal Civilian Protection Staff dug up and destroyed a Muslim cemetery using 6<sup>th</sup> Brigade machinery.<sup>206</sup> Streets, squares and public institutions bearing non-Serb names were re-named.<sup>207</sup> In September 1995, ARKAN's men subjected the remaining non-Serbs in Sanski Most to further crimes, including indiscriminate arrests, abuse and murder.<sup>208</sup>

<sup>196</sup> TADIĆ:T.30013-30015.

<sup>197</sup> [REDACTED]; P06948, p.1; P03787, p.1.

<sup>198</sup> P03748, p.1; P06948, p.1; P03787, p.1; V.NIKOLIĆ:T.31265-31266,T.31268-31271; DRAGANOVIĆ:P03293, pp.19-21; [REDACTED].

<sup>199</sup> [REDACTED]. See P03851, pp.6,9; RIEDLMAYER:P02513, pp.25-32; RIEDLMAYER:P02510, pp.80-122; RIEDLMAYER:P02511, records#84, 89-95, 98-104, 106-118, 176.

<sup>200</sup> See SIC:D.13(Sanski Most); BASARA:T.34511-34513; BASARA:P07322, pp.1-2; [REDACTED]; RIEDLMAYER:P02513, pp.25-32; RIEDLMAYER:P02510, pp.80-122; RIEDLMAYER:P02511, records#84,89-95,98-104,106-118,176; RIEDLMAYER:P02503, pp.13-23; A.ZULIĆ:P03611, para.38(confidential); DRAGANOVIĆ:P03293, pp.15,19,43; J.MARIĆ:P03117, pp.2-3; B.DELIĆ:P03432, pp.5-7; P07019, p.3; P03613, p.7; [REDACTED].

<sup>201</sup> [REDACTED].

<sup>202</sup> [REDACTED]; TADIĆ:T. 29996-29997; P02506, p.5; BASARA:T.34511-34513; BASARA:P07322, pp.1-2; [REDACTED]; RIEDLMAYER:P02513, pp.25-32; RIEDLMAYER:P02510, pp.80-122; RIEDLMAYER:P02511, records#271-272,274,276-277,279,282-283,285-286,288,291,293,296,298-303; RIEDLMAYER:P02503, pp.13-23.

<sup>203</sup> [REDACTED], evidence reflects that at least 29 mosques were damaged or destroyed in Sanski Most. RIEDLMAYER:P02511, records#271-272,274,276-277,279,282-283,285-286,288,291,293,296,298-303.

<sup>204</sup> BASARA:T.34496-34512; BASARA:P07322, pp.1-2.

<sup>205</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>206</sup> P07019, p.3; P07020, p.7; TADIĆ:T.30001.

<sup>207</sup> P07020, p.3; TADIĆ:T.30000-30001.

<sup>208</sup> ČOROKALO, T.28470-28472; P03095; N.DAVIDOVIĆ:T.31536.

## F. Knowledge and Approval of Sanski Most Crimes

34. Crimes against Sanski Most's non-Serbs were well-known to the 1KK Command,<sup>209</sup> the Banja Luka Military Court,<sup>210</sup> the ARK leadership<sup>211</sup> and the ICRC,<sup>212</sup> but no perpetrators were prosecuted for these crimes during the war<sup>213</sup> and no genuine efforts were made to do so.<sup>214</sup> Instead, as 6<sup>th</sup> Brigade battalion commander PREDOJEVIĆ<sup>215</sup> admitted, it was common practice to return criminals to their units.<sup>216</sup> After the crimes, BASARA was put in command of a VRS Operational Group<sup>217</sup> while BRAJIĆ became a Lieutenant-Colonel and was appointed to the GŠ-VRS school.<sup>218</sup>

35. BASARA and the 6<sup>th</sup> Brigade command were well aware of the most serious crimes against non-Serbs in Sanski Most, but these crimes went unpunished. [REDACTED], BASARA's order that "All soldiers prone to committing genocide against people unable to conduct an armed struggle must be discharged,"<sup>219</sup> issued shortly after the massacres at Vrhpolje and Hrustovo,<sup>220</sup> was likely issued to protect himself from liability.<sup>221</sup> In any event, the meaningless formalism of the order is underscored by the complete impunity 6<sup>th</sup> Brigade soldiers enjoyed for crimes against non-Serbs.<sup>222</sup> For instance:

- BASARA arrived during the Vrhpolje Bridge massacre<sup>223</sup> but did not request an investigation by the Office of the Military Prosecutor or report the 6<sup>th</sup> Brigade members he knew to have been present during the murders.<sup>224</sup>

<sup>209</sup> See KUPREŠANIN:T.29820-29822; P07011; [REDACTED]; P03951, p.3; P07016; TADIĆ:T.29983-29985; RADIĆ:P04333, T.7436-7437; BASARA:T.34404-34412; P00220(confidential); P00221(confidential); P03951, p.3; P00231(confidential); P02409.

<sup>210</sup> [REDACTED].

<sup>211</sup> E.g. KUPREŠANIN:T.29820-29822; P07011.

<sup>212</sup> P03111.

<sup>213</sup> RADULJ:T.35543-35545.

<sup>214</sup> See [REDACTED]; [REDACTED]; P03547; P03537; [REDACTED].

<sup>215</sup> PREDOJEVIĆ:D00881, para.5; P03851, p.10; ČOROKALO:T.28451; [REDACTED].

<sup>216</sup> PREDOJEVIĆ:T.30798-30799.

<sup>217</sup> P07483,p.1.

<sup>218</sup> P00364, pp.240-244; ATLIJA:P00168, para.109; ATLIJA:P00169, para.34(confidential).

<sup>219</sup> P02366; BASARA:T.34528.

<sup>220</sup> E.g. [REDACTED].

<sup>221</sup> [REDACTED].

<sup>222</sup> E.g. BROWN:T.19534-19536. See para.33.

<sup>223</sup> SEFEROVIĆ:P02502, pp.6-7; [REDACTED]; BASARA:D01031, paras.39-45; BASARA:T.34519-34532; [REDACTED].

<sup>224</sup> BASARA:T.34519-34532,T.34535; P02366; [REDACTED]; [REDACTED]; A.ZULIĆ:P03611, para.36(confidential); [REDACTED]; SEFEROVIĆ:P02502, pp.6-7;

BASARA falsely claimed “some people from Ključ” committed the crime<sup>225</sup> but was unable to explain why he then considered it necessary to issue an order “establishing discipline in” 6<sup>th</sup> Brigade units because of “mistakes we have made before.”<sup>226</sup> Indeed, he testified that the order was triggered “to a certain extent” by the massacre at the Vrhpolje bridge.<sup>227</sup>

- BASARA falsely claimed he could “exclude the possibility that anyone who did not take part in the combat activities was killed” in Hrustovo<sup>228</sup> before admitting during cross-examination that he had heard about the murder of women and children in a garage in Hrustovo on 31 May 1992, but did not order an investigation into this crime.<sup>229</sup>
- BASARA knew about the massacre at Budim but self-servingly attempted to shift responsibility to “paramilitaries from Budim Japra.”<sup>230</sup> However, the evidence shows the perpetrators were led by 6<sup>th</sup> Brigade battalion commander PRASTALO,<sup>231</sup> who had been receiving orders from BASARA since early May 1992,<sup>232</sup> and the massacre was committed during a large 6<sup>th</sup> Brigade operation.<sup>233</sup>
- BASARA admitted in his previous testimonies that he and TALIC both knew 6<sup>th</sup> Brigade Chief of Staff BRAJIC ordered the Mahala mosque destroyed.<sup>234</sup> BASARA also admitted, before self-servingly attempting to blame the SOS in his testimony in this trial,<sup>235</sup> that BRAJIC had bragged about the destruction,

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BASARA:D01031, paras.39-45; [REDACTED]; P07072; P07073; P07071; PREDOJEVIC:T.30814-30817,T.30821-30822 See SIC:A.7.1(Sanski Most).

<sup>225</sup> BASARA:D01031, para.44.

<sup>226</sup> BASARA:T.34530-34531; P02366.

<sup>227</sup> BASARA:T.34530.

<sup>228</sup> BASARA:D01031, para.47.

<sup>229</sup> BASARA:T.34515-34519,T.34528-34531,T.34535. See N.DAVIDOVIC:D00897, para.29; P02366; P03547. See SIC:A.7.2(Sanski Most).

<sup>230</sup> BASARA:D01031, para.48.

<sup>231</sup> P03851, p.11. See SIC:A.7.4(Sanski Most).

<sup>232</sup> P02406; [REDACTED]

<sup>233</sup> P03851, p.7.

<sup>234</sup> BASARA:P07322, pp.1-2; BASARA:P07389, T.1378-1379.

<sup>235</sup> BASARA:T.34496-34512,T.34531-34532.

claiming it had taken few explosives to demolish the mosque, but was not punished for this crime.<sup>236</sup>

- 6<sup>th</sup> Brigade officers Boro TADIĆ and Branko DAVIDOVIĆ, along with VRKEŠ and RAŠULA, were present for the murder of 20-25 non-Serb men in the Partisan Cemetery in Kriva Cesta on 22 June 1992.<sup>237</sup>

36. Even when perpetrators of mass murders were arrested, neither the VRS nor other Serb authorities followed through with their prosecutions. For instance, TALIĆ knew that VRS soldiers had murdered several Croat civilians in Škrlevita village in November 1992 shortly after they did so.<sup>238</sup> The Deputy Military Prosecutor described the facts surrounding the murders as “incontestable and certain”<sup>239</sup> and 6<sup>th</sup> brigade soldiers KAJTEZ and Miloš MAKSIMOVIĆ<sup>240</sup> confessed.<sup>241</sup> Nonetheless, none of the perpetrators were tried for this crime until after the war.<sup>242</sup> Instead, both VRS and SDS authorities intervened with the court on KAJTEZ’s behalf;<sup>243</sup> [REDACTED].<sup>244</sup> The Banja Luka Military Court then released the perpetrators from custody to return to their units.<sup>245</sup> After KAJTEZ was re-arrested, he threatened to implicate VRKEŠ and others in killings at Škrlevita and Manjača, and requested VRKEŠ “[g]o to TALIĆ, MLADIĆ, KARADŽIĆ, to whoever you can think of, but get me out [of] here,”<sup>246</sup> noting his fellow prisoners “who also killed the Balija and the Ustasha, are being acquitted and helped by their municipalities”.<sup>247</sup> [REDACTED].<sup>248</sup> In March 1995, the Banja Luka Military Court found there was “no longer any reason to keep

<sup>236</sup> BASARA:P07322, pp.1-2; BASARA:P07389, T.1378-1379; J.MARIĆ:P03117, p.3.

<sup>237</sup> A.ZULIĆ:P03611, paras.75-84(confidential). See P00404, p.1; TADIĆ:D00861, paras.2-3; P03837, p.2.

<sup>238</sup> P07016; TADIĆ:T.29984-29985. See SIC:A.7.5(Sanski Most). BASARA claimed in his statement that he had “never heard of” Škrlevita, despite having submitted a criminal report against KAJTEZ. BASARA:D01031, para.50; P07323.

<sup>239</sup> P00369, p.2.

<sup>240</sup> P03294, pp.34-35; [REDACTED]; [REDACTED]; P02420; P00369, p.1; P02417, p.2; [REDACTED]; P07323; BASARA:T.34532-34535.

<sup>241</sup> P00369, p.2; P00366; [REDACTED]; [REDACTED]; P07323, pp.1-3. See [REDACTED].

<sup>242</sup> [REDACTED]; P02420;P00369; P00372; P03556; [REDACTED]; [REDACTED]; RADULJ:T.35543-35545; P03547. See P03537; STOJIC:P00365, T.6793-6794; P07018; TADIĆ:T.29982-29990; [REDACTED].

<sup>243</sup> [REDACTED].

<sup>244</sup> [REDACTED].

<sup>245</sup> P02420; [REDACTED]; PREDOJEVIĆ:T.30798-30800; [REDACTED].

<sup>246</sup> P00366. See [REDACTED].

<sup>247</sup> P00366, p.2.

<sup>248</sup> [REDACTED]. See [REDACTED]; [REDACTED].

[KAJTEZ and MAKSIMOVIĆ] in detention”, and ordered their immediate release.<sup>249</sup> Another perpetrator was a minor at the time of the massacre<sup>250</sup> but subsequently became a VRS soldier. As with other soldiers,<sup>251</sup> his military status served to justify his absence from court proceedings relating to the massacre.<sup>252</sup>

37. Similarly, Mile GVOZDEN and others murdered eight Croat civilians in Sasina.<sup>253</sup> The GŠ-VRS was aware of these murders<sup>254</sup> to which GVOZDEN had fully confessed.<sup>255</sup> Nonetheless, the Banja Luka Military Court returned GVOZDEN to his VRS unit less than one month after his arrest.<sup>256</sup> He was not prosecuted during the war.<sup>257</sup>

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<sup>249</sup> P00372. *See* P03563, record 196; P03556, p.1.

<sup>250</sup> P07017.

<sup>251</sup> TADIĆ:T.29989-29990.

<sup>252</sup> P07018.

<sup>253</sup> PREDOJEVIĆ:T.30796-30800,T.30826-30829; D00882; P07074; D01967; P07075; P07076; D01952.

<sup>254</sup> P03823, p.2.

<sup>255</sup> P07074, p.3.

<sup>256</sup> P07075.

<sup>257</sup> P07076; PREDOJEVIĆ:T.30828-30829.

### XIII. SOKOLAC

#### A. Overview

1. Between July and September 1992, the VRS 2<sup>nd</sup> Romanija mtbr under Radislav KRSTIĆ's command carried out a campaign of violence against non-Serbs in Sokolac. This campaign resulted in the killing, expulsion or flight of much of the non-Serb population,<sup>1</sup> which in 1991 had constituted more than 30% of Sokolac's population.<sup>2</sup> The crimes against Sokolac's Muslims furthered the first and third strategic objectives.<sup>3</sup>

2. Sokolac was part of SAO Romanija.<sup>4</sup> It housed a GŠ-VRS logistics base<sup>5</sup> which supplied the SRK,<sup>6</sup> the GŠ-VRS military hospital<sup>7</sup> and a regional communications centre.<sup>8</sup> MLADIĆ visited Sokolac on multiple occasions in 1992,<sup>9</sup> as did KARADŽIĆ and KRAJIŠNIK.<sup>10</sup> MLADIĆ had direct connections with the 2<sup>nd</sup> Romanija Brigade, ordering its formation, choosing its commanders, and directly issuing orders to and receiving reports from the brigade.<sup>11</sup>

#### B. Build-up to the Conflict

3. Sokolac SDS authorities implemented Variant A.<sup>12</sup> One week after its distribution, SDS Municipal Board President BJELICA<sup>13</sup> reported to KARADŽIĆ that they were "doing the job here", and confirmed the municipality was "functioning well" with TUPAJIĆ<sup>14</sup> as Municipal Assembly President.<sup>15</sup> KARADŽIĆ and Vojislav ŠEŠELJ often visited Sokolac between 1989 and the outbreak of the war.<sup>16</sup>

<sup>1</sup> GAGULA:P02525, p.5; TUPAJIĆ:P03170, T.15414,T.15418,T.15431. *See* TABEAU:P02798, p.9.

<sup>2</sup> TABEAU:P02788, pp.25-26. *See* TABEAU:P02798, p.9; TUPAJIĆ:P03170, T.15322.

<sup>3</sup> P02003; P00178, pp.7-8; TUPAJIĆ:P03170, T.15398-15399. *See* Section III.C.2

<sup>4</sup> P07077, p.6; P07721, p.1; P03930, p.2; GAGULA:P02525, p.3. *See* DONIA:P01999, pp.35-36.

<sup>5</sup> [REDACTED]; VOJVODIĆ, T.38807.

<sup>6</sup> [REDACTED].

<sup>7</sup> BILBIJA:T.29024; ĐUKIĆ:P01052, p.6.

<sup>8</sup> P04088, p.1.

<sup>9</sup> P00352, pp.349-351; P03176, p.1; P00353, p.386; BILBIJA:D00832, para.8.

<sup>10</sup> P00352, pp.349,351; P03176, p.1; TUPAJIĆ:P03170, T.15366-15367,T.15398.

<sup>11</sup> *See* para.8 below.

<sup>12</sup> TUPAJIĆ:P03170, T.15324,T.15326,T.15466.

<sup>13</sup> TUPAJIĆ:P03170, T.15400-15402.

<sup>14</sup> P04113, p.2 .

<sup>15</sup> TUPAJIĆ:P03170, T.15321.

<sup>16</sup> GAGULA:P02525, p.3.

4. In early 1992 JNA units and equipment were relocated to Sokolac.<sup>17</sup> The JNA, SDS, and senior MUP officials MANDIĆ and Mićo STANIŠIĆ armed and trained Serbs in the Sokolac area in late 1991 and early 1992.<sup>18</sup> In March 1992, Serbs set up and manned barricades, and local Serbs began appearing in JNA and camouflage uniforms and carrying automatic weapons.<sup>19</sup> During April 1992, Serb paramilitaries—including ARKAN's and ŠEŠELJ's men—based themselves in Sokolac.<sup>20</sup>

5. On 30 March 1992, STANIŠIĆ attended a parade in Sokolac to review the new SAO Romanija RSMUP.<sup>21</sup> In late March 1992, Sokolac Police Chief CVIJETIĆ dismissed all Muslim police officers in Sokolac.<sup>22</sup> Muslims in Sokolac were also dismissed from their jobs or harassed and prevented from working.<sup>23</sup> In April 1992, restrictions of movement were imposed on Sokolac Muslims.<sup>24</sup>

6. A Sokolac CS was established on 6 April 1992 pursuant to KARADŽIĆ's order.<sup>25</sup> TUPAJIĆ was President.<sup>26</sup> The CS immediately assumed governmental functions, including matters related to the TO.<sup>27</sup> The SDS Municipal Board controlled CS membership.<sup>28</sup> The CS decided, based on the RS Law on Defence, that its members were obliged to collaborate with the "Serbian Army" and RS Government on "all vital issues".<sup>29</sup> The CS also communicated with police stations.<sup>30</sup> SDS Municipal Board President BJELICA, who was close to KARADŽIĆ, passed down decisions that needed to be implemented at the municipal level to the CS.<sup>31</sup> The CS and other municipal organs implemented republic-level orders, instructions and

<sup>17</sup> See TUPAJIĆ:P03170, T.15331-15332,T.15343-15345; P06605, p.3; GAGULA:P02525, p.4; P03031, p.2; P03172, pp.1-2; P03174, p.1; D.HANSON:P00379, para.60.

<sup>18</sup> AF271-AF272; GAGULA:P02525, p.4; DONIA:P02001, p.73; P06605, pp.3-4; P03030, p.11; P06566, p.1;P07585, p.2; VELJOVIĆ:T.22973.

<sup>19</sup> AF1234; GAGULA:P02525, p.4; P04080, p.5; P03178, p.2.

<sup>20</sup> AF1236; GAGULA:P02525, p.4.

<sup>21</sup> P06885; VLAŠKI:T.27792-27798; GAGULA:P02525, pp.4-5; P06869, p.4.

<sup>22</sup> AF1235; P06569; DONIA:P02001, p.73. See GAGULA:P02525, pp.4-5.

<sup>23</sup> TUPAJIĆ:P03170, T.15383-15384.

<sup>24</sup> GAGULA:P02525, p.5.

<sup>25</sup> TUPAJIĆ:P03170, T.15323. See P00407, p.20; D.HANSON:P00379, para.34; GAGULA:P02525, p.3.

<sup>26</sup> TUPAJIĆ:P03170, T.15323.

<sup>27</sup> P04080, pp.1-6; P03172, pp.1-2.

<sup>28</sup> P03175, p.1; TUPAJIĆ:P03170, T.15363.

<sup>29</sup> P03858; TUPAJIĆ:P03170, T.15329-15330. See P03048.

<sup>30</sup> TUPAJIĆ:P03170, T.15330.

<sup>31</sup> TUPAJIĆ:P03170, T.15349-15350,T.15463,T.15483; P06997, p.10.

requests.<sup>32</sup> On 21 April 1992, days after the RS Presidency ordered general public mobilisation into the RS TO, the CS ordered the enforcement of mobilisation orders.<sup>33</sup>

### C. VRS Forces

7. On 17 May 1992, **MLADIĆ**, **KARADŽIĆ** and **KRAJIŠNIK** met with representatives of SAO Romanija, Olovo and Rogatica in Sokolac<sup>34</sup> to discuss military matters, including the number of men and quantities of arms available in Sokolac.<sup>35</sup> **KARADŽIĆ** indicated that they were “looking for results from the army”<sup>36</sup> while **KRAJIŠNIK** declared the time was “ripe for a demarcation of the areas between Croats, Serbs, and Muslims because [...] a common state with them is no longer possible”.<sup>37</sup>

8. Soon after, **MLADIĆ** ordered the 2nd Romanija mtbr established in Sokolac.<sup>38</sup> The Brigade included a JNA brigade [REDACTED]<sup>39</sup> as well as the pre-war Sokolac TO, incorporated on 21 May 1992.<sup>40</sup> The 2<sup>nd</sup> Romanija mtbr reported directly to the SRK command, sometimes copying the GŠ-VRS<sup>41</sup> and conducted operations pursuant to direct GŠ-VRS orders.<sup>42</sup> **MLADIĆ** issued orders directly to the Brigade<sup>43</sup> and chose **KRSTIĆ** to replace **BOSANAC** as commander.<sup>44</sup> By the end of June 1992, the Brigade’s numerical strength was approximately equal to the pre-war Muslim population of Sokolac municipality.<sup>45</sup>

### D. Ethnic Cleansing of Sokolac Municipality

9. From late May into July 1992, Serb soldiers and police escorted columns of thousands of Muslim civilians, mainly from the Drina Valley area, Rogatica, and

<sup>32</sup> D.HANSON:P00379, paras.60-61; TUPAJIĆ:P03170, T.15364-15365,T.15400-15402,T.15473; P03175, pp.3-4; P07088, p.1; P03175, p.5; P04080, pp.5-6; P04113, tp.1-3.

<sup>33</sup> P03173, p.1; TUPAJIĆ:P03170, T.15340-15343; D00446, p.1; P03027, pp.1-2.

<sup>34</sup> P00352, pp.349-351; P03176, pp.1-2.

<sup>35</sup> P00352, pp.348-349.

<sup>36</sup> P00352, p.351.

<sup>37</sup> P03176, p.2.

<sup>38</sup> R.MAKSIMOVIĆ:T.26798-26799.

<sup>39</sup> [REDACTED].

<sup>40</sup> TUPAJIĆ:P03170, T.15373-15374,T.15379-15381,T.15385-15387,T.15403,T.15442-15443; P03181. See P04142; P03932, p.2; P06827, p.2; UJIĆ:T.26978.

<sup>41</sup> See P06638, pp.1-2; P03925, pp.1-6; P03822, pp.1-2.

<sup>42</sup> E.g. P04026, pp. 1-7.

<sup>43</sup> E.g. P03660; P03671; P03680; P03682; P05211.

<sup>44</sup> P03689, 00:20’37-00:20’57 tp.6-7.

<sup>45</sup> P06637; TUPAJIĆ:P03170, T.15322; GAGULA:P02525, p.2.

Višegrad, through Sokolac in organised convoys on their way to ABiH-controlled areas.<sup>46</sup> Sokolac authorities knew these civilians were fleeing “killings, sometimes mass killings”.<sup>47</sup> Hundreds of Muslim detainees from Bratunac were also transported out of RS territory via Sokolac at RS government orders,<sup>48</sup> which TUPAJIĆ knew was part of the mass expulsion of Muslims from Eastern Bosnia.<sup>49</sup> Sokolac authorities were also aware that Serb forces killed 30-35 men from Nedžarići, whose bodies the Sokolac authorities later buried by the roadside.<sup>50</sup>

10. Once the 2<sup>nd</sup> Romanija mtbr was established and serious crimes against non-Serbs in other municipalities became known, TUPAJIĆ began informing Muslims he could no longer protect them “due to the ethnic cleansing that had begun”.<sup>51</sup> On 14 July 1992, KARADŽIĆ addressed a telegram to presidents of municipalities including Sokolac purporting to hold them personally responsible for the protection of villages in which the Croatian and Muslim inhabitants “hand over their weapons and do not intend to fight against us”.<sup>52</sup> TUPAJIĆ’s response made clear the fate of Sokolac’s Muslims rested in the hands of forces controlled by **MLADIĆ** and KARADŽIĆ: “All activities on the area of the Municipality, on security issues are conducted by” the 2<sup>nd</sup> Romanija mtbr which was “responsible to its superior command” and the SJB which was “responsible for its work to MUP”.<sup>53</sup>

11. TO CoS MAČAR had begun organising disarmament of Muslim villages in Sokolac, including Novoseoci, in spring 1992.<sup>54</sup> From late July to late September 1992, the 2<sup>nd</sup> Romanija mtbr attacked and destroyed a number of these Muslim villages. Attacks began with artillery fire, followed by infantry incursions and lastly, the villages were looted and set on fire.<sup>55</sup> **MLADIĆ** was present in Sokolac on 29

<sup>46</sup> TUPAJIĆ:P03170, T.15376-15378,T.15388-15389.

<sup>47</sup> TUPAJIĆ:P03170, T.15377-15379.

<sup>48</sup> P03177; TUPAJIĆ:P03170, T.15395-15396; D.HANSON:P00379, para.60. *See* Pale Summary.

<sup>49</sup> TUPAJIĆ:P03170, T.15396.

<sup>50</sup> TUPAJIĆ:P03170, T.15442-15445.

<sup>51</sup> TUPAJIĆ:P03170, T.15376 .

<sup>52</sup> P03180; P03179.

<sup>53</sup> P03181; TUPAJIĆ:P03170, T.15381-15382,T.15384-15385.

<sup>54</sup> SELMANOVIĆ:P00717, paras.3-4; SELMANOVIĆ:T.6833-6834; P03175, p.7; TUPAJIĆ:P03170, T.15373-15374,T.15403; P00718; D00130, p.1.

<sup>55</sup> AF1239; TUPAJIĆ:P03170, T.15403-15404,T.15408-15409,T.15413-15414. *See* UJIĆ:T.26978.

July around the same time these operations began.<sup>56</sup> On 5 August, Muslims from Parževići village requested to leave and the Brigade “deported” them into Sarajevo.<sup>57</sup>

12. The 2<sup>nd</sup> Romanija mtbr’s engineering unit destroyed all five mosques in Sokolac municipality during these attacks.<sup>58</sup> The ruins were razed<sup>59</sup> and the rubble from the Novoseoci mosque was used to bury Muslim civilians executed by the Brigade.<sup>60</sup> Members of the Brigade also unlawfully arrested and detained Muslim civilians without any legal grounds or charges.<sup>61</sup> Muslim civilians were detained in bad conditions throughout the municipality, including in the cellar of the Slaviša Vajner Čiča elementary school in Sokolac, an abandoned school building in Čavarine, the Palež factory, a restaurant in Knežina, and the cellar of the post office building and seat of the local commune. Camp personnel at the Slaviša Vajner Čiča and Čavarine detention facilities included Military Police officers.<sup>62</sup>

13. On 20 September 1992, KRSTIĆ implemented GALIĆ’s Operational Order No.1 by ordering the 2<sup>nd</sup> Romanija mtbr to attack areas in Sokolac municipality.<sup>63</sup> On 22 September 1992, members of the Brigade under MP commander Momčilo PAJIĆ<sup>64</sup> surrounded the village of Novoseoci and detained the civilians. One woman who had been sent to get her husband was killed en route.<sup>65</sup>

14. PAJIĆ went to Sokolac for orders.<sup>66</sup> On his return, he read out an order that the women, children, elderly and disabled were to be transferred to Sarajevo and the men were to remain, purportedly to undertake mandatory work. Brigade soldiers then transferred the women and children and executed the 44 remaining males, including two men who were over 80 and a 15-year old boy.<sup>67</sup> KRSTIĆ informed the GŠ-VRS that same day that the “čišćenje” of Novoseoci was complete.<sup>68</sup> While the Sokolac

<sup>56</sup> P00353, p.386.

<sup>57</sup> P06639.

<sup>58</sup> AF1239; TUPAJIĆ:P03170, T.15431; GAGULA:P02525, p.6. *See* SIC: D.14(Sokolac).

<sup>59</sup> RIEDLMAYER:P02510, pp.125,128,130,135.

<sup>60</sup> RIEDLMAYER:P02503, para.48; RIEDLMAYER:P02510, pp.130-134;

RIEDLMAYER:T.17896,T.17932-17933; P00727, pp.2-3. *See* SIC:A.8.1(Sokolac).

<sup>61</sup> TUPAJIĆ:P03170, T.15387-15388.

<sup>62</sup> TUPAJIĆ:P03170, T.15409-15410; GAGULA:P02525, pp.13-14.

<sup>63</sup> P06641, p.2; P07408, p.2; M.KOVAC:T.41580-41581.

<sup>64</sup> P03656; P04106, pp.3-4.

<sup>65</sup> SELMANOVIĆ:P00717, paras.8-14.

<sup>66</sup> SELMANOVIĆ:P00717, paras.12, 17.

<sup>67</sup> *See* SIC:A.8.1(Sokolac).

<sup>68</sup> AF1238; P03822, p.1.

SJB and municipal authorities were aware of the massacre that evening<sup>69</sup> most of the victims' bodies were not exhumed until 2000 and as of 2013 teenager Amir SELMANOVIĆ was still missing.<sup>70</sup> After the massacre, VRS soldiers occupied the abandoned houses in Novoseoci.<sup>71</sup>

15. After the massive crimes the 2<sup>nd</sup> Romanija MtbR committed against Sokolac Muslims, **MLADIĆ** described it as "one of the best VRS units" and praised KRŠTIĆ.<sup>72</sup> GALIĆ<sup>73</sup> and KARADŽIĆ<sup>74</sup> also praised the brigade. **MLADIĆ** then transferred the brigade to the DK to help implement "the most important task – the mopping up of the Drina."<sup>75</sup> KRŠTIĆ was later promoted to DK Chief of Staff<sup>76</sup> and then DK Commander.<sup>77</sup> In September 1995, KRŠTIĆ recommended to the GŠ that PAJIĆ be promoted.<sup>78</sup> By contrast, after Novoseoci, TUPAJIĆ attempted to resign, citing his inability to "change the course of events" in Sokolac, where "so many harmful events" had occurred.<sup>79</sup>

<sup>69</sup> TUPAJIĆ:P03170, T.15428.

<sup>70</sup> SELMANOVIĆ:T.6723-6724,T.6825; P00727, pp.1-17; P04162, pp.1-3. See Victim Chart:A.8.1; SIC:A.8.1(Sokolac).

<sup>71</sup> P00719; SELMANOVIĆ:T.6718-6719.

<sup>72</sup> P02631, pp.2-3; P03689, 00:20'37-00:20'57 tp.6-7.

<sup>73</sup> P06829; P01967, pp.3,5.

<sup>74</sup> P04142.

<sup>75</sup> P00356, p.147.

<sup>76</sup> BUTLER:P02203, p.22; M.TRIVIĆ:P01463, T.11795.

<sup>77</sup> P01713. Similarly, CVIJETIĆ became head of CSB Sarajevo. P06659, p.1.

<sup>78</sup> P03656; P04106, pp.3-4.

<sup>79</sup> P03182; TUPAJIĆ:P03170, T.15432-15435.

## XIV. VLASENICA

### A. Overview

1. In 1991 the ethnic composition of Vlasenica municipality was 55.2% Muslim, 42.3% Serb, 0.1% Croat and 2.4% other.<sup>1</sup> Implementing a “clear policy to ethnically cleanse all non-Serbs from the municipality,”<sup>2</sup> the VRS Birač Brigade and other Serb Forces effectively ended the Muslim presence in Vlasenica through murders, arbitrary detentions, expulsions, destruction of Muslim property and a climate of fear and terror. By the fall of 1992 Vlasenica town had been virtually fully ethnically cleansed and surviving Muslims in the remainder of the municipality had either been expelled or forced into the Cerska enclave.<sup>3</sup> The expulsions and other crimes against Vlasenica’s Muslims furthered the first and third strategic objectives;<sup>4</sup> as KARADŽIĆ emphasised, although Vlasenica had been a Muslim majority municipality before the war, it “had to be ours” for strategic reasons.<sup>5</sup>

2. **MLADIĆ** regularly visited Vlasenica and met with its leadership.<sup>6</sup> He also gave orders for *čišćenje* operations carried out by Birač Brigade units;<sup>7</sup> appointed and promoted the military commander responsible for the area;<sup>8</sup> knew about the detention of large numbers of civilians—including women and children—in Vlasenica;<sup>9</sup> and through the GŠ-VRS ensured the brigade was sufficiently supplied.<sup>10</sup>

### B. Build-up and establishment of Serb organs

#### 1. Background

3. By late 1991, pursuant to republic-level instructions, the SAO Birač<sup>11</sup> and the Serb Municipality of Vlasenica were established.<sup>12</sup> Vlasenica was declared the capital

<sup>1</sup> AF1241; P06870; TABEAU:P02788, p.26.

<sup>2</sup> [REDACTED].

<sup>3</sup> [REDACTED]; Mane ĐURIĆ:T.27709. *E.g.* I.OSMANOVIĆ:T.2795.

<sup>4</sup> P02003; P00431, p.9; P00178, pp.8-9,41.

<sup>5</sup> P04584, pp.5-6. *See* P00353, p.262.

<sup>6</sup> *E.g.* P00353, pp.215-217,228-237,246-272; M.STANIĆ:T.30848-30849; P00346, pp.48-55.

<sup>7</sup> *See* P00474; P00189.

<sup>8</sup> P00352, pp.356-358.

<sup>9</sup> P00353, p.232; P00188, p.2.

<sup>10</sup> *See* P00189; P00353, p.237; P00353, p.163.

<sup>11</sup> P07078; P07079; P07080; M.STANIĆ:T.30878; M.DERONJIĆ:P03566, para.43; [REDACTED]. STANIĆ’s claim that the SAO Birač was not referred to as a “Serb” Autonomous

of SAO Birač.<sup>13</sup> The JNA and SDS secretly armed Vlasenica's Serb population.<sup>14</sup> A large weapons depot was formed in Milići and used to arm Serbs elsewhere in Eastern Bosnia.<sup>15</sup>

4. On 18 February 1992, four days after KARADŽIĆ instructed Serb authorities to "intensify the functioning of the government on every single millimetre of our territory" by introducing the second stage of Variant A/B,<sup>16</sup> the SAO Birač Executive Council passed conclusions "in order to take over power in the area of the SAO Birač as efficiently as possible."<sup>17</sup> Republic-level SDS Executive Board President<sup>18</sup> and SAO Birač Coordinator Rajko DUKIĆ was tasked to supervise the work of the Serb authorities in Birač and report on their activities.<sup>19</sup> In late March 1992, Bosnian Serb authorities proclaimed as a Serb municipality the Milići area of Vlasenica municipality,<sup>20</sup> which included DUKIĆ's *Boksit* mine, one of the largest enterprises in BiH.<sup>21</sup>

5. In early April 1992, the "Serbian municipality of Vlasenica" CS was formed with municipality President Milenko STANIĆ as President.<sup>22</sup> Other members would come to include Vlasenica Battalion chief of security Risto VIDOVIĆ and SJB chief Mane ĐURIĆ.<sup>23</sup> Around the same time, JNA tanks were deployed to Vlasenica<sup>24</sup> and negotiations to further divide the municipality took place.<sup>25</sup> SDS President Tomislav SAVKIĆ<sup>26</sup> threatened armed intervention if Muslim negotiators refused the division<sup>27</sup>

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Region is contradicted by numerous contemporaneous documents. *E.g.* P07077, pp.5-7; P07083; P03737; P03930, p.2; T.28132-28133.

<sup>12</sup> P06871; SAVKIĆ:D00699, paras.23-24; M.STANIĆ:D00884, para.13; Mane ĐURIĆ:D00732, paras.6-7.

<sup>13</sup> P06871, p.2.

<sup>14</sup> P03030, p.12; P04094, p.4; P03083; P00353, pp.233-234; Mane ĐURIĆ:D00732, para.13; [REDACTED]; [REDACTED]; M.DERONJIĆ:P03566, paras.8-10,29,30,32,34-36. *See* I.OSMANOVIĆ:T.2779,T.2787-2789.

<sup>15</sup> M.DERONJIĆ:P03566, para.32.

<sup>16</sup> P03774, pp.5,7,24. *Compare* M.DERONJIĆ:P03566, para.47.

<sup>17</sup> P07083, p.3.

<sup>18</sup> P07082; P07081; M.TUPAJIĆ:P03170, T.15328-15329.

<sup>19</sup> P07082; M.STANIĆ:T.30869. *E.g.* P07081; D.HANSON:P00379, p.13, fn.36.

<sup>20</sup> P00406, p.23. *See* P07078, p.2.

<sup>21</sup> Mane ĐURIĆ:T.27635; M.DERONJIĆ:P03566, para.6; SAVKIĆ:T.27169. DUKIĆ was director of the mine. P00354, pp.91-94; S.ANDRIĆ:T.34834.

<sup>22</sup> P06839; M.STANIĆ:D00884, paras.1,29. *See* P00407, p.20; D.HANSON:P00379, paras.34-37.

<sup>23</sup> [REDACTED]; [REDACTED]. *See* Mane ĐURIĆ:T.27650.

<sup>24</sup> AF1243.

<sup>25</sup> AF1244; M.STANIĆ:D00884, para.14.

<sup>26</sup> SAVKIĆ:T.27157-27158; P06839; P06840, p.3.

<sup>27</sup> AF1246.

while STANIĆ explained orders regarding the division came from “higher up”.<sup>28</sup> Faced with such threats, the SDA agreed to divide Vlasenica municipality.<sup>29</sup>

## 2. Takeover and crimes before 12 May 1992

6. On 19 April 1992, the Vlasenica CS introduced a state of imminent threat of war pursuant to NSC and RS Presidency decisions<sup>30</sup> and decided to “take over power” in Vlasenica;<sup>31</sup> form a TO unit under its command;<sup>32</sup> demand seizure of “illegal” weapons;<sup>33</sup> disarm members of the Vlasenica SJB<sup>34</sup> and change the ethnic composition of the SJB by removing Muslim and Croat policemen.<sup>35</sup> Two days later, JNA units, local police and Serb TO units from Šekovići, Vlasenica and Milići realised the 19 April decisions<sup>36</sup> by taking control of municipal institutions, including the town hall, bank, post office, police and court.<sup>37</sup>

7. The non-Serb population did not resist the takeover<sup>38</sup> but Serb police demanded that Muslims surrender all their weapons or face arrest.<sup>39</sup> Muslims purportedly suspected of having weapons were arrested and charged;<sup>40</sup> no similar charges were brought against Serbs.<sup>41</sup> Serb authorities also introduced a curfew,<sup>42</sup> imposed work obligation on non-Serbs,<sup>43</sup> restricted their movement,<sup>44</sup> and arbitrarily arrested non-Serbs.<sup>45</sup> Muslim houses were covered in graffiti such as “Muslims leave” or “We will kill all Ustasha.”<sup>46</sup> Muslim shopkeepers feared keeping their businesses

<sup>28</sup> AF1245.

<sup>29</sup> AF1244; D00703; D00704; M.STANIĆ:D00884, paras.14-15.

<sup>30</sup> P06874; Mane ĐURIĆ:D00732, paras.15-18; P03035, pp.1-2; D00446; P03027. *See* P03982.

<sup>31</sup> P04099; Mane ĐURIĆ:D00732, para.18.

<sup>32</sup> P06873. *See* P03027; P03736, p.1.

<sup>33</sup> P06872. *See* I.OSMANOVIĆ:T.2803-2804.

<sup>34</sup> P06875; [REDACTED]; [REDACTED].

<sup>35</sup> [REDACTED]. [REDACTED]. *See* [REDACTED].

<sup>36</sup> Mane ĐURIĆ:T.27633.

<sup>37</sup> AF1247; P03736; P07352, p.3; I.OSMANOVIĆ:P00207, paras.5,14; I.OSMANOVIĆ:T.2778-2779; [REDACTED].

<sup>38</sup> Mane ĐURIĆ:D00732, paras.12,24.

<sup>39</sup> AF1250; I.OSMANOVIĆ:T.2778-2779,T.2783-2784,T.2787-2788; P00353, p.233; Mane ĐURIĆ:D00732, paras.40-41; [REDACTED].

<sup>40</sup> I.OSMANOVIĆ:P00207, paras.8-9,14-15,19; [REDACTED]; [REDACTED]; Mane ĐURIĆ:D00732, paras.41-42; Mane ĐURIĆ:T.27654-27657(confidential); P04103; P06877(confidential).

<sup>41</sup> Mane ĐURIĆ:T.27655-27657(confidential); P04103.

<sup>42</sup> I.OSMANOVIĆ:T.2779.

<sup>43</sup> AF1250; I.OSMANOVIĆ:D00049, p.1.

<sup>44</sup> AF1248-AF1249; I.OSMANOVIĆ:P00207, para.10; I.OSMANOVIĆ:T.2755-2756,T.2780-2781; P00209.

<sup>45</sup> I.OSMANOVIĆ:P00207, paras.14-15.

<sup>46</sup> I.OSMANOVIĆ:P00207, para.6.

open, Muslim workers at *Boksit* Milići stopped being paid, while their Serb colleagues continued to receive salaries,<sup>47</sup> and Muslims working in state-owned companies and other public services were dismissed from their jobs.<sup>48</sup> After the takeover, ĐURIĆ became acting chief of a completely-Serb SJB Vlasenica, which then reported to the RSMUP CSB Sarajevo.<sup>49</sup>

8. The now-Serb Vlasenica SJB formed a Special Unit.<sup>50</sup> In late April and early May 1992, Serb forces including the Special Unit attacked several villages, killing people and burning houses with the aim of cleansing the area of Muslims.<sup>51</sup> Once the VRS was formed, the Special Unit continued committing crimes, sometimes engaging in criminal operations together with and in subordination to the VRS.<sup>52</sup> After the Special Unit committed its crimes, perpetrators including commander KRALJEVIĆ were incorporated into the VRS.<sup>53</sup>

### C. VRS Forces

9. The Birač Brigade was formed from a JNA 17<sup>th</sup> Corps unit commanded by Col. Radovan TAČIĆ and Serb TO units in SAO Birač.<sup>54</sup> On 18 May 1992, **MLADIĆ** appointed Svetozar ANDRIĆ brigade commander.<sup>55</sup> On 19 May, the Birač Brigade became a VRS unit;<sup>56</sup> the JNA left equipment, weapons and personnel with the Brigade.<sup>57</sup>

10. The Brigade was initially part of the IBK.<sup>58</sup> After **MLADIĆ** transferred the Brigade to the DK, it served as the basis for that Corps.<sup>59</sup> The Vlasenica battalion—

<sup>47</sup> AF1242; I.OSMANOVIĆ:P00207, paras.6,13.

<sup>48</sup> AF1242; [REDACTED]. By July, DUKIĆ could inform the RS Assembly that all Muslim judges had been expelled. P04581, p.72.

<sup>49</sup> [REDACTED]; [REDACTED].

<sup>50</sup> [REDACTED].

<sup>51</sup> [REDACTED]; P00185(confidential); [REDACTED].

<sup>52</sup> Mane ĐURIĆ:D00732, para.29. See Mane ĐURIĆ:T.27698.

<sup>53</sup> Mane ĐURIĆ:T.27651-27653; P06876; [REDACTED]; P06869, p.10

<sup>54</sup> S.ANDRIĆ:D01033, para.2; P04092.

<sup>55</sup> P00352, pp.356-358; P07352, p.1; S.ANDRIĆ:T.34737,T.34897-34898.

<sup>56</sup> P07352, p.1; P03736, p.1; S.ANDRIĆ:T.34737-34739.

<sup>57</sup> I.OSMANOVIĆ:P00207, paras.16; S.ANDRIĆ:D01033, para.2; Mane ĐURIĆ:D00732, para.25; Mane ĐURIĆ:T.27667.

<sup>58</sup> S.ANDRIĆ:T.34740. See P07345.

<sup>59</sup> P03659; P07352, p.3; S.ANDRIĆ:D01033, para.2.

initially commanded by Maj. Slobodan PAJIĆ<sup>60</sup>—had its headquarters in the same building as the Vlasenica CS.<sup>61</sup>

11. ANDRIĆ issued orders to TO units soon after he took command of the Brigade.<sup>62</sup> In early June 1992, he implemented the IBK order<sup>63</sup> to transform subordinate TO units into VRS units.<sup>64</sup> ANDRIĆ's testimony that the Zvornik TO acted independently<sup>65</sup> is contradicted by both contemporaneous evidence and his own testimony that by the end of May or early June 1992 the Zvornik TO was transformed into the VRS Zvornik brigade, also under IBK command.<sup>66</sup>

#### D. Crimes After 12 May 1992

12. On 15 May 1992 TAČIĆ ordered subordinate units to “enable the functioning of the organs of government” together with MUP and TO personnel in the SAO Birač, ordering, *inter alia*, the 3<sup>rd</sup> battalion and other units to “control the territory of Milići municipality” and “fight the renegade groups and enable the functioning of the organs of government” there.<sup>67</sup> The next day, Serb Forces including JNA soldiers attacked Zaklopača, a village in Milići municipality, killing 60 to 80 Muslim civilians.<sup>68</sup> This crime caused Muslim civilians to flee Vlasenica and Milići.<sup>69</sup> Indeed, women, children and one elderly man in Zaklopača surrendered the next day, were forced to sign over their property and then put on a bus and dropped off near Kladanj.<sup>70</sup>

13. Shortly after taking command, ANDRIĆ incorporated this ongoing cleansing campaign into Birač Brigade doctrine. On 26 May and again on 28 May, he ordered subordinate units to move out Muslim women and children and place military-age men in camps for exchange.<sup>71</sup> The Birač Brigade and other Bosnian Serb Forces then attacked Muslim villages to the north of Vlasenica, including in neighbouring

<sup>60</sup> [REDACTED].

<sup>61</sup> [REDACTED].

<sup>62</sup> P07086; P00466.

<sup>63</sup> P03739.

<sup>64</sup> P07348; P03736; S.ANDRIĆ:D01033, para.2; S.ANDRIĆ:T.34758-34760.

<sup>65</sup> S.ANDRIĆ:D01033, para.3; S.ANDRIĆ:T.34750-34751; D01035.

<sup>66</sup> P07346; P07347, p.6; S.ANDRIĆ:T.34756-34758.

<sup>67</sup> P04092, pp.1-3. *See* S.ANDRIĆ:D01033, para.2; P03736, p.1.

<sup>68</sup> I.OSMANOVIĆ:P00207, para.16; I.OSMANOVIĆ:D00049, p.4; Mane ĐURIĆ:T.27694-27695; SAVKIĆ:D00699, paras.52-54; SAVKIĆ:T.27174; Z.DURMIĆ:D00659, paras.30-32 Z.DURMIĆ:T.26327-26329,T.26332; P06793; P06794; [REDACTED]. *See* D00703, p.4.

<sup>69</sup> Mane ĐURIĆ:T.27695.

<sup>70</sup> AF1269.

<sup>71</sup> P07086; P00466. *Compare* P03737. *See* Section III.D.3.(b).

municipalities.<sup>72</sup> VRS and RSMUP forces murdered Muslim civilians,<sup>73</sup> rounded up others, separated men from women and children and detained them in criminal conditions or expelled them<sup>74</sup> and burned down and blew up most Muslim houses to prevent the owners from returning.<sup>75</sup>

14. After the VRS' establishment, these operations were carried out by VRS and RSMUP forces, including the SJB Special Unit. When an operation was to involve both VRS and RSMUP forces, the VRS would inform the SJB in advance. The SJB would then provide RSMUP forces, which would be resubordinated to the VRS for the operations consistent with standard practice.<sup>76</sup> When Serb forces took control of Muslim villages, non-Serbs were either killed, captured and taken to Sušica or fled to Kladanj or Cerska.<sup>77</sup>

15. For instance, in early June 1992, the Birač Brigade, RSMUP and Serb TO units attacked Muslim villages including Drum and Gradina.<sup>78</sup> Consistent with ANDRIĆ's orders to units in Zvornik and Osmači, the purpose of the operation was to surround and round up all Muslims (including women and children) and expel them from Vlasenica<sup>79</sup> and destroy as much Muslim property as possible.<sup>80</sup> In Drum, which had previously been disarmed by the police,<sup>81</sup> soldiers murdered over 20 Muslim civilian men; only three or four male residents survived.<sup>82</sup> Women, children and old men were loaded onto a bus and transferred to Sušica.<sup>83</sup> Muslim detainees at Vlasenica prison were taken to Drum under guard to bury the civilians killed during

<sup>72</sup> See Section III.D.3.(b). P07352, pp.3,7-8; M.RAMIĆ:P02528, paras.1-13; [REDACTED]; [REDACTED]; T.FERHATBEGOVIĆ:P02526, pp.3-5; M.KURALIĆ:P02521, pp.3-5; S.ANDRIĆ:T.34772-34775,T.34794-34796,T.34796-34800(confidential).

<sup>73</sup> See para.16; SIC:A9.1(Vlasenica).

<sup>74</sup> See SIC:C19.3(Vlasenica).

<sup>75</sup> [REDACTED]; AF1251.

<sup>76</sup> Mane ĐURIĆ:T.27698. See P06878; P06869, p.5. As noted elsewhere, although a standard practice, resubordination is not essential for **MLADIĆ**'s liability for incidents involving joint involvement of the VRS and the MUP, and the RSMUP maintained the ability to discipline policemen who had been resubordinated (though criminal jurisdiction lay with the military courts). See II.H.1.(b); III.G.1.

<sup>77</sup> [REDACTED].

<sup>78</sup> P07352; [REDACTED]; RM004:P03391, paras.7-21(confidential).

<sup>79</sup> [REDACTED]. See P00466; P07086; Mane ĐURIĆ:T.27697.

<sup>80</sup> [REDACTED].

<sup>81</sup> RM004:P03391, para.6(confidential); Mane ĐURIĆ:T.27717.

<sup>82</sup> See SIC:A.9.1(Vlasenica).

<sup>83</sup> See SIC:C.19.3(Vlasenica); AF513; RM004:P03391, paras.21,24-29(confidential). Some of these detainees were transferred after a month to Batković and exchanged several months later. RM004:P03391, paras.35-36(confidential). See para. 27, SIC:C.2.1(Bijeljina).

the attack.<sup>84</sup> The Birač Brigade Vlasenica Battalion's military police and CSB Sarajevo were aware of these murders<sup>85</sup> [REDACTED].<sup>86</sup> [REDACTED].<sup>87</sup> Serb forces "basically killed everything that moved."<sup>88</sup> The vast majority of those killed were civilians.<sup>89</sup>

16. In Vlasenica town itself, Muslim intellectuals, political leaders, and wealthy persons who had not yet fled were the first to be forcibly removed.<sup>90</sup> From May through October 1992, a group of Vlasenica SJB policemen notoriously took dozens of Muslims from their homes at night and murdered them.<sup>91</sup> Other Muslims were killed while fleeing Vlasenica,<sup>92</sup> picked up in their homes and taken to Sušica<sup>93</sup> or fled in fear for their lives<sup>94</sup> after signing statements claiming they were leaving "voluntarily" and surrendering their property to the municipality.<sup>95</sup> ĐURIĆ and STANIĆ authorised Special Unit members to loot property and take over non-Serb houses.<sup>96</sup>

17. The VRS and other Serb authorities organised transfers of Muslims to the separation line<sup>97</sup> and municipal authorities assigned Serbs moving into Vlasenica to abandoned Muslim houses and flats.<sup>98</sup> In September 1992, the few remaining Muslims in the area of Vlasenica town—other than a handful in mixed marriages—were killed, including an elderly woman and her grandson.<sup>99</sup> No non-Serbs remained in surrounding villages.<sup>100</sup> The remnants of Vlasenica's Muslim community were forced into the Cerska enclave.<sup>101</sup>

<sup>84</sup> I.OSMANOVIĆ:P00207, para.28.

<sup>85</sup> Mane ĐURIĆ:T.27702-27706(portions confidential).

<sup>86</sup> [REDACTED].

<sup>87</sup> [REDACTED]; [REDACTED].

<sup>88</sup> [REDACTED].

<sup>89</sup> [REDACTED].

<sup>90</sup> [REDACTED].

<sup>91</sup> [REDACTED]; [REDACTED]; RM030:P01610, p.6(confidential); P00197(confidential). *E.g.*

Mane ĐURIĆ:T.27678-27679.

<sup>92</sup> [REDACTED].

<sup>93</sup> RM030:P01610, pp.2-5(confidential); RM030:P01612, p.1(confidential).

<sup>94</sup> [REDACTED]; I.OSMANOVIĆ:P00207, paras.12-15.

<sup>95</sup> [REDACTED]; Mane ĐURIĆ:D00732, para.35; P00196; RM030:P01610, p.2(confidential);

RM004:P03391, paras.31-32(confidential).

<sup>96</sup> [REDACTED]; Mane ĐURIĆ:T.27678-27679.

<sup>97</sup> AF1269; [REDACTED]; Mane ĐURIĆ:D00732, paras.44-48; P04004; [REDACTED].

<sup>98</sup> Mane ĐURIĆ:T.27709-27710.

<sup>99</sup> [REDACTED].

<sup>100</sup> [REDACTED].

<sup>101</sup> *E.g.* I.OSMANOVIĆ:T.2795; [REDACTED].

18. Around the same time, the Birač Brigade informed the SJB that its engineering unit was about to destroy the mosque in Vlasenica town.<sup>102</sup> The SJB secured the area.<sup>103</sup> The engineering unit then destroyed the mosque.<sup>104</sup> The next day Sušica camp staff forced prisoners to clear away the rubble.<sup>105</sup> The Brigade command and SJB were both aware of the crime but no one was prosecuted.<sup>106</sup>

19. In November 1992, DK Commander ŽIVANOVIĆ implemented **MLADIĆ**'s Directive Four by ordering the DK to "force the Muslim local population to abandon the area of Cerska, Žepa, Srebrenica and Goražde."<sup>107</sup> VRS operations pursuant to Directive Four then cleansed areas of Eastern Bosnia including Cerska,<sup>108</sup> thus completing the cleansing of Vlasenica.

20. Defence witnesses' claims that Muslims left Vlasenica voluntarily<sup>109</sup> are not credible. They ignore Birač Brigade and SAO Birač orders to move out the Muslim population<sup>110</sup> and instead repeat false statements fleeing Muslims were forced to sign during the war.<sup>111</sup> Indeed, as set forth above, the purpose of the brutal cleansing of Muslim villages was to remove Vlasenica's Muslims and prevent them from returning; the massive crimes committed against them meant their decisions to flee were manifestly not matters of free will. Even ĐURIĆ, who initially claimed Muslims "left voluntarily," ultimately admitted they were "fearing for their safety", in part because of crimes committed against them.<sup>112</sup> Similarly, Defence witnesses' extreme exaggerations of the numbers of people leaving Vlasenica prior to the Serb takeover<sup>113</sup> are contradicted by their own acknowledgments of forcible evictions of non-Serbs following the takeover, which they self-servingly attributed to Serbs expelled from Muslim-controlled areas.<sup>114</sup> Finally, Defence witnesses' attempts to distance the JCE members from crimes in Vlasenica<sup>115</sup> are contradicted by, *inter alia*,

<sup>102</sup> Mane ĐURIĆ:T.27679-27682(portions confidential).

<sup>103</sup> Mane ĐURIĆ:T.27683-27686; [REDACTED].

<sup>104</sup> [REDACTED]; [REDACTED].

<sup>105</sup> [REDACTED].

<sup>106</sup> Mane ĐURIĆ:T.27680-27686(portions confidential).

<sup>107</sup> P02095, p.1; *see* P01968, p.5.

<sup>108</sup> *See* Section III.D.9.(a).(i).

<sup>109</sup> *E.g.* M.STANIĆ:D00884, paras.17,26,33; SAVKIĆ:D00699, paras.32,33,38.

<sup>110</sup> P03737; P00466; P00190.

<sup>111</sup> *See* para.16.

<sup>112</sup> Mane ĐURIĆ:D00732, paras.36-38; Mane ĐURIĆ:T.27695.

<sup>113</sup> M.STANIĆ:D00884, para.17; Mane ĐURIĆ:D00732, para.16.

<sup>114</sup> M.STANIĆ:D00884, para.25; Mane ĐURIĆ:D00732, paras.36-38; SAVKIĆ:D00699, para.38.

<sup>115</sup> *E.g.* SAVKIĆ:D00699, para.83; M.STANIĆ:D00884, para.40.

functioning military communications between the Birač Brigade and IBK;<sup>116</sup> rapid receipt and implementation of orders by RS political authorities;<sup>117</sup> STANIĆ's testimony that SAO Birač was making proposals to the RS government for its decisions no later than the end of May 1992;<sup>118</sup> and DUKIĆ's expression of satisfaction in the RS Assembly at the success of the ethnic cleansing campaign in Birač.<sup>119</sup>

## **E. Detention Centres In and Around Vlasenica**

### **1. Unscheduled Detention facilities**

21. Beginning in May 1992, RSMUP members took Muslim civilians to the Vlasenica SJB. The men were beaten and kept in harsh conditions.<sup>120</sup> At least one was killed.<sup>121</sup> Additionally, in late May Muslims, some rounded up by the Vlasenica SJB Special Unit, were brought to the Vlasenica courthouse.<sup>122</sup> Some were taken away and shot by paramilitaries,<sup>123</sup> while others were held in the municipal prison in Vlasenica;<sup>124</sup> some detainees at the prison were abused and/or taken away and shot by Serb police.<sup>125</sup>

22. In late May 1992, the Birač Brigade and other Bosnian Serb forces took Muslim civilians seized in operations in Eastern Bosnia to the Vlasenica Secondary School.<sup>126</sup> Detainees were held in horrible conditions by the military police.<sup>127</sup> ANDRIĆ personally visited the school.<sup>128</sup>

<sup>116</sup> E.g. P03738; P03739; P04003; P00192; P00186; P00188; *etc.*

<sup>117</sup> E.g. P07087; P03735; P03046; P07088; P03982; M.STANIĆ:T.30916-30919.

<sup>118</sup> E.g. M.STANIĆ:T.30899-30900.

<sup>119</sup> P04581, p.73.

<sup>120</sup> I.OSMANOVIĆ:P00207, paras.17-18,24; I.OSMANOVIĆ:T.2800-2801; Mane ĐURIĆ:T.27689-27694; RM004:P03391, para.33(confidential); [REDACTED].

<sup>121</sup> I.OSMANOVIĆ:P00207, paras.19-22; I.OSMANOVIĆ:T.2750.

<sup>122</sup> [REDACTED].

<sup>123</sup> [REDACTED]; Mane ĐURIĆ:T.27696; P06792, pp.1-2.

<sup>124</sup> I.OSMANOVIĆ:P00207, paras.26-30; I.OSMANOVIĆ:T.2757-2759,T.2803; [REDACTED].

<sup>125</sup> [REDACTED].

<sup>126</sup> S.ANDRIĆ:T.34894. E.g. STANIĆ:T.30908-30909; M.RAMIĆ:P02528, paras.1-13; [REDACTED].

<sup>127</sup> [REDACTED].

<sup>128</sup> M.RAMIĆ:P02528, paras.9-10.

## 2. Sušica camp

23. On 31 May 1992, ANDRIĆ ordered the organisation of a camp<sup>129</sup> at the Sušica facility, which had just been taken over by the Birač Brigade.<sup>130</sup> Prisoners held at the Secondary School were then transferred to Sušica.<sup>131</sup>

24. Sušica played an important role in the cleansing of Vlasenica municipality.<sup>132</sup> Approximately 2,500 Muslim civilians passed through the camp between June and September 1992.<sup>133</sup> VRS and RSMUP forces brought detainees to Sušica from municipalities throughout Eastern Bosnia, including Vlasenica,<sup>134</sup> Šekovići,<sup>135</sup> Rogatica,<sup>136</sup> and Kalesija.<sup>137</sup> As STANIĆ admitted, ANDRIĆ's orders to expel women and children from Muslim villages and take men to collection centres were "one of the reasons" Sušica was overflowing with prisoners.<sup>138</sup>

25. Sušica camp was jointly operated by the VRS and RSMUP,<sup>139</sup> which coordinated its operation in part through the CS.<sup>140</sup> VRS, SJB and CS officials could authorise releases and exchanges<sup>141</sup> and authorise the use of detainees for forced labour.<sup>142</sup> The camp warden and deputy warden were retired police officers who had

<sup>129</sup> AF1254; P00190; P03737; [REDACTED]; [REDACTED]; S.ANDRIĆ:D01033, para.4; S.ANDRIĆ:T.34744-34753,T.34802-34803; Mane ĐURIĆ:T.27707.

<sup>130</sup> DEURIĆ:T.28711; DEURIĆ:D00797, paras.17-18; S.ANDRIĆ:T.34816; P00193, pp.3,9; Mane ĐURIĆ:D00732, para.47; Mane ĐURIĆ:T.27707; P06878, pp.2-3; STANIĆ:T.30908.

<sup>131</sup> M.RAMIC:P02528, para.11; [REDACTED]; [REDACTED]. Prisoners held at the Vlasenica Prison were also later transferred to Sušica. I.OSMANOVIĆ:P00207, para.31; I.OSMANOVIĆ:T.2759,T.2802-2805.

<sup>132</sup> *E.g.* [REDACTED]. Reflecting Sušica's role in the permanent forcible removal of Vlasenica's non-Serbs, 800 detainees were released upon signing away their property and promising to permanently leave the municipality. AF1260; RM004:P03391, paras.28,31-32(confidential); RM030:P01610, p.2(confidential) *See* [REDACTED].

<sup>133</sup> AF1258; [REDACTED]; [REDACTED].

<sup>134</sup> RM030:P01610, p.2(confidential); RM030:P01612, p.1(confidential); I.OSMANOVIĆ:P00207, para.31.

<sup>135</sup> [REDACTED]; [REDACTED]; [REDACTED].

<sup>136</sup> [REDACTED]; Elvir PAŠIĆ:P00434.

<sup>137</sup> RAMIĆ:P02528; KURALIĆ:P02521; [REDACTED]. *E.g.* S.ANDRIĆ:T.34894; P07353.

<sup>138</sup> M.STANIĆ:T.30909,T.30912,T.30915.

<sup>139</sup> [REDACTED].

<sup>140</sup> [REDACTED].

<sup>141</sup> AF1257; [REDACTED]; [REDACTED].

<sup>142</sup> [REDACTED]. Detainees were often sent to work at the VRS barracks in Vlasenica. [REDACTED].

been re-mobilised;<sup>143</sup> the guards were members of the Birač Brigade and Vlasenica SJB.<sup>144</sup>

26. Days after ANDRIĆ's order, Vlasenica Battalion commander PAJIĆ appointed a VRS commission to assess, *inter alia*, "the buildings in Sušica where the MTS and prisoners of war are located."<sup>145</sup> The commission concluded the public should not be informed the conditions in which prisoners were held and prohibited bringing food to prisoners.<sup>146</sup> PAJIĆ ordered, "strangers and unidentified persons must not be allowed near the buildings, and no access must be allowed to the buildings in particular."<sup>147</sup> He also ordered the camp be additionally fortified; maintain constant communication with the battalion command and the Vlasenica SJB; ten soldiers be appointed to guard the camp; and additional security measures be imposed through the battalion's security organ.<sup>148</sup> Reflecting the joint nature of Sušica camp, PAJIĆ ordered "[r]egarding any unclear matters, contact the prison warden, chief of the Vlasenica SJB, and the 4th Battalion Vlasenica Command."<sup>149</sup> [REDACTED].<sup>150</sup>

27. The Birač Brigade reported about the camp to the IBK, which in turn reported to the GŠ-VRS.<sup>151</sup> On 25 June 1992, CS President STANIĆ informed MLADIĆ about the problems in Vlasenica caused by the detention of over 800 prisoners, including many women and children.<sup>152</sup> These reports must have related to Sušica camp.<sup>153</sup> The overwhelming numbers of prisoners resulting from the continuing cleansing, and the resulting burden on the Birač Brigade, prompted MLADIĆ to order the IBK on 17 June 1992 to establish a new camp.<sup>154</sup> Consequently, Batković

<sup>143</sup> [REDACTED]; [REDACTED]; DEURIĆ:T.28709; Mane ĐURIĆ:T.27707.

<sup>144</sup> [REDACTED]; [REDACTED]; DEURIĆ, T.28707-28709; Mane ĐURIĆ:D00732, para.47; Mane ĐURIĆ:T.27707-207708; [REDACTED].

<sup>145</sup> P00193, p.2.

<sup>146</sup> P00193, p.4.

<sup>147</sup> P00193, p.9.

<sup>148</sup> P00193, pp.6,9.

<sup>149</sup> P00193, p.9.

<sup>150</sup> P00193. *See* [REDACTED].

<sup>151</sup> P00188, p.2; P00192; P00186; [REDACTED].

<sup>152</sup> P00353, p.232.

<sup>153</sup> [REDACTED].

<sup>154</sup> P00189. *E.g.* P00353, p.232; M.STANIĆ:T.30907.

camp was established in Bijeljina municipality and many Sušica detainees were transferred there.<sup>155</sup>

28. [REDACTED].<sup>156</sup> [REDACTED].<sup>157</sup> [REDACTED].<sup>158</sup> [REDACTED].<sup>159</sup> The Brigade continued, however, to provide Sušica camp guards<sup>160</sup> and report to the IBK command about exchanges<sup>161</sup> and numbers of prisoners.<sup>162</sup> Brigade personnel continued to participate in the interrogation and abuse of prisoners at Sušica during NIKOLIĆ's time in command.<sup>163</sup>

29. Sušica camp had functioning communications with the Vlasenica Battalion command, two military checkpoints, and the Vlasenica SJB.<sup>164</sup> [REDACTED].<sup>165</sup> [REDACTED],<sup>166</sup> [REDACTED],<sup>167</sup> [REDACTED].<sup>168</sup>

30. Sušica detainees included women, children and elderly people.<sup>169</sup> Detainees were subjected to inhumane and degrading treatment,<sup>170</sup> including frequent beatings,<sup>171</sup> forced labour,<sup>172</sup> sexual abuse,<sup>173</sup> and murder.<sup>174</sup> NIKOLIĆ murdered several himself.<sup>175</sup> VRS soldiers, including members of the Birač Brigade command and the Vlasenica and Šekovići Battalions visited the camp to interrogate and abuse detainees, sometimes taking detainees to the Vlasenica Battalion Command for

<sup>155</sup> See SIC:C.2.1(Bijeljina). See I.OSMANOVIĆ:P00207, paras.52-54; Elvir PAŠIĆ:P00434 paras.32-37; Elvir PAŠIĆ:T.4497,T.4503-4504; RM004:P03391, para.35(confidential); RM030:P01610, p.6(confidential); [REDACTED]; [REDACTED]; [REDACTED]; P00191, (BCS, pp.1,3,5,9,13,23,26,28,30,32,34,40,45,48,53,55,57,59,62,64,80,82,86,94,111,113,117,138,140,143,151, 158,171,178,186,189).

<sup>156</sup> [REDACTED].

<sup>157</sup> [REDACTED].

<sup>158</sup> [REDACTED]; [REDACTED]; I.OSMANOVIĆ:P00207, para.65.

<sup>159</sup> AF1263; [REDACTED]; DEURIĆ:D00797, para.18.

<sup>160</sup> [REDACTED].

<sup>161</sup> P04004.

<sup>162</sup> P06936.

<sup>163</sup> [REDACTED].

<sup>164</sup> [REDACTED].

<sup>165</sup> [REDACTED].

<sup>166</sup> E.g. [REDACTED].

<sup>167</sup> AF1256; [REDACTED]; [REDACTED].

<sup>168</sup> [REDACTED]; [REDACTED].

<sup>169</sup> SIC:C.19.3(Vlasenica).

<sup>170</sup> SIC:C.19.3(Vlasenica).

<sup>171</sup> SIC:C.19.3(Vlasenica).

<sup>172</sup> SIC:C.19.3(Vlasenica).

<sup>173</sup> SIC:C.19.3(Vlasenica).

<sup>174</sup> SIC:B.16.1(Vlasenica).

<sup>175</sup> [REDACTED].

interrogation.<sup>176</sup> The SJB Special Unit took an entire Muslim family out of the camp at night and murdered them.<sup>177</sup> Other RSMUP staff also abused Sušica prisoners.<sup>178</sup> The VRS and the chiefs of SJB Vlasenica and CSB Sarajevo-Romanija were contemporaneously aware that prisoners at Sušica had been beaten and killed.<sup>179</sup>

31. Birač Brigade and Sušica staff attempted to conceal the existence of the camp and crimes there from its inception.<sup>180</sup> Camp staff also issued false reports to cover up prisoners' murders.<sup>181</sup> When international representatives tried to visit in July 1992, Sušica guards hid detainees outside the camp at SJB instructions.<sup>182</sup> After the international outcry over camps in early August 1992 resulted in further pressure on Bosnian Serb officials to provide access to camps,<sup>183</sup> Minister of Information OSTOJIĆ<sup>184</sup> accompanied international representatives to Sušica during which similar efforts—which he knew about—were made to conceal the camp's existence.<sup>185</sup>

32. On 20 September 1992, IBK commander SIMIĆ noted under the heading "Birač Brigade" and ANDRIĆ's name, "For exchange, to solve urgently, prison in Vlasenica, Women 2, Men 130."<sup>186</sup> In light of [REDACTED] evidence that Sušica contained approximately that number of prisoners at the time<sup>187</sup> and evidence that Sušica was the only facility in the municipality to which SIMIĆ could have been referring,<sup>188</sup> this must have been a reference to Sušica camp. About ten days later, KARADŽIĆ delivered a speech at a funeral for 28 Serb soldiers in Vlasenica—attended by MILOVANOVIĆ, ANDRIĆ and others—stating that the executioners of the soldiers should never be forgiven and reminding the crowd how the Muslims "have been at our throats".<sup>189</sup> That evening, RSMUP personnel took the remaining

<sup>176</sup> [REDACTED]; S.ANDRIĆ:T.34817-34818. CS and SJB members also visited the camp. [REDACTED].

<sup>177</sup> [REDACTED].

<sup>178</sup> *E.g.* [REDACTED].

<sup>179</sup> Mane ĐURIĆ:T.27709. *See* T.27669-27670; [REDACTED].

<sup>180</sup> P00193, p.4.

<sup>181</sup> [REDACTED].

<sup>182</sup> AF1264; [REDACTED].

<sup>183</sup> *See* III.D.4.(f).

<sup>184</sup> AF185. *See* P00529, p.1.

<sup>185</sup> [REDACTED]; P06937.

<sup>186</sup> P06936.

<sup>187</sup> *E.g.* [REDACTED].

<sup>188</sup> [REDACTED].

<sup>189</sup> AF1266; P00184; [REDACTED]; [REDACTED]; DEURIĆ:D00797, para.24; P02238(confidential).

140-150 detainees in Sušica camp to Debelo Brdo and executed them.<sup>190</sup>  
[REDACTED].<sup>191</sup>

### 3. Mistreatment of Sušica detainees in Pelemiš village

33. On several occasions in August and September 1992, Sušica detainees including women and children were transferred to Pelemiš village<sup>192</sup> where they were held by the Birač Brigade's Pelemiši unit<sup>193</sup> for exchange.<sup>194</sup> Detachment commander Mišo PELEMIŠ was responsible for the women his unit detained.<sup>195</sup> The detainees were kept in inhumane conditions<sup>196</sup> and women were forced to do agricultural work.<sup>197</sup> Women and girls as young as 14 were repeatedly raped by Serb soldiers.<sup>198</sup> Many detainees were killed.<sup>199</sup> Other detainees were taken off buses or trucks and killed at the Luke or Pelemiš checkpoints.<sup>200</sup>

### 4. Defence arguments about the camps should be rejected

34. Defence witnesses claimed Sušica was a transit centre or "asylum" rather than a camp,<sup>201</sup> despite denying ever receiving information about<sup>202</sup> or visiting<sup>203</sup> the camp. These self-serving and baseless claims are contradicted by overwhelming evidence from [REDACTED] camp inmates that detainees were not present voluntarily.<sup>204</sup> Indeed, the same Defence witnesses eventually acknowledged Sušica was a camp where prisoners were held.<sup>205</sup> ĐURIĆ admitted Sušica became a camp following

<sup>190</sup> See SIC:B.16.2(Vlasenica); [REDACTED].

<sup>191</sup> [REDACTED]; [REDACTED].

<sup>192</sup> [REDACTED]; M.PELEMIŠ:T.33822-33823,T.33827; D.TODOROVIĆ:T.35433-35434; P07532, p.6(confidential); P07273.

<sup>193</sup> D.TODOROVIĆ:T.35415; M.PELEMIŠ:T.33819-33829; P04966.

<sup>194</sup> P07745; [REDACTED]; D.TODOROVIĆ:T.35415; M.PELEMIŠ:T.33827-33828.

<sup>195</sup> M.PELEMIŠ:T.33828.

<sup>196</sup> P07532, p.10(confidential).

<sup>197</sup> P07532, p.10(confidential).

<sup>198</sup> P07532, p.10(confidential); [REDACTED]; D.TODOROVIĆ:T.35440-35441.

<sup>199</sup> P07745; P07744(confidential)(matching P07745,items:3;4;5;6;7;8;11;12;14;17;18;19;26;32;38 in P07744); [REDACTED]; P07275, p.3; P07276; P00197, items:118,240,241,242,519,598,759(confidential); I.OSMANOVIĆ:T.2767-2769; D.TODOROVIĆ:T.35443-35444; M.PELEMIŠ:T.33833-33835. See KOVIĆ:T.42091-42093(confidential).

<sup>200</sup> [REDACTED].

<sup>201</sup> E.g. Mane ĐURIĆ:D00732, paras.45,49; M.STANIĆ:D00884, para.28; SAVKIĆ:D00699, para.37; S.ANDRIĆ:T.34823-34825.

<sup>202</sup> M.STANIĆ:D00884, para.28; S.ANDRIĆ:T.34827.

<sup>203</sup> S.ANDRIĆ:T.34827; Mane ĐURIĆ:T.27706.

<sup>204</sup> [REDACTED]; SIC:C.19.3(Vlasenica).

<sup>205</sup> S.ANDRIĆ:D01033, para.7; S.ANDRIĆ:T.34816-34818,T.34833.

ANDRIĆ's order<sup>206</sup> and STANIĆ admitted Sušica was full of Muslims because of ANDRIĆ's orders to unlawfully detain non-Serbs.<sup>207</sup>

35. VRS witnesses also attempted to distance themselves from or minimize crimes against detainees. ANDRIĆ falsely claimed that "the army had nothing whatsoever to do with" Sušica,<sup>208</sup> while simultaneously admitting that on his orders the VRS "secured the camp."<sup>209</sup> Indeed, as reflected above, Sušica was a paradigmatic example of the VRS, RSMUP and CS's joint implementation of the common purpose. Similarly, Defence witnesses PELEMIŠ and TODORVIĆ—both members of the VRS Peleмиш detachment<sup>210</sup>—attempted to downplay the abuse of civilians in Peleмиш but acknowledged one detainee was raped<sup>211</sup> by a Birač Brigade soldier.<sup>212</sup> PELEMIŠ attempted to belatedly shift responsibility for the detained women to the police after acknowledging the rape,<sup>213</sup> while TODORVIĆ asserted the perpetrator was "beaten" and "a report was drafted and... submitted to the brigade" but refused to provide any further information.<sup>214</sup>

## F. Knowledge and Approval of Crimes

36. While the Birač Brigade was well aware of crimes against Muslims in and around Vlasenica municipality,<sup>215</sup> no soldier was prosecuted [REDACTED].<sup>216</sup> Similarly, police crimes against Muslims in Vlasenica municipality were widely-known,<sup>217</sup> but not a single case was prosecuted<sup>218</sup> or disciplinary measure imposed.<sup>219</sup>

<sup>206</sup> Mane ĐURIĆ:T.27707-27708.

<sup>207</sup> STANIĆ:T.30909,T.30912,T.30915.

<sup>208</sup> S.ANDRIĆ:T.34815-34818. Similarly, STANIĆ falsely tried to distance the CS from the camp. M.STANIĆ:D00884, para.28.

<sup>209</sup> S.ANDRIĆ:T.34816-34817. ANDRIĆ twice referred to prisoners "we" held at Sušica in reports to the IBK. P00186; P00192. Similarly, the IBK noted "In the area of Zvornik we have around 500 prisoners, and in the area of Vlasenica around 800," P00188, p.2, and MLADIĆ noted as to the Birač Brigade on 17 June 1992, "the brigade has close to 600 prisoners." P00189, p.1. These reports must have referred to Sušica. [REDACTED].

<sup>210</sup> M.PELEMIŠ:T.33819-33820; D.TODORVIĆ:T.35415.

<sup>211</sup> D.TODORVIĆ:T.35440-35441; M.PELEMIŠ:T.33828.

<sup>212</sup> D.TODORVIĆ:T.35442.

<sup>213</sup> M.PELEMIŠ:T.33828-33829.

<sup>214</sup> D.TODORVIĆ:T.35441-35447.

<sup>215</sup> Mane ĐURIĆ:T.27669,T.27702,T.27709, [REDACTED]. See T.27669-27670.

<sup>216</sup> [REDACTED].

<sup>217</sup> [REDACTED]; Mane ĐURIĆ:T.27690-27694,T.27674.

<sup>218</sup> P04103; Mane ĐURIĆ:T.27655-27657,T.27660-27661,T.27672-27674,T.27691-27696,T.27709(confidential).

<sup>219</sup> [REDACTED].

Some RSMUP perpetrators of crimes were reassigned to the VRS.<sup>220</sup> Similarly, SJB Milići did not punish the Zaklopača massacre perpetrators<sup>221</sup> and knew paramilitaries from the Vukovar Detachment had murdered 25 Muslims near Nova Kasaba in Milići—the massacre was even reported on television—but no one was punished.<sup>222</sup> The massacre of the remaining Sušica detainees in late September 1992, though known to the Vlasenica battalion command and CS, was not investigated.<sup>223</sup>

37. Instead, **MLADIĆ** praised **ANDRIĆ**<sup>224</sup> and ordered his early promotion in July 1992.<sup>225</sup> In 1995, **ANDRIĆ** became DK Chief of Staff.<sup>226</sup> Similarly, **KARADŽIĆ** gave awards to **ĐURIĆ**<sup>227</sup> (who was later promoted to deputy Chief of CJB Zvornik)<sup>228</sup> and the entire Vlasenica SJB.<sup>229</sup>

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<sup>220</sup> [REDACTED]; Mane ĐURIĆ:T.27692,T.27694,T.27670-27672; P06876; P06879; P06938; P01825(confidential).

<sup>221</sup> Mane ĐURIĆ:T.27695.

<sup>222</sup> Mane ĐURIĆ:T.27696; P06792, pp.1-2.

<sup>223</sup> [REDACTED].

<sup>224</sup> P00189, p.1; P03689, p.6.

<sup>225</sup> P07380.

<sup>226</sup> S.ANDRIĆ:D01033, para.1; P01713.

<sup>227</sup> P04236, p.5; Mane ĐURIĆ:T.27633. See Mane ĐURIĆ:T.27710.

<sup>228</sup> Mane ĐURIĆ:T.27634.

<sup>229</sup> P04236, p.7.

## **ANNEX B**

### **Municipality Scheduled Incident Charts**

## BANJA LUKA PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
<b>B.1.1</b>	On 6-Jun-92, police, soldiers and military police transferred approximately 150 mainly Muslim detainees from Hasan Kikić elementary school in Sanski Most to Manjača camp. <sup>1</sup> Upon arrival, soldiers beat the detainees. At least six detainees singled out, surrounded by about 20 persons, among them soldiers from the SOS/1KK 6 <sup>th</sup> Brigade including Daniluško KAJTEZ; and beaten so severely that they died. <sup>2</sup> Six bodies taken away by soldiers and later exhumed from Stričići-Manj mass grave in Banja Luka and identified in relation to this incident. <sup>3</sup>
<b>B.1.2</b>	On 7-Jul-92, <sup>4</sup> police, military police and soldiers <sup>5</sup> transferred around 64 mainly Muslim detainees from Betornika camp in Sanski Most to Manjača camp. <sup>6</sup> Detainees transported in extremely hot and cramped conditions, with insufficient water, in trucks covered with tarpaulins. <sup>7</sup> As a result of these conditions at least 24 detainees suffocated during transportation. <sup>8</sup> Victims taken back towards Sanski Most. <sup>9</sup> Seventeen bodies exhumed and identified from Ušće mass grave in Sanski Most, seven exhumed from Dragoraj mass grave in Mrkonjić Grad. <sup>10</sup>
<b>B.1.4</b>	Between Jun-92 and Dec-92, <sup>11</sup> at least 10 non-Serb detainees killed inside Manjača camp primarily as a result of severe beatings by soldiers and military policemen. <sup>12</sup> Among those beaten to death were Omer FILIPOVIĆ and Esad BENDER (on or around 28-Jul-92); <sup>13</sup> Emir MULALIĆ (around 10-Jul-92); <sup>14</sup> and several detainees killed by VRS soldier Daniluško KAJTEZ. <sup>15</sup>

<sup>1</sup> AF481; P03127; P02900, pp.8,16; Sakib MUHIĆ:P03427, T.8145-8147; P03429; Sakib MUHIĆ:P03426, p.9; ŠABANOVIĆ:P03125, T.6487-6488; SEFEROVIĆ:P02502, p.7.

<sup>2</sup> AF481-AF482; Sakib MUHIĆ:P03426, pp.5,9-10,13; Sakib MUHIĆ:P03427, T.8131-8132; ŠABANOVIĆ:P03124, p.7; ŠABANOVIĆ:P03125, T.6688-6689; P03429; P00366, p.1; P03294, pp.34-35; [REDACTED]; P00373; [REDACTED]; TABEAU:P02797, pp.294-296. See Victim Chart:B.1.1.

<sup>3</sup> Sakib MUHIĆ:P03426, pp.9-10; P04690, pp.1-2,8; TABEAU:P02796, pp.21-22; TABEAU:P02797, pp.294-296. See Victim Chart:B.1.1.

<sup>4</sup> AF483.

<sup>5</sup> AF484; J.MARIĆ:P03117, p.4.

<sup>6</sup> AF483; B.DELIĆ:P03432, pp.10-11; J.MARIĆ:P03117, p.4.

<sup>7</sup> AF485; B.DELIĆ:P03432, pp.10-11; J.MARIĆ:P03117, p.5; V.NIKOLIĆ:T.31273; [REDACTED].

<sup>8</sup> AF483-AF486; P00227(confidential); P02900, p.7; P00220(confidential); [REDACTED]; RADINKOVIĆ:D00900, p.5; RADINKOVIĆ:T.31783-31784; ZULIĆ:P03611, paras.86-105(confidential); P03612, pp.5-7,10; B.DELIĆ:P03432, pp.10-11; J.MARIĆ:P03117, p.5; J.MARIĆ:P03118, T.10842-10843; DRAGANOVIĆ:P03293, p.42; ŠABANOVIĆ:P03124, pp.12-13; ŠABANOVIĆ:P03125, T.6541-6544; P03132; P03131, p.2; V.NIKOLIĆ:D00892, para.23; V.NIKOLIĆ:T.31272-31273; [REDACTED].

<sup>9</sup> RADINKOVIĆ:D00900, p.5; J.MARIĆ:P03117, p.5; ZULIĆ:P03611, paras.88,91,94,99-101,104-105(confidential); ŠABANOVIĆ:P03125, T.6542-6544; P03131.

<sup>10</sup> TABEAU:P02797, pp.297-312; [REDACTED]; TABEAU:P02796, p.22; P07124; P02793, p.5; P02791, p.3. See Victim Chart:B.1.2.

<sup>11</sup> AF458, AF487; P03264, p.5; RADINKOVIĆ:D00900, pp.1-2; P00377; P03886; SELAK:P00244, para.59; P00253, pp.3-4; SELAK:T.2992-2993; BROWN:P02862, p.26; [REDACTED].

<sup>12</sup> AF487-AF488; TABEAU:P02797, pp.313-315; P00488; RM017:P03228, p.23(confidential); RM017:P03229, T.3373-3374(confidential); TABEAU:P02796, pp.22-23. See BROWN:P02862, pp.52-57; Victim Chart:B.1.4.

<sup>13</sup> Sakib MUHIĆ:P03426, pp.11-13; DŽAFIĆ:P03394, paras.102,110,126; ZULIĆ:P03611, paras.123,126(confidential); P03612, pp.11-12; P00222(confidential); TABEAU:P02797, pp.313; BROWN:P02862, pp.55-57; DRAGANOVIĆ:P03293, p.25; ŠABANOVIĆ:P03124, p.12;

Incident Number	Incident Details
<b>C.1.2</b>	<p>The 1KK operated<sup>16</sup> a detention facility at Manjača camp<sup>17</sup> from at least 1-Jun-92 to Dec-92.<sup>18</sup> VRS Colonel Božidar POPOVIĆ was commander.<sup>19</sup> Guards were from the 1KK MP unit.<sup>20</sup></p> <p>Over 4,400 detainees,<sup>21</sup> almost exclusively non-Serb civilians,<sup>22</sup> held in crowded stables, without beds, in unhygienic conditions,<sup>23</sup> with insufficient food and water resulting in weight loss and illnesses,<sup>24</sup> without sufficient medical care.<sup>25</sup> Detainees included significant numbers of religious officials, politicians, minors, sick and elderly.<sup>26</sup> Soldiers, military policemen and resubordinated police subjected detainees to forced labour,<sup>27</sup> severe beatings</p>

MEDIĆ:P00154, paras.10-11; MEDIĆ:T.2036,T.2059; SEFEROVIĆ:P02502, pp.7-8; FILIPOVIĆ:P03134, T.9620-9623; FILIPOVIĆ:P03133, p.5; [REDACTED]; RM709:P03437, pp.11-12(confidential); EGRLIĆ:P03403, T.10609-10610. See [REDACTED]; RM051:P00214, T.5299-5300(confidential); P00229(confidential); RADINKOVIĆ:D00900, p.6; [REDACTED]; ŠEBIRE:P03281, T.16718-16720; P03879, p.2(confidential). See Victim Chart:B.1.4.

<sup>14</sup> ZULIĆ:P03611, paras.117-120(confidential); DRAGANOVIĆ:P03293, p.45; ŠABANOVIĆ:P03124, pp.10-11; SEFEROVIĆ:P02502, pp.8,11; TABEAU:P02797, pp.313-314. See Victim Chart:B.1.4. The Prosecution does not seek murder convictions for the deaths of Dedo CRNALIĆ or Said BABIĆ, who are listed as additional victims in the Victim Chart, on the basis that they were in fact murdered in dropped incident B.1.3.

<sup>15</sup> P00366. See SIC:B.1.1(Banja Luka).

<sup>16</sup> AF460, AF484; KELEČEVIĆ:T.37215; RADINKOVIĆ:T.31736; SELAK:T.2976; RADIĆ:P04333, T.7614; BROWN:P02862, pp.3,41; MEDIĆ:T.2042-2043; KUPREŠANIN:T.29800,T.29873-29874.

<sup>17</sup> AF461; P03397; P00239; P03275; P00156; SELAK:T.3002-3002.

<sup>18</sup> AF459-AF460, AF478; SELAK:P00244, para.59; P00253, pp.3-4; SELAK:T.2992-2993,T.2970; RADINKOVIĆ:D00900, p.1; P00377; P03886; BEGIĆ:T.2172-2173; SEFEROVIĆ:P02502, p.7; P03806, p.1. See Banja Luka Summary.

<sup>19</sup> AF460; S.MUHIĆ:P03426, p.13; RADINKOVIĆ:D00900, p.2; DRAGANOVIĆ:P03293, p.24; MEDIĆ:T.2047; [REDACTED]; BROWN:T.19551-19552.

<sup>20</sup> BROWN:P02862, p.40 ;RADINKOVIĆ:T.31736-31738. SJBs, upon instructions from CSB Banja Luka, routinely sent police officers to assist with security. RADINKOVIĆ:D00900, p.2; P03268; [REDACTED].

<sup>21</sup> AF462; AF479; RM051:T.2925(confidential). See Banja Luka Summary.

<sup>22</sup> AF459; AF461-AF462; P00215, p.1(confidential); P03264,p.3; P05149, p.5; RM051:P00214, T.5279(confidential); P06796, p.2; MEDIĆ:P00154, para.21; MEDIĆ:T.2042-2043,T.2050; SEFEROVIĆ:P02502, p.5. See MCLEOD:P03258, T.7318; RADIĆ:P04333, T.7436,T.7613-7614; P00220(confidential); P00221(confidential).

<sup>23</sup> AF463-AF465; AF467; P02880, pp.5-6; MCLEOD:P03258, T.7314-7315,T.7317; EGRLIĆ:P03403, T.10607-10609; DŽAFIĆ:P03394, paras.100-102,106; P03612, pp.7-8; ZULIĆ:P03611, paras.112,114-115(confidential); Sakib MUHIĆ:P03426, pp.10-11; [REDACTED]; [REDACTED]; P03275, 00:25:52-00:26:06;KARABEG:P03250, T.6186; DRAGANOVIĆ:P03293, pp.22-23; ŠABANOVIĆ:P03124, p.8; MEDIĆ:P00154, para.8; MEDIĆ:T.2048; FILIPOVIĆ:P03133, p.9.

<sup>24</sup> AF465; AF467; [REDACTED]; DŽAFIĆ:P03394, para.102; Sakib MUHIĆ:P03426, pp.11-12; ZULIĆ:P03611, paras.114-115,124(confidential); P03612, pp.7-8; [REDACTED]; [REDACTED]; RADINKOVIĆ:T.31782-31783; P00232; EGRLIĆ:P03403, T.10609; ŠABANOVIĆ:P03124, p.8; FILIPOVIĆ:P03133, pp.9-10.

<sup>25</sup> AF468; ŠABANOVIĆ:P03124, p.11; SEFEROVIĆ:P02502, p.9.

<sup>26</sup> AF468; AF478; P00225, p.1(confidential); P00215, p.2(confidential); P00226, p.1(confidential); P00219(confidential); P00227, p.2(confidential); P00220, p.1(confidential); P00228; P00233, p.2(confidential); P00234(confidential); P00223; P03264, p.4; P05149, p.5; RM051:P00214, T.5289(confidential); ZULIĆ:P03611, paras.116,138(confidential); P02899,p.2; P02907.

<sup>27</sup> P03268, p.2; DŽAFIĆ:P03394, para.111; ZULIĆ:P03611, para.127(confidential); RADINKOVIĆ:D00900, p.6; DRAGANOVIĆ:P03293, p.23; ŠABANOVIĆ:P03124, p.11; ŠABANOVIĆ:P03125, T.6530-6533; P00238; P03130; P03129; SEFEROVIĆ:P02502, p.8; [REDACTED].

Incident Number	Incident Details
	<p>and other mistreatment during and outside interrogations causing serious injuries and killing at least 10 detainees.<sup>28</sup> TALIĆ, the 1KK command, and POPOVIĆ all knew detainees were regularly beaten.<sup>29</sup> The 1KK command knew detainees were civilians.<sup>30</sup></p> <p>A number of detainees, mostly minors, elderly or severely ill,<sup>31</sup> were released or exchanged;<sup>32</sup> thousands were deported outside the RS or transferred to other detention facilities in Nov-92<sup>33</sup> and Dec-92.<sup>34</sup> Despite MLADIĆ and the 1KK command's knowledge of crimes in Manjača, no investigation was conducted.<sup>35</sup></p>

<sup>28</sup> AF469-AF473; AF475; AF482; AF486-AF488; RADINKOVIĆ:D00900, pp.3,5-6,11; RADINKOVIĆ:T.31772-31773; DŽAFIĆ:P03394, paras.101,103-104,108-109; EGRLIĆ:P03403, T.10568-10569,T.10605-10606,T.10611; P00229(confidential); KARABEG:P03250, T.6186-6188; RM051:P00214, T.5299-5300(confidential); P00230; P00231(confidential); P03885(confidential); P02880, pp.5-7; P03879, p.2(confidential); Sakib MUHIĆ:P03426, pp.11-13; [REDACTED]; ZULIĆ:P03611, paras.117-119,121-125,134(confidential); P03264, p.3; KIRUDJA:P03587, para.74; P06484, p.3; P03400; SÉBIRE:P03284, pp.40-41(confidential); P05992; SÉBIRE:P03281, T.16718-16720; P03288, pp.3-12; DRAGANOVIĆ:P03293, pp.22-23,46-47; ŠABANOVIĆ:P03124, p.11; MEDIĆ:P00154, paras.9-10; MEDIĆ:T.2048; SELAK:T.3002; SEFEROVIĆ:P02502, p.8; FILIPOVIĆ:P03134, T.9717; P00222(confidential); P00227(confidential). See SIC:B.1.1-B.1.2,B.1.4(Banja Luka).

<sup>29</sup> AF474-AF476; Sakib MUHIĆ:P03426, p.13. See Banja Luka Summary.

<sup>30</sup> P00220(confidential); P00242; P00221, p.1(confidential); P00241, p.1(confidential); P00227, p.1(confidential); P00231, p.1(confidential); BROWN:P02862, pp.35-36; KELEČEVIĆ:T.37325-37236.

<sup>31</sup> AF478; P00216; RM051:P00214, T.5297(confidential); P00220, p.1(confidential); P03880; DRAGANOVIĆ:P03293, p.27. See Banja Luka Summary.

<sup>32</sup> KUPREŠANIN:D00852, para.45; [REDACTED]; RM051:T.2923(confidential);KARABEG:P03252, T.18700; J.MARIĆ:P03118, T.10835; MEDIĆ:T.2071-2072.

<sup>33</sup> P00241(confidential); RM051:T.2905-2907(confidential); MCLEOD:P03258, T.7334-7335; P02907; [REDACTED]; Sakib MUHIĆ:P03426, p.13; [REDACTED]; RADINKOVIĆ:D00900, p.9. See Banja Luka Summary.

<sup>34</sup> AF478, AF493; P03824, p.1; P06796, pp.1-2; P03968; P03886; P03887; DŽAFIĆ:P03394, para.128; BEGIĆ:T.2172-2173; ZULIĆ:P03611, para.138(confidential); Sakib MUHIĆ:P03426, p.13; [REDACTED]; [REDACTED]; J.MARIĆ:P03118, T.10835; MEDIĆ:T.2071; KELEČEVIĆ:D01110, para.17; KELEČEVIĆ:T.37236-37237; SEFEROVIĆ:P02502, p.7; P03806, p.1. See Banja Luka Summary.

<sup>35</sup> [REDACTED]; BROWN:P02862, p.70.

## BIJELJINA PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
<b>B.2.1</b>	Between June-92 and June-95, <sup>1</sup> at least six men killed while detained at Batković under VRS control; <sup>2</sup> most beaten to death; <sup>3</sup> at least one shot. <sup>4</sup> Others killed while on forced labour. <sup>5</sup> [REDACTED]. <sup>6</sup>
<b>C.2.1</b>	IBK <sup>7</sup> detained 1,800-3,000 non-Serb detainees <sup>8</sup> at Batković camp <sup>9</sup> between at least 27-Jun-92 and 26-Dec-95. <sup>10</sup> First commander was Momčilo DESPOT <sup>11</sup> .  Detainees from many different municipalities, <sup>12</sup> many transferred from other camps, <sup>13</sup> were mostly civilians, <sup>14</sup> including elderly men, children, and women. <sup>15</sup> Detainees held in overcrowded <sup>16</sup> and unsanitary <sup>17</sup> conditions, given little food <sup>18</sup> and no medical treatment, resulting in deaths. <sup>19</sup> Guards beat detainees. <sup>20</sup> Some singled out for especially harsh treatment, <sup>21</sup> beaten three times per day, <sup>22</sup> forced to beat and perform sexual acts on one another. <sup>23</sup> Detainees used for forced labor—including digging trenches,

<sup>1</sup> See AF505; [REDACTED]; I.OSMANOVIĆ:P00207, paras.57-59; RAMIĆ:P02528, para.12.

<sup>2</sup> P03979; S.BOJANOVIĆ:T.27973-27974; ANDAN:T.22394,T.22397; Elvir PAŠIĆ:P00434, paras.36,41; [REDACTED]; I.OSMANOVIĆ:P00207, paras.51-53; KURALIĆ:P02521, p.7; I.OSMANOVIĆ:D00049, p.3; TABEAU:P02797, pp.312-313; TABEAU:P02793, p.5; TABEAU:P02796, p.23. See Victim Chart:B.2.1.

<sup>3</sup> AF516; [REDACTED]; I.OSMANOVIĆ:P00207, paras.56-59; I.OSMANOVIĆ:D00049, p.3; Elvir PAŠIĆ:P00434, paras.42,45; Elvir PAŠIĆ:T.4501-4503; [REDACTED]; [REDACTED].

<sup>4</sup> AF516; [REDACTED]; Elvir PAŠIĆ:P00434, para.46; [REDACTED].

<sup>5</sup> [REDACTED]; [REDACTED]; Đ.KRSTIĆ:T.26367; S.BOJANOVIĆ:T.27976-27982. See P03970; GAGULA:P02525, p.14.

<sup>6</sup> [REDACTED]; [REDACTED].

<sup>7</sup> P03979; S.BOJANOVIĆ:T.27973-27974; ANDAN:T.22394,T.22397; Elvir PAŠIĆ:P00434, paras.36,41; [REDACTED]; I.OSMANOVIĆ:P00207, paras.51-53; KURALIĆ:P02521, p.7.

<sup>8</sup> I.OSMANOVIĆ:T.2763-2764; [REDACTED]; P00191; KURALIĆ:P02521, p.8.

<sup>9</sup> See P02922; I.OSMANOVIĆ:T.2847; P00435; ANDAN:T.22397; [REDACTED].

<sup>10</sup> AF505; [REDACTED]; P03979; RM346:P01118, T.3046(confidential); M.TODOROVIĆ:T.19814-19816,T.19824-19825; [REDACTED].

<sup>11</sup> P00527, p.4.

<sup>12</sup> AF506; I.OSMANOVIĆ:P00207, para.60; I.OSMANOVIĆ:T.2763-2764.

<sup>13</sup> AF506; Elvir PAŠIĆ:P00434, paras.32, 36; I.OSMANOVIĆ:P00207, paras.51-53; KURALIĆ:P02521, p.6; EGRLIĆ:P03402, p.8; P06798. See Banja Luka Summary.

<sup>14</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; ANDAN:T.22398-33400.

<sup>15</sup> AF508; P00191, pp.12,17,22,25 (BCS pp.9,78) ; KURALIĆ:P02521, p.8; I.OSMANOVIĆ:P00207, paras.56,64; [REDACTED].

<sup>16</sup> [REDACTED]; [REDACTED].

<sup>17</sup> [REDACTED]; [REDACTED].

<sup>18</sup> KURALIĆ:P02521, p.8; [REDACTED]; Elvir PAŠIĆ:P00434, para.40.

<sup>19</sup> I.OSMANOVIĆ:P00208, p.3 ; [REDACTED]; [REDACTED].

<sup>20</sup> Elvir PAŠIĆ:P00434, paras.41-45; I.OSMANOVIĆ:P00207, paras.54-62; KURALIĆ:P02521, p.8; RM030:P01610, p.6(confidential); [REDACTED]; [REDACTED].

<sup>21</sup> AF511; KURALIĆ:P02521, p.8 ; I.OSMANOVIĆ:P00207, para.62; [REDACTED].

<sup>22</sup> AF511; I.OSMANOVIĆ:P00207, para.62; KURALIĆ:P02521, p.8.

<sup>23</sup> AF511; KURALIĆ:P02521, p.8.

Incident Number	Incident Details
	<p>carrying munitions at the front line<sup>24</sup>— and humiliated.<sup>25</sup> Some remained at Batković over one year.<sup>26</sup></p> <p>Oldest and youngest detainees and those most harshly abused hidden during ICRC visits.<sup>27</sup> Other detainees instructed what to say to monitors; those who did not follow instructions beaten.<sup>28</sup> Detainees not granted procedural rights.<sup>29</sup></p> <p>Detainees suffered lasting psychological and physical harm.<sup>30</sup></p>
<b>D.1</b>	<p>In summer 1992, Bosnian Serb forces destroyed the Atmačići, Janjari and Srendja Trnova mosques under supervision of Department of Urbanism and Construction in Bijeljina.<sup>31</sup> Destruction was a “signal” Muslims should leave.<sup>32</sup></p>

<sup>24</sup> AF512; I.OSMANOVIĆ:T.2847; Elvir PAŠIĆ:P00434, para.47; KURALIĆ:P02521, p.9; RM030:P1610, p.6(confidential); [REDACTED]; [REDACTED]; I.OSMANOVIĆ:P00208, p.3.

<sup>25</sup> [REDACTED].

<sup>26</sup> Elvir PAŠIĆ:P00434, para.36; I.OSMANOVIĆ:P00207, paras.52,60; RM030:P01610, p.6(confidential).

<sup>27</sup> KURALIĆ:P02521, p.8; Elvir PAŠIĆ:P00434, para.49 ; [REDACTED].

<sup>28</sup> Elvir PAŠIĆ:P00434, para.50.

<sup>29</sup> KURALIĆ:P02521, p.9.

<sup>30</sup> KURALIĆ:P02521, pp.9-10; RM030:P01610, p.6(confidential).

<sup>31</sup> AF517; RIEDLMAYER:P02510, pp.1-7; RIEDLMAYER:T.17924-17925; RIEDLMAYER:P02512, p.8; RIEDLMAYER:P02514, rows#41,43-44; [REDACTED].

<sup>32</sup> [REDACTED].

## FOČA PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
<b>A.2.1</b>	On 3-Jul-92, TG Foča soldiers, including G.JANKOVIĆ and R.KOVAČ (under B.COSOVIĆ) attacked Muslim villagers in Mješaja/Trošan, where weapons had been surrendered earlier. <sup>1</sup> Three villagers killed during attack. <sup>2</sup> After attack, others killed, <sup>3</sup> beaten, abused, <sup>4</sup> arrested and detained. <sup>5</sup>
<b>B.5.1</b>	Between June-92 and Dec-92, soldiers and KP Dom guards <sup>6</sup> killed over 200 Muslim detainees. <sup>7</sup> Guards under control of M.RAŠEVIĆ <sup>8</sup> or TG Foča <sup>9</sup> called detainees from prepared lists, <sup>10</sup> and took them to administration building <sup>11</sup> where they were subjected to interrogations, beatings and torture, <sup>12</sup> seen/heard by other detainees. <sup>13</sup> Some detainees died during beatings, some shot and killed. <sup>14</sup> Many detainees – including some called out for “exchanges” or

<sup>1</sup> AF558; AF560; D00576; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>2</sup> AF560; [REDACTED]; [REDACTED]; P02425; P05303, p.1 (BCS,p.5); [REDACTED]; P04642; P02424(confidential); TABEAU:P02793, p.1; TABEAU:P02797, pp.2-3,5. See Victim Chart:A.2.1.

<sup>3</sup> AF563; [REDACTED]; [REDACTED]; P05303, p.1 (BCS,p.5); P04642; P02424(confidential); TABEAU:P02793, p.1; TABEAU:P02796, p.13; TABEAU:P02797, pp.1-7. See Victim Chart:A.2.1.

<sup>4</sup> AF561-AF562; [REDACTED]; [REDACTED].

<sup>5</sup> AF580; [REDACTED]; P02424(confidential).

<sup>6</sup> AF689-AF690.

<sup>7</sup> AF690; AF692; AF694-AF703; RM013:P00982, paras.35-36,39-42,47,49,51(confidential); RM013:P00983, para.13-16(confidential); P05303, p.64-69; P00987(confidential); P00988(confidential); P00747(confidential); RM046: T.7016-7019; RM046:P00738, pp.5-8(confidential); RM046:P00741(confidential); [REDACTED]; RM063:P00531, pp.5-7(confidential); RM063:P00535(confidential); RM063:P00532, pp.2-3(confidential); RM086:P02934, T.4079-4086(confidential); RM086:P02933, pp.12-13,15-16,19-20(confidential); P04701; RM012:P03155, p.4(confidential); RM012:P03156, pp.2-4(confidential); RM012:P03157, p.3(confidential); TABEAU:P02796, p.23; RM013:T.8908-8909; P04704; P04705; P04706; P04707; P04708; P04709; P04710; P04711; P04712; P04714; P04716; TABEAU:P02797, pp.318-387; TABEAU:T.19284-19285. See Victim Chart:B.5.1.

<sup>8</sup> AF665; RM013:P00982, para.9(confidential).

<sup>9</sup> AF638; AF689-AF690.

<sup>10</sup> AF670; RM046:P00738, pp.6-7(confidential); RM013:P00983, paras.8,10(confidential); RM013:P00982, paras.36,40-42(confidential); RM012:P03155, p.4(confidential); RM012:P03157, pp.3-4(confidential).

<sup>11</sup> AF691; RM013:P00982, para.36(confidential); RM013:P00983, para.14(confidential); RM046:P00738, pp.6-7(confidential); RM046:P00741, para.10(confidential); RM063:P00531, pp.5-7(confidential); RM063:P00532, p.2(confidential); RM086:P02933, pp. 13-14(confidential); RM012:P03155, pp.3-4(confidential).

<sup>12</sup> AF666; RM013:P00982, paras.23,25-27,34,39,47(confidential); RM013:P00983, paras.2-6,8-9,13-15,17-20,25(confidential); RM013:T.8955-8956; RM046:P00738, pp.5-8(confidential); RM046:P00741, para.10(confidential); P00987(confidential); P00747(confidential); RM063:P00531, pp.4-7(confidential); RM063:P00532, pp.2-3(confidential); P00535(confidential); RM012:P03156, pp.2-4(confidential); [REDACTED]; RM086:P02933, pp.12-14(confidential); RM012:P03155, pp.3-4(confidential).

<sup>13</sup> AF666; RM013:P00982, paras.38-39(confidential); RM013:P00983, paras.3,14,17-19(confidential); RM013:T.8955-8956; RM046:P00738, pp.6-7(confidential); P00987(confidential); P00747(confidential); RM063:P00531, pp.5-6(confidential); RM063:P00532(confidential); P00535(confidential); RM012:P03156, pp.2-4(confidential).

<sup>14</sup> AF686-AF687; AF692; RM013:P00982, paras.39-43,47,49,51(confidential); RM013:P00983, paras.9,14,17,19(confidential); RM013:P00984, para.3(confidential); RM013:T.8962-8963; RM046:P00738, p.7(confidential); P00987(confidential); P00747(confidential); P00535(confidential); RM063:P00531, pp.6-

Incident Number	Incident Details
	transfers—ultimately disappeared. <sup>15</sup> Bodies taken away on trucks, <sup>16</sup> sometimes discarded near or in the Drina. <sup>17</sup>
<b>C.6.1</b>	<p>By 12-May-92 through at least 4-Oct-94,<sup>18</sup> approximately 500-700 Muslims imprisoned at KP Dom Foča<sup>19</sup> under joint civilian/military control.<sup>20</sup> M.KRNOJELAC and M.RAŠEVIĆ were warden and commander of guards.<sup>21</sup></p> <p>Overwhelmingly Muslim detainees—nearly all civilians<sup>22</sup>—included persons age 18 to almost 80 years old,<sup>23</sup> mentally and physically infirm and disabled.<sup>24</sup> On arrival, detainees searched, beaten, property confiscated.<sup>25</sup> Detainees routinely interrogated<sup>26</sup> and beaten,<sup>27</sup> sometimes with implements,<sup>28</sup> by</p>

7(confidential); RM063:P00532, p.3(confidential); RM086:P02933, p.13(confidential); RM012:P03155, p.3(confidential).

<sup>15</sup> AF693-AF705; RM013:P00982, paras.49,51(confidential); RM013:P00983, para.19(confidential); P00987(confidential); RM013:T.8903-8904,T.8908-8909; RM046:P00738, pp.6-7(confidential); RM046:T.7015-7108; RM012:P03156, pp.2-4(confidential); [REDACTED]; RM063:P00532, p.3(confidential); RM086:P02933, pp.13,15-16(confidential); RM012:P03155, p.4(confidential); RM012:P03157, p.3(confidential).

<sup>16</sup> AF692; RM013:P00982, para.39(confidential).

<sup>17</sup> RM013:P00982, paras.39,43(confidential); RM013:P00983, para.19(confidential); P00747, pp.7,32(confidential); RM046:P00738, p.7(confidential); RM046:P00741, para.9(confidential); RM063:P00531, p.6(confidential); RM063:P00532, p.3(confidential); [REDACTED]; RM086:P02933, p.13(confidential); RM012:P03155, pp.3-4(confidential).

<sup>18</sup> AF636; RM013:P00982, paras.22-24,47(confidential); RM046:P00738, p.4(confidential); MLADJENOVIĆ:T.27079.

<sup>19</sup> AF625; RM013:P00982, paras.22-23,49(confidential); RM046:P00739, p.3(confidential); RM046:T.7018.

<sup>20</sup> AF637-AF641; RM013:P00983, paras.27-28(confidential); RM046:P00739, p.3(confidential); RM046:P00738, pp.4,8(confidential); [REDACTED].

<sup>21</sup> AF636; AF665; RM013:P00982, paras.29,31(confidential); RM013:P00983, paras.24,26(confidential); RM013:T.8920; RM046:P00738, pp.5,8-9(confidential); RM046:P00739, pp.2-4(confidential); RM046:T.7028; MLADJENOVIĆ:D00697, para.20; KRNOJELAC:T.25972; RM050:P02935, p.12(confidential); RM012:P03155, pp.4-5(confidential); RM063:P00531, p.5(confidential); RM063:P00532, pp.2-3(confidential); [REDACTED]; RM086:P02933, pp.13,15(confidential); RM012:P03157, pp.2-4(confidential).

<sup>22</sup> AF631-AF632; RM013:P00982, paras.20,22(confidential); RM046:P00738, pp.4,9(confidential); RM046:T.7033-7034; P06681, p.2; V.MARIĆ:T.27556-27559; RM012:P03155, p.4(confidential); KRNOJELAC:T.25985-25986.

<sup>23</sup> RM013:P00982, paras.20,22(confidential); RM046:P00738, p.4(confidential); P00747(confidential); P06681, p.2.

<sup>24</sup> RM046:P00738, pp.7-8(confidential); P06681, p.2; [REDACTED]; RM086:P02933, p.14(confidential).

<sup>25</sup> RM013:P00982, para.23(confidential); RM046:P00738, p.4(confidential).

<sup>26</sup> AF661; AF666; AF670; AF683; RM013:P00982, paras.26-27,30,36,39,49(confidential); RM013:P00983, paras.8-10,13,15,24-25(confidential); RM046:P00738, pp.6-7(confidential).

<sup>27</sup> AF660; AF666-AF667; AF669-AF677; AF680; AF683-AF684; AF693; RM013:P00982, paras.23,25-27,30-31,34,39-42,47,49(confidential); RM013:P00984, paras.1-2(confidential); RM013:P00983, paras.2-6,8-9,13-20,25(confidential); RM046:P00738, pp.4-8(confidential); RM046:P00739, p.4(confidential); RM012:P03155, pp.4-5(confidential); RM012:P03156, pp.2-4(confidential); RM012:P03157, p.3(confidential); RM063:P00531, pp.4-7(confidential); RM063:P00532, pp.2-3(confidential); RM086:P02933, pp.12-14(confidential).

Incident Number	Incident Details
	<p>guards,<sup>29</sup> soldiers,<sup>30</sup> and military police,<sup>31</sup> were threatened and feared death; one committed suicide.<sup>32</sup> Some disappeared.<sup>33</sup> Some prisoners hidden from ICRC.<sup>34</sup> Detainees imprisoned between four months and two and a half years.<sup>35</sup> None charged or granted procedural rights.<sup>36</sup></p> <p>Inhumane conditions also included severe and deliberate overcrowding;<sup>37</sup> lack of hygiene facilities;<sup>38</sup> insufficient food and beatings during meals, causing severe weight loss;<sup>39</sup> lack of heat,<sup>40</sup> hot water,<sup>41</sup> electricity,<sup>42</sup> and insufficient bedding.<sup>43</sup> Little access to medicines or adequate medical treatment,<sup>44</sup> resulting in deaths,<sup>45</sup> and illness.<sup>46</sup> Detainees taken out for forced labor.<sup>47</sup></p>

<sup>28</sup> AF660; AF666-AF667; AF669-AF677; AF680; AF683-AF684; AF693-AF694; RM013:P00982, paras.23,25-28,30-31,34,37-41,49(confidential); RM013:P00984, paras.1-2(confidential); RM013:P00983, paras.2-6,913-18,20,25(confidential); RM046:P00738, pp.4-7(confidential); RM046:T.7035-7036; RM012:P03155,p.4(confidential); RM012:P03156,p.2(confidential); RM063:P00531, pp.4-5(confidential); RM063:P00532, pp.2-3(confidential).

<sup>29</sup> AF661; AF664; AF671-AF672; AF674; AF676; AF693; RM013:P00982, paras.23,26-27,30-34,39,44-45(confidential); RM013:P00983, paras.3,5,8,13-15,18,22,25(confidential); RM063:P00531, pp.5-6(confidential); RM063:P00532, p.3(confidential); RM086:P02933, pp.12,15(confidential); RM012:P03155, p.5(confidential).

<sup>30</sup> AF662; AF664; AF675-AF676; AF693; RM013:P00982, para.23(confidential); RM046:P00738, p.4(confidential); RM046:T.7030-7031.

<sup>31</sup> AF671; AF693; RM013:P00982, para.34(confidential); RM013:P00982, para.20(confidential); RM046:P00738, p.7(confidential); RM046:T.7035.

<sup>32</sup> RM013:P00982, paras.28,34,47(confidential); RM046:P00738, p.8(confidential).

<sup>33</sup> RM013:T.8903-8904. *See* SIC:B.5.1(Foča).

<sup>34</sup> RM013:P00983, para.30(confidential); RM013:T.8912-8913,T.8919-8920; P00989; RM046:P00738, p.9(confidential).

<sup>35</sup> AF626; RM013:P00982, paras.22,24,49(confidential); RM046:P00738, pp.4-5(confidential); RM012:P03155, p.3(confidential); RM063:P00531, pp.3-4,7(confidential); RM063:P00532, p.2(confidential).

<sup>36</sup> AF628-AF630; RM013:P00982, para.24(confidential); [REDACTED].

<sup>37</sup> AF645-AF646; RM013:P00982, paras.23,37(confidential); RM046:P00983, para.9(confidential);RM012:P03155, p.3(confidential).

<sup>38</sup> AF650; RM063:P00531, p.5(confidential).

<sup>39</sup> AF654; RM013:P00982, para.28(confidential); RM046:P00738, pp.5,7(confidential); RM046:P00739, pp.3-4(confidential); RM046:T.7036; RM063:P00531, p.5(confidential); RM012:P03155, p.4(confidential).

<sup>40</sup> AF651; RM013:P00982, para.28(confidential); RM046:P00738, p.5(confidential);RM046:P00740, T.1284(confidential).

<sup>41</sup> RM013:P00984, para.2(confidential).

<sup>42</sup> RM013:P00984, para.2(confidential).

<sup>43</sup> AF649; RM013:P00982, para.23(confidential); RM013:P00983, para.2(confidential).

<sup>44</sup> AF657-AF659; RM013:P00982, paras.26,28(confidential); RM046:T.7047; RM063:P00531, p.5(confidential); P00747, pp.8,34(confidential).

<sup>45</sup> RM013:P00983, paras.9,17,19(confidential); RM046, P00738, p.8(confidential); P00747, pp.8,34(confidential).

<sup>46</sup> RM013:P00982, para.28(confidential); RM013:P00983, para.6(confidential); RM046:P00738, pp.5,9(confidential); RM046:P00739, pp.3-4(confidential); RM012:P03155, p.4(confidential); RM063:P00531, p.5(confidential).

<sup>47</sup> AF678; RM046:P00738, p.8(confidential); RM046:T.7044-7045.

Incident Number	Incident Details
	Detainees suffered lasting physical and psychological problems. <sup>48</sup>
<b>C.6.2</b>	At least between Aug-92 and Oct-92, Muslim women and girls imprisoned at Karaman's house in Miljevina. <sup>49</sup> Detainees, some brought by TG Foča officer D.KUNARAC, <sup>50</sup> were constantly raped and sexually assaulted by TG Foča soldiers, including ELEZ, KUNARAC, and members of their units (including STANKOVIĆ). <sup>51</sup> TG Foča soldier R.STANKOVIĆ in charge <sup>52</sup> and Battalion Commander P.ELEZ allocated women to soldiers. <sup>53</sup> Some women brutalised for many months. <sup>54</sup> Women also beaten, <sup>55</sup> forced to work for soldiers <sup>56</sup> threatened with death, constantly afraid. <sup>57</sup> Women/girls suffered psychological and physical trauma. <sup>58</sup>
<b>C.6.3</b>	In Jul-92, civilians—Muslim girls, women, and elderly men—held in Workers' Huts at Buk Bijela. <sup>59</sup> TG Foča commander G.JANKOVIĆ in charge; JANKOVIĆ and his men repeatedly raped the women. <sup>60</sup>
<b>C.6.4</b>	In Jul and Aug-92, Muslim women and children detained at Partizan Hall. <sup>61</sup> TG Foča soldiers, including those under B.COSOVIC, <sup>62</sup> and police, including commander D.GAGOVIC, took detained women to be raped <sup>63</sup> sometimes multiple times per day/night, <sup>64</sup> causing injury. <sup>65</sup> Police guards did not intervene. <sup>66</sup> Lack of hygiene, insufficient bedding, no hot water, insufficient food, <sup>67</sup> no medical care. <sup>68</sup> Women threatened with death; have lasting physical/psychological trauma. <sup>69</sup>
<b>C.6.5</b>	In Jul-92, soldiers and police, including D.GAGOVIC, took out Muslim women imprisoned at Foča high school and raped them, <sup>70</sup> sometimes in

<sup>48</sup> RM046:P00738, pp.9-10(confidential); RM046:P00739, p.2(confidential); RM013:T.8932-8934,T.8979(confidential); RM013:P00983, para.2(confidential); RM063:P00532, p.2(confidential).

<sup>49</sup> AF610; [REDACTED]; [REDACTED]; [REDACTED]. See P00357, p.67.

<sup>50</sup> AF610.

<sup>51</sup> AF610; AF621; [REDACTED]; [REDACTED]; [REDACTED].

<sup>52</sup> AF622; SIMOVIĆ:T.24394; [REDACTED].

<sup>53</sup> [REDACTED]; P00357, pp.62,67.

<sup>54</sup> [REDACTED].

<sup>55</sup> [REDACTED].

<sup>56</sup> [REDACTED]; [REDACTED].

<sup>57</sup> [REDACTED].

<sup>58</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; RM070:T.17652-17653.

<sup>59</sup> AF580; [REDACTED].

<sup>60</sup> AF580-AF581; RM070:T.17642.

<sup>61</sup> AF581; AF590; [REDACTED]; [REDACTED].

<sup>62</sup> [REDACTED].

<sup>63</sup> AF607-AF608; AF611; AF614; AF592; [REDACTED].

<sup>64</sup> AF614; AF592; [REDACTED].

<sup>65</sup> [REDACTED].

<sup>66</sup> AF592; [REDACTED].

<sup>67</sup> AF613; [REDACTED].

<sup>68</sup> AF590; [REDACTED].

<sup>69</sup> [REDACTED]; RM070:T.17652-17653.

<sup>70</sup> AF614; AF581; AF590; AF613; [REDACTED].

Incident Number	Incident Details
	presence of others. <sup>71</sup> Some women taken away and raped almost every day. <sup>72</sup> CS member M.SIPČIĆ controlled guards. <sup>73</sup> Women held in unhygienic conditions, no hot water, food insufficient and irregularly provided, <sup>74</sup> no medical care. <sup>75</sup> Some women beaten, burned with cigarettes, were fearful. <sup>76</sup> Threatened with retaliation if they told journalists about conditions. <sup>77</sup> Women suffered physical/psychological trauma. <sup>78</sup>
<b>D.5</b>	In Aug-1992, <sup>79</sup> Serb forces blew up UNESCO-protected Aladža mosque. <sup>80</sup>

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<sup>71</sup> [REDACTED]  
<sup>72</sup> [REDACTED].  
<sup>73</sup> AF585; [REDACTED].  
<sup>74</sup> AF613; [REDACTED].  
<sup>75</sup> AF590.  
<sup>76</sup> [REDACTED].  
<sup>77</sup> [REDACTED]; RM070:T.17643.  
<sup>78</sup> [REDACTED]; RM070:T.17643,T.17652-17653.  
<sup>79</sup> [REDACTED]; VUJIČIĆ:T.24248-24249.  
<sup>80</sup> AF721; [REDACTED]; [REDACTED]; [REDACTED].

## ILIDŽA PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
C8.1	<p>From 12-May-92 until at least 28-Oct-94, roughly 10,000 Muslim civilians from various municipalities detained in Kula.<sup>1</sup> Kula was run by RS civilian authorities<sup>2</sup> and also controlled by the VRS.<sup>3</sup></p> <p>Detainees held in overcrowded, dirty conditions,<sup>4</sup> provided inadequate food,<sup>5</sup> regularly beaten,<sup>6</sup> forced to perform manual labour,<sup>7</sup> and denied access to medical care.<sup>8</sup> One prisoner denied proper medical treatment died.<sup>9</sup></p> <p>The SRK used Kula detainees to work at dangerous frontline positions in the Sarajevo area<sup>10</sup> where many were seriously wounded or killed.<sup>11</sup></p>

<sup>1</sup> AF1213-AF214; AF1218; P03808, p.1; [REDACTED]; P02766, p.3; INDIĆ:T.25179(confidential); P06713(confidential); RM046:P00738, p.9(confidential); P03784; Mehmed MUŠIĆ:P02225, paras.5,92; P01608, p.2(confidential); D.ŠARENAC:T.26171-26174; VANLYNDEN:P00066, para.63; P07741; HURKO:P00164, paras. 49-50; GAGULA:P02525, p.6; RM046:P00738, p.9(confidential); [REDACTED]; RM012:P03155, pp.5-6(confidential); D.ŠARENAC:T.26168; P07741; P03196; P03200; MURAČEVIĆ:P03185, para.88; ANDAN:T.22439-22440; P03992; P06914.

<sup>2</sup> AF1215; P04119, p.4; P03784, p.1; P04228; P04225; P04226; MURAČEVIĆ:P03185, para.88; P03203; P02766, p.3; Mehmed MUŠIĆ:P02225, para.101.

<sup>3</sup> RM046:T.7047; SOKANOVIĆ:T.35768; TUCKER:P00317, para.248; P04146, p.1; P04008, p.1; P03992; ANDAN:T.22439-22440; P06913; P07739; P07740. See P07741; D.ŠARENAC:T.26143.

<sup>4</sup> P03784; Mehmed MUŠIĆ:P02225, paras.94,95; RM046:P00740, T.1283-1285; P06713(confidential).  
<sup>5</sup> P03784, p.2; Mehmed MUŠIĆ:P02225, para.100.

<sup>6</sup> AF1216; VANLYNDEN:P00066, para.63; D.ŠARENAC:T.26156.

<sup>7</sup> AF1217; [REDACTED]; [REDACTED]; P06782; D.ŠARENAC:T.26136.

<sup>8</sup> P06713(confidential)P06914, p.2.

<sup>9</sup> P06914, p.2; RM046:T.7047; RM046:P00740, T.1285; P06713(confidential).

<sup>10</sup> P00081; VANLYNDEN:P00066, para.63; Mehmed MUŠIĆ:P02225, para.100; D.ŠARENAC:T.26130-26134; P06779; P6780; P06781; P06782; D.ŠARENAC:T.26137-26138; P06783; P06784; MALETIĆ:T.21822-21831; P06542.

<sup>11</sup> RM046:P00740, T.1284-1285; P06914; [REDACTED]; D.ŠARENAC:T.26147-26156

# KALINOVIK PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
B.7.1	<p>On 5-Aug-92, TG Foča soldiers under Pero ELEZ<sup>1</sup> called out 24 Muslim detainees from Jelašačko Polje ammunition warehouse and transported them under police escort to Ratine village, Foča municipality; detainees severely mistreated, hands tied with wire, and valuables taken.<sup>2</sup> Convoy stopped at a stable in Ratine and about 20 detainees shot; four men spared and ordered to place the dead bodies in the stable, then also shot; soldiers poured petrol over bodies, set stable on fire and left.<sup>3</sup></p> <p>Victims' burnt remains exhumed from a mass grave in Jul-99.<sup>4</sup> Only witness Fejžija HADŽIĆ survived.<sup>5</sup></p>
C.9.1	<p>From 25-June-92 through Sep-92,<sup>6</sup> Muslims detained in Kalinovik elementary school in bad conditions with little food.<sup>7</sup> From July-92, Serbs arrested, rounded up and detained at Kalinovik Elementary School at least 180 Muslim women, children, and elderly from Gacko and almost all remaining Muslims from Kalinovik.<sup>8</sup> School guarded by Serb policemen and soldiers.<sup>9</sup> Detainees beaten and killed, jewelery and money taken, and women raped by Bosnian Serb forces including VRS soldiers under ELEZ and KUNARAC, all solely because they were Muslims.<sup>10</sup> In late Aug-92 or Sep-92, VRS exchanged and transferred to Muslim-held territory many of the remaining detainees.<sup>11</sup></p>
C.9.2	<p>In early July-92, able-bodied Muslim detainees from "Miladin Radojević" Elementary School moved to a military ammunition warehouse guarded by TG Kalinovik in Jelašačko Polje.<sup>12</sup> Warehouse located at Logor barracks, under TG Kalinovik commander BUNDALO.<sup>13</sup> Commander of detail for securing detainees was Đordislav AŠKRABA, seconded to VRS by RSMUP.<sup>14</sup> Detainees regularly and severely beaten, received little food or</p>

<sup>1</sup> P04153;P06812; SIMOVIĆ:T.24394; [REDACTED]; F.HADŽIĆ:T.1843.

<sup>2</sup> AF745; F.HADŽIĆ:P00139, pp.3-4; F.HADŽIĆ:P00138, p.4; F.HADŽIĆ:T.1863. See RM046:P00739, p.4 (confidential). See SIC:C.9.2(Kalinovik).

<sup>3</sup> AF745; F.HADŽIĆ:P00139, pp.3-4; F.HADŽIĆ:P00138, p.5. See RM032:P00180, para.41(confidential); RM032:T.2380-T.2381.

<sup>4</sup> P06059, p.5; TABEAU:P02797, pp.388-396; TABEAU:P02796, pp.23-24. See Victim Chart:B.7.1.

<sup>5</sup> F.HADŽIĆ:P00139, p.4; F.HADŽIĆ:P00138, p.5. See AF745.

<sup>6</sup> RM032:P00180, paras.50-54(confidential); P07747.

<sup>7</sup> AF740; POLJAK:P01425, p.6; F.HADŽIĆ:P00139, p.1; F.HADŽIĆ:P00138, p.4; P04073, p.4; RM032:P00180, para.11(confidential); [REDACTED].

<sup>8</sup> AF741; RM032:P00180, para.9(confidential); RM032:T.2380; Z.HADŽIĆ:P02800, p.10; F.HADŽIĆ:P00138, p.4; [REDACTED]; P04073, p.4.

<sup>9</sup> RM032:P00180, para.12(confidential); RM032:T.2393-2394; [REDACTED]; F.HADŽIĆ:T.1839; P04073, p.3.

<sup>10</sup> AF742; Z.HADŽIĆ:P02800, p.10; RM032:P00180, paras.14-54(confidential); [REDACTED]; P04073, p.3.

<sup>11</sup> RM032:P00180, paras.50-54(confidential); [REDACTED]; P00354, pp.64-65; P00355, p.63; P07747.

<sup>12</sup> AF743; F.HADŽIĆ:T.1839; POLJAK:P01425, pp.6-7; F.HADŽIĆ:P00139, pp.1-2; Z.HADŽIĆ:P02800, p.10; P04073, p.4.

<sup>13</sup> Z.HADŽIĆ:P02800, p.6.

<sup>14</sup> F.HADŽIĆ:T.1850-1851; P07748, p.2.

Incident Number	Incident Details
	water, had to sleep on concrete floor in warehouse with no sanitary facilities. <sup>15</sup> All detainees eventually taken away to be executed. <sup>16</sup>
D.6	In late Jul-92 or early Aug-92, VRS heavily damaged mosques in Ulog and Hotovlje/Kutina. <sup>17</sup>

<sup>15</sup> AF744; POLJAK:P01425, pp.6-7; F.HADŽIĆ:P00139, p.2.

<sup>16</sup> POLJAK:P01425, p.7; F.HADŽIĆ:P00139, pp.2-5.

<sup>17</sup> AF746; RIEDLMAYER:P02510, pp.143-154; RIEDLMAYER:P02513, p.6;  
RIEDLMAYER:P02514, rows#216-217; F.HADŽIĆ:T.1838-1839; RM032:P00180, para.53(confidential).

## KLJUČ PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
A.3.3	<p>On 10-Jul-92, following 17<sup>th</sup> Brigade commander D.SAMARDŽIJA's order for a "čišćenje terena" operation,<sup>1</sup> under 17<sup>th</sup> Brigade command<sup>2</sup> and with 2KK CoS VLAISAVLJEVIĆ monitoring from Lanište,<sup>3</sup> VRS soldiers, MP, and Ključ SJB personnel rounded up Muslim inhabitants from Biljani's hamlets and instructed them to go to the local school.<sup>4</sup> There, 120-170 men confined in 2 classrooms,<sup>5</sup> their names registered,<sup>6</sup> and some beaten.<sup>7</sup> Men called out in groups of 5 or 10 and executed.<sup>8</sup> Remaining men forced onto two buses parked outside;<sup>9</sup> on their way to the buses, soldiers beat them.<sup>10</sup> One of the buses held about 70 men.<sup>11</sup> Once the buses were full, detainees who had not boarded a bus were shot.<sup>12</sup> At least 144 men killed in Biljani;<sup>13</sup> others taken and killed elsewhere.<sup>14</sup></p> <p>188 bodies were exhumed from the "Lanište I" site,<sup>15</sup> near the 2KK engineering unit's base.<sup>16</sup> 36 bodies were exhumed from individual and other mass grave sites.<sup>17</sup> Autopsies were conducted,<sup>18</sup> and 195 named victims identified<sup>19</sup> out of the more than 200 victims exhumed from these sites and associated with the Biljani massacre.<sup>20</sup> At least 10 additional victims of the massacre were exhumed from the local cemetery.<sup>21</sup></p>

<sup>1</sup> AF768; P00520; P02064; BORIC:T.34608,T.34685; BORIC:P07331, p.24; WEISS:T.5299.

<sup>2</sup> P00520; BORIC:T.34608,T.34687; BORIC:P07331, p.23.

<sup>3</sup> BORIC:P07331,p.25; BORIC:T.34608,T.34686.

<sup>4</sup> AF767-AF768; BORIC:P07331, p.23; BORIC:T.34608,T.34685-34686; RM010:T.1878-1882(confidential); P02064; DŽAFIĆ:P03394, paras.140-141; DŽAFERAGIĆ:P01894, pp.2-3; [REDACTED]; [REDACTED].

<sup>5</sup> AF767-AF768; P00141(confidential); P00142(confidential); [REDACTED].

<sup>6</sup> RM010:T.1883-1884,T.1886-1891(confidential); P00141(confidential); P00142(confidential); [REDACTED].

<sup>7</sup> [REDACTED].

<sup>8</sup> AF767-AF768; RM010:T.1888(confidential),T.1893-1897; [REDACTED].

<sup>9</sup> RM010:T.1894-1895; [REDACTED].

<sup>10</sup> RM010:T.1897-1899(confidential); [REDACTED].

<sup>11</sup> RM010:T.1899.

<sup>12</sup> AF769; [REDACTED]; [REDACTED] . E.g. WEISS:T.5303-5304.

<sup>13</sup> AF767-AF768; RM010:T.1885-1892(confidential); P00142(confidential); [REDACTED]; [REDACTED]; VRACAR:T.28625-28626; KALABIĆ:T.30277.

<sup>14</sup> RM010:T.1899-1904(confidential); [REDACTED]; [REDACTED].

<sup>15</sup> P02066, pp.90-92; P03299, pp.9-10; P02069; RM010:T.1908-1914; P00144; [REDACTED]; WEISS:T.5284; RM020:P01894, p.3; SÉBIRE:P03284, pp.63-64,70-72(confidential).

<sup>16</sup> BORIC:T.34681-34682; KALABIĆ:T.30235-30236.

<sup>17</sup> P02068; P03299, pp.9-11; P02067, pp.12-25; P05335; SÉBIRE:P03284, pp.64-69(confidential). See EGRILIĆ:P03402, p.8.

<sup>18</sup> P02066; P02068; P02067, pp.12-25; P05335.

<sup>19</sup> [REDACTED]; TABEAU:P02797, pp.8-51; TABEAU:P02796, pp.13-14. See Victim Chart:A.3.3.

<sup>20</sup> P02066; P02068; P02067, pp.12-25; P05335; [REDACTED]; RM010:T.1885-1892(confidential),T.1907-1908; P00141(confidential); P00142(confidential); SÉBIRE:P03284, pp.63-72(confidential); TABEAU:P02797, pp.8-51. See Victim Chart:A.3.3.

<sup>21</sup> RM010:T.1907-1908.

Incident Number	Incident Details
B.8.1	<p>On 1-Jun-92, the Velagići RSMUP commander ordered men from predominantly Muslim hamlets of Vojići, Nežići, Hašići, Častovići and Hadžići to go to Velagići to obtain required travel permits.<sup>22</sup> At Velagići, the men were searched, mistreated, and detained in the primary school, where a VRS unit was stationed.<sup>23</sup> Serb soldiers and policemen were present in the school; one of them registered the men.<sup>24</sup> Shortly before midnight, the men were taken out and ordered to line up in front of the building before 2 Serb soldiers with automatic rifles opened fire.<sup>25</sup> When the remaining civilians tried to escape, the soldiers on guard opened fire on them. At least 77 civilians killed in this incident.<sup>26</sup> VRS transferred bodies to a mass grave outside Lanište.<sup>27</sup></p> <p>Bodies were exhumed from the Babina Dolina ("Laniste II") site in Oct-96,<sup>28</sup> autopsies conducted, and 72 named victims identified<sup>29</sup> out of the total 77 known victims associated with the massacre.<sup>30</sup> Almost all victims died from gunshot wounds to the head or chest.<sup>31</sup></p>
C.10.3	<p>On 1-Jun-92, about 100 Muslim men from the hamlets of Vojići, Nežići, Hašići, Častovići and Hadžići detained in the Velagići primary school<sup>32</sup> in overcrowded conditions, beaten, maltreated and verbally abused by policemen and soldiers.<sup>33</sup> Detainees robbed of their valuables and documents.<sup>34</sup></p>
D.7	<p>Between May-92 and Aug-92, in Ključ municipality, at least 15 mosques,<sup>35</sup> one Catholic Church, and other religious institutions (<i>i.e.</i> Islamic archive/library, two Islamic shrines) either completely destroyed or heavily damaged by Serb forces,<sup>36</sup> including the Ključ,<sup>37</sup> Biljani-Džaferagići,<sup>38</sup> Puđin</p>

<sup>22</sup> AF770; [REDACTED]; [REDACTED]; DŽAFIĆ:P03394, paras.138-139.

<sup>23</sup> AF771; DŽAFIĆ:P03394, para.138; P03528, p.10; [REDACTED].

<sup>24</sup> AF771; DŽAFIĆ:P03394, para.138; [REDACTED].

<sup>25</sup> AF772; P03528, pp.10-11; [REDACTED]; [REDACTED]; DŽAFIĆ:P03394, paras.138-139.

<sup>26</sup> AF772; P00152; KALABIĆ:T.30257-30260,T.30270,T.30205-30206; KEVAC:T.30463-30464,T.30511; KELEČEVIĆ:T.37242; VRACAR:T.28610-28611,T.28624-28625; [REDACTED]; RADULJ:T.35528-35529,T.35536-35539.

<sup>27</sup> AF773-AF774; [REDACTED]; P03528, pp.5-12. *See* Ključ Summary.

<sup>28</sup> AF773; P00153; P03299, pp.3,10-12; KALABIĆ:T.30262; [REDACTED]; SÉBIRE:P03284, pp.60-62(confidential). *See* EGRLIĆ:P03402, p.8.

<sup>29</sup> SÉBIRE:P03284, pp.60-62(confidential); TABEAU:P02797, pp.397-418; TABEAU:P02793, p.5(victim summary). *See* Victim Chart:B.8.1.

<sup>30</sup> P03299, pp.3,10-12; [REDACTED]; P03528, pp.10-16; DŽAFIĆ:P03394, para.138; [REDACTED]; EGRLIĆ:P03403, T.10622; SÉBIRE:P03284, pp.60-62(confidential); TABEAU:P02797, pp. 397-418. *See* Victim Chart:B.8.1.

<sup>31</sup> P00153; [REDACTED]; P06061; TABEAU:P02797, pp. 397-418. *See* Victim Chart:B.8.1.

<sup>32</sup> *See* SIC:B.8.1.

<sup>33</sup> KALABIĆ:T.30257-30258; [REDACTED]. *See* SIC:B.8.1.

<sup>34</sup> *See* SIC:B.8.1.

<sup>35</sup> RIEDLMAYER:P02511, records#68-83,96-97,162-164.

<sup>36</sup> AF760; AF762; AF775; [REDACTED]; [REDACTED]; [REDACTED]; WEISS:T.5282; RIEDLMAYER:P02513, pp.6-11; RIEDLMAYER:P02511, records#70-72.

<sup>37</sup> AF781; RIEDLMAYER:P02513, pp.6-7; RIEDLMAYER:P02510, p.155; RIEDLMAYER:P02511, record#69.

Incident Number	Incident Details
	Han-Velagići, <sup>39</sup> Donji Budelj, <sup>40</sup> Humići, <sup>41</sup> Krasulje, <sup>42</sup> Sanica <sup>43</sup> and Tićeвиći <sup>44</sup> mosques, and the Ključ Catholic church. <sup>45</sup>

<sup>38</sup> AF782; RIEDLMAYER:P02513, p.8; RIEDLMAYER:P02510, p.159; RIEDLMAYER:P02511, record#76; DZAFERAGIĆ:P01894, p.3.

<sup>39</sup> AF762; RIEDLMAYER:P02513, pp.10-11; RIEDLMAYER:P02510, p.162; RIEDLMAYER:P02511, record#162.

<sup>40</sup> RIEDLMAYER:P02513, p.11; RIEDLMAYER:P02510, p.166; RIEDLMAYER:P02511, record#164.

<sup>41</sup> RIEDLMAYER:P02513, p.7; RIEDLMAYER:P02510, p.168; RIEDLMAYER:P02511, record#73.

<sup>42</sup> RIEDLMAYER:P02513, p.10; RIEDLMAYER:P02510, p.171; RIEDLMAYER:P02511, record#97.

<sup>43</sup> RIEDLMAYER:P02513, p.8; RIEDLMAYER:P02510, p.173; RIEDLMAYER:P02511, record#77.

<sup>44</sup> RIEDLMAYER:P02513, p.8; RIEDLMAYER:P02510, p.177; RIEDLMAYER:P02511, record#75.

<sup>45</sup> RIEDLMAYER:P02513, p.6; RIEDLMAYER:P02510, p.180; RIEDLMAYER:P02511, record#68; KALABIĆ:D00867, para.29.

# KOTOR VAROŠ PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
A.4.4	<p>On 3-Nov-92, a column of armed<sup>1</sup> Muslim men, and some women and children,<sup>2</sup> attempted to escape from Večići towards Travnik;<sup>3</sup> VRS units<sup>4</sup> ambushed the column twice.<sup>5</sup> One group from the column surrendered to the Grabovica company of the Kotor Varoš brigade,<sup>6</sup> was detained and taken to Grabovica school<sup>7</sup> where the Grabovica company had its barracks.<sup>8</sup> Some of the approximately 200 detainees<sup>9</sup> were mistreated en route.<sup>10</sup> At the school, Kotor Varoš Brigade Commander NOVAKOVIĆ ordered men separated from women and children;<sup>11</sup> the VRS<sup>12</sup> held the detainees overnight.<sup>13</sup> The Kotor Varoš Brigade was responsible for the male detainees.<sup>14</sup></p> <p>On the morning of 4-Nov-92, the VRS expelled women and children on buses.<sup>15</sup> That day, the VRS<sup>16</sup> executed approximately 160 men in or around Grabovica school.<sup>17</sup> Some remains found have been identified as belonging to eight of those last seen in or around Grabovica school;<sup>18</sup> at least 154 men are still missing.<sup>19</sup></p> <p>[REDACTED].<sup>20</sup></p>
D.8	Between Jun-92 and Dec-92, Bosnian Serb forces heavily damaged or

<sup>1</sup> RM089:P02451, p.9(confidential); KRŠIĆ:D00844, para.8; KRŠIĆ:T.29285-29286; ŽUPLJANIN:T.30954-30955; [REDACTED]; [REDACTED].

<sup>2</sup> Elvedin PAŠIĆ:T.562-563; RM089:P02451, p.8(confidential); ŽUPLJANIN:T.30953-30954; [REDACTED].

<sup>3</sup> AF803; Elvedin PAŠIĆ:T.560, T.562, T.571,T.622; RM089:P02451, p.8(confidential); [REDACTED]; [REDACTED]; P00442, para.4.

<sup>4</sup> [REDACTED].

<sup>5</sup> Elvedin PAŠIĆ:T.564-568; RM089:P02451, pp.8-9(confidential).

<sup>6</sup> Elvedin PAŠIĆ:T.569-571; RM089:P02451, p.9(confidential); KRŠIĆ:T.29285; ŽUPLJANIN:T.30937,T.30953-30954; [REDACTED]; [REDACTED].

<sup>7</sup> Elvedin PAŠIĆ:T.575-578; RM089:P02451, pp.9-10(confidential); [REDACTED]; KRŠIĆ:D00844, para.8; KRŠIĆ:T.29346-29347; RM802:T.4634.

<sup>8</sup> [REDACTED]. E.g. KRŠIĆ:T.29367.

<sup>9</sup> [REDACTED]; Elvedin PAŠIĆ:T.570,T.576-577; RM089:P02451, pp.9-10; P03745, p.1

<sup>10</sup> Elvedin PAŠIĆ:T.573-574; RM089:P02451, p.9(confidential).

<sup>11</sup> AF804; Elvedin PAŠIĆ:T.577-578,T.582,T.637; RM089:P02451, pp.9-10(confidential); KRŠIĆ:T.29287-29288,T.29349.

<sup>12</sup> [REDACTED]; KRŠIĆ:T.29346-29347,T.29369; [REDACTED]; RM089:P02451, p.9(confidential); P00851, p.7; ŽUPLJANIN:T.30956,T.30958.

<sup>13</sup> Elvedin PAŠIĆ:T.577-579; RM089:P02451, p.10(confidential); KRŠIĆ:D00844, paras.11-13; KRŠIĆ:T.29300.

<sup>14</sup> AF805; P00852; ŽUPLJANIN:T.30955-30956; KRŠIĆ:T.29369.

<sup>15</sup> Elvedin PAŠIĆ:T.579-583; RM089:P02451, p.10(confidential); KRŠIĆ:D00844, paras.14-15.

<sup>16</sup> [REDACTED]; KRŠIĆ:T.29369; [REDACTED]; [REDACTED]; ŽUPLJANIN:T.30967,T.30973-30977; P07091, p.2.

<sup>17</sup> AF806; Elvedin PAŠIĆ:T.589-592,T.594-595; ŽUPLJANIN:T.30972-30978; RADULOVIC:P03207, para.74(confidential); [REDACTED]; [REDACTED]; [REDACTED]; D00001. E.g. KRŠIĆ:T.29368.

<sup>18</sup> M.AVDIĆ:P03303, para.13; P03305.

<sup>19</sup> M.AVDIĆ:P03303, paras.6-12; P03304, pp.1-5; Elvedin PAŠIĆ:T.589-592; [REDACTED]; TABEAU:P02797, pp.52-93; TABEAU:P02796, p.14; TABEAU:T.19271-19277; TABEAU:P2793, p.1. See Victim Chart:A.4.4.

<sup>20</sup> [REDACTED]; [REDACTED].

Incident Number	Incident Details
	<p>completely destroyed, by fire, explosives, shelling or a combination thereof, at least 14 Muslim and Catholic monuments in Kotor Varoš municipality.<sup>21</sup> These included the Vrbanjci,<sup>22</sup> Hanifići,<sup>23</sup> Hrvaćani,<sup>24</sup> Hadrovci,<sup>25</sup> Vranić,<sup>26</sup> Donja Varoš,<sup>27</sup> old Večići,<sup>28</sup> new Večići,<sup>29</sup> and Ravne<sup>30</sup> mosques. Bosnian Serb forces burned down the Roman Catholic Church in Kotor Varoš town.<sup>31</sup></p> <p>Most were intentionally destroyed by Željko KRŠIĆ, the head of the 22<sup>nd</sup> Brigade demolitions unit.<sup>32</sup></p>

<sup>21</sup> AF819; [REDACTED]; UBIPARIP:T.31196; RIEDLMAYER:P02510, pp.183-212; RIEDLMAYER:P02511, records#50-67,170-171,223; RIEDLMAYER:P02512, pp.4-5; RIEDLMAYER:P02513, pp.11-14; RIEDLMAYER:P02514, rows#238-258; RIEDLMAYER:T.17922-17923.

<sup>22</sup> AF819; RIEDLMAYER:P02510, pp.189-190; RIEDLMAYER:P02511, record#59; RIEDLMAYER:P02514, row#257. *See* Kotor Varos Summary, Section III.D.5.

<sup>23</sup> AF819; RIEDLMAYER:P02510, pp.183-185; RIEDLMAYER:P02511, record#61; RIEDLMAYER:P02512, p.5; RIEDLMAYER:P02513, p.13; RIEDLMAYER:P02514, row#248; RIEDLMAYER:T.17923; Elvedin PAŠIĆ:T.605-606; BUBIĆ:T.26469-26470. *See* Kotor Varos Summary, Section III.D.5.

<sup>24</sup> AF819; RIEDLMAYER:P02510, pp.195-197; RIEDLMAYER:P02511, record#54; RIEDLMAYER:P02513, p.12; RIEDLMAYER:P02514, row#249; Elvedin PAŠIĆ:T.553.

<sup>25</sup> RIEDLMAYER:P02510, pp.186-188; RIEDLMAYER:P02511, record#171; RIEDLMAYER:P02513, p.14; RIEDLMAYER:P02514, row#247.

<sup>26</sup> AF819; RIEDLMAYER:P02510, pp.205-207; RIEDLMAYER:P02511, record#170; RIEDLMAYER:P02513, p.14; RIEDLMAYER:P02514, row#256.

<sup>27</sup> AF819; RIEDLMAYER:P02510, pp.210-212; RIEDLMAYER:P02511, record#50; RIEDLMAYER:P02513, p.11; RIEDLMAYER:P02514, row#250.

<sup>28</sup> AF819; RIEDLMAYER:P02510, pp.198-201; RIEDLMAYER:P02511, record#57; RIEDLMAYER:P02513, pp.12-13; RIEDLMAYER:P02514, row#255.

<sup>29</sup> AF819-AF820; RIEDLMAYER:P02510, pp.202-204; RIEDLMAYER:P02511, records#55; RIEDLMAYER:P02513, p.12; RIEDLMAYER:P02514, row#254.

<sup>30</sup> AF819; RIEDLMAYER:P02510, pp.208-209; RIEDLMAYER:P02511, record#58; RIEDLMAYER:P02514, row#253.

<sup>31</sup> AF818; RIEDLMAYER:P02510, pp.191-194; RIEDLMAYER:P02511, record#53; RIEDLMAYER:P02512, p.4; RIEDLMAYER:P02513, pp.11-12; RIEDLMAYER:P02514, row#241; RIEDLMAYER:T.17922; BUBIĆ:T.26468.

<sup>32</sup> [REDACTED]; P07089, p.3.

## NOVI GRAD CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
B.10.1	<p>On or about 2-Jun-92, Hajro DELIĆ captured<sup>1</sup> and brought to cisterns near the Rajlovac barracks<sup>2</sup> by senior officers of the Rajlovac Brigade,<sup>3</sup> which controlled the barracks.<sup>4</sup> There, a Serb soldier beat and abused him; he died of his wounds.<sup>5</sup> Enver ČELIK also beaten to death.<sup>6</sup></p> <p>Between 2-June-92 and about 10-June-92, groups of detainees called out, taken away by Serb soldiers and never seen again.<sup>7</sup> Some remains later found in Vlakovo.<sup>8</sup></p>
B.10.2	<p>On 14-Jun-92,<sup>9</sup> aka ŽUTI, KRAJIŠNIK and TINTOR's personal driver,<sup>10</sup> and other Serb guards took 50-55 detainees from Rajlovac barracks by bus, escorted by several vehicles, to Sokolina, near Srednje in Ilijaš municipality;<sup>11</sup> disembarked; and for 15 minutes attacked detainees on the bus with machine guns and other weapons.<sup>12</sup> 47-48 detainees killed.<sup>13</sup></p> <p>Serb guards drove away;<sup>14</sup> escort vehicles returned to the scene, driver entered bus and shot the bodies again.<sup>15</sup> The next day, Serb forces returned to attempt to remove the bus; prevented by local residents who were removing the victims' bodies.<sup>16</sup> Serb forces returned several days later and set the remains of the bus on fire.<sup>17</sup> VRS witness was aware that the perpetrators of this incident were Serb forces.<sup>18</sup> Rajlovac Brigade did not investigate this or other crimes against detainees.<sup>19</sup></p>

<sup>1</sup> RM145:P00255, para.40(confidential).

<sup>2</sup> RM145:P00256; RM145:T.3049; RM145:P00255, para.40(confidential).

<sup>3</sup> VUJASIN:T.25634,T.25638-25639.

<sup>4</sup> VUJASIN:D00641, paras.10-11; DŽINO:T.25737.

<sup>5</sup> RM145:P00255, paras.23,34,40(confidential); JAHIC:P03122, para.36; TABEAU:P02796, pp.24-25.

*See* VUJASIN, T.25642-25643; TABEAU:P02797, p.420; Victim Chart:B10.1.

<sup>6</sup> JAHIC:P03122, para.36.

<sup>7</sup> RM145:P00255, paras.41-44(confidential); JAHIC:P03122, para.38; P06065, pp.6-7. *See* DŽINO:T.25705-25707.

<sup>8</sup> JAHIC:P03122, para.38; P06064; TABEAU:P02796, pp.24-25. *See* TABEAU:P02797, pp.419-421; Victim Chart B10.1.

<sup>9</sup> RM145:P00255, paras.49-50(confidential).

<sup>10</sup> RM145:P00255, paras.41,43(confidential); JAHIC:P03122, para.39.

<sup>11</sup> AF1229; RM145:P00255, paras.51,53(confidential); JAHIC:P03122, paras.43-44.

<sup>12</sup> AF1229; RM145:P00255, paras.53-54,57(confidential); RM145:T.3053-3054,T.3065-3066,T.3084; JAHIC:P03122, paras.45-46,48; DŽINO:T.25707-25708; P00257.

<sup>13</sup> AF1229; RM145:P00255, paras.58-59(confidential); P00258; JAHIC:P03122, paras.50-51,53; P03123; TABEAU:P02793, p.5; TABEAU:P02797, pp.422-435; TABEAU:P02796, p.25. *See* Victim Chart:B.10.2.

<sup>14</sup> RM145:T.3065,T.3084; RM145:P00255, paras.53-54(confidential).

<sup>15</sup> JAHIC:P03122, para.46.

<sup>16</sup> RM145:T.3053-3054,T.3086-3087; RM145:P00255, para.55(confidential).

<sup>17</sup> RM145:T.3054-3055,T.3087.

<sup>18</sup> DŽINO:T.25707-25708.

<sup>19</sup> VUJASIN:T.25650-25651.

Incident Number	Incident Details
D.9	On 4-Jun-92, <sup>20</sup> after Serb forces took control of Ahatovići, <sup>21</sup> the VRS burned the Ahatovići mosque then destroyed it with explosives. <sup>22</sup>

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<sup>20</sup> DŽINO:T.25709.

<sup>21</sup> P03792, p.5; RM145:P00255, para.19(confidential); DŽINO:T.25709.

<sup>22</sup> AF1231; DŽINO:T.25709-25710; RIEDLMAYER:P02510, pp.213-217; RIEDLMAYER:P02512, slide#7; RIEDLMAYER:P02513, p.15; RIEDLMAYER:P02514,row#293. *E.g.* RM145:P00255, para.63(confidential).

**PALE PROOF CHART FOR SCHEDULED INCIDENTS**

<b>Incident Number</b>	<b>Incident Details</b>
D.10 <sup>1</sup>	Serb forces destroyed Prača, Podvitez and Bogovići mosques between Jul and Oct-92. <sup>2</sup>

<sup>1</sup> Evidence led shows Prača mosque was destroyed in Oct-92. RIEDLMAYER:P02510, p.8; RIEDLMAYER:P02511, record#172; RIEDLMAYER:P02514, row#298.

<sup>2</sup> RIEDLMAYER:P02510, pp.8-15; RIEDLMAYER:P02511, records#172-174; CRNČALO:T.3238-3239,T.3245; CRNČALO:P00260, para.79; P00178, p.33; ČVORO:T.22185.

## PRIJEDOR PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Details
A.6.1	Between 24-May-92 and June-92, <sup>1</sup> 43 <sup>rd</sup> mtbr, with ŽELJAJA directing operations, led attack <sup>2</sup> on predominantly Muslim village of Kozarac and surrounding areas. <sup>3</sup> 6 <sup>th</sup> Brigade; <sup>4</sup> 5 <sup>th</sup> Brigade; <sup>5</sup> incorporated paramilitaries, including “Čigo’s” and “Zolja’s” groups; <sup>6</sup> and subordinated Prijedor SJB also participated. <sup>7</sup> After heavy shelling, <sup>8</sup> causing deaths, <sup>9</sup> BSF entered Kozarac area, set fire to homes, sometimes with people inside, <sup>10</sup> and killed non-Serb civilians <sup>11</sup> including police who surrendered. <sup>12</sup> Surviving non-Serbs rounded up, <sup>13</sup> some executed. <sup>14</sup> Wounded in ambulances executed. <sup>15</sup> While fleeing, 100 non-Serbs arrested by armed Bosnian Serbs, 1 shot; <sup>16</sup> remaining taken to Benkovac barracks where 60 killed, including “Hodža”. <sup>17</sup> Hundreds killed in

<sup>1</sup> AF867; AF877-AF879; AF883; BLAŽEVIĆ:P03617, p.8; MERDŽANIĆ:P00269, para.12.

<sup>2</sup> AF891; KELEČEVIĆ:T.37252; KELEČEVIĆ:D01110, para.15; RM709:P03437, p.8(confidential); BROWN:P02859, pp.61-62,87; P03946, pp.139-140; P00247; P02875, pp.1-2; P03841, p.4; P07474, p.3; P07364, p.2; SIVAC:P00480, T.6753. See P03923, pp.23,26.

<sup>3</sup> AF874; P02441; P03230; BLAZEVIĆ:P03618, T.2419-2422; RM017:P03228, p.2(confidential); MERDŽANIĆ:P00269, para.4.

<sup>4</sup> P02365, para.7; P03851, p.5; BROWN:P02859, pp.61-62.

<sup>5</sup> P03914, p.4; P03890, p.1; BROWN:P02859, pp.61-62, fn.240; SEJMEŃOVIĆ:P00283, para.37; SEJMEŃOVIĆ:T.3542-3543.

<sup>6</sup> AF867; AF871; BROWN:P02859, p.85; SIVAC:P00480, T.6753,T.6764-6765,T.13257-13258,T.13275-13277,T.13279; SEJMEŃOVIĆ:P00283, para.37; SEJMEŃOVIĆ:T.3542-3543.

<sup>7</sup> AF867; AF871; MATIJEVIĆ:T.43117-43118,43130-43131; BROWN:P02859, pp.76-77; P02900, pp.6,32; P02405, p.1; P03948, p.4; P03896; P04068, p.3; P03983, pp.2,5; P02893, p.1; P03444; SEJMEŃOVIĆ:P00283, para.37; SIVAC:P00480, T.13275.

<sup>8</sup> AF869; AF877-AF878; SEJMEŃOVIĆ:P00283, paras.35-36; SEJMEŃOVIĆ:T.3538-3539; MERDŽANIĆ:P00269, paras.12-14; BLAŽEVIĆ:P03617, pp.8-9; BLAŽEVIĆ:P03618, T.2444-2449; ELKASOVIĆ:P02588, T.4600-4601; ARIFAGIĆ:P03388, pp.9-10; RM017:P03228, p.7(confidential); RM017:P03229, T.3329-3331(confidential); RM047:P02594, p.2(confidential); TAČI:P00158, paras.19-24; ATLIJA:P00168, para.24; ATLIJA:T.2354; P00247; P02893, p.1; JAVORIĆ:T.31456; MANDIĆ:T.28903.

<sup>9</sup> AF869; AF880; ARIFAGIĆ:P03388, p.9; MERDŽANIĆ:P00269, paras.16-17; BLAŽEVIĆ:P03617, p.9; RM047:P02594, p.2(confidential).

<sup>10</sup> SEJMEŃOVIĆ:P00283, paras.35,40; RM017:P03228, p.7(confidential); RM017:P03229, T.3331,T.3351(confidential); [REDACTED]; BLAŽEVIĆ:P03617, p.12; BLAŽEVIĆ:P03618, T.2475,T.2499-2500; ERCEG:T.34061-34062.

<sup>11</sup> AF870; AF884; SEJMEŃOVIĆ:P00283, paras.35-40; SEJMEŃOVIĆ:T.3541; RM017:P03228, p.7(confidential); [REDACTED]; MERDŽANIĆ:P00269, paras.14-18; MERDŽANIĆ:T.3359-3360; [REDACTED].

<sup>12</sup> AF882; P03230; MERDŽANIĆ:T.3360; SIVAC:P00480, T.6764,T.13275-13276; SIVAC:T.4846-4847,T.4849; RM017:P03228, p.8(confidential); RM017:P03229, T.3335-3336,T.3342-3344,T.3386(confidential); TAČI:P00158, para.31; [REDACTED]. See [REDACTED]; P05513.

<sup>13</sup> AF936; ARIFAGIĆ:P03388, p.9; ARIFAGIĆ:P03389, T.7075(confidential); RM047:P02594, pp.2-3(confidential); RM017:P03229, T.3329-3331,T.3341(confidential); RM017:P03228, pp.7-8(confidential); MERDŽANIĆ:P00269, paras.21-26.

<sup>14</sup> MERDŽANIĆ:P00269, para.23; MERDŽANIĆ:P00270; MERDŽANIĆ:T.3359-3360; BLAŽEVIĆ:P03617, p.12; SEJMEŃOVIĆ:P00283, para.38.

<sup>15</sup> SIVAC:T.4847-4848.

<sup>16</sup> AF886.

<sup>17</sup> AF887-AF888; P03230; RM017:P03229, T.3387(confidential).

Incident Number	Details
	Kozarac and the surrounding areas. <sup>18</sup> Numerous bodies exhumed from multiple mass graves. <sup>19</sup>
A.6.2	Around 23-May-92, 43 <sup>rd</sup> mtbr, 5 <sup>th</sup> and 6 <sup>th</sup> Brigades shelled Muslim village Hambarine and surrounding non-Serb area with tanks, heavy artillery, causing terror, destruction and civilian casualties. <sup>20</sup> Next day, villagers in Hambarine and surrounding areas turned in weapons. <sup>21</sup> During subsequent infantry attacks, VRS and subordinated paramilitaries and police <sup>22</sup> killed non-Serb civilians. <sup>23</sup> Throughout rest of May and Jun-92, BSF killed non-Serb civilians during cleansing campaign in Hambarine-Ljubija area. <sup>24</sup> Numerous victims exhumed in Hambarine and Čarakovo. <sup>25</sup>
A.6.3	Around 26-May-92, following 2-day VRS shelling of Muslim village Kamičani, <sup>26</sup> VRS executed nine elderly Muslim civilians. <sup>27</sup>
A.6.4	On 14-Jun-92, VRS <sup>28</sup> and other Bosnian Serb forces including Duško TADIĆ, entered Muslim village Jaskići, shooting and killing number of Muslim men.

<sup>18</sup> AF872-AF873; AF879-AF881; AF884; AF890; P07475; SELAK:P00244, paras.67,86-87; SELAK:T.2984-2992; P00253, pp.1-2; P03443; P03434, p.2; P03843; P00247; RADULOVIĆ:P03207, paras.85,87(confidential); ATLIJA:P00168, para.25; KELEČEVIĆ:T.37257; RADULJ:T.35563-35564.

<sup>19</sup> TABEAU:P02793, pp.1-2,11; TABEAU:P02796, pp.14-15,32; TABEAU:P02797, pp.94-122; TABEAU:P07449, pp.14-15,43-44; TABEAU:P07450; TABEAU:P07451, pp.168,171(confidential); TABEAU:P07455; TABEAU:P07456, pp.1,4-7(confidential); SÉBIRE:P03280, T.7350-7351; SÉBIRE:P03282, pp.15-16,48-51,54-59(confidential); SÉBIRE:P03284, pp.16-21,29,31-37(confidential); P04644, pp.3-6,12; P05589, pp.33-38; P05596, pp.12-34,45-56,128-160,231-249. *See* Victim Chart:A.6.1.

<sup>20</sup> AF867; AF869; AF893-AF895; AF1099; AF1112; P03890, p.1; P03946, p.139; P02365, p.3; P03767, p.2; P03851, p.5; P03443, p.1; P03434, p.2; P02875, pp.1-2; P07364, pp.1-2; NASIĆ:P02600, pp.2,14; NASIĆ:P02601, T.12686-12687; BLAŽEVIĆ:P03617, p.8; MUJADŽIĆ:P03121, T.3718(confidential); SEJMENOVIC:P00283, para.33; ATLIJA:P00168, paras.18-22; [REDACTED]; RM026:P02586, T.2303(confidential); RM026:P02585, p.6(confidential); RM060:P02596, T.6855-6856(confidential); [REDACTED]; [REDACTED]; RM008:P03224, paras.9-10(confidential); K.MEŠANOVIĆ:P03414, paras.18-19; P03417; P03434, p.2; KELEČEVIĆ:T.37252-37254; R.JAVORIĆ:D00895, paras.22-23; R.JAVORIĆ:T.31456; MANDIĆ:T.28902-28903; BROWN: P02859, pp.61-62.

<sup>21</sup> AF895; MUJADŽIĆ:P03121, T.3718-3719(confidential).

<sup>22</sup> AF870-AF871; AF895; BROWN:P02859, pp.85-86; P02365, p.3; P03767, p.2; P03851, p.5; P03841, p.4; P03852, p.3; P04068, p.3; P02893, p.1; P02900, p.28; P03948, p.4; P07634, p.1; RADULOVIĆ:P03207, paras.82,84(confidential); RM060:P02596, T.6857(confidential).

<sup>23</sup> AF870; ATLIJA:P00168, paras.16-17; NASIĆ:P02600, pp.3,9,14; [REDACTED]; RADULJ:T.35563-35564.

<sup>24</sup> [REDACTED]; RM026:P02585, pp.6-7(confidential); RM026:P02586, T.2325-2326(confidential).

<sup>25</sup> TABEAU:P02796, pp.15,32; TABEAU:P02797, pp.123-131; TABEAU:P07449, pp.43-44; TABEAU:P07450; TABEAU:P07451, p.164(confidential); SÉBIRE:P03280, T.7351; SÉBIRE:P03282, p.18(confidential); SÉBIRE:P03284, p.29(confidential); PARSONS:P07437, p.4(confidential); P05634; P05638, pp.1-2; P05633, p.4; P04658, pp.35-38,58-59,61-62,63-64. *See* Victim Chart:A.6.2.

<sup>26</sup> AF867; AF896; RM047:P02594, p.2(confidential).

<sup>27</sup> AF896; RM047:P02594, pp.3-4(confidential); RM047:P02595, T.6244-6246(confidential); SÉBIRE:P03282, pp.16-18(confidential); [REDACTED]; BLAŽEVIĆ:P03617, p.22; TABEAU:P02791, p.1; TABEAU:P02796, pp.15,32; TABEAU:P02797, pp.132-135; TABEAU:P07455, pp.3-6; SÉBIRE:P03282, pp.16-18(confidential); SÉBIRE:P03284, p.29(confidential); P05641, pp.1-8,11-15,30-35; P04658, pp.4-5,22-27. *See* Victim Chart:A.6.3.

<sup>28</sup> P03697, pp.2-3; BROWN:P02859, p.77.

Incident Number	Details
	VRS took other male Muslim villagers away; <sup>29</sup> bodies exhumed from mass graves. <sup>30</sup>
A.6.5	From 1-Jul to 23-Jul-92, VRS and subordinated police, <sup>31</sup> including 43 <sup>rd</sup> mtbr, <sup>32</sup> 6 <sup>th</sup> Brigade, <sup>33</sup> 43 <sup>rd</sup> mtbr's Reconnaissance and Sabotage unit under Duško KNEŽEVIĆ, <sup>34</sup> and Prijedor intervention platoon, <sup>35</sup> shelled and attacked unarmed villages <sup>36</sup> around largely-Muslim Brdo region, <sup>37</sup> killing non-Serb residents, <sup>38</sup> rounding up, sometimes executing them in transit to camps. <sup>39</sup> Killings in Vidicno, <sup>40</sup> Zecovi, <sup>41</sup> Raljaš, <sup>42</sup> Behlići. <sup>43</sup> On 23-Jul-92, VRS led brutal <sup>44</sup> attack on unarmed Muslim village Čarakovo: <sup>45</sup> shelled 10 days after weapons turned in; <sup>46</sup> civilians (some entire families) killed; <sup>47</sup> 9 men executed near swamp; <sup>48</sup> approximately 10 men, including Hodža, executed by mosque; <sup>49</sup> men bussed to Žeger bridge, shot, bodies thrown in Sana River. <sup>50</sup> Most victims exhumed from graves in Brdo region or Tomašica. <sup>51</sup>

<sup>29</sup> AF897; P00178, p.22; P02441; ELKASOVIĆ:P02588, T.4601-4617,T.4622-4627; P02589(confidential); P02591; P02592.

<sup>30</sup> TABEAU:P02793, p.2; TABEAU:P02796, pp.15-16; TABEAU:P02797, pp.136-143; TABEAU:P07449, pp.42-44; TABEAU:P07450, p.2; TABEAU:P07451, pp.166,172(confidential); TABEAU:P07455, p.1-2,4-5; SÉBIRE:P03280, T.7365-7369,T.7372-7377; SÉBIRE:P03282, pp.18-19(confidential); SÉBIRE:P03284, p.29(confidential); CLARK:P02266, pp.4-13; PARSONS:P07437, pp.6,14(confidential); P05573, pp.7,11,19,25-26,30,34,36,48-49,59-60; P05638, pp.7-24; P05596, pp.1-11,35-44,71-85,101-111,216-230. See Victim Chart:A.6.4.

<sup>31</sup> AF900-AF903; AF906; P04027; SUŠIĆ:P07312, paras.16-19; RM060:P02596, T.6861(confidential); RM074:P03431, pp.5-6(confidential); ĐENADIJA:D01338, paras.16-21,29-34.

<sup>32</sup> P00161, p.1; BROWN:P02859, pp.89-90; P03820; RODIĆ:T.33077; O.MARJANOVIĆ:T.41047; VUJIĆ:D01041, paras.1,7-8; VUJIĆ:T.34990-34991,T.34995-34997; RM704:P02602, pp.2-4(confidential); ĐENADIJA:D01338, paras.16-21,29-34.

<sup>33</sup> P02365, para.7; P02440; KARAGIĆ:T.9104; VUJIĆ:T.34996-34997.

<sup>34</sup> P03820; R.JAVORIĆ:D00895, para.8; R.JAVORIĆ:T.31384,T.31422-31423; RODIĆ:T.33077; O.MARJANOVIĆ:T.41047; [REDACTED].

<sup>35</sup> [REDACTED]; [REDACTED].

<sup>36</sup> AF902; SUŠIĆ:P07312, paras.10,12-13,15-29; KARAGIĆ:P00998, T.5206-5209,T.5291-5294; KARAGIĆ:T.9100-9101,T.9114-9115. See MUJADŽIĆ:P03121, p.3719(confidential).

<sup>37</sup> AF898-AF899; AF901; P00178, pp.22,24; P02441; P00999; P02900, p.27; RM060:P02596, T.6854-6855,T.6858-6859(confidential); RM704:P02602, p.2(confidential).

<sup>38</sup> AF901; RM704:P02602, pp.2-4(confidential); RM060:P02596, T.6858-6860(confidential).

<sup>39</sup> RM060:P02596, T.6868-6870(confidential); [REDACTED]; RM074:P03431, pp.7,9(confidential).

<sup>40</sup> KARAGIĆ:P00998, T.5253-5254.

<sup>41</sup> KARLICA:T.30152-30153,T.30155,T.30159; P04655, pp.6-7; P05589, pp.3-30.

<sup>42</sup> [REDACTED]; [REDACTED]; P02441.

<sup>43</sup> AF900; RM026:P02585, p.8(confidential).

<sup>44</sup> P03820, p.1; [REDACTED]; RM074:P03431, p.7(confidential).

<sup>45</sup> AF899; RM074:P03431, pp.5-6(confidential); SUŠIĆ:P07312, paras.10,15.

<sup>46</sup> SUŠIĆ:P07312, paras.10,13.

<sup>47</sup> AF902; RM074:P03431, pp.7-8,16-17(confidential); P02267, pp.5,11; P04654, p.6.

<sup>48</sup> RM074:P03431, pp.7-8(confidential); P05831.

<sup>49</sup> SUŠIĆ:P07312, paras.16-30; P04655, pp.13-14; P00178, p.23; VUJIĆ:T.34997.

<sup>50</sup> AF903; SUŠIĆ:P07312, paras.13-14,16-18; [REDACTED]; [REDACTED]; [REDACTED]; RM008:P03224, paras.12-16(confidential); [REDACTED].

<sup>51</sup> TABEAU:P02791, p.1; TABEAU:P02793, p.2; TABEAU:P02796, pp.16,32; TABEAU:P02797, pp.144-178,194-195; TABEAU:P07449, pp.43-44; TABEAU:P07450; TABEAU:P07451, pp.163,169,171-

Incident Number	Details
A.6.6	Around 20-Jul-92, <sup>52</sup> 43 <sup>rd</sup> mtbr, 6 <sup>th</sup> Brigade, subordinated police, including Prijedor intervention platoon, carried out planned ethnic cleansing, including murdering hundreds of civilians in unarmed Muslim area in and around Bišćani; <sup>53</sup> Hagići (12 persons lined up, shot in orchard, at least 20 people shot nearby); <sup>54</sup> Alagići (20 killed at nearby bus stop); <sup>55</sup> Mrkalji (30-40 civilians including children and elderly lined up, told to run, shot in back); <sup>56</sup> Ravine (at least 25-30 victims, including 2 women, one raped); <sup>57</sup> Bijela Zemlja; <sup>58</sup> Sredice (up to 28 bodies); <sup>59</sup> "Diskont" shop near Duratovići (more than 50 bodies, including 9 people from 1 family); <sup>60</sup> coffee roasting shop (10-15 victims shot); <sup>61</sup> "Sredicko Polje" area (30-40 bodies, including half-busload of detainees on way to camp executed); <sup>62</sup> Kadići (6 men named Kadić, all shot); <sup>63</sup> Crna Jaruga (10-15 bodies from same family, including women, children and elderly); <sup>64</sup> Topolovići (7-8 bodies); <sup>65</sup> Čemernica (1 ethnically

173(confidential); SÉBIRE:P03282, pp.24-26,44-48,54-59(confidential); SÉBIRE:P03284, p.29(confidential); CLARK:P07443, p.17; CLARK:P07444, pp.15,21,23,57-58,65-66,76,80-81,83,96,104; PARSONS:P07437, pp.1,3,11-12,15-17(confidential); P04654, pp.6-8; P04655, pp.6-7,11,13-14; P05589, pp.3-30,41,43-44,49-52. *See* Victim Chart:A.6.5.

<sup>52</sup> Scheduled Incident A6.6 overlaps geographically and temporally with Scheduled Incident A6.5. Should the Chamber find that a particular killing listed here in Scheduled Incident A6.6 should properly be considered as part of Scheduled Incident A6.5, the Chamber may consider the evidence cited here for Scheduled Incident A6.5.

<sup>53</sup> AF905-AF906; AF1095; P00178, pp.22-23,26; P07417, p.2; P02441; P02947(confidential); BLAŽEVIĆ:P03617, p.17; BLAŽEVIĆ:P03618, T.2491; RM060:P02596, T.6858-6865,6868-6871(confidential); NASIĆ:P02600, pp.2-3; NASIĆ:P02601, T.12715; RM704:P02602, pp.2-7(confidential); RM026:P02585, p.10(confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P02950(confidential); P02948(confidential); [REDACTED]; RM060:P02596, T.6858(confidential); KARAGIĆ:P00998, T.5291-5292; VUJIĆ:T.34994-34996.

<sup>54</sup> AF909; P02948, p.1(confidential); P02947, #1,1A,19(confidential); P02949(confidential); P02969(confidential); P02968(confidential); P02970(confidential); P02964(confidential); P02963(confidential); P02950, pp.2-3,5-8(confidential); [REDACTED]; [REDACTED]; RM704:P02602, pp.3,5(confidential).

<sup>55</sup> AF910; [REDACTED]; [REDACTED]; P02950, pp.1-2(confidential). *See* P02947(confidential).

<sup>56</sup> AF908; P02949(confidential); P02969(confidential); P02968(confidential); P02967(confidential); P02966(confidential); P02965(confidential); P02948, pp.1-2(confidential); P02947, #2(confidential); P02950, pp.3,8-9,12-14(confidential); [REDACTED]; [REDACTED]; RM704:P02602, pp.5-6(confidential); RM026:P02585, p.10(confidential); RM026:P02586, T.2344-2345(confidential).

<sup>57</sup> P02948, pp.2-3(confidential); P02947, #5-7(confidential); P02949, p.2(confidential); P02973(confidential); P02974(confidential); P02977(confidential); [REDACTED]; RM704:P02602, p.7(confidential); P02950, p.4(confidential).

<sup>58</sup> P02948, p.3(confidential); P02947, #8(confidential); RM060:P02596, T.6862-6863(confidential); [REDACTED]; P02950, pp.13-14(confidential).

<sup>59</sup> P02948, pp.3,5(confidential); P02947, #9,17(confidential); [REDACTED]; P02950, pp.9-11(confidential).

<sup>60</sup> P02948, pp.3-4(confidential); P02947, #10(confidential); P02949, p.2(confidential); P02971(confidential); P02975(confidential); [REDACTED]; [REDACTED]; [REDACTED]; RM704:P02602, p.6(confidential); P02950, pp.1-2,5,10-11(confidential); KARAGIĆ:P00998, T.5293-5294.

<sup>61</sup> AF907; P02948, p.4(confidential); P02947, #11(confidential); [REDACTED]; P02950, p.11(confidential); KARAGIĆ:P00998, T.5293-5294; P01003, pp.3-4.

<sup>62</sup> P02948, p.4(confidential); P02947, #12,15,16(confidential); [REDACTED]; P02976(confidential); P02950, pp.2,11-13(confidential). *See* RM060:P02596, T.6865-6871(confidential).

<sup>63</sup> P02948, p.2(confidential); P02947, #4(confidential); [REDACTED]; P02950, pp.8-9(confidential).

<sup>64</sup> P02948, p.4(confidential); P02947, #13(confidential); [REDACTED].

Incident Number	Details
	insulted, then shot); <sup>66</sup> and Rizvanović and Rakovčani. <sup>67</sup> Attacks met no resistance. <sup>68</sup>  VRS soldiers forced Muslim villagers to load 300-400 bodies (almost all Muslim, none in uniform, none armed) onto military trucks, <sup>69</sup> [REDACTED]; <sup>70</sup> two body loaders never returned. <sup>71</sup> Numerous victims exhumed from mass graves at Tomašica, Jakarina Kosa, and other graves throughout Bišćani. <sup>72</sup>
A.6.7	On 25-Jul-92, approximately 90 Muslims detained at Ljubija football stadium <sup>73</sup> (including minors) taken in overly-packed double-bus to Ljubija mine “Kipe”, guarded by BSF. <sup>74</sup> At “Kipe”, BSF systematically called groups of three detainees out, shot them, and executed survivors; <sup>75</sup> some escaped. <sup>76</sup> Bodies thrown into swampy depression, covered by bulldozer; <sup>77</sup> most exhumed from Redak mass grave. <sup>78</sup>
A.6.8	On 25-Jul-92, Muslim civilian detainees (including minors) transported from Miška Glava Dom <sup>79</sup> to Ljubija football stadium where VRS, police and assembled civilians beat them with implements. <sup>80</sup> Inside stadium, VRS, MP, and Prijedor intervention platoon <sup>81</sup> humiliated; beat detainees, sometimes with

<sup>65</sup> P02948, p.5(confidential); P02947, #18(confidential); [REDACTED].

<sup>66</sup> [REDACTED]; [REDACTED]; RM704:P02602, pp.3-4,10(confidential).

<sup>67</sup> KARAGIĆ:P00998, T.5209-5210,T.5263-5266,T.5290-5293; [REDACTED]; RM704:P02602, p.6(confidential). See P05707; P04655, p.11.

<sup>68</sup> RM060:P02596, T.6857-6858(confidential); [REDACTED].

<sup>69</sup> AF904; RM704:P02602, pp.4-6(confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>70</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>71</sup> RM704:P02602, p.4(confidential); [REDACTED]; [REDACTED].

<sup>72</sup> TABEAU:P02791, p.2; TABEAU:P02793, p.2; TABEAU:P02796, pp.16,33; TABEAU:P02797, pp.179-217; TABEAU:P07449, pp.38-44; TABEAU:P07450; TABEAU:P07451, pp.163-173(confidential); TABEAU:P07455; TABEAU:P07456, pp.3-7(confidential); SÉBIRE:P03280, T.7354; SÉBIRE:P03282, pp.19-24,48-50,54-59(confidential); SÉBIRE:P03284, pp.29,31,34,36(confidential); PARSONS:P07437, pp.2-7,9-16(confidential); CLARK:P07444, pp.4-7,9-12,14-16,18-21,23-24,26-27,30-31,33-37,39,40-43,47-49,51-52,59,70-71,98-99; P05633, p.3; P01003, pp.1,3-4,6; P04658, pp.3-4,9-21; P05589, pp.31-32,48,53; P05733; P04654, p.13; P04655, pp.7-8; P05596, pp.57-70,86-100,112-127,170-179,180-191,193-214; P05863. See Victim Chart:A.6.6.

<sup>73</sup> See SIC:A.6.8(Prijedor).

<sup>74</sup> AF915; P01000; P00178, pp.22,24; NASIĆ:P02600, p.4; KARAGIĆ:P00998, T.5241-5245.

<sup>75</sup> AF916; NASIĆ:P02600, pp.4-5; NASIĆ:P02601, T.12706-12707; KARAGIĆ:P00998, T.5242-5246; P01003, pp.7; ATLIJA:P00168, para.89.

<sup>76</sup> AF917; NASIĆ:P02600, pp.4-5; KARAGIĆ:P00998, T.5246-5247; KARAGIĆ:T.9108,T.9140-9141.

<sup>77</sup> AF918; NASIĆ:P02600, pp.4-6; ATLIJA:P00168, para.89; ATLIJA:P00169, para.20(confidential); ATLIJA:T.2303; P00170, p.2; P01000; KARAGIĆ:P00998, T.5242; WRIGHT:P01767, pp.3,6,12.

<sup>78</sup> KARAGIĆ:P00998, T.5247-5250; TABEAU:P02793, pp.2-3; TABEAU:P02796, pp.16-17; TABEAU:P02797, pp.218-225; SÉBIRE:P03280, T.7355-7358; SÉBIRE:P03282, pp.26-29(confidential); TABEAU:P07449, p.43; TABEAU:P07450, p.2; SÉBIRE:P03284, p.30(confidential); WRIGHT:P01767, pp.1-13,16-26. See Victim Chart:A.6.7.

<sup>79</sup> See SIC:C.15.5(Prijedor).

<sup>80</sup> KARAGIĆ:P00998, T.5228; KARAGIĆ:T.9125,T.9127; NASIĆ:P02600, p.4.

<sup>81</sup> AF911; NASIĆ:P02600, pp.4,9; KARAGIĆ:P00998, T.5230-5231,T.5235; KARAGIĆ:T.9105,T.9127.

Incident Number	Details
	metal bars, rendering some unconscious; <sup>82</sup> shot and killed at least 15 detainees. <sup>83</sup> Intervention platoon ordered surviving detainees to load 15-20 bodies onto double-bus <sup>84</sup> destined for Ljubija mine “Kipe.” <sup>85</sup>
A.6.9	On 24-Jul-92, VRS launched mortar attack on unarmed Croat village Briševo. <sup>86</sup> Facing no resistance, <sup>87</sup> on 24- and 25-Jul-92, 6 <sup>th</sup> Brigade CoS Veljko BRAJIĆ commanded attack led by 6 <sup>th</sup> Brigade and including 5 <sup>th</sup> Brigade and incorporated paramilitaries. BSF entered Briševo, <sup>88</sup> killed at least 68 Croat civilians, including women, children, elderly and invalids; some victims forced to dig own graves. <sup>89</sup> Some victims exhumed around Briševo. <sup>90</sup>
B.13.1	On 20/21-Jul-92, Keraterm Room 3 filled with over 200 men from Brdo; other detainees relocated to different rooms. <sup>91</sup> By 24-Jul-92, approximately 570 Brdo men locked in Room 3. <sup>92</sup> Around 24-Jul-92, <sup>93</sup> VRS soldiers placed additional heavy machine gun on table outside Room 3, <sup>94</sup> with chair and spotlights. <sup>95</sup> During night, soldiers fired tear/poisonous gas into room, causing detainees to panic, rush toward door, <sup>96</sup> where they were executed with

<sup>82</sup> KARAGIĆ:P00998, T.5228,T.5230-5231,T.5233,T.5235-5236,T.5241-5242; NASIĆ:P02600, p.4.

<sup>83</sup> AF911-914; KARAGIĆ:P00998, T.5230-5238; KARAGIĆ:T.9105,T.9108-9109; P01003, pp.1-2,5-6; NASIĆ:P02600, pp.4,9,14; [REDACTED]. See TABEAU:P02793, p.3; TABEAU:P02796, p.17; TABEAU:P02797, pp.226-228; TABEAU:P07449, pp.43-45; TABEAU:P07450, p.2; TABEAU:P07451, p.172(confidential); SÉBIRE:P03282, pp.26-29(confidential); SÉBIRE:P03284, p.30(confidential); PARSONS:P07437, p.14(confidential); CLARK:P07444, pp.37-38. See Victim Chart:A.6.8.

<sup>84</sup> AF913; KARAGIĆ:P00998, T.5236-5238,T.5241; NASIĆ:P02600, pp.4,9-10.

<sup>85</sup> SIC:A.6.7(Prijedor); AF915; P01000; KARAGIĆ:P00998, T.5244; NASIĆ:P02600, p.4.

<sup>86</sup> AF919-AF921; P00174; P01000; P02441; ATLIJA:P00168, paras.9-10,28-31,40-41,43-47; ATLIJA:P00169, para. 40-41,44-46(confidential); P02440 ; ATLIJA:T.2359-2360,T.2370; ATLIJA:T.2324-2326(confidential); KUPREŠANIN:T.29819-29820; SUŠIĆ:P07312, para.9.

<sup>87</sup> KUPREŠANIN:T.29819-29820; ATLIJA:T.2370; RADULOVIĆ:P03207, paras.82-83(confidential).

<sup>88</sup> AF922; BASARA:T.34386,T.34399,T.34496; BROWN:P02859, pp.44,61-62,70-71,85-86,177-178; ATLIJA:P00168, paras.47-60,109; ATLIJA:P00169, paras.34-41(confidential); P00173; P02440, p.3; P02365, p.3; P03851, p.7; RADULOVIĆ:P03207, para.83(confidential); VUJIĆ:T.34995-34996. See P03802, p.4; [REDACTED].

<sup>89</sup> AF923; AF924; ATLIJA:P00168, paras.2,4,6,48-71,73-88,90; ATLIJA:P00169, paras.2-19,21-22,24-35,41,49-51(confidential); ATLIJA:T.2302-2303,T.2311-2314,T.2323,T.2360-2361,T.2370-2372; P00170; P00172; P00177, pp.2-4; RADULOVIĆ:P03207, para.83(confidential); P07011; P07477, p.2; KUPREŠANIN, T.29803-29813; P06994, pp.9-10; P05911.

<sup>90</sup> TABEAU:P02791, pp.2-3; TABEAU:P02793, pp.3-4; TABEAU:P02796, pp.17-18,32-33; TABEAU:P02797, pp.229-242; SÉBIRE:P03282, p.26(confidential); P05910, pp.2-9; P05911, pp.5-15,17-18; P05912, pp.2-3,6-7; P05913; P05914, pp.3-18; P04676, pp.1-20,22. See Victim Chart:A.6.9.

<sup>91</sup> AF1050; AF1051; TAČI:P00158, para.62; RM008:P03224, paras.12-18 (confidential); P03225(confidential); P03226(confidential); ARIFAGIĆ:P03388, pp.21-22; [REDACTED]; [REDACTED]; BLAŽEVIĆ:P03617, pp.20-21; RODIĆ:T.33100-33101,T.33111.

<sup>92</sup> AF1050; RM008:P03224, paras.26,45(confidential); P03225(confidential); P03226(confidential).

<sup>93</sup> P00161; RODIĆ:D00930, para.27(confidential); RODIĆ:T.33098-33102.

<sup>94</sup> AF1052; ARIFAGIĆ:P03388, pp.24,31; TAČI:P00158, paras.57,59-61; MERDŽANIĆ:T.3334-3335.

<sup>95</sup> TAČI:P00158, paras.57-58; ARIFAGIĆ:P03388, pp.22,24,31.

<sup>96</sup> TAČI:P00158, para.63; TAČI:T.2104-2105,T.2126-2127; RM008:P03224, para.40(confidential); [REDACTED]; [REDACTED].

Incident Number	Details
	machine guns; <sup>97</sup> some survivors also executed. <sup>98</sup> Next morning, guards forced detainees to load over 200 bodies, including wounded, onto truck. <sup>99</sup> [REDACTED]; <sup>100</sup> wounded and accompanying body-loaders never returned. <sup>101</sup> Detainees forced to clean blood [REDACTED] from truck upon return to camp; <sup>102</sup> area hosed down. <sup>103</sup> At least 190 killed. <sup>104</sup> Next night, 25-Jul-92, more Room 3 detainees shot. <sup>105</sup> Morning after, bodies loaded onto truck <sup>106</sup> with 24 wounded detainees from other rooms; truck left camp with body loaders. <sup>107</sup> Most bodies exhumed from Tomašica, Jakarina Kosa and Kevljani. <sup>108</sup>
B.13.2	Between 27-May-92 to around 21-Aug-92, guards and soldiers murdered a large number of non-Serb detainees at Omarska camp. <sup>109</sup>  Detainees held, abused and murdered in various buildings/areas: <sup>110</sup> “pista”, <sup>111</sup> hangar, <sup>112</sup> garages (two detainees suffocated), <sup>113</sup> administration building

<sup>97</sup> AF1052; TAČI:P00158, para.63; TAČI:P00159, para.6; ARIFAGIĆ:P03388, pp.22-23; RM008:P03224, paras.40-41(confidential); [REDACTED]; RODIĆ:T.33113; [REDACTED]. See RM385:P07314, paras.11,13(confidential).

<sup>98</sup> RM008:P03224, para.41(confidential).

<sup>99</sup> AF1053; RM008:P03224, paras.47,49,52(confidential); [REDACTED]; [REDACTED]; TAČI:P00158, paras.66-71; TAČI:T.2105-2106; ARIFAGIĆ:P03388, pp.23-24; ARIFAGIĆ:P03389, T.7099(confidential); BLAŽEVIĆ:P03617, p.21; RM385:P07314, paras.14-25(confidential).

<sup>100</sup> AF1053; [REDACTED]; ARIFAGIĆ:P03388, p.23; P07315(confidential).

<sup>101</sup> [REDACTED]; TAČI:T.2105-2106; RM008:P03224, para.49(confidential).

<sup>102</sup> [REDACTED].

<sup>103</sup> AF1054; ARIFAGIĆ:P03388, p.23; TAČI:P00158, para.71.

<sup>104</sup> AF1054; RM008:P03224, para.47(confidential); VULLIAMY:P00199, T.7947; VULLIAMY:T.2669. See O.MARJANOVIĆ:T.41033; D.VUJIĆ:D01041, para.8; RODIĆ:T.33098-33102.

<sup>105</sup> ARIFAGIĆ:P03388, p.24; ARIFAGIĆ:P03389, T.7099-7100(confidential). See P00248, p.1.

<sup>106</sup> ARIFAGIĆ:P03388, p.24.

<sup>107</sup> ARIFAGIĆ:P03388, p.24.

<sup>108</sup> TABEAU:P02791, pp.4-5; TABEAU:P02793, pp.5-6; TABEAU:P02796, pp.25-26,33; TABEAU:P02797, pp.436-487; TABEAU:P07449, pp.16-17,37,43-44; TABEAU:P07450; TABEAU:P07451, pp.163-166,168-169,171-172(confidential); TABEAU:P07455, p.1; TABEAU:P07456, pp.1-3,5,7-8(confidential); SÉBIRE:P03280, T.7358-7359,T.7365-7369,T.7372-7377; SÉBIRE:P03282, pp.30-31,44,53,56,59(confidential); SÉBIRE:P03284, pp.30,32-34(confidential); CLARK:P07443, pp.8-15; CLARK:P02266, pp.6-13; CLARK:P07444, pp.1,37,48-49,53-56,60,65-67,69-73,75,97,99,100-104; PARSONS:P07436; PARSONS:P07437, pp.1-2,4-6,10,13-15(confidential); WRIGHT:P01764, pp.3,9-13; P05630, pp.1-6,2,5-9-10,153-206,25-26,29-32,375-38,421-46,49-50,53-56,5960-623,67,69-72,75-76,79-80; P05631, pp.3-10,18-19,20-24,30-31,35,38-40,44,49-50,58-59,61,68-69; P06109, pp.1-8,11-12,15-38,41-52,55-62. See Victim Chart:B.13.1.

<sup>109</sup> These killings do not include persons killed in B.13.3-13.4(Prijedor), discussed below. AF1009; AF1011; AF1013-AF1014; AF1016-AF1025; K.MEŠANOVIĆ:P03414, paras.63-67; SIVAC:P00480, T.6633-6636,T.6680; SIVAC:T.4825-4826; P00488-P00489; ATLIJA:P00169, para.40(confidential); RM026:P02585, pp.8-9(confidential); [REDACTED]; [REDACTED]; RM017:P03228, p.18(confidential); RM017:P03229, T.3365(confidential); RADULJ:T.35564.

<sup>110</sup> AF969; AF992; P03244; P03419; P00292; SEJMENOVIĆ:T.3469-3472; P04136, 00:20'50-00:22'13, tp.8-9.

<sup>111</sup> AF993; AF996; AF1019; [REDACTED]; [REDACTED]; [REDACTED].

<sup>112</sup> AF991; [REDACTED]; [REDACTED].

<sup>113</sup> AF1007; RM026:P02585, p.9(confidential); [REDACTED]; SIVAC:P00480,T.6626-6627; RM017:P03228, pp.13-14(confidential).

Incident Number	Details
	<p>(“restaurant”, interrogation rooms),<sup>114</sup> “red house”,<sup>115</sup> “white house”.<sup>116</sup> Dead detainees seen lying in or near the white or red house.<sup>117</sup> Bodies regularly loaded onto vehicles for removal; some detainee body-loaders taken away, did not return.<sup>118</sup> Outside groups, including soldiers Zoran ZIGIĆ and Dusko KNEŽEVIĆ, beat (sometimes to death) and shot detainees.<sup>119</sup> Detainees died from beatings during and after interrogation.<sup>120</sup></p> <p>Guards castrated/killed male detainee;<sup>121</sup> killed elderly detainee who refused to rape young woman.<sup>122</sup> Approximately ten detainees beaten, thrown on tyre bonfire; at least one never seen thereafter.<sup>123</sup></p> <p>Detainees called out from rooms, failed to return; many taken outside camp, never seen again, including 44 men and 2 women bussed away.<sup>124</sup></p> <p>Most victims exhumed from Kevljani, Jama Lisac and Jakarina Kosa.<sup>125</sup></p>
B.13.3	<p>On 5-Aug-92, over 120 detainees, including Keraterm detainees and Dr. SADIKOVIĆ from Omarska, called out, put onto buses, driven away, shot<sup>126</sup> and buried in Hrastova Glavica mass grave.<sup>127</sup></p>

<sup>114</sup> AF993-AF995; P03245; P03246; RM017:P03228, pp.13-14(confidential); [REDACTED].

<sup>115</sup> AF992; AF1014; AF1016; RM017:P03228, p.15(confidential); RM017:P03229, T.3508(confidential); [REDACTED]; K.MEŠANOVIĆ:P03414, paras.41,60,64; RM026:P02585, p.9(confidential); SIVAC:P00480, T.6684-6685; [REDACTED].

<sup>116</sup> AF992; AF998; AF1010-AF1011; P03243; RM017:P03228, pp.15,18,30(confidential); RM026:P02585, p.9(confidential); [REDACTED]; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6577,T.6632-6634,T.6639; K.MEŠANOVIĆ:P03414, paras.49,58,66.

<sup>117</sup> AF1013; AF1016; AF1025; SIVAC:P00480, T.6637; SIVAC:T.4825; K.MEŠANOVIĆ:P03414, paras.32,52,58,62; P03419; RM017:P03228, pp.16,18(confidential); RM017:P03229, T.3365-3366(confidential); RM026:P02585, p.9(confidential); [REDACTED]; [REDACTED]; P03244.

<sup>118</sup> AF1013; AF1016; RM017: P03228, p.16-17,21(confidential; [REDACTED]; K.MEŠANOVIĆ:P03414, paras.58; [REDACTED]; RM026:P02585, p.9(confidential).

<sup>119</sup> AF1008; [REDACTED]; RADULOVIĆ:P03207, para.143(confidential); K.MEŠANOVIĆ:P03414, para.63. See [REDACTED].

<sup>120</sup> [REDACTED]; [REDACTED]; SIVAC:P00480, T.6636-6639; K.MEŠANOVIĆ:P03414, paras.54 .

<sup>121</sup> RM017:P03228, p.21(confidential); P04136, 00:22'27-00:23'44, tp.9 .

<sup>122</sup> AF1018; [REDACTED].

<sup>123</sup> RM017:P03228, pp.18-19(confidential); RM017:P03229, T.3357-3359(confidential); SIVAC:P00480, T.6682-6683.

<sup>124</sup> AF1009; AF1021-AF1024; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6629-6630,T.6639-6640; [REDACTED]; K.MEŠANOVIĆ:P03414, paras.59,64-65,67; RM017:P03228, p.15(confidential); RM017:P03229, T.3365-3367(confidential); RM026:P02585, pp.8-9(confidential); BERIĆ:T.32857-32858.

<sup>125</sup> TABELAU:P02791, p.5; TABELAU:P02793, pp.6-8; TABELAU:P02796, pp.26,33; TABELAU:P02797, pp.488-538; TABELAU:P07449, pp.36-37,43-44; TABELAU:P07450; TABELAU:P07451, pp.163,166,168(confidential); TABELAU:P07455, p.1; TABELAU:P07456, pp.1-4,7(confidential); SÉBIRE:P03280, T.7363-7377; SÉBIRE:P03281, T.16697-16699,T.16704; SÉBIRE:P03282, pp.34-43,48-50,54-59(confidential); SÉBIRE:P03284, pp.16-21,30 (confidential); CLARK:P02265, pp.2-7; CLARK:P02266, pp.4-13; WRIGHT:P01764, pp.10-13,16; P05630, pp.7-8,11-14,21-22,27-30,31-36,39-41,47-48,51-52,63-64,73-74,81-86. P06297. See Victim Chart:B.13.2.

<sup>126</sup> AF1023-AF1024; AF1055-AF1058; RM008:P03224, paras.56-58(confidential); [REDACTED]. See K.MEŠANOVIĆ:P03414, para.62.

Incident Number	Details
B.13.4	Around mid-to-late Jul-92, around 200 people arrived in camp from Brdo area, beaten severely (some died) and detained in white house. In middle of night, gunshots heard; bodies of dead and wounded detainees observed near white house, guards shot wounded in head. Approximately 180 bodies loaded onto trucks for removal. <sup>128</sup>
B.13.5	Between 28-May-92 and mid-Sep-92, detainees killed inside and outside Trnopolje camp. <sup>129</sup> Detainees died from withholding of medical care. <sup>130</sup> Soldiers beat detainees, some to death. <sup>131</sup> VRS guard beat elderly detainee, then shot him. <sup>132</sup> Soldiers and a policeman shot 6 men named FORIĆ. <sup>133</sup> VRS and military police took at least 20 detainees from camp and killed them, <sup>134</sup> including 2 men named MURGIĆ. <sup>135</sup> Detainees forced to bury victims' bodies. <sup>136</sup> Detainees taken from camp and never seen again. <sup>137</sup> On 20-Jul-92, 12 men from Bišćani arrived by bus; that night bussed away and shot at Kratalj; two survived. <sup>138</sup>
C.15.2	Omarska, <sup>139</sup> located within RŽR Ljubija mine, established by CS, operated as a detention facility between approximately 27-May-92 until around 21-Aug-92. Omarska administered and secured under police chain of command, with VRS collaboration. 1KK deployed MAJSTORVIĆ to head VRS component of mixed interrogation teams; detainees interrogated and categorised. <sup>140</sup>

<sup>127</sup> AF1057; RM008:P03224, paras.57-58,64-66(confidential); P03227, pp.11-12; DRAGANOVIĆ:P03293, pp.27,58-59; D02133(confidential); TABEAU:P02791, pp.5-6; TABEAU:P02793, p.8; TABEAU:P02796, pp.26-27,33; TABEAU:P02797, pp.539-580; TABEAU:P07449, pp.36-37,43-44; TABEAU:P07450; TABEAU:P07451, pp.168,173(confidential); SÉBIRE:P03280, T.7361-7363; SÉBIRE:P03282, pp.31-33(confidential); P04820, pp.24--31,34-35,40-41,44-64,71-76,79-80,83-95,98-99,102-103,104-123,127-128,131-136,143-150,159-160,163-164,168-171,174-175,178-179,180-189,193-196,199-212,219-220,223-226,230-231-233,238-239,242-249,252-263,266-267,270-277,282-283; P06139, pp.1-2. See Victim Chart:B.13.3.

<sup>128</sup> AF1020; AF1026; RM017:P03228, pp.16-17,30(confidential); RM017:P03229, T.3365(confidential); K.MEŠANOVIĆ:P03414, paras.61-62; SIVAC:T.4823-4825. See [REDACTED].

<sup>129</sup> AF1078; P04136, 00:14'25-00:16'45, tp.6; TABEAU:P02796, pp.27,33; TABEAU:P02797, pp.582-583; TABEAU:P07449, pp.17,37,43; TABEAU:P07450; SÉBIRE:P03280, T.7364-7365; SÉBIRE:P03282, pp.43-44(confidential); P06454; P04833; P06455; P04831; P04834.

<sup>130</sup> MERDŽANIĆ:P00269, para.62; RM047:P02594, p.4(confidential); P00279, 00:00'28-00:01'45, tp.1.

<sup>131</sup> AF1073; AF1078; MERDŽANIĆ:P00269, paras.45-51; P00274; BLAŽEVIĆ:P03617, pp.18-19; P04136, 00:27'42-00:29'34, tp.11-12. P00205, 00:01'12-00:01'54,00:06'47-00:07'10,tp.1-2,4.

<sup>132</sup> RM060:P02596, T.6879-6880(confidential); P04834.

<sup>133</sup> RM047:P02594, p.5(confidential); RM047:P02595, T.6252-6254(confidential); SEJMENOVIĆ:P00283, paras.46-47; SEJMENOVIĆ:T.3468,T.3549-3550; MERDŽANIĆ:P00269, para.55; MERDŽANIĆ:T.3385,T.3401; BLAŽEVIĆ:P03617, p.21.

<sup>134</sup> AF1078; MERDŽANIĆ:P00269, paras.35,57; MERDŽANIĆ:T.3383-3386; P04136, 00:29'35-00:30'05, tp.12; RM008:P03224, para.62(confidential); [REDACTED]; BLAŽEVIĆ:P03617, pp.18,20-21.

<sup>135</sup> MERDŽANIĆ:P00269, para.56; BLAŽEVIĆ:P03617, p.21;P04830; P04832.

<sup>136</sup> MERDŽANIĆ:P00269, para.62; RM047:P02594, p.5(confidential); SEJMENOVIĆ:P00283, para.47.

<sup>137</sup> MERDŽANIĆ:P00269, para.35.

<sup>138</sup> RM060:P02596, T.6870-6873(confidential).

<sup>139</sup> P03419; P03412/P03245(partial duplicates); P00484/P03244(partial duplicates); P03246; P03230; P00292.

<sup>140</sup> See Prijedor Summary.

Incident Number	Details
	<p>Thousands of non-Serb civilians detained in Omarska, up to 3,000 at one time,<sup>141</sup> mostly men, at least 36-38 women, 28 minors, 68 elderly,<sup>142</sup> mentally/physically disabled men.<sup>143</sup></p> <p>Upon arrival, guards confiscated property, beat detainees severely, sometimes with instruments.<sup>144</sup></p> <p>While detained, armed police guards and military soldiers beat detainees.<sup>145</sup></p> <p>Guards beat detainees to and from interrogations.<sup>146</sup> Detainees beaten during interrogations, sometimes breaking bones, in the presence of and by military, state security and police interrogators and civilians; detainees signed false statements, feared death;<sup>147</sup> some died.<sup>148</sup></p> <p>Guards allowed VRS soldiers and others to enter camp, beat, torture detainees in their rooms; call out detainees and threaten, rob, beat, sometimes with instruments or slash with knives.<sup>149</sup> VRS members forced detainees to beat each other.<sup>150</sup> Perpetrators included VRS soldiers Zoran ŽIGIĆ and Dusko KNEŽEVIĆ<sup>151</sup> and CSB Banja Luka special detachment.<sup>152</sup></p>

<sup>141</sup> AF935; AF948-949. According to Prijedor SJB reports, only 3,334 detainees underwent “criminal investigation processing” at Omarska camp. This figure does not fully represent the total number of detainees held at Omarska, as it only accounts for 1,773 detainees transferred to Trnopolje, 1,331 transferred to Manjaca, 179 held at Omarska, 2 detainees who died of “natural causes” and only 49 detainees who disappeared from the camp. AF1006; P02900 ,pp.30-31. The figure fails to account for the hundreds of detainees killed in the camp or taken from the camp and killed elsewhere (see SIC:B.15.2-B.15.4(Prijedor)), or others otherwise detained in the camp. P03983, p.5; [REDACTED]; [REDACTED]; K.MEŠANOVIĆ:P03414, para.52; VULLIAMY:T.2594,T.2677-2678.

<sup>142</sup> AF948; AF950; AF999; P02900, pp.5,30; P07194, p.4; [REDACTED]; [REDACTED]; RM017:P03228, p.20(confidential); [REDACTED]; SIVAC:P00480, T.6614,T.6619,T.6623,T.6677-6679; BLAŽEVIĆ:P03617, p.21; VULLIAMY:T.2594-2596; VULLIAMY:P00199, T.7967.

<sup>143</sup> AF953; AF1017; SIVAC:P00480, T.6630-6634,T.6680; [REDACTED]; [REDACTED]); RADULJ:T.35555.

<sup>144</sup> AF969; AF988; SEJMENOVIC:P00283, para.56; K.MEŠANOVIĆ:P03414, para.29; RM017:P03228, pp.13-14(confidential); RM026:P02585, p.8(confidential); [REDACTED]; SIVAC:P00480, T.6612-6614; SIVAC:T.4824; [REDACTED]; [REDACTED]; [REDACTED].

<sup>145</sup> AF986-AF987; AF1010; AF1014; VULLIAMY:P00199, T.7941; VULLIAMY:T.2694; [REDACTED]; RM026:P02585, p.9(confidential); [REDACTED]; K.MEŠANOVIĆ:P03414, paras.29,31,46, 56,61; SEJMENOVIC:T.3469-3470,T.3572; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6628-6629.

<sup>146</sup> AF982; [REDACTED]; [REDACTED].

<sup>147</sup> AF983-AF984; AF994; [REDACTED]; RM017:P03228, pp.12-13(confidential); RM017:P03229, T.3503-3504(confidential); K.MEŠANOVIĆ:P03414, paras.54,56,61; SIVAC:P00480, T.6636-6637; SEJMENOVIC:P00283, paras.53-54,58-60; SEJMENOVIC:T.3470-3471,T.3473; [REDACTED]; P04136, 00:19'35-00:20'50, tp.7-8.

<sup>148</sup> SIVAC:P00480, T.6637; K.MEŠANOVIĆ:P03414, para.54.

<sup>149</sup> AF990; AF1004; AF1008; [REDACTED]; SEJMENOVIC:T.3469,T.3572; RM017:P03228, pp.15-16,19-21(confidential);RM017:P03229, T.3504-3505(confidential); [REDACTED].

<sup>150</sup> [REDACTED]; SEJMENOVIC:P00283, para.56.

Incident Number	Details
	<p>No one prevented abuse.<sup>153</sup> Detainees forced to clean beating/killing rooms;<sup>154</sup> forced to carry and load dead bodies onto trucks.<sup>155</sup> Detainees aware of beatings and killings;<sup>156</sup> frequently saw heaps of dead detainee bodies.<sup>157</sup></p> <p>Serb authorities aware detainees subjected to inhumane conditions.<sup>158</sup> Insufficient space for sleeping or sitting: 600-800 detainees crowded, forced to lie exposed all day on “pista’s” hot asphalt, sometimes crowded into cafeteria to sleep;<sup>159</sup> detainees packed in lavatories slept on excrement; detainees crammed into small, stifling hot, and bloodstained rooms with little ventilation.<sup>160</sup> Food inadequate; detainees beaten, sometimes with instruments, when forced to run in shifts to meals and during few minutes allowed to eat; some injured detainees could/would not eat rather than risk further beatings;<sup>161</sup> weight loss severe (unlike guards).<sup>162</sup> Water not potable nor often available; causing intestinal problems.<sup>163</sup> Few toilets, often unavailable; detainees risked beatings if used them; often excreted or urinated in rooms or cans.<sup>164</sup> Hygiene facilities inadequate, causing skin diseases, diarrhoea, and dysentery.<sup>165</sup> Medical care not provided, sometimes causing death.<sup>166</sup></p>

<sup>151</sup> AF989; [REDACTED].

<sup>152</sup> AF1004; P07209.

<sup>153</sup> AF988; [REDACTED]; [REDACTED].

<sup>154</sup> AF1012; AF1015.

<sup>155</sup> AF1016; RM017:P03228, p.18(confidential); SIVAC:P00480, T.6636-6637; [REDACTED].

<sup>156</sup> AF1019; RM017:P03228, p.18(confidential); RM017:P03229, T.3365(confidential); [REDACTED]; K.MEŠANOVIĆ:P03414, paras.46,56; RM026:P02585, p.9(confidential); [REDACTED]; [REDACTED].

<sup>157</sup> AF1013; AF1025; RM017:P03228, p.16(confidential); RM017:P03229, T.3365(confidential); [REDACTED]; K.MEŠANOVIĆ:P03414, para.52; RM026:P02585, p.9(confidential); [REDACTED].

<sup>158</sup> RADULOVIĆ:P03207, paras.137-138,141-149(confidential); BERIĆ:T.32860; SOKANOVIĆ:T.35775; KUPREŠANIN:T.29796-29797; P.RADIĆ:P04333, T.7437; MEDIĆ:T.2043-2047; P00157, tp.1; RADINKOVIĆ:T.31731-31732,T.31756; P07194, p.4.

<sup>159</sup> AF996-AF997; [REDACTED]; [REDACTED]; SEJMEŠNOVIĆ:P00283, para.52; P00292; SEJMEŠNOVIĆ:T.3471-3472; SIVAC:P00480, T.6615,T.6637 KUPREŠANIN:T.29795; RM017:P03228, p.15(confidential).

<sup>160</sup> AF970-AF971; AF1007; K.MEŠANOVIĆ:P03414,paras.27-28,46; SEJMEŠNOVIĆ:T.3469; SIVAC:P00480, T.6626-6627; RM017:P03228, pp.14-15(confidential); RM026:P02585, p.8(confidential); RADULOVIĆ:P03207, para.137(confidential); [REDACTED].

<sup>161</sup> AF972-AF977; RM017:P03228, pp.14,20(confidential); [REDACTED]; SIVAC:P00480, T.6638,T.6680-6682; K.MEŠANOVIĆ:P03414, paras.30; SEJMEŠNOVIĆ:P00283, para.56; [REDACTED]; [REDACTED]; RADULOVIĆ:P03207, para.137(confidential); SOKANOVIĆ:T.35775; VULLIAMY:P00199, T.7940-7941,T.7943,T.7973-7974; VULLIAMY:T.2591-2594,T.2695-2696; P00200, 00:01’54-00:03’30,tp.1-2; P00205, 00:00’00-00:01’12;;00:01’54-00:02’53,tp.1-2.

<sup>162</sup> AF977; RM017:P03228, p.23(confidential); [REDACTED]; SIVAC:P00480, T.6638-6639; VULLIAMY:T.2694-2696; [REDACTED].

<sup>163</sup> AF978-AF979; SIVAC:P00480, T.6638,T.6642.

<sup>164</sup> AF980; K.MEŠANOVIĆ:P03414,paras.30,48; [REDACTED]; [REDACTED]; RADULOVIĆ:P03207, para.137(confidential); RM017:P03228, p.14(confidential).

<sup>165</sup> AF981; [REDACTED]; [REDACTED]; K.MEŠANOVIĆ:P03414, para.48; BERIĆ:T.32860; SIVAC:P00480, T.6638,T.6642; P07194, p.4.

<sup>166</sup> [REDACTED]; [REDACTED]; [REDACTED].

Incident Number	Details
	<p>Detainees threatened with death, humiliated, subjected to ethnic slurs, forced to lick own blood and drink motor oil.<sup>167</sup> Approximately ten detainees beaten, thrown on tyre bonfire.<sup>168</sup> Detainees robbed,<sup>169</sup> extorted for money/property.<sup>170</sup></p> <p>Camp personnel beat, raped/gang-raped women detainees, forced male detainee to attempt to rape young woman.<sup>171</sup> Guards sexually assaulted/tortured male detainee.<sup>172</sup></p> <p>Detainees suffered lasting physical/mental trauma.<sup>173</sup></p>
C.15.3	<p>Keraterm camp operated as detention facility between approximately 25-May and mid-Aug-1992. Prijedor CS established camp, near 43<sup>rd</sup> mtbr command and MP buildings. Prijedor SJB and MP, under camp commander and police reserve officer Duško SIKIRICA, provided security at camp. VRS brought non-Serbs to camp, worked as part of mixed-team interrogators in camp and as camp security.<sup>174</sup> Approximately 4,000 non-Serb detainees crowded in Keraterm, as many as 1,500 at a time, including women, minors and elderly.<sup>175</sup></p> <p>Upon arrival, detainees threatened, searched, property confiscated, brutally beaten (sometimes with instruments) by guards and SIKIRICA,<sup>176</sup> forced to lie on hot asphalt.<sup>177</sup> While detained, beatings frequent.<sup>178</sup> Detainees beaten during/immediately after interrogations.<sup>179</sup> Guards, military police and soldiers called out detainees, particularly at night, cursed and severely beat</p>

<sup>167</sup> AF966; AF1001-AF1003; [REDACTED]; [REDACTED]; [REDACTED]; SIVAC:P00480, T.6627-6628,T.6640-6641,T.6684; K.MEŠANOVIĆ:P03414, para.68; SEJMENOVIC:P00283, para.56; P.RADIĆ:P04333, T.7438; SAJIĆ:D00836, para.58; RM017:P03228, p.21(confidential).

<sup>168</sup> RM017:P03228, pp.18-19(confidential); RM017:P03229, T.3357-3359(confidential); SIVAC:P00480, T.6682-6683.

<sup>169</sup> RM026:P02585, p.9(confidential); [REDACTED];

<sup>170</sup> AF971; [REDACTED]; [REDACTED]; P03276(confidential); SIVAC:P00480, T.6628,T.6639-6640; RM017:P03228, pp.15,19-20(confidential).

<sup>171</sup> AF1000; AF1018; [REDACTED]; [REDACTED]; RM017:P03228, pp.20-21(confidential); K.MEŠANOVIĆ:P03414, paras.53; VULLIAMY:T.2596; SIVAC:P00480, T.6679-6680; MEDIC:P00154, para.36.

<sup>172</sup> RM017:P03228, p.21(confidential); P04136, 00:22'27-00:23'44,tp.9.

<sup>173</sup> [REDACTED]; VULLIAMY:P00199, T.7941;VULLIAMY:T.2694; [REDACTED].

<sup>174</sup> See Prijedor Summary.

<sup>175</sup> AF1031-AF1032; AF1048; P05149, p.4; TAČI:T.2101-2102; ARIFAGIĆ:P03388, p.15; [REDACTED]; RM008:P03224, para.27(confidential); [REDACTED]; [REDACTED].

<sup>176</sup> AF1040; ARIFAGIĆ:P03388, pp.14-15; RM008:P03224, paras.19-20(confidential); [REDACTED]; TAČI:P00158, paras.43; TAČI:T.2100; RM026:P02585, p.8(confidential).

<sup>177</sup> TAČI:T.2099-2100.

<sup>178</sup> AF1043; MERDŽANIĆ:T.3334; TAČI:P00158, para.45.

<sup>179</sup> AF1039; AF1041-AF1042; [REDACTED]; RM026:P02585, p.8(confidential); RM008:P03224, para.32 (confidential).

Incident Number	Details
	<p>them, sometimes with instruments, breaking bones; some detainees never returned.<sup>180</sup> Detainees shot,<sup>181</sup> cut,<sup>182</sup> extorted,<sup>183</sup> humiliated.<sup>184</sup> Soldiers (including Zoran ŽIGIĆ and Duško KNEŽEVIĆ (“Duca”)) threatened, beat and kicked detainees, sometimes to death,<sup>185</sup> ordered detainees to beat each other,<sup>186</sup> psychologically abused detainees and families.<sup>187</sup> Detainees died from beatings;<sup>188</sup> bodies visibly piled in rubbish area.<sup>189</sup> Detainees fearful, especially after Room 3 massacre; sickened when forced to load bodies for removal.<sup>190</sup> Detainees required to do forced labor; trucked away from camp, never seen again.<sup>191</sup> Soldiers and other men raped female detainees until bleeding and unconscious; afterwards displayed rape victim to male detainees.<sup>192</sup></p> <p>Detainees crammed into four former storage rooms, 570 in one room,<sup>193</sup> 2 machine guns in front.<sup>194</sup> Detainees locked in crowded blood-stained rooms, insufficient space to lie down, no bedding.<sup>195</sup> Rooms unlit, hot, little ventilation.<sup>196</sup> Inadequate hygiene facilities and supplies.<sup>197</sup> Little access to toilets; forced to use open leaky barrels, overpowering stench.<sup>198</sup> There was insufficient food, water, little time to eat or drink;<sup>199</sup> detainees licked condensation to quench thirst;<sup>200</sup> suffered malnutrition and starvation;<sup>201</sup></p>

<sup>180</sup> AF1043-AF1045; TAČI:P00158, paras.45-47,83; TAČI:P00159, para.10; RM008:P03224, paras.30-31,36,54(confidential); ARIFAGIĆ:P03388, pp. 16,19-21; ARIFAGIĆ:P03389, T.7090-7091(confidential); [REDACTED]; [REDACTED]; RM026:P02585, p.8(confidential).

<sup>181</sup> TAČI:P00158, para.82; RM008:P03224, paras.50-51,53(confidential).

<sup>182</sup> ARIFAGIĆ:P03388, pp.16,22.

<sup>183</sup> AF1049; ARIFAGIĆ:P03388, pp.15,22; P02896; P07210.

<sup>184</sup> AF1047.

<sup>185</sup> P03966; ARIFAGIĆ:P03388, p.19-20,25; RM008:P03224, para.31(confidential); TAČI:P00158, paras.75-80; TAČI:P00159, para.10; [REDACTED]; SIVAC:P00480, T.6609.

<sup>186</sup> TAČI:P00159, para.10; ARIFAGIĆ:P03388, p.19.

<sup>187</sup> [REDACTED].

<sup>188</sup> These deaths do not include persons killed in Scheduled Incident B.13.1. AF1044; ARIFAGIĆ P03388, pp. 20-21; ARIFAGIĆ:P03389, T.7091(confidential).

<sup>189</sup> ARIFAGIĆ:P03388, pp.14,20; ARIFAGIĆ:P03389, T.7091(confidential).

<sup>190</sup> TAČI:P00158, paras.46,63,70.

<sup>191</sup> ARIFAGIĆ:P03388, pp.15,22; RM008:P03224, paras.52-53(confidential).

<sup>192</sup> AF1048; [REDACTED].

<sup>193</sup> AF1033; ARIFAGIĆ:P03388, pp.15,22,29,31; RADULOVIĆ:P03207, para.137(confidential); RM026:P02585, p.8(confidential); RM008:P03224, paras.25-26,29(confidential); P03225(confidential); P03226(confidential);

<sup>194</sup> ARIFAGIĆ:P03388, pp.14,29,31.

<sup>195</sup> AF1033-AF1034; ARIFAGIĆ P03388, p.15; TAČI:T.2100; RM008:P03224, paras.24-25(confidential); RM026:P02585, p.8(confidential).

<sup>196</sup> AF1034; RM008:P03224, para.29(confidential); TAČI:T.2100; ARIFAGIĆ:P03388, pp.16.

<sup>197</sup> AF1035; TAČI:T.2100.

<sup>198</sup> AF1034-AF1035; RADULOVIĆ:P03207, para.137(confidential); RM008:P03224, para.28(confidential); TAČI:T.2100-2101; ARIFAGIĆ:P03388, p.19.

<sup>199</sup> AF1035; AF1037-AF1038; RADULOVIĆ:P03207, para.137(confidential); ARIFAGIĆ:P03388, p.19; RM008:P03224, paras.28-29,53(confidential).

<sup>200</sup> RM008:P03224, para.29(confidential).

Incident Number	Details
	<p>unable to eat due to beatings.<sup>202</sup> Detainees suffered from dysentery, lice and injuries due to beatings; lacked adequate medical care.<sup>203</sup> Guards shot at outside family members bringing food and clothing.<sup>204</sup></p> <p>Detainees forced to sign promise to leave Prijedor as condition of release.<sup>205</sup> Detainees beaten upon departure.<sup>206</sup> Detainees suffered lasting physical/mental trauma.<sup>207</sup></p>
C.15.4	<p>Trnopolje camp,<sup>208</sup> operated as detention facility between 24-May until end-1992.<sup>209</sup> Trnopolje organized, run and guarded by armed VRS under camp commander KURUZOVIĆ, who reported to Prijedor Regional Command.<sup>210</sup> Trnopolje partially surrounded by wall and fencing/barbed wire,<sup>211</sup> completely surrounded by military guards and machine-gun nests; snipers and armed guards located at checkpoints behind buildings and nearby roads; nobody dared leave.<sup>212</sup> Detainees could leave only if handed over documents, were escorted by guards, or released by KURUZOVIĆ or DRLJAČA.<sup>213</sup> Trnopolje initially held mostly non-Serb women, children and elderly;<sup>214</sup> later, men transferred to Trnopolje from Keraterm and Omarska.<sup>215</sup></p>

<sup>201</sup> AF1037.

<sup>202</sup> ARIFAGIĆ:P03388, pp.19-22; RM008:P03224, para.36(confidential).

<sup>203</sup> AF1035-AF1036; ARIFAGIĆ:P03388, pp.15-19,21.

<sup>204</sup> [REDACTED].

<sup>205</sup> RADULJ:T.35564.

<sup>206</sup> ARIFAGIĆ:P03388, p.26; TAČI:P00159, para.8.

<sup>207</sup> TAČI:P00159, para.7; TAČI:T.2130; [REDACTED].

<sup>208</sup> AF1062; P03620; P00273; P07128; P03230/D00055(partial duplicate).

<sup>209</sup> AF935-AF936; AF1059-AF1060; P02900, pp.2,28; SIVAC:P00480, T.6690; P03948, p.5; SUŠIĆ:P07312, para.36; KIRUDJA:P03587, para.74,fn.187; P03591; P03965; P07199, p.9.

<sup>210</sup> See Prijedor Summary.

<sup>211</sup> AF1066; MERDŽANIĆ:P00269, paras.26-28,74; P00271; P00277/D00056(partial duplicate); P00278; MERDŽANIĆ:T.3362-3365,T.3367; RM060:P02596, T.6879,T.6983-6984(confidential); RM047:P02595, T.6306(confidential); SIVAC:P00480, T.6691; SIVAC:T.4843; K.MEŠANOVIĆ:P03414, para.72; RM017:P03229, T.3351(confidential); SEJMENOVIĆ:P00283, para.44; SEJMENOVIĆ:T.3547; P00206, 00:08:35; 00:09:13-00:09:30; P00200, 00:04'22-00:04'32; VULLIAMY:P00199, T.7946,T.7959,T.8143-8144; VULLIAMY:T.2664,T.2682,T.2721-2722,T.2728.

<sup>212</sup> AF1066; MERDŽANIĆ:P00269, para.32; P00271; SEJMENOVIĆ:P00283, para.44; SEJMENOVIĆ:T.3547; RM047:P02594, p.4(confidential); P07128; MCLEOD:P03258, T.7326-7327; P03266; ARIFAGIĆ:P03388, p.26; VULLIAMY:T.2664; RM017:P03229, T.3350,T.3389(confidential).

<sup>213</sup> AF962; RM060:P02596, T.6875-6876 (confidential); P03894, p.1; P03891, p.3; P04341, p.1; RM017:P03229, T.3350,T.3389(confidential); MERDŽANIĆ:P00269, para.32; MERDŽANIĆ:T.3327-3328,T.3369-3370; BLAŽEVIĆ:P03617, pp.13,17-18; VULLIAMY:T.2724-2725; PUHALIĆ:D00898, para.7; PUHALIĆ:T.31714,T.31697.

<sup>214</sup> AF936; P02900, pp.2,28; MERDŽANIĆ:: P00269, paras.26,38; MERDŽANIĆ:T.3328-3330; TAČI:T.2102-2103; VULLIAMY:P00199, T.7967,T.8050-8051; VULLIAMY:T.2677; BERIĆ:T.32873-32874; RM047: P02594, p.4(confidential).

<sup>215</sup> P04068, p.4; P03948, p.5; RM060:P02596, T.6877(confidential); BLAŽEVIĆ:P03617, pp.27-29; MERDŽANIĆ:P00269, paras.41,71,73-74; MERDŽANIĆ:T.3364-3365; VULLIAMY:P00199, T.7946-7947,T.7956-7958; VULLIAMY:T.2599; K.MEŠANOVIĆ:P03414, para.72; BERIĆ:T.32859-32860,T.32885; [REDACTED].

Incident Number	Details
	<p>Military guards, Prijedor intervention platoon and soldiers from outside threatened detainees;<sup>216</sup> ethnically insulted;<sup>217</sup> robbed and extorted;<sup>218</sup> kicked, beat, sometimes with implements, sometimes to unconsciousness or death;<sup>219</sup> stabbed, cut cross-symbol into skin;<sup>220</sup> forced detainees to fight each other.<sup>221</sup> Soldiers beat detainees during interrogation, sometimes to death.<sup>222</sup> Detainees forced to bury bodies,<sup>223</sup> clean blood-splashed interrogation/beatings room.<sup>224</sup> Detainees taken outside camp for forced labour; did not return.<sup>225</sup></p> <p>VRS soldiers raped women and girls; KURUZOVIĆ raped one victim for one month; said she should give birth to Serb children.<sup>226</sup> Victims/families suffer lasting physical/mental trauma.<sup>227</sup></p> <p>Detainees held in deplorable conditions, insufficient bedding and accommodation; some sleeping outside, in vehicles, tents, home-made shelters.<sup>228</sup> No running water.<sup>229</sup> Limited toilets, self-dug latrines created stench.<sup>230</sup> Inadequate hygiene facilities, causing chronic diarrhea, dysentery,</p>

<sup>216</sup> MERDŽANIĆ:P00269, para.34; [REDACTED]; BLAŽEVIĆ:P03617, p.23; SEJMEŃOVIĆ:P00283, para.49; RM047:P02594, p.5(confidential).

<sup>217</sup> [REDACTED].

<sup>218</sup> RM017:P03228, p.11(confidential); SIVAC:T.4842; SIVAC:P00480, T.6691; [REDACTED].

<sup>219</sup> AF1073; P00273; P00275; RM047:P02594, pp.4,5(confidential); MERDŽANIĆ:P00269, paras.35,45-54,57-58; MERDŽANIĆ:T.3332; P00278; TAČI:P00158, paras.85-89; ARIFAGIĆ:P03388, p.26; BLAŽEVIĆ:P03617, pp.19-22,25; BLAŽEVIĆ:P03618, T.2525; PUHALIĆ:T.31702; SEJMEŃOVIĆ:P00283, para.46; P00200, 00:06'30-00:07'11, 00:07:25-00:07:44 tp.3; P00279, 00:00'28-00:01'45; P04136, 00:15'55-00:16'50, 00:27'46-00:29'35, tp.6,11-12; [REDACTED]; RM709:P03437, p.9(confidential); [REDACTED].

<sup>220</sup> MERDŽANIĆ:P00269, para.50; BLAŽEVIĆ:P03617, p.19.

<sup>221</sup> RM047:P02594, p.5(confidential).

<sup>222</sup> BLAŽEVIĆ:P03617, pp.18-19; MERDŽANIĆ:P00269, paras.47-51; P00275; P00274; P00205, 00:01'12-00:01'54,00:06'47-00:07'10,tp.1-2,4.

<sup>223</sup> MERDŽANIĆ: P00269, para.43; BLAŽEVIĆ:P03617, p.22; BLAŽEVIĆ:P03618, T.2527-2528; SEJMEŃOVIĆ:P00283, para.47.

<sup>224</sup> BLAŽEVIĆ:P03617, p.19; P00274; MERDŽANIĆ:P00269, para.47; VULLIAMY:T.2723.

<sup>225</sup> TAČI:P00158, paras.92-93.

<sup>226</sup> See Prijedor Summary.

<sup>227</sup> [REDACTED]; MERDŽANIĆ:T.3331.

<sup>228</sup> AF1067; AF1072; P07200, p.3; P02813, para.10; RM047:P02594, p.4(confidential); [REDACTED]; RM060:P02596, T.6875, T.6877(confidential); RADULOVIĆ:P03207, para.137(confidential); MERDŽANIĆ:P00269, paras. 37-38,41; MERDŽANIĆ:T.3361; PUHALIĆ:D00898, para.13; PUHALIĆ:T.31675; BERIĆ:T.32854,T.32877; P03266; MCLEOD:P03258, T.7326-7327; SUŠIĆ:P07312, para.37; RM017:P03229, T.3351(confidential); RM060:P02596, T.6875, T.6877(confidential); SEJMEŃOVIĆ:T.3467.

<sup>229</sup> AF1068-AF1069; RM047:P02594, pp.4,7(confidential); MERDŽANIĆ:P00269, paras.37,39; BLAŽEVIĆ:P03617, p.27; VULLIAMY:P00199, T.7961; P02813, para.10;

<sup>230</sup> AF1068; [REDACTED]; MERDŽANIĆ:P00269, para.39; RM060:P02596, T.6876(confidential); RADULOVIĆ:P03207, para.137(confidential); BLAŽEVIĆ:P03617, p.27; VULLIAMY:P00199, T.7961; PUHALIĆ:T.31675; BERIĆ:T.32854; RM047: P02594, p.4(confidential).

Incident Number	Details
	<p>scabies, hepatitis and lice.<sup>231</sup> No electricity.<sup>232</sup> Insufficient food.<sup>233</sup> Inadequate medicine and medical care, causing death.<sup>234</sup></p> <p>VRS and civilian authorities forcibly transferred detainees on convoys.<sup>235</sup> Detainees required to sign documents relinquishing property, claiming leaving voluntarily.<sup>236</sup></p>
C.15.5	<p>Around 21-Jul-92, 117 Muslim men and minors surrendered to Serb soldiers and police, one shot (2 escapees later killed),<sup>237</sup> brought to VRS command post<sup>238</sup> at Miška Glava Dom.<sup>239</sup> 114 detainees crammed and locked into small stifling space;<sup>240</sup> received little or no food;<sup>241</sup> “earned” water by singing Serb songs.<sup>242</sup> Detainees interrogated, tortured and beaten;<sup>243</sup> suffered concussions, bleeding and heavy bruising.<sup>244</sup> MP took away 10 detainees, never seen again.<sup>245</sup> Soldiers took out 3 detainees;<sup>246</sup> one detainee killed outside Dom,<sup>247</sup> detainees buried one body.<sup>248</sup> Around 25-Jul-1992, detainees bussed to Ljubija football stadium.<sup>249</sup></p>

<sup>231</sup> AF1071; RM047:P02594, p.4(confidential); [REDACTED]; MERDŽANIĆ:P00269, paras.39-41; RM060:P02596, T.6876(confidential); P00205, 00:07'10-00:07'19, tp.4; BLAŽEVIĆ:P03617, p.27; P04320, p.4; VULLIAMY:P00199, T.7976; P02813, para.10; P04136, 00:14'50-00:15'13.

<sup>232</sup> MERDŽANIĆ:P00269, para.37.

<sup>233</sup> AF1070-AF1071; RM047:P02594, p.4(confidential); [REDACTED]; RM017:P03228, pp.10-11(confidential); SUŠIĆ:P07312, para.37; MERDŽANIĆ:P00269, paras.31,42,44; RADULOVIĆ:P03207, para.137(confidential); BLAŽEVIĆ:P03617, p.27; SEJMENOVIC:T.3467-3468; P02813, para.10; PUHALIĆ:T.31677; PUHALIC:D00898, para.13; SOKANOVIĆ:T.35775.

<sup>234</sup> RM047:P02594, p.4(confidential); SEJMENOVIC:P00283, para.46; MERDŽANIĆ: P00269, paras.59-62,105; MERDŽANIĆ:T.3339; P00279, 00:00'28-00:01'45; [REDACTED]; BLAŽEVIĆ:P03617, p.13,16-17,25; P02813, para.10; PUHALIĆ:T.31676.

<sup>235</sup> See Prijedor Summary.

<sup>236</sup> MERDŽANIĆ:P00269, para.82; ARIFAGIĆ:P03388, p.27; SIVAC:P00480, T.6691-6692; SIVAC:T.4842.

<sup>237</sup> KARAGIĆ:P00998, T.5203,T.5213-5215,T.5219; KARAGIĆ:T.9121; NASIĆ:P02600, pp.3,9; NASIĆ:P02601, T.12690-12691.

<sup>238</sup> AF1079-AF1080; KARAGIĆ:P00998, T.5215-5217,T.5219; KARAGIĆ:T.9122-9124; NASIĆ:P02600, p.3. By this point the TO had been incorporated into the VRS. See Prijedor Summary.

<sup>239</sup> AF935; AF1081; NASIĆ:P02600 ,p.3; KARAGIĆ:P00998, T.5214-5219; P02437; P01000; P02441.

<sup>240</sup> NASIĆ:P02600, p.3; KARAGIĆ:P00998, T.5218,T.5220,T.5225; KARAGIĆ:T.9130.

<sup>241</sup> KARAGIĆ:P00998, T.5219; KARAGIĆ:T.9130-9131.

<sup>242</sup> KARAGIĆ:P00998, T.5220; KARAGIĆ:T.9129-9130.

<sup>243</sup> AF1080-AF1082; NASIĆ:P02600, pp.3,9; KARAGIĆ:P00998, T.5220-5221; KARAGIĆ:T.9129-9130; P01003, pp.2,3.

<sup>244</sup> AF1082; KARAGIĆ:P00998, T.5220-5521,T.5223,T.5252; P01003, p.2.

<sup>245</sup> NASIĆ:P02600, p.3; KARAGIĆ:P00998, T.5221-5225; KARAGIĆ:T.9103; KARAGIĆ:T.9110,T.9131; P01004; P01003, pp.1,4,5,7.

<sup>246</sup> NASIĆ:P02600, p.3; KARAGIĆ:P00998, T.5221-5222; KARAGIĆ:T.9131; P01003, p.5.

<sup>247</sup> KARAGIĆ:P00998, T.5223; KARAGIĆ:T.9109-9110; P01004; P01003.

<sup>248</sup> KARAGIĆ:P00998, T.5226; KARAGIĆ:T.9131.

<sup>249</sup> See SIC:A.6.8(Prijedor). NASIĆ:P02600, p.3; KARAGIĆ:P00998, T.5225-5227; KARAGIĆ:T.9124-9125.

Incident Number	Details
D.11	<p>Beginning May-92, BSF damaged and destroyed mosques and Catholic churches across Prijedor;<sup>250</sup> no mosques in Prijedor survived war intact.<sup>251</sup></p> <p>BSF heavily damaged or completely destroyed mosques in Kozarac (Mutnik mosque),<sup>252</sup> Bišćani,<sup>253</sup> and Čarakovo.<sup>254</sup> VRS units destroyed mosques in Hambarine (old mosque),<sup>255</sup> Kozaruša,<sup>256</sup> Stari Grad,<sup>257</sup> and Zagrad<sup>258</sup> during attacks thereon. Gomjenica mosque set on fire and suffered interior damage,<sup>259</sup> mosques in Donja Puharska,<sup>260</sup> Gornja Puharska,<sup>261</sup> Kamičani,<sup>262</sup> Ališići,<sup>263</sup> Zecovi,<sup>264</sup> Čejreci,<sup>265</sup> Kevljani,<sup>266</sup> and Brezičani<sup>267</sup> heavily damaged or completely destroyed. BSF burned and destroyed Rizvanović mosque<sup>268</sup></p>

<sup>250</sup> AF1084, AF1100-AF1111; P00485; P00178, pp.22-23,25; RIEDLMAYER:P02503, paras.25,29,38-39,43,48-49,51-52,57; RIEDLMAYER:P02505; RIEDLMAYER:P02510, pp.16-68; RIEDLMAYER:P02511, records#119-161,175,202-204; RIEDLMAYER:P02512, slides#9-10; RIEDLMAYER:P02513, pp.16,18-19,20-23; ATLIJA:P00168, paras.10,108; [REDACTED]; [REDACTED]; MERDŽANIĆ:T.3329-3330; RM017:P03229, T.3405-3407,T.3382-3383(confidential); P03232; SEJMENOVIC:T.3466-3467; RADULJ:T.35564-35565; RADIĆ:P04333, T.7468-7470,T.7473-7475; TAČI:P00158, paras.20-21,24; TAČI:T.2098; KARAGIĆ:P00998, T.5207; RM026:P02586, T.2303(confidential); [REDACTED]. See RIEDLMAYER:P02509; RIEDLMAYER:P02514.

<sup>251</sup> RIEDLMAYER:T.17933.

<sup>252</sup> AF1090, AF1105; RIEDLMAYER:P02510, pp.35-37; RIEDLMAYER:P02513, p.21; P03230; P03231; BLAŽEVIĆ:P03618, T.2503; RM017:P03229, T.3333,T.3382,T.3405-3407(confidential); [REDACTED]; SIVAC:P00480, T.6604; P00485.

<sup>253</sup> AF1107; RIEDLMAYER:P02510, pp.61-62; RIEDLMAYER:P02513, p.18; [REDACTED]; P02961(confidential); P02962(confidential).

<sup>254</sup> AF1096; SUŠIĆ:P07312, paras.16,22; P00178, p.23; RIEDLMAYER:P02510, pp.49-51; RIEDLMAYER:P02513, p.19.

<sup>255</sup> AF1104; RIEDLMAYER:P02510, pp.52-54; RIEDLMAYER:P02513, p.20; ATLIJA:P00168, paras.21-22; NASIĆ:P02601, T.12687-12688; KARAGIĆ:P00998, T.5207; [REDACTED]; P03239; RM026:P02586, T.2303(confidential).

<sup>256</sup> AF1097; AF1109; RIEDLMAYER:P02510, pp.16-17; RIEDLMAYER:P02513, pp.21-22; SEJMENOVIC:P00283, para.40; SEJMENOVIC:T.3466-3467.

<sup>257</sup> AF1086; SIVAC:P00480, T.6575-6576,T.6603-6604; P00485, #vi; RIEDLMAYER:P02510, pp.42-44; RIEDLMAYER:P02512, slide#9; RIEDLMAYER:P02513, pp.22-23; K.MEŠANOVIĆ:P03414, paras.20-21; VUJIĆ:T.35004-35005.

<sup>258</sup> AF1101; RIEDLMAYER:P02503, para.49RIEDLMAYER:P02510, pp.58-60; SIVAC:P00480, T.6575-6576; K.MEŠANOVIĆ:P03414, paras.20-21.

<sup>259</sup> RIEDLMAYER:P02503, para.27; RIEDLMAYER:P02510, p.30.

<sup>260</sup> AF1102; RIEDLMAYER:P02510, pp.65-68; RIEDLMAYER:P02513, p.20; SIVAC:P00480, T.6606-6608; K.MEŠANOVIĆ:P03414,paras.75-76; P03423; P03424; P07365, pp.6-14(BCS, pp.5-13); VUJIĆ:D01041, paras.9-11; VUJIĆ:T.34966,T.35005-35010; P04042, p.2; KARLICA:T.30175.

<sup>261</sup> AF1110; RIEDLMAYER:P02510, pp.63-64.

<sup>262</sup> AF1106; RIEDLMAYER:P02510, pp.33-34; SEJMENOVIC:T.3466-3467; RM047:P02594, pp.3-4(confidential); [REDACTED].

<sup>263</sup> RIEDLMAYER:P02510, pp.23-24.

<sup>264</sup> RIEDLMAYER:P02510, pp.25-26.

<sup>265</sup> RIEDLMAYER:P02510, pp.27-29.

<sup>266</sup> AF1111; RIEDLMAYER:P02510, pp.31-32.

<sup>267</sup> RIEDLMAYER:P02510, p.22.

<sup>268</sup> RIEDLMAYER:P02503, para.47; RIEDLMAYER:P02510, pp.19-21; RIEDLMAYER:P02513, pp.23-24; [REDACTED].

Incident Number	Details
	and Čaršijska mosque; <sup>269</sup> ruins of both mosques razed. <sup>270</sup> Stari Grad mosque rubble demolished and removed on CS orders. <sup>271</sup> During Briševo attack, VRS and other BSF destroyed Catholic church, defaced with graffiti, stole church bell. <sup>272</sup> VRS soldiers blew-up Prijedor town Catholic church; rubble removed with heavy machinery. <sup>273</sup>

<sup>269</sup> AF1100; RIEDLMAYER:P02503, para.49; RIEDLMAYER:P02513, p.22; SIVAC:P00480, T.6575-6576,T.6603-6604,T.6606; P00485; K.MEŠANOVIĆ:P03414, paras.20-21.

<sup>270</sup> RIEDLMAYER:P02503, paras.46-47,50-51; RIEDLMAYER:P02510, pp.19-21,55-57; RIEDLMAYER:P02513, pp.22-24.

<sup>271</sup> P00486, p.3.

<sup>272</sup> AF1108; RIEDLMAYER:P02503, para.57; RIEDLMAYER:P02510, pp.45-48; RIEDLMAYER:P02512, slide#10; RIEDLMAYER:P02513, pp.15-16; ATLIJA:P00168, paras.9-10,54,56-57,63,108; ATLIJA:P00169, para.43(confidential); P00172; P00175; P00176, ERN:V000-2769A, 00:08'15-00:08'35; P07477, p.3.

<sup>273</sup> AF1103; RIEDLMAYER:P02510, pp.38-41; RIEDLMAYER:P02513, pp.16-17; SIVAC:P00480, T.6606-6607; K.MEŠANOVIĆ:P03414,paras.75-76; P03425; P04042, p.2; KARLICA:T.30175; VUJIĆ:T.35005.

## ROGATICA PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
<b>B.14.1</b>	On several occasions between June and September 1992, camp guards (including Rogatica Brigade soldier Radisav LJUBINAC and paramilitary nicknamed “MACOLA”) took male detainees from Veljko Vlahović Secondary School, shooting was heard, and the men would not return. <sup>1</sup>
<b>B.14.2<sup>2</sup></b>	On 15-Aug-92, Rogatica Brigade soldier LJUBINAC <sup>3</sup> took 27 civilian detainees (some minors, others elderly) <sup>4</sup> from Rasadnik to the front line <sup>5</sup> on Rogatica Brigade commander Rajko KUŠIĆ’s orders. <sup>6</sup> Rogatica Brigade unit commander Dragoje PAUNOVIĆ (a.k.a. “ŠPIRO”) <sup>7</sup> along with Bosnian Serb soldiers met the detainees there, <sup>8</sup> used them as human shields, then shot them on ŠPIRO’s orders. <sup>9</sup> Only three survived. <sup>10</sup>
<b>C.16.1</b>	Serb forces under KU[I]’s direct control <sup>11</sup> detained up to 1,100 civilians (mostly women and children) at Veljko Vlahovi} Secondary School from at least 22-May-92 until Sep-92. <sup>12</sup> Detainees were overwhelmingly Muslim. <sup>13</sup> Water and food rations were insufficient, washing and sleeping facilities inadequate. <sup>14</sup> Rogatica Brigade soldiers (including KU[I] and LJUBINAC) and policemen interrogated, beat, tortured, raped and stole property from detainees. <sup>15</sup> Some detainees were forced to dig trenches, carry ammunition, make sniper nests, bury corpses or were used as human shields. <sup>16</sup>
<b>C.16.3</b>	At least between Aug-92 and Oct-94, many Muslims were transferred from Veljko Vlahović Secondary School to Rasadnik camp <sup>17</sup> —a farm outside

<sup>1</sup> AF1135; [REDACTED]; P03014, pp.4-6; TABEAU:P02796, p.28; TABEAU:P02797, p.584; Elvir PAŠIĆ:T.4475; P00436; Elvir PAŠIĆ:P00434, para.29; P04836. *See* Victim Chart:B14.1.

<sup>2</sup> The evidence led shows 27 men taken from the detention facilities at Rasadnik and 24 killed.

<sup>3</sup> P04104; UJIĆ:T.26941; LELEK:T.29620.

<sup>4</sup> BAŽDAR:P02223, p.4; P03023, pp.7-12, numbers 2,3,7,10,15,17,20,26; [REDACTED].

<sup>5</sup> BAŽDAR:P02223, p.5; UJIĆ:T.26996-26997; [REDACTED]; HURKO:P00164, paras.15-20,24; ISAKOVIĆ:P01638, p.4; P06832, p.2.

<sup>6</sup> BAŽDAR:P02223,p.5; HURKO:P00164, para.15; P06832, p.2.

<sup>7</sup> UJIĆ:T.26929; P06832, pp.17,22.

<sup>8</sup> BAŽDAR:P02223, pp.5-6; [REDACTED].

<sup>9</sup> BAŽDAR:P02223, p.6; [REDACTED]; P03023; HURKO:P00164, paras.17,24; ISAKOVIĆ:P01637, p.5; ISAKOVIĆ:P01638, p.4; P06832, p.2; TABEAU:P02796, p.28; TABEAU:P02797, pp.585-593; [REDACTED]; [REDACTED]; [REDACTED]; BAŽDAR:P02224, T.18388-18390. *See* Victim Chart:B.14.2.

<sup>10</sup> [REDACTED]; BAŽDAR:P02223, pp.6-7.

<sup>11</sup> AF1130; [REDACTED]; Elvir PASIĆ:P00434, para.30; P00312; P00459; P06803; P06774; Milenko JANKOVIĆ:T.26649-26650,T.26642.

<sup>12</sup> AF1130; AF1132; AF1134; P02229; [REDACTED]; P06805, pp.1-2; BAŽDAR:P02223, p.4; Elvir PASIĆ:P00434, paras.25-33. *E.g.* BOWEN:P02515, para.53.

<sup>13</sup> [REDACTED]; BAŽDAR:P02223, p.4; HURKO:P00164, para.14; RAJAK:T.27348.

<sup>14</sup> [REDACTED]; ISAKOVIĆ:P01637, p.4.

<sup>15</sup> AF1132-AF1134; [REDACTED]; Elvir PASIĆ:P00434, para.29; BAŽDAR:P02223,p.4; P04104, pp.1,3; P00313, p.1; [REDACTED].

<sup>16</sup> [REDACTED]; ISAKOVIĆ:P01637, pp.4-5; ISAKOVIĆ:P01638, p.4.

<sup>17</sup> ISAKOVIĆ:P01638, p.4; ISAKOVIĆ:P01637, pp.4-5; BAŽDAR:P02223, p.4; [REDACTED]; HURKO:P00164, paras.22,49; P06722, pp.3-4; P03496, pp.1-2; N.ANDRIĆ:T.26393; P02229.

Incident Number	Incident Details
	<p>Rogatica<sup>18</sup> approximately 300-400 metres from CS headquarters.<sup>19</sup> Detainees included civilians.<sup>20</sup> Initially Rasadnik under mixed Rogatica Brigade/police control.<sup>21</sup> Rogatica Brigade controlled Rasadnik from at least Aug-92 onwards<sup>22</sup>, through LJUBINAC<sup>23</sup> then Mile BOJAT<sup>24</sup> and Vinko BOJIĆ (a.k.a. Vili<sup>25</sup> - “Logor Vili” also refers to Rasadnik).<sup>26</sup> KUŠIĆ exercised overall control throughout its operation, including over exchanges.<sup>27</sup> Detainees used for forced labour (cleaning up after shelling, recovering bodies of Serb soldiers from mined areas, and preparing Muslim homes for Serbs to move in),<sup>28</sup> tortured (crosses carved into their bodies, teeth pulled, burned with cigarettes, forced to swallow bullets, beaten with rifle butts and batons),<sup>29</sup> and sexually assaulted and humiliated.<sup>30</sup> Several detainees were executed and others died as a result of beatings or harsh conditions.<sup>31</sup></p>
<b>D.12</b>	<p>At least between June-92 and Dec-92, Serb forces completely destroyed Čaršijska and Arnaudija mosques in Rogatica town.<sup>32</sup> They forced prisoners to clear away the rubble.<sup>33</sup> A number of other mosques in the municipality were heavily damaged by fire, their minarets blown up or damaged.<sup>34</sup></p>

<sup>18</sup> P02228(confidential).

<sup>19</sup> P06831; UJIĆ:T.26992-26993.

<sup>20</sup> P06805, pp.1-2; P06804; P06722, p.4; N.ANDRIĆ:T.26392-26394,T.26396,T.26406-26414; P03496, pp.1-2.

<sup>21</sup> RAJAK:T.27284-27286,T.27345,T.27350; HURKO:P00164, para.23.

<sup>22</sup> HURKO:P00164, paras.34,38,44,48; RAJAK:T.27349; P06854. See HURKO:T.2287-2288.

<sup>23</sup> ISAKOVIĆ:P01638, p.4.

<sup>24</sup> HURKO:P00164, para.34. See SIC:B.14.2(Rogatica).

<sup>25</sup> HURKO:P00164, para.34; UJIĆ:T.26995-26996; RAJAK:T.27355-27356.

<sup>26</sup> RAJAK:T.27364-27365; P06804, p.1.

<sup>27</sup> HURKO:P00164, paras.34,44.

<sup>28</sup> BAŽDAR:P02223, p.5; [REDACTED]; HURKO:P00164, paras.42-43; HURKO:T.2222-2223,T.2227-2228.

<sup>29</sup> ISAKOVIĆ:P01638, pp.4-6; ISAKOVIĆ:P01637, p.5; HURKO:P00164, paras.25-31,41,45-46; HURKO:T.2223-2227; [REDACTED].

<sup>30</sup> HURKO:P00164, paras.35-37.

<sup>31</sup> HURKO:P00164, paras.36,38-43,47-48; HURKO:T.2223-2227; [REDACTED]; ISAKOVIĆ:P01637, p.5; P06722, p.4. E.g. ISAKOVIĆ:P01638, pp.4-5.

<sup>32</sup> AF1137; RIEDLMAYER:P02510, pp.69-73; RIEDLMAYER:P02511, records#177-178; RIEDLMAYER:P02514, rows#357-358; RIEDLMAYER:T.17896-17898; [REDACTED]; RM081:T.3705; [REDACTED]; ISAKOVIĆ:P01637, pp.2,4-5; BAŽDAR:P02223, p.4; D00772, 00:16:32-00:17:00.

<sup>33</sup> HURKO:T.2222.

<sup>34</sup> AF1137; RIEDLMAYER:P02510, pp.74-79; RIEDLMAYER:P02511, records#179-181,186-190,196-201; RIEDLMAYER:P02513, p.24; RIEDLMAYER:P02514, rows#348-356,359-363; [REDACTED].

## SANSKI MOST PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
<b>A.7.1</b>	On 31-May-92, 6 <sup>th</sup> Brigade members separated Begići's men from women and children <sup>1</sup> and took the men to Vrhpolje bridge. <sup>2</sup> At least 28 Muslims were killed; one survived. <sup>3</sup> Four Muslims killed en route by 6 <sup>th</sup> Brigade member PALIJA. <sup>4</sup> Many Serb soldiers at the bridge, <sup>5</sup> where remaining Muslim men beaten, ordered to disrobe and jump into the Sana river as they were shot. <sup>6</sup> Victims' bodies exhumed from the Vrhpoljski Most graves I, II and III. <sup>7</sup> 6 <sup>th</sup> Brigade commander BASARA present for at least part of the incident, <sup>8</sup> but no disciplinary actions taken against perpetrators. <sup>9</sup>
<b>A.7.2</b>	On 31-May-92, VRS 6 <sup>th</sup> Brigade attacked Hrustovo and other villages in Sanski Most. <sup>10</sup> In Hrustovo, uniformed "Serbian Army" soldiers <sup>11</sup> shot and killed an unarmed Muslim man and at least 29 women and children who had gathered from surrounding villages in or around a garage. <sup>12</sup> These victims were exhumed from the Hrustovo I and Hrustovo XI graves and individual graves in the Jeleći hamlet. <sup>13</sup> Most for which cause of death ascertained killed by gunshots to the head. <sup>14</sup>

<sup>1</sup> AF1165; BEGIĆ:T.2142-2147; [REDACTED]; [REDACTED]; P02365, p.3. See P07321, pp.4-5; P07418, p.16; P02367, pp.1-2; P07015, p.22; RM090:P03611, para.41(confidential); P02405, p.1; RM028:P02489, pp.7-23; [REDACTED].

<sup>2</sup> AF1166; BEGIĆ:T.2147-2156; P00163; P07015, p.22; P07021.

<sup>3</sup> AF1168; BEGIĆ:T.2156-2158,T.2162-2168,T.2173,T.2178.

<sup>4</sup> AF1167-AF1168; BEGIĆ:T.2143-2144,T.2150-2154; P00163; [REDACTED]; P07072; [REDACTED]. See P02366; TABEAU:P02797, pp.244,247,249; Victim Chart:A.7.1.

<sup>5</sup> AF1168; BEGIĆ:T.2153,T.2162-2163,T.2167-2168; [REDACTED]; P07071;SEFEROVIĆ:P02502, pp.6-7. See P02366.

<sup>6</sup> AF1168; BEGIĆ:T.2156-2158,T.2162-2168,T.2173,T.2178; P00163; RM706:P02499, T.7257-7259(confidential); P02495, pp.1-2; SEFEROVIĆ:P02502, pp.6-7; [REDACTED]. See P02366.

<sup>7</sup> AF1168; BEGIĆ:T.2150-2154,T.2156-2158,T.2162-2168,T.2173-2178; P00163; P05303, pp.37-38; P03295, pp.5-14,16-21; SÉBIRE:P03284, pp.42-43(confidential); P03287, pp.2-4; P03297; P03299, pp.6-9; SEFEROVIĆ:P02502, p.6; BASARA:T.34528-34530; P02366; DRAGANOVIĆ:P03293, pp.21,27; TABEAU:P02796, pp.18-19,32-33; TABEAU:P02797, pp.243-252; TABEAU:P02793, p.4. See P03285;P07021; Victim Chart:A.7.1.

<sup>8</sup> RM706:P02499, T.7258(confidential); SEFEROVIĆ:P02502, pp.6-7; BASARA:D01031, paras.39-45; BASARA:T.34519-34532. See P02366; [REDACTED].

<sup>9</sup> [REDACTED]; [REDACTED]; P07072; P07073; SEFEROVIĆ:P02502, pp.6-7; P07071. See PREDOJEVIĆ:T.30814-30816,T.30821-30822; BASARA:T.34519-34532.

<sup>10</sup> RM042:P02497, pp.7,9-10(confidential); P02365. See P03851, p.5; [REDACTED]; T.DELIĆ:T.32933-32934.

<sup>11</sup> RM042:P02497, pp.7,9-10(confidential); P02365. See P03851, p.5; [REDACTED]; [REDACTED]; P02366; T.DELIĆ:T.32933-32934. See P02405, p.1; P02367, pp.1-2; RM028:P02489, T.8052-8069 RM706:P02499, T.7249-7254,T.7260-7267(confidential).

<sup>12</sup> [REDACTED] 30 victims were killed in or around the garage. RM042:P02497, pp.7-11(confidential); P02498(confidential); RM706:P02499, T.7272(confidential); P02501; TABEAU:P02797, pp.253-263; TABEAU:P02793, p.4. See P07418, pp.34-36; P07015, p.22; P07021; TABEAU:T.19252-19270; Victim Chart:A.7.2.

<sup>13</sup> P03299, pp.6-9; P03298, pp.1-20; P04682, pp.10-11; P05303, pp.39-40; SÉBIRE:P03284, pp.44-48(confidential); P02494, p.6; DRAGANOVIĆ:P03293, p.27; TABEAU:P02796, pp.19,33; TABEAU:P02797, pp.253-263; P03285; TABEAU:P02793, p.4. See Victim Chart:A.7.2.

Incident Number	Incident Details
A.7.3	On or about 27-Jun-92, <sup>15</sup> VRS soldiers gathered military-age males of Kenjari for interrogation. <sup>16</sup> 20 taken to a house where VRKEŠ said they would likely be exchanged. <sup>17</sup> Instead, they were taken to a house in Blaževici, <sup>18</sup> where soldiers murdered them and torched the house; one survived. <sup>19</sup> Victims were exhumed from Hrustovo IX mass grave. <sup>20</sup>
A.7.4	On 1-Aug-92, VRS soldiers under 6 <sup>th</sup> Brigade battalion commander Mićo “Kudra” PRAŠTALO <sup>21</sup> attacked Budim, Lukavice, and executed 14 members of the ALIBEGOVIĆ family, all of whom were unarmed civilians. <sup>22</sup> The victims were exhumed from the Lukavice mass grave, and all died from gunshots to the head or chest except one. <sup>23</sup>
A.7.5	On 2-Nov-92, SOS and 6 <sup>th</sup> Brigade member <sup>24</sup> Daniluško KAJTEZ, together with Goran VUKOJEVIĆ, Miloš MAKSIMOVIĆ and Tode VOKIĆ rounded up seven Croats from Škrļjevita at the Glamošnica forest, <sup>25</sup> interrogated, mistreated and then executed them; one survived. <sup>26</sup> The survivor heard more gunfire while hiding and later learned four more had been killed. <sup>27</sup> All victims died from gunshots to the head. <sup>28</sup> The perpetrators were not tried until after the war. <sup>29</sup>

<sup>14</sup> P05934, pp.1-4; P04682, pp.10-11; P05939, pp.3-14,17-28,33-36,41-46; P03298, pp.4-19. *See* Victim Chart:A.7.2.

<sup>15</sup> AF1178; RM028:P02489, T.8055-8058.

<sup>16</sup> RM028:P02489, T.8052-8059. *See* [REDACTED]; BASARA:D01031, para.46; P07418, pp.34-36; P07495; P03851, p.7; P02440; P07321, p.4-5.

<sup>17</sup> AF1179; RM028:P02489, T.8058-8060.

<sup>18</sup> AF1179; RM028:P02489, T.8062-8063.

<sup>19</sup> AF1179; RM028:P02489, T.8062-8067; RM028:P02490, T.19079-19083(confidential); P05303, p.40; P02494, p.7; P03299, p.7; P03298, pp.41-43/P02496(partial duplicate); [REDACTED]; [REDACTED]; P05303, p.40; SÉBIRE:P03284, pp.49-50(confidential); P02495; BASARA:D01031, para.46; P02493(confidential); P02496, p.2; TABEAU:P02797, pp.264-267. *See* P03285; Victim Chart:A.7.3.

<sup>20</sup> P04683, p.7; TABEAU:P02796, pp.19-20,33. *See* Victim Chart:A.7.3.

<sup>21</sup> [REDACTED]; [REDACTED]; RM001:P02486, T.6430(confidential); RM001:P02487, pp.6-7(confidential); P03851, p.11.

<sup>22</sup> AF1181; AF1183; P05303, pp.40-41; SÉBIRE:P03284, pp.51-54(confidential); P05940; P05941; RM001:P02487, pp.6-7(confidential); RM001:P02486, T.6424-6434(confidential); P07021; DRAGANOVIĆ:P03293, p.27; TABEAU:P02797, pp.268-274; P03285. *See* [REDACTED]; [REDACTED]; P03851, p.11; P07418, pp.34-36; Victim Chart:A.7.4.

<sup>23</sup> One victim died from a gunshot to the pelvis. P05940; P05941; TABEAU:P02796, pp.20,33. *See* Victim Chart:A.7.4.

<sup>24</sup> AF1185; STOJIC:P00365, T.6773-6774; P03294, pp.34-35; [REDACTED]; P00369, p.1; P02417, p.2; [REDACTED]; P02420.

<sup>25</sup> AF1184-AF1185; STOJIC:P00365, T.6764,T.6773-6776; P07323; P07017.

<sup>26</sup> AF1185; AF1187; STOJIC:P00365, T.6774-6780,T.6791-6793; STOJIC:T.4070-4071,T.4074-4075; SÉBIRE:P03284, pp.55-56(confidential); P00449; P05303, p.41; P03119; P04685, pp.2-3; P05942; P05943; P02791, p.3; TABEAU:P02796, pp.20,33; TABEAU:P02797, pp.275-278. *See* P03285; Victim Chart:A.7.5.

<sup>27</sup> AF1187; STOJIC:P00365, T.6778-6779,T.6791-6793; STOJIC:T.4070-4071,T.4074-4075; P05303, p.41; SÉBIRE:P03284, pp.55-56(confidential); P00449; TABEAU:P02797, pp.275-278. *See* Victim Chart:A.7.5.

<sup>28</sup> P05942; P05943. *See* Victim Chart:A.7.5,

Incident Number	Incident Details
<b>D.13</b>	<p>Between May-Dec-92, Bosnian Serb forces, including on the orders of 6<sup>th</sup> Brigade Chief of Staff BRAJIĆ and the Sanski Most CS,<sup>30</sup> damaged and destroyed mosques in Sanski Most,<sup>31</sup> as part of a plan to intimidate Muslims into leaving the area.<sup>32</sup> 6<sup>th</sup> Brigade and 1KK command were aware of the destruction of mosques.<sup>33</sup></p> <p>On 27-May-92, Bosnian Serb forces, on Sanski Most CS orders, destroyed the Sanski Most Town Mosque.<sup>34</sup> In May-92, 6<sup>th</sup> Brigade burned down the old Hrustovo-Kukavice mosque and the new Hrustovo-Kukavice mosque was damaged.<sup>35</sup> In mid-92, Bosnian Serb forces destroyed the Donji Kamengrad mosque.<sup>36</sup></p> <p>In Oct-92, Bosnian Serb forces destroyed the Šehovci mosque.<sup>37</sup> Bosnian Serb forces also destroyed the Čaplje, Lukavice, and Tomina mosques.<sup>38</sup> Dževar,<sup>39</sup> Husimovci,<sup>40</sup> Skucani Vakuf,<sup>41</sup> and Trnova<sup>42</sup> mosques were heavily</p>

<sup>29</sup> P03556; [REDACTED]; [REDACTED]. See STOJIĆ:P00365, T.6793-6795; P07016; P07018; TADIĆ:T.29982-29990; P00369; P00366; P02428(confidential); P07323, pp.1-3(confidential); [REDACTED]; P00372. See P03563. See Sanski Most Summary.

<sup>30</sup> AF1193; [REDACTED]; [REDACTED]; BASARA:P07322, pp.1-2; BASARA:T.34496-34504.

<sup>31</sup> AF1192; RIEDLMAYER:P02506, p.5; RIEDLMAYER:P02510, pp.80-122; RIEDLMAYER:P02511, records#84-95,98-118,176; RIEDLMAYER:P02512, slides#1-2,6; RIEDLMAYER:P02513, pp.25-31; RIEDLMAYER:P02514, rows#364-397; P00178, p.36; P07020, p.7; DRAGANOVIĆ:P03293, pp.15,19,43; J.MARIĆ:P03117, pp.2-3.

<sup>32</sup> [REDACTED]; P07019, p.3. See P03614;P07021; B.DELIĆ:P03432, pp.5-7; P03434, pp.2-4; KARABEG:P03248, p.7; KARABEG:P03252, T.18701-18703.

<sup>33</sup> BASARA:P07322; BASARA:T.34496-34504.

<sup>34</sup> Also known as the Hamza Beg's Mosque. AF1192; RIEDLMAYER:P02510, pp.80-82; RIEDLMAYER:P02511, record#84; RIEDLMAYER:P02513, pp.30-31; RIEDLMAYER:P02514, row#388; P00178, pp.36,38; [REDACTED]; [REDACTED]; P07019, p.3.

<sup>35</sup> New mosque in Donja Mahala—Kukavice. AF1161; AF1192; RIEDLMAYER:P02510, pp.104-108; RIEDLMAYER:P02511, records#110-111; RIEDLMAYER:P02513, p.28; RIEDLMAYER:P02514, rows#377-378; RM090:P03611, para.33(confidential); P00178, p.36; [REDACTED]; BASARA:T.34531-34532; BASARA:P07322, pp.1-2; P07389; J.MARIĆ:P03117, p.3; P02498, p.5(confidential); RM042:P02497, pp.9-10(confidential); RM706:P02499, T.7249(confidential).

<sup>36</sup> AF1192-AF1193; RIEDLMAYER:P02510, pp.88-89; RIEDLMAYER:P02511, records#91-93; RIEDLMAYER:P02512, slide#6; P00178, p.36; RIEDLMAYER:P02513, pp.27-28; RIEDLMAYER:P02514, rows#372-374; KARABEG:P03250, T.6086-6088; [REDACTED]; [REDACTED]; [REDACTED]; DRAGANOVIĆ:P03293, p.43; [REDACTED].

<sup>37</sup> RIEDLMAYER:P02506, p.5; RIEDLMAYER:P02510, pp.112-114; RIEDLMAYER:P02511, record#100; RIEDLMAYER:P02513, p.31; RIEDLMAYER:P02514, row#389; P00178, p.38; [REDACTED]; J.MARIĆ:P03117, p.3; [REDACTED].

<sup>38</sup> AF1192; RIEDLMAYER:P02510, pp.92-93,97-98; RIEDLMAYER:P02511, records#101,109,114; RIEDLMAYER:P02513, p.27; [REDACTED]; RIEDLMAYER:P02514, rows#370,382,393; RM001:P02486, T.6422-6424(confidential); P00178, p.36.

<sup>39</sup> RIEDLMAYER:P02510, pp.83-85; RIEDLMAYER:P02511, record#106; RIEDLMAYER:P02514, row#385; [REDACTED]; P00178, p.36.

<sup>40</sup> RIEDLMAYER:P02510, pp.86-87; RIEDLMAYER:P02511, record#107; RIEDLMAYER:P02513, p.29; RIEDLMAYER:P02514, row#379.

<sup>41</sup> RIEDLMAYER:P02510, pp.90-91; RIEDLMAYER:P02511, record#116; RIEDLMAYER:P02514, row#390; [REDACTED]; P00178, p.36.

Incident Number	Incident Details
	<p>damaged, Stari Majdan (Palanka and Utriška)<sup>43</sup> and Pobriježje mosques<sup>44</sup> completely destroyed and Vrhpolje mosque's minaret was blown up.<sup>45</sup></p> <p>In Jul-92, the Roman Catholic Church was vandalized and damaged by machinegun fire, and in Aug-95, completely razed by Serb forces.<sup>46</sup></p>

<sup>42</sup> RIEDLMAYER:P02510, pp.115-117; RIEDLMAYER:P02511, record#98; RIEDLMAYER:P02514, row#394; [REDACTED]; [REDACTED]; P00178, p.36.

<sup>43</sup> RIEDLMAYER:P02510, pp.118-122; RIEDLMAYER:P02511, records#104,176; RIEDLMAYER:P02513, p.31; RIEDLMAYER:P02514, rows#391-392; P07019, p.3; [REDACTED]; P00178, p.36.

<sup>44</sup> RIEDLMAYER:P02510, pp.101-103; P00178, pp.36,38; [REDACTED]; P07019, p.3.

<sup>45</sup> RIEDLMAYER:P02510, pp.109-111; RIEDLMAYER:P02511, record#117; RIEDLMAYER:P02512, slides#1-2; RIEDLMAYER:P02513, p.31; RIEDLMAYER:P02514, row#395; P00178, p.36; [REDACTED].

<sup>46</sup> RIEDLMAYER:P02510, pp.99-100; RIEDLMAYER:P02511, record#86; RIEDLMAYER:P02513, p.25; RIEDLMAYER:P02514, row#365; [REDACTED].

# **SOKOLAC PROOF CHART FOR SCHEDULED INCIDENTS**

Incident Number	Incident Details
A.8.1	<p>On 22-Sep-92, 2<sup>nd</sup> Romanija mtbr soldiers under Radislav KRSTIĆ's command, including military police under Momčilo PAJIĆ, surrounded Novoseoci;<sup>1</sup> ordered villagers to gather at a meadow; looted houses; beat up an old man and killed one woman; ordered approximately 100 women, children and disabled to board buses bound for Sarajevo; and executed the remaining 44 boys and men.<sup>2</sup></p> <p>42 victims' remains recovered from Ivan Polje municipal garbage dump.<sup>3</sup> All 42 victims shot—for 41 this was cause of death; 38 shot multiple times.<sup>4</sup> Exhumation report conclusions consistent with many being shot from behind with high velocity weapons.<sup>5</sup> 2 victims' bodies not recovered from the site.<sup>6</sup></p>
D.14	<p>Between Jul-92 and Sep-92, Knežina, Kaljina, Košutica and Kruševci mosques completely destroyed during attacks on Muslim villages by the 2<sup>nd</sup> Romanija mtbr.<sup>7</sup> On 22-Sep-92, 2<sup>nd</sup> Romanija mtbr engineers destroyed Novoseoci mosque—the same day Brigade soldiers massacred Novoseoci Muslims<sup>8</sup>—and deposited the rubble on top of the burial site at the Ivan Polje garbage dump 6km away.<sup>9</sup></p>

<sup>1</sup> P03822, p.1; SELMANOVIC:P00717, paras.11-13; SELMANOVIĆ:T.6826; TUPAJIĆ:P03170, T.15427-15428,T.15432.

<sup>2</sup> AF1237-AF1238; P03822, p.1; SELMANOVIC:P00717, paras.7-23; P00726; SELMANOVIC:T.6723-6727,T.6823-6824; TUPAJIĆ:P03170, T.15427-15429; P00719; TABEAU:P02797, pp.279-287. *See* Victim Chart:A8.1.

<sup>3</sup> CLARK:P02262, pp.1,14-15; P00727, pp.1-17; SELMANOVIC:P00717, para.21; SELMANOVIC:T.6817-6819; TUPAJIĆ:P03170, pp.97-98; P07529, pp.9-11; TABEAU:P02797, pp.279-287; TABEAU:P02796, pp.20-21. *See* Victim Chart:A8.1.

<sup>4</sup> CLARK:P02262, pp.14-15.

<sup>5</sup> CLARK:P02262, p.16.

<sup>6</sup> M.SELMANOVIC:P00717, paras.21-23; M.SELMANOVIC:T.6719-6720,T.6825,T.6828-6829; P00720.

<sup>7</sup> AF1239; RIEDLMAYER:P02510, pp.125-129,135-137; RIEDLMAYER:P02511, records#182-185,194-195; RIEDLMAYER:P02514, rows#442-445,447; TUPAJIĆ:P03170, T.15431; GAGULA:P02525, p.6.

<sup>8</sup> *See* SIC:A.8.1(Sokolac).

<sup>9</sup> RIEDLMAYER:P02503, para.48; RIEDLMAYER:P02510, pp.130-134; RIEDLMAYER:P02512, slides#17-18; RIEDLMAYER:P02513, p.32; RIEDLMAYER:P02514, row#446; RIEDLMAYER:T.17896,T.17932-17933; P00727, pp.2-3; TUPAJIĆ:P03170, T.15430-15431.

## VLASENICA PROOF CHART FOR SCHEDULED INCIDENTS

Incident Number	Incident Details
A.9.1	On or about 2-Jun-92, Serb Forces under Birač Brigade command, including VRS and police, attacked Muslim village Drum, <sup>639</sup> dragging inhabitants from houses and killing over 20 civilian men. <sup>640</sup> Muslim detainees forced to bury victims; <sup>641</sup> bodies exhumed from several mass graves. <sup>642</sup> Most had single close-range gunshot wounds between the eyes. <sup>643</sup> Birač Brigade military police aware of the massacre, no one punished [REDACTED]. <sup>644</sup>
B.16.1	In Jun and Jul-92, nine Sušica camp detainees beaten to death or shot by camp guards, including camp commander Dragan NIKOLIĆ. <sup>645</sup> Deaths reported to warden BAŠIĆ with no consequences. <sup>646</sup>
B.16.2	Around 30-Sep-92, Serb Forces including SJB Vlasenica police killed remaining 140-150 Sušica detainees. <sup>647</sup>
C.19.3	Sušica camp <sup>648</sup> organised at Birač Brigade Commander ANDRIĆ's order on 31-May-92 <sup>649</sup> and jointly operated by Birač Brigade and RSMUP. <sup>650</sup> From Jun until about 30-Sep-92, <sup>651</sup> RSMUP Special Unit member Dragan NIKOLIĆ was camp commander <sup>652</sup> and Veljko BAŠIĆ camp warden. <sup>653</sup> Several thousand Muslim civilians detained in Sušica, as many as 650 at one

<sup>639</sup> AF1252; RM004:P03391, paras.7-20(confidential); [REDACTED]; [REDACTED]; P04092, pp.2-3; P07352, p.3; P03736, p.1; P01825(confidential).

<sup>640</sup> AF1252; RM004:P03391, paras.10-15,22-23(confidential); RM004:P03393, T.18132(confidential); I.OSMANOVIĆ:P00207, para.28; I.OSMANOVIĆ:T.2757-2758; [REDACTED].

<sup>641</sup> I.OSMANOVIĆ:P00207, para.28.

<sup>642</sup> TABEAU:P02797, pp.288-293; TABEAU:P02793, p.4; TABEAU:P02796, p.21,33; P05960, pp.5-7; P05965, pp.6-7(confidential); P04688-P04689; P05945-P05946; P05949-P05950. See Victim Chart:A.9.1.

<sup>643</sup> I.OSMANOVIĆ:P00207, para.28; I.OSMANOVIĆ:T.2757-2758.

<sup>644</sup> [REDACTED]; [REDACTED].

<sup>645</sup> AF1265; RM030:P01612(confidential); FERHATBEGOVIĆ:P02527, p.2; Mane ĐURIĆ:T.27709; [REDACTED]; [REDACTED]; P00197, pp.4,16(confidential); FERHATBEGOVIĆ:P02526, pp.6-7; RM030:P01610, pp.3-5(confidential); RM030:P01611, pp.2-3(confidential); [REDACTED]; P04843; I.OSMANOVIĆ:P00207, paras.27,37-38,44-45,50; I.OSMANOVIĆ:T.2759-2761,T.2807-2808; P00210; I.OSMANOVIĆ:D00049, pp.2-3; I.OSMANOVIĆ:D00050, p.2; TABEAU:P02797, pp.594-597; TABEAU:P02796, pp.28,33. See Victim Chart:B.16.1

<sup>646</sup> AF1265; Mane ĐURIĆ:T.27709.

<sup>647</sup> AF1267; AF1268; P06936; [REDACTED]; [REDACTED]; P00197, pp.1-2,5-10,15,17-20(confidential); RM030:P01610, p.6(confidential); P00195, pp.1-2; P04873; P04874; P04875; P04879; P05965, p.7(confidential); RM004:P03392, para.4(confidential); TABEAU:P02797, pp.598-615; P02791, p.6; TABEAU:P02796, pp.28-29,33. See Victim Chart:B.16.2.

<sup>648</sup> [REDACTED]; P00526; [REDACTED].

<sup>649</sup> AF1254; P00190; P03737; [REDACTED], [REDACTED]; S.ANDRIĆ:D01033, para.4; S.ANDRIĆ:T.34744-34753,T.34802-34803; Mane ĐURIĆ:T.27707.

<sup>650</sup> [REDACTED]; P00193

<sup>651</sup> AF1259; [REDACTED].

<sup>652</sup> AF1263; [REDACTED]; [REDACTED]; I.OSMANOVIĆ:P00207, paras.32-34; I.OSMANOVIĆ, T.2774-2776; P00211.

<sup>653</sup> AF1255; [REDACTED].

Incident Number	Incident Details
	<p>time including women, children, elderly (from 1 to 80-years-old) and mentally/physically disabled,<sup>654</sup> many had been abused before arrival.<sup>655</sup> Detainees subjected to inhumane and degrading treatment<sup>656</sup> including torture:<sup>657</sup> frequent and brutal kicking and beating, sometimes with implements, sometimes breaking bones; beatings during interrogations;<sup>658</sup> detainees visibly tied in painful positions for hours;<sup>659</sup> forced labour;<sup>660</sup> extortion and confiscation of property;<sup>661</sup> rape/sexual violence;<sup>662</sup> threats with guns/knives;<sup>663</sup> and murders.<sup>664</sup> Detainees witnessed/heard beatings and deaths;<sup>665</sup> forced to carry and bury bodies.<sup>666</sup> Horrible conditions: insufficient food and water; no beds; inadequate hygiene facilities; no functioning toilets, beaten after using latrine; no medical care; no heat.<sup>667</sup> Detainees and conditions hidden from international organisations<sup>668</sup> and public.<sup>669</sup> Women/children separated from men, forcibly expelled.<sup>670</sup> [REDACTED].<sup>671</sup> Birač Brigade command aware of beatings and killings in the camp, no one punished [REDACTED].<sup>672</sup></p>

<sup>654</sup> AF1258; I.OSMANOVIĆ:P00207, paras.31-32,41,50; Elvir PAŠIĆ:P00434, paras.32-35; Elvir PAŠIĆ, T.4497,T.4503-4504; RM004:P03391, paras.27-28,32(confidential); RM030:P01612, p.1(confidential); [REDACTED]; [REDACTED]; P00195; RAMIĆ:P02528, para.11.

<sup>655</sup> [REDACTED]; I.OSMANOVIĆ:P00207, para.27-29; RAMIĆ:P02528, paras.10-11(confidential); KURALIĆ:P02521, pp.4-6; [REDACTED].

<sup>656</sup> [REDACTED]; [REDACTED]; RAMIĆ:P02528, para.11.

<sup>657</sup> [REDACTED].

<sup>658</sup> AF1263; I.OSMANOVIĆ:P00207, paras.38-40,42; I.OSMANOVIĆ:T.2762; KURALIĆ:P02521, pp.6-7; RM030:P01610, pp.3-6(confidential; RM030:P01611, p.2(confidential; RM030:P01612, p.2(confidential; [REDACTED]; P00211; [REDACTED]; [REDACTED]; [REDACTED]; Mane ĐURIĆ:T.27709; FERHATBEGOVIĆ:P02526, p.6.

<sup>659</sup> RM030:P01610, p.5(confidential).

<sup>660</sup> AF1261; I.OSMANOVIĆ:P00207, para.41; RM030:P01610, pp.2,6(confidential); [REDACTED].

<sup>661</sup> AF1260; [REDACTED]; FERHATBEGOVIĆ:P02526, p.7; RM030:P01610, p.2(confidential).

<sup>662</sup> [REDACTED]; I.OSMANOVIĆ:D00049, p.3; P06938, p.5; [REDACTED]; [REDACTED]; [REDACTED]; RAMIĆ:P02528, para.11.

<sup>663</sup> I.OSMANOVIĆ:P00207, paras.40,43; KURALIĆ:P02521, p.7; RM030:P01610, p.5(confidential).

<sup>664</sup> See SIC:B.16.1(Vlasenica).

<sup>665</sup> I.OSMANOVIĆ:P00207, paras.38,44; FERHATBEGOVIĆ:P02526, pp.6-7; [REDACTED]; RM030:P01610, pp.3-6(confidential).

<sup>666</sup> RM030:P01610, pp.3-5(confidential).

<sup>667</sup> AF1262; I.OSMANOVIĆ:P00207, para.32; [REDACTED]; RM030:P01610, p.6(confidential); FERHATBEGOVIĆ:P02526, p.7; RM004:P03391, para.30(confidential; [REDACTED]. [REDACTED]; RAMIĆ:P02528, para.11.

<sup>668</sup> AF1264; [REDACTED].

<sup>669</sup> P00193, p.4.

<sup>670</sup> RM030:P01610, p.2(confidential); [REDACTED].

<sup>671</sup> [REDACTED]; [REDACTED].

<sup>672</sup> Mane ĐURIĆ:T.27709; [REDACTED].

**ANNEX C**

**Srebrenica Mass Graves Connections**

## Annex C

### *I. Forensic connections between Glogova 1 and 2 primary mass graves and the Zeleni Jadar, Budak, Zalazje and Blječeva secondary mass graves*

#### *Aerial imagery*

- (i) Aerial images taken on 17 July 1995 show disturbed earth on both sides of the road separating Glogova 1 and 2.<sup>1</sup>
- (ii) A split aerial image shows further disturbance at Glogova 1 between 27 July and 20 October 1995.<sup>2</sup>
- (iii) Aerial images show that by 30 October 1995 Glogova 1 was refilled, while excavation by a front loader continued in the Glogova 2 area.<sup>3</sup>
- (iv) Aerial images of the Zeleni Jadar secondary gravesites show they were excavated between 24 August and 12 October 1995 and refilled between 2 and 23 October 1995.<sup>4</sup>

#### *Soil and pollen*

- (i) An analysis of soil and pollen samples links Glogova 2 and Zeleni Jadar 5.<sup>5</sup>

#### *Artefacts*

- (i) Artefacts, some of which originated from Kravica Warehouse, were found at the Glogova graves (except in subgrave L).<sup>6</sup>
- (ii) Similar artefacts were found in Zeleni Jadar 5 and 6.<sup>7</sup>
- (iii) Building materials were also found in the Ravnice primary undisturbed mass grave.<sup>8</sup>

#### *Fragments of grenades and shrapnel*

- (i) Glogova 1 and Zeleni Jadar 6 contained fragments of grenades and shrapnel.<sup>9</sup>
- (ii) Shell cases from Zeleni Jadar 5 matched shell cases found at Kravica Warehouse.<sup>10</sup>

<sup>1</sup> P01736, pp.79-80; P01481, p.11. Subgraves E and L in Glogova 1 were created sometime between 17 and 27 July 1995. P01735, p.14; P01481, p.12; P01766, p.13; P01763, pp.21-22; P01481, p.12.

<sup>2</sup> P01481, p.13; P01735, p.13. While all other subgraves in Glogova 1 were disturbed by the end of October 1995, subgraves K, E and L remained untouched. P01735, p.14; P01766, p.7; P01763, pp.21-22,27.

<sup>3</sup> AF1551; P01481, pp.14-15; RUEZ: T.9806-9807; P01132, p.247; P01735, p.13.

<sup>4</sup> P01481, pp.31-42. *See also* MANNING:P01730, T.25831-25835; RUEZ:T.9807-9810; P01132, pp.249.

<sup>5</sup> P01736, pp.79,83; P02089, p.20.

<sup>6</sup> AF1547; WRIGHT:P01769, T.22269-22270; P01763, p.19; P01766, p.6; P01738, p.7.

<sup>7</sup> P01736, p.84; P01738, p.5; P01762, p.25; P02090, pp.2,12-13; WRIGHT:P01769, T.22269-22270; MANNING:P01730, T.25830-25831.

<sup>8</sup> MANNING:P01730, T.25829; P01987, pp.12-13.

<sup>9</sup> P01763, pp.3,17-18; P02090, p.12; P01738, pp.5-6; P01735, pp.13-15.

<sup>10</sup> P01819; CURTIS:T.14821-14824,T.14832-14833; P01733, p.3; P01736, pp.15-16,82,86.

### *Nature of injuries*

- (i) Individuals in these graves died as a result of gunshot wounds, as well as high impact blast injuries.<sup>11</sup>

### *DNA*

- (i) An analysis of DNA matching reports issued by ICMP shows DNA connections between the Glogova graves, between the Glogova graves and the Budak / Blječeva / Zeleni Jadar / Zalazje graves, as well as between some secondary mass graves.<sup>12</sup>
- (ii) DNA from a tooth found at Kravica Warehouse matches DNA extracted from bones found in Zeleni Jadar 2.<sup>13</sup>
- (iii) The current total of 1,388 DNA identified persons whose remains were exhumed from the Ravnice, Glogova, Zeleni Jadar, Budak, Blječeva, and Zalazje graves consists of:
  - a. 207 individuals identified from Ravnice,
  - b. 399 individuals identified from Glogova 1 and Glogova 2, and
  - c. 782 individuals identified from secondary mass graves associated with Glogova.<sup>14</sup>

## *II. Forensic connections between Lažete 1 and 2 primary mass graves and the Hodžići Road secondary mass graves*

### *Aerial imagery*

- (i) Aerial images show earth was disturbed at Lažete 1 and 2 between 5 and 27 July 1995.<sup>15</sup>
- (ii) Aerial images show a further disturbance to Lažete 1 and 2 between 7 and 27 September 1995.<sup>16</sup>
- (iii) Aerial images show the Hodžići Road graves were created by 2 October 1995.<sup>17</sup>

### *Blindfolds*

<sup>11</sup> AF1546; AF1548; P01812, pp.2-3,10-12,17-22,24-26,31-43; P01735, p.15; P02261, pp.13,15-18,20-22,24-28.

<sup>12</sup> P01987, pp.49-51,75,78-80. *See also* P01982, pp.374-551(confidential).

<sup>13</sup> P01987, p.27; P01982, p.484(confidential) (concerning the identified remains of [REDACTED]).

<sup>14</sup> For the current breakdown of the number of bodies identified via DNA from each of these primary and secondary mass graves, *see* P01987, pp.3-4,11-14,26-32,39-40. *See also* P01982, pp.55-84,252-301 (confidential). Zalazje 1 contained 33 individuals, as indicated on P01987, p.4, not 30 as indicated on P01987, p.40. *See also* P01982, pp.299(confidential).

<sup>15</sup> P01481, p.17. *See also* P01736, p.50; MANNING:T.14167-14168; RUEZ:T.9735-9736; P01132, pp.140-141.

<sup>16</sup> P01481, pp.18-19. *See also* MANNING:T.14168-14169; RUEZ:T.9804; P01132, pp.240-241.

<sup>17</sup> P01481, pp.43-54. *See also* P01736, pp.54,58,61; MANNING:T.14169-14170.

- (i) Strips of cloth were found at both Lažete 2 and Hodžići Road 3, 4 and 5.<sup>18</sup>
- (ii) A total of 594 blindfolds were found at the Orahovac School and in and around Orahovac-related graves.<sup>19</sup>

#### *Soil and pollen*

- (i) An analysis of soil and pollen samples links Lažete 2 and Hodžići Road secondary graves.<sup>20</sup>

#### *Artefacts*

- (i) Flaked limestone and glossy black rocks were found in Lažete 2 and Hodžići Road secondary graves.<sup>21</sup>

#### *Shell cases*

- (i) Shell cases from Lažete 2 matched shell cases found at Hodžići Road 3, 4 and 5.<sup>22</sup>

#### *Nature of injuries*

- (i) The majority of individuals found in Orahovac-related graves died of gunshot wounds.<sup>23</sup>

#### *DNA*

- (i) An analysis of DNA matching reports issued by ICMP shows DNA connections between Lažete 1 and Hodžići Road 5, between Lažete 2 and Hodžići Road 1, 2, 3, 4, 6, and 7, and between Hodžići Road secondary graves.<sup>24</sup>
- (ii) The current total of 848 DNA identified persons whose remains were exhumed from Lažete 1 and 2 and Hodžići Road 1-7 consists of:

- a. 308 individuals identified from Lažete 1 and 2, and
- b. 540 individuals identified from the associated secondary graves.<sup>25</sup>

<sup>18</sup> P01771, pp.2-5,7,8,10,16,-21,23,43; P01736, p.17.

<sup>19</sup> P01736, pp.52,56,60,63; P01735, pp.7,10. *See also* P01740, pp.2-202; P02260, pp.8-9,14.

<sup>20</sup> P01736, pp.51,55.

<sup>21</sup> P01762, pp.23-25.

<sup>22</sup> P01819; CURTIS:T.14821-14824,T.14832-14833; P01733, pp.1-3; P01736, pp.15-16, 52, 56, 60, 63.

<sup>23</sup> P01809, pp.2-3; P01810, pp.2-3; P01811, pp.2-3; P01832, pp.11,62-63. *See also* P01736, pp.52,56,59-60,62-63.

<sup>24</sup> P01987, pp.48,75,77. *See also* P01982, pp.374-551(confidential).

<sup>25</sup> For the current breakdown of the number of bodies identified via DNA from each of these primary and secondary mass graves, *see* P01987, pp.3-4,9-10,20-23,39-41. *See also* P01982, pp.18-32,179-210(confidential).

*III. Forensic connections between the Petkovci Dam primary mass grave and the Liplje secondary mass graves*

*Aerial imagery*

- (i) Aerial images show the grave at Petkovci Dam was first created between 5 and 27 July 1995.<sup>26</sup>
- (ii) Aerial images show the grave at Petkovci Dam was disturbed between 7 and 27 September 1995.<sup>27</sup>
- (iii) Aerial images also show the associated secondary sites of Liplje 1-4 were created by 2 October 1995.<sup>28</sup>

*Ligatures*

- (i) One twine ligature was found at the grave at Petkovci Dam and 23 twine ligatures at Liplje 2.<sup>29</sup>

*Artefacts*

- (i) Unweathered blocks of limestone from the retaining structure of the Dam were found at Liplje 2.<sup>30</sup>

*Shell cases*

- (i) At least 750 shell cases were recovered from the surface of the Dam site during the exhumation.<sup>31</sup>

*Nature of injuries*

- (i) The shapes of 464 skull fragments were consistent with gunshot wounds.<sup>32</sup>
- (ii) Similar characteristics of the bodies link the grave at Petkovci Dam and Liplje 2.<sup>33</sup>

*DNA*

- (i) An analysis of DNA matching reports issued by ICMP shows DNA connections between the grave at Petkovci Dam and the five Liplje graves, as well as between the Liplje secondary grave sites.<sup>34</sup>

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<sup>26</sup> P01481, p.21.

<sup>27</sup> P01481, p.22; P01132, p.242; RUEZ:T.9804-9805.

<sup>28</sup> P01481, pp.55-61. *See also* RUEZ:T.9811-9812; P01132, pp.254-255.

<sup>29</sup> P01736, pp.67,71; P01740, pp.207,209. *See also* P01806, pp.20-21; P01813, pp.2,16-19.

<sup>30</sup> P01762, p.21,25.

<sup>31</sup> P01736, pp.10. *See also* P01736, pp.15-16.

<sup>32</sup> P01736, pp.66-67.

<sup>33</sup> P01813, p.3.

<sup>34</sup> P01987, pp.49,75,77. *See also* P01982, pp.374-551(confidential).

(ii) The current total of 815 DNA identified persons whose remains were exhumed from the grave at Petkovci Dam and Liplje 1, 2, 3, 4 and 7 consists of:

- a. 19 individuals identified from the grave at Petkovci Dam, and
- b. 796 individuals identified from the associated secondary mass graves.<sup>35</sup>

*IV. Forensic connections between the Kozluk primary mass grave and Čančari Road secondary mass graves*

*Aerial imagery*

- (i) Aerial images show the Kozluk grave was created between 5 and 17 July 1995.<sup>36</sup>
- (ii) Aerial images show there was further disturbance to the site between 7 and 27 September 1995.<sup>37</sup>
- (iii) Aerial images show related secondary mass graves were created between 7 September and 2 October 1995.<sup>38</sup>

*Blindfolds and ligatures*

- (i) Blindfolds and ligatures were also found at the Kozluk grave and the associated secondary graves.<sup>39</sup>

*Artefacts*

- (i) Bottle labels and glass originating from the Vitinka bottling factory near the Kozluk grave were found at Čančari Road 1 and 3.<sup>40</sup>

*Soil and pollen*

- (i) An analysis of soil and pollen samples links the Kozluk grave and Čančari Road 3.<sup>41</sup>

*Shell cases*

- (i) Shell cases from the Kozluk grave matched shell cases found at Čančari Road 3.<sup>42</sup>

*Nature of the injuries*

- (i) Gunshot wounds accounted for the deaths of the victims in these graves.<sup>43</sup>

<sup>35</sup> For the current breakdown of the number of bodies identified via DNA from each of these primary and secondary mass graves, see P01987, pp.3-4,10-11,23-25,41. See also P01982, pp.39-40,211-251(confidential).

<sup>36</sup> P014841, p.24; P01132, p.192; RUEZ:T.9775; P01736, p.72.

<sup>37</sup> P01481, p.25; MANNING:T.14163-14165; P01132, p.243; RUEZ:T.9805; P01736, p.72.

<sup>38</sup> P01481, pp.62-69,74-75; P01736, pp.72,75; P01132, pp.258-261; RUEZ:T.9813-9815. See also MANNING:P01730, T.25837; P01481, p.63.

<sup>39</sup> AF1594; P01736, p.74; P01761, pp.15,29-33.

<sup>40</sup> P01762, pp.22-23; P01736, pp.72,75; P01132, pp.190,193-195; RUEZ:T.9774-9778; P01761, p.15.

<sup>41</sup> P01762, pp.21-22.

<sup>42</sup> P01819; P01736, pp.15-16,77; P01733, p.1.

## DNA

- (i) An analysis of DNA matching reports issued by ICMP shows DNA connections between the Kozluk grave and Čančari Road 1, 2, 3, 7 and 13.<sup>44</sup>
- (ii) The current total of 825 DNA identified persons whose remains were exhumed from the Kozluk grave and Čančari Road 1, 2, 3, 7 and 13 consists of:
  - a. 341 individuals identified from the Kozluk grave, and
  - b. 484 individuals identified from the associated secondary mass graves.<sup>45</sup>

## V. *Forensic connections between the Branjevo Farm primary mass grave and the Čančari Road secondary mass graves*

### *Aerial imagery*

- (i) Aerial images of Branjevo Farm dated 17 July 1995 show a large number of bodies lying in a field near the farm, as well as an excavator digging a large pit.<sup>46</sup>
- (ii) Further images dated 27 September 1995 show the disturbance of the Branjevo Farm grave, including a newly excavated trench at the site.<sup>47</sup> A backhoe and a front loader can be seen parked at the farm.
- (iii) Aerial images also show that Čančari Road 9, 11, and 12 were created between 27 September and 2 October 1995 and that Čančari Road 4, 5, and 6 were created between 7 September and 2 October 1995.<sup>48</sup>

### *Ligatures*

- (i) Eighty-three ligatures were discovered at the Branjevo Farm grave and 16 ligatures at Čančari Road 12.<sup>49</sup> These ligatures had similar characteristics.<sup>50</sup>
- (ii) Eighteen cloth and string ligatures recovered at Čančari Road 8 were consistent in terms of material, colour and make with the Branjevo Farm grave ligatures.<sup>51</sup>

### *Soil and pollen*

<sup>43</sup> P01808, pp.2-3,33,36-46; P02259, pp.8-12; P01736, pp.73,76.

<sup>44</sup> P01987, pp.48-49,75-76. *See also* P01982, pp.374-551(confidential).

<sup>45</sup> For the current breakdown of the number of bodies identified via DNA from each of these primary and secondary mass graves, *see* P01987, pp.3-4,11,14-18,20,41. *See also* P01982, pp.41-54,89-104,129-134,175-178(confidential).

<sup>46</sup> P01481, p.28; P01736, pp.42-43,46.

<sup>47</sup> P01481, pp.29-30; MANNING:P01730, T.25837-25839; P01132, pp.244; RUEZ:T.9805; P01736, p.46.

<sup>48</sup> P01481, pp.70-73,76-88; P01736, pp.43,46; MANNING:P01730, T.25839-25841.

<sup>49</sup> P01736, pp.17,22-24,44,48; P01771, pp.5,8-9.

<sup>50</sup> P01736, pp.21-22.

<sup>51</sup> P01717, p.8, paras.38,39. *See also* P01717, p.18.

- (i) Analysis of soil and pollen samples links Čančari Road 12 and the Branjevo Farm grave.<sup>52</sup>

*Nature of injuries*

- (i) Gunshot wounds accounted for the death of the victims in these graves.<sup>53</sup>

*DNA*

- (i) An analysis of DNA matching reports issued by ICMP shows DNA connections between the Branjevo Farm grave and Čančari Road 4, 8, 9, 11 and 12, as well as between Čančari Road 5, 6 and 10.<sup>54</sup>

- (ii) The current total of 1,751 DNA identified persons whose remains were exhumed from the Branjevo Farm grave and Čančari Road 4, 5, 6, 8, 9, 10, 11 and 12 consists of:

- a. 140 individuals identified from the Branjevo Farm grave, and
- b. 1,611 individuals identified from Čančari Road 4, 5, 6, 8, 9, 10, 11 and 12.<sup>55</sup>

<sup>52</sup> P01736, p.47; WRIGHT:T.14443-14444; P01762, pp.21-22.

<sup>53</sup> P01833, pp.56-60,62; P01807, pp.2-3,44-45,47-52.

<sup>54</sup> P01987, pp.48-49,75-76. *See also* P01982, pp.374-551(confidential).

<sup>55</sup> For the current breakdown of the number of bodies identified via DNA from each of these primary and secondary mass graves, *see* P01987, pp.3-4,10,16-20,41. *See also* P01982, pp.33-38,105-128,135-178(confidential)

**ANNEX D****Summary of Srebrenica Demographic, DNA and Forensic  
Methodology and Protocols**

## Annex D

### **I. Demographic evidence: number of Srebrenica missing persons presumed dead Methodology and Protocols**

- (i) Prosecution demographers cross-referenced the data they used with:
  - a. the 1991 Population Census for Bosnia and Herzegovina to establish the existence of the reported missing,
  - b. the Voters' Registers for the 1997, 1998 and 2000 Bosnian elections to rule out survivors among the missing,
  - c. the 2000 Register of Displaced Persons and Refugees to rule out survivors among the missing,<sup>1</sup> and
  - d. army records.<sup>2</sup>

### **II. DNA evidence: number of persons identified from graves and surface Methodology and Protocols**

- (i) The nuclear STR typing used by the ICMP meets the present industry standards.<sup>3</sup>
- (ii) Testing is carried out in accordance with documented standard operating procedures, regulating testing protocols<sup>4</sup> and techniques.<sup>5</sup>
- (iii) The ICMP DNA laboratory system is internationally accredited, which calls for quality control, oversight, and standard operating procedures for the training processes and methodology used.<sup>6</sup> The laboratory is formally reviewed as a part of the accreditation process.<sup>7</sup>
- (iv) The matching process itself is documented and regulated.<sup>8</sup>

<sup>1</sup> BRUNBORG:T.15129,T.15136-15137; TABEAU:T.19239-19240; P01900, pp.1-3 for a more detailed explanation of data sources. The demographers also conducted visual checking of all data to control for spelling mistakes or inconsistencies due to grammatical case changes: TABEAU:T.19448-19449.

<sup>2</sup> BRUNBORG:T.15168-15169; TABEAU:T.19239; D00344(confidential).

<sup>3</sup> PARSONS:T.14052-14054.

<sup>4</sup> PARSONS:T.14053-14060.

<sup>5</sup> PARSONS:T.14052-14053 ("Our primary method that extends to virtually all the cases that are of interest to this Court is the same that is referred to as DNA finger-printing and is widely used in criminal casework worldwide, including criminal offender databases.").

<sup>6</sup> PARSONS:T.14055-14056.

<sup>7</sup> PARSONS:T.14055-14056. Annual technical audits are carried out concerning methods used, results obtained and processes in which ICMP is involved. PARSONS:T.14055.

<sup>8</sup> PARSONS:T.14056.

- (v) The ICMP processes are reviewed by a scientific advisory board of many prominent world scientists.<sup>9</sup>
- (vi) Since 2009, the ICMP has updated its instrumentation.
- (vii) The ICMP has also developed a new DNA extraction method from bone samples that provides a greater likelihood of successfully obtaining a DNA profile.<sup>10</sup>

### **III. Forensic evidence: Srebrenica exhumation Protocols and Methodology**

- (i) A written protocol in line with accepted practices in the field was established by the chief archaeologist before exhumations commenced, and was followed by the team and investigators during the investigation, from the handling of a body and related artefacts exhumed and examined at the morgue to the sealing of a body bag and the final closing of a case.<sup>11</sup>
- (ii) A written protocol was also established with respect to autopsies.<sup>12</sup>

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<sup>9</sup> PARSONS:T.14044.

<sup>10</sup> PARSONS:T.14058-14060 (referring to P01720).

<sup>11</sup> See e.g., protocols established by WRIGHT as set out in his reports, including: P01762, pp.12-18; P01761, pp.6-9; P01763, pp.11-14. PECCERELLI adopted WRIGHT's procedures in exhuming Lažete 1. PECCERELLI:T.18399-18400; P02552, pp.8-10. For HAGLUND's methods, see: P01831, pp.12-14; P01832, pp.15-17,42-50; P01834, pp.12-13; P01833, pp.15-16. See also P02083, pp.5-9; MANNING:T.14201-14203,T.14223-14225.

<sup>12</sup> LAWRENCE:P01801, T.3981-4018. All of LAWRENCE's reports contain the autopsy procedures. See P01805-P01813. For CLARK's procedures, see: P02259, p.2; P02260, pp.2-3; P02261, pp.1-2. See also CLARK:T.17189, 17223-17225.

**ANNEX E****List of Abbreviations and Authorities**

## ANNEX E

### List of Abbreviations and Authorities

#### Abbreviations

Abbreviation used	Full citation
ABiH	Army of Bosnia and Herzegovina ( <i>Armija Bosne i Hercegovine</i> )
AF	Adjudicated Fact
AOR	Area of Responsibility
APC	Armoured Personnel Carrier
ARK	Autonomous Region of Krajina ( <i>Automna Regija Krajina</i> )
Art.	Article
Arts.	Articles
Assembly	Assembly of the Serbian People of BiH (later National Assembly of <i>Republika Srpska</i> )
BiH	Socialist Federal Republic of Bosnia and Herzegovina (later, Republic of Bosnia and Herzegovina). Also abbreviated as SRBH, or BH in documents. See RBiH and SRBiH
BiH Court	Court of Bosnia and Herzegovina ( <i>Sud Bosne i Hercegovine</i> )
BSF	Bosnian Serb Forces: VRS, RS, TO, MUP, and Bosnian Serb paramilitary forces and volunteer units. As used in the Brief, this term refers to some but not necessarily all Bosnian Serb Forces.
BSL	Bosnian Serb Leadership
CCP	Common Criminal Purpose
CG	Contact Group
CJB	Public Security Centre ( <i>Centar javne bezbjednosti</i> )
Col.	Colonel
CRDB	RDB Centre
Croatia	Republic of Croatia
CRR	Analysis of the Combat Readiness and Activities of the VRS in 1992, dated 1 April 1993 (D00325)
CS	Crisis Staff
CSB	Security Services Centre ( <i>Centar službi bezbjednosti</i> )
DB	See RDB and SDB
DK	Drina Corps of the VRS ( <i>Drinski korpus</i> )
DMZ	Demilitarised zone
DutchBat	Dutch Battalion III, UNPROFOR
EU	European Union
Exchange Commission	Central Commission for the Exchange of Prisoners-of-War, Arrested Persons and the Bodies of Those Killed
fn.	footnote
fns.	footnotes
FreBat	French Battalion
FRY	Federal Republic of Yugoslavia
Gen.	General

Abbreviation used	Full citation
Gen. Maj.	General Major
GŠ-VRS	Main Staff of the Army of the Republika Srpska ( <i>VRS Glavni Štab</i> )
HDZ	Croatian Democratic Union ( <i>Hrvatska demokratska zajednica</i> )
HK	Herzegovina Corps of the VRS
HQ	Headquarters
HVO	Croatian Defence Council ( <i>Hrvatsko vijeće obrane</i> )
IBK	East Bosnia Corps of the VRS
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFOR	The Implementation Force - NATO-led peacekeeping forces in BiH
IHL	International Humanitarian Law
IKM	Forward Command Post ( <i>Istureno komandno mjesto</i> )
ITN	Independent Television News
Jahorina Recruits	MUP forces from the Jahorina Training Centre
JCE	Joint Criminal Enterprise
JCO	Joint Commission Observer (UNPROFOR)
JNA	Yugoslav People's Army ( <i>Jugoslovenska Narodna Armija</i> )
KDZ	Anti-Terrorism Department of the MUP ( <i>Kontradiverziona zaštita</i> )
KOG	Counter-Intelligence Group ( <i>Kontra-obaveštajna grupa</i> )
Kula School	Nikola Tesla primary school, Kula, Pilica
lpbr	Light Brigade, or Light Infantry Brigade ( <i>Laka pješadijska brigada</i> )
Lt. Col.	Lieutenant Colonel
MAB	Modified air bomb
MBO	Muslim Bosniak Association
MBRL	Multiple barrel rocket launcher
MD	Military District
MoD	Ministry of Defence
MoJ	Ministry of Justice
MP	Military Police
MSF	Médécins Sans Frontières
mtbr	Motorised Brigade ( <i>Motorizovana/motorizirana brigada</i> )
MUP	Ministry of Internal Affairs ( <i>Ministarstvo unutrašnjih poslova</i> )
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organisation
NSC	National Security Council
OBP	Intelligence and Security Sector ( <i>Obavještajno bezbjednosni poslovi</i> )
OG	Operational Group
OHR	Office of the High Representative in BiH
OP	Observation Post
p.	page. Page numbers provided in the Brief correspond to eCourt pages.

Abbreviation used	Full citation
para.	paragraph
paras.	paragraphs
pbr	Infantry Brigade ( <i>Pješadijska/pešadijska/pješačka brigada</i> )
PHR	Physicians for Human Rights
PJP	Combat units made up of RS police officers from RS police stations
POD	Proof of Death
PoWs	Prisoners of war
pp.	pages. Page numbers provided in the Brief correspond to eCourt pages.
PTT Building	Location of UNPROFOR Sector Sarajevo Headquarters
RBiH	Republic of Bosnia and Herzegovina ( <i>Republika Bosna i Hercegovina</i> )
RCC	Republic Communications Centre
RDB	State Security Sector ( <i>Resor državne bezbjednosti</i> )—part of the MUP. <i>See</i> DB and SDB
RJB	Public Security Sector ( <i>Resor javne bezbjednosti</i> )
RS	<i>Republika Srpska</i> . Includes period of time when it was Serbian Republic of BiH before it was changed to RS on 12 August 1992 (P01358, p.3). <i>See</i> SerRBiH
RSK	Republic of Serbian Krajina
RSMUP	Ministry of Internal Affairs ( <i>Ministarstvo unutrašnjih poslova</i> )
SAO	Serbian Autonomous Region ( <i>Srpska autonomna oblast</i> )
SBP	Special Police Brigade
SCSL	Special Court fo Sierra Leone
SDA	Party of Democratic Action ( <i>Stranka Demokratske Akcije</i> )
SDB (later SNB)	State Security Service ( <i>Služba državne bezbjednosti</i> )—part of the RSMUP. <i>See</i> DB and RDB.
SDC	Supreme Defence Council of the FRY
SDS	Serbian Democratic Party ( <i>Srpska Demokratska Stranka</i> )
Serb Forces	MUP, VRS, JNA, VJ, TO, Serbian MUP, Serbian and Bosnian Serb paramilitary forces and volunteer units, and local Bosnian Serbs. As used in the Brief, this term refers to some but not necessarily all Serb Forces.
Serbian MUP	Ministry of Internal Affairs ( <i>Ministarstvo unutrašnjih poslova</i> ) of Republic of Serbia
SerRBiH	Serbian Republic of BiH. Changed to RS on 12 August 1992 (P01358, p.3)
SF	Srebrenica Forces: VRS and/or RSMUP under Mladić's command
SFRY	Socialist Federal Republic of Yugoslavia
SG	Secretary General of the United Nations
SIC	Scheduled Incident Chart
SIS	Bosnian Croat Security and Information Service
SJB	Public Security Station ( <i>Stanica javne bezbjednosti</i> )
SNO	Council for National Defence ( <i>Savjet za narodnu odbranu</i> )
SOS	Serbian Defence Forces, paramilitary formation ( <i>Srpske odbrambene snage</i> )

Abbreviation used	Full citation
SRBiH	Socialist Republic of BiH
SRK	Sarajevo-Romanija Corps of the VRS ( <i>Sarajevsko romanijski korpus</i> )
SRNA	<i>Srpska Republika</i> News Agency
SRS	Serbian Radical Party ( <i>Srpska Radikalna Stranka</i> )
SSNO	Federal Secretariat for the National Defence ( <i>Savezni sekretarijat za narodnu odbranu</i> )
State Committee	<i>Republika Srpska</i> State Committee for Co-operation with United Nations and International Humanitarian Organisations
Statute	Statute of the International Criminal Tribunal for the Former Yugoslavia established by UNSC Resolution 827 (1993)
SUP	Secretariat for Internal Affairs ( <i>Sekreterij za unutrašnje poslove</i> )
SVK	Serbian Army of the RSK ( <i>Srpska Vojska Krajine</i> )
T.	Trial transcript
TEZ	Total Exclusion Zone (areas monitored by the UNPROFOR troops)
TG	Tactical Group
TO	Territorial Defence ( <i>Teritorijalna odbrana</i> )
tp.	Page or pages of a video or audio transcript
UKRCOY	Ukrainian Company, UNPROFOR
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Forces
UNMO	United Nations Military Observers
UNSC	United Nations Security Council
Variant A/B	Instructions for the Organisation and Activity of Organs of the Serbian People in BiH in a State of Emergency, 19 December 1991 (P00005-copy no.100 from Sarajevo; P00960-copy no.93 from <i>Boksit</i> Office, Holiday Inn, Sarajevo; and P03470-copy no.96 from Trnovo)
ViPVO	Air-Force and Anti-Aircraft Defence ( <i>Vazduhoplovstvo i protivvazdušna odbrana</i> )
VJ	Army of the FRY ( <i>Vojska Jugoslavije</i> ), also referred to as the Yugoslav Army
VRS	Army of Republika Srpska ( <i>Vojska Republike Srpske</i> )
WCP	Weapons collection point
WWII	World War II
WP	War Presidency
Zvornik DO Notebook	Zvornik Brigade Duty Operations Officer's Notebook
1KK	First Krajina Corps of the VRS
2KK	Second Krajina Corps of the VRS
1 <sup>st</sup> Smbr	1 <sup>st</sup> Sarajevo Mechanised (or Motorised) Brigade
5 <sup>th</sup> Brigade	5 <sup>th</sup> Kozara Brigade; 5th Infantry Brigade; 5th Partisan Brigade

Abbreviation used	Full citation
6 <sup>th</sup> Brigade	1KK 6 <sup>th</sup> Brigade a.k.a. 6 <sup>th</sup> Infantry Brigade; 6 <sup>th</sup> Partisan Brigade; 6 <sup>th</sup> Sana Brigade; 6 <sup>th</sup> Sanska Brigade; 6 <sup>th</sup> Sanska Light Infantry Brigade; 6 <sup>th</sup> Krajiška Brigade; 6 <sup>th</sup> Krajina Brigade; 6 <sup>th</sup> Krajina Infantry Brigade
65 <sup>th</sup> ZMTP	65 <sup>th</sup> Motorised Protection Regiment ( <i>Zaštitni motorizovani puk</i> )

**ICTY Mladić Case Documents**

<b>Abbreviation used</b>	<b>Full citation</b>
Arrest Warrant	<i>Prosecutor v. Ratko Mladić</i> , Case No. IT-95-5-I, Warrant of Arrest Order for Surrender of Ratko MLADIĆ, 1 August 1995
Brief	<i>Prosecutor v. Ratko Mladić</i> , Case No.IT-09-92-T, Prosecution Final Trial Brief, 25 October 2016
First Indictment	<i>Prosecutor against Radovan Karadžić and Ratko Mladić</i> , Case No. IT-95-5-I, Indictment, 25 July 1995
Godinjske Bare AFs	<i>Prosecutor v. Mladić</i> , Case No. IT-09-92-T, Joint Submission on Agreed Facts (Correction to Site Coordinates for Godinjske Bare), 4 March 2016
Indictment	<i>Prosecutor v. Ratko Mladić</i> , Case No.IT-09-92-PT, Prosecution Submission of the Fourth Amended Indictment, 16 December 2011
Joint Motion–Odobashić	<i>Prosecutor v. Mladić</i> , Case No. IT-09-92-T, T.Ch., Joint Motion Pursuant to Rule 92 <i>quater</i> to Admit the Evidence of Jasmin Odobašić, 17 June 2016
May 2015 POD Chart	<i>Prosecutor v. Mladić</i> , Case No. IT-09-92-T, Prosecution Submission of Proof of Death and Injury Chart for Killed and Wounded Victims, 21 May 2015
Odobashić Decision	<i>Prosecutor v. Mladić</i> , Case No. IT-09-92-T, T.Ch., Decision on Joint Motion Pursuant to Rule 92 <i>quater</i> to Admit the Evidence of Jasmin Odobašić, 28 July 2016
14-17 July 1995 AFs	<i>Prosecutor v. Mladić</i> , Case No. IT-09-92-T, Joint Submission on Revised Agreed Facts (Location of Mladić) 14 to 17 July 1995), 16 June 2016

**ICTY Decisions and Judgements**

<b>Abbreviation used</b>	<b>Full citation</b>
<i>Aleksovski</i> AJ	<i>Prosecutor v. Zlatko Aleksovski</i> , Case No.IT-95-14/1-A, App.Ch., Judgement, 24 March 2000
<i>Blagojević</i> AJ	<i>Prosecutor v. Vidoje Blagojević &amp; Dragan Jokić</i> , Case.No.IT-02-60-A, App.Ch., Judgement, 9 May 2007
<i>Blagojević</i> TJ	<i>Prosecutor v. Vidoje Blagojević &amp; Dragan Jokić</i> , Case No.IT-02-60-T, T.Ch., Judgement, 17 January 2005
<i>Blaškić</i> AJ	<i>Prosecutor v. Tihomir Blaškić</i> , Case No.IT-95-14-A, App.Ch., Judgement, 29 July 2004
<i>Blaškić</i> TJ	<i>Prosecutor v. Tihomir Blaškić</i> , Case No.IT-95-14-T, T.Ch., Judgement, 3 March 2000
<i>Boškoski</i> AJ	<i>Prosecutor v. Ljube Boškoski &amp; Johan Tarčulovski</i> , Case No.IT-04-82-A, App.Ch., Judgement, 19 May 2010
<i>Bralo</i> SAJ	<i>Prosecutor v. Miroslav Bralo</i> , Case No.IT-95-17-A, App.Ch., Judgement on Sentencing Appeal, 2 April 2007
<i>Brdanin</i> AJ	<i>Prosecutor v. Radoslav Brdanin</i> , Case No.IT-99-36-A, App.Ch., Judgement, 3 April 2007
<i>Brdanin</i> TJ	<i>Prosecutor v. Radoslav Brdanin</i> , Case No.IT-99-36-T, T.Ch., Judgement, 1 September 2004
<i>Čelebići</i> AJ	<i>Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. "Pavo", Hazim Delić &amp; Esad Landžo, a.k.a. "Zenga"</i> , Case No.IT-96-21-A, App.Ch., Judgement, 20 February 2001
<i>Čelebići</i> TJ	<i>Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. "Pavo", Hazim Delić &amp; Esad Landžo, a.k.a. "Zenga"</i> , Case No.IT-96-21-T, T.Ch., Judgement, 16 November 1998
<i>Deronjić</i> SAJ	<i>Prosecutor v. Miroslav Deronjić</i> , Case No.IT-02-61-A, App.Ch., Judgement on Sentencing Appeal, 20 July 2005
<i>D.Milošević</i> AJ	<i>Prosecutor v. Dragomir Milošević</i> , Case No.IT-98-29/1-A, App.Ch., Judgement, 12 November 2009
<i>D.Milošević</i> Judicial Notice AD	<i>Prosecutor v. Dragomir Milošević</i> , Case No.IT-98-29/1-AR73.1, App.Ch., Decision on Interlocutory Appeals Against Trial Chamber's Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts and Prosecution's Catalogue of Agreed Facts, 26 June 2007
<i>Đorđević</i> AJ	<i>Prosecutor v. Vlastimir Đorđević</i> , Case No.IT-05-87/1-A, App.Ch., Judgement, 27 January 2014
<i>Furundžija</i> TJ	<i>Prosecutor v. Anto Furundžija</i> , Case No.IT-95-17/1-T, T.Ch., Judgement, 10 December 1998
<i>Galić</i> AJ	<i>Prosecutor v. Stanislav Galić</i> , Case No. IT-98-29-A, App.Ch., Judgement, 30 November 2006
<i>Galić</i> TJ	<i>Prosecutor v. Stanislav Galić</i> , Case No. IT-98-29-T, T.Ch., Judgement and Opinion, 5 December 2003
<i>Hadžihasanović</i> AJ	<i>Prosecutor v. Enver Hadžihasanović &amp; Amir Kubura</i> , Case No.IT-01-47-A, App.Ch., Judgement, 22 April 2008
<i>Halilović</i> AJ	<i>Prosecutor v. Sefer Halilović</i> , Case No.IT-01-48-A, App.Ch., Judgement, 16 October 2007
<i>Halilović</i> TJ	<i>Prosecutor v. Sefer Halilović</i> , Case No.IT-01-48-T, T.Ch.,

Abbreviation used	Full citation
	Judgement, 16 November 2005
<i>Jelisić</i> TJ	<i>Prosecutor v. Goran Jelisić</i> , Case No.IT-95-10-T, T.Ch., Judgement, 14 December 1999
<i>Karadžić</i> Count 11 AD	<i>Prosecutor v. Radovan Karadžić</i> , Case No.IT-95-5/18-AR72.5, App.Ch., Decision on Appeal of Trial Chamber's Decision on Preliminary Motion to Dismiss Count 11 of the Indictment, 9 July 2009
<i>Karadžić</i> Hostages AD	<i>Prosecutor v. Radovan Karadžić</i> , Case No.IT-95-5/18-AR73.9, App.Ch., Decision on Appeal from Denial of Judgement of Acquittal for Hostage-Taking, 11 December 2012
<i>Karadžić</i> JCE III Foreseeability Decision	<i>Prosecutor v. Radovan Karadžić</i> , Case No.IT-95-5/18-AR72.4, App.Ch., Decision on Prosecution's Motion Appealing Trial Chamber's Decision on JCE III Foreseeability, 25 June 2009
<i>Karadžić</i> Jurisdiction Decision	<i>Prosecutor v. Radovan Karadžić</i> , Case No.IT-95-5/18-PT, T.Ch., Decision on Six Preliminary Motions Challenging Jurisdiction, 28 April 2009
<i>Karadžić</i> Notice of Appeal	<i>Prosecutor v. Radovan Karadžić</i> , MICT-13-55-A, App.Ch., Prosecution's Notice of Appeal, 22 July 2016
<i>Karadžić</i> 98bis AJ	<i>Prosecutor v. Radovan Karadžić</i> , Case No.IT-95-5/18-AR98bis.1, App.Ch., Judgement, 11 July 2013
<i>Karadžić &amp; Mladić</i> Rule 61 Decision	<i>Prosecutor v. Radovan Karadžić &amp; Ratko Mladić</i> , Case No.IT-95-5-R61, IT-95-18-R61, T.Ch., Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, 11 July 1996
<i>Karadžić</i> TJ	<i>Prosecutor v. Radovan Karadžić</i> , Case No.IT-95-5/18-T, T.Ch., Judgement Issued on 24 March 2016, Volumes I-IV, 24 March 2016
<i>Kordić</i> AJ	<i>Prosecutor v. Dario Kordić &amp; Mario Čerkez</i> , Case No.IT-95-14/2-A, App.Ch., Judgement, 17 December 2004
<i>Krajišnik</i> AJ	<i>Prosecutor v. Momčilo Krajišnik</i> , Case No.IT-00-39-A, App.Ch., Judgement, 17 March 2009
<i>Krajišnik</i> TJ	<i>Prosecutor v. Momčilo Krajišnik</i> , Case No.IT-00-39-T, T.Ch., Judgement, 27 September 2006
<i>Krnojelac</i> TJ	<i>Prosecutor v. Milorad Krnojelac</i> , Case No.IT-97-25-T, T.Ch., Judgement, 15 March 2002
<i>Krstić</i> AJ	<i>Prosecutor v. Radislav Krstić</i> , Case No.IT-98-33-A, App.Ch., Judgement, 19 April 2004
<i>Krstić</i> TJ	<i>Prosecutor v. Radislav Krstić</i> , Case No.IT-98-33-T, T.Ch., Judgement, 2 August 2001
<i>Kunarac</i> AJ	<i>Prosecutor v. Dragoljub Kunarac, Radomir Kovač &amp; Zoran Vuković</i> , Case No.IT-96-23 & IT-96-23/1-A, App.Ch., Judgement, 12 June 2002
<i>Kunarac</i> TJ	<i>Prosecutor v. Dragoljub Kunarac, Radomir Kovač &amp; Zoran Vuković</i> , Case No.IT-96-23-T&IT-96-23/1-T, T.Ch., Judgement, 22 February 2001
<i>Kupreškić</i> AJ	<i>Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović &amp; Vladimir Šantic</i> , Case No.IT-95-16-A, App.Ch., Appeal Judgement, 23 October 2001
<i>Kvočka</i> AJ	<i>Prosecutor v. Miroslav Kvočka, Milojica Kos, Mlado Radić,</i>

Abbreviation used	Full citation
	<i>Zoran Žigić &amp; Dragoljub Prcać</i> , Case No.IT-98-30/1-A, App.Ch., Judgement, 28 February 2005
<i>Martić</i> AJ	<i>Prosecutor v. Milan Martić</i> , Case No.IT-95-11-A, App.Ch., Judgement, 8 October 2008
<i>Martić</i> TJ	<i>Prosecutor v. Milan Martić</i> , Case No.IT-95-11-T, T.Ch., Judgement, 12 June 2007
<i>Milutinović</i> TJ	<i>Prosecutor v. Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević &amp; Sreten Lukić</i> , Case No.IT-05-87-T, T.Ch., Judgement, 26 February 2009
<i>M.Nikolić</i> SAJ	<i>Prosecutor v. Momir Nikolić</i> , Case No.IT-02-60/1-A, App.Ch., Judgement on Sentencing Appeal, 8 March 2006
<i>Mrkšić</i> AJ	<i>Prosecutor v. Mile Mrkšić and Veselin Šljivančanin</i> , Case No.IT-95-13/1-A, App.Ch., Judgement, 5 May 2009
<i>Naletilić</i> TJ	<i>Prosecutor v. Mladen Naletilić &amp; Vinko Martinović</i> , Case No.IT-98-34-T, T.Ch., Judgement, 31 March 2003
<i>Orić</i> AJ	<i>Prosecutor v. Naser Orić</i> , Case No.IT-03-68-A, App.Ch., Judgement, 3 July 2008
<i>Orić</i> TJ	<i>Prosecutor v. Naser Orić</i> , Case No.IT-03-68-T, T.Ch., Judgement, 30 June 2006
<i>Popović</i> AJ	<i>Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Miletić &amp; Vinko Pandurević</i> , Case No.IT-05-88-A, App.Ch., Judgement, 30 January 2015
<i>Popović</i> TJ	<i>Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero &amp; Vinko Pandurević</i> , Case No.IT-05-88-T, T.Ch., Judgement, 10 June 2010
<i>Šainović</i> AJ	<i>Prosecutor v. Nikola Šainović, Nebojša Pavković, Vladimir Lazarević &amp; Sreten Lukić</i> , Case No.IT-05-87-A, Judgement, 23 January 2014
<i>Sikirica</i> 98bis Decision	<i>Prosecutor v. Duško Sikirica, Damir Došen &amp; Dragan Kolundžija</i> , Case No.IT-95-8-T, T.Ch., Judgement on Defence Motions to Acquit, 3 September 2001
<i>Simić</i> AJ	<i>Prosecutor v. Blagoje Simić</i> , Case No.IT-95-9-A, App.Ch., Judgement, 28 November 2006
<i>S.Milošević</i> 98bis Decision	<i>Prosecutor v. Slobodan Milošević</i> , Case No.IT-02-54-T, T.Ch., Decision on Motion for Judgement of Acquittal, 16 June 2004
<i>Stakić</i> AJ	<i>Prosecutor v. Milomir Stakić</i> , Case No. IT-97-24-A, App.Ch., Judgement, 22 March 2006
<i>Stakić</i> TJ	<i>Prosecutor v. Milomir Stakić</i> , Case No.IT-97-24-T, T.Ch., Judgement, 31 July 2003
<i>Stanišić &amp; Župljanin</i> AJ	<i>Prosecutor v. Mićo Stanišić &amp; Stojan Župljanin</i> , Case No.IT-08-91-A, App.Ch., Judgement, 30 June 2016
<i>Strugar</i> AJ	<i>Prosecutor v. Pavle Strugar</i> , Case No.IT-01-42-A, App.Ch., Judgement, 17 July 2008
<i>Strugar</i> TJ	<i>Prosecutor v. Pavle Strugar</i> , Case No.IT-01-42-T, T.Ch., Judgement, 31 January 2005
<i>Tadić</i> AJ	<i>Prosecutor v. Duško Tadić</i> , Case No.IT-94-1-A, App.Ch., Judgement, 15 July 1999

Abbreviation used	Full citation
<i>Tadić</i> SAJ	<i>Prosecutor v. Duško Tadić</i> , Case No.IT-94-1-A, IT-94-1-Abis, App.Ch., Judgement in Sentencing Appeals, 26 January 2000
<i>Tadić</i> SJ 14 July 1997	<i>Prosecutor v. Duško Tadić</i> , Case No.IT-94-1-T, T.Ch., Sentencing Judgment, 14 July 1997
<i>Tadić</i> Jurisdiction AD	<i>Prosecutor v. Duško Tadić a/k/a “Dule”</i> , Case No.IT-94-1-AR72, App.Ch., Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995
<i>Tolimir</i> AJ	<i>Prosecutor v. Zdravko Tolimir</i> , Case No.IT-05-88/2-A, App.Ch., Judgement, 8 April 2015
<i>Tolimir</i> TJ	<i>Prosecutor v. Zdravko Tolimir</i> , Case No.IT-05-88/2-T, T.Ch., Judgement (Public with Confidential Annex C), 12 December 2012
<i>Vasiljević</i> AJ	<i>Prosecutor v. Mitar Vasiljević</i> , Case No.IT-98-32-A, App.Ch., Judgement, 25 February 2004

**ICTR Authorities**

<b>Abbreviation used</b>	<b>Full citation</b>
<i>Akayesu</i> TJ	<i>Prosecutor v. Jean-Paul Akayesu</i> , Case No. ICTR-96-4-T, T.Ch., Judgement, 2 September 1998
<i>Gacumbitsi</i> AJ	<i>Sylvestre Gacumbitsi v. Prosecutor</i> , Case No. ICTR-2001-64-A, App.Ch., Judgement, 7 July 2006
<i>Kamuhanda</i> AJ	<i>Jean de Dieu Kamuhanda v. Prosecutor</i> , Case No. ICTR-99-54A-A, App.Ch., Judgement, 19 September 2005
<i>Karemera</i> TJ	<i>Prosecutor v. Édouard Karemera &amp; Matthieu Ngirumpatse</i> , Case No. ICTR-98-44-T, T.Ch.III, Judgement and Sentence, 2 February 2012
<i>Karera</i> TJ	<i>Prosecutor v. François Karera</i> , Case No. ICTR-01-74-T, T.Ch., Judgement and Sentence, 7 December 2007
<i>Kayishema</i> AJ	<i>Prosecutor v. Clément Kayishema &amp; Obed Ruzindana</i> , Case No. ICTR-95-1-A, App.Ch., Judgement (Reasons), 1 June 2001
<i>Musema</i> AJ	<i>Alfred Musema v. Prosecutor</i> , Case No. ICTR-96-13-A, App.Ch., Judgement, 16 November 2001
<i>Musema</i> TJ	<i>Prosecutor v. Alfred Musema</i> , Case No. ICTR-96-13-A, T.Ch.I, Judgement and Sentence, 27 January 2000
<i>Muvunyi</i> TJ	<i>Prosecutor v. Tharcisse Muvunyi</i> , Case No. ICTR-00-55A-T, T.Ch., Judgement and Sentence, 12 September 2006
<i>Nahimana</i> AJ	<i>Fredinand Nahimana, Jean-Bosco Barayagwiza &amp; Hassan Ngeze v. Prosecutor</i> , Case No. ICTR-99-52-A, App.Ch., Judgement, 28 November 2007
<i>Ndindabahizi</i> AJ	<i>Emmanuel Ndindabahizi v. Prosecutor</i> , Case No. ICTR-01-71-A, App.Ch., Judgement, 16 January 2007
<i>Niyitegeka</i> AJ	<i>Eliézer Niyitegeka v. Prosecutor</i> , Case No. ICTR-96-14-A, App.Ch., Judgement, 9 July 2004
<i>Nyiramasuhuko</i> AJ	<i>Prosecutor v. Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi &amp; Élie Ndayambaje</i> , Case No. ICTR-98-42-A, App.Ch., Judgement, 14 December 2015
<i>Rutaganda</i> TJ	<i>Prosecutor v. Georges Anderson Nderubumwe Rutaganda</i> , Case No. ICTR-96-3-T, T.Ch.I, Judgement and Sentence, 6 December 1999
<i>Semanza</i> TJ	<i>Prosecutor v. Laurent Semanza</i> , Case No. ICTR-97-20-T, T.Ch., Judgement and Sentence, 15 May 2003
<i>Seromba</i> AJ	<i>Prosecutor v. Athanase Seromba</i> , Case No. ICTR-2001-66-A, App.Ch., Judgement, 12 March 2008

**SCSL Authorities**

<b>Abbreviation used</b>	<b>Full citation</b>
<i>Sesay</i> TJ	<i>Prosecutor v. Issa Hassan Sesay, Morris Kallon &amp; Augustine Gbao</i> , Case No.SCSL-04-15-T, T.Ch., Judgement, 2 March 2009

**Other Sources**

Abbreviation used	Full citation
API	Additional Protocol I to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977
Final Report of the CoE	Final Report of the Commission of Experts established pursuant to Security Council Resolution 780 (1992), UN Doc. S/1994/674
GCI	First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949
GCII	Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949
GCIII	Third Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949
GCIII Commentary	Commentary, III Geneva Convention Relative to the Treatment of Prisoners of War, The Geneva Conventions of 12 August 1949, Jean S. Pictet, ed. (Geneva: ICRC, 1960)
GCIV	Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949
ICC Elements	International Criminal Court Elements of Crimes, ICC-ASP/1/3(part II-B)
ICC <i>First Decision on Bashir Arrest Warrant</i>	<i>Prosecutor v. Omar Hassan Ahmad Al Bashir</i> , Case No. ICC-02/05-01/09, P.T.Ch., Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassam Ahmad Al Bashir, 4 March 2009
ICJ Bosnia Judgement	<i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)</i> , International Court of Justice, Judgement, I.C.J. Reports 2007, 26 February 2007
ICJ Croatia Judgement	<i>Croatia v. Serbia</i> , Application of the Convention on the Prevention and Punishment of the Crime of Genocide Judgment, 3 February 2015
ICRC Study	J-M. Henckaerts and L. Doswald-Beck, eds., Customary International Humanitarian Law. International Committee of the Red Cross (Cambridge: Cambridge University Press, 2005)
ILC Report	Report of the International Law Commission on the Work of its Forty-Eighth Session, 6 May-26 July 1996, G.A.O.R., 51 <sup>st</sup> Session, Supp. No.10, UN Doc A/51/10 (1996)
Second Draft Genocide Convention	Ad Hoc Committee Draft, Second Draft Genocide Convention, prepared by the Ad Hoc Committee of the Economic and Social Council (ECOSOC), meeting between April 5 1948 and May 10, 1948, UN Doc. E/AC.25/SR.1 to 28, <i>available at</i> <a href="http://www.preventgenocide.org/law/convention/drafts/">http://www.preventgenocide.org/law/convention/drafts/</a>
UN GAOR Summary	UN General Assembly Official Records, 3 <sup>rd</sup> Session, Part 1, Summary Records of Meetings, 16 October 1948, pp.124-125, UN Doc. A/C.6/SR.76

Abbreviation used	Full citation
Van Schaack	Beth Van Schaack, <i>Darfur and the Rhetoric of Genocide</i> , 26 Whittier L.Rev. 1101(2004-2005)

## **ANNEX F**

### **List of Persons**

**List of Individuals Mentioned in the Final Trial Brief**

Name / Pseudonym	Rank	Description
ABDEL-RAZEK, Hussein	Gen	Commander, Sector Sarajevo, UNPROFOR (21 Aug 92 - 20 Feb 93)
ABDIĆ, Fikret		President of the Autonomous Province of Western Bosnia, Bihać
AČAMOVIĆ, Lazar	Col	Assistant Commander for Logistics, Drina Corps
AĆIMOVIĆ, Srećko	Lt	2 <sup>nd</sup> Battalion Commander, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
ADAMOVIĆ, Marko		Commander Ključ Town Defence; Assistant Commander for Morale, Religious and Legal Affairs 17 <sup>th</sup> Light Infantry Brigade (Ključ), 2 <sup>nd</sup> Krajina Corps
ADŽIĆ, Blagoje	Col Gen	JNA Chief of General Staff
ADŽIĆ, Ratko		SDS Main Board Member; President of Ilijaš Municipal Assembly; President of Ilijaš Crisis Staff; RS Minister of Interior (Jan 93 - Sep 93)
AKASHI, Yasushi		Special Representative of the Secretary-General of the UN in the former Yugoslavia (SRSG) (from Jan 94)
ALBRIGHT, Madeleine		Former US Ambassador to UN
ALEKSIĆ, Slavko		Anti-Tank Company Commander, Jewish Cemetery, Sarajevo, under command of the Sarajevo Romanija Corps; Četnik <i>vojvoda</i>
AMIDŽIĆ, Boško	Col	Chief of Quartermaster Service, 1 <sup>st</sup> Krajina Corps (May 92 – Feb 93); Assistant Commander for Logistics, 1 <sup>st</sup> Krajina Corps (from Feb 93)
ANDRIĆ, Pero		Member of Military Police Platoon, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
ANDRIĆ, Svetozar	Maj; Lt Col; Col	Commander Birač Brigade, East Bosnia Corps (from May 92 – Nov 92); Commander 1 <sup>st</sup> Birač Infantry Brigade, Drina Corps (Nov 92 – 13 July 95); Chief of Staff Drina Corps (from 13 July 95)
ANIČIĆ, Nedeljko a.k.a. "Nedo"	Col	Serb TO Commander in Sanski Most; Member of Sanski Most Crisis Staff
ARKAN		<i>See</i> RAŽNATOVIĆ, Željko
ARSIĆ, Vladimir	Col; Maj Gen	Commander 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps (until late 92); Chief of Operations and Training Affairs, 1st Krajina Corps (late 92 - May 93); Commander OG Doboje, 1 <sup>st</sup> Krajina Corps (from May 93)
AŠKRABA, Đorđislav		Chief of Logor Barracks Detention Facility,

Name / Pseudonym	Rank	Description
		Kalinovik
BABIĆ, Milan		President of the SAO Krajina
BALAC, Rajko	Col	Chief of Artillery, GŠ VRS (Nov 92 – Aug 94)
BANBURY, Anthony		Civil Affairs Officer, UNPROFOR BH Command HQ, Sarajevo (Apr 94 – May 95); Assistant to the Special Representative of the Secretary-General of the UN in the former Yugoslavia, Zagreb (May 95 – Nov 95)
BANJAC, Jovo		President of Ključ Crisis Staff
BANJANIN, Nedžo		Secretary of the Municipal Secretariat for National Defence Kalinovik
BASARA, Branko	Col	Commander 6 <sup>th</sup> Krajina/Sana Brigade, 1 <sup>st</sup> Krajina Corps (until Dec 92); Commander OG Prijedor (Mar 93 – Aug 93)
BAŠIĆ, Veljko		Warden of Sušica Camp, Vlasenica
BEARA, Ljubiša	Naval Capt/Col	Chief of Security Administration, GŠ VRS Sector for Intelligence-Security Affairs
BELL, Martin		BBC War Correspondent
BENDER, Esad		Resident of Ključ Municipality; Killed at Manjača Camp
BILDT, Carl		EU Special Envoy to former Yugoslavia
BIRČAKOVIĆ, Milorad		Member of Military Police Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
BIRČAKOVIĆ, Stanoje		Member of Military Police Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
BJELICA, Milovan		President of Sokolac SDS Municipal Board
BLAGOJEVIĆ, Vidoje	Col	Operations Officer, East Bosnia Corps (May – Jun 92); Commander 1 <sup>st</sup> Zvornik Infantry Brigade (Jun - Sep 92); Operations Organ, Drina Corps (early 93 – May 95); Commander 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps (from 25 May 95)
BOERING, Pieter	Maj	Staff Officer UNPROFOR DutchBat Srebrenica
BOGDANOVIĆ, Goran		Member of Military Police Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
BOGDANOVIĆ, Jevto		Member of 1 <sup>st</sup> Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
BOGIČEVIĆ, Slavko		Deputy Commander Engineering Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
BOGOJEVIĆ, Stevan	Col	Chief of Department for Intelligence-Security Affairs, 1 <sup>st</sup> Krajina Corps (from July 92)
BOJIĆ, Vinko		Member of Rogatica Brigade; Commander of Rasadnik Camp (from late 1992)
BORIĆ, Grujo	Col	Assistant Commander for Logistics, JNA 10 <sup>th</sup> Corps (until May 92); Chief of Staff JNA 10 <sup>th</sup> Corps (May 92);

Name / Pseudonym	Rank	Description
		Commander 2nd Krajina Corps (May 92 - late 1994)
BOROVČANIN, Ljubomir		Deputy Commander Special Police Brigade, RS MUP
BOSANAC, Veljko		Commander 2 <sup>nd</sup> Motorised Brigade (Sokolac), Sarajevo Romanija Corps (until Jun 92)
BOŠKIĆ, Marko		Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
BOŠKOVIĆ, Rade		ULT 220 Operator
BOWEN, Jeremy		BBC War Correspondent
BOŽIĆ, Jovo		President of Serb Municipality of Rajlovac (from Feb 92)
BOŽOVIĆ, Rade		Red Berets, Serbian DB
BRAJIĆ, Veljko	Maj; Lt Col	Chief of Staff 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps
BRĐANIN, Radoslav		President of the ARK Crisis Staff
BUKVA, Milorad	Capt 1 <sup>st</sup> Class; Maj	Chief of Security Organ, 351 <sup>st</sup> Communications Regiment, JNA (1992); Chief of Intelligence Department, Sarajevo Romanija Corps (from May 92); Assistant Chief of Intelligence and Security Organ, Sarajevo Romanija Corps (from Sep 94)
BULAJIĆ, Dragan	Capt 1 <sup>st</sup> Class	President of Sarajevo Romanija Corps Exchange Commission (1992); Head of RS State Commission for the Exchange of Prisoners of War (1993-1995)
BUNDALO, Ratko	Col	Commander TG Kalinovik
ČANČAR, Petko		Member of Foča Crisis Staff; Mayor of Foča
ČELANOVIĆ, Zlatan		Officer for Morale, Religious and Legal Affairs, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
CEROVIĆ, Slobodan	Col	Assistant Commander for Morale, Religious and Legal Affairs, Drina Corps
ČOLIĆ, Pero	Lt Col; Maj Gen	Commander 5 <sup>th</sup> Kozara Infantry Brigade, 1 <sup>st</sup> Krajina Corps
ĆOSOVIĆ, Brane		Unit Commander within TG Foča
CUTILEIRO, Jose		Portuguese Diplomat; EC mediator in BH
ČUTURIĆ, Rade a.k.a. "Oficir"		Deputy Commander 2 <sup>nd</sup> Šekovići Detachment, Special Police Brigade, RS MUP (until Jun 95); Commander 2 <sup>nd</sup> Šekovići Detachment, Special Police Brigade, RS MUP (from Jun 95)
CVETKOVIĆ, Radisav	Lt Col; Col	Chief of Artillery, Sarajevo Romanija Corps (1992); Commander 4th Mixed Artillery Regiment, Sarajevo Romanija Corps (1993)
CVIJETIĆ, Zoran		Chief of Sokolac SJB;

Name / Pseudonym	Rank	Description
ČVORO, Zdravko		President of Pale Crisis Staff
DAVIDOVIĆ, Nenad		Member of Sanski Most Crisis Staff; Chief of Medical Service, 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps;
DAVIDOVIĆ, Srbislav		President of the Bratunac Municipal Executive Board; Commander of Bratunac Civilian Protection
ĐEKANOVIĆ, Nedeljko		SDS Leader Kotor Varoš; President Kotor Varoš Crisis Staff
DE LA PRESLE, Bertrand	Gen	UNPROFOR Force Commander, Zagreb
DENČIĆ, Nikola	Col	Commander JNA 17 <sup>th</sup> Corps; Commander East Bosnia Corps (until June 92)
ĐERIĆ, Branko		President of the Government of SRBiH; RS Prime Minister
ĐERIĆ, Krsto	Col	Chief of Training Department, Operations and Training Administration, GŠ VRS (from Sep 94)
DERONJIĆ, Miroslav		President Bratunac Crisis Staff (1992); War Commission for the Municipality of Bratunac member (June 1992); Civil Affairs Commissioner for Srebrenica (from 11 July 95); President of the War Presidency of Srebrenica-Skelani Municipality (from 14 Jul 95)
DERONJIĆ, Nenad		Member of 2 <sup>nd</sup> PJP Company, Zvornik CJB, RS MUP
DESPOTOVIĆ, Pero	Maj	Commander, Ilidža Brigade, Sarajevo Romanija Corps (May 92 – Jan 93)
ĐOKIĆ, Neško		Member of 1st Infantry Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
ĐOKIĆ, Slobodan		Member of 1st Infantry Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
DOYLE, Colm		ECMM Sarajevo (Oct 91 – Nov 91); Chief of ECMM Sarajevo (Nov 91 – Mar 92); Personal Representative of Lord CARRINGTON (Apr 92 – Aug 92)
DRAGIČEVIĆ, Krsto a.k.a. "Krla"		Member of 3 <sup>rd</sup> Platoon, 2 <sup>nd</sup> Šekovići Detachment, Special Police Brigade, RS MUP
DRAGIČEVIĆ, Luka	Col	Chief of Staff Višegrad Brigade (Jul-Oct 92); Commander Višegrad Brigade (Oct 92 - Aug 93); Chief of Staff TG Višegrad (Aug 93 – Nov 94); Assistant Commander for Morale, Legal and Religious Affairs, Sarajevo Romanija Corps (from Nov 94)
DRAGUTINOVIĆ, Miodrag	Maj	Operations Department, 1 <sup>st</sup> Semberija Brigade, East Bosnia Corps; Administrator for Operations and Training, 1 <sup>st</sup>

Name / Pseudonym	Rank	Description
		Zvornik Infantry Brigade (from Aug 92); Assistant Chief of Staff for Operations and Training, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps (Jul 95)
DRINIĆ, Predrag	Capt 1 <sup>st</sup> Class; Maj	Military Prosecutor, East Bosnia Corps
DRLJAČA, Simo	Col	Chief of Prijedor SJB (1992); Member of Prijedor Crisis Staff; Prijedor Representative to ARK Crisis Staff; Head of MUP Information Office Advisor to the Minister for Public Relations (temporarily assignment May 93); Assistant Chief of Banja Luka Security Services Centre Relations (temporarily assignment Jan 94); Chief of Prijedor CJB (from Apr 94)
ĐUKIĆ, Đorđe	Maj Gen	Assistant Commander for Logistics, GŠ VRS (from May 92)
ĐUKIĆ, Rajko		President of SDS Executive Board and SAO Birač Coordinator; Head of <i>Boksit</i> Enterprise, Milići
ĐURĐIĆ, Miloš	Col	Chief of Section for Communication with Foreign Military Representatives, GŠ VRS
ĐURIĆ, Mane		Chief of Vlasenica SJB, RS MUP (1992); Member of Vlasenica Crisis Staff; Deputy Chief of Zvornik CJB (1994 – 1995)
ĐURIĆ, Mendeljev a.k.a. “Mane”		Commander 1 <sup>st</sup> Company, Training Centre (Jahorina), Special Police Brigade, RS MUP
ĐURKOVIĆ, Vojislav a.k.a. “VOJKAN” a.k.a. “PUŠKAR”		Paramilitary active in expulsions in Bijeljina
EGBERS, Vincentius	Lt	Platoon Commander, UNPROFOR DutchBat Charlie Company (Potočari), Srebrenica
ELEZ, Pero		7 <sup>th</sup> Battalion (Miljevina) Commander, TG Foča
ERCEG, Nikola		Member of ARK Crisis Staff
ERDEMOVIĆ, Dražen		Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
FILIPOVIĆ, Omer		Head of Muslim TO Ključ; Head of Ključ Muslim Bosniak Association; Vice-President of Ključ Municipal Assembly; Killed at Manjača Camp
FRANKEN, Robert	Maj	Deputy Commander, UNPROFOR DutchBat Srebrenica
FRASER, David	Brig Gen	Military Assistant to Commander UNPROFOR Sector Sarajevo (Apr 94 – May 95)
FURTULA, Radomir	Capt 1 <sup>st</sup> Class; Maj; Lt Col	Battalion Commander (Gučevo), JNA 216 <sup>th</sup> Mountain Brigade (early 92); Commander 5 <sup>th</sup> Podrinje Light Infantry

Name / Pseudonym	Rank	Description
		Brigade, Drina Corps
GAGOVIĆ, Dragan		Chief of SJB Foča
GAGOVIĆ, Milisav	Col	Commander JNA 4 <sup>th</sup> Corps
GALIĆ, Stanislav	Col; Maj Gen; Lt Col Gen	Commander 30th Partisan Division (May 92 – Sep 92); Commander Sarajevo Romanija Corps (Sep 92 – Aug 94)
GAVRIĆ, Budimir	Col; Maj Gen	Chief of Staff/Deputy Commander East Bosnia Corps
GAVRIĆ, Jugoslav	Dr	Director of the Zvornik Hospital
GAVRIĆ, Mićo	Capt	Chief of Artillery, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
GAVRILOVIĆ, Branislav a.k.a. “BRNE”		Member of Igman Brigade, Sarajevo Romanija Corps (Apr 92 to Sep 93)
GOJKOVIĆ, Brano		Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
GOLIĆ, Pavle	Maj	Assistant Chief of Intelligence, Drina Corps
GOVEDARICA, Boško		Chief of SJB Kalinovik
GROENEWEGEN, Paul		Member of UNPROFOR DutchBat Srebrenica
GRUBAĆ, Radovan	Col; Maj Gen	Commander Herzegovina Corps (from May 92)
GRUBOR, Mićo	Col; Maj Gen	Assistant Commander for Organisation, Recruitment and Personnel, GŠ VRS (until Aug 94)
GVERO, Milan	Maj Gen; Lt Col Gen	Assistant Commander for Morale, Religious and Legal Affairs, GŠ VRS
GVOZDEN, Mile		Member of 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps
HARLAND, David		Civil Affairs Officer, UNPROFOR (May 93 - Jan 95); Head of Civil Affairs, UNPROFOR Sector Sarajevo (Jan - Aug 95); Political Advisor to Commander (Gen SMITH), UNPROFOR BH Command (from Aug 95)
IKONIĆ, Nedo		Commander 2 <sup>nd</sup> Company, Training Centre (Jahorina), Special Police Brigade, RS MUP
ILIĆ, Dragutin	Col	Commander East Bosnia Corps (June 92 – Aug 92); Chief of Operations & Training Administration, GŠ VRS (from Sep 92)
ILIĆ, Ljupko		Bratunac Civilian Protection Chief of Staff; Commander of the Workers’ Obligation Unit
ILIĆ, Milisav		Member of Military Police Platoon, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
INDIĆ, Boban		Intervention Company Commander, Višegrad Brigade
INDIĆ, Milenko	Capt 1 <sup>st</sup> Class; Maj; Lt Col	Liaison Officer, Sarajevo Romanija Corps Group for Cooperation with UNPROFOR
IVANOVIĆ, Dragoje		Member of Military Police Company, 1 <sup>st</sup>

Name / Pseudonym	Rank	Description
		Zvornik Infantry Brigade, Drina Corps
IVANOVIĆ, Veljko		Driver, 2 <sup>nd</sup> Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
IZETBEGOVIĆ, Alija		President of the Presidency of BH; President of SDA
JACIMOVIĆ, Mile	Maj	Commander Vlasenica Battalion, Birač Brigade, East Bosnia Corps
JANJIĆ, Janko a.k.a. "Tuta"		Member of unit within TG Foča
JANJIĆ, Mile		Member of Military Police Platoon, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
JANKOVIĆ, Dušan		Commander SJB Prijedor
JANKOVIĆ, Gojko		Unit Commander within TG Foča
JANKOVIĆ, Mirko	Staff Sgt 1 <sup>st</sup> Class	Military Police Platoon Commander, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
JANKOVIĆ, Radoslav	Col	Desk Officer, Analysis Section, Intelligence Administration, Sector for Intelligence and Security Affairs, GŠ VRS
JANVIER, Bernard	Gen	Commander UNPROFOR (from Mar 95)
JASIKOVAC, Miomir	Lt	Military Police Company Commander, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
JAVORIĆ, Rade	Capt 1 <sup>st</sup> Class; Maj	Commander Prijedor Municipal TO, JNA; Chief of Staff 5 <sup>th</sup> Kozara Light Infantry Brigade
JAZIĆ, Jovo	Lt Col	Chief of Staff/Deputy Commander 65 <sup>th</sup> Motorised Protection Regiment
JEREMIĆ, Nebojša		Member of Military Police Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
JESIĆ, Mirko		Member of National Security Service (SNB)
JEVĐEVIĆ, Milenko	Maj	Commander 5th Communications Battalion, Drina Corps (from Nov 92)
JEVIĆ, Duško a.k.a. "Staljin"		Head of Training Centre (Jahorina), Special Police Brigade, RS MUP
JOKIĆ, Dragan	Capt 1 <sup>st</sup> Class; Maj	Chief of Engineering, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
JOKIĆ, Sladan		Member of Military Police Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
JOVANOVIĆ, Vladislav		Foreign Minister of Serbia/FRY
JOVIĆ, Čedo		Member of Military Police Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
JOVIĆ, Dragan		Driver for Srećko ACIMOVIĆ, 2 <sup>nd</sup> Battalion Commander, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
JOVIČIĆ, Nedo		Driver of Deputy Commander Ljubomir BOROVIČANIN, Special Police Brigade, RS MUP
KAJTEZ, Daniluško		Member of SOS, later 6 <sup>th</sup> Krajina Brigade (Sanski Most), 1 <sup>st</sup> Krajina Corps
KALABIĆ, Rajko		Assembly Deputy for Ključ; Member of Ključ Crisis Staff

Name / Pseudonym	Rank	Description
KALINIĆ, Dragan		RS Minister of Health
KARADŽIĆ, Radovan		President of the SDS; President of the SRBiH Presidency (May 92 – Dec 92); President of the Republika Srpska (Dec 92 –); Supreme Commander of the Armed Forces of the Republika Srpska
KARANOVIĆ, Jovica	Lt Col	Chief of Analysis Section, Intelligence Administration, Sector for Intelligence and Security Affairs, GŠ VRS
KARIŠIK, Milenko		Commander Special Police Unit, SRBiH MUP (1992); Commander Special Police Brigade, RS MUP (until Feb 94); Chief of Police Administration, RS MUP (Feb-Nov 94); Deputy Minister of Interior/Chief of Public Security Department, RS MUP (from Nov 94)
KARREMANS, Thomas	Lt Col	Commander UNPROFOR DutchBat Srebrenica
KECMANOVIĆ, Nenad		President of the Alliance of Reform Forces of Yugoslavia for BH (1990); Member of BH Presidency (Jun 92 – Jul 92)
KELEČEVIĆ, Boško	Maj Gen; Lt Col Gen	Chief of Security, JNA 2 <sup>nd</sup> Military District (Jan 92 – Mar 92); Chief of Staff JNA 5 <sup>th</sup> Corps (Mar 92 – May 92); Chief of Staff 1 <sup>st</sup> Krajina Corps (May 92 – 1997)
KENJIĆ, Mladen		Member of 65 <sup>th</sup> Motorised Protection Regiment, GŠ VRS – driver of Gen MLADIĆ
KESEROVIĆ, Dragomir	Capt 1 <sup>st</sup> Class; Maj; Lt Col	Chief of Security, Armoured Brigade (June 1992); Commander Military Police Battalion, East Bosnia Corps; Commander Military Police Battalion, 1 <sup>st</sup> Krajina Corps (until Feb 95); Chief of Section for Military Police Affairs, Security Administration, Sector for Intelligence and Security Affairs, GŠ VRS (from Feb 95); Commander Armoured Brigade, 1 <sup>st</sup> Krajina Corps
KIJAC, Dragan		Chief of Sarajevo National Security Service Sector, SRBiH MUP (Apr 92 – Aug 92); Acting Undersecretary of the National Security Service of RS MUP (Aug 92 – Sep 94); Undersecretary and Chief of State Security Department, RS MUP (Sep 94 – Dec 95); Minister of Interior, RS MUP (Dec 95 – Aug

Name / Pseudonym	Rank	Description
		97)
KINGORI, Joseph	Maj	UNMO Srebrenica
KLJAJIĆ, Mile		Grabovica Company Commander, Kotor Varoš Light Infantry Brigade, 1 <sup>st</sup> Krajina Corps
KNEŽEVIĆ, Duško	Sgt	Commander Sabotage and Reconnaissance Unit, 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps
KOJIĆ, Radomir		Police Officer, Pale; Member of 1 <sup>st</sup> Romanija Infantry Brigade, Sarajevo Romanija Corps (Oct 92 – Aug 95); Chief of Staff 4 <sup>th</sup> Sarajevo Light Infantry Brigade, Sarajevo Romanija Corps (from Aug 95)
KOLJEVIĆ, Nikola		Member of BiH Presidency (from 1990); Vice President of the SRBiH Presidency (May 92 – Dec 92); Vice President of Republika Srpska (from Dec 92); Chairman of the RS Committee for co-operation with the UN and international humanitarian organisations
KONDIĆ, Veljko		President of Ključ SDS
KONDIĆ, Vinko		Chief of SJB Ključ
KOROMAN, Malko		Chief of Pale SJB; Head of Police Administration, RS MUP (by Nov 94)
KOS, Franc	Lt	Commander Bijeljina Platoon, 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
KOSANOVIĆ, Duško		Member of Scorpion Unit, Serbian State Security (DB)
KOSORIĆ, Svetozar	Lt Col	Chief of Intelligence, Drina Corps
KOSOVIC, Mile		Bosnian Serb Civilian
KOSTER, Eelco	Lt	Logistics Officer UNPROFOR DutchBat Srebrenica
KOSTIĆ, Miloš		US citizen of Serb origin
KOVAČ, Marko	Col	Commander TG Foča
KOVAČ, Nikola		President of Kalinovik Municipal Assembly
KOVAČ, Radomir a.k.a. "Klanfa"		Member of unit within TG Foča
KOVAČ, Tomislav a.k.a. "Tomo"		Commander/Chief of Ilidža SJB (1991); RS Acting Minister of Interior (Sep 93) RS Deputy Minister of Interior; RS Minister of Interior (1995)
KOVAČEVIĆ, Blagoje	Capt 1 <sup>st</sup> Class	Chief of Staff Rajlovac Light Infantry Brigade, Sarajevo Romanija Corps (1992); Commander 3 <sup>rd</sup> Battalion, 1 <sup>st</sup> Sarajevo Mechanised Brigade, Sarajevo Romanija Corps (from late 92)
KOVAČEVIĆ, Momčilo		RS Assistant Minister of Defence (Jul 95)
KRAJIŠNIK, Momčilo		Member of SDS Main Board;

Name / Pseudonym	Rank	Description
		Member of the SRBiH Presidency (May 92 – Dec 92); President of the BH National Assembly; President of the RS National Assembly.
KRALJEVIĆ, Miroslav		Commander Special Police Platoon, Vlasenica
KREMENOVIĆ, Radoslav	Lt	Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
KRNOJELAC, Milorad		Warden KP Dom Foča
KRSMANOVIĆ, Aleksa	Col	Assistant Commander for Logistics, Sarajevo Romanija Corps
KRSMANOVIĆ, Rajko	Col	Chief of Transportation Services, Drina Corps
[REDACTED]		[REDACTED]
KRSTIĆ, Đorđe		Deputy Warden Batković Camp (1993-1995)
KRSTIĆ, Radislav a.k.a. "KRLE"	Lt Col; Col; Maj Gen	Commander 2nd Romanija Motorised Brigade, Sarajevo Romanija Corps (later Drina Corps) (June 92 – Aug 94); Chief of Staff/Deputy Commander Drina Corps (Aug 94 – 13 July 95); Commander Drina Corps (from 13 July 95)
KUGIĆ, Tihomir		Driver, Logistics Organ, Drina Corps
KULIĆ, Dragan		Ugljevik Public Security Station (SJB)
KUNARAC, Dragan a.k.a. "Žaga"		Unit Commander within TG Foča
KUPREŠANIN, Vojislav a.k.a. "Vojo"		Member of SDS Main Board; President of ARK Assembly (from Sep 1991); Member of ARK Crisis Staff
KURUZOVIĆ, Slobodan	Maj	Battalion Commander, JNA 343 <sup>rd</sup> Motorised Brigade (Nov 91 – Feb 92); Commander Prijedor Serbian TO (until 29 May 92); Under the command of Prijedor Regional Command (from 29 May 92); Commander of Trnopolje Camp; Member of Prijedor Crisis Staff
KUŠIĆ, Rajko	Capt; Capt 1 <sup>st</sup> Class; Maj; Lt Col	Commander Rogatica TO; Commander Rogatica Brigade, Sarajevo Romanija Corps (May 92 – Nov 92); Commander 1st Podrinje Light Infantry Brigade (Rogatica), Drina Corps (from Nov 92); Member of Rogatica Serb Municipal Crisis Staff; Member of SDS Main Board
LAKTIĆ, Radivoje	Capt	Platoon Commander, 1 <sup>st</sup> Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
LAZAREVIĆ, Damjan		Road Platoon Commander, Engineering Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
LAZIĆ, Milenko	Col	Assistant Chief of Training Department, Operations and Training Administration, GŠ

Name / Pseudonym	Rank	Description
		VRS (June 92 – May 93); Commander 1 <sup>st</sup> Guards Motorised Brigade (May 93 – Aug 94); Chief of Operations and Training Affairs, Drina Corps (Sep 94 – Aug 95); Commander OG-2, 1 <sup>st</sup> Krajina Corps (from Sep 95)
LJUBINAC, Radisav a.k.a. "PJANO"	Sgt; Sgt 1 <sup>st</sup> Class	Member of Rogatica Brigade/1 <sup>st</sup> Podrinje Light Infantry Brigade, Drina Corps
LUČIĆ, Aleksandar		Deputy Commander Military Police Battalion, 65 <sup>th</sup> Motorised Protection Regiment
LUGONJA, Marko	Col	Chief of Intelligence-Security Affairs, Sarajevo Romanija Corps
LUKIĆ, Boško	Maj	Ključ TO Commander; Member of Ključ Crisis Staff; Chief of Staff 17 <sup>th</sup> Light Infantry Brigade, 2 <sup>nd</sup> Krajina Corps
LUKIĆ, Vladimir		Commissioner for the Municipality of Novo Sarajevo (Jun 92); Representative of RS at UNPROFOR, Sarajevo (Jul 92 – Dec 92); RS Prime Minister (Jan 93 – 1994)
MAJSTOROVIĆ, Miroslav	Lt Col	Assistant Commander for Intelligence-Security Affairs, 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps
MAKSIMOVIĆ, Miloš		Member of SOS, Sanski Most
MAKSIMOVIĆ, Vojislav a.k.a. "Vojo"		President of SDS Deputies Club, BiH Assembly; Member of Foča Crisis Staff; SDS member; State Commissioner for Foča Municipality (June 92); Assembly of Serbian Sarajevo
MALINIĆ, Zoran a.k.a. "Zoka"	Maj	Commander Military Police Battalion, 65 <sup>th</sup> Motorised Protection Regiment
MALOVIĆ, Duško		Head of Special Police Unit, RS MUP (Bijeljina 1992)
MAMLIĆ, Slobodan	Lt Col	Chief of Electronic Reconnaissance, Intelligence Administration, Sector for Intelligence and Security Affairs, GŠ VRS
MANDARIĆ, Nikola	Lt Col Gen	Assistant Chief for Operations Affairs, VJ GŠ
MANDIĆ, Momčilo a.k.a. "Momo"		Assistant Minister of Interior (Crime Prevention), SRBiH MUP (until Apr 92); Assistant Minister of Interior, RS MUP (Apr-May 92); RS Minister of Justice (from May 92)
MANDŽIĆ, Nesib		Srebrenica Muslim Civilian Representative at Hotel Fontana Meetings (Jul 95)
MANOJLOVIĆ, Tadija	Lt Col; Col	Chief of Artillery, Sarajevo Romanija Corps

Name / Pseudonym	Rank	Description
MARČETIĆ, Dragan	Lt Col	Chief of Operations and Training Affairs, 1 <sup>st</sup> Krajina Corps (May 92 – Aug 92); Chief of Staff/Deputy Commander Sarajevo Romanija Corps (Sep 92 – Jul 93)
MARIĆ, Milorad	Lt Col	Chief of Counter-Intelligence, Security Administration, Sector for Intelligence and Security Affairs, GŠ VRS
MARTIĆ, Milan		RSK Minister of Interior (1992); President of RSK (from 1994)
MASAL, Dragiša	Col	Commander Artillery Regiment, East Bosnia Corps; Commander TG Višegrad (Feb 93 – Aug 94); Chief of Artillery, GŠ VRS (from Aug 94)
MATIJEVIĆ, Mile		Member of Banja Luka CSB, RS MUP (Apr 92 – mid-94); Deputy Chief of Crime, Police Administration, Bijelina, RS MUP (mid-94 – Jul 95)
MAUZER		<i>See</i> SAVIĆ, Ljubiša
MAZOWIECKI, Tadeusz		Special Rapporteur of the UN Commission on Human Rights
MEDIĆ, Slobodan a.k.a. “Boca”		Commander Scorpion Unit, Serbian State Security (DB)
MEJAKIĆ, Željko		Commander Omarska Camp
MILADINOVIĆ, Milovan		Excavator Operator, Engineering Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
MIJATOVIĆ, Jovo		State Commissioner for the Municipality of Ilidža (from Aug 92)
MIJATOVIĆ, Momo		President of Rajlovac Executive Board
MIJIĆ, Ranko		Member of SJB Prijedor
MILANKOVIĆ, Veljko	Lt	Commander “Vukovi sa Vucjaka” (Wolves from Mount Vucjak) Battalion, 327th Motorised Brigade, 1 <sup>st</sup> Krajina Corps (Jun 92)
MILANOVIĆ, Ignjat	Col	Chief of Anti-Aircraft Defence, Drina Corps
MILETIĆ, Radivoje	Col; Maj Gen	622nd Motorised Brigade Petrinja (Nov 91 - May 92); Chief of Training Department, GŠ VRS (May 92 – Aug 93); Chief of Operations & Training Administration, GŠ VRS/Deputy Chief of Staff GŠ VRS (from Aug 93)
MILIČIĆ, Josip		President of Foča Serb Assembly; Member of Foča Crisis Staff
MILOJEVIĆ, Aleksa		SRBiH Minister for Development and Spatial Planning (1992)
MILOŠEVIĆ, Dragomir	Col; Maj Gen	Commander JNA 216 <sup>th</sup> Mountain Brigade; Commander 1st Romanija Brigade, Sarajevo Romanija Corps (until Feb 93); Chief of Operations and Training Department, Drina Corps (Feb 93 - Jun 93); Chief of Staff/Deputy Commander Sarajevo

Name / Pseudonym	Rank	Description
		Romanija Corps (Jul 93 – Aug 94); Commander Sarajevo Romanija Corps (from Aug 94)
MILOŠEVIĆ, Marko		Deputy Commander 6 <sup>th</sup> Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
MILOŠEVIĆ, Slobodan		President of Serbia
MILOŠEVIĆ, Sreten	Capt 1 <sup>st</sup> Class	Assistant Commander for Logistics, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
MILOVANOVIĆ, Manojlo	Maj Gen; Lt Col Gen	Chief of Operations and Training Affairs, JNA 2nd Military District (from 09 May 92); GŠ VRS Chief of Staff/Deputy Commander (from May 92)
MILUTINOVIĆ, Milovan	Lt Col	Chief of Press Centre/Chief of Information Service, JNA 5 <sup>th</sup> Corps, then 1 <sup>st</sup> Krajina Corps (1992-1994); Chief of Information Service and Centre for information and Propaganda Activities, GŠ VRS (1994-1996)
MIRKOVIĆ, Dragomir a.k.a. "Dragan"		Head of the <i>Asanacija</i> Unit of the Bratunac Civilian Protection; Director of RAD Public Utility Company, Bratunac; Member of Bratunac Civilian Protection Staff
MIŠKOVIĆ, Simo		President of SDS Prijedor Municipal Board
MITROVIĆ, Mikajlo	Maj; Lt Col	Chief of Intelligence and Security Affairs, 2 <sup>nd</sup> Krajina Corps
MITROVIĆ, Miloš		Excavator Operator, Engineering Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
MLAĐENOVIĆ, Radojica		Member of Foča Crisis Staff
MLADIĆ, Ratko	Col; Maj Gen; Lt Col Gen; Col Gen	Chief of Section for Operations-Training Affairs, JNA 9th Corps (from Jun – Jul 91); Chief of Staff/Deputy Commander JNA 9th Corps (Jul-Dec 91); Commander JNA 9th Corps (Dec 91 – May 92); Chief of Staff/Deputy Commander JNA 2nd Military District (09-10 May 92); Commander JNA 2nd Military District (10-12 May 92); GŠ VRS Commander (from 12 May 92)
MORILLON, Philippe	Gen	Commander UNPROFOR BH Command (1992-1993)
NASTIĆ, Milomir	Lt Col	Commander 1 <sup>st</sup> Milići Light Infantry Brigade, Drina Corps
NICOLAI, Cornelis	Gen	Chief of Staff to Gen SMITH, UNPROFOR
NIKOLIĆ, Dragan		Commander of Security, Sušica Camp, Vlasenica
NIKOLIĆ, Drago	2 <sup>nd</sup> Lt	Assistant Commander for Security, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps

Name / Pseudonym	Rank	Description
NIKOLIĆ, Momir	Capt	Chief of Security and Intelligence, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
NIKOLIĆ, Vinko		Member of Sanski Most Crisis Staff; Leader of SOS in Sanski Most
NOVAKOVIĆ, Dušan	Lt Col	Commander Kotor Varoš Light Infantry Brigade, 1 <sup>st</sup> Krajina Corps (from Jun 92)
NUHANOVIĆ, Ibro		Srebrenica Muslim Civilian Representative at Third Hotel Fontana Meeting (Jul 95)
OBRADOVIĆ, Ljubomir	Lt Col; Col	Chief of Staff 327 <sup>th</sup> Motorised Brigade, JNA 17 <sup>th</sup> Corps (1992); Chief of Staff 327 <sup>th</sup> /27 <sup>th</sup> Infantry Brigade, 1 <sup>st</sup> Krajina Corps (1992-1994); Chief of Operations Department/Deputy Chief Operations and Training Administration, GŠ VRS (from Sep 94)
OBRENOVIĆ, Dragan	Capt 1 <sup>st</sup> Class; Maj	Chief of Staff/Deputy Commander 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
OBRENOVIĆ, Zoran		Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
OKUN, Herbert		Special Advisor and Deputy to the Personal Envoy of the UN Secretary-General (1991-1997); Deputy co-Chairman of the International Conference on the former Yugoslavia (Sep 92 – May 93); Special Advisor to the International Commission on Missing Persons in the former Yugoslavia (1996-1997)
OMANOVIĆ, Čamila		Srebrenica Muslim Civilian Representative at Third Hotel Fontana Meeting (Jul 95)
OSTOJIĆ, Jovo	“Vojvoda”	Commander of SRS volunteer detachment (in 3 <sup>rd</sup> Sarajevo Infantry Brigade AoR, Mar 94)
OSTOJIĆ, Lazar	2 <sup>nd</sup> Lt	1 <sup>st</sup> Battalion Commander, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
OSTOJIĆ, Velibor		SRBiH Minister of Information; Deputy Prime Minister (1993-1994)
OWEN, David	Lord	Co-Chairman of International Conference on the former Yugoslavia
PAJIĆ, Momčilo	Capt 1 <sup>st</sup> Class; Maj	Military Police Commander, 2nd Romanija Motorised Brigade (1992 – Mar 95); Assistant for Intelligence Affairs, 2nd Romanija Motorised Brigade, Drina Corps (from Mar 95)
PAJIĆ, Slobodan	Maj; Lt Col	Commander Vlasenica Battalion, Birač Brigade, East Bosnia Corps (Jun 92); Assistant Commander for Morale, Religious and Legal Affairs, 1st Milići Light Infantry Brigade, Drina Corps
PANDUREVIĆ, Vinko	Capt 1 <sup>st</sup> Class; Maj;	Member of War Commission for the Municipality of Višegrad (Sep 92);

Name / Pseudonym	Rank	Description
	Lt Col	Commander 5th Podrinje Light Infantry Brigade (Višegrad), Drina Corps (from Oct 92); Commander 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps (from Dec 92); Assistant Chief of Operations Department, Operations and Training Administration, GŠ VRS (from May 96)
PANTIĆ, Radislav		Chief of Transport Services, Logistics Organ, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
PANTIĆ, Radomir		Commander 1 <sup>st</sup> Zvornik PJP Company, Zvornik CJB, RS MUP
PAŠIĆ, Radomir		President of the SDS Municipal Board for Bosanski Novi; President of the Bosanski Novi Municipal Assembly; President of the Bosanski Novi Crisis Staff
PAUNOVIĆ, Dragoje		Battalion Commander, Rogatica Brigade
PEĆANAC, Dragomir	Capt 1 <sup>st</sup> Class; Maj	Security Officer, JNA 9 <sup>th</sup> Corps (1991); Intelligence Officer, Intelligence Administration, Sector for Intelligence and Security Affairs, GŠ VRS; Administrative Officer, GŠ VRS Office/Cabinet (from Sep 95)
PELEMIŠ, Milorad a.k.a. Mišo	2 <sup>nd</sup> Lt	Pelemiši Independent Company (May-Aug 92); Assault Detachment, Vlasenica, Birač Brigade (Aug 92 – Mar 93); Instructor, RS MUP (Mar-Jul 93); 5 <sup>th</sup> Battalion Commander, 1 <sup>st</sup> Birač Infantry Brigade, Drina Corps (Mar - Nov 94); Commander 10 <sup>th</sup> Sabotage Detachment (from Nov 94)
PELEMIŠ, Momir	Capt	Deputy Commander 1 <sup>st</sup> Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
PEPIĆ, Milenko		Member of 2 <sup>nd</sup> Šekovići Detachment, Special Police Brigade, RS MUP
PERIĆ, Mirko		Member of Bratunac SJB, RS MUP
PERIĆ, Slavko		1 <sup>st</sup> Battalion Assistant Commander for Intelligence-Security, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
PERIŠIĆ, Momčilo	Col Gen	VJ Chief of General Staff
PETROVIĆ, Mile		Deputy Commander Military Police Platoon, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
PETROVIĆ, Radika	Capt 1 <sup>st</sup> Class	4 <sup>th</sup> Battalion Commander, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
PETROVIĆ, Zoran a.k.a. "PIROĆANAC"		Serbian Journalist
PEULIĆ, Boško	Lt Col	Commander JNA 122 <sup>nd</sup> Brigade;

Name / Pseudonym	Rank	Description
		Commander 22 <sup>nd</sup> Light Infantry Brigade, 1 <sup>st</sup> Krajina Corps; Commander OG Vlašić (until Oct 92)
PLAVŠIĆ, Biljana		Member of BiH Presidency (from 1990); War Commissioner, Pale Municipality; Vice President of the SRBiH Presidency (May 92 – Dec 92); Vice President of Republika Srpska (Dec 92 - 95); President of Republika Srpska
[REDACTED]		[REDACTED]
POPOVIĆ, Božidar	Col	Commander Manjača Camp
POPOVIĆ, Nikola		Member of Military Police Platoon, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
POPOVIĆ, Vujadin	Capt 1 <sup>st</sup> Class; Maj; Lt Col	594th Engineering Regiment, JNA 9th Corps (until May 92); 2nd Engineering Regiment, 2nd Krajina Corps (May 92); Assistant Chief for Counter-Intelligence, Security and Intelligence Organ (and Deputy Chief), Drina Corps (until Feb 95); Chief of Security, Drina Corps (from Feb 95)
PRAŠTALO, Mićo a.k.a. “Kudra”	Sgt	6 <sup>th</sup> Battalion Commander, 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps
PREDOJEVIĆ, Branko	Capt	Battalion Commander, 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps
PRSTOJEVIĆ, Nedeljko a.k.a. “Nedo”		President of the Serbian Municipality of Ilidža Crisis Staff; President of the Municipality of Ilidža; Serbian Municipality of Ilidža War Commission
PUHALIĆ, Slavko		Member of 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps
RADIĆ, Predrag		President of Banja Luka Municipal Assembly; Member of ARK Crisis Staff
RADIĆ, Trifko		First Mayor of Serb Sarajevo; Assembly Deputy from Ilijaš
RADOJČIĆ, Vladimir	Col	Commander Ilidža Brigade, Sarajevo Romanija Corps (from Jan 93)
RAKIĆ, Mirko		Police Officer, Ugljevik Public Security Station (SJB)
RAŠEVIĆ, Mitar		Guards Commander, KP Dom Foča
RAŠULA, Nedeljko		President of Sanski Most Crisis Staff
RAVE, Evert		Liaison Officer and Field Security Advisor UNPROFOR DutchBat Srebrenica
RAŽNATOVIĆ, Željko a.k.a. “ARKAN”		Commander, Serbian Volunteer Guard a.k.a. <i>Tigers</i> paramilitary group
RIKANOVIĆ, Nikola		Engineering Company, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
RISTANOVIĆ, Cvijetin		Excavator Operator, Engineering Company, 1 <sup>st</sup>

Name / Pseudonym	Rank	Description
		Zvornik Infantry Brigade, Drina Corps
RISTANOVIĆ, Ljubo		Member of 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
RISTIĆ, Lazar	Cpl	4 <sup>th</sup> Battalion Deputy Commander, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
ROKVIĆ, Ratko	Col	Chief of Medical Services, GŠ VRS
RUTTEN, Johannes	Lt	Patrol Co-ordinator and Intelligence Officer UNPROFOR DutchBat Srebrenica
SAJIĆ, Milorad	Lt Col	Vice-President ARK Crisis Staff
SALAPURA, Petar	Col	Chief of Intelligence Department, JNA 2 <sup>nd</sup> Military District (until May 92); Chief of Intelligence Administration, Sector for Intelligence and Security Affairs, GŠ VRS (from May 92)
SAMARDŽIJA, Drago	Lt Col	Commander 17 <sup>th</sup> Light Infantry Brigade, 2 <sup>nd</sup> Krajina Corps (from Jun 92); Member Ključ War Presidency
SAMARDŽIJA, Marko	Capt; Capt 1 <sup>st</sup> Class	Company Commander, Light Infantry Brigade, 2 <sup>nd</sup> Krajina Corps
ŠARENAC, Desimir	Capt 1 <sup>st</sup> Class; Maj	49 <sup>th</sup> Mechanised Brigade, JNA 4 <sup>th</sup> Corps, Sarajevo (from May 92); Chief of Security, 1 <sup>st</sup> Sarajevo Mechanised Brigade, Sarajevo Romanija Corps (until May 95); Battalion Commander, 1 <sup>st</sup> Sarajevo Mechanised Brigade, Sarajevo Romanija Corps (May - Oct 95)
SARIĆ, Goran		Commander Special Police Brigade, RS MUP
ŠARGIĆ/SARKIĆ, Boško	Maj	Chief of Staff 1 <sup>st</sup> Milići Light Infantry Brigade, Drina Corps; Chief of Staff 1 <sup>st</sup> Vlasenica Light Infantry Brigade, Drina Corps
SAVANOVIĆ, Stanko		Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS
SAVČIĆ, Milomir	Col	Commander 65 <sup>th</sup> Motorised Protection Regiment
SAVIĆ, Ljubiša a.k.a. "MAUZER"	2 <sup>nd</sup> Lt; Lt; Maj	Commander Serbian National Guard; Commander <i>Panteri</i> Paramilitary Unit (from 1992); Assistant Chief of Staff for Security Affairs, Security-Intelligence Department, East Bosnia Corps Command (from Jun 92); <i>Mauzer</i> Combat Group, 1 <sup>st</sup> Bijeljina Light Infantry Brigade, East Bosnia Corps (1995)
SAVKIĆ, Tomislav		President of Vlasenica SDS Municipal Board
ŠEHOVAC, Milorad	Maj; Lt Col	Chief of Staff 1 <sup>st</sup> Posavina Brigade, East Bosnia Corps (May – Aug 92); Commander 2nd Sarajevo Light Infantry Brigade, Sarajevo Romanija Corps (Aug 92 – Sep 95);

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		Operations Officer, Sarajevo Romanija Corps (Sep 95 – Jul 96);
ŠEŠELJ, Vojislav		Head of Serbian Radical Party (SRS)
SIKIRICA, Duško		Security Commander, Keraterm Camp, Prijedor
SIMATOVIĆ, Franko a.k.a. "FRENKI"		Head of an Administration, Republic of Serbia MUP State Security Service
SIMIĆ, Gojko		Member of 2 <sup>nd</sup> Company, 4 <sup>th</sup> Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
SIMIĆ, Milivoje	Col	Commander OG Dobož, 1 <sup>st</sup> Krajina Corps (until 1994)
SIMIĆ, Novica	Maj Gen	Chief of Staff Anti-Armour Brigade (May 92); Commander East Bosnia Corps (from Aug 92)
SIMIĆ, Savo	Col	Chief of Artillery, 1 <sup>st</sup> Sarajevo Mechanised Brigade, Sarajevo Romanija Corps (May 92 – May 94); Commander 4 <sup>th</sup> Mixed Anti-Armour Artillery Regiment, Sarajevo Romanija Corps (May 94 – Apr 95); Artillery Organ Desk Officer, Sarajevo Romanija Corps (from Apr 95)
SINANOVIC, Rešid		Former Chief of Police, Bratunac SJB
ŠIPČIĆ, Tomislav	Lt Col; Col; Maj Gen	Commander 14th Motorised Brigade, JNA 2nd Military District (until May 92); Commander Sarajevo Romanija Corps (May 92 – Aug 92)
SKOČAJIĆ, Milutin	Col; Maj Gen	Chief of Staff/Deputy Commander Drina Corps (until Aug 94)
ŠKRBIĆ, Petar	Col; Maj Gen	Assistant Commander for Morale, Religious and Legal Affairs, 2nd Krajina Corps (Dec 93 - Aug 94); Assistant Commander for Organisation, Recruitment and Personnel, GŠ VRS (from Aug 94)
SLADOJE, Čedo	Col	Chief of Staff/Deputy Commander Sarajevo Romanija Corps (from Aug 94)
SLADOJEVIĆ, Bogdan	Col	Operations Department, GŠ VRS
SMITH, Rupert	Gen	Commander of UNPROFOR in BH (1995)
SOKANOVIC, Savo	Col	Chief of Morale and Religious Section, Sector for Morale, Religious and Legal Affairs/Deputy Chief of Sector for Morale, Religious and Legal Affairs, GŠ VRS (from Jul 92)
[REDACTED]	[REDACTED]	[REDACTED]
STAKIĆ, Milomir		President of Prijedor Crisis Staff
STANIĆ, Milenko		President of Vlasenica Municipal Assembly (1991); President of Vlasenica Crisis Staff; Minister of Trade and Tourism, SRBiH Government (1993)

Name / Pseudonym	Rank	Description
STANIĆ, Miroslav		President of Foča Crisis Staff; Commander TO Foča (May 92)
STANIŠIĆ, Jovica		Chief of Republic of Serbia MUP State Security Service
STANIŠIĆ, Mićo		Member of Council of Ministers (from Dec 91); RS Minister of Interior (Mar – Dec 92); RS Minister of Interior (1994)
STANIŠIĆ, Ostoja	Capt 1 <sup>st</sup> Class	6 <sup>th</sup> Battalion Commander, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
STANKOVIĆ, Milovan	Col	Chief of Reconnaissance-Sabotage, Intelligence Administration, Sector for Intelligence-Security Affairs, GŠ VRS
STANKOVIĆ, Radovan		MLADIĆ's Bodyguard in Knin; Member of Pero ELEZ's unit, TG Foča
STARČEVIĆ, Radislav		President of Pale Municipal Assembly
STEVANDIĆ, Nenad		Commander of SOS (Serbian Defence Forces) in ARK; Member of ARK Crisis Staff
STEVILOVIĆ, Milan	Col	Chief of Security, 1 <sup>st</sup> Krajina Corps (until 05 July 92)
STUPAR, Miloš		Commander 2 <sup>nd</sup> Šekovići Detachment, Special Police Brigade, RS MUP (until Jun 95)
STUPAR, Pero	Maj	Security Officer, 1 <sup>st</sup> Krajina Corps
TACIĆ, Radovan	Col	Commander Birač Brigade (pre 19 May 92)
TADIĆ, Boro	Capt 1 <sup>st</sup> Class	1 <sup>st</sup> Battalion Commander, 6 <sup>th</sup> Sana Brigade, JNA 5 <sup>th</sup> Corps (Nov 91 – May 92); 1 <sup>st</sup> Battalion Commander, 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps (May – Aug 92); Assistant Commander for Morale, Religious and Legal Affairs, 6 <sup>th</sup> Sana Brigade, 1 <sup>st</sup> Krajina Corps (from Aug 92)
TALIĆ, Momir	Maj Gen; Lt Col Gen	Commander JNA 5 <sup>th</sup> Corps; Commander 1 <sup>st</sup> Krajina Corps
TEPIĆ, Manojlo a.k.a. "Mane"	Capt	Chief of Staff Kotor Varoš Light Infantry Brigade, 1 <sup>st</sup> Krajina Corps (from Jun 92)
TEPSIĆ, Vaso	Col	Assistant Commander for Logistics, JNA 5 <sup>th</sup> Corps (until May 92); Assistant Commander for Logistics, 1 <sup>st</sup> Krajina Corps (from May 92)
TODOROVIĆ, Dragan		Member of Pelemiši Unit, Birač Brigade, (until Sep 92); Member of Assault Detachment, Vlasenica, 1 <sup>st</sup> Birač Brigade (from Sep 92); Special Police Unit, 2 <sup>nd</sup> Šekovići Detachment, RS MUP; Vlasenica Intervention Platoon, 1 <sup>st</sup> Birač Brigade; Member of 10 <sup>th</sup> Sabotage Detachment, GŠ VRS (from late 1994)

Name / Pseudonym	Rank	Description
TODOROVIĆ, Milenko	Col	Chief of Security Department, East Bosnia Corps
TODOVIĆ, Savo		Deputy Warden KP Dom Foča
TOLIMIR, Zdravko	Col; Maj Gen	Assistant Commander for Security, JNA 9th Corps; Chief of Security Organ, JNA 2nd Military District; Chief of Intelligence and Security Administration, GŠ SRBiH/Assistant Commander of Sector for Intelligence-Security Affairs, GŠ VRS (since 10 June 92)
TOMANIĆ, Radivoje	Col; Maj Gen	Commander 2 <sup>nd</sup> Krajina Corps (from late 1994)
TOMIĆ, Milenko		Truck Driver, R Battalion, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
TRBIĆ, Milorad	Capt	Administrator for Security, 1 <sup>st</sup> Zvornik Infantry Brigade, Drina Corps
TRIŠIĆ, Dragoslav	Maj	Assistant Commander for Logistics, 1 <sup>st</sup> Bratunac Light Infantry Brigade, Drina Corps
TRIVIĆ, Janko	Maj; Lt Col	Commander 22 <sup>nd</sup> Light infantry Brigade, 1 <sup>st</sup> Krajina Corps (from Oct 92)
TRIVIĆ, Mirko	Col	Commander 2 <sup>nd</sup> Romanija Motorised Brigade, Drina Corps
TRIVUN, Predrag		Unit Commander within TG Foča
TRKULJA, Nedeljko	Col	Chief of Armoured Units, GŠ VRS
TUĐMAN, Franjo		President of Croatia
TUPAJIĆ, Milan		President of Sokolac Municipal Assembly (from 1991); President of Sokolac Municipality Crisis Staff (from Apr 92); Member of the War Commission for the Serbian Municipality of Sokolac (from Jun 92)
TUŠEVLJAK, Slobodan		Platoon Commander, 4 <sup>th</sup> Company, 3 <sup>rd</sup> Battalion, 1 <sup>st</sup> Romanija Infantry Brigade, Sarajevo Romanija Corps (from May 92); Platoon Commander, 4 <sup>th</sup> Company, 2nd Battalion, 1 <sup>st</sup> Sarajevo Mechanised Brigade, Sarajevo Romanija Corps
UJIĆ, Mile	Maj	Member of Rogatica Crisis Staff; Member of SDS Municipal Board; Chief of Staff Rogatica Brigade
VAN DUIJN, Leendert	Lt	Member of UNPROFOR DutchBat Srebrenica
VAN LYNDEN, Aernout		Sky News War Correspondent
VAN SCHAİK	Warrant Officer	Member of UNPROFOR DutchBat Srebrenica
VANCE, Cyrus		Co-Chairman of International Conference on the former Yugoslavia
VASIĆ, Dragomir		Chief of Zvornik CJB, RS MUP (1995)
VELJOVIĆ, Stevan	Capt 1 <sup>st</sup> Class; Maj	Assistant Commander for Operations and Training, JNA 216 <sup>th</sup> Mountain Brigade (until

Name / Pseudonym	Rank	Description
		May 92); Chief of Staff for Operations and Training, 1 <sup>st</sup> Romanija Infantry Brigade, Sarajevo Romanija Corps (May 92 – Dec 94); Sarajevo Romanija Corps Command (Dec 94 – Aug 95); Commander 4 <sup>th</sup> Sarajevo Light Infantry Brigade, Sarajevo Romanija Corps (from Aug 95)
VERSTEEG, Michel	Lt	Member of UNPROFOR DutchBat Srebrenica
VIDOVIĆ, Risto		Chief of Security, Vlasenica Battalion, Birač Brigade, East Bosnia Corps; Member of Vlasenica Crisis Staff
VIDOVIĆ, Vasilije a.k.a. “VASKE”	“Vojvoda”	Member of Serbian Četnik Movement, SRS unit in Ilijaš (from Feb 92)
VJEŠTICA, Miroslav		SDS President of the Municipality of Bosanska Krupa; War Staff Command Municipality of Bosanska Krupa; Assembly Deputy from Bosanska Krupa
VLAISAVLJEVIĆ, Mićo	Col	Chief of Staff/Deputy Commander 2 <sup>nd</sup> Krajina Corps (from July 92)
VOERMAN, Rolf	Capt	Member of UNPROFOR DutchBat Srebrenica
VRKEŠ, Vlado		Member/Deputy President of Sanski Most Crisis Staff
VRUČINIĆ, Mirko		Member of Sanski Most Crisis Staff ; Chief of Intelligence, 6 <sup>th</sup> Sana Brigade, JNA 5 <sup>th</sup> Corps (until Apr 92); Chief of Sanski Most SJB (from Apr 92)
VUJASIN, Mihajlo	Capt 1st Class; Maj; Lt Col	Commander Light Motorised Brigade, OG Vogošća (from Jun 92); Commander Rajlovac Brigade, Sarajevo Romanija Corps
VUJINOVIĆ, Gojko	Col	Assistant Commander for Civilian Affairs, 1 <sup>st</sup> Krajina Corps
VUJOVIĆ, Ratko	2 <sup>nd</sup> Lt	Deputy Commander 5 <sup>th</sup> Military Police Battalion, Drina Corps
VUKAŠEVIĆ, Milorad	Lt Col	Commander 1 <sup>st</sup> Infantry Brigade (Šipovo)
VUKELIĆ, Milutin	Col	Assistant Commander for Morale, Religious and Legal Affairs, 1 <sup>st</sup> Krajina Corps
VUKOVIĆ, Zoran		Member of unit within TG Foča
VULLIAMY, Edward		British journalist, Bosnian Correspondent for <i>The Guardian</i> newspaper
WILSON, John	Gen	Senior Military Liaison Officer, UNMLO-Y (Jan-Mar 92); Chief of UNMOs for UNPROFOR (Mar –Nov 92); Military Advisor to Cyrus VANCE, International Conference on the former Yugoslavia (Dec 92 – Dec 93)

Name / Pseudonym	Rank	Description
ZEKIĆ, Dragiša		Member of 6th PJP Company, RS MUP
[REDACTED]		[REDACTED]
ZELJAJA, Radmilo	Maj; Lt Col; Col	Deputy Commander Prijedor Garrison (Apr 92); Chief of Staff/Deputy Commander JNA 343 <sup>rd</sup> Motorised Brigade; Chief of Staff/Deputy Commander 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps; Commander Prijedor Tactical and Operation Group, 1 <sup>st</sup> Krajina Corps; Commander 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps
ŽIGIĆ, Zoran		Member of 43 <sup>rd</sup> Motorised Brigade, 1 <sup>st</sup> Krajina Corps
ŽIVANOVIĆ, Milenko	Col; Maj Gen; Lt Col Gen	Commander 557th Mixed Anti-Tank Artillery Regiment, Benkovac, JNA 9 <sup>th</sup> Corps; Chief of Artillery, GŠ VRS (until Nov 92); Drina Corps Commander (Nov 92 – 13 July 95)
ZOLJIĆ, Danilo		Commander Zvornik CJB PJP Companies, RS MUP
ŽUPLJANIN, Slobodan	Capt	5 <sup>th</sup> Company Commander, JNA 122 <sup>nd</sup> Light Infantry Brigade (1991 – May 92); 2 <sup>nd</sup> Battalion Commander, 22 <sup>nd</sup> Light Infantry Brigade, 1 <sup>st</sup> Krajina Corps (from May 92)
ŽUPLJANIN, Stojan		Member of ARK Crisis Staff; Chief of Banja Luka CSB (Apr 92 - Feb 94); Internal Affairs Advisor to President of Repblika Srpska (from Feb 94)