

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-09-92-T

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Date Filed: 27 January 2015

**THE PROSECUTOR**

v.

**RATKO MLADIĆ**

*PUBLIC*

*With PUBLIC Annexes A and B*

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**DEFENCE MOTION PURSUANT TO RULE 92TER TO ADMIT THE WRITTEN  
TESTIMONY OF MILENKO ŽIVANOVIĆ**

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*The Office of the Prosecutor:*

Mr. Dermot Groome  
Ms. Camille Bibles

*Counsel for the Accused:*

Mr. Branko Lukić  
Mr. Miodrag Stojanović

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
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The Accused, **RATKO MLADIĆ**, by and through his counsel of record, respectfully submits the instant Motion pursuant to Rule 92ter of the Rules of Procedure and Evidence, and in support thereof states as follows:

**I. INTRODUCTION**

1. Pursuant to the Guidance previously expressed by the Trial Chamber, motions offering written statements under Rule 92ter of the Rules of Procedure and Evidence are to be filed at least 30 days before the anticipated testimony of a given witness. Witness Milenko Živanović is currently scheduled to sometime within the next 30 days and thus the Defence hereby files the instant motion in compliance with the Chamber's guidance, and applying for the evidence of this witness to be heard pursuant to Rule 92ter. This Motion is filed publicly, as the witness does not require protective measures.

2. Herein this application is made to tender one written witness statement of the witness, without associated exhibits. At this time the Defence estimates that the evidence-in-chief of this witness will last up to 30 minutes.

3. The Defence does not otherwise seek to deviate from the Chamber's Guidelines in tendering this witness' evidence.

## II. APPLICABLE LAW

4. Under Rule 92ter of the Rules of Procedure and Evidence (hereinafter "Rules") a Trial Chamber is permitted to admit the evidence in whole or in part in the form of a witness statement or transcripts of a proceeding before the Tribunal, under the following conditions: i) the witness is present in court; ii) the witness is available for cross-examination and any questioning by the Judges; and iii) the witness attests that the written statement or transcript accurately reflects the witness's declaration and what the witness would say if examined.<sup>1</sup>

5. A party calling a witness pursuant to Rule 92ter may seek to admit into evidence documents that have been discussed by the witness in his or her witness statement of previous testimony.<sup>2</sup>

## III. DISCUSSION OF ARGUMENTS

### (a) *The Chamber Should Admit the Witness Statement*

6. Witness Živanović's statement is relevant, reliable and probative, as set forth in greater detail herein below.

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<sup>1</sup> Rule 92ter of the Rules of Procedure and Evidence.

<sup>2</sup> *Prosecutor v. Karadzic*, Case No. IT-95-5/18-T, "Decision on Prosecution's Submission regarding Additional Transcript Pages from Momcilo Mandić's Stanisic and Zupljanin Testimony for Admission into Evidence." 8 September 2010, para.5.

7. The witness will be present at trial, and thus will be able to attest to the evidence and will be available to be cross-examined by the Prosecution. Thereby the requirements of Rule 92ter will be fulfilled, and fairness to the Prosecution will be observed.

8. The Defence submits that due to the nature of the Witness's testimony 30 minutes will be necessary in order to conduct a limited and focused direct examination of the witness to clarify, expand on, and contextualize aspects of his evidence directly relevant to the Defence case.

9. Witness Milenko ŽIVANOVIĆ was born on 30 May 1946 in Ratkovići, municipality of Srebrenica.<sup>3</sup> ŽIVANOVIĆ began professional service in the Yugoslav People's Army ("JNA") in 1970.<sup>4</sup> ŽIVANOVIĆ was appointed commander of the Drina Corps ("DK") when it was officially formed on 1 November 1992.<sup>5</sup> He left this position *de facto* as of 11 July 1995 and *de jure* as of 13 July 1995.<sup>6</sup> ŽIVANOVIĆ retired as a lieutenant general on 1 January 1996 due to a wound.<sup>7</sup>

10. Witness Živanović's testimony is relevant to and probative of salient and material issues pertaining to the Indictment. The Defence is confident in that it will, among other things, establish the following:

- a. The lack of demilitarisation in Žepa and Srebrenica. Mladić ordering the drawing of boundaries where no hostilities were to take place.<sup>8</sup>
- b. The arming of Muslims and attacks against Serbs in Podrinje.<sup>9</sup>

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<sup>3</sup> Statement, para.1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Statement, para.13.

<sup>7</sup> Statement, para.1.

<sup>8</sup> Statement, para.2.

<sup>9</sup> Statement, para.3.

- c. The order of 2 July 1995 did not refer to an attack on the Srebrenica enclave or to its capture but to separation of the enclaves. Muslim forces attacking civilian population.<sup>10</sup>
- d. The order written by Živanović was never intended to result in the expulsion of Muslim population in the region.<sup>11</sup>
- e. Operation *Krivaja* was carried out by Krstić.<sup>12</sup>
- f. The handover of duties from Živanović to Krstić.<sup>13</sup>
- g. The operational level of *Krivaja* and the role of the Main Staff.<sup>14</sup>
- h. Mladić's arrival in Srebrenica and the reasons for not going through Potočari.<sup>15</sup>
- i. The circumstances of the meeting between Mladic and Karremans.<sup>16</sup>
- j. Karadžić was informed that Srebrenica had been liberated with no casualties on either side.<sup>17</sup>
- k. The precise circumstances of the handover from Živanović to Krstić as per Mladić's command.<sup>18</sup>
- l. Atrocities committed by Muslim forces against Serb civilians around Cerska, Žepa, Srebrenica and Goražde. The entire village of Ratkovići was torched.<sup>19</sup>
- m. The position of the Drina Corps Command towards the Muslim Civilian Population.<sup>20</sup>
- n. Muslim forces ignoring calls for peace and instead torching Serb villages and killing large numbers of civilians.<sup>21</sup>

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<sup>10</sup> Statement, para.4.

<sup>11</sup> Statement, para.5.

<sup>12</sup> Statement, para.6.

<sup>13</sup> Statement, paras.7-8.

<sup>14</sup> Statement, para.9.

<sup>15</sup> Statement, para.10.

<sup>16</sup> Statement, para.11.

<sup>17</sup> Statement, para.12.

<sup>18</sup> Statement, para.13.

<sup>19</sup> Statement, para. 15.

<sup>20</sup> Statement, para.16.

<sup>21</sup> Statement, para.17.

- o.** The crimes that Muslim forces committed against Serbian civilians in Kamenica, Cerska, Bratunac, Kravica, Fakovići, Brežani and other places.<sup>22</sup>
- p.** The tactics of the Muslim forces in provoking the Serbian army in an attempt to get the green light from UNPROFOR to ship weapons.<sup>23</sup>
- q.** The strategic goals of the Muslim forces and NATO's support of these forces at the expense of the Serbian army. Živanović asking for UNPROFOR to be treated as their guests.<sup>24</sup>
- r.** Živanović expressly prohibited open fire at UNPROFOR except in self-defence. Muslim forces use of UNPROFOR vehicles and insignia for its own purposes.<sup>25</sup>
- s.** Orić using the demilitarisation period to strengthen and train units and the Serb forces expecting more attacks.<sup>26</sup>
- t.** Despite orders from Mladić, Karadžić and Živanović, the local population of Bratunac and Skelani would not allow humanitarian aid through to Muslims in Srebrenica. When aid was eventually let through, Orić's forces attacked Serbian villages.<sup>27</sup>
- u.** Orić would not let Muslim civilians leave Srebrenica and some of them fled to Serbia.<sup>28</sup>
- v.** It was believed that Muslim forces would not respect the cease-fire and would instead launch new offensives.<sup>29</sup>
- w.** The differences between the text of Directive no. 7 and what happened in reality. The impact of Directive no. 7.1.<sup>30</sup>
- x.** Appeals to UNPROFOR to remain in the enclave due to casualties to the Serb forces and civilian population.<sup>31</sup>

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<sup>22</sup> Statement, para.18.

<sup>23</sup> Statement, para.19.

<sup>24</sup> Statement, para.20.

<sup>25</sup> Statement, para.21.

<sup>26</sup> Statement, para.22.

<sup>27</sup> Statement, para.23.

<sup>28</sup> Statement, para.24.

<sup>29</sup> Statement, para.25.

<sup>30</sup> Statement, para.26.

<sup>31</sup> Statement, para.27.

- y. The DK's military strategy in Srebrenica and warnings given to the 5<sup>th</sup> Podrinje Light Brigade.<sup>32</sup>
- z. Serbian forces strategy concerning Muslim forces from Sarajevo and how the Serb forces considered the danger that threatened.<sup>33</sup>
- aa. The safe progress of civilians who expressed their wish to be taken territory under Muslim control.<sup>34</sup>
- bb. Muslim forces decided that women and children would be evacuated whilst the Žepa Brigade's military formulations would illegally transfer into Muslim territory.<sup>35</sup>
- cc. Military orders concerning captured Muslim prisoners.<sup>36</sup>
- dd. The lack of involvement of Mladić in the events that took place after the fall of Srebrenica.<sup>37</sup>
- ee. The reasons for the disconnection of the "hotline" between Serb and Muslim forces.<sup>38</sup>

**b) The Chamber Should Admit the Associated Exhibits**

**11.** Each associated exhibit is directly relevant to the case, and is inseparable and indispensable to the witness's statement, and can be contextualized and explained most effectively through this witness. They constitute an essential component of the witness' evidence, and also are of importance to the Defence case, and therefore it is submitted that it is in the interests of justice that they be admitted.

**12.** There are a total of 24 associated exhibits to this witness statement, as set out in the table that is attached at **Public Annex B**.

**13.** The associated exhibits will help assist the Chamber in understanding the evidence of this witness, as the documents relate to:

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<sup>32</sup> Statement, paras.28-29.

<sup>33</sup> Statement, para.30.

<sup>34</sup> Statement, para.31.

<sup>35</sup> Statement, para.32.

<sup>36</sup> Statement, para.33.

<sup>37</sup> Statement, para.37.

<sup>38</sup> Statement, para.39.

- a. The separation of the enclaves.<sup>39</sup>
- b. The position of the DK command towards the Muslim civilian population.<sup>40</sup>
- c. The appeals of the Serb command for peace.<sup>41</sup>
- d. The crimes Muslim forces committed against Serbian civilians in Kamenica, Cerska, Bratunac, Kravica, Fakovići, Skelani, Brežani and other locations.<sup>42</sup>
- e. Warnings given to DK subordinates regarding unauthorized shooting at the enclave.<sup>43</sup>
- f. The objectives of the Muslim forces.<sup>44</sup>
- g. Orders forbidding the firing on UNPROFOR except in self-defence.<sup>45</sup>
- h. Information regarding the Muslims forming the 8<sup>th</sup> Operation group encompassing Srebrenica and Žepa.<sup>46</sup>
- i. The transferred humanitarian aid.<sup>47</sup>
- j. The Muslim population forced to stay in Srebrenica by Orić.<sup>48</sup>
- k. The four-month cease-fire.<sup>49</sup>
- l. The differences between Directive no. 7 and the actual events.<sup>50</sup>
- m. The effects that Directive no. 7.1 had on the functioning of the DK.<sup>51</sup>
- n. The requests for UNPROFOR to remain in the enclave.<sup>52</sup>
- o. The intentions of the DK command.<sup>53</sup>
- p. The military strategy of the DK in achieving optimum defence.<sup>54</sup>
- q. The military strategy of the DK in preventing Muslim forces from linking up.<sup>55</sup>

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<sup>39</sup> Statement, para.4.

<sup>40</sup> Statement, para.16.

<sup>41</sup> Statement, para.18.

<sup>42</sup> Statement, para.18.

<sup>43</sup> Statement, para.19.

<sup>44</sup> Statement, para.20.

<sup>45</sup> Statement, para.21.

<sup>46</sup> Statement, para.22.

<sup>47</sup> Statement, para.23.

<sup>48</sup> Statement, para.24.

<sup>49</sup> Statement, para.25.

<sup>50</sup> Statement, para.26.

<sup>51</sup> Statement, para.26.

<sup>52</sup> Statement, para.27.

<sup>53</sup> Statement, para.28.

<sup>54</sup> Statement, para.29.

<sup>55</sup> Statement, para.30.

- r. The transport of civilians who expressed their wish to be taken to territory under the Muslim authorities' control.<sup>56</sup>
- s. The warnings given to Muslims in Žepa.<sup>57</sup>
- t. The order given concerning the cutting off of a Muslim armed group from Srebrenica.<sup>58</sup>
- u. The handover of duties from Živanović to Krstić.<sup>59</sup>
- v. The intercepted conversation between Živanović and Colonel Beara.<sup>60</sup>
- w. The characteristics of Živanović's signature.<sup>61</sup>

### III. CONCLUSION

**WHEREFORE**, for the foregoing arguments, the Defence respectfully requests that the Chamber issue an order:

- a. Granting the Defence leave to call Milenko Živanović as a witness pursuant to Rule 92ter.
- b. Granting the Defence leave to admit the proffered statement and the supplemental Statement, (attached hereto as Annex A) under Rule 92ter.
- c. Granting the Defense leave to admit the list of associated exhibits, (attached hereto as Annex B) under Rule 92ter.

*Word Count: 1814*

**RESPECTFULLY SUBMITTED BY:**

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<sup>56</sup> Statement, para.31.

<sup>57</sup> Statement, para.32

<sup>58</sup> Statement, para.33.

<sup>59</sup> Statement, para.34.

<sup>60</sup> Statement, para.35.

<sup>61</sup> Statement, para.36.



Branko Lukić  
*Lead Counsel for Ratko Mladić*



Miodrag Stojanović  
*Co-Counsel for Ratko Mladić*

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
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***PUBLIC***

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**ANNEX A**

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**INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF  
PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF  
INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE  
TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991**

**WITNESS STATEMENT**

DETAILS OF WITNESS:

Last name: ŽIVANOVIĆ

First name: Milenko

Father's name: Vidoje

Date of birth: 30 May 1946

Ethnicity: Serbian

Date(s) of interview: 1 and 2 February 2014

Interviewed by: Miodrag STOJANOVIĆ

Languages spoken during interview: Serbian

Witness signature: \_\_\_\_\_

## WITNESS STATEMENT

1. My name is Milenko ŽIVANOVIĆ. I was born on 30 May 1946 in the village of Ratkovići, municipality of Srebrenica. I began professional service in the JNA /Yugoslav People's Army/ in 1970. I was appointed Commander of the DK /Drina Corps/ when it was officially formed on 1 November 1992. I retired on 1 January 1996, due to the consequences of my wounding. That is the official date of my retirement – with the rank of lieutenant general.

2. Under a UN Security Council Resolution, two safe areas were formed in the DK's zone of responsibility, namely Žepa and Srebrenica, and partially Goražde. The Muslim formations in Žepa and Srebrenica were obliged to hand over all of their weapons, and some old, useless weapons were collected in negligible quantities and handed over to UNPROFOR for safekeeping. No real demilitarisation was ever carried out. I asked UNPROFOR a number of times to demilitarise Srebrenica, and had this been done, weapons would never have been used against the area in which the Muslim armed formations were situated. As ordered by General Ratko Mladić, and pursuant to the request of UNPROFOR, I drew the boundaries of the area of Srebrenica which was to encompass the demilitarised zone - the area 5 kilometres long and 1.5 kilometres wide. The area in which no hostilities were to take place was thus delineated.

3. These safe areas, in which the Muslim armed forces were stationed, were not only never demilitarised, but also, from the moment they were established and throughout their entire existence, the Muslim forces continued to receive both light and heavy weapons. They gained in military strength, although, I repeat, no military formations should have been permitted to be there. One can definitely say that, both before and after the enclaves were formed, there were constant attacks by Muslim military and paramilitary formations on the Serb population, and I know very well that these Muslim formations burned and destroyed 157 Serb villages in Podrinje.

4. My order of 2 July 1995 (**EXH D00302**) did not refer to an attack on the Srebrenica enclave or its capture, but to a separation of the enclaves. This is confirmed by a sentence from the order stating that the main forces of the DK were to remain at existing positions while auxiliary forces were to carry out the offensive to separate the Srebrenica and Žepa enclaves and reduce them to the urban areas. All this was done in order to stop the Muslim forces' attacks on Serbian territory. As you can see, this order insists on adherence to the Geneva Conventions. I would also like to point out that this order was also issued on the basis of the situation in the Corps' zone of responsibility. The situation in the Corps' zone of deployment was extremely complex and difficult. I have already stated that the Muslim forces were constantly attacking from the zone; in late June sabotage groups formed by the 28<sup>th</sup> Division, which was located in Srebrenica, even carried out an attack on the G[ /Main Staff/, which was also in the DK's zone of responsibility, and they also launched attacks on the civilian population.

5. I did write this order and sign it. It is a fact that I referred to directives 7 and 7/1, but the DK never intended to expel the Muslim population from the area.

6. The Operation *Krivaja* from this order was executed by General KRSTIĆ.
7. In mid June 1995, General MLADIĆ told me that KRSTIĆ was going to take over my duties as Commander of the DK.
8. On 11 July 1995 I went to the DK IKM /forward command post/ in Pribićeovac with General MLADIĆ because the operation was in progress. As the Corps Commander, I asked KRSTIĆ to inform where the forces in contact were positioned, but he told me not to interfere in his business.
9. The Drina Corps Command was in charge of planning the Operation *Krivaja* 95, in the spirit of the relevant orders issued by the Main Command. There was actually no military justification for the Main Staff to take part in this simply because this was an operation that was being carried out by a corps, which is an operation at the operational level, while the Main Staff plans and might even command operations at the strategic level in which two or more corps take part. This was really not an operation of the scale it is made out to be for the simple reason that it was executed with a small force or free forces. Of course, the Main Staff commander has the right to decide in which part of the front and when he appears, as he did in Srebrenica on 11 July by going to the Pribićeovac IKM.
10. MLADIĆ and I arrived at the Pribićeovac IKM between 1000 and 1100 hours on 11 July 1995. After we heard that Srebrenica had been captured, MLADIĆ said that he wanted to enter Srebrenica and we entered the town at approximately 1630 hours, which is recorded in video footage. After a brief stay in the town, we returned to Bratunac via Jadar, Pribićeovac and Sase, thus in the opposite direction to Potočari, which we did not pass through. By then we were already aware that a large number of civilian inhabitants had come to the UNPROFOR base in Potočari and that was precisely why we did not go through Potočari.
11. I would describe my presence in Bratunac on the evening of 11 July 1995 as attendance at a meeting that took place between MLADIĆ and KARREMANS. Drinks were served on the occasion, and the reason for that was exclusively my departure from the post of Corps Commander. As General MLADIĆ put it, I was to go off for repair and maintenance because my blood pressure was 210/130 at the time. It is not true that a toast was drunk to the success of the Serbian army in Srebrenica.
12. I did not take part in any meeting at the Bratunac Brigade command. After that meeting with the Dutch Battalion commander and General MLADIĆ, I went to Vlasenica. When I arrived at Vlasenica, the officer on duty told me that President KARADŽIĆ had called and said that he could not get through to Bratunac or MLADIĆ or KRSTIĆ, and that I or whoever came to the command post should call him, whether it was me or KRSTIĆ or LAZIĆ. I wondered why I was supposed to call directly a superior two levels higher than me when he could have communicated with the Main Staff, but I still called and informed him that Srebrenica had been liberated and that there were no casualties on either side. That is the information that I had, and President Radovan Karadžić was glad about it.

13. On 12 July 1995 there was a celebration of St. Peter's Day in Vlasenica, he being the patron saint of the town. I spent part of 12 July 1995 in the house of Zvonko BAJAGIĆ and I saw buses passing transporting Muslims from Bratunac towards territory under BH Army control. I did not leave Vlasenica that day or on 13 July 1995. On 13 July 1995 KRSTIĆ and MLADIĆ came to the command in Vlasenica. There was a ceremony in which I handed over the corps command duties to KRSTIĆ, which took place approximately at 1800 hours. This was effectively the materialisation of the announcement made by General MLADIĆ in June that I would be replaced by KRSTIĆ, or I would link this to that situation when I arrived at Pribićevac on 11 July 1995 and KRSTIĆ, you could even say, removed me from the IKM, and I really did leave. So that day, 13 July 1995, was the *de jure* situation when I handed over the command, but *de facto* it had occurred on 11 July 1995. I continued to go to the command until 17 July 1995. I was not the commander and I was waiting for my farewell party, which was held on 20 July 1995 in the *Jela* Restaurant in Han Kran.

14. I was not in command of the units or the commanding officers, the only thing that occurred was that Vinko PANDUREVIĆ, the Commander of the Zvornik Brigade, came to see me on 15 July 1995 on the way back from Žepa and on his way to Zvornik, I advised him at the time to forget about Žepa because he had bigger problems in the zone of responsibility of the Zvornik Brigade.

15. As early as 1992, Muslim forces in Podrinje committed numerous atrocities and massacres of Serbian civilians around Cerska, Žepa, Srebrenica and Goražde, and tens of thousands of Serbian civilians were expelled from their homes and land. Many civilian villagers from Ratkovići, where I was born, were killed on 21 June 1992, and they were not buried until a whole year later, on 17 May 1993 in Fakovići. The entire village of Ratkovići with the hamlets of Račići, Dučići, Dvorišta, Ratkovići, Potočari, Gornji Ratkovići, Polimci, Kaludra, Mogudovići and Brađevina was torched and destroyed and Muslim civilians exploited the area by taking cattle and building materials, cutting down trees in the woods and so on.

16. I was shown a document of the DK Command (**65ter 04648**) signed by Colonel Miladin PRSTOJEVIĆ, Chief of the Operations and Training Department. We could talk a lot about this document, but it best illustrates the position of the DK Command towards the Muslim civilian population. The Muslims, or rather the civilian population, were never the target of attack, but it was the right and the duty of the DK to ensure that homes and properties belonging to Serbian civilians be returned to Muslims /as written/.

17. I was shown an interview I gave in 1993 (**65ter 1D04835**) in which immediately when the war broke out I appealed to Muslims from Podrinje for us to renounce weapons and stop fighting and appealed for peace, but I did not receive any response. Instead of peace they chose war and they torched a large number of Serbian villages and massacred a large number of civilians, and so the DK had to make a stand against such atrocities.

18. In a DK document dated 25 August 1993 (**65ter 1D03063**) I listed the crimes that Muslim forces committed against Serbian civilians in Kamenica, Cerska, Bratunac, Kravica, Fakovići, Skelani, Brežani and other places, which also justified and explained the existence of the DK which tried to prevent such crimes.

19. I was shown a document dated 27 January 1994 (**65ter 1D04831**) in which I warned my subordinate units at combat positions around Srebrenica, those being the Bratunac Brigade, the Skelani Independent Battalion, the Pribićeovac TG /Tactical Group/, the Milići and Zvornik Brigade, that they had a duty to energetically prevent all unauthorised shooting at the enclave. It was a tactic of the Muslim forces in Srebrenica to provoke the Serbian army so that they would get a green light from UNPROFOR to ship in weapons.

20. In a DK document dated 1 April 1994 (**65ter 1D04815**) I explained that the objectives of the Muslim forces in Podrinje were to militarily link up Goražde, Žepa, Srebrenica and the Zvornik area, and stated how they planned to link them up and what were the expected axes of attack, and that they would then attempt to link Sarajevo and Goražde. It was clear to us that NATO was in contact with UNPROFOR, and took part in joint UNPROFOR and NATO actions, i.e. supported the Muslim forces at our expense. In spite of that, I asked the commands of my subordinate units to treat UNPROFOR as guests who had come to help us to achieve peace.

21. I was shown a document issued on 5 November 1994 by the Bratunac Brigade (**65ter 1D04818**) conveying in its entirety my order to subordinate units which expressly forbade opening fire at UNPROFOR except in self-defence. I asked for disciplinary action to be taken against anyone who violated this order. I was aware that Muslim forces were using UNPROFOR vehicles and insignia for their own purposes and the only thing left for us was to lodge protests because of such conduct.

22. I was shown document (**65ter 1D04817**) sent on 16 December 1994 to the security organ in which I referred to information that Muslims had formed the 8<sup>th</sup> Operations Group, encompassing Srebrenica and Žepa, under the command of Naser ORIĆ, who was in constant touch with the Command of the BH Army 2<sup>nd</sup> Corps. I also had information that ORIĆ requested that units of the 2<sup>nd</sup> Corps launch an offensive against our forces, and that he had used the demilitarisation period to strengthen the staffing and training of his units and we were therefore expecting more sabotage terrorist actions.

23. I was shown document (**65ter 1D04829**), which was issued by the DK command and drafted by Captain Slavko NOVAKOVIĆ, who was the DK officer responsible for UNPROFOR and UNHCR convoys, i.e. the officer who forwarded approvals for the passage of UNPROFOR humanitarian aid and convoys to checkpoints in the DK zone of responsibility. This document reflects the humanitarian aid delivered to the Srebrenica enclave in 1994. I personally requested that all humanitarian convoys be allowed to pass through. At the very beginning of October 1992 neither KARADŽIĆ nor MLADIĆ nor anyone else was able to convince the local population of Bratunac and Skelani to allow humanitarian aid to be delivered to

Muslims in Srebrenica. I went to speak to those people and UNPROFOR led the first convoy through Bratunac to Srebrenica. Superhuman efforts were made to convince the local population of Bratunac and Skelani to allow convoys to pass through to the Muslims in Srebrenica, to those same Muslims whose forces had until then been killing in Serbian villages and killing Serbian civilians. Only a few days after the first humanitarian aid passed through, Naser ORIĆ's forces destroyed three Serbian villages, committing terrible atrocities in the Serbian villages of Sikirići, Bjelova and Zagonje.

24. I was shown the document dated 16 February 1995 (**65ter 1D04823**) and I can say that this was a frequent occurrence. The Muslim civilian population and even men of fighting age were forced to stay in Srebrenica by ORIĆ, who would not allow them to leave, and because Serbia was so close the local inhabitants of Srebrenica fled to Serbia because they could not bear Naser ORIĆ's terror.

25. I was shown a document dated 1 March 1995 (**65ter 1D05109**) and I drew the conclusion that Muslim forces would not respect the four-month ceasefire that had been signed, but would launch an offensive to link up Srebrenica and Žepa and then direct their operations towards Kladanj, Olovo and Tuzla, from where operations towards the enclaves were again expected.

26. I was shown the document dated 8 March 1995 and marked (**EXH P0149**) and this is Directive no. 7. I was shown the part referring to the DK's tasks, particularly the disputed sentences: "By planned and well-thought out daily combat operations, create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa" and "By planned and discrete restrictive approval of requests, reduce and limit the logistical support of UNPROFOR forces in the enclaves and the supply of goods to the Muslim population, making them dependent on our goodwill." I state with full responsibility that the DK did not block humanitarian aid convoys to the enclaves but tried, after inspecting the contents of the convoys, to lead them safely to their destination. Life for the Muslims in the enclaves was made unbearable by the leadership in those enclaves. Muslim civilians from neighbouring Muslim villages were grouped together in Srebrenica after they fled from combat, creating difficult conditions in the enclave. I personally brought water to Srebrenica and led humanitarian aid convoys and offered medical help in the form of our helicopters transporting their sick and wounded. The DK never made life more difficult for the inhabitants in Srebrenica regardless of what Directive 7 states. In other words, the disputed text of the Directive referring to the DK's tasks was never implemented. Besides, the DK received Directive 7/1 (**EXH P01470**), dated 31 March 1995 and signed by General MLADIĆ, in which the clear task of the DK was "to prevent the enemy on the part of the front around the enclaves from breaking through on selected operational and tactical axes, and to tie up as many of their forces as possible with decoy actions and by applying operational and tactical camouflage." The DK was also assigned tasks from Operation *Spreča*, but the important thing for the enclaves in terms of Directive 7 was that the DK's task was changed and the disputed text from Directive 7 was omitted.

27. I was also shown the DK Command document dated 20 March 1995 (**65ter 1D03216**) in which I asked UNPROFOR in Srebrenica for the Muslim forces to withdraw into the territory of the enclave because they often left the enclave and inflicted casualties on civilians and our forces. I also warned UNPROFOR that if they were not able to do this, we would be forced to react and protect ourselves.

28. I was shown the DK Command document of 5 July 1995 (**65ter 1D04832**) in which I again stated the intentions of the command and said that the units had carried out all preparations for executing combat actions with the purpose of isolating the enclaves and reducing the Srebrenica enclave to the area that the international community referred to as demilitarised. In the order I go on to warn the Command of the 5<sup>th</sup> Podrinje Light Brigade, which was in contact with the Žepa Brigade, to prevent members of the Žepa Brigade from shooting and striking at our forces from the rear.

29. I was also shown a DK Command document with the date 11 July 1995 on the incoming stamp (**65ter 1D04820**). The document itself indicates that it is a matter of taking up a defence line and improving the tactical position with the objective of establishing the defence line at more favourable positions so as to achieve the optimal defence with the smallest possible forces.

30. I was shown a document dated 11 July 1995 (**65ter 04399**). This document was signed by Colonel JOCIĆ and its gist is not to permit Muslim forces from Sarajevo to link up in the depth of the DK zone of responsibility. This document was drafted on the basis of a Main Staff order issued before the document I am talking about, and I can say that this is a logical progression of things when an order such as this is issued in view of the danger that threatened.

31. I was shown a document dated 12 July 1995 (**65ter 04144**) and I can say that this concerns the transport of civilians who expressed their wish to be taken to territory under the Muslim authorities' control, and I know for a fact that on that occasion there was no coercion whatsoever, that orders regulated the safe progress of the evacuation, and that at a meeting on 11 July 1995 in the evening, which I did not attend but which I saw on a video cassette, Colonel KARREMANS told General MLADIĆ that the Muslim refugees in Potočari had said that they wished to leave the area. As I have already said, I saw those buses passing by when I was in Zoran BAJAGIĆ's house on 12 July 1995.

32. I was shown a DK Command document dated 13 July 1995 (**65ter 05587**) and in that document I warned that Muslims in Žepa were using a similar tactic as in Srebrenica and had decided that the women and children would be evacuated while the Žepa Brigade's military formations would illegally transfer to Muslim territory.

33. I was shown a DK Command document dated 13 July 1995 (**65ter 04105**). This order was drafted on the basis of a Main Staff order and there is nothing unusual in it. I issued an order to cut off this Muslim armed group from Srebrenica, which included hard core criminals, but this was solely because they were moving along a road where there were Serbian civilians. Furthermore, I ordered that captured Muslim soldiers be placed in suitable premises where they could logically be guarded with

smaller forces. I never intended or heard that these prisoners should be treated inhumanely, or God forbid, that they would be killed.

34. I was also shown a DK Command document dated 13 July 1995 (**65ter 04675**) indicating that the handover of duty between general KRSTIĆ and myself took place that day in the presence of General MLADIĆ, and two days after that, on 15 July 1995, I was placed by a decree of the President of the Republic at the disposal of the VRS Main Staff. I note that I never spoke to Major JOKIĆ from the Zvornik Brigade Command, particularly not on 14 July.

35. I was shown an intercepted conversation between Colonel BEARA and myself, which the Prosecution alleges took place a little bit before 1000 hours on 15 July 1995 (**EXH P01319** – handwritten version, or **65ter 21011C** – typewritten version). I provided my explanation of this conversation in writing to the Prosecutor of The Hague Tribunal on 26 November 2001, recorded under **65ter 1D03333**, and I have nothing to add to that and stand by everything I said in that connection.

36. On some DK documents there were certain improprieties with my signature and so in my interview on 2 July 2001 I provided the prosecutor with a number of sample signatures and this was registered under **65ter 1D04824**.

37. From what I know, there is no possibility that General MLADIĆ had any part in the crimes that occurred after the fall of Srebrenica. I never heard General MLADIĆ issue any illegal orders pertaining to members of other ethnicities, including members of the Muslim people. I know that ways were always sought to exchange all captured members of the BH Army for our captured men who were in Muslim prisons.

39. In early February 1993, after the Muslim forces murdered schoolchildren, the president of the municipal assembly and other inhabitants in Skelani on 17 January 1993, we established a "hotline" with the Muslim side. It was then that I was instructed by General Ratko Mladić to propose to the Muslims to lay down their weapons and abandon any and all military and paramilitary formations, and to stay in their villages and at their employment posts. The above proposals were discussed with the Muslims by Lieutenant Colonel Rajko Kuljanin, but since they had told him that they were stronger than us I ordered that the communication line be disconnected and afterwards we started preparing for the liberation of the Serb areas.

38. I was interviewed by the Hague Tribunal Prosecutor's Office on two occasions, once on 2 July 2001 and again on 30 October 2001, and I testified before the International Criminal Tribunal for the Former Yugoslavia in the Prosecutor versus Radovan KARADŽIĆ case at the invitation of Radovan KARADŽIĆ's defence. I stand by everything I said to the prosecutor in my statements, as well as during my testimony, and there is nothing that I would change.

**WITNESS CONFIRMATION**

I have read this \_\_\_\_\_-page statement and it contains all that I have said, according to my best knowledge and recollection. I have provided this statement voluntarily and am aware that it may be used in proceedings before the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, and that I may be called to testify publicly before the Tribunal.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**MEĐUNARODNI SUD ZA KRIVIČNO GONJENJE OSOBA ODGOVORNIH ZA  
TEŠKA KRŠENJA MEĐUNARODNOG PRAVA NA TERITORIJI BIVŠE  
JUGOSLAVIJE OD 1991**

**IZJAVA SVEDOKA**

PODACI O SVEDOKU:

Prezime: ŽIVANOVIC

Ime: Milenko

Ime oca: Vidoje

Datum rođenja: 30.05.1946. godine

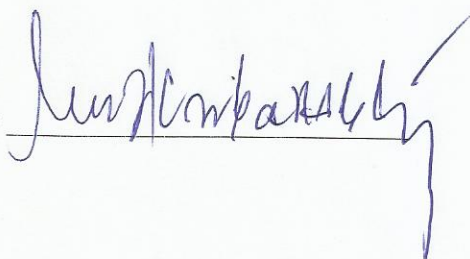
Nacionalnost: Srbin

Datum(i) razgovora: 01. i 02.02.2014. godine

Razgovor (e) vodili: Miodrag Stojanović

Jezici korišćeni u toku razgovora: Srpski jezik

Potpis svedoka:

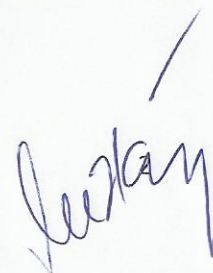


**IZJAVA SVEDOKA**

1. Zovem se Milenko ŽIVANOVIĆ. Rođen sam 30. Maja 1946. godine u selu Ratkovići opština Srebrenica. Profesionalnu obavezu u JNA počeo sam da obavljam 1970. godine. 1. novembra 1992. godine postavljen sam za komandanta DK kada je on zvanično i formiran. Penzionisan sam 1. januara 1996. godine, zbog direktnih posledica ranjavanja. To je zvaničan dan mog penzionisanja i to u činu general-potpukovnika.

2. U zoni DK /Drinskog korpusa/ formirane su dve zaštićene zone Rezolucijom Saveta bezbednosti UN i to Žepa, Srebrenica i delom Goražde. Obaveza muslimanskih formacija iz Žepe i Srebrenice bila je da predaju svo naoružanje koje su imali i prikupljeno je nešto starog, neupotrebljivog naoružanja, vrlo zanemarljive količine, koje su predate UNPROFOR-u na čuvanje. Prava demilitarizacija nikada nije sprovedena. Više puta sam tražio od UNPROFOR-a da se sprovede razoružanje muslimanskih vojnih i paravojnih formacija Srebrenice i da je to urađeno, nikada, protiv zone gde su nekada bile oružane muslimanske formacije, ne bi bilo upotrebljeno oružje. Ja sam po naređenju generala Ratka Mladića, a na zahtev UNPROFOR-a nacrtao granice prostora Srebrenice sa dimenzijama na kojima bi se prostirala demilitarizovana zona dužine 5km, a širine 1,5km. Time je bila određena zona u kojoj je trebao da vlada mir.

3. Ne samo da zone, gde su bile smeštene oružane muslimanske formacije, nisu demilitarizovane, nego od njene uspostave, pa sve vreme postojanja enklave, muslimanske snage su se naoružavale kako lakim, tako i teškim naoružanjem, vojno su jačale, mada ponavljam, vojnih formacija tu nije smelo uopšte da bude. Može se pouzdano reći da su, kako pre tako i posle formiranja enklava, bili stalni napadi muslimanskih vojnih i paravojnih formacija prema srpskom stanovništvu i meni je veoma dobro poznato da su te muslimanske formacije u Podrinju spalile i uništile 157 srpskih sela.



4. Moje naređenje od 2. Jula 1995. godine (EXH D00302) se nije odnosilo na napad na enklavu Srebrenica niti za njeno zauzimanje, već na razdvajanje enklave. Ovo potvrđuje i rečenica iz tog naređenja da glavne snage DK ostanu na postojećim položajima, a da se pomoćnim snagama izvode ofanzivna dejstva i da se što pre razdvoje enklave Srebrenica i Žepa i da ih suzi na gradsko područje. Sve je ovo urađeno kako bi prestali napadi muslimanskih snaga na srpsku teritoriju. Kao što vidite u ovom naređenju se insistira na poštovanju Ženevskih konvencija. Još bih istakao da je ovo naređenje nastalo i na osnovu situacije u zoni razmeštaja korpusa. Situacija u zoni razmeštaja korpusa je bila izuzetno složena i teška. Već ranije sam rekao da su muslimanske snage stalno napadale iz zone, a krajem juna meseca, diverzantske grupe koje su formirane od strane 28. divizije koja je bila smeštena u Srebrenici, izvršile su čak i napad na GŠ, koji je opet bio u zoni DK, kao i da su prilikom tih napada, vršili napade i na civilno stanovništvo.

5. Ja jesam napisao ovo naređenje i potpisao sam ovu zapovest. Činjenica je da se pozivam na direktive 7 i 7/1, ali DK nikada nije imao nameru da protera muslimansko stanovništvo sa tih prostora.

6. Operaciju „Krivaja“ po ovom naređenju izvodio je general Krstić.

7. Sredinom juna meseca 1995. godine, meni je general Mladić rekao da će Krstić preuzeti moje dužnosti komandanta DK.

8. Dana 11. Jula 1995. ja sam otišao na IKM DK Pribićevac, zajedno sa generalom Mladićem, jer je operacija bila u toku. Kao komandant korpusa, tražio sam da me Krstić izvesti gde su snage u dodiru, ali mi je on rekao da se ne petljam u njegov posao.



9. Komanda DK je bila nosilac planiranja operacije "Krivaja 95", a u duhu adekvatnih naređenja Glavne komande. Nema ni vojnog opravdanja da učestvuje GŠ u tome iz prostog razloga što je ovo operacija koju izvodi korpus, a koja operacija je operativnog nivoa, a GŠ planira i eventualno komanduje u operacijama strategijskog nivoa, u onim operacijama u kojima učestvuje dva ili više korpusa. Ovo uopšte nije bila operacija takvih razmera kao što se predstavlja, samim tim što je izvedena malim snagama ili slobodnim snagama. Naravno, pravo je komandanta GŠ da odluči na kom delu ratišta i kada će se pojaviti, kao što je to i učinio u Srebrenici 11. Jula 1995. godine odlaskom na IKM Pribićevac.

10. Mladić i ja smo stigli na IKM Pribićevac između 10 i 11 časova 11. Jula 1995. godine. Nakon što smo čuli da je Srebrenica zauzeta, Mladić je rekao da želi da uđe u Srebrenicu i negde oko 16:30 časova smo ušli u grad što postoji zabeleženo na video snimcima. Nakon kraćeg zadržavanja u gradu vratili smo se preko Jadra, Pribićevca i Sasa u Bratunac, dakle suprotnim putem od Potočara kroz koje nismo prolazili. Već tad smo imali saznanje o tome da je veliki broj civilnog stanovništva došao u Potočare, u bazu UNPROFOR-a i upravo iz tog razloga nismo ni prolazili kroz Potočare.

11. Moje prisustvo u Bratuncu 11. Jula 1995. uveče bih opisao kao prisustvo sastanku koji se održao između Mladića i Karamansa. Tom prilikom je posluženo i piće, a razlog tome je bio isključivo moj odlazak sa mesta komandanta korpusa, kako je general Mladić rekao da idem na remont, jer mi je izmereni krvi pritisak iznosio 210/130. Nije istina da se nazdravljalo uspehu srpske vojske u Srebrenici.

12. Ja nisam učesnik nikakvog sastanka u komandi Bratunačke brigade i nakon tog sastanka sa komandantom holandskog bataljona i generalom Mladićem, ja sam otišao u Vlasenicu. Kad sam stigao u Vlasenicu, dežurni oficir mi je saopštio da je zvao predsednik Karadžić, te da je rekao da nije mogao da dobije ni Bratunac, ni Mladića ni Krstića, pa da mu se javim ja ili neko ko dođe na komandno mesto, da li ja, Krstić, Lazić. Bilo mi je čudno zašto ja da se javljam

direktno svom drugopretpostavljenom kad je on tu komunikaciju mogao ostvariti sa GŠ, ipak ja sam ga pozvao i izvestio da je Srebrenica oslobođena i da nema žrtava ni na jednoj strani. To je ono što sam ja imao kao saznanje, a predsedniku Radovanu Karadžiću je to bilo drago.

13. Dana 12. Jula 1995. godine je bila svečanost u Vlasenici i to je verski praznik Petrovdan, koji je i slava toga grada. Ja sam jedan deo vremena tog 12. Jula 1995. godine proveo u kući Zvonka Bajagića i video sam da prolaze autobusi koji su prevozili Muslimane iz Bratunca prema teritoriji pod komendom ABiH. Toga dana nisam napuštao Vlasenicu, niti pak 13. Jula 1995. godine, kog dana, dakle 13. Jula 1995, Krstić i Mladić su stigli u komandu u Vlasenicu. Obavljena je jedna ceremonija na kojoj sam ja predao dužnost komandovanja korpusom Krstiću i to je bilo negde oko 18 sati. To je praktično bila materijalizacija one najave generala Mladića iz juna meseca da će na moje mesto doći Krstić, odnosno, ovo bih povezao sa onom situacijom kada sam 11. Jula 1995. došao na Pribićevac, i kada mi je sa IKM Krstić, moglo bi se reći, udaljio sa IKM i ja sam se zaista i pomerio odatle. Dakle, taj 13. Jul 1995. godine je de iure situacija kada sam ja predao komandu, a de facto to je bilo 11.07.1995. godine. Ja sam nastavio dolaziti u komandu sve do 17. Jula 1995. godine, nisam bio komandant, i čekao sam svoj ispraćaj koji se obavio 20. Jula 1995. godine u restoranu Jela na Han Kranu.

14. Nisam komandovao jedinicama, niti starešinama, jedino mi je 15. Jula 1995. godine prilikom povratka sa Žepe a na putu za Zvornik došao Vinko Pandurević, komandant Zvorničke brigade, ja sam ga tada savetovao da se mane Žepe, jer ima veće probleme u zoni Zvorničke brigade.

15. Muslimanske snage su još u 1992. godine činila mnoga zverstva i masakre nad srpskim civilima u Podrinju, oko Cerske, Žepe, Srebrenice, Goražda, pa je na desetine hiljada srpskih civila proterano iz svojih kuća, sa svojih imanja. Pobijeni su mnogi seljaci, civili mog rodnog sela Ratkovića i to 21. Juna 1992. godine, koji su tek godinu dana nakon toga, 17. Maja 1993. godine sahranjeni u Fakovićima. Zatim, celo selo Ratkovići sa zaseocima Račići, Dučići, Dvorišta,

Ratkovići, Potočari, Gornji Ratkovići, Polimci, Kaludra, Mogudovići i Brađevina su paljena i slušena, a muslimanski civili su taj prostor eksploatisali oduzimajući stoku, odnoseći građevinski materijal, sekući šumu i slično.

16. Predočen mi je dokument komande DK (**65ter 04648**) koji je potpisao pukovnik Miladin Prstojević, načelnik odeljenja za operativno nastavne poslove. O ovom dokumentu možemo mnogo govoriti, ali najbolje pokazuje kakav je stav imala komanda DK prema muslimanskom civilnom stanovništvu. Cilj napada nikada nisu bili Muslimani, odnosno civilno stanovništvo, a prava i dužnost DK je bila da se obezbedi da se kuće i imanja koja su pripadala srpskim civilima vrate od Muslimana.

17. Pokazan mi je jedan moj intervju (**65ter 1D04835**) iz 1993. godine da sam odmah po izbijanju rata pozvao Muslimane iz Podrinja da se okanemo oružja i ratovanja i pozvao ih na mir, ali nisam dobio nikakav odgovor. Oni su umesto mira izabrali rat paleći mnoga srpska sela u kojima su masakrirali veliki broj civila, zbog čega je DK morao da se usprotivi ovakvim zverstvima.

18. U dokumentu DK (**65ter 1D03063**) od 25. Avgusta 1993. godine, izneo sam zločine koje su muslimanske snage izvršile nad srpskim civilima u Kamenici, Cerskoj, Bratuncu, Kravici, Fakovićima, Skelanima, Brežanima i drugim mestima, što je takođe opravdalo i objašnjavalo postojanje DK koji je pokušavao sprečiti takve zločine.

19. Pokazan mi je dokument (**65ter 1D04831**) od 27. Januara 1994. godine, u kojima upozoravam moje potčinjene jedinice koje imaju borbene položaje oko Srebrenice, a to su Bratunačka brigada, Samostalni bataljon Skelani, TG Pribićevac, Milićka i Zvornička brigada, da su dužni da najenergičnije spreče bilo kakvo samovoljno otvaranje vatre ka enklavi. Taktika



muslimanskih snaga u Srebrenici je bila da provocira srpsku vojsku, kako bi od UNPROFOR-a dobili zeleno svetlo za dotur oružja.

20. U dokumentu DK od 1. Aprila 1994. godine (**65ter 1D04815**) sam objasnio ciljeve muslimanskih snaga u Podrinju, a to je bilo vojno vezivanje Goražda, Žepe i Srebrenice, kao i prostora Zvornika, te dalje naveo na koji način planiraju izvršiti ovo povezivanje, očekivane pravce napada, te pokušaja povezivanja Sarajeva sa Goraždem. Bilo nam je jasno da je NATO bio u vezi sa UNPROFOR-om, a ovaj opet učestvovao u zajedničkim akcijama UNPROFOR-a i NATO-a, tj. podržavao muslimanske snage na našu štetu. Uprkos tome, ja sam tražio od komandi mojih potčinjenih jedinica da se prema UNPROFOR-u moraju ponašati kao prema gostima koji su došli da nam pomognu kako bismo došli do mira.

21. Pokazan mi je dokument od 5. Novembra 1994. godine izdat od strane Bratunačke brigade (**65ter 1D04818**) u kome se prenosi integralno moje naređenje potčinjenim jedinicama kojim se izričito zabranjuje otvaranje vatre prema UNPROFOR-u izuzev samoodbrane. Tražio sam da se pokrene postupak prema prekršiocima ovog naređenja. Bio sam svestan da muslimanske snage koriste vozila i oznake UNPROFOR-a za svoje svrhe i jedino nam je ostalo da ulažemo proteste zbog takvog ponašanja.

22. Pokazan mi je dokument (**65ter 1D04817**) od 16. Decembra 1994. godine i to organu bezbednosti u kome govorim o saznanjima da su Muslimani formirali 8 operativnu grupu u čijem sastavu su Srebrenica i Žepa, te da je za komandanta postavljen Naser Orić, koji održava stalnu vezu sa komandom 2. Korpusa ABiH. Takođe sam imao saznanja da je Orić tražio da jedinice 2. Korpusa otpočinu sa ofanzivnim dejstvima prema našim snagama, kao i da je vreme demilitarizacije iskoristio za kadrovsko jačanje i obuku svojih jedinica, te da smo očekivali dalje diverzantsko terorističke akcije.

23. Pokazan mi je dokument (**65ter 1D04829**) koji je izdat iz komande DK, a sastavio ga je kapetan Slavko Novaković, koji je bio zadužen u DK za konvoje UNPROFOR-a i UNHCR-a, odnosno oficir koji je prosledivao odobrenja za prolaz humanitarne pomoći i konvoja UNPROFOR-a na kontrolne punktove koji su se nalazili u zoni DK. Ovaj dokument predstavlja isporučenu humanitarnu pomoć enklavi Srebrenica u 1994 godini. Ja sam lično tražio da se propuštaju svi konvoji humanitarne pomoći. Na samom početku oktobra 1992. godine ni Karadžić ni Mladić, niti bilo ko drugi nije bio u stanju da ubedi lokalno stanovništvo Bratunca i Skelana da se omogući dotur humanitarne pomoći Muslimanima u Srebrenici. Ja sam izašao pred taj narod i UNPROFOR je sproveo prvi konvoj kroz Bratunac u Srebrenicu. Uloženi su vanljudski naponi da se ubedi lokalno stanovništvo Bratunca i Skelana da se dozvoli prolazak konvoja Muslimanima u Srebrenici i to istim tim Muslimanima čije su snage do tada samo ubijale po srpskim selima. Samo nekoliko dana nakon prvog prolaska humanitarne pomoći snage Nasera Orića su uništile tri srpska sela – Sikirići, Bjelova i Zagonje, čineći strahovita nedela prema srpskim civilima.

24. Pokazan mi je dokument od 16. Februara 1995. godine (**65ter 1D04823**) i mogu reći da je ova pojava bila učestala. Muslimansko civilno stanovništvo pa i vojno sposobni muškarci su na silu ostavljani u Srebrenici od strane Orića, on im nije dozvoljavao odlazak, te je lokalno stanovništvo Srebrenice iskoristili blizinu Srbije, tako što su bežali u Srbiju, jer nisu mogli podneti teror Nasera Orića.

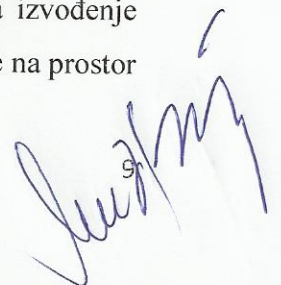
25. Pokazan mi je dokument od 1. Marta 1995. godine (**65ter 1D05109**) i ja iznosim zaključak da muslimanske snage neće poštovati potpisano četvoromesečno primirje, već da će početi ofanzivu za spajanje Srebrenice i Žepe, a zatim usmeriti dejstva ka Kladrju, Olovu i Tuzli odakle se opet očekivalo dejstvo ka enklavama.

26. Pokazan mi je dokument od 8. marta 1995 godine koji nosi oznaku (**EXH P01469**) i to je direktiva broj 7. Pokazan mi je deo koji se odnosi na zadatke DK a posebno sporne rečenice

„Svakodnevnim planskim i osmišljenim borbenim aktivnostima stvoriti uslove totalne nesigurnosti, nepodnošljivosti i besperspektivnosti daljeg opstanka i života meštana u Srebrenici i Žepi“ kao i „Planskim i nenametljivim restriktivnim odobravanjem zatheva smanjiti i ograničiti logističku podršku snaga UNPROFOR-a u enklavama i dotur materijalnih sredstava muslimanskom življu i učiniti ih ovisnim od naše dobre volje“. Odgovorno tvrdim da DK nije blokirao konvoje sa humanitarnom pomoći enklavama već je nastojao da nakon stečenog uvida u sadržaj konvoja isti budu sprovedeni bezbedno na odredište. Život Muslimana u enklavama je učinjen nepodnošljivim od strane rukovodstva u dotičnoj enklavi. Muslimanski civili iz okolnih muslimanskih sela sklanjajući se od borbenih dejstava su grupisani u Srebrenici, stvarajući teške uslove za enklavu. Ja sam lično doveo vodu u Srebrenicu i sprovodio konvoje sa humanitarnom pomoći i nudio medicinsku pomoć da naši helikopteri prevoze njihove bolesne i ranjene. DK nije nikada otežavao život stanovnicima u Srebrenici bez obzira na to što piše u Direktivi 7. Drugim rečima, sporni tekst direktive u delu koji se odnosi na zadatke DK nikada nije sproveden u delo. Pored toga, DK je dobio direktivu 7/1 (EXH P01470) od 31. Marta 1995. godine, a koju je potpisao general Mladić u kojoj je jasan zadatak DK da se u delu „ratišta oko enklava spreči prodor neprijatelja na izabranim operativno taktičkim pravcima a demonstrativnim dejstvima i primenom mera operativno taktičkog maskiranja vezivati mu što jače snage“. Takođe DK dobija realizaciju zadataka iz operacije „Spreča“, ali je za enklave bitno da je u odnosu na direktivu 7, izmenjen zadatak DK, te nema ni spornog teksta iz direktive 7.

27. Takođe mi je pokazan dokument od 20. Marta 1995. komande DK (65ter 1D03216) kojim ja od UNPROFOR-a u Srebrenici tražim povlačenje muslimanskih snaga u prostor enklave, pošto su iste izlazile iz enklave i nanosile gubitak civilima i našim snagama. Takođe sam upozorio UNPROFOR da ukoliko nisu u stanju to da učine, da ćemo mi biti primorani da reagujemo i da se zaštitimo.

28. Pokazan mi je dokument od 5. Jula 1995. (65ter 1D04832) komande DK u kome još jednom iznosimo namere komande, a to je da su jedinice izvršile sve pripreme za izvođenje aktivnih borbenih dejstava sa ciljem razdvajanja enklava i svodenja enklave Srebrenice na prostor



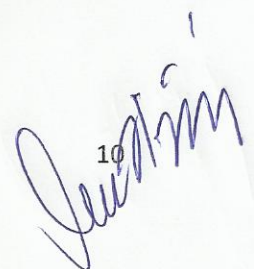
koji međunarodna zajednica naziva demilitarizovanom. Dalje u ovom naređenju upozoravam komandu 5. Podrinjske lake brigade koja je u dodiru sa Žepskom brigadom da onemogući dejstva pripadnika Žepske brigade i njihovog udara s leđa našim snagama.

29. Pokazan mi je takođe i dokument komande DK koji u prijemnom pečatu na šifri nosi datum 11.07.1995. godine (**65ter 1D04820**). Iz samog dokumenta vidi se da je to posedovanje linije odbrane i popravljane taktičkog položaja, a to je imalo za cilj postavljanje linije odbrane na povoljnijim položajima, da se sa što manjim snagama postigne veća efikasnost odbrane.

30. Pokazan mi je dokument od 11. Jula 1995. (**65ter 04399**). Ovaj dokument je potpisao pukovnik Jocić i suština je da se ne dozvoli spajanje muslimanskih snaga iz Sarajeva u dubinu prostora zone odgovornosti DK. Ovaj dokument urađen je na osnovu naređenja GŠ koje je izdato pre ovog dokumenta o kojem govorim i mogu reći da je to logičan sled stvari da se izda jedno ovakvo naređenje imajući u vidu opasnost koja je pretila.

31. Pokazan mi je dokument od 12. Jula 1995. godine (**65ter 04144**) i mogu reći da se ovde radi o prevozu civila koji su izrazili želju da se prevezu na teritoriju pod komandom muslimanskih vlasti, a pouzdano znam da tom prilikom nije bilo nikakve prinude te da je naređenjima regulisano da se evakuacija sprovede bezbedno, kao i da je pukovnik Karemans na sastanku od 11. Jula 1995. godine uveče, na kojem ja nisam prisustvovao, a koji sam pogledao na video kaseti, rekao generalu Mladiću da su muslimanske izbeglice u Potočarima izrazile želju da napuste taj prostor. Kao što sam i rekao ja sam 12. Jula 1995., boraveći u kući Zorana Bajagića, video prolazak tih autobusa.

32. Pokazan mi je dokument komande DK od 13. Jula 1995. godine (**65ter 05587**) i ovim dokumentom ja upozoravam da Muslimani iz Žepe primenjuju sličnu taktiku kao i u Srebrenici da su doneli odluku da žene i decu evakuišu, a da se vojne formacije žepske brigade ilegalno prebace na muslimansku teritoriju.

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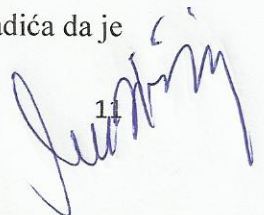
33. Pokazan mi je dokument komande DK od 13. Jula 1995. godine (**65ter 04105**). Ovo naređenje je urađeno na osnovu naređenja GŠ i ništa neobično nema u njemu. Ja naređujem da se preseče ta muslimanska naoružana grupa iz Srebrenice u kojoj su se nalazili okoreli kriminalci a sve u cilju jer se kreću na putu na kome se nalazi srpsko civilno stanovništvo. Pored toga naređujem da se zarobljeni muslimanski vojnici smeste u pogodne prostorije u kojima se mogu čuvati sa manjim snagama što je logično. Nikad nisam imao nameru niti saznanja da bi se prema ovim zarobljenicima trebalo postupati nehumano ili ne daj bože da bi bili ubijeni.

34. Takođe mi je pokazan dokument komande DK od 13. Jula 1995. godine (**65ter 04675**) iz koga se vidi da je tog dana izvršena primopredaja dužnosti između generala Krstića i mene, u prisustvu generala Mladića, a dva dana nakon toga, 15. Jula 1995, ukazom predsednika republike ja sam stavljen na raspolaganje Glavnom štabu VRS. Napominjem da nikada nisam razgovarao, a pogotovo ne 14 jula sa majorom Jokićem iz komande Zvorničke brigade.

35. Pokazan mi je presretnuti razgovor između pukovnika Beare i mene, koji se kako to tužilaštvo tvrdi, odigrao 15. Jula 1995., nešto pre 10:00 sati (**EXH P01319**– pisana verzija ili **65ter 21011C**– kucana verzija). Moje objašnjenje ovog razgovora sam dao u pisanoj formi tužiocu Haškog tužilaštva dana 26.11.2001. godine, zavedeno pod **65ter 1D03333**, i ja tome nemam šta da dodam, te ostajem kod svega što sam izneo u tom mom komentaru.

36. Na nekim od dokumenata DK bilo je izvesnih malverzacija sa mojim potpisom pa sam ja tužiocu prilikom davanja intervjuja dana 02.07.2001. godine dao nekoliko primeraka potpisa sa mojim imenom i to je zavedeno pod **65ter 1D04824**.

37. Moja saznanja isključuju svaku mogućnost da je general Mladić imao bilo kakvog učešća u zločinima koji su se desili nakon pada Srebrenice. Nikada nisam čuo od generala Mladića da je

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bilo šta protivzakonito naredio prema pripadnicima drugih naroda, pa samim tim i prema pripadnicima muslimanskog naroda. Znam da je uvek tražena mogućnost da svi zarobljeni pripadnici ABiH budu razmenjeni za naše zarobljene koji su bili u muslimanskim zatvorima.

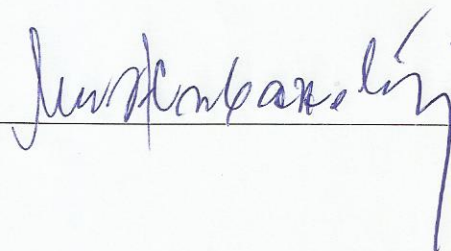
39. Početkom februara 1993. godine, nakon što su muslimanske snage 17. januara 1993. godine u Skelanima pobili đake, ubili predsednika opštine i drugo stanovništvo, bili smo uspostavili "vruću liniju" sa muslimanskom stranom. Tada sam od generala Ratka Mladića dobio uputstva da muslimanima predložim da polože oružije i da napuste bilo kakve vojne i paravojne formacije i da ostanu u svojim selima i na radnim mestima. O prethodno pomenutim predlozima, sa muslimani je pregovarao potpukovnik Rajko Kuljanin, ali su mu oni rekli da su oni jači od nas pa sam ja naredio da se prekine veza i nakon toga smo počeli sa pripremom za oslobađanje srpskih prostora.

38. Ja sam tužiocu Haškog tužilaštva dao dva intervjua, jedan 02.07.2001. godine, i drugi 30.10.2001. godine i svedočio sam pred Međunarodnim krivičnim sudom za bivšu Jugoslaviju u predmetu tužilac protiv Radovana Karadžića na poziv odbrane Radovana Karadžića. Sve što sam rekao tužiocu u izjavama kao i u svom svedočenju, ostajem u potpunosti pri tome i nemam šta da menjam.

#### POTVRDA SVEDOKA

Pročitao sam ovu izjavu od 12 strana i ona sadrži sve što sam rekao, po svom znanju i sećanju. Izjavu sam dao dobrovoljno i svestan sam da se može upotrebiti u sudskom postupku pred Međunarodnim sudom za krivično gonjenje osoba odgovornih za teška kršenja međunarodnog prava počinjena na teritoriji bivše Jugoslavije od 1991, kao i da mogu biti pozvan da javno svedočim pred Sudom.

Potpis: \_\_\_\_\_



Datum: 08. 08. 2017. srijenka

*[Handwritten signature]*

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

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

**THE PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC***

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**ANNEX B**

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<b>ZIVANOVIC Milenko</b>			
<b>Witness Statement to be admitted pursuant Rule 92ter</b>			
<b>Statement</b>	<b>Date</b>	<b>65ter Number</b>	<b>Closed Session /Under seal</b>
Witness Statement of <b>ZIVANOVIC Milenko</b>	8 August 2014	1D01665	
<b>Associated Exhibits with the Defence seeks to tender pursuant to Rule 92ter</b>			
<b>Description</b>	<b>Paragraph Number</b>	<b>65ter/EXH Number</b>	<b>Doc ID (BCS/ENG)</b>
Signed witness statement of ZIVANOVIC Milenko	/	1D01665	1D18-2054 1D18-2067
ORDER FOR ACTIVE b/d, Operations No. 1 (KRIVAJA -95), Nr 04/156-2, Major General Milenko ZIVANOVIC, Commander of the DK, 02 Jul 95	4	EXH D00302	0430-3376 0357-2390
Main Staff very urgent memo 03/3-434 dated 17-Mar-95 addressed to 1st Krajina Corps, signed by LT Gen Manojlo MILOVANOVIC; forwarding Directive 7	26	EXH P01469	0082-3159 0081-7121
Main Staff VRS memo 02/2-15, Directive for Further Operations (Operative. no. 7/1), signed by Ratko MLADIC, and drafted by Col Radivoje MILETIC, dated 31 March 1995	26	EXH P01470	0086-8778 0089-8420
Intercept dated 15 July 1995, 09:52 hours, from notebook	35	EXH P01319	0080-0616 0092-4953
Drina Corps Command order 03/156-12 (changed by hand to 03/156-11) to the Commands of all the subordinate units of the Drina Corps and the Drina Corps Forward Command Post; Order to prevent passage of Muslim groups towards Tuzla and Kladanj, referencing Main Staff VRS Order ref. no. 03/4-1629 dated 13-Jul-95; signed by Maj Gen ZIVANOVICMilenko	33	65ter 04105	0084-7295 0088-3603
Drina Corps Command Order 22/297 to the Commands of the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade; entitled Traffic regulation on the Konjevic Polje - Bratunac road and in the town Bratunac; signed by Gen Maj ZIVANOVICMilenko	31	65ter 04144	0293-5545 0308-3840
Drina Corps Command order No: 03/157 - 4, addressed to Drina Corps Forward Command Post, 2nd Romanija Motorized Brigade, 1st Vlasenica Light Infantry Brigade, 1st Milici Light Infantry Brigade, 1st Podrinje Light Infantry Brigade, 1st Zvornik Infantry Brigade, 1st Birac Infantry Brigade, 1st Bratunac Light Infantry Brigade, 5th Engineering Battalion and Skelani Independent Battalion; signed by Maj Gen ZIVANOVICMilenko; dated 11 July 1995,	30	65ter 04399	0091-7868 0092-0247
KDK order 2-160, dated 18 December 1992.	16	65ter 04648	Y000-2551 0300-8726
Drina Corps Command, Confidential Number 05/2-293, dated 13 July 1995, titled Handover of Corps Commander Duties; signed by Lt Col JOVICIC Radenko, Chief of PiPP (Personnel and Legal Affairs)	34	65ter 04675	0202-8472 0202-8952
Drina Corps document No. 03/156-11 to the Commands of Drina Corps Forward Command Post, 1st Vlasenica Light Infantry Brigade and 2nd Romanija Motorised Brigade; re condition in the Zepa enclave, contact with the Muslim forces in Zepa, warning and	32	65ter 05587	0091-7878 0092-0588

order to MUP units to take all measures to prevent the passage of Muslim formations through their zones of responsibility, signed by Maj. Gen. ZIVANOVIC Milenko, dated 13 July 1995.			
Drina Corps Command, strictly confidential 01-5/198, signed by General-Major ZIVANOVIC Milenko	18	65ter 1D03063	1D19-0489 1D19-0491
Drina Corps Command, Letter to UNPROFOR forces in Srebrenica, regarding the withdrawal of Muslims formations to the area of Srebrenica and requesting retreat of Muslim forces to within safe area, signed by General Zivanovic and transmitted via Nikolic	27	65ter 1D03216	1D11-1866 1D11-1867
CD with scanned notebooks of General Milenko Zivanovic (comment on transcript conversation between Beara-Zivanovic 15 July 1995)	35	65ter 1D05296 <sup>1</sup>	1D19-0483 1D19-0494
VRS, Command of the Drina Corps - Information, str.con.01/5-192, signed by Milenko ZIVANOVIC	20	65ter 1D04815	1D16-0135 1D16-0139
VRS, Command of the Drina Corps - Information, str.con.17/1257, signed by Slavko OGNJANOVIC	22	65ter 1D04817	1D16-0149 1D16-0151
VRS, Command of the 1st Bratunac Brigade - Order, str.con.01-2094-2/94, signed by Slavko OGNJANOVIC	21	65ter 1D04818	1D16-0153 1D16-0155
VRS, Command of the Drina Corps - Order, str.con.03/157-3, signed by Milenko ZIVANOVIC	29	65ter 1D04820	1D16-0162 1D16-0163
RS, MUP, CJB Zvornik - Information signed by Dragomir VASIC	24	65ter 1D04823	1D16-0174 1D16-0175
Signatures of Milenko ZIVANOVIC	36	65ter 1D04824	1D16-0176 1D16-0178
Overview of humanitarian aid	23	65ter 1D04829	1D16-0191 1D16-0193
VRS, Command of the Drina Corps - Warning, str.con.01/5-41, signed by Milenko ZIVANOVIC	19	65ter 1D04831	1D16-0198 1D16-0200
Interview with Milenko ZIVANOVIC	17	65ter 1D04835	1D16-0212 1D16-0215
ABiH Offensive from Srebrenica and Zepa, DK command	25	65ter 1D05109	1D09-0445 1D09-0446
Intercept dated 15 July 1995, 09:54 hours, from printout	35	65ter 21011C	0092-7770 0096-6102

<sup>1</sup> Witness statement 65ter 1D01665, Paragraph 35– Instead 65ter 1D03333 should be 65ter 1D05296