

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

**Case No. IT-05-88-T**

**IN THE TRIAL CHAMBER**

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

**Registrar: Mr Hans Holthuis**

**Date Filed: 4 July 2008**

**THE PROSECUTOR  
v.  
VUJADIN POPOVIC  
LJUBISA BEARA  
DRAGO NIKOLIC  
LJUBOMIR BOROVCANIN  
RADIVOJE MILETIC  
MILAN GVERO AND VINKO PANDUREVIC**

**PUBLIC FILING**

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**BOROVCANIN DEFENCE NOTICE OF FILING OF THE OFFICIAL CLSS  
ENGLISH TRANSLATION OF PROF. RADOVAN JOVIC'S EXPERT REPORT**

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The Defence for Mr Ljubomir Borovcanin (“Defence”) respectfully files the following,

**BOROVCANIN DEFENCE NOTICE OF FILING OF THE OFFICIAL CLSS  
ENGLISH TRANSLATION OF PROF. RADOVAN JOVIC’S EXPERT REPORT**

1. The Defence hereby files the official English translation by CLSS of Prof. Radovan Jovic’s Expert Report titled “The Organisational Structure and the Command Relationship in the Armed Forces of Republika Srpska During Operation *KRIVAJA 95*”.<sup>1</sup>
2. This official translation shall be available through the E-Court system shortly.<sup>2</sup>

Word count: 255.

Respectfully submitted.

The Hague, 4 July 2008



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Aleksandar Lazarevic and Christopher Gosnell  
Counsel for Mr Ljubomir Borovcanin

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<sup>1</sup> The original of this Report in BCS was filed on 31 March 2008, together with the unofficial Defence translation in English. *See, Prosecutor v. Popovic et al.* (IT-05-88-T), Borovcanin Defence Notice on Filing of Expert Reports, 31 March 2008, Annex 1A.

<sup>2</sup> The official translation of the Report shall bear the same *65ter* number as the original, *i.e.*, 4D00501.

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# ANNEX

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**Radovan JOVIĆ Ph. D.**

**THE ORGANISATIONAL STRUCTURE AND THE COMMAND  
RELATIONSHIP IN THE ARMED FORCES OF REPUBLIKA  
SRPSKA DURING OPERATION *KRIVAJA 95***

**Expert report prepared for the case  
PROSECUTOR  
v.  
Ljubomir BOROVIČANIN  
(IT-05-88)**

**March 2008**

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## 1. THE CIRCUMSTANCES (CONTEXT) SURROUNDING OPERATION *KRIVAJA 95*

### A. Demographic summary

1.1. According to the 1991 population census, the Socialist Republic of Bosnia and Herzegovina, as a federal unit of the SFRY /Socialist Federative Republic of Yugoslavia/, had an area of 51,197 km<sup>2</sup>, 4,364,649 inhabitants and the following ethnic composition:

ETHNICITY	NUMBER	PERCENTAGE <sup>1</sup>
MUSLIMS	1,905,274	43.7%
SERBS	1,369,898	31.4%
CROATS	755,868	17.3%
YUGOSLAVS AND OTHERS	333,609	7.6%
<b>TOTAL</b>	<b>4,364,649</b>	<b>100%</b>

1.2. The municipality of Srebrenica is located in eastern Bosnia, in the central Podrinje region. In 1991, its area was 529 km<sup>2</sup> and had a total of 37,211 inhabitants, with the following ethnic structure:

ETHNICITY	NUMBER	PERCENTAGE <sup>2</sup>
MUSLIMS	27,118	72.88%
SERBS	9,381	25.21%
YUGOSLAVS	372	1.00%
CROATS	38	0.10%
OTHERS	302	0.81%
<b>TOTAL</b>	<b>37,211</b>	<b>100%</b>

1.3. Srebrenica municipality comprised 19 local communes (MZ), whose population, according to the same census, had the following ethnic structure:

Local commune (MZ)	Total number of inhabitants	Muslims	Serbs	Yugoslavs	Croats	Others <sup>3</sup>
1. Brežani	1,206	929	277	-	-	-
2. Crvica	613	-	610	2	-	1
3. Gostilj	1,197	1,062	133	-	-	1
4. Kostolomci	1,063	643	419	1	-	-
5. Krnjići	1,678	1,155	522	1	-	-
6. Luka	1,006	1,006	-	-	-	-
7. Orahovica	1,115	549	566	-	-	-
8. Osat	3,495	2,261	833	-	1	-
9. Podravanje	774	360	413	-	-	1

<sup>1</sup> Federal Bureau of Statistics, *SFRY Statistical Calendar for 1991*, p. 10.

<sup>2</sup> *Ibid.*

<sup>3</sup> Besim IBIŠEVIĆ, *Srebrenica 1987-1992*, The Netherlands 1999, p. XIV

10. Potočari	4,338	4,051	258	19	1	9
11. Radoševići	1,961	1,751	210	-	-	-
12. Ratkovići	782	444	338	-	-	-
13. Sase	1,367	584	762	6	3	12
14. Skelani	4,483	2,856	1,470	15	-	142
15. Skenderovići	1,571	1,449	122	-	-	-
16. Srebrenica	5,574	3,683	1,649	317	33	72
17. Sućeska	2,930	2,900	19	11	-	-
18. Toplica	1,120	583	474	-	-	63
19. Vigor	758	452	306	-	-	-
<b>Total</b>	<b>37,211</b>	<b>27,118</b>	<b>9,381</b>	<b>372</b>	<b>38</b>	<b>302</b>

1.4. There was a total of 305 settlements in the territory of Srebrenica municipality in 1991, including villages, hamlets and town suburbs. Of these, 175 were inhabited by Muslims, 107 by Serbs and 23 were mixed. For this analysis it is important to bear in mind the demographic structure of the whole central Podrinje region, because it represents the overall territorial and demographic basis from which the armed formations of both sides in Operation *Krivaja 95* were replenished and in which they operated.

## **B. Chronology of clashes leading up to the demilitarisation of Srebrenica**

### Political organisation (militant aspect)

1.5. The whole chronology of events in Bosnia and Herzegovina (BH) from 1990, since the beginnings of multi-party political organisation and the holding of the first multi-party elections (in November 1990), the struggle for power and the first clashes, was projected in all its parts. Relations between parties quickly assumed the character of inter-ethnic relations which were becoming more complex and, more often than not, spiralled out of control. The proponents of this policy at the level of BH were the three national parties: the SDA /Party of Democratic Action/, the HDZ /Croatian Democratic Union/ and the SDS /Serbian Democratic Party/, with a negligible influence of other political factors. This was also the case in the central Podrinje region which comprised, among others, the municipalities of Bratunac and Srebrenica, which are analysed here. Before winning the elections, the national parties occasionally rallied around a common cause, giving utmost priority to the need to topple communism. After the successful completion of the first stage, the SDA and the SDS clashed during the process of division of power. Political organisation gradually acquired a militant form, ultimately resulting in open hostilities and armed clashes.

1.6. The founding assemblies of the SDA and SDS branches for Srebrenica municipality were scheduled, whether deliberately or not, on the same day – 19 August 1990. They were marked by the first serious inter-ethnic incidents. The distance between the locations of the two meetings was only 200 to 300 metres. The SDA activists saw their meeting as an expression of national revival, democracy and freedom of political expression, seeing the gathering of SDS followers as “the Chetniks’ arrival in Srebrenica”. The SDA founding assembly turned into a counter-rally of sorts against the SDS, rallying around 10,000

Muslims. “A large number of Bosniaks felt the danger of expansionist Serbian nationalism. That is why they came to Srebrenica in large numbers, in a desperate attempt to oppose the evil coming their way. The political concept of a Greater Serbia and its militant force were stopped by Bosniaks on that day.”<sup>4</sup>

- 1.7. The initial activity is followed by a long period of misunderstandings, spreading of inter-ethnic mistrust, putting up barricades on roads, organising village guard duty at night, etc. In the second half of September 1990, a meeting of SDA representatives from small municipalities in eastern Bosnia was held in Nova Kasaba (between Bratunac and Milići). “In Nova Kasaba, we agreed to start arming Bosniaks, to start having village guards in our settlements at night and to review the possibility of destroying the bridges over the Drina to cut off military and strategic roads between Bosnia and Serbia (...) The next step was to have been to form a joint Crisis Staff which would have acted according to instructions from the SDA and which would have been its military wing.”<sup>5</sup> This is the militant aspect of political organisation under the auspices of the SDA, with an important note that this was a time of the political self-organisation of the Muslim people long before the first (multi-party) elections in BH. The same author conveys or gives additional explanation of what this was all about: “One of *Energoinvest’s* giants, *Glinica* (of Zvornik), was among the most successful enterprises in BH (...) If we win the elections, the first thing we have to do is take over the management of *Glinica*. If we do that, we will have enough money to buy weapons and arm our people.” The subsequent chain of events confirmed this orientation and, therefore, it could be said that the SDA used its preparations for the elections to prepare for war.
- 1.8. On 18 November 1990, the first multi-party elections were held in BH, both at the republican and the municipal levels. The electoral results at the republican level brought a victory to the ethnic parties and they nearly completely reflected the republic’s ethnic composition. Absolute power in the municipalities of Bratunac and Srebrenica were won by the SDA and the SDS, with SDA predominance. The ensuing process of division of power was conducted through inter-party negotiations. This process led to the first misunderstandings and problems, not only at the level of the parties. The situation was additionally complicated by misunderstandings and rivalry between the parties, deepening the crisis as the days went by.
- 1.9. After assuming political power, the Muslim side showed great interest in assuming managerial positions in enterprises. From there, official funds were semi-legally directed to the processes of illegally arming Muslims and paramilitary formations under the strict supervision of the SDA.<sup>6</sup> In the summer of 1991, the SDA organised three-month police courses for Muslim youths from all BH municipalities, including Srebrenica, in Croatia where the war was

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<sup>4</sup> Besim IBIŠEVIĆ, *Srebrenica 1987-1992*, The Netherlands, 1992, pp. 47-48. The author of this book actively took part in all the events he described, as an activist and leader of the SDA in Srebrenica. After the 1990 elections, he became the President of the Srebrenica SO /Municipal Assembly/ until 18 April 1992, when he went abroad.

<sup>5</sup> *Ibid.*, p. 65

<sup>6</sup> *Ibid.*, p 121

already raging. Many of them were involved in combat operations in Croatia, to acquire combat experience, and were then assigned to municipal police stations throughout BH.<sup>7</sup>

- 1.10. As of August 1991, in coordination with the SDA headquarters in Sarajevo, the local authorities limited the legal activities of the Yugoslav People's Army (JNA), prevented the departure of Muslim recruits to serve their compulsory military service and prevented JNA organs from inspecting military records in the municipal Defence Ministry departments.<sup>8</sup> The incidents in Srebrenica and Bratunac, when JNA members tried to seize the military records, on 30 August 1991 were a typical occurrence. The ensuing large-scale riots completely polarised the people and the public figures. Polarisation along ethnic lines resulted in an escalation of civil disobedience, expressed in illegal cutting of forests, theft of socially-owned property, erection of barricades on roads, murders, etc. The atmosphere and mood in Srebrenica at the time could best be described in the words of the Chairman of the Srebrenica Municipal Assembly Executive Committee, Ibran MUSTAFIĆ, on 5 November 1991: "Asked 'What kind of army would you prefer', Ibran replied: 'The only army that is welcome here is the one with a green star and crescent on its cap.'"<sup>9</sup>
- 1.11. In early April 1992, negotiations about the division of power intensified between the leaders of the Bratunac and Srebrenica SDA and SDS, but they soon turned into a process of institutional and territorial division along ethnic lines. On 8 April 1992, the SDA and SDS leaders of Bratunac municipality held a meeting. They said about themselves that they were the "representatives of the two peoples" and they adopted conclusions which basically meant that "the process of division is inevitable and it can be carried out in a peaceful and democratic way."<sup>10</sup> The first step in the process of division envisaged a division of the existing public security station and organising the whole work of security structures according to the principle of parity. After that, it was agreed to divide the municipality of Bratunac into two municipalities: a Serbian and a Muslim one (according to the document, the agreement was reached on 5 April 1992). At the same time, it was also agreed not to allow any paramilitary formations in the territory of these two municipalities. These conclusions were reiterated at the meeting of the Bratunac SDS Municipal Board.
- 1.12. The conclusions of 8 and 9 April 1992 were soon put into practice. According to a document dated 13 April 1992,<sup>11</sup> it can be seen that the Crisis Staff of the Serbian municipality of Bratunac on 12 April 1992 adopted a Decision to form staffs, commands and units of the Territorial Defence (TO). According to this Order, the TO was to assume defence duties in the territory of the Serbian municipality of Bratunac.

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<sup>7</sup> *Ibid.*, pp. 129-130

<sup>8</sup> *Ibid.*, p. 130.

<sup>9</sup> *Ibid.*, p. 140.

<sup>10</sup> Conclusions from inter-party negotiations between the Bratunac SDA and SDS, 8 April 1992.

<sup>11</sup> Serbian municipality of Bratunac – Crisis Staff, Order no. 01-6-92 of 13 April 1992.

- 1.13. On 19 April 1992, the Crisis Staff of the Serbian Municipality of Bratunac adopted a Decision to disarm citizens who own weapons in the territory of Bratunac municipality. The public security station and the TO of Bratunac municipality were authorised to implement this Order.<sup>12</sup>
- 1.14. Since its founding, the Territorial Defence of Bratunac municipality became the bearer of defence matters (military activities) in the territory of the Municipality, and its responsibility later extended to parts of Srebrenica municipality, which were factually under Serbian control. It was rather isolated, but not completely autonomous from the military organisation of the Serbian armed component in BH.
- 1.15. The first specific step to integrate the Bratunac TO into a broader and integral system of military organisation and hierarchy was taken on 19 May 1992 with the forming of the Birač Infantry Brigade (1<sup>st</sup> Bpbr), based in Šekovići. At the time, the Birač Brigade was responsible for the municipalities of Zvornik, Kalesija, Šekovići, Vlasenica and Bratunac (including the newly-formed municipalities of Milići and Skelani). Under this system, the Bratunac TO was reorganised into the 5<sup>th</sup> Infantry Battalion of the Birač Infantry Brigade. Apart from it, there were other TO forces in the territory of Bratunac municipality, organised into five detachments without a fixed establishment and there were several individually-led independent platoons and groups.
- 1.16. The Drina Corps of the VRS /Army of Republika Srpska/ was established on 1 November 1992, based in Vlasenica, with Colonel Milenko ŽIVANOVIĆ as the Commander and Colonel Milutin SKOČAJIĆ as the Chief of Staff.
- 1.17. Pursuant to an Order of the VRS Drina Corps Commander dated 14 November 1992, the Bratunac 1<sup>st</sup> Light Infantry Brigade (1<sup>st</sup> Brlpbr) was formed and it included the following: command and headquarters support units (a reconnaissance platoon, a communications platoon and a Military Police platoon); the 5<sup>th</sup> Infantry Battalion; a company of young soldiers; a logistics company; a 120-mm MB /mortar/ company; a tank platoon (with three tanks); a platoon of armoured personnel carriers and a mixed artillery battery. The numerical strength of the brigade was 2,288 v/o /conscripts/. It held a line of defence which was nearly 50 km long. By the time the brigade was formed, a total of 265 fighters had been killed and 301 wounded in the territory of Bratunac. The first days of the 1<sup>st</sup> Bratunac Brigade were marked by the launching of a strong and comprehensive enemy offensive and the loss of a number of important features and positions. In late April 1993, the brigade was re-formed by forming three from the existing five infantry battalions (1<sup>st</sup> pb /Infantry Battalion/ - Command Post (KM) Hranča; 2<sup>nd</sup> pb – KM *Kartonaža* and 3<sup>rd</sup> pb – KM Pribićevac).
- 1.18. Pursuant to an order of the Main Staff of the Army of Republika Srpska (GŠ VRS) dated 18 April 1993, a temporary formation was established: Tactical Group 1 (TG-1) which included the Skelani Independent Battalion, the 1<sup>st</sup>

<sup>12</sup> Serbian municipality of Bratunac – Crisis Staff, Decision on disarming citizens who own weapons in the territory of Bratunac municipality, no. 01-09/92 of 19 April 1992.

Battalion of the 1<sup>st</sup> Guards Motorised Brigade, the Assault Detachment of the Zvornik pbr /Infantry Brigade/, an Infantry Company (pč) of the Romanija pbr and units of the MUP /Ministry of the Interior/ of RS /Republika Srpska/. The Command Post of TG-1 was formed at Pribićevac under the command of Colonel Vukota VUKOVIĆ. Not long after its forming, TG-1 underwent alterations and its permanent composition comprised the Skelani Independent Battalion and the 3<sup>rd</sup> pb Brlpbr.

1.19. Since the beginning of hostilities in the Srebrenica – Bratunac area in 1992 and until the fall of the enclaves of Srebrenica and Žepa, the Muslim side went through several stages in the organisational sense. Until 20 May 1992, there were several self-organised units, which were placed under the joint command of the Srebrenica Municipal Staff of Territorial Defence (OPŠTO) on that day. Naser ORIĆ<sup>13</sup> was appointed Commander of OPŠTO, that is, of all the military units and the military strength. The organisation and establishment of the military component of the area of Srebrenica and Žepa changed and adapted over time, but ORIĆ remained the Commander-in-Chief. On 1 January 1994, 8<sup>th</sup> Operations Group (OG) Srebrenica was formed, uniting Muslim units from the areas of Srebrenica and Žepa. According to orders issued previously, 8<sup>th</sup> OG Srebrenica was reorganised into the 28<sup>th</sup> KoV /Army/ Division on 20 March 1995, and as such functioned until 19 August 1995 when it was abolished and its men assigned to other units of the 2<sup>nd</sup> Corps of the BH Army – Tuzla.<sup>14</sup>

1.20. Herewith is a rough chronology of military activities of the Muslim armed formations from Srebrenica from the outbreak of hostilities to the beginning of the demilitarisation in March 1993:

- on 20 April 1992, the Muslim forces set an ambush in Potočari killing six and wounding four members of a formation which the Muslims called *Arkanovci* /Arkan's men/;
- on 6 May 1992, the Muslim forces attacked, looted and torched houses and auxiliary buildings, killing six Serbs, in the villages of Blječeva (Bratunac municipality) and Gniona (Srebrenica municipality);
- on 7 May 1992, an ambush was laid in the Osmaće village sector to attack a convoy transporting civilians in which six persons were killed;
- on 8 May 1992, Goran ZEKIĆ, a deputy in the Assembly of the SR /Socialist Republic/ of BH and President of the Srebrenica SDS was killed in an ambush near Zalazje village;
- 15 May 1992, Muslims attack and torch the villages of Viogor and Osredak. Serbian inhabitants withdraw to the village of Podravanje;
- 26 May 1992, Muslim forces torch the Serbian village of Mratinjci (Kravica MZ);

<sup>13</sup> A number of documents show the development of the armed formations in the Srebrenica and Žepa enclaves: 1) Decision to Form and Appoint Members of a War Presidency of Srebrenica Municipality, no. 01-14/92 of 1 July 1992 (Article 7 of this Decision says: "Naser ORIĆ is hereby appointed commander of the Armed Forces Staff."); 2) Documents cited in paragraphs 1.31 through 1.60.

<sup>14</sup> BH Army Order, strictly confidential no. 4/43-62 of 19 August 1995. Also, Order of the BH Army 2<sup>nd</sup> Corps of 31 August 1995 (signed by Naser ORIĆ) and the Work Plan of the 28<sup>th</sup> Army Division Command.

- 29 May 1992, twelve Serbs were killed in an ambush in Sandići village, among them was the Bratunac SDB /State Security Service/ Chief at the time, Milutin MILOŠEVIĆ;
- 31 May 1992, three Serbian soldiers were killed in an ambush on the Bratunac – Kravica road, in Glogova village;
- 1 June 1992, six Serbs were killed when the Muslims attacked and torched Oparci village;
- 8 June 1992, Muslim formations from Potočari attacked the villages of Obadi and Zalazje, killing ten members of the VRS;
- 17 June 1992; Vresinje village attacked and torched;
- 21 June 1992, Muslim formations burst into Ratkovići village and killed eight Serbs;
- 28 June 1992, Muslim formations attack Loznica village. The village was encircled and torched. Nine VRS members and one civilian were killed;
- 30 June 1992, attack on the Serbian village of Brežani. The village was looted and torched; 19 Serbs were killed;
- 5 July 1992, attack on Krnjići village. Sixteen Serbs were killed. At the same time, units from Potočari attacked Zagoni village and killed ten VRS members and three civilians;
- 12 July 1992, Muslims from Srebrenica launched an all-out offensive. In an attack on Zalazje village, they killed 32 and captured seven VRS members. The bodies of 14 soldiers were later exchanged, while the seven prisoners-of-war were taken to Srebrenica and their fate is unknown to date. On the same day, there was a second attack on Zagoni village, in which eight VRS members and one civilian were killed;
- 20 and 25 July 1992, Muslim formations from the direction of Potočari, via Čizmići and Stolice, burst into Magašići village. They torched and looted it, killing one member of the VRS and seven women whose bodies were mutilated;
- 8 August 1992, attack on the villages of Ježeštica and Šiljkovići. Muslims killed two VRS members in Šiljkovići. In Ježeštica they torched 50 houses, killed ten VRS members and three civilians, and wounding a number of VRS members;
- 26 August 1992, Muslims torched the Serbian village of Tegare;
- 16 September 1992, Muslim forces laid an ambush in Zalužje village, killing seven VRS members and two civilians;
- 5 October 1992, attack on the villages of Zakovići and Boljevci in which 16 VRS members and 11 civilians were killed;
- 14 December 1992, attack on the villages of Sikirić, Loznica, Biljača, Bjelovac and Pobrđe. In the fighting, 55 VRS members and seven civilians were killed and many were wounded. All the villages were torched.

### **C. Srebrenica and Žepa as protected and demilitarised zones**

- 1.21. At the end of 1992, the Muslim armed formations from Srebrenica enclave launched a large-scale military offensive both against positions of the VRS and against a number of villages deep into the territory inhabited by Serbs. During the several-week long campaign, the Muslim formations made significant advances. The Serbian villages of Podravanje, Bjelovac, Fakovići and others were seized.

The Muslim offensive was in full swing and culminated by seizing a group of Serbian villages in Kravica (Bratunac municipality) on 7 January 1992 and in the January offensive, the villages of Zeleni Jadar, Jezero, Kragljivode to Skelani, which was seized on 16 January 1993. In doing so and in a concerted action with units from Goražde, Muslim forces from Srebrenica completely assumed control of the left bank of the Drina river from Bratunac to Višegrad. They even conducted operations across the Drina, in the territory of Serbia, especially in the municipalities of Ljubovija and Bajina Bašta.

- 1.22. The successful advance of the Muslim formations on a number of divergent axes in Podrinje indicates good organisation, backed by good quality weapons and determination. It is interesting that this offensive took place after establishing supply convoys of UNPROFOR to the enclave (the main staples in these convoys were foodstuffs and medical supplies). A number of sources point to the fact that the Srebrenica authorities gave priority to providing supplies to military formations. At the time, the Serbian side sustained significant losses in manpower and materiel, both in the military and the civilian sector. The town of Bratunac remained in Serbian hands, but the town was completely isolated from the rest of the territory controlled by the VRS Drina Corps. It was a small enclave in an extremely inferior position in relation to Muslim positions, which leaned on dominant topographic features around the town. A narrow belt of villages north of Bratunac along the Drina River remained under VRS control. The town of Zvornik was also threatened, from the forces attacking from the direction of Cerska and Kamenica and from the forces of the BH Army 2<sup>nd</sup> Corps from Tuzla.
- 1.23. In response to this offensive and to the real danger that it might continue, the VRS Drina Corps launched a military counter-offensive in late January 1993. From late January to mid-April, the counter-offensive was very successful which was seen in stopping the Muslim forces' advance and pushing them back in a flexible attack position. In its withdrawal, the Muslim army again looted the Serbian villages and systematically destroyed considerable material resources. The Muslim side was pushed back from large areas, which meant it returned to previous positions, losing the areas of Kamenica, Cerska, Konjević Polje and withdrawing from the areas of Kravica, Glogova, Skelani, Fakovići and some dominant topographic features.

#### The concept of protection (demilitarisation) of Srebrenica

- 1.24. At a time when the Muslim forces from Srebrenica were being faced with a complete military defeat, the UN Security Council (SB) on 16 April 1993 adopted Resolution 819,<sup>15</sup> which established (or rather, declared) "Srebrenica as a safe area". Declaring Žepa and Goražde<sup>16</sup> as safe areas followed soon after since they were within the combat deployment of the zone of responsibility of the VRS Drina Corps.

<sup>15</sup> See, UN Security Council Resolution 819, adopted at the 3199<sup>th</sup> session of the Security Council, (S/RES/819 (1993)), 16 April 1993.

<sup>16</sup> See, UN Security Council Resolution 824, adopted at the 3208<sup>th</sup> session of the Security Council, (S/RES/824 (1993)), 6 May 1993.

1.25. Resolution 819 set absolute cessation of military operations (fire) as an imperative, which meant the demilitarisation of Srebrenica.<sup>17</sup> The basic concept of establishing the safe area of Srebrenica was contained in a 13-point plan. This plan served as a basis for a meeting held in Sarajevo on 17 April 1993 between General MLADIĆ, the Commander of the GŠ VRS, and General Sefer HALILOVIĆ, the BH Army Commander, which was mediated by General Lars WAHLGREN (representing UNPROFOR), at which they signed an Agreement on the demilitarisation of Srebrenica.<sup>18</sup> The eleven points of this agreement deal in great detail with a total cease-fire in the zone of Srebrenica, which shall enter into force at 0459 hours on 18 April 1993; the deployment of one UNPROFOR company in Srebrenica on 18 April 1993 by 1100 hours; opening of an air corridor between Tuzla and Srebrenica via Zvornik for the evacuation of the ill and seriously injured; the demilitarisation of Srebrenica shall be completed within 72 hours upon the arrival of the UNPROFOR company in Srebrenica which involves collecting all weapons, ammunition, mines, explosives and combat supplies (except for medicine) and handing them over to the UN forces in Srebrenica; all controversial questions are to be resolved by a mixed military working group. It is obvious that only complete demilitarisation of the Srebrenica area ensured the status of a protected (safe) zone, as envisaged by Resolution 819.

1.26. Immediately after signing the Agreement on Demilitarisation of Srebrenica, the BH Army started taking activities aimed at obstructing it and avoiding its obligations at all levels. There are a number of BH Army documents in support of this claim. On 20 April 1993, the Supreme Command Staff of the OS /Armed Forces/ of BH sent the Report on the Results of Negotiations on the Demilitarisation /of Srebrenica/ to the 2<sup>nd</sup> Corps Command in Tuzla and to Naser ORIĆ, the Commander of the Muslim formations in Srebrenica.<sup>19</sup> With this document, General HALILOVIĆ (mis)informs the Muslim command in Srebrenica about the contents of the agreement on demilitarisation, claiming that “General MLADIĆ didn’t know what that meant” and that he (HALILOVIĆ) expected the formations in the Srebrenica zone to continue military activities and promised additional heavy weapons through illegal channels:

“... We need to fortify the defence lines and URGENTLY send a *KURBAN* /sacrifice, victim/ to Naser. The disarmament of our troops is out of the question – not a single soldier, much less a whole unit. The 2<sup>nd</sup> Corps Command HAS TO find a way to send the *KURBAN*...<sup>20</sup> The main thing is that MLADIĆ signed it and that we have the support of MORILLON and WAHLGREN.”<sup>21</sup>

<sup>17</sup> The fact that Resolution 819 is devoted to “Srebrenica and its surrounding areas” points to a certain degree of generalization and imprecision and a need to specify additionally the borders of the protected (safe) area.

<sup>18</sup> See, Agreement on the Demilitarisation of Srebrenica, 18 March 1993.

<sup>19</sup> The Supreme Command Staff of the OS RBH /Republic of Bosnia and Herzegovina/, Information on the Results of Negotiations on the Demilitarisation of Srebrenica, strictly confidential no. 02/520-2, 20 April 1993 (signed by the Chief of the OS RBH ŠVK, Sefer HALILOVIĆ).

<sup>20</sup> *Ibid.*, the word *KURBAN* in this context is the code name for a helicopter which can be seen in an order of the BH Army 2<sup>nd</sup> Corps to Naser ORIĆ. Item 7 of the Order says: “The Kurban was on its way this morning. It was intercepted by Vlasenica, it was hit, but still managed to return to our territory.

1.27. Although General HALILOVIĆ at that moment (20 April 1993) claims that the demilitarisation of Srebrenica does not mean handing over weapons and military equipment to UNPROFOR, a series of instructions and orders nevertheless show how the military leadership of the armed forces (OS) of the Republic of BH illegally organised avoidance of the obligation to hand over the weapons. Finally, the Report sent by the Commander of 8<sup>th</sup> OG Srebrenica, Naser ORIĆ, to the BH Army GŠ to General Enver HADŽIHASANOVIĆ<sup>22</sup> personally, clearly shows that this formation handed a few weapons over to UNPROFOR in Srebrenica, mainly ones which were not in working condition. ORIĆ reported that he told the UN that there were no weapons left because during the demilitarisation, 1,343 wounded soldiers left Srebrenica and took their personal weapons with them to Tuzla. In the same report, ORIĆ said that UNPROFOR representatives were aware of the fact that there still were armed formations in Srebrenica with a certain amount of weapons and ammunition. Nevertheless, only two or three months before the cessation of combat operations (b/d), members of 8<sup>th</sup> OG Srebrenica launched a serious, large-scale military campaign. This could not have been done with the weapons which they later handed over to UNPROFOR, from which one may conclude that significant quantities of weapons remained in the possession of the 8<sup>th</sup> OG Srebrenica. This is confirmed by the ensuing events.

1.28. On the day when UN Resolution 819 was adopted, 16 April 1993, at a time when, as mentioned, the Muslim formations were facing a complete military defeat, the BH Army 2<sup>nd</sup> Corps Command in Tuzla issued to these same forces an Order banning handing over weapons and /calling for/ ongoing active combat operations, announcing the delivery of new quantities of weapons and ammunition.<sup>23</sup> This is just a follow-up to an order with similar content exchanged among the same parties a month earlier. Such behaviour and activity determined the overall stance and relationship towards the future process and the obligation for demilitarisation. The Supreme Command Staff of the OS of the RBH /Republic of Bosnia and Herzegovina/ on 15 March 1993 issued an Order ordering the Muslim formations in Srebrenica to cease combat operations. A day later (16 March 1993), a new Order was issued, with the following contents:

“...Order strictly confidential no. 02/398-1 of 15 March 1993 is invalid. It was issued for propaganda reasons. Continue undertaking offensive operations as

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There will be another try. Where can it descend? Urgent.” See, BH Army 2<sup>nd</sup> Corps, strictly confidential no. OT-1-065/93, 16 April 1993.

<sup>21</sup> Supreme Command Staff of the OS RBH, Report on the Results of Negotiations on the Demilitarisation of Srebrenica, strictly confidential no. 02/520-2, 20 April 1993.

<sup>22</sup> See, 8<sup>th</sup> OG Srebrenica Command, document no. 01-18/95 sent by Brigadier Naser ORIĆ to the GŠ BH Army (to Brigadier General Enver HADŽIHASANOVIĆ personally), in reply to document no. 1-1/133-1 of 18 January 1995.

<sup>23</sup> BH Army 2<sup>nd</sup> Corps Command (Intelligence Department), in its document Strictly confidential no.: OT-1-065/13 of 16 April 1993, informed the GŠ VK /General Staff of the Supreme Command/ of the OS RBH (Sefer HALILOVIĆ) about the contents of an order sent to Naser ORIĆ at 0300 hours on the same day. It was signed by the Chief of Intelligence, Abdulah BAŠIĆ. A typical sentence in this document is: “The offers to surrender weapons through UNPROFOR are a vile hoax.”

strongly as possible (...) against everyone who in any way fails to carry out the orders and is hesitant, undertake energetic measures...”<sup>24</sup>

1.29. A particularly important document which additionally deals with the matter of demilitarisation of Srebrenica is the Agreement on the Demilitarisation of Srebrenica and Žepa, signed on 8 May 1993 between Lieutenant General Ratko MLADIĆ and General Sefer HALILOVIĆ in the presence of Lieutenant General Philippe MORILLON.<sup>25</sup> This Agreement resolved the dilemma or rather the vagueness of Resolutions 819 and 824, and the Agreement of 17 April 1993 about the borders of the safe, i.e. demilitarised zone. Article 1 in Part 1 of this Agreement specifies the following: “The demilitarised areas shall include areas *within the current lines of conflict*. The precise borders shall be marked by the UNPROFOR Commander in the field following consultations.” Article 3 specifies: “All military or paramilitary units must either pull out of the demilitarised zone or hand over/surrender their weapons (...) The handover/surrender of weapons shall be completed as follows: a. in Srebrenica by Monday, 10 May 1993 at 1700 hours; b. in Žepa by Wednesday, 12 May 1993 at 1700 hours.” Among other things, Article 5 says: “Combatants shall not be allowed entry to or presence in the demilitarised zone.”

1.30. Article 60 of the Protocol Additional to the Geneva Conventions of 12 August 1949, Chapter V - Localities and zones under special protection, specifies that the zones placed under a special regime of protection must be demilitarised.<sup>26</sup> In view of the status of the demilitarised zone, this article prohibits the parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarised zone. Pursuant to Article 60 of the Additional Protocol, in order for an area to acquire the status of a demilitarised zone, it must fulfil the following conditions: 1) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated; 2) no hostile use shall be made of fixed military installations or establishments; 3) no acts of hostility shall be committed by the authorities or by the population against the other Party to the conflict, or anyone inside or outside the enclave ; 4) any activity linked to the military effort must have ceased. Item 7 of Article 60 of the Protocol envisages that, if one of the Parties to the conflict commits a material breach of the previously mentioned provisions, the other Party to the conflict shall be released from its obligations under the agreement conferring upon the zone the status of a demilitarized zone.

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<sup>24</sup> The Supreme Command Staff of the OS RBH, Order strictly confidential no. 02/398-2 of 16 March 1993. It was signed by the Chief of Staff of the VK /Supreme Command/ of the BH Army, Sefer HALILOVIĆ, the same general who signed the Agreement on the Demilitarisation of Srebrenica two days later and who was responsible for its implementation.

<sup>25</sup> Agreement on the Demilitarisation of Srebrenica and Žepa, signed on 8 May 1993.

<sup>26</sup> See, Office of the High Commissioner for Human Rights, Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development International Humanitarian Law Applicable in Armed Conflicts (<http://www.unhcr.ch/html/menu3/b/93.htm>).

### Militant tendencies and activities in the Protected zone of Srebrenica

1.31. The organisational and establishment structure of Muslim units in Srebrenica and Žepa has its continuity from the beginning of hostilities to the fall of these enclaves into the hands of the VRS. It has a formal and legal foundation in a number of regulations about the matter.<sup>27</sup> Furthermore, the organisational and establishment changes continued intensively in the protected zone of Srebrenica, although an Agreement on the Demilitarisation of the area had been signed. This particularly refers to the organisational and establishment changes ordered on 1 January 1994 by the Supreme Command Staff of the Armed Forces of the Republic of Bosnia and Herzegovina to the 2<sup>nd</sup> Corps Command, to which the forces in Srebrenica belonged according to the establishment. This document ordered the establishment of 8<sup>th</sup> OG Srebrenica, with military unit (VJ) number 6167. Apart from the Command, the unit was to comprise: 1) 280<sup>th</sup> Eastern Bosnia Light Brigade – Potočari (Iblbr, VJ 6338; 2) 281<sup>st</sup> Eastern Bosnia Light Brigade – Sućeska, VJ 6339; 3) 282<sup>nd</sup> Eastern Bosnia Light Brigade – Srebrenica, VJ 6340; 4) 283<sup>rd</sup> Eastern Bosnia Light Brigade – Srebrenica, VJ 6341; 5) 284<sup>th</sup> Eastern Bosnia Light Brigade – Srebrenica, VJ 6341; 6) Srebrenica Independent Mountain Battalion – based in Srebrenica, VJ 5128.<sup>28</sup> The deadline for establishment of the units was 15 January 1994. In spite of Resolution 819 and the Agreement on the Demilitarisation, the 8<sup>th</sup> OG command is based in the town of Srebrenica, together with the commands of three other brigades (282<sup>nd</sup>, 283<sup>rd</sup> and 284<sup>th</sup>) and one independent battalion.<sup>29</sup>

1.32. The 2<sup>nd</sup> Corps Assistant Commander for Recruitment and Personnel, Akif KUŠLJAGIĆ, in his document strictly confidential 03/719-6 of 2 February 1994,<sup>30</sup> informed the Supreme Command Staff (ŠVK) of the OS RBH about the extent of implementation of the ŠVK order (strictly confidential no. 14/75-256/93) to form 8<sup>th</sup> OG Srebrenica. It is obvious in the report that all envisaged units had been formed, that the manning level was at 92% with respect to establishment requirements and that replenishment with weapons was at around 53%, noting that there was a surplus of recruits (v/o) who have been placed at the disposal of the Srebrenica Secretariat of National Defence. The officers had also been appointed according to establishment posts.

<sup>27</sup> The formal and legal foundation for the organisational and establishment configuration of the Muslim formations in Srebrenica and Žepa was in the context of the overall re-organisation of the BH Army, with certain specific characteristics for the specific circumstances and obligations undertaken in this respect. See more: 1) Decree-Law on the Armed Forces of the Republic of Bosnia and Herzegovina (*Official Gazette of the RBH*, no. 12/92); 2) Decree Law on Amendments to the Decree-Law on the OS RBH; 3) Decision of the Presidency of the Republic of Bosnia and Herzegovina on the organisation of the OS RBH, no. 02-011-461/32 of 4 September 1992. See also: 4) Law on the Armed Forces of the Republic of Bosnia and Herzegovina (*Official Gazette of the RBH*, 4/92, 7/92, 12/92, 19/92, 17/93 and 3/94), and 5) the Law on Defence (Article 9, paragraph 1, subparagraph 9 and Article 13), *Official Gazette of the RBH*, no. 4/92, 9/92, 11/93, 17/93 and 13/94.

<sup>28</sup> The Supreme Command Staff of the OS RBH, Order strictly confidential no. 14/75-156/93 of 1 January 1994 on the organisational changes – forming RJ in the z/o /zone of responsibility/ of the 2<sup>nd</sup> Corps. It was signed by the Stand-in Commander, Deputy Stjepan ŠIBER.

<sup>29</sup> Report on Establishing and Disbanding RJ sent by the BH Army 2<sup>nd</sup> Corps Command, strictly confidential no. 03/719-6 of 2 February 1994 to the Supreme Command Staff of the OS RBH – Department for Organisation and Mobilisation.

<sup>30</sup> BH Army 2<sup>nd</sup> Corps, Report strictly confidential no. 03/719-6, 2 February 1994.

- 1.33. The organisational restructuring of the armed forces in the protected zone of Srebrenica had a constant dynamic which points to systematic preparations to continue combat operations (b/d) in the area. The Supreme Command Staff of the OS RBH on 8 October 1994 issued an Order for the 1<sup>st</sup> Žepa Brigade, formed on 27 January 1993, to be reformed to the 1<sup>st</sup> Žepa Light Brigade and incorporated into the 8<sup>th</sup> OG.<sup>31</sup> From the contents of the Order, it can be seen that, apart from the 1<sup>st</sup> Žepa lbr /Light Brigade/, the type II Žepa Town Command was also functioning in the protected zone, and that the brigade's logistics supply with combat and non-combat needs was being carried out with reliance on the 2<sup>nd</sup> Corps logistics base in Tuzla.
- 1.34. The new reorganisation of the 8<sup>th</sup> OG Srebrenica was carried out in October 1994 pursuant to the Decision on the organisational structure of the Army of the Republic of Bosnia and Herzegovina.<sup>32</sup> According to this Decision and an Order of the General Staff of the OS RBH to reorganise the BH Army and the organisational changes in war units in the zone of responsibility of the 2<sup>nd</sup> Corps,<sup>33</sup> the 8<sup>th</sup> OG was reformed into the Srebrenica 28<sup>th</sup> Army Division. On 5 February 1995, the 2<sup>nd</sup> Corps Command proposed organisational and establishment changes within the division to the BH Army General Staff,<sup>34</sup> by disbanding the Srebrenica 28<sup>th</sup> Mountain Battalion and reassigning its troops to existing units of the 28<sup>th</sup> Division. In order to implement the Order to man units to 110% of the envisaged temporary wartime establishment, priority was given to man the 283<sup>rd</sup> Light Brigade which was the Manoeuvre Brigade of the 28<sup>th</sup> Division. This Proposal was followed by an Order of the BH Army GŠ, giving 25 February 1995 as the deadline for its realisation.<sup>35</sup>
- 1.35. During 1994, artillery rocket units of the anti-aircraft defence (ARJ PVO) were formed within the 28<sup>th</sup> Division, as follows:
- LARV PVO within the 280<sup>th</sup> Iblbr Potočari (20 April 1994)
  - LARV PVO within the 281<sup>st</sup> Iblbr Sućeska (20 May 1994)
  - LARV PVO within the 282<sup>nd</sup> Iblbr Srebrenica (20 April 1994)
  - LARV PVO within the 283<sup>rd</sup> Iblbr Srebrenica (20 April 1994)
  - LARV PVO within the 284<sup>th</sup> Iblbr Srebrenica (20 April 1994)

<sup>31</sup> Supreme Command Staff of the OS RBH, Order sent to the BH Army 2<sup>nd</sup> Corps, strictly confidential no. 05/155-98-1 of 8 October 1994, to reform the 1<sup>st</sup> Žepa Brigade into the 1<sup>st</sup> Žepa Light Brigade.

<sup>32</sup> Decision on the organisational structure of the Army of the Republic of Bosnia and Herzegovina, PR. no. 02-8-841/94 of 24 October 1994 with two enclosures (diagrams) and an explanation. This Decision invalidated the Decision on the organisational structure of the Army of the Republic of Bosnia and Herzegovina, PR. no. 1591/93 of 14 December 1993.

<sup>33</sup> The General Staff of the BH Army, Order on reorganisation of the BH Army and organizational changes of the RJ /war units/ in the z/o /zone of responsibility/ of the 2<sup>nd</sup> Corps; strictly confidential no. 4/19-2, 12 January 1995.

<sup>34</sup> The BH Army 2<sup>nd</sup> Corps Command, Order to disband the unit, strictly confidential no. 03/63-46-1 of 5 February 1995.

<sup>35</sup> The BH Army General Staff, Order to disband the 28<sup>th</sup> Independent Mountain Battalion, strictly confidential no. 4/43-10-1 of 10 February 1995 (signed by the Chief of Staff, Brigadier General Enver HADŽIHASANOVIĆ).

Pursuant to an order, the units and their command staff, as well as other members, underwent two cycles of military and professional training in 1994, as follows: the first cycle from 1 March 1995 to 15 April 1995 and the second from 1 June 1995 to 15 July 1995. Twenty-seven officers and 115 soldiers of this speciality underwent the training held at a make-shift training ground in the zone of responsibility of the 280<sup>th</sup> Iblbr Potočari and organised by the 8<sup>th</sup> OG Command.<sup>36</sup> The 28<sup>th</sup> Division ARJ PVO conducted combat operations on 29 October 1994 in order to test a 20/1 /20-mm single-barrel/ PAT /anti-aircraft gun/ in the Žutica sector on positions of the VRS (Velika Glava feature – tt. /trig. point/ 650). Training of the command staff was organised in territories outside the Srebrenica and Žepa enclaves. On 30 January 1995, a number of officers from the 28<sup>th</sup> Division were sent to the BH Army 2<sup>nd</sup> Corps for additional training.<sup>37</sup>

- 1.36. An important moment in the status of the Srebrenica 28<sup>th</sup> Division was March 1995, when the BH Army General Staff organised a visit of the then Commander, Naser ORIĆ, to Kakanj, that is, his relocation from the Srebrenica enclave.<sup>38</sup> This was carried out quickly and since ORIĆ had undisputed authority and unlimited power over the military and civilian structures in Srebrenica, a chain of events followed which disorganised the situation both in the 28<sup>th</sup> Division and in the whole enclave. Pursuant to an order of the Commander of the BH Army General Staff of 29 May 1995, Ramiz BEĆIROVIĆ was appointed stand-in commander of the 28<sup>th</sup> Division.<sup>39</sup> The contents of this Order show that the plans were for ORIĆ to be absent from the 28<sup>th</sup> Division for a longer period as there were “certain circumstances necessitating this absence.” Many documents and findings of subsequent investigations into the fall of the Srebrenica and Žepa enclaves indicate that ORIĆ was physically isolated from the Srebrenica area in order to improve the political and security situation and shed light on the numerous unresolved killings.

#### Replenishment with troops and material and technical equipment

- 1.37. Alongside the process of organisational and establishment changes (adjustments) there was a process of replenishment with troops and material and technical equipment in the 28<sup>th</sup> Division. In view of the extremely high human potential in the enclaves of Srebrenica and Žepa, from which units of the 28<sup>th</sup> Division were replenished, replenishment with troops to 110% of the establishment was completed by the end of May 1995. Parallel with this, new

<sup>36</sup> The 8<sup>th</sup> OG Srebrenica Command, Annual report on combat operations and the b/g /combat readiness/ in the ARJ PVO, strictly confidential no. 130-16-05, of 28 December 1994.

<sup>37</sup> See documents: 1) 8<sup>th</sup> OG Srebrenica Security Organ, special report no. 13-05-21 of 16 February 1995; 2) 2<sup>nd</sup> Corps Command, Training of Officers from OG-8, Request strictly confidential no. 02/1-23-39 of 26 January 1995; and 3) General Staff of the BH Army, Document no. 1-1/176-1 (Reply to document no. 01-21/95) of 29 January 1995.

<sup>38</sup> See the whole correspondence between the BH Army General Staff and Naser ORIĆ about organising ORIĆ's transfer from Srebrenica and Žepa to Kakanj: 1) BH Army General Staff, no. 1-1/474-1 of 26 March 1995; 2) BH Army General Staff, no. 1-1/569-1 of 4 April 1995; 3) 28<sup>th</sup> Division Command, telegram, file FWE8N3U, March 1995; and 4) 285<sup>th</sup> Iblbr - Žepa, no. 08-20-353/95 of 31 March 1995.

<sup>39</sup> BH Army General Staff, Order to appoint a stand-in commander of the 28<sup>th</sup> Division, strictly confidential no. 1/855-1 of 30 May 1995.

generations of recruits eligible for military service were being added to the military records.

- 1.38. According to reports of the 28<sup>th</sup> Division Command of 1 July 1995 and the 285<sup>th</sup> Iblrb - Žepa of 30 June 1995,<sup>40</sup> units of the 28<sup>th</sup> Division were replenished according to schedule and the numerical strength of units was as follows:

28 <sup>th</sup> Division Command	40
PEB /Counter-Electronic Warfare/ Platoon	37
Military Police Company	114
Reconnaissance – Sabotage Company	126
280 <sup>th</sup> Iblbr	1,020
281 <sup>st</sup> Iblbr	1,007
282 <sup>nd</sup> Iblbr	1,007
283 <sup>rd</sup> Iblbr	1,007
284 <sup>th</sup> Iblbr	1,007
285 <sup>th</sup> Iblbr	1,105
28 <sup>th</sup> Mountain Battalion	521
Žepa Town Command	13

The above summary clearly shows that at the end of May 1995, war units of the 28<sup>th</sup> Division were manned to 110% percent of their wartime establishment, with a total of 7,004 members and apart from that, most conscripts were assigned to the reserve forces.

- 1.39. Bearing in mind the above summary, assigning many conscripts to the reserve forces and the fact that the Srebrenica Department of the Ministry of Defence in 1994 and 1995 added around 1,000 young men to the military records, it can be assessed that the enclaves of Srebrenica and Žepa had a potential of around 18,000 military conscripts at their disposal in May 1995.<sup>41</sup> This assessment or conclusion is confirmed by the fact that the military convoy which set off to make a breakthrough from Srebrenica to Tuzla on 11 July 1995 numbered around 12,000 soldiers,<sup>42</sup> and at the same time, around 600 soldiers set off and made a breakthrough towards Žepa. Adding to this number the members of the Žepa 285<sup>th</sup> Iblbr and other military conscripts from the territory of Žepa, this claim may be considered as realistically justified. These numbers had to ensure high

<sup>40</sup> Report on replenishment of the 28<sup>th</sup> Division RJ, strictly confidential no. 03-183-231 of 1 July 1995, sent to the 2<sup>nd</sup> Corps Command (Section for Organisation and Mobilisation); and Form RP-1 and PRG-1, 285<sup>th</sup> Iblbr, no. 09-15-131/95 of 30 June 1995 sent to the 2<sup>nd</sup> Corps Command in Tuzla and the 28<sup>th</sup> Division Command in Srebrenica.

<sup>41</sup> See: 1) Srebrenica Department of the Ministry of Defence, Report on the number of conscripts born in 1978 and 1979 registered in the military records, strictly confidential no. 03-11-4/95 of 18 April 1995; 2) Srebrenica Department of the Ministry of Defence, Report on the number of conscripts registered in the military records, no. 03-2-1/95 of 18 April 1995; and 3) Bosnia and Herzegovina Department of the Ministry of Defence in Bratunac, Summary of recruits to be recruited in 1995 (Form no. 2), strictly confidential no. 04-03-02/95 of 19 April 1995.

<sup>42</sup> See, for example, a statement given by Ramiz BEĆIROVIĆ, the Chief of Staff of the 28<sup>th</sup> Division, to the BH Army 2<sup>nd</sup> Corps Military Security Service Department on 11 August 1995 as part of an investigation into the reasons for the fall of Srebrenica.

quality for those who had a wartime assignment in RJ, with regard to age, qualification, training (military experience), psychological and physical readiness and adequate military occupational specialities (VES) of the commanding officers and troops. The base for additional replenishment of war units was considerable.<sup>43</sup>

- 1.40. War units of the 28<sup>th</sup> Division were deployed in a flexible attack position and occupied positions with reliance on very favourable topographic features, which constitute a very favourable basis for effective conduct of combat operations. Relying on the disposition of UNPROFOR, which protected the Srebrenica enclave through very favourably dispersed observation and control checkpoints and mobile patrols, the combat effectiveness of the 28<sup>th</sup> Division was greatly enhanced.

#### Arming of the 28<sup>th</sup> Division RJ during the demilitarisation

- 1.41. There are significant indicators that a completely reverse process was underway during UNPROFOR's mandate to demilitarise the protected zone of Srebrenica – a process of militarisation. This is primarily reflected in hiding illegal weapons in the possession of the 28<sup>th</sup> Division and additional illegal smuggling of weapons and military equipment to the area from other areas controlled by the BH Army. This process was well thought out and coordinated at the level of the BH Army General Staff in order to increase and maintain combat readiness of the 28<sup>th</sup> Division. Weapons were systematically brought in along ground routes by using sabotage and reconnaissance units (DIG), but also the stable airlift established with Srebrenica and Žepa.
- 1.42. The Commander of the 8<sup>th</sup> OG, in his document of 18 January 1995,<sup>44</sup> informed the BH Army General Staff that during the process of the demilitarisation of Srebrenica in May 1993, the following quantities of weapons were handed over to UNPROFOR: 10 pistols; 28 7.9 mm rifles (four of which were not in working order); 91 PAP /semi-automatic rifles/ (six of which were not in working order); 31 7.62 mm AP /automatic rifles/ (five of which were not in working order); 73 automatic rifles (two of which were not in working order); seven hunting rifles; 10 7.9 mm PM /light machine-guns/ (not in working order); six M-57 RB /hand-held launchers/; two T-55 tanks; several MB /mortars/ and anti-aircraft guns which were not in working order and around 3,000 pieces of ammunition of various calibres. Explaining these figures, Naser ORIĆ disclosed some ways which were used to misinform UNPROFOR and the Serbian side about the degree of demilitarisation. The main explanation (deception) which he

<sup>43</sup> For more details about the situation and the manning level in the 28<sup>th</sup> Division, a breakdown of the officer corps per Combat Arms, *see*: 1) 28<sup>th</sup> Division Command, Breakdown of officer corps per combat arms, strictly confidential no. 03-183-204 of 6 June 1995; 2) 8<sup>th</sup> OG Command, Information for Artillery Officers, strictly confidential no. 02/10-01/95 of 20 January 1995; 3) Municipal Secretariat for National Defence, Current problems with control communications and the Observation and Reporting Service, strictly confidential 03-15-2/95, 20 January 1995; and the RBH Department of the Ministry of Defence, document strictly confidential no. 04-66-1/95 of 23 May 1995.

<sup>44</sup> 8<sup>th</sup> OG Srebrenica Command, no. 01-18/95, Submission of information as per document no.: 1-1/133-1 of 18 January 1995. The document was sent to the BH Army General Staff, to Enver HADŽIHASANOVIĆ. It was signed by the 8<sup>th</sup> OG Commander, Brigadier Naser ORIĆ.

offered was that 1,343 wounded soldiers, who had been taken to Tuzla, took their personal weapons with them. Bearing in mind that transport of the wounded was carried out according to the Agreement on the Demilitarisation with UNPROFOR helicopters, it is then clear that a complete untruth had been launched. In this sense, the aforementioned Report says: "UNPROFOR was also told that all the weapons have been handed over. However, UNPROFOR representatives are now aware of the fact that there are armed formations in Srebrenica armed with a certain quantity of weapons and ammunition."

- 1.43. The process of demilitarisation of the Žepa zone was similar to that in Srebrenica, which is confirmed by the Chief of Staff of the Supreme Command of the OS RBH, in his letter of 2 June 1993 to the Commander of the Srebrenica defence.<sup>45</sup>
- 1.44. According to a report of the General Staff of the BH Army, no. 1-1/7-169<sup>46</sup> which gives a breakdown of UBS /weapons, ammunition and explosives/ and MTS /materiel and technical equipment/ supplies brought to the Žepa and Srebrenica enclaves for the needs of the 28<sup>th</sup> Division, it is obvious that this was a well-organised and permanent activity with which the strength and overall military capability of this formation was greatly increased. The supplies included infantry weapons, ammunition, anti-armoured equipment, radio sets, /radio/ equipment, etc. which totalled 17 tonnes of UBS and six tonnes of MTS. The structure of weapons and equipment brought in for the needs of the 28<sup>th</sup> Division during the demilitarisation is presented in detail in a document called An Analysis and a Chronology of events in Žepa from 11 to 20 July 1995.
- 1.45. An additional argument for the systematic arming of the 28<sup>th</sup> Division is information contained in the Final Analysis of the Srebrenica and Žepa airlift compiled by the BH Army Air Force and Anti-Aircraft Defence Command (RV and PVO).<sup>47</sup> In the period between 27 February 1993 and 7 May 1995, from the territory controlled by the BH Army, an airlift was maintained for the needs of the enclaves of Srebrenica, Žepa and Goražde. The main reason the airlift was established and maintained was to provide and ensure supplies needed to conduct combat operations, transport soldiers and passengers for various reasons, transport supplies for the functioning of the military and civilian authorities, maintain communications, transport the ill and injured and medical supplies, etc. The airlift was organised in two stages. From 27 February 1993 to 30 March 1993 there was an airlift for Srebrenica, and from 31 March 1994 to 7 May 1995 the airlift to Žepa was also used to provide supplies to the Srebrenica enclave.
- 1.46. In an introductory remark at the BH Assembly session on 30 July 1996 on the military reasons for the fall of Srebrenica in July 1995, BH Army Commander,

<sup>45</sup> Staff of the Supreme Command of the OS RBH Sarajevo, Document strictly confidential no. 02/669-2 of 2 June 1993 sent to the Srebrenica Defence Command.

<sup>46</sup> General Staff of the BH Army, Report on supplies of USB and MTS to the Žepa and Srebrenica enclaves.

<sup>47</sup> Command of the RV and PVO, Final Analysis of the Srebrenica and Žepa Airlift, strictly confidential no. 08/896-1 of 17 February 1995.

Army General Rasim DELIĆ presented a comprehensive report.<sup>48</sup> Alongside the facts given in this analysis, DELIĆ mentions the quality of supply of the 28<sup>th</sup> Division with resources needed to conduct combat operations. He said that supplies were good and plentiful, offering a breakdown of the supplied resources, and concluded: "... Goražde had not been supplied with so many resources, and Sarajevo defended itself with far less in 1992 and 1993."

- 1.47. The dynamics and quality of arming of the 28<sup>th</sup> Division can be seen in more detail in a number of documents,<sup>49</sup> which show that it was a well-organised activity conducted in opposition to the spirit of Resolution 819 and the Agreement on Demilitarisation.

Combat activities of the 28<sup>th</sup> Division outside the protected zone of Srebrenica

- 1.48. Regardless of what UN Resolutions 819 and 824 said, the Agreement on Demilitarisation and the presence of UNPROFOR in the territory of Srebrenica and Žepa, military operations of the 28<sup>th</sup> Division and the VRS Drina Corps continued immediately after the establishment of the protected zones of Srebrenica and Žepa. Combat activities had a dynamic of their own and continued with varied intensity until their fall. Here we will mainly focus on the events of 1995 after Operation *Krivaja 95* was launched. A number of combat reports, which were sent regularly from the 8<sup>th</sup> OG, subsequently the 28<sup>th</sup> Division, to the 2<sup>nd</sup> Corps and the BH Army General Staff, are proof of these activities. The reports mainly deal with the activities of the 28<sup>th</sup> Division outside the territory of the protected zone, which shows that these units conducted preparations in the protected zone, conducted activities outside the zone and returned to the auspices of the Agreement on Demilitarisation.

- 1.49. One of the first orders of this kind was received in Srebrenica on 1 June 1993 from the Supreme Command Staff,<sup>50</sup> and it involved a request to units in the area to assist in operations by Muslim formations in the Goražde region: "...The ŠVK is undertaking measures to assist the defenders of Goražde as much as they are able to at this moment. We believe that it would be very useful for Srebrenica's defenders to gather, within their capabilities, the bravest and best prepared volunteers to organise a unit under the command of the best commanders */komandiri/* and the best commander */komandant/* and head in the direction of the occupied territory of the Rogatica municipality and undertake combat activities on the ground behind enemy lines. (...) Keep in mind that the defenders of the Goražde region did as much as they could to assist your struggle. Now it is your

<sup>48</sup> BH Army General Staff, Military Reasons for the Fall of Srebrenica in July 1995, strictly confidential no. 1/1-941 of 30 July 1995.

<sup>49</sup> See, Documents of the 8<sup>th</sup> OG Srebrenica Command: 1) Strictly confidential no. 130-01-14/95 of 11 January 1995; 2) Report no. 01-38/95 of 17 February 1995; 3) Specification no. 07-01/95 of 21 February 1995; 4) Report strictly confidential no. 01/45/95 of 22 February 1995; 5) Report strictly confidential no. 01-48/95 of 25 February 1995; 6) Requisition request, strictly confidential no. 02/10-002/4 of 24 April 1995; 7) Report, strictly confidential no. 02-08-10/95 of 25 April 1995; 8) Received MTS, 27 April 1995; 9) Strictly confidential no. 01-74/95 of 4 June 1995; as well as 10) BH Army General Staff, Distribution of resources, no. 1-1/676-1 of 27 April 1995; and 11) 285<sup>th</sup> Žepa Iblbr, Notification, strictly confidential no. 08-20.514/95 of 30 April 1995.

<sup>50</sup> Supreme Command Staff, document strictly confidential no. 02/699-2 of 1 June 1993.

turn to return the favour.” The specifics of the above-mentioned request were contained in the subsequent Orders of the BH Army VK /Supreme Command/ Staff of 4 June 1993 and 7 June 1993,<sup>51</sup> which deal with ways to join the units from Srebrenica and Žepa and effect a concerted action with units from Goražde.

1.50. Several events, which will be described hereon, confirm the fact that 1995 began with very active operations by the 28<sup>th</sup> Division, dovetailing with the BH Army all-out “spring offensive”. According to the 28<sup>th</sup> Division, when the VRS seized elevation Osoje (tt. 581), outside the protected zone, on 10 January 1995, the 28<sup>th</sup> Division on 12 January 1995 launched an infantry attack and seized the above-mentioned elevation in 30 minutes.<sup>52</sup> The fact that the Muslim side did not sustain any casualties in the attack and that it seized the elevation in 30 minutes indicate that the VRS had not seized the elevation and this was probably an excuse for a combat operation outside the protected zone.

1.51. Since the war began in 1992, the area of Ravni Buljin was in the line of disposition of the VRS, that is, at the junction of the 1<sup>st</sup> Bratunac and the 1<sup>st</sup> Milići Infantry Brigade. The VRS units did not control this 3-4 km wide gap which was mainly covered by occasional patrols. The 28<sup>th</sup> Division constantly used this to infiltrate sabotage and terrorist groups (DTG) in the rear of the VRS, carry out actions deep within its territory and bring in weapons and military equipment. In early January 1995, the VRS attempted to link up the line of defence, i.e. to occupy positions at the Ravni Buljin feature. They were thwarted from doing this by the 28<sup>th</sup> Division which seized it and conducted engineering work at the position.<sup>53</sup> Combat reports sent from Srebrenica to the superior command in Tuzla mention several combat operations conducted by the 28<sup>th</sup> Division in early 1995.<sup>54</sup>

1.52. The collective reports of the 28<sup>th</sup> Division command to the BH Army 2<sup>nd</sup> Corps contain /?filtered/ information about the formation’s combat activities outside the protected area of Srebrenica. Holding positions on the borders of the protected area of Srebrenica, the 28<sup>th</sup> Division at the same time ordered and organised large-scale sabotage operations deep in the territory controlled by the VRS. On 28 June 1995, the 28<sup>th</sup> Division Command issued an order in this respect to all subordinate units, and on 30 June 1995, in its document strictly confidential no.: 04-113/95,<sup>55</sup> it sent a weekly report to the 2<sup>nd</sup> Corps Command about the extent to which this order was carried out:

- On 22 June 1995, the Sabotage and Reconnaissance Platoons (DIV) of the 282<sup>nd</sup> and 283<sup>rd</sup> brigades successfully carried out a diversion on the Zeleni Jadar-Kragljivoda road below Osmaće village. On that occasion, “four of the

<sup>51</sup> Supreme Command Staff of the OS RBH, documents: 1) Order strictly confidential no. 02/699-2 of 7 June 1993; and 2) Order strictly confidential no. 02/707-1 of 4 June 1993 (two copies).

<sup>52</sup> 8<sup>th</sup> OG Command, Operations and Intelligence Report, strictly confidential no. 02-06-01/95 of 13 January 1995.

<sup>53</sup> Weekly report of the 8<sup>th</sup> OG security organ, no. 13-05-04 of 12 January 1995.

<sup>54</sup> See documents: 1) 28<sup>th</sup> Division Security Section, Interim report no. 13-05-77/95 of 2 June 1995; 2) 285<sup>th</sup> Iblbr Žepa, Report, strictly confidential no. 08-01-106/95 of 12 June 1995; 3) 285<sup>th</sup> Iblbr, Additional information no. 08-21-215/95 of 23 June 1995; and 4) 285<sup>th</sup> Iblbr, Report, strictly confidential no. 08-21-208/95 of 23 June 1995.

<sup>55</sup> 28<sup>th</sup> Division Command, Weekly morale report, strictly confidential no. 04-113/95 of 30 June 1995.

aggressor's soldiers were killed, one van was destroyed and two automatic weapons seized”;

- On 23 June 1995, in the area of Koprivna, in Bijelo Stijenje, a DIG of the 282<sup>nd</sup> brigade “liquidated three of the aggressor's soldiers and captured one M-72 light machine-gun”;
- On 26 June 1995, “about 20-40 kilometres deep in enemy territory, in the area of Vlasenica and Han Pijesak, (...) about 40 Chetniks were liquidated; the following was captured: one M-52 light machine-gun, six automatic rifles, one carbine, two radio stations, about 5,000 rounds of ammunition, several dozen cows and other livestock.” The diversions were carried out in the following sectors: Višnjica settlement, in the Crna Rijeka sector at the monument at the crossroads, Bojčino Brdo and in Vrani Kamen.

1.53. A Situation Report of the 28<sup>th</sup> Division Command dated 30 June 1995<sup>56</sup> confirmed the results of activities of a DG from the protected zone of Srebrenica mentioned in a previous report, and filtering a number of reports from the ground, the 2<sup>nd</sup> Corps Command Report on combat results of the units and commands of the 28<sup>th</sup> Army Division, made a summary, stating the following:

“Soldiers of the 28<sup>th</sup> Army Division located in Srebrenica and Žepa, although completely encircled (...) have decided to provide the largest possible contribution to the struggle against the aggressor and have intensified their activities deep inside the PZT /temporarily occupied territory/ (...) With this aim, a series of successful sabotage actions were carried out deep in the PZT, where the following results were achieved:

- 60 Chetniks were liquidated, and according to unconfirmed reports, the aggressor suffered even greater losses and had many wounded;
- captured: 16 automatic rifles, three M-72 light machine-guns; one M-73 light machine gun, one carbine, two radio stations, three pistols, 5,000 rounds of ammunition, several dozen cows and other livestock and one van was destroyed.”<sup>57</sup>

The Sarajevo Offensive of the BH Army as a cause and motive for Operation Krivaja 95

1.54. In the spring of 1995, the BH Army launched an all-out offensive on several separate axes of operations, in a drive to definitely crush the VRS. In its campaign, the BH Army launched a strategic offensive and achieved significant successes. It focused its operations on the Sarajevo front. These operations were

<sup>56</sup> 28<sup>th</sup> Division Command, Situation Report, strictly confidential no. 04-114/95 of 30 June 1995.

<sup>57</sup> 2<sup>nd</sup> Corps Command – Tuzla, Information on combat results of the units and commands of the BH Army 2<sup>nd</sup> Corps 28<sup>th</sup> Army Division, strictly confidential no. 04/1-105-603 of 8 July 1995. In support of this report, also see: 1) 28<sup>th</sup> Division, Combat report of the command, strictly confidential no. 01-137/95 of 22 June 1995; 2) 28<sup>th</sup> Division – Security Section, Official note no. 13-05-106 of 5 July 1995; 3) 285<sup>th</sup> Iblbr, strictly confidential no. 08-02-142/95 of 4 July 1995; 4) 285<sup>th</sup> Iblbr Žepa, Report, strictly confidential no. 08-02-143/95 of 4 July 1995; 5) 28<sup>th</sup> Division Command, Information, strictly confidential no. 01-153/95 of 30 June 1995; 6) 28<sup>th</sup> Division Command, Information, strictly confidential no. 01-150/95 of 29 June 1995; 7) 285<sup>th</sup> brigade Žepa, Intelligence information, strictly confidential no. 08-13-133/95 of 30 June 1995; and 8) 28<sup>th</sup> Army Division Command, Official note no. 13-5-105 of 7 July 1995.

incorporated in an offensive operation codenamed *Tekbir*, by engaging the available resources of the 1<sup>st</sup> Corps from the so-called “inner ring” and the 3<sup>rd</sup>, 4<sup>th</sup> and 7<sup>th</sup> Corps from the “outer ring”. A necessary precondition for the success of the operation *Tekbir* was to tie down forces of the VRS on other fronts so that the Sarajevo – Romanija Corps could not receive assistance from units of other VRS corps. In this sense, the BH Army General Staff issued an Order to all corps to launch offensive combat operations. Forces of the 28<sup>th</sup> Division were not excluded, although they existed illegally and conducted combat operations from the protected zone of Srebrenica. Proof of this is an Order of 17 June 1995<sup>58</sup> issued to the 28<sup>th</sup> Army Division to conduct active combat operations which, among other things, says the following:

“... Execute all preparations in the Command of the 28<sup>th</sup> Army Division to execute offensive combat operations with a view to liberating the territory of the Republic of Bosnia and Herzegovina, overextending the A/S\* and inflicting losses on the A/S, coordinating actions with the BH Army forces carrying out operations in the broader Sarajevo area.”

Following this order, the 2<sup>nd</sup> Corps Command issued an Order<sup>59</sup> to the 28<sup>th</sup> Division on 16 June 1995, ordering it to form “volunteer formations at the rank of platoons, companies and battalions” in order to “make the most of what we have achieved so far (...) and creating possibilities for the BH Army fighters, volunteers from all units, to take part in this historic liberation operation and to contribute to its successful and swift conclusion and to the liberation of the capital of our homeland...”

1.55. There are many combat reports from the area about the activities of the 28<sup>th</sup> Army Division from the protected zones of Srebrenica and Žepa to help the Sarajevo offensive. A partial decrease in the VRS forces in the area around Srebrenica is confirmed in the Intelligence report of the 28<sup>th</sup> Army Division Assistant Commander for Intelligence,<sup>60</sup> which says:

“... The Srebrenica and Žepa safe area is surrounded by fairly strong aggressor forces, although after the beginning of offensive combat operations by our forces in the general areas of the Sarajevo and other theatres in other corps’ areas of responsibilities, the aggressor has somewhat reduced his manpower...”

For reasons contained in the previous quote, the BH Army 2<sup>nd</sup> Corps Command on 2 July 1995 continued exerting pressure on subordinate units, among them the 28<sup>th</sup> Army Division, giving them encouragement with information about the latest achievements of the BH Army and ordering them to continue offensive

<sup>58</sup> BH Army General Staff, Preparations for offensive combat operations, Order no. 1/825-84 of 17 June 1995.

\* In written correspondence of the Muslim side, abbreviations A/S or a/s denote “forces of the aggressor”.

<sup>59</sup> 2<sup>nd</sup> Corps Command, Volunteers for combat operations, Order strictly confidential no. 02/1-604/32 of 16 June 1995.

<sup>60</sup> 28<sup>th</sup> Army Division Command, Intelligence Section, Information (as per the BH Army GŠ document no. 1/825-564 of 28 June 1995), strictly confidential no. 02-6/95 of 29 June 1995.

combat operations.<sup>61</sup> The contribution of the Srebrenica 28<sup>th</sup> Army Division in this respect was dealt with in more detail in its combat reports from this period, beginning with the words: “In order to prevent enemy forces from sending additional forces from the Srebrenica and Žepa areas to the Sarajevo theatre, the following acts of sabotage were carried out ...”

- 1.56. Filtering the achievements of the 28<sup>th</sup> Army Division according to the orders to assist in the Sarajevo offensive, the 2<sup>nd</sup> Corps Commander, Brigadier Sead DELIĆ on 28 June 1995 congratulated<sup>62</sup> the 28<sup>th</sup> Division and, among other things, said the following:

“I congratulate you on the successful combat actions, whereby you significantly contributed to carrying out a more successful operation to lift the Sarajevo blockade and inflicted heavy losses on the aggressor forces...”

- 1.57. The pressure which the superior commands put on members of the 28<sup>th</sup> Army Division to conduct combat actions outside the protected zones of Srebrenica and Žepa inevitably provoked the VRS to additionally mass its units around the protected zones and take counter-measures. When the 28<sup>th</sup> Army Division subsequently found itself in a difficult position, the reaction of the BH Army General Staff was disproportionately mild in comparison with its position and insistence that the 28<sup>th</sup> Army Division assist the Sarajevo and other operations of the Muslim army. Following the fall of Srebrenica, during the intensive fighting with the remnants of the 28<sup>th</sup> Army Division in the area between Srebrenica and Tuzla and in the fighting for Žepa, the BH Army Chief of General Staff, Army General Rasim DELIĆ on 17 July 1995 informed the President of the Presidency of the Bosnia and Herzegovina that he was unable to send assistance to the 28<sup>th</sup> Division.<sup>63</sup> According to him, priority had to be given to the operation *Tekbir* plan. Srebrenica was obviously used as a “sacrificial lamb”. An illustrative example of this are the words with which the Žepa Municipality War Presidency addressed the Bosnia and Herzegovina Presidency on 17 July 1995:

“The situation on the ground is becoming more critical and we expect a reply by 1200 hours tomorrow. Unless we receive a reply by the specified deadline, we will consider ourselves as being left to the mercy of the aggressor...”<sup>64</sup>

- 1.58. One cannot say with all certainty that the manner of planning and the consequences of the Sarajevo operation *Tekbir* are the sole reason for Operation *Krivaja 95*, but a number of documents and the chain of events point to it as the most important cause for why combat operations in Podrinje intensified in the spring and early summer of 1995.

<sup>61</sup> 2<sup>nd</sup> Corps Command, Successes and Tasks of BH Army Units, Report and Order, strictly confidential no.: 02/1-604/123 of 2 July 1995.

<sup>62</sup> 2<sup>nd</sup> Corps Command, Congratulations for successfully carrying out sabotage combat actions, strictly confidential no. 02/1-670/4 of 28 June 1995.

<sup>63</sup> BH Army General Staff, Report no. 1/825-1325 of 17 July 1995.

<sup>64</sup> Žepa SO /Municipality/ War Presidency, Reply to query, no. 01-120/95 of 17 July 1995.

- 1.59. The activities of the remaining units of the 28<sup>th</sup> Army Division and the 2<sup>nd</sup> Corps in the territory between Srebrenica, Žepa and Tuzla continued after the fall of the enclaves. Apart from the remnants of the 28<sup>th</sup> Division, additional forces from Tuzla were infiltrated into the area to conduct sabotage actions. In this sense, the contents of document no. 1/825-1737,<sup>65</sup> sent by the BH Army General Staff to the President of the Bosnia-Herzegovina Presidency, are indicative, saying, among other things, the following:

“...we have undertaken measures to insert our groups from the 28<sup>th</sup> Army Division. These are volunteers and soldiers from this area who know the terrain and the people. Their target is to link up with any of our groups that may be in the area of Cerska, Kamenica and Konjević Polje...”

The contents of this document dated 28 July 1995 show that parts of the 28<sup>th</sup> Division, which maintained combat vitality and could be used in combat, reached the Tuzla sector, but also that there was an additional threat to the Serbian settlements, inhabitants and positions of the VRS. This required additional activities of the VRS in searching the terrain and fighting infiltrated DT /sabotage and terrorist/ groups. On the same day, the BH Army General Staff forwarded to the President of the Bosnia and Herzegovina Presidency a Report on intake and situation in the units of the 28<sup>th</sup> Army Division,<sup>66</sup> which says the following:

“ (...) Numerical strength (of the 28<sup>th</sup> Division) on 27 July 1995:

Division Command .....	158
280 <sup>th</sup> lbr /Light Brigade/.....	239
281 <sup>st</sup> lbr .....	270
282 <sup>nd</sup> lbr .....	202
283 <sup>rd</sup> lbr .....	294
284 <sup>th</sup> lbr .....	607
28 <sup>th</sup> bbat /mountain battalion/.....	278
volunteers (have not been in combat yet) .....	88
undergoing medical treatment.....	143
TOTAL:	2,311

Only a small quantity of weapons is being brought out at parades, whereas there was much more in /their/ possession.

Many senior officers have not arrived and, if they have, they have failed to report to the unit...”

- 1.60. Pursuant to the BH Army General Staff order, strictly confidential no. 4/43-62,<sup>67</sup> the 28<sup>th</sup> Division Command, its headquarters support units and all other units from its organic unit according to the wartime establishment at the time were disbanded. A new 28<sup>th</sup> Division command with headquarters support units

<sup>65</sup> BH Army General Staff, Report no. 1/825-1737 of 28 July 1995.

<sup>66</sup> Report on intake and situation in the units of the 28<sup>th</sup> Army Division, Srebrenica, BH Army General Staff, no. 1/825-1744 of 28 July 1995.

<sup>67</sup> BH Army General Staff, Organisation and establishment changes, Order, strictly confidential no. 4/43-62 of 19 August 1995.

was formed and its organic units included: 1) 286<sup>th</sup> bbr; 2) 287<sup>th</sup> Osl. /Liberation/ Brigade Type A; and 3) 210<sup>th</sup> Chivalrous Liberation Brigade Type B. The newly formed Division Command was excluded from the organic composition of the 2<sup>nd</sup> Corps and placed under the direct command of the BH Army General Staff.

#### **D. Relationship towards the UN forces – UNPROFOR**

- 1.61. The foundations of the status and role of the UN (UNPROFOR) in the Srebrenica area were established in the Security Council Resolution 819, and additionally worked out in the Agreement on Demilitarisation. Since the beginning of demilitarising the zone, either through the support or coordination of the 2<sup>nd</sup> Corps and the BH Army General Staff, the 28<sup>th</sup> Army Division took a number of measures and activities aimed at obstructing the signed Agreement, and even being openly aggressive towards the UN forces. This is seen in a number of orders, reports and other documents from the correspondence at various levels of command within the BH Army.
- 1.62. An Interim report sent by the 8<sup>th</sup> OG Srebrenica Security Section to the 2<sup>nd</sup> Corps<sup>68</sup> says that the 281<sup>st</sup> Brigade prohibited UNPROFOR members from accessing the Ravni Buljin sector (tt. 820) and reinforced the Buljin – Jabučno line. This escalated into an incident as a result of which members of UNPROFOR blocked the 281<sup>st</sup> Brigade headquarters on 10 January 1995 and used civilians to move the brigade's weapons from the command headquarters.
- 1.63. Another example are the events of 28 January 1995 in connection with an order of the 8<sup>th</sup> OG to limit the movement of UNPROFOR forces in the general area of Sućeska and Podgaj. Following an order of the UNPROFOR Dutch Battalion Commander (at 1100 hours on 25 January 1995) that his forces enter the areas from which they had been banned, the 281<sup>st</sup> Brigade Commander, with the approval of the 8<sup>th</sup> OG, ordered and implemented a blockade of all UNPROFOR patrols.<sup>69</sup> The blockade of UNPROFOR forces is described in more detail in the Report of 29 January 1995:<sup>70</sup>

“... 9 and 10 January 1995 our forces occupied the previously reinforced lines in the Podgaj village sector (about 300 metres east from tt. 581 Osoje) in order to prevent the UN forces from moving and staying in the sector marked on the map: Simići village – Srebrenica road from k. /elevation/ 416 to the intersection and further along the road towards the villages of Bektići and Sućeska and Žedanjsko village (...) Yesterday, on 28 January 1995, the UN Commander in Srebrenica ordered his soldiers to enter this sector, engaging around 100 soldiers and 20 vehicles. We immediately warned the UN representative to withdraw his troops and vehicles so as to avoid unwanted consequences, but he persisted in his intention.”

<sup>68</sup> 8<sup>th</sup> OG Srebrenica (Security Section), Interim report no. 13-5-03 of 11 January 1995.

<sup>69</sup> 8<sup>th</sup> OG Srebrenica Command, Report no. 01-19/95 of 28 January 1995.

<sup>70</sup> 8<sup>th</sup> OG Srebrenica Command, Report, strictly confidential no. 01-19-2/95 of 29 January 1995.

Members of the 8<sup>th</sup> OG received support for such actions from the highest level of command of the BH Army.<sup>71</sup>

- 1.64. Besides limiting movement to UN forces, the 28<sup>th</sup> Army Division also openly expressed militant activities to hinder the UN from securing the area of Srebrenica. Obviously, the 28<sup>th</sup> Division had significantly strengthened its combat capability in the meantime. Setting up UN checkpoints and observation posts was also hampered. In this context, a document sent by the 28<sup>th</sup> Division Command to the BH Army General Staff on 28 April 1995 is typical:

“On 27 April 1995, the Command of the UNPROFOR Dutch Battalion in Srebrenica began carrying out engineering work in order to set up an observation post in the Ložina village sector. They made the decision to do so on their own. The setting-up of an observation post in this area creates the preconditions for controlling the Srebrenica-Žepa corridor (road), which directly impedes the safety and secrecy of the transport of materiel and technical equipment which is delivered to Srebrenica in the customary manner...”<sup>72</sup>

To this document – request of the 28<sup>th</sup> Army Division, the 2<sup>nd</sup> Corps Commander, Brigadier Sead DELIĆ replied and ordered the following: “...The 28<sup>th</sup> Army Division, in cooperation with the civilian authorities of Srebrenica municipality, is to undertake all measures so as prevent further engineering work of the UNPROFOR observation post in the Lozina village sector...”<sup>73</sup> Further developments on the ground about the matter are described in detail in the 28<sup>th</sup> Army Division’s Report to the 2<sup>nd</sup> Corps Commander of 29 April 1995.<sup>74</sup>

- 1.65. The relationship towards the UN in Žepa was similar to that in Srebrenica. The 285<sup>th</sup> Iblbr Brigade informed the 28<sup>th</sup> Army Division about deteriorating relations between the 285<sup>th</sup> Iblbr Žepa, on one side, and the UNPROFOR brigade and international military observers, on the other side, in its document of 31 May 1995.<sup>75</sup> The deteriorating relations are manifested by attacks on UNPROFOR representatives and military observers and preventing them from entering and leaving the protected area of Žepa. About these events, the 28<sup>th</sup> Army Division, that is, its Chief of Staff Major Ramiz BEĆIROVIĆ addressed the 285<sup>th</sup> Brigade on 1 June 1995 with an Order regulating the crossings of the line of confrontation by UNPROFOR personnel.<sup>76</sup> This Order points to the determination of the 28<sup>th</sup> Army Division to put UNPROFOR completely under its control, pursuant to an Order of the 2<sup>nd</sup> Corps. Specific Instructions of the 28<sup>th</sup> Army Division Security Section of 2 June 1995 on the matter, were sent to the 285<sup>th</sup> Brigade: “...Cover all UN check-points with our forces and do not allow UN troops to cross over to

<sup>71</sup> BH Army General Staff, Reply (to document no. 01-19/95 of 28 January 1995), no. 1-1/171-1 of 29 January 1995, signed by Brigadier General Enver HADŽIHASANOVIC.

<sup>72</sup> 28<sup>th</sup> Army Division, Request for instructions, strictly confidential no. 01-17/95 of 28 April 1995.

<sup>73</sup> 2<sup>nd</sup> Corps Command, Order to discontinue activities on engineering work of the UN observation post, strictly confidential no. 01/1-486/2 of 29 April 1995.

<sup>74</sup> 28<sup>th</sup> Army Division Command, Report, strictly confidential no. 01-18/95 of 29 April 1995.

<sup>75</sup> 285<sup>th</sup> Iblbr Žepa, Report, strictly confidential no. 08-13-83/95 of 31 May 1995.

<sup>76</sup> 28<sup>th</sup> Army Division Command, Order regulating crossings of the line of confrontation by UNPROFOR personnel, strictly confidential no. 01-69/95 of 1 June 1995.

the Serbian side. In case UN troops attempt to leave Žepa, they are to be disarmed and captured, and their weapons and hardware put to use in the defence of the territory.”<sup>77</sup> In this context, an Order of the 2<sup>nd</sup> Corps Command by the BH Army GŠ contains a drastic measure since it says: “Fire IMMEDIATELY with all available weapons at all combat and other vehicles as well as soldiers in UNPROFOR uniforms coming from the aggressor side who have not been announced through the regular procedure.”<sup>78</sup> Shortly after this, the 2<sup>nd</sup> Corps issued an even stronger order to the 28<sup>th</sup> Division: “Try to reach an agreement with the UN forces on coordinating operations for repelling the aggressor’s attacks. If the UN forces refuse, based on your judgement, take all measures to prevent even a metre of territory from falling into the aggressor’s hands. If the UN forces withdraw from any observation posts, disarm them and take equipment and weapons from the observation post they abandoned and put them to use for our defence.”<sup>79</sup>

1.66. Constantly under pressure and concerned about their safety, UNPROFOR members in Srebrenica significantly deviated from their mandate and this is confirmed in a document sent by the 28<sup>th</sup> Army Division in reply to a query of the 285<sup>th</sup> Brigade Žepa: “We have not yet taken the weapons surrendered to UNPROFOR during demilitarisation or distributed them to the units. We have reached an agreement with the UNPROFOR Command that if the aggressor carries out an infantry attack on the safe area, the depot in which UNPROFOR is guarding our weapons will be promptly opened and the weapons placed at our disposal. After this agreement, we sent our boys to the weapons depot. They cleaned the weapons, selected the guns in good working order and reassembled the weapons that were not in working order but which could be combined with other weapons. We have thus carried out preparations to take over the weapons if it proves necessary to do so. I suggest you do the same.”<sup>80</sup> The same was ordered by the 2<sup>nd</sup> Corps Command.<sup>81</sup>

1.67. The militant relationship and activities of the 28 Army Division were manifested in killing an UNPROFOR member. Faced with this, the UNPROFOR commander for Bosnia and Herzegovina, General Sir Rupert SMITH on 5 June 1995 wrote a letter to Army General Rasim DELIĆ, with the following content:

“(…) I would also like to remind you that some Observation Posts in the Goražde sector are currently occupied by members of the BH Army. Furthermore, I must say that until I am ordered otherwise, UNPROFOR must

<sup>77</sup> 28<sup>th</sup> Army Division (Security Sector), Instruction to the Command of the 285<sup>th</sup> Brigade Žepa, no. 13-05-78/95 of 2 June 1995.

<sup>78</sup> 2<sup>nd</sup> Corps Command, Order, Firing by our forces at vehicles with UNPROFOR markings, strictly confidential no. 02/1-683/2 of 2 July 1995.

<sup>79</sup> 2<sup>nd</sup> Corps Command, Order on putting units of the 28<sup>th</sup> Army Division on full combat readiness, strictly confidential no. 02/1-620/1 of 7 June 1995.

<sup>80</sup> 28<sup>th</sup> Army Division Command, document strictly confidential no. 01-93/95 of 9 June 1995 in reply to query from the 285<sup>th</sup> Brigade, strictly confidential no. 08-21-142/95 of 9 June 1995.

<sup>81</sup> 2<sup>nd</sup> Corps Command, Order to seize weapons under UN control, strictly confidential no. 02/1-710/2 of 9 July 1995.

endeavour to act as an impartial and neutral peacekeeping force and for this reason we cannot operate actively with BH Army forces.”<sup>82</sup>

- 1.68. UNPROFOR’s neutrality did not suit units of the 28<sup>th</sup> Army Division and on 8 July 1995, one Dutch soldier was killed at the Biljeg observation post, southeast of Srebrenica, in the zone of responsibility of the 282<sup>nd</sup> Brigade. Initially, before the UN for BH intervened, the Muslim formations did not allow the body to be removed.<sup>83</sup>

On the basis of presented facts and documents, it may be inferred that the BH Army did not respect the Agreement on Demilitarisation, but at the same time it demanded a concentrated action from the UN forces in the protected areas of Srebrenica and Žepa at the request of the 28<sup>th</sup> Army Division. Not only did they refuse to implement the demilitarisation, but engaged in the complete opposite – militant activities. At locations where the 28<sup>th</sup> Army Division’s tactical positions were weaker, they insisted on additional UNPROFOR checkpoints; in sectors where they prepared for or conducted intensified combat activities, or which they used for the illegal smuggling of weapons – they issued ultimatums preventing any presence of UNPROFOR forces. Members of the 28<sup>th</sup> Army Division often conducted operations against the UN forces, took them prisoner or held them hostage, and there were also killings.

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<sup>82</sup> Letter of General Rupert Smith, UNPROFOR Commander for BH, sent to General Rasim Delić, BH Army Commander, 5 June 1995.

<sup>83</sup> There is extensive correspondence on the killing of the UNPROFOR soldier in Srebrenica. In this context, *see*: 1) Correspondence between the BH Army and UNPROFOR, no. 2954-7/95 of 9 July 1995; 2) BH Army 2<sup>nd</sup> Corps Command, The circumstances under which a soldier of the Dutch Battalion was wounded, Order, strictly confidential no. 02/1-09/205 of 9 July 1995; 3) Death of a Dutch soldier, 28<sup>th</sup> Army Division Command, Report, strictly confidential no. 01-168 of 9 July 1995; 4) 2<sup>nd</sup> Corps Command, Removal of the body of a soldier who was killed from the Dutch Battalion, Order, strictly confidential no. 02/1-709/1 of 9 July 1995.

## 2. ORGANISATIONAL STRUCTURE OF THE ARMED FORCES OF REPUBLIKA SRPSKA

2.1. An understanding of the organisation of the Armed Forces of Republika Srpska (Armed Forces) in Operation *Krivaja 95*, the principles and rules of conduct of command and control, the command relationship and all components thereof, requires a detailed analysis of relevant regulations and documents regulating in the matter. They are mainly: the Constitution of Republika Srpska;<sup>84</sup> the Law on National Defence;<sup>85</sup> the Law on Defence;<sup>86</sup> the Decision on Establishing the Army of the Serbian Republic of Bosnia and Herzegovina;<sup>87</sup> the Law on the Army;<sup>88</sup> the Law on the Implementation of the Law on the Army During an Imminent Threat of War or a State of War;<sup>89</sup> and the Provisional Rules of Service in the Army of Republika Srpska.<sup>90</sup>

### A. Phases – stages of development (1992-1995)

2.2. The first **Constitution of the Serbian Republic of Bosnia and Herzegovina**,<sup>91</sup> in Chapter VII – National Defence, regulated the right and duty of all citizens of the Republic, within the Yugoslav People's Army (JNA) and Territorial Defence (TO) to protect and defend the sovereignty and territorial integrity of the Republic and Yugoslavia. The right and duty of regions and municipalities is to organise national defence in their territory and to control the TO. The same Chapter specifies that military service is compulsory and that every citizen participating in defence either with a weapon or otherwise is a member of the armed forces.

<sup>84</sup> 1) Constitution of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in Bosnia and Herzegovina*, no. 3/92, 16 March 1992; Amendments I-IV to the Constitution, *Official Gazette*, no. 6/92, 12-17 May 1992; Amendments V and VI to the Constitution, *Official Gazette*, no. 8/92, 8 June 1992; 2) Constitution of Republika Srpska (revised text), *Official Gazette of RS /Republika Srpska/*, no. 21/92, 31 December 1992, Chapter VII – Defence.

<sup>85</sup> See: 1) Law on National Defence, *Official Gazette of the Serbian People in BH*, no. 4/92, 23 March 1992; 2) Law on Amendments to the Law on National Defence, *Official Gazette of the Serbian People in BH*, no. 6/92, 12 May 1992; 3) Law on Defence, *Official Gazette of the Serbian People in BH*, no. 7/92, 1 June 1992.

<sup>86</sup> 1) Law on Defence, *Official Gazette of the Serbian People in BH*, no. 7/92, 1 June 1992; 2) Law on the Implementation of the Law on Defence in Case of an Imminent Threat of War or a State of War; *Official Gazette of Republika Srpska*, special edition, no. 1/94, 29 November 1994.

<sup>87</sup> Decision on Establishing the Army of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in BH*, no. 6/92, 12 May 1992.

<sup>88</sup> 1) Law on the Army, *Official Gazette*, no. 7/92, 1 June 1992; 2) Law on the Amendment to the Law on the Army, *Official Gazette*, 10/92, 30 June 1992; 3) Law on Amendments to the Law on the Army, *Official Gazette*, 26/93, 30 December 1993; 4) Law on the Implementation of the Law on the Army in Case of an Imminent Threat of War or a State of War; *Official Gazette of Republika Srpska*, special edition, no. 1/94, 29 November 1994; 5) Law on Amendments to the Law on the Implementation of the Law on the Army in Case of an Imminent Threat of War or a State of War; *Official Gazette of Republika Srpska*, no. 7/95, 18 May 1995.

<sup>89</sup> *Official Gazette of Republika Srpska*, special edition, no. 1/94, 29 November 1994.

<sup>90</sup> Provisional regulations on service in the Army of the Serbian Republic, drafted by the Main Staff in August 1992 and adopted by the Presidency of the Serbian Republic in BH on 18 August 1992.

<sup>91</sup> Constitution of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in BH*, no. 3/92, 16 March 1992.

- 2.3. An additional step towards legal regulation in the field of defence of the Serbian Republic was to adopt the **Law on National Defence** (*Official Gazette* no. 4/92). Article 37 of this Law defines the following: “Territorial Defence in the Republic, as a part of the armed forces, is organised both at the republic and district levels. The organisation, preparation, development, provision of equipment and management of the Territorial Defence in the Republic as a part of the uniform system of defence shall be carried out in accordance with the Constitution of the Republic, Federal Law, the present Law, organisation of armed forces and development plans of the armed forces, the system of armed forces management and command, single basis for arms build-up, the equipping and training of the armed forces, and development plans for Territorial Defence of the Republic.” Bosnia and Herzegovina was still a part of the SFRY at the time, when the JNA was the main component of the armed forces at the federal level, while the TO was organised at the level of the republics.
- 2.4. Amendment II to the Constitution of the Serbian Republic in BH<sup>92</sup> harmonised the field of defence with changes to the territorial organisation of the RS by deleting Article 110, which granted certain rights and duties to regions and municipalities.<sup>93</sup> This amendment provided for the obligation to adopt separate laws specifying in more detail the organisation of defence and the army.
- 2.5. The **Law on Amendments to the Law on National Defence** (*Official Gazette* no. 6/92) resolved the confusion and vagueness of the preceding law. Articles 37 through 53, that is, all of Chapter VII pertaining to territorial defence, were deleted but defined that the words “territorial defence” and “armed forces” from the preceding law were being replaced with the words “army”. On the same day, 12 May 1992, the Assembly of the Serbian People in BH adopted the **Decision on Establishing the Army of the Serbian Republic of BH**.<sup>94</sup> According to this decision, all the hitherto units and staffs of the TO were renamed into commands and units of the Army and the President of the Republic was authorised to determine its establishment and organisation. The Main Staff of the Army of the Serbian Republic of Bosnia and Herzegovina was formed and Lieutenant General Ratko MLADIĆ was appointed Commander. Therefore, during this period, there is mention of only one component of the Armed forces – the Army.
- 2.6. On 1 June 1992, the National Assembly of the Serbian Republic of BH adopted a new **Law on Defence** (*Official Gazette*, no. 7/92), which defines the following: the organisation of the Army of the Republic shall be regulated by a special law, in accordance with the Constitution, (Article 5); the President of the Republic shall command and control the Army both in peace- and wartime; and shall define the basis for the organisation and size of the police force and issue orders for its deployment in war. This is the first mention of the organisation and use of

<sup>92</sup> Decision to Proclaim Amendments I-IV to the Constitution of Republika Srpska, *Official Gazette of the Serbian People in BH*, no. 6/92, 12-17 May 1992.

<sup>93</sup> This amendment reads as follows: “The Republika Srpska has an army of its own consisting of a standing and a reserve force. The standing force consists of professional soldiers and soldiers serving their military term.”

<sup>94</sup> Decision on Establishing the Army of the Serbian Republic of BH, *Official Gazette*, no. 6/92, 12-17 May 1992.

police in war, but Article 345 of the Law on the Army deals with the matter in more detail. Nevertheless, this provision clearly shows that police units are not yet mentioned as a component of the armed forces, but only in the sense of conducting military exercises of conscripts whose wartime assignment is in police units.

- 2.7. At the same session of the National Assembly, **the Law on the Army** was adopted (*Official Gazette*, no. 7/92). Adhering to provisions of the Law on Defence, it specifies that the Army of the Serbian Republic of BH (Army) is the armed force of the Serbian Republic of BH defending its sovereignty, territory, independence and constitutional order. The Army consists of active and reserve forces.<sup>95</sup> The active forces consist of officers, non-commissioned officers, soldiers on contract, conscripts, cadets at military academies and army employees. The reserve forces consist of military conscripts. In a state of war, an imminent threat of war or a state of emergency, the Army may be replenished with volunteers.<sup>96</sup>
- 2.8. Only in late 1994 was the field of defence defined more clearly with a set of laws. The **Law on the Implementation of the Law on Defence in Case of an Imminent Threat of War or a State of War** (*Official Gazette of RS*, special edition, no. 1/94), mentions the Armed Forces of Republika Srpska for the first time. Article 2 of the Law says: “The Armed Forces of Republika Srpska (hereinafter: the Armed Forces) shall consist of the Army of Republika Srpska (hereinafter referred to as the Army) and the units of the Ministry of the Interior of Republika Srpska (hereinafter: police units).” Units of the Ministry of the Interior existed in practice at the time, they carried out certain defence tasks and they were engaged in combat operations separately. However, they were not a separate component or part of the Armed Forces. Due to this undefined status, there were many ambiguities and even misunderstandings about their engagement and the command relationship with the commands and units of the Army of Republika Srpska. These problems were nearly always resolved on a case-by-case basis, with individual instructions, orders, recommendations, etc.
- 2.9. The **Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War** (*Official Gazette of RS*, special edition, no. 1/94), additionally defines and specifies the status of the MUP and its units in the system of the Armed Forces, its engagement and command relationship with the VRS. Article 4 of the Law states: “The Ministry shall be considered a part of the Armed Forces of Republika Srpska (...).” This provision differs somewhat from provisions of Article 2 of the Law on Defence (1/94), which states that units of the MUP are a component of the Armed Forces. Chapter IV of the Law defines the use of police units in combat operations. In this sense, Article 12 of the Law says: “Distinct from special-purpose police

<sup>95</sup> Structure of the Army of the Serbian Republic of BH, according to the Law on the Army of 12 May 1992. (Diagram no. 1)

<sup>96</sup> The initial legal foundation to engage volunteers was the Order to Engage Volunteers in the Armed Forces of the SFRY During an Imminent Threat of War, *Official Gazette of the SFRY*, no. 89 of 13 December 1991; and the Law on National Defence (*Official Gazette* no. 4/92, article 43) and the Law on the Army (*Official Gazette* no. 7/92, Article 9).

units, the Minister of the Interior shall establish special police units to carry out combat tasks.” The phrase “special-purpose police units” indicates the existence of several special-purpose police units. The Special Police Brigade (SBP), although comprising a number of Special Police Detachments (SOP), is treated as one special unit – a brigade. Apart from it, as an independent special unit, is the Centre for breeding, training and use of police dogs and horses. Of importance for this analysis is Article 16 of this Law: “In combat operations, members of police units shall have the right to use all the weapons and equipment used by the units of the Army of Republika Srpska.” Therefore, this law is not limited only to the Special Police Brigade, but includes the special police units (PJP).

- 2.10. Considering the constitutional provisions and provisions of the above-mentioned Law on Defence, the Law on the Army and the Law on Internal Affairs, it is clear that as of December 1994, the armed forces of Republika Srpska comprised two parts: the VRS and Police Units of the MUP. The VRS was organised into units and institutions according to the wartime organisation and establishment structure in keeping with the decision on mobilisation. Besides the Main Staff (GŠ) and the headquarters support units, the VRS comprised: the 1<sup>st</sup> Krajina Corps (1<sup>st</sup> KK), the 2<sup>nd</sup> Krajina Corps (2<sup>nd</sup> KK), the Sarajevo-Romanija Corps (SRK), the Eastern Bosnia Corps (IBK), the Herzegovina Corps (HK), the Drina Corps (DK), the Air Force and PVO /Anti-Aircraft Defence/, logistics units and institutions, and Military Courts and Military Prosecutor’s Offices.<sup>97</sup>
- 2.11. The Ministry of the Interior had the Special Police Brigade and the Centre for breeding, training and use of police dogs and horses, as permanent formations, and special police units (PJP), which had a clear organisational and establishment structure at the level of the MUP, but this structure was mobilised and engaged when needed, that is, occasionally and partially. The Special Police Brigade comprised the Command and its headquarters support units and nine Special Police Detachments.<sup>98</sup>
- 2.12. All corps of the VRS had their zones of responsibility, and within them, an additional division of the zones of responsibility at the level of brigades within their composition. Therefore, the complete territory of the RS was divided into the zones of responsibility of VRS units. Units of the RS MUP, apart from regular tasks within their purview, were often engaged in combat operations, but only in the zones of responsibility of VRS units, during which that had to be resubordinated to authorised VRS commands, which is presented in more detail in the chapter on the command relationship in the Armed Forces of the RS.
- 2.13. This type of organisation of the Armed Forces of the RS was maintained during 1995, which means that it was in force during operations *Krivaja 95* and *Stupčanica 95*, and is therefore relevant for this analysis and for the understanding of the competences and relationships among all units and structures which took part in the above-mentioned operations.

<sup>97</sup> List of units and peacetime formations of military posts of the VRS.

<sup>98</sup> Organisation diagram of the Armed Forces of the RS (Diagram no. 2).

- 2.14. During June and July 1995, as part of implementing special – the highest – measures of combat readiness ordered by the President of RS<sup>99</sup> (for the armed forces, all state organs and organisations, all enterprises and institutions and the whole population), all able-bodied inhabitants were mobilised in the function and for the needs of armed combat to work obligations units and Civilian Protection Units. Apart from these categories, an additional mobilisation of students and teachers was carried out, as well as of all other categories which had not been mobilised up to then.
- 2.15. A large number of conscripts who had avoided military service in various ways had been brought in.<sup>100</sup> In this way, over 1,500 so-called deserters were brought from the territory of the Federal Republic of Yugoslavia (FRY) and they were assigned to units of the VRS or sent to the MUP Admissions and Training Camp at Jahorina, for basic combat training and inclusion in units of the Armed Forces.<sup>101</sup> According to available documentation, between 19 June and 2 August 1995, a total of 205 conscripts – “deserters”<sup>102</sup> came to the Jahorina Training Centre, although their number changed during this period.
- 2.16. Therefore, despite the changes in effect after June 1995 as a consequence of the Decision to implement measures of increased combat readiness, despite proclaiming a state of war and activating new elements and units, the global structure of the armed forces and command relations remained within the framework of those defined by binding regulations. Work obligation units, contingents of new conscripts recruited by the additional mobilisation of certain categories and bringing in those who evaded military service by leaving the territory of the RS, were distributed into the existing components of the Armed Forces so as not to disturb their organisation.

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<sup>99</sup> President of the RS, Order, confidential no. 01-1118/95 of 16 June 1995.

<sup>100</sup> Item 3, paragraph 2 of the Order of the President of RS of 16 June 1995 says: “The Ministries of Defence and the Interior shall take the necessary actions for the return of conscripts from the FRY and their recruitment in the units of the Armed Forces.”

<sup>101</sup> Item 3, paragraph 4 of the Order says: “The GŠ of the Army shall ensure through the commands of and units the organised admission of mobilised conscripts and their induction into the units, including the necessary training.” The number of conscripts brought in from the FRY is mentioned in a Report which the RS Deputy Minister of the Interior sent to the RS President: “We hereby wish to advise you that by 1000 hours on 23 June 1995 our Collection Centres in Janja and Zvornik have handed over to the VRS armed forces a total of 1,586 conscripts delivered by MUP Serbia. Of this number, 149 conscripts were handed over to the MUP Staff on Jahorina.”; *See*, RS MUP – Office of the Minister, Letter, confidential no. K/P-764/95 of 23 June 1995.

<sup>102</sup> 1) Special Police Brigade, Report on the work for the period January-September 1995, no. 01/1-1-628/95 of 4 November 1995; 2) Jahorina Training Centre, Daily report, 31 July 1995.

### 3. THE COMMAND RELATIONSHIP IN THE ARMED FORCES OF REPUBLIKA SRPSKA

#### A. Command and control (conceptual definitions)

3.1. Command (English: command; French: commandement)<sup>103</sup> is a specific function (form) of control in the armed forces in war and peace. As a continuous, unique and mutually interlinked process, it is achieved in three stages: acquiring information (receiving and processing information), assessing the situation and adopting a decision and issuing commands (orders, commands and directives). In the technical and technological sense, the process of command and control is achieved using the following functions: **planning, organising, commanding and monitoring**. At the highest, strategic level, the function of **directing** *lupravljanje* is set apart for adopting decisions about the goals, tasks and the means to achieve them. The function of **control** is present at all levels of command and control and it specifies tasks assigned through the directing *lupravljanje* function, thus guiding the organisation in the process of executing tasks and achieving goals.

3.2. Directing *lupravljanje*, control and command represent the activities of control organs used to guide the organisation in the process of achieving goals. Conditionally speaking, these three activities form a mutual hierarchical relationship.

**Directing** *lupravljanje* is at the top of this hierarchy. The most important decisions at the highest level are adopted by using this activity. The basic component of directing *lupravljanje* is taking decisions about the general goals of the organisation, the conditions and ways to achieve them.

Decisions taken in the course of directing *lupravljanje* are realised through **control**. Control is an activity used to guide organisational wholes (units) and individuals in the process of implementing the decisions adopted through direction *lupravljanje*.

**Command** is an activity used to engage and guide units and individuals to implement immediate tasks whose function is to achieve special and specific goals set by control. Apart from that, command represents the right of commanders to decide and assign tasks to subordinates, and it is achieved through command documents.

The mutual causality and interconnection of these three activities originates in their hierarchical relationship. Directing *lupravljanje* has an immediate influence on control and through it on command as well. Decisions adopted by directing *lupravljanje* are binding for control and command, in that control is the mediator between the higher, directing *lupravljanje*, and lower, command level, of decision-making. There is also a reverse influence because decisions taken through directing *lupravljanje* are realised through command and control.

<sup>103</sup> The definitions of basic categories included in this chapter have been taken from: *The Theory of War Skills* (second revised edition), Momčilo LAZOVIĆ and Milinko STIŠOVIĆ, Police Academy, Belgrade, 1998, pp. 315-399.

3.3. The functions of control and command are: **planning, organising, commanding, coordinating** and **monitoring**.

**Planning** is a set of tasks of the control and command organs used to find the best solution, way and program to carry out an assigned task in every situation and activity. Planning determines the goals, forces and resources. In the control and command process, plans are used by organs of control and command which adopted them so as to assign tasks to the executors and follow their work. It is realised in three stages: predicting, decision-making and plan making.

**Organising** is a function of control and command used to find the most favourable ways of engaging organs of the command, staff or unit to execute a task in keeping with the commander's decision.

**Commanding** is a process function of control used to assign tasks to subordinate units and organs. It is achieved through orders and issuing command documents from higher to lower commands. Orders of commanding officers are binding for subordinates, which in practice means achieving the principle of subordination

**Coordinating** as a process function of control and command represents a harmonious relationship of elements of organisation and their activities while executing a task to achieve a mutual goal. The superior command – staff, as the higher level of decision-making, regulates how the unit functions by defining the framework of coordination. It harmonises (coordinates) all combat operations in its zone, determines the area and time dimensions of the task until the goal is achieved. During the execution of the task, it monitors deviations in the area and time and intervenes in order to harmonise them. Coordination enables harmonious execution of tasks according to the place, time and use of materiel and technical equipment and troops.

3.4 The definitions of concepts and categories of control and command given in the preceding paragraphs are universal and do not deal with the specifics pertaining to the different systems they are implemented in. Therefore, they generally pertain both to military and police organisation and may thus be used as a basis for an analysis of the command relationship in the Armed Forces of Republika Srpska.

**B. Development of the command relationship in the armed forces of Republika Srpska**

3.5. The **Law on National Defence** (*Official Gazette*, no. 4/92) regulates responsibility in the system of defence of the Republic in the following way:

- **National Assembly:** organises and prepares the territorial defence of the Republic (Article 4); appoints and relieves the commander of TO of the Republic in accordance with the proposal submitted by the President of the Republic (Article 5);
- **President of the Republic:** controls the TO both in peace and war time (Article 6);

- 3.6. Chapter VI of the Law regulates the sphere of territorial defence: Territorial Defence in the Republic, as a part of the armed forces, is organised both at the republic and district levels (Article 37), in accordance with the Constitution of the Republic, Federal Law, the present Law, organisation of the armed forces and development plans of the armed forces, the system of control in the armed forces. According to Article 40, control and command in the TO shall be carried out by TO commanders and officers leading staffs, units and TO institutions. TO commanders and officers leading staffs, units and TO institutions are accountable to senior officers for their work, combat readiness, use of units and institutions, and for control and command.
- 3.7. It has already been pointed out that the **Law on Amendments to the Law on National Defence** (*Official Gazette*, no. 6/92), replaced the terms “territorial defence” and “armed forces” with the single concept of “army”, which created the legal basis and obligation to organise the matter under a special law.
- 3.8. The **Decision Establishing the Army of the Serbian Republic of Bosnia and Herzegovina** (*Official Gazette*, no. 6/92) additionally specified the duties contained in the Law on National Defence, as follows: Article 1 of the Decision established the Army of the Serbian Republic of Bosnia and Herzegovina; Article 2 renamed the existing TO units and headquarters to commands and units of the Army whose organisation and formations would be determined by the President of the Republic; and in Article 3 there is mention of the Main Staff of the Army of the Serbian Republic of Bosnia and Herzegovina.
- 3.9. **The Law on Defence** (*Official Gazette* no. 7/92). The second part of this law (The rights and duties of state organs of the Republic in the field of defence) is of great importance for an analysis of command responsibility and relations. Specifically, Article 4 of this Law says: “Through state organs, the Republic shall organise, plan and ensure preparations for defence; issue a defence plan for the Republic; organise, command and control the army; organise and make preparations for civilian defence (...) organise and carry out the mobilisation of the Army; (...)”. Articles 6, 7 and 8 define in detail the responsibilities of state organs and institutions of the Republic in the field of defence:

<b>National Assembly</b>	<b>President of the Republic</b>	<b>Government</b>
1. Organise the defence system and formulate the defence policy; 2. Analyse the state of preparations for defence in the Republic and define steps to organise, develop and strengthen defence; 3. Adopt a defence development plan as part of the social development plan of the Republic and	1. Adopt the defence plan of the Republic and other documents defining measures for the organisation and implementation of the preparations for defence; 2. Proclaim a state of emergency, imminent threat of war and war and order general and partial mobilisation; 3. Command and control the Army both in peace- and	1. Propose the adoption of the defence plan and other documents which define measures for the organisation and implementation of the preparations for defence; 2. Carry out activities and measures in the field of defence preparations as ordered by the President of the Republic; 3. Adopt enactments on the

<p>determine the sources of financing for the development of defence; 4. Define ways to obtain material supplies for defence requirements.</p>	<p>wartime; 4. Order that measures of preparedness and other measures necessary for defence be carried out; 5. Impose military or compulsory administration during a state of emergency, in time of war or the imminent threat of war in the territories, organs, enterprises and other organisations that do not operate in compliance with defence objectives; 6. Define the basis for the organisation and size of the police force, issue orders for the deployment of the police in time of war, the imminent threat of war and during a state of emergency to protect the rights and duties of the Republic and its citizens stipulated in its Constitution and laws. 7. Adopt war regulations in accordance with the powers vested in him by the Constitution and the law.</p>	<p>introduction and implementation of the material obligation, work obligation and other obligations of citizens, enterprises and other organisations; 4. Adopt enactments on the organisation and systematisation of the activities and powers of ministries and special organisations in wartime; 5. Adopt regulations on preparations for defence, in accordance with the powers vested in it by the law; 6. Engage in other activities stipulated by the law.</p>
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3.10. Articles 9 and 10 of this Law specify the responsibilities of the Ministry of Defence and the Ministry of the Interior in the fields for which they have been established:

<b>Ministry of Defence</b>	<b>Ministry of the Interior</b>
<p>1. Carry out the mobilisation of the army, state organs and organisations, civil defence units and staffs, the surveillance and reporting service and command communications units and ensure that the mobilisation is carried out in enterprises and other organs and organisations (...) 2. Assess military, economic and other conditions in case of natural, industrial or environmental disasters and destruction caused by war; 3. Organise, coordinate and participate in the drafting of the defence plan of the Republic; 4. Keep records on personnel and technical</p>	<p>1. Organise and carry out its own preparations for defence and operation in a time of war or imminent threat of war; 2. Set up security measures and carry out tasks pertaining to the protection of the facilities vital for defence; 3. Organise, prepare and plan deployment of the police force in a time of war, imminent threat of war or in a state of emergency.</p>

<p>equipment for the purpose of conscription and mobilisation and adopt specific regulations in this regard;</p> <p>5. Define the organisation and tasks of the military administration during a state of emergency, in time of war or the imminent threat of war;</p> <p>6. Monitor the preparations for defence and other activities pertaining to administrative supervision of the implementation of this Law; (...)</p>	
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- 3.11. Pursuant to Article 5 of **the Law on Defence** (*Official Gazette*, no. 7/92), “The organisation of the Army of the Republic shall be regulated by a special law, in accordance with the Constitution,” the National Assembly adopted the Law on the Army at its session on 12 May 1992 (7/92).
- 3.12. Article 10 of **the Law on the Army** (*Official Gazette*, no. 7/92), stipulates that: “The Commander of the Main Staff shall, in compliance with the development plans of the Army and decisions of the President of the Republic: 1. outline the plan of conscription, replenishment and numerical disposition of conscripts in the Army; 2. outline plans for the training and advancement of the active and reserve officers the Army needs; 3. outline annual plans for the education and training of the active and reserve officers at military academies for the needs of the Army; 4. ensure co-ordination of replenishment for the Army; 5. inspect combat readiness of the Army; 6. perform other duties falling within his competence as defined by law relevant to replenishment of the Army with conscripts and items from the mobilisation fund.”
- 3.13. Articles 173 through 175 of Chapter IX of this Law explain the command responsibilities and relations between the subjects of control and command in the armed forces of Republika Srpska, specifying that: “The President of the Republic shall be commander-in-chief of the Army.” (Article 174).
- 3.14. Article 175 envisages that, in accordance with the Law, the Commander-in-chief can transfer the authority to command the Army to the Commander of the Main Staff, it also envisages that command in the Army is done by the officers in units and institutions of the Army by issuing commands in keeping with the Law and command documents of the superior officers.
- 3.15. The above-mentioned provisions establish the command structure for the first time, where the President of the Republic is the Supreme Commander-in-chief of the Army who, through the Commander of the Main Staff, commands the units and institutions of the Army.
- 3.16. Additional explanation of the command relationship in the Army of Republika Srpska is contained in the **Decision on the Establishment of the Supreme**

**Command of the Army of Republika Srpska.**<sup>104</sup> According to Article 1 of this Decision, the Supreme Command of the Army of Republika Srpska is established for the purpose of coordinating and improving the efficiency of the command system of the Army of Republika Srpska and it comprises the President of Republika Srpska (the supreme commander), the President of the National Assembly of Republika Srpska, the Prime Minister of Republika Srpska, the Minister of Defence and the Minister of the Interior. Under the same Decision, in addition to the above-mentioned persons, the following individuals shall attend meetings of the Supreme Command: the Commander of the Main Staff, assistants to the Commander of the Main Staff, members of the Main Staff, and by invitation, the commanders of the corps of the VRS. When needed, ministers and organs of Republika Srpska from other fields may be included in the work of the Supreme Command.

- 3.17. Article 106 of the Constitution of Republika Srpska of December 1992 says: “In times of war and peace the Army of Republika Srpska is commanded by the President of the Republic, as provided by the Constitution and the Law.”
- 3.18. A clear-cut command relationship in the Armed forces of RS is set out in the **Law on the Implementation of the Law on Defence in Case of an Imminent Threat of War or a State of War** (*Official Gazette*, no. 1/94) which, apart from defining the structure of the OS, specifies that the President of the Republic is the commander-in-chief of the Armed Forces. The Supreme Command comprises the following: the Vice-Presidents of the Republic, the President of the National Assembly of Republika Srpska, the Prime Minister, the Minister of Defence and the Minister of the Interior. The line of control and command from the Supreme Command to the VRS went via the VRS Main Staff, and further down to subordinate units, as specified in detail in the Regulations and other control and command documents.
- 3.19. The manner of engagement and resubordination of MUP units, the command relationship between the VRS and police units is defined by the **Law on Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War** (*Official Gazette*, no. 1/94). Article 4 of this Law states that the MUP shall be considered 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; and also that the Minister of the Interior shall take care that the orders of the President of the Republic are carried out and shall be responsible for their implementation. Therefore, police units take part in combat operations pursuant to an order of the Supreme Commander of the Armed Forces and the Minister of the Interior. For clarification of the command relationship, Article 14 is of particular importance, as it says: “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. Police units shall be under the direct command of a commander who is a member of the Ministry of the Interior. During the time they are resubordinated to the Army of Republika

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<sup>104</sup> President of the Presidency of RS, Decision, 30 November 1992.

Srpska, they shall retain their organisation and may not be split up or separated. Police units resubordinated to the Army of Republika Srpska in a certain zone shall be used only for combat operations established in advance by the commander-in-chief or the Minister of the Interior. In the zone in which they are carrying out combat operations, the commander to whom a police unit has been resubordinated shall provide logistic support for the police unit in the same way as it does for the other units of the Army of Republika Srpska.”

3.20. Although this Law defined the command relationship between the VRS and police units, the procedure at the local level remained partially incomplete in situations when there is a specific and urgent need to engage MUP units on the ground. This particularly refers to the Special Police Units (PJP).

3.21. An example of how an individual case to engage police units was resolved would be the activities to establish a security and control regime in the general area of Konjević Polje in March 1995. At the request of the VRS GŠ of 19 March 1995,<sup>105</sup> the President of RS on 21 March issued an Order<sup>106</sup> to the Minister of the Interior to station some MUP units in Konjević Polje. On 23 March, the Minister of the Interior informed the President of RS that his order had been carried out by sending the 2<sup>nd</sup> Company of the Zvornik PJP<sup>107</sup> to the general area of Konjević Polje on the same day. Additional engagement of police units in this task was ensured by an Order of the Ministry of the Interior of 30 March 1995,<sup>108</sup> which specified that the Jahorina 1<sup>st</sup> Detachment of Special Police should be sent to Konjević Polje, accompanied by two guides with police dogs of the Centre for Breeding and Training Police Dogs. This order shows the functioning of the command relationship within MUP units, in that it specifies that “the Staff of the Zvornik CJB /Security Services Centre/ is controlling all MUP forces in carrying out the combat task on the Vlasenica – Zvornik axis to prevent the road from being cut off and the possible passage of Muslim forces from Srebrenica.” It must be stressed here that the Zvornik CJB Staff was controlling police units, but there is no mention of the command function.

3.22. An illustrative example in this context is a document from the VRS GŠ of 23 April 1995 (signed by General MILANOVIĆ),<sup>109</sup> which explains to all the corps the procedure for engaging MUP units in combat operations. Apart from clarifying the matter in detail, it highlights the following: “in future comply with the order, and engage units of the RS MUP only through the VRS GŠ.”

3.23. A document of the Chief of the Banja Luka CJB of 14 August 1995<sup>110</sup> is yet another confirmation of occasional misunderstandings about engaging police units in combat operations. Following a request of the VRS 30<sup>th</sup> Division Command to the Jajce Public Security Station to send the 1<sup>st</sup> Company of the 3<sup>rd</sup> Battalion of the PJP to the zone of responsibility of the 19<sup>th</sup> Brigade of the VRS,

<sup>105</sup> VRS GŠ, Intelligence and Security Sector, Request strictly confidential no. 12/46-211/95 of 19 March 1995.

<sup>106</sup> President of RS, Order, strictly confidential no. 01-599-1/95 of 21 March 1995.

<sup>107</sup> Ministry of the Interior, Report, no. K/P-273/95 of 23 March 1995.

<sup>108</sup> Ministry of the Interior, Order, no. K/P-1-126/95 of 30 March 1995.

<sup>109</sup> VRS GŠ, Order, strictly confidential no. 03/4-740 of 23 April 1995.

<sup>110</sup> Banja Luka CJB, Dispatch no. 10-01-785 of 14 August 1995.

the Chief of Banja Luka CJB warned: “The command asking for the engagement of this unit, sent its request to the SJB /Public Security Service/, but according to existing regulations and instructions, control over PJP units is in the hands of the Minister and the Staff Commanding the Police Forces of the RS MUP.”

- 3.24. The Order of the Supreme Commander of the Armed Forces of RS of 22 April 1995<sup>111</sup> additionally clarifies the procedure to engage police units, probably in order to overcome certain dilemmas and/or problems. Its contents unambiguously state that a request to engage and employ police units in combat is submitted by the VRS GŠ. The request must be accurately and explicitly defined. On the basis of such a request, the Supreme Commander, through the Minister of the Interior, issues an order to engage a specific unit. Technically speaking, such an order is created by the Police Forces Staff, headed by the Minister of the Interior as the Staff Commander. Since the Minister of the Interior is also a member of the Supreme Command and the Commander of the Police Forces Staff, this ensures coordination between an order issued to engage units with the optimum possibilities for their engagement. The fact is that the Police Forces Staff had a Chief of Staff, as a professional establishment post according to the staffing specification of the Office of the Minister,<sup>112</sup> points to great insight into the engagement of the Special Police Brigade and the PJP, both in combat operations and for other security-related matters.<sup>113</sup>
- 3.25. The control and command function of the Police Forces Staff, that is the Minister controlling it, in sending police units to take part in combat operations, ceased the moment when the unit in question was resubordinated to the command of the VRS unit to whose zone of responsibility it was sent. If police units were dispatched on other security-related tasks rather than combat operations, they remained under the sole jurisdiction of the Ministry of the Interior for as long as they were executing their task, that is, control over them was in the hands of the Minister via the Police Forces Staff.<sup>114</sup>
- 3.26. The command relationship in the Armed Forces of Republika Srpska as presented in the preceding paragraphs was used during Operation *Krivaja 95* and the status of the unit commanded by Ljubomir BOROVIČANIN should be viewed in that context. The Order issued on 10 July 1995 by the Commander of the Police Forces Staff, Tomislav KOVAČ,<sup>115</sup> was in full compliance with the procedure envisaged by provisions of the Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War (1/94). It was issued pursuant to an order of the Supreme Commander of the Armed Forces of RS. It defined the composition of the MUP unit which was being sent to conduct combat operations, it appointed Ljubomir BOROVIČANIN as its commander, the time to assemble – establish the unit (by 1200 hours on 11 July 1995) and specified the obligation to report to General KRSTIĆ, who was

<sup>111</sup> Supreme Commander of the Armed Forces of RS, Order, strictly confidential no. 01-715-1/95 of 22 April 1995.

<sup>112</sup> Rules on Job Planning in the Ministry of the Interior, no. K/P-1016/95 of 30 June 1995.

<sup>113</sup> Staff of the MUP Police Forces Command, Instructions, no. 01/1-10-OD-54/95 of 25 March 1995.

<sup>114</sup> Command relationship in the RS Armed Forces (Diagram no. 3 and 3a).

<sup>115</sup> Commander of the Staff of Police Forces, Order no. 64/95 of 10 July 1995.

directly in command of Operation *Krivaja 95* from the DK IKM /Forward Command Post/.

3.27. Since various regulations implemented during an imminent threat of war or a state of war have been cited as the legal foundation for many activities, an analysis of the jurisdiction of persons in charge of defence and command relations, it is necessary to give a summary, dynamics and nature of decisions governing the matter.

➤ On 15 April 1992, the Presidency of the Serbian Republic of Bosnia and Herzegovina proclaimed an imminent threat of war. The Assembly of the Serbian People in Bosnia and Herzegovina confirmed this Decision on 12 May 1992.<sup>116</sup>

➤ On 17 July 1995, the President of the Republic adopted a Decision to declare a state of war in the zone of responsibility of the Sarajevo-Romanija Corps. Item 6 of the Decision specifies that on the day of its adoption, the Decision to Declare a State of Imminent Threat of War of 12 May 1992 (*Official Gazette of RS*, no. 6/92) ceased to be valid.<sup>117</sup>

➤ On 17 June 1995, the President of RS adopted a Decision to declare a state of war in the municipalities of Kalinovik, Srbinje, Čajniče, Rudo, Višegrad, Goražde and Rogatica, which are parts of the zone of responsibility of the Herzegovina and Drina Corps of the VRS.<sup>118</sup>

➤ On 14 July 1995, the President of RS adopted a Decision to Declare a State of War in Srebrenica-Skelani Municipality. It also states that the Decision to proclaim an immediate threat of war shall cease to be valid on the day of adoption of this Decision.<sup>119</sup>

➤ On 28 July 1995, the President of RS adopted a Decision to Declare a State of War in the Territory of Republika Srpska.<sup>120</sup>

Cited here are only those Decisions which are relevant for this study, but it is clear that a state of imminent threat of war was in effect for the duration of the conflict in the territory of RS, which occasionally turned into a state of war in some parts of its territory, and which was introduced to the whole territory of RS on 28 July 1995.

3.28. Every Decision to declare a state of war contained one item which envisaged that the: “organisation, structure, responsibilities and functioning of State and municipal organs in the municipality and the system of legal sanctions shall be carried out in compliance with regulations applicable during a state of war.” In this context, apart from the above-mentioned laws, from the aspect of this analysis, it is important to mention the **Decision on the Establishment of**

<sup>116</sup> Decision to Declare an Immediate Threat of War, *Official Gazette of the Serbian People in BH*, no. 6/92, 12-17 May 1992.

<sup>117</sup> President of RS, Decision to Declare a State of War in the Zone of Responsibility of the Sarajevo-Romanija Corps, no. 01-1123/95 of 17 June 1995.

<sup>118</sup> President of RS, Decision to Declare a State of War in the Municipalities of Kalinovik, Srbinje, Čajniče, Rudo, Višegrad, Goražde and Rogatica, no. 01-1123-1/95 of 17 June 1995.

<sup>119</sup> President of RS, Decision to Declare a State of War in the Municipality of Srebrenica-Skelani, no. 01-1372/95 of 14 July 1995.

<sup>120</sup> President of RS, Decision to Declare a State of War, no. 01-1473/95 of 28 July 1995.

**Wartime Presidencies in the Municipalities during a State of War.**<sup>121</sup> Article 4 of this Decision says: “In carrying out its tasks, the wartime presidency shall constantly and directly cooperate with the commands of units in the territory of the municipality, and shall be obliged to mutually inform and coordinate its work about all matters of importance for defence, the armed forces and the life of citizens.”

- 3.29. In practice, there were occasions when there was a lack of clarity in how to act in compliance with these regulations on the ground with regard to confusing the jurisdiction of state organs and even with regard to the jurisdiction of the wartime presidencies and the organisational units of the MUP. The wartime presidencies attempted to engage police units directly. This is why the Ministry of the Interior occasionally had to intervene and point to the legal procedure to engage police units, in order to prevent violations of the prescribed system of control and command of the armed forces.<sup>122</sup>

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<sup>121</sup> National Assembly of RS, Decision on the Establishment of Wartime Presidencies in the Municipalities during a State of War, *Official Gazette of RS*, no. 28/94 of 11 November 1994.

<sup>122</sup> RS MUP, Pale, Instructions, no. K/P/464/95 of 2 August 1995.

#### 4. OPERATIONS *KRIVAJA 95* AND *STUPČANICA 95*

- 4.1. Citing Directives Op. no. 7 and 7/1 of the VRS GŠ, the Drina Corps Command (KDK) on 2 July 1995 issued **Warning Order Op. no. 1.**<sup>123</sup> The Order was delivered to all subordinate units of the DK: 1<sup>st</sup> Zvornik Infantry Brigade /Zpbr/, 1<sup>st</sup> Birač Infantry Brigade /Bpbr/, 2<sup>nd</sup> Romanija Motorised Brigade /Rmtbr/, 1<sup>st</sup> Vlasenica Light Infantry Brigade /Vlpbr/, 1<sup>st</sup> and 5<sup>th</sup> Podrinje Light Infantry Brigade /Plpbr/, 1<sup>st</sup> Bratunac Light Infantry Brigade /Brpbr/, 1<sup>st</sup> Milići Light Infantry Brigade /Mlpbr/, 5<sup>th</sup> Mixed Artillery Regiment /map/ and Skelani Independent Infantry Battalion /spb/. These units were ordered to allot forces to intervene and repel enemy attacks and carry out active combat operations. The deadline to form the formations specified in the Warning Order was 2 July 1995, and units were to prepare to conduct offensive combat operations by 4 July. Units were to be brought to the waiting area (OR) by 1200 hours on 5 July.
- 4.2. According to this Order, the KDK will conduct all preparations for command and control of active combat operations from IKM-1 and put it into operation as of 1400 hours on 4 July 1995.
- 4.3. On the same day (2 July), the KDK issued an **Order for active combat operations Op. no. 1,**<sup>124</sup> meaning the DK operation code-named *Krivaja 95*. Item 1 of this Order dealing with assessments of the enemy specifies that enemy forces as part of an all-out offensive on the RS were attacking the DK, on the Tuzla-Zvornik and Kladanj-Vlasenica axes, as well as from the enclaves of Srebrenica and Žepa. According to this assessment, the enemy had two objectives: to physically link the enclaves of Srebrenica and Žepa and to link them with Kladanj by means of a corridor. The objective of Operation *Krivaja 95* is “by a surprise attack, to divide and reduce in size the Srebrenica and Žepa enclaves, improve the tactical position of forces deep within the zone and create conditions to eliminate the enclaves.”
- 4.4. Item 5 of the Order specifies the tasks of units dividing and reducing the enclaves. They are units of the DK and most of them had been formed solely for the purpose of this Operation. The last paragraph of this item specifies that “reserve forces of a size of two or three companies of the MUP and one company from the 1<sup>st</sup> Vlpbr” have as their task to be in readiness to: join the attack in order to strengthen the force of the blow and the successful advance along the battalion’s axes of attack; repel an enemy counter-attack; secure our hold on features on the achieved lines; **prevent the enemy from getting away**; secure the flanks and the rear of the attacking forces, and other tasks.
- 4.5. Readiness of forces for active defence on the front and of forces for active operations was ordered for 0400 hours on 6 July 1995.
- 4.6. From the text of the Order, it can be seen that it was signed by the DK Commander, Major General Milenko ŽIVKOVIĆ and it was typed in duplicate. The original was kept in the DK files and a copy was sent to the VRS GŠ. Seven

<sup>123</sup> KDK, strictly confidential no. 01/04-156-1 of 2 July 1995.

<sup>124</sup> KDK, strictly confidential no. 04/156-2 of 2 July 1995.

copies of the order were made and delivered to: IKM-1 of the KDK, 1<sup>st</sup> Zpbr, 1<sup>st</sup> Bpbr, 2<sup>nd</sup> Rmtbr, 1<sup>st</sup> Brlpbr, 1<sup>st</sup> Mlpbr and 5<sup>th</sup> map. Therefore, although this Order envisages engagement of two or three companies of the MUP, the text of the order was not delivered to a single organisational unit of the MUP.

- 4.7. Pursuant to the Order for active combat operations Op. no. 1, the subordinate units were obliged to elaborate the received tasks through their own orders, giving specific tasks to units subordinated to them. In this sense, available to us is an **Order for active combat operations Op. no. 1 issued by the Command of the 1<sup>st</sup> Brlpbr**.<sup>125</sup> Item 5 of this Order specifies the tasks of the subordinate units of the 1<sup>st</sup> Brlpbr, which are: 1<sup>st</sup> pb /Infantry Brigade/, 2<sup>nd</sup> pb, 3<sup>rd</sup> pb, 4<sup>th</sup> pb, Reconnaissance Platoon and the Brigade Artillery Group (BrAG). The reserve unit is a military police platoon. Therefore, this order does not mention any MUP units. However, item 5 of the Work Plan of the Command of the 1<sup>st</sup> Brlpbr for July 1995,<sup>126</sup> says: “Continuously protect units from intelligence and reconnaissance activities of the enemy by organising searches of the terrain and laying ambushes in cooperation with forces of the MUP in the zone of responsibility of the 1<sup>st</sup> Brlpbr.” It must be noted that the Plan was made one day before issuing the Order for active combat operations Op. no. 1.
- 4.8. From the aspect of engaging MUP units in Operation *Krivaja 95*, it is interesting to analyse the KDK combat reports of 2 July, i.e. the day when the Warning Order and Order were issued, until the beginning of the operation and during its course.
- 4.9. The KDK Regular Combat Report for 2 July 1995,<sup>127</sup> under item 2 – State of Combat Readiness, says: “(...) with smaller forces in cooperation with the MUP control the territory (...)” while item 8 – Decision for the next operations says: “(...) Part of the forces and MUP forces constantly control the territory to prevent surprises, and prepare the free forces of the DK to conduct combat operations according to a separate plan.”
- 4.10. The KDK Regular Combat Report for 3 July 1995,<sup>128</sup> also under item 2 – State of Combat Readiness, says: “(...) With the free forces of the Corps, preparations are underway for the next active combat operations. Smaller forces in cooperation with the MUP are controlling the territory (...)” Quotes from these two KDK combat reports confirm that MUP forces were engaged in combat operations in the territory of Srebrenica as of 2 July 1995. An order of the Zvornik CJB Staff Commander of 3 July 1995<sup>129</sup> clearly shows which MUP forces are included in the Order and combat reports of the DK. Namely, the said document of the Zvornik CJB orders the “6<sup>th</sup> Company and support platoon of the PJP of this Centre to replace the 5<sup>th</sup> Company on 4 July 1995 which is carrying out a task in Konjević Polje.” It is also seen that one company of the PJP

<sup>125</sup> 1<sup>st</sup> Brlpbr Command, strictly confidential no. 439-2 of 5 July 1995.

<sup>126</sup> 1<sup>st</sup> Brlpbr Command, Work Plan of the Command for July 1995, strictly confidential no. 434-1 of 4 July 1995.

<sup>127</sup> KDK, strictly confidential no. 03/2-203 of 2 July 1995.

<sup>128</sup> KDK, strictly confidential no. 03/2-204 of 3 July 1995.

<sup>129</sup> Zvornik CJB, Dispatch no. 12-6/08-462/95 of 3 July 1995.

was engaged even before 4 July, and this Order ensures continued presence of police units in the area.

- 4.11. In this context, a Report of the Zvornik CJB Staff Commander of 7 July 1995<sup>130</sup> is of importance. Its relevant part says: “Headquarters of the Centre engaged elements of its PJP troops on the execution of the following tasks: 1. One PJP company is engaged on setting up ambushes towards Srebrenica and on securing the Drinjača-Han Pijesak road (...) The rest of the forces are carrying out regular tasks.”
- 4.12. The DK Deputy Commander, Major General Radislav KRSTIĆ, on 6 July issued an **Order to continue attack, Op. no. 04/95**<sup>131</sup> from the Pribićevec IKM. The fact that General KRSTIĆ was at the Pribićevec IKM, which was designated by Warning Order, Op. no. 1 as the location for control and command of active combat operations and the fact that he personally issued the Order to continue attack, is of importance for understanding the position of Ljubomir BOROVCANIN and the unit under his command during Operation *Krivaja 95*. BOROVCANIN received an order to report to General KRSTIĆ on 11 July.
- 4.13. An interim combat report from the DK IKM<sup>132</sup> to the VRS GŠ and the DK Command clearly says that Operation *Krivaja 95* began on 6 July 1995 when units of the DK, pursuant to an Order of the VRS GŠ and a Decision of the DK Commander to divide and reduce the Srebrenica and Žepa enclaves, mounted an attack.
- 4.14. The DK Regular combat report of 7 July 1995,<sup>133</sup> in item 2 – State of combat readiness again says: “(...) The territory is constantly controlled with partial units and MUP forces.” Item 8 – Decision for forthcoming actions – says: “(...) Forces for conducting active combat operations continue activities around the Srebrenica enclave, with the purpose of dividing it from Žepa and reducing it to the town area, and with partial forces in cooperation with the MUP forces, control the territory, find, block, crush and destroy DTG, guard the territory, protect the people and material supplies.”
- 4.15. The KDK regular combat report for 8 July 1995<sup>134</sup> mentions advances made by DK units and again reports: “(...) The territory is constantly controlled with partial units and MUP forces.” However, item 9 – Requests (those of the KDK to the VRS GŠ) says: “In view of the possibility of an enemy attack on the s/z (north-west) section of the front, particularly from the direction of Kalesija, Kladanj and Olovo, we request that you ensure engagement of MUP forces from Zvornik (their 1<sup>st</sup> Company) which would be in the reserve of the 1<sup>st</sup> Bpbr (Birač Infantry Brigade – Šekovići) and on stand-by to intervene along the threatened axis.” This item is important in many respects because the Zvornik PJP 1<sup>st</sup> Company was subsequently, as of 11 July 1995 pursuant to an Order of the

<sup>130</sup> Zvornik CJB, Report no. 12-6/08-475/95 of 7 July 1995.

<sup>131</sup> DK, Pribićevec IKM, strictly confidential no. 04/95 of 6 July 1995.

<sup>132</sup> DK, Pribićevec IKM, Interim combat report, strictly confidential no. 02/95 of 6 July 1995.

<sup>133</sup> KDK, strictly confidential no. 03/2 – 208 of 7 July 1995.

<sup>134</sup> KDK, strictly confidential no. 03/2 -209 of 8 July 1995.

Commander of the RS MUP Police Forces, placed under the command of Ljubomir BOROVIĆANIN, and it is obvious that on 8 July it had not been engaged in Operation *Krivaja 95*. The KDK requested its engagement from the VRS GŠ and this was supposed to be secured through the RS MUP, which is completely in accordance with Articles 4, 13 and 14 of the Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War.<sup>135</sup> The request is for it to be engaged on an axis completely divergent from the axis of operation of forces engaged in Operation *Krivaja 95*.

- 4.16. The fact that the KDK request to the VRS GŠ for the engagement of MUP units mentions the Zvornik PJP 1<sup>st</sup> Company specifically and the Order of the Zvornik CJB Department Chief of 7 July 1995,<sup>136</sup> which says: “As of 7 July 1995, place the 1<sup>st</sup> PJP Company at full readiness at the p/s (police station). During the day, these policemen may carry out other police tasks, but they should not be far from the headquarters so that they may be used as soon as possible wherever the need for this arises,” point to the fact that there had been earlier consultations or an agreement of sorts between the DK and the Zvornik CJB about its engagement. The fact that the request for engagement and the order to put on stand-by have been executed is seen in a Report of the Zvornik CJB Commander of 10 July 1995,<sup>137</sup> which, among other things, states the following: “One PJP company is engaged in combat tasks in the Village of Vukovina – Vis (tt. 450) sector in coordination with units of the 1<sup>st</sup> Battalion of the 1<sup>st</sup> Birač Infantry Brigade.” Apart from the engagement of a PJP company, this Report sent to the Command of the Pale Police Forces Staff, says: “One PJP company is engaged in setting up ambushes towards Srebrenica and securing the Drinjača – Han Pijesak road.”
- 4.17. Only after these events did the Commander of the Pale Police Forces Staff, pursuant to an order of the Supreme Commander of the Armed Forces of RS, and “... in order to crush the enemy offensive carried out from the safe area of Srebrenica...” issue an Order for partial engagement of the MUP forces.<sup>138</sup> Since units mentioned in the Order were engaged in combat actions on the Sarajevo front at the time (10 July), they were ordered to pull out during the night (10/11 July) and gather in Bratunac by 1200 hours on 11 July, except for the 2<sup>nd</sup> Special Police Detachment (SOP) Šekovići, which was expected to set off towards the said destination on the afternoon of 11 July.
- 4.18. All forces contained in the Order constituted an independent unit and they were all placed under the command of Ljubomir BOROVIĆANIN. From the units included in the Order, the following units reported at the destination, with a slight delay: 1<sup>st</sup> Company of the Zvornik PJP, 1<sup>st</sup> Company of the Jahorina Training Centre and the 2<sup>nd</sup> SOP Šekovići. A mixed company of the Joint Forces of the MUP of the Republic of Serbian Krajina (RSK), Serbia and RS (as defined in the order), did not show up at the destination, although it remains completely unclear

<sup>135</sup> Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War, *Official Gazette of RS*, no. 1/94, 29 November 1994.

<sup>136</sup> Zvornik CJB, Police Department, Order no. 12-6/08-477/95 of 7 July 1995.

<sup>137</sup> Zvornik CJB, Report no. 12-6/08-491/95 of 10 July 1995.

<sup>138</sup> Ministry of the Interior, Order no.: 64/95 of 10 July 1995.

which unit this was referring to as such a formation is not mentioned in any of the documents issued before or after this Order. The phrase “independent unit” certainly does not mean that it is independent in the sense of conducting a task, but on the contrary, it is separated in the command sense from other units and structures of the MUP in the area and it is resubordinated to the VRS Drina Corps. The need to stress the “independence” of a unit which is the subject of an Order comes from the fact that, at the same time, there were police units and structures engaged in the area and they were under the authority of the Zvornik CJB Police Staff – which was activated and has been functioning in continuity since 21 March 1995.<sup>139</sup>

4.19. Analysing interim combat reports of the KDK to the VRS GŠ from the Pribićevac IKM, one can see that units of the DK, after advancing for a few days, met with strong resistance on 10 July from the BH Army 28<sup>th</sup> Division and it even launched a counter-attack. “At 0430 hours, the enemy carried out a powerful counter-attack along the Srebrenica – Bojna – Zeleni Jadar village axis. They took control of the Živkovo Brdo feature (tt. 780). (...) Requests: If possible, could you please send us reinforcements up to the strength of one battalion (...).<sup>140</sup>” This request may be considered as the initial activity which provoked the Order to send the MUP unit to the area, especially in view of the fact that its composition was equivalent to that of an infantry battalion.<sup>141</sup>

4.20. Units covered in Order 64/95 arrived in Bratunac at different times since they had been at various locations up to then. These three units had a completely different background and purpose.

**2<sup>nd</sup> SOP Šekovići** was an element of the SBP, a unit with a permanent composition, equipped with its own fire support equipment and prepared to be frequently transferred to various locations. It was trained to carry out complex police tasks and participate in combat actions.

**1<sup>st</sup> Company of the Zvornik PJP** was a unit with a clearly defined establishment but assembled only occasionally when the need arose. It was made up of policemen from all the police stations of the Zvornik CJB, who mainly carried out regular police duties at their original police stations. According to the PJP system, the 1<sup>st</sup> companies in all CJB, including the Zvornik CJB, were manned with the most capable policemen, they received the best training and they were the ones which were engaged most frequently. In that respect, the 1<sup>st</sup> Company of the Zvornik PJP was well-trained to carry out complex tasks, especially in coordination with Special Forces of the MUP.

**1<sup>st</sup> Company of the Jahorina Training Centre** is one of two companies formed from conscripts who had deserted and who had just been brought in from the territory of the FRY. The fact that it comprised conscripts who evaded military

<sup>139</sup> See: Zvornik CJB, Report from a Meeting of the Police Forces Staff of the Centre, no. 01-16-02/1-72/95 of 21 March 1995.

<sup>140</sup> KDK, Pribićevac IKM, Interim Combat Report, strictly confidential no. 11/95 of 10 July 1995.

<sup>141</sup> Confirmation that the Pale Police Forces Staff knew about the counter-attack of the 28<sup>th</sup> Division from Srebrenica is seen in a Document of the Police Forces Staff no. 65/95 of 11 July 1995.

service says enough about its quality. Prior to engagement in Operation *Krivaja 95*, they received a brief training (around 15 days) which did not offer even the minimum of knowledge and skills to carry out any task. Furthermore, the status of members of this company had not been resolved as regards their wartime assignment, because this was envisaged only after they received training. They were neither members of the MUP or the VRS and their status was to have been resolved by the Ministry of Defence of RS, They were armed with personal infantry weapons.

The only reason they were engaged in combat operations were provisions of the Decision to Declare a State of War. Ljubomir BOROVIČANIN<sup>142</sup> was appointed commander of the joint unit of the MUP. The provision in the Order specifying that BOROVIČANIN was the **Deputy Commander of the SBP** should not mean that he commanded the unit in this capacity. This was probably written for practical reasons, since there was another officer in the MUP with the same name and last name.

- 4.21. The MUP unit designated to take part in Operation *Krivaja 95* could not be compact in terms of because it comprised elements for various purposes and with a different degree of training to conduct tasks. Some were professional policemen working in the MUP, others were members of the police reserve forces and the rest were plain conscripts, without a wartime assignment who were not members of the MUP. Professional policemen had the status of authorized officials, they carried service weapons and official IDs (police badges). Members of the reserve forces were not employees of the MUP, but they did have certain authorities in conducting official duties in carrying out regular tasks. Not only did members of the company from the Jahorina Training Centre not have official IDs and authorization, but their personal identity documents had been taken from them when they came to the Centre in order to prevent them from leaving the unit.
- 4.22. The company from the Jahorina Training Centre came to Bratunac at around 1500 hours on 11 July and was quartered in the primary school in Bjelovac village,<sup>143</sup> some 10 km from Bratunac.
- 4.23. The 1<sup>st</sup> Company of the Zvornik PJP came to Bratunac in the evening hours of 11 July 1995, as confirmed by the Bulletin of daily events of the Zvornik CJB.<sup>144</sup>

<sup>142</sup> The name in the Order is Ljubiša Borovčanin.

<sup>143</sup> The primary school in Bjelovac was a building used by the 1<sup>st</sup> Brlpb to train its units and to quarter reserve forces conducting combat operations. See: 1<sup>st</sup> Brlpbr Command, Report, strictly confidential no. 03-253-76-4 of 16 June 1995, which says: "Pursuant to the Drina Corps Commander's order, strictly confidential no. 04/122-4 dated 8 June 1995, the 1<sup>st</sup> Brlpbr has been ordered to form a reserve company comprising: a company command and two rifle platoons. It currently numbers 36 conscripts and is located at the school in Bjelovac."; 2) 1<sup>st</sup> Brlpbr Command, Combat order to engage commands and units of the brigade, strictly confidential no. 01-381-2 dated 16 June 1995, says: "During the night, accommodate at the school in Bjelovac parts of the "R" battalion which are being put into action at 0700 hours on 17 June 1995."; 3) 1<sup>st</sup> Brlpbr Command, Report, strictly confidential no. 385-2 of 17 June 1995; and 4) 1<sup>st</sup> Brlpbr Command, Analysis of Combat Readiness for the 1<sup>st</sup> half year of 1995, strictly confidential no. 433-1 of 4 July 1995, says that part of the training was conducted and some courses were held in Bjelovac (p. 7).

- 4.24. The 2<sup>nd</sup> SOP Šekovići came to Bratunac at around 0200 hours on 12 July, straight from combat operations on the Sarajevo front, and was given a short break.
- 4.25. Quartering parts of the units under BOROVIČANIN's command in the Bjelovac school might resolve the dilemma and establish a link with the idea to engage "2-3 companies of MUP forces" as a reserve, mentioned in the Order for active combat operations Op. no. 1. As early as 17 June, the Command of the 1<sup>st</sup> Bratunac lpbpr informed the KDK: "The unit from the 1<sup>st</sup> Brplpbr, which was in the reserve in the **Bjelovac** sector, is not a unit for offensive combat operations and cannot be used to conduct a counter-attack."<sup>145</sup> (especially emphasized)
- 4.26. The dynamics and breakdown of engagement of MUP units contained in Order 64/95, according to time and place, in Operation *Krivaja 95*, are contained in the Annex as part of working maps. The breakdown only contains the context of relevance for positions of this specific unit, without any ambition to give a complex analysis of Operation *Krivaja 95*.
- 4.27. Since the above-mentioned unit was sent to Bratunac under the Order of the Commander of the Police Forces Staff (under the Command of BOROVIČANIN) "in order to finally crush the Muslim offensive from the Srebrenica protected area," when the column of the main body of the 28<sup>th</sup> Division reached areas controlled by the BH Army meant an end to the need for its engagement in the area. The 1<sup>st</sup> Company of the Jahorina Training Centre was redirected to other tasks much earlier. The 1<sup>st</sup> Company of the Zvornik PJP returned to Zvornik<sup>146</sup> on 18 July, and its members were sent to their original police units. From that moment, it was under the authority of the Zvornik CJB Police Forces Staff, as confirmed by an Order of the Zvornik CJB Staff Commander of 19 July, according to which the unit was again mobilized at 0730 hours on 20 July to carry out tasks which were under the competence of this Staff.<sup>147</sup> A report of the Zvornik CJB Staff Commander of 20 July<sup>148</sup> clearly shows that there are no members of the unit under the command of BOROVIČANIN on the ground: "Joint forces of the MUP, consisting of the forces of the Doboje CJB, Bijeljina SJB and Special Police from Doboje and Janja, have been engaged in searching the terrain and destroying the stragglers enemy forces. The Centre Staff engaged all available forces of the PJP in these tasks, except the 2<sup>nd</sup> Company, which provides security for buildings and ensures the formation and work of civilian organs of authority in Srebrenica. (...) In accordance with the MUP order, all the forces from other

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<sup>144</sup> Zvornik CJB, Bulletin of daily events for 11/12 July 1995, no. 193/95 of 12 July 1995. "During the day, at 1830 hours, the 1<sup>st</sup> Company of the Zvornik CJB PJP was also sent to the above-mentioned (Srebrenica) front."

<sup>145</sup> 1<sup>st</sup> Brplpbr Command, Report, strictly confidential no. 385-2 of 17 June 1995.

<sup>146</sup> Zvornik CJB, Bulletin of daily events for 18/19 July 1995, no. 200/95 of 19 July 1995, says: "During the day, the 1<sup>st</sup> Company returned from the ground, engaged in the liquidation of the remaining enemy forces which have been infiltrated in large groups in the free Serbian territory in the sectors of Crni Vrh, Parlog and Baljkovica."

<sup>147</sup> Zvornik CJB Staff Commander, Order no. 12-6-08-533/95 of 19 July 1995.

<sup>148</sup> Zvornik CJB Staff Commander, Report no. 12-6/08-536/95 of 20 July 1995. See also, Zvornik CJB Staff Commander, Report no. 01-16-02/1-213/95 of 21 July 1995.

centres engaged over the past few days in the area of this Centre are to withdraw and return to their bases on 20 July 1995.”

- 4.28. Engagement of the 2<sup>nd</sup> SOP Šekovići within Operation *Krivaja 95* ended before 20 July 1995, which is confirmed by an Order of the Pale Police Forces Staff,<sup>149</sup> which says: “Due to the difficult situation in the area of Trnovo, contained in a forceful enemy offensive, I hereby ORDER immediate movement of the whole of SOP Šekovići and leave for Trnovo where they will receive specific orders.” Since this order was addressed directly to the Commander of the 2<sup>nd</sup> SOP, it may be concluded that this unit was in Šekovići and was no longer under BOROVCANIN’s command.
- 4.29. Finally, bearing in mind that the 1<sup>st</sup> Company of the Zvornik PJP returned from combat operations to Zvornik on 18 July (and its members to their original police stations), and that the 2<sup>nd</sup> SOP was engaged in Trnovo, it is clear that this constituted the end of their engagement and the existence of the unit defined in Order 64/95.
- 4.30. In view of the current normative and legal regulations, relevant documentation and the statements and testimonies of several witnesses, the following conclusions may be drawn:
- Ordering and sending MUP units to participate in Operation *Krivaja 95* was completely in keeping with the legal regulations valid at the time.
  - Ljubomir BOROVCANIN was commanding only the police forces which appeared on the ground as specified in Order 64/95 (1<sup>st</sup> Company PJP, 2<sup>nd</sup> SOP Šekovići and one Company of the Jahorina Training Centre). The other police units and elements of the MUP which were engaged in any other capacity during or after Operation *Krivaja 95*, were not under the command and control of BOROVCANIN.
  - From the moment he reported to the DK Deputy Commander, General Radislav KRSTIĆ, BOROVCANIN and the forces under his command were resubordinated to the Drina Corps Command or the commands of its subordinate units, which depended on the dynamics of combat operations and developments in the zone where Operation *Krivaja 95* was being conducted. This type of command relationship was maintained for the whole duration of engagement of MUP units in the zone of responsibility of the DK.
  - The moment that the unit defined by Order 64/95 was disbanded, its elements were again under the authority of the Pale Police Staff or its subordinate staffs. It is important to note that while the above-mentioned unit was resubordinated to the DK, the Pale Police Staff did not have command authority over it. In this sense, BOROVCANIN was not obliged to report events in connection with the unit’s participation in Operation *Krivaja 95* to the Pale Police Staff, but after carrying out Order 64/95, i.e. after he returned from his mission, he was obliged to submit a Report so that the Special Police Brigade and the MUP could make their monthly and annual work reports since one chapter of these reports was devoted to participation in the combat operations.

<sup>149</sup> Pale Police Forces Staff, Order no. 71/95 of 21 July 1995.