

Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK
(1991-1993)

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Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK (1991-1993)

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(1991 - 1993)

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Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK
(1991-1993)

Scope and Methodology

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Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK

(1991-1993)

Scope and Methodology

1. This report, “*Goran HADŽIĆ and the SAO SBWS/RSK TO – SVK (1991-1993)*” analyses the role of Goran HADŽIĆ as Prime Minister/President of the “SAO SBWS” and subsequently “*President of the RSK*” between early 1991 and November 1993 in relation to the role of “*Serb forces*”, consisting of JNA, TO Serbia, “SAO SBWS” TO, Volunteer/Paramilitary groups, including groups controlled by or linked otherwise to MUP Serbia operating in the territory covered by the “SAO SBWS”, and “RSK” TO, “PJM” and “SVK”.
2. The Report is organised in two parts
 - a. Part I of the report, “*Background*”, is intended to present the legislative and doctrinal framework that apply to the SFRY Armed Forces, TO Serbia and the VJ, covering command and control; mission; structure; military discipline and military justice, including the laws of armed conflict; etc.
 - b. Part II of the report, analyses the military aspects of the creation of Serb-controlled entities in Croatia, focussing on the area covered by the “SAO SBWS” and the role of Goran HADŽIĆ.
3. Part II of the report consists of four sections:
 - a. Section ONE studies the evolution within the SFRY Supreme Command at the outset of the conflict in Croatia and examines the impact this has on the mission of the JNA during the conflict in Croatia
 - b. Section TWO takes a closer look at the military developments in Krajina and Western Slavonia (Croatia) in 1991 where Serbs declare their own political entities: - the “*Serb autonomous District (SAO) Krajina*” and the “*SAO Western Slavonia*”.
 - c. Section THREE examines the military developments in 1991 in Eastern Slavonia, Baranja and Western Srem where Serbs declare their own political

entity: - the “*Serb autonomous District (SAO) Slavonia Baranja and Western Srem (SBWS)*”, including a review of documents on the alleged involvement of these forces, including the “*SAO SBWS*” civilian authorities, in serious crimes in 1991.

- d. Section FOUR takes a closer look at the situation in 1992-1993, with the adoption of the VANCE Plan, the election of Goran HADŽIĆĆ to President of the “*RSK*”, the creation of the “*RSK*” TO, and subsequently the SVK, followed by an analysis of the evolution between December 1991 and November 1993 in the area covered by the “*SAO SBWS*”, focussed on the JNA’s role in the establishment of local civilian authorities, and the attitude of the “*SAO SBWS*” authorities towards the non-Serbs remaining in the “*SAO SBWS*”.
4. To assist the reader, each Section starts with a brief overview of the topics that will be discussed, followed by a summary of the most relevant information and findings of the Section. An overview of these findings and conclusions can be found in the Executive Summary of the Report.
5. I have used a methodology commonly known as the “*intelligence cycle*”¹ to prepare this report.² The intelligence cycle consists of four discrete phases: Direction; Collection; Processing; and Dissemination. The “*Processing*” phase covers five steps: Collation; Evaluation; Analysis; Integration; Interpretation. I have familiarized myself with this methodology during my education at the Belgian Military Academy and subsequent specialized training in Belgium and abroad. I have applied it throughout my professional career whenever I was tasked to conduct research projects, in particular during the time period I served as an Intelligence Analyst at the Belgian Ministry of Defence, during my participation in peace support operations in the former Yugoslavia, the OTP of the ICTY where I worked from June 2001 to April 2009 as an Intelligence Analyst (military), and

¹ See also Allied Joint Intelligence, counter-intelligence and Security Doctrine, AJP-2, NATO (unclassified), Part I, Chapter 3, Section II

² I have applied this methodology for all the reports that I drafted so far and which have been admitted into evidence during the following seven trials at the ICTY: Case IT-02-54 (Prosecutor vs. Slobodan MILOŠEVIĆ); Case IT-95-11 (Prosecutor vs. Milan MARTIĆ); Case IT 95-13 (Prosecutor vs. Mile MRKŠIĆ; Veselin ŠLJIVANČANIN en Miroslav RADIĆ); Case IT-03-67: (Prosecutor vs. Vojislav ŠEŠELJ); Case IT-06-90 (Prosecutor vs. Ante GOTOVINA, Ivan ČERMAK and Mladen MARKAĆ); Case IT-03-69 (Prosecutor vs. Jovica STANIŠIĆ & Franko SIMATOVIĆ); Case IT-95-5 (Prosecutor vs. Radovan KARADŽIĆ).

in my current post as Chief of the Joint Mission Analysis Centre (JMAC) of the UN Interim Force in Lebanon (UNIFIL).

6. This report is based on a study of documents in possession of the OTP, with the exception of OTP witness/suspect statements and Court testimony. Documentary sources include SFRY; FRY; “SAO *Krajina*”; “SAO *SBWS*” and “RSK” legislation, JNA, VJ, doctrinal regulations and manuals; combat documents (i.e. orders, reports, other), by the SSNO, JNA, “SAO *SBWS*”; TO Serbia and their subordinate units; etc. I have selected these sources and documents in accordance with the methodology explained here-above, applying specific criteria in order to collect documents, determine the reliability of the source and the credibility of the information contained in a document (“*Evaluation*” step of the “*Processing*” phase of the “*Intelligence Cycle*”) and select them for further analysis. Based on my training and professional experience as an intelligence analyst, I conclude that the sources I have used can be considered among the most reliable (and the information they contain: among the most credible) in the context of the subject matter of this report.

Reynaud THEUNENS
05 October 2012

Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK
(1991-1993)

Executive Summary

Reynaud THEUNENS

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Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK **(1991-1993)**

Executive Summary

1. The SFRY armed forces consist of the Yugoslav People's Army (JNA) and the (republican) Territorial Defence (TO). The TO comprises all armed formations that are not part of the JNA or the police. Although not a component of the SFRY Armed Forces, the police can be used for military tasks. Volunteers are people without military obligations who under specific circumstances can join the TO or the JNA.
2. The mission of the SFRY Armed Forces is to protect the independence, sovereignty, territorial integrity and the social order as defined by the SFRY Constitution.
3. The SFRY Presidency is the most senior command and control body of the SFRY armed forces. After the declaration of one of the three states -State of War, Imminent Threat of War, Emergency-, the SFRY Presidency becomes the Supreme Command, assisted by the Supreme Command Staff consisting of the Federal Secretary for People's Defence, his Secretariat, the Chief of the General Staff and the General Staff of the JNA. During the latter part of the 1980-s, measures are taken to increase Federal control over the republican TOs.
4. Unity of Command; Single Authority over and within the composing elements of the SFRY Armed Forces (JNA and TO); and the obligation to implement decisions of superiors are considered essential principles for the successful execution of military operations. According to JNA and VJ doctrine, the Commander has the exclusive right to command all his units and attached units. The Commander bears full responsibility for the work of the command and subordinate commands; there can be no delegation of command responsibility.
5. The JNA is composed of a General Staff -which in 1988 becomes the General Staff of the SFRY Armed Forces- and three branches: Army (land forces; KoV); Air Force and Air Defence (RV i PVO); and Navy (RM). There are three Army Military Districts, consisting of Corps; Divisions; Brigades; Regiments;

Battalions; Companies and Platoons, and one Naval Military District. The TO is made up of municipal, operative zone, autonomous regions and republican-level units and Staffs. There are two types of TO units: local and mobile (or manoeuvre) units. During operations, Operational Groups (OG) and Tactical Groups (TG) are created, in order to facilitate command and control. OGs and TGs are ad hoc formations, comprising all military forces (JNA, TO) that participate in the operation, set up to carry out specific operations during a specific time period. There is a separate body in the SFRY Armed Forces for security matters (including counterintelligence): the Security Administration (UB). Security Organs (OB) among other duties participate in the detection and prevention of serious crime affecting the armed forces.

6. According to the 1991 Law for Defence of the Republic of Serbia only competent state bodies are allowed to organise, reinforce, arm, equip and train armed forces.
7. The Yugoslav Army (VJ) is established after the declaration of FRY and is the successor to the JNA. The VJ defends the sovereignty, territory, independence, and constitutional system of the Federal Republic of Yugoslavia. During the 1992-1995 time period, the VJ consists of a General Staff (GŠ); three armies (1st Army; 2nd Army; 3rd Army); an Air Force and Anti-Aircraft Defence Corps; a Navy; a Corps of Special Units (KSJ); and a Military Schools Centre (VJ CVŠ). The KSJ is directly subordinated to the NGŠ VJ.
8. According to the 1992 “*FRY Constitution*” and the 1994 “*Law on the Army of Yugoslavia*”, the FRY President commands the VJ in times of war and peace, in compliance with the decisions of the Supreme Defence Council (SDC). The SDC consists of the FRY President -who is the Chairman of the SDC- and of the Presidents of the Republics of FRY (Serbia and Montenegro). The General Staff (GŠ) of the VJ is the highest professional and staff organ for the preparation and use of the VJ in times of peace and war. The GŠ VJ provides information, analysis and other materials to the SDC. In addition to the Chief of the General Staff (NGŠ), his Deputy, the Security Administration, the Information Administration, the Army Inspection, the GŠ VJ consists of seven Sectors (organised in their turn in Administrations) which are headed by Assistant NGŠ.
9. The NGŠ VJ commands the VJ via the Commanders of the strategic units and

temporary strategic compositions, and other officers who are immediately subordinate to him. The Commanders of Armies (= land forces); the Air Force and Anti-Aircraft Defence and the Navy are responsible to the NGŠ, as are the Commanders of units and temporary compositions immediately subordinate to the NGŠ.

10. The 1985 “*Law on the Service in the Armed Forces*” defines the concept of “*disciplinary responsibility*” and lays down the legal system in the SFRY Armed Forces for the enforcement of military discipline. A “*disciplinary infraction*” is a minor violation of military discipline; a “*disciplinary offence*” is a grave violation of military discipline. “*Disciplinary infractions*” are dealt with by Officers in charge of the stipulated procedure (i.e. platoon commander or higher). Military Disciplinary Courts are authorised to try persons for “*disciplinary offences*”. The 1977 “*Law on the Office of Military Prosecution*” and 1997 “*Law on Military Courts*” establish the mandate and jurisdiction of the Military Prosecutors and the Military Courts in SFRY, and create the legal framework for prosecuting and adjudicating crimes committed by members of the SFRY Armed Forces.
11. The SFRY Armed Forces 1988 “*Regulations on the application of the rules of the laws of war*” refer to the many international humanitarian law and treaties that the SFRY has ratified. These include, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions. During combat activities, members of the SFRY armed Forces are obliged at all times and in all circumstances to abide by the rules of the international laws of war on the humane treatment of wounded and captured enemies, and on the protection of the civilian population, and other regulations in these law, in compliance with the SFRY Constitution and the law.
12. Pursuant to the 1988 “*Regulation on the Application of International Laws of War in the Armed Forces of the SFRY*”, Commanders bear liability for the actions of their subordinates, and may themselves be held responsible for a failure to prevent or punish crimes that occur under their command or they are aware of, but also those which they should have or could have had knowledge of based on their official position or function. Each SFRY Armed Forces Officer is obliged to report violations of the laws of war.

13. The 1992 FRY “*Constitution*”; the 1994 FRY “*Law on Defence*”; and the 1994 “*Law on the Army of Yugoslavia*” reiterate the legal provisions that apply to the SFRY Armed Forces in relation to military discipline and military justice. Article 19 of the 1994 FRY “*Law on Defence*” confirms Article 93 of the 1982 “*All People’s Defence Law*”, according to which members of the SFRY Armed Forces taking part in armed combat shall “*under all circumstances*”, respect the laws of armed conflict and related rules.
14. The constitutional mission of the SFRY armed forces consists of safeguarding the independence, sovereignty, territorial integrity and the social order of the SFRY. As a result of the changes that occur in the SFRY Presidency (i.e. the Supreme Command) of the SFRY Armed Forces, from late summer 1991 onwards, after the JNA’s withdrawal from Slovenia, the evolution of the situation in Croatia is such that this objective becomes less clear from the military perspective.
15. Orders and instructions from what remains of the SFRY Presidency (= the Supreme Command) and the Supreme Command Staff indicate that at least *de facto* the JNA moves towards ceasing to be the “*SFRY Army*” and, at least in Croatia, instead gradually develops into a mainly Serb force, assisting Serbs in Croatia. The JNA’s role has been transformed from one of interposing among the conflicting parties to one of creating and controlling Serb-held areas in those parts of Croatia that the Serb(ian) leadership consider Serb. Hence, the constitutional mission of “*safeguarding territorial integrity*” has been reduced to the consolidation of Serb(ian) control of the latter areas in order to “*protect the Serb population*”.
16. Already prior to the outbreak of the conflict in Croatia, the Police and TO of the Republic of Croatia gradually split into Croatian and (local) Serb structures. In areas where local Serbs have a majority or a significant minority, they take over existing structures (as the non Serbs has left or are encouraged to leave, or do not recognise SFRY anymore and cease their cooperation with the JNA), or set up their own police and TO units and staffs that do not answer to the republican authorities in Croatia, but continue to be loyal to what remains of SFRY, and to Serbia.
17. Starting in December 1990, local Serbs in Croatia establish their own political and

military structures, assisted by Serbia, and for what the military is concerned, by (parts of) the JNA, and the MOD and MUP Serbia. On 21 December 1990, local Serbs promulgate the “*Statute of the Serbian Autonomous District (SAO) of Krajina*”. The “*SAO Krajina*” covers large parts of the Banija, Kordun, Lika and Northern Dalmatia regions. On 01 April 1991, the “*SAO Krajina Executive Council*” passes a decision to incorporate the “*SAO Krajina*” into the Republic of Serbia.

18. Between April and December 1991, local Serbs in areas of Croatia where they have a majority or a significant minority, take over existing TO (and police) structures, as the non Serbs have left or are encouraged to leave, or do not recognise SFRY anymore and cease their cooperation with the JNA, or set up their own police and TO units and staffs: “*SAO Krajina*” and “*SAO Western Slavonia*” TO and police. These Serb structures do not answer to the republican authorities in Croatia, but stay loyal to what remains of SFRY, and Serbia.
19. During summer and fall 1991, attempts are made to create a legislative framework and a military command structure for the “*SAO Krajina*” TO. On 01 August 1991, the “*SAO Krajina*” authorities adopt a decision to apply the Law of Defence of the Republic of Serbia. On 30 November 1991, the “*SAO Krajina*” adopts its own law of Defence.
20. During combat operations in Croatia, the JNA sets up OGs and TGs to restore and/or maintain unified and single command and control over JNA units, “*SAO Krajina*” or “*SAO Western Slavonia*” TO and police, Serbian TO and volunteers/paramilitaries. OGs, TGs and JODs include all forces active in a specific area (zone of responsibility), all operating under the single command of the OG or TG (i.e. JNA) Commander, through an effective command, control and reporting structure, which functions in accordance with the SFRY Armed Forces principles of command and control.
21. During the conflict in Croatia, the SSNO as well as subordinate JNA Commanders issue orders to enforce military discipline and/or the laws and customs of war. At the same time JNA officers, in particular Security Organs (OB) compile reports on the (alleged) participation of forces of the JNA, local Serb TO, Serb(ian) volunteer/paramilitary groups, including groups controlled by or related otherwise

to the MUP Serbia, in serious crimes, for example in the zone of operations of the JNA 9th Corps (Škabrnja), as well as in Western Slavonia (Voćin).

22. Eastern Slavonia, Baranja and Western Srem (SBWS) are located in the zone of responsibility of the 1st MD. The 1st MD Command considers the towns of Vukovar and Borovo of great political and strategic importance.

23. Similar to the other “SAOs”, local Serbs in “SBWS” start setting up their own political and military structures already prior to the outbreak of the conflict in Croatia. On 07 January 1991, the Serbian National Council (SNC) for the “SAO Slavonia, Baranja and Western Srem” is formed in Šidski Banovci. On 26 February 1991, the SNC of SBWS” adopts a “*Declaration on Sovereign Autonomy of the Serb people of Slavonija, Baranja and Western Srem*”. On 25 June 1991, the “*Great National Assembly of SBWS*” is formed in Bačka Palanka (Serbia). The “*Great National Assembly*” decides that the region of SBWS is to be constituted as an “*Autonomous Serbian District (SAO)*” and is to secede from Croatia. Goran HADEŽIĆ, until then President of the SNC, is elected Prime Minister-designate.

24. In addition to the JNA and the local Serb TO, also units of the TO Serbia, as well as Serbian volunteers/paramilitaries participate in the conflict in SBWS. On 02 May 1991, a group of SRS/SČP volunteers (aka Šešeljevci) ambush a number of Croatian policemen in Borovo Selo. During the combat operations that follow, the SRS/SČP volunteers are predominantly active in two local Serb TO Detachments: Leva Supoderica and Petrova Gora. There are also groups controlled by or linked otherwise to MUP Serbia: Željko RAŽNATOVIĆ aka “ARKAN” “ARKAN Tigers” (aka “*Serbian Volunteer Guard*”), who, in addition to their participation in combat operations, conduct training of volunteers in a training center in Erdut. Several JNA intelligence reports suggest relations between “ARKAN” and Goran HADŽIĆ or other members of the “SAO SBWS” government. Another group controlled by MUP Serbia, and led by Živonin IVANOVIĆ (aka “CRNOGORAC”), is active in Pajzoš, Ilok municipality.

25. The 1st MD has overall command and control over the JNA-led “*Serb forces*” operating in SBWS between summer and December 1991. On 29 September 1991, the (elite) Guards Motorised Brigade (gmtbr) - is re-subordinated from the SSNO to

the 1st MD. Upon its arrival in the Vukovar area, the gmtbr is integrated in OG SOUTH, initially commanded by Colonel Boja BOJAT. On or about 07 October 1991, Colonel Mile MRKŠIĆ, Commander of the gmtbr takes over command of OG SOUTH. OG SOUTH is responsible for the part of Eastern Slavonia located South of the VUKA river, covering the largest part of Vukovar, up to (and including) the areas of Berak, Ovčara and Grabovo. The 12th (Novi Sad) Corps (12th K) is deployed north of OG SOUTH, covering Baranja and the northern part of Eastern Slavonia, including the part of Vukovar north of the VUKA river. The 1st Proletarian Guards Motorised Division (pgmd), commanded by Major General Dragoljub ARANĐELOVIĆ is responsible for the southern part of Eastern Slavonia and Western Srem (Mirkovci, Oroljik, Đeletovci, Lovas, Tovarnik, Bapska, Šarengrad, Ilok, etc).

26. On or about 11 September 1991, the “*President of the Co-ordination Board of the groups and parties of Yugoslav orientation*”, Dr. Vida MANDIĆ, the President of the “*Executive Council of Slavonia, Baranja and Western Sirmium for the Municipality of Beli Manastir*” Borivoje ŽIVANOVIĆ and the “*Commander of Territorial Defence Forces of Beli Manastir Municipality*” Major Borivoje DOBROKES, issue a ten-point “*Declaration on the unconditional capitulation of Croatia in the area of Baranja which defeated military forces of Croatia in Baranja*”. On 04 October 1991, units of the 1st pgmd *inter alia* conduct operations to “*take control*” of Bapska and Šarengrad, take control of Đeletovci, mopping up the area of Zidina and Marinci, and securing Tovarnik. The gmtbr 2nd Motorised Battalion (mb) reaches the JNA barracks in Vukovar at the latest on 06 October 1991. On 14 October 1991, Major General Dragoljub ARANĐELOVIĆ, Commander of the pgmd, and the (Croatian) civilian representatives of Ilok, Šarengrad, Bapska, including of Ivan MRĆIĆ, mayor of Ilok, Mate BRLETIĆ, Commander of the police station in Ilok, and Stepan KRALJEVIĆ, President of negotiation committee, in presence of representatives from ECMM meet in Šid and reach an “*AGREEMENT*” on the (voluntary) departure of the civilian population from Ilok on 17 October 1991. Between at least 30 October and 04 November 1991, “*ARKAN TIGERS*” (aka “*Serbian Volunteer Guards*”) participate in combat operations in the area of Lužac under the command of the 12th K. The 1st MD reports on 18 November that the mopping up of remaining (enemy) strongholds in Borovo and Borovo Naselje is underway and that complete control of Vukovar has been established

27. On 18 November 1991 an agreement is signed in Zagreb for the evacuation of Vukovar hospital. According to this agreement, the sick and wounded from the hospital are to be handed over by the JNA to the Croatian authorities. No mention is made in the agreement of the JNA handing over the evacuees to any other authority or body. On the same day, Lieutenant Colonel General Života PANIĆ orders Colonel Mile MRKŠIĆ, Commander of OG SOUTH, to seize Vukovar hospital. On 20 November 1991 at 0600 Hr, Colonel Mile MRKŠIĆ orders the evacuation of Vukovar hospital without specifying who will be in charge and who is to carry out the operation. There are no OG SOUTH or 1st MD documents mentioning the handover of the hospital evacuees to the local Serb TO.

28. Throughout the operations in SBWS -including after the fall of Vukovar-, the 1st MD issues orders the 12th K, OG SOUTH (gmtbr) and 1st pgmd to set up JNA “*Town Commands*” in municipalities they have taken control of. The Instructions and orders by the SSNO and the 1st MD -at least until 20 November 1991- do not mention cooperation with the “SAO SBWS” Government or local civilian authorities appointed by the latter, but, instead, include warnings to prevent interference by (unspecified) “*local organs of authority*”. Instructions by the 1st MD on 20 November 1991 for the first time address cooperation with the “SAO SBWS” authorities, marking a significant shift from the situation existing prior to that date. It is only after the SSNO issues his instructions on 25 November 1991 that the cooperation with (local Serb) civilian authorities in the areas of Croatia under JNA control, including the “SAO SBWS” becomes regulated.

29. Throughout the operations in SBWS, there are reports by the JNA and other official sources on the (alleged) involvement of volunteers/paramilitaries, in particular SRS/SČP volunteers and “ARKAN”’s “*Serbian Volunteer Guard*”, and members of the JNA, in (serious) violations of the laws and customs of war in SBWS, as well as (additional) orders to prevent or punish such crimes. According to a number of these reports, “ARKAN” enjoys the support of the “SAO SBWS” civilian authorities, and/or the latter, including Goran HADŽIĆ, participate in the commission of crimes.

30. The 23 November 1991 Geneva Cease fire agreement followed by the agreement on the VANCE Plan on 02 January 1992 has major implications for the local Serb TOs in the “SAO Krajina”; “SAO Western Slavonia” and “SAO SBWS” (i.e. “RSK”). The local Serb TO is to be demobilised, disarmed and disbanded. Prior to the withdrawal

of the JNA and the arrival of international peace forces (UNPROFOR), however, the local Serbs, assisted by the SSNO reorganise and (re)equip the TO. Once UNPROFOR starts its deployment, local Serb TO units are transformed into “RSK” Special Police Units (“*Milicija*” - PJM), with the support of (S)FRY, resulting in a violation of the VANCE Plan.

31. At the joint session of all the Assemblies of “*autonomous districts*” and the “RSK” held on 25 February 1992 in Borovo Selo, Goran HADŽIĆ is elected President of the “*Republic of Serbian Krajina (RSK)*”, following the removal of Milan BABIĆ on 16 February, due to his opposition to the VANCE Plan. On 18 May 1992, the Assembly of the “RSK” adopts a number of amendments to the “RSK” Constitution, creating the legislative framework for the establishment of a “*Serbian Army*”. In October and November 1992, orders are issued to implement these constitutional changes and reorganise the “RSK” TO (i.e. PJM) into the SVK. On 20 April 1993, the “RSK” Assembly adopted another series of amendments to the “RSK” Constitution, laying the foundation for the creation of an “RSK” Supreme Defence Council. According to the “RSK” Constitution, the President of the Republic lead the “*Serb Army of Krajina in times of peace and war*”, in accordance with the Constitution and decisions adopted by the Supreme Defence Council, and presided over the Supreme Defence Council. In May 1993, SVK units launch rockets against civilian targets in the outskirts of Zagreb, following an HV incursion into the “*Medak Pocket*”.
32. The JNA 1st MD maintains the “*Town Commands*” that have been established following the takeover of towns, until its withdrawal after the deployment of UN peacekeepers (UNPROFOR) in Spring 1992. These Town Commands are subordinated to the operational Commander and cooperate with, or assist/advise, including making proposals or recommendations, the “*SAO SBWS*” government and the local authorities appointed by the latter, in accordance with the instructions and orders of the SSNO and the orders by the 1st MD.
33. JNA documents show that the “*SAO SBWS*” government and its local bodies are responsible for the resettlement of Serbian refugees and for taking care of abandoned property. According to these documents, there are serious shortcomings in the functioning of the “*SAO SBWS*” authorities, which -in addition to having a negative impact on civilian authority-, also affects the security of non-Serbs in the

area, with patterns of the continuous (and organised) harassment of non-Serbs remaining in SBWS, including their expulsion (or organised deportation) with the active participation, or at least knowledge, of the “*SAO SBWS*” authorities.

Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK
(1991-1993)

Part I: Background

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October 2012

Section ONE: The SFRY Armed Forces

1. Summary

- a. This section provides an overview of the most relevant legal documents that define the SFRY armed forces, consisting of the JNA and the TO, and the JNA's successor, the VJ, including their mission. Also examined are the legislative and doctrinal frameworks that regulate political authority and (military) command and control over and within the SFRY Armed Forces, and the VJ, as well as their military-territorial organisation and structure during peacetime and during operations.
- b. The SFRY armed forces consist of the Yugoslav People's Army (JNA) and the (republican) Territorial Defence (TO). The TO comprises all armed formations that are not part of the JNA or the police. Although not a component of the SFRY Armed Forces, the police can be used for military tasks. Volunteers are people without military obligations, who, under specific circumstances can join the TO or the JNA.
- c. The mission of the SFRY Armed Forces is to protect the independence, sovereignty, territorial integrity and the social order as defined by the SFRY Constitution.
- d. The SFRY Presidency is the most senior command and control body of the SFRY armed forces. After the declaration of one of the three states (State of War, Imminent Threat of War, Emergency), the SFRY Presidency becomes the Supreme Command, assisted by the Supreme Command Staff (consisting of the Federal Secretary for People's Defence, his Secretariat, the Chief of the General Staff and the General Staff of the JNA). During the latter part of the 1980-s, measures are taken to increase Federal control over the republican TOs.
- e. Unity of Command and Single Authority over and within the composing elements of the SFRY Armed Forces (JNA and TO) are considered essential principles for the successful execution of military operations. According to JNA and VJ doctrine, the Commander has the exclusive right to command all his units and attached units. The Commander bears full responsibility for the work of the command and subordinate commands; there can be no delegation

of command responsibility.

- f. The JNA is composed of a General Staff (which in 1988 becomes the General Staff of the SFRY Armed Forces) and three branches: Army (land forces); Air Force and Air Defence; and Navy. There are three Army Military Districts, consisting of Corps; Divisions; Brigades; Regiments; Battalions; Companies and Platoons, and one Naval Military District. The TO is made up of municipal, operative zone, autonomous regions and republican-level units and Staffs. There are two types of TO units: local and mobile (or manoeuvre) units. During operations, Operational Groups (OG) and Tactical Groups (TG) are created, in order to facilitate command and control. OGs and TGs are ad hoc formations, comprising all military forces (JNA, TO) that participate in the operation, set up to carry out specific operations during a specific time period. There is a separate body in the SFRY Armed Forces for security matters (including counterintelligence): the Security Administration (UB). Security Organs (OB) among other duties participate in the detection and prevention of serious crime affecting the armed forces.
- g. According to the 1991 Law for Defence of the Republic of Serbia only competent state bodies are allowed to organise, reinforce, arm, equip and train armed forces. The 1990 Constitution and the 1991 Law for Defence of the Republic of Serbia, establish the President of the Republic commands the “*armed forces*” of the Republic in peace and wartime. Until the creation of such armed forces, the TO is to constitute these armed forces.
- h. The Yugoslav Army (VJ) is the successor to the JNA and is established after the declaration of FRY. The VJ defends the sovereignty, territory, independence, and constitutional system of the Federal Republic of Yugoslavia. During the 1992-1995 time period, the VJ consists of a General Staff (GŠ); three armies (1st Army; 2nd Army; 3rd Army); an Air Force and Anti-Aircraft Defence (RV i PVO); a Navy (RM); a Corps of Special Units (KSJ); and a Military Schools Centre (VJ CVŠ). The KSJ is directly subordinated to the NGŠ VJ.
- i. According to the 1992 “*FRY Constitution*” and the 1994 “*Law on the Army of Yugoslavia*”, the FRY President commands the VJ in times of war and peace,

in compliance with the decisions of the Supreme Defence Council (SDC). The SDC consists of the FRY President, who is the Chairman of the SDC, and of the Presidents of the Republics of FRY (Serbia and Montenegro). The General Staff (GŠ) of the VJ is the highest professional and staff organ for the preparation and use of the VJ in times of peace and war. The GŠ VJ provides information, analysis and other materials to the SDC. In addition to the Chief of the General Staff (NGŠ), his Deputy, the Security Administration, the Information Administration, the Army Inspection, the GŠ VJ consists of seven Sectors (organised in their turn in Administrations) which are headed by Assistant NGŠ.

- j. The Chief of the General Staff (NGŠ) of the VJ commands the VJ via the Commanders of the strategic units and temporary strategic compositions, and other officers who are immediately subordinate to him. The Commanders of Armies (= land forces); the Air Force and Anti-Aircraft Defence and the Navy are responsible to the NGŠ, as are the Commanders of units and temporary compositions immediately subordinate to the NGŠ.
- k. Furthermore, the NGŠ is responsible for the organisation, plan of development, and establishment of the commands, units, and institutions of the VJ; the plan of recruitment and maintenance of manpower levels for the VJ, and the numerical distribution of recruits in the VJ; training and education; etc.

2. General

- a. All People's Defence (SFRY)

(1) The defence of the Socialist Federal Republic of Yugoslavia (SFRY) is regulated by law. For most of the late Yugoslav period, the principal legislation covering military affairs is the “*SFRY All-People's Defence Law* (“*ONO Law*”)” promulgated in 1982, and its amendments.¹ Certain fundamental provisions are also set out in the 1974 SFRY Constitution², to which the “*ONO Law*” makes frequent reference. The 1985 “*Law on Service in the Armed Forces*” legislates the service in the SFRY Armed

¹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law* (*Zakon o Opštenarodnoj Odbrani – ONO*), Belgrade, 1982

Forces.³

(2) SFRY's military doctrine of "All-People's Defence"⁴ is published as the official military doctrine in 1969.⁵ "All People's Defence" means that the country is defended or war is waged using all human and material resources and forces of the society in the struggle against the aggressor.⁶ "All Peoples Defence" encompasses various forms of combat and resistance; in addition to the armed forces (which are the chief agent and mainstay of the armed struggle), the whole of the population is involved, including those who are able to fight and offer resistance and all the economic and other resources of the society.⁷

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

Article 240 of the 1974 SFRY Constitution

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

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

Any citizen who takes part in resisting aggression towards the country is a member of the armed forces of the SFRY.⁸

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

² Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974

³ ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360 (partial translation), *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985

⁴ Opstena rodna Odbrana

⁵ Eng 0343-4653-0343-5304, *Area Handbook for Yugoslavia*, 1973, at page 536

⁶ ERN BCS 0114-0072-0114-0236; Eng 0081-6252-0081-6335, *Legal Manual for Commanding Officers*, 1976

⁷ ERN BCS 0114-0072-0114-0236; Eng 0081-6252-0081-6335, *Legal Manual for Commanding Officers*, 1976

⁸ Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 240

b. The SFRY Armed Forces

- (1) Article 91 of the 1982 “*ONO Law*” (quoting the second paragraph of Article 240 of the 1974 SFRY Constitution) establishes the two components that constitute the SFRY’s armed forces:
 - The Yugoslav People’s Army: JNA (*Jugoslovenska Narodna Armija*) and;
 - The Territorial Defence: TO (*Territorijalna Odbrana*).⁹
- (2) The 1983 Federal Secretariat for People’s Defence Manual “*Strategy of Armed Conflict*” provide some additional detail on the two components of the SFRY Armed Forces:

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

c. The Yugoslav People’s Army (JNA)

- (1) As part of “*All People’s Defence*”, the JNA is the core of the Yugoslav Armed Forces.¹¹ The JNA is an important and powerful federal institution. Amongst these most significant federal institutions in the SFRY, the JNA is a unifying agent within the Yugoslav federal system of diverse nationalities and the upholder and symbol of “*Brotherhood and Unity (Brastvo I Jedinstvo)*”¹², and “*the group most loyal to the Yugoslav State*”.¹³
- (2) Article 99 of the 1982 “*ONO Law*” defined the JNA as follows:

⁹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 91

¹⁰ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

¹¹ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

¹² See also ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 7 (solemn declaration); and Art 49; Art 55

¹³ Eng 0063-4242-0063-4295, Bradford Studies on Yugoslavia Nr 13, *The Yugoslav People’s Army: The Political Dimension*, Marko MILIVOJEVIĆ, 1988

Article 99 of the 1982 ONO Law

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

The Yugoslav People's Army shall be organised into wartime and peacetime units and institutions.¹⁴

(3) Article 101 of the 1982 “*ONO Law*” provides some information on the structure of the JNA. The JNA consist of branches (Army, Air Force and Anti Aircraft Defence, Navy), arms (Army: armour, infantry, artillery) and services (logistics, engineers, etc.).¹⁵

d. The Territorial Defence (TO)

(1) In addition to the JNA, as a part of the concept of “*All Peoples Defence*”, TITO in 1968 mandates the establishment of Territorial Defence forces (TO) in the Republics of the SFRY.¹⁶

(2) The 1981 JNA “*Vojni Leksikon*” defines the TO as follows:¹⁷

TERITORIAL DEFENCE OF SFRY – TO: an element of the unified armed force of SFRY, the widest form of mass organisation of the working people and citizens for armed defence and an organised all-people's resistance. It is organised in all socio-political communities (republics, provinces, municipalities), OUR /organisations of associated labour/ and MZ /local communities/. It is composed of Staffs, units and TO institutions. In times of war, the police is the composite part of the TO. TO forces simultaneously cover the whole of the area of SFRY. TO forces are organised and trained in times of peace, and are activated in times of an immediate threat of war, war, and other dangers for the country, as well as for drills and to carry out certain social self-protection tasks when constitutional order is in jeopardy and when it is required in the interest of the security of the country. It is equipped to lead armed combat, independently or in a coordinated action with the JNA.

The main tasks of TO in own rear: combat control of the territory and the protection of facilities in order to create the best possible conditions for the work of the organs of government, economy and social activities; securing the facilities of road, railway, sea, river and air traffic and the systems of communication; combat against infiltrated,

¹⁴ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 99

¹⁵ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 101

¹⁶ Eng 0343-4653-0343-5304, *Area Handbook for Yugoslavia*, Foreign Area Studies, American University, 1973, at page 536

¹⁷ ERN BCS 0400-2838-0400-2838; Eng ET 0400-2838-0400-2838; Excerpt from ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Military Publisher, Belgrade, 1981

sabotage, terrorist and other enemy forces; combating the smaller scale air-borne and sea assaults and participating in combat against the bigger scale ones; securing the public peace and order and preventing all types of activities directed towards the weakening of the system of ONO I DSZ /All-People's Defence and Social Self-Protection/; arranging and preparing the territory for an armed combat; at the temporarily captured territory, by mass and organised armed combat, inflicting the biggest possible loss on the enemy; spreading his forces thin; obstructing his movement and manoeuvres; obstructing the systems of supply, command and control; forcing him to constantly fight for the same territory; preventing, in a decisive manner, the creation of the Quisling government, the Quisling military formations and the co-operation with the aggressor; securing and protecting the civilians, material assets and cultural heritage; preventing the use of economic capacities and natural resources; creating the conditions for the work of the organs of own government, etc; carrying out all mentioned tasks along the stretch of the front and, in co-operation with the JNA, engaging in combat along the auxiliary axes in the defence of the cities, etc.

- (3) Under the concept of "*Territorial Defence*" a large portion of the male population receives military training and would be able to participate in the defence of the SFRY on the basis of locally organised and largely autonomous units.
- (4) Whereas the JNA is a federal institution (i.e. on SFRY level), the TO is organised, funded and equipped by the SFRY's constituent republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia) and autonomous provinces (Kosovo and Vojvodina).¹⁸
- (5) The 1982 "*ONO*" Law contains a series of provisions addressing the TO forces and their command structure. The basic structure of the TO is laid out in Paragraphs 3 and 4 of Article 102. Article 102 stipulates among other things that the TO comprised all armed structures that are not part of the JNA or the police.

Article 102 of the 1982 ONO Law

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

¹⁸ Eng 0343-4653-0343-5304, *Area Handbook for Yugoslavia*, Foreign Area Studies, American University, 1973, at page 536

republics and other socio-political communities.¹⁹

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

Territorial defence shall comprise units, institutions and staffs, and other forms of organisations of working people and citizens for a general popular armed resistance.

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

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

Communications units established by socio-political communities for the needs of governance in those communities in time of war, in the event of an immediate threat of war or in other emergencies, shall organise and make preparations according to the provisions of this Law pertaining to territorial defence.²⁰

(6) Article 103 of the 1982 “*ONO Law*” outlines the legal framework in which the TO operates.

Article 103 of the 1982 ONO Law

Territorial defence shall be organised and set up within a joint system of all-people's defence, in accordance with the Constitution, law, fundamentals of organisation and outlines of plans of development of the armed forces and a plan of their use, the system of command and control in the armed forces, a common system of arms procurement, equipment and training of the armed forces and the decisions and plans of socio-political communities.²¹

e. Volunteers

(1) Article 119 of the 1982 “*ONO Law*” addresses the concept of “*volunteers*”.

According to this article, “*Volunteers, as referred to in this Article, are considered to be persons not subject to military service who have been accepted in and joined the Armed Forces*²² *at their own request.*”²³

¹⁹ This is changed into: “*The territorial defence, as a special-purposes part of the armed forces, is organised in the municipality, autonomous province, republic and other socio-political community*”: ERN BCS 0046-1971-0046-2267; Eng 0085-8931-0085-8942, *Decree on the Declaration of the Law on Amendments to the Law on All People's Defence*, 17 May 91, Art 30

²⁰ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 102

²¹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 103

²² i.e. the JNA or the TO

(2) Article 119 also lays down the circumstances under which volunteers can be activated, as well as their duties and their place within the military hierarchy. Paragraph 5 asserts that "*in view of their rights and responsibilities, volunteers are on an equal footing with military personnel or military conscripts*".

Article 119 of the 1982 ONO Law

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

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

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

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

Persons referred to in paragraphs 2 and 4 of this Article shall have the same rights and duties as military personnel and/or military conscripts.²⁴

(3) Volunteers are an important element to help fill the ranks of the JNA, in particular during the conflict in Croatia, when the JNA sees itself confronted with a dwindling response to mobilisations and an increasing number of desertions. Article 119 of the 1982 "*ONO law*", however, deals with individual volunteers; i.e. people who, notwithstanding that they have no military obligations, decide to join (existing) units of the SFRY Armed forces (JNA or TO), on an individual basis. The legal framework that is effective prior to the conflict in Croatia does not foresee, nor cover the establishment of volunteer/paramilitary formations by political parties and other organisations, including the Ministry of Interior of the Republic of

²³ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 119

²⁴ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 119

Serbia (MUP), outside the framework of the SFRY Armed Forces (consisting of JNA and TO).

(4) The additional decrees and orders that are adopted by the SFRY and Serbian authorities during the conflict in Croatia, in order to legalise the de facto situation that has arisen during the conflict in Croatia, as well as the role of the Ministry of Interior (MUP) of the Republic of Serbia in the establishment of volunteer/paramilitary groups, will be addressed in Section THREE, Title 4²⁵ of this part of the report.

f. Police

Although not a component of the SFRY Armed Forces, the police can be used for military tasks. Article 104 of the 1982 “*ONO Law*” notes that during a war, during the time of an imminent threat of war and other extraordinary circumstances, *“the police may be utilised for the fulfilment of combat tasks of the armed forces in accordance with the law.”* Accordingly, during the time the police is carrying out their combat tasks for the armed forces, they are *“placed under the authorised (military) officer who directs the military activities”*. In this context, “*police*” means both Federal and Republican police forces. The subordination of police forces to the military commander means that the latter becomes responsible for how the police carried out operations.²⁶

Article 104 of the 1982 ONO Law

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

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

The reserve forces of the police shall be reinforced by military conscripts.

3. Mission of the SFRY Armed forces

a. Article 92 of the 1982 SFRY All-People’s Defence Law (“*ONO Law*”) defines the mission of the SFRY armed forces.

Article 92 of the ONO Law

The Armed Forces safeguard independence, sovereignty, territorial integrity and the

²⁵ See page 129-160

²⁶ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 104

social order as defined by the SFRY Constitution. The Armed Forces may carry out certain tasks in relation to social self-protection, providing the conditions stipulated by the federal law are met.²⁷

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

SFRY armed forces, together with other forces of all people's defence and social self-protection, protect the interests of all nations and nationalities and all working people and citizens of the socialist self-managing and non-aligned Yugoslavia and are the expression of their readiness and determination to successfully defend themselves against any aggression. SFRY armed forces have a national, socialist, revolutionary and defensive character and are exclusively designated for defence of the country and safeguard of peaceful construction of a socialist self-management society and non-aligned foreign policy.²⁸

- c. The importance of the protection of the interests of all nations and nationalities and the spreading of “*brotherhood and unity*” can also be seen in the solemn declaration, service members make upon joining the SFRY Armed Forces.

Article 7

When joining the armed forces, military personnel shall take a solemn pledge:

“I (first and last names), hereby pledge to defend the independence, constitutional order, inviolability and integrity of the Socialist Federative Republic of Yugoslavia and to protect and spread the brotherhood and unity of our nations and nationalities. I shall always scrupulously and with discipline fulfil the obligations and responsibilities of a defender of my Socialist self-managed homeland and be prepared, without sparing my own life, to fight for its freedom and honour.”²⁹

4. Command and Control over the SFRY Armed Forces

- a. Background

- (1) The 1981 JNA “*Military Lexicon*” has the following definition for “*Command and Control*”:

COMMAND AND CONTROL /BCS: RUKOVODJENJE I KOMANDOVANJE/: in the OS /armed forces/ is an organised unified activity of Commands and Institutions

²⁷ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 92

²⁸ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

²⁹ ERN BCS 0036-4339-0036-4395; Eng L003-7316-L003-7360, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 7

directed towards organizing, preparing and using the armed forces and their parts in times of peace and the war times. Command and Control of the OS comprise a unified activity. They are defined by the socio-political system, concept and the doctrine of the ONO /all-people's defence/ and the strategy of the armed conflict. They are based on the principles of single authority and subordination. As a process, the control (sic) is carried out through assessing, decision making, planning, organising, co-ordinating and cooperating, inspecting and analysing experiences, etc. It should be unified, continuous, flexible, operational, efficient and safe. The system of control (sic) is established by the Presidency of the SFRY. It is carried out at the strategic, operational and tactical level (*see Organs of command and control*).³⁰

(2) The 1981 JNA “*Military Lexicon*” defines “*Command*” as follows:

Komandovanje: COMMAND (v): a function of a uniform /system/ of command and control over the OS /armed forces/ or its elements in the peace time and in times of war. It is based on the principle of a single command and is carried out on the basis of the legal regulations, authorizations and orders of the superiors. It comprises of an exclusive right of a *staresina* /commanding officer/ of a unit (institution) to independently decide on the use and the activity of the units, issues orders and organizes inspection. The main carriers of the function of command in the OS are the Command /?Staff/, that is, the Commander with his Staff, deputies and assistants. The process of command is continuous, unified and inter-connected. It encompasses a continuous gathering of information, monitoring of the situation, making decisions and issuing directives, commands and orders. It is implemented through planning, organizing, ordering, co-coordinating and inspecting. The principles of the command are uniformity, continuity, efficiency, secrecy, flexibility of operations and security. Depending on the level it is being carried out at, it can be tactical, operational, strategic, supreme, centralized and de-centralized.³¹

(3) “*Control*” is defined as follows in the JNA “*Military Lexicon*”

CONTROL /BCS: *RUKOVODJENJE*/: an organized (planned) activity, directed towards the achieving of the objectives and /completing/ the tasks of organizing and preparing the whole of the system of ONO /all-people's defence/ and carrying out other tasks in peace and war times. It is a common expression for the command and control. Those who carry out the control in the OS /armed forces/ are the Commands and Staffs of different levels, the Commander with his Staff, Deputies and Assistants. It is based on unified grounds, established relations between the Commanding Officers, Commands and Staffs, and on the single authority. It is basically carried out by the highest state leadership (the Presidency of the SFRY, SIV /Federal Executive

³⁰ERN BCS 0400-2219-0400-3347; Eng ET 0400-2754-0400-2754 (partial translation), *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

³¹ RN BCS 0400-2439-0400-2439; Eng ET 0400-2439-0400-2439 (partial translation), *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

Council/), SSNO /Federal Secretariat for the National Defence/, Administrations, Commands, Staffs of the TO and Institutions, as well as appropriate self-managed organs of the DPZ /socio-political community/ and OUR /organisation of associated labour/ from the area of ONO. It is carried out through command and control of the OS and other structures of the ONO as a whole, or in parts, through appropriate Committees for the ONO and DSZ /social-self protection/, Secretariat for the NO /national defence/, Commands, Staffs, Administrations.³²

(4) Another expression that is used in JNA/VJ regulations and other military documentation is “*Upravljanje*” (i.e. management). The 1981 JNA Lexicon states in relation to “*Upravljanje*”:

MANAGEMENT in OS /armed forces/ function of the control (see) in the domain of organisation, planning, remanning, science and research, training, materiel support, health care and the rest. Those are so called administrative tasks in the jurisdiction of the commands, staffs and administrative organs (see). The highest Administrative Organ for OS SFRJ /Armed Forces of Socialist Federative Republic of Yugoslavia/ is Federal Secretariat for National Defence which is also a headquarter organ of the SFRJ Presidency (see). Lower administrative organs are appropriate commands, institutions, administrations and other institutions of various levels and jurisdictions (see Main Staff of Yugoslav People’s Army; Command; Staff).³³

(5) Article 96 of the 1982 “*ONO Law*” provides a general description of the concept of “*command and control of the armed forces*”.

Article 96 of the 1982 ONO Law

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

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

The competent bodies in the republics and autonomous provinces shall organise and carry out the preparations for territorial defence, and direct and secure the unity of its

³² ERN BCS 0400-2219-0400-3347; Eng ET 0400-2753-0400-2753 (partial translation), *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

³³ ERN BCS 0400-2219-0400-3347 (partial translation), *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

organisation, preparations and operation in keeping with the outlines of plans for the development and use of the Armed Forces.³⁴

(6) The 1983 JNA “*Manual (Draft) for the Work of Commands and Staffs*” defines three levels of Command and Control in the SFRY Armed Forces:

- “*Strategic level*” of Command and Control: SFRY Presidency and part of the SSNO and the General Staff (GŠ) - the Supreme Command
- “*Operational level*” of Command and Control: commands of Armies, and republican and provincial Territorial Defence Staffs, Corps commands and other operational and strategic commands when they are established
- “*Tactical level*” of Command and Control: tactical unit commands, up to and including the level of Division Commands and Territorial Defence Staffs, up to and including the level of the Territorial Defence zone staffs.³⁵

b. The SFRY Presidency

(1) The SFRY Presidency is a collective body, composed of a representative from each of the six Republics and two Autonomous Provinces, and of the President of the League of Communists of Yugoslavia (LCY) by virtue of his office³⁶, with equality among its members and a formal practice of acting on a consensus basis. In addition, there are a President and a Vice-President of the Presidency, elected for a period of one year from the ranks of the Presidency, with certain constitutional and statutory powers.³⁷

(2) Article 313 of the 1974 SFRY Constitution stipulates that the SFRY Presidency is “*the supreme body in charge of administration and command of the Armed Forces of the Socialist Federal Republic of Yugoslavia in war and peace*”..³⁸

(3) The fact that the SFRY Presidency is the most senior command and

³⁴ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 96

³⁵ ERN BCS 0055-0707-0055-0745; Eng K011-1600-K011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983, Chapter I, Para 19

³⁶ Art 321 of the 1974 SFRY Constitution

³⁷ See Article 327, 328 and 330 of the 1974 SFRY Constitution

³⁸ Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 313

control body is also reflected in Article 106 of the 1982 “*ONO Law*”.

Accordingly, the SFRY Presidency:

- establishes plans for the use of the armed forces in time of war;
- ordered the use of the armed forces in peacetime;
- establishes the military sectors within the country;
- develops the strategy of armed conflict (basic rules and other acts pertaining to the strategy of armed conflict, mobilisation and the use of the armed forces);
- establishes the command and control system of the armed forces in accordance with the principles stipulated by the Constitution, and monitors the implementation of the policy for the command and control of the armed forces; and
- establishes the organisation of the JNA and determined the structure of the JNA.

(4) Article 328, paragraph 2, of the 1974 SFRY Constitution defines the duties of the President of the SFRY Presidency in relation to command and control over the SFRY Armed Forces, stating: *“The President of the SFRY Presidency shall, on behalf of the SFRY Presidency, be in charge of the command of the Armed Forces of the Socialist Federal Republic of Yugoslavia, in conformity with the present Constitution and federal statute.”* Paragraph 4 adds, *“During a state of war, in the event of an imminent threat of war and in other similar kinds of emergency when the SFRY Presidency is not able to meet, the President of the SFRY Presidency shall, on behalf of the SFRY Presidency, exercise specific rights and duties as authorised by the SFRY Presidency.”* Article 328 also regulates the absence of the President of the SFRY Presidency and the termination of his office.³⁹

(5) Article 107 of the 1982 “*ONO Law*” asserts that besides conducting affairs envisaged by the SFRY Constitution and federal law, as well as affairs authorised by the SFRY Presidency, the President of the Presidency also represents and commands the Armed Forces, in line with the SFRY Constitution, federal law and decisions of the Presidency; signs acts of the

SFRY Presidency related to the armed forces and oversees their implementation.⁴⁰

(6) In article 316, the 1974 SFRY Constitution spells out the Presidency's responsibilities in relation to the organisation and structure of the Armed Forces. Paragraph 1 of this article regulates military preparation, mobilisation, and determination of the existence of the "*Imminent threat of war*" and the proclamation of a "*state of war*". Paragraph (3) of Article 316 of the 1974 SFRY Constitution, authorises the SFRY Presidency to transfer specific affairs concerning command and control over the Armed Forces to the Federal Secretary for People's Defence, adding that the Federal Secretary for People's Defence "*shall be responsible to the SFRY Presidency for the conduct of affairs transferred to him*". This provision is reaffirmed in Article 108 of the 1982 "*ONO Law*".

Article 108 of the 1982 ONO Law

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

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

In carrying out the enactments of the SFRY Presidency referred to in Article 106, paragraph 2 of this Law and the tasks of command and control of the Armed Forces transferred to his competence by the SFRY Presidency, the Federal Secretary for People's Defence may issue rules, orders, instructions and other enactments.⁴¹

(7) In addition, article 97 of the 1982 "*ONO Law*" defines a number of specific responsibilities of the SFRY Presidency with regard to the TO.

According to this article, the SFRY Presidency

- co-ordinates the preparation plans of JNA and TO;
- establishes a joint Command for the JNA and the TO; and
- appoints JNA units to the TO and TO units to the JNA.

Article 97 of the 1982 ONO Law

On a decision of the SFRY Presidency, joint commands for units and institutions of

³⁹ ERN BCS 0229-4916-0229-4972; Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 328

⁴⁰ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law* (*Zakon o Opštenarodnoj Odbrani – ONO*), 1982, Art 107

the JNA and the Territorial Defence may be set up for certain areas.

On a decision of the SFRY Presidency, certain units and institutions of the JNA may be redefined as Territorial Defence units or institutions and become a part of the Territorial Defence, while certain units and institutions of the Territorial Defence may be redefined as JNA units or institutions and become a part of the JNA, if particular conditions require this.⁴²

c. The Federal Executive Council (SIV)⁴³

Article 347 of the 1974 SFRY Constitution and Article 77 of the 1982 “*ONO Law*” determine the authorities and responsibilities of the Federal Executive Council (SIV) in the field of defence. Paragraph 7 of Article 347 states that the Federal Executive Council is to “*ensure the execution of the country’s defence policy and the implementation of preparations for defence within the framework of the rights and duties spelled out by the present Constitution and Federal statutes*”.⁴⁴

d. The Federal Secretary/Secretariat for People’s⁴⁵ Defence (SSNO)⁴⁶

(1) The SSNO is headed by the Federal Secretary for People’s Defence. The Federal Secretary for People’s Defence is a member of the SIV and organised and supervised the armed forces of the SFRY on a day-to-day basis.

(2) Articles 79 through 88 of the 1982 SFRY “*ONO Law*” list the powers of the Federal Secretary/iat for People’s Defence (SSNO). Article 79 describes the organisation and preparation of “*All-people’s Defence*”, as well as its implementation, stating in its Paragraph 4) that the Federal Secretariat “*shall be in charge of ... the implementation of the system of command and control in the armed forces*”.⁴⁷ Article 80 focuses on the role of the SSNO in organising and preparing the JNA for its mission.

⁴¹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 108

⁴² ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 97

⁴³ SIV: Savezno Izvrsno Veće (Federal Executive Council)

⁴⁴ Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 347

⁴⁵ Some sources use the term “National” Defence instead of “People’s” Defence

⁴⁶ SSNO (Savjeni sekretariat za narodnu odbranu) are used in this document for both the Secretary as the office (the Secretariat)

⁴⁷ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 79

Paragraph 1) gives the SSNO the competence to oversee “*the coordination of plans and measures of the JNA with plans and measures of the Territorial Defence*”.⁴⁸ Article 87 is important in that it expresses the authority of the SSNO over the defence bodies and organs in the republics.⁴⁹

- (3) Article 108 of the 1982 “*ONO Law*” provides the Federal Secretary for People’s Defence with the power to issue regulations, orders, instructions and “*other acts*”. This way, he is effectively able to carry out command and control responsibilities transferred to him by the SFRY Presidency as set forth in article 108. This article also allows the implementation of acts of the SFRY Presidency from article 106 of the 1982 “*ONO Law*”.⁵⁰
- (4) The role of the Federal Secretary for People’s Defence in the armed forces’ chain of command is laid down in Article 110 of the 1982 “*ONO Law*”. Article 110 also notes that Command and Control of the JNA (i.e. SFRY Armed Forces) is carried out by the commanders of units and institutions of the JNA, in line with the federal law.

Article 110 of the 1982 ONO Law

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

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

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

Commanders of units and institutions of the Yugoslav People’s Army shall carry out the command and control duties of the Yugoslav People’s Army in accordance with the federal law.⁵¹

⁴⁸ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 80

⁴⁹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 87

⁵⁰ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 108

⁵¹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 110

e. The General Staff (GŠ) of the SFRY Armed Forces ⁵²

The SFRY Armed Forces GŠ is in the composition of the SSNO, and carries out staff and other expert jobs in the field of organisation and preparation of SFRY Armed Forces within the rights and duties of the SSNO, envisaged by federal laws and documents issued by the SFRY Presidency.⁵³

f. Supreme Command - Supreme Command Staff



(1) Although the 1974 SFRY Constitution does not mention of a separate “*Supreme Command*” body⁵⁴, this body is defined in at least two JNA regulations. According to the 1983 JNA “*Draft instructions for the Work of Commands and Staffs*”⁵⁵, the “*strategic level of control and command comprises the SFRY Presidency with part of the Federal Secretariat for People’s Defence (SSNO) and the General Staff - the Supreme Command.*” In addition, the 1983 JNA’s “*Strategy of Armed Conflict*”, publication⁵⁶ stated:

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

⁵² See also Para g. (8) in this Section

⁵³ ERN BCS K035-9828-K035-9828; Eng 0306-4783-0306-4783, SFRY Presidency Order Nr 26, 13 October 1987

⁵⁴ According to Article 342 of the 1974 SFRY Constitution, the SFRY President is “*the Supreme Commander of the armed forces*” while TITO is alive. Art 313 stated that the SFRY Presidency is the supreme body in charge of the administration and command of the Armed Forces of the Socialist Federal Republic Yugoslavia in war and peace.

⁵⁵ ERN BCS 0055-0707-0055-0745; Eng K011-1600-K011-1794, *Manual for the Work of Command and Staffs* (Draft), 1983, Para 18

⁵⁶ ERN BCS 0115-9746-0115-0096; Eng ET 0115-9746-0115-0096, JNA handbook entitled “*Strategy of Armed Conflict*” (in Slovenian), 1983

they are formed, are directly subordinated to the SFRY Presidency as the highest organ of command and control.⁵⁷

(2) The Supreme Command Staff (also known as the “*Staff of the Supreme Command*”) is also mentioned in the 1985 Manual on Territorial Defence.⁵⁸ According to this manual, “*Supreme Command Staff affairs are the responsibility of the SSNO acting as SFRY Armed Forces Supreme Command Staff. Republic and Autonomous Provinces’ commanders of Territorial Defence are subordinated to the SFRY Presidency as the supreme organ of controlling and commanding (Article 4 of SFRY Constitution and the Law on People’s Defence of the Republic of Serbia)*”.⁵⁹

(3) The 1991 Amendments to the 1982 “*ONO Law*” add the following sentence to Article 79 of the 1982 “*ONO Law*”, enumerating the powers of the SSNO: “*In performing these duties, the Federal Secretariat for People’s Defence acts as the Staff of the Supreme Command of the Armed Forces*”.⁶⁰

(4) The aforementioned regulations can be summarised as follows:

- During peacetime, the Federal Secretary for People’s Defence (and his Secretariat) and the Chief of the General Staff of the SFRY Armed Forces (assisted by the General Staff) have an advisory role to the SFRY Presidency;
- During one of the three states - “*War, Imminent Threat of War, Emergency*”-, the SFRY Federal Presidency becomes the “*Supreme Command*” and acts as the national command authority. In these circumstances, the SSNO (both the Secretary and his Secretariat) and the GŠ (including the Chief of the GŠ (NGŠ) form the “*Supreme Command Headquarters*” (also known as “*Supreme Command Staff*”), with the SSNO as Chief of Staff (NŠ) of the Supreme Command Headquarters (or Supreme Command Staff).

⁵⁷ ERN BCS 0055-1062-0055-1221, JNA handbook entitled “*Strategy of Armed Conflict*” (in Slovenian), 1983, at 0055-1128

⁵⁸ ERN BCS 0046-9953-0047-0194, JNA Manual on *Territorial Defence*, 1985

⁵⁹ ERN BCS 0046-9953-0047-0194, JNA Manual on *Territorial Defence*, 1985 p. 147

(5) The 1974 Constitution does not include any provisions for the involvement of the Presidents of the six constituent republics or the two autonomous Provinces of the SFRY in the command over the SFRY Armed Forces. The Presidents of the Republics are not part of the Supreme Command and have no legal competence over the SFRY Armed Forces. They could however influence decision-making through the representatives of the Republics (and the representatives of the autonomous provinces) in the SFRY Presidency.

g. Command and control within the SFRY Armed Forces

(1) Definition

(a) The JNA Regulation *“Rule Corps of Ground Forces (provisional)”* of 1990 provides the following conceptual definition for *“Command and Control”*:

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

Command and control are exercised through planning, concerted action, organisation, command and control, preparation and execution of operations and other combat actions; they are based on unified, continuous, secure, flexible, efficient, operative and secret information flows among commands, units and institutions. The Commander of the Corps commands the forces of the Yugoslav People's Army and the Territorial Defence in his subordination in the zone of operation.⁶¹

The last paragraph indicates that there is single command (i.e. one commander) in the zone of responsibility where JNA and TO units are active.

(b) Even though the definition included in the 1990 *“Rule Corps of*

⁶⁰ ERN BCS 0046-1971-0046-2267; Eng 0085-8931-0085-8942, *Decree on the Declaration of the Law on Amendments to the Law on All People's Defence*, 17 May 91, Article 26

⁶¹ ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 63

Ground Forces (provisional)” refers only to the Corps Commander, a review of SFRY Armed Forces and JNA regulations and manuals demonstrates that this generic definition applies to all unit and staff levels within the armed forces. Paragraph 107 and 108 of the 1984 “*JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*” which addresses Brigade level infantry units contains a similar definition.⁶²

(c) This JNA definition of command and control corresponds with what can be found in doctrinal manuals of the Armed forces of NATO-member countries.

i. 1995 UK Army Doctrinal Publication “*Command*”:

Command is the authority vested in an individual for the direction, co-ordination, and control of military forces. The need for command arises from, and varies with, the size and complexity of the force. The larger and more sophisticated a force becomes, the greater the difficulties in preserving its cohesion and fighting power. Thus the importance of the function “Command” is related to the level of responsibility of an individual commander.

Control is the process through which a commander, assisted by his staff, organizes, directs and co-ordinates the activities of the forces allocated to him. To achieve this, he and his staff employ a common doctrine for command and use standardized procedures for control (including staff work) in conjunction with the equipment, communication and information systems available. Command and control are thus inextricably linked with commanders and staffs requiring a knowledge and understanding of both and the roles of each other if they are to perform their duties effectively. Command and control, however, are not equal partners’ as control is merely one aspect of command. In this publication the term command is therefore used to encompass both command and control, except when the control aspect of command needs to be highlighted.⁶³

ii. The 1997 US Army Manual FM 101-5 “*Staff Organisation and Operations*” defines Command and Control as follows:

⁶² ERN BCS 0114-7096-0114-7361; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People’s Defence, 1984, Para 107

⁶³ Eng 0346-6476-0346-6727, *COMMAND*, UK Army Doctrine Publication Volume 2, Chief of the General Staff, Apr 95, Para 103 and 106

Command and control is an essential element of the art and science of warfare. Command and control is the exercise of authority and direction by a properly designated commander over assigned and attached forces in the accomplishment of the mission. Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by a commander in planning, directing, co-coordinating, and controlling forces and operations in the accomplishment of the mission.

The focus of command and control is the **commander**. Command is the authoritative act of making decisions and ordering action; control is the act of monitoring and influencing this action. While command and control may be discussed separately for understanding, in practice, command and control is a unified entity. The commander cannot command effectively without control, and he, with or without the staff, cannot exercise control without command.

Control is the promulgation of the commander's decisions, guidance, and intent with subsequent supervision and adjustment of subordinate forces' execution to ensure compliance with the commander's intent. Control may take place before, during, and after operations.

Control may be exercised directly or indirectly by directive, plan, or procedure. Information and time are critical to control.

The Commander, with the help of his staff, uses control to regulate forces and functions of subordinate and supporting units in military operations to ensure mission accomplishment. Control is based on situational information, such as mission, enemy, terrain, troops, and time available (METT-T), from all sources. The commander uses this information to adjust the resources, concept, or objective of the plan or to exploit success in operations. Staffs help commanders exercise control by—

- Acquiring and applying means to accomplish the Commander's intent.
- Defining limits.
- Determining requirements.
- Allocating means.
- Monitoring status and performance and reporting significant changes to the commander.
- Developing specific guidance from general guidance.
- Forecasting change.⁶⁴

(d) Command and Control is implemented through the “*Command Process*”. The 1984 “*JNA Brigade Rules (for Infantry, Motorised,*

⁶⁴ ERN BCS K036-4598-K036-4601-BCSDT/Radna verzija prevoda; Eng K036-4598-K036-4601; *US Army Field Manual FM 101-5, Staff Organisation and Operations*, Chapter 1, 1997, pp 1-2 (excerpt):

Mountain, Alpine, Marine, and Light Brigades” defines the “*Command Process*” as a “*continuous, integrated and inter-linked process*”, consisting of the “*continuous gathering of data, observing the situation, making decisions, and issuing commands and orders*”.⁶⁵

The commander uses “*Command acts*” (orders and commands) to convey his decisions and activate the process of implementation of his orders.⁶⁶

(2) Legal Framework

(a) Article 110 of the 1982 “*ONO Law*” specifies that the Federal Secretary for People’s Defence (SSNO) shall exercise the duty of command and control of the Armed Forces, in accordance with the powers transferred to him. The Chief of General Staff (NGŠ) of the JNA (SFRY Armed Forces) replaces the SSNO when the latter is absent.

Article 110 of the 1982 ONO Law

The Federal Secretary for People’s Defence shall exercise the duties of Command and control of the Armed Forces in accordance with the powers transferred to him, pursuant to the SFRY Constitution, by the SFRY Presidency, and in keeping with the federal law.

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

Commanders of units and institutions of the Yugoslav People’s Army shall carry out the command and control duties of the Yugoslav People’s Army in accordance with the federal law.⁶⁷

(b) Article 113 of the 1982 “*ONO Law*” adds that, in accordance with the system of command and control established by the SFRY Presidency, and within the scope of their competences, the commanding officers of units and institutions of the JNA and the TO are responsible to their superior military officers for their work, combat readiness, use of units

⁶⁵ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People’s Defence, 1984, Para 113

⁶⁶ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People’s Defence, 1984

and institutions, and the way they carried out command and control.

Article 113 of the 1982 ONO Law

Territorial Defence commanders and officers in charge of units and institutions of the Yugoslav People's Army and Territorial Defence shall be responsible to their superior officers for their work, combat readiness, use of units and institutions and command and control in accordance with the command and control system in the Armed Forces (Article 106, paragraph 1, item 3 and Article 112) and within the scope of their powers.⁶⁸

(3) Territorial Defence (TO)

- (a) Command and control over the TO are addressed in Articles 95 and 115 of the 1982 “*ONO Law*”. Article 115 notes that the Commanders of the Republican and Autonomous Provinces TO are responsible to the SFRY Presidency.⁶⁹
- (b) Article 116 of the 1982 “*ONO Law*” explains co-ordination and co-operation between the JNA and the TO. The second paragraph of Article 116 implies that during most scenarios for military operations, the TO would be subordinated to the JNA.

Article 116 of the 1982 ONO Law

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

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

Territorial Defence staffs shall co-ordinate the plans and combat activities of the Territorial Defence with the plans and combat activities of the Yugoslav People's Army, as well as with the plans and activities of the Territorial Defence of the

⁶⁷ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 110

⁶⁸ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 113

⁶⁹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 115; This article is deleted in 1991: ERN BCS 0046-1971-0046-2267; Eng 0085-8931-0085-8942, *Decree on the Declaration of the Law on Amendments to the Law on All People's Defence*, 17 May 91

neighbouring socio-political community.⁷⁰

(c) In terms of organisation of command, the TO's are initially under double subordination/management:

- firstly, under the governments of the republics and (autonomous) provinces in terms of equipment and training, and;
- secondly under the SFRY Supreme Command in terms of combat use of units and formations.⁷¹

Over the years and in particular after TITO's death (04 May 1980), pro-Yugoslav senior officers within the JNA become increasingly distrustful of the TO. It is feared that the republics mold their own TO units into an independent army capable of opposing the JNA.⁷² According to the Federal Secretary for People's Defence, Army General Veljko KADIJEVIĆ, the 1974 SFRY Constitution had given the republics and the provinces the right to oversee the TO, and placed the TO Staff in a subordinate position on two counts: subordinate to the commands of the Armed Forces and accountable to the leaderships of the republics, the provinces, and the municipalities. KADIJEVIĆ considers this "*a superb basis for paralyzing the command structure, and even more than that*".⁷³ Hence, a process aimed at centralising control over the TO is launched. A first step appears to be the establishment in 1980 of a Territorial Defence Council in the SSNO, under the control of the Federal Secretary for People's Defence.⁷⁴ The Council includes representatives of the Federal Secretary for People's Defence and of TO commanders in the republics and provinces. The Council advised the SSNO on the organisation, training and requirements of TO units.

⁷⁰ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 116

⁷¹ ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial*, 1999

⁷² ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial*, 1999. See also ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726), Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade, 1993, at ERN 0036-2674

⁷³ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726), Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade, 1993, at ERN 0036-2674

(d) The “*JEDINSTVO*” (“*Unity*”) reorganisation plan, which is adopted in 1986, not only introduces a new military-operative and military-geographic division of the territory of the SFRY⁷⁵, but also places the Staffs and units of the TO of the republics and provinces under the command of the strategic commands of the Armed Forces (= the Military Districts)⁷⁶.⁷⁷ As a result of “*JEDINSTVO*”, the “*Chief of the General Staff of the JNA*” becomes the “*Chief of General Staff of the Armed Forces*”⁷⁸, consisting of not only the JNA but also the republican TOs.

(e) The subordination of the TOs to the SFRY Armed Forces strategic-operational commands means, according to the authors of the “*JEDINSTVO*” plan, that formally and practically a unified command and control system of the armed forces is created.⁷⁹ Army General Veljko KADIJEVIĆ writes in his published memoirs that the JNA’s new territorial organisation reduced the control of the Republics over the TO and the JNA.⁸⁰ Thus, by the late 1980s, “*JEDINSTVO*” effectively brought the TO under direct control of the SSNO and the JNA.

(f) With the same intention, measures are taken to increase JNA control over the TO’s weapons and ammunition. On 14 May 1990, Colonel General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed Forces⁸¹, issues the Order Nr 19-01 for the “*Safekeeping of the ammunition and the weapons of the TO*” to the commanders of the 1st, 3rd, and 5th Military Districts, the Naval Military District, and the Air Force and Air Defence. ADŽIĆ’s order imposes the take over by the

⁷⁴ Eng 0063-4242-0063-4295, Bradford Studies on Yugoslavia Nr 13, *The Yugoslav People’s Army: The Political Dimension*, Marko MILIVOJEVIĆ, 1988.

⁷⁵ See Para 5 of this Section

⁷⁶ Vojni Oblast (VO) (MD)

⁷⁷ ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial*, 1999

⁷⁸ ERN BCS K035-9828-K035-9828; Eng 0306-4783-0306-4783, Order on alteration of the name of “*General Staff of the JNA*” into “*General Staff of the Armed Forces of the SFRY*”, SFRY Official Military Gazette, 13 October 1987

⁷⁹ ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial*, 1999

⁸⁰ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726), Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade, 1993, at 0036-2676

JNA and storage of arms and ammunition of the Territorial Defence in JNA depots.⁸²

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

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

ORDER

The Military District, Airforce and Naval District Commands together with the TO Staffs of the Socialist Republics and Socialist Autonomous Provinces shall organise the take-over, storage and safekeeping of the complete stock of the TO weapons and ammunition in the JNA supply dumps and depots. Within the scope of further organisational and establishment improvements, TO commanders shall consider the possibility of abolishing certain smaller TO units whose weapons and ammunition cannot be safeguarded in the JNA dumps and depots.⁸³

(g) Army General Veljko KADIJEVIĆ, in his published memoirs, describes the decision to disarm the TO and to place it under the control of the JNA as “*one of the most important steps taken to paralyse the baneful constitutional concept of the Armed Forces*”.⁸⁴ Borisav JOVIĆ, at that time Serbian representative and President of the SFRY Presidency, provides the following comments in his published memoirs:

We are taking measures for weapons to be taken from civilian TO depots in Slovenia and Croatia and transferred to military depots. We shall not allow TO weapons to be abused in possible conflicts or for forcible secession. We have practically disarmed them. Formally, this was done by the Chief of the General Staff, but actually, on our instructions. The Slovenes and Croats reacted strongly, but there is

⁸¹ Including both the JNA and the TO

⁸² ERN BCS 0207-7103-0207-7103; Eng 0302-9202-0302-9203, “*Order for the Safekeeping of Weapons and Ammunition*”, Colonel General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed forces, 14 May 1990

⁸³ ERN BCS 0207-7103-0207-7103, Eng 0302-9202-0302-9203, “*Order for the Safekeeping of Weapons and Ammunition*”, Colonel General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed forces, 14 May 1990

⁸⁴ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726) Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993, at 0036-2677

*nothing they can do.*⁸⁵

According to reports of the TO of the Republic of Croatia, efforts are made to implement order 19-01.⁸⁶

(h) In May 1990 a draft “*Doctrine of the Territorial Defence of Armed Forces*” is disseminated among relevant departments within the SSNO, the General Staff of the SFRY Armed Forces, and JNA and TO staffs, for temporary use and review during the 1990-1992 time period. A final version is to be issued in 1992.⁸⁷ There is no evidence that this document becomes official doctrine, even though the principles on command and control it contains, are applied. The document makes a distinction between peacetime and wartime, stating that “*during peacetime, the Republican Staff of the TO commands and controls all the TO forces of the Republic, and in a state of war they are resubordinated to the command of the strategic groups*”... “*The TO Commanders in municipalities and those who are at the same level, are subordinated to the superior TO Commander, or rather to the Commander of the JNA units in the zone of responsibility*”.

In addition, the May 1990 draft document states that there is a “*Deputy Chief of Staff of SFRY Armed Forces for the TO*”, who would be the “*expert and staff organ of the General Staff for planning, development, build-up, control and co-ordination on the strategic level of the TO Control and Command*”.⁸⁸

(4) Principles of Command and Control

(a) Article 112 of the 1982 “*ONO Law*” introduces the following three principles of Command and Control:

- Unity of Command

⁸⁵ ERN BCS 0111-2738-0111-3226; Eng 0302-2817-0302-3251, Borisav JOVIĆ “*Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992*” (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492, Entry for 17 May 1990

⁸⁶ ERN BCS 0201-1572-0201-1576; Eng 0201-1570-0201-1571, *Report on relocation of weapons and ammunition to JNA Depots*, Nr 365/3, 21 May 1990. ERN BCS 0201-1546-0201-1565; Eng 0201-1544-0201-1545 *Report on relocation of weapons and ammunition*, Nr 23-10-16, 31 May 1990

⁸⁷ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 2

⁸⁸ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 7

- Single authority
- Obligation to implement decisions, commands and orders of superiors.

Article 112 of the 182 ONO Law

Command in the Armed Forces shall be founded on the principles of unity of command with respect to the use of forces and resources, single authority and the obligation to implement decisions, commands and orders of a superior officer.⁸⁹

From these principles (in particular the principle of the obligation to implement decisions, commands and orders of superiors), it can be concluded that issuing an order also entails the responsibility with the superior to verify the implementation of this order, and to take corrective action in case of shortcomings in the implementation.

(b) These three principles of command and control are further detailed in the 1983 JNA “*Command and Control*” publication, where the following seven principles are laid down.⁹⁰

i. Single Authority

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

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

ii. Subordination

Subordination is a social relation characterised by duty to perform tasks in an exact and timely manner. The main characteristic of subordination is that individuals and commands must unconditionally, accurately and in time carry

⁸⁹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 112

⁹⁰ ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Chapter 1, Subtitle 5, pp 27-35

out any order issued by a superior officer or a superior command. Subordination within a military organisation introduces a chain of command from top to bottom - from the SFRY Presidency to a squad.

iii. Unity

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

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

iv. Perpetuity

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

v. Flexibility

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

vi. Operativeness

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

vii. Confidentiality

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

The principles of Command and Control identified in these JNA

publications can be considered universal. They are valid for any armed force, be it NATO, JNA or (former) Warsaw Pact, at any period of time and during any scenario for operations. Particularly during combat operations, however, it is imperative that the principles of command and control are respected and implemented at all times, in order to allow the smooth and successful conduct of the operations.⁹¹

(5) Functions (components) of Command and Control

The “*Command Process*” is implemented through “*planning, organising, giving orders, co-ordination and control*”.⁹² The 1983 JNA textbook on Command and Control defines these five functions of Command and Control (see below).⁹³ The five functions of Command and Control provide a comprehensive and specific description of the authority, the duties and the responsibilities of the commander, on all unit/command levels. According to these definitions only the “*superior officer*” is entitled to issue commands.

(a) Planning

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

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

(b) Organisation

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

⁹¹ This can be derived from ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983

⁹² ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 113

⁹³ ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Chapter 1, Subtitle 6, pp 35-52

ordination); logistic support and combat security. In other words, the product of organising is an organisation suited for completion of a task (combat order, marching order, etc.).

(c) Command

The decision-making process and assignment of tasks to subordinated individuals, commands, organs and units are called command. Therefore, command (and control) at all levels, from the highest (strategic) to the lowest (tactical), down to the last individual, is exerted through command. The process of assigning tasks through executive orders is in fact command. This implies that only superior officers and decision-makers, and not other organs and commands, are entitled to carry out command.

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

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

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

(d) Co-ordination

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

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

Co-ordination helps harmonise the actions of units of the Yugoslav People's Army and the Territorial Defence, the actions of units on the front, in one's own rear, and

on temporarily occupied territory, and the support and engagement of the potential of socio-economic communities in the execution of the assignment. The Commander's decision is the basis, and the elaborated plans are the instruments for achieving co-ordination. The Commander is the one who organises the implementation of co-ordination among all participants for the execution of a common combat assignment, whereas the Chief of Staff of the Corps co-ordinates the work of the Command. Co-ordination must clearly determine who, when, where and how executes the given assignment.⁹⁴

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

The 1990 Corps of Ground Forces regulation highlights the need for close co-ordination between JNA and TO and other participants in operations.

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

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

Co-ordination must clearly determine who, when, where and how executes the given assignment.⁹⁵

Co-ordination is organised for the purpose of full integration of combat actions in the course of the operation among elements of the operative disposition and other forces and equipment by assignment place and time.⁹⁶

⁹⁴ ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Par 111

⁹⁵ ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 111

⁹⁶ ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 112

(e) Control (Inspection)

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

(6) Command Structure

(a) The 1983 JNA textbook "*Command and Control*" offers a comprehensive description of the command structure within military units above the Battalion level.⁹⁷ According to the textbook, each level of command has a Commander. From regiment-level on, the Commander is assisted by a Staff, led by a Chief of Staff (NŠ), who is at the same time Deputy Commander.⁹⁸ The Staff consists of Staff sections (or branch organs) dealing with the various aspects of the preparation and conducting of military operations. These organs are:

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

The Chiefs of these Organs act also as Assistant Chiefs of Staffs. In addition, the Commander has a number of Assistant Commanders who are in charge of specialised bodies (Political Guidance, Security, and Logistics).

All commands, from battalions upward, are similarly structured. At the head of all commands – staffs are commanders to whom all units are directly responsible.⁹⁹

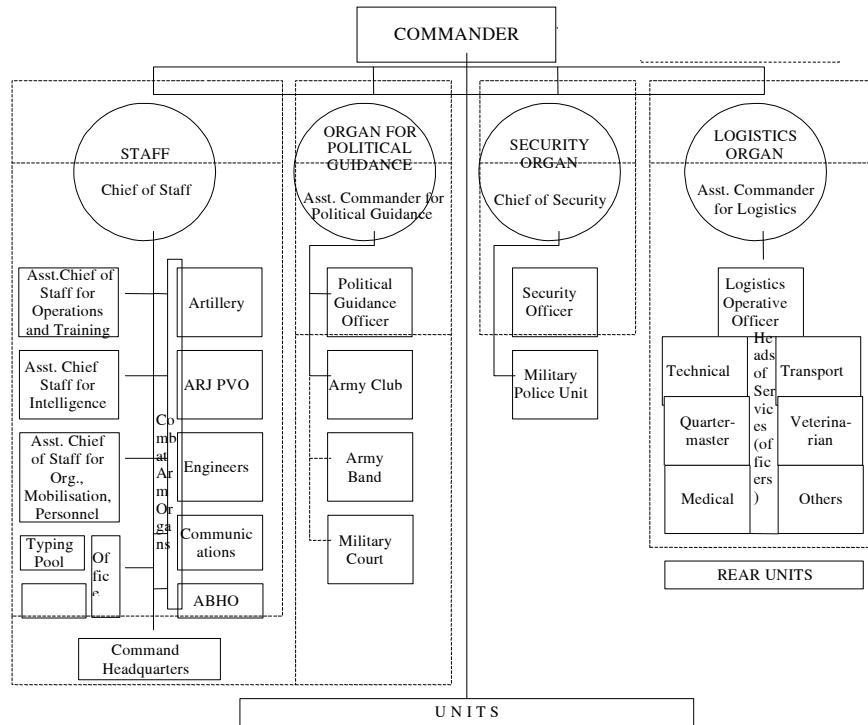
Every Command, from a Regiment upward, has its own staff led by a Chief of Staff (NŠ), who is at the same time a Deputy Commander. Depending on the level of command, a staff consists of a certain number of organs (for intelligence and operative work; organisation, mobilisation and personnel affairs; and combat arm organs). An administrative organ and a unit serving the command (command

⁹⁷ Battalion - Regiment - Brigade - Division - Corps – Army (Military District) - General Staff (See also Section Four: Structure of the SFRY Armed Forces, Paragraph 2 Operational Structure of the JNA.)

⁹⁸ See title (c) of this Title for a discussion of the duties of the NŠ

⁹⁹ ERN BCS 0214-8123-0214-8517; Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Pp 98-99

headquarters) are directly connected to the Commander. Given the need for political, security and logistics support, the organs in charge of these issues are also part of the command structure. The heads of these organs are directly subordinated to the commander. Together with the Chief of Staff, they act as assistant commanders.¹⁰⁰



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- i. The operations and training organ: is responsible for planning combat actions and training. It gathers various data, calculations, evaluations and analyses required for taking decisions and organising and carrying out combat actions. It should be familiar with the situation, the decision of the commander, the position, condition and activities of units, and decisions of their commanders. It is present when the commander takes decisions and it shapes them. It directly controls the drawing up of combat documents. The chief of the operations and training organ is the deputy chief of staff.¹⁰²
- ii. The intelligence organ: is responsible for and organises intelligence support

¹⁰⁰ ERN BCS 0214-8123-0214-8517; Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Pp 103-104

¹⁰¹ ERN BCS 0214-8123-0214-8517; Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Pp 103-104

¹⁰² ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 117

for combat actions. It continuously monitors and assesses the enemy, and reports the enemy's condition to everybody concerned in the command. It suggests to the commander or chief of staff the procedure and resources for intelligence support for the brigade. It provides expert direction for the intelligence activities of intelligence and security organs of subordinate units...¹⁰³

- iii. The recruitment and personnel organ: is responsible for recruitment for the brigade command and subordinate units.¹⁰⁴
- iv. Organs for combat arms: are specialised organs of the command which recommend the most appropriate use of units of each combat arm, so the brigade as a whole can fulfil its assignment in the best way.¹⁰⁵

In addition, there are also a number of Organs (Political Work, Security and Logistics) that are not part of the Brigade Staff (i.e. subordinate to the NŠ), but report directly to the Brigade Commander. The Chiefs of these organs are Assistant Commanders (e.g. the Assistant Commander for Security, Assistant Commander for Logistics). The Security Organ is responsible for counter-intelligence activities. It also provides expert advice to the Brigade commander for the use of the military police unit(s) of the Brigade.

- i. The organ for political work: is a specialised organ of the command for monitoring, analysing, planning and carrying out political work in the brigade units. It recommends, plans and carries out activities from the field of political work, psychological and propaganda operations, measures of self-protection, and direct co-operation with socio-political communities, organisations of associated labour. The work of the organ for morale, legal and religious matters is directed by the assistant commander for political work, who is responsible for ethical and political support of combat operations.¹⁰⁶

¹⁰³ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 118

¹⁰⁴ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 119

¹⁰⁵ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 120

¹⁰⁶ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 121

ii. The security organ: is a specialised organ of the command which organises and implements measures and procedures of counter-intelligence support. It also participates in recommending, organising and implementing security and self-protection measures which concern the command and other subjects of self-protection.

In terms of expertise it directs the work of the intelligence and security organs of subordinate units. It organises and directs their work, provides assistance, and controls their activities in completing counter-intelligence activities and duties...

The security organ provides expert direction for the military police unit, monitors its level of training and readiness for combat and other tasks, and recommends to the commander its most efficient use.¹⁰⁷

iii. The logistics organ is responsible for planning, organising, preparing and implementing logistics support. The assistant commander for logistics directs the work of the logistics organ. He has the right, in keeping with the spirit of the commander's decisions, to assign tasks to logistics organs, which perform with the help of their directly subordinate logistics units and the logistics units in battalions and independent companies.¹⁰⁸

iv. The headquarters command: organises and implements security measures and supplies for the brigade command and units attached to the headquarters. To this end it engages quartermaster, motor vehicle, courier and other units whose task is to service and secure the command.¹⁰⁹

(b) In accordance with the principle of single command, the Commander has the exclusive right to command all his units and attached units.¹¹⁰ He bears full responsibility for the work of the command and subordinate commands¹¹¹; there can be no delegation of command responsibility.¹¹²

¹⁰⁷ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 122

¹⁰⁸ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 123

¹⁰⁹ ERN BCS 0114-7096; Eng 0303-0230-0303-0415, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 124

¹¹⁰ ERN BCS 0114-7157-0114-7159; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 114; See also ERN BCS 0214-8123-0214-8517; Eng L006-3323-L006-3474, *JNA Textbook on Command and Control*, 1983; Eng pp. 98-99; 103-104; ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp. 61-62

¹¹¹ ERN BCS 0114-7157-0114-7159; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 115

(c) The Commander is assisted by a Staff, which is directed by the Chief of Staff (NŠ).¹¹³ The NŠ, in accordance with the Commander's decisions, has the right to assign tasks to subordinates.¹¹⁴ He organises the work in the command, directly manages the HQ organs and units attached to the HQ and coordinate the activities of command organs in the spirit of the commander's decisions and orders.¹¹⁵ The NŠ is also the Deputy Commander, replacing the Commander when he is absent (with the same rights and duties).¹¹⁶

(d) Within the Command, there is the “*Command Group*” or Operative Group¹¹⁷, consisting of the Commander, the NŠ, and the branch organs. The “*Command Group*” drafts decisions, plans, organises, coordinates, controls and analyses combat operations. Its organs prepare combat documents, enter data into their situation maps and the staff situation map.¹¹⁸

(e) The 1983 JNA Manual for the Work of Commands and Staffs¹¹⁹ and the 1997 VJ Manual “*Command and Control*”¹²⁰ define three types of relations within the Armed Forces:

- i. **Command relationship:** The command relationship is based on the principle of unity, unity of command and subordination; it is defined in the relationship

¹¹² ERN BCS 0114-7056-0114-7095; Eng 0090-9994-0091-0027, *Regulations on the Responsibilities of the Land Army Corps Command in Peacetime*, 1990, Art 6; See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp. 37; 62

¹¹³ ERN BCS 0114-7056-0114-7095; Eng 0090-9994-0091-0027, *Regulations on the Responsibilities of the Land Army Corps Command in Peacetime*, 1990, Article 10

¹¹⁴ ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 66; ERN BCS 0114-7157-0114-7159; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 116

¹¹⁵ ERN BCS 0114-7056-0114-7095; Eng 0090-9994-0091-0027, *Regulations on the Responsibilities of the Land Army Corps Command in Peacetime*, 1990, Article 11

¹¹⁶ ERN BCS 0114-7056-0114-7095; Eng 0090-9994-0091-0027, *Regulations on the Responsibilities of the Land Army Corps Command in Peacetime*, 1990, Article 10

¹¹⁷ ERN BCS 0039-5376-0039-5376 BCS, Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 117

¹¹⁸ ERN BCS 0114-7157-0114-7159; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 158

¹¹⁹ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, at Eng Pp. 13-14; See also ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, *JNA Textbook on Command and Control*, 1983, Pp. 99-101

¹²⁰ See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp. 102-104

between the superior and his subordinate. The command relationship pervades the entire system of the armed forces. It is an obligation to execute the tasks set by one's superior or competent officers and organs in an accurate and proper manner, and to act in accordance with the military regulations in their execution. Any disruption in the command relationship, such as circumvention of or wrongful interference with the chain of command is a sign of military disorganisation. Only commanding officers authorised to do so by appropriate regulations may in exceptional circumstances set tasks instead of their immediate superiors

- ii. **Functional relationship:** are established by the organs of the command staff or other commanding officers in order for the tasks to be executed in a co-ordinated manner. Functional relationships are characterised by interrelation and exchange of information necessary for the execution of a joint task. Functional relationships are established by the organs of the command staff and other organs participating in the execution of the task. The task in its entirety and the set of activities determine the level of functional connections. Functional relationships are the basis for the organisation of cooperation and collaboration and for co-ordination in the course of the execution of missions. Functional isolation results in increasing autonomy and loss of contact with the whole, and in particular in the lack of information on the part of the commanding officers and commands about the condition of the enemy and their own unit.
- iii. **Staff relationship:** is the established manner in which work is carried out and relationships formed within the command, manifesting the relationship between the decision-maker (presidency, committee, commander, chief, director etc.) and other organs which carry out analyses necessary for the decision-making or monitor and assess the situation in the course of the execution of the task. Work on problem analysis and situation assessment is done using the staff method, which means grouping the command organs in accordance with the demands of the staff work, or with the need to find solutions in a manner which is an expression of the command and staff relationship. The decision-maker, i.e., the leader of the staff group or command organ who receives proposals has a command relationship with the persons executing the task in the course of the analysis or situation assessment. Staff relationships between command organs and staffs at a higher and lower organisational level are in fact functional relationships governed by the principle of obligatory action in accordance with the requests of the staff organ of the superior command for the purpose of implementing the decision made by the superior commander.

(7) Command Posts

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

A command post (KM) is an area consisting of several buildings or rooms where the command (or part of it), appropriate communications centres and other equipment are deployed. Areas of deployment for command posts must provide favourable conditions for the command and control of units in the area of combat operations. The KM area must allow the scattered disposition, secure communications, and successful security and defence of the KM.¹²¹

(b) The 1983 “*Manual for the Work of Commands and Staffs (draft)*” makes a distinction between six types of Command Posts, as described below:¹²²

- i. Basic Command Post: are established by commands/staffs at all levels. This is where the command and control over subordinate units and institutions is exercised during the preparation and execution of combat operations. It is located in the main area of combat operations, in a location which ensures successful command and control without frequent change of position
- ii. Logistics Command Posts: set up by the commands of higher-level joint tactical units, operational and strategic/operational formations which have logistics executive organs. This is where the part of the command whose task is to control logistical support is located.
- iii. Forward Command Posts (IKM): are organised in situations where it is necessary, in order to have a better insight into and greater influence on the course of combat operations, for the commander and a certain number of commanding officers to be located at an appropriate place – observation posts, in the main area of operations, and in any case in which it is difficult to exercise command from the command post.
- iv. Reserve Command Posts: are planned, set up and manned as necessary by TO staffs, Air Force and Air Defence Commands and Navy unit commands.

¹²¹ Exhibit Nr 382; Exhibit Nr 382, ERN BCS 0202-8796-0202-8796; ERN Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People’s Defence, 1984, Para 156

¹²² Exhibit Nr 383, ERN BCS K023-9361-K023-9576, Eng K011-1600-011-1794, *Manual for the Work of Command and Staffs (Draft)*, 1983, Chapter III, Para 44

v. Joint Command Posts: are set up whenever it is necessary for various commands or their representatives to work at the same place in the course of the preparation, organisation and execution of combat operations. This may be the case when it is necessary to effect joint operations of the JNA and TO units or of various branches of the armed forces (Ground forces, Air Force and Air Defence and the Navy).

vi. False Command Posts: are set up as a part of operational camouflage activity.

(8) Combat Documents

(a) All documents that directly pertain to the preparation, organisation and execution of combat operations, marches, transportation, deployment and resting of the units/institutions are called “*Combat Documents*”.¹²³

(b) According to JNA regulations, there are three different types of Combat Documents:

i. Command Documents: commands, orders, instructions and directives, orders for combat operations, support and other activities, etc.

ii. Reporting and Notification Documents: combat and operational reports, reports on various types of combat operations, support and other activities, notices of all types, etc.

iii. Auxiliary (or other) documents: lists, tables, standards and data overviews, various calculations etc.¹²⁴

(c) Combat documents are intended to prepare and implement the commander's decisions.¹²⁵ As mentioned before, orders can also be issued orally.

(d) Command Documents (command acts)

The Command Staff supports the commander by turning his intent into detailed direction in the form of:

i. Directives;

¹²³ ERN BCS K023-9361-K023-9576, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 493

¹²⁴ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 493

¹²⁵ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 494

- ii. Instructions;
- iii. Orders and;
- iv. Commands

A command (act) is a commanding act which categorically and imperatively expresses the Commander's decision and concretely, clearly and unambiguously gives tasks to subordinates. A command for combat contains in principle:

- Information about the enemy;
- The brigade (unit)'s assignment, its reinforcements and support from the superior command;
- Information about adjacent units and borders with them;
- The Commander's decision¹²⁶

These directives, orders and commands can only be issued by superiors.¹²⁷

- i. Directives are used by the Supreme Command, army commands, other commands at that level and appropriate TO staffs. Directives provide long-term regulations for issues relating to the preparation and conduct of combat operations. They set tasks in less detail; more emphasis is put on the goal of the operation and the general mission of the unit and the concept of the commander.¹²⁸
- ii. Instructions are issued by command of joint tactical units and higher. They provide in greater detail information and guidelines for the execution of a task, activity and alike.¹²⁹
- iii. In an order, the decision of the commander is given in categorical and executive terms, giving the subordinates tasks in a specific, clear and unequivocal way. Combat orders in principle contain the following: data about the enemy; tasks of the unit, its reinforcements and support by the superior; information about

¹²⁶ ERN BCS 0114-7096-0114-7361; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 148

¹²⁷ ERN BCS 0214-8123-0214-8517, Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, at L006-3346

¹²⁸ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 124

¹²⁹ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 125

adjacent elements and perimeters; decision of the commander.¹³⁰

iv. Commands are brief orders that regulate certain the work and operations of individual units or specific measures (e.g. engineers, reconnaissance, transport, etc.). They are issued by the command in lieu of the integral order, and in cases when it is necessary, in the course of preparations and actual operations to change, enlarge, or set new tasks to the units.¹³¹

(e) Reporting and notification documents

The Command Staff monitors the progress of operations for the Commander and ensures that the Commander is aware of the situation facing his forces. Once combat operations are underway, the Command Staff delivers information up the chain of command through various means and types of reporting.

The 1988 JNA “*Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*”¹³² identifies various types of reporting and notification documents.

- i. *Reports* are combat documents in which the superior command is informed about the status and combat readiness of the unit, its further intentions in combat operations, enemy forces, tasks that have been completed, etc. The reports may be routine or special, oral or written. They are despatched by courier or via communications equipment.¹³³.
- ii. A *notice* is delivered to the subordinate and adjacent units and to units cooperating with the battalion in the execution of the task. Notices provide data about the enemy forces and the situation and about the intentions and decisions of the sender. They are despatched orally or in writing, by courier or via communications equipment. Prompt notices make it easier to assess the situation, make decisions and coordinate actions.¹³⁴
- iii. A *war logbook* is kept every day throughout the war. Events or other important

¹³⁰ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 126

¹³¹ ERN BCS K023-9361-K023-9576; Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 127

¹³² ERN BCS 0294-7231-0294-7521; Eng 0305-2699-0305-2874, *JNA Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*, 1988

¹³³ ERN BCS 0294-7231-0294-7521; Eng 0305-2699-0305-2874, *JNA Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*, 1988, Para 109

information are entered into it chronologically. It contains brief summaries of all the commander's orders, major commands, information from subordinates' reports, notices received and despatched and other major activities and events in the battalion. It is kept by the deputy battalion commander.¹³⁵

War logbooks or diaries are also kept at all unit/command levels above the Battalion level.¹³⁶

(f) The 1983 JNA textbook on *Command and Control*, when discussing the functions of command and control, states:

The command and control organs must be familiar with and follow the situation in units, which can be ensured through organising a system of reporting and supervising the progress of all missions.¹³⁷

(g) The 1983 JNA Manual for the "Work of Commands and Staffs" (draft) further specifies this requirement for situational awareness of the commander and his Command Staff, noting that the Command (Staff) *has to be able to provide the commander, at any time during combat, with detailed information about the activity and intentions of the enemy, status, activity, capabilities, and decisions of the subordinate units, and to submit proposals for decision.*¹³⁸

(h) Using the system within which command occurs, a commander "must at all times know the status, position, and capabilities of his units two levels down".¹³⁹ The subordinate commands submit to their superior command "all the information about the enemy and essential information about their own units, using the shortest route."¹⁴⁰

¹³⁴ ERN BCS 0294-7231-0294-7521; Eng 0305-2699-0305-2874, *JNA Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*, 1988, Para 110

¹³⁵ ERN BCS 0294-7231-0294-7521; Eng 0305-2699-0305-2874, *JNA Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*, 1988, Para 114

¹³⁶ See for Example War Diary/War Journal of the Guards Motorised Brigade (ERN BCS 0293-5434-0293-5434-; Eng L010-0496-L010-0526) which is discussed extensively in Part II of this report

¹³⁷ ERN BCS 0214-8123-0214-8517, Eng L006-3322-L006-3474, *JNA Textbook on Command and Control*, 1983, p 43

¹³⁸ ERN BCS K023-9361-K023-9576, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 358

¹³⁹ ERN BCS K023-9361-K023-9576, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 358

¹⁴⁰ ERN BCS K023-9361-K023-9576, Eng K011-1600-K011-1794, *Manual for the Work of Commands And Staffs (Draft)*, 1983, Para 358

5. Structure and Military-Territorial Organisation of the SFRY Armed Forces

a. JNA

(1) Article 101 of the 1982 “*ONO Law*” determines the structure of the JNA in its broadest terms.

Article 101 of the 1982 ONO law

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

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

The branches shall consist of arms and services.

The arms shall be divided according to type and speciality, while the services shall be subdivided into sections and specialities.¹⁴¹

(2) Operational Structure of the JNA

(a) General Staff (GŠ)

i. Even if the GŠ as such is not explicitly discussed in the 1982 “*ONO Law*”¹⁴², the JNA Military Lexicon¹⁴³ defined this body as follows:

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

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

In *wartime*, as the headquarters of the main command, it follows and studies the situation in the theatre of war and on the battlefield, prepares and carries out decisions (plans, orders, directives and instructions) for executing the operations and combat actions, controls the execution of the army command directives, analyses and generalises war and combat experiences in the area of war doctrine, command organisation, the operation of branches and arms of service, and so on. The *General Staff*’s jurisdiction, organisation, structure and operational system depend on the socio-political system of the country and the policy of the ruling

¹⁴¹ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 101

¹⁴² The 1982 ONO Law mentions the “Chief of the General Staff” in two articles: Art 88: The Chief of the General Staff is a member of the Military Council; and 110, the Chief of General Staff replaces the Federal Secretary for People’s Defence in the event of the latter’s absence or inability to discharge his duties

class, the size, structure and purpose of the defence forces, the geo-strategic position, the foreign policy orientation and line, tradition, and so on. In some Western countries (USA, Great Britain, France, Italy), in addition to the *General Staff* (for the defence forces as a whole), there are also special *General Staffs* for different services (the ground forces, navy and air force). The *General Staff* appears first in the 17th century as the highest military institution and main commanding body.

- ii. The 1987 Presidential Order for the renaming of the “*General Staff of the JNA*” into the “*General Staff of the SFRY Armed Forces*” defines the GS as a staff and executive body: “*The SFRY Armed Forces General Staff was in the composition of the Federal Secretariat for People’s Defence and carried out staff and other expert jobs in the field of organisation and preparation of SFRY Armed Forces within the rights and duties of the Federal Secretariat for People’s Defence, envisaged by federal laws and documents issued by the SFRY Presidency.*”¹⁴⁴

(b) Branches of the JNA

- i. Army (ground forces) (KOV)¹⁴⁵

The Army is the basic force and the main protagonist of an armed struggle. The ground forces are numerically the largest and the most important branch that supports all other branches of the JNA and the TO.¹⁴⁶ The ground forces will be discussed in detail in the next subparagraph (5. a. (2) (c)).

- ii. Air Force and Air Defence (RV i PVO)¹⁴⁷

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

The Air Force and Air Defence has a dual purpose:

¹⁴³ ERN BCS 0400-2219-0400-3347 Vojni Leksikon, Military Publisher, Belgrade, 1981

¹⁴⁴ ERN BCS K035-9828-K035-9828; 0306-4783-0306-4783, SFRY Presidency Order Nr 26, 13 October 1987

¹⁴⁵ KOV: Kopenska Vojska

¹⁴⁶ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 85

¹⁴⁷ RV i PVO: Ratno vazduhoplovstvo i Protivvazdušne odbrane

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

The Air Force and Air Defence consists of basic combat arms (air force and artillery-missile units; other combat arms and special formations (air surveillance, warning and guidance units, counter-electronic operations, electronic reconnaissance, etc.); services (air force technical and meteorological services; technical, quartermaster, etc.), and institutions (air force institutes, centres, establishments, air force schools and academies, etc.).¹⁴⁸

iii. Navy (RM)¹⁴⁹

The Navy is intended to conduct combat operations in the sea battle zone, on navigable rivers and lakes, with a view to defending sovereignty and territorial integrity of the SFRY and protecting its interests and rights in the Adriatic Sea, on navigable rivers and lakes. It carries out these tasks either independently or in concert with other JNA branches or parts of the armed forces. The main task of the Navy is to defend the country in all possible situations (e.g. any attempt of aggression against the SFRY via the Adriatic Sea).¹⁵⁰

(c) Army (ground forces)

- i. The ground forces consist of combat arms (infantry, armoured units, artillery, artillery rocket units of anti-aircraft defence, engineering corps, communications system - which covers all three branches - and nuclear-biological-chemical defence), services (technical, quartermaster, medical, veterinarian, transport, construction, legal, financial, administrative and musical), and institutions (institutes, schools, social clubs, holiday facilities, health centres, etc.).¹⁵¹

- ii. The ground forces are divided into units that can independently carry

¹⁴⁸ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, pp 87-90

¹⁴⁹ RM: Ratna Mornarica

¹⁵⁰ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, pp 90-92

out tasks under all conditions of an armed struggle. They consists of operative units (Army and Corps), joint tactical units (Regiments, Brigades and Divisions), and basic tactical units (Companies - Batteries and Battalions - Divisions).¹⁵²

Army: largest strategic and operative unit of the Ground forces of changeable strength. It consists of Corps, Divisions, Brigades, Regiments, independent battalions – divisions and other segments. An army co-ordinates actions of all forces in a sector of a battle zone, and acts as the main protagonist of an armed struggle and strikes in order to achieve operative and strategic goals. In concert with the TO, it conducts operations within the range of operative axes, in the theatre of operations or on a part of the front.

Corps: an operative unit of changeable strength. It consists of brigades, regiments, independent battalions – divisions and other segments. It may coordinate actions of all forces in a sector of a battle zone, and act as the main protagonist of an armed struggle and strikes in order to achieve operative and strategic goals. In concert with the TO, it conducts operations on a part of the front, specific VD /expansion unknown/ areas and along operative-tactical.

Division: highest joint tactical unit of the ground forces composed of a varying number of brigades and regiments. Depending on its place and role in a specific mission, it may be joined-up by infantry, mountain, light, mechanised, armoured, anti-armoured, artillery and other types of brigades-regiments and battalions, which makes it capable of operating within the range of technical-operative axes or in wider areas. At present, our armed forces /OS/ have infantry, light, motorised and mechanised divisions.

Brigades and Regiments: are higher joint tactical units of the KvO of changeable strength, depending which basic units constitute them (infantry, mountain, light, armoured, mechanised, anti-armoured, artillery, PVO, engineers, etc.), but they can also be of combat arm-based composition.

Basic tactical units (battalions, companies and platoons): formations of permanent strength.¹⁵³

iii. With the “*JEDINSTVO*” restructuring plan, which is implemented

¹⁵¹ RN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 85

¹⁵² ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 85

¹⁵³ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 86-87

from 1988 onwards, the Armies are abolished, and as a peacetime military-territorial structure replaced with the Military District (MD)¹⁵⁴. MDs are parts of the state territory where all units-institutions and military-territorial organs are joined under a single command. An Army territory is in principle determined by the existing political-administrative division of the country. It could be divided into Corps (district) or Divisions (districts). In SFRY, an Army is the operational-strategic and military-territorial command, which carries out all All-People's Defence tasks within its jurisdiction in co-operation with relevant social-political community organs (DPZ).¹⁵⁵ Another result of "JEDINSTVO" is that a new echelon - the Corps- is introduced immediately below the MD, to replace the Division-level.

(3) Infantry Brigade - Motorised Brigade

- (a) According to the 1984 JNA "*Brigade rules (for Infantry, motorised, mountain, alpine, marine and light brigades)*", infantry, motorised, mountain, alpine, marine and light Brigade are higher combined tactical units whose components may vary.¹⁵⁶
- (b) An Infantry (or motorised) Brigade consists of Infantry (or Motorised) Battalions. According to the 1988 JNA "*Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*", a Battalion is the basic joint tactical unit of the infantry. An Infantry Battalion is a permanent and it is composed of the command, Companies and units for fire support, anti-armour combat, anti-aircraft defence (with the exception of partisan Battalions), communications and logistic support.¹⁵⁷

(4) The Guards Motorised Brigade (gmtbr)

- (a) According to the 1981 JNA "*Military Leksikon*", "Guards" Units are

¹⁵⁴ Vojni Oblast; VO

¹⁵⁵ ERN BCS 0400-2219-0400-3347 *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

¹⁵⁶ Exhibit Nr 382, ERN BCS 0202-8796-0202-8796; ERN Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 1

elite units, who are specially selected for the protection of the supreme political leadership.¹⁵⁸

(b) The JNA Military Magazine “*Narodna Armija*”¹⁵⁹ confirms the elite status of the Guards Motorised Brigade, its equipment and its specially selected and trained personnel in 1991.¹⁶⁰

(c) Subordination of the gmtbr

Because of its specific mission, consisting of the protection and security of the SFRY military leadership (including ceremonial duties),¹⁶¹ the Guards Motorised Brigade (gmtbr) is not part of a Military District, but directly subordinated to the Federal Secretary for People’s Defence, Army General Veljko KADIJEVIĆ, via his Chief Of Cabinet, Colonel Vuk OBRADOVIĆ.¹⁶²

(d) Structure of the gmtbr¹⁶³

The gmtbr is comprised of:

- A Commander and a Brigade Command;
- Two motorised Battalions;
- Two Military Police Battalions;
- One Armoured Battalion;
- One Security Battalion;
- Support elements

Regular JNA Infantry or Motorised Brigades, would usually have one Military police company the gmtbr have two Battalions of Military Police.

¹⁵⁷ Exhibit Nr 385, ERN BCS 0294-7231-0294-7521; ERN Eng 0305-2699-0305-2874, *JNA Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*, 1988, Para 1

¹⁵⁸ Exhibit Nr 388, ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

¹⁵⁹ Exhibit Nr 391, ERN BCS 0355-4924-0355-4924 and 0355-4927-0355-4927; ERN Eng 0355-4924-0355-4924 and 0355-4927-0355-4927, *We Will Defend Yugoslavia- Decisive Message from the Members of the Guards Motorised Brigade*, Article in “*Narodna Armija*”, 08 November 1990

¹⁶⁰ http://www.vi.yu/english/en_structura/Specjed/Garda.htm, visited 18 August 2005

¹⁶¹ Exhibit Nr 391, ERN BCS 0355-4924-0355-4924 and 0355-4927-0355-4927; ERN Eng ET 0355-4924-0355-4924 and ET 0355-4927-0355-4927, *We Will Defend Yugoslavia- Decisive Message from the Members of the Guards Motorised Brigade*, Article in “*Narodna Armija*”, 08 November 1990

¹⁶²

¹⁶³ See Exhibit Nr 5, ERN BCS 0350-2644-0350-2644; ERN Eng ET 0350-2644-0350-2644, OG South Strictly Confidential Order Nr 235-1, Mile MRKŠIĆ, 29 October 1991; Exhibit Nr 70, ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary* , 1 gmtbr, 01 October – 21 November 1991

The 1st Military Police Battalion of the gmtbr also had an anti-terrorist company.¹⁶⁴ The gmtbr is equipped with the most modern and sophisticated weapon systems of the JNA land forces, including M-86 BOV wheeled Armoured Personnel Carriers (APC) and M-84 tanks.¹⁶⁵

(5) Security Administration - Security Organs

(a) Introduction

Military intelligence and security (including counter intelligence) activities in the SFRY are carried out by two agencies, both colloquially referred to as "KOS"¹⁶⁶:

- The Security Administration of the SSNO¹⁶⁷ and
- The Intelligence Administration of the General Staff¹⁶⁸

The Security Administration acts mainly as a counter-intelligence service, while the Intelligence Administration¹⁶⁹ serves as an intelligence service.

(b) Duties of the Security Administration - Security Organs

Article 194 of the 1982 "*ONO Law*" lists the tasks of the JNA Security Organs (OB) and Security Administration (UB). Security and Counterintelligence are the main duties of the OB and UB.¹⁷⁰ The 1984 "*Rules of Service of the Security Organs in the Armed Forces of the SFRY*", define the mission of the OB as follows:

Security organs, as specialist organs of commands, units, institutions and staffs of the armed forces, carry out duties of state security that are placed within their competence by the law and regulations issued pursuant to the law, for the purposes

¹⁶⁴ Exhibit Nr 70; BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October – 21 November 1991, entry for 07 October 1230 Hr. See also Exhibit Nr 391, ERN BCS 0355-4924-0355-4924 and 0355-4927-0355-4927; ERN Eng 0355-4924-0355-4924 and 0355-4927-0355-4927, *We Will Defend Yugoslavia- Decisive Message from the Members of the Guards Motorised Brigade*, Article in "*Narodna Armija*", 08 November 1990

¹⁶⁵ Exhibit Nr 391, ERN BCS 0355-4924-0355-4924 and 0355-4927-0355-4927; ERN Eng 0355-4924-0355-4924 and 0355-4927-0355-4927, *We Will Defend Yugoslavia- Decisive Message from the Members of the Guards Motorised Brigade*, Article in "*Narodna Armija*", 08 November 1990

¹⁶⁶ KOS (Kontrovestajna Služba) is the name of the Counter Intelligence Service that existed after the Second World War

¹⁶⁷ Or Uprava Bezbednosti, hereinafter "UB"

¹⁶⁸ Or Obaveštanja Uprave Generalštaba, also known as the 2nd Administration, hereinafter "OU".

¹⁶⁹ Also known as "2nd Administration". See ERN BCS 0113-2537-0113-2680; ERN Eng 0304-7987-0304-8102, JNA Regulation "*Intelligence Support of the Armed Forces*", 1987 for a description of the tasks of Intelligence Organs

of detecting and preventing activities aimed at subverting or disrupting the social order established by the Constitution of the Socialist Federative Republic of Yugoslavia (SFRY) and threatening the country's security, if such an activity is carried out in the armed forces or against the armed forces from within the country or from abroad, and also for the purposes of detecting and preventing activities aimed at breaching the secrecy of the plans and preparations of the armed forces for the country's defence.¹⁷¹

Furthermore, the 1984 Regulation also lists tasks, which besides counter intelligence, also include participating in the detection and prevention of serious crime and in the operations that precede the initiation of criminal proceedings, and criminal proceedings themselves; as well as other types of serious property crime in the armed forces and organisations for NVO that threaten their defence capability and combat readiness, and (counter-)propaganda.¹⁷²

(c) Subordination of the Security Administration - Security Organs

The Chief of the Security Administration (UB) is directly subordinated to the SSNO.¹⁷³ Security officers¹⁷⁴ within JNA units, commands or institutions are according to the 1984 "*Rules of Service of the Security Organs in the Armed forces of the SFRY*" subordinated to their operational commanders.¹⁷⁵ The authority of the Security Administration (= Head of the Security Organs) over the security organs in JNA Commands, units and institutions is according to the 1984 "*Rules of Service of the Security Organs in the Armed forces of the SFRY*" regulation limited to "*Specialist Management*".¹⁷⁶ The Security Organs also provide "*specialist management*" to the Military

¹⁷⁰ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 194

¹⁷¹ ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 1

¹⁷² ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 6; 7; ERN BCS 0090-9844-0090-9878; ERN Eng 0092-6833-0092-6874, *Instructions on the Methods and Means of Work of the JNA Security Organs*, 1986, Para 50

¹⁷³ ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 60

¹⁷⁴ also called "Security Organs (OB)"

¹⁷⁵ ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 16, 17

¹⁷⁶ ERN BCS 0090-9817-0090-9843; Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 57, 58

Police.¹⁷⁷

(6) Military Police

(a) According to the 1985 “*Service Regulations of the SFRY Armed Forces Military Police*”, the Military Police “*are composed of specially trained and equipped units of the armed forces which perform certain duties, as follows, security for the needs of the protection of armed forces; protection of people and property; safety of military traffic; maintenance of soldierly order and discipline; and uncovering crimes and perpetrators within the jurisdiction of military courts being charged *ex officio**”.¹⁷⁸

(b) Paragraphs 22 to 25 of the 1985 “*Service Regulations of the SFRY Armed Forces Military Police*” regulations provide a more detailed overview of the tasks of the Military Police.¹⁷⁹ In peace time, the Military Police is mainly responsible for the provision of security to senior military officials, documents, as well as taking care of police duties within the military. In wartime, the duties of the Military Police also include securing the command post and “*providing security for prisoners of war in camps for prisoners*¹⁸⁰, *participate in the arrest*¹⁸¹ and *escorting*¹⁸² as well as “*take part in directing the movements of refugees and uncover any members of enemy units who have infiltrated the refugees*”.¹⁸³

(c) The Military Police comprises seven services: Security service; Search service; Patrol service; Escort service; Military police on-duty service;

¹⁷⁷ ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 23

¹⁷⁸ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 1

¹⁷⁹ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 22-25

¹⁸⁰ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 25

¹⁸¹, ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 25

¹⁸² ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 55

¹⁸³ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 25

Military traffic safety service; and Crime Prevention service.¹⁸⁴ Apprehending prisoners of war is part of the activities listed under “*Patrol Service*”, whereas the provision of security of POW once they are in custody is part of “*Escort Service*”.

- (d) The 1985 “*Service Regulations of the SFRY Armed Forces Military Police*” determine that the MP are subordinated to the operational Commander, whereby the OB provide specialist management and advise the operational Commander on the use of the MP.¹⁸⁵
- (e) During the performance, members of the MP wear the official JNA uniform and a white belt with a shoulder strap, a white pistol holster and a military police badge fixed to their belt buckle.¹⁸⁶

(7) Military-territorial organisation of the JNA

- (a) The military-territorial organisation of the JNA reflects the strategic concept of “*All People’s Defence*”, i.e. the defence of the territorial integrity of the SFRY against foreign threats.¹⁸⁷
- (b) Initially, the defence from an aggression by forces of the Warsaw Pact is considered the worst-case war scenario.¹⁸⁸ This is reflected in the military-geographic division of the country, with a division of the SFRY territory into seven (7) Army zones of responsibility, with seven Armies as the strategic-operational groups of the JNA.¹⁸⁹ Every republic is given one army zone, excepted Serbia and Montenegro, whose territory is divided each over two army zones (Serbia: the 1st Army (Belgrade) and the 2nd Army (Niš), and an independent Corps

¹⁸⁴ Exhibit Nr 397, ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 41-92

¹⁸⁵ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 12, 13; ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 23

ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 8

¹⁸⁷ Eng 0343-4653-0343-5304, *Area Handbook for Yugoslavia*, 1973

¹⁸⁸ Eng 0343-4653-0343-5304, *Area Handbook for Yugoslavia*, 1973

¹⁸⁹ Their Headquarters are located in Belgrade, Niš, Skopje, Zagreb, Sarajevo, Ljubljana and Podgorica)

(52nd Corps) in Kosovo).¹⁹⁰

(c) The collapse of the Warsaw Pact at the end of the 1980's, leads the SFRY to a review of its threat assessment. The implementation of the "JEDINSTVO" reorganisation plan results in a reduction of the number of strategic-operational groups, and their transformation from "Armies" into "Military Districts (MD)". The areas of responsibilities (AOR) of these MD are drawn in such a way that one MD encompasses the territory of two or more republics, "*in another attempt to stop the disintegration of the defence strategy*".¹⁹¹

(d) The 1988 organisation comprises five (5) Military Districts:

- Three Army (Military) Districts (1, 3, 5) (VO), consisting of 16 Corps
- One Naval Military District, consisting of 3 Military Naval Sectors (VPS)
- One Air Force and Air Defence (RV i PVO), consisting of 3 RV i PVO Corps.¹⁹²

i. The Army (Military) Districts

The three Army Military Districts have the following zones of responsibility:

- 1st MD (HQ: Belgrade): Eastern Croatia, Bosnia-Herzegovina, and Central and Northern Serbia (Incl. Vojvodina)
- 3rd MD (HQ: Niš): Southern Serbia (Incl. Kosovo), Montenegro and Macedonia
- 5th MD (HQ: Zagreb): Western Croatia and Slovenia

ii. The Naval Military District covered the full length of the Adriatic Coastline to a depth of just a few miles inland

¹⁹⁰ ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial, 1999*

¹⁹¹ ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial, 1999*

¹⁹² ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial, 1999*



b. Territorial Defence (TO)

(1) General

The organisation of the TO mirrors the political organisation of the SFRY.

The following levels (staffs and units) exist:

- Municipal Staff and Territorial Defence units (municipal level: Municipal, Sector and City Staff);
- Operative Zone Staff and Territorial Defence units (operative zones);
- Autonomous regions Staff and Territorial Defence units (Serbia: Kosovo and Vojvodina until 1990);
- Republican Staff and Territorial Defence units.¹⁹³

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

The Territorial Defence staffs are established in socialist republics and socialist autonomous provinces, regional communities (Territorial Defence zone staffs, association of municipality's staffs and city staffs) and municipalities, larger local communities and larger organisations of associated labour. Territorial Defence units are of variable establishment strength, ranging from a group of soldiers and squads to a brigade. The organisation and establishment of Territorial Defence units are

¹⁹³ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, pp 4-5

adapted to the needs of actions in various conditions.¹⁹⁴

Territorial Defence headquarters shall be organised in socialist republics, socialist autonomous provinces, regional communities (territorial Defence zone headquarters, municipal community headquarters and city headquarters), municipalities, large local communities and organisations of associated labour.¹⁹⁵

The organisational structure of Territorial Defence headquarters, units and institutions is essentially the same for the entire territory of the SFRY, but is flexible enough to adapt to the needs and conditions of different regions of the country during armed conflicts. Headquarters and units are, as a rule, different in composition, depending on the purpose of assignments and actual circumstances.¹⁹⁶

(2) Mission of the TO

The principle tasks of the TO, under the doctrine of “*All People’s Defence*” are set out in the 1977 “*Instructions on the use of the TO*”. According to these instructions, TO units during an “*aggression*” are mainly involved in operations in the rear area, independently or in co-operation with the JNA. TO units in the border areas could immediately be engaged in combat activities, directly cooperating with the JNA.¹⁹⁷

(3) Types of TO units

Based on their mission, two types of TO units can be identified: “*Local*” (also known as “*Territorially-based*”) and “*Mobile*” (also known as “*Manoeuvre*”) Units.¹⁹⁸

(a) Local (or Territorial) Territorial Defence Units

Local Territorial Defence Units (approximately 80% of the TO’s strength)¹⁹⁹ are organised in local communities and municipalities, with their strength varying from groups and squads, to battalions and

¹⁹⁴ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

¹⁹⁵ Eng 0048-0663-0048-0665, *Strategy of All People’s Defence and Social Self-Protection of the SFRY* (excerpts), Belgrade, 1987

¹⁹⁶ Eng 0048-0663-0048-0665, *Strategy of All People’s Defence and Social Self-Protection of the SFRY* (excerpts), Belgrade, 1987

¹⁹⁷ The most relevant provisions (237-242) are included in ERN BCS 0419-2153-0419-2156; Eng ET 0419-2153-0419-2156, *Order*, Nr. 580-25, *Combating the crime in the zone of combat activities of the 9th Corps*, Major General Vladimir VUKOVIĆ, 20 Oct 91

¹⁹⁸ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 95

¹⁹⁹ ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial*, 1999

various types of detachments (infantry, diversion, counter-diversion, engineering, air defence, reconnaissance, courier, training, logistics, supplementary, police, etc). They are intended to operate in a limited geographic area, and can carry out the following tasks:

- combat control of territory,
- protection of population and securing of facilities and sectors,
- sabotage, anti-sabotage and other combat operations,
- maintenance of order and security,
- maintenance of production and protection of assets,
- prevention of the establishment of any kind of aggressor's authority in temporarily occupied (or possessed) territory, and
- other tasks.²⁰⁰

Territorially based (or local) Territorial Defence units are established on a territorial basis and are immediately linked to their territory of origin. They are established in local communities, organisations of associated labour and municipalities. They can be of varying establishment strength, ranging from a group or squad to territorial battalion and detachment. Their basic purpose is combat control of the territory, protection of and support to the functioning of social structures and industrial, public and other facilities, conduct of combat actions on their territory and specific tasks of social self-protection.²⁰¹

(b) Mobile (or manoeuvre) Territorial Defence Units

Mobile (or manoeuvre) Territorial Defence Units (approximately 20% of the TO's strength)²⁰² are the main mobile and strike force within the TO. The mobile units include both large and permanent formations (brigades and divisions) as well as temporary formations (combat groups, detachment groups, brigade groups and operative groups). Mobile (or manoeuvre) Territorial Defence Units are capable of conducting independently or in co-ordination with JNA units, various large-scale operations in a general ground zone (maritime zone), and under all wartime conditions.²⁰³

Manoeuvre Territorial Defence units are established as brigades intended for

²⁰⁰ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 95

²⁰¹ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

²⁰² ERN BCS 0089-0660-0089-0739; Eng 0090-1092-0090-1158, *Military Expert Report by Prof Dr. Radovan RADINOVIC for KUNARAC trial*, 1999

combat actions on a larger area of the battle zone and the theatre of war, in accordance with the situation and needs. They perform their tasks on the front, on a temporarily occupied territory and in our rear. They carry out combat actions in co-ordination with the territorially based Territorial Defence units and Yugoslav People's Army units, or independently and drawing on other forces of all people's defence and social self-protection.²⁰⁴

(c) The 1990 Draft “*Doctrine of the Territorial Defence Armed Forces*” categorises TO units as follow:

- Partisan Units (= manoeuvre or mobile units)

Partisan units are higher tactical units with characteristics of manoeuvre meant for combat actions at the entire theatre of war and battlefields, at the front, the temporarily occupied territory, and in their own rear. Partisan units are: brigade, air squadron, navy flotilla, artillery division and tactical special purpose units. In certain conditions, for a specific task temporary TO units can be formed: partisan divisions and groups of partisan brigades.²⁰⁵

- Protection Units

Protection units of the TO can form protection brigades, and other units meant for the protection and defence of command posts, sectors of war disposition of government authorities and other bodies and important institutions.²⁰⁶

- Area Units (= local or territorial units)

Area units are organised according to the territorial principle. They mainly act on their original territory, and in case of need, outside the area of responsibility. They are meant for armed combat actions and resistance, combat control of the territory, the protection of mobilisation, facilities and institutions and social self-protection. They are being formed in the municipality, local community, working and other organisations.²⁰⁷

c. Zone of Operations/Zone of Activities

Each unit has a zone of operations. The zone of operations is a unified and compact operative and geographic unit encompassing a part of the battle zone,

²⁰³ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 95-96

²⁰⁴ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual “*Strategy of Armed Conflict*” (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

²⁰⁵ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 5

²⁰⁶ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 5

one or more operative routes in all or part of the depth. As a rule, it is defined by the superior commanding officer and marked by borders. The shape and size of the zone/area depend on the assignment and objective of the operation, the type of combat action, the strength of one's own forces, the strength and disposition of enemy forces, and features of the terrain.²⁰⁸ The Zone of operations is a ground space of limited width and depth in which a unit organises and carries out combat operations.^{209 210}

d. Operational Groups (OG), Tactical Groups (TG) and Assault Detachments

(1) Introduction

(a) Tactical, operative, and even strategic tasks carried out along independent lines or parts of the front or battle zone, require temporary formations to be established such as combat and tactical groups (TG) at the level of basic tactical units; joint detachments at the level of joint tactical units; operational groups (OG) at the level of operations units; and strategic operations groups at the strategic level.²¹¹

(b) The 1990 JNA *Corps of Ground forces Rule (provisional)* explicitly mentions the incorporation of TO units into OG and TG. According to this regulation, Operational and Tactical Groups can be formed within Corps, in exceptional circumstances when the Corps' zone of action included clearly separated routes or areas (making unified command and continuous execution of the operation difficult). The composition of Operational or Tactical Groups can vary.²¹²

²⁰⁷ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990, p 5

²⁰⁸ ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 5

²⁰⁹ ERN BCS 0114-7096-0114-7361; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 12

²¹⁰ See also definition for Zone of Activity included in the Vojni Leksikon: ZONE OF ACTIVITY is an area on land, at sea or in air, with borders in breadth and depth, on which combat activities are being organised and carried out. It is allocated to combined-arms tactical units of KoV /ground forces/ in order to delineate the responsibility and to organise a coordinated action. (see Axis of Activity). There are *zones of attack* (see), *zones of defence* (see), *marching zones* (see), *zones of river rhein /forceful attempts/ crossing* (see), etc. /.../ ERN BCS 0400-2932-0400-2932; Eng ET 0400-2932-0400-2932 taken from ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

²¹¹ ERN BCS 0214-8123-0214-8517; Eng L006-3322-L006-3474, JNA Textbook on *Command and Control*, 1983, p 87

²¹² ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 27

An OG would be formed out of units of the Yugoslav People's Army and the Territorial Defence. In most cases, its strength equals several regiments and brigades of various types and a partisan division, reinforced with units of artillery, anti-rocket units of Air Defence, etc., depending on the situation at hand. A Tactical Group (TG) could have the strength of several battalions of the Yugoslav People's Army and the Territorial Defence, reinforced with units of artillery, engineer and other units, depending on the assignment.²¹³

(c) The 1990 Draft Doctrine of the Territorial Defence notes “*unification of actions of all forces at the battlefield or part of the theatre of war is performed by commands of strategic groupings. On the basis of the commander's decision, command and control on operational and tactical level is carried out by the commander of the highest JNA unit or the TO commander whose units are the basic holder of execution of combat tasks.*²¹⁴

Based on the JNA regulations discussed here above, it can be concluded that OGs and TGs (and JOd) are established to ensure single authority, and unified and continuous command and control during operations.

(2) Operational Groups

(a) The 1981 JNA Military Lexicon defines Operational Groups as:

The temporary joined formation of ground forces, air forces and navy, their formation ranging from several brigades up to two or more divisions or Corps, to conduct a specific operative task (separate direction, larger town, airborne or suborn attacks and similar). It is in general formed within the formations of Armies (Military Districts) or groups of Armies, and exceptionally under the auspices of the Supreme Command. It may consist of one type of troops (infantry, armour) or combined (of two or more types and forms and troops), performing the tasks either on the front line or in its own enemy's back lines. The strength of an OG could vary from several brigades to several divisions. After the completion of the task, it is most often dissolved. The formation, organisation and the method of operating of the operational group is determined, in principle, for each specific case. As a rule, the leading and commanding over units requires the creation of a separate HQ or provisional Command, and in terms of supply of combat needs, the OG becomes

²¹³ ERN BCS 0039-5376-0039-5376 BCS; Eng 0079-7104-0079-7232, General Staff of the Armed forces of SFRY, *Corps of Ground Forces Rule (temporary)*, 1990, Para 27

²¹⁴ ERN BCS 0049-9166-0049-9183; Eng ET 0049-9166-0049-9183, *Doctrine of the Territorial Defence of Armed Forces*, 1990

independent, in order to have as much freedom of operation as possible".²¹⁵

(b) The 1983 SSNO Manual "*Strategy of Armed Conflict*" adds that larger provisional formations (like Operational Groups) include both JNA and TO units.

Provisional joint formations of various strength and purpose can be established within the Armed Forces for conduct of specific tasks along independent axes or areas, particularly for anti-landing combat and defence of a larger city, for actions along a forward tactical or operational axis, or for some other tasks. They can be combat and tactical groups and joint tactical detachments – for the completion of tactical tasks, and operational groups – for the completion of operational tasks. Larger provisional formations are made up of Ground Forces and Territorial Defence units.²¹⁶

(3) Tactical Groups (TG)

(a) Tactical Groups (TG) are according to the 1981 JNA "*Military Lexicon*":

Temporary joint formations intended for combat activities in a separate tactical direction, when a formation unit in the zone (in the direction) of activities could not carry out specific combat tasks. They are formed in joint tactical units and operated independently or as part of the unit's battle formation. A separate command was assigned to the TG or they are commanded by the command, which formed it. The strength and composition of the TG depended on the troop strength and composition of the unit which formed it, the tasks, the terrain features, zone size, troop strength and formation of the enemy.²¹⁷

(b) The 1984 *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)* notes the following on the composition for Tactical Groups (TG):

Tactical group (TG) can generally have a composition of one the following: one battalion with a TO unit (group-battalion), one to two tank companies, a support unit, a platoon and up to a company of engineers and necessary communication equipment.²¹⁸

²¹⁵ ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

²¹⁶ ERN BCS 0115-9746-0116-0096; Eng L007-1841-L007-1889, SSNO Manual "*Strategy of Armed Conflict*" (*Strategija Oruzane Borbe*), Belgrade, 1983, Chapter 4

²¹⁷ ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

²¹⁸ ERN BCS 0114-7096-0114-7361; Eng 0303-0230-0303-0405, *JNA Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for People's Defence, 1984, Para 29

(4) Assault Detachments - Assault Groups

In addition to OGs and TGs, the SFRY Armed Forces during operations can also be organised in “*Assault Detachments*” (JOd), and Assault Groups. JOd are generally smaller than TGs.

(a) The 1981 JNA Military Leksikon, has the following definition for JOd:

An element of combat formation of joint tactical units in the attack on heavily fortified positions or on larger settlements, in order to take control of fortified facilities. It is of temporary composition, a company to battalion strong, supported by armoured combat vehicles, engineers, artillery and communication equipment. It operates jointly or by assault groups.²¹⁹

(b) According to the 1988 JNA Infantry Battalion Manual, an “*Assault group*” (JG), is a component of an “*Assault Detachment*” for carrying out attacks on strongly fortified and well-defended facilities (bunkers, observation posts, buildings). The group may be up to the strength of a reinforced platoon. Such groups undergo special preparations, training and drills for the task on similar facilities.²²⁰

(5) The use of JNA-led OG, TG, JOd during the conflict in Croatia is discussed in Section THREE, Title 6 of Part I of this report²²¹, and, for what BiH is concerned, in Section FOUR of Part II of this report (whereby Section FOUR of Part II of the report also covers VRS-led OG and TG).

6. Armed Forces of the Republic of Serbia

a. Introduction

According to Article 118 of the 1991 “*Law on Defence*” of the Republic of Serbia, only government organs are allowed to set up armed forces.

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

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

²¹⁹ ERN BCS 0400-2219-0400-3347 *Vojni Leksikon*, Vojnoizdavački Zavod, Beograd, 1981

²²⁰ ERN BCS 0294-7231-0294-7521; Eng 0305-2699-0305-2874, *JNA Battalion Manual (for Infantry, Motorised, Mountain, Alpine, Partisan and Marine Battalions)*, 1988, Para 26

²²¹ Eng pages 170 - 178

ranging from Din 1000 to Din 10 000.²²²

Article 118 of the 1991 “*Law on Defence*” of the Republic of Serbia implies that the Serbian volunteer/paramilitary²²³ formations, including formations that are controlled by or linked otherwise to the Ministry of Interior (MUP) of the Republic of Serbia, which participate in the conflict in Croatia and BiH, can only be set up (including the recruitment of their members) and exist with the authorisation and approval of the Serbian authorities in general, and the MUP Serbia, in particular. Article 118 does not foresee providing assistance with the creation of Serb(ian) armed forces on the territory of another republic.

b. Territorial Defence (TO) of the Republic of Serbia

(1) General

Article 31 and 32 of the 1991 “*Law on Defence*” of the Republic of Serbia contain the provisions concerning the TO of the Republic of Serbia. Article 31 underlines that the TO of the Republic of Serbia is part of the united armed forces of the SFRY.

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

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

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

Organisation, preparation, development, equipment and management of Territorial Defence in Republic of Serbia, within the united defence system, is carried out according to the Constitution of Socialist Federative Republic of Yugoslavia, Constitution of Republic of Serbia, federal law, this law, organisation and plan on development of armed forces and the plan of their use, according to system of management and command of armed forces, united rules of arms, equipment and training of armed forces and the plans on development of Territorial Defence of the Republic.²²⁴

²²² ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 118

²²³ “paramilitary” is used to designate armed groups that are outside the law and are organised and operate like armed (i.e. military) forces

²²⁴ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 31

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

The commander of Territorial Defence of Republic of Serbia, commanders of Territorial Defence of autonomous regions, operative zones and commanders of Territorial Defence of municipalities, according to the development plans and the plan on use of armed forces, within the rights and duties determined by law, organise, prepare and operate Territorial Defence, and protect the integrity of the organisation and its preparation and activity.²²⁵

(2) Command and Control

Articles 34 to 36 of the 1991 “*Law on Defence*” describe the responsibilities of the Commander of the TO and his role in commanding, managing and organising the TO. The Commander of the Republican TO is accountable to the President of the Republic for the training, combat readiness and equipment of the TO.²²⁶

(3) Manpower of the TO

Article 39 of the 1991 “*Law on Defence*” of the Republic of Serbia states that the TO can be replenished with volunteers, in case of war, imminent threat of war or state of emergency.²²⁷

(4) Duties of the Commander of the TO

Article 40 includes additional information on the duties of the Commander of the TO of the Republic of Serbia.

Article 40 of the 1991 Defence Law of the Republic of Serbia

The Commander of the Republic of Serbia Territorial Defence:

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

²²⁵ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 32

²²⁶ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 34

²²⁷ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 39

c. Authority of the Duties of the President of the Republic of Serbia - Minister of Defence - Minister of Interior

(1) Duties and authority of the President of the Republic

Article 83 of the 1990 “*Constitution*” of the Republic of Serbia describes the specific duties of the President of the Republic. In paragraph 5, Article 83 lays down that the President commands the “*armed forces*” in peacetime and wartime, without, however, defining the “*armed forces*”.

Article 83 of the 1990 Constitution of the Republic of Serbia

The President of the Republic of the Republic shall:

- 1) Propose the Prime Ministerial candidate to the National Assembly after hearing the opinion of the representative of the majority in the National Assembly
- 2) Propose to the National Assembly the candidates for the president and the justices of the Constitutional Court
- 3) Promulgate laws by ordinance
- 4) Conduct affairs in the spheres of relations between the Republic of Serbia and other states and international organisations in accordance with law
- 5) Command the “Armed Forces” in peacetime and wartime, the popular resistance in wartime, order the general and partial mobilisation and organise defence preparations in accordance with law
- 6) If the National Assembly is not in a position to meet and after obtaining an opinion from the Prime Minister, establish the fact of existence of an imminent threat of war or proclaim a state of war
- 7) At his own initiative or at the proposal of the Government during a state of war or immediate danger of war, pass the enactments relating to questions falling within the competence of the National Assembly, provided his being bound to submit them to the Nation Assembly for approval as soon as it is in a position to meet. By way of the enactments promulgated during the state of war it shall be possible to restrict some freedoms and rights of man and citizen, and to alter the organisation, composition and powers of the Government and of the ministers, courts of law and public prosecutor's office
- 8) At the proposal of the Government, if the security of the Republic of Serbia, the freedoms and rights of man and citizens or the work of the State bodies and agencies are threatened in a part of the territory of the Republic of Serbia, proclaim a state of emergency and take the measures that the circumstances giving rise to it may require;
- 9) Grant pardons; and
- 10) Bestow decorations
- 11) Establish professional and other kinds of services to conduct affairs falling within his jurisdiction

12) Conduct other affairs in accordance with the Constitution.²²⁸

(2) Authority of the President over the Armed Forces

Articles 5 and 6 of the 1991 “*Law on Defence*” of the Republic of Serbia regulate the President's authority in relation to the armed forces of the Republic, in accordance with Article 83 of the 1990 Constitution of the Republic of Serbia.

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

In accordance with the Constitution of the Republic of Serbia, the organisation of the armed forces in the Republic of Serbia shall be regulated by special legislation.²²⁹

Article 6 of the 1991 Law on Defence of the Republic of Serbia

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

1. Commands the armed forces in peacetime and war, thus including the authorisation for realisation of organisational and personnel issues in territorial defence;
2. Brings defence plan of the Republic of Serbia and other acts that establish the measures for organisation and realisation of defence preparations;
3. Orders realisation of measures for readiness and other required measures;
4. Establishes foundations for organisation and the number of police forces in case of an imminent war threat and war;
5. Can order use of police in war, during an imminent war threat and emergency state, as for protection of rights and duties of the Republic and its citizens, established by the Constitution.²³⁰

In accordance with Para 1 of Article 5 of this law, until a further law establishing the organisation of the “*Armed Forces*” of the Republic is to be passed, the Territorial Defence is to act in that capacity in the event of a threat to the Republic's interests.

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

The Republic of Serbia, through its republic authorities, within the domain of defence: organises and enables defence preparations; leads national resistance in war; plans defence preparations and makes the Republic defence plan; organises and prepares territorial defence, civil protection, monitoring and reporting and lines of

²²⁸ ERN BCS 0205-9773-0205-9784; Eng 0046-1139-0046-1222, *1990 Constitution of the Republic of Serbia*, in English, as published by Blaustein, 28 September 1990, Art 83

²²⁹ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 5

²³⁰ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 6

commanding; organises and carries out mobilisation in state authorities, companies and other organisations; secures realisations of rights and duties of citizens; organises and realises preparations in state authorities, companies and other organisations during war; organises defence training; realises other rights and duties of importance for the Republic defence.²³¹

(3) Authority of the President over the Police

In certain circumstances, the President of the Republic of Serbia has (direct) legal authority over the police and other personnel of the MUP. Article 17 of the 1991 “*Law on Internal Affairs*” of the Republic of Serbia, provides that during a state of emergency, the MUP is to take the security measures established by the orders and other enactments of the President.²³² Article 6, item 5 of the 1991 Defence Law of the Republic of Serbia determines that the President “*could order the use of police in war, during an imminent war threat and emergency state, as for protection of rights and duties of the Republic and its citizens, established by the Constitution mentioned earlier*”.

(4) Duties of the Government in relation to Defence

Articles 7 and 8 of the 1991 “*Law on Defence*” of the Republic of Serbia establish the responsibilities of the Government of the Republic in relation to defence. These responsibilities are of administrative and managerial nature.²³³

(5) Duties of the Minister of Defence

Article 9 of the 1991 “*Law on Defence*” lists the duties of the Ministry of Defence. These duties concern mainly civil protection and assistance with mobilisation. The Serbian Ministry of Defence has no command authority over the TO of the Republic of Serbia nor the JNA.²³⁴

²³¹ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 4

²³² ERN BCS /Eng 0046-1930-0046-1970, *Republic of Serbia Law on Internal Affairs*, 17 Jul 91, Art 17

²³³ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 7 and 8

²³⁴ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 9

(6) Duties of the Minister of Interior

Article 10 of the 1991 “*Law on Defence*” of the Republic of Serbia, lists the responsibilities of the Minister of Interior in the field of defence.²³⁵ The Minister of Interior of the Republic of Serbia has no command authority over the TO of the Republic of Serbia or the JNA.

7. The VJ (*Vojска Југославије*)

a. Introduction

(1) The VJ is the successor to the JNA and is established in May 1992 after the declaration of FRY. Article 133 of the 1992 “*FRY Constitution*” states that the FRY shall have an Army (i.e. armed forces), to defend its sovereignty, territory, independence and constitutional order.

Article 133 of the 1992 FRY Constitution

The Federal Republic of Yugoslavia shall have an Army to defend its sovereignty, territory, independence, and constitutional order.

The Army of Yugoslavia may be in the service of an international organisation, subject to the consent of the federal government.²³⁶

(2) Article 16 of the 1994 “*Law on Defence*” stipulates that the VJ is the “*main armed force and organiser of the armed struggle and all other forms of armed resistance to the enemy*”.

Article 16 of the 1994 Law on Defence

In the defence of the country, the Army of Yugoslavia is the main armed force and organiser of the armed struggle and all other forms of armed resistance to the enemy.

The Army of Yugoslavia shall unite all participants in the armed struggle and command all combat activities.²³⁷

b. Mission

In line with Article 133 of the 1992 “*FRY Constitution*”, Article 1 of the 1994 “*Law on the Army of Yugoslavia*” determines that the VJ “*defends the*

²³⁵ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 Jul 91, Art 10

²³⁶ ERN BCS/Eng 0046-1735-0046-1844, *Constitution of the Federal Republic of Yugoslavia (FRY)*, 1992, Art 133; Same document at ERN BCS 0471-5772-0471-5781; Eng ET 0471-5772-0471-5781

²³⁷ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994, Art 16

sovereignty, territory, independence, and constitutional system of the Federal Republic of Yugoslavia”.^{238,239}

Article 1 of the 1994 Law on the Army of Yugoslavia

The Army of Yugoslavia is an armed force defending the sovereignty, territory, independence, and constitutional system of the Federal Republic of Yugoslavia (hereinafter: FRY).

The Army of Yugoslavia shall be organised in peacetime and wartime units and institutions.²⁴⁰

c. Structure- Military-Territorial Organisation of the VJ (Branches of the VJ)

(1) Services

Article 2 of the 1994 “*Law on the Army of Yugoslavia*” establishes that the VJ will be divided into Services, whereby these Services consist of Combat Arms and Supporting Arms. The services of the Army shall be the:

- Land Forces;
- Air Force and Anti-Aircraft Defence; and
- Navy²⁴¹

(2) Organisational units

(a) The description of the organisational units (and their hierarchical structure) of the Land Forces (operational units: Corps; combined tactical units: Division - Regiment - Brigade; basic tactical units²⁴²: Battalion - Company/Battery - Platoon) that is included in the 1997 VJ Manual on “*Command and Control*”,²⁴³ is similar to what can be found in the 1983 JNA Textbook on “*Command and Control*”.²⁴⁴ As was

²³⁸ ERN BCS/Eng 0046-1735-0046-1844, *Constitution of the Federal Republic of Yugoslavia (FRY)*, 1992, Art 133; same document at ERN BCS 0471-5772-0471-5781; Eng ET 0471-5772-0471-5781

²³⁹ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 1

²⁴⁰ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 1

²⁴¹ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Article 2

²⁴² See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp. 107-113

²⁴³ ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp.99-100

²⁴⁴ See MARTIĆ report Section ONE, Title 5; Eng pp 31-32

already the case with the JNA²⁴⁵, the 1997 VJ Manual on “*Command and Control*” also envisages the creation of temporary *ad hoc* formations like OG and TG, to carry out specific combat tasks at the strategic, operational or tactical level in specific areas.²⁴⁶

(b) During the 1993-1995 time period, the VJ consists of a GŠ; three armies (1st Army; 2nd Army; 3rd Army); an Air Force and Anti-Aircraft Defence (RV i PVO); a Navy (RM); a Corps of Special Units (KSJ); and a Military Schools Centre (VJ CVŠ).²⁴⁷

(3) The Corps of Special Units (KSJ)

(a) The VJ KSJ is established on 07 August 1992.

(b) The KSJ comprises the following units:

- i. Guards Brigade (gmtbr); the KSJ’s main unit;
- ii. 72nd Special Brigade;
- iii. 1st Armoured Brigade;
- iv. 63rd Parachute Brigade;
- v. 25th Military Police Battalion;
- vi. 11th Communications Battalion;
- vii. Special Purpose Military Police Platoon;
- viii. Head Quarters Support Units.²⁴⁸

In September 1995, the KSJ’s strength amounts to 1,898.²⁴⁹

(c) The KSJ is directly subordinated to the NGŠ VJ, “*who orders the engagement and the use*” of the KSJ.²⁵⁰

²⁴⁵ See MARTIĆ report Section ONE, Title 5; Eng pp 39-41

²⁴⁶ ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng p. 100

²⁴⁷ See for example addressee list included in ERN BCS 0424-8175-0424-8175; Eng 0424-8175-0424-8176-ET/Translation, *DECISION assigning the tasks and territory where service is performed in difficult (special) conditions*, Nr 1296-1, Lieutenant Colonel General Nikola MANDARIĆ, Assistant GŠ for Operations of the VJ, 19 Oct 93

²⁴⁸ ERN BCS 0630-1399-0630-1409; Eng ET 0630-1399-0630-1409, *REPORT PRESENTED BY THE Commander of the KSJ ON THE OCCASION OF THE VISIT OF GENERAL MARTINOVIC ON 10 SEPTEMBER 1995*, Nr 1293-1, Colonel Miodrag PANIĆ, Commander, 12 Sep 95

²⁴⁹ ERN BCS 0630-1399-0630-1409; Eng ET 0630-1399-0630-1409, *REPORT PRESENTED BY THE Commander of the KSJ ON THE OCCASION OF THE VISIT OF GENERAL MARTINOVIC ON 10 SEPTEMBER 1995*, Nr 1293-1, Colonel Miodrag PANIĆ, Commander, 12 Sep 95

²⁵⁰ ERN BCS 0630-1399-0630-1409; Eng ET 0630-1399-0630-1409, *REPORT PRESENTED BY THE Commander of the KSJ ON THE OCCASION OF THE VISIT OF GENERAL MARTINOVIC ON 10 SEPTEMBER 1995*, Nr 1293-1, Colonel Miodrag PANIĆ, Commander, 12 Sep 95

d. Command and Control over and within the VJ

(1) The FRY President

(a) According to Article 135 of the 1992 “*FRY Constitution*”, the FRY President commands the VJ in times of war and peace, in compliance with the decisions of the FRY Supreme Defence Council (SDC).²⁵¹

Article 135 of the 1992 FRY Constitution

In wartime and peacetime, the Army of Yugoslavia shall be under the command of the President of the Republic, pursuant to decisions by the Supreme Defence Council.

The Supreme Defence Council shall be made up of the President of the Republic and the Presidents of the member republics.

The President of the Republic shall preside over the Supreme Defence Council.
²⁵²

(b) Articles 8 and 40 of the 1994 “*Law on Defence*” further detail the powers of the President of the FRY in relation to defence:

Article 8 of the 1994 Law on Defence

In case of an imminent threat of war, a state of war or a state of emergency, the President of the Republic shall, pursuant to decisions of the Supreme Defence Council, order measures of readiness, mobilisation and use of the Armed Forces of Yugoslavia and other measures and actions to be taken by the Armed Forces of Yugoslavia in order to prevent and eliminate the threat to the defence and security of the country.²⁵³

Article 40 of the 1994 Law on Defence

In accordance with the decisions of the Supreme Defence Council, the President of the Republic:

- 1) orders implementation of the country’s Defence Plan;
- 2) commands the Army of Yugoslavia in wartime and peacetime;
- 3) decides on the country’s territorial division into military areas.²⁵⁴

²⁵¹ ERN BCS/Eng 0046-1735-0046-1844, *Constitution of the Federal Republic of Yugoslavia (FRY)*, 1992, Art 135

²⁵² ERN BCS/Eng 0046-1735-0046-1844, *Constitution of the Federal Republic of Yugoslavia (FRY)*, 1992, Art 135

²⁵³ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994, Art 8

²⁵⁴ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994, Art 40

(2) The FRY Supreme Defence Council (SDC)

(a) Introduction

The SDC is introduced in Article 135 of the 1992 “*FRY Constitution*”.

In addition to determining the authority of the FRY President, Article 135 also establishes that the SDC consists of the FRY President, who is the Chairman of the SDC, and of the Presidents of the Republics of the FRY (Serbia and Montenegro).²⁵⁵

(b) Authority

The SDC is the highest organ in the FRY in the area of defence and the use of the VJ. The SDC renders decisions in accordance with which the FRY President commands the VJ. The SDC also determines the strategy of armed conflict and rules on the use of forces in country’s defence and the conduct of war.

Article 41 of the 1994 Law on Defence

The Supreme Defence Council:

- 1) adopts the country’s Defence Plan;
- 2) renders decisions in accordance with which the President of the Republic commands the Army of Yugoslavia;
- 3) assesses possible war and other dangers to the defence and security of the country;
- 4) determines the equipment and weapons needed for the country’s defence;
- 5) determines the arrangement of the territory for the country’s defence;
- 6) determines the strategy of armed conflict and rules on the use of forces in country’s defence and the conduct of war;
- 7) approves the basic elements of training

plans and programmes for the country’s defence and preparations for work in areas relating to the country’s defence;

- 8) performs other tasks as defined by federal law;

The President of the Supreme Defence Council shall ensure implementation of the decisions of the Supreme Defence Council.

In connection with the matters mentioned in paragraph 1 of this Article, the Supreme Defence Council, when necessary, notifies the President of the

²⁵⁵ ERN BCS/Eng 0046-1735-0046-1844, *Constitution of the Federal Republic of Yugoslavia (FRY)*, 1992, Art 135

Chamber of Republics in the Federal Assembly and the Federal Government.²⁵⁶

(3) The FRY Government

The duties of the FRY Government in the field of defence focus on supporting the implementation of the defence policy and on defence preparations. The FRY government has no operational (command) authority over the VJ.²⁵⁷

(4) The FRY Minister of Defence

The FRY Ministry of Defence is a managerial body which carries out “*administrative and specialist tasks related to the implementation of the country’s defence policy and the implementation of the Defence system*”.²⁵⁸

(5) The General Staff (GŠ) and the Chief of the General Staff (NGŠ) of the VJ

(a) Introduction - competencies

The GŠ VJ is the highest professional and staff organ for the preparation and use of the VJ in times of peace and war.²⁵⁹ The GŠ VJ is responsible for planning the development and use of the VJ and maintaining and strengthening its combat readiness.²⁶⁰ To this effect, the GŠ VJ defines military doctrine as an element of the policy of defence and the country’s war doctrine; prepares, carries out and follows up the execution of development plans and plans for use of the VJ; monitors and raises the level of combat readiness, combat training, education and advanced training of VJ staff, internal order and military discipline; takes care of organisation, establishment, recruitment, manning, preparation and execution of the mobilisation and personnel

²⁵⁶ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994, Art 41; See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng p. 96

²⁵⁷ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994

²⁵⁸ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994, Art 43; See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng p. 92

²⁵⁹ ERN BCS 0046-0649-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Article 5; See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ Manual *on Command and Control*, 1997, at Eng Page 93; 97; See also ERN BCS Y034-3053-Y034-3086, Eng Y034-3053-Y034-3086-ET/Translation, *Rulebook on the Competencies of Organisational Units of the General Staff of the Yugoslav Army in Peace-Time*, GŠ VJ, 1992, Article 2

²⁶⁰ ERN BCS Y034-3053-Y034-3086; Eng Y034-3053-Y034-3086-ET/Translation, *Rulebook on the Competencies of Organisational Units of the General Staff of the Yugoslav Army in Peace-Time*, GŠ VJ, 1992, Article 15

security of the VJ; conducts information, psychological and propaganda activity, as well as security and intelligence activities; organises and ensures logistics support of the VJ; prepares and issues all combat and technical rules and instructions; and command and control over relevant commands, units and institutions.²⁶¹ The GŠ VJ provides information, analysis and other materials to the SDC.²⁶²

(b) Structure of the GŠ VJ

In addition to the NGŠ, his Deputy, the Security Administration, the Information Administration, and the Army Inspection, the GŠ VJ consists of seven²⁶³ Sectors (organised in their turn in Administrations) which are headed by Assistant NGŠ.²⁶⁴

- i. Sector for Operations and Staff Affairs (OŠP);
- ii. Sector for the Land (or Ground) Forces (KoV);
- iii. Sector for the Air Force and Anti-Aircraft Defence (RV i PVO);
- iv. Sector for the Navy (RM);
- v. Sector for Communications, Information and Electronic Operations
- vi. Sector for Recruitment, Mobilisation and Systems Issues
- vii. Logistics Sector²⁶⁵

(c) The Chief of the General Staff (NGŠ)

- i. Article 5 of the 1994 “*Law on the Army of Yugoslavia*”, discussed here-above, in its second paragraph lists the responsibilities of the Chief of the General Staff (NGŠ). These cover the following areas:

²⁶¹ ERN BCS Y034-3053-Y034-3086; Eng Y034-3053-Y034-3086-ET/Translation, *Rulebook on the Competencies of Organisational Units of the General Staff of the Yugoslav Army in Peace-Time*, GŠ VJ, 1992, Article 15

²⁶² ERN BCS 0118-5588-0118-5591; Eng 0306-4723-00306-4725, *Rules of Procedure of the Supreme Defence Council*, Dobrica ČOSIĆ, Chairman of the Supreme Defence Council, 23 Jul 92, Art 2

²⁶³ The 1992 “*Rulebook on the Competencies of Organisational Units of the General Staff of the Yugoslav Army in Peace-Time*” mentions four Sectors (Operations; Organisation, Recruitment and Information; Security and Intelligence; and Logistics) in addition to the Office of the NGŠ and the Inspectorate: ERN BCS Y034-3053-Y034-3086; Eng Y034-3053-Y034-3086-ET/Translation, *Rulebook on the Competencies of Organisational Units of the General Staff of the Yugoslav Army in Peace-Time*, GŠ VJ, 1992, Article 15

²⁶⁴ ERN BCS 0630-6950-0630-6951, *Yugoslav Army GŠ Organisation Chart*, Nr 91-1, Major General Blagoje KOVACHEVIĆ, 21 Jan 94.

²⁶⁵ ERN BCS 0630-6950-0630-6951, *Yugoslav Army GŠ Organisation Chart*, Nr 91-1, Major General Blagoje KOVACHEVIĆ, 21 Jan 94; See also ERN BCS 0630-7388-0630-7397; Eng ET 0630-7388-0630-7397, *Proposal for a review of the possibility of implementing VRS and SVK requests*, Colonel Miodrag SIMIĆ, Chief of the 1st Administration of the GŠ VJ, at Eng pages 8-9 (RESTRICTED DOCUMENT)

- Organisation, plan of development, and establishment of the commands, units, and institutions of the VJ;
- Plan of recruitment and maintenance of manpower levels for the VJ; and the numerical distribution of recruits in the VJ;
- Training and education;
- Other duties as stipulated by this Law²⁶⁶

ii. The NGŠ VJ commands the VJ via the Commanders of the strategic units and temporary strategic compositions and other officers who are immediately subordinate to him. The Commanders of Armies (= land forces); the Air Force and Anti-Aircraft Defence and the Navy are responsible to the NGŠ, as are the Commanders of units and temporary compositions immediately subordinate to the NGŠ.²⁶⁷

iii. Article 6 of the *Law on the Army of Yugoslavia* explains how the NGŠ VJ implements the decisions that are issued by the President of the Republic (pursuant to decisions by the SDC).

Article 6 of the 1994 Law on the Army of Yugoslavia

In order to implement documents issued by the President of the Republic and the duties of commanding the Army, as well as the duties stipulated by this Law, the Chief of General Staff shall issue rules, orders, commands, instructions, and other documents. The commanding officers of units and institutions of the Army shall command these units and institutions in accordance with this Law and the command documents issued by their superior officers.²⁶⁸

iv. The NGŠ VJ coordinates the work of sectors within the sphere of activity of the GŠ VJ and determines the positions of the basic organisation of development and use of the VJ and, in keeping with that, submits proposals to relevant organs of command of the VJ and adopts decisions in keeping with federal law and authorisations.²⁶⁹

²⁶⁶ ERN BCS 0046-0649-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Article 6; See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, *VJ Manual on Command and Control*, 1997, at Eng Page 97

²⁶⁷ ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, *Command and Control*, 1997, at Eng Page 97

²⁶⁸ ERN BCS 0046-0649-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Article 6

²⁶⁹ Eng Y034-3053-Y034-3086-ET/Translation, *Rulebook on the Competencies of Organisational Units of the General Staff of the Yugoslav Army in Peace-Time*, GŠ VJ, 1992, Article 7

v. Colonel General Života PANIĆ is the first NGŠ VJ, and takes up his position in May 1992.²⁷⁰ On 26 August 1993, Lieutenant Colonel General Momčilo PERIŠIĆ is appointed NGŠ VJ, through the Presidential Decree Nr 1/2-01-001/93-40.²⁷¹

(6) The GŠ VJ Collegium

The 1981 JNA “*Military Lexicon*” defines the “*Kolegijum*” (Collegium) as follows:

COLLEGIUM (Latin) in the JNA, is an advisory body of the Commanding Officer /BCS: *staresinal* of the unit – institution. It is an important institution in the collegium discussion of all important issues of the build up of a unit, institution, that is, of the scope of work of the SSNO /Federal Secretariat for the National Defence/ and its organisational units. It is formed out of a regiment and units and institutions equal to it, all the way up to the SSNO organisational units. It comprises the most responsible Commanding Officers /BCS: *staresinel* in the unit-institution. There also exists a Collegium of the Federal Secretary which comprises the Chief of General Staff of the JNA, the Undersecretaries, Assistants to the Federal Secretary, Sector Commanding Officers /BCS: *staresinel*, Chief of appropriate Administrations, Arms of Service Commanding Officers /BCS: *staresinel*, President of the Council for the Scientific Work, Chief Inspector of the NO /?national defence/ and the Chief of Cabinet of the Federal Secretary.²⁷²

e. Command and Control within the VJ

(1) Introduction

There is a high degree of similarity and coherence between the command and control doctrines of the JNA and the VJ.

²⁷⁰ ERN BCS 0467-6703-0467-6713 ; Eng ET 0467-6703-0467-6713, *RECORD of the 199th Session session of the Presidency of the Socialist Federative Republic of Yugoslavia, held on 8 May 1992, drawn up in accordance with Article 32 of the Rules of Procedure of the Presidency of the SFRJ*; ERN BCS 0111-2738-0111-3226; ERN Eng 0302-2817-0302-3251, *Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92 (The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92)*, 1995, at ERN Eng 0302-3220 (= Eng page 402); See also ERN BCS 0207-6910-0207-6910; Eng L004-4233-L004-4234, *Official decision regarding cession of existing residential facilities of the JNA*, Nr 695-1, Colonel General Života PANIĆ, Chief of the General Staff, 20 May 92

²⁷¹ ERN BCS 0600-5929-0600-5929; Eng 0600-5929-0600-5929-ET/Translation, *DECREE BY THE PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA*, Nr 1/2-01-001/93-40, Zoran LILIĆ, President of FRY, 26 Aug 93; See also ERN BCS 0600-5826-0600-5835; Eng ET 0600-5826-0600-5835, *Personnel Record*, at Eng page 11 (RESTRICTED DOCUMENT)

²⁷² ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Military Publisher, Belgrade, 1981, at Eng page 0400-2434-0400-2434

(2) VJ principles and functions of Command and Control

(a) The 1994 “*Law on the Army of Yugoslavia*” in its Article 3 reiterates the (three) fundamental principles of command that are defined in Article 112 of the 1982 ONO Law²⁷³:

Article 3 of the 1994 Law on the Army of Yugoslavia

Command in the Army shall be based on the principles of unity of command with respect to the use of the forces and materiel, the single command concept and the obligation to carry out decisions, commands, and orders of a superior officer.²⁷⁴

(b) The principles of command and control that apply to the VJ are also covered in the 1997 VJ Manual “*Command and Control*”.²⁷⁵ They are identical to those that are defined in the 1983 JNA “*Command and Control*” publication, where seven principles can be found.²⁷⁶ The same is valid for the functions of Command and Control.²⁷⁷

(c) As mentioned in Article 6 of the 1994 “*Law on the Army of Yugoslavia*”, Commanders/commanding officers of units and institutions of the VJ “*lead*” (i.e. command) the VJ units and institutions in accordance with the “*Law on the Army of Yugoslavia*” and the command documents issued by their superior officers.²⁷⁸

f. Appointments/assignments - Promotions

(1) Article 136 of the 1992 “*FRY Constitution*” and Article 16 of the 1994 “*Law on the Army of Yugoslavia*” outline the FRY President’s power to appoint (and dismiss) senior officers (Generals and senior Officers carrying out duties equivalent to those of a General).²⁷⁹

(2) The NGŠ VJ (and the Commanding Officers of units or institutions

²⁷³ See MARTIĆ report Section ONE Title 4 at Eng p. 22

²⁷⁴ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994

²⁷⁵ ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp. 61-64

²⁷⁶ ERN BCS 0214-8123-0214-8517; Eng L006-3323-L006-3474, JNA Textbook on *Command and Control*, 1983, Chapter 1, Subtitle 5, pp 27-35

²⁷⁷ See also ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, VJ manual *Command & Control*, 1997; Eng pp. 64-87

²⁷⁸ ERN BCS 0046-0649-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Article 6; ERN BCS DA15-4171-DA15-4570; Eng 0301-7461-0301-7776, *VJ Manual on Command and Control*, 1997, at Eng Page 93 and 97

designated by him), is responsible for the appointment and transfer of professional NCOs and commissioned Officers up to and including the rank of Colonel.²⁸⁰

- (3) The authority of Commanding Officers in relation to the appointment (assignment); termination of professional service; etc of Officers and NCOs are defined in the “*Order on establishing the responsibilities and powers of officers regarding service related issues in the Yugoslav Army*” which is published in “*FRY Military Gazette*”, issue Nr 13 dated 05 May 1994.²⁸¹
- (4) The President of the FRY promotes professional Officers to the rank of Major-General (or higher).²⁸² The NGŠ VJ promotes professional and reserve officers and NCOs up to and including the rank of Colonel.²⁸³
- (5) The President of the Republic may exceptionally promote a professional officer to the rank of General at the proposal of the NGŠ. The NGŠ may exceptionally promote a professional NCO or a professional officer up to the rank of Colonel.²⁸⁴

²⁷⁹ ERN BCS 0046-1735-0046-1844, *FRY Constitution*, 1992, Sect VIII, art 136; ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 16

²⁸⁰ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 152

²⁸¹ ERN BCS K041-3232-K041-3238; Eng K041-3232-K041-3238-ET, *Order on establishing the responsibilities and powers of officers regarding service related issues in the Yugoslav Army*, Nr 213, *FRY Military Gazette*, 05 May 94

²⁸² ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 151

²⁸³ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 152

²⁸⁴ ERN BCS 0046-0639-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Art 46

Section TWO: Military discipline - Military Law - Laws of Armed Conflict

1. Summary

- a. This section reviews the main legal references and regulations that establish the SFRY Armed Forces (and subsequently the VJ) military discipline and military justice system. This section also examines SFRY Armed Forces (and VJ) regulations in the area of the enforcement of the laws of armed conflict, and the investigation and prosecution of violations of these laws.
- b. The 1985 “*Law on the Service in the Armed Forces*” defines the concept of “*disciplinary responsibility*” and lays down the legal system in the SFRY Armed Forces for the enforcement of military discipline. A “*disciplinary infraction*” is a minor violation of military discipline; a “*disciplinary offence*” is a grave violation of military discipline. “*Disciplinary infractions*” are dealt with by Officers in charge of the stipulated procedure (i.e. platoon commander or higher). Military Disciplinary Courts are authorised to try persons for “*disciplinary offences*”.
- c. The 1977 “*Law on the Office of Military Prosecution*” and 1997 “*Law on Military Courts*” establish the mandate and jurisdiction of the Military Prosecutors and the Military Courts in SFRY, and create the legal framework for prosecuting and adjudicating crimes committed by members of the SFRY Armed Forces.
- d. The SFRY Armed Forces 1988 “*Regulations on the application of the rules of the laws of war*” refer to the many international humanitarian law and treaties that the SFRY has ratified. These include, *inter alia*, The Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions. In addition, there is a system of military discipline and military justice.
- e. During combat activities, members of the SFRY Armed Forces are obliged at all times and in all circumstances to abide by the rules of the international law of war on the humane treatment of wounded and captured enemies, and on the protection of the civilian population, and other regulations in this law, in compliance with the SFRY Constitution and the law.

- f. Pursuant to the 1988 “*Regulation on the Application of International Laws of War in the Armed Forces of the SFRY*”, Commanders bear liability for the actions of their subordinates, and may themselves be held responsible for a failure to prevent or punish crimes that occur under their command or they are aware of, but also those which they should have or could have had knowledge of based on their official position or function.
- g. Each SFRY Armed Forces Officer is obliged to report violations of the laws of war. In addition, the Military Police (MP) and Security Organs (OB) are specifically tasked with the investigation of criminal offences, including violations of the laws and customs of war. MP and OB are required to undertake the necessary measures to find the perpetrators, secure traces of the crime or take other measures, if there are reasonable grounds to believe that a crime has been committed. MP and OB are authorised to arrest alleged perpetrators of crimes that fall within the competence of the Military Courts.
- h. The 1992 FRY “*Constitution*”; the 1994 FRY “*Law on Defence*”; and the 1994 “*Law on the Army of Yugoslavia*” reiterate the legal provisions that apply to the SFRY Armed Forces in relation to military discipline and military justice (including Military Courts and Military Prosecutors). Article 19 of the 1994 “*Law on Defence*” confirms Article 93 of the 1982 “*All People’s Defence Law*”, according to which members of the Armed Forces taking part in armed combat shall “*under all circumstances*”, respect the laws of armed conflict and related rules.
- i. The information that has been reviewed during the preparation of this report suggests that during the conflicts in Croatia and BiH, notwithstanding reports by JNA Officers and international non-governmental organisations on the (alleged) participation of members of the JNA (VJ), or members of forces operating under JNA (or VJ) command, in serious crimes, the (systematic) investigation and prosecution of violations of the laws of armed conflict are mainly directed against members of the enemy forces. The OTP has no evidence that measures are taken against JNA (or VJ) Officers or others who are in charge of operations during which crimes have been (allegedly) committed. In fact, JNA (or VJ) Commanding Officers are commended

and/or promoted for the manner in which they led or conducted the operations during which the crimes have been (allegedly) committed, even after they have been indicted by the ICTY.

2. Legal background

a. Introduction

- (1) In its capacity as Supreme Commander, the SFRY Presidency bears both the responsibility and the authority to maintain discipline within the SFRY Armed Forces, including compliance with the SFRY's obligations under international law. The 1974 SFRY constitution, 1982 "*ONO Law*", and relevant military regulations discussed hereunder created systems of military discipline and justice, defined the SFRY's obligations under international humanitarian law, and established the FRY President's duty to ensure discipline and respect for the law within the armed forces.
- (2) From a purely military point of view, a subordination relationship provides for the superior's authority to prevent or punish transgressions by the subordinate, or, when the circumstances are such²⁸⁵, at least the obligation to inform the appropriate level in the military chain of command of violations of military rules and regulations in general, and violations of the laws of war in particular. This accountability is an element of command responsibility, and is applicable when the commander has the authority to promote or demote.

b. Legal Background

- (1) Article 53 of the 1985 "*Law on the Service in the Armed Forces*" stipulates that orders that would result in criminal offences can not be implemented:

Article 53 of the 1985 Law on the Service in the Armed Forces

Members of the armed forces shall carry out orders issued by their superior officers with respect to the service, unless it is clear that carrying out such orders would amount to criminal offence...

"If he receives an order whose implementation would be a criminal offence, a member of the armed forces shall immediately notify a higher superior officer or an officer

²⁸⁵ This will depend of a variety of factors, including magnitude of the crime, rank and responsibilities of the commander and alleged perpetrator, etc.

who is senior to the individual who issued the order.²⁸⁶

(2) According to Article 154 of the 1985 “*Law on the Service in the Armed Forces*”, members of the Armed Forces shall be responsible for criminal offences according to provisions of the criminal and other laws.²⁸⁷

3. SFRY Armed Forces/VJ military discipline - Military justice system

a. SFRY Armed Forces military discipline system

(1) Introduction

The 1985 “*Law on the Service in the Armed Forces*” defines the concept of “*disciplinary responsibility*” and lays down the legal system in the SFRY Armed Forces for the enforcement of military discipline. This system encompasses the following aspects:

- Military discipline;
- Disciplinary measures and sentences against disciplinary infractions and disciplinary offences;
- Authority and procedure for the investigation of disciplinary infractions and disciplinary offences;
- Disclosure and enforcement of discipline measures and sentences;
- Composition and activities of military discipline courts²⁸⁸

(2) Violations of military discipline

Violations of military discipline cover “*the behaviour of a service member that is contrary to the obligation of performance of military duty stipulated by law, the rules of service and other regulations, orders and other documents of officers in charge concerning service...*” as well as “*every action of a serviceman outside of service that is incompatible with the duty of a serviceman shall also be considered a violation of military discipline*”. The latter includes, among others, “*expression of ethnic, racial or religious intolerance*”.²⁸⁹

²⁸⁶ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 53

²⁸⁷ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 154

²⁸⁸ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Chapter VIII Art 154-243

²⁸⁹ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 156 - 157

(3) “*Disciplinary infractions*” and “*disciplinary offences*”

Articles 155 and 156 of the 1985 “*Law on the Service in the Armed Forces*” define the concepts of “*disciplinary infractions*” and “*disciplinary offences*”. A “*disciplinary infraction*” is a minor violation of military discipline. A “*disciplinary offence*” is a grave violation of military discipline.²⁹⁰

(4) “*Disciplinary measures*” and “*disciplinary punishments (penalties)*”

(a) The following “*disciplinary measures*” are taken against “*disciplinary infractions*”: citation; reprimand; severe reprimand; extra work of up to three shifts; confinement to barracks of up to four days; military detention of up to 30 days; loss of the rank earned by a soldier or a cadet²⁹¹;

(b) The following “*disciplinary penalties*” may be imposed for “*disciplinary offences*”: suspension of promotion lasting between six months and three years; decrease in pay between 5% and 10% lasting between one and 12 months; degradation to the establishment post of the next lower rank or the next lower degree of professional training lasting between one and two years; a prison term of up to 30 days; dismissal from the duty of a military commander with a ban on reappointment, i.e. reinstatement to this duty lasting between one and three years; discharge from the service of an active duty serviceman; loss of rank or class.²⁹²

(c) “*Disciplinary measures*” and “*disciplinary penalties*” are imposed with the aim of “*educational influence*” on an offender and other servicemen and in order to defend the interests of service and discipline.²⁹³

²⁹⁰ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 155

²⁹¹ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 160

²⁹² ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 161

²⁹³ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 161

(5) Jurisdiction and procedures to determine responsibility of persons accused of infractions and offences of military discipline

(a) “*Disciplinary infractions*” shall be considered by officers in charge of the stipulated procedure (i.e. platoon commander or higher).²⁹⁴

(b) Military Disciplinary Courts are authorised to try persons for “*disciplinary offences*”.²⁹⁵ Military Disciplinary Courts of first instance are established in individual military units and institutions, whereas the High Military Disciplinary Court is attached to the Federal Secretariat for People’s Defence.²⁹⁶ Army Commanders or an Officer holding an equal or higher rank are authorised to bring a disciplinary offender before a Military Disciplinary Court.²⁹⁷

(c) During a “*State of War*”, the responsibility of servicemen for violations of military discipline shall be reviewed “*in the most urgent manner, regardless of the deadlines...*”.²⁹⁸

b. SFRY Armed Forces military justice system

(1) Introduction

(a) The 1974 SFRY Constitution confirms in its Articles 221, 236 and 280 (Para 7), the existence of an Office of the Military Prosecutor and a Military Court system.

Article 221 of the 1974 SFRY Constitution

...

Criminal offences committed by military personnel and certain criminal offences committed by other persons relating to the national defence and security of the country, and other legal matters relating to disputes in connection with service in the Yugoslav People’s Army shall be decided upon by military courts.

Article 236 of the 1974 SFRY Constitution

The Office of the Military Prosecutor shall prosecute criminal offences which fall

²⁹⁴ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 172 - 181

²⁹⁵ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 182 - 1

²⁹⁶ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 182 - 184

²⁹⁷ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 182 - 184

within the jurisdiction of military courts, take specific measures for the protection of the interests of the social community, and use avenues of legal relief with a view to protecting constitutionality and legality in the way specified by federal statute.²⁹⁹

Article 280 of the 1974 SFRY Constitution

The Federation shall through its agencies:

....

7) ...Regulate and organise military courts and the office of the Military Prosecutor....³⁰⁰

(b) The 1977 “*Law on the Office of Military Prosecution*” and 1997 “*Law on Military Courts*” establish the mandate, and jurisdiction of the Military Prosecutor and the Military Court. These laws provide the legal framework for prosecuting and adjudicating crimes committed by members of the SFRY Armed Forces.

(2) Military Prosecutor

(a) Articles 1 and 6 of the 1977 “*Law on the Office of Military Prosecution*” define the authority of the Military Prosecutor.

Article 1 of the 1977 Law on the Office of Military Prosecution

The Office of Military Prosecution will prosecute perpetrators of criminal acts, which are under jurisdiction of Military Courts; also it will take specific actions in order to protect the community interests and takes legal actions in order to protect the constitutionality and legality as described by this law or any other federal law.³⁰¹

Article 6 of the 1977 Law on the Office of Military Prosecution

The right and duty of the Military Prosecutor is to prosecute the perpetrators of criminal acts which are under jurisdiction of Military Courts and which result in prosecution, and to do the following:

- 1) to organise necessary actions in order to discover criminal acts and find their perpetrators and to guide the previous criminal procedure;
- 2) to demand the investigation;
- 3) to issue and represent a bill of indictment, i.e. the accusatory proposal before the authorised Military Court;
- 4) to file in an appeal against the verdicts and to start special legal means against

²⁹⁸ ERN BCS 0036-4339-0036-4395; ERN Eng L009-8796-L009-8991, *Law on the Service in the Armed Forces (Zakon o službi u oružanim snagama)*, Belgrade, 1985, Art 241

²⁹⁹ ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 236

³⁰⁰ ERN Eng 0046-0834-0046-1076, 1974 SFRY Constitution as published by Blaustein and Flanz in *Constitutions of the Countries of the World*, 1974, Art 280

legally valid Court decisions.³⁰²

The Military Prosecutor will also fulfil other rights and duties for which he is authorised by the federal law.

(b) Article 5 of the “*Law on the Office of Military Prosecution*” is relevant for notice, as it imposes the duty upon the Offices of the Military Prosecution at the units and bodies of the JNA, to inform not only the Office of Military Prosecution about the implementation of the law and their work, but also the superior (and commanding) officers of units and bodies of the JNA. The same responsibility is incumbent upon the Office of Military Prosecution with regard to the Supreme Commander of the Armed Forces (= the SFRY Presidency). The same obligation can be found back in Article 4, Para 3 of the 1977 “*Law on Military Courts*”.

Article 5 of the Law on the office of Military Prosecutions

The Office of Military Prosecution at the units or bodies of Yugoslav People’s Army will inform the superior officers of the units, or bodies and The Office of Military Prosecution of Yugoslav People’s Army about the implementation of the law and their work.

The Office of Military Prosecution of Yugoslav People’s Army will inform the Supreme Commander of the Armed Forces about the implementation of the law, its own work and work of its Offices of Prosecution through the Federal Secretary for People’s defence.³⁰³

Article 4 of the 1977 Law on Military Courts

....

Military courts, through the Federal Secretary for the People’s Defence, inform the President of the Republic who is the supreme commander of the Armed Forces of the Socialist Federative Republic of Yugoslavia, on the implementation of the law and on their activity.³⁰⁴

(3) Military Courts

(a) The mandate of the Military Court is set out in Article 1 of the 1977

³⁰¹ ERN BCS 0263-3400-0263-3403, ERN Eng ET 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 1

³⁰² ERN BCS 0263-3400-0263-3403; ERN Eng ET 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 6

³⁰³ ERN BCS 0263-3400-0263-3403, ERN Eng ET 0263-3400-0263-3403, SFRY *Law on the Office of Military Prosecution*, 1977, Art 5

“*Law on Military Courts*”.

Article 1 of the 1977 Law on Military Courts

Military courts, as regular courts, try criminal acts committed by military persons and by other persons when such criminal acts are related to the national defence and to the security of the state, as well as in other legal cases that are related to the service in the Yugoslav People’s Army.³⁰⁵

(b) The organisation and jurisdiction of the Military Courts are defined in Article 10 to 12 of the “*Law on Military Courts*”. According to Article 10, there are two levels of Military Courts: Military Courts of first instance; and the Supreme Military Court.³⁰⁶ According to Article 11, Military Courts are established for a specific military territory, or for specific units. Article 12 determines the competencies of the Military Courts.

Article 11 of the 1977 Law on Military Courts

Military courts of first instance are constituted for a specific military territory, or with certain military units or military institutions, that is, for a specific military territory and for certain military units or military institutions.

The Supreme Commander of Military Forces decides on constitution, annulment, formation, domicile and territorial jurisdiction of military courts of first instance, and formation and domicile of the Supreme Military Court.³⁰⁷

Article 12 of the Law on Military Courts

Military courts: try cases involving criminal acts committed by military personnel, and cases involving criminal acts committed by other persons (Article 13) stipulated by this Law;

- try cases involving disputes for compensation of damage inflicted on the Federation, by servicemen or civilians employed in the Yugoslav People’s Army in the course of their service; claims by the federation for reimbursement of funds on account of the illegal or irregular work of those persons, and other disputes stipulated by the federal law;
- try cases involving administrative disputes against administrative decisions of military organs, and administrative decisions of other federal organs, federal

³⁰⁴ ERN BCS 0263-3404-0263-3409; ERN Eng ET 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 4

³⁰⁵ ERN BCS 0263-3404-0263-3409, ERN Eng ET 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 1

³⁰⁶, ERN BCS 0263-3404-0263-3409; ERN Eng ET 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 10

³⁰⁷ ERN BCS 0263-3404-0263-3409; ERN Eng ET 0263-3404-0263-3409, SFRY *Law on Military Courts*, 1977, Art 11

- organisations and communities if so stipulated by the federal law;
- perform certain tasks relative to the enforcement of penalties falling within their jurisdiction under this Law;
- perform other work stipulated by the federal law.³⁰⁸

(4) Introduction of new legislation (February 1995)

In February 1995, FRY adopts a new “*Law on Military Courts*” and “*Law on Military Prosecutors*³⁰⁹”, replacing the 1977 SFRY Laws³¹⁰. The February 1995 Laws (re)establish the mandate and jurisdiction of the Military Courts and the legal framework for the prosecution of crimes (allegedly) committed by VJ service members.

4. Laws of Armed Conflict (LOAC)

a. Legal Background

(1) Article 93 of the 1982 “*ONO Law*” describes the responsibilities of the members of the SFRY Armed Forces during combat activities, in relation to the respect of the rules of international conflict.

Article 93 of the 1982 ONO Law

During combat activities, members of the Armed Forces are obliged at all times and in all circumstances to abide by the rules of the international law of war on the humane treatment of wounded and captured enemies, on the protection of the civilian population and other regulations in this law, in compliance with the Constitution and the law.³¹¹

(2) Article 148 of the “*SFRY Law on Criminal Procedure*” obliges all public officials to report serious crimes of which they may gain knowledge.³¹²

(3) Chapter Sixteen of the 1990 SFRY Criminal Code lists the criminal offences against humanity and international law.

- Genocide (Article 141), Punishable by imprisonment of no less than five

³⁰⁸ ERN BCS 0263-3404-0263-3409; ERN Eng ET 0263-3404-0263-3409, *SFRY Law on Military Courts*, 1977, Art 12

³⁰⁹ ERN BCS K021-3718-K021-3724; Eng L005-7592-L005-7627, *Law on Military Courts*, 1995

³¹⁰ ERN BCS 0263-3404-0263-3409; Eng ET 0263-3404-0263-3409, *Law on Military Courts*, 1977; ERN BCS 0263-3400-0263-3403; Eng ET 0263-3400-0263-3403, *Law on the Office of the Military Prosecutions*, 1977

³¹¹ ERN BCS 0216-6067-0216-6102; ERN Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštendarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 93

³¹² ERN BCS 0025-2939-0025-2942; Eng , SFRY Law on Criminal Procedure, Art. 148; See also ERN BCS 0025-3394-0025-3549; ERN Eng 0091-6725 -0091-6734, *Criminal Code of the SFRY*, SFRY Official Gazette, dated 1990, Chapter 16, Article 199

years, or by death penalty.

- War Crimes against the Civilian Population (Article 142), Punishable by imprisonment of no less than five years, or by death penalty.
- War Crimes against the Wounded or Sick (Article 143), Punishable by imprisonment of no less than five years, or by death penalty.
- War Crimes against Prisoners of War (Article 144), Punishable by imprisonment of no less than five years, or by death penalty.
- Organising a group and Instigating the Commission of Genocide and War Crimes (Article 145), punishable by imprisonment of between one and ten years.
- Unlawful Killing or Wounding of the Enemy (Article 146), Punishable by imprisonment of no less than one year, or by death penalty.
- Marauding (Article 147), Punishable by imprisonment of between one and ten years.
- Making use of Forbidden Means of Warfare (Article 148), Punishable by imprisonment of no less than one year, or by death penalty.
- Violating the Protection Granted to Bearers of Flags of Truce (Article 149), Punishable by imprisonment of between six months and five years.
- Cruel Treatment to the Wounded, Sick and Prisoners of War (Article 150), Punishable by imprisonment between six months and five years.
- Destruction of Cultural and Historical Monuments (Article 151), Punishable by imprisonment for not less than one year.
- Instigating an Aggressive War (Article 152), Punishable by imprisonment for one to ten years.
- Misuse of International Emblems (Article 153), Punishable by imprisonment between six months and five years.³¹³

(4) The 1992 “*FRY Constitution*”³¹⁴; the 1994 “*Law on Defence*”³¹⁵; and the 1994 “*Law on the Army of Yugoslavia*”³¹⁶ reiterate the legal provisions that applied to the SFRY Armed Forces.

b. The 1988 “*Regulation on the Application of International Laws of War in the Armed Forces of the SFRY*”

(1) The 1988 “*Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*” lay out the SFRY’s obligations and

³¹³ ERN BCS 0025-3394-0025-3549; ERN Eng 0091-6725 -0091-6734, *Criminal Code of the SFRY*, SFRY Official Gazette, dated 1990, Chapter 16, (Articles 141 to 155). The remaining two articles in Chapter 16 refer to Racism (Article 154) and Slavery, Terrorism, Attacks upon Protected Persons, and the Taking of Hostages. (Article 155 inclusive).

³¹⁴ ERN BCS/Eng 0046-1735-0046-1844, *FRY Constitution*, 1992

³¹⁵ ERN BCS 0046-1709-0046-1716; Eng 0300-7480-0300-7492, *Law on Defence*, 1994

³¹⁶ ERN BCS 0046-0649-0046-0680; Eng 0300-1302-0300-1395, *Law on the Army of Yugoslavia*, 1994, Chapter XIII

commitment to international humanitarian law. Comprising an introduction -the 1988 “*Order on the Application of the International Laws of War in the Armed Forces of the Socialist Federal Republic of Yugoslavia*” and the 1988 “*Instructions on the Application of the International Laws of War in the Armed Forces of the Socialist Federal Republic of Yugoslavia*,”- the regulations address both the substance of the SFRY’s international legal obligations and their implementation within the chain of command. The introduction affirms the SFRY’s commitment to and obligations under the “*international laws of war*”:

As a member of the international community of States, Yugoslavia accepts the rules of the international laws of war. Respect for these rules is consonant with its general commitment to abide by rules, which rest on humane sensibilities when treating victims of war.³¹⁷

(2) The 1988 “*Regulations*” further recognise the international humanitarian law treaties that the SFRY has ratified as well as those it considers part of customary international law.³¹⁸ These include, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions.³¹⁹ More generally, the Instructions expressed the opinion of the SFRY that “*the international community considers a violation of the laws of war an attack on the common good*”:

The parties to a conflict shall have the duty to prevent violations of the laws of war with every means at their disposal and to call transgressors to account and punish them, irrespective of their nationality.

In their regulations even in peacetime, States have the duty to define serious violations of the law of war as criminal offences.³²⁰

³¹⁷ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, ERN 0080-7685-0080-7768 at 7690, “Introduction.”

³¹⁸ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, ERN 0080-7685-0080-7768,” Para 9-10

³¹⁹ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7695, “Instructions,” Para 9

³²⁰ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7698, “Instructions,” Para 18

c. Jurisdiction for violations of the laws and customs of war committed by members of the SFRY Armed Forces

(1) If SFRY Armed Forces service members (JNA and TO) violate the laws of the war, the 1988 Instructions specify that the SFRY military courts enjoy jurisdiction.

Jurisdiction for trials: Trials of military personnel who violate the laws of war which entail criminal liability fall under the jurisdiction of the Yugoslav military courts. If a member of a foreign armed force violates the laws of war he shall be tried by the military court with jurisdiction over trials of members of the armed forces of the SFRY of corresponding rank or station.³²¹

(2) In establishing individual criminal responsibility for war crimes, the 1988 “*Regulations*”, however, also recognise the jurisdiction of international tribunals:

Every individual - a member of the military or a civilian - shall be personally accountable for violations of the laws of war if he/she commits a violation himself/herself or orders one to be committed. Ignorance of the provisions of the laws of war does not exonerate the transgressors from liability.

Persons who commit a war crime, or any other grave violation of the laws of war, shall be criminally accountable before their national courts or, if they fall into enemy hands, before the courts of the enemy.

The perpetrators of such criminal acts may also answer before an international court, if such a court has been established.

A person organising, inciting, or assisting in the commission of a violation of the laws of war, or an accomplice in the same, shall also be held responsible as a perpetrator.³²²

The “*Regulations*” thus recognise the law of war as binding on the armed forces of the SFRY.

(3) The 1988 “*Regulations*” also address the question of when the laws of war apply. Articles 39 through 43 deal with the inception of a state of armed conflict and the subsequent application of the law of armed conflict. For

³²¹ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7705, “Instructions,” Para 37

the purposes of SFRY law, armed conflict begins at the moment a state or states commence an armed attack against the SFRY³²³, or at the moment the SFRY proclaims a state of war³²⁴. In the former circumstance the regulations state that “*from the start of the armed conflict the parties to the conflict shall apply the international laws of war.*”³²⁵ In the latter circumstance, they stipulate:

Upon the proclamation of a state of war, special Yugoslav regulations applicable to such situations and international laws of war shall come into force. The proclamation of a state of war does not have to coincide with the commencement of the armed conflict, but may precede or follow it.³²⁶

d. Command Responsibility

(1) Beyond confirming the SFRY’s international legal obligations and outlining when and how those obligations applied, the 1988 “*Regulations*” also define command responsibility for violations of the laws of war. The 1988 ““*Regulations on the Application of the International Laws of War in the Armed Forces of the SFRY*” outline both superior and subordinate responsibility for compliance with the laws of war:

The commanders of units and every individual member of the armed forces shall be responsible for the application of the international laws of war.

The officer in charge shall institute proceedings against persons who violate the international laws of war for the pronouncement of the penalties prescribed by the law.³²⁷

(2) The “*Regulations*” in Paragraph 21 further specify a Commander’s responsibility for the actions of subordinates:

An officer shall be personally liable for violations of the laws of war if he knew or

³²² ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7698-7699, “Instructions,” Para 20

³²³ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7705, “Instructions,” Para 39

³²⁴ BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7706, “Instructions,” Para 42

³²⁵ BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7707, “Instructions,” Para 39

³²⁶ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7706, “Instructions,” Para 42

³²⁷ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7690, “Order,” Para 3

could have known that units subordinate to him or other units or individuals are planning the commission of such violations, and, at a time when it is still possible to prevent their commission, failed to take measures to prevent such violations. That officer shall also be held personally liable who, aware that violations of the laws of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or, if the instituting of proceedings does not fall within his jurisdiction, fails to report the violation to his superior officer.

An officer shall be answerable as an accomplice or instigator if by failure to take action against his subordinates who violate the law of war he contributes to repeated commission of such acts by units or individuals subordinated to him.³²⁸

(3) Consistent with their liability for the acts of subordinates, Officers also have a responsibility to report violations of the laws of war and to prevent their recurrence:

A Yugoslav officer who learns of violations of the laws of war shall order that the circumstances and facts surrounding the violation are investigated and the necessary evidence collected....

If it is established that a member of the armed forces of the FRY, a Yugoslav citizen or a person residing in the FRY has committed violations of the laws of war which are subject to criminal prosecution, the collected information and evidence shall be submitted to the military prosecutor directly or through the superior officer and the necessary measures taken to prevent further violations of the laws of war.³²⁹

Following the 1988 “*Regulations*”, Commanders bear liability for the actions of their subordinates, and may themselves be held responsible for a failure to prevent or punish crimes that occur under their command or they are aware of, but also those which they should have or could have had knowledge of based on their official position or function.

e. Responsibility for crimes committed on orders

Paragraph 22 of the 1988 Regulations defines the responsibility for violations of the laws of war committed on orders.

Responsibility for the breaches of the rules of the law of war committed on orders: A member of the armed forces shall be liable to criminal punishment also for breaches of

³²⁸ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7699, “Instructions,” Para 21

³²⁹ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7704-05, “Instructions,” Para 36

the rules of the law of war committed by following orders resulting in the commission of a war crime or another grave criminal offense, if he knew that the orders are intended to bring about a breach of the rules of the law of war which constitutes a criminal offense³³⁰

f. Attacks against the civilian population

(1) In terms of substantive offences, the 1988 “*Regulations*” specifically outlaw, *inter alia*, attacks on the civilian population. Listed under a paragraph outlining “*War crimes and other serious violations of the laws of war*”, the prohibition on attacks against a civilian population clearly describes the SFRY Armed Forces’ responsibilities:

War crime against a civilian population: attack on civilians or individual civilian property; indiscriminate attack without a selected target, which hits the civilian population or civilian facilities, in the knowledge that such an attack will cause excessive loss of life; ... killing, torture, or inhuman treatment, ... inflicting great suffering or injury to bodily integrity or health, unlawful resettlement or relocation, forcible denationalisation... rape, application of measures of intimidation and terror, taking of hostages, collective punishment, unlawful deportation to concentration camps and other unlawful imprisonment, deprivation of the right to a fair and impartial trial, ... confiscation of property, pillage, unlawful and arbitrary destruction of property not justified by military necessity, the taking of unlawful and disproportionately high contributions and requisitions....³³¹

(2) The 1988 “*Regulations*” also separately list deliberate bombardment of the civilian population as a serious violation of the laws of war,³³² and provide specific protection to civilians as “*Persons Not Participating in War Operations*”:

The civilian population and its property may not be the direct object of combat operations. All civilians who are in the territory of the parties to the conflict shall, irrespective of their nationality, be entitled to this protection.³³³

The only exceptions to that rule apply to civilians in military facilities that come under

³³⁰ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988 at 7705, “Instructions,” Para 22

³³¹ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7702-7703, “Instructions,” Para 33(2)

³³² ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7703, “Instructions,” Para 33(5)

attack; civilians who are with military units; and civilians in the immediate vicinity of a military facility that comes under attack, provided that “the military advantage to be gained by such combat operations and the consequences of such operations on the civilian population” are considered.³³⁴

When an attack on a defended place or a military facility puts a civilian population at risk, and should military necessity permit, commanders must inform the civilian population of the attack beforehand so that it can seek shelter.³³⁵ Commanders must also take “all measures necessary” to prevent the destruction of cultural, religious, and medical facilities.³³⁶

(3) The 1988 “*Regulations*” further discuss the question of combatants intermingled with the civilian population. Those individuals who are “*led by a person who is responsible for his subordinates, bears a permanent identification mark which can be seen from a distance openly bear arms, and abide by the law of war are to be considered an armed force for purposes of application of the laws of war*”.³³⁷ Even if the government does not recognise an insurgent force, the regulations nevertheless set a baseline for conduct:

In hostilities with insurgents who have not been recognised as a party to the conflict by the government against which they have risen, the rules of domestic law shall apply, but, in any event, the basic rules of humanity must be respected as a minimum.³³⁸

A footnote further defines that baseline as compliance with common Article 3 of the 1949 Geneva Conventions:

The basic rules of humanity which must as a minimum be applied to insurgents in an armed conflict which is not of an international character, are contained in common Article 3 of the 1949 Geneva Conventions....³³⁹

³³³ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7703, “Instructions,” Para 53

³³⁴ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7703, “Instructions,” Para 54

³³⁵ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7717, “Instructions,” Para 80

³³⁶ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7717, “Instructions,” Para 79

³³⁷ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7708, “Instructions,” Para 48

³³⁸ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7697, “Instructions,” Para 17

³³⁹ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7698, “Instructions,” Para 17, footnote

(4) At the very minimum, the 1988 “*Regulations*” recognise that the laws of war prohibit reprisals against the civilian population:

The laws of war prohibit the use of reprisals against the following persons and property:

Against prisoners of war, the sick, the wounded, the shipwrecked, and civilians and their property; collective punishment may not be meted out to prisoners of war, the wounded, the sick or civilians, not even as reprisals....³⁴⁰

(5) Title IX (Articles 253 to 262) of the 1988 “*Regulations on the Application of international Laws of War in the Armed Forces of the SFRY*” covers the treatment of civilians, enemy nationals, nationals of enemy states, stateless persons and refugees, including the opening of criminal proceedings. Article 253 emphasises the requirement for protection and humane treatment of civilians that are in the hands of a party to the conflict.

253. Protection and humane treatment. When in the hands of a party to a conflict, civilians shall have the right to respect of their person, honour, family rights, convictions and customs. Such persons must be accorded humane treatment at all times. Violence and intimidation of any kind are in particular prohibited.

Women shall be specially protected against any attack on their honour, and especially against rape, forced prostitution and suchlike.

All collective punishments and the taking of hostages, as well as all measures of reprisal, against the persons referred to in this item are prohibited. The measures of control and security necessary in view of the existence of an armed conflict are allowed.³⁴¹

g. Treatment of Prisoners of War (POW)

(1) Article 51 of the 1988 Regulations stipulates that a member of the armed forces of the SFRY shall protect a member of the enemy armed forces who surrenders and shall treat him/her humanely, adding that the same treatment shall be accorded to any other person captured in the combat zone.

51. Duty of members of the armed forces of the SFRY when capturing members of

³⁴⁰ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7702, “Instructions,” Para 31

enemy armed forces. A member of the armed forces of the SFRY shall spare the life of a member of an enemy armed force who surrenders and lays down his arms or is overpowered and shall treat him humanely. Furthermore, he shall prevent him from escaping and take all measures for the prisoner to be taken under guard to a safe place as soon as possible and surrendered to the competent officer. The same treatment shall be accorded to any other person captured in the combat zone.

The establishment of the identity or status of captured members of enemy armed forces is in the competence of specially designated military authorities.

The necessary care and attention shall be extended to the captured wounded and sick. They should be referred to the medical authorities as soon as possible.³⁴²

(2) Title VIII (Articles 200 to 252) of the 1988 *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY* contains a comprehensive and detailed overview of the regulations that define the legal status, conditions and implications, as well as the basic rights of prisoners of war, and obligations pertaining their treatment. These regulations reflect the third Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949. Article 213 of the 1988 SFRY “*Regulation on the Application of International Laws of War in the Armed Forces of the SFRY*”, for example, states that “*it is prohibited to wound or kill a member of the enemy armed forces from the moment he stops offering resistance and visibly shows that he is willing to surrender, or when, due to wounding or sickness, he is not capable of fighting. He becomes a prisoner of war when he falls into the hands of the enemy. When capturing a member of the enemy armed forces, the commanding officer of a unit of the armed forces of the SFRY shall take all precautionary measures for the security of the unit*”.³⁴³

h. Treatment of (civilian) property

(1) The 1988 SFRY Armed Forces Regulations also address the treatment of (civilian) property. Article 33 lists “*attacks on civilians or individual civilian property*”, as well as “*confiscation of property, pillage, unlawful*

³⁴¹ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Article 253

³⁴² ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Para 51

³⁴³ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Para 213

and arbitrary destruction and appropriation of property not justified by military necessity", among "War crimes against the civilian population".³⁴⁴

(2) According to Article, the "*pillage of enemy property is prohibited under all circumstances*".

92. Prohibition of pillage. Pillage of enemy property is prohibited under all circumstances. Pillage shall be understood to mean any unlawful appropriation of the property of others, either public or private.

Pillage shall also be understood to mean any unlawful taking away of objects in private or public ownership, unless spoils of war or requisitioning for military or public purposes are in question.³⁴⁵

(3) The 1988 SFRY Armed Forces Regulations furthermore state that the destruction of enemy (civilian) property is only allowed if it necessary for military operations.

93. Destruction of enemy property. The destruction of enemy property during war operations is prohibited, unless necessary for carrying out military missions. The prohibition referred to in paragraph I of this item shall not include the demolition of buildings and the destruction of crops in order to clear the field of fire, building or preparing airports or other military purposes. The destruction shall be allowed of enemy military facilities, both during combat operations and after the cessation of such operations.³⁴⁶

(4) Article 94 of the 1988 SFRY Armed Forces Regulations covers war booty. Private movable or unmovable property (with the exception of weapons, ammunition, documents and "*other means which can be put to direct military use*") that can not be used for military purposes is excluded from being considered war booty.

94. Spoils of war. The armed forces of the SFRY may seize all enemy public movable property found in the theatre of war. Property thus seized shall be considered spoils of war. The property referred to in paragraph I of this item includes weapons, ammunition, equipment and other material for the supply of the armed forces and for military

³⁴⁴ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Article 33

³⁴⁵ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Article 92

³⁴⁶ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Article 93

purposes, all communication means, and means of transportation. Spoils of war shall also be understood to mean weapons, equipment, military documents, horses and means of transportation found in the possession of prisoners of war. Items and objects shall not be seized and taken away from prisoners of war who serve for their personal use or have been given to them to use for their personal protection (metal helmets, gas masks, etc.). Weapons, ammunition, documents and other means which can be put to direct military use shall also be seized, even if they are private property. The military organ shall issue a proper receipt for seized objects which are private property. Spoils of war shall be understood to mean all enemy property, wherever it may be found, especially in occupied territory, which can be used for war operations, as well as cash, funds and securities belonging to the enemy state.

All things which are considered to be spoils of war and are seized by the armed forces of the SFRY shall become public property. They shall be collected and handed over to the responsible organs or directly used for military purposes, and may in no case be appropriated by individuals.³⁴⁷

5. Investigation and Prosecution of violations of the laws and customs of war

a. Introduction

Article 36 of the 1988 Regulation instructs that each SFRY Armed Forces Officer is obliged to report violations of the laws of war³⁴⁸. In addition, the Military Police (MP) and Security Organs (OB) are specifically tasked with the investigation of criminal offences, including violations of the laws and customs of war.

b. Security Organs (OB)

(1) According to the 1984 *“Rules of Service of the Security Organs in the Armed forces of the SFRY”*, Security Organs (OB) participate in *“the detection and prevention of serious crimes”*:

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

³⁴⁷ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, Article 94

³⁴⁸ ERN BCS 0013-6803-0013-6937; ERN Eng 0080-7685-0080-7768, *Regulations on the Application of International Laws of War in the Armed Forces of the SFRY*, 1988, at 7704-05, “Instructions,” Para 36

and the jurisdiction of military courts;³⁴⁹

(2) OB are authorised to arrest alleged perpetrators of crimes that fall within the competence of Military Courts, including servicemen who are caught while committing such a crime. These alleged perpetrators have to be handed over as soon as possible to an investigative judge of a Military Court or the nearest Military unit or institution.

In the case of crimes that are within the competence of military courts and are prosecuted *ex officio*, under the conditions prescribed by the law that regulates criminal procedure authorised officers of security organs may arrest a person and deliver him without delay to an investigating judge of a military court or the nearest military unit or military institution.³⁵⁰

An authorised officer of a security organ may arrest a serviceman caught in the act of committing a crime that is prosecuted *ex officio* under the conditions prescribed by the law that regulate military courts. The authorised officer of a security organ under paragraph 1 of this item is obliged to hand over immediately, with a report, the serviceman who has been arrested to an investigating judge of a military court or the nearest military unit or military institution. If he cannot do this, he should inform an investigating judge or the nearest military unit or military institution, which will then immediately take charge of the person.³⁵¹

(3) OB have the authority to detain a suspect for a period up to three days, prior to and during the investigation of an alleged crime. When detaining a suspect prior to the investigation, OB are not allowed to interrogate him as a suspect, but can “*conduct interviews with him aimed at procuring necessary information*”.

Security organs have the right to detain a person who is suspected on reasonable grounds of having committed a crime within the competence of military courts, for a period of up to three days, before the initiation of and during the investigation under the conditions determined by the law that regulates criminal procedure, and they inform their superior officer of this.

The decision on detention, which must be justified, is issued by the senior officer of the security organ of an army command or a JNA security organ officer equal or

³⁴⁹ ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 7

³⁵⁰ ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 43

³⁵¹ ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 44

superior to him, or the senior officer of the security organ of a territorial defence staff of a republic or autonomous province.

When placing a person in detention before the commencement of an investigation, security organs may not question the detained person as a suspect, but they are authorised to conduct interviews with him aimed at procuring necessary information.³⁵²

(4) OB are authorised to use physical force, including fire arms, against people who resist to be taken in custody, or to repel an attack against themselves or a person for whom they are providing security.³⁵³

Authorised officers of security organs have the right to use physical force for the purposes of overcoming resistance by a person who is to be taken into custody or for the purposes of repelling an attack against themselves or a person for whom they are providing security.

In carrying out tasks within their competence, authorised officers of security organs may use firearms only if they have no other way of:

- a) protecting people's lives;
- b) preventing the escape of a serviceman caught in the act of committing a crime that carries a penalty of 15 years' imprisonment or a more severe punishment, or the escape of a serviceman who has been arrested or for whom a decision has been made to place him in detention due to a crime committed that carries a penalty of 15 years' imprisonment or a more severe punishment;
- c) preventing the escape of a civilian caught in the act of committing a crime that carries a penalty of 15 years' imprisonment or a more severe punishment;
- d) repelling a direct life-threatening attack against themselves.

Before using a firearm, authorised officers of a security organ are obliged to warn the person whom they are intending to use the firearm against and to frighten him by firing into the air, if this is possible in the given situation.

If security organs are ordered to provide direct security for a certain feature or person, the use of weapons is subject to the provisions of the Rules of Service of the Armed Forces.

After the use of physical force or firearms in performing their duties, authorised officers of security organs are obliged to submit a written report to their superior officer in the security organs, who will inform the officer under item 16 of these rules about this.

(5) In addition, OB are required to undertake the necessary measures to find

³⁵², ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 45

³⁵³ ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 46

the perpetrators, secure traces of the crime or take other measures if there are reasonable grounds to believe that a crime has been committed.

When there are reasonable grounds to suspect that a crime within a security organ's competence has been committed, authorised officers of the security organ are obliged to take necessary measures to ensure that the perpetrator of the crime is found, that the perpetrator or accomplice does not go into hiding or escape, that traces of the crime and objects that may serve as evidence are discovered and secured, and also that all information that may be of use for the successful pursuit of criminal proceedings is gathered.³⁵⁴

c. Military Police (MP)

(1) Article 196 of the 1982 “*ONO Law*” explains that the Military Police carries out tasks related to “*the discovery of criminal offences and perpetrators falling under the jurisdiction of military courts and prosecuted ex officio, according to the federal law and regulations adopted on the basis of the federal law*”.

Article 196 of the 1982 ONO Law

The Military Police shall carry out certain security related duties for the needs of the Yugoslav People's Army, protection of people and property, security of military traffic, military order and discipline, and duties related to the discovery of criminal offences and perpetrators falling under the jurisdiction of military courts and prosecuted *ex officio*, according to the federal law and regulations adopted on the basis of the federal law.³⁵⁵

(2) The 1985 JNA “*Service Regulations of the SFRY Armed Forces Military Police*” note the following for the jurisdiction of the Military Police:

In accordance with the law and regulations passed on the basis of the law, the military police performs certain security duties for the needs of the JNA, and in wartime also performs security duties for the needs of territorial defence, relating to the following: protection of people and property; military traffic safety; military order and discipline; the detection of crimes and their perpetrators being pursued *ex officio* within the jurisdiction of military courts; participate in providing security for high-ranking officers of the armed forces, documents and combat equipment of the highest degree of secrecy, areas, zones, axes and military facilities of special

³⁵⁴ ERN BCS 0090-9817-0090-9843, Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 52

³⁵⁵ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, 1982, Art 179

importance for the armed forces and the defence of the country.³⁵⁶

(3) One of the duties of the Military Police consists of crime prevention.³⁵⁷

The military police crime prevention service includes duties carried out by police bodies according to the law regulating criminal procedure, and which refer to crimes within the jurisdiction of military courts.³⁵⁸

(4) The MP is required to undertake the necessary measures to find the perpetrators, secure the traces of the crimes or take other measures if there are reasonable grounds for suspicion that a crime has been committed.

If there are reasonable grounds for suspicion that a crime within the jurisdiction of a military court punishable *ex officio* has been committed, the authorised officials of the military police are required to undertake the necessary measures to find the perpetrator of the crime, to prevent the perpetrator or accomplice from hiding or escaping, and to uncover and secure the traces of the crime and any objects that may serve as evidence, and to collect any information that may be of use to the successful conduct of criminal proceedings. In the case of those crimes where security bodies must to act, the security body in charge is to be informed of them immediately, and the military police bodies are to undertake any urgent measures required.³⁵⁹

Authorised military police officials carry out, *ex officio*, the duties and legal authorisations regulating criminal procedure, at the request of the military prosecutor and military court.³⁶⁰

An authorised military police official may collect the data and information necessary on a crime within the jurisdiction of the military court punishable *ex officio* and on the perpetrator of a crime against members of the armed forces, including both military personnel and other citizens of the SFRY who are not members of the armed forces, but may not interrogate them as witnesses, defendants or court experts, nor implement any measures of coercion against a person who refuses to furnish information.³⁶¹

(5) Members of the MP are authorised to arrest a person if there are

³⁵⁶ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 17

³⁵⁷ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 41

³⁵⁸ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 67

³⁵⁹ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 68

³⁶⁰ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 69

³⁶¹ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Par 73

reasonable grounds for suspicion that a crime falling within the jurisdiction of a Military Court has been committed.

The authorised military police official may arrest a person if there are reasonable grounds for suspicion that a crime from the jurisdiction of the military court has been committed, when there are reasons for that specified in the law regulating criminal procedure.³⁶²

(6) Military Police members will draft criminal reports detailing their findings during the investigation of an alleged crime.

On the basis of information collected, the authorised military police official compiles a criminal report detailing the evidence uncovered during the collection of information. Sketches, photographs, reports commissioned, documents on measures and actions undertaken, official notes, statements and other material which may be of use to successful criminal proceedings are submitted together with the criminal report.³⁶³

These reports will be submitted to the Military Prosecutor through the officer directly superior to him.³⁶⁴

(7) The 1985 JNA “*Service Regulations of the SFRY Armed Forces Military Police*” confirm Para 45 of the 1984 “*Rules of Service of the Security Organs in the Armed forces of the SFRY*”³⁶⁵ in relation to the power of Security Organs to sentence people for whom their exist reasonable grounds for suspicion that he has committed a crime within the jurisdiction of Military Courts to three days in detention.

The officer of the security body of the army command or an equal or higher-ranking officer of the JNA security body, or the officer of the security body of the territorial defence staff of the republic, or province, who leads the military police from the expert standpoint may sentence a person for whom there exists reasonable grounds for suspicion that he has committed a crime within the jurisdiction of military courts within the sphere of activity of the military police to three days in detention, under

³⁶² ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 78

³⁶³ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 85

³⁶⁴ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 85

³⁶⁵ , ERN BCS 0090-9817-0090-9843; ERN Eng 0092-0099-0092-0131, *Rules of Service of the Security Organs in the Armed forces of the SFRY*, 1984, Para 45

the conditions specified in the law regulating criminal procedure.³⁶⁶

6. Implementation of the military justice system in the JNA (1991-1992)

a. Training and education in humanitarian law and the laws of armed conflict.

The Work plan of the JNA 9th Corps for 1992 which includes a detailed breakdown of all planned activities, including training, concerning the functioning of the Corps in the upcoming year, based on the tasks set by the superior command, and in accordance with the priorities of the Corps Commander, Major General Ratko MLADIĆ does not contain any provisions for education, training or other activities in the fields of humanitarian law or the laws of armed conflict.³⁶⁷

b. Investigation of (alleged) violations of the laws of armed conflict

The information that has been reviewed during the preparation of this report suggests that notwithstanding reports by the JNA and international non-governmental organisations on the alleged involvement of members of the JNA, or members of forces operating under JNA command in serious crimes, including violations of the laws and customs of war during the conflict in Croatia and/or BiH, the (systematic) investigation and prosecution of such crimes are mainly directed against members of the enemy forces. The OTP has no evidence that measures are taken against the JNA officers or others who are in charge of the operations during which crimes have (allegedly) been committed. In fact, at least some JNA (and subsequently VJ) commanding officers are commended and subsequently promoted for the manner in which they led or conducted the operations during which the alleged crimes occurred, even after they have been indicted by the ICTY.³⁶⁸

³⁶⁶ ERN BCS 0207-2092-0207-2115; ERN Eng 0304-1627-0304-1654, *Service Regulations of the SFRY Armed Forces Military Police*, 1985, Para 80

³⁶⁷ ERN BCS 0414-3658-0414-3686; Eng 0414-3658-0414-3686-EDT/Draft translation, *9th Corps Command Annual Work Plan for 1992*, Strictly Confidential Nr 52/1, Major General Ratko MLADIĆ, Commander of the 9th Corps, 02 Jan 92

³⁶⁸ See for example ERN BCS 0201-2164-0201-2165; ERN Eng 0201-2162-0201-2163, *Order*, Nr 1023-1 (1023-2), Veljko KADIJEVIĆ, 19 Nov 91; ERN Eng 0054-5440-0054-5446, *Bulletin*, Nr 83, Information Service of the Federal Secretariat for People's Defence, 22 Nov 91, at pages 0054-5445-0054-5446; ERN BCS 0041-3152-0041-3153; ERN Eng 0047-2763-0047-2764, "The Army Commends a Unit of Serbian Radical Party Volunteers", excerpt from ERN BCS 0041-3135-0041-3202, "Velika Srbija" Issue Nr 12, Feb 92; BCS 0361-8844-0361-8854; ERN Eng 0361-8844-0361-8854 EDT/Draft translation, *Personnel Record of Veselin ŠLJIVANČANIN*, State Secretariat for Personnel Administration; BCS 0361-8369-0361-8376; ERN Eng, *Personnel Record of Miroslav RADIĆ*, GŠ VJ, Personnel Administration

(1) The statement by the 1st MD on the investigation and prosecution of alleged violations of the laws of war which is published SSNO *Bulletin* Nr. 94, dated 03 December 1991 indicates that investigation efforts are mainly directed against members of the enemy forces.

STATEMENT BY THE COMMAND OF FIRST ARMY DISTRICT (BELGRADE, DECEMBER 2)

ACTING ON A PROPOSAL BY THE MILITARY PROSECUTOR'S OFFICE AT THE FIRST ARMY DISTRICT, A FORENSIC MEDICINE AND CRIMINAL INVESTIGATION TEAM OF THE YUGOSLAV PEOPLE'S ARMY HEADED BY CAPTAIN FIRST CLASS MILOMIR SALIĆ, AN INVESTIGATING JUDGE AT THE MILITARY COURT IN BELGRADE, IS ENGAGED IN IDENTIFYING PERSONS KILLED IN VUKOVAR, ESTABLISHING THE CAUSES OF THEIR DEATHS AND IDENTIFYING THOSE RESPONSIBLE, THE COMMAND OF THE FIRST ARMY DISTRICT SAID IN A STATEMENT ISSUED YESTERDAY.

SO FAR SOME 400 BODIES HAVE BEEN EXAMINED, INCLUDING THOSE OF FIVE CHILDREN. CRIMINAL PROCEEDINGS ARE IMMINENT OR HAVE ALREADY BEEN OPENED AT MILITARY AND REGULAR COURTS AGAINST A NUMBER OF MEMBERS OF THE CROATIAN PARAMILITARY FORMATIONS SUSPECTED OF COMMITTING THESE AND OTHER CRIMES, THE COMMAND SAID IN ITS STATEMENT.³⁶⁹

(2) On 21 January 1992, the US Helsinki Watch Committee sends a letter on (alleged) human rights abuses during the conflict in Croatia, by forces, including volunteers/paramilitaries, operating under the control of Serbian government and/or the JNA to Slobodan MILOŠEVIĆ, President of Serbia, and Colonel-General Blagoje ADŽIĆ, Acting Federal Secretary for People's Defence. Attached to the letter is a twenty five page report with detailed findings.

Dear President Milošević and General Adžić

The U.S. Helsinki Watch Committee is deeply troubled by reports of serious human rights abuses by the Serbian government and the Yugoslav Army. Our own investigations of these reports, conducted during a series of fact-finding missions to Yugoslavia over several years, indicate that many of these reports are well founded. We call upon you to investigate the abuses enumerated in this letter and to punish

³⁶⁹ Exhibit Nr B9795; ERN Eng 0054-5496-0054-5499, *Bulletin*, Nr 94, Information Office of the SSNO, 03 Dec 91, at 0054-5496

those responsible for them. We call upon you to take immediate measures to ensure that such violations of human rights do not occur again.

The abuses described in this letter include violations of the laws of war in the Croatian conflict, including the summary execution of civilians; the indiscriminate and disproportionate use of force against civilian targets; the torture and mistreatment of detainees; disappearances and the taking of hostages; the forced displacement and resettlement of civilian populations; and the killing of journalists covering the war. In addition to violations connected with the armed conflict in Croatia, Helsinki Watch has also documented restrictions on the press and on free expression in Serbia and harassment and repression of opposition political figures and people who have spoken out against the war. Finally, we object to the continuing persecution of the Albanian population of Kosovo.³⁷⁰

The Helsinki Watch letter receives extensive coverage in international and (independent) Serbian media.³⁷¹ President MILOŠEVIĆ's Chief of Cabinet, Goran MILINOVIĆ sends the following reply to Helsinki Watch.

Concerning the letter sent to the President of the Republic of Serbia, Mr. Slobodan MILOŠEVIĆ by the US Helsinki Watch Committee on January 21, we want to inform you as follows:

1. The places in which the mentioned crimes are committed are not within the territory of the Republic of Serbia; therefore the Republic is neither competent for nor involved in such acts in any way. Consequently the Republic of Serbia can not be responsible for that.
2. The President of the Republic of Serbia asked the competent organs of the Republic of Serbia to investigate the abuses enumerated in your letter and if any of the citizens of the Republic of Serbia participated in those crimes, they will be brought to justice.³⁷²

Notwithstanding this commitment by President MILOŠEVIĆ's Chief of Cabinet³⁷³, and the aforementioned investigations, official complaints or other information forwarded to the JNA Command and the Serbian and SFRY political leadership, the OTP has no documents indicating that

³⁷⁰ ERN Eng 0018-7364-0018-7390, *Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army*, 21 Jan 92

³⁷¹; ERN Eng 0026-5754-0026-5755, *Press Coverage concerning Helsinki Watch's letter to the Serbian President Slobodan MILOŠEVIĆ and Blagoje ADŽIĆ, acting Minister of Defence and Chief of the General Staff of the Yugoslav People's Army*

³⁷² ERN BCS 0302-0967-0302; Eng 0209-3684-0209-3684, *Copy of the response from Goran MILINOVIĆ, Chief of Cabinet of the President of the Republic of Serbia, Slobodan MILOŠEVIĆ, to US Helsinki Watch letter*, 12 Feb 92

³⁷³ ERN Eng 0018-7364-0018-7390, *Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army*, 21 Jan 92

measures are taken against the JNA officers or others who are in charge of the operations during which crimes have been committed.

(3) The document entitled “*Analysis*” by the Republic of Serbia State Security Department Centre Belgrade dated 27 May 1992, which is compiled in response to a similar report by the UB³⁷⁴ indicates that the Ministry of Interior (MUP) of the Republic of Serbia, at the latest in May 1992 is aware of the information that the UB have collected on the (alleged) involvement of Serb(ian) paramilitary and volunteer formations in the commission of crimes against civilians in the “RSK”, including the identity of the alleged perpetrators.³⁷⁵

(4) On 25 November 1992, the Office of the Military Prosecutor of the VJ issues a report “*Information on crimes against humanity and international law committed in the territory of the former SFRY and processed by Military Courts*”.³⁷⁶ This report too confirms that the investigation and prosecution efforts are concentrated against members of enemy forces. According to the report,

Abiding by the law and within their authority and competence, in the period from the beginning of armed conflict in the territory of the SFRY until the withdrawal of the JNA from BiH, Military Prosecutors initiated, on the basis of criminal charges brought by criminal investigation authorities, criminal proceedings against 125 members of the armed forces of the Republic of Croatia who had committed crimes against Serbs and members of the armed forces of the SFRY, and against 1 member of the Armed Forces of the SFRY who had committed a crime against a member of the armed forces of Croatia.

....

Evidence shows that war crimes and the crime of genocide are committed almost exclusively by members of the armed forces of Croatia, while members of the armed forces of the SFRY complied with the norms of international humanitarian law both with respect to parties in the armed conflict and the civilian population.

³⁷⁴ ERN BCS 0607-9012-0607-9017; Eng ET 0607-9012-0607-9017, *Crimes against the civilians committed by the members of the paramilitary and the volunteer formations in the Republic of Srpska Krajina*, UB, 26 May 92

³⁷⁵ ERN BCS 0607-9018-0607-9021; Eng 0607-9018-0607-9021, *Analysis*, State Security Department Centre, Belgrade, 27 May 92

³⁷⁶ ERN Eng 0001-8575-0001-8578, *Information on crimes against humanity and international law committed in the territory of the former SFRY and processed by Military Court*, Office of the Military Prosecutor of the VJ, 25 Nov 92

c. Prosecution of (alleged) violations of the laws of armed conflict

(1) During the 1993 - 1995 time period, the FRY Supreme Military Court publishes annual reports on the work of the Military Courts. These reports show that the military justice system that is described here-above is (selectively) implemented. There is no information in the reports compiled by the FRY Supreme Military Court between 1993 and 1995 on the investigation or prosecution of violations of the LOAC or other serious crimes allegedly committed by service members of the VJ.

(a) According to the Report Nr 162-2/94, covering 1993, first instance Courts processed 14,949 cases in 1993. In criminal cases, final verdicts are handed down to 1,794 individuals (to 930 in 1992), of which 1,652 individuals are given a final sentence.³⁷⁷ Military prosecutors filed charges against 1,727 individuals (1,643 or 95.1% are sentenced and 84 individuals are not sentenced).³⁷⁸ The Supreme Military Court dealt with a total of 1,717 cases in 1993, of which 1,508 or 87.7% are solved, while 211 or 12.2% are unsolved.³⁷⁹ Most of the crimes that are processed in 1993 concern “*crimes against the VJ*” 66.9%), whereby most perpetrators (1,102) are sentenced for the crime of wilful abandonment and desertion of the VJ. “*Property crimes*” (18.9% of the total crime rate) comes in second place, followed “*Crimes against public traffic safety*” (4.5%) and “*Crimes of official misconduct for personal gain*” (3.7%)³⁸⁰

(b) In 1994, the FRY Military Courts processes 11,099 cases.³⁸¹ According to the overview published by the FRY Supreme Military Court, 1,238

³⁷⁷ ERN BCS 0632-5237-0632-5246; Eng 0632-5237-0632-5246-EDT/Draft Translation, *Report Summary on the work of military courts in 1993*, Nr 162-2/94, Dr. Milovan BELIĆ, President of the Supreme Military Court, 10 Apr 94, at Eng page 3 (RESTRICTED DOCUMENT)

³⁷⁸ ERN BCS 0632-5237-0632-5246; Eng 0632-5237-0632-5246-EDT/Draft Translation, *Report Summary on the work of military courts in 1993*, Nr 162-2/94, Dr. Milovan BELIĆ, President of the Supreme Military Court, 10 Apr 94, at Eng page 4 (RESTRICTED DOCUMENT)

³⁷⁹ ERN BCS 0632-5237-0632-5246; Eng 0632-5237-0632-5246-EDT/Draft Translation, *Report Summary on the work of military courts in 1993*, Nr 162-2/94, Dr. Milovan BELIĆ, President of the Supreme Military Court, 10 Apr 94, at Eng page 4 (RESTRICTED DOCUMENT)

³⁸⁰ ERN BCS 0632-5237-0632-5246; Eng 0632-5237-0632-5246-EDT/Draft Translation, *Report Summary on the work of military courts in 1993*, Nr 162-2/94, Dr. Milovan BELIĆ, President of the Supreme Military Court, 10 Apr 94, at Eng page 4; 11 (RESTRICTED DOCUMENT)

³⁸¹ ERN BCS 0632-5247-0632-52458 Eng 0632-5247-0632-5258-EDT/Draft Translation, *Report Summary on the work of military courts in 1994*, Nr 168-1/95, 27 Mar 95, at Eng page 5 (RESTRICTED DOCUMENT)

individuals have been convicted of crimes in 1994. These concern mainly “*crimes against the VJ*” (72.6%) and “*property crimes*” 15.4%).³⁸²

(c) The report for 1995 indicates that first instance Military Courts recorded 14,149 cases (including solved cases from the previous years)³⁸³ “*crimes against the VJ*” (72.6%) and “*property crimes*” 15.4%) continue to be the principle types of crime.

(2) In July 1995, Human Rights Watch Helsinki publishes a 43-page report entitled “*War Crimes trials in the Former Yugoslavia*”.³⁸⁴

(a) The Human Rights Watch report presents a critical review of war crimes prosecution by the FRY (including Serbia), Croatia and BiH. The report focuses principally on war crimes trials in Croatia, because “*Few war crimes trials have taken place in Serbian-controlled areas and Serbian authorities in Croatia, BiH and the FRY have generally refused to co-operate with or provide information to international human rights monitors, including Human Rights Watch Helsinki*”.³⁸⁵

(b) In relation to trials in FRY, the report notes, “*our research indicates that only two trials of alleged war criminals have taken place in the FRY: one such trial involved members of the Croatian Army who are later released as part of a prisoner exchange. As of this writing, the other trial of a member of a Serbian paramilitary group has been postponed twice in Serbia. No other trials of paramilitaries based in Serbia or members of the JNA responsible for violations of the rules of laws have taken place in FRY*”.³⁸⁶ The Human Rights Watch report expresses doubts about the Yugoslav government’s willingness to try

³⁸² ERN BCS 0632-5247-0632-52458 Eng 0632-5247-0632-5258-EDT/Draft Translation, *Report Summary on the work of military courts in 1994*, Nr 168-1/95, 27 Mar 95, at Eng page 10; 11 (RESTRICTED DOCUMENT)

³⁸³ ERN BCS 0632-5299-0632-5305; Eng 0632-5299-0632-5305-EDT/Draft Translation, *Report on the work of military courts in 1995*, Nr 97-1/96, Dr. Milovan BELIĆ, President of the Supreme Military Court, 19 Mar 96, at Eng page 10 (RESTRICTED DOCUMENT)

³⁸⁴ ERN Eng 0032-1220-0032-1263, “*War Crimes in the Former Yugoslavia*”, Human Rights Watch Helsinki, June 1995

³⁸⁵ ERN Eng 0032-1220-0032-1263, “*War Crimes in the Former Yugoslavia*”, Human Rights Watch Helsinki, June 1995, at 0032-1222

³⁸⁶ ERN Eng 0032-1220-0032-1263, “*War Crimes in the Former Yugoslavia*”, Human Rights Watch Helsinki, June 1995, at 0032-1223 B9797

war crimes in its own courts.³⁸⁷

(3) During official meetings of the GŠ VJ “*Kolegium*” in 1997, Colonel General Momčilo PERIŠIĆ, NGŠ VJ, expresses his moral support for Ratko MLADIĆ, Zdravko TOLIMIR and other members of the GŠ VRS, in the presence of the members of the GŠ VJ, after the ICTY has indicted General Ratko MLADIĆ.³⁸⁸ There is no information in the Collegium records that are available at the time of the drafting of this report that orders are issued to investigate the (alleged) role and responsibility of the indicted VJ Officers, even though this should have been done according to VJ doctrine.³⁸⁹ The Collegium records suggest that the NGŠ VJ and other members of the GŠ VJ appear to consider ICTY indictments first and foremost as a political tool intended as a means to exert pressure on FRY during the peace talks.³⁹⁰

³⁸⁷ ERN Eng 0032-1220-0032-1263, “*War Crimes in the Former Yugoslavia*”, Human Rights Watch Helsinki, June 1995, at 0032-1224

³⁸⁸ BCS 0621-7879-0621-7911; ET 0621-7898-0621-7911, *Record of the meeting of the Collegium of the GŠ VJ*, 10 Jan 97, at Eng page 18 (RESTRICTED DOCUMENT)

³⁸⁹ See for example ERN BCS 0618-7114-0618-7183; Eng ET 0618-7126-0618-7126, *Record of the meeting of the Collegium of the GŠ VJ*, 13 Nov 95, at Eng page 1 (RESTRICTED DOCUMENT); ERN BCS 0618-8254-0618-8286; Eng 0618-6283-0618-6984, *Minutes of the meeting of the Collegium of the GŠ VJ*, 05 Jan 96, at Eng page 2 (RESTRICTED DOCUMENT)

³⁹⁰ ERN BCS 0618-7001-0618-7062; Eng ET 0618-7002-0618-7002, *Record of the meeting of the Collegium of the GŠ VJ*, 10 Nov 95, at Eng page 1 (RESTRICTED DOCUMENT); ERN BCS 0618-6921-0618-6963; Eng ET 0618-6945-0618-6948, *Record of the meeting of the Collegium of the GŠ VJ*, 08 Dec 95, at Eng page 6 (RESTRICTED DOCUMENT)

Section THREE: Serb(ian) Volunteers/paramilitaries

1. Summary

- a. This section examines the legal and factual background to (armed) volunteer/paramilitary groups that come into existence in Serbia and participate in the conflict in Croatia (and subsequently BiH), including volunteer/paramilitary groups that are controlled by or related otherwise to the Ministry of Interior (MUP) or Defence (MOD) of the Republic of Serbia. At the end of this section, an overview is given of the decrees and instructions that are adopted by the SFRY and Serbian authorities during Fall 1991 to regulate (and legalise) volunteer/paramilitary groups.
- b. The legal framework that is effective in the SFRY prior to the conflict in Croatia allows for persons who are not subject to military service to join the JNA or the TO at their own request. The SFRY legislation does not foresee nor cover volunteers who are actually military conscripts who, often for ideological reasons, refuse to serve in the JNA, and, instead, after having been recruited by nationalist political parties, are accepted in JNA or TO units. The aforementioned legal framework does not envisage the establishment of volunteer/paramilitary formations by political parties and other organisations outside the framework of the SFRY Armed Forces (consisting of JNA and TO) either.
- c. During the conflict in Croatia, nationalist political parties in Serbia are allowed to organise the recruitment, training and dispatching of volunteers to the conflict zones in Croatia, or even set up their own volunteer/paramilitary formations, with the (tacit) authorisation of the Government of the *Republic of Serbia*.
- d. The SFRY Supreme Command, the JNA and the Government of the Republic of Serbia -in particular the Ministry of Interior (MUP) and the Ministry of Defence (MOD)- are aware of the existence of *extra-legal* volunteer/paramilitary formations participating in the conflict in Croatia, and the role of nationalistic political parties in the recruitment of volunteers and encouraged these groups or supported them otherwise. The Government of the Republic of Serbia considers volunteers with respect to the right to

compensation and other financial assistance equal to regular military conscripts.

- e. At the same time, there are also groups such as “ARKAN’s TIGERS” commanded by Željko RAŽNATOVIĆ -also known as “ARKAN”- and individuals operating under the command of Dragan VASILJKOVIĆ (also known as “Captain DRAGAN”) or other groups including a group which become colloquially known as the “RED BERETS”, which are controlled by or related otherwise to Ministry of Interior (MUP) of the Republic of Serbia, the latter through Jovica STANIŠIĆ and Franko SIMATOVIĆ aka “FRENKT”.
- f. In order to regularise this de facto situation, SFRY and *Republic of Serbia* legislation is amended. On 14 August 1991, the Serbian Government adopts a Decree on the “*Registration of Volunteers in the Territorial Defence*”. This is followed on 13 September 1991 by an “*Instruction on the Acceptation of volunteers in the JNA*” issued by the Federal Secretary for People’s Defence. On 10 December 1991, the SFRY Presidency adopts the Presidential Order Nr. 73 on the “*Engagement of Volunteers in the Armed Forces of SFRY during an Imminent Threat of War*”, in order to regularise the status of volunteers who, individually and/or collectively (i.e. in volunteer/paramilitary groups) participate in the conflict in Croatia.

2. Definition

The 1981 JNA “*Military Lexicon*”³⁹¹ defines “volunteers” and “volunteer units” as follows:

- a. VOLUNTEER, a person to which obligatory military service does not apply or who is not mobilised but has voluntarily joined the armed forces or some armed formations outside the armed forces for the patriotic, class, nationalistic, political, religious, material, adventure and other reasons (see Volunteer Units). As per the Wartime Law (see), he enjoys the same /type of/ protection as does the member of the armed forces, regardless to the fact of operating outside or within his national territory in the occupied or unoccupied territory, but at the same time he has to adhere to the regulated conditions.
- b. VOLUNTEER UNITS, military formation, composed of volunteers (see) from own or a foreign country, who join it for national, class, political, religious and other reasons. They

³⁹¹ ERN BCS 0400-2219-0400-3347, *Vojni Leksikon*, Military Publisher, Belgrade, 1981, at page 0400-2330-0400-2330

appeared for the first time during the national renaissance and the awakening in the 18th-19th century. They had an important role in the national-liberation, revolutionary wars of a string of countries. In the 1st World War, the volunteer units are formed of Yugoslav ex-patriots in America and Italy and particularly of the members of the Yugoslav peoples in the Austro-Hungarian Army to provide assistance to the Serbian Army.

In the October Revolution of 1917, a great number of volunteer units are formed of various nationalities. Volunteer units had an important role in the Chinese Revolution of 1924-1949 (see) and other liberating movements, particularly in the Spanish national-liberation war of 1936-1939 (see International Brigades). In the 2nd World War, volunteer units are an important component of the armed struggle and resistance against the fascist occupation. Until before the end of the NOR /national-liberation war/, the NOV /national-liberation army/ and the POJ /expansion unknown/, are reinforced exclusively by volunteers. After the 2nd World War, the volunteer units are at the core of the armies of all the national-liberation, anti-colonial and revolutionary movements in the world. From the position of the Wartime Law, (see), members of the volunteer units have the same protection as the members of the OS /armed forces/, but at the same time they must meet the regulated conditions.

3. Legal Framework prior to August 1991

a. 1982 “ONO Law”³⁹²

(1) Art. 240 of the 1974 Constitution and Art. 91 of the 1982 “ONO Law” stipulate that the SFRY Armed forces consist of the JNA and the TO. Art. 102 of the 1982 “ONO Law” adds that the TO comprised all armed structures that are not part of the JNA or the police.³⁹³

(2) Art. 119 of the 1982 “ONO Law” addresses the issue of “volunteers”. According to Art. 119, “*volunteers, as referred to in this Article, are considered to be persons not subject to military service who have been accepted in and joined the Armed Forces at their own request*”.

(3) Art. 119 of the 1982 “ONO Law” also outlines the circumstances under which volunteers can be activated, as well as their duties and their status in the SFRY Armed Forces. Paragraph 5 asserts that “*in view of their rights and responsibilities, volunteers are on an equal footing with military personnel or military conscripts*”.³⁹⁴

³⁹² See Section ONE

³⁹³ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 102

³⁹⁴ ERN BCS 0216-6067-0216-6102; Eng L004-8941-L004-9076, *SFRY All Peoples Defence Law (Zakon o Opštenarodnoj Odbrani – ONO)*, Belgrade, 1982, Art 119

b. 1991 Law of Defence of the Republic of Serbia³⁹⁵

According to Art 39 of the 1991 Defence Law of the Republic of Serbia, *in war, imminent war threat and state of emergency, Territorial Defence can be replenished with volunteers*. Art 118 of the 1991 Law on Defence of the Republic of Serbia state that “*Only competent state bodies may organise, reinforce, arm, equip and train armed forces*”.³⁹⁶

c. Conclusion

- (1) The legal framework that is effective prior to the conflict in Croatia does not foresee nor cover volunteers who are actually military conscripts, but who, often for ideological reasons, refuse to serve in the JNA, and, instead, after having been recruited by nationalistic political parties, are accepted in JNA or TO units.
- (2) The aforementioned legal framework does not envisage the establishment of volunteer/paramilitary formations by the Ministry of Interior of the Republic of Serbia, outside the framework of the SFRY Armed Forces (consisting of JNA and TO) either.

4. Serbian Volunteer/Paramilitary Groups

a. Impact of volunteers/paramilitaries (including groups) on the JNA

(1) Volunteers versus mobilisation

During the conflict in Croatia, volunteers are an important factor to help fill the ranks of the JNA, in particular when the JNA sees itself confronted with an increasing number of desertions and a dwindling response to mobilisations. The Federal Secretary for People’s Defence (SSNO), Army General Veljko KADIJEVIĆ, writes in his published memoirs, *My view of the Break-Up*³⁹⁷, published in 1993, that mobilisation becomes a major limiting factor in carrying out plans to deploy the JNA during the conflict in Croatia, “*more of one than all the other problems put together, and*

³⁹⁵ See Section XX

³⁹⁶ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991, Art 39 and Art 118

³⁹⁷ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, “*My view of the Break-up*”, Veljko KADIJEVIĆ, Belgrade 1993

much more so than the military worth of armed enemy formations”.³⁹⁸

(2) Views of Army General Veljko KADIJEVIĆ, Federal Secretary for People’s Defence

Still, at the same time, the existence of volunteers/paramilitaries, whereby mobilised soldiers prefer to join Serb(ian) volunteer and paramilitary groups, rather than to respond to the call ups to JNA units, exacerbates JNA manpower problems and also undermined troop morale and discipline.³⁹⁹ Army General KADIJEVIĆ, in his published memoirs, points the finger at the negative impact political parties and forces that recruit their own volunteers or set up their own volunteer units have on mobilisation, and thereby “*paralysed the army*”.

In the absence of the right measures by the state, measures which would have addressed the existing wartime situation, the decisive role in thwarting mobilisation was played by those political parties and forces that did their utmost to paralyse the army, sending their own agents into the field, spreading lies among the troops, trying to set off panic, while at the same time hypocritically calling on the JNA to defend the threatened Serb nation in Croatia against Ustasha crimes. This had a much more negative effect on implementing JNA deployment plans (in terms of both the calibre and timing of this deployment), than all enemy activity together.⁴⁰⁰

(3) JNA assessment of combat value of volunteer/paramilitary groups

The report “*Periodical Operations Report of the OB Gmtbr*”, compiled by the OB at the Cabinet of the SSNO on 07 Nov 91 highlights the limited combat value of volunteer groups, and criticises the support of the “*public media*” for the establishment of “*paramilitary units and their theatrical dispatch to the “Vukovar frontline”*”.⁴⁰¹

With regards the “Vukovar Operation”, the Serbian nationalistic and the Chetnik propaganda are taking on a serious dimension which, in its breadth, outstrips by far the

³⁹⁸ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, “*My view of the Break-up*”, Veljko KADIJEVIĆ, Belgrade 1993, at ERN 0036-2687

³⁹⁹ See PART II Section TWO Title 6. See also. ERN BCS Y008-9305-Y008-9313; Eng Y008-9305-Y008-9313, *The progress of combat operations conducted to liberate Vukovar*, Major Veselin ŠLJIVANČANIN, 10 Dec 91; ERN BCS 0094-9847-0094-9852; Eng 0110-5177-0110-5188, (VRS) *Information on paramilitary formations on the territory of the Serb Republic of BiH*, signed by Colonel Zdravko TOLIMIR, 28 July 1992

⁴⁰⁰ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 1993, at ERN 0036-2688

results in combat of the volunteer groups and the members of the paramilitary units. The nationalistic and ideological symbols, nationalistic songs, the speeches of Vojislav ŠEŠELJ, the liquidation of POWs by Chetniks, etc are all unjustifiably tolerated. We point to the tendency of the silent acknowledgement of the legitimacy of the Chetnik Commanding Officers /BCS: *starešina*, the existence of the Serbian volunteer groups as establishment units, even requests to designate such compositions with a special axis and task. OB Gmtbr received certain instructions in order to prevent such occurrences but wider measures going beyond our abilities are also necessary in order to /successfully/ do that. The public media supports the formation of the Serbian paramilitary units and their theatrical dispatch to the “Vukovar frontline”. On a number of occasions, /aka/ Arkan expressed his “competent” assessment on the Vukovar Operation and gave promises that he would “liberate Vukovar” and his presence at the funeral of Gen BRATIĆ was unjustifiably emphasised on.⁴⁰²

b. Serbian Volunteer/Paramilitary groups

During the conflict in Croatia, several nationalist political parties in Serbia are allowed to establish volunteer/paramilitary formations and/or to dispatch volunteers to the conflict zone. Among the best-known volunteer/paramilitary groups in Serbia are the “White Eagles” (Beli Orlovi) led by Dragoslav BOKAN and Mirko JOVIĆ of the Serb National Renewal Party (SNO); “Dušan Silni”⁴⁰³; and the “Srpska Garda” of Vuk DRASKOVIĆ’s Serb Renewal Movement (SPO)⁴⁰⁴.⁴⁰⁵ The Serbian Radical Party (SRS) and/or the Serbian Chetnik Movement (SČP), led by Vojislav ŠEŠELJ, too, organise their own volunteers, commonly referred to by, or using the name of, the World War II royalist resistance movement, “Četniks”, or “Šešeljevci (ŠEŠELJ’s men)”.⁴⁰⁶

⁴⁰¹ ERN BCS 0608-2343-0608-2344; Eng ET 0608-2343-0608-2344, *Periodical Operations Report of the OB Gmtbr*, Nr 420-1, Lieutenant Colonel Dragoljub DJUKIĆ, Assistant Chief OB at the Cabinet of the SSNO, 07 Nov 91

⁴⁰² ERN BCS 0608-2343-0608-2344; Eng ET 0608-2343-0608-2344, *Periodical Operations Report of the OB Gmtbr*, Nr 420-1, Lieutenant Colonel Dragoljub DJUKIĆ, Assistant Chief OB at the Cabinet of the SSNO, 07 Nov 91

⁴⁰³ ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, *Telegram signed by Lieutenant Colonel Milan EREMIJA*, Deputy-Commander for Instruction in Matters of Morale and Political Propaganda, 1st Proletarian Guards Mechanised Division, to the command of the 1st Military District, 23 October 1991

⁴⁰⁴ SNO: Srpski Pokret Obnove

⁴⁰⁵ ERN BCS 0094-9847-0094-9852; Eng 0110-5177-0110-5188, (VRS) *Information on paramilitary formations on the territory of the Serb Republic of BiH*, signed by Colonel Zdravko TOLIMIR, 28 July 1992. This document is discussed in detail in Part II, Section FOUR, Subtitle 5 of this report

⁴⁰⁶ ERN BCS 0214-1307-0214-1317; Eng 0303-9479-0303-9485, *VJ Security Organs Report on Recent Intelligence on Paramilitary Organisations within Certain Serbian and Montenegrin Opposition Parties*, 19 October 1993. See also ERN BCS 0041-3135-0041-3202; Eng 0068-1948-0068-1954, *Combat Actions of the Kragujevac Četnik Detachment, “Velika Srbija”*, Nr 12, 28 February 1992

c. Attitude of the authorities of the SFRY and the Republic of Serbia towards Serbian volunteer/paramilitary groups

(1) Introduction

An undated VJ OB Report on Paramilitary Groups, when discussing (Serbian) paramilitary units that participate in the conflict in Croatia, affirms that “*none of them was completely independent, and in various ways they are connected to certain structures in the Republic of Serbia. In agreement with and as tasked by these structures, they frequently performed specific tasks, including the extraction of natural and other resources in the said territories (tree felling, petroleum extraction), black-marketeering of cereal crops and other foodstuffs, and going as far as open looting and the worst forms of crime and individual acts of terrorism against the local population*”.⁴⁰⁷

Report on Paramilitary Units

From the start of the war in 1991, a large number of various paramilitary units and groups are engaged on the territory of the RSK /Republic of Serbian Krajina/. None of them was completely independent, and in various ways they are connected to certain structures in the Republic of Serbia. In agreement with and as tasked by these structures, they frequently performed specific tasks, including the extraction of natural and other resources in the said territories (tree felling, petroleum extraction), black-marketeering of cereal crops and other foodstuffs, and going as far as open looting and the worst forms of crime and individual acts of terrorism against the local population. These units and groups lingered longest on the territory of SBiZS /Slavonia, Baranja and Western Srem/ (SBO /?Slavonia-Baranja District/). However, when the provisions of the Dayton Agreement came into effect requiring the disengagement of military forces, paramilitary units and groups are also forced to withdraw from this territory to that of the Republic of Serbia.⁴⁰⁸

(2) Attitude of the Government of the Republic of Serbia

Even though, initially, there appears to have been some degree of reluctance among at least one member of the government of the Republic of Serbia towards the setting up of politically affiliated and party-sponsored volunteer/paramilitary groups outside the existing legal

⁴⁰⁷ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*.

⁴⁰⁸ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*

framework, at the latest when the conflict in Croatia intensifies, the government of the Republic of Serbia, including the Ministry of Interior (MUP) and the Ministry of Defence (MOD), start to openly encourage the participation of party-affiliated or other volunteers in the conflict in Croatia.⁴⁰⁹

- (a) On 25 July 1991, Vice Admiral Miodrag JOKIĆ, Defence Minister of the Republic of Serbia, issues a statement that is published by the SFRY state press agency TANJUG, disapproving the Serbian Renewal Movement's (SPO) press conference the day before during which the formation of the “*Serbian Guard*” and the recruitment and training of volunteers for this group is announced. JOKIĆ reportedly referred to the law of Defence of the Republic of Serbia that had been adopted on 18 July 1991⁴¹⁰ and the regulations on volunteers included in this law. JOKIĆ states that the Serbian people do not need paramilitary formations and calls upon volunteers to join the TO of the Republic of Serbia.⁴¹¹
- (b) At the latest in December 1991, the Serbian government considers those participating in the conflict in Croatia as members of party-affiliated volunteer/paramilitary formations, or other volunteers, equal to the (regular) members of the SFRY Armed Forces. This is for example illustrated by the Reply Nr 9-2007/31, dated 05 December 1991, the Serbian government provides to a question by a deputy in the Serbian Assembly on “*measures the government of the Republic of Serbia intended to preserve the welfare of JNA reservists and volunteers from Serbia who are deployed at the front.*”
 - i. In the reply, the Serbian government points out that with respect to the right to compensation and one-off financial assistance for all

⁴⁰⁹ ERN BCS 0114-1145-0114-1464; Eng 0096-1072-0096-1099, “*Srpska Vojska: Iz Kabineta Ministra Vojnog*”, Dobrila GAJIĆ-GLIŠIĆ, 01 January 1992; see also See also ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, *Telegram signed by Lieutenant Colonel Milan EREMIJA*, Deputy-Commander for Instructions in matters of morale and political propaganda, 1st Proletarian Guards Mechanised Division, to the Command of the 1st Military District, 23 October 1991

⁴¹⁰ ERN BCS 0216-2249-0216-2261; Eng ET 0216-2249-0216-2261, *Decree on the proclamation of the Law on Defence*, 18 July 1991

⁴¹¹ Eng R029-7370-R029-7370, TANJUG press article, *JOKIĆ terms paramilitary groups illegal*, 25 July 1991

military servicemen, i.e. military conscripts, “*volunteers are equal to military servicemen, i.e. military conscripts*”.

- ii. The compensation that is granted to volunteers included personal and family disability allowances; tax reductions for private entrepreneurs; reduction/exemption of electricity bills; etc.
- iii. Reply Nr 9-2007/31 adds that the (Serbian) Ministry of Labour, Veteran and Welfare has prepared a Draft Law “*which will more fully regulate the issue of the protection of soldiers as well as persons who, as volunteers, members of the armed formations, participated in the armed conflict in the Republic of Croatia from 01 July 1991 in order to protect the Serb people.*”⁴¹²

The Government of the Republic of Serbia provides also financial compensation to Serbian volunteers.⁴¹³

(c) According to the article *”War days of Vojvoda Branislav VAKIĆ”*, which is published in the SRS party magazine *“Velika Srbija”*, Issue Nr 63 dated December 1995, the shift in attitude of the Serbian authorities in favour of party-affiliated volunteers already occurs in Spring 1991. Whereas in 1990, the Serbian authorities according to VAKIĆ, prevent the sending of volunteers, at the latest in Spring 1991, however, the government of the Republic of Serbia decides to openly support the dispatching of party-affiliated volunteers to the conflict zones. This support includes also various ways of compensation by state-owned companies.⁴¹⁴

(3) Attitude of the SFRY leadership

On 28 September 1991, the President of Serbia, Slobodan MILOŠEVIĆ, the Federal Secretary for People’s Defence, Army General Veljko KADIJEVIĆ; the President of Montenegro, Momir BULATOVIĆ; the representative of Montenegro in the SFRY Presidency, Branko KOSTIĆ;

⁴¹² ERN BCS 0160-2506-02160-2512; Eng ET 0160-2506-02160-2512, *Reply Nr 9-2007/311*, Government of Serbia, 05 December 1991

⁴¹³ See for example ERN BCS 0149-0787-0149-0787; Eng 0306-9661-0306-991, *Certificate for Miodrag LUKOVAC*

the representative of Serbia in the SFRY Presidency, Borisav JOVIĆ; and the Chief of the General Staff of the SFRY Armed Forces, Colonel-General ADŽIĆ⁴¹⁵, meet and discuss the problems the JNA is confronted with due to mass desertions of called up reservists and the adverse effects this has on the operational capabilities of the JNA. The possible establishment of “*Units of Rebel Serbs*” is discussed.

In conclusion, Gen. Adzic says this:

- 1) The lines that have been achieved must be consolidated.
- 2) Units must be supplemented by volunteers.
- 3) Units of Serb rebels must be composed and positions must be established to defend the achieved lines.
- 4) Slavonia must have infantry to exercise control over the liberated territory.⁴¹⁶

5. Serbian Volunteers/paramilitary groups controlled by the Ministry of Interior of the Republic of Serbia (MUP)

a. Introduction

(1) Responsibility of the Minister of Interior

Based on Article 94 of the Constitution of the Republic of Serbia⁴¹⁷ and Articles 1 (and 7; 11; 14) of the 1991 Law on Internal Affairs of the Republic of Serbia⁴¹⁸, it is incumbent upon the Ministry of Interior (MUP) to enforce the law in general, and Article 118 of the Law of Defence of Serbia on the prohibition of the establishment of armed forces that are not under state control, in particular.

(2) Notice of the Minister of Interior

The government of the Republic of Serbia, including the Ministry of Interior (MUP), are notified of the existence and activities of (private)

⁴¹⁴ ERN BCS 0065-4132-0065-4137; Eng ET 0065-4132-0065-4137, “*War days of Vojvoda Branislav VAKIĆ*”, Excerpt from “*Velika Srbija*” Issue Nr 63. December 1995

⁴¹⁵ Borisav JOVIĆ refers to these six people as the “*Group of Six*” in his Published Diary “*Last Days of the SFRY*”. This Diary contains references to 27 meetings and other contacts between JOVIĆ and KADIJEVIĆ during the May-December 1991 time period

⁴¹⁶ ERN BCS 0058-8172-0058-8172; Eng 0302-2817-0302-3251, Borisav JOVIĆ “*Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.1992*” (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.1992*) Beograd, Politika, 1995, pp.1-492, entry for 28 September 1991

⁴¹⁷ ERN BCS 0205-9773-0205-9784; Eng 0046-1139-0046-1222, *1990 Constitution of the Republic of Serbia*, in English, as published by Blaustein, 28 September 1990, Art 94

⁴¹⁸ ERN BCS/Eng 0046-1930-0046-1970, *Republic of Serbia Law on Internal Affairs*, 17 July 1991, Art 17

armed volunteer groups, for example, through questions by delegates in the Serbian Assembly.

(a) On 31 July 1991, Vojislav ŠEŠELJ, President of the Serbian Radical Party (SRS), inquires about what the Serbian Ministry of Interior (MUP) has done to prevent the creation of a “*so-called Serbian Guard*” by the Serbian Renewal Movement (SPO).⁴¹⁹ In its reply, dated 22 October 1991, the Ministry of Interior (MUP) of the Republic of Serbia, refers to Art 118 of the Law of Defence of the Republic of Serbia stating, “*According to the law, armed forces are organised, supplemented, armed, equipped and trained only by competent state authorities, and every person acting against paragraph 1 of this Article will be imprisoned for 60 days*”. Furthermore, the Serbian Ministry of Interior explicitly recognises that it is aware of the existence of armed volunteer formations, adding “*it is becoming more and more obvious that certain political parties are supporting the creation of paramilitary formations. They are signing in volunteers, organising their training and are trying to arm their members in different ways. These activities are often publicly advertised and carried out.*”⁴²⁰

(b) The letter Nr 020-21/92, dated 27 May 92, Radovan STOJIČIĆ, Assistant Minister for Interior of the Republic of Serbia⁴²¹, sends to the National Assembly of the Republic of Serbia, in response to a question by a member of the Assembly, Tode VOJVODIĆ, indicates that the Serbian authorities selectively enforce Art. 118 of the 1991 Defence Law.⁴²² VOJVODIĆ suggests in his question that “*it is known that a great number of volunteers own unregistered weapons and none of them has been arrested*” and requests the government to provide the reasons for the arrest of Dragoslav BOKAN, leader of the “White

⁴¹⁹ ERN BCS 0160-2411-0160-2412; Eng ET 0160-2411-0160-2412, *Response to the Question of the Deputy Dr. Vojislav ŠEŠELJ*, Ministry of Interior of the Republic of Serbia, 22 October 1991

⁴²⁰ ERN BCS 0160-2411-0160-2412; Eng ET 0160-2411-0160-2412, *Response to the Question of the Deputy Dr. Vojislav ŠEŠELJ*, Ministry of Interior of the Republic of Serbia, 22 October 1991

⁴²¹ Radovan STOJIČIĆ (and Jovica STANIŠIĆ) had been appointed to the position of Assistant Minister of Interior on 31 Dec 91: ERN BCS 0363-4048-0363-4049; Eng 0363-4048-0363-4049-EDT/Draft translation, *Decision to appoint an Assistant Minister of Interior*, Official Gazette of the Republic of Serbia, Nr 37/91. STOJIČIĆ is reappointed in this position on 12 Aug 1993: ERN BCS/Eng Y08-8917-Y008-8917

⁴²² ERN BCS 0160-2990-0160-2992; Eng ET 0160-2990-0160-2992, Letter, Nr 020-21/92, Radovan STOJIČIĆ, Assistant Minister for Interior of the Republic of Serbia, 27 May 92

Eagles”. STOJIĆIĆ explains that BOKAN is arrested for illegal possession of fire arms, which are allegedly acquired at the “*Okučani and Zvornik fronts*”, and adds that BOKAN is released after being questioned by an Investigative Judge.⁴²³

- (c) The State Security Service (SDB) of the Republic of Serbia collects information on the activities of at least one volunteer group.⁴²⁴
- (d) The document entitled “*Analysis*” by the Republic of Serbia State Security Department Centre Belgrade dated 27 May 92, which is compiled in response to a similar report by the UB⁴²⁵ indicates that the Ministry of Interior (MUP) of the Republic of Serbia is aware of the information that the UB has collected on the (alleged) involvement of Serb(ian) paramilitary and volunteer formations in the commission of crimes against civilians in the “*RSK*”, including the identity of the alleged perpetrators.⁴²⁶

(3) Involvement of the Ministry of Interior (MUP) in the arming of volunteers/paramilitaries

An October 1993 VJ Security Organs Report mentions the role of the Ministry of Interior (MUP) and the Ministry of Defence (MOD) of the Republic of Serbia in the arming of SPO and SRS/SČP-affiliated volunteers, stating that “*a large number of the people who have joined these formations⁴²⁷ are armed, mostly with small arms from depots of the former JNA, MUP and Serbian Ministry of Defence that are distributed in large numbers to volunteer forces engaged on the fronts in Croatia and BiH, and in most cases are not returned*”.⁴²⁸

⁴²³ ERN BCS 0160-2990-0160-2992; Eng ET 0160-2990-0160-2992, Letter, Nr 020-21/92, Radovan STOJIĆIĆ, Assistant Minister for Interior of the Republic of Serbia, 27 May 92

⁴²⁴ ERN BCS 0608-4163-0608-4164-A ; Eng ET 0608-4163-0608-4164-A , *Information*, 1st Administration SDB, 06 Dec 91

⁴²⁵ ERN BCS 0607-9012-0607-9017; Eng ET 0607-9012-0607-9017, *Crimes against the civilians committed by the members of the paramilitary and the volunteer formations in the Republic of Srpska Krajina*, UB, 26 May 92

⁴²⁶ ERN BCS 0607-9018-0607-9021; Eng 0607-9018-0607-9021, *Analysis*, State Security Department Centre, Belgrade, 27 May 92

⁴²⁷ “*these formations*” refers to paramilitary groups affiliated with the SRS

⁴²⁸ ERN BCS 0214-1307-0214-1317; Eng 0303-9479-0303-9485, *VJ Security Organs Report on Recent Intelligence on Paramilitary Organisations Within Certain Serbian and Montenegrin Opposition Parties*, 19 October 1993

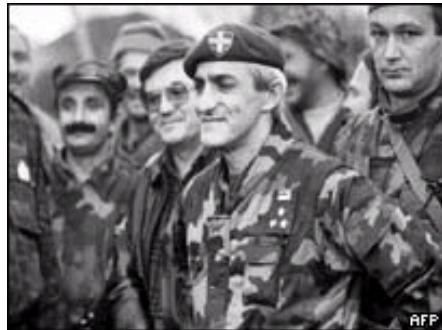
b. Serbian Volunteer/paramilitary groups controlled by or related otherwise to the Ministry of Interior (MUP) of the Republic of Serbia

(1) Introduction

In addition to allowing for and thus encouraging the existence of party-affiliated (armed) volunteer/paramilitary groups, and providing weapons or other support to these groups, the Ministry of Interior (MUP) of the Republic of Serbia (as well as the Ministry of Defence), according to intelligence reports prepared in 1991 by the JNA Security Organs (OB) and the JNA Security Administration (UB) at the Federal Secretariat for People's Defence (SSNO), also maintain close ties with at least two so-called volunteer/paramilitary formations:

- “Captain DRAGAN’s (“Kninde” or “Knindža”);
- ““ARKAN”’s Tigers”⁴²⁹;
- Other groups⁴³⁰

(2) Dragan VASILJKOVIĆ aka “Captain DRAGAN” (Kninde or Knindža)



(a) On 28 August 1991, Colonel Milorad BOŠKOVIC, Chief of the 3rd Department of the Security Administration (UB) at the Federal Secretariat for People's Defence (SSNO), sends the Strictly Confidential Report Nr 437, “*Some information on Daniel SNEDDEN, Australian Citizen, alias Kapetan Dragan*”, to the Federal Secretary

⁴²⁹ In addition to the reports discussed below: ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*. See also ERN BCS 0114-1145-0114-1464; Eng 0096-1072-0096-1099, “*Srpska Vojska: Iz Kabineta Ministra Vojnog*”, Dobrila GAJIĆ-GLIŠIĆ, 01 January 1992

⁴³⁰ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*

for People's Defence, Army General Veljko KADIJEVIĆ, and to five other addressees.⁴³¹ Strictly Confidential UB Report Nr 437 provides a detailed overview of the activities of a Dani(j)el SNEDDEN (Dragan VASILJKOVIĆ) aka “*Captain DRAGAN*” since his return to Serbia and his (alleged) relations with the MUP Serbia.

(b) “*Captain DRAGAN*”, in a request to the TO of the Republic of Serbia dated 08 November 1991, claims that he “*has obligations towards the State Security of the Republic of Serbia*” and that his activities within the TO (of the Republic of Serbia) had to be fully in accordance with the State Security of the Republic of Serbia. DRAGAN also refers to what he describes as “*the image*” that has been created around him in the (state-controlled) media.⁴³²

(c) On 05 December 1991, ŠEŠELJ in a question to the Minister of Defence of the Republic of Serbia, asks for the latter's position towards “*DRAGAN*”, whom ŠEŠELJ describes using the terms ”*all sorts of instructors, in the Serbian Volunteer's Army. Certain media write that some of them (for example, self-appointed Captain DRAGAN) protect Serbian interests by patrolling on the frontline in the territory of Serb Krajina, stirring up volunteers and Territorial Defence members to rebel against the legal and legitimate Serb Krajina Government and its President.*”⁴³³ In his reply, the Serbian Minister of Defence, General Tomislav SIMOVIĆ, indicates that he has rejected “*Captain DRAGAN*”s request for the training of volunteer units, and that instead, “*he was offered to conduct training for Serb Krajina volunteers in Bubanj Potok, within the existing system*”. Based on press reports, VASILJKOVIĆ rejects SIMOVIĆ's proposal to participate in the training of Serbian volunteers in Bubanj Potok.⁴³⁴

⁴³¹ ERN BCS 0340-4983-0340-4985; Eng ET 0340-4893-0340-4985, *Some Information on Daniel SNEDDEN alias “Kapetan Dragan”*, Colonel Milorad BOŠKOVIĆ, 28 August 1991.

⁴³² ERN BCS 0290-5836-0290-5836; Eng ET 0290-5836-0290-5836, *Letter to the Command of the Territorial Defence of the Republic of Serbia*, Captain Dragan, 08 November 1991

⁴³³ ERN BCS 0160-2534-0160-2535; Eng ET 0160-2534-0160-2535, *Reply to Vojislav ŠEŠELJ MP member's question 03, No 9-5/1088/91*, Lieutenant General Tomislav SIMOVIĆ, Minister of Defence, 11 Dec 1991

⁴³⁴ See for example ERN 0290-5959-0290-5959; Eng ET 0290-5959-0290-5959, *Who returned the volunteers of Captain DRAGAN*, POLITIKA, 14 Nov 91; ERN BCS 0290-5963-0290-5963; Eng ET 0290-5963-0290-5963, *The case of Captain DRAGAN – Closed*, NOVOSTI, 17 December 1991

(d) The (undated)⁴³⁵ minutes of a meeting between the Minister of Defence of the Republic of Serbia, Tomislav SIMOVIĆ, and Dragan VASILJKOVIĆ, confirm that VASILJKOVIĆ aka “*Captain DRAGAN*” has been invited by the State Security of the Republic of Serbia to return to Serbia, in order to train volunteers, and that he “*collaborated*” with STANIŠIĆ and Radmilo BOGDANOVIĆ.⁴³⁶

(e) The aforementioned minutes of the meeting between the Minister of Defence of the Republic of Serbia, SIMOVIĆ, and VASILJKOVIĆ corroborate the information included in the 28 August 1991 UB report on VASILJKOVIĆ⁴³⁷, discussed here-above, according to which “*legends are created around the identity of this group, as well as the identity of “Kapetan Dragan”*”.⁴³⁸ There are several examples of reports published in the Serbian media glorifying “*Captain DRAGAN*” and his “*Knindža*”.⁴³⁹

(f) The activities of DRAGAN in the “*SAO Krajina*” will be addressed in Part II, Section TWO Title 4.⁴⁴⁰

⁴³⁵ Based on the contents of the minutes, this meeting must have taken place prior to SIMOVIĆ’s reply to ŠEŠELJ’s question (i.e. prior to December 1991)

⁴³⁶ ERN BCS 0290-5948-0290-5949; Eng ET 0290-5948-0290-5949, *MINUTES*, undated

⁴³⁷ ERN BCS 0340-4983-0340-4985; Eng ET 0340-4893-0340-4985, *Some Information on Daniel SNEDDEN alias “Kapetan Dragan”*, Colonel Milorad BOŠKOVIC, 28 August 1991

⁴³⁸ ERN BCS 0290-5948-0290-5949; Eng ET 0290-5948-0290-5949, *MINUTES*, undated

⁴³⁹ See for example ERN BCS 0290-5965-0290-5965; Eng ET 0290-5965-0290-5965, *Members of the Special Forces rather than policemen*, undated; ERN BCS 0290-5950-0290-5950; Eng ET 0290-5950-0290-5950, Željko RAŽNATOVIĆ aka ARKAN and aka Captain DRAGAN –to other, *Members of the Special Forces rather than policemen*, undated; ERN BCS 0290-5953-0290-5953; Eng ET 0290-5953-0290-5953, *Elite Units of Serb Volunteers*, undated; ERN BCS 0102-9916-0102-9916; Eng ET 0102-9916-0102-9916, ŠEŠELJ only on parades, DNEVNIK 25 November 1991; ERN BCS V000-2209-V000-2209; ERN BCS 0207-7671-0207-7671; Eng , 0300-4739-0300-4740, *The Captain and his Kninjas*, undated Eng ET V000-2209-V000-2209

⁴⁴⁰ Pages 64-71

(3) Željko RAŽNATOVIĆ aka “ARKAN” (Serbian Volunteer Guard (SDG) aka “ARKAN Tigers” or “Arkanovci”)



(a) An undated⁴⁴¹ and unsigned “Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security” which, according to its contents is drafted by a VJ Security Organ, states that from the beginning of the conflict in 1991, “a number of paramilitary groups” are engaged in the “RSK” and “RS” which “are and have remained in direct contact with the Republican State Security and the Ministry of the Interior of the Republic of Serbia, or they are engaged under the guise of special units of the Republican State Security or the Ministry of the Interior”. The Report identifies “ARKAN”’s “Serbian Volunteer

⁴⁴¹Based on its contents, the report dates from after 1996

Guard" as one of the most prominent such groups.⁴⁴²

...

2. Paramilitary units and groups and their connection with the special units of the Republican State Security and the Ministry of the Interior of the Republic of Serbia.

From the beginning of the war in 1991, a number of paramilitary units are engaged in the territory of the RSK and RS. They are and have remained in direct contact with the Republican State Security and the Ministry of the Interior of the Republic of Serbia, or they are engaged under the guise of special units of the Republican State Security or the Ministry of the Interior. In particular, this refers to the SDG /Serbian Volunteer Guard/ under Željko RAŽNATOVIĆ "ARKAN", the special unit of the Ministry of the interior under the command of the self-appointed Colonel Vasilije MIJOVIĆ, the "Red Berets" a special unit under the command of Žika IVANOVIĆ, also known as Crnogorac, and the paramilitary unit of Slobodan MEDIĆ, aka Boca.⁴⁴³

(b) The Republic of Serbia Territorial Defence (TO) Security Organs (OB) Strictly Confidential Report Nr 254-1/91, dated 13 October 1991, "*Activities of the "Serbian Guard Staff" from Belgrade re: organising an army and breaking the Armed Forces of the SFRY*", reviews information reportedly obtained from the MOD Serbia on the establishment of a "*non-ideological Serbian Army*".⁴⁴⁴ The report also provides information on a "*paramilitary formation*" called "*Serbian Guard*" which is taking part in combat operations in SBWS.

i. According to the OB report, the Head of the group, Željko RAŽNATOVIĆ aka "ARKAN", and his assistant Goran MIJAČIĆ aka "KUM" enjoy "*special attention and privileged treatment by numerous Ministers and other officials of the Serbian Government every day*".

ii. The OB report also refers to the attention, the

⁴⁴² ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?)

⁴⁴³ ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?)

⁴⁴⁴ ERN BCS 0340-4870-0340-4871; Eng ET 0340-4870-0340-4871, *Information*, Nr 2015691000254, Security Organ TO Staff Republic of Serbia, Colonel Milinko DOKOVIĆ, 13 October 1991

volunteer/paramilitaries are given in the Serbian media, stating that “ARKAN” and “KUM” are “*becoming idols of the resistance movement of the Serbian people...*”

- (c) An additional reference to the media attention for “ARKAN” and his “*Serbian Volunteers Guard*” can be found in the OB 1st MD Report Nr 35-163 dated 29 Oct 91, “*Reactions of the members of the JNA and the residents regarding the way in which Ž. RAŽNJATOVIĆ aka ARKAN and the members of the “Serbian National Guard” (sic) conduct themselves*”.⁴⁴⁵
- (d) Intelligence reports by JNA Security Organs (OB) drafted between October 1991 and January 1992 on Željko RAŽNJATOVIĆ (aka “ARKAN”) and his “*Serbian Volunteer Guard*” indicate the existence of close relations between “ARKAN” and the MUP (including the State Security (SDB) Serbia.
 - i. The JNA Strictly Confidential Intelligence Report Nr 5-459, dated 01 October 1991, on the activities of “ARKAN” in SBWS, which is addressed to the UB and the OB at the SSNO, states that JNA personnel believe that ““ARKAN” goes into action only after the JNA units mop up the area... and commit crimes... they believe that “ARKAN” is doing it with the full support of the SDB of Serbia”.⁴⁴⁶
 - ii. According to the 1st MD Strictly Confidential intelligence Report Nr 68-443 dated 19 October 1991, “ARKAN”, “*Commander of the so called Serbian Volunteer’s Guard*”, receives weapons and ammunition for the Ministry of Interior (MUP) and Ministry of Defence (MOD) of Serbia and has distributed them to the (local Serb) TO Staffs in Erdut, Sarvaš and Borovo Selo. The report adds that “ARKAN” is reportedly also involved in the distribution of food supplies provided by the Government of Serbia as

⁴⁴⁵ ERN BCS 0340-4874-0340-4875; ENG ET 0340-4874-0340-4875, Report Nr 35-163, *Reactions of the members of the JNA and the residents regarding the way in which Ž. RAŽNJATOVIĆ aka ARKAN and the members of the “Serbian National Guard” (sic) conduct themselves*, OB 1st MD, Major General Mile BABIĆ, 29 Oct 91

humanitarian aid, whereby there are cases of “*mishandling*”.⁴⁴⁷

- iii. The 1st MD OB Report Nr 17-67 dated 18 November 1991 states that “*Arkan, the DIMITRIJE brothers and Žika IVANOVIĆ, all closely related to the Prime Minister of the Republic of Serbia, BOŽOVIĆ and LOGINOV, allegedly possess SDB /State Security Service/ membership cards and they go to the territory of the Republic of Croatia. Aka Cope, owner of a few private companies in Belgrade, aka Frenki, aka Čarli, LAINOVIĆ Branko and Ranko are smuggling drugs and goods from Western Bosnia.*” The 1st MD OB report includes detailed information on the alleged criminal activities of the aforementioned people and their alleged involvement, with “*the engagement of the MUP of the Republic of Serbia*” in the establishment of a new Serbian Army “*with the Red Berets as its nucleus*”.⁴⁴⁸
- iv. The Intelligence Report “*Željko RAŽNATOVIĆ aka “ARKAN”, Commander of the Serbian Volunteers’ Guard*” by the OB of the 1st MD, dated 09 January 1992, confirms the (alleged) links between “ARKAN” and the government of the Republic of Serbia, including the Ministry of Interior, stating that “ARKAN” is “*openly supported*” by the MUP, TO and MOD of the Republic of Serbia.⁴⁴⁹
- v. An undated VJ OB Report “*Report on Paramilitary Units*” mentions that “ARKAN” “*is connected to the MUP Serbia*”.⁴⁵⁰

Arkan is connected to the MUP /Ministry of the Interior/ of the Republic of Serbia, evidence of which can be seen, among other things, in the fact that some of his members are in possession of official identity cards (enclosed).

⁴⁴⁶ ERN BCS 0340-4868-0340-4869; Eng ET 0340-4868-0340-4869, *Information*, Strictly Confidential Report Nr 5-459, Colonel Stevan MITREVSKI, 01 October 1991

⁴⁴⁷ ERN BCS 0340-4872-0340-4873; Eng ET 0340-4872-0340-4873, *Information*, Strictly Confidential Report Nr 68-443, Major-General Mile BABIĆ, 18 October 1991

⁴⁴⁸ ERN BCS 0340-4860-0340-4861; Eng 0340-4860-0340-4861, Strictly Confidential Report Nr 17-67, *Indications re. the establishment of the “Serbian Army” centre, and re: criminal activities*, OB 1st MD, Colonel Branko GAJIĆ, 18 Nov 91

⁴⁴⁹ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteers’ Guards, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

(c) JNA OB also believe that “ARKAN” is connected to the (local Serb) authorities in the SAO SBWS.⁴⁵¹

(f) The activities of “ARKAN” and his “ARKAN TIGERS” aka “SERBIAN VOLUNTEER GUARD” in SBWS during the 1991 to 1995 time period, including their alleged involvement in crimes will be addressed in Part II Section TWO Title 5 subtitle b. of this Report.

(4) Other groups controlled by or related otherwise to the Ministry of Interior of the Republic of Serbia

The undated VJ OB Report “Report on Paramilitary Units” discussed here-above identifies three additional groups which are “*in various ways connected to certain structures in the Republic of Serbia*”⁴⁵², including the Ministry of Interior (MUP) of the Republic of Serbia, and are active in SBWS. According to the VJ OB Report, all these groups are involved in crimes.⁴⁵³

(a) The group of Slobodan MEDIĆ (“Scorpions”)

The paramilitary unit of Slobodan MEDIĆ aka Boca, a self-styled major, with a numerical strength of 150-200 armed members. The unit was engaged in securing terminals and smuggling petroleum from Đeletovci, and more recently they have been working intensively on felling oak trees, which they smuggle into Serbia via private channels using lorries from Serbia (for example lorries with Zaječar registration plates), and they share the profits with their sponsors in the SBWS area and Serbia. MEDIĆ is also involved in the black-marketeering of cigarettes.

The information on the role Slobodan MEDIĆ aka “BOCA” is corroborated by another VJ intelligence report dating from September 1995.⁴⁵⁴

⁴⁵⁰ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*.

⁴⁵¹ ERN BCS 0340-4866-0340-4867; Eng ET 0340-4866-0340-4867, *Information, Željko RAŽNATOVIC aka ARKAN, the mistreatment of volunteers - JNA Conscripts*, Novi Sad Kvok, Lieutenant Colonel Ivan MATOŠEVIĆ, 30 Sep 91

⁴⁵² ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*

⁴⁵³ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*

⁴⁵⁴ ERN BCS 0340-4909-0340-4912, Eng ET 0340-4909-0340-4912, *Report of the Collaborator “Trgovac” on the situation in the territory of the “RSK” Army*, undated (07 Sep 95)

(b) The unit of Vasilije MIJOVIĆ

Vasilije MIJOVIĆ's unit. Officially a MUP special unit and directly connected to the MUP (RDB /State Security Department/) of the Republic of Serbia. However, according to its activities in Baranja (black-marketeering, killing, looting, rape, threats and blackmail etc.), it bears all the hallmarks of a paramilitary unit.

The unit's numerical strength is changeable and has ranged up to 300 superbly well-armed and equipped members, ready to carry out even the most radical and ignoble actions. The commander of this unit, self-styled Colonel Vasilije MIJOVIĆ, belongs to the Mafia.⁴⁵⁵

According to a report by the Command of the VRS Bratunac Light Infantry Brigade dated 15 March 1993, Vasilije MIJOVIĆ is in command of a “*MUP special purposes unit*” in the Bratunac area which is not subordinated to the VRS.⁴⁵⁶ A report by the Zvornik Public Security Centre (CJB) Nr 01-16-01/1-30/94 dated 09 May 1994 mentions a 30-men strong unit known under the name “*MUNGOSI*” (Mongoose) Sabotage and Reconnaissance unit, under the command of Milenko PRODANOVIĆ, which is formed in September 1993 following the break up of “*a special unit under the command of Vasilije MIJOVIC*”.⁴⁵⁷ The report Nr 12-02/4-233-543/04 dated 29 June 2004, entitled “*Information on the presence of Red Berets on the territory of the RS in the period of war from 1992 until 1995*”, signed by Dejan JOKSIMOVIĆ, Chief of the Public Security Center (CSB) Bijeljina, affirms that between May 1992 and May 1993, Vaso MIJOVIĆ is in command of a unit of the “*Red Berets*” (i.e. the “*Unit for Special Purposes of the Ministry of Interior of the Republic of Serbia*”) in Bratunac.⁴⁵⁸ This unit of the “*Red Berets*” is reportedly

⁴⁵⁵ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*

⁴⁵⁶ ERN BCS 0131-9177-0131-9177, *Order Resubordination of the MUP Special Purposes Unit to the Command of the Bratunac Light Infantry Brigade*, Strictly Confidential Nr 01-765-42/illegible, Colonel Cvijetin VUKSIC, Commander, 15 May 1993

⁴⁵⁷ ERN BCS 0177-5282-0177-5282; Eng L009-5435-L009-5436, Report Nr 01-16-01/1-30/94, Dragomir VASIC, 09 May 1994

⁴⁵⁸ ERN BCS 0363-0968-0363-0969; Eng 0363-0970-0363-0971, *Information on the presence of Red Berets on the territory of the RS in the period of war from 1992 until 1995*, Report Nr 12-02/4-233-543/04, Dejan JOKSIMOVIĆ, Chief of the Public Security Center Bijeljina, 29 June 2004

involved in “*imposing discipline and prevention of desertion*”.⁴⁵⁹ In July 1995, Vasilije MIJOVIĆ signs a strictly confidential document issued by the “*Unit for Anti-Terrorist Operations (JATD)*” of the Ministry of Interior of the Republic of Serbia as “*Commander*” of the “*JATD*”.⁴⁶⁰

(c) The “*RED BERETS*”

The Red Berets, under the command of Žika IVANOVIĆ aka Crnogorac /Montenegrin/. From the start of the war they have been engaged as a formation of the Republic of Serbia MUP (RDB) in the RSK and RS /Republika Srpska/ (Skelani etc.). However, the assessment for this unit is identical to that of Vasilije MIJOVIĆ’s unit. Officially the Red Berets no longer exist, and most of the members have joined other paramilitary units and special units of the Republic of Serbia MUP (RDB). However, some very extreme groups and individuals have remained outside of them, armed and ready to conduct the most extreme actions and terrorism. A number of them disguise themselves with “business”. The greatest number of them are located in the Vojvodina area, while some individuals are in Belgrade.⁴⁶¹

A certificate issued by the MUP Serbia “*Unit for Special Purposes*” dated 27 June 1992 and signed by Živonin IVANOVIĆ confirms that IVANOVIĆ is the Commander of the “*Unit for Special Purposes*” of the MUP Serbia (aka “*RED BERETS*”).⁴⁶² According to the GŠ VRS Department for Security “*Report on paramilitary formations of the Serbian Republic of BH*”, dated 28 July 1992, Živonjin IVANOVIĆ aka ”*CRNOGORAC*” is in charge of a unit of the “*Krajina Special Police with 45 men*” which is present in the area of Brčko. The VRS Main Staff report adds that CRNOGORAC “*has not placed himself under the command of the Brčko Brigade*” and that he is “*allegedly*” sent by the MUP Serbia.⁴⁶³ An(other) certificate signed by Živojin IVANOVIĆ on 09 July 1992, identifies

⁴⁵⁹ ERN BCS 0363-0968-0363-0969, Eng 0363-0970-0363-0971, *Information on the presence of Red Berets on the territory of the RS in the period of war from 1992 until 1995*, report Nr 12-02/4-233-543/04, Dejan JOKSIMOVIĆ, Chief of the Public Security Center Bijeljina, 29 June 2004

⁴⁶⁰ ERN BCS 0359-2198-0359-2198; Eng ET 0359-2198-0359-2198, Strictly Confidential Nr 50/95, Colonel Vasilije MIJOVIĆ, 19 July 1995

⁴⁶¹ ERN BCS 0214-1319-0214-1321; Eng 0303-7351-0303-7353, *VJ Security Organs Report on Paramilitary Units*

⁴⁶² ERN BCS BG01-8380- BG01-8380; Eng ET BG01-8380- BG01-8380, Certificate, Živonin IVANOVIĆ, Commander of the Special Purpose Unit of the MUP Serbia, 27 June 1992

him at that time as the Commander of the “SAO Semberija and Majevica Unit for Special Purposes, Brčko”.⁴⁶⁴ The VJ report on the formation of the JSO of the RDB of Serbia cited-here-above corroborates the information on IVANOVIĆ’s links with the RDB Serbia.⁴⁶⁵

(d) The aforementioned groups are also discussed in an undated⁴⁶⁶ VJ OB Report on the formation of the “*Special Operations Unit (JSO)*”, of the RDB, “*Report on the formation of JSO of the RDB of Serbia and other interesting data for security*”.⁴⁶⁷ In this report, an(other?) special unit of the RDB Serbia, known as “*Vukovi*” (Wolves), is mentioned. According to the VJ OB report, the “*Vukovi*” are under the “*direct*” command of Franko SIMATOVIĆ aka “*FRENKI*” and participate in the conflict in the areas of the “*RSK*” and “*RS*”.

Several months ago a Centre for Anti-Terrorist Operations (ATD) of the Republican State Security of the Republic of Serbia was formed in Kula with the aim, as it was explained, of forming and training special units for ATD. The core of this unit is the *Vukovi* /Wolves/, a special unit of the Republican State Security, under the direct command of Frank SIMATOVIĆ, also known as “*Frenki*”, now the Chief of the Intelligence Administration of the Republican State Security of the Republic of Serbia. This unit was engaged from the start of the war in the areas of the RSK /Republic of Serbian Krajina/ and RS /Republika Srpska/. In it are a number of extremely problematic persons, murderers, robbers and people with terrorist tendencies.⁴⁶⁸

The Unit for anti-terrorist operations (ATD) of the MUP Serbia is subsequently renamed into the “*Special Operations Unit*” (JSO) (of the

⁴⁶³ ERN BCS 0094-9847-0094-9852; Eng 0110-5177-0110-5188; *Report on paramilitary formations in the Serbian Republic of BH, Strictly Confidential Nr. 21/15-293*, Colonel Zdravko TOLIMIR, 28 July 1992

⁴⁶⁴ ERN BCS DA00-6011-DA00-6011, Eng ET DA00-6011-DA00-6011, *Certificate for Joco STEVANOVIC*, Živojin IVANOVIĆ, 09 July 1992

⁴⁶⁵ ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?)

⁴⁶⁶ Based on its contents, the report most likely dates from 1996

⁴⁶⁷ ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?)

⁴⁶⁸ ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?)

Republic State Security of the Republic of Serbia).⁴⁶⁹

6. Decrees, Instructions and Orders adopted by the SFRY and Serbian authorities

a. Introduction

(1) General

In an attempt to alleviate the manpower problems the JNA is facing in Croatia, the Serbian and SFRY authorities during the summer - winter 1991 time period adopt a number of decrees, instructions and orders on the participation of volunteers in the conflict. These regulations are in fact part of a process aimed at regularising (and legalising) the status, including the rights and responsibilities, of volunteers participating on an individual or collective basis in the conflict in Croatia, including in SBWS.

(2) Overview

On 14 August 1991, the Serbian Government adopts a Decree on the “*Registration of Volunteers in the Territorial Defence*”.⁴⁷⁰ This is followed on 13 September 1991 by an “*Instruction on the Acceptation of volunteers in the JNA*” issued by the Federal Secretary for People’s Defence.⁴⁷¹ On 10 December 1991 the SFRY Presidency adopts the SFRY Presidency Order Nr. 73 on the “*Engagement of Volunteers in the Armed Forces of the SFRY during an Imminent Threat of War*”, to regularise the status of volunteers who individually and/or collectively (i.e. in so-called volunteer or paramilitary groups) participate in the conflict in Croatia.⁴⁷²

⁴⁶⁹ ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?)

⁴⁷⁰ ERN BCS 0046-1723-0046-0046-1730; Eng 0046-1717-0046-1722, at 0046-1719-0046-1722, *Serbian Government Decree on the Registration of Volunteers in the Territorial Defence*, 14 August 1991

⁴⁷¹ ERN BCS 0201-2075-0201-2078; Eng 0201-2072-0201-2074, *SSNO Instruction on the Acceptance of Volunteers into the JNA*, 13 September 1991

⁴⁷² ERN BCS 0046-1723-0046-1730; Eng 0046-1717-0046-1722, at 0046-1717-0046-1718, *Order on the Engagement of Volunteers in the Armed Forces of the SFRY During the Period of Imminent Threat of War*, Official Gazette of the SFRY, 13 December 1991

b. Serbian Government Decree on the Registration of Volunteers in the Territorial Defence (14 August 1991)

According to this decree, during a state of emergency, imminent threat of war, or threat of war, volunteers (i.e. people who had no military obligations) can register in the TO of the Republic of Serbia.

Pursuant to article 2, item 2 and article 30, paragraph 1 of the Law of Defence on the Government of the Republic of Serbia ("Official Gazette of the Republic of Serbia", number 5/91), the Government of the Republic of Serbia passes the

D E C R E E
ON THE REGISTRATION OF VOLUNTEERS
IN TERRITORIAL DEFENCE⁴⁷³

Article 1

This decree regulates the registration of volunteers in Territorial Defence.

The replenishment of the JNA with volunteers is carried out in accordance with federal regulations.

Article 2

According to this decree, the following persons are considered as volunteers:

- persons who do not have a military obligation, and are not younger than 17;
- men subject to military conscription and women subject to military conscription who do not have wartime assignments in the JNA, Territorial Defence, police, the observation and information service, civil protection HQ's, civil protection units formed by the Republic, the city of Belgrade and the municipality, command communications units; companies and other organisations which produce arms and military equipment or other objects of special importance for defence, or are capable of such production; companies and other organisations in the sphere of road, railroad and air traffic, navigable inland waterways traffic, post-telegraph-telephone traffic and other communications systems; companies and other organisations and organs whose scope of activity includes observation and determination of certain phenomena in the areas of hydrometeorology, fire fighting, seismology, health, radiological protection, agriculture, waterpower engineering, electricity-generating industry, traffic and other areas; companies and other organisations of special importance for defence.

Article 3

The registration of volunteers in Territorial Defence is carried out in wartime, in the case of immediate danger of war and state of emergency, in order to fill units, headquarters and institutions of Territorial Defence.

⁴⁷³ ERN BCS 0046-1723-0046-0046-1730; Eng 0046-1717-0046-1722 at 0046-1719-0046-1722, Serbian Government *Decree on the Registration of Volunteers in the Territorial Defence*, 14 August 1991

In peacetime and for training purposes, persons from article 2 of this decree can voluntarily join the military manoeuvres and other forms of training of the units, headquarters and institutions of Territorial Defence.

Articles 4 and 7 of this decree apply accordingly to the persons from paragraph 2 of this article.

Article 4

Persons who wish to enlist as volunteers, as well as persons from article 3, paragraph 2 of this decree, are to submit an application to the Ministry of Defence through the competent municipal National Defence Secretariat, or Department of National Defence of the City Secretariat of National Defence, according to their place of permanent or temporary residence.

Applications to enlist as volunteers are submitted personally on form number 1, which is a part of this decree. A submitted application is irrevocable.

Article 5

The Municipal Secretariat of National Defence or the Department of National Defence of the City Secretariat of National Defence shall refer volunteers who do not have a military obligation and women subject to military conscription to a test to determine their fitness for military service. The fitness for military service of volunteers from paragraph 1 of this article is determined by a medical institution designated to carry out medical and other examinations and psychological examinations of recruits. A volunteer who has adequate general health and the psycho-physical ability to carry and handle weapons, as well as to endure great physical strain, will be pronounced fit for military service.

The Ministry of Defence signs a contract on carrying out the examinations with the health institution from paragraph 2 of this article.

Article 6

The Municipal Secretariat of National Defence, or the Department of National Defence of the City Secretariat of National Defence registers in military records volunteers from article 5, paragraph 1 of this decree who are pronounced fit for military service, according to the regulations in sections 19 and 20 of the Instructions on the military records of persons subject to military conscription and equipment in the inventory.

Article 7

The Municipal Secretariat of National Defence, or the Department of National Defence of the City Secretariat of National Defence, submits lists of enlisted volunteers from article 2, paragraph 2 and article 6 of this decree to the Ministry of Defence - Department of National Defence established outside the seat of the Ministry, to the City Secretariat of National Defence, or provincial Secretariats for National Defence of the autonomous provinces, and they forward the unified lists of volunteers to the Territorial Defence headquarters of the operational zones.

Article 8

The determination and notification of the wartime assignments of volunteers is carried out according to the Rules on the mobilisation of the Armed Forces of the SFRY /Socialist Federative Republic of Yugoslavia/.

Article 9

This decree takes effect on the day it is published in the "Official Gazette of the Republic of Serbia".

c. SSNO Instruction on Accepting Volunteers into the JNA (13 September 1991)

SSNO Instruction Nr 2391-1 regulates the incorporation of individual volunteers into the JNA. According to the instruction, the JNA will accept the volunteers after their identity and background have been checked, and will decide about their assignment according to their military speciality.

406 NO. 2391-1

13 September 1991

("The official paper of the SFRY", no. 2I/8 and 11/91)

INSTRUCTION ON ACCEPTING VOLUNTEERS INTO THE YUGOSLAV
PEOPLE's ARMY (JNA)⁴⁷⁴

1. This instruction regulates the acceptance of volunteers into the units and establishments of the Yugoslav National Army.
2. By volunteer, this instruction means an individual who files a written request for the admittance into a unit - institution of the JNA, if he is capable of performing the according military duty.

The volunteer can be an individual (male) from any part of the SFRY, under the condition that he is the age of 18 to 60. If the individual from Section I of this count is younger than 27 and has not served his military service yet, he will be sent to military service if he is capable of serving.

3. The command and the senior officers of the units and establishments of the JNA will accept and assign the volunteers from item 2 of this direction to their units - establishments according to the peace or wartime formation, depending on the degree of filled personnel slots, the situation in the zone of responsibility and the task of the unit - establishment.

The individuals from the reserve forces - volunteers who are assigned to units will be assigned to duties and formation slots that are set during the formation of the combat units.

The individuals from the reserve forces - volunteers who are assigned to other war units (RJ), will be sent the headquarter units when possible, and when this is impossible, they will be assigned to vacant duty positions, the formation places within their units

⁴⁷⁴ ERN BCS 0201-2075-0201-2078; Eng 0201-2072-0201-2074, SSNO Instruction on the Acceptance of Volunteers into the JNA, 13 September 1991

according to peace or wartime formation, depending on their military occupational speciality. The commands and senior officers will accept and assign the individuals from the reserve forces who have no unit assignment as the individuals from item 2 of this direction, to vacant formation slots of the peace or wartime formation of their units according to their occupational speciality in their military records, i.e. their occupation, knowledge and skills acquired as citizens.

4. The JNA units register the volunteers, based on the applications that the volunteers fill out. The registration form is regulated by this instruction and is its constituent part. The submitted application cannot be revoked.
5. The volunteers are accepted to duties and formation slots they qualify for, and if this is impossible, they are assigned to vacant formation slots, with completion of prior most essential training for performing tasks and duties of this formation slot.
6. The volunteers are accepted after their identity and other necessary data of interest for the Yugoslav national security are checked. The identity is proven on the basis of identification cards, the data in the application, their unit record, their military card, through the authorities of social-political associations where possible etc. On the basis of the established identity, a respective military record is made up for each volunteer accepted into the unit.
7. During the acceptance into the units of the JNA, the physical ability of the volunteer for the duty, from item 5 of this instruction, is established. The physical ability is established, whenever possible, by the nearest military health institution. If this is impossible the physical ability is established by the company physician on the basis of a medical examination and when necessary a consultation with a specialist from a military or civilian medical institution.
8. The security check during the acceptance and observation of the volunteers is conducted according to security service regulations, which should be strictly followed.
9. The volunteers will either complete military training, additional training, or retraining for particular duties in the unit-establishment. The type and duration of the training depend on the volunteers' prior knowledge. The training is essentially accompanied by work in the base unit-establishment.
10. The volunteers are by law and duties equal to military servicemen, i.e. military conscripts and are by law entitled to according compensation.
11. The senior officers of the units and establishments of the brigade, regiment, independent battalion, and equal units decide about the acceptance of volunteers into the Yugoslav National Army. A report on the acceptance of volunteers is regularly submitted to a superior commando.
12. The military service of the individual (volunteer) can end if he is not needed in his unit anymore or at his request: in case of justified lawful reasons according to Articles 32 and 33 of the Military Conscript Law, or if he has spent maximum time in the unit according to Article 52 of this law.
13. The instruction comes into effect with the day of signing.

14. In case of need for clarification, the superior commands and authorised organisational units of the Federal Secretariat for National Defence must be contacted.

Following the “*establishment of the existence of an imminent threat of war by the SFRY Presidency*” on 03 October 1991⁴⁷⁵, the Assistant Commander of the 1st MD for Morale and Legal Affairs, Major General Vidak VUJOVIĆ, on 07 October 1991 sends out the Confidential Document Nr 115-123 “*Information on the importance of the proclamation of the immediate threat of war*” to the subordinate commands of the 1st MD.⁴⁷⁶ In this document, VUJOVIĆ emphasises the importance of the appropriate organisation of the recruitment and incorporation of volunteers into JNA “*war units*”, and the use of the presence of volunteers to boost morale among the troops.

d. SFRY Presidency Order Nr 73 on the engagement of volunteers in the SFRY Armed Forces during an immediate threat of war (10 December 1991)

(1) SFRY Presidency Order⁴⁷⁷

Order No 73

Pursuant to article 316 of the Constitution of the Socialist Federative Republic of Yugoslavia and article 106, paragraph 1, item 6 and paragraph 2 of the Law on All People's Defence (“Official Gazette of the SFRY”, No. 21/82 and 11/91), at a meeting held on 10 December 1991, the Presidency of the SFRY issued the following

ORDER
ON THE ENGAGEMENT OF VOLUNTEERS IN THE ARMED FORCES
OF THE SFRY DURING IMMEDIATE DANGER OF WAR

1. Pursuant to regulations in article 119 of the Law on All People's Defence, during the immediate danger of war, the Yugoslav People's Army and Territorial Defence are replenished, among others, with volunteers, who are, from the moment they join units and institutions of the Armed Forces of the SFRY, equal in all things with soldiers or military conscripts.
2. Volunteers are accepted in the Armed Forces of the SFRY according to the procedure for the acceptance of persons subject to military conscription. The person wishing to join the Armed Forces of the SFRY is to report to the territorial military

⁴⁷⁵ ERN BCS 0089-3074-0089-3075; Eng ET 0089-3074-0089-3075, *Information on the importance of the proclamation of the immediate threat of war*, Confidential Nr 115-123, Major General Vidak VUJOVIĆ, 07 October 1991

⁴⁷⁶ ERN BCS 0089-3074-0089-3075; Eng ET 0089-3074-0089-3075, *Information on the importance of the proclamation of the immediate threat of war*, Confidential Nr 115-123, Major General Vidak VUJOVIĆ, 07 October 1991

⁴⁷⁷ ERN BCS 0046-1723-0046-1730; Eng 0046-1717-0046-1722 at 0046-1717-0046-1718, *Order on the Engagement of Volunteers in the Armed Forces of the SFRY During the Period of Imminent Threat of War*, Official Gazette of the SFRY, 13 December 1991

organ competent for the place of residence of the person subject to military conscription.

3. A volunteer can be assigned to an appropriate duty and task in a unit or institution of the Armed Forces of the SFRY, according to the replenishment requirements and service requirements of the Armed Forces of the SFRY.

4. When joining a unit or institution of the Armed Forces of the SFRY, a volunteer who has not previously made a solemn declaration in accordance with the regulations on service in the Armed Forces of the SFRY is to take an oath in front of his superior officer. Only volunteers who have made the solemn declaration and passed the appropriate training can be assigned to tasks involving the use of weapons.

5. A volunteer who joins a unit or institution of the Armed Forces becomes a member of the Armed Forces and wears the uniform and common insignia of members of the Armed Forces of the SFRY, and has all the other rights and duties of persons in the service of the Armed Forces of the SFRY.

6. A volunteer's service in the Armed Forces of the SFRY ends:

- 1) if it is established on the basis of the findings and assessments of a military health institution that he is unfit for service in the Armed Forces of the SFRY, or for the duty he performs;
- 2) when he requests it, and there are reasons defined by law to postpone or terminate the military service;
- 3) when the need for his engagement in the Armed Forces of the SFRY ceases to exist.

A volunteer's service in the Armed Forces of the SFRY can end on his request, if the service requirements allow it.

7. Volunteer formations currently engaged outside the Armed Forces of the SFRY on the carrying out of certain military assignments and volunteers currently in the units and institutions of the Armed Forces of the SFRY must bring their position in the Armed Forces of the SFRY into accord with the regulations in this order within 10 days of the day this order takes effect.

Within the same period, all individuals and volunteer formations not included in the Armed Forces of the SFRY in the manner defined in this order shall be removed from the territory falling under the responsibility of the commands, units and institutions of the Armed Forces of the SFRY.

The regulation as stated in paragraph 2 of this article applies to the volunteers currently in the Armed Forces of the SFRY should they fail to comply with this order.

8. Lawful measures will be taken against persons found wearing the uniforms and insignia of members of the Armed Forces of the SFRY who have not joined the Armed

Forces of the SFRY in a way defined by law and regulated their position in accordance with this order.

9. Should the need arise, the Federal Secretariat of National Defence is authorised to issue instructions for the implementation of this order.

10. The order is to be published in the "Official Gazette of the SFRY".

11. The order takes effect on the day it is published.

Presidency of the
Socialist Federative Republic of Yugoslavia
Order No. 73

10 December 1991

Vice-president
Dr. Branko KOSTIĆ

(2) Significance of SFRY Presidency Order Nr 73

- (a) SFRY Presidency Order Nr. 73 demonstrates the awareness of the SFRY's most senior political leadership body of the existence and activities of (armed) (Serbian) "*volunteer formations*" participating in the conflict in Croatia. SFRY Presidency Order Nr 73 also expresses the willingness, albeit somewhat late -taking into account the signing of a lasting cease fire agreement in Geneva on 23 November 1991⁴⁷⁸- of the SFRY political leadership to sort out the question of volunteers and paramilitaries. In particular, the order legalises the status of volunteers, including those who in spite of their military obligations (service in the JNA), individually and/or collectively participate in the conflict in Croatia as members of paramilitary/volunteer groups.
- (b) Paragraph 5 of the Presidential order states that a volunteer who joins a JNA or TO unit, becomes a member of the SFRY Armed Forces and has to wear the uniform and insignia of the SFRY Armed Forces.
- (c) By its paragraph 7, the SFRY Presidential order acknowledges (and endorses) that there are volunteer formations (as opposed to individual volunteers) that are "*engaged outside the Armed Forces of the SFRY*", and that these formations are "*carrying out certain military assignments*", indicating that an (unspecified) authority is aware of the existence and participation of these groups in the conflict, apparently outside the authority of the SFRY Armed Forces.

⁴⁷⁸ Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

(d) SFRY Presidency Order Nr. 73 enters into effect on 13 December 1991 and includes a 10-day deadline within which volunteer formations are to subordinate themselves to the JNA. As shown in Part II of this report, “ARKAN”’s “*Serbian Volunteer Guard*” and other groups controlled by or linked otherwise to MUP Serbia remain active in SBWS.

(e) The interview with Major General Tomislav RADOVANOVIC, Head of the Legal Department of the SSNO, titled “*Volunteers are also military personnel*”, which is published on 22 December 1991 in the JNA Magazine “*Narodna Armija*”⁴⁷⁹ should be read in conjunction with SFRY Presidency order Nr 73. RADOVANOVIC, in the interview, states:

In our legal system, no armed units other than Armed Forces of the SFRY (composed of the JNA and the TO) may be present in the territory of the SFRY. Under the Constitution, the Armed Forces are an integrated system, with the (integrated) functions of command and control performed by the Federation - that is, executed by the Presidency of the SFRY on behalf of the Federation.

RADOVANOVIC furthermore states:

It is common knowledge that armed systems other than the legal and legitimate armed forces are operating in Yugoslav territory, contrary to the Constitution, laws and international standards. Their legal "status" is not hard to define and can be described in precise terms if adhering to a simple logic one seeks answers to the following questions: what are they doing, for whom and under what conditions, who has established them and who has provided the funds, what are their short-term and what their long-term objectives?⁴⁸⁰

⁴⁷⁹ ERN BCS 0046-6926-0046-6926; Eng 0053-5843-0053-5844, Interview with Tomislav RADOVANOVIC, “*Volunteers Are Also Military Personnel*”, Narodna Armija Nr 2758, 22 December 1991

⁴⁸⁰ ERN BCS 0046-6926-0046-6926; Eng 0053-5843-0053-5844, Interview with Tomislav RADOVANOVIC, “*Volunteers Are Also Military Personnel*”, Narodna Armija Nr 2758, 22 December 1991

Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK

(1991-1993)

Part II

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK

Reynaud THEUNENS

October 2012

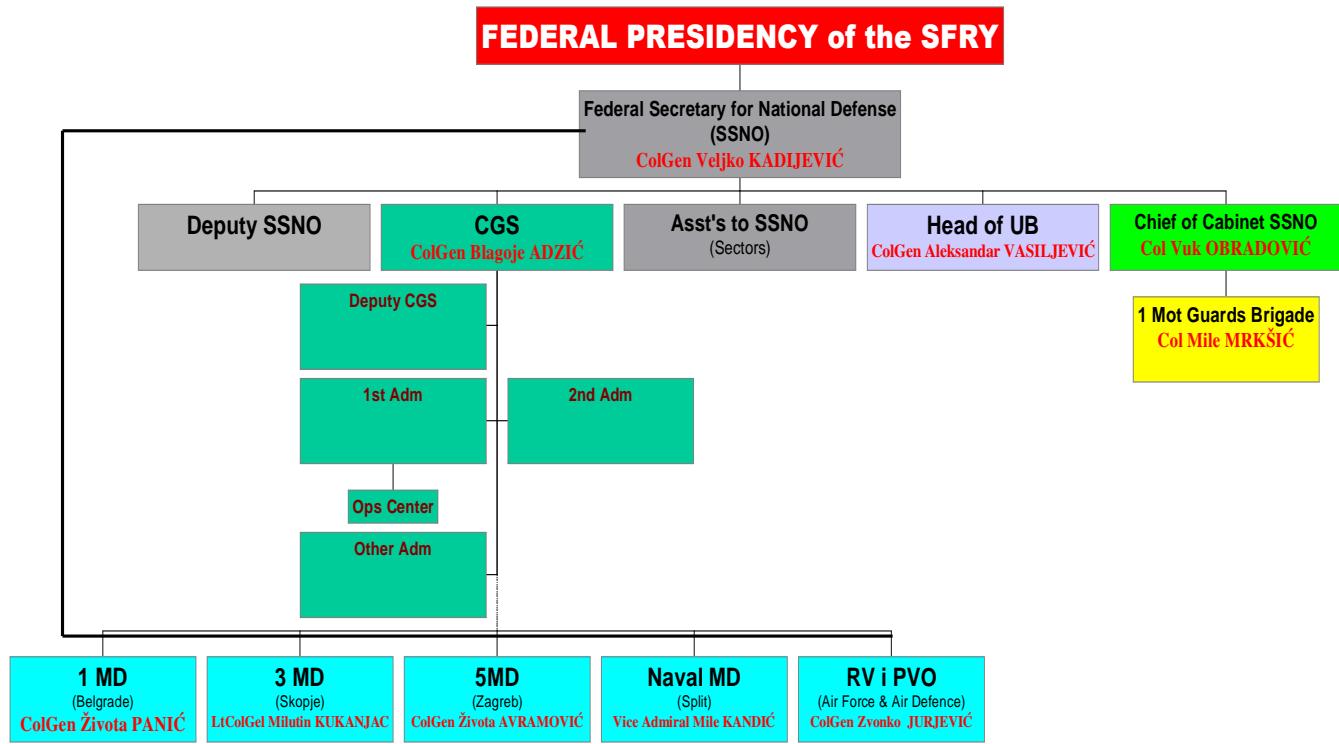
Section ONE: Evolution of the mission and objectives of the SFRY Armed Forces during the conflict in Croatia in 1991

1. Summary

- a. This section studies the evolution within the SFRY Supreme Command at the outset of the conflict in Croatia and examines the impact this has on the mission of the JNA during the conflict in Croatia.
- b. The constitutional mission of the SFRY armed forces consists of safeguarding the independence, sovereignty, territorial integrity and the social order of the SFRY. As a result of the changes that occur in the SFRY Presidency (i.e. the Supreme Command) of the SFRY Armed Forces, from late summer 1991 onwards, after the JNA's withdrawal from Slovenia, the evolution of the situation in Croatia is such that this objective becomes less clear from the military perspective.
- c. Orders and instructions from what remains of the SFRY Presidency (= the Supreme Command) and the Supreme Command Staff indicate that at least *de facto* the JNA moves towards ceasing to be the “*SFRY Army*” and, at least in Croatia, instead gradually develops into a mainly Serb force, assisting Serbs in Croatia. The JNA's role has been transformed from one of interposing among the conflicting parties to one of creating and controlling Serb-held areas in those parts of Croatia that the Serb(ian) leadership consider Serb. Hence, the constitutional mission of “*safeguarding territorial integrity*” has been reduced to the consolidation of Serb(ian) control of the latter areas in order to “*protect the Serb population*”.

2. The SFRY Armed Forces at the outset of the conflict in Croatia

a. Overall Command and Control structure (de jure)



Situation Fall/Winter 1991

(1) During spring 1991, high-ranking SFRY political and military officials, as well as the media, start to use the terms “*Supreme Command*” and “*Supreme Command Staff*”. There appears to be no indication that a formal decision to activate these bodies is taken. Based on open source reporting of the time, it is assessed that the SFRY Supreme Command (the SFRY Presidency) and the Supreme Command Staff, consisting of:

- The Federal Secretary for People’s Defence: Army General Veljko KADIJEVIĆ (Chief of Staff of the Supreme Command Staff);
- the SSNO;
- the Chief of the General Staff of the SFRY Armed Forces: Colonel-General Blagoje ADŽIĆ;
- The General Staff of the SFRY Armed Forces

are activated not later than March 1991.¹

(2) On 15 May 1991, Stipe MESIĆ, the Croatian member of the SFRY Presidency who is anticipated to take over the rotating Chairmanship of the Presidency², fails to obtain the necessary support from the other members of the Presidency.³ After the intervention of the EC, on 01 July 1991, MESIĆ takes up the post of President of the Presidency (and Supreme Commander of the SFRY Armed Forces).⁴ The Federal Secretary for People's Defence (SSNO), Army General Veljko KADIJEVIĆ, does not recognise MESIĆ as the (new) Supreme Commander.

“There are two reasons for this. MESIĆ could not gain any personal influence as Presidency President because, among other things, he has already publicly compromised himself as the destroyer of Yugoslavia. All of his attempts to gain influence looked ridiculous. There are the orders he issued to the army through the media, which we at Supreme Command General Staff simply ignored, treating them as if they does not exist and denied him influence over the armed forces.”⁵

(3) On 29 May 1991, Franjo TUĐMAN, President of Croatia, declares Croatia an independent state, following a referendum on 19 May 1991.⁶

(4) According to the published diary of Borisav JOVIĆ, outgoing Chairman of the SFRY Presidency and representative of the Republic of Serbia in the SFRY Presidency, during the latter half of 1991 three (Borisav JOVIĆ, Branko KOSTIĆ and Jugoslav KOSTIĆ: i.e. the (Serbian) representative and outgoing Chairman, the Montenegrin representative and Deputy Chairman; and the representative for Vojvodina) of the four remaining members of the SFRY Presidency meet almost on a daily basis with the Montenegrin President, Momir BULATOVIĆ, the SSNO, Army General

¹ ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002; See also ERN V000-4244-V000-4248, *Videotape of the Session of the SFRY Presidency and the JNA General Staff, - Sjedenica Predsjednistva*, 14-15 Mar 91

² Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

³ Borisav JOVIĆ, Serbian member and outgoing Chairman, wrote in his published diary that on 13 May 91, he, Slobodan MILOŠEVIĆ, Momir BULATOVIĆ and Jugoslav KOSTIĆ has agreed that MESIĆ could not be elected (ERN BCS 0111-2738-0111-3226; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92*) Beograd, Politika, 1995, pp.1-492)

⁴ Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

⁵ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade, 93, at ERN 0036-2656

⁶ ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002, at page 0322-2351

Veljko KADIJEVIĆ, the CGS of the SFRY Armed Forces, Colonel General Blagoje ADŽIĆ, and the President of Serbia, Slobodan MILOŠEVIĆ, to discuss the situation in SFRY.⁷ During these meetings, MILOŠEVIĆ and JOVIĆ at several occasions gave KADIJEVIĆ instructions on the use of the SFRY Armed forces.⁸

- (a) During a meeting between JOVIĆ, KADIJEVIĆ and MILOŠEVIĆ, on 27 June 1991, for example, MILOŠEVIĆ reportedly insists that the military has to defend the future borders of Yugoslavia.
- (b) Based on what he wrote in his published diary, Borisav JOVIĆ and Slobodan MILOŠEVIĆ, during a meeting they have with Army General KADIJEVIĆ on 05 July 1991, express a number of demands with regard to the role of the JNA. One of their demands, according to JOVIĆ's book, is to concentrate the main forces of the JNA along a line running from Karlovac to Plitvice in the west, from Baranja, Osijek, and Vinkovci to the Sava in the east, and along the Neretva in the south. In this way, according to JOVIĆ, the JNA would cover all Serb populated territory until the situation is fully resolved, i.e., "*until a final free expression of popular will in a referendum*".⁹ JOVIĆ writes that KADIJEVIĆ accepts this demand without any discussion.¹⁰ Events on the ground, assessed later in this report, corroborate this entry in JOVIĆ's published diary.

- (5) On 03¹¹ October 1991, the SFRY Presidency "*established the existence of*

⁷ ERN BCS 0111-2738-0111-3226; Eng 0302-2817-0302-3251 Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92*) Beograd, Politika, 1995, pp.1-492; Borisav JOVIĆ refers to this six people as the "Group of Six" in his Published Diary. This Diary contains references to 27 meetings and other contacts between JOVIĆ and KADIJEVIĆ during the May-Dec 91 time period

⁸ ERN BCS 0111-2738-0111-3226; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92*) Beograd, Politika, 1995, pp.1-492

⁹ ERN BCS 0111-2738-0111-3226; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92*). Beograd: Politika, 1995, pp.1-492, entry for 05 Jul 91

¹⁰ ERN BCS 0111-2738-0111-3226; Eng 0302-2817-0302-3251, Borisav JOVIĆ "Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92" (*The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92*). Beograd, Politika, 1995, pp.1-492, entry for 05 Jul 91

¹¹ According to ERN BCS 0055-8660-0055-8660; Eng ET 0055-8660-0055-8660/Translation, *Službeni list SFRJ* 75/47, 18 Oct 91, the SFRY Presidency on 01 Oct 91 "*established that an Imminent Threat of war exists in the SFRY*"

*an imminent threat of war*¹² on the territory of the SFRY,¹³ The state of Imminent Threat of War remains in effect until 22 May 1992.¹⁴

b. JNA

(1) The Croatian territory is covered by the 1st MD, 5th MD and the Naval Military District. The main JNA units of these Military Districts are listed below.¹⁴



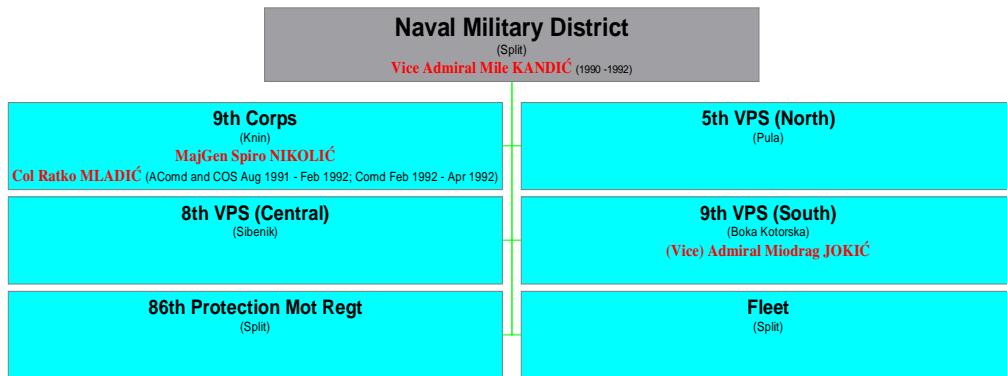
The 14th (Ljubljana) Corps withdraws to the area of Prijedor - Derventa - Zenica (Bosnia Herzegovina) and the 31st (Maribor) Corps withdraws to Šabac - Valjevo - Gornji Milanovac (Serbia) after the JNA pulls out of Slovenia.¹⁵

¹² ERN BCS 0089-3074-0089-3075; Eng ET 0089-3074-0089-3075, *Information on the importance of the proclamation of the immediate threat of war*, Nr. 115-123, Major General Vidak VUJOVIĆ, 07 Oct 91

¹³ ERN BCS 0049-5865-0049-5865; Eng 0049-5864-0049-5865, *Službeni list SRJ 6/1*, 22 May 92

¹⁴ ERN Eng 0036-5572-0036-5579, *Yugoslavia's Armed Forces Order of Battle*, Jane's Intelligence Review, Michael BROWN Aug 91

¹⁵ ERN BCS 0060-6845-0060-6849; Eng 0060-6850-0060-6853, Order Nr 51-1, *Transfer of Forces and equipment from the territory of the Republic of Slovenia*, SSNO, 25 Jul 91



(2) Not all the units included in these charts participate in the conflict. At the same time, reserve units are mobilised and additional units, belonging to other Military Districts, are re-deployed to Croatia. In addition, the Guards Motorised Brigade (gmtbr), which during peacetime is directly subordinated to the SSNO, is sent to Eastern Slavonia to take over the lead over the Vukovar Operation end of September 1991.¹⁶

3. Evolution of the Mission of the JNA during the conflict in Croatia (1991)

a. Views of the (de facto) Supreme Command of the SFRY Armed Forces

According to what he writes in his published diary, Borisav JOVIĆ, Acting Chairman of the SFRY Presidency, and Slobodan MILOŠEVIĆ, President of the Republic of Serbia, during a meeting with Army General Veljko KADIJEVIĆ, Federal Secretary for People's Defence, on 05 July 1991, express a number of demands on the role of the JNA. JOVIĆ and MILOŠEVIĆ ask to concentrate the main forces of the JNA in Croatia along a line running from Karlovac to Plitvice in the west, from Baranja, Osijek, and Vinkovci to the Sava in the east, and along the Neretva in the south. In this way, according to JOVIĆ, the JNA will cover all Serb populated territory (in Croatia and BiH) until the situation is fully resolved.¹⁷ According to JOVIĆ,

¹⁶ ERN BCS 0340-5661-0340-5694, at page 0340-5665-0340-5665; Eng L011-2990-L011-2990, SSNO Order 29-34, dated 29 Sep 91; See also ERN BCS 0293-5434-0293-5482, Eng L010-0496-L010-0537, *War Diary 1st gmtbr*, 01 Oct-22 Nov 91

¹⁷ ERN BCS 0111-2738-0111-3226; ERN Eng 0302-2817-0302-3251, *Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92 (The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92)*, 1995, entry for 05 Jul 91

KADIJEVIĆ accepts this demand without any discussion.¹⁸ Events on the ground, assessed later in this report, corroborate this entry in JOVIĆ's published diary.

b. Views of the Federal Secretary for All People's Defence, Army General Veljko KADIJEVIĆ

The Federal Secretary for All People's Defence, Army General Veljko KADIJEVIĆ in his published memoirs, *My view of the Break-Up*¹⁹, explains the evolution of the mission and objectives of the SFRY Armed Forces during the conflict in the SFRY.

(1) According to KADIJEVIĆ, Mid March 1991, the most suited option for the JNA is to continue "*to rely on political forces in the federation and in the republics of those nations that wished to live in Yugoslavia, while peacefully parting with those that wanted to leave it*". In practical terms this means protecting and defending the Serb people outside of Serbia and assembling the JNA within the borders of the future Yugoslavia.²⁰

(2) This implies, according to KADIJEVIĆ, that the two constitutionally defined tasks of the SFRY Armed Forces (Including the JNA) -defence against an external and internal aggression- are "*radically*" changed into:

- *Defence of the Serb nation in Croatia and the national interests of the Serb nation;*
- *Pulling out JNA garrisons from Croatia;*
- *Gaining of full control of Bosnia-Herzegovina, with the ultimate aim of defending the Serb nation and its national rights there;*
- *Creation and defence of the new Yugoslav State of those Yugoslav nations that desire to be a part of it, meaning in this phase the Serb and Montenegrin nations.*²¹

(3) KADIJEVIĆ identifies two phases in the armed conflict in CROATIA:

¹⁸ ERN BCS 0111-2738-0111-3226; ERN Eng 0302-2817-0302-3251, *Poslednji dani SFRJ: Dnevne zabeleške iz perioda 15.5.1989 - 8.7.92 (The Last Days of the SFRY: Daily notes from the period 15.5.1989 - 8.7.92)*, 1995, entry for 05 Jul 91

¹⁹ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade 93

²⁰ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade 93, at 0036-2697

²¹ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "*My view of the Break-up*", Belgrade 93, at 0036-2685 and 0036-2686

(a) KADIJEVIĆ defines the first phase as follows: from what he describes as the first armed attacks on Serbs in the Serbian Krajina region, to the end of the summer of 1991, when, according to KADIJEVIĆ, Croatia begins its open armed attacks on the JNA. KADIJEVIĆ states that the objective of the JNA during that phase is to *“protect the Serb nation in Croatia against attack by armed Croat formations”* and to enable it to consolidate and militarily organise itself for defence. At the same time, KADIJEVIĆ adds, the JNA is to be prepared for war in Croatia once the latter embarks on war against the JNA. All this has to be done within the scope of *“preventing clashes between the nations, as worded in the SFRY Presidency decision”*.²²

(b) During the second phase (end of summer 1991, with, according to KADIJEVIĆ, attacks by the Croats on military units and garrisons in Croatia, until the acceptance of the VANCE peace plan²³)²⁴, the task of the JNA is to *“protect the Serb people in Croatia in such a way that all regions with a majority Serb population would be completely freed from the presence of the Croatian army and the Croatian authorities; to pull the JNA out of Croatia, by first ensuring that the above task is completed; to carry out the continued country-wide transformation of the JNA into the army of the future Yugoslavia, focussing on its internal national and organisational structure and its territorial location”*.²⁵ One of the principle ideas behind the concept for deploying the JNA during the second phase is *“full co-ordination with Serb insurgents in the Serbian Krajina”*.²⁶

(c) The tasks of the JNA during this second phase are, according to KADIJEVIĆ, to be carried out in two stages:

- First stage (end of July - beginning of September 1991) focussed

²² ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ *“My view of the Break-up”*, Belgrade 93, at 0036-2704 and 0036-2705

²³ The VANCE Plan will be discussed Para 5.a. of this Section (p. 118)

²⁴ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ *“My view of the Break-up”*, Belgrade 93, at 0036-2706

²⁵ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ *“My view of the Break-up”*, Belgrade 93; at 0036-2709

²⁶ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ *“My view of the Break-up”*, Belgrade 93, at 0036-2709

primarily on tactically important counter-attacks “*until Croatia's aggression came fully to the fore, while at the same time intensively organising and preparing Serb insurgents in Croatia*”. KADIJEVIĆ writes in his memoirs that JNA forces are to be grouped and deployed in conformity with the plan for the operative-strategic assault operation envisaged for the second stage. The idea behind this manoeuvre embraced the following basic elements:

- *A total air and sea blockade of Croatia;*
- *The directions of offensives of the main forces of the JNA are directly connected to the liberation of Serb regions in Croatia and JNA garrisons deep inside Croatian territory. To this end the JNA is to cut Croatia along the following lines: Gradiska-Virovitica; Bihac-Karlovac-Zagreb; Knin-Zadar; Mostar-Split. The strongest group of armoured-motorised forces is to liberate Eastern Slavonia and then move quickly westward, linking up with forces in Western Slavonia and proceeding on to Zagreb and Varaždin, i.e. toward the Slovene frontier. At the same time, strong forces from the Herceg Novi - Trebinje region would be used to block Dubrovnik from land and break out into the Neretva Valley, thus linking up operations with forces working along the Mostar-Split line.*



Graphic representation of the first stage of the second phase of the armed conflict in Croatia (Source: "My View of the Break Up")

- After the seizure of certain installations, the JNA is to secure and hold the border of the Serbian Krajina in Croatia, withdraw the remaining troops of the JNA from Slovenia and subsequently pull the JNA out of Croatia;
- Mobilisation, training and deployment of newly mobilised and recently completed units along the planned routes would take 10 to 15 days, depending on their combat readiness and distance from the areas of deployment.²⁷

- The second stage of the second phase (beginning of September 1991 until the signing of the VANCE Plan) consists, according to KADIJEVIĆ, of an integral operative-strategic operation to defeat the Croatian army and carry out the set tasks.²⁸ During this stage, the JNA carries out its strategic-operative assault operation, but in considerably modified form. The (only) reason for this

²⁷ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 93, at 0036-2709 - 0036-2710

²⁸ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 93, at 0036-2709

modification is the only semi-successful mobilisation and organised desertion of the JNA reserve corps²⁹. The main tasks of the modified plan of operations are carried out as follows:

- *In close co-ordination with the Serb insurgents, all Serb regions in Croatia, except for a part in Western Slavonia, are liberated. This comprises approximately one third of the former Republic of Croatia's territory;*
- *The future army of the Serbian Krajina is actually built up in the course of fighting, and equipped by the JNA with corresponding arms and material.*³⁰



Graphic representation of the second stage of the second phase of the armed conflict in Croatia
(Source: "My View of the Break Up")

²⁹ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 93, at 0036-2710

³⁰ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ "My view of the Break-up", Belgrade 93, at 0036-2713

c. Statements and Orders by the Staff of the Supreme Command of the SFRY Armed Forces (and subordinate Commanders)

(1) Statement by the Staff of the Supreme Command of the SFRY Armed Forces (01 October 1991)

On 01 October 1991, the Supreme Command Staff of the SFRY Armed Forces issues a statement to the Croatian political and military authorities, in a reaction to the “*ignoring by the leadership and armed formations of all cease-fire agreements*” and the “*strengthening of the blockades of (JNA) military units*”. The statement contains the following warning:

- For each attacked and overrun JNA facility, one facility of vital importance to the Republic of Croatia will be immediately destroyed
- For each attacked and taken garrison, vital facilities of the town in which the garrison is located will be destroyed. The civilian population is warned to withdraw in time from inhabited places.
- As military response to taking several barracks and other military facilities since the latest cease-fire, we will launch offensive actions in part of the Republic of Croatia.
- If you wish to avoid further bloodshed and destruction, local authorities should immediately contact the responsible JNA commands to facilitate safe withdrawal of units with all their medical equipment and movable assets as well as the dependants of army members from the threatened garrisons. Monitors from international missions may help with this.³¹

(2) Statement by Army General KADIJEVIĆ, Federal Secretary for People's Defence (03 October 1991)

- (a) Following the 03³² October 1991 SFRY's Presidency “*establishment*” of an “*Imminent Threat of War*”, Army General Veljko KADIJEVIĆ on the same day releases the following statement to the “*Citizens of Yugoslavia*”, which is published in Issue Nr. 35 of the “*Bulletin*” of the Information Service of the SSNO.
- (b) KADIJEVIĆ's statement not only clarified the views of the SSNO on the objectives of the JNA in the conflict, but also provided some insight in the nature of the relations between the SSNO and the Federal

³¹ ERN BCS 0050-2034-0050-2035; Eng ET 0050-2034-0050, *Statement of the Supreme Command Headquarters of the SFRY Armed Forces*, 01 Oct 91

³² According to ERN BCS 0055-8660-0055-8660; Eng ET 0055-8660-0055-8660/Translation, *Službeni list SFRJ* 75/47, 18 Oct 91, the SFRY Presidency on 01 Oct 91 “*established that an Imminent Threat of war exists in the SFRY*”

Prime Minister, Ante MARKOVIĆ, and between the SSNO and the (official) Chairman of the SFRY Presidency, Stjepan MESIĆ. KADIJEVIĆ does not recognise the authority of MESIĆ and MARKOVIĆ and attacks them in public.

STATEMENT BY THE FEDERAL SECRETARY FOR NATIONAL DEFENCE,
GENERAL OF THE ARMY VELJKO KADIJEVIĆ (OCTOBER 3, 1991)
CITIZENS OF YUGOSLAVIA,

MEMBERS OF THE ARMED FORCES OF YUGOSLAVIA, FROM THE VERY ONSET OF THE CRISIS IN OUR COUNTRY, THE YUGOSLAV PEOPLE'S ARMY HAS BEEN ATTEMPTING TO CREATE CONDITIONS FOR ITS PEACEFUL AND DEMOCRATIC RESOLUTION ON THE BASIS OF THE CONSTITUTION AND FEDERAL LAWS, THROUGH THE INSTITUTIONS OF THE SYSTEM.

...

WE HAVE BEEN LEFT WITHOUT A STATE, AND FROM WHAT IS SEEN AND HEARD LAST NIGHT ABOUT THE MARCH SESSIONS OF THE SUPREME COMMAND, YOU COULD HAVE SEEN ONCE AGAIN, IN AN OBVIOUS WAY, WHAT KIND OF A SUPREME COMMANDER WE HAVE. SOME MEMBERS OF THE SFRY PRESIDENCY CONTINUOUSLY PREVENTED THE MAKING OF DECISIONS WITH A CLEAR GOAL OF BREAKING UP YUGOSLAVIA BY HINDERING AND BREAKING THE ARMY. THE FEDERAL PRIME MINISTER HAS JOINED THEM WITH HIS PERFIDIOUS DECEIT. SUCH AN ATTITUDE OF THE SUPREME COMMANDER AND THE PRIME MINISTER TOWARDS THEIR OWN ARMY IS NOT KNOWN ANYWHERE ELSE IN THE WORLD.

...

AND WHAT HAS THE YUGOSLAV PEOPLE'S ARMY TRULY WANTED AND WHAT HAS IT ACTUALLY ACHIEVED? ACTING UPON THE DECISION OF THE SFRY PRESIDENCY, OUR EXCLUSIVE GOAL IS TO PREVENT BLOODY INTER-ETHNIC CLASHES AND THE REPETITION OF THE GENOCIDE AGAINST THE SERBIAN PEOPLE BY ENGAGING THE BULK OF OUR FORCE IN CRISIS AREAS.

...

WHAT IS IN FORCE IN THE REPUBLIC OF CROATIA IS NEONAZISM. AT PRESENT, NEONAZISM IS THE MOST SERIOUS THREAT TO THE SERBIAN PEOPLE IN CROATIA, BUT IT IS ALSO DIAMETRICALLY OPPOSED TO THE VITAL INTERESTS OF THE CROATIAN PEOPLE AND ANY OTHER PEOPLE IN THE YUGOSLAV ENVIRONMENT.

THE ARMY NOW WANTS NOTHING MORE BUT TO RESTORE CONTROL IN THE CRISIS AREAS, TO PROTECT THE SERBIAN POPULATION FROM

PERSECUTION AND ANNIHILATION AND TO LIBERATE THE ARMY PERSONNEL AND MEMBERS OF THEIR FAMILIES. THE CONDITION FOR THIS IS TO DEFEAT THE USTASHA FORCES. WE FIRMLY RETAIN THE POSITION VOICED ON SEVERAL OCCASIONS THAT ALL POLITICAL ISSUES MUST BE RESOLVED BY AGREEMENT, WITH THE RESPECT FOR THE LEGITIMATE RIGHTS AND INTERESTS OF ALL OUR PEOPLES.

....
³³

(3) Letter Nr 6-83 by Blagoje ADŽIĆ (12 October 1991)

On 12 October 1991, the CGS of the SFRY Armed Forces, Colonel General ADŽIĆ, issues the Letter Nr 6-83 on the role of the JNA on the territory of the Republic of Croatia.³⁴ This role, according to ADŽIĆ is "*to defend parts of the Serbian people from genocide and biological extermination at the hands of "Ustaša" forces*". ADŽIĆ also orders that "*All armed units, be they JNA, TO or volunteer units, must act under the single command of the JNA*".

In keeping with its constitutional obligations and the decision of the Presidency of Yugoslavia, despite such huge obstacles, the Army continues to perform its main task of preventing the spread of interethnic conflicts and the recurrence of genocide against the Serbian people in Croatia.

The Army has been performing its duties in keeping with its constitutional obligations and the decision of the Presidency of Yugoslavia, but the behaviour of the Ustasha forces towards units blockaded in barracks and the Serbian population in Croatia and captured members of JNA and their families represents typical genocidal behaviour, meant to destroy them and ethnically cleanse Croatia.

The decisive battle to save the state from a civil war and bloodshed is currently underway. The army and all patriotic forces must win this battle and thus prevent huge and unnecessary human losses.

In order to successfully achieve that goal, the blockade around the barracks in Croatia must be broken as soon as possible for reasons of security, humanity and morality and the complete units must be pulled out of them and moved to new locations. This would, besides saving human lives, strengthen forces for the Army's main task.

It is obvious that the war, which has been imposed upon the Serbian people in Croatia and the JNA by the Ustasha forces and their leadership, is not about the conquest of

³³ ERN 0054-5294-0054-5299, *Bulletin*, Nr 35, Information Office of the SSNO, 5 Oct 91

³⁴ ERN BCS 0207-7090-0207-7091; Eng 0302-9257-0302-9258, *Letter by the SSNO Moral Guidance Administration Nr 6-83*, General Blagoje ADŽIĆ, 12 Oct 91

Croatian territory, as some peacemakers falsely insinuate and pretend. It is rather about defending parts of the Serbian people from genocide and biological extermination with which they are threatened by resurrected fascism in Croatia, securing the safe withdrawal of the JNA forces currently under blockade and families of AVL (military personnel) and liberating the detained military personnel who are now held hostage by the Ustasha fascist forces under the threat of physical liquidation. Indeed, all the military activities, which the fascist Ustasha forces are permanently carrying out and stepping up, are targeted at parts of the Serbian people and JNA forces in Croatia, and they are not spreading beyond the boundaries of the crisis spot in Croatia, where part of the Serbian population lives and where, in addition to the Serbian people, the JNA units are being attacked with all the available means. The main goal is to oust them with arms, or in any other way, so that the Serbian people are left bare-handed at the mercy of the Ustasha forces who are ready to physically liquidate them, as this is the only way for them to achieve an ethnically and racially independent, bloodstained Croatia for a second time.

That is why the Presidency of the Socialist Federative Republic of Yugoslavia (PSFRY) has taken a clear position that the JNA units withdrawal from Croatian territories inhabited by Serbs would be unacceptable, because that would expose them to physical liquidation.

In keeping with the above, the PSFRY has decided that the military forces will stay where they are for as long as a political resolution to the Yugoslav crisis is not found. Once political solutions are adopted, the JNA will act according to the political decisions and agreements that are achieved.

This, in essence, is the reply given by the Federal Secretary for National Defence, Army General Veljko KADIJEVIĆ, to the EC Chairman, the Dutch Minister of Foreign Affairs van Den BROEK.

When it comes to protecting the biological survival of parts of a people and JNA units which are under direct threat from the fascist Ustasha forces, this is the task that takes priority over all party political affiliations and views and power struggle, it should be the guideline and motif of the struggle for every honest, patriotically-minded person, regardless of party or other affiliations, which cannot be a priority under these circumstances. Our moral, patriotic and human obligation is to mobilise and move all available forces and to carry this honourable and the most humane of all tasks to a successful end.

All our men should be aware of the importance of this task so that they can show understanding and have patience. Obviously, no surprises should be allowed in these circumstances. Every provocation should be met with decisiveness and without any hesitation.

During the performance of the above tasks, any act of disobedience, indiscipline,

unauthorised leaving of units, maltreatment of citizens irrespective of their nationality in the areas where units are located, plundering, looting and imposition of anybody's private laws should be prevented at all costs.

All armed units, be they JNA, TO or volunteer units, must act under the single command of the JNA. They should behave and act according to the rules that apply in the army, showing full respect for military discipline, hierarchy, military laws and regulations, in all circumstances of life, work and combat activities.

These positions should immediately be communicated to the JNA officers, and subsequently, in the most suitable manner, to soldiers and civilians. This should be illustrated by the most important experiences of one's own unit in the past and an outline of the immediate and forthcoming tasks.³⁵

d. Directive Nr 2256-1 (10 December 1991)

The views expressed by KADIJEVIĆ in his published memoirs in 1993 on the shift in the goals of the JNA are corroborated by contemporaneous military documents. Army General Veljko KADIJEVIĆ re-affirms the goal of "*Protection of the Serb population*" in the Directive Nr 2256-1, "*Directive on the Use of the Armed Forces for the Preparation and Performance of Combat Operations in the Forthcoming Period*", issued on 10 December 1991. KADIJEVIĆ's order to "*put all units of the JNA and the TO as well as volunteers, which agree to be subordinate to that command and wear JNA and TO insignia under the command of the most senior JNA officers*", and to "*take all steps to prevent theft and genocidal (vengeful) behaviour*".

**DIRECTIVE
ON THE USE OF THE ARMED FORCES FOR THE PREPARATION AND
PERFORMANCE OF COMBAT OPERATIONS IN THE FORTHCOMING PERIOD**

I

1. The Yugoslav crisis has been internationalised and is the subject of consideration by world institutions, with the European Community and the UN in the forefront. There have been notable changes in the behaviour of many European countries and their attitudes to the Yugoslav question, from well intentioned to destructive. All the threats and pressures, as well as the misuse of their positions and roles in the international community, are parts of this function. For these reasons it is difficult to predict the future course of events.
2. In the foregoing period the armed forces of the Republic of Croatia, apart from increasing their numbers and organisation, have suffered heavy losses along the entire front line, especially following the fall of Vukovar, which has had a significant influence on the

³⁵ ERN BCS 0207-7090-0207-7091; Eng 0302-9257-0302-9258, *Letter by the SSNO Moral Guidance Administration Nr 6-83*, General Blagoje ADŽIĆ, 12 Oct 91

development of events at the political level. However, despite this, the opponent is striving to recover parts of its lost territory by constant combat activity. Therefore we must expect that in the forthcoming period, by means of armed strikes, attacks and actions, it will try to maintain the state of conflict with the intention of: causing losses to our armed forces; improving its position on the front line; and influencing the political resolution of the Yugoslav crisis, above all via the institutions of the EC and the UN Security Council. This points to the conclusion that the war may continue for longer.

3. The Yugoslav People's Army and TO, despite certain initial weaknesses which are the result of inadequate replenishment, the haemorrhaging of personnel, treachery and weaknesses in the command and control, has managed to perform all the tasks it is given, thus strengthening its fighting capabilities and spirit, stabilising its situation, and preserving its integrity and Yugoslav character. This has contributed substantially to the relieving of our besieged forces in the Republic of Croatia and the acceptance of the SFRY Presidency proposal for the engagement of UN peacekeeping forces in Yugoslavia. Significant experience has been gained in combat operations so far.

This completes a very important period for realising the set aims of the war.

II

Our armed forces are entering a new period of exceptional significance for accomplishing the ultimate aims of the war, protection of the Serbian population, a peaceful resolution of the Yugoslav crisis, and the creation of conditions in which Yugoslavia may be preserved, for those peoples that wish to live in it. Therefore the preservation of the combat readiness of the JNA and the armed forces as a whole is still the central task of command and control and its members at all levels, until such time as a political solution to the Yugoslav crisis is found.

Bearing in mind all the complexity of the situation, our experiences up till now and the overall situation, and hence the need for the continued raising of b/g, I hereby set all levels of command and control the following

TASKS

1. Take all possible measures for the constant improvement of the command and control system. To ensure that orders, decrees and tasks are executed in their entirety, extremely responsibly and in a disciplined manner.
2. By faithfully applying the principle of subordination ensure that each level of command and control (RiK) deals with the tasks for which it is responsible. Each higher level of RiK is obliged, depending on the task given and the evaluation, to take timely decisions and dispense tasks. Prevent the practise of merely passing on orders and tasks to those that execute them, and thus avoiding personal responsibility.
3. Depending on the decisions taken, each level of RiK must ensure that the subordinates grasp the essence and the sense of the tasks and orders they are given, and then require that

they be executed faithfully.

Prevent under any circumstances the execution of combat and other tasks at the whim of individuals.

4. By co-ordinating duties and tasks, ensure that the principle of personal contact is applied. To this end, dispense both decisions and tasks at the subordinate command post /hand-written question mark/ whenever the circumstances allow. To ensure a planning and logistics presence in the subordinate units and influence their work by personal involvement. To this end, perform an analysis of organisation of the KM /command post/ by levels and establish an order that ensures constant surveillance of the situation at the front.

5. To intensify political activity among personnel in the forthcoming period and ensure a higher level of awareness. At the same time, prevent inaccurate and malicious reports from units and from the front. To this end, undertake the necessary measures to prevent the spread of falsehoods and opinions which could damage the reputation of the JNA, and which are the product of anti-army propaganda. In connection with this, perform an analysis of the system of informing the public at all levels of command and control, and propose necessary measures. These tasks must be performed by the most responsible officers. Simultaneously, prevent the unauthorised movement and activity in combat zones of various reporters who do not have the necessary permit from the competent army organs.

6. In all zones of combat operations place under the command of the most senior JNA officers all units of the JNA and TO, as well as volunteer units which agree to be subordinate to that command and wear JNA and TO insignia. Consider all other armed formations paramilitaries, disarm them, and remove them from the b/d zone.

Take all steps to prevent theft and genocidal (vengeful) behaviour. To this end, establish the necessary controls by engaging Military Police organs and units for this purpose, as well as the criminal prosecution organs.³⁶

e. Geneva Cease Fire Agreement (23 November 1991)

At the same time as the issuing of Directive Nr 2256-1, international efforts are underway to broker peace. On 23 November 1991, an agreement on an immediate cease-fire is signed by the Presidents of Serbia, Slobodan MILOŠEVIĆ; Croatia, Franjo TUĐMAN; and the SSNO, Army General Veljko KADIJEVIĆ, in Geneva, under the auspices of the UN and the EU. The parties also agree to the speedy establishment of a United Nations

³⁶ ERN BCS 0106-1438-0106-1438 Eng 0300-4686-0300-4690, Directive Nr. 2256-2 by Colonel General Veljko KADIJEVIĆ *“On the Use of the Armed Forces for the Preparation and Performance of Combat Operations in the Forthcoming Period”*, 10 Dec 91

peacekeeping operation.³⁷

f. Conclusion

The instructions by the SFRY Presidency (or what remains of this body), KADIJEVIĆ's analysis and ADŽIĆ's order indicate that at least *de facto* the JNA moved towards ceasing to be the “*SFRY Army*” and instead, at least in Croatia, gradually develops into a mainly Serb force, serving Serbian goals. The JNA's role has been transformed from one of interposing between the conflicting parties to one of creating and controlling Serb-held areas in those parts of Croatia that the Serb(ian) leadership considers Serb. Hence, the constitutional mission of “*safeguarding territorial integrity*” has been reduced to the consolidation of Serb(ian) control of the latter areas in order to “*protect the Serb population*”.

³⁷ Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

SECTION TWO: The situation in the “SAO Krajina” - “SAO Western Slavonia” in 1991

1. Summary

- a. This section takes a closer look at the military developments in Krajina and Western Slavonia (Croatia) in 1991 where Serbs declare their own political entities: - the “*Serb autonomous District (SAO) Krajina*” and the “*SAO Western Slavonia*”. Following a short discussion of the main political developments, this section examines the creation of a local Serb Territorial Defence (TO) in the “*SAOs*”. This is followed by a review of documents concerning the command and control arrangements over “*Serb forces*” consisting of JNA, SAO Krajina or SAO Western Slavonia, volunteers, TO Serbia, during combat operations in the aforementioned areas. This Section ends with an overview of documents on the alleged involvement of these forces in serious crimes.
- b. Already prior to the outbreak of the conflict in Croatia, the Police and TO of the Republic of Croatia gradually split into Croatian and (local) Serb structures. In areas where local Serbs have a majority or a significant minority, they take over existing structures (as the non Serbs has left or are encouraged to leave, or do not recognise SFRY anymore and cease their cooperation with the JNA), or set up their own police and TO units and staffs that do not answer to the republican authorities in Croatia, but continue to be loyal to what remains of SFRY, and to Serbia.
- c. Starting in December 1990, local Serbs in Croatia establish their own political and military structures, assisted by Serbia, and for what the military is concerned, by (parts of) the JNA, and the MOD and MUP Serbia. On 21 December 1990, local Serbs promulgate the “*Statute of the Serbian Autonomous District (SAO) of Krajina*”. The “*SAO Krajina*” covers large parts of the Banija, Kordun, Lika and Northern Dalmatia regions. On 01 April 1991, the “*SAO Krajina Executive Council*” passes a decision to incorporate the “*SAO Krajina*” into the Republic of Serbia.
- d. Between April and December 1991, local Serbs in areas of Croatia where they have a majority or a significant minority, take over existing TO (and police)

structures, as the non Serbs have left or are encouraged to leave, or do not recognise SFRY anymore and cease their cooperation with the JNA, or set up their own police and TO units and staffs: “SAO Krajina” and “SAO Western Slavonia” TO and police. These Serb structures do not answer to the republican authorities in Croatia, but stay loyal to what remains of SFRY, and Serbia.

- e. During summer and fall 1991, attempts are made to create a legislative framework and a military command structure for the “SAO Krajina” TO. On 01 August 1991, the “SAO Krajina” authorities adopt a decision to apply the Law of Defence of the Republic of Serbia. On 30 November 1991, the “SAO Krajina” adopts its own law of Defence.
- f. During combat operations in Croatia, the JNA sets up OGs and TGs to restore and/or maintain unified and single command and control over JNA units, “SAO Krajina” or “SAO Western Slavonia” TO and police, Serbian TO and volunteers/paramilitaries. OGs, TGs and JODs include all forces active in a specific area (zone of responsibility), all operating under the single command of the OG or TG (i.e. JNA) Commander, through an effective command, control and reporting structure, which functions in accordance with the SFRY Armed Forces principles of command and control.
- g. During the conflict in Croatia, the SSNO as well as subordinate JNA Commanders issue orders to enforce military discipline and/or the laws and customs of war. At the same time JNA officers, in particular Security Organs (OB) compile reports on the (alleged) participation of forces of the JNA, local Serb TO, Serb(ian) volunteer/paramilitary groups, including groups controlled by or related otherwise to the MUP Serbia, in serious crimes, for example in the zone of operations of the JNA 9th Corps (Škabrnja), as well as in Western Slavonia (Voćin).

2. Political aspects

- a. On 21 December 1990, the “*Statute of the Serbian Autonomous District (SAO) of Krajina*” is promulgated.³⁸ This document does not contain any stipulations

³⁸ ERN BCS 0214-1849-0214-1852; ERN Eng L006-4148-L006-4161, *Statute of the Serbian Autonomous Region of Krajina*, 21 Dec 91

in relation to defence matters. The “SAO Krajina” covers large parts of Banija, Kordun, Lika and Northern Dalmatia of Croatia. Milan MARTIĆ is appointed Secretary of Internal Affairs of the “SAO Krajina” on 04 January 1991.³⁹

- b. On 01 April 1991, the “SAO Krajina Executive Council” passes a decision to incorporate the “SAO Krajina” into the Republic of Serbia, and to have the Constitution and laws of the Republic of Serbia, applied to the “SAO Krajina”.⁴⁰ Milan BABIĆ is on 30 April 1991 elected to the position of President of the “Executive Council” of the “SAO Krajina”.⁴¹
- c. On 29 May 1991, the “SAO Krajina Assembly” promulgates the “Constitutional Law of the SAO Krajina”.⁴² The “SAO Krajina” shall be “a form of political and territorial autonomy” within SFRY.⁴³ The “SAO Krajina” Constitutional Law (or its amendment of 29 May 1991)⁴⁴ does not contain any particular clauses on defence or armed forces. On the same day, the “SAO Krajina” Assembly adopts a Law on Ministries. Article 6 of the Law on Ministries lists the responsibilities of the Minister of Defence, which cover mainly administrative matters dealing with planning and organising defence and mobilisation: military service; organising and realising civilian protection; and other matters prescribed.⁴⁵
- d. The election of Milan MARTIĆ to the position of Minister of Defence of the “SAO Krajina” on 29 May 1991 coincides with the creation of “Special Purpose Police Units”, also known as “Milicija Krajina”. According to the decision, the “Special Purpose Police Units” are “under the authority” of the

³⁹ ERN BCS 0217-2060-0217-2060; ERN Eng ET 0217-2060-0217-2060, *Decision about the appointment of the Secretary for Internal Affairs of Serb Autonomous Region Krajina*, 04 Jan 91

⁴⁰ ERN BCS 0207-7897-0207-7898; ERN Eng 0303-1779-0303-1780, *Decision on the Joining of the Serbian Autonomous District of Krajina to the Republic of Serbia*, 01 Apr 91

⁴¹ ERN BCS 0217-2164-0217-2164; Eng ET 0217-2164-0217-2164, *DECISION on electing the President of the Executive Council of the Assembly of Serb Autonomous Region of Krajina*, 30 Apr 91

⁴² ERN BCS 0214-1864-0214-1869; Eng L0006-5873-L0006-5885, *Constitutional Law of the Serb Autonomous Region of Krajina*, 29 May 91

⁴³ ERN BCS 0214-1864-0214-1869; Eng L0006-5873-L0006-5885, *Constitutional Law of the Serb Autonomous Region of Krajina*, 29 May 91, Article 1

⁴⁴ ERN BCS 0214-1870-0214-1870; Eng L0006-5886-L0006-5890, *Law to Amend the Constitutional Law of the SAO Krajina*, 29 May 91

⁴⁵ ERN BCS 0214-1900-0214-1905; Eng L006-4040-L006-4048, *SAO Krajina Law on Ministries*, 29 May 91

Minister of Defence of the “SAO Krajina”.⁴⁶

- e. The government of the “SAO Krajina” on 01 August 1991 adopts a decision to apply the Law of Defence of the Republic of Serbia on the territory of the “SAO Krajina”.⁴⁷ In Article 5 of the Decision, the “SAO Krajina” government proclaims the “SAO Krajina Territorial Defence” and “Special Purpose Units of the Ministry of Internal Affairs” as the “Armed Forces of the SAO Krajina.”⁴⁸ Article 2 of the 01 August 1991 “SAO Krajina” Government Decision “*on the adoption of the Law of Defence of the Republic of Serbia*” determines that “*Regulations of the law establishing rights and duties of the President of Republic of Serbia on its territory will refer to the President of the Government of Serb autonomous region of Krajina on the territory of Serb autonomous region of Krajina*”. Article 6 of the Government Decision stipulates that “*the President of the Government of Serb autonomous region of Krajina is by his position commander of Territorial Defence, i.e. armed forces of Serb autonomous region of Krajina*”.
- f. Milan BABIĆ, Prime Minister of the “SAO Krajina”, on 08 August 1991 appoints Milan MARTIĆ, Minister of Interior, and Minister of Defence of the “SAO Krajina”, to the position of Deputy Commander of the TO of the “SAO Krajina”. The appointment order does not specify the duties or the responsibilities of the Deputy Commander of the “SAO Krajina” TO.⁴⁹
- g. On 30 November 1991, the “SAO Krajina” adopts its own Law of Defence.⁵⁰ According to article 6 of the 1991 “SAO Krajina” Law of Defence, the powers of the “*President of the Government*” (i.e. Prime Minister)⁵¹ in the field of defence include: leading the armed forces in peace and war; dealing with organisational and personnel questions relating to the Territorial Defence;

⁴⁶ ERN BCS 0214-1921-0214-1921; Eng L004-8301-L004-8302, *Decision on the formation of special purpose units of the Serbian Autonomous Region of Krajina MUP*, Nr. 93/91-2, Velibor MATIJAŠEVIĆ, 29 May 91

⁴⁷ ERN BCS 0217-2185-0217-2186; Eng ET 0217-2185-0217-2186, *Decision on the Application of the Law on Defence of Republic of Serbia on the Territory of Serb Autonomous Region of Krajina*, Milan BABIĆ, 01 Aug 91

⁴⁸ ERN BCS 0217-2185-0217-2186; Eng ET 0217-2185-0217-2186, *Decision on the Application of the Law on Defence of Republic of Serbia on the Territory of Serb Autonomous Region of Krajina*, Milan BABIĆ, 01 Aug 91

⁴⁹ ERN BCS 0207-7591-0207-7591; Eng 0301-8388-0301-8388, *Letter Nr 179/91-1*, Milan BABIĆ, 08 Aug 91

⁵⁰ ERN BCS 0363-9723-0363-9742; Eng ET 0363-9723-0363-9742 (part.), *Law on Defence, SAO Krajina Official Gazette*, 02 Dec 91, Article 6

⁵¹ Milan BABIĆ is at that time Prime Minister of the SAO Krajina

preparing for defence; ordering measures for alert; and mobilizing police forces in time of war.⁵² Articles 31 to 33 contain the main provisions that apply to the “SAO Krajina” TO. According to Article 31, the “SAO Krajina” TO is considered part of the unified armed forces of the SFRY. The Commander of the “SAO Krajina” TO is to organise, prepare and lead the “SAO Krajina” TO.⁵³

- h. On 19 December 1991, the “SAO Krajina” Assembly proclaims (itself) the “*Republic of Serbian Krajina*” (“RSK”). On the same day, the “*Great Assembly of the SAO SBWS*” adopts a decision to join the “RSK”. The Assembly of the “SAO Western Slavonia” adopts a similar decision on 24 December 1991.⁵⁴ Milan BABIĆ is elected the president of the “*Republic of Serbian Krajina*”.⁵⁵
- i. On 26 February 1992, the Assembly of the “RSK” adopts an amendment to the “RSK” Constitution incorporating the “SAO Western Slavonia” and the “SAO Slavonia, Baranja and Western Srem (SBWS)” into the “RSK”.⁵⁶

3. “SAO Krajina TO” - “SAO Western Slavonia” TO

a. Introduction

The local Serb TO in Croatia consists of units created by the local Serbs from the existing TO of the Republic of Croatia in areas where they have a majority or significant minority. Already prior to the eruption of hostilities in Croatia, the Police and TO of the Republic of Croatia gradually split into Croatian and (local) Serb structures. In areas where local Serbs have a majority or a significant minority, they take over existing structures. The non-Serbs leave or are encouraged to leave, or do not recognise SFRY anymore and cease their cooperation with the JNA. (Local) Serbs set up their own police and TO units that do not answer to the republican authorities in Croatia, but remain loyal to

⁵² ERN BCS 0363-9723-0363-9742; Eng ET 0363-9723-0363-9742 (part.), *Law on Defence, SAO Krajina Official Gazette*, 02 Dec 91, Article 6

⁵³ ERN BCS 0363-9723-0363-9742; Eng ET 0363-9723-0363-9742 (part.), *Law on Defence, SAO Krajina Official Gazette*, 02 Dec 91, Article 31-35

⁵⁴ ERN BCS 0207-8206-0207-8207; Eng L006-3307-L006-3313, *Report on Proclamation “RSK”*, 19 Dec 91

⁵⁵ ERN BCS 0207-8206-0207-8207; Eng L006-3307-L006-3313, *Report on Proclamation “RSK”*, 19 Dec 91

⁵⁶ ERN BCS 0216-6106-0216-6107; Eng 0304-5780-0304-5782, *DECISION ON PROCLAIMING AMENDMENTS I TO VI TO THE CONSTITUTION OF THE REPUBLIC OF SERBIAN KRAJINA*, 27 Feb 92

what remains of SFRY, and Serbia.⁵⁷

b. Evolution from January to April 1991

(1) The process of creating a local Serb-only TO in Croatia starts in January 1991 on the local level.⁵⁸

(2) On 01 April 1991 the Executive Board of the “SAO Krajina”, presided by Milan BABIĆ, issues an order to mobilise the TO of the “SAO Krajina” and volunteers units, in order to “*defend the freedom of all citizens and to protect the territorial integrity of the Serbian Autonomous Region of Krajina*”. The Order includes also a request to the Government of Serbia to have “*the forces of the Ministry of Interior of the Republic of Serbia provide technical and personnel support*” to the Police of the “SAO Krajina”.⁵⁹

c. Evolution from April 1991 and December 1991

(1) Between April 1991 and December 1991, local Serbs establish their own (local Serb) TO Staffs and/or Brigades and subordinate units in and for the following areas in Krajina and Western Slavonia:

- Northern Dalmatia⁶⁰: Knin, Benkovac⁶¹, Obrovac
- Lika: Korenica, Plaški⁶², Gračac, Donji Lapac⁶³
- Kordun: Vojnić, Slunj, Vrgin Most⁶⁴
- Banija: Glina, Kostajnica, Petrinja, Dvor na Uni, Sisak⁶⁵

⁵⁷ See for example ERN BCS 0280-7753-0280-7754; Eng 0280-7753-0280-7754 EDT, *Report on the work of the Benkovac Municipality TO Staff*, 25 Nov 91

⁵⁸ ERN BCS 0152-8131-0152-8138; Eng L004-2885-L004-2897, *Records on the conference held on 03-Aug-93 re: war experiences of RSK and Slunj Municipality in the period from Jun-91 until Jun-93*

⁵⁹ ERN BCS 0217-2109-0217-2109; Eng ET 0217-2109-0217-2109, *Order to mobilise the TO of the SAO Krajina and volunteers units*, Milan BABIĆ, President of the Executive Council of the SAO Krajina, 01 Apr 91

⁶⁰ ERN BCS 0207-7936-0207-7938; Eng 0303-1785-0303-1787, *Report by Milan BABIĆ on the SAO Krajina TO*, 10 Oct 91

⁶¹ ERN BCS 0280-7753-0280-7754; Eng 0280-7753-0280-7754 EDT, *Report on the work of the Benkovac Municipality TO Staff*, 25 Nov 91

⁶² ERN BCS 0203-2603-0203-2619; Eng 0308-9847-0308-9854, *Wartime Record of the Plaški Brigade*, Newsletter of the 70th Brigade, Nr 1/1995

⁶³ ERN BCS 0217-2096-0217-2096; Eng ET 0217-2096-0217-2096, *Official decision by Milan BABIĆ to appoint Ilija DUJIĆ as Commander of the SAO Krajina TO*, 05 Oct 91

⁶⁴ ERN BCS 0207-7936-0207-7938; Eng 0303-1785-0303-1787, *Report on the SAO Krajina TO*, Milan BABIĆ, 10 Oct 91

⁶⁵ ERN BCS 0207-7936-0207-7938; Eng 0303-1785-0303-1787, *Report on the SAO Krajina TO*, Milan BABIĆ, 10 Oct 91

- Western Slavonia: Slavonska Požega, Pakrac, Daruvar, Podravska Slatina, Grubišno Polje⁶⁶

(2) The process of creating local Serb TO units and Staffs is, at least in the Benkovac area (“SAO Krajina”) hampered by “*the considerable presence of crime at all levels and the failure to prevent it also has a negative effect on morale in the units. The political situation, politics at the local and Krajina SAO levels, have taken the population and TO members into a hopeless situation and growing uncertainty. Because the legal system is not functioning, there is reason to fear of the above and the creation of many political and private paramilitary formations.*”⁶⁷

d. Adoption Law of Defence of the Republic of Serbia (01 August 1991)

On 02 August 1991, Milan BABIĆ, Prime Minister of the ”SAO Krajina”, informs the Presidents of the Municipal Assemblies and the Commanders of the Municipal Territorial Defence Staffs of the ”SAO Krajina”, of the ”SAO Krajina” government’s decision on the application of the Law on Defence of the Republic of Serbia on the territory of the ”SAO Krajina”. In his letter, BABIĆ reminds the local ”SAO Krajina” political and military authorities, that according to this decision, and in accordance with the Law of Defence of the Republic of Serbia, he, as President of the government of the ”SAO Krajina” is the Commander of ”*all armed forces and the Territorial Defence of the SAO Krajina*”.⁶⁸ The Law of Defence of the Republic of Serbia remains in force in the ”SAO Krajina” until 30 November 1991, when the ”SAO Krajina” adopts its own law on Defence (see above).

e. ”SAO Krajina” TO Staff

(1) On 21 August 1991, Milan BABIĆ, as Commander of the ”SAO Krajina” TO, announces the regulations for the establishment of TO Staffs and units of the ”SAO Krajina” municipalities, abolishing the previous establishments and ordering to organise municipal TO units in staffs,

⁶⁶ ERN BCS 0029-3475-0029-3477; Eng ET 0029-3475-0029-3477, *Report of TO Staff Western Slavonia*, 16 Oct 91

⁶⁷ ERN BCS 0280-7753-0280-7754; Eng 0280-7753-0280-7754 EDT, *Report on the work of the Benkovac Municipality TO Staff*, 25 Nov 91

⁶⁸ ERN BCS 0207-7903-0207-7903; Eng 0300-4734-0300-4734, *Letter Nr 172/91-1*, Milan BABIĆ, 02 Aug 91

detachments, companies and platoons.⁶⁹

(2) According to the documentation, (peace time) Military Command and Control over the "SAO Krajina" TO is established in September/October 1991, with the introduction of an overall Staff⁷⁰ for the TO of the "SAO Krajina", and the creation of three Operational Zones (OZ)⁷¹, relying on active duty and retired JNA Officers.⁷² The officers manning the "SAO Krajina" TO Staff have been transferred from the JNA by the SSNO through the Order Nr 24-175, dated 20 September 1991 and signed by Major General Gojko KRSTIĆ, Head of the Personnel Department at the SSNO.⁷³

(3) On 30 September 1991, Milan BABIĆ appoints Lieutenant-Colonel Ilija ĐUJIĆ, a retired JNA officer, to Commander of the "SAO Krajina" TO.⁷⁴ ĐUJIĆ is relieved of his duties on his own request on 28 November 1991⁷⁵ and replaced by Colonel Radoslav MAKSIĆ.⁷⁶ On 03 October 1991, the Municipal TO Staffs are notified of the state of affairs at the Command of the "SAO Krajina" TO. They are also informed that "*a stand is taken at the level of the SAO Krajina Government that the President of the SAO Krajina government should appoint the Commander and the Chief of Staff of the TO Staff and the Commanders of the TO detachments by his order.*" The document also demonstrates the role of the SSNO in establishing the "SAO Krajina TO".⁷⁷

⁶⁹ ERN BCS 0107-5230-0107-5230; Eng 0300-3467-0300-3467, *Regulation Nr 194/91-1 regarding the formation of SAO Krajina TO HQ's and units*, 21 Aug 91

⁷⁰ ERN BCS 0207-7926-0207-7926; Eng ET 0207-7926-0207-7926, *Document on Appointments in the TO Staff of the SAO Krajina*, Milan BABIĆ, no date

⁷¹ See ERN BCS 0217-2096-0217-2096; Eng ET 0217-2096-0217-2096, *Official decision by Milan BABIĆ to appoint Ilija ĐUJIĆ as Commander of the SAO Krajina TO*, 05 Oct 91, and ERN BCS 0208-0911-0208-0911; Eng ET 0208-0911-0208-0911

⁷² See for example ERN BCS 0201-1803-0201-1810; Eng 0201-1794-0201-1802, *Order Nr 24-175 of the Head of the Personnel Department of the SSNO*, 20 Sep 91

⁷³ ERN BCS 0201-1803-0201-1810; Eng 0201-1794-0201-1802, *Order Nr 24-175 of the Head of the Personnel Department of the SSNO*, 20 Sep 91

⁷⁴ ERN BCS 0217-2096-0217-2096; Eng ET 0217-2096-0217-2096, *Official decision by Milan BABIĆ to appoint Ilija ĐUJIĆ as Commander of the SAO Krajina TO*, 05 Oct 91

⁷⁵ ERN BCS 0217-2106-0217-2106; Eng ET 0217-2106-0217-2106, *Order Nr 10/1-91 relieving Ilija ĐUJIĆ of his duty as commander of the SAO Krajina Territorial Defence*, Milan BABIĆ, 28 Nov 91

⁷⁶ ERN BCS 0207-7945-0207-7945; Eng 0302-9191-0302-9191, *Order Nr 404/91-1 appointing Colonel Radoslav MAKSIĆ as commander of the SAO Krajina Territorial Defence*, Milan BABIĆ, 28 Nov 91

⁷⁷ ERN BCS 0280-0911-0280-0911; Eng ET 0280-0911-0280-0911, *Order Nr 9, 2 and 3 OZ TO Staff, Colonel Djuro PEKIĆ*, 03 Oct 91

f. “SAO Western Slavonia” TO

By 16 October 1991 the (local Serb) TO of Western Slavonia consists of six municipal TO Staffs: Grubišno Polje; Daruvar; Pakrac; Podravska Slatina; Slavonska Požega and TO Staff Western Slavonia), with a reported manpower of 7,000.⁷⁸

4. Serbian Volunteers/Paramilitaries

a. “SAO Krajina”

According to the available documents, at the latest in May 1991, Dragan VASILJKOVIĆ aka “*Captain DRAGAN*” becomes active in Knin, and subsequently in other parts of the “SAO Krajina”, cooperating with officials of the MUP Serbia, in the training of members of the “SAO Krajina” police and TO, the participation in combat operations, as well as through his role in Serb-controlled prisons.

(1) Training of members of “SAO Krajina” police and TO

Dragan VASILJKOVIĆ aka “*Captain DRAGAN*” and other officials of the MUP Serbia, including Frenki SIMATOVIĆ aka “*FRENKI*” and Dragoljub FILIPOVIĆ aka “*FIĆO*” -both “*Inspectors of the Public Security of the MUP of Serbia*”- play a leading role in the training of the “*Special unit of the SAO Krajina MUP*” in the training centre in Golubić (near Knin, Croatia)⁷⁹ and Bruška (near Benkovac, Croatia)⁸⁰.

(a) In May 1991, VASILJKOVIĆ sends a “*Proposal to set up a new training centre and transfer the main staff of the Territorial Defence to the Knin fortress*”, to the “*President of Municipal Assembly; the Secretary of the SUP; the Security Service; and the Commander of the Territorial Defence*”. It is not clear from the document which “*Security Service*” VASILJKOVIĆ is talking about. VASILJKOVIĆ also

⁷⁸ ERN BCS 0029-3475-0029-3477; Eng ET 0029-3475-0029-3477, *Report of TO Staff Western Slavonia*, 16 Oct 91 (Same document also under ERN BCS 0280-8884-0280-8886; Eng ET 0280-8884-0280-8886)

⁷⁹ ERN BCS 0340-4983-0340-4985; Eng ET 0340-4893-0340-4985, *Some Information on Daniel SNEDDEN alias “Kapetan Dragan”*, Colonel Milorad BOŠKOVIĆ, 28 Aug 91

⁸⁰ ERN BCS 0214-4002-0214-4008; Eng 0305-6149-0305-6156, *Report on 107 Alfa Training Centre*, undated

mentions the Golubić training centre in his proposal.⁸¹

(b) On 14 June 1991, Dragan VASILJKOVIĆ aka “*Captain DRAGAN*” and Franko SIMATOVIĆ aka “*FRENKI*” hold a planning meeting for the Golubić training centre, together with a number of JNA officers. According to the minutes of the meeting, they discuss the following topics: “*Agreement of further work in Golubić; Assignment of units to cover the bordering regions; Level of unit training*”.⁸²

(c) “*FRENKI*” on 16 June 1991 orders to remove all weapons and armament from the (Knin) fortress to Golubić, except for the “*formational weapons*” which are to stay at the fortress. The heading of the order identifies the “*SAO Krajina*” (and the Golubić training centre) as part of the Republic of Serbia.⁸³

(d) VASILJKOVIĆ in an undated⁸⁴ note to the “*State Security Service*”⁸⁵, following the completion of the “*2nd groups training*”, provides an evaluation of the training and makes a number of suggestions for the future: “*Our main objective should be that those who have completed training return to their homes and form mini-training grounds wherever possible - e.g. in warehouses - which would produce new formations*”. He refers to the units from Benkovac and Obrovac to support his proposal. VASILJKOVIĆ suggests that he himself, Milan MARTIĆ, “*FRENKI*” and “*prominent*” Specials start touring the field, to “*boost morale*” and “*give advice on further formation of units in the field*”.⁸⁶

(e) Lieutenant General Marko NEGOVANOVIC, Minister of Defence of the Republic of Serbia, on 20 January 1992, in his reply to a question

⁸¹ ERN BCS 0280-4583-0280-4584, Eng 0280-4583-0280-4584-EDT, *Proposal to set up a new training centre and transfer the main staff of the territorial defence to the Knin fortress, Captain Dragan VASILJKOVIĆ*, 27 May 91

⁸² ERN BCS 0113-3708-0113-3709; Eng 0113-3708-0113-3709-EDT/Draft translation, MINUTES, 14 Jun 91

⁸³ ERN BCS 0113-3707-0113-3707; Eng ET 0113-3707-0113-3707, *Order, FRENKI*, 16 Jun 91

⁸⁴ From the contents it can be concluded that the note dates from five weeks after the establishment of the training centre and before 23 Jun 91.

⁸⁵ Based on the contents from VASILJKOVIĆ’s note, it can be concluded that this is most likely the State Security Service of the Republic of Serbia

⁸⁶ ERN BCS 0113-3710-0113-3712; Eng 0113-3710-0113-3712-EDT/Draft translation, *Note to the State Security, Dragan VASILJKOVIĆ*

of a member of the Assembly of the Republic of Serbia on the relations between the “SAO Krajina TO” and the “so-called Draganovci” (Dragan’s men) states that “DRAGAN” has been involved in the training of members of the “SAO Krajina” TO, “the so-called Knindže”.⁸⁷

(f) According to SRS publications, (some) SRS/SČP volunteers receive training at “Captain DRAGAN”’s camp in Knin.⁸⁸

(g) “Captain DRAGAN” is according to an undated VJ intelligence Report the commander of the “ALFA” Training Centre (107 NC) in Bruska (near Benkovac).⁸⁹ The 107th Training Centre for “reconnaissance and sabotage activity”⁹⁰, military post (VP) 9050⁹¹, has been established following an order by the Commander of the SVK dated 25 June 1993⁹² and is directly subordinated to the General Staff of the SVK⁹³.⁹⁴ It is used for the training of members/conscripts of the PJM⁹⁵, SVK⁹⁶, including people who had been returned to the “RSK” after having fled to FRY⁹⁷, as well as volunteers from Serbia⁹⁸. An SVK Intelligence Report dated 25 January 1994 also links Goran OPAČIĆ to the ALFA

⁸⁷ ERN BCS 0160-2986-0160-2987; Eng 0160-2986-0160-2987-ET/Translation, *Reply to deputy Duka ARSIĆ’s question 03 no. 9 – 5/1204-91*, Lieutenant General Marko NEGOVANOVIC, Minister of Defence of the Republic of Serbia, 20 Jan 92

⁸⁸ ERN BCS 0065-3126-0065-3131; Eng 0066-6712-0066-6717, “Defending Serbia in Slavonia, Baranja and Western Srem”, excerpt from “Velika Srbija” Issue Nr. 11, Dec 91. See also ERN BCS 0116-2607-0116-2674; Eng 0068-1900-0068-1918, “What happened in Krajina is the same as what happened in 1941: THE CONFESSION OF THE CHETNIK VOJVODA RADE ČUBRILLO”, excerpt from “Velika Srbija” Issue Nr. 76, Rade ČUBRILLO, 20 Mar 1996

⁸⁹ ERN BCS 0214-4002-0214-4008; Eng 0305-6149-0305-6156, *Report on 107 Alfa Training Centre*, undated (probably after 1994)

⁹⁰ See also ERN BCS 0214-4002-0214-4008; Eng 0305-6149-0305-6156, *Report on 107 Alfa Training Centre*, undated (probably after 1994)

⁹¹ See also ERN BCS 0214-4002-0214-4008; Eng 0305-6149-0305-6156, *Report on 107 Alfa Training Centre*, undated (probably after 1994)

⁹² An SVK Main Staff OB report suggests that the training centre in Bruska already exists in Feb 93: ERN BCS 0414-3933-0414-3933.; Eng ET 0414-3933-0414-3933. Nr 51-1, SVK Main Staff OB, 24 Feb 93

⁹³ The SVK will be explained in Section FOUR

⁹⁴ ERN BCS 0417-9735-0417-9735; Eng ET 0417-9735-0417-9735, *Information*, Captain Budimir MILISAVLJEVIĆ, Commander ALFA Training Centre, 01 Jan 1994

⁹⁵ ERN BCS 0280-8860-0280-8874; Eng ET 0280-8860-0280-8874, Excerpt from Document XV Defence Preparations,

⁹⁶ ERN BCS 0280-7670-0280-7670; Eng 0280-7670-0280-7670-EDT/Draft translation, Nr 527/513, 22 Feb 1994; Eng ET 0280-7671-0280-7677; Eng ET 0280-7671-0280-7677, List, no date

⁹⁷ ERN BCS 0214-4002-0214-4008; Eng 0305-6149-0305-6156, *Report on 107 Alfa Training Centre*, undated (probably after 1994)

⁹⁸ ERN BCS 0280-4264-0280-4266; Eng ET 0280-4264-0280-4266, List of volunteers, no date

training centre.⁹⁹

(2) Participation in combat operations

There are at least three¹⁰⁰ documents showing the participation of Dragan VASILJKOVIĆ aka “*Captain DRAGAN*” and forces under his command in combat operations.

(a) On 19 July 1991, VASILJKOVIĆ sends a report “*Report from Glina*” to the “*Secretary of the SUP of the SAO Krajina (i.e. Milan MARTIĆ); the Commander of the SAO Krajina TO; FRENKI; and Major FIĆA*” discussing the latest operational developments in Glina. “DRAGAN”’s report mentions for example “*shooting and explosions were heard during the previous few nights (a few Croatian houses and shops were blown up), but order has been restored in the meantime*”. According to DRAGAN, “*Not a single incident occurred since we took control of the territory*”.¹⁰¹ FIĆA (or FIĆO) is the nickname for Dragoljub FILIPOVIĆ, according to the JNA UB, an “*Inspector of the Public Security Service of the MUP of Serbia*”¹⁰²

(b) In a document “*Report for 23 July 1991*” by the Dvor Municipality “*War Staff*”, discussing the military situation in the area, reference is made to a “*working meeting*” attended by Milan MARTIĆ, “*Captain DRAGAN*”; the Minister of Defence of the “*SAO Krajina*”; and representatives of the War Staffs from Glina and Kostajnica.¹⁰³

(c) As discussed before, there are at least two examples in the July - August 1991 time period of Franko SIMATOVIĆ aka “*FRENKI*” figuring on the addressee list of a “*SAO Krajina TO*” situation reports. The addition of SIMATOVIĆ’s name in the addressee list indicates

⁹⁹ ERN BCS 0218-9142-0218-9151; Eng ET 0218-9142-0218-9151, *INFORMATION On the intelligence-reconnaissance, terrorist and crime activities which were carried out and which are anticipated to be carried out, and the tasks and the engagement of the units of the military police in 93, Nr 86-1, SVK Main Staff Department for Security, 25 Jan 1994*

¹⁰⁰ In addition to the documents discussed in this section: ERN BCS 0113-3710-0113-3712; Eng 0113-3710-0113-3712-EDT/Draft translation, *Note to the State Security, Dragan VASILJKOVIĆ*

¹⁰¹ ERN BCS 0280-5122-0280-5122; Eng 0280-5122-0280-5122-EDT/Draft translation, Report from Glina, Captain DRAGAN, 19 Jul 91

¹⁰² ERN BCS 0340-4983-0340-4985; Eng ET 0340-4893-0340-4985, *Some Information on Daniel SNEDDEN alias “Kapetan Dragan”*, Colonel Milorad BOŠKOVIC, 28 Aug 91

¹⁰³ ERN BCS 0207-7616-0207-7616; Eng 0303-1732-0303-1732, *Report for 23 Jul 91*, Dvor Municipality War Staff, Nikola BOLJANIĆ, 23 Jul 91

that there is an operational requirement for him to be privy to the information included in these reports.¹⁰⁴

(3) Dragan VASILJKOVIĆ's involvement with prisons in the “SAO Krajina”

(a) In an undated memorandum “*PRISON*”, Dragan VASILJKOVIĆ makes a number of recommendations with regard to the organisation of prisons in the “SAO Krajina”. The memorandum states that six prisoners have been kept for almost two weeks in the Knin fortress in “*extremely inadequate conditions*”. VASILJKOVIĆ proposes to transform the psychiatric ward of the Old Hospital into a prison. By doing so, VASILJKOVIĆ claims, “*we could increase the number of prisoners to the extend which would cause confusion in Croatia and at the same time put pressure on the Croatian authorities to release our people captured by them.*”¹⁰⁵

(b) According to an undated VJ intelligence report on the 107 ALFA Training Centre in Bruška, there is a military prison in the center. The report states that “*there are no instructions or rules for its work*”.¹⁰⁶

¹⁰⁴ ERN BCS 0280-6536-0280-6537; Eng ET 0280-6536-0280-6537, *Report for 18/19 Jul 91*, Nr 3/1, 19 Jul 91; ERN BCS 0207-6701-0207-6701; Eng L003-3989-L003-3990, *Daily Report for 5/6 Aug 91*, Nr 68/4, 06 Aug 91

¹⁰⁵ ERN BCS 0113-3713-0113-3713; Eng ET 0113-3713-0113-3713, *PRISON*, Dragan VASILJKOVIĆ, undated

¹⁰⁶ ERN BCS 0214-4002-0214-4008; Eng 0305-6149-0305-6156, *Report on 107 Alfa Training Centre*, undated (probably after 1994)

b. “SAO Western Slavonia”

- (1) Throughout the 1991-1992 conflict in Western Slavonia, the (local Serb) Territorial Defence in Western Slavonia co-operates with the SRS “*War Staff*” to provide volunteers for the Western Slavonia local Serb TO. This is illustrated by exchanges of correspondence between the Podravska Slatina (local Serb) TO Staff and the SRS “*War Staff*”, and the inclusion of SRS/SČP volunteers in the Podravska Slatina (local Serb) TO¹⁰⁷ as well as other local Serb TO Staffs in Western Slavonia.
- (2) According to the 5th JNA Corps Regular Combat Report Nr. 37-129/196 dated 19 December 1991, the Okučani (local Serb) TO unit is “*largely composed*” of “*ŠEŠELJ’s Chetniks*”.¹⁰⁸

5. Command and control over the local Serb TO and other Serb forces during combat operations in Krajina and Western Slavonia (1991-1992)

a. Introduction

- (1) When addressing the relationship between the JNA and the local Serb TO, the Federal Secretary for People’s Defence (SSNO), Army General Veljko KADIJEVIĆ, writes in his published Memoirs, “*Naturally, we used the territorial defence of Serb regions in Croatia and BiH in tandem with the JNA*”.¹⁰⁹
- (2) As described below, the command relationship between the JNA and the “*SAO Krajina TO*”, as well as other Serb(ian) forces participating in the conflict in Croatia, including “*SAO Krajina*” Police; units of the TO of the Republic of Serbia; volunteer/paramilitary groups from Serbia reflects the legislative and doctrinal frameworks that are described in Part I of this report.
- (3) Even prior to the introduction of SFRY Presidential Order Nr. 73 on 10 December 1991¹¹⁰, JNA, Serbian TO, Montenegrin TO, local Serb TO,

¹⁰⁷ ERN BCS 0116-9412-0116-9412; Eng L009-6742-L009-6742, *Request for help in manpower*, Municipal TO Staff Podravska Slatina, 12 Oct 91

¹⁰⁸ ERN BCS 0122-7723-0122-7726; Eng ET 0122-7723-0122-7726, *Report Nr. 37-129/196*, 5th JNA Corps, Colonel Momir TALIĆ, 19 Dec 91

¹⁰⁹ ERN BCS 0035-9426-0035-9512; Eng 0036-2637-0036-2726, Veljko KADIJEVIĆ “*My view of the Break-up*”, Belgrade 93, at ERN 0036-2686

¹¹⁰ See Part I, Section THREE, Title 5, p. 91

volunteer/paramilitary groups (or detachments), local Serb police (aka MARTIĆ's police), are operating together under single, unified and continuous JNA command, in OGs and TGs. Orders are issued to achieve and maintain single command over JNA and local Serb TO. The Order Nr 623-2, Major General Vladimir VUKOVIĆ, Commander of the 9th JNA Corps, issued on 26 October 1991 to his subordinate units, illustrates that the highest operational command level has to approve changes in this subordination.¹¹¹

(4) In many combat zones in Croatia, the JNA establishes Operational (OG) and Tactical Groups (TG), -and in some areas also Assault Detachments (JOd) and Assault Groups-, to create the conditions for or restore and maintain single (and unified) command and control over all forces involved in combat operations (JNA, local Serb TO, local Serb Police, Republic of Serbia TO, volunteer/paramilitary formations). An analysis of JNA orders for combat operations, and situation reports pertaining to the conflict in Croatia, discussed here-below, highlights two key aspects concerning OGs; TGs; JOds and Assault Groups:

(a) OGs; TGs; JOds; and Assault Groups are "*ad hoc*" task forces, set up for specific operations in a specific area, during a specific timeframe.¹¹²

(b) OGs; TGs; JOds; and Assault Groups cover all forces active in a specific area: not only JNA, Serbian (or Montenegrin) TO and local Serb TO units, but also volunteers and paramilitaries, all operating under the single command of the OG or TG Commander. Combat reports and other JNA documentation related to the operations in Croatia, also indicate, however, that in some specific areas there are occasionally problems with the subordination of volunteers/paramilitaries. Measures are taken to attempt to solve these problems, for example by removing these volunteers.¹¹³

¹¹¹ ERN BCS 0419-1980-0419-1980; Eng ET 0419-1980-0419-1980, *Order*, Nr 623-2, Major General Vladimir VUKOVIĆ, 26 Oct 91

¹¹² See Part I, Section ONE, Title 5, pages 46-50

¹¹³ See for example ERN BCS 0608-2341-0608-2342; Eng ET 0608-2341-0608-2342, *Security situation in the units and the zone of activities of the Gmtbr*, Nr 404-1, Lieutenant Colonel Dragoljub DJUKIĆ, Assistant Chief OB at the Cabinet of the SSNO, 25 Oct 91

(c) A second important feature of JNA-led OGs; TGs; Jods; and Assault Groups during the conflict in Croatia is, based on the orders and reports that are reviewed for the compilation of this report, the existence of a functioning Command and Control and reporting structure. According to the orders for combat operations and situation reports discussed here-below, the Commanders of OGs and TGs are in command of all the forces in their zone of responsibility. OG Commanders report to the Military District (MD) Commanders or the Supreme Command Staff of the SFRY Armed Forces, and maintain an effective chain of command and reporting with their superiors and subordinates. Situation and other combat-related reports are exchanged on a daily basis between the subordinate and the superior commands.¹¹⁴

b. Situation in the “SAO Krajina”

(1) Kijevo (Northern Dalmatia)

During the attack on Kijevo on 26 August 1991, the 9th JNA Corps, “SAO Krajina” TO and elements of the “SAO Krajina” police, operate under single command of the JNA unit Commander in the area.¹¹⁴ A week prior to the attack, on 18 August 1991, Milan MARTIĆ, Minister of Interior of the “SAO Krajina”, warns the (Croatian) police department in Split and Kijevo that the “SAO Krajina” will not tolerate Croatian police offices on its territory, adding that if the station in Kijevo is not abandoned in 48 hours, it will be attacked.¹¹⁵

(2) Drniš - Škradin (Northern Dalmatia)

The 221st JNA Motorised Brigade (mtbr) Combat Report Nr 2590-77, dated 09 October 1991, includes a request for “*joint planning of activities of Škradin and suggest a coordinated action with the SAO Krajina TO and Krajina SUP Units*”.¹¹⁶ Report Nr 50-6, dated 16 November 1991, on the “*sweeping operation conducted in the wider area of the village of*

¹¹⁴ ERN BCS 0084-7711-0084-7761; Eng 0091-3501-0091-3562, *Minutes of the 16th Session of the Assembly of the Serbian People in BiH*, Banja Luka, 12 May 92, at 0091-3548.

¹¹⁵ ERN BCS 0050-1494-0050-1494; Eng L005-0035-L005-0036, *Document signed by Milan MARTIĆ*, Ministry of Interior SAO Krajina, 18 Aug 91

¹¹⁶ ERN BCS 0414-3802-0414-3802; Eng ET 0414-3802-0414-3802, *Order Nr 2590-77*, 221st mtbr, Colonel Borislav ĐUKIĆ, 09 Oct 91

“Miljevci”, by Colonel Slavko LISICA, Commander TG-1¹¹⁷, lists a member of the “SAO Krajina” SUP (i.e. police) members among the casualties recorded during the operation, indicating that TG-1 also includes “SAO Krajina” MUP personnel.¹¹⁸

(3) Škabrnja-Nadin (Northern Dalmatia)

(a) The 9th JNA Corps Order No. 652-2 for the attack on Šibenik (“Obala 1991”), dated 31 October 1991 and signed by Major General Vladimir VUKOVIĆ, Commander of the 9th JNA Corps, lists the TO “SAO Krajina” among the forces with which the 9th JNA Corps coordinates while carrying out the attack. According to this order, the main task of “SAO Krajina” TO units and staffs consists of “*organising combat control With the task: reconnaissance, patrol and ambush activities, discover all the reconnaissance and sabotage groups of the enemy, and then organise searching activities, crushing and destroying the armed and discovered groups and individuals*”. “SAO Krajina” Security Forces (NFI) in co-ordination with TO “SAO Krajina” forces, units and institutions of the 9th Corps are to “*cleanse and secure the captured territory and the city of Šibenik... ... by searching the field and liquidating the remaining and abandoned armed groups and individuals....*”¹¹⁹

(b) According to the personal (hand-written) diary of Lieutenant Colonel Momčilo BOGUNOVIĆ for the November 1991 to April 1992 time period, a platoon of the TO of Vojvodina is involved in the operations in the Benkovac area (Škabrnja-Nadin) during that time period.¹²⁰

(4) Saborsko (Lika)

(a) On 23 October 1991, General Života AVRAMOVIĆ, Commander of the 5th JNA MD (HQ in Zagreb, and subsequently Slunj), orders the

¹¹⁷ OG's and TG's are established on a temporary basis, and therefore the same unit names may be used in different areas

¹¹⁸ ERN BCS 0414-3860-0414-3860; Eng ET 0414-3860-0414-3860, *Order Nr 50-6*, Colonel Slavko LISICA, 16 Nov 91

¹¹⁹ ERN BCS 0113-4461-0113-4468; Eng ET 0113-4461-0113-4468, *Order No. 652-2, Order for the Attack of Šibenik*, Major General Vladimir VUKOVIĆ, 31 Oct 91

¹²⁰ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92

creation of TG-2, consisting of JNA and “SAO Krajina” TO units, under the command of Colonel Čedomir BULAT. The task of the TG-2 Command is “*to unite the activities of JNA units at the artillery range Slunj and TO (Territorial Defence) units in Veljun and Plaški area of responsibility. Slunj, Velunj, Perjasnica, Primišlje, Plaški, Grabovac, Koranski Leskovac, Cetingrad.*” TG-2 would be subordinate to OG-3.¹²¹ Subsequent orders concerning TG-2 confirm the inclusion of “SAO Krajina” TO units in this TG.¹²²

(b) On 10 November 1991, Order Nr 09/75-1034 to create OG-3 is released by the 5th Military District Command. The order states that OG-3 will be commanded by Lieutenant-Colonel General Vladimir BANJANIN and will operate under the direct command of the 5th Military District. According to the order, OG-3 includes JNA, volunteer and “SAO Krajina” TO units. Colonel Čedomir BULAT, Commander of TG-2, on 19 November informs OG-3 of the disposition of his forces.¹²³ According to BULAT’s Order Nr 22/39-2, the (“SAO Krajina”) TO is controlling the roads over the river Korana from BiH into Slunj.¹²⁴ On 20 November 1991, Lieutenant-Colonel General Vladimir BANJANIN, Commander of OG-3, through the order Nr. 695-1023, to the 6th Lika Division, Tactical Group (TG) - 2 puts all units, including JNA and “SAO Krajina” TO under one command.¹²⁵

(5) Banija-Kordun

(a) According to the Order (no number) issued on 07 October 1991, by Colonel Rade VUJAKLIJA, Commander of the “SAO Krajina” 2nd and

¹²¹ ERN BCS 0200-9444-0200-9445; Eng ET 0200-9444-0200-9445, *Order to create TG-2*, General Života AVRAMOVIĆ, 23 Oct 91

¹²² ERN BCS 0109-9990-0109-9995; Eng ET 0109-9990-0109-9995, *Order and plan for the attack of Saborsko on 12 Nov 91*; ERN BCS 0152-7773-0152-7777; Eng ET 0152-7773-0152-7777, *Order for the attack on Licka Jasenica - Saborsko - Sertić Poljana - Kuselj - Fontana*, Colonel Slobodan ĐORĐEVIĆ, 7 Nov 91; ERN BCS 0203-2584-0203-2586; Eng L010-6440-L010-6443, *Order Nr 22/47-2*, Colonel Čedomir BULAT, 22 Nov 91;

¹²³ ERN BCS 0203-2583-0203-2583, Eng L010-6391-L0106392, *Order Nr 22/39-2*, TG-2, Colonel Čedomir BULAT, 19 Nov 91

¹²⁴, ERN BCS 0203-2583-0203-2583, Eng L010-6391-L0106392, *Order Nr 22/39-2*, TG-2, Colonel Čedomir BULAT, 19 Nov 91

¹²⁵ ERN BCS 0203-2589-0203-2591; Eng L010-6447-L010-6450, *Order*, Nr 695-1023, Lieutenant Colonel General Vladimir BANJANIN, 20 Nov 91

3rd Operations Zone (OZ), the “SAO Krajina” TO Veljun detachment is to “co-operate” with the Forces of the 5th Military District during the attack on Slunj on 08 October 1991.¹²⁶

(b) On 09 October 1991, General Špiro NIKOVIĆ, Commander of the JNA OG-1, issues Order Nr 103/1-91. This order puts the “SAO Krajina” TO units of the Banija and Kordun zones under his command, starting on 19 October 1991.¹²⁷

(c) On 25 November 1991, the Mayor of the “Serbian Municipality of Petrinja” (Banija), Radovan MALJKOVIĆ, sends the letter Nr. 2-110/91, to Željko RAŽNATOVIĆ (aka “ARKAN”), in which he expressed his agreement to the sending of “members of Željko RAŽNATOVIĆ- ARKAN’s unit” to Petrinja and their subordination to the “2nd Battalion of the 622nd Motorised Brigade”.¹²⁸ The 622nd Motorised Battalion is a JNA unit.¹²⁹

c. Situation in the “SAO Western Slavonia”

(1) Colonel Momir TALIĆ, Chief of Staff (NGŠ) of the JNA 5th Corps, on 31 October 1991 releases the Top Secret Order Nr. 37-226 ordering that “*all TO units and HQ’s located in the zones of responsibility of JNA Brigades are subordinated to those Commands*”. TALIĆ’s order adds that the JNA Brigades are to consider the attached units of the TO and “*other formations of reinforcement*” as elements of their own combat disposition, and are to look after these formations.¹³⁰

(2) Order Nr. 37-230 dated 04 November 1991, issued by Lieutenant General Nikola UZELAC, Commander of the JNA 5th Corps, on the “*Unification of the command of the TO units in the wide area of Okučani*” confirms that all (local Serb) TO units in the area of Okučani, Nova Gradiška and

¹²⁶, ERN BCS 0201-5502-0201-5502; Eng ET 0201-5502-0201-5502, *Order*, Colonel Rade VUJAKLIJA, 07 Oct 91

¹²⁷ ERN BCS 0201-1628-0201-1628; Eng 0201-1627-0201-1627, *Order Nr. 100-233*, Command of the 1st JNA Operational Group, 19 Oct 91

¹²⁸ ERN BCS 0201-2027-0201-2028; Eng 0201-2026-0201-2026, *Letter Nr. 2-110/91* to Željko RAŽNATOVIĆ, Radovan MALJKOVIĆ, 25 Nov 91

¹²⁹ ERN BCS 0201-1628-0201-1628; Eng 0201-1627-0201-1627, *Order Nr. 100-233*, Command of the 1st JNA Operational Group, 19 Oct 91

¹³⁰ ERN BCS 0051-8824-0051-8825, *Order Nr. 37-226*, *on the engagement of and co-operation with units of the TO*, 5th JNA Corps, Momir TALIĆ, 31 Oct 91

Novska are to be subordinated to the Okučani TO Staff. UZELAC appoints Captain 1st Class Radovan NARANDŽIĆ, as Commander of “*all the forces in the area of Okučani, Nova Gradiska, Novska and Bijela Stijena*”.¹³¹

(3) With the Order Nr. 24-272, issued on 26 November 1991 by Major-General Gojko KRSTIĆ, Chief of the Personnel Administration at the SSNO, Colonel Jovan TRBOJEVIĆ, a retired JNA Officer, is appointed Commander of the (local Serb) Western Slavonia TO.¹³² Colonel Jovan TRBOJEVIĆ is on 20 September 1991 assigned to the Command of the “*Territorial Defence of the SAO Western Slavonia, Pakrac garrison*”.¹³³ The appointment of a commander of the (local Serb) TO Western Slavonia and the establishment of a (local Serb) Western Slavonia TO Staff terminated the direct subordination of (local) Serb TO units in Western Slavonia to the JNA. According to Order Nr. 1-436, dated 25 November 1992, all coordinated action and cooperation between 5th Corps units and the (local Serb) Okučani TO Staff would be carried out solely through the (local Serb) TO Staff of Western Slavonia.¹³⁴

¹³¹ ERN BCS 0122-8568-0122-8569; Eng ET 0122-8568-0122-8569, *Order, Unification of the command of the TO units in the wide area of Okučani*, Nr 37-230, Lieutenant General Nikola UZELAC, 04 Nov 91

¹³² ERN BCS 0106-0977-0106-0977, Eng ET 0106-0977-0106-0977, *Order Nr. 24-272*, Chief of Personnel Administration at the SSNO, Major-General Gojko KRSTIĆ, 26 Nov 91

¹³³ ERN BCS 0334-4080-0334-4080, Eng ET 0334-4080-4080-0334-4080, *Order Nr. 24-175*, signed by Major-General Gojko KRSTIĆ, 20 Sep 91

¹³⁴ ERN BCS 0130-6122-0130-6122; Eng ET 0130-6122-0130-6122, Order Nr. 1-436, 5th Corps, 25 Nov 91

6. Alleged involvement of “*Serb Forces*” in serious crimes in the “*SAO Krajina*” and “*SAO Western Slavonia*”

a. Introduction

JNA combat related orders and situational reports, and reports drafted by JNA Security Organs (OB), indicate that there are problems with maintaining discipline and preventing serious crimes during the operations in Croatia.

(1) The Letter Nr 6-83, sent by the SSNO Administration for Moral Guidance on 12 October 1991 and signed by Colonel General Blagoje ADŽIĆ, Chief of the General Staff of the SFRY Armed Forces, includes a paragraph on the respect of the laws and customs of war.¹³⁵

...

During the performance of the above tasks, any act of disobedience, indiscipline, unauthorised leaving of units, maltreatment of citizens irrespective of their nationality in the areas where units are located, plundering, looting and imposition of anybody's private laws should be prevented at all costs.

...

This letter from the SSNO is disseminated by the command of the JNA 9th Corps among the Corps' subordinate units.¹³⁶ Still, on 14 October 1991, Colonel Borislav ĐUKIĆ, commander of the 221st JNA Motorised Brigade (mtbr) reports¹³⁷:

...
Civilians, whose numbers are rising in Drniš and the surrounding villages, still increasingly engage in looting the property from the abandoned and deserted houses, flats and shops. There is a number of ZNG or MUP members infiltrated among these civilians whose aim is to reconnoitre and gather intelligence information about our units, as well as for launching terrorist actions /as written/.

...
The information provided by ĐUKIĆ shows that there are difficulties to maintain/restore law and order in areas that have been seized by the JNA and the forces operating under its command.

(2) On 20 October 1991, Major General Vladimir VUKOVIĆ, Commander of

¹³⁵ ERN BCS 0207-7090-0207-7091; Eng 0302-9257-0302-9258, *Letter by the SSNO Moral Guidance Administration Nr 6-83*, General Blagoje ADŽIĆ, 12 Oct 91

¹³⁶ ERN BCS 0207-7089-0207-7089; Eng L005-3777-L005-3777, Order 1-65 of the 9th Corps, *Order of the Chief of the General Staff of the SFRY Armed Forces and SSNO Administration for Moral Guidance information*, 16 Oct 91

¹³⁷ ERN BCS 0414-3808-0414-3809; Eng ET 0414-3808-0414-3809, *Combat Report*, Nr 2590-103, Colonel Borislav ĐUKIĆ, 14 Oct 91

the JNA 9th Corps, issues the Order Nr 580-25, “*Combating crime in the zone of combat activities of the 9th Corps*” to his subordinate units.¹³⁸

Order Nr 580-25 is intended “*to prevent the arbitrary behaviour and engagement in crimes such as robberies and the jeopardising of the security of the citizens by the members of the Armed Forces in the zone of operations of the 9th Corps*”.¹³⁹

(3) On 27 October 1991, the JNA 5th Corps Operations Centre, in its overview of the situation in the zone of responsibility between 21 and 27 October 1991, reports to the 5th Corps Command, among other things, that “*due to the growing incidence of looting and uncontrolled behaviour of members of the TO and civilians, and in order to ensure vigilance and security, an operations plan has been drawn up for the engagement of security and military police organs throughout the zone of responsibility*”.¹⁴⁰

(4) The authorities of the SFRY and the Republic of Serbia are at least at one occasion notified by international organisations about the alleged involvement of paramilitary/volunteer groups, including “*ŠEŠELJ's group*”; “*ARKAN Tigers*” and “*DRAGAN*”, in serious crimes during the conflict in Croatia. On 21 January 1992, the US Helsinki Watch Committee sends a letter with a 25-page attachment detailing the findings mentioned in the letter, to Slobodan MILOŠEVIĆ, President of Serbia, and Colonel General Blagoje ADŽIĆ, Acting Federal Secretary for People's Defence (SSNO), regarding “*Human rights abuses by the Serbian government and Yugoslav Army*”.¹⁴¹

The Serbian government has also condoned and, in some cases, supported the formation of at least three paramilitary groups in Serbia which operate in Croatia. What appears to be the most brutal of these groups is led by Vojislav Šešelj, leader of the Serbian Radical Party (Srpska Radikalna Stranka) and the Serbian Četnik Movement (Srpski Četnički Pokret). Šešelj's group of paramilitaries call themselves “Četniks” and

¹³⁸ ERN BCS 0280-6538-0280-6538; Eng ET 0280-6538-0280-6538, *Order*, Nr 1694-2, , Colonel Tripko ČEČOVIĆ, 25 Oct 91

¹³⁹ ERN BCS 0419-2153-0419-2156; Eng ET 0419-2153-0419-2156, *Order*, Nr 580-25, Major General Vladimir VUKOVIĆ, 20 Oct 91

¹⁴⁰ ERN BCS 0122-6452-0122-6457; Eng ET 0122-6452-0122-6457, *Report*, Nr. 13/1-372, Colonel Dragan MARČETIĆ, 27 Oct 91

¹⁴¹ ERN BCS 0207-7235-0207-7260; Eng 0018-7364-0018-7390, *Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army*, 21 Jan 92

operate throughout Croatia. A second paramilitary force is commanded by Željko Ražnjatović (a.k.a. Arkan) and a third group is led by Mirko Jovič. Both Arkan's and Jovič's forces are most heavily concentrated in the eastern Slavonian region of Croatia. In addition, various Serbian paramilitary groups are organised and trained by the so-called Captain Dragan, described by the Washington Post as "a half-Serb mercenary with Australian citizenship who refuses to give his real name.¹⁴²

On 12 February 1992, Goran MILINOVIĆ, Chief of Cabinet of the Serbian President Slobodan MILOŠEVIĆ, acknowledged the reception of this letter and the report attached to it.¹⁴³

b. Škabrnja-Nadin (Northern Dalmatia)

(1) The handwritten diary of JNA Lieutenant Colonel Momčilo BOGUNOVIĆ has several entries indicating that indiscriminate killings and other crimes are committed by members of the (local Serb) TO during and after the capture of Škabrnja.¹⁴⁴

(a) According to the Diary, General VUKOVIĆ, Commander of the JNA 9th Corps, orders on 17 November 1991 to make preparations for the mopping up of Škabrnja and Nadin in the course of 18 November 1991.¹⁴⁵ Škabrnja and Nadin have been "*partly encircled*" on 18 November 1991.¹⁴⁶

(b) During a meeting to analyse the mop up operation (of 18 November 1991), on 20 November 1991, it is mentioned that there was no co-operation between TO, police and JNA. One attendee states that there has been "*less arson and looting than in other operations*", even though there were cases of "*uncivilised killings*".¹⁴⁷ Another attendee states that the OB "*should take steps to identify those who committed*

¹⁴² ERN BCS 0207-7235-0207-7260; Eng 0018-7364-0018-7390, *Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army*, 21 Jan 92

¹⁴³ ERN BCS 0209-3684-0209-3684; Eng 0302-0967-0302-0967, *Copy of the response from Goran MILINOVIĆ, Chief of Cabinet of the President of the Republic of Serbia, Slobodan MILOŠEVIĆ, to US Helsinki Watch letter*, 12 Feb 92

¹⁴⁴ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92

¹⁴⁵ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92 at ERN BCS 0200-6875-0200-6875

¹⁴⁶ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92 at ERN 0200-6876-0200-6876

¹⁴⁷ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92 at ERN 0200-6878-0200-6878

crimes, robberies and barbarities".¹⁴⁸ Other entries in BOGUNOVIĆ's diary mention "he kills a man as soon as he sees him"¹⁴⁹; they were about to kill a woman and a child, saying "Ustasha bastards"..." Lieutenant Colonel DABIĆ was present during maltreatment of civilians...when I ask him "What do you think you are doing?", he asks me what my nationality is".¹⁵⁰

(2) On 20 November 1991, the Naval Military District (VPO) -the superior command echelon of the 9th JNA Corps until early 1992- informs the latter that the Croatian side has insisted that the European Community Monitoring Mission (ECMM) visits Škabrnja and Nadin, in the presence of representatives of the ICRC, because "a crime against thirty people, who were slaughtered, had been carried out in Škabrnja". Due to the fighting such a visit is not possible, and therefore, ECMM requests the JNA to submit a detailed written report on the events. The VPO asks the 9th Corps to send such a report "immediately" so that it could be handed over to ECMM by 21 November 1991 at 0730 Hr.¹⁵¹ The OTP does not have the report the 9th JNA Corps was to prepare. In a reply to a request for assistance to ECMM, the VPO sends on 19 November 1991 to the 9th JNA Corps, the 9th Corps Commander, Major General Vladimir VUKOVIĆ, refuses to cooperate with ECMM, accusing them of anti-Serb bias.¹⁵²

(3) Between November 1991¹⁵³ and March 1992¹⁵⁴, Major Branislav RISTIĆ and Lieutenant Commander Simo ROSIĆ, both Security Officers in the

¹⁴⁸ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92 at ERN BCS 0200-6878-0200-6878

¹⁴⁹ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92 at ERN BCS 0200-6879-0200-6879

¹⁵⁰ ERN BCS 0200-6869-0200-7068; Eng ET 0200-6869-0200-7068, *handwritten military notebook containing notes by JNA LtCol Momčilo BOGUNOVIĆ*, 92 at ERN BCS 0200-6880-0200-6880

¹⁵¹ ERN BCS 0414-4389-0414-4389; Eng ET 0414-4389-0414-4389, *Order*, Nr 167-1/47-5039, 20 Nov 91

¹⁵² ERN BCS 0414-4390-0414-4392; Eng ET 0414-4390-0414-4392, *Report*, Nr 696-1, Major General Vladimir VUKOVIĆ, 20 Nov 91

¹⁵³ See ERN BCS 0280-4280-0280-4280; Eng ET 0280-4280-0280-4280, *Killings in the village of Škabrnja, Report-*, 23 Nov 91; ERN BCS 0280-4281-0280-4284; Eng ET 0280-4281-0280-4284, *Report Nr 417-1*, Major Branislav RISTIĆ, 23 Nov 91; ERN BCS 0200-7358-0200-7360; Eng L006-4363-L006-4364, *Report Nr 416-1*, Major Branislav RISTIĆ, 23 Nov 91; ERN BCS 0200-7364-0200-7364; Eng L006-3753-L006-3755, *Report Nr 423-1*, Major Branislav RISTIĆ, 27 Nov 91

¹⁵⁴ ERN BCS 0200-7347-0200-7348; Eng L006-4662-L006-4665, *Official record by JNA Security Department re: massacre in Škrabrnje and Nadin*, Lieutenant Commander Simo ROSIĆ, 08 MAR 92

180 JNA mtbr, investigate the crimes that have (allegedly) been committed in Škabrnja on 18 November 1991 during an attack on the village. According to the findings of Lieutenant Commander ROSIĆ, “*the killings had been committed by members of the Benkovac Territorial Defence Staff special units or units that fought under their command. These were volunteers from Serbia and OPAČIĆ’s group composed of combatants from this area*”.¹⁵⁵ In a subsequent report, dated 11 March 1992, Lieutenant Commander ROSIĆ, identifies Zoran TADIĆ of the Benkovac Municipal TO Staff, as the Commander of the group that committed the murders in Škabrnja.¹⁵⁶

(4) On 01 December 1991, Lieutenant Ernest RAĐEN, Military Police Officer in the Benkovač “SAO Krajina” TO unit, writes a report mentioning the killing of civilians that occurred during the operation aimed at “*defeating Ustasha forces in the village of Škabrnja*”. RAĐEN’s report contains no information on the alleged perpetrators of the crimes.¹⁵⁷

(5) Goran OPAČIĆ, who is a member of the Benkovac SJB Special Unit¹⁵⁸, on 25 December 1991 reportedly provided a statement about the killings of civilians “*mostly women and old men*” in Škabrnja. According to OPAČIĆ, a “*volunteer-Chetnik*” known as “*Jaro-Jare*” “*and his friend Ljubiša* were “*particularly prominent in these killings*”.¹⁵⁹

¹⁵⁵ ERN BCS 0200-7347-0200-7348; Eng L006-4662-L006-4665, *Official record by JNA Security Department re: massacre in Škrabrnje and Nadin*, Lieutenant Commander Simo ROSIĆ, 08 Mar 92

¹⁵⁶ ERN BCS 0200-7361-0200-7363; Eng 0200-7361-0200-7363-ET, *Official record by JNA Security Department re: massacre in Škrabrnje and Nadin*, Lieutenant Commander Simo ROSIĆ, 11 MAR 92

¹⁵⁷ ERN BCS 0200-7349-0200-7353; Eng L006-3757-L006-3759, *Official Note by Ernest RAĐEN, Lieutenant*, 01 Dec 91

¹⁵⁸ ERN BCS 0400-3977-0400-3986; Eng ET 0400-3977-0400-3986, *Duty Roster based on the new organisation introduced in the Benkovac SJB*, See also 18 Oct 91

¹⁵⁹ ERN BCS 0200-7366-0200-7366; Eng L006-5946-L006-5947, *Statement of Reasons*, 25 Dec 91

c. Saborsko

(1) On 12 November 1991, units of the Plaški (local Serb) TO, “SAO Krajina” Police, and JNA Special Sabotage units serving with the Plaški DB attack Saborsko.¹⁶⁰

(2) The day after the attack, on 13 Nov 91, Nikola MEDAKOVIĆ, President of the Plaški Municipal Assembly (“SAO Krajina”) sends a letter to his Croatian counter part, Rudolf ŠPEHAR, on the “*unhappy events in Saborkso*”. According to MEDAKOVIĆ the attack on Saborsko and its fate (“*now there is no Saborsko anymore*”) were provoked by the “*gruesome actions towards civilians*” during the Croatian attack on Lička Jesenica. MEDAKOVIĆ ends his letter with the words “*There is no evil in doing evil to evil people*”.¹⁶¹

d. Glina

The Order Nr 01-47-3, dated 04 October 1991, from Captain 1st Class Stanko DIVJAKINJA, Commander of the Glina “SAO Krajina” Municipal TO, suggests that during the mopping up of the terrain (i.e. the elimination of enemy resistance pockets) a distinction is made between Serbs and non-Serb inhabitants.¹⁶²

SOCIALIST FEDERATIVE REPUBLIC
OF YUGOSLAVIA
SAO /Serbian Autonomous District of/ K R A J I N A
TERRITORIAL DEFENCE STAFF
GLINA MUNICIPAL ASSEMBLY
Number: 01-47-3
G l i n a, 4 October 1991

O R D E R

To all Glina TO /Territorial Defence/ units

When mopping up the terrain, spare Pajo BUBAŠ and his wife, who is a Serb, and their house. They have been verified as loyal people. The house is in Toplička Street, A. Šanteka 3.

Anyone who does not abide by this order will be severely punished.

This order comes into force immediately.

¹⁶⁰ ERN BCS 0200-9419-0200-9419; Eng 0307-1369-0307-1369, *Official Note*, Krajina SAO MUP, Korenica SDB, 13 Nov 91

¹⁶¹ BCS 0151-0802-0151-0802; Eng ET 0151-0802-0151-0802, Letter, Nikola MEDAKOVIĆ, 13 Nov 91

¹⁶² ERN BCS 0280-7890-0280-7890; Eng 0280-7890-0280-7890 EDT, *Order*, Nr 01-47-3, Captain 1st Class Stanko DIVJAKINJA, 04 Oct 91

TO COMMANDER
Captain 1st Class
Stanko DIVJAKINJA
/signed and stamped

e. Western Slavonia

- (1) On 23 March 1992, Lieutenant-Colonel Milan STEVILOVIĆ, Chief of the Security Organs of the JNA 5th Corps (Military Post 4022 in Banja Luka), submits the Criminal Report Nr. 11-129 to the Office of the Military Prosecutor in Banja Luka.¹⁶³ In this criminal report, STEVILOVIĆ identifies eleven alleged perpetrators of “*looting, damaging the property of others, (and cultural property), and murder*” committed in December 1991 in “*Brusnik, Glavica, Voćin and Kamensko*”.
- (2) Major General Momir TALIĆ, Commander of the JNA 5th (Banja Luka) Corps, in his response on 29 March 1992 to a request for information from the Banja Luka Military Prosecutor’s office dated 27 March 1992, confirmed that forces of the (local Serb) TO of Western Slavonia had been in the villages of Hum and Voćin near Podravska Slatina on 13 and 14 December 1991.¹⁶⁴

¹⁶³ ERN BCS 0200-8659-0200-8662; Eng 0300-4311-0300-4314, *Criminal Report* , Nr. 11-129, Lieutenant Colonel Milan STEVILOVIĆ, 23 MAR 92

¹⁶⁴ ERN BCS 0125-0317-0125-0318; Eng ET 0125-0317-0125-0318, Nr. 307-2, Momir TALIĆ, 29 Mar 92

SECTION THREE: The situation in the “SAO Slavonia, Baranja and Western Srem (SAO SBWS)¹⁶⁵ in 1991

1. Summary

- a. This section takes a closer look at the military developments in 1991 in Eastern Slavonia, Baranja and Western Srem (Croatia) where Serbs declare their own political entity: - the “*Serb autonomous District (SAO) Slavonia Baranja and Western Srem (SBWS)*”. After a short discussion of the strategic importance of SBWS, the main political developments, and the creation of a local Serb Territorial Defence (TO), the role of Serbian volunteers/paramilitaries in the armed conflict in the “SAO SBWS” is examined, including command and control arrangements with the JNA. This is followed by a review of combat operations in the area in 1991. This Section ends with an overview of documents on the alleged involvement of these forces, including the “SAO SBWS” civilian authorities in serious crimes in 1991.
- b. Eastern Slavonia, Baranja and Western Srem (SBWS) are located in the zone of responsibility of the 1st MD. The 1st MD Command considers the towns of Vukovar and Borovo of great political and strategic importance.
- c. Similar to the other “SAOs”, local Serbs in “SBWS” start setting up their own political and military structures already prior to the outbreak of the conflict in Croatia. On 07 January 1991 the Serbian National Council (SNC) for the “*SAO Slavonia, Baranja and Western Srem*” is formed in [idski Banovci. On 26 February 1991, the SNC of SBWS adopts a “*Declaration on Sovereign Autonomy of the Serb people of Slavonija, Baranja and Western Srem*”. On 25 June 1991, the “*Great National Assembly of SBWS*” is formed in Ba~ka Palanka (Serbia). The “*Great National Assembly*” decides that the region of SBWS is to be constituted as an “*Autonomous Serbian District (SAO)*” and is to secede from Croatia. Goran HADE@I], until then President of the SNC, is elected Prime Minister-designate.

¹⁶⁵ A large number of documents that are cited in this report use the acronym “SO SBWS”. To avoid potential confusion, only the acronym “SAO SBWS” has been retained for this report

- d. In addition to the JNA and the local Serb TO, also units of the TO Serbia, as well as Serbian volunteers/paramilitaries participate in the conflict. On 02 May 1991, a group of SRS/S^P volunteers (aka [e{eljevci]) ambush a number of Croatian policemen in Borovo Selo. During the combat operations that follow, the SRS/S^P volunteers are predominantly active in two local Serb TO Detachments: Leva Supoderica and Petrova Gora. There are also groups controlled by or linked otherwise to MUP Serbia: @eljko RA@NATOVI] aka “ARKAN” “ARKAN Tigers” (aka “*Serbian Volunteer Guard*”), who, in addition to their participation in combat operations, conduct training of volunteers in a training center in Erdut. Several JNA intelligence reports suggest relations between ARKAN and Goran HAD@I] or other members of the “SAO SBWS” government. Another group controlled by MUP Serbia, and led by @ivonin IVANOVI] (aka “CRNOGORAC”), is active in Pajzo{, Ilok municipality.
- e. The 1st MD has overall command and control over the JNA-led “*Serb forces*” operating in SBWS between summer and December 1991. On 29 September 1991, the (elite) Guards Motorised Brigade (gmtbr) - is re-subordinated from the SSNO to the 1st MD. Upon its arrival in the Vukovar area, the gmtbr is integrated in OG SOUTH, initially commanded by Colonel Boja BOJAT¹⁶⁶. On or about 07 October 1991, Colonel Mile MRK[I], Commander of the gmtbr takes over command of OG SOUTH. OG SOUTH is responsible for the part of Eastern Slavonia located South of the VUKA river, covering the largest part of Vukovar, up to (and including) the areas of Berak, Ov~ara and Grabovo. The 12th (Novi Sad) Corps (12th K) is deployed north of OG SOUTH, covering Baranja and the northern part of Eastern Slavonia, including the part of Vukovar north of the VUKA river. The 1st Proletarian Guards Motorised Division (pgmd), commanded by Major General Dragoljub ARAN\ELOVI] is responsible for the southern part of Eastern Slavonia and Western Srem (Mirkovci, Oroluk, \eletovci, Lovas, Tovarnik, Bapska, [areograd, Ilok, etc).
- f. On or about 11 September 1991, the “*President of the Co-ordination Board of the groups and parties of Yugoslav orientation*”, Dr. Vida MANDI], the President of the “*Executive Council of Slavonia, Baranja and Western Sirmium for the*

¹⁶⁶ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October - 21 November 91, entry for 05 Oct 1991 0850 Hr

Municipality of Beli Manastir” Borivoje @IVANOVI] and the “*Commander of Territorial Defence Forces of Beli Manastir Municipality*” Major Borivoje DOBROKES, issue a ten-point “*Declaration on the unconditional capitulation of Croatia in the area of Baranja which defeated military forces of Croatia in Baranja*”. On 04 October 1991, units of the 1st pgmd *inter alia* conduct operations to “*take control*” of Bapska and [arengrad, take control of *Djeletovci*, mopping up the area of Zidina and Marinci, and securing Tovarnik. The gmtbr 2nd Motorised Battalion (mb) reaches the JNA barracks in Vukovar at the latest on 06 October 1991. On 14 October 1991, Major General Dragoljub ARAN[ELOVI], Commander of the pgmd, and the (Croatian) civilian representatives of Ilok, [arengrad, Bapska, including of Ivan MRJI], mayor of Ilok, Mate BRLETI], Commander of the police station in Ilok, and Stepan KRALJEVI], President of negotiation committee, in presence of representatives from ECMM meet in [id and reach an “*AGREEMENT*” on the (voluntary) departure of the civilian population from Ilok on 17 October 1991. Between at least 30 October and 04 November 1991, “*ARKAN TIGERS*” (aka “*Serbian Volunteer Guards*”) participate in combat operations in the area of Lu`ac under the command of the 12th K. The 1st MD reports on 18 November that the mopping up of remaining (enemy) strongholds in Borovo and Borovo Naselje is underway and that complete control of Vukovar has been established

- g. On 18 November 1991 an agreement is signed in Zagreb for the evacuation of Vukovar hospital. According to this agreement, the sick and wounded from the hospital are to be handed over by the JNA to the Croatian authorities. No mention is made in the agreement of the JNA handing over the evacuees to any other authority or body. On the same day, Lieutenant Colonel General @ivota PANI] orders Colonel Mile MRK[I], Commander of OG SOUTH, to seize Vukovar hospital. On 20 November 1991 at 0600 Hr, Colonel Mile MRK[I] orders the evacuation of Vukovar hospital without specifying who will be in charge and who is to carry out the operation. There are no OG SOUTH or 1st MD documents mentioning the handover of the hospital evacuees to the local Serb TO.
- h. Throughout the operations in SBWS -including after the fall of Vukovar-, the 1st MD issues orders the 12th K, OG SOUTH (gmtbr) and 1st pgmd to set up JNA

“*Town Commands*” in municipalities they have taken control of. The Instructions and orders by the SSNO and the 1st MD -at least until 20 November 1991- do not mention cooperation with the “*SAO SBWS*” Government or local civilian authorities appointed by the latter, but, instead, include warnings to prevent interference by (unspecified) “*local organs of authority*”. Instructions by the 1st MD on 20 November 1991 for the first time address cooperation with the “*SAO SBWS*” authorities, marking a significant shift from the situation existing prior to that date. It is only after the SSNO issues his instructions on 25 November 1991 that the cooperation with (local Serb) civilian authorities in the areas of Croatia under JNA control, including the “*SAO SBWS*” becomes regulated.

- i. Throughout the operations in SBWS, there are reports by the JNA and other official sources on the (alleged) involvement of volunteers/paramilitaries, in particular SRS/S[^]P volunteers and “*ARKAN*”s “*Serbian Volunteer Guard*”, and members of the JNA, in (serious) violations of the laws and customs of war in SBWS, as well as (additional) orders to prevent or punish such crimes. According to a number of these reports, “*ARKAN*” enjoys the support of the “*SAO SBWS*” civilian authorities, and/or the latter, including Goran HAD@I], participate in the commission of crimes.

2. Importance of SBWS

- a. Eastern Slavonia, Baranja and Western Srem are located in the zone of responsibility of the JNA 1st Military District (MD).



b. Lieutenant Colonel General Života PANIĆ, who is appointed commander of the 1st MD in the course of September 1991, explains the strategic importance of Vukovar right after the fall of Vukovar in his “*Report on the results of*

combat operations on the Slavonia front, Nr 115-51 dated 20 November 1991.¹⁶⁷

Last week, units in this area achieved important successes in the main combat operations. After heavy fighting this month, Vukovar and Borovo, the forwardmost strongholds of Ustasha forces, politically and strategically extremely important for future operations, have been liberated.¹⁶⁸

He reiterates these views in his interview for the “*Death of Yugoslavia*” series in October and November 1994.¹⁶⁹

Vukovar was strategically important, both for the Croats and for the Serbs. The... the Croats wanted to preserve Vukovar, to take... to preserve their control in Vukovar at all costs. And the Serbs, I mean the army, wanted to liberate Vukovar from the Croats. Er... so that it will remain in a Serb enclave. To cut off access to the Danube for the Croats.

You know that Vukovar was one of the major ports on the Danube? That it was the major merchant port. That the entire region of Baranja, Eastern Slavonia and Western Slavonia was er... very important. Er... it was important for the Croats, um... because it was through that area that they had access to the Danube.

And after that, er... they were cut off in that area. It became evident that it was strategically important for both sides. Er... I received orders from the supreme command, from the presidency, to liberate Vukovar and we did that.

c. Objectives of the JNA

The 1st MD Order Nr. 5-89 for Operations in Slavonia dated 19 September 1991, orders for the seizure of “*the entire area of Eastern and Western Slavonia and be ready to proceed in the direction of the Hungarian border, with the beginning of the attack scheduled for 21 September (1991)*”.¹⁷⁰

COMMAND OF 1ST
MILITARY DISTRICT

MILITARY SECRET
STRICTLY CONFIDENTIAL

¹⁶⁷ ERN BCS Y009-4759-Y009-4760; Eng Y009-4757-Y009-4758, *Report on the results of combat operations on the Slavonia front*, Nr 115-51, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, 20 Nov 91

¹⁶⁸ ERN BCS Y009-4759-Y009-4760; Eng Y009-4757-Y009-4758, *Report on the results of combat operations on the Slavonia front*, Nr 115-51, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, 20 Nov 91

¹⁶⁹ ERN Eng 0460-7824-0460-7876 (Video: V000-4026-V000-4026), *Transcript of interview with Života PANIĆ*, Oct and Nov 1994, at page ERN Eng 0460-7845

¹⁷⁰ ERN BCS 0076-2360-0076-2384; Eng L006-9504-L006-9525, *1st MD Order Nr. 5-89 for Operations in Slavonia*, 19 Sep 91; See also ERN BCS 0683-9329-0683-9336; Eng 0683-9329-0683-9336-ET/Translation, *ORDER TO 12th CORPS TO ATTACK Operational Nr 1*, Nr 133-1, Major General Mladen BRATIĆ, Commander of the 12th K, 20 Sep 91

DIRECTIVE

(Excerpt)

of the 1. VO /MD/ Commander for Operation in Slavonia

Map: 1:300.000: Banja Luka, Osijek, Belgrade, Zagreb, Mostar, Sarajevo, Kragujevac.

....

2. I HAVE DECIDED

To complete the mobilisation, to bring the units and to energetically start the attack with main forces in the area between Drava and Sava rivers, and with secondary forces (5th Corps) in Okučani – Pakrac – Virovitica – and Okučani – Kutina, with the task: to surround and break the forces of the Republic of Croatia in Slavonia, with air and artillery support and in co-operation of TO units, to de-block the units and military objects, to reach Našice – Slavonski Brod line and to be in combat readiness to extend the attack towards Koprivnica and Okučani.

The operation is to be carried out in two phases:

- In the Ist phase, in the duration of 2-3 days, to de-block the units in Vinkovci garrison, to take the control of Našice – Slavonski Brod line and to be in combat readiness for the activities to follow.
- In the IInd phase, in the duration of 4-5 days, to reach Suhopolje – Okučani line and to be in combat readiness for continuation of attack in Varaždin and Koprivnica direction. Use part of the forces to secure the border with Hungary and the left flank of the main forces.¹⁷¹

3. Political aspects

- a. On 07 January 1991 the Serbian National Council (SNC) for the “SAO Slavonia, Baranja and Western Srem (SBWS)” is formed in Šidski Banovci.
- b. On 26 February 1991, the SNC of SBWS adopts a “*Declaration on Sovereign Autonomy of the Serb people of Slavonija, Baranja and Western Srem*”, stating the Serbs in Croatia to be a sovereign people, with a right to autonomy, and (at the same time), “an inseparable part of the sovereign Serb people living in Yugoslavia”.¹⁷²
- c. On 25 June 1991, the “*Great National Assembly of SBWS*” is formed in Bačka Palanka, Serbia at a meeting attended by representatives of all the Serb

¹⁷¹ ERN BCS 0076-2360-0076-2384; Eng L006-9504-L006-9525, *1st MD Order Nr. 5-89 for Operations in Slavonia*, 19 Sep 91

¹⁷² ERN BCS 0089-0422-0089-0457; Eng ET 0089-0422-0089-0457, *Declaration on Sovereign Autonomy of the Serb people of Slavonija, Baranja and Western Srem*, 26 Feb 91, published in the Official Gazette of the SAO SBWS, 19 Dec 91

villages in SBWS. The “*Great National Assembly*” decides that the region of SBWS is to be constituted as an “*Autonomous Serbian District (SAO)*” and is to secede from Croatia. Goran HADEŽIĆ, until then President of the SNC, is elected Prime Minister-designate.¹⁷³

- d. At its second session on 25 September 1991, the “*Great National Assembly of SBWS*” adopts a Constitutional Law of the “*SAO SBWS*”.¹⁷⁴ The Assembly appoints Goran HADŽIĆ to Prime Minister (i.e. President of the “*SAO SBWS*” Government), and Ilija Kojić Minister of Defence.¹⁷⁵ This is followed on 09 October by the law on the Government of the “*SAO SBWS*”.¹⁷⁶ These documents do not include provisions for armed forces or other defence-related matters.
- e. On 19 December 1991, on the same day as the “*SAO Krajina*” Assembly proclaims (itself) the “*Republic of Serbian Krajina*” (“*RSK*”), the “*Great Assembly of the SAO SBWS*” adopts a decision to join the “*RSK*”.¹⁷⁷ Milan MILANOVIĆ is appointed Deputy Minister of Defence of the “*SAO SBWS*” on 19 December 1991.¹⁷⁸
- f. As noted above, on 26 February 1992, the “*SAO SBWS*” joins the “*SAO Krajina*” and “*SAO Western Slavonia*” to form the “*RSK*”. Within the “*RSK*” it is organised as a Serbian District with a degree of autonomy vis-à-vis the “*RSK*” government.

4. “*SAO SBWS*” TO

- a. The establishment of local Serb TO units in SBWS during summer 1991 follows the same pattern as in other parts of Croatia with a significant Serb

¹⁷³ ERN BCS 0089-0422-0089-0457; Eng ET 0089-0422-0089-0457, *Declaration on Sovereign Autonomy of the Serb people of Slavonija, Baranja and Western Srem*, 26 Feb 91, published in the Official Gazette of the SAO SBWS, 19 Dec 91

¹⁷⁴ ERN BCS 0300-4594-0300-4603; Eng, Official Gazette of Serbian District, 19 Dec 91

¹⁷⁵ ERN BCS 0089-0430-0089-0430; Eng 0302-7738-0302-7738, *Decision on the Appointment of President, Vice-President and Ministers of the Government of the Serbian District of Slavonia, Baranja and Western Srem*, 25 Sep 91

¹⁷⁶ ERN BCS 0300-4594-0300-4603; Eng, Official Gazette of Serbian District, 19 Dec 91

¹⁷⁷ ERN BCS 0207-8206-0207-8207; Eng L006-3307-L006-3313, *Report on Proclamation “RSK”*, 19 Dec 91

¹⁷⁸ ERN BCS 0296-3483-0296-3483; Eng 0308-3372-0308-3372, *ORDER*, Nr 09-2/91, SAO SBWS Minister of Defence, 19 Dec 91

presence.¹⁷⁹

b. The “*Great Assembly of the Serbian District of Slavonija, Baranja and Western Srem*” on 10 October 1991 adopts a decision to attach the (local Serb) TO of the “SAO SBWS” to the Armed Forces of SFRY.¹⁸⁰

DECISION

On attaching the Srpska District of Slavonija, Baranja and Western Srem TO to the SFRY Armed Forces.

Article 1.

By this decision, the Srpska District of Slavonija, Baranja and Western Srem TO is to be attached to the SFRY Armed Forces and will become its composite part.

Article 2.

The Government of the Srpska District of Slavonija, Baranja and Western Srem are authorised to, in agreement with the Federal Secretariat of the National Defence, take all measures in order to implement this Decision.

Article 3.

This Decision comes into effect on the day it is passed and will be published in the “Official Gazette” of the S.O. /Srpska District/ of Slavonija, Baranja and Western Srem.

No: 22/91

Beli Manastir, 09-Oct-91

THE GREAT PEOPLE'S ASSEMBLY PRESIDENT
KONČAREVIĆ, Ilija, s.r. /personally/¹⁸¹

c. The “SAO SBWS” “*Law on Ministries*” which is adopted on 25 September 1991 and published on 19 December 1991 defines the responsibilities of the Ministry of Defence as follows.¹⁸²

The Ministry of Defence shall perform state administration tasks related to the following: the organisation, preparation and realisation of defence, the performance of specialist and other tasks for leading the people's resistance in wartime and the implementation of the plan of

¹⁷⁹ See for example ERN BCS 0683-8935-0683-8937; Eng 0683-8935-0683-8937-*EDT/Draft translation, Report on performance of the command post in its zone of responsibility*, Nr 571-42, Lieutenant Colonel Andelko DOKIĆ, Commander of the Guards Mixed Artillery Regiment, 09 Dec 91

¹⁸⁰ ERN BCS 0113-3697-0113-3699; Eng ET 0113-3697-0113-3699, *Official Decision of the Great Assembly of the Serbian District of Slavonija, Baranja and Western Srem*, Official Gazette of the SAO SBWS, Nr. 1, Beli Manastir, 09 Oct 91; the same document is included in ERN BCS 0089-0422-0089-0457

¹⁸¹ ERN BCS 0113-3697-0113-3699; Eng ET 0113-3697-0113-3699, *Official Decision of the Great Assembly of the Serbian District of Slavonija, Baranja and Western Srem*, Official Gazette of the SAO SBWS, Nr. 1, Beli Manastir, 09 Oct 91 (same document is included in ERN BCS 0089-0422-0089-0457

¹⁸² ERN BCS 0089-0422-0089-0457; Eng ET 0089-0422-0089-0457, *Law on Ministries*, 25 Sep 91, included in the Official Gazette of the SAO SBWS, 19 Dec 91

defence of the Serbian District of Slavonia, Baranja and Western Srem, as well as the mobilisation of organs, organisations and companies for carrying out the tasks in wartime, the organisation and the functioning of the Territorial Defence and civil protection, training for defence, arranging the territory for defence and other tasks as determined by law.¹⁸³

- d. When not involved in combat operations, the local Serb TO in the “SAO SBWS” is, until at least December 1991, subordinated to the local Serb Police (MUP), under the command of Radovan STOJIČIĆ¹⁸⁴ aka “BADŽA”. Radovan STOJIČIĆ is on 31 December 1991 appointed Assistant Minister of Interior of the Republic of Serbia.¹⁸⁵

5. TO of the Republic of Serbia

Several units of the TO of the Republic of Serbia are part of the forces involved in the operations in SBWS. The 1st MD Order Nr 1614-162, dated 16 November 1991 presents an overview of the JNA and TO of the Republic of Serbia units subordinated to the 1st MD during the operations in SBWS, listing approximately thirty units of the TO Serbia, originating from areas like Sombor, Valjevo, Užice, Leskovac, Srbobran, Kragujevac, etc.¹⁸⁶

¹⁸³ ERN BCS 0089-0422-0089-0457; Eng ET 0089-0422-0089-0457, *Law on Ministries*, 25 Sep 91, included in the Official Gazette of the SAO SBWS, 19 Dec 91

¹⁸⁴ ERN BCS 0683-9474-0683-9474; Eng ET 0683-9474-0683-9474, Nr 133-816, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 23 Nov 91; See also ERN BCS 0063-6946-0063-6946; Eng 0064-1702-0064-1702, *Certificate by TO HQ SBWS*, Radovan STOJIČIĆ, 13 Dec 91

¹⁸⁵ ERN BCS 0363-4048-0363-4049; Eng 0363-4048-0363-4049-EDT/Draft translation, *Decision to appoint an Assistant Minister of Interior*, Official Gazette of the Republic of Serbia, Nr 37/91. STOJIČIĆ is reappointed in this position on 12 Aug 93: ERN BCS/Eng Y08-8917-Y008-8917; See also ERN BCS 0160-2990-0160-2992; Eng ET 0160-2990-0161-2992, *Answer to the Ministerial Question of Tode VOJVODIĆ*, Radovan STOJIČIĆ, Assistant to the Minister, Chief of the JB Sector, 26 May 92; See also ERN BCS 0207-6696-0207-6697; Eng L005-5590-L005-5592, *Letter to the Ministry of the Interior of the RSK in Knin*, 3 Aug 92

¹⁸⁶ ERN BCS 0345-0008-0345-0011; Eng ET 0345-0008-0345-0011, Order Nr 1614-162, 1st MD, Lieutenant Colonel General Vladimir STOJANOVIĆ; See also ERN BCS 0683-9354-0683-9354; Eng 0683-9354-0683-9354-ET/Translation, *Formation of TG, Order*, Nr 133-88, Major General Mladen BRATIĆ, Commander of the 12th K, 30 Sep 91; ERN BCS 0683-9429-0683-9429; Eng 0683-9429-0683-9429-ET/Translation, Nr 133-213, Colonel Srboljub TRAJKOVIĆ, NŠ of the 12th K, 08 Oct 91; ERN BCS 0683-9430-0683-9430; Eng 0683-9430-0683-9430-ET/Translation, Nr 133-214, Colonel Acko SPASIĆ, Chief of the Traffic and Transport Service, 09 Oct 91; ERN BCS 0683-9461-0683-9463; Eng 0683-9461-0683-9463-ET/Translation, *ORDER OP. number 1*, Nr 133-475, Colonel Srboljub TRAJKOVIĆ, Commander of the 12th K, 30 Oct 91

6. Serbian Volunteers/paramilitaries (incl. command relations with the JNA)

- a. SRS/SČP volunteers (aka Šešeljevci) in SBWS (incl. the incident in Borovo Selo May 1992)

(1) In March 1991 Vojislav ŠEŠELJ, President of the SRS and vice president of the SČP, visits several villages in SWBS, including Borovo Selo, to “*lend support to the terrified Serbian people, try to develop patriotic awareness, encourage them,...tell them that they would get all the help they need, even in volunteers from the SČP and the SRS*”¹⁸⁷.

(2) According to the SRS party-magazine “*Velika Srbija*”, the first armed action by volunteers affiliated to the SRS (also known as “Šešeljevci” or “*Chetniks*”) takes place on 02 May 1991 in Borovo Selo, when a “*Četnik volunteer detachment*” ambushes a group of Croatian policemen who have entered the village to restore Croatian authority and release two of their colleagues who have been detained the night before by Serbs in Borovo.¹⁸⁸ During this action, “*the Croatian Police that tried to enter the village was completely defeated*”.¹⁸⁹ The “*Četnik volunteer detachment*” that carries out the operations in Borovo Selo is commanded by Miladin TODOSIJEVIĆ, with a “*Captain*” Oliver BARET as its Deputy Commander. Between April and May 1991, TODOSIJEVIĆ and BARET organise a “*Četnik Command and Staff*” in Borovo Selo, receiving the incoming volunteers¹⁹⁰, and guarding the village. Branislav VAKIĆ, “*Commander of the Old Serbia Staff*”, is among the volunteers that are sent to Borovo Selo.¹⁹¹ Another Četnik volunteer detachment in SBWS commanded by Branislav GAVRILOVIĆ aka “*BRNE*”, and with Miroslav VUKOVIĆ aka “*ČELE*” as the Deputy Commander, has its headquarters

¹⁸⁷ ERN BCS 0065-4132-0065-4137; ERN Eng ET 0065-4132-0065-4137, “*War days of Vojvoda Branislav VAKIĆ*”, excerpt from “*Velika Srbija*” Issue Nr. 63, Dec 1995; See also ERN BCS V000-6471-V000-6471; ERN Eng ET V000-6471-V000-6471, *Transcript of interview with Vojislav ŠEŠELJ for “Death of Yugoslavia”*, Mar 1995, at page 8

¹⁸⁸ ERN BCS 0041-3229-0041-3234; Eng 0306-2361-0306-2370, “*When a Serbian Trumpet Sounds in Borovo Selo*”, excerpt from “*Velika Srbija*” Issue Nr. 10, Jul 91

¹⁸⁹ ERN BCS 0076-8224-0076-8259; Eng L000-2270-L000-2294, “*Chronology of the Fight the Radicals Fought for Freedom and Democracy*”, excerpt from “*Velika Srbija*” Issue Nr. 429, Sep 1997, pp. 24-29

¹⁹⁰ ERN BCS 0041-3229-0041-3234; Eng 0306-2361-0306-2370, “*When a Serbian Trumpet Sounds in Borovo Selo*”, excerpt from “*Velika Srbija*” Issue Nr. 10, Jul 91 contains interviews with 4 other “*Četnik Lieutenants*”, all originating from Serbia.

¹⁹¹ ERN BCS 0065-4132-0065-41374; ERN Eng ET 0065-4132-0065-4137, “*War days of Vojvoda Branislav VAKIĆ*”, Excerpt from “*Velika Srbija*” Issue Nr 63. Dec 1995

in Trpinja.¹⁹² According to a certificate signed by Vojislav ŠEŠELJ, President of the SRS, and Ljubiša PETKOVIĆ, Chief of the “*SRS War Staff*”, GRAVILOVIĆ is “*Commander of the volunteers in the territory of the Serbian Region of Slavonija-Baranja and Western Srem*” from 04 June to 02 December 1991.¹⁹³

(3) In the course of summer 1991, SRS/SČP volunteers reportedly also participate in combat operations in Mirkovci¹⁹⁴, Tenja, Ada, Šodolovci, Koprivna and Petrova Slatina, where they establish close relations with the local “*village defence*”, and, at least at one occasion cooperate with “ARKAN”.¹⁹⁵

(4) On 12 May 1991, the SRS/SČP volunteers “*who proved competent during the defence of Borovo Selo*”, are awarded the title of “*Vojvoda*”¹⁹⁶ during a ceremony in Ravna Gora, western Serbia¹⁹⁷ by Momčilo ĐUJIĆ, “*President of the Vojvoda Council and President of the Ravna Gora Serbian Chetnik Movement in the Free World*”.¹⁹⁸ Subsequent proclamations of senior SRS/SČP volunteers to “*Četnik Vojvoda*” often refer to their participation in the conflict in Baranja, Eastern Slavonia and Western Srem.¹⁹⁹

(5) During the combat operations in SBWS that develop in summer 1992, SRS/SČP volunteers are predominantly active in -and in command of- the

¹⁹² ERN BCS 0065-3126-0065-3131; Eng 0066-6712-0066-6717, “*Defending Serbia in Slavonia, Baranja and Western Srem*”, excerpt from “*Velika Srbija*” Issue Nr. 11, Dec 91, and ERN BCS 0041-3152-0041-3153; Eng 0047-2763-0047-2764, “*The Army Commands a Unit of Serbian Radical Party Volunteers*”, excerpt from ERN BCS 0041-3135-0041-3202, “*Velika Srbija*” Issue Nr. 12, Feb 92

¹⁹³ ERN BCS 0339-4895-0339-4895; ERN Eng 0339-4895-0339-4895, Certificate for Branislav GRAVILOVIĆ “*Berne*”, Ljubiša PETKOVIĆ, 04 Dec 91

¹⁹⁴ ERN BCS 0339-4974-0339-4974; Eng 0309-2239-0309-2239, Letter, 11 Aug 91

¹⁹⁵ ERN BCS 0041-3135-0041-3202; Eng 0068-1948-0068-1954, “*Diary of a Volunteer in the Kragujevac Chetnik Detachment*”, Srećko RADOVANOVIC, excerpt from ERN BCS 0041-3135-0041-3202, “*Velika Srbija*” Issue Nr. 12, Feb 92

¹⁹⁶ ERN BCS 0347-8442-0347-8746; ERN Eng 0347-8709-0347-8744-EDT excerpt from ERN BCS 0347-8442-0347-8746, “*Kroz politički galimatijas*” (*Through Political Galimatias*) Vojislav ŠEŠELJ, ABC-GLAS, Belgrade, 1993; ERN Eng 0088-8630-0088-8647, English translation of Statute of the Serbian Radical Party, taken from “*Velika Srbija*”, Nr 13, Jan 1994, Art 85

¹⁹⁷ ERN BCS 0076-8224-0076-8259; ERN Eng L000-2270-L000-2294, *Chronology of the Fight the Radicals Fought for Freedom and Democracy*, excerpt from “*Velika Srbija*” Issue Nr 429, Sep 1997, pp. 24-29

¹⁹⁸ ERN Eng 0348-2190-0348-2223-ET/Translation: See also ERN Eng 0348-2190-0348-2223-ET/Translation, article “*Ravna Gora Must Conquer*”, published in “*Velika Srbija*” Nr 10/91

¹⁹⁹ ERN BCS 0346-2545-0346-2548; ERN Eng 0346-2545-0346-2548; Order Nr 124, Serbian Četnik Movement, 13 May 1993, excerpt from ERN BCS 0346-2361-0346-2561, “*Srpska Radikalna Stranka (Serbian Radical Party)*”, Vojislav ŠEŠELJ, ABC GLAS, 1995

following two (local Serb) TO Detachments in Vukovar: “*Petrova Gora*”; and “*Leva Supoderica*”,

operating under JNA command and control, as a part of OG SOUTH²⁰⁰, until at least 21 November 1991²⁰¹, and maintaining close ties with the SRS/SČP.²⁰² On 18 October 1991, Dušan FILIPOVIĆ sent a handwritten letter bearing a “*Vukovar TO*” stamp, on the “*legalisation of the functioning of the unit detachment Leva Supoderica*”, appointing Milan LANČUZANIN aka “*KAMENI*” as its commander.²⁰³ According to the SRS party magazine “*Velika Srbija*”, Leva Supoderica is a “*Četnik Detachment*”.²⁰⁴ Vojislav ŠEŠELJ proclaims Milan LANČUZANIN aka “*KAMENI*”, the Commander of the Leva Supoderica (local Serb) TO detachment, “*Chetnik Vojvoda*” on 13 May 1993.²⁰⁵ On 09 December 1991 Slobodan KATIĆ, “*Četnik Commander of Vukovar*”, of the Municipal ŠTO Vukovar, sends a request for promotion of “*warriors*” to the Chief of the SRS “*War Staff*”, Ljubiša PETKOVIĆ.²⁰⁶ Among the aforementioned “*warriors*” figure Milan LANČUZANIN, Commander of the “*Leva Supoderica*” detachment; Miroljub VUJOVIĆ, Commander of the (local Serb) TO in Vukovar; and Stanko VUJANOVIĆ, NŠ of the Vukovar TO.²⁰⁷

(6) SRS/SČP volunteers who take part in the (Bosnian) Serb over of Bosanski Šamac on 17/18 April 1992 trained at a facility located in Pajzoš, near

²⁰⁰ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, 1 gmtbr, 01 Oct – 21 Nov 91, at L010-0531; ERN BCS 0119-2667-0119-2669; ERN Eng ET 0119-2667-0119-2669, *OG SOUTH Order*, Nr 235-1, Colonel Mile MRKŠIĆ, 29 Oct 91;

²⁰¹ ERN BCS 0119-2667-0119-2669; ERN Eng ET 0119-2667-0119-2669, *OG SOUTH Order Nr. 235-1*, Mile MRKŠIĆ, 29 Oct 91; ERN BCS/Eng 0059-3913-0059-3917 “*Kapetan Miroslav Radić: Rat mi se ogadio*”, interview with Captain Miroslav RADIĆ, “*Intervju*” 29 Nov 91,

²⁰² ERN BCS 0116-9457-0116-9457; ERN Eng 0307-1154-0307-1154, *Letter from Commander SRS War Staff to Commander Leva Supoderica detachment*, 09 Nov 91; ERN BCS 0116-9457-0116-9458; ERN Eng 0307-1154-0307-1154, *Letter from Commander SRS War Staff to Commander Leva Supoderica detachment*, 09 Nov 91; ERN Eng 0068-1955-0068-1958, Interview with Branislav VAKIĆ, *Telegraf*, 28 Sep 94; ERN BCS 0065-4132-0065-4137; ERN Eng ET 0065-4132-0065-4137, “*War days of Vojvoda Branislav VAKIĆ*”, excerpt from “*Velika Srbija*” Issue Nr. 63, Dec 1995

²⁰³ ERN BCS 0119-2670-0119-2670; Eng ET 0119-2670-0119-2670, *Legalisation of the functioning of the unit Detachment “Leva Supoderica”*, Dušan FILIPOVIĆ, TO Vukovar, 18 Oct 91

²⁰⁴ In addition to the documents discussed in this section: ERN BCS 0041-3138-0041-3140; ERN Eng ET 0041-3138-0041-3140, *Serbian Vukovar Will Live On*, excerpt from ERN BCS 0041-3135-0041-3202, “*Velika Srbija*”, Issue Nr. 12, Feb 92

²⁰⁵ ERN BCS 0346-2545-0346-2548; ERN Eng 0346-2545-0346-2548; *Order Nr 124*, Serbian Četnik Movement, 13 May 1993, excerpt from ERN BCS 0346-2361-0346-2561, “*Srpska Radikalna Stranka (Serbian Radical Party)*”, Vojislav ŠEŠELJ, ABC GLAS, 1995

²⁰⁶ ERN BCS 0116-9410-0116-9410; ERN Eng 0307-1275-0307-1275, *Request TO Vukovar Municipal Staff*, 9 Dec 91

²⁰⁷ ERN BCS 0116-9410-0116-9410; ERN Eng 0307-1275-0307-1275, *Request TO Vukovar Municipal Staff*, 9 Dec 91

Bapska (Eastern Slavonia, Croatia).²⁰⁸ According to the Report Nr. 2-379 dated 05 August 1993 and drafted by Colonel Dušan GRAHOVAC, Chief of the Security Organs of the 11 Slavonia Baranja Corps (SVK), Pajzoš is used by members of the so called “*Red Berets*” i.e. the Special Purpose Forces of the Ministry of Interior of the Republic of Serbia.²⁰⁹

b. Groups controlled by or linked otherwise to MUP Serbia: Željko RAŽNATOVIĆ aka “ARKAN” “ARKAN Tigers” (aka “*Serbian Volunteer Guard*”)

(1) Introduction

According to the 1st MD OB Intelligence Report “*Željko RAŽNATOVIĆ aka ARKAN, Commander of the Serbian Volunteer Guard*” dated 09 January 1992, “ARKAN” has been active in Eastern Slavonia since May 1991, first in Tenja and, since September 1991 in Erdut.²¹⁰ Several JNA intelligence reports suggest the existence of relations between “ARKAN” and Goran HADŽIĆ or other members of the “SAO SBWS” government.²¹¹

²⁰⁸ ERN BCS 0053-2862-0053-2867; ERN Eng ET 0053-2862-0053-2867, *Minutes of the interrogation of the accused*, Banja Luka Military Court, 25 Nov 92; See also ERN BCS 0358-8617-0358-8625, ERN Eng 0358-8617-0358-8625-ET, *INFORMATION on the situation at the Bosanski Šamac SJB, the arrest of the SJB Chief by military organs and the closing down of the Krajina –FRY corridor, MUP Bijeljina, Ostoja MINIĆ and Goran SARIC*, 19 Nov 92

²⁰⁹ ERN BCS 0419-2511-0419-2512; ERN Eng ET 0419-2511-0419-2512, Nr. 6-312, Slavonia Baranja Corps Security Organ, Colonel Dušan GRAHOVAC, 05 Aug 93

²¹⁰ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteer Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92; See also ERN BCS BG00-8851-BG00-8851; Eng ET BG00-8851-BG00-8851, *Certificate*, *Željko RAŽNATOVIĆ, Commander of the Territorial Defence Centre Command for training volunteers*, 15 May 92

²¹¹ ERN BCS 0340-4866-0340-4867; Eng ET 0340-4866-0340-4867, *Information, Željko RAŽNATOVIĆ aka ARKAN, the mistreatment of volunteers - JNA Conscripts*, Novi Sad Kvok, Lieutenant Colonel Ivan MATOŠEVIĆ, 30 Sep 91; ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteer Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

(2) Participation in combat operations

(a) The 1st MD intelligence Report Nr 68-443 dated 19 October 1991, states that “*Members of the SDG are engaged in combat activities and mopping up of the area together with the JNA operations units, while a part of the manpower is used to shut the manholes in the underground conduits in Vukovar*”. The Intelligence Report adds that “*there is a big warehouse in the Centre with large quantities of different infantry weapons, grenade launchers, hand grenades, Zolja hand-held launchers, etc, that Arkan is issuing to whomever he wants*”.²¹²

(b) The 12th Novi Sad Corps (12th K) Order Nr 133-475 dated 30 October 1991 confirms the subordination of “ARKAN”’s “*Serbian Volunteer Guard*” to the JNA during combat operations; according to this order in the area of Lužač.²¹³ The overview Nr 133-1120 of the units operating under the command of the 12th K dated 12 December 1991 includes the “*ARKAN TO detachment*”, with a strength of 70 men.²¹⁴

(c) The 1st MD OB Intelligence Report “*Željko RAŽNATOVIĆ aka ARKAN, Commander of the Serbian Volunteer Guard*” dated 09 January 1992, confirms ARKAN’s subordination to the 12th K, and provides an assessment of ARKAN’s motivation to participate in the conflict, explicitly mentioning “*looting*”.

It is undeniable that RAŽNATOVIĆ’s involvement in the war is not motivated purely by patriotic reasons, and is also motivated by looting and /illegible/ to make a name for himself as a soldier, which would help him to legalise his unlawfully acquired wealth.²¹⁵

²¹² ERN BCS 0340-4872-0340-4873; Eng ET 0340-4872-0340-4873, *Information*, Nr 68-443, Major-General Mile BABIĆ, 18 Oct 91

²¹³ ERN BCS 0683-9461-0683-9463; Eng 0683-9461-0683-9463-ET/Translation, *ORDER OP. number 1*, Nr 133-475, Colonel Srboljub TRAJKOVIĆ, Commander of the 12th K, 30 Oct 91

²¹⁴ ERN BCS 0683-9475-0683-9476; Eng 0683-9475-0683-9476-ET/Translation, Nr 133-1120, Colonel Srboljub TRAJKOVIĆ, Commander of the 12th K, 12 Dec 91

²¹⁵ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteers’ Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

(3) Training of volunteers

(a) A certificate confirming the wounding of a volunteer during combat operations shows that ARKAN is at the latest on 27 September 1991, the Commander of the “*Serbian Volunteer Guard, Territorial Defence Centre for Special Training of Slavonia, Baranja and Western Srem*”.²¹⁶ This certificate also indicates that at least one member of the MUP Serbia receives training at the “*Territorial Defence Centre for Special Training of Slavonia, Baranja and West Srem*” in Erdut.²¹⁷ “ARKAN”’s recommendation in the certificate for the (disabled) MUP Serbia member that “*the conditions are met regarding the invalid of war status*” according to SFRY legislation, suggests that he has been attributed the authority to issue such certificates.

(b) Information on the nature of the training provided by “ARKAN” and his people at the training centre in Erdut can be found in the 1st MD OB Report Nr 56-582 dated 25 October 1991 which explicitly states that volunteers are taught to “*kill whomever they find in the house*”, “*when raiding into Croatian houses*”.²¹⁸

They were primarily trained to move through the battlefield, to handle mines and personal weaponry, and also to shoot and give first aid. He completed the training under a certain Dragan.

Through the training process of each volunteer, they learn, when raiding into a Croatian house, to kill whomever they find in the house, no matter if those are children, old and frail people, women and similar. They train them to open fire from left to right when engaged in the killings.²¹⁹

(c) The training centre and the activities of “ARKAN” and his “*Serbian Volunteers Guard*” are also discussed in the OB 1st MD Report Nr 35-

²¹⁶ ERN BCS BG00-8851-BG00-8851; Eng ET BG00-8851-BG00-8851, *Certificate*, Željko RAŽNATOVIĆ, Commander of the Territorial Defence Centre Command for training volunteers, 15 May 92

²¹⁷ ERN BCS BG00-8851-BG00-8851; Eng ET BG00-8851-BG00-8851, *Certificate*, Željko RAŽNATOVIĆ, Commander of the Territorial Defence Centre Command for training volunteers, 15 May 92; See also ERN BCS 0088-7075-0088-7075; Eng 0302-3761-+0302-3762, Nr 01-32/92, Željko RAŽNATOVIĆ, Commander of the Territorial Defence Centre for training volunteers, 17 Jan 92

²¹⁸ ERN BCS 0340-4876-0340-4878; ENG ET 0340-4876-0340-4878, *Report The conduct of the Commander of the Special Forces of Slavonija, Baranja and Western Srem, Željko. RAŽNATOVIĆ “ARKAN” in Erdut*, Nr 56-582, OB 1st MD, Major General Mile BABIĆ, 25 Oct 91

²¹⁹ ERN BCS 0340-4876-0340-4878; ENG ET 0340-4876-0340-4878, *Report, The conduct of the Commander of the Special Forces of Slavonija, Baranja and Western Srem, Željko. RAŽNATOVIĆ “ARKAN” in Erdut*, Nr 56-582, OB 1st MD, Major General Mile BABIĆ, 25 Oct 91

163 “*Reactions of the members of the JNA and the residents regarding the way in which Ž. RAŽNJATOVIĆ aka ARKAN and the members of the “Serbian National Guard” (sic) conduct themselves*”, dated 29 October 1991. According to Report Nr 35-163, “*there is a big warehouse in the Centre with large quantities of different infantry weapons, grenade launchers, hand grenades, Zolja hand-held launchers etc, that Arkan is issuing to whomever he wants.*” The report furthermore mentions that “*the way in which Arkan and the members of the “Serbian National Guard” are conducting themselves in the territory of combat activities causes dissatisfaction of the inhabitants and the members of the JNA and TO units.*”²²⁰

(d) According to an 1st MD OB Intelligence Report “*Željko RAŽNATOVIĆ aka ARKAN, Commander of the Serbian Volunteer Guard*” dated 09 January 1992 “ARKAN”’s Training Centre in Erdut is reportedly financed “*in various ways which have not yet been fully analysed*”, adding “*it is known that it is financed by the SPS /Socialist Party of Serbia/ from within the country and from abroad, as well as by numerous enterprises, including Dalj farm*”²²¹, the latter according to the intelligence report on the instructions of Goran HADŽIĆ.²²² This last information is corroborated by documents of the DALJ Socially-owned enterprise.²²³ The following weapons are available in the training centre to the members of the “*Serbian Volunteer Guard*”: “*in addition to automatic rifles, two tanks, two triple-barrelled 20-mm anti-aircraft guns, Zoljas /portable rocket launchers/, and sniper rifles*

²²⁰ ERN BCS 0340-4874-0340-4875; ENG ET 0340-4874-0340-4875, Report Nr 35-163, *Reactions of the members of the JNA and the residents regarding the way in which Ž. RAŽNJATOVIĆ aka ARKAN and the members of the “Serbian National Guard” (sic) conduct themselves*, OB 1st MD, Major General Mile BABIĆ, 29 Oct 91

²²¹ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteers’ Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

²²² ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteer Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

²²³ ERN BCS 0088-7074-0088-7074; Eng 0300-4213-0300-4214, *Approval*, Milan MILANOVIĆ; ERN BCS 0229-0200-0229-0203; Eng ET 0229-0200-0229-0203, *Invoice*, Nr 309/92, 10 Apr 92

with night sights and silencers. Every soldier has a Škorpion /sub-machine gun/ with silencer, while the officers have Hecklers".²²⁴

- (e) There are at least two JNA OB reports mentioning that "ARKAN" mistreats volunteers at the training centre in Erdut.²²⁵
- (f) "Captain DRAGAN" (Dragan VASILJKOVIĆ aka Daniel SNEDDEN) visits "ARKAN"s training centre in Erdut "a few times".²²⁶

Captain Dragan also went a few times to the Centre. When he is to come to the Centre, special security measures are organised. No one of the volunteers is allowed to be in the camp, and Arkan's commandos aimed their weapons at those who are on duty.²²⁷

- c. Other groups controlled by or linked otherwise to to MUP Serbia: "Special Purpose Unit" of the MUP Serbia (aka "Red Berets")
 - (1) According to a "Request for payment of a one-off financial assistance to the family of a killed soldier" sent by the "RSK" Ministry of Defence, dated 30 January 1992²²⁸, and a report dated 19 December 1991 by the Unit Commander, Živojin IVANOVIĆ on a mine incident on 18 December 1991²²⁹, the "Special Unit of the Serbian State Security" (aka "Red Berets"), stationed in Fruška Gora, is present in Pajzoš, Ilok municipality on 18 December 1991.
 - (2) The certificate of the MUP Serbia "Unit for Special Purposes" dated 27 June 1992 and signed by Živonin IVANOVIĆ (aka "CRNOGORAC"),

²²⁴ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteer Guards, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

²²⁵ ERN BCS 0340-4866-0340-4867; Eng ET 0340-4866-0340-4867, *Information, Željko RAŽNATOVIĆ aka ARKAN, the mistreatment of volunteers - JNA Conscripts*, Novi Sad Kvok, Lieutenant Colonel Ivan MATOŠEVIĆ, 30 Sep 91; ERN BCS 0340-4872-0340-4873; Eng ET 0340-4872-0340-4873, *Information*, Nr 68-443, Major-General Mile BABIĆ, 18 Oct 91

²²⁶ ERN BCS 0340-4876-0340-4878; Eng ET 0340-4876-0340-4878, *The conduct of the Commander of the Special Forces of Slavonija, Baranja and Western Srem, Željko. RAŽNATOVIĆ "ARKAN" in Erdut*, Nr 56-582, OB 1st MD, Major General Mile BABIĆ, 25 Oct 91

²²⁷ ERN BCS 0340-4876-0340-4878; Eng ET 0340-4876-0340-4878, *The conduct of the Commander of the Special Forces of Slavonija, Baranja and Western Srem, Željko. RAŽNATOVIĆ "ARKAN" in Erdut*, Nr 56-582, OB 1st MD, Major General Mile BABIĆ, 25 Oct 91

²²⁸ ERN BCS 0682-1889-0682-1889; Eng ET 0682-1889-0682-1889, *Request for payment of a one-off financial assistance to the family of a killed soldier*, Nr 1/1-92, Sava POPOVIĆ, Assistant Minister for Defence, Republic of Serbian Krajina, 30 Jan 92

²²⁹ ERN BCS 0682-1897-0682-1900; Eng ET 0682-1897-0682-1900, *UNIT COMMANDER' REPORT*, Živojin IVANOVIĆ, Special Purpose Unit Commander, Republican SUP SERBIA, 19 Dec 91 (Same document at 0704-3603-0704-3606)

Commander of the “*Unit for Special Purposes of the MUP Serbia*” (aka “*Red Berets*”) shows that members of the “*Unit for Special Purposes of the MUP Serbia*” are involved in combat operations in the area of Ilok - Bapska in December 1991.²³⁰ This is corroborated by an report on the inspection of the 1st pgmd which mentions the existence of a “*Crnogorac Od TO*”, who are “*allegedly under the “control” of the Government of Serbia and refuse to become part of JNA units*”.²³¹

d. Other volunteers/paramilitaries

The 1st pgmd “*Weekly Report on the State of Morale in the 1st Proletarian Guards Mechanised Division and its subordinate units*” Nr. 1276-1, by Lieutenant-Colonel Milan EREMIJA, Assistant Commander for Morale and Political Guidance of the 1st pgmd, mentions the negative aspects of the participation of “*paramilitary formations from Serbia, Chetniks, the Du šan Silni Detachment, and various self-styled volunteers*” in the conflict.²³² On 23 November 1991, Colonel Milan BELIĆ, Commander of the town of Ilok reports the removal by the JNA of the “*Dušan Šilni*” paramilitary/volunteer group from Lovas.²³³

7. Combat operations in SBWS (summer - December 1991)

a. Introduction

- (1) Combat operations aimed at achieving Serbian control over Eastern Croatia start in summer 1991.
- (2) Similar to the other disputed areas in Croatia, orders are issued to ensure single and unified command and control of all “*Serb forces*” consisting of JNA, local (SBWS) TO, volunteers/paramilitaries including groups

²³⁰ ERN BCS BG01-8380- BG01-8380; Eng ET BG01-8380- BG01-8380, *Certificate*, Živonin IVANOVIĆ, Commander of the Special Purpose Unit of the MUP Serbia, 27 Jun 92

²³¹ ERN BCS 0683-9273-0683-9276; Eng 0683-9273-0683-9276-ET, *Inspection of 1st pgmd units and frontline units in the division area, Observations*, Colonel Dimitrije LUKIĆ, Team leader, undated (Dec 91?)

²³² ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, *Telegram to the command of the 1st Military District*, Lieutenant Colonel Milan EREMIJA, Assistant Commander for Instruction in Matters of Morale and Political Propaganda, , 1st Proletarian Guards Mechanised Division, 23 Oct 91

²³³ ERN BCS 0683-9285-0683-9286; Eng 0683-9285-0683-9286-ET/Translation, *Regular daily report - forwarded*, Nr 5-4, Colonel Milan BELIĆ, Town Commander of Ilok, 23 Nov 91

controlled by or linked otherwise to the MUP Serbia, and TO Serbia, including through the creation of OGs, TGs and other *ad hoc* units.²³⁴

b. Overall structure of “*Serb forces*”

- (1) The 1st MD has overall command and control over the JNA-led “*Serb forces*” operating in SBWS between summer and December 1991.²³⁵
- (2) On 29 September 1991, the (elite)²³⁶ Guards Motorised Brigade (gmtbr) - with the exception of its Security Battalion-, is re-subordinated from the SSNO to the 1st MD, “*until the completion of his task*”, through an order of the NGŠ of the SFRY Armed Forces, Colonel General Blagoje ADŽIĆ.²³⁷ Upon its arrival in the Vukovar area, the gmtbr is integrated in OG SOUTH, initially commanded by Colonel Boja BOJAT²³⁸. On or about 07 October 1991²³⁹, Colonel BOJAT is replaced by Colonel Mile MRKŠIĆ, Commander of the gmtbr.
- (3) OG SOUTH is responsible for the part of Eastern Slavonia located South of the VUKA river, covering the largest part of Vukovar, up to (and including) the areas of Berak, Ovčara and Grabovo.²⁴⁰

²³⁴ In addition to the documents discussed in this part: See for example ERN Eng V000-4026-V000-4026, Eng Transcript 0460-7824-0460-7876, *Copy video tape of unedited interview of former VJ General Života PANIĆ conducted by the Brooke Lapping company, for the BBC “The Death of Yugoslavia”, 4 and 5th Oct 94; ERN BCS 0364-3213-0364-3213; ERN Eng ET 0364-3213-0364-3213, Order, Nr. 1614-82/27, Colonel General Života PANIĆ, Commander of the 1st MD, 15 Oct 91; ERN BCS 0364-3214-0364-3215; ERN Eng ET 0364-3214-0364-3215, Order, Nr 1614-82/79, 1st MD, Lieutenant Colonel General Života PANIĆ, 16 Nov 91; ERN BCS 0345-0021-0345-0023; ERN Eng ET 0345-0021-0345-0023, Order, Nr. 1614-82/81, Lieutenant General Života PANIĆ, 18 Nov 91; ERN BCS 0683-9473-0683-9473; Eng 0683-9473-0683-9473-ET/Translation, ORDER, Nr 133-804, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 22 Nov 92; ERN BCS 0345-0008-0345-0011; ERN Eng ET 0345-0008-0345-0011, Order, Nr 1614-162, 1st MD, Lieutenant Colonel General Vladimir STOJANOVIĆ*

²³⁵ In addition to the documents discussed in this part of the report: ERN BCS Y009-4759-Y009-4760; Eng Y009-4757-Y009-4758, *Report on the results of combat operations on the Slavonia front*, Nr 115-51, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, 20 Nov 91

²³⁶ ERN BCS 0400-2219-0400-3347, *Vojni Leksikon, Vojnoizdavački Zavod, Beograd, 1981; ERN BCS 0355-4924-0355-4924 and 0355-4927-0355-4927; Eng 0355-4924-0355-4924 and 0355-4927-0355-4927, We Will Defend Yugoslavia- Decisive Message from the Members of the Guards Motorised Brigade*, Article in “*Narodna Armija*”, 08 Nov 1990;

http://www.vj.yu/english/en_structura/Specjed/Garda.htm, visited 18 Aug 2005

²³⁷ ERN BCS 0340-5665-0340-5665; ERN Eng L011-2990-L011-2991, Order Nr 29-34, Colonel General Blagoje ADŽIĆ, 29 Sep 91

²³⁸ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October - 21 November 91, entry for 05 Oct 1991 0850 Hr

²³⁹ ERN BCS 0293-5434-0293-5482; Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 Oct - 21 Nov 91

²⁴⁰ ERN BCS 0293-5434-0293-5482; Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 Oct - 21 Nov 91; See also ERN BCS 0340-5680-0340-5680; Eng L011-4034-L011-4036, *OG SOUTH Order Nr. 349-1*, Colonel Mile MRKŠIĆ, 09 Nov 91

(a) The gmtbr is the principal unit in OG SOUTH carrying out the main part of the operations aimed at seizing Vukovar.²⁴¹ The Command Post of the gmtbr/OG SOUTH is located in the centre of Negoslavci. The gmtbr has also a Forward Command Post in the same locality, on the road to Vukovar.²⁴² Berak, Ovčara (and Grabovo) are located within the zone of responsibility of OG SOUTH.²⁴³

(b) Colonel Mile MRKŠIĆ is, according to the War Diary of the gmtbr, in command of the gmtbr -and after 07 October 1992, Commander of OG SOUTH²⁴⁴-, after throughout the time period the gmtbr is in Vukovar.²⁴⁵ MRKŠIĆ has been appointed to the position of Commander of the gmtbr on 09 July 1990.²⁴⁶ Major Veselin ŠLJIVANČANIN is the Chief of the Security Organs of the gmtbr (OG SOUTH) during the time period the gmtbr is involved in the operations in Vukovar. ŠLJIVANČANIN is appointed to this position on 12 August 1991.²⁴⁷

(4) In addition to OG SOUTH, the following JNA units participate in the combat operations in SBWS:

(a) The 12th (Novi Sad) Corps (12th K) is deployed north of OG SOUTH, covering Baranja and the northern part of Eastern Slavonia, including the part of Vukovar north of the VUKA river²⁴⁸, including

²⁴¹ERN BCS 0345-0008-0345-0011; ERN Eng 0345-0008-0345-0011-EDT/Draft translation, List of Units, 1st MD Nr 1614-162, Lieutenant General Vladimir STOJANOVIĆ, 16 Nov 91; See also , ERN BCS 0114-7707-0114-7707, Eng ET 0114-7707-0114-7707, “*Vukovar is liberated by the brave*”, Narodna Armija, 19 Oct 91

²⁴² ERN BCS 0340-5667-0340-5670; ERN Eng L011-2833-L011-2843, Order for Blockade and Attack, gmtbr, Colonel Mile MRKŠIĆ, 01 Oct 1991, Para 10

²⁴³ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October - 21 November 91. See Also, ERN BCS 0340-5680-0340-5680; ERN Eng L011-4034-L011-4036, OG SOUTH Order Nr 349-1, Colonel Mile MRKŠIĆ, 09 Nov 91

²⁴⁴ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary* , gmtbr, 01 October – 21 November 1991, entries for 08 October 1991

²⁴⁵ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary* , gmtbr, 01 October - 21 November 1991, entry for 02 October, 04 October, 05 October, 06 October 1991, 10 October, 11 October, 27 October, 09 November, 15 November, 17 November 1991,

²⁴⁶ ERN BCS 0422-2838-0422-2984; ERN Eng XXX, Personnel Record of Mile MRKŠIĆ, State Secretariat for Personnel Administration

²⁴⁷ ERN BCS 0361-8844-0361-8854; ERN Eng 0361-8844-0361-8854 EDT/Draft translation, Personnel Record of Veselin ŠLJIVANČANIN, State Secretariat for Personnel Administration

²⁴⁸ ERN BCS 0683-9348-0683-9348; Eng 0683-9348-0683-9348-ET, Nr 133-14, Srboljub TRAJKOVIĆ, N[12th K, 22 Sep 91; ERN BCS 0327-1189-0327-1191; Eng ET 0327-1189-0327-1191, Order, Nr. 106-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 15 Oct 91

municipalities of Borovo Selo and Borovo Naselje, Erdut, Bobota, etc.²⁴⁹ During the conflict, the 12th K establishes OG NORTH, as well as other OG. The 12th (Novi Sad) Corps, is commanded initially by Major General Mladen BRATIĆ who is killed in action early Nov 91.²⁵⁰ BRATIĆ is then replaced by Major General Andrija BIORČEVIĆ.²⁵¹ The 12th K Command Post is located in Dalj.²⁵²

(b) The 1st Proletarian Guards Motorised Division (pgmd), commanded by Major General Dragoljub ARANDELOVIĆ²⁵³, consisting of three Proletarian Guards Mechanised Brigades²⁵⁴ (not to be confused with the Guards Motorised Brigade) and other units, is OG SOUTH's right neighbour, responsible for the southern part of Eastern Slavonia and Western Srem. The zone of responsibility of the 1st pgmd includes the following municipalities Mirkovci, Orolik, Deletovci, Lovas, Tovarnik, Bapska, Šarengrad, Ilok, etc.²⁵⁵

²⁴⁹ ERN BCS 0683-9372-0683-9372; Eng 0683-9372-0683-9372-ET/Translation, Nr 133-149, Colonel Srboljub TRAJKOVIĆ, NS 12th K, 04 Oct 91; ERN BCS 0683-9417-0683-9421; Eng 0683-9417-0683-9421-ET/Translation, *Report on the situation in the units of the 12th Corps*, forwarded, Nr 133-200, Major General Mladen BRATIĆ, Commander of the 12th K, 08 Oct 91; See also ERN BCS 0364-3210-0364-3210; Eng ET 0364-3210-0364-3210, *Order*, Nr 2429-1, Lieutenant General Vladimir STOJANOVIC, 09 Oct 91; ERN BCS 0345-0026-0345-0029; Eng 0345-0026-0345-0029-EDT/Draft translation, *1st MD Combat Report Nr. 1614-177*, 20 Nov 91

²⁵⁰ ERN BCS 0054-4954-0054-4958; Eng ET 0054-4954-0054-4958, Article in "Bulletin – Biltén", Nr 82, 05 Nov 91

²⁵¹ ERN BCS 0683-9469-0683-9470; Eng 0683-9469-0683-9470-ET/Translation, *Regular combat report*, Nr 133-745, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 17 Nov 91; ERN BCS 0683-9473-0683-9473; Eng 0683-9473-0683-9473-ET/Translation, *ORDER*, Nr 133-804, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 22 Nov 92

²⁵² ERN BCS 0683-9329-0683-9336; Eng 0683-9329-0683-9336-ET/Translation, *ORDER TO 12th CORPS TO ATTACK Operational Nr 1*, Nr 133-1, Major General Mladen BRATIĆ, Commander of the 12th K, 20 Sept 12; ERN BCS 0683-9390-0683-9391; Eng 0683-9390-0683-9391-ET/Translation, Nr 133-184, Major General Mladen BRATIĆ, Commander of the 12th K, 06 Oct 12; ERN BCS 0683-9403-0683-9403, Eng ET 0683-9403-0683-9403, Nr 133-194, Chief of Communications 12th K, 07 Oct 91; ERN BCS 0683-9417-0683-9421; Eng 0683-9417-0683-9421-ET/Translation, *Report on the situation in the units of the 12th Corps*, forwarded, Nr 133-200, Major General Mladen BRATIĆ, Commander of the 12th K, 08 Oct 91

²⁵³ See also ERN 0207-7961-0207-7963; ERN Eng L005-8886-L005-8891; Order Nr 851-18, 1st pgmd, Major General Dragoljub ARANDELOVIĆ, 04 Oct 91

²⁵⁴ ERN BCS 0345-0008-0345-0011; ERN Eng ET 0345-0008-0345-0011, Order Nr 1614-162, 1st MD, Lieutenant Colonel General Vladimir STOJANOVIC

²⁵⁵ ERN BCS 0364-3210-0364-3210; ERN Eng ET 0364-3210-0364-3210, 1st MD Order Nr 2429-1, Lieutenant General Vladimir STOJANOVIC, 09 Oct 91;

c. Overview of most significant military developments until the fall of Vukovar (18 November 1991)

- (1) The incidents in Borovo Selo on 02 May 1991 mark the start of the conflict in SBWS.²⁵⁶
- (2) Units of the 12th K secure the three bridges over the Danube “*in the sectors of Baška Palanka, Bogojevo and Bezdan*”, separating “SWBS” (i.e. Croatia) from Serbia, since early May 1991.²⁵⁷
- (3) The 2nd mb (of the 51 mbr/12th K) is on 01 July 1991 ordered to move to Eastern Slavonia.²⁵⁸ From the available documents it cannot be determined whether this move actually took place.
- (4) On 08 July 1991, the 12th K Commander, Major General Mladen BRATIĆ issues the “*Order for Deployment of the 12th Corps forces in Slavonia*”, Nr 94-26, to his subordinate units. This order, *inter alia* instructs to create TG BARANJA.²⁵⁹
- (5) On 27 July 1991, the 2nd mb (51mbr) reports that a conflict broke out in the morning between “*the Serbian population*” and “*Croatian MUP forces*” in Erdut and its surroundings.²⁶⁰
- (6) The 12th K reports on 09 August 1991 AM that “*a fierce armed conflict broke out between the armed forces of the MUP and the ZNG of the Republic of Croatia and the organised Serbian forces in the village of Dalj*” on 01 Aug 91. Units of the JNA 51 mbr subsequently enter Dalj, crossing the Danube in Erdut via the “*Bratsvo I Jedinstvo*” bridge near Bogojevo “*to separate the warring parties*”. According to the 12th K

²⁵⁶ See also ERN BCS 0683-9417-0683-9421; Eng 0683-9417-0683-9421-ET/Translation, *Report on the situation in the units of the 12th Corps*, forwarded, Nr 133-200, Major General Mladen BRATIĆ, Commander of the 12th K, 08 Oct 91; ERN BCS 0683-9238-0683-9238; Eng 0683-9238-0683-9238-EDT/Draft Translation, *PETITION*, 08 Jan 92

²⁵⁷ ERN BCS 0683-9417-0683-9421; Eng 0683-9417-0683-9421-ET/Translation, *Report on the situation in the units of the 12th Corps*, forwarded, Nr 133-200, Major General Mladen BRATIĆ, Commander of the 12th K, 08 Oct 91

²⁵⁸ ERN BCS 0335-0393-0335-0397; Eng 0308-8833-0308-8837, *Order to march and defend*, Lieutenant Colonel Mirko BROČETA, Commander, 27 Jul 12

²⁵⁹ ERN BCS 0683-9322-0683-9325; Eng 0683-9322-0683-9325-ET/Translation, *Order for Deployment of the 12th Corps forces in Slavonia*, Nr 94-26, Major General Mladen BRATIĆ, Commander of the 12th K, 08 Jul 91

²⁶⁰ ERN BCS 0335-0396-0335-0387; Eng 0308-8939-0308-8941, *Order to march and defend*, Lieutenant Colonel Mirko BROČETA, Commander, 27 Jul 12

report, ZNG units in Erdut and Dalj who opened fire against units of the JNA 51st mb are forced to withdraw. The JNA then withdraws from Dalj, remaining in its vicinity.²⁶¹

(7) On or about 11 September 1991, the “*President of the Co-ordination Board of the groups and parties of Yugoslav orientation*”, Dr. Vida MANDIĆ, the President of the “*Executive Council of Slavonia, Baranja and Western Sirmium for the Municipality of Beli Manastir*” Borivoje ŽIVANOVIĆ and the “*Commander of Territorial Defence Forces of Beli Manastir Municipality*” Major Borivoje DOBROKES, issue a ten-point “*Declaration on the unconditional capitulation of Croatia in the area of Baranja which defeated military forces of Croatia in Baranja*”. According to this declaration, “*Baranja is free*”, and the whole area under control of the local Serb TO and police. The declaration adds that “*After three days of military administration, the new executive authorities of the Autonomous Region of Slavonija, Baranja and Western Srem /Sirmium/ were elected – Executive Council for Baranja.*”²⁶²

(8) *The 12th K”ORDER TO 12th CORPS TO ATTACK Operational Nr 1*, dated 20 September 1991 states that the 12th K “*shall carry out an offensive operation along the general Osijek – Našice – Virovitica axis. Their task: to crush Ustasha units, lift the blockade of units and military installations, reach the Donji Miholjac – Našice line as soon as possible and be ready to continue b/d /combat operations/ in the direction of Bjelovar. Secure the right flank of the forces towards Hungary and avoid longer stays around large settlements that are to be blockaded*”.²⁶³

(9) Major General Mladen BRATIĆ, Commander of the 12th K, on 28 September 1992, orders the creation of (an) OG NORTH, tasked with “*consolidating forces north of Vukovar, blocking exit from Vukovar from*

²⁶¹ ERN BCS 0683-9326-0683-9328; Eng 0683-9326-0683-9328-ET/Translation, *Report on the armed conflict near the village of Dalj on 1 August 1991*, Nr 94-86, Colonel Srboljub TRAJKOVIĆ, NŠ of the 12th K, 09 Aug 91

²⁶², ERN BCS 0050-1603-0050-1608; ERN Eng 0050-1603-0050-1608, *declaration on the unconditional capitulation of Croatia in the area of Baranja which defeated military forces of Croatia in Baranja*

²⁶³ ERN BCS 0683-9329-0683-9336; Eng 0683-9329-0683-9336-ET/Translation, *ORDER TO 12th CORPS TO ATTACK Operational Nr 1*, Nr 133-1, Major General Mladen BRATIĆ, Commander of the 12th K, 20 Sep 91

the north and preparing to lift the siege of Vukovar “²⁶⁴ On 30 September 1992, General Mladen BRATIĆ orders the formation of a TG, “*in charge of blocking Vukovar from the north.*” The TG includes the 2nd mb of the pgmd, as well as a “*Volunteer TO Detachment from Valjevo (Serbia), and local Serb TO companies from Borovo Selo and Bršadin*”. ²⁶⁵ A 04 October 1991 12th K report mentions an “*OG NORTH*” covering Lovas (*sic*) - Trpinja - Borovo Selo.²⁶⁶ General BRATIĆ orders the establishment of a TG “*NORTH*” on 09 October 1991.²⁶⁷ The 36th mbr is responsible for Baranja.²⁶⁸

(10) On 01 October 1991, Colonel Mile MRKŠIĆ, Commander of the gmtbr, issues the order “*Order for Blockade and Attack*” to the gmtbr, introducing Assault Detachment (JOD) in the gmtbr, stating that gmtbr infantry units are to use members of the Petrova Gora local Serb TO detachment as “*guides*”.²⁶⁹

(11) On 04 October 1991, units of the 1st pgmd *inter alia* conduct operations to “*take control*” of Bapska and Šarengrad, take control of *Djeletovci*, mopping up the area of Zidina and Marinci, and securing Tovarnik.²⁷⁰

(12) The gmtbr 2nd Motorised Battalion (mb) reaches the JNA barracks in Vukovar at the latest on 06 October 1991. Lieutenant Colonel Branislav LUKIĆ is appointed Commander of the Vukovar Garrison and the Barracks.²⁷¹ OG SOUTH (gmtbr) uses the “*VELEPROMET*”-facility to

²⁶⁴ ERN BCS 0683-9353-0683-9353; Eng 0683-9353-0683-9353-ET/Translation, *ORDER*, Nr 133-70, Major General Mladen BRATIĆ, Commander of the 12th K, 28 Sep 91

²⁶⁵ ERN BCS 0683-9354-0683-9354; Eng 0683-9354-0683-9354-ET/Translation, *Formation of TG, Order*, Nr 133-88, Major General Mladen BRATIĆ, Commander of the 12th K, 30 Sep 91

²⁶⁶ ERN BCS 0683-9372-0683-9372; Eng 0683-9372-0683-9372-ET/Translation, Nr 133-149, Colonel Srboljub TRAJKOVIĆ, NS 12th K, 04 Oct 91

²⁶⁷ ERN BCS 0683-9438-0683-9438; Eng 0683-9438-0683-9438-ET/Translation, Nr 133-222, Major General Mladen BRATIĆ, Commander of the 12th K, 09 Oct 91; See also ERN BCS 0683-9390-0683-9391; Eng 0683-9390-0683-9391-ET/Translation, Nr 133-184, Major General Mladen BRATIĆ, Commander of the 12th K, 06 Oct 91

²⁶⁸ ERN BCS 0683-9372-0683-9372; Eng 0683-9372-0683-9372-ET/Translation, Nr 133-149, Colonel Srboljub TRAJKOVIĆ, NS 12th K, 04 Oct 91

²⁶⁹ ERN BCS 0340-5667-0340-5670; ERN Eng L011-2833-L011-2843, *Order for Blockade and Attack*, Colonel Mile MRKŠIĆ, 01 Oct 91

²⁷⁰ ERN BCS 0207-7961-0207-7963; Eng L005-8883-L005-8891, *Order*, Nr 851-18, Major General Dragoljub ARANDELOVIĆ, Commander of the 1st Pgmd, 04 Oct 91

²⁷¹ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October – 21 November 1991, entry for 06 October 1550 Hr

process civilians who are being evacuated.²⁷²

(13) On 14 October 1991, Major General Dragoljub ARANĐELOVIĆ, Commander of the pgmd, and the (Croatian) civilian representatives of Ilok, Šarengrad, Bapska, including of Ivan MRĆIĆ, mayor of Ilok, Mate BRLETIĆ, Commander of the police station in Ilok, and Stepan KRALJEVIĆ, President of negotiation committee, in presence of representatives from ECMM meet in Šid and reach an “*AGREEMENT*” on the departure of the civilian population from Ilok, “*if they want to*” on 17 October 1991.²⁷³

(14) On the same day, -14 October 1991-, Colonel Mile MRKŠIĆ informs the 1st MD, in his Regular Combat Report Nr 101-1 of the status of implementation of the 1st MD order to allow a humanitarian convoy into Vukovar, and the “*opposition*” of the (local Serb) TO against such a gesture.²⁷⁴

(15) On 15 October 1991 Colonel General Života PANIĆ, Commander of the JNA 1st MD, in his Order Nr. 1614-82/27 to the 12th K, the Provincial TO staff of the AP Vojvodina, and to OG SOUTH, orders, among other things, the subordination of all “*paramilitary compositions and the volunteer detachments*” to the JNA, and their removal if they refuse to do so.²⁷⁵ On the same day, 15 October 1991, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, issues the Order Nr 106-1 “*DECISION on the continuation of the assault operation on Vukovar*”.²⁷⁶ MRKŠIĆ’s order mentions four Assault Detachments, consisting of forces of the gmtbr, volunteers, detachments of the local Serb TO, and of the TO of the Republic of Serbia.²⁷⁷

²⁷² See ERN BCS Y009-6213-Y009-6214, *Transcript of Intelligence Report by the Gmtbr Security Organ*, Nr 424-1, Lieutenant Colonel Dragoljub ĐUKIĆ, Assistant Chief of Security Office, 10 Nov 91; ERN BCS Y008-9305-Y008-9308-Y008-9309-Y009-9313, *The progress of combat operations conducted to liberate Vukovar*, Major Veselin ŠLJIVANČANIN, Chief of the OB gmtbr, 10 Dec 91

²⁷³ ERN BCS 0034-6942-0034-6944; Eng ET 0034-6942-0034-6944, *AGREEMENT*, 14 Oct 91

²⁷⁴ ERN BCS 0327-1187-0327-1188; ERN Eng ET 0327-1187-0327-1188, Nr 101-1, Colonel Mile MRKŠIĆ, 14 Oct 91

²⁷⁵ ERN BCS 0364-3213-0364-3213; ERN Eng ET 0364-3213-0364-3213, *Order*, Nr. 1614-82/27, Colonel General Života PANIĆ, 15 Oct 91

²⁷⁶ ERN BCS 0327-1189-0327-1191; ERN Eng ET 0327-1189-0327-1191, *Order*, Nr 106-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 15 October 1991

²⁷⁷ ERN BCS 0327-1189-0327-1191; ERN Eng ET 0327-1189-0327-1191, *Order*, Nr 106-1, Colonel Mile MRKŠIĆ, 15 Oct 91

(16) On 19 October 1991, Lieutenant Colonel General Života PANIĆ, Commander of the JNA 1st MD, issues the Order Nr 1614-82/33 to OG SOUTH, the 12th K, the 1st pgmd, the Provincial TO staff of the Autonomous Province of Vojvodina, and his other subordinate units to “establish a full close blockade of Vukovar and with 1st pgmd a blockade in depth and prevent every access and exit from Vukovar”, adding that the Vojvodina TO Staff and Vojvodina Internal Affairs Secretariat are to “organise full control of the left bank of the Danube river.... and prevent any crossing of the Danube river” to prevent the smuggling of “Ustashas and ammunition across the Danube to Vukovar”:²⁷⁸

(17) The 46th partd on 19 October occupies its zone of operations between Šarengrad, Bapska, Sotin and Lovas, where it remains until at least 04 November 1991.²⁷⁹

(18) Between at least 30 October and 04 November 1991, “ARKAN TIGERS” (aka “Serbian Volunteer Guards”) participate in combat operations in the area of Lužac under the command of the 12th K.²⁸⁰

(19) On 03 November 1991, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD orders his subordinate units to capture Vukovar by 04 November.²⁸¹ On 17 November 1991, forces of the 12th K proceed with their attacks Borovo and Borovo Naselje and continue to mop up “Ustasha” Forces remaining at the rubber and shoe factory complex.²⁸²

(20) On 14 November 1991, Colonel Mile MRKŠIĆ releases the Order Nr 394-2 for the “Regulation of the issues regarding control of the territory

²⁷⁸ ERN BCS 0327-1195-0327-1197; ERN Eng ET 0327-1195-0327-1197, *Order*, Nr 1614-82/33, Lieutenant Colonel General Života PANIĆ, 19 Oct 91

²⁷⁹ ERN BCS 0683-9290-0683-9291; Eng 0683-9290-0683-9291-ET/Translation, An Analysis of the Operations so far, Nr 170-1, Colonel Mile STOJKOVIĆ, NŠ 46 partd, 04 Nov 91

²⁸⁰ ERN BCS 0683-9461-0683-9463; Eng 0683-9461-0683-9463-ET/Translation, *ORDER OP. number 1*, Nr 133-475, Colonel Srboljub TRAJKOVIĆ, Commander of the 12th K, 30 Oct 91; ERN BCS BG00-8851-BG00-8851; Eng ET BG00-8851-BG00-8851, *Certificate*, Željko RAŽNATOVIĆ, Commander of the Territorial Defence Centre Command for training volunteers, 15 May 92; ERN BCS 0683-9464-0683-9465; Eng 0683-9464-0683-9465-ET/Translation, *Regular Combat Report*, Nr 135-572, Colonel Vojislav VUJOVIĆ, Head of the Duty Team, 04 Nov 91

²⁸¹ ERN BCS 0327-1211-0327-1211; Eng ET 0327-1211-0327-1211, Nr 1614-82/55, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, 03 Nov 91

²⁸² ERN BCS 0683-9469-0683-9470; Eng 0683-9469-0683-9470-ET/Translation, *Regular combat report*, Nr 133-745, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 17 Nov 91

and security of the units". MRKŠIĆ orders the units of OG SOUTH among other things, to establish full of the territory; to check on people who want to return or move to a settlement and to arrest suspected infiltrators, insisting on "strict compliance" with his instructions.²⁸³

(21) On 18 November 1991 at 0945 Hr, the Commander of OG SOUTH, Colonel Mile MRKŠIĆ, speaks to the envoy of the Croatian Democratic Union (HDZ) for Vukovar about the conditions for the surrender of the "Ustasha" forces in Vukovar.²⁸⁴ According to the OG SOUTH War Diary, the Commander of OG SOUTH "requested unconditional surrender and guaranteed safety of Ustasha forces in accordance with the Geneva Conventions".²⁸⁵ At 1730 Hr, on 18 November 1991, the NŠof the gmtbr (OG SOUTH) reports that the 1st and 2nd Military Police Battalions of the gmtbr has captured the centre of Vukovar.²⁸⁶

(22) The 1st MD reports on 18 November that the mopping up of remaining (enemy) strongholds in Borovo and Borovo Naselje²⁸⁷ is underway and that complete control of Vukovar has been established.²⁸⁸

d. The evacuation of Vukovar hospital (20 November 1991)

(1) On 18 November 1991, -prior to the evacuation of Vukovar hospital on 20 November 1991-, a large number of members of the Croatian forces surrender in Mitnica, and are subsequently evacuated by OG SOUTH personnel to Croatia.²⁸⁹ The Commander of OG SOUTH reports "on 19 November, measures of pulling, evacuation and transport of civilian population and captured members of Ustasha forces were carried out in

²⁸³ ERN BCS 0327-1232-0327-1232; ERN Eng ET 0327-1232-0327-1232, *Order*, Nr 394-2, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 14 Nov 92

²⁸⁴ In addition to the gmtbr War Diary, see also ERN BCS 0467-2867-0467-2868; Eng ET 0467-2867-0467-2868, *Regular Combat Report*, Nr 423-1, Colonel mile MRKŠIĆ, Commander of OG SOUTH, 18 Nov 91

²⁸⁵ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October – 21 November 1991, entry for 18 November 0945 Hr

²⁸⁶ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October – 21 November 1991, entry for 18 November 1730 Hr

²⁸⁷ See also ERN BCS 0683-9471-0683-9471; Eng 0683-9471-0683-9471-ET/Translation, Nr 133-755, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 18 Nov 92,

²⁸⁸ ERN BCS Y009-4451-Y009-4454; Eng Y009-4455-Y009-4457, *Daily Operations Report*, Nr 60-325, Major General Vidak VUJOVIĆ, Duty Team Leader, 18 Nov 91

²⁸⁹ ERN BCS 0467-2867-0467-2868; Eng ET 0467-2867-0467-2868, *Regular Combat Report*, Nr 423-1, Colonel mile MRKŠIĆ, Commander of OG SOUTH, 18 Nov 91; ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October – 21 November 1991, entries for 18 November 0950 Hr, 1400 Hr; 1600 Hr; 19 November 1400 Hr; 20 November 1030 and 1500 Hr

an organised manner“, adding that “*selection, transport and hand over of war prisoners was carried out according to the Geneva Conventions on war prisoners*”.²⁹⁰ The 1st MD report Nr 1617-77 adds that the population's evacuation is conducted “*strictly in accordance with the Geneva convention on the prisoners of war*”.²⁹¹

- (2) In the meanwhile, the Croatian minister of Health, Andrija HEBRANG, the negotiator for the JNA, General Andrija RAŠETA, and representatives of the ICRC, Médecins Sans Frontières (MSF), sign an agreement for the evacuation of Vukovar hospital. According to the agreement, the sick and wounded from the Hospital are to be handed over by the JNA to the Croatian authorities. No mention is made in the Evacuation Agreement of the JNA handing over the evacuees to any other authority or body.²⁹² The absence of such provisions in the evacuation agreement is important in light of the way how OG SOUTH carries out the evacuation of Vukovar hospital on 20 November 1991.
- (3) In the 1st MD Order Nr 1614-82/81, dated 18 November 1991, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, orders OG SOUTH to “*take Vukovar hospital, before 1000 Hr on 19 November 1991*”, in coordination with OG NORTH. Lieutenant Colonel Života PANIĆ includes a number of explicit warnings to his subordinate Commanders, putting them on notice, among other things of the threat revengeful behaviour, in particular from the “*local Territorial Defence*”. Order 1614-82/81 does not mention the evacuation of the hospital.²⁹³ Colonel MRKŠIĆ acknowledges the receipt of Order 1614-82/81, in the OG SOUTH Regular Combat Nr 457-1 dated 20 November 1991.²⁹⁴
- (4) The 1st MD Order Nr 1614-167, issued on the same day (18 November 1991) by the NŠ of the 1st MD, includes an additional warning for the

²⁹⁰ ERN BCS 0119-2665-0119-2666; Eng ET 0119-2665-2666, *Report*, Nr 457-1, 20 Nov 91

²⁹¹ ERN BCS 0345-0026-0345-0029, Eng 0345-0026-0345-0029-EDT/Draft translation, *Combat Report* Nr, 1614-177, 20 Nov 91

²⁹² ERN Eng 0038-1397-0038-1397, *Meeting on Humanitarian Convoy to Evacuate Wounded and Sick from Vukovar Hospital*, 18 Nov 91

²⁹³ ERN BCS 0345-0021-0345-0023, Eng 0345-0021-0345-0023-EDT/Draft translation, *Report*, Nr 1614-82/81, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, 18 Nov 91

²⁹⁴ ERN BCS 0119-2665-0119-2665; ERN Eng 0119-2665-0119-2665, Nr 457-1, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, 20 Nov 91

treatment of refugees, ordering the units of the 1st MD: “*When receiving the refugees, strictly adhere to instructions which were given earlier, and the detainees are to be secured with enough troops along with the other necessary measures*”.²⁹⁵

(5) On 19 November 1991, at 1000 Hr, a delegation of UN representatives headed by the personal envoy of the General Secretary of the UN, Cyrus VANCE, arrives in the Command of OG SOUTH.²⁹⁶ Video footage of VANCE’s visit suggest that Major Veselin ŠLJIVANČANIN refuses to grant VANCE and his delegation access to Vukovar hospital.²⁹⁷ On 19 November, at 2000 Hr, a team of the Security Organs (OB) arrives in the zone of responsibility of OG SOUTH “*to select and separate members of Ustasha formations from civilians*”.²⁹⁸ The 1st MD Combat Report, Nr 1614-171, for 19 November 1991 confirms that the hospital is “*under JNA control*”, adding “*The population is being pulled out and evacuated, and the prisoners of war are being gathered and secured in an organised way*”.²⁹⁹

(6) On 20 November 1991 at 0600 Hr, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, orders the evacuation of Vukovar hospital, through his order Nr 439-1, without specifying who will be in charge and who is to carry out the operation.³⁰⁰ Colonel MRKŠIĆ on the same day at 1800 Hr, informs the 1st MD and the SSNO that the mission of “*capturing Vukovar hospital and MUP*” has been carried out by 19 November 1100 Hr.³⁰¹ On 20 November 1991, the 1st MD Combat Report Nr 1614-177, mentions that “*during the day*” OG SOUTH has “*captured*” the hospital and the MUP building. The report adds “*Control was taken of the building and the*

²⁹⁵ ERN BCS 0327-1245-0327-1245; ERN Eng ET 0327-1245-0327-1245, Nr 1614-167, Lieutenant General Vladimir STOJANOVIĆ, NŠ 1st MD, 18 Nov1991

²⁹⁶ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October - 21 November 1991, entry for 19 November 1000 Hr

²⁹⁷ V000-0625-V000-0625, Video showing Major Veselin ŠLJIVANČANIN and Special Envoy of the SRSG M. Cyrus VANCE

²⁹⁸ ERN BCS 0293-5434-0293-5482; ERN Eng L010-0496-L010-0537, *War Diary*, gmtbr, 01 October - 21 November 1991, entry for 19 November 1991, 2000 Hr

²⁹⁹ ERN BCS 0345-0024-0345-0025, Eng 0345-0024-0345-0025-EDT/Draft translation, *Report*, Nr 1614-171, 19 Nov 91

³⁰⁰ ERN BCS 0327-1246-0327-1246, Order, Nr 427-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 19 Nov 91

³⁰¹ ERN BCS 0119-2665-0119-2665; ERN Eng 0119-2665-0119-2665, Nr 457-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 20 Nov 91

examination of the wounded and sick began in order to identify MUP and ZNG members who are hiding in the hospital among the wounded”.³⁰²

(7) The entries in the War Diary of the gmtbr, or the OG SOUTH regular combat reports do not make a distinction between the various evacuations of civilians that are conducted by OG SOUTH on 20 and 21 November 1991. No mention is made of the Zagreb evacuation agreement. No mention is made of the Velepromet meeting with the “SAO SBWS” Government on 20 November 1991, or any other contacts between OG SOUTH and the “SAO SBWS” Government. There are therefore no specific entries for the hospital evacuation in the combat documents of OG SOUTH (and the gmtbr), and, consequently the 1st MD reports. According to the War Diary of the 80 mtbr, on 20 November 1991, at 2235 hr, the security of the camp of the “*captured ZNG*” at Ovčara is taken over by Vukovar TO members, and the Military Police (of the 80 mtbr) have returned to the Command Post of the 80 mtbr.¹ The War diary of the gmtbr and the regular combat reports of OG SOUTH to the 1st MD and the SSNO do no mention the hand over by OG SOUTH of the evacuees from Vukovar hospital to the local Serb TO at Ovčara on 20 November 1991. There is no indication either that such a hand over by OG SOUTH is ordered by the 1st MD and/or the SSNO, or any other command level.

(8) The OG SOUTH Regular Combat Report Nr 467-1, dated 21 November 1991, 1800 Hr to the 1st MD and the SSNO mentions under “*units OG South*”, that “*in the course of 20 and 21 November 1991, civilians were transported to Šid and Sremska Mitrovica. The wounded were transported to Sremska Mitrovica during 20 and 21 November 1991. From Sremska Mitrovica, they were sent to the agreed place of delivery in Bosanska Rača*”.³⁰³ The 1st MD Combat Report Nr 1614-178, dated 21 November 1991, includes an entry on the “*processing*” and “*selection of captured enemy forces*”. They are sent to “*processing centres*” according to plan. According to report Nr 1614-178 “*work with and conduct towards the prisoners are strictly in conformity with the Geneva Conventions on*

³⁰² ERN BCS 0345-0026-0345-0029; ERN Eng 0345-0026-0345-0029-EDT/Draft translation, *Report*, Nr 1614-177, 20 Nov 91

³⁰³ ERN BCS 0327-1248-0327-1248, Eng ET 0327-1248-0327-1248, *Report*, Nr 467-1, 21 Nov 91

Prisoners of War".³⁰⁴ Similar information is included in the OG SOUTH³⁰⁵ and 1st MD³⁰⁶ reports covering 22 November 1991. The 1st MD Report on the "Cease Fire Agreement and the Monitoring Mission Activity", Nr 823-86/144 of 22 November 1991, states that "the EC Monitoring Mission for the territory of Slavonia, Baranja and Western Srem was engaged in monitoring activities relating to the evacuation of the wounded and refugees from Vukovar and the hand over of persons to the Croatian side. The Mission monitored these activities in Sremska Mitrovica GA (where the wounded evacuated from the Vukovar hospital were accommodated), the sports hall in Sremska Mitrovica (where refugees from Vukovar were accommodated), and the hospital in Vukovar".³⁰⁷

e. Developments after the evacuation of Vukovar hospital (until December 1991)

- (1) OG SOUTH on 20 November 1991 conducts "mopping up" operations of the "liberated area and the facilities in Vukovar from the remaining parts of Ustasha formations and take measures necessary for establishing full control in the town."³⁰⁸ Similar operations are conducted by the 12th K in Borovo Naselje.³⁰⁹
- (2) Lieutenant Colonel General Života PANIĆ in his "Report on the results of combat operations on the Slavonia front", Nr 115-51 dated 20 November 1991" states "Under the single command of the JNA, units of the 12th K, gmtbr, TO detachments from Serbia and Vojvodina, with many volunteers taking part, freed tens of thousands of residents of Vukovar and Borovo and prevented a total genocide of Serbs in the area." PANIĆ furthermore emphasises the political and strategic importance of the "liberation" of

³⁰⁴ ERN BCS 0345-0030-0345-0031, Eng 0345-0030-0345-0031-EDT/Draft translation, *Report*, Nr 1614-178, Major General Vidak VUJOVIĆ, 21 Nov 91

³⁰⁵ ERN BCS 0327-1249-0327-1249, Eng ET 0327-1249-0327-1249, *Report*, Nr 473-1, 22 Nov 91

³⁰⁶ ERN BCS 0345-0032-0345-0034; ERN Eng 0345-0032-0345-0034-EDT/Draft translation, *Report* Nr 60-331, 22 Nov 91

³⁰⁷ ERN BCS 0345-0035-00345-0036; ERN Eng 0345-0035-0345-0036-EDT/Draft translation, 1st MD Report Nr 823-86/144, Lieutenant General Mladenko MAKSIMOVIĆ, 22 November 1991

³⁰⁸ ERN BCS 0364-3216-0364-3216; Eng ET 0364-3216-0364-3216, *Order*, Nr 439-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 20 Nov 91

³⁰⁹ ERN BCS 0345-0026-0345-0029; Eng 0345-0026-0345-0029 EDT, *Combat Report*, Nr 1614-177, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ 1st MD, 20 Nov 91

Vukovar.³¹⁰

(3) According to OG SOUTH Order Nr. 464-1 of 21 November 1991, 0600 Hr AM -the morning after the events at Ovčara-, which is sent to at least eight addressees, including the Commander of the “Šešeljevci Volunteers Detachment”, the “Leva Supoderica” detachment remains subordinated to OG SOUTH until the course of 21 November 1991. Order 464-1 stipulates that the “Leva Supoderica” detachment will become subordinated to the 12th Motorised Brigade (of the 12th Novi Sad Corps) in the course of 21 November 1991. According to the same order, “*Vukovar TO units are to be re-subordinated to the 80th Motorised Brigade and continue with their assigned tasks*”.³¹¹

(4) On 22 November 1991, Colonel Mile MRKŠIĆ in his Regular Combat Report Nr 473-1, dated 22 November 1991, to the 1st MD and the SSNO, informs the addressees that in the course of 22 November 1991, in accordance with 1st MD Order Nr 115-151 from 20 November 1991, all issues regarding release and subordination of the volunteer units have been realised.³¹² The report adds “*Units of the Territorial Defence Vukovar took over the security of all vital facilities in Vukovar*”. MRKŠIĆ also informs the 1st MD that “*during the day all measures have been undertaken related to 80 mtbr (Motorised Brigade) taking over the organisational and commanding functions in the area of responsibility of Operation Group “Jug”*”. MRKŠIĆ adds “*Command of 80 received the instructions and documents regarding the organisation of Command and Control in the area of responsibility of Operation Group “Jug”*”.³¹³

(5) The 80 mtbr takes over command over the Vukovar Sector on 23 November 1991.³¹⁴

³¹⁰ ERN BCS Y009-4759-Y009-4760; Eng Y009-4757-Y009-4758, *Report on the results of combat operations on the Slavonia front*, Nr 115-51, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, 20 Nov 91

³¹¹ ERN BCS 0340-5685-0340-5685; Eng ET 0340-5685-0340-5685, *Order Nr. 464-1*, Colonel Mile MRKŠIĆ, 21 Nov 91

³¹² ERN BCS 0327-1249-0327-0327-1249, Eng ET 0327-1249-0327-1249, *Report*, Nr 473-1, 22 Nov 91

³¹³ ERN BCS 0327-1249-0327-1249; ERN Eng ET 0327-1249-0327-1249, Nr 473-1, OG SOUTH, Colonel Mile MRKŠIĆ, 22 Nov 91

³¹⁴ ERN BCS 0345-0037-0345-0038; ERN Eng 0345-0037-0345-0038-EDT, Nr 1614-184, 1st MD, 23 Nov 91; See also ERN BCS 0463-8416-0463-8416, Eng ET 0463-8416-0463-8416, *Regulating the*

(6) The 80 mtbr on 22 November 1991 issues instructions for establishing “*organs of authority in local commune and organise their functioning, set up police stations, regulate movements of the population returning to town and their compulsory identification at the Velepromet reception centre*” by the Vukovar TO Staff in cooperation with the Command of the 80 mtbr.³¹⁵ According to the 80 mtbr Order, “*The Vukovar ŠTO, in cooperation with the command of the 80th mtbr, will prevent all forms of theft and misappropriation in the city of Vukovar and the surrounding villages.*”³¹⁶

f. JNA Town Commands

Throughout the operations in SBWS -including after the fall of Vukovar-, the 1st MD issues orders the 12th K, OG SOUTH (gmtbr) and 1st pgmd to set up JNA “*Town Commands*” in municipalities that they have taken control of. The Instructions and orders by the SSNO and the 1st MD -at least until 20 November 1991³¹⁷- do not mention cooperation with the “*SAO SBWS*” Government or local civilian authorities appointed by the latter, but, instead include warnings to prevent interference by (unspecified) “*local organs of authority*”. Instructions by the 1st MD on 20 November 1991 for the first time address cooperation with the “*SAO SBWS*” authorities, marking a significant shift from the situation existing prior to that date. It is only after the SSNO issues his instructions on 25 November 1991 that the cooperation with (local Serb) civilian authorities in the areas of Croatia under JNA control, including the “*SAO SBWS*” becomes regulated.³¹⁸

(1) Major General Mladen BRATIĆ, in his report “*Report on the situation in the units of the 12th Corps, forwarded*, Nr 133-200, dated 08 October 1991

issue of the clearing up of the battleground, ORDER, Nr 471-2, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, 22 Nov 91; ERN BCS 0463-8417-0463-8417, Eng ET 0463-8417-0463-8417, Regular Combat Report, Nr 500-1, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, 23 Nov 91

³¹⁵ ERN BCS 0683-9301-0683-9301; Eng 0683-9301-0683-9301-ET/Translation, *Regulating Issues related to establishing military authority and security of units and Commands, Order, Nr 37-3?*, Lieutenant Colonel Milorad VOJNOVIĆ, Commander of the 80 mtbr, 22 Nov 91

³¹⁶ ERN BCS 0683-9301-0683-9301; Eng 0683-9301-0683-9301-ET/Translation, *Regulating Issues related to establishing military authority and security of units and Commands, Order, Nr 37-3?*, Lieutenant Colonel Milorad VOJNOVIĆ, Commander of the 80 mtbr, 22 Nov 91

³¹⁷ ERN BCS 0683-9270-0683-9272; Eng 0683-9270-0683-9272-ET/Translation, *ORDER, Nr 2436-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 20 Nov 91*

³¹⁸ ERN BCS 0417-9484-0417-9487; ERN Eng ET 0417-9484-0417-9487, *Instruction on Conducting Civilian Affairs in the Crisis Areas, Nr 588-1, Army General Veljko KADIJEVIĆ, 25 Nov 91; See also Section III, Title 7. subtitle a.*

when discussing the security situation, states “*The newly-established organs of authority haven’t gained control over the security situation in the field to the necessary extent, and there are different views and opinions among them on how to resolve problems, while a few local staffs function independently.*”.³¹⁹

(2) The 1st MD Order Nr 1614-82/27, dated 15 October 1991 instructs subordinate Commanders *inter alia* to “*establish full control in the zone of responsibility of the units*” and “*pay special attention to the functioning of military authority*”. The 1st MD Commander warns his subordinate commanders “*not to permit the local organs of authority, to interfere and exercise influence, until the civilian control of the liberated territory is established*”. The 1st MD Commander orders to set up the “*Military District Command*” for the “*Autonomous District of Slavonia, Western Srem and Baranja with the centre in Dalj*” and to organise “*Military Sections in Beli Manastir and Ilok*”.³²⁰

(3) Colonel Srboljub TRAJKOVIĆ, NŠ of the 12th K, on 08 November 1991 inquires with the 1st MD Command to what extent the JNA should recognize the civilian authorities in the “*SAO SBWS*”, including abiding by the decisions of the “*Assembly*”; the Government, etc . In his request, General TRAJKOVIĆ suggests to consider the “*SAO SBWS*” civilian authorities as “*legitimate representatives of authority*” and cooperate with them.³²¹

(4) On 09 November 1991, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, orders to establish (town) Commands in Negoslavci, Ovčara, Berak and the parts of Vukovar that are already under OG SOUTH control.³²²

(5) In the 1st MD Order Nr 1614-82/79 of 16 November 1991, Lieutenant

³¹⁹ ERN BCS 0683-9417-0683-9421; Eng 0683-9417-0683-9421-ET/Translation, *Report on the situation in the units of the 12th Corps*, forwarded, Nr 133-200, Major General Mladen BRATIĆ, Commander of the 12th K, 08 Oct 91

³²⁰ ERN BCS 0364-3213-0364-3213; ERN Eng ET 0364-3213-0364-3213, *Order*, Nr 1614-82/27, Colonel General Života PANIĆ, 15 Oct 91

³²¹ ERN BCS 0683-9466-0683-9467; Eng 0683-9466-0683-9467-ET/Translation, Nr 133-620, Colonel Srboljub TRAJKOVIĆ, NŠ of the 12th K, 08 Nov 91

³²² ERN BCS 0340-5680-0340-5680; ERN Eng L011-4034-L011-4036, *Order*, Nr 349-1, Colonel Mile MRKŠIĆ, 09 Nov 91

General Života PANIĆ reiterates his earlier orders for the establishment of military authority and town commands in the “*liberated towns and settlements*”.³²³ PANIĆ also instructs in this order, possibly in reference to the inquiry from the 12th K of 08 November³²⁴ discussed here-above, that “*I strongly forbid that already liberated or captured territory be deserted or left outside the control of the JNA units or the TO. The Commanding officers who fail to comply with this task are to be put under the most severe disciplinary measures*”.³²⁵

(6) Colonel Mile MRKŠIĆ on 17 November reports to PANIĆ that he has established town commands in Negoslavci, Berak, Ovčara and in Vukovar, stating “*in the mentioned locations, the authority was organised in line with the Rules of the Service of the Armed Forces and appropriate provisions which relate to the garrison service and the service in the barracks*”.³²⁶

(7) The 1st MD Command on 20 November through the order Nr 2436-1 instructs its subordinate units to establish town commands³²⁷. For the first time, cooperation with the “*Government of the Republic of Serbia, and the Baranja, Eastern Slavonia and Western Srem SO*” is explicitly addressed, indicating that this cooperation is limited “*to the extent necessary to resolve problems in their zones of responsibility*”. The Order furthermore states “*Established organs of authority should be considered those organs of authority that have been established after a locality was liberated and under the leadership of organs of authority of the Baranja, Eastern Slavonia and Western Srem SO. Local commands will not attempt to pass judgement based solely on political issues. In this regard and based on what has already been observed*”.³²⁸, what can be considered an

³²³ ERN BCS 0364-3214-0364-3215; ERN Eng ET 0364-3214-0364-3215, *Order* , Nr 1614-82/79, Lieutenant Colonel General Života PANIĆ, 16 Nov 91

³²⁴ ERN BCS 0683-9466-0683-9467; Eng 0683-9466-0683-9467-ET/Translation, Nr 133-620, Colonel Srboljub TRAJKOVIĆ, NŠ of the 12th K, 08 Nov 91

³²⁵ ERN BCS 0364-3214-0364-3215; ERN Eng ET 0364-3214-0364-3215, *Order*, Nr 1614-82/79, Lieutenant Colonel General Života PANIĆ, 16 Nov 91

³²⁶ ERN BCS 0327-1243-0327-1244; ERN Eng ET 0327-1243-0327-1244, *Report*, Nr 418-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 17 Nov 91

³²⁷ ERN BCS 0683-9270-0683-9272; Eng 0683-9270-0683-9272-ET/Translation , *ORDER*, Nr 2436-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 20 Nov 91

³²⁸ ERN BCS 0683-9270-0683-9272; Eng 0683-9270-0683-9272-ET/Translation , *ORDER*, Nr 2436-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 20 Nov 91

important change from the situation that existed up to 20 November 1991 (included).³²⁹

6. Cooperation with the government of the Republic of Serbia and the Baranja, Eastern Slavonia and Western Srem SO will be ensured by the command of the 1st MD and with municipal organs and local commands in their zones of responsibility. /as printed/ Command of the 12th Corps, the 1st pgmd and the Vukovar garrison shall cooperate with the government of the Baranja, Eastern Slavonia and Western Srem SO to the extent necessary to resolve problems in their zones of responsibility.³³⁰

(8) On 20 November 1991, Mile MRKŠIĆ orders his subordinate commanders, to “*take all necessary measures in all OG SOUTH units to secure and control the territory in the zone of responsibility. The town commanders in the OG SOUTH zone of responsibility are to take all necessary measures for the full functioning of the military authorities, pursuant to the Order Nr 349-1 of 09 November 1991*”.³³¹

(9) Colonel Milan BELIĆ, Town Commander of Ilok, on 20 November 1991, informs the 1st Pgmd Command that he has visited Lovas village “*in order to establish contact with the SAO Baranja, Slavonia and Western Srem representatives pursuant to general MANDARIĆ's order... and assessed the situation with the existing units who are not part of the regular forces. Their commander and SAO president SASVIĆ was contacted and informed that he is to be placed under the Lovas Town Command or we will disarm them immediately.*”³³²

(10) The 1st MD Combat Report Nr 1614-178, dated 21 November 1991 states “*units are encountering several problems; certain groups of locals, “volunteers” and others independently undertake activities which are not in line with the situation or the decisions of the military command*”.³³³

(11) With the handover of authority of the gmtbr to the 80 mtbr, Lieutenant

³²⁹ See for example ERN BCS 0364-3213-0364-3213; ERN Eng ET 0364-3213-0364-3213, *Order*, Nr 1614-82/27, Colonel General Života PANIĆ, 15 Oct 91

³³⁰ ERN BCS 0683-9270-0683-9272; Eng 0683-9270-0683-9272-ET/Translation , ORDER, Nr 2436-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 20 Nov 91

³³¹ ERN BCS 0364-3216-0364-3216, *Order*, Nr 439-1, Colonel Mile MRKŠIĆ, Commander OG SOUTH, 20 Nov 91

³³² ERN BCS 0683-9292-0683-9293; Eng 0683-9292-0683-9293-EDT/Draft translation, Colonel Milan BELIĆ, Town Commander of Ilok, 20 Nov 91

³³³ , ERN BCS 0345-0030-0345-0031, Eng 0345-0030-0345-0031-EDT/Draft translation, *Report*, Nr 1614-178, 21 Nov 91

Colonel Milorad VOJNOVIĆ, Commander of the 80 mtbr, becomes the “Town Commander” of Vukovar.³³⁴ Colonel Milorad VOJNOVIĆ discusses his tasks as a “Town Commander” in an interview -“Military Authorities are helping to set up Civilian Rule”- that is published in the SSNO “Bulletin”, end of November 1991. VOJNOVIĆ talks about the cooperation between the army and the “government of this Serbian region” and also mentions the “recently established police forces”.³³⁵

MILITARY AUTHORITIES ARE HELPING TO SET UP CIVILIAN RULE (Vukovar, November 29).

The primary aim of military authorities in Vukovar is to help the setting up of civilian rule- Lieutenant-Colonel Milorad Vojinovic, Commander of the town of Vukovar stated to Tanjug.

In carrying out this task, the Army has been cooperating with the government of this Serbian region, its ambition not being to take over or retain power in that territory further stated the Vukovar town Commander.

Following a three-month long struggle for this town, large amounts of mines, grenades, arms have remained in its streets, houses, cellars and shelters. The army, territorial units and volunteers are removing explosives, and have demonstrated much caution and dedication in salvaging whatever had been possible to salvage.

Lieutenant-Colonel Vojnovic emphasized that a well was being dug under the supervision of experts so as to provide the town with water. The hospital is being repaired and is soon expected to start working. It will take somewhat longer to rehabilitate the Borovo Combinat but in the next ten days about twenty telephone lines are expected to be established. For the time being, the only telephone in the town is the one on the Commander's desk.

A joint army-civilian commission has been set up to inventory the property left behind in establishments homes so as to prevent thefts which have been committed despite all the efforts invested by the military and recently-established police forces.

The Commander of the town of Vukovar pointed out that the experience of Petrinja and llok are being used to set up civilian rule as well as order and peace. Over five thousand people are helping to clear UP the town and normalize life there.

According to another contemporaneous newspaper article, “*in accordance with a decision by the military authorities, all civilians attempting to gain*

³³⁴ See for example ERN Eng: 0054-5630-0054-5662, *Bulletin*, Information Service of the Federal Secretariat for National Defence, at 0054-5638-0054-5639

³³⁵ ERN Eng 0054-5630-0054-5662, *Bulletin*, Information Service of the Federal Secretariat for National Defence, at 0054-5638-0054-5639

*access to Vukovar are required special permits”.*³³⁶

(12) Colonel Milan BELIĆ, Ilok Town Commander, on 28 November 1991 asks his Commander for guidelines on the settling of refugees in Ilok and other areas covered by the Ilok Town Command. According to BELIĆ, “*the departure of a large number of inhabitants of Ilok, Lovas, Opatovac, Mohovo, Šarengrad and Bapska has resulted in a large number of abandoned houses and/or flats.*”, and the Ilok Town Command is receiving “numerous” requests from refugees (predominantly Serbs) from towns in Eastern and Western Slavonia to move into the abandoned houses. The 1st pgmd Commander forwards the request to the 1st MD.³³⁷

(13) The Federal Secretariat for People’s Defence (SSNO) on 25 November 1991 issues specific instructions for the conduct of Civil Affairs in the areas under JNA control in Croatia, including relations with “*civilian authorities*” through Instruction 588-1 - “*Instruction on conducting civilian affairs in the crisis areas*”.³³⁸

(a) Instruction 588-1 includes the order of the Federal Secretary for People’s Defence (SSNO), Army General Veljko KADIJEVIĆ for the future establishment within Brigade Commands, OGs, Corps Commands, MD Commands and the SSNO, of organs (bodies) for Civil Affairs, under the command of Assistant Commanders for Civil Affairs, which will carry out “*Expert and administrative technical jobs related to this instruction*”.³³⁹ Paragraphs 1, 6, 7 and 8 of Instruction 588-1 describe the measures the Organs for Civil Affairs have to take to protect the civilian population, in particular in those areas where there are no functioning local civilian authorities. Paragraphs 9 deals

³³⁶ ERN BCS 0296-7274-0296-7274; ERN Eng 0296-7273-0296-7273, Newspaper article, “*Special Permits to Enter the City*”, Politika , 24 Nov 91

³³⁷ ERN BCS 0683-8923-0683-8923; Eng 0683-8923-0683-8923-EDT/Draft translation, *Request for an explanation about a request of the refugees to settle in Ilok and settlements within the area of responsibility of the Ilok Town Command*, Nr 44-1, Colonel Milan BELIĆ, Town Commander of Ilok, 20 Nov 91

³³⁸ ERN BCS 0417-9484-0417-9487; ERN Eng ET 0417-9484-0417-9487, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-1, Army General Veljko KADIJEVIĆ, 25 Nov 91

³³⁹ ERN BCS 0417-9484-0417-9487; ERN Eng ET 0417-9484-0417-9487, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-1, Army General Veljko KADIJEVIĆ, 25 Nov 91

with the prosecution of alleged criminals.³⁴⁰

**INSTRUCTION
FOR CONDUCTING CIVIL AFFAIRS IN CRISIS AREAS**

1. This instruction regulates the organization and jurisdiction of military organs for cooperation with authority organs in crisis areas where JNA /Yugoslav People's Army/ units are deployed as well as the units' procedure to protect citizens and legal persons and their property.
2. Military organs determined by this instruction are obliged to ensure maximum possible cooperation with competent civilian organs in order to assess the situation in the area where JNA commands and units will conduct or are conducting operations, and, with these organs, to determine adequate measures in a timely fashion, which must be taken without delay in order to protect civilians and legal persons and their property.
3. Expert and administrative-technical jobs related to implementing this instruction will be carried out by civil affairs organs, which are formed at the Federal Secretariat for National Defence /SSNO/ (in further text: SSNO) and commands of military districts, corps, brigades and units on an equal level. The organisational scheme of the organs is given in the attachment to the instruction and presents its integral part.
4. The SSNO Civil Defence Sector makes sure that all the necessary jobs, which in the implementation of the instruction stem from the domain of SSNO and coordination of work of the civil affairs organs in the commands of military districts, corps and their equals, be carried out. With this in mind, the Sector will ensure that the all jobs be carried out through personnel and professionally, especially in the domain of security, political and legal system, economic issues (economy, finances, service, etc.), and that cooperation with civil organs in protecting the citizens in crisis areas as a whole be systematically carried out.
5. Jobs related to the implementation of this instruction from the jurisdiction of the commands of military districts, corps and commands at an equal level will be carried out by the civil affairs organs in these commands. They are obliged to carry out an assessment of the situation in the field according to the units' plan of activity, to establish the obligations for the military units and, in cooperation with appropriate civil organs, to envisage and prepare measures and procedures which must be taken in the crisis areas, in their command's area of responsibility.

³⁴⁰ ERN BCS 0417-9484-0417-9487; ERN Eng ET 0417-9484-0417-9487, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-1, Army General Veljko KADIJEVIĆ, 25 Nov 91, Para 1, 6-8

6. Assistant commanders of brigades and /of/ units competent with them in charge of civil affairs will organise and carry out direct cooperation with civilian authorities as well as take concrete measures to protect citizens in places where these organs do not function.

It is their task to assess the situation in the field in the unit's zone of operation, especially to assess whether there are organs of civilian authority in places in their unit's area of responsibility, whether internal affairs organs function and through whom cooperation can be established.

In places where civilian authorities do not function, to envisage and propose to the command measures which must be prepared and successively taken in order to protect citizens and legal persons as well as to secure their property, from the moment of taking control of the settlement to the establishment of appropriate civil authorities in the place.

7. The SSNO Civil Defence Sector, in cooperation with SFRJ /Socialist Federative Republic of Yugoslavia/ OS /Armed Forces/ GŠ /Main Staff/ Third Administration and the SSNO Personnel Administration, will be in charge of the necessary organisational-establishment changes and personnel needs for the implementation of this instruction.

8. In preparations of all commands and units for activities in crisis areas, conditions of life and work of civilians, the security situation in the territory and measures for the protection of citizens and legal persons and their property must be surveyed all round.

When arriving in a settlement, contact and cooperation with local authorities must be ensured, and if there are no such organs or they are unable to function efficiently, it is necessary immediately and systematically to take all necessary measures to protect the citizens from abuse and all kinds of self-will. Dispersion and looting of property must not be allowed, regardless of whether its owners are in the settlement or have left.

If the settlement has no organs for the protection of public law and order, a commanding officer must be appointed with a necessary number of soldiers who will ensure public law and order through patrols, guard duty or in other appropriate ways until the safety of citizens and their property is ensured in the settlement. In settlements where there are conditions for the establishment of a town command, such a command is to be established immediately.

In all settlements where there are no civilian authorities or where they do not function, after taking control of them, measures must be taken immediately in cooperation with the citizens to secure their personal safety and property and create conditions for the establishment and beginning of the functioning of civilian authorities as soon as possible.

9. Persons for whom there is reasonable doubt of having committed a crime must be handed over immediately to the competent prosecution organs, whereas persons caught in the act of crime are to be arrested and handed over to competent prosecution organs as soon as preconditions are met.
10. It is necessary to submit information on the functioning of the authorities in settlements in your own area of responsibility in the regular reports on units' activities. Interim reports are to be submitted on incidents and problems that need urgent attention.
11. Particular attention must be paid to the activities from this instruction within logistics activities of all commands and units located in the crisis areas.
12. Provisions of Articles 8 to 11 of this instruction are of an instructive nature and in no way do they restrict any other activities which must be conducted in concrete situations in any settlement in order to ensure peace and the security of citizens and their property, from the arrival of units to the settlement to ensuring the necessary functions of civilian authorities.
13. Unit commands on all levels of command and control in the area are directly responsible for activities stemming from provisions of Article 1 of this instruction.
14. This instruction comes into effect immediately.

FEDERAL SECRETARY
 FOR NATIONAL DEFENCE
 Army General
 Veljko KADIJEVIĆ
 /signed/³⁴¹

(b) Instruction 588-1 of 25 November 1991 is followed by the Order Nr 588-3, dated 06 December 1991, “*Tasks of the Organs for Civil Affairs in the JNA commands and the Town commands*”, containing a detailed description of the duties of the JNA Organs for Civil Affairs and the Town Commands, in order to implement the tasks laid out in Instruction 588-1. These duties cover five areas:³⁴²

- Tasks from the area of state administration, legislative, judicial and executive authority;
- Security tasks

³⁴¹ ERN BCS 0417-9484-0417-9487; ERN Eng ET 0417-9484-0417-9487, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-1, Army General Veljko KADIJEVIĆ, 25 Nov 91, Para 1, 6-8

³⁴² ERN BCS 0400-6468-0400-6479; ERN Eng ET 0400-6468-0400-6479, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-3, Major General Milan PUJIĆ, 06 Dec 91

- Tasks of the civilian protection and the system of surveillance and information;
- Tasks from the area of economy and public services
- Sanctions to be taken in case of failure to comply with orders, instructions and suggestions issued by the Organ for Civil Affairs with regard to the establishment of and the functioning of the authority, system, economic and social activities

In relation to the first area, the Instruction determine *inter alia* that “*in case civilian government fails to function, ensure the necessary conditions within the JNA units' command, that is, the town command, for the forming and the functioning of the organs of civilian government and other organs and bodies*”.

“*Direct cooperation with the organs of legislative-judicial government and proposal of measures with the aim of enabling efficient functioning of the judiciary and judicial administration and other judicial institutions, magistrates, and other organs, as well as participating in concrete measures in order to ensure conditions for the implementation of the judicial authority, especially that which carries out criminal proceedings*” are listed as the task of the JNA Organ for Civil Affairs – Town Command in the area of judicial matters. Security Tasks involve among others “*cooperation with other organs of government, local communities, companies and other organisations and citizens on the protection of lives....*” ; “*preventing and uncovering criminal acts and discovering and capturing the perpetrators...*” and “*undertaking and carrying out of certain investigative actions...*”.³⁴³

(c) The activities of JNA Town commands in SBWS, including their relations with the “*SAO SBWS*” Government and the local civilian authorities appointed by the latter after December 1991 are discussed in Section III of this report.

8. Alleged involvement of “*Serb Forces*” in serious crimes during combat

³⁴³ ERN BCS 0400-6468-0400-6479; ERN Eng ET 0400-6468-0400-6479, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-3, Major General Milan PUJIĆ, 06 Dec 91, Para II

operations in the “SAO SBWS”(until December 1991)

a. Introduction

Throughout the operations in SBWS, there are reports by the JNA and other official sources on the (alleged) involvement of volunteers/paramilitaries, in particular SRS/SČP volunteers and “ARKAN”’s “*Serbian Volunteer Guard*”, members of the JNA, as well as members of the “SAO SBWS” government, including Goran HADŽIĆ, in (serious) violations of the laws and customs of war in SBWS, as well as (additional) orders to prevent or punish such crimes. According to a number of these reports, “ARKAN” enjoys the support of the “SAO SBWS” civilian authorities, and/or are do the latter, including Goran HADŽIĆ, directly participate in the commission of crimes³⁴⁴.

³⁴⁴ See subtitle (1) Dalj Prison: ERN BCS 0207-6365-0207-6365; Eng ET 0207-6365-0207-6365, *Hand over of prisoners from Dalj Police Station*, Željko ČIZMIĆ, Dalj Police Station Deputy Commander, 23 Sep 91; ERN BCS 0200-0599-0200-0599; Eng ET 0200-0599-0200-0599, *Official Note*, Željko ČIZMIĆ, Dalj Police Station Deputy Commander, 05 Oct 91; ERN BCS 0340-4864-0340-4865; Eng ET 0340-4864-0340-4865, *Unauthorised killings of arrested ZNG members and other individuals*, Report Nr 35-1646, Major General Mile BABIĆ, Chief OB 1st MD, 18 Oct 91

b. Overview

(1) Dalj Prison (21 September - 04 October 1991)³⁴⁵

(a) According to a report drafted by Željko ČIZMIĆ, Deputy Chief of the Dalj (“SAO SBWS”) Police station, Goran HADŽIĆ, “*President of the SAO SBWS*”, together with, Željko RAŽNATOVIĆ aka “ARKAN”, accompanied by twenty men come to the Dalj Police Station on 21 September 1991 and take away eleven prisoners, releasing two.³⁴⁶

AO /Autonomous Region/
OF SLAVONIJA, BARANJA AND WESTERN SREM
DALJ POLICE STATION
Number: 2/91.-
Dalj, 23 September 1991.

Attn: MINISTER OF THE INTERIOR OF
SLAVONIJA, BARANJA AND WESTERN SREM

AO

Subject: Hand-over of prisoners
From Dalj SM /Police Station/

On 21 September 1991, around 18:00, Goran HADŽIĆ, President of AO Slavonija, Baranja and Western Srem came to the offices of Dalj Police Station. He came together with Željko RAŽNATOVIĆ, aka Arkan, who was accompanied by 20 men.

Goran HADŽIĆ and Željko RAŽNATOVIĆ released from detention Slavko PALINKAŠ from Aljmaš and Luka ŠUTALO from Erdut. Arkan and his men also took away the following men: Ivan ZELENBAR, Zoran ANĐEL, Čedomir PREDOJEVIĆ, Dražen ŠTIMEC, Željko FILIPČIĆ, Darko KUŠIĆ, Ivan FORJAN, Pavao ZEMLJAK, Vladimir ZEMLJAK, Pavle BEK and Haso BRAJOVIĆ.

Goran HADŽIĆ and Željko RAŽNATOVIĆ did not give any explanation to Rajko MILOVANOVIĆ, duty man in Dalj Police Station, concerning those who were released or taken away. Goran HADŽIĆ did not give neither written nor oral order for the above-mentioned action.

We are sending this memo in order to inform you about the above.

SUBMITTED TO:
UP /Police Administration/ Chief
Commander

/stamped/
Dalj Police Station

³⁴⁵ See also ERN BCS 0340-4864-0340-4865; Eng ET 0340-4864-0340-4865, *Unauthorised killings of arrested ZNG members and other individuals*, Report Nr 35-1646, Major General Mile BABIĆ, Chief OB 1st MD, 18 Oct 91

³⁴⁶ ERN BCS 0207-6365-0207-6365; Eng ET 0207-6365-0207-6365, *Hand over of prisoners from Dalj Police Station*, Željko ČIZMIĆ, Dalj Police Station Commander, 23 Sep 91

(b) The note on this incident by the Commander of the Dalj Police Station does not mention what happened to the prisoners who are taken away by HADŽIĆ and ARKAN.

(c) Less than two weeks later, Željko ČIZMIĆ, Deputy Commander of the Dalj Police station reports a similar incident. According to his “*Official Note*”, on 04 October 1991, Milorad STRIČEVIĆ, “*Dalj Defence Staff Security Chief*”, arrives at the police station to interview some prisoners. Around 2345 Hr, “ARKAN” and twenty armed men surround the Dalj Police Station and force their access to the prisoners who are in custody. Sometime later, twelve dead bodies are carried out of the station and loaded on a truck, together with three other prisoners. “ARKAN” and his men subsequently leave. Following “ARKAN”’s departure, the DALJ Police staff notices that fifteen prisoners have disappeared from the Police Station.³⁴⁸ The following day (05 October 1991), Milorad STRIČEVIĆ, “*Chief of Security at the Dalj Defence Staff*”³⁴⁹, signs a certificate for the takeover of twenty six prisoners, including the fifteen prisoners who went missing the day before, from the premises of the Dalj Police station, “*on behalf of the Dalj Defence HQ*”.³⁵⁰

(d) In the same time period, ČIZMIĆ is re-assigned from (Deputy) Commander of the Dalj Police Station, to “*Operative Worker*”, reportedly on his own request.³⁵¹

³⁴⁷ ERN BCS 0207-6365-0207-6365; Eng ET 0207-6365-0207-6365, *Hand over of prisoners from Dalj Police Station*, Željko ČIZMIĆ, Dalj Police Station Deputy Commander, 23 Sep 91

³⁴⁸ ERN BCS 0200-0609-0200-0609; Eng 0304-5653-0304-5654, Official Note Nr 44/91, Željko ČIZMIĆ, Commander of the Dalj Police Station, 04 Oct 91 (same document at 0207-6366-0207-6366)

³⁴⁹ See also ERN BCS 0340-4864-0340-4865; Eng ET 0340-4864-0340-4865, *Unauthorised killings of arrested ZNG members and other individuals*, Report Nr 35-1646, Major General Mile BABIĆ, Chief OB 1st MD, 18 Oct 91

³⁵⁰ ERN BCS 0200-0599-0200-0599; Eng ET 0200-0599-0200-0599, *Official Note*, Željko ČIZMIĆ, Dalj Police Station Deputy Commander, 05 Oct 91

³⁵¹ ERN BCS 0200-0596-0200-0596; Eng ET 0200-0596-0200-0596, *ČIZMIĆ Željko-change of post*, Boro BOGUNOVIĆ, Minister, undated

(2) JNA Orders and Reports

(a) The JNA Intelligence Report Nr 5-459 “*Željko RAŽNATOVIĆ aka ARKAN, Observations*” dated 01 October 1991 on the activities of “ARKAN” in SBWS, which is addressed to the UB and the OB at the SSNO, states that JNA personnel believe that “*ARKAN goes into action only after the JNA units mop up the area... and commit crimes... they believe that “ARKAN” is doing it with the full support of the SDB of Serbia*”. The report provides examples of alleged crimes against Croatians by “ARKAN” and his group.³⁵²

Arkan and his group are starting some of their own actions late at night /22:00hrs until 23:00hrs). Together with his groups he goes out to /?word missing/... the Croatian houses, he interrogates them and according to his own estimation, if he doesn't like what a person says, he takes a knife and cuts /?word missing/.... or ears or massacres them in a different way.³⁵³

(b) The Republic of Serbia Territorial Defence (TO) Security Organs (OB) Report Nr 254-1/91, dated 13 October 1991, “*Activities of the “Serbian Guard Staff” from Belgrade re: organising an army and breaking the Armed Forces of the SFRY*” mentions that “*volunteer troops under the command of Arkan and Kum*”, “*in the greater area of Vukovar are committing uncontrolled genocide and various forms of terrorism, completely out of the control of the commands of the units carrying out combat activities in that area.*” Furthermore, the report states that “*According to unverified information, these two nationalistic leaders known in public as international criminals, are robbing and looting the property of the Croatian and Serbian citizens, “awarding” the members of their units and are planning to form “Special Units for the Defence of Serbia”, all under the name of “organised combat”.*³⁵⁴

(c) On 15 October 1991, Colonel General Života PANIĆ, Commander of the JNA 1st MD, in his Order Nr. 1614-82/27 to the 12th K, the Provincial TO staff of the Autonomous Province Vojvodina, and to

³⁵² ERN BCS 0340-4868-0340-4869; Eng ET 0340-4868-0340-4869, *Information*, Report Nr 5-459, Colonel Stevan MITREVSKI, 01 Oct 91

³⁵³ ERN BCS 0340-4868-0340-4869; Eng ET 0340-4868-0340-4869, *Information*, Report Nr 5-459, Colonel Stevan MITREVSKI, 01 Oct 91

³⁵⁴ ERN BCS 0340-4870-0340-4871; Eng ET 0340-4870-0340-4871, *Information*, Nr 2015691000254, Security Organ TO Staff Republic of Serbia, Colonel Milinko ĐOKOVIĆ, 13 Oct 91

OG SOUTH, orders the subordination of all “*paramilitary compositions and the volunteer detachments*” to the JNA, and their removal if they refuse to do so.³⁵⁵ PANIĆ also orders to “*establish proper relations with the residents by following proper procedures and positive measures, ensure the full security and normal living conditions for the citizens of all nationalities, parties or religious affiliations*”. PANIĆ’s Order Nr. 1614-82/27 contains an explicit ban on “*the destruction of or the damaging of religious, cultural and historical facilities in the liberated places. Troops and commanding officers who violate discipline are to be most severely punished...*”.³⁵⁶ The order by General Života PANIĆ follows a similar order signed by his Chief of Staff (COS), Lieutenant Colonel General Vladimir STOJANOVIĆ, for the “*full subordination and answerability for the subordinated and the attached units*”.³⁵⁷

(d) The Security Administration (UB) at the SSNO on 18 October 1991 sends the Report Nr 35-14929 concerning the situation along the Šid (Serbia) - Negoslavci axis. with the 1st MD.³⁵⁸ This report provides detailed intelligence on “*a number of armed formations, besides the JNA, primarily volunteer units which carry out combat activities... They are treating the POWs brutally and increasingly often, kill them on the spot and thus “satisfy the justice”. The abandoned houses are looted, and besides the money, jewellery and other precious items, in an organised manner, they confiscate automobiles, tractors, other mechanical devices, even cattle*”. The report explicitly mentions “ARKAN” “*Serbian Volunteer Guard, stating “.... Such behaviour of the “Serb National Guards” is tolerated, and occasionally encouraged, by its current commander in Erdut, RAŽNJATOVIĆ, Željko aka /illegible/ and his assistant, MIRJAČIĆ, Goran aka Kum .* “. The report also includes information from “*residents*” according to

³⁵⁵ ERN BCS 0364-3213-0364-3213; Eng ET 0364-3213-0364-3213, *Order*, Nr 1614-82/27, Colonel General Života PANIĆ, Commander of the 1st MD, 15 Oct 91

³⁵⁶ ERN BCS 0364-3213-0364-3213; Eng ET 0364-3213-0364-3213, *Order*, Nr. 1614-82/27, Colonel General Života PANIĆ, Commander of the 1st MD, 15 Oct 91

³⁵⁷ ERN BCS 0364-3212-0364-3212; Eng ET 0364-3212-0364-3212, *Order* Nr. 1614-25, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ 1st MD, 12 Oct 91

³⁵⁸ ERN BCS 0600-3051-0600-3052; Eng ET 0600-3051-0600-3052, Nr 35-14929, Colonel Milenko GLIGOROVIĆ, 18 Oct 91

which “BOGUNOVIĆ, Boro, Minister of Interior of SAO Slavonija, Baranja and Western Srem, sold the arms and food received as aid to the residents in jeopardy.”³⁵⁹

(e) The 1st MD OB Report Nr 35-1646, dated 18 October 1991, “*Unauthorised killings of arrested ZNG /National Guard Corps members and other individuals.*” signed by Major General Mile BABIĆ, Chief of the OB at the 1st MD, states that the 1st MD OB has collected information according to which “ARKAN” and the Special Police in Dalj commanded by Milorad STRIČEVIĆ have committed “*unauthorised killings of arrested ZNG members*”. The same source also reported that following the takeover of power by the “*new government*” (i.e. the “SAO SBWS”-government led by Goran HADŽIĆ) and their establishment in Dalj, “*various "cases" /illegible/ a large number of arrested people are killed and their dead bodies are thrown into the Danube. Some of these bodies turn up /illegible/ near the park in Dalj on a daily basis*”.³⁶⁰

1st Military District
(Security Organ)
confidential
Date 18.10.1991.
Issued in /illegible/ copies
Submitted to: UB /Security Administration/ SSNO /Federal Secretariat for National Defence/ 1st Department
UB SSNO 3rd Department
OB /Security Organ/ 1st VO /Military District/
Registration number 2010191351646

MILITARY SECRET
Strictly

/stamped:
1st MILITARY DISTRICT
COMMAND
Security Organ
SP /strictly confidential/ no. 35-1646
18.10.1991. year/

REPORT

Unauthorised killings of arrested ZNG members and other individuals.- /stamped:

FEDERAL SECRETARIAT FOR NATIONAL DEFENCE
SECURITY ADMINISTRATION
SP no.35-14984

³⁵⁹ ERN BCS 0600-3051-0600-3052; Eng ET 0600-3051-0600-3052, Nr 35-14929, Colonel Milenko GLIGOROVIĆ, 18 Oct 91

³⁶⁰ ERN BCS 0340-4864-0340-4865; Eng ET 0340-4864-0340-4865, *Unauthorised killings of arrested ZNG members and other individuals*, Report Nr 35-1646, Major General Mile BABIĆ, Chief OB 1st MD, 18 Oct 91

_____19_____year/

On 12.10.1??1. in a conversation with an OB source we are given information indicating that RAŽNJATOVIĆ aka ARKAN and the Special Police in Dalj commanded by STRIČEVIĆ MILORAD³⁶¹ are committing unauthorised killings of the arrested ZNG members, arresting Croatian individuals and committing certain acts against the same.

The source said that recently four dead bodies of the former ZNG members are found in a cornfield somewhere between the village of Vera and the "Marinovci" farm. They are probably killed by aka Arkan and his men after they has taken over the prisoners from the village of Tenja Police (p.o. /expansion unknown/ the group in question are 11 arrested ZNG members of whom /illegible/ are taken to 12 bvp /Bomber Regiment/).

At the intervention of Željko ČIZMIĆ, the Commander of Dalj Police Force, the dead bodies are buried by the local prison inmates.

Milorad STRIČEVIĆ, a self-proclaimed "colonel" commanding the "special police" with the assistance of aka Arkan, is in charge of arrests, questionings and pronouncing "judgements". Recently, STRIČEVIĆ wilfully ordained himself with the rank of /illegible/ colonel and that is how he introduces himself when he questions the arrested individuals. It is not a rare incident that some individuals die during the questioning, as a result of being beaten and physically assaulted. These incidents are approved and tolerated by STRIČEVIĆ and they take place in his office. With regard to this, our source gave an example of the killing of an individual from the village of Bogdanovci.

Having arrested, questioned and threatened to kill Stjepan PAP, STRIČEVIĆ forcefully displaced him from Dalj. He has also previously taken his car away, which he is using for his personal needs. On that occasion, Stjepan's wife is kept in STRIČEVIĆ's house and then released.

According to the source, after the organs of the "new government" has been established in Dalj, various "cases" /illegible/ a large number of arrested people are killed and their dead bodies are thrown into the Danube. Some of these bodies turn up /illegible/ near the park in Dalj on a daily basis.

CHIEF
Major General
BABIĆ³⁶²

It is concluded on the basis of the documents reviewed during the

³⁶¹ This footnote belongs to the actual document Born in the year /illegible/ in Osijek, ethnic Serb, several times charged with having committed both minor and serious offences, introduces himself as "Colonel" and "Staljin"

³⁶² ERN BCS 0340-4864-0340-4865; Eng ET 0340-4864-0340-4865, *Unauthorised killings of arrested ZNG members and other individuals*, Report Nr 35-1646, Major General Mile BABIĆ, Chief OB 1st MD, 18 Oct 91

preparation of this report that Major General Mile BABIĆ in this document *inter alia* refers to the events in Dalj prison on 21 September and 05 October 1991 discussed here-above.

(f) On 23 October 1991, - Four days after the 1st MD Order Nr 1614-82/33 in which the Commander of the 1st MD, Lieutenant Colonel General Života PANIĆ, expressed his dissatisfaction with the criminal behaviour by members of some of his subordinate units, in particular in the 1st Proletarian Guards Mechanised Division-, Lieutenant-Colonel Milan EREMIJA, Assistant Commander for Morale and Political Guidance of the 1st pgmd, in his “*Weekly Report on the State of Morale in the 1st Proletarian Guards Mechanised Division and its subordinate units*” Report Nr. 1276-1 to the 1st MD reports about the participation of “*paramilitary formations from Serbia, Chetniks, the Dušan Silni Detachment, and various self-styled volunteers*” as well as detachments of the local Serb TO (“*TO Lovas*”) and unidentified detachments originating from Serbia (“*Valjevo detachment*”) in serious crimes. EREMIJA explicitly recommends that the “*authorities of the Republic of Serbia*” should be engaged in the disarming of the “*paramilitary formations*”.³⁶³

...

4. - Activities and occurrences which have a negative impact on the state of the morale in the division units:

In the combat activity zone of the 1st Guards Mechanised Division, the main motive behind the presence of several groups of different paramilitary formations from Serbia, Chetniks, the Dusan Silni Detachment, and various self-styled volunteers, is not to combat the enemy but to loot the people's property and engage in the sadistic abuse of innocent civilians of Croatian nationality.

In the village of Lovas, on one occasion, 80 villagers of Croatian nationality are captured by the TO Lovas and the Dusan Silni Detachment; they are then physically abused and four of the Lovas villagers are killed.

After the arrival of the Valjevo Detachment in the village of Lovas, the captured villagers are used for clearing minefields, and 17 villagers are killed. The wounded villagers are refused medical help by the staff at the Šid Medical Centre.

5. Proposals for improving morale in the units:

³⁶³ ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, *Telegram to the command of the 1st Military District*, Lieutenant Colonel Milan EREMIJA, Assistant Commander for Instruction in Matters of Morale and Political Propaganda, , 1st Proletarian Guards Mechanised Division, 23 Oct 91

Undertake the organised disarming of paramilitary formations, in particular of the Dusan Silni Detachment, Chetniks, and Arkan' s soldiers; authorities of the Republic of Serbia must participate in the campaign.³⁶⁴

EREMIJA's report is published in January 1993 in the international press³⁶⁵.

(g) The 1st MD OB Report Nr 56-582 dated 25 October 1991, quoting a volunteer who has reportedly been expelled from the “*Special training centre*” in Erdut, mentions two cases of killings of POWs as well as other killings in the training centre witnessed by “ARKAN”. The report concludes that “ARKAN is engaged in the slaughter of prisoners sent by the local territorial (defence) units”, suggesting cooperation between the two.³⁶⁶

In the Centre, Arkan is engaged in the slaughter of the prisoners sent by the local territorial units. He observed a man being beaten with a baseball bat, after which they put him on the nylon to bleed to death.

He observed them putting rifles with silencers against the back of the head of four men and killing them in that way. Following the slaughter of these four men, who are then thrown into the Dunav River, he personally wiped off the blood.³⁶⁷

(h) In his Order 1st MD Nr. 1614-82/81 dated 18 November 1991, Lieutenant Colonel General Života PANIĆ, Commander of the 1st MD, ordering OG SOUTH to “*take Vukovar hospital, before 1000 Hr on 19 November 1991*” in coordination with OG North, incorporates a number of explicit warnings to his subordinate Commanders, putting them on notice, among other things of the threat of revengeful behaviour, in particular from the “*local Territorial Defence*”. PANIĆ in Paragraph 3 of his order, instructs “*While carrying out these assignments, and in all other operations in the area in which 1st MD*

³⁶⁴ ERN BCS 0040-0285-0040-0288; Eng 0040-0289-0040-0291, *Telegram to the command of the 1st Military District*, Lieutenant Colonel Milan EREMIJA, Assistant Commander for Instruction in Matters of Morale and Political Propaganda, , 1st Proletarian Guards Mechanised Division, 23 Oct 91

³⁶⁵ Eng 0033-4459-0033-4459, *Serbs blamed for Mass Croatian Grave*, The Washington Post, 26 Jan 93

³⁶⁶ ERN BCS 0340-4876-0340-4878; ENG ET 0340-4876-0340-4878, *The conduct of the Commander of the Special Forces of Slavonija, Baranja and Western Srem, Željko RAŽNJATOVIĆ “ARKAN” in Erdut*, Nr 56-582, OB 1st MD, Major General Mile BABIĆ, 25 Oct 91

³⁶⁷ ERN BCS 0340-4876-0340-4878; ENG ET 0340-4876-0340-4878, Report Nr 56-582, *The conduct of the Commander of the Special Forces of Slavonija, Baranja and Western Srem, Željko RAŽNJATOVIĆ “ARKAN” in Erdut*, OB 1st MD, Major General Mile BABIĆ, 25 Oct 91

units are engaged on smashing Ustasha forces, observe all aspects of the Geneva conventions on the prisoners of war”. Paragraph 8 is the most explicit in describing the threat emanating from the local (Serb) TO: “8. Every unit must fully control the situation on the territory of its area of responsibility. Commanders at all levels will be responsible for this. Wartime laws have not entered into force and therefore – as always – nobody has the right to retribution and other kinds of revenge, which some local units carried out. In future, arrest those who commit any such acts and undertake appropriate legal measures”.³⁶⁸ The tone of PANIĆ’s order, seen in the context of the JNA UB and OB reports on (alleged) crimes committed by volunteers/paramilitaries and local Serb TO in SBWS, can be seen as corroborating the intelligence included in these reports.

- (i) On 22 November 1992, the Commander of the 12th K forwards General PANIĆ’s order to his subordinate Commander, mentioning *inter alia* “We have information that certain senior officers take it upon themselves to rule on the faith of detainees on the spot, which is impermissible.”³⁶⁹
- (j) On 27 November 1991, representatives of the SFRY Federal Executive Council, the JNA, the Republic of Serbia, and the Republic of Croatia sign a “*Memorandum of Understanding*”, under the auspices of the International Committee of the Red Cross (ICRC).³⁷⁰ This memorandum formalises the commitments of the warring parties towards the ICRC and the strict application of all four Geneva Conventions.³⁷¹
- (k) Following the signing of the Memorandum, the Legal Administration of the SSNO prepares a “*Report on the commitments the JNA has*

³⁶⁸ ERN BCS 0345-0021-0345-0023; ERN Eng ET 0345-0021-0345-0023, *Order*, Nr. 1614-82/81, Lieutenant General Života PANIĆ, 18 Nov 91

³⁶⁹ ERN BCS 0683-9473-0683-9473; Eng 0683-9473-0683-9473-ET/Translation, *ORDER*, Nr 133-804, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 22 Nov 92

³⁷⁰ ERN Eng 0031-7861-0031-7869, *Memorandum of Understanding*, Geneva, 27 Nov 91

³⁷¹ ERN Eng 0031-7867-0031-7869, *Memorandum of Understanding*, Geneva, 27 Nov 91, Para (1) - (6)

undertaken by signing the Memorandum of Understanding”.³⁷² The SSNO “Report on the commitments the JNA has undertaken by signing the Memorandum of Understanding” argues that the conflict in Croatia is “in all essential characteristics” a “classic example of an internal conflict”, “subject to the provisions of the Additional Protocol of the 12 August 1949 Geneva Convention on the Protection of Victims of Non-International Armed Conflicts³⁷³, common article 3 of all four Geneva Conventions and the rules of international laws and customs of war, which contain the basic standards of humanity by all civilised nations”.³⁷⁴ The report then mentions that by signing the Memorandum on 27 November 1991, “*all signatories explicitly undertook to strictly apply all four Geneva Conventions in their entirety*”.³⁷⁵ The report concludes as follows: “*Finally, the problems that have so far been observed with regard to the fulfilment of the obligations show the need for officers directly involved in this work to study closely the provisions of the Geneva Conventions and the Instructions on the Application of the Law of War in the Armed Forces of the SFRY and to ensure their consistent and full application.*³⁷⁶ It is assessed that both the signing of the Memorandum on 27 November 1991, and the subsequent report by the Legal Administration of the SSNO are directly related to the events that have occurred during and subsequent to the evacuation of the hospital in Vukovar on 20 November 1991, and the way OG SOUTH has handled the evacuation.

- (I) The SSNO *Bulletin* Nr. 94, dated 03 December 1991, contains a statement by the 1st Military District on the investigation and prosecution of alleged violations of the laws of war that may have

³⁷² ERN Eng 0124-1849-0124-1854; ERN Eng 0303-1375-0303-1379, 5th JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 91, 01 May 92

³⁷³ 2nd Protocol (1977)

³⁷⁴ ERN BCS 0124-1849-0124-1854; ERN Eng 0303-1375-0303-1379, 5th JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991, 01 May 92

³⁷⁵ ERN BCS 0124-1849-0124-1854; ERN Eng 0303-1375-0303-1379, 5th JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991, 01 May 92

³⁷⁶ ERN BCS 0124-1849-0124-1854; ERN Eng 0303-1375-0303-1379, 5th JNA Corps correspondence of a report of the Legal Administration, following the signing of the Memorandum of Understanding in Geneva on 27 November 1991, 01 May 92

occurred during the operations in SBWS.³⁷⁷ The statement suggests that investigation efforts are mainly directed against members of the enemy forces.

STATEMENT BY THE COMMAND OF FIRST ARMY DISTRICT
(BELGRADE, DECEMBER 2)

ACTING ON A PROPOSAL BY THE MILITARY PROSECUTOR'S OFFICE AT THE FIRST ARMY DISTRICT, A FORENSIC MEDICINE AND CRIMINAL INVESTIGATION TEAM OF THE YUGOSLAV PEOPLE'S ARMY HEADED BY CAPTAIN FIRST CLASS MILOMIR SALIĆ, AN INVESTIGATING JUDGE AT THE MILITARY COURT IN BELGRADE, IS ENGAGED IN IDENTIFYING PERSONS KILLED IN VUKOVAR, ESTABLISHING THE CAUSES OF THEIR DEATHS AND IDENTIFYING THOSE RESPONSIBLE, THE COMMAND OF THE FIRST ARMY DISTRICT SAID IN A STATEMENT ISSUED YESTERDAY.

SO FAR SOME 400 BODIES HAVE BEEN EXAMINED, INCLUDING THOSE OF FIVE CHILDREN. CRIMINAL PROCEEDINGS ARE IMMINENT OR HAVE ALREADY BEEN OPENED AT MILITARY AND REGULAR COURTS AGAINST A NUMBER OF MEMBERS OF THE CROATIAN PARAMILITARY FORMATIONS SUSPECTED OF COMMITTING THESE AND OTHER CRIMES, THE COMMAND SAID IN ITS STATEMENT.

(m) “ARKAN”’s criminal behaviour and the involvement of Milorad STRIČEVIĆ, “*Dalj Defence Staff Security Chief*”, in the commission of crimes are also addressed in the Intelligence Report “*Željko RAŽNATOVIĆ aka ARKAN, Commander of the Serbian Volunteer Guard*” by the OB of the 1st MD, dated 09 January 1992.³⁷⁸

His activities /?in liquidating/ the Croatian and Hungarian population have been noted and written about a number of times. This is most frequently done by a man named Milorad STRIČEVIĆ, to whom RAŽNATOVIĆ awarded the rank of Colonel, and he wears the insignia of a colonel. STRIČEVIĆ is a driver from Osijek who has a number of criminal convictions.³⁷⁹

(n) On 21 January 1992, the US Helsinki Watch Committee sends a letter

³⁷⁷ ERN Eng 0054-5496-0054-5499, *Bulletin*, Nr 94, Information Office of the SSNO, 03 Dec 91, at ERN Eng 0054-5496

³⁷⁸ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteers’ Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

³⁷⁹ ERN BCS 0340-4882-0340-4887; Eng 0340-4882-0340-4887-EDT/Draft translation, *Željko RAŽNATOVIĆ, aka ARKAN Commander of the Serbian Volunteers’ Guards*, Milić JOVANOVIĆ, Chief, OB 1st MD, 09 Jan 92

to Slobodan MILOŠEVIĆ, President of Serbia, and Colonel General Blagoje ADŽIĆ, Acting Federal Secretary for People's Defence, regarding "Human rights abuses by the Serbian government and Yugoslav Army".³⁸⁰ In relation to the crime at Ovčara, the "Helsinki Watch" letter states:³⁸¹

November 18 - Vukovar

The city of Vukovar was under constant siege by Serbian forces for three months. When the city fell on November 18, 15,000 people who had not fled the fighting emerged from the basements in which they lived for 12 weeks. After Vukovar's fall, civilians and soldiers *hors de combat* were beaten or arrested by Serbian paramilitary groups and the JNA. On the basis of interviews with displaced persons from Vukovar and foreign journalists and humanitarian workers who visited Vukovar immediately after its fall, Helsinki Watch has reason to believe that many Croatian men, both civilians and combatants who had laid down their arms, were summarily executed by Serbian forces after Vukovar's fall.

On 12 February 1992, Goran MILINOVIĆ, Chief of Cabinet of the Serbian President Slobodan MILOŠEVIĆ, acknowledges the reception of this letter and the report attached to it.³⁸²

(o) The article "The "All for all" Exchanges are freeing war criminals - The "Captured" Ustashas" which is published in issue Nr. 12 dated 28 February 1992 of the SRS party magazine "Velika Srbija" indicates that SRS/SČP volunteers and other people affiliated to the SRS have access to prisoners of war that have been taken during the fighting in Vukovar in November 1991. The "Velika Srbija" article contains an interview with Jovo OSTOJIĆ³⁸³, who allegedly made it possible for the author to speak to the prisoners, as well as an interview with two Croatian prisoners of war who author of the article describes as

³⁸⁰ ERN Eng 0018-7364-0018-7390, Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Govt and Yugoslav Army, 21 Jan 92

³⁸¹ ERN Eng 0018-7364-0018-7390, Letter from Helsinki Watch to MILOŠEVIĆ, Slobodan and ADŽIĆ, Blagoje re: Human Rights Abuses by the Serbian Government and Yugoslav Army, 21 Jan 92, at page ERN Eng 0018-7370

³⁸² ERN BCS 0209-3684-0209-3684; ERN Eng 0302-0967-0302-0967, Copy of the response from Goran MILINOVIĆ, Chief of Cabinet of the President of the Republic of Serbia, Slobodan MILOŠEVIĆ, to US Helsinki Watch letter, 12 Feb 92

³⁸³ Jovo OSTOJIĆ is in May 93 proclaimed "Četnik Vojvoda" by Vojislav ŠEŠELJ, for his merits during the operations in SBWS: See ERN BCS 0346-2545-0346-2548; ERN Eng ET 0346-2545-0346-2548, Order Nr. 124, Serbian Četnik Movement, 13 May 93, excerpt from ERN BCS 0346-2361-0346-2561, "Srpska Radikalna Stranka (Serbian Radical Party)", Vojislav ŠEŠELJ, ABC GLAS, 1995

“Ustashas”.³⁸⁴

(p) The SFRY Armed Forces Security Administration (UB) on 26 May 1992 submits a report “*INFORMATION – Crimes against the civilians committed by the members of the paramilitary and the volunteer formations in the Republic of Srpska Krajina*” to the NGŠ of the JNA (VJ), Colonel General Života PANIĆ.³⁸⁵ The report contains detailed information on crimes (allegedly) committed by members of Serbian volunteer/paramilitary groups during the conflict in “SBWS”, as well as in BiH.

i. In the introduction, the report notes that the volunteer formations who (allegedly) committed the “*serious criminal acts*”, were “*for the most part, on the strength of the TO of Eastern Slavonija, Western Srem and Baranja at the time those acts were committed*”, adding that relevant information was “*immediately passed onto the local organs of government, the organs of internal affairs of the Republic of Serbia and the military-legal organs*”.

While carrying out the tasks from within their authorities in the zone of responsibility of the JNA engaged in the territory of the Republic of Srpska Krajina, the organs of security of the JNA gathered a number of operative and other information on the serious criminal acts (murder, theft, abuse, rape, etc) committed by the members of the volunteer formations who were, for the most part, on the strength of the TO of Eastern Slavonija, Western Srem and Baranja at the time those acts were committed. However, while carrying out the basic tasks as the priority, under the condition of combat activities and the non-existence of the legally enforceable jurisdiction as well as the fact that the perpetrators of these crimes would most often desert the unit immediately (in an organized manner or on a self-initiative), the committed crimes were generally only registered and only partially documented. All information was immediately passed onto the local organs of government, the organs of internal affairs of the Republic of Serbia and the military-legal organs and adequate measures on identifying the perpetrators, taking them before the military-legal organs and documenting all activities, were taken.

³⁸⁴ ERN BCS 0041-3164-0041-3166; ERN Eng ET 0041-3164-0041-3166, *The “All for all” Exchanges are freeing war criminals - The “Captured” Ustashas*, excerpt from ERN BCS 0041-3135-0041-3202, “*Velika Srbija*” Issue Nr. 12, 28 Feb 92

³⁸⁵ ERN BCS 0607-9012-0607-9017; Eng ET 0607-9012-0607-9017, *INFORMATION - Crimes against the civilians committed by the members of the paramilitary and the volunteer formations in the Republic of Srpska Krajina*, Nr 73, Security Administration at the SSNO, 26 May 92

ii. In relation to the crimes allegedly committed in “SWBS”, the report provides eight examples, including the incident in Lovas on 18 October 1991 when, according to the UB report, 50 residents of Croatian nationality were forced to walk through a minefield by the Valjevo TO and members of the “*Dušan Šilni*” volunteer/paramilitary group, acting under the orders of an Officer of the TO Valjevo. When one mine exploded and the residents started to flee, members of Valjevo TO and the “*Dušan Šilni*” detachment opened fire, killing 17 and wounding 12 residents. According to the UB report, the JNA Military Prosecutors Office, The Republic of Serbia Republican TO Staff and the Republic of Serbia Undersecretary for SDB were informed on the serious incident by the UB in writing on 26 October 1991.³⁸⁶

9. Praising of volunteers/paramilitaries

Notwithstanding the JNA OB and UB (and other) reports discussed here-above, there are senior JNA officers who are pleased with the participation of “ARKAN” and his “*Serbian Volunteer Guard*” and SRS/SČP volunteers in combat operations in “SBWS”.

- a. On 23 November 1992, Major General Andrija BIORČEVIĆ, Commander of the 12th K, awards a submachine gun to Željko RAŽNATOVIĆ “as a sign of recognition for the successful cooperation and direct participation in combat operations for the liberation of Borovo...”³⁸⁷
- b. In a statement published on 24 November 1991 in the Issue Nr 101 of the SSNO magazine “*Bulletin*”, Colonel Mile MRKŠIĆ, Commander of OG SOUTH, praises his troops, included the volunteers, for their courage. According to the article, MRKŠIĆ “stressed that volunteers had given great assistance to the elite Guards units. In this war, Yugoslavia gained new

³⁸⁶ ERN BCS 0607-9012-0607-9017; Eng ET 0607-9012-0607-9017, *INFORMATION – Crimes against the civilians committed by the members of the paramilitary and the volunteer formations in the Republic of Srpska Krajina*, Nr 73, Security Administration at the SSNO, 26 May 92

³⁸⁷ ERN BCS 0683-9474-0683-9474; Eng ET 0683-9474-0683-9474, Nr 133-816, Major General Andrija BIORČEVIĆ, Commander of the 12th K, 23 Nov 91

national heroes, which Yugoslav Parliament and other institutions should make official”.³⁸⁸

A STATEMENT BY COMMANDER OF OPERATIONS GROUP “SOUTH” IN THE LIBERATION OF VUKOVAR, COLONEL MILE MRKŠIĆ (Vukovar, 23 November). The Commander of Operations Group “South” in the liberation of Vukovar, Colonel Mile MRKŠIĆ, said the following: “We have liberated Vukovar and brought down the strongest and best fortified *Ustasha* fortress, owing to the courage and knowledge of members of the JNA /Yugoslav People’s Army/ Motorised Guards Brigade from Belgrade, volunteers and Territorial Defence /TO/ members, many of whom are, from the city itself.

“Operation Vukovar, Colonel MRKŠIĆ stressed, commenced on 30 September. There was hand-to-hand combat for each house, each street, because it was only until yesterday that Vukovar was the cornerstone of some independent state of Croatia, recalling that the liberation of Vukovar had also been extremely difficult in the previous war.

The breaking point, in the admission of the *Ustashas* themselves, was the arrival of the Guards units. The heroism of members of our units was decisive for our forces to launch the decisive battle together with members of TO and volunteer units.

We had the opportunity to see for ourselves that Croatian soldiers had state-of-the-art guns, rockets and other weapons to continue fighting for the next three-four months.

Colonel MRKŠIĆ stressed that volunteers had given great assistance to the elite Guards units. In this war, Yugoslavia gained new national heroes, which Yugoslav Parliament and other institutions should make official.

The Commander of Group “South” also pointed to the heroism of Croatian members of the JNA Guards units, some of whom lost both their legs in the battles for Vukovar. Croatia is no longer their homeland, but the new Yugoslavia, which must ensure their existence, Colonel MRKŠIĆ cautions and concludes: “Yugoslavia must respect these new national heroes of ours”.³⁸⁹

- c. Video footage of the speech of Major General Andrija BIORČEVIĆ, Commander of the 12th K and during the operations in SBWS, commander of JNA OG NORTH³⁹⁰, praising “ARKAN”’s role during the operations in SBWS, shows not only the co-operation between JNA OG NORTH and the “ARKAN *Tigers*” (also known as “*Serbian Volunteer Guard*”) during JNA OG NORTH-led operations in Baranja and the northern part of Eastern

³⁸⁸, ERN BCS 0054-5018-0054-5022; ERN Eng ET 0054-5021, Statement by Colonel Mile MRKŠIĆ, “*Bitten - Bulletin*”, 24 November 1991

³⁸⁹ ERN BCS 0054-5018-0054-5022; ERN Eng ET 0054-5021, Statement by Colonel Mile MRKŠIĆ, “*Bitten-Bulletin*”, 24 November 1991

³⁹⁰ The operations in SBWS are discussed in Part II, Section THREE, Paragraph 5 of this report

Slavonia, but also the appraisal by a senior JNA Commanding Officer for an explicit lack of compliance with the laws and customs of war by ARKAN. According to the transcript of the video, BIORČEVIĆ stated:

....

That is the greatest contribution of ARKAN's volunteers. Some people say that I conspire with paramilitary formations. These are not paramilitary formations; they are people who came voluntarily to fight for the Serbian people... We surround a village, they enter it, kill those who refuse to surrender and we go on.³⁹¹

³⁹¹ ERN BCS/Eng 0062-2146-0062-2147, *Transcript of speech by General Andrija BIORČEVIĆ on TV-Beli Manastir, 01 Jan 92*

Section FOUR: The VANCE Plan - Establishment of the “RSK” Territorial Defence (TO), transformation of the “RSK” TO into “RSK” Special Police Brigades - the SVK (1992 – 1993)

1. Summary

- a. After introducing the VANCE Plan, this section reviews the measures taken by the “RSK” leadership, from 26 February 1992 led by Goran HADŽIĆ, President of the “RSK”, with the assistance of (S)FRY to circumvent the implementation of the plan, by transforming the “RSK” TO into “RSK” Special Police Brigades (PJM) (also known as “*Milicija*”) and the creation of the SVK. This is followed by a detailed discussion concerning the evolution of the situation in the area covered by the “SAO SBWS”, including the JNA’s assistance to establish local civilian authorities, and the attitude of the “SAO SBWS” authorities towards non-Serbs remaining in SBWS, in particular Eastern Slavonia and Western Srem.
- b. The 23 November 1991 Geneva Cease fire agreement followed by the agreement on the VANCE Plan on 02 January 1992 has major implications for the local Serb TOs in the “SAO Krajina”; “SAO Western Slavonia” and “SAO SBWS” (i.e. “RSK”). The local Serb TO is to be demobilised, disarmed and disbanded. Prior to the withdrawal of the JNA and the arrival of international peace forces (UNPROFOR), however, the local Serbs, assisted by the SSNO reorganise and (re)equip the TO. Once UNPROFOR starts its deployment, local Serb TO units are transformed into “RSK” Special Police Units (“*Milicija*”), with the support of (S)FRY, resulting in a violation of the VANCE Plan.
- c. At the joint session of all the Assemblies of “*autonomous districts*” and the “RSK” held on 25 February 1992 in Borovo Selo, Goran HADŽIĆ is elected President of the “*Republic of Serbian Krajina (RSK)*”, following the removal of Milan BABIĆ on 16 February, due to his opposition to the VANCE Plan. On 18 May 1992, the Assembly of the “RSK” adopts a number of amendments to the “RSK” Constitution, creating the legislative framework for the establishment of a “*Serbian Army*”. In October and November 1992, orders are issued to implement these constitutional changes and reorganise the “RSK” TO (i.e. PJM) into the SVK. On 20 April 1993, the “RSK” Assembly

adopted another series of amendments to the “RSK” Constitution, laying the foundation for the creation of an “RSK” Supreme Defence Council. According to the “RSK” Constitution, the President of the Republic lead the “*Serb Army of Krajina in times of peace and war*”, in accordance with the Constitution and decisions adopted by the Supreme Defence Council, and presided over the Supreme Defence Council. In May 1993, SVK units launch rockets against civilian targets in the outskirts of Zagreb, following an HV incursion into the “*Medak Pocket*”.

- d. The JNA 1st MD maintains the “*Town Commands*” that have been established following the takeover of towns, until its withdrawal after the deployment of UN peacekeepers (UNPROFOR). These Town Commands are subordinated to the operational Commander and cooperate with, or assist/advise, including making proposals or recommendations, the “*SAO SBWS*” government and the local authorities appointed by the latter, in accordance with the instructions and orders of the SSNO and the orders by the 1st MD.
- e. JNA documents show that the “*SAO SBWS*” government and its local bodies are responsible for the resettlement of Serbian refugees and for taking care of abandoned property. According to these documents, there are serious shortcomings in the functioning of the “*SAO SBWS*” authorities, which -in addition to having a negative impact on civilian authority-, also affects the security of non-Serbs in the area, with patterns of the continuous (and organised) harassment of non-Serbs remaining in SBWS, including their expulsion (or organised deportation) with the active participation, or at least knowledge, of the “*SAO SBWS*” authorities.

2. Declaration of the “RSK”

On 19 December 1991, the political leadership of the “*SAO Krajina*” proclaims the “*Republic of Serbian Krajina (RSK)*”³⁹² with Milan BABIĆ as President. On 26 February 1992, the Assembly of the “RSK” adopts an amendment to the “RSK” Constitution incorporating the “*SAO Western Slavonia*” and the “*SAO Slavonia*,

³⁹² Or *Republika Srpske Krajine*, hereinafter “RSK”

Baranja and Western Srem (SBWS)” into the “RSK”.³⁹³

3. The VANCE Plan

a. Background

The VANCE Plan -also known as “*Implementing Accord on the unconditional cease-fire*”- is agreed by the parties on 02 January 1992³⁹⁴, following the signing of a lasting ceasefire agreement on 23 November 1991 in Geneva by the Presidents of Serbia, Slobodan MILOŠEVIĆ, Croatia, Franjo TUĐJMAN, and the SSNO, Army General Veljko KADIJEVIĆ, under the auspices of the UN and the EC. The parties also agree to the speedy establishment of a United Nations (UN) peacekeeping operation.³⁹⁵

b. Contents

The VANCE Plan is intended as “*an- interim arrangement to create the conditions for peace and security required for the negotiation of an overall settlement of the Yugoslav Crisis*”³⁹⁶ and consisted of three phases³⁹⁷:

(1) Deployment of (lightly armed) United Nations Troops (UNPROFOR) and unarmed military observers (UNMOs) and (unarmed) police monitors (UNCIVPOL) in three United Nations Protected Areas (UNPA) (SBWS; Western Slavonia; and Krajina), corresponding with four UN Sectors: South, North, West and East. The UNPA’s are areas in Croatia in which the Secretary-General judges that special arrangements are required during an interim period to ensure that a lasting ceasefire is maintained. These are areas in which Serbs constitute the majority or a substantial minority of the population and where inter-communal tensions have led to armed conflict in the recent past. These special arrangements in these areas are intended to be of an interim nature and will not prejudge the outcome of political negotiations for a comprehensive settlement of the Yugoslav crisis.

³⁹³ ERN BCS 0216-6106-0216-6107; Eng 0304-5780-0304-5782, *DECISION ON PROCLAMING AMENDMENTS I TO VI TO THE CONSTITUTION OF THE REPUBLIC OF SERBIAN KRAJINA*, 27 Feb 92

³⁹⁴ Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

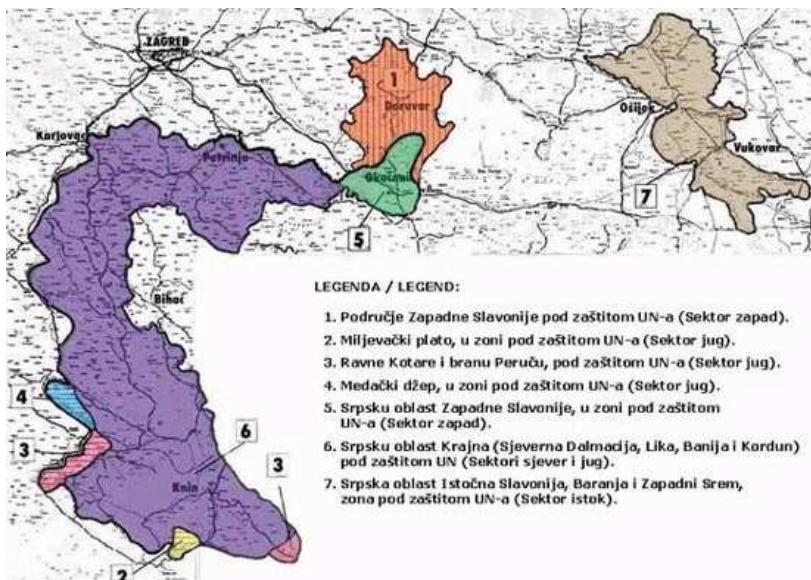
³⁹⁵ Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

³⁹⁶ Eng 0114-5409-0114-5415, *The International Conference on the Former Yugoslavia, Official Papers*, Vol 1, B.G. RAMCHARAN, 1997

³⁹⁷ Eng 0114-5409-0114-5415, *The International Conference on the Former Yugoslavia, Official Papers*, Vol 1, B.G. RAMCHARAN, 1997

(2) Control of the demilitarisation of the UNPA's. This includes the withdrawal of the JNA, Croatian armed forces (ZNG, HV), and volunteers and paramilitaries, the disarming, disbanding and demobilisation of the local Serb ("RSK") TO and other armed groups. Only a lightly armed local Serb ("RSK") police force can remain in the UNPAs. The weapons of the local Serb TO that are not handed over to the JNA (or ZNG) should be put in storage depots under the "*double lock*"³⁹⁸ (i.e. UNPROFOR and "RSK")-system. The role of the UN peacekeeping forces (UNPROFOR) is to ensure that the areas remain demilitarized and that all persons residing in them are protected from fear of armed attack. UNCIVPOL is to ensure that the local Serb police carries out its duties without discrimination against persons of any nationality of abusing anyone's human rights.

(3) Maintaining of peace in the UNPAs and preparation for the return of refugees and displaced persons.³⁹⁹



Map prepared by "RSK" authorities showing the UNPA's

- c. On 21 February 1992, The UN Security Council (UNSC) by its resolution (UNSCR) 743 (1992) establishes UNPROFOR for an initial period of 12 months. The UNSC confirms that UNPROFOR should be "*an interim*

³⁹⁸ See for example also ERN BCS 0683-8992-0683-8993; Eng 0683-8992-0683-8993-EDT/Draft translation, *Official Note*, Nr 178-1, Colonel Miroslav FILIPOVIĆ, 11 May 92; ERN BCS 0683-8989-0683-8990; Eng 0683-8989-0683-8990-ET/Translation, *Opening fire in Sector East*, Nr 260-4, Rear Admiral Milosav SIMIĆ, Assistant NGŠ VJ, 18 Jun 92

³⁹⁹ Eng 0114-5409-0114-5415, *The International Conference on the Former Yugoslavia, Official Papers*, Vol 1, B.G. RAMCHARAN, 1997

arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav Crisis within the framework of the European Community's Conference on Yugoslavia”. On 07 April 1992, the UN Security Council, by its resolution 749 (1992) authorizes the full deployment of UNPROFOR.⁴⁰⁰

- d. The Assembly of the “RSK” at its session in Glina on 09 February 1992 adopts a Decision on the “*unconditional acceptance of the concept of a peacekeeping operation for the area of the Republic of Serbian Krajina presented by the UN Secretary General's personal envoy, Cyrus VANCE*” (i.e. the VANCE Plan).⁴⁰¹
- e. During its 12th Session on 04 and 05 May 1992 in Beli Manastir the “RSK” Government adopts a decision prohibiting the “*Export of military cash, materiel and technical equipment and other military equipment of former JNA from the territory of the Republic of Serbian Krajina*”.⁴⁰²

4. Establishment of the “RSK” Territorial Defence (TO)

- a. “RSK” Constitution - authority of the President of the Republic
 - (1) The “*Grand National Assembly of the Serb District of Slavonija, Baranja and Western Srem*” and the “*Assembly of the Autonomous District of Western Slavonija*” on 02 January 1992, the same day as the VANCE Plan is agreed upon, proclaim the Constitution of the “*Republika Srpska Krajina (RSK)*”.⁴⁰³
 - (2) Paragraph 5 of Article 78 of the “RSK” Constitution establishes that the President of the “RSK”, “*commands the armed forces in peace and during a state of war, commands national resistance during a state of war; issues orders for general and partial mobilisation*”.⁴⁰⁴ Article 102 of the “RSK” Constitution declares the “*Territorial Defence of the Republika Srpska*

⁴⁰⁰ Eng 0006-5242-0006-5284, *The United Nations and the Situation in the Former Yugoslavia*, 25 Sep 91-30 Oct 92, UN Department for Public Information, Oct 92

⁴⁰¹ ERN BCS 0207-8204-0207-8205, Eng L006-3147-L006-3153, *Decrees issued at the RSK Assembly*, 9, 16 and 25 Feb 92

⁴⁰² ERN BCS 0281-1487-0281-1493; Eng ET 0281-1487-0281-1493, *MINUTES of the 12th Session of the “RSK” Government*, 04 and 05 May 92

⁴⁰³ ERN BCS 0214-1817-0214-1843; Eng ET 0214-1817-0214-1843, *The Constitution of the Republika Srpska Krajina*, 02 Jan 92

⁴⁰⁴ ERN BCS 0214-1817-0214-1843; Eng ET 0214-1817-0214-1843, *The Constitution of the Republika Srpska Krajina*, 02 Jan 92, Art 78

Krajina” as the “*Armed Forces of the Republika Srpska Krajina*”.⁴⁰⁵

(3) Since the VANCE plan stipulates “*the disarming, disbanding and demobilisation of the TO and other armed groups*”, the decision to declare the “RSK” TO, the armed forces of the “RSK” could be considered a violation of the VANCE plan.⁴⁰⁶

b. “RSK” Law on Defence (23 March 1992)

The “RSK” Law on Defence that is published on 23 March 1992 confirms the aforementioned constitutional stipulations on the armed forces.⁴⁰⁷ Article 5 of the 1992 “RSK” Law on Defence affirms the unity of the armed forces of the “RSK” with those of the SFRY. Article 5 also stipulates that in case of an imminent threat of war and in times of war, the “*Special Purpose Units*” of the “RSK” police will be integrated into the armed forces of the “RSK”.⁴⁰⁸ Article 6 identifies the duties of the President of the Republic in relation to the armed forces and defence⁴⁰⁹, reflecting those listed in Para 5 of Article 78 of the 1992 “RSK” Constitution. In addition, the President orders the use of the police in times of war, imminent threat of war and during a state of emergency.

Article 6 of the 1992 “RSK” Law on Defence

The President of the Republic:

- 1) leads the armed forces in the peace times and in times of war;
- 2) passes the plan of the Defence of the Republic of Serb Krajina and other documents which regulate the measures of the organisation of the defence preparation;
- 3) orders the implementation of the stand-by measures and other necessary measures;
- 4) establishes the bases for the organisation and the police troop strength in case of the imminent threat of war and in times of war;
- 5) orders the use of the police in times of war, in times of the imminent threat of war and in states of emergency, in order to protect the rights and the duties of

⁴⁰⁵ ERN BCS 0214-1817-0214-1843; Eng ET 0214-1817-0214-1843, *The Constitution of the Republika Srpska Krajina*, 02 Jan 92, Article 102

⁴⁰⁶ Eng 0114-5409-0114-5415, *The International Conference on the Former Yugoslavia, Official Papers*, Vol 1, B.G. RAMCHARAN, 1997

⁴⁰⁷ ERN BCS 0363-9743-0363-9755; Eng ET 0363-9743-0363-9755 9742 (part.), Law on Defence, RSK Official Gazette, 23 Mar 92

⁴⁰⁸ ERN BCS 0363-9743-0363-9755; Eng ET 0363-9743-0363-9755 9742 (part.), Law on Defence, RSK Official Gazette, 23 Mar 92, Art 5

⁴⁰⁹ ERN BCS 0363-9743-0363-9755; Eng ET 0363-9743-0363-9755 9742 (part.), *Law on Defence*, RSK Official Gazette, 23 Mar 92, Art 6

the Republic and its citizens, as outlined in the Constitution.⁴¹⁰

- c. Order for expanding the jurisdiction of the officers at the brigade level and higher areas of responsibilities of their units

On 20 May 1992, Goran HADŽIĆ, President of the “RSK” issues an “*ORDER for expanding the jurisdiction of the officers at the brigade level and higher areas of responsibilities of their units*”. With this order, Brigade Commanders and more senior Commanders are authorised to pass prison sentences for disciplinary misconduct and offences as mentioned in the law on the service in the armed forces and the SFRY Criminal Code.⁴¹¹

- d. Role of (S)FRY(and Serbia) in the establishment of the “RSK” TO

Prior to the (official) withdrawal of the JNA from Croatia as stipulated in the VANCE Plan, senior officials at the SSNO, assisted by the “RSK” leadership, issued orders to (re)organise and (re)equip the “RSK” TO.

(1) On 27 February 1992, General Blagoje ADŽIĆ, CGS of the SFRY Armed Forces and acting SSNO, releases order Nr 892-1 on the “*Establishment of Staffs and Units of the Territorial Defence of the Republic of Serbian Krajina*”.⁴¹² This 17-page document contains a detailed overview of the peacetime and wartime organisational structure of the TO of the “RSK”, including the Main (or General) Staff (GŠ), the Zone Staffs (Lika, Kordun, Banija, Western Slavonia, and Eastern Slavonia, Baranja and Western Srem), TO Brigades, down to the Municipal TO Staff and unit level. ADŽIĆ issued an additional order, Order Nr 1349-1 on the same matter on 24 March 1992.⁴¹³

(2) Regular combat reports of JNA units in Croatia show that the assistance to set up the local Serb (i.e. “RSK”) defence structures (after the agreement on the VANCE Plan) is not limited to the SSNO or SFRY Armed Forces General Staff, but that this kind of support is also provided at JNA unit

⁴¹⁰ ERN BCS 0363-9743-0363-9755; Eng ET 0363-9743-0363-9755 9742 (part.), *Law on Defence*, RSK Official Gazette, 23 Mar 92, Art 6

⁴¹¹ ERN BCS 0216-9587-0216-9587; Eng ET 0216-9587-0216-9587, *ORDER for expanding the jurisdiction of the officers at the brigade level and higher areas of responsibilities of their units*, Nr 03-4-18-2-92, Goran HADŽIĆ, President of the Republic, 20 May 92

⁴¹² ERN BCS 0207-7072-0207-7088; Eng L005-3394-L005-3414, *Orders Nr 892-1 and 1349-1*, Colonel General Blagoje ADŽIĆ, 27 Feb and 24 Mar 92

⁴¹³ ERN BCS 0207-7072-0207-7088; Eng L005-3394-L005-3414, *Order Nr 892-1 and 1349-1*, Colonel General Blagoje ADŽIĆ, 27 Feb and 24 Mar 92

level.⁴¹⁴ The 1st pgmd (mK) “*Work Plan of the Command of the 1st mK on preparation of units to receive the United Nations Forces* has a section on “*Formation of TO*”, in addition to “*Receipt and distribution of weapons and equipment and recruitment reviews*”.⁴¹⁵ On 24 January 1992, Representatives from the 1st MD and the “*SAO SBWS*” Government (Prime Minister, Minister of Internal Affairs, Minister of Defence and TO Commander) are scheduled to meet to discuss “*issues in the development of the police and territorial defence, in line with an agreement dated 17.01.1992*”.⁴¹⁶

(3) Irrespective the (official) withdrawal of the JNA from Croatia, JNA personnel continue to serve in the “*RSK*” TO after the acceptance of the VANCE Plan. Order Nr 2-77, dated 22 April 1992, and signed by Major General Gojko KRSTIĆ, Chief of the Personnel Administration of the General Staff of the VJ, contains the names of 72 JNA senior and junior officers who are (temporarily) assigned to the “*RSK*” TO.⁴¹⁷ JNA personnel are invited to express their interest in settling in the territory covered by the “*SAO SBWS*”.⁴¹⁸

(4) In March and April 1992, the SSNO issues several orders to ensure the

⁴¹⁴ ERN BCS 0207-6683-0207-6684; Eng L005-5340-L005-5343, *Regular Combat Report, 9th JNA Corps*, submitted by General MLADIĆ, COS 9th Corps, 27 Feb 92; ERN BCS 0683-8835-0683-8838; Eng 0683-8835-0683-8838-ET/Translation; *PLAN of Joint Measures and Activities To Be Taken by the Civil Affairs Organs of the 1st MD and Authority Organs and Municipalities of the SO SBWS in Order to Ensure Establishment of Authority*, Nr 466-54, Colonel Jovo BLAŽANOVIĆ, Chief of the Organ for Civil Affairs of the 1st MD, 08 Mar 92

⁴¹⁵ ERN BCS 0683-8768-0683-8773; Eng 0683-8768-0683-8773-EDT/Draft translation, *Work Plan of the Command of the 1st mK on preparation of units to receive the United Nations Forces*, Nr 10/2-489, Major General Mićo DELIĆ, Commander of the 1st pgmd, 24 Feb 92

⁴¹⁶ ERN BCS 0683-8876-0683-8876 Eng, ET 0683-8876-0683-8876, Nr 466-5, Lieutenant Colonel General Vladimir STOJANOVIĆ, NGŠ, 1st MD, 22 Jan 92

⁴¹⁷ ERN BCS 0207-6818-0207-6830; Eng 0301-4028-0301-4040, *Order no. 2-77 on the deployment of 72 officers*, General Gojko KRSTIĆ, Chief of the Personal Administration of the VJ Headquarters, 22 Apr 92

⁴¹⁸ ERN BCS 0683-8736-0683-8736; Eng 0683-8736-0683-8736-EDT/Draft translation, *Settling of conscripts and officers, information*, Major General Mićo DELIĆ, Commander of the 1st MK, 09 Mar 92; ERN BCS 0683-9153-0683-9154; Eng 0683-9153-0683-9154-EDT/Draft translation, *Settling of conscripts and officers, information*, Colonel Milorad VUČIĆ, 1st MK, 12 Mar 92; ERN BCS 0683-9159-0683-9160; Eng 0683-9159-0683-9160-EDT/Draft translation, *List of persons interested in settling in Krajina*, Nr 81-823, Lieutenant Colonel Ilija KOJIĆ, Commander of the 453 mbr, 24 Mar 92; ERN BCS 0683-9143-0683-9147; Eng 0683-9143-0683-9147-EDT/Draft Translation, *Settling of military conscripts and officers, a report*, Nr 548-4, Colonel Milorad VUČIĆ, Commander of the 1st mbr, 30 Mar 92; ERN BCS 0683-8912-0683-8913; Eng 0683-8912-0683-8913-ET/Translation, *Settlement of the Krajina territory -forwarded*, Nr 257-1, Lieutenant Colonel Milutin ĐUROVIĆ, Commander VP 9185, 05 Apr 92; ERN BCS 0683-9148-0683-9151; Eng 0683-9148-0683-9151-EDT/Draft Translation, *LIST of Person who want to settle permanently in the territory of Krajina*, undated

logistic supply of the “RSK” TO, once the JNA has withdrawn from Croatia. These orders indicate that the SSNO -the most senior SFRY Armed Forces Staff level- is closely involved in the establishment and organisation of the “RSK” TO and “RSK” MUP logistical supply system.

(5) There are several examples of orders to “transform” JNA units into (“RSK”) TO units.⁴¹⁹ Withdrawing JNA units hand over military equipment to “RSK” TO units, before leaving Croatia. This is for example the case in the Kordun area⁴²⁰, where the JNA 592 Motorised Brigade (Banija) leaves a “*significant amount of arms and weapons*” for the 24th “RSK” TO Brigade.⁴²¹

5. Election of Goran HADŽIĆ to President of the “RSK”

On 16 February 1992, Milan BABIĆ, President of the “*Republic of Serb Krajina*”, is removed from office by a decision of the “*Assembly of the Republic of Serbian Krajina*”, due to his opposition to the VANCE Plan.⁴²² At the joint session of all the Assemblies of “*autonomous districts*” and the “*Republic of Serbian Krajina*” held on 25 February 1992 in Borovo Selo, Goran HADŽIĆ is elected President of the “*Republic of Serbian Krajina*”.⁴²³ Milan MARTIĆ is on the same day (re)elected to Minister of Interior of the “RSK”.⁴²⁴

6. Transformation of the “RSK” TO into “RSK” Special Police (PJM) Brigades

a. Introduction

Even though the VANCE Plan foresees the demilitarisation, demobilisation and disbandment of the “RSK” TO, and allows the local Serbs to maintain (only) a lightly armed (i.e. only side arms) police force, the TO is transformed into a police force maintaining the TO’s mission. In March 1992, the “SAO

⁴¹⁹ ERN BCS 0202-9345-0202-9345; Eng ET 0202-9345-0202-9345, *Order*, Nr 695-207, Major-General Slobodan ĐORĐEVIĆ, 22 Mar 921

⁴²⁰ ERN BCS 0207-6931-0207-6932; Eng ET 0207-6931-0207-6932 (or L004-9870-L004-9873), *Order*, Nr 763-2 “*management of military property and hand-over of debts*”, Colonel Čedomir BULAT, 12 Jun 92

⁴²¹ ERN BCS 0207-8189-0207-8189; Eng ET 0207-8189-0207-8189, *Order Nr 02-311/1*, Colonel Marko VRČELJ, 19 May 92 (Same document at 0201-1901-0201-1901)

⁴²² ERN BCS 0207-8204-0207-8205, Eng L006-3147-L006-3153, *Decrees issued at the RSK Assembly*, 9, 16 and 25 Feb 92

⁴²³ ERN BCS 0207-8204-0207-8205, Eng L006-3147-L006-3153, *Decrees issued at the RSK Assembly*, 9, 16 and 25 Feb 92

⁴²⁴ ERN BCS 0280-4830-0280-4830, Eng 0280-4830-0280-4830-EDT/Draft translation, *Decision, Republika Srpska Krajina Assembly Number P-1/9 92*, Knin, Mile PASPALJ, 25 Feb 92

SBWS” TO Staff issues an order to establish special police units “*whose basic and main task is to provide security for the borders with the Republic of Croatia*”, “*pursuant to a decision of the government of the District of Slavonia, Baranja and Western Srem*”.⁴²⁵

b. Role of the (S)FRY

The SSNO orders on 28 April 1992 to establish eight “*Milicija Brigades*” (“*PJM*”: posebna jedinica milicije⁴²⁶.) on the territory covered by the “*RSK*” in Knin; Korenica; Vojnic; Petrinja; Okućani; Vukovar; Beli Manastir; and Benkovac.⁴²⁷

c. Subordination of the “*PJM*”

According to the SSNO Order Nr. 1943-1 dated 28 April 1992, the “*Milicija Brigades*” would be subordinated to the Minister of Defence of the “*RSK*”.⁴²⁸ Milan MARTIĆ, Minister of Interior (MUP) of the “*RSK*”, does not agree with the subordination of the “*Milicija Brigades*” to the “*RSK*” MOD, and suggests the SSNO on 19 May 1992, to subordinate the “*MUP Brigades*” to the “*RSK*” Ministry of Interior in peacetime (i.e. to Milan MARTIĆ), and, in wartime, to include them into the SVK and subordinate them to “*Staff of the Supreme Command of the Serb Army*” of the “*RSK*”. MARTIĆ also suggests that a special battalion be taken from the Knin “*Milicija*” brigade to remain subordinated to the “*RSK*” Ministry of Interior, even in times of war.⁴²⁹ From the documentation reviewed, it cannot be concluded what the point of view is of Goran HADŽIĆ, President of the “*RSK*”, -who has overall command over the “*RSK*” Armed Forces- and whose views prevail.

d. Implementation of the transformation of the “*RSK*” TO into the “*PJM*”

(1) Already prior the SSNO Order Nr 1943-1 dated 28 April 1992, JNA and

⁴²⁵ ERN BCS 0683-9193-0683-9193; Eng 0683-9193-0683-9193-ET/Translation, Nr 8/92, Republic of Serbian Krajina, District of Slavonia, Baranja and Western Srem, Mirkovci TO Staff, 18 Mar 92

⁴²⁶ Other names that were used to identify the PJM include “*Border Police*” and “*Multi-Purpose Police Brigades*”

⁴²⁷ ERN BCS 0201-1673-0201-1677; Eng 0201-1671-0201-1672, *Order*, 1943-1, 28 Apr 92

⁴²⁸ ERN BCS 0201-1673-0201-1677; Eng 0201-1671-0201-1672, *Order*, Nr 1943-1, 28 Apr 92

⁴²⁹ ERN BCS 0280-5183-0280-5185; Eng ET 0280-5183-0280-5185, *Transformation of the RSK MUP units, Overview*, Nr 37-1, Milan MARTIĆ, 19 May 92

“RSK” TO commanding officers⁴³⁰ and other personnel⁴³¹, as well as JNA and “RSK” TO equipment (including personal weapons⁴³², ammunition⁴³³ and vehicles⁴³⁴), instead of being withdrawn or demobilised, are transferred to the newly established “*Milicija Brigades*” of the “RSK” MUP.⁴³⁵ (Former) JNA and TO vehicles are repainted to be incorporated in the “RSK” MUP holdings.⁴³⁶ The 12th K on 27 April 1992 orders the 51st mechanised Brigade to hand over (painted) M-60 armoured personnel carriers, “*in order to equip the police force of the Krajina SAO Eastern Slavonia, Baranja and Western Srem with M-60 OTs and hand these over after painting them in the colours of the Krajina SAO police force*”.⁴³⁷ The 1st mK report “*Status of units and police stations in corps' area of responsibility*” Nr 1094-1 dated 20 May 1992 mentions that the 1st mK has assisted the police in Mirkovci and Orolik with long barrel weapons and communication equipment.⁴³⁸

(2) The establishment of “*Milicija Brigades*” is, in effect, a “*rebadging*” operation, whereby the “RSK” TO is renamed “*Special Police*”, also known as “*posebna jedinica milicije (PJM)*”. This is for example illustrated by the “*War Time Record of the Plaški Brigade*” (Lika).⁴³⁹

⁴³⁰ See for example ERN BCS 0217-0670-0217-0670; Eng L010-7529-L010-7529, *Promotion Proposal for Colonel Borisav DJUKIĆ*, 02 Jun 92

⁴³¹ See for example ERN BCS 0400-6412-0400-6412, Eng ET 0400-6412-0400-6412, Order Nr 28-59, Command of the 9th Corps “*Provision of arms and equipment for the Police units of the Republic of Serbian Krajina*”, Major General Ratko MLADIĆ, 22 Apr 92

⁴³² See also the following request for the SUP Vukovar: ERN BCS 0683-8979-0683-8981; Eng, 0683-8979-0683-8981-EDT/Translation, *Request for weapons and equipment*, Dragan LAZIĆ, Secretary, SUP Vukovar, 20 May 92

⁴³³ ERN BCS 0400-6412-0400-6412, Eng ET 0400-6412-0400-6412, *Provision of arms and equipment for the Police units of the Republic of Serbian Krajina*, Nr 28-59, Major General Ratko MLADIĆ, 22 Apr 92

⁴³⁴ ERN BCS 0280-5183-0280-5185; Eng ET 0280-5183-0280-5185, *Transformation of the RSK MUP units Overview*, Nr 37-1, Milan MARTIĆ, 19 May 92; See ERN BCS 0018-4148-0018-4148, Eng ET 0018-4148-0018-4148: *Daily Operations Report from 993 POB*, Nr 47-120, Colonel Osman SELAK, 23 Apr 92

⁴³⁵ See also ERN BCS 0683-8740; 0683-8740; Eng 0683-87400683-8740-EDT/Draft translation, Mr 977/II-20 Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs, 16 Mar 92

⁴³⁶ ERN BCS 0280-5183-0280-5185; Eng ET 0280-5183-0280-5185, *Transformation of the RSK MUP units, Overview*, Nr 37-1, Milan MARTIĆ, 19 May 92; ERN BCS 0280-7718-0280-7719; Eng 0280-7718-0280-7719 EDT, *Order*, Nr 663/1-92, Benkovac Municipal TO Staff, 11 Sep 92

⁴³⁷ ERN BCS 0683-9321-0683-9321; Eng 0683-9321-0683-9321-ET/Translation, Nr 118-888, *ORDER*, Lieutenant Colonel General Andrija BIORČEVIĆ, Commander of the 12th Corps, 27 Apr 92

⁴³⁸ ERN BCS 0683-8792-0683-8794; Eng ET 0683-8792-0683-8794, *Status of units and police stations in corps' area of responsibility, REPORT*” Nr 1094-1, Major General Mićo DELIĆ, Commander of the 1st mK, 20 May 92

⁴³⁹ ERN BCS 0203-2603-0203-2619; Eng 0308-9847-0308-9854, *Wartime Record of the Plaški Brigade*, Newsletter of the 70th Brigade, Nr 1/1995

(3) At least in SBWS, JNA personnel are requested to express their interest in joining the “PJM”⁴⁴⁰, or are transferred to the police.⁴⁴¹ Colonel Mile NOVAKOVIĆ and Colonel Borislav ĐUKIĆ are two examples of senior JNA (commanding) officers who are transferred, via the “RSK” TO, to the “RSK” Milicija (and subsequently to the SVK).

(a) In June 1992, NOVAKOVIĆ, a JNA/VJ officer⁴⁴² is reported as the Commander of the Vojnic Special Police Brigade.⁴⁴³ In July 1992, Mile KOVACHEVIĆ commands TG-2 during the “Koridor 92” Operation in BiH.⁴⁴⁴ In November 1992, Major General Mile NOVAKOVIĆ takes over from Milan TORBICA as Commander of the SVK.⁴⁴⁵

(b) During the operations in Northern Dalmatia in Fall 1991, Colonel Borislav ĐUKIĆ is the Commander of the 221st JNA Motorised Brigade (mtbr), which is part of the 9th JNA Corps (Knin).⁴⁴⁶ On 02 June 1992, Goran HADŽIĆ, President of the “RSK” signs a proposal for the promotion of Borislav ĐUKIĆ to Major General to be submitted to the FRY Presidency.⁴⁴⁷ ĐUKIĆ is subsequently appointed Commander of the “RSK” MUP Special Police Units (PJM)⁴⁴⁸, whilst at the same time also holding the post of Deputy Minister of Internal

⁴⁴⁰ ERN BCS0683-8922-0683-8922; Eng 0683-8922-0683-8922-EDT/Draft Translation, Nr 81-987/1, Lieutenant Colonel Ilija JOKIĆ, Commander 453rd mbr, 09 Apr 92; ERN BCS 0683-8760-0683-8760; Eng 0683-8760-0683-8760-EDT/Draft translation, *List of officers who expressed an interest in filling officers' duties in police units*, Nr 397/2-33, 1st mK Command, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs, 13 Apr 92

⁴⁴¹ ERN BCS 0683-8921-0683-8921; Eng 0683-8921-0683-8921-EDT/Draft translation, *Report on the selection and appointment of officers to command duties in police organs*, Nr 250-1265/3, Colonel Jovan VUČKOVIĆ, Commander of the 252 okbr, 09 Apr 92; ERN BCS 0683-8915-0683-8915; Eng 0683-8915-0683-8915-EDT/Draft translation, *Selection and appointment of officers to work on commanding positions in police organs, Report*, Nr 250-1265/2, Colonel Jovan VUČKOVIĆ, Commander of the 252 okbr, 9 Apr 92

⁴⁴² ERN BCS 0207-6831-0207-6833; Eng 0302-3278-0302-3280, *GŠ TO RSK Nr 648-107*, Major Slavko DOBRIĆ, 23 Aug 92

⁴⁴³ ERN BCS 0202-9316-0202-9317; Eng ET 0202-9316-0202-9317, *Order*, Nr 626-1, *Undertaking Measures on Preventing of actions of various paramilitary groups on the territory of the RSK*, Colonel General Milan TORBICA, 18 Jun 92

⁴⁴⁴ ERN BCS 0130-4491-0130-4748; Eng L008-8274-L008-8548, *War Dairy 1*, Major Dimso MIČIĆ, 30 Aug 92 at page L008-8278

⁴⁴⁵ ERN BCS 0281-0902-0281-0902; Eng ET 0281-0902-0281-0902, *Order*, Nr 45-18, 19 Jan 93

⁴⁴⁶, ERN BCS 0414-3843-0414-3844; Eng ET 0414-3843-0414-3844, *Order*, Nr 14-68; Command of the 221st Brigade, Colonel Borislav ĐUKIĆ, 10 Oct 92

⁴⁴⁷ ERN BCS 0207-6424-020764261; Eng , Nr 01-5/92, Goran HADŽIĆ, President of the Republik, 02 Jun 92

⁴⁴⁸ ERN BCS 0414-2892-0414-2893; Eng 0414-2892-0414-2893-EDT/Draft translation, *Certificate*, Nr 08/4-6-140-28, Milan MARTIĆ, 30 Sep 92

Affairs of the “RSK”.⁴⁴⁹ In April 1993, ĐUKIĆ is appointed Chief of Staff (COS) and Deputy Commander of the SVK.⁴⁵⁰

(4) In SBWS, the police also include personnel of the MUP Serbia who have been re-assigned on a temporary basis.⁴⁵¹

(5) The Order “*Undertaking measures preventing of actions of various paramilitary groups on the territory of RSK (Republik of Serbian Krajina)*”, Nr 636-, issued by Colonel General Milan TORBICA, Commander of the “RSK” TO GŠ provides the names of the Commanders of the “PJM”-Brigades.⁴⁵²

Besides the TO Staffs in the areas of responsibility there are also brigades of Special Police Units, which have the task to protect the population from the enemy invasion, and not to preserve the public peace and order. The Commanders of these brigades are: Knin Brigade – Major Milorad RADIĆ, Benkovac – Lieutenant Colonel Momčilo BOUNOVIĆ, Korenica – Lieutenant Colonel Miloš CVETIČANIN, Vojnik – Colonel Mile NOVAKOVIĆ, Petrinja – Colonel Stanko LETIĆ, Okučani – Major Milenko BABIĆ, Vukovar – Lieutenant Colonel Božidar KOŠUTIĆ and Beli Manastir – Lieutenant Colonel Rajko NOVAKOVIĆ.

General TORBICA’s order indicates that at the same time TO Zone Staffs continue to exist.

Colonel Milan ĐILAS was nominated Commander of Northern Dalmacija TO Zone Staff, Lika Colonel Milan SUPUT, Kordun Colonel Čedo BULAT, Banija Colonel Rade VUKAJLIJA, Western Slavonija Colonel Jovo ČUBRIĆ, and Eastern Slavonija, Western Srem and Baranja Colonel Bogdan SLADOJEVIĆ. These Commanders were legally nominated and have full right to command in their areas of responsibility and to assist legal bodies in establishing of authority, and they are obliged to fully co-operate

⁴⁴⁹ ERN BCS 0281-1457-0281-1457; Eng 0281-1457-0281-1457 EDT, *Letter from Goran HADŽIĆ*, undated; see also ERN BCS 0280-8671-0280-8673; Eng 0280-8671-0280-8673 EDT, *Order*, Nr 08/4-10-72-106, PJM Command, Borislav ĐUKIĆ, 01 Oct 92

⁴⁵⁰ ERN BCS 0281-1457-0281-1457; Eng 0281-1457-0281-1457 EDT, *Letter from Goran HADŽIĆ*, undated; see also, ERN BCS 0280-8671-0280-8673; Eng 0280-8671-0280-8673-EDT. See also ERN BCS 0419-0365-0419-0366; Eng ET 0419-0365-0419-0366, *Order*, Nr 61-358, Brigadier General Borislav ĐUKIĆ, Deputy Commander, 14 Oct 93

⁴⁵¹ ERN BCS 0683-8939-0683-8940; Eng 0683-8939-0683-8940-DT/ Draft Translation, *Report on the situation in the territory as regards the organisation of civilian life*, Nr 29-4, Colonel Milan BELIĆ, Town Commander Ilok, 09 Dec 91; ERN BCS 0683-9057-0683-9057; Eng 0683-9057-0683-9057-EDT/Draft translation, *Report on the state of the police in Mirkovci village*, Civil Affairs Organ; ERN BCS 0683-9056; Eng 0683-9056-0683-9056-EDT/Draft translation, *Report on the state of the police in Vukovar*, Civil Affairs Organ

⁴⁵² ERN BCS 0202-9316-0202-9317; Eng ET 0202-9316-0202-9317, *Undertaking measures preventing of actions of various paramilitary groups on the territory of RSK (Republik of Serbian Krajina)*”, Nr 636-1, Colonel General Milan TORBICA, Commander of the “RSK” TO GŠ, 18 Jun 92

with those bodies.⁴⁵³

(6) The “*Milicija*” Brigades take over the (military) frontline duties of the “RSK” TO units, once these are demobilised. This is illustrated by the “*Order for Demobilisation*” Nr 860-1, Lieutenant General Milan TORBICA, Commander of the “RSK” GŠ TO, issues on 23 July 1992 to his subordinate Staffs.⁴⁵⁴ Para 11 of Order Nr 860-1 demonstrates that the “RSK” TO GŠ and its subordinated Commands and Staffs remain active. This includes issuing orders to subordinate units.⁴⁵⁵ From 15 to 09 October 1992, a team of the “RSK” TO GŠ visits all “RSK” TO zone Staffs, “*to record the overall situation*”. The findings are included in a detailed 18-page report, covering the following aspects: “*;Command and Control; Moral Guidance; Training and Exercises; Mobilisation Readiness; Logistic Support*”.⁴⁵⁶

⁴⁵³ ERN BCS 0202-9316-0202-9317; Eng ET 0202-9316-0202-9317, *Undertaking measures preventing of actions of various paramilitary groups on the territory of RSK (Republik of Serbian Krajina)*”, Nr 636-1, Colonel General Milan TORBICA,, Commander of the “RSK” TO GŠ, 18 Jun 92

⁴⁵⁴ ERN BCS 0414-3152-0414-3154; Eng ET 0414-3152-0414-3154, *Order*, Nr 860-1, Lieutenant General Milan TORBICA, 23 Jul 91

⁴⁵⁵ See for example ERN BCS 0202-9316-0202-9317; Eng ET 0202-9316-0202-9317, *Undertaking measures preventing of actions of various paramilitary groups on the territory of RSK (Republik of Serbian Krajina)*”, Nr 636-1, Colonel General Milan TORBICA, 18 Jun 92; ERN BCS 0414-4398-0414-4401; Eng ET 0414-4398-0414-4401, *Order*, Nr 321-2, Colonel Milan BEGOVIĆ, 18 Aug 92: makes reference to ERN BCS 0414-3067-0414-3068; Eng 0414-3067-0414-3068-EDT, “RSK” TO GŠ Order Nr 911, Major-General Dušan KASUM, 12 Aug 92

⁴⁵⁶ ERN BCS 0414-3104-0414-3121; ERN Eng 0414-3104-0414-3121, Nr 1116-1, Lieutenant General Milan TORBICA, 20 Oct 92

e. Views of the United Nations (UN)

(1) The transformation of “RSK” TO into “RSK Milicija” units results, in practical terms, in circumventing the obligations concerning the demilitarisation and demobilisation stipulation contained in the VANCE Plan. The “*Further Report of the Secretary General Pursuant to Security Council Resolution 743 (1992) and 762*”⁴⁵⁷, dated 28 September 1992, provides more insights into the consequences of the transformation, as well as into the “RSK” Special Police’s activities.⁴⁵⁸

(a) According to the UN Secretary General (UNSG), the “*Special Police*” is made up of “*former members of the JNA, the Territorial Defence Forces and irregular elements with as many as 16.000 armed men, equipped with armoured personnel carriers, mortars and machine-guns. The authorities of the so-called Republic of Serbian Krajina... ...claim that these are police forces. The Force Commander considers that their level of armament and their almost total ignorance of police work show that, in reality, they are paramilitary forces*”.⁴⁵⁹

(b) The UNSG also expresses his views on who, in his opinion, is responsible for the delays in the implementation of the VANCE Plan: “*The root cause of the deterioration in the United Nations Protected Areas since late July (1992) as been the Knin authorities’ decision to create new paramilitary forces.*”, adding “*The damage created is all the greater because of the lawless and cruel behaviour of these so-called “police units”... “ and, “*The frustration at this state of affairs expressed by the Government of Croatia and the refugees themselves is entirely understandable.*”⁴⁶⁰*

(2) The UNSG expresses similar concerns in his follow up report dated 24

⁴⁵⁷ UNSCR 743 deals with the deployment of a UN Peacekeeping force (UNPROFOR) to Croatia; UNSCR 762 calls upon Croatia to withdraw its troops to the positions held prior to 21 Jun 91 and recommends the establishment of a Joint Commission under the chairmanship of UNPROFOR

⁴⁵⁸ Eng 0024-2533-0024-2544, *Further Report of the Secretary-General Pursuant to Security Council Resolution 743 (92) and 762 (92) , 28 Sep 92*

⁴⁵⁹ Eng 0024-2533-0024-2544, *Further Report of the Secretary-General Pursuant to Security Council Resolution 743 (92) and 762 (92) , 28 Sep 92, Para 4*

⁴⁶⁰ Eng 0024-2533-0024-2544, *Further Report of the Secretary-General Pursuant to Security Council Resolution 743 (92) and 762 (92) , 28 Sep 92, Para 34-35*

November 1992.⁴⁶¹

7. Evolution of the situation in SBWS (January 1992 - December 1993)

a. JNA Town Commands - Civil Affairs Organs: relations with the “SAO SBWS”

- (1) The JNA 1st MD maintains the “*Town Commands*” that its subordinate units -12th K; 1st pgmd, which has been renamed in the meanwhile to 1st mechanised Corps (mK), and 80th mtbr- have established following the take over of towns in SBWS -Beli Manastir, Vukovar, Dalj, Tenja, Mirkovci, and Ilok, until its withdrawal following the deployment of UN peacekeepers (UNPROFOR).⁴⁶²
- (2) These Town Commands are subordinated to the operational Commander and are to report regularly on the functioning of the (“SAO SBWS”) civil authorities, including the security situation, the ethnic composition of the population⁴⁶³, municipality studies⁴⁶⁴, to the 1st MD.⁴⁶⁵
- (3) According to the documents reviewed during the preparation of this report,

⁴⁶¹ Eng 0024-1473-0024-1489, *Further Report of the Secretary General Pursuant to Security Council Resolution 743 (92) and 762*, 24 Nov 92

⁴⁶² See also ERN BCS 0683-8926-0683-8926; Eng 0683-8926-0683-8926-EdT/Draft Translation, *Report on the forming of civilian organs of authority in the zone of responsibility*, Command of the 3rd pgmbr, 09 Dec 91; ERN BCS 0683-8928-0683-8929; Eng 0683-8928-0683-8929-EdT/Draft Translation, *Report on the establishment of civilian authority, TO and organs of Interior*, Nr 202-2-962, Colonel Ilija KOJIĆ, Commander of the 453rd mbr, 15 Dec 91; ERN BCS 0683-8878-0683-8880; Eng 0683-8878-0683-8880-ET/Translation, *Organisation and subordination of organs for civil affairs*, Nr 368-1, Colonel General Života PANIĆ, Commander of the 1st MD, 07 Jan 92;

⁴⁶³ ERN BCS 0683-9059-0683-9061; Eng 0683-9059-0683-9061-EDT/Translation, *Details of the numbers and the ethnic structure of the population*, Nr 544-2, 09 Mar 92, Lieutenant Colonel Velimir LALATOVIĆ, Assistant Commander for Civil Affairs 1st mbr, 09 Mar 92; ERN BCS 0683-9132-0683-9134; Eng 0683-9132-0683-9134-EDT/Draft translation, *Information on the number and national structure of the population, a report*, Nr 283-3, Colonel Dušan LONČAR, Commander of the 2nd mbr, 10 Mar 92; ERN BCS 0683-9071-0683-9078; Eng 0683-9071-0683-9078-EDT/Draft Translation, *Information on the number and ethnical structure of the population*, Nr 81-694, Lieutenant Colonel Stanoje STANKOVIĆ, 453 mbr, 10 Mar 92; ERN BCS 0683-9089-0683-9095; Eng 0683-9089-0683-9095-EDT, Draft Translation, *SURVEY OF THE ETHNICAL STRUCTURE*, Nr 91-1, Lieutenant Colonel Miroslav FILIPOVIĆ, Ilok Town Command, 01 Apr 92

⁴⁶⁴ See for example ERN BCS 0683-8776-0683-8780; Eng 0683-8776-0683-8780-EDT/Draft Translation, *ANALYSIS of the organisation and functioning of the CV in the Corps zone of responsibility*, Nr 404/II-4, Colonel Novica GU[I], Feb 92; ERN BCS 0683-9242-0683-9269; Eng 0683-9242-0683-9269-EDT/Draft translation, *Marinci Village*, Captain 1st Class Stevo VRANIĆ, 13 Jan 92; ERN BCS 0683-8824-0683-8825, Eng ET BCS 0683-8824-0683-8825, Nr 742-91, Colonel General Nikola MANDARIĆ, NŠ 1st MD, 10 Apr 92

⁴⁶⁵ In addition to the documents discussed in this section, see also ERN BCS 0683-9235-0683-9235; Eng 0683-9235-0683-9235-ET/Translation; Nr 17-1, SSNO, 03 Jan 92; ERN BCS 0683-9034-0683-9038; Eng 0683-9034-0683-9038-EDT/Draft translation, *Report on certain issues relating to life and work on the territory of the Vukovar municipality*, Nr 41-1, Lieutenant Colonel Vojislav ĐOLOVIĆ, Town Commander Vukovar, 14 Feb 92

Town Commands, following the issuance by the SSNO⁴⁶⁶ and the 1st MD⁴⁶⁷ of Instructions and Guidelines on this matter, cooperate with⁴⁶⁸, or assist/advise⁴⁶⁹, including making proposals⁴⁷⁰ or recommendations⁴⁷¹, the “SAO SBWS” government and the local authorities appointed by the latter⁴⁷², in accordance with the instructions and orders of the SSNO and the orders by the 1st MD. These documents also show, as discussed herebelow, that the “SAO SBWS” government and its local bodies are

⁴⁶⁶ ERN BCS 0417-9484-0417-9487; ERN Eng ET 0417-9484-0417-9487, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-1, Army General Veljko KADIJEVIĆ, 25 Nov 91; ERN BCS 0400-6468-0400-6479; ERN Eng ET 0400-6468-0400-6479, *Instruction on Conducting Civilian Affairs in the Crisis Areas*, Nr 588-3, Major General Milan PUJIĆ, 06 Dec 91

⁴⁶⁷ In addition to the documents discussed in this Section: ERN BCS 0683-9270-0683-9272; Eng 0683-9270-0683-9272-ET/Translation, *ORDER*, Nr 2436-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 20 Nov 91

⁴⁶⁸ In addition to the documents discussed in this section: see also ERN BCS 0683-8751-0683-8752; Eng 0683-8751-0683-8752-ET, *Report on the performance of the command post in its zone of responsibility*, Nr 571-2, Lieutenant Colonel Andelko DOKIĆ, Guards Mixed Artillery Regiment, 09 Dec 91; ERN BCS 0683-8815-0683-8816; Eng ET 0683-8815-0683-8816, *Consideration of requests for the use of abandoned property*, Nr 2562-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ 1st MD, 11 Dec 91; ERN BCS 0683-8813-0683-8814; Eng 0683-8813-0683-8814-EDT/Draft translation, Nr 2562-3, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 23 Dec 91; ERN BCS 0683-9239-0683-9240; Eng ERN 0683-9239-0683-9240, *ORDER*, Nr 588-12/91, Major General Dr. Milan PUJIĆ, Assistant to the Deputy Federal Secretary for National Defence, 17 Jan 92; BCS 0683-8777-0683-8877; Eng 0683-8877-0683-8877-EDT/Draft translation, *Plan of inspection of municipal centres*, Nr 466-7, Major General Mićo DELIĆ, Commander of the 1st mK, 27 Jan 92; ERN BCS 0863-9230-0863-9232; Eng 0863-9230-0863-9232-ET?Translation, *Agenda*, Nr 01-09-01/92, Vukašin EGJĆ, Chairman of the Executive Council, 03 Feb 92; ERN BCS 0683-8728-0683-8729; Eng 0683-8728-0683-8729-EDT/Draft translation, *REPORT*, Nr 397/2-8, Major General Mićo DELIĆ, Commander of the 1st mK, 25 Feb 92; ERN BCS 0683-8737-0683-8738; Eng 0683-8737-0683-8738-EDT/Draft translation, *Regular Weekly Report*, Nr 397/2-18, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK; 13 Mar 92

⁴⁶⁹ See for example ERN BCS 0683-8715-0683-8716; Eng 0683-8715-0683-8716-EDT/Draft translation, *Organisation and subordination of the Civil Affairs Organ*, Nr 162/2-1, Major General Mićo DELIĆ, Commander of the 1st mK, 13 Jan 12; ERN BCS 0683-8709-0683-8710; Eng 0683-8709-0683-8710-EDT/Draft translation, *MINUTES*, Nr 12-1, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 13 Feb 92; ERN BCS 0683-8768-0683-8773; Eng 0683-8768-0683-8773-EDT/Draft translation, *Workplan of the Command of the 1st mK on preparation of units to receive the United Nations Forces*, Nr 10/2-489, Major General Mićo DELIĆ, Commander of the 1st pgmd, 24 Feb 92; ERN BCS 0683-8737-0683-8738; Eng 0683-8737-0683-8738-EDT/Draft translation, *Regular Weekly Report*, Nr 397/2-18, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK 13 Mar 92; ERN BCS 0683-8823-0683-8823; Eng ET 0683-8823-0683-8823, Nr 466-75, Colonel General Nikola MANDARIĆ, NŠ 1st MD, 27 Mar 92

⁴⁷⁰ ERN BCS 0683-8723-0683-8724; Eng 0683-8723-0683-8724-EDT/Draft translation, *Daily Report from the Civil Affairs Organ*, Nr 397/5-6, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 22 Feb 92

⁴⁷¹ ERN BCS 0683-8805-0683-8807; Eng ET 0683-8805-0683-8807; *Report on the Government session – to be delivered*, Nr 1933-1, Colonel Miloš MILJOVIĆ, Assistant Commander for Civil Affairs 1st pgmd, 31 Dec 91; ERN BCS 0683-8731-0683-8732; Eng 0683-8731-0683-8732-EDT/Draft translation, *ORDER re: Joint measures and activities by the Civil Affairs Organ and the organs of the authorities to further constitute the authorities*, Nr 397/II-1, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs of the 1st MK, 10 Mar 92; ERN BCS 0683-8755-0683-8755; Eng 0683-8755-0683-8755-EDT/Draft translation, Nr 397/2-32/, Major General Mićo DELIĆ, Commander of the 1st mK, 13 Apr 92

⁴⁷² See for example ERN BCS 0683-8728-0683-8729; Eng 0683-8728-0683-8729-EDT/Draft translation, *REPORT*, Nr 397/2-8, Major General Mićo DELIĆ, Commander of the 1st mK, 25 Feb 92

responsible for the resettlement of Serbian refugees⁴⁷³ and for taking care of abandoned property⁴⁷⁴.

(4) According to the 1st pgmd Order Nr 852-170 dated 05 December 1991,

JNA Town Commands are established in order to:

2. The task of the town commands is as follows:

- to establish military authority in liberated places,
- take a census of all military conscripts in their respective zone of responsibility,
- to establish civilian authorities, to take measures aimed at establishing order and peace and at looking after the safety of citizens, the basic supply functions and other communal affairs.
- to work towards the establishment of civilian authorities in municipalities and settlements (pursuant to a decision of the Assembly of the SAO of Baranja, Eastern Slavonia and Western Srem – the municipalities are Beli Manastir, Vukovar, Dalj and Vinkovci, with the seat in Mirkovci, and Osijek with seat in Tenja).
- to cooperate with TO staffs, police stations and organs (where they have been established).⁴⁷⁵

The 1st pgmd Order Nr 852-170 furthermore states that organs of authority shall be considered as “*duly constituted*”, “*after the liberation of the place*”, and “*they shall act under the leadership of the authorities of the SO SBWS*”, confirming their advisory/supporting role to the “SAO SBWS” civilian authorities. The Order also confirms that the Command of the 1st MD shall maintain cooperation with the Government of the Republic of Serbia and the Government of the “SAO SBWS”⁴⁷⁶, whereas the Command

⁴⁷³ ERN BCS 0683-8817-0683-8817; Eng ET 0683-8817-0683-8817, Reference: your telegram strictly confidential Nr 1650-3 dated 29 November 1991, Nr 1614-204, 1st MD Command, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ 1st MD, 29 Nov 91; See also ERN BCS 0683-8941-0683-8969; Eng 0683-8941-0683-8969-EDT/Draft Translation, Nr 10-12/91, Vojin ŠUŠA, 29 Dec 91; ERN BCS 0683-9039-0683-9042-0683-9039-0683-9042; Eng 0683-9039-0683-9042-EDT/Draft translation, *Report on the activities of the Town Command of Mirkovci Municipality and the situation with civilian authority, economic and social activities*, Colonel Radivoje KAŠIĆ, Town Commander Mirkovic, 28 Feb 92

28 Feb 92; ERN BCS 0683-92040-683-9204-ET/Translation; Eng 0683-9204-ET/Translation, Nr 20-2-12/92, Serbian District of Slavonia, Baranja and Western Srem, 11 Feb 92

⁴⁷⁴ See also ERN BCS 0088-7070-0088-7073; Eng 0088-7070-0088-7073-ET/Translation, *DECREE ON THE TEMPORARY PROTECTION OF ABANDONED PROPERTY*, Government of the Serbian District of Slavonia, Baranja and Western Srem, Goran HADŽIĆ, Prime Minister, 02 Oct 91

⁴⁷⁵ ERN BCS 0683-8790-0683-8791; Eng 0683-8790-0683-8791-ET/Translation, *ORDER*, Nr 851-170, pgmd, 05 Dec 91; See also ERN BCS 0683-8881-0683-8881-EDT; Eng 0683-8881-0683-8881-EDT/Draft translation, Nr 832-85/207, Lieutenant Colonel General Mladenko MAKSIMOVIC, Deputy Commander, 1st MD, 11 Jan 92

⁴⁷⁶ See also ERN BCS 0683-8737-0683-8738; Eng 0683-8737-0683-8738-EDT/Draft translation, *Regular Weekly Report*, Nr 397/2-18, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK 13 Mar 92

of the 1st pgmd (and other subordinate units) will cooperate with the organs of municipalities and places.⁴⁷⁷

(5) The 1st MD on 11 December 1991 issues guidelines concerning the use of abandoned property, Nr 2562-1 on 11 December 1991. These guidelines states that all such issues should be resolved “*in cooperation with and at the request of*” the government of the “SAO SBWS”. Furthermore, local commands shall abide by municipal assembly decisions, executive council decisions and the decisions of the “SAO SBWS” government. According to the 1st MD’s guidelines, in areas where there are local Serb authorities, the latter shall make decisions on the use of such property in their area.⁴⁷⁸ In other areas, the Commissioner of the “SAO SBWS” Government decides or has to agree with the decision of the JNA.⁴⁷⁹ Paragraph 3 of the 1st MD’s guidelines implicitly suggests that there may have been abuse in the use of abandoned property in the “SBWS”.

1ST MILITARY DISTRICT COMMAND

Conf. no. 2562-1

11. XII 1991

MILITARY SECRET

CONFIDENTIAL

/handwritten/ In effect

Resolving request for

Use of abandoned

property.-

TO THE COMMAND OF _____

Some commands have received requests from certain local officials for making use of abandoned properties and farms. It refers to collecting unharvested crops, abandoned cattle, using agricultural equipment, or moving into abandoned family houses. With regard to these issues, one should act as follows:

1. All such issues should be resolved in cooperation with and at the request of government officials of SO Baranja, Eastern Slavonia and Western Srem (all government officials carry special IDs to prove their actual position), followed by officials selected by the SO government as well as SO government recognised local organs of authority or by the SO government appointed commissioners.

⁴⁷⁷ ERN BCS 0683-8790-0683-8791; Eng 0683-8790-0683-8791-ET/Translation, ORDER, Nr 851-170, pgmd, 05 Dec 91

⁴⁷⁸ ERN BCS 0683-8815-0683-8816; Eng ET 0683-8815-0683-8816, *Consideration of requests for the use of abandoned property*, Nr 2562-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NS 1st MD, 11 Dec 91 (same document at 0683-9277-0683-9277)

⁴⁷⁹ ERN BCS 0683-8815-0683-8816; Eng ET 0683-8815-0683-8816, *Consideration of requests for the use of abandoned property*, Nr 2562-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NS 1st MD, 11 Dec 91 (same document at 0683-9277-0683-9277)

2. Local commands should enable collecting of unharvested crops using available farming equipment or use abandoned houses and similar to temporarily accommodate refugees from other territories.
3. In order to prevent any allegations linking the JNA and its members with possible abuse of abandoned property, the following should be done when managing such properties:
 - Local authorities are in charge of managing locally abandoned properties and it is their obligation to create records of seized properties and send copies to the local command.
 - If local authorities do not exist, but a government commissioner is present, it is the local command that manages the property in agreement with the government appointed commissioner. Property management records are made by the local command representative, the SO commissioner and the user of the property.
 - If neither the local authorities nor the government commissioner exist, it is the local command that makes the decision in consultation with the local assembly organs or commissioner.
4. Property management records should include an introduction stating on whose request the property has been granted and an explanation clarifying who made the decision granting the property, the basis features of the property (area size, parcel name, crops to be harvested, farming equipment type and serial number, type of facility: barn, residential building and such), whether or not the property is to be returned to the owner, a deadline by which to return the property, owner's full name and title of company-enterprise, if known). Records should be signed by those handing over the property and those receiving it.

Records shall be logged by the decision making organ and stamped. If the logs or stamps are missing, all records should be dated in the bottom left corner of the document.

5. All records, regardless of who granted a decision handing over a property, shall be treated as material documents and kept according to JNA filing and archiving rules. If a local command does not have its own log, records should be sent to the superior command for further action.
6. Local commands shall honor municipal assembly decisions, executive council decisions and the decisions made by the government of SO Baranja, Eastern Slavonia and Western Srem, regarding handing over, that is, using abandoned properties, whereby, the same records should be made in the same manner as described above. Where necessary consult with the commission at the 1st Military District Command, on the telephone number 24154, or contact the Operations Centre directly.

CHIEF OF STAFF
General
Vladimir STOJANOVIĆ
/a signature/
/a seal of 1st Military District Command/⁴⁸⁰

Sent to: Command of the 12th Corps; Command of the 1st pgmd /Proletarian Guards Mechanised Division/; Command of the 80th mtbr /motorised brigade/, Operations Centre, Archives, Commission Monitoring the Constitution of Authorities

On 02 October 1991, the “SAO SBWS” Government, led by Prime Minister Goran HADŽIĆ, had adopted a decision on the “*temporary transfer of the assets of the Republic of Croatia and socially-owned property to the hands of the Serbian District of Slavonia, Baranja and Western Srem*”. According to this decision, which is temporary, “*pending the adoption of final regulations in this field*”, “*all movable and immovable property of the Republic of Croatia and the socially-owned property of business firms and other corporate legal persons in the territory of the Serbian District of Slavonia, Baranja and Western Srem hereby become assets managed by and at the disposal of the Serbian District of Slavonia, Baranja and Western Srem for a provisional period of time starting from the day this Decision takes effect*”.⁴⁸¹

(6) On 23 December 1991, Colonel Milan BELIĆ, Town Commander of Ilok, informs his superiors of the occupation of empty houses in Ilok, “*without the knowledge or approval*” of the Town Command, implicitly indicating that the “SAO SBWS” authorities are responsible for this matter.⁴⁸²

Occupation of empty houses continues in the territory of the Command of the town of Ilok's area of responsibility. Occupation is done without knowledge or approval of the Command of the town of Ilok. The Presidency of SAO Slavonia, Baranja and Western Srem has not given an announcement so far regarding the way and conditions of

⁴⁸⁰ ERN BCS 0683-8815-0683-8816; Eng ET 0683-8815-0683-8816, *Consideration of requests for the use of abandoned property*, Nr 2562-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ 1st MD, 11 Dec 91 (same document at 0683-9277-0683-9277)

⁴⁸¹ ERN BCS 0088-7070-0088-7073; Eng 0088-7070-0088-7073-ET/Translation, *DECREE ON THE TEMPORARY PROTECTION OF ABANDONED PROPERTY*, Government of the Serbian District of Slavonija, Baranja and Western Srem, Goran HADŽIĆ, Prime Minister, 02 Oct 91

⁴⁸² ERN BCS 0683-9279-0683-9280; Eng 0683-9279-0683-9280-EDT/Draft translation, *Regular daily report, submitted to*, Nr 5-34, Colonel Milan BELIĆ, Ilok Town Commander, 23 Dec 91

occupation, which places this Command into a very complex situation. At the same time ethnic Croatian inhabitants are under pressure to leave this territory.⁴⁸³

(7) Goran HADŽIĆ, Prime Minister of the “SAO SBWS”, and Colonel Milan BELIĆ, Assistant Commander for Civil Affairs of the 1st pgmd, between 23 and 15 December 1991, exchange a series of letters concerning their competencies and relations. HADŽIĆ holds the pgmd responsible for the resettlement of Ilok, even if he indicates that this matter falls within the Government’s remit, whereas according to BELIĆ, the “SAO SBWS” Government is responsible⁴⁸⁴.

(a) On 23 December 1991, Goran HADŽIĆ, Prime Minister of the “SAO SBWS”, sends a letter to the (JNA) Town Commander in Ilok, “*to inform you of our views and decisions in connection with the tasks and activities which, according to our understanding we should be working on together*”. HADŽIĆ notes that Vojin ŠUŠA has been appointed as the “SAO SBWS” government representative for the JNA. He also raises the situation in Ilok, stating “*Because of its position and the condition it is in, i.e. with the housing facilities and infrastructure intact, Ilok is very important to us*”. In relation to the resettlement of Serbian refugees in Ilok, HADŽIĆ writes “*The Government has been told that the settling of Ilok went on rather well and that your command was competent in all matters. Naturally, we are not bothered by this, but in the spirit of cooperation, we would appreciate at least being informed about the criteria according to which it was done, with a possible remark that our approval does not go without saying.*”, suggesting that he holds the JNA Ilok Town Commander responsible for the resettling. At the same time, HADŽIĆ refers to the “SAO SBWS” government decision, “*to grant temporary residence to these persons wherever there are housing facilities which provide the minimum living standards so as to, on our part, mitigate their tragic*

⁴⁸³ ERN BCS 0683-9279-0683-9280; Eng 0683-9279-0683-9280-EDT/Draft translation, *Regular daily report, submitted to, Nr 5-34, Colonel Milan BELIĆ, Ilok Town Commander, 23 Dec 91*

⁴⁸⁴ See also ERN BCS 0683-8815-0683-8816; Eng ET 0683-8815-0683-8816, *Consideration of requests for the use of abandoned property, Nr 2562-1, Lieutenant Colonel General Vladimir STOJANOVIĆ, NS 1st MD, 11 Dec 91*

situation”.⁴⁸⁵

(b) Colonel Milan BELIĆ on 25 December 1991 replies to Goran HADŽIĆ’s letter, expressing his surprise over what he describes as the lack of involvement of the “*Government of the SO*” in connection to the settlement of refugees from Western Slavonia, adding “*I am disappointed to have to say and inform you that the people you entrusted with the resolution of the most important civilian matter at the moment have not demonstrated any shred of the necessary skills, resourcefulness, knowledge and, most devastating of all, good will. Naturally, it is very difficult to have to deceive people who have suffered and lay the blame on others and I say this because we have heard very many serious criticisms of your Government*”. BELIĆ then criticises certain parts of HADŽIĆ’s letter, albeit confirming his readiness to assist the “*SAO SBWS*” authorities.⁴⁸⁶

(8) On 30 December 1991, Colonel Milorad VOJNOVIĆ, Commander of the 80 mtbr, and Town Commander of Vukovar, orders the subordination of the TO Vukovar to the 80th mtbr before 04 January 1992. TO Commands and Units refusing this resubordination “*shall be immediately be replaced and disbanded and new ones formed of uncompromised combatants*”.⁴⁸⁷

(9) Colonel Miloš MILJOVIĆ, Assistant Commander for Civil Affairs of the 1st pgmd, in his report on a meeting 31 December 1991 organized by the “*SAO SBWS*” government “*Commission for populating and temporary accommodation of persons who fled the areas of war*”, states that the “*SAO SBWS*” government “*wants to change the structure of the population at all costs, even by pushing them under the impact of artillery in the zone of intense combat activities....*”.⁴⁸⁸

⁴⁸⁵ ERN BCS 0683-9049-0683-9050; Eng 0683-9049-0683-9050-EDT/Draft translation, Goran HADŽIĆ, Prime Minister, Republic of Serbian Krajina, Government of the Serbian District of Slavonia, Baranja and Western Srem, 23 Dec 91

⁴⁸⁶ ERN BCS 0683-9051-0683-9053; Eng 0683-9051-0683-9053-EDT/Draft translation, *Reply to your letter*, Nr 114-3, Colonel Milan BELIĆ, Ilok Town Commander, 25 Dec 91

⁴⁸⁷ ERN BCS 0683-9305-0683-9306; Eng 0683-9305-0683-9306-ET-Translation, *Order on resubordination of the Vukovar ŠTO and TO Units to the 80th mtbr Command*, Nr 270-1, Colonel Milorad VOJNOVIĆ, Commander of the 80 mtbr, 30 Dec 91,

⁴⁸⁸ ERN BCS 0683-8805-0683-8807; Eng ET 0683-8805-0683-8807; *Report on the Government session – to be delivered*, Nr 1933-1, Colonel Miloš MILJOVIĆ, Assistant Commander for Civil Affairs 1st pgmd, 31 Dec 91

(10) On 07 January 1992, the Commander of the 1st MD, Colonel General Života PANIĆ issues additional guidelines to the JNA units⁴⁸⁹ in SBWS for the functioning of the organs of Civil Affairs.⁴⁹⁰ According to these guidelines, “*All command organs for civil affairs and town commands must cooperate most closely with legal and official organs of the authorities of populated places, municipalities and at the level of the SO Baranja, Eastern Slavonia and Western Srem, in all fields.*”⁴⁹¹

(11) The Commander of the 80 mtbr, notes on 20 January 1992 that the security situation is “*satisfactory*”, adding, however “*The problems related to this matter are connected with the functioning of civilian authorities, actions and behaviour of paramilitary-chetnik formations and stealing of property*”.⁴⁹²

(12) A JNA “*Report on the clearing up of the battleground and restoring Vukovar and other endangered sectors*” dated 21 February 1992 states several times that the “*SAO SBWS*” authorities and/or their local organs are not properly functioning.⁴⁹³

(13) In his report Nr 397/2-7 dated 25 February 1992, the Assistant Commander for Civil Affairs of the 1st MK, Colonel Novica GUŠIĆ, provides a critical assessment of the “*SAO SBWS*” civilian authorities to the Civil Defence Sector at the SSNO. GUŠIĆ identifies “*the emergence and existence of self-proclaimed governments and their ministers who are taking it upon themselves to meddle in the work and organisation of the CV.*” among the “*significant problems that are impeding the functioning of the civilian authorities*”, referring also to the role of the “*SAO SBWS*”

⁴⁸⁹ See for example ERN BCS 0683-8715-0683-8716; Eng 0683-8715-0683-8716-EDT/Draft translation, *Organisation and subordination of the Civil Affairs Organ*, Nr 162/2-1, Major General Mićo DELIĆ, Commander of the 1st mK, 13 Jan 12

⁴⁹⁰ ERN BCS 0683-8878-0683-8880; Eng 0683-8878-0683-8880-ET/Translation, *Organisation and subordination of organs for civil affairs*, Nr 368-1, Colonel General Života PANIĆ, Commander of the 1st MD, 07 Jan 92

⁴⁹¹ See for example ERN BCS 0683-8878-0683-8880; Eng 0683-8878-0683-8880-ET/Translation, *Organisation and subordination of organs for civil affairs*, Nr 368-1, Colonel General Života PANIĆ, Commander of the 1st MD, 07 Jan 92

⁴⁹² ERN BCS 0683-9309-0683-9309; Eng ET 0683-9309-0683-9309, *Regular combat report*, Nr 7-1, Commander of the 80th mtbr, 20 Jan 92

⁴⁹³ ERN BCS Y015-0346-Y015-0369; Eng Y015-0346-Y015-0369-EDT/Draft translation, *Report on the clearing up of the battleground and restoring Vukovar and other endangered sectors*, 21 Feb 12

government and its role in relation to the settlement of Serbian refugees.⁴⁹⁴ GUŠIĆ expressed similar views in his daily reports for 16⁴⁹⁵ and 20⁴⁹⁶ February 1992.

(14) On 06 March 1992, the Chief of the Organs for Civil Affairs of the 1st MD, Colonel Jovo BLAŽANOVIĆ, forwards the instruction of the Commander of the 1st MD for the “*consolidation of civil authorities*” to the 1st MK and the 12th K.⁴⁹⁷

(15) The Chief of the Organ for Civil Affairs of the 1st MD, Colonel Jovo BLAŽANOVIĆ, on 08 March 1992 releases a “*PLAN of Joint Measures and Activities To Be Taken by the Civil Affairs Organs of the 1st MD and Authority Organs and Municipalities of the SO SBWS in Order to Ensure Establishment of Authority*”. The plan includes a series of measures which have been agreed upon at a meeting on 06 March 1992 of the Civil Affairs Organs of the 1st MD and the Presidents of Municipal Executive Councils of the “SAO SBWS”, which was called for by the 1st mK⁴⁹⁸, like for example “*return of unlawfully confiscated land or other types of property, appointment of new individuals to certain positions within the TO*”.⁴⁹⁹ The plan calls for “*full coordination at all levels among the SUP, JNA, organs of authority and other subjects that could have an influence on the implementation.*”⁵⁰⁰

⁴⁹⁴ ERN BCS 0683-8725-0683-8727; Eng 0683-8725-0683-8727-EDT/Draft translation, Nr 397/2-7, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs of the 1st MK, 25 Feb 92

⁴⁹⁵ ERN BCS 0683-8717-0683-8719; Eng 0683-8717-0683-8719-EDT/Draft translation, *Report from the CP Organ*, Nr 397/2-1, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs of the 1st MK, 16 Feb 92

⁴⁹⁶ ERN BCS 0683-8721-0683-8721; Eng 0683-8721-0683-8721-EDT/Draft translation, Nr 397/2-2, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs of the 1st MK, 20 Feb 92

⁴⁹⁷ ERN BCS 0683-88300683-8830; Eng 0683-8830-0683-8830-EDT/Draft translation, Nr 742-60, 13 Mar 92, Colonel Jovo BLAŽANOVIĆ, Chief of the Organ for Civil Affairs of the 1st MD, 13 Mar 92

⁴⁹⁸ ERN BCS 0683-8730-0683-8730; Eng 0683-8730-0683-8730-EDT/Draft translation, Nr 397/5-10, Major General Mićo DELIĆ, Commander of the 1st mK, 01 Mar 92

⁴⁹⁹ ERN BCS 0683-8835-0683-8838; Eng 0683-8835-0683-8838-ET/Translation; *PLAN of Joint Measures and Activities To Be Taken by the Civil Affairs Organs of the 1st MD and Authority Organs and Municipalities of the SO SBWS in Order to Ensure Establishment of Authority*, Nr 466-54, Colonel Jovo BLAŽANOVIĆ, Chief of the Organ for Civil Affairs of the 1st MD, 08 Mar 92; See also ERN BCS 0683-8731-0683-8732; Eng 0683-8731-0683-8732-EDT/Draft translation, *ORDER re: Joint measures and activities by the Civil Affairs Organ and the organs of the authorities to further constitute the authorities*, Nr 397/II-1, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs of the 1st MK, 10 Mar 92

⁵⁰⁰ ERN BCS 0683-8835-0683-8838; Eng 0683-8835-0683-8838-ET/Translation; *PLAN of Joint Measures and Activities To Be Taken by the Civil Affairs Organs of the 1st MD and Authority Organs and Municipalities of the SO SBWS in Order to Ensure Establishment of Authority*, Nr 466-54, Colonel Jovo BLAŽANOVIĆ, Chief of the Organ for Civil Affairs of the 1st MD, 08 Mar 92

(16) On 27 March 1992, the Organ for Civil Affairs of the 1st mK issues guidelines for the establishment of a group of advisors of the Civil Affairs Organs to the Executive Councils of the municipalities of Vukovar and -- Mirkovci and the “SAO SBWS” authorities.⁵⁰¹

b. Attitude of the “SAO SBWS” authorities towards non-Serbs in SBWS

(1) Observations by JNA units and commands

According to JNA documents, there are serious shortcomings in the functioning of the “SAO SBWS” authorities⁵⁰², which in addition to having a negative impact on civilian authority, also affects the security of non-Serbs in the area. This is in particular the case in the municipalities of Vukovar⁵⁰³, Mirkovci⁵⁰⁴, Ilok⁵⁰⁵ (including Bapska, Šarengrad)⁵⁰⁶, etc⁵⁰⁷. JNA units deployed in the territory covered by the “SAO SBWS” regularly report on their observations to their Command⁵⁰⁸, and also share these observations with their civilian counterparts, for example during meetings.

⁵⁰¹ ERN BCS 0683-8750-0683-8750; Eng 0683-8750-0683-8750-EDT/Draft translation, Nr 397/II-27, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 27 Mar 92

⁵⁰² In addition to the documents here-below: See for example ERN BCS 0683-8728-0683-8729; Eng 0683-8728-0683-8729-EDT/Draft translation, *REPORT*, Nr 397/2-8, Major General Mićo DELIĆ, Commander of the 1st mK, 25 Feb 92; ERN BCS 0683-8741-0683-8742; Eng 0683-8741-0683-8742-EDT/Draft translation, *Weekly Report of the Organ for Civil Affairs*, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 16 Mar 92

⁵⁰³ ERN BCS 0683-8845-0683-8845; Eng 0683-8845-0683-8845-EDT/Draft translation, Nr 1614-414/??/92, Colonel General Života PANIĆ, Commander of the 1st MD, 17 Feb 92; ERN BCS 0683-8756-0683-8759; Eng 0683-8756-0683-8759-EDT/Draft translation, *Assessment of the situation in the territory of Mirkovic and Vukovar municipalities*, Nr 397/II, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 20 Apr 92

⁵⁰⁴ ERN BCS 0683-8756-0683-8759; Eng 0683-8756-0683-8759-EDT/Draft translation, *Assessment of the situation in the territory of Mirkovic and Vukovar municipalities*, Nr 397/II, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 20 Apr 92

⁵⁰⁵ ERN BCS 0683-8931-0683-8933-EDT/Draft translation; Eng 0683-8931-0683-8933-EDT/Draft translation, *Report on the settlement of people in the zone of responsibility of the Ilok Town Command*, Nr 114-5, Colonel Milan BELIĆ, Ilok Town Commander, 25 Dec 91; ERN BCS 0683-8801-0683-8801; Eng 0683-8801-0683-8801-EDT/Draft translation, Nr 1776-2/1st pgmd, 17 Dec 91; ERN BCS 0683-9082-0683-9088; Eng 0683-9082-0683-9088-EDT/Draft translation, *Assessment of the situation in the territory*, Nr 108-2, Lieutenant Colonel Miroslav FILIPOVIĆ, 17 Apr 92; ERN BCS 0683-8882-0683-8885; Eng 0683-8882-0683-8885-EDT/Draft translation, *Analysis in accordance with the order of the 1st mK*, Nr 20-10, Colonel Đorđe BAČIĆ, Commander, Ilok Town Command, 26 Feb 92

⁵⁰⁶ ERN BCS 0683-8717-0683-8719; Eng 0683-8717-0683-8719-EDT/Draft translation, *Report from the CP Organ*, Nr 397/2-1, Colonel Novica GUŠIĆ, Assistant Commander for Civil Affairs of the 1st MK, 16 Feb 92

⁵⁰⁷ ERN BCS 0683-8894-0683-8895; Eng 0683-8894-0683-8895-EDT/Draft translation, *Report, Work Analysis of the military authorities*, for the Commander, Lieutenant Colonel Petar MIRKOVIĆ, 26 Feb 92

⁵⁰⁸ See for example ERN BCS 0683-8741-0683-8742; Eng 0683-8741-0683-8742-EDT/Draft translation, *Weekly Report of the Organ for Civil Affairs*, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 16 Mar 92

(2) Observations by JNA Commands and units on the *SAO SBWS*” authorities towards non-Serbs in SBWS

JNA documents also reveal patterns of continuous (and organised) harassment of non-Serbs remaining in SBWS, including their expulsion (or organised deportation) with the active participation, or at least knowledge, of the “*SAO SBWS*” authorities.

(a) On 17 December 1991, the 1st pgmd in a request for guidance from the 1st MD on how to treat (remaining) Croats in its AO states, including ensuring their security, states “*in many settlements, the Serbian population through the local TO staffs is exercising pressure to have the Croatian population move out completely. On the other hand, there have been many requests for the settling of Serbs from Vukovar and other Serbian areas. The pressure is particularly high in Ilok.*”⁵⁰⁹

(b) On 23 December 1991, the Command of the 1st MD, in a reply to the aforementioned questions by the 1st pgmd on the treatment of Croats remaining in its zone of operations, (re)confirms in its document Nr 2562-3, that in relation to the resettlement of Serbian refugees “*letting abandoned houses to Serbian refugees from other areas to move in, and granting approval for the return of refugee citizens to their homes should be as much as possible and fully transferred to the municipal civil organs of authority, wherever they exist. Where there are no civil organs of authority of the municipality, the town command should obtain an opinion on the specific request from the commissioner of the /handwritten: SO of Baranja, Eastern Slavonia and Western Srem designated for the municipality in question, and if there is no commissioner for the specific municipality, obtain an opinion of the Government of the SO of Baranja, Eastern Slavonia and Western Srem*”, confirming the authority of the “*SAO SBWS*” authorities and its local authorities in this matter.⁵¹⁰ The 12th K on 24 December 1991

⁵⁰⁹ ERN BCS 0683-8801-0683-8801; Eng 0683-8801-0683-8801-EDT/Draft translation, Nr 1776-2/, 1st pgmd, 17 Dec 91

⁵¹⁰ ERN BCS 0683-8813-0683-8814; Eng 0683-8813-0683-8814-EDT/Draft translation, Nr 2562-3, Lieutenant Colonel General Vladimir STOJANOVIĆ, NŠ of the 1st MD, 23 Dec 91; See also ERN BCS 0683-8802-0683-8802; Eng 0683-8802-0683-8802-EDT/Draft translation, Nr 1862-1, Major General Mićo DELIĆ, Commander of the 1st pgmd, 23 Dec 91

issues similar instructions to its subordinate units.⁵¹¹

- (c) In a “*Report on the capacity for settlement and on the settlement of refugees*” to the 1st MD dated 26 December 1991, the 1st pgmd Command expresses its concern over the lack of direction and organisation by the “SAO SBWS” government and local civilian authorities in the resettlement of Serbian refugees in abandoned residential buildings in Ilok⁵¹², Lovas, Mohovo, Šarengrad, and Bapska which has among other things, led to illegal occupation of hundreds of residential buildings.⁵¹³
- (d) On 10 February 1992, the 1st MD notifies the 1st mk that they should inform the Executive Council of Vinkovci municipality (Mirkovci) that there is no ban by the NA on the exploitation of oil from existing wells.⁵¹⁴
- (e) During a meeting on 12 February 1992 between the local civilian authorities in Bapska and the Assistant Commander for Civil Affairs of the 1st mK, the tensions between remaining Croats and Serbian refugees from Western Slavonia are discussed.⁵¹⁵
- (f) Colonel General Života PANIĆ, Commander of the 1st MD, on 17 February 1992, in his Order Nr 1614-414/??92/, referring to complaints and protests by citizens of Vukovar municipality about the “*improper work of the Commanders of TO of towns, the presidents of local communes and other structures*”, and his earlier orders to “*halt the forcible expulsion of Croats and others, without having previously checked the settling process, looting and so forth*”, instructs his subordinate units among other things to:

⁵¹¹ ERN BCS 0683-9484-0683-9485; Eng ET 0683-9484-0683-9485, Nr 133-1279, Colonel Radomir RISTI], Assistant Commander for Civil Affairs 12th K, 24 Dec 12

⁵¹² See also ERN BCS 0683-8931-0683-8933-EDT/Draft translation; Eng 0683-8931-0683-8933-EDT/Draft translation, *Report on the settlement of people in the zone of responsibility of the Ilok Town Command*, Nr 114-5, Colonel Milan BELIĆ, Ilok Town Commander, 25 Dec 91

⁵¹³ ERN BCS 0683-8803-0683-8804; Eng 0683-8803-0683-8804-EDT/Draft translation; *Report on the capacity for settlement and on the settlement of refugees*, Nr 1897-1, 26 Dec 91

⁵¹⁴ ERN BCS 0683-8842-0683-8842; Eng ET 0683-8842-0683-8842, Nr 466-14, 1st MD Command, 10 Feb 92

⁵¹⁵ ERN BCS 0683-8709-0683-8710; Eng 0683-8709-0683-8710-EDT/Draft translation, *MINUTES*, Nr 12-1, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 13 Feb 92

✓ 3. – Protect loyal Croatian, Hungarian and citizens of other nationalities from terror, liquidation, all kinds of pressure and enable them live and work normally.⁵¹⁶

(g) Major General Mićo DELIĆ, Commander of the 1st MK, on 18 February 1992 through his Order Nr 404/2-2, instructs his subordinate Commanders, among other things, to provide a breakdown of the local authorities as well as the population, and examine the work of local commanders and authorities, following a “warning” from the Commander of the 1st MD⁵¹⁷ “*that a large number of complaints by citizens had been received recently. These complaints concern inappropriate action by the local TO commanders, presidents of local communes and other authorities*”. DELIĆ adds that “*despite his and our express orders to desist from driving out non-Serbs using violent means and without first making the necessary checks and to put an end to plunder and the like, as well as to prevent the work of various paramilitary formations, these instances have not been only “not been prevented” but have become even more frequent and cruel.*”. He furthermore orders to “*take all the necessary measures in order to prevent paramilitary units from being organized and spending time in your zone of responsibility. They are to be disarmed, and the leaders of the Chetnik paramilitaries are to be detained, disarmed and placed under investigation. In case they refuse to cooperate with the military authorities, they are to be arrested using physical force*”. DELIĆ also instructs that “*Loyal non-Serbian citizens are to be protected from threats of liquidation and from pressures of all sorts, and they are to be enabled to lead normal lives and go about their business*”, which raises the question as to what the fate is to be of non-Serbs who do not meet these criteria.⁵¹⁸

(h) According to the Daily Report of the Civil Affairs Organ of the 1st mK dated 22 February 1992, the “SAO SBWS” authorities are responsible

⁵¹⁶ ERN BCS 0683-8845-0683-8845; Eng 0683-8845-0683-8845-EDT/Draft translation, Nr 1614-414/2/92/, Colonel General Života PANIĆ, Commander of the 1st MD, 17 Feb 92

⁵¹⁷ ERN BCS 0683-8845-0683-8845; Eng 0683-8845-0683-8845-EDT/Draft translation, Nr 1614-414/2/92/, Colonel General Života PANIĆ, Commander of the 1st MD, 17 Feb 92

⁵¹⁸ ERN BCS 0683-8774-0683-8775; Eng 0683-8774-0683-8775-EDT/Draft translation, *Analysis of work of military districts, Order.-*, Major General Mićo DELIĆ, Commander of the 1st mK, 18 Feb 92

for the resettlement of areas where the population has left, as well as “*to more effectively change the national make-up in places already settled*”.⁵¹⁹

5. – On the basis of a general assessment of the situation in the zone of responsibility, the civil affairs organ proposes:

a) for measures to be taken at the level of the government of the Eastern Slavonia, Western Srem and Baranja SO to quickly resolve the issue of settlement in areas that were hitherto unsettled: Nijemci, Apševci, Podgradje, Lipovac and Slakovci villages, and to more effectively change the national make-up in places already settled;⁵²⁰

(i) The Commander of the Ilok Town Command, Colonel Đorđe BAČIĆ, in his report “*Analysis in accordance with the Order of the 1st mK*” dated 26 February 1992 notes:⁵²¹

3. Lately, in the zone of responsibility of the Town Command, the local population has been increasingly more put under pressure to move out. As a result of such pressure, exerted through various methods from threats by telephone to interception in the street or entry into homes, out of a total of 43 persons have moved out of this territory under pressure 16 are Croats and Hungarians from Mohovo, while 27 Croats moved out of Bapska after they signed their statements voluntarily.

Acting in keeping with the order of the Commander of the 1st mK, the Ilok Town Command has taken energetic measures to prevent civilians, regardless of their nationality, from moving out, and in particular to prevent their forcible expulsion. Regarding this, it can be concluded that the moving out (forcible in particular) trend has been restrained and prevented. As a result, in the last 10 to 20 days, we have not had complaints from civilians in terms of their being put under pressure to move out.⁵²²

BAČIĆ affirms that the Ilok Town Command is not in charge of

⁵¹⁹ ERN BCS 0683-8723-0683-8724; Eng 0683-8723-0683-8724-EDT/Draft translation, *Daily Report from the Civil Affairs Organ*, Nr 397/5-6, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK 22 Feb 92

⁵²⁰ ERN BCS 0683-8723-0683-8724; Eng 0683-8723-0683-8724-EDT/Draft translation, *Daily Report from the Civil Affairs Organ*, Nr 397/5-6, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK 22 Feb 92

⁵²¹ ERN BCS 0683-8882-0683-8885; Eng 0683-8882-0683-8885-EDT/Draft translation, *Analysis in accordance with the order of the 1st mK*, Nr 20-10, Colonel Đorđe BAČIĆ, Commander Ilok Town Command, 26 Feb 92

⁵²² ERN BCS 0683-8882-0683-8885; Eng 0683-8882-0683-8885-EDT/Draft translation, *Analysis in accordance with the order of the 1st mK*, Nr 20-10, Colonel Đorđe BAČIĆ, Commander Ilok Town Command, 26 Feb 92

settling the “*fleeing Serbian population*” (from Western Slavonia).⁵²³

(j) Similar information can be found in the report “*ANALYSIS of the organisation and functioning of the CV in the Corps zone of responsibility*” by the Assistant Commander for Civil Affairs of the 1st mK, Colonel Novica GUŠIĆ, of February 1992, in which he explicitly refers to the role, or at least consent of the “*SAO SBWS*” with the use of unlawful means, including “*killings*”, to exert pressure on Croats to move.⁵²⁴ GUŠIĆ identifies Ljuba DEVETAK, “who is very influential in the Government of SAO Slavonia” as protecting one of the perpetrators of such acts in Lovas, Bapska, Šaregrad and Mohovo.⁵²⁵

10. In our zone of responsibility in the municipalities of Mirkovci and Vukovar, 19,494 inhabitants have settled, 15,000 of whom are Serbian refugees, primarily from Western Slavonia (Pakrac, Daruvar, Slatina, Slavonska Po`ega and Grubi{no Polje). The Serbs who have relocated and returned believe that all the Croatian inhabitants should be moved away and that there can be no cohabitation with them, regardless of their conduct throughout this period. Because of distrust and what is happening to the Serbs who remained in Western Slavonia and their property, and with the tacit consent of the Government of the SAO /Serbian Autonomous District/ Slavonia and the assistance of the detached members of the Government, the so-called coordinators and ministers, are exerting certain pressure on the local inhabitants, so that they would move away voluntarily. In doing so, they resort to unlawful means, threats and have even killed some individuals.

Characteristic examples of such conduct can be found in the villages of Bapska, Lovas, [arengrad and Mohovo, organised by RADOJI^I] from Lovas village, the Commander of the Lovas [TO /Territorial Defence Staff/ and coordinator for the TO 5th zone, who has a certain Ljuba DEVETAK, who is very influential in the Government of the SAO Slavonia, standing behind him.

(k) On 17 March 1992, the 1st mK informs the 1st MD of the removal of

⁵²³ ERN BCS 0683-8882-0683-8885; Eng 0683-8882-0683-8885-EDT/Draft translation, *Analysis in accordance with the order of the 1st mK*, Nr 20-10, Colonel \or[e BA^I], Commander Ilok Town Command, 26 Feb 92

⁵²⁴ ERN BCS 0683-8776-0683-8780; Eng 0683-8776-0683-8780-EDT/Draft Translation, *ANALYSIS of the organisation and functioning of the CV in the Corps zone of responsibility*, Nr 404/II-4, Colonel Novica GU[I], Feb 92

⁵²⁵ ERN BCS 0683-8776-0683-8780; Eng 0683-8776-0683-8780-EDT/Draft Translation, *ANALYSIS of the organisation and functioning of the CV in the Corps zone of responsibility*, Nr 404/II-4, Colonel Novica GU[I], Feb 92

130 “persons of Croatian nationality” from the village of Bokšić “by the local organs of civilian authority and the police, with the approval of the Executive Council of the Serbian District of Baranja, Eastern Slavonia and Western Srem.” According to the 1st mK report the “deportation” concerns “all those who have participated in any way in bringing down of legitimate authorities prior to the beginning of combat activities, who have participated in combat activities on the side of the HOS and who have cooperated with the HOS”.⁵²⁶

(l) The Ilok Town Command “*Regular Daily Report*” for 14 March 1992 includes a number of concerns and grievances expressed by the local population during a rally the day before. These include also perceived shortcomings in the attitude of the local police, including “11. violations of law and order by official police organs and others”, and “13. the problem of mass stealing of houses in Mohovo under the auspices of the police”.⁵²⁷

At 1700 hours on 13 March 1992, the citizens of Ilok held a rally pursuant to a permit issued by the police station. The purpose of the rally was to demonstrate to the civilian authorities the need for quick action in MZs in order to deal with a number of issues of concern to the citizens.

On 12 March 1992, the town Commander held a meeting with MZ presidents, MZ [TO /Territorial Defence Staff/ commanders and other responsible officials in MZs to discuss the tasks assigned by the 1st mK Command, pursuant to the Karađorđevo conclusions.

A number of issues raised with the civilian authorities figured prominently at the meeting, to which this Command could not give answers. We therefore forward them to you with the request that you do whatever is necessary so that the civilian authorities reply immediately to the following questions raised by citizens:

1. What is the status of new settlers, what does it entail? This is the biggest problem.
2. What is the future of TO units in relation to the arrival of the Blue Helmets?
3. When will fuel and other necessities be provided for the sowing season?
4. The problem of the provision of all the necessities to villages.
5. Problems with telephone connections with the outside.

⁵²⁶ ERN BCS 0683-8706-0683-8706; Eng ET 0683-8706-0683-8706 , Nr 6/2-84/2, Colonel Novica GUŠIĆ, Assistant Commander for Civilian Affairs, 1st mK, 17 Mar 92

⁵²⁷ ERN BCS 0683-9102-06683-9104; Eng 0683-9102-06683-9104-ET/Translation, *Regular Daily Report*, Nr 2-50, Colonel Đorđe BAĐIĆ, Ilok Town Commander, 14 Mar 92

6. Cooperation with the police station. There are incidents within the settlements themselves. The policemen do not comport themselves in accordance with their duties.
7. Return of local Croats to [areograd, how is it to be handled?
8. Pressure to settle down at any cost.
9. No coordination between the municipal IS /Executive Committee/ and the MZs.
10. Financing of MZs, no one receives pay – schools, health services, MZs or others.
11. Violations of law and order by official police organs and others.
12. Distribution of land to new settlers for farming.
13. The problem of mass stealing of houses in Mohovo under the auspices of the police.
14. Problems relating to pressure on local people to move out.⁵²⁸

(m) The 1st mK Organ for Civil Affairs Report to the 1st MD Command of 19 March 1992, in addition to shortcomings observed in the organisation of the local Serb police explicitly mentions the (leading) role of the “*local civilian authorities*” (or “*Government of the SO*”) in the “*moving out*” of the local population.⁵²⁹

6. The moving out of the local population is being organized by the local civilian authorities, with supervision and security provided by the IS /expansion unknown/ of the Government of the SO Baranja, Eastern Slavonia and Western Srem. The person in charge is Žiko VEVČEVIĆ.
We propose that JNA keep their distance and do not become involved in resolving matters concerning people being moved out, since the Government of the SO is the organizer and body in charge of moving people out.⁵³⁰

(n) The Report by the Organ for Civil Affairs of the 1st mK dated 24 March 1992, in addition to highlighting the lack of presence in the field of the “*SAO SBWS*” authorities, also mentions the “*looting socially and privately-owned property*” like timber, allegedly with the participation of the “*SAO SBWS*” government.⁵³¹ On 13 April 1992, General Mićo DELIĆ, Commander of the 1st mK reiterates to his

⁵²⁸ ERN BCS 0683-9102-06683-9104; Eng 0683-9102-06683-9104-ET/Translation, *Regular Daily Report*, Nr 2-50, Colonel \or[e BA^I], Ilok Town Commander, 14 Mar 92

⁵²⁹ ERN BCS 0683-8743-0683-8744; Eng 0683-8743-0683-8744-ET/Translation, *Daily – interim report of the organ for Civil Affairs*, Nr 397/2-22, 19 Mar 92

⁵³⁰ ERN BCS 0683-8743-0683-8744; Eng 0683-8743-0683-8744-ET/Translation, *Daily – interim report of the organ for Civil Affairs*, Nr 397/2-22, 19 Mar 92

⁵³¹ ERN BCS 0683-8747-0683-8749; Eng 0683-8747-0683-8749-EDT/Draft translation, *Regular Report*, Nr 397/2-25

subordinate units that property and materials can only be removed if organised by the local civilian authorities.⁵³²

(o) On 07 April 1992, Lieutenant Colonel General Mićo DELIĆ, Commander of the 1st mK, following an order by the 1st MD⁵³³, orders his subordinate units to “*use appropriate forces from your units to protect the Ruthinian and Ukrainian population from any pogroms, harassment or forcible moving away until the arrival of UNPROFOR forces*”, in *Miklauševci, Petrovci, and Vukovar*”.⁵³⁴

(p) Colonel General Nikola MANDARIĆ, NŠ 1st MD, on 12 April 1992, noting that “*necessary levels of property protection in the area of the SO Baranja, Eastern Slavonija and Western Srem has not yet been achieved*” re-affirms that the “*SAO SBWS*” government and its local (municipal) organs are responsible for taking care of abandoned property.⁵³⁵

(q) The 1st mK “*Assessment of the situation in the territory*” for the zone of responsibility of the Ilok Town Command dated 17 April 1992 provides a detailed review of the political, security, social and economical situation in Ilok. Among the issues affecting the security situation, the report notes “*Violence by individuals who are intent on expelling residents, especially non-Serbs, resulting in more fear and distrust of the legal civilian authorities*”.⁵³⁶

(r) The Commander of the 1st mK, Lieutenant Colonel General Mićo DELIĆ on 28 April 1992, (again) orders “*unit commands, chairmen of municipal executive councils, chairmen of local commune councils, police station commanders and OpŠTO commanders*” to prevent “*pressure on some groups of people, which also involved killings and*

⁵³² ERN BCS 0683-8755-0683-8755; Eng 0683-8755-0683-8755-EDT/Draft translation, Nr 397/2-32, Major General Mićo DELIĆ, Commander of the 1st mK, 13 Apr 92

⁵³³ ERN BCS 0683-8820-0683-8820; Eng 0683-8820-0683-8820-EDT/Draft translation, Nr 1614-513, Lieutenant Colonel General Vladimir STOJANOVIĆ, Commander of the 1st MD, 06 Apr 92

⁵³⁴ ERN BCS 0683-8707-0683-8707; Eng 0683-8707-0683-8707-EDT/Draft translation, Order, Nr 10/2-86, Major General Mićo DELIĆ, Commander of the 1st mK, 07 Apr 92

⁵³⁵ ERN BCS 0683-8821-0683-8822; Eng ET 0683-8821-0683-8822, Nr 466-95, Colonel General Nikola MANDARIĆ, NŠ 1st MD, 12 Apr 92

⁵³⁶ ERN BCS 0683-9082-0683-9088; Eng 0683-9082-0683-9088-EDT/Draft translation, *Assessment of the situation in the territory*, Nr 108-2, Lieutenant Colonel Miroslav FILIPOVIĆ, 17 Apr 92

*armed attacks on family homes” “by individuals and groups who intimidate and attack people”, “in order to prevent such occurrences and to improve the security situation and the overall political situation in the zone of the Corps”.*⁵³⁷

1st mK /Mechanised Corps/ COMMAND
Confidential no. /handwritten: 397-36/
28 April 1992
Principovac

T E L E G R A M

/stamp: Republic of Serbia
Ministry of Defence
Military Archive

Belgrade/

DELIVER IMMEDIATELY

COMMAND: to all units and municipal IS /Executive Councils/, town commands of Illok and Mirkovci and the Mirkovci and Vukovar OpŠTO /Municipal Territorial Defence Staff/

Having inspected the situation in the territory of the zone of responsibility of the 1st mK and warnings from the 1st VO /Military District/ Command that unidentified persons and groups were roaming certain settlements and putting pressure on some groups of people, which also involved killings and armed attacks on family homes, in order to prevent such occurrences and to improve the security situation and the overall political situation in the zone of the Corps, I hereby

O R D E R :

1. – The aforementioned occurrences and activities by individuals and groups who intimidate and attack people must be prevented by the unit commands, chairmen of municipal executive councils, chairmen of local commune councils, police station commanders and OpŠTO commanders.
2. – In cooperation with the authorities and the police in their zone of responsibility, the unit commands will assess the security and safety situation of the people in every settlement and decide on measures to be undertaken.

C O M M A N D E R
Major General
Mićo DELIĆ
/signature and stamp/⁵³⁸

(s) The issue of forced evictions is also raised in a meeting between

⁵³⁷ ERN BCS 0683-8762-0683-8762; Eng 0683-8762-0683-8762-EDT/Draft translation, ORDER, Nr 397-36, Lieutenant Colonel General Mićo DELIĆ, Commander of the 1st mK, 28 Apr 92

⁵³⁸ ERN BCS 0683-8762-0683-8762; Eng 0683-8762-0683-8762-EDT/Draft translation, ORDER, Nr 397-36, Lieutenant Colonel General Mićo DELIĆ, Commander of the 1st mK, 28 Apr 92

representatives of UNPROFOR, civil organs of authority and the Ilok Town Command on 25 April 1992. According to the 1st mK report on the meeting, the UNPROFOR representative “*particularly insisted on the issue*” and stated that it is an “*inhumane and negative act*”, putting the other attendees, including the civilian authorities on notice.⁵³⁹

Further along in the talks the focus turned to the question of forced eviction as the most acute problem in this area, something on which the UNPROFOR representatives particularly insisted. They assess the eviction of the population from this area as an inhumane and negative act, consider it deportation and disdain for the present UNPROFOR forces. Specific examples were provided of two villages around Vukovar and Marinci village, emphasising that this was perpetrated by armed bands and that this was happening regardless of the warning from the head of the UN to Borislav JOVIĆ and their talks with JNA representatives. They also expressed amazement and a lack of understanding of how it armed bands could get by JNA centuries and that the centuries did not check whether the people were leaving voluntarily. They therefore made the request that they be informed of every single case and their presence made possible, appealing for the understanding the JNA officers who used to work in UN, assessing that this will all be much worse without the assistance of the JNA.⁵⁴⁰

The representative of the civilian authorities is reported stating during the meeting that there have been no forceful evictions from Ilok “*because the Croats left this place voluntarily*”⁵⁴¹

The representative of the civilian organ of authority also promises full cooperation within the framework of his authority, emphasising that there had been no forceful evictions from Ilok because the Croats left this place voluntarily, and the civilian organs of authority were working in accordance with the laws adopted by the Republic of Krajina. He warned the representatives of UNPROFOR that there are still some Ustashas around who support the Croatian authorities and are trying to sully us in the eyes of the UN, for which they often use the Slovaks, seeding among them hatred for the Serbian people.⁵⁴²

⁵³⁹ ERN BCS 0683-8973-0683-8974; Eng 0683-8973-0683-8974-EDT/Translation, *Submission of Official Note*, Nr 134-2, Lieutenant Colonel Miroslav FILIPOVIĆ, Commander , 25 Apr 92

⁵⁴⁰ ERN BCS 0683-8973-0683-8974; Eng 0683-8973-0683-8974-EDT/Translation, *Submission of Official Note*, Nr 134-2, Lieutenant Colonel Miroslav FILIPOVIĆ, Commander , 25 Apr 92

⁵⁴¹ ERN BCS 0683-8973-0683-8974; Eng 0683-8973-0683-8974-EDT/Translation, *Submission of Official Note*, Nr 134-2, Lieutenant Colonel Miroslav FILIPOVIĆ, Commander , 25 Apr 92

⁵⁴² ERN BCS 0683-8973-0683-8974; Eng 0683-8973-0683-8974-EDT/Translation, *Submission of Official Note*, Nr 134-2, Lieutenant Colonel Miroslav FILIPOVIĆ, Commander , 25 Apr 92

(t) On 03 June 1992, the 1st mK reports that following the withdrawal of the Corps units, 23 persons were moved out from Tovarnik on 23/24 May 1992 “*by a group of citizens in cooperation with some policemen*”, noting “*It is a fact that this was misconduct on the part of some citizens and individuals from the organs of authority and that it was committed when UNPROFOR units had taken over control in this regard*”.⁵⁴³

(u) The information concerning the resettling of refugee families being seized to intimidate parts of the population is also reported by Slobodan PECIKOZIĆ, Chief of the State Security Department (SDB) in Vukovar in March 1992⁵⁴⁴

We have made reports on the settling of refugee families whose settling based on a patriotic debt, turned into an irrational division and scattering of property, followed by the formation of non-formal groups for the purpose of intimidation, and by doing so, we have stated that all this may seriously affect the diminishing of defence power in this region.

PECIKOZIĆ reiterates his observations in his report covering the first six months of 1992, dated 06 July 1992, explicitly referring to the role played by the “RSK” (i.e. “SO SBWS”) Government.⁵⁴⁵

When we add that SDB has information on uncontrolled taking over of several houses, as well as acquiring and seizing larger financial means by men close to the circle of SRK Government the level of political unity and the morale of the population becomes clear.⁵⁴⁶

(3) Measures by the “SAO SBWS” authorities

On 23 March 1992, the “SAO SBWS” Government adopts a “CONCLUSION” instructing the “RSK” MUP to “*immediately start sorting out*” the security situation in SBWS, in cooperation with the JNA

⁵⁴³ ERN BCS 0683-8766-0683-8767; Eng 0683-8766-0683-8767-EDT/Draft translation, Report on the situation in the territory in the zone of responsibility, Nr 397/2-39, Lieutenant Colonel Andelko TRIFKOVIĆ, Assistant Commander for Civil Affairs, 1st mK, 03 Jun 92

⁵⁴⁴ ERN BCS 0280-4739-0280-4746; Eng ET 0280-4739-0280-4746, *Report*, Slobodan PECIKOZIĆ, Chief of the SDB Department Vukovar, 05 Mar 92

⁵⁴⁵ ERN BCS 0280-4747-0280-4753; Eng ET 0280-4747-0280-4753, *Report*, Slobodan PECIKOZIĆ, Chief of the SDB Department Vukovar, 06 Jul 92

⁵⁴⁶ ERN BCS 0280-4747-0280-4753; Eng ET 0280-4747-0280-4753, *Report*, Slobodan PECIKOZIĆ, Chief of the SDB Department Vukovar, 06 Jul 92

1st MD; the JNA 1st mK and the internal affairs organs of the “SAO SBWS”. The “CONCLUSION” refers to “*poor or non-existent protection of property and persons in the territory of the Serbian Region and especially the inability to identify perpetrators*”.⁵⁴⁷ The fact that the aforementioned JNA units continue to report shortcomings in the functioning of the local civilian authorities, as well as harassment of and crimes against non-Serbs living in the territory covered by the “SAO SBWS”, involving also members of these authorities indicates that the “SAO SBWS” Government instructions lack effectiveness and/or that in reality they do not change their attitude.

(4) Reports by the UNSG

The findings by the JNA 1st MD units discussed here-above are corroborated by the UNSG’s observations in his reports on the implementation of UNSCR 743 and 762. According to the UNSG, referring to the “PJM”, “*these paramilitary units engage in acts of terrorism against minorities, especially in Sector East and, to a lesser extent, in Sector South and appear to enjoy complete impunity.*”⁵⁴⁸

c. Presence of Volunteers/Paramilitaries

(1) Implementation of the SFRY Presidential Order Nr 73

(a) On 27 December 1991, the Command of the 12th K forwards the SFRY Presidential Order Nr 73 on the engagement of volunteers in the SFRY Armed Forces during an immediate threat of war to its subordinate units.⁵⁴⁹

(b) The Command of the 12th K on 23 January 1992 informs the 1st MD that they have fully abided by the 1st MD Order Nr 1614-226 of 20 December 1991 for the implementation of SFRY Presidential Order Nr 73 on the engagement of volunteers in the SFRY Armed Forces during an immediate threat of war, in particular Para 7 on the subordination of

⁵⁴⁷ ERN BCS 0683-9109-0683-9109; Eng ET 0683-9109-0683-9109, CONCLUSION, Nr 02-5-17/1-1992, Dr. Mladen HADŽIĆ, Acting Prime Minister, 24 Mar 92

⁵⁴⁸ Eng 0024-2533-0024-2544, *Further Report of the Secretary-General Pursuant to Security Council Resolution 743 (92) and 762 (92)*, 28 Sep 92, Para 6, 10-18

⁵⁴⁹ ERN BCS 0683-9480-0683-9483; Eng 0683-9480-0683-9483-ET/Translation, *Order to engage volunteers in the OS of the SFRY during imminent threat of war*, Nr 133-1238, Major General Srboljub TRAJKOVIĆ, NŠ 12th K, 27 Dec 91

such volunteers to the JNA, stating “*The old voluntary companies and detachments which were in the defence zone of the 12th corps have been disbanded and part of their troops joined the TO units*”.⁵⁵⁰

(2) Groups controlled by or linked otherwise to MUP Serbia

“ARKAN” and his “*Serbian Volunteer Guard*”, as well as the “*Special Purpose Unit*” of the MUP Serbia, maintain their presence and activities in SBWS after the acceptance of the VANCE Agreement, relying on their relations with the “*SAO SBWS*” authorities, including Goran HADŽIĆ⁵⁵¹.

- (a) On 03 March 1992, the Chief of the OB of the 1st MD notifies the SSNO and the UB about the illegal issuing of licences for fire arms by Željko RAŽNJATOVIĆ aka “ARKAN” in Eastern Slavonia “*as authorised official for the Serbian Republic of Krajina*”.⁵⁵²
- (b) Slobodan PECIKOZIĆ, Chief of the SDB Department Vukovar, in his report covering the January - February time period mentions that “*the Unit of Željko RAŽNJATOVIĆ – Arkan*” and the “*Serbian National Security*” provide security for the Assembly of Krajina Session on 25 December 1991.⁵⁵³
- (c) According to a certificate signed by Željko RAŽNJATOVIĆ, Commander of the “*Territorial Defence Centre Command for Training Volunteers*”, dated 15 May 1992, “ARKAN” is still the commander of the “*Territorial Defence Training Centre for Special Training of Slavonia, Baranja and Western Srem*” in Erdut in May 1992.⁵⁵⁴

⁵⁵⁰ ERN BCS 0683-93160683-9316; Eng 0683-9316-0683-9316-EDT/Draft translation, *Your document strictly confidential number 60-394 of 22 January 1992*, Nr 118-189, Colonel Boro IVANOVIC, COS of the 12th K, 23 Jan 92

⁵⁵¹ See for example ERN BCS 0340-4890-0340-4890; Eng ET 0340-4890-0340-4890, *The illegal issuing of firearm licences by Željko RAŽNJATOVIĆ – “ARKAN” and a possibility of a terrorist action on 09 Mar in Belgrade*, Nr 13-144, Major General Mile BABIĆ, 03 Mar 92; ERN BCS 0340-4860-0340-4861; Eng 0340-4860-0340-4861, *Indications re. the establishment of the “Serbian Army” centre, and re: criminal activities*, Nr 20101920/7067 OB 1st Army, Colonel Branko GAJIĆ, 18 Nov 92

⁵⁵² ERN BCS 0340-4890-0340-4890; Eng ET 0340-4890-0340-4890, *The illegal issuing of firearm licences by Željko RAŽNJATOVIĆ – “ARKAN” and a possibility of a terrorist action on 09 Mar in Belgrade*, Nr 13-144, Major General Mile BABIĆ, 03 Mar 92

⁵⁵³ ERN BCS 0280-4739-0280-4746; Eng ET 0280-4739-0280-4746, *Report*, Slobodan PECIKOZIĆ, Chief of the SDB Department Vukovar, 05 Mar 92

⁵⁵⁴ ERN BCS BG00-8851-BG00-8851; Eng ET BG00-8851-BG00-8851, *Certificate*, Željko RŽNATOVIĆ, Commander of the Territorial Defence Centre Command for training volunteers, 15 May 92

(d) A report by Dragan LAZIĆ, Head of the “RSK” SUP in Vukovar, dated 03 August 1992, suggests that “ARKAN”’s Erdut training centre is renamed “RSK MUP Training Centre” between 15 May 1992⁵⁵⁵ and 03 August 1992⁵⁵⁶ (which would be consistent with the “rebadging of the TO into MUP in order to circumvent the obligations included in the VANCE Plan). According to LAZIĆ, a “*Special Purpose Unit called Red Tigers*” has been established in Ernestinovo, as a part of the 101st “RSK” MUP Training Centre in Erdut. The unit is equipped by MUP Serbia of Željko RAŽNATOVIĆ. LAZIĆ’s report also shows knowledge of the relations between “ARKAN” and the Ministry of Interior (MUP) of the Republic of Serbia, and the role of Radovan STOJIČIĆ (aka BADŽA), Assistant Minister of Interior of Serbia.

On 3 August 1992, we learned that a special-purpose unit called *Crveni Tigrovi* /The Red Tigers/ is being formed in the village of Ernestinovo. It will be part of the 101st RSK MUP Training Centre, which is led by Željko RAŽNJKOVIĆ /as printed/, aka Arkan. The unit will be located in the former *Jelen* catering establishment, whose owner is unknown and which is located by the roadside between the villages of Laslovo and Ernestinovo. The unit will be led by Nenad MILANOVIĆ from Palača, a full brother of Assistant Defence Minister Milan MILANOVIĆ, aka Mrgud, who knows everything about the activities related to the foundation of the centre. Members of the said unit wear uniforms of the MUP of the Republic of Serbia, which they received two days ago with the approval of the Assistant Minister of the Interior of the Republic of Serbia, Radovan STOJIČIĆ, aka Badža. The weapons are provided by the Ministry of Defence. Pay for July for the members of the unit will be secured from the Training Centre funds, but in the forthcoming period, the unit will be financed from the account of the special police unit commanded by Božo /?K/OŠUTIĆ, who knows nothing about these plans or any other activities.⁵⁵⁷

(e) The 1st Army OB Report Nr 20101920/7067 “*Indications re: the establishment of “the Serbian Army” centre and re: criminal activities*” dated 18 November 1992, contains detailed information on

⁵⁵⁵ ERN BCS BG00-8851-BG00-8851; Eng ET BG00-8851-BG00-8851, *Certificate*, Željko RAŽNATOVIĆ, Commander of the Territorial Defence Centre Command for training volunteers, 15 May 92

⁵⁵⁶ ERN BCS 0207-6696-0207-6697; Eng 0207-6696-0207-6697-ET/Translation, *Report*, Dragan LAZIĆ, 03 Aug 92

⁵⁵⁷ ERN BCS 0207-6696-0207-6697; Eng 0207-6696-0207-6697-ET/Translation, *Report*, Dragan LAZIĆ, 03 Aug 92

“a large scale criminal activity involving the leading men of the MUP of the Republic of Serbia, government of the SO SBZS /Serbian Region of Slavonija, Baranja and Western Sirmium/, members of the UNPROFOR and numerous criminals and smugglers”. The report mentions Goran HADŽIĆ, together with other members of the “SBWS” local civilian authorities, and MUP Serbia officials including Jovic STANIŠIĆ.⁵⁵⁸

On the territory of the Serbian Region of Slavonija, Baranja and Western Sirmium, criminal activity has big proportions and it has been partly spread even on the territory of the SRJ (Vojvodina, Belgrade...). Large number of previously registered criminals* and smugglers are involved in it. They are closely connected with top leaders of the MUP of the Republic of Serbia (STANIŠIĆ, LONČAREVIĆ, PRICA, KOSTIĆ Radoslav), government of the RSK /Republic of Serbian Krajina/ Serbian Region of Slavonija, Baranja and Western Sirmium (HADŽIĆ Goran, KOJIĆ Ilija, ŽIVANOVIĆ, RADLOVIĆ, ŠPANOVIĆ, MILANOVIĆ), members of the UNPROFOR (LOGINOV, HROMČENKO), members of the VJ (Colonel ARANDELOVIĆ and RAIČKOVIĆ from the Inspection of the MO /?Ministry of Defence/ of the VJ). The activity is legalised through the private companies “Veša-kop” from Sombor, “Enal” from Novi Sad, “Belje – Holding” from Baranja, “Ferplej” Casino from Belgrade, Arkan’s companies, private petrol stations, etc. They are smuggling and reselling fuel, food supplies, supplies sent as humanitarian aid, etc.⁵⁵⁹

(f) In Spring 1993, an attempt is made to train a group of fifty “ARKAN” volunteers at the VJ training centre for mechanised units in Vršac (Serbia).⁵⁶⁰ According to an intelligence report by the VJ Security Administration, “Major aka “LEGIJA””, who is reportedly at that time the Commander of the “Serbian Volunteer Guard” training centre in Erdut and *Commander of the “Super Tigers”*⁵⁶¹ and a Major N.

⁵⁵⁸ ERN BCS 0340-4860-0340-4861; Eng 0340-4860-0340-4861, *Indications re. the establishment of the “Serbian Army” centre, and re: criminal activities*, Nr 20101920/7067 OB 1st Army, Colonel Branko GAJIĆ, 18 Nov 92

⁵⁵⁹ ERN BCS 0340-4860-0340-4861; Eng 0340-4860-0340-4861, *Indications re. the establishment of the “Serbian Army” centre, and re: criminal activities*, Nr 20101920/7067 OB 1st Army, Colonel Branko GAJIĆ, 18 Nov 92

⁵⁶⁰ ERN BCS 0340-4897-0340-4898; Eng ET 0340-4897-0340-4898, INFORMATION, *Training of ARKAN’s volunteers at the Training Centre for Armoured Units in Vršac*, Nr 1166-2, Colonel Vlastimir GLIŠOVIĆ, 12 May 93

⁵⁶¹ “Super Tigers” are also mentioned in the statement given by Vojin VUČKOVIĆ aka “ZUĆA” to the State Security Department Centre for Belgrade of the MUP Serbia on 04 Nov 93, when he stated that ULEMEK is “at present commander of “Super Tigers” Serb Volunteers Guard of Željko RAŽNATOVIC”: ERN BCS 0608-0985-0608-0987; Eng ET 0608 -0985-0608-0987

VUKOTIĆ aka “STOTKA”, acting logistics officer at the training centre in Erdut, on 27 Apr 93 visit the VJ training centre in Vršac (Serbia) to prepare the arrival of fifty volunteers who are to attend tank and APC driving training, and shooting training with guided antitank weapons.

- i. The training of the “ARKAN” volunteers in a VJ facility has been made possible by General BIORČEVIĆ, Commander of the 12th (Novi Sad) Corps (12th K).
- ii. The training is scheduled to last 21 days but has to be stopped after two days following the intervention of the Commander of the VJ 1st Army, Colonel General Vladimir STOJANOVIĆ. The volunteers then reportedly leave for Banja Luka and another group returns to the training centre in Erdut.⁵⁶² “LEGIJA” is the nickname for Milorad ULEMEK, an official of the Ministry of Interior (MUP) of the Republic of Serbia.⁵⁶³

(g) According to the OB SBC SVK Intelligence Report Nr 2-379 dated 05 August 1993, (SBC) a “*Red Berets*” unit of the MUP Serbia (i.e. “*Unit for Special Purposes*”) has its quarters in “*TITO’s former villa*” in the village of Pajzos, near Bapska.⁵⁶⁴ Similar information is included in a VJ intelligence report of September 1995.⁵⁶⁵ According to the December 1995 VJ Intelligence report, the DB Serbia has around 100 men in “*Pajzaž*” near Ilok, under the command of “*FIĆA*” (i.e. Dragoljub FILIPOVIĆ)⁵⁶⁶, “*FRENKI’s Deputy*”; and *Raja*⁵⁶⁷

⁵⁶² ERN BCS 0340-4897-0340-4898; Eng ET 0340-4897-0340-4898, INFORMATION, *Training of ARKAN’s volunteers at the Training Centre for Armoured Units in Vršac*, Nr 1166-2, Colonel Vlastimir GLIŠOVIĆ, 12 May 93

⁵⁶³ ERN BCS 0214-1322-0214-1327; Eng L006-5366-L006-5375, *Report on the formation of the JSO (Special Operations Unit) of the RDB (Republican State Security) of Serbia and other interesting data for Security*, unsigned, undated (1996?); ERN BCS 0340-4909-0340-4912, Eng ET 0340-4909-0340-4912, *Report of the Collaborator “Trgovac” on the situation in the territory of the “RSK” Army*, undated (07 Sep 1995)

⁵⁶⁴ ERN BCS 0419-2511-0419-2512; Eng ET 0419-2511-0419-2512, *Daily Report on the situation in the units of the 11th Corps*, Nr 2-379, Colonel Dušan GRAHOVAC, 05 Aug 93

⁵⁶⁵ ERN BCS 0340-4909-0340-4912, Eng ET 0340-4909-0340-4912, *Report of the Collaborator “Trgovac” on the situation in the territory of the “RSK” Army*, undated (07 Sep 1995)

⁵⁶⁶ ERN BCS 0340-4983-0340-4985; Eng ET 0340-4893-0340-4985, *Some Information on Daniel SNEDDEN alias “Kapetan Dragan”*, Colonel Milorad BOŠKOVIĆ, 28 Aug 91

⁵⁶⁷ “*Raja*” is the short name for Radojica (see for example ERN BG07-2370-BG07-2372)

BOŽOVIĆ.⁵⁶⁸ SRS/SČP volunteers who take part in the (Bosnian) Serb over of Bosanski Šamac on 17/18 April 1992 are trained at a facility located in Pajzoš, near Bapska (Eastern Slavonia, Croatia).⁵⁶⁹ The existence of this MUP Serbia Special Unit in Ilok in 1992 is further confirmed by a document of this unit of 1992.⁵⁷⁰

(h) In February 1993, the Intelligence and Security Organ of 15th (Lika) SVK Corps, in its “*Situation Report*” Nr. 187-2, informs the Chief of Security at the GŠ SVK of the repercussions, the presence of “ARKAN” and two hundred of his volunteers in the area of responsibility (AOR) of the Corps have on the motivation and conduct of the troops.⁵⁷¹

When Željko RAŽNJATOVIĆ, aka Arkan, joined the Brigade, bringing along 200 volunteers, the situation worsened. In fact, on the one hand, the presence of Arkan and his men, their courage, bravery and perseverance inspired trust in other soldiers and motivated them, but on the other hand, their behaviour and privileges and the awe they inspired by overtly physically mistreating some soldiers and officers also caused unconcealed dissatisfaction, which may lead to open conflicts that could escalate further. Some members of the Brigade Command have accepted this abnormal behaviour, which causes fear of “ARKANISATION” among the soldiers and may have negative consequences.⁵⁷²

(3) Other Groups

(a) The Order by Colonel Milorad VOJNOVIĆ, Commander of the 80th mtbr and Town Commander of Vukovar, for the resubordination of the Vukovar TO to the 80th mtbr, Nr 270-1 of 30 December 1991, instructs to “*Immediately disarm Chetnik groups in urban areas. Disarmed members of these groups living in liberated urban areas are*

⁵⁶⁸ ERN BCS 0340-4909-0340-4912, Eng ET 0340-4909-0340-4912, *Report of the Collaborator “Trgovac” on the situation in the territory of the “RSK” Army*, undated (07 Sep 1995)

⁵⁶⁹ ERN BCS 0053-2862-0053-2867; ERN Eng ET 0053-2862-0053-2867, *Minutes of the interrogation of the accused*, Banja Luka Military Court, 25 Nov 92; See also ERN BCS 0358-8617-0358-8625, ERN Eng 0358-8617-0358-8625-ET, *INFORMATION on the situation at the Bosanski Šamac SJB, the arrest of the SJB Chief by military organs and the closing down of the Krajina –FRY corridor*, MUP Bijeljina, Ostoja MINIĆ and Goran SARIĆ, 19 Nov 92

⁵⁷⁰ ERN BCS 0681-9283-0681-9283; Eng ET 0681-9283-0681-9283, *Report*, Đ. GRUBOR, 06 Feb 92; ERN BCS 0706-4853-0706-4853; Eng ET 0706-4853-0706-4853, *Curriculum Vitae*, Pedrag BAKLAIĆ, 20 Apr 92

⁵⁷¹ ERN BCS 0207-6719-0207-6721; Eng L003-4265-L003-4271, *Report by the Intelligence and Security Organ of the 15th Corps*, 16 Feb 93

⁵⁷² ERN BCS 0207-6719-0207-6721; Eng L003-4265-L003-4271, *Report by the Intelligence and Security Organ of the 15th Corps*, 16 Feb 93

to be included in TO units for the defence of the villages – town, remove all others who came from Vojvodina AP, Serbia or other republics from the zone of responsibility of the Vukovar ŠTO except for anyone who wants to be included in the units of the Vukovar ŠTO”.⁵⁷³

(b) Lieutenant Colonel Rade DANILOVIĆ, NŠ of the 80 mtbr on 21 January 1992 submits the “*Report on the work of the Vukovar ŠTO and the functioning of paramilitary operations*” to the 1st MD and the 24th K. According to DANILOVIĆ, “*The presence of paramilitary formations, i.e., Šešelj's Chetniks, and others, is still a problem as they pose the greatest threat to the normalisation of life in the city and ensuring absolute safety of people and property.*”, adding that “*Šešelj's Četniks*” mainly engage in “*looting*” and “*clandestine liquidations*” of local people, “*primarily of Croatian nationality*”.⁵⁷⁴

The presence of paramilitary formations, i.e., Šešelj's Chetniks, and others, is still a problem as they pose the greatest threat to the normalisation of life in the city and ensuring absolute safety of people and property.

At present this formation is mainly engaging in looting and clandestine liquidations of local people, primarily of Croatian nationality, who have either resided in the city forever or are returning, regardless of whether or not they had any connections with the ZNG /National Guards Corps/ or the MUP /Ministry of Interior/ of the Republic of Croatia. It is believed that there are about 70 – 80 members of this Chetnik formation in the city and their numbers are gradually decreasing every day. Members of Vukovar TO have seized control over a number of duties in the city that aren't within their domain of responsibility and are thus for instance arresting and detaining people, distributing material aid, etc.⁵⁷⁵

DANILOVIĆ also mentions that Zoran VRANEŠEVIĆ is appointed Commander of the Vukovar ŠTO on 10 January 1992.⁵⁷⁶ According to

⁵⁷³ ERN BCS 0683-9305-0683-9306; Eng 0683-9305-0683-9306-ET-Translation, *Order on resubordination of the Vukovar ŠTO and TO Units to the 80th mtbr Command*, Nr 270-1, Colonel Milorad VOJNOVIĆ, Commander of the 80 mtbr, 30 Dec 91,

⁵⁷⁴ ERN BCS 0683-9310-0683-9311; Eng 0683-9310-0683-9311-ET-Translation, *Report on the work of the Vukovar ŠTO and the functioning of paramilitary operations*, Nr 7-8, Lieutenant Colonel Rade DANILOVIĆ, NŠ of the 80 mtbr, 21 Jan 92

⁵⁷⁵ ERN BCS 0683-9310-0683-9311; Eng 0683-9310-0683-9311-ET-Translation, *Report on the work of the Vukovar ŠTO and the functioning of paramilitary operations*, Nr 7-8, Lieutenant Colonel Rade DANILOVIĆ, NŠ of the 80 mtbr, 21 Jan 92

⁵⁷⁶ ERN BCS 0683-9310-0683-9311; Eng 0683-9310-0683-9311-ET-Translation, *Report on the work of the Vukovar ŠTO and the functioning of paramilitary operations*, Nr 7-8, Lieutenant Colonel Rade DANILOVIĆ, NŠ of the 80 mtbr, 21 Jan 92

a document signed by Miroljub VUJOVIĆ, Secretary for National Defence of Vukovar Municipality (and former Commander of the TO Vukovar), VRANEŠEVIĆ is appointed to this position on 21 January 1992.

- (c) On the same day -21 January 1992, Goran HADŽIĆ, Prime Minister of the “SAO SBWS”, issues a “DECISION” of the “SAO SBWS” government allowing the JNA 1st MD to disband the “*unit led by aka KAMENI, and stationed in Vukovar*”, in cooperation with MUP of the “SAO SBWS” as a part of the efforts aimed at establishing civilian authorities in Vukovar municipality.⁵⁷⁷
- (d) On 18 June 1992, Colonel General Milan TORBICA, Commander of the “RSK” TO GŠ, issues an order “*Undertaking measures preventing of actions of various paramilitary groups on the territory of RSK (Republik of Serbian Krajina)*”, Nr 636-1, pursuant to the Order of the “RSK” President, Goran HADŽIĆ, Nr 01-1-5/92 dated 18-Jun-1992. Order Nr 636-1 notes that legally-elected authority in the “RSK” is not being respected “... *this is especially characteristic of Eastern Slavonija, Western Srem and Baranja, where some groups appeared, which do not recognise legal authorities and are trying to introduce lawlessness and violence against the population.*”. The Order then instructs to disarm these groups “*immediately*” and establish legal authority.⁵⁷⁸

8. The creation of the SVK

a. Political Background

- (1) On 18 May 1992, the Assembly of the “RSK” adopts Amendment Nr VIII to the “RSK” Constitution, according to which “*the Republic of Serbian Krajina shall have a Serbian Army*”. Amendment Nr VIII also mentions “*In peacetime the Serbian Army shall comprise TO units. In the event of the imminent threat of war and during wartime special-purpose police*

⁵⁷⁷ ERN BCS 0683-9233-0683-9233; Eng 0683-9233-0683-9233-EDT/Draft translation, DECISION, Nr 02-3-13/1-1992, Goran HADŽIĆ, Prime Minister, 21 Jan 92

⁵⁷⁸ ERN BCS 0202-9316-0202-9317; Eng ET 0202-9316-0202-9317, *Undertaking measures preventing of actions of various paramilitary groups on the territory of RSK (Republik of Serbian Krajina)*”, Nr 636-1, Colonel General Milan TORBICA, 18 Jun 92

units shall join the Serbian Army”.⁵⁷⁹

(2) On the same day -18 May 1992-, Goran HADŽIĆ, President of the “RSK”, adopts a “*Decree to Promulgate the Law on Amendments to the Law on Defence*”, reflecting Amendment Nr VIII of the “RSK” Constitution, to reflect the creation of the “*Serbian Army*”.⁵⁸⁰

(3) On 16 July 1992, Goran HADŽIĆ, President of the “RSK”, signs a “*Decree on Extraordinary Promotion*” of Milan MARTIĆ, Minister of Interior of the “RSK”, to “*Colonel General of the Serbian Army of the Republic of the Serbian Krajina*”.⁵⁸¹ The rank of “*Colonel General*” is, according to the documentary evidence reviewed, the most senior military rank in the “RSK” at that time. This promotion followed MARTIĆ’s involvement in the “*Koridor Operation*” (Posavina).⁵⁸² Goran HADŽIĆ promotes General Mile NOVAKOVIĆ to Major General on 25 October 1992.⁵⁸³ HADŽIĆ has also the authority to revoke promotions.⁵⁸⁴

b. Implementation of the decision for the establishment of the SVK (October - November 1992)

(1) On 16 October 1992, the Commander of the General (or Main) Staff of the “RSK” TO, Lieutenant General Milan TORBICA, the Minister of Defence of the “RSK”, Stojan ŠPANOVIĆ, and Milan MARTIĆ, Minister of Interior of the “RSK”, issue the Order State Secret Nr 1112-1 for the renaming of the “*Main Staff of the TO*” into “*Main Staff of the RSK Army*”.⁵⁸⁵ According to the Order, “*all PJM brigades which constituted the A defence echelon*” shall be put under the command of the “RSK” Main

⁵⁷⁹ ERN BCS 0216-6104-0216-6105; Eng L0006-5897-L0006-5901, *Decision to Promulgate amendment VIII to the Constitution of the RSK*, 18 May 92

⁵⁸⁰ ERN BCS 0216-6104-0216-6105; Eng L0006-5897-L0006-5901, *Decision to Promulgate amendment VIII to the Constitution of the RSK*, 18 May 92

⁵⁸¹ ERN BCS 0207-7680-0207-7680; Eng 0301-8390-0301-8390, Decree on Extraordinary Promotion, Goran HADŽIĆ, 16 Jul 92

⁵⁸² See for example ERN BCS 0217-0842-0217-0843; Eng L009-2859-L009-2862, *Letter from Milan Martić to Presidents of the Banija and Kordun municipal assembly*, 12 Jul 92

⁵⁸³ ERN BCS 0281-1453-0281-1453; Eng ET 0281-1453-0281-1453, *EXPLANATION OF THE PROPOSAL FOR THE VERIFICATION OF THE RANK OF Major General Mile NOVAKOVIĆ, Commander of the Serbian Army of Krajina*, Goran HADŽIĆ, President of the Republic, 01 Nov 93

⁵⁸⁴ ERN BCS 0216-9530-0216-9530; Eng ET 0216-9530-0216-9530, *REVOKING*, Nr 03-3-276/1-93, Goran HADŽIĆ, President of the Republic, 22 Nov 93

⁵⁸⁵ ERN BCS 0207-7681-0207-7682; Eng 0302-8406-0302-8407, *Order Nr 1112-1*, Lieutenant General Milan TORBICA, Stojan ŠPANOVIĆ, Milan MARTIĆ, 16 Oct 92

Staff.⁵⁸⁶

(2) Pursuant to Presidential Decree Nr 03-3-63/92, issued by Goran HADŽIĆ, President of the “RSK”, Major General Mile NOVAKOVIĆ takes over the duties of Commander of the SVK from Major General Milan TORBICA, between 09 to 26 November 1992.⁵⁸⁷

(3) On 27 November 1992, Major General Mile NOVAKOVIĆ, Commander of the SVK, issues the order Nr 947-23/1 for “*Reorganising the Territorial Defence and the Special Police into the Serbian Army of the Republic of Serbian Krajina*”. Order Nr 947-23/1 consists of sixteen pages and features detailed information for the transformation of the “RSK” TO and “PJM” into the “*Serbian Army of the Republic of the Serbian Krajina (SVK)*”.⁵⁸⁸ According to NOVAKOVIĆ’s order, the (re)organisation has to be finalised by 28 February 1993, whereby PJM Brigades “*shall become part*” of the Corps in whose zone of responsibility they are deployed and “*shall in every respect be subordinate to the corps commanders as of 0001 hours on 1 December 1992*”⁵⁸⁹

(4) The Commander of the “SBWS” TO Zone Staff, Bogdan SLADOJEVIĆ on 08 December 1992 issues corresponding orders, Nr 1-567, to “*transform*” the units of the TO and “PJM” into the “*RSK Army*”, forming the “*Slavonija Baranja Corps (SBC)*” in SBWS; the “*1st light Baranja Division*” in Baranja including their subordinate Brigades and Battalions.⁵⁹⁰

(5) The SVK structure mirrors the TO structure of Spring 1992, before the TO is transformed into “*Special Police*”, with the “*Zonal TO Staffs*” being called now “*Corps Staffs*” and the “*TO Brigades*” (which have been

⁵⁸⁶ ERN BCS 0207-7681-0207-7682; Eng 0302-8406-0302-8407, *Order Nr 1112-1*, Lieutenant General Milan TORBICA, Stojan ŠPANOVIĆ, Milan MARTIĆ, 16 Oct 92

⁵⁸⁷ ERN BCS 0281-0902-0281-0902; Eng ET 0281-0902-0281-0902, *Nr 45-18*, 19 Jan 93

⁵⁸⁸ ERN BCS 0207-6245-0207-6261; Eng 0301-8353-0301-8367; *Order 947-23/1*, Major General Mile NOVAKOVIĆ, 27 Nov 92

⁵⁸⁹ ERN BCS 0207-6245-0207-6261; Eng 0301-8353-0301-8367; *Order*, *Nr 947-23/1*, Major General Mile NOVAKOVIĆ, 27 Nov 92, Para III, 3. ; Para III.4; See also ERN BCS 0207-8184-0207-8186; Eng L006-3099-L006-3102, *Order Nr 1147-1*, Major General Milan TORBICA, 13 Nov 92;; ERN BCS 0207-7676-0207-7676; Eng ET 0207-7676-0207-7676, *Order Nr 01-25-4*, Marko VRCELJ, 26 Jan 93

⁵⁹⁰ ERN BCS 0414-4716-0414-4717; Eng ET 0414-4716-0414-4717, *Order Nr 1-567*, Lieutenant Colonel Bogdan SLADOJEVIĆ, 08 Dec 92

transformed into “PJM” units), “SVK Brigades”. The SVK has 6 Corps and approximately twenty six Brigades.

c. HV Operation “*Maslenica*” (and aftermath)

- (1) On 22 January 1993, HV units enter the “*Pink Zone*” and the UNPA South in the area of Maslenica, Zemunik Airport and the Peruća dam.⁵⁹¹ “*Pink zones*” are areas of Croatia that were under JNA control and in which there is a substantial Serb population, but which lie outside the agreed boundaries of the UNPAs, though adjacent to them.⁵⁹²
- (2) Goran HADŽIĆ, “*President of the RSK*” on the same day, 22 January 1993, declares a “*State of War*” in the “*RSK*” and declares a general mobilisation.⁵⁹³
- (3) On 01 April 1993, Lieutenant General Lars WAHLGREN, Force Commander of UNPROFOR, sends a letter to Goran HADŽIĆ, President of the “*RSK*”, to inform the latter of the “*shelling of civilian targets on the territory of Croatia under control of its government by Serb forces under the control of the authorities in Knin*” and demand “*full respect by your side of international humanitarian law*”. The annex to General WAHLGREN’s letter identifies eleven incidents of targeting of civilian objects in the vicinity of UN Sector South, by SVK artillery, including rockets and cluster ammunition.⁵⁹⁴ The fact that the letter is addressed to Goran HADŽIĆ confirms the UN’s perception of HADŽIĆ’s authority as President of the “*RSK*” and the Supreme Commander of the “*SVK*”.

d. The “*RSK*” Supreme Defence Council (SDC)

- (1) On 20 April 1993, the “*RSK*” Assembly adopts a Decision to promulgate Amendments XII, XIII and XIV to the “*Republika Srpska Krajina*

⁵⁹¹ ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002, at Eng page 0322-2431

⁵⁹² ERN Eng 0614-3195-0614-3206, *Further Report of the Secretary General Pursuant to Security Council Resolution 743 (92) and 762 (92)*, 28 Sep 92 at Para 25

⁵⁹³ ERN BCS 0207-6431-0207-6431; Eng 0305-5532-0302-5532, Nr 38-10, Goran HADŽIĆ, President of the Republic, 22 Jan 93; See also ERN BCS 0207-6432-0207-6432; Eng 0302-5533-0302-5533, Nr 03-3-20/1/93, Goran HADŽIĆ, President of the Republic, 22 Jan 93

⁵⁹⁴ ERN Eng 0002-3545-0002-3547, *Letter from Lieutenant General Lars WAHLGREN, Force Commander to Goran HADŽIĆ*, 01 Apr 93 (new ERN: R095-2781-R095-2783)

Constitution” for the creation of the “RSK” Supreme Defence Council.⁵⁹⁵ The “RSK” Supreme Defence Council is composed of the “RSK” President (i.e. Goran HADŽIĆ); the Prime Minister; the Minister of Defence; the Minister of Interior; the Commander of the “Serb Army of Krajina”.

(2) Amendment XIII stipulates that the President “*leads the Serb Army of Krajina in times of peace and war, in accordance with the Republika Srpska Krajina Constitution and decisions adopted by the Supreme Defence Council, and presides over the Supreme Defence Council...*”, meaning that whereas prior to the creation of the “RSK” SDC, the supreme command over the armed forces was the prerogative of the President of the republic (only), Amendment XIII stipulates that the President has to act in accordance with the decisions of the SDC. The 20 April 1993 amendments to the “RSK” Constitution are reflected in the “RSK” Law on Defence that is published on 22 April 1993.⁵⁹⁶

(3) In addition to a new Law of Defence, the “RSK” on 22 April 1993 adopts a “*Law on the Serb Army of Krajina*”.⁵⁹⁷ Article 3 of this law confirms that “*the President of the Republic is in command of the Army in accordance with the RSK Constitution and decisions of the Supreme Defence Council*”.⁵⁹⁸ The Main Staff of the army is an advisory body, whereas the Commander commands the armed forces in accordance with the powers transferred to him by the SDC. Article 5 and 6 confirm the role of the “RSK” SDC as Supreme Command body of the “RSK”.⁵⁹⁹

(4) As President of the Republic, Goran HADŽIĆ is informed of the status of the armed forces for example through specific reports by the Commander

⁵⁹⁵ ERN BCS 0216-6103-0216-6103; Eng L006-4049-L006-4053, *Decision to Promulgate Amendments XII, XIII and XIV to the Republika Srpska Krajina Constitution*, 22 Apr 93

⁵⁹⁶ ERN BCS 0363-9756-0363-9800; Eng ET 0363-9756-0363-9800 (part.), *Law on Defence*, “RSK” *Official Gazette*, 22 Apr 93, Art 8, 41

⁵⁹⁷ ERN BCS 0363-9756-0363-9800; Eng ET 0363-9756-0363-9800 (part.), *Law on the Serb Army of Krajina*, “RSK” *Official Gazette*, 22 Apr 93

⁵⁹⁸ ERN BCS 0363-9756-0363-9800; Eng ET 0363-9756-0363-9800 (part.), *Law on the Serb Army of Krajina*, “RSK” *Official Gazette*, 22 Apr 93, Art 1-3

⁵⁹⁹ ERN BCS 0363-9756-0363-9800; Eng ET 0363-9756-0363-9800 (part.), *Law on the Serb Army of Krajina*, “RSK” *Official Gazette*, 22 Apr 93, Art 5, 6

of the SVK⁶⁰⁰ or briefings by the latter to the “RSK” Assembly⁶⁰¹. In a report sent to HADŽIĆ, “*Update on Issues Disrupting Serbian Krajina Army’s Combat Readiness*”, NOVAKOVIĆ identifies “*lawlessness...lack of legal action against perpetrators of serious crimes, the setting free of multiple killers and major criminals,...*” as one of the issues of concern.⁶⁰²

e. HV Operation “*Medak pocket*” (and aftermath)

- (1) On 09 September 1993, after several days of serious incidents in the UNPAs and the “*Pink zones*”, shelling intensifies along the confrontation line. HV enter the “*Pink zone*” and seize three Serb-majority villages in the area of Medak⁶⁰³, which they subsequently destroy, according to UN sources.⁶⁰⁴
- (2) The UN reports an intensification of the hostilities on 10 and 11 September 1993, whereby HV aircraft bomb SVK positions, and the SVK fires rockets at Croatian population centres (see also below).⁶⁰⁵ On 15 September 1993, the parties agree to a cease fire, following mediation by the UN Special Representative.⁶⁰⁶ The UNSG in his report pursuant to UNSCR 871, Nr S/26828 dated 01 December 1993, states that the HV committed “*atrocities*” in Medak.⁶⁰⁷ In June 1993, while he is still Minister of Interior of the ”RSK”, Milan MARTIĆ, together with the Chief of the SVK Main Staff, General Mile NOVAKOVIĆ, threatened the use of P-65 LUNA⁶⁰⁸ rockets “*to prevent aggression or carry out possible*

⁶⁰⁰ ERN BCS 0216-9523-0216-9526; Eng ET 0216-9523-0216-9526, *Update on Issues Disrupting Serbian Krajina Army’s Combat Readiness*, Nr 600-1, Major General Mile NOVAKOVIĆ, Commander of the SVK, 10 Aug 93

⁶⁰¹ ERN BCS 0216-9735-0216-9757; Eng ET 0216-9735-0216-9757, *TAPE TRANSCRIPT of the first meeting of the second regular session of the Assembly of the Republik of Srpska Krajina held on 09 Oct 1993 in Beli Manastir*

⁶⁰² ERN BCS 0216-9523-0216-9526; Eng ET 0216-9523-0216-9526, *Update on Issues Disrupting Serbian Krajina Army’s Combat Readiness*, Nr 600-1, Major General Mile NOVAKOVIĆ, Commander of the SVK, 10 Aug 93

⁶⁰³ ERN Eng 0614-8371-0614-8376, *Further Report by the Secretary-General pursuant to Security Council Resolution 743 (92)*, S/26470, 20 Sep 93, Para 9; ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002 at Eng page 0322-2471

⁶⁰⁴ ERN Eng 0614-8345-8366, *Report of the Secretary-General pursuant to Resolution 871 (93)*, 16 Mar 94, at Para

⁶⁰⁵ ERN Eng 0614-8371-0614-8376, *Further Report by the Secretary-General pursuant to Security Council Resolution 743 (92)*, S/26470, 20 Sep 93, Para 9

⁶⁰⁶ ERN Eng 0614-8371-0614-8376, *Further Report by the Secretary-General pursuant to Security Council Resolution 743 (92)*, S/26470, 20 Sep 93, Para 9

⁶⁰⁷ ERN Eng 0614-8367-0614-8370, *Report by the Secretary-General pursuant to Security Council Resolution 871 (93)*, S/26828, 01 Dec 93, Para 14

⁶⁰⁸ Also known as FROG

attacks on Zagreb, should our towns come under attack”, in a document called “*Indicators of aggression against the RSK*”, sent to Slobodan MILOŠEVIĆ, President of Serbia.⁶⁰⁹

(3) Following this letter, on 11 and 12 September 1993, the SVK fires R-65 LUNA tactical rockets on Lučko, a suburb of Zagreb, and Jastrebarsko, 25 Km southwest of Zagreb, in retaliation for the Croatian attack on the Medak “pocket” (Lika) on 9 September 1991.⁶¹⁰ During the same time period, the SVK also targets other Croatian cities like Sisak, Karlovac and Kutina, with artillery. The “RSK” SDC⁶¹¹ and the SVK Main Staff⁶¹² are kept informed of the results of the shelling.

f. Relations between the SVK and the VJ (1992-1993)

(1) Importance of FRY (VJ) support to the SVK

(a) The SVK relies heavily on the support from FRY, Serbia and the VJ. This dependence of the SVK (and the “RSK”) on assistance from the VJ (and FRY) is illustrated by the statement of Colonel-General Momčilo PERIŠIĆ, CGS of the VJ, at the 21st Session of the FRY Supreme Defence Council, on 07 June 1994:⁶¹³

...

If you allow me, I'd like to explain. Both presidents know and their position is such that they can no longer wage war without our help. They are losing territory because their superiority so far solely relied on the technical factor which in turn, together with the materiel factor, has affected the quality of the human factor. If we stop helping them in the area of education, financing of educated personnel and material assistance for certain combat operations, they'll start losing territories. If they lose territories, combat morale will gradually decline and the enemy will achieve its goal. If the enemy achieves its goal, everything we've done so far will have been futile and besides – we can't stop the war from spreading to this area. This means that we have to help them somehow.

...

⁶⁰⁹ ERN BCS 0207-7288-0207-7289; Eng 0302-0859-0302-0861, *Letter Nr 386-91*, Milan MARTIĆ and Major-General Mile NOVAKOVIĆ, *Indicators of aggression against the RSK*, 09 Jun 93

⁶¹⁰ ERN Eng 0322-2336-0322-2672, *Chronologie van het Bosnisch Conflict*, NIOD, 2002

⁶¹¹ ERN BCS 0419-0068-0419-0069; Eng ET 0419-0068-0419-0069, *Report*, Nr 126-129, Lieutenant Colonel Milenko ROMANIĆ, 15 Sep 93

⁶¹² ERN BCS 0207-6265-0207-6265; Eng ET 0207-6265-0207-6265, GŠ SVK RPG (Radio Interception Group) *Petrova Gora*, Nr 796/395, 11 Sep 93; ERN BCS 0207-6272-0207-6273, Eng ET 0207-6272-0207-6273, GŠ SVK Intelligence Organ, Nr. 21-24/300, 13 Sep 93

⁶¹³ ERN BCS 0345-7783-0345-7834, Eng 0345-7783-0345-7834 EDT, *Stenographic Notes of the 21 Session of the FRY Supreme Defence Council*, 07 Jun 1994

(2) Role of Goran HADŽIĆ in the provision of VJ support to the SVK

The documents cited here-below show that Goran HADŽIĆ, during the time period he is President of the “RSK” plays an important role in obtaining and organising this support, through his relations with Slobodan MILOŠEVIĆ or other members of the government of Serbia or people under their control.

(a) On 12 November 1992, Slobodan MILOŠEVIĆ, President of Serbia, Goran HADŽIĆ, President of the “RSK” and other members of the “RSK” leadership, meet to discuss “RSK” defence matters.⁶¹⁴

OFFICIAL NOTE FROM THE TALKS BETWEEN REPRESENTATIVES OF THE RSK GOVERNMENT AND PRESIDENT SLOBODAN MILOŠEVIĆ

On 12 November 1992 a meeting is held, hosted by the President of the Republic of Serbia, between representatives of the RS Krajina and the Government of the Republic of Serbia, which is attended by the following persons: from the Republic of Serbia: President Slobodan MILOŠEVIĆ, Prime Minister Radovan BOŽOVIĆ and the Governor of the National Bank of Serbia and from the RSK President Goran HADŽIĆ, Prime Minister Zdravko ZEČEVIĆ, Minister of the Interior Mile MARTIĆ, Minister of Defence Stojan ŠPANOVIĆ, Finance Minister Vojin PEURAČA and Deputy Prime Minister Boško BOŽANIĆ.

At the meeting, the mode of financial assistance to the Krajina until the end of the year is agreed.

Regarding defence, the question of an outline creating the RS Krajina’s army and its financing is brought up.

The President, Mr. MILOŠEVIĆ, agreed to the concept of creating a defence system of the Krajina which would be based on about 23,000 people in the police, of whom 5,000 in the regular force and 18,000 in brigades which would make up the peacetime core of the army and provide security for the borders of the Krajina. The view is that this number should not be reduced and that a manner and system of financing need not to be found as this number of men should remain in the standing force as the professional part of the Army. It is accepted that the planning of funds for Army and police needs should begin immediately as is done in 1992, via the RSK Ministry of Defence and the Ministry of Defence of the Republic of Serbia.

⁶¹⁴ ERN BCS 0207-7285-0207-7285; Eng 0301-8377-0301-8378, *Official record of a conversation of RSK representatives with Slobodan MILOŠEVIĆ*, 12 Nov 92

President MILOŠEVIĆ said that funds for maintaining equipment should be planned via the Army of Yugoslavia, that he would help in the implementation of this and that the Army of Yugoslavia should finance the active officers and civilians who stayed behind in the Krajina. All other defence finance needs should be planned via the Ministry of Defence. It is agreed to begin the planning of these funds immediately, so that this process could be completed on time.

The problem of obtaining the funds planned for this year is brought up at the meeting, since the Ministry of Defence of the Republic of Serbia, has insufficient funds.

The Prime Minister of the Republic of Serbia is asked to intervene so that these funds should be transferred and he agreed to do so.

Based on the positions thus taken, I ask the Ministry of Defence of the Republic of Serbia to plan the funds necessary to finance the defence of the RS Krajina in 1993 and to ensure the inflow of funds for this year, as follows: 200,000,000 until the end of the month and 150,000,000 by 5 December 1992.⁶¹⁵

(b) On 24 June 1993, Goran HADŽIĆ, President of the “RSK”, sends a letter to his Serbian counterpart Slobodan MILOŠEVIĆ to request his assistance towards solving the personnel and logistic problems of the SVK. The letter specifies a broad range of areas where the SVK requires support and assistance from the VJ. ⁶¹⁶ The document shows Goran HADŽIĆ’s direct involvement in defence matters, including obtaining support from the VJ.

REPUBLIC OF SERBIAN KRAJINA
OFFICE OF THE PRESIDENT OF THE REPUBLIC
03-9-171/1-93

Meeting the requests of the commanders
of the Serbian Army of Krajina /SVK/.
Dear Mr. MILOŠEVIĆ,

TO THE PRESIDENT OF
THE REPUBLIC OF SERBIA

We wish to draw your attention to some issues that we are unable to solve on our own and that present a pressing problem for the Serbian Army of Krajina.

The problem concerns the requests of the SVK for personnel, primarily officers originating from the territory of the RSK. Lower-rank officers are needed the most, to perform the duties of commanders. Due to the establishment of military courts

⁶¹⁵ ERN BCS 0207-7285-0207-7285; Eng 0301-8377-0301-8378, *Official record of a conversation of RSK representatives with Slobodan MILOŠEVIĆ*, 12 Nov 92

⁶¹⁶ ERN BCS 0106-1362-0106-1364-; Eng L004-4279-L004-4285, *Stamped letter Nr 03-9-171/1-93 from RSK President HADŽIĆ to the President of Serbia, Slobodan MILOŠEVIĆ*, 24 Jun 93

and military prosecutor's offices, officers with a degree in law are also needed for the posts of military judges and military prosecutors.

Assistance in the maintenance of our weapons and the procurement of ammunition, lubricants and fuel is also very important. The quantities we have received from the VJ are not sufficient for the normal logistical support of war operations, despite our efforts to use them economically. We are running out of spare parts for the numerous damaged equipment and materiel. We are unable to pay for the mid-term repairs and overhauls that would be carried out by VJ repair depots.

Artillery ammunition supplies are at a minimum and the quantity of fuel and lubricants available for combat operations will only last for several days.

These problems were last mentioned by SVK Main Staff representatives, led by the Commander, at the meeting held at the VJ General Staff on 24 May 1993.

Please do what you can within your competence to meet at least some of our requests that were specified to the VJ General Staff, as soon as possible.

We believe that you will understand the reasons for our urgent request, especially now that we expect the expansion of the Croatian aggression, about which we have reliable information.

Respectfully yours,

PRESIDENT OF THE REPUBLIC
Goran HADŽIĆ
/signed and stamped/⁶¹⁷

(3) Support by the VJ to the SVK (1992 - 1993)

The support the SVK receives from FRY, Serbia and the VJ covers all aspects of the functioning of the armed forces. The main components are discussed below:

(a) Personnel support

Personnel support by the VJ to the SVK is discussed at sessions of the FRY Supreme Defence Council. Colonel General Života PANIĆ, CGS VJ, at the 7th Session of the FRY SDC on 10 February 1993 informs

⁶¹⁷ ERN BCS 0106-1362-0106-1364-; Eng L004-4279-L004-4285, Letter, Nr 03-9-171/1-93, 24 Jun 93

the other members that the VJ has sent 700 officers to the SVK, and has prepared and armed 3,000 volunteers for the “RSK”.⁶¹⁸

(b) Exchange of operational information - Coordination meetings

- i. On 06 February 1993, Lieutenant General Zoran STOJKOVIĆ, Assistant Chief of the GŠ VJ for Operations, through the document Nr 18-1, requests the SVK and the VRS Main Staffs to send regular operational/military situation reports to the VJ. These reports are to include “*Information on the enemy (composition, strength, deployment, intentions, etc.); Information on the own forces (composition, strength, deployment, tasks of units); Decision for further activities; Other important issues and information*”.⁶¹⁹
- ii. In October 1993, a “*reminder/report on formation and co-operation with the VJ General Staff*” is prepared by Lieutenant-Colonel Nikola POZNAN of the SVK.⁶²⁰ This document contains information on the co-operation and co-ordination between the SVK and the VJ, mentioning among other things that the Chief of the Operations Department of the GŠ VJ has “*agreed*” that the SVK submits weekly reports on the activities of the enemy, and the own forces, “*in order for the VJ General Staff to have a better understanding of the defence of the RSK*”. Order Nr 01-409, issued by Brigadier General (sic) Mile NOVAKOVIĆ, CGS SVK, on 10 November 1993, defines the template that has to be used, as well as the frequency of reporting to the GŠ VJ.⁶²¹ NOVAKOVIĆ’s order mentions that these “*combat reports*” has to be submitted to the “*FRY Supreme Defence Council*”, twice a week.⁶²²

(c) Logistic support

⁶¹⁸, ERN BCS 0345-7152-0345-7183; Eng 0345-7152-0345-7183 EDT, *Stenographic Notes of the 7th Session of the FRY Supreme Defence Council*, 10 Feb 93

⁶¹⁹ ERN BCS 0414-4237-0414-4237; Eng ET 0414-4237-0414-4237, *Order Nr 18-1*, Lieutenant General Zoran STOJKOVIĆ, 06 Feb 93

⁶²⁰ ERN BCS 0207-7185-0207-7191: Eng ET 0207-7185-0207-7191, *Reminder/Report on Formation and Co-operation with VJ General Staff*, Lieutenant Colonel Nikola POZNAN, Oct 93

⁶²¹ ERN BCS 0280-4167-0280-4168; Eng ET 0280-4167-0280-4168, *Order Nr ?1-409*, Brigadier General (sic) Mile NOVAKOVIĆ, 10 Nov 93

⁶²² ERN BCS 0280-4167-0280-4168; Eng ET 0280-4167-0280-4168, *Order Nr ?1-409*, Brigadier General (sic) Mile NOVAKOVIĆ, 10 Nov 93

Logistic support by FRY (and the VJ) is discussed at the sessions of the FRY Supreme Defence Council. For example, at the 7th Session, Colonel-General Života PANIĆ, CGS VJ, mentions:⁶²³

As for the Republika Srpska and the Republic of Serbian Krajina, huge amounts of material means have been sent to these areas. Whatever we send them we have to refund at our market – no matter whether it is food, spare parts, ammunition, clothing, etc

....
We gave them complete equipment to form one corps.

....

g. Relations between the SVK and the VRS

(1) Political aspects: Prijedor Declaration (31 October 1991)

(a) On 31 October 1992, Mile PASPALJ, President of the Assembly of the “RSK”, and Momčilo KRAJISNIK, President of the Assembly of the “RS” adopted the “*Prijedor Declaration*”.⁶²⁴

(b) The Prijedor Declaration is intended to formalise the “*cooperation and aspirations towards unification*” of both entities, and foresees among other things that “*the Republika Srpska and the Republic of Serbian Krajina shall form a defensive alliance with the task of providing equal protection to the freedom and integrity of the two republics until a final political solution is reached*”.⁶²⁵ Other aspects include identical educational programs, identical state symbols; monetary and customs union; joint assembly sessions; etc. The elections for the political bodies of both republics are postponed until the end of the war.⁶²⁶

(2) Military aspects: “*Operation KORIDOR*”

(a) Posavina, a long strip of flat land in Northern Bosnia-Herzegovina (BiH), South of the Sava river, connecting Bijeljina via Brčko and Modrica to Derventa, is vital for the survival of the Western part of the

⁶²³ ERN BCS 0345-7152-0345-7183, *Stenographic Notes of the 7th Session of the FRY Supreme Defence Council*, 10 Feb 93

⁶²⁴ ERN BCS 0216-2272-0216-2272; Eng L006-8040-L006-8043, *Prijedor Declaration on the Unification of the RSK and RS*, 31 Oct 92

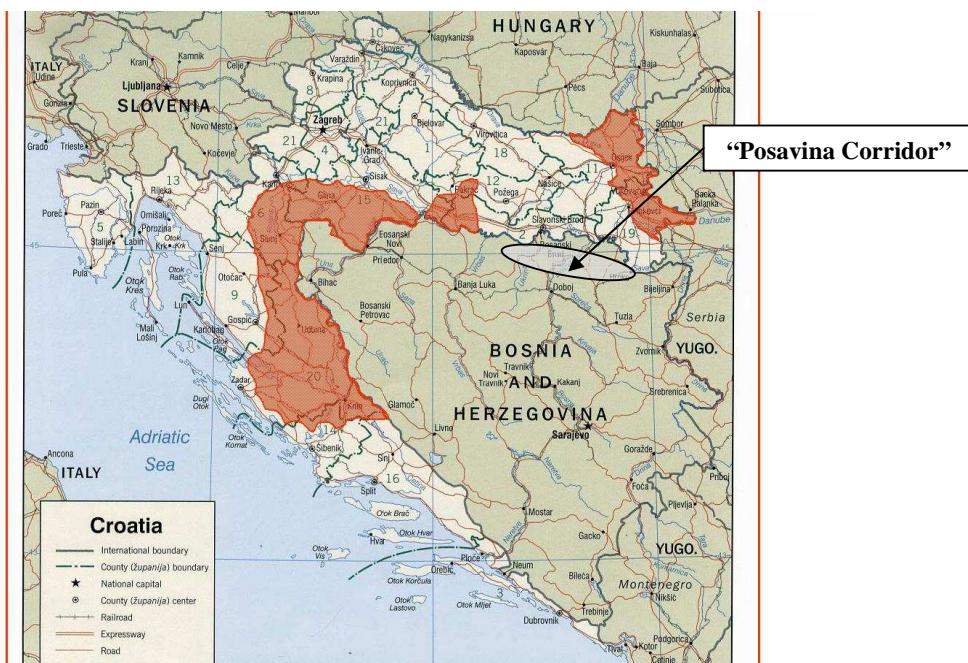
⁶²⁵ ERN BCS 0216-2272-0216-2272; Eng L006-8040-L006-8043, *Prijedor Declaration on the Unification of the RSK and RS*, 31 Oct 92, Para 3

⁶²⁶, ERN BCS 0216-2272-0216-2272; Eng L006-8040-L006-8043, *Prijedor Declaration on the Unification of the RSK and RS*, 31 Oct 92, Para 8

“RS” and the “RSK”, as it is the only land link between Krajina, Western Slavonia and the Western part of BiH and Serbia.

(b) Milan MARTIĆ describes the importance of Operation KORIDOR as follows:

When I start talking about the corridor and memories about those days, I can say that the battle of the corridor in 1992 is a question of survival of the people in this territory and, most certainly, one of the biggest battles in the history of Serbs.⁶²⁷



(c) The strategic importance of the Posavina Corridor - known as the “Second (Bosnian Serb) Strategic Goal” (“Establishment of a Corridor between Semberija and Krajina”)⁶²⁸ for the Serbs is also highlighted by Radovan KARADŽIĆ, President of the “SRBH”, at the 16th Session of the Serb People in BiH on 12 May 1992. According to KARADŽIĆ, the second “strategic goal” is of “utmost strategic importance for the Serbian people, because it integrates the Serbian lands”, not only in BiH, but also Croatia, and connects those with Serbia. “Krajina, Bosnian Krajina, Serbian Krajina, or the alliance of the Serbian states

⁶²⁷ See also ERN BCS 0280-7573-0280-7576; Eng ET 0280-7573-0280-7576, Article “We were certain to succeed” in “Vojska Krajine”, Nr 3, Jun 93, at page ET 0280-7573

⁶²⁸ The Six Strategic goals are described in PART III of this Report: Section ONE, Title 5: page 13

*is not feasible if we fail to secure the corridor...”.*⁶²⁹

(d) “RSK” forces (police and/or TO) at least during two time periods participate in VRS-led operations to (re)open the Posavina Corridor.

- i. On 06 June 1992, Milan MARTIĆ orders the “*Korenica, Vojnic and Glina Secretariats of Interior and the Benkovac, Korenica, Vojnic and Petrinja MUP Brigades*”, to establish “*volunteer police companies*”, of 100-120 men, armed with automatic weapons, “*in order to carry out tasks of interest for the Republic of Serbian Krajina and the Serbian people as a whole*”. These units are to wear camouflage uniforms bearing the “*Krajina Police insignia*”.⁶³⁰ Milan MARTIĆ issues a similar order on 10 June to the “*Vojnic, Glina and Okučani Secretariats of Interior and the Benkovac, Vojnic, Petrinja and Okučani MUP Brigades*”.⁶³¹
- ii. The Regular Combat Report Nr 01-81/141, dated 22 June 1992, by Colonel Marko VRCELJ, Commander of the 21st (“RSK”) TO brigade indicates that also heavy weapons (a multiple barrel rocket launcher) are sent.⁶³² A VRS War Diary covering the 24 June 1992 to 30 August 1992 mentions that the “RSK” MUP forces are part of Tactical Group 2.⁶³³
- iii. On 13 November 1992, Major General Milan TORBICA, Commander of the “RSK” TO, orders the Commander of the “RSK” Northern Dalmatia, Kordun, Banija TO Staffs to form two battalions, of 460 men (volunteers) each, from the “*PJM*” Brigades, and the Commander of the SBWS TO Staff to form two battalions (one from Baranja and one from Eastern Slavonia and Western

⁶²⁹ ERN BCS 0084-7711-0084-7761; Eng 0190-8511-0190-8570, *Minutes of the 16th Session of the Assembly of the Serbian People in BiH*, 12 May 92, at pages Eng 0190-8523-0190-8524; See also ERN BCS 0210-0267- 0210-0268; Eng ET 0210-0267- 0210-0268, *Decision regarding the Six Strategic Goals*, Momčilo KRAJIŠNIK, 12 May 92 (Same document under ERN BCS 0114-6063-0114-6063 ; Eng 0190-2431-0190-2431)

⁶³⁰ ERN BCS 0414-2974-0414-2974; Eng ET 0414-2974-0414-2974, *RSK MUP number 66-1*, Milan MARTIĆ, 05 Jun 92

⁶³¹ ERN BCS 0414-2975-0414-2975; Eng ET 0414-2975-0414-2975, *RSK MUP number 66-3*, Milan MARTIĆ, 10 Jun 92

⁶³² ERN BCS 0280-7895-0280-7895; Eng ET 0280-7895-0280-7895, *Regular Combat Report Nr. 01-81/141*, 22 Jun 92

⁶³³ ERN BCS 0130-4491-0130-4748; Eng L008-8274-L008-8548, *War Dairy 1*, Major Dimso MIČIĆ, 30 Aug 92 at page L008-8278

Srem), “with the aim of expanding the corridor and liberating all Serbian territories”.⁶³⁴

⁶³⁴ ERN BCS 0207-8184-0207-8186; Eng L006-3099-L006-3102, *Order 1147-1*, Major-General Milan TORBICA, 13 Nov 92

Report for Case IT- 04 - 75

Goran HADŽIĆ and the SAO SBWS/RSK TO - SVK
(1991-1993)

Glossary

Reynaud THEUNENS

October 2012

Report for Case IT-09-92

Ratko MLADIĆ and the JNA 2nd MD -VRS (1992-1995)

Glossary

- **AAG:** *armijsko-artiljerijska grupa* Army Artillery Group
- **ABiH:** *armija Bosne i Hercegovine* Muslim-dominated Army of the republic of Bosnia-Herzegovina (also known as “Armija”)
- **abr:** *artiljerijska brigada* Artillery Brigade
- **ad:** *artiljerijski divizion/divizijun* Artillery Division
- **AOR:** Area of Responsibility
- **ap:** *artiljerijski puk* Artillery Regiment
- **AP:** *automatska puška* automatic rifle
- **APC:** Armoured Personnel Carrier
- **APWB:** Autonomous Province of Western Bosnia (self-declared Muslim entity in Bosnia Herzegovina by Fikret Abdić) (see APZB)
- **APZB:** *Autonomna Pokrajina Zapadna Bosna* Autonomous Province of Western Bosnia (self-declared Muslim entity in Bosnia Herzegovina by Fikret ABDIĆ) (see APWB)
- **ARJ:** *artiljerijsko jedinica* Anti-Aircraft Missile Unit
- **Arkanovci:** Serbian paramilitary/volunteer group loyal to Željko RAŽNATOVIĆ (Arkan)
- **ARSK:** Army of the Republic of Serbia
- **Krajina (see SVK)**
- **ATJ:** *antiteroristička jedinica* Anti-Terrorist Unit
- **AVL:** *aktivna vojna lica* Active Duty Military Personnel
- **AVNOJ:** *anti-fašističko vijeće narodnog oslobođenja Jugoslavije* Anti-Fascist Council of the National Liberation of Yugoslavia (WW II)
- **b.:** *bataljon* Battalion
- **b/d:** *borbena dejstva* Combat operations
- **Beli Orlovi:** White Eagles. Serbian volunteer/paramilitary group loyal to Dragoslav BOKAN
- **b/g:** *borbena gotovost* Combat Readiness
- **BiH:** *Bosna I Hercegovina* Bosnia-Herzegovina
- **B/k:** *borbeni komplet* Combat Set
- **BOV:** *borbeno oklopno vozilo (BOV)* Armoured Combat Vehicle
- **br.:** *brigada* Brigade
- **brp:** *bojna remontne potpore* Technical support battalion
- **brrp:** *brigada remontne potpore* Technical support brigade
- **brTO:** *brigada teritorijalne odbrane* Territorial Defence Brigade
- **BSA:** Bosnian Serb Army (see VRS)
- **bTO:** *bataljon teritorijalne odbrane* Territorial Defence battalion

- b/v: <i>borbeno vozilo</i>	Combat vehicle
- bVP: <i>bataljon vojna policija</i>	Military Police battalion
- c.: <i>četa</i>	Company
- CAS:	Close Air Support
- CGS:	Chief of the General Staff
- CJB: <i>centar javne bezbednosti</i>	Public Security Center
- CloB: <i>centralna logistička baza</i>	Central Logistics Base
- COS:	Chief of Staff
- CSB: <i>centar službi bezbednosti</i>	Security Services Centre
- cTO.: <i>četa teritorijalne odbrane</i>	Territorial Defence Company
- CZ: <i>civilna zaštita</i>	Civil Protection
- d.: <i>divizija</i>	Division
- D-2:	Type of Diesel fuel
- DB: <i>državna bezbednost</i>	State Security
- DG: <i>diverzantska grupa</i>	Sabotage Group
- DK: Drina Korpus	Drina Corps
- DTG: <i>diverzantsko-teroristička grupa</i>	Sabotage-Terrorist Group
- DPO: <i>Drustveno-politicka organizacija</i>	Social Political Organisation
- DPZ: <i>društveno - politička zajednica</i>	Social Political Community (Organ)
- Dušan Silni: Serbian volunteer/paramilitary group	
- ECMM:	European Community Monitoring Mission
- FRY: Federal Republic of Yugoslavia (successor to the SFRY; see SRJ)	
- GL: <i>gradansko lice na službi u JNA</i>	Civilian employee in the JNA
- gmbR: <i>gardiska mehanizovana brigada</i>	Guards Mechanised Brigade
- gmtbr: <i>gardiska motorizovana brigada</i>	Guards Motorised Brigade
- GŠ: <i>glavni Štab</i>	Main Staff (predecessor to the General Staff in VRS)
- GŠ: <i>generalni Štab</i>	General Staff (VJ)
- hab: <i>haubička baterija</i>	Howitzer Battery
- HDZ: <i>hrvatska demokratska zajednica</i>	Croatian Democratic Union
- HDZ-BiH: <i>hrvatska demokratska zajednica Bosna I Hercegovina</i>	Croatian
- Democratic Union Bosnia-Herzegovina	
- HK: <i>Hercegovina Korpus</i>	Hercegovina Corps
- HV: <i>hrvatska vojska</i> (successor to ZNG)	Croatian Armed Forces
- HVO: <i>hrvatska vijeće odbrane</i>	Croatian Defence Council (Armed forces of the Bosnian Croats)
- HZHB: <i>hrvatska zajednica Herceg-Bosna</i>	Croatian Community of Herceg-Bosnia (self-declared state of the Bosnian Croats in BiH)
- ICFY: International Conference for the Former Yugoslavia (peace talks and from Fall 1994 on, border monitoring mission between BiH and FRY)	
- IBK: Istočki Bosna Korpus	Eastern Bosnia Corps
- ICRC:	International Committee of the Red Cross
- Idg: <i>izvidačko-diverzantska grupa</i>	Reconnaissance Sabotage Group
- IKM: <i>istureno komandno mjest/mesto</i>	Forward Command Post

- IMS, InMS: <i>intendantska materijalna sredstva</i>	quartermaster supplies
- InOb: <i>intendantsko obezbjedenje</i>	quartermaster support
- Iod: <i>izviđački odred</i>	Reconnaissance detachment
- J.: <i>jedenica</i>	Unit
- JA: <i>jugoslovenska armija</i>	Yugoslav Armed Forces; successor to JNA (see also VJ)
- JATD: <i>jedinica za antiterorističko dejstvo/delovanje</i>	anti-terrorist operations
- unit	
- JNA: <i>jugoslovenska narodna armija</i>	Yugoslav People's Army
- JOd: <i>jurišni odred</i>	Assault Detachment
- JS: <i>javna segurnost</i>	Public Security
- JSO: <i>jedenica Specijalna Operacija</i>	Special Operations Unit (MUP of Serbia)
- JUL: <i>jugoslovenska ujedinjenjo levice</i>	Yugoslav United Left (FRY)
- JV: <i>jedinice veze</i>	Communications Unit
- k.,K.: <i>korpus</i>	Corps
- KAG: <i>korpusna artiljerijska grupa</i>	Corps Artillery Group
- K-da: <i>komanda</i>	Command
- K-dant: <i>komandant</i>	Commander, Commanding Officer
- KK: <i>Krajina Korpus</i>	Krajina Corps
- KM: <i>komandno mesto</i>	Command Post
- KOS: <i>kontrobevestajna služba</i>	Military Counterintelligence
Service (colloquial and obsolete term used for both the SFRY Armed Forces Security Administration (UB: Uprava Bezbednosti))	
- KoV: <i>kopena vojska</i>	Land/Army/Ground forces
- KSJ: <i>Korpus specijalnih jedinica</i>	Corps of Special Units (VJ)
- LAP: <i>laki artiljerijski puk</i>	Light Artillery
- lbr: <i>laka brigada</i>	Light Brigade
- lpbr: <i>laka pješadijska brigada</i>	Light Infantry Brigade
- LRZ: <i>logor za ratne zarobljenike</i>	prisoner of war camp
- m: <i>mehaniziran</i>	mechanised
- MAD: <i>mješoviti artiljerijski divizion</i>	Mixed Artillery Division
- MAP: <i>mješoviti artiljerijski puk</i>	Mixed Artillery Regiment
- Martićevci: Colloquial name for the police of the Serb-held Krajina in Croatia (aka Milicija), named after its founder, Milan MARTIĆ	
- MBO: <i>muslimanska bošnjačka organizacija</i>	Muslim Bosniak Organisation
- md: <i>mehanizovana divizija</i>	Mechanised Division
- MD:	Military District (JNA)(see VO)
- Mechanised:	unit using tracked vehicles
- MES: <i>minsko-eksplozivna sredstva</i>	Mines and explosives, explosive ordnance
- MO: <i>Ministarstvo Odbrane</i>	Ministry of Defence (MOD)
- MOD:	Ministry of Defence
- Motorised:	unit using wheeled vehicles
- Mpoab: <i>mješoviti protivoklopni artiljerijski bataljon</i>	Mixed Artillery Battalion
- Mopoad: <i>mješoviti protivoklopni artiljerijski divizion</i>	Mixed Artillery Division
- Mpoabr: <i>motorizirana protuoklopna artiljerijska brigada</i>	Mixed Artillery Brigade
- MR: <i>materijalne rezerve</i>	Material Stockpiles/reserve

- MS: materijalna šredstva	Material resources
- msd: motostreljačka divizija	Motorised Rifle Division
- mt: motorizovan	Motorised
- MTS: materijalno-tehnička sredstva	Material and Technical Equipment
- mtb: motorizovan bataljonska	Motorised Battalion
- mtbr: motorizovana brigada	Motorised Brigade
- mtd: motorizovana tenkovska divizija	Motorised Tank Division
- MUP: ministarstvo unutrašnjih poslova	Ministry of Interior
- m/v: motorno vozilo	motor vehicle
- MVPP: moral, vjerski i pravni poslovi	moral guidance, religious and legal affairs
- NATO:	North Atlantic Treaty Organisation
- NBJ: narodna banka jugoslavije	National Bank of Yugoslavia
- NC: Nastavni centar	Training Centre
- NDH: nezavisna država hrvatska	Independent State of Croatia during the Second War, led by Ante PAVELIĆ
- NGŠ: načelnik generalštaba	Chief of the General (or Main) Staff (CGS)
- NO: narodna odbrana	People's (or National) Defence
- NOP: nastavno-operativni poslovi	Operations and Training
- NŠ: načelnik štaba	Chief of Staff
- NTS: načelnik tehničke službe	Chief of Technical Services
- NVO: Naruzanje i vojna oprema	Armament and Military Equipment
- OB: odeljenje bezbednosti	Security Department
- OB: organi bezbjednosti	Security Organ
- OB: obaveštajna služba/obaveštajna služba	Intelligence Service
- ObC: obaveštajni centar	Intelligence Center
- o., od: odjeljenje/odeljenje	Department, Section (or Squad)
- OC: operativni centar	Operations Center
- Od: odret	Detachment
- OkŠTO: okružni štab teritorijalne odbrane	District Territorial Defence Staff
- OG: operativna grupa	Operational Group
- Okb: oklopni bataljon	Armoured Battalion
- Okbr: oklopna brigada	Armoured Brigade
- Omb: oklopni mehanizovani bataljon	Armoured Mechanised Battalion
- ONO: opstena rodna odbrana	All People's Defence
- OS: oružane snage	Armed Forces
- OS BiH: odbrambene snage bosne i hercegovine	The Defence Force of Bosnia-Herzegovina (forerunner of the ABiH)
- OŠ: Opštinski štab	Municipal Headquarters/ Municipal Staff
- oTO: odjeljne teritorijalne obrane	Territorial Defence Squad
- Ot, OT: oklopni transporter	Armoured Personnel Carrier (APC)
- ov: oklopno vozilo	armoured vehicle

- OUR: <i>organizacija udruženog rada</i>	Organisation of associated labour
- OZ: <i>operativna zona</i>	Operative/Operational Zone
- p., puk: <i>puk/pukovnija</i>	Regiment
- PAA: <i>protivavionska artiljerija</i>	Anti-Aircraft Artillery (AA)
- Partizans: Communist "all nationalities" guerrilla movement during WW II, led by Josip "TITO" Broz, dominated by Serbs and Montenegrins but with strong Croatian, Macedonian, Slovene, Albanian and Muslim participation in various regions	Anti-Aircraft Artillery (AA)
- PAP: <i>poluautomatska puška</i>	semi-automatic rifle
- Pb: <i>pješadijski/pešadijski bataljon</i>	Infantry Battalion
- Pbr: <i>pješadijska/pešadijska brigada</i>	Infantry Brigade
- Pd: <i>pješadijska/pešadijska divizija</i>	Infantry Division
- Pd: <i>Partizanski divizija</i>	Partisan Division
- Pgmb: <i>proleterske gardijska mehanizovana brigada</i>	Proletarian Guards
- Mechanised Brigade	Mechanised Brigade
- Pgmd: <i>proleterske mehanizovana divizija</i>	Proletarian Guards Mechanised
- Division	Division
- PIM: <i>protivtenkovska mina</i>	Antitank mine
- PJP: <i>posebna jedinica policije</i>	Special Police Unit
- PKM: <i>pozadinsko komandno mesto</i>	Rear Command Post
- PMP: <i>popuna, mobilizacija i personalna</i>	recruitment, mobilization and personnel
- p/n: <i>protivnapad</i>	counterattack
- PM: <i>puškomitrailjez/puškostrojnica</i>	submachine gun
- PNŠ: <i>pomoćnik načelnika štaba</i>	Assistant Chief of Staff (ACOS)
- PoB: <i>pozadinska baza</i>	Rear base
- POB: <i>protivoklopna borba</i>	Anti-Armour combat
- pob: <i>protuoklopni bataljun</i>	Anti-armour battalion
- Pod: <i>prednji odred</i>	Advance Guard
- PoOB: <i>pozadinsko obezbedenje</i>	Logistical Support
- POOd: <i>protivoklopni odred</i>	Anti Armour Detachment
- POW:	Prisoner of War
- pp, ppuk: <i>pešadijski puk</i>	Infantry Regiment
- PP: <i>protupješadijski</i>	Anti-personnel (AP)
- PPM: <i>protivpješadijska mina</i>	Anti-personnel Mine
- PS: <i>Pravila službe</i>	Service Regulation
- Pt, PT: <i>protivtenkovski</i>	Anti-tank
- Ptap: <i>protiv-tenkovski artiljerijski puk</i>	Anti-tank artillery regiment
- Ptbr: <i>protivtenkovska baterija</i>	Antitank battery
- PTO: <i>protivtenkovska odbrana</i>	Anti-tank defence
- PVL: <i>profesionalna vojna lica</i>	Professional Serviceman
- PU: <i>policijska uprava</i>	Police Department
- p/u: <i>protivudar</i>	counterattack
- pvf: <i>formacija</i>	formation/unit
- PVO: <i>protivvazdušna odbrana</i>	Anti-Aircraft Defence
- PZS: <i>protivzračna samohotka</i>	self-propelled anti-aircraft gun
- PZT: <i>protivzračni top/topništvo</i>	anti-aircraft gun
- rb, RB: <i>ručni bacač</i>	hand-held rocket launcher
- RBiH: <i>Republika Bosne i Hercegovine</i>	Republic of Bosnia-Herzegovina
- RDB: <i>resor državne bezbednosti</i>	Department of State Security

- RH: <i>Republika Hrvatske</i>	Republic of Croatia
- RIK: <i>rukovodjenje I komandovanje</i>	Command and Control
- RIM: <i>regrutovanje i mobilizacija</i>	Conscription and Mobilisation
- RJB: <i>resor javne bezbednosti</i>	Department of Public Security
- RM: <i>tatna mornarica</i>	Navy
- RMP: <i>popuna, mobilizacija i personalna</i>	Recruitment, Mobilisation and personnel
- RMS: <i>ratna materijalna sredstva</i>	war material and equipment
- RR: <i>ratni raspored</i>	wartime assignment/posting
- RS: <i>Republika Srpska</i> state of Serbs in BiH)	Serb Republic (Self-declared
- RSK: <i>Republika Srpska Krajina</i>	Republic of Serb Krajina (Self-declared state of the Serbs in Croatia)
- RVI: <i>ratni vojni</i>	Disabled War Veteran
- RV i PVO: <i>ratno vazduhoplovstvo I protivvazdušne odbrane</i>	Air Force and Air Defence (JNA)
- Š.: <i>Štab</i>	Staff
- SAJ: <i>specialnija antiteroristička jedinica</i>	MUP anti-terrorist Unit
- SAO: <i>Srpska autonomna oblast</i>	Serbian Autonomous Region (Self-declared Serb areas in Croatia or Bosnia-Herzegovina)
- SBO: <i>sremsko baranjska oblast</i>	Srem-Baranja Region
- SBWS:	Slavonia, Baranja and Western Sirmium (Srem)
- SČP: <i>srpski Četnički pokret</i>	Serbian Chetnik Movement
- SDA: <i>stranka demokratske akcije</i>	Party for Democratic Action (Muslim) (Bosnia-Herzegovina)
- SDB: <i>služba državne bezbednosti</i>	State Security Service
- SDB: <i>Srpska državna banka</i>	Serbian National Bank
- SDC:	Supreme Defence Council (FRY) (See VSO)
- SDG: <i>srpska drovoljačka garda</i>	Serbian Volunteer Guard (aka Arkan Tigers)
- SDP: <i>stranka demokratska promena</i>	Party of Democratic Changes (Croatia) (Reformed Communist Party)
- SDK: <i>služba društvenog knjigovodstva</i>	State Accounting Service
- SDS: <i>sprska demokratska stranka</i>	Serbian Democratic Party
- SDS SZ: <i>SDS srpski zemalja</i>	Serbian Democratic Party of Serbian Lands
- Šešeljevci: <i>volunteer/paramilitary group loyal to the leader of the Serbian Radical Party, Vojislav ŠEŠELJ</i>	volunteer/paramilitary group loyal to the leader of the Serbian Radical Party, Vojislav ŠEŠELJ
- SFRJ: <i>socialistička federativna republika jugoslavija</i>	Socialist Federal Republic of Yugoslavia
- SITREP:	Situation Report
- SIV: <i>savezno izvršno vijeće</i>	Federal Executive Council
- SJB: <i>služba javne bezbednosti</i>	Public Security Service
- SJB: <i>stanica javne bezbednosti</i>	Public Security Station
- Sk: <i>skladište</i>	depot, dump, magazine,

		warehouse
-	SKJ: <i>savez komunista jugoslavije</i>	League of Communists of Yugoslavia
-	SK-PJ <i>savez komunista - pokret za jugoslaviju</i>	Movement for Jugoslavia – League of Communists of Yugoslavia
-	SKS: <i>savez komunista srbiye</i>	Serbian League of Communists
-	SMB: <i>sivo-maslinasta (uniforma)</i>	olive-grey (uniform)
-	SNO: <i>Srpska narodna obnova</i>	Serbian National Renewal (Party)
-	SnOb: <i>sanitetsko obezbjedenje</i>	Medical Support
-	SNS: <i>Srpski narodni savez</i>	Serbian National Alliance
-	SOS: <i>Srpske odbrambene sile</i> (paramilitary group in BiH)	Serbian Defence Forces (Serb
-	SPO: <i>Srpski pokret obnove</i>	Serbian Renewal Movement
-	SPS: <i>Socialistička partija srbiye</i>	Socialist Party of Serbia
-	SRBiH: <i>Socialistička Republika Bosne i Hercegovine</i>	Socialist Republic of Bosnia-Herzegovina
-	SRBiH: <i>Srpske Republike Bosne I Hercegovine</i>	Serb Republic Of Bosnia- Serbs in BiH)
-	SRJ: <i>Savezna Republika Jugoslavia</i>	Federal Republic of Yugoslavia (replaced SFRY; see FRY)
-	SRK: <i>Sarajevsko-romanijiski korpus</i>	Sarajevo-Romanija Corps (VRS)
-	SRS: <i>Srpska radikalna stranka</i>	Serbian Radical Party
-	SSDB: <i>Sektor službe državne bezbednosti</i>	State Security Service Sector
-	SSJB: <i>Sektor službe javne bezbednosti</i>	Public Security Service Sector
-	SSK: <i>Srpska stranka krajine</i>	Serbian Party of Krajina
-	SSNO: <i>Savenzi sekretariat za narodnu odbranu</i>	Federal Secretariat for People's (or National) Defence
-	SSUP: <i>Savezni sekretariat unutrašni poslova</i>	Federal Secretariat of Internal Affairs
-	STO: <i>snage teritorijalne odbrane</i>	Territorial Defence forces
-	ŠTO: <i>štab teritorijalne odbrane</i>	Territorial Defence Headquarters (Staff)
-	SUP: <i>Sekretariat unutrašnji poslova</i>	Secretariat for Internal Affairs
-	SVK: <i>Štab Vrhovne komande</i>	Supreme Command Staff (SFRY)
-	SVK: <i>Srpska vojska krajine</i> also ARSK)	Serbian Army of Krajina (see
-	SVLR: <i>samohodni višecijevni lanser raketa</i>	self-propelled multiple rocket launcher
-	TANJUG: <i>Telegrafska agencija nove Jugoslavije</i>	Yugoslav (state) press agency
-	tč: <i>tenkovska četa</i>	Tank Company
-	tb: <i>tenkovski bataljon</i>	Tank Battalion
-	tbr: <i>tenkovska brigada</i>	Tank Brigade
-	TG/tg: <i>taktička grupa</i>	Tactical Group
-	TMS, tms: <i>technička materijalna Šredstva</i>	Technical Equipment and Material
-	TO: <i>Territorijalna odbrana</i>	Territorial Defence
-	Tp: <i>tenkovski puk</i>	Tank Regiment
-	TRD: <i>topničko raketni divizion</i>	Artillery & Rocket Battalion

- **TRZM:** *tehnički remontni zavod municije* Ammunition Repair Depot
- **TRZ:** *tehnički-remontni zavod* Maintenance and Repair Depot
- **tv:** *tenkovski vod* Tank Platoon
- **TSk:** *tajno skladište* cache
- **TSI:** *tehnička služba* Technical Service
- **TU:** *tehnička uprava* Technical Department
- **UB:** *uprava bezbednosti* Security Administration
- **UbS:** *ubojna sredstva* weapons, ammunition, explosives
- **UDBA:** *uprava državne bezbednosti* State Security Administration
- **UNCIVPOL:** United Nations Civil Police
- **UNCRO:** United Nations Confidence Restoration Operation (successor to)
- **UNPROFOR** in Croatia on 01 April 1995)
- **UNPREDEP:** United Nations Preventive Deployment (UN Peacekeeping mission in FYROM – Macedonia)
- **UNHCR:** United Nations High Commission for Refugees
- **UNMO:** United Nations Military Observer
- **UNPA:** United Nations Protected Area (Croatia)
- **UNPF:** United Nations Peace Forces (successor to UNPROFOR on 01 April 1995 in the former Yugoslavia)
- **UNPROFOR:** United Nations Protection Force (in Croatia until 31 March 1995 and Bosnia-Herzegovina until December 1995)
- **UNS:** *uprava namjenske proizvodnje* Defence Industry Department
- **v.:** *vod* Platoon
- **VBR:** *višecijevni/višecevni bacač raketa* multiple barrel rocket launcher (MBRL)
- **VES:** *vojnoevidenciona specijalnost* military occupational specialty (military function number)
- **VJ:** *Vojska Jugoslavije* Armed Forces of FRY (successor to the JNA) (See JA)
- **VK(OS):** *vrhovna komanda (oružanih snaga)* Supreme Command (of the Armed Forces)
- **VMA:** *vojnoredicinska akademija* Military Medical Academy
- **VO:** *vojna oblast* Military District (JNA)
- **VO, Vod:** *vojni odsek (S)* Military Department
- **vlo:** *vojni obveznik* man liable for military service, military-age man, conscript
- **VOPP:** Vance-Owen Peace Plan
- **VP:** *vojna policija* Military Police
- **VP:** *vojna pošta* Military Post/Military Unit Number
- **VP:** *vatreni položaj* combat/firing position
- **VPO:** *vojno-pomorska oblast* Military Naval District
- **VRS:** *vojska republike srpske* Forces of the self-proclaimed RS)
- **VSO:** *vrhovi savet odbrane* Supreme Defence Council (FRY) (see SDC)
- **VSRJ:** *Vojska Savezne Republike Jugoslavije* Armed Forces of FRY (see VJ)

- **VŠ:** *vrhovni štab* Supreme Headquarters, Supreme Staff
- **VT:** *vatrena tačka* firing position
- **VT:** *Vojno tužilaštvo* Military Prosecutor's office
- **YPA** Yugoslav People's Army (see JNA)
- **ZINVOJ:** *Združena industrija namjenske vojne opreme Jugoslavije* Yugoslav Association of Arms and Military Equipment Industries
- **ZMTP:** *zaštitni motorizovani puk* Motorised Protection Regiment
- **ZNG:** *Zbor narodne garde* (Croatian) National Guard Corps (predecessor to the Croatian Army HV)
- **ZnŠTO:** *zonski štab teritorijalne odbrane* Territorial Defence Zone Staff
- **ZO:** *zona odgovornosti* area of responsibility (AOR)
- **ZONO:** *zakon o opštenarodnoj odbrani* All People's Defence Law
- **ZpM:** *zapovjedno m(j)esto* Command Post