

**UNITED
NATIONS**

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

Case No. IT-03-67-T

Date: 5 February 2012

IN THE TRIAL CHAMBER

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ**PUBLIC REDACTED WITH PUBLIC REDACTED ANNEXES**

PROSECUTION'S CLOSING BRIEF

The Office of the Prosecutor:

Mathias Marcussen

The Accused:

Vojislav Šešelj

Table of Contents

I. INTRODUCTION	1
II. EVIDENTIARY ISSUES.....	3
III. ŠEŠELJ AND OTHER SERB LEADERS COMMITTED CRIMES IN PURSUIT OF ETHNICALLY-SEPARATE SERB TERRITORIES.....	5
IV. ŠEŠELJ INTENDED THE CREATION OF ETHNICALLY SEPARATE SERB TERRITORIES THROUGH THE COMMISSION OF CRIMES	9
A. ŠEŠELJ OPPOSED YUGOSLAVIA AS INCOMPATIBLE WITH SERB INTERESTS AND HISTORICAL BIRTHRIGHT.....	9
B. ŠEŠELJ REVIVED THE MILITANT CHETNIK IDEOLOGY.....	11
C. ŠEŠELJ FOUNDED THE SČP AND SRS TO IMPLEMENT PERSECUTORY CHETNIK IDEOLOGY FOR THE IDEAL OF “GREATER SERBIA”	13
D. ŠEŠELJ USED THE SRS/SČP TO RECRUIT, MOTIVATE AND SEND VOLUNTEERS TO CONFLICT AREAS WHERE THEY PARTICIPATED IN THE CHARGED CRIMES	16
E. ŠEŠELJ USED PERSECUTORY CHETNIK IDEOLOGY AND RHETORIC TO MOBILIZE AND INSTIGATE SYMPATHIZERS BY STOKING FEAR TO JUSTIFY FORCIBLE ETHNIC SEPARATION	20
F. ŠEŠELJ SPREAD HIS MESSAGE OF VIOLENCE, FEAR AND ETHNIC HATRED TO THE LARGEST POSSIBLE AUDIENCE ACROSS THE TERRITORIES OF THE CRUMBLING YUGOSLAV STATE.....	23
V. ŠEŠELJ SUPPORTED OTHER JCE MEMBERS IN THEIR EFFORTS TO ESTABLISH ETHNICALLY-SEPARATE SERB TERRITORIES	24
A. INTRODUCTION.....	24
B. AS CROATIA MOVED TOWARDS INDEPENDENCE, PARALLEL SERB STRUCTURES AND FORCES WERE SET UP IN CROATIA WITH SUPPORT FROM JCE MEMBERS IN BELGRADE, INCLUDING ŠEŠELJ	26
C. FROM MARCH 1991, SERB LEADERS ESTABLISHED FIGHTING FORCES CONTROLLED BY MUP SERBIA AND THE JNA BECAME A SERBIAN ARMY.....	28
1. MILOŠEVIĆ promised to use MUP Serbia to defend all Serbs and called for all Serb political leaders to fight for Serbian interests.....	29
2. MILOŠEVIĆ, STANIŠIĆ and SIMATOVIĆ created a MUP force that was deployed outside Serbia and, with BOGDANOVIC, provided material and financial support to Serbs in Croatia	29
3. JCE members integrated various paramilitary groups into the new Serb fighting force.....	30
4. The JNA became a Serbian army and ŠEŠELJ gave material assistance to the new Serbian fighting force	33
D. BEGINNING IN THE SUMMER OF 1991, JCE MEMBERS DEPLOYED THEIR NEW SERB FIGHTING FORCES IN CROATIA.....	37
1. Now firmly joined in their criminal enterprise, other JCE members began publicly instigating their forces.....	40
E. BEFORE AUGUST 1991 THERE WAS A COMMON CRIMINAL PURPOSE SHARED BY JCE MEMBERS	42
F. CRIMES COMMITTED IN VUKOVAR WERE PART OF THE JCE.....	43
1. The Crimes Committed in Vukovar were part of the common purpose to create a Serb dominated territory	43
(a) Vukovar’s Strategic Importance to JCE members	43
(b) The Serbs prepared militarily for the Implementation of the JCE in Vukovar	44
(i) Serb Military Structure in Vukovar	44
(ii) Criminal activity and violence were known and accepted methods of removing the Croat population from Vukovar.....	45

(iii) Despite knowledge that Šešeljević and other paramilitaries were committing crimes, they were embraced in the Serb forces.	46
(c) The Serb Forces Forcibly Transferred or Deported the Non-Serb civilian population and unleashed physical destruction not justified by military necessity.	48
(d) “No Ustaša should leave Vukovar alive” and other hate speech	50
2. Serb Forces ushered the non-Serb population to Vukovar Hospital	56
(a) Events at Velepromet collection centre demonstrate that JNA officers knew about the numerous abuses by Šešeljević and accepted their crimes as a means to achieve their common criminal purpose.	58
(b) On 20 November 1991 the SAO SBWS government meeting resulted in the JNA turning the detainees over to Šešeljević and the TO	59
(c) Serb forces transfer detainees to Ovčara; abuse and torture follow	60
(d) Murder/Torture and Abuse at Ovčara/Grabovo	61
(e) Murder, Torture and Abuse at Velepromet and other facilities after the Ovčara massacre ...	63
(f) The abuse and murder at Velepromet, Ovčara/Grabovo and throughout Vukovar was widely known but ŠEŠELJ and other JCE Members took no action.....	64
G. AS BIH MOVED TOWARDS INDEPENDENCE PARALLEL STRUCTURES AND FORCES WERE SET UP FOLLOWING THE MODEL THE JCE MEMBERS HAD USED IN CROATIA	65
1. BiH was strategically important for achieving the common purpose	65
2. JCE members begin early preparations in BiH.....	66
3. In December 1991 the JCE members accelerated their efforts to prepare separate Serb institutions	69
4. Belgrade based JCE members redeployed their forces to BiH.....	71
5. The JNA deployed to secure Serb-claimed areas and armed Serbs in BiH.....	73
6. The Bosnian Serb Army (VRS) was supported by the JCE members	75
7. ŠEŠELJ contributed Šešeljević to implement the common purpose in BiH.....	76
(a) ŠEŠELJ deployed Šešeljević to all Indictment Municipalities	77
(i) Zvornik	77
(ii) Greater Sarajevo	79
(iii) Mostar and Nevesinje	81
(b) ŠEŠELJ visited and supported his Šešeljević at the frontlines	83
VI. THE CRIMES IN ZVORNIK, GREATER SARAJEVO, MOSTAR, NEVESINJE COMMITTED BY THE PARALLEL STRUCTURES AND SERB FORCES WERE PART OF THE COMMON PURPOSE	85
A. ZVORNIK.....	85
1. The crimes committed in Zvornik formed part of common criminal purpose	86
(a) ŠEŠELJ admitted that the Serb take-over of Zvornik was planned in Belgrade.....	86
(b) The JCE members in BiH supervised the implementation of the JCE in Zvornik before and after the Serb take-over.....	87
(c) The Serb leadership prepared for the attack on Zvornik.....	88
2. Serb forces carried out a persecutory criminal campaign against the non-Serb population of Zvornik.....	89
(a) Šešeljević and other Serb Forces perpetrated the crimes in Zvornik	89
(i) The volunteers were incorporated into the TO and police after the attack on Zvornik	93
(b) Serb forces forcibly displaced non-Serbs from Zvornik town during the attack on 9 April 1992 and thereafter (Counts 1, 10–11)	94
(i) The Serb forces continued to forcibly displace all non-Serbs from settlements around Zvornik (Counts 1, 10–11)	95
(c) The Serb forces murdered non-Serbs in Zvornik town on or about 9 April 1992 (Counts 1, 4).....	97
(d) Šešeljević committed numerous serious crimes against Muslim detainees at detention facilities run by the Serb forces (Counts 1, 4, 8–9)	98
(i) The Standard Shoe Factory	99
(ii) Ekonomija Farm, 12 - 20 May 1992.....	99

(iii) Ciglena Factory, June or July 1992	101
(iv) Drinjača Dom Kulture, 30 – 31 May 1992.....	102
(v) Karakaj Technical School, 1–5 June 1992 and Gero’s Slaughter House, 7–9 June 1992.....	103
(vi) Čelopek Dom Kulture, 1 June – 26 June 1992.....	105
(e) Serb forces destroyed and plundered property and religious buildings in Zvornik municipality after the take-over (Counts 1, 12–14).....	106
(f) Conclusions.....	108
B. “GREATER SARAJEVO”	109
1. Serbs Forces carried out a persecutory criminal campaign against the non-Serb population of “Greater Sarajevo”	110
(a) Šešeljevi and other Serb Forces perpetrated the crimes in “Greater Sarajevo”	110
(i) Branislav GAVRILOVIĆ aka “Brne”	111
(ii) Vasilije VIDOVIĆ aka “Vaske”	111
(iii) Slavko ALEKSIĆ	111
(iv) Nikola POPLAŠEN	112
(v) ŠEŠELJ was aware of the actions carried out by the Šešeljevi in “Greater Sarajevo”	112
(vi) Šešeljevi cooperated with other Serb forces in “Greater Sarajevo”	115
(b) Serb forces forcibly displaced non-Serbs from “Greater Sarajevo”	115
(i) Serb forces forcibly transferred non-Serbs and destroyed and looted Lješevo, Ilijaš (Counts 1, 11, 12, 14)	115
(ii) Serb forces forcibly transferred non-Serbs, destroyed and looted Svrake, Vogošća (Counts 1, 11, 12, 14)	117
(iii) Forcible transfer from and looting of Grbavica, Novo Sarajevo (Counts 1, 11, 14).....	118
(iv) Forcible transfer from Ilidža (Counts 1, 11 and 14)	119
(c) Serb forces murdered non-Serbs in “Greater Sarajevo”	119
(i) Serb forces killed 22 non-Serbs in Lješevo, Ilijaš (Counts 1, 4)	119
(ii) Vasilije VIDOVIĆ aka “Vaske” killed a non-Serb civilian at Crna Rijeka, Ilijaš (Counts 1, 4).....	119
(iii) Serb forces killed 27 non-Serbs at Žuč, Vogošća (Counts 1, 4).....	120
(iv) Serb forces killed non-Serbs in Grbavica, Novo Sarajevo (Counts 1, 4)	120
(v) Šešeljevi killed Prisoners of War at Mount Igman, Ilidža (Counts 1, 4)	120
(vi) “Vaske”’s participation in other killings	122
(d) At the detention facilities in “Greater Sarajevo” Serb forces mistreated and tortured non-Serbs.....	122
(i) “Iskra” warehouse, Ilijaš (Counts 1, 8-9)	122
(ii) Planja’s House, Svrake, Vogošća (Counts 1, 8-9).....	123
(iii) Forced Labour (Counts 1, 8-9)	124
(e) Extensive Destruction or Wilful Damage to institutions dedicated to religion (Counts 1, 13).....	126
(f) Other Restrictive and Discriminatory measures (Count 1).....	127
(g) Conclusions.....	128
C. MOSTAR AND NEVESINJE.....	130
1. JCE members established coordinated forces in the Mostar and Nevesinje area to implement the JCE.....	130
2. Serb forces carried out a persecutory criminal campaign against the non-Serb population in Mostar	133
(a) Serb forces attacked the non-Serb population of Mostar and its surrounding villages, destroyed their property, and killed civilians.....	133
(b) Abuse in the Zalik shelter	135
(c) Serb forces massacred civilians in Vrapčići, Uborak and Sutina.....	136
(i) Vrapčići Stadium and Uborak.....	136
(ii) Sutina cemetery	138
3. Serb forces carried out a persecutory criminal campaign against the non-Serb population in Nevesinje.....	139

(a) The Serb forces forcibly displaced the non-Serb population from Nevesinje and its surrounding villages, wantonly destroyed non-Serb villages, and killed civilians who were unable to flee	139
(b) The Serb forces massacred civilians in and around Nevesinje and subjected survivors to rape and other abuse.	142
(i) Velež (Lipovača, and at Boračko Jezero) in late June 1992	142
(ii) Hrušta and Kljuna – late June 1992.....	144
D. ŠEŠELJ’S CRIMES IN HRKOVCI	146
1. Introduction.....	146
2. Build-up	146
3. The Hrtkovci rally of 6 May 1992	149
4. ŠEŠELJ committed forcible displacement in Hrtkovci through hate speech.....	153
(a) ŠEŠELJ associates and supporters continued the persecutory campaign against non-Serbs	155
5. ŠEŠELJ intended the displacement of non-Serbs	159
VII. THE LEGAL ELEMENTS OF THE CRIMES CHARGED HAVE BEEN MET	160
A. WAR CRIMES WERE COMMITTED (ARTICLE 3)	160
1. Chapeau requirements for Violations of the Laws or Customs of War (Article 3)	161
(a) Nexus to an armed conflict and Accused’s awareness thereof.....	161
(b) Tadić Conditions	163
(c) Requirements for Common Article 3 crimes	163
2. The elements of the specific crimes charged have been met.....	164
(a) Article 3: Murder (Count 4)	164
(b) Article 3: Torture (Count 8) and Cruel Treatment (Count 9).....	164
(c) Article 3(b), (d), (e): Wanton Destruction (Count 12), Destruction or Wilful Damage to Institutions Dedicated to Religion or Education (Count 13), Plunder of Public or Private Property (Count 14)	165
B. CRIMES AGAINST HUMANITY WERE COMMITTED (ARTICLE 5)	165
1. Chapeau requirements for crimes against humanity (Article 5)	166
(a) A state of armed conflict existed at all times relevant to this Indictment	166
(b) A widespread or systematic attack directed against a civilian population.....	167
(i) Croatia, Vukovar.....	168
(ii) Bosnia	169
(iii) Vojvodina, Hrtkovci	170
2. The crimes charged for which ŠEŠELJ is liable were part of the widespread or systematic attack directed against the civilian populations.....	171
(i) Vukovar	172
(ii) Bosnia	172
(iii) Hrtkovci.....	173
3. The elements of the specific crimes charged have been met.....	175
(a) Article 5(h): Persecution (Count 1).....	175
(i) Hate Speech	176
(b) Articles 5(d) and 5(i): Deportation and Forcible Transfer (Counts 1, 10 and 11)	178
VIII. ŠEŠELJ IS RESPONSIBLE UNDER ARTICLE 7(1) OF THE STATUTE	180
A. JCE.....	180
1. Introduction.....	180
B. PHYSICAL COMMISSION	191
C. INSTIGATING	191
D. AIDING AND ABETTING	196
1. ŠEŠELJ’s conduct fulfils the <i>actus reus</i> of aiding and abetting.....	196
2. ŠEŠELJ knew he was aiding and abetting the charged crimes.....	199
IX. SENTENCING.....	200
A. APPLICABLE LAW	200

C. AGGRAVATING FACTORS	201
1. Interference with the Administration of Justice	201
2. Other aggravating factors	202
D. MITIGATING FACTORS	204
E. SENTENCING PRACTICE IN COURTS OF THE FORMER YUGOSLAVIA.....	204
F. RECOMMENDED SENTENCE	204
X. ŠEŠELJ'S STATEMENTS	207
XI. NON-APPEARING WITNESSES AND RECANTING WITNESSES	209
A. THE WRITTEN OTP STATEMENTS OF RECANTING, PARTIALLY RECANTING AND NON- APPEARING ŠEŠELJ AFFILIATED WITNESSES SHOULD BE CREDITED AND RECANTING TESTIMONY REJECTED	209
B. THE STATEMENTS OF NON-APPEARING WITNESSES SHOULD BE GIVEN FULL WEIGHT	210
(a) Ljubiša PETKOVIĆ (Non-appearing witness).....	211
(b) Zoran DRAŽILOVIĆ (Non-appearing witness).....	212
(c) VS-026 (non-appearing witness).....	213
(d) VS-034 (Non-Appearing Witness).....	214
C. THE ADMITTED OTP WRITTEN STATEMENTS OF RECANTING AND PARTIALLY RECANTING WITNESSES SHOULD BE GIVEN FULL WEIGHT AND THEIR RECANTING TESTIMONY REJECTED..	214
D. THE TESTIMONIAL RECANTATIONS OF THESE WITNESSES SHOULD BE REJECTED BY THE TRIAL CHAMBER.....	214
(a) Zoran RANKIĆ (Recanting Witness)	216
(b) Nebojša STOJANOVIĆ (Recanting Witness)	218
(c) Nenad JOVIĆ (Recanting Witness)	219
(d) Jovan GLAMOČANIN (Recanting Witness)	220
(e) Vojislav DABIĆ (Recanting Witness)	221
(f) Aleksandar STEFANOVIĆ (Partially Recanting Witness).....	222
(g) VS-037 (Partially Recanting Witness).....	223
GLOSSARY, <i>DRAMATIS PERSONAE</i> AND DEFINED TERMS	225

I. INTRODUCTION

1. Between August 1991 and September 1993, **Vojislav ŠEŠELJ** was one of the most prominent politicians in the former Yugoslavia and exercised substantial political power and influence. **ŠEŠELJ** was the President of the Serbian Radical Party and Serbian Chetnik Movement, and for most of this period, also served as Deputy of the National Assembly of the Republic of Serbia. Along with Croatian Serb and Bosnian Serb political leaders, Croatian Serb and Bosnian Serb government, military and police officials, high-ranking members of both the JNA/VJ and MUP Serbia and other leading Serbian political figures and officials, **ŠEŠELJ** participated in the preparation and execution of a joint criminal enterprise, the common criminal purpose of which was to forcibly create ethnically-separate territories in Croatia and Bosnia and Herzegovina. Non-Serb civilians were forcibly transferred and deported from their homes. Non-Serbs were murdered, tortured and cruelly treated. Their villages and towns were wantonly destroyed. Their property was plundered. These and a range of other persecutory acts were designed to drive them out of targeted territories – including the crime bases of Vukovar, Zvornik, Greater Sarajevo and Mostar and Nevesinje.

2. **ŠEŠELJ** shared the common criminal purpose. **ŠEŠELJ** significantly contributed to the realisation of the common criminal purpose and substantially contributed to the commission of crimes in several ways:

- He publicly and relentlessly promoted the forcible establishment of ethnically-Serb territories encompassing significant parts of Croatia and BiH;
- He publicly and systematically inspired fear and hatred in Serbs that non-Serbs, in particular Croats and Muslims, were their enemies and intended to cause them harm. He used fear and hatred of non-Serbs to create and/or exacerbate an atmosphere conducive to violent acts against targeted non-Serbs;
- He recruited, organized, and deployed **Šešeljevci** who helped fill a critical shortage of personnel in the JNA and other Serb Forces¹ fighting for the creation of separate Serb-dominated territories in Croatia and later in BiH;
- He used his political and moral authority to encourage and instigate groups and individuals within the Serb Forces, including **Šešeljevci**, through his persecutory propaganda; and

¹ As defined in paragraph 8(a) of the Indictment.

- He coordinated the activities of **Šešeljevi** with members of other Serb leaders and Serb Forces who committed the charged crimes.

II. EVIDENTIARY ISSUES

3. In a submission of this size, it is not possible to address each evidentiary issue as they arise in the discussion of the evidence. A number of particularly complex evidentiary issues that the Trial Chamber will have to evaluate in relation to evidence from **ŠEŠELJ** and witnesses closely related to or influenced by him are addressed in the attached Argumentative Appendix.²

4. The Trial Chamber will have to evaluate the weight to accord **ŠEŠELJ**'s testimony in the *Milošević* trial, his unsworn *84bis* statement and the statements he made before, during and after the Indictment period. The Trial Chamber should not credit any of **ŠEŠELJ**'s self-serving exculpatory statements, in any form, unless they are corroborated by significant credible evidence. The Trial Chamber can credit **ŠEŠELJ**'s self-incriminating admissions. The Trial Chamber should treat the evidence of other witnesses who have an interest in minimising their own involvement in crimes in the same way.

5. A number of witnesses are closely associated with or clearly influenced by **ŠEŠELJ**. Some did not appear to testify. Others testified and recanted, in whole or in part, their consistent previous statements which inculpated **ŠEŠELJ** to the Office of the Prosecutor ("OTP"). The Trial Chamber can treat their written admitted OTP statements as credible, but must consider their potential interest in minimising aspects of their evidence.

6. Some of the recanting witnesses made allegations against OTP staff during their testimony in an effort to discredit their own prior written statements to the OTP. If they had been true, the Trial Chamber would have been compelled to conclude that contempt was committed. However, the allegations of interference made by these witnesses were rejected by the Trial Chamber.³ The Trial Chamber's dismissal of the request to bring contempt charges against OTP staff based on these allegations means that the Trial Chamber has found that the specific allegations made by these witnesses were not true. The falsity of their allegations against the OTP discredits the whole of their recanting testimony.

7. The Trial Chamber must therefore conclude that the contents and reliability of the statements remain untouched by the recantations. As a result, the statements remain on the record as valuable evidence in their own right. In addition, the consistency between the number of OTP statements of individual witnesses and the consistency between different witnesses in their

² The text of the Argumentative Appendix has been included in the allotted word count of the brief.

³ *Décision Relative À La Requête Pour Outrage de Vojislav Šešelj Contre Carla Del Ponte, Hildegard Uertz-Retzlaff et Daniel Saxon et aux Demandes Subséquentes de l'Accusation*, 22 December 2011 (public)

statements on the events, combined with the corroborating evidence, is compelling and can be relied upon to convict.⁴

⁴ See Argumentative Appendix

III. ŠEŠELJ AND OTHER SERB LEADERS COMMITTED CRIMES IN PURSUIT OF ETHNICALLY-SEPARATE SERB TERRITORIES

8. JCE liability requires (i) a plurality of persons; (ii) the existence of a common purpose which amounts to or involves the commission of a crime under the Statute; (iii) and the participation of the Accused in the common purpose.⁵ The common purpose may, as in this case, be nation wide.⁶ In addition to ŠEŠELJ, some of the Serbian leaders who participated in the effort to achieve the common purpose included:

From Republic of Serbia:

- Slobodan MILOŠEVIĆ, the President of the Republic of Serbia, who rose to power on a Serb nationalist agenda having declared himself the protector and patron of Serbs outside the Republic of Serbia.⁷
- General Veljko KADIJEVIĆ, Federal Secretary of People's Defence and Chief of Staff of the Supreme Command of the SFRY Armed Forces until early January 1992.⁸
- General Blagoje ADŽIĆ, Commander of the General Staff and Chief of Staff of SFRY Armed Forces,⁹ until he became acting Federal Secretary of People's Defence and acting Chief of Staff of the Supreme Command by 21 January 1992.¹⁰
- Jovica STANIŠIĆ, Chief of DB Serbia. The special operations unit known as the Red Berets, later known as the JSO, reported to him.¹¹ Franko SIMATOVIĆ aka "Frenki" was STANIŠIĆ's deputy.¹² STANIŠIĆ and SIMATOVIĆ controlled and coordinated the arming and training of volunteer formations, including Šešeljevci and "Arkan"'s Tigers.¹³
- Radmilo BOGDANOVIĆ, Minister of the Interior of Serbia from at least May 1990 until 1991. He then became an influential Member of Parliament in charge of the committee for Serbs outside of Serbia.¹⁴

⁵ *Stakić* AJ para. 64; *Tadić* AJ, para. 227.

⁶ *Rwamakuba* AD, para.25; *Brđanin* AJ, para.423. See also *Kvočka* TJ, para.307.

⁷ AFI-48-50.

⁸ Exh.P00196, pp.3, 83-84 (public); Exh.P00246 (public); Exh.P00926 (public); Theunens, T.3966 (open).

⁹ Exh.P00247 p.2 (public); Theunens, T.3981 (open); [REDACTED].

¹⁰ Exh.P00183 (public).

¹¹ [REDACTED] Petković, Exh.C00018 para.47 (public); [REDACTED].

¹² [REDACTED]; Exh.P00644, p.18 (public); Exh.P01016 (public); [REDACTED]. See also Exh.P01251 p.5 (public).

¹³ [REDACTED].

¹⁴ Exh.P00644, p.15 (public); [REDACTED].

- Radovan STOJIČIĆ, also known as “Badža”, a MUP commander in the SBWS in 1991¹⁵ and later Head of Public Security for MUP Serbia and Deputy Minister of Interior.¹⁶
- Željko RAŽNATOVIĆ aka “Arkan”, a known criminal¹⁷ and leader of a paramilitary group which was affiliated with DB Serbia and deployed widely in Croatia and BiH throughout the conflict.¹⁸ Based in Erdut,¹⁹ “Arkan” armed local Serb TOs in the SAO SBWS²⁰ and trained Serb Forces.²¹

From Croatia:

- Milan BABIĆ, President of the SDS in Krajina, and later the President of SAO Krajina²² and the head of its TO.²³ He became the first president of RSK.²⁴
- Goran HADŽIĆ, Prime Minister of the SAO SBWS, President of the government of the SAO SBWS,²⁵ and had command authority over the SBWS TO²⁶ when crimes were committed in Vukovar. He later became President of the RSK.²⁷
- Milan MARTIĆ, Police inspector in Knin in August 1990.²⁸ MARTIĆ helped coordinate Serb paramilitaries²⁹ and early arming of Serbs in August 1990.³⁰ He later became Minister of the Interior in the SAO Krajina³¹ and the RSK.³²

From Bosnia:

- Radovan KARADŽIĆ, President of the SDS in BiH and from 12 May 1992 President of the Presidency of the Republika Srpska (“RS”).³³ As President of the Presidency and later of the

¹⁵ Exh.P01312, p.1 (public); [REDACTED] Petković, Exh.C00018 para.26 (public).

¹⁶ Petković, Exh.C00018, para.26 (public); [REDACTED].

¹⁷ Exh.P01247, p.5 (public).

¹⁸ Exh.P00229 p.7 (public); Exh.P00183, p.2 (public); Theunens, T.3759 (open); Exh.P00132 (public); [REDACTED].

¹⁹ Exh.P00229, p.7. *See also* Theunens, T.3759 (open), Exh.P00183, p.2 (public); [REDACTED]; Rankić, Exh.P01074, para.85 (public).

²⁰ Exh.P00132, p.1 (public).

²¹ Stojanović, Exh.P00528, paras.30-32 (public); [REDACTED].

²² Exh.P00902, p.1 (public); Exh.P01403, p.1 (public); Babić, Exh.P01137, pp.4-5 (public).

²³ Exh.P01140 (public).

²⁴ Babić, Exh.P01137, p.5 (public).

²⁵ Exh.P01281, p.2 (public); Rankić, Exh.P01074, para.86 (public); Petković, Exh.C00011, p.8 (public).

²⁶ Stojanović, Exh.P00528, para.18 (public).

²⁷ Petković, Exh.C00011, p.8 (public); Exh.P00412, p.22 (public).

²⁸ Babić, Exh.P01137, p.42 (public).

²⁹ Babić, Exh.P01137, pp.49, 56-57 (public).

³⁰ Babić, Exh.P01137, pp.39-41, 52 (public).

³¹ Exh.P01403 (public); Exh.P00916 (public).

³² Exh.P00946, p.1 (public).

³³ Exh.P00092, p.4 (public); Exh.P00966, p.2 (public); Exh.P01110, p.1 (public); Exh.P00931, pp.2-3 (public).

RS, KARADŽIĆ was the Supreme Commander of the VRS³⁴ and had authority over Serb TO forces³⁵ as well as the RS MUP.³⁶

- Biljana PLAVŠIĆ, a member of the RS Presidency.³⁷
- Momcilo KRAJIŠNIK, the President/Speaker of the Serb National Assembly of the RS.³⁸
- Ratko MLADIĆ was appointed Commander of the Main Staff of the VRS effective 12 May 1992, the same day the Main Staff of the VRS³⁹ was established.⁴⁰

9. These individuals, using the institutions they headed joined, together in the pursuit of forcibly creating ethnically-separate Serb territories in Croatia and BiH.

10. By August 1991, JCE members established ethnically separate, parallel political Serb structures, such as TO and police commands in Croatia, operating with financial and military support from the Republic of Serbia and the SFRY. JCE members had established close co-operative relationships. ŠEŠELJ, for example, met repeatedly with Milan BABIĆ and Radovan KARADŽIĆ, the leaders of the powerful SDS parties in Croatia and BiH respectively. MILOŠEVIĆ had fulfilled his promise to marshal a fighting force from Serbia to assist Serbs outside of the Republic. He had established a special operations unit of MUP Serbia, led by Jovica STANIŠIĆ and Franko SIMATOVIĆ, who facilitated training of volunteers, including Šešeljevci, and their deployment from Serbia to conflict zones in Croatia and BiH. The JNA abandoned its constitutional mission as the SFRY Army and openly declared itself to be acting for Serbian interests.

11. In describing the substantial nature of his co-operation with MILOŠEVIĆ, ŠEŠELJ confessed:

in '91, '92, '93 [w]hen we were sending volunteers back then, we had good cooperation with Slobodan MILOŠEVIĆ. He gave us uniforms, weapons, buses, he put the whole barracks in Bubanj Potok at disposal of the Serbian Radical Party, all... all the technical equipment that was needed. And that worked much better.⁴¹

³⁴ AFI-193.

³⁵ Exh.P00410, p.2 (public); Exh.P00871 (public).

³⁶ See below section V.G.3.

³⁷ Exhs.P00966, p.2 (public); Exh.P00931, p.3 (public); [REDACTED].

³⁸ Exh.P00870, p.1 (public); Exh.P00343, p.1 (public); Exh.P00966 pp.1, 4 (public); Exh.P00931, p.3 (public).

³⁹ Name change from army of the SRBiH but will be referred to as VRS.

⁴⁰ Theunens, Exh.P00261, pp.260, 278 (public); AFI-187, 189, 197.

⁴¹ Exh.P00299, p.1 (public). See also Tot, Exh.P00843, para.15.

12. JCE members deployed their joint fighting forces to achieve the common criminal purpose. The resulting crimes in Croatia and BiH were perpetrated by Serb Forces directly linked to JCE members:

- **Šešeljevci**, under **ŠEŠELJ**'s control.
- Members of the local Serb TOs worked in close cooperation with the Serb political leadership, JNA/VRS, MUP and **Šešeljevci** forces.
- JNA forces were led by JCE members Veljko KADIJEVIĆ and Blagoje ADŽIĆ and were *de facto* subordinate to MILOŠEVIĆ.
- VRS forces were led by MLADIĆ and *de facto* subordinate to KARADŽIĆ .
- Police from the RS MUP, which was under the control of JCE members including Radovan KARADŽIĆ.
- Serb Municipal Authorities, including Serb Crisis Staffs and local SDS leaders, which were under the authority or implemented the policies of JCE members, including KARADŽIĆ.
- “Arkan”’s men, under the control of JCE members Željko RAŽNATOVIĆ aka “Arkan” and the Ministry of the Interior of the Republic of Serbia.

13. Like in Croatia, JCE members replicated in BiH similar parallel Serb political, TO and police structures. As tensions in BiH escalated, **ŠEŠELJ** redeployed combat-hardened **Šešeljevci** from Croatia to BiH. Among them were **Šešeljevci** commanders who were particularly brutal and notorious for their criminal conduct in Croatia. **ŠEŠELJ** subsequently promoted many of them to the highest Chetnik military rank of “Vojvoda”.⁴²

14. Starting in Bijeljina and sweeping through the crime base localities of Zvornik, “Greater Sarajevo” and Mostar and Nevesinje, Serb Forces systematically attacked and took over towns and villages in targeted areas of BiH. The takeovers in BiH followed a similar pattern to that in Croatia which included:

- Local Serbs and volunteers were armed and trained by the JNA, MUP Serbia, the SDS, and others;
- Serb forces attacked, shelled and destroyed forces towns and villages;
- Serb forces expelled or murdered non-Serbs;

- Serb forces detained non-Serbs who remained in camps, where they were killed, tortured and subjected to inhumane conditions; and
- Serb forces looted homes and destroyed non-Serbs cultural symbols, such as mosques and other religious sites.

15. By the end of April 1992, the JCE members using their Serb Forces, including **Šešeljevi**, had successfully taken over the Indictment crime bases and committed violent crimes in Croatia and BiH. On 6 May 1992, **ŠEŠELJ** took the stage in Hrtkovci, Serbia and threatened its majority Croat population. Within months, Hrtkovci became a Serb majority village. **ŠEŠELJ** and other JCE members continued to use Serb Forces to commit horrific crimes in BiH in pursuit of their common criminal purpose until the end of the Indictment period.

IV. ŠEŠELJ INTENDED THE CREATION OF ETHNICALLY SEPARATE SERB TERRITORIES THROUGH THE COMMISSION OF CRIMES

16. For **ŠEŠELJ** the dissolution of Yugoslavia presented an historical opportunity to realize his life's work – ethnic separation of Serbs from non-Serbs. Resurrecting World War II Chetnik ideology, he branded his vision as a “Greater Serbia”. To pursue this goal, **ŠEŠELJ** (i) created politico-military organisations for recruiting, indoctrinating and deploying thousands of **Šešeljevi** and (ii) engaged in relentless persecutory hate propaganda against non-Serbs. The only reasonable inference that can be drawn from his relentless and merciless pursuit of “Greater Serbia” and his cooperation with other JCE members discussed in the subsequent sections is that he intended the crimes charged in the Indictment.

A. ŠEŠELJ opposed Yugoslavia as incompatible with Serb interests and historical birthright

17. As a young man, **ŠEŠELJ** viewed Yugoslavia as incompatible with what he deemed a just solution to the so-called “Serbian national question”.⁴³ This theme was central to his persecutory propaganda during the Indictment period.

18. **ŠEŠELJ** was born, educated, and lived for almost 30 years in Sarajevo,⁴⁴ which he provocatively termed “the middle of Serbia” and “Serbian land”.⁴⁵ He is trained as a lawyer, with

⁴² Exh.P00217 (public); Exh.P00218 (public).

⁴³ Exh.P00644, p.1 (public).

⁴⁴ Exh.P01223, p.3 (public); Exh.P01198, p.3 (public); Exh.P01228, p.15 (public).

⁴⁵ Exh.P01310, pp.2-3 (public); [REDACTED].

master and doctorate degrees from the Faculty of Law in Belgrade.⁴⁶ When he lost a teaching position he held at the Faculty of Political Science⁴⁷ for “being ideologically and politically unsuitable to teach students”,⁴⁸ he blamed three Muslim professors, disparaging them as “pan-Islamists” and “nationalists”.⁴⁹

19. Around this time, **ŠEŠELJ** also criticized the manner in which Yugoslav authorities addressed the Serb national question and advocated the use of force against Kosovo Albanians, denouncing the Serbian political leadership’s passive approach towards Kosovo’s status as an Autonomous Province.⁵⁰

20. On 15 May 1984, **ŠEŠELJ** was arrested for counter-revolutionary activities against the established social order⁵¹ after he wrote an unpublished article in which he advocated the reorganisation of the Yugoslav federation into four republics (Serbia, Macedonia, Croatia, and Slovenia) as well as a revision of the border between Serbia and Croatia.⁵² **ŠEŠELJ** was convicted and served a 22-month sentence for this crime from 1984 to 1986.⁵³ Upon his release, he moved to Belgrade and began publishing books on the black market.⁵⁴

21. **ŠEŠELJ** soon grew to advocate three federal units to represent three Yugoslav nations: the Serbs, the Croats, and the Slovenes.⁵⁵ In **ŠEŠELJ**’s view, the Macedonian and Muslim nations had been “invented” and the large concentration of Albanians was a threat which required that the Albanian national minority be dispersed throughout Yugoslavia.⁵⁶

22. After 1986, **ŠEŠELJ** joined the nascent nationalist movement which aimed to strengthen the position of Serbia within the Yugoslav Federation.⁵⁷ By 1989, **ŠEŠELJ** had identified what he believed to be the first steps required for the “natural unification of the Serbian people”: the downfall of the autonomist leaders of Vojvodina, the subordination of the political leadership of Kosovo to Belgrade, and the change of leadership in the republic of Montenegro.⁵⁸ By then, **ŠEŠELJ** had become ideologically aligned with nationalist intellectuals such as the writer Vuk

⁴⁶ Exh.P00164, p.66 (public).

⁴⁷ Exh.P00164, p.66 (public).

⁴⁸ Exh.P01168, p.2 (public).

⁴⁹ Exh.P00164, pp.66-67 (public).

⁵⁰ Exh.P00164, p.68 (public).

⁵¹ Exhs.P00164, p.69 (public); P00644, p.1 (public).

⁵² Exh.P00164, p.69 (public).

⁵³ Exh.P00164, p.70 (public). **ŠEŠELJ** was originally sentenced to 8 years. Exh.P00164, p.69 (public).

⁵⁴ Exh.P00644, pp.1-2 (public). In 1984, **ŠEŠELJ** was also arrested in February (for 27 hours) and in April (for 3 days). Exh.P00164, p.69 (public).

⁵⁵ Exh.P00164, p.71 (public).

⁵⁶ Exh.P00164, pp.71-72 (public).

⁵⁷ Exh.P00164, p.71 (public).

⁵⁸ Exh.P00164, p.72 (public).

DRAŠKOVIĆ, the godfather of ŠEŠELJ's eldest son.⁵⁹ DRAŠKOVIĆ would later become leader of the Serbian Renewal Movement (SPO) and ŠEŠELJ's political rival.

B. ŠEŠELJ revived the militant Chetnik ideology

23. ŠEŠELJ's marginalisation from academic life increased throughout the 1980s and he moved ideologically closer to nationalist intellectuals and to the Serbian political émigré community both of which were steeped in extremist Chetnik ideology. He was drawn especially to the movement led by Momčilo ĐUJIĆ, former leader of the World War II Chetnik Dinara Division and an accused war criminal.⁶⁰ The Chetnik movement was from the outset a military one.⁶¹ As Witness Yves Tomić explained:

The word Chetnik (*četnik*) derives from the word *četa*, meaning an armed band or detachment. A Chetnik is therefore a member of an armed guerrilla band. Chetnik detachments were irregular army forces which consisted of volunteers and could be used by the regular army as support units whose task was to carry out diversionary actions or to engage in intelligence work behind the frontlines. . . . The Chetnik phenomenon thus refers primarily to a particular mode of armed or military action.⁶²

24. The Chetnik movement's main goal was to create a "Greater Serbia" without any national minorities,⁶³ and which was envisioned as "a homogeneous Serbia encompassing all Serb-populated ethnic regions [...] even though the Serbs did not constitute majority".⁶⁴

25. In the 1980s, ŠEŠELJ began advocating a revision of the border between Serbia and Croatia to significantly reduce Croatia's territory, mirroring the aspirations of World War II Chetniks, such as MOLJEVIĆ.⁶⁵ ŠEŠELJ's notoriety as reigning Chetnik leader was cemented in 1989, on the day of the 600th anniversary of the battle at Kosovo Polje, when he was appointed by ĐUJIĆ to the highest Chetnik military rank, that of *Vojvoda*.⁶⁶ Over time, he elaborated and refined his vision of a "Greater Serbia" and popularised the idea of a western frontier running along the

⁵⁹ Exh.P00164, p.70 (public).

⁶⁰ Exh.P00164, pp.57, 73 (public).

⁶¹ Exh.P00164, pp.38, 41-43 (public); Tomić, T.2869, 2875, 3038-3039 (open).

⁶² Exh.P00164, p.38 (public).

⁶³ Exhs.P00164, pp.45-46 (public), P01263, pp.1-3, 15 (1990) (public), P01170 (public).

⁶⁴ Exh.P00141, p.2 (public).

⁶⁵ Exh.P00164, pp.69, 85 (public); Rankić, Exh.P01074, para.22 (public).

⁶⁶ Exhs.P00150, p.3 (public), P00164, pp.57-74(public), P01213, p.2 (public); P01322, p.1 (public); Theunens, T.4214-4215 (open).

“Karlobag – Ogulin – Karlovac – Virovitica”⁶⁷ line in Croatia, a theme that he repeated countless times at media appearances, rallies and meetings.⁶⁸

26. For early Chetniks, achieving a homogenous Serbia required “a plan for the cleansing or displacement of the rural population, with a view to achieving the homogeneity of the Serbian community in the state.”⁶⁹ The Chetnik movement programme therefore euphemistically called for “population exchanges”,⁷⁰ which in its practical application meant ethnic cleansing.⁷¹ The so-called “heroic traditions and endeavours”⁷² of the Chetnik movement boiled down to a struggle for territorial control over “Greater Serbia” and the expulsion and destruction of non-Serbs in targeted areas to ensure Serbian hegemony.⁷³

27. In his persecutory campaign throughout the conflict, **ŠEŠELJ** repeatedly glorified the Chetnik armed forces, whose World War II leaders had gained a reputation for extreme brutality.⁷⁴ During World War II, the Chetniks took over and ethnically cleansed towns and villages; more than 10,000 non-Serbs were killed including women and children and villages were burned to the ground.⁷⁵ **ŠEŠELJ** later adopted the term “population exchange” – which truly meant the forcible displacement of non-Serbs.⁷⁶

28. For World War II Chetniks, “mopping up of the liberated territory” meant burning villages to the ground “so that not a single house remained intact”⁷⁷ and so that the non-Serb population was completely decimated, “irrespective of sex and age.”⁷⁸ The Chetniks’ legacy of brutal, systematic and widespread crimes was so profound that Chetnik commanders, such as ĐUJIĆ, were listed as war criminals by the Yugoslav authorities.⁷⁹

⁶⁷ Šešelj, Exh.P00031, p.567 (public) (“the KOKV line is purely an ideological project of the SRS. No other political party ever stood behind that project, never”), p.589-590 (“SRS has the exclusive right of authorship over that line”); VS-004, T.3384 (open).

⁶⁸ Exhs.P00164, p.85 (public), P01003 (public), Stefanović, Exh.P00633, pp.9-10.

⁶⁹ Exh.P00164, p.48 (public).

⁷⁰ Tomić, T.2876-2877, 2879 (open), T.3005-3007, 3039-3041 (open); Exh.P00164, pp.44-46 (public). *See also* Exhs.P00947, p.2 (public), P00949, p.9 (public), P00141, p. 2 (public); P00077, p.3 (public).

⁷¹ Exh.P00164, p.47 (public).

⁷² Exh.P00153, p.1 (public).

⁷³ Exh.P00141, p.2 (public); Exh.P00164, p.48 (public).

⁷⁴ Exh.P00153, p.1 (public).

⁷⁵ Exh.P00164, pp.53-57 (public); Tomić, T.2912 (open).

⁷⁶ Exh.P00164, pp.33, 48, 54 (public); Exh.P00077, p.3 (public); Exh.P01330 (public); Tomić, T.3004-3007, 3039-3041 (open).

⁷⁷ Exh.P00164, p.56 (public). *See also* Exh.P01285, p.1 (public).

⁷⁸ Exh.P00164, p.56 (public).

⁷⁹ Exh.P00164, p.57 (public).

29. These were **ŠEŠELJ**'s ideals and he confirmed that the black Chetnik flag, with skull and cross-bones imagery, was a deliberate revival of the World War II Chetnik "guerilla unit" iconography.⁸⁰

C. ŠEŠELJ founded the SČP and SRS to implement persecutory Chetnik ideology for the ideal of "Greater Serbia"

30. In 1990, **ŠEŠELJ** and other extreme nationalist intellectuals founded their first political organisation,⁸¹ which later joined some of the members of the Serbian National Renewal (SNO), headed by Mirko JOVIĆ. The new organisation, the Serbian Renewal Movement (SPO),⁸² was headed by Vuk DRAŠKOVIĆ, **ŠEŠELJ**'s old friend.⁸³

31. Conflict soon erupted within the ranks of the SPO leadership.⁸⁴ On 18 June 1990, the faction headed by **ŠEŠELJ** decided to create a new organisation, known as the Serbian Chetnik Movement (SČP).⁸⁵ This new party explicitly adopted the creation of a "Greater Serbia" as one of its goals and its programme clearly stated which territories – all encompassing the crime base areas – should become part of an expanded Serbia.⁸⁶

32. The SČP's programme was also imbued with calls for revenge and retaliation for World War II crimes committed against Serbs and advocated the expulsion of non-Serb national minorities.⁸⁷ The SČP's political platform referred to a "new Ustasha leader" who had emerged in Croatia with a "new genocidal policy" against Serbs.⁸⁸ This would be repeated both in the platform of **ŠEŠELJ**'s new party, the SRS, created in 1991⁸⁹ and in **ŠEŠELJ**'s public statements.⁹⁰

33. In August 1990, the SČP was denied registration as a political party because of its explicit and divisive Chetnik associations.⁹¹

34. The denial of its registration prevented the SČP from participating in the first multi-party parliamentary elections held in December 1990. Nevertheless, **ŠEŠELJ** participated as an independent candidate at the presidential election representing, in his words, the "Serbian

⁸⁰ Exh.P01181, p.13 (public).

⁸¹ Exh.P00164, p.79 (public).

⁸² Exh.P00164, p.80 (public).

⁸³ Dražilović, Exh.C00010, para.6 (public); Rankić, Exh.P01074, para.9 (public); Ejić, T.10450 (open).

⁸⁴ Exh.P00164, p.81 (public).

⁸⁵ Rankić, Exh.P01074, para.9 (public).

⁸⁶ Exh.P00027, p.1 (public).

⁸⁷ Exh.P00027, pp.2-3 (public).

⁸⁸ Exh.P00027, p.2 (public). *See also* Rankić, T. 15963-65 (open); Stefanović, Exh.P00634, p. 3 (public).

⁸⁹ Exh.P00153, p.11 (public).

⁹⁰ Exh.P00179, p.2 (public).

⁹¹ P01264, pp.2-3 (public).

Chetniks”.⁹² During the electoral campaign, **ŠEŠELJ** publicly warned the Croatian political leaders that blood would flow if Croatia left Yugoslavia without ceding territory that he considered rightfully belonged to Serbs.⁹³ When asked how he viewed Yugoslavia and Serbs within it, **ŠEŠELJ** replied:

We, the Serbian Chetniks, are of the opinion that Yugoslavia and Yugoslavhood are one big social-historical disease that has been eating into the Serbian people during this twentieth century [...] and that we, the Serbs, finally have to realise that there is nothing for us in Yugoslavia any more and we have to realise that neither Croats nor Slovenians have ever been our friends or brothers and that we have to split with them as soon as possible, to separate from them.”⁹⁴

ŠEŠELJ and his party machinery pursued an amputation of Croatia to punish “the crimes committed by their regimes during wars” with the loss of territories.⁹⁵ This foreshadowed the creation of the SRS and its commitment to forcible ethnic separation.

35. On 18 February 1991, a Proclamation to the Serbian People was issued by the highest ruling organ of the SČP, the Central Fatherland Board presided over by **ŠEŠELJ**. It lauded the revival of the Chetnik tradition and called upon Serbs to commemorate the Chetnik uprising as “Serbian patriots”.⁹⁶

36. On 23 February 1991, the founding conference of the SRS was held in Kragujevac. The SČP merged with components of another nationalist party to form the SRS.⁹⁷ After *pro forma* voting, **ŠEŠELJ** was elected president of the new party.⁹⁸ The SRS adopted its Programme and Statute on 23 February 1991.⁹⁹ The programme of the SRS was substantively almost identical to that of the SČP. The SRS explicitly adopted the Chetnik goals and ideas.¹⁰⁰ The true goals of the SRS were the creation of a “Greater Serbia”.¹⁰¹ The language of the SRS party programme mirrored that of the SČP regarding an expanded Serbia encompassing all of “Serbdom”.¹⁰² The SRS was registered as a political party on 12 March 1991.¹⁰³

⁹² Exh.P00164, p.83 (public).

⁹³ Exh.P00164, p.83 (public); Exh.P01174, p.2 (public).

⁹⁴ Exh.P01174, p.1 (public).

⁹⁵ Exh.P01174, p.3 (public). *See also* Exh.P01270, p.2 (public); Exh.P00179 (public).

⁹⁶ Exh.P00153, p.1 (public).

⁹⁷ Exh.P00164, p.85 (public); Exh.P00207, p.2 (public); Exh.P01255 (public); Stefanović, Exh.P00633, p.5 (public), T.12097.

⁹⁸ Exh.P00164, p.85 (public); Petković, Exh.C00012, para.1 (public); Rankić, Exh.P01074, para.19 (public); Stefanović, Exh.P00633, p.12 (public).

⁹⁹ Exh.P01177, p.3 (public); Exh.P00206, p.2 (public).

¹⁰⁰ Exh.P00164, p.85 (public); Exh.P00153 (public); Tomić, T.2977, 3031-3032, (open); Exh.P00162, para.1 (public).

¹⁰¹ Rankić, Exh.P01074, paras.20-22; Stefanović, Exh.P00634, para 30 (public).

¹⁰² Exh.P01176, p.6 (public).

¹⁰³ Exhs.P01265 (public), P00901 (public).

37. **ŠEŠELJ** explained that although the programmes of the SRS and the SČP were identical, the SRS would primarily seek to participate in political processes and the SČP would be present “wherever the Serbdom is the most endangered, in the first rows of a battle for its Defense”.¹⁰⁴ A number of witnesses described the SČP as the “military wing” of the SRS.¹⁰⁵

38. Not only was the Chetnik ideology incorporated into the SRS, but the members of the SČP were considered “*collective members of the Party*”¹⁰⁶ and the SČP was made an integral part of the new SRS party.¹⁰⁷ For example, when the SČP and SRS merged, witness DRAŽILOVIĆ, Recanting Witness RANKIĆ and certain others continued to be formal members of only the SČP, despite holding high-ranking positions within the SRS structure.¹⁰⁸ In May 1991, out of 60,000 SRS members, 15,000 belonged to the SČP.¹⁰⁹ In keeping with the militaristic origins of the Chetniks, the SČP from the beginning of the conflict sent volunteers to Serb areas in Croatia,¹¹⁰ and the SRS continued to do so.¹¹¹

39. **ŠEŠELJ**’s closest associates confirm, that **ŠEŠELJ** had “absolute power”¹¹² over the SRS/SČP.¹¹³ Recanting Witness RANKIĆ and witness PETKOVIĆ both describe **ŠEŠELJ** as an “autocrat” who dictated all the actions of the SRS and “took decisions independently” of the Main Board of the party.¹¹⁴ PETKOVIĆ also defined **ŠEŠELJ** as a “dictator” and said “there is no democracy with him”.¹¹⁵ Recanting Witness GLAMOČANIN – who served as a member of the SRS Main Board, President of an SRS Regional Board and as a Vice-President of the SRS¹¹⁶ – reaffirmed that at SRS Main, Municipal and District Board levels **ŠEŠELJ**’s suggestions always had to be obeyed.¹¹⁷ RANKIĆ and GLAMOČANIN both state that if anyone disagreed with **ŠEŠELJ** they would be labelled traitors and threatened with expulsion from the party.¹¹⁸

¹⁰⁴ Exh.P01176, p.6 (public).

¹⁰⁵ [REDACTED]; Rankić, Exhs.P01074, paras.17,18 (public); Exh.P01075, para.9 (public); Exh.P00206, pp.16-17 (public); Stefanović, Exh.P00633, p.5 describes members of SČP as the “extremist wing” of SRS (public).

¹⁰⁶ Exh.P01176, p.6 (public). See also Exh.P00206, pp.16-17 (public).

¹⁰⁷ [REDACTED]; Rankić, Exh.P01074, paras.17-18 (public); Exh.P01075, para.9 (public); Exh.P00206, pp.16-17 (public); Stefanović, T.12096-97 (open).

¹⁰⁸ Rankić, Exh.P01074, paras.17-19 (public).

¹⁰⁹ Exh.P01275, p.2 (public).

¹¹⁰ Tomić, T.2946, 2995, 2998-2999 (open).

¹¹¹ Tomić, T.2995 (open).

¹¹² Rankić, Exh.P01074, p.38 (BCS) (public). See also Jović, Exh.P01077, para.16 (public); [REDACTED]; Jović, T.16233-34 (open).

¹¹³ Glamočanin, Exh.P00688, para.56 (public).

¹¹⁴ Rankić, Exh.P01074, para.19 (public); Exh.P01074 (BCS), p.38 (public); Petković, Exh.C00018, para.17 (public).

¹¹⁵ Petković, Exh.C00013, pp.26-27 (public). See also [REDACTED]; Džafić, Exh.P00840, para.89 (public).

¹¹⁶ Glamočanin, P00688, paras. 28-29, 36 (public); Glamočanin, T.12836 (open).

¹¹⁷ Glamočanin, P00688, paras.59, 94, 97 (public).

¹¹⁸ Rankić, Exh.P01076, p.5 (public); Glamočanin, Exh.P00688 paras.95-96 (public).

40. Under **ŠEŠELJ**'s leadership, the SRS/SČP – in contrast to most other political organizations in Serbia – grew to have branches throughout former Yugoslavia.¹¹⁹ The ascension of the SRS/SČP was highlighted in April 1992, when following elections, the SRS formed a coalition government with MILOŠEVIĆ's SPS, and the SRS was represented in the National Assembly.¹²⁰ It set up branches in the Republic of Serbian Krajina (under the leadership of Rade LESKOVAC), in Republika Srpska (under the leadership of Nikola POPLAŠEN), and in Montenegro.¹²¹ GLAMOČANIN confirmed that the SRS “functioned as a unified party in all four republics” and that “the presidents of these parties and the leadership discussed things and reached agreement with **ŠEŠELJ**”.¹²² By 1993, the SRS had become the second most important political force in the Republic of Serbian Krajina. In Republika Srpska, the SRS set aside party political divisions to support KARADŽIĆ's SDS in its defence of the “Serbian space, the Serbian lands, the Serbian people”.¹²³

D. ŠEŠELJ used the SRS/SČP to recruit, motivate and send volunteers to conflict areas where they participated in the charged crimes

ŠEŠELJ had absolute authority over SRS/SČP staff, made all major decisions in the party and was fully informed of all matters relating to the **Šešeljevci**, remaining in direct contact with **Šešeljevci** commanders at the warfront.

41. In March 1991, **ŠEŠELJ** proposed the creation of a Crisis Staff to spearhead the SRS/SČP's support to Serbs outside Serbia. The Crisis Staff was created and held its first meeting by 6 April 1991.¹²⁴ **ŠEŠELJ** decided he would be the “Commander” of the Crisis Staff¹²⁵ and appointed witness Ljubiša PETKOVIĆ as his Chief of Staff.¹²⁶ Recanting Witness Zoran RANKIĆ was the Deputy Chief of the Crisis Staff, together with Witness Zoran DRAŽILOVIĆ (who would later replace RANKIĆ as Deputy of the War Staff and PETKOVIĆ as Chief).¹²⁷ Recanting Witness Aleksandar STEFANOVIĆ too was a member of the Crisis Staff.¹²⁸

¹¹⁹ Exh.P00164, p.87 (public); Rankić, Exh.P01074, para.29 (public).

¹²⁰ Tomić, T.3114 (open).

¹²¹ Glamočanin, Exh.P00688, paras.36, 45-46 (public); Glamočanin, T.12836-12837, 12875-12876 (open).

¹²² Glamočanin, T.12837 (open); Glamočanin Exh.P00688 para.36 (public).

¹²³ Exh.P00998, p.11 (public).

¹²⁴ [REDACTED]; Exh.P01280, p.1 (public); Exh.P00217, pp.2, 4 (public); Rankić, Exh.P01074, para.26 (public); Petković, Exh.C00011, p.6 (public), Exh.C00013, pp.17, 19-20 (public); Exh.C00014, p.28 (public), Exh.C00018, para.12 (public); Dražilović, Exh.C00010, para.8 (public).

¹²⁵ Petković, Exh.C00018, para.12 (public); Exh.C00013, pp.15-16 (public).

¹²⁶ Petković, Exh.C00018, para.12 (public); Exh.C00013, pp.14-15 (public).

¹²⁷ [REDACTED]; Exh.P01280, p.1 (public); Exh.P00217, pp.2, 4 (public); Rankić, Exh.P01074, para.26 (public); Petković, Exh.C00011, p.6 (public); Exh.C00013, pp.17, 19-20 (public); Exh.C00014, p.28 (public); Exh.C00018, para.12 (public); Dražilović, Exh.C00010, paras.8, 9 (public).

¹²⁸ Petković, Exh.C00013, p.19 (public); Exh.C00018 para.12 (public); Exh.C00012, para.2 (public); Dražilović, Exh.C00010, paras.8 (public); [REDACTED].

42. On 1 October 1991, the Crisis Staff was – by **ŠEŠELJ**'s decision - renamed as the SRS "War Staff".¹²⁹ **ŠEŠELJ** again appointed PETKOVIĆ as Chief and RANKIĆ as Deputy,¹³⁰ and its substantive work did not change.¹³¹ STEFANOVIĆ and DRAŽILOVIĆ also held high-ranking positions within the War Staff.¹³²

43. According to RANKIĆ, **ŠEŠELJ** was always informed by PETKOVIĆ about the content of War Staff meetings if he could not attend them personally.¹³³ PETKOVIĆ similarly confirms that **ŠEŠELJ** was informed of the "smallest details" of War Staff operations and that its staff communicated with **ŠEŠELJ** multiple times daily.¹³⁴ **ŠEŠELJ** had access to all of the information within the War Staff.¹³⁵

44. PETKOVIĆ described everything done by the SRS Crisis/War Staffs as being "on **ŠEŠELJ**'s order,"¹³⁶ which PETKOVIĆ followed.¹³⁷ RANKIĆ and GLAMOČANIN both confirm this. RANKIĆ stated that, although PETKOVIĆ was Chief of the Crisis/War Staffs, in reality PETKOVIĆ only "passed on orders he received from **ŠEŠELJ**" and that it would have been "absolutely impossible" for PETKOVIĆ to take a major deployment decision without **ŠEŠELJ**'s approval or order.¹³⁸ GLAMOČANIN noted that as "Main Commander of the Četniks" and President of the SRS, **ŠEŠELJ** had the "final word" in any decision of the War Staff.¹³⁹

45. **ŠEŠELJ** instructed the War Staff to recruit as many volunteers as they could.¹⁴⁰ Recruitment was carried out by both the SRS War Staff in Belgrade and through the local SRS War Staffs in Serbia.¹⁴¹ SRS Municipal Board volunteer co-ordinators would report directly to the War

¹²⁹ [REDACTED]Petković, Exh.C00011, p.6 (public); Exh.C00018, para.39 (public); Exh.C00013, p.21 (public); Exh.C00014, p.24 (public); [REDACTED]; Exh.C00011, p.6, para.1 (public); [REDACTED]. *See also* Šešelj, Exh.P00031, pp.1077-1078 (public).

¹³⁰ Petković, Exh.C00011 p.6, para.1 (public); [REDACTED]; P01234, p.8 (public); Šešelj, Exh.P00031, pp.1269-1270 (public); Petković, Exh.C00011, p.6, para.1 (public); [REDACTED]; Rankić, Exh.P01074, para.27; VS-033, T.5505-5506, 5510 (open).

¹³¹ Petković, Exh.C00014, p.25 (public); Dražilović, Exh.C00010, para.26 (public); Rankić, Exh.P01074, para.27 (public).

¹³² [REDACTED]; Dražilović, Exh.C00010, paras.8, 26 (public); Petković, Exh.C00011, p.9 (public); Glamočanin, Exh.P00688, paras.61, 124 (public); Rankić, Exh.P01074, p.51 (public); Exh.P00633, p.10 (public).

¹³³ Rankić, Exh.P01074, para.33 (public).

¹³⁴ Petković, Exh.C00018, para.39 (public); Exh.C00014, p.46 (public).

¹³⁵ Rankić, Exh.P01074, p.57 (public); [REDACTED]

¹³⁶ Petković, Exh.C00013, pp.26-27, 44, 52 (public); Exh.C00018 para.17 (public); Exh.C00018, p.8 (public); Dražilović, Exh.C00010, p.7 (public).

¹³⁷ Rankić, Exh.P01074, paras.26, 33 (public); Petković, Exh.C00013, pp.26-27, 44, 52 (public), Exh.C00018 para.17, p.8 (public); Dražilović, Exh.C00010, p.7 (public).

¹³⁸ Rankić, Exh.P01074, para.26 (public). *See also* [REDACTED].

¹³⁹ Exh.P00688, paras.59, 97 (public). *See also* Stefanović, Exh.P00634, para.27 (public).

¹⁴⁰ Petković, Exh.C00013, p.65 (public); Exh.C00012, para.4 (public).

¹⁴¹ Petković, Exh.C00011, p.7 (public); Rankić, Exh.P01074, para.29-31 (public); Glamočanin, Exh.P00688 para.48 (public); Tot, Exh.P00843, para.10 (public); VS-033, T. T.5503; 5505 (open); Stefanović, Exh.P00633, p.7, Exh.P00634, p.15.

Staff in Belgrade.¹⁴² Once the volunteers arrived in Belgrade, the SRS/ŠČP War Staff made a visual assessment to assess whether anything was noticeably wrong with the person, but undertook no formal examination,¹⁴³ no criminal or other background check despite their capability to perform them.¹⁴⁴ To be sent to the front as an SRS/ŠČP volunteer it was not necessary to be a member of the party.¹⁴⁵ The SRS War Staff kept a record of personal details of each volunteer.¹⁴⁶

46. Before volunteers embarked for the front, ŠEŠELJ directed them: “Be heroes, kill the Ustasha, fight for a Greater Serbia”.¹⁴⁷

47. ŠEŠELJ gave himself military-style titles such as “Supreme Commander” and “Commander (“Vojvoda”) of the Četnik Operational Units.”¹⁴⁸ In turn, he was viewed by many of the volunteers as their ultimate commander.¹⁴⁹ Only ŠEŠELJ had the authority to promote someone within the SRS/ŠČP¹⁵⁰ and he assigned Chetnik military ranks to his Šešeljevci.¹⁵¹ In May 1993 and again in 1994, ŠEŠELJ promoted a number of “prominent” SRS/ŠČP commanders, including many who had participated in serious crimes, to the rank of *Vojvoda*.¹⁵² The SRS/ŠČP volunteers were generally deployed as discrete units and the unit commanders were appointed by ŠEŠELJ or the SRS War Staff which, as discussed above, was under ŠEŠELJ’s control.¹⁵³ Although, once in the field, ŠEŠELJ’s volunteers were generally subordinated to the local TO, JNA, VRS, or MUP units, ŠEŠELJ maintained close contact with them about the situation in the field and could

¹⁴² Glamočanin Exh.P00688, paras.54, 60 (public); Glamočanin T.12877 (open).

¹⁴³ Petković, Exh.C00011, p.6 (public); Exh.C00013, pp.62, 64-65 (public); Exh.C00018, para.31 (public); Rankić, Exh.P01074, para.34 (public); VS-033, T.5512-5513 (open).

¹⁴⁴ Petković, Exh.C00018, para.34 (public); Exh.C00013, pp.65-66 (public); Rankić, Exh.P01074, para.35 (public).

¹⁴⁵ Petković, Exh.C00011, p.6 (public); Rankić, Exh.P01074, para. 34 (public); Exh.P01075, para.18 (public).

¹⁴⁶ Rankić, Exh.P01074, paras.29-31 (public); Stefanović, Exh.P00633, p.10 (public).

¹⁴⁷ Rankić, Exh.P01074, para.36 (public); Stojanović, Exh.P00528, paras.31-32 (public); Dražilović, Exh.C00010, para.28 (public). [REDACTED].

¹⁴⁸ Exh.P00154, p.2 (public); Exh.P00059 (public); [REDACTED]; Glamočanin, Exh.P00688, para.59 (public); VS-033, T.5510 (open).

¹⁴⁹ [REDACTED]; VS-002, T.6553-6558 (open) (ŠEŠELJ “was a *vojvoda*, we would not have refused his order”); [REDACTED]; Džafić, Exh.P00840, para.20 (public) (“In a broader sense [Vasko’s unit] was under Šešelj’s command”); Rankić, Exh.P01074, para.70, p.35 (public); Exh.P01076, p.26 (public); Jović, Exh.P01077, paras.13-14 (public); [REDACTED].

¹⁵⁰ Rankić, Exh.P01074, p.49 (public) [REDACTED].

¹⁵¹ [REDACTED]; Exh.P00217 (public) (ŠEŠELJ in proclaiming *vojvodas* describes Vakić, Dačević, Dražilović, and Baret as “Chetnik Majors”, Gavrilović and Radovanović as “Chetnik Colonels”); Dražilović, Exh.C00010, para.39 (public) (made a Chetnik major in July 1992); Theunens, T.3809-3810 (open); Exh.P00213, p.3 (public) (describing the system of military ranks used by volunteers).

¹⁵² Exh.P00217 (public), Exh.P00218 (public).

¹⁵³ [REDACTED]; Petković, Exh.C00018 paras.49, 53, 56 (public) (the War Staff decided to send a unit under Debeli’s command to Bosanski Samac in spring 1992, ŠEŠELJ himself chose the commanders and approved the sending of volunteers for the operations in Zvornik and Mostar); [REDACTED]; VS-1060, T.8591 (open); Exh.P00256, p.1 (public) (ŠEŠELJ had appointed ALEKSIĆ to be commander of the Chetniks in Grabavica); Exh.P00999, pp.2-3. (public), Exh.P01000, p.5 (public) (“Brne” received his command position from ŠEŠELJ), Exh.P00217 (public); Exh.P00218 (public).

intervene.¹⁵⁴ In August 1991, **ŠEŠELJ** himself boasted that “I organise interventions by our guerrilla organisation, define aims of attack and points that have to be won.”¹⁵⁵

48. **ŠEŠELJ**'s supervision and awareness was strengthened by the close contact he and his War Staff maintained with the SRS/SČP unit commanders in the field.¹⁵⁶ Both volunteers and senior SRS/SČP War Staff members recounted how SRS/SČP commanders would regularly go the Belgrade headquarters to meet with **ŠEŠELJ** to provide verbal reports.¹⁵⁷ Many prominent SRS/SČP commanders would report directly to **ŠEŠELJ** by telephone, by-passing the War Staff.¹⁵⁸ For example, in the SBWS, the SRS/SČP unit commander would report by phone to **ŠEŠELJ** about developments on the ground and his units' operational needs; every ten days, he traveled to Belgrade for personal meetings with **ŠEŠELJ**.¹⁵⁹ Some written operational reports were also received by the War Staff.¹⁶⁰ **RANKIĆ** stated that **ŠEŠELJ** was “regularly informed” and “well-informed” regarding the situation on the frontline and all important events relating to volunteers.¹⁶¹ **ŠEŠELJ** himself admitted in a January 1992 interview that his volunteers were in constant contact with the leadership of the SRS/SČP and transmitted information from the front.¹⁶²

49. **ŠEŠELJ** also frequently visited his men in the field, including in and around Indictment municipalities.¹⁶³ He used his visits to reinforce his doctrinal and moral authority even after his deployed volunteer units.¹⁶⁴ For example, **ŠEŠELJ** described himself as having “toured units”¹⁶⁵ and as being “*almost constantly*” present at the front, especially early in the conflict.¹⁶⁶ Senior

¹⁵⁴ Exh.P00059 (public) (ŠEŠELJ confirmed “I have always exercised control over the situation”); Glamočanin, Exh.P00688, para.50 (public) (GLAMOČANIN describing ŠEŠELJ as having “command and control” over volunteers in the field); Rankić, Exh.P01074, p.49 (public) (RANKIĆ confirms that regrouping and redeployment orders were given to NOVARČIĆ by the War Staff); Exh.P00513 (public) (in April 1992 ŠEŠELJ directs BRNE to gather as many men as possible to withdraw a group of Šešeljevci who had been ambushed); Petković, Exh.C00018, para.35 (public) (the War Staff/Crisis staff supervised local Crisis Staffs, SRS boards, and commanders, but “there was only one leader, and that was Šešelj”); [REDACTED].

¹⁵⁵ Exh.P00039, p.3 (public).

¹⁵⁶ VS-033, T.5530-5531 (open); Dražilović, Exh.C00010, para.44 (public); Rankić, Exh.P01074, paras. 32, 125; Glamočanin, Exh.P00688, para.50 (public).

¹⁵⁷ Petković, Exh.C00018, para.46, (public); Stoparić, T.2332-2333 (open); Rankić, Exh.P01074, paras.32 and 125 (public). See also [REDACTED]; VS-033, T.5532:1-8 (open); [REDACTED]; Glamočanin, Exh.P00688 para.50 (public) (ŠEŠELJ received intelligence from Chetnik commanders in the field).

¹⁵⁸ Rankić, Exh.P01074, paras.33, 122,124-125, (public); Petković, Exh.C00018, para.58 (public); Exh.C00016, p.33 (public); Dražilović, Exh.C00010, para.44 (public).

¹⁵⁹ VS-033, T.5530-5531 (open); [REDACTED].

¹⁶⁰ Exh.P00222 (public); Rankić, P01075, p.16 (public).

¹⁶¹ Rankić, Exh.P01074, paras.33, 125 (public).

¹⁶² Exh.P01191, pp.6-7 (public); Exh.P01323, p.2 (public); Exh.P00513 (public); Rankić, Exh.P01074, paras.32-33, 122,124-125 (public); Glamočanin, Exh.P00688 para.50 (public); Petković, Exh.C00011, pp.7-8 (public); Exh.C00018, para.58 (public); Exh.C00016, p.33 (public); Exh.C00015, p.37(public).

¹⁶³ Rankić, Exh.P01074, paras.64-76 (public); Stojanović, Exh.P00528, paras.30-32 (public); Šešelj, Exh.P00031, p.500 (public); Dražilović, Exh.C00010, paras.37, 58 (public); [REDACTED]

¹⁶⁴ Exh.P00580, paras.24, 26 (public).

¹⁶⁵ Šešelj, Exh.P00031, p.603 (public).

¹⁶⁶ Exh.P01181, p.19 (public).

SRS/SČP members, like Witnesses RANKIĆ, PETKOVIĆ, DRAŽILOVIĆ and GLAMOČANIN - described how they also travelled to the front to visit the Šešeljevi.¹⁶⁷

E. ŠEŠELJ used persecutory Chetnik ideology and rhetoric to mobilize and instigate sympathizers by stoking fear to justify forcible ethnic separation

50. As tensions escalated in 1991 and throughout the indictment period, ŠEŠELJ pursued a persecutory propaganda campaign against non-Serbs. He has acknowledged that “passive onlookers are all potential fighters, we just need to enlighten them, teach them, provide them with a nationalistic education, arouse their patriotic consciousness and inspire love for the homeland [...] Propaganda is based on the fact that the vast majority of people are naturally ready to believe indiscriminately in everything they read, hear or see on television.”¹⁶⁸ ŠEŠELJ’s propaganda campaign contained a number of inter-related components which he persistently repeated and reinforced.¹⁶⁹

51. First, ŠEŠELJ propagated a climate of fear in which Serbs would believe themselves to be under threat.¹⁷⁰ Relentlessly pressing a threat message is the “strongest” and “most important” stimulus for raising fear in an audience and driving that audience to “back action to remove the threat”.¹⁷¹ Threat speech is the “crucial part of propaganda that sets in motion actions.”¹⁷² ŠEŠELJ’s rhetoric was filled with threat speech.¹⁷³ For example, ŠEŠELJ and the SRS/SČP warned that non-Serbs posed a physical, demographic, cultural, and even economic threat to Serbs.¹⁷⁴ Bosnian Muslims and Bosnian Croats were also consistently portrayed as having genocidal lust,¹⁷⁵ ŠEŠELJ labelled all Croats as “Ustašas” to invoke the memories of fascist atrocities committed against Serbs during that war and to depict all Croats as a present-day threat.¹⁷⁶ As VS-004 explained to the Trial Chamber:

The word "Ustaša," among all Serbs, is the worst thing you can mention, because throughout their history it was the Ustaša who committed the greatest crimes

¹⁶⁷ Dražilović, Exh.C00010, para.41 (public) (Mirkovči in September 1991); Rankić, Exh.P01074, paras.32, 57-61, 64-72, 85 (public); Petković, Exh.C00012, para.24 (public) (visit to Erdut between July & Sept 1991); Glamočanin, Exh.P00688 para.99 (public).

¹⁶⁸ Exh.P01337, pp.6-7 (public).

¹⁶⁹ Oberschall, T.1981, 2061 (open).

¹⁷⁰ Oberschall, T.1974 (open); Rankić, Exh.P01074, p.57 (public); Exh.P01075, p.17 (public); Exh.P01076, p.9 (public); Exh.P01266, p.1 (public).

¹⁷¹ Exh.P00005, p.13 (public); Oberschall, T.1973-1974 (open).

¹⁷² Oberschall, T.2114 (open).

¹⁷³ Oberschall, T.2114, T.2075-2076 (open).

¹⁷⁴ Oberschall, T.1974-1975 (open); Exh.P01280, p.1 (public), Exh.P01205, p.1 (public).

¹⁷⁵ Stoparić, T.2440-2441 (open) (describing impact of ŠEŠELJ’s rhetoric against Ustashas); Exh.P00037, pp.10-12 (public).

¹⁷⁶ Stoparić, T.2312-1214 (open); Baričević, T.10755-10756 (open). See also Exh.P01186, p.5 (public) (ŠEŠELJ using the derogatory term “Shiptars” in respect of Albanians).

against Serbs [...] it's something that exists as the worst in the world, as an executioner.”¹⁷⁷

52. **ŠEŠELJ** generalized Croats and anyone representing modern Croatia as “Ustaša”, stating, for example, in May 1991 “did you see today that the Croatian people are entirely Ustasha? There are very few exceptions”.¹⁷⁸ Also in May 1991, **ŠEŠELJ** again invoked the specter of Ustaša hordes attacking Serbs in Croatia:

The very roots of the Serbian cause are under threat. Hordes of ustashas are attacking Serbian villages, Serbian women and children. The Ustasha hordes are trying to finalise the genocide of the Serbian nation.¹⁷⁹

53. **ŠEŠELJ** told volunteers before deployment to expel Ustaša wherever they found them.¹⁸⁰ **Šešeljevci** echoed this language by, for example, insulting Croat detainees with the term “Ustaša”, accompanied by expletives and denigrating terms.¹⁸¹ He also labelled the once predominantly Croat areas of Vukovar and Hrtkovci as Ustaša strongholds or as having the worst Ustašas.¹⁸² Denigrating threat discourse of this nature embedded fear and hatred to justify ethnic separation and forcible removal of non-Serbs. **ŠEŠELJ** intended to instigate violence against non-Serbs and countenanced their destruction.¹⁸³

54. Secondly, **ŠEŠELJ**'s incendiary language about past genocide against the Serbs was often coupled with encouragement for retaliation for those past crimes.¹⁸⁴ For example, invoking Ustašas' crimes committed in World War II, **ŠEŠELJ** repeatedly declared that “Croats must be punished”.¹⁸⁵ **ŠEŠELJ** specifically justified revenge and violence as morally legitimate and necessary due to the past victimization and genocide of Serbs.¹⁸⁶ Despite having previously recognized that “innocent people get killed during revenge,”¹⁸⁷ **ŠEŠELJ** insisted as early as May 1991 that accounts be settled for past crimes against Serbs, stating “not only shall we avenge the

¹⁷⁷ VS-004, T.3380, 3624 (open).

¹⁷⁸ Exh.P00034, p.7 (public); VS-004, T.3379-80 (open); Šešelj, Exh.P00031, p.224 (public); Exh.P00005, p.59 (public); Rankić, Exh.P01074, para.36 (public); [REDACTED]; Exh.P00062 (public).

¹⁷⁹ Exh.P00062 (public).

¹⁸⁰ Stojanović, Exh.P00528, paras.31-32 (public). See also Exh.P00547, p.4 (public); Exh. P01298, p.1 (public).

¹⁸¹ E.g. Stoparić, T.2338 (open); Karlović, T.4714 (open).

¹⁸² Exh.P00298 (public); Exh.P00073 (public); Exh.P01201, p.20 (public).

¹⁸³ Exh.P01295, p.3 (public); Exh.P01213, pp.15-16 (public); Oberschall, T.2203-2205 (open) (dehumanising talk would create fear of the “bestial beings” and generate “hostile relationships”).

¹⁸⁴ [REDACTED]; Exh.P01003 (public).

¹⁸⁵ Exh.P01297, p.1 (public); Exh.P00032, pp.8-9 (public); Exh.P01195, pp.3-5 (public). *Velika Srbija* also disseminated articles criticizing prisoner exchanges and calling for “Ustaša” prisoners of war to pay for their crimes, Exh.P01289, p.4 (public).

¹⁸⁶ Exh.P00074 (public); Exh.P1272, p.1 (public); Exh.P01220, p.3. (public). Exh.P01280, p.1 (public); Exh.P01185, pp.18-19 (public); Exh.P01205, p.1 (public). See also Exh.P00014 (public).

¹⁸⁷ Exh.P01339, p.5 (public). See also Exh.P00034, p.3 (public) (**ŠEŠELJ**: “You know, when one retaliates, revenge is blind. There would be innocent victims but what can you do. Let the Croats think about that first.”); Exh.P01177, p.11

present victims, but we shall avenge the previous ones too.”¹⁸⁸ The following month he again warned: “All those with an unclear conscience should fear us Serbs. They have reason to fear us. We Serbs have forgotten and forgiven too much in history. We have told the Croats should they ever again /resort to/ genocidal activities against the Serbian people, not only shall we take revenge for every victim but we shall also settle scores for the victims from World War I and World War II.”¹⁸⁹ ŠEŠELJ’s public declarations of this type were designed to encourage Serbs to perpetrate crimes against non-Serbs, and to absolve them of legal and moral responsibility for committing such crimes.¹⁹⁰ ŠEŠELJ’s words had a marked effect on Serb nationalists that heard them.¹⁹¹

55. Thirdly, ŠEŠELJ advocated force and violence to gain and retain what he considered Serb lands outside of Serbia,¹⁹² and simultaneously attacked anyone who proposed a peaceful solution. For example, he declared in the Serbian Assembly that, in order to achieve their territorial objectives, only a military and not a political solution in Croatia would suit “us Serbs”.¹⁹³ To increase tensions, ŠEŠELJ repeated publicly that Serbs, Croats and Bosnian Muslims could not live together and he rejected and condemned any negotiations premised on that basis.¹⁹⁴ In October 1991, in response to draft proposals ahead of The Hague diplomatic conference that would allow parts of Yugoslavia to gain independence while remaining connected to a federal core - ŠEŠELJ threatened: “I can guarantee to you that the Serbian Radical Party will call the people to an armed uprising.[....] Do not play with your lives and accept this.”¹⁹⁵ ŠEŠELJ addressed similar ultimatums to non-Serbs warning them that resisting the imposition of his “Greater Serbia” would result in a bloody battle.¹⁹⁶

(public) (ŠEŠELJ declares that when “there is reprisal, when there is revenge, it is blind, and that many innocent Croats will perish, but what can you do?”).

¹⁸⁸ Exh.P01003, p.1 (public).

¹⁸⁹ Exh.P00035, p.15 (public); Exh.P01182, p.4 (public) (ŠEŠELJ: “Those who fear us have an unclear conscience, and they should fear us”).

¹⁹⁰ Exh.P00005, pp.18-22 (public); Exh.P01177, pp.6-7 (public); Exh.P01274, p.2 (public); Exh.P00180 (public) (clip from Exh.P01274); Exh.P01285 (public); Exh.P00003, pp.136-139 (public); Exh.P01309, pp.2,7,10-13 (public); Oberschall, T.2125-2126 (open).

¹⁹¹ Stoparić, T.2440-2444, 2650-2660 (open); Dražilović, Exh.C00010, pp.9, 26 (public).

¹⁹² Exh.P01178, p.4 (public); Exh.P01259, p.8 (public); Exh.P01188, p.3 (public); Exh.P01298, p.1 (public).

¹⁹³ Exh.P01257 p.54 (public). *See also* Exh.P01231, pp.16-17 (public).

¹⁹⁴ Exh.P01169, p.6 (public); Exh.P01263, pp.14-16 (public); Exh.P01298, p.2 (public); Exh.P01205, p.4 (public); Exh.P01211, pp.1-2 (public); Exh.P01306, p.1 (public); Exh.P01217, p.5 (public); Exh.P01222, p.1, (public).

¹⁹⁵ Exh.P01259, p.8 (public); Exh.P00005, p.13 (public).

¹⁹⁶ *E.g.* Exh.P00164, p.83 (public) (“at the cost of further rivers of blood”); Exh.P01174, p.1 (public); Exh.P00395 (public).

F. ŠEŠELJ spread his message of violence, fear and ethnic hatred to the largest possible audience across the territories of the crumbling Yugoslav state

56. Fully aware of his influence, ŠEŠELJ boasted that he held extensive influence over Serb public opinion, even outside of Serbia, whereby “several thousands of *Serbian volunteers* listened” to him.¹⁹⁷ This powerful campaign of persecutory propaganda, of which ŠEŠELJ was chief architect and orator, mobilised and inspired Serbs all over the states of the former Yugoslavia, turning them into fighters for ŠEŠELJ’s cause. ŠEŠELJ’s popularity, media omnipresence and influence were so overwhelming that radio listeners in Serbia voted him “Man of the Year” for 1991.¹⁹⁸

57. The rhetoric in the media and of Serb personalities, like ŠEŠELJ, encouraged ethnic division, created fear among the Serb people, exaggerated the threat posed by non-Serb authorities, and blurred the line between the non-Serb authorities and the non-Serb people.¹⁹⁹ ŠEŠELJ portrayed non-Serbs in increasingly threatening and de-humanising ways while aggrandizing Serb identity. His speeches supporting and facilitating ethnic-based political divisions are intrinsically linked to the crimes charged in the Indictment.

58. ŠEŠELJ used SRS/SČP publications as part of his persecutory campaign. In addition to the extensive coverage he received in the state-controlled media,²⁰⁰ ŠEŠELJ created his own media outfit to disseminate his propaganda. He was the “Founder and General Director” of the newspaper *Greater Serbia* or *Velika Srbija*, which he described, as “a powerful weapon”²⁰¹ in his propaganda efforts. Article 8 of the SČP’s Statute provided that its Central Homeland Administration would “publish the newspaper of the Serbian Chetnik Movement, entitled *Velika Srbija*”.²⁰² *Velika Srbija* was first published in 1990 by the SČP, after February 1991 it became the SRS’s journal.²⁰³ RANKIĆ described it as ŠEŠELJ’s “own newspaper” and that ŠEŠELJ had “full control over its contents”.²⁰⁴

¹⁹⁷ Exh.P01220, p.2 (public) (emphasis added); Exh.P01248, p.6 (public) (“The SRS has spread over all areas of RS and it has great influence among the people”).

¹⁹⁸ Exh.P01190, p.4 (public); Exh.P01182, p.1 (public) (ŠEŠELJ described as “the new media celebrity”).

¹⁹⁹ BiH Leadership: Exh.P00931 (public), (Krajišnik in Assembly), Exh.P00940 (public), Exh.P00944 (public), Exh.P00340 (public) (Karadžić in Assembly). JNA Leadership: Exh.P00926 (public); Exh.P00199, p.3 (public) (Mrkšić); Exh.P00246, pp.1-2 (public) (Kadijević); Exh.P00247 (public) (Adžić).

²⁰⁰ Oberschall, T.2055-2056 (open); Rankić, Exh.P01074, paras.36, 74.

²⁰¹ Exh.P01269, p.2 (public); Exh.P01263, p.17 (public).

²⁰² Exh.P00686, p.2 (public).

²⁰³ Exh.P01076, p.5 (public); Rankić, T.15967 (open).

²⁰⁴ Rankić, Exh.P01074, para.94 (public). See also Exh.P00633, p.5 (public).

59. Aleksandar STEFANOVIĆ, a high-ranking member of the SRS,²⁰⁵ was in charge of the twice monthly *Velika Srbija* magazine with a print run of about 10-20,000 copies distributed in SRS/SČP municipal boards in Serbia and sold in Belgrade.²⁰⁶ Further copies were distributed by SRS-affiliated branches outside of Serbia.²⁰⁷

60. The SRS also published *Western Serbia (Zapadna Srbija)*,²⁰⁸ a monthly periodical in Republika Srpska, where, by 1993, the party had 70,000 members.²⁰⁹ It often published articles and cartoons denigrating non-Serbs.²¹⁰

61. ŠEŠELJ further disseminated his persecutory propaganda in person at rallies in addresses to the volunteers and during visits to the frontlines.²¹¹

V. ŠEŠELJ SUPPORTED OTHER JCE MEMBERS IN THEIR EFFORTS TO ESTABLISH ETHNICALLY-SEPARATE SERB TERRITORIES

A. Introduction

62. Shortly after the Indictment period and long before he was indicted by the Tribunal, ŠEŠELJ openly confessed the extensive cooperation that existed between him and other JCE members: the SRS/SČP had received weapons from MUP Serbia;²¹² he had close and regular contacts with JCE member BOGDANOVIĆ from at least July 1991;²¹³ and he had cooperated with, *inter alia*, MILOŠEVIĆ, BOGDANOVIĆ, SIMATOVIĆ and JNA General DOMAZETOVIĆ in arming, equipping and transporting *Šešeljevci*.²¹⁴ Referring to *Šešeljevci* deployments, ŠEŠELJ was clear:

MILOŠEVIĆ would ask us, Radmilo BOGDANOVIĆ would ask us, some General would ask us, DOMAZETOVIĆ for example, or somebody else. They would say: "ŠwĆe need so and so many volunteers for this and that location", and

²⁰⁵ Petković, Exh.C00013, p.19 (public); Exh.C00018, para.12 (public); Exh.C00012, para.2 (public); Dražilović, Exh.C00010, para.8 (public); Stefanović, Exh.P00633, pp.3, 12 (public); Exh.P00634, p.7 (public); Stefanović, T.12096; [REDACTED].

²⁰⁶ Rankić, Exh.P01074, para.94 (public); Exh.P00635 (public); Stefanović, Exh.P00633, p.5 (public).

²⁰⁷ Exh.P00635 (public).

²⁰⁸ Exh.P01307 (public); Exh.P00164, p.87 (public).

²⁰⁹ Exh.P00164, p.87 (public); Exh.P00998, p.13 (public).

²¹⁰ *E.g.* Exh.P01309 (public); Exh.P01313 (public); Exh.P01316 (public); Exh.P01317 (public).

²¹¹ *E.g.* Oberschall, T.2071 (open); Exh.P00999 (public); Exh.P01315 (public); Exh.P01313 (public); Exh.P01316 (public); Exh.P01307, pp.4-5 (public).

²¹² Exh.P00644, p.5 (public).

²¹³ Exh.P00644, pp.9-10 (public).

²¹⁴ Exh.P00644, pp.10-11 (public).

we would gather that many volunteers [...] I mean one did not have to convince us very much.²¹⁵

63. As illustrated below, **ŠEŠELJ**'s statement accurately captured the extensive contribution, cooperation and shared common purpose that existed among Belgrade-based JCE members, including **ŠEŠELJ**, and extended to implementation of the common criminal purpose. **ŠEŠELJ** admitted to Belgrade's role and particularly the role of what he called "key people" from DB Serbia in the attack on Zvornik, including the participation of well-equipped units, such as the Red Berets and "volunteers from the SRS".²¹⁶

64. JCE members earmarked territories that they considered should be Serb, created parallel Serb institutions and Serb fighting forces. From the summer of 1991, the JCE members used these institutions and Serb Forces to forcibly create ethnically-separate Serb territories carved out from large parts of Croatia and BiH ridding these areas of their non-Serb population. The crime base areas of Vukovar, Zvornik, Greater Sarajevo, Mostar and Nevešinjje were among the areas which the JCE members targeted.

65. The intent of JCE members is evident from the systematic commission of crimes by forces under their control (or used by them). These forces committed crimes repeatedly and persistently throughout the former Yugoslavia during the two-year Indictment period. JCE members were aware of the massive expulsions, destruction, and massacres that resulted from their campaign and continued to use the same forces and strategies, lauding their effectiveness. The only reasonable inference is that those systematic crimes were intended by JCE members and were part of the common purpose.²¹⁷

66. **ŠEŠELJ** played his part by recruiting and deploying volunteers and disseminating propaganda, encouraging cooperation and action by Serbs, and reinforcing the goal of ethnically-separated Serb territories in Croatia and BiH.

67. The only reasonable inference from the evidence is that the **ŠEŠELJ** made a significant contribution to the common criminal purpose which included the crimes charged in the Indictment.

²¹⁵ Exh.P00067, p.2 (public).

²¹⁶ Exh.P00068 (public).

²¹⁷ See *Krajišnik* AJ para. 200.

B. As Croatia moved towards independence, parallel Serb structures and forces were set up in Croatia with support from JCE members in Belgrade, including ŠEŠELJ

68. In 1990, Serb leaders in Belgrade and Croatia were already preparing for the possibility that Croatia would seek independence. They began working together to create and ensure the functioning of ethnically-separate Serb institutions to conquer Serb-claimed territories.

69. In May 1990, weapons were taken from civilian TO depots in Slovenia and Croatia and transferred to military depots, thereby effectively disarming Croatian TO and National Guard of anything other than light weapons.²¹⁸

70. Also in May 1990, the Serbian Democratic Party (“SDS”) under the leadership of Jovan RAŠKOVIĆ was founded in Croatia. The SDS was specifically established to represent the interests of the Serbian population in Croatia and advocated autonomy for Serb territories.²¹⁹ When ŠEŠELJ later founded the SRS, its manifesto expressed explicit support for the SDS.²²⁰

71. JCE member Milan BABIĆ, and others, activated the policy of autonomy by forming the Association of South Dalmatia and Lika.²²¹ On 25 July 1990, 100,000 Croatian Serbs including SDS leaders and representatives of the Municipal Assemblies, Serb members of parliament of the Republic of Croatia, and the Serbian Orthodox Church participated in a Serbian Assembly in Srb. ŠEŠELJ was also present. The Assembly adopted a declaration on the autonomy and sovereignty of the Serbian people affirming the right of the Serbian Nation to political and territorial autonomy.²²²

72. Having chosen autonomy, Serb leaders in Croatia began fomenting discord while simultaneously forming, supporting and stabilizing the nascent Serb structures. The first step towards autonomy began in Krajina on 17 August 1990 with the so-called “log revolution”.²²³ The following day ŠEŠELJ’s SČP held its first registration of volunteers for Knin.²²⁴

²¹⁸ Exh.P00198, p.2 (public); Exh.P00412, p.14 (public).

²¹⁹ [REDACTED]; VS-004, T.3329-3334 (open); Babić, Exh.P01137, pp.7-28 (public); Exh.P00169, p.15 (public).

²²⁰ Exh.P00153, p.13 (public).

²²¹ Exh.P00895 (public); Babić, Exh.P01137, pp.28-33 (public).

²²² Babić, Exh.P01137, pp.33-37 (public); Šešelj, Exh.P00031, pp.215, 595 (public); VS-004, T.3585-3587 (open); Exh.P00896 (public).

²²³ Babić, Exh.P01137, pp.50-55 (public) (on 17 August 1990, following a false announcement by an agent of the DB that the Croatian police was moving towards Knin to prevent the referendum, barricades were erected in Knin, Obrovac and Gracac and a number of policemen from the police station in Knin, led by Milan Martić, distributed weapons to the local Serbs.)

²²⁴ [REDACTED]; Exh.P00065, p.1 (public); Exh.P00644, p.5 (public).

73. JCE members STANIŠIĆ and SIMATOVIĆ and other members of the Serbian DB/MUP²²⁵ participated by *inter alia* establishing and training the Serb police in Croatia.²²⁶ A parallel armed structure emerged, run by STANIŠIĆ, answerable to MILOŠEVIĆ, and comprised of members of the MUP Serbia, DB Serbia, parts of the SDS in Croatia and policemen under the command of JCE member MARTIĆ. This group manufactured incidents which provoked fear among the local Serbs and triggered clashes between these armed Serbs and the Croat police.²²⁷ Such incidents included attacks on shops and various facilities and enterprises belonging to Croats and Albanians.²²⁸ Conflict spread to Western Slavonia that same autumn, as local Serbs attacked police stations on and around 2 October 1990, particularly in Slatina.²²⁹

74. Representatives of Serb communities in the areas of Croatia which later became SAOs (Krajina, Western Slavonia, and SBWS) began meeting with Borisav JOVIĆ, the Serb representative in the SFRY presidency. JOVIĆ promised BABIĆ political cooperation from Belgrade and JNA assistance for Serbs in the Krajina.²³⁰ In the meetings, which involved Serbs from all across Croatia, the Krajina representatives pushed for war.²³¹

75. The SAO Krajina was declared on 21 December 1990.²³² Less than a week later, ŠEŠELJ told an interviewer confidently that after the expected secession of Slovenia, “whoever is in power in Belgrade at the time will amputate Croatia cutting it off at the old Serbian borders which run along the Karlobag – Karlovac – Virovitica line.”²³³ ŠEŠELJ added that the SČP would be willing to allow other parties to hold governing authority as long as those parties implemented SČP policies, and concluded by expressing his pleasure that Serb leaders had already begun adopting his nationalist agenda:

I am personally proud and happy that many of those who persecuted me yesterday, today implement my ideas as laid down in my “What to Do?” paper, which six years ago earned me a sentence of eight years’ imprisonment. Only by

²²⁵ The MUP was overseen and controlled by MILOŠEVIĆ. [REDACTED]; Exh.P01005, p.2 (public); [REDACTED]; Exh.P00066, p.1 (public); [REDACTED].

²²⁶ Babić, Exh.P01137, pp.109-111 (public).

²²⁷ Babić, Exh.P01137 pp.47-49, 51-57, 63 (public).

²²⁸ Babić, Exh.P01137, pp. 63-65 (public).

²²⁹ Matovina, T. 6758-6759 (open). *See also* Matovina, T. 6763 (open) (there were also attacks on police stations in Pankrac, Obravac and Benkovac around the same time).

²³⁰ Babić, Exh.P01137 p.45 (public).

²³¹ VS-004, T.3344 (open).

²³² Exh.P00898 (public).

²³³ Exh.P01175, p.2 (public). *See also* Exh.P01174, p.2 (public) (ŠEŠELJ: “The Croats may separate themselves from Yugoslavia, in other words they may have an independent state, may merge with someone else, however they must know at all times that at all costs, at the price of new rivers of blood, we shall not let them separate any territory that contains Serbian villages, Serbian mass graves, Serbian slaughterhouses, Serbian pits, Serbian /concentration?/ camps, Serbian Jasenovac(s), destroyed Serbian churches, we shall never allow that. Moreover, we, the Serbian Chetniks, also advocate a renewal of the issue of responsibility of the Croatian people for Ustahas’ crimes in World War II”).

now I have left behind many of these ideas, and today I am much more radical in my political demands.²³⁴

76. ŠEŠELJ visited Krajina several times in the course of 1990²³⁵ and 1991,²³⁶ publicly advocating a Serbian Krajina in which “there is no room for Ustashas”.²³⁷ On 27 February 1991 ŠEŠELJ sent a letter to “the Serbs of heroic Knin Krajina” in which he congratulated them for their “freedom and independence”.²³⁸

77. ŠEŠELJ’s evident ability to mobilize armed forces sparked local Serb authorities to request assistance from him. For example, Milan BABIĆ requested ŠEŠELJ send Šešeljevci to Krajina.²³⁹ Similarly, in early 1991, a delegation of Serbs from what later became SAO SBWS visited ŠEŠELJ to request volunteers.²⁴⁰ In return for his efforts, ŠEŠELJ received JNA helicopter transport organized through the Ministry of Defence to visit his volunteers in Krajina.²⁴¹

78. In Serb-claimed areas in Croatia, Serb-only territorial defence (TO) units were also gradually set up from January 1991 onwards.²⁴² In areas where local Serbs had a majority or a significant minority, they took over existing police and TO structures or set up their own parallel ones operated outside of the legal republican reporting structure in Croatia.²⁴³ By 1 April 1991, the SAO Krajina’s “TO” answered directly to JCE member Milan BABIĆ.²⁴⁴

C. From March 1991, Serb leaders established fighting forces controlled by MUP Serbia and the JNA became a Serbian army

79. After failing to have a state of emergency declared in March 1991, MILOŠEVIĆ, STANIŠIĆ, SIMATOVIĆ, KADIJEVIĆ and other Serb leaders started to form an all Serb fighting force to defend Serbs outside Serbia.²⁴⁵

²³⁴ Exh.P01175, p.2 (public).

²³⁵ Šešelj, Exh.P00031, pp.215, 227 (public).

²³⁶ Šešelj, Exh.P00031, pp.227, 232 (public); Rankić, Exh.P01074, p.35 (public).

²³⁷ Exh.P00335, p.1 (public); Exh.P00333 (public).

²³⁸ Exh.P01266 (public).

²³⁹ Šešelj, Exh.P00031, pp.237-238 (public); Exh.P01075, para.30 (public).

²⁴⁰ VS-004, T.3517 (open).

²⁴¹ Šešelj, Exh.P00031, p.317 (public).

²⁴² Exh.P00261, pp.205, 211-212 (public); Matovina, T.6763-6764, 6782, 6784-6787 (open); Exh.P00430 (public).

²⁴³ Exh.P00261, p.211 (public); Matovina, T.6763-6764, 6782, 6784-6787 (open); Exh.P00430 (public).

²⁴⁴ Exh.P00902, p.1 (public).

²⁴⁵ Theunens, T.3719-3720 (open). The Ministry of Serbs Outside Serbia was founded to organize the fighting force. See Exh.C00018, para.28 (public); Exh.P01075, paras.57, 84 (public).

1. MILOŠEVIĆ promised to use MUP Serbia to defend all Serbs and called for all Serb political leaders to fight for Serbian interests

80. On 12, 14 and 15 March 1991, the JNA General Staff had a meeting with the SFRY Presidency during which KADIJEVIĆ proposed, *inter alia*, the imposition of a state of emergency in SFRY; raising the JNA's combat readiness to ensure respect for the state of emergency; undertaking urgent measures to bring the country's undermined defence system back within the framework of the law; and an agreement on the future organisation of SFRY. These proposals were, however, rejected by the SFRY Presidency.²⁴⁶ This further unified the JCE members.

81. MILOŠEVIĆ, made clear that he would use the armed forces of the Republic of Serbia to protect Serbian interests outside of Serbia. He announced:

I have ordered a mobilisation of reserve Republic of Serbia MUP security forces and urgent establishment of additional police forces of the Republic of Serbia.

I asked the Government of the Republic of Serbia to carry out necessary preparations for the establishment of the additional forces in number that would guarantee protection of the interests of the Republic of Serbia and the Serbian people.²⁴⁷

82. MILOŠEVIĆ proceeded to invite opposition politicians, including ŠEŠELJ, to participate saying

I plead to all political parties to establish full co-operation in this difficult situation, and also, in the interests of Serbia, disregard the differences and disputes among them.²⁴⁸

2. MILOŠEVIĆ, STANIŠIĆ and SIMATOVIĆ created a MUP force that was deployed outside Serbia and, with BOGDANOVIC, provided material and financial support to Serbs in Croatia

83. The additional police forces that MILOŠEVIĆ pledged to establish in mid-March 1991 quickly materialised.²⁴⁹ On 4 May 1991 the MUP of Serbia, under the leadership of STANIŠIĆ and SIMATOVIĆ, established a special operations unit, sometimes known as the "Red Berets".²⁵⁰ Years later, SIMATOVIĆ, in the presence of MILOŠEVIĆ, STANIŠIĆ and other Serb leaders, would describe the purpose of the unit: to protect "*national security in circumstances where the existence*

²⁴⁶ Exh.P00196, pp.60-61 (public).

²⁴⁷ Exh.P01005 (public).

²⁴⁸ Exh.P01005, pp.2-3 (public). *See also* Šešelj, Exh.P00031 pp.242-243 (public).

²⁴⁹ Exh.P00131, pp. 5-7 (public).

²⁵⁰ Exh.P00131, p.5 (public); [REDACTED]; Exh.P00644 p.15 (public).

of the Serbian people were directly jeopardised *throughout its entire ethnic area*.”²⁵¹ To this end, thousands of men and tons of equipment were deployed throughout Croatia and Bosnia-Herzegovina. A helicopter squadron was established and in Bosnia and Herzegovina, the Special Unit operated a network of air-fields.²⁵²

84. Around 20 March 1991, just after MILOŠEVIĆ’s call for the creation of a Serb fighting force, BABIĆ and MARTIĆ travelled to Belgrade to ask for assistance. There they met with MILOŠEVIĆ, Radmilo BOGDANOVIĆ and Jovica STANIŠIĆ of the Serbian MUP. MILOŠEVIĆ reassured BABIĆ that he had already purchased 20,000 weapons for the Krajina Serbs. STANIŠIĆ confirmed that 500 weapons had already been sent to Banija.²⁵³

85. A 1 November 1991 report by the Serbian Ministry of Defence on assistance to districts in Croatia proves that from the second half of 1991, the Republic of Serbia intensified its practical assistance in the form of weapons, communications equipment and other supplies to Croatia. In addition to military support, the Republic of Serbia financed the salaries and pension contributions of approximately 50,000 Serb TO members throughout SAO Krajina, Western Slavonia and the Serbian District of Slavonia Baranja Western Srem.²⁵⁴

3. JCE members integrated various paramilitary groups into the new Serb fighting force

86. In addition to creating their own forces, Republican authorities supported, facilitated and coordinated various volunteer and paramilitary groups which were deployed in conflict areas, including SRS/SČP volunteers.²⁵⁵

87. In March 1991, as MILOŠEVIĆ was calling for additional forces, ŠEŠELJ and Vojvoda Branislav VAKIĆ toured Eastern Slavonia, promising local Serb communities assistance, including volunteers, and discussing the organization of “a rebellion”²⁵⁶ and armed “resistance”.²⁵⁷ At the same time, the SRS held rallies in villages including Bobota, Trpinja, Borovo Selo, Bilije and Mirkovci.²⁵⁸ Thousands of people attended the rally in Bilije.²⁵⁹

²⁵¹ Exh.P00131, pp. 5-7 (public) (Video showing an Award Ceremony with members of the Red Berets, political leaders and military leaders including: Slobodan Milosevic, Franko Simatovic, Jovica Stanisic, Mihalj Kertes, political leaders and military leaders giving and receiving awards).

²⁵² Exh.P00131, pp.5-7 (public); P00902 (public).

²⁵³ Babić, Exh.P01137, pp. 106-109 (public).

²⁵⁴ Exh.P00932, pp.1-2 (public). See also Exh.P00946 (public); Exh.P00983 (public).

²⁵⁵ Exh.P00030, p.1 (public); Exh.P00063, p.1 (public); Exh.P00065, p.1 (public); Exh.P00132, p.1-3 (public); Exh.P00644 pp.5-6, 10-11, 28 (public); Exh.P00976, p.1 (public).

²⁵⁶ Exh.P00644 p.6 (public).

²⁵⁷ Exh.P00055, p.2 (public). See also Stefanović, Exh.P00633, p.6 (public).

²⁵⁸ Exh.P00644 p.6 (public); Šešelj, Exh.P00031, pp.237-238 (public).

²⁵⁹ Exh.P01001, p.6 (public).

88. On 2 April 1991, on the heels of his March speaking tour of the area, **ŠEŠELJ** sent an initial group of **Šešeljevci** to Borovo Selo at the request of local TO commander Vukašin ŠOŠKOČANIN.²⁶⁰ This detachment, which had been established at the direction of the SRS in Belgrade, formed a Chetnik Command and organised arming of local Serbs in the village.²⁶¹ On or about 7 April 1991, local Serbs in Borovo Selo erected barricades to keep out Croatian police.²⁶² MILOŠEVIĆ and BOGDANOVIĆ supplied the SRS volunteers and Borovo Selo TO with arms through ŠOŠKOČANIN and his TO.²⁶³ On 1 May, ŠOŠKOČANIN travelled to Belgrade to request additional volunteers directly from **ŠEŠELJ**, who complied by providing a “Serbian Četnik detachment”.²⁶⁴ The next day, Serb forces ambushed the Croatian police, killing 12 Croat officers; three Serbs were killed and several people were wounded.²⁶⁵

89. By July 1991, the Serbian DB had detailed information regarding SRS deployments of volunteers and ammunition supplies to Croatia and was reporting that participation of **Šešeljevci** units was claimed to be approved “by the highest ranking officials”.²⁶⁶ Croatian Municipalities subsequently began using the SRS Crisis Staff to help coordinate with the Serbian MUP. For example, in 1991 the president of the Mirkovci municipality asked PETKOVIĆ to contact the MUP Serbia and ask them to provide him with a police vehicle, uniforms and other equipment. By the time of deployments to Vukovar, **Šešeljevci** were receiving training organised by the Serbian MUP at a centre in Lipovaca, near Šid.²⁶⁷

90. One of the other notorious paramilitary formations whose fighters were used as part of this new Serb force was “Arkan’s Tigers” commanded by JCE member Željko RAŽNATOVIĆ aka “Arkan”,²⁶⁸ a known criminal.²⁶⁹ The MUPs regular provision of supplies to Arkan’s Tigers is corroborated by a high level military security report, from 1st Military District to the SSNO, which noted that “Arkan” “stated that the weaponry, ammunition and MES /mines and explosives/ had been supplied by the MUP /Ministry of the Interior/ and the Ministry of Defence of the Republic of Serbia.” That this was regular procedure is evidenced by the fact that records of the issued weapons

²⁶⁰ Šešelj, Exh.P00031, p.238 (public); Petković, Exh.C00013, p.22; Exh.P01187, p.2 (public); Rankić, P01074, para.26 (public); [REDACTED].

²⁶¹ Exh.P01277 pp.2,3 (public); Theunens, Exh.P00261, pp.222-223 (public); Petković, Exh.C00013, p.22 (public); Exh.P00217 (public), Exh.P00055 (public), [REDACTED]; Šešelj, Exh.P00031, p.238-240 (public).

²⁶² Exh.P00644 p.7 (public).

²⁶³ Exh.P00644, pp.9, 28 (public).

²⁶⁴ [REDACTED].

²⁶⁵ [REDACTED]; Exh.P01277; Exh.P01177, pp.8-9 (public); Exh.P01178, p.27 (public).

²⁶⁶ Exh.P00914 (public).

²⁶⁷ Rankić, Exh.P01074, paras.31, 57 (public).

²⁶⁸ Exh.P00229, p.7 (public); Theunens T.3759-3760 (open); Exh.P00183 p.2 (public); Exh.P00132, p.2 (public).

²⁶⁹ Exh.P01247, p.5 (public).

were kept and updated.²⁷⁰ In turn, “Arkan”’s Tigers provided arms to local Serb TOs in the SAO SBWS.²⁷¹ “Arkan”’s men also cooperated with and supported the RSK MUP.²⁷²

91. ARKAN provided logistical support and training to Serb forces, including SRS/SČP volunteers, at his base in Erdut, Eastern Slavonia, which operated under Serbian DB auspices.²⁷³ ŠEŠELJ sent high ranking members of the SRS War Staff, such as PETKOVIĆ and RANKIĆ, to Erdut to coordinate the arrival and deployment of Šešeljevci.²⁷⁴ ARKAN’s centre at Erdut was a collection centre for volunteers and a distribution point for sending them to different TO’s in Eastern Slavonia.²⁷⁵

92. In July or August 1991, ŠEŠELJ himself went to ARKAN’s training centre with a group of volunteers, who were then inspected in military style by JCE members ARKAN and SAO SBWS President Goran HADŽIĆ.²⁷⁶ During that visit, ŠEŠELJ addressed all the volunteers at the centre, telling them that “Wherever there were Ustaša, they should be killed and expelled because it was all Serbian territory,” and spoke to them of Greater Serbia within the Karlobag-Varaždin-Virovitica boundaries.²⁷⁷

93. Volunteers from other organisations, including the “White Eagles” from Mirko JOVIĆ’s Serb National Renewal Movement (SNO)²⁷⁸ were also trained and equipped at Erdut.²⁷⁹ SNO volunteers were present in Borovo Selo,²⁸⁰ Western Slavonia,²⁸¹ and Vukovar²⁸² among others. The Dusan Silni detachment, which committed crimes in SBWS²⁸³, was affiliated with the SNO.²⁸⁴

94. Similarly, MUP Serbia also incorporated paramilitaries under Captain Dragan VASILJKOVIĆ, aka “Captain Dragan,” into the evolving Serb force.²⁸⁵ MUP/DB Serbia sent him

²⁷⁰ Exh.P00132, p.1 (public).

²⁷¹ Exh.P00132 p.1 (public).

²⁷² Exh.P00976 p.1 (public).

²⁷³ [REDACTED]; Stojanović, Exh.P00526, paras.18-19 (public); Exh.P00527, para.17 (public); Exh.P00528, paras.30-31 (public); Dražilović, Exh.C00010 para.43 (public); Exh.P01187, p.2 (public); Petković, Exh.C00018 para.38 (public).

²⁷⁴ Rankić, Exh.P01074, para.85 (public).

²⁷⁵ Petković, Exh.C00018, para.38 (public); Stojanović, Exh.P00528, paras.18-20 (public); Exh.P00288, pp.1-2 (public).

²⁷⁶ Stojanović, Exh.P00528, para.30 (public).

²⁷⁷ Stojanović, Exh.P00528, paras.30-32 (public). ŠEŠELJ told the Serbian Assembly he also had been in Erdut on 25 September 1991. Exh.P01257, p. 30 (public).

²⁷⁸ Theunens, T.3756 (open); [REDACTED]; Exh.P00183, p.2 (public); Stojanović T.9683 (open).

²⁷⁹ Stojanović, T. 9683, (open).

²⁸⁰ Exh.P01277, p.2 (public); Dražilović, Exh.C00010, para.16 (public).

²⁸¹ Dražilović, Exh.C00010, para.16 (public).

²⁸² [REDACTED].

²⁸³ Exh.P00291, pp.2-3 (public).

²⁸⁴ [REDACTED]; Exh.P01277, p.2 (public).

²⁸⁵ Exh.P00205, p.1 (public).

to the territory which became the SAO Krajina as an instructor²⁸⁶ and he established a training centre there in Golubić, near Knin, where he trained members of JCE member MARTIĆ's Croatian MUP²⁸⁷

95. Representative of the newly cooperative nature of all the volunteer units and local forces, Captain Dragan's units wore the Red Berets which distinguished the special operations unit run by JCE members STANIŠIĆ and SIMATOVIĆ.²⁸⁸

4. The JNA became a Serbian army and ŠEŠELJ gave material assistance to the new Serbian fighting force

96. The rejection of the proposed state of emergency²⁸⁹ by the SFRY Presidency in March 1991²⁹⁰ started a process that let the JNA increasingly diverge from its constitutional mission of safeguarding the independence, sovereignty, territorial integrity and social order of the SFRY.²⁹¹ Instead, the JNA leadership steered their ranks toward the creation of a new Serb Yugoslavia in areas it considered to rightfully belong to Serbs.²⁹² Beginning in at least May 1991, MILOŠEVIĆ, Borisav JOVIĆ (outgoing Chairman of the SFRY Presidency and representative of the republic of Serbia in the SFRY Presidency), and General KADIJEVIĆ held frequent meetings regarding the JNA's role in protecting Serbs.²⁹³

97. KADIJEVIĆ explained that the army's new aim was to create a state for Serbs and Montenegrins. KADIJEVIĆ described the task of the JNA as being, among others, to "create and defend the new Yugoslav state of those Yugoslav nations that desire to be part of it, meaning in this phase the Serb and Montenegrin nations."²⁹⁴

98. In Croatia, the JNA's goal became "to protect the Serb people in Croatia in such a way that *all regions with a majority Serb population would be completely freed from the presence of the Croatian army and the Croatian authorities.*" To achieve this goal, the JNA restructured its deployments based on the principles of: "total defeat of the Croatian army [...]; full coordination with Serb insurgents in Serbian Krajina; completion of the pull-out from Slovenia of remaining

²⁸⁶ Exh.P00205, pp.2-3 (public). See also Theunens, Exh.P00261, pp.94, 103-104 (public); [REDACTED]; Theunens, T.3764-3765 (open).

²⁸⁷ Theunens, T.3760 (open). See also Babić, Exh.P01137, p.109 (public).

²⁸⁸ VS-1035, T.13805 (open); Banjanović, T.12441, 12483-12484 (open). See also Exh.P00183 (public); Exh.P00261, p.336 (public) (discussing Captain Dragan's units).

²⁸⁹ See para.73 above.

²⁹⁰ Exh.P00196, p.61 (public).

²⁹¹ [REDACTED]; Theunens, T. 3966-3969 (open).

²⁹² [REDACTED].

²⁹³ Exh.P00197 (public).

²⁹⁴ ExhP00196, 49-50 (public) (emphasis added).

JNA forces; full awareness that the role of the Serb nation in Bosnia-Herzegovina would be instrumental to the future of the Serb nation at large.”²⁹⁵

99. Next, the JNA stopped responding to the SFRY Presidency as Commander-in-Chief and instead took direction from the Serb leadership. By 5 July 1991, KADIJEVIĆ accepted these directions “without any discussion,”²⁹⁶ and on the same day, MILOŠEVIĆ and JOVIĆ instructed KADIJEVIĆ to concentrate the main forces of the JNA along a line running from Karlovac to Plitvice in the west, from Baranja, Osijek, and Vinkovci to the Sava in the east, and along the Neretva in the south. With this repositioning, the JNA would then cover all the Serb populated area in Croatia.²⁹⁷ The line now drawn approximated ŠEŠELJ’s concept of Greater Serbia and what the Serb leadership themselves considered “Serb land.”²⁹⁸ The front page of the July 1991 edition of ŠEŠELJ’s *Velika Srbija* showed a map of Greater Serbia – covering most of Croatia²⁹⁹ with the caption: “Serb, brother, do not forget! These are Serbs lands!”³⁰⁰

100. The JNA, however, faced growing manpower shortages³⁰¹ and the JNA began to directly solicit ŠEŠELJ to contribute *Šešeljevci* to fill the dwindling ranks. In the summer of 1991, high-ranking JNA officers visited SRS headquarters to meet with ŠEŠELJ³⁰² and Ljubiša PETKOVIĆ met with high ranking JNA officials and members of Serbia’s Ministry for Defence and Ministry for Relations with Serbs Residing Outside of Serbia to discuss sending SRS/SČP volunteers to JNA and TO units in Croatia.³⁰³ PETKOVIĆ’s contacts in the JNA General Staff during 1991 were Lt General Ljubomir DOMAZETOVIĆ, Major General ČOPIĆ and General Života PANIĆ (later head of the General Staff of the Armed Forces³⁰⁴).³⁰⁵ In an interview in 1993, ŠEŠELJ described PETKOVIĆ’s role as to “organise our volunteers and send them to the battlefields, obtain weapons and uniforms, provide transport etc.”³⁰⁶

²⁹⁵ Exh.P00196, p.73 (public).

²⁹⁶ Exh P00198, p.6 (public); Theunens, T.3694-3695 (open).

²⁹⁷ Exh.P00198, p.5 (public).

²⁹⁸ Theunens, T. 3694-3695 (open); Exh.P00198, p.5 (public). The eventual line was a reduced form of Greater Serbia compared to what ŠEŠELJ had envisioned and advocated. Theunens, T. 3976 (open). ŠEŠELJ pushed for a Greater Serbia beyond ethnic borders. Exh.P01257, p. 54 (public).

²⁹⁹ Rankić, Exh.P01074, p.55 (public) (inaccurately giving the date as 1990).

³⁰⁰ Exh.P00038, p.1 (public).

³⁰¹ Exh.P00261, p.33 (public); Exh.P00196, p.74 (public).

³⁰² Šešelj, Exh.P00031, p.242 (public).

³⁰³ Petković, Exh.C00018, paras.18,19,24,28 (public); Exh.C00013, pp.42,56 (public). [REDACTED]; *See also* Rankić, Exh.P01074, paras.28, 57 (public); Exh.P01075, para 13 (public).

³⁰⁴ Petković, Exh.C00013, p.50 (public).

³⁰⁵ Petković, Exh.C00018, para.20 (public); Exh.C00014, p.53 (public); Exh.C00014 p.54 (public); Exh.C00018, para.21 (public); Exh.C00013, p.49 (public). *See also* Stefanović, T.12216 (open); [REDACTED].

³⁰⁶ Exh.P01234, p.8 (public); Petković, Exh.C00014, pp.31, 35, 40-43 (public); Rankić, T.16072 (open); Exh.P01074, para.84 (public).

101. In the summer or early autumn of 1991, PETKOVIĆ was sent to the JNA to relay ŠEŠELJ's displeasure at the delays in distributing weapons to his men at the front.³⁰⁷ PETKOVIĆ told DOMAZETOVIĆ and PANIĆ that if weapons and uniforms were not appropriately provided for the Šešeljevci, ŠEŠELJ would stop sending volunteers to Croatia. The JNA officers responded that they could not distribute the weapons within Serbia but that as soon as the volunteers left Serbia they would be provided with weapons by the TO, and this promise was fulfilled.³⁰⁸ ŠEŠELJ was satisfied with their response since he understood their rationale that since Serbia was not “officially” at war, the weapons could not be distributed in Serbia.³⁰⁹

102. At the same time, ŠEŠELJ and other representatives of opposition parties met with Serbs from Croatia in Belgrade. The opposition parties agreed to organize and send volunteers to the JNA to assist Serb communities in Croatia.³¹⁰ The JNA commenced arming, incorporating, and cooperating with other paramilitary organizations, including “Arkan”'s men³¹¹ and the White Eagles,³¹² as well as local Serb forces.³¹³

103. In his testimony in *Milošević*, ŠEŠELJ elaborated on this significant cooperation with the JNA, stating:

Several high-ranking Yugoslav People's Army officers visited the headquarters of the Serbian Radical Party, and they discussed with me the further gathering of Volunteers and sending them to the Yugoslav People's Army which was having great problems mobilising conscripts.³¹⁴

104. With co-operation with the JNA established, ŠEŠELJ publicly endorsed the JNA, calling for loyalty to the JNA forces. In July 1991, ŠEŠELJ declared that: the army was “showing its Serbian essences”;³¹⁵ the “JNA is also Serbian, for it is our only army, and events have shown that the JNA too has only us. Therein the JNA is ours”;³¹⁶ and “We have the Yugoslav People's Army. It is our Army. At this moment, the most important thing is to consolidate this army, not to create a new Serbian Army out of nothing.”³¹⁷

³⁰⁷ Petković, Exh.C00014, p.35 (public).

³⁰⁸ Petković, Exh.C00018, paras.22, 24 (public); Exh.C00014, p.31, 35, 40-45 (public).

³⁰⁹ Petković, Exh.C00018, para.23 (public); Exh.C00014, pp.46-47 (public). *See also* Exh.P01340 (public) (in July 1991, ŠEŠELJ was boasting of SRS/SČP efforts having reformed a JNA brigade in Loznica).

³¹⁰ Šešelj, Exh.P00031, pp.242-243 (public); Petković, Exh.C00012 para.12 (public).

³¹¹ Exh.P00132, p.1 (public).

³¹² Šešelj, Exh.P00031, pp.242 (public); Exh.P01318, p.2 (public).

³¹³ Exh.P00198, p.9 (public).

³¹⁴ Šešelj, Exh.P00031, p.242 (public).

³¹⁵ Exh.P01181, p.4 (public).

³¹⁶ Exh.P01281, p.3 (public).

³¹⁷ Exh.P01184, p.1 (public).

105. The JNA began to coordinate with Crisis Staff and TO's to provide **Šešeljevci** with training, transport, housing, and benefits.³¹⁸ For example, after Western Slavonia, when the army withdrew before payments were made to the **Šešeljevci** and the SRS therefore submitted a list of volunteers to the JNA General Staff to obtain payment for them. The distribution of salaries to the **Šešeljevci** was arranged by the JNA.³¹⁹ **Šešeljevci** were also entitled to social welfare and health insurance, and volunteers who died in battle were buried with military honours.³²⁰ The wounded were treated at the Military Medical Academy or in other hospitals.³²¹ From 1991, MILOŠEVIĆ's Ministry for Relations with Serbs Outside of Serbia also accorded a compensation system for the family of SRS/SČP volunteer who died during the conflict.³²²

106. As KADIJEVIĆ wrote, the JNA was "intensively organizing and preparing Serb insurgents in Croatia" and "used the territorial defence of Serb regions in Croatia and BiH in tandem with the JNA."³²³ "The future army of the Serb Krajina was actually built up in the course of fighting, and equipped by the JNA with corresponding arms and material."³²⁴ By early autumn 1991 the JNA explicitly recognised volunteer forces as part of the Serb forces.³²⁵ Serb forces were predominantly deployed in a co-ordinated fashion under JNA operational control.³²⁶

107. The BiH Serbian leadership assisted in mobilizing manpower to support the JNA. On 8 July 1991, MILOŠEVIĆ requested that KARADŽIĆ mobilize local TO members and send them to General UZELAC, the JNA Commander in Banja Luka,³²⁷ telling him that personnel was required as infantry because the JNA would not be able to stop Croatian forces "with armour alone, if there is no brigade."³²⁸ Having spoken to MILOŠEVIĆ and General UZELAC, KARADŽIĆ in turn instructed Radmilo DUVNJAK, an SDS municipal leader, to support the JNA mobilization. Stressing the importance of the war in Croatia to the Serb cause, KARADŽIĆ stated: "You don't

³¹⁸ [REDACTED]; Dražilović, Exh.C00010, para.20-23 (public); Exh.P00002, p.1 (public); Šešelj, Exh.P00031, pp.251, 568 (public); Petković, Exh.C00011, p.21 (public); Rankić, Exh.P01074, paras.29, 57, 58, 96 (public); VS-004, T.3520-3524, 3411 (open) (volunteers in Western Slavonia got weapons from the JNA and Serb TOs in Western Slavonia "depended on" the JNA Banja Luka Corps); [REDACTED]; Kujan, Exh.P00524, p.3 (public) (the JNA began arming local Serbs in Nevesinje in June 1991); Exh.P00911, (public) (Petković possessed passwords ensuring that volunteers could travel unimpeded and the SRS continued to seek and obtain arms from the JNA and TO).

³¹⁹ Petković, Exh.C00014, p.55-56 (public). *See also* Petković, Exh.C00016, pp.105-106 (public) (discussing a document relating to payment of volunteers from an army barracks in March 1992); [REDACTED]; T.5528 (open).

³²⁰ Šešelj, Exh.P00031, p.244-245 (public).

³²¹ Dražilović, Exh.C00010, para.20 (public).

³²² Petković, Exh.C00018, para.28 (public); Petković, Exh.C00013, pp.38-42 (public).

³²³ [REDACTED]; Exh.P00196 pp.50, 73 (public).

³²⁴ Exh.P00196 p.77 (public).

³²⁵ Exh.P01187 (public).

³²⁶ Theunens, Exh.P00261, p.45 (unity of command), p.214 (Croatia), p.216 (Krajina), p.226 (SBWS) (public).

³²⁷ Exh.P00506, p.3-5 (public).

³²⁸ Exh.P00506, p.5 (public).

defend your house on your own threshold, you have to step forward a bit.”³²⁹ JCE members stepped forward.

D. Beginning in the summer of 1991, JCE members deployed their new Serb fighting forces in Croatia

108. JCE members had identified territories they wished to seize and control, created separate Serb institutions and forces to resist Croatian authorities, and had declared political autonomy. Beginning in the summer of 1991, they forcibly seized the targeted territories. In the criminal campaign that ensued thousands of Croats were killed and hundreds of thousands expelled from their homes.

109. During the summer of 1991, Serbian authorities deployed their forces in coordinated operations with the Serb MUPs, local TOs and Serb volunteers. These forces were deployed to Serb-claimed areas in Croatia that later became the SAO Krajina, SAO Western Slavonia, and SAO SBWS.³³⁰ To cleanse the areas of all non-Serbs, Serb Forces committed crimes on a massive scale.³³¹ The European Community Monitoring Mission to the Balkans described the results: “Throughout broad areas of territory in innumerable smaller villages Croatian inhabitants are killed or forced to leave after which their villages are bulldozed out of existence [...] they are simply and wantonly destroyed.”³³² Between 1991 and 1995, around 220,000 non-Serbs were expelled from Croatia, including 205,000 Croats.³³³

110. Serb forces began shelling Vukovar in June³³⁴ and Borovo Naselje on 4 July.³³⁵ After the 5 July 1991 repositioning of the JNA,³³⁶ violence escalated quickly and throughout the summer, towns throughout Croatia were shelled relentlessly.³³⁷ Croatian villages which posed no threat to the JNA were nonetheless attacked and destroyed.³³⁸ As was the intended purpose, thousands of Croatian civilians were expelled.³³⁹ **Šešeljevci**, under the command of men who would later be re-

³²⁹ Exh.P00507, p.2 (public).

³³⁰ E.g. Exh.P00243 (public).

³³¹ Exh.P00528 para.27 (public) (Stojanović describing ARKAN ordering the execution of Croat prisoners). [REDACTED]; Babić, Exh.P01137 pp.92-95 (public).

³³² Exh.P00412 p.13 (public).

³³³ Exh.P00632, pp.76-80 (public).

³³⁴ AFII-46.

³³⁵ AFII-45.

³³⁶ Exh.P00198, p. 5 (public); Theunens, T. 3694-3695 (open).

³³⁷ Exh.P00632, pp.35, 38 (public). See also [REDACTED] and AFII-45 (shelling of Borovo Naselje), 48 (Osijek), 49 (Erđut/Dalj), 51 (Ilok); Exh.P00632, pp.34, 35 (public); Babić, Exh.P01137 pp.92-93 (public).

³³⁸ Babić, Exh.P01137, p.93 (public).

³³⁹ Exh.P00632, p.34, 37-40 (public).

deployed by **ŠEŠELJ** to commit crimes in Bosnia and Herzegovina, were part of these Serb forces.³⁴⁰

111. JCE members, including MARTIĆ and MLADIĆ took steps to eliminate Croat institutions in Serb-claimed territories, such as Croatian police departments.³⁴¹ Operations they carried out involved **Šešeljevci**, including *Vojvoda* Vasilije VIDOVIĆ aka “Vaske”.³⁴²

112. In Eastern Slavonia, Serbs declared their autonomy in August 1991 and created the Serb “state” of SAO of Slavonia, Baranja, and Western Srem (“SBWS”), which included Vukovar.³⁴³ A coordinated Serb offensive to capture Vukovar and other large towns in SAO SBWS followed.³⁴⁴ Non-Serb residents had no real choice to stay; they fled.³⁴⁵ **Šešeljevci** fought alongside JNA soldiers in the offensive³⁴⁶ and by the end of the summer of 1991, heavily armed units of the JNA crossed the Danube River and advanced through western Srem towards Vukovar and Vinkovci, and through Baranja towards Osijek,³⁴⁷ leaving devastation in their path, including the destruction of religious edifices.³⁴⁸

113. On 24 and 25 August, the JNA attacked Vukovar by air, causing extensive damage and the death of civilians.³⁴⁹ Vukovar Hospital was shelled despite two large and highly visible Red Cross signs on white canvass identifying the building as a hospital.³⁵⁰ On 25 August 1991, the siege of Vukovar town commenced.³⁵¹ Shelling and unnecessary destruction of towns in Croatia continued throughout September, including, Daruvar, Gospić, Skradin, Šibenik, Zagreb, Zadar, Dubrovnik, Split and Novska.³⁵²

114. **Šešeljevci** travelled to Croatia with the knowledge and assistance of Serbian authorities in order to join the new Serb forces and took part in operations throughout the region³⁵³ **Šešeljevci**

³⁴⁰ Exh.P00217 (public); [REDACTED]; Exh.P00253, p.2 (public); Exh.P00632, pp.35, 38 (public). *See also* [REDACTED] AFII-49 (Erdut/Dalj), Exh.P00183 (public); Matovina, T. 6766-6767; T. 6758-6759 (open); Exh.P01280, pp.2-3 (public) (ŠEŠELJ admitting Šešeljevci deployed in nearly all villages).

³⁴¹ Exh.P00261, pp.215-216 (public); Exh.P00916 (public).

³⁴² Exh.P00966 (public); Exh.P00218 (public).

³⁴³ AFII- 42.

³⁴⁴ AFII-52, 49; Exh.P00632, pp. 35, 39 (public); Exh.P00412 p.10 (public). *See* [REDACTED].

³⁴⁵ AFII-56. [REDACTED]; Exh.P00632, p.39 (public).

³⁴⁶ [REDACTED]; Dražilović, Exh.C00010, para.43 (public).

³⁴⁷ Exh.P00632, p.40 (public).

³⁴⁸ Exh.P00528, para.24 (public); Exh.P00921, p.1 (public).

³⁴⁹ AFII-60. *See also* Berghofer statement Exh.P00278, para.7 (public); Exh.P00412, p.10 (public).

³⁵⁰ Bosanac, Exh.P00603, paras.17-19 (public).

³⁵¹ AFII-61.

³⁵² Exh.P00632, p.35 (public).

³⁵³ [REDACTED]; Rankić, Exh.P01074, para.56 (public); [REDACTED]; Exh.P00253, p.4 (public); Exh.P00253, p.3 (public); Petković, Exh.C00011, p.16 (public); [REDACTED]; VS-002, T.6459-6461 (open); Exh.P00911 (public); Exh.P00914 (public).

were sent ahead to “prepare the ground” for the JNA.³⁵⁴ **Šešeljević**, dispatched by RANKIĆ, participated in joint operations with several local TOs and “Arkan”,³⁵⁵ and cooperated with local TOs, the JNA, and ARKAN to execute the plan devised by the Main Staff for Slavonia, Baranja and Western Srem to forcibly take over the villages³⁵⁶

115. **Šešeljević** constituted an integral part of this joint Serb force. **ŠEŠELJ** explained how they functioned: “Kameni,’ our main commander in Vukovar, plans his action with the army Major in the evening and executes it the next day. The army did not have enough manpower to go around capturing each house because of desertion – that is what our men did.”³⁵⁷

116. KADIJEVIĆ characterized the new Serb forces’ campaign as “successful.” By 28 September 1991, he reported that all Serb regions in Croatia had been “liberated” and that there still were some mixed settlements, which would be liberated shortly.³⁵⁸ An internal JNA report from 23 October 1991 to the Command of the First Military District shows what this meant on the ground. The report reveals a pattern of deliberate inflammatory misinformation and criminality by Chetnik groups and “Arkan”’s men including looting of property and engaging in “the Sadistic abuse of innocent civilians of Croatian nationality.” Although the report recommends that these groups be disarmed, the JNA continued to fully co-operate with them in an intensifying campaign of criminality.³⁵⁹

117. On 28 September 1991, MILOŠEVIĆ, Momir BULATOVIĆ, Branko KOSTIĆ, Borisav JOVIĆ, KADIJEVIĆ and ADŽIĆ met at KADIJEVIĆ’s request.³⁶⁰ As evidenced by JOVIĆ’s notes of the meeting, KADIJEVIĆ had previously “offered to turn the JNA over to Serbia and Montenegro.”³⁶¹ From a political perspective, however, this was not feasible. As JOVIĆ explained: “political considerations do not permit us to [leave] Yugoslavia. In terms of the future resolution of the Yugoslav crisis, that would place Serbia and Montenegro in an unfavorable position, and would put the Serb-Montenegrin army in the position of an ‘aggressor’ in the Serb regions outside of

³⁵⁴ [REDACTED].

³⁵⁵ Exh.P00253, pp.3-4 (public); Exh.P01054, para.23 (public); Exh.P01323, pp.1-7 (public); Rankić, Exh.P01074, paras.57, 61 (public).

³⁵⁶ Exh.P00253, pp.4-5 (public). According to Petković, the Yellow Wasps were sent to this area as SRS volunteers. Exh.C00011, p.17 (public).

³⁵⁷ Exh.P00185, p.1 (public) (emphasis added). *E.g.* Exh.P00250 (public) (registering the LSD with the SAO SBWS TO).

³⁵⁸ Exh.P00198, p.7 (public).

³⁵⁹ Exh.P00251, pp. 2-3 (public).

³⁶⁰ Exh.P00198, p.7 (public).

³⁶¹ Exh.P00198, p.8 (public).

Serbia.”³⁶² At the close of the meeting, ADŽIĆ concluded that “The lines that have been achieved must be consolidated.”³⁶³

118. On 1 October 1991, the same day ŠEŠELJ renamed the SRS/SČP Crisis Staff as the “War Staff,”³⁶⁴ two further significant consolidating developments took place. First, the Serbian bloc or Rump Presidency - Borisav JOVIĆ (Serbia), Jugoslav KOSTIĆ (Vojvodina); Branko KOSTIĆ (Montenegro), and Sejdo BAJRAMOVIĆ (Kosovo), started to exercise the powers of the Federal Presidency, establishing a state of imminent threat of war.³⁶⁵ The Rump Presidency was now formally the Supreme Command of the JNA. Second, the Supreme Command of the Armed forces, headed by KADIJEVIĆ issued a stark ultimatum to the Croatian political and military authorities threatening that they must comply with his conditions if they wanted to avoid “bloodshed and destruction”.³⁶⁶

119. General KADIJEVIĆ issued a public bulletin, making clear that the JNA no longer recognised the authority of the Federal Prime Minister (Ante MARKOVIĆ) or the official Chairman of the Presidency (Stjepan MESIĆ) and proclaiming that the JNA’s goal was to protect the Serbian population. In other words, KADIJEVIĆ publicly accepted the authority of the Rump Presidency. The JNA was now firmly in the hands of JCE leadership, primarily based in Belgrade with MILOŠEVIĆ.³⁶⁷ The next day, 2 October 1991, the JNA began its attack on Dubrovnik.³⁶⁸

1. Now firmly joined in their criminal enterprise, other JCE members began publicly instigating their forces

120. In October 1991, the criminal means by which the common purpose was being implemented in Croatia was clear. ŠEŠELJ intensified his media campaign, insisting that more television and radio programs be produced in which he could disseminate his version of Serb history and culture under the guise of raising “national awareness”.³⁶⁹ ŠEŠELJ’s media appearances included the incessant use of the derogatory term “Ustasha” and publicly invoking of the spectre of a Serb genocide.³⁷⁰

121. Other JCE members also began to instigate their forces. For example, JCE members KADIJEVIĆ and ADŽIĆ engaged in an open campaign to instill fear in both Serb civilians and

³⁶² Exh.P00198, p.8 (public).

³⁶³ Exh.P00198, p.8 (public).

³⁶⁴ [REDACTED]; see also Dražilović, Exh.C00010, para.26 (public); Petković, Exh.C00011, p.6 (public).

³⁶⁵ Exh.P00220 (public); Exh.P00922 (public); Exh.P00923 (public).

³⁶⁶ Exh.P00261, p.130 (public); Exh.P00924, p.1 (public).

³⁶⁷ Exh.P00246 p.3 (public); Theunens, Exh.P00261, p.130 (public); Exh.P00198, p.6 (public); Exh.P00926, pp. 1-2.

³⁶⁸ Exh.P00923 (public).

³⁶⁹ Exh.P01282, p.1 (public).

³⁷⁰ See paras.52, 54 above.

JNA forces about genocidal Croats. On 5 October 1991, the Information Service of the Federal Secretariat for National Defence (or People's Defence), published KADIJEVIĆ's³⁷¹ statement which mirrored ŠEŠELJ's anti-Croat rhetoric.³⁷² KADIJEVIĆ wrote, in part:

What is in force in the Republic of Croatia is Neonazism. At present, Neonazism is the most serious threat to the Serbian people in Croatia, but it is also diametrically opposed to the vital interest of the Croatian people and any other people in the Yugoslav environment. [...] The Army now wants nothing more but to restore control in crisis areas, to protect the Serbian population from persecution and annihilation and to liberate the army personnel and members of the families. The condition for this is to defeat the Ustasha forces.³⁷³

This statement with its justification of revenge based on the risk of mass murder of Serbs and the comparison of Croat authorities to Nazis, was in the "overall spirit of what was published in the newspapers, TV and radio, especially the state-controlled press".³⁷⁴

122. JCE member ADŽIĆ, the JNA Chief of Staff, joined in using such terminology to motivate the troops he led to the execution of the common purpose. On 12 October 1991, ADŽIĆ issued a statement describing the task of the JNA as "preventing the spread of interethnic conflicts and the recurrence of genocide against the Serbian people in Croatia" and described the behaviour of the "Ustasha forces" towards the Serbs as "typical genocidal behaviour meant to destroy them and ethnically cleanse Croatia." He went on to define the purpose of the war, saying, "It is rather about defending parts of the Serbian people from genocide and biological extermination with which they are threatened by resurrected fascism in Croatia."³⁷⁵

123. When JCE members sent their combined Serb forces into the final push to seize the remaining targeted areas with mixed ethnicities, they knew of the criminal means to be employed to gain their ground.³⁷⁶ Combined Serb forces in Croatia continued the pattern of large-scale criminality throughout October and November, including violence led by Serb police, paramilitaries and TO, summary executions,³⁷⁷ and the use of civilians for dangerous labor such as minefield clearance.³⁷⁸

124. JCE member Milan BABIĆ summarized the Croatia campaign, saying Serb forces including the JNA "engaged in combat operations in such a way that [...] it forced the population and

³⁷¹ Exh.P00246, p.3 (public); Theunens, T.3977 (open).

³⁷² Exh.P00926, pp.1-2 (public); Exh.P00246, p.3 (public); Exh.P00927 (public); Theunens, T.3977 (open).

³⁷³ Exh.P00246, p.4 (public).

³⁷⁴ Theunens, T.3982 (open). See also Jović, Exhs.P01077, para.20 (public); [REDACTED].

³⁷⁵ Exh.P00247, p.1 (public). After these kinds of statements, the paragraph towards the end of the document warning against the commission of any "maltreatment of citizens irrespective of their nationality" has no force.

³⁷⁶ See section V. D. above.

³⁷⁷ Radić, Exh.P00632, pp.42-43 (public); [REDACTED]; VS-004, T.3437 (open) (ascribing the massacre in Škabrnja to the JNA and the Benkovac TO); Babić, Exh.P01137, p.94 (public); Exh.P00083, pp.4-8 (public).

³⁷⁸ Exh.P00251, p.3 (public).

members of the armed forces of the Croatian government and the entire population to withdraw and retreat from those territories. In this way, the JNA [...] engaged in a war so that the territories it captured would be left without any Croatian inhabitants, or very few of them.”³⁷⁹

125. As will be discussed below, at this time, the Bosnian Serb leadership, in addition to contributing to implementation efforts in Croatia, had begun preparatory steps for similar ethnic separation in BiH.

E. Before August 1991 there was a common criminal purpose shared by JCE members

126. The only reasonable inference that can be drawn from (i) the coordinated efforts of JCE members to create Serb-only political structures as well as Serb fighting forces, and (ii) the crimes committed by Serb Forces, including **Šešeljevci**, throughout Croatia from August 1991 is that the common criminal purpose was implemented by JCE members in Vukovar. That common criminal purpose included the commission of all the crimes charged in the Indictment.

³⁷⁹ Babić, Exh.P01137, pp.92-94 (public) (emphasis added).

F. Crimes committed in Vukovar were part of the JCE

127. **ŠEŠELJ** committed, instigated, aided and abetted and significantly contributed to the crimes committed in Vukovar. **ŠEŠELJ** declared the municipality to be of primary importance to the creation of a Greater Serbia and the fight against “Ustaša”. He travelled to the area to provide inspiration to the fighters, toured the troops like a military commander and made well publicized statements spurring on their hatred and ethnic agenda. He articulated his goal of an ethnically cleansed Vukovar intending to inspire the joint Serb forces in the region with the oft repeated words “No Ustaša should leave Vukovar alive.” The new Serb forces – comprised of JNA, **Šešeljevci**, other paramilitaries and the local TO-- operated in coordination to take over Vukovar, raze the city to the ground and destroy the non-Serb population.

128. Throughout the military offensive, Croats and other non-Serbs were imprisoned in collection centres, such as the one at Velepomet, and sent out of the region to Serbia or “Croatian” territory. On 18 November 1991, the city of Vukovar fell and numerous civilians, wounded, and unarmed soldiers took refuge in the Vukovar Hospital. On 19 and 20 November, Serb forces, including the **Šešeljevci**, the local TO and JNA, prevented humanitarian evacuations and participated in the torture, abuse and murder of unarmed soldiers and civilians at Ovčara farm, Grabovo and Velepomet.

129. The direct perpetrators of the crimes in Vukovar were, in many cases, **Šešeljevci** acting together with the local TO and other volunteer units and supported by the JNA.

130. **ŠEŠELJ**, as the self-declared Supreme Commander of the SRS Volunteers and as a member of the JCE, is guilty of the atrocities committed in Vukovar by his men, other volunteers, the TO and the JNA. He was an architect and propagandist for the common purpose, the supplier and leader of forces integral to execution of the criminal enterprise, and had the intent to achieve an ethnically cleansed “Greater Serbia” at any cost, including through the commission of the crimes charged in the Indictment.

1. The Crimes Committed in Vukovar were part of the common purpose to create a Serb dominated territory

(a) Vukovar’s Strategic Importance to JCE members

131. **ŠEŠELJ**, the JNA, and other participants in the JCE, realized the importance of Vukovar to the implementation of the common goal to create a Serb-dominated territory. **ŠEŠELJ** repeatedly spoke about the importance of Vukovar as a Serb city within Greater Serbia. He described the

“liberation of Vukovar” as of “exceptional significance” to Serbia and the Serbian people.³⁸⁰ On multiple occasions, ŠEŠELJ described Vukovar as “the most powerful Ustaša’s stronghold,” upon which Serb victory depended.³⁸¹ Asked about the impending fall of Vukovar in November 1991, ŠEŠELJ stated that “that town will be the capital of the Serbian Slavonia, Baranja and Western Srem.”³⁸² In explaining the goal of a single Serbian state encompassing all of the “Serbian territories,” ŠEŠELJ stated that “the Serbian Radical Party believes that Knin, Vukovar, Trebinje, Banja Luka, and other Serbian towns in the western Serbian Krajinas are equally Serbian as Belgrade, Novi Sad, Kragujevac, Priština, Niš.”³⁸³

132. General Života PANIĆ, Commander of the First Military District explained the strategic significance of Vukovar: it was one of the major ports on the Danube, the Serb army wanted to “liberate Vukovar from the Croats. [S]o that it will remain in a Serb enclave. To cut off access to the Danube for the Croats.”³⁸⁴

133. The Vukovar area was rich in land and infrastructure.³⁸⁵ In 1991, approximately 63% of the population in the Municipality defined themselves as non-Serb.³⁸⁶ Most towns in the municipality were integrated, though some were ethnically homogenous.³⁸⁷ There were generally harmonious relations and friendships across different ethnic and religious groups, including intermarriages.³⁸⁸ By 20 October 1991 20,593 people who made their home in Vukovar-Srijem County had been expelled.³⁸⁹

(b) The Serbs prepared militarily for the Implementation of the JCE in Vukovar

(i) Serb Military Structure in Vukovar

134. Eastern Slavonia, Baranja and Western Srem, including Vukovar, were located in the zone of responsibility of the JNA 1st Military District.³⁹⁰ Lieutenant Colonel General Života PANIĆ was appointed commander of the First Military District during September 1991.³⁹¹ From the last part of

³⁸⁰ Exh.P00298, p.1 (public); T.5108-T5109 (open).

³⁸¹ Exh.P00298 (public); Exh. P00073, p.1 (public).

³⁸² Exh.P001186, p. 6 (public).

³⁸³ Exh.P01208, p.10 (public).

³⁸⁴ Exh.P00261, p.219 (public).

³⁸⁵ AFII- 9.

³⁸⁶ AFII-6-7.

³⁸⁷ AFII-8. *See also* Exh.P00167, p. 1 (public) (showing which ethnic population was a majority in the various Vukovar-area towns).

³⁸⁸ AFI-15.

³⁸⁹ Radić, Exh. P00632, p.77 (public).

³⁹⁰ Theunens, Exh.P00261, p.218 (public).

³⁹¹ Theunens, Exh.P00261, p.218 (public).

September 1991, the JNA and Serb forces in SBWS OG North covered Baranja and the Northern part of Eastern Slavonia including the Northern part of Vukovar, Borovo Selo, Borovo Naselje, Erdut and Bobota.³⁹² OG South was responsible for the portion of Eastern Slavonia covering the largest part of Vukovar including the areas of Ovčara and Grabovo. The principal unit of OG South was the JNA (elite) Guards Motorised Brigade (GMTBR) which had been sent to Vukovar on 30 September 1991 and was under the command of Mile MRKŠIĆ after 7 October 1991.³⁹³

135. The GMTBR was a, if not the, premier unit of the JNA. Its personnel were carefully selected, highly trained and well equipped. Its main responsibility was to provide security and political and military leadership in the former Yugoslavia.³⁹⁴ When the GMTBR arrived in Vukovar on 30 September 1991, there were approximately 10 TO units there. However, the only TO unit at detachment level in the zone of responsibility of OG South was the Petrova Gora TO detachment, which was smaller than the usual size of a TO detachment.³⁹⁵ In October 1991, Mirosljub VUJOVIĆ was appointed commander of Petrova Gora TO detachment.³⁹⁶

(ii) Criminal activity and violence were known and accepted methods of removing the Croat population from Vukovar

136. The evidence proves beyond a reasonable doubt that the atrocities committed by the **Šešeljevci** and other Serb forces throughout the time period were well known to JCE members.

137. The prevailing mindset in Vukovar was that every Croat was an “Ustaša” and an enemy.³⁹⁷ Milan LANČUŽANIN (aka “Kameni”), Commander of the Leva Supoderica Detachment (LSD), issued orders to kill all Croats. When volunteers found Croats they killed them, even if they were unarmed, so as not to waste the additional time to bring them to the detention centre at Velepromet. The routine nature and widespread acceptance of these methods was such that no precaution was taken to hide their actions, for example, when **Šešeljevci** killed unarmed captured Croats in front of a crowd of approximately thirty people.³⁹⁸

138. Croat civilians, as well as fighters, were routinely detained at Velepromet where they were interrogated, robbed of their valuables and abused.³⁹⁹ Chetniks and **Šešeljevci** robbed and murdered

³⁹² Theunens, Exh.P00261, p.219 (public).

³⁹³ Theunens, Exh.P00261, pp.219-220 (public).

³⁹⁴ AFII-125.

³⁹⁵ AFII-174.

³⁹⁶ AFII-172-175.

³⁹⁷ [REDACTED].

³⁹⁸ Stojanović, Exh.P00528, paras.40-41 (public). Stojanović denied this in testimony, Stojanović, T.9685, 9687(open).

See also Stojanović, Exh.P00526, paras.26-27 (public). *See also*, [REDACTED]

³⁹⁹ Stojanović, Exh.P00528, para.44 (public).

non-Serb detainees and abused detainees during interrogation.⁴⁰⁰ These frequent summary executions of unarmed people created an environment in which “no clever Croat would surrender, because he knew he would not stay alive.”⁴⁰¹

139. These abuses were reported but no action was taken. The Commander of Velepromet, Ljubinko STOJANOVIĆ (later the SAO SBWS Information Minister), was informed that crimes were committed against the detainees in Velepromet but did nothing.⁴⁰² When JNA Major LUKIĆ was told about **Šešeljevci** looting and cutting off the ears of a prisoner, he did not punish them because volunteers were needed on the front lines.⁴⁰³ Major KATIĆ and Kameni took no action though they were present when Chetnik volunteers looted, raped and killed a woman at the Leva Supoderica Command and boasted that they had “slaughtered three Croats”.⁴⁰⁴ [REDACTED]⁴⁰⁵

140. Despite being aware of murders ordered by Kameni and carried out by **Šešeljevci** local JNA command did not remove Kameni or his deputy, Predrag MILOJEVIĆ (aka “Kinez”), from their positions of authority.⁴⁰⁶

141. Indeed, on 30 August 1991 RANKIĆ reported to **ŠEŠELJ** that [REDACTED] of volunteers in the SAO SBWS.⁴⁰⁷

(iii) Despite knowledge that **Šešeljevci** and other paramilitaries were committing crimes, they were embraced in the Serb forces.

142. On 10 October 1991, the Assembly of the Serbian District of Slavonija, Baranja and Western Srem adopted a decision to attach the local Serb TO of SBWS officially to the JNA.⁴⁰⁸ An order issued by the Command of OG South on 29 October 1991, inter alia, to the 1st Assault Detachment, listed LSD as one of the units incorporated in 1 MD.⁴⁰⁹

143. Many of the SRS volunteers in Vukovar were natives of the area, including “Kameni,” later a *Vojvoda*, and leader of the LSD.⁴¹⁰ Others were recruited elsewhere through the SRS War Staff,⁴¹¹

⁴⁰⁰ Stojanović, Exh.P00528, paras.44-47 (public); Stoparić, T.2345-2346, 2348 (open). Volunteers said Kinez killed the prisoner who Topola had abused.

⁴⁰¹ [REDACTED]

⁴⁰² Stojanović, Exh.P00528, para. 47 (public).

⁴⁰³ [REDACTED]

⁴⁰⁴ [REDACTED]

⁴⁰⁵ [REDACTED]

⁴⁰⁶ Stojanović, Exh.P00526, para. 27 (public); Stojanović, Exh.P00528, para. 41 (public).

⁴⁰⁷ [REDACTED]

⁴⁰⁸ Theunens, Exh.P00261, p.221 (public).

⁴⁰⁹ Exh.P00199 (public).

⁴¹⁰ Exh.P00255,p.3(public); Exh.P00185, p.1 (public); T.3429-3435 (open); Exh.P00288, p.1 (public); T.5075-5077 (open); Exh.P00217, p.3(public); T.4346-4352 (open). ŠEŠELJ has testified that Kameni was affiliated with the Vukovar TO, but joined the SRS during the war when SRS volunteers were placed under his command. Šešelj, Exh.P00031, p.627 (public); Exh.P00023, p.1 (public); Exh.P00250, p.1 (public). ŠEŠELJ’s order appointing Kameni *vojvoda* him as “with the Serbian Chetnik movement since its establishment” and as making “a great contribution to the

equipped and trained in association with the MUP and the JNA⁴¹² and sent to Vukovar and other battlefields in Croatia.⁴¹³ Slobodan KATIĆ for example, an experienced fighter from Belgrade was initially appointed Commander of the local Serb TO and then appointed as Commander of all Volunteers in Vukovar by the SRS War Staff.⁴¹⁴ The LSD arrived in Vukovar in mid-October 1991,⁴¹⁵ was primarily composed of **Šešeljevi**,⁴¹⁶ and also received uniforms from the SRS.⁴¹⁷

144. Kameni reported to **ŠEŠELJ** from the battlefield.⁴¹⁸ **ŠEŠELJ** described receiving “regular” and “exhaustive” reports about the conduct of his **Šešeljevi**.⁴¹⁹ During the armed conflict, **ŠEŠELJ** communicated directly with Kameni and *Vojvoda* Miroslav VUKOVIĆ aka “Čele.”⁴²⁰ Both KATIĆ and Kameni treated **ŠEŠELJ** as their commander and went to SRS headquarters to speak with him.⁴²¹ The fighters in the detachment were referred to as **Šešeljevi** – even in official JNA communications.⁴²² Members of the LSD included “Kinez” who was Kameni’s Deputy, “Predrag,” DRAGOVIĆ, “Mare,” Slobodan KATIĆ⁴²³, [REDACTED]⁴²⁴. While the unit grew gradually, by the time the city fell it included “about 550 to 600 soldiers” and had incorporated a second SRS unit sent under Branislav VAKIĆ as well as a grenade launching detachment under ČUČKOVIĆ.⁴²⁵

145. LSD functioned in cooperation with the JNA and other Serb forces.⁴²⁶ “Kameni” and other LSD members often visited the headquarters of the JNA’s First Guards Brigade in Vukovar to obtain orders.⁴²⁷ *Vojvoda* VAKIĆ’s war diary published in 1995 described his unit placing itself “under the command of JNA officers.”⁴²⁸ Additional **Šešeljevi** were put under the command of

spreading of the Serbian Chetnik Movement.” Exh.P00217, p.3 (public). **ŠEŠELJ** testified in *Milošević* that the JNA ordered SRS volunteers be placed in the LSD. **Šešelj**, Exh.P00031, p.251 (public).

⁴¹¹ Exh.P00346, p.1 (public); T.5784-5785(open); Exh.P00391, p.1 (public); T.6383-6386, open; Exh.P00392, p.1 (public); T.6389-6391(open); Theunens, Exh.P00261, pp.155-157 (public).

⁴¹² [REDACTED]. See also [REDACTED]

⁴¹³ Exh.P00345, p.1 (public); T.5783-5784 (open); Theunens, Exh.P00261, p.94, para.b, p.99, para.(3) (public); Stojanović, Exh.P00528, paras.15-16 (public).

⁴¹⁴ Theunens, T.3887-3889 (open); Stoparić, T.2415-1416 (open); Exh.P00023 (public).

⁴¹⁵ [REDACTED]

⁴¹⁶ **Šešelj**, Exh.P00031, pp.1274-1275 (public); [REDACTED]; *Vojvoda* Vakić later described LSD as a “group of Chetniks” in *Velika Srbija*. Exh.P00055, p.6 (public).

⁴¹⁷ [REDACTED]

⁴¹⁸ Rankić, Exh.P01074, para.33 (public).

⁴¹⁹ **Šešelj**, Exh.P00031, p.840-841 (public).

⁴²⁰ Petković, Exh.C00018, para.58 (public); Exh.C00016, p.33 (public); Rankić, Exh.P01074, paras.32-33 (public).

⁴²¹ Petković, Exh.C00016, pp.20-21 (public).

⁴²² Exh.P00041, p.2 (public); **Šešelj**, Exh.P00031, pp.1274-1274 (public).

⁴²³ [REDACTED]. See also Karlović, Berghoffer, T.4796 (open); [REDACTED]; See also Exh.P00055, p.6 (public) (Vakić describing LSD as a Chetnik unit and Mare and Kinez as prominent soldiers in that unit); Exh.P00023, p.1 (public).

⁴²⁴ [REDACTED]

⁴²⁵ Exh.P00055 p.6 (public); Exh.P01291, p.3 (public); [REDACTED].

⁴²⁶ [REDACTED].

⁴²⁷ Vukoasinović, T.12305-12306,(open).

⁴²⁸ Exh.P00055,p.6 (public); Theunens Exh.P00261, p.117 (public).

Radovan STOJČIĆ aka Badža, a high ranking member of the Serbian MUP in the Public Security Department.⁴²⁹ Still more **Šešeljevi** in Vukovar in August fought under Branislav GAVRILOVIĆ aka “Brne” (also later made a *Vojvoda*).⁴³⁰ In September 1991 another large group was sent to Silaš under the command of Zoran DODEROVIĆ.⁴³¹

146. The TO and paramilitaries within the Serb fighting force in Vukovar viewed the **Šešeljevi** as a military structure within their hierarchy capable of conferring distinction and promoting its ranks. For example, on 9 December 1991, KATIĆ, calling himself the Chetnik Commander of Vukovar, wrote to the SRS War Staff to “propose warriors for promotion.” The people whom he requested be promoted by **ŠEŠELJ**’s War Staff included not just LSD fighters like, Kameni (Commander of the Leva Supoderica), and Kinez (Commander of the 1st Assault Platoon from Leva Supoderica), but also TO members VUJOVIĆ (Commander of the TO in Vukovar), VUJANOVIĆ (Chief of the TO in Vukovar), PERANOVIĆ (Commander of the Petrova Gora TO Detachment) and others.⁴³² There is thus no doubt that, although operating under JNA command, the **Šešeljevi** in Vukovar saw **ŠEŠELJ** and his SRS War Staff as imbued with military authority.

(c) The Serb Forces Forcibly Transferred or Deported the Non-Serb civilian population and unleashed physical destruction not justified by military necessity.⁴³³

147. Implementation of the common goal to achieve an all Serb state which included Vukovar was achieved, first, by creating unbearable living conditions through relentless, indiscriminate, unnecessary shelling; and second, by rounding up civilians and routing them through detention centers in order to send them *en masse* out of the municipality. Predictably, Serb forces used brutal violence to accomplish their criminal goal. As **ŠEŠELJ** himself testified in *Milosević*, “Anybody ordering ethnic cleansing” would be “conscious that will lead to additional crimes.”⁴³⁴

148. The months of continuous shelling and bombardment, even as Croat resistance was depleted and ultimately collapsed, caused a near total flight of the non-Serb population from Vukovar and forced those who remained out of their homes.⁴³⁵ Moreover, the climate of fear and ethnic hatred

⁴²⁹ [REDACTED]

⁴³⁰ Exh.P00937 (public).

⁴³¹ Exh.P00055, p.4 (public); [REDACTED]

⁴³² Exh.P00025 (public).

⁴³³ The Indictment, at paragraph 31, specifically charges **ŠEŠELJ** only with deportation and forcible transfer during the month of November 1991, and the pre-trial brief provides notice that the allegations of deportation and forcible transfer includes the greater time period beginning in August 1991 related to the siege of Vukovar itself. Pre Trial Brief, paras. 39-40.

⁴³⁴ *Šešelj*, Exh.P00031, p.1243 (public).

⁴³⁵ See above, Exh.P01291 (public); [REDACTED]; Exh.P01241,p.3 (public).

created by **Šešeljevi** and Chetniks ensured that non-Serb civilians were deprived of any genuine choice to remain.⁴³⁶

149. Helsinki Watch reported that the 15,000 people who did not flee the city of Vukovar lived under ground for approximately twelve weeks.⁴³⁷ The JNA shelled Croatian houses.⁴³⁸ Shelling was “indiscriminate,” and seemed geared “to wipe out any life from the area.”⁴³⁹ Targets included the hospital⁴⁴⁰, kindergarten, graveyards, markets, houses, school buildings and so on.⁴⁴¹ The shelling continued even as the Croats put up little resistance and key combat appeared to be over.⁴⁴² Even **ŠEŠELJ**, although not acknowledging responsibility for the joint actions, acknowledged that the destruction in Vukovar was without any military necessity.⁴⁴³

150. On 18 November 1991 when Vukovar fell to the Serb forces, the entire city had been razed to the ground.⁴⁴⁴ The Vukovar hospital, schools, public buildings, offices, wells, the water and roads were severely damaged during the conflict.⁴⁴⁵ **ŠEŠELJ**'s magazine, Greater Serbia, would later describe Vukovar as “a town which no longer exists.”⁴⁴⁶

151. In Borovo Komerc within Vukovar Municipality, approximately 1500 Croat detainees – including women, children, and wounded persons – were detained⁴⁴⁷ in an operation led by JNA officer Milenko LUKIĆ and **Šešeljevi**, including Branko AVRAMOVIĆ.⁴⁴⁸ The women and children were forcibly transferred to Croatian territory,⁴⁴⁹ others were beaten,⁴⁵⁰ and subsequently found murdered and buried in mass graves at Dalj and Lovas Farms.⁴⁵¹ Following the fall of Vukovar, thousands of non-Serbs were gathered in detention facilities, such as Velepromet, with the intention to transfer them out of Vukovar, and often out of the municipality. Thousands were

⁴³⁶ Čakalić, T.4953-4954 (open); Exh.P00058 (open); Radić Exh.P00632, p.31 (public); Radić, T.11978, 12039 (open).

⁴³⁷ Exh.P00183, p.7 (public).

⁴³⁸ Berghofer, Exh.P00278, paras.8,13 (public). *See also* [REDACTED]; Bosanac, Exh.P00603, para.11 (public); [REDACTED]; Exh.P01291, p.3 (public).

⁴³⁹ [REDACTED]; *See also* [REDACTED]; AFII-60; Radić, Exh.P00632, p.36 (public).

⁴⁴⁰ Bosanac, Exh.P00603, paras.11, 12 (footnote 1 inclusive), 17, 32 (public); Bosanac, T.11396-11397 (open). The witnesses' impression that the hospital was actually being targeted by the Serb forces is corroborated by similar shelling of hospitals in other locations such as in Osijek, Pakrac, Vinkovci, and Zadar. During four days in September Osijek hospital was similarly hit 56 times by mortar shells, 21 times by tank shells and 17 times by rockets from multiple rocket launchers. Exh.P00183, p.16 (public); AFII-113.

⁴⁴¹ [REDACTED].

⁴⁴² VS-002, T.6461 (open).

⁴⁴³ Exh.P01225, p.6 (public).

⁴⁴⁴ Bosanac, Exh.P00603, para.11 (public); Bosanac, T.11396-97 (open); AFII-113.

⁴⁴⁵ AFII-203.

⁴⁴⁶ Exh.P01291, p.2 (public).

⁴⁴⁷ [REDACTED].

⁴⁴⁸ [REDACTED].

⁴⁴⁹ [REDACTED].

⁴⁵⁰ [REDACTED].

⁴⁵¹ Bilić, T.11790 (public).

successfully transported away from their homes, while others were killed.⁴⁵² Often the transfer and deportation came after significant abuse, detention and, in some cases, rape.⁴⁵³

152. According to statistics gathered during the registration of refugees, 14,798 persons were expelled⁴⁵⁴ from the city of Vukovar before 18 November 1991, and an additional 5,478 were expelled between 18 November 1991 and 1 May 1992. In Vukovar-Srijem County, 20,593 people were expelled up until 20 October 1991 and an additional 6,268 from 20 October 1991 until 1 May 1992, with still more expelled in the following years.⁴⁵⁵ Of the total population expelled from Vukovar-Srem County the overwhelming majority were Croat, Hungarian and Ruthenian, Slovak and Albanian.⁴⁵⁶

153. The purpose of driving out its population was not military necessity but rather to allow for a new all-Serb population to move in, as **ŠEŠELJ** said of Vukovar in a televised interview:

ŠEŠELJ: We are expecting the liberation of Vukovar any moment now.

RN: I have been thinking, in light of what I have seen, the destruction of the houses, that the town should be preserved like that, and serve as a warning and to show what hatred can achieve.

ŠEŠELJ: No, Vukovar cannot be preserved as it is. That town will be the capital of the Serbian Slavonia, Baranja and Western Srem. It has to be restored, the Serb people have to return there, quite a few Serbs still remain in it, so that the wounds and the destruction of war can simply be healed.⁴⁵⁷

(d) “No Ustaša should leave Vukovar alive” and other hate speech

154. **ŠEŠELJ** effectively motivated, encouraged and instigated Serbs to act upon his ethnic agenda and during the period leading up to the fall of the city, he advocated indiscriminate retaliatory violence and expounded upon the importance of Vukovar to the new Serb state.⁴⁵⁸ During his visit to Vukovar **ŠEŠELJ** repeatedly made statements to the effect that no “Ustaša” should be allowed to leave Vukovar alive, addressing his comments to a large audience of JNA officers, local TO and **Šešeljevci**. Those who heard him and their fellow fighters went on to

⁴⁵² [REDACTED].

⁴⁵³ Exh.P00183, pp.6-7 (public).

⁴⁵⁴ For the purpose of these statistics, “Expelled” people were defined as people who forced to leave their homes fearing for their lives and under direct threat. People for whom it was possible to return to their homes were not considered refugees and were not included in the statistic. Radić, T.11977-11981 (open).

⁴⁵⁵ Radić, Exh.P00632, p.77 (public).

⁴⁵⁶ Radić, Exh.P00632, p.79 (public); Radić, T.11977-11978 (open). In all, 44,577 persons were expelled from County of Osijek and Baranja and County of Vukovar and Srijem (excluding Vukovar) up to 20th October 1991, and 10,875 more from that date up to 1st May 1992. In total, 64, 483 persons, mostly non-Serbs, were expelled from the areas affected by war within these two Counties. Radić, Exh.P00632, p.77 (public); Radić, T.11977-11978 (open).

⁴⁵⁷ Exh.P01186, p.6 (public).

⁴⁵⁸ Exh.P01208, p.10 (public).

massacre and abuse numerous non-Serbs, primarily Croats, both during and after the fall of Vukovar.

155. ŠEŠELJ's speeches in Vukovar had a profound effect on Šešeljevi, JNA soldiers and TO who heard his remarks. The crimes at Ovčara/Grabovo, Velepromet and throughout Vukovar can be directly attributed to those who heard his remarks or those under the command and influence of people who did so.⁴⁵⁹ Numerous physical perpetrators of crimes in Vukovar were incited, encouraged and instigated by ŠEŠELJ. Many of them can actually be placed listening to ŠEŠELJ's directive that no Ustaša should leave Vukovar alive:

- ŠLIJVANČANIN, the Commanding JNA Officer in Vukovar, was the primary person blocking the international community from access to the detainees at the Vukovar Hospital and who allowed Chetniks and TO to access them, was present for ŠEŠELJ's statement that "Not one Ustaša is to Leave Vukovar alive" and treated ŠEŠELJ with great deference.⁴⁶⁰
- Kameni, who was in a command position over SRS and other volunteers and who took orders directly from ŠEŠELJ, and who was a perpetrator who beat detainees at Ovčara and escorted the first trailer from Ovčara to Grabovo, also heard ŠEŠELJ make this statement.⁴⁶¹
- [REDACTED]⁴⁶²
- Nada KALABA, Vujanović's wife, was a physical perpetrator at Ovčara and was also present for ŠEŠELJ's statement.⁴⁶³
- Miroljub VUJOVIĆ, who commanded the TO units and who ordered the loading of detainees in the trailers and also personally executed people both at the Ovčara hangar and at Grabovo, heard ŠEŠELJ's statement.⁴⁶⁴
- [REDACTED]⁴⁶⁵
- [REDACTED]⁴⁶⁶

⁴⁵⁹ Rankić estimated an audience of 50. Rankić, Exh.P01074, para.69(public); [REDACTED].

⁴⁶⁰ Rankić, Exh.P01074, para 67 (public), Rankić, Exh.P01074, para.69(public) [REDACTED].

⁴⁶¹ [REDACTED]; Rankić, Exh.P01074, para.67 (public)

⁴⁶² [REDACTED]; Rankić, Exh.P01074, para.67 (public).

⁴⁶³ Rankić, Exh.P01074, para.67 (public).

⁴⁶⁴ Rankić, Exh.P01074, para.67 (public).

⁴⁶⁵ [REDACTED].

⁴⁶⁶ [REDACTED].

156. **ŠEŠELJ** visited Vukovar at least twice shortly before the massacre at Ovčara.⁴⁶⁷ **ŠEŠELJ** appeared at SRS rallies with armed military style guards and in military uniform.⁴⁶⁸ His first visit to Vukovar in October 1991 bore the appearance and accoutrements of an important military figure arriving for military inspection. He wore a military uniform and a cockade and was accompanied by VAKIĆ, Kameni and Kinez. After the inspection of his men, **ŠEŠELJ** attended a meeting with command officers at the Command in Nova Ulica where the Guards Regiment was located to discuss joint actions of the JNA and **Šešeljevci** in the final operations in Vukovar.⁴⁶⁹

157. **ŠEŠELJ** visited the volunteers on the front in Vukovar again on or about 8 November 1991.⁴⁷⁰ **ŠEŠELJ** trumpeted his impending visit. He called attention to his ethnic agenda while travelling through *Šid en route* to Vukovar by holding a press conference on 7 November in which he announced that the entire area of Slavonia, Baranja and Western Srem would soon be “cleared of the Ustašas,” by the Territorial Defence, including Serbian volunteer units.⁴⁷¹ Continuing his well publicized⁴⁷² journey to the Vukovar front, **ŠEŠELJ** spoke to Novi Sad Radio and television, telling his audience that Vukovar was the “most powerful Ustaša’s stronghold,” “the key line that needs to be broken through, that needs to be captured and then there will be nothing Ustašhas can do. It is of exceptional importance.” The substance of this broadcast was republished in print in *Politika*.⁴⁷³

158. **ŠEŠELJ** and his speeches and agenda were further legitimized not only for **Šešeljevci** but for all the gathered JNA, TO and volunteers alike, by the treatment **ŠEŠELJ** received during his visit to Vukovar. **ŠEŠELJ** toured the frontline wearing a helmet and a bullet proof jacket, followed by 50-100 people and reporters, journalists and cameras.⁴⁷⁴ As ŠLJIVANČANIN briefed him, he addressed **ŠEŠELJ** with respect, calling **ŠEŠELJ** “President” in front of all those gathered.⁴⁷⁵ The

⁴⁶⁷ Šešelj, Exh.P00031, p.689; Exh.P00184 (public); Exh.P00298 (public).

⁴⁶⁸ Exh.P01282, p.2 (public).

⁴⁶⁹ Stojanović, Exh.P00528, paras.42-43, open; [REDACTED].

⁴⁷⁰ Petković, Exh.C00011, pp.15-16 (public) (Petković stated that **ŠEŠELJ** was in Vukovar before its fall. And made inconsistent statements about when his own visit to Vukovar with **ŠEŠELJ** occurred); Dražilović, Exh.C00010, para.37 (public) (Dražilović stated that he, Petković and **ŠEŠELJ** travelled together towards Vukovar before it fell, stopping in *Šid* where Dražilović remained); Testimony placed his visits October and then again in November of 1991. [REDACTED]; **ŠEŠELJ** was present in Vukovar on 12 November 1991 addressing people at Ulica Nova 81. VS-027, Exh.P00868, p.58-65 (open); Rankić, Exh.P01074, para.66 (public) (dating the visit at mid-November 1991, before the fall of Vukovar).

⁴⁷¹ Exh.P01285 (public).

⁴⁷² Journalists and a tv crew followed **ŠEŠELJ** in Vukovar. [REDACTED]; Rankić, Exh.P01074, para.68 (public).

⁴⁷³ Exh.P01285 (public). *See also* Exh.P000298, p.1; Exh.P00073 (public).

⁴⁷⁴ Exh.P00184 (public); Exh.P00073 (public); Exh.P00298 (public).

⁴⁷⁵ Rankić, Exh.P01074, para 68 (public).

JNA and police organized **ŠEŠELJ**'s transport and security and a special JNA camouflage uniform, generally worn by high ranking officers, was made for him.⁴⁷⁶

159. In Vukovar, **ŠEŠELJ** stressed the imperative nature of victory in Vukovar and the desired result of a Croat free Vukovar. [REDACTED]⁴⁷⁷ Witnesses [REDACTED] and RANKIĆ agree that VUJANOVIĆ was at this meeting, while RANKIĆ also lists VUJIĆ and Nada KALABA as having been present. RANKIĆ reports being accompanied by ŠLJIVANČANIN and Kameni, both of whom [REDACTED] remembers being present. In addition, [REDACTED] recalls seeing BOJKOVSKI; and [REDACTED], who stayed outside, remembers seeing TESIĆ as well.⁴⁷⁸ Inside the house, [REDACTED] stood in the next room over from **ŠEŠELJ** and listened through an open door, as **ŠEŠELJ** motivated the gathering, stating:

“We are all one army. This war is a great test for Serbs. Those who pass the test will become winners. Deserters cannot go unpunished. *Not a single Ustaša must leave Vukovar alive.* We have accepted the concept of a federal army so that there is no legal basis for interference of foreign powers in our conflict. The army is fighting rebel Croats. The army has shown that it was able to cleanse its ranks. We have a unified command consisting of military experts who know what they’re doing.”⁴⁷⁹

[REDACTED].⁴⁸⁰

160. [REDACTED] recalls that **ŠEŠELJ** addressed the soldiers and said that “Ustaša should be expelled” and the Volunteers responded by singing “Croats we shall slaughter you, slaughter you a bit but give you to the dogs more often.”⁴⁸¹ RANKIĆ, who was with **ŠEŠELJ** throughout, recalls stopping at numerous places along the way and remembers, at one of these stops, **ŠEŠELJ** pronounced: “Not one Ustaša is to leave Vukovar alive.”⁴⁸² At least 50 people were present when **ŠEŠELJ** made this statement, including volunteers, TO members, officers of the Guards Brigade, ŠLJIVANČANIN and RADIĆ. People fired in the air in support of his words.⁴⁸³

161. [REDACTED] heard **ŠEŠELJ** repeat those words as he stood on Nova Ulica next to the Leva Supoderica headquarters. Again, **ŠEŠELJ** declared that “Not a single Ustaša should leave Vukovar alive” to the gathered group, including **Šešeljevci**, including [REDACTED].⁴⁸⁴ There

⁴⁷⁶ [REDACTED].

⁴⁷⁷ [REDACTED]; Rankić, Exh.P01074, para.67 (public).

⁴⁷⁸ [REDACTED]; Rankić, Exh.P01074, para.67 (public).

⁴⁷⁹ [REDACTED].

⁴⁸⁰ [REDACTED].

⁴⁸¹ [REDACTED].

⁴⁸² Rankić, Exh.P01074, para.69(public).

⁴⁸³ Rankić, Exh.P01074, para.69(public).

⁴⁸⁴ [REDACTED]

were a number of combatants, policemen, JNA soldiers, “Territorials,” and Leva Supoderica members present⁴⁸⁵ and in response to ŠEŠELJ’s statement, the fighters all raised their rifles as a sign of approval.⁴⁸⁶ This type of hate filled speech was so oft repeated, that, while denying in his unsworn 84bis statement that he made the infamous statement specifically to troops in Vukovar, ŠEŠELJ was forced to acknowledge that it was possible that “at somewhere, sometime, I said something like that.”⁴⁸⁷ Indeed, when testifying in the *Milosević* trial he used the same phrase: “It was also my standpoint that the Ustaša had to be defeated, that not a single Ustaša could leave alive, but they should all be caught.”⁴⁸⁸

162. At other stops on his tour of the Vukovar front, ŠEŠELJ spoke through a megaphone, addressing the Croats as “Ustaša” and saying: “Ustaša, you are surrounded. Surrender because you have no way out.”⁴⁸⁹ ŠEŠELJ spoke on a mounted loudspeaker, referring to himself as *Vojvoda ŠEŠELJ* and calling on the other side to surrender or be killed.⁴⁹⁰ During this visit, ŠEŠELJ used the word “Ustaša” in the context of telling the Šešeleveci to fight heroically against “them,” and to “show [them] no mercy,” and to “just kill them.”⁴⁹¹

163. The Šešeleveci and other fighters who listened to ŠEŠELJ were motivated by his violent ethnic agenda. The violent reaction of fighters to ŠEŠELJ’s words was undoubtedly evident to ŠEŠELJ by the firing of guns and the anti-Croat songs which his words provoked. The responsive chanting of the Volunteers to ŠEŠELJ that “Croats we shall slaughter you, slaughter you a bit but give you to the dogs more often” demonstrates that the fighters who ŠEŠELJ appealed to understood that their task was to implement ŠEŠELJ’s objective by ethnically cleansing the non-Serb civilian population from “Serbian land.”⁴⁹² As one fighter expressed, “one of ŠEŠELJ’s objectives was to ethnically cleanse parts of Croatia that he considered to be Serbian land.”⁴⁹³ ŠEŠELJ “awoke” his listeners’ nationalism⁴⁹⁴ and presented the enticing prospect of a powerful, expanded Serbia.⁴⁹⁵ ŠEŠELJ conceded in an interview that his statements against non-Serbs and

⁴⁸⁵ [REDACTED].

⁴⁸⁶ [REDACTED].

⁴⁸⁷ T.1921 (open).

⁴⁸⁸ Šešelj, Exh.P00031, p.581 (public).

⁴⁸⁹ Rankić, Exh.P01074, para.70 (public).

⁴⁹⁰ [REDACTED].

⁴⁹¹ [REDACTED].

⁴⁹² [REDACTED].

⁴⁹³ Stojanović, Exh.P00528, para.12 (public).

⁴⁹⁴ Stoparić, T.2437, 2440-241(open).

⁴⁹⁵ VS-002, T.6446-6450 (open); *See also* [REDACTED].

calling for the expulsion of non-Serbs could have caused those who listened to him to hate non-Serbs.⁴⁹⁶

164. The fighters whom **ŠEŠELJ** addressed – **Šešeljevci**, TO and JNA reservists alike – listened to him and described him as “a sort of god” in their estimation.⁴⁹⁷ His words and visits were a “morale boost” which empowered the volunteers, strengthened their belief in Chetnik ideology and renewed their belief that they would win.⁴⁹⁸ Since volunteers considered **ŠEŠELJ** to be “the military commander and Supreme Commander of the SRS and SČP” **ŠEŠELJ** was widely known to have a lot of much influence on volunteers.⁴⁹⁹ **ŠEŠELJ** had great moral sway over TO members and other volunteers, who admired him. Many of them were inspired to join the SRS by his visits to the front.⁵⁰⁰

165. RANKIĆ acknowledged that **ŠEŠELJ** could “incite hatred” with his speeches and that **ŠEŠELJ** was “fully aware” of the consequences of his public speeches.⁵⁰¹ In his OTP statements, RANKIĆ described **ŠEŠELJ** as having spread “fear”,⁵⁰² and also that **ŠEŠELJ** exaggerated the Croatian threat.⁵⁰³ In fact, [REDACTED] testified that when they heard **ŠEŠELJ**’s statement about not one Ustaša leaving Vukovar, they understood this to mean that detainees should be executed⁵⁰⁴ and that bloodshed would follow.⁵⁰⁵

166. Sky News television broadcast the alcohol fuelled celebrations among the volunteers and Serb forces and showed one volunteer parroting **ŠEŠELJ**’s political ideology: “War will be over when we have our limits – Karlobag, Karlovac, Ogulin, Virovitica. All place(s) where Serbian people live must be free, you know. We must clean up with the Croatians.”⁵⁰⁶

167. **ŠEŠELJ**’s words to the troops were endowed with legitimacy, importance and respect by JCE members and the leadership of the new Serb forces. By appearing with him, providing his transport, protection, a uniform and public shows of respect, other JCE members imbued **ŠEŠELJ**’s words with the support of the whole hierarchy of the Serb force. Shortly after **ŠEŠELJ**’s

⁴⁹⁶ Exh.P00050, p.9 (public).

⁴⁹⁷ [REDACTED]; Glamočanin, Exh.P00688, para. 98 (public).

⁴⁹⁸ [REDACTED].

⁴⁹⁹ Rankić, Exh.P01074, para.70 (public) (commenting on Exh.P00185); Exh.P00154 (public). Rankić, Exh.P01076, p.26 (public).

⁵⁰⁰ VS-002, T. 6526 (open).

⁵⁰¹ Rankić, Exh.P01074, para.36 (public).

⁵⁰² Rankić, Exh.P01074, p.57 (public) (commenting on Exh.P00031); Rankić, Exh.P01075, p.17 (public) (commenting on Exh.P00031); Rankić, Exh.P01076, p.9 (public)(commenting on Exh.P01309).

⁵⁰³ Rankić, Exh.P01075, pp.10-11 (public).

⁵⁰⁴ [REDACTED].

⁵⁰⁵ [REDACTED].

⁵⁰⁶ Exh.P00275 (public); Exh.P00057 (public). See Šešelj, Exh.P00031, p.1253 (public).

appearances in Vukovar, the combined Serb forces that he addressed transformed his words into reality with the mass killings and abuses perpetrated at Ovčara and Velepromet.

2. Serb Forces ushered the non-Serb population to Vukovar Hospital

168. As the fighting in Vukovar ended, civilians and former fighters gathered at Vukovar Hospital in the hope of evacuation. While they gathered, the JNA participated in negotiations with international aid organizations for their evacuation. However, when the time came to evacuate according to the negotiated plan the JNA purposely prevented the evacuation. Instead, and despite evidence of unchecked abuse, later that day the JNA handed at least 195 non-Serb detainees of the hospital over to the local TO and **Šešeljevci**.

169. On 17 November 1991 Serb forces and the JNA stopped shelling the Vukovar Hospital and made announcements encouraging civilians to gather there to be evacuated.⁵⁰⁷ Vukovar was captured by Serb forces on 18 November 1991, although major military actions continued into that morning.⁵⁰⁸ There was no organized resistance within the town of Vukovar itself and the civilian population and members of the armed forces surrendered.⁵⁰⁹

170. On 18 November there were approximately 700 people in the hospital, approximately 450 of whom had been registered as patients. An additional 500 people arrived the following day in anticipation of evacuation.⁵¹⁰ Because it was the Serb forces themselves who directed the civilian population to the hospital, they knew that the people present in the hospital on 18-19 November included both the sick and the wounded, as well as civilians and unarmed soldiers seeking evacuation.⁵¹¹ There were no weapons or armed soldiers in the hospital.⁵¹²

171. On 18 November the Croatian government and various international organizations including the International Commission of the Red Cross (ICRC) and European Community Monitoring Missions (ECMM) negotiated with the JNA to achieve a non-violent evacuation of the sick and wounded.⁵¹³ On 18 November 1991, the parties agreed to an evacuation plan which was supposed to involve the ECMM and the ICRC.⁵¹⁴

⁵⁰⁷ Berghofer, Exh.P00278, para.18, (public); [REDACTED]; Bosanac, Exh.P00603, para.52 (public).

⁵⁰⁸ AFII-108, 109.

⁵⁰⁹ [REDACTED].

⁵¹⁰ Bosanac, Exh.P00603, paras.59-61, 63 (public). *See also* AFII-224, (concluding that “not less than approximately 750 people” were present at the hospital at this time); Exh.P00603, para.86 (public) (As of 19 November at 19:00, listing 400 sick and wounded, including 180 who were so seriously injured that they required transport.)

⁵¹¹ Čakalić, T.4914-4915 (open); [REDACTED]; Karlović, T.4688-4689 (open).

⁵¹² Bosanac, Exh.P00603, para.30 (public)

⁵¹³ Exh.P00597 (public); Bosanac, Exh.P00603, paras.49-51 (public); Theunens, T. 4005 (open).

⁵¹⁴ Exh.P00597 (public); Bosanac, Exh.P00603, paras.53-58 (public); AFII-244; Exh.P00603, para.53 (public); Exh.P00248 (public).

172. Despite this agreement, the JNA purposefully obstructed the evacuation and restricted humanitarian access.⁵¹⁵ On 18 November, the JNA, who controlled the roads into Vukovar, prevented the ECMM from accessing the hospital.⁵¹⁶ On the afternoon of 19 November, witness Vesna BOSANAC, the Director of the Vukovar Hospital, was brought to speak with Col. MRKŠIĆ in Negoslavci but MRKŠIĆ prevented her from speaking to the ECMM representatives.⁵¹⁷ Later that day, between approximately 16:00 and 17:00, JNA reserve soldiers, TO members and Chetniks entered the hospital compound without resistance from JNA soldiers who stood by ostensibly “guarding” the hospital.⁵¹⁸ Men inside the hospital were separated from their families⁵¹⁹ and civilians were loaded onto a truck and taken to Velepromet.⁵²⁰

173. When she returned to the hospital, BOSANAC protested to ŠLJIVANČANIN that people were being taken away in violation of the agreed upon internationally monitored evacuation. He ordered her back to her office.⁵²¹ At approximately 19:00 ŠLJIVANČANIN brought Nicholas BORSINGER from the ICRC with him to see BOSANAC. BORSINGER told BOSANAC that the ICRC was not able to assist without the permission of the JNA and, in front of ŠLJIVANČANIN, said that the ICRC would arrive at 08:00 the next morning to try to assist.⁵²²

174. On 20 November the commanders of the TO detachments, Miroljub VUJOVIĆ, Stanko VUJANOVIĆ and LSD leader “Kameni,” were at the hospital with a group of fighters and ŠLJIVANČANIN.⁵²³ When witness VUKASINOVIĆ, the commander of the JNA military police in the area arrived at 06:00, detainees had already been taken out of the hospital building. They were lined up and were being verbally abused by the gathered forces.⁵²⁴ At approximately 10:00, JNA Military Police transferred three busloads of detainees to the JNA barracks.⁵²⁵ Another three busloads of detainees followed at around noon.⁵²⁶ In all, six buses of detainees were eventually brought to the barracks from the hospital.⁵²⁷

⁵¹⁵ Bosanac, Exh.P00603, paras.64-65,80 (public); Bosanac, T.11400-11402 (open). Although the monitors were allowed a brief visit on the evening of 19 November they were prevented from taking any action to assist the civilians, wounded and others who had taken refuge in the hospital. Bosanac, Exh.P00603, paras.85-87 (public); T.11402-11403 (open); Exh.P00284 (public).

⁵¹⁶ Bosanac, Exh.P00603, paras.64-65 (public); Exh.P00284 (public).

⁵¹⁷ Bosanac, Exh.P00603, paras.78-80 (public).

⁵¹⁸ Berghofer, Exh.P00278, para.22 (public); [REDACTED]; Karlović, T.4693 (open); Exh.P00603, paras.81-82 (public); [REDACTED]; Bosanac, Exh.P00603, para.82 (public). *See also* [REDACTED]

⁵¹⁹ Bosanac, Exh.P00603, para.83 (public).

⁵²⁰ Bosanac, Exh.P00603, paras.83-84 (public); Bosanac, T.11421 (open).

⁵²¹ Bosanac, Exh.P00603, paras.83-84 (public).

⁵²² Bosanac, Exh.P00603, paras.87-88 (public).

⁵²³ Vukašinić, T.12301-12302 (open).

⁵²⁴ Vukašinić, T.12301-12306 (open).

⁵²⁵ Vukašinić, T.12316, 12311-12316 (open).

⁵²⁶ Vukašinić, T.12311-12316 (open).

⁵²⁷ Čakalić, T.4920 (open); Vukašinić, T.12303-12307 (open).

175. While the detainees waited on the buses at the JNA barracks, JNA officers and SRS leaders together determined who should be released and who should be detained. For example, VUKASINOVIĆ brought 20 detainees taken from the hospital back to the hospital from the JNA barracks, where a group including Major Sljivančanin and Kameni determined whether they should be released.⁵²⁸

176. ICRC representative Nicolas BORSINGER, who had earlier promised BOSANAC he would be at the hospital at 8am, was meanwhile successfully stalled by Serb Forces until after the buses carrying detainees had already left for the barracks.⁵²⁹ When BORSINGER saw people cross the bridge that he had been told was inaccessible, BORSINGER and ŠLJIVANČANIN argued. ŠLJIVANČANIN can be heard on a video of the encounter telling the ICRC representative: “You are not welcome here.”⁵³⁰

(a) Events at Velepromet collection centre demonstrate that JNA officers knew about the numerous abuses by Šešeljevi and accepted their crimes as a means to achieve their common criminal purpose.

177. The TO headquarters were located at Velepromet, which was 400-500 metres from the JNA barracks. JNA Military police were stationed there for the purpose of maintaining order⁵³¹ and the JNA leadership in the area knew that Velepromet was being used to detain detainees, including civilians, women, children and the elderly.⁵³² The JNA leadership also knew that civilian detainees were being abused and killed at Velepromet, yet they took no action to stop it, failed to effect the safe transfer of the detainees from the centre, and failed to react when informed of abuses which occurred there.

178. As discussed above, some detainees taken from the Vukovar Hospital on 19 November were brought directly to Velepromet where TO members separated the men from the women and children.⁵³³ People were beaten until a JNA officer ordered the TO members to take the detainees inside and some of the TO members set off for Ovčara.⁵³⁴ Other TO members selected approximately 50 men from the group of detainees and Šešeljevi moved those men to the hangar

⁵²⁸ Vukašinić, T.12311-12312 (open). While Vukašinić was separating these detainees, TO members and volunteers swore at him and expressed displeasure with the detainees being taken away.

⁵²⁹ Exh.P00284 (public). Witness Čakalić saw the encounter as he sat on one of the buses being transported from Vukovar Hospital to the JNA barracks.

⁵³⁰ Exh.P00284 (public).

⁵³¹ [REDACTED].

⁵³² [REDACTED].

⁵³³ [REDACTED].

⁵³⁴ [REDACTED].

near Ciglana. At least half of the 50 people sent to Ciglana were later executed. Šešeljević killed a man there by slitting his throat.⁵³⁵

179. On 19 November Major ŠLJIVANČANIN, referring to Velepromet, warned that JNA officers should be prepared to find “Četniks are slaughtering there.”⁵³⁶ Indeed, men in Četnik garb and TO members had separated certain detainees and seriously abused and injured them, despite the latter having been under the “protection” of the JNA officers posted there.⁵³⁷ Topola and Crevar, who introduced themselves as the Volunteer commanders on the scene, attempted to prevent evacuation of the detainees at Velepromet.⁵³⁸ JNA officers (Colonel KIJANOVIĆ, Slobodan STOŠIĆ and Branko KORICA) told [REDACTED] that detainees had been murdered at Velepromet and that [REDACTED] life was under threat by Šešeljević, including Topola, if he attempted [REDACTED] the detainees.⁵³⁹ As a result of these threats most of the JNA officers left Velepromet, an action indicating that they did not believe that their orders to remove the detainees were to be strictly followed or that they would be penalized by the military command.⁵⁴⁰ Topola later bragged that he had killed several detainees that day.⁵⁴¹ [REDACTED].⁵⁴²

180. [REDACTED].⁵⁴³ [REDACTED].⁵⁴⁴ [REDACTED].⁵⁴⁵

(b) On 20 November 1991 the SAO SBWS government meeting resulted in the JNA turning the detainees over to Šešeljević and the TO

181. While the busloads of detainees were being detained at the JNA barracks, the SAO SBWS held a meeting at Velepromet, attended by Miodrag PANIĆ,⁵⁴⁶ “Arkan”, Goran HADŽIĆ, ILIJA KONCAREVIĆ, Vojin SUSA, Slavko DOKMANOVIĆ, Borislav BUGUNOVIĆ, Ljuban DEVETAK, [REDACTED]. “Arkan” expressed the group’s displeasure that “Ustaša” detainees had been evacuated from Velepromet,⁵⁴⁷ and said that the people (referring to TO and Volunteers)

⁵³⁵ [REDACTED].

⁵³⁶ [REDACTED].

⁵³⁷ [REDACTED].

⁵³⁸ [REDACTED]; Rankić described Kameni and Katić going to Belgrade to meet with ŠEŠELJ to discuss the criminal activity of the Volunteer named Topola. Later Topola was sent to BiH where he and others were arrested. Exh.P01074, para.39 (public).

⁵³⁹ [REDACTED].

⁵⁴⁰ [REDACTED].

⁵⁴¹ Stoparić, T.2343-2346 (open). [REDACTED].

⁵⁴² [REDACTED].

⁵⁴³ [REDACTED].

⁵⁴⁴ [REDACTED].

⁵⁴⁵ [REDACTED].

⁵⁴⁶ [REDACTED].

⁵⁴⁷ [REDACTED].

gathered around the barracks would ensure that the remaining buses would not be allowed to leave.⁵⁴⁸

182. Later that evening on Serbian television Goran HADŽIĆ, President of the SAO SBWS government, summarized the meeting: “there is one main conclusion, that the Ustasha prisoners who have blood on their hands cannot leave the territory of the Serbian Region of Slavonia, Baranja and Western Srem.” He continued “one group has already been transported to Sremska Mitrovica, I have taken upon myself the task to bring these people back, if they can be called people at all, to bring these people back and to trial those who are guilty”.⁵⁴⁹ At that time, the governments of SAO SBWS possessed no capacity to organize trials.⁵⁵⁰

183. The events at Velepromet, Vukovar Hospital and the JNA barracks which had preceded the SAO SBWS meeting, and the statements made by “Arkan” and others at the meeting, condemning prisoner evacuation and categorizing the detainees as “Ustaša,” were unambiguous. The JNA command in the area clearly knew that the TO and Volunteers intended violence for the remaining detainees. Despite so knowing, the JNA later handed over the remaining detainees to the local forces and **Šešeljevci**, their partners in the JCE.

(c) Serb forces transfer detainees to Ovčara; abuse and torture follow

184. After the meeting of the SAO SBWS, on the afternoon of 20 November 1991, Captain RADIĆ and “Kameni,” along with others, arrived at Ovčara with the first buses of detainees from the barracks.⁵⁵¹ TO members, volunteers and local people followed the buses there waving shovels and axes,⁵⁵² and upon arrival detainees were forced to surrender their personal documents and possessions and then run through a “gauntlet” of **Šešeljevci**, Chetniks, JNA soldiers and TO members, who beat them.⁵⁵³

185. From the gauntlet, the detainees entered a hanger.⁵⁵⁴ Inside the hangar, the municipality president, Slavo DOKMANOVIĆ, and men from the JNA, TO, and SRS, as well as local “Vukovar

⁵⁴⁸ [REDACTED].

⁵⁴⁹ [REDACTED]; Hadžić’s statement further expresses the “dehumanization” expert Oberschall wrote and testified about. *E.g.* Oberschall, T.2203-2205 (open).

⁵⁵⁰ Vukašinović, T.12361-12362 (open).

⁵⁵¹ Karlović, T.4716-17 (placing arrival at between 1400 and 1430 hours). [REDACTED].

⁵⁵² Vukašinović, T.12308 (open). Čakalić, T.4921-4922 (open); Berghofer, Exh.P00278, paras.39-43 (open); [REDACTED]; Karlović, T.4712-4713 (open); Vukašinović, T.12309-12310 (open); [REDACTED].

⁵⁵³ Karlović, T. 4718 (open); Vojnović, T. 11475 (open); Exh.P00604, para.23 (public).

⁵⁵⁴ Čakalić, T.4930-4932 (open); Berghofer, Exh.P00278, paras.46, 48, 50 (public); [REDACTED].

Četniks” beat the detainees⁵⁵⁵ and sang Serb songs like “bring out the salad and we’ll have meat because we’re going to slaughter the Croats.”⁵⁵⁶ [REDACTED] a man being beaten to death while he was forced to sing Chetnik songs and to lick the boots of his attacker as he was beaten.⁵⁵⁷ Perpetrators of the beatings included JNA Captain RADIĆ, VUJOVIĆ⁵⁵⁸, VUJANOVIĆ⁵⁵⁹, MUGOSA,⁵⁶⁰ BULIĆ,⁵⁶¹ VOJNOVIĆ,⁵⁶² DOKMANOVIĆ,⁵⁶³ and Šešeljevi Kameni,⁵⁶⁴ “Ceca,”⁵⁶⁵ Kinez,⁵⁶⁶ “Mare,”⁵⁶⁷ KATIĆ,⁵⁶⁸ and “Cica,”⁵⁶⁹ [REDACTED],⁵⁷⁰ and various other Chetniks, soldiers and officers in the TO and JNA.⁵⁷¹ Several Croats were killed in and around the hangar that afternoon.⁵⁷²

186. Between 15:00 and 15:30 Miodrag PANIĆ, the highest ranking JNA officer on the scene, left. Later that day, at Colonel MRKŠIĆ’s direction, VUKAŠINOVIĆ and the remainder of the 80th mtbr Military Police who were there protecting the detainees withdrew from the hangar, effectively handing over the detainees to the TO members and to the volunteers.⁵⁷³ Throughout the afternoon VUKAŠINOVIĆ, VOJNOVIĆ and JNA Officer Dragi VUKOSAVLJEVIĆ all reported the abuses that they had seen occur in the hangar to MRKŠIĆ and were told not to talk about it to anyone.⁵⁷⁴

(d) Murder/Torture and Abuse at Ovčara/Grabovo

187. After the detainees had been transferred to the local TO, Šešeljevi and other Volunteers Serb forces, the Serbs present in the Ovčara hangar began to separate the detainees. TO commander VUJOVIĆ ordered the first group of detainees out of the hangar and into a trailer⁵⁷⁵ bound for

⁵⁵⁵ Čakalić, T.4966-67 (open); [REDACTED]; Karlović, T.4724, 4726, 4728-4729(open); Berghofer, Exh.P00278, para.56 (public). See also [REDACTED]; Vojnović, Exh.P00604, paras.33-35, (public). The whistle blew every 20 minutes for about two hours. Berghofer, Exh.P00278, paras.63-64 (open); [REDACTED].

⁵⁵⁶ Karlović, T.4779. See also Exh.P00058 (public).

⁵⁵⁷ [REDACTED].

⁵⁵⁸ [REDACTED]; Exh.P00604 paras.10-11, 27, 34 (public); Vukašinić, T.12319 (open); VS-002, T.6544 (open); [REDACTED]; VS-015, T.2352-57 (open).

⁵⁵⁹ Exh.P00604, paras.1-11, 27, 34 (public); Vukašinić, T.12325 (open); VS-002, T.6544 (open); [REDACTED].

⁵⁶⁰ Exh.P00278, para.46 (public); [REDACTED].

⁵⁶¹ Exh.P00278, paras.48, 51-52 (public); [REDACTED].

⁵⁶² Vojnović, Exh.P00604, para.27 (public).

⁵⁶³ Berghofer, Exh.P00278, paras.59-63 (public); Čakalić, T.4929 (open).

⁵⁶⁴ Vukašinić, T.12325 (open); [REDACTED].

⁵⁶⁵ [REDACTED].

⁵⁶⁶ [REDACTED].

⁵⁶⁷ [REDACTED].

⁵⁶⁸ [REDACTED].

⁵⁶⁹ [REDACTED].

⁵⁷⁰ [REDACTED].

⁵⁷¹ The volunteers’ desire for revenge was clear to everyone present. Vukašinić, T. 12339, (open).

⁵⁷² Čakalić, T.4935-4936, 4939, (open); Berghofer, Exh.P00278, para.51 (public). [REDACTED].

⁵⁷³ Vojnović, Exh.P00604, paras.37-39 (public); Vojnović, T.11444 (open); Vukašinić, T.12333-12334 (open).

⁵⁷⁴ Vojnović, Exh.P00604, paras.37-40 (public). Vojnović, T.11444 (open); Vukašinić, T.12325 (open).

⁵⁷⁵ [REDACTED].

Grabovo, where they arrived sometime after 21:00 hours on 20 November 1991.⁵⁷⁶ VUJOVIĆ was accompanied by **Šešeljevci**, including: “Topola,” Đorđe ŠOŠIĆ “aka Žorž”, “Kameni,” “Kinez,” “Ceca,” Marko LJUBOJ “aka Mare,” Stanko VUJANOVIĆ and others.⁵⁷⁷ At Grabovo, a pit of approximately eight metres wide by by eight metres deep had already been prepared.⁵⁷⁸ [REDACTED].⁵⁷⁹

188. The trailer made multiple trips from the Ovčara hangar to the pit near Grabovo, where detainees were killed by firing squad and where some were also stabbed.⁵⁸⁰ Kinez shot any detainees who still showed signs of life.⁵⁸¹ When they ran short on ammunition VUJOVIĆ, the TO commander, went to the JNA to get ammunition. When the JNA initially refused, he threatened to slit the throats of the remaining prisoners and the JNA responded by providing more ammunition.⁵⁸² After the last execution at the pit, an excavator arrived and covered up the bodies with earth.⁵⁸³

189. A final group of detainees were executed in the Ovčara hangar by TO and **Šešeljevci**, including [REDACTED],⁵⁸⁴ [REDACTED],⁵⁸⁵ [REDACTED],⁵⁸⁶ [REDACTED],⁵⁸⁷ [REDACTED],⁵⁸⁸ [REDACTED],⁵⁸⁹ [REDACTED],⁵⁹⁰ among others. Murders continued until the early hours of 21 November.⁵⁹¹

190. **ŠEŠELJ** propped in his cross examinations that Kameni was only at Ovčara to help Croat friends.⁵⁹² However, [REDACTED] Kameni escort the first trailer to the pit,⁵⁹³ and [REDACTED] Kameni return to Grabovo together with the first group of soldiers, including [REDACTED], who was boasting about the killings. [REDACTED] Kameni hitting detainees in the hangar.⁵⁹⁴ Kameni’s

⁵⁷⁶ AF-II, fact 26.

⁵⁷⁷ [REDACTED]; Stoparić, T.2357 (open); Karlović, T.4729 (open).

⁵⁷⁸ [REDACTED].

⁵⁷⁹ [REDACTED].

⁵⁸⁰ [REDACTED]. *See also*, Strinović, T. 11600-11601, 11629-11632 (open).

⁵⁸¹ [REDACTED].

⁵⁸² [REDACTED].

⁵⁸³ [REDACTED].

⁵⁸⁴ [REDACTED].

⁵⁸⁵ [REDACTED].

⁵⁸⁶ [REDACTED].

⁵⁸⁷ [REDACTED].

⁵⁸⁸ [REDACTED].

⁵⁸⁹ [REDACTED].

⁵⁹⁰ [REDACTED].

⁵⁹¹ AFII- 26.

⁵⁹² [REDACTED].

⁵⁹³ [REDACTED].

⁵⁹⁴ [REDACTED].

presence and role at the pit is also supported by an abundance of evidence about his indiscriminate violence toward the Croat population throughout the battle for Vukovar.⁵⁹⁵

(e) Murder, Torture and Abuse at Velepromet and other facilities after the Ovčara massacre

191. Vilim KARLOVIĆ, Emil ČAKALIĆ, and five other detainees were taken out of the hangar at Ovčara during the afternoon of 20 November and brought to Modateks textile factory nearby. Sometime during the night an SRS volunteer, named Topola or Bulidža, who KARLOVIĆ has seen earlier in the day at the JNA barracks and at Ovčara, told the detainees at Modateks that he had been killing all night and would kill them as well.⁵⁹⁶ At Modateks, there were elderly people, women and children.⁵⁹⁷ The detainees were forced to clean the hall there, after which a JNA officer sent them to Velepromet.⁵⁹⁸

192. The detainees were transferred to Velepromet.⁵⁹⁹ Detainees were taken out one at a time and killed, including a man named PERKOVIĆ and a young boy.⁶⁰⁰ “Četniks” later brought KARLOVIĆ to a house, where they tortured him, set fire to his hair, burned his nipples with a candle, and beat him with a bottle.⁶⁰¹

193. At Velepromet the detainees who had been taken from Ovčara were searched and taken into the so called “Room of Death”, so named because no one who went in came out alive. There were 40 to 50 detainees, mostly Croats dressed in civilian clothes, crowded into the room.⁶⁰² Chetniks took the detainees out of the room and beat them; some were killed.⁶⁰³ From 19-21 November 1991, dozens of detainees were killed at Velepromet. Perpetrators included various unidentified **Šešeljevci**, TO members, JNA soldiers⁶⁰⁴, Drača⁶⁰⁵, and Topola.⁶⁰⁶

⁵⁹⁵ Stojanović, Exh.P00526, paras.26,38-39 (public); Exh.P00527, para.19 (public); Exh.P00528, para.40 (public) (Kameni issued orders that all Croats should be killed); Stojanović, Exh.P00527 para.24 (public); Stojanović, Exh.P00528, paras.53-54 (public)(Stojanović heard from Kameni’s associates that he was boasting that Croats from Vukovar Hospital were killed.) [REDACTED]

⁵⁹⁶ Karlović, T.4734-4735 (open).

⁵⁹⁷ Karlović, T.4733 (open).

⁵⁹⁸ Karlović, T.4736 (open)

⁵⁹⁹ [REDACTED].

⁶⁰⁰ Karlović, T.4737-4742 (open).

⁶⁰¹ Karlović, T.4745 (open).

⁶⁰² Karlović, T.4736-4739, T.4864-4865 (open). Exh.P00282 (public), marked by witness Berghofer; Exh.P00277 (public), marked by witness Karlović. *See also* Čakalić, T.4950-4951 (open); Berghofer, Exh.P00278 (public); Exh.P00281 (public); Berghofer, T. 4873 (open).

⁶⁰³ Čakalić, T.4950 (open); Berghofer, Exh.P00278, para.75 (open); Karlović, T.4740-4742, 4789 (open).

⁶⁰⁴ [REDACTED]; Exh.P00278, paras.76-77 (public); VS-020, T. 4740-42 (open).

⁶⁰⁵ Exh.P00278, paras.76-77 (public).

⁶⁰⁶ Stoparić, T.2345-2350 (open).

(f) The abuse and murder at Velepromet, Ovčara/Grabovo and throughout Vukovar was widely known but ŠEŠELJ and other JCE Members took no action

194. Information about the abuse and killings at Ovčara/Grabovo and Velepromet, and generally who perpetrated the crimes, was widely known in Vukovar almost immediately after they occurred.⁶⁰⁷ Yet the joint Serb forces employed by the members of the JCE did nothing to stop the onslaught from continuing as the force continued into Bosnia. MRKŠIĆ and RADIĆ ordered people not to discuss it and did nothing to prevent or punish those responsible.⁶⁰⁸ The JNA never ordered an investigation.⁶⁰⁹ Rather, armed men blocked access to Ovčara after the massacres so no one could investigate.⁶¹⁰ When the JNA did officially look at Vukovar, General Života PANIĆ concluded that there was evidence of “genocidal killings” by Chetniks and Šešeljevci.⁶¹¹

195. As for ŠEŠELJ, he was kept well apprised of events in Vukovar. As he said, “I went to Vukovar twice while the struggle for liberation was going on. I saw everything. I was at the front lines. I visited almost every street. It's impossible that there was something there that I didn't see.”⁶¹² Neither ŠEŠELJ nor the other JCE members meted out any punishment to the perpetrators of these atrocities. Rather, despite his admission that he would undoubtedly have been aware of any crimes involving his volunteers,⁶¹³ and his certain knowledge of the atrocities at Ovčara and Velepromet, ŠEŠELJ lauded Serb forces,⁶¹⁴ promoted the major players in Vukovar and the known perpetrators of crimes there, including Kameni, to the status of *Vojvoda*,⁶¹⁵ and made Topola SRS commander in Brčko.⁶¹⁶ ŠEŠELJ then deployed these known perpetrators of crimes in the Vukovar Municipality to other fronts, where they would continue their crimes.

⁶⁰⁷ E.g. Vukašinović, T.12326 (open); Vojnović, Exh.P00604, para.52 (public); Stoparić, T.2352 (open); [REDACTED]; Exh.P00528, para.54 (public); [REDACTED].

⁶⁰⁸ [REDACTED]

⁶⁰⁹ Vukašinović, T.12327, (open).

⁶¹⁰ [REDACTED]

⁶¹¹ [REDACTED]

⁶¹² Šešelj, Exh.P00031, pp.630, 542 (public). Nor has ŠEŠELJ contested that POWs were killed at Ovčara. Rather, he posited a theory that it was perpetrated by General Vasiljević of the JNA.

⁶¹³ Šešelj, Exh.P00031, pp.542, 599, 841 (public).

⁶¹⁴ Exh.P00294, T.5116-5120 (open). ŠEŠELJ purported to have learned of the massacre “several months after the fact” and questioned Kameni about his role. Exh.P00031, p.630 (public).

⁶¹⁵ On 15 May 1993, Kameni, Brne and Miroslav VUKOVIĆ aka “Čele” were all were appointed “*Vojvodas*.” Exh.P00217 (public).

⁶¹⁶ [REDACTED]

G. As BiH moved towards independence parallel structures and forces were set up following the model the JCE members had used in Croatia

196. Throughout 1991, Bosnian Serb leaders had begun the process of defining and claiming territories in BiH that they wished to seize and control for Serbs. The objective of seizing and controlling territory by forcibly removing non-Serbs, as well as many of the same preparatory steps as had been taken in Croatia, would be replicated in BiH. This replication involved many of the same participants, including ŠEŠELJ, MILOŠEVIĆ, KARADŽIĆ, the JNA, MUP Serbia and ARKAN.

197. JCE members were fully aware that, as had been the case in Croatia, establishing ethnically pure Serb territories, especially in areas where Serbs were a minority, would necessarily entail the use of force and fear.⁶¹⁷ Indeed, when JCE members at the end of March 1992 started to seize physical control over Serb-claimed territory, they did so by launching a massive campaign of persecution against the non-Serb civilian population of BiH. [REDACTED].⁶¹⁸ The persecutory campaign included the crimes charged in Zvornik, Greater Sarajevo, Mostar and Nevesinje.

1. BiH was strategically important for achieving the common purpose

198. ŠEŠELJ envisaged BiH as “very simply, a Serbian land” which “will be part of one single Serbian country.”⁶¹⁹ For KADIJEVIĆ, “*the Serb people in Bosnia and Hercegovina, by its geographical position and size was one of the keystones for the formation of a common state for all Serb people*”.⁶²⁰ BiH’s strategic significance stemmed not only from its proximity to the Republic of Serbia and its large Serb population, but also from the important access it provided to Serb-controlled areas in Croatia. During the war in Croatia, cooperation with the Serb leadership in BiH enabled the JNA to manoeuvre and to transfer JNA troops to Croatia through BiH.⁶²¹ When leaving Croatia, the JNA leadership assessed that it should retain strong forces in BiH because this “corresponded with every realistic political option for developments in Bosnia-Herzegovina and with the need to have strong and ready forces on the Serbian Krajina border.”⁶²²

199. Certain areas of BiH were particularly important to the Serb leadership: Sarajevo, the historical capital of BiH, and its environs;⁶²³ the Neretva valley, rich in natural resources and

⁶¹⁷ AFI-104.

⁶¹⁸ [REDACTED]. See also AFIV-322.

⁶¹⁹ Exh.P01339, p.1 (public). See also Exh.P00034, p.6 (public); Exh.P00325 (public); Exh.P01180, p.26 (public); Exh.P01171, p.4 (public); Exh.P01172 p.2 (public); Exh.P01176 p.5 (public).

⁶²⁰ Exh.P00196, p.78 (public) (emphasis in the original).

⁶²¹ Exh.P00196, p.80 (public).

⁶²² Exh.P00196, p.80 (public).

⁶²³ Exh.P00949, pp.19, 64 (public); Exh.P00966, pp.13-14 (public); Exh.P01343 p.1 (public).

accessing the Adriatic;⁶²⁴ the Drina river valley bordering Serbia;⁶²⁵ and the Posavina corridor, connecting Serbia to the Serbian Krajina in Croatia.⁶²⁶ These Serb majority areas and areas which bound them together encompassed the BiH crimebases in this case.

200. Strategic Goals of the Serbian People, which reiterated the common purpose by seeking to enforce ethnic separation in BiH and to secure targeted territories, were announced by KARADŽIĆ on 12 May 1992. KARADŽIĆ announced the Bosnian Serb intention to seek “separation from those who are our enemies and who have used every opportunity, especially in this century, to attack us, and who would continue with such practices if we were to stay together in the same state”.⁶²⁷ The goals had been developed in advance of their official announcement and, in fact, had guided the strategic planning of the Bosnian Serb leadership from an early stage.⁶²⁸ General MLADIĆ was tasked with implementing the Strategic Goals:

- Strategic Goal No. 1: separation of the Serbian people from the other two national communities;
- Strategic Goal No. 2: establishment of a corridor of Serb-controlled land spanning from Serbia, through Bosnia-Herzegovina, to Serbian Krajina;
- Strategic Goal No. 3: establishment of a corridor in the Drina Valley with the elimination of the Drina River border between Serbia and Republika Srpska;
- Strategic Goal No. 4: establishment of a border on the Una and Neretva Rivers;
- Strategic Goal No. 5: division of the city of Sarajevo; and
- Strategic Goal No. 6: establishment of access to the sea via Herzegovina.⁶²⁹

2. JCE members begin early preparations in BiH

201. In March 1991, when MILOŠEVIĆ called for Serbs to set aside their differences and when ŠEŠELJ decided to create the SRS Crisis Staff, ŠEŠELJ also started to forge an alliance with KARADŽIĆ. While ŠEŠELJ established Chetnik commands in BiH, the Bosnian Serb leaders declared Serb autonomy in targeted areas.

⁶²⁴ Kujan, Exh.P00524, p.4 (public) (said by JNA General Milan TORBICA); Exh.P00037, p.12 (public); Exh.P00669 (public). *See also* Exh.P01362, p.24 (public).

⁶²⁵ VS-037, T.14863 (open); [REDACTED]; Exh.P00358 (public).

⁶²⁶ AFI-204.

⁶²⁷ Exh.P00966, p.13 (public).

202. **ŠEŠELJ** met with **KARADŽIĆ** in Pale in March 1991 to discuss cooperation between the SRS/SČP and SDS.⁶³⁰ In April and May 1991, **ŠEŠELJ**, together with an SRS delegation, met with **KARADŽIĆ** on at least two further occasions.⁶³¹ **ŠEŠELJ** later recounted how, even at their first meetings, he and **KARADŽIĆ**:

knew then that it would come to a conflict, to a war. In any case, I had already met with my Chetniks there. We had a detailed map of the eastern part of Bosnia in front of us and we were considering actions for a takeover of Višegrad, the Višegrad Bridge, Zvornik, etc. At that time it was obvious that there was going to be war.⁶³²

203. On 6 May 1991, **ŠEŠELJ** and **KARADŽIĆ** attended a Serb Orthodox celebration on BiH's Mount Romanija.⁶³³ **ŠEŠELJ** invoked "the bill" that had to be paid for past crimes committed against Serbs. He publically pledged his political support to **KARADŽIĆ**'s SDS and to the Serbs of BiH:

Bosnia and the brave Serbian Herzegovina, it is particularly you who must not allow to be divided. You have one political party, the Serbian Democratic Party⁶³⁴

204. **ŠEŠELJ**'s public support for the policies of the SDS in BiH⁶³⁵ included describing **KARADŽIĆ** as "the pride of the Serbian people" and stressing that "the Serbs are strong when they are united".⁶³⁶ SRS/SČP commanders in BiH heeded **ŠEŠELJ**'s call for Serb unity. For example, *Vojvoda* Slavko **ALEKSIĆ**, was actively involved with both the SRS and SDS through 1991 until early 1992, describing them as "all doing the same job, we were all on the same mission".⁶³⁷

205. In addition to his political support **ŠEŠELJ** also extended his SRS/SČP organisation to BiH. Already in May 1991, **ŠEŠELJ** "got our membership in order on Romanija and organized a Chetnik Command".⁶³⁸ In Eastern Herzegovina and Bosnian Krajina, he was already meeting with his "Chetnik commanders".⁶³⁹ **ŠEŠELJ** described northeastern BiH as an area where the SRS and SČP had always had "a big stronghold."⁶⁴⁰ He bragged "the very fact that in some places the Croats and

⁶²⁸ Exh.P00877, para.68 (public); Theunens, T.4033-4034 (open). Kujan, Exh.P00524 p.4 (public) (General **TORBICA** identified the Užice Corps' goals as including what became strategic goals 1, 4 and 6).

⁶²⁹ Exh.P00966, pp.13-14 (public); Exh.P00870 (public).

⁶³⁰ Exh.P00644, p.15 (public).

⁶³¹ Exh.P01176, p.2 (public); Exh.P00034, p.1 (public). See also Exh.P01003 (public).

⁶³² Exh.P01246, p.3. (public)

⁶³³ Exh.P00034, p.1 (public); Exh.P00163, p.2 (public).

⁶³⁴ Exh.P01003, p.1 (public).

⁶³⁵ Exh.P00034, p.1 (public).

⁶³⁶ Exh.P00035, pp.5, 7 (public). See also Exh.P01339 (public); Exh.P01176 (public).

⁶³⁷ [REDACTED].

⁶³⁸ Exh.P01177, p.14 (public).

⁶³⁹ Exh.P00163, p.6 (public).

⁶⁴⁰ Exh.P00163, p.6 (public).

the Muslims have not been sleeping in their houses for days speaks of the fact that the activity of the Serbian Chetnik Movement is not insignificant at all”.⁶⁴¹

206. This level of organisation was the result of active SRS/SČP recruitment efforts that had begun in BiH. For example, throughout May and June 1991 in Greater Sarajevo, *Vojvoda* Branislav GAVRILOVIĆ aka “Brne”, acting on regular instructions from Belgrade and in co-operation with KARADŽIĆ, had undertaken intensive preparations for volunteers recruitment. *Vojvoda* “Brne” was assisted by *Vojvoda* Slavko ALEKSIĆ and others.⁶⁴² “Brne”’s activities included: arranging for the distribution of the SRS magazine “*Velika Srbija*” at newsstands;⁶⁴³ recruiting and organising **Šešeljevi** into “*squads*”;⁶⁴⁴ implementing directions from Belgrade regarding the training of **Šešeljevi** at Prigrevica, in Serbia;⁶⁴⁵ and even passing greetings between **ŠEŠELJ** and KARADŽIĆ.⁶⁴⁶

207. In June 1991, “Brne” organised the SRS for the “whole of the Romanija region”.⁶⁴⁷ Around this period, others started referring to “Brne” as the “President” of the SRS in Central Bosnia.⁶⁴⁸ He also made several visits to SRS headquarters in Belgrade where he described himself as “taking lessons” and having “received some further instructions”.⁶⁴⁹ ALEKSIĆ also confirmed the SRS having been established and registered in Sarajevo in 1991.⁶⁵⁰

208. KARADŽIĆ had also established close co-operation with other JCE leaders during this period. For example, he was in constant telephone contact with MILOŠEVIĆ,⁶⁵¹ and with JNA commanders such as ADŽIĆ.⁶⁵²

209. By September 1991, the process, already completed in Croatia, of declaring SAOs had commenced in BiH. Six BiH SAOs were ultimately declared — Herzegovina, Bosanska Krajina, Romanija, Semberija, Northern Bosnia and Birać.⁶⁵³

⁶⁴¹ Exh.P01180, p.26 (public).

⁶⁴² Exh.P00515 (public); Exh.P00517 (public); Exh.P01000, p.7 (public); *See also* [REDACTED].

⁶⁴³ Exh.P00635, p.2 (public).

⁶⁴⁴ Exh.P00635, p.4 (public); Exh.P00516 (public).

⁶⁴⁵ Exh.P00517 (public).

⁶⁴⁶ Exh.P00517 (public).

⁶⁴⁷ Exh.P00516, p.2 (public).

⁶⁴⁸ Exh.P00635, p.2 (public).

⁶⁴⁹ Exh.P00515, p.5 (public).

⁶⁵⁰ [REDACTED].

⁶⁵¹ Exh.P00498 (public); Exh.P00504 (public); Exh.P00506 (public); Exh.P00509 (public); Exh.P00510 (public); Exh.P00511 (public).

⁶⁵² Exh.P00510 (public).

⁶⁵³ Exh.P00412, p.16 (public); AFIV-17; AFI-88; AFIV-18.

210. Threatening force to prevent BiH from gaining independence, KARADŽIĆ, in October 1991 warned that if the Bosnian Muslims and Croats were to pursue independence it would lead to the same “highway of hell” as in Croatia. He warned:

Don't think you won't take Bosnia and Herzegovina to hell and Muslim people [to] possible extinction. Because, Muslim people will not be able to defend itself if it comes to war here!⁶⁵⁴

211. When the Assembly of BiH nonetheless voted in favour of sovereignty,⁶⁵⁵ the Bosnian Serb leadership proclaimed a separate Serb Assembly⁶⁵⁶ and immediately began discussing and taking further steps towards ethnic separation, including organizing militarily.⁶⁵⁷

212. As in Croatia, the SDS conducted a plebiscite.⁶⁵⁸ Claiming that 100% of voters had opted to remain in Yugoslavia along with other Serb-dominated regions, the SDS sought to justify the already-begun creation of separate Serb political structures.⁶⁵⁹

3. In December 1991 the JCE members accelerated their efforts to prepare separate Serb institutions

213. By the end of 1991, as the prospect of BiH independence became more likely,⁶⁶⁰ the Bosnian Serb leadership took steps towards establishing the structures necessary for securing Serb control over the targeted territories.

214. On 19 December 1991, the SDS leadership distributed to SDS municipal boards a blunt blueprint for the implementation of the ethnic separation of BiH.⁶⁶¹ These so-called Variant A and B Instructions set out steps to be taken for Serbs to establish their own institutions and seize power.⁶⁶² The instructions contained detailed directives to be implemented in two phases in both majority Serb (Variant A) and minority Serb (Variant B) municipalities. In the first phase the instructions ordered the formation of Serb-only Crisis Staffs and municipal assemblies. The instructions also contained directions to create Serb TO and police (MUP) forces. In the second

⁶⁵⁴ Exh.P01004, p. 3 (public). *See also* Exh.P00502, p.2 (public).

⁶⁵⁵ AFI-63.

⁶⁵⁶ Exh.P00931 (public).

⁶⁵⁷ Exh.P00928, p.2 (public).

⁶⁵⁸ AFI-94.

⁶⁵⁹ AFI-94, 96.

⁶⁶⁰ This subsequently occurred on 6 March 1992, AFI-167.

⁶⁶¹ Exh.P00871 (public).

⁶⁶² Deronjić, Exh.P00877, para.45 (public).

phase, the Crisis Staffs were to take physical control over strategic locations and installations to become the public municipal authorities asserting Serb control in the municipalities.⁶⁶³

215. The Variant A and B Instructions were to be implemented at the direction of the President of the SDS.⁶⁶⁴ The first phase was quickly implemented,⁶⁶⁵ including in crime base areas, such as in Zvornik municipality on 22 December 1991;⁶⁶⁶ in Ilidža municipality on 3 January 1992;⁶⁶⁷ in Novo Sarajevo,⁶⁶⁸ Ilijaš,⁶⁶⁹ and Nevesinje.⁶⁷⁰

216. The Crisis Staffs functioned as co-ordinating bodies for the SDS and, as the leading governing body in the municipalities, exercised control over civilian, military, and paramilitary affairs.⁶⁷¹ They were composed of SDS leaders as well as the army commander for the area, Serb police officials and the Serb TO Commander.⁶⁷² In Zvornik, for example, JNA Captain Dragan OBRENOVIĆ participated directly in Crisis Staff meetings.⁶⁷³

217. The Crisis Staffs were placed under the authority of the President of the SDS⁶⁷⁴ and their operation was eventually formalised as a state structure under the authority of the Serb Assembly in BiH.⁶⁷⁵ By April or May 1992, Crisis Staffs were fully operational and established throughout BiH.⁶⁷⁶

218. MUP RS was one of the first institutions of the nascent Republic to start functioning effectively.⁶⁷⁷ In advance of the formal creation of the Serb-only MUP, Momčilo MANDIĆ directed preparations at a local level.⁶⁷⁸ Preparations included arming Serb police⁶⁷⁹ and stockpiling weapons belonging to the reserve police.⁶⁸⁰

219. By 24 March 1992, KARADŽIĆ could inform the BiH Serb Assembly that: “numbers (in) the police are quite sufficient” and at the appropriate time “all the Serbian municipalities, both the

⁶⁶³ AFI-100; Exh.P00957(public). *See also* AFI-101, 107 (describing the Serb crisis staffs), 103 (describing the Variant A and B Instructions); AFIV-112.

⁶⁶⁴ AFI-105.

⁶⁶⁵ AFIV- 45.

⁶⁶⁶ VS-037, T.14867 (open); Exh.P00872 (public); [REDACTED]; Exh.P00873 (public).

⁶⁶⁷ Exh.P00943 (public).

⁶⁶⁸ [REDACTED]

⁶⁶⁹ VS-1055, T.7804-7805 (open). *See also* Džafić, Exh.P00840, para.2 (public); VS-1111, T.7695 (open).

⁶⁷⁰ Kujan, Exh.P00524, p.5 (public).

⁶⁷¹ AFIV-113; AFIV-114.

⁶⁷² AFI-101, 105, 107; Exh.P00871, pp.2-3 (public); Exh.P00957 (public).

⁶⁷³ [REDACTED]; Jović, T.16304 (open).

⁶⁷⁴ Exh.P00871, p.5 (public).

⁶⁷⁵ AFI-105, 107.

⁶⁷⁶ AFIV-111.

⁶⁷⁷ AFIV-45, 54, 56, 102.

⁶⁷⁸ AFIV-179.

⁶⁷⁹ AFIV-58, 179.

⁶⁸⁰ AFIV-58.

old ones and the newly established ones, would literally assume control of the entire territory of the municipality concerned”. KARADŽIĆ described that there would be a “single method” for application in the municipalities and that instructions on how to “separate the police force, take the resources that belong to the Serbian people and take command” would be issued.⁶⁸¹

220. The civilian police became formally organised under a Serbian Ministry of Internal Affairs (MUP) created on 27 March 1992 by the BiH Serb Assembly.⁶⁸² The Ministry of the Interior was commanded by Mićo STANIŠIĆ having been appointed Minister of Internal Affairs by the Bosnian-Serb Assembly on 24 March 1992. The new law establishing the MUP referenced the MUP’s ethnic composition and invited “employees of Serbian nationality and other employees who so desire” to join the MUP. The Bosnian-Serb MUP was to handle security affairs on behalf of the Government.⁶⁸³ On 31 March 1992, MANDIĆ, sent a dispatch to all police centres regarding the creation of the separate Bosnian Serb MUP.⁶⁸⁴

221. Similarly, a decision of the Serb BiH Ministry of National Defence on 16 April 1992 formally created the Serb TO in BiH. However, preparation had begun in 1991 when the JNA took steps to disband most TO units in predominantly Muslim and Croat areas of BiH.⁶⁸⁵ The newly formed Serb TO forces, which were directed to co-operate with the JNA, were placed under the command and control of the municipal Crisis Staffs.⁶⁸⁶

222. On 9 January 1992, the Republic of Serbian People of Bosnia and Herzegovina (later to become the Republika Srpska (RS)) was declared).⁶⁸⁷ ŠEŠELJ immediately responded by issuing a congratulatory fax to KARADŽIĆ.⁶⁸⁸ Although other JCE members were not as radical as ŠEŠELJ in their territorial demands, in an intercepted conversation from February 1992 KARADŽIĆ betrayed his ultimate aspirations: “Our optimum is a Greater Serbia, and if not that, then a Federal Yugoslavia [...] There are no further concessions.”⁶⁸⁹

4. Belgrade based JCE members redeployed their forces to BiH

223. While the Bosnian Serb leadership put in place institutional structures and created local TO and MUP forces, Belgrade based JCE members redeployed their forces to BiH in preparation for

⁶⁸¹ Exh.P00952, p.22 (public).

⁶⁸² AFI-119, 137, 138.

⁶⁸³ AFIV-98, 99, 103, 104.

⁶⁸⁴ Exh.P00876, p.2 (public); AFI-119.

⁶⁸⁵ AFI-162.

⁶⁸⁶ AFI-120; Exh.P00957 (public); Exh.P00958 (public).

⁶⁸⁷ AFI-65.

⁶⁸⁸ Exh.P01288 (public).

⁶⁸⁹ Exh.P00503, p.1 (public).

seizing the targeted territories. Efforts by the JNA, MUP/DB Serbia and the SRS/SČP to arm and train local Serbs, which had commenced in 1991,⁶⁹⁰ were accelerated.

224. The Red Berets – the special operations unit of MUP/DB Serbia⁶⁹¹ – was particularly active in BiH, where it had established an extensive network of airfields.⁶⁹² They also established training camps throughout BiH, in places such as Banja Luka, Trebinje, Brčko and Bijeljina, for special police units from the Republika Srpska and the Republic of Serbian Krajina.⁶⁹³ For example, the Red Berets trained Serb volunteers at a JNA barracks in Brčko where “Arkan”’s men and **Šešeljevci** were present.⁶⁹⁴

225. DB Serbia also participated in arming of Serbs in BiH. For instance, DB Serbia – through Rade KOSTIĆ and Marko PAVLOVIĆ⁶⁹⁵ – provided weapons to Zvornik through Croatia.⁶⁹⁶ JCE member BOGDANOVIĆ facilitated the transport of these weapons through Croatia⁶⁹⁷ and also provided weapons directly from Belgrade with the assistance of DB Serbia and consultation with Zvornik SDS leaders.⁶⁹⁸

226. PAVLOVIĆ⁶⁹⁹ arrived in Zvornik around one month before the takeover by Serb forces. His “boss” was senior DB Serbia official Rade KOSTIĆ.⁷⁰⁰

227. **ŠEŠELJ** also co-operated directly with the MILOŠEVIĆ regime and DB Serbia in implementing the common purpose in BiH. He admitted that MILOŠEVIĆ had specifically asked the SRS to intensify their deployment of **Šešeljevci** across the Drina into Bosnia, telling **ŠEŠELJ** that he would arrange assistance with weapons, uniform and vehicles.⁷⁰¹

228. **ŠEŠELJ** therefore sent witness PETKOVIĆ to meet with JCE member STANIŠIĆ about deploying additional **Šešeljevci** to the front.⁷⁰² STANIŠIĆ introduced PETKOVIĆ to JCE member

⁶⁹⁰ Exh.P00877, paras 7, 33-36 (public); Kujan, Exh.P00524, p.3 (public); Jović, Exh.P01077, paras.30-31 (public); [REDACTED]; Jović, T.16191-16192, 16221, 16296 (open); Exh.P01078 (public).

⁶⁹¹ See above para.83.

⁶⁹² Exh.P00131, p.6 (public).

⁶⁹³ Exh.P00131, p.6 (public).

⁶⁹⁴ VS-1033, T.15783 (open); Exh.P00980, p. 1 (public); Todorović, Exh.P01026, pp.7-13 (public).

⁶⁹⁵ [REDACTED]; Jović, Exh.P01077, paras.48, 57 (public); [REDACTED]; Jović, T.16244-16245, 16246 (open).

⁶⁹⁶ Jović, Exh.P01077, paras.36, 44 (public); [REDACTED]; Exh.P01078, p.1 (public); Jović, T.16244, 16298-16299 (open); [REDACTED]; VS-037, T.14886-14888 (open), [REDACTED]

⁶⁹⁷ [REDACTED]; see also Exh.P01078, p.1 (public).

⁶⁹⁸ [REDACTED].

⁶⁹⁹ Branko POPOVIĆ assumed the name of Marko PAVLOVIĆ in Zvornik and will be referred to as such hereafter. [REDACTED]; Rankić, Exh.P01074, para.41 (public); Jović, Exh.P01077, para.52 (public); [REDACTED].

⁷⁰⁰ VS-037, T.14910 (open). KOSTIĆ’s senior position in DB Serbia is further evidenced by the attendance of the highest Serbian officials at his funeral in 1995. [REDACTED]; Exh.P00131, pp.6-7 (public); Jović, Exh.P01077, paras.126-127, 140-141 (public); [REDACTED]; Exh.P01078, p.1 (public); [REDACTED]; Rankić, Exh.P01074, para.45 (public).

⁷⁰¹ Exh.P00090, p.6 (public). See also Exh.P00344, p.1 (public); Exh.P00347 (public).

⁷⁰² Petković, Exh.C00018, para.47 (public).

SIMATOVIĆ, who became PETKOVIĆ's contact within MUP Serbia.⁷⁰³ ŠEŠELJ was always personally kept apprised of the results of the meetings between PETKOVIĆ, STANIŠIĆ and SIMATOVIĆ.⁷⁰⁴ MUP Serbia supported the work of the SRS War Staff. For example, in June 1992, PETKOVIĆ received an RSK-registered vehicle that MUP Serbia had allocated for the use of those who were "helping the Serbian people".⁷⁰⁵

229. Around the spring of 1992, ŠEŠELJ agreed with a MUP Serbia official that Šešeljevci would be trained at a MUP Serbia camp.⁷⁰⁶ PETKOVIĆ and SIMATOVIĆ subsequently arranged for 30 to 40 Šešeljevci headed by Srećko RADOVANOVIĆ aka "Debeli" to be trained by the Red Berets in Serbia in preparation for deployment to Bosanski Šamac.⁷⁰⁷

230. Similarly, Vojvoda VAKIĆ took 400 men to be trained by MUP Serbia at Tara Mountain.⁷⁰⁸ After training, Šešeljevci fought alongside MUP Serbia forces in RS.⁷⁰⁹

231. ŠEŠELJ admitted that this cooperation with MILOŠEVIĆ in respect of BiH continued "perfectly" until September 1993.⁷¹⁰

232. Other paramilitary leaders associated with MUP Serbia also increased their forces' presence in BiH. For example, "Arkan"'s men went to Zvornik at the direction of DB Serbia.⁷¹¹ Captain Dragan's men participated in implementing the common purpose in Brčko,⁷¹² Kozluk⁷¹³ and Zvornik.

5. The JNA deployed to secure Serb-claimed areas and armed Serbs in BiH

233. According to KADIJEVIĆ, "ŠsĆince the JNA failed in its efforts to steer the Muslim part of Bosnia-Herzegovina's leadership towards a new Yugoslav state of those Yugoslav nations which so desired, we had to orient ourselves towards concrete cooperation with representatives of the Serbs

⁷⁰³ Petković, Exh.C00018, para.47 (public); Exh.C00015, pp.11,15-17 (public).

⁷⁰⁴ Petković, Exh.C00015, p.26 (public); see Exh.C00015 pp.9, 38, 69 (public).

⁷⁰⁵ Petković, Exh.C00012, para.7 (public); Exh.C00015, pp.9,15 (public).

⁷⁰⁶ Petković, Exh.C00018, para.48 (public); Exh.C00015, pp.24-28 (public).

⁷⁰⁷ Petković, Exh.C00018, paras.49-50 (public); Exh.C00015 pp.3 (public), 27-30 (public); Exh.C00011, p.18 (public); Exh.C00016, p.44 (public) Exh.P00986, p.2 (public); Exh.P00988 (public); VS-1058, T.15667-T.15671 (open); [REDACTED]; Todorović, Exh.P01026, pp.22, 68, 70 (public).

⁷⁰⁸ Exh.P00054, p.3 (public).

⁷⁰⁹ Exh.P01073, p.1 (public); Exh.P00054, p.2 (public).

⁷¹⁰ Exh.P00090, p. 6 (public). See also Exh.P01213, p.1 (public).

⁷¹¹ [REDACTED].

⁷¹² Theunens, Exh.P00261, pp.262, 336 (public); Theunens T.4039-4039 (open).

⁷¹³ Banjanović, T.12441, 12483-12484 (open).

and with the Serb nation as such”.⁷¹⁴ This led to a “close relationship between the 2nd MD and the SDS”.⁷¹⁵

234. From an early stage, the JNA had deployed to strategic positions in BiH. For example, as directed by MILOŠEVIĆ and JOVIĆ on 5 July 1991, the JNA repositioned itself to control the Neretva Valley – which would become one of the key Serb objectives throughout the conflict.⁷¹⁶

235. After the adoption of the Vance Plan, the JNA redeployed an additional significant number of more forces and equipment from Croatia to BiH.⁷¹⁷ For instance, the JNA redeployed an armoured brigade to the area of Šekovići in Zvornik,⁷¹⁸ a tank unit to the Serbian side of the bridge at Karakaj and a complete armoured battalion to Čelopek in Zvornik.⁷¹⁹ Artillery was stationed on the Serbian side of Divić, on the border between BiH and Serbia, at the bridges of the Drina River and on a hill in Mali Zvornik.⁷²⁰

236. The JNA also played a substantial role in arming of Serbs in BiH.⁷²¹ These efforts had commenced in 1991 in areas such as Nevesinje, Bratunac and Srebrenica.⁷²² In 1992, it was intensified and the JNA provided weapons to Serbs in Zvornik⁷²³ (where DB Serbia affiliate PAVLOVIĆ had contacts with JNA officials⁷²⁴) and Ilijas⁷²⁵ as well as the villages of Lješevo, Čekričić, Ljubnići, Podlugovi and Malešici.⁷²⁶

237. Shortly after KRAJIŠNIK called for implementation of “ethnic division on the ground” in March 1992,⁷²⁷ the commander of JNA 2nd MD met with the Bosnian Serb leadership.⁷²⁸

238. A confidential “Military Secret” report prepared by the JNA in March 1992 shows the scale of the JNA’s contribution to arming Serb forces in BiH. The report recorded 69,198 armed

⁷¹⁴ Exh.P00196, p.80 (public) (emphasis added).

⁷¹⁵ Theunens, Exh.P00261, p.271 (public).

⁷¹⁶ Exh.P00243 (public); Exh.P00198, p.5 (public).

⁷¹⁷ Theunens, T.4024-4026 (open); Tihic, T.12606-12607 (open). *See also* Exh.P00190, pp.6-7 (public).

⁷¹⁸ Alić, T.6974-6975 (open); Jović, T.16304 (open); VS-037, T.14981-14982, 14995-14996 (open); [REDACTED]; Tihic, T.12606-12607 (open).

⁷¹⁹ Alić, T.6974 (open); Jović, Exh.P01077, para.72 (public); [REDACTED]; VS-1013, T.5189 (open).

⁷²⁰ VS-1065, T.6299-6300 (open); Alić, T.6974 (open).

⁷²¹ AFIV-47.

⁷²² Kujan, Exh.P00524, p.3 (public); Exh.P00877, paras.33-36 (public).

⁷²³ VS-037, T.14883-14885 (open); [REDACTED]; Alić, T.6980 (open); Exh.P01078, p.1 (public); [REDACTED]

⁷²⁴ [REDACTED]; VS-037, T.14913 (open).

⁷²⁵ VS-1055, T.7876 (open); VS-1111, T.7703 (open).

⁷²⁶ VS-1055, T.7876, 7891 (open); Exh.P00966 (public); VS-1111, T.7703 (open).

⁷²⁷ Exh.P00951 p.20 (public).

⁷²⁸ Exh.P00257, p.5 (public). “The commander of the 2nd MD will soon have a discussion with the leadership of the Serbian people (Karadžić, Koljević, Plavšić, Krajišnik and Dukić)”.

“volunteers” in the 2nd MD; 51,900 of whom received their weapons from the JNA, while 17,298 received them from the SDS.⁷²⁹

239. ŠEŠELJ also co-operated directly with the JNA. Referring to the SRS/SČP, ŠEŠELJ stated that “all military and police warehouses were at our disposal”.⁷³⁰ The SRS War Staff would sometimes order volunteers to report directly to JNA barracks. On one occasion, witness PETKOVIĆ escorted 100 Šešeljevci to the Bubanj Potok JNA barracks.⁷³¹ Between January and July 1992, at the time deployments to BiH intensified, more than 6,000 Šešeljevci were stationed and trained at various JNA barracks in Belgrade before being deployed to the front in both Croatia and BiH.⁷³²

6. The Bosnian Serb Army (VRS) was supported by the JCE members

240. With BiH’s impending declaration of independence, the JNA reorganized its forces to ensure both that its manpower and equipment would form the basis for a Serb army in RS. After the VRS was formally established in May 1992, it continued to receive significant support from MILOŠEVIĆ.

241. In December 1991, when the JNA realized that BiH would soon be recognized as an independent state, it faced the predicament of being declared “a foreign army” in BiH.⁷³³ MILOŠEVIĆ’s solution, supported by JOVIĆ and KADIJEVIĆ, was easy as well as “strategically and politically necessary”: JNA personnel in BiH from Serbia and Montenegro would be replaced by personnel originating from BiH.⁷³⁴ The JNA could thereby leave personnel and equipment in BiH and “create the possibility for the Serb leadership in Bosnia-Herzegovina to assume command over the Serb part of the JNA”.⁷³⁵ On 25 December 1991, KADIJEVIĆ reported that 90 percent of the military had been “reorganised in accordance with our talk on 5 December.”⁷³⁶

242. This reorganization meant that MILOŠEVIĆ, JOVIĆ, KOSTIĆ, BULATOVIĆ, General PANIĆ, KARADŽIĆ, KRAJIŠNIK and KOLJEVIĆ could credibly agree to the withdrawal of the JNA from BiH on 30 April 1992, when demanded by the UN Security Council. Ninety thousand

⁷²⁹ Exh.P00257, p.6 (public); *See also* [REDACTED]

⁷³⁰ Exh.P00090, p.6 (public).

⁷³¹ Petković, Exh.C00014, pp.45-50 (public); Exh.C00018, paras. 21, 24 (public); Exh.C00012, paras.5,19 (public).

⁷³² Exhs.P00054, p. 2 (public); P00055, p.7 (public); *see also* [REDACTED]

⁷³³ Exh.P00198, p.10 (public).

⁷³⁴ Exh.P00198, pp.10-11 (public); AFI-181, 182.

⁷³⁵ Exh.P00198, p.10 (public); Theunens, T.4025 (open).

⁷³⁶ Exh.P00198, p.11 (public); Exh.P01344 (public); AFI-181.

men plus equipment would remain in BiH while only ten thousand men would have to be withdrawn. General MLADIĆ was appointed as the commander of the JNA in BiH.⁷³⁷

243. On 12 May 1992, the Army of the Serbian Republic of BiH, later renamed VRS, was formally established.⁷³⁸ The officers, soldiers and equipment left behind by the JNA were all transferred to the VRS.⁷³⁹

244. The Strategic Goals were declared on the same day that the VRS was established.⁷⁴⁰ The goals were adopted to guide VRS operations and were reflected in MLADIĆ's diary entry five days before their public announcement.⁷⁴¹

245. The Combat Readiness Report of the VRS for 1992, approved by General MLADIĆ, was unequivocal about what the strategic goals were intended to achieve, namely: "The liberation of territories which are ours and which belong to us by historical birthright".⁷⁴²

246. MILOŠEVIĆ's support to the VRS continued after its creation. The FRY continued to pay VRS Officers and non-Commissioned officers⁷⁴³ and to provide logistical, personnel and training support.⁷⁴⁴

7. ŠEŠELJ contributed Šešeljevci to implement the common purpose in BiH

247. The Šešeljevci continued to be an integral part of the war effort that had begun in Croatia. JCE member and Bosnian Serb leader, PLAVŠIĆ admitted that she had sought to gather all those who wanted to fight for "Serbianhood" and therefore had reached out directly to ŠEŠELJ requesting him to deploy his volunteers to BiH.⁷⁴⁵

248. By early 1992, as part of his contribution to the common purpose, ŠEŠELJ began to prepare for the imminent armed conflict by redeploying his volunteers from Croatia to BiH. Šešeljevci were deployed in each of the crime bases. Commanders included Vasilije VIDOVIĆ aka "Vaske",⁷⁴⁶

⁷³⁷ Exh.P00198, p.13 (public).

⁷³⁸ AFI-129.

⁷³⁹ AFI-186-189; 190 and 191. *See also* Exh.P00196 pp.80, 89 (public).

⁷⁴⁰ Exh.P00870 (public); Exh.P01006 (public).

⁷⁴¹ Exh.P01343, pp.1-2 (public).

⁷⁴² Exh.P00992, p.159 (public).

⁷⁴³ AFI- 186-189; 190-191.

⁷⁴⁴ AFI-192.

⁷⁴⁵ Exh.P00987, p.20 (public). *See also* AFIV-88,89 (regarding direct cooperation of Crisis Staffs with paramilitaries).

⁷⁴⁶ Exh.P00218, p.1 (public).

Miroslav VUKOVIĆ aka “Čele”,⁷⁴⁷ Branislav GAVRILOVIĆ aka “Brne”,⁷⁴⁸ and Branislav VAKIĆ.⁷⁴⁹

249. In February 1992, ŠEŠELJ made it clear that he was ready for war in BiH. After asserting that the Serbian people would never allow BiH to be an independent or sovereign state, he announced: “We are ready for war and our Serbian Radical Party and Serbian Chetnik Movement act in all areas of Bosnia and Herzegovina.”⁷⁵⁰

250. At a press conference in 1992, ŠEŠELJ promised to send “an unlimited number of Volunteers” to join Serb Forces in BiH.⁷⁵¹ He later estimated that in total he contributed around 10,000 volunteers to the common purpose in BiH. According to VAKIĆ, 1992 was a year of “big clashes between SČP volunteers against Ustashas and Muslims” in Eastern Herzegovina.⁷⁵² During the course of the conflict, JCE members, such as KARADŽIĆ and MLADIĆ, received reports on the “exceptional success” enjoyed by volunteer formations “led by “Arkan” and ŠEŠELJ”.⁷⁵³

(a) ŠEŠELJ deployed Šešeljevci to all Indictment Municipalities

(i) Zvornik

251. The SRS/SČP participated in training Šešeljevci for the attack on Zvornik. In October 1991, the secretary of the Mali Zvornik SČP, Janko LAKIĆ, organized a group of volunteers, which included Šešeljevci, to be sent to Darda, Croatia, for military training.⁷⁵⁴ The Zvornik police commander Dragan SPASOJEVIĆ was in charge of the training⁷⁵⁵ and Serbia DB official KOSTIĆ was also present.⁷⁵⁶

252. On 2 or 3 April 1992, the SRS/SČP received a request from Zvornik municipality for volunteers.⁷⁵⁷ A few days later, witness RANKIĆ and Miroslav BODGANOVIĆ aka “Miki”, both members of the SRS War Staff, Vojin VUČKOVIĆ aka “Žučá”, Dušan VUČKOVIĆ aka “Repić” and a fifth person met at Hotel Jezero in Mali Zvornik to discuss the deployment of Šešeljevci with representatives of the Serbian Municipality. Among the representatives were Branko GRUJIĆ,

⁷⁴⁷ Exh.P00217, p.2 (public).

⁷⁴⁸ Exh.P00217, p.2 (public).

⁷⁴⁹ Exh.P00217, p1 (public).

⁷⁵⁰ Exh.P01192, p.12 (public).

⁷⁵¹ Exh.P01206, p.3 (public).

⁷⁵² Dražilović, Exh.C00010, p.12 (public). See also Exh.P01202, p.5 (public); Exh.P00055, p.9 (public); Šešelj, Exh.P00031, p.665 (public).

⁷⁵³ Exh.P01347, p.7 (public).

⁷⁵⁴ Jović, Exh.P01077, paras.30-31 (public); [REDACTED]; Jović, T.16191-16192, 16221, 16296 (open); Exh.P01078, p.1 (public).

⁷⁵⁵ Jović, Exh.P01077, para.30 (public); [REDACTED]

⁷⁵⁶ [REDACTED]; Exh.P01077, para.51 (public). See also [REDACTED]; VS-037, T.14905 (open).

PAVLOVIĆ and SPASOJEVIĆ.⁷⁵⁸ The Zvornik municipal leaders informed the SRS/SČP representatives that the **Šešeljevci** would be equipped, armed and incorporated into the TO, but would be allowed to remain together as a unit. The SRS/SČP representatives were also shown the Standard Shoe Factory in Karakaj, Zvornik, where the **Šešeljevci** would be lodged and where horrific crimes were later committed against non-Serbs.⁷⁵⁹ **ŠEŠELJ** was informed of the request and personally approved the deployment of **Šešeljevci** to Zvornik.⁷⁶⁰ He subsequently admitted having a “high degree of control” over the **Šešeljevci** sent there.⁷⁶¹

253. Two days later, a group of **Šešeljevci** under the command of Vojin VUČKOVIĆ aka “Žučá” arrived in Karakaj.⁷⁶² “Žučá” had been appointed commander by the SRS in Belgrade.⁷⁶³ Other groups of **Šešeljevci** arrived later, including groups under the command of Zoran SUBOTIĆ,⁷⁶⁴ GOGIĆ, and PIVARSKI.⁷⁶⁵ “Žučá” was the commander of **Šešeljevci** forces in Zvornik until May 1992.⁷⁶⁶ Most of the men who came to the Zvornik Crisis Staff Headquarters reported that they had been organised by the SRS/SČP.⁷⁶⁷ Another senior SRS/SČP member, Miroslav VUKOVIĆ aka “Čele”, was also sent to Zvornik.⁷⁶⁸

254. As had been agreed, the **Šešeljevci** were issued weapons at the Serb TO headquarters in the Alhos Building and were paid by the TO. They were also assisted by units of the JNA.⁷⁶⁹ It was standard procedure for the Serb municipality of Zvornik to finance the transport of volunteers from Belgrade to Zvornik.⁷⁷⁰

⁷⁵⁷ Rankić, Exh.P01074, para.41 (public).

⁷⁵⁸ Rankić, Exh.P01074, paras.41, 101-102 (public); Exh.P01076, p.24 (public); Dražilović, Exh.C00010 para.51 (public).

⁷⁵⁹ Rankić, Exh.P01074, paras.103-105 (public); [REDACTED].

⁷⁶⁰ Rankić, Exh.P01074, para.106 (public).

⁷⁶¹ Exh.P01233, p.6 (public).

⁷⁶² Rankić, Exh.P01074, paras.41, 107 (public); Dražilović, Exh.C00010, para.51 (public).

⁷⁶³ Rankić, Exh.P01074, para.107 (public); Exh.P01076, p.24 (public); Exh.P01074, paras.108, 110 (public); Exh.P00971, pp.4-5 (public).

⁷⁶⁴ Zoran SUBOTIĆ was a prominent member of the SRS and very close to ŠEŠELJ. When ŠEŠELJ and MILOŠEVIĆ formed a government, SUBOTIĆ became a Vice-Minister for Work and Social Policies. [REDACTED]; VS-037, T.14872, 14877-14878, 14973 (open). *See also* Bošković, Exh.P00836, para.9 (public) (Subotić helped set up the SRS in Mali Zvornik); Spasojević, T.14973 (open) (ŠEŠELJ stating Subotić was a prominent member of the SRS).

⁷⁶⁵ Rankić, Exh.P01074, paras.109, 131 (public). *See also* Exh.P00217 (public) (Miroslav VUKOVIĆ “Čele” prepared and led the **Šešeljevci** in Eastern Bosnia; Dragan CVETINOVIĆ was appointed commander of the volunteers from Loznica); Exh.P00644, pp.18-19 (public) (ŠEŠELJ admits that CVETINOVIĆ led volunteers from Loznica [REDACTED]).

⁷⁶⁶ Rankić, Exh.P01074, paras. 41-44, 108 (public); [REDACTED]; Alić, T.7001-7016, 7033-7041 (open) (the VUČKOVIĆ brothers were carrying SRS/SČP identity cards when arrested on 8 April 1992 in Zvornik).

⁷⁶⁷ [REDACTED].

⁷⁶⁸ Petković, Exh.C00018, paras. 52-53 (public); Exh.P00217, p.2 (public). *See also* admissions by ŠEŠELJ in this regard at T.5317, 1933 (open); [REDACTED]

⁷⁶⁹ VS-037, T.14937 (open); [REDACTED]; Exh.P00964 (public).

⁷⁷⁰ [REDACTED].

(ii) Greater Sarajevo

255. In 1992, **Šešeljevci**, led by Branislav GAVRILOVIĆ aka “Brne”, Vasilije VIDOVIĆ aka “Vaske”, Slavko ALEKSIĆ and Nikola POPLAŠEN were deployed in the “Greater Sarajevo” area. Throughout the Indictment period, they co-operated in military operations with other Serb Forces, including the JNA, the VRS, the military police and MUP, local TO’s, the White Eagles and “Arkan”’s men.⁷⁷¹

256. When “Brne”, who was serving as an SRS/SČP commander in Slavonia, heard about the barricades being erected in Sarajevo, he asked **ŠEŠELJ** to redeploy him to BiH. **ŠEŠELJ** swiftly arranged for “Brne”’s transfer in JNA helicopters to Sokolac on Mount Romanija together with other **Šešeljevci**, while the Chief of the SRS War Staff obtained a Federal Secretariat National Defence uniform for him.⁷⁷²

257. After **ŠEŠELJ** had transferred him to BiH, “Brne” went directly to Pale where he met with KARADŽIĆ and KRAJIŠNIK and agreed on the “defence” of SAO Romanija which encompassed part of Greater Sarajevo.⁷⁷³ By the time “Brne” “met up with his old friend Slavko ALEKSIĆ” in Grbavica, he had gathered 300 fighters.⁷⁷⁴

258. “Brne”’s **Šešeljevci** unit grew into the “Savo Derikonja” regiment with three units: an intervention company; the “Tomo Veljančić Igman Brigade”; and a strike brigade in Vlakovo under Miroslav ŠKORIĆ aka “Žuti”.⁷⁷⁵ *Velika Srbija* proudly noted, in relation to “Brne”’s group, that “By their presence in Ilidža, the Chetnik volunteers and their Duke provoked fear and great panic wherever they appeared”.⁷⁷⁶

259. *Vojvoda* Vasilije VIDOVIĆ aka “Vaske”, originally from Ilijaš,⁷⁷⁷ was a member of the SČP from its inception and served as a **Šešeljevac** at the Croatian war front in and around Knin⁷⁷⁸ from May 1991.⁷⁷⁹ In March or April 1992, around the time that the Ilijaš municipality was forcibly annexed to SAO Romanija and just before the ethnic division of the Ilijaš MUP,⁷⁸⁰ “Vaske”

⁷⁷¹ See Exh.P01319 (public); Exh.P01000 (public); Džafić, Exh.P00840, para.11 (“Vaske”’s unit and White Eagles cooperation) (public); Bošković, Exh.P00836, paras.35, 42, and 47 (public). (“Arkan”, White Eagles, Šešeljevci and “Brne”’s group participated in operations in Ilidža).

⁷⁷² Exh.P01000, p.7 (public); Exh.P00999, p.3 (public); T.1935 (Accused’s Rule 84bis statement) (open).

⁷⁷³ Exh.P01000, p.7 (public).

⁷⁷⁴ Exh.P01000, p.8 (public).

⁷⁷⁵ Exh.P01000, p.16 (public).

⁷⁷⁶ Exh.P01000, p.13 (public). See also [REDACTED]; Exh.P01108 (public).

⁷⁷⁷ [REDACTED].

⁷⁷⁸ E.g. [REDACTED].

⁷⁷⁹ Exh.P00218, p.1 (public); [REDACTED]; VS-1055, T.7807-7808 (open).

⁷⁸⁰ VS-1055, T.7804-7805, 7813-7814 (open).

returned to Ilijaš with a group of about 20 **Šešeljevci**.⁷⁸¹ The group was an intervention unit known in Ilijaš as “Vaske’s Chetniks” or “Šešelj’s Chetniks”.⁷⁸² It grew to 70 members from throughout the former SFRY.⁷⁸³ “Vaske’s Chetniks” displayed SRS/SČP Chetnik insignia, including skull and cross bones, cockades and fur “sajkača” caps.⁷⁸⁴ “Vaske” wore a black camouflage uniform, a cockade and had a Chetnik flag and a skull fixed to his vehicle.⁷⁸⁵ His unit received their armament from the VRS and local TO.⁷⁸⁶ “Vaske” also specialised in explosives, which he assembled using facilities and personnel that had been forcibly requisitioned for him by the Ilijaš Crisis Staff.⁷⁸⁷

260. “Vaske” travelled to Belgrade to meet with **ŠEŠELJ** and, on several occasions, **ŠEŠELJ** visited “Vaske’s unit” in Ilijaš.⁷⁸⁸ “Vaske’s Chetniks” frequently referred to themselves as a “Šešeljevci unit”.⁷⁸⁹ In turn **ŠEŠELJ** publicly acclaimed the work of “his” commander “Vaske” in Ilijaš.⁷⁹⁰ “Vaske” also co-operated closely with the Serb Crisis Staff president, Ratko ADŽIĆ.⁷⁹¹

261. Another *Vojvoda* in the “Greater Sarajevo” area, Nikola POPLAŠEN, was President of the SRS in RS from May 1992 and held combined military and political roles.⁷⁹² According to the order for his promotion to *Vojvoda*, between May and June 1992, POPLAŠEN commanded the Nikšić brigade at which time, joining the Vogošća Intervention Unit.⁷⁹³ His most significant contribution was the extensive political power he exercised in Vogošća municipality in his capacity as head of the War Commission. Radovan KARADŽIĆ appointed him to this position, which he held until December 1992.⁷⁹⁴ Holding this key role in the Bosnian Serb authorities, POPLAŠEN was able to substantially contribute to the implementation of the common purpose as well as to facilitate the activities of the **Šešeljevci** in Vogošća municipality.⁷⁹⁵

262. *Vojvoda* Slavko ALEKSIĆ, who had been appointed by **ŠEŠELJ** as commander of the Chetniks in Grbavica,⁷⁹⁶ had been actively organising, arming and training SČP volunteers and had

⁷⁸¹ VS-1055, T.7810 (open).

⁷⁸² Džafić, Exh.P00840, paras.7, 20 (public); Sejdić, T.8219 (open).

⁷⁸³ Džafić, Exh.P00840, paras.10-12 (public).

⁷⁸⁴ Sejdić, T.8215(open).

⁷⁸⁵ Exh.P00455, pp.2-5, 7-8 (public); VS-1055, T.7809 (open). *See also* Džafić, Exh.P00840, paras.5-6 (public); Sejdić, T.8211-8214 (open).

⁷⁸⁶ Sejdić, T.8212 (open); Džafić, Exh.P00840, paras.14, 26-28 (public).

⁷⁸⁷ Džafić, Exh.P00840, paras.4, 7, 25 (public); Theunens, Exh.P00261, p.349 (public).

⁷⁸⁸ Džafić, Exh.P00840, paras.20-22 (public).

⁷⁸⁹ Džafić, Exh.P00840, para.20 (public).

⁷⁹⁰ Džafić, Exh.P00840, para.21 (public). *See also* Exh.P00644 (public).

⁷⁹¹ VS-1055, T.7815-7816 (open); Džafić, Exh.P00840, paras.4, 7, 19 (public).

⁷⁹² Exh.P00218, p.3 (public); Exh.P01208 p.15 (public); Exh.P01205, p.8 (public).

⁷⁹³ Exh.P00218 (public).

⁷⁹⁴ Exh.P01110 (public).

⁷⁹⁵ *See* paras.361, 408-409 below.

⁷⁹⁶ VS-1060, T.8591 (open); Exh.P00256, p.1 (public).

gathered 100 volunteers.⁷⁹⁷ ALEKSIĆ's group became known as the "Novo Sarajevo Chetnik Detachment". They wore beards and subara hats with cockades.⁷⁹⁸

263. ALEKSIĆ's Chetniks controlled specific areas around Grbavica, including the Jewish Cemetery, situated above Sarajevo city centre.⁷⁹⁹ ALEKSIĆ's group often acted in co-operation with the VRS without being fully subordinated to it. According to the soldiers in Grbavica, ALEKSIĆ maintained contact with ŠEŠELJ.⁸⁰⁰

(iii) Mostar and Nevesinje

264. ŠEŠELJ admits that his *Šešeljevci* were sent to Mostar and Nevesinje and operated in those areas together with the JNA.⁸⁰¹

265. *Šešeljevci* began arriving in Nevesinje in 1991 and continued into summer 1992.⁸⁰² In February 1992, a unit of around 150 *Šešeljevci*, commanded by ŠEŠELJ's bodyguard, Mićo PANČEVAC from Belgrade, arrived in Trebinje, BiH, where they were trained before being deployed throughout BiH.⁸⁰³ [REDACTED].⁸⁰⁴

266. Around April 1992, Božidar VUČUREVIĆ, President of the SDS and "war staff commander" for the region of Eastern Herzegovina made a "dramatic appeal" to ŠEŠELJ "to dispatch a large group of volunteers to this part of the front".⁸⁰⁵

267. The *Šešeljevci* in the area operated under the command of the JNA and later the VRS and were part of the TO. They wore Chetnik cockades on their caps.⁸⁰⁶ *Šešeljevci* arriving to the SRS office in Bileća⁸⁰⁷ — headed first by Ljubo KAPOR and later by *Vojvoda* Rade RADEVIĆ⁸⁰⁸ —

⁷⁹⁷ [REDACTED]; Exh.P00217, p.7 (public).

⁷⁹⁸ Theunens, T.3823-3825, 4040 (open); [REDACTED]; Exh.P00217, p.1 (public); VS-1060, T.8574 (open).

⁷⁹⁹ VS-1060, T.8577 (open).

⁸⁰⁰ VS-1060, T.8598-8599 (open); [REDACTED]; Tot, Exh.P00843, para.90 (public).

⁸⁰¹ Šešelj, Exh.P00031, pp.665, 862 (public); Exh.P01002, p.1 (public). *See also* Dražilović, Exh.C00010, pp.8, 12 (public) (*Šešeljevci* were in Mostar and throughout Eastern Herzegovina); Petković, Exh.C00011, pp.16, 19 (public); Exh.C00018, p.16 (public); Exh.P01180, p.32 (public) (ŠEŠELJ acknowledged that he sent *Šešeljevci* to every Serb village that was endangered).

⁸⁰² [REDACTED]. *See also* Tot, Exh.P00846, pp.1-2 (public); Exh.P00891 (public).

⁸⁰³ Tot, Exh.P00843, p.5 (public); Exh.P00846, p.1 (public).

⁸⁰⁴ [REDACTED].

⁸⁰⁵ Exh.P00055, p.9 (public). *See also* Exh.P00217 (public).

⁸⁰⁶ Dražilović, Exh.C00010, p.12 (public).

⁸⁰⁷ [REDACTED]. *See also* VS-1067, T.15296 (open) (the SRS provided Radević with food, cigarettes and uniforms and money).

⁸⁰⁸ [REDACTED]. *See also* VS-1067, T.15290, 15296 (open). The SRS volunteer unit later became a special unit of the VRS.

were registered as members of the Nevesinje Brigade, which was made up of JNA (later VRS) and TO⁸⁰⁹ units.⁸¹⁰

268. **ŠEŠELJ** and his designees publicly lauded several of his units and unit commanders active in the Mostar and Nevesinje area. This includes commanders directly involved in the commission of crimes against the non-Serbs, such as the “Vladan Lukić Unit”, one of the first **Šešeljevci** units deployed in the Mostar-Čapljina area and led by Ljuba IVANOVIĆ whom *Vojvoda* VAKIĆ promoted to Chetnik Captain;⁸¹¹ the “Dragi Lazarević Detachment”, deployed from Trebinje and commanded by *Vojvoda* VAKIĆ, from May to July 1992;⁸¹² *Vojvoda* Miodrag TRIPKOVIĆ;⁸¹³ and *Vojvoda* Oliver BARET.⁸¹⁴

269. *Vojvoda* VAKIĆ commanded units including the *Dragi Lazarević Šešeljevci* unit. VAKIĆ’s unit had between 700-800 “soldiers from Serbia and locals from Trebinje and from the village at the foot of Popovo Polje” and received its weapons “from the *Vojvoda*”.⁸¹⁵ The VJ in Montenegro provided a truck, an all terrain vehicle and fuel.⁸¹⁶ Between May and July 1992, VAKIĆ participated in operations in Klepci, Tasovčići, Mostar, and Nevesinje where he and his units were under the command of the VRS Herzegovina Corps, headed by Colonel Novica GUŠIĆ.⁸¹⁷ The *Dragi Lazarević Šešeljevci* unit was notorious for violence against civilian populations and for being “a large number of deviants who are disposed to slaughter, rape, and theft.”⁸¹⁸

270. **Šešeljevci** arriving in the Mostar area were stationed either at Buna to the south of the city or in the city at Belušine or Šehovina.⁸¹⁹ On 7 April 1992, around 60 **Šešeljevci** comprising Serbs from Serbia and BiH⁸²⁰ and led by Mićo DRAŽIĆ arrived in Belušine, a suburb of Mostar, in three JNA trucks.⁸²¹ They wore new camouflage uniforms and had beards and long hair.⁸²² The

⁸⁰⁹ The Territorial Unit was commanded by Branko SIMIĆ; Dabić, T.15181 (open).

⁸¹⁰ Tot, Exh.P00843, p.5 (public). *See also* Tot, Exh.P00846, p.1 (public); Stoparić, T.2528 (Šešeljevci would join the local military command); Dražilović, Exh.C00010, p.12 (public) (Šešeljevci were incorporated into the JNA/VRS units which were merged with the TOs); Dabić, T.15181 (open) (the TO was commanded by Branko SIMIĆ).

⁸¹¹ Exh.P00055, pp.8-9 (public).

⁸¹² Exh.P00217 (public); Exh.P00055 (public); Exh.P00028, p.2 (public). *See also* Exh.P00229, p.5 (noting that KEŠELJ was the head of the “Old Serbia” Detachment of Šešeljevci engaged in combat in Eastern Bosnia).

⁸¹³ Exh.P00218, p.3 (public).

⁸¹⁴ Exh.P00218, p.3 (public).

⁸¹⁵ Exh.P00055, p.9 (public); Exh.P00217, p.2. *See also* Exh.P00028 (public).

⁸¹⁶ Exh.P00055, p.9 (public); Exh.P00217 (public).

⁸¹⁷ Exh.P00055 (public); P00217 (public); Exh.P00888 (public).

⁸¹⁸ Exh.P00990, p.1 (public).

⁸¹⁹ Tot, Exh.P00843, p.6 (public); Exh.P00846, p.1 (public). *See also* [REDACTED].

⁸²⁰ VS-1067, T.15289 (open). *See also* [REDACTED]; Dabić, T.15132 (open); *but see* Dabić, T.15219(open).

⁸²¹ [REDACTED]; VS-1067, T.15298, 15315; [REDACTED]; Dabić, T.15132, 15218, 15223 (open) (the SRS volunteers in Mostar wore Chetnik insignia, including Kokardas and two-headed eagles, they were considered to be ŠEŠELJ’s volunteers although the unit did not have any name).

⁸²² VS-1067, T.15344-15346 (open).

Šešeljevi admitted that their main commander was **ŠEŠELJ**⁸²³ and that he had sent them there.⁸²⁴ They were joined by local Serbs who were attracted by their ideology and behaviour.⁸²⁵

271. Another group of **Šešeljevi**, present in the area in May 1992, included a unit, comprising both local men and volunteers from Serbia, commanded by “Kinez”.⁸²⁶ [REDACTED].⁸²⁷ “Kinez” had previously participated in murders of non-Serbs in Vukovar.⁸²⁸ VRANJANAC commanded a further **Šešeljevi** unit which committed crimes against Muslim civilians in Nevesinje.⁸²⁹

(b) **ŠEŠELJ** visited and supported his Šešeljevi at the frontlines

272. As he had done in Croatia, **ŠEŠELJ** also travelled to BiH and border areas of Serbia to encourage Serb nationalist sentiment, meet the Bosnian Serb leadership and to visit his **Šešeljevi** units on the frontlines. This included visits to Nevesinje in 1991⁸³⁰ and 1992⁸³¹ and to Dubrovnik and Herzegovina in the autumn of 1991.⁸³² **SEŠELJ** had visited Mali Zvornik – situated opposite Zvornik on the Serbian side of the Drina river, demarking the border with BiH⁸³³ – in August 1990, holding a rally and establishing a branch of the SČP.⁸³⁴ In March or April of 1992 – during the height of tensions in the region – **ŠEŠELJ** returned to Mali Zvornik.⁸³⁵

273. As detailed below, in August 1992 and later in May 1993, **ŠEŠELJ** travelled to “Greater Sarajevo” where he toured the frontlines in Grbavica, Ilidža, Ilijaš and Vogošća, visited his **Šešeljevi** units, met with military commanders and municipal presidents, and with other JCE members.⁸³⁶

274. The significant impact of **ŠEŠELJ**’s visits to BiH was described by Biljana PLAVŠIĆ as follows:

He came to see us, visited the front; his presence meant a lot to the men. The troops would talk about his visits long after he would leave. On the other hand,

⁸²³ [REDACTED]

⁸²⁴ VS-1067, T.15291, 15299, 15372 (open).

⁸²⁵ VS-1067, T.15289, 15290-15291, 15295 (open); [REDACTED].

⁸²⁶ [REDACTED]; Dabić, T.15118, 15202-15203 (open).

⁸²⁷ [REDACTED]

⁸²⁸ See para.140 above.

⁸²⁹ Tot, Exh.P00846, pp.1 (public); Exh.P00843, paras.32-34 (public); [REDACTED]; Exh.P00891, pp.2-3 (public); VS-1067, T.15334-15335, 15361, 15362 (open).

⁸³⁰ Šešelj, Exh.P00031, p.863 (public). See also Theunens, Exh.P00261, p.359 (public).

⁸³¹ Šešelj, Exh.P00031, p.863 (public).

⁸³² Šešelj, Exh.P00031, p.500 (public).

⁸³³ [REDACTED]; Exh.P00358 (public).

⁸³⁴ Exh.P01263, p.1 (public) (ŠEŠELJ held an earlier rally in Mali Zvornik in August 1990. See [REDACTED]).

⁸³⁵ [REDACTED]; Exh.P00831 (public).

⁸³⁶ Exh.P01207, pp.9-10 (public); Bošković, Exh.P00836, para.52 (public); Exh.P01204, pp.9-10 (public); Exh.P01221 (public); [REDACTED].

news that he was at the front would act as a great demoralizing factor for our enemies.⁸³⁷

⁸³⁷ Exh.P01310, p.65 (public).

VI. THE CRIMES IN ZVORNIK, GREATER SARAJEVO, MOSTAR, NEVESINJE COMMITTED BY THE PARALLEL STRUCTURES AND SERB FORCES WERE PART OF THE COMMON PURPOSE

275. By late March 1992 the structures to facilitate implementation of the common purpose were in place in BiH. Serb parallel political and military structures had been set up throughout BiH at both national and local level.

276. Serb forces, composed of the JNA, **Šešeljevci**, Serb TO and MUP units and paramilitary groups like “Arkan”’s Tigers, were sent into municipalities throughout BiH in an organized and systematic manner. Following the *modus operandi* used in Croatia, Serb forces shelled towns and villages, burned, destroyed and plundered houses, expelled, arrested, illegally detained, mistreated, brutalized and murdered non-Serbs, until towns and villages were purely Serb. These Serb forces committed the crimes charged in the Indictment in Zvornik, Greater Sarajevo, Mostar and Nevesinje as will now be discussed.

A. Zvornik

277. Zvornik is located in Eastern BiH on the banks of the Drina River, demarcating the border with Serbia. On the Serbian side of the Drina River opposite Zvornik is the town of Mali Zvornik.⁸³⁸ Prior to the conflict in BiH, the population of Zvornik was approximately 59% Muslims; 38% Serbs; and 3% from other groups.⁸³⁹ Until the late 1980’s or early 1990 relations between these groups were good.⁸⁴⁰

278. Because of its strategic location, the municipality of Zvornik was important for the creation of a Serb dominated area. Zvornik lies on the border between the Republic of Serbia and BiH. With a number of bridges, main roads, and a rail road located in the municipality, it constitutes an important link between Serbia and Serb populated areas further west in BiH.⁸⁴¹

279. The take over of Zvornik was strategically prepared with the participation of organs and structures controlled by members of the JCE:

⁸³⁸ E.g. [REDACTED]; Exh.P00358 (public).

⁸³⁹ [REDACTED]; VS-037, T.14862 (open).

⁸⁴⁰ E.g. [REDACTED]; Bošković, Exh.P00836, para.10 (public); VS-1015, T.5393-5394 (open); VS-1064, T.8691-8695 (open); VS-2000, T.13981, 13983-13984 (open); Alić, T.6978 (open); VS-1062, T.5950 (open).

⁸⁴¹ VS-037, T.14863 (open).

- In late 1991, the Serbs in Zvornik led by the SDS started to obstruct the functioning of the municipal bodies.⁸⁴²
- Military structures were prepared in Serb villages.⁸⁴³ The SČP organised military training for young Serb men and Serb civilians were armed.⁸⁴⁴
- The DB Serbia, the JNA, and the SDS of BiH assisted the local SDS in these efforts and the Serbian State Security Service had a coordinator for the area.⁸⁴⁵
- Locally, the SDS implemented the Variant A and B Instructions by setting up parallel Serb municipal structures and later, upon receiving directions from Pale, creating a separate Serb TO and police force.⁸⁴⁶

1. The crimes committed in Zvornik formed part of common criminal purpose

(a) ŠEŠELJ admitted that the Serb take-over of Zvornik was planned in Belgrade

280. In 1995, ŠEŠELJ admitted to Belgrade's role and particularly the role of what he called "key people" from DB Serbia, in the attack on Zvornik, including the participation of well-equipped units such as the Red Berets and "volunteers from the SRS."⁸⁴⁷ ŠEŠELJ admitted contributing to the execution of the plan by providing Šešeljevci who participated in the attack on Zvornik together with "Arkan"'s men, the JNA, the police and other units.⁸⁴⁸ Furthermore, he admitted that he had a "very high degree of control" over the Šešeljevci operating in and around Zvornik.⁸⁴⁹

281. ŠEŠELJ's admissions to the BBC are corroborated by the evidence before the Trial Chamber, which demonstrates that the crimes committed in Zvornik were part of the implementation of the common purpose of the JCE.⁸⁵⁰

⁸⁴² [REDACTED]; VS-037, T.14867-14868 (open); Alić, T.6968, 6979 (open); VS-2000, T.13987-13989, 13997-14000, 14008-14014 (open).

⁸⁴³ VS-2000, T.13986 (open).

⁸⁴⁴ Jović, Exh.P01077, paras.30-31 (public); [REDACTED]; Jović, T.16191-16192, 16221, 16296 (open); Exh.P01078 (public); [REDACTED]; VS-037, T.14886-14889, [REDACTED].

⁸⁴⁵ [REDACTED]; VS-037, T.14912 (open). *See also* [REDACTED]; Rankić, Exh.P01074, para.45 (public).

⁸⁴⁶ Exh.P00872 (public); Exh.P00873 (public); [REDACTED]; VS-037, T.14867-14869, 14929-14930 (open); [REDACTED]; Exh.P00871, p.6 (public).

⁸⁴⁷ Exh.P00067 (public); Exh.P00068(public); Exh.P00644, pp.18-19 (public).

⁸⁴⁸ Exh.P00067, pp.1-3(public); Exh.P00068, p.1 (public). *See also* Exh.P00031, pp.792-793 (public) (ŠEŠELJ admits that Šešeljevci were there but claims that it was an armed conflict with Muslim paramilitaries in Zvornik); T.1932(open).

⁸⁴⁹ Exh.P01233, p.6 (public) (admitting he had a "high degree of control" over the Šešeljevci operating in and around Zvornik but claiming that they did not commit crimes).

⁸⁵⁰ ŠEŠELJ misplaced the take-over of Zvornik in May 1992 and sought to dissociate himself from the Yellow Wasps, who at the time of the interview had become notorious for their crimes in Zvornik and to avoid political liability. Rankić, Exh.P01074, para.44 (public).

(b) The JCE members in BiH supervised the implementation of the JCE in Zvornik before and after the Serb take-over

282. The common criminal purpose was implemented in Zvornik by JCE members and forces under their control, including ŠEŠELJ, senior members of the DB Serbia, the JNA, the TO/VRS and the SDS in BiH.⁸⁵¹ On 24 March 1992, when KARADŽIĆ announced that the old and new Serb municipalities would take control and would be ready to establish a Serb police force within days, he referred to Zvornik municipality as an example.⁸⁵²

283. The decision to attack Zvornik was taken in agreement with persons at the highest level of authority in the Republic of Serbia and in Serbian BiH and followed the fall of Bijeljina. JCE member “Arkan”, who had connections to the DB Serbia,⁸⁵³ commanded the attack on Zvornik.⁸⁵⁴ “Arkan” and his men went to Zvornik after Rade KOSTIĆ, from the DB Serbia, had instructed [REDACTED] to make arrangements for the deployment of “Arkan”’s men from Bijeljina to Zvornik.⁸⁵⁵ Both Biljana PLAVŠIĆ and Rade KOSTIĆ said that “Arkan”’s move to Zvornik was planned in advance.⁸⁵⁶

284. Shortly before the attack on Zvornik began, JCE member Biljana PLAVŠIĆ met with the Zvornik Crisis Staff in Karakaj.⁸⁵⁷ She was briefed on the political and security issues and enquired about the degree of implementation of the Variant A and B Instruction. The meeting was attended by Marko PEJIĆ, who was “Arkan”’s deputy. Two or three days after the Serbs had taken over Zvornik, Biljana PLAVŠIĆ visited again and was again briefed about the security situation in Zvornik.⁸⁵⁸

285. Serb forces captured Zvornik town on 9 April 1992. On 10 April 1992, the Serb authorities established a Provisional Executive Council in Zvornik⁸⁵⁹ which existed contemporaneously with the Serb municipality and the Crisis Staff that had been set up in December 1991 in accordance with the Variant A and B instructions. The Provisional Executive Council of the Serbian Municipality of Zvornik, later became the interim municipal government. Many of the members of the Zvornik Crisis Staff held positions in the new Serb authorities, including Branko GRUJIĆ as

⁸⁵¹ Exh.P01347 (public).

⁸⁵² Exh.P00952, p.22 (public).

⁸⁵³ [REDACTED]; VS-037, T.14934-14935 (open).

⁸⁵⁴ VS-037, T.14933-14936 (open); [REDACTED].

⁸⁵⁵ VS-037, T.14933-14934 (open); [REDACTED].

⁸⁵⁶ [REDACTED]; VS-037, T.14935 (open); [REDACTED]; Jović, Exh.P01077, paras.69, 71, 73 (public); Jović, T.16304, 16310 (open).

⁸⁵⁷ VS-037, T.15023-15024 (open); [REDACTED].

⁸⁵⁸ [REDACTED].

⁸⁵⁹ Exh.P00959, p.2 (public) (noting the Decision to Establish the Provisional Executive Council of the Serbian Municipality of Zvornik of 10 April 1992).

Head of the interim Government and Stevo RADIĆ.⁸⁶⁰ The Republic of Serbia, the JNA and ŠEŠELJ kept supporting the new Serb municipal authorities.

286. The newly-created Serb municipal authorities were involved in the commission of murder, forcible displacement and other crimes during and after the take-over of Zvornik, and adopted discriminatory measures, such as prohibiting the sale of Serb property to non-Serbs⁸⁶¹ and refusing to pay pensions to Muslims.⁸⁶²

287. Finally, during a meeting held on 30 June 1992, Branko GRUJIĆ announced to JCE members, including Ratko MLADIĆ and Radovan KARADŽIĆ, that the Zvornik Serb leadership had “successfully implemented the President’s [KARADŽIĆ] decision to settle Divić and Kozluk” with Serbs.⁸⁶³ Marko PAVLOVIĆ added that the volunteers’ formations “led by Arkan and ŠEŠELJ” enjoyed “exceptional success”.⁸⁶⁴

(c) The Serb leadership prepared for the attack on Zvornik

288. The Muslims were willing to agree to a JNA guaranteed peace accord in the municipality and even to accept a separation of Serb and Muslim areas, right up until the attack on Zvornik began.⁸⁶⁵ However, “Arkan”’s move to the Zvornik area shows that, despite participating in the talks, JCE members had already determined that they would attack. This is also proven by the following events:

- Around 4 April 1992 Serbs in Zvornik left the area in an organised manner.⁸⁶⁶
- Roadblocks prevented traffic in and out of Zvornik on the night of 5 to 6 April 1992 as the Serb policemen left Zvornik police station.⁸⁶⁷
- Final military planning such as the establishment of sanitation teams on 5 or 6 April 1992.⁸⁶⁸
- “Arkan”’s men kept track of specific non-Serbs that they sought to capture during attack. One of them was later killed in detention.⁸⁶⁹

⁸⁶⁰ [REDACTED]; Banjanović, T.12428 (open); VS-1062 T.5964-5965 (open).

⁸⁶¹ VS-037, T.14870-14871 (open); [REDACTED]; Exh.P00874 (public).

⁸⁶² [REDACTED].

⁸⁶³ Exh.P01347, pp.4-5 (public).

⁸⁶⁴ Exh.P01347, p.7 (public).

⁸⁶⁵ VS-2000, T.13999-14000, 14007-14017 (open); Alić, T.6994-7001 (open); [REDACTED].

⁸⁶⁶ Alić, T.6987 (open); VS-1013, T.5188-5189 (open); VS-1062, T.5950-5952 (open); VS-2000, T.14014-14015 (open).

⁸⁶⁷ Alić, T.6992 (open).

⁸⁶⁸ [REDACTED].

- The 6 April 1992 Decision on the Declaration of the State of War in the Territory of the Serbian Municipality of Zvornik.⁸⁷⁰
- On 7 April 1992 “Arkan” arrived in Zvornik in an official vehicle of the Federal SUP.⁸⁷¹
- “Arkan” threatened and abused Serb negotiators at Hotel Jezero on 7 April 1992 to prevent the signing of an agreement between Muslims and Serbs for coexistence and peace previously negotiated with the army.⁸⁷²

289. The negotiations held at Hotel Jezero in Mali Zvornik initiated by the Muslims ended with “Arkan” issuing the Muslims an ultimatum to surrender.⁸⁷³ The Muslims did not accept and on the evening of 7 April 1992, “Arkan” ordered the attack on Zvornik to begin. On 8 April 1992, at 06:00 am, the Serb forces attacked Zvornik.⁸⁷⁴ They were given artillery support by JNA forces deployed at Čelopek and Mali Zvornik under TAČIĆ’s command.⁸⁷⁵

290. The participation of different types of Serb forces in the attack on Zvornik, each with their own sphere of responsibility, required both significant detailed advanced planning and coordination, and significant cooperation and coordination at the operational, tactical, control and communication levels during the execution of the operation.

2. Serb forces carried out a persecutory criminal campaign against the non-Serb population of Zvornik

(a) Šešeljevci and other Serb Forces perpetrated the crimes in Zvornik

291. The following Serb forces participated in the attack on Zvornik on 8-9 April 1992 and in the subsequent crimes perpetrated against the non-Serb population:

⁸⁶⁹ Bošković, Exh.P00836, para.23 (public).

⁸⁷⁰ Exh.P00959 (public).

⁸⁷¹ VS-037, T.14933-14935 (open); [REDACTED].

⁸⁷² VS-2000, T.14015-14016 (open); Alic, T.6995 (open); [REDACTED].

⁸⁷³ Alić, T.6971, 7000-7001 (open); [REDACTED]; VS-2000, T.14015-14016 (open) (stating that he heard about “Arkan”’s threats against any negotiations).

⁸⁷⁴ Alić, T.6978, 6997, 7000-7001, 7022-7023 (open); [REDACTED]; VS-037, T.14935-14936 (open); VS-1013, T.5191-5192 (open); VS-1065, T.6299-6300 (open).

⁸⁷⁵ [REDACTED]; VS-1013, T.5191-5192 (open); Exh.P00627 (public); VS-1065, T.6299-6300 (open).

- **Šešeljevci**, forming part of the hierarchical SRS/SČP structure headed by **ŠEŠELJ**, and operating in cooperation with, or under the command of, Serb forces under the control of other JCE members.⁸⁷⁶
- JNA forces, which were subordinate to JCE member Slobodan MILOŠEVIĆ, and later VRS forces which were part of a hierarchical structure under the control of JCE members, including Ratko MLADIĆ and Radovan KARADŽIĆ.⁸⁷⁷
- Zvornik Serb TO, which worked in close cooperation with the Crisis Staff, JNA/VRS, MUP and **Šešeljevci** forces, was incorporated into the VRS after its formation, and was commanded by Marko PAVLOVIĆ who reported to DB Serbia.⁸⁷⁸
- Police from the RS MUP, which was controlled by JCE members, including Radovan KARADŽIĆ.⁸⁷⁹
- Other paramilitary groups, which were incorporated into the TO and police after the attack.⁸⁸⁰

292. The membership of these groups overlapped and their members often cooperated in committing crimes against non-Serbs in Zvornik. The volunteer groups included the following formations:

- The Yellow Wasps, which included Vojin VUČKOVIĆ aka “Žučo”⁸⁸¹ and his brother Dušan VUČKOVIĆ aka “Repić”.⁸⁸² The Yellow Wasps were a group of **Šešeljevci**⁸⁸³ and included members of the White Eagles.⁸⁸⁴ “Žučo” told witnesses VS-1105 and Asim ALIĆ that he was leading an elite unit and that they were **Šešeljevci**.⁸⁸⁵ Furthermore, “Žučo” and “Repić” had identification cards from the SČP and the SRS.⁸⁸⁶ Yellow Wasp members including “Žučo”, “Repić” and “Lopov” were identified as perpetrators of serious crimes

⁸⁷⁶ E.g. VS-1105, T.9506, 9511 (public); Alić, T.7013-7015 (open); [REDACTED]; VS-1013, T.5194, 5319-5320, 5338, 5352-5354 (open); [REDACTED]; Exh.P01347, p.7 (public). See also *Brđanin* AJ, para.410; Exh.P01233, p.6 (public)(admitting he had a “high degree of control” over the Šešeljevci operating in and around Zvornik but claiming that they did not commit crimes).

⁸⁷⁷ See perpetrator linkage in section VIII. A. below; Banjanović, T.12448-12449, 12452 (open).

⁸⁷⁸ See perpetrator linkage in section VIII. A. below.

⁸⁷⁹ See perpetrator linkage in section VIII. A. below.

⁸⁸⁰ See below para.292.

⁸⁸¹ Alić, T.7007-7010, 7013-7015, 7024-7025 (open); VS-1105, T.9506-9507, 9510-9511 (open); [REDACTED].

⁸⁸² VS-1013, T.5255-5256 (open); VS-1065, T.6315-6316, 6320, 6322 (open), [REDACTED], 6330-6331, 6334-6336, 6341 (open); Alić, T.7022-7024, 7042 (open); VS-1105, T.9506, 9510 (open); Exh.P00384 (public).

⁸⁸³ Rankić, Exh.P01074, paras.108, 110 (public); [REDACTED]; Exh.P00971, pp.4-5 (public).

⁸⁸⁴ Bošković, Exh.P00836, para.17 (public); Exh.P00971, pp.4-5 (public).

⁸⁸⁵ VS-1105, T.9506, 9511 (open); Alić, T.7013-7015 (open).

⁸⁸⁶ Alić, T.7009-7010, 7012 (open); [REDACTED]; Rankić, Exhs.P01075, para.18 (public); P01074, para.34 (public) (explaining that SRS/SČP members had ID cards). See also [REDACTED].

against detainees in Zvornik.⁸⁸⁷ **ŠEŠELJ** has claimed that the Yellow wasps were not **Šešeljevci**. However, when Marko PAVLOVIĆ had complaints about their behaviour, he directed them to the SRS/SČP in Belgrade⁸⁸⁸ and **ŠEŠELJ** responded to these complaints by redeploying the Yellow Wasps to Skelani instead of calling them back to Serbia or dismissing them.⁸⁸⁹ It was only after the commission of the crimes by the Yellow Wasps became publicly known that **ŠEŠELJ** sought to disassociate himself from them so as not to lose political points.⁸⁹⁰

- PIVARSKI's men were also a group of **Šešeljevci**.⁸⁹¹ Its commander, Stojan PIVARSKI, held the rank of Major in the SČP, while his deputy, Ivan KORAC' aka "Zoks", held the rank of Captain.⁸⁹² He received orders from the SRS/SČP in Belgrade where the overall plans, or strategic decisions, regarding the unit were made.⁸⁹³ In July 1992, PIVARSKI received orders to murder someone in Mali Zvornik and loot shops in Zvornik, the proceeds of which were to be sent to Serbia.⁸⁹⁴ In this unit, killing and torturing of Muslims was not considered a crime.⁸⁹⁵ Other members of the unit are identified in the evidence.⁸⁹⁶ When Zoks was arrested in Zvornik, he told a member of his group to contact the SRS headquarters upon his release, that person was then recruited by the SRS and sent to the field in BiH, further showing the link between PIVARSKI's unit and the SRS/SČP.⁸⁹⁷
- GOGIĆ's unit was a group of **Šešeljevci** from Loznica, Serbia.⁸⁹⁸ As **ŠEŠELJ** admitted, the SRS municipal committee in Loznica organized a group of **Šešeljevci** to participate in the take over of Zvornik in April 1992.⁸⁹⁹ The leader of this group was GOGIĆ⁹⁰⁰ and among its members were Željko MITROVIĆ aka "Štuka",⁹⁰¹ "Dejan",⁹⁰² "Lale",⁹⁰³ Milorad PRLJIĆ aka "Prlje" or "Prlja",⁹⁰⁴ Milan ADAMOVIĆ aka "Šanin",⁹⁰⁵ Mile ĐURIĆ aka

⁸⁸⁷ VS-1065, T.6315, 6320-6321(open); VS-1105, T.9506 (open); [REDACTED].

⁸⁸⁸ Rankić, Exh.P01074, para.42 (public).

⁸⁸⁹ Rankić, Exh.P01074, paras.42-45 (public).

⁸⁹⁰ Rankić, Exh.P01074, para.44 (public).

⁸⁹¹ [REDACTED].

⁸⁹² [REDACTED].

⁸⁹³ [REDACTED].

⁸⁹⁴ [REDACTED].

⁸⁹⁵ [REDACTED].

⁸⁹⁶ [REDACTED].

⁸⁹⁷ [REDACTED].

⁸⁹⁸ Exh.P00971, pp.3-4, 7 (public); [REDACTED]; Jović, Exh.P01077, para.88 (public); [REDACTED].

⁸⁹⁹ T.1932-1933 (open). *See also* Exh.P00971, p.3 (public).

⁹⁰⁰ VS-1013, T.5218-5219 (open); [REDACTED].

⁹⁰¹ VS-1013, T.5218-5219, 5222-5223, 5225 (open); [REDACTED]; P00971, p.3 (public).

⁹⁰² VS-1013, T.5222-5223 (open); [REDACTED].

⁹⁰³ VS-1013, T.5223-5224, 5246 (open), [REDACTED]; VS-1015, T.5406-5409 (open); [REDACTED].

⁹⁰⁴ VS-1015, T.5406-5407, 5430-5432, 5436 (open); [REDACTED]; Exh.P00971, p.3 (public).

⁹⁰⁵ [REDACTED]; P00971, p.3 (public).

“Rogonja”,⁹⁰⁶ “Brko Mačak”,⁹⁰⁷ “Kardelj”,⁹⁰⁸ “Sarma”,⁹⁰⁹ “Roki”,⁹¹⁰ “Čupo”,⁹¹¹ and Radenko STANIĆ aka “Ćimita”.⁹¹²

- “Arkan”, who led the assault on Zvornik with his forces known as “Arkan”’s men or “Arkan”’s tigers, was assisted by Milorad ULEMEK aka “Legija”.⁹¹³
- About 100 volunteers from Bijeljina who arrived with Ljubiša SAVIĆ aka “Mauzer”.⁹¹⁴
- “Niški”, who initially arrived in Zvornik with “Arkan”, led another group of volunteers, made up of locals from Zvornik.⁹¹⁵
- Other paramilitary formations, including Vuk DRAŠKOVIĆ’s men and the White Eagles.⁹¹⁶

293. A group identified by victims as **Šešeljevci** from Kraljevo had a room at the Standard Shoe Factory in Karakaj,⁹¹⁷ where the **Šešeljevci** were lodged upon arrival in Zvornik.⁹¹⁸ This group mistreated non-Serbs in several detention sites. Over time the victims learned names and nicknames of some of the members of this group, including: *Vojvoda* “Čele” Miroslav VUKOVIĆ,⁹¹⁹ Dragan SLAVKOVIĆ “Major Toro”,⁹²⁰ “Pufta”,⁹²¹ “Sava” or “Savo”,⁹²² “Saša”,⁹²³ “Repak”,⁹²⁴ and Siniša

⁹⁰⁶ Kopic, T.5913 (open); Kopic, Exh.P00362, p.4 (public); VS-1013, T.5323 (open); [REDACTED]; Exh.P00971, p.3 (public).

⁹⁰⁷ Kopic, T.5913 (open); Kopic, Exh.P00362, pp.4-5 (public); [REDACTED]; Exh.P00971, p.3 (public).

⁹⁰⁸ VS-1013, T.5323, 5332-5334 (open), [REDACTED].

⁹⁰⁹ [REDACTED]; VS-1013, T.5323 (open).

⁹¹⁰ VS-1013, T.5230-5232, 5234, 5248-5249 (open); [REDACTED].

⁹¹¹ Kopic, T.5908, 5913-5914 (open); Kopic, Exh.P00362, p.5 (public).

⁹¹² Exh.P00971, p.3 (public).

⁹¹³ Bošković, Exh.P00836, para.12 (public); [REDACTED]; Exh.P01347, p.7 (public).

⁹¹⁴ [REDACTED]. VS-037, T.15005 (open).

⁹¹⁵ [REDACTED]; VS-037, T.15003-15005 (open); [REDACTED]; Alić, T.7125-7126 (open); Banjanović, T.12427-12428, 12433, 12441 (open); Kopic, Exh.P00362, pp.5, 7 (public); VS-1013, T.5203 (open); Exh.P00971, p.5 (public).

⁹¹⁶ [REDACTED].

⁹¹⁷ VS-1013, T.5207-5210 (open), [REDACTED]; Kopic, T.5405 (open).

⁹¹⁸ Rankić, Exh.P01074, paras.103-105, 107 (public);

⁹¹⁹ VS-1013, T.5209, 5213, 5232, 5237, 5239, 5260 (open); [REDACTED]; Exh.P00971, p.5 (public).

⁹²⁰ VS-1013, T.5209, 5216, 5236-5237, 5243, 5245, 5251, 5255-5256, 5260 (open); [REDACTED]; VS-1015, T.5401, 5405, 5409, 5418, 5429 (open); Kopic, T.5876, 5907-5908 (open); Exh.P00362, p.3 (public); VS-1065, T.6317-6318 (open); Alić, T.7118 (open).

⁹²¹ VS-1013, T.5216-5217, 5237, 5243, 5246, 5251-5256 (open); [REDACTED]; Kopic, T.5907 (open); Exh.P00362, p.4 (public); VS-1015, T.5418-5419, 5429, 5433, 5435 (open).

⁹²² VS-1013, T.5217, 5236-5237, 5247 (open); [REDACTED]; VS-1015, T.5404-5405, 5409, 5418, 5429-5430 (open); Kopic, T.5907 (open); Exh.P00362, p.4 (public).

⁹²³ VS-1013, T.5210, 5217, 5247, 5251, 5261 (open); [REDACTED]; VS-1015, T.5402, 5405, 5434-5435 (open).

⁹²⁴ Kopic, T.5907 (open); Exh.P00362, p.4 (public).

FILIPOVIĆ “Lopov”.⁹²⁵ Local Serbs including Petko HAJDUKOVIĆ and Zoran LNU “Glavonja” participated in beatings together with the Kraljevo **Šešeljevci**.⁹²⁶

294. Witness VS-1013 saw that “Major Toro” had an SRS or SČP identity card and was told that “Sava”, “Zoks” and “Pufta” had been promoted by **ŠEŠELJ** in June 1992.⁹²⁷ According to Witness KOPIĆ, “Toro”, “Zoks”, “Pufta”, “Savo” and “Repak” glorified **ŠEŠELJ** as their leader, although he referred to the group as “White Eagles” from Kraljevo.⁹²⁸ “Zoks”⁹²⁹ and PIVARSKI⁹³⁰ – who as stated above were directly connected to **ŠEŠELJ**⁹³¹ – and “Niški”⁹³² also worked together with the **Šešeljevci** from Kraljevo. [REDACTED], “Čele”, who commanded the **Šešeljevci** in Eastern Bosnia⁹³³ and also visited Branko GRUJIĆ at the Crisis Staff in Zvornik,⁹³⁴ explained [REDACTED] how he had cleansed Zvornik from the Muslim population and asked [REDACTED] to call **ŠEŠELJ** and tell him that he was waiting for further instructions from him.⁹³⁵

295. Another group of **Šešeljevci** from Mali Zvornik was paid by the Serb Municipality of Zvornik.⁹³⁶

296. Members of these groups were identified by many victims as the perpetrators of expulsions, looting, mistreatments and killings.

(i) The volunteers were incorporated into the TO and police after the attack on Zvornik

297. After the take-over, the volunteers who participated in it were incorporated into the Serb police and TO (later VRS). GOGIĆ’s unit was incorporated into the police,⁹³⁷ while “Žučo”’s Yellow Wasps, PIVARSKI’s men, **Šešeljevci** from Mali Zvornik, Niški’s men, the White Eagles

⁹²⁵ VS-1065, T.6315 (open); Alić, T.7118 (open).

⁹²⁶ Kopic, Exh.P00362, p.6 (public).

⁹²⁷ VS-1013, T.5216-5217 (open)

⁹²⁸ Kopic, T.5892, 5897, 5907, 5910, 5919-5920 (open); Exh.P00362, p.3 (public).

⁹²⁹ VS-1013, T.5217, 5237, 5243, 5246, 5250-5251, 5256 (open); [REDACTED]; Kopic, T.5876, 5907, 5910 (open); Exh.P00362, p.4 (public); VS-1015, T.5411-5416, 5418-5419, 5424 (open); VS-1065, [REDACTED], 6322 (open).

⁹³⁰ VS-1013, T.5323-5324, 5332-5335 (open); Kopic, T.5907, 5916-5917 (open); VS-1015, T.5402 (open); Banjanović, T.12428, 12433, 12441, 12483 (open); Kopic, Exh.P00362, pp.5-7 (public).

⁹³¹ *Supra*, para.292.

⁹³² VS-1015, T.5404-5405, 5418, 5479-5482 (open); Kopic, Exh.P00362, pp.5, 7 (public); Kopic, T.5916-5917 (open); Alić, T.7125-7126 (open); VS-1013, T.5203, 5232, 5239-5240, 5377-5378 (open).

⁹³³ Exh.P00217, p. 2 (public). *See also* [REDACTED].

⁹³⁴ [REDACTED].

⁹³⁵ [REDACTED].

⁹³⁶ [REDACTED]; Bošković, Exh.P00836, para.14 (public); Exhs.P00838 (public); P00964 (public). *See also* VS-037, T.14936-14937 (open), [REDACTED].

⁹³⁷ VS-037, T.15003 (open); Bošković, Exh.P00836, para.20 (public).

(“Beli Orlovi”) and others were incorporated into the TO/VRS. The volunteers were housed and paid by the Serb TO and by the Serb municipal authorities.⁹³⁸

298. By July 1992, the widespread knowledge of crimes committed by the volunteer groups, including the Yellow Wasps, had become a political liability for the authorities in Zvornik. Accordingly, they were arrested but soon thereafter released and redeployed. Nonetheless, while the crimes were committed in Zvornik, the volunteer groups served the implementation of the common purpose of the JCE and were tolerated.⁹³⁹

(b) Serb forces forcibly displaced non-Serbs from Zvornik town during the attack on 9 April 1992 and thereafter (Counts 1, 10–11)

299. The attack on Zvornik on 9 April 1992 caused many of its Muslim citizens to flee the town in fear of the advancing Serb forces.⁹⁴⁰ Those who did not flee were forced across the border to Serbia by Serb forces, including “Arkan”’s men and **Šešeljevci**.⁹⁴¹ Muslim men of military age were separated and some of them were killed immediately.⁹⁴² By July 1992, most Muslims had fled from Zvornik.⁹⁴³

300. Non-Serbs did not leave Zvornik voluntarily. They left because of Serb intimidation leading up to the attack on Zvornik and because of the violent attack itself. Serb forces coercively expelled non-Serbs across the Drina River into the Republic of Serbia. Furthermore, Serb forces killed hundreds of civilians during the attack on Zvornik town and in its aftermath. These crimes were an integral part of the plan to establish control over Zvornik and expel the non-Serb population. The intended purpose of these acts is demonstrated by the subsequent distribution of non-Serb property to Serbs.⁹⁴⁴

301. The Serb forces, including **Šešeljevci** and “Arkan”’s men, worked together to expel the non-Serbs from Zvornik town.⁹⁴⁵

⁹³⁸ [REDACTED]; Bošković, Exh.P00836, para.19 (public); [REDACTED]; P00838 (public); P00963 (public); P00964 (public).

⁹³⁹ [REDACTED]; Exh.P01347, pp.5-7 (public); [REDACTED]; Rankić, Exh.P01074, paras.42-45 (public).

⁹⁴⁰ VS-1013, T.5191-5195 (open); [REDACTED].

⁹⁴¹ VS-1062, T.5960-5964(open); Bošković, Exh.P00836, para.21 (public); VS-1013, T.5374 (open) (“I’d just like to put you right because most of the Muslims were expelled and that remained, all of them were gathered together in front of the department store and they were sent to Subotica, women and children, and they were forbidden to take any property with them except what they could fit into small bags.”)

⁹⁴² Bošković, Exh.P00836, para.21 (public); VS-1062 *infra* paras.311-312.

⁹⁴³ [REDACTED].

⁹⁴⁴ See Exh.P00959, p.16 (public).

⁹⁴⁵ VS-1062, T.5962-5964, 5955, 5959 (open); VS-1013, T.5193-5194 (open) (he heard from several individuals, including her father, that the attack was carried out by ŠEŠELJEVCI, “Arkan”’s men, and locals who joined these groups. The attackers wore cockades on their hats, sported beards, and some had insignia on their uniforms). See also VS-1062, T.5962-5964 (open) (ŠEŠELJEVCI were herding the non-Serbs into buses that “Arkan” then deported them on).

(i) The Serb forces continued to forcibly displace all non-Serbs from settlements around Zvornik (Counts 1, 10–11)

302. After the Serb forces had taken over Zvornik town, a group of Muslims defended Kula Grad until it fell on 26 April 1992.⁹⁴⁶ Thereafter Serb forces expelled the remaining Muslims from Zvornik Municipality in a coordinated action. Non-Serbs were assembled together, given short notice to leave and forced out of their homes. Men of military age were detained at various locations.

303. On or about 26 May 1992, the approximately 500 Muslim inhabitants of the village of Divić were expelled from their houses and told by soldiers that they would be taken to Olovo. In Zvornik, approximately 174 Muslim men of military age were taken to the administrative building of the Novi Izvor factory (also known as the Ciglana Factory)⁹⁴⁷ where they were detained for three days. Branko GRUJIĆ forced the detainees to sign an oath of loyalty to the Serb authorities and told them that they were to perform labour.⁹⁴⁸ These expulsions were carried out by members of the army and the police, working together with the Serb Zvornik municipal authorities.⁹⁴⁹

304. On 30 May 1992, Serb Radio Zvornik announced that the citizens of Drinjača-Kostijerevo were to remain at home so the army could conduct a check. Shortly thereafter, men in military uniform entered Drinjača. Muslims were ordered into the Dom Kulture in Drinjača, where they were joined by the Muslims from Kostijerevo, Sopotnik and Djevanje. Branko STUDEN said that the Muslims would be transferred to villages near Zenica and Serbs would be sent to the homes the Muslims had been forced to abandon. The military aged men were separated from the group and remained in the Dom Kulture.⁹⁵⁰ Women, children and elderly were detained at Čelopek for three days and then sent to Muslim held areas.⁹⁵¹ These expulsions were carried out by the Serb forces including soldiers in JNA reservists' uniforms.⁹⁵²

305. At the end of May 1992, the Muslims of Setici were ordered to go to Klisa where about 4,000 Muslims from 13 villages gathered. On the following day, the men were ordered to return to their villages, collect their belongings and go with them to Klisa. On 1 June 1992, police, paramilitaries and members of the VRS with two tanks surrounded Klisa. The Serb forces took the Muslims to a check-point where their belongings were taken from them. Next, the Muslims were

⁹⁴⁶ VS-1013, T.5296-5297 (open).

⁹⁴⁷ VS-1013, T.5240-5241 (open); Kopic, Exh.P00362, p.7 (public); Exh.P00307 (public).

⁹⁴⁸ VS-1065, T.6299-6304 (open), T.6305-6310 (open). Soldiers took 11 men to search the village and they have never been seen again. T.6304-6309 (open); [REDACTED]. See also Exh.P01347, pp.4-5 (public).

⁹⁴⁹ VS-1065, T.6301-6302 (open).

⁹⁵⁰ VS-1064, T.8698-8704 (open).

⁹⁵¹ VS-1064, T.8726-8727 (open).

⁹⁵² VS-1064, T.8698-8703 (open).

directed towards Đulići. En route, the Serb forces separated the men from the rest of the group and sent them in the direction of Bijeli Potok. At a check-point at Bijeli Potok the men were told to hand over their documents, money and other belongings and approximately 700 men were forced onto trucks and driven to Karakaj Technical School.⁹⁵³ The Serb forces carrying out this expulsion included the VRS, police, and paramilitaries.⁹⁵⁴

306. At the end of May 1992 or beginning of June, the Muslims from Đulići were expelled by a mixed group of “Arkan”’s men, Serb soldiers and Serbs in civilian clothes.⁹⁵⁵ The men were separated from the women, children and elderly by members of the TO and the police, and escorted to Karakaj Technical School. On their way, the Muslim men were beaten and some were killed. The women and children were transported to Muslim held areas by buses and trucks that Marko PAVLOVIĆ had ordered [REDACTED] to provide for that purpose.⁹⁵⁶

307. Kozluk was the second largest town in Zvornik municipality with approximately 90% Muslim population. On 9 April 1992, “Arkan”’s deputy, Marko PEJIĆ, ordered the Crisis Staff of Zvornik to prevent the Muslims from leaving. A delegation of the Serb Crisis Staff, including Branko GRUJIĆ and Jovo MIJATOVIĆ met Muslim representatives and it was agreed that the Muslims could stay.⁹⁵⁷ Kozluk was occupied and controlled by Serb forces under the command of Marko PAVLOVIĆ, Zoran SUBOTIĆ, Zoran PAŽIN, “Arkan”’s men under PEJIĆ, PIVARSKI, Vojin VUČKOVIĆ aka “Žučo”, Niški and Captain Dragan.⁹⁵⁸ These groups intimidated, physically abused and killed Muslims in Kozluk.⁹⁵⁹ On 16 April 1992, the Muslims were ordered to hand over their weapons.⁹⁶⁰ On 26 June 1992, despite the previous agreement, Branko GRUJIĆ and Jovo MIJATOVIĆ ordered the Muslims to board buses and trucks.⁹⁶¹ Serb forces shot at the men, searched women in a humiliating manner, stole their valuables and burnt houses. To hide the crimes, Marko PAVLOVIĆ issued a letter of safe conduct to the Muslims,⁹⁶² who were forced to sign statements saying that they were leaving voluntarily.⁹⁶³ The Muslims were then deported to Serbia and eventually to Austria.⁹⁶⁴ Twelve or thirteen non-Serbs who refused to leave were

⁹⁵³ [REDACTED]; Exh.P00821 (public); [REDACTED].

⁹⁵⁴ [REDACTED].

⁹⁵⁵ [REDACTED].

⁹⁵⁶ [REDACTED].

⁹⁵⁷ [REDACTED].

⁹⁵⁸ Banjanović, T.12428, 12433-12434, 12476 (open).

⁹⁵⁹ Banjanović, T.12428, 12432-12433, 12438-12441, 12479-12482 (open).

⁹⁶⁰ Banjanović, T.12428-12429, 12434-12435 (open); Exh.P00663 (public).

⁹⁶¹ Banjanović, T.12428, 12446-12447, 12452 (open).

⁹⁶² Exh.P00666 (public). *See also* Exh.P00667 (public); Banjanović, T.12448, 12464 (open).

⁹⁶³ Banjanović, T.12453 (open).

⁹⁶⁴ Banjanović, T.12459-12460, 12471-12472 (open). *See also* Exh.P01347, pp.4-5 (public).

killed.⁹⁶⁵ The Serb forces consisted of members of the army, police, TO, “Arkan”’s men and the Yellow Wasps, who as shown above were members of **Šešeljevci**.⁹⁶⁶

308. As a result of the expulsion of non-Serbs, Zvornik became a ethnically-pure Serb territory. By August 1992, Zvornik and most of the towns along the Drina River had been ethnically cleansed.⁹⁶⁷ **ŠEŠELJ** confirmed this in 1993, celebrating how Zvornik “where many Muslims used to live, is now flooded with Serbs. A population exchange took place spontaneously”.⁹⁶⁸ He used the euphemistic phrase “population exchanges” to mask his efforts and success in contributing to the implementation of the common purpose.

309. After the Serbs had taken control of Zvornik, the Serb Provisional Executive Council appropriated so-called “deserted and vacant residential and business properties” and established a “Real Property Exchange Agency” to hand over non-Serb property in Zvornik to Serbs from other municipalities.⁹⁶⁹ The extensive destruction and desecration of Muslim religious property discussed below further proves the intention of the Serb leaders in Zvornik to thwart the return of the Muslim population to the area.⁹⁷⁰

(c) The Serb forces murdered non-Serbs in Zvornik town on or about 9 April 1992 (Counts 1, 4)

310. The murder of non-Serbs was an integral part of the take-over operation. Zvornik fell shortly after the attack, showing that there was no organized resistance to the advancing Serb forces.⁹⁷¹ Most of the inhabitants of Zvornik fled as soon as the first shells fell,⁹⁷² nonetheless, many non-Serbs were killed during the take-over. 200 to 300 dead Muslims were lying in the streets of Zvornik in the evening after the take-over.⁹⁷³ VS-1062 saw the dead body of Izet, a veterinary surgeon,⁹⁷⁴ and the dead bodies of a couple and their wounded son.⁹⁷⁵

311. On or about 9 April 1992, VS-1062’s family and a number of neighbours, including 2 infants, 3 or 4 children and 15 or 16 women, sought safety in a shelter. With the exception of one Croat, those in the shelter were Muslim.⁹⁷⁶ Uniformed men who identified themselves as **Šešeljevci** entered the shelter about 9.30 or 10.00 a.m. and guarded the women and children while 12 men,

⁹⁶⁵ Banjanović, T.12459-12460 (open).

⁹⁶⁶ Banjanović, T. 12448-12450, 12452, 12464 (open).

⁹⁶⁷ VS-1013, T.5367 (open).

⁹⁶⁸ Exh.P01218, pp.4-5 (public).

⁹⁶⁹ Exh.P00959, pp.9, 16 (public); [REDACTED].

⁹⁷⁰ *Infra*, VI. A. 2. (e) .

⁹⁷¹ VS-1013, T.5296 (open).

⁹⁷² VS-1013, T.5192 (open).

⁹⁷³ Jović, Exh.P01077, para.79 (public); [REDACTED]; Exh.P01078 (public); [REDACTED].

⁹⁷⁴ VS-1062, T.5967 (open).

⁹⁷⁵ VS-1062, T.5967 (open).

⁹⁷⁶ VS-1062, T.5954 (open).

whose names VS-1062 recalled, and one unnamed young man, were taken out of the shelter, lined up against a wall,⁹⁷⁷ and shot by “Arkan”’s men.⁹⁷⁸ [REDACTED] the others were never seen again and the only reasonable inference is that they were murdered.⁹⁷⁹

312. These 13 murders were committed by “Arkan”’s men, while the **Šešeljevi** participated by guarding women and children. “Arkan”’s men and the **Šešeljevi** worked closely throughout Zvornik.⁹⁸⁰ The circumstances demonstrate that the two groups of perpetrators were working together and that the **Šešeljevi**’s claim that they were protecting the victims was a sinister ruse to facilitate the murders.⁹⁸¹

(d) Šešeljevi committed numerous serious crimes against Muslim detainees at detention facilities run by the Serb forces (Counts 1, 4, 8–9)

313. During the months of May, June and July 1992 thousands of non-Serbs were victims of illegal detention, robbery, forced labour, serious bodily and mental harm, sexual assaults, torture and murder at the detention facilities in and around Zvornik. These crimes were committed in furtherance of the common purpose of the JCE and were executed by perpetrators linked to the municipal authorities in Zvornik, to the TO, JNA, VRS and to **ŠEŠELJ** as they belonged to groups of **Šešeljevi** recruited and sent to Zvornik by **ŠEŠELJ**.

314. The detention facilities were established and operated by the Serb authorities in Zvornik. The Serb authorities were aware of the crimes committed in the detention facilities. This is shown, for example, by Branko GRUJIĆ’s knowledge of the murder of the 740 men detained at Karakaj Technical School,⁹⁸² [REDACTED].⁹⁸³

315. Efforts to conceal the murders of non-Serbs further show that these crimes were part of a common purpose of the JCE. Branko GRUJIĆ and the police in Zvornik arranged to relocate bodies towards Crni Vrh, where mass graves were later identified.⁹⁸⁴ The orders for the cover-up came from the highest level of the Serbian leadership in BiH. General SUBOTIĆ, who was an advisor to KARADŽIĆ, was appointed by the Serb Government to carry out the relocation of mass graves around the municipality and Republika Srpska.⁹⁸⁵

⁹⁷⁷ VS-1062, T.5955, 5958 (open); [REDACTED].

⁹⁷⁸ VS-1062, T.5958 (open); [REDACTED].

⁹⁷⁹ VS-1062, T. 5964-5966 (open); [REDACTED].

⁹⁸⁰ VS-1062, T.5955 (open).

⁹⁸¹ VS-1062, T.5959-5960 (open).

⁹⁸² [REDACTED].

⁹⁸³ [REDACTED].

⁹⁸⁴ [REDACTED].

⁹⁸⁵ [REDACTED].

(i) The Standard Shoe Factory

316. The Standard Shoe Factory is located north of Zvornik town in the area of Karakaj.⁹⁸⁶ The SDS Crisis Staff of Zvornik established its headquarters there in preparation for the take-over of Zvornik and various units were located there, including **Šešeljevci** from Kraljevo and Loznica.⁹⁸⁷ After the attack, Serb authorities used the Standard Shoe Factory for the detention of non-Serbs,⁹⁸⁸ who were guarded by military policemen.⁹⁸⁹ The detention site was under the command of “Niški”⁹⁹⁰ who reported to Marko PAVLOVIĆ⁹⁹¹ and some detainees were incarcerated there after interrogation at the SUP in Zvornik.⁹⁹²

317. A group of Muslim men were detained at the Standard Shoe Factory before being transferred to Ekonomija Farm. Members of the Loznica group severely beat and mistreated them ostensibly as a means to extract information about criminals from Zvornik.⁹⁹³ The Loznica group was let in by the guards who did not intervene.⁹⁹⁴

(ii) Ekonomija Farm, 12 - 20 May 1992

318. Non-Serb detainees who were already in the custody of the municipal authorities at the Alhos factory and the Standard Shoe Factory were taken to Ekonomija Farm, north of Zvornik.⁹⁹⁵ The guards at Ekonomija were reserve policemen⁹⁹⁶ and men in olive-grey uniforms of the JNA⁹⁹⁷ and were paid by the TO commanded by Marko PAVLOVIĆ.⁹⁹⁸ Members of **Šešeljevci**, including “Major Toro”, “Zoks”, “Pufta”, “Savo”, and “Repak” mistreated the prisoners in the facility.⁹⁹⁹

319. The prisoners at Ekonomija Farm were severely mistreated, beaten and killed because of their ethnicity or to obtain information,¹⁰⁰⁰ as the guards at the Standard Shoe Factory also admitted.¹⁰⁰¹

⁹⁸⁶ [REDACTED].

⁹⁸⁷ Exh.P00971, pp.3-4 (public); Rankić, Exh.P01074, para.105 (public).

⁹⁸⁸ VS-1013, T.5207-5209, 5222 (open), [REDACTED]; Exh.P00971, p.3 (public). *See also* Rankić, Exh.P01074, para.105 (public); Alić, T.6992 (open); VS-2000, T.14119-14120 (open); [REDACTED].

⁹⁸⁹ VS-1013, T.5203 (open); [REDACTED].

⁹⁹⁰ VS-1013, T.5203 (open).

⁹⁹¹ VS-1013, T.5219 (open); Banjanović, T.12433 (open).

⁹⁹² VS-1013, T.5202 (open).

⁹⁹³ VS-1013, T.5221-5226 (open).

⁹⁹⁴ VS-1013, T.5226 (open).

⁹⁹⁵ Exh.P00304 (public); VS-1013 T.5226-5227, 5230 (open); Kopic, T.5888 (open); Exh.P00359 (public); VS-1015, T.5400 (open); Kopic, Exh.P00362, pp.2-3 (public).

⁹⁹⁶ [REDACTED]; Jović, Exh.P01077, para.114 (public); Kopic, T.5913 (open).

⁹⁹⁷ Kopic, Exh.P00362, pp.3 (public); VS-1015, T.5400-5401 (open).

⁹⁹⁸ [REDACTED].

⁹⁹⁹ Kopic, Exh.P00362, pp.3-4, 6 (public) (referring to ŠEŠELJ's men as “White Eagles”); VS-1015, T.5401 (open).

¹⁰⁰⁰ VS-1013, T.5226 (open); [REDACTED]; Kopic, Exh.P00362, pp.3-7 (public); VS-1015, T.5404-5409 (open). *See* [REDACTED].

320. On arrival at Ekonomija Farm, some detainees were forced to give statements that were recorded on video by “Major Toro”.¹⁰⁰² Thereafter they were placed in a room by “Saša” and PIVARSKI who deprived them of their valuables.¹⁰⁰³ The Muslim detainees were often forced to say Christian prayers or cross themselves, accused of having been *Ustaša* in World War II,¹⁰⁰⁴ and beaten while interrogated.¹⁰⁰⁵ The perpetrators of these crimes were identified by witnesses as members of **Šešeljevci** from Kraljevo and Loznica.¹⁰⁰⁶ The guards at the farm would unlock the rooms to let whoever wanted to mistreat the prisoners in.¹⁰⁰⁷

321. Some detainees were taken from the detention room and shot in the back after having been ordered to run away,¹⁰⁰⁸ including Remzija SOFTIĆ,¹⁰⁰⁹ or were killed going to and from the toilet.¹⁰¹⁰ Bego BUKVIĆ was shot in the legs, a cross was carved into his flesh and one of his arms was broken before being stabbed and shot through the head.¹⁰¹¹ Another detainee was ordered to retrieve a mined stick triggering an explosion.¹⁰¹² He was then shot and the other detainees were ordered to lick the blood from the body. Those who refused were brutally beaten and mutilated.¹⁰¹³ Husein ČIRAK was also killed at Ekonomija Farm.¹⁰¹⁴

322. Abdulah BULJUBAŠIĆ aka “Bubica” was sought by paramilitary groups in Zvornik.¹⁰¹⁵ When caught, he was interrogated by Marko PAVLOVIĆ before being sent to Ekonomija Farm.¹⁰¹⁶ There he was severely beaten by, among others, “Major Toro” and “Savo”. A wooden post was forced into his anus and he eventually died.¹⁰¹⁷

¹⁰⁰¹ VS-1013, T.5227 (open).

¹⁰⁰² VS-1015, T.5401 (open).

¹⁰⁰³ VS-1015, T.5402-5404 (open).

¹⁰⁰⁴ VS-1013, T. 5237, 5239 (open).

¹⁰⁰⁵ Kopic, Exh.P00362, p. 5 (public); VS-1015, T.5414 (open).

¹⁰⁰⁶ Kopic, T.5892, 5894, 5907-5908, 5911, 5913, 5918-5920 (open); VS-1015, [REDACTED] 5411-5416, 5418 (open); [REDACTED].

¹⁰⁰⁷ Kopic, Exh.P00362, p. 6 (public).

¹⁰⁰⁸ [REDACTED].

¹⁰⁰⁹ [REDACTED].

¹⁰¹⁰ [REDACTED].

¹⁰¹¹ [REDACTED].

¹⁰¹² [REDACTED].

¹⁰¹³ [REDACTED].

¹⁰¹⁴ [REDACTED].

¹⁰¹⁵ Bošković, Exh.P00836, para.23 (public).

¹⁰¹⁶ [REDACTED].

¹⁰¹⁷ VS-1013, T.5235-5236 (open); Kopic, Exh.P00362 pp.5-6 (public); VS-1015, T.5408-5409, T.5418 (open); [REDACTED].

323. Nesib DAUTOVIĆ and witness VS-1015 were taken out of the room by Zoks and were beaten by “Major Toro”, “Savo” and *Vojvoda* “Čele”.¹⁰¹⁸ Nesib DAUTOVIĆ died from his injuries shortly thereafter.¹⁰¹⁹

324. The same evening, *Vojvoda* “Čele” ordered the detainees to kneel down and pray Christian prayers. In the meantime, *Vojvoda* “Čele” and “Niški” argued over the fate of the detainees – “Čele” wanted to kill them, “Niški” wanted them to work. Eventually, they agreed that those men who could raise their arms would be used to work, those who could not raise their arms, would be left to *Vojvoda* “Čele”. Early the next morning, the detainees were severely beaten by **Šešeljevci** from Kraljevo and Loznica. Later “Niški” arrived and selected men who were still able to work and took them to Ciglana brick factory.¹⁰²⁰ The fate of the remaining men is unknown, but comments made by a guard to VS-1015 suggest that they were killed.¹⁰²¹

(iii) Ciglana Factory, June or July 1992

325. Ciglana Factory is in the Karakaj area.¹⁰²² Ciglana was used by the Serb authorities to detain Muslim men. In late May or early June 1992, “Niški” transferred the detainees there from Ekonomija Farm¹⁰²³ and continued to exercise authority over them at Ciglana.¹⁰²⁴ Ciglana had also been used for the detention of the Muslim men from Divić by Branko GRUJIĆ.¹⁰²⁵ The guards there wore camouflage uniforms.¹⁰²⁶

326. The detainees at Ciglana were forced to work in the production of bricks.¹⁰²⁷ Later, some detainees were forced to participate in systematic looting in Zvornik Municipality first by **Šešeljevci**, including “Major Toro”, “Zoks”, “Pufta” and “Savo”, and, sometime between 1 and 4 July 1992, were “taken over” and forced to loot by the **Šešeljevci** from Loznica.¹⁰²⁸ The looted goods were sent to Serbia.¹⁰²⁹

¹⁰¹⁸ [REDACTED].

¹⁰¹⁹ [REDACTED]; Kopic, Exh.P00362, p.5 (public); [REDACTED].

¹⁰²⁰ VS-1013, T.5239-5241 (open); Kopic, Exh.P00362, p.7 (public) (Kopic was not originally selected, but after having paid PIVARSKI 700 German Marks he was also taken to Ciglana by “Niški”); VS-1015, T.5419 (open).

¹⁰²¹ VS-1015, T.5421 (open).

¹⁰²² Exh.P00307 (public).

¹⁰²³ See para.324.

¹⁰²⁴ Kopic, Exh.P00362, p.9 (public).

¹⁰²⁵ *Supra*, para.303.

¹⁰²⁶ VS-1013, T.5456 (open).

¹⁰²⁷ VS-1013, T.5240, 5242 (open); Kopic, Exh.P00362, pp.7-8 (public).

¹⁰²⁸ VS-1015, T.5429-5435, (open); Kopic, Exh.P00362, p.7 (public); Exh.P00971, pp.3-4, 7 (public).

¹⁰²⁹ [REDACTED]; Kopic, Exh.P00362, p.7-8 (public); VS-1015, T.5429-5433 (open); Exh.P00971, p.4 (public).

327. Muslim men were regularly mistreated at Ciglana. They were forced to learn and sing Chetnik songs, and were beaten and mutilated because of their ethnicity.¹⁰³⁰ The perpetrators included **Šešeljevci** from Kraljevo and from Loznica.¹⁰³¹

328. A number of particularly heinous crimes stand out from the backdrop of ongoing mistreatment. “Pufta” threatened Enver DAUTOVIĆ to remove a tattoo of a crescent from his arm, so DAUTOVIĆ, out of fear, tried to burn it off but did not manage. A few weeks later, “Pufta” and “Saša” took Enver DAUTOVIĆ away and “Pufta” cut Enver DAUTOVIĆ’s tattoo out of his skin with a knife.¹⁰³²

329. The circumstances of Ismet ČIRAK’s death also illustrate the brutal treatment of detainees at Ciglana. First, a man called “Kobra” tried to pull ČIRAK’s teeth out with a pair of pliers.¹⁰³³ Later “Pufta” cut off his ear,¹⁰³⁴ and stabbed him in the neck. “Pufta” and “Saša” then drove him away in the trunk of a car, after which gunshots were heard and Ismet ČIRAK was not seen again and it must be concluded that he was murdered by “Pufta” and “Saša”.¹⁰³⁵

330. On 15 July 1992, the prisoners from Ciglana were transferred to the Batković camp.¹⁰³⁶

(iv) Drinjača Dom Kulture, 30 – 31 May 1992

331. Drinjača Dom Kulture was used by the Serb authorities to detain Muslim men who had been expelled from Drinjača and surrounding villages.¹⁰³⁷ The guards at Drinjača Dom Kulture wore military uniforms and their commander, Branko STUDEN, worked for the TO and wore a JNA officer’s uniform.¹⁰³⁸

332. Branko STUDEN’s guards intimidated the detainees. The conditions at the Dom Kulture were extremely bad: the prisoners had no food or water and were forced to make the Serb Orthodox three finger sign to request bathroom privileges. On one occasion, a group of uniformed men who appeared to be “Arkan”’s men, though they forced them to sing a Chetnik song, cursed at the inmates calling them *balija* and *Ustaša*. They then brutally beat and stabbed the prisoners and showed photos of SDA members asking for information and slapping those who did not answer.¹⁰³⁹ VS-1064 testified that they were beating one of the prisoners so badly that he “*had the feeling that*

¹⁰³⁰ VS-1013, T.5248-5249, 5250 (open); Kopic, Exh.P00362, pp.7-8 (public), VS-1015, T.5418-5419 (open).

¹⁰³¹ VS-1013, T.5248-5250 (open); Kopic, Exh.P00362,p.8 (public); VS-1015, T.5401, 5404-5405, 5409, 5418 (open).

¹⁰³² Kopic, Exh.P00362, p.8 (public); VS-1015, T.5433-5435 (open).

¹⁰³³ VS-1013, T.5250 (open).

¹⁰³⁴ Kopic, Exh.P00362, p.8 (public).

¹⁰³⁵ VS-1013, T.5253 (open); Kopic, Exh.P00362, p.8 (public); VS-1015, T.5435-5436 (open).

¹⁰³⁶ VS-1015, T.5475 (open); Kopic, Exh.P00362, p.9 (public); VS-1015, T.5437 (open).

¹⁰³⁷ *Supra*, para.304.

¹⁰³⁸ [REDACTED].

they weren't beating a human body, they beat him so badly, just as if they were [...] hitting some plastic bags full of something."¹⁰⁴⁰

333. Afterwards, a group of Šešeljevci, in military uniforms, cockades and who described themselves as *volunteers*, arrived. They took the detainees out in small groups and executed them. At least 88 people were killed. While these events took place, the initial guard remained at the Dom Kulture.¹⁰⁴¹

(v) Karakaj Technical School, 1–5 June 1992 and Gero's Slaughter House, 7–9 June 1992

334. Karakaj Technical School¹⁰⁴² was used as a detention centre from at least mid-May 1992¹⁰⁴³ until 5 June 1992.¹⁰⁴⁴ It was run by the Serb authorities. Many detainees were Muslim men who had been expelled from Đulići¹⁰⁴⁵ and were taken to Karakaj Technical School at the order of Marko PAVLOVIĆ,¹⁰⁴⁶ who kept a list of the detainees and issued documents to release some of them.¹⁰⁴⁷ The Serb forces there wore a variety of uniforms,¹⁰⁴⁸ including military camouflage¹⁰⁴⁹ and police uniforms,¹⁰⁵⁰ while some of the guards were known to detainees as local TO or police reservists.¹⁰⁵¹

335. On arrival at Karakaj Technical School, detainees were robbed¹⁰⁵² and many were beaten with bats and rifle butts.¹⁰⁵³ The detainees were kept in terrible conditions. There were so many detainees in the school that it was difficult to breathe and the heat was intolerable.¹⁰⁵⁴ Between 20 and 50 detainees died on the night of 1 June 1992 because of the detention conditions.¹⁰⁵⁵ The only water available was on the floor mixed with blood from beaten detainees.¹⁰⁵⁶ The detainees were given very little food¹⁰⁵⁷ and were allowed to crawl to the toilet once a day.¹⁰⁵⁸ As in other places of

¹⁰³⁹ VS-1064, T.8704-8710 (open).

¹⁰⁴⁰ VS-1064, T.8707 (open).

¹⁰⁴¹ VS-1064, T.8710-8721, 8737-8739 (open); [REDACTED].

¹⁰⁴² Exh.P00821 (public).

¹⁰⁴³ [REDACTED].

¹⁰⁴⁴ [REDACTED].

¹⁰⁴⁵ *Supra*, para.306.

¹⁰⁴⁶ [REDACTED].

¹⁰⁴⁷ [REDACTED]. *See also* VS-2000, T.14026-14028 (open) (regarding Branko GRUJIĆ and Marko PAVLOVIĆ negotiating an exchange of detainees from Karakaj Technical School for corpses of Serb soldiers); [REDACTED].

¹⁰⁴⁸ [REDACTED].

¹⁰⁴⁹ [REDACTED].

¹⁰⁵⁰ [REDACTED].

¹⁰⁵¹ [REDACTED].

¹⁰⁵² [REDACTED].

¹⁰⁵³ [REDACTED].

¹⁰⁵⁴ [REDACTED].

¹⁰⁵⁵ [REDACTED].

¹⁰⁵⁶ [REDACTED].

¹⁰⁵⁷ [REDACTED].

detention, the detainees were regularly beaten.¹⁰⁵⁹ A man was killed because he had built a mosque's minaret.¹⁰⁶⁰

336. Approximately 200 detainees were ordered to leave the room, never returned and are presumed dead.¹⁰⁶¹ The number of victims is also proven by the fact that while there were 700 or 800 detainees on 1 June 1992, only about 500 detainees were put on buses and sent to Pilica on 5 June 1992.¹⁰⁶² Probably more than 200 bodies from the Technical School were taken to Gero's Slaughterhouse throughout late May and early June.¹⁰⁶³

337. On 5 June 1992, the Serb authorities transported the remaining 500 Muslims detained at Karakaj Technical School to the Pilica Dom Kulture where they were detained for three days.¹⁰⁶⁴ On the third day the prisoners were told that they would be exchanged, but were instead escorted by the police to Gero's Slaughter House in Karakaj.¹⁰⁶⁵

338. [REDACTED]. On arrival [REDACTED] exclaimed "Oh, my God [...] there are so many dead people outside."¹⁰⁶⁶ [REDACTED] was taken inside the slaughter house and was lined up with about 20 men against a wall. A firing squad shot at them. Some of the prisoners did not die immediately but were left in agony. [REDACTED] as one wounded man begged to be killed, one of the murderers said: "You've got enough ammunition. Shoot at the balijas. Fuck them." Another one responded: "Don't shoot. Let the balija suffer."¹⁰⁶⁷ Eventually the executioners left [REDACTED] about 180 men were killed [REDACTED].¹⁰⁶⁸

339. Information about the murder of the detainees at Karakaj Technical School and Gero's Slaughter House soon became widely known. [REDACTED] there were killings at Bijeli Potok and soon there was talk in Zvornik that all the men had been killed. When [REDACTED] asked Branko GRUJIĆ about the fate of the men at Karakaj Technical School, GRUJIĆ confirmed the murder. GRUJIĆ stated that he had heard about it at a session of the Interim Government, where Marko PAVLOVIĆ had laughed and said that the detainees were "off food and water".¹⁰⁶⁹ GRUJIĆ told

¹⁰⁵⁸ [REDACTED].

¹⁰⁵⁹ [REDACTED].

¹⁰⁶⁰ [REDACTED].

¹⁰⁶¹ [REDACTED].

¹⁰⁶² *Infra*, para. 337.

¹⁰⁶³ [REDACTED]

¹⁰⁶⁴ [REDACTED]

¹⁰⁶⁵ [REDACTED]; Exh.P00824 (public).

¹⁰⁶⁶ [REDACTED].

¹⁰⁶⁷ [REDACTED].

¹⁰⁶⁸ [REDACTED].

¹⁰⁶⁹ [REDACTED]

[REDACTED] that members of “Niški”’s men and of the **Šešeljevci** groups Yellow Wasps and PIVARSKI’s men had executed 740 men from Karakaj Technical School,¹⁰⁷⁰ and that Stevo Radić, the head of the SDS in Zvornik, had ordered the killings.¹⁰⁷¹

340. **ŠEŠELJ** has made the number of detainees at Karakaj Technical School a matter of controversy in this case. Ample evidence shows, however, that by June 1992 the number of detainees was between 700 and 800. In mid-May 1992 there were approximately 45 to 50 detainees at Karakaj Technical School.¹⁰⁷² On 1 June 1992, a large number of detainees were taken to the Karakaj Technical School, bringing the number up to at least 700 or 800.¹⁰⁷³ Amongst them, 250 Muslim men from only one area were registered by Witness VS-2000 after fleeing family members had reported them as being detained at Karakaj Technical School.¹⁰⁷⁴ Finally, as stated above, the number of non-Serbs murdered at Karakaj Technical School and Gero’s Slaughter House is proven definitely [REDACTED].

(vi) Čelopek Dom Kulture, 1 June – 26 June 1992¹⁰⁷⁵

341. Čelopek Dom Kulture was also used by the Serb authorities as a detention facility, where non-Serbs were mistreated, tortured and murdered because of their ethnicity. Military-aged men from Divić were taken there from the Ciglana brick Factory at the orders of Branko GRUJIĆ.¹⁰⁷⁶ Serb soldiers in military uniform guarded the detainees and policemen registered them.¹⁰⁷⁷ The surviving detainees were eventually moved to the prison in Zvornik.¹⁰⁷⁸

342. Upon their arrival, the detainees went unfed for three days and were robbed.¹⁰⁷⁹ On or about 30 May 1992, a group of Serbs led by **Šešeljevac** Dušan VUČKOVIĆ aka “Repić” arrived at Čelopek. The detainees were denigrated by being forced to sing songs when “Repić”’s group arrived and departed. “Repić” cut a cross on some of the detainees’ forehead with a knife.¹⁰⁸⁰ In early June 1992, the **Šešeljevci** “Major Toro” and “Pufta” arrived with “Zoks” and “Buco”.¹⁰⁸¹ Daily, both groups extorted money and valuables from the detainees by threatening to kill them.

¹⁰⁷⁰ [REDACTED].

¹⁰⁷¹ [REDACTED]

¹⁰⁷² [REDACTED].

¹⁰⁷³ [REDACTED].

¹⁰⁷⁴ VS-2000, T.14026-14033 (open); [REDACTED]. *See also* [REDACTED].

¹⁰⁷⁵ ŠEŠELJ does not challenged that crimes were committed at Čelopek; VS-1065, T.6342 (open).

¹⁰⁷⁶ *Supra*, (VS-1013, T.5240-5241 (open)); Kopic, Exh.P00362, p.7 (public).

¹⁰⁷⁷ [REDACTED]; Jović, Exh.P01077, para. 116 (public) (stating that the Commander of the Zvornik police station ordered nine Muslims from Čelopek be turned over to the Muslim side in exchange for the body of a Serb); VS-1065, T.6336 (open) (stating that after the Bajram Day incident policemen said that the key to the Dom Kulture was at the SUP in Zvornik).

¹⁰⁷⁸ VS-1065, T.6340 (open).

¹⁰⁷⁹ VS-1065, T.6310-6314 (open).

¹⁰⁸⁰ VS-1065, T.6315-6316, 6341 (open).

The detainees were severely beaten, mutilated, sexually assaulted and denigrated, and murdered at Čelopek because of their ethnicity and to obtain information.¹⁰⁸²

343. On the Muslim Bajram holiday in June 1992, “Repić” ordered detainees on to a stage where they were forced to sexually assault each other, after which “Repić” shot and killed the detainees. Fellow detainees were forced to clean up and load the bodies of those who had been killed onto a truck. The men, who were forced to labor over the dead bodies, never returned and are presumed dead.¹⁰⁸³

344. After Bajram Day, “Zoks” returned with his group and cut four “S” on the back of a man with a knife.¹⁰⁸⁴ On the Serb Vidovdan or St. Vitex Day, “Repić” returned the Čelopek Dom Kulture and shot 22 or 24 people and wounded a number of others.¹⁰⁸⁵ Two days later, approximately 80 survivors were moved to the Zvornik prison and then to the Batković camp.¹⁰⁸⁶

(e) Serb forces destroyed and plundered property and religious buildings in Zvornik municipality after the take-over (Counts 1, 12–14)

345. After the Serbs took over Zvornik municipality they carried out large scale destruction of mosques, other Muslim places of worship, religious institutions and property. The efforts to destroy and denigrate Islamic sites in Zvornik municipality is evidence of an intent to erase the existence of Zvornik’s Muslim population and to make their return impossible, and thus constitute further evidence of the implementation of the JCE in Zvornik municipality. The destruction was not carried out for military purposes. Rather, it was motivated by considerations of ethnicity.¹⁰⁸⁷

346. In July 1992, Serb forces from the VRS destroyed the Zvornik Mosque.¹⁰⁸⁸ The area where the Mosque was located was under the control of the Serb police.¹⁰⁸⁹ Serb forces set fire to houses in Kula,¹⁰⁹⁰ Marchcici,¹⁰⁹¹ Dugi Dio,¹⁰⁹² Kozluk,¹⁰⁹³ and Drinjaca-Kostijerevo.¹⁰⁹⁴

¹⁰⁸¹ VS-1013, T.5255-5256 (open); [REDACTED].

¹⁰⁸² [REDACTED].

¹⁰⁸³ [REDACTED].

¹⁰⁸⁴ VS-1065, T.6335-6336 (open).

¹⁰⁸⁵ VS-1065, T.6336-6337 (open); [REDACTED].

¹⁰⁸⁶ VS-1065, T.6340 (open).

¹⁰⁸⁷ VS-037, T.15017-15018 (open); [REDACTED].

¹⁰⁸⁸ [REDACTED].

¹⁰⁸⁹ [REDACTED].

¹⁰⁹⁰ Bošković, Exh.P00836, para.26 (public) (listing those involved in the takeover of Kula as the VRS, “Arkan”’s men, the White Eagles, Gogić’s unit, and Stupar’s 72nd unit of the JNA); VS-1013, T.5197-5198 (open).

¹⁰⁹¹ VS-1013, T.5197-5198 (open).

¹⁰⁹² Bošković, Exh.P00836, paras.15, 27 (public); Exh.P00838 (public).

¹⁰⁹³ VS-1016, T.12448, 12452 (open) (this took place in mid-April 1992).

¹⁰⁹⁴ VS-1064, T.8723 (open).

347. The intent to erase any sign of the Muslim presence in Zvornik is evidenced by the fact that all but one of 46 Muslim religious sites surveyed by Dr. Riedlmayer in Zvornik were destroyed after the Serb take-over in April 1992. Serb forces destroyed all 5 mosques in Zvornik town and its suburbs and a total of 45 Islamic sites (including 36 mosques) in the municipality.¹⁰⁹⁵ In Divič, the historic Dervish lodge was destroyed and a junked lorry was placed on the top of the tombs of the two revered 16th century Muslim saints. At the site of the former Divič Mosque, a Serbian Orthodox church was built and the village renamed after the Orthodox Saint Sveti Stefan.¹⁰⁹⁶ The sites of the destroyed Riječanska Mosque and Begsuja Mosque in Zvornik and the Mosque of Mehmed-Čelebi in Kozluk were used as rubbish dumps.¹⁰⁹⁷ At the site of the 200-year old Zamlaz Mosque in Zvornik a four-story block of flats and shops was built.¹⁰⁹⁸ Chanceries and religious archives were also destroyed. Hence, the collection of religious books and manuscripts in the shrine of the 17th century Bosnian Muslim poet and Sufi mystic Hasan Kaimija at Kula Grad was destroyed.¹⁰⁹⁹

348. The destruction of mosques, and other religious sites, was carried out by TO forces according to a plan because they were symbols to the Muslims.¹¹⁰⁰ Indeed, Branko GRUJIĆ in March 1993 admitted that mosques in Zvornik had been blown up. The purpose was to make Zvornik exclusively Serb, as is clear from GRUJIĆ's claim that the map of Eastern Bosnia should be changed because the municipality had become 99.9 % Serb and the mosques had been blown up.¹¹⁰¹

349. Starting in May 1992, inmates from Ciglana Factory were forced by their Serb captors to participate in looting. Goods were put in trucks and sent to Loznica, Serbia. Serb forces looted houses in Zvornik (primarily Muslim houses, but also some Serb houses). This caused discontent amongst the Serb refugees, who told them to stop because it was going to be their property. The Serb forces commanding the looting carried with them a paper that seems to be a permit that they would show to the police and to the militaries.¹¹⁰² *Vojvoda* "Čele" also engaged in looting of TV sets, video recorders and other equipment in and around Zvornik, which he then stored in the Alhos

¹⁰⁹⁵ Riedlmayer, Exh.P01044, paras.29-30 (public); Exh.P01045, pp.177-313 (public); [REDACTED].

¹⁰⁹⁶ Riedlmayer, Exh.P01044, paras.26, 39 (public).

¹⁰⁹⁷ Riedlmayer, Exh.P01044, para.38 (public).

¹⁰⁹⁸ Riedlmayer, Exh.P01044, para.39 (public).

¹⁰⁹⁹ Riedlmayer, Exh.P01044, paras.49-50 (public).

¹¹⁰⁰ [REDACTED].

¹¹⁰¹ Riedlmayer, Exh.P01044, paras.32-34 (public)

¹¹⁰² VS-1013, T.5216, 5243, 5258, 5260, 5373-5374, 5380-5382 (open); Kopic, T.5884 (open); Exh.P00361 (public), Exh.P00362, p.7 (public); VS-1015, T.5405, 5429, 5484 (open). *See also* [REDACTED], VS-1112, T.9501 (open) (noting that Fadil Handžić was forced by the Serb forces to engage in looting); Alić, T.7048 (open); Exh.P00971, pp.3-4, 7 (public).

factory.¹¹⁰³ In July 1992, PIVARSKI's men looted a clothing warehouse and sent the goods to Serbia.¹¹⁰⁴ Serb forces also looted Kozluk.¹¹⁰⁵

(f) Conclusions

350. The organized and systematic manner through which the Serb forces, including **Šešeljevi**, carried out the attack on Zvornik, and the resulting expulsion, detention, mistreatment and murder of its non-Serb population, following the same pattern established in Croatia and elsewhere in BiH, prove that the crimes committed were an integral part of the common plan to ethnically cleanse Serb targeted territories in BiH of its non-Serb population and create Serb controlled areas.

¹¹⁰³ [REDACTED].

¹¹⁰⁴ [REDACTED].

¹¹⁰⁵ Banjanović, T.12442-12443 (open) (referring to units including the TO under Marko Pavlović, "Arkan"'s men, Pejić, "Zučo", Pivarski, Niški, and Pazin).

B. “Greater Sarajevo”

351. “Greater Sarajevo” consists of Ilijaš, Vogošća, Novo Sarajevo and Ilidža and Rajlovac, all geographically surrounding the city of Sarajevo in Southern BiH.

352. The division of Sarajevo and creation of an ethnically pure Serb territory in the Greater Sarajevo area was a key aspect in the achievement of the Strategic Goals and in the implementation of the common purpose. At the 8th session of the BiH Serb Assembly in February 1992 several speakers spoke of the tactical and strategic importance of Sarajevo being “preserved as the Serbian capital” in BiH.¹¹⁰⁶ As KARADŽIĆ explained:

the battle in Sarajevo and for Sarajevo, seen strategically and tactically, is of decisive importance, because it does not allow the establishment of even the illusion of a state. Alija does not have a state while we have a part of Sarajevo. [...] [T]he fighting around Sarajevo will decide the destiny of Bosnia and Herzegovina, and we suspected and said before that, if there was a war, it would start in Sarajevo and end in Sarajevo.¹¹⁰⁷

353. The priority which ŠEŠELJ afforded to the battle for Sarajevo is apparent from the high profile Šešeljević commanders active in the “Greater Sarajevo” region and from the significant number of Šešeljević he sent to the area.¹¹⁰⁸ ŠEŠELJ publicly confessed to having “a number of prominent commanders”¹¹⁰⁹ operative there:

Grbavica was saved by our volunteers, mainly by *vojvoda* Slavko ALEKSIĆ, he’s still at the Jewish Cemetery. He is our member of our Central Homeland Administration, the highest party leadership, and he’s been there since the first day of the war. What he managed to save stayed Serbian and no one else could take it. There was also *vojvoda* Branislav GAVRILOVIĆ aka Brne and *vojvoda* Vasko in Ilijaš.¹¹¹⁰

354. At least five Šešeljević commanders active in the “Greater Sarajevo” area during the Indictment period were promoted to the rank of *Vojvoda* by ŠEŠELJ: Vasilije VIDOVIĆ aka “Vaske”; Branislav GAVRILOVIĆ aka “Brne”; Slavko ALEKSIĆ; Nikola POPLAŠEN and Jovo

¹¹⁰⁶ Exh.P00949, pp.19, 64 (public).

¹¹⁰⁷ Exh.P00966, pp.13-14 (public).

¹¹⁰⁸ E.g. Dražilović, Exh.C00010, para.57 (public) (Šešeljević sent to Ilidža, Rajlovac, Vogošća and the Jewish Cemetery); Exh.P01215, p.12 (public) ŠEŠELJ claiming in relation to Sarajevo “we’ve got a considerable number of volunteers”); Bošković, Exh.P00836, paras.28, 29 (public) (presence of Šešeljević from Mali Zvornik in Ilidža in 1992, see also para. 14 in respect of unit affiliation).

¹¹⁰⁹ Exh.P01215, p.12 (public).

¹¹¹⁰ Exh.P00644, p.14 (public).

OSTOJIĆ.¹¹¹¹ At least three of them had already been sent as **Šešeljevi** to war fronts in Croatia prior to the outbreak of the armed conflict in “Greater Sarajevo”.¹¹¹²

355. From April 1992, following an established pattern, Serb forces, including **Šešeljevi**, attacked and took control of municipalities or parts of municipalities including the town of Ilijaš and the village of Lješevo in Ilijaš municipality, the village of Svrake in Vogošća municipality, the Grbavica neighbourhood in Novo Sarajevo municipality, the town of Ilidža and Mount Igman in Ilidža municipality. In the course of and following the take-overs, non-Serbs were routinely expelled, detained or put under house arrest, mistreated, killed and otherwise persecuted. In addition, non-Serb property and cultural monuments were systematically plundered, and/or destroyed.

1. Serbs Forces carried out a persecutory criminal campaign against the non-Serb population of “Greater Sarajevo”

(a) Šešeljevi and other Serb Forces perpetrated the crimes in “Greater Sarajevo”

356. Forcible transfer, persecution, murders, torture, cruel treatment, destruction and plunder committed throughout “Greater Sarajevo” against the non-Serb population from approximately April 1992 throughout the Indictment period were committed by the following Serb forces, either belonging to or used by JCE members:

- **Šešeljevi**, forming part of the hierarchical SRS/SČP structure headed by **ŠEŠELJ** and operating in cooperation with, or under the command of, Serb forces under the control of other JCE members;¹¹¹³
- JNA forces, which were subordinate to Slobodan MILOŠEVIĆ, a member of the JCE;¹¹¹⁴
- VRS forces, which were part of a hierarchical structure under the control of JCE members, including Ratko MLADIĆ and Radovan KARADŽIĆ;¹¹¹⁵
- Serb Municipal authorities and Crisis Staffs, which were under the control of JCE members, including Radovan KARADŽIĆ.¹¹¹⁶

¹¹¹¹ Exh.P00217 (public); Exh.P00218 (public).

¹¹¹² Exh.P00217 (public); Exh.P00218 (public) (Brne served as commander of all **Šešeljevi** in SBWS, Jovo OSTOJIĆ served in SBWS and Vaske served in Knin). *See also* Theunens, Exh.P00261, p.349 (public).

¹¹¹³ See perpetrator linkage in section VIII. A. below

¹¹¹⁴ See perpetrator linkage in section VIII. A. below

¹¹¹⁵ See perpetrator linkage in section VIII. A. below

¹¹¹⁶ See perpetrator linkage in section VIII. A. below

- Members of Serb TO, which were under the overall authority of Radovan KARADŽIĆ and the Bosnian Serb leadership, and then incorporated into the VRS;¹¹¹⁷
- Members of the Serb MUP, which was under the command and control of JCE members, including Radovan KARADŽIĆ;¹¹¹⁸

357. The **Šešeljevci** units led by “Vaske”, “Brne” and ALEKSIĆ, as well as Nikola POPLAŠEN, were inextricably linked to **ŠEŠELJ**.

(i) Branislav GAVRILOVIĆ aka “Brne”

358. Branislav GAVRILOVIĆ aka “Brne” received his command position from **ŠEŠELJ**.¹¹¹⁹ **ŠEŠELJ** directly arranged for “Brne”’s transfer from Slavonia to Sarajevo by JNA helicopter.¹¹²⁰ When a group of GAVRILOVIĆ’s men were ambushed in April 1992, **ŠEŠELJ** intervened personally to ensure their rescue, threatening KARADŽIĆ that he would otherwise withdraw all his men from the frontlines and stop deploying his **Šešeljevci**.¹¹²¹ “Brne” reported directly to **ŠEŠELJ** and referred to **ŠEŠELJ**’s authority in Sarajevo, which is corroborated by **ŠEŠELJ** visits to “Brne”’s **Šešeljevci** when in “Greater Sarajevo”.¹¹²²

(ii) Vasilije VIDOVIĆ aka “Vaske”

359. Vasilije VIDOVIĆ aka “Vaske” likewise received his command position from **ŠEŠELJ**, who visited “Vaske”’s **Šešeljevci** during the course of the war.¹¹²³ “Vaske”’s unit described themselves as a “Šešeljevci unit” and **ŠEŠELJ** publicly acclaimed the work of “his” commander in Ilijaš “Vaske”.¹¹²⁴ **ŠEŠELJ**’s close relationship with “Vaske” continued even after the war and appointed him as a member of his personal security in Belgrade.¹¹²⁵

(iii) Slavko ALEKSIĆ

360. Slavko ALEKSIĆ, who played an important role in the establishment of the SRS in Sarajevo near the end of 1991, also reported directly to **ŠEŠELJ**, who gave him the rank of *Vojvoda* to fight

¹¹¹⁷ See perpetrator linkage in section VIII. A. below

¹¹¹⁸ See perpetrator linkage in section VIII. A. below

¹¹¹⁹ Exh.P00999, p.2 (public); Exh.P01000, p.5 (public).

¹¹²⁰ Exh.P00999, p.3 (public); Exh.P01000, p.7 (public); T.1935 (open).

¹¹²¹ Exh.P00513 (public); [REDACTED]; **ŠEŠELJ** referred to this intercept during the trial without contesting it, T. 8618:23-8619:6 (open); Exh.P01000, p.10 (public).

¹¹²² Koblar, T.8010, 8068-8069, 8135 (open); [REDACTED]; Rankić, Exh.P01074, paras.33, 124-125, 127 (public); Exh.P01207, pp.9-10 (public); [REDACTED].

¹¹²³ Theunens, T.3885-3886 (open); Exh.P00218, p.1 (public); VS-1055, T.7843 (open); Exh.P01207, pp.9-10 (public); [REDACTED]; Džafić, Exh.P00840, para.20 (public).

¹¹²⁴ Džafić, Exh.P00840, paras.20-21 (public); Exh.P00644, p.14 (public).

¹¹²⁵ VS-1055, T.7842-7843 (open).

for “Greater Serbia”.¹¹²⁶ **ŠEŠELJ** visited ALEKSIC and his unit, which was referred to as **Šešeljevci**.¹¹²⁷ Still in 1997, ALEKSIC insisted that “the Drina should be the backbone of Serbia, not a border” and, expressing an ideology which **ŠEŠELJ** claimed to be uniquely SRS,¹¹²⁸ declared “as a Chetnik vojvoda, I, and all those who are with me, will never give up the Serbian state border along the Karlobag-Ogulin-Karlovac-Virovitica line”.¹¹²⁹ This demonstration of continuing loyalty to **ŠEŠELJ**’s agenda is an example of the close ideological ties and unity of purpose **ŠEŠELJ** inspired in his key commanders in “Greater Sarajevo”. ALEKSIC remained actively involved in the SRS also after the war. In 1997, he stated “I have some political engagements with the Serbian Radical Party. I’m a district president, in fact, I’m in charge of the district for the region of Romanija, the president of the city board of the Serbian Radical Party for the city of Sarajevo”.¹¹³⁰

(iv) Nikola POPLAŠEN

361. Nikola POPLAŠEN served as a member of the War Commission in Vogošća municipality and exercised far reaching powers.¹¹³¹ POPLAŠEN was linked to the SRS since early 1992.¹¹³² Already in September 1992 **ŠEŠELJ** admitted that an SRS branch had already been established in Republika Srpska and Nikola POPLAŠEN was its President.¹¹³³

(v) ŠEŠELJ was aware of the actions carried out by the Šešeljevci in “Greater Sarajevo”

362. **ŠEŠELJ** spoke publicly and explicitly about the Serb forces’ conquest of areas in “Greater Sarajevo” and the key role that the **Šešeljevci** played therein,¹¹³⁴ thereby demonstrating a clear awareness of the contribution his conduct made to the armed attacks.

363. As President of the SRS and self-declared “Supreme Commander” of the SČP, **ŠEŠELJ** had ready access to all of the information and records of the SRS/SČP¹¹³⁵ and **ŠEŠELJ** was fully informed of events on the frontlines.¹¹³⁶

¹¹²⁶ [REDACTED]; Exh.P00217, p.1 (public); Exh.P00256 (public); Theunens, T.3824-13825 (open).

¹¹²⁷ Exh.P01207, pp.9-10 (public); [REDACTED]; Exh.P01221, p.1 (public); VS-1060, T.8574, 8591, 8649-8650 (open).

¹¹²⁸ Exh.P00031, p.590 (public).

¹¹²⁹ [REDACTED].

¹¹³⁰ [REDACTED].

¹¹³¹ Exh.P00975, p.14, 18, 19, 23, 25-27 (public).

¹¹³² [REDACTED].

¹¹³³ Exh.P00218, p.3 (public); Exh.P01205, p.8 (public); Exh.P01208, p.15 (public).

¹¹³⁴ E.g. Exh.P01230, p.11 (public) (referring to Serbian Sarajevo and Serbian Grbavica **ŠEŠELJ** says “Volunteers from the Serbian Radical Party are fighting there. Actually, they started the first armed operations in Sarajevo”).

¹¹³⁵ E.g. Glamočanin, Exh.P00688, para. 50 (public); [REDACTED].

¹¹³⁶ Rankić, Exh.P01074, para.125 (public). See also Glamočanin, Exh.P00688, para.50 (public); [REDACTED].

364. **Šešeljevi** commanders in the field reported to the War Staff at least on a weekly basis. As stated above, the *Vojvodas* in “Greater Sarajevo” reported directly to **ŠEŠELJ**, usually by-passing the War Staff. “Brne” and “Vaske” even travelled to Belgrade to meet with **ŠEŠELJ** at the SRS office and “Brne” also telephoned to report on events from the front.¹¹³⁷

365. **ŠEŠELJ** also publicly boasted about the impact of the **Šešeljevi** in Sarajevo claiming, in relation to Serbian Sarajevo and Serbian Grbavica, “Volunteers from the Serbian Radical Party are fighting there. Actually, they started the first armed operations in Sarajevo”¹¹³⁸ and on another occasion reiterating that “our volunteers, before the Serbian army was created, participated most actively in saving the Serbian part of Sarajevo, Grbavica I, Grbavica II, the Jewish Cemetery”.¹¹³⁹

366. During the course of the war **ŠEŠELJ** regularly visited “Greater Sarajevo”. In August 1992 **ŠEŠELJ** toured the frontlines in Grbavica, Ilidža, Ilijaš and Vogošća and met with military commanders and municipal presidents, including Nedeljko PRSTOJEVIĆ. On that occasion **ŠEŠELJ** also visited “Brne”’s unit in Ilidža and met with “Vaske”, who introduced him to the Ilijaš military commander. On his way to Pale **ŠEŠELJ** stopped to meet with KRAJIŠNIK at his private residence.¹¹⁴⁰

367. In May 1993 **ŠEŠELJ**, accompanied by an SRS delegation, returned to tour the frontlines around Sarajevo including Grbavica and the Jewish Cemetery.¹¹⁴¹ On that visit, **ŠEŠELJ** met with Radovan KARADŽIĆ, Momčilo KRAJIŠNIK and the vice-President of RS, Nikola KOLJEVIĆ in Pale.¹¹⁴²

368. **ŠEŠELJ** publicly endorsed the actions of his *Vojvodas* in “Greater Sarajevo” by promoting “the most prominent Chetnik Volunteer commanders from all fronts”, ALEKSIĆ, “Brne”, “Vaske” and POPLAŠEN to the rank of *Vojvoda*.¹¹⁴³ **ŠEŠELJ**’s public praise of the *Vojvodas*, for example, describing them as “prominent commanders”¹¹⁴⁴ and claiming “territories in which the Chetnik

¹¹³⁷ Rankić, Exh.P01074, paras.32-33, 125, 127 (public); Džafić, Exh.P00840, paras.20-22 (public).

¹¹³⁸ Exh.P01230, p.11 (public).

¹¹³⁹ Exh.P01248, p.6 (public).

¹¹⁴⁰ Exh.P01207, pp.9-10 (public); Bošković, Exh.P00836, para.52 (public); Exh.P01204 (public).

¹¹⁴¹ Exh.P01221, p.1 (public). *See also* [REDACTED].

¹¹⁴² Exh.P01221, p.1(public). *See also* Sejdić, T.8226, 8228-8229 (open) (Between 1993 and 1994, during the attack on the Crna Rijeka Plateau, Sejdić saw **ŠEŠELJ** together with Vaske, KARADŽIĆ, MLADIĆ, Rajko JANKOVIĆ and Dragan JOSIPOVIĆ, surrounded by approximately thirty members of “Vaske”’s and JANKOVIĆ’s units); Exh.P01230, p.11(public) (**ŠEŠELJ** indicates his intention to travel to Sarajevo immediately after the Serbian elections of December 1993).

¹¹⁴³ Exh.P01221, p.1.(public); Exh.P00217. p.1, 2 (public); Exh.P00218. p.1, 3 (public).

¹¹⁴⁴ Exh.P01215, p.12 (public).

vojvode Slavko ALEKSIĆ and Branislav GAVRILOVIĆ operated have remained Serbian”¹¹⁴⁵ constituted further endorsement of their actions.

369. Other prominent members of the JCE publicly endorsed the actions of the **Šešeljevci**. A few weeks after Serb forces, including **Šešeljevci** led by “Vaske”, took over Lješevno, Ilijaš, and murdered its non-Serb inhabitants, and in the midst of a series of vicious Serb attacks on towns and villages throughout Ilijaš, Momčilo KRAJIŠNIK, together with members of the VRS Main Staff, visited the Ilijaš Crisis Staff and said “I am amazed by what was done by now by Ilijaš people [...] I wish you to continue that way, we will continue that way”.¹¹⁴⁶

370. One well documented incident from April 1992 provides a particularly vivid insight into the importance, power and structure of the **Šešeljevci** units in “Greater Sarajevo”. On 21 April 1992, “Brne”, ALEKSIĆ and Major Gvozden KRSTOVIĆ (at the time “commander of the city’s defence”) planned “the liberation of Serbian Grbavica”. Despite strict instruction from JNA General KUKANJAC not to implement the plan, they proceeded and members of “Brne”’s **Šešeljevci** unit were ambushed.¹¹⁴⁷

371. A series of intercepts from that day captures **ŠEŠELJ**’s direct involvement in their fate. **ŠEŠELJ**, who was almost immediately made aware of their predicament,¹¹⁴⁸ made multiple phone calls demanding that his **Šešeljevci** be rescued. **ŠEŠELJ**, and an employee of the Serbian News Agency acting on his behalf,¹¹⁴⁹ attempted to make contact with Radovan KARADŽIĆ in Pale. **ŠEŠELJ** left a message threatening that if his men were not extracted the SRS/SČP would “withdraw all our men from the frontlines and we’ll never deploy them again”.¹¹⁵⁰ **ŠEŠELJ** also telephoned Momčilo MANDIĆ, RS Minister of the Interior, who in turn made contact with MUP forces on the ground and directed that TO and MUP pulled out the encircled group of **Šešeljevci**.¹¹⁵¹ **ŠEŠELJ** then instructed “Brne” to find as many men as possible in order to get the group out and keep him informed of further developments.¹¹⁵²

372. These events demonstrate **ŠEŠELJ**’s awareness of and involvement in his **Šešeljevci**’s operations and his power to extort high ranking members of the RS government and other JCE members with the threat to withdraw his men.

¹¹⁴⁵ Exh.P01230, p.11. (public).

¹¹⁴⁶ [REDACTED].

¹¹⁴⁷ Exh.P01000, p.9 (public). *See also* T.1935 (open) (**ŠEŠELJ** concedes that Brne was leading a group of **Šešeljevci** in Grbavica).

¹¹⁴⁸ [REDACTED].

¹¹⁴⁹ [REDACTED].

¹¹⁵⁰ Exh.P00513, p.2 (public); [REDACTED].

(vi) Šešeljevi cooperated with other Serb forces in “Greater Sarajevo”

373. It is evident from contemporaneous reports that the VRS military leadership was aware of the crimes committed by Šešeljevi units – described as “criminal” in the reports – and, through the continuing usage of these units, endorsed their criminal activities as a means to implement the common purpose.¹¹⁵³ For example, in August 1993, after an incident between “Vaske”’s Šešeljevi and UNPROFOR, General MLADIĆ ordered that “Vaske”’s Šešeljevi stop all “contacts, actions, conflicts and provocations” with the UN, remove all Chetnik insignia and tidy up his unit. The authorities were however reluctant to arrest “Vaske” because of his “excellent work during battles”.¹¹⁵⁴

374. Šešeljevi units participated in operations where they were either reinforced by or under the command of the MUP or VRS.¹¹⁵⁵ For example, the operation at Golo Brdo, during which three prisoners of war were killed by “Brne”’s men, was a joint VRS-Šešeljevi operation under the command of Ratko MLADIĆ.¹¹⁵⁶ Lješevo was attacked by the Serb TO and “Vaske”’s unit. Upon arrest by “Vaske”’s men, Witness VS-1055 was transported to detention camps guarded by the VRS.¹¹⁵⁷ Further, “Vaske”’s group often joined forces with a VRS unit commanded by Rajko JANKOVIĆ.¹¹⁵⁸ Dragan JOSIPOVIĆ, based at Sonja’s house in Semizovac, was the commander of the soldiers and volunteers in Ilijaš and Vogošća which at times included both Rajko JANKOVIĆ’s and “Vaske”’s units.¹¹⁵⁹

375. Šešeljevi also received support from municipal and national Serb leaders: KRAJIŠNIK for example intervened in relation to an incident involving ALEKSIC’s group.¹¹⁶⁰

(b) Serb forces forcibly displaced non-Serbs from “Greater Sarajevo”(i) Serb forces forcibly transferred non-Serbs and destroyed and looted Lješevo, Ilijaš (Counts 1, 11, 12, 14)

¹¹⁵¹ Exh.P00514, p.1-2 (public).

¹¹⁵² Exh.P00513, p.2 (public).

¹¹⁵³ Theunens, Exh.P00261, pp.341-351 (public).

¹¹⁵⁴ Theunens, Exh.P00261, p.351 (public).

¹¹⁵⁵ E.g. Theunens, Exh.P00261, p.349 (public) (in relation to Vaske); Exh.P00970,p.1 (public).

¹¹⁵⁶ Koblar, T.7987, 7989-7990 (open). See also Exh.P00999, p.4 (public) (BRNE states that his men captured four “Muslim fighters” at Golo Brdo); Exh.P01000, p.15 (public) (participation of BRNE’s unit at Golo Brdo/Mount Igman, command of MLADIĆ and reference to capture of prisoners-of-war); Exh.P01319, p.9 (public) (participation of ALEKSIC’s unit to an operation on Mount Igman led by Ratko MLADIĆ).

¹¹⁵⁷ VS-1055, T.7820, 7832-7834, 7839 (open); [REDACTED].

¹¹⁵⁸ VS-1055, T.7842 (open); Sejdić, T. 8202, 8210-8211 (open).

¹¹⁵⁹ Sejdić, T.8216-8217 (open); T.8346 (open).

¹¹⁶⁰ Theunens, Exh.P00261, p.348 (public).

376. Before the war the ethnic composition of Lješevo village in Ilijaš Municipality was approximately 45% Serbs, 45% Muslims, and 10% Croat and relations between the different ethnic groups were excellent.¹¹⁶¹ However, following the forcible annexation of Ilijaš municipality to SAO Romanija, the creation of roadblocks, the Serb takeover of the MUP and arming of the Serb population of Lješevo throughout April and May 1992, tensions began to rise and the non-Serb population lost confidence in the new authorities.¹¹⁶² Under the direction of the Ilijaš Crisis Staff, Muslims and Croats were fired from their jobs and replaced by Serbs.¹¹⁶³ In addition, VRS armoured personnel carriers patrolled the village on a daily basis and military vehicles could be seen in the hills above the village.¹¹⁶⁴ The Muslim Crisis Staff ceased to function and, with the village in a state of general disarray, nobody was available to stand guard at night.¹¹⁶⁵

377. As the wave of Serb attacks moved westwards through BiH in the first half of 1992, television reports showed dead bodies on the streets in Zvornik and the radio relayed how “ARKAN”’s men and **Šešeljevci** had entered Bijeljina and “freed the town from Muslims”.¹¹⁶⁶ In this worsening climate, and with armed clashes already breaking out in the surrounding hills, over 50% of the Muslim population of Lješevo fled from the advancing Serb forces during the final days of May and start of June.¹¹⁶⁷

378. In the evening of 4 June 1992 combined Serb forces including the VRS,¹¹⁶⁸ members of the Ilijaš TO¹¹⁶⁹ and a group of **Šešeljevci** led by “Vaske”¹¹⁷⁰ attacked Lješevo.¹¹⁷¹ The Serb forces rounded up Muslim civilians in the village.¹¹⁷² During the course of the attack the villagers were robbed,¹¹⁷³ mistreated, beaten,¹¹⁷⁴ abused through the repeated use of the derogatory term *balijas*¹¹⁷⁵

¹¹⁶¹ VS-1111, T.7693-7695 (open); VS-1055, T.7803 (open).

¹¹⁶² VS-1111, T.7695 (open).

¹¹⁶³ VS-1055, T.7816-7817, 7822-7825 (open); [REDACTED].

¹¹⁶⁴ VS-1055, T.7815 (open); VS-1111, T.7706:9-14 (open).

¹¹⁶⁵ [REDACTED].

¹¹⁶⁶ VS-1055, T.7817-7818 (open); VS-1111, T.7695, 7698 (open).

¹¹⁶⁷ VS-1111, T.7706 (open); [REDACTED]; VS-1055, T.7817-7818(open). *See also* Džafić, Exh.P00840, para.3 (public) (where he recounts how he, like many of the other Muslims in Ilijaš, sent his family away to safety in Croatia in May 1992 intending to follow shortly afterwards with his son until he was forcibly mobilised by the Ilijaš Crisis Staff).

¹¹⁶⁸ [REDACTED]; VS-1055, T.7819; 7903 (open).

¹¹⁶⁹ [REDACTED].

¹¹⁷⁰ VS-1055, T.7820 (open); Džafić, Exh.P00840, paras 13,15 (public).

¹¹⁷¹ [REDACTED]; VS-1055, T.7818-7819 (open).

¹¹⁷² [REDACTED].

¹¹⁷³ [REDACTED]; VS-1055, T.7820(open).

¹¹⁷⁴ [REDACTED]; VS-1055, T.7820; 7821 (open).

¹¹⁷⁵ *E.g.* [REDACTED].

and murdered.¹¹⁷⁶ Non-Serbs who were not killed immediately were expelled from their homes, captured, forced onto buses and taken to detention centres.¹¹⁷⁷

379. Serb forces shelled or set fire to houses, sheds and barns,¹¹⁷⁸ despite the fact that the inhabitants of Lješevo had been disarmed prior to the attack,¹¹⁷⁹ put up no armed resistance and sought shelter as soon as the shooting started.¹¹⁸⁰ While being herded to the railway station, Witness VS-1055 saw “Vaske” shooting at a house using a hand held rocket launcher. At the time “Vaske” was driving a car with a black Chetnik flag and with a stolen television set on the back seat.¹¹⁸¹ In the days following the attack, private property including vehicles were stolen from the village.¹¹⁸²

(ii) Serb forces forcibly transferred non-Serbs, destroyed and looted Svrake, Vogošća (Counts 1, 11, 12, 14)

380. Before the war, Svrake, in Vogošća municipality, was a multi-ethnic village with a majority Serb population situated approximately 12 kilometres from Sarajevo.¹¹⁸³

381. In April 1992 the village was attacked by Serb forces which started firing from the surrounding hills using artillery and other weapons.¹¹⁸⁴ The attacking Serb forces included members of the JNA¹¹⁸⁵ and of a special unit led by Rajko JANKOVIĆ which worked together with “Vaske”’s **Šešeljevci**.¹¹⁸⁶ Like “Vaske”,¹¹⁸⁷ the members of the special unit were dressed in black camouflage uniforms,¹¹⁸⁸ and were armed with automatic rifles, pistols and hand grenades.¹¹⁸⁹

382. After capturing the village, the Serb forces separated the men from the women and children,¹¹⁹⁰ and took the men to the Semizovac barracks.¹¹⁹¹ The remainder of the captured villagers, including women and children, elderly and infirm, were loaded onto buses and forcibly

¹¹⁷⁶ See below paras.389-390

¹¹⁷⁷ VS-1055, T.7833-7834 (open).

¹¹⁷⁸ [REDACTED]; VS-1055, T.7819 (open).

¹¹⁷⁹ VS-1111, T.7703-7706, 7709 (open); VS-1055, T.7814, 7941 (open).

¹¹⁸⁰ [REDACTED]; VS-1055, T.7819 (open).

¹¹⁸¹ VS-1055, T.7833-7834(open).

¹¹⁸² [REDACTED].

¹¹⁸³ Sejdić, T.8163(open).

¹¹⁸⁴ Sejdić, T.8165, 8187-8188 (open).

¹¹⁸⁵ Sejdić, T.8183, 8237 (open).

¹¹⁸⁶ Sejdić, T.8184 (open); Džafić, Exh.P00840, para.18 (public). *See also* Sejdić, T.8210–8211 (open) in relation to the close co-operation of “Vaske” and JANKOVIĆ in combat operations.

¹¹⁸⁷ Exh.P00455, pp.2-5, 7-8 (public); VS-1055, T.7809 (open). *See also* Džafić, Exh.P00840, para.5 (public); Sejdić, T.8211-8214 (open).

¹¹⁸⁸ Sejdić, T.8184 (open).

¹¹⁸⁹ Sejdić, T.8185 (open).

¹¹⁹⁰ Sejdić, T.8166-8167 (open).

¹¹⁹¹ Sejdić, T.8166 (open).

expelled from Svrake under Serb escort.¹¹⁹² By the beginning of 1993 there were scarcely any Muslims left in Svrake as they “were taken away by force”.¹¹⁹³

383. During the attack, Svrake was heavily shelled by the Serb forces identified above and by 6 June 1992, the VRS reported that there are “no more houses or inhabitants in Svrake”.¹¹⁹⁴ Furthermore, in October 1992, shortly after the expulsion of the Muslim population of Svrake, the Serb forces set up a commission to identify properties belonging to non-Serbs, looted them and re-allocated them to Serbs. The Commission included Brane VLAČO, commander in the VRS.¹¹⁹⁵

(iii) Forcible transfer from and looting of Grbavica, Novo Sarajevo (Counts 1, 11, 14)

384. According to the BiH census carried out in 1991, there were approximately equal numbers of Serbs and Muslims in Novo Sarajevo before the war.¹¹⁹⁶

385. From April 1992 Serb forces, including the JNA, the Territorial Defence and *Vojvoda* Slavko ALEKSIĆ’s group of **Šešeljevci**, occupied Grbavica, Novo Sarajevo.¹¹⁹⁷ By May, Grbavica had been blockaded and it was no longer possible to cross the river.¹¹⁹⁸

386. ALEKSIĆ arrived at the Jewish Cemetery on 21 April 1992 and with his **Šešeljevci** “clearing Grbavica”.¹¹⁹⁹ “Brne”’s **Šešeljevci** also participated in the organisation and execution of the attack on Grbavica.¹²⁰⁰ **ŠEŠELJ** spoke publicly of the take-over of Grbavica by his **Šešeljevci**.¹²⁰¹

387. During the take-over of Grbavica many non-Serbs fled from the campaign of killings and arbitrary searches conducted by the Serb forces. Under the pretext of searching for weapons, the Serb forces cased houses and as soon as the fleeing non-Serbs left, the Serb forces looted them.¹²⁰² The goods were loaded onto trucks with Serbian registration plates and driven away.¹²⁰³ The

¹¹⁹² Sejdić, T.8166-8167 (open). See also Exh.P00975, pp.29-30 (public) (recording the subsequent proposed exchange in May 1992 of Muslim prisoners who had been captured at Svrake).

¹¹⁹³ Sejdić, T.8344 (open).

¹¹⁹⁴ Exh.P01346, p.11 (public).

¹¹⁹⁵ Sejdić, T.8192-8195 (open); Exh.P00463,p.3 (public).

¹¹⁹⁶ AFI-316.

¹¹⁹⁷ VS-1060, T.8573-8574 (open).

¹¹⁹⁸ VS-1060, T.8575 (open).

¹¹⁹⁹ [REDACTED] See also Exh.P01319, p. 7 (public).

¹²⁰⁰ Exh.P00518, p.3 (public); Exh.P00999, p.3 (public); Exh.P01000, p.10 (public). See also T.1935 (open) (ŠEŠELJ’s concession that Brne was leading a group of Šešeljevci at Grbavica).

¹²⁰¹ Exh.P00644, p. 14 (public).

¹²⁰² VS-1060, T.8575-8577, 8579-8581 (open); Tot, Exh.P00843, paras.91-92 (public).

¹²⁰³ VS-1060, T.8576 (open).

president of the Novo Sarajevo municipality issued certificates to the looters, enabling them to export the goods to Serbia.¹²⁰⁴

(iv) Forcible transfer from Ilidža (Counts 1, 11 and 14)

388. In Ilidža, many non-Serbs fled due to the repressive measures imposed on them. Those who did not flee immediately were forcibly expelled by the **Šešeljevci** and by the Serb Crisis Staff headed by Nedeljko PRSTOJEVIĆ.¹²⁰⁵

(c) Serb forces murdered non-Serbs in “Greater Sarajevo”

(i) Serb forces killed 22 non-Serbs in Lješevo, Ilijaš (Counts 1, 4)

389. On 5 June 1992, during the attack on Lješevo, Marinko VIDOVIĆ,¹²⁰⁶ Ranko DRAŠKIĆ and other members of the Ilijaš TO,¹²⁰⁷ captured a group of non-Serb men and women, who had been hiding from the attack in a shelter, and forced 19 of them to line up.¹²⁰⁸ One of the women lined up was praying with her rosary. At that sight one of the Serb soldiers told her “You balija woman, don’t you dare fiddle with this.”¹²⁰⁹ Marinko VIDOVIĆ then gave the order to open fire against them.¹²¹⁰ Seventeen of them died.¹²¹¹ Four other villagers were also killed by the Serb forces nearby the execution site.¹²¹²

390. Later on that same day, a group of Serb forces, including “Vaske” and TO member Ranko DRAŠKIĆ, captured another group of non-Serbs, including Amir FAZLIĆ who was killed by “Vaske” or one of “Vaske”’s **Šešeljevci** while standing beside Witness VS-1055.¹²¹³

(ii) Vasilije VIDOVIĆ aka “Vaske” killed a non-Serb civilian at Crna Rijeka, Ilijaš (Counts 1, 4)

391. During the attack at Crna Rijeka plateau, “Vaske” killed a Muslim driver, cut off his head and placed it on a pole. Then Witness SEJDIĆ heard “Vaske” saying “Finally I got rid of this man”. The man’s severed head was subsequently attached to “Vaske”’s vehicle.¹²¹⁴

¹²⁰⁴ VS-1060, T.8578-8579, 8602-8603(open).

¹²⁰⁵ AFIV-155; Exh.P00968, p.3 (public).

¹²⁰⁶ [REDACTED].

¹²⁰⁷ See [REDACTED]; See also para.419 below in relation to the participation of DRAŠKIĆ with “Vaske” in the destruction of religious property throughout Ilijaš.

¹²⁰⁸ [REDACTED].

¹²⁰⁹ [REDACTED].

¹²¹⁰ [REDACTED].

¹²¹¹ [REDACTED].

¹²¹² [REDACTED].

¹²¹³ VS-1055, T.7819-7820, 7905-7906 (open); [REDACTED]. See also Džafić, Exh.P00840, para.13 (public).

(iii) Serb forces killed 27 non-Serbs at Žuč, Vogošća (Counts 1, 4)

392. Non-Serbs detained in Vogošća were regularly used to carry out forced labour for the Serb forces in dangerous conditions around the frontlines at Žuč hill.¹²¹⁵ When, at the end of the summer of 1993, the Serb line at Žuč hill began to fall, the Serb forces forced ahead the members of the labour platoons as human shields.¹²¹⁶ As the members of the labour platoon attempted to flee from the attack, two members of the intervention units, Dragan DAMJANOVIĆ (commander of the Serb line at Svrake) and Vlado CETKOVIĆ (commander of the Serb line at Žuč), opened fire and killed 25 non-Serbs.¹²¹⁷ While firing they cursed at the workers with ethnic slurs referring to their “balija mothers”.¹²¹⁸ Two other detainees, Avdo TIRIĆ and Nermin SKANDO, were also shot by CETKOVIĆ and DAMJANOVIĆ at that time.¹²¹⁹ SEJDIĆ, who witnessed the killings, buried the 27 murdered detainees.¹²²⁰

(iv) Serb forces killed non-Serbs in Grbavica, Novo Sarajevo (Counts 1, 4)

393. Throughout 1992 and 1993 ALEKSIC’s **Šešeljevci** carried out a campaign of killings against non-Serbs in Grbavica. The **Šešeljevci** involved in these killings included: Srđan MIŠIĆ aka “Ćenta”, a man from Belgrade, Žarko aka “Dupli”, Papić, Madar and Triša.¹²²¹ The Serb forces used their position in Grbavica, and particularly the area around the Jewish Cemetery, for shelling and sniper activity targeting the centre of Sarajevo. ALEKSIC boasted about the precision of his snipers, who were under his direct command and who targeted Muslim civilians.¹²²²

394. While carrying out forced labour at Željezničar Football Club in Grbavica, VS-1060 and Enes HADŽIAHMETOVIĆ were shot at by one of the VRS soldiers guarding them, Aleksandar TRIVKOVIĆ aka Saša. HADŽIAHMETOVIĆ was killed.¹²²³

(v) Šešeljevci killed Prisoners of War at Mount Igman, Ilidža (Counts 1, 4)

395. On 17 July 1993, seven members of the BiH army were captured at Golo Brdo on Mount Igman by Serb forces. Four of them, including Witness Perica KOBLAR, were captured by a group

¹²¹⁴ Sejdić, T.8212-8214, 8347-8350 (open).

¹²¹⁵ See para.412 below.

¹²¹⁶ Sejdić, T.8217-8220 (open).

¹²¹⁷ Sejdić, T.8218, 8220-8221(open).

¹²¹⁸ Sejdić, T.8221(open).

¹²¹⁹ Sejdić, T.8223 (open).

¹²²⁰ Sejdić, 8224 (open).

¹²²¹ Tot, Exh.P00846, p.4 (public), Tot, Exh.P00843, paras.91-92 (public); VS-1060, T.8588-8589(open).

¹²²² Tot, Exh.P00846, pp.2-3 (public); [REDACTED]. See also para.415 below in relation to the preparation of sniping positions above the Jewish Cemetery.

¹²²³ VS-1060, T.8608 (open).

of **Šešeljevi**, under the command of “Brne”, while the other three were captured by members of the VRS, under the command of Ratko MLADIĆ.¹²²⁴

396. “Brne”’s **Šešeljevi** were bearded and dressed in black camouflage uniforms,¹²²⁵ some had skull and cross bone insignia on their uniforms and a number wore cockades.¹²²⁶ KOBLAR identified three of “Brne”’s **Šešeljevi** who captured him as PAJKOVIĆ, “Major” and “Copo”.¹²²⁷

397. One of the captured BiH army soldiers, the 18 year old Robert KAHRIMANOVIĆ, was shot and killed by a member of “Brne”’s **Šešeljevi** immediately upon capture.¹²²⁸ The remaining three soldiers were taken down Mount Igman to a clearing where “Brne”, who was introduced to them as “Chetnik vojvoda, Branislav GAVRILOVIĆ”, was waiting with his group of approximately 50 heavily armed **Šešeljevi**.¹²²⁹

398. The prisoners of war were beaten, including in “Brne”’s presence,¹²³⁰ and called “balijas”.¹²³¹ “Brne”, upon learning that one of the captured BiH army soldiers, Živko KRAJIŠNIK, was a Serb, kicked him repeatedly in the head and broke KRAJIŠNIK’s nose with his fingers.¹²³² During the course of the beating, “Brne” invoked **ŠEŠELJ** as “the be-all and end-all in Sarajevo”.¹²³³

399. On “Brne”’s orders (“Take him away. Take the trash away. Kill the trash.”) KRAJIŠNIK was taken a few metres away by one of “Brne”’s **Šešeljevi** and killed.¹²³⁴ The third captured BiH soldier, Rusmir HAMALUKIĆ, was also killed by one of “Brne”’s **Šešeljevi**, PAJKOVIĆ, who admitted the murder to KOBLAR on the following day. His body was subsequently exchanged in June 1994 and identified by his family.¹²³⁵

400. KOBLAR was then taken by “Brne” and one of his **Šešeljevi** to the military police premises at Blazuj. There he was handed over to members of the VRS and military police, who mistreated him together with a member of “Brne”’s **Šešeljevi** who threatened him with hand

¹²²⁴ Koblar, T.7987, 7989-7990 (open). See also Exh.P00999, p.4 (public) (“Brne” states that his men captured four “Muslim fighters” at Golo Brdo); Exh.P01000, p.15 (public) (participation of “Brne”’s unit at Golo Brdo/Mount Igman, command of MLADIĆ and reference to capture of prisoners-of-war there); Exh.P01319, p.9. (public) (participation of ALEKSIC’s unit at Mount Igman and in relation to the fact that the action was led personally by Ratko MLADIĆ).

¹²²⁵ Koblar, T.7990 (open).

¹²²⁶ Koblar, T.7993-7994(open); Exh.P00455 (public).

¹²²⁷ Koblar, T.7995 (open). See also Bošković, Exh.P00836, para.47 (public); Exh.P01000, pp.15-16 (public).

¹²²⁸ Koblar, T.7998, 8003-8004 (open).

¹²²⁹ Koblar, T.7995, 8009 (open). See also Exh.P00460 (public)

¹²³⁰ Koblar, T.8005-8006, 8008 (open).

¹²³¹ Koblar, T.7998, 8006 (open).

¹²³² Koblar, T.8009-8010 (open).

¹²³³ Koblar, T.8010, 8135 (open).

¹²³⁴ Koblar, T.8011 (open).

¹²³⁵ Koblar, T.8012 (open).

grenades, forced him to sing Chetnik songs and to pray on his knees.¹²³⁶ The members of the VRS and military police displayed a deferential attitude towards “Brne”.¹²³⁷ After six days the captured soldiers were transferred to Kula prison where the food was inadequate¹²³⁸ and they were used in forced labour platoons at various locations surrounding Sarajevo.¹²³⁹

(vi) “Vaske”’s participation in other killings

401. Witness Mujo Džafić heard “Vaske”’s **Šešeljevi** brag about the crimes they committed.¹²⁴⁰ “Vaske”’s **Šešeljevi** were known to kill whomever they captured, often by slitting their throats.¹²⁴¹ Members of “Vaske”’s **Šešeljevi** recounted how “Vaske” killed ten out of eleven BiH Army soldiers captured at Crna Rijeka and let the eleventh go free to spread the warning to others as to what happens “when you fight against “Vaske”’s Chetniks”.¹²⁴²

402. “Vaske” further advertised his brutality by driving a jeep with a skull attached to the hood.¹²⁴³ On at least two occasions, “Vaske”’s **Šešeljevi** brought back impaled human heads from the warfront, which they placed on stakes outside the houses where they slept in Ilijaš. Džafić was told that the heads belonged to Muslim civilians who had been killed and beheaded by “Vaske”.¹²⁴⁴

(d) At the detention facilities in “Greater Sarajevo” Serb forces mistreated and tortured non-Serbs

(i) “Iskra” warehouse, Ilijaš (Counts 1, 8-9)

403. The forcible removal of the non-Serb population of Lješevo to detention at Podlugovi was at the direction of “Vaske”.¹²⁴⁵ The surviving non-Serbs from Lješevo, including Witness VS-1055, were taken by Marinko VIDOVIĆ’s and “Vaske”’s **Šešeljevi** to a building in Podlugovi used as a warehouse by the “Iskra” company.¹²⁴⁶ Subsequently, two bus loads of non-Serbs who had been forcibly removed from Bioca arrived at Iskra.¹²⁴⁷

¹²³⁶ Koblar, T.8013, 8016-8018, (open).

¹²³⁷ Koblar, T.8003, 8013, 8016 (open).

¹²³⁸ Koblar, T.8020 (open).

¹²³⁹ Koblar, T.8018 (open); Exh.P00461 (public).

¹²⁴⁰ Džafić, Exh.P00840, paras.9, 18 (public).

¹²⁴¹ Sejdić, T.8215 (open).

¹²⁴² Džafić, Exh.P00840, para.16 (public).

¹²⁴³ Sejdić, T.8213-8214 (open); Džafić, Exh.P00840, para.5 (public).

¹²⁴⁴ Džafić, Exh.P00840, para.17 (public).

¹²⁴⁵ VS-1055, T.7832-7833 (open).

¹²⁴⁶ VS-1055, T.7834 (open).

¹²⁴⁷ VS-1055, T.7835 (open). *See also* Džafić, Exh.P00840, para.18 (public) in relation to Vaske’s unit participation in Bioca.

404. Between 130 and 140 non-Serbs captured at various locations throughout Ilijaš were detained in inhumane conditions at Iskra for three months.¹²⁴⁸ The detainees, which included women and children,¹²⁴⁹ slept on the bare wooden floors and for the first seven days of their detention received no food, thereafter receiving just one half loaf of bread per person in each 24 hour period. The building had no water and only one toilet.¹²⁵⁰

405. At Iskra the detainees were guarded by local Serbs commanded by Slavko RISTO.¹²⁵¹ On one occasion, two men came to the warehouse ordering the infirmed and elderly detainees who were lying on the ground to “Get up when an officer of the Šešelj’s guards comes in”. The men took a detainee, Bakir SEHIĆ, away and his body was later exhumed from a hilly area overlooking Ljubos, near Ilijaš.¹²⁵²

(ii) Planja’s House, Svrake, Vogošća (Counts 1, 8-9)

406. Planja’s house, in Vogošća municipality, was formally classified as a detention centre on 7 July 1992.¹²⁵³ In mid-August detainees from Iskra in Ilijaš were transferred to Planja’s house in Vogošća under the supervision of Nebojša ŠPIRIĆ, a member of the VRS.¹²⁵⁴ There, they were detained for another two and a half months with other detainees from Vogošća.¹²⁵⁵ In total, there were approximately 120 non-Serbs detained at Planja’s house at that time.¹²⁵⁶

407. At Planja’s house some detainees received one meal a day and a water tanker visited the house.¹²⁵⁷ Many people, taken out during the day to perform forced labour,¹²⁵⁸ did not receive food. The detainees were guarded by members of the VRS, commanded by Branko VLAČO and his deputy Nebojša ŠPIRIĆ.¹²⁵⁹

408. Throughout the second half of 1992, *Vojvoda* Nikola POPLAŠEN oversaw and directed the forced labour and exchange of Muslim prisoners in Vogošća municipality.¹²⁶⁰ POPLAŠEN’s authority clearly extended to giving orders to the Prison Warden, VRS member VLAČO.¹²⁶¹

¹²⁴⁸ VS-1055, T.7835, 7836 (open).

¹²⁴⁹ VS-1055, T.7835 (open).

¹²⁵⁰ VS-1055, T.7835 (open).

¹²⁵¹ VS-1055, T.7835 (open).

¹²⁵² VS-1055, T.7836-7837 (open).

¹²⁵³ Exh.P00975, p.31 (public).

¹²⁵⁴ VS-1055, T.7837-7839 (open).

¹²⁵⁵ VS-1055, T.7837-7838 (open). *See also* Exh.P00975 (public); Exh.P00457 (public).

¹²⁵⁶ VS-1055, T.7838-7839 (open).

¹²⁵⁷ VS-1055, T.7838 (open).

¹²⁵⁸ *See* para.412 below.

¹²⁵⁹ VS-1055, T.7839 (open). *See also* Exh.P00464 (public) (Vogošća prison daily bulletin, 30 August 1992, signed by Branko VLAČO).

¹²⁶⁰ Exh.P00975. pp.14, 18, 23, 25-27. (public).

409. On 7 August 1992, the Vogošća War Commission, headed by *Vojvoda* POPLAŠEN, requested the RS BiH Ministry of Justice to approve the use of detainees for construction work. Momčilo MANDIĆ approved the proposal a few days later.¹²⁶² As a result, detainees were regularly taken from the prison in Vogošća early in the morning to work on labour platoons digging trenches, chopping wood or burying the dead.¹²⁶³

410. A letter dated 8 December 1999 from the Citizen's Association of Families of Missing Persons states that, twice during the month of June 1992, 28 detainees in Planja's house were taken away by Serb forces to an unknown location and that to the date of the letter no information concerning their fate had been obtained.¹²⁶⁴ Witness SEJDIĆ's brother was captured and brought to Planja's house. His family never saw him again.¹²⁶⁵

(iii) Forced Labour (Counts 1, 8-9)

411. Non-Serbs in "Greater Sarajevo" were detained or put under house arrest throughout the course of the war and used to perform forced labour in dangerous conditions by Serb forces, including the VRS and **Šešeljevi**. This included non-Serbs from Vogošća, Novo Sarajevo, Ilijaš and Ilidža.¹²⁶⁶

412. Non-Serb detainees from Planja's house and the Semizovac barracks in Vogošća were used by the Serb forces in a number of work platoons carrying out forced labour at the frontlines.¹²⁶⁷ The detainees were forced to, *inter alia*, dig trenches in dangerous conditions and were used as human shields by the Serb forces.¹²⁶⁸ As a result, many detainees were killed and wounded.¹²⁶⁹ For example, on 19 September 1992 alone 20% of the 50 prisoners from Vogošća prison taken to work on Žuč hill were either killed or wounded.¹²⁷⁰ Those who died while performing forced labour were brought back to the prison camp by the survivors and buried by other detainees.¹²⁷¹

413. Non-Serbs were threatened with physical violence and forced to perform unpaid labour for the Serb forces. Witness SEJDIĆ was detained under house arrest in Semizovac with his family and later forcibly mobilized to a labour platoon digging trenches and preparing defence lines under the

¹²⁶¹ E.g. Exh.P00975, pp.21, 23, 27 (public).

¹²⁶² [REDACTED].

¹²⁶³ VS-1055, T.7839 (open); Exh.P00464 (public); [REDACTED].

¹²⁶⁴ Exh.P00975, p.8. See also Sejdić, T.8409; 8410-8411 (open).

¹²⁶⁵ Sejdić, 8172, 8410-8411 (open).

¹²⁶⁶ E.g. Sejdić, T.8202-8203 (open); Koblar, T.8018 (open); VS-1060, T.8583 (open).

¹²⁶⁷ VS-1055, T.7839-7841 (open); Sejdić, T.8173, 8202-8203 (open).

¹²⁶⁸ VS-1055, T.7839-7842 (open).

¹²⁶⁹ VS-1055, T.7841 (open); Exh.P00464 (public).

¹²⁷⁰ [REDACTED].

command of VRS member Rajko JANKOVIĆ.¹²⁷² There were between 15-20 non-Serbs in the labour platoon. The work was unpaid and SEJDIĆ and the other non-Serbs were told that if they refused to follow orders or attempted to escape their families would be killed.¹²⁷³ While performing forced labour the workers were detained at the barracks in Semizovac or sometimes kept under house arrest in their homes.¹²⁷⁴ “Vaske”, and his **Šešeljevi**, were regularly present around the frontlines in Vogošća where the forced labour platoons were sent to work.¹²⁷⁵

414. In Grbavica, Novo Sarajevo, from June 1992 non-Serbs were ordered, by armed soldiers who arrived at their homes, to participate in forced labour platoons in Grbavica.¹²⁷⁶ The work was unpaid and lasted from 7.00 AM often until late at night.¹²⁷⁷ The labour platoons were exclusively non-Serb and included elderly men.¹²⁷⁸ The men were also assigned to military tasks such as digging trenches and building bunkers.¹²⁷⁹ From 1993 non-Serb women were also forcibly mobilised into labour platoons.¹²⁸⁰ While performing forced labour in Grbavica members of the labour platoon were regularly beaten and mistreated.¹²⁸¹

415. VS-1060 was forced to dig a dugout for ALEKSIĆ’s **Šešeljevi** at a location overlooking the Jewish Cemetery from which there was an excellent view of the centre of Sarajevo city. The dugout was intended to enable the **Šešeljevi** to take up firing positions there.¹²⁸²

416. In Ilijaš, from May 1992 until the end of the war, the car repair workshop of Witness Mujo DŽAFIĆ and his son Faruk was among the businesses requisitioned by the Ilijaš Crisis Staff and its facilities and personnel were put under the direct command of “Vaske”.¹²⁸³ Mujo and Faruk DŽAFIĆ were told that they could no longer leave Ilijaš, forced to work long hours every day and warned that if they did not obey the orders of “Vaske” and his men they would be killed.¹²⁸⁴ They were forced to perform military tasks, including assembling large volumes of explosives and mounting weaponry onto stolen trucks for use by “Vaske”’s **Šešeljevi**.¹²⁸⁵

¹²⁷¹ VS-1055, T.7841-7842(open).

¹²⁷² Sejdić, T.8173-8174, 8201-8202 (open).

¹²⁷³ Sejdić, T.8176-8177; 8199-8200 (open).

¹²⁷⁴ Sejdić, T.8209-8210 (open).

¹²⁷⁵ VS-1055, T.7842 (open); Sejdić, T.8210-8211 (open).

¹²⁷⁶ VS-1060, T.8583 (open).

¹²⁷⁷ VS-1060, T.8585, 8630 (open).

¹²⁷⁸ VS-1060, T.8585-8586 (open).

¹²⁷⁹ VS-1060, T.8582-8583(open).

¹²⁸⁰ VS-1060, T.8584-8585 (open).

¹²⁸¹ VS-1060, T.8611-8614 (open).

¹²⁸² VS-1060, T.8587-8588 (open).

¹²⁸³ Džafić, Exh.P00840, paras.4, 33 (public).

¹²⁸⁴ Džafić, Exh.P00840, paras.4, 6, 7, 32-33 (public).

¹²⁸⁵ Džafić, Exh.P00840, paras.25-28 (public).

417. Detainees at Kula prison in Ilidža, including KOBLAR, were also used in forced labour platoons carrying out work for the VRS from about 6.00 AM until midnight each day.¹²⁸⁶ The work included digging and repairing trenches. The members of the labour platoons were often sent outside of bunkers ahead of the Serb defence lines or unnecessarily sent between lines of fire on the frontlines.¹²⁸⁷ The prisoners were told that if anyone attempted to escape all of the members of their work group would be killed.¹²⁸⁸ While working with a labour platoon Witness KOBLAR, as a member of the BiH army captured by “Brne”, was targeted daily by a Chetnik soldier who threw explosive into the trenches where KOBLAR was working, shot right next to his head and forced him to dig his own grave.¹²⁸⁹

(e) Extensive Destruction or Wilful Damage to institutions dedicated to religion (Counts 1, 13)

418. Following the Serb takeover, religious property throughout “Greater Sarajevo” was extensively damaged and/or destroyed. This destruction represented a systematic attempt to erase Muslim identity from the targeted areas and, in furtherance of the common purpose of the JCE, prevent the return of the non-Serb population which had been forcibly displaced. For example, the 22 non-Serb religious sites surveyed by Expert Witness Dr. Riedlmayer in Ilijaš and Vogošća municipalities were categorised as being either destroyed or “heavily damaged”.¹²⁹⁰ In a number of instances, including in respect of the Stari Ilijaš mosque,¹²⁹¹ adjacent buildings were found to be in good condition, betraying the deliberate targeting of the non-Serb cultural symbols and the discriminatory intent behind such destruction.

419. “Vaske” specialised in using explosives.¹²⁹² “Vaske”, together with Ranko DRAŠKIĆ and others, damaged or destroyed mosques and churches in Ilijaš municipality during the course of 1992, including those in Ilijaš, Lješevo, Misoča and Visoca.¹²⁹³ Many of the buildings were razed to the ground. For example, the Stari Ilijaš mosque – which was completely destroyed by explosives in June 1992 – was close to Witness Džafić’s workshop and he heard the explosion when it was destroyed. Subsequently “Vaske”’s Šešeljevi recounted in the workshop how they had destroyed the mosque.¹²⁹⁴ Similarly, mosques in Misoča were completely destroyed by “Vaske” in June

¹²⁸⁶ Koblar, T.8018 (open).

¹²⁸⁷ Koblar, T.8018-8022 (open).

¹²⁸⁸ Koblar, T.8022 (open).

¹²⁸⁹ Koblar, T.8021 (open).

¹²⁹⁰ Exh.P01045, pp. 321-384 (public).

¹²⁹¹ Exh.P01045, p.333 (public).

¹²⁹² Džafić, Exh.P00840, para.25 (public).

¹²⁹³ VS-1055, T.7843-7844, 7935 (open); Džafić, Exh.P00840, para.24 (public).

¹²⁹⁴ Džafić, Exh.P00840, para.24 (public); Exh.P01045, pp.333-335 (public).

1992.¹²⁹⁵ “Vaske” fired artillery on the mosque in Semizovac/Svrake, Vogošća, which was heavily damaged in May 1992.¹²⁹⁶

(f) Other Restrictive and Discriminatory measures (Count 1)

420. Throughout “Greater Sarajevo” restrictive and/or discriminatory measures were imposed with the intent of driving the non-Serb population out of the territories concerned and/or preventing their return following their forcible removal.

421. For example, in the build-up to the attack on and take-over of Ilijaš many non-Serbs were fired from their jobs and replaced by Serbs with the support of the Ilijaš Crisis Staff.¹²⁹⁷

422. As noted above in relation to Novo Sarajevo, non-Serbs were often subjected to arbitrary searches of their houses.¹²⁹⁸ In addition, roadblocks¹²⁹⁹ and restriction of movement¹³⁰⁰ were imposed in many municipalities putting the non-Serb populations at the mercy of Serb authorities.

423. Once non-Serbs had fled or been forcibly removed, their homes were, as detailed above in relation to Svrake and Grbavica in particular, extensively looted and/or appropriated by Serbs thereby creating a further deterrent to return. Further evidence that these actions were approved at a leadership level is apparent from the minutes of the RS Government Session of 29 May 1992 where, in relation to a request from Ilidža municipality to be allowed to move Serbs into deserted flats, it was decided that regulations would be enacted permitting “as a temporary measure” Serb refugees to occupy such property.¹³⁰¹

424. Official measures were also enacted to prevent and/or discourage the return of the non-Serb populations. An RS Presidential decision provided that

All citizens who, for reasons of personal safety, temporarily left the territory of the Serbian Republic of BiH, which had been engulfed in war, are obliged to return to their places of residence as soon as possible, until 20 May 1992 at the latest. [...] Those persons who left and do not comply with Article 1 or do not explain or justify their inability to return to the municipal crisis staff, shall be denied the right of citizenship of the Serbian Republic of BH.

¹²⁹⁵ Exh.P01045, pp.336-342 (public).

¹²⁹⁶ Sejdić, T.8282, 8343-8344 (open); Exh.P01045, pp.321-323 (public).

¹²⁹⁷ VS-1055, T.7816-7817, 7824-7825 (open); [REDACTED].

¹²⁹⁸ See para.387 above.

¹²⁹⁹ E.g. VS-1055, T.7817 (open), (VS-1055’s family being turned back at a Serb roadblock in Ilijaš).

¹³⁰⁰ Exh.P00975, p.28 (public) (May 1992 order requiring the obtaining of a permit for leaving Vogošća).

¹³⁰¹ [REDACTED]

425. Demonstrating the difficulties in complying with the order, the decision was signed by KARADŽIĆ only on 2 June 1992, despite the stated deadline of 20 May.¹³⁰²

426. In Ilidža, the War Presidency under Nedeljko PRSTOJEVIĆ issued an order in April 1993 forbidding “the return of Muslims and Croats” to Ilidža municipality “for security reasons” and “because the necessary conditions for their return do not exist”. Crossing of the border “by Croats and Muslims in the direction of Ilidža Municipality” was also forbidden. It was noted that the order was to be “strictly respected”.¹³⁰³

427. Again in Ilidža, following a “cleansing” of Kotorac, Nedeljko PRSTOJEVIĆ, the head of the Ilidža Crisis Staff, ordered the separation of men and women and, demonstrating specific discriminatory intent, instructed “those who convert to Orthodox religion on the spot, they can stay, women and children”.¹³⁰⁴ By June 1992 the Muslims of Ilidža did not even have that choice as PRSTOJEVIĆ ordered his commander in Kasindol to “wipe out all the Muslims [...] I don’t want to see a single live Muslim there who is able to fight”.¹³⁰⁵

428. In March 1993 ŠEŠELJ admitted that in certain parts of RS the SRS “has been involved in moving Serbian refugees into empty flats”. Referring to the need to systematically distribute the “housing stock” ŠEŠELJ continued to say, in a clear reference to the intended forcible removal of non-Serbs: “I hope and I’m convinced that there’ll be sufficient space, especially when we finish liberating Serbian Sarajevo”.¹³⁰⁶ This appropriation of houses and belongings, together with the destruction of religious property, demonstrates the intended permanence of the expulsion of the non-Serb population.

(g) Conclusions

429. The organized and systematic manner through which the Serb forces, including Šešeljevi, carried out the attack on “Greater Sarajevo”, and the resulting expulsion, detention, mistreatment and murder of its non-Serb population, following the same pattern established in Croatia and elsewhere in BiH, prove that the crimes committed were an integral part of the common plan to

¹³⁰² Exh.P00967,p.2 (public).

¹³⁰³ Exh.P00993 (public).

¹³⁰⁴ [REDACTED].

¹³⁰⁵ [REDACTED].

ethnically cleanse Serb targeted territories in BiH of its non-Serb population and create Serb controlled areas.

¹³⁰⁶ Exh.P01215, p.15(public).

C. Mostar and Nevesinje

430. Starting in the fall of 1991 and culminating between April 1992 and September 1993, Serb forces carried out a persecutory campaign against the Bosnian Muslim and Bosnian Croat populations of the Mostar and Nevesinje municipalities in Eastern Herzegovina. During this period, non-Serbs were systematically expelled from their homes by Serb forces through the use of threats, brutal violence and the shelling and burning of non-Serb inhabited areas. Serb forces subjected non-Serbs to beatings, torture, sexual assaults, murder, the restriction of movement and forced labour, and plundered and destroyed their homes and religious institutions.

431. **ŠEŠELJ** deployed large numbers of **Šešeljevci** to help implement the JCE in Mostar and Nevesinje.¹³⁰⁷ Other Serb forces who perpetrated the crimes in and around Mostar and Nevesinje included JNA soldiers, VRS soldiers, MUP forces, and members of the local Serb TO. These forces cooperated with the regional and national Serb leadership and local Serb authorities to erect a regime of terror designed to implement the JCE in the Mostar and Nevesinje area.

432. The JCE members also laid the political groundwork for the implementation of the JCE. **ŠEŠELJ** met with “Chetnik commanders” in Eastern Herzegovina¹³⁰⁸ in May 1991 [REDACTED].¹³⁰⁹ By fall 1991, “life in Nevesinje ... became like living in a prison camp” for non-Serbs.¹³¹⁰

1. JCE members established coordinated forces in the Mostar and Nevesinje area to implement the JCE

433. Beginning in 1991, the JCE members brought Serb forces into the municipalities of Mostar and Nevesinje in large numbers to consolidate Serb control. [REDACTED].¹³¹¹ [REDACTED].¹³¹² By September 1991, the Užice Corps completely dominated the territory from Mostar to Trebinje.¹³¹³ In parallel, Serb

¹³⁰⁷ See paras.264-271 above.

¹³⁰⁸ See para.205 above.

¹³⁰⁹ [REDACTED].

¹³¹⁰ Kujan, Exh.P00524, p.4 (public).

¹³¹¹ [REDACTED].

¹³¹² [REDACTED].

¹³¹³ Kujan, Exh.P00524, p.4 (public).

MUP officials began to form special units, one of which fought in Dubrovnik. By the end of March 1992, all non-Serb personnel in the MUP had been disarmed.¹³¹⁴

434. Additional Serb forces descended on Mostar in April 1992.¹³¹⁵ Serb forces then included:

- JNA soldiers and reservists under General Momčilo PERIŠIĆ;¹³¹⁶
- The local Serb TO,¹³¹⁷ commanded by Zdravko KANDIĆ,¹³¹⁸ who reported to PERIŠIĆ;¹³¹⁹
- Bosnian Serb and Serbian MUP forces, including local police commanded by Krsto SAVIĆ¹³²⁰ and special operations units of the MUP such as Red Berets;¹³²¹
- Local and non-local volunteer units, including **Šešeljevci**,¹³²² the Karadorde unit which was affiliated with the SRS/SČP¹³²³ [REDACTED],¹³²⁴ and the White Eagles.¹³²⁵

435. The JNA, and later the VRS¹³²⁶, had overall military command of the Serb forces in the region and provided material and logistical support to other Serb forces.¹³²⁷ Key JNA/VRS brigades involved in crimes in Eastern Herzegovina included the 1st Nevesinje Brigade, which was subordinated to the JNA and incorporated **Šešeljevci**, JNA and TO units.¹³²⁸ After the VRS was created on 12 May, the VRS Herzegovina Corps included a Nevesinje Brigarde commanded by Colonel

¹³¹⁴ Exh.P00989, pp.1-2 (public).

¹³¹⁵ Karišik, T.8759-65, 8765-67, 8791, 8804, 8822 (open); Fahrudin Bilić, T.8965 (open).

¹³¹⁶ [REDACTED].

¹³¹⁷ VS-1067, T.15302 (open); [REDACTED]

¹³¹⁸ VS-1067, T.15302 (open); [REDACTED]

¹³¹⁹ VS-1067, T.15302 (open).

¹³²⁰ Kujan, Exh.P00524, p.3 (public); Exh.P01345 p.11 (public), Exh.P00891 (public).

¹³²¹ [REDACTED]; Exh.P00989 pp.1-2 (public).

¹³²² VS-1067, T.15315-15316 (open); [REDACTED]; [REDACTED]. *See also* [REDACTED]; Tot, Exh.P00843, paras. 30-31 (public); Exh.P00846, p.1 (public).

¹³²³ [REDACTED]; Kujan, Exh.P00524, p.3 (public).

¹³²⁴ [REDACTED].

¹³²⁵ Karišik, T. 8765-67, 8822 (open).

¹³²⁶ *E.g.* Exh.P01143 p.3 (public); Theunens, Exh.P00261, p.359 (public).

¹³²⁷ [REDACTED]; Exh.P01002, p.1 (public).

¹³²⁸ Tot, Exh.P00843, paras.30-31 (public). *See also* Dražilović, Exh.C00010, p.12 (public); Tot, Exh.P00846, p.1 (public); Exh.P01002, p.1 (public); Exh.P01008, p.2 (public).

Novica GUŠIĆ¹³²⁹ which continued to incorporate **Šešeljevi**.¹³³⁰ [REDACTED].¹³³¹ [REDACTED].¹³³² The 2nd Light Brigade was commanded by Boro ANTELJ,¹³³³ [REDACTED].¹³³⁴

436. The various paramilitary groups, including **Šešeljevi** and the Red Berets, worked together with the military units¹³³⁵ and local SDS leadership¹³³⁶ to implement the JCE in Eastern Herzegovina. By April 1992, Serb forces including **Šešeljevi** had established a powerful and oppressive presence in the region.¹³³⁷

437. The Serb forces cooperated in committing crimes. For instance, local MUP leader Krsto SAVIĆ and Karadorde Unit commander Arsen GRAHOVAC cooperated in committing crimes in Nevesinje.¹³³⁸ The Karadorde unit and the local police established and operated checkpoints on all roads to Nevesinje. Karadorde unit members beat and harassed non-Serbs at these checkpoints.¹³³⁹ Together, the police and the Karadorde unit also cooperated to blow up Muslim religious buildings and private businesses in the Nevesinje region.¹³⁴⁰ The police refused to apprehend those Karadorde members identified by victims.¹³⁴¹

438. The JNA/VRS also facilitated crimes by other Serb forces. For instance, **Šešeljevi** were allowed to take goods that they looted from Mostar and its surrounding region through JNA/VRS check-points, which required approval from JNA/VRS leadership.¹³⁴²

¹³²⁹ Exh.P00028, p.1 (public). *See also* [REDACTED].

¹³³⁰ *E.g.* Exh.P01008, p.1 (public); Exh.P00028, pp.1-2 (public); Exh.P01311, p.2 (public); Stoparić, T.2540 (public). *See* Exhs.P00055 (public), P00217 (public), P01008 (public), P00888 (public).

¹³³¹ [REDACTED].

¹³³² [REDACTED].

¹³³³ [REDACTED].

¹³³⁴ [REDACTED].

¹³³⁵ Dražilović, Exh.C00010, p.12 (public); Kujan, T.9653-9654 (open); [REDACTED].

¹³³⁶ [REDACTED]; VS-1067, T.15315-15316 (open); [REDACTED].

¹³³⁷ Kujan, Exh.P00524, pp.4-6 (public). *See also* [REDACTED].

¹³³⁸ Kujan, Exh.P00524, p.3 (public); [REDACTED].

¹³³⁹ Kujan, Exh.P00524, p.3 (public).

¹³⁴⁰ Kujan, Exh.P00524, p.3 (public).

¹³⁴¹ Kujan, Exh.P00524, p.3 (public).

¹³⁴² [REDACTED];, VS-1067, T.15300 (open).

2. Serb forces carried out a persecutory criminal campaign against the non-Serb population in Mostar

- (a) Serb forces attacked the non-Serb population of Mostar and its surrounding villages, destroyed their property, and killed civilians

439. Beginning in fall 1991, Serb forces, including **Šešeljevci**, engaged in a persecutory campaign against non-Serbs in Mostar municipality. Following an explosion near the JNA North Camp Barracks in Mostar on 3 April 1992, the JNA began the daily shelling of Mostar,¹³⁴³ and Serb forces expelled Muslims and Croats from their homes on the Eastern side of the city.¹³⁴⁴ At the same time, large convoys of Serbs left Mostar as ordered by the SDS.¹³⁴⁵ Many went to nearby Serb-majority Nevesinje. The Serb forces shelled the Croat villages of Cim and Ilići and then Croat suburbs in the west part of Mostar from positions on the Fortica hill.¹³⁴⁶

440. On 8 April 1992, Serb forces, including **Šešeljevci**, expelled the Muslim population from the nearby village of Topla, a collection of 30 to 40 houses around a kilometre away from the **Šešeljevci** base in Bjelušine¹³⁴⁷ The **Šešeljevci** looted the inhabitants' property, including television sets, washing machines and other appliances, and set the houses on fire.¹³⁴⁸ Members of Serb forces involved in the attack on Topla included **Šešeljevci** leaders VRANJANAC and Mićo DRAŽIĆ.¹³⁴⁹

441. [REDACTED].¹³⁵⁰ [REDACTED].¹³⁵¹ [REDACTED].¹³⁵² [REDACTED].¹³⁵³

442. The Serb destruction of Mostar continued in May 1992. Around 20 May 1992, Serb forces, including **Šešeljevci**, indiscriminately shelled Mostar over a period of 30 hours without any specific targets.¹³⁵⁴ General Momčilo PERIŠIĆ, who commanded

¹³⁴³ [REDACTED]; Tot, Exh.P00846, p.1 (public); Kujan, Exh.P00524, p.5 (public); [REDACTED].

¹³⁴⁴ [REDACTED].

¹³⁴⁵ Kujan, Exh.P00524, p.5 (public); [REDACTED].

¹³⁴⁶ [REDACTED].

¹³⁴⁷ [REDACTED].

¹³⁴⁸ VS-1067, T.15316-15317 (open); [REDACTED].

¹³⁴⁹ VS-1067, T.15317 (open); [REDACTED].

¹³⁵⁰ [REDACTED].

¹³⁵¹ [REDACTED].

¹³⁵² [REDACTED].

¹³⁵³ [REDACTED].

¹³⁵⁴ Tot, Exh.P00843, paras.48-55 (public). *See also* [REDACTED]; Šešelj, Exh.P00031, p.862 (public).

the operation, instructed members of Serb forces including witness TOT that they were to “destroy Mostar”,¹³⁵⁵ but provided no specific targets or tasks to the Serb forces and simply told them to fire all over the town.¹³⁵⁶ Many civilians fled from the shelling and hid in the Pećine Caves in the Neretva valley. They were later mopped up by parachute units from Niš.¹³⁵⁷

443. During the shelling of Mostar, SRS/SČP *Vojvoda* Oliver BARET arrived from the Belgrade SRS office and was present in the military headquarters of the JNA.¹³⁵⁸ He commanded the **Šešeljevci** fighting in Mostar and coordinated between the command centre and the **Šešeljevci**.¹³⁵⁹ Subsequently, **ŠEŠELJ** commended BARET for his role in the Serb assault on Mostar.¹³⁶⁰

444. One of the **Šešeljevci**, Srđan ĐURIĆ, targeted Mosques in and around Mostar during the Serb offensive.¹³⁶¹ ĐURIĆ did not target the minaret for military purposes but rather because he wanted to “finish it off.”¹³⁶² András Riedlmayer testified about the large scale destruction of Mosques in and around Mostar during the Serb offensive in the summer of 1992.¹³⁶³ He noted that minarets, as the visible symbol of the Muslim community’s presence in the locality, were favourite targets during the conflict.¹³⁶⁴ He also found that in 80% of cases of damaged monuments, the adjacent buildings had suffered lesser damage or no damage at all, indicating that the monuments were being intentionally targeted.¹³⁶⁵

445. Serb forces were permitted to freely commit crimes within Mostar.¹³⁶⁶ Serbs looted Muslim property from Mostar and its surrounding areas.¹³⁶⁷ In mid-May 1992, **Šešeljevci** were involved in the severe beating and killing of a Croat in the National

¹³⁵⁵ Tot, Exh.P00843, para. 49 (public). *See also* Exh.P01344 (public).

¹³⁵⁶ Tot, Exh.P00843, para. 50 (public).

¹³⁵⁷ Tot, Exh.P00846, p.2 (public).

¹³⁵⁸ Tot, Exh.P00843, paras.52-54 (public) (“Oliver”). *See also* Petković, Exh.C00011, p.19 (public) (spelled “Barlet”); Exh.P00218 (public).

¹³⁵⁹ Tot, Exh.P00843, paras.54-55 (public); VS-1067, T.15362 (open).

¹³⁶⁰ Exh.P00218 (public).

¹³⁶¹ Tot, Exh.P00843, p.7 (public); Exh.P00846, p.2 (public).

¹³⁶² Tot, Exh.P00843, para.44 (public).

¹³⁶³ Riedlmayer, T.7292-7293, 7324, 7345-7346, 7494-7495 (open); Exh.P01044 (public); Exh.P01045 (public); Exh.P01048 (public); Exh.P00445 (public).

¹³⁶⁴ Riedlmayer, Exh.P01044, para.27 (public).

¹³⁶⁵ Riedlmayer, Exh.P01044, p.10, fn.9 (public).

¹³⁶⁶ VS-1067, T.15303 (open).

¹³⁶⁷ [REDACTED]; VS-1067, T.15316-15317 (open); [REDACTED].

Theatre in Mostar.¹³⁶⁸ Some non-Serbs, including Witness KARISIK's family, fled simply due to the fear of the **Šešeljevci** and other paramilitary groups.¹³⁶⁹ The atmosphere of fear was enhanced by bodies of dead civilians left lying in Serb controlled parts of Mostar.¹³⁷⁰ [REDACTED].¹³⁷¹

446. Non-Serbs who remained in Mostar were rounded up, expelled from their houses,¹³⁷² and taken to locations including the football stadium in Vrapčići where they were subjected to brutal treatment, including persecutions, rapes, beatings and murder.¹³⁷³ [REDACTED].¹³⁷⁴

(b) Abuse in the Zalik shelter

447. Following the explosion near the JNA North Camp Barracks in Mostar on 3 April 1992, several hundred Serb and non-Serb civilians went to two shelters in Zalik.¹³⁷⁵ The civilians held in those shelters would be repeatedly abused and persecuted by Serb forces, including **Šešeljevci**.

448. Shortly thereafter, JNA reservists escorted 14 of the non-Serb civilian men from one of the shelters to the JNA North Camp (Sjeverni Logor) where the detainees were made to kneel for hours with their hands behind their heads. All were interrogated and most were beaten by JNA soldiers. Twelve were released, while two Croatsians were sent to a military prison in the Serb-majority municipality of Bileća.¹³⁷⁶

449. Serb forces soon held approximately 100 non-Serb civilians, including women and children, in one of the Zalik shelters and prevented them from leaving.¹³⁷⁷ In the shelter, Serb forces routinely denigrated non-Serbs with ethnic insults and threatened

¹³⁶⁸ VS-1067, T.15321-15322 (open); [REDACTED]. The murder itself may have been perpetrated by ethnic Albanians serving in the JNA. VS-1067, T.15370 (open); Dabić, T.15211 (open).

¹³⁶⁹ Karišik, T.8765 (open).

¹³⁷⁰ VS-1067, T.15323(open).

¹³⁷¹ [REDACTED].

¹³⁷² VS-1067, T.15324 (open).

¹³⁷³ See Annex B.

¹³⁷⁴ [REDACTED].

¹³⁷⁵ Fahrudin Bilić, T.8953-8955, 8960 (open); Karišik, T.8769 (open); Exh.P00479 (public), Exh.P00480 (public), Exh.P00488 (public); [REDACTED]

¹³⁷⁶ Karišik T.8796-97 (open); [REDACTED]

¹³⁷⁷ [REDACTED]

to murder them.¹³⁷⁸ A commander terrorized the non-Serbs, including children, with tales about murdering non-Serbs.¹³⁷⁹ JNA Major UGLJEŠIĆ, Dragan ANTELJ, and other members of Serb forces participated in these persecutory acts.¹³⁸⁰

450. On 7 May 1992, in the midst of the Serb offensive, Serb forces seized 40 Muslims from a Zalik shelter.¹³⁸¹ About ten were identified through personal documents and taken to the JNA North Camp where they were forced to kneel with their heads bowed.¹³⁸² The next day, only nine returned.¹³⁸³

451. Non-Serb civilian men, including those detained in the Zalik shelter, were subjected to forced labour under dangerous conditions. About 40 to 60 non-Serb detainees, guarded by armed soldiers, were forced to clean garbage from the streets while exposed to gunfire.¹³⁸⁴ The detainees were often subjected to physical and psychological abuse by the Serb soldiers while they were forced to work.¹³⁸⁵ Working in these conditions, the detainees sometimes suffered serious injuries, such as broken bones.¹³⁸⁶ The non-Serbs were threatened and taunted and told that the area would be “cleansed”.¹³⁸⁷

452. The Serb forces guarding the Bosnian civilians at the Zalik shelter and during forced labour included **Šešeljevci** as well as other forces wearing red berets, various uniforms and sometimes kokordas on their hats.¹³⁸⁸ Milan ŠKORO, a Serb police commander in Zalik, issued orders about forced labour¹³⁸⁹ and would threaten the civilians with his automatic weapon if they refused to work.¹³⁹⁰

(c) Serb forces massacred civilians in Vrapčići, Uborak and Sutina

(i) Vrapčići Stadium and Uborak

¹³⁷⁸ [REDACTED].

¹³⁷⁹ [REDACTED].

¹³⁸⁰ [REDACTED].

¹³⁸¹ [REDACTED].

¹³⁸² [REDACTED].

¹³⁸³ [REDACTED].

¹³⁸⁴ [REDACTED]; Karišik, T.8765, 8767 (open); Fahrudin Bilić, T. 8961 (public).

¹³⁸⁵ [REDACTED].

¹³⁸⁶ Fahrudin Bilić, T.9050 (public).

¹³⁸⁷ [REDACTED].

¹³⁸⁸ Fahrudin Bilić, T.8962-8966, 8975, 9022-9024 (open); Karišik, T.8768 (open); [REDACTED].

¹³⁸⁹ [REDACTED]; Karišik, T.8768 (open).

¹³⁹⁰ [REDACTED].

453. In June 1992, Serb forces including **Šešeljevi** detained, abused and massacred approximately 100 non-Serb civilians at Vrapčići Stadium.

454. On 13 June 1992, after casualties suffered by Serb forces in Carina, Zdravko KANDIĆ ordered that all units, including the military police, round up the remaining non-Serbs in the eastern part of Mostar.¹³⁹¹ The Serb forces captured well over 90 non-Serbs, including women, children, and the elderly, from the neighborhood of Zalik and some surrounding villages and detained them in the cramped, overheated locker rooms of the Vrapčići Stadium.¹³⁹² These prisoners were beaten and tortured and some were detained for almost a month, with little food or water.¹³⁹³ When VS-1067 attempted to intervene, he was told no one was allowed to protect the “balijas”.¹³⁹⁴

455. Over 100 non-Serbs were then removed from the locker rooms in groups, taken by trucks to the city dump named Uborak, and murdered.¹³⁹⁵ The bodies of the victims were hidden with earth by a bulldozer.¹³⁹⁶ Witness KARISIK was taken back to the Sutina cemetery building where he was beaten by two non-local bearded soldiers before he escaped.¹³⁹⁷

456. The Serb forces that mistreated and killed non-Serbs at the Vrapčići stadium and Uborak junkyard included **Šešeljevi**.¹³⁹⁸ [REDACTED] heard the shooting and, when he arrived, recognised **Šešeljevi** including Srečko LNU.¹³⁹⁹ Local Serbs who integrated themselves with the **Šešeljevi** also participated in the murders and abuse.¹⁴⁰⁰ Three of these local Serbs later bragged [REDACTED] that they executed non-Serb civilians together with foreign **Šešeljevi**.¹⁴⁰¹

¹³⁹¹ [REDACTED]; VS-1067, T.15293, 15324 (open). *See also* [REDACTED].

¹³⁹² Karišik T.8772-79 (open). *See also* [REDACTED].

¹³⁹³ Karišik T.8772-8780 (open).

¹³⁹⁴ VS-1067, T.15292 (open).

¹³⁹⁵ Karišik, T.8779, 8780, 8783 (open); VS-1067, T.15292-15293 (open); [REDACTED]. *See also* Exh.P00481 (public).

¹³⁹⁶ [REDACTED].

¹³⁹⁷ Karišik, T.8779-80 (open).

¹³⁹⁸ VS-1067, T.15292, 15295(open); [REDACTED].

¹³⁹⁹ [REDACTED]; VS-1067, T.15359 (open).

¹⁴⁰⁰ [REDACTED]. *See also* Karišik T.8772-79 (open).

¹⁴⁰¹ [REDACTED].

457. Later, the bodies of the non-Serbs held in the Vrapčići locker rooms were found either in the Uborak dump or in the pit by the Neretva River. Eighty-eight were found in a mass grave in Uborak.¹⁴⁰²

(ii) Sutina cemetery

458. On the same day, another group of Serb forces – also including **Šešeljevci** – massacred another group of non-Serb civilians, at the Sutina cemetery.

459. Between 12:00 and 16:00 hours, Serb forces forcibly herded about 200 non-Serbs (mostly Muslims) into the Zalik shelter where civilians had previously been abused.¹⁴⁰³ Approximately 50-80 civilian Muslim men were separated from this group, and forced to the JNA North Camp on foot.¹⁴⁰⁴

460. The Muslim detainees were further separated into two groups by Serb forces who threatened revenge against the Muslims.¹⁴⁰⁵ The two groups were transported in a Pinzgauer first to the North Camp Barracks and then to the nearby Sutina city cemetery.¹⁴⁰⁶ At the Sutina cemetery, Serb forces, which included **Šešeljevci**, imprisoned the non-Serb civilian detainees in a cramped room with no toilet in the administration building.¹⁴⁰⁷ One by one, the detainees were interrogated and tormented with threats of mutilation by Serb forces.¹⁴⁰⁸

461. The Serb forces systematically killed many of the Bosnian Muslim civilian men detained at Sutina cemetery.¹⁴⁰⁹ Detainees were forced to watch their fellow detainees being killed and to carry and dump the corpses into a pit by the Neretva river.¹⁴¹⁰ Those detainees were also shot and left for dead.¹⁴¹¹ About 22 detainees were murdered. Their bodies were later exhumed.¹⁴¹²

¹⁴⁰² Karišik, T.8783 (open). [REDACTED].

¹⁴⁰³ [REDACTED].

¹⁴⁰⁴ [REDACTED]; Fahrudin Bilić, T.8983-86 (public).

¹⁴⁰⁵ [REDACTED].

¹⁴⁰⁶ [REDACTED].

¹⁴⁰⁷ [REDACTED].

¹⁴⁰⁸ [REDACTED].

¹⁴⁰⁹ [REDACTED].

¹⁴¹⁰ [REDACTED].

¹⁴¹¹ [REDACTED].

¹⁴¹² [REDACTED].

462. The separation, detention, mistreatment and murder of the detainees were conducted by Serb forces that included local men working with the **Šešeljevci** - Rajko JANJIĆ and Dragan ANTELJ,¹⁴¹³ reservists, and other armed non-local Chetniks who wore olive-green uniforms.¹⁴¹⁴

3. Serb forces carried out a persecutory criminal campaign against the non-Serb population in Nevesinje

- (a) The Serb forces forcibly displaced the non-Serb population from Nevesinje and its surrounding villages, wantonly destroyed non-Serb villages, and killed civilians who were unable to flee

463. As early as 1991, members of the Karadorde unit warned Muslims that they would end up in mass graves if they did not leave Nevesinje.¹⁴¹⁵ The Serb campaign in Nevesinje chillingly carried out the threat, as Serb forces drove out virtually the entire Bosniak population of the region and massacred large numbers of people.

464. Beginning in April 1992, Serb forces carried out a campaign of terror to forcibly displace and subjugate the Bosnian Muslim population of Nevesinje and its surrounding region. As Serb forces under General PERIŠIĆ began ruthlessly bombarding Mostar,¹⁴¹⁶ the SDS ordered Serbs to evacuate the city. Large convoys departed Mostar and arrived in Nevesinje wanting to occupy the residents' homes. To convince non-Serbs to give up their homes in Nevesinje, Serbs threatened them with firearms.¹⁴¹⁷

465. In May and early June 1992, stories of brutal attacks against Bosnian Muslims in Nevesinje municipality began to surface.¹⁴¹⁸ These attacks included the murder of prominent figures in the Bosnian Muslim community.¹⁴¹⁹ [REDACTED] was told that Serbian soldiers started killing intellectuals and wealthy "Bosniaks" in late May,

¹⁴¹³ [REDACTED], VS-1067, T.15292 (open); [REDACTED].

¹⁴¹⁴ [REDACTED].

¹⁴¹⁵ Kujan, Exh.P00524, p.4 (public).

¹⁴¹⁶ See para.442 above.

¹⁴¹⁷ Kujan, Exh.P00524, p.5 (public).

¹⁴¹⁸ [REDACTED].

¹⁴¹⁹ [REDACTED].

and continued with mass killings in June.¹⁴²⁰ Many non-Serb residents of Nevesinje and surrounding villages fled, thinking they had to leave to save their lives.¹⁴²¹

466. [REDACTED].¹⁴²² During the persecutory campaign, Serb police arrested and assaulted Muslims. For example, on 16 June 1992, Mustafa ČUPINA, President of the SDA party in Nevesinje and some other prominent non-Serbs were arrested and taken to the police station, where they were brutalised and murdered by members of the police force, including police commander SAVIĆ.¹⁴²³ Serb soldiers led by SAVIĆ killed at least one other Muslim resident and burned down his house.¹⁴²⁴

467. Fearing for their lives, many non-Serbs fled into the woods.¹⁴²⁵ This included those who had sought refuge in Nevesinje from the persecution campaign against non-Serbs in Mostar Municipality. Non-Serbs who fled to the woods came from many nearby villages, including Postoljani, Donja Bijenja, and Gornja Bijenja.¹⁴²⁶ In one group there were 540 non-Serbs who were expelled into the woods.¹⁴²⁷ Those who remained in Nevesinje, including the elderly, were later killed.¹⁴²⁸ Serb forces had purged most non-Serbs from the southern part of the municipality by mid-June 1992.¹⁴²⁹

468. In June 1992, a VRS Colonel named PAREŽANIN arrived in Nevesinje and delivered a pretextual ultimatum calling for the surrender of non-Serb “extremists”. He threatened that if they did not surrender the non-Serbs would have their villages destroyed.¹⁴³⁰ This was meant to mask the looming plan to attack defenceless villages and non-Serb civilians.¹⁴³¹ Beginning the second week of June 1992 until 21 June 1992, Serb forces attacked Gačko municipality, Nevesinje and its surrounding Muslim villages – Donja Bijenja, Postoljani, and then Gornja Bijenja.¹⁴³²

¹⁴²⁰ [REDACTED].

¹⁴²¹ Kujan, Exh.P00524, p.6 (public); Stoparić, T.2520-2521 (public).

¹⁴²² [REDACTED]. *See also* Dabić, T.15120 (open).

¹⁴²³ Kujan, Exh.P00524, p.8 (public).

¹⁴²⁴ AFIV-180. *See also* [REDACTED].

¹⁴²⁵ Kujan, Exh.P00524, p.6 (public).

¹⁴²⁶ Kujan, Exh.P00524, p.6 (public).

¹⁴²⁷ Kujan, Exh.P00524, p.6 (public).

¹⁴²⁸ Kujan, Exh.P00524, p.6 (public).

¹⁴²⁹ Kujan, Exh.P00524, p.6 (public).

¹⁴³⁰ Kujan, Exh.P00524, pp.6-7 (public).

¹⁴³¹ Kujan, Exh.P00524, pp.6-7 (public).

¹⁴³² Kujan, Exh.P00524, p.6 (public).

[REDACTED].¹⁴³³ The perpetrators were Red Berets, **Šešeljevci**, Serbs from Gačko, and volunteers from Bileća.¹⁴³⁴

469. After the attack on Donja Bijenja, tanks, APCs, and a truck carrying an anti-aircraft weapon entered and Serb forces wrote the nationalist “four S” symbol by the entrance to each house.¹⁴³⁵ On 22 June 1992, Serb forces shelled Prejeska, causing the Bosnian Muslim civilians present in that village to flee for safety.¹⁴³⁶ Serb forces shelled Muslim-inhabited villages north of Nevesinje, including Kljuna, Borovčići, and Krusevljani.¹⁴³⁷ Also in June 1992, Serb forces shelled the villages of Pridvorci and Hrušta to the north of Nevesinje town.¹⁴³⁸ Villages where Serbs were present were not attacked.¹⁴³⁹

470. The pattern of attacking non-Serb majority villages was replicated. After shelling each village, Serb forces would enter and burn houses, followed by expulsion of remaining inhabitants and theft and removal of all moveable property.¹⁴⁴⁰ In a final blow, the whole village would be burnt down.¹⁴⁴¹ Non-Serb inhabitants, including the elderly, were shot and killed.¹⁴⁴² Between 14 and 26 June 1992, Nevesinje municipality was totally ethnically cleansed of the non-Serb population and many people were killed.¹⁴⁴³ Many of the women and children fled to Croatia.¹⁴⁴⁴ [REDACTED].¹⁴⁴⁵

471. [REDACTED].¹⁴⁴⁶ The police and the Karadorde unit cooperated to blow up non-Serb religious buildings and private businesses in Nevesinje.¹⁴⁴⁷ Seven mosques and all the mesdžids were destroyed in Nevesinje municipality between June and July

¹⁴³³ [REDACTED].

¹⁴³⁴ [REDACTED]; Dabić, T.15233 (open).

¹⁴³⁵ Kujan, Exh.P00524, p.6 (public).

¹⁴³⁶ [REDACTED]. See also AFIV-181.

¹⁴³⁷ [REDACTED].

¹⁴³⁸ [REDACTED].

¹⁴³⁹ [REDACTED]

¹⁴⁴⁰ Kujan, Exh.P00524, p.6 (public); Stoparić, T.2521 (public); [REDACTED]

¹⁴⁴¹ Kujan, Exh.P00524, p.6 (public); [REDACTED].

¹⁴⁴² Kujan, Exh.P00524, p.6 (public).

¹⁴⁴³ Kujan, Exh.P00524, p.8 (public); [REDACTED]; Dabić, T.15128 (open).

¹⁴⁴⁴ [REDACTED].

¹⁴⁴⁵ [REDACTED].

¹⁴⁴⁶ [REDACTED].

¹⁴⁴⁷ Kujan, Exh.P00524, p.3 (public).

1992.¹⁴⁴⁸ **Šešeljevi** led by VRANJANAC also destroyed the great Catholic Church in Nevesinje.¹⁴⁴⁹

472. The attacks were executed by Serb forces including the VRS (known to some as the “SDS Army”), local police, members of the Karadorde unit, **ŠEŠELJ**’s and ARKAN’s units, and other Chetniks from Serbia and Montenegro.¹⁴⁵⁰ Some wore red berets and white eagle insignia.¹⁴⁵¹

(b) The Serb forces massacred civilians in and around Nevesinje and subjected survivors to rape and other abuse.

(i) Velež (Lipovača, and at Boračko Jezero) in late June 1992

473. On or around 26 June 1992, Serb forces arrested 76 Muslim civilians in the woods in the area of Velež.¹⁴⁵² The perpetrators terrorised and taunted their captives with comments such as “Fuck your balija mothers. We’ll kill you, we’ll slaughter you.”¹⁴⁵³ When [REDACTED] asked a Serbian soldier what they had done wrong, he answered “*Shut up, you Balija, balinka, you are guilty of being a Muslim.*”¹⁴⁵⁴ The victims were taken to the primary school in the village of Dnopolje in the Zijemlje Valley where they were detained.¹⁴⁵⁵

474. Around 28 men were separated from the women and children, violently interrogated by Zdravko KANDIĆ and his deputy Dragan ĐURĐIĆ, and killed.¹⁴⁵⁶ Their bodies were thrown into a mass grave at the Dubravica pit in the area of Breza.¹⁴⁵⁷ In late 1994, Novica GUŠIĆ, the Commander of the Nevesinje Brigade, ordered bodies to be dug up and reburied elsewhere to hide the massacre from the international community.¹⁴⁵⁸ [REDACTED] was brought to the reburial by ĐURĐIĆ

¹⁴⁴⁸ Riedlmayer, T.7305, 7321, 7344, 7352-7353, 7403 (open); Riedlmayer, Exh.P01044 (public); Exh.P01045 (public); Exh.P01048 (public). *See also* Kujan, Exh.P00524 p.2 (public); [REDACTED].

¹⁴⁴⁹ VS-1067, T.15337 (open); *see* Kujan, Exh.P00524, p.2(public); Riedlmayer, T.7305 (open).

¹⁴⁵⁰ Kujan, Exh.P00524, p.6 (public); Kujan, T.9657 (open); Exh.P00029 (public); [REDACTED].

¹⁴⁵¹ Kujan, Exh.P00524, pp.6-7 (public).

¹⁴⁵² [REDACTED].

¹⁴⁵³ [REDACTED].

¹⁴⁵⁴ [REDACTED].

¹⁴⁵⁵ [REDACTED]; Kujan, Exh.P00524 p.7 (public); [REDACTED].

¹⁴⁵⁶ [REDACTED]; VS-1067, T.15332 (open); Dabić, T.15156 (open).

¹⁴⁵⁷ [REDACTED]; AFIV-187.

¹⁴⁵⁸ Dabić, T.15144-15147 (open).

and assisted in the reburial.¹⁴⁵⁹ The remains of other victims were also removed from Lipovača and taken to an unknown location.¹⁴⁶⁰

475. While the men from the group were killed, the women and children were transported to and detained in the basement of a heating factory in Kilavci, a suburb of Nevesinje, for four days without being given food or water.¹⁴⁶¹ The Serb captors further mistreated the Muslim women and children through taunts, separation of mothers from their children, and threats of grave physical violence,¹⁴⁶² including in one instance by holding a knife to the throat of a mother and then her child while threatening to cut the child's throat.¹⁴⁶³ This cruel treatment had a particularly severe impact on the twenty children in the group.¹⁴⁶⁴

476. Subsequently, 44 women and children from the group were killed and thrown into a mass grave at Lipovača in Šehovina, a suburb of Nevesinje.¹⁴⁶⁵ Twenty of the victims were children, including a one month old baby and at least one other child under the age of one.¹⁴⁶⁶ [REDACTED].¹⁴⁶⁷ Petar DIVJAKOVIĆ told [REDACTED] that her children had been killed in this massacre.¹⁴⁶⁸ [REDACTED].¹⁴⁶⁹ In 1999, [REDACTED] accompanied a federal commission to the mass grave at Lipovača, where they located skeletal remains and clothing matching those of some of the women and children that had been detained at the Kilavci heating factory.¹⁴⁷⁰

477. Five of the women detained in the heating factory were removed from the group and separated from their children by Serb forces including **Šešeljevci** and Red Berets.¹⁴⁷¹ The women were transported to the resort at Boračko Jezero, which was used as a military post by Serb forces including **Šešeljevci**.¹⁴⁷² DIVJAKOVIĆ,¹⁴⁷³

¹⁴⁵⁹ [REDACTED]; Dabić, T.15146 (open).

¹⁴⁶⁰ [REDACTED].

¹⁴⁶¹ [REDACTED]; AFIV-189.

¹⁴⁶² [REDACTED].

¹⁴⁶³ [REDACTED].

¹⁴⁶⁴ [REDACTED].

¹⁴⁶⁵ Exh.P00525 (public); [REDACTED]; AFIV-191; *see* [REDACTED].

¹⁴⁶⁶ [REDACTED].

¹⁴⁶⁷ [REDACTED].

¹⁴⁶⁸ [REDACTED].

¹⁴⁶⁹ [REDACTED].

¹⁴⁷⁰ [REDACTED]; AFIV-192.

¹⁴⁷¹ [REDACTED]. *See also* AFIV-190.

¹⁴⁷² [REDACTED].

¹⁴⁷³ [REDACTED].

Karadorde unit leader Arsen GRAHOVAC,¹⁴⁷⁴ and other Serb forces, including **Šešeljevci**, violently raped and abused these women and kept some of them imprisoned for months while members of Serb forces made derogatory remarks such as “Balijas, here you are. We're going to fuck you all.”¹⁴⁷⁵ Of the five women imprisoned and sexually tortured at the Boračko Jezero camp, two were eventually killed.¹⁴⁷⁶ Other non-Serb civilians were beaten in the resort boiler room.¹⁴⁷⁷

478. The capture, mistreatment and killing of these Bosnian Muslims was a joint operation by Serb forces, including VRS soldiers under Zdravko KANDIĆ,¹⁴⁷⁸ **ŠEŠELJ**'s men,¹⁴⁷⁹ and Red Berets.¹⁴⁸⁰ Leaders of the Serb forces responsible for these crimes include Zdravko KANDIĆ and [REDACTED],¹⁴⁸¹ Novica GUŠIĆ,¹⁴⁸² Boro ANTELJ, and Arsen GRAHOVAC.¹⁴⁸³

(ii) Hrušta and Kljuna – late June 1992

479. In late June 1992, Serb forces including **Šešeljevci** arrested, detained, and abused eleven Muslim civilians [REDACTED] who were hiding in the woods in Teleća Lastva.¹⁴⁸⁴ They were detained in a small room in a primary school in Zijemlje,¹⁴⁸⁵ where they were interrogated and tortured over a period of three to four days.¹⁴⁸⁶ [REDACTED] was forced to strip in front of her captors.¹⁴⁸⁷ The Serb forces mistreated the detainees and made derogatory comments, such as calling them “Balija women”.¹⁴⁸⁸

480. Seven of the prisoners were taken away by Serb forces including **Šešeljevci** and never seen alive again.¹⁴⁸⁹ The bodies [REDACTED] were exhumed in 1996.¹⁴⁹⁰

¹⁴⁷⁴ [REDACTED].

¹⁴⁷⁵ [REDACTED]

¹⁴⁷⁶ [REDACTED].

¹⁴⁷⁷ [REDACTED].

¹⁴⁷⁸ [REDACTED]; Dabić, T.15161 (open). *See also* AFIV-188.

¹⁴⁷⁹ [REDACTED]; Dabić, T.15227, 15232 (open). *See also* Dražilović, Exh.C00010, p.12 (public).

¹⁴⁸⁰ [REDACTED]; Dabić, T.15161 (open).

¹⁴⁸¹ [REDACTED].

¹⁴⁸² [REDACTED].

¹⁴⁸³ [REDACTED]; Dabić, T.15130, 15161 (open).

¹⁴⁸⁴ [REDACTED].

¹⁴⁸⁵ [REDACTED].

¹⁴⁸⁶ [REDACTED].

¹⁴⁸⁷ [REDACTED].

¹⁴⁸⁸ [REDACTED].

¹⁴⁸⁹ [REDACTED].

481. Some of the prisoners were taken to the SUP in Nevesinje,¹⁴⁹¹ where they were tortured and kept in a tiny cell for more than a week. During that time, the prisoners, including women and infants, were abused and given insufficient food.¹⁴⁹²

482. [REDACTED] was taken from the Nevesinje SUP to the Red Beret camp at Boračko Jezero.¹⁴⁹³ She was loaded into a refrigerator truck driven by one of the **Šešeljević**; SOLDO and DIVJAKOVIĆ, who were involved in many crimes in Nevesinje, were also present.¹⁴⁹⁴ [REDACTED] was detained at the Boračko Jezero camp for over seven months, and raped by SOLDO and a member of the Karadorđe unit who also forced her to kiss a cross.¹⁴⁹⁵

4. Conclusions

483. The organized and systematic manner through which the Serb forces, including **Šešeljević**, carried out the attack on Mostar and Nevesinje, and the resulting expulsion, detention, mistreatment and murder of its non-Serb population, following the same pattern established in Croatia and elsewhere in BiH, prove that the crimes committed were an integral part of the common plan to ethnically cleanse Serb targeted territories in BiH of its non-Serb population and create Serb controlled areas.

¹⁴⁹⁰ [REDACTED].

¹⁴⁹¹ [REDACTED].

¹⁴⁹² [REDACTED].

¹⁴⁹³ [REDACTED].

¹⁴⁹⁴ [REDACTED].

¹⁴⁹⁵ [REDACTED].