

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

Case No. IT-05-88-T

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost
Judge Ole Bjørn Støle, Reserve Judge

Registrar: Mr. Hans Holthuis

Date filed: 31 March 2008

**THE PROSECUTOR
v.
VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVČANIN
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

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**NOTICE OF DISCLOSURE OF AN EXPERT WITNESS REPORT PURSUANT
TO RULE 94bis**

The Office of the Prosecutor

Peter Mc Closkey

Counsel for the Accused

Zoran Živanović and Mira Tapušković, Counsel for Vujadin Popović
John Ostojić and Christopher Meek, Counsel for Ljubiša Beara
Jelena Nikolić and Stéphane Bourgon, Counsel for Drago Nikolić
Aleksandar Lazarević and Christopher Gosnell, Counsel for Ljubomir Borovčanin
Natacha Fauveau Ivanović and Nenad Petrušić, Counsel for Radivoje Miletić
Dragan Krgović and David Josse, Counsel for Milan Gvero
Peter Haynes and Đordje Sarapa, Counsel for Vinko Pandurević

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Further to the *Order on Close of Prosecution Case-in-Chief, Rule 98bis Proceedings, Defence Rule 65ter Filings, Pre-Defence Conference and Commencement of the Defence Case*, rendered on 29 November 2007 (the ‘Order’), amended by the Trial Chamber during the hearing on 13 December 2007 (the “Oral Amending Order”) and the *Trial Chamber’s Decision on Nikolić’s Motion Seeking an Extension of Time for Filing of Military Expert Report* of 31 March 2008 (the ‘Trial Chamber’s Decision’), Counsel for the Defence of Drago Nikolić (the “Defence” or the “Accused”) hereby file this *Notice of Disclosure of an Expert Witness Report Pursuant to Rule 94bis* (the “Defence Notice”) pursuant to Articles 20 and 21 of the Statute of the International Criminal Tribunal for the former Yugoslavia (the “Statute” and the “International Tribunal”) and Rule 94bis of the Rules of Procedure and Evidence of the International Tribunal (the “Rules”).

1. Pursuant to the Order and the Oral Amending Order, the Trial Chamber held that military expert reports should be made available to the Prosecution by 31 March 2008.¹
2. As mentioned in the *Motion on Behalf of Drago Nikolić Seeking an Extension of Time for the Filing of a Military Report*, filed on 25 March 2008 (the “Defence Motion”), the Defence intends to adduce in evidence two reports prepared by experts which are included in the category of ‘military experts’, namely:

VUGA, Petar – Report on the organization of the Security Branch of the VRS and the duties and responsibilities of the Brigade Assistant Commander for Security in July 1995.

LANDRY, Rémi – The conduct of military activities at the Corps, Brigade and Battalion levels, and the duties and responsibilities of Brigade Command Officers.

3. Pursuant to the Order, Oral Amending Order and Rule 94bis, the Defence hereby provides notice of its disclosure of the expert report prepared by Petar Vuga, a copy of which is enclosed in Annex A and a copy of his CV in Confidential Annex B. The

¹ T.19259, lines 20 to 25.

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first part of Mr. Vuga's report, namely "General Section", will be used jointly by both the Nikolić and the Popović Defence teams as opposed to the second part – "Special Section" – which will only be used by the Nikolić Defence team. The English version of the report is an official translation by CLSS. However, considering that the Defence has submitted a number of suggestions for corrections to the translation, the corrected version of the English report will be submitted as soon as it is provided by CLSS.²

4. As for the second military expert, Lieutenant Colonel (R) Rémi Landry – who has only recently been assigned by Office of Legal Aid and Detention on 27 March 2008 – as stated in the Defence Motion, his report cannot be made available at this time.
5. Further to the Trial Chamber's Decision, in which an extension of time for the filing of this expert report has been granted, the Defence is at this time providing a summary of the issues on which Lcol Landry (R) has been asked to prepare his report. This summary is enclosed in Confidential Annex C.

RELIEF SOUGHT

6. The Defence respectfully requests the Trial Chamber to take notice of:
 - a. Disclosure to the Prosecution of the expert report provided by Mr. Peter Vuga;
and
 - b. Disclosure of the summary of the issues addressed in the report to be completed by Lcol Landry (R).

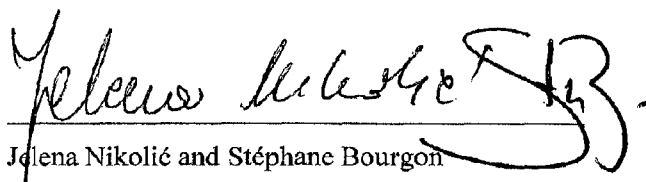
Word Count: 725 words

RESPECTFULLY SUBMITTED ON THIS 31st DAY OF MARCH 2008

COUNSEL FOR THE ACCUSED DRAGO NIKOLIĆ

² The English translation of the complete report was received on Friday afternoon, 28 March 2008. The Defence submitted suggestions for corrections immediately on Monday morning, 31 March 2008 and is expecting CLSS to provide a corrected version in a matter of days.

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A handwritten signature in black ink, appearing to read "Jelena Nikolic" followed by a large, stylized flourish that resembles a capital "B" with a horizontal bar.

Jelena Nikolić and Stéphane Bourgon

Counsel for Drago Nikolić

ANNEX A

EXPERT REPORT

Retired Colonel
Petar Vuga

Belgrade, 31 March 2008

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I GENERAL SECTION

1. DEFINITION OF SECURITY AND ITS SPECIAL CHARACTERISTICS

1.1. At the request of the Defence of Vujadin POPOVIĆ and Drago NIKOLIĆ, this report presents the function, scope of work, tasks and powers of VRS /Army of Republika Srpska/ security organs and the competences of security organs of the Drina Corps Command (KDK) and the Command of the 1st Zvornik Infantry Brigade (ZB) in June and July 1995.

1.2. During its existence, the Army of Republika Srpska (VRS) applied for the most part and without any significant changes the conceptual and doctrinal solutions and regulations of the former Yugoslav People's Army (JNA). The same was also true of regulations in the field of military security and defence of Republika Srpska (RS). In spite of similarities with defence and security systems in other countries, doctrinal solutions in these fields also had significant distinct characteristics. The entire defence and security system of the Socialist Federative Republic of Yugoslavia (SFRY) was based on the original concept of all-people's defence (ONO) and social self-protection (DSZ). ONO was the view of the Yugoslav self-managed society on war and its attitude toward war. ONO represents a theoretical elaboration and practical application of the theses of the classics of Marxism on the armed people. Social self-protection (DSZ) was a function of the self-managed society of the SFRY and included an organised system of measures and activities aimed at achieving security. DSZ, together with ONO, constitutes a unified defensive and protective system. The basis for the organisation and creation of ONO and DSZ is defined in the SFRY Constitution and the constitutions of the republics and autonomous provinces.¹

1.3. In accordance with this, the security service in the armed forces of the SFRY, and thus the VRS, differed significantly from other military services, which will be explained in more detail in the next sections of this report.

1.4. The complexity of security activities and their significance require expert and comprehensive analysis.

1.5. Definition of security

With regard to its essence and real meaning, security is defined as **a condition, an organisation and a function.**²

(i) As **a condition**, security is the state of protection of an asset, value or heritage of society. Therefore, conceptually and practically security implies **a threat, which** causes the need for **protection and safeguarding**, that is, for security.

(ii) Security as **an organisation** implies a specialised structure or special organs linked into a functional whole that carry out certain activities and tasks in a specific way prescribed by the law.

¹ Military Encyclopaedia, Military Publishing House, Belgrade, pages 118 and 366, ERN 0400-2219-0400-3347

² Military Encyclopaedia, Military Publishing House, Belgrade, page 56, ERN 0400-2219-0400-3347

(iii) Security as **a function** is a permanent, systematic, conscious and rational activity aimed at achieving a state of security (protection).

(iv) The function and organisation constitute **the security system**.

(v) In practical terms, the concept of security in the VRS meant that security entities had to act in response to a demonstrated threat in order to achieve the necessary or specified level of protection of commands, staffs and units of the Army and the territory of the RS /Republika Srpska/, each within the scope of work and tasks assigned to them.

1.6. Security entities

1.7. Action by security entities was mandatory against all threatening activities and those responsible for them from outside or inside the VRS and in the territory in its zone of responsibility.

1.8. The organisation of the security system encompassed all security entities, i.e. individuals, commands, staffs and institutions, specialist services (intelligence organs, security organs and the military police), as well as the population in the zone of combat operations.

1.9. The role, tasks, competence and method of action of security entities were either defined by means of appropriate rules, guidelines, instructions and orders inherited from the former JNA and the SFRY, or own regulations were prescribed based on them, depending on the concrete conditions.

1.10. Security organs (OB) and the military police performed the security function as an independent function, while all other security entities performed the security function within their establishment duties and tasks, as well as the roles they performed in the military organisation.

1.11. Security occurrences and processes

1.12. A more detailed and complete knowledge of the characteristics of security occurrences and processes, their appearance and the activities of their organisers and perpetrators is one of the most important prerequisites for a qualified discussion and understanding of the problems which are the subject of this report.

1.13. Security occurrences and processes are the result of conscious and voluntary human activity.

1.14. The above-mentioned causal relationship and interdependence between **the threat and protection (security)** is the key starting point for understanding and interpreting this activity.

1.15. The characteristics and methods of action of the organisers and perpetrators of threats almost imperatively influence organisational solutions and operational methodologies for the protection of threatened values

1.16. Human practice has shown that there are a large number of organisers and perpetrators of threatening activities, and their destructive activities are present in almost all segments of society and aimed against its significant values.

1.17. Experience has confirmed that the organisers and perpetrators of destructive activities (threats) do not have any moral, legal or methodological restrictions, and that they are comprehensively perfecting their destructive activity.

1.18. In opposition to that, protection from the previously described activity is provided in accordance with prescribed rules and organisational forms, which are standardised, and therefore significantly restricted and static in comparison with the diverse and surprising methods, means and goals of activities of those responsible for destruction (instigators, organisers, perpetrators, accomplices).

1.19. Threatening protected social values, features and institutions is forbidden by law and other regulations and is subject to legal sanctions, so those responsible for these activities strive to remain undetected and inaccessible to the security system and prosecution organs.

1.20. For this reason, very wide-spread and sophisticated secret methods of organised destructive activity have appeared and with the engagement of small forces, it is possible to cause exceptionally high human casualties, as well as devastating physical and moral consequences on the attacked side. Secret methods include organised destructive activities which are skilfully concealed behind other regular and everyday social activities and are thus very difficult to detect. As such, they are unrecognisable and inaccessible to people who are not professionally educated about this or not informed at all.

1.21. A special problem lies in the fact that secret threatening processes and occurrences are deeply hidden in other areas and layers of social reality, and their organisers and perpetrators are camouflaged and “concealed” behind various common public and regular roles and activities.

1.22. For this reason, prompt detection and prevention of this kind of hidden destructive activity is one of the most difficult, complex and important parts of the security function, and a special methodology and special organisation is necessary for achieving this.

1.23. This part of the security function in the VRS, known under the name “counter-intelligence work” (same as in the JNA and the SFRY), was performed by security organs, which were responsible for these activities and tasks. Nobody else could take

over their role, competence and powers in that domain. This had absolute priority in comparison with all other tasks within the prescribed scope of work of the OB.³

1.24. The armed forces of the RS, and especially the VRS, as the most important part of the defence system, were a priority target for the enemy and were always the main target of the activities of those responsible for secret and other kinds of threats to security, especially at times of armed conflict. In such circumstances, the command system and security organs must fully establish clear priorities in confronting threatening activities and those responsible for them.

1.25. This is especially important because the secrecy and links between threatening occurrences and other social occurrences and the lack of easily detectable, clear and firm borders between them create huge difficulties in ascertaining when and where secret threats to security begin and who their real organisers and perpetrators are.

1.26. To those with little knowledge of this field, secret threats to security remain invisible and inaccessible until their visible consequences occur. When they occur, the security system has not achieved its protective goal, because its preventive role has not been fulfilled.

2. REGULATIONS ON THE FUNCTION OF SECURITY ORGANS AND THE MILITARY POLICE IN THE ARMY OF REPUBLIKA SRPSKA

Introduction

2.1. This part of the report will present the relevant provisions of the regulations governing security and protection in the VRS, or rather, the provisions adopted from the former JNA that were used without any significant modifications in VRS commands, units and staffs.

2.2. This part will also draw a distinction between the scope of work, competence and powers of security organs and the scope of work, competence and powers of the military police.

2.3. Finally, this part of the report will explain more concretely the relationship between command organs on the one hand and security organs and the military police (VP) on the other hand.

2.4. By October 1994, inadequate and inconsistent application of regulations governing command and control over security and intelligence organs in the VRS was observed. For this reason, on 24 October 1994, the VRS GŠ /Main Staff/ issued Instructions⁴ which were mandatory for all officers in organisational and establishment units of the VRS who had security organs and exercised command over them. The instructions prescribed the strict application of existing regulations on the

³ Instructions on command and control over the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741

⁴ Instructions on command and control over the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741

work of security and intelligence organs in the VRS, and defined the essence of their relations and their engagement on duties within their competence.

2.5. In spite of the Instructions, based on the documents which were shown to me, I came to the conclusion that individual command organs did not consistently implement the duties defined in the Instructions. This will be discussed in the following parts of the report.

Provisions on security in the Law on Defence of the RS

2.6. *The Law on Defence* is the basic legal document dealing with defence issues, including the issue of security.⁵

2.7. Article 4 of the above-mentioned Law prescribes among other things that the Republic [...] *“organises, commands and controls the army [...] takes steps to eliminate the causes and consequences of any danger to the population, property and cultural heritage in peace- and wartime ...”*

2.8. In addition, Article 7, item 3, of this Law states that in the organisation of defence preparations, the President of the Serbian Republic of Bosnia and Herzegovina [...] *“commands and controls the army both in peace- and wartime”*.

2.9. Therefore, it is stated unambiguously that security in the field of defence is within the area of competence of the highest authorities of the RS, and also that the President of the Republic, as the commander-in-chief, has full command and control over the Army, and thus also the security function in the Army.

2.10. The Law on Defence prescribes that *“the organisation of the Army of the Republic shall be regulated by a special law, in accordance with the Constitution”* (Article 5 of the Law on Defence).

2.11. It is important to note that the Law on Defence regulates the field of security in general terms and that it should be further detailed by other regulations.

2.12. It should be emphasised that not a single provision in the Law on Defence of the RS changes or excludes the application of the concept of security of the former JNA and the SFRY in the VRS, or rather in the field of defence in the RS.

Security provisions in the Law on Defence of the RS

2.13. With regard to regulating relations in the security domain, the Law on the Army of the RS⁶ does not contain any provisions or paragraphs regulating the field of security concretely and in detail. In this domain, only the section covering the use of weapons by authorised personnel in the military security service and the military police is concretely prescribed. Article 26 of that Law states: *“Authorised military*

⁵ Law on Defence, *Official Gazette of the Serbian People in BH*, number 7, 1 June 1992, Sarajevo, ERN 0353-6537-0353-6592, English ERN Y001-9125-Y001-9222

⁶ Law on the Army, *Official Gazette of the Serbian People in BH*, number 7, 1 June 1992, Sarajevo, ERN 0353-6537-0353-6592, English ERN Y001-9125-Y001-9222

personnel in the military security service and the military police may use, while performing military security or military police duties, weapons and other means of coercion under conditions prescribed for authorised officials of the interior.”

Security provisions in the Provisional Service Regulations of the VRS

2.14. The Provisional Service Regulations of the VRS ⁷, adopted by the VRS GŠ in August 1992, regulate certain issues in the security field. Unlike the previous documents, this legal document treats these issues in such a way and to such an extent that the duties and tasks of the competent organisational levels or individuals in the VRS are elaborated and specified in some more detail.

2.15. In Section *V – Providing security for personnel and facilities*, item 44 states: *“Providing security for personnel, facilities and technical equipment and materiel (TMS) is the most important task of the Army. This is done continuously by specific forces, means, measures and procedures for protection against attack, destruction and damage or the disclosure of confidential information. The organisation, composition and strength of security depends on: (1) the importance of the facility and of the threat against it, (2) the ratio of required to available security forces and assets, (3) the establishment of cooperation with civilian authorities and the local population, and (4) the specific tactical and operative situation in the zone where the facility to be guarded is located.”*

2.16. The second paragraph of item 44 concretely regulates the duties of command and control organs providing security for personnel and facilities, as follows: *“The commands of corps, logistics bases and brigades, and commands (institutions) of equal rank, (underlined by P.V.) shall regulate the security of facilities under their jurisdiction, which they shall specify in a special order.”* This paragraph is important from the point of view of the duties of commands which were responsible for regulating the security of facilities in which captured Muslims were located during Operation Krivaja-95, because the facilities in which they were located were temporarily used during that period for military purposes and /were/ under military supervision.

2.17. Paragraph 3 of item 44 states: *“In time of war or of imminent threat of war, security of personnel and facilities shall be increased in line with the provisions of the combat regulations and the particular circumstances.”* Concrete measures to be undertaken for that purpose are mentioned in further text: *(1) employ a large number of personnel to ensure the security of units and facilities, (2) employ a duty unit or some other unit for intervention at the facility or in the area under threat, (3) electrify wire fencing, (4) set up multi-level barrage fire, (5) lay minefields around the guarded facilities, and (6) ensure permanent reconnaissance of the immediate surroundings and wider area around the facilities to be guarded.*

2.18. The key point is that all duties specified for providing security for personnel and installations are within the area of competence of command and control organs.

⁷ Provisional Service Regulations of the VRS, ERN 0066-2560-0066-2592; English ERN 0091-3649-0091-3679, Exhibit 7DP00417

Conclusion on the contents of the regulations:

2.19. Analysis of the contents of the regulations adopted in the RS in the relevant period leads to the conclusion that the regulations of the former JNA and the SFRY were fully applied in the field of defence security in the VRS, in accordance with the situation in the RS.

2.20. The fact that certain inconsistencies were present in the practical application of regulations in the security field in the VRS does not change the general conclusion on the application of regulations and doctrinal positions of the former JNA and the SFRY in this field. This is also confirmed by individual legal documents issued by the competent leading officers in the VRS with the objective of ensuring full application of the adopted systemic solutions.

2.21. It is therefore important to clarify and differentiate fully among the scope of work, tasks, competences and powers of command organs, security organs and the military police.

2.22. These issues will be clarified in the following parts of this report.

Rules of Service of Security Organs in the Armed Forces of the SFRY

2.23. The Rules of Service of the OB in the OS of the SFRY⁸ (Rules) are intended for security organs and officers of VRS commands, units and staffs which include security organs over which they have control. These rules fully regulate all issues relating to the position, role, scope of work, tasks, powers, competences and methods of work of security organs in the performance of their function.

2.24. This report shall only deal with issues which are directly or indirectly related to the work of security organs of the DK and the ZB in June – July 1995.

2.25. At the same time, relevant paragraphs of the Instructions on command and control over the security and intelligence organs of the VRS will also be analysed.

Scope of work of security organs in the VRS

2.26. Security organs are defined by the Rules of Service of the OB as specialist organs of commands, units, institutions and staffs of the VRS that carry out duties of state security that are placed within their competence by the law and regulations issued pursuant to the law.

2.27. Security organs perform state security duties *for the purposes of detecting and preventing activities aimed at subverting or threatening the security of the Army and the defence of the RS, if such an activity is carried out in the Army or against the Army and the defence of the RS from within the country or from abroad, and for the*

⁸ Rules of Service of the OB in the OS of the SFRY, 1 January 1984, SSNO /Federal Secretariat of National Defence/, Belgrade, ERN 0090-9817-0090-9843, English ERN 0092-0099-0092-0131, Exhibit P00407

purposes of detecting and preventing activities aimed at breaching the secrecy of plans and preparations for the defence of the RS.

2.28. The preceding paragraph contains the essence and the purpose of the function of security organs and also defines the competence of the OB with regard to the direction and character of threatening activities regardless of their origin or who is responsible for them.

2.29. In detecting and preventing activities aimed against the security of the VRS and preparations of the RS for defence, the OB rely on all security entities in the VRS and the RS⁹. Security entities must assist the OB, within the obligations prescribed by the law, in detecting and preventing activities which may undermine the security of the Army and the defence of the RS.

2.30. Security organs apply the methods and means of work defined in the **Instructions on the methods and means of work of the JNA security organs**¹⁰ and take measures and actions to detect and prevent the activity mentioned in item 2 of the Rules [...] *“When there is knowledge that such an activity is being applied or carried out by individuals, groups or organisations in or against the Army and the defence of the RS, or that a crime has been attempted or committed in the execution of such an activity, and also for the purposes of detecting the instigators, accomplices, organisers and perpetrators of these activities or acts.”*

2.31. This definition makes concrete the legal obligation and competence of the OB to act without special orders against concrete persons responsible for threatening activities, regardless of their status and affiliation (ethnic, state, gender, profession, etc.). ***It is important that their activity is directed against the VRS or that it is carried out in the VRS.***

2.32. Security organs establish cooperation in accordance with the regulations with other organs and services performing state security duties in the RS.

2.33. The scope of work of the OB is further elaborated and categorised into groups of duties and tasks through which the goals of state and general security within the area of competence of the OB of the VRS are achieved.

2.34. The scope of work and tasks of the OB are also included in individual provisions of combat and other rules and instructions regulating the actions of VRS commands, units and staffs within which the OB acted. These issues will be discussed as part of the duties performed by individuals during the relevant period.

2.35. *CONCLUSIONS ON THE SCOPE OF WORK OF THE OB:*

2.36. *The place of the OB is in VRS commands and units to which they were assigned according to the establishment;*

⁹ Instructions on command and control over the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741, item 3

¹⁰ Instructions on the methods and means of work of the JNA security organs, SSNO, UB-17, 1986, ERN 0090-9844-0090-9878, English ERN 0092-6833-0092-6874, Exhibit 3D00275

2.37. *The OB are specialist organs for state security duties;*

2.38. *The OB detect and prevent threatening activities and those responsible for them that are directed against the security of the Army and the defence of the RS (instigators, accomplices, organisers and perpetrators);*

2.39. *The OB rely in their work on security entities and provide specialist assistance to these entities;*

2.40. *The OB apply the prescribed methods and means of work when performing tasks within the prescribed scope of work;*

2.41. */.../ establish cooperation with services and organs in the RS performing state security duties, which will be discussed in more detail.*

Duties of security organs

2.42. OB tasks prescribed by the Rules of Service of the OB are categorised into two groups. **The first group** consists of duties **for which the OB is responsible**. In practice, this group of duties are called “**counter-intelligence duties**”.

2.43. **The second group** of duties belonging to the scope of work of the OB are categorised into so-called **general security**. **Command organs are responsible for these duties**. The OB participate in these tasks **as specialist organs** for state security duties. The regulations do not define security organs as those responsible for these duties and tasks.

2.44. The duties for which **command organs are responsible**, and in which **the OB participate** are the following:

- (i) *administrative and staff duties* (known as staff security /duties/)
- (ii) *military police duties* (specialist control of the military police) and
- (iii) *duties in preliminary and criminal proceedings* (or so-called criminal-legal duties).

2.45. **Counterintelligence duties**, or rather the group of duties for which **the OB are responsible**, have priority and security organs should **dedicate about 80%** of their total resources to them **compared to 20%** for duties and tasks in which they participate, but for which command organs are responsible.¹¹

¹¹ Instructions on command and control of the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741, item 1. On the basis of a study carried out in 1984-1985 by the Research and Development Organ of the Intelligence and Security School Centre (OBŠC) of the JNA, it was concluded that optimal engagement of the OB on duties in their scope of work is achieved when they use 70-80% of their resources for work on counter-intelligence duties. Commanders exercising command and control over security organs were trained in workshops in the OBŠC to achieve in practice this ratio in the engagement of security organs. Therefore, the ratio of engagement of the OB in the VRS was roughly the same as in the JNA.

2.46. Security organs carry out without a special order or request all duties and tasks for which they are responsible and for which only they are competent, authorised and specialised.

2.47. Nobody else can replace them in that temporarily or permanently, and OB powers cannot be transferred to another person.

2.48. All of the prescribed duties and tasks, all methods, means of work, measures and actions applied and implemented by the OB have a single goal – to enable unimpeded and secure functioning of the commands and units of the Army and the defence of the RS. All OB duties and tasks must be subordinated to that goal.

Tasks of security organs:

2.49. Security organs are responsible for the following tasks:
(state security and counter-intelligence duties)

- (i) the detection, tracking and prevention of intelligence activities and other activities of foreign military intelligence and /non-military/ intelligence services carried out in the country or from abroad, which are aimed against the Army and the defence of the RS;
- (ii) the detection and prevention of hostile activities by individuals, groups or organisations against the Army and the defence of the RS;
- (iii) the implementation of measures and operations of counterintelligence protection for tasks and duties, documents, materiel and technical equipment, zones and features of particular importance for the defence of the RS;
- (iv) the gathering and verification of information for the operational needs of the OB;
- (v) the security preparation of members of the VRS with respect to their relations with foreign countries or foreign persons;
- (vi) the organisation and maintenance of the OB's information system;
- (vii) their own preparations for work in war, an imminent threat of war and other exceptional circumstances.

2.50. Security organs perform duties and tasks for which they are responsible *ex officio*, autonomously and without a special order.

2.51. The planning of these tasks is based on an assessment of realistic security needs of their organisational unit, available information and information on the characteristics of the threatening activity and those responsible for it, and on the basis of specialist guidance by the superior OB.

2.52. Counter-intelligence duties, i.e. methods and means of work, measures and actions, sources of information and results of counter-intelligence work are strictly confidential and their use is restricted even within security organs.

2.53. CONCLUSION ON OB TASKS:

2.54. *The OB are clearly defined as those responsible for counter-intelligence duties and tasks to which they should dedicate about 80% of their total resources;*

2.55. *The OB participate in administrative-staff and criminal-legal duties and provide specialist control over the military police, and should dedicate about 20% of their total resources to this. It is not defined or envisaged that the OB are responsible for these tasks, and they do not even have the necessary human or material and technical resources for this. Command organs are responsible for these duties.*

2.56. *In the duties and tasks for which the OB are responsible, **there are no directly or indirectly prescribed obligations of the OB with regard to prisoners of war.***

Control of security organs

2.57. The security organ is directly subordinated to the officer of the VRS command or unit to which he is assigned according to the establishment and is responsible for his work to this officer.

2.58. The superior officer may not authorise another officer to exercise on his behalf command and control over a security organ directly subordinated to him.

2.59. The following concepts will be clarified here: control; command; specialist control.

2.60. Control:¹² In the OS of the SFRY, control was defined as [...] “an organised activity aimed at implementing the policy, goals and tasks defined by management entities in the fields of ONO /All-people’s Defence/ and DSZ /Social Self-protection/.” Command and control are not synonyms. Control also contains and conceptually embraces the function of command as a function of the process.

2.61. Command¹³: is a function (activity) of control which exists only in a military organisation. **Command implements the function of control.**

2.62. Command includes **the right to make decisions and assign tasks**. This is its essence and its purpose. It is implemented by means of specific command acts: orders, commands, directives and instructions. **They are issued only by superior officers – individuals**, and not by commands, staffs, administrations or other group structures. Even when a collective control organ does exist, the head of that organ, **(always an individual)** exercises command on its behalf.

2.63. The legal basis for command are the assignment of an officer to a certain command post and the laws governing relations in the field of defence, as well as

¹² Textbook for Military Academies, SSNO, IV U-24, Military Secret – Internal, Belgrade, 1983, item 3, ERN 0214-8123-0214-8517 (pages 17-19), CLSS English Translation (pages 16-18)

¹³ Textbook for Military Academies, SSNO, IV U-24, Military Secret – Internal, Belgrade, 1983, item 3, ERN 0214-8123-0214-8517 (pages 17-19), CLSS English Translation (pages 16-18)

regulations adopted pursuant to the law defining the competences, rights and duties for a given organisational level and establishment role in the VRS.

2.64. The principles of command are unity of command, subordination, unity, continuity, etc.

2.65. A unit commander may transfer his powers of command over units directly subordinated to him to certain officers from the command.

2.66. A unit commander may not transfer his responsibility for the consequences of orders issued on his behalf by an officer authorised by him.

2.67. In a military organisation, control is exercised over exercises, mobilisation activities, training, education and armed combat, and command has major significance in that. For this reason, these two functions are often mentioned together, where command is the single process function of control. Command implements the goals and tasks of control.

2.68. *Specialist control*: covers elements of control referring to certain specialist aspects. The word control must always be accompanied by the attribute “specialist”, which defines more precisely the character of control. “The security organ provides specialist control over the military police,”¹⁴ which means that he has certain specialist skills and that he can recommend its use to the unit commander. Only the commander takes decisions on the use of the unit and assigns tasks to the subordinate commander of the military police /VP/ unit. The commander of the VP unit commands his unit in accordance with command regulations and implements tasks assigned to him, i.e. he implements the decision of the commander.

2.69. Therefore, *only the commander of the unit in which a military police unit is placed has the right to command the military police – the right to make a decision on the use of the VP. The officer (commander) of the military police unit has the right to command the military police unit. He proposes to the military commander, directly or through the security organ, the use of the military police unit.*¹⁵

2.70. In this process, the security organ performs the role of a specialist organ of the command for security affairs and has no command competence – he does not decide on the use of the military police and does not assign tasks to the military police. He carries out specialist supervision and gives specialist advice and recommendations, for which he answers to his superior commander. The commander is not obliged to accept any proposals from the OB on the use of the military police unit.

2.71. The Commander of the GŠ of the VRS, or a person authorised by him, controls security organs with regard to the application of the methods and means of work. The Commander of the GŠ of the VRS had an “assistant for security and intelligence”, whose area of competence included specialist control of the above-mentioned sector.

¹⁴ Service Regulations of the Military Police, Chapter II, ERN 0207-2092-0207-2115, English ERN 0304-1627-0304-12654, Exhibit P00707

¹⁵ Instructions on the Use of the Service Regulations of the Military Police of the OS of the SFRY, UB-2/4, 1986, item 18, ERN 0467-5853-0467-5968, Exhibit 3D00276

2.72. Security organs of the superior command or unit of the VRS exercise specialist control over security organs in subordinate VRS commands or units, provide specialist assistance to these organs and organise, guide, coordinate and control their work. Specialist control over subordinate OBs refers to tasks for which the OB are responsible within their prescribed scope of work, or rather, to counter-intelligence duties.¹⁶

2.73. This control does not alter the essence or the character of the command relationship between the commander and the OB so much as bring it into line with the priorities and real security needs of the VRS command or unit. At the same time, it connects security organs into a functional whole at the level of the VRS from a specialist point of view.

2.74. In accordance with the rights and responsibilities established by the law and regulations issued pursuant to the law, the authorised officer of an OB is obliged to carry out tasks within the scope of work of security organs assigned to him by the competent officer regardless of whether or not these tasks are included in the work normally carried out at this establishment post.¹⁷ The term “competent officer” refers to all persons exercising command and control over VRS commands or units which include security organs in their organisation and establishment.

2.75. *CONCLUSIONS ON COMMAND AND CONTROL OVER THE OB:*

2.76. *A security organ is directly subordinated to the officer of the unit to which he belongs and is responsible to him for his work.*

2.77. *A commander, within the rights and responsibilities established by the law and other regulations, may only assign tasks within the prescribed scope of work of the OB to a subordinate security organ.*

2.78. *Commanders of organisational units in the VRS exercising command and control over the OB were obliged to adhere strictly to Instructions 18/20-414/94 of the GS of the VRS, dated 24 October 1994.*

2.79. *Security duties and tasks in which the OB participate as specialist command organs for state security matters are not subject to the chain of specialist control over security organs, but exclusively to the chain of command.*

2.80. *The OB were functionally connected into a unified system of control from a specialist point of view, but this had no direct effect on the prescribed command and control over security organs in the organisational and establishment structure in VRS commands and units.*

¹⁶ Instructions on command and control over the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741, item 2

¹⁷ Rules of Service of the OB in the OS of the SFRY, 1 January 1984, SSNO, Belgrade, ERN 0090-9817-0090-9843, English ERN 0092-0099-0092-0131, Exhibit P00407, item 48

2.81. *The hierarchical structure in specialist control over the OB of the VRS was established by the GŠ of the VRS, or rather the assistant commander of the GŠ for security and intelligence, through the Security Administration (chief of the Administration), to whom the OB of corps (chiefs of OB) were subordinated from a specialist standpoint, and extended vertically through assistant commanders of brigades for security, all the way to assistant commanders of battalions (administrative assistants) for security and intelligence (chart in Attachment no. 2).*

Powers of security organs

2.82. Authorised officers of security organs have the right and duty to undertake the prescribed measures and actions toward individuals, groups and organisations whose activity is aimed at threatening the security of the Army and the defence of Republika Srpska, as well as breaching the secrecy of plans and preparations for the defence of VRS commands and units.

2.83. Authorised officers of VRS security organs are authorised by law to act and work on tasks from their scope of work analogous to the authority of the members of the RS MUP's /Ministry of the Interior/ State Security Department.¹⁸

2.84. In performing his duties, an authorised officer of an OB is obliged, when necessary, to show his identity card in advance. This means that the authority is personal and cannot be transferred to another person.

2.85. For the purpose of carrying out tasks within his competence, an authorised officer of an OB has the right to:

- (i) Check the identity cards of members of the VRS or other persons outside the armed forces when it is necessary to establish the identity of such a person, or when he is called to assist organs of the interior.
- (ii) Arrest a person who committed a crime within the competence of the military court, under the conditions prescribed by the Law on Criminal Procedure and the Guidelines for Determining Criteria for Criminal Prosecution (exhibit no. P00028 of the Prosecution), as well as other regulations.
- (iii) Detain persons suspected on reasonable grounds of having committed a crime within the competence of the military court, for a period of up to three days, before the initiation of an investigation under the conditions determined by the law regulating criminal procedure, and he will inform his superior officer of this.
- (iv) 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 himself or a person for whom he is providing security.

¹⁸ Instructions on command and control over the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741, item 2, paragraph 2

- (v) Use firearms only if he has no other way of:
 - (v.1.) protecting people's lives,
 - (v.2.) preventing the escape of a person caught in the act of committing a crime that carries a penalty of 15 years' imprisonment or more severe punishment,
 - (v.3.) preventing the escape of a civilian caught in the act of committing a crime that carries a penalty of 15 years' imprisonment or more severe punishment;
 - (v.4.) repelling a direct life-threatening attack against himself.

2.86. Apart from the above-mentioned powers, in preliminary and criminal proceedings the OB acted in accordance with the Law on Criminal Procedure of the SFRY, pursuant to Article 49 of the Law on Internal Affairs.

2.87. 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 organ, who will inform the officer of the unit to which the security organ belongs. This also confirms that the principle of unity of command is present in command over the OB.

Military police in the VRS

Command and control over the military police

2.88. Item 12 of the Service Regulations of the Military Police of the OS of the SFRY¹⁹ states: "The officer in charge of the military unit and institution within whose establishment the military police unit is placed or to which it is attached commands and controls the military police."

2.89. It should be noted that the terms "commands and controls" were used in this formulation, which means that all aspects and elements of these concepts are covered without any restrictions.

2.90. Item 13 of the Instructions on the Use of the Service Regulations of the VP in the OS (VRS)²⁰ states: "The officer of the military police unit commands his unit and is responsible for the overall state of combat readiness directly to the commander or through the officer in charge of the security organ of the unit in which the /military police/ unit is placed or to which it is attached."

2.91. In connection with this, item 18 of these Instructions states: "*The scope of work of the military police is prescribed by the Rules, however **the officer of the military police unit, directly or through the security organ** of the command, staff, unit or institution in which the military police unit is placed, **proposes** to the superior*

¹⁹ Service Regulations of the Military Police, ERN 0207-2092-0207-2115, English ERN 0304-1627-0304-12654, Exhibit P00707

²⁰ Instructions on the Use of the Service Regulations of the Military Police, UB-2/4, 1986, item 13, page 15, ERN 0467-5853-0467-5968, Exhibit 3D00276

military officer the use of the military police for carrying out duties and tasks within its scope of work, bearing in mind the significance of the task, the available forces, the weather and the equipment of the military police.” Therefore, the key role in proposing the use of the military police unit belongs to the officer of that unit (commander).

2.92. Therefore, bearing in mind and consistently applying the principles of command, the commander is exclusively competent for making decisions on the use of the VP /military police/ and assigning tasks to the officer of the VP unit. The officer (commander) of the military police unit executes the decision of the superior officer and commands his unit in the execution of the assigned tasks.

2.93. Item 13 of the Rules of Service of the OB in the OS (VRS) states: “*From a specialist standpoint, control over the military police is exercised by the officer of the security organ of the military unit in whose establishment the military police unit is placed or to which it is attached.*” The concept of specialist control means: (i) proposing the use of the VP to the unit commander; (ii) responsibility to the commander for the level of training, manning, equipment and combat readiness of the VP unit, (iii) initiating proposals through the chain of specialist control over the OB relating to military police issues and problems within the area of competence of the chain of specialist control over it.

2.94. The above applies only when the military police is engaged on carrying out tasks within their prescribed scope of work and competence. However, when the military police are engaged on carrying out tasks outside their prescribed scope of work and competence, the OB is not competent, nor can it be considered qualified for exercising specialist control over the military police. The person who proposes the non-standard use of the military police and the person who makes a decision on such use are responsible for these tasks.

2.95. The engagement of military police units or individual members on carrying out tasks within the scope of work of security organs is determined by the officer of the security organ which exercises specialist control over the military police unit, with the approval of the superior military officer.²¹

2.96. The term determines has a specialist meaning in this case, because it refers to the selection of a task of the security organ on which the military police can be engaged, but their practical engagement depends on the approval (read: order) of the superior officer. Without this approval – order of the commander, there can be no real engagement of the military police on tasks within the scope of work of security organs.

2.97. The unit commander may authorise the security organ to make decisions on his behalf on the use of the military police or a part of it during a specified period of time and on specified tasks.

²¹ Service Regulations of the Military Police, ERN 0207-2092-0207-2115, English ERN 0304-1627-0304-12654, Exhibit P00707, item 19

2.98. The commander may not transfer to the OB his responsibility for decisions and the consequences of decisions issued by the security organ pursuant to his authorisation.²²

CONCLUSIONS ON COMMAND AND CONTROL OF THE MILITARY POLICE:

2.99. *The commander of the unit in which a military police unit is placed commands the military police – decides on its use and assigns its tasks;*

2.100. *The commander of the military police unit commands the military police unit and is responsible for his unit to his superior military commander, directly or through the officer of the security organ, with regard to its condition and the execution of tasks;*

2.101. *The officer of the security organ exercises specialist control over the military police unit and in this capacity he is responsible to his superior commander for specialist issues relating to the military police unit;*

2.102. *The commander may authorise the OB to command the military police on his behalf with regard to certain issues and for a certain period of time, but the commander remains responsible for decisions and consequences resulting from the given authorisation.*

Scope of work of the military police

2.103. The Service Regulations of the Military Police²³ prescribed that *“the military police performs certain security duties for the needs of the JNA”* and *this was the same in the VRS* and will be treated as such in further text. These security duties referred to the following: *protection of people and property; military traffic safety; military order and discipline; the detection of crimes and their perpetrators pursued ex officio within the jurisdiction of the military court of the RS /Republika Srpska/; participation in providing security for high-ranking officers of the VRS, documents and combat equipment of the highest degree of secrecy, sectors, zones, axes and military facilities of special importance for the Army and the defence of the RS.*

²² Textbook for Military Academies, SSNO, IV U-24, Military Secret – Internal, Belgrade 1983, page 25, item 5 under 1) unity of command, ERN 0214-8123-0214-8517 (page 25, item 5 under 1), CLSS English Translation (pages 24-25, item 5 under 1)

²³ Service Regulations of the Military Police, ERN 0207-2092-0207-2115 (page 16, item 17), English ERN 0304-1627-0304-12654 (page 12, item 17), Exhibit P00707

Tasks of the military police of the VRS

2.104. The military police of the VRS perform tasks in peacetime, during an imminent threat of war and in wartime.

2.105. In peacetime, the military police perform the following tasks:

- (1.1.) Provide direct physical security for:
 - (i) commands, institutions and staffs which include military police;
 - (ii) high-ranking military officers, by a special order;
 - (iii) the highest state officials, and certain heads of foreign delegations during their visit to military facilities, or when they are within the competence of the VRS;
 - (iv) foreign military delegations;
- (1.2.) Provide internal security for military prisons at military courts;
- (1.3.) Provide security for:
 - (i) military documents, weapons and military equipment when prescribed by regulations or ordered by the competent officer;
 - (ii) the transport (transfer) of dangerous substances and mines and explosives;
- (1.4.) Take part in securing military facilities, axes and sectors of special importance for defence;
- (1.5.) Within the prescribed jurisdiction, escort persons taken into custody;
- (1.6.) Control and regulate military traffic on roads;
- (1.7.) Check, find or take into custody members of the VRS who have wilfully abandoned their unit;
- (1.8.) Take part in combat against sabotage, terrorist and other armed groups in the sector of military facilities under attack, as decided by the officer of the military unit within which the military police unit is placed (item 22, under "a", Service Regulations of the Military Police)
- (1.9.) Uncover, find and take into custody the perpetrators of crimes within the jurisdiction of military courts who are prosecuted *ex officio*, secure evidence, collect any information and material evidence which may be used in criminal proceedings, and act in accordance with the request of a military court or another competent body in criminal proceedings.
- (2.1.) In addition to the above-mentioned tasks, during an imminent threat of war, the military police shall also carry out the following tasks:
 - (i) secure and defend facilities assigned to it and execute tasks envisaged by plans for an imminent threat of war;
 - (ii) engage in combat against and overcomes the resistance of armed persons who raid military facilities;

- (3.1.) In addition to tasks performed in peacetime and during an imminent threat of war, in wartime the military police also perform the following tasks:
- (i) directly provide security for the command post, commander of the military unit and messengers, when ordered by the competent military officer;
 - (ii) take part in combat against the hostile activity of inserted enemy groups or individuals or armed groups or individuals left behind in deployment sectors of commands or on routes of movement of Army commands and staffs;
 - (iii) take part in checking and ensuring security measures ordered for waiting sectors and routes of movement;
 - (iv) take part in directing the movement of refugees and ***detect any members of enemy units infiltrated among refugees;***
 - (v) ***take part in providing security for prisoners of war*** in prisoner of war camps.

2.106. In all cases when it is envisaged that the military police take part in carrying out tasks belonging to the prescribed scope of work, the competent officer determines the scope and contents of the participation of the military police and relationships among the participants carrying out a concrete task.

2.107. The participation of the military police means that other military organs and units are responsible for the task, while the military police carry out part of the (specialist) duties and tasks within their scope of work and area of competence that correspond by their character and contents to their technical material resources and prescribed scope of work.

Military police services

2.108. The military police perform tasks within their prescribed scope of work by means of the following:

- (1) Security service,
- (2) Search service,
- (3) Patrol service,
- (4) Escort service,
- (5) Duty service of the military police,
- (6) Military traffic safety service,
- (7) Crime prevention service.

2.109. For the purposes of assessing the activities of the military police of the DK and the ZB in the execution of tasks within their prescribed scope of work in June – July 1995, analysis of the security service and the escort service is of key importance.

2.110. Other military police services will be covered by this analysis only to the extent and only including those elements which touch upon the concrete problems at hand.

2.111. Security service

Includes the planned undertaking of measures, actions and procedures for the purposes of providing security for and protecting:

- (i) VRS commands, staffs and institutions;
- (ii) military prisons;
- (iii) axes, sectors and features;
- (iv) persons;
- (v) documents.

2.112. Security is provided for the purposes of preventing: access by uninvited persons to a protected facility; escape by persons who are in military prisons; and observation and reconnaissance of certain axes, sectors and features in them.

2.113. A security plan is drawn up for providing security and it contains: the forces and equipment, time and location for providing security, manner of cooperation, actions by organs and units in certain cases, the person and organ in control of the security operation, his location and the manner of maintaining communications.

2.114. The military police perform the security service by means of:

- (i) guard service,
- (ii) reception and patrol service,
- (iii) ambushes, observers and outguard sentinels,
- (iv) means of technical protection.

2.115. The security service also includes participation by the military police in providing security for prisoners of war at collection stations, in prisoner of war camps and while escorting them.

2.116. "The military police provide security only for certain categories of prisoners of war and when this is ordered by a special order."²⁴

2.117. This paragraph defined that providing security for prisoners of war may be a task of the military police when this is ordered by a special order and that this refers only to certain categories of prisoners of war, or concretely, to important prisoners of war. That is not a regular or prescribed duty of the military police, but a special case. It should be noted that only the commander of the unit in which a military police unit is placed, or a person authorised by him, may issue an order to the military police to provide security for prisoners of war.

2.118. The duties and tasks which the military police perform within the security service are also contained in combat rules and other regulations governing the manner of functioning of the security system of VRS commands and units in peacetime, during an imminent threat of war and in wartime.

²⁴ Instructions on the Use of the Service Regulations of the Military Police, UB-2/4, 1986, page 53, item 129, ERN 0467-5853-0467-5968, Exhibit 3D00276

2.119. Search service

With regard to the search service, the VRS military police had considerable tasks which they carried out intensely during the entire period of armed conflict in the territory of BH /Bosnia and Herzegovina/. The system of recruitment for VRS units was territorial, meaning that able-bodied men from the territory where combat operations were taking place were mobilised during combat operations. As a consequence, due to the vicinity of their homes and families and for various reasons and for various needs, some individuals often abandoned their combat positions and defence lines wilfully and without getting approval from or informing their officers. The military police in VRS units were required by regulations to undertake measures to find and bring into custody these persons.

2.120. Patrol service

The patrol service (item 57 of the Service Regulations of the Military Police) represents planned and organised performance of tasks for the purposes of:

- (i) checking order and discipline,
- (ii) /ensuring/ the safety of military traffic on roads, and finding and bringing into custody perpetrators of crimes under the jurisdiction of military courts,
- (iii) escorting arrested persons who are under the jurisdiction of military courts,
- (iv) escorting prisoners of war,
- (v) providing security for documents and military equipment of the highest degree of secrecy.

2.121. Concrete tasks performed by the military police in wartime through the patrol service are detailed in item 216 of the Instructions on the Use of the Service Regulations of the Military Police.

2.122. In wartime, the patrol service is organised pursuant to an order of the unit commander and as part of security and safety measures in the zone, sector or area of combat operations and on certain axes; and among others, the following tasks are carried out:

- (i) control of movement in the sector of the command post, and of the deployment of units and materiel and technical equipment,
- (ii) participation in identifying persons for the purposes of detecting inserted enemy groups or individuals, or those left behind, and preventing their subversive activity,
- (iii) undertaking measures of banning or restricting movement in certain sectors,
- (iv) preventing grouping of refugees on roads used by units and identifying enemy individuals or small groups among them,
- (v) detecting and taking into custody persons who escaped from the VRS /Army of Republika Srpska/ and other perpetrators of crimes,
- (vi) identifying refugees in cooperation with MUP /Ministry of the Interior/ organs, and bringing into custody suspicious persons and handing them over to security organs of the command.

The military police also carry out other tasks ordered by the competent superior officer.

2.123. Escort service

The escort service is about taking over persons and property, providing security during their escort and handing them over to the competent organ.

2.124. Persons and property are escorted from the place where they are taken over to the place where they are handed over, in one leg.

2.125. In exceptional circumstances and in wartime, escort may also be provided in several legs.

2.126. Item 57 of the Service Regulations of the Military Police states: “*the military police may also, upon a special order, escort prisoners of war.*”²⁵

2.127. This means that there is a possibility for the competent officer (commander) to order the use of the military police for escorting prisoners of war, or rather, that this is not part of the regular tasks which the military police carry out regularly and automatically within the escort service; therefore, they participate in them only when ordered to do so by the superior commander in whose unit the military police unit is placed.

2.128. This is defined even more precisely in item 255 of the Instructions on the Use of the Service Regulations of the Military Police, which states: “*The military police participate only in escorting important prisoners of war from division collection stations to prisoner of war camps.*”²⁶

2.129. According to the above, the Instructions restrict the use of the military police to “important prisoners of war”.

2.130. The officer of a security organ who exercises specialist control over the military police unit has the duty to inform as necessary, using information available to him, the officer of the military police unit escorting prisoners of war of security problems which may threaten the execution of the concrete task and to propose measures required for resolving them.

2.131. The officer who orders the escort of prisoners of war has the duty to inform the officer of the unit assigned for providing escort of the following: the number and category of prisoners who need to be escorted, the escorting method, the route and how food and other necessities will be provided.

²⁵ Service Regulations of the Military Police, ERN 0207-2092-0207-2115, English ERN 0304-1627-0304-12654, Exhibit P00707, item 57; Instructions on the Use of the Service Regulations of the Military Police, pages 96-98, item 255-261, ERN 0467-5853-0467-5968, Exhibit 3D00276

²⁶ Instructions on the Use of the Service Regulations of the Military Police, item 255, pages 96-97, ERN 0467-5853-0467-5968, Exhibit 3D00276

2.132. After receiving an escort task, the officer of the escort unit undertakes the following measures:

- (i) calls out prisoners of war from a list received from the command organ,
- (ii) searches prisoners of war,
- (iii) warns prisoners of war that any escape will be prevented with the use of weapons.

2.133. Any escape attempt by prisoners of war is prevented with appropriate force.

2.134. After the escort is complete, prisoners of war are handed over to the command of the prisoner of war camp. All of this is registered in the prescribed records and documents.

2.135. *The provisions of the Service Regulations of the Military Police and the Instructions on the use of the regulations define fully and in much detail the tasks and methods of work of the military police with regard to prisoners of war. At the same time, it should be noted that the military police are defined as participants in duties and tasks relating to prisoners of war, while other organs of Army commands and units are responsible for these tasks.*

2.136. *It should be stressed in particular that with regard to their complexity and method of execution, duties and tasks relating to prisoners of war performed by the military police are of such character that the engagement of security organs in their execution is not prescribed with the exception of providing information on the security situation and proposing measures for preventing threats to the safe execution of the task, but only when the security organ has information on expected threats and those responsible for them. Everything else with regard to the escort of prisoners of war is within the competence of the VP /military police/ and command organs.*

2.137. Crime prevention service

The military police crime prevention service includes duties carried out by organs of the interior in accordance with the law regulating criminal procedure, and which refer to crimes within the jurisdiction of military courts.

2.138. In the execution of duties and tasks within the scope of the crime prevention service, the military police undertake the following:

- (i) If there are reasonable grounds for suspicion that a crime within the jurisdiction of a military court that is prosecuted *ex officio* has been committed, authorised military police officials are required to undertake the necessary measures to find the perpetrator of the crime, /to prevent/ the perpetrator or an accomplice from hiding or escaping, to uncover and secure traces of the crime (KD) and any objects that may serve as evidence, and to collect any information that may be of use in criminal proceedings. *In the case of those crimes on which security organs act, they immediately inform the competent security organ, while military police organs immediately undertake any measures which cannot be delayed.*

- (ii) Duties and powers *defined by the law regulating criminal procedure are exercised by authorised military police officials ex officio, at the request of the military prosecutor or the military court.*
- (iii) An authorised military police official may collect any information necessary on a crime within the jurisdiction of the military court that is prosecuted *ex officio* /and/ on the perpetrator of a crime who is a member of the Army from military personnel and other citizens of the RS who are not members of the RS Army, in accordance with the law regulating criminal procedure.
- (iv) When a person is unable to respond to the summons of an authorised military police official issued for the purposes of gathering preliminary information, this information shall be gathered at the person's location.
- (v) Authorised military police officials may apprehend a person if there are reasonable grounds for suspicion that a crime within the jurisdiction of a military court has been committed, when there are reasons for this as defined in the law regulating criminal procedure.
- (vi) Pursuant to the law regulating criminal procedure, an authorised military police official may carry out the following activities even before the initiation of an investigation of crimes within the jurisdiction of the military court: temporarily confiscate items, search apartments and persons, carry out an on-site investigation and determine what kind of forensic investigation is needed.
- (vii) If military personnel or other persons submit a report on a crime within the jurisdiction of the military court to an authorised military police official, he must receive it and deliver it without delay to the competent military prosecutor, and also, if possible, gather any information necessary and undertake other measures with regard to the reported crime and perpetrator.
- (viii) Officers of military units and all VRS members must provide, within their rights, duties and powers, any assistance necessary to authorised military police officials and allow them to gather information and perform other duties prescribed by the law regulating criminal procedure and the Service Regulations of the Military Police.

2.139. Article 151 of the Law on Criminal Procedure defines the power of military police organs to carry out operative and technical activities in the case of crimes prosecuted *ex officio*, and Articles 67 to 92 of the Service Regulations of the Military Police state which activities and powers are included in the crime prevention service.

2.140. *While performing duties and tasks prescribed by the law, authorised military police officials must inform security organs only in the case of crimes and perpetrators on which security organs need to take action. In all other cases, they take action ex officio and at the request of the military prosecutor.*

Powers of the military police

2.141. When on duty, military police members take the following measures and actions:²⁷

- (1) warning,
- (2) checking identity documents,
- (3) submitting a report,
- (4) bringing into custody,
- (5) detention,
- (6) use of physical force,
- (7) use of rubber truncheons,
- (8) use of binding,
- (9) use of other means of restraint,
- (10) use of weapons,
- (11) use of specially trained dogs,
- (12) arrest,
- (13) search of persons and apartments, and
- (14) confiscation of items and documents.

2.142. Military police members are also obliged to undertake the above-mentioned measures and actions when off duty if they find a person perpetrating a crime which is prosecuted *ex officio*, while military police officers are obliged to do that when they find a VRS member seriously threatening the reputation of Army members in a public place.

2.143. In the execution of their duties, the military police will use only those powers which allow them to perform the task with as few consequences as possible. For the use of each power, basic conditions are prescribed, and so are the duties of an authorised official with regard to reporting to his superior officer.

Regulations governing the function of security organs and the military police in combat rules and instructions

Rule, Corps of Ground Forces – provisions on security (Provisional)

2.144. The Rules of Corps of Ground Forces²⁸, in the section on corps commands in item 73, prescribe: *“The security organ is a specialist organ in the Command which organises and implements measures and procedures of counter-intelligence support of the Corps, and participates in the organisation and implementation of measures of security support.”*

²⁷ Instructions on command and control over the security and intelligence organs of the VRS, item 1, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741, item 2, paragraph 2; Service Regulations of the Military Police, ERN 0207-2092-0207-2115, English ERN 0304-1627-0304-12654, Exhibit P00707, Chapter IV, items 26-40

²⁸ Rule, Corps of Ground Forces (Provisional), General Staff of the Armed Forces of the SFRY, *Maršal Tito* Centre of Higher Military High Schools, SSNO, 11 April 1990, ERN 0114-5728-0115-5932, English ERN 0091-3649-0091-3679, Exhibit 7DP00412, item 73

2.145. The following paragraph of this item defines the role of security organs in specialist control as follows: *“It exercises specialist control over the security organs in subordinated commands. It organises, guides, harmonises, supports and controls their counter-intelligence efforts. It controls the unit of the military police and proposes its use within the limits of its authority.”*

2.146. There are three important definitions which must be emphasised for clear differentiation: **organises and implements** (which means that it is responsible for these tasks and duties); **participates in the organisation** (somebody else is responsible here, and the security organ participates); **it exercises specialist control over** security organs in subordinate commands and the military police unit (deals with certain specialist problems, while the commander is commanding, or rather, taking decisions and assigning tasks).

Manual for the Work of Commands and Staffs (provisions on security) (Draft)

2.147. The Manual for the Work of Commands and Staffs²⁹ was at the same time both a methodological and a regulatory document on the work of commands and staffs, and as such it was mandatory for all commands and staffs of the armed forces of the SFRY /Socialist Federative Republic of Yugoslavia/ and for school and educational centres in which training was conducted.

2.148. Items 221 to 224 of this Manual govern the subject of security support and the duties of security entities. Special emphasis is given to the role of the command in organising security measures pursuant to commanders' decisions, instructions and orders from the superior command, assessments of the internal and external enemy – their activities and abilities, and the situation in units and in the zone, sector and theatre of operations.

2.149. With regard to the duties of officers, it states: *“Every officer must monitor and assess the security situation when carrying out tasks within his jurisdiction, propose and take appropriate measures and activities, constantly adjust them to the current situation, verify their implementation and report to the competent officers.”*

2.150. The planning of security measures is carried out within plans created by the command or its organs.

2.151. The role and tasks of security organs are the following: *“On the basis of the security situation assessment, /the security organ/ makes a counter-intelligence assessment to identify measures and activities to discover, monitor and prevent secret operation of the enemy and to protect the unit.”* Therefore, the role and tasks of security organs with regard to threatening secret operations of the enemy is clearly emphasised and concretely defined.

²⁹ Manual for the Work of Commands and Staffs, Draft, *Maršal Tito* Higher Military Schools Centre, SSNO, General Staff of the JNA, 1983, ERN K023-9361-K023-9576, English K011-1600-K011-1794, Exhibit 5DP00699

2.152. The security organ in the command draws up a special plan of counter-intelligence activities, which is approved by the army commander, and in wartime by the division commander. *When applied to the VRS, in wartime the plan could be approved by the corps commander.* In a regiment (brigade) or lower-ranking units, security is regulated verbally or in a separate in an order.

Brigade Rules (for infantry, motorised, mountain, alpine, marine and light brigades) - **security provisions**

2.152. The Brigade Rules³⁰, in the section containing provisions on the brigade command, in item 122, prescribe the place, role and duties of security organs of the brigade command.

2.153. According to the organisational structure of the brigade command, the security organ is directly subordinated to the brigade commander.

2.154. The security organ is defined as [...] *“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 for which the command and other subjects of self-protection are responsible.”*

2.155. The security organ **exercises specialist control over the intelligence and security organs of subordinate units** with regard to security-related activities, organises and guides their work, offers assistance to them and inspects their activities in the execution of counter-intelligence tasks.

2.156. The security organ **exercises specialist control over the military police unit**, monitors its level of training and readiness for carrying out combat and other tasks and recommends its most effective use to the commander.

2.157. Such a role can be summarised to say that the security organ is the specialist intermediary between the commander and the officer (commander) of the military police unit. The security organ of the brigade command performs this role as part of security support tasks which are planned, organised and carried out by the brigade command with the goal of eliminating all forms and sources of danger from the activities of external and internal enemies.

2.158. A unified security system is implemented this way in the zone of combat operations.

2.159. The command and other brigade organs organise security as a regular activity, and all officers are responsible for the security of their units.

2.160. **The security organ organises and implements counter-intelligence support** in accordance with the Rules of Service of Security Organs and orders from the

³⁰ Brigade Rules (for infantry, motorised, mountain, alpine, marine and light brigades), UP-54, SSNO, 1984, ERN 0114-7096-0114-7391(pages 63, 103, 104), English ERN 0303-0230-0303-0415 (pages 38, 66, 67), Exhibit P00694

superior command. Preventing action by enemy special forces, *in addition to counter-intelligence activities*, also includes other measures and activities with the goal of detecting and destroying them. It is concretely defined for the security organ of the brigade command that it is responsible for counter-intelligence duties and tasks, which activities it takes part in, and that it exercises specialist control over security organs in subordinate units and the military police unit.

2.161. *The purpose of presenting these definitions from the rules is /to show/ that in accordance with these criteria, the duties and tasks within the competence of security organs and the military police can be identified in practice and separated from other /duties and tasks/ assigned to other organs. On the basis of this, it is possible to determine clearly who is responsible for them and their competence and powers in a concrete case, and accordingly to assess and judge their responsibility.*

Legal provisions and other regulations on cooperation between VRS security organs and organs of the MUP /Ministry of the Interior/ of the RS

2.162. In the period covered by this report, several legal documents used in practice regulated relations and cooperation between VRS commands and units and organs of the interior in the RS.

2.163. Analysis of these documents points to very strict borders between these two state structures and their full vertical subordination.

2.164. All important issues and tasks which the VRS and organs of the interior were supposed to act on jointly were within the competence of the highest state organs, with the RS President, as the commander-in-chief, and the highest military officers – the Commander of the VRS GŠ /Main Staff/, on one side, and the Minister of the Interior and authorised organs in his ministry on the other side.

2.165. The consequence of this kind of defining of cooperation in detail at the highest level with regard to the execution of joint duties and tasks of VRS commands and units and MUP organs and units was that at operational levels, i.e. during implementation, only issues of technical cooperation were dealt with and mutual coordination was implemented through practical activities.

2.166. *The Law on Internal Affairs*³¹ - *Provisions on Cooperation*: This law defines the subject of collaboration by the MUP, separately for the sectors of public and national security. Article 8 of the Law prescribes that “*within its area of competence, the Ministry shall share with [...] government agencies [...] any information it may acquire in the line of duty, especially information in the area of public and national security which is relevant to their safety, whenever the circumstances allow.*”

Government agencies also include authorised organs of the VRS.

³¹ Law on Internal Affairs, ERN 0113-8924-0113-8926, English ERN 0084-8644-0084-8650, Article 8 and Article 21, Exhibit P00703

2.167. Article 21 of the Law prescribes and obliges the Ministry to collaborate with regard to duties and tasks within the scope of work of the State Security Service: *“In handling national security affairs, the Ministry shall collaborate with appropriate federal administrative agencies, [...] and security agencies in the armed forces. This collaboration shall particularly include mutual assistance in performing various tasks and duties, mutual informing, harmonisation of activities, and agreeing on the conduct of affairs which are pertinent to national security.”*

2.168. The fact that the above refers to tasks and duties pertinent to national security also indicates at which level it was envisaged that the prescribed collaboration would take place with regard to these tasks and duties. This was undoubtedly the highest state level, which is the only one competent for assessing and deciding what is “pertinent to national security”.

2.169. *Law on the implementation of the law on internal affairs in case of an imminent threat of war or a state of war;*³² This law specifies the use of police units in combat operations from the moment when a decision on their engagement is taken until its implementation, and the method of command during the whole procedure with regard to this.

2.170. Article 4 states: *“The Ministry shall be considered a part of the Armed Forces of Republika Srpska and its forces shall be under the command of the President of the Republic as the commander-in-chief.”*

2.171. The Minister of the Interior shall be responsible for taking care that the orders of the President of the Republic are implemented.

2.172. Article 13 prescribes that police units shall participate in combat operations pursuant to an order issued by the commander-in-chief of the Armed Forces and that the Minister of the Interior shall give orders police units through the Police Forces Command Staff.

2.173. Police units assigned to combat operations by an order of the commander-in-chief of the Armed Forces shall be resubordinated to the commander of the unit in whose zone of responsibility they are performing combat tasks.

2.174. A commander who is a member of the MUP shall command these forces, and during the time they are resubordinated to the VRS, they shall retain their organisation and may not be split up or separated.

2.175. In addition, these units shall be used *only for combat tasks established in advance by the commander-in-chief or the Minister of the Interior.*

2.176. The commander of the military unit to whom police units have been resubordinated shall provide logistic support for these units.

³² Decree on the promulgation of the law on the implementation of the law on internal affairs in case of an imminent threat of war or a state of war, *Official Gazette of Republika Srpska*, no. 1, special edition, 29 November 1994, ERN 0049-7350-0049-7406 (pages 3-5), English ERN 0086-0435-0086-0478 (pages 8-13), Exhibit 4DP00725

2.177. In accordance with these legal provisions, all issues with regard to the engagement of the police in combat operations were supposed to be resolved through the chain of command in the VRS and the MUP.

2.178. Security organs could participate in this within staff security duties on orders from the superior commander, while practical issues in the execution of the assigned tasks were in the area of competence of appropriate commands.

2.179. Cooperation in the domain of duties and tasks of the National Security Service and VRS security organs was established through the chain of specialist control over security organs and the National Security Service, and the contents and methods of implementation, as well as the competences of those responsible for them, were clearly defined in advance.

2.180. This is also an explanation of the contents and methods of implementation of the provision of Article 5 of the Rules of Service of Security Organs which refers to cooperation between the OB and services and organs performing state security duties.

2.181. *The order of the President of the Republic to the Main Staff of the VRS and the MUP of Republika Srpska*³³, referring to the establishment of cooperation which is specified by laws and other regulations, deals with problems and ambiguities with regard to the engagement of the MUP in combat operations.

2.182. This order specifically orders the GŠ of the VRS and the MUP of the RS to adhere, when cooperating with each other, to legal provisions governing this cooperation and /specifies/ that the contents and extent of cooperation must be defined concretely and precisely and on time.

2.183. The goal is to remove any arbitrariness in making requests which could exceed the limits of the above agreement, as well as to define in strict terms the role of command and control in the cooperation.

2.184. In the implementation of the prescribed cooperation, all other issues such as coordination and the engagement of police units, or exchange of information relevant for security in the Army or in the territory, had more of an operational nature, without giving broader powers or initiative to those implementing the tasks.

2.185. In addition, all issues relating to cooperation were dealt with at the highest command levels in the VRS and the MUP, both with regard to issues in the public security sector and issues in the state security sector, or rather, in the National Security Service of the RS and security organs of the VRS.

2.186. In combat rules and instructions defining command in the VRS, all issues of cooperation in the zone of combat operations were defined exactly as stated above. These provisions do not specify how cooperation should be established, because that

³³ Order of the President of the RS, Strictly Confidential no. 01-175-1/95, 22 April 1995, ERN 0062-7730-0062-7733, English ERN 0088-8578-0088-8579, Exhibit P00008

is subject to concrete needs and possibilities, in contrast to explicitly formulated requirements in that respect in the laws mentioned above and the order of the President of the RS.

CONCLUSIONS ON COOPERATION BETWEEN THE VRS AND THE MUP OF THE RS

2.187. *Cooperation is precisely defined in laws, combat rules and instructions, and is explicitly ordered by the commander-in-chief of the armed forces of the RS;*

2.188. *All issues relating to the contents and extent of cooperation between the VRS and the MUP of the RS are handled in accordance with plans adopted in advance at the highest command levels;*

2.189. *The engagement of police units in combat operations and command over these units are clearly defined, because units are engaged as complete establishment entities and they cannot be split up; during combat operations they are under the command of an officer who is a member of the MUP of the RS, and when they are resubordinated to the Army, they may be engaged only on tasks defined in advance by the Minister of the Interior. The commander of the military unit to whom the police unit is resubordinated commands this unit through its commander and he must provide logistics support to that unit;*

2.190. *Coordination³⁴ (harmonisation) of the actions of police units and VRS units is in the area of competence of command organs, because that is a function of command and control. This also fully applies to organising, maintaining and controlling the security regime in the zone of responsibility of VRS commands and units. Therefore, security organs may be engaged in their commands as participants in staff security duties, i.e. as specialist organs for security duties, on orders from the superior commander and in accordance with the plan of the command;*

II SPECIAL SECTION

3. THREATS TO SECURITY IN THE ZONE OF THE 1st ZVORNIK INFANTRY BRIGADE BEFORE AND DURING THE KRIVAJA 95 OPERATION

3.1. Introduction

3.1.1. This part of the report will address the threatening activities and their agents in the zone of the 1st Zvpbr /Zvornik Infantry Brigade/ and the activities of the security organs of the command and the OB /security/ units of the Brigade aimed at uncovering and preventing these activities and their agents within the prescribed range of responsibilities in the period covered by the report.

³⁴ Command and Control, Textbook for Military Academies, SSNO, IV U-24, Belgrade, 1983, ERN 0214-8123-0214-8517 (page 34), CLSS English Translation (page 34)

3.1.2. On the basis of documents which the defence of 2nd Lieutenant Drago NIKOLIĆ placed at my disposal, I came to the conclusion that in the threats to security in the zone of the 1st Zvpbr, the following two characteristic periods can be distinguished:

a) The first one was before the *Krivaja 95* operation. The general characteristics and the contents of the threatening activities were then more or less the same as in other areas of the zone of the DK /Drina Corps/ as a whole³⁵.

b) The second period began with the launching of the *Krivaja 95* operation and it lasted after the Serbian forces took control of Srebrenica and until the execution of the prisoners of war.

There were significant differences in the way threatening activities arose and the way their agents acted between the first and the second periods in the zone of the Zvpbr, but also in comparison with other parts of the z/o /zone of responsibility/ of the Drina Corps.

In the second period, during and immediately after Srebrenica fell under the control of the Serbian forces, there were significant changes in the sense that the threat to the command, units and territory in the zone of the Zvornik Brigade rapidly escalated. The OB /security organ/ was then forced to carry out much more extensive and complex duties and tasks in taking counter-intelligence security measures, as well as security measures that were the responsibility of all security subjects in the Brigade, and in large part of the superior command (DK).

3.1.3. We should always remind ourselves of the basic principles of carrying out counter-intelligence duties and tasks. I now note only those that were of particular importance and influence at the given moment. In addition to secrecy, which has already been described, these were: creative and original ways of applying the methods and /?means/; priorities in counteracting enemy activity, implying immediate and energetic counteraction against those threatening activities and their agents which produce most destructive and quickest effects on an object protected by the OB /security organs/; continuous application of methods for counteracting the agents of threatening activities which are carried out on a long-term basis and therefore must be constantly checked by the OB; timely organisation for the application of OB methods against the expected threatening activities and their agents, aimed at excluding the possibility of sudden destruction and the like in a preventive and timely fashion.

3.2. Threats to security in the zone of the 1st Zvpbr before the beginning of the *Krivaja 95* operation

3.2.1. Defence positions in the zone of the Zvpbr facing the Muslim forces were manned and held by infantry battalions which were deployed frontally, in one line, with reserve positions which were fortified but unmanned. Disruption of the first line

³⁵ Original minutes from the 16th sitting of the National Assembly of the Serbian people in BiH, 12 May 1992, ERN 0844-7711-0844-7761 (page 6), English ERN 0091-3501-0091-3562 (page 10), Exhibit P00025; Circumstances in BiH before the beginning of the war, ERN 0064-1755-0064-1774, English ERN 0084-0170-0084-0191; Forming of the Bratunac Brigade, ERN 0064-1731-0064-1754, English ERN 0083-9620-0083-9653.

left gaps in the defence³⁶. The Muslim side used this for the covert infiltration of IG /reconnaissance groups/ and DTG /sabotage and terrorist groups/ deep within the z/o.

3.2.2. The zone of defence of the Zvpbr was used for the covert supply of the "protected" Srebrenica zone with UBS /weapons, ammunition and explosives/ and MTS /materiel and technical equipment/, which represented a special security problem because the groups bringing up the supplies were resolute and willing to carry out the assigned task at any cost, which implied even the most unscrupulous means and methods without any limitations³⁷.

3.2.3. As part of the overall activities of the A RBH /Army of Bosnia and Herzegovina/, an order for carrying out offensive b/d /combat operations/ was given through RiK /command and control/ on 17 June 1995. Considering the previous operations of the forces of the 28th Division of the ABH from Srebrenica in the zone of the Zvpbr, it was realistic to expect that the operations would be intensified and that the threat to security in the part of the zone facing Srebrenica would be significantly increased and diversified³⁸. These operations were regularly preceded by intelligence and reconnaissance and sabotage and terrorist actions behind the first defence lines and deep within the z/o.

3.2.4. Armed groups from the 28th Division of the A BH infiltrated from the so-called "protected zone" of Srebrenica and murdered and terrorized Serbian civilians, plundered, torched houses and attacked smaller units which were carrying out tasks in the area, including the zone of the Zvpbr. According to the operations report of the command of the 28th Division, which was sent to the 2nd K /Corps/ of the A BH in Tuzla, 71 members of the VRS /Army of Republika Srpska/ were liquidated in these actions and other losses in weapons and equipment were inflicted³⁹.

3.2.5. On 2 July 1995 the command of the DK sent a Warning Order⁴⁰, operational number 1, ordering that forces equivalent to a light battalion be detached from the Zvpbr together with the necessary combat hardware and strong support, in order to conduct combat operations on an independent axis.

With the formation⁴¹ of this unit and its departure to carry out its task outside the defence zone, the Brigade was left without a part of the forces that had been maintaining the necessary control of the territory, which was one of the very sensitive security issues. This required an increased involvement of the VP /military police/ in control in the defence zone of the Zvpbr, and of security organs in the counter-intelligence security of the territory.

³⁶ Zvornik Infantry Brigade Command, strictly confidential no. 06-218, 16 July 1995, Interim combat report, item 3, ERN 0068-4874-0068-4875, English ERN 0081-5841-0081-5842, Exhibit 7DP00330.

³⁷ GŠ ARBiH /General Staff of the Army of the Republic of BiH/, No. 1-1/V-169, Kakanj, 28 May, Report on supply of UBS /lethal assets/ and MTS /materiel and technical equipment/ to the Žepa and Srebrenica enclaves, ERN 0185-4593-0185-4594, English ERN 5D03-0833-5D03-0835, Exhibit 5D00265.

³⁸ General Staff of the Army of the Republic of BiH, Analysis and chronology of events in Srebrenica, ERN 0185-4504-0185-4511

³⁹ Army of the Republic of BiH, Command of the 28 Division, strictly confidential no. 04-114/95, 30 June 1995, Operations report to the 2nd Corps Command Tuzla, ERN 0084-2157-0084-2158, English ERN 0084-2838-0084-2839, Exhibit 1DP00428.

⁴⁰ Drina Corps Command, strictly confidential no. 01/4-156-1, 2 July 1995, ERN 0430-3382-0430-3383. See 0091-7863-0091-7864, English ERN 0092-2930-0092-2931, Exhibit 5DP00106.

⁴¹ Order by the Commander of the Zvornik Brigade from 02 July 1995, ERN 0071-0229-0071-0236, English ERN 0085-0060-0085-0064, Exhibit P00318.

3.2.6. Volunteers who had various goals and intentions joined the VRS ranks from among the Serbian people from the FRY /Federal Republic of Yugoslavia/ and from abroad, including persons with a criminal past. Their joining the VRS units was, to a lesser or greater degree, a security risk. All this had to be covered by the security organs' methods of work and it was not allowed on any account that they remain outside the reach of control and monitoring during their stay in units to which they were assigned.

In addition to this, there were official and other connections with persons from abroad, representatives of various organisations, the media, and the like. Intentional collection and unintentional leakage of information and other negative influences through these connections and relations were a constant source of threat to the security of the Brigade⁴².

3.2.7. The Main Staff of the VRS dispatched two volunteers, Poles, to the command of the DK so that they would be deployed to the reconnaissance and sabotage detachment of the DK, and the command of the DK dispatched them to the Manoeuvre Battalion of the 1st Zvpbr (to JOLOVIĆ)⁴³.

The chief of the OB of the Zvpbr did not receive any information about them on the basis of which he could draw a reliable conclusion about their suitability in terms of security and for tasks carried out by the unit to which they were assigned. They were volunteers who had undergone top quality training for special tasks, as former members of the Foreign Legion. The motives, purposes and intentions behind their joining the VRS unit were unclear.

These foreigners, Poles, were an unknown for the OB and they represented a significant security risk. Their assignment to the manoeuvre unit of the ZV BR /Zvornik Brigade/ meant that there were realistic possibilities of all kinds of surprises.

3.2.8. The security administration of the GŠ /Main Staff/ of the VRS had information that a contract murder of the commander of the GŠ, General Ratko MLADIĆ, and his assistant for security and intelligence, General Zdravko TOLIMIR, had been ordered.

This information represented a priority task for all OB in the VRS and implied that this was a complex security problem⁴⁴.

3.3. Threats to security in the z/o of the 1st Zvpbr during the *Krivaja 95* operation

3.3.1. Preparations for the participation of the Zvpbr in the Krivaja 95 operation began on the basis of the Warning Order from the command of the Drina Corps of 2 July

⁴² Drina Corps Command, Security Department, strictly confidential no. 17/141, 11 February 1995, ERN 0428-4576-0428-4576.

⁴³ GŠ VRS /General Staff of the Army of Republika Srpska/, confidential no. 09/31/12-3/75, 20 April 1995, ERN 0433-3820-0433-3820, English ERN 0433-3820-0433-3820_EDT, Exhibit P02468; and Drina Corps Command, confidential no. 05/1-134, 20 April 1995, ERN 0433-3819-0433-3819, English ERN 0433-3819-0433-3819_EDT, Exhibit P02467.

⁴⁴ Drina Corps Command, Security Department, strictly confidential no. 17/469, 20 April 1995, ERN 0066-3714-0066-3715, English ERN 0086-0341-0086-0342, Exhibit P03033.

1995, when the security situation in the zone was very unfavourable, as noted briefly in the previous section and in item 1. of the said Order⁴⁵.

3.3.2. The entry of DK units in Srebrenica and the decision that the combat forces which participated in taking over Srebrenica immediately move on to a new task, i.e. the takeover of the Žepa enclave⁴⁶, may be considered as the beginning of the escalation of threatening activities and a mass appearance of their agents, directed against the command and units of the Zvpbr as well as the facilities and population in its zone of defence. Namely, at the moment when this decision was made, it was known that the 28th Division of the A BH had left Srebrenica, i.e. that it had not been taken prisoner and disarmed.

3.3.3. Namely, the command of the 28th Division separated men fit for military service from other civilians. With them, it formed a mixed column and took them in an organised way, with armed security, to break through the territory under the control of the Serbian forces towards the territory under the control of the Muslim forces in the Tuzla and Kladanj sector. According to the legal regulations which were then in force, this action practically represented a mobilisation of these persons as war forces that were placed under the command of the 28th Division of the 2nd K of the A BH. It should be taken into account that on 20 June 1992 the incomplete Presidency of BH /Bosnia and Herzegovina/ declared a state of war and issued an order on the declaration of general public mobilisation in the whole territory of BH⁴⁷. Otherwise, all non-mobilised men fit for military service would have been in Srebrenica and Potočari together with other civilians.

3.3.4. On 13 July 1995 the Main Staff of the VRS sent an order to prevent the passage of Muslim groups to Tuzla and Kladanj to the commands of the DK, IKM /Forward Command Post/-1 of the DK, the Zvpbr, the 1st Bpbr /Birač Infantry Brigade/ and the Vlpbr /Vlasenica Light Infantry Brigade/, addressed personally to the commander or the chief of staff.

The fact that the GŠ simultaneously sent the order to the command of the DK and the brigade commands testifies to the gravity of the situation, the urgency and importance of the task and the GŠ's direct interest in it being consistently and fully carried out.

On 13 July 1995, based on the order of the GŠ VRS, the command of the Drina Corps sent to the commands (i.e. commanders and chiefs of staff) of all subordinated units its own Order for preventing passage of Muslim groups to Tuzla and Kladanj. The Order warns that *"...able-bodied men from the enclave"* were tasked *"with retreating, armed, and in groups, towards Tuzla and Kladanj. There are hard-core criminals and felons among them, who will go to any lengths to evade capture and reach the*

⁴⁵ GŠ VRS, strictly confidential no. 03/4-1629, 13 July 1995, ERN 0091-7858-0091-7859, English ERN 0092-0411-0092-0412; Drina Corps Command, strictly confidential no. 01-04-156-1, 2 July 1995, ERN 0430-3382-0430-3383. See ERN 0091-7863-0091-7864, English ERN 0092-2930-0092-2931, Exhibit 5DP00106.

⁴⁶ Drina Corps Command, strictly confidential no. 02/4-158-1, 13 July 1995, Order to attack the Žepa enclave Op-br /Operations number/ 1, ERN 0091-7870-0091-7873, English ERN 0092-0249-0092-0253, Exhibit P00114.

⁴⁷ *Official Gazette of the Republic of BiH*, number 7, 20 June 1992, pp 234-235, paragraphs 158 and 159., ERN 0052-0783-0052-0786.

*territory under Muslim control...*⁴⁸ (According to some estimates, there were between 12,000 and 15,000 men). In both orders, the threat to security in the zone of the Zvpbr along the axis of the Muslim column's breakthrough is presented as dramatic.

3.3.5. After this, the transfer of prisoners of war from Srebrenica to the zone of the Zvpbr and their accommodation there began. In addition to the threatening activities that were already under way, this also had a very negative impact on the security situation in the units in the zone of the Zpbr /Zvornik Infantry Brigade/.

Accommodating and securing prisoners of war required the detachment of some of forces that were already insufficient in number and overstrained because they had to carry out difficult combat tasks.

3.3.6. The accommodation of a great number of prisoners of war was a danger to the population in the places where they were detained and at the same time it could result in the spreading of alarming news, cause panic and make the soldiers leave the front lines and go to their villages in order to protect their families and property.

The more so as on 15 July the command of the DK made an urgent request with the Secretariat of the Zvornik MO /local board/ to mobilise v/o /men liable for military service/ in the z/o of the DK for securing the territory⁴⁹.

The previously collected intelligence indicated that it was possible that the Muslim forces might even attack the town of Zvornik in order to capture it and have it under their control⁵⁰.

3.3.7. The intelligence organs of the Muslim side, i.e. the A BH, were constantly interested in the prisoners of war. There were grounds to expect that after the place where they were detained was discovered, members of the A BH would try to rescue the prisoners of war, either by infiltrating armed groups or by engaging armed groups from the column that were already in the zone of the Zvpbr.

3.3.8. /number as printed/ Units of the 2nd Corps of the A BH which attacked the first defence lines of the Zvpbr launched strong offensive operations and, by exerting pressure on the front, made it easier for the column which was moving towards the front line to break through.

The result of such coordinated operations by the Muslim side was that the situation in the zone of the Zvpbr became critical and that there was danger of the Muslim forces breaking through the line of contact and providing conditions for supplying weapons and ammunition to able-bodied men in the column. That would cause a change in the

⁴⁸ Drina Corps Command, strictly confidential no. 03/156-11, 13 July 1995, ERN 0084-7295-0084-7296, English ERN 0088-3603-0088-3605, Exhibit P00117.

⁴⁹ Drina Corps Command, strictly confidential no. 057/1-242, 15 July 1995, ERN 0430-3471-0430-3471.

⁵⁰ Drina Corps Command, strictly confidential no. 03/157-6, 15 July 1995 (intelligence report), ERN 0430-3476-0430-3476.

balance of forces in the area. The defence and security in the z/o of the Brigade would be placed in an untenable position⁵¹.

3.3.9. From the moment when the first conflicts occurred between the mixed armed Muslim column and the units of the Zvpbr in its defence zone, bigger and smaller armed and unarmed groups of soldiers from the 28th Division of the A BH began to separate from the column so that they could more easily and independently break through to the territory under the control of the Muslim side.

These groups hid and secretly stayed in the defence zone of the Zvpbr, some of them for more than a month. They were determined not to surrender themselves to the Serbian forces and they were waiting for a propitious moment to cross⁵² /into Muslim-controlled territory/. Even the smaller groups of soldiers from the 28th Division of the A BH hidden in the zone of the ZVBR /Zvornik Brigade/⁵³ were a great danger to undefended Serbian villages and the local population which moved across the territory, but also to smaller units which were carrying out tasks in the areas where these groups were.

3.4.0. The security regime in the z/o of the DK and particularly in the z/o of the Zvpbr was threatened to such a degree that defence was on the verge of collapsing, with a realistic threat that the situation could become untenable.

On 15 July 1995, the command of the DK issued an order for "*...all men to be mobilised in Zvornik and head to a defensive position.*"⁵⁴

Also on 15 July 1995, the command of the DK made a very urgent request for a mobilisation of v/o for the purpose of securing the territory in the zone of responsibility of the Corps.⁵⁵

The focus of defence and mobilisation tasks was in the zone of the Zvpbr, where the situation was the most difficult⁵⁶. The existing situation suggested that there was a

⁵¹ Zvornik Infantry Brigade Command, strictly confidential no. 06-218, 16 July 1995, Interim combat report, ERN 0068-4874-0068-4875, English ERN 0081-5841-0081-5842, Exhibit 7DP00330.

⁵² Combat report Zvornik Infantry Brigade: strictly confidential no. 06-216, ERN 0068-4866-0068-4867, English ERN 0081-5845-0081-5846, Exhibit 7DP 00326; strictly confidential no. 06-217/1, ERN 0068-4868-0068-4869, English ERN 0081-5835-0081-5836, Exhibit P00329; strictly confidential no. 06-218, ERN 0068-4874-0068-4875, English ERN 0081-5841-0081-5842, Exhibit 7DP00330; strictly confidential no. 06-229, ERN 0068-4908-0068-4911, English ERN 0081-0703-0081-0703, Exhibit 7DP00340; strictly confidential no. 06-230/1, ERN 0068-4912-0068-4915, English ERN 0081-0710-0081-0711; strictly confidential no. 06-231, ERN 0068-4916-0068-4921, English ERN 0081-0833-0081-0834; strictly confidential no. 06-232, ERN 0068-4922-0068-4925, English ERN 0081-0701-0081-0702; strictly confidential no. 06-233, ERN 0068-4926-0068-4929, English ERN 0081-1214-0081-1215; strictly confidential no. 06-234, ERN 0068-4930-0068-4933, English ERN 0081-1216-0081-1217; strictly confidential no. 06-235, ERN 0068-4936-0068-4939, English ERN 0081-1212-0081-1213; strictly confidential no. 06-238, ERN 0068-4944-0068-4945, English ERN0086-0480-0086-0481.

⁵³ Report to the Bijeljina Military Prosecutor's Office, strictly confidential 17/94, 16 July 1995, ERN 0071-0343-0071-0346, English ERN 0085-0107-0085-0108, Exhibit P00345.

⁵⁴ Drina Corps Command, strictly confidential no. 03/157-6, 15 July 1995, ERN 0430-3476-0430-3476. See ERN 0293-5573-0293-5573, English ERN 0308-5466-0308-5466.

⁵⁵ Drina Corps Command, strictly confidential no. 05/1-242, 15 July 1995. ERN 0430-3472-0430-3472.

⁵⁶ 1st Zvornik Infantry Brigade Command, regular and interim combat reports of 14, 15, and 16 July 1995. See footnote 52. gg: 1st Zvornik Infantry Brigade Command, strictly confidential no. 06-216/2, 14 July 1995, ERN 0068-4864-0068-4865, English ERN 0081-5847-0081-5847, Exhibit 5DP00327; strictly confidential no. 06/217-1, 15 July 1995, ERN 0068-4868-0068-4869, English ERN 0081-5835-0081-5836, Exhibit P00329; strictly confidential no. 06-218, 16 July 1995, ERN 0068-4874-0068-4875, English ERN 0081-5841-0081-5842, Exhibit 7DP0030; Intelligence report, strictly confidential no. 17/104, 18 July 1995, ERN 0071-0201-0071-0204, English ERN 0085-1320-0085-1321; Drina Corps Command, strictly confidential no. 03/157-

realistic threat to carrying out mobilisation safely and a need to take urgent measures from the range of responsibilities of the OB.

Remarks on threats to security in the zone of the Zvornik Brigade

- the threats to security in the zone of the Zvornik Brigade until the beginning of the Krivaja 95 operation on 6 July 1995 were essentially identical with the same enemy activity in other parts of the DK defence zone;

- a general characteristic of the threatening activities and their creators and agents was that these activities included almost all components, means and ways that could threaten the command, units, population, property and other assets that could be of use for the defence and the survival of people in the area. It was a total threat.⁸⁸

- involvement of parts of the Zpbr in the Krivaja 95 and Stupčanica 95 operations, the breakthrough of the armed mixed column from the 28th Division of the A BH across the Brigade's zone of defence and the simultaneous accommodation of a great number of prisoners of war in facilities in the general area of the zone, as well as the increase of all forms of subversive activity on part of the Muslim side deep behind the defence line, coordinated with activities at the front, created a critical security situation and brought the defence to the limit after which the positions could not be kept. That was the newly arisen situation which required urgent and comprehensive measures of command and security organs, within their range of responsibility, as well as of all other defence structures (the MUP /Ministry of the Interior/, government organs and others).

- in the sphere of security activities in the zone of the Zvpbr, at the critical period, protection was very much conditioned by the ultimate threats, i.e. measures of counter-intelligence security were taken and the KPMR /combined application of methods of work/, for which the OB were responsible, was put in place; other security measures were also taken, for which other organs and individuals were responsible as part of their functional duties in Brigade commands and units.

4. ACTIVITIES OF THE CHIEF OF THE OB COMMAND OF THE 1st Zvpbr, 2nd LIEUTENANT DRAGO NIKOLIĆ, AND THE MILITARY POLICE DURING THE PERIOD FOR WHICH HE IS ACCUSED BY THE ICTY

(4.1.) Introduction

4.1.1. For a more thorough knowledge and understanding of the activities of the chief of the OB of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ, in discharging counter-intelligence duties, it is necessary to explain in more detail the essence and the practical importance of **secrecy** in the application of the methods and means of work of security organs.

6, 15 July 1995 (intelligence report), ERN 0430-3476-0430-3476; Army of the Republic of BiH, Command of the 24th Division. Army Division, strictly confidential no. 02/1-01/95-KZ, 14 July 1995. ERN 0262-8188-0262-8189.

Secrecy is the most important **principle**, based on overall experiences from the work of secret services and in particular the work of security organs during the national liberation and anti-Fascist struggle and the civil war of 1941-1945. The conditions which prevailed at the time were the most difficult ones that could arise in an occupied country for its enslaved, divided and feuding peoples, in their struggle for freedom and a common state. These experiences were both tested and confirmed for many decades. Secrecy became the absolute **condition** for efficiently uncovering and opposing secret enemy activity and its agents. Secrecy therefore became an explicit **legal obligation**. Secrecy is a constant and **real need**. Accordingly, in OB practice secrecy is defined as the "ultimate condition," without which there can be no application of the methods of work of the OB /security organs/, or effective counteracting the secret enemy activity.

In compliance with this, the following is prescribed in Chapter II, item 8 of the Directions on the Methods and Means of Work of the JNA /Yugoslav People's Army/ Security Organs: *"The methods of work of the security organs are constant and planned secret procedures for systematically gathering, processing and using information in carrying out counterintelligence duties and tasks."*⁵⁷

It should be particularly noted that these are: *secret procedures for gathering information*, which means that the environment must not notice this activity and outsiders should have no specific knowledge about it; *secret procedures for processing information*, which means that persons outside the security organs and persons within the security organs who are not responsible for this must be excluded from the process of processing certain information; *secret procedures for using information*, which means that the information may be used in ways that will prevent the smallest chance of threat to the secrecy of the procedures for gathering the information, of the source of the information, and of the procedure for processing it. Leakage of information on the work of the OB, or that they have information about a specific enemy activity, may be a warning to their organisers and persons discharging their duties that they have been uncovered. In this case, the application of the methods and means of work of the OB most often becomes ineffectual.

Secrecy is imposed by the characteristics of the enemy activity, in particular its secret planning, secret organisation, secret selection of agents and assistants and secret, unlimited selection of methods and means of activity. The following factors should also be added: the enemy's advantage in choosing the time for a secret attack, his own selection of the goal that he wishes to achieve and the independent selection of the target of the attack, and others.

It is precisely these characteristics of the k/o /counterintelligence/ activity, a misconception of secrecy in applying the methods of work of security organs on the one hand, and, on the other, a lack of real information on this outside the OB, that may cause individuals to doubt, misunderstand and draw wrong conclusions about the actual essence and character of the OB work in discharging the k/o duties for which they are responsible.

⁵⁷ Instructions on methods and means of JNA /Yugoslav People's Army/ security organ operations, SSNO /Federal Secretariat of National Defence/ UB /Security Administration/-17, 1986, ERN 0090-9844-0090-9878 (page 11, item 8), English ERN 0092-6833-0092-6874 (page 8, item 8), Exhibit 3D00275.

4.1.2. In the period relevant for this report, the chief of the security organ in the Zvornik Brigade was affected by the following factors while performing his duty: **the characteristics of the threatening activities and their agents** directed against the command units, facilities, population and territory in the zone of the Zvpbr; **legal definitions of the function**, range of responsibility, duties, tasks, powers and authorities of the OB, which are provided in the first part of the report; **orders and requests** for engaging security organs for duties and tasks relating to general security within the command of the Zvpbr; **assessments and conclusions of the chief of the OB of the Zvpbr** concerning existing and expected secret enemy activity against the Brigade command and units, and, based on this, the need to apply the methods of work of the OB in order to uncover and prevent enemy activities and their agents; **professional guidance by the superior OB**, control, reporting, organisation of the work and provision of professional assistance.

(4.2.) Characteristics of threatening activities and their agents in the zone of the Zvpbr:

4.2.1. Judging by the way they acted and the means applied, the enemy activities acquired the characteristics of special forces' action and typical terrorist actions of armed groups (ambushes, sudden surprise attacks, terrorist actions, murder of civilians, destruction of property, torching of houses and other forms of destruction, sowing fear and causing insecurity)⁵⁸.

4.3. Legal definitions and requests for engaging the OB in the Zvbr Brigade

4.3.1. Legal definitions of the function of the OB are presented in detail in the general section of the report.

The essence of legal definitions is that the OB /?is/ the proponent of DB /State Security/ duties to prevent enemy activity directed against the commands, units and facilities of the Zvpbr and the security regime in the zone of defence⁵⁹.

4.3.2. Actual threatening activities and their agents in the zone of the Zvpbr made it necessary to apply the way of engaging the OB in full accordance with the Instruction, at the time when the said enemy activity was under way.

In July 1995, highest measures of b/g /combat readiness/ were declared in the Army and the whole RS, and these measures also ordered a rational engaging of the OB⁶⁰; and in the whole z/o /zone of responsibility/ of the Drina Corps, v/o /men liable for military service/ were mobilised⁶¹. All military and other government organs and organisations were obliged to apply legal provisions regulating activities in the conditions of a state of war and an ongoing mobilisation.

⁵⁸ Forming of the Bratunac Brigade ERN 0064-1731-0064-1754 (page 2), English ERN 0083-9620-0083-9653 (page 2).

⁵⁹ See instructions, ERN DA01-0961-DA01-0963, English ERN 0308-9290-0308-9292, Exhibit P02741.

⁶⁰ President of the RS /Republika Srpska/ Order, confidential no. 01-1118/95, 16 June 1995, ERN 0073-3660-0073-3665, English ERN 0092-6972-0092-6974, Exhibit 4DP00001.

⁶¹ Drina Corps' Command Request for drafting of v/o /men liable for military service/ in the z/o /zone of responsibility/ of the Corps, strictly confidential no. 05/1-242, 15 July 1995 ERN 0430-3471-0430-3471.

Item 231 of the Brigade Rules specifies the following: "In addition to counter-intelligence activities, prevention of the operation of the enemy special forces includes other measures and activities designed promptly to discover and destroy the enemy special forces."⁶²

According to the quoted text, counter-intelligence activity was specified as D. NIKOLIĆ's first and main activity.

4.3.3. Orders of the superior army commander to the security organ of the Zpbr were supposed to be in accordance with the rules regulating the range of responsibilities, powers and authorities of security organs.⁶³ These issues are particularly emphasised in the Instruction of the GŠ VRS for the command and control of security and intelligence organs, and a consistent compliance with the regulations concerning the work of the OB is expressly ordered⁶⁴. There were certain deviations from the application of these regulations in the Zvpbr.

4.3.4. Security organs of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ and Captain Milorad TRBIĆ, were assigned the duties of duty operations officer and duty officer at the IKM /Forward Command Post/, which means outside the range of duties and the prescribed range of responsibilities of security organs⁶⁵. This was a significant deviation from regulations and the usual practice in commanding security organs in the VRS⁶⁶. Assigning the OB the duty of a duty operations officer puts into question the application of authorities which the OB have according to the ZKP /Law on Criminal Procedure/ and the Law on Internal Affairs, because while discharging a duty outside the function of the OB, they cannot apply their authority in cases which would require this as part of these duties.

In addition to this, in such a case the security organ is unable to engage continuously in k/o duties which were extremely important and in which no one else could have replaced him.

4.3.5. On 2 July 1995, the Command of the DK gave to the Command of the Zvpbr a Warning Order⁶⁷ in which a part of the duty to detach forces for offensive operations had a security character, considering the responsibilities of the chief of the OB of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ, concerning the specialist chain of control in operation *JUDA*. On the basis of the Warning Order of the DK, the commander of the Zvpbr issued his own order to form TG /tactical group/⁶⁸ I of the zvp/?br/, which regulated all issues concerning the preparation and organisation of the TG1 except the

⁶² Same Brigade Rules, ERN 0114-7096-0114-7391 (pp. 103-104, item 231), English ERN 0303-0230-0303-0415 (page 66, item 231), Exhibit P00694.

⁶³ Rules of service OB /Security Department/, ERN 0090-9817-0090-9843 (page 31, item 48 and page 51, item 93), English ERN 0092-0099-0092-0131 (pp. 19-20, item 48 and page 32, item 93), Exhibit P00407.

⁶⁴ Same as footnote 3 (Instructions on command and control of security-intelligence organs of the VRS).

⁶⁵ Intercept from 17 July 1995 at 06:15, ERN 0320-5437-0320-5437, ERN 0800-1274-0800-1275, English ERN 0800-1274-0800-1275-ET, Exhibit P01205; IKM /Forward Command Post/ Kitovnice, Diary of operations duty, ERN 0076-0268-0076-0316, English ERN 0084-2270-0084-2313, Exhibit P00347.

⁶⁶ Rules of service in JNA/VS /?Military Adviser/, ERN 0090-9817-0090-9843 (page 31, item 48) and (page 51, item 93), English ERN 0092-0099-0092-0131 (pp. 19-20, item 48 and (page 32, item 93), Exhibit P00407.

⁶⁷ Drina Corps command, strictly confidential no. 01/04-156-1, 2 July 1995, ERN 0430-3382-0430-3383. See ERN 0091-7863-0091-7864, English ERN 0092-2930-0092-2931, Exhibit 5DP00106.

⁶⁸ Order of the Commander of the Zvornik Brigade, 2 July 1995, ERN 0071-0229-0071-0236, English ERN 0085-0060-0085-0064, Exhibit P00318.

role of the security organ in the formation of this TG1 and the carrying out of its duties.

4.3.6. On 2 July 1995, the Command of the DK issued to the commands of subordinated brigades an Order to carry out active b/d /combat/, Op. br. 1⁶⁹, in which security support measures are specified under item 10 b), including the *"secrecy of the decision and preparation for the execution of the task."* This is what follows in /?paragraph/ two: *"Security organs and military police will indicate the areas for gathering and securing prisoners of war and war booty. In dealing with prisoners of war and the civilian population behave in every way in accordance with the Geneva Convention."* The tasks specified in this Order refer to the TG1 of the Zvpbr, as its tasks and operations were carried out outside the z/o of the Zvpbr. The chief of the OB in the command of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ, stayed in the zone of the Brigade in Zvornik, discharging his regular duties.

In case there were any prisoners of war in the zone of the Zvpbr, the Instruction of the UB /Security Administration/ of the GŠ of the VRS and the D /Drina/ Corps of 1 April 1994 was applied⁷⁰. Places for collecting RZ /POW/ are specified by commanders of units from a battalion upwards, on the basis of the plan of b/d and the assessment of the developments. These places should be in accordance with the security criteria provided in the Instruction. Security support of RZ is part of the command responsibility and it is exclusively the commander's responsibility to decide on engaging military police to carry out these tasks. These are simple soldier's tasks which have the character of guarding. When these duties are carried out, it is neither necessary nor prescribed to engage the security organ, as the professional organ of the brigade command responsible for duties relating to state security. Bringing prisoners of war to the Zvornik zone, and providing accommodation and security for them do not constitute a crime, nor is that suggested. The security organ who was assigned this task was under an obligation to carry out the order.

4.3.7. Pursuant to the order by the DK command on the mobilisation in Zvornik carried out on 15 July 1995, the chief of OB of the Zvpbr was required to take security and counter-intelligence support measures in accordance with the provisions of the Regulation for Mobilisation of the Armed Forces of the SFRY /Socialist Federative Republic of Yugoslavia/, items 427 and 319-323.⁷¹

4.3.8. Pursuant to an order by the DK command, the chief of OB of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ, was assigned as the OB /security organ/ to take part with part of brigade forces in b/d in the zone of the Krajina Corps in mid-September 1995. It was ordered that the march start on 14 September 1995.⁷² There is no other information that the chief of OB of the Zvpbr left the z/o of his brigade in the critical period during b/d in the *Krivaja 95* and *Stupčanica 95* operations.

⁶⁹ Drina Corps command, strictly confidential no. 04/156-2, 2 July 1995, ERN 0084-7289-0084-7294, English ERN 0088-3593-0088-3602, Exhibit P00107.

⁷⁰ Drina Corps command OB, strictly confidential 17/450, 15 April 1995, ERN 0425-8673-0425-8675, English ERN ET 0425-8673-0425-8675, Exhibit P00196. (Instructions on capture and escort of POW and other persons)

⁷¹ Regulation for Mobilisation of the Armed Forces of the SFRY, SSNO /Federal Secretariat of National Defence/, 1986, p. 123, item 427 and p. 98-99, items 319-323, ERN 0117-4140-0117-4255.

⁷² DK command, strictly confidential no. 038/94-142 dated 9 September 1995, ERN 0430-4159-0430-4162, English ERN 3D19-0001-3D19-0005, Exhibit 3D00165.

Treatment of prisoners of war in July 1995

4.3.9. On 13 July 1995 the VRS Main Staff issued an order⁷³ marked as “Very urgent”, stating the following in item 2: “*In the Serbian villages lying on the path of these groups, engage all available men fit for military service to detect, block, disarm and capture detected Muslim groups and prevent them from crossing over to Muslim territory...*”

Item 3 states as follows: “*Detain the captured and disarmed Muslims in appropriate facilities that can be secured by a small number of troops. Immediately report to the superior command.*”

This order was sent to the command of the DK, IKM-1 of the DK, the 1st Zvpbr and the 1st Vlpbr (to the Commander or NŠ /Chief of Staff/) at the same time.

To secure prisoners of war with “*a small number of troops*” meant that they should be secured with “sufficient troops”. Lack of troops needed for physical security of RZ could not be compensated for by other security measures, let alone k/o measures falling within the scope of work of the OB. Security of prisoners of war is classic physical security, that is, a guard service.

4.4.0. Under their jurisdiction and responsibility, unit commanders or NŠ were obliged to take prescribed and ordered measures concerning prisoners of war, and inform their superiors in the chain of command of everything relating to prisoners of war. I found no written indications in combat and operative documents about the escort of prisoners of war and their accommodation in the Zvpbr zone of defence.

In accordance with regulations, this should have been one of the phases in escorting⁷⁴ prisoners of war to temporary detention facilities, until they were exchanged with the enemy side or sent to a POW camp.

4.4.1. Combat and operative documents contain no information about the treatment of prisoners of war in the Zvpbr zone. The treatment of prisoners of war after they were put up in facilities in the Zvpbr zone was against the written orders of superiors and the provisions of the Geneva Conventions.

There were killings of prisoners of war in the detention facilities and their surroundings, which were against the orders and the set goals and tasks of the *Krivaja 95* operation. The killings may have been committed by groups and individuals acting outside the task of “*demilitarising Srebrenica and disarming Muslim terrorist gangs*” and against any written orders.

4.5 Specialist guidance by the superior security organ

⁷³ VRS Main Staff, strictly confidential no. 03/4-1629 dated 13 July 1995, ERN 0091-7858-0091-7859, English ERN 0092-0411-0092-0412; VRS GŠ, Accommodation of prisoners of war, strictly confidential no. 04-520-51/95 dated 13 July 1995, ERN 0293-5555-0293-5556, English ERN 0308-3803-0308-3804, Exhibit P00131.

⁷⁴ Instructions on the application of the PS /Rules of Service/ of the VP of the OS /Armed Forces/ of the SFRY, SSNO UB-2/4, 1986, ERN 0467-5853-0467-5968, Exhibit 3D00276 (p. 85, item 222).

4.5.1. Simultaneously with carrying out counter-intelligence support of b/d through an independent application of methods of work of security organs, the chief of OB of the Zvpbr command carried out some counter-intelligence work through a combined application of methods of work (KPMR) of security organs. This is about a systematic and continuous and linked and coordinated application of several methods of work of OB.⁷⁵

4.5.2. Specialist guidance of security organs of the Zvornik Brigade was carried out by the OB of the DK command, as part of counter-intelligence tasks.

4.5.3. The priority task in KPMR and the most complex form of OB engagement in the period relevant to this report was the operative action (OA) codenamed *Juda*.⁷⁶ This OA included all security organs in the VRS. As it referred to the protection of high-ranking military leaders of the VRS, the focus of the KPMR OB had to be on the places where they stayed and moved.

All activities of OB relating to carrying out tasks in the *Juda* OA were centrally directed, along the chain of specialist control of VRS OB.

4.5.4. As part of tasks carried out as KPMR of OB, the Zvpbr OB were given several additional tasks which were carried out at the same time as the above.

These were long-term tasks whose implementation required a continuous application of methods of work of OB and this primarily referred to guidelines and requests for the treatment of prisoners of war, in accordance with the direction of the DK⁷⁷, to people infiltrated into VRS ranks with certain tasks, to the prevention of any leak of secret military information, and so on.⁷⁸

Obligatory k/o work of national security in the Zvbr was also applied on Serb volunteers who came outside the BH. There were cases that their motives, goals and intentions were at odds with the goals and tasks of the VRS or were not quite clearly defined. In addition, there was a need to apply methods of work of OB on persons whose business and other links led to the VRS.⁷⁹ In all of these cases the OB of the brigade command usually had the need and obligation to apply KPMR as part of Preventive Operative Work in accordance with item 5 of a document by the OB of the DK command regarding reception of volunteers.⁸⁰

⁷⁵ Instructions on the methods and means of work of the JNA OB, SSNO UB-17, 1986, (p. 44-45, items 94 and 95), ERN 0090-9866-0090-9878, English ERN 0092-6833-0092-6874, Exhibit 3D00275.

⁷⁶ DK Command, Security Department, strictly confidential no. 17/469 dated 20 April 1995, ERN 0066-3714-0066-3715, English ERN 0086-0341-0086-0342, Exhibit P03033.

⁷⁷ Instructions, Command of the DK, OB, strictly confidential no. 17/450 dated 15 April 1995, ERN 0425-8673-0425-8675, English ERN ET 0425-8673-0425-8675, Exhibit P00196 (instructions on arresting and escorting RZ and other persons); Telegram IBG/?[/ /expansion unknown/ of the VRS 18/20-145-1/94 dated 1 April 1994.

⁷⁸ ERN 0428-4638-0428-4638; ERN 0428-4502-0428-4502; ERN 0428-4570-0428-4570.

⁷⁹ DK command, Security Department, strictly confidential 17/141 dated 11 February 1995, ERN 0428-4576-0428-4576.

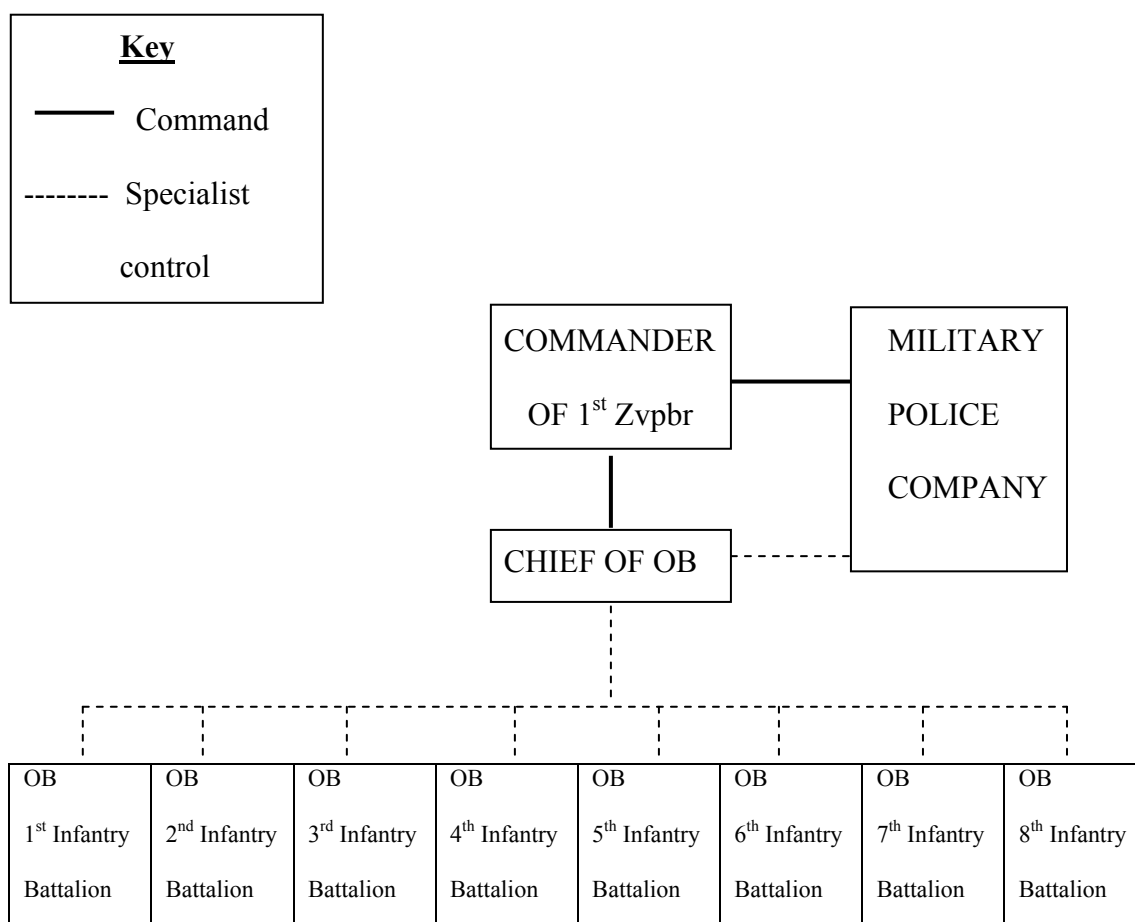
⁸⁰ DK command, Security Department, strictly confidential 17/638 dated 20 May 1995, ERN 04284631.

4.5.5. The combined application of methods of work the Zvpbr OB on the basis of his own counter-intelligence assessment of anticipated enemy activity, in order to prevent in time any destructive activity by individuals and groups directed against the command and units of the brigade and the VRS as a whole /as printed/.

4.6. Specialist control over security organs and military police in the 1st Zvpbr

4.6.1. The chain of specialist control over security organs and military police in the Zvpbr is shown in the diagram below in order to provide insight into the control network. Specialist direction of security organs in battalions of the Zvornik Brigade was carried out by the OB of the Zvornik Brigade command as part of counter-intelligence tasks.

Lines of specialist control over security organs and military police in the 1st Zvpbr



4.6.2. The 8th Battalion should be excluded from the units shown in the diagram of specialist control. It was resubordinated to the Command of the Bratunac Brigade.

4.6.3. Under the regulations and in practice, the scope of work of the security organs was separated from the scope of work of the military police, and regulated by special regulations. There are no grounds for identifying the scope of work and method of work of the security organs with the scope of work and method of work of the military police. *“The officer in charge of the military unit and institution within whose establishment the military police unit is placed or to which it is attached commands and controls the military police.”*⁸¹ *“The commanding officer of the military police unit commands his unit and is responsible for the overall state of combat readiness directly to the commander or through the officer in charge of the security organ of the unit in which the military police unit is placed or to which it is attached.”*⁸²

⁸¹ Service regulations of the military police, (Chap. II, p. 13, item 12), ERN 0207-2092-0207-2115, (Chap. II, p. 10, item 12), English ERN 0304-1627-0304-12654, Exhibit P00707.

⁸² Instructions on the application of the PS of the VP, SSNO, UB-2/4, 1986 (Chap. II, item 13, p. 15), ERN 0467-5853-0467-5968, Exhibit 3D00276.

4.6.4. As chief of OB of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ exercised specialist control of the military police unit only when the military police was engaged in military police duties and tasks falling within the prescribed scope of work of the VP. In the critical period these tasks were carried out usually by a small number of military policemen from the company, because almost 3/4 of the VP company were engaged in b/d and in tasks outside the brigade zone.

4.6.5. As far as specialist control was concerned, the engagement of the military police in b/d and outside its unit-specific tasks was not under the jurisdiction of the security organ.⁸³

4.6.6. The decision to engage the military police in securing or escorting prisoners of war rested with the unit commander */komandant/*, and he assigned tasks to the unit commander */komandir/* directly or through the security organ. Depending on the manner of task assignment, the security organ could have the role of a link between the commander and the commanding officer of the military police unit, and in that case he takes specialist control of the military police unit. On the basis of the facts and information available to him in connection with the VP task, the OB gives proposals and specialist advice to the commander on the use of the VP unit. The OB gives specialist guidelines to the commanding officer of the military police unit on an optimum way of carrying out the task received, and conducts specialist supervision in connection with that.

5. SUMMARY

Second Lieutenant Drago NIKOLIĆ carried out security-related establishment duties as assistant commander of the 1st Zvpbr for security and chief of the security organ of the brigade command.

The function, scope of work, duties, tasks, jurisdiction and powers of the security organ and the manners of their implementation in VRS brigades are clearly and precisely defined in the regulations.

On the basis of this report, I can summarise the following important conclusions:

I

Definition of terms

1. In the period relevant to the report, the Army of Republika Srpska applied the rules and regulations, operational doctrine and organisational solutions inherited from the former SFRY and JNA without major changes. This also entirely applies to security work in the Army of Republika Srpska.

2. Security work was defined as a specific part of the social reality in which **fundamental relations regularly play out in the domain in which threat causes**

⁸³ Command of the Zvpbr, strictly confidential. no. 06/215 dated 12 July 1995, Regular combat report, ERN 0068-4856-0068-4859, English ERN 0081-5850-0081-5851, Exhibit P00322.

the need for protection. For a true knowledge of such a specific part of the social reality, equally specific routes, ways and methods need to be taken. In short, security work in practical terms cannot be precisely uncovered through simple observation, especially as far as secret threatening activities and those responsible for them are concerned.

3. Security is defined as a condition, a function, and an organisation. It is important to point out that security as a condition implies the absence of activities threatening the object of protection, that is, the condition of its protection in which any new threat causes the need for appropriate protection.

4. Threatening the security of the state and its institutions and functions is prohibited by law, so those who organise and carry it out apply secret methods and procedures to overcome protection measures and avoid responsibility.

II

Constitution of the function and organisation of security

5. The constitution of the function and establishment of the organisation of security in the SFRY ran in parallel with the preparations for an anti-Fascist uprising, and the process continued vigorously during the 1941-1945 anti-Fascist struggle and civil war. The conditions under which the security function was constituted and implemented were very difficult, which resulted in gaining the best and most valuable authentic experience and building solid foundations for a future security system.

6. The persons in charge of security from the start of its constitution and implementation came from all the nations and nationalities living in the former SFRY. In its essence, the system was Yugoslav-oriented in terms of its programme/, organisation, and practice. As such, it was not ethnically biased or discriminatory.

Generations of JNA and TO security organs were brought up and trained on these traditions in the SFRY while it existed.

7. From its creation until it ceased to exist, the function of the security organs in the JNA was implemented exclusively in the interest and for the needs of security of commands, staffs/, units and institutions in which security organs were placed as specialists in charge of it. Security organs were always subordinated to military commanders and were answerable to them for their work.

The main goal and task of OB activity was to protect the organisational unit in which they were placed from the most dangerous, usually secret, threatening activities and those who organised and carried them out.

III

C o n t r o l of security organs

8. The Rules of Service of Security Organs in the Armed Forces of the SFRY was the basic regulation document which uniformly defined the scope of work, duties and tasks of security organs, and ensured the uniformity of action in carrying out tasks from the prescribed scope of work. The rules were applied in the Army of Republika Srpska in their entirety and without any significant changes.

In October 1994 the VRS Main Staff issued the Instructions on command and control over the security and intelligence organs of the VRS. The Instructions fully supported the provisions of the Rules of Service of OB in the OS and defined in greater detail the scope of engagement of VRS security organs in duties and tasks within the prescribed scope of work and responsibilities.

In accordance with the Instructions, all commanders and other officers exercising control over security and intelligence organs were obliged to adhere strictly to the letter of the Instructions.

These obligations primarily involved defining and facilitating the OB focus on counter-intelligence duties and tasks, which took up about 80% of the total engagement, and about 20% was taken up by participation in general security work, that is, administrative-staff, military police, and criminal-legal duties and tasks.

9. The Rules of Service defined that a security organ is directly subordinated to the commanding officer of the command, unit, institution or staff within whose establishment he was placed.

In accordance with that, 2nd Lieutenant Drago NIKOLIĆ was directly subordinated to the commander of the Zvornik Infantry Brigade, Colonel Vinko PANDUREVIĆ, and was answerable to him for his work.

10. In counter-intelligence work, the chief of OB, Lieutenant Colonel Vujadin POPOVIĆ, was 2nd Lieutenant Drago NIKOLIĆ's superior officer in specialist terms.

The commander of the VRS GŠ, or the officer authorised by him, decided on the application of methods and means of OB work.

In specialist terms, control over OB work has no characteristics or character of a command relationship, nor can be identified with it.

11. As part of specialist control, the chief of OB of the DK, Lieutenant Colonel Vujadin POPOVIĆ, was responsible and obliged to provide specialist assistance, guide, align and control the work of 2nd Lieutenant Drago NIKOLIĆ in the counter-intelligence domain. This is solely about the specialist-functional connection between security organs in a unified security system of the VRS.

12. In specialist terms, 2nd Lieutenant Drago NIKOLIĆ exercised control over the military police company of the Zvpbr, and for this work he was responsible to the brigade commander, Colonel Vinko PANDUREVIĆ. 2nd Lieutenant NIKOLIĆ was responsible for exercising specialist control over the military police only when the

military police was engaged in carrying out duties and tasks from the prescribed scope of work and responsibilities.

In specialist terms, control over the military police is not subject to the chain of specialist control over security organs.

The decision on the use of the military police rests with the commander */komandant/* of the unit in which a military police unit is placed, and the principle of unity of command is fully applied. The commander is not obliged to accept any proposals from the security organ on the use of the military police unit.

In carrying out the tasks assigned, the commander */komandir/* of the military police company commands the military police unit and is answerable to the brigade commander directly or through the security organ. The commander */komandir/* of the military police unit proposes to the military commander */komandant/*, directly or through the security organ, the use of the police unit.

13. Second Lieutenant Drago NIKOLIĆ was required to carry out tasks falling within the prescribed scope of work of the security organ ordered to him by the brigade commander, Colonel Vinko PANDUREVIĆ, regardless of whether the tasks were included in the duties regularly carried out in the establishment post held by 2nd Lieutenant Drago NIKOLIĆ. K/o duties and tasks were excluded from this, because the brigade commander was not responsible for them.

14. Putting up prisoners of war and distributing war booty did not fall within the scope of work of the security organs. Regulations did not provide for designating security organs as persons responsible for these tasks.

This task defined for the security organs in this way is not in accord with their special function and scope of work, or with the Instructions of the UB of the BRS /?Army of Republika Srpska/ GŠ and the OB of the DK command on arresting and escorting RZ and other persons⁸⁴ which states that “...*All commands at the battalion level and above shall designate places behind the front line where captured members of the enemy army will be collected.*” The Instructions in the UB of the VRS GŠ are dated 1 April 1994. The places should correspond to the security criteria given in the Instructions. Providing security for RZ was under command. The decision on the engagement of the military police in carrying out these tasks rested solely with the commander. For carrying out these tasks, no engagement of the security organ as the specialist organ of the brigade command for state security was needed or prescribed.

The participation of 2nd Lieutenant Drago NIKOLIĆ in tasks relating to specialist control over the military police unit when it secured or escorted prisoners of war belonged to the scope of work of the OB, when he had information relevant for carrying out the task in question.

⁸⁴ Command of the DK, Security Department, Strictly confidential no. 17/450 dated 15 April 1995, Instructions on arresting and escorting RZ and other persons, ERN 0425-8673-0425-8675, English ERN ET 0425-8673-0425-8675, Exhibit P00196 (refers to telegram by the UB of the VRS G[18/20-145-1/94 dated 1 April 1994).

The military police has specialist training for carrying out duties and tasks of securing RZ, and regulations lay down the manner of VP work on their implementation in detail. These tasks are not particularly complex. They are simple military tasks which have the character of a guard service and do not require the engagement of security organs, except as stated above.

15. As the authorised officer in the OB, 2nd Lieutenant Drago NIKOLIĆ should have had knowledge only of the facts and information essential for carrying out duties in the establishment post which he held.

According to the same definition from the Rules of Service of OB, 2nd Lieutenant NIKOLIĆ could inform authorised officers in the Zvpbr OB and security organs in subordinate units only of the facts and information essential for carrying out duties in the establishment posts which they held, or which were specially assigned to them to carry out.

16. 2nd Lieutenant Drago NIKOLIĆ is obliged to report and inform the commander of the Zvornik Brigade of enemy activity directed against the command and units of the brigade.

As far as facts and information obtained through the application of methods of work of OB are concerned, 2nd Lieutenant Drago NIKOLIĆ should inform the brigade commander of the level of threat, or security of the command and units of the brigade, with prior approval from the superior OB in specialist terms, Lieutenant Colonel Vujadin POPOVIĆ, paying attention to secrecy and protection of methods and means of work of security organs.

IV

Scope of work and tasks of security organs

17. 2nd Lieutenant Drago NIKOLIĆ was obliged to carry out two basic groups of tasks in the Zvpbr, as follows:

a) Tasks under the responsibility of the security organs, that is, counter-intelligence tasks, which are called counter-intelligence support in combat operations or war.

In carrying out counter-intelligence duties and tasks, 2nd Lieutenant Drago NIKOLIĆ had the powers and obligation to apply methods and means of work of the security organs according to the Instructions on the methods and means of work of security organs. Item 8 of Chapter II of the Instructions on the methods and means of work of security organs lays down that "The methods of work of the security organs are constant and planned secret procedures for systematically gathering, processing and using information in carrying out counter-intelligence duties and tasks".⁸⁵

⁸⁵ Instructions on the methods and means of work of the JNA OB, SSNO UB-17, 1986, Item 8 (p. 8), ERN 0090-9844-0090-9878, English ERN 0092-6833-0092-6874, (p. 8), Exhibit 3D00275.

Tasks under the responsibility of the security organs do not involve or refer to the duties, tasks and obligations of the security organs relating to prisoners of war. Therefore, 2nd Lieutenant Drago NIKOLIĆ was not in charge of tasks relating to prisoners of war, except in the case when they threatened the security of the command and subordinate units of the brigade in a way which was under the jurisdiction of the OB, that is, when secret threatening activities were concerned. In the concrete case, RZ demonstrated no such threat to the command and units of the brigade. A large number of RZ in itself is not a reason to engage the OB in putting up and securing them.

b) Tasks in which security organs participate but which are under the responsibility of other organs of the command:

This is a group of tasks of so-called general security, which includes the following: staff-security (referred to in the Instructions as administrative-staff) and criminal-legal tasks, in addition to specialist control over the military police of the Zvornik Brigade.

As part of specialist control over the military police of the Zvornik Brigade, 2nd Lieutenant Drago NIKOLIĆ could have been indirectly linked to the task of securing prisoners of war, as stated in the preceding part.

2nd Lieutenant Drago NIKOLIĆ should have participated in criminal-legal duties in accordance with his powers as the authorised officer in the OB by virtue of his office (he had the powers which, in accordance with the RS Law on Internal Affairs, were vested in authorised officials of internal affairs organs – see the paragraph under “Powers of OB”), in accordance with the Law on Criminal Procedure, and at the request of the relevant investigating judge of the military court.

In the concrete case, it involves possible participation in actions and procedures to discover and find members of the BH Army and Muslim armed units reasonably suspected of having committed crimes in the zone of defence of the Zvornik Brigade and the Drina Corps.

All aspects and elements of the special function, scope of work, tasks, jurisdiction and powers of the assistant brigade commander for security and the chief of security of the brigade command of the VRS are clearly and precisely defined in regulations.

In his daily activities, 2nd Lieutenant Drago NIKOLIĆ was under direct command of the Zvpbr commander, Colonel Vinko PANDUREVIĆ, who was his immediately superior officer. The Zvpbr commander, Colonel Vinko PANDUREVIĆ, had no right or powers to check the application of the methods and means of work of the OB, or to control k/o work of the brigade security organ, that is, 2nd Lieutenant Drago NIKOLIĆ.

Approval for the application of the methods and means of work of the OB in the VRS rested with the commander of the VRS GŠ or an officer authorised by him.

The security organ of the superior command exercised specialist control over security organs and, as part of that, checked the application of the law in their work.

In line with that, the chief of OB of the DK, Lieutenant Colonel Vujadin POPOVIĆ, exercised specialist control over the work of 2nd Lieutenant Drago NIKOLIĆ (in the domain of counter-intelligence work, application of the methods and means of work, and application of the law in the work of the OB).

In the combat and operative documents given to me to use, there are no grounds to conclude that in carrying out duties and tasks within his functional duty, 2nd Lieutenant Drago NIKOLIĆ deviated from the regulations defining the place, role, scope of work, tasks, powers and jurisdiction of security organs of the VRS.

However, there is information that the engagement of 2nd Lieutenant Drago NIKOLIĆ as duty operations officer and in duties and tasks relating to prisoners of war was not in conformity with the non-special function and scope of work of the OB, nor was it in accordance with the orders by the highest command levels in the VRS (Instructions by the VRS GŠ, the Order by the RS Government on measures of the highest degree of b/g, and the Declaration of a state of war by the RS President). Carrying out tasks assigned outside the scope of work of the OB did not constitute a crime, nor did their execution suggest such a thing, so 2nd Lieutenant Drago NIKOLIĆ had to obey the orders of his superior officer.

2nd Lieutenant Drago NIKOLIĆ was in charge of exercising specialist control over the military police company of the Zvpbr only when the unit was engaged in tasks as part of the special function and prescribed scope of work. In this capacity, he was answerable to the commander, Colonel Vinko PANDUREVIĆ, who decided on the use of the military police.

The military police company of the Zvpbr was commanded by company commander, Lieutenant Miomir JASIKOVAC. He was answerable for his work to the brigade commander, Colonel Vinko PANDUREVIĆ, directly or through 2nd Lieutenant Drago NIKOLIĆ. Lieutenant JASIKOVAC was responsible and obliged to propose to the military commander, directly or through the security organ, the use of the military police unit.

Coordination between units of the Zvpbr and units of the MUP engaged in the zone of defence of the Zvpbr was carried out as part of command, because these were combat operations. I found no information in the documents that Lieutenant /as printed/ Drago NIKOLIĆ, as part of the special function and prescribed scope of work of the security organ, carried out coordination with organs and units of the MUP in the zone of defence of the Zvpbr in the critical period.

In the end, I particularly emphasize that the report only analyses the function of the security organ in the brigade of the VRS, as prescribed in the regulations and represented in combat and operative documents made available to me to examine and use, and which directly or indirectly relate to the 1st Zvornik Infantry Brigade. The goal and task of the report is to show the reader the scope within which the

practical activity of the security organ is considered to be the execution of duties and tasks within the prescribed scope of work and jurisdiction, or as the execution of military duties, in order to differentiate and separate the activity of groups or individuals outside or against that.

Killings of prisoners of war committed in the facilities where they were detained or in their surroundings constitute serious violations of the orders of superior officers and are against the goals and tasks given to the commands and units which took part in the Krivaja 95 military operation.

Consequently, there are grounds to conclude that the killings were committed by groups and individuals acting against written orders by the VRS GŠ and the command of the Drina Corps, in order to take revenge on prisoners for the crimes previously committed in Srebrenica and the surrounding area by Muslim armed units.

The chief of security of the Zvpbr, 2nd Lieutenant Drago NIKOLIĆ was not responsible for deciding the fate of prisoners of war. Under his responsibility or command, 2nd Lieutenant Drago NIKOLIĆ had no forces to take any measures against prisoners of war.

Combat and operative documents contain no reliable indicators on the basis of which it can be concluded beyond doubt that 2nd Lieutenant Drago NIKOLIĆ was authorised, in the name of the commander, to command the military police unit in the concrete case.

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EKSPERTSKI NALAZ

Pukovnik u penziji
Petar Vuga

Beograd, 31. mart 2008. god.

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I OPŠTI DEO

1. DEFINICIJA BEZBEDNOSTI I NJENE SPECIFIČNOSTI:

1.1. Na zahtev odbrane Vujadina Popovića i Drage Nikolića ovaj izveštaj prikazuje funkciju, delokrug, zadatke i ovlašćenja organa bezbednosti VRS i nadležnosti organa bezbednosti Komande Drinskog korpusa (KDK) i Komande 1. zborničke pešadijske brigade (ZB) u junu i julu 1995 godine.

1.2. Tokom svoga postojanja Vojska Republike Srpske (VRS) je najvećim delom i bez bitnih izmena primenjivala konceptualna i doktrinarna rešenja kao i propise bivše Jugoslovenske narodne armije (JNA). To se u potpunosti odnosi i na propise u oblasti bezbednosti vojske i odbrane Republike Srpske (RS). I pored sličnosti sa sistemima odbrane i bezbednosti drugih država, doktrinarna rešenja u ovim oblastima imala su i bitne specifičnosti. Ceo sistem odbrane i bezbednosti Socijalističke Federative Republike Jugoslavije (SFRJ) bio je zasnovan na originalnoj koncepciji opštenarodne odbrane (ONO i društvene samozaštite (DSZ). ONO je bila pogled jugoslovenskog samoupravnog društva na rat i odnos prema ratu. ONO predstavlja teorijsku razradu i praktičnu primenu teze klasika marskizma o naoružanom narodu. Društvena samozaštita (DZS) je bila funkcija samoupravnog društva SFRJ i obuhvatala je organizovani sistem mera i aktivnosti na ostvarenju bezbednosti. DSZ zajedno sa ONO čini jedinstven odbrameno zaštitni sistem. Osnove organizovanja i ostvarivanja ONO i DSZ utvrđene su Ustavom SFRJ i ustavima republika i autonomnih pokrajina.¹

1.3. U skladu sa tim i bezbednosna delatnost u oružanim snagama SFRJ i shodno tome u VRS se bitno razlikovala od drugih vojnih delatnosti što će biti detaljnije obrađeno u sledećim delovima ovog izveštaja.

1.4. Kompleksnost bezbednosne delatnosti i njen značaj zahteva stručnu i svestranu analizu.

1.5. Definicija bezbednosti

U odnosu na suštinu i stvarno značenje bezbednost se definiše kao **stanje, organizacija i funkcija**.²

(i) Kao **stanje** bezbednost predstavlja zaštićenost nekog dobra, vrednosti, tekovine, društva. Prema tome, bezbednost u pojmovnom i u praktičnom smislu podrazumeva **ugrožavanje koje** uzrokuje potrebu **zaštićivanja i čuvanja**, odnosno **bezbednost**.

(ii) Bezbednost kao **organizacija** podrazumeva posebnu specijalizovanu strukturu ili posebne organe međusobno povezane u funkcionalnu celinu, koji izvršavaju zakonom određene poslove i zadatke, na propisani način.

(iii) Bezbednost kao **funkcija** jeste stalna, sistematska, trajna, svesna, racionalna delatnost na postizanju stanja bezbednosti (zaštićenosti).

(iv) Funkcija i organizacija čine **sistem bezbednosti**.

¹ Vojni leksikon, Vojnoizdavački zavod, Beograd str. 118 i 366, BCS ERN 0400-2219-0400-3347

² Vojni leksikon, Vojnoizdavački zavod, Beograd str. 56, BCS ERN 0400-2219-0400-3347

(v) U praktičnom smislu, pojam bezbednosti u VRS je značio, da subjekti bezbednosti moraju delovati u odnosu na ispoljeno ugrožavanje tako da dostignu potreban ili zadati nivo zaštićenosti komandi, štabova i jedinica Vojske i teritorije RS i to svaki od njih u okviru propisanog delokruga i zadataka.

1.6. Subjekti bezbednosti:

1.7. Delovanje subjekata bezbednosti je bilo obavezno protiv svih ugrožavajućih delatnosti i njihovih nosilaca spolja ili unutar VRS i na teritoriji u zoni odgovornosti.

1.8. Organizacija sistema bezbednosti je obuhvatala sve subjekte bezbednosti, tj. pojedince, komande, štabove i ustanove, stručne službe (obaveštajne organe, organe bezbednosti i vojnu policiju) pa i stanovništvo u zoni borbenih dejstava.

1.9. Uloga, zadaci, nadležnosti i način delovanja subjekata bezbednosti propisani su odgovarajućim pravilima, uputstvima, instrukcijama i naređenjima, koja su nasleđena od bivše JNA i SFRJ ili su na osnovu istih, propisivana sopstvena normativna akta, saglasno konkretnim uslovima.

1.10. Organi bezbednosti (OB) i vojna policija su izvršavali funkciju bezbednosti kao samostalnu funkciju, a svi drugi subjekti bezbednosti su funkciju bezbednosti izvršavali u okviru svojih formacijskih poslova i zadataka kao i uloga koje imaju u vojnoj organizaciji.

1.11. Bezbednosne pojave i procesi

1.12. Bliže i potpunije saznavanje svojstava bezbednosnih pojava i procesa, njihovog nastajanja kao i delovanje njihovih organizatora i izvršilaca je jedna od najvažnijih pretpostavki za kvalifikovano izlaganje i razumevanje problematike koja je predmet ovog izveštaja.

1.13. Bezbednosne pojave i procesi su rezultat svesne i voljne ljudske delatnosti.

1.14. Već pomenuta uzročno-posledična veza i međusobna zavisnost između **ugrožavanja i zaštite (bezbednost)** je ključna postavka za razumevanje i tumačenje ove delatnosti.

1.15. Svojstva i načini delovanja organizatora i izvršilaca ugrožavanja gotovo imperativno uslovljavaju organizacijska rešenja i operativnu metodologiju radi zaštite ugroženih vrednosti.

1.16. Ljudska praksa je pokazala da postoji velik broj organizatora i izvršilaca ugrožavanja čije je destruktivno delovanje rasprostranjeno u skoro svim oblastima društva i usmereno protiv njegovih značajnih vrednosti.

1.17. Iskustvo je potvrdilo da organizatori i izvršioc destruktivnog delovanja (ugrožavanja) nemaju nikakvih moralnih, pravnih, metodoloških ograničenja i da svoje destruktivno delovanje svestrano usavršavaju.

1.18. Nasuprot tome, zaštita od prethodno opisane delatnosti se ostvaruje po propisanim pravilima i organizacionim oblicima koji su standardizovani, pa samim tim i značajno ograničeni i statični u poređenju sa raznovrsnim i iznenađujućim načinima, sredstvima i ciljevima delovanja nosilaca (podstrekača, organizatora, izvršilaca, pomagača) destrukcije.

1.19. Ugrožavanje zaštićenih društvenih vrednosti, objekata i institucija je zakonima i drugim propisima zabranjeno i podleže zakonskim sankcijama, pa zato nosioci tih delatnosti nastoje da ostanu neotkriveni i nedostupni sistemu bezbednosti i organima gonjenja.

1.20. Usled toga došlo je do veoma rasprostranjenih i usavršenih tajnih načina organizovanog destruktivnog delovanja, koje uz angažovanje malih snaga može proizvesti naročito velike ljudske žrtve, kao i razorne materijalne i moralne posledice po napadnutu stranu. Tajni načini obuhvataju one organizavane destruktivne aktivnosti koje su vešto prikrivene pod raznim drugim regularnim i svakodnevnim društvenim aktivnostima i na taj način su veoma teško uočljive. Kao takve nepropoznatljive su i nedostupne onim licima koja o tome nisu posebno stručno edukovana ili uopšte informisana.

1.21. Poseban problem je u tome, što su procesi i pojave tajnog ugrožavanja duboko sakriveni u drugim oblastima i slojevima društvene stvarnosti, a njihovi organizatori i izvršioci su kamuflirani i „pokriveni“ različitim uobičajenim javnim i regularnim ulogama i aktivnostima.

1.22. Zbog toga je blagovremeno otkrivanje i sprečavanje tako prikrivene destruktivne delatnosti jedan od najtežih, najsloženijih i najvažijih sadržaja funkcije bezbednosti, za čiju realizaciju je potrebna posebna metodologija i posebna organizacija.

1.23. Ovaj deo funkcije bezbednosti u VRS, poznat pod nazivom „kontraobaveštajni poslovi“ (kao i u JNA i SFRJ) su obavljali organi bezbednosti kao nosioci ovih poslova i zadataka. Njihovu ulogu, nadležnosti i ovlašćenja u tom domenu niko drugi nije mogao preuzeti. To je bio apsolutni prioritet u poređenju sa svim drugim zadacima u okviru propisanog delokruga OB.³

1.24. Oružane snage RS, a posebno VRS kao najvažniji deo odbrambenog sistema predstavljale su prioritetan cilj protivničke strane i stalno su se nalazile u težištu delovanja nosilaca tajnog i drugih načina ugrožavanja bezbednosti, naročito u vreme oružanog sukoba. U takvim uslovima sistem komandovanja i organi bezbednosti moraju u potpunosti uspostaviti jasne prioritete u suprotstavljanju najopasnijim ugrožavajućim delatnostima i njihovim nosiocima.

1.25. To je naročito važno zbog toga, što prikrivenost i povezanost pojava ugrožavanja sa drugim društvenim pojavama i nepostojanje lako uočljivih, jasnih i čvrstih granica između njih stvara ogromne teškoće u konstatovanju kada i gde započinje tajno ugrožavanje bezbednosti i ko su njegovi stvarni organizatori i izvršioci.

1.26. Za slabe poznavaoce ove oblasti tajno ugrožavanje bezbednosti ostaje nevidljivo i nedostupno sve dok ne nastupe njegove vidljive posledice. Kada one nastupe sistem bezbednosti nije ostvario zadatak zaštite jer je izostala njegova preventivna uloga.

³ Instrukcija o rukovođenju i komandovanju bezbjednosno-obaveštajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, engleski ERN 0308-9290-0308-9292, Exhibit P02741

2. NORMATIVNO REGULISANJE FUNKCIJE ORGANA BEZBEDNOSTI I VOJNE POLICIJE U VOJSCI REPUBLIKE SRPSKE

Uvod

2.1. U ovom delu izveštaja biće prezentirane relevantne odredbe propisa koji regulišu oblast bezbednosti i zaštite u VRS, odnosno propisa preuzetih od JNA, a koji su primenjivani bez značajnijih izmena u komandama, jedinicama i štabovima VRS.

2.2. U ovom delu će se takođe razgraničiti delokrug, nadležnosti i ovlašćenja organa bezbednosti od delokruga, nadležnosti i ovlašćenja vojne policije.

2.3. Konačno, u ovom delu izveštaja će se konkretnije objasniti odnos organa komandovanja sa jedne strane i organa bezbednosti i vojne policije (VP) sa druge strane.

2.4. Do oktobra 1994. godine uočena je neadekvatna i nedosledna primena propisa kojima se regulišu rukovođenje i komandovanje bezbednosno-obaveštajnim organima u VRS. Radi toga je GŠ VRS 24.10.1994. godine izdao Instrukciju,⁴ koja je bila obavezujuća za sve starešine organizacijsko-formacijskih sastava VRS koji imaju organe bezbednosti i komanduju njima. Instrukcijom se nalaže striktna primena postojećih propisa o radu bezbednosno-obaveštajnih organa u VRS, suštinski određujući odnos i njihovo angažovanje na poslovima iz svog delokruga.

2.5. I pored Instrukcije iz dokumenata koja su mi stavljena na uvid došao sam do zaključka da pojedini organi komandovanja nisu dosledno sprovodili obaveze iz Instrukcije. O tome će biti reči u sledećim delovima ovog izveštaja.

Odredbe o bezbednosti u Zakonu o odbrani RS

2.6. *Zakon o odbrani* je osnovni normativni akt koji se bavi pitanjima odbrane među kojima i pitanjem bezbednosti.⁵

2.7. U čl. 4. pomenutog Zakona određeno je, pored ostalog, da Republika [...]“*organizuje vojsku i njome rukovodi i komanduje [...] da preduzima mjere za otklanjanje uzroka i posledica ugrožavanja ljudi, materijalnih i kulturnih dobara od opasnosti svake vrste u miru i u ratu ...*“

2.8. Takođe, u čl. 7. pomenutog Zakona, pod tač. 3. stoji, da Predsjednik Srpske Republike Bosne i Hercegovine u organizovanju priprema za odbranu [...] “*rukovodi i komanduje Vojskom u miru i u ratu*“;

2.9. Prema tome, nedvosmisleno je određeno, da je bezbednost u oblasti odbrane u nadležnosti najviših organa vlasti u RS, kao i to da Vojskom, što znači i funkcijom bezbednosti u Vojsci u celini rukovodi i komanduje Predsednik Republike, kao vrhovni komandant.

2.10. Zakonom o odbrani je određeno, da „*Organizacija Vojske Republike u skladu sa Ustavom, uređuje se posebnim zakonom*“ (čl. 5. Zakona o odbrani).

⁴ Instrukcija o rukovođenju i komandovanju bezbednosno-obaveštajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, engleski ERN 0308-9290-0308-9292, Exhibit P02741

⁵ Zakon o odbrani, Službeni glasnik srpskog naroda u BiH, broj 7, 1 jun 1992. god. Sarajevo, BCS ERN 0353-6537-0353-6592, engleski ERN Y001-9125-Y001-9222

2.11. Bitno je zapaziti, da se u Zakonu o odbrani oblast bezbednosti reguliše načelno i da njena dalja operacionalizacija treba da se reši kroz druge propise.

2.12. Treba istaći, da u Zakonu o odbrani RS ne postoji nijedna odredba, kojom se menja ili isključuje primena koncepta bezbednosti bivše JNA i SFRJ u VRS, odnosno u oblasti odbrane RS.

Odredbe o bezbednosti u Zakonu o vojsci RS

2.13. Zakon o vojsci RS⁶ u pogledu regulisanja odnosa u domenu bezbednosti ne sadrži odredbe i stavove kojima se konkretnije i detaljnije reguliše oblast bezbednosti. U tom domenu se konkretno propisuje samo deo koji obuhvata upotrebu oružja od strane ovlašćenih lica na službi u vojnoj bezbednosti i vojnoj policiji. U čl. 26. tog Zakona se navodi: *“Ovlašćena vojna lica na službi u vojnoj bezbjednosti i vojnoj policiji mogu u vršenju poslova vojne bezbjednosti, odnosno vojne policije upotrijebiti oružje i druga sredstva prinude pod uslovima koji su zakonom propisani za ovlašćena službena lica unutrašnjih poslova.”*

Odredbe o bezbednosti u Privremenim propisima o službi u VRS

2.14. Privremeni propisi o službi u VRS⁷ koje je doneo GŠ VRS u avgustu 1992. godine, regulišu određena pitanja u oblasti bezbednosti. Za razliku od prethodnih, ovaj normativni akt se tim pitanjima bavi na način i u obimu koji je nešto detaljnije razradio i precizirao poslove i zadatke nadležnih organizacijskih nivoa ili po jedinaca u VRS.

2.15. U odeljku *V – Obezbeđenje ljudstva i objekata*, tačka 44. stoji: *“Obezbeđenje ljudstva, objekata i tehničko materijalnih sredstava (TMS) je najvažniji zadatak Vojske. Sprovodi se neprekidno, konkretnim snagama, sredstvima, mjerama i postupcima radi zaštite od napada, uništenja, oštećenja i otkrivanja tajnih podataka. Organizacija, sastav i jačina obezbeđenja zavise od: (1) značaja objekta i stepena njegove ugroženosti, (2) odnosa potrebnih i raspoloživih snaga i sredstava za njegovo obezbeđenje, (3) uspostavljene saradnje sa organima civilne vlasti i mjesnim stanovništvom i (4) konkretne taktičko-operativne situacije gdje je lociran objekat zaštite.”*

2.16. U drugom stavu tačke 44. konkretno se regulišu obaveze organa rukovođenja i komandovanja u obezbeđenju ljudstva i objekata i to: *“Komande korpusa, pozadinskih baza, brigada i njima ravne komande (ustanove), (podvukao P.V.) regulišu obezbeđenje objekata iz svoje nadležnosti, što regulišu posebnim naređenjem.”* Ovaj stav je bitan sa stanovišta obaveza komandi koje su bile nadležne da regulišu obezbeđenje objekata u kojima su bili smešteni zarobljeni Muslimani za vreme operacije Krivaja-95, jer su objekti u kojima su oni bili smešteni u tom periodu korišćeni privremeno za vojne potrebe i pod vojnim nadzorom.

2.17. U stavu trećem tačke 44. stoji: *„U neposrednoj ratnoj opasnosti i u ratu se stalno sprovodi pojačano obezbeđenje ljudstva i objekata prema odredbama borbenih pravila i prema konkretnoj situaciji.”* U daljem tekstu se navode konkretne mere koje se u tom pogledu preduzimaju: *1. angažovanje većeg broja ljudstva za fizičko obezbeđenje jedinica i objekata; 2. angažovanje dežurne ili druge jedinice za intervenciju na*

⁶ Zakon o vojsci, Službeni glasnik srpskog naroda u BiH, broj 7, 1 jun 1992. god. Sarajevo, BCS ERN 0353-6537-0353-6592, engleski ERN Y001-9125-Y001-9222

⁷ Privremeni propisi o službi u VRS ERN 0066-2560-0066-2592; engleski ERN 0091-3649-0091-3679, Exhibit 7DP00417

ugroženom objektu ili prostoru; 3. uključivanje struje u žičanu ogradu; 4. organizovanje višekratne i zaprečne vatre; 5. postavljanje minskih polja oko objekata obezbeđenja; 6. stalno izviđanje bliže i dalje okoline oko objekata obezbeđenja.

2.18. Suština je u tome da su sve obaveze koje se propisuju u obezbeđenju ljudstva i objekata u nadležnosti organa rukovođenja i komandovanja.

Zaključak o sadržaju propisa:

2.19. Analiza sadržaja propisa koji su doneseni u RS u relevantnom periodu, navodi na zaključak da su u oblasti bezbednosti odbrane u VRS u potpunosti primenjivani propisi bivše JNA i SFRJ, u skladu sa situacijom u RS.

2.20. Činjenica, da je u praktičnoj primeni propisa u oblasti bezbednosti u VRS bilo određenih nedoslednosti ne menja opšti zaključak o primeni propisa i doktrinarnih stavova bivše JNA i SFRJ u ovoj oblasti. To potvrđuju i pojedini normativni akti koji su doneseni od strane nadležnih rukovodećih starešina u VRS sa ciljem da u potpunosti obezbede primenu preuzetih sistemskih rešenja.

2.21. Zato je bitno, da se u potpunosti razjasne i razgraniče delokrug, zadaci, nadležnosti i ovlašćenja organa komandovanja, organa bezbednosti i vojne policije.

2.22. U sledećim delovima ovog izveštaja, razjasniće se ova pitanja.

Pravilo službe organa bezbednosti u oružanim snagama SFRJ

2.23. Pravilo službe OB u OS SFRJ⁸ (Pravilo) je namenjeno organima bezbednosti i starešinama komandi, jedinica i štabova VRS koje u svom sastavu imaju organe bezbednosti i njima rukovode. Tim pravilom su u potpunosti regulisana sva pitanja koja se odnose na mesto, ulogu, delokrug, zadatke, ovlašćenja, nadležnosti i način rada organa bezbednosti u vršenju propisane funkcije.

2.24. Ovaj izveštaj će se baviti samo pitanjima koja se neposredno i posredno odnose na rad organa bezbednosti DK i ZB u junu-julu 1995. godine.

2.25. Istovremeno će biti analizirani i relevantni stavovi u Instrukciji o rukovođenju i komandovanju bezbjednosno-obavještajnim organima VRS.

Delokrug organa bezbednosti u VRS

2.26. Organi bezbednosti su Pravilom službe OB određeni kao *stručni organi komandi, jedinica, ustanova i štabova VRS koji vrše poslove državne bezbednosti* koji su im stavljeni u nadležnost zakonom i propisima donetim na osnovu zakona.

2.27. Poslove državne bezbednosti, organi bezbednosti vrše radi otkrivanja i sprečavanja delatnosti usmerenih na podrivanje ili ugrožavanje bezbednosti Vojske i odbrane RS, ako se takva delatnost vrši u Vojsci ili prema Vojsci i odbrani RS iz zemlje, kao i iz inostranstva, kao i otkrivanja i sprečavanja delatnosti usmerenih na povrede tajnosti planova i priprema za odbranu RS.

⁸ Pravilo službe OB u OS SFRJ, 01 Januar 1984, SSNO, Beograd, BCS ERN 0090-9817-0090-9843, engleski ERN 0092-0099-0092-0131, Exhibit P00407

2.28. U prethodnom stavu je sadržana suština i smisao ostvarivanja funkcije organa bezbednosti i istovremeno je određena nadležnost OB u odnosu na usmerenost i karakter ugrožavajućih delatnosti nezavisno od izvora njihovog nastajanja ili nosioca.

2.29. U otkrivanju i sprečavanju delatnosti usmerenih protiv bezbednosti VRS i priprema RS za odbranu, OB se oslanjaju na sve subjekte bezbednosti u VRS i RS.⁹ Subjekti bezbednosti su dužni da u okviru zakonskih obaveza pružaju OB pomoć u otkrivanju i sprečavanju delatnosti koje mogu naneti štetu bezbednosti Vojske i odbrane RS.

2.30. Organi bezbednosti primenjuju metode i sredstva rada prema **Uputstvu o metodima i sredstvima rada organa bezbednosti JNA**¹⁰ i preduzimaju mere i radnje radi otkrivanja i sprečavanja delatnosti iz tačke 2. Pravila [...] "*kada postoje saznanja da takvu delatnost primenjuju ili vrše pojedinci, grupe ili organizacije u ili prema Vojsci i odbrani RS, ili da je pokušano ili izvršeno krivično delo u vršenju takve delatnosti, kao i radi otkrivanja podstrekača, pomagača, organizatora i izvršilaca tih delatnosti, odnosno dela."*

2.31. U ovom određenju konkretizovana je zakonska obaveza i nadležnost OB da bez posebnog naređenja deluju prema konkretnim nosiocima ugrožavajućih delatnosti, nezavisno od njihovog statusa i pripadnosti (nacija, država, pol, profesija i sl.). ***Bitno je, da je njihova delatnost usmerena protiv VRS ili da se ispoljava u VRS.***

2.32. Organi bezbednosti u skladu sa propisima ostvaruju saradnju sa drugim organima i službama koji vrše poslove državne bezbednosti u RS.

2.33. Delokrug OB je dalje razrađen i razvrstan u grupe poslova i zadataka čijom realizacijom se postižu ciljevi vršenja poslova državne i opšte bezbednosti, koji su u nadležnosti OB VRS.

2.34. Takođe, delokrug i zadaci OB su obuhvaćeni i u odgovarajućim odredbama borbenih i drugih pravila i uputstava po kojima su postupale komande, jedinice i štabovi VRS u čijem sastavu su delovali OB. Ta pitanja će biti razmatrana u okviru dužnosti koje su pojedinci obavljali u kritičnom periodu.

2.35. **KONSTATACIJE O DELOKRUGU OB:**

2.36. *Mesto OB je u komandama i jedinicama VRS u kojima su imali formacijska postavljenja;*

2.37. *OB su stručni organi za poslove državne bezbednosti;*

2.38. *OB otkrivaju i sprečavaju ugrožavajuće delatnosti i njihove nosioce usmerene protiv bezbednosti Vojske i odbrane RS (podstrekače, pomagače, organizatore i izvršioce);*

2.39. *OB se oslanjaju u svom radu na subjekte bezbednosti i pružaju stručnu pomoć tim subjektima;*

2.40. *OB primenjuju propisane metode i sredstva rada u izvršavanju zadataka u okviru propisanog delokruga; i*

⁹ Instrukcija o rukovođenju i komandovanju bezbjednosno-obavještajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, Engleski ERN 0308-9290-0308-9292, Exhibit P02741, tačka 3

¹⁰ Uputstvo o metodima i sredstvima rada organa bezbednosti JNA, SSNO, UB-17, 1986. god. BCS ERN 0090-9844-0090-9878, engleski ERN 0092-6833-0092-6874, Exhibit 3D00275

2.41. *OB ostvaruju saradnju sa službama i organima u RS koji vrše poslove državne bezbednosti, o čemu će biti više reči.*

Poslovi organa bezbednosti

2.42. Pravilom službe OB propisani zadaci OB razvrstani su u dve grupe. **Prvu grupu** čine poslovi čiji su **nosioci OB**. U praksi je za ovu grupu poslova usvojen naziv „kontraobaveštajni poslovi.“

2.43. **U drugu grupu** poslova koji pripadaju delokrugu OB svrstani su poslovi tzv. **opšte bezbednosti**. **Nosioci ovih poslova su organi komandovanja**. **OB u tim zadacima učestvuju kao stručni organi** za poslove državne bezbednosti. Propisi ne određuju organe bezbednosti za nosioce ovih poslova i zadataka.

2.44. Poslovi čiji su **nosioci su organi komandovanja**, a u kojima **OB učestvuju** su:

- (i) *upravno – štabni poslovi* (ili poznati i kao štabno – bezbednosni);
- (ii) *vojnopolicijski poslovi* (rukovođenje vojnom policijom u stručnom pogledu) i
- (iii) *poslovi u prekrivičnom i krivičnom postupku* (ili tzv. krivično-pravni poslovi).

2.45. **Kontraobaveštajni poslovi**, odnosno grupa poslova **čiji nosioci su OB**, imaju prioritet i za njihovo obavljanje organi bezbednosti treba da **angažuju oko 80%** svojih ukupnih radnih mogućnosti **u odnosu na 20%** za poslove i zadatke u kojima učestvuju, a čiji nosioci su drugi organi komandovanja.¹¹

2.46. Organi bezbednosti izvršavaju bez posebnog naređenja i zahteva sve poslove i zadatke za koje su Pravilom određeni kao nosioci i za koje su oni **isključivo i jedino nadležni, ovlašćeni i stručni**.

2.47. U tome ih ne može privremeno ili stalno zameniti neko drugi, niti se ovlašćenje OB može preneti na neko drugo lice.

2.48. Svi propisani poslovi i zadaci, sve metode, sredstva rada, mere i radnje koje primenjuju i realizuju OB imaju jedinstven cilj, a to je da omoguće nesmetano i bezbedno funkcionisanje komandi i jedinica Vojske i odbrane RS. Svi poslovi i zadaci OB moraju biti podređeni tom cilju.

Zadaci organa bezbednosti:

2.49. **Organi bezbednosti su nosioci zadataka:**
(državna bezbednost-kontraobaveštajni poslovi)

- (i) otkrivanja, praćenja i sprečavanja obaveštajnih i drugih delatnosti stranih vojnoobaveštajnih i obaveštajnih službi koje se vrše u zemlji i iz inostranstva, a koje su usmerene protiv Vojske i odbrane RS;

¹¹ Instrukcija o rukovođenju i komandovanju bezbjednosno-obaveštajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, engleski ERN 0308-9290-0308-9292, Exhibit P02741, tačka 1. Na osnovu istraživanja koje je 1984/1985. god. izvršio organ za Naučno-istraživački rad Obaveštajno bezbednosnog školskog centra (OBŠC) JNA, zaključeno je da je optimalno angažovanje OB na poslovima i zadacima iz svog delokruga ostvareno kada oni 70-80% radnih kapaciteta koriste za rad na kontraobaveštajnim poslovima. Na seminarima u OBŠC komandanti koji rukovode i komanduju organima bezbednosti su obučavani da ostvare u praksi ovakav odnos u angažovanju organa bezbednosti. Prema tome u VRS je odnos u angažovanju OB bio približno isti kao i u JNA.

- (ii) otkrivanja i sprečavanja neprijateljske delatnosti pojedinaca, grupa i organizacija usmerene protiv Vojske i odbrane RS;
- (iii) sprovođenja mera i radnji kontraobaveštajne zaštite zadataka i poslova, dokumenata, materijalno-tehničkih sredstava, zona i objekata od posebnog značaja za odbranu RS;
- (iv) prikupljanja i proveravanja podataka za operativne potrebe OB;
- (v) bezbednosnih priprema pripadnika VRS u vezi sa njihovim odnosima sa inostranstvom i strancima;
- (vi) organizovanja i obezbeđenja funkcionisanja informacionog sistema OB;
- (vii) sopstvenih priprema za rad u ratu, neposrednoj ratnoj opasnosti i drugim vanrednim prilikama.

2.50. Poslove i zadatke čiji su nosioci organi bezbednosti izvršavaju po službenoj dužnosti samostalno i bez posebnog naređenja.

2.51. Planiranje ovih zadataka zasniva se na proceni realnih bezbednosnih potreba svoje organizacijske jedinice, raspoloživih podataka i saznanja o svojstvima ugrožavajuće delatnosti i njenih nosilaca, kao i na osnovu stručnog usmeravanja pretpostavljenog OB.

2.52. Kontraobaveštajni poslovi, odnosno metode i sredstva rada, mere i radnje, izvori podataka i rezultati kontraobaveštajnog rada su strogo poverljivi i njihovo korišćenje je ograničeno čak i unutar samih organa bezbednosti.

2.53. *ZAKLJUČAK O ZADACIMA OB:*

2.54. *OB su jasno određeni kao nosioci kontraobaveštajnih poslova i zadataka na kojima treba da angažuju oko 80% ukupnih -radnih kapaciteta;*

2.55. *OB učestvuju u upravno-štabnim i krivično-pravnim poslovima i rukovode vojnom policijom u stručnom pogledu i na tome treba da angažuju oko 20% ukupnih radnih kapaciteta. Nije propisano niti predviđeno da OB budu nosioci ovih poslova, a za to nemaju ni potrebne radne i materijalno-tehničke kapacitete. Nosioci ovih poslova su organi komandovanja.*

2.56. *U poslovima i zadacima čiji nosioci su OB, nema ni neposredno niti posredno propisanih obaveza OB prema ratnim zarobljenicima.*

Rukovođenje organima bezbednosti

2.57. Organ bezbednosti je neposredno potčinjen starešini komande ili jedinice VRS u čijem se formacijskom sastavu nalazi i za svoj rad odgovoran je tom starešini.

2.58. Pretpostavljeni starešina ne može ovlastiti drugog starešinu da u njegovo ime komanduje i rukovodi njemu neposredno potčinjenim organom bezbednosti.

2.59. Ovde će se objasniti pojmovi: rukovođenje; komandovanje; stručno rukovođenje.

2.60. Rukovođenje:¹² U OS SFRJ rukovođenje je definisano kao [...]“organizovana delatnost na sprovođenju politike, ciljeva i zadataka koje subjekti upravljanja postavljaju iz oblasti

¹² Udžbenik za vojne akademije, SSNO, IV U- 24 , Vojna tajna – Interno, Beograd, 1983. god. tačka 3, BCS ERN 0214-8123-0214-8517 (str. 17-19), CLSS engleski prevod (str. 16-18)

ONO i DSZ.“ Rukovođenje i komandovanje nisu sinonimi. Rukovođenje sadrži i u pojmovnom smislu obuhvata i funkciju komandovanja, kao sopstvenu procesnu funkciju.

2.61. Komandovanje:¹³ je funkcija (delatnost) rukovođenja koja postoji samo u vojnoj organizaciji. **Komandovanjem se ostvaruje funkcija rukovođenja.**

2.62. Komandovanje obuhvata pravo na odlučivanje i dodelu zadatka. To čini njegovu suštinu i smisao. Ostvaruje se pomoću određenih akata komandovanja: naređenja, naredbe, zapovesti, direktive i instrukcije. Izdaju ih samo pretpostavljene starešine - pojedinci a ne komande, štabovi, uprave i druge grupne strukture. Čak i kad postoji kolektivni organ rukovođenja, rukovodilac tog organa, (uvek pojedinac) ostvaruje komandovanje u njegovo ime.

2.63. Pravni osnov za komandovanje jeste postavljenje starešine na određenu komandnu dužnost i zakoni kojima se regulišu odnosi u oblasti odbrane, kao i propisi doneseni na osnovu zakona kojima su utvrđene nadležnosti, prava i dužnosti za određeni organizacijski nivo i formacijsku dužnost u VRS.

2.64. Načela komandovanja su jednostarešinstvo, subordinacija, jedinstvo, neprekidnost i dr.

2.65. Komandant jedinice može preneti svoje ovlašćenje na određene starešine iz komande da u njegovo ime komanduju njemu neposredno potčinjenim jedinicama.

2.66. Komandant jedinice ne može preneti svoju odgovornost za posledice koje nastanu iz naređenja koja je u njegovo ime izdao starešina koga je on ovlastio.

2.67. U vojnoj organizaciji se rukovodi vežbama, mobilizacijskim poslovima, obukom, vaspitanjem, oružanom borbom, a u tome komandovanje ima naglašen značaj. Zato se često uporedo naglašavaju ove dve funkcije, pri čemu je komandovanje jedinstvena procesna funkcija rukovođenja. Komandovanjem se ostvaruju – realizuju ciljevi i zadaci rukovođenja.

2.68. Rukovođenje u stručnom pogledu: obuhvata sadržaje rukovođenja koji se odnose na određene stručne aspekte. Redovno uz sam pojam rukovođenja mora da stoji i atribut „stručno“, kojim se na određeni način bliže određuje karakter rukovođenja. „Organ bezbednosti u stručnom pogledu rukovodi vojnom policijom,“¹⁴ što znači da on ima odgovarajuće stručne sposobnosti i da komandantu jedinice predloži njenu upotrebu. Odluku o upotrebi jedinice donosi isključivo komandant i dodeljuje zadatke potčinjenom komandantu jedinice vojne policije. Komandant jedinice VP komanduje svojom jedinicom u skladu sa propisima o komandovanju i sprovodi dodeljene zadatke, odnosno realizuje odluku komandanta.

2.69. Prema tome, pravo komandovanja vojnom policijom - pravo da odluči o upotrebi VP, ima isključivo komandant jedinice u čijem sastavu se nalazi jedinica vojne policije. Pravo komandovanja jedinicom vojne policije ima starešina (komandant ili komandir) jedinice vojne policije. On neposredno ili preko organa bezbednosti predlaže vojnom komandantu upotrebu jedinice vojne policije.¹⁵

¹³ Udžbenik za vojne akademije, SSNO, IV U- 24 , Vojna tajna – Interno, Beograd, 1983. god. tačka 3, BCS ERN 0214-8123-0214-8517 (str. 17-19), CLSS engleski prevod (str. 16-18)

¹⁴ Pravilo službe vojne policije, Glava II, ERN 0207-2092-0207-2115, engleski ERN 0304-1627-0304-12654, Exhibit P00707

¹⁵ Uputstvo za primenu pravila službe Vojne policije OS SFRJ, SSNO, UB-2/4, 1986. god. tačka 18, BCS ERN 0467-5853-0467-5968, Exhibit 3D00276

2.70. Organ bezbednosti u tom procesu obavlja ulogu stručnog organa komande za poslove bezbednosti i nema komandnu nadležnost – ne odlučuje o upotrebi vojne policije i ne dodeljuje zadatke vojnoj policiji. Ostvaruje stručni nadzor i daje stručne savete i preporuke, o čemu polaže računa svom pretpostavljenom komandantu. Komandant nije obavezan da usvoji predlog OB za upotrebu jedinice vojne policije.

2.71. Organima bezbednosti u pogledu primene metoda i sredstava rada rukovodi Komandant GŠ VRS, odnosno lice koje on ovlasti. Komandant GŠ VRS je imao „Pomoćnika za bezbjednosno-obavještajne poslove“, u čijoj nadležnosti je bilo stručno rukovođenje navedenim sektorom.

2.72. Organi bezbednosti pretpostavljene komande ili jedinice VRS rukovode u stručnom pogledu organima bezbednosti u potčinjenim komandama ili jedinicama VRS, pružaju stručnu pomoć tim organima i organizuju, usmeravaju, usklađuju i kontrolišu njihov rad. Stručno rukovođenje potčinjenim OB odnosi se na zadatke čiji nosioci su OB u okviru propisanog delokruga, odnosno na kontraobaveštajne poslove.¹⁶

2.73. Ovo rukovođenje ne menja suštinu i karakter komandnog odnosa između komandanta i OB, odnosno dovodi ga u sklad sa prioritetima i realnim potrebama bezbednosti komande ili jedinice VRS. Istovremeno povezuje organe bezbednosti u stručnom pogledu u funkcionalnu celinu na nivou VRS.

2.74. U skladu sa pravima i dužnostima utvrđenim zakonom i propisima donesenim na osnovu zakona, ovlašćeni starešina OB dužan je da izvršava zadatke iz delokruga organa bezbednosti, koje mu odredi nadležni starešina bez obzira na to da li su ti zadaci obuhvaćeni poslovima koji se redovno izvršavaju na formacijskom mestu na kojem se nalaze.¹⁷ Termin „nadležni starešina“ odnosi se na sva lica koja rukovode i komanduju komandama ili jedinicama VRS u čijem organizacijsko-formacijskom sastavu se nalaze organi bezbednosti.

2.75. KONSTATACIJE O RUKOVOĐENJU I KOMANDOVANJU OB:

2.76. *Organ bezbednosti je neposredno potčinjen starešini jedinice u čijem formacijskom sastavu se nalazi i njemu je odgovoran za svoj rad;*

2.77. *Komandant, u okviru zakonom i drugim propisima utvrđenih prava i dužnosti može dodeljivati potčinjenom organu bezbednosti zadatke isključivo u okviru propisanog delokruga OB.*

2.78. *Komandanti organizacijskih sastava u VRS koji komanduju i rukovode OB bili su obavezni da dosledno primenjuju Instrukciju GŠ VRS 18/20-414/94 od 24.10.1994.*

2.79. *Poslovi i zadaci bezbednosti u kojima OB učestvuju kao stručni organi komandi za poslove državne bezbednosti ne podležu liniji stručnog rukovođenja organima bezbednosti nego isključivo liniji komandovanja.*

2.80. *Postojala je funkcionalna povezanost OB u jedinstven sistem rukovođenja u stručnom pogledu koji nema neposrednog uticaja na propisano rukovođenje i komandovanje organima*

¹⁶ Instrukcija o rukovođenju i komandovanju bezbjednosno-obavještajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, engleski ERN 0308-9290-0308-9292, Exhibit P02741, tačka 2

¹⁷ Pravilo službe OB u OS SFRJ, 01 Januar 1984, SSNO, Beograd, BCS ERN 0090-9817-0090-9843, engleski ERN 0092-0099-0092-0131, Exhibit P00407, tačka 48

bezbednosti u njihovoj organizacijsko - formacijskoj strukturi u komandama i jedinicama VRS.

2.81. *Hijerarhijska struktura u stručnom rukovođenju OB VRS bila je uspostavljena od GŠ VRS, odnosno pomoćnika komandanta GŠ za bezbednosno – obaveštajne poslove, preko Uprave bezbednosti (Načelnika uprave), kome su bili u stručnom pogledu potčinjeni OB korpusa (načelnici OB) i produžavala se po vertikali preko pomoćnika komandanta brigade za bezbednost, sve do pomoćnika komandanata bataljona (referenata) za bezbednosno-obaveštajne poslove.*

Ovlašćenja organa bezbednosti

2.82. *Ovlašćene starešine organa bezbednosti imaju pravo i dužnost da preduzimaju propisane mere i radnje prema pojedincima, grupama i organizacijama čija je delatnost usmerena na ugrožavanje bezbednosti Vojske i odbrane Republike Srpske, kao i na ugrožavanje tajnosti planova i priprema za odbranu komandi i jedinica VRS.*

2.83. *Ovlašćene starešine organa bezbednosti VRS imaju zakonska ovlašćenja u postupanju i radu na zadacima iz svog delokruga rada koja su adekvatna ovlašćenjima pripadnika MUP-a RS - Resor državne bezbednosti.¹⁸*

2.84. *U vršenju službe, kada je to neophodno, ovlašćeni starešina OB dužan je da se prethodno legitimiše. To znači da je ovlašćenje lično i ne može se preneti na drugog.*

2.85. *Radi izvršavanja zadataka iz svog delokruga ovlašćeni starešina OB ima pravo da:*

- (i) *Legitimiše pripadnika VRS i druga lica van oružanih snaga kada je neophodno utvrditi identitet takvog lica i kada je pozvan da pruži pomoć organima unutrašnjih poslova.*
- (ii) *Liši slobode lice koje je učinilo krivično delo iz nadležnosti vojnog suda, pod uslovima propisanim Zakonom o krivičnom postupku i Smjernicama za određivanje kriterijuma krivičnog gonjenja (dokaz Tužilaštva br. P00028), kao i drugim propisima.*
- (iii) *Odredi pritvor protiv lica osnovano osumnjičenih da su učinili krivično delo iz nadležnosti vojnog suda, u trajanju do tri dana, pre pokretanja istrage pod uslovima određenim zakonom kojim se uređuje krivični postupak, o čemu izveštava pretpostavljenog starešinu.*
- (iv) *Upotrebi fizičku snagu radi savladavanja otpora lica koje treba privesti i radi odbijanja napada od sebe ili lica koje obezbeđuje.*
- (v) *Da upotrebi vatreno oružje samo ako drugačije ne mogu:*
 - (v.1.) *da zaštite život ljudi,*
 - (v.2.) *da spreče bekstvo lica zatečenog u izvršenju krivičnog dela za koje je propisana kazna od 15 godina zatvora ili strožija kazna,*
 - (v.3.) *da spreče bekstvo civilnog lica zatečenog u vršenju krivičnog dela za koje je propisana kazna od 15 godina zatvora ili strožija kazna,*

¹⁸ Instrukcija o rukovođenju i komandovanju bezbjednosno-obavještajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, engleski ERN 0308-9290-0308-9292, Exhibit P02741, tačka 2. st. 2

(v.4) da od sebe odbiju neposredan napad kojim se ugrožava njihov život.

2.86. Pored navedenih ovlašćenja OB su u prekrivičnom i krivičnom postupku postupali po Zakonu o krivičnom postupku SFRJ, a na osnovu čl. 49. Zakona o unutrašnjim poslovima

2.87. Posle upotrebe fizičke sile ili vatrenog oružja u vršenju službe, ovlašćene starešine u organima bezbednosti dužne su da podnesu pismeni izveštaj pretpostavljenom starešini organa bezbednosti, koji sa tim upozna je starešinu jedinice u čijem se sastavu nalazi organ bezbednosti. Ovo ujedno potvrđuje da je zastupljen princip jednostarešinstva u komandovanju OB.

Vojna policija u VRS

Rukovođenje i komandovanje vojnom policijom

2.88. U tački 12. Pravila službe Vojne policije OS SFRJ¹⁹ stoji: "Vojnom policijom rukovodi i komanduje starešina vojne jedinice i ustanove u čijem se formacijskom sastavu nalazi jedinica vojne policije ili joj je pridodata."

2.89. Treba zapaziti da su u navednoj formulaciji upotrebljni termini „rukovodi i komanduje“, što podrazumeva da su obuhvaćeni svi aspekti i sadržaji ovih pojmova bez ograničenja.

2.90. U tački 13. Uputstva za primenu Pravila službe VP u OS (VRS)²⁰ stoji: "starešina jedinice vojne policije komanduje svojom jedinicom i odgovoran je za ukupno stanje borbene gotovosti komandantu neposredno ili preko starešine organa bezbednosti jedinice u čijem se sastavu jedinica nalazi ili joj je pridodata."

2.91. S tim u vezi, u tač.18. istog Uputstva stoji: „*Delokrug vojne policije propisan je Pravilom, s tim da starešina jedinice vojne policije, neposredno ili preko organa bezbednosti komande, štaba, jedinice i ustanove u čijem sastavu se nalazi jedinica vojne policije, predlaže pretpostavljenom vojnom starešini upotrebu vojne policije za izvršenje poslova i zadataka iz njenog delokruga, imajući u vidu značaj zadatka, raspoložive snage, vreme i opremljenost vojne policije.*“ Dakle, ključnu ulogu u predlaganju upotrebe jedinice vojne policije ima starešina te jedinice (komandir ili komandant).

2.92. Prema tome, imajući u vidu i dosledno sprovodeći načela komandovanja, komandant je isključivo nadležan da odlučuje o upotrebi VP i da dodeljuje zadatke starešini jedinice VP. Starešina jedinice vojne policije (komandant ili komandir) sprovodi odluku pretpostavljenog komandanta i komanduje svojom jedinicom u izvršavanju dobijenih zadataka.

2.93. U tač. 13. Pravila službe OB u OS (VRS), stoji: "*Vojnom policijom u stručnom pogledu rukovodi starešina organa bezbednosti vojne jedinice u čijem se formacijskom sastavu nalazi jedinica vojne policije ili joj je pridodata.*" Pojam stručnog rukovođenja podrazumeva: (i) predlaganje upotrebe VP komandantu jedinice, (ii) odgovornost komandantu za stanje obučenosti, popunjenosti, opremljenosti i borbene gotovosti jedinice VP, (iii) pokretanje predloga linijom stručnog rukovođenja OB koji se tiče pitanja i problema vojne policije u nadležnosti linije stručnog rukovođenja istom.

¹⁹ Pravilo službe vojne policije, BCS ERN 0207-2092-0207-2115, engleski ERN 0304-1627-0304-12654, Exhibit P00707

²⁰ Uputstvo za primenu Pravila službe Vojne policije, UB-2/4,1986. god. tačka13. str. 15, BCS ERN 0467-5853-0467-5968, Exhibit 3D00276

2.94. Prednje se odnosi samo kada je vojna policija angažovana na izvršavanju zadataka iz njenog propisanog delokruga i nadležnosti. Međutim, kada se vojna policija angažuje na izvršavanju zadataka van svog propisanog delokruga i nadležnosti, OB nije nadležan niti se može smatrati resorno kvalifikovanim da u tom slučaju u stručnom pogledu rukovodi vojnom policijom. Za te zadatke je nadležan onaj ko predlaže vanamensko angažovanje vojne policije i ko odlučuje o njenoj takvoj upotrebi.

2.95. Angažovanje jedinica ili pojedinih pripadnika vojne policije na izvršenju zadataka iz delokruga organa bezbednosti određuje starešina organa bezbednosti koji u stručnom pogledu rukovodi jedinicom vojne policije, uz saglasnost pretpostavljenog vojnog starešine.²¹

2.96. Termin određuje, u ovom slučaju ima stručno značenje, jer se radi o izboru zadatka organa bezbednosti na kome može biti angažovana vojna policija, ali je njeno faktičko angažovanje uslovljeno saglasnošću (čitaj: naređenjem) pretpostavljenog vojnog starešine. Bez te saglasnosti – naređenja komandanta, nema stvarnog angažovanja vojne policije na zadacima iz delokruga organa bezbednosti.

2.97. Komandant jedinice može ovlastiti organa bezbednosti da u određenom periodu i po određenim zadacima u njegovo ime odlučuje o upotrebi vojne policije ili njenog dela.

2.98. Komandant ne može preneti na OB svoju odgovornost za odluke i posledice donesenih odluka koje je organ bezbednosti doneo po njegovom ovlašćenju.²²

KONSTATACIJE O RUKOVOĐENJU I KOMANDOVANJU VOJNOM POLICIJOM:

2.99. *Komandant jedinice u čijem sastavu se nalazi jedinica vojne policije komanduje vojnom policijom – odlučuje o njenoj upotrebi i dodeljuje zadatke;*

2.100. *Komandant (komandir) jedinice vojne policije komanduje jedinicom vojne policije i odgovoran je pretpostavljenom vojnom komandantu za svoju jedinicu neposredno ili preko starešine organa bezbednosti za stanje i izvršavanje zadataka;*

2.101. *Starešina organa bezbednosti u stručnom pogledu rukovodi jedinicom vojne policije i u tom svojstvu je odgovoran svom pretpostavljenom komandantu za stručna pitanja koja se tiču jedinice vojne policije;*

2.102. *Komandant može ovlastiti OB da u njegovo ime komanduje po određenim pitanjima i za određeno vreme jedinicom vojne policije, ali komandant i dalje ostaje odgovoran za odluke i posledice koje proisteknu iz datog ovlašćenja.*

Delokrug vojne policije

2.103. Pravilom službe vojne policije²³ propisano je da „vojna policija vrši određene poslove bezbednosti za potrebe JNA,“ odnosno to je imalo isto značenje i za VRS, pa će saglasno tome biti u daljem tekstu tako i razmatrano. Ovi poslovi bezbednosti odnosili su se na: zaštitu ljudi i imovine; bezbednost vojnog saobraćaja; vojni red i disciplinu; otkrivanje krivičnih

²¹ Pravilo službe vojne policije, ERN 0207-2092-0207-2115, engleski ERN 0304-1627-0304-12654, Exhibit P00707, tačka 19

²² Udžbenik za vojne akademije, SSNO, IV U- 24, Vojna tajna – Interno, Beograd, 1983. god, jednostarešinstvo, BCS ERN 0214-8123-0214-8517 (str. 25 tačka 5 pod 1), CLSS engleski prevod (str. 24-25 tačka 5 pod 1)

²³ Pravilo službe vojne policije, BCS ERN 0207-2092-0207-2115 (str. 16, tačka 17), Engleski ERN 0304-1627-0304-12654 (str. 12, tačka 17), Exhibit P00707

dela i njihovih učinilaca iz nadležnosti vojnog suda RS koji se gone po službenoj dužnosti; učesće u obezbeđenju visokih starešina VRS, dokumenata i borbenih sredstava najvišeg stepena tajnosti, rejonu, zona, pravaca i vojnih objekata od posebnog značaja za Vojsku i odbranu RS.

Zadaci vojne policije VRS

2.104. Zadatke vojna policija VRS izvršava u miru, neposrednoj ratnoj opasnosti i u ratu.

2.105. Vojna policija u miru izvršava sledeće zadatke:

- (1.1) Neposredno fizički obezbeđuje:
 - (i) komande, jedinice i štabove u čijem se sastavu nalazi;
 - (ii) visoke vojne starešine za koje se posebno odredi;
 - (iii) najviše državne rukovodioce i određene šefove stranih delegacija za vreme dok se nalaze u vojnim objektima i u nadležnosti VRS;
 - (iv) strane vojne delegacije;
- (1.2) Vršiti unutrašnje obezbeđenje vojnih zatvora pri vojnim sudovima;
- (1.3) Obezbeđuje:
 - (i) vojna dokumenta, naoružanje i vojnu opremu kada je to propisima i naredjenjem nadležnog starešine određeno;
 - (ii) transport (prevoz) opasnih materija i minsko – eksplozivnih sredstava;
- (1.4) Učestvuje u obezbeđenju vojnih objekata, pravaca i rejonu od posebnog značaja za odbranu;
- (1.5) Sprovodi lica lišena slobode u okviru propisanog delokruga;
- (1.6) Kontrolise i regulise vojni saobraćaj na putevima;
- (1.7) Proverava, pronalazi i privodi pripadnike VRS koji su samovoljno napustili jedinicu;
- (1.8) Učestvuje u borbi protiv diverzantsko – terorističkih i drugih naoružanih grupa u rejonu vojnih objekata koji su napadnuti o čemu odlučuje starešina vojne jedinice u čijem se sastavu nalazi jedinica vojne policije (tačka 22. pod „a“ Pravila službe vojne policije);
- (1.9) Otkriva, pronalazi i privodi učinioce krivičnih dela iz nadležnosti vojnog suda koji se gone po službenoj dužnosti, obezbeđuje tragove krivičnih dela, prikuplja obaveštenja i materijalne dokaze koji mogu koristiti za vođenje krivičnog postupka i postupka po zahtevu vojnog suda ili drugog nadležnog organa u krivičnom postupku.
- (2.1) U neposrednoj ratnoj opasnosti pored gore navedenih zadataka, vojna policija izvršava i sledeće zadatke:
 - (i) obezbeđuje i brani objekte koji su joj dodeljeni i izvršava planovima predviđene zadatke za neposrednu ratnu opasnost;
 - (ii) vodi borbu i savlađuje otpor naoružanih lica koja su izvršila upad u vojne objekte
- (3.1) Za vreme rata vojna policija pored zadataka u miru i neposrednoj ratnoj opasnosti i izvršava i sledeće zadatke:
 - (i) neposredno obezbeđuje komandno mesto, komandante vojne jedinice i kurire kada to naredi nadležni vojni starešina;
 - (ii) učestvuje u borbi protiv neprijateljske delatnosti ubačenih neprijateljskih grupa i pojedinaca ili ostavljenih naoružanih grupa ili pojedinaca u rejonima razmeštanja komandi ili na pravcima kretanja komandi i štabova Vojske;

- (iii) učestvuje u kontroli i obezbeđenju naređenih mera bezbednosti u očekujućim rejonima i na određenim pravcima kretanja;
- (iv) učestvuje u usmeravanju pravaca pokreta izbeglica i ***otkriva pripadnike neprijateljskih formacija koji su se ubacili među izbeglice;***
- (v) **učestvuje u obezbeđenju ratnih zarobljenika** u logorima za ratne zarobljenike.

2.106. U svim slučajevima kada je predviđeno da vojna policija učestvuje u izvršavanju zadatka koji pripada propisanom delokrugu, nadležni starešina određuje obim i sadržaj učešća vojne policije i međusobni odnos učesnika u izvršavanju konkretnog zadatka.

2.107. Učešće vojne policije podrazumeva da su drugi vojni organi i jedinice nosioci zadatka, a vojna policija izvršava deo (stručnih) poslova i zadataka iz svog delokruga i nadležnosti, koji po svom karakteru i sadržaju odgovaraju njenim realnim stručnim i materijalnim kapacitetima, odnosno propisanom delokrugu.

Službe vojne policije

2.108. Zadatke u okviru propisanog delokruga vojna policija izvršava:

- (1) službom obezbeđenja,
- (2) potražnom službom,
- (3) patrolnom službom,
- (4) sprovodničkom službom,
- (5) službom dežurstva vojne policije,
- (6) službom bezbednosti vojnog saobraćaja,
- (7) službom suzbijanja kriminaliteta.

2.109. Za potrebe sagledavanja delovanja vojne policije DK i ZB u izvršavanju zadataka iz propisanog delokruga u junu – julu 1995 centralno mesto pripada analizi službe obezbeđenja i sprovodničke službe.

2.110. Ostale službe vojne policije će biti obuhvaćene analizom samo u obimu i sadržaju koji se dotiču konkretnih problema koji su u pitanju.

2.111. služba obezbeđenja

Obuhvata plansko preduzimanje mera, radnji i postupaka radi obezbeđenja i zaštite:

- (i) komandi, štabova i ustanova VRS;
- (ii) vojnih zatvora;
- (iii) pravaca, rejona i objekata;
- (iv) ličnosti;
- (v) dokumenata.

2.112. Obezbeđenje se vrši radi sprečavanja: pristupa nepozvanih lica u čuvani objekat; bekstva lica koja se nalaze u vojnim zatvorima i osmatranja i izviđanja određenih pravaca, rejona i objekata na njima.

2.113. Za vršenje obezbeđenja izrađuje se plan obezbeđenja koji sadrži: snage i sredstva, vreme i mesto obezbeđenja, način saradnje, postupak organa i jedinaca u pojedinim slučajevima, lice i organ koji rukovodi obezbeđenjem, njegovo mesto i način održavanja veze.

2.114. Službu obezbeđenja vojna policija vrši:

- (i) stražarskom službom,
- (ii) prijavnom i patrolnom službom,
- (iii) zasedama, osmatračima i objavicama,
- (iv) sredstvima tehničke zaštite.

2.115. Vršenje službe obezbeđenja obuhvata i učešće vojne policije u obezbeđenju ratnih zarobljenika u stanicama za prikupljanje, u zarobljeničkim logorima i prilikom sprovođenja.

2.116. „Vojna policija obezbeđuje samo određene kategorije ratnih zarobljenika i kada se to posebno naredi.“²⁴

2.117. Ovim stavom je određeno, da obezbeđenje ratnih zarobljenika može biti zadatak vojne policije kada se to posebno naredi i da se to odnosi samo na određene kategorije ratnih zarobljenika, ili konkretno na važnije ratne zarobljenike. To nije redovna dužnost ili propisana služba vojne policije, nego je u pitanju poseban slučaj. Treba podsetiti, da vojnoj policiji naređenje za obezbeđenje ratnih zarobljenika može izdati jedino komandant jedinice u čijem sastavu se nalazi jedinica vojne policije, ili lice koje on ovlasti.

2.118. Takođe, poslovi i zadaci koje vojna policija obavlja u okviru službe obezbeđenja sadržani su i u borbenim pravilima i drugim propisima kojima je regulisan način funkcionisanja sistema bezbednosti komandi i jedinica VRS u miru, neposrednoj ratnoj opasnosti i u ratu.

2.119. Potražna služba

Vojna policija VRS je u vršenju potražne službe imala obimne zadatke koje je obavljala intenzivno tokom čitavog perioda oružanih sukoba na prostoru BiH. Naime, sistem popune jedinica VRS je bio zasnovan na teritorijalnom principu, gde su na položajima u borbenim dejstvima bili mobilisani vojno sposobni muškarci sa teritorije na kojoj su vođena b/d, što je imalo za posledicu da su pojedinci zbog blizine njihovih domaćinstava i porodica veoma često iz raznih razloga i različitih potreba samovoljno i bez odobrenja i znanja njihovih starešina napuštali borbene položaje i linije odbrane. Vojna policija jedinica VRS je u skladu sa propisima imala obavezu da preduzima mere radi pronalaženja i privođenja takvih lica.

2.120. Patrolna služba

Patrolna služba (tačka 57. Pravila službe vojne policije) je plansko i organizovano izvršavanje zadataka radi

- (i) kontrole reda i discipline,
- (ii) bezbednosti vojnog saobraćaja na putevima, pronalaženja i privođenja izvršilaca krivičnih dela iz nadležnosti vojnih sudova,
- (iii) sprovođenja lica lišenih slobode iz nadležnosti vojnog suda,
- (iv) sprovođenja ratnih zarobljenika,
- (v) obezbeđenja dokumenata i ratne opreme najvišeg stepena tajnosti

²⁴ Uputstvo za primenu Pravila službe vojne policije, UB-2/4, 1986. god, str. 53, tačka 129, BCS ERN 0467-5853-0467-5968, Exhibit 3D00276

2.121. Konkretniji zadaci koje vojna policija izvršava u ratu putem patrolne službe razrađeni su u tački 216. Uputstva za sprovođenje Pravila službe vojne policije.

2.122. Patrolna služba u ratu organizuje se po naređenju komandanta jedinice a u sklopu mera borbenog osiguranja i bezbednosti u zoni, rejonu i prostoriji borbenih dejstava i na određenim pravcima i izvršavaju se, pored ostalih i ovi zadaci:

- (i) kontrola kretanja u rejonu komandnog mesta, rasporeda jedinica i materijalno tehničkih sredstava,
- (ii) učešće u identifikaciji lica radi otkrivanja ubačenih ili ostavljenih neprijateljskih grupa ili pojedinaca i sprečavanja njihove subverzivne aktivnosti,
- (iii) sprovođenje mera zabrane ili ograničenja kretanja u određenim rejonima,
- (iv) sprečavanje nagomilavanja izbeglica na putevima kojima se koriste jedinice i identifikovanje pojedinaca ili manjih grupa neprijatelja među njima,
- (v) otkrivanje i privođenje lica koja su izvršila bekstvo iz VRS i drugih učinilaca krivičnih dela,
- (vi) identifikovanje izbeglica u saradnji sa organima MUP-a i privođenje sumnjivih lica organima bezbednosti komande.

Vojna policija izvršava i druge zadatke koje naredi nadležni pretpostavljeni starešina.

2.123. Sprovodnička služba

Pod sprovodničkom službom podrazumeva se prijem, obezbeđenje pri sprovođenju i predaja nadležnom organu lica i imovine.

2.124. Sprovođenje lica i imovine vrši se od mesta prijema do mesta predaje u jednoj etapi.

2.125. Izuzetno i u ratu sprovođenje se može vršiti i po etapama.

2.126. U tačka 57. Pravila službe vojne policije stoji: *“kada se posebno naredi vojna policija može sprovoditi i ratne zarobljenike.”*²⁵

2.127. Ovo podrazumeva da je ostavljena mogućnost da nadležni starešina (komandant) može narediti upotrebu vojne policije za sprovođenje ratnih zarobljenika, odnosno da to nije sastavni deo redovnih zadataka koje vojna policije obavezno i redovno obavlja po službenoj dužnosti u okviru sprovodničke službe, a to znači da u njima učestvuje samo kada to naredi pretpostavljeni komandant u čijem sastavu se nalazi jedinica vojne policije.

2.128. Ovo je još preciznije određeno u tački 255. Uputstva za primenu Pravila službe vojne policije, gde stoji: *“Vojna policija učestvuje u sprovođenju važnijih ratnih zarobljenika od divizijskih stanica za njihovo prikupljanje do logora za ratne zarobljenike.”*²⁶

2.129. Shodno tome, Uputstvo ograničava učešće vojne policije na „važnije ratne zarobljenike.“

²⁵ Pravilo službe vojne policije, BCS ERN 0207-2092-0207-2115, engleski ERN 0304-1627-0304-12654, Exhibit P00707, tačka 57; Uputstvo za primenu Pravila službe vojne policije, str. 96-98 tačka 255-261, ERN 0467-5853-0467-5968, Exhibit 3D00276

²⁶ Uputstvo za primenu Pravila službe vojne policije, tačka 255. str. 96-97, BCS ERN 0467-5853-0467-5968, Exhibit 3D00276

2.130. Starešina organa bezbednosti koji u stručnom pogledu rukovodi jedinicom vojne policije dužan je da, na osnovu raspoloživih podataka i saznanja, upozna u potrebnom obimu starešinu jedinice vojne policije koja vrši sprovođenje ratnih zarobljenika sa bezbednosnim problemima koji mogu ugroziti izvršenje konkretnog zadatka i da predloži mere koje treba preduzeti za njihovo rešavanje.

2.131. Starešina koji naređuje sprovođenje ratnih zarobljenika dužan je da saopšti starešini jedinice određene za sprovođenje: broj i kategoriju zarobljenika koje treba sprovesti, način sprovođenja, pravac kretanja i način obezbeđenja hranom i drugim potrebama.

2.132. Posle prijema zadatka za sprovođenje, starešina jedinice za sprovođenje preduzima ove mere:

- (i) proziva ratne zarobljenike po spisku koji je dobio od organa komande,
- (ii) vrši pretres ratnih zarobljenika,
- (iii) upozorava ratne zarobljenike da će u slučaju bekstva biti sprečeni upotrebom oružja.

2.133. Svaki pokušaj bekstva ratnih zarobljenika sprečava se upotrebom odgovarajućeg sredstva prinude.

2.134. Posle završenog sprovođenja, ratni zarobljenici se predaju komandi logora ratnih zarobljenika. O svemu ovome se vodi propisana evidencija i dokumentacija.

2.135. *Odredbe Pravila službe vojne policije i Uputstva za primenu Pravila potpuno i veoma detaljno regulišu zadatke i način rada vojne policije u vezi sa ratnim zarobljenicima. Istovremeno, treba istaći da se vojna policija definiše kao učesnik u poslovima i zadacima koji se odnose na ratne zarobljenike, a da su nosioci tih zadataka drugi organi komandi i jedinica Vojske.*

2.136. *Posebno treba naglasiti da su obaveze i zadaci koje obavlja vojna policija u vezi sa ratnim zarobljenicima po svojoj složenosti i načinu izvršenja takvog karaktera, da za njihovu realizaciju nije propisano angažovanje organa bezbednosti osim u pogledu upoznavanja sa bezbednosnom situacijom i predlogom mera radi sprečavanja ugrožavanja bezbednog izvršenja zadatka i to, kada organ bezbednosti raspolaže podacima i saznanjima o očekivanim ugrožavajućim delatnostima i njihovim nosiocima. Sve ostalo u vezi sa sprovođenjem ratnih zarobljenika je u nadležnosti VP i organa komandovanja.*

2.137. Služba suzbijanja kriminaliteta

Služba suzbijanja kriminaliteta vojne policije obuhvata poslove koje prema zakonu kojim se uređuje krivični postupak vrše organi unutrašnjih poslova, a odnose se na krivična dela iz nadležnosti vojnih sudova.

2.138. U vršenju poslova i zadataka u domenu službe suzbijanja kriminaliteta, vojna policija preduzima sledeće:

- (i) Ako postoje osnovi sumnje da je učinjeno krivično delo iz nadležnosti vojnog suda koje se goni po službenoj dužnosti, ovlašćena službena lica vojne policije dužna su da preduzmu potrebne mere da se pronađe učinilac krivičnog dela, da se učinilac ili saučesnik ne sakrije ili ne pobegne i da se otkriju i obezbede tragovi (KD) i predmeti koji mogu poslužiti kao dokaz, kao i da prikupe sva obaveštenja koja bi mogla biti od

koristi za vođenje krivičnog postupka. *Kada su u pitanju krivična dela po kojima postupaju organi bezbednosti, o njima odmah izveštava nadležnog organa bezbednosti, a organi vojne policije odmah preduzimaju mere koje ne trpe odlaganje.*

- (ii) Poslove i ovlašćenja po zakonu kojim se uređuje krivični postupak vrše ovlašćena službena lica vojne policije po službenoj dužnosti, na zahtev vojnog tužioca i vojnog suda.
- (iii) Ovlašćeno službeno lice vojne policije može prikupiti potrebna obaveštenja i podatke o krivičnom delu iz nadležnosti vojnog suda za koje se goni po službenoj dužnosti o učiniocu krivičnog dela pripadniku Vojske, od vojnih lica i drugih građana RS koji nisu pripadnici Vojske RS u skladu sa zakonom kojim se uređuje krivični postupak.
- (iv) Od lica koja nisu u stanju da se odazovu pozivu ovlašćenog službenog lica vojne policije, radi prikupljanja prethodnih obaveštenja, prikupljanje ovih obaveštenja obaviće se, ako je to moguće, u mestu gde se ono nalazi.
- (v) Ovlašćena službena lica vojne policije mogu neko lice lišiti slobode ako postoji osnovana sumnja da je izvršeno krivično delo iz nadležnosti vojnog suda, kada za to postoje razlozi predviđeni u zakonu kojim se uređuje krivični postupak.
- (vi) Ovlašćeno službeno lice vojne policije u skladu sa zakonom kojim se uređuje krivični postupak može i pre pokretanja istrage za krivična dela iz nadležnosti vojnog suda izvršiti: privremeno oduzimanje predmeta, pretresanje stana i lica i uvidaj i odrediti potrebno veštačenje.
- (vii) Ako su ovlašćenom službenom licu vojne policije prijavu o počinjenom krivičnom delu iz nadležnosti vojnog suda podnela vojna ili druga lica, ono je dužno da je primi i bez odlaganja dostavi nadležnom vojnom tužiocu, a ako je moguće da prikupi potrebna obaveštenja i preduzme druge mere u vezi sa prijavljenim krivičnim delom i izvršiocom.
- (viii) Starešine vojnih jedinica i svi pripadnici VRS dužni su da u okviru prava, dužnosti i ovlašćenja, pruže svu potrebnu pomoć ovlašćenim službanim licima vojne policije i omoguće im prikupljanje podataka i obaveštenja i obavljanje drugih poslova propisanih zakonom kojim se uređuje krivični postupak i Pravilom službe vojne policije.

2.139. Ovlašćenje za operativno – tehničku delatnost organa vojne policije kada su u pitanju krivična dela za koja se goni o službenoj dužnosti sadrži član 151. Zakona o krivičnom postupku a u čl. 67.- 92. Pravila službe Vojne policije navedeno je koje poslove i ovlašćenja obuhvata služba suzbijanja kriminaliteta.

2.140. Ovlašćena službena lica vojne policije u vršenju zakonom propisanih poslova i zadataka službe suzbijanja kriminaliteta obavezna su da izveštavaju organe bezbednosti samo u slučajevima kada se radi o krivičnim delima i počiniocima po kojima postupaju organi bezbednosti. U svim drugim slučajevima deluju po službenoj dužnosti i na zahtev vojnog tužioca.

Ovlašćenja vojne policije

2.141. Pripadnici vojne policije pri vršenju službe preduzimaju sledeće mere i radnje:²⁷

- (1) upozorenje,
- (2) legitimisanje,
- (3) podnošenje prijave,
- (4) privođenje,
- (5) zadržavanje,
- (6) upotrebu fizičke snage,
- (7) upotrebu gumene palice,
- (8) vezivanje,
- (9) upotrebu drugih sredstava prinude,
- (10) upotrebu oružja,
- (11) korišćenje posebno dresiranih pasa,
- (12) lišenje slobode,
- (13) pretres lica i stana, i
- (14) oduzimanje predmeta i dokumenata.

2.142. Pripadnici vojne policije dužni su da i van službe preduzimaju navedena mere i radnje kada zateknu lice u vršenju krivičnog dela koje se goni po službenoj dužnosti, a starešine vojne policije kada zateknu pripadnika VRS koji u većoj meri narušava ugled pripadnika Vojske na javnom mestu.

2.143. U vršenju službe vojna policija će primeniti samo ona ovlašćenja koja obezbeđuju da se sa što manje posledica izvrši zadatak. Za svako ovlašćenje propisani su osnovni uslovi za njihovu primenu i obaveze ovlašćenog lica u pogledu izveštavanja pretpostavljenog starešine.

Normativna određenja funkcije organa bezbednosti i vojne policije u borbenim pravilima i uputstvima

Pravilo korpus kopnene vojske - odredbe o bezbednosti

(Privremeno)

2.144. Pravilo korpusa kopnene vojske²⁸ u delu o komandi korpusa u tački 73. propisuje: „organ bezbednosti je stručni organ u komandi koji organizuje i sprovodi mere i postupke kontraobaveštajnog obezbeđenja korpusa i učestvuje u organizovanju i sprovođenju mera bezbednosnog obezbeđenja.“

2.145. U sledećem stavu ove tačke razrađena je uloga organa bezbednosti u stručnom rukovođenju i to: „U stručnom pogledu rukovodi organima bezbednosti u potčinjenim komandama. Organizuje, usmerava, usklađuje, pruža pomoć i kontroliše njihovu

²⁷ Instrukcija o rukovođenju i komandovanju bezbjednosno-obavještajnim organima VRS tačka 1, BCS ERN DA01-0961-DA01-0963, Engleski ERN 0308-9290-0308-9292, Exhibit P02741, tačka 2 stav 2; Pravilo službe vojne policije, BCS ERN 0207-2092-0207-2115, engleski ERN 0304-1627-0304-12654, Exhibit P00707, glava IV, tačka 26-40

²⁸ Pravilo korpus kopnene vojske (Privremeno), Generalštab oružanih snaga SFRJ, Centar visokih vojnih škola oružanih snaga «Maršal Tito» – SSNO 11.04.1990. god. BCS ERN 0114-5728-0115-5932, engleski ERN 0091-3649-0091-3679, Exhibit 7DP00412, tačka 73

kontraobaveštajnu aktivnost. Rukovodi jedinicom vojne policije i predlaže njenu upotrebu u okviru ovlašćenja koja su mu data.“

2.146. Postoje tri bitne odrednice koje treba istaći radi jasnog razgraničenja i to: **organizuje i sprovodi** (što podrazumeva da je nosilac tih poslova i zadataka); **učestvuje u organizovanju** (ovde je nosilac neko drugi, a organ bezbednosti učestvuje); **u stručnom pogledu rukovodi** organima bezbednosti u potčinjenim komandama i jedinicom vojne policije (rešava određene stručne probleme, a komandant komanduje, tj. odlučuje i dodeljuje zadatke).

Uputstvo za rad komandi - štabova, (odredbe o bezbednosti) (N a c r t)

2.147. Uputstvo za rad komandi-štabova²⁹ je istovremeno predstavljalo koliko metodološko toliko i normativno regulisanje rada komandi i štabova i kao takvo bilo je obavezujuće za sve komande i štabove oružanih snaga SFRJ, kao i za školske i nastavne centre u kojima je izvođena obuka.

2.148. U tačkama 221.-224. navedenog Uputstva regulisana su pitanja bezbednosnog obezbeđenja i obaveze subjekata bezbednosti. Posebno je naglašena uloga komande u organizovanju mera bezbednosti na osnovu odluke komandanta, uputstava i naređenja pretpostavljene komande, procene spoljnog i unutrašnjeg neprijatelja - njegovih aktivnosti i mogućnosti; stanja u jedinici, zoni, rejonu ili prostoru dejstva.

2.149. U pogledu obaveza starešina stoji: „*Svaki starešina mora u vršenju poslova iz svoje nadležnosti, pratiti i ceniti bezbednosnu situaciju, predlagati i preduzimati odgovarajuće mere i aktivnosti, stalno ih usaglašavati sa datom situacijom, kontrolisati njihovo sprovođenje i izveštavati nadležne starešine.*“

2.150. Planiranje mera bezbednosti se vrši u okviru planova koje radi komanda ili njeni organi.

2.151. Uloga i zadaci organa bezbednosti su određeni da: „*Na osnovu procene bezbednosne situacije vrši kontraobaveštajnu procenu radi iznalaženja mera i aktivnosti kojima se otkriva, prati i sprečava tajna delatnost neprijatelja i štiti jedinica.*“ Prema tome, jasno je izdvojena i konkretno određena uloga i zadatak organa bezbednosti u odnosu na ugrožavajuće tajne delatnosti neprijatelja.

2.152. Organ bezbednosti u komandi radi poseban plan kontraobaveštajne delatnosti, koga odobrava komandant armije, a u ratu komandant divizije. *Primenjeno u VRS, plan bi u ratu mogao odobriti komandant korpusa.* U puku (brigadi) i nižim jedinicama bezbednost se reguliše usmeno ili u posebnoj tački zapovesti.

Pravilo brigada (pešadijska, motorizovana, brdska, planinska, mornaričke pešadije i laka) – odredbe o bezbednosti

2.152. U Pravilu brigada³⁰ u delu koji sadrži odredbe o komandi brigade, u tački 122. propisani su: mesto, uloga i poslovi organa bezbednosti komande brigade.

²⁹ Uputstvo za rad komandi – štabova, Nacrt, Centar visokih vojnih škola «Maršal Tito», SSNO - Generalštab JNA 1983. god. BCS ERN K023-9361-K023-9576, engleski ERN K011-1600-K011-1794, Exhibit 5DP00699

³⁰ Pravilo brigada (pešadijska, motorizovana, brdska, planinska, mornaričke pešadije i laka), UP-54, SSNO, 1984 god., BCS ERN 0114-7096-0114-7391 (str. 63, 103, 104), engleski ERN 0303-0230-0303-0415, Exhibit P00694

2.153. Prema organizacijskoj šemi komande brigade, organ bezbednosti je neposredno potčinjen komandantu brigade.

2.154. Organ bezbednosti je određen kao [...] „*stručni organ komande koji organizuje i sprovodi mere i postupke kontraobaveštajnog obezbeđenja i učestvuje u predlaganju, organizovanju i sprovođenju mera bezbednosti i samozaštite, čiji je nosilac komanda i drugi subjekti samozaštite.*“

2.155. U **stručnom pogledu** organ bezbednosti **rukovodi obaveštajno-bezbednosnim organima potčinjenih jedinica** u poslovima bezbednosti, organizuje i usmerava njihov rad, pruža im pomoć i kontroliše njihovu aktivnost u izvršavanju kontraobaveštajnih zadataka.

2.156. U **stručnom pogledu** organ bezbednosti **rukovodi jedinicom vojne policije**, ostvaruje uvid u stepen njene obučenosti i spremnosti za izvršenje borbenih i drugih zadataka i predlaže komandantu njenu najcelishodniju upotrebu.

2.157. Takva njegova uloga se može ukratko sažeti na to, da je organ bezbednosti stručni posrednik između komandanta i starešine (komandira) jedinice vojne policije. Svoju namensku funkciju organ bezbednosti komande brigade realizuje u okviru zadataka bezbednosnog obezbeđenja koje planira, organizuje i realizuje komanda brigade sa ciljem da se otklone svi oblici i izvorišta opasnosti od delatnosti spoljnog i unutrašnjeg neprijatelja.

2.158. Na taj način se u zoni borbenih dejstava uspostavlja jedinstven sistem bezbednosti.

2.159. Komanda i drugi organi brigade bezbednost organizuju kao svoju redovnu delatnost, a sve starešine su odgovorne za bezbednost svojih jedinica.

2.160. **Kontraobaveštajno obezbeđenje organizuje i sprovodi organ bezbednosti** u skladu sa Pravilom službe organa bezbednosti i naređenjem pretpostavljene komande. Sprečavanje dejstava specijalnih snaga neprijatelja *pored kontraobaveštajne delatnosti* obuhvata i druge mere i aktivnosti radi njihovog otkrivanja i uništenja. Organu bezbednosti komande brigade je konkretno određeno da je za kontraobaveštajne poslove i zadatke on nosilac, a u kojim poslovima učestvuje kao i to da u stručnom pogledu rukovodi organima bezbednosti u potčinjenim jedinicama i jedinicom vojne policije.

2.161. *Suština izlaganja ovih pravilskih određenja jeste u tome da se prema tom kriterijumu u praksi mogu identifikovati poslovi i zadaci koji su u nadležnosti organa bezbednosti i vojne policije i odvojiti od ostalih koji pripadaju drugim organima. Na osnovu toga se može jasno utvrditi njihov nosilac, njegova naležnost i ovlašćenja u konkretnom slučaju i shodno tome sagledati i oceniti odgovornost.*

Zakonske odredbe i drugi propisi o saradnji organa bezbednosti VRS i organa MUP-a RS

2.162. U periodu na koji se ovaj izveštaj odnosi u primeni je bilo nekoliko normativnih akata u kojima se regulišu odnosi i saradnja između komandi i jedinica VRS i organa unurašnjih poslova u RS.

2.163. Analiza ovih dokumenata ukazuje na veoma čvrste granice koje su postojale između ove dve državne strukture i na njihovu potpunu vertikalnu subordinaciju.

2.164. Sva bitna pitanja i zadatke koje su VRS i organi unutrašnjih poslova trebali zajednički rešavati bila su u nadležnosti najviših državnih organa, počevši od Predsednika RS kao vrhovnog komandanta i najviših vojnih starešina - komandanta GŠ VRS i na drugoj strani ministra unutrašnjih poslova i ovlašćenih organa njegovog ministarstva.

2.165. Ovakav način detaljnog regulisanja međusobne saradnje na najvišem nivou u izvršavanju zajedničkih poslova i zadataka komandi i jedinica VRS i organa i jedinica MUP-a imao je za posledicu da su na operativnim nivoima, tj. u toku njihove realizacije, rešavana samo tehnička pitanja saradnje i ostvarivana je međusobna koordinacija u praktičnom delovanju.

2.166. *Zakon o unutrašnjim poslovima*³¹ – *odredbe o saradnji*: U ovom Zakonu su regulisana pitanja saradnje MUP-a odvojena po resorima javne i nacionalne bezbednosti. Član 8. Zakona određuje da „Ministarstvo u okviru svoje nadležnosti obavještava [...], kao i državne organe i [...] o saznanjima do kojih je došlo u vršenju poslova iz svog djelokruga, naročito poslova i zadataka nacionalne bezbjednosti koji su od interesa za njihovu bezbjednost kad to okolnosti vršenja poslova i zadataka dopuštaju.“

Pod državnim organima se podrazumevaju i nadležni organi VRS.

2.167. Član 21. Zakona propisuje i obavezuje Ministarstvo na saradnju po poslovima i zadacima iz delokruga i nadležnosti Službe nacionalne bezbednosti: *“U vršenju poslova nacionalne bezbjednosti Ministarstvo sarađuje sa odgovarajućim saveznim organima uprave, [...] i sa organima oružanih snaga koji vrše poslove i zadatke bezbjednosti. Ova saradnja odnosi se naročito na međusobno pružanje pomoći u izvršavanju poslova i zadataka, obavještavanje, usklađivanje aktivnosti i dogovaranje o izvršavanju poslova i zadataka iz svog djelokruga koji su od interesa za bezbjednost zemlje.“*

2.168. Činjenica da su u pitanju poslovi i zadaci od interesa za bezbednost zemlje ujedno ukazuje i na to na kom nivou je predviđeno da se po tim poslovima i zadacima ostvaruje propisana saradnja. To je nesumnjivo bio najviši državni nivo koji je jedino nadležan da ocenjuje i odlučuje o tome šta je to „od interesa za bezbjednost zemlje.“

2.169. *Zakon o primeni zakona o unutrašnjim poslovima za vreme neposredne ratne opasnosti ili ratnog stanja*;³² Ovaj zakon posebno propisuje upotrebu jedinica policije u borbenim dejstvima i to od donošenja odluke o njihovom angažovanju pa sve do njene realizacije i načina komandovanja u toku čitavog postupka s tim u vezi.

2.170. U članu 4. stoji: *“Ministarstvo se smatra delom oružanih snaga Republike Srpske i njegovim snagama rukovodi Predsednik republike kao vrhovni komandant.“*

2.171. Ministar unutrašnjih poslova je određen kao odgovorno lica koje se stara o izvršenju naređenja predsednika Republike.

2.172. U članu 13. propisano je da jedinice policije učestvuju u b/d na osnovu naredbe vrhovnog komandanta oružanih snaga i da ministar unutrašnjih poslova rukovodi jedinicama policije preko Štaba komande policijskih snaga.

³¹ Zakon o unutrašnjim poslovima, BCS ERN 0113-8924-0113-8926, engleski ERN 0084-8644-0084-8650, član 8. i član 21. Exhibit P00703

³² Ukaz o proglašenju Zakona o primeni zakona o unutrašnjim poslovima za vreme neposredne ratne opasnosti ili ratnog stanja, Službeni glasnik Republike Srpske br. 1, posebno izdanje, 29. novembra 1994. god. BCS ERN 0049-7350-0049-7406 (str. 3-5), engleski ERN 0086-0436-0086-0478 (str. 8-13), Exhibit 4DP00725

2.173. Jedinice policije koje se naredbom vrhovnog komandanta oružanih snaga upućuju na borbeno dejstva prepotčinjavaju se komandantu jedinice u čijoj zoni odgovornosti izvršavaju borbene zadatke.

2.174. Ovim jedinicama komanduje određeni komandant - pripadnik MUP-a i za vreme dok su prepotčinjene VRS zadržavaju svoju formaciju i ne mogu se rasparčavati i razdvajati.

2.175. Pored toga, ove jedinice upotrebljavaju se *samo za borbeni zadatak koji je unapred određen od strane vrhovnog komandanta ili ministra unutrašnjih poslova.*

2.176. Logističku podršku jedinicama policije koje su prepotčinjene VRS obezbeđuje komandant vojne jedinice kome su prepotčinjene ove jedinice.

2.177. Shodno ovim zakonskim rešenjima, sva pitanja koja se tiču angažovanja policije u borbenim dejstvima trebala su biti rešavana linijom komandovanja u VRS i MUP-u.

2.178. Organi bezbednosti su u tome mogli da učestvuju u okviru štabno-bezbednosnih poslova po naređenju pretpostavljenog komandanta, dok su praktična pitanja u ostvarivanju dobijenih zadataka bila u nadležnosti odgovarajućih komandnih instanci.

2.179. Saradnja u domenu poslova i zadataka Službe nacionalne bezbednosti i organa bezbednosti VRS ostvarivana je linijom stručnog rukovođenja organima bezbednosti i službe nacionalne bezbednosti, sa unapred jasno određenim sadržajem i načinima realizacije kao i nadležnostima nosilaca te saradnje.

2.180. To je ujedno i obrazloženje sadržaja i načina realizacije odredbe tačke 5. Pravila službe organa bezbednosti koja se odnosi na saradnju OB sa službama i organima koji vrše poslove državne bezbednosti.

2.181. *Naređenje Predsednika Republike Glavnom štabu VRS i MUP Republike Srpske,*³³ koje se odnosi na ostvarivanje zakonima i drugim propisima određene međusobne saradnje razrešava probleme i nejasnoće oko angažovanja MUP-a u borbenim dejstvima.

2.182. Ovim Naređenjem posebno se nalaže GŠ VRS i MUP RS da se u saradnji dosledno pridržavaju zakonskih odredbi kojima je regulisana saradnja i da sadržaj i obim saradnje moraju pravovremeno biti konkretno i precizno definisani.

2.183. Radi se o tome da se otkloni bilo kakva proizvoljnost u pogledu postavljanja zahteva koji bi izlazili iz okvira unapred dogovorenog, kao i strogom definisanju uloge rukovođenja i komandovanja u domenu saradnje.

2.184. U realizaciji ovako propisane saradnje sva druga pitanja kao što je to koordinacija i angažovanje jedinica policije ili razmena podataka i informacija od interesa za bezbednost Vojske ili na teritoriji bila su više izvršno-operativnog karaktera, bez širih mogućnosti i inicijative realizatora poslova.

2.185. Pored toga, sva pitanja saradnje rešavana su na najvišem nivou rukovođenja u VRS i MUP kako po pitanjima iz resora javne bezbednosti tako isto i po pitanjima iz resora

³³ Naređenje Predsednika RS Str. pov. br. 01-715-1/95, od 22.04.1995. god. BCS ERN 0062-7730-0062-7733, engleski ERN 0088-8578-0088-8579, Exhibit P00008

državne bezbednosti, odnosno Službe nacionalne bezbednosti RS i organa bezbednosti VRS.

2.186. U borbenim pravilima i uputstvima po kojima je postupalo komandovanje VRS sva pitanja saradnje u zoni b/d definisana su na identičan način kao što je to napred navedeno. Ovi propisi ne određuju način realizacije saradnje, jer je to stvar konkretnih potreba i mogućnosti, za razliku od izričito formulisanih zahteva u tom pogledu u zakonima o kojima je napred bilo reči i naređenju predsednika RS.

KONSTATACIJE O SARADNJI VRS i MUP-a RS:

2.187. *Saradnja je precizno razrađena u zakonima, borbenim pravilima i uputstvima i izričito naređena od strane vrhovnog komandanta oružanih snaga RS;*

2.188. *Sva pitanja koja se tiču sadržaja i obima saradnje između VRS i MUP-a RS rešavaju se po unapred usaglašenim i na najvišem nivou rukovođenja usvojenim planovima;*

2.189. *Angažovanje jedinica policije u borbenim dejstvima i komandovanje tim jedinicama je jasno propisano jer se jedinice angažuju kao formacijske celine i ne mogu se rasparčavati, njima u toku b/d komanduje starešina koji je pripadnik MUP-a RS a kada se prepotčinjavaju Vojsci mogu biti angažovane samo na zadacima koji su unapred određeni od strane ministra unutrašnjih poslova. Komandant vojne jedinice kome ja prepotčinjena jedinica policije komanduje ovom jedinicom preko njenog komandanta i dužan je da toj jedinici obezbedi logističku podršku;*

2.190. *Koordinacija³⁴ (usklađivanje) dejstava jedinice policije sa jedinicama VRS je u nadležnosti organa komandovanja, jer je to funkcija rukovođenja i komandovanja. Ovo u celini važi i za organizovanje, održavanje i kontrolu režima bezbednosti u zoni nadležnosti komandi i jedinica VRS. Organi bezbednosti se dakle mogu angažovati u svojim komandama kao učesnici u štabno-bezbednosnim poslovima, tj. kao stručni organi za poslove bezbednosti, po naređenju pretpostavljenog komandanta i po planu komande;*

II POSEBNI DEO

3. UGROŽAVANJE BEZBEDNOSTI U ZONI 1. ZVORNIČKE PEŠADIJSKE BRIGADE PRE POČETKA I U TOKU OPERACIJE „KRIVAJA 95“

3.1. Uvod

3.1.1. U ovom delu izveštaja će biti reči o ugrožavajućim delatnostima i njihovim nosiocima u zoni 1.Zvpbr i o delovanju organa bezbednosti k-de i OB jedinica brigade na otkrivanju i sprečavanju tih delatnosti i njihovih nosilaca u okviru propisanog delokruga i nadležnosti za period na koji se izveštaj odnosi.

3.1.2. Iz dokumenata koje mi je odbrana ppor. Nikolić Drage stavila na raspolaganje došao sam do zaključka da se u ugrožavanju bezbednosti u zoni 1.Zvpbr razlikuju dva karakteristična perioda i to:

³⁴ Rukovođenje i komandovanje, Udžbenik za vojne akademije, SSNO, IV U-24, Bgd, 1983., BCS ERN 0214-8123-0214-8517 (str. 34), CLSS engleski prevod (str. 34)

a) Prvi je bio pre operacije „Krivaja 95“. Tada su opšte karakteristike i sadržaji ugrožavajućih delatnosti i delovanja njihovih nosilaca bili približno isti kao i u drugim delovima zone DK u celini.³⁵

b) Drugi period je nastupio sa početkom operacije „Krivaja 95“ i trajao je posle pada Srebrenice pod kontrolu srpskih snaga do pogubljenja ratnih zarobljenika.

Postojale su značajne razlike u ispoljavanju ugrožavajućih delatnosti i ponašanju njihovih nosilaca između prvog i drugog perioda u zoni Zvpbr, ali i u odnosu na druge delove z/o Drinskog korpusa.

U drugom periodu, za vreme i neposredno posle pada Srebrenice pod kontrolu srpskih snaga, nastupile su značajne promene u pogledu nagle eskalacije ugrožavanja komande, jedinica i teritorije u zoni Zvorničke brigade. Tada su nametnuti znatno obimniji i složeniji poslovi i zadaci pred OB u preduzimanju mera kontraobaveštajnog obezbeđenja, kao i mera bezbednosti u nadležnosti svih subjekata bezbednosti brigade, a znatnim delom i pretostavljene komande (DK).

3.1.3. Podsećanja radi, treba stalno imati u vidu osnovna načela u vršenju kontraobaveštajnih poslova i zadataka. Ovom prilikom ističem samo ona, koja su u datom momentu imala poseban značaj i uticaj. Pored već opisane tajnosti, to su: kreativni i originalni načini primene metoda i sredstava; prioriteti u suprotstavljanju neprijateljskoj delatnosti, koji podrazumevaju neodložno i energično suprotstavljanje onim ugrožavajućim delatnostima i njihovim nosiocima koji nanose najrazornije i najbrže posledice po objekat zaštite OB; kontinuitet u primeni metoda rada na suprotstavljanju nosiocima ugrožavajućih delatnosti koje se dugoročno ispoljavaju i zbog toga moraju biti pod neprekidnom kontrolom OB; pravovremeno organizovanje za primenu metoda rada OB prema očekivanim ugrožavajućim delatnostima i njihovim nosiocima, sa ciljem preventivnog pravovremenog otklanjanja mogućnosti iznenadne destrukcije i dr.

3.2. Ugrožavanje bezbednosti u zoni 1. Zvpbr pre početka operacije „Krivaja 95“

3.2.1. Odbrambene položaje u zoni Zvpbr prema muslimanskim snagama posedali su i držali pešadijski bataljoni, koji su bili raspoređeni frontalno u jednoj liniji, sa rezervnim položajima koji su bili utvrđeni, ali neposednuti. Narušavanjem prve linije stvarane su breše u odbrani.³⁶ To je je muslimanska strana koristila za prikriveno ubacivanje IG i DTG u dubinu z/o.

3.2.2. Zona odbrane Zvpbr je korišćena za tajni dotur UBS i MTS u „zaštićenu zonu“ zonu Srebrenica, što je predstavljalo poseban bezbednosni problem, jer su grupe koje su vršile dotur bile odlučne i spremne da izvrše postavljeni zadatak po svaku cenu, što je podrazumevalo i najbezobzirnija sredstva i načine bez ikakvih ograničenja.³⁷

3.2.3. U sklopu ukupnih aktivnosti A R BiH, putem RiK dato je 17.06.1995. godine naređenje za izvođenje ofanzivnih b/d. Obzirom na ranija dejstva snaga 28. divizije A BiH

³⁵ Izvorni zapisnik sa 16. sednice Skupštine srpskog naroda u BiH, 12.05.1992.g., BCS ERN 0844-7711-0844-7761 (str. 6), engleski ERN 0091-3501-0091-3562 (str. 10), Exhibit P00025; Prilike u BiH pre početka rata, BCS ERN 0064-1755-0064-1774, engleski ERN 0084-0170-0191; Formiranje Bratunačke brigade, BCS ERN 0064-1731-0064-1754, engleski ERN 0083-9620-0083-9653.

³⁶ Komanda Zvpbr, Str.pov.br. 06-218 od 16.07. 1995.g., Vanredni borbeni izveštaj, tač. 3, ERN 0068-4874-0068-4875, engleski ERN 0081-5841-0081-5842, Exhibit 7DP00330.

³⁷ GŠ A R BiH, br.1-1/V-169, Kakanj, 28.05., Izveštaj o doturu UBS i MTS u enklave Žepa i Srebrenica, BCS ERN 0185-4593-0185-4594, engleski ERN 5D03-0833-5D03-0835, Exhibit 5D00265.

iz Srebrenice u zoni Zvpbr, realno se moglo očekivati da će ta dejstva još više dobiti u intenzitetu i da će ugrožavanje bezbednosti u delu zone prema Srebrenici biti znatno veće i svestranije.³⁸ Ovim dejstvima su redovno prethodile obaveštajno-izviđačke i diverzantsko-terorističke akcije iza prvih linija odbrane i u dubini z/o.

3.2.4. Iz tzv. „zaštićene zone“ Srebrenica ubacivane su naoružane grupe iz sastava 28. divizije A BiH koje su vršile ubistva i teror nad srpskim civilnim stanovništvom, pljačkale imovinu, palile kuće, napadale manje jedinice koje su izvršavale zadatke na tom prostoru, pored ostalog i u zoni Zvpbr. Prema operativnom izveštaju komande 28. divizije, koji je upućen 2. K A BiH u Tuzli, u tim akcijama likvidiran je 71 pripadnik VRS i naneseni su drugi gubici u naoružanju i opremi.³⁹

3.2.5. Komanda DK je 02.07.1995. godine uputila Pripremno naređenje⁴⁰ op. br.1, u kome se naređuje da se iz Zvpbr izdvoje snage ekvivalenta jednog lakog bataljona sa neophodnom borbenom tehnikom i jačom podrškom radi izvođenja borbenih dejstava na samostalnom pravcu.

Formiranjem⁴¹ i odlaskom ove jedinice na zadatak van zone odbrane, brigada je ostala bez dela snaga koje su održavale potrebnu kontrolu teritorije, kao jedno od veoma osetljivih pitanja bezbednosti. To je zahtevalo da se u zoni odbrane Zvpbr poveća angažovanje VP na kontroli i organa bezbednosti na kontraobaveštajnom obezbeđenju teritorije.

3.2.6. U redove VRS su sa različitim ciljevima i namerama stupali dobrovoljci iz redova srpskog naroda iz SRJ i inostranstva, među kojima su bila i lica sa kriminalnom prošlošću. Njihov dolazak u jedinice VRS predstavljao je u manjoj ili većoj meri bezbednosni rizik. Sve to je moralo biti obuhvaćeno metodima rada organa bezbednosti i nikako nije smelo ostati van kontrole i uvida za vreme boravka u jedinicama u koje su raspoređivani.

Pored toga, postojale su službene i druge veze sa licima iz inostranstva, predstavnicima raznih organizacija, sredstava javnog informisanja i dr. Namerno prikupljanje ili nenamerno oticanje podataka i drugi negativni uticaji putem ovih veza i odnosa predstavljali su stalan izvor ugrožavanja bezbednosti brigade.⁴²

3.2.7. Glavni štab VRS uputio je dva dobrovoljca Poljaka, kat komandi DK, da ih rasporedi u izviđačko-diverzantski odred DK, a komanda DK je iste uputila u manevarski bataljon 1.Zvpbr (kod Jolovića).⁴³

Načelnik OB Zvpbr nije za iste dobio nikakve podatke na osnovu kojih bi mogao pouzdano zaključiti o njihovoj bezbednosnoj podobnosti i pouzdanosti za zadatke koje izvršava jedinica u koju su raspoređeni. Radilo se o dobrovoljcima, koji su bili vrhunski osposobljeni za specijalne zadatke, kao bivši pripadnici legije stranaca. Motivi ciljevi i namere pridruživanja jedinici VRS bili su nejasni.

³⁸ GŠA R BiH, Analiza i hronologija događaja u Srebrenici, ERN 0185-4504-0185-4511.

³⁹ A R BiH, K-da 28.divizije, Str.pov. br. 04-114/95 od 30.06.1995.g., Op. izveštaj K-di 2.Korpusa Tuzla, ERN 0084-2157-0084-2158, engleski ERN 0084-2838-0084-2839, Exhibit 1DP00428.

⁴⁰ K-da DK, Str. pov. br: 01/4-156-1, od 02.07.1995.g., ERN 0430-3382-0430-3383. Vid. isto ERN 0091-7863-0091-7864, engleski ERN 0092-2930-0092-2931, Exhibit 5DP00106.

⁴¹ Naredjenje komandanta Zv. Br od 2. Jula 1995, ERN 0071-0229-0071-0236, engleski ERN 0085-0060-0085-0064, Exhibit P00318.

⁴² K-da DK, Odeljenje bezbednosti, Str.pov. br. 17/141 od 11.02.1995, ERN 0428-4576-0428-4576.

⁴³ GŠ VRS, pov.br: 09/31/12-3/75 od 20.04.1995.g., ERN 0433-3820-0433-3820, engleski ERN 0433-3820-0433-3820_EDT, Exhibit P02468; i K-da DK, pov.br:05/1-134, od 20.04.1995.g., ERN 0433-3819-0433-3819, engleski ERN 0433-3819-0433-3819_EDT, Exhibit P02467.

Stranci, Poljaci su predstavljali određenu nepoznanicu za OB kao i znatan bezbednosni rizik. Njihovim implementiranjem u manevarsku jedinicu ZV BR, postojale realne mogućnosti za iznenađenje bilo koje vrste.

3.2.8. Uprava bezbednosti GŠ VRS raspolagala je saznanjima o naručenom, odnosno naredenom ubistvu komandanta GŠ generala Ratka Mladića i njegovog pomoćnika za bezbednosno-obaveštajne poslove generala Zdravka Tolimira.

Ovakvo saznanje predstavljalo je prioritetan zadatak za sve OB VRS i značilo je da se radi o kompleksnom bezbednosnom problemu.⁴⁴

3.3. Ugrožavanje bezbednosti u z/o 1.Zvpbr u operaciji „Krivaja 95“

3.3.1. Pripreme za učešće Zvpbr u operaciji „Krivaja 95“ otpočele su na osnovu Pripremnog naredjenja komande drinskog korpusa od 02.07.1995.godine, kada je bezbednosna situacija u zoni brigade bila veoma nepovoljna, kao što je to u skraćenom obliku u prethodnom delu konstatovano, kao i u tač. 1.pomenutog Naredjenja.^{45/}

3.3.2. Kao početak eskalacije ugrožavajućih delatnosti i masovne pojave njihovih nosilaca usmerenih protiv komande i jedinica Zvpbr, kao i objekata i stanovništva u njenoj zoni odbrane, može se smatrati ulazak jedinica DK u Srebrenicu i odluka da borbeni sastavi koji su učestvovali u zauzimanju Srebrenice odmah produže na novi zadatak-zauzimanje enklave Žepa.⁴⁶ Naime, u momentu donošenja te odluke, bilo je poznato da je 28. divizija A BiH napustila Srebrenicu, odnosno da nije izvršeno njeno zarobljavanje i razoružavanje.

3.3.3. Naime, komanda 28. divizije je odvojila vojno sposobne muškarce od ostalih civila. Od njih je oformila mešovitu kolonu i organizovano pod naoružanim obezbeđenjem povelu u proboj preko teritorije pod kontrolom srpskih snaga, prema teritoriji pod kontrolom muslimanskih snaga u rejonu Tuzle i Kladnja. Ovaj postupak, prema tada vladajućim zakonskim propisima, praktično predstavlja mobilizaciju ovih lica kao ratnog sastava i njihovo stavljanje pod komandu 28. divizije 2.K A BiH. Treba imati u vidu, da je Predsedništvo BiH u nepotpunom sastavu 20.06.1992.godine proglasilo ratno stanje i izdalo naredbu o proglašenju opšte javne mobilizacije na celoj teritoriji BiH.⁴⁷ U protivnom, svi nemobilisani vojno sposobni muškarci bi se nalazili sa ostalim civilima u Srebrenici i Potočarima.

3.3.4. Glavni štab VRS je 13.07.1995.godine uputio komandi DK, IKM-1 DK, Zvpbr, 1Bpbr i Vlpbr, na ličnost komandanta ili načelnika štaba, naredjenje za sprečavanje prolaska muslimanskih grupa ka Tuzli i Kladnju.

Činjenica da je GŠ uputio istovremeno naredjenje komandi DK i komandama brigada ukazuje na težinu situacije, hitnost i važnost zadatka i neposrednu zainteresovanost GŠ za njegovo dosledno i potpuno izvršenje.

⁴⁴ K-da DK, Odeljenje bezbednosti, Str.pov.br: 17/469 od 20.04.1995.g., ERN 0066-3714-0066-3715, engleski ERN 0086-0341-0086-0342, Exhibit P03033.

⁴⁵ /GŠ VRS, Str. pov. br. 03/4-1629 od 13.07.1995.g., ERN 0091-7858-0091-7859, engleski ERN 0092-0411-0092-0412; Komanda drinskog korpusa, Str. pov. br. 01/04-156-1 od 02.07.1995.g., ERN 0430-3382-0430-3383. Vid. isto ERN 0091-7863-0091-7864, engleski ERN 0092-2930-0092-2931, Exhibit 5DP00106.

⁴⁶ Komanda DK, str.pov.br. 02/4-158-1 od 13.07.1995.g., Zapovest za napad na enklavu Žepa Op-br.1, ERN 0091-7870-0091-7873, engleski ERN 0092-0249-0092-0253, Exhibit P00114.

⁴⁷ Službeni list R BiH broj 7 od 20.juna 1992.g., odeljak 158 i 159, ERN 0052-0783-0052-0786

Komanda Drinskog korpusa je 13.07.1995.godine na osnovu naređenja GŠ VRS uputila komandama (čitaj komandantu i načelniku štaba) svih potčinjenih jedinica sopstveno Naređenje za sprečavanje prolazaka muslimanskih grupa ka Tuzli i Kladnju. U Naređenju se upozorava da „...vojno sposobno ljudstvo iz enklave ima zadatak da se po grupama i sa naoružanjem prebacuje ka Tuzli i Kladnju. Među njima se nalaze okoreli kriminalci i zlikovci, koji neće prezati ni od čega da bi izbegli zarobljavanje i izvukli se na teritoriju pod kontrolom Muslimana...“⁴⁸ (prema nekim podacima radi se od 12.000 do 15.000 ljudi). Ugrožavanje bezbednosti u zoni Zvpbr na pravcu proboja muslimanske kolone je u oba naređenja intonirano kao dramatično.

3.3.5. Nakon toga u zonu Zvpbr je otpočelo prebacivanje i razmeštaj ratnih zarobljenika iz Srebrenice. To se, pored već postojećih ugrožavajućih delatnosti veoma nepovoljno odrazilo na stanje bezbednosti u jedinicama u zoni Zpbr.

Raspoređivanje i obezbeđivanje ratnih zarobljenika je zahtevalo odvajanje dela snaga koje su ionako bile nedovoljne i prenapregnute u izvršavanju teških borbenih zadataka.

3.3.6. Razmeštanje velikog broja ratnih zarobljenika je predstavljalo opasnost za stanovništvo u mestima njihovog zatočenja i istovremeno je moglo dovesti do širenja alarmantnih vesti, stvaranja panike i odlaska boraca sa linija fronta u svoja sela radi zaštite svojih porodica i imovine.

Ovo tim pre, jer je K-da DK 15.07. postavila hitan zahtev Sekreterijatu MO Zvornik za mobilizaciju v/o u z/o DK, za obezbeđenje teritorije.⁴⁹

Prethodno prikupljeni obaveštajni podaci ukazivali su na mogućnost napada muslimanskih snaga i na sam grad Zvornik, radi njegovog osvajanja i stavljanja pod kontrolu.⁵⁰

3.3.7. Postojao je stalni obaveštajni interes muslimanske strane, ABIH, za ratne zarobljenike. Osnovano se moglo očekivati da će nakon otkrivanja mesta zatočenja Pripadnici ABIH pokušati da oslobodi ratne zarobljenike, bilo putem ubacivanja naoružanih grupa ili angažovanjem naoružanih grupa iz kolone, koje su se već nalazile u zoni Zvpbr.

3.3.8. Jedinice 2.korpusa A BiH koje su napadale prve linije odbrane Zvpbr otpočele su snažna ofanzivna dejstva, i pritiskom sa fronta olakšale proboj koloni koje se kretala prema liniji fronta.

Rezultat ovako koordiniranih dejstava muslimanske strane bio je da je u zoni Zvpbr došlo do kritične situacije i da je pretila opasnost da muslimanske snage probiju prednju liniju odbrane i stvore uslove za dotur oružja i municije vojno sposobnim muškarcima koji su se nalazili u koloni. To bi dovelo do promene odnosa snaga na tom prostoru. Odbrana i bezbednost u z/o brigade bile bi dovedene u neodrživ položaj.⁵¹

3.3.9. Od momenta kada je došlo do prvih sukoba mešovite naoružane muslimanske kolone sa jedinicama Zvpbr u njenoj zoni odbrane od kolone su se počele odvajati veće ili

⁴⁸ Komanda DK, Str. pov. br. 03/156-11 od 13.07.1995.g., ERN 0084-7295-0084-7296, engleski ERN 0088-3603-0088-3605, Exhibit P00117.

⁴⁹ K-da DK, Str. pov. br. 057/1-242 od 15.07.1995.g., ERN 0430-3471-0430-3471.

⁵⁰ K-da DK Str. pov. br.: 03/157-6 od 15.07.1995.g. (obaveštajna informacija), ERN 0430-3476-0430-3476.

⁵¹ /Komanda Zvpbr, Str. pov. br. 06-218 od 16.07. 1995.g., Vanredni borbeni izveštaj, ERN 0068-4874-0068-4875, engleski ERN 0081-5841-0081-5842, Exhibit 7DP00330.

manje naoružane i nenaoružane grupe boraca 28. divizije A BiH radi lakšeg samostalnog proboja na teritoriju pod kontrolom muslimanske strane.

Ove grupe su se skrivale i tajno boravile u zoni odbrane Zvpbr, neke duže i od mesec dana, odlučne da se ne predaju srpskim snagama, čekajući pogodan trenutak za prebacivanje.⁵² Čak i manje grupe boraca 28. div ABIH skrivene u zoni ZVBR⁵³ su predstavljale veliku opasnost za nezaštićena srpska sela i mesno stanovništvo koje se kretalo po teritoriji, ali i za manje jedinice koje su izvršavale zadatke na delovima teritorije gde su se te grupe nalazile.

3.4.0. Režim bezbednosti u z/o DK i posebno u z/o Zvpbr je bio ugrožen u tolikoj meri, tako da je odbrana bila na granici opstanka sa realnim pretnjama da dospe u neodrživ položaj.

Komanda DK je 15.07.1995.godine izdala naređenje: „... da se u Zvorniku mobiliše sve i uputi na položaj za odbranu“.⁵⁴

Takođe, 15.07.1995.godine k-da DK je postavila vrlo hitan zahtev za mobilizaciju v/o, za obezbeđenje teritorije u zoni odgovornosti korpusa.⁵⁵

Težište zadataka odbrane i mobilizacije nalazilo se u zoni Zvpbr gde je situacija bila najteža.⁵⁶ Postojeće stanje je ukazivalo na realnu ugroženost bezbednog izvršenja mobilizacije i potrebe za preduzimanjem hitnih mera iz delokruga i nadležnosti OB.

Konstatacije o ugrožavanju bezbednosti u zoni Zvorničke brigade

-ugrožavanje bezbednosti u zoni Zvorničke brigade do početka operacije „Krivaja 95“ 6. jula 1995.godine bilo je u suštini identično sa istom takvom neprijateljskom delatnošću u drugim delovima zone odbrane DK;

-opšta karakteristika ugrožavajućih delatnosti i njihovih kreatora i nosilaca bila je da su u tom delovanju bili zastupljeni gotovo svi sadržaji, sredstva i načini koji su mogli ugroziti komandu, jedinice, stanovništvo, imovinu i druge vrednosti koje su mogle biti od koristi za odbranu i opstanak ljudi na tom prostoru. Radi se o totalnom ugrožavanju.⁸⁸

⁵² Borbeni izveštaji Zvpbr: Str. pov. br. 06-216, ERN 0068-4866-0068-4867, engleski ERN 0081-5845-0081-5846, Exhibit 7DP00326; Str. pov. br. 06-217/1, ERN 0068-4868-0068-4869, engleski ERN 0081-5835-0081-5836, Exhibit P00329; Str. pov. br. 06-218, ERN 0068-4874-0068-4875, engleski ERN 0081-5841-0081-5842, Exhibit 7DP00330; Str. pov. br. 06-229, ERN 0068-4908-0068-4911, engleski ERN 0081-0703-0081-0703, Exhibit 7DP00340; Str. pov. br. 06-230/1, ERN 0068-4912-0068-4915, engleski ERN 0081-0710-0081-0711; Str. pov. br. 06-231, ERN 0068-4916-0068-4921, engleski ERN 0081-0833-0081-0834; Str. pov. br. 06-232, ERN 0068-4922-0068-4925, engleski ERN 0081-0701-0081-0702; Str. pov. br. 06-233, ERN 0068-4926-0068-4929, engleski ERN 0081-1214-0081-1215; Str. pov. br. 06-234, ERN 0068-4930-0068-4933, engleski ERN 0081-1216-0081-1217; Str. pov. br. 06-235, ERN 0068-4936-0068-4939, engleski ERN 0081-1212-0081-1213; Str. pov. br. 06-238, ERN 0068-4944-0068-4945, engleski ERN 0086-0480-0086-0481.

⁵³ Izveštaj Vojnom Tužilaštvu Bjeljina str. pov. 17/94 od 16.07.1995.g., ERN 0071-0343-0071-0346, engleski ERN 0085-0107-0085-0108, Exhibit P00345.

⁵⁴ K-da DK, Str. pov. br. 03/157-6 od 15.07.1995. g., ERN 0430-3476-0430-3476. Vid. isto ERN 0293-5573-0293-5573, engleski ERN 0308-5466-0308-5466.

⁵⁵ K-da DK Str. pov. br. 05/1-242 od 15.07.1995.g. ERN 0430-3472-0430-3472.

⁵⁶ K-da I. Zvpbr, Redovni i vanredni borbeni izveštaji od 14., 15. i 16.07. 1995.g., vid. Fusnotu br. 52.

gg K-da Zvpbr, Str. pov. br. 06-216/2 od 14.07.1995.g., ERN 0068-4864-0068-4865, engleski ERN 0081-5847-0081-5847, Exhibit 5DP00327; Str. pov. br. 06/217-1 od 15.07.1995.g., ERN 0068-4868-0068-4869, engleski ERN 0081-5835-0081-5836, Exhibit P00329; Str. pov. br. 06-218 od 16.07.1995.g., ERN 0068-4874-0068-4875, engleski ERN 0081-5841-0081-5842, Exhibit 7DP00330; Obaveštajni izveštaj Str. pov. br. 17/104 od 18.07.1995.g., ERN 0071-0201-0071-0204, engleski ERN 0085-1320-0085-1321; K-da DK Str. pov. br.: 03/157-6 od 15.07.1995.g. (obaveštajna

-učesće delova Zpbr u operaciji „Krivaja 95“ i „Stupčanica 95,“ proboj naoružane mešovite kolone 28. divizije A BiH preko zone odbrane brigade i istovremeno razmeštanje velikog broja ratnih zarobljenika u objektima na širem prostoru zone, kao i pojačani svi oblici subverzivnog delovanja muslimanske strane u dubini iza linija odbrane-koordinirani sa dejstvima sa fronta, stvorili su kritičnu bezbednosnu situaciju i doveli odbranu na granicu neodrživosti položaja. To je bila novonastala situacija koja je nalažala hitne i sveobuhvatne mere komandovanja i organa bezbednosti u okviru svog delokruga i nadležnosti, kao i svih drugih struktura odbrane (MUP-a, organa vlasti i dr.)

-u domenu bezbednosne delatnosti u zoni Zvpbr u kritičnom periodu nastao je veoma uslovljen-ultimativan odnos na relaciji ugrožavanje-zaštićivanje, odnosno preduzimanje mera kontraobaveštajnog obezbeđenja i KPMR čiji nosioci su OB, kao i drugih mera bezbednosti čiji nosioci su drugi organi i pojedinci u okviru funkcionalnih dužnosti u komandama i jedinicama brigade.

4. DELOVANJE NAČELNIKA OB KOMANDE 1.Zvpbr ppor. NIKOLIĆ DRAGE I VOJNE POLICIJE U PERIODU ZA KOJI GA TERETI MKTJ

(4.1.) Uvod

4.1.1. Za potpunije shvatanje i razumevanje delovanja nač.OB Zvpbr ppor. Nikolić Drage u vršenju kontraobaveštajnih poslova neophodno je da se bliže objasni suština i praktični značaj **tajnosti** u primeni metoda i sredstava rada organa bezbednosti.

Tajnost je najvažniji **princip**. Utemeljen na sveukupnim iskustvima iz rada tajnih službi i posebno u radu organa bezbednosti tokom narodno-oslobodilačke antifašističke borbe i građanskog rata 1941-1945. godine. Tada su vladali najteži uslovi koji su uopšte mogli nastati za jednu okupiranu zemlju, njene porobljene, međusobno podeljene i zavađene narode u njihovoj borbi za slobodu i zajedničku državu. Ta iskustva su više decenija proveravana i potvrđivana. Tajnost je postala apsolutni **uslov** za efikasno otkrivanje i suprotstavljanje tajnoj neprijateljskoj delatnosti i njenim nosiocima. Tajnost je zbog toga postala izričita **zakonska obaveza**. Tajnost je stalna **realna potreba**. Saglasno tome, tajnost se u praksi OB označava kao „**uslov svih drugih uslova**“, “bez koga nema primene metoda rada OB niti efikasnog suprotstavljanja tajnoj neprijateljskoj delatnosti.

Shodno tome, u poglavlju II Uputstva o metodima i sredstvima rada organa bezbednosti u tač. 8. propisano je: “**Metodi rada organa bezbednosti su ustaljeni i planski tajni načini sistematskog prikupljanja, obrade i korišćenja podataka u izvršavanju kontraobaveštajnih poslova i zadataka.**“⁵⁷

Treba posebno istaći da se radi o: **tajnim načinima prikupljanja podataka**, što znači da okolina nesme uočiti tu delatnost, a nepozvana lica ne trebaju imati konkretna saznanja o istoj; **tajnim načinima obrade**, što znači da lica van organa bezbednosti i lica koja u organima bezbednosti za to nisu nadležna moraju biti isključena iz procesa obrade određenih podataka; **tajnim načinima korišćenja podataka**, što znači, da se podaci mogu koristiti tako da se spreči i najmanja mogućnost ugrožavanja tajnosti načina prikupljanja, izvora podataka i procesa njihova obrade. Oticanje informacija o radu OB da se raspolaže

informacija), ERN 0430-3476-0430-3476; A R BiH, k-da 24. d KoV str.pov. br: 02/1-01/95-KZ od 14.07.1995.g., ERN 0262-8188-0262-8189.

⁵⁷ Uputstvo o metodima i sredstvima rada organa bezbednosti JNA, SSNO UB-17, 1986.g., ERN 0090-9844-0090-9878 (str. 11, tač.8), engleski ERN 0092-6833-0092-6874 (str. 8, tač. 8), Exhibit 3D00275.

sa podacima o konkretnoj neprijateljskoj delatnosti može njenim organizatorima i izvršiocima biti upozorenje da su otkriveni. U tom slučaju primena metoda i sredstava rada OB postaje najčešće neefikasna.

Tajnost je nametnuta svojstvima neprijateljske delatnosti, posebno njenim: tajnim planiranjem, tajnim organizovanjem, tajnim izborom nosilaca i pomagača i tajnim neograničenim izborom metoda i sredstava delovanja i na to treba dodati i sledeće činioce: prednost neprijatelja u izboru vremena tajnog napada, vlastiti izbor cilja koji se želi postići i samostalan izbor objekta napada i dr.

Upravo ovakva svojstva k/o delatnosti, pogrešno poimanje tajnosti u primeni metoda rada organa bezbednosti na jednoj strani, i na drugoj strani, odsustvo pravih saznanja o tome van OB, mogu stvoriti kod pojedinaca nedoumice, nerazumevanje i pogrešne zaključke o pravoj suštini i karakteru rada OB na k/o poslovima čiji su oni nosioci.

4.1.2. Na ostvarivanje funkcije načelnika organa bezbednosti u Zvorničkoj brigadi, u periodu relevantnom za ovaj izveštaj, odlučujuće je: **svojstva ugrožavajućih delatnosti i njihovih nosilaca** usmerenih protiv komande, jedinica, objekata, stanovništva i teritorije u zoni Zvpbr,; **normativna određenja funkcije**, delokruga, poslova, zadataka, nadležnosti i ovlašćenja OB, koja su data u prvom delu izveštaja; **naređenja i zahtevi** za angažovanjem organa bezbednosti na poslovima i zadacima opšte bezbednosti u okviru komande Zvpbr; **procene i zaključci načelnika OB Zvpbr** o ispoljenoj i očekivanoj tajnoj neprijateljskoj delatnosti prema komandi i jedinicama brigade i na osnovu toga potrebe za primenom metoda rada OB radi otkrivanja i sprečavanja neprijateljskih delatnosti i njihovih nosilaca; **stručno usmeravanje od strane pretpostavljenog OB**, kontrola, izveštavanje, organizovanje rada i pružanje stručne pomoći.

(4.2.) Svojstva ugrožavajućih delatnosti i njihovih nosilaca u zoni Zvpbr:

4.2.1. Prema načinu postupanja i sredstvima koja su primenjivana, nosioci neprijateljske delatnosti su poprimili karakteristike delovanja specijalnih snaga i klasičnih terorističkih dejstava naoružanih grupa (zasede, iznenadna prepadna dejstva, terorističke akcije, ubistva civila, uništavanje imovine, paljenje kuća i drugi oblici destrukcije, sejanja straha i izazivanja nesigurnosti).⁵⁸

4.3 Normativna određenja i zahtevi za angažovanjem OB u Zvbr brigadi

4.3.1. Normativna određenja funkcije OB su detaljno prikazana u opštem delu izveštaja. ***Suština normativnih određenja je u tome da je OB kao nosilac poslova OB u sprečavanju neprijateljske delatnosti usmerene protiv komandi, jedinica i objekata Zvpbr i režima bezbednosti u zoni odbrane.***⁵⁹

4.3.2. Stvarne ugrožavajuće delatnosti i njihovi nosioci u zoni Zvpbr su iziskivali potrebu da se način angažovanja OB u potpunosti primenjuje u skladu sa Instrukcijom u vreme ispoljavanja neprijateljske delatnosti o kojoj je bilo reči.

U julu 1995. godine bile su proglašene najviše mere b/g u Vojsci i u celoj RS u kojima je, pored ostalog, naređeno i racionalno angažovanje OB;⁶⁰ a u celoj z/o Drinskog korpusa

⁵⁸ Formiranje Bratunačke brigade ERN 0064-1731-0064-1754 (str. 2), engleski ERN 0083-9620-0083-9653 (str. 2).

⁵⁹ Vid. Instrukciju, ERN DA01-0961-DA01-0963, Engleski ERN 0308-9290-0308-9292, Exhibit P02741.

vršena je mobilizacija v/o.⁶¹ Svi vojni i drugi državni organi i organizacije bili su obavezni da primenjuju zakonske odredbe kojima se reguliše postupanje u uslovima ratnog stanja i izvršenja mobilizacije.

U tač. 231. Pravila brigada određeno je: „*Sprečavanje dejstava specijalnih snaga neprijatelja, pored kontraobaveštajne delatnosti, obuhvata i druge mere i aktivnosti čiji je cilj pravovremeno otkrivanje i uništenje specijalnih snaga neprijatelja.*“⁶²

Prema navedenom, kontraobaveštajna delatnost je za D. Nikolića bila određena kao prva i osnovna.

4.3.3. Naređenja pretpostavljenog vojnog komandanta organu bezbednosti Zpbr trebala su da budu u skladu sa propisima kojima je regulisan delokrug, nadležnosti i ovlašćenja organa bezbednosti.⁶³ Ta pitanja su naročito naglašena u Instrukciji GŠ VRS za komandovanje i rukovođenje bezbjednosno-obavještajnim organima i posebno se nalaže dosledno pridržavanje propisa o radu OB.⁶⁴ Postojala su određena odstupanja u Zvpbr u primeni ovih propisa.

4.3.4. Organi bezbednosti Zvpbr, ppor Drago Nikolić i kap. Milorad Trbić su određivani na dužnosti dežurnih operativnog, dežurnog na IKM sto znači van dužnosti organa bezbednosti i van propisanog delokruga.⁶⁵ Radi se o značajnom odstupanju od propisa i ustaljene prakse u komandovanju organima bezbednosti u VRS.⁶⁶ Određivanjem OB na dužnosti dež.operativnog dovodi u pitanje primenu ovlašćenja koja po ZKP i Zakonu o unutrašnjim poslovima imaju OB, jer za vreme dužnosti koju vrše van funkcije OB, oni ne mogu svoja ovlašćenja primenjivati i u slučajevima koji bi to zahtevali u okviru tih dužnosti.

Pored toga, u ovakvom slučaju, organ bezbednosti je van mogućnosti da se kontinuirano angažuje na k/o poslovima koji su bili od izuzetne važnosti i u kojima nema mogućnosti da ga neko drugi zameni.

4.3.5. Komanda DK je Komandi Zvpbr je 02.07.1995. godine izdala Pripremno naređenje⁶⁷ u kome je deo zadataka oko izdvajanja snaga za ofanzivna dejstva imao i bezbednosni karakter, imajući u vidu obaveze nač. OB Zvpbr ppor. Nikolić Drage stručnom linijom rukovodjenja oko akcije «JUDA». Komandant Zvpbr je na osnovu Pripremnog naređenja DK doneo sopstveno naređenje o formiranju TG I zvpbr⁶⁸ u kome su regulisana sva pitanja pripreme i organizacije TG1, izuzev uloge organa bezbednostu u formiranju i izvršenju zadataka ove TG1.

⁶⁰ Predsednik RS, Naređenje pov. br. 01-1118/95 od 16.06.1995. god., ERN 0073-3660-0073-3665, engleski ERN 0092-6972-0092-6974, Exhibit 4DP00001.

⁶¹ Zahtev k-de DK za mobilizaciju v/o u z/o korpusa, Str.pov.br:05/1-242, od 15.07.1995.g. ERN 0430-3471-0430-3471.

⁶² Isto Pravilo brigada, ERN 0114-7096-0114-7391 (str. 103-104, tač. 231), engleski ERN 0303-0230-0303-0415 (str. 66, tač. 231), Exhibit P00694.

⁶³ Pravilo službe OB, ERN 0090-9817-0090-9843 (str. 31., tač.48. i str. 51., tač.93), engleski ERN 0092-0099-0092-0131 (str. 19-20, tač. 48 i str. 32, tač. 93), Exhibit P00407.

⁶⁴ Isto kao fusnota 3/ (Instrukcija o rukovođenju i komandovanju bezbejdnosno-obavještajnim organima VRS).

⁶⁵ Intercept od 17. jula 1995. godine u 06:15, ERN 0320-5437-0320-5437, ERN 0800-1274-0800-1275, engleski ERN 0800-1274-0800-1275-ET, Exhibit P01205; IKM Kitovnice, Dnevnik operativnog dežurstva, ERN 0076-0268-0076-0316, engleski ERN 0084-2270-0084-2313, Exhibit P00347.

⁶⁶ Pravilo službe u JNA/VS, ERN 0090-9817-0090-9843 (str. 31., tač. 48) i (str. 51, tač. 93), Engleski ERN 0092-0099-0092-0131 (str. 19-20, tač.48) i (str. 32, tač. 93), Exhibit P00407.

⁶⁷ Komanda DK, Str.pov.br.01/04-156-1,od 02.07.1995.g., ERN 0430-3382-0430-3383. Vid. isto ERN 0091-7863-0091-7864, engleski ERN 0092-2930-0092-2931, Exhibit 5DP00106.

⁶⁸ Naredjenje komandanta Zv. Br od 2. Jula 1995.g., ERN 0071-0229-0071-0236, engleski ERN 0085-0060-0085-0064, Exhibit P00318.

4.3.6 Komanda DK je Komandama potčinjenih brigada izdala 02.07.1995.godine Zapovest za aktivna b/d Op.br.1.,⁶⁹ u kojoj se u tač. 10. pod b) određuju mere bezbednosnog obezbeđenja među kojima su „*tajnost odluke i priprema za izvršenje zadatka*,” a zatim sledi u drugom stavu: „*Organi bezbednosti i vojne policije odrediće rejone prikupljanja i obezbeđenja ratnih zarobljenika i ratnog plijena. U postupanju sa ratnim zarobljenicima i stanovništvom u svemu se pridržavati Ženevske konvencije.*” Zadaci određeni ovom Zapovesti odnose se na TG1 Zvbr, čiji su zadaci i dejstva bili van z/o Zvpbr. Načelnik OB, komande zvpbr pprčnik D. Nikolić je ostao u zoni Brigade u Zvorniku, obavljajući svoje redovne zadatke.

U zoni zvpbr u slučaju postojanja ratnih zarobljenika primenjivala se Instrukcija UB GŠ VRS i D Korpusa od 01.04.1994. godine.⁷⁰ Mesta za prikupljanje RZ, određuju komandanti jedinica od bataljona naviše na osnovu plana b/d i predviđanja razvoja situacije. Ta mesta trebaju biti u skladu sa kriterijima bezbednosti koji su dati u Instrukciji. Bezbednosno obezbeđenje RZ je u nadležnosti komandovanja i isključivoj nadležnosti komandanta da odluči o angažovanju vojne policije za izvršavanje tih zadataka. Radi se o jednostavnim vojničkim zadacima, koji imaju karakter stražarske službe. Za vršenje ovih zadataka nije potrebno i nije propisano angažovanje organa bezbednosti kao stručnog organa komande brigade za poslove državne bezbednosti. Dovodenje ratnih zarobljenika u zonu Zvornika, zatim smeštaj i obezbeđenje istih ne predstavljaju krivično delo niti se to nagoveštava, organ bezbednosti kome je dodeljen ovaj zadatak bio je obavezan da naređenje izvrši.

4.3.7. Naređenje komande DK o mobilizaciji u Zvorniku koja je vršena 15.07.1995. godine obavezivalo je nač. OB Zvpbr da preduzme mere bezbednosti i kontraobaveštajnog obezbeđenja u skladu sa odredbama Pravila o mobilizaciji oružanih snaga SFRJ, tač.427. i 319-323.⁷¹

4.3.8. Naredjenjem k-de DK nač. OB Zvpbr ppor. Drago Nikolić bio određen da u svojstvu OB, sa delom snaga brigade, učestvuje u b/d u zoni Krajiškog Korpusa polovinom septembra 1995. godine. Naređen početak marša dana 14.09.1995.godine.⁷² Nema drugih podataka da je nač. OB Zvpbr napuštao z/o svoje brigade u kritičnom periodu dok su trajala b/d u okviru operacije „Krivaja 95“ i „Stupčanica 95“.

Postupak sa ratnim zarobljenicima u julu 1995

4.3.9. Glavni štab VRS je 13.07.1995.godine izdao Naređenje⁷³ sa oznakom „*Vrlo hitno*“ u kome se u tač. 2. navodi: „*U srpskim selima, na pravcu kretanja grupa, organizovati svo raspoloživo vojno sposobno ljudstvo u otkrivanju, blokiranju, razoružavanju i zarobljavanju uočenih muslimanskih grupa, kao i njihovom sprečavanju prolaska na muslimansku teritoriju...*“

⁶⁹ Komanda DK, str. pov. br. 04/156-2, od 02.07.1995.g., ERN 0084-7289-0084-7294, engleski ERN 0088-3593-0088-3602, Exhibit P00107.

⁷⁰ Komanda DK OB str. pov 17/450 od 15.04.1995. g., ERN 0425-8673-0425-8675, engleski ERN ET 0425-8673-0425-8675, Exhibit P00196. (instrukcija o hapšenju i sprovođenju rz i dr. lica)

⁷¹ Pravilo o mobilizaciji oružanih snaga SFRJ, SSNO, 1986.g. str.123. tač.427. i str.98-99, tač. 319-323, ERN 0117-4140-0117-4255,

⁷² K-da DK Str. pov. br. 038/94-142 od 09.09.1995.g., ERN 0430-4159-0430-4162, engleski ERN 3D19-0001-3D19-0005, Exhibit 3D00165.

⁷³ / Glavni Štab VRS, Str. pov. br.03/4-1629 od 13.07.1995.g., ERN 0091-7858-0091-7859, engleski ERN 0092-0411-0092-0412; GŠ VRS, Obaveštenje o mogućnostima za smeštaj ratnih zarobljenika, Str. pov. br. 04-520-51/95 od 13.07.1995.g. ERN 0293-5555-0293-5556, engleski ERN 0308-3803-0308-3804, Exhibit P00131.

U tač.3. stoji: *“Zarobljene i razoružane muslimane smestiti u za to pogodne prostorije koje se mogu obezbediti sa manjim snagama i odmah izveštavati pretpostavljenu komandu.”* Ovo naređenje je upućeno istovremeno komandi DK, IKM-1 DK, 1.zvpbr i 1.vlpbr (na ličnost komandanta ili NŠ).

Obezbeđenje ratnih zarobljenika „manjim snagama“ je podrazumevalo da to obezbeđenje treba biti izvršeno „dovoljnim snagama“. Nedostatak potrebnih snaga za fizičko obezbeđenje RZ nije se mogao nadoknaditi drugim merama bezbednosti, a naročito ne k/o merama iz nadležnosti OB. Obezbeđenje ratnih zarobljenika je klasično fizičko obezbeđenje, tj. stražarska služba.

4.4.0. Komandanti jedinica ili NŠ su bili obavezni da u okviru svoje nadležnosti i odgovornosti preduzimaju propisane i naređene mere koje se odnose na ratne zarobljenike i da pretpostavljene izveštavaju linijom komandovanja o svemu što se tiče ratnih zarobljenika. Među borbenim i operativnim dokumentima nisam pronašao pismene pokazatelje o sprovođenju ratnih zarobljenika i njihovom razmeštaju u zoni odbrane Zvpbr.

Na osnovu propisa, ovo je trebala biti jedna od etapa u sprovođenju ⁷⁴ ratnih zarobljenika u objekte privremenog zatočenja, do razmene sa neprijateljskom stranom ili upućivanja u logor za ratne zarobljenike.

4.4.1. U borbenim i operativnim dokumentima nema podataka o postupanju sa ratnim zarobljenicima u zoni Zvpbr. Postupak sa ratnim zarobljenicima posle njihovog razmeštanja u objekte u zoni Zvpbr bio je suprotan pisanim naređenjima pretpostavljenih i odredbama Ženevskih konvencija.

U objektima zatočenja i u njihovoj okolini došlo je do ubistava ratnih zarobljenika koja su u suprotnosti sa naređenjima, postavljenim ciljevima i zadacima operacije „Krivaja 95“. Ubistva su mogli počinili grupe i pojedinci koji su delovali izvan zadatka „*demilitarizacije Srebrenice i razoružavanja muslimanskih terorističkih bandi*“ i suprotno pisanim naređenjima.

4.5. Stručno usmeravanje od strane pretpostavljenog organa bezbednosti

4.5.1. Uporedo sa izvršavanjem zadataka kontraobaveštajnog obezbeđenja b/d samostalnom primenom metoda rada organa bezbednosti, nacelnik OB komande Zvpbr vršio je određene kontraobaveštajne poslove i kombinovanom primenom metoda rada (KPMR) organa bezbednosti. U pitanju je planska i kontinuirana, povezana i međusobno usklađena primena više metoda rada OB.⁷⁵

4.5.2. Stručno usmerekvanje organa bezbednosti komande Zvorničke brigade vršio je OB komande DK, u okviru kontraobaveštajnih zadataka.

4.5.3. Prioritetan zadatak u KPMR i najsloženiji oblik anagažovanja OB u periodu na koji se odnosi ovaj izveštaj bila je operativna akcija (OA) koja je vođena pod tajnim nazivom „Juda“.⁷⁶ Ova OA je obuhvatala sve organe bezbednosti u VRS. Pošto se odnosila na

⁷⁴ Uputstvo za primenu PS VP OS SFRJ, SSNO UB-2/4 1986.g., ERN 0467-5853-0467-5968, Exhibit 3D00276 (str. 85, tač.222.).

⁷⁵ Uputstvo o metodima i sredstvima rada OB JNA, SSNO UB-17 1986. g. (str. 44-45, tač.94. i 95)., ERN 0090-9866-0090-9878, engleski ERN 0092-6833-0092-6874, Exhibit 3D00275.

⁷⁶ K-da DK Odeljenje bezbednosti, Str.pov.br:17/469, od 20.04.1995.g., ERN 0066-3714-0066-3715, engleski ERN 0086-0341-0086-0342, Exhibit P03033.

zaštitu visokih vojnih rukovodilaca VRS, težište u KPMR OB je moralo biti ispoljeno na mestima njihovog boravka i kretanja.

Sve aktivnosti OB koje su se odnosile na izvršavanje zadataka u okviru OA „Juda“ usmeravane su centralizovano, linijom stručnog rukovođenja OB VRS.

4.5.4. U okviru zadataka koji se izvršavaju KPMR OB, pred OB Zvpbr postavljeno je još nekoliko zadataka koji su izvršavani uporedo sa napred navedenima.

Ovo su bili dugoročni zadaci čija realizacija je nalažala kontinuiranu primenu metoda rada OB i to se prevashodno odnosi na smernice i zahteve u postupanju sa ratnim zarobljenicima, shodno instrukciji DK,⁷⁷ zatim na druga lica koja su ubacivana u redove VRS sa određenim zadacima, sprečavanje oticanja tajnih vojnih podataka i sl.⁷⁸

Obaveza k/o rada nac. bezbednosti u Zvpbr je postojala i prema dobrovoljcima koji su dolazili iz redova srpskog naroda van BiH. Bilo je slučajeva da njihovi motivi, ciljevi i namere nisu bili u skladu sa ciljevima i zadacima VRS ili nisu bili potpuno jasni određeni. Pored toga, javljala se potreba za primenom metoda rada OB i prema licima čije poslovne i druge veze su vodile prema VRS.⁷⁹ U svim ovim slučajevima je OB komande brigade najčešće imao potrebu i obavezu da preduzima KPMR u okviru Preventivnog operativnog rada u skladu sa tač.5. akta OB k-de DK o prihvatu dobrovoljaca.⁸⁰

4.5.5. Kombinovanu primenu metoda rada OB Zvpbr je na osnovu sopstvene kontraobaveštajne procene o očekivanoj neprijateljskoj delatnosti, radi pravovremenog sprečavanja destruktivne delatnosti pojedinaca i grupa usmerenih protiv komande i jedinica brigade i VRS u celini.

4.6. Rukovođenje u stručnom pogledu organima bezbednosti i vojnom policijom u 1. Zvpbr

4.6.1. Linije stručnog rukovođenja organima bezbednosti i Vojnom policijom u Zvpbr prikazane su na donjoj šemi radi uvida u razgranatost rukovođenja. Sadržaj stručnog usmerekovanja organa bezbednosti u bataljonima Zvorničke brigade vršio je OB komande Zvorničke brigade u okviru kontraobaveštajnih zadataka.

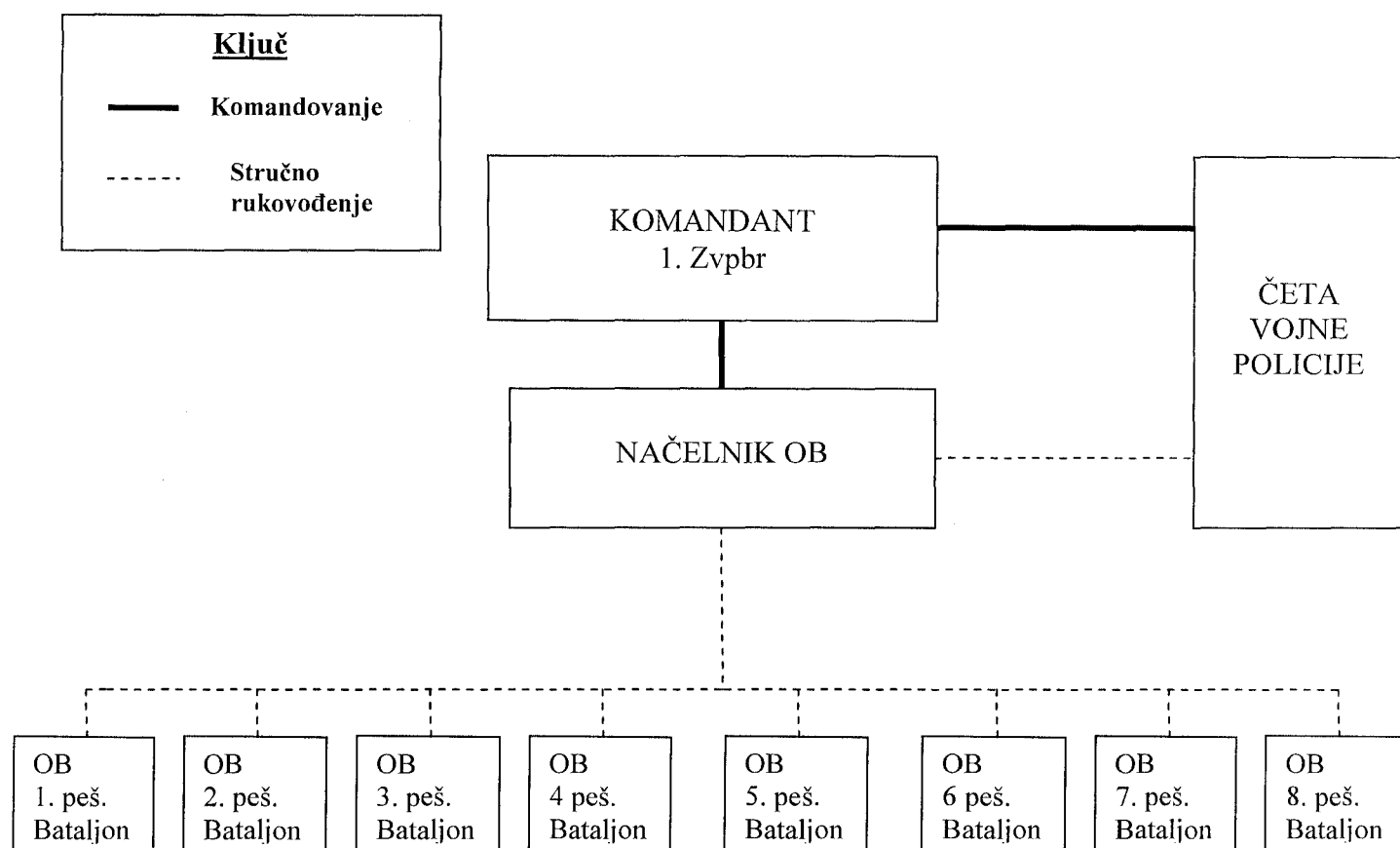
⁷⁷ Instrukcija Komanda DK OB str. pov 17/450 od 15.04.1995. g., ERN 0425-8673-0425-8675, engleski ERN ET 0425-8673-0425-8675, Exhibit P00196 (instrukcija o hapšenju i sprovođenju rz i dr. lica); Telegram IBGS VRS 18/20-145-1/94 od 14.1994).

⁷⁸ ERN 0428-4638-0428-4638; ERN 0428-4502-0428-4502; ERN 0428-4570-0428-4570;

⁷⁹ K-da DK, Odeljenje bezbednosti, Str. pov. br: 17/141 od 11.02.1995. g., ERN 0428-4576-0428-4576.

⁸⁰ K-da DK, Odeljenje bezbednosti, Str.pov.br: 17/638, od 20.05.1995.g. ERN 0428-4631-0428-4631.

**Linije rukovođenja organima bezbednosti i vojnom
policijom u stručnom pogledu u 1.Zvpbr**



4.6.2. Od broj jedinica na prikazanoj shemi koje obuhvata rukovođenje u stručnom pogledu, treba izuzeti 8. bataljon koji je bio pretpočinjen Komandi Bratunacke Brigade.

4.6.3. Delokrug organa bezbednosti normativno i praktično odvojen je od delokruga vojne policije i regulisani su posebnim propisima. Nema osnove za poistovećivanje delokruga i načina rada organa bezbednosti sa delokrugom i načinom rada vojne policije. „Vojnom policijom rukovodi i komanduje komandant jedinice u čijem sastavu se nalazi jedinica vojne policije ili joj je pridodata.“⁸¹ „Starešina jedinice vojne policije komanduje svojom jedinicom i odgovoran je za ukupno stanje borbene gotovosti komandantu neposredno ili preko starešine organa bezbednosti u čijem se sastavu jedinica nalazi ili joj je pridodata.“⁸²

4.6.4. Ppor. Drago Nikolić je kao nač. OB Zvpbr u stručnom pogledu rukovodio jedinicom vojne policije samo kada je vojna policija bila angažovana na vojnopolicijskim poslovima i zadacima u okviru propisanog delokruga rada VP. Ove poslove je u kritičnom periodu izvršavao uglavnom manji broj vojnih policajaca iz sastava čete, pošto je skoro $\frac{3}{4}$ cete VP bilo angažovano u b/d i na zadacima van zone brigade.

⁸¹ Pravilo službe vojne policije, (Gl. II, str. 13, tač. 12.) ERN 0207-2092-0207-2115, (Gl. II, str. 10, tač. 12) engleski ERN 0304-1627-0304-12654, Exhibit P00707.

⁸² Uputstvo za primenu PS VP, SSNO, UB 2/4, 1986., (GL. II, tač. 13., str. 15) ERN 0467-5853-0467-5968, Exhibit 3D00276.

4.6.5. Angažovanje vojne policije u b/d i van njene namenske funkcije nije u nadležnosti organa bezbednosti, kada se radi o rukovođenje u stručnom pogledu.^{83/}

4.6.6. O angažovanju vojne policije za obezbeđenje ili na sprovođenju ratnih zarobljenika odlučuje komandant jedinice i on dodeljuje zadatke komandiru jedinice neposredno ili preko organa bezbednosti. Organ bezbednosti u skladu sa načinom dodele zadatka može imati ulogu posrednika između komandanta i starešine jedinice vojne policije i u tom slučaju rukovodi u stručnom pogledu jedinicom vojne policije. OB na osnovu podataka i saznanja sa kojima raspolaže u vezi sa zadatkom VP, daje predloge i stručne savete komandantu za upotrebu jedinice VP. Starešini jedinice vojne policije OB daje stručna usmerenja za optimalno izvršenje dobijenog zadatka i ostvaruje stručni nadzor s tim u vezi.

5. R E Z I M E

Pporučnik Nikolić Drago vršio je formacijske dužnosti u okviru bezbednosti u ulozi pomoćnika komandanta 1.Zvpbr za bezbednost i načelnika organa bezbednosti komande brigade.

Funkcija, delokrug, poslovi, zadaci, nadležnosti, ovlašćenja organa bezbednosti i načini njihovog ostvarivanja u brigadi VRS su propisima konkretno i jasno određeni.

Na osnovu ovog izveštaja , mogu se navesti sledeće bitne konstatacije u skraćenom obimu:

I

Pojmovno određenje

1. U periodu na koji se izveštaj odnosi, Vojska Republike Srpske je, bez većih izmena, primenjivala pravila i propise, operativnu doktrinu i organizacijska rešenja koje je nasledila od bivše SFRJ i JNA. To se u celini odnosi i na oblast bezbednosne delatnosti u Vojsci Republike Srpske.

2. Bezbednosna delatnost bila je definisana kao specifični deo društvene stvarnosti u kojoj se **fundamentalni odnosi zakonito odigravaju u domenu u kome ugrožavanje uzrokuje potrebu zaštićivanja**. Za istinito saznavanje ovako specifičnog dela društvene stvarnosti potrebna je primena isto tako specifičnih puteva, načina i metodskih postupaka. Ukratko, bezbednosna delatnost se u praktičnom smislu ne može tačno saznavati običnim posmatranjem, posebno kada su u pitanju tajne ugrožavajuće delatnosti i njihovi nosioci.

3. Bezbednost je pojmovno objašnjena kao stanje, funkcija i organizacija. Bitno da se istakne, da bezbednost kao stanje podrazumeva odsustvo ugrožavajućih delatnosti po objekat zaštite, tj. stanje njegove zaštićenosti u kome svako novo ugrožavanje uzrokuje potrebu odgovarajućeg zaštićivanja.

4. Ugrožavanje bezbednosti države i njenih institucija i funkcija je zakonima zabranjeno, pa njegovi organizatori i izvršioc primenjuju tajne načine i postupke radi savladavanja mera zaštite i izbegavanja odgovornosti.

⁸³ / Komanda Zvpbr, Str. pov. br.06/215 od 12.07.1995.g., Redovni borbeni izveštaj, ERN 0068-4856-0068-4859, engleski ERN 0081-5850-0081-5851, Exhibit P00322.

II

Konstituisanje funkcije i organizacije bezbednosti

5. Konstituisanje funkcije i uspostavljanje organizacije bezbednosti u SFRJ odvijali su se uporedo sa pripremama za podizanje antifašističkog narodno-oslobodilačkog ustanka i taj proces je dalje intenzivno nastavljen tokom narodno-oslobodilačke borbe i građanskog rata 1941-1945.godine. Uslovi u kojima je funkcija bezbednosti konstituisana i ostvarivana bili su izuzetno teški i to je uslovilo da se steknu najbolja i najvrednija autentična iskustva i postave pouzdani temelji budućeg sistema bezbednosti.

6. Nosioci funkcije bezbednosti od samog početka njenog konstituisanja i ostvarivanja bili su iz redova svih naroda i nacionalnih manjina koje žive na prostoru bivše SFRJ. Sistem je u svojoj suštini bio jugoslovenski orijentisan u svom programskom organizacionom i praktičnom smislu. Kao takav, nije bio pristrasan ili diskriminatorski na nacionalnoj osnovi.

Na tim tradicijama su vaspitavane i osposobljavane generacije pripadnika organa bezbednosti JNA i TO u SFRJ tokom njenog postojanja.

7. Od nastanka pa sve do prestanka svog postojanja, funkcija organa bezbednosti u JNA je ostvarivana isključivo u interesu i za potrebe bezbednosti komandi, štabova, jedinica i ustanova u čijem organizacijskom sastavu su se nalazili organi bezbednosti kao njihovi stručni nosioci. Organi bezbednosti su uvek bili potčinjeni vojnim komandantima i njima su odgovarali za svoj rad.

Osnovi cilj i zadatak delovanja OB bio je zaštita organizacijske jedinice u čijem sastavu se nalaze od najopasnijih, prvenstveno tajnih, ugrožavajućih delatnosti i njihovih organizatora i izvršilaca.

III

Rukovođenje organima bezbednosti

8. Pravilo službe organa bezbednosti u oružanim snagama SFRJ je bio osnovni normativni dokumenat kojim su na jedinstven način uređeni delokrug, poslovi i zadaci organa bezbednosti i obezbeđeno jedinstveno postupanje u izvršavanju zadataka iz propisanog delokruga. Pravilo je u celini i bez bitnih izmena primenjivano u Vojski Republike Srpske.

Glavni štab VRS je u oktobru 1994.godine izdao Instrukciju o rukovođenju i komandovanju bezbjednosno-obavještajnim organima VRS. Instrukcijom su u potpunosti podržane odredbe Pravila službe OB u OS i još konkretnije je definisan obim angažovanja organa bezbednosti VRS na poslovima i zadacima u okviru propisanog delokruga i nadležnosti.

Instrukcija je obavezivala sve komandante i ostale starješine koji rukovode bezbjednosno-obavještajnim organima da se strogo pridržavaju stavova datih u Instrukciji.

Te obaveze su se prvenstveno ogledale u određivanju i omogućavanju težišnog angažovanja OB na kontraobavještajnim poslovima i zadacima sa oko 80% od ukupnog angažovanja i oko 20% kao učesnici na poslovima opšte bezbednosti, tj. upravno-štabnim, vojno-policijskim i krivično- pravnim poslovima i zadacima.

9. Pravilom službe je određeno da je organ bezbednosti neposredno potčinjen starešini komande, jedinice, ustanove ili štaba u čijem se formacijskom sastavu nalazi.

Shodno tome, ppor. Drago Nikolić je bio neposredno potčinjen komandantu Zvorničke pešadijske brigade puk. Vinku Pandureviću i njemu je bio odgovoran za svoj rad.

10. U kontraobaveštajnim poslovima nač. OB DK ppuk. Popović Vujadin bio je u stručnom pogledu pretpostavljeni starešina ppor. Dragi Nikoliću.

O primeni metoda i sredstava rada OB odlučivao je komandant GŠ VRS, odnosno starešina koga on ovlasti.

Rukovođenje radom OB u stručnom pogledu nema svojstva i karakter komandnog odnosa, niti se može sa istim poistovećivati.

11. Načelnik OB DK ppuk. Popović Vujadina u okviru rukovođenja u stručnom pogledu bio je nadležan i obavezan da pruža stručnu pomoć, usmerava, usklađuje i kontroliše rad ppor. Drage Nikolića u domenu kontraobaveštajnih poslova. Radi se isključivo o stručnoj-funkcionalnoj povezanosti organa bezbednosti u jedinstven sistem bezbednosti VRS.

12. Ppor. Nikolić je rukovodio u stručnom pogledu četom vojne policije Zvpbr i za te poslove bio je odgovoran neposredno komandantu brigade puk. Vinku Pandureviću. Ppor. Nikolić je bio nadležan da u stručnom pogledu rukovodi vojnom policijom samo kada je vojna policija angažovana na izvršavanju poslova i zadataka u okviru propisanog delokruga i nadležnosti.

Rukovođenje vojnom policijom u stručnom pogledu ne podleže stručnoj liniji rukovođenja organima bezbednosti.

O upotrebi vojne policije odlučuje komandant jedinice u čijem sastavu se nalazi jedinica vojne policije i u tome je potpuno zastupljen princip jednostarešinstva. Komandant nije obavezan da prihvati predlog organa bezbednosti za upotrebu jedinice vojne policije.

Jedinicom vojne policije u izvršavanju dodeljenih zadataka komanduje komandir čete vojne policije i za to je odgovoran komandantu brigade neposredno ili preko organa bezbednosti. Komandir jedinice vojne policije predlaže upotrebu jednice vojnom komandantu neposredno ili preko organa bezbednosti.

13. Ppor. Nikolić Drago je bio dužan da izvršava zadatke iz propisanog delokruga organa bezbednosti koje mu naredi komandant brigade puk. Vinko Pandurević, bez obzira na to da li su ti zadaci obuhvaćeni poslovima koji se redovno izvršavaju na formacijskom mestu na kojem se ppor. Nikolić nalazi. Iz ovoga su izuzeti k/o poslovi i zadaci, jer za njih komandant brigade nije nadležan.

14. Razmeštaj ratnih zarobljenika i ratnog plena ne pripadaju delokrugu organa bezbednosti. Propisima nije predviđeno da organi bezbednosti mogu biti određeni za nosioce tih zadataka.

Ovako određen zadatak organima bezbednosti je u neskladu sa njihovom namenskom funkcijom i delokrugom i sa Instrukcijom UB GŠ VRS i OB k-de DK o hapšenju i sprovođenju RZ i drugih lica⁸⁴ u kojoj pored ostalog stoji i: „....Sve komande od bataljona

⁸⁴ K-da DK, Odeljenje bezbednosti, Str. pov. br. 17/450 od 15.04.1995.g. Instrukcija o hapšenju i sprovođenju RZ i drugih lica, ERN 0425-8673-0425-8675, engleski ERN ET 0425-8673-0425-8675, Exhibit P00196, (poziva se na tlg. UB GŠ VRS 18/20-145-1/94 od 01.04.1994.g.);

naviše odrediće mjesta iza linije fronta na kojima će se prikupljati zarobljeni pripadnici neprijateljske vojske.“ Instrukcija je u UB GŠ VRS datirana sa 01.04.1994.godine. Ta mesta trebaju biti u skladu sa kriterijima bezbednosti koji su dati u Instrukciji. Bezbednosno obezbeđenje RZ je u nadležnosti komandovanja. U isključivoj je nadležnosti komandanta da odluči o angažovanju vojne policije za izvršavanje tih zadataka. Za vršenje ovih zadataka nije potrebno i nije propisano angažovanje organa bezbednosti kao stručnog organa komande brigade za poslove državne bezbednosti.

Učešće ppor. Drage Nikolića u zadacima koji se odnose na rukovođenje jedinicom vojne policije u stručnom pogledu kada ista obezbeđuje ili sprovodi ratne zarobljenike pripada delokrugu OB, kada on raspolaže podacima koji su relevantni za izvršavanje konkretnog zadatka.

Vojna policija je stručno osposobljena za obavljanje poslova i zadataka obezbeđenja RZ, a propisima su detaljno regulisani zadaci i način delovanja VP na njihovoj realizaciji. To nisu posebno složeni zadaci. Radi se o jednostavnim vojničkim zadacima, koji imaju karakter stražarske službe i ne iziskuju angažovanje organa bezbednosti, sem navedenog.

15. Ppor. Nikolić Drago, kao ovlašćeni starešina u OB, je trebao biti upoznat samo sa onim podacima i saznanjima koji su mu neophodni za vršenje poslova formacijskog mesta na kome se nalazi.

Po istom određenju Pravila službe OB, ppor. Nikolić je mogao upoznati ovlašćene starešine u OB Zvpbr i organe bezbednosti u potčinjenim jedinicama samo sa onim podacima i saznanjima koji su im neophodni za vršenje poslova formacijskog mesta na kome se nalaze, odnosno čije im je izvršenje posebno povereno.

16. Ppor. Drago Nikolić je obavezan da izveštava i informiše komandanta Zvorničke brigade o neprijateljskoj delatnosti usmerenoj protiv komande i jedinica brigade.

Kada se radi o podacima i saznanjima do kojih se dolazi primenom metoda rada OB, ppor. Nikolić treba da informiše komandanta brigade o stanju ugroženosti, odnosno bezbednosti komande i jedinica brigade, uz prethodnu saglasnost pretpostavljenog OB u stručnom pogledu ppuk. Popović Vujadina, vodeći računa o tajnosti i zaštiti metoda i sredstava rada organa bezbednosti.

IV

Delokrug i zadaci organa bezbednosti

17. Pporučnik Drago Nikolić je bio obavezan da u Zvpbr izvršava dve osnovne grupe zadataka i to:

a) Zadaci čiji su nosioci organi bezbednosti, tj. kontraobaveštajni zadaci, koji se u borbenim dejstvima odnosno u ratu imenuju kao kontraobaveštajno obezbeđenje.

U vršenju kontraobaveštajnih poslova i zadataka ppor. Nikolić je imao ovlašćenja i obavezu da primenjuje metode i sredstva rada organa bezbednosti, prema Uputstvu o metodima i sredstvima rada organa bezbednosti. U poglavlju II uputstva o metodima i sredstvima rada OB u tac 8 propisano je: «Metodi rada org bezbednosti su ustaljeni i planski tajni načini

sistematskog prikupljanja, obrade i korišćenja podataka u izvršavanju kontraobaveštajnih poslova i zadataka».⁸⁵

Zadaci čiji nosioci su organi bezbednosti ne sadrže i ne odnose se na poslove, zadatke i obaveze organa bezbednosti u vezi sa ratnim zarobljenicima, pa prema tome, ppor. Drago Nikolić nije nosilac zadataka koji se tiču ratnih zarobljenika, osim u slučaju kada oni ugrožavaju bezbednost komande i potčinjenih jedinica brigade na način koji je u nadležnosti OB, tj. kada su u pitanju tajne ugrožavajuće delatnosti. U konkretnom slučaju, RZ nisu ispoljavali takav način ugrožavanja komande i jedinica brigade. Veći broj RZ nije sam po sebi razlog za angažovanje OB u njihovom razmeštanju i obezbeđenju.

b) Zadaci u kojima organi bezbednosti učestvuju, a čiji nosioci su drugi organi komande: To je grupa zadataka tzv. opšte bezbednosti koju čine: štabno-bezbednosni (u Instrukciji navedeni kao upravno-štabni) i krivično-pravni poslovi, kao i rukovođenje u stručnom pogledu vojnom policijom Zvorničke brigade.

U okviru rukovođenja vojnom policijom u stručnom pogledu ppor. Nikolić je mogao posredno da bude u vezi sa zadatkom obezbeđenja ratnih zarobljenika, kao što je to navedeno prethodnom delu.

Učešće u krivično-pravnim poslovima ppor. Drago Nikolić je trebao ostvarivati u skladu sa ovlašćenjima koja je imao kao ovlašćeni starešina u OB po službenoj dužnosti (imao je ovlašćenja koja po zakonu o unutrašnjim poslovima RS imaju ovlašćena lica organa unutrašnjih poslova-vidi stav pod „Ovlašćenja OB“), po zakonu o krivičnom postupku i na zahtev nadležnog istražnog sudijskog suda.

U konkretnom slučaju se radi o eventualnom učešću u radnjama i postupcima koji se odnose na otkrivanje i pronalaženje pripadnika ABIH i muslimanskih naoružanih formacija za koje je postojala sumnja da su počinili zločine u zoni odbrane Zvorničke brigade i Drinskog korpusa.

Namenska funkcija, delokrug, zadaci, nadležnosti i ovlašćenja pomoćnika komandanta brigade za bezbednost i načelnika bezbednosti komande brigade VRS su normativno jasno određeni u svim aspektima i sadržajima.

Ppor. Drago Nikolić je u svom svakodnevnom delovanju bio pod direktnom komandom komandanta Zvpbr puk. Vinka Pandurevića kao neposredno pretpostavljenog starešine. Komandant Zvpbr puk. Vinko Pandurević nije imao pravo i nije bio ovlašćen da ostvaruje uvid u primenu metoda i sredstava rada OB niti da kontroliše k/o poslove organa bezbednosti brigade, odnosno ppor. Drage Nikolića.

Odobranje primene metoda i sredstava rada OB u VRS bilo je u nadležnosti komandanta GŠ VRS ili starešine koga on ovlasti.

⁸⁵ Uputstvo o metodima i sredstvima rada OB JNA, SSNOUB-17 1986, (str. 8, tač. 8), ERN 0090-9844-0090-9878, engleski ERN 0092-6833-0092-6874, (str. 8), Exhibit 3D00275.

Organima bezbednosti je u stručnom pogledu rukovodio organ bezbednosti pretpostavljene komande i u okviru toga kontrolisao zakonitost u njihovom radu.

U tom smislu, radom ppor. Drage Nikolića u stručnom pogledu (u domenu kontraobaveštajnih poslova, primene metoda i sredstava rada i zakonitosti u radu OB), rukovodio je nač. OB DK ppuk. Popović Vujadin.

U borbenim i operativnim dokumantima koji su mi dati na korišćenje nema osnova za zaključke, da je ppor. Drago Nikolić u vršenju poslova i zadataka u okviru funkcionalne dužnosti odstupao od normativnih određenja kojima su regulisani mesto, uloga, delokrug, zadaci, ovlašćenja i nadležnosti organa bezbednosti VRS.

Međutim, postoje podaci da angažovanje ppor. Drage Nikolića na dužnostima operativnog dežurnog i na poslovima i zadacima u vezi sa ratnim zarobljenicima nije bilo u skladu sa namenaskom funkcijom i delokrugom OB i nije bilo saglasno sa naređenjima naj viših komandnih nivoa u VRS (Instrukcija GŠ VRS, Naređenje Vlade RS o merama najvišeg stepena b/g, proglašenje ratnog stanja od strane Predsednika RS). Izvršavanje dodeljenih zadataka van delokruga OB nije predstavljalo krivično delo, niti je njihovo izvršenje na to ukazivalo, pa je ppor. Drago Nikolić bio dužan da postupi po naređenju pretpostavljenog starešine.

Ppor. Drago Nikolić je bio nadležan da rukovodi u stručnom pogledu četom vojne policije Zvpbr isključivo kada je ta jedinica bila angažovana na zadacima u okviru namenske funkcije i propisanog delokruga. U tom svojstvu je za svoj rad bio odgovoran komandantu puk. Vinku Pandureviću, koji je odlučivao o upotrebi vojne policije.

Četom vojne policije Zvpbr komandovao je komandir čete por. Miomir Jasikovac. On je za svoj rad bio odgovoran komandantu brigade puk. Vinku Pandureviću neposredno ili preko ppor. Drage Nikolića. Por. Jasikovac je bio nadležan i imao je obavezu da predlaže komandantu brigade neposredno ili preko organa bezbednosti upotrebu jedinice vojne policije.

Koordinacija između jedinica Zvpbr i jedinica MUP-a koje su bile angažovane u zoni odbrane Zvpbr vršena je u okviru komandovanja, jer su u pitanju bila borbena dejstva. U dokumentima nisam došao do podataka o tome da je por. Drago Nikolić u okviru propisanog delokruga i nadležnosti organa bezbednosti vršio koordinaciju sa organima i jedinicama MUP-a u zoni odbrane Zvpbr u kritičnom periodu.

Na kraju posebno ističem, da se u izveštaju isključivo daje prikaz funkcije organa bezbednosti u brigadi VRS, kako je ona propisana u normativnim dokumentima i zastupljena u borbenim i operativnim dokumentima koji su mi stavljeni na uvid i korišćenje, a koji se neposredno ili posredno odnose na 1. Zvorničku pešadijsku brigadu. Cilj i zadatak izveštaja jeste, da korisnicima prikaže granice u kojima se praktično delovanje organa bezbednosti smatra vršenjem poslova i zadataka u okviru propisanog delokruga i nadležnosti tj. kao vršenje vojnih dužnosti, radi razlikovanja i razdvajanja delovanja grupa ili pojedinaca izvan ili suprotno od toga.

Ubistva ratnih zarobljenika koja su vršena u objektima gde su bili zatočeni ili u njihovoj okolini predstavljaju grubo kršenje naređenja pretpostavljenih i suprotni su ciljevima i zadacima koji su postavljeni pred komande i jedinice koje su učestvovala u vojnoj operaciji „Krivaja 95.“

Shodno tome, moglo bi se zaključiti da su ta ubistva izvršile grupe i pojedinci koji su delovali suprotno pismenim naređenjima GŠ VRS i k-de Drinskog korpusa, radi osvete nad zarobljnicima za zlodela koje su muslimanske naoružane formacije do tada počinile u Srebrenici i u široj okolini.

Nač. organa bezbednosti Zvpbr ppor. Nikolić Drago nije bio nadležan da odlučuje o sudbini ratnih zarobljenika. Ppor. Nikolić Drago nije imao u svojoj nadležnosti ili pod komandom snage za preduzimanje mera prema ratnim zarobljenicima u bilo kom smislu.

U borbenim i operativnim dokumentima nema pouzdanih pokazatelja na osnovu kojih se može nedvosmisleno zaključiti da je ppor. Drago Nikolić bio ovlašćen da u ime k-ta komanduje jedinicom vojne policije u konkretnom slučaju.

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